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SENATE—*Wednesday, April 26, 2000*

The Senate met at 10:02 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, so often in our prayers, we present You with our own agendas. We ask for guidance and strength and courage to do what we have already decided. Usually, what we have in mind is to receive from You what we think we need to get on with our prearranged plans. Often we present our shopping list of blessings that we have in mind for our projects, many of which we may not have checked out with You. Sometimes we have little time to talk with You or listen to You. The blessings we receive are empty unless we also receive a deeper fellowship with You. Help us to think of prayer throughout this day as simply reporting in for duty and asking for fresh marching orders. We want to be all that You want us to be, and we want to do what You have planned for us. May this opening prayer be the beginning of a conversation with You that lasts all through the day. Help us to attempt something we could not do without Your power. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Senate in the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Ohio.

MORNING BUSINESS

Mr. DEWINE. Mr. President, on behalf of Majority Leader LOTT, I ask unanimous consent that the Senate be in a period for morning business until 12 noon today, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator LOTT, or his designee, 40 minutes; Senator HELMS, 20 minutes; Senator DASCHLE, or his designee, 60 minutes.

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The able Senator from Nevada.

Mr. REID. Reserving the right to object, I want Senator DEWINE to go through the rest of the schedule.

SCHEDULE

Mr. DEWINE. Mr. President, following morning business, it is expected the Senate will receive the veto message on the nuclear waste bill from the White House. Under the rule, when that message is received, the Senate will immediately begin debate on overriding the President's veto. It is hoped an agreement can be made with regard to debate time so that a vote will be scheduled.

As a reminder, the cloture motion on the substitute amendment to the marriage tax penalty bill is still pending. That vote will occur immediately following the adoption of the motion to proceed to the victims' rights resolution. Therefore, votes are possible during this afternoon's session of the Senate. Senators will be notified as those votes are scheduled.

I thank my colleagues for their attention.

Mr. REID. Mr. President, I say to my friend that the veto message from the President will not arrive here until this evening sometime. So I do not think we can plan on doing anything with that today.

I also say to the majority, as soon as a determination is made as to how much time the majority wants, I assume through Senator MURKOWSKI, we will be willing to enter into a time agreement with the proponents of this veto override. I hope it will be the majority leader's wish that we can do this sometime tomorrow. As I indicated earlier, the veto will not arrive until sometime this evening.

Having said that, I withdraw my objection to the unanimous-consent request allowing morning business until 12 o'clock today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

THE EPIDEMIC OF GUN VIOLENCE

Mr. TORRICELLI. Mr. President, 2 weeks ago it was a Michigan nursing home and Monday night it was a shootout at the National Zoo here in Washington, D.C. The epidemic of gun violence has become something that affects all Americans, not only those living in our inner cities.

Whenever we open our morning newspapers and read about these tragedies, we are left to wonder whether our loved ones might be the next victims and whether our own community, our own neighborhood, and our own home could be tomorrow's headlines.

The devastation that guns have brought to our families and to our communities has been well documented, but the statistics bear repeating. Only with an understanding of the dimensions of the problem will we ever bring real change.

In 1997 alone, more than 32,000 Americans were shot and killed, including 4,000 children.

The American Academy of Pediatrics estimates by the year 2006 firearms will become the largest single killer of our own children in the United States.

The economic cost of every shooting death in society—if it is necessary to measure it in these cold terms—is $1 million per victim in medical care, police services, and lost productivity.

The American public has grown tired of hearing of these appalling statistics.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

And so have I. More importantly, they have grown tired of a Congress that does nothing about it, with no real efforts to stop this bloodshed.

Last April, it seemed that the senseless death of 12 students at Columbine High School had finally brought the Nation to a point of judgment. It even appeared to me that this Congress had finally had enough. The shocking and heartbreaking nature of the tragedy, which was really unlike anything in its dimensions that the Nation had faced before, appeared to convince the Congress that it could no longer ignore the problem.

Indeed, this Senate, in one of its finer moments since I became a Member of this institution, courageously passed a juvenile justice bill that included three basic gun safety measures: It banned the possession of assault weapons by minors; it closed the gun show loophole; and it mandated safety locks on all firearms.

Originally, we had sought a more comprehensive solution that would restrict gun sales to one per month, a reasonable proposal; reinstate the Brady waiting period, proven to be an effective proposal; and regulate guns as consumer products, certainly a worthwhile proposal.

But we limited ourselves to those other basic provisions in the interests of a consensus, with a belief that they were so sensible and so necessary that there could be no reasonable opposition. So before the debate even began, the proposals had been limited to what should have represented a consensus view, leaving the more ambitious but still reasonable proposals for another day.

But now, with the 1-year anniversary of the Columbine shootings having passed, it is clear that our confidence, perhaps even our strategy, was misguided. Today, the bill languishes in conference—an unfortunate reminder that no gun law is too important or too responsible that it cannot be opposed by the National Rifle Association.

In place of changes, the Republican leadership and the NRA have offered the American public flimsy rhetoric that blames gun violence on poor enforcement of existing gun laws. The NRA erroneously claims that prosecutions have plummeted under the Clinton administration when, in fact, these prosecutions rose by 25 percent last year.

This campaign provides nothing but further evidence that this agenda is not aimed at protecting our communities, but it is aimed at protecting the status quo—a status quo that most Americans a long time ago decided was unacceptable.

No one disputes the fact that enforcement is a critical element of any response to this problem. That is why, indeed, on this side of the aisle we have supported 1,000 new ATF agents and 1,000 new prosecutors to deal with gun violence.

But as much as we have done, we can always do more; while laws are being enforced, they can be enforced better. But no one can reasonably believe that enforcement alone constitutes a comprehensive or sufficient answer to this national epidemic.

Better enforcement of every gun law ever written will not prevent the 1,500 accidental shootings that are occurring every year. Enforcement of every gun law on the books would not prevent a 6-year-old boy from bringing his father's gun to school and killing a 6-year-old classmate. Nor does it address the fact that 43 percent of parents leave their guns unsecured, and 13 percent have unsecured guns loaded or with ammunition nearby. Enforcing gun laws, vigorous prosecutions, would answer none of those problems.

These realities point to the need for a broad approach to gun control. The provisions contained in the juvenile justice bill are the first steps, but they are important first steps.

The real answer—perhaps the challenge that should have come to this Congress last year—is to bring the entire issue to the Senate, and build upon what is already in the juvenile justice bill by also challenging the Senate to restrict the sale of firearms to one per month, a simple provision which would help eliminate the problem under which my State is suffering, where people go to other States and buy large numbers of firearms and transport them to the cities of New Jersey, selling them, often to children, out of the trunks of cars.

Second, reinstitute the Brady waiting period on handgun purchases to prevent individuals in fits of rage and passion from acting upon their emotions with a gun. Separate the rage of the individual from the purchase of the firearm, giving a cooling off period that can and would save lives. Most important, we must do on the Federal level what Massachusetts recently did on the State level: regulate firearms as consumer products. Firearms remain the only consumer product in America not regulated for safety, a strange, inexplicable, peculiar exception to the law because they are inherently the most dangerous consumer products of them all.

It is, indeed, an absurd, inexplicable contradiction that a toy gun remains regulated but a real gun is not. Consumer regulation would ensure that, as every other product in America, guns are safely designed, built, and distributed, not only for the benefit of the public but also for the people who purchase them. Indeed, who has a greater interest in gun safety by design and construction than the people who buy guns? If the materials are imperfect, if they do not work properly, it is the gun owner who is going to be hurt.

Together these three measures would make a real difference in ending gun violence. Would they end all gun violence? Would they end all crime? Indeed, not. No single provision, no amendment, no law, no single action could eliminate all gun violence or most gun violence. But if we await a perfect solution, we will act upon no solution. Ending the problems of violence and guns in America is not something that will be done by one Congress or one legislative proposal in any one year or probably in any one decade. It is successive ideas in succeeding Congresses where people of goodwill put the public interest first and look for real and serious answers to this epidemic of violence.

As long as the NRA is allowed to dominate the gun debate in place of common sense and compassion, the Columbines of the future are sadly, even tragically, inevitable. It is time for Congress to finally muster the courage to act responsibly on this issue out of concern for our children. Out of respect for the memories of those who have died, we can and should do nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POWER OF LEADERSHIP

Mr. DURBIN. Mr. President, I thank my colleague from New Jersey for raising this important issue of gun safety.

One of the most important powers of the leadership on Capitol Hill is the power to schedule a hearing, the power to bring a bill to the floor, the power to tell a committee to bring a bill forward so it can be considered.

Currently, the Republicans are in control of the Senate as well as the House of Representatives, and they have this awesome congressional power and responsibility. Over the last several days, there have been calls from the leadership, the Speaker of the House as well as the majority leader of the Senate, that this Senate and House basically drop what they are doing and start gathering information and documentation for an emergency hearing on the question of what occurred in Miami, FL, last Saturday morning. That is to the exclusion of a lot of other things that could be considered by the Congress of the United States.

The Hill newspaper and others have talked about this Republican fervor over investigating Attorney General Janet Reno and others about the Elian Gonzalez controversy. This is an important issue. It has certainly captured the imagination of many Americans and the attention of the press and a lot of politicians. I think it is worth looking into to consider the procedures that have been used and could be used. But would we step back and say, when we look at the state of America today, that this is the single most important thing that we should be doing right here on Capitol Hill? My guess is, in my home State of Illinois, the State of Ohio, as well as many other States, families might suggest: Before you get into that, could you take a look at education? Could you take a look at reducing violent crime in our country? Could you consider a Patients' Bill of Rights so if someone gets sick in my family, the doctor can make the medical decision instead of the insurance company? And while you are at it, my mother or grandmother is on Medicare and can't pay for her prescription drugs. Could you take a look at that incidentally? Is that something you could put on your priority list?

Quite honestly, those things will come out in polls across America as things about which people are concerned. They would like us to drop, perhaps, our focus on a 6-year-old boy from Cuba for just a few minutes and think about education, think about reducing gun violence in America, a Patients' Bill of Rights, a prescription drug benefit. Sadly, those items are not on the agenda. They don't capture the attention of the Republican leadership. Their attention is on this 6-year-old boy.

I hope we can focus the attention of Congress on some other issues. I hope we can earn our pay for a change and consider some bills and some laws that just might improve the quality of life of families across America. I kind of thought that was part of our job. We were elected from 50 different States to come here to show some leadership and respond to the people back home to make America a better place to live.

Senator TORRICELLI of New Jersey talked about gun safety. We are just a few days away from the first anniversary, the sad anniversary of the tragedy at Columbine High School. That focused America's attention. It shocked us to believe that a high school in the suburbs of Denver could end up having this tragedy visited upon it and 12 children who got up and went to school never came home.

We saw that the two students who started this rampage got their guns from gun shows. We decided in Congress we had to do something. So we brought a bill forward, a gun safety bill, that had three basic provisions in it. The bill said, if you buy a gun at a gun show, we want to know whether you are legally disqualified from owning a gun. Of course, if you buy it from a gun dealer, we already make that inquiry. We want to know if you have a criminal record. We want to know if you happen to be a fugitive, a stalker, a wife beater, someone who is ineligible because they are too young, someone who has a history of violent mental illness. If we are going to preserve the second amendment right to own and bear arms, many of us believe we want to keep guns out of the hands of criminals and children.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DURBIN. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. The sportsmen and hunters in the State of Illinois and those I speak to around the country tend to agree. They want to use their guns legally and safely. They want to keep them away from criminals and children.

We put in the provision of this law a background check at gun shows. How frequent are gun shows? Come to downstate Illinois; they are pretty frequent. They have them at civic centers, all sorts of different places. We are not the leading State for gun shows. The leading State for gun shows is Texas. I will return to that in a moment.

Secondly, we said, let's have trigger locks sold with guns. As Senator TORRICELLI said earlier, 43 percent of guns are sitting around residences within easy access of children. How many times do you pick up the paper and read about a kid playing with a gun, shooting himself or a playmate? How many parents say, we don't have guns in our house because we think it is dangerous. But do you know whether your playmate's family has guns lying around. Who is so naive to believe that children never find Christmas gifts or guns? They go looking and they find them. Sometimes tragedy results.

We want trigger locks so the guns are secure, so a child who picks up that gun can't harm himself or others. Is this a radical idea? I think it is as sensible an idea as putting brakes on a car.

Finally, Senator FEINSTEIN added an amendment which said we don't want to import high-capacity ammo clips from overseas that can only be used for the semiautomatic and automatic weapons to sweep bullets in every direction. I have said that if you need a semiautomatic weapon or an assault weapon to shoot a deer, you ought to stick to fishing. Far too many people in this country think this is an invasion of second amendment rights. Too many people argue that we shouldn't even have these reasonable regulations in gun ownership.

We passed this bill that I am talking about on the floor of the Senate by one vote. Vice President GORE, as is his right under the Constitution, came to this Chair and voted. We passed the bill and sent it to the House. That was over 10 months ago. The bill, of course, was then subject to the National Rifle Association and all of the gun lobby beating up on it. They passed a terrible alternative to it. It has now been sitting in a conference committee month after weary month. We cannot summon the political will or courage to bring a gun safety bill out here to try to make the streets, the schools, and, yes, the zoos of America safe for families and children. No. We want to have an emergency hearing on a 6-year-old boy from Cuba. We want to drop everything. We want to subpoena all of the documents. This summons is more important. I think they are wrong.

When it comes to education, we have tried to focus on smaller class sizes so teachers can spend more time with kids who need help. We have tried to focus on afterschool programs so during that period of time when the school let's out before mom and dad get home kids have a chance to stay in a supervised situation at school so they can be tutored; if they are falling behind, enrichment classes if they are kids who are doing well; play a little sports but do something under supervision; summer school for the same reason—so that education starts reflecting the reality of family life.

We think we can focus as well on a Patients' Bill of Rights so we can say that doctors will make medical decisions and not insurance company clerks. Every medical group in America, nurses and doctors—all of them—support us. We would like to see the decisions on the future of each family's health made by health care professionals and not by people looking at the bottom line of an insurance company. We believe a prescription drug benefit is a high priority.

I had hearings across Illinois, and I have seen it across the Nation. There are people who are literally deciding between food and medicine. Elderly and disabled people can't afford the medicine their doctors prescribe. So they do not fill the prescriptions. They cut the pills in half. They do things they shouldn't do, and they get sick. When they get sick, what happens? They end up in a hospital. If they end up in a hospital, guess what. Medicare will pay the bills now. We wouldn't pay for the pills to keep them out of the hospital but we will pay for the pills when they get sick and go to a hospital.

We think a prescription drug benefit makes sense. We think that is what we should be debating on the floor of the Senate. But we do not. Another week passes by. We consider a lot of other things, and families across America return to ask us: Where are your priorities? What are you thinking about?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I will conclude. I thank you, Mr. President, for the time you have given me this morning and hope that the leadership on Capitol Hill will feel the same passion, the same intensity, and have the same commitment to issues that American families care about than they do about one family from Cuban.

The PRESIDING OFFICER. The Senator from Minnesota.

THANKING THE CHAIR

Mr. WELLSTONE. Mr. President, I thank the Chair. I want to start out by thanking the Chair for his courtesy. There are many who preside over the Senate who do not always listen to Members during debates while they are on the floor. You are one who does, and I have to thank you for your courtesy.

SENATE BUSINESS

Mr. WELLSTONE. Mr. President, I want to build on the comments of my colleague, Senator DURBIN—not in a shrill way but I guess in a determined way.

A good friend of mine has really become a dear friend. I love his work. Jonathan Kozol wrote a book called "Amazing Grace: The Lives of Children and the Conscience of a Nation." He has now written another book. I think people in the country, as is the case with all of Jonathan's work—and I wouldn't be surprised if the Chair in his commitment to children hasn't read some of his work—have read his work because it is very important. He sent to me yesterday in the mail—I didn't bring it with me to the floor because I didn't realize I had a chance to speak—some data about per pupil expenditures in New York City and surrounding suburbs.

The long and the short of it is that the suburbs surrounding the city, because of the wealth of the communities with strong reliance on property taxes, are able to spend about twice as much per pupil as the inner city. Not surprisingly, their teachers are certified and qualified, which is not the case necessarily in the city in terms of having had the experience of certification or expertise in the subject matter. Not surprisingly, therefore, there is tremendous variation in terms of those children and their opportunities to succeed.

I raise this question because I hope that soon we will have the Elementary and Secondary Education Act out on the floor. When we do, I hope it will be the Senate at its best.

I am going to register the same, if you will, grievance or sharp dissent from the majority leader. I haven't done it behind his back. He knows what my position is about the way we have been operating.

I hope when this bill comes to the floor this will not be yet another case of the majority leader essentially saying: Look, only the following amendments will be in order. Any other amendments will not be. What happens is there is no agreement, and the majority leader files cloture. Then cloture is not invoked. Then the bill is pulled. I hope we don't see that.

Last week, or the week before our recess, we had this debate over the marriage penalty tax. There were a number of us who wanted to bring out amendments that we thought were terribly important dealing with prescription drug costs. Again, the majority leader said: This isn't relevant, and therefore I choose not to go forward. We had a debate about it and cloture was invoked. We will have that debate again. Or there was an effort to invoke cloture, cloture was not obtained, and the bill was pulled.

I think that is what happened, and, as a result, I think the Senate has lost its vitality.

I was elected in 1991. Honest to goodness, I think it is the truth. I don't think anybody can present evidence to the contrary. The way I remember it was that up until fairly recently, this was the pattern: A bill would come to the floor. Senators would come with amendments. We might have 60 or 90 amendments. Some would drop off and some of them wouldn't. We could go at it. We would start in the morning, go into the evening, and take a week, or 10 days, or 2 weeks. But we had debates. We had discussion. We had votes. We dealt with issues that were important to people's lives. We voted yes. We voted no. We had some vitality.

I say to the majority leader that I believe we have moved away from that to the detriment of this institution. I think we are sucking the vitality out of the Senate by the way we are conducting business. I strongly dissent from the majority leader in the way he has been proceeding. It is true that in this way people do not have to vote on amendments. But what representative democracy is all about is accountability. What the Senate is all about is it is an amendment body. It is a debate body. And individual Senators, whether you have a lot of seniority or whether you don't, can make a difference in the Senate—or could make a difference in the Senate before—because you could bring amendments and have at it.

I started out focusing on children and education. I am real interested, as long as we are talking about high standards, in making sure every child has the same opportunity to meet those standards. I would like to talk about that.

You and I, Mr. President, talked some about early childhood development and how important it is in pre-K. Why isn't the Federal Government more of a player? Why aren't we getting more resources? Your colleague from Ohio feels just as strongly about it. You and I talked about it. Why is it that people working with children ages 3 and 4 do such important work, and then all of their work is so devalued in terms of the pay they make? How can we provide the incentive for men and women to go into the field?

I am concerned, as is Senator DURBIN, coming from a State such as mine that only one-third of senior citizens in our State have prescription drug coverage at all. I see it all the time in terms of what this has done to people. It is not atypical to talk to a single elderly woman whose husband has passed away. She might be 75. Her monthly income might be $600 and $300 of it is for prescription drug costs.

I want to come out here to talk about a bill Senator DORGAN and I have worked on that would make a huge difference in terms of costs. But, no, we couldn't have that debate.

I am from an agricultural State. We have an economic convulsion in agriculture. Many people who I love and respect work so hard. No one can say they don't work hard. It doesn't matter; they can work 19 hours a day. They can be the greatest managers in the world. They are being spit out of the economy and they are losing their farms in this economy. I want to talk about how we can make some changes to the farm bill passed in 1996 called Freedom to Farm—some of us call it "freedom to fail"—so we can deal with the price crises. I would like to talk about whether we can reach an agreement on the antitrust action so producers can have a level playing field.

Mr. President, there are many issues that are important to people's lives, whether people live in metro, urban, rural, or suburban communities. There are many issues that are important to children to make sure that we as a nation at least come closer to reaching our national vow of equal opportunity for every child. There are issues that deal with reform and, God knows, I would think all of us would hate the mix of money in politics. I can't stand raising money. I can't bear it. I hate getting on the phone. I think, systemically, it creates tremendous problems in terms of undercutting representative democracy, where some people have too much access to both parties at an institutional level and too many people don't.

I would like to see us focus on reform. I have just mentioned some issues and I have taken up more than 5 minutes. I make the appeal to the majority leader in particular that we have at it, with the opportunity to bring amendments to the floor. Let's debate and operate the Senate at its best. We can be good Senators and be at our best. Some Senators can be great Senators if they have the opportunity to offer amendments and have adequate debate and vote them up or down and vote the legislation up or down.

I am speaking in morning business. I am sick of morning business at quarter to 11. I want a bill out here. I want amendments. I want substantive debate and up-or-down votes, and I want us to be accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

ECSTASY

Mr. GRASSLEY. Mr. President, many times I have come to the floor to express my concerns regarding the threat of illegal drugs to our young people. Today, I want to address one drug in particular, a designer drug called Ecstasy. Although it has been around a long time, its use has exploded recently. As with most such drugs, drug pushers are marketing it as a safe drug. That's a lie.

Ecstasy is a Schedule I synthetic drug with amphetamine-like properties that is inexpensive and easy to make. It acts as a stimulant and a hallucinogen for approximately 4 to 6 hours and gives its users a false sense of ease and relaxation. Because of these effects, Ecstasy is often found in big city club scenes that specialize in attracting young people. Recently, however, the nation is experiencing an Ecstasy explosion, which is spreading this dangerous drug into suburban and rural areas. With the recent release of a study on substance abuse in mid-size cities and rural America by the National Center on Addiction and Substance Abuse (CASA), this is particularly disturbing.

In January of this year, CASA warned that Americans need to recognize that drugs are not only an urban problem, but a rural problem as well. I see this in my own state of Iowa. CASA reports that 8th graders living in rural America are 34 percent more likely to smoke marijuana and 83 percent more likely to use crack cocaine, than those in urban areas. It also reports that among 10th graders, use rates in rural areas exceed those in urban areas for every drug except marijuana and Ecstasy. The key here is that Ecstasy is not yet, but is quickly becoming a rural drug. It is imperative that parents and kids become aware of Ecstasy and the dangers of use.

Unfortunately, Ecstasy is quickly becoming the drug of choice among many of our young people. It is perceived by many as harmless because negative effects are not immediately noticeable. In fact, Ecstasy is often referred to as a recreational drug. For this reason, it is not surprising that Monitoring the Future, an annual study that monitors illicit drug use among teenagers, reported Ecstasy use growing. Lifetime use among 12th graders increased from one in fifteen in 1998 to one in twelve in 1999. Past year use went from one in twenty-five in 1998 to one in fifteen in 1999. This is a disturbing upward trend.

Ecstasy is a dangerous drug that can be lethal. Many are unaware that it can cause increased heart rate, nausea, fainting, chills, and sleep problems. In addition to physical effects, there are also psychological effects such as panic, confusion, anxiety, depression, and paranoia. Scientists are also learning that Ecstasy may cause irreversible brain damage, and in some cases it simply stops the heart. We need to put an end to the spread of Ecstasy into our communities. We need to take away its image as safe. We need to counter the arguments, that it is a fun drug.

However, with recent reports of rises in Ecstasy seizures by the U.S. Customs Service, it seems we have a long, hard battle ahead of us. In fiscal year 1999, Customs seized 3 million doses of Ecstasy. In the first 5 months of fiscal year 2000, Customs seized 4 million doses. Ecstasy has become such a threat that Customs has established an Ecstasy Task Force to gather intelligence on criminal smuggling of Ecstasy. Customs has also trained 13 dogs to detect Ecstasy among those crossing the border and entering major airports.

Although much is being done to stop the flow into our country, we need to play our part and educate the young people in our communities. In my home state of Iowa, Ecstasy is not yet a major problem and this may be the case in your home states as well. However, I am here today to tell you that if it isn't a problem now, it may be soon. We need to stop the use of Ecstasy before it starts. And the way to do that is to educate the parents and young people in our communities on the dangers. I don't want to see any more innocent lives cut short or careers ruined because of bad or no information.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 2463 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS. I ask unanimous consent that I be permitted to yield to the distinguished Senator from Oregon and that I follow him.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I also ask unanimous consent that I follow the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, before I begin I want to thank Chairman HELMS for his courtesy. There is no Senator more gracious. I particularly appreciate the Senator giving me the opportunity to speak today at this time.

PRESCRIPTION DRUG COVERAGE

Mr. WYDEN. Mr. President, this morning there is fresh evidence that millions of our older Americans cannot afford their prescription medicine. I have come to the floor of this Senate on more than 20 occasions now to make this point. But the news this morning comes at an especially important time. On both sides of Capitol Hill efforts are underway to develop a practical approach to making sure older people can get prescription drug coverage under the Medicare program.

I have had the opportunity for many months now to work with colleagues on both sides of the aisle, and I am especially appreciative of the efforts of Senator DASCHLE to try to bring Members of the Senate together to find common ground in this session to get prescription drug coverage for older people. Under Senator DASCHLE's leadership, principles have been developed that every Member of the Senate would find appealing and attractive to. We have talked, for example, about how this program would be voluntary. No senior citizen who is comfortable with their prescription drug coverage would be required to do anything if they chose not to. That is something that would be attractive to both parties.

We have talked about making sure this is a market-oriented approach, that we use the kind of forces that are available to individuals receiving coverage in the private sector through private insurance and through health maintenance organizations. We want to make sure the benefit is available in all parts of the United States. There are areas of this country where there may not be big health plans, but as long as there is a telephone, a pharmacy, and a mailbox, we are going to be able to get the medicine to those older people in an affordable way.

Finally, many of my colleagues and I believe coverage ought to be universal. It ought to be available to all people on the Medicare program.

The most important point—and it is why I come to the floor today—is that we have fresh evidence that millions of seniors can't afford their medicine. We have to take steps to make the cost of medicine more affordable to the elderly. There is a right way to do this and a wrong way to do this. The wrong way is to institute a regime of private controls, a Federal one-size-fits-all approach because that involves a lot of cost shifting to other groups of citizens.

If we just have Federal price controls for the Medicare program, a lot of women who are 27, single, with a couple of kids will see their prescription drug bill go through the roof. We will have to develop a market-oriented approach along the lines of what Members of Congress receive through the Federal Employees Health Benefits Plan. That way we can give senior citizens the kind of bargaining power that folks have in a health maintenance organization or in a private plan. We could do it without price controls that produce a lot of cost shifting.

This is an important date in the discussion about prescription drugs. Our older people don't get prescription drug coverage under the Medicare program. That has been the case since it began in 1965. When they walk into a pharmacy and don't have coverage, in effect, they are subsidizing the big buyers—the health maintenance organizations and the private plans.

I hope we can come together in the Senate to find common ground. Senator DASCHLE is trying to bring Members of the Senate together. I know there are colleagues on the other side of the aisle who feel exactly the same. Let's not let this issue go off as campaign fodder for the 2000 election. Let's not adjourn this session without coming together and enacting this important benefit for the elderly.

I don't believe America can afford not to cover prescription medicine. A lot of these drugs today might cost up to $1,000, such as an anticoagulant drug that is so important for the elderly. That is certainly a pricey sum. If a senior citizen can get anticoagulant medicine to prevent a stroke that would cost upwards of $100,000 or $150,000, it is pretty clear that prescription drug coverage is a sensible and cost-effective approach for the Senate to take.

I intend to return to the floor in the future, as I have done on more than 20 occasions, in an effort to bring the Senate together. I am especially appreciative of Senator DASCHLE's patience in our effort to try to find common ground. I know there are colleagues on the other side of the aisle who feel the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have a slight difficulty with my balance due to a temporary defect in my feet. I ask unanimous consent I be permitted to deliver my remarks seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEGOTIATIONS WITH RUSSIA ON A REVISED U.S.-SOVIET ABM TREATY

Mr. HELMS. Mr. President, the news media is buzzing with speculation that President Clinton will attempt, in his final month in office, to strike a major arms control deal with Russia—including a major ABM Treaty that would limit the ability of the United States to defend itself against ballistic missile attack.

White House officials have openly stated their concern that Mr. Clinton faces the prospect of leaving office without a major arms control agreement to his credit—the first President in memory to do so. And from this President—a man uniquely absorbed with his legacy—that perhaps would be, to him, a personal tragedy.

Mr. Clinton wants an agreement, a signing ceremony, a final photo-op. He wants a picture shaking hands with the Russian President, broad smiles on their faces, large, ornately bound treaties under their arms, as the cameras click for perhaps the last time—a final curtain call.

I must observe that if the price of that final curtain call is a resurrection of the U.S.-Soviet ABM Treaty that would prevent the United States from protecting the American people against missile attack, then that price is just too high.

With all due respect, I do not intend to allow this President to establish his legacy by binding the next generation of Americans to a future without a viable national missile defense.

For nearly 8 years, while North Korea and Iran raced forward with their nuclear programs, and while China stole the most advanced nuclear secrets of the United States, and while Iraq escaped international inspections, President Clinton did everything in his power to stand in the way of deploying a national missile defense. Do you want some facts, Mr. President? Let's state some for the record.

In 1993, just months after taking office, Mr. Clinton ordered that all proposals for missile defense interceptor projects be returned unopened to the contractors that had submitted them.

In December of that same year, 1993, he withdrew the Bush administration's proposal for fundamentally altering the ABM Treaty to permit deployment of national missile defenses at a time when Russia was inclined to strike a deal.

By 1996, 3 years after taking office, Mr. Clinton had completely gutted the National Missile Defense Readiness Program. He slashed the national missile defense budget by more than 80 percent.

In 1997, he signed two agreements to revive and expand the U.S.-Soviet ABM Treaty, including one that would expand ABM restrictions to prevent not only national missile defense for the American people but to constrain theater missile defenses to protect our troops in the field.

Then for the next 3 years, the President, heeding some of his advisers, no doubt, refused to submit those agreements to the Senate, despite making a legally binding commitment to submit them. He made that commitment to me in writing. He did not submit them because he was afraid the Senate would reject them, while in doing so would clear the way for rapid deployment of missile defenses. To this day, he still has not fulfilled his legal requirement to submit those treaties for the Senate's advice and consent.

In December 1995, Mr. Clinton vetoed legislation that would have required the deployment of a national missile defense with an initial operational capability by the year 2001.

Three years later, in 1998, he again killed missile defense legislation—the American Missile Protection Act—which called for the deployment of national missile defense, as soon as its technology was ready, by threatening a veto and rallying Democratic Senators to filibuster the legislation.

Only in 1999 did he at long last sign missile defense legislation into law, but only after it passed both Houses of Congress by a veto-proof majority and only after the independent Rumsfeld Commission had issued a stinging bipartisan report declaring that the Clinton administration had dramatically underestimated the ballistic missile threat to the United States.

But while Mr. Clinton was doing all this, costing America almost 8 years in a race against time to deploy missile defenses, our adversaries were forging ahead with their missile systems.

While Mr. Clinton was dragging his feet, for example, foreign ballistic missile threats to the United States grew in terms of both range and sophistication. Today, several Third World nations possess, or are developing, ballistic missiles capable of delivering chemical, biological, or nuclear warheads against cities in the United States.

According to the Rumsfeld Commission, both North Korea and Iran are within 5 years of possessing viable ICBMs capable of striking the continental United States, and North Korea may already today have the capacity to strike Alaska and Hawaii. Last month, Communist China explicitly threatened to use nuclear weapons against United States cities should the United States take any action to defend democratic Taiwan in the event Beijing launched an invasion of Taiwan.

So Mr. Clinton is in search of a legacy? La-di-da. He already has one. The Clinton legacy is America's continued inexcusable vulnerability to ballistic missile attack. The Clinton legacy is 8 years of negligence. The Clinton legacy is 8 years of lost time.

But in the twilight of his Presidency, Mr. Clinton now wants to strike an ill-considered deal with Russia to purchase Russian consent to an inadequate U.S. missile defense—one single site in Alaska to be deployed but not until 2005—in exchange for a new, revitalized ABM Treaty that would permanently bar any truly national missile defense system.

The President is attempting to lock this Nation, the United States of America, into a system that cannot defend the American people, and the President is trying to resurrect the U.S.-Soviet ABM Treaty which would make it impossible for future enhancements to U.S. national missile defense in general.

The agreement Mr. Clinton proposes would not permit space-based sensors; it would not permit sufficient numbers of ground-based radars; and it would not permit additional defenses based on alternate missile interceptor systems, such as naval or sea-based interceptors. All of these, and more, are absolutely necessary to achieve a fully effective defense against the full range of possible threats to the American people.

Mr. Clinton's proposal is not a plan to defend the United States; it is a plan to leave the United States defenseless. It is, in fact, a plan to salvage the antiquated and invalid U.S.-Soviet ABM Treaty. That is what it is. No more. No less. It is a plan that is going nowhere fast in protecting the American people.

After dragging his feet on missile defense for nearly 8 years, Mr. Clinton now fervently hopes he will be permitted in his final 8 months in office to tie the hands of the next President of the United States. He believes he will be allowed to constrain the next administration from pursuing a real national missile defense. Is that what he believes or even hopes?

Well, I, for one, have a message for President Clinton: Not on my watch, Mr. President. Not on my watch. It is not going to happen.

Let's be clear, to avoid any misunderstandings down the line: Any modified ABM Treaty negotiated by this administration will be DOA—dead on arrival—at the Senate Foreign Relations Committee, of which, as the Chair knows, I happen to be the chairman.

This administration's failed security policies have burdened America and the American people long enough. In a few months, the American people will go to the polls to elect a new President, a President who must have a clean break from the failed policies of this administration. He must have the freedom and the flexibility to establish his own security policies.

To the length of my cable-tow, it is my intent to do everything in my power to ensure that nothing is done in the next few months by this administration to tie the hands of the next administration in pursuing a new national security policy, based not on scraps of parchment but, rather, on concrete defenses, a policy designed to protect the American people from ballistic missile attack, a policy designed to ensure that no hostile regime—from Tehran to Pyongyang to Beijing—is capable of threatening the United States of America and the American people with nuclear blackmail.

Any decision on missile defense will be for the next President of the United States to make, not this one. It is clear that the United States is no longer legally bound by the U.S.-Soviet ABM Treaty. Isn't it self-evident that the U.S.-Soviet ABM Treaty expired when the Soviet Union, our treaty partner, ceased to exist? Legally speaking, I see no impediment whatsoever to the United States proceeding with any national missile defense system we—the American people and this Congress—choose to deploy.

That said, for political and diplomatic reasons, the next President—the next President—may decide that it is in the U.S. interest to sit down with the Russians and offer them a chance to negotiate an agreement on this matter.

Personally, I do not believe a new ABM Treaty can be negotiated with Russia that would permit the kind of defenses America needs. As Henry Kissinger said last year in testimony before the Foreign Relations Committee:

> Is it possible to negotiate a modification of the ABM Treaty? Since the basic concept of the ABM Treaty is so contrary to the concept of an effective missile defense, I find it very difficult to imagine this. But I would be open to argument—

And let me emphasize these words as Henry Kissinger emphasized them when he said—

> provided that we do not use the treaty as a constraint on pushing forward on the most effective development of a national and theater missile defense.

Now then, like Dr. Kissinger, I am open to the remote possibility that a new administration—unencumbered by the current President of the United States in his desperate desire for a legacy and this administration's infatuation with the U.S.-Soviet ABM Treaty—could enter into successful negotiations with the Russians.

The Republican nominee for President, Mr. Bush of Texas, has declared that on taking office he will give the Russians an opportunity to negotiate a revised—a revised—ABM Treaty, one that will permit the defenses America needs. But Mr. Bush made it clear that if the Russians refuse, he will go forward nonetheless and deploy a national missile defense. And good for him. Mr. Bush believes in the need for missile defense, and he will negotiate from a position of strength.

By contrast, President Clinton clearly has no interest whatsoever in missile defense. His agenda is not to defend America from ballistic missile attack but to race against the clock to get an arms control agreement—any agreement; he means any agreement—that will prevent his going down in history as the first President in memory not to do so.

So it is obvious, I think, that any negotiations Mr. Clinton enters into in his final months will be from a position of desperation and weakness.

For this administration—after opposing missile defense for almost 8 years—to attempt at the 11th hour to try to negotiate a revised ABM Treaty is too little, too late. This administration has long had its chance to adopt a new security approach to meet the new threats and challenges of the post-cold-war era. This administration, the Clinton administration, chose not to do so.

So this administration's time for grand treaty initiatives is clearly at an end. For the remainder of this year, the Foreign Relations Committee will continue its routine work. We will consider tax treaties, extradition treaties, and other already-negotiated treaties. But we will not consider any new last-minute arms control measures that this administration may negotiate and cook up in its final, closing months in office.

As the chairman of this committee, I make it clear that the Foreign Relations Committee will not consider the next administration bound by any treaties this administration may try to negotiate in the coming 8 months.

The Russian Government should not be under any illusion whatsoever that any commitments made by this lame-duck administration will be binding on the next administration. America has waited 8 years for a commitment to build and deploy a national missile defense. We can wait a few more months for a new President committed to doing it—and doing it right—to protect the American people.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for 15 minutes and also ask unanimous consent for Senator GORTON to proceed then immediately following me for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING AMERICA'S SYSTEM OF EDUCATION

Mr. DEWINE. Mr. President, we have a great opportunity ahead of us. Next week, the Senate will begin floor debate on the Education Opportunities Act—a bill that will help America's children by improving the quality of their education.

While education policy is primarily a local and State responsibility, the Federal Government does have a role to play. I am looking forward to discussing just what the Federal Government can do to improve the quality of the education our children receive. Few things are more important to our children's future than the quality of their education.

Every child in this country, regardless of race, economic status, or where that child lives, deserves the opportunity for a quality education. Yet far too many children, especially in our inner cities and Appalachia, simply are not getting the quality education they deserve.

We need more good teachers. We need safer schools. We need college access for all students who want to go to college.

We must, as a nation, attract the smartest and the most dedicated of our students to the profession of teaching. Yes, we certainly have to invest in computers, new books, and new buildings. But we cannot ignore the single most important resource in any classroom—the teacher.

I have recalled before on this Senate floor something that my own high school principal, Mr. John Malone, told me 37 years ago. We were about to go into a new building. Everyone was excited; everyone was happy.

Mr. Malone came in and said to our class: We are about ready to go into this new building. We are all excited about it. It is a great thing. We have prepared for this for a long time. I want you to always remember one thing: In education, there are only two things that really matter. One is a student who wants to learn; the other is a good teacher. Everything else is interesting, maybe helpful. The only thing that really matters is that teacher and that student.

What Mr. Malone told our class 37 years ago was right then, and it is still correct today. We all know a good teacher has the power to fundamentally change the course of our life. Each one of us, if we are lucky, can recall one teacher or two or maybe three or many teachers who fundamentally changed our life, who we think about when we do things, whose voice still comes back to us, whether that is an English teacher telling us how to write or maybe something our history teacher, maybe later on a professor, told us. Each of us can recall that teacher who changed our life.

Those of us who are parents know how important a good teacher is. We know what happens when occasionally our child gets a teacher who just doesn't want to teach or who is not so good. We know what impact that has on a child as well. When you get right down to it, good teachers are second only to good parents in helping children to learn. Therefore, any effort to restore confidence and improve quality in education must begin with a national recommitment to teaching as a profession. This bill does that.

First, we must recommit ourselves to attracting the best, the most motivated of our students to the teaching profession. That means offering teachers the salaries and, yes, the respect they deserve. Second, we must insist our colleges and our university education departments aggressively reexamine how they prepare our future teachers. Some are doing it; some are changing. But all need to reexamine what they are doing.

Third, our teachers must have the resources available to allow them to continue their education after they enter the profession. The teaching profession is no different than any other profession. You continue to learn throughout the years. For example, in my home State of Ohio, in Cincinnati, teachers have access to the Mayerson Academy, which is a partnership with area businesses and the school system to provide teachers with additional training and additional professional development. This kind of support should be available to teachers in every community in this country.

That is why, in the bill we will begin debating next week, I have included a provision that would authorize funding for the creation and expansion of partnerships between schools and communities to create teacher training academies such as the Mayerson Academy in Cincinnati. It works in Cincinnati. It will work in other communities. This is the kind of initiative that will help our teachers and our communities work together to improve the quality of teaching and, ultimately then, to improve the quality of education.

There are other things we need to do and other things this bill does address. This is a good bill. When Members begin to hear the debate next week, I think they will understand how much work has gone into it and how it will impact the quality of education in this country.

We need to make it easier to recruit future teachers from the military, from industry, and from research institutions, people who have had established careers, who have had real-world experience, and then who decide, at the age of 40 or 45 or 50, that they are going to retire from that profession and enter the teaching profession. We need to make it easier for them to do it.

Getting this kind of talent in the classroom is easier said than done. For example, if Colin Powell wanted to teach a high school history class or if Albert Einstein were alive today and wanted to teach a high school physics class, requirements in some States would keep these professionals—I would say in most States—from immediately going into the classroom, despite their obvious expertise in their fields. That is why we have included language in this bill to allow the use of Federal funds under title II for alternative teacher certification programs. This provision will allow States to create and expand different types of alternative certification efforts.

Additionally, the committee approved a separate amendment that I offered—and that is now part of the bill—that would ensure the continuation of a specific program designed to assist retired military personnel who are trying to enter the teaching profession. This is a great program. It is called Troops to Teachers. It simply helps retiring members of the military gain the State certification necessary to teach. It also helps them to find the school districts in greatest need of teachers. It is a program that has worked. It is a program that is improved in this bill, and it is a program that is continued in this bill.

Troops to Teachers has succeeded in bringing dedicated, mature, and experienced individuals into the classroom. In fact, when school administrators were asked to rate Troops to Teachers participants in their own schools, most of the administrators said the former military personnel turned teachers were well above the average and were among the best teachers in their schools.

Since 1994, over 3,600 service members, by going through the Troops to Teachers program, have made the transition from the military into the classroom. When we analyze who those people are, who is going into the classroom, who is going through the Troops to Teachers program, what we find is they are just the people we need. They are people with real-world experiences. They are people with expertise many times in math and science, something we desperately need in our schools. They are disproportionate to the population as far as the minority population, so it means we are putting more minority teachers into our classrooms. We are also doing something many professionals tell us we need to do; that is, try to get more males into the primary schools. Troops to Teachers is doing that as well. It is an exciting program that is continued in this bill. It is improved in this bill. It is one of the things that makes this bill a very solid bill. We need to ensure this kind of program, one with proven results, continues well into the future.

Separate from the difficulties of the teacher certification process I have described, I am also concerned about the fact that many of our most experienced teachers, the teachers who in many cases are the most senior, are about to retire. The fact is, these experienced teachers are also the best resources in our schools. It is very important that we benefit from their experience before it is too late, before they leave the teaching profession. That is why I included language in the bill that will allow the use of Federal funds for new and existing teacher mentoring programs. New teachers benefit greatly by learning from the knowledge and the experience of veteran teachers. By pairing new teachers with our schools' most experienced and most respected teachers, those who have years of knowledge and expertise and experience in this profession, we can help retain our brightest and talented young teachers.

Finally, the bill contains my language to expand the mission of the Eisenhower National Clearinghouse, a national center located at Ohio State University that provides teachers with the best teacher training and curriculum materials on the subjects of math and science. The clearinghouse, which screens, evaluates, and distributes the multiple training and course materials currently available, makes it easy for teachers to quickly and efficiently access material for the classrooms. My provision in title II expands the clearinghouse's mission to go beyond math and science, to now, under this bill, include subjects such as history and English.

The bill we will consider next week takes a number of positive steps towards improving the quality of those who make the commitment to teach. What this bill is about is expanding the support network available to our teachers: support for people in other professions seeking a second career as a teacher; support for teachers seeking to improve subject knowledge or classroom skills; support for teachers seeking new ways to teach math or science or history; and finally, support for new teachers from experienced teachers.

In short, with this bill, we provide the kinds of resources that enable the teaching profession to build upon its commitment to teaching excellence. Mr. President, as we debate the merits of the Educational Opportunities Act, the bottom line, I believe, is that we need to get back to basics: good teachers, safe schools. That is what this bill is about—good teachers, safe schools. Parents will not have peace of mind unless they know their children's teachers are qualified to teach, that they are good teachers, and that their children's schools provide safe learning environments. It is that simple. That is what parents expect.

Today, I have talked about teaching and what this bill does to assist the teaching profession. Tomorrow, I hope to have the opportunity to talk about the second component of this bill which is safe schools. Good teachers, safe schools. We need to get back to the basics, and that is what this bill does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2464 and S. 2466 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

> Motion to proceed to S.J. Res. 3 proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I remind my colleagues of the status now of business on the Senate floor. It has been a little confusing, I know, particularly for those who might be watching who aren't familiar with Senate procedures. But sometimes we take something up and then lay it aside, take something else up, and then go back to the original matter, and so on. That is what we have been doing.

Yesterday, you will recall that we began the debate on S.J. Res. 3, which is an amendment to the U.S. Constitution that would provide rights to victims of violent crime. Senator FEINSTEIN of California and I are the primary sponsors of that resolution.

At the end of yesterday, we went to other matters. We are now going to resume debate on the motion to proceed to this resolution.

The Senate procedure is that we first have to decide to proceed, and then we can proceed. So later on this afternoon, hopefully, the Senate will vote to proceed to formal consideration of this constitutional amendment. Technically, for a while this afternoon we are going to be debating on whether or not we should proceed.

I am hopeful our colleagues will agree, whether they support the amendment or not, that they should permit us to proceed to make our case so they can evaluate it and decide at the end of that period whether or not they want to support a constitutional amendment.

I think it is a little difficult, given the fact that there hasn't been a great deal of information, for people who are not on the Judiciary Committee to decide what their position is on this until they have heard arguments.

Yesterday afternoon, Senator LEAHY primarily, but several other members of the Democratic side and one Republican, came to the floor and discussed at length, I think for at least 3, maybe 4 hours, reasons why they thought that constitutional amendment should not be adopted. Certainly there are legitimate arguments that can be adduced on both sides of this proposition.

But I would like to begin today by explaining a little bit why we believe that it is important, first, to take the amendment up, and, second, why we believe, if we do take it up, it should be supported by our colleagues.

Senator FEINSTEIN will be here shortly, and she will begin her presentation by discussing a case, the Oklahoma City bombing case, that in some sense is a metaphor for this issue generally, because in the Oklahoma City bombing case victims were denied their rights. Families of people who were killed were not permitted to sit through the trial. They were given a choice over a lunch break during the trial either to remain in the courtroom or to leave if they wanted to be present at the time of the sentencing and to say something to the judge at that time. There was enough confusion about the matter that many of them gave up their right to sit in the courtroom in order to be able to exercise their right to speak to the judge at the time of the sentencing.

Congress was so exercised about that it actually passed a law—it was specifically directed to the Oklahoma City bombing case but it pertained to other similar cases—so that victims have the right to be in courtroom, and they shouldn't have to make a choice between the trial and sentencing. They should be able to appear at both.

Senator FEINSTEIN will discuss in a moment the details of how that case proceeded and why it stands for the proposition that we need a Federal constitutional amendment.

The bottom line is that even the Federal Government passed a statute designed to pertain to this exact case which was insufficient to assure that those people could exercise what we believe is a fundamental right to sit through that trial. They were denied that right.

What is worse, because the case was taken up on appeal, and because the U.S. Constitution clearly trumps any Federal statute, or any State statute, or State constitutional provision, it wasn't possible to argue that this Federal statute trumped the defendants' rights if those were bases for the rights asserted.

So you have at least seven States, or thereabouts, in the Tenth Circuit that are now bound by a precedent that says this Federal statute doesn't work, to let you sit in the courtroom during the trial. That has to be changed. There is only one way to change it. That is with a Federal constitutional amendment that says to the courts, from now on, these are fundamental rights and courts must consider these rights.

As Senator FEINSTEIN will point out, supporters of this amendment include a wide variety of people who had family and friends involved in the Oklahoma City bombing case. One is Marsha

Kight, whose daughter was killed. Marsha has been a strong supporter of the victims' rights amendment because she had to sit through all that. That is what Senator FEINSTEIN will be talking about.

We listened to arguments yesterday from Senator LEAHY and others about the amendment. I understand they wish to talk this afternoon. I will be paying attention to what they have to say and try to respond as best I can. The arguments fall into two or three general categories. One notion they presented is that this is a complicated amendment, it is too long—even longer than the Bill of Rights. It is not longer than the Bill of Rights. We have counted the words. I will have my staff tell Members exactly how many words are in the Bill of Rights and how many words are in this amendment.

The point is, to find defendants' rights, one has to look all over the Constitution. We have amended the Constitution several times to give people who are accused of crime different rights. If you added up all rights of the accused and put them into one amendment, it would be much longer than the amendment we have for victims' rights. We have all of our rights in one place.

I don't think it should be an argument against providing victims of crime certain fundamental rights because it takes up several lines of the Constitution. We either mean to give them fundamental rights or we don't. Defendants have all of the rights now. That is fine. We take nothing away from the defendants. But this should not be based on whether there are more words describing the defendants' rights than there are describing victims' rights.

One reason we take a little longer to describe victims' rights—although it is shorter than the defendants' rights if we add them up—we have described them with great precision. They are very limited.

Defendants' rights are expressed in broad terms. Defendants have a "right to trial by jury." Does that mean in all cases? Does that mean just in felony cases? What kind of a jury? Defendants are protected from "unreasonable search and seizure." What does that mean? There is a basic "fair trial" right, and a right to counsel. All of these are expressed in very general terms.

There are thousands of pages of court decisions interpreting what "unreasonable search and seizure" means. I suppose the Founding Fathers could have written 10 pages describing exactly what they meant by "unreasonable search and seizure." They didn't do that.

In our proposal, we have described these victims' rights with great care so that there could be no argument the rights took anything away from defendants. That is why some of the wording is apparently a little bit longer than our friends on the other side desire.

I guarantee if they were shorter, if they merely said victims have a reasonable right to attend the trial, their argument would be: We haven't nailed this down; This is too broad and subject to interpretation. You have to state exactly what is meant or it might conflict with the defendants' rights. Those who oppose this will argue it either way. In effect, we are damned if we do and damned if we don't. We have tried to word it carefully.

I have the exact number of words for anybody who is interested. Without the technical provisions which concern the effective date, the amendment is 307 words. The victims' rights are described in 179 words. Defendants' rights in the U.S. Constitution consume 348 words.

OK, so if this is all about how many words there are, we win. However, that is not what this is about. Let's get serious.

The other argument from the opponents was, we have written 63 drafts of this amendment. Yes, indeed, we have. In fact, we are proud of it. We have been making the point that this isn't some unthought-through proposition, written on the back of an envelope. We have written draft after draft after draft, as a good craftsman would polish a fine piece of furniture over and over and over until it was absolutely smooth and shiny. We have done the same thing with this amendment.

We have talked to prosecutors. We have talked to the U.S. Department of Justice. They have written a very nice letter complimenting the changes we made about concerns they expressed. We have accommodated many of their concerns. We talked to law professors; we talked to victims groups; we talked to lots of different people. As a result of all of these conversations, we have continued to modify the amendment to take into account their wonderful suggestions, to take into account concerns they have raised.

We are rather proud of the fact that we have been careful; we haven't just tried to slide this through. For 4 years we have been working on this through 63 different drafts. We now have a very carefully crafted, honed constitutional amendment. Frankly, we have written more drafts here than the Bill of Rights. People think that is a pretty good document. Of course, I would never hope to compete with our Founding Fathers. Understanding how much thought they put into their amendments, we have tried to be as careful in what we have written.

I daresay arguments can be made against our proposed constitutional amendment. There are some legitimate points to make. However, it is not legitimate to say we have tried to hurry this through, or we have not given it enough thought, or we have not had enough input, or we have not been willing to make changes. I think the fact we have gone through this number of changes illustrates the fact that we have been very open in the process.

That is why the amendment passed through the Senate Judiciary Committee with a very strong bipartisan vote of 12–5. Getting anything through this Judiciary Committee in the form of a constitutional amendment, I think all of my colleagues would agree, is a pretty sound testament to the care with which we have crafted this particular provision.

While there are arguments that can be made about the constitutional amendment, it is not fair to say we shouldn't do it because of the number of words in the amendment or we shouldn't do it because we have taken the pains to go through 63 drafts. We have tried to be very careful in what we have done. Those were two of the arguments raised against this yesterday.

A third argument was that we ought to give some time to allow a statutory alternative to work. With all due respect, it was in 1982, when President Reagan convened a group that was concerned with protecting victims' rights, that the proposal for a constitutional amendment was first made. It was in 1996 when President Clinton held a ceremony in the Rose Garden with the Attorney General and many others expressing his strong support for a Federal constitutional amendment to protect the rights of victims of crime. He said: We have experimented with State statutes, Federal statutes, and State constitutional provisions long enough. They just don't work to secure the rights of victims. Well meaning prosecutors and judges have tried hard. In fact, the cause of victims' rights has gained a lot of support over the years. Victims are much better treated in the process now than they were many years ago.

I read yesterday statement after statement by President Clinton, by Attorney General Reno, by associate attorneys general, by law professors, by Laurence Tribe, a respected professor from Harvard, district attorneys and judges, all of whom say, unfortunately, when a right is not expressed as a fundamental right in the U.S. Constitution, it just isn't protected with the same degree of care and consideration and energy as those rights that are protected in the U.S. Constitution.

That is why, according to a recent study, 60 percent of the victims who are supposed to get notice of their rights don't receive notice. One cannot exercise a constitutional right if one is not aware of it.

With respect to defendants, we have made it the Holy Grail that they will be advised of their rights. This is what the Miranda warning is all about. Defendants have a right not to speak and a right to an attorney.

Victims ought to at least get some reasonable notice of their rights. It does not mean you have to track them all down and stick a statement right in front of their faces and tell them orally, but it does mean you at least have to keep them on a mailing list or phone list. Computerized telephone messages now can be sent.

We have had testimony. For example, the county attorney in the sixth largest county in the country by population has testified it is just no problem to notify victims of their rights. He says the entire cost of taking care of the victims' rights is about $15, from beginning to end. It just is not a valid argument that it is going to be a real problem for prosecutors or the court system to provide this notice and to provide these rights to victims.

I have one final comment, since I think Senator FEINSTEIN is now ready, and I have given the introduction for her comments, I say to Senator FEINSTEIN, so our colleagues will be prepared to hear what she has to say. But I have a final comment about these rights.

There is a culture in the legal community that has built up over the years that bends over backwards to protect the rights of defendants. We have no quarrel with that. Law school courses, Law Review articles, everything is oriented toward that. When you go to law school and you are a second- or third-year law student, you can participate in a legal clinic representing indigent defendants and so on, but there is no similar culture to protect the rights of victims. That is one reason why you have people reflexively saying: We have to make sure we protect the right of defendants. If we are going to protect the right of victims, we just do not feel real good about that because it might hurt defendants.

As we pointed out yesterday and as I think Senator FEINSTEIN is about to point out today, nothing in our proposal takes away a constitutional right of a person standing accused of a crime. We would not permit that and we are willing to include language that makes it clear that the rights we enumerate here for victims do not in any way abridge the rights of the defendants. That should be clear. So this culture that has grown up in support of defendants' rights should not be an argument against the protection of victims' rights, which, after all, involve people whom society has failed to protect in the first instance. If there is anyone we want to help through the criminal justice process it is these people, these victims of violent crimes.

I think that is a shorthand summary of the arguments against some of the things that were said yesterday. I am very pleased, though, that Senator FEINSTEIN is here, as I said, to present information that specifically responds to an argument that was made yesterday with respect to the Oklahoma City bombing case. There is a great deal of misunderstanding about that.

If she is prepared at this time, I ask her now to supplement what I have said in the presentation of her remarks in that regard.

The PRESIDING OFFICER (Mr. BURNS). The Senator from California.

Mr. LEAHY. Will the Senator from California yield?

Mrs. FEINSTEIN. I certainly will.

Mr. LEAHY. Mr. President, I do not want to interrupt the discussion of the Senator from Arizona and the Senator from California. I am just curious, so we can have some idea of where we might be; yesterday, we had a problem. I understand the two proponents were out negotiating a new draft of this. But we had a situation where there were few on the floor.

I know the two proponents of this amendment, although they are on opposite sides from me, would agree that a constitutional amendment is far too consequential to be some kind of place holder on the Senate schedule. We have a number of Senators who will want to speak. They have asked me to speak. We have the distinguished dean of our party, my friend, the senior Senator from West Virginia, who will want to speak. We have had others who have.

I am just curious if the two Senators have some concept of where we may be on the schedule.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will be delighted to respond to the ranking member of the Judiciary Committee. It was my intention to introduce Senator FEINSTEIN today. She was on her way over. I knew that. She has some prepared remarks she would like to give.

At the conclusion of that, I am fully prepared to allow the Senator from Vermont and the Senator from West Virginia to proceed. I know they both have statements they want to make.

It is true it is much better if we are here. The Senator from Vermont yesterday had to step out while I was making some remarks. I understood that completely. He noted we had to step out while he was speaking.

Mr. LEAHY. For legitimate reasons, I should say.

Mr. KYL. Certainly. We plan to be here for however much time the Senator feels is necessary to take on this motion to proceed. We are willing to listen. We are willing to offer comments in reply. I would say Senator FEINSTEIN may have roughly 20 or 30 minutes. I am prepared at that point to allow the minority to proceed with whatever comments they may have.

Mr. LEAHY. I thank my good friend from Arizona. As always, he is courteous and helpful, as is the Senator from California. That is fine with me. Obviously, they are entitled to all the time they want.

I should note, again, in my comments, the distinguished Senator from Arizona and the distinguished Senator from California were working, actually moving the ball forward. The debate was not lost because it gave people an opportunity to state their positions. They were working in an effort to move us closer to a vote. I appreciate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member and the distinguished Senator from Arizona. I am delighted the distinguished Senator from West Virginia is here. I will try to be as brief as I can. However, when I left the Democratic caucus at lunch yesterday, I felt, I might say, very lonely; that this, in a sense, was an insurmountable quest. As I went back to my office and as I considered what had been said in the caucus and what had been said on the floor of the Senate, I felt so strongly how worthwhile this fight is and how many people will be touched and protected if, one day, we do succeed.

Then I realized we were not alone. Later today, I will be submitting a raft of letters from a panoply of victims' rights organizations as well as law enforcement organizations that are in support of this measure. A few of them are up here on the board today: Mothers Against Drunk Driving, National Victims' Constitutional Amendment Network, National Organization for Victims Assistance, Parents of Murdered Children; Colorado Organization for Victim Assistance; Stephanie Roper Foundation; Mothers Against Violence in America—and on and on and on.

Also, a group of 37 State attorneys general, the former U.S. Attorneys General, William Barr, Dick Thornburgh, Ed Meese; the Alabama Attorney General, and on and on and on; the Law Enforcement Alliance of America, the American Correctional Association, American Probation and Parole Association, Concerns of Police Survivors, the National Troopers' Coalition, the International Union of Police Associations, Los Angeles County Police Chiefs' Association, and on and on and on. Members can look at this. I will submit later individual letters.

However, I thought it might be useful to answer some of the questions that were asked on the floor yesterday. One of them was that we should not be doing this lightly; this is too precipitous; it comes too fast; Members have not had enough of an opportunity to study it. In fact, Senator KYL and I have been working on this for 4 years. We have had four hearings in the Judiciary Committee. We have heard from 34 witnesses. We have taken 802 pages of testimony. The House has had 32 witnesses and has 575 pages of testimony. So this is not a lonely quest in the sense that it has lasted for a short period of time, but it is a quest that will go on as well.

Yesterday, both in the Democratic caucus, as well as on the floor, one distinguished member of the Judiciary Committee, a Senator whom I greatly respect, made this statement. Hopefully he will be listening because I want to provide the answer. The statement is:

> I have not received an answer, a good answer, from my colleague from Arizona and my colleague from California as to why not a statute. You can pass it more quickly and more easily. It fits the amendment. It fits what you are trying to do. No court, no Supreme Court, no final authority has thrown it out.

Let me take the biggest and broadest case and describe to my colleagues why a statute will not work. The reason I use this case is it is a case with which we are all familiar. It is a case in which this Senate has played a role twice in passing, in fact, two statutes. It is a case where the defendants had access to attorneys and could mount a legal challenge. It is the treatment of the Oklahoma City bombing victims.

I am going to read from a letter from a law professor who was one of the attorneys for the Oklahoma City bombing victims. His name is Paul Cassell. He is a professor of law at the University of Utah. He says:

> This morning I had the opportunity to listen to the debate on the floor of the Senate concerning the Crime Victims Rights Amendment. During that debate, if I understood it correctly, the suggestion was made that federal statutes had "worked" to protect the rights of the Oklahoma City bombing victims. As the attorney who represented a number of victims in that case, I am writing to express my strong view that this suggestion is simply not correct. To the contrary, the events of that case show that statutes failed. To be specific, the statutes failed to assure that all victims who wanted to were able to attend the trial of Timothy McVeigh. Indeed, the Department of Justice prosecutors handling the case advised a number of victims that they should not attend to avoid creating unresolved legal questions about their status in the case. A number of the victims reluctantly accepted that advice. In other words, they sat outside the courtroom despite the presence of two federal statutes specifically designed to make sure that they had an unequivocal right to attend. To add insult to injuries, the other attorneys and I who represented the individual victims were never able to speak a word in court on their behalves. . . .
>
> Some might claim that this treatment of the Oklahoma City bombing victims should be written off as atypical. However, there is every reason to believe that the victims here were far more effective in attempting to vindicate their rights than victims in less notorious cases. The Oklahoma City bombing victims were mistreated while the media spotlight has been on when the nation was watching. The treatment of victims in forgotten courtrooms and trials is certainly no better, and in all likelihood much worse. Moreover, the Oklahoma City bombing victims had six lawyers working to press their claims in court, including a law professor familiar with victims rights, four lawyers at a prominent Washington, DC, law firm and a local counsel. In the normal case, it often will be impossible for victims to locate a lawyer willing to pursue complex and unsettled issues about their rights without compensation. One must remember that crime most often strikes the poor and others in a weak position to retain counsel. Finally, litigating claims concerning exclusion from the courtroom or other victims' rights promises to be quite difficult. For example, a victim may not learn that she will be excluded until the day the trial starts. Filing effective appellate actions in such circumstances promises to be practically impossible. It should, therefore, come as little surprise that the Oklahoma City litigation was the first in which victims sought federal appellate court review of their rights under the Victims Bill of Rights, even though that statute was passed in 1990.

What he is saying is that this was the first time victims under a statute passed 6 years earlier actually tried to use the court to enforce their rights.

He continues:

> The Oklahoma City bombing victims would never have suffered these indignities if the Victims Rights Amendment had been the law of the land. It would have unequivocally protected their right to attend and their "standing" to assert claims on their behalf to protect that right. In short, the federal amendment would have worked to protect their rights.

Then he goes on to give a chronology, and I think this is very important because the issue is effectively standing and the fact that they have no standing in the Constitution to have these rights. I think it is important that I point out a chronology of exactly what happened. I want to take the time to do that:

> During a pre-trial motion hearing in the Timothy McVeigh prosecution, the district attorney . . . issued a ruling precluding any victim who wished to provide victim impact testimony at sentencing from observing any proceeding in the case. The court based its ruling on Rule 615 of the Federal Rules of Evidence the so-called "rule on witnesses." In the hour that the court then gave to victims to make this wrenching decision about testifying, some of the victims opted to watch the proceedings; others decided to leave Denver to remain eligible to provide impact testimony.
>
> Thirty-five victims and survivors of the bombing then filed a motion asserting their own standing—

This is important—

> then filed a motion asserting their own standing to raise their rights under federal law and, in the alternative, seeking leave to file a brief on the issue as amici curiae. The victims noted that the district court apparently had overlooked the Victims Bill of Rights, a federal statute guaranteeing victims the right (among others) "to be present at all public court proceedings unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial."

In other words, the court had flexibility to make that determination.

Continuing:

> The District Court then held a hearing to reconsider the issue of excluding victim witnesses. The court first denied the victims' motion asserting standing to present their own claims, allowing them only the opportunity to file a brief as amici curiae. After argument by the Department of Justice and by the defendants, the court denied the motion for reconsideration. It concluded that victims present during the court proceedings would not be able to separate the "experience of trial" from "the experience of loss from the conduct in question," and, thus, their testimony at a sentencing hearing would be inadmissible. . . .
>
> The victims then filed a petition for writ of mandamus in the U.S. Court of Appeals for the Tenth Circuit seeking review of the district court's ruling. Because the procedures for victims appeals were unclear, the victims filed a separate set of documents appealing from the ruling. Similarly, the Department of Justice, uncertain of precisely how to proceed procedurally, filed both an appeal and a petition for a writ of mandamus.
>
> Three months later, a panel of the Tenth Circuit rejected—without oral argument—both the victims' and the United States' claims on jurisdictional grounds. With respect to the victims' challenges, the court concluded that the victims lacked "standing" under Article III of the Constitution because they had no "legally protected interest" to be present at the trial and consequently had suffered no "injury in fact" from their exclusion. The Tenth Circuit also found the victims had no right to attend the trial under any First Amendment right of access. Finally, the Tenth Circuit rejected, on jurisdictional grounds, the appeal and mandamus petition filed by the United States. Efforts by both the victims and the Department to obtain a rehearing were unsuccessful, even with the support of separate briefs urging rehearing from 49 members of Congress, all six Attorneys General in the Tenth Circuit, and some of the leading victims groups in the nation.
>
> In the meantime—

And now it gets even more critical—

> the victims, supported by the Oklahoma Attorney General's Office, sought remedial legislation in Congress clearly stating that victims should not have to decide between testifying at sentencing and watching the trial. The Victims' Rights Clarification Act of 1997 was introduced to provide that watching a trial does not constitute grounds for denying the chance to provide an impact statement. The 1997 measure passed the House by a vote of 414 to 13. The next day, the Senate passed the measure by unanimous consent. The following day, President Clinton signed the Act into law, explaining that "when someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in."
>
> The victims then promptly filed a motion with the district court asserting a right to attend under the new law. The victims explained that the new law invalidated the court's earlier sequestration order and sought a hearing on the issue. Rather than squarely uphold the new law, however, the district court entered a new order on victim-impact witness sequestration. The court concluded "any motions raising constitutional questions about this legislation would be premature and would present issues that are not now ripe for decision." Moreover, the court held that it could address issues of possible prejudicial impact from attending the trial by conduct[ing] a voir dire of the witnesses after the trial. The district court also

> refused to grant the victims a hearing on the application of the new law, concluding that its ruling rendered their request "moot."
>
> After that ruling, the Oklahoma City victim impact witnesses—once again—had to make a painful decision about what to do. Some of the victim impact witnesses decided not to observe the trial because of ambiguities and uncertainties in the court's ruling, raising the possibility of exclusion of testimony from victims who attended the trial. The Department of Justice also met with many of the impact witnesses, advising them of these substantial uncertainties in the law, and noting that any observation of the trial would create the possibility of exclusion of impact testimony. To end this confusion, the victims filed a motion for clarification of the judge's order. The motion noted that "[b]ecause of the uncertainty remaining under the Court's order, a number of the victims have been forced to give up their right to observe defendant McVeigh's trial. This chilling effect has thus rendered the Victims Rights Clarification Act of 1997 . . . for practical purposes a nullity."

So the effort of this Congress to write one statute, and to clarify it with a second statute, was rendered a nullity.

> Unfortunately, the effort to obtain clarification did not succeed, and McVeigh's trial proceeded without further guidance for the victims.
>
> After McVeigh was convicted, the victims filed a motion to be heard on issues pertaining to the new law. Nonetheless, the court refused to allow the victims to be represented by counsel during argument on the law or during voir dire about the possible prejudicial impact of viewing the trial. The court, however, concluded (as the victims had suggested all along) that no victim was in fact prejudiced as a result of watching the trial.
>
> This recounting of the details of the Oklahoma City bombing litigation leaves no doubt that statutory protection of victims rights did not "work." To the contrary, for a number of the victims, the rights afforded in the Victims Rights Clarification Act of 1997 and the earlier Victims Bill of Rights were not protected. They did not observe the trial of defendant Timothy McVeigh because of lingering doubts about the constitutional status of these statutes.
>
> The undeniable, and unfortunate, result of that litigation has been to establish—as the only reported federal appellate ruling [to date]—a precedent that will make effective enforcement of the federal victims rights statutes quite difficult. It is now the law of the Tenth Circuit that victims lack "standing" to be heard on issues surrounding the Victims' Bill of Rights and, for good measure, that the Department of Justice may not take an appeal for the victims under either of those statutes. For all practical purposes, the treatment of crime victims' rights in federal court in Utah, Colorado, Kansas, New Mexico, Oklahoma, and Wyoming has been remitted to the unreviewable discretion of individual federal district court judges. The fate of the Oklahoma City victims does not inspire confidence that all victims rights will be fully enforced in the future. Even in other circuits, the Tenth Circuit ruling, while not controlling, may be treated as having persuasive value. If so, the Victims Bill of Rights will effectively become a dead letter.

This is the reason we pursue our case with such ardor. We do not believe it is possible, under any statute drafted to cover victims of violent crimes, to provide them with certain basic rights because any Federal statute would only cover 1 to 2 percent of the victims of violent crimes in the United States; and, secondly, because the one noteworthy case, in the sense of public knowledge, in the sense of major representation of victims by attorneys of major quality, resulted in two laws, passed by this Senate and the other House, being rendered a nullity.

That is the reason we pursue our quest here today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. KYL. Mr. President, I know Senator LEAHY and Senator BYRD want to make a presentation. I would certainly be prepared to yield to them as soon as they are ready to make their remarks. In the meantime, I thought perhaps I could engage Senator FEINSTEIN in some conversation and maybe make a couple points myself. But as soon as Senator LEAHY or Senator BYRD arrive, I will be happy to relinquish the floor to them.

One of the arguments that has been raised by some opponents of the amendment, including a prominent columnist whom I respect greatly, George Will, derives from a superficial reading of our amendment. It is said that this kind of an amendment, which grants rights to victims of crime, would be discordant with the general purpose of the Constitution, which is not to grant entitlements to people that the Government would provide but, rather, protects people's natural rights, some of which are enumerated in the Bill of Rights, some of which are assumed to exist outside the Constitution and are more expressed in terms of prohibitions on bad government conduct.

I want to make clear—and seek Senator FEINSTEIN's view on this—that in both cases the Constitution has prevented deleterious Government action. In neither case does the Constitution grant rights. In our case, for example, the right to attend the trial that we talk about in the Oklahoma City bombing case is really not expressed as the right to attend the trial. There is no right to Government access to the trial. We express this as a prohibition on the Government denying access to the trial so if a victim or victim's family is able to get to the courtroom, nobody has to bring them there, but if they are able to get there and they want to attend the trial, the Government may not deny them that right.

In this regard, it is the same as the right to free speech. We all talk about the right to free speech. We really don't have an entitlement to free speech in the Constitution. We believe that is a natural right. As the Constitution says, the Government shall not abridge our right to free speech. It cannot constitutionally enact any laws that would inhibit the free exercise of speech.

I urge my colleagues and wise people, such as George Will, to read this carefully. It is just as the existing Constitution. We speak in common terms of protecting the right of free speech, the right to attend the trial about which Senator FEINSTEIN has been talking. But in reality, both constitutional provisions are prohibitions on the Government infringing upon this right.

Is that a distinction the Senator finds important in describing the Oklahoma City case?

Mrs. FEINSTEIN. Mr. President, I think Senator KYL has stated it very well. Not only do I find that to be a correct distinction—it is not only Senator KYL and I—it is legal scholars who we have worked with and trusted throughout this process. Let me quote the professor from Harvard with whom we worked, Larry Tribe.

> These are the very kinds of rights with which our Constitution is typically and properly concerned, rights of individuals to participate in all those government processes that strongly affect their lives. Congress and the states have already provided a variety of measures to protect the rights of victims.

Senator KYL and I have heard that said on this floor and outside of this floor. That certainly is true. Yet, as Professor Tribe goes on, the reports from the field are that they have all too often been affected. Rules to assist victims frequently fail to provide meaningful protection whenever they come into conflict with bureaucratic habit, traditional indifference, sheer inertia, or the mere mention of an accused's rights, even when those rights are not genuinely threatened.

I read the chronology of the Oklahoma City bombing case and the rights that those victims were afforded by two statutes, not one statute. We couldn't get it done right in 1990. We tried again 7 years later. Both of those were effectively declared a nullity by the Tenth Circuit because the victims had no standing under article III of the Constitution. So the question of standing and harm all enter into this. Everything I have been able to deduce is, the only way to provide standing to be a party at issue in the situation is through the Constitution of the United States. Would my colleague agree with that?

Mr. KYL. Yes. I thank Senator FEINSTEIN for that statement. It is a confirmation that scholars of law, not only she and I, have reached this conclusion.

I was just reminded of another place in which this conclusion is found. The U.S. Department of Justice volume "New Directions from the Field, Victims Rights and Services for the 21st Century." Among the statements in this report is the following:

> Granting victims of crime the ability to participate in the justice system is exactly the type of participatory right the Constitution is designed to protect and has been amended to permanently ensure. Such rights include the right to vote on an equal basis and the right to be heard when the government deprives one of life, liberty or property.

What we have provided here is a set of rights, some expressed in terms of "not to be excluded from," some expressed as a right such as a right to vote, as has been noted. In each case, the fundamental basis is that the Government cannot deprive one of their ability to participate in the criminal justice process to the extent we have defined it here. I think that is a very important distinction. As the Senator pointed out, without the standing to assert the right, it would be hollow. It would be merely an oratory statement. That is precisely why the people in the Oklahoma City bombing case couldn't vindicate their rights. The court said they didn't have any standing.

Mrs. FEINSTEIN. The point made by the Oklahoma City case is that these were not indigent victims. They had Washington counsel, distinguished counsel of very high quality. They tried to assert the rights under the statute, and the court essentially turned them down. This isn't what we think; this is what happens. I will quote a bit more from Professor Tribe on this very subject, until Senator BYRD, who is next, comes to the Chamber.

Larry Tribe makes this statement:

> Beginning with the premise that the Constitution should not be amended lightly and should never be amended to achieve short-term partisan or purely policy objectives, I would argue that a constitutional amendment is appropriate only when the goal involves (1) a needed change in government structure, or (2) a needed recognition of a basic human right, where (a) the right is one that people widely agree deserves serious and permanent respect, (b) the right is one that is insufficiently protected under existing law, (c) the right is one that cannot be adequately protected through purely political action such as state or federal legislation and/or regulation, (d) the right is one whose inclusion in the United States Constitution would not distort or endanger basic principles of the separation of powers among the federal branches . . . (e) the right would be judicially enforceable without creating open-ended or otherwise unacceptable funding obligations.

Professor Tribe goes on to say:

> I believe that S.J. Res. 3 meets these criteria. The rights in question—rights of crime victims not to be victimized yet again through the processes by which government bodies and officials prosecute, punish, and/or release the accused or convicted offender—are indisputably basic human rights against government, rights that any civilized system of justice would aspire to protect and strive never to violate.

Mr. SCHUMER. Will the Senator yield for a question?

Mrs. FEINSTEIN. I am happy to yield when I have concluded my thought. I am in the middle of a quote from a very distinguished law professor, whom I know Senator SCHUMER respects greatly.

Mr. SCHUMER. I do, and I know him well. I thought the quote was finished. His quotes do go on.

Mrs. FEINSTEIN. They do go on. And once more, they are worth listening to.

Mr. SCHUMER. Indeed.

Mrs. FEINSTEIN. Continuing the quote:

> To protect these rights of victims does not entail constitutionalizing the rights of private citizens against other private citizens; for it is not the private citizen accused of crime by state or federal authorities who is the source of the violations that victims' rights advocates hope to address with a constitutional amendment in this area. Rather, it is the government authorities themselves, those who pursue (or release) the accused or convicted criminal with insufficient attention to the concerns of the victim, who are sometimes guilty of the kinds of violations that a properly drawn amendment would prohibit.

I think that well states what we are trying to do.

I am delighted to yield to Senator SCHUMER.

Mr. SCHUMER. I thank my colleague. Before I ask my question, I commend Senator FEINSTEIN. We strongly disagree on the proposal before us. But I know that for years and years she has been concerned about victims. I know also of the passion, hard work, and diligence she brings to the debate. I commend her for that. Our strong disagreement on the issue does not in any way lessen my respect for her or the Senator from Arizona for the job they have done in moving this amendment to the floor.

Mrs. FEINSTEIN. We are eagerly awaiting the "but."

Mr. SCHUMER. There is no "but" about my respect for the Senator. However, there is a "but" about Professor Tribe's remarks in the whole. What bothers me most about this amendment—and I have expressed this to the Senator—is as follows. Of the five criteria Professor Tribe lays out, I think I would agree with four of them. I think that amendments should not be done lightly. But I think there are times when we have to amend the Constitution, although reluctantly. I certainly believe the rights of victims are extremely important. As the Senator knows, we worked on the crime bill of 1994 together. I worked diligently in the House to add the right of allocution and other things to the bill. I understand why the statute didn't work in Oklahoma City although I would like to debate another point.

But Professor Tribe, I think, goes off base when he says a statute would not take care of this problem. So I have a two-part question. First, why is it not better, if this particular statute does not work, to redesign it? Why is it not better to take the basic amendment that the Senator from Arizona and the Senator from California have offered and make it a statute, given the fact that we have not had a single State supreme court—in some States, such as mine, they are not called a supreme court—but the highest court of any of the 50 States throw out a victims' rights amendment on the basis of unconstitutionality. Given the fact that the Supreme Court has not rejected such an amendment, it seems to me that given that the language proposed—which is still being worked on, so it may change—is longer than the entire Bill of Rights and is not the language of a constitutional amendment—at least any that I have seen—why don't we try to refine the statute rather than move to a constitutional amendment with such alacrity?

Professor Tribe said a statute would not work. I have not seen that. I have seen, in my State and many others, victims' rights statutes work and work very well. That is my question to the Senator from California. I thank the Senator for her graciousness.

Mrs. FEINSTEIN. First, I think the Senator knows I have very deep respect for him. If I am fighting a battle, he is certainly one I would like to have in the trench with me.

Mr. SCHUMER. And usually I am there.

Mrs. FEINSTEIN. There is always room in the trench to change his mind, if the Senator cares to. I do appreciate his concern and his testimony does carry weight with me. As a matter of fact, it was Senator SCHUMER's comment in the RECORD that I referred to last night when I addressed and talked with the attorneys in Oklahoma City today who represented the victims—Professor Cassell was one of them—and got that chronology.

To me, the reason the statute won't work is because it hasn't worked. Both Houses of Congress, and even the redoubtable intelligence of the Senator in working on both the 1990 and the 1997 statute, rendered both a nullity by the Tenth Circuit. Therefore, they were victims in that entire circuit and are effectively left without a remedy, and the belief is that it would be difficult in that circuit, based on the precedent that has been set, without providing standing for victims in the Constitution under article III, to have a successful statute.

Now, I don't believe many victims have the wherewithal to get a professor of law at a distinguished university and a Washington law firm. The people who are going to be the most impacted by this are poor, are minorities, where most of the crime victims, after all, really are in the Nation. So the ability for them to get redress under a statute, I think, is effectively quite limited.

Addressing the second part about the drafting of this article, we have been at this for 4 years. There are 800 pages of testimony, as I have mentioned. I ask

Senator KYL, how many meetings does the Senator believe we have had with the Justice Department in the last 4 years over the wording in this?

Mr. KYL. Mr. President, if you count all of the informal meetings and various meetings back and forth with staff, certainly it would be well over a dozen.

Mrs. FEINSTEIN. So we have had at least a dozen meetings with Justice. The concepts are the authors', and much of the writing is actually a product of those meetings with the Justice Department. In fairness, staff has changed over the years. We worked with one assistant U.S. Attorney General, and that person has changed, and so on and so forth. We have also worked with White House staff. The basics of the amendment that the Senator questions as being burdensome in verbiage is really very simple: to reasonable notice of, and not to be excluded from any public proceedings relating to the crime; to be heard, if present; to submit a statement at all such proceedings to determine a conditional release from custody and acceptance of a negotiated plea or sentence.

I might say that this was gone over with precision and detail with Justice as to whether a plea bargain would be effected; the foregoing rights in a parole proceeding that is not public to the extent these rights are afforded to the convicted offender; the reasonable notice of and an opportunity to submit a statement concerning any proposed pardon or commutation; reasonable notice of escape or release from custody. I will say the pardon has not been worked out with Justice, and there are some negotiations going on about that right now. But notice of release or escape; consideration for the interest of the victim; that any trial be free from unreasonable delay—there was considerable discussion through Senator KYL, ourselves, attorneys for the victims, victims' rights groups, as to not to create a problem there. And the words "to consideration of the interest" were added to avoid any problem. To order restitution, to consideration for the safety of the victim in determining any conditional release from custody, and to notice of the rights: that is essentially the bulk of the basic rights. The rest sets up a vehicle.

Now, we have heard two Senators come to the floor and say: "Who would define a victim?" We have to write in this that the Congress shall have the power to enforce this article by appropriate legislation. So the Congress would enforce the article. And some of that language, by way of clarification, is added.

This is not 1791; it is the year 2000. Fortunately, since 1791, there is court precedent. There is now definition of language in the law that has been predetermined, and it is much more complicated, I think, to write this kind of language than it was way back when.

Mr. SCHUMER. Mr. President, I thank the Senator for her answer, and I simply make three points. Before I do, I want to refer to a letter from Chief Justice Rehnquist in opposition saying that a statute would be far preferable to a constitutional amendment. This letter is to Judy Clarke, President of the National Association of Criminal Defense Lawyers. I will read it:

> I have received the letter of March 21, commenting on various measures pending in Congress relating to the judiciary. The Judicial Conference has recently taken a position in favor of making provision for victims' rights by statute, rather than by constitutional amendment; this would have the virtue of making any provisions in the bill which appeared mistaken by hindsight to be amended by a simple act of Congress.

It makes the very point. The Senator admitted that negotiations are still ongoing. We are debating a constitutional amendment that must be passed by two-thirds of each Chamber and then three-quarters of the States. We are still debating the language.

Mrs. FEINSTEIN. Will the Senator permit me to respond?

Mr. SCHUMER. I will in one second. I want to finish my statement.

First, the kind of definitions that the Senator has talked about of appeals procedures has never been in the U.S. Constitution. In fact, what happened before is there would be a two- or three-line sentence that the rights of victims should be protected, and then we would work out by statute what the details were.

I have never seen a constitutional amendment such as this. It is the 21st century. I agree with that. But that doesn't mean the elegance of thought and language in the Constitution of the 18th century should be thrown out the window, and we are doing that here.

I ask the Senator, why, if she believes in a constitutional amendment with a two- or three-line amendment talking about victims' rights, would she not be far more in keeping with constitutional thought and theory than a 15-page document which clearly is written in statutory and not constitutional language? Second, if the detailed definitional language that the Senator is talking about works, it will work as a statute.

The reason the Oklahoma City case didn't work is the statute was poorly drafted, at least in terms of what the Senator is saying. I will have more to say about that later. I don't want to occupy her time on this, but if the language works as a constitutional amendment, the very language that we have before us admittedly being rephrased or redrafted, why doesn't it work as a statute?

The problem that is pointed to in the Oklahoma City case is not the amendment. If the very same language were a constitutional amendment, God forbid, it still wouldn't have been applied because the judge didn't throw it out on an unconstitutional basis. He basically ignored it, which meant it wasn't clear enough.

No. 1, do we have any amendment in the Constitution that compares in detail and outlines procedurally what we have here?

No. 2, if this language works as a constitutional amendment, why wouldn't it work as a statute?

No. 3, if a constitutional amendment is necessary, although again it has not been thrown out by the Supreme Court, or any lower court, why wouldn't we have a simple, elegant three-line statement talking about the rights of victims, and then let the details of legislative engineering be worked out in statute as it has been done in this country, regardless of whether Democrats, Republicans, Whigs, or Free-Soilers, or anybody else has been in charge?

I thank the Senator for her patience. I feel as passionately on our side as she does on her side.

Mrs. FEINSTEIN. I am going to defer to the distinguished Senator from Arizona to give the opening response, and then I would like to finish up, if I might.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Arizona.

Mr. KYL. Mr. President, before she arrived at noon, I had shared some specific comments that go directly to Senator SCHUMER's questions. I thought I would repeat what I said here in brief.

The first objection is that this is too wordy. It is not 15 pages. It is about 2⅕ pages. But the total number of words that describe victims' rights is 179. The total number of words in the amendment, except for the technical provisions regarding the effective date, is 307. If you add them all up, it is 394 words. Again, 179 of those words describe the victims' rights. The defendants' rights consume 348 words in the U.S. Constitution. The Bill of Rights is 462 words. If you add it up word for word, we win, as I said this morning. But that, obviously, is hardly a way to evaluate.

Mr. SCHUMER. It shouldn't be 2⅕ pages, it should be 2⅕ lines in keeping with the way the Constitution is written.

Mr. KYL. That is the second point. We are criticized on two accounts. We literally can't win. On one hand, the Senator from New York and others have said it is subject to interpretation. What does "reasonable" mean? On the other hand, we have written too much. We ought to just say "reasonable rights" and then flesh it out in statute. We can't win, if that is the argument.

What we have done, I submit, is the compromise that the Founding Fathers did. They expressed general terminology in order to keep it short and succinct, understanding that it would have to be fleshed out. But what we have done is to describe in enough additional detail to ensure that there could never be a contention that we are infringing on a defendant's rights and to be sure there would never be a criticism that we weren't specific enough about what these rights were. So we have actually enumerated these eight specific rights. But I think we have struck the right compromise in that regard.

Two other quick points, if I may: The Senator correctly pointed out that it appears one of the reasons for the judge's decision in the Oklahoma City bombing case was that he just ignored it. I think it is hard to figure out exactly why he didn't apply it. He couldn't ignore a U.S. constitutional provision as he could ignore a Federal statute, which is precisely why we need a Federal constitutional amendment. It may also be that the Oklahoma City statute was not well enough drafted. I think that is exactly correct as well. It is no answer to say that a statute would be the way to go here, that it is better than a constitutional provision.

The bottom line is this: In words somewhat similar to those words that protect the rights of the accused, we have identified eight specific rights. I have yet to see anybody say those eight specific rights should not be guaranteed. Rather, the argument is that they should be put in statute. Senator SCHUMER has just pointed out why putting it in statute doesn't work.

Mr. SCHUMER. If the Senator will yield, I think this should be a debate that goes on for some time. That is what we are having here as opposed to everyone making speeches periodically. I very much appreciate that and would be happy when I come to the floor to yield time to opponents of the bill to continue this debate.

But I would simply say to my good friend from Arizona that a statute is no less the law of the land than a constitutional amendment. The idea that a constitutional amendment should be taken into account more than a statute doesn't hold up in terms of jurisprudence. I am sure even my good, mistaken friend in this case, Larry Tribe, would agree with that. But for whatever reason, one judge ignores a statute. The Senator is right. It is murky. It is hard to figure out why. We then leap to a constitutional amendment, one with almost as many words as the entire Bill of Rights. It doesn't make any sense to me.

I ask the Senator: Because a judge in Oklahoma City, a case I care very much about, ignored statutory language, why don't we try once again? Why don't we try, whether that case was on appeal, or in another way, to make sure that judges can't? You could easily write a statute that says the right of allocution is not granted. You can't proceed with sentencing. If some judge somewhere—I doubt there would be one—should refuse to apply that law, you would win on appeal, pardon my saying, in a "New York minute." A constitutional amendment doesn't give any more authority for a judge to apply than a statute. The whole reason we have constitutional amendments, as laid out by Larry Tribe, is for restructuring the Government. It is guaranteeing a basic right that couldn't be guaranteed otherwise.

I yield to the Senator from California to answer. But because a judge ignores a statute in one case, how do we then leap to a constitutional amendment?

Mrs. FEINSTEIN. I think that is a very important question. I am sure I cannot answer as adequately, but let me try. I think any statute lasts a "New York minute." Let me state why.

I think there is bureaucratic inertia. At our caucus yesterday, to be very frank, I was amazed at Members' reactions. We are trying to give victims certain basic rights. I almost came out of the caucus feeling somewhat un-American because I am trying to do something that can stand the test of universal time to improve a very convoluted, difficult administration of justice process in this country, to ensure victims a certain participation in the process.

Mr. SCHUMER. We all want to do that. The question is the method. The issue is not whether we want to give victims' rights or not.

Mrs. FEINSTEIN. I grant that the 1997 clarification act, which, as I understand it, meant to say that a victim could both be present in court and make a statement, was simply not answered; it was ignored.

The 1990 victims' rights amendment was a more considered bill, developed over a period of time, and was the one with which the Tenth Circuit essentially said that victims lack standing under article III because they had no legally protected interest to be present at the trial and had suffered, therefore, no injury.

I don't know how one remedies by statute to withstand the test of time, the bureaucratic inertia, the equivocation that goes on.

From 1850, we have a century and a half in this country where victims have had no rights in the process. The process has locked itself. The Senator is right, some district attorneys don't want to be responsible to send a victim or say, Give me your address and phone number if you want to come to court; I will notify you. Then it is up to the victim to provide that and be there at the appropriate time. Many don't want to do that.

What makes me very suspect is, that reaction is disproportionate to what we are trying to achieve, which is basically status rights. It is not like the right to counsel, not like a right of a jury of your peers, it is not like protection against double jeopardy or unreasonable search and seizure. Those are very "meaty" rights that defendants have that should be provided, including the right to be present, the right to make a statement—pretty simplistic rights.

Mr. SCHUMER. No question; I agree with the Senator, those are simplistic and they should be enshrined in law. I have spent a good number of years in the other body trying to make that happen.

When the Senator asks, why is there such passion against this amendment, please do not mistake it for the substance of the amendment. There may be some who believe that, but not me, and I don't think that is the mainstream of the opposition for both Republican and Democrat.

Mr. KYL. If I might interrupt, all of this is on my time, which is fine with me. It is a good exchange, and I agree with the Senator from New York, this is the right way to debate the subject. I am happy to have the Senator finish his thought, but I want to respond to a question asked some time ago.

Mr. SCHUMER. Mr. President, I ask unanimous consent to respond using 3 minutes of my time.

Mr. KYL. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I say to the Senator, passion is passion. There is not a lack of passion for victims' rights but a passion for this wonderful, noble document, the Constitution of the United States. I say this in all due respect.

I think if this amendment were added, it would cheapen the Constitution—not cheapen the issue of victims' rights, which is important, but we have never done this before. The passion goes to the beauty of the Constitution, to the fact that we have never added a constitutional amendment, because two judges failed.

The Senator was good enough to mention that 1990 case. One lower court judge said it might not fit with article III. Again, don't leap to a constitutional amendment. If we were to have constitutional amendments every time a lower court judge ruled that something was unconstitutional, we would have a Constitution of the United States that would be 10 volumes long. We would spend all of our time revising that Constitution. I daresay the structure of government could fall because we need two-thirds, two-thirds, three-quarters to do it.

The passion here is on a fundamental difference about what the Constitution of the United States means. I would be the first to join the Senator if the U.S. Supreme Court said the same thing that lower court said in 1990. But one lower court in 1990, one lower court in 1997, and now we say let's double virtually.

Mrs. FEINSTEIN. Circuit court.

Mr. SCHUMER. A circuit court in 1990, two lower courts, but no U.S. Supreme Court.

I would join the Senator if the Supreme Court said the same thing. I agree with her that victims' rights should receive a higher elevation in the pantheon of criminal justice. But now the issue is not ripe. The Supreme Court hasn't ruled defendants' rights trump victims' rights. We have had two poor attempts to draft legislation.

To their credit, the Senator from California and the Senator from Arizona have come up with a better proposal. They have still not addressed, to my satisfaction, why we need to do a constitutional amendment when I think a statute would do exactly the same job and could be passed more quickly. One would not need the two-thirds. We could get this done. If then someone fought the statute and the Supreme Court of the United States ruled it unconstitutional, we would all be on the floor supporting this amendment.

The passion, to answer the Senator, was a passion for the way of the Constitution, a passion that we do not amend the Constitution unless we absolutely have to. That does not go to the need to give victims more rights. That goes to the fact that none of these victims' rights laws has been declared unconstitutional by the highest court of this land or where it would still be legitimate by State supreme courts.

I think my 3 minutes have expired. I will continue the debate with the Senator from Arizona and the Senator from California. Again, I respect their motivations, I respect their substantive position, but please, God—please, God—let us not be precipitous in amending this great U.S. Constitution when there is another, quicker, and just as efficacious way to accomplish the well-thought-out goal of our Senators.

I reserve the remainder of my time.

Mr. KYL. Mr. President, I think the Senator from New York has made an excellent presentation. As a matter of fact, that is the presentation I made about 4 years ago when a very fine attorney in Arizona came to me and said these State constitution provisions in statute are not working, we need a Federal constitutional amendment. I made essentially the same argument, probably not as eloquently as the Senator from New York.

I share with the Senator both the concern for victims' rights and a concern for the U.S. Constitution not being unduly tampered with. We all acknowledge that it can and sometimes should be amended. However, it should be done only when necessary. In that we all agree.

He made the case to ask the question. Why not a statute? I respond to that in three quick ways.

First, let's get one thing out of the way. We do not want to amend the Constitution only when there has been a finding by the U.S. Supreme Court that some action we want to take is unconstitutional. Of course, there are not findings that State constitutional provisions or statutes are unconstitutional. There would be no reason for that. None of them conflicts with defendants' rights. That is the only basis on which I can think they would be declared unconstitutional. No one wants to conflict with or hurt defendants' rights.

There is no reason to expect any provision will be declared unconstitutional. There is a problem with respect to precedent, and that is, the Tenth Circuit has held there is no standing to enforce a Federal statute that the Senator from New York helped to draft. That is a problem.

Now I believe in seven different States victims do not have the standing to assert rights we provided in a Federal statute. That is bad. That is a precedent we need to overturn and can overturn with a constitutional amendment.

The third point in this respect is that the problem is not that there has been or ever would be a finding of unconstitutionality with respect to these statutes or provisions. It is, rather, that they are just not enforced. As somebody said, they are enforced more in the breach than in the observance. That is the problem. Not that there is unconstitutionality.

Let me do the other two things I wanted to do. I see the Senator from Vermont is standing.

Mr. LEAHY. I wonder if the Senator will be willing to yield just for a moment to the Senator from Hawaii.

Mr. KYL. I yield to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to yield my time under the present measure to the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER. The Senator has that right.

Mr. KYL. As soon as I conclude these two points, again I am happy to allow the Senator from Vermont to speak. I was waiting for this last hour or so and thought we would take up the time, and Senator SCHUMER has provided a very important challenge. Why not a statute? I provided the first answer.

Second, let me provide the answer from a piece Paul Cassell wrote, offered earlier by Senator FEINSTEIN. He said:

> In theory victims' rights could be safeguarded without a constitutional amendment. It would only be necessary for actors within the criminal justice system—judges, prosecutors, defense attorneys, and others—to suddenly begin respecting victims' interests. The real world question, however, is how to actually trigger such a shift in the Zeitgeist. For nearly two decades, victims have obtained a variety of measures to protect their rights. Yet, the prevailing view from those who work in the field [including the Justice Department in this fine volume, New Directions from the Field] is that these efforts "have all too often been ineffective." Rules to assist victims "frequently fail to provide meaningful protection whenever they come into conflict with bureaucratic habit, traditional indifference, or sheer inertia . . . " The view that state victims provisions have been and will continue to be disregarded is widely shared, as some of the strongest opponents of the Amendment seem to concede the point. For example, Ellen Greenlee, President of the National Legal Aid and Defender Association, bluntly and revealingly told Congress that the State victims' amendments "so far have been treated as mere statements of principle that victims ought to be included and consulted more by prosecutors and courts. A state constitution is far . . . easier to ignore than the federal one."

A fortiori, as we lawyers say, a statute is far easier to ignore than the Federal Constitution.

Just citing a couple of more points in Paul Cassell's piece, he quotes from the Department of Justice, the Attorney General herself. The Department finding that these various efforts—the State and Federal and statutory and constitutional provisions:

> . . . have failed to fully safeguard victims' rights. These significant state efforts simply are not sufficiently consistent, comprehensive, or authoritative to safeguard victims' rights.

I would intersperse that a Federal statute, of course, is in the same category. In fact, it is of a slightly lower category than a State constitutional amendment in the State courts. In any event, with respect to the number of crimes of violence in the Federal system, you are only talking about approximately 1 percent of the crimes. So clearly a Federal statute does not give you anything that these State statutes do not.

But here is the point, and I continue to quote here:

> Hard statistical evidence on non-compliance with victims' rights confirms these general conclusions about inadequate protection.

In other words, now let's go to the tape. Let's look at the numbers, not just the conclusions reached by scholars.

> . . . the National Institute of Justice found that many crime victims are denied their rights and concluded that "enactment of State laws and State constitutional amendments alone appears to be insufficient to guarantee the full provision of victims' rights in practice."

Here are the statistics. For example:

> . . . even in several States identified as giving "strong protection" to victim's rights [like my State of Arizona and Senator FEINSTEIN's State of California] fewer than 60 percent of the victims were notified of the sentencing hearing and fewer than 40 percent were notified of the pretrial release of the defendant.

Fewer than 40 percent. Would we consider that a good enough job in notifying defendants of their right to counsel? Would we consider, if the police in 40 percent of the cases remembered to give the Miranda warnings, that that would be OK? Absolutely not. That is the fundamental difference between a constitutional right and a statute, or a State constitutional provision. They just are not enforced with the same degree of vigor and consistency and care as the U.S. Constitution must be and is. So we find that 40 percent of the people who ought to be notified that their assailant is about to be released from prison never get the notice. That is in the good States. That is not good enough. After 18 years of experience with this, we ought to appreciate that statutes and State constitutional provisions just have not done the job.

That is the second reason. I will get to the third one. But that is the second key reason why the Senator's question, Why not a State statute or State constitutional amendment or Federal statute? Just has not worked. I will be happy to yield to the Senator from New York.

Mr. SCHUMER. Just a quick question. One thing we obviously do, and we have gotten much better enforcement on a whole lot of Federal statutes, is say that they will lose all Federal crime money if they do not notify the victim.

Mr. KYL. I am sorry?

Mr. SCHUMER. What I was proposing—I think the present statutes are not working. I think they were poorly done. One way to get enforcement, a good way that we have used in this body over and over again, which has not even been tried yet, is to say the State would not get crime money, whether it be for Cops on the Beat, for building prisons, for Byrne money for the DAs, if they don't notify the victims. The State would do much better than 40 percent.

The reason this statute has not worked is no one has put any teeth into it. Why do we not put some teeth into it before jumping to the Constitution? I yield.

Mr. KYL. First of all, the Federal statute applies to Federal crimes which constitute about 1 percent of what we are talking about. Even if you could put good teeth in the Federal statute, you would be dealing with 1 percent of the cases. That leaves, what, 59 percent to go, by my calculation.

Second, these State constitutional provisions are very well written. The one that we have in Arizona was adopted with between 70 and 80 percent of the vote, the one that has been adopted in California and these other States—they are very good. It is not that they are not well written. The question is, Why should you have to have a penalty for somebody, for a judge who fails to provide the notice, for example? Why should we deny Federal law enforcement support when everybody knows that is really needed? It is not a good enforcement mechanism. The best enforcement mechanism, of that which we consider to be fundamental rights, is the recognition that they are embodied in the U.S. Constitution and nobody wants to deny those. If 40 percent of the people who should get notice under State constitutional provisions get notice, something is drastically wrong. Until you put that in the U.S. Constitution, it is not going to change.

Mrs. FEINSTEIN. If the Senator will permit me, because I think he so well outlined that, I want to add one thing. No matter what we craft—we have taken two cracks at it and missed. Maybe the third time will either be another strike or a home run. I don't know. But, nonetheless, no matter how the statute is crafted, it will affect just 1 to 2 percent of the victims of violent crime all across this great land. For me, that is a very great problem.

Mr. SCHUMER. If the Senator will yield for a second, we have crafted many other criminal justice laws where we told the States, unless they did A, B, and C, we would take away their Federal money, and they did it. Drunk driving laws, sex offender laws—we can affect all 100 percent by using the tool of Federal money.

I yield back.

Mrs. FEINSTEIN. Then I think it is the wrong tool for what is a basic human right against government because it is government that refuses these people access. I think then you have to monitor government, and it would take a whole new bureaucracy to monitor government to see every notice was sent out and every change of address and that kind of thing. But I want to read a statement from someone who you do respect. I know you respect Professor Tribe. In addition, I know you respect the Attorney General of the United States. Just before you leave, I want to read a statement:

> Unless the Constitution is amended to ensure basic rights to crime victims, we will never correct the existing imbalance in this country between defendants' irreducible constitutional rights and the current haphazard patchwork of victims' rights. While a person arrested or convicted of a crime anywhere in the United States knows he is guaranteed certain basic protection under our Nation's most fundamental law, the victim of that crime has no guarantee of rights beyond those that happen to be provided and enforced in the particular jurisdiction where the crime occurred.

This is similar to the discussion of how many angels dance on the head of a pin. I supported the first State constitutional amendment in 1982. It is now 18 years later. Even by constitutional amendments, what Senator KYL said about 60 percent and 40 percent of victims being responded to is really correct. We believe it is never going to be enforceable, it is never going to be carried out. The bureaucratic inertia is too great, the system is too ingrained, and the Constitution of the United States should not be so static and so immutable that people who have suffered violence do not have a right in a court of law. That is what we are about. Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Chair. Mr. President, I wish to start by acknowledging the outstanding statements that were made during the course of yesterday's debate. Senators DORGAN, FEINGOLD, SCHUMER, DURBIN, MOYNIHAN, and THOMPSON each made a significant contribution to this debate. I thank them for sharing their views on the Constitution.

Before we go on in this debate, and before we get to the actual vote on the motion to proceed, I want to mention a couple issues that need to be considered:

One, who is a victim for purposes of the proposed constitutional amendment, and secondly, what does the amendment mean to prosecutions?

We asked the Congressional Research Service. This is what they said:

> [S.J. Res. 3 leaves] to another day the definition of "victim" for purposes of the amendment. . . . It is yet unclear whether S.J. Res. 3 . . . will wipe the slate clean or simply supplement existing law and whether it will trump conflicting defendant constitutional rights or if the need to accommodate both will in rare instances preclude prosecution in order to avoid conflict.

Think about that. CRS says under this amendment there are times when one might not be able to prosecute at all because of a conflict in its wording.

I do not know how stopping a prosecution with this amendment helps a victim in any way, shape, or manner.

What I wish instead is for those who share the concerns as I do for the victims of crime to join with me in finding a way to achieve progress without damaging our Constitution. I hope that even the most ardent proponents of this proposed constitutional change will try to find the best language possible. As Senator TORRICELLI said during debate on the so-called balanced budget amendment in 1997: "Good is simply not good enough when we are amending the Constitution of the United States." I agree. Constitutional amendments should be held to a much higher standard than simply what is good.

Every one of us begins a Congress by swearing that we "will support and defend the Constitution and bear true faith and allegiance to the same." We are honored by the constituents of our States. They allow us to serve here. We have that duty, if they allow us to serve, to honor and defend the Constitution.

But the oath does more than that. It recognizes our obligation to the great constitutional tradition of the United States and for those who forged this wonderful document. Our oath recognizes our responsibility to those who sacrificed to protect and defend our Constitution, but it is also our legacy to those who will succeed us.

No Member of this body owns a seat in the Senate. One-hundred of us are privileged to represent 250 million Americans. In days and years to come, others will take our places. Not only do we have to honor the commitment of those who put us here now, but we have to make sure we preserve the legacy for those who come after us.

I am afraid, as we see more and more constitutional amendments come down the pike—we have had 11,000 proposed since this country began—that we run the risk of our Constitution, which has served this Nation so well for over 200 years, being treated by the Senate as a rough draft rather than as the fundamental charter of this great and good Nation.

Over the last 6 years, this institution, the Senate, has been acting as though the Constitution is no longer serviceable, as though it needs some kind of major overhaul, as if we fortunate few who have been chosen to represent the people of our States since coming to Washington have acquired some special wisdom that makes us smarter than all the patriots and all the public servants who preceded us and wiser than the legislatures of all of our States, and certainly more knowledgeable than the founders of this Nation.

In 1995, the Senate debated and rejected three proposed constitutional amendments—H.J. Res. 1 on budgeting, S.J. Res. 21 on congressional term limits, on which cloture was immediately filed but was not invoked, and S.J. Res. 31 regarding the flag. Since that time, the Senate Judiciary Committee has continued to report proposed amendments at a record clip, and the Senate has been called upon to reaffirm its rejection of a proposed constitutional amendment on budgeting and to debate and vote on a proposed constitutional amendment on campaign finance.

Last year, the Senate devoted several weeks to an event of truly constitutional magnitude. That was the impeachment trial of the President. This year the pace of constitutional proposals has accelerated again. This is the third proposal to amend the Constitution that the Senate has been asked to debate in the last 30 days alone—the third constitutional amendment in the last 30 days. We could turn ourselves into another country, as referred to on this floor yesterday when the distinguished senior Senator from New York said that country's constitution changes so rapidly that the libraries should find it under periodicals.

In 1995, when he was to cast the decisive vote against a constitutional amendment on budgeting, Senator Mark Hatfield of Oregon came to the Senate floor to explain how he would vote. My dear friend of over 20 years said:

> The debate on the balanced budget amendment is not about reducing the budget deficit, it is about amending the Constitution of the United States with a procedural gimmick. . . . As I stated during the debate on a balanced budget amendment last year, a vote for this balanced budget amendment is not a vote for a balanced budget, it is a vote for a fig leaf.

Then Senator Hatfield concluded by saying:

> Voting for a balanced budget amendment is easy, working to balance the budget will not be. The Congress should not promise to the people that it will balance the Federal budget through a procedural gimmick. If the Congress has the political will to balance the budget, it should simply use the power that it already has to do so. There is no substitute for political will and there never will be.

My friend from Oregon was right. But the same could be said about crime victims' rights. Supporting a crime victims' rights constitutional amendment is easy, but working to ensure that crime victims are afforded their rights and that the protective provisions of law are implemented, that is something else again. That takes real effort. It takes on-the-ground implementation and the dedication of the necessary resources and effort.

We have had profiles in courage on constitutional amendments on this floor. Last month, the distinguished senior Senator from West Virginia, Senator ROBERT C. BYRD, showed courage and commitment to constitutional principles when he voted against S.J. Res. 14, a constitutional amendment regarding the flag. I was fortunate to be present during his extraordinary statement on March 29. During that statement he counseled the Senate, but he also counseled the Nation on how to approach proposals to amend the Constitution.

I said then that his statement was a great history lesson and example of political courage because Senator BYRD was reconsidering his vote. I must admit, much as I enjoyed his observations, much as I learned from them, I did not know they would be so instructive again so soon.

With respect to this proposed constitutional amendment on crime victims' rights, there is an open secret in this body; and that is, a number of Senators have begun conceding privately, many over the last several weeks, that they have personal misgivings about voting for this proposed amendment. They know that it is not necessary. They know that it does not meet the standard of Article V of the Constitution to justify constitutional amendments. It is not that necessary amendment of which Article V speaks.

Some of these Senators, people I respect greatly, on both sides of the aisle, admit they joined as cosponsors because it is popular, because there seemed little reason not to, or because another one of the sponsors had persistently urged them to do so.

But as one who has served a long time, as one who has certainly made his share of mistakes in votes or positions, but as one who has had the privilege to vote on this floor more than 10,000 times, I say to each of those Senators, including those who cosponsor this proposed constitutional amendment, that you have succeeded by your efforts in bringing this matter to debate before Congress. I say this most sincerely to the cosponsors, this debate can result in greater recognition of crime victims' rights. They could do that without amending the Constitution.

I also say, respectfully, that now it is time to debate and to consider that debate and decide how you will vote, whether you are a cosponsor or not, because how each of us votes and how the Senate acts is what is now the question. Each Senator is responsible for his or her own vote. Nobody can tell any one of us how we must or must not vote.

But for each of us, we should understand that if we vote on a constitutional amendment, that is one of the most important responsibilities we will ever exercise as an elected representative. It is a significant factor in the Senate legacy that each of us creates, but it is also what contributes to the lasting legacy of our Constitution.

As Senators—the 100 of us—we are custodians of the Constitution. It is a responsibility we should allow to weigh heavily on our shoulders, not to be exercised lightly. Each of us should take seriously our responsibility to defend the Constitution.

I have often said that rather than amending the Constitution we should conserve the Constitution. No Senator should rely on 34 others to do the right thing and preserve the Constitution. Senators should cast their votes only for a constitutional amendment that they can wholeheartedly support, that they can honestly say they understand, and whose implementation and impact they are confident they can fully anticipate. I say to my colleagues, with all due respect, very few of us could answer that challenge and vote for this constitutional amendment.

The Constitution is not a bulletin board. It is not an automobile bumper on which to affix currently popular slogans. A vote on a constitutional amendment is not something to be cast blithely. When it comes to amending the Constitution, the popular vote is not necessarily the right vote. The founders of this Nation knew that. That is why they put various hurdles before us to amend the Constitution.

Let us not sacrifice the traditional guarantee against an overreaching Federal Government that our Constitution provides and sacrifice it to a popular siren song. Rather, let us turn to the work needed to be done to provide those rights that crime victims need in the Federal system and provide the incentives for their implementation in the States' criminal justice systems. There is no need for a constitutional amendment to achieve these goals. We can achieve these goals without amending our Constitution.

A constitutional amendment is not like an ordinary statute. A statute you can revisit. You can say next year: We were a little bit wrong in that. Let's redo it. You can tweak it. You can revise it. You can amend it. You can change it. You can repeal it.

It is not so with an amendment to the Constitution. Here we are dealing with something else. This is not a commemorative resolution. This is not one of those things we rush down to the floor and say to somebody: Which amendment is this? Oh. And then voting yes or no. This is a constitutional amendment.

I think if we are going to change the fundamental charter of this great Nation, we ought to step back a little bit, step back from the political passions of the moment. We are debating a constitutional amendment. We are not endorsing the popularity of a notion or a goal.

The Constitution of the United States is a good document. It is not a sacred text. But I would say in a democracy it is as good a law as has ever been written. That is probably why our Constitution is the oldest existing Constitution today. It has survived as the supreme law of this land with very few alterations over the last 200 years.

Just think, more than 11,000 amendments have been proposed—many very popular at the time—but only 27 have been adopted; only 17 since the Bill of Rights was ratified over 200 years ago.

What have we gotten out of this? We have a Constitution that binds this country together rather than pushes it apart. It contains the Great Compromise that allowed small States, such as my State of Vermont, and large States, such as the State of the distinguished Senator from California, to join together in a spirit of mutual accommodation and respect.

I believe the State of Vermont may have had more population when it was admitted than the State of California. How much changes over time. That Great Compromise guaranteed that every State would have a voice in this wonderful body, the Senate, this place I love so much and will miss so greatly when I leave.

The Constitution embodies the protections that make real the pronouncements in our historic Declaration of Independence and give meaning to our inalienable rights to life, liberty, and the pursuit of happiness.

These are not just simply words we hear in Fourth of July speeches. These are the words that make up the bedrock of this great Nation.

The Constitution requires due process. It guarantees equal protection of the law. It protects our freedom of thought and expression, our freedom to worship as we want, or not, if we want. It also protects our political freedom. It is the basis for our fundamental right of privacy and for limiting Government's intrusions and burdens in our lives.

The provisions incorporated in the Bill of Rights ensure that Government power is not used unfairly against anyone. These provisions have protected us for over 200 years.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. DURBIN. I first commend the Senator from Vermont for his leadership on the Senate Judiciary Committee and the fact that he has taken this debate over this proposed constitutional amendment so seriously. Senator LEAHY has been a leader not just in terms of the Democratic side but in terms of the Senate, to make certain that although a handful of Members have come to the floor to consider a matter of this gravity, he has been here day in and day out.

My question to him goes to a point he has made so eloquently today in his statement and before. It is about the nature of this amendment. Is it true that this proposed constitutional amendment before us is longer in length, has more words in it, than the entire first 10 amendments to the Constitution known as the Bill of Rights?

Mr. LEAHY. It comes very close to those first 10 amendments. The example I used: When we look at copies of the Constitution, going to the Bill of Rights, the 4 or 5 lines in the first amendment, this goes 66 or 67 lines. This is a long, complicated statute. This should not be a constitutional amendment.

Mr. DURBIN. Is it true that the handiwork of James Madison and Thomas Jefferson in crafting the first 10 amendments to the Constitution, the Bill of Rights, the wisdom that has endured for over two centuries, is going to be rivaled, or is at least close to being rivaled, in length by this one amendment that is being proposed?

Mr. LEAHY. The Senator from Illinois is absolutely correct. That has been the case through the 63, 64, or 65 drafts of it, as it has worked its way through here.

Mr. DURBIN. I further ask the Senator from Vermont, it is my understanding that at least 63 different drafts of this amendment have been circulated around the Senate before it came to the floor today. Word has it that draft No. 64 is on the way, which we might get a chance to see before we vote on it. My question to the Senator is, in terms of victims' rights, does this not suggest that it would be better for us to have a statute rather than to amend the Constitution of the United States, if it takes so many pages of wording to address the concerns of the sponsors of this amendment?

Mr. LEAHY. I would much prefer a statute because, as the distinguished Senator from Illinois and the distinguished Senator from West Virginia know, a statute could be easily changed. It could easily be repealed, if we are wrong. In fact, if the Senator from Illinois will bear with me, I want to follow up on what he was saying. As an old printer's son, I made sure we had the same typeface on both sides of this chart. On the left side is the Bill of Rights; on the right side is the proposed constitutional amendment. Here is the Bill of Rights, all 10, and here is the constitutional amendment. They are just about the same length.

Mr. DURBIN. Will the Senator yield for another question?

Mr. LEAHY. Of course.

Mr. DURBIN. Despite the length of this amendment, the fact that it has been through 63 or 64 different versions, it is characterized as a constitutional amendment to protect the rights of crime victims. In this proposed amendment to the Constitution, is the word "victim" defined? Do we know what we are talking about in terms of what is a crime victim or who is a crime victim?

Mr. LEAHY. Mr. President, I say to my friend from Illinois, there is no definition of the word "victim." I must admit, as a former prosecutor, that is the first thing I look for. We all know that "victim" means different things to different people. It is not in here.

Mr. DURBIN. I ask the Senator from Vermont, is it not true that under Federal statute there are at least two or three different definitions currently of what "crime victim" might be?

Mr. LEAHY. The Senator from Illinois again is absolutely correct. They are defined very carefully in the statute because you have different remedies for different situations. You have different situations in which victims are defined differently. That is why we need a statute.

Mr. DURBIN. Is it not interesting that if we are going to give a constitutional right to a crime victim without defining who that victim might be, we are giving, under this proposed amendment, such things as the right to notice of criminal proceedings, so that the Government has a responsibility to notify people, without a definition of who those people might be or what class of people might be included?

Mr. LEAHY. The Senator from Illinois is absolutely right. It is one of the reasons why so many prosecutors have opposed this, but also why many victims groups have opposed this. They believe it is unworkable.

Mr. DURBIN. Will the Senator from Vermont also give me his thinking about section 1 of this proposed constitutional amendment which outlines and specifies the constitutional right to "consideration of the interest of the victim that any trial be free from unreasonable delay"?

People such as George Will, a conservative commentator, have asked what in the world this could mean, to give to a victim "consideration." My question is, if you are going to add wording to amend the Constitution, if I am not mistaken, since the passage of the Bill of Rights, which would be the 18th or 19th amendment we have enacted in Congress, whether such vague wording as "consideration" of victims is adequate to stand the test of time and trial before the Federal court system.

Mr. LEAHY. I say to my friend, you could probably have 25 constitutional experts who would give you 25 different interpretations of what that word means.

Mr. DURBIN. I thank the Senator from Vermont. Most people, when they think of a crime victim, can obviously identify the victim of an assault or battery or robbery, of course. In a murder situation, does the victim of the crime include the family of the murder victim? You might think it would. But if it is going to include family and relatives of the actual victims of crimes, how large of a net is being cast here to require the Government to give notice of trial to accommodate the scheduling of trials and hearings for this group, that may be rather large if you consider everyone affected by a crime?

Mr. LEAHY. I say to my friend from Illinois, in different cases I prosecuted, especially sometimes in family crimes of incest, rape, of beatings, of murders, sometimes we have a little bit of difficulty to make at least an initial determination of who the victim was and who the perpetrator was. It creates all kinds of problems.

Mr. DURBIN. Is it not true that every State in the Union has at least a statute or a provision in their constitution protecting the rights of crime victims?

Mr. LEAHY. Yes. I say to my friend from Illinois, we may consider sometimes as necessary, under Article V, a constitutional amendment, if the States or Federal Government are unable to do these things otherwise. The fact is, they are doing it very well without a constitutional amendment. Thus, it removes the test of necessity we see in Article V.

Mr. DURBIN. Exactly the question I was going to ask. If we are going to amend the Constitution of the United States to take on this awesome responsibility, a document which all of us have sworn to uphold and defend, should we not be in a situation where there is no other recourse, where we have a situation where State statutes are being stricken, where there is some controversy at hand as to whether or not crime victims across the United States are being accommodated? The test of necessity seems to me to be the threshold test which we should meet before we come together on the floor of the Senate to consider an amendment to the Constitution of the United States.

Would the Senator from Vermont comment on that, please?

Mr. LEAHY. I say to my friend from Illinois that they should meet the test of necessity. I have always felt it meant in the Constitution that the test of necessity should be a high bar. In this case, I don't even think it is a low bar. There is no test of necessity here.

Mr. DURBIN. Is the Senator aware Mr. Will reported in a column recently that this is the fourth time in 29 days that Congress is voting on an amendment to the Constitution of the United States?

Mr. LEAHY. Yes, absolutely; one in the Senate and three in the House.

Mr. President, I know the Senator from Nebraska wishes to yield his time to the Senator from Arizona. I yield for that purpose.

Mr. HAGEL. Mr. President, I ask unanimous consent that my 1 hour of debate be allocated to the distinguished Senator from Arizona, Mr. KYL.

The PRESIDING OFFICER (Mr. GREGG). Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank my dear friend from Illinois for the questions he has asked. He has worked so hard on this. He has spoken, as I said, brilliantly on this matter and I appreciate him coming here.

Earlier this week, I was honored to join in a Dear Colleague letter with the senior Senator from West Virginia. I have referred to Senator BYRD as the Senate's constitutional sage. Senator BYRD has played a leading role in protecting our Constitution over the last several years as it has weathered assault after assault. He counseled the Senate on the so-called balanced budget amendment, which would have been a travesty. He was right. He has preserved the protection of our separation of powers against the line-item veto. Again, he was right. He showed great courage and wisdom with his vote and statement on the flag amendment on March 29. As I said, I was fortunate enough to join with the distinguished Senator from West Virginia on a Dear Colleague letter. We sent it out on April 24.

I ask unanimous consent that this Dear Colleague letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 24, 2000.

DEAR COLLEAGUE: On Tuesday, April 25, 2000, the Senate will begin its consideration of S.J. Res. 3, the proposed victims' rights amendment to the United States Constitution. We are writing to urge you to consider this matter carefully and protect the Constitution by voting against this unnecessary amendment.

Article V of the Constitution establishes the process for constitutional amendment. The process is cumbersome because the Framers intended it to be. Under Article V, Congress shall only propose an amendment to the States if two-thirds of both Houses deem it "necessary." James Madison, one of the principal architects of the Constitution, cautioned that constitutional amendment should be reserved for "certain great and extraordinary occasions," when no other alternative is available.

Of the more than 11,000 constitutional amendments introduced in Congress, only 27 have been adopted. The first 10 were ratified as our Bill of Rights in 1791, 209 years ago. There have been just 17 additional amendments. Despite all of the political, economic, and social changes this country has experienced over the course of more than two centuries; despite the advent of electricity and the advent of the internal combustion engine; despite one civil war and two world wars and several smaller wars; despite the discovery of modes of communication and transportation beyond the wildest fancies of the most visionary framers, this document, the Constitution of the United States, has been amended only 17 times since the Bill of Rights.

No "great and extraordinary" occasion calls for passage of this proposed amendment, S.J. Res. 3. Tremendous strides have been made in the past 20 years toward ensuring better and more comprehensive rights and services for victims of crime. Today, there are over 30,000 laws nationwide that define and protect victims' rights, as well as over 10,000 national, State, and local organizations that provide assistance to people who have been hurt by crime. There is no evidence that these laws and organizations are failing to protect victims.

The Constitution creates no impediment to the enactment of State and Federal laws to protect crime victims. Indeed, the proponents of this constitutional amendment cannot cite a single judicial decision that was not eventually reversed in which a victims' rights statute or State constitutional amendment was not given effect because of a right guaranteed to the accused in the Federal Constitution. Moreover, given the extraordinary political popularity of the victims' movement, there is every reason to believe that the legislative process will continue to be responsive to enhancing victims' interests.

Tinkering with the careful system of Federalism established by the Constitution can have far reaching and unexpected consequences. When it comes to our founding charter, history demands our utmost prudence.

Sincerely,

ROBERT C. BYRD,
U.S. Senator.
PATRICK LEAHY,
U.S. Senator.

Mr. KYL. Mr. President, the Senator from South Carolina has asked that I ask unanimous consent, on his behalf, that he may yield his hour of debate to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Connecticut. I yield to him.

Mr. DODD. Mr. President, I will speak briefly, as I know our colleague from West Virginia is going to return to the floor to speak momentarily. As soon as he arrives, I will be glad to yield immediately. At some later point, I will take a little more time to express my views on this issue.

I want to begin with these brief remarks by, first of all, commending my colleague from Arizona and my colleague from California. This is a legitimate issue, in my view. I don't know how many of my colleagues last evening—or in the last two evenings—I can't remember whether it was last night or the night before—saw a news program about the families of the victims in the Starbucks shootings in this city. It was very moving to see these families being considered and their presence during the court proceedings in the disposition of this matter. It was heartwarming for me to see the families have an opportunity to express how they felt about what had happened and what the sentences were going to be regarding those charged with this crime. It is not something that we have seen with great frequency over the years, but it exists because there is a provision within the law in the District of Columbia that gives victims some rights.

To that extent, I begin these brief remarks by saying to my good friends from Arizona and California, I have great respect for the issue they are trying to address—that victims of crime be given the opportunity to be involved in the proceedings where loved ones, family members, people they cared about deeply, who have been victimized, are going to have a chance to be heard and to be involved.

The concern I have is not that they have failed to identify a problem. They have. My concern is with the solution to the problem they have sought. The solution that my good friends from Arizona and California have offered to address this issue is to amend the Constitution of the United States before considering the opportunity of writing statutory language, which might achieve the very same result without amending the cornerstone, the most fundamental document each and every one of us cherish as Americans.

A statute can be changed in a minute if there are problems with it, as time may prove. When you consider the Constitution of the United States, our Founding Fathers wrote the document and made it difficult to amend because they didn't want this to become a statute, an ordinance, a collection of wishes, a place where we would write party platforms. They wanted it to be the embodiment of the fundamental principles we embrace as Americans, and to change it would take herculean efforts.

My concern is that there are already on the books numerous statutes that give victims the right to be heard in this process, as we saw just last evening in the case of the Starbucks crime here in this city. And across the country, such statutes exist. I happen to revere, as I know my colleagues do, the Constitution of the United States. I carry with me every day in my pocket a copy of the Constitution. It was given to me by my seatmate, the distinguished senior Senator from West Virginia. I carry it with me every single day everywhere I go. I constantly remind myself of what I was elected to do, what purpose I am supposed to serve as a Member of the Senate.

The first and foremost of my responsibilities is to protect and defend this Constitution. That is my first responsibility. So when efforts are made to change this document—this thin document which—to protect and defend this Constitution is, in my view, our primary responsibility. We have before us a proposal for a constitutional amendment, which is represented on the left side of this chart. Here is the proposed constitutional amendment.

It is nearly longer than the entire Bill of Rights. The first 10 amendments—the Bill of Rights is shorter than this proposed constitutional amendment. That in and of itself ought to give us pause and cause us to be concerned, to wait and ask: Are we really going to add a provision, given the one issue, and write it into the cornerstone document of this country which has more sections and more words than is included in the Bill of Rights on which all of our individual freedoms are grounded?

I say to my good friends from Arizona and California that I could not agree with them more in identifying for the country in this forum the issue of victims' rights. It deserves and it demands attention, from State legislatures to the United States Congress. But the solution I suggest must first be sought in statutory language. If at the end of the day the statutory language is found to be unconstitutional, then you might consider amending the Constitution. But you don't seek the solution to that problem by amending the cornerstone document of our Nation first. Try the statute first. Let's see if we cannot address this problem through that vehicle and through that process, and if that fails, then come to the Constitution. But don't begin the process there. That, to me, is too dangerous.

We have an obligation to protect victims. We also have an obligation to protect the Constitution of the United States.

For those reasons, with all due respect to my colleagues whom I highly respect and have a great regard for—I have worked with my colleague from California on numerous issues, and with my colleague from Arizona, not as many, but I have a high regard for him, for his abilities, and for his contribution to the Senate—I urge them to take the language they proposed, and let's work with it. Let's see if we can't draft a statute that would allow us to address the legitimate concerns of victims. Write it into the ordinances of our land. Test it in the courts, if you will, but do not tamper at this juncture with the Constitution of the United States.

I see the arrival of my good friend whom I just referred to by thanking him publicly for giving me my copy of the Constitution, which I carry with me.

I yield the floor.

Mr. LEAHY. Mr. President, earlier I put into the RECORD the letter that I was honored to sign with the distinguished Senator from West Virginia explaining why we should not go forward with this amendment to the Constitution

Let me say one last thing on this. Ours is a powerful Constitution. It is inspiring because of what it allows. It is inspiring because it protects the liberty of all of us.

Think of the responsibility the 100 of us here have. Let us be good stewards. Let's keep for our children and our children's children the Constitution with protections as well considered as those bequeathed to us by the founders, the patriots, and the hard-working Americans who preceded us. Work together to improve crime victims' rights in legislation. Let the States do the same. But let us remember that the 100 of us are the ones who must reserve constitutional amendments for those matters for which there are no other alternatives available, and this is not such a matter.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 1287

Mr. KYL. Mr. President, on behalf of the majority leader, I ask consent that when the Senate receives the veto message to accompany the nuclear waste bill, it be considered as read by the clerk and spread in full upon the Journal and then temporarily laid aside, with no call for the regular order returning the veto message as the pending business in order.

I further ask consent that at 9:30 a.m. on Tuesday, May 2, the Senate proceed to the veto message and there be 90 minutes under the control of Senator MURKOWSKI and 90 minutes under the control of Senators REID and BRYAN.

I further ask consent that the Senate stand in recess for the weekly party conferences between the hours of 12:30 and 2:15 p.m. on Tuesday, May 2, 2000.

I further ask consent that at 2:15 p.m. on Tuesday, there be an additional 30 minutes under the control of Senators REID and BRYAN and 30 minutes under the control of Senator MURKOWSKI and at 3:15 p.m. the Senate proceed to vote on the question "Shall the bill pass, the objections of the President to the contrary notwithstanding?" all without any intervening action.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VETO MESSAGE—S. 1287

The PRESIDING OFFICER. The Chair notes for the record the receipt by the Senate of the President's veto message on S. 1287, which, under the previous order, shall be considered as read and spread in full upon the Journal and shall be laid aside until 9:30 a.m. on Tuesday, May 2, 2000.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—Motion to Proceed—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to yield my time to the distinguished senior Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I have listened to the comments by my colleagues, those who are proponents of the proposed constitutional amendment before the Senate, and I have listened to the comments of many of my colleagues who have spoken in opposition to the proposed amendment. I compliment both sides on the debate. I think it is an enlightening debate.

I will have more to say if the motion to proceed is agreed to.

In view of the statements that have been made by several of those who are opposed to the amendment—the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN), and the Senator from Connecticut (Mr. DODD), and others, they have cogently and succinctly expressed my sentiments in opposition to the amendment.

I congratulate the Senator from Vermont, Mr. LEAHY, on his statements in opposition thereto, as well as the leadership he has demonstrated not only on this proposed constitutional amendment but also in reference to other constitutional amendments before the Senate in recent days and in years past. He is a dedicated Senator in every respect. He certainly is dedicated to this Federal Constitution and very ably defends the Constitution.

I do not say that our Constitution is static. John Marshall said it was a Constitution that was meant for the ages. I will go into that more deeply later. At a later date, I will address this particular amendment.

But having been a Member of the Congress now going on 48 years, I may not be an expert on the Constitution, but I have become an expert observer of what is happening in this Congress and its predecessor Congresses, and an observer of what is happening by way of the Constitution. I consider myself to be as much an expert in that regard as anybody living because I have been around longer than most people. I have now been a Member of Congress, including both Houses, longer than any other Member of the 535 Members of Congress today.

I must say that I am very concerned about the cavalierness which I have observed with respect to the offering of constitutional amendments. There seems to be a cavalier spirit abroad which seems to say that if it is good politically, if it sounds good politically, if it looks good politically, if it will get votes, let's introduce an amendment to the Constitution. I am not saying that with respect to proponents of this amendment, but, in my own judgment, I have seen a lot of that going on.

I don't think there is, generally speaking, a clear understanding and appreciation of American constitutionalism. I don't think there is an understanding of where the roots of this Constitution go. I don't think there is an appreciation for the fact that the roots of this Constitution go 1,000 years or more back into antiquity. I do not address this proposed constitutional amendment as something that is necessary, nor do I address this, the Constitution today, as something that just goes back to the year 1787, 212 years ago.

The Constitution was written by men who had ample experience, who benefited by their experience as former Governors, as former members of their State legislatures, as former members of the colonial legislatures which preceded the State legislatures, as former Members of the Continental Congress which began in 1794, as Members of the Congress under the Articles of Confederation which became effective in 1781. Some of the members of the convention came from England, from Scotland, from Ireland. Alexander Hamilton was born in the West Indies. These men were very well acquainted with the experiences of the colonialists. They were very much aware of the weaknesses, the flaws in the Articles of Confederation. They understood the State constitutions. Most of the 13 State constitutions were written in the years 1776 and 1777. Many of the men who sat in the Constitutional Convention of 1787 had helped to create those State constitutions of 1776 and 1777 and subsequent thereto. Many of them had experience on the bench. They had experiences in dealing with Great Britain during and prior to the American Revolution. Some of them had fought in Gen. George Washington's polyglot, motley army. These men came with great experience. Franklin was 81 years old. Hamilton was 30. The tall man with the peg leg, Gouverneur Morris, was 35. Madison was 36. They were young in years, but they had tremendous experience back of those years.

So the Constitution carries with it the lessons of the experiences of the men who wrote it. They were steeped in the classics. They were steeped in ancient history. They knew about Polybius. They knew how he wrote about mixed government. They knew what Herodotus had to say about mixed government. They knew what other great Greek and Roman authors of history had learned by experience, centuries before the 18th century. They knew about the oppression of tyrannical English monarchs. They knew the importance of the English Constitution, of the Magna Carta, of the English Bill of Rights in 1689. They knew about the English Petition of Right in 1628. All of these were parts of the English Constitution, an unwritten Constitution except for those documents, some of which I have named—the Petition of Right, the Magna Carta, the decisions of English courts, and English statutes.

So to stand here and say, in essence, that the Constitution reflects the viewpoints of the men who wrote that Constitution in 1787, or only reflects the views of our American predecessors of 1789, or those who ratified the Constitution in 1790 or in 1791, is only a partial truth. The roots of this Constitution—a copy of which I hold in my hand—go back 1,000 years, long before 1787, long before 1791 when the first 10 amendments which constitute the American Bill of Rights were ratified. That was only a milestone along the way—1787, 1791. These were mere milestones along the way to the real truths, the real values that are in this Constitution, a copy of which I hold in my hand. Those are only milestones along the way, far beyond 1787, far beyond 1776 or 1775 or 1774. Why was that revolution fought? Why did our forbears take stand there on the field of Lexington, on April 19, and shed their blood? Why was that revolution fought? It was fought on behalf of liberty. That is what this Constitution is all about—liberty, the rights of a free people, the liberties of a free people. Liberty, freedom from oppression, freedom from oppressive government, that is why they shed their blood at Lexington and at Bunker Hill and at Kings Mountain and at Valley Forge, down through the decades and the centuries. The blood of Englishmen was spilled centuries earlier in the interests of liberty, in the interests of freedom: Freedom of the press, freedom to speak, freedom to stand on their feet in Parliament and speak out against the King, freedom from the oppression of the heavy hand of government. That is what that Constitution is about.

There are those who think that the Constitution sprang from the great minds of those 39 men who signed the Constitution at the Convention, of the 55 who attended the meetings of the Convention—some believe that it sprang from their minds right on the spot. Some believe that it came, like manna from Heaven, fell into their arms. It sprang like Minerva from the brain of Jove. That is what they think.

No, I say a miracle happened at Philadelphia, but that was not the miracle. The miracle that occurred at Philadelphia was the miracle that these minds of illustrious men gathered at a given point in time, at Philadelphia, and over a period of 116 days wrote this Constitution. It could not have happened 5 years earlier because they were not ready for it. Their experiences of living under the Articles of Confederation had not yet ripened to a point where they were ready to accept the fact that there had to be a new government, a new constitution written. And it could not have happened 5 years later because the violence that they saw in France, as the guillotine claimed life after life after life, had not yet happened. Some 5 years later, they would have seen that violence of the French Revolution, and they would have recoiled in horror from it.

The writing of this Constitution happened at the right time, at the right place, and it was written by the right men. That was the miracle of Philadelphia.

Here we are today talking about amending it, this great document, the greatest document of its kind that was ever written in the history of the world. There is nothing to compare it with, by way of man-made documents. Who would attempt to amend the Ten Commandments that were handed down to Moses? Not I. Yet, we, little pygmies on this great stage, before the world, would attempt to pit our talents and our wisdom against the talents and wisdom, the experience and the viewpoints of men such as George Washington, James Madison, Alexander Hamilton, Gouverneur Morris, Benjamin Franklin, John Dickenson, James Wilson, Roger Sherman? In article V of this Constitution, they had the foresight to write the standard. If we want to find the standard for this Constitutional amendment, or any other Constitutional amendment here is the standard in the Constitution itself.

> The Congress, whenever two-thirds of both Houses shall deem it necessary—

The Congress, whenever two thirds of both Houses shall deem it necessary—

> shall propose Amendments. . . .

I don't say that the Constitution is static. I don't say it never should be amended. I would vote for a constitutional amendment if I deemed it "necessary." Certainly, I do not see this proposed amendment as necessary, but I will have more to say about that later.

I don't say that the Constitution is perfect. I do say that there is no other comparable document in the world that has ever been created by man. And when that Constitution uses the word "necessary," it means "necessary," because no word in that Constitution was just put into that document as a place filler.

I do think this is a time that I might speak a little about the constitutionalism behind the American Constitution. I think it might be well for anyone who might be patient enough or interested enough, to hear what I am going to say, because I don't think enough people understand the Constitution. I am sure they don't understand the roots of the Constitution. They don't understand American constitutionalism. It is a unique constitutionalism, the American constitutionalism. I don't think most people understand it.

In response to a recent nationwide poll, 91 percent of the respondents agreed with this statement: "The U.S. Constitution is important to me."

Mr. President, 91 percent of the respondents agreed to that: "The U.S. Constitution is important to me." Yet only 19 percent of the people polled knew that the Constitution was written in 1787; only 66 percent recognized the first 10 amendments to the Constitution as the Bill of Rights—only 66 percent. Only 58 percent answered correctly that there were three branches of the Federal Government; 17 percent were able to recall that freedom of assembly is guaranteed by the first amendment to the Constitution—17 percent, 17 percent. Yet you see them out here all the time, on the Capitol steps, assembling, petitioning the Government for a redress of what they conceive to be grievances. They know they have that right, but only 17 percent were able to recall that freedom of assembly is guaranteed by the first amendment to the Constitution.

Only 7 percent remembered that the Constitution was written at the Constitutional Convention; 85 percent believed that the Constitution stated that "All men are created equal"—or failed to answer the question; and only 58 percent agreed that the following statement is false: "The Constitution states that the first language of the U.S. is English."

The American people love the Constitution. They believe the Constitution is good for them collectively and individually, but they do not understand much about it. And the same can be said with respect to constitutionalism. The same can be said with respect to the Members of Congress; that means both Houses. Not a huge number, I would wager, of the Members of the Congress of both Houses know a great deal about the Constitution. How many of them have ever read it twice?

Each of us takes an oath to support and defend the Constitution of the United States every time we are elected or reelected. We stand right up at that desk with our hand on the Bible—at least that is the image people have of us—and we swear in the presence of men and Almighty God to support and defend that Constitution. How many of us have read it twice? How many of us really know what is in that Constitution? And yet we will suggest amendments to it.

With 91 percent of the people polled agreeing that the U.S. Constitution is important to themselves, it is a sad commentary that this national poll would reveal that so many of these same Americans are so hugely ignorant of their Constitution and of the American history that is relevant thereto.

Let us think together for a little while about this marvelous Constitution, its roots and origins and, in essence, the genesis of American constitutionalism—a subject about which volumes have been written and will continue to be written. It is with temerity that I would venture to expound upon such a grand subject, but I do so with a full awareness of my own limited knowledge and capabilities in this respect, which I freely admit, and for which I just as freely apologize. Nonetheless, let us have at it because the clock is running and time stops for no one, not even a modern day Joshua.

Was Gladstone correct in his reputed declaration that the Constitution was "the most wonderful work ever struck off at a given time by the brain and purpose of man"? Well, hardly.

In 1787, the only written constitutions in the world existed in English-speaking America, where there were 13 State constitutions and a constitution for the Confederation of the States, which was agreed upon and ratified in 1781. That was our first National Constitution. Americans were the heirs of a constitutional tradition that was mature by the time of the Convention that met in Philadelphia. Americans had tested that tradition between 1776 and 1787 by writing eleven of the State constitutions and the Articles of Confederation. Later, with the writing of the United States Constitution, they brought to completion the tradition of constitutional design that had begun a century and a-half or two centuries earlier.

So when someone stands here and says that this Constitution just represents what those people of 1789 or 1787 or 1791 believed, what they thought, then I say we had better stop, look, and listen. The work of the Framers brought to completion the tradition of constitutional design that had begun a century and a half or two centuries earlier right here in America.

Let us move back in point of time and attempt to trace the roots of what is in this great organic document, the Constitution of the United States. Looking back, the search—we are going backward in time now—takes us first to the Articles of Confederation. A lot of people in this country do not know that the Articles of Confederation ever existed. They have forgotten about them. They never hear about them anymore. And then to the earliest State constitutions, and back of these—going back, back in point of time—were the colonial foundation documents that are essentially constitutional, such as the Pilgrim Code of Law, and then to the proto-constitutions, such as the Fundamental Orders of Connecticut and the Mayflower Compact. As one scholar, Donald S. Lutz, has noted:

> The political covenants written by English colonists in America lead us to the church covenants written by radical Protestants in the late 1500's and early 1600's, and these in turn lead us back to the Covenant tradition of the Old Testament.

It is appropriate, for our purposes here to focus for a short time on those Old Testament covenant traditions because they were familiar not only to the early settlers from Europe—your forebears and mine—but also to the learned men who framed the United States Constitution.

In the book of Genesis we are told that the Lord appeared to Abram saying: "Get thee out of thy country, and from thy kindred, and from thy father's house, unto a land that I will show thee: and I will make of thee a great nation, and I will bless thee, and make thy name great;" (Genesis 12:1,2)

In Chapter 17 of Genesis, verses 4–7, God told Abram: "As for me, behold, my covenant is with thee, and thou shalt be a father of many nations. Neither shall thy name any more be called Abram, but thy name shall be Abraham; for a father of many nations have I made thee. . . . And I will make nations of thee, and kings shall come out of thee. And I will establish my covenant between me and thee and thy seed after thee in their generations for an everlasting covenant, to be a God unto thee, and to thy seed after thee."

Again, speaking to Abraham, God said: "This is my covenant, which ye shall keep, between me and you and thy seed after thee; Every man child among you shall be circumcised." (Genesis 17:10)

The Abrahamic covenant was confirmed upon subsequent occasions, one of which occurred after Abraham had prepared to offer Isaac, his son, as a burnt offering in obedience to God's command, at which time an angel of the Lord called out from heaven and commanded Abraham, "Lay not thine hand upon the lad, . . . for now I know that thou fearest God." (Genesis 22:12)

The Lord then spoke to Abraham saying, "I will bless thee, and in multiplying, I will multiply thy seed as the stars of the heaven, and as the sand which is upon the sea shore . . . because thou hast obeyed my voice." (Genesis 22:17,18)

God's covenant with Abraham was later confirmed in an appearance before Isaac, saying: "Go not down into Egypt; dwell in the land which I shall tell thee of." Sojourn (see Gen. 26:3–5)

God subsequently confirmed and renewed this covenant with Jacob, as he slept with his head upon stones for his pillows and dreamed of a ladder set upon the earth, and the top of it reached to heaven, with angels of God ascending and descending on it. God spoke, saying: "I am the Lord God of Abraham, . . . and the God of Isaac: the land whereon thou liest, to thee will I give it, and to thy seed; and thy seed shall be as the dust of the earth . . . and in thee and in thy seed shall all the families of the earth be blessed." (Genesis 28:11–14)

At Bethel, in the land of Canaan, Jacob built an altar to God, and God appeared unto Jacob, saying: "Thy name is Jacob; thy name shall not be called any more Jacob, but Israel shall be thy name." And God said unto him, "I am God almighty: be fruitful and multiply; a nation and a company of nations shall be of thee, and kings shall come out of thy loins; and the land which I gave Abraham and Isaac, to thee I will give it, and to thy seed after thee will I give the land." (Genesis 35:10,11)

The book of Exodus takes up where Genesis leaves off, and we find that the descendants of Jacob had become a nation of slaves in Egypt. After a sojourn that lasted 430 years, God then brought the Israelites out of Egypt that he might bring them as his own prepared people into the Promised Land. Exodus deals with the birth of a nation, and all subsequent Hebrew history looks back to Exodus as the compilation of the acts of God that constituted the Hebrews a nation.

Thus far, we have seen the successive covenants entered into between God and Abraham and between God and Isaac and between God and Jacob; we have seen the creation of a nation through what might be described as a federation—there is the first system of federalism—a federation of the 12 tribes of Israel, the 12 sons of Jacob having been recognized as the patriarchs of their respective tribes.

Joshua succeeded Moses as leader of the Israelites. Then came the prophets and the judges of Israel, and the turmoils of the divided kingdoms of Judah and Israel. Samuel anointed the first king—Saul, and the kingship of David followed. Thus we see the establishment of a monarchy.

God covenanted with David, speaking to him through Nathan the prophet, and God promised to raise up David's seed after his death, according to which a son would be born of David, whose name would be Solomon. Furthermore, Solomon would build a house for the Lord and would receive wisdom and understanding. The Ark of the Covenant of the Lord, and the holy vessels of God, would be brought into the sanctuary that was to be built to the name of the Lord.

Now I have spoken of the creation of the Hebrew nation, and not without good reason. The American constitutional tradition derives much of its form and much of its content from the Judeo-Christian tradition as interpreted by the radical Protestant sects to which belonged so many of the original European settlers in British North America.

Donald S. Lutz, in his work entitled "The Origins of American Constitutionalism", says: "The tribes of Israel shared a covenant that made them a nation. American federalism originated at least in part in the dissenting Protestants' familiarity with the Bible".

The early Calvinist settlers who came to this country from the Old World brought with them a familiarity with the Old Testament covenants that made them especially apt in the formation of colonial documents and state constitutions.

Winton U. Solberg tells us that in 17th-century colonial thought, divine law, a fusion of the law of nature in the Old and New Testaments, usually stood as fundamental law. The Mayflower Compact—we have all heard of that—the Mayflower Compact exemplified the Doctrine of Covenant or Contract. Puritanism exalted the biblical component and drew on certain scriptural passages for a theological outlook. Called the Covenant or Federal Theology, this was a theory of contract regarding man's relations with God and the nature of church and state. Man was deemed an impotent sinner until he received God's grace, and then he became the material out of which sacred and civil communities were built.

Another factor that contributed to the knowledge of the colonists and to their experience in the formation of local governments, was the typical charter from the English Crown. These charters generally required that the colonists pledge their loyalty to the Crown, but left up to them, the colonists, the formation of local governments as long as the laws which the colonists established comported with, and were not repugnant to, the laws of England. Boards of Directors in England nominally controlled the colonies. The fact that the colonies were operating thousands of miles away from the British Isles, together with the fact that the British Government was so involved in a bloody civil war, made it possible for the American colonies to operate and evolve with much greater freedom and latitude than would otherwise have been the case. The experiences gained by the colonists in writing documents that formed the basis for local governments, and the benefits that flowed from experience in the administration of those colonial governments, contributed greatly to the reservoir of understanding of politics and constitutional principles developed by the Framers.

Although the Constitution makes no specific mention of federalism, the federal system of 1787 was not something new to the Framers. Compacts had long been used as a device to knit settlements together. For example, the Fundamental Orders of Connecticut, 1639, established a Common government for the towns of Hartford, Windsor, and Wethersfield, while each town government remained intact. In 1642, the towns of Providence, Pocasset, Portsmouth, and Warwick in Rhode Island devised a compact known as the Organization of the Government of Rhode Island, a federation which became a united colony under the 1663 Rhode Island Charter. The New England Confederation of 1643 was a compact for uniting the colonies of Massachusetts, Connecticut, Plymouth, and New Haven, each of which was comprised of several towns that maintained their respective governments intact.

Thus, the Framers were guided by a long experience with federalism or confederalism, including the Articles of Confederation—an experience that was helpful in devising the new national federal system.

Lutz says that the states, in writing new constitutions in the 1770s, "drew heavily upon their respective colonial experience and institutions. In American constitutionalism, there was more continuity and from an earlier date than is generally credited."

That is why I am here today speaking on this subject. Let it be heard. Let it be known that the roots of this Constitution go farther back than 1787, farther back than its ratification in 1791—farther back. They were writing based on historical experiences that went back 1,000 years, before the Magna Carta, back to the Anglo-Saxons, back another 2,000 years, back another 1,500 years, back to the federalism of the Jewish tribes of Israel and Judah. Wake up. This Constitution wasn't just born yesterday or in 1787. Let us go back to history. Let us study the history of American constitutionalism, its roots, how men suffered under oppressive governments. Then we will have a little better understanding of this Constitution. No, the Constitution is not static. History is not static. The journey of mankind over the centuries is not static. We can always learn from history.

To what extent were the Framers influenced by political theorists and republican spokesmen from Britain and the Continent? According to Solberg, republican spokesmen in England constituted an important link on the road to the realization of a republic in the United States.

I hear Senators stand on this floor and say that we live in a democracy. This is not a democracy. This is a republic. You don't have to believe ROBERT C. BYRD. Go to Madison, go to "The Federalist Papers," Federalist Paper No. 10 or Federalist Paper No. 14—those of you who are listening—and you will find the definition of a democracy and the definition of a republic. You will find the difference between the two.

John Milton, whose literary accomplishments and Puritanism assured him of notice in the colonies, was significant for the views expressed in his political writings. He supported the sovereign power of the people, argued for freedom of publications, and justified the death penalty for tyrants.

English political thinkers who influenced American constitutionalism and who exerted an important influence in the colonies were Bolingbroke, Addison, Pope, Hobbes, Blackstone, and Sir Edward Coke. And there were others.

John Locke may be said to have symbolized the dominant political tradition in America down to and in the convention of 1787.

Locke equated property with "life, liberty, and estate" and was the crucial right on which man's development depends. Nature, Locke thought, creates rights. Society and government are only auxiliaries which arise when men consent to create them in order to preserve property in the larger sense, and a community calls government into being to secure additional protection for existing rights. As representatives of the people, the legislature is supreme but is itself controlled by the fundamental law. Locke limits government by separating the legislative and administrative functions of government to the end that power may not be monopolized. That is assured by our Constitution also. The people possess the ultimate right of resisting a government which abuses its delegated powers. Such a violation of the contract justified the community in resuming authority.

David Hume dealt with the problem of faction in a large republic, and promoted the device of fragmenting election districts. Madison, when faced with the same problem in preparing for the federal convention, supported the idea of an extended republic—drawing upon Hume's solution.

Blackstone's view was that Parliament was supreme in the British system and that the locus of sovereignty was in the lawmaking body. His absolute doctrine was summed up in the aphorism that "Parliament can do anything except make a man a woman or a woman a man."

His "Commentaries on the Laws of England" was the most complete survey of the English legal system ever composed by a single hand. The commentaries occupied a crucial role in legal education, and many of Blackstone's ideas were uppermost on American soil from 1776 to 1787, with vital significance for constitutional development both in the states and in Philadelphia. Although delegates to the convention acknowledged Blackstone as the preeminent authority on English law, they, nevertheless, succeeded in separating themselves from some of his other views.

James Harrington's "Oceana" presented a republican constitution for England in the guise of a utopia. He concluded that since power does follow property, especially landed property, the stability of society depends on political representation reflecting the actual ownership of property. The distinguishing feature of Harrington's commonwealth was "an empire of laws and not of men." Harrington proposed an elective ballot, rotation in office, indirect election, and a two-chamber legislature.

This goes back a long way, doesn't it?

Harrington proposed legislative bicameralism as a precaution against the dangers of extreme democracy, even in a commonwealth in which property ownership was widespread. He argued that a small and conservative Senate should be able to initiate and discuss but not decide measures, whereas a large and popular house should resolve for or against these without discussion.

These were novel but significant ideas that became influential in America, in this country, before 1787. John Adams was an ardent disciple of Harrington's views.

James Harrington was the modern advocate of mixed government most influential in America. That is what ours is. The government of his "Oceana" consisted of a Senate which represented the aristocracy; a huge assembly elected by the common people, thus representing a democracy; and an executive, representing the monarchical element, to provide a balancing of power.

Harrington's respect for mixed government was shared by Algernon Sidney, who declared: "There never was a good government in the world that did not consist of the three simple species of monarchy, aristocracy, and democracy."

The mixed government theorists saw the British king, the House of Lords, and the House of Commons as an example of a successful mixed government.

The notion of mixed government goes all the way back to Herodotus, and who knows how far beyond. It was a notion that had been around for several centuries. Herodotus in his writings concerning Persia had expounded on the idea, but it had lost popularity until it was revived by the historian Polybius who lived between the years circa 205–125 B.C. It was a governmental form that pitted the organs of government representing monarchy, aristocracy, and democracy against each other to achieve balance and, thus, stability. The practice of mixed government collapsed along with the Roman Republic, but the doctrine was revived in 17th century England—now we are getting closer—from which it passed to the New World. Those who wrote the Constitution weren't just writing based on the experiences of their time.

Let us turn now to a consideration of the renowned French philosopher and writer, Montesquieu. Montesquieu had a considerable impact upon the political thinking of our constitutional Framers. They were conversant with the political theory and philosophy of Montesquieu, who was born 1689—a hundred years before our Republic was formed—and died in 1755. He died just 32 years before our constitutional forebears met in Philadelphia.

Americans of the Revolutionary period were well acquainted with the philosophical and political writings of Montesquieu in reference to the separation of powers, and John Adams was particularly strong in supporting the doctrine of separation of powers in a mixed government.

Montesquieu advocated the principle of separation of powers. He possessed a belief, which was faulty, that a huge territory did not lend itself to a large republic. He believed that government in a vast expanse of territory would require force and this would lead to tyranny.

He believed that the judicial, executive, and legislative powers should be separated. If they were kept separated, the result would be political freedom, but if these various powers were concentrated in one man, as in his native France, then the result would be tyranny.

Montesquieu visited the more important and larger political divisions of Europe and spent a considerable time in England. His extensive English connections had a strong influence on the development of his political philosophy.

We are acquainted with his "Spirit of the Laws" and with his "Persian Letters," but perhaps we are not so familiar with the fact that he also wrote an analysis of the history of the Romans and the Roman state. This essay, titled "Considerations on the Causes of the Greatness of the Romans and their Decline," was produced in 1734.

Considering the fact that Montesquieu was so deeply impressed with the ancient Romans and their system of government, and in further consideration of his influence upon the thinking of the Framers and upon the thinking of educated Americans generally during the period of the American Revolution, let us consider the Roman system as it was seen by Polybius, the Greek historian, who lived in Rome from 168 B.C., following the battle of Pydna, until after 150 B.C., at a time when the Roman Republic was at a pinnacle of majesty that excited his admiration and comment.

Years later, Adams recalled that the writings of Polybius "Were in the contemplation of those who framed the American Constitution."

Polybius provided the most detailed analysis of mixed government theory. He agreed that the best constitution assigned approximately equal amounts of power to the three orders of society and explained that only a mixed government could circumvent the cycle of discord which was the inevitable product of the simple forms.

Polybius saw the cycle as beginning when primitive man, suffering from violence, privation, and fear, consented to be ruled by a strong and brave leader. When the son was chosen to succeed this leader, in the expectation that the son's lineage would lead him to emulate his father, the son, having been accustomed to a special status from birth, was lacking in a sense of duty to the public and, after acquiring power, sought to distinguish himself from the rest of the people. Thus, monarchy deteriorated into tyranny. The tyranny then would be overturned by the noblest of aristocrats who were willing to risk their lives. The people naturally chose them to succeed the king as ruler, the result being "ruled by the best,"—an aristocracy.

Soon, however, aristocracy deteriorated into oligarchy because, in time, the aristocrats' children placed their own welfare above the welfare of the people. A democracy was created when the oppressed people rebelled against the oligarchy. But in a democracy, the wealthy corrupted the people with bribes and created faction in order to raise themselves above the common level in the search for status and privilege and additional wealth. Violence then resulted and ochlocracy (mob rule) came into being.

As the chaos mounted to epic proportions, the people's sentiment grew in the direction of a dictatorship, and monarchy reappeared. Polybius believed that this cycle would repeat itself over and over again indefinitely until the eyes of the people opened to the wisdom of balancing the power of the three orders. Polybius considered the Roman Republic to be the most outstanding example of mixed government.

Polybius viewed the Roman Constitution as having three elements: the executive, the Senate, and the people; with their respective shares of power in the state regulated by a scrupulous regard to equality and equilibrium.

Let us examine this separation of powers in the Roman Republic as explained by Polybius. The consuls—representing the executive—were the supreme masters of the administration of the government when remaining in Rome. All of the other magistrates, except the tribunes, were under the consuls and took their orders from the consuls. The consuls brought matters before the Senate that required its deliberation, and they saw to the execution of the Senate's decrees. In matters requiring the authorization of the people, a consul summoned the popular meetings, presented the proposals for their decision, and carried out the decrees of the majority. The majority rules.

In matters of war, the consuls imposed such levies upon manpower as the consuls deemed appropriate, and made up the roll for soldiers and selected those who were suitable. Consuls had absolute power to inflict punishment upon all who were under their command, and had all but absolute power in the conduct of military campaigns.

As to the Senate, it had complete control over the treasury, and it regulated receipts and disbursements alike. The quaestors (or secretaries of the treasury) could not issue any public money to the various departments of the state without a decree of the Senate. The Senate also controlled the money for the repair and construction of public works and public buildings throughout Italy, and this money could not be obtained by the censors, who oversaw the contracts for public works and public buildings, except by the grant of the Senate.

The Senate also had jurisdiction over all crimes in Italy requiring a public investigation, such as treason, conspiracy, poisoning, or willful murder, as well as controversies between and among allied states. Receptions for ambassadors, and matters affecting foreign states, were the business of the Senate.

What part of the Constitution was left to the people? The people participated in the ratification of treaties and alliances, and decided questions of war and peace. The people passed and repealed laws—subject to the Senate's veto—and bestowed public offices on the deserving, which, according to Polybius, "are the most honorable rewards for virtue."

Polybius, having described the separation of powers under the Roman Constitution, how did the three parts of state check and balance each other? Polybius explained the checks and balances of the Roman Constitution, as he had observed them first hand. Remember, he was living in Rome at the time.

What were the checks upon the consul, the executive? The consul—whose power over the administration of the government when in the city, and over the military when in the field, appeared absolute—still had need of the support of the Senate and the people. The consul needed supplies for his legions, but without a decree of the Senate, his soldiers could be supplied with neither corn nor clothes nor pay. Moreover, all of his plans would be futile if the Senate shrank from danger, or if the Senate opposed his plans or sought to hamper them. Therefore, whether the consul could bring any undertaking to a successful conclusion depended upon the Senate, which had the absolute power, at the end of the consul's one-year term, to replace him with another consul or to extend his command or his tenure.

The consuls were also obliged to court the favor of the people, so here is the check of the people against the consuls, for it was the people who would ratify, or refuse to ratify, the terms of peace. But most of all, the consuls, when laying down their office at the conclusion of their one-year term, would have to give an accounting of their administration, both to the Senate and to the people. It was necessary, therefore, that the consuls maintain the good will of both the Senate and the people.

What were the checks against the Senate? The Senate was obliged to take the multitude into account and respect the wishes of the people, for in matters directly affecting the Senators—for instance, in the case of a law diminishing the Senate's traditional authority, or depriving Senators of certain dignities, or even actually reducing the property of Senators—in such cases, the people had the power to pass or reject the laws of the Assembly.

In addition, according to Polybius, if the tribunes imposed their veto, the Senate would not only be unable to pass a decree, but could not even hold a meeting. And because the tribunes must always have a regard for the people's wishes, the Senate could not neglect the feelings of the multitude.

But as a counter balance, what check was there against the people? We have seen certain checks against the consul; we have described some of the checks against the Senate. What about the people? According to Polybius, the people were far from being independent of the Senate, and were bound to take its wishes into account, both collectively and individually.

For example, contracts were given out in all parts of Italy by the censors for the repair and construction of public works and public buildings. Then there was the matter of the collection of revenues from rivers and harbors and mines and land—everything, in a word, that came under the control of the Roman government. In all of these things, the people were engaged, either as contractors or as pledging their property as security for the contractors, or in selling supplies or making loans to the contractors, or as engaging in the work and in the employ of the contractors.

Over all of these transactions, says Polybius, the Senate "has complete control." For example, it could extend the time on a contract and thus assist the contractors; or, in the case of unforeseen accident, it could relieve the contractors of a portion of their obligation, or it could even release them altogether if they were absolutely unable to fulfill the contract. Thus, there were many ways in which the Senate could inflict great hardships upon the contractors, or, on the other hand, grant great indulgences to the contractors. But in every case, the appeal was to the Senate.

Moreover, the judges were selected from the Senate, at the time of Polybius, for the majority of trials in which the charges were heavy. Consequently, the people were cautious about resisting or actively opposing the will of the Senate, because they were uncertain as to when they might need the Senate's aid. For a similar reason, the people did not rashly resist the will of the consuls because one and all might, in one way or another, become subject to the absolute power of the consuls at some point in time.

Polybius had spoken of a regular cycle of constitutional revolution, and the natural order in which constitutions change, are transformed, and then return again to their original stage. Plato on the same line, had arranged six classifications in pairs: kingship would degenerate into tyranny; aristocracy would degenerate into oligarchy; and democracy would degenerate into violence and mob rule—after which, the cycle would begin all over again. Aristotle had had a similar classification.

According to Polybius, Lycurgus—the Spartan lawgiver of, circa, the 9th century B.C.—was fully aware of these changes, and accordingly combined together all of the excellences and distinctive features of the best constitutions, in order that no part should become unduly predominant and be perverted into its kindred vice; and that, each power being checked by the others, no one part should turn the scale or decisively overbalance the others; but that, by being accurately adjusted and in exact equilibrium, "the whole might remain long steady like a ship sailing close to the wind."

Polybius summed it up in this way:

> When any one of the three classes becomes puffed up, and manifests an inclination to be contentious and unduly encroaching, the mutual interdependency of all the three, and the possibility of the pretensions of any one being checked and thwarted by the others, must plainly check this tendency. And so the proper equilibrium is maintained by the impulsiveness of the one part being checked by its fear of the other.

Polybius' account may not have been an exact representation of the true state of the Roman system, but he was on the scene, and he was writing to tell us what he saw with his own eyes, not through the eyes of someone else. What better witness could we have?

Mr. President, before the Convention was assembled, Madison studied the histories of all these ancient people—the different kinds of governments—aristocracy, oligarchy, monarchy, democracy, and republic. He prepared himself for this Convention. And there were others in that Convention who were very well prepared also—James Wilson, Dr. William Samuel Johnson, and others.

The theory of a mixed constitution had had its great measure of success in the Roman Republic. It is not surprising then, that the Founding Fathers of the United States should have been familiar with the works of Polybius, or that Montesquieu should have been influenced by the checks and balances and separation of powers in the Roman constitutional system, a clear and central element of which was the control over the purse, vested solely in the Senate in the heyday of the Republic.

Were the Framers influenced by the classics?

Every schoolchild and student in the universities learned how to read and write Greek and Latin. Those were required subjects.

The founders were steeped in the classics, and both the Federalists and the Anti-federalists resorted to ancient history and classical writings in their disquisitions. Not only were classical models invoked; the founders also had their classical "antimodels"—those individuals and government forms of antiquity whose vices and faults they desired to avoid.

Classical philosophers and the theory of natural law were much discussed during the period prior to and immediately following the American Revolution. It was a time of great political ferment, and thousands of circulars, pamphlets, and newspaper columns displayed the erudition of Americans who delighted in classical allusions.

Our forbears were erudite. They circulated their pamphlets and their newspaper columns. They talked about these things. Who today studies the classics? Who today studies the different models and forms of government? Who today writes about them?

The 18th-century educational system provided a rich classical conditioning for the founders and immersed them with an indispensable training. They were familiar with Ovid, Homer, Horace, and Virgil, and they had experienced solid encounters with Tacitus, Thucydides, Livius, Plutarch, Suetonius, Eutropius, Xenophon, Florus, and Cornelius Nepos, as well as Caesar's Gallic Wars. They were undoubtedly influenced by a thorough knowledge of the vices of Roman emperors, the logic of orations by Cicero and Demosthenes, and the wisdom and virtue of the scriptures.

They freely used classical symbols, pseudonyms, and allusions to communicate through pamphlets and the press. To persuade their readers they frequently wrapped themselves and their policies in such venerable classical pseudonyms as "Aristides," "Tully", "Cicero", "Horatius", and "Camillus." The Federalist essays, 85 of them in number were signed by "Publius."

Some of the Anti-federalists dubbed themselves "Cato," while others called themselves "Cincinnatus" or "A Plebeian." The appropriation of classical pseudonyms was sometimes used in private discourse for secret correspondence. George Washington's favorite play was Joseph Addison's "Cato" in which Cato committed suicide rather than submit to Caesar's occupation of Utica.

In the words of Carl J. Richard, in his book "The Founders and the Classics"

> It is my contention that the classics exerted a formative influence upon the founders, both directly and through the mediation of Whig and American perspectives. The classics supplied mixed government theory, the principal basis for the U.S. Constitution. The classics contributed a great deal to the founders' conception of human nature, their understanding of the nature and purpose of virtue, and their appreciation of society's essential role in its production. The classics offered the founders companionship and solace, emotional resources necessary for coping with the deaths and disasters so common in their era. The classics provided the founders with a sense of identity and purpose, assuring them that their exertions were part of a grand universal scheme. The struggles of the Revolutionary and Constitutional periods gave the founders a sense of kinship with the ancients, a thrill of excitement at the opportunity to match their classical heroes' struggles against tyranny and their sage construction of durable republics. In short, the classics supplied a large portion of the founders' intellectual tools.

Now, what about the Declaration of Independence?

It was on June 7, 1776, that Richard Henry Lee introduced the "Resolve" clause, which was as follows:

> Resolved, that these United States Colonies are and of right ought to be free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.
>
> That it is expedient forthwith to take the most effectual measures for forming foreign alliances.
>
> That a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation.

Following the introduction of Lee's resolution, postponement of the question of independence was delayed until July 1. Nevertheless, on June 11, Congress appointed a committee made up of Jefferson, John Adams, Franklin, Roger Sherman, R.R. Livingston, to prepare a declaration. The committee reported on June 28, and, at last, on July 2, Congress decided for independence without a dissenting vote. The delegates considered the text of the declaration for two additional days, and adopted changes on July 4 and ordered the document printed. News that New York had approved on July 9 (the New York Delegates, having been prevented by instructions from assenting, had theretofore refrained from balloting) reached Philadelphia on July 15. Four days later, Congress ordered the statement engrossed. On August 2, signatures were affixed, although all "signers" were not then present. Inasmuch as the Declaration was an act of treason—for which any one of those signers or all collectively could have been hanged—the names subscribed were initially kept secret by Congress. The text itself was widely publicized.

Those forebearers of ours who had the courage and the fortitude and the backbone to write the Declaration of Independence, committed an act of treason for which their properties could have been confiscated, their rights could have been forfeited, and their lives could have been taken from them. That is what we are talking about in this Constitution. Men who not only understood life in their times, but also understood the cost of liberty, so they pledged their lives, their fortunes, their sacred honor.

Those were not empty words. Would we have done so?

Much of the Declaration of Independence was derived directly from the early state constitutions. The things have roots. They didn't come up like the prophet's gourd overnight. The Declaration contained twenty-eight charges against the English king justifying the break with Britain. At least 24 of the charges had also appeared in state constitutions. New Hampshire, South Carolina, and Virginia, in that order, adopted the first constitutions of independent states, and these three state constitutions contained 24 of the 28 charges set forth in the Declaration. Lists of grievances against George III had appeared in many of the newspapers, and as far back as May 31, 1775, the Mecklenburg (North Carolina) Resolves contained the following:

> Resolved: that we do hereby declare ourselves a free and independent people; are and of right ought to be a sovereign and self-governing association, under the control of no power, other than that of our God and the general government of the Congress: to the maintenance of which independence we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

Note that the last sentence of the Declaration of Independence says, "And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, [we are not supposed to teach those things in our schools today] we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."

Therefore, many of the phrases that were used by Jefferson had already appeared in various forms in the public print. Jefferson also borrowed from the phraseology of Virginia's Declaration of Rights written by George Mason, and adopted by the Virginia Constitutional Convention in June 1776. In the opening Section of that document, the following words appear:

> That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Mason also stated in the Virginia Declaration of Rights, "That all power is vested in, and consequently derived from the people," and that, "when any government shall be found inadequate or contrary to these purposes, a majority of the community has and indubitable, inalienable, and indefeasible right to reform, alter, or abolish it in such manner as shall be judged most conducive to the public weal."

Jefferson in the Declaration of Independence, stated that "All men are created equal" and that they were "endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

The last paragraph of the Declaration of Independence states that the representatives of the United States of America, in general Congress, assembled, "Appealing to the supreme judge of the world for the rectitude of our intention, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent states; . . ." Lutz, whose name I mentioned a few times already, makes the following comment:

> Any document calling on God as a witness would technically be a covenant. American constitutionalism had its roots in the covenant form that was secularized into the compact. One could argue that with God as a witness, the Declaration of Independence is in fact a covenant. The wording is peculiar, however, and the form of an oath is present, but the words stop short of what is normally expected. But the juxtaposition of a near oath and the words about popular sovereignty is an intricate dance around the covenant-compact form. The Declaration of Independence may be a covenant; it is definitely part of a compact.

As to the words, "All men are created equal," American political literature was full of statements that the American people considered themselves and the British people equal. Lutz states, with reference to this paragraph: "'Nature's God' activates the religious grounding; 'laws of nature' activate a natural rights theory such as Locke's. The Declaration thus simultaneously appeals to reason and to revelation as the basis for the American right to separate from Britain, create a new and independent people, and be considered equal to any other nation on earth."

Now, as to the State Constitutions—I am talking about the roots, the roots of this Constitution. This Federal Constitution which we are talking about amending—what about the State Constitutions? Does the Federal Constitution have any roots in the State Constitutions?

Throughout the spring of 1776 some of the colonies remained relatively immune to the contagion which prompted others to move toward independence. This prevented the Continental Congress from breaking with Britain. To spread the virus, John Adams and Richard Henry Lee induced the Committee of the Whole to report a resolution which Congress unanimously adopted on May 10. The resolving clause of that resolution recommended to the respective assemblies and conventions of the United Colonies, that, "where no government sufficient to the exigencies of their affairs had been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."

State constitutions were of great significance in the development of our Federal Constitution and our Federal system of government. When the Framers met in Philadelphia, they were familiar with the written constitutions of 13 states, and, as a matter of fact, many of those Framers had served in the State legislatures and conventions that debated and approved the State constitutions. Not only were they, the Framers, conversant with the organic laws of the 13 states, but they were also knowledgeable of the colonial experience under colonial government. As was ably stated by William C. Morey, in the September 1893 edition of "Annals of the American Academy" of Political and Social Science:

> The state constitutions were linked in the chain of colonial organic laws and they also formed the basis of the federal constitution. The change had its beginning in the early charters of the English trading companies, which were transformed into the organic laws of the colonies, which, in their turn, were translated into the constitutions of the original states, which contributed to the constitution of the federal union.

The Pennsylvania Constitution of 1701 appears to have been the last written form of government that appeared in colonial times. There had been two previous Pennsylvania Constitutions—1683 and 1696—and these, together with the Massachusetts Charter of 1691, constitute the most advanced colonial forms and provide the nearest approach in the colonial period towards the final goal of the national constitution.

The original 13 colonies became 13 States during the decade preceding the 1787 Convention, and all but Connecticut and Rhode Island wrote new constitutions in forming their state governments. These new state constitutions would provide important innovations in American constitutionalism, and the Framers at Philadelphia would benefit hugely, not only from the substantive material and form contained in the Constitutions but also from the experience gained under the Administration of the new governments.

Let us examine some of these new constitutions, noting particularly those features in the State constitutions which would later appear, even if varying degree, in the Federal Constitution. Thus we shall see the guidance which these early State constitutions provided to the men at Philadelphia in 1787.

Let us first examine article I of the Constitution and observe the amazing conformity therein with the equivalent provisions of the various State constitutions written a decade earlier in 1776 and 1777. Take section 1, for example, in which the U.S. Constitution vests all legislative powers in a Congress, consisting of a Senate and House. At least nine of the State constitutions have similar provisions—so you see, our constitutional Framers just did not pick this out of thin air—perhaps varying somewhat in form, which vest the lawmaking powers in a legislature consisting of two separate bodies, the lower of which is generally referred to as an assembly or House of Representatives or House of Delegates—as in the case of West Virginia, which was not in existence at that time, of course—or, as in the case of North Carolina, a House of Commons. The upper body is generally referred to as a Senate, but it varies, likewise, being sometimes referred to as a Council.

Section 2 provides that the U.S. House of Representatives shall choose their speaker and other officers and shall have the sole power of impeachment, and at least a half-dozen states provided that the legislative bodies should choose their speaker and other officers.

Section 3 provides for a rotation of Senators, two from each state, so that two-thirds of the Senate is always in being. Many of the state senators were to represent districts consisting of several counties or parishes or other political units, and several of the States, including Delaware and New York, provided for a rotation of the members of the upper body so that a supermajority of the Senate were always holdovers. The Great Compromise—which was worked out at the 1787 Convention and agreed to on July 16, 1787, providing that the Senate would represent the States, while the House of Representatives' representation would be based on population—may well have benefited from the examples set by Delaware and New York.

At least eight of the State constitutions provided for impeachment by the lower house. Massachusetts and Delaware provided for the trial of impeachments by the upper body, as does the U.S. Constitution, and Massachusetts required that senators be on oath or affirmation. The New York constitution required a vote of two-thirds of the members present for a conviction in trials of impeachment. Here again, the Framers of the U.S. Constitution had examples before them which would guide them.

Conviction, in cases involving impeachment, would, in the instance of New York, not "extend farther than to removal from office, and disqualification to hold or enjoy any place of honor, trust, or profit under the state, but the party so convicted shall be, nevertheless, liable and subject to indictment, trial, judgment, and punishment, according to the laws of the land"—almost the identical language that appeared a decade later in the U.S. Constitution relative to penalties following conviction in impeachment cases, and almost identical to the language in the unwritten English Constitution which appeared 200 years before.

At least nine of the State constitutions provided that each House should be the judge of the elections, returns, and qualifications of its own members, with a majority to constitute a quorum and with provisions for a minority (of senators) to compel the attendance of absent senators—the equivalent of language which appears in article I, section 5, of the U.S. Constitution.

The provisions of article I, section 5, of the U.S. Constitution allowing each House to determine the rules of its own proceedings could well have been copied from the state constitutions of Maryland, Virginia, Delaware, Georgia, and Massachusetts, and the provision for expulsion of members in the U.S. Constitution could also have been taken from the state constitutions of Delaware, Maryland, and Pennsylvania.

The constitutional requirement that revenue bills originate in the House of Representatives was prefigured by the State constitutions of New Hampshire, New Jersey, Virginia, Delaware, Maryland, Massachusetts, and South Carolina. Massachusetts permitted the senate to propose or concur with amendments to revenue bills as was later provided in the U.S. Constitution.

The presentment clause of article I, section 7, that is what the Congress tripped over when it passed the nefarious Line-Item Veto Act of 1995, the presentment clause.

The presentment clause of article I, section 7, of the U.S. Constitution has been very much in the news lately in reference to the line item veto. The State constitutions of Massachusetts and New York are very revealing and instructive in this regard. The Massachusetts Constitution stated that no bill of the senate or house of representatives should become a law until it "shall have been laid before the Governor" and if he approved thereof, "he shall signify his approbation by signing the same. But if he has any objection to the passing of such bill, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in whichever the same shall have originated; who shall enter the objections sent down by the Governor, at large, on their records, and proceed to reconsider the said bill."

That is what we are about to do very soon with respect to the most recent veto of the President. So one can see these provisions that appear in our own Constitution had their roots in various other documents and experiences that long preceded the writing of the U.S. Constitution.

> But, if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of the law. But in all such cases, the votes of both Houses shall be determined by yeas and nays.

The language in the Massachusetts State Constitution is strikingly similar to that which appeared a decade later in the U.S. Constitution concerning Presidential vetoes of bills and the requirement that such bills be presented to the President for his signature or for his approval or rejection.

The U.S. Constitution's language concerning vetoes and the presentment of legislation to the Chief Executive for his approval or disapproval is again exceptionally reminiscent of the language in the New York State Constitution, which provides for a council of revision of all bills. Note, however, the New York State Constitution language:

> All bills which have passed the Senate and assembly shall before they become laws, be presented to the said council for their consideration, and if it should appear improper that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the Senate or House of Assembly (in which so ever the same shall have originated) who shall enter the objection sent down by the council at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, two-thirds of the said Senate or House of Assembly shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and, if approved by two-thirds of the members present, shall be a law.
>
> And in order to prevent any unnecessary delays, be it further ordained, that if any bill shall not be returned by the council within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill within ten days impracticable; in which case, the bill shall be returned on the first day of the meeting of the legislature after the expiration of the said ten days.

The similarity of the language in the U.S. Constitution's veto and presentment clause to the equally complex language of the Massachusetts and New York State Constitutions is enough to make one sit up and take notice. Except for some slight variations, the U.S. Constitution appears to copy, almost verbatim, the text set forth in the two State constitutions. It cannot be said with a straight face that this is a matter of mere coincidence. It seems to me that one can easily see the fine hand and the eloquent voice of Alexander Hamilton, in the case of New York, and Elbridge Gerry, Nathaniel Gorham, and Rufus King, in the case of Massachusetts, in the behind-the-scenes discussions that probably occurred in the Convention with respect to these and other clauses in the Constitution which appeared to have been copied, almost word for word, from various State constitutions.

The President's State of the Union Message, which grows out of article II, section 3, of the U.S. Constitution, was likely foreordained by the New York Constitution which stated that it was the duty of the Governor "to inform the legislature, at every session, of the condition of the state, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare, and prosperity; . . ."

Nine of the States provided that the Governor should have the title of commander in chief, thus prefiguring section 2 of article II of the U.S. Constitution which states that the President "shall be commander in chief", and at least five of the State constitutions gave the chief executive of the State the power to grant reprieves and pardons, except in cases of impeachment, just as we find in article II, section 2, of the U.S. Constitution with respect to the President's powers.

Other similarities between some of the State constitutions and the U.S. Constitution—in varying degrees, of course—have to do with the requirement to assemble at least once in every year; legislators' privilege from arrest; the requirement that a census be taken for the purpose of the apportionment of representatives; the laying and collection of taxes by the legislative branch; the taking of an oath before entering upon the office of Governor and other high State offices, as in the case of the President and other officials at the national level; provisions in the State and National constitutions for amendments thereto; and prohibitions against bills of attainder and ex post facto laws.

Many of the States, obviously remembering British history—you see, the roots go back, they go back and farther back—expressly prohibited the governor from proroguing, adjourning, or dissolving the legislature, but did provide that the Governor could, under extraordinary circumstances, convene the legislature in advance of the time to which it had previously adjourned.

That the States were very wary of strong and overbearing executives could be seen in the fact that in at least seven of them, the Governor was limited to a 1-year term—that is what they thought of their chief executives—2 years, in the case of South Carolina; and 3 years in Delaware and New York. Prohibitions against eligibility for reelection were also prevalent in several of the State constitutions.

In at least eight of the States, the constitutions provided for the selection of the Chief Executive by the legislative branch.

In at least three States—Delaware, New Jersey, and New York—the common law of England was to remain in force. And some of the States, such as South Carolina, appeared to have copied in their constitutions, or their Bills of Rights which were annexed thereto that language from the Magna Carta which, in the language of the South Carolina constitution, states:

> That no freeman of this state be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, exiled or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land.

In all of the State constitutions, the Governor was commander-in-chief, and the Federal constitution also makes use of the term, as I say, in relation to the President. In all of the States except Connecticut, Rhode Island, and Georgia, and in South Carolina, the State constitutions before 1787 had granted the pardoning power to the Governor, and, in the Federal Constitution, the President's pardoning power was drawn from this example of the states.

Almost every State prescribed in its constitution a form of oath for its officers, and the oath required of the President of the United States appears in the last paragraph of section 1, article II, of the U.S. Constitution.

The framers provided for the choice of President to be indirect. In the Constitution of Maryland (1776) we find an almost exact counterpart of the electoral college by whom the President is chosen, in which the Senators from Maryland were to be selected by a body of electors, chosen every 5 years by the inhabitants of the State for this particular purpose and occasion.

This method of choosing the President may have been suggested from the manner of choosing Senators under the Constitution of Maryland.

An examination of these early State constitutions clearly indicates a vast wealth of knowledge concerning constitutional principles and a gradual evolution leading up to the convention based on the experience gained from the administration of governments under the new State constitutions. I see the constitutions of the States as tributaries—tributaries—to a mighty stream of American constitutionalism flowing to the mighty ocean of events that culminated in the grand handiwork of the framers at the 1787 Convention.

Between the completion of State constitutions and the Philadelphia Convention that produced the United States Constitution stood the Articles of Confederation which went into effect on March 1, 1781, from the substance and experience of which Madison and Hamilton and Franklin and others at the Convention gained so much guidance.

Let us now turn our attention to the Articles of Confederation.

Mr. President, I see others on the floor. They may wish to speak. I will be happy to yield the floor at this point if I can regain it later and continue my statement.

Mr. LEAHY. Mr. President, I say to my friend from West Virginia, I have already been on this floor speaking for a couple days. I took a moment to go back to the office. But I was watching the Senator on the monitor, and I just wanted to come over and listen to him in person. I have no intention of wanting to ask him to yield the floor. I appreciate the courtesy he has offered.

Mr. BYRD. I thank the distinguished Senator.

I see the Senator from California. Also, if she wishes to have the floor, I will be happy to yield it for a while.

Mrs. FEINSTEIN. I appreciate the courtesy of the distinguished Senator from West Virginia.

I say to the Senator, please, continue on and conclude. I am just fine. I enjoy listening.

Mr. BYRD. I thank the Senator.

Mr. President, what impact did the Articles of Confederation have upon the Constitution of the United States?

On June 7, 1776, Richard Henry Lee of Virginia introduced a resolution in the Continental Congress resolving:

> That these United Colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.
>
> That is expedient forthwith to take the most effectual measures for forming foreign alliances.
>
> That a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation.

In accordance with this resolution, Congress appointed a committee of 12 on June 12—which happens to be my lovely wife's birthday, June 12, although she does not go that far back—1776, to prepare a form of confederation. A month later, on July 12, a draft plan was reported by the committee, written by John Dickinson of Delaware. The document, although reported to Congress on August 20, was delayed in its final consideration, and after having undergone modifications, was finally approved by the last holdout State of Maryland in February 1781, and the Congress, then, first met under the Articles of Confederation on March 1, 1781.

It had been a long time aborning.

New Jersey, Delaware, and Maryland had demanded that the States that had large claims to western lands renounce them in favor of the Confederation. Maryland was the last State to ratify the Articles, but finally went along when she became satisfied that the western claims would become the expected treasure of the entire Nation.

The Articles of Confederation were the direct predecessor of the Constitution of the United States, and the Articles contained within themselves the fatal flaws which doomed the success of the confederation. It was a "league of friendship" only, of which the Congress was the unique organ and in which "each state shall have one vote." The votes of nine States were required before important action could be taken by Congress, and the consent of the legislature of each State was necessary to any amendment of the fundamental law.

Congress was given no commercial control and, most unfortunately, no power to raise money, but could only make requisitions on the States and then hope and pray that the States would respond affirmatively and adequately. They seldom if ever did. Control over foreign affairs was vested in Congress, but it was without means of making the States obey treaty requirements. The Congress had responsibility but without power to carry out its responsibility. It dealt with the people, not individually, but over their heads through the States.

Several efforts were made to get the States to amend the articles, by adding the right to levy import duties, but these efforts failed because it was impossible to get the unanimous consent of the legislatures of the 13 States to any amendment of the fundamental law.

It became increasingly difficult to secure a quorum of attendance in Congress, and even when a quorum of Members attended, important measures were blocked by the requirement for the votes of nine States. A State frequently lost its single vote—that is all it had—because of differences among its delegates. It was a time of experimentation, of learning a hard lesson that would be remembered. But the experience gained from learning these hard lessons helped to prepare the way for a better national government. It should also be remembered that at least one substantial act of legislation—the ordinance for the government of the Northwest Territory, was created by the government under the Articles of Confederation.

Under the Articles of Confederation, no State could be represented in Congress by less than two, nor by more than seven, members; and no person could serve as a delegate for more than three years in any term of six years. There were limited terms. Each State had only one vote. All charges of war and other expenses incurred for the common defense or general welfare, if allowed by the United States in Congress assembled, were to be defrayed out of a common treasury, which would be supplied by the several States in proportion to the value of all lands within each State, and the taxes for paying a State's proportion were to be laid and levied by the authority of the legislatures of the several States within the time agreed upon by the Congress.

Under a very complex arrangement—I say to the former Attorney General of the State of Alabama, who presently presides over this august body—the Congress under the Confederation was denominated as the last resort on appeal in all disputes and differences arising between two or more States "concerning boundary jurisdiction or any other cause whatever."

The business of Congress was to be carried on during a recess by "a committee of the states," to consist of one delegate from each State.

When it came to the armed forces, requisitions were to be made from each State for its quota, in proportion to the number of white inhabitants in such States, which requisitioned would be binding. Each State would appoint the regimental officers, raise them in and clothe and arm and equip them at the expense of the United States.

However, if the Confederation Congress should determine, based on circumstances, that any State should raise a smaller number than its quota and that any other State should raise a greater number of men than its quota called for, the extra number was to be raised, clothed, and equipped as the quota allowed, unless the legislature of that State should judge that such extra number could not be safely spared. The State would be permitted to raise "as many of such extra number" as the State judged could be safely spared.

What a flawed approach! It is little wonder that George Washington, as Commander in Chief of the Revolutionary forces, was constantly frustrated in his efforts to build an effective fighting force. It was almost a miracle that the fledgling Nation managed to carry on and win the war under such conditions, but we can only guess that Providence was on our side. We know for sure that the situation in England was such that that country's preoccupation with its own internal problems rendered impossible the full concentration of its resources and strength to be brought to bear against us. We were lucky in that regard.

Under the Articles, the "Union shall be perpetual" nor could any alteration be made in the Articles—there could be no amendment to that Constitution—unless such alteration was agreed upon in Congress assembled and afterwards confirmed by the legislature of every state.

The Articles of Confederation contained the phrase "The United States of America," for the first time in American documentary history. The Articles were America's first national constitution. Congress was elected by the State legislatures. There was only one body of Congress, not two, back then, as we see today. And Congress was the executive, the legislative branch, and the judiciary in many respects. There was no man living downtown at the White House who was President.

Now let us examine the parallels between the Articles of Confederation and the U.S. Constitution.

I am here showing where the roots of the Constitution go. It is like tracing the roots of a tooth, if one is having a root canal, let us find where those roots go.

Article II of the Articles of Confederation provided that each State would retain its sovereignty and every power and right "which is not by this confederation expressly delegated to the United States, . . ." Where do we find that in the Constitution? The tenth amendment to the U.S. Constitution provided that the powers not delegated to the United States by the Constitution nor prohibited by it to the States "are reserved to the states respectively, or to the people."

Article IV of the Articles of Confederation provided that the people of the different States would "be entitled to all privileges and immunities of free citizens in the several states", that "full faith and credit" should be given in each of the States to the records, acts, and judicial proceedings of the courts and magistrates of every other state; and that any person guilty of a felony in any state who fled from justice and was found in any other state, would "upon demand of the Governor or executive power of the state from which he fled," be delivered up "to the state having jurisdiction of his offense."

The "privileges and immunities" clause of the Articles of Confederation, found in article IV thereof, appears in the U.S. Constitution in article IV, section 2.

The "full faith and credit" clause of the Articles of Confederation is to be found in the U.S. Constitution, article IV, section 1.

The delivering up of persons charged with felonies to another state on demand of the executive authority thereof, found in article IV of the Articles is also found in article IV, section 2, paragraph 2, of the U.S. Constitution.

The PRESIDING OFFICER (Mr. SESSIONS). The Chair notes that the Senator's time has expired.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to yield 40 minutes of my 60 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Minnesota for his characteristic courtesy.

Article 5 of the Articles provided for the meeting of Congress on the first Monday in November in every year. Under the U.S. Constitution, article I, section 4, paragraph 2, Congress "shall assemble at least once in every year, and such meeting was originally to have been on the first Monday in December, but this was changed to provide that Congress could by law appoint a different day from that of Monday in December.

Under article V of the Articles of Confederation, freedom of speech and debate in Congress could not be impeached or questioned in any court or place out of Congress. Under the U.S. Constitution, article I, section 6, members of Congress, for any speech or debate in either House, "shall not be questioned in any other place."

Article V of the Articles protects members of Congress from arrests during the time of their going to and from, and attendance in Congress, except for treason felony, or breach of the peace.

Members of Congress are likewise protected under article I, section 6, paragraph 1, of the U.S. Constitution.

Article VI of the Articles precludes any person holding office of profit or trust under the United States from accepting any present, emolument, office or title of any kind whatever from any king, prince or foreign state. Nor could Congress grant any title of nobility.

In almost identical language, the U.S. Constitution, in article I, section 9, paragraph 7, prohibits members of Congress from accepting any present, emolument, office, or title, from any king, prince or foreign state.

Under the Articles of Confederation no vessels of war or any body of forces could be kept up in time of peace without the consent of Congress. The same prohibition against the states was included in the U.S. Constitution in article 1, section 10, paragraph 2.

Provisions concerning state militias are contained in article VI of the Articles, and in article I, section 8, of the U.S. Constitution.

Article IX of the Articles vested the power of declaring war, establishing rules for captures on land or water, and granting letters of marque and reprisal. The equivalent provisions are to be found in article I, section 8, of the U.S. Constitution.

So, you see, these provisions are not something new that just came from the minds, from the heads of our constitutional forebears and the Constitutional Convention in 1787. They were already written down in other places. Thank God for that and for their guidance, as it were.

Both the Articles of Confederation and the U.S. Constitution provide for the trail of piracies and felonies committed on the high seas, in article IX of the Articles and in article I, Section 8 of the Constitution.

Article IX of the Articles of Confederation gave Congress the sole and exclusive right and power of regulating the alloy and value of coin, fixing the standard of weights and measures throughout the United States, and regulating the trade and managing all affairs with the Indians. Congress under the Constitution was given the same powers in article I, section 8.

The power to establish and regulate post offices, and the power to make rules for the government and regulation of the land and naval forces was given to the Congress by the Articles of Confederation in article IX. The same powers to establish post offices and to make rules for the government and regulation of the land and naval forces were given to the Congress in article I, section 8, of the U.S. Constitution.

Article IX of the Confederation Articles provided that the yeas and nays of members of Congress were to be entered on the journal when desired by any member of the Congress. The U.S. Constitution article I, section 5 provided for the yeas and nays of members to be entered on the journal when desired by one-fifth of those members present.

The admission of other colonies into the confederation was provided for in article 11 of the Articles of Confederation, while, under the Constitution new States may be admitted by Congress into the Union, under Section 3 of article IV.

So, you see, we had a good roadmap in the Articles of Confederation, which went before the U.S. Constitution.

Congress was given power under the Articles of Confederation to borrow money on the credit of the United States, to build and equip a navy, to agree upon the number of land forces. Under the Constitution, article I, section 8, Congress was given the power to borrow money on the credit of the United States; to raise and support armies; and to provide and maintain a navy.

In article XIII of the Articles of Confederation, every state was required to abide by the determination of Congress, and the Articles of Confederation were to be inviolably observed by every state. The counterpart of these provisions is to be found in the U.S. Constitution, article VI, paragraph 2, where it is provided that the Constitution and the laws of the United States, and all treaties made, "shall be the supreme law of the land"; and the judges in every state were to be bound thereby.

Article V of the U.S. Constitution provides for amendments to that document when proposed by two-thirds of both Houses of Congress or upon the application of two-thirds of the state legislatures. Amendments to the Articles of Confederation required approval by the Congress, followed by confirmation by the legislature of all the states.

The Articles set up what amounts to a national court system (article IX), but the system functioned only to adjudicate disputes between states, not individuals. Congress could pass no laws directly affecting individuals, and thus the national court had no jurisdiction over individuals. But when Congress was given such power in the 1787 Constitution, the notion of dual citizenship was revolutionized. The invention of dual citizenship in the Articles of Confederation, and then the transfer of this concept to the national constitution in article VI, section 2, was the legal basis for the operation of federalism in all of its many manifestations.

Aside from the narrower grant of power to Congress, and a unicameral legislature in which each state had one vote, the Articles differed from the U.S. Constitution mainly in placing the court directly under Congress and in having the committee of the states (one delegate from each state) instead of a single executive. Characteristic of state constitution were a weak executive, often under the sway of a committee appointed or elected by the legislature, and a court system directly under the legislature. The Articles of Confederation in these respects was not the result of independent theorizing about the best institutions. It was a straightforward extension of Whig political thought to national government.

The Constitution of the United States provided, in article VII, for its ratification by the conventions of nine states. The ratification of any new Constitution, under the Articles of Confederation, required the approval of Congress and the unanimous confirmation by the legislatures of all states.

The Framers of the U.S. Constitution devised an ingenious way of getting around this insuperable requirement of unanimity by the state legislatures, and we can be thankful for that. Otherwise, we would still be governed by the unworkable Articles of Confederation—if, indeed, we had been able to survive as a nation. Ours might have been the balkanized States of America instead of the United States of America. This was done by circumventing the legislatures altogether, and securing ratification directly by the people in state conventions.

Why did the Founders require nine states to ratify the Constitution rather than 13 or a majority of seven? Experience, and the likelihood that Rhode Island would not ratify, made unanimity an impractical alternative. A simple majority of seven might not have included the large states, and the new nation would have been crippled from the start. There was, however, considerable experience with a nine-state requirement in the Continental Congress. You see how these Framers benefited by the experience that had gone before them. Nine states constituted a two-thirds majority. Although such a majority was at times extremely difficult to construct, a provision that satisfied nine states invariably satisfied more than nine. This was a litmus test that the Framers understood, and the two-thirds majority required by the Articles led them to adopt a similar requirement for ratifying the Constitution.

Without the Articles of Confederation, the extended republic would have had to be invented out of the writings of Europeans as a rank experiment that a skeptical public would likely not have accepted. On the other hand, Americans had learned that government on a continental basis was possible, in certain respects desirable, and that a stable effective national government required more than an extended republic—it needed power that could be applied directly to individuals. Experience also convinced them that the national government should have limited powers, and that state governments could not be destroyed. There was a logic to experience that no amount of reading and political theory could shake.

Providing for an amendment process was one of the most innovative aspects of both national constitutions. Equally innovative was the provision for admitting new states. History had demonstrated that a nation adding new territory almost invariably treated it as conquered land, as did the ancient Romans, the Greeks, the Persians, and so on. The founders proposed the future addition, on an equal footing, of new states from territories now sparsely settled, if settled at all. The Articles of Confederation is of major historical importance for first containing this extraordinarily liberal provision, which became part of the U.S. Constitution. It guaranteed the building of an extended republic.

The general impression of the people today is that the Articles of Confederation were wholly replaced in 1787, but, in fact, as I have shown, much of what was in the Articles showed up in the 1787 Constitution. As a matter of fact, few Americans today, relatively speaking, know much if anything about the Articles of Confederation or are even aware that such Articles ever existed.

But not only did the Framers of the Constitution copy into that document a great deal of what was contained in the Articles of Confederation, but by virtue of the fact that they had lived under the Articles for over 6 years, they benefited from the experience gained thereby and were thus able to avoid many of the faults and flaws of the Articles by including in the Constitution corrective provisions for such avoidance. In other words, many of the provisions of the U.S. Constitution which have worked so well over these 212 years probably would never have been included in the Constitution, or even thought of, without having had the experience of living under the Articles. It could perhaps better be said that the Framers profited by the mistakes or negative experiences of living under the Articles. In other words, hindsight provided a 20/20 vision to the Framers.

Mr. President, as we examine the roots of our Constitution, how could we avoid taking a look at the British Constitution?

What part did the British Constitution play in the formulation of our own fundamental organic national document? Perhaps not as much directly as did the state constitutions and the Articles of Confederation. Yet, indirectly, woven into the experience of living under the colonial governments and the early state constitutions and the Articles of Confederation there were, running throughout, important threads of the ancient British Constitution that are often overlooked and were accepted as a practice in the early colonial documents and state constitutional forms without conscious attribution. Nevertheless, consciously or not, various rudiments of the American system can be traced back to developments that had occurred in England and even as far back as the Anglo-Saxon period which found their way into the fabric of American constitutionalism. Let us examine some of these antecedents.

Many of the principles imbedded in American constitutionalism look back to the annals of the motherland for their sources and explanations and were carried forward by the political development of many generations of men.

To begin with, our nation was founded by colonists of whom the great majority, let us not forget, were of the English branch of the Teutonic race. For the most part, they were of one blood and their language and social usages were those of Great Britain. It is where my forebearers are from. The same can be said by others here. They brought with them to these North American shores the English law itself, and, for a century or more, they continued in political union with England as members of one empire, often referring to themselves as "Englishmen away from home", claiming all of the rights and liberties of British subjects.

Read your history. Forget those modern social studies. Go back to the history. Follow the taproots of our Constitution.

Their institutions were mainly of an English nature, and they possessed in common with their English brethren a certain stock of political ideas. For example, a single executive, a legislative branch consisting of two houses—the British House of Lords, and the British House of Commons—the upper of which was conservative and the lower of which was representative of the people at large. There were also general principles such as trial by jury, taxation by the elected representatives of the people, and a system of jurisprudence based upon custom and the precedents of the English common law.

These liberties and these rights had been wrenched from tyrannical monarchs over centuries at the cost of blood—the blood of Englishmen, the people of the British Isles, Scotland, Ireland, and Wales.

The earliest representative legislative assembly ever held in America was convened in 1619 at Jamestown and was composed of 22 representatives from several towns and counties. This was the germ of hundreds of later local, town, and state assemblies throughout America.

It also imitated the British Parliament, with the legislative power lodged partly in a Governor who held the place of the sovereign and who was appointed by the British Crown, partly in a council named by a British trading company, and partly in an assembly composed of representatives chosen by the people. Of course, no law was to be enforced until it was ratified by the company in England, and returned to the colony under that company's seal. Other representative legislative assemblies developed throughout the colonies, and laws were allowed to be made as long as such laws were not contrary or repugnant to the laws of England. There were, of course, variation in the systems of government throughout colonial America, but as we will note in the early state constitutions that were developed in 1776, as has already been noted, the repetition in many details of the political systems was evidence of the unanimity with which the colonies followed a common model. Of course the power over the purse—we have talked about that many times, and I will just touch upon it here—is the central strand in the whole cloth of Anglo-American liberty. Let us engage in a kaleidoscopic viewing of the larger mosaic as it was spun on the loom of time. Let us trace a few of the Anglo-Saxon and later English footprints that left their indelible imprint on our own constitutional system. We have too often forgot and it seems to be a fetish these days, that we ought to forget our roots.

Several developments in the course of British history served as guideposts in the formation of the American Constitution. Many of the principles underlying the British Constitution were the result of lessons learned through centuries of strife and conflict between English monarchs and the people they ruled. The rights and liberties and immunities of Englishmen had been established by men who, like the authors of our Declaration of Independence, were willing to risk their lives, their fortunes, and their sacred honor for those rights.

The U.S. Constitution was in several ways built upon a foundation from which the colonies themselves had never really departed but had only adjusted to local needs and conditions and social republican forces that were at play in American colonial life.

The English Constitution was an unwritten constitution, but it includes many written documents such as Magna Carta (1215), the Petition of Right (1628), and the English Bill of Rights (1689), all of which had some part in influencing the formulation and contents of our own Constitution. There were various other English charters, court decisions, and statutes which were components of the English constitutional matrix and which, in one way or another, were reflected in our own organic law framed at Philadelphia.

Among these great English pillars of liberty, for example, as the Presiding Officer knows, were the writ of habeas corpus: "you shall have the body." Habeas corpus was one of the most celebrated of Anglo-American judicial procedures and has been called the "Great Writ of Liberty". The name "habeas corpus" derives from the opening words of the ancient English Common law writ that commanded the recipient to "have the body" of the prisoner present at the court, there to be subject to such disposition as the court might order. In Darnel's Case (1627), during the struggle for Parliamentary supremacy, if a custodian's return to a writ of habeas corpus asserted that the prisoner was held by "special command" of the king, the court accepted this as sufficient justification. This case precipitated three House of Commons Resolutions and the Petition of Right, to which Charles I—who later lost his head as well as his throne—gave his assent, declaring habeas corpus available to examine the underlying cause of a detention and, if no legitimate cause be shown, to order the prisoner released. But even these actions did not resolve the matter. Finally, under Charles II, the habeas corpus act of 1679 guaranteed that no British subject should be imprisoned without being speedily brought to trial, and established habeas corpus as an effective remedy to examine the sufficiency of the actual cause for holding a prisoner.

Although the Act did not extend to the American colonies, the principle that the sovereign had to show just cause for detention of an individual was carried across the Atlantic to the colonies and was implicitly incorporated in the federal Constitution's Article 1 provision prohibiting suspension of the writ of habeas corpus "unless when in cases of rebellion or invasion the public safety may require it."

Another English statute that made its imprint on our federal constitution was the Act of Settlement. Until the late 17th century, royal judges held their offices "during the king's good pleasure." Under the Act of Settlement of 1701, however, judges were to hold office for life instead of at the king's pleasure and could be removed only as a result of charges of misconduct proved in Parliament. This was a crucial step in insuring the independence of the American judiciary. The Constitutional Convention of 1787 adopted the phrase "during good behavior" in Article 3, to define the tenure of federal judges in America.

William the Conqueror had brought with him from Normandy the sworn inquest, the forerunner of our own grand jury, to which the fifth amendment of the Constitution refers. According to the Assize of Clarendon in 1166, Henry II ordered the formation of an accusing or presenting jury to be present at each shire court to meet the king's itinerant justices. This was a jury of "12 of the more competent men of a hundred and by four of the more competent men of each vill" who were to be put "on oath to reply truthfully" about any man in their hundred or vill "accused or publicly suspected" of being a murderer, robber, or thief. This accusing jury—like the sworn inquest under William I—was the antecedent of our own modern grand jury.

Like the presentment jury, the trial jury had Continental origins, and by 1164, there was a clear beginning of the use of petit juries in Crown proceedings. It was mostly used in the reign of Henry II (1154-1189) to determine land claims and claims involving other real property. By 1275, in the reign of Edward I, it was established that the petit jury of 12 neighbors would try the guilt of an accused. Five centuries later, jury trial in federal criminal cases was required by Article 3 of the United States Constitution, and was repeated in the sixth amendment of the U.S. Constitution. My, what a long time—five centuries. The seventh amendment provided for a jury trial in civil matters.

The fountainhead of English liberties—those are your liberties and mine—was Magna Carta, signed by King John on June 15, 1215, in the Meadow of Runnymede on the banks of the Thames, and during the next 200 years, the Magna Carta was reconfirmed 44 times. It is one of the enduring symbols of limited government and the rule of law. Consisting of 63 clauses, it proclaimed no abstract principles but simply redressed wrongs. Simple and direct, it was the language of practical men. Henceforth, no freeman was to be "arrested, imprisoned, dispossessed, outlawed, exiled, or in any way deprived of his standing . . . except by the lawful judgment of his equals and according to the law of the land." The phrase "law of the land" would become the phrase "due process of law" in later England and in our own Bill of Rights.

Other provisions also anticipated principles that would likewise be reflected five centuries later in the U.S. Constitution. There was language, for example, relating to abuses by royal officials in the requisitioning of private property and thus are the remote ancestor of the requirement of "just compensation" in the fifth amendment in our own Bill of Rights. Other clauses required that fines be "in proportion to the seriousness" of the offense and that fines not be so heavy as to jeopardize one's ability to make a living—thus planting the seed of the "excessive fines" prohibition in the American Bill of Rights' 8th amendment.

In 1368, more than 600 years ago, more than 400 years before the case of *Marbury* v. *Madison* (1803), a statute of Edward III commanded that Magna Carta "be holden and kept in all Points; and if there be any Statute made to the contrary, it shall be holden for none."

So here was an early germ of the principle contained in the supremacy clause of the U.S. Constitution's article VI.

Having observed several elements of our own Constitution that have their roots in English history, let us now look at the English beginnings of some of the liberties and immunities secured to us by the American Bill of Rights.

Mr. President, I think this might be a good time for me to take a break, inasmuch as I have something like 8 minutes left.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 6 minutes left.

Mr. BYRD. I have 6 minutes remaining.

Mr. President, I ask unanimous consent that at such time as I regain the floor, I be able to continue my prepared statement, and that it be joined to the statement that has just preceded my yielding the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. And, since I have 5 remaining minutes, let me say again that what I am doing here is attempting to show that the U.S. Constitution is the result of the struggles of men in centuries before our own, this last year of the 20th century. Forget what the media says, forget what politicians say, this is not the first year of the 21st century, nor is it the first year of the third millennium. Anybody who can count, whether they use the old math or the new math, knows better than that. This is the last year of the 20th century.

But I want to show that these liberties, which were assured to us by our Federal Constitution, did not just spring up overnight like the prophet's gourd at Philadelphia. They had their roots going back decades, centuries—1,000 years or more, and that those roots and those documents—the Articles of Confederation, the State constitutions, the colonial documents, the covenants—the Mayflower Compact and all of these things—were known by the framers and they were guided in their writing of the Federal Constitution by the experience that had been gained by living under the articles, by living in the colonies, and by the lessons taught by the British experience which had come at the point of a sword and through the shedding of blood through many centuries before. This is not just something that sprang up there between May 25 and September 17, a total of 116 days in 1787.

I think it is good for us, as Members of the House and Senate, to just stop once in a while and draw back, take a look at the forest, try to see the forest and not just the trees, and restudy our history, restudy our roots, and establish ourselves again in the perspective of those Framers and their experiences, and understand that Marshall had it right when he said that the Constitution was meant to endure for ages.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my good friend and colleague from West Virginia. For over 25 years, he has been my mentor in the Senate. I probably learned more about the Constitution's history and certainly the procedures of the Senate from him than from anything I have read or anybody else I have known. He is like my late father, one who reveres history because history to him is not just a compilation of dates and facts, but it is the roots of what we are and who we are and where we will go.

The distinguished Senator from West Virginia has cast well over 15,000 votes. I know he could tell me exactly how many he has cast, but it has been well over 15,000 votes. It is the record. I have been privileged to cast over 10,000 votes, and I appreciate the kind words he said when I cast that 10,000th. But those 10,000 votes, those 15,000 votes, many were in serious matters. Some were in procedural matters. Most were on legislation, statutes, laws, amendments—some on treaties. But it is so rare to be actually coming to vote on the issue of a constitutional amendment.

As important as all the statutes, all the treaties, even all the procedural matters are—because the distinguished Senator from West Virginia knows better than anybody else here, a procedural vote often is the determining vote—I think he would agree with me that the two most important votes you might cast would be on a declaration of war or on a constitutional amendment. In many ways, the country may be affected more by a constitutional amendment than by a declaration of war.

The distinguished Senator from West Virginia, my dear friend, has done the Senate and I think the country a service by saying let us pause a moment and ask how we got here. Actually, not only how we got here but why we got here. The answers to those two questions reveals that we should not amend the Constitution this way. It does not even begin to reach that article V level of necessity.

I thank my friend. I don't wish to embarrass him. I know he has been in some discomfort from a procedure on his eye. As one who, for other reasons, is very sensitive to that, I know he did this at some discomfort, but he said something that we should all hear.

I thank him and I yield the floor.

Mr. BYRD. Mr. President, before I yield, if I may, before I yield to the distinguished Senator from Minnesota who has already been so very gracious and considerate to me, I thank my friend from Vermont. I have learned a lot of lessons from him. We can learn from one another. It is easy, very easy if we try.

I appreciate his friendship. I appreciate his statesmanship. I am very grateful for his being a stalwart defender of this great Constitution and one who has voted, alongside me, in many what I consider to be pretty critical votes that we have cast in this Senate.

I close my statement today with these words from Henry Clay:

> The Constitution of the United States was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity.

Clay made those remarks in a Senate speech on January 29, 1850.

Mr. President, I ask unanimous consent that at the close of my remarks, when I have finally brought them to a close this day, the following articles be printed in the RECORD:

A Washington Post editorial of Monday, April 24, titled "Victims and the Constitution;" a Washington Post column by George Will titled "Tinkering Again;" an item from the National

Journal of April 22 titled "Victims' Rights: Leave the Constitution Alone," by Stuart Taylor, Jr.; and an editorial from the New York Times of Saturday, April 3, titled "Don't Victimize the Constitution."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 24, 2000]

VICTIMS AND THE CONSTITUTION

The Senate is expected soon to take up a victims rights amendment to the Constitution. The laudable goal is to protect the interests of victims of violent crime in proceedings affecting them. But the amendment by Sens. Jon Kyl (R–Ariz.) and Dianne Feinstein (D–Calif.), now gaining support, threatens both prosecutorial interests and the rights of the accused. It should be rejected.

The measure would give victims the right to be notified of any public proceedings arising from the offense against them, to be present at such hearings and to testify when the issues are parole, plea agreements or sentencing. Victims would be notified of the release or escape of a perpetrator or any consideration of executive clemency. They would also be entitled to orders of restitution and to consideration of their interest in speedy trials.

Many of these protections already exist in statute. But the rights of victims properly are bounded under the Constitution by the need to guarantee defendants a fair trial. A defendant's right to a fair trial, for example, should not depend on a victim's interest in seeing justice swiftly done. It may sound perverse to elevate the rights of defendants often correctly accused of crimes above those of their victims. But rights of the accused flow out of the fact that the government is seeking to deprive them of liberty—or, in some cases, life. In doing so, it already is representing the interests of their victims in seeing justice done.

The Clinton administration backs a constitutional amendment (though it has troubles with the specific language in the current proposal), but it is also worth noting that some prosecutors believe the amendment would hurt law enforcement. Beth Wilkinson, one of the prosecutors in the Oklahoma City bombing case, wrote in these pages last year that "our prosecution could have been substantially impaired had the constitutional amendment now under consideration been in place." The fundamental right of victims is to have government pursue justice on their—and the larger society's—behalf. To interfere with that in the victims' own name would be wrongheaded in the extreme.

[From the Washington Post, Apr. 23, 2000]

TINKERING AGAIN

(By George F. Will)

Congress's constitutional fidgets continue. For the fourth time in 29 days there will be a vote on a constitutional amendment. The House failed to constitutionalize fiscal policy with an amendment to require a balanced budget. The Senate failed to eviscerate the First Amendment by empowering Congress to set "reasonable limits" on the funding of political speech. The Senate failed to stop the epidemic of flag burning by an amendment empowering Congress to ban flag desecration. And this week the Senate will vote on an amendment to protect the rights of crime victims.

Because many conservatives consider the amendment a corrective for a justice system too tilted toward the rights of the accused, because liberals relish minting new rights and federalizing things, and because no one enjoys voting against victims, the vote is expected to be close. But the amendment is imprudent.

The amendment would give victims of violent crimes rights to "reasonable" notice of and access to public proceedings pertaining to the crime; to be heard at, or to submit a statement to, proceedings to determine conditional release from custody, plea bargaining, sentencing or hearings pertaining to parole, pardon or commutation of sentence; reasonable notice of, and consideration of victim safety regarding, a release or escape from custody relating to the crime; a trial free from unreasonable delay; restitution from convicted offenders.

Were this amendment added to the Constitution, America would need more—a lot more—appellate judges to handle avalanches of litigation, starting with the definition of "victim." For example, how many relatives or loved ones of a murder victim will have victims' rights? Then there are all the requirements of "reasonableness." The Supreme Court—never mind lower courts—has heard more than 100 cases since 1961 just about the meaning of the Fourth Amendment's prohibition of "unreasonable" searches.

What is the meaning of the right to "consideration" regarding release of a prisoner? And if victims acquire this amendment's panoply of participatory rights, what becomes of, for example, a victim who is also a witness testifying in the trial, and therefore not entitled to unlimited attendance? What is the right of the victim to object to a plea bargain that a prosecutor might strike with a criminal in order to reach other criminals who are more dangerous to society but are of no interest to the victim?

Federalism considerations also argue against this amendment, and not only because it is an unfunded mandate of unknowable cost. States have general police powers. As the Supreme Court has recently reaffirmed, the federal government—never mind its promiscuous federalizing of crimes in recent decades—does not. Thus Roger Pilon, director of the Center for Constitutional Studies at the Cato Institute, says the Victims' Rights Amendment is discordant with "the very structure and purpose of the Constitution."

Pilon says the Framers' "guarded" approach to constitutionalism was to limit government to certain ends and certain ways of pursuing them. Government, they thought, existed to secure natural rights—rights that do not derive from government. Thus the Bill of Rights consists of grand negatives, saying what government may not do. But the Victims' Rights Amendment has, Pilon says, the flavor of certain European constitutions that treat rights not as liberties government must respect but as entitlements government must provide.

There should be a powerful predisposition against unnecessary tinkering with the nation's constituting document, reverence for which is diminished by treating it as malleable. And all of the Victims' Rights Amendment's aims can be, and in many cases are being, more appropriately and expeditiously addressed by states, which can fine-tune their experiments with victims' rights more easily than can the federal government after it constitutionalizes those rights.

The fact that all 50 states have addressed victims' rights with constitutional amendments or statutes, or both, strengthens the suspicion that the proposed amendment is (as the Equal Rights Amendment would have been) an exercise in using—misusing, actually—the Constitution for the expressive purpose of affirming a sentiment or aspiration. The Constitution would be diminished by treating it as a bulletin board for admirable sentiments and a place to give special dignity to certain social policies. (Remember the jest that libraries used to file the French constitution under periodicals.)

The Constitution has been amended just 18 times (counting ratification of the first 10 amendments as a single act) in 211 years. The 19th time should not be for the Victims' Rights Amendment. It would be constitutional clutter, unnecessary, and because it would require constant judicial exegesis, a source of vast uncertainty in the administration of justice.

[From the National Journal, Apr. 22, 2000]

VICTIMS' RIGHTS: LEAVE THE CONSTITUTION ALONE

(By Stuart Taylor, Jr.)

Chances are that most Senators have not really read the proposed Victims' Rights Amendment, which is scheduled to come to the floor for the first time on April 25. After all, it's kind of wordy—almost as long as the Constitution's first 10 amendments (the Bill of Rights) combined. And you don't have to go far into it to understand two key points.

The first is that a "no" vote would open the way for political adversaries to claim that "Senator So-an-so sold out the rights of crime victims." This helps explain why the proposed amendment has a chance of winning the required two-thirds majorities in both the Senate and the House. Sponsored by Sen. Jon Kyl, R–Ariz., it has 41 cosponsors (28 Republicans and 13 Democrats), including Dianne Feinstein, D–Calif., and has garnered rhetorical support from President Clinton, Vice President Gore, and Attorney General Janet Reno. (The Justice Department has hedged its endorsement of the fine print because of the deep misgivings of many of its officials.)

The second point is that even though the criminal justice system often mistreats victims, this well-intentioned proposal is unnecessary, undemocratic, and at odds with principles of federalism. Unnecessary because victims' groups like Mothers Against Drunk Driving have far more political clout than do accused criminals. Victims' groups can and have used this influence to push their elected officials to augment the victims' rights provisions that every state has already adopted. These include both statutes and (state) constitutional amendments, not to mention federal legislation, such as the Violence Against Women Act. Undemocratic and inconsistent with federalism because this proposal—like others currently in vogue—would shift power from voters and their elected officials (state and federal alike) to unelected federal judges, whose liberal or conservative predilections would often influence how they resolve the amendment's gaping ambiguities.

None of this is to deny that many victims—especially in poor and minority communities—are still given short shrift by prosecutors, judges, and parole officials, or that further legislation may be warranted. But would enshrining victims' rights in the Constitution be more effective than enumerating them in ordinary statutes?

Consider the proposed amendment's specific provisions. They would guarantee every "victim of a crime of violence" the right to be notified of and "not to be excluded from" trials and other public proceedings "relating to the crime," as well as the right "to be heard" before critical decisions are made on pre-trial release of defendants, acceptance of plea bargains, sentencing, and parole. In addition, courts would be required to consider crime victims' interests in having any trial be "free from unreasonable delay," and to consider their safety "in determining any conditional release from custody relating to the crime." Other provisions would entitle victims to "reasonable notice of a release or escape from custody relating to the crime" and "an order of restitution from the convicted offender."

All very worthy objectives. But rights are enumerated in the Constitution mainly to protect powerless and vulnerable minorities—such as criminal defendants, who face possible loss of their liberty or even loss of life—from abuse by majoritarian governments. Amending the Constitution to promote popular causes is rarely a good idea, and advocates of the proposed Victims' Rights Amendment have failed to identify any legitimate interests of victims that cannot be protected legislatively, or any constitutional rights of defendants that stand in the way.

Moreover, to think that putting into the Constitution such benignly vague language as "free from unreasonable delay" will have some magical effect—such as cutting through the bureaucratic inertia and resistance that some say have blunted the effect of victims' rights statutes—is both fatuous and belied by our history. And any effort to add enough detail to eliminate ambiguities would distend our fundamental charter into something more like the Code of Federal Regulations.

Of course, at some point the objective of promoting victims' rights bumps up against other worthy goals. They include protecting defendants' rights to due process of law and other procedural protections against wrongful conviction, and giving prosecutors discretion to negotiate plea bargains with some defendants when necessary to get evidence against others.

If the courts were to construe the proposed amendment so narrowly as to leave such traditional rules and practices undisturbed, it would amount to vain tokenism. If, on the other hand, they were to construe the amendment broadly, it could foment legal confusion; set off torrents of new litigation by and among people claiming to be "victims" (a term that the amendment does not define); saddle the legal system with new costs and delays; and even increase the risks that innocent defendants would be convicted, that some of the guilty would escape punishment, and that some victims would be further victimized.

The most obvious risks the amendment poses to innocent defendants—and as President Clinton has discovered, we are all potential defendants—have been detailed by the American Civil Liberties Union. Courts could use the amendment to deny defendants and their counsel enough time to gather evidence of innocence before trial. They might also allow all victim-witnesses to be present when other witnesses are on the stand, even when this could compromise the reliability of the victim-witnesses' own testimony. (Current rules often require sequestering witnesses to prevent them from influencing one another's testimony.)

The risk of a guilty person's escaping punishment would be enhanced if courts used victims' objections as a basis for blocking prosecutors from entering legitimate plea bargains or for requiring them to justify such plea bargains by disclosing their strategies and any weaknesses in their evidence. Consider, for example, what might have happened to the Justice Department's effort to bring now-convicted Oklahoma City bomber Timothy McVeigh to justice if the Victims' Rights Amendment had been in effect in 1995.

Hundreds of victims—the injured and the survivors of the 168 people who died—could have invoked the amendment. Crucial evidence, provided by a witness named Michael Fortier, which helped convict McVeigh and co-defendant Terry Nichols, might have been unavailable if victims who opposed the prosecution's plea bargain with Fortier had been able to derail it, according to congressional testimony by Beth A. Wilkinson, a member of the prosecution team. Emmett E. Welch, whose daughter Julie was among those killed by McVeigh's bomb, testified at another hearing that "I was so angry after she was killed that I wanted McVeigh and Nichols killed without a trial. . . . I think victims are too emotionally involved in the case and will not make the best decisions about how to handle the case."

Of course, victims' interests would hardly be served by convicting the innocent or by making it harder to bring the guilty to justice. And some victims could be hurt more directly—for example, battered wives who complain to authorities only to be accused of assault by their victimizers, who can then invoke their own "victims' rights."

In short, the proposed constitutional amendment would do little or nothing more for crime victims than would ordinary state or federal legislation, and might in some cases be bad for them. That's why even some victims' groups, including the National Network to End Domestic Violence, are against it.

Most of us agree, of course, that prosecutors and judges should be nice to crime victims (as they usually are). Most of us also agree that parents should be nice to their children. But would we adopt a constitutional amendment declaring, "Parents shall be nice to their children"? Or "Parents shall give their children reasonable notice and an opportunity to be heard before deciding whether and how to punish older children who have pushed them around"? Would we leave it to the courts to define the meaning of terms like reasonable and nice? A ban on spanking, perhaps? A minimum of one candy bar per day? Would we let the courts override all state and federal laws that conflict with their interpretations?

We don't need constitutional amendments to embody our broad agreement on such general principles. And we should leave it to the states (and Congress) to detail rules for applying such principles to the messy realities of life, as the states do in laws dealing with child abuse and neglect. Legislatures periodically revise and update such laws—as they revise and update victims' rights laws—to correct unwise judicial interpretations, fix unanticipated problems, resolve troublesome ambiguities, and incorporate evolving social values. It would be far, far harder to revise or update a constitutional amendment.

James Madison wrote that the Constitution's cumbersome amendment process was designed for "great and extraordinary occasions." This doesn't come close.

[From the New York Times, Apr. 3, 2000]

DON'T VICTIMIZE THE CONSTITUTION

Some bad ideas keep recycling back. The latest version of the so-called "victims' rights amendment" to the Constitution, a pandering and potentially disruptive measure, is being readied for a full Senate vote by the end of the month.

There is no question that victims of violent crime deserve respect and sympathy in the criminal process, and programs to help them recover from their trauma. But adding this amendment to the nation's bedrock charter could alter the Constitution's delicate balance between accuser and accused, and even end up subverting the victims' main interest—timely and fair prosecution and conviction of their assailants.

To protect victims from insensitive treatment as their cases move through the criminal system, the amendment would establish a new constitutional mandate that victims be notified and allowed to participate in prosecutorial decisions and judicial proceedings. There is widespread concern among the defense bar, the law enforcement community and even some victims' rights groups that the amendment would undermine defendants' rights, give rise to litigation that delays trials and interfere with legitimate plea bargain deals and other aspects of prosecutorial discretion. States are already experimenting to find practical ways to address victims' complaints, consistent with the demands on prosecutors and constitutional protections for defendants. To the extend improvements are needed, the answer is to pass laws to fine-tune the system, not clutter the Constitution.

The bill's two main sponsors—Senators Jon Kyl, an Arizona Republican, and Dianne Feinstein, a California Democrat—have been busily rounding up new co-sponsors. All are supporting an amendment that could inflict unintended consequences on victims, the justice system and the Bill of Rights.

Mr. BYRD. Mr. President, I shall have more to say along this line. I shall wait until another date to address this particular amendment that is before the Senate.

I yield the floor and again thank the Senator from Minnesota and thank my friend from Vermont.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I am more than pleased to give the Senator from West Virginia a good deal of my time. His words are profoundly important. I do not think there is anybody else in the Senate who can speak on this question the way Senator BYRD can, and I hope Senators hear him.

After hearing Senator BYRD, I am going to be very brief. I do not know what I can add to what has been said by other Senators. The way I want to make my argument in just a couple of minutes, actually, is to say this: Senator FEINSTEIN asked me: Do you need to be down on the floor and is it going to be one of these back-and-forth slugfest debates? I said: No, not at all. I do not have any disrespect for what you and Senator KYL are doing, two colleagues whom I like; it is just that, for me, I am reluctant to support any constitutional amendments.

The bar is very high. It is a high threshold test to me. Even for such a noble purpose as campaign finance reform, when Senator HOLLINGS offered his amendment, I did not vote for it. I did not vote for a constitutional amendment to ban the desecration of the flag. I believe there have to be compelling reasons to vote for a constitutional amendment, and I do not think my colleagues have made a compelling case.

I point out that States have moved forward with their own victims' rights legislation or constitutional amendments and, to my knowledge, their work has not been successfully challenged in the courts. I point out that Senators LEAHY and KENNEDY have legislation that gives victims more rights. They want to do it statutorily.

As I see it—and I am not a lawyer—first we go this route and see what the States do. We can also say this is a national concern, a national question. Certainly that is my framework. I do not want to be inconsistent. First we try it statutorily. We pass our law. If the Supreme Court judicial review declares the law to be null and void, then at that point in time we may, indeed, want to come forward and say there is no alternative but to amend the Constitution.

The Chair will smile but I am conservative about this question, for all the reasons Senator BYRD has so ably explained to all of us.

The second point I wish to make is a little different, and it is my own way of thinking about it. I do believe, if we are going to talk about victims' rights, there is a whole lot I want us to do. I want us out here legislating. I made this argument this morning, and I do not know that I need to make it again.

Mr. President, I yield to the Senator from New Mexico for a moment.

Mr. BINGAMAN. Mr. President, I thank the Senator from Minnesota. I yield a half hour from the time I have under cloture to Senator DASCHLE, the leader on the Democratic side.

Mr. LEAHY. Mr. President, if the Senator will withhold, I wonder, just from a discussion I have had since I last spoke with him, would the Senator be willing to yield that half hour to the distinguished Senator from West Virginia, Mr. BYRD?

Mr. BINGAMAN. Mr. President, I so yield the time to the Senator from West Virginia. I thank the Senator from Minnesota and yield the floor.

Mr. WELLSTONE. Mr. President, my second argument is that I want, to the best of my ability, to represent the people in Minnesota, for that matter the people in the country, and I can think of a lot of legislation we could be working on that will give victims more rights.

I have legislation I have been trying to get out on the floor which deals with violence against women and children—they are victims—that provides more protection, that can prevent this violence, that can save lives. Let's get at it legislatively. I do not say it so much in response to this effort on the part of my colleagues from California and Arizona, but, again what I was saying this morning, I hope soon we will get back to the vitality of the Senate, which is we go at it; we have legislation; we have vehicles; and we have amendments. We bring legislation to the floor, we debate, and we vote up or down. That is what we are here to do.

I say to my colleagues who are concerned about victims' rights, I have legislation I want to bring to the floor that I believe does a whole lot by way of protecting victims, by way of making sure people do not become victims, in particular women and children.

My third point is, of course, one of the problems with a constitutional amendment as opposed to a statutory alternative is that it is very difficult to undo what is done. There are some questions I have about this effort. A lot of the work I do with my wife Sheila deals with violence directed at women and children, what some call domestic violence. I ask unanimous consent that letters from the National Clearinghouse For The Defense of Battered Women and the National Network to End Domestic Violence be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CLEARINGHOUSE FOR THE
DEFENSE OF BATTERED WOMEN
Philadelphia, PA; April 14, 2000.

Senator WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: We are writing to you to express our strong opposition to S.J. Res. 3, the proposed victims' rights amendment to the Constitution of the United States.

The National Clearinghouse for the Defense of Battered Women has opposed each version of the proposed victims' rights amendments that has been introduced over the past four years. After reviewing S.J. Res. 3, the National Clearinghouse for the Defense of Battered Women stands firm in our opposition. Although the current proposed amendment addresses some of the issues we raised in the past, we continue to have grave concerns about the new proposal and continue to oppose it.

We have attached the position paper of the National Clearinghouse for the Defense of Battered Women opposing S.J. Res. 3. We believe that our arguments remain compelling and relevant to the newly proposed amendment.

In the interests of ensuring justice for battered women and children, we urge you to vote "no" to the amendment.

Sincerely,

SUE OSTHOFF,
Director.

NATIONAL NETWORK TO END
DOMESTIC VIOLENCE,
Washington, DC, March 23, 1999.

Hon. ORRIN HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I write to apprise you of our continued opposition to the proposed constitutional amendment to protect the rights of crime victims. After careful review and consideration of S.J. Res. 6, we find that despite some minor changes since the 105th Congress our concerns with this proposed constitutional amendment have not changed.

The National Network to end Domestic Violence is a membership organization of state domestic violence coalitions from around the country, representing nearly 2,000 domestic violence programs nationwide. As you may be aware, many of our member coalitions and programs have supported the various state constitutional amendments and statutory enactments similar to the proposed federal constitutional amendment. And yet, we view the proposed federal constitutional amendment as a different proposition, both in kind and in process.

For a victim of domestic violence, the prospect of participating in a protracted criminal proceeding against an abusive husband or father of her children is difficult enough without the added burden of an unforgiving system. Prosecutors, police, judges, prison officials and others in the criminal justice system may not understand her fear, may not have provided for her safety, and may be unwilling to hear fully the story of the violence she's experienced and the potential impact on the impending criminal proceeding sentencing and release of the defendant. Each of these potential failures in the system underscore the need for the criminal justice system to pay closer attention to the needs of victims. Unfortunately, S.J. Res. 6 promises much for victims, but guarantees little on which victims can count to address these practicalities.

Let me outline some of our concerns.

First, if a constitutional right is to mean anything at all, it must be enforceable fully by those whose rights are violated. The proposed amendment expressly precludes any such enforcement rights during a proceeding or against any of those who are charged with securing the constitutional rights. The lack of such an enforcement mechanism is a fatal flaw—a mere gift at the leisure of federal, state and local authorities.

Secondly, the majority of the existing similar state statutes and constitutional amendments have been on the books fewer than 10 years. Thus, given our very limited experience with their implementation, it will be many years before we have sufficient knowledge to craft a federal amendment that will maintain the delicate balance of constitutional rights that ensure fairness in our judicial process. Without benefiting from the state experience, we run the risk of harming victims. We must explore adequately the effectiveness of such laws and the nuances of the various provisions before changing the federal constitution. State constitutions are different—they are more fluid, more amenable to adjustments if we need to "fix" things. A change in the federal constitution would allow no such flexibility, thus potentially harming victims by leaving no way to turn back.

And, lastly preserving constitutional protections for defendants, ultimately protects victims. This is especially true for domestic violence victims. The distinctions between defendant and victim are sometimes blurred by circumstance. For a battered woman who finds herself thrust into the criminal justice system for defending herself or having been coerced into crime by her abuser, a justice system that fairly guarantees rights for a defendant may be the only protection she has. Her ultimate safety may be jeopardized in a system of inadequate or uneven protections for criminal defendants, as is likely with the enactment of S.J. Res. 6.

Chairman Hatch, these are concerns that compel us to exercise restraint before proceeding with a constitutional amendment. As you know, in this country each year, too many fall victim to violent crime. These crimes cause death and bodily injury, leaving countless victims—women, men, boys and girls—to pick up the pieces. Tragically, the criminal justice system is less a partner and more an obstacle to the crime victim's ability to attain justice. A constitutional amendment is not the answer for this problem. But, improving policies, practices, procedures and training in the system would help tremendously.

Like you, we are committed to ensuring safety for domestic violence victims through strong criminal justice system enforcement and critical services for victims. However, the resources that must be invested into the process of passing such an amendment and getting it ratified by the states could be better invested in training and education of our judiciary, prosecutors, police, parole boards and others who encounter victims and in changing the regulations and procedures that most adversely impact victims. For those of us working in the field of domestic violence, we know the harm that can be caused directly to victims when policies are pushed without some experience to know whether they will work. And, while this may seem an inconsequential concern, for a battered woman whose safety may be jeopardized by such swift but uncertain action, the difference may be her life.

Please understand that our opposition to S.J. Res. 6 is not opposition to working through the traditional legislative channels to deliberate these issues and to support legislative changes that will allow us to explore various ways in which we can provide victims the voice they deserve in the criminal justice system.

Thank you for your consideration. If you have additional questions, please do not hesitate to be in touch with me at 202/543-5566. We have appreciated your leadership on issues concerning domestic violence over the years and look forward to continuing to work with you.

Sincerely,

DONNA F. EDWARDS,
Executive Director.

Mr. WELLSTONE. Mr. President, there is a tremendous amount of concern that what will happen is that batterers—and it is happening all too often right now—can accuse those whom they have battered as being the batterers, basically saying they are the victims, which then, in turn, triggers all sorts of rights that are in this amendment.

There is tremendous concern, and I will not read through all of it, when it comes to a particular part of the population—women and children who are, unfortunately, the victims of this violence in the homes—that, in fact, this constitutional amendment will have precisely the opposite effect that is intended, especially when it comes to protection for women and children; it will lessen that protection for women and children.

I quote from the NOW Legal Defense and Education Fund:

> While many women are victims of violent crime, women are also criminal defendants. Self-defense cases, dual arrest situations, or the abuse of mandatory arrest and mandatory prosecution policies by batterers who allege abuse by the victim, exemplify contexts in which women victimized by violence may need the vital constitutional protections afforded defendants.

There is a whole question of how this gets implemented, what happens to these women and children. Given the fact this is a big part of my work in the Senate, I ask unanimous consent that this NOW Legal Defense Fund position paper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOW LEGAL DEFENSE AND
EDUCATION FUND,
New York, NY, April, 2000.

POSITION STATEMENT ON PROPOSED VICTIMS' RIGHTS AMENDMENT

Legislators in the 106th Congress plan to introduce a proposal to amend the U.S. Constitution by adding a "Victims' Rights Amendment." Because NOW Legal Defense and Education Fund (NOW LDEF) chairs the National Task Force on Violence Against Women, and, as an organization that works extensively on behalf of women who are victims of violent crime, including our fight against domestic violence, sexual assault, and all forms of gender-based violence, we have been asked to analyze this proposal.

NOW LDEF agrees with sponsors of victims' rights legislative initiatives that many survivors of violent crime suffer additional victimization by the criminal justice system. We appreciate the injustices and the physical and emotional devastation that drives the initiative for constitutional protection. Nonetheless, we do not agree that amending the federal Constitution is the best strategy for improving the experience of victims as they proceed through the criminal prosecution and trial against an accused perpetrator. Any such amendment raises concerns that outweigh its benefits. After considering the potential benefits and hardships, and particularly considering the circumstances of women who are criminal defendants, NOW LDEF cannot endorse a federal constitutional amendment elevating the legal rights of victims to those currently afforded the accused. However, we fully endorse companion efforts to improve the criminal justice system, including initiatives to ensure consistent enforcement of existing federal and state laws, and enactment and enforcement of additional statutory reform that provide important protections for women victimized by gender-based violence.

The need to improve the criminal justice system's response to women victimized by violence

It is true that survivors of violence often are pushed to the side by the criminal justice system. They may not be informed when judicial proceedings are taking place or told how the system will work. Although many jurisdictions are working on improving their interactions with victims, many victims still experience the judicial system as an ordeal to be endured, or as a forum from which they are excluded. They often experience a loss of control that exacerbates the psychological impact of the crime itself. Certainly women victimized by violence face the persistent gender bias in our criminal justice system, which includes courts and prosecutors that fail to prosecute sexual assault, domestic violence, and other forms of violence against women as vigorously as other crimes. All too often, criminal justice officials blame the victims for "asking for it" or for failing to fight back or leave. these negative experiences make it more difficult for women victimized by violence to recover from the trauma and may contribute to reduced reporting and prosecution of violent crimes against women.

As amendment proponents have stressed, increased efforts to promote victims' rights potentially could have a strong and positive impact on women who are victims of crime. The entire public relations and educational campaign mounted on behalf of the amendment can be very informative. Criminal justice system reform can give victims a greater voice in criminal justice proceedings and could increase their control over the impact of the crime on their lives. For example, notice of and participation in court proceedings, including the ability to choose to be present and express their views at sentencing, could be psychologically healing for victims.

More timely information about release or escape and reasonable measures to protect the victim from future stalking and violence could improve women's safety. Women could benefit economically from restitution. Nevertheless, because statutory protections and state constitutional provisions already may provide some or all of these improvements, because additional statutory and state-level reform can be enacted, and because no reform will be effective absent strict enforcement, we do not support a federal constitutional amendment to address the problems facing women crime victims.

Why a Federal Victims' Rights constitutional amendment is problematic

Supporters of a federal victim's rights constitutional amendment begin with the fundamental premise that survivors of violence deserve the same protections that our judicial system affords to an accused perpetrator, and that their interests merit equal weight in the eyes of the state. They urge amending the U.S. Constitution to balance treatment of victims and defendants, positing that other protections, whether granted by statute, or implemented through policy, custom, training or education, could be limited at some point by the rights guaranteed to defendants under the Fourth, Fifth, Sixth and Eighth Amendments to the federal Constitution. However, adding constitutional protections that could offset the fundamental constitutional protections afforded defendants marks a radical break with over two hundred years of law and tradition carefully balancing the rights of criminal defendants against the exercise of state and federal power against them.[1] It is our belief that the proposed reforms can be afforded under statutes and state constitutions. The constitutional amendment proposal contains complex requirements that are far better suited for statutory reform.

The position of a survivor of violence can never be deemed legally equivalent to the position of an individual accused of a crime.[2] The accused—who must be presumed innocent, and may in fact be innocent—is at the mercy of the government, and faces losing her liberty, property, or even her life as a consequence. While the crime victim may have suffered grievous losses, she, unlike the defendant, is not subject to state control and authority. A victims' rights constitutional amendment could undercut the constitutional presumption of innocence by naming

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Footnotes at end of statement.

and protecting the victim as such before the defendant is found guilty of committing the crime. Amendment proposals leave undefined numerous questions ranging from the definition of a "victim" to whether victims would be afforded a right to counsel, or how victims' proposed right to a speedy trial would be balanced against defendants' due process rights. Proposals also inject an additional party (the victim and her attorney), to the proceedings against a defendant as a matter of right, increasing the power of the state and potentially diminishing the rights of the accused, particularly in the eyes of a jury.

The demonstrated existing inequalities of race and class in the modern American criminal justice system only increase the importance of defendants' guaranteed rights. Affording alleged and actual crime victims a constitutional right to participate in criminal proceedings could provide a basis for challenge to those bedrock principles that assure justice and liberty for all citizens.

While many women are victims of violent crime, women are also criminal defendants. Self-defense cases, dual arrest situations, or the abuse of mandatory arrest and mandatory prosecution policies by batterers who allege abuse by the victim, exemplify contexts in which women victimized by violence may need the vital constitutional protections afforded defendants. These cases highlight the need for constitutional protection for criminal defendants belonging to groups historically subject to discrimination.

Proposed alternatives to address the needs of women victimized by violence

NOW LDEF supports efforts to improve the experience of victims in the criminal justice process. Many statutes and state constitutions already contain the reforms contained in amendment proposals. Additional mechanisms for change include enhanced implementation and enforcement of existing state and federal legislation, enacting new statutory protections, increased training for judicial, prosecutorial, probation, parole and police personnel, and improved services for victims such as the more widespread use of victim-witness advocates. Funding available under the Violence Against Women Act can continue to be directed to crucial training and victims' services efforts. Additional statutory reform and funding for program implementation, particularly targeted to eliminate gender bias in all aspects of the criminal justice system can go a long way toward assisting women who have survived crimes of violence.

Statutory reform requiring prosecutors and other criminal justice system officials to take such measures as requiring timely notice to victims of court proceedings are modest and relatively inexpensive steps that would have a great impact. We must work to provide better protection for victims—through consistent enforcement of restraining orders, and by training law enforcement officials and judges about rape, battering and stalking, so that arrest and release decisions accurately reflect the potential harm the defendant poses. NOW LDEF hopes the attention drawn to this issue will promote greater dialogue about the problems that victims face in the criminal justice system, and will increase the criminal justice system's responsiveness to women victimized by gender-motivated violence.

FOOTNOTES

[1] Reported litigation under state constitutional amendments is limited, but illustrates the potential conflicts in balancing the rights of victims and the rights of the defendants. While in some cases the victim's state rights did not infringe on the defendant's federal rights, *see, e.g., Bellamy v. State of Florida*, 594 S.2d 337, 338 (Fla. App. 1st Dep't 1992) (mere presence of the victim in the courtroom in a sexual battery case would not prejudice the jury against the defendant), in others the defendant's federal rights took primacy. *See. e.g., State of New Mexico v. Gonzales*, 912 P.2d 297, 300 (N.M. App. 1996) (sexual assault victim's rights to fairness, dignity and privacy under state amendment did not allow her to prevent disclosure of medical records to defendant); *State of Arizona ex rel Romely v. Superior Court*, 836 P.2d 445, 449 (Ct. App. Ariz. 1992) (despite victim's right to refuse deposition in this case where defendant claimed she stabbed her husband in self-defense, she would be unable to present a sufficient defense without the deposition and thus she could force him to be deposed).

[2] It may be less legally problematic to recognize the interests of victims by affording them a voice at sentencing or at another post-trial proceeding, after a defendant's guilt has been determined.

Mr. WELLSTONE. Mr. President, I thank my colleagues for their effort. Again, the threshold has to be very high. I speak in opposition.

With the indulgence of my colleagues, since I have been out here for a good period of time, I ask unanimous consent that I may have 5 more minutes for morning business to cover two matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2465 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I yield 30 minutes of my time to the Democratic leader, Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I would like to correct the RECORD with respect to the effectiveness of the Victims Rights Clarification Act of 1997.

In the course of this debate on this proposed constitutional amendment, the two principal sponsors of this constitutional amendment, my friends Senator KYL and Senator FEINSTEIN, have spoken at some length about the Oklahoma City bombing cases. They have repeatedly cited that case as evidence that Federal statutes are not adequate for protecting crime victims, and that nothing but a constitutional amendment will do the trick.

They have said that "the Oklahoma City case provides a compelling illustration of why a constitutional amendment is necessary to fully protect victims' rights in this country" and that the case shows "why a statute won't work."

I have a very different take on the lessons to be learned from the Oklahoma City bombing cases. In my view, what happened in that case is a textbook example of how statutes can and do work, and why the proposed constitutional amendment is wholly unnecessary.

For many years, the proponents of this amendment have pointed to one particular ruling to support their cause. On June 26, 1996, during the first Oklahoma City bombing case, the Timothy McVeigh case, the trial judge, Chief Judge Richard Matsch, issued what I and many other Senators thought was a bizarre pretrial order. He held that any victim who wanted to testify at the penalty hearing, assuming McVeigh was convicted, would be excluded from all pretrial proceedings and from the trial. Judge Matsch's reasoning, as I understand it, was that victims' testimony at sentencing would be improperly influenced by their witnessing the trial.

The U.S. Attorneys who were prosecuting the case promptly consulted with the victims and concluded that Judge Matsch's ruling failed to treat the victims fairly, so they moved for reconsideration. But Judge Matsch denied the U.S. Attorneys' motion and reaffirmed his ruling on October 4, 1996.

As I mentioned, I, like the prosecutors, thought that Judge Matsch's order was wrong. I did not believe that anything in the Constitution or in Federal law required victims to make the painful choice between watching a trial and providing victim impact testimony.

The issue during the trial phase is whether the defendant committed the crime. The issue on which victims testify at the sentencing is what the effects of the crime have been. There is nothing that I know of, in common sense or in American law, that suggests that allowing a mother who has lost her child to hear the evidence of how her child was murdered would somehow taint the mother's testimony about the devastating effects of the murder on her and her family's lives.

So on March 14, 1997, I joined Senator NICKLES, Senator INHOFE, Senator HATCH, and Senator GRASSLEY in introducing the Victims Rights Clarification Act of 1997. This legislation clarified that a court shall not exclude a victim from witnessing a trial on the basis that the victim may, during the sentencing phase of the proceedings, make a statement or present information in relation to the sentence. This legislation also specified that a court shall not prohibit a victim from making a statement or presenting information in relation to the sentence during the sentencing phase of the proceedings solely because the victim has witnessed the trial.

In addition, and just as importantly, the Victims Rights Clarification Act preserved a judge's discretion to exclude a victim's testimony during the sentencing phase if the victim's testimony would unfairly prejudice the jury. It allowed for a judge to exclude a victim if he found a basis—independent of the sole fact that the victim witnessed the trial—that the victim's testimony during the sentencing phase would create unfair prejudice.

My cosponsors and I worked together to pass the Victims Rights Clarification Act within a timeframe that could benefit the victims in the Oklahoma City bombing case. The Senate passed this bill by unanimous consent on March 18, 1997, and President Clinton signed it into law the very next day. I am very proud of how we worked together, Republicans and Democrats, the Senate and the House, the Congress and the President, to pass the Victims Rights Clarification Act in record time, and I believe that its speedy passage speaks volumes about our shared commitment to victims' rights.

More important for this debate than how fast Congress acted, however, is how fast Judge Matsch responded. One week after the President signed the Victims Rights Clarification Act, Judge Matsch reversed his pretrial order and permitted victims to watch the trial, even if they were potential penalty phase victim impact witnesses. In other words, Judge Matsch did what the statute told him to do. Not one victim was prevented from testifying at Timothy McVeigh's sentencing hearing on the ground that he or she had observed part of the trial.

Senator KYL has said that the statute did not work; he suggested that we are now stuck with a judicial precedent that somehow prevents victims from sitting in the courtroom during a trial. Sen. FEINSTEIN has said that the Victim Rights Clarification Act is "for practical purposes a nullity." It's just not true.

Beth Wilkinson, a member of the Government team that successfully prosecuted Timothy McVeigh and Terry Nichols, told our Committee how well the Victim Rights Clarification Act worked. I can do no better than to quote her words, because she was there, in the trenches; she devoted 2½ years of her life to obtaining justice for the victims of the Oklahoma City bombing. Here is what Ms. Wilkinson, one of the lead prosecutors in the case, told the Judiciary Committee:

> What happened in [the McVeigh] case was once you all passed the statute, the judge said that the victims could sit in, but they may have to undergo a voir dire process to determine . . . whether their testimony would have been impacted . . . I am proud to report to you that every single one of those witnesses who decided to sit through the trial . . . survived the voir dire, and not only survived, but I think changed the judge's opinion on the idea that any victim impact testimony would be changed by sitting through the trial. . . . [T]he witnesses underwent the voir dire and testified during the penalty phase for Mr. McVeigh.

Ms. Wilkinson went on to say:

> It worked in that case, but it worked even better in the next case. Just 3 months later when we tried the case against Terry Nichols, every single victim who wanted to watch the trial either in Denver or through closed-circuit television proceedings that were provided also by statute by this Congress, were permitted to sit and watch the trial and testify against Mr. Nichols in the penalty phase.
>
> That operated smoothly. The defendant had no objection, and the judge allowed every one of those witnesses to testify without even undergoing a voir dire process in the second trial. . . .
>
> I think that proves . . . [that] you do not want to amend the Constitution if there are some statutory alternatives. And I saw the Victim Rights Clarification Act work. Within a year of passage, it had been tried two times and I believe by the second time it had operated smoothly and rectified an interest and a right that I think the victims were entitled to that had not been recognized until passage of that statute.

Senator FEINSTEIN said that Judge Matsch "ignored" the Victim Rights Clarification Act. But Ms. Wilkinson was there, and she says the judge did not ignore the statute, he did apply it, and that any initial uncertainty about the constitutionality of the statute was resolved in the McVeigh case, and not a problem in the second trial, against Terry Nichols. In addition, I am unaware of any subsequent case in which the Victim Rights Clarification Act has been less than fully effective.

I hope this lays to rest, once and for all, the repeated assertions of the proponents of this constitutional amendment that the Oklahoma City bombing cases proved that victims cannot be protected by ordinary legislation. There was one very unfortunate ruling that went against victims' rights at the start of the McVeigh case. That ruling was promptly opposed by prosecutors, swiftly corrected by Congress in the Victims Rights Clarification Act, and duly reversed by the trial judge himself before the trial began. The Victims Rights Clarification Act is working.

After Ms. Wilkinson testified before the Committee, I asked one of our other witnesses, Professor Paul Cassell, to comment on what Ms. Wilkinson had said about the Victims Rights Clarification Act. Professor Cassell represented some of the victims of the Oklahoma City bombing, and he advised Senators in connection with the formulation of that legislation.

Knowing that Professor Cassell is now one of the leading advocates of the proposed victims' rights amendment, I wanted to give him an opportunity to explain what he thought the proposed constitutional amendment would have provided the Oklahoma City bombing victims that the Victims Rights Clarification Act did not provide.

The only thing that Professor Cassell could think of was that the amendment would have given the victims "standing". In other words, in addition to enabling the victims to watch the trial and testify at the sentencing hearing, which the statute admittedly accomplished, the amendment would have entitled Paul Cassell and other lawyers for the victims, and the victims themselves, to demand additional hearings and to argue before Judge Matsch.

If standing is the only thing that was missing in the Victims Rights Clarification Act, then we have to ask ourselves two things. First, assuming that we want to provide standing for victims and their lawyers to make legal arguments as well as to testify in criminal cases, do we need a constitutional amendment to achieve that? None of the sponsors of the constitutional amendment have explained why that could not be done by statute.

Second, and more importantly, do we really want to give standing to victims and their lawyers, and allow them to raise claims and challenge rulings during the course of a criminal case?

Remember, we are not arguing about whether victims are entitled to attend the trial, whether they are entitled to testify, or whether they are entitled to restitution. Of course they should be, and they already are in most States. The "standing" question is a procedural one, about whether victims' rights and the interests of an efficient and effective criminal justice system are best protected by allowing prosecutors to run the prosecution, or by bringing in teams of plaintiffs' lawyers—or, I guess, they would now be called victims' lawyers—to argue over how the case should be conducted.

I am committed to giving victims real and enforceable rights. But I am not convinced that prosecutors are so incapable of protecting those rights, once we make them clear, that every victim needs to get their own trial lawyer. Indeed, from my own experience as a prosecutor, and from what I have seen of Ms. Wilkinson and the dedicated team that prosecuted the Oklahoma City cases, I am confident that prosecutors have victims' interests at heart.

Senators KYL and FEINSTEIN mentioned that some of the victims of the Oklahoma City tragedy support their proposed constitutional amendment. I think the point needs to be made that some of those victims do not support the amendment. They were satisfied with the way that Ms. Wilkinson and her colleagues handled the case, and pleased and relieved with the results they achieved.

One of the victims even testified before Congress in opposition to this proposed amendment. Emmett E. Walsh, who lost his daughter in the bombing, told the House Judiciary Committee the following:

> I know that many people believe that a constitutional amendment is something that crime victims want. However, I want you to know that as a crime victim, I do not want the Constitution amended. . . . I believe that if this constitutional amendment had been in place it would have harmed, rather than helped, the prosecution of the Oklahoma City Bombing case.

In the Timothy McVeigh case, the trial judge got the law of victims' rights wrong in an initial pretrial ruling. Through the normal legislative process, we fixed the problem before the trial began. What that history shows is not that statutes don't work; it shows precisely why they do. If we got the law of victims' rights wrong in a constitutional amendment, or the Supreme Court interpreted a constitutional victims' rights amendment wrongly, a solution would not come so swiftly. That is why Congress should be slow to constitutionalize new procedural rights that can be provided by statute.

Mrs. MURRAY. Mr. President, I rise today to express my strong support of the rights of crime victims and of all Americans. In the last few years, Congress has passed laws to increase the rights of crime victims and their families. Congress has provided crime victims the right to attend and to speak at court proceedings, the right to be notified of a criminal's parole or escape, and the right to receive restitution.

Congress has been able to expand victims' rights by doing what we do often—pass laws. Today, we are asked to do something we do very rarely—to amend the United States Constitution.

I support crime victims. I want to expand their protections, but I don't believe that amending the Constitution is the best way to do it. As the examples I mentioned have shown, we can expand and clarify victims' rights significantly—without tampering with the Constitution. A constitutional amendment is not necessary to help crime victims.

Any time we think about changing the Constitution, we must consider the words of James Madison, its principal author. Madison explained that amending the Constitution should only be reserved for "certain great and extraordinary occasions," when no other alternatives are available.

Despite all the changes in our country over the last 213 years, we've only amended the Constitution on 27 occasions, 10 of which were the Bill of Rights. Most of these constitutional amendments were passed to reflect fundamental changes in the attitudes of Americans such as ensuring the rights of minorities and the right of women to vote.

This is not a "great and extraordinary occasion." In the last 20 years, we in Congress and the states have done a good job of ensuring better and more comprehensive rights and services for crime victims. There are more than 30,000 laws nationwide that define and protect victims' rights. There are tens of thousands of organizations that provide assistance to people who have been victims of crime.

Thirty-two States have passed constitutional amendments in their own state constitutions to protect the rights of crime victims. My own home State of Washington has both laws on the books and provisions in our state constitution that provide crime victims and their families the right to attend trial, the right to be informed of court proceedings, the right to make a statement at sentencing or any proceeding where the defendant's release is considered, and the right to enter an order of restitution. There is no evidence that the laws in my state and others like it are failing to protect victims.

Not only is this not a "great and extraordinary occasion," but this amendment could actually erode the rights of Americans rather than expand on them. Defendants in criminal proceedings in this country are presumed to be innocent. This amendment would give victims and their families the right to be heard at all critical stages of the trial. This amendment could allow victims to sway the trial against a defendant before they have been convicted, thus seriously compromising the presumption of innocence.

The amendment could also compromise a defendant's right to a fair trial. Judges have enormous discretion in determining which witnesses should be able to attend the proceedings in their courtroom. Many times, a witness' testimony could be compromised if that witness hears the testimony of others. For example, if the victim is allowed to hear the testimony of the defendant, the victim could change his or her testimony based on what the defendant said. Even worse, if a victim attends the testimony of the accused, the trauma or intimidation they experience could damage their subsequent testimony.

The judge should have discretion over who can be excluded from the courtroom at particular stages of the trial to ensure that the defendant has a fair trial. This amendment would give victims the right to attend the entire criminal trial regardless of whether the judge believes their presence could taint the fairness of the proceeding. Judges help ensure that defendants have a fair trial. This amendment would jeopardize that protection.

The amendment could also affect defendants and the prosecutors' ability to present their case. The amendment would give victims a right to intervene and assert a constitutional right for a faster disposition of the matter. In many cases, the defendants and prosecutors need time to develop their arguments. This amendment could force a premature conclusion to cases that may require additional deliberation.

In some cases, the victims are actually defendants. This happens many times in domestic violence cases when the abused victims finally defend themselves from their attacker. In these cases, the abuser could actually be granted special rights that could place a domestic violence victim at greater risk. Why should the abuser get special rights? This is one reason why many domestic violence victims' advocates oppose this amendment.

Finally, the proposed victims' rights amendment could hurt effective prosecutions and would place enormous burdens on the criminal justice system. The amendment gives victims the right to be notified and to comment on negotiated pleas or sentences. More than 90 percent of all criminal cases do not go to trial but are resolved through negotiation. Giving victims a right to obstruct plea agreements could backfire by requiring prosecutors to disclose weaknesses in their case. It could also compromise the ability of a prosecutor to gain the cooperation of one defendant to improve the chance of convincing others. In the end, guilty defendants could better present their case if they are privy to strategy and details of the prosecutions' case. The rights of notification could also result in large burdens on the criminal justice system, compromising resources to effectively prosecute criminals.

An amendment to the Constitution is not the right approach. We should continue to do the things that have worked in the past without taking this drastic step. Current State and Federal laws give victims extensive rights at trial.

For these reasons, I have cosponsored a proposal by Senators LEAHY and KENNEDY. This statutory change would give crime victims the right to be heard and be notified of proceedings and the right to a speedy trial. It would also enhance participatory rights at trial and do other things to give victims and their families a greater ability to get involved in the prosecution of the criminals that harmed them. All of these rights would be subject to the judge's discretion. We in Congress should not be in the business of telling judges how to balance the rights of the accused and those of the victims.

I urge my colleagues to support the Leahy/Kennedy compromise and reject the constitutional amendment that may do more to compromise the rights of Americans rather than expand them.

Before, I close, I want to make one final point. If we really want to do something for crime victims, we should reauthorize the Violence Against Women Act, VAWA, which expires this year. If we do not act, we jeopardize funding and we miss a vital opportunity to strengthen this historic act.

Even using conservative estimates, one million women every year are victims of violent crimes by an intimate partner. We know that one in three women can expect to be the victim of a violent crime at some point in her life. The chance of being victimized by an intimate partner is ten times greater for a woman than for a man. Domestic violence is statistically consistent across racial and ethnic lines—it does not discriminate based on race or economic status. Eighty-eight percent of victims of domestic violence fatalities had a documented history of physical abuse and 44 percent of victims of intimate homicide had prior threats by the killer to kill the victim or self. These are frightening statistics and show us that violence against women is a real threat. How will a Constitutional amendment prevent these crimes or even provide safety and support to the victims?

VAWA changed the entire culture of violence against women and empowered communities to respond to this devastating plague. Since 1995 we have provided close to $1.8 billion to address violence against women. VAWA funding supports well over 1,000 battered women shelters in this country. The National Domestic Violence Hotline enacted as part of VAWA, fielded 73,540 calls in 1996 alone, and in 1998 the hotline fielded 109,339 calls. We have many success stories and we know what works.

There is no reason to delay reauthorization. We still have so much more to do. We know the demand for services and assistance for victims is only increasing. As a result of more outreach and education, women no longer feel trapped in violent homes or relationships. Domestic violence is no longer simply a family problem but a public health threat to the community. While we have seen an explosion in funding for battered women's shelters, we also know that hundreds of women and children are still turned away from overcrowded shelters. We have heard reports that individual states had to turn away anywhere from 5,000 to 15,000 women and children in just one year. I know that limited safe shelter space is a growing problem in Washington state. What can we do for these victims? What rights do they have? The reauthorized legislation, S. 51, provides much greater hope to these victims than even federal and state laws to protect the rights of victims in the court process. The bill currently has 47 cosponsors.

If we are concerned about victims and the rights of victims we should be acting to reauthorize and strengthen VAWA.

SUPPORTING THE CAPITOL HILL POLICE OFFICERS

Mr. WELLSTONE. Mr. President, I have decided now to start speaking about this subject again on the floor of the Senate. I think I will devote only 10 minutes a week on it. But I am going to do it every week. I must say, though, if we continue to operate the way we have been operating, I might as well speak about it much more because while we are dealing with a very serious question now, we are not about the business of legislating. I call on the majority leader to start getting legislation out and going at it on amendments. Let's bring some vitality back to the Senate.

I do want to, one more time, say to my colleagues that most all of us attended a service for Officers Chestnut and Gibson. These were two police officers who were murdered. They were murdered in the line of duty. They were protecting us. They were protecting the public.

I say to my colleagues one more time, I believe Senator BENNETT and Senator FEINSTEIN on the Senate side are very supportive of doing whatever they can. But up to date, including today again, we have stations here where you have one police officer for lots of people coming through. That police officer is not safe. That police officer cannot do his or her job.

We made a commitment to do everything we possibly could to make sure we would never experience again the loss of a police officer's life. We can never be 100 percent sure, but we ought to live up to the commitment to have two police officers at every station.

I say this on the floor of the Senate—and I will pick up the pace of this later—if we cannot do that, then we ought to start shutting these doors, really. If we cannot have two officers per station and give them the support they deserve—I am talking about appropriations—then we basically ought to just close the doors.

I think on the Senate side we have bipartisan support. I do not know what is happening on the House side. I must say, today I am pessimistic, in terms of what I have heard, that we might even be looking at cuts. But whatever we need to do, whether it be paying overtime or hiring additional officers, we need to do it so we do not lose any lives and we give the Capitol Hill police officers the support that we promised to give them.

I say to my colleagues that I am worried that on the House side, in particular, we are not going to get the support. I think it should be bipartisan. I do not think anybody should have any question about this. Everybody says they are for police officers, and everybody says they are for protection and safety, and everybody says they will never forget the two fine officers whose lives were lost, and yet when it comes to digging in our pockets and doing it through appropriations, we are not there. Something is amiss.

I will try to keep bringing this up every week and hopefully we can get this work done.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be very brief because my good friend, the distinguished Senator from Florida, is on the floor. I know he wishes to speak as in morning business. I do not want to hold him up on that.

Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATMENT OF FEDERAL LAW ENFORCEMENT OFFICERS

Mr. LEAHY. Mr. President, I have to take issue with the extreme rhetoric that some are using to attack our Federal law enforcement officers who helped return Elian Gonzalez to his father.

For example, one of the Republican leaders in the House of Representatives was quoted as calling the officers of the U.S. Immigration and Naturalization Service, the U.S. Border Patrol, and the U.S. Marshals Service: "jack-booted thugs." The mayor of New York City, a man who is seeking election to this body, called these dedicated public servants "storm troopers."

I know both men who made these remarks. I hope they will reconsider what they said because such intemperate and highly charged rhetoric only serves to degrade Federal law enforcement officers in the eyes of the public. That is something none of us should want to see happen.

Let none of us in the Congress, or those who want to serve in Congress, contribute to an atmosphere of disrespect for law enforcement officers. No matter what one's opinion of the law enforcement action in south Florida, we should all agree that these law enforcement officers were following orders, doing what they were trained to do, and putting their lives on the line, something they do day after day after day.

Let us treat law enforcement officers with the respect that is essential to their preserving the peace and protecting the public. I have said many times on the floor of this body that the 8 years I served in law enforcement are among the proudest and most satisfying times of my years in public service.

Thus, this harsh rhetoric bothers me even more. I do not know if I am bothered more as a Senator or as a former law enforcement official. But I am reminded of similar harsh rhetoric used by the National Rifle Association. In April 1995, the NRA sent a fundraising letter to members calling Federal law enforcement officers "jack-booted thugs" who wear "Nazi bucket helmets and black storm trooper uniforms."

Apparently, the vice president of the NRA was referring to Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms agents involved in law enforcement actions in Idaho and Texas.

President George Bush, a man who is a friend of ours on both sides of this aisle, was correctly outraged by this NRA rhetoric, and he resigned from the NRA in protest. At the time in 1995, President Bush wrote to the NRA:

> Your broadside against federal agents deeply offends my own sense of decency and honor. . . . It indirectly slanders a wide array of government law enforcement officials, who are out there, day and night, laying their lives on the line for all of us.

I praised President Bush in 1995 for his actions, and I praise him again today.

President Bush was right. This harsh rhetoric of calling Federal law enforcement officers "jack-booted thugs" and "storm troopers" should offend our sense of decency and honor. It is highly offensive. It does not belong in any public debate on the reunion of Elian Gonzalez with his father.

We are fortunate to have dedicated women and men throughout Federal law enforcement in this country. They do a tremendous job under difficult circumstances, oftentimes at the risk of their lives and, unfortunately, too often losing their lives. They are examples of the hard-working public servants who make up the Federal Government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes high-profile incidents to put a human face on Federal law enforcement officials, to remind everyone that these are people with children and parents and friends, spouses, brothers and sisters. They deserve our respect. They don't deserve our personal insults.

In countless incidents across the country every day, we ask Federal law enforcement officers who are sworn to protect the public and enforce the law to place themselves in danger, in danger none of us has to face. These law enforcement officers deserve our thanks and our respect. They do not deserve to be called jack-booted thugs and storm troopers. I proudly join the Federal Law Enforcement Officers Association in condemning these insults against our Nation's law enforcement officers. The public officials who used this harsh rhetoric owe our Federal law enforcement officers an apology.

I also want to note the misplaced swiftness in those calling to investigate the law enforcement action needed to reunite Elian Gonzalez with his father. The same congressional leaders who broke speed records calling Attorney General Reno to Capitol Hill and now call for Senate Judiciary Committee hearings to investigate this law enforcement action are the same congressional leaders who stalled the juvenile justice conference for nearly a year. With just a word, these congressional leaders can order politically charged meetings and hearings, though they remain silent when it comes to moving a comprehensive youth crime bill toward final passage into law. Unfortunately, we are in a Congress that is quick to investigate but slow to actually legislate a solution that could improve the quality of our constituents' lives. I think this is a misplaced priority on politics over commonsense legislation. I hope we will calm down the rhetoric.

There are those who feel strongly about where Elian Gonzalez should be, either with relatives in Miami or with his father. I am one who has stated from the beginning that the little boy should be with his father. The fact is, he is with his father. I hope we can all just let them be alone, let them reestablish the bonds that a father and child naturally have. Let him enjoy the company of his new brother. Let him be out of the TV cameras. Let's stop seeing this little boy paraded out several times a day before crowds, even adoring crowds. Let him be a normal little 6-year-old. Let him hug his father. Let his father hug him back. Let them read stories. Let them do things together.

I ask his family, his relatives in Miami—I have to assume they love him—let them have this time alone. Back away. Don't let your own egos or feelings get in the way of what is best for this little child. Let him be with his father. There will be a time where all of them will be together again. Right now, this little boy needs his dad.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RAID IN MIAMI

Mr. MACK. Mr. President, in the early morning hours of Holy Saturday, a little piece of America died. America's shining beacon of freedom faded in the Florida sky as many of us grieved over the astounding actions of the United States Government. This administration betrayed America's past and joined history's inglorious list of governments that have chosen to use excessive force against its own law-abiding citizens.

Our founding fathers believed in a Government of, for, and by, the people, a Government designed to serve and benefit the people, not to serve and benefit the needs of Government, and certainly not to substitute brute force for the rule of law. These are reminiscent of the tactics used by tyrants and despots. The decisions by this administration that led to the events of last Saturday will be remembered as a day of shame in our American history.

My comments today are not directed toward the law enforcement officers who carried out the operation; I understand they are charged with a duty and must follow the directives of the Attorney General and the President of the United States. My comments today are not directed at the ultimate disposition of Elian's residency or custody, and they are not intended to be partisan or political, but they do go directly to the heart of who we are as a Nation and what we expect of our Government.

As most people know, the Elian Gonzalez matter is pending in Federal court. Just last Wednesday, the Eleventh Circuit Court of Appeals ordered that Elian Gonzalez must remain in the United States during the review of his Federal court case. The opinion of the court suggests the INS and the Department of Justice were wrong in not granting Elian an asylum hearing. In the final footnote of the opinion, the court encouraged the parties to avail themselves voluntarily of the Eleventh Circuit's mediation services. The court believed that mediation was an appropriate avenue to resolve this heart gripping situation.

The Attorney General did not listen to the court. She was obsessed with reuniting Elian with his father at any cost. Perhaps she would have been wise to listen to the words of Daniel Webster: "Liberty exists in proportion to wholesome restraint." Perhaps she should have listened to her own words: "I'm trying to work through an extraordinary human tragedy. And the importance of working through it is that we do so in good faith, without violence, without having to cause further disruption to the little boy." This statement was made nine days before the raid.

The night before the raid, mediation between the Department of Justice, the Miami family and Juan Miguel Gonzalez had gone on all night and into the wee hours of Saturday morning. Even as the negotiations continued on the telephone with all parties, agents of the administration dressed in fatigues and masks exploded into the home of Lazaro Gonzalez with machine guns drawn—and one machine gun that was pointed dramatically in the face of a screaming child.

The Government held all the power, and the Government used intimidation to force a family, a loving caring family, into a corner. Remember this is the family originally selected by the Attorney General to care for Elian.

The administration offered ultimatums when fair mediation was needed. This administration resorted to the power of a machine gun to intimidate an American family. What possible benefit could come from this act?

Tactics such as these deserve a full explanation. Why would the Department of Justice stage a raid when mediator Aaron Podhurst stated that a deal between the parties was "minutes to an hour away"? Why would they be so impatient with a solution so near? The Attorney General said that they had a window during which to conduct the raid of Saturday through Monday. Why could they not have waited for negotiations to play out.

What credible information existed to suggest this level of force needed to be used?

Another question that deserves fuller explanation speaks to the impact of the raid on the boy. Wouldn't any psychologist or psychiatrist who actually examined the child say this action would further traumatize the boy? But sadly, the INS team of experts never did examine the boy to make an informed evaluation.

How could such tactics possibly be in the best interests of a child who has suffered so much? What right did this administration have to add this trauma to the terrible loss Elian has already suffered? And why did he have to suffer at the hands of the people who are supposed to defend the rule of law, the INS, the DoJ, and the President of the United States.

Let's think for a moment about the decision the father and the Justice Department made in putting Elian's life at risk with the plans for the pre-dawn raid. I have never questioned the father's love for the boy, but I cannot imagine any father would choose to put his son's life at risk a second time. But it is not an unloving father who put his son in harm's way-the father is as much a victim as Elian in many ways. The father had a simple choice: travel to a safe house in Miami and have Elian voluntarily transferred into his custody or insist on remaining in Washington and have the U.S. government seize his son in a violent, dangerous raid. Just as it wasn't the father's decision not to come to his boy's side for the first four months of this ordeal, it was not his decision to remain in Washington, forcing a raid at gunpoint. Castro would not allow the father to travel then and he would not allow him to travel last weekend.

President Clinton promised my colleague Senator GRAHAM that Elian would not be seized in the middle of the night, and now we must ask again, why did he promise one thing and yet do another?

Elian deserves access to all of his legal options, Elian deserves an asylum hearing, and he deserves the protection of U.S. law. Yet that is for another day. The use of force must be dealt with today. Does the end justify the means? Will these means ever be justified?

There have been accusations of playing politics with this issue.

But perhaps we ought to recognize what several of the Attorney General's long-time supporters have said. The four mediators from Miami that were involved in the negotiations with Janet Reno have clearly challenged the administration's characterization of the events of last Saturday. They said they were close to an agreement and felt confident a peaceful solution could have been reached.

We cannot simply sweep these issues away and dispense of them in the name of politics. This is a long, sad story and I'm sure many would wish it would simply fade away. But if we accept and commend the actions of our government for acting hastily in choosing excessive force over peaceful mediation, we have traveled down a very troubling road. We dare not condone such use of force to settle legal disputes. This strikes at the very heart of the balance of power and the integrity of our judicial process.

This child and no child should face the intimidation and trauma of an automatic weapon in his face—especially when perpetrated by the American government—a government that has always stood for freedom and human rights throughout the world. As a father and grandfather, I am heartbroken for the frightened, vulnerable child in that photograph. My hope is that no other administration official utter the words, "I am proud of what we did" and instead express regret and sorrow for the trauma and pain suffered by the entire Gonzalez family.

What happened saddens me as an American, a father, and a Senator. Mr. President, last Saturday morning, a little bit of America died in that raid and I hope we never again dim the light of freedom for those who look to us for hope. I yield the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MACK. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE ARMENIAN VICTIMS OF THE OTTOMAN EMPIRE

Mr. FEINGOLD. Mr. President, I rise today to honor the memory of the 1.5 million ethnic Armenians that were systematically murdered at the hands of the Ottoman Empire from 1915–1923. The 85th anniversary of the beginning of this brutal annihilation was marked on April 24.

During this nine year period, a total of 1.75 million ethnic Armenians were either slaughtered or forced to flee their homes to escape the certain death that awaited them at the hands of a government-sanctioned force determined to extinguish their very existence. As a result, fewer than 80,000 ethnic Armenians remain in what is present-day Turkey.

I have come to the floor to commemorate this horrific chapter in human history each year I have been a member of this body, both to honor those who died and to remind the American people of the chilling capacity for violence that, unfortunately, still exists in the world. It is all too clear from the current ethnically and religiously motivated conflicts in such places as the Balkans, Sierra Leone, and Sudan that we have not learned the lessons of the past.

Recently, the Senate Committee on Foreign Relations, of which I am a member, had the honor of hearing the testimony of one of the most well-known survivors of the Holocaust, Dr. Elie Wiesel. His eloquent words remind us that the same capacity for hate that drove the Ottoman Empire to murder ethnic Armenians and the Nazis to murder Jews is still present in the world. At the hearing, Dr. Wiesel said, "violence is the language of those who can no longer express themselves with words."

This hate manifests itself in many ways, from extreme nationalism to so-called "ethnic cleansing" to violations of the basic human rights of ethnic and religious minorities. And, in some cases, those filled with hate attempt to mimic the horrific events and beliefs of times past. For example, I am deeply disturbed by the apparent resurgence of right wing and anti-Semitic movements in Europe.

Dr. Wiesel also said, "to hate is to deny the other person's humanity." Today, let us take a moment to remember the Armenians who died at the hands of the Ottoman Empire, and all of the other innocent people who have lost their lives in the course of human history simply for who they were. Our humanity may depend on it.

Mr. REED. Mr. President, I rise to join with Armenians throughout the United States, in Armenia, and around the world in commemorating the 85th anniversary of the Armenian Genocide.

On the night of April 24, 1915 in Constantinople, nationalist forces of the Ottoman Empire rounded up more than 200 Armenian religious, political, and intellectual leaders and murdered them in a remote countryside location. This atrocity began an eight year campaign of tyranny that would affect the lives of every Armenian in Asia Minor.

Armenian men, women, and children of all ages fell victim to murder, rape, torture, and starvation. By 1923, an estimated 1.5 million Armenians had been systematically murdered and another 500,000 were exiled. With the world community consumed in the events of World War I and the subsequent period of recovery, the plight of the Armenian people went unanswered.

Today, this tragic episode in history serves to unite the Armenian people as they struggle to build an independent nation committed to democracy and peace in the Caucasus region. Despite the unresolved conflict in Nagorno-Karabakh, the ongoing blockade by Turkey and the violent attack on the Armenian Parliament last October, Armenians continue to build on these principles. It is this indomitable spirit that has kept the hope of Armenians alive through centuries of persecution.

The madness and cruelty which led to the tragic events of the Armenian genocide are not forgotten. Last year, when hundreds fled their homes in Kosovo, fearing for their lives, America and its NATO allies reacted quickly and decisively. We, as a nation, must continue to respond to such acts of oppression so that the deaths of all victims of hatred and prejudice are not in vain.

Therefore, on the 85th anniversary of the terrible tragedy of the Armenian genocide we remember the past and rededicate ourselves to supporting Armenia as it looks to the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 25, 2000, the Federal debt stood at $5,714,809,510,973.78 (Five trillion, seven hundred fourteen billion, eight hundred nine million, five hundred ten thousand, nine hundred seventy-three dollars and seventy-eight cents).

Five years ago, April 25, 1995, the Federal debt stood at $4,842,768,000,000 (Four trillion, eight hundred forty-two billion, seven hundred sixty-eight million).

Ten years ago, April 25, 1990, the Federal debt stood at $3,059,578,000,000 (Three trillion, fifty-nine billion, five hundred seventy-eight million).

Fifteen years ago, April 25, 1985, the Federal debt stood at $1,731,602,000,000 (One trillion, seven hundred thirty-one billion, six hundred two million).

Twenty-five years ago, April 25, 1975, the Federal debt stood at $514,706,000,000 (Five hundred fourteen billion, seven hundred six million) which reflects a debt increase of more than $5 trillion—$5,200,103,510,973.78 (Five trillion, two hundred billion, one hundred three million, five hundred ten thousand, nine hundred seventy-three dollars and seventy-eight cents) during the past 25 years.

SENATE QUARTERLY MAIL COSTS

Mr. McCONNELL. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of FY2000 to be printed in the RECORD. The first quarter of FY2000 covers the period of October 1, 1999, through December 31, 1999. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106-57, the Legislative Branch Appropriations Act of 2000.

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1999

Senators	FY2000 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$114,766	0	0	$0.00	0
Akaka	35,277	0	0	0.00	0
Allard	65,146	0	0	0.00	0
Ashcroft	79,102	0	0	0.00	0
Baucus	34,375	2,440	0.00305	1,950.86	$0.00244
Bayh	80,377	0	0	0.00	0
Bennett	42,413	0	0	0.00	0
Biden	32,277	0	0	0.00	0
Bingaman	42,547	0	0	0.00	0
Bond	79,102	0	0	0.00	0
Boxer	305,476	0	0	0.00	0
Breaux	66,941	0	0	0.00	0
Brownback	50,118	0	0	0.00	0
Bryan	43,209	0	0	0.00	0
Bunning	63,969	0	0	0.00	0
Burns	34,375	0	0	0.00	0
Byrd	43,239	0	0	0.00	0
Campbell	65,146	0	0	0.00	0
Chafee, Lincoln	34,703	0	0	0.00	0
Cleland	97,682	0	0	0.00	0
Cochran	51,320	0	0	0.00	0
Collins	38,329	0	0	0.00	0
Conrad	31,320	0	0	0.00	0
Coverdell	97,682	0	0	0.00	0
Craig	36,491	0	0	0.00	0
Crapo	36,491	0	0	0.00	0
Daschle	32,185	0	0	0.00	0
DeWine	131,970	0	0	0.00	0
Dodd	56,424	0	0	0.00	0
Domenici	42,547	0	0	0.00	0
Dorgan	31,320	0	0	0.00	0
Durbin	130,125	0	0	0.00	0
Edwards	103,736	508	0.00008	408.05	0.00006
Enzi	30,044	0	0	0.00	0
Feingold	74,483	0	0	0.00	0
Feinstein	305,476	0	0	0.00	0
Fitzgerald	130,125	688	0.00006	225.10	0.00002
Frist	78,239	0	0	0.00	0
Gorton	81,115	0	0	0.00	0
Graham	185,464	0	0	0.00	0
Gramm	205,051	1,421	0.00008	309.89	0.00002
Grams	69,241	57,346	0.01311	31,583.87	0.00722
Grassley	52,904	0	0	0.00	0
Gregg	36,828	0	0	0.00	0
Hagel	40,964	0	0	0.00	0
Harkin	52,904	0	0	0.00	0
Hatch	42,413	0	0	0.00	0
Helms	103,736	0	0	0.00	0
Hollings	62,273	0	0	0.00	0
Hutchinson	51,203	0	0	0.00	0
Hutchison	205,051	0	0	0.00	0
Inhofe	58,884	0	0	0.00	0
Inouye	35,277	0	0	0.00	0
Jeffords	31,251	33,878	0.06020	10,220.91	0.01816
Johnson	32,185	0	0	0.00	0
Kennedy	82,915	802	0.00013	272.64	0.00005
Kerrey	40,964	0	0	0.00	0
Kerry	82,915	0	0	0.00	0
Kohl	74,483	0	0	0.00	0
Kyl	71,855	0	0	0.00	0

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1999—Continued

Senators	FY2000 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Landrieu	66,941	0	0	0.00	0
Lautenberg	97,508	0	0	0.00	0
Leahy	31,251	5,411	0.00962	1,456.55	0.00259
Levin	114,766	3,013	0.00032	608.87	0.00007
Lieberman	56,424	703	0.00021	655.20	0.00020
Lincoln	51,203	1,317	0.00056	1,236.67	0.00053
Lott	51,320	0	0	0.00	0
Lugar	80,377	0	0	0.00	0
Mack	185,464	0	0	0.00	0
McCain	71,855	0	0	0.00	0
McConnell	63,969	0	0	0.00	0
Mikulski	73,160	0	0	0.00	0
Moynihan	184,012	0	0	0.00	0
Murkowski	31,184	0	0	0.00	0
Murray	81,115	0	0	0.00	0
Nickles	58,884	0	0	0.00	0
Reed	34,703	0	0	0.00	0
Reid	43,209	1,097	0.00091	898.20	0.00075
Robb	89,627	0	0	0.00	0
Roberts	50,118	0	0	0.00	0
Rockfeller	43,239	0	0	0.00	0
Roth	32,277	0	0	0.00	0
Santorum	139,016	0	0	0.00	0
Sarbanes	73,160	0	0	0.00	0
Schumer	184,012	0	0	0.00	0
Sessions	68,176	0	0	0.00	0
Shelby	68,176	0	0	0.00	0
Smith, Gordon	58,557	0	0	0.00	0
Smith, Robert	36,828	0	0	0.00	0
Snowe	38,329	0	0	0.00	0
Specter	139,016	0	0	0.00	0
Stevens	31,184	0	0	0.00	0
Thomas	30,044	0	0	0.00	0
Thompson	78,239	0	0	0.00	0
Thurmond	62,273	0	0	0.00	0
Torricelli	97,508	2,602	0.00034	1,387.69	0.00018
Voinovich	131,970	0	0	0.00	0
Warner	89,627	0	0	0.00	0
Wellstone	69,241	0	0	0.00	0
Wyden	58,557	0	0	0.00	0
Totals	7,594,942	111,226	0.08868	51,214.50	0.03227

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE LEGEND OF CASEY JONES

• Mr. THOMPSON. Mr. President, I rise today to acknowledge the historical significance of April 30th to the State of Tennessee and the Nation. Casey Jones, a legendary Tennessee railroad engineer, made history when his engine collided with another train on April 30, 1900. Casey's infamous ride and his selfless actions to save the lives of innocent bystanders have been lauded in folk music and drama throughout the past century. It is in his memory and the spirit of his efforts that I ask my colleagues to join me in recognizing Casey Jones' bravery and heroism.

Americans have been fascinated by the life of Casey Jones not merely for his heroism but also for his personification of the American dream. Casey's legendary life is a universal tale, and one that was guided by the foundations of this great nation: diligence, perseverance, determination, and sacrifice. Casey began as a cub operator for the railroads, then worked as a fireman, and eventually became an engineer in 1891, an accomplishment that was rarely seen in those days. He moved his family anywhere he could find employment, but he never neglected his role as a caring father and devoted husband. Casey had a reputation as a trusted and capable engineer, and he soon found himself in charge of regularly scheduled passenger trains.

On the night of April 29, 1900, Casey departed Memphis aboard Engine 382 with six passenger cars one hour and thirty-five minutes late. Protocol demanded that engineers make their arrival time regardless of the tardiness of their departure. Casey was renowned throughout the region for his ability to make time, and he was doing an excellent job until he arrived at Vaughn Station, only eleven miles from his final destination. While attempting to maintain his scheduled arrival, Casey missed a flag signal warning that a freight train was still on the tracks ahead of him. Casey's engine collided with the caboose, but instead of abandoning his engine as instructed, he stayed behind in the hope that the lives of his passengers could be saved. Due to Casey's heroic attempts to stop and slow the train, none of Casey's passengers were injured and he was the only one killed in the crash.

Throughout this year, Casey Jones' hometown of Jackson, Tennessee, will celebrate the centennial of his gallant ride and recognize his contributions to American history. The events will culminate on the anniversary of the crash with a celebration sponsored by the Casey Jones Village, the Casey Jones Home and Railroad Museum, and the City of Jackson. I encourage everyone to take part in these events and remember the legacy of Casey Jones—an American folk hero.•

ARIAIL PULITZER NOD

• Mr. HOLLINGS. Mr. President, it is an honor for me to recognize one of South Carolina's most talented journalists, Robert Ariail, who was recently selected as one of the three finalists for the Pulitzer Prize in editorial cartooning. This is the second time he has made the Pulitzer shortlist, having also been a 1995 finalist. Since joining The State newspaper in Columbia, SC in 1984, Mr. Ariail has informed and charmed South Carolina readers with a collection of original, insightful and finely-crafted cartoons. Having been a subject of his satire, I can personally attest to his talent. His work has earned him numerous national and international awards including the Overseas Press Club's Thomas Nast Award, the National Headliner Award and the national Sigma Delta Chi Award. I have faith that three times will be the charm for Robert Ariail and the Pulitzer; this prestigious award could not go to a more deserving person.•

THE 150TH BIRTHDAY OF GRAND RAPIDS, MICHIGAN

• Mr. ABRAHAM. Mr. President, I rise today in honor of the City of Grand Rapids, Michigan, which on May 1, 2000, will celebrate its 150th birthday. Residents of the city have been invited to commemorate the occasion with Mayor John Logie at the Grand Rapids Sesquicentennial Community Party, an event which will highlight the growth and development of a city that is still on the ascent.

When a group of fur trappers, explorers, loggers, and sod busters took a break from their daily activities on May 1, 1850, to make Grand Rapids an incorporated city, the estimated population was 2,686 persons. The number of square miles that the city encompassed stood at four, the estimated number of city officials was sixteen, there were thirty two miles of road within city limits, and there was neither a police force nor a fire department. To be sure, the first mayor of Grand Rapids, Mr. Henry R. Williams, had his work cut out for him.

Today, I think Mr. Williams would be extremely proud to see how far the city of Grand Rapids has come in its 150 years. Its population now stands at 192,000 persons, and, when surrounding metropolitan areas are added to this, the figure grows to 1,021,200. This makes Grand Rapids the second largest city in Michigan and the 58th largest city in the Nation. The city encompasses 45 square miles, employs over 2,000 city officials, has 562.81 miles of road within its limits, a police force of 379 officers and a fire department of 260 firefighters. Mr. President, I think it goes without saying that Mayor Logie also has a lot of work on his hands.

The City of Grand Rapids has planned many events to be included as part of its Sesquicentennial Celebration. All elementary schools, public, private, and charter, will be served birthday cake on May 1. The original city boundary will be marked with special historic 1850 signs. City officials have commissioned the designing of a parade float to participate in area parades, which depicts the Grand River and is fully equipped with jumping fish, fireworks, and depictions of historic buildings and neighborhoods. Free coloring books entitled "The City of Grand Rapids: Then and Now," will be distributed on April 29, 2000.

In addition, officials from the four sister cities of Grand Rapids—Omihachiman, Japan; Bielsko-Biala, Poland; Perugia, Italy; and Ga District, Ghana—will join in the celebration. A time capsule, to be built into the new Archive Center, will receive its first items. One hundred and fifty trees will be planted throughout the community to commemorate the birthday celebration. A beginning list of 150 historical sites in Grand Rapids will be released on April 29, 2000, and will be completed throughout the year. And finally, the Grand Rapids Press will publish four essays, submitted by Grand Rapids residents, as a tribute to the birthday, with the topics of these essays ranging from diversity to the city's quality of life.

Mr. President, in one hundred and fifty years, residents of Grand Rapids have experienced their fair share of both prosperity and decline. At the end of World War II, the future of Grand Rapids looked bleak. Through the incredible efforts of thousands of individuals in the years since, though, the city has managed to turn the tables full tilt. As we enter the new millennium, Grand Rapids is enjoying the greatest economic boom in its history. With this economic prosperity has come a remarkable turn in the overall quality of life that residents enjoy. Also, it should be noted that Grand Rapids is one of Michigan's most diverse cities, diversity which increases everyday as more and more jobs are created within city limits. The turnaround of Grand Rapids serves as a model, and an inspiration, to other cities, not only in Michigan, but throughout the Nation.

Mr. President, I extend greetings to all those participating in the Grand Rapids Sesquicentennial Community Party, and the many other events that have been planned for the celebration of the anniversary. On behalf of the entire United States Senate, I wish the City of Grand Rapids a happy 150th birthday.•

DIABETES RESEARCH

• Mr. WYDEN. Mr. President, as a member of the Senate Diabetes Caucus, I am concerned with the need for further research for a cure for diabetes. Recently, I had several meetings with constituents from Portland, Eugene, and Lake Oswego, Oregon concerning diabetes research funding. All of these constituents are young children or young adults living with this disease. One young woman told me that she has already lost three friends to this disease.

For fiscal year 2000, the National Institutes of Health (NIH) received a $13.3 million increase over last year's funding for diabetes. This increase brings the total amount for diabetes research to $462.3 million. For those who have to live every day with diabetes and for those who are the parents of a child living with disease, and who have to worry every day about the long-term toll diabetes disease takes on their child, this is not enough.

Diabetes can destroy nerves, harm eyesight, and cause a host of other deleterious effects on the body. While I am pleased that there was an increase in the funding of NIH for diabetes research last year, I believe we can and should do more to assure that we find a cure.

While funding has increased from $134 million in fiscal year 1980, this only represents approximately 2 percent growth per year when adjusted for inflation. Considering the widespread and devastating effects of this disease, we should continue to support the funding increases for NIH research of diabetes.

I know that many of my colleagues feel strongly about this issue as well. I hope we can work in a bipartisan manner to assure an increase in research funding to find a cure.•

TRIBUTE TO OHIO COUNTY HIGH SCHOOL STUDENTS

• Mr. McCONNELL. Mr. President, I rise today to congratulate students at Ohio County High School for their First Place finish in the Kentucky competition of the "We the People . . . The Citizen and the Constitution" program and for their advancement to the national competition.

I am proud to share with my colleagues that the class from Ohio County High School in Hartford, Kentucky will represent our State in the national competition of "We the People . . . The Citizen and the Constitution" program. These young scholars have worked diligently to reach the national finals and through their hands-on experience have gained knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I wish to acknowledge each of the winning students: Amber Albin, Kyle Allen, Rebecca Ashby, Susanna Ashby, Jamie Barnard, Nicole Bellamy, Brian Canty, Susan Fields, Sam Ford, Amanda Gilstrap, Crystal Goff, Chris Hunt, Leslie Johnson, Andrea Leach, Jason Martin, Jason Mayes, Lacey Patterson, Sarah Phillips, Dexter Reneer, Ann Shrewsbury, Luke Sims, Keegan Smith, Erika Underwood, Tara Ward, Michelle Westerfield.

I also would like to recognize and thank their teacher, John Stofer, who taught these students and provided the leadership which brought them to the final competition of this year's program.

The "We the People . . ." program is designed to educate young people about the Constitution and the Bill of Rights. During the final competition, the students will be challenged in a three-day program modeled after Congressional hearings. The students will make oral presentations and testify as constitutional experts to a panel of adult judges, and then will be questioned and judged on their knowledge and grasp of the Constitution. As a strong advocate for the Constitutional rights of all Americans, I applaud the efforts of these young people to understand and apply Constitutional law to real-life situations.

My colleagues and I congratulate these Ohio County High School students in their Kentucky victory, and wish them all the best in their upcoming competition May 6-8, 2000, in Washington, D.C.•

CALIFORNIA'S VETERANS APPRECIATION MONTH

• Mrs. BOXER. Mr. President, I rise in recognition of California's Veterans Appreciation Month, which is celebrated in May 2000. The people of our state and our nation owe more to our veterans than we can ever repay. The world is a safer place, and our Democracy has thrived because of their heroism.

This year, as in years past, the State of California is making an extra effort to assist its veterans who suffer from a lack of suitable employment. California calculates that about 40,000 of its veterans are unemployed or underemployed. This is a tragic situation for these fine men and women who have given so much to America.

During the month of May, California's Employment Development Department will focus special effort to find jobs for these veterans. Local Veterans Employment Representatives and Disabled Veterans Outreach Program staff will be contacting employers, organized labor and government leaders to promote hiring veterans, and they will provide job training and job-search training to former military personnel. Quite simply, the goal of California's Veterans Appreciation Month is to show the appreciation of a grateful nation by providing the employment opportunities that veterans so richly deserve.

I commend the California Employment Development Department for all its fine efforts on this program and I encourage all Americans to support similar efforts in their states.•

RECOGNITION OF STILLWATER HIGH SCHOOL

• Mr. GRAMS. Mr. President, on May 6–8, 2000, more than 1200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. It is an honor for me to announce that a class from Stillwater Area High School will represent the state of Minnesota in this national event. These young scholars have worked very hard to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are: Chad Anderson, Ellen Andersen, Luke Anderson, Sara Apel, Rob Cole, Alexis DuPlessis, Melissa Ellis, Kim Garvey, Elissa Green, Kyle Knoepfel, Joey Korba, Amy Kruchowski, Kirsten Lindquist, Beth Manor, Emily Michnay, Alex Nelson, Steve Peterson, Chris Richter, Chris Siver, Stefan Tatroe, Melissa Zanmiller.

I would also like to recognize their teacher, Kathleen Ferguson, who deserves much of the credit for the success of the class.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored."

The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

I am confident the class from Stillwater High School will represent Minnesota well and I wish these young "constitutional experts" all the best.•

EAGLE SCOUT AWARD

• Mr. REED. Mr. President, I rise today to salute a distinguished young man from Troop 66 in Garden City, Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. A scout must earn twenty-one Merit Badges, eleven of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As one progresses through the Boy Scout ranks, a scout must demonstrate participation in increasingly more responsible service projects. An Eagle Scout candidate must also demonstrate leadership skills by holding one or more specific Troop leadership positions. Ernest Rheaume has distinguished himself in accordance with these criteria.

For his service project, Ernest organized a bicycle and child safety fair at Gladstone Street School in Cranston.

Mr. President, I ask you and my colleagues to join me in saluting Ernest Rheaume. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must see. This program has through its eighty-five years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans.

It is my sincere belief that Ernest will continue his public service and in so doing will further distinguish himself and consequently better his community.•

TRIBUTE TO BEDFORD SCHOOL SUPERINTENDENT DENNIS POPE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dennis Pope upon receiving the New Hampshire Superintendent of the Year Award for the 1999–2000 school year. This honor was awarded to Mr. Pope by the New Hampshire School Administrators Association, and both Mary Jo and I applaud the hard work and dedication that has earned him such high esteem.

Dennis Pope was chosen from eleven other nominees, and it was ultimately his actions and the respect of his peers that elevated him over the competition. He has dedicated nearly three decades of his life to education, the past eleven years of which have been as the Bedord, New Hampshire, Superintendent of Schools. Dennis Pope's goal has always been to make a difference in the lives of his students and in the education process, and he has succeeded. Mr. Pope's efforts exemplify the Association's motto "Champions for Children." Dennis is a champion of both our children and New Hampshire school systems.

Dennis Pope's presence in the Bedford community extends far beyond the walls of its schools. Dennis is an individual who leads by example. He has been a member of the Rotary club, numerous town committees and is currently the Vice-Chairman of the Visitation Committees for the NEASC.

Dennis has illustrated that one can't be a passive participant and prosper. He has taken the initiative of reforming the scholastic curriculum, and he has encouraged community involvement in school affairs. He has shown that being fiscally conservative doesn't detract from an academically rich school system.

Again, I commend Dennis Pope on this very special honor and on his service to the Bedford School System. His work is greatly beneficial to the Town and the State, and I wish him all of the best as he continues to make a difference in his community and in the lives of its young citizens. It is truly an honor to represent Dennis Pope in the United States Senate.•

75TH ANNIVERSARY OF BRIDGEPORT'S ST. RAPHAEL CHURCH

• Mr. DODD. Mr. President, I rise today in recognition of the 75th anniversary of St. Raphael Church in

Bridgeport, Connecticut. I commend the church and its devoted members for their long tradition of faithfulness and service. This anniversary is, rightfully, cause for celebration among St. Raphael's parishioners, and it is a pleasure to recognize their enduring commitment to the Bridgeport community.

The 1920s and 1930s saw a great influx of Italian immigrants into this country generally and into the City of Bridgeport, Connecticut specifically. These immigrants brought hope and courage to America, and they also brought with them a strong religious faith. A new Roman Catholic parish, St Raphael's, was soon established in Bridgeport to minister to their needs.

While the church that everyone in Bridgeport recognizes as St. Raphael's was being built, masses were held in the old Caruso Theater. An altar was carried in on Sundays to make the theater more like a sanctuary. Services were modest, but they drew the parish together. On Christmas Day, 1925 the faithful celebrated the first mass in their new church. From that day forward the church has prospered and grown. A convent was added to the parish in 1937 and the sisters who lived there led religious instruction for six hundred public school children every week.

During World War II, hundreds of young men from this church bravely went overseas to fight for their country, and fifty of them never returned.

Despite these losses, the 1940s were a time of expansion for the church. New land was acquired and new buildings were raised. The church's current appearance is a result of the work done primarily during this period.

St. Raphael's is one of the most beautiful churches in Bridgeport, and I believe, in the entire state of Connecticut. What was once a yellow Spanish-style mission has undergone many renovations. Now a Gregorian Romanesque building overlooking a school, convent, and rectory, much of the property surrounding it belongs to the Church. The altar inside was imported to this country from Italy. Some of the woodwork around the altar was carved by Italian artists, while most of the renovations to this building have been the product of devoted parishioners throughout the past seven decades. From the marble steps to the artwork contained within the Church, this place of worship is a proud combination of traditional Italian style and modern American workmanship and dedication.

As St. Raphael's celebrates its 75th Anniversary, it is fitting to remember the rich history and the important role that this parish has had in the community and for the many generations of Italian-Americans that have lived in Bridgeport. It has persisted through the years as a source of spiritual guidance and communal strength, and I applaud their legacy and wish the parish well at the dawn of this new century.•

ELMENDORF AIR FORCE BASE ENVIRONMENTAL AWARD

• Mr. MURKOWSKI. Mr. President, I would like to recognize a recent achievement of the men and women at Elmendorf Air Force Base in Anchorage, Alaska. Today, they received the Air Force's 1999 General Thomas D. White Environmental Award for Restoration. This award reflects the commitment of the Air Force in Anchorage to making Elmendorf Air Force Base and the surrounding community a better place to live.

Mr. President, the men and women who serve our nation at Elmendorf have always been sensitive to the needs of the communities surrounding the base. Indeed, all of the Air Force installations in Alaska, have gone out of their way to ensure that the environment is not permanently harmed by any military presence. Innovative approaches to cleanup have resulted in Elmendorf being projected to reach Air Force cleanup goals a full ten years ahead of schedule.

Several measures are in place to improve and speed up the cleanup of any future environmental hazards, all at a cost savings of over $1 million to the taxpayers. All of these efforts have ensured a long standing positive relationship with the civilian community and preserved the beautiful lands in Alaska for future generations to enjoy. For this reason, the Air Force today rewarded the men and women at Elmendorf for their diligence.

Today, the people of Elmendorf can be proud of the fact that they are an example by which other Air Force installations around the nation, indeed the world, will measure themselves for environmental awareness. I join the Air Force in commending those at Elmendorf, like Lieutenant General Thomas R. Case and Colonel Duncan H. Showers, who have made this possible. I also look forward to continued work with the Air Force in Alaska to maintain their excellent relationship with the rest of the communities in Alaska.•

TRIBUTE TO LUCAS MOLLER

• Mr. CRAPO. Mr. President, I bring your attention to the recent accomplishments of Lucas Moller. Lucas is 11 years old, a student of Russell Elementary School in Moscow, Idaho, and is currently helping NASA scientists develop sensitive and complex space equipment.

In December of 1999, Lucas was selected by the Planetary Society to have his invention used by NASA scientists on the Mars Surveyor 2001 mission. Mr. President, I know you join Idaho and myself in extending to Lucas congratulations on this achievement.

The Planetary Society asked kindergarten through 12th-grade students to design an experiment that would enhance the Mars Surveyor mission. After learning of this contest, Lucas studied the mission to determine what he could build. What Lucas came up with was both simple and ingenious. He constructed a thimble-sized cylinder designed to help scientists test the angle at which Martian dust falls off space equipment. This invention will allow scientists to learn what angle to position their equipment to prevent dust collecting and interfering with experiments.

When Lucas is not working with the Nation's top scientists on space exploration, he is developing his character with such distinguished organizations as the Boy Scouts. He excels at math and science and is involved in the gifted and talented program at school.

Mr. President, Lucas Moller is an outstanding example of what Idaho students can do with the proper encouragement and dedication. He is a role model for students and scientists of all ages and I am proud that he will represent his family and state in future space exploration. I know you and my colleagues in the Senate join me in offering our congratulations to Lucas.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8583. A communication from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to the housing allowances paid to uniformed service members stationed in the United States; to the Committee on Armed Services.

EC-8584. A communication from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to a technical correction to uniformed service pay tables; to the Committee on Armed Services.

EC-8585. A communication from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to authorizing the reimbursement for the parking expenses of recruiters and other designated military personnel who have specific duties that require them to use their privately-owned vehicles in civilian communities; to the Committee on Armed Services.

EC-8586. A communication from the Assistant Secretary-Indian Affairs, Department of the Interior, transmitting a draft of proposed legislation relative to the use and distribution of the Quinault Indian Nation Judgement Funds; to the Committee on Indian Affairs.

EC-8587. A communication from the Planning and Analysis Office, Department of Veterans Affairs, transmitting a draft of proposed legislation relative to the Board of Veterans' Appeals; to the Committee on Veterans' Affairs.

EC-8588. A communication from the Administrator, Small Business Administration, transmitting a draft of proposed legislation relative to implementation of the President's FY 2001 Budget and other improvements and initiatives; to the Committee on Small Business.

EC–8589. A communication from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation relative to the DoT's security printing and engraving program; to the Committee on the Judiciary.

EC–8590. A communication from the Federal Judicial Center, transmitting the annual report for calendar year 1999; to the Committee on the Judiciary.

EC–8591. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components" (Docket No. 99F–0925), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8592. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Reclassification and Codification of the Stainless Steel Suture" (Docket No. 86P–0087), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8593. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Effective Date of Requirement for Premarket Approval for Three Preamendment Class II Devices" (Docket No. 98F–0564), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8594. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Delegations of Authority and Organization", received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8595. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Gastroenterology-Urology Devices; Effective Date of Requirement for Premarket Approval of the Penile Inflatable Implant" (Docket No. 92N–0445), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8596. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Hematology and Pathology Devices; Reclassification; Restricted Devices; OTC Test Sample Collection Systems for Drugs of Abuse Testing" (Docket No. 97N–0135), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8597. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Laser Fluorescence Caries Detection Device" (Docket No. 00P–1209), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8598. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Gastroenterology-Urology Devices; Nonimplanted Peripheral Electrical Continence Device" (Docket No. 00P–1120), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8599. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cardiovascular, Orthopedic, and Physical Medicine Diagnostic Devices; Reclassification of Cardiopulmonary Bypass Accessory Equipment, Goniometer Device, and Electrical Cable Devices" (Docket No. 99N–2210), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8600. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Code of Federal Regulations; Technical Amendments" (Docket No. 00N–1217), received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8601. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices: Reclassification of 28 Preamendments Class III into Class II" (Docket No. 99N–0035), received April 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8602. A communication from the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Valuation of Benefits; Use of Single Set of Assumptions for all Benefits" (RIN1212-AA91), received April 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8603. A communication from the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Lump Sum Payment Assumptions" (RIN1212-AA92), received April 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8604. A communication from the Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Requirements Applicable to Blood, Blood Components, and Source Plasma", received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8605. A communication from the National Institutes of Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Service Fellowships", received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8606. A communication from the Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Quality Mammography Standards", received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8607. A communication from the Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Requirements Applicable to Albumin (Human) Plasma Protein Fraction (Human), and Immune Globulin (Human)", received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8608. A communication from the Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Nevada State Plan; Final Approval Determination", received April 18, 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC–8609. A communication from the National Foundation on the Arts and the Humanities, transmitting the annual report on the Arts and Artifacts Indemnity Program for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–8610. A communication from the National Science Foundation, transmitting a draft of proposed legislation entitled "National Science Foundation Authorization Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC–8611. A communication from the Deputy Secretary of Education, transmitting a draft of proposed legislation entitled the "Higher Education Technical Amendments Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC–8612. A communication from the Secretary of Education, transmitting a draft of proposed legislation entitled the "Student Loan Improvements Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC–8613. A communication from the Assistant Secretary of the Army, Civil Works, transmitting a report relative to the construction of a flood damage reduction project for the Turkey Creek Basin, Kansas and Missouri; to the Committee on Environment and Public Works.

EC–8614. A communication from the Assistant Secretary of the Army, Civil Works, transmitting a draft of proposed legislation entitled the "Water Resources Development Act of 2000"; to the Committee on Environment and Public Works.

EC–8615. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Emergency Planning and Community Right-To-Know Act Section 313 Reporting Guidance for the Leather Tanning and Finishing Industry"; to the Committee on Environment and Public Works.

EC–8616. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Spikedance and the Loach Minnow" (RIN1018-AF76), received April 19, 2000; to the Committee on Environment and Public Works.

EC–8617. A communication from the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation C-Home Mortgage Disclosure" (R–1053), received April 18, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8618. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 19666; 04/12/2000", received

April 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8619. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 19669; 04/12/2000", received April 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8620. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 19664; 04/12/2000", received April 20 , 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8621. A communication from the Division of Investment Management, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rulemaking for EDGAR System" (RIN3235–AH79), received April 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8622. A communication from the Office of Thrift Supervision, Department of the Treasury, transmitting the 1999 annual report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–8623. A communication from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation entitled the "Collateral Modernization Act of 2000"; to the Committee on Banking, Housing, and Urban Affairs.

EC–8624. A communication from the Federal Financial Institutions Examination Council, transmitting the 1999 annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC–8625. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC–8626. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Operations Export Financing and Related Programs Appropriations Act, 2000, a notification that the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC–8627. A communication from the Acting Secretary of State, transmitting, pursuant to law, a report entitled "Voting Practices in the United Nations 1999"; to the Committee on Foreign Relations.

EC–8628. A communication from the Office for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8629. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Correction; Description of Gramercy, Louisiana, Boundaries" (T.D. 00–27), received April 19, 2000; to the Committee on Finance.

EC–8630. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the initial estimate of the applicable percentage increase in hospital inpatient payment rates for fiscal year 2001; to the Committee on Finance.

EC–8631. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Disqualification for Plans Accepting Rollovers" (REG–245562–96) (TD8880), received April 24, 2000; to the Committee on Finance.

EC–8632. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delay in Finalizing Last Known Address Regulations" (Ann 2000–49), received April 24, 2000; to the Committee on Finance.

EC–8633. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–25), received April 24, 2000; to the Committee on Finance.

EC–8634. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January-March 2000 Bond Factor Amounts" (Rev. Rul. 2000–22), received April 24, 2000; to the Committee on Finance.

EC–8635. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "National Median Income-2000" (Rev. Proc. 2000–21), received April 24, 2000; to the Committee on Finance.

EC–8636. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Medical Conference Travel Expenses" (Rev. Rul. 2000–24), received April 24, 2000; to the Committee on Finance.

EC–8637. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "May 2000 Applicable Federal Rates" (Rev. Rul. 2000–23), received April 19, 2000; to the Committee on Finance.

EC–8638. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Religions, Non-Medical Health Care Institutions and Advance Directives" (RIN0938–AI93), received April 19, 2000; to the Committee on Finance.

EC–8639. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Programs; Changes to the FY 1999 Hospital Inpatient Prospective Payment Wage Index and Standardized Amounts Resulting from Approved Requests for Wage Data Revisions" (RIN0938–AJ26), received April 19, 2000; to the Committee on Finance.

EC–8640. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Programs; Solvency Standards for Provider-Sponsored Organizations" (RIN0938–AI83), received April 19, 2000; to the Committee on Finance.

EC–8641. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revision to Accrual Basis of Accounting Policy" (RIN0938–AH61), received April 19, 2000; to the Committee on Finance.

EC–8642. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Suggestion Program on Methods to Improve Medicare Efficiency" (RIN0938–AJ30), received April 19, 2000; to the Committee on Finance.

EC–8643. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Telephone Requests for Review of Part B Initial Claim Determinations" (RIN0938–AG48), received April 19, 2000; to the Committee on Finance.

EC–8644. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Care Fraud and Abuse Data Collection Program; Reporting of Final Adverse Actions" (RIN0906–AA46), received April 19, 2000; to the Committee on Finance.

EC–8645. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Decreased Assessment Rate" (Docket Number FV00–932–1–FIR), received April 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8646. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Inspection; Subpart B-Regulations for Mandatory Inspection" (Docket Number TB–99–07) (RIN0581–AB75), received April 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8647. A communication from the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers" (RIN3038–AB51), received April 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8648. A communication from the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Policies and Operations; Participations" (RIN3052–AB87), received April 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Res. 272: A resolution expressing the sense of the Senate that the United States should remain actively engaged in southeastern Europe to promote long-term peace, stability, and prosperity; continue to vigorously oppose the brutal regime of Slobodan Milosevic while supporting the efforts of the democratic opposition; and fully implement the Stability Pact.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Con. Res. 98: A concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself and Mr. LEVIN):

S. 2463. A bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

By Mr. GORTON:

S. 2464. A bill to amend the Robinson-Patman Antidiscrimination Act to protect American consumers from foreign drug price discrimination; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 2465. A bill to amend the Internal Revenue Code of 1986 to deny tax benefits for research conducted by pharmaceutical companies where United States consumers pay higher prices for the products of that research than consumers in certain other countries; to the Committee on Finance.

By Mr. GORTON:

S. 2466. A bill to require the United States Trade Representative to enter into negotiations to eliminate price controls imposed by certain foreign countries on prescription drugs; to the Committee on Finance.

By Mr. SPECTER:

S. 2467. A bill to suspend for 3 years the duty on triazamate; to the Committee on Finance.

By Mr. SPECTER:

S. 2468. A bill to suspend for 3 years the duty on 2, 6-dichlorotoluene; to the Committee on Finance.

By Mr. SPECTER:

S. 2469. A bill to suspend for 3 years the duty on 3-Amino-3-methyl-1-pentyne; to the Committee on Finance.

By Mr. SPECTER:

S. 2470. A bill to suspend for 3 years the duty on fenbuconazole; to the Committee on Finance.

By Mr. SPECTER:

S. 2471. A bill to suspend for 3 years the duty on methoxyfenozide; to the Committee on Finance.

By Mr. SHELBY:

S. 2472. A bill to amend the Migratory Bird Treaty Act to restore certain penalties under the Act; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 2473. A bill to strengthen and enhance the role of community antidrug coalitions by providing for the establishment of a National Community Antidrug Coalition Institute; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. SESSIONS):

S. 2474. A bill to amend title 10, United States Code, to improve the achievement of cost-effectiveness results from the decision-making on selections between public workforces and private workforces for the performance of a Department of Defense function; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 297. A resolution to authorize testimony and legal representation in Martin A. Lopow v. William J. Henderson; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Mr. LEVIN):

S. 2463. A bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Commission on the Judiciary.

NATIONAL DEATH PENALTY MORATORIUM ACT OF 2000

Mr. FEINGOLD. Mr. President, I rise today to introduce the National Death Penalty Moratorium Act of 2000. This bill would place an immediate pause on executions in the United States while a national, blue ribbon commission reviews the administration of the death penalty. Before one more execution is carried out, jurisdictions that impose the death penalty have an obligation to ensure that the sentence of death will be imposed with justice, fairness, and due process. I am pleased that my distinguished colleague from Michigan, Senator LEVIN, has joined me as a cosponsor of this important initiative.

If a particular aircraft crashed one out of every eight flights, Congress would act immediately to ground it. But as New York public defender Kevin Doyle says in the book, Actual Innocence, that is about what is happening now with the death penalty in this country. Since the reinstatement of the modern death penalty, 87 people have been freed from death row because they were later proven innocent. That is a demonstrated error rate of 1 innocent person for every 7 persons executed. When the consequences are life and death, we need to demand the same standard for our system of justice as we would for our airlines.

Both supporters and opponents of the death penalty should be concerned about the flaws in the system by which we impose sentences of death. More than 3,600 inmates sit on State and Federal death rows around the country, while it becomes increasingly clear that innocent people are being put to death.

A 1987 study found that between 1900 and 1985, 350 people convicted of capital crimes in the United States were innocent of the crimes charged. Some escaped execution by minutes. Regrettably, according to researchers Radelet and Bedau, 23 had their lives taken from them in error.

In Illinois, since 1973, 13 innocent people have been freed from death row in the time that 12 were executed. Governor George Ryan, a supporter of the death penalty, has done two things in response: He has effectively imposed a moratorium on executions and established a blue ribbon commission to review the administration of capital punishment in Illinois. Governor Ryan and I are from different political parties, but we both recognize that the system by which we impose the death penalty is broken.

Modern DNA testing of forensic evidence led to the exoneration of 5 of the 13 innocents freed from Illinois' death row and 8 of the 87 men and women who have been freed from death row nationwide since the 1970's. But Illinois and New York are the only states that currently provide some measure of access to DNA testing for death row inmates. My distinguished colleague from Vermont, Senator LEAHY, has introduced a bill, the Innocence Protection Act, of which I am a co-sponsor, that would ensure access to DNA testing for all inmates on death row in the Federal system and the 38 States that impose the death penalty. That bill is an important initiative to help ensure that innocents are not condemned to death. I hope my colleagues will join Senator LEAHY in moving this bill forward.

But, as Governor Ryan and others have recognized, flaws in our system unfortunately go well beyond access to DNA testing. As Barry Scheck, Peter Neufeld and Jim Dwyer note in their book, "Actual Innocence,"

> Sometimes eyewitnesses make mistakes. Snitches tell lies. Confessions are coerced or fabricated. Racism trumps truth. Lab tests are rigged. Defense lawyers sleep.

Indeed, Scheck and Neufeld note that eyewitness error is the single most important cause of wrongful convictions. As important as DNA testing is, it is only the first step in addressing the host of problems in the administration of capital punishment.

It is time for the Congress to take the lead and declare once and for all that it is unacceptable to execute an innocent man or woman. It is a central pillar of our criminal justice system that it is better that many guilty people go free than that one innocent should suffer. Sadly, history has demonstrated that time and again, America has brought innocence itself to the bar and condemned it to die. That history now demonstrates that even in America, innocence itself has provided no security from the ultimate punishment.

Most insidiously, the ghosts of institutional racism still haunt our courthouses. They intrude when lawyers select jurors, during the presentation of evidence, when the prosecutor contrasts the race of the victim and defendant, and when juries deliberate. The evidence mounts that the United States applies the death penalty differently to people of different races.

The numbers tell the story: Although African-Americans constitute only 13 percent of the American population, since the Supreme Court reinstated the death penalty in 1976, African-Americans account for 35 percent of those executed, 43 percent of those who wait on death row nationwide, and 67 percent of those who wait on death row in the Federal system. Although only 50 percent of murder victims are white, fully 84 percent of the victims in death penalty cases were white. Since 1976, America has executed 11 whites for killing an African-American, but has executed 144 African-Americans for killing a white.

Governor Ryan and Illinois serve as a model for the Congress and the Nation. The flaws in the Illinois criminal justice system are not unique. Problems like convicting the innocent, racial disparities in the application of the death penalty, and inadequacy of defense counsel have plagued the administration of capital punishment across the Nation. That is why we need a national review of the death penalty and a suspension of executions until we can be sure that death row inmates across the country have been given the full protections of justice, fairness, and due process.

Governor Ryan is not alone in questioning the state of the death penalty. In the last few months, people of all political stripes have been stepping forward to say there is a problem and it is time to do something about it.

Columnist George Will recently wrote that serious defects exist in the criminal justice system by which we impose capital punishment. In a recent column in The Washington Post, George Will wrote that accounts of the wrongly convicted compel the conclusion that "many innocent people are in prison, and some innocent people have been executed." He also wrote that even though he continues to believe that capital punishment may be a deterrent to crime, it can only be an effective deterrent if the criminal justice system operates properly to convict and sentence those who actually committed the offense, not innocent people.

The Reverend Pat Robertson, a founder of the Christian Coalition and a long-time supporter of the death penalty, has also recognized that something is terribly amiss in the administration of the death penalty. At a recent conference at the College of William and Mary, Reverend Robertson noted that the death penalty has been administered in a way that discriminates against minorities and the poor who cannot afford high-priced defense attorneys. Reverend Robertson said, "these are all reasons to at least slow down." He also said, "I think a moratorium would indeed be very appropriate."

Around the country, other State and local legislative bodies have also urged pause and reflection. At least 17 city and county governments have now passed resolutions supporting a moratorium on executions. And resolutions have been offered in the legislatures of several states, including Alabama, Maryland, New Jersey, Oklahoma, Pennsylvania and Washington state. In 1997, the American Bar Association adopted a resolution calling for a nationwide moratorium on executions. Recently, the U.S. Catholic Conference, the Union of American Hebrew Congregations and a number of other religious organizations called on the President to suspend the scheduling of executions and initiate a review of the administration of capital punishment at the Federal level. These local governments and organizations have recognized that a little time and a little reflection are not much to ask when the lives of innocent people may hang in the balance.

Congress, too, should recognize that a little time and reflection are not too much to ask. That is why I ask my colleagues to support the bill I introduce today. This bill simply calls on the Federal Government and all States that impose the death penalty to suspend executions while a national commission reviews the administration of the death penalty. The Commission would study all matters relating to the administration of the death penalty at the Federal and State levels to determine whether it comports with constitutional principles and requirements of fairness, justice, equality and due process. Congress would review the Commission's final report and then enact or reject its recommendations. Those jurisdictions that impose capital punishment could resume executions only after Congress considers the Commission's final report and repeals the suspension of executions provision of the bill.

This means that before executing even one more person, the Federal Government and the States must ensure that not a single innocent person will be executed, eliminate discrimination in capital sentencing on the basis of the race of either the victim or the defendant, and provide for certain basic standards of competency of defense counsel.

Questions about the administration of the death penalty can only be answered with an impartial, independent review.

The blue-ribbon commission called for in my bill would include prosecutors, defense attorneys, judges, law enforcement officials, and other distinguished Americans with experience or expertise in the issue. It would be a balanced commission, not chock full of death penalty foes or death penalty supporters representing different viewpoints on the issue. Other nations, including some of our closest allies, have also established national commissions to review the death penalty.

In the 1950s, Great Britain created the Royal Commission on Capital Punishment, and the Canadian Parliament established a joint committee of their Senate and House to review capital punishment. Now, almost 50 years later, I believe it is time for the United States to undertake a national review. We should be the leader on issues of justice.

It has been almost 25 years since the reinstatement of the death penalty, and we still don't know how innocent people got on death row or how to prevent it from happening again. That is embarrassing, at the least, for the world's greatest democracy. My bill is a step in the right direction. And the time is now. Our Nation has come to the point where the machinery of death is well greased, and the pace of executions has accelerated. Last year, our Nation hit an all-time high for total executions in any 1 year since 1976. We had 98 executions last year in America. This year, we are already on track to meet or exceed that same high rate.

Before our Government takes the life of even one more citizen, it has a solemn responsibility to every American to prove that its actions are consistent with our Nation's fundamental principles of justice, equality, and due process. Before carrying out an irreversible punishment, the Government must carefully consider the tough questions surrounding capital punishment.

Mr. President, let us slow the machinery of death to ensure we are being fair. Let us reflect to ensure that we are being just. Let us pause to be certain we do not kill a single innocent person. This is really not too much to ask for a civilized society. I urge my colleagues to join me and my distinguished colleague, Senator LEVIN, in sponsoring the National Death Penalty Moratorium Act of 2000.

By Mr. GORTON:

S. 2464. A bill to amend the Robinson-Patman Antidiscrimination Act to protect American consumers from foreign drug price discrimination; to the Committee on the Judiciary.

PRESCRIPTION DRUG FAIRNESS ACT

Mr. GORTON. Mr. President, yesterday, a group of 22 Washington State senior citizens boarded a bus in Seattle and drove to British Columbia in Canada to purchase their prescription medicine. Collectively, those 22 individuals saved $12,000 by taking that bus ride—an average of more than $550 per individual. It is stories like this that have taken place over the last 2 or 3 years that bring me here today.

Every day, all across our northern and southern borders, Americans leave the U.S. in order to purchase products discovered, developed, manufactured, and sold in the United States, but substances, prescription drugs, that are far less expensive in Canada, Mexico, and for that matter, in the United Kingdom and across Europe than here in the United States.

My own office did an informal survey and found that for the ten most commonly prescribed drugs, prices in British Columbia average 60-percent less than prices for the identical drugs in the identical quantities in the State of Washington. These lower prices don't apply only in Washington State or in our northern border States. For example, Prozac, to treat depression, is 95 cents a pill in Mexico and $2.21 in the United States. The allergy drug, Claritin, costs almost $2 a pill in the United States and 41 cents in the United Kingdom. Rilutek, to treat Lou Gehrig's disease, costs $9,000 in the United States and $5,000 in France.

Now, it is simply unfair to impose these higher prices on citizens of the United States at the drugstore cash register, when the same drugs are being sold by the same companies at wholesale, at so much lower prices almost everywhere else in the world.

What is the reason for this price differential? It is a simple one. Each of these other countries imposes price controls on the price for which they allow their purchasers to pay. The American company, on the other hand, looks at the situation and says that price is too low to cover my costs of research and development, but I can impose all of the costs of research and development on American citizens. The marginal cost of manufacturing more pills and selling them in France, Mexico, or in Canada is really very small. So I can sell for half the price in Canada that I charge in the United States and still make a profit.

The company makes out just fine. The American citizen pays the price. The American citizen pays the price more than once because the American citizen has already paid roughly 50 percent of the cost of developing that drug through our tax system, either through direct appropriations at the National Institutes of Health or through various research and development tax credits.

Just on Sunday morning, the New York Times had an extensive article on a drug called Xalatan, which is used for glaucoma, an eye condition, developed by an NIH grant in the original instance at Columbia University, sold to an American drug company which did the rest of the research and development but sold today for one-third of the American price in Hungary, and barely half or a third of the American price in France and Canada and in the rest of the world. That is all due to the fact that these other countries are getting a free ride on the backs of American citizens, American purchasers, for the research, development, marketing, and sale of these drugs.

Now, I have labored for the last 5 months to find an answer to this question, and my favorite answer to this question at this point is included in the bill. The bill is very simple. It builds on an almost 65-year-old precedent, which is the Robinson-Patman Act. In 1936, this Congress passed the Robinson-Patman Act and prohibited price discrimination, with very minor exceptions, in sales to U.S. purchasers from manufacturers and from wholesalers, designed originally to prevent the big chain company from getting such a price break from the manufacturer that it could drive its smaller competitors out of business. It simply prohibited that kind of price discrimination.

My bill amends that 65-year-old Robinson-Patman Act by extending that nondiscriminatory provision from interstate commerce to interstate and foreign commerce with respect to prescription drugs. Remember, this law has applied to our American drug manufacturers for 65 years, as far as their sales within the United States are concerned. Now, if my bill passes, it will apply to their sales overseas, outside of our country. That will spread the cost of research and development fairly across all of the purchasers, not just the American purchasers, and will inevitably result in lower prices for American prescription drug users, which is exactly what we ought to do. We will give the drug manufacturers not only the opportunity, but the requirement that they treat their American purchasers fairly, just as they have been required not to discriminate among American purchasers for more than six decades.

As you know, we are in the midst of a national debate over prescription drugs and, most particularly, over whether or not we should grant a prescription drug benefit to at least certain senior citizens who are the beneficiaries of our Medicare system. Just 2 weeks ago in this body, we voted on a budget resolution that authorizes up to $40 billion for such a drug benefit over the course of the next 5 years. I supported that budget resolution, and I will support what our proper committees report to us in response to that resolution.

That will benefit one distinct group of senior citizens, those whose income levels are low enough to benefit from this assistance in purchasing their prescription drugs. It will do absolutely nothing for other seniors. It will do nothing for the 44 million uninsured in the United States. It will do nothing for the costs of health care insurance—for those policies that prescribe prescription drug benefits and, therefore, have that cost reflected in the insurance premiums at all. In other words, as important as it is to certain seniors, it won't go to the heart of the problem—the high and increasing cost of prescription drugs.

Part of those high costs are due to the great success of our drug companies. More and more, a greater share of our health care dollars go to the prescription drug feature every year because they are now successful in treating conditions that previously could not be treated at all or required hospitalization. We should hail that progress. We certainly should support drug companies' research and development of new medicines, but we should not countenance discrimination against American citizens and against American purchasers by allowing those companies to sell precisely the same prescription in almost every other country in the world at prices half or less than half of what they sell them for in the United States.

I have been working on this proposition ever since a November 1999 cover story in Time magazine which first illustrated the stark nature of this problem and its costs. With all of this work and with my consultation over the last month with the drug companies themselves, which do not like my bill one bit, I have sought a goal. I am not wedded to a particular means. I think this bill is a good way to reach that goal, but it is not necessarily the only goal. I want the drug companies themselves to come up with an answer to this question.

Members on both sides of the aisle have introduced so-called "reimportation" bills, which I find relatively attractive though rather bizarre. At the present time, my senior citizens can go up to Canada, as they did yesterday, and buy a 3-month supply of prescriptions for their own personal use and bring them back to the United States. But the pharmacy in Bellingham, WA, can't go up to a wholesaler in Canada and get the lower Canadian price and pass it on to that pharmacy's customers in the State of Washington. That kind of reimportation is barred, even though we are talking about precisely the drug that the Bellingham pharmacy is now required to buy directly from the manufacturer.

Reimportation bills with certain limitations would lift that restriction and would allow the bizarre situation where the drugstore in the United States could purchase an American-manufactured drug in Canada for less than it could buy it for in the United States. I think that solution may very well be the direction in which we ought to go. I am also convinced that there are other ways of doing it. I will say that the drug companies made a reasonable suggestion to me for a tiny bit of the problem.

By Mr. WELLSTONE:

S. 2465. A bill to amend the Internal Revenue Code of 1986 to deny tax benefits for research conducted by pharmaceutical companies where United States consumers pay higher prices for the products of that research than consumers in certain other countries; to the Committee on Finance.

PRESCRIPTION PRICE EQUITY ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise to introduce legislation today, the Prescription Drug Price Equity Act of 2000. My colleague, PETE STARK, a Representative for the State of California in the House of Representatives—I want to give him full credit for having introduced this legislation in the House. I am proud to be a partner with him.

The long and the short of it is this bill amends the Internal Revenue Code of 1986 to deny tax benefits for research conducted by pharmaceutical companies where U.S. consumers pay higher prices for the products of that research than consumers in certain other countries, such as Canada. I could go into this in great detail, but I think the operational definition is of 5 percent more.

I tell you right now, in my State of Minnesota, seniors and others are in a state of outrage by the fact they can go and buy the same drug—produced in this country, FDA approved—for half the price in another country.

If we are going to be giving these tax benefits to these pharmaceutical companies, I think they are going to have to be more concerned about the very public that gives them these benefits. So I introduce this legislation and look forward to support from my colleagues.

Mr. President, like the rest of my colleagues I have just returned from a week in my home State of Minnesota. I met with many constituents, but none with more compelling stories than senior citizens struggling to make ends meet because of the high cost of prescription drugs—life-saving drugs that are not covered under the Medicare program. Ten or 20 years ago these same senior citizens were going to work everyday—in the stores, and factories, and mines in Minnesota—earning an honest paycheck, and paying their taxes without protest. Now they wonder, how can this Government—their Government—stand by, when the medicines they need are out of reach.

The unfairness which Minnesotans feel is exacerbated of course by the high cost of prescription drugs here in the United States—the same drugs that can be purchased for frequently half the price in Canada or Mexico or Europe. These are the exact same drugs, manufactured in the exact same facilities with the exact same safety precautions. A year ago, most Americans did not know that the exact same drugs are for sale at half the price in Canada. Today, you can bet the pharmaceutical industry wishes no one knew it. But the cat is out of the bag—and it is time for Congress to right the inequities that are rife in the way the United States government interacts with the pharmaceutical industry.

Today, I want to focus on one of those inequities—the subsidies that the United States Government offers to pharmaceutical manufacturers to develop drugs which these same companies proceed to sell to the American people at up to twice the price they charge in other countries. To combat that problem I am introducing today the Prescription Price Equity Act of 2000, a bill to deny research tax credits to pharmaceutical companies that sell their products at significantly higher prices in the U.S. as compared to other industrialized countries.

The need for this bill is clear. The U.S. Government provides lucrative tax credits to the pharmaceutical industry in this country in order to promote research and development of new lifesaving pharmaceutical products. Yet, in return for these government subsidies, the drug companies charge uninsured Americans the highest prices for drugs paid by anyone in the world.

The Congressional Research Service recently completed an analysis of the tax treatment of the pharmaceutical industry. That analysis concluded that tax credits were a major contribution to lowering the average effective tax rate for drug companies by nearly 40 percent relative to other major industries from 1990 to 1996. Specifically, the report found that while similar industries pay a tax rate of 27.3 percent, the pharmaceutical industry is paying a rate of only 16.2 percent. At the same time, after-tax profits for the drug industry averaged 17 percent—three times higher than the 5 percent profit margin of other industries.

It is time for the pharmaceutical industry to earn these tax benefits—by offering their life saving drugs to America's seniors at the same prices they charge in other countries.

Numerous studies have shown that uninsured seniors pay exorbitant prices for pharmaceuticals. Surveys done by the Minnesota Senior Federation on the prices of the most commonly used drugs by Medicare beneficiaries found that in Minnesota, seniors pay on average about twice the price that Canadian seniors just across the border pay for the exact same medication. I know that the House Government Reform Committee compared prices of prescription drugs in the numerous districts around the country with the prices of prescription drugs in Canada. Those comparisons found price differentials in the exact same ballpark that we found in Minnesota. It is no wonder that Minnesota seniors are willing to spend their time and money to go across the border to buy their prescription medications. And the same is happening all over New England, in the Dakotas, in Montana, in Washington state, and elsewhere.

Yet, at the same time that seniors are being asked to pay these outrageous prices, the drug companies are reaping the benefit of generous governmental subsidies. There's something wrong with a system that gives drug companies huge tax breaks while allowing them to price-gouge seniors. The Prescription Price Equity Act of 2000 attempts to correct this glaring inequity in a very even-handed approach. The message to pharmaceutical companies is this: So long as your company gives U.S. consumers a fair deal on drug prices as measured against the same products sold in other OECD countries, you will continue to qualify for all available research tax credits. But if your company is found to be fleecing American taxpayers with prices higher than those charged for the same product sold in other industrialized countries, like Japan, Germany, Switzerland, or Canada, then you become ineligible for those tax credits.

I know that the pharmaceutical industry, through its trade association, PhRMA, will oppose the Prescription Price Equity Act and will claim that the bill means the end of pharmaceutical research and development. That is complete nonsense. As shown by Congressional Research Service, drug industry profits are already three times higher than all other major industries. This legislation doesn't change the current system of research tax credits at all unless drug companies refuse to fairly price their U.S. products. This bills intent is by no means to reduce the U.S. Government's role in promoting research and development. It is simply to make clear that in return for such significant government contributions to their industry, drug companies must treat American consumers fairly. Is there any reason why U.S. tax dollars should be used to allow drug prices to be reduced in other highly developed countries, but not here at home as well? Of course there is no good reason for that.

That is why this bill simply tells PhRMA that U.S. taxpayers will no longer subsidize low prices in the OECD countries with our tax code. Research and development is important and that is why we give these huge tax breaks, but that research and development does little good for U.S. consumers who can't afford to buy the products of that research.

This bill does not solve the biggest underlying problem that America's senior citizens face. Only a comprehensive, prescription drug benefit, available to and affordable by all Medicare beneficiaries will do that. I have introduced and cosponsored legislation that can make that happen. But this bill, the Prescription Price Equity Act, nonetheless, sends an important message. It makes clear that the priority of the Federal Government in subsidizing research and development is to make sure that the miracles of modern medicine that result are at least equally available to American citizens as they are to those in the rest of the industrialized world.

By Mr. GORTON:

S. 2466. A bill to require the United States Trade Representative to enter into negotiations to eliminate price controls imposed by certain foreign countries on prescription drugs; to the Committee on Finance.

PRESCRIPTION DRUG PRICE CONTROL LEGISLATION

Mr. GORTON. Mr. President, today I am introducing a bill that will direct the U.S. Trade Representative for the next year to negotiate fairer and more equal prices from foreign governmental purchasers, and, in the absence of success of doing so, make specific statutory recommendations to this Congress.

This is a proposal the drug companies themselves suggested to me. I regard it as a constructive proposal, but not as a solution to the problem standing alone. But it is a tangible result of the course I have already charted, and one that came as a result of my communication with drug companies of my concerns and the earlier draft of the bill I am introducing today.

The problem is a very simple one. American citizens are paying too much for prescription drugs because our companies are allowing foreign purchasers to pay too little for exactly the same drugs. At the very least, American citizens who have spent so much of their tax money in financing the research and development of these drugs should not be paying more than purchasers in other countries.

That is the goal of each of the two bills I am introducing today, but what I really want and what the American people really want is a solution and answer to this problem.

By Mr. SPECTER:

S. 2467. A bill to suspend for 3 years the duty on triazamate; to the Committee on Finance.

S. 2468. A bill to suspend for 3 years the duty on 2, 6-dichlorotoluene; to the Committee on Finance.

S. 2469. A bill to suspend for 3 years the duty on 3-Amino-3-methyl-1-pentyne; to the Committee on Finance.

S. 2470. A bill to suspend for 3 years the duty on fenbuconazole; to the Committee on Finance.

S. 2471. A bill to suspend for 3 years the duty on methoxyfenozide; to the Committee on Finance.

DUTY SUSPENSION BILLS

• Mr. SPECTER. Mr. President, I have sought recognition today to introduce five bills that will suspend import tariffs for three years on five chemicals used in the manufacturing of crop protection agents, Triazamate, Dichlorotoluene, Aminomethylpentyne, Fenbuconazole, and Methoxyfenozide.

These chemicals are imported by Rohm and Haas Company, a multinational manufacturer of specialty chemicals headquartered in Philadelphia, Pennsylvania. Tariffs on these products are not needed to protect American industry since these chemicals are not manufactured in the United States. Moreover, these chemicals have no other commercial end uses other than in the manufacture of pesticides used in agricultural applications. The revenue which would be forgone as a result of the proposed suspension of duty on these chemicals is minimal and has been estimated at less than $227,000 per chemical over the entire period of the suspension.

These end products, used on farms around the globe, are considered important tools in the advancement of agriculture. They protect crops such as fruits, nuts, vegetables, grain and cotton, against fungal infections, weeds, agricultural mites, and insects. By providing adequate protection for these crops, farmers are able to market healthy produce and grains, while commanding the best prices for their goods.

Established over 90 years ago, Rohm and Haas Company has grown to become one of the world's largest manufacturers of specialty chemicals. With 21,000 employees worldwide, the Company continues to maintain a significant presence throughout Pennsylvania, with research facilities in Newtown, Reading, and Spring House. Additionally, Rohm and Haas Company provides grants which support many community organizations active in the delivery of health and human services, education, and civic and community improvement.

In consideration of the positive impact Rohm and Haas Company has on the global and local communities, I urge my colleagues to support these bills which will suspend the duties on the import of these chemicals.•

By Mr. GRASSLEY:

S. 2473. A bill to strengthen and enhance the role of community antidrug coalitions by providing for the establishment of a National Community Antidrug Coalition Institute; to the Committee on the Judiciary.

LEGISLATION ESTABLISHING THE NATIONAL COMMUNITY COALITION INSTITUTE

Mr. GRASSLEY. Mr. President, today, I am introducing legislation that would give support to community antidrug coalitions nation-wide. The National Community Coalition Institute would strengthen and enhance the role of community coalitions, to reduce and prevent drug use in communities.

More specifically, one of the problems we have found in implementing the Drug Free Communities Program has been the inexperience of a lot of the communities, particularly smaller and rural ones in knowing how to evaluate their efforts; get information on best practices from other, successful coalitions, and on how to fill out grant applications. The National Community Coalition Institute would improve the effectiveness of community coalitions by providing state-of-the-art and widely available education, training, and technical assistance for coalition leaders and community teams. The National Community Coalition Institute would ensure that communities nationwide are adequately prepared to undertake the important work of building drug free communities.

Ultimately, the fight against drugs cannot be successful if it does not start in our own backyards. I invite all of my colleagues to join me in supporting this effort.

By Ms. SNOWE (for herself and Mr. SESSIONS):

S. 2474. A bill to amend title 10, United States Code, to improve the achievement of cost-effectiveness results from the decisionmaking on selections between public workforces and private workforces for the performance of a Department of Defense function; to the Committee on Armed Services.

THE DOD COST MANAGEMENT AND ACCOUNTABILITY ACT OF 2000

Ms. SNOWE. Mr. President, I rise today with my colleague from Alabama, Senator SESSIONS, to introduce legislation that will improve Department of Defense business practices as well as assist the DoD in its ability to estimate cost savings, a process that has significant impact in the DoD's budget process. This legislation will also result in improved readiness by adding a more realistic approach to the DoD's cost estimating process by eliminating the unknowns that the DoD faces in projecting its budget.

Today the Department of Defense is using arbitrary cost saving objectives of up to $11.2 billion in its budget for Fiscal Years 2001 to 2005. These cost savings are projected efficiencies expected to be realized through processes such as outsourcing and the OMB Circular A-76 process. Unfortunately, both the Government Accounting Office and the Naval Audit Service have published reports stating that these savings are inflated and overly optimistic.

The greatest cause of concern however, is the self-inflicting damage caused by these overestimated savings. Once the individual services within the Department of Defense establish these arbitrary savings goals, they reduce the future operating budget estimates to take into account the estimated savings. But, when these predicted savings are not achieved, it is the readiness accounts and modernization programs that end up paying the price.

None of us would run our personal home finances in such a manner, and no business could proceed using such an accounting method. So that is what Senator SESSIONS, my colleagues on the Armed Services Committee, and I want to address in this legislation. We want to establish better business practices, so that DoD is not setting itself up for failure. DoD needs to take a more realistic approach in the way it estimates projected savings and how it establishes performance standards to measure the impact of workforce changes. The DoD and the American taxpayer need to understand the potential impact to the readiness of our armed forces.

This legislation has four basic provisions that will provide improved business practices.

First, this legislation requires the Department of Defense to establish a system to track the costs and savings incurred through managed competitions, efficient reorganizations, and the streamlining of other functions currently being performed by the government through the A-76 process or other re-engineering of a federal activity.

The data collected through the establishment of this system will serve two purposes. It will be compiled into a report the Department of Defense is required to submit to Congress each year, so that Congress will have the information necessary to provide oversight of the A-76 process and other cost saving reorganizing process. The data will also be used to establish a metric of current performance and current costs prior to outsourcing, to serve as a standard for future performance and future cost comparisons—so that the leaders within the Department of Defense will be able to validate the actual savings achieved and evaluate the maintenance of performance standards.

Second, this legislation requires that the cost and savings incurred through out-sourcing, strategic sourcing, or reorganizing each position currently staffed by federal personnel, be projected over the Future Years Defense Program. This requirement will improve savings estimates by including both the short and long term costs associated with outsourcing, or contracting out a function.

The third provision of this legislation requires the Secretary of Defense to certify that the function analysis and decision to outsource, strategically source, or to maintain the current federal force was not based on unfair personnel constraints that may prevent the current federal organization from operating efficiently. This will ensure that our federal workers are provided a fair chance in any process and will provide the Department of Defense the most efficient work force for the actual task at hand.

As part of the A-76 process, the Department of Defense is required to conduct an evaluation of the impact on local economies and communities if the decision is made to convert functions currently being performed by government workers to the private sector. The fourth provision of this legislation requires the Department of Defense to submit a statement of the potential economic impact on each affected local community. This notification will provide Congress and our constituents the opportunity to better understand these impacts.

Mr. President, in the short term, this legislation will require significant changes in the way the Department of Defense conducts its processes. But in the long term this legislation will yield significant benefit. These four provisions are based on the recommendations of experts in the U.S. General Accounting Office and the Naval Audit Service. By enforcing better business practices—which is what this legislation effectively does—the long term effects will benefit the Department of Defense by improving the accuracy of cost and savings estimates, stabilizing the budget, and protecting modernization programs.

Additionally, the benefits will extend to the current federal workforce, who will be guaranteed the opportunity to compete on an equal basis, and the local communities surrounding these agencies will be able to better understand the impact of any decisions that are made.

Mr. President, I firmly believe that this legislation supports the best interests of the Department of Defense and the federal work force. I urge my colleagues to review this legislation—and I am confident that they will see its merits and join me and support this bill.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 934

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 934, a bill to enhance rights and protections for victims of crime.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1369

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1594

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1608

At the request of Mr. CRAIG, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1646

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1646, a bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program.

S. 1846

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1846, a bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building."

S. 1847

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1847, a bill to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

S. 1902

At the request of Mr. HATCH, his name was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2044

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KERRY), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2087

At the request of Mr. WARNER, the names of the Senator from Florida (Mr. MACK) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2218

At the request of Mr. CLELAND, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2218, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2316

At the request of Mr. GRAHAM, the names of the Senator from Florida (Mr. MACK) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2316, a bill to authorize the lease of real and personal property under the jurisdiction of the National Aeronautics and Space Administration.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2357

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAIG), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of

S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2459

At the request of Mr. COVERDELL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Oklahoma (Mr. NICKLES), the Senator from Wyoming (Mr. THOMAS), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 107

At the request of Mr. AKAKA, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Con. Res. 107, a concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

S. RES. 230

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 230, A resolution expressing the sense of the Senate with respect to government discrimination in Germany based on religion or belief.

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. SMITH), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 248

At the request of Mr. ROBB, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 297—AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION IN MARTIN A. LOPOW V. WILLIAM J. HENDERSON

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Whereas, in the case of Martin A. Lopow v. William J. Henderson, Case No. 3:98CV1329-SRU, pending in the United States District Court for the District of Connecticut, a subpoena for the production of documents has been issued to Laura Cahill, an employee in the office of Senator Joseph I. Lieberman;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Laura Cahill is authorized to testify in the case of Martin A. Lopow v. William J. Henderson, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Laura Cahill in connection with the testimony authorized in section one of this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 26, 2000 at 10 a.m., in open session to receive testimony on acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the Defense industrial base in review of the Defense authorization request for fiscal year 2001 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Medical Records Privacy during the session of the Senate on Wednesday, April 26, 2000, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 26, 2000 at 9:30 a.m. to conduct a business meeting on pending legislation (TBA), followed immediately by a hearing on draft legislation to reauthorize the Indian Sections of the Elementary and Secondary Education Act. The hearing will be held in the committee room, 485 Russell Senate Office Building.

Those wishing additional information may contact the committee at (202) 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 26, 2000, at 9:30 a.m., to receive testimony on citizen participation in the political process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 26, 2000, to conduct a hearing on "Competition and Transparency in the Financial Marketplace of the Future."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on International Relations be authorized to meet during the session of the Senate on Wednesday, April 26, 2000, at 3 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 26, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2273, a bill to establish the Black Rocks Desert-High Rock Canyon Emigrant Trails National Conservation Area; and S. 2048, a bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Nick Dickinson of my staff be granted floor privileges for the duration of the consideration of S.J. Res. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 297, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution, (S. Res. 297) to authorize testimony and legal representation in Martin A. Lopow v. William J. Henderson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a subpoena in a lawsuit brought by a resident of Connecticut who has sued the Postal Service alleging discrimination in the termination of his employment with the Postal Service. The plaintiff seeks to subpoena from Senator JOSEPH I. LIEBERMAN's deputy state director for constitutent services copies of casework files concerning another constitutent of the Senator's who is not a party to this lawsuit.

Senator LIEBERMAN's deputy state director for constitutent services informed the plaintiff that, out of concern for protecting the confidentiality of communications with the Senator's constituents, the Senator's policy does not permit sharing constituent files with third parties without the constituents' consent, which has not been given in this case. The plaintiff has also been advised that a search of the Senator's achieved constituent files turned up no file like that sought.

Nevertheless, the plaintiff has moved to compel the production of the document he is seeking. This resolution would permit the Senate Legal Counsel to represent the Senator's deputy state director for constituent services to oppose the motion to compel, and permit the submission of an affidavit describing the Senator's constituent confidentiality policy and the search for records in this case.

Mr. MACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 297) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 297

Whereas, in the case of Martin A. Lopow v. William J. Henderson, Case No. 3:98CV1329–SRU, pending in the United States District Court for the District of Connecticut, a subpoena for the production of documents has been issued to Laura Cahill, an employee in the office of Senator Joseph I. Lieberman;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Laura Cahill is authorized to testify in the case of Martin A. Lopow v. William J. Henderson, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Laura Cahill in connection with the testimony authorized in section one of this resolution.

ORDERS FOR THURSDAY, APRIL 27, 2000

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, April 27. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12 noon with Senators speaking for up to 5 minutes each, with the following exceptions: Senator LOTT, or his designee, from 9:30 a.m. to 10 a.m.; Senator DURBIN, or his designee, from 10 a.m. to 10:30 a.m.; Senator HUTCHISON of Texas for up to 30 minutes; Senator DASCHLE, or his designee, for up to 45 minutes; Senator THOMAS, or his designee, for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I further ask unanimous consent that at 12 noon the Senate proceed to the cloture vote relative to the marriage tax penalty bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MACK. Mr. President, tomorrow morning, following the period of morning business, the Senate will conduct a cloture vote relative to the marriage tax penalty bill. If cloture is invoked, the Senate will remain on the bill under the provisions of rule XXII. Senators are reminded that second-degree amendments must be filed at the desk by 11 a.m. Thursday, under rule XXII. However, if cloture is not invoked, the Senate will resume debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of victims. It is hoped that the Senate will be able to proceed to that bill at a reasonable hour tomorrow.

As a reminder, the Senate did receive the veto message with regard to the nuclear waste bill during today's session. By previous consent, debate on the veto override will begin on Tuesday, May 2, at 9:30 a.m., with a vote to occur at 3:15 that afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:40 p.m., adjourned until Thursday, April 27, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 27, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 2

10 a.m.
Environment and Public Works
To hold hearings to examine successful State environmental programs.
SD–406

Aging
To hold hearings to examine Social Security fraud, and its impact on the elderly and disabled.
SD–562

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the effectiveness of Federal employee incentive programs.
SD–342

2:30 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–222

Foreign Relations
To hold hearings on inter-American Convention Against Corruptions ("the Convention"), adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996. The Convention was signed by the United States on June 27, 1996, at the twenty-seventh regular session of the OAS General Assembly meeting in Panama City, Panama (Treaty Doc. 105–39).
SD–419

3:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–232A

4:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–222

MAY 3

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

Armed Services
Strategic Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–232A

Commerce, Science, and Transportation
To hold hearings to examine issues dealing with the Boston Central Artery Tunnel.
SR–253

11 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–222

2 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–232A

3 p.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–222

MAY 4

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–222

Commerce, Science, and Transportation
To hold hearings on the nomination of Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Edward M. Bolen, of Maryland, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Geoffrey T. Crowley, of Wisconsin, to be a Member of the Federal Aviation Management Advisory Council; the nomination of J. Randolph Babbitt, of Virginia, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Kendall W. Wilson, of the District of Columbia, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Phil Boyer, of Maryland, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Robert A. Davis, of Washington, to be a Member of the Federal Aviation Management Advisory Council; and the nomination of Robert W. Baker, of Texas, to be a Member of the Federal Aviation Management Advisory Council.
SR–253

10 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the activities of the National Partnership for Reinventing Government for the last seven years, including changes to government management and programs that were proposed and implemented.
SD–342

2 p.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR–222

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's use of current and proposed stewardship contracting

procedures, including authorities under section 347 of the FY 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands.

SD–366

MAY 9

9:30 a.m.

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

SR–222

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the performance management in the District of Columbia.

SD–342

10 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings on the domestic consequences of heroin use.

SD–628

Judiciary

To hold hearings on pending nominations.

SD–226

MAY 10

9:30 a.m.

Indian Affairs

To hold hearings on proposed legislation authorizing funds for programs of the Indian Health Care Improvement Act.

SR–485

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

SR–222

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning.

SD–366

MAY 17

9:30 a.m.

Indian Affairs

To hold oversight hearings on Indian arts and crafts programs.

SR–485

MAY 24

9:30 a.m.

Indian Affairs

To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendation of the American Legion.

345 Cannon Building

SENATE—*Thursday, April 27, 2000*

The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of hope, help us to make this a day for optimism and courage. Set us free from any negative thinking or attitudes. There is enough time today to accomplish what You have planned. We affirm that we are here by Your divine appointment. We also know from experience that it's possible to limit Your best for our Nation. Without Your help, we can hit wide of the mark, but with Your guidance and power, we cannot fail. You have brought our Nation to this place of prosperity and blessing. You are able to bless us now in this pressured day of business if we trust You and work together as fellow patriots. Fill this Chamber with Your presence, invade the mind and heart of each Senator, and give this Senate a day of efficiency and excellence for Your glory. We thank You in advance for a truly great day, for You are our Lord and will show the way! Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK, a Senator from the State of Kansas, led the Senate in the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the time until 10 a.m. is under the control of the majority leader or his designee.

Mr. REID. Mr. President, I claim some leader time at this time.

The PRESIDING OFFICER. Is there objection?

Under the previous order, the time until 10 a.m. is under the control of the leader or his designee.

Is there objection? If not, the Senator from Nevada is recognized.

Mr. REID. Mr. President, I understand my friend from Ohio wants to read the morning script. I was told that. I have something I wish to say. I want to use leader time. But I was told by the staff that there was something he wants to outline for today's activity of the Senate.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, before my colleague speaks, it is our intention at this point to not only read some comments of the majority leader but also to begin some discussion today under the leader's half hour of time. Senator GORTON and I want to talk a little bit about the education bill we will be taking up tomorrow.

That was our intention.

Mr. REID. Mr. President, the leader not being here, I certainly agree to extend whatever time Senator GORTON and Senator DEWINE desire. I want to claim a few minutes of leader time.

Mr. DEWINE. I have no objection if my colleague wants to speak.

The PRESIDING OFFICER. If there is no objection, if the Senator from Nevada wishes to speak, the Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

MARRIAGE PENALTY

Mr. REID. Mr. President, the reason I want to talk today is I think it is important for the minority to have its voice heard around here. The first of May is approaching, and we are again being called on to vote on the so-called marriage penalty bill. The majority will argue that if you support the marriage penalty, you must vote for cloture. That certainly is transparently false. Here is why.

This procedural vote has nothing to do with limiting the marriage penalty, which the Democrats support certainly just as strongly as the Republicans. In fact, the vote is another attempt by Republicans to shield their deeply flawed tax bill from scrutiny by the Senate and by the public. In effect, we are being gagged.

Republicans don't want to debate this bill because they don't want anyone to know what is really in it. In truth, it is marriage penalty relief in name only. Sixty percent of the measure on which we are going to vote today is for matters that have nothing to do with the marriage penalty. Sixty percent of the $248 billion proposal goes to people who do not face a marriage penalty.

The majority likes to talk about relevance. I know a little bit about relevance, as I think most people do. Sixty percent of this bill is irrelevant to the marriage penalty.

The majority is seeking to cut off debate on this bill before it is even begun. Invoking cloture would also block Democratic amendments that propose better ways to eliminate the marriage penalty and to address other urgent priorities such as prescription drug benefits for seniors.

Democratic amendments say, yes, let's fix the marriage penalty for people who actually pay it. In fact, one of the amendments proposed by Senators MOYNIHAN and BAUCUS, the lead Democrats in the Finance Committee, says: There are 65 marriage penalty provisions in the Tax Code with one sentence; let's eliminate all of them. That is one of the things we are being prevented from bringing forward.

We want to move forward and start legislating the way this Senate has debated for over 200 years. We have agreed to say, OK, we are not going to go along with what the Senate has done for 200 years. We will play the game of the majority in an effort to allow our voices to be heard just a little bit.

Even though the Standing Rules of the Senate don't require it, we have bent over backwards to keep our list of amendments short. We have 10 amendments, and we have agreed to limit debate on those amendments to 1 hour each.

These are amendments by Senators MOYNIHAN and BAUCUS on the tax proposal. Senator BAYH, one of the most thoughtful Senators we have ever had in the Senate, has talked about another alternative.

We have amendments offered by Senator SCHUMER from New York dealing with the college tuition tax credit. We have one amendment by Senator DORGAN who represents the farm community. He wants to do something about CRP in the tax bill. These are amendments that should take several hours if they were debated properly. We are willing to take a half an hour and have the majority have a half an hour. That seems fair, but we have been prevented from doing that.

We could finish this bill in 1 day. The question is, Why will Republicans not stop casting blame and get on with the marriage tax penalty vote? Sadly, the answer is somewhere blowing in the wind. Republicans know Democrats have better proposals. Republicans also know that given a choice, the American people prefer the minority's approach. The American people say give us marriage tax penalty relief and a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

few other things such as prescription drug benefits for senior citizens, who simply are desperate for some relief. The average senior citizen gets 18 drug prescriptions filled a year with no benefit at all from Medicare, and we need to get that benefit to them. That is what we are trying to do.

The majority, once again, is afraid, despite having the majority. They have a 10-Member majority in the Senate and they are afraid to cast votes on our amendments. That goes to other issues, too, not only marriage tax penalty. The majority never tire of using procedural maneuvers to block or delay on the issues the American people care about most.

The majority today is out of step with the American people on issue after issue, so this majority spends most of its energy plotting ways to disguise its own extreme agenda, scurrying to avoid responsibility for its continuing failure to take up the problems the voters sent us to address. That is why the majority constantly resorts to procedural devices such as cloture, or another favorite, the conference committee "deep freeze," like they have done on the conference report on bankruptcy. We have been prevented from going forward with the Export Administration Act, which the high-tech community is very desirous of moving forward. Why? Because certain members of the majority think we are still in the cold war and we cannot go forward with bringing high-tech industry into the modern world. That also takes into consideration our inability to go forward on the Juvenile Justice Act, which deals with gun safety for children, Patients' Bill of Rights, and a number of other things.

The majority leader said on February 3:

> We're out of town 2 months and our approval rating went up 11 points. I think I've got this thing figured out.

He is right. Whenever the majority, the Republicans who control Congress, are out of the public eye they seem to be better off. It is when the public sees how out of step they are that they get into trouble. That is what is going on. No one should be deceived. We are ready to go to work right now. We are simply waiting for the majority to stop their foot-dragging and blame games, stop hiding their faulty legislation behind procedural votes and get serious.

When the majority works up the courage to have a real debate on these issues, to stand up and be counted on their ideas versus our ideas, we hope they will let us know. Until then, Republicans can file cloture as often as they like. It is a cynical and not very clever blame game. The Democrats are sick and tired of playing it, but we will continue to fight.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the leader, I would like to make the following announcement. Today, the Senate will be in a period of morning business until 12 noon. At noon, the Senate will proceed with a cloture vote on the pending amendment to the marriage tax penalty bill. As a reminder, second-degree amendments to the substitute amendment must be filed at the desk by 11 a.m. today. If cloture is invoked, the Senate will begin debate on the bill. If cloture is not invoked, the Senate will resume debate on the motion to proceed to the victims' rights constitutional amendment in anticipation of proceeding to that resolution today.

Mr. President, I ask unanimous consent the time that had been allotted to the leader, or his designee, be extended to 10:15 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

EDUCATION OPPORTUNITIES ACT

Mr. DEWINE. Mr. President, next week we begin the debate on the Education Opportunities Act. I had the opportunity yesterday to come to the Senate floor and talk about one aspect of that bill. That had to do with the whole issue of supporting our teachers, attracting the best teachers to education. Today I would like to talk about a second component of that bill having to do with safer schools. Good teachers, safe schools: It is really getting back to basics.

We have a drug crisis in this country. Drugs are readily available and, tragically, children are using them. In fact, more children today are using and experimenting with drugs than 10 years ago—many, many more. Let's look at the facts.

According to the 1999 Monitoring the Future study, since 1992, overall drug use among 10th graders has increased 55 percent. Marijuana and hashish use among 10th graders has increased 91 percent. Heroin use among 10th graders has increased 92 percent. That is just since 1992. And cocaine use among 10th graders has increased 133 percent.

With an abundant supply, drug traffickers are looking to increase their sales by targeting younger and younger children, creating a whole new generation of addicts. Drug dealers are now targeting children not only in our urban areas but in every community in our land.

The National Center on Addiction and Substance Abuse at Columbia University issued a disturbing report earlier this year. It had to do with the rapidly rising rate of drug use among youth in the rural areas of our country. The figures are astounding. If anyone thinks it cannot happen in your community—"it can't happen in my community"—take a look at these figures.

Their study found that eighth graders in rural America are 34 percent more likely to smoke marijuana than those in urban areas; 50 percent more likely to use powder cocaine; and 83 percent more likely to use crack cocaine.

These statistics represent an assault on our children, on our families, and on the future of our country. Let me point out what is happening on the streets of Cincinnati in my home State. In 1990, there were 19 heroin-related arrests in Cincinnati, OH. Last year there were 464 arrests. Law enforcement officers in Cincinnati understand the reason for this surge. Colombia produces low-cost, high-purity heroin, making it more and more the drug of choice. And because of our Government's inadequate emphasis on drug interdiction and eradication efforts, that Colombian heroin is making its way across our borders, into our country, and into Cincinnati, OH, and Cleveland, OH, and Detroit and Los Angeles.

Sure, this is just one urban area we are talking about, Cincinnati, but if there is a heroin problem in Cincinnati, there is a heroin problem in New York and LA and every metropolitan area across our great country.

I believe what is happening in Cincinnati and across all parts of America is a result of a national drug control approach that has not emphasized the importance of a balanced attack against drug use. To be effective, our drug control strategy needs to be a coordinated effort that directs and balances resources and support among three areas of attack: domestic law enforcement, international drug interdiction, and demand reduction.

When we talk about demand reduction, we are talking about several things. Demand reduction needs to consist of drug prevention, drug treatment, and drug education. We need to involve all levels of government in this three-pronged attack—the Federal, State, and local—as well as nonprofit private organizations, charitable groups, community groups.

What all this means is that to effectively stop our kids from getting and using illicit drugs we must balance the allocation of resources towards efforts to stop those who produce drugs, those who transport illegal drugs, and those who deal drugs on our streets, and, yes, even in our schools.

Because the threat of violence and drug abuse in our schools is all too real, we must get to our kids before the drug dealers do. We can do this. We can give America's kids a fighting chance through coordinated efforts between our schools and our communities. Next week, when the Senate begins debating the education reform legislation that I referenced a moment ago, we will have a great opportunity to enhance a very important program designed to educate our kids and our communities about the dangers of drug use.

This bill includes a section that I helped write to make much needed improvements, the Safe and Drug-Free Schools and Communities Program. This program, which was originally part of Ronald Reagan's 1986 Drug-Free Schools and Communities Act, is intended to assist every single school district in the country to develop an antidrug program in their respective schools. While well intentioned, this program has been far from perfect.

I had the opportunity a few years ago when I served in the House of Representatives to be on the National Commission for Safe and Drug-Free Schools. We looked at how this program had worked. We found many problems connected with it. The bill we have written and will be on the floor next week I believe will go a long way to solving the problems that the national commission pointed out in 1990 and that we have seen since then. These problems need to be corrected, and I believe this bill will go a long way to do that.

Since the inception of the Safe and Drug-Free Schools and Communities Program in 1986, we have pumped $6 billion into this program, despite the fact the program has lacked accountability, giving us no real mechanism to determine its effectiveness. Instead, we have seen some of our tax dollars pay for questionable drug use "prevention" and "education" activities, such as puppet shows, tickets to Disneyland, dunking booths, and magic shows. No matter how well intentioned, these are not effective antidrug education tools. Because there has been little effort to ensure program accountability through research-based measures, the Safe and Drug-Free Schools Program has not been as effective as it could have been, or as it should be.

It is critical the Senate pass education reform legislation that includes improvements to the Safe and Drug-Free Schools and Communities Program, improvements that will empower America's families and America's teachers with the information, with the training, with the resources they need to help our children resist the temptation of drugs. That is why our section in this bill would, first and most importantly, increase accountability measures to ensure that assistance is targeted to effective research-based programs. That means programs that actually work and have been tested and measured and we know work. My language will make sure schools and communities assess local problems accurately, apply research-based solutions, measure outcomes with reliable tools, and evaluate program effectiveness.

Second, my language would improve the effectiveness of the Safe and Drug-Free Schools Program by requiring schools to directly work with parents, with local law enforcement agencies, local government agencies, local faith-based organizations, and other community groups to develop and implement antidrug and antiviolence strategies.

As we all know, drug abuse and violence among young people is a community problem, it is a local problem, and it requires a local community-based solution. That is why the entire community needs to be involved in the creation and execution of programs to fight youth drug abuse and violence. Our bill requires the schools to reach out to the local community, to work with other people who are fighting drugs, to have a true community-based approach.

Speaking of fighting youth drug abuse and violence, no one is fighting harder than the first lady of the State of Ohio, Hope Taft. Hope has been very instrumental in the creation of this section of our bill. I publicly thank her for her great work. She was really instrumental in creating a voice for community-based antidrug organizations. Hope Taft's efforts have raised awareness of the dangers of youth drug abuse and violence in our schools.

Also, I am pleased several community groups have indicated their support for our provision in title IV of the bill we will be debating next week. I will name a few: The American Counseling Association, the American School Health Association, the Community Antidrug Coalition of America, the National Network for Safe and Drug Free Schools and Communities, and Ohio Parents for Drug Free Youth. These are just a few of the organizations that have helped us craft this bill.

Third and finally, our language in title IV would give States greater flexibility on targeting assistance to the schools particularly in need. Each State has unique drug prevention challenges, and this bill provides the States with flexibility to target funds to all of their schools but focus on those schools with the greatest drug violence problems. This flexibility is very significant and very important.

Contrast the administration's proposal with our proposal: They want each State to cut by half the number of school districts that benefit from the Safe and Drug-Free Schools Communities Act. Let me make it clear; under the administration's proposal which they sent up to Capitol Hill, half the school districts in the country would lose their funding. I think that is a mistake. Reinvesting in an improved Safe and Drug-Free Schools and Communities Program is a critical part of restoring effectiveness and purpose to our national drug policy.

Ultimately, if we do not restore effectiveness, more and more children will use drugs, leading to greater levels of violence, criminal activity, and delinquency. Unless we take action now, unless we take the necessary steps to reverse these disturbing trends, unless we restore balance to our drug control policy, we will be sacrificing today's youth and our country's future, and that is just plain wrong.

Mr. President, on behalf of the leader, I yield the remainder of my time to my colleague, Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington is recognized for the remainder of the leader's time.

Mr. GORTON. Mr. President, next week when the Senate takes up the Elementary and Secondary Education Act, it will be dealing with the most important single issue, with the most vital single goal with which it will deal during the course of this session of Congress. That debate will be about our children, about their education, and about their future.

There is unanimous recognition in this body that a good education, an education for the 21st century, will help our children and our grandchildren have an economically independent future, to understand the history of their tradition and their culture, and will open to all of their lives an opportunity for lifetime learning and personal enrichment.

At the same time, as citizens, we recognize that the future of our democracy depends upon an educated citizenry and that we will need more and better educated people in an ever more complicated future.

This year alone, I have had an opportunity, both in person and through video conferencing, to visit dozens of schools in individual school districts in my own State, an experience I know many of my colleagues have shared. More than a year ago, we developed a system of recognizing on almost a weekly basis an outstanding educator or an outstanding program someplace in the State of Washington, to both recognize and reward the innovation, the new thinking we all approve but sometimes find difficult to discover.

Educators in my State—teachers, principals, superintendents, school board members—and thoughtful and involved parents are proud of their successes, but that pride is mixed with frustration, a frustration from the limitations placed on their ability to do what they think best for schoolchildren under their care because of the massive rules and regulations emanating from Washington, DC. Massive, I say, out of all proportion to the amount of money that comes to facilitate that education from sources in the District of Columbia.

With all the good will in the world, we now, for 35 years, have attempted to reduce the gap between underprivileged and normally privileged children through title I. The Federal Government has spent more than $100 billion to reach that goal. But, bluntly, the goal has not only not been reached, it has not even been approached.

We find in the country as a whole that two out of every three African American and Hispanic fourth graders can barely read. We find that 70 percent of children in high-poverty schools score below the most basic reading level. We find that fourth graders in high-poverty schools remain two or three grade levels behind their peers in low-poverty schools.

For these kids, and for the future of our country, we can do better. We must do better. How can we possibly argue that maintaining the present system, or by adding to its complexity by increasing the number of rules and regulations coming from Washington, DC, we can help these disadvantaged students in the light of this history, or help any of our other students, for that matter?

The status quo in the future will mean what the status quo in the past has meant. I am convinced—I hope all of us are convinced—that no child should be left behind.

For the last 3 years, I have worked on, spoken for, and proposed to this body, new and better approaches that are now a part of the bill we will be dealing with next week called Straight A's, to allow innovation in States and in local communities in school districts across the United States, and to serve those children who are left behind by the present system.

Straight A's would change the present pattern—unfortunately, in the form in which this bill appears before us in only 15 States; but in 15 very fortunate States—by giving them far more flexibility to use the money that comes from the Federal Government in the best interests of their children, without the blizzard of forms and paperwork that plagues our schools at the present time but with one overwhelmingly important underlined requirement: that the academic achievement of our children demonstrably improve on the basis of objective tests imposed by each of the States that take advantage of Straight A's.

Under Straight A's, States and local communities could target more dollars to high-poverty areas if they believe that is an effective use of the money. In a very real sense, they would be encouraged to do so or to change the system for the better because, for the first time, States and local school districts would be rewarded—tangibly rewarded—by receiving an increased appropriation if, and as, they reduce the gap between disadvantaged students and other students in their systems.

Right now there is no such incentive, simply hundreds of different categorical aid programs, many of them highly duplicative in nature, creating all kinds of bureaucracies that have succeeded in either getting dollars through to the classroom or in the far more important goal of raising student achievement.

Yesterday, at a news conference, the State superintendent of schools in Georgia said 50 percent of the money that her schools received from the Federal Government went to administrative costs—50 percent—a terrible indictment of the present system. That money should be found in our schools educating our children, not creating more paperwork and more forms.

The most dynamic forces in our schools today, in our education system today, are found in our States and in our local communities, not here in Washington, DC. Parents want a better education, and, Lord knows, those men and women who dedicate their entire lives to teaching our children—teachers and principals and superintendents—wish for exactly the same thing.

I am convinced that we can enable them, we can empower them, to provide a far more effective education system for all of our children than we are doing at the present time.

The way that we will provide that power, the way we will enable them, will be to trust them to make the right decisions, but in an expression borrowed from the cold war: Trust but verify. And we will verify. The only valid method of verification: A set of tests under which their actual objective achievement will be measured and reported here to Washington, DC, and to this Congress.

This should not be—and I hope will not be—a partisan issue. I am convinced that working together we can significantly improve our system of public education in the United States and significantly increase the participation—the constructive participation—that this body, the Congress, and the President, make to that. I hope next week will be the advent of debate that will have exactly those results.

Mr. GRASSLEY. Mr. President, every young person in our country should have the opportunity to grow and learn in an environment that is free of drugs and violence. This is the type of environment Safe and Drug Free Schools promotes.

With the recent results of the annual Monitoring the Future study, it is obvious that we need to continue to provide our young people with effective programs, such as Safe and Drug Free Schools, to assure positive learning environments. This year Monitoring the Future reported that nearly 55 percent of our high school seniors have used an illicit drug in the past month. In addition, the study found that nearly 50 percent of high school seniors have used marijuana in 1999 and this percentage has remained unchanged in 1998, as well as 1997. Sadly, the study also found that the percentage of 10th graders who reported use of marijuana increased from 39.6 percent in 1998 to nearly 41 percent in 1999. With these discouraging drug use and abuse trends, it is clear that we need to use every resource available for anti-drug efforts.

Safe and Drug Free Schools provides our state and local education agencies with the funding necessary to implement effective, research-based programs that prevent and reduce violence and substance abuse in our schools. Studies show a high correlation between drug use and availability and school violence. We need to create a drug-free environment to promote a safe environment.

In fact, many states have reported decreases in incidents of violence and drug use because of Safe and Drug Free Schools funds. It is imperative that we continue to provide our communities with the resources necessary to protect our children from violence and drugs. With our leadership and support, it is certain that these disturbing trends of drug use and increasing school violence will be reduced. I am committed to providing our young people with a positive learning environment free of drugs and safe from harm.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMS CONTROL

Mr. DORGAN. Mr. President, yesterday the chairman of the Senate Foreign Relations Committee spoke on the floor of the Senate on the subject of arms control. He is a distinguished Member of the Senate, someone for whom I have high regard, but someone with whom I have strong disagreement on this subject. I will speak this morning about the presentation he made yesterday and its relationship to a range of other issues we face.

The front page of the Washington Post this morning has a headline: "Helms Vows to Obstruct Arms Pacts, Any New Clinton Accord With Russia Ruled Out." It is a story about the presentation made yesterday by the chairman of the Foreign Relations Committee in which he stated that any arms control agreement negotiated by this administration is going to be dead on arrival in the Senate Foreign Relations Committee. With all due respect to the Washington Post, that is not news. The Foreign Relations Committee has been a morgue for arms control for a long time. In fact, this Congress has been a morgue for arms control. Everything dealing with arms control has been dead on arrival in this Congress and in that committee for several years.

The Nuclear Non-Proliferation Treaty Review Conference is now being held in New York. At that conference the world is looking to this country for leadership in stopping the proliferation of nuclear weapons and stopping the spread the missiles, submarines, and bombers with which those nuclear weapons are delivered. Regrettably, this country has abandoned its leadership on the arms control issue.

I will include in the RECORD several editorials: one is the April 26 edition of the Chicago Tribune entitled "Russia Takes Arms Control Lead." It discusses the Russian Duma's approval of Start II and the approval of the Comprehensive Nuclear Test-Ban treaty by the Russians. Another is from the April 26 Milwaukee Journal Sentinel entitled, "Will the United States Lead or Follow on the Issue of Arms Control." Another is from the April 27 Dallas Morning News with the title "Arms Control, the Senate Needs to Stop Playing with Nuclear Fire." And the last is this morning's column in the Washington Post by Mary McGrory entitled "Nuclear Family Values."

Mr. President, I ask unanimous consent these four editorials be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. Mr. President, the statement made yesterday by the chairman of the Foreign Relations Committee was a statement that says, we don't know what you might negotiate. It has not yet been negotiated; a proposal does not yet exist. But whatever it is and whatever it might be, we intend to kill it. It will be dead in my committee.

That is not what this country ought to be doing with the subject of arms control. As we meet in the Senate discussing a range of things, and especially discussing, more recently, the case of Elian Gonzalez, which seems to have co-opted so much attention in this country, other countries around the world aspire to acquire nuclear weapons. The spread of nuclear weapons is a very serious matter. Will more and more countries have access to nuclear bombs and the means by which to deliver those nuclear weapons, or will this country provide leadership in stopping the spread of nuclear weapons?

Arms control agreements have worked. Those in this Congress who have stopped arms control agreements and who have said any future agreements will be dead in our committee or in this Congress are wrong. It is the wrong policy for this country. Our country should instead be saying we embrace thoughtful, reasonable, arms control agreements that make this a safer world.

This picture shows some of what the Senate and the Congress have done in the past on arms control agreements and why they work. This is a picture of a missile silo. This used to hold an SS-19, a Soviet and then Russian missile. The missile in this silo had several warheads aimed at the United States of America. The threat from those warheads doesn't exist anymore. The missile is gone. The silo was filled in. The ground is plowed over and there are now sunflowers on top. Is that progress? You bet your life it is progress.

But it is not just missile silos. Here is the dismantling of a Russian Delta class ballistic missile submarine. This used to be a submarine that would find its way stealthily through the waters with missiles and nuclear warheads aimed at American cities and targets. It is no longer a submarine. Here is a piece of copper wire that is ground up that used to be on that Russian submarine. Did we sink that submarine in hostile action? No. Through the Nunn-Lugar threat reduction program, the Pentagon actually dismantled that Russian submarine.

More than that, we are sawing the wings off Russian bombers. Here is a picture of the Nunn-Lugar program cutting the wings off TU-95 heavy bombers. Why is the Pentagon cutting the wings off those bombers? Because we have had arms control agreements with Russia that have called for the reduction of bombers, missiles, nuclear warheads. Six thousand Russian nuclear warheads have been eliminated—6,000. That is the explosive equivalent of 175,000 nuclear bombs like those dropped on Hiroshima. Let me repeat that. Arms control agreements with Russia have eliminated the threat from nuclear weapons with destructive power equivalent to 175,000 bombs the size of the nuclear bomb dropped on Hiroshima.

We have people in the Congress who say: We don't like arms control. We want to build new things. We want to build new missiles. We want to build new missile defense systems. We want to build and we want to spend money building. What they do is light the fuse of a new arms race.

Without some new effort in arms control to reduce the threat of nuclear weapons, we will see a new arms race—expensive, dangerous, and one that will hold the world hostage for some time to come. Our job ought to be to find ways to reduce the nuclear threat, not expand it; to find ways to create arms control agreements that work.

Again, I have deep respect for all of my colleagues, even those with whom I have serious disagreements. I certainly have serious disagreements in this circumstance. But I don't understand an announcement that says, whatever the President might negotiate in arms control, even though it is not yet negotiated, even though we don't know the specifics, whatever it might be with respect to arms control, we pledge to you that it is dead. That is not leadership. That is destructive to good public policy. If we can negotiate with the Russians and others sensible, thoughtful arms control agreements that advance this country's interests, enhance world safety and security, then we ought to be willing to embrace it, not shun it.

I regret very much the announcement that there will be no hearings on any negotiations on arms control. We are quick to hold hearings on the Elian Gonzalez case. We have people doing cartwheels around the Chamber saying: Let's hold hearings; let's investigate. We can hold hearings on the Elian Gonzalez case, but somehow there will be no movement, no hearings, no discussion on the issue of arms control if, God forbid, we should be able to achieve some sort of breakthrough in an arms control agreement with the Russians or others.

In conclusion, it is our responsibility, it falls on our shoulders in the United States to be a world leader on these issues. It is our responsibility to lead. We are the remaining nuclear and economic superpower in the world. It is our responsibility to lead, not towards another arms race but towards more arms control and towards stopping the spread of nuclear weapons.

Let's not have more countries joining the nuclear club. Let's not have more proliferation of the technology of missiles and submarines and nuclear weapons spread around the world. To those who say we are threatened by North Korea being able to send a missile with a warhead to threaten the Aleutian Islands, I say this: Almost anyone who thinks through this understands there are a myriad of threats our country faces. The least likely is a threat by an intercontinental ballistic missile from a rogue nation. It is far more likely that a truck bomb, far more likely that a suitcase bomb, far more likely that a deadly biological or chemical agent would be used to threaten or hold hostage this country. It is far more likely that a cruise missile would be used. It is, in my judgment, the least likely option that a rogue nation would have access to and acquire an intercontinental ballistic missile and use that as a threat against this country.

Having said that, I think we will now have a struggle between those who desperately want to build a national missile defense system at any cost in taxpayers' money, at any cost in arms control, at any cost, as contrasted with those of us who believe it is still our responsibility to make this a safer world by understanding that arms control has worked and has reduced the number of nuclear weapons. But we are not nearly finished. We must move to START III, we must preserve the ABM Treaty, and we must have new, aggressive, bold and energetic leadership in the U.S. to say it is our job to stop the spread of nuclear weapons to make this a safer world.

That burden falls upon this country and, regrettably, this Congress has not been willing to assume that responsibility. It is, in fact, all too often marching in exactly the opposite direction. We need to put it back on track and say it is our job, and we willingly and gladly accept that responsibility to stop the spread of nuclear weapons, to negotiate good arms control agreements that don't threaten our security, but enhance it by reducing the threat of nuclear weapons.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Chicago Tribune, Apr. 26, 2000]

RUSSIA TAKES ARMS CONTROL LEAD

In just one week's time, Russia has broken a legislative logjam that had stymied for years any action on reducing its formidable nuclear arsenal and forestalling the further proliferation of nuclear weapons.

With passage of START II and the Comprehensive Test Ban Treaty, the Russian Duma has handed president-elect Vladimir Putin major victories and created, for the United States, something of a dilemma.

Russia can claim to be a leader in arms control and point its finger reproachfully at the U.S. Russia can say America is now the laggard. Russia can say America is seeking to destabilize the bedrock agreement of mutual deterrence during the Cold War—the 1972 Anti-Ballistic Missile treaty.

The U.S. is seeking changes in that treaty to permit it to develop a missile defense intended to protect the nation against attacks from rogue nations such as North Korea and Iraq. The technology is unproven and the cost estimates already skyrocketing, but there is support in both parties for a missile defense of some kind.

This is an unwelcome change in global public relations. Until last October, the U.S. could rightly argue it was doing all it could to lead the movement to control the proliferation of nuclear weapons around the world, and that Russia was the obstinate player. The U.S. Senate in 1996 ratified the START II treaty—calling for the nuclear arsenals of the U.S. and Russia to be cut roughly in half. The test ban treaty had not been ratified by the U.S.—but it hadn't been ratified by Russia either.

Last October, though, the U.S. Senate rejected the test ban treaty. Now Russia has agreed to it. That puts Russia in the company of Britain and France—also among the five early nuclear powers—which have signed and ratified the CTBT. And it lumps the U.S. with the only other early nuclear power that has not—China.

Though it might argue as such, this is not exactly a case of Russia acting out of nobility. Russia has significant economic as well as strategic reasons for moving on these long-stalled arms treaties. It cannot afford to maintain its existing nuclear arsenal, and any reduction in warheads helps free up scarce resources for other military needs.

As well, the CTBT vote places no immediate demands on Russia. Though the treaty has been signed by more than 150 nations and ratified by 52, its ban on test explosions would take effect only after each of the 44 nations deemed to have some nuclear capability ratifies it.

Regardless of motives, Russia has taken the lead and put the U.S. on the defensive—and that's not a comfortable position for this nation.

[From the Milwaukee Journal-Sentinel, Apr. 26, 2000]

WILL U.S. LEAD, OR FOLLOW?

During the Cold War, the United States was the world champion of nuclear arms control, and the Soviet Union was the unwilling partner that had to be dragged along. In the post-Cold War era, the tables have not been exactly turned; but the furniture has been rearranged, putting the U.S. in the unbecoming role of Dr. No.

Last week, the lower house of parliament in Russia approved the Comprehensive Test Ban Treaty. As its name suggests, the treaty bans the testing of nuclear weapons and thereby constrains their development. Just the week before, the Russian parliament approved another major accord: the second Strategic Arms Reduction Treaty, which nearly halves the nuclear arsenals of both the U.S. and Russia.

Putting themselves firmly on record in support of the arms-control process, the Russian lawmakers conditioned their approval of these treaties on continued U.S. adherence to the Anti-Ballistic Missile Treaty of 1972, which prohibits national anti-missile defense systems.

Compare these impressive and unambiguous Kremlin decisions with the dismal U.S. record in recent years. The Senate beat the Russians to the punch on START II, ratifying that treaty in 1996. Since then, U.S. leadership on arms control has all but died.

In October, the Senate refused to ratify the test ban treaty, partly because the Clinton administration never bothered to campaign for it. Meantime, the administration—pushed by Repubicans—is considering whether to deploy a limited missile shield that would violate the ABM treaty.

The White House is trying to persuade the Russians to amend that treaty to allow for a missile defense, but the Russians are having none of it. Texas Gov. George W. Bush, the presumptive Republican presidential nominee, has said the U.S. should withdraw from the treaty if the Russians refuse to revise it.

Thus, the U.S. threatens to dismantle an arms control structure that has taken years to build, while Russia bolsters it. This role reversal would be justified were arms treaties obsolete. But they aren't. If nuclear war has been averted over the last half-century, it is partly because of these agreements.

It's time for the U.S. to make a U-turn. The administration should start lobbying Congress and the country in behalf of the test ban so that it can be ratified by the Senate next year. And, rather than weaken or withdraw from the ABM treaty, the U.S. should see that it is strengthened.

[From the Dallas Morning News, Apr. 27, 2000]

ARMS CONTROL

SENATE NEEDS TO STOP PLAYING WITH NUCLEAR FIRE

Good news! Russia's parliament ratified the START II nuclear arms-reduction treaty this month. The U.S. Senate ratified it in 1996.

Therefore, the treaty, which would reduce the deployed warheads in each country's arsenal to no more than 3,500 from 6,000, may at last take effect, right?

Wrong.

The treaty won't take effect until the U.S. Senate ratifies protocols to the treaty that the countries signed in 1997. The protocols extend the arms-reduction deadline to 2007 from 2003 and formally designate Russia, Belarus, Kazakhstan and Ukraine as successors to the 1972 U.S.-Soviet anti-ballistic missile treaty.

One would think that the Senate would leap at the chance to ratify the protocols for the sake of achieving verifiable reductions in Russia's nuclear arsenal. But the body isn't interested. Its Republican majority adamantly wants to build a defense against missile attacks by rogue states, which is illegal under the U.S.-Soviet anti-ballistic treaty.

No problem. President Clinton is trying to negotiate amendments to the anti-ballistic missile treaty that would permit the United States to build a limited national missile defense. It's a worthwhile project. Once he convinces the Russians to agree, the Senate will ratify the amendments and the protocols so that START II could be implemented, right?

Wrong again.

The Republicans want a granddaddy missile defense. They want, in effect, "Star Wars." Twenty-five of them, including Texas' Phil Gramm and Kay Bailey Hutchison and Majority Leader Trent Lott, wrote Mr. Clinton on April 18 that his proposed limited defense was too limited.

It takes only 34 senators to defeat a treaty. So even if Mr. Clinton succeeds in amending the anti-ballistic missile treaty, the Senate would probably defeat it and the protocols, which means no START II. If the United States should proceed to build an ample missile defense more to the Republicans' liking, Russia might carry out its threat to abrogate the entire range of bilateral arms-reduction treaties with the United States, which would spell the end of arms control as we know it.

The United States is beginning to look as if it isn't interested in arms control. The Senate last year rejected a good treaty that would have permanently banned nuclear tests. The lower house of Russia's parliament approved the same treaty on April 21. Now, the Senate is holding START II hostage to amendments to an anti-ballistic missile treaty that it probably would not ratify.

Meanwhile, U.S. negotiators keep telling their Russian counterparts that the limited missile defense would defend against rogue states, while hawkish senators hold out for a full-blown system whose principle object would be to defend against Russia.

To its credit, the administration is talking with Russia about a START III treaty, which would reduce the number of deployed warheads to no more than 2,500. But those talks are hampered by the stalemates over START II and missile defenses.

[From the Washington Post, Apr. 27, 2000]

NUCLEAR FAMILY VALUES

(By Mary McGrory)

The fate of mankind vs. the fate of one 6-year-old Cuban boy? It is not a contest in the U.S. Senate. Elian wins going away.

Russia's new president, Vladimir Putin, can't get anyone's attention on Capitol Hill, even though his first moves in office could have beneficial effects on the whole world and are at least as noteworthy as Janet Reno's pre-dawn raid on Elian Gonzalez's Miami home.

Putin passed two treaties through the Russian parliament with wide majorities, indicating at a minimum that he had a grip on the legislature and some idea of a new image for Russia: START II reduces the number of nuclear weapons, and the Comprehensive Test Ban Treaty, which the Senate rejected last year, bans all tests.

But is anyone hailing a new day in arms control? Is anyone rejoicing? No. Putin has done very well. But his name is not Gonzalez.

On the Senate floor, Jesse Helms, chairman of the Senate Foreign Relations Committee, who is just as much a dictator as Castro, from whom many Republicans want to save Elian, announced that there would be no hearings on this wicked nonsense from Putin. But there will be emergency hearings on Elian, beginning next week.

When Putin on April 15 put it to Bill Clinton that he could have a choice between fewer nuclear weapons and a national missile defense system, the reaction of Republican senators was outrage. Led by their majority leader, Trent Lott, they dashed off a letter to the president, warning him that it was all a plot to foil a version of Ronald Reagan's Star Wars.

The national missile defense system doesn't work and it costs $60 billion going in. But hang the tests and hang the expense, the Republicans want to start pouring concrete. Not that they are talking about it, mind you. They are busing planning to air for the country all the recriminations and second-guessing since a petrified Elian was hauled out of a closet by a helmeted, goggled creature with bared teeth and an automatic weapon.

The Republicans love that picture almost as much as they love Star Wars, and they are not going to let it go. They quizzed Attorney General Reno for almost two hours Tuesday morning. In the afternoon, Leader Lott, fairly vibrating with anticipation, explained that the public had a right to know just what state the peace negotiations had been at the time of the dawn raid. Janet Reno's answers had not been satisfactory.

All day in the halls, Senate Elian-celebrities were giving interviews. There was Republican Sen. Connie Mack of Florida, who had been stood up by Elian's great-uncle Lazaro Gonzalez, Lazaro's operatic daughter Marisleysis, and Donato Dalrymple, one of Elian's rescuers. There was Florida's other senator, Bob Graham (D), who also had a grievance. He kept telling anyone who would listen that the president of the United States, sitting in the Oval Office, had given his personal word that no snatch would be undertaken at night. You can almost hear Bill Clinton triumphantly responding, "It was 5 o'clock in the morning."

Perhaps the most put out was Republican Sen. Robert C. Smith of New Hampshire, who had taken Lazaro's troupe to the Capitol when they landed after their dramatic dash in hot pursuit of their little boarder. They have been turned away at the gate of Andrews Air Force Base, twice. "Wait until defense appropriations time," growled veteran Republican lobbyist Tom Korologos.

Republicans have been warned by their pollsters that the public, by a wide margin, has thought all along that Elian should be sent home to his father. The public hated the picture of the child at gunpoint but they loved pictures taken at Andrews—pictures that showed a beaming Elian leaning on his father's shoulder and playing with his baby stepbrother.

What legislation would come out of hearings is hard to imagine. There's little hope of wisdom, either. Maybe Marisleysis Gonzalez should be asked about her enviable health plan. She's been in and out of the hospital eight times in the past month, suffering from the vapors visited on a surrogate mom. And somebody might want to inquire of the attorney general if she had considered dispensing with the helmet and the goggles that made the Immigration and Naturalization gunman such a sinister figure. Wasn't a machine gun sufficiently intimidating? Did she make it clear to the crew that the child is not a drug lord? While all this melodrama was swirling around, the Senate in its chamber was tampering again with the Constitution—an amendment for victims' rights. The Constitution should not be messed with. Another document better left alone is the Anti-Ballistic Missile Treaty.

We need that handsome woman who threw the blanket over Elian on Saturday morning and rushed him off the scene. She should do the same for the Senate until it gets a grip on its priorities.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I ask unanimous consent that under the time reserved for Senator DURBIN I may speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUVENILE JUSTICE BILL

Mr. REED. Mr. President, for the last several days, we have been debating a victims' rights amendment to the U.S. Constitution, and that is an interesting and thoughtful debate. But I think we can do something else, which is try to prevent victims in the first place. We can do that by passing the juvenile justice bill, which contains sensible controls on handguns in this society.

A few days ago we saw another incident involving a handgun at the National Zoo, a place we have recognized for decades as a source of solace and education and recreation in the Nation's Capital. But, in a moment, it was turned into a place of violence and terror because a young man, apparently with a handgun, shot several young people.

The tragedy in this country is that each year 30,000 Americans die by gunfire. Every day, 12 children are killed by gunfire. We can stop that and we must stop that.

The most recent incident is another indication that we have to act not someday but immediately. These seven children have been harmed and their families have been forever changed. This is a tragedy that they will live with, but it is a tragedy that we don't have to live with as a nation indefinitely.

We took several appropriate and responsible steps after the Columbine shooting last year in which we passed legislation that would close the gun show loophole, require safety locks on handguns to prevent their use by children, and other measures. Yet these measures languish today in a conference committee that has met only once since last year, which is not seriously attempting to address the critical issues of violence in this country.

Each day we wait, another incident takes place. Again, last year on the floor of the Senate as we debated the juvenile justice bill, if any of us had stood up and said a 6-year-old child would walk into first grade in America and shoot another 6 year old, some would have said it was hysterical demagoging.

That happened. If anybody said that on a Sunday or a weekday afternoon at the National Zoo random gunfire would break out and seven children would be shot down, we would be accused of hysterical demagoguery. It happened.

We can prevent this, and we should, by acting promptly to pass the juvenile justice bill with those provisions included. Many in the Congress call for stricter enforcement of handgun laws. I agree with that. We should enforce the laws. But the reality is that we have to prevent these incidents rather than, after the fact, arresting people.

It is against the law in the District of Columbia to possess a handgun, as it was possessed, apparently, by this young man. But the District of Columbia is not an island. It is a metropolitan area between other States that have much less strict gun control laws. Virginia, for example, is a State which is a shell-issue State. That means that practically any person who is not a felon can carry a concealed weapon with a license and without showing a special need to do so.

Private sales of handguns, including gun show sales, are common throughout Virginia, and there you can in fact buy a weapon without a background check if you are buying from an unlicensed gun dealer. There is no waiting period in Virginia to buy a handgun. Now there is a law that prevents the purchase of more than one handgun a month, and that is good because it prevents trafficking in firearms. But it only takes one gun to do the kind of damage we saw a few days ago at the National Zoo.

We all agree that enforcement is important. We look forward to and applaud the local authorities who apprehended the young suspect. He will be tried and the law will be imposed and enforced. But, once again, prevention perhaps could have prevented this violence or other violence throughout the United States.

On this 1-year anniversary of Columbine, we should be doing something more than simply sitting and waiting for that conference report. We should be demanding, as we have in the past on this floor, that conferees meet, vote, and send us back this measure, including all those strict gun control provisions. This Senate went on record by a vote of 53–47 to take that very position. I hope that vote will energize and activate the conferees and that they will move immediately to send this provision to the President for signature.

Within that bill, there are resources for the types of prevention and enforcement that we need with respect to juveniles. Twenty-five percent of the $250 million distributed annually on the juvenile accountability block grant program would be dedicated to prevention to the gun lobby. In addition, the conference report would include, I hope, child safety locks, an amendment to firmly close the gun show loophole, a ban on the importation of high-capacity ammunition clips, and a ban on the sale of semiautomatic weapons. It is time now to prevent, if we can, the violence that we have witnessed and, sadly, the violence that happens every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that the morning business allocation ends at 10:30. I ask unanimous consent I be allowed to speak until the conclusion of that morning business and then to continue speaking for such period of time as I may consume.

The PRESIDING OFFICER. Morning business does not conclude at 10:30. The time allotted to the Senator from Illinois concludes at 10:30.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I seek recognition until 10:30, and I ask unanimous consent that I may continue speaking beyond that in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

THE MARRIAGE TAX PENALTY

Mr. DURBIN. One of the issues pending is a Tax Code issue called the marriage tax penalty. What it boils down to is that a number of people in this country, when they go to get married, their combined incomes on a joint return puts them in a higher tax bracket, so they are, in fact, penalized by the Tax Code because of their decision to get married.

The debate on the floor of the Senate now is whether we will change the Tax Code to eliminate that penalty. It makes common sense, really. We want to encourage people to get married. The idea that we would penalize them under the Tax Code for getting married makes no sense at all. There is common agreement on that. Democrats and Republicans believe we should eliminate that penalty. The difference, of course, comes down to how you do it and what the bill says as part of the tax relief.

I have to say, parenthetically, that I don't know too many young couples who, when they are making plans to get engaged and to get married, say, well, before we finalize this and buy a wedding ring, we better stop off at the accountant's office to figure out the tax consequences. I am sure some do that, but my wife and I sure didn't, and most people don't do that.

Notwithstanding that observation, it is right for us to consider changing the Tax Code to eliminate this penalty. Interestingly enough, though, there are almost an equal number of couples who get married and get a tax bonus because their combined income lowers their joint tax rate to the point where they pay a lower tax rate married than they did as single, individual filers. So, in a way, there is a marriage tax penalty under the Tax Code that I described, but there is also a marriage bonus. So what we have said on the Democratic side is let's deal with the penalty and make sure nobody pays a price under the Tax Code for the decision to get married.

When you make these Tax Code decisions, they cost money, because it means fewer dollars are flowing from taxpayers and from the economy into the Treasury. Whenever you are going to propose a bill such as this to eliminate a Tax Code penalty to reduce a tax obligation, you have to come up with some money to pay for it and offset the loss of revenue to the Federal Government.

We are in a position to discuss that possibility because, frankly, we are enjoying the most prosperous economy in the history of the United States of America. We have seen the longest period of economic expansion ever. It has been I think close to 109 months—for over 9 years—that we have seen a continued expansion of the economy without a recession, which means more people are going to work and buying homes or cars; businesses are getting started; inflation is in check; people are making more money.

If you happen to have a retirement plan, if you take away the last few weeks, which have been a little rocky, you know that over the last several years you have done pretty well. There has been a growth in value in the stock market. When President Clinton was sworn in as President, the Dow Jones average was around 3,000. Now it is in the 10,000 category.

A tripling in the value of this stock market means half the American families who own mutual funds or other investments have generally seen their pensions and savings growing over this period of time. This is a very good thing. But because of that strengthening economy, we have also seen people making more money and paying more in taxes. Considering the fact that folks are doing better, most of them have said: Keep it coming. We are willing to pay our fair share of taxes as long as we are getting more in income and we see our retirement plans growing.

This increase in tax receipts because of a prosperous economy has generated a surplus. Where the Senate just a few years ago was embroiled in a controversy about the deficit we faced year in and year out, we are now talking about how to spend the surplus. The marriage tax penalty bill takes a part of this surplus and says, let's cure this problem in the Tax Code. I don't think that is unreasonable. But I thought we ought to step back for a second and say what our long-term goals are.

The long-term goal enunciated by President Clinton—which I support and the Democratic side supports—is that we should take this surplus and invest it wisely, do things with it that make sense in the long term.

One thing that makes sense is to eliminate the national debt. The deficit each year piles up into an account called the national debt. The national debt is our mortgage as a nation. We have to raise taxes every year to pay interest on our Nation's mortgage—the national debt. In fact, we have to raise $1 billion in taxes every single day from families, businesses, and individuals just to pay interest on old debt.

Those of us on the Democratic side think our surplus should first be dedicated to reducing this national debt so that the mortgage left to our children and grandchildren is smaller. We will leave them a great nation. Of course, we are proud of the role we played in helping that to happen. But we shouldn't leave them a great debt for the things we enjoyed during our lifetime.

We believe, on the Democratic side, that the fiscally sound thing to do is to reduce the national debt. I am afraid our friends on the Republican side of the aisle would rather spend this money on tax cuts that go way beyond the marriage tax penalty—the problem I discussed earlier.

The leader in tax cuts is the Republican candidate for President, Governor Bush. He has proposed a tax cut package larger even than the Republican package that is being brought to the floor.

We had a vote just a couple of weeks ago on an amendment I offered. By a vote of 99-0, the Senate rejected the George Bush tax cut. They said it wasn't wise policy. I think that was a wise vote. We basically said, let's take care to spend this surplus wisely so that if the economy has a downturn, or we are asked in later years to account for our actions, we can explain, yes, we put the money into reducing the national debt, strengthening Social Security, strengthening Medicare for years to come, and making wise investments in our future—and targeted tax cuts.

One of the wisest investments and the first stop on most people's agenda would be education—figure out a way to strengthen education so young people across America in the 21st century have a better chance for a good job and a better chance to compete.

How else could we make a wise investment? Do something about health care in this country. Expand the coverage of health insurance so that more and more Americans have that protection and peace of mind. Deal with the whole issue of prescription drug benefits for the elderly and disabled. We think, on the Democratic side, that is a wise investment of the surplus as well.

Then targeted tax cuts: Make sure you target them where they are needed and don't go overboard.

The marriage penalty I discussed: We agree on the Democratic side to eliminate it, but let's not go overboard in eliminating it and reduce the possibility of bringing down the national debt and strengthening Social Security and Medicare. Therein lies the heart of the debate on the floor of the Senate.

For several weeks now, the Republican leadership has come to us and said: We want to bring our marriage tax penalty bill up for consideration. This marriage tax penalty bill they have proposed goes way beyond what is necessary to cure the penalty. In fact, when you take a close look at the provisions, you find, unfortunately, a large part of the money that is being spent there is not really going to help the people who are penalized by the decision to get married.

Only 15 percent of the benefits under the Republican proposal, for example, go to low- and middle-income married couples with incomes below $50,000 a year; 15 percent to couples making less than $50,000 a year. Yet these couples represent 45 percent of all married couples. They are not getting the tax benefit.

Take a look at the winners. Fewer than a third of married couples have incomes exceeding $75,000. Under the Republican bill, one-third of those couples who are getting married and earning over $75,000 a year receive two-thirds of this bill's tax benefit.

There is no fairness here.

If we are trying to encourage marriage at all levels of income, why would we hype the benefits on the wealthiest people in America and basically ignore those in lower-income categories struggling to buy a home and start a family? That is exactly what the Republican bill does. Many of us don't believe that is fair.

In addition, only 40 percent of the tax relief under the Senate Republican plan would go towards the marriage tax penalty. That is less than half of it. Sixty percent of it provides tax breaks for people who are not suffering the marriage tax penalty. Those of us on the Democratic side think that is not a wise investment. Instead, we should target the tax cuts to people who need them.

Let me give you two examples of what we think we can do with targeted tax cuts that families across America really need. For example, do you have a child attending college? Do you know how much it costs? Most families do. They start worrying about college education expenses as soon as the baby is born. They start putting away a little in a savings account thinking: how in the heck will their son or daughter ever get to a college unless they think ahead and plan ahead.

One of the things the Democrats want to do, sponsored by Senator SCHUMER of New York, is to give a deduction for college education expenses up to $10,000. What does it mean? If you spent $10,000 on your son's or daughter's college education, the targeted tax cut on the Democratic side would give you $2,800—over a fourth of it—in a tax deduction. I wish it could be more, but it is a helping hand. I think most families would say: I like this; this is a sensible thing. It reduces the burden of debt many young people would face coming out of college. It helps families who are trying to help their sons and daughters go through college.

Let me tell you something else we would do. We would create a tax credit for people who are paying for long-term care.

If you have an elderly parent or a disabled person in your household, you know that the cost of long-term care could be very expensive—to bring in visiting nurses, to provide for some sort of convalescent care, or long-term nursing home care. The President has proposed a targeted tax cut for families to give them a helping hand to pay for that elderly parent, or elderly relative, or someone disabled in your household. That is the Democratic proposal.

The Republicans, in contrast, think that 60 percent of the tax cuts should go to people in higher income categories instead of targeting them to family needs that I have just described, like college education expenses and long-term care. That is what the debate boils down to, in substance. The procedural part of the debate is as dry as dust, but it is important because we will decide on a vote in just about an hour and a half as to whether or not we are going to close down the debate on the Republican marriage tax penalty bill or leave it open so we can allow for amendments to be offered.

The Republicans oppose the suggestion that we Democrats could offer our targeted tax cuts on the floor of the Senate. They want to give us a take-it-or-leave-it vote: Either take our tax break, our marriage tax penalty break, or vote against it. We think this should be done in truly a deliberative process, where we come to the floor and debate the merits of our different positions. This Senate is supposed to be the greatest deliberative body in the world. For 200 years, it has enjoyed this reputation.

Yesterday, one of my colleagues, one of the most respected Members of the Senate, Senator ROBERT BYRD of West Virginia, came to the floor, and in his fashion gave us another history lesson about the Senate and how it came to be. If you have not heard a Senator BYRD speech on the history of the Senate, you have missed a good time. This man has dedicated a lifetime to reminding us that this is a historic institution. It is not just another creature of politics. He reminds us, time and again, our responsibility is to come to this floor and debate the great ideas in America. Yet the Republican majority would close us down, stop us from this debate, stop us from bringing these amendments to the floor.

I say to those following the course of my remarks, this Senate is not overworked. Take a look at the floor. With the exception of the fine Senator from Kentucky, who is presiding, I am the only one on the floor. Over the course of this week, few Members have come to the floor. We have not worked late at night or early in the morning debating issues that American families care about. We have kind of been in neutral for a long period of time.

When I go home to my home State of Illinois, the people I talk to and the families I meet with ask some very basic and important questions: What have you done lately to improve the quality of life for families across America? The unfortunate answer is: Very little, if anything. This Senate and the House of Representatives cannot seem to get into gear.

When I ran for the Senate, it was for the opportunity to represent 12 million people in Illinois but also to come to this floor and engage in a real debate. I want the Republicans to come forward with their best arguments on the issues of the day. I want the Democrats to do the same. Then let's vote—that is what it is all about—and be held accountable by the people who sent us here as to whether or not we have voted the right way. That is the democratic process.

But that is not the way it works in the Senate today. What we have here is an effort by the Republican majority to stop the debate, to close it down, to give you one take-it-or-leave-it vote each week and then go home. We come in and punch our time cards, check off the box that says I now qualify for another day on my pension, and a lot of people head home. That is not why I ran for the Senate, and I do not think that is why this body was created by our Founding Fathers.

Let us consider some of the things we could address. Senator EVAN BAYH, my new Democratic colleague from Indiana, an extraordinarily talented man who served as Governor of that State, has come forward with a very responsible suggestion on the marriage tax penalty. Senator BAYH has said: Let us help those who are penalized and let us save the resulting money from the Republican bill to reduce our national debt, to preserve and strengthen Social Security and Medicare, to provide the targeted tax cuts. That is one of the amendments we want to offer. Take it or leave it, up or down, limited debate. Our leader, Senator DASCHLE, came to the floor and said this is not a filibuster. We will agree to a limitation, 1 hour on a side on this important issue, and then let's vote on it.

But, no: Rejected. The Republican leadership said we do not want to debate Senator BAYH's amendment. We do not want to debate Senator BAYH's substitute. We want to give you one vote, up or down, take it or leave it. I don't think it is fair. I don't think it is fair to the Senator from Indiana, nor is it fair to this body. Certainly we have the time on our hands to spend 2 hours debating that important issue.

Senator ROBB of Virginia wants to offer an amendment to this which addresses an issue that is probably one of the most important issues that faces us in this election year. It is a question of whether we will create a prescription drug benefit under Medicare. Senator ROBB of Virginia wants a chance to offer that amendment and to debate it, a limited debate, 1 hour on each side, and take a vote as to whether or not we will change Medicare to provide a prescription drug benefit.

I invite all the Senators who are trying to stop this debate to take a moment and go home, pick any constituency in your State, and ask them about a prescription drug benefit. I found in Illinois that there are seniors across my State, disabled people across my State, and their families, who understand the critical need for a prescription drug benefit.

In the 1960s, when President Lyndon Johnson and Congress created the Medicare program, they provided health insurance for the elderly and disabled that had never been there before. It has worked beautifully. For 40 years, Medicare has provided quality health care for seniors and the disabled. The net result of it is seniors live longer. There is no better test of the success of Medicare than the fact that seniors can live longer and can be more independent in their lives.

My mother always used to say, for so many years, "I just don't want to be a burden." How many parents say that to their kids? Medicare helped my mom not be a burden to our family. She was able to have her own health insurance protection because of Medicare.

But there was a problem with Medicare and we know it now. Medicare has no prescription drug benefit. So many seniors in my State tell stories of going to the doctor, feeling bad. The doctor says: I think there is a prescription that can help you. The doctor hands the senior citizen the prescription. The senior citizen puts it in his or her pocket and says little, goes off to the pharmacy and says: How much will it cost? Many of these seniors, on fixed incomes, find they cannot afford to buy the medicines they need to stay healthy. They have to make choices between the food they need to survive and the medicine which the doctors have prescribed and recommended.

That should change. We have the power to change it. That is what Congress is all about. The President supports this change to create a prescription drug benefit so seniors across America will have some protection when it comes to buying prescription drugs.

About a third of the seniors in our country already have some protection. I think of the UAW retirees in Illinois and other union families that have great retirement plans. They may spend $15 a month, as example, maximum, to get total drug coverage under their retirement plan. Those are the lucky people, one-third of the seniors.

Another third go out and try to buy supplemental health insurance that has prescription drug benefits. Some of it is good, some of it is just plain awful. They pay a very high premium for it. These are the people in the middle who have a little bit of coverage.

But a third of the seniors have no protection whatsoever. What they pay for in prescription drugs comes right out of their pockets, right from their fixed income.

Senator ROBB wants to offer an amendment this week on the floor of the Senate for us to vote on a prescription drug benefit. Should the Senate not go on record on this issue? If you oppose it, vote against it. I support it and I want to vote for it. I want to be able to go back home to say to seniors: We have changed the Medicare program for the better. We want to keep you healthy and keep you strong. We want you to be able to pay for the drugs that your doctor recommends for your good health.

That is one of the amendments the Republicans do not want us to vote on. Why? They say they favor prescription drug benefits. Senator ROBB gives them a chance to support one approach. I think it is within their power to offer their alternative to it. But they do not want to bring that into the debate. They want to close down this debate so we do not go after them. I think, frankly, that is a serious shortcoming.

When you take a look at the prices of prescription drugs that are used by seniors, you will find these prices are spiraling out of control. In 1999, a recent analysis by Families USA found that prices of prescription drugs most commonly used by seniors increased at almost twice the rate of inflation. The report looked at the 50 prescription drugs most commonly used by the elderly and found that their prices had gone up more than twice the rate of inflation.

On average, the prices of these drugs increased by 3.9 percent between January 1999 and January 2000; 2.2 percent was the general inflationary increase. That is the average for the 50 drugs. Some of them went up much more quickly. Their prices are out of control, beyond the means of seniors who could not afford to pay for them. Moreover, these increases are part of a trend, according to Families USA. Over the past 6 years, the prices of prescription drugs most commonly used by seniors also increased by twice the rate of inflation.

I have met with pharmacists in Illinois who tell me the prices of drugs used to go up once a year. Now they go up once a month. They understand seniors cannot keep up with it.

When we talk about a prescription drug benefit, it is not only to provide protection under Medicare to pay for prescription drugs, it is also to address the issue of pricing.

When I talk about the issue of price control in my State of Illinois, a lot of people tense up: Wait a minute, the Government is going to get involved in price control? I am not sure I like that idea.

There is a natural skepticism, but I ask them to bear with me for a minute while I explain pricing mechanisms for drugs.

Right now in the United States of America, the drug companies that make these prescription drugs bargain with insurance companies. The insurance companies come to them and say: If you want the doctors in our insurance plan to prescribe these drugs, then you have to agree to pricing controls so that your prices do not go up out of hand. That is being done today. That bargaining is taking place.

The Veterans Administration has said to the same drug companies: If you want us to use your drugs in veterans' hospitals across America, agree to price controls so we can afford to pay for them, and the drug companies agree.

The Indian Health Service and the Public Health Service are the same.

We find the only group in America that does not have this bargaining power to say to drug companies, "We want to have reasonable pricing," turns out to be the elderly and disabled people covered by Medicare. People on fixed incomes in tough situations lack the same bargaining power.

On the Democratic side, we are saying give to all Americans this bargaining power.

Let me tell my colleagues who else has bargaining power. If one happens to live in a border State such as Montana or North Dakota, once a month a lot of senior centers rent a bus. What do they do with that bus? They load it up with seniors and the prescriptions from their doctors and drive over the border into Canada. Why? Because the exact same prescription drug sold in the United States, made by the same company, is sold in Canada for half the cost as in the United States. Why? Why are the prices lower? Because the Canadian Government is bargaining with the same American drug companies. They tell them: You cannot sell your drugs in the Canadian health care system unless you keep the prices under control. And the drug companies said: So be it, that is what we will do. Mexico is the same. Europe is the same.

If one looks at all these groups around the world, they come to realize that only Medicare recipients in America are paying the very highest prices for drugs. Everybody else gets a bargain.

Do my colleagues know who else gets a bargain when it comes to drugs? Your dog and your cat. Exactly the same drug sold for human usage is sold at a fraction of the cost to veterinarians—10 percent of the cost. I am a lot more concerned about a grandmother than I am about a great dane.

I would like to see us have a pricing policy that gives seniors a break instead of looking to overseas leaders and people in other countries who come up with a way to keep the prices of drugs under control.

What I have described in the last few minutes is a contour of a debate that should take place on the floor of the Senate. Those Senators who disagree with me ought to have a chance to stand up and explain their position. Senator ROBB of Virginia, who believes, as I do, that we need a prescription drug benefit, should be allowed to make his position known. We ought to debate it and vote on it. The Republican majority says no. When it comes to changes in the Tax Code, take it or leave it; marriage tax penalty or else.

The final point I will make, as I see my colleagues come to the floor to join me in speaking—Senator AKAKA from Hawaii will be speaking this morning—is the fact that the amendment by Senator SCHUMER of New York goes to the issue of expenses of college education. As I said earlier, the President is right. I believe we should give families trying to put kids through college a helping hand.

Senator SCHUMER, who occupies the desk to my left, wants to offer that amendment. He wants the Senate to go on record for or against the proposition that we ought to be giving a tax deduction for college education expenses. Quite honestly, that is a good idea for America to prepare the next generation to compete in the global economy so that working families have a chance to send their kids to the best schools, get the best education, and realize the American dream.

Is this worth a debate on the floor of the Senate? Is this worth a few minutes of our time? As I look across this empty Chamber, I ask: What is it Senators could be doing that is more important than considering the college education expenses of our family members? It is worth the time, and it is worth the debate. I believe the Republican majority is wrong when they say we cannot and should not debate these amendments because we are too darn busy. I do not buy it. We are not too busy to focus on the problems about which American families really care.

I hope this cloture vote at noon is a vote that repudiates the Republican position and opens up this debate so we can deal with prescription drugs, so we can deal with reducing the national debt and strengthening Social Security and Medicare, and so we can provide a deduction for college education expenses. I hope we will have that opportunity this afternoon and for the remainder of the week. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 2478 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

Mr. AKAKA. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming, Mr. THOMAS, is recognized to speak for up to 15 minutes.

Ms. LANDRIEU. Mr. President, since I just want to make brief remarks, will the Senator indulge me so I can introduce a bill if I take about 2 minutes?

Mr. THOMAS. One and a half?

Ms. LANDRIEU. All right. One and a half.

Mr. THOMAS. Yes, that will be fine.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. The Senator from Louisiana.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 2479 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. If I could have 30 more seconds.

TAKE OUR DAUGHTERS TO WORK DAY

Ms. LANDRIEU. Mr. President, today is a special day in America: Take Our Daughters To Work Day. The Senator from Wyoming and the Presiding Officer will recognize that there are many young girls, of all ages, working their way around the Capitol.

I have some special girls with me today: Jordan Willard, Katherine Elkins, Cara Klein, Jessica Harkness, Samantha Seiter, Kelsey Cook, Sadie Landrieu, Rachell Solley, Chelsea Niven, Caroline Hudson, and Frederica Wicker.

I welcome all of these girls to the Capitol today and express my best wishes to the millions of girls participating in Take Our Daughters To Work Day.

I yield back my time.

The PRESIDING OFFICER. The Senator from Wyoming.

MARRIAGE PENALTY

Mr. THOMAS. Mr. President, I am sure we welcome everyone for "Take Your Daughter to Work Day" here in Washington.

I will take a few minutes to talk about the marriage penalty tax bill that is before us. Speaking of daughters, this provision of the tax code makes it difficult for young families who have daughters to be treated fairly.

Before addressing the specifics of the bill before us, I must say that I am a little disappointed in the lack of cooperation this year on the floor. Each time we address an issue with a solution that is generally acceptable to most people, we find ourselves faced with all kinds of amendments, many of which have nothing to do with the subject we are seeking to address, designed entirely to create political wedge issues rather than solutions. I suppose that is customary, perhaps, in a Presidential election year, but it is too bad. It is too bad that each time we begin to talk about an issue that should be addressed by this Congress, and indeed is generally agreed to by most Members of the Senate, we find it being used to bring up issues that are not relevant, not a part of what is being discussed, but simply are used to delay, used as leverage, used to make an issue. I hope we can get by this resistance.

One of the items we will be addressing early next week is an education bill, a broad education bill, elementary and secondary education, one that most everyone in the country wants to see moved forward. Education is probably one of the principals issue with which all of us are concerned. Yet I predict that we will find next week all kinds of irrelevant amendments will be added to seek to confuse and delay the passage of legislation.

I hope that is not the case. I hope it is not the case with what I think is a very important issue, the marriage penalty. All of us are concerned about our tax system, concerned about how complex the tax code is. Certainly right after April 15, we are all very aware of how excessively complicated this system has become, designed to affect behavior as much as it is to collect revenue.

One of the things we ought to consider, as we seek to simplify taxes, is fairness. That is the situation we face today with regard to the marriage penalty. The Federal Government penalizes couples simply for being married.

Two people earning this amount of money jointly, unmarried, become married and pay more taxes on the same amount of income. That is not fair. That is what we ought to be dealing with, the fairness issue.

Last year, 43 percent of married taxpayers, 22 million couples, paid an average of $1,500 more in taxes than they would have paid had they not been a married couple. In my State of Wyoming, 45,000 couples were affected by this tax situation, a high percentage of our population. Marriage penalty relief is middle-class tax relief. We always hear it is for the rich. This isn't for the rich. This is for middle-class people who become married, as we urge people to do and then, indeed, they are assessed a penalty. Middle-income families are the hardest hit.

What does marriage penalty relief mean to families? Fifteen hundred dollars for families would mean a semester of community college, 4 months of car payments, clothes for the kids, a family vacation, a home computer, several months of health insurance premiums, or contributions to an IRA or a savings program, which we encourage people to do.

This country finds itself, thankfully, with more than adequate funding for Federal programs, even after we have ensured that Social Security is not used for operating funds. This prosperity is due in part to the Republican Congress' ability to control spending. Now, for the first time in over 40 years, we have an opportunity to begin to pay down the Federal debt, while also providing tax relief, because of the excess money coming into Washington.

You, the people of this country, must decide if this is the appropriate course to take. Do you want to spend more money? Do you want to have more Government involvement, more Government regulation, or should we give this money back to the taxpayers who have paid it in? It is your money after all. This bill is an opportunity to do that. If your intention is to control the size of the Federal Government, tax relief is a very good idea. If you keep the money, I guarantee it will be spent on expanding the size of Government.

An editorial that ran a while ago in the Wyoming Tribune-Eagle called on Congress to do something about the marriage penalty. I will a small portion from it:

> While the tax system is unfair, Congress's lack of action is even more unjust. Members know there is a problem but refuse to act. That is shameful.

I ask unanimous consent that the entire editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. THOMAS. I could not agree more with that sentiment. It sums it up very well. This vote will clearly highlight those who want to do something about the marriage penalty, who want to do something about tax simplification, tax fairness, and those who do not. We will see those who want to use this legislation simply to introduce extraneous issues, knowing that those issues will not be resolved, but, rather, can be used as issues in the political campaign.

Marriage should be a sacred event, not a taxable one. We have a bill that will do something about that penalty. I urge all my colleagues to support the cloture motion so we can move forward and implement this much needed tax relief.

I yield the floor.

EXHIBIT 1

MARRIAGE PENALTY

WILL CONGRESS FINALLY CORRECT THIS WRONG?

In 1996, 21 million American families paid an average of nearly $1,400 in marriage tax penalties. Congress would be remiss if it allows this assault on married couples' pocketbooks to continue.

There are many members of Congress who say the country's complicated and progressive tax structure is the primary cause of the marriage penalty. Since marriage combines two tax units into one, a couple's combined income means their joint liability is higher that the sum of what their individual tax bills would be if they filed as single.

While the tax system is unfair, Congress' lack of action is even more unjust. Members know there is a problem, but refuse to act. That is shameful.

And in this case, their talk is not cheap.

Throughout America's history, policymakers have attempted to discourage certain behaviors by taxing them. So-called "sin taxes" are levied on everything from cigarettes to gasoline.

While people of good conscience may disagree on the morality and efficacy of using the tax code to discourage various behaviors, virtually no one disputes taxes are a disincentive. It is odd, then, that the federal income tax code effectively taxes marriage—and thereby discourages it.

That's a shame. Some couples choose cohabitation over marriage because of this tax penalty; others postpone marriage until later tax years. Some have even divorced because of the penalty, and others speed up their divorces to save money. These practices denigrate marriage and normalize nonmarital relationships.

The marriage penalty continues to be one of the most discriminatory taxes. And while $1,400 a year may not sound like a lot to some, over the years it can add up. A couple married for 50 years would end up paying $70,000 in additional taxes.

The Congressional Budget Office estimates the average annual penalty of $1,400 could cover a few mortgage payments, a down payment on a car, a needed vacation or it could be invested or put into a savings and earn dividends and interest.

Because of the way the tax code is structured, only eliminating the current system will end the marriage penalty. However, a stopgap method is needed.

The most promising option is House Resolution 6. Under this proposal, the standard deduction and bracket breakpoints for married couples filing jointly would be made twice what they are for single filers. This proposal should be relatively simple to implement and would help toward the elimination of the marriage penalty.

Equality under the law is fundamental to America. By treating married couples inequitably, Congress is allowing the tax code to make a mockery of this ideal.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I understand the Senator from Texas, Mrs. HUTCHISON, has reserved 30 minutes. I ask unanimous consent to use a portion of that time to speak on the issue of the marriage tax penalty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to address a number of issues that have been raised recently on the marriage tax penalty elimination bill. We will be voting at noon on a cloture motion. We have the opportunity at noon to vote on whether or not to proceed to this issue. We have the opportunity then, as well, to consider any relevant amendments.

That needs to be made perfectly clear. Amendments are in order after the cloture motion. The only issue is whether or not they pertain to or are germane to marriage tax penalty relief. All of those will be open and debatable. If there is a Democratic alternative they think is better on the marriage tax penalty, that is relevant, we can deal with that. We will debate it. We can vote on it, if we can finally get to cloture on this issue.

We need to be very clear that there is no blockage on amendments relevant to the marriage tax penalty. All relevant ones will be and can be considered after the cloture vote so we can move forward with this issue. What would not be relevant is nongermane issues, issues outside of the point of the marriage tax penalty.

There have been raised on the floor this morning several inaccuracies I wish to clear up. There is a statement going around that somehow 60 percent of the tax relief in this bill doesn't deal with the marriage tax penalty. I disagree with that. One hundred percent of the relief proposed in this bill goes to married couples. I don't know who they are claiming the 60 percent goes to, but 100 percent of this relief goes to married couples. I will make it very clear: It isn't 60 percent of this going to businesses or 60 percent of it going to farmers or 60 percent of it going to some other category; 100 percent goes to married couples. That is indisputable. I want to talk about the nature of the bill so people can get that fresh in their minds. We talked about it 2 weeks ago, but some time has passed. I will talk about what our bill does.

Our bill eliminates the marriage tax penalty in the standard deduction. Here are the nuts and bolts. The standard deduction this year for a single taxpayer is $4,400. However, for a married couple filing jointly, the standard deduction is $7,350. It should be $8,800, if it is fair. What we are doing is making it fair. Let's make it $8,800.

Second, our bill widens the 15-percent tax bracket. Under current law, the 15-percent bracket for a single taxpayer ends at an income threshold of $26,250. But for married couples, the bracket is not double; it ends at $43,850. It should end, if it were fair, at $52,500. That is what our bill does. It moves it for the double filing couple to $52,500. That is fair. That is something that should be in the Tax Code and should be allowed.

Third, our bill applies that same principle of doubling that income bracket on the 15-percent bracket, and we provide that into the 28-percent bracket as well.

Fourth, our bill increases the phaseout range for the earned-income tax credit; that is, on the EITC, there is a marriage tax penalty there. With the earned-income tax credit, you don't double the benefits for a married couple. Clearly, we should. Low-income families with children can incur a significant penalty, and they do, because of the current limits on the EITC. If both spouses work, phaseout of the EITC on the basis of combined income can lead to the loss of some or all of the EITC benefits to which they would be entitled as singles. Our bill works to begin fixing this problem. The Senate Finance Committee proposal that comes out would do that.

Finally, our bill would permanently extend the provision that allows the personal nonrefundable credits to offset both the regular tax and the minimum tax. It is important that American families receive the full benefit of the tax cuts they were promised. This important change will allow America's families to maintain the $500 per child tax credit, HOPE scholarship, adoption credit, and many others.

So those are the nuts and bolts of the bill. That is where the tax is occurring. That is where we would alleviate the marriage tax penalty. That is it. That is what the bill is about. So the notion that it doesn't go to married couples is erroneous. It benefits a lot of people. Currently, the marriage tax penalty is on about 25 million American married couples. I have shown this chart previously. In Kansas, we have over 259,000 couples paying a marriage tax penalty. On average, as the Senator from Wyoming noted, it is about $1,400 per couple.

We have, I think, a lot of unfairness in the Tax Code. Typically, we try to benefit things that we think are helpful in the Tax Code and tax things that we think are harmful. If that is the typical analysis, then in this situation we must believe that marriage is harmful because we are taxing it. But the record is far different on that. Marriage is a good thing. It is a central value-creating institution for the American family. Anybody for family values ought to be for marriage. It is around that central unit that the family builds the values it shares with the children, and then later with the grandchildren and great grandchildren; that emanates from that central unit. This is a very good thing, a very positive thing.

The institution of marriage has been under attack in recent years. The number of people getting married has gone down substantially. A University of Rutgers study points this out. I want to quote it so that people have that information:

> According to a recent study, marriage is in a state of decline from 1960 to 1996. The annual number of marriages per thousand adult women declined by almost 43 percent.

I guess our policy is getting through. By taxing something we apparently want less of, we are succeeding. That is, in my estimation, bad public policy. If you look at the situation around which children do the best overall, it is in that stable environment, with two parents in a long-lasting relationship of marriage. That is where children do best. That is not to say that a number of single parents don't struggle heroically to raise good children. They do. But, overall, the statistics are that they do best in a two-parent household.

As a matter of fact, the statistics are that in a single-parent household—and many struggle greatly to raise good children, and they do a good job, but the overall statistics are very troubling in single-parent households where children are twice as likely to be involved in a crime, twice as likely to drop out of school, twice as likely to be abused, and twice as likely to abuse alcohol or drugs.

This is just not a good situation. That is not to say that many single parents don't struggle heroically to do a good job. Still, we as public policymakers should not tax marriage so that we have less of it. We should be providing relief to married couples.

I want to address this issue some have raised of a marriage bonus built into this package. I think you could justify, on public policy grounds, actually doing that, but I don't think it is here. I think you can justify that as well. Our bill provides marriage tax penalty relief to working American families by doubling the lowest two tax brackets and standard deductions, and also in the EITC bracket. Our bill also treats all married couples the same, whether both spouses work outside the home or just one. That seems to be fair as well.

The Democrat alternative does not treat all married couples the same. In fact, by giving preferences only to dual-earner families through choice of filing, that creates a homemaker penalty. For a spouse that decides to stay home and do the hard work of taking care of children, parents, or others, they create a penalty in that situation. The other alternative—the Democrats' alternative—would make families with one earner and one who stays at home to take care of children or elderly parents pay higher taxes than families with the same household income as two-earner families. Why should we discriminate against one-earner families? Why would we want a Tax Code that penalizes families because one of the spouses chooses the hard work of the household over the role of the breadwinner? Believe me, it is hard work. I don't think it is a situation that we would want to enshrine within our Tax Code because, again, what we do by taxing it is penalizing them and saying we want less of it.

Do we want to send the message across the country that we want less parents involved in raising their children? Clearly, the signal we are getting across America reflects that we want more parents involved and more parental involvement with children. We need more time involved with the family, not less. So we don't want to enshrine in the Tax Code a situation where we are actually saying we don't want more parents involved and having more time with their children. We should be sending the opposite signal across this Nation. The alternative the Democrats have put forth says we don't think we should have as much parental involvement. I think that is a bad way to go.

This is a simple bill. We are trying to address what the President says he wants. He wants to deal with the marriage tax penalty. We are trying to address that. We are trying to send him a bill that deals with the marriage tax penalty. Let's take all relevant amendments on the marriage tax penalty. We will take those, come what may, and get this voted out and get it on over to the President. The House has passed it. We are here and we are ready to vote on it. We will have the cloture motion vote at noon. I urge my colleagues, let's get on to this issue and go ahead and present it.

Mr. President, the Senator from Texas had 30 minutes reserved for this issue. I don't know if the Senator from Oklahoma wants to speak on that time. I yield 5 minutes to the Senator from Oklahoma on the time of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time does the Senator from Texas have remaining?

The PRESIDING OFFICER. There are 15 minutes in total, and this would leave the Senator from Texas 10 minutes.

Mr. NICKLES. Mr. President, I will speak in morning business for up to 5 minutes.

Mr. BAUCUS. Mr. President, there are several here on the floor who would like to speak to the cloture motion. We don't have a lot of time. I would like to inquire of the assistant majority leader if he would agree to extending the time for the vote, say, another half hour at least.

Mr. BROWNBACK. Mr. President, the Senator from Texas is agreeable to yielding 5 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will modify my request and take 5 minutes of the time of the Senator from Texas. I have no objection. The majority leader and the minority leader will probably come out to make the decision on extending the time for the vote. Some people have luncheon conflicts, and so on. I have no objection to it.

Mr. BAUCUS. I make that request, if the leaders will come out on the floor to make an adjustment.

Mr. NICKLES. I object at this point.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I say to my colleague from Montana that I have no objection, as soon as we run it by the two leaders. If they want to postpone the vote for 30 minutes, fine.

For the information of our colleagues, we have a vote scheduled at 12 o'clock. I think some people are trying to go to luncheons and different things. For scheduling purposes, it may be postponed until 12:30. That is perfectly fine with this Senator.

I want to make my comments on the marriage tax penalty.

I compliment my colleagues from Texas and Kansas for their leadership in trying to eliminate the so-called marriage tax penalty. We have a chance to do that. We have to get to the amendment. Some people do not want to get to the amendment. If we get to the amendment, we can have relevant amendments.

I understand some people have different ideas of different ways of eliminating the marriage tax penalty. Fine. Let's consider them and vote on them.

I think the way the Finance Committee—I happen to be a member of the Finance Committee—reported it out is the preferred way to do it.

Very simply put, we have a tax bracket right now that is very complicated. But we have different brackets. We have a zero bracket, a 15-percent bracket, a 28-percent bracket, a 31-percent bracket, and a 39.6-percent bracket. Thanks to President Clinton and Vice President GORE, the rates have gone up.

People shouldn't be penalized because one spouse works or two spouses work. They shouldn't be penalized under the system because they are married.

Right now you can have one spouse working, say making $40,000 and in the 28-percent bracket. Another spouse is making $20,000 and presumably would be in the 15-percent bracket, but right now under current law that $20,000 by one spouse is taxed at the 28-percent tax bracket. It costs them about $1,400. That is unfair. We eliminate that in our proposal.

We double the 15-percent tax bracket. Individuals making up to $26,000 pay 15 percent in tax. We double that. We say if it is 15 percent in taxes at $26,000, let's double that for couples and make that $52,000. That will save them about $1,100. We double the exemption. The exemption right now is $4,400. We say double that. That should be $8,800. We double it. That saves a couple hundred dollars.

That is where we get the marriage tax penalty figure of about $1,400 for a couple, if their income combined is $52,000. Let's do that.

I have heard President Clinton say he wants to get rid of it. But his proposal doesn't get rid of it. It may be good rhetorically. It may be good on the campaign stump. But there is no substance.

The President does not eliminate the marriage tax penalty. As a matter of fact, the President doesn't cut taxes. He doesn't want tax cuts. I respect that.

He has a tax increase for this year. President Clinton's budget proposal increases taxes by a net of $9 billion in the year 2001. Over 5 years, the President has a proposal for a net tax cut of a measly $5 billion. Keep in mind that the Federal Government is going to be taking in about $10 trillion over that same 5 years. But he would only allow for such a small percentage that it won't even show up.

We are trying to give tax cuts to taxpayers who are married and penalized under the system. We do that basically by doubling the 15-percent bracket and eventually doubling the 28-percent bracket. One working spouse that makes a lot less is not thrown into a higher bracket.

We also don't penalize the stay-at-home spouse. We basically double the individual brackets. We do that right away so we don't discriminate against somebody if they make a sacrifice and say they want to stay home with the kids. If this is a tax bracket for individuals, we say double it for couples.

It is the fairest system you can come up with, and it is tax relief for American couples. It is significantly greater than that proposed by the President.

But I hope this Congress will pass it in a bipartisan fashion as we did by eliminating the Social Security earnings penalty. We passed that earlier by an overwhelming margin. The President signed it. Some of us had been pushing that for years.

Some of us for years have been pushing to eliminate the marriage tax penalty. We have a chance to do that. We need to have our colleagues vote in favor of the cloture motion at 12 noon or at 12:30 in order to make that happen. I urge my colleagues to do it.

If colleagues have alternative ways of dealing with the marriage tax penalty they wish to have considered, I think we are happy to vote on those.

I thank my colleague from Kansas for yielding me time, and I thank my colleague from Texas, Senator HUTCHISON, for her leadership.

I hope today within the hour we will make giant strides and ultimately pass it before we leave this Congress. I hope in the next day or two we pass a bill that would eliminate the earnings marriage tax penalty on married couples.

I thank my colleague for yielding me 5 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time remains for the Senator from Texas?

The PRESIDING OFFICER. Ten minutes remain on the time of the Senator from Texas.

Mr. BROWNBACK. Mr. President, I will use 5 minutes of that and reserve 5 minutes of that time for the Senator from Texas.

Mr. President, I want to note a couple of things as we wrap this debate up, have a chance to vote on the marriage tax penalty in America, send that bill to conference, and ultimately to the President.

There is a fundamental principle that I talked about previously which exists and has worked repeatedly in this country. If you tax something, you will get less of it. If you subsidize it, you will get more of it. We have been taxing marriage, and we are getting less of it.

The Rutgers study that I cited shows a 43-percent decline in marriage in the period between 1960 and 1996. At the same time, fewer adults are getting married. Far more young Americans are cohabitating. During that same period of time, cohabitation went up 1,000 percent. We subsidize that side of it. We tax getting married.

When marriage as an institution breaks down, the children suffer.

Mr. DASCHLE. Mr. President, will the Senator from Kansas yield? I want to make a statement that will take no more than 10 seconds.

Mr. BROWNBACK. I yield.

Mr. DASCHLE. Mr. President, I yield from my leader time 10 minutes to the distinguished Senator from Montana and 5 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Chair makes that note.

The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President.

I thank the distinguished Democratic leader.

When the institution of marriage breaks down and we tax it, we cause it to break down further. The children do suffer.

A number of single parents struggle heroically and do a good job of raising their children. But the best institution to raise those children in and to build family values that we have all talked about is the institution of marriage. That is the best place; the values emanate from that.

The past few decades have seen a huge decrease in that institution, as the study I have just cited from Rutgers points out. We are taxing marriage across the country. So we are getting what we are paying for—fewer marriages. That is happening. We are taxing over 259,000 of them in the State of Kansas. That is not good for the children.

The past few decades have seen the problems befall our children because of that overall situation, the well-being of children in virtually all areas of life—physiologically, psychologically, health-wise, sociologically, academic achievement, and the likelihood of suffering physically.

They are better off in that stable, two-parent family—not to say that a number of single parents don't do a very good job. They do. Overall, statistically, they are still better off in that two-parent, stable family.

As a couple, Gary and Karla Gipson, wrote to me and stated:

> If they are really interested in putting children first, then why do we in this country penalize the institution of marriage where kids do best? When parents are truly committed to each other through their marriage vows, their children's outcomes are enhanced.

That is supported by studies. It is supported by, frankly, common sense. The marriage tax penalty to an extent is a penalty that our children have to bear. It is a penalty on children. That is unacceptable. Newlyweds face enough challenge without paying punitive damages in the form of the marriage tax. The last thing the Federal Government should do is penalize the institution that is the foundation of a civil society.

I am hopeful, as this bill is considered on the floor, we will be able to have a reasoned debate and we will be able to work across the aisle in a bipartisan fashion to achieve marriage penalty relief for millions of Americans who are adversely affected by this provision of our Tax Code. We can have that debate on the issue.

There is more to do. The marriage penalty is embedded many places, and we could continue, and should continue, to work on that. But, overall, if we are truly interested in the health of our children, if we are truly interested in trying to instill and support family values across this country, if we truly do support that, I do not know how you get around the situation of saying, by taxing marriage, we are going to get less of it, and that is a bad thing for our children.

Let's look at this for what it does to the children. Let's provide that support and help to that married couple. Let's provide the support and help, whether it is a two-wage-earner or a single-earner family where one chooses to do the hard work of taking care of the children or an aging parent or a relative. Why would we penalize that situation?

For that reason, I urge my colleagues to support the cloture motion and let's get on to this bill.

I reserve the remainder of the 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, there have been a lot of statements on the floor, a lot of words. A lot is accurate and a lot is inaccurate. I would like to set things straight on what it is we are voting and on what it is we are not voting.

It has been said here that 100 percent of the benefit in the majority bill goes to married couples. That is true. But this is not a marriage relief bill we are talking about today. Marriage has its own rewards. We are not talking about a marriage relief bill. We are talking about a marriage tax penalty relief bill.

The proposition offered by the minority Members, all Democrats on the Finance Committee, which is the amendment we hope can be offered to solve the marriage tax penalty, is a marriage tax penalty relief bill. It is not a marriage relief bill. It is a marriage tax penalty relief bill.

What I am saying is 60 percent of the benefit in the majority bill goes to people who have no penalty; 100 percent of the provisions in the Democratic bill go to those who are in a penalty position.

Let's remember, a little over half of Americans are in a marriage bonus situation; that is, as a consequence of marriage, they pay less taxes than they would pay if they filed singly; whereas a little less than half of Americans are in a penalty position; that is, they pay more taxes as a consequence of being married compared to what they would pay if they were married filing singly. So we are addressing the marriage tax penalty by focusing our benefits on the marriage tax penalty, not on marriage relief, which is what the majority is talking about—marriage relief.

They must think marriage is a bad thing. They want to give relief to married couples. We are giving relief to married couples who suffered a tax penalty. Marriage has its own rewards. I am surprised, frankly, the majority would think that, by implication, they have to give their benefits for the sake of marriage.

The proposal the Democrats are offering totally addresses marriage. It also totally addresses the marriage tax penalties. There are 65 provisions in the code today which cause a marriage tax penalty situation—65. The Democratic provision addresses all of them, all 65, so there will be no penalty consequence under the Democratic bill because of marriage. How many of the 65 penalties in the code do you think the majority bill addresses: 5? 10? 15? 20? 65? No. Three, only 3, only 3 out of the 65.

One of them is Social Security differentiation. That is the penalty a couple suffers as a consequence of the Social Security tax provisions affected by marriage. There are 61 others. There is a huge difference.

On the one hand, you have the majority that does not want to address the other 62 provisions of the code which cause a marriage tax penalty, whereas our bill addresses all of them. How does it address all of them? By saying to the taxpayers who are married: You have a choice. Your choice is this: You file singly or you file jointly. It is your choice. Whichever results in the lowest taxes, that is what you pay.

So it has the benefit not only of addressing all the 65 provisions of the code—theirs addresses only 3 provisions of the code—but the Democratic provision, the minority provision, also has the benefit of choice, allowing taxpayers to choose what they want to do. Not theirs. You cannot choose in theirs; this is the way it is. You only get to address 3 out of the 65 on theirs.

What else is going on here? The majority party wants a vote on a parliamentary procedure so many amendments—or few amendments—that both sides want to offer could not be offered. They are afraid of these amendments. They are afraid of an amendment to provide prescription drug benefits for senior citizens. They are afraid of an amendment to deal with Medicaid. They are afraid of an amendment which will help Americans provide education for their children. They are afraid of amendments on their side. They are afraid of an amendment, perhaps, dealing with estate taxes. They are afraid of that. They do not want amendments. They are afraid of them.

Why are they afraid of them? I don't know why they are afraid of them. They don't want the Senate to vote on these amendments, amendments which are of very great concern to a vast majority of American citizens. Frankly, that is why we are here, to try to serve the public interest by offering and voting on amendments which affect American citizens.

The problem, I might say, is this. There are maybe 80 legislative days this year. That is all. We have not been voting Mondays or Fridays, so there are probably about 50, that is all, remaining this year—50 days, maybe, we will have votes. If we cannot offer amendments that the American people want us to discuss and debate on this bill, when in the world are we going to have time to do it with only 50 days left?

Basically, the majority does not want a vote on issues that concern the American people. They also do not want a vote on a better idea on how to address the marriage penalty because technically, if cloture is invoked, the amendment offered by Senator MOYNIHAN, which is the Democratic amendment—a better idea—will not be in order. It will not be in order to address all the 65 provisions of the code called the marriage tax penalty. It will not be in order for Americans to choose; that is, choose to file jointly or separately. An amendment will not be in order to allow Americans to choose.

It is no wonder all this smokescreen is being put up over here, playing politics, lots of folderol. Cut right down to the bone, the issue is, Should we be able to vote for a better way to address the marriage penalty or not? I think we should; therefore, that amendment should be in order. It will not be in order if cloture is invoked. They know that. They don't want us to be able to vote on that. In addition, they don't want a vote on other amendments, such as education and prescription drug benefits, which are a good idea. They don't want a vote on those.

That is all this comes down to. I say let's vote on a couple of these amendments. Then let's vote on which of the two marriage tax penalty provisions is best. We will be doing the American people a great service by solving the marriage tax penalty problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes, and then the Senator from Texas is recognized for 5 minutes, and we will vote.

Mr. KENNEDY. Mr. President, I commend the Senator from Montana and commend the reasoning he has presented to this body. What he has pointed out is we could move ahead on this issue and reach a fair resolution of the injustice of the marriage tax penalty if we just had the opportunity to have a reasonable debate and discussion on these measures. We are effectively being denied, closed out from that opportunity. I just thank him for reiterating that. As a leader on the Finance Committee on this issue, I think he has made this case in a very powerful way.

EDUCATION

Mr. KENNEDY. Mr. President, on the issue of education, the elementary and secondary education legislation will be coming to the floor in the next several days, according to what the leader has announced. I wish to indicate, once again, the position of those of us on this side of the aisle and what we tried to do in the markup of the education proposal several weeks ago.

We attempted to follow some of the rather radical, but significant, changes we have seen as a result of enhanced and improved academic achievement at the local level. We want some guarantees because of the scarce resources available to us.

As my colleagues know, 7 cents out of every dollar for education comes from the Federal Government. We are strongly committed on this side of the aisle to building on tried and tested programs that are indicating enhanced achievement for the children of this country, rather than the alternative, which is a block grant program our Republican friends have supported.

We will have a chance to go through their legislation. It is S. 2. Instead of providing targeted resources to local communities for improving teacher quality, smaller class size and afterschool programs, the majority, in this lengthy legislation, says it should be the ". . . determination of State participation, the Governor of a State"—not the local parents, not the local school board, not the local community, but the Governor of a State—"in consultation with the individual body responsible for the education of the State shall determine. . . ." We will go through the legislation next week.

Their legislation says 5 years later there is going to be an accounting. We, on this side, do not want to wait 5 years to find out if their particular block grant program has been effective. All one has to do is go back to 1965 to 1969. We provided block grants to the States under the title I program. We will go through some of this during the debate. The State of Tennessee—all States have indicated how they utilized the money—purchased 18 portable swimming pools in the summer of 1966 at $3,500 each. The justification was that funds originally approved for a summer remedial program would not be spent and the money would otherwise go unspent. There is the buying of football uniforms in some States, and the buying of musical instruments for groups not even affected by title I. We will go through what has happened historically with the block grant program.

Our programs are targeted to make sure we have a well-trained teacher in every classroom. We believe the overwhelming majority of American parents understand that and want that. We want to make sure we have smaller class sizes. We do not need more studies. We have had all the studies, and we have the results. We understand, as Senator MURRAY has pointed out so effectively, that smaller class sizes result in enhanced academic achievement. We believe, with the scarce resources available, we ought to invest in a guaranteed program with guaranteed results of having the smaller class sizes. We believe in afterschool programs which are so important.

Modern, safer schools: Our schools are too crowded, out-of-date, and dilapidated. We owe it to our children to modernize our schools—to have more classrooms, to provide modern teaching facilities, and to provide our children with a safe and orderly learning environment.

Accountability for results: We should hold schools accountable for results. We don't want to write a blank check to the states. We want federal education dollars to go to proven programs that will bring about real change. And we should require schools to use scarce federal dollars to bring about that change.

A greater role for parents: Children and schools need the support of parents. Senator REED will propose an amendment to give parents a stronger role in the education of their children and in the decision-making in their local schools.

Gun safety: We should give gun safety top priority when it comes to our children and our schools. Child safety locks on guns should be a requirement. And we should close the gun show loophole that has proven so deadly to our children and our schools. The Senate passed such legislation last year, but it languishes in conference. We should act again—this time in earnest—to protect our children and our schools from gun violence.

Republican colleagues will talk about change—they talk about having better teachers and safer schools. But if you read their bill, they just perpetuate the status quo. All they want to do is give more money to the governors and the states to use for their favorite programs. There is no guarantee under the Republican bill that your local school will spend the money on smaller classes, safer schools, or better teachers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I thank the Chair.

MARRIAGE TAX PENALTY RELIEF

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator ROTH and Senator GRASSLEY for helping us write a very good bill that will give relief to 21 million married couples in this country; 42 million people will receive a benefit.

When I go through my State and a policeman comes up to me and says, "I cannot believe how much more I am paying since I got married," or a schoolteacher or a county clerk or a sheriff's deputy, I wonder what could we be thinking. This is not a tax cut; this is a tax correction. Twenty-one million American couples are paying a penalty only because they are married. That is not right.

The President of the United States, in his March 11 radio address, addressed six tax cuts he thinks would be a good idea. Two of those are in the bill we are voting on today. He said:

. . . a tax relief to reduce the marriage penalty, tax relief to reward work and family with an expanded earned income tax credit.

Of the six tax cuts he says he favors, two are in the bill on which we will be voting. One has to ask the fair question: Why would so many of the Democrats refuse to let us bring up the bill that addresses exactly what the President has asked us to send to him?

We sent him marriage tax penalty relief last year. He vetoed the bill. He said there was too much in it; there were too many other tax cuts. I happen to believe there is not a tax cut that I do not like because I think hard-working Americans deserve more relief. We are only using part of the income tax withholding surplus here, not Social Security surplus, not even all of the income tax withholding surplus. We are only using part to give the money back to the people who earned it.

Nevertheless, the President said it was too much. So we said: All right, we are going to send him smaller tax cut bills just as he requested.

We sent him one which removed that terrible added tax on Social Security recipients between the age of 65 and 70 who want to work and make more than $17,000. That is gone. We passed the bill, we sent it to the President, and he signed it.

There must be a real problem on the Democratic side, and I quote the distinguished leader of the Democratic Party in the Senate in Reuters on April 13 of this year when he said:

> I think the Republican bill is a marriage penalty relief bill in name only. It's a Trojan horse for the other risky tax schemes they have that have been proposed so far this year.

To what risky tax schemes could he be referring? Was it the Social Security earnings tests we eliminated for people who are over 65 and want to work? Was it the education tax credits we have passed and is now in conference to help parents by giving a credit for their children's education starting in kindergarten and going all the way through college? Or is it the small business tax credits he thinks are risky tax schemes to help our small business people create new jobs to keep our economy going?

I do not think one can make the case that this is a risky tax scheme. This is marriage penalty relief for 21 million American couples who are paying the tax only because they got married. In addition, we add more people who will get the earned-income tax credit because they are coming off welfare and are working and feeling good about themselves. We want to encourage them to do that. A family of four making $31,000——

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. Will still get an earned-income tax credit when they make $33,000.

There is no excuse. It is time to let us take up amendments on this bill and vote marriage tax penalty relief for the hard-working people of our country.

I yield the floor.

Mr. DASCHLE. Mr. President, it is important to be clear what this vote is about—and what it is not about. This vote is not a test of who supports eliminating the marriage penalty. Virtually every member of this Senate agrees: Married couples who work hard just to make ends meet should not have to pay more in taxes simply because they are married.

If the plan proposed by our Republican colleagues only eliminated the marriage penalty in a way that was fair and responsible, I would vote for it. And so, I suspect, would every other Democrat in this Senate.

But the Republican plan goes far beyond fixing the marriage penalty. Sixty percent of their $248 billion plan has nothing to do with fixing the marriage penalty. That is what this vote is about. This vote is about the tens of billions of dollars of tax cuts hidden in this bill that have nothing to do with eliminating the marriage penalty on working families.

In addition to the $99 billion it costs to address the marriage penalty, the Republican plan includes another $149 billion for tax breaks that have nothing to do with the marriage penalty. Most of these new tax breaks would go to those who arguably need it least—including couples at the top of the income ladder who already get a marriage bonus!

We believe there is a better use for that additional $149 billion: creating an affordable, voluntary Medicare prescription drug benefit. That is what this vote is about: Should we use the extra tens of billions of dollars in this bill to create more tax breaks that disproportionately benefit upper income Americans—people who, in many cases, get a marriage bonus? Or should we eliminate the marriage penalty for couples who need a tax cut, and use the other $149 billion in this bill to create a Medicare prescription drug benefit?

What is really going on here? What are Republicans afraid of? Evidently, they are absolutely terrified of voting on our prescription drug amendment. They seem to recoil at even the slightest mention of those two words.

Our Republican colleagues filed cloture on this bill before debate had even begun. They hope to rig the procedural situation so as to shield their faulty bill from public scrutiny and avoid voting on prescription drugs.

Senator LOTT has said our amendments are "ridiculous." He has said it would give him great joy to vote against them. We want to make his day. We want to give him that chance. That is why I once again will vote against cloture on this bill. If Republicans really think our amendments are "ridiculous," they can vote against them. If they think that adding a prescription drug benefit is a "poison pill," they can vote against it. But let us vote and get on with the Senate's business and the business of the American people.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Motion to Proceed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 437, H.R. 6, the Marriage Tax Penalty Relief Act of 2000:

Trent Lott, Kay Bailey Hutchison, Tim Hutchinson, Chuck Hagel, Larry E. Craig, Phil Gramm, Jesse Helms, Strom Thurmond, Rod Grams, Sam Brownback, Pat Roberts, Judd Gregg, Wayne Allard, Richard Shelby, Gordon Smith of Oregon, and Bill Frist.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3090 to H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned-income credit and to repeal the reduction of the refundable tax credits, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts

Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—5

Kerry
Lincoln
Mack
McCain
Roth

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Democratic leader.

Mr. DASCHLE. Mr. President, I regret that this vote had to have been taken. I have made it clear from the very beginning that my hope is we can find some way to compromise. We have thought we have already compromised extensively. We have limited the number of amendments. We have limited the time on those amendments. We are now even prepared to allow second degrees so long as we get a vote. That is the regular order.

We believe, as strongly as we want to resolve the marriage tax penalty, that having the opportunity to offer a better alternative is something that is so fundamental to the rights of every Democratic Senator. This vote we took had nothing to do with the marriage tax penalty. It had everything to do with a Senator's right to offer an amendment that would improve a marriage tax penalty bill. I am hopeful we can have some resolution on this matter at some point in the not-too-distant future.

I will tell our colleagues in the majority that this vote will not change. This vote will stay at 45 for whatever length of time it takes. So there will not be any diminution or any erosion in the strength of feeling we have about our right to offer amendments. I am hopeful with that realization we can reach some compromise.

Mr. President, I yield 2 hours to the distinguished senior Senator from West Virginia under the cloture to be used as he deems appropriate during the debate on the marriage tax penalty.

The PRESIDING OFFICER. The leader has that right.

Mr. DASCHLE. I thank the President. I yield the floor.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—Motion To Proceed—Resumed

Mr. KYL. Mr. President, we are in the process of attempting to work out an arrangement of time for the debate on the pending motion. I ask for all concerned if the Chair will describe the pending business of the Senate.

The PRESIDING OFFICER. The question is on the motion to proceed to S.J. Res. 3.

Mr. KYL. I thank the Chair.

We are in the process of determining just how much time speakers are going to need in order to conclude debate on the motion to proceed. Senator FEINSTEIN and I both have some preliminary remarks we would like to make in connection with that debate as the two chief proponents of the resolution. We understand Senator LEAHY and Senator BYRD wish to take some time, and Senator BIDEN as well a little later on.

As soon as we can confirm the amount of time people will need, we will probably propound a unanimous consent request in that regard.

Mr. LEAHY. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. LEAHY. Mr. President, I am perfectly willing, from this side, to work with the distinguished Senator from Arizona and the distinguished Senator from California on time. I do not expect an enormous amount of time to be consumed. It has not been announced, but there is a certain sense that there may not be any more rollcall votes this week so a lot of people are probably going to be leaving. I will definitely try to accommodate them.

The distinguished Senator from West Virginia does have a statement he wishes to make. I have a statement I wish to make. I am simply trying to protect some others who may want to speak, as I am sure the Senator is on his side. But I will continue to work with the distinguished Senator to cut down this time any way we can.

Mr. KYL. We will announce to all Members, if we can work that time arrangement out, just exactly how this will proceed.

In the meantime, let me see if I can set the stage so everyone will know where we are in this debate. Then I would like to thank some people and then move on to a colloquy with Senator FEINSTEIN, if I might.

Because of the way the Senate works, we have moved back and forth in Senate business. But the pending business is the motion to proceed on S.J. Res. 3; that is, the crime victims' constitutional rights resolution sponsored by Senator FEINSTEIN and myself.

We gained cloture earlier this week so we could proceed, and the motion to proceed will certainly be agreed to, if we carry the debate that far. Senator FEINSTEIN and I, however, are of the view that because of various things that have occurred, it is unlikely that a cloture motion, if filed, would be supported by the requisite number of Senators to succeed early next week.

Therefore, what we are prepared to do is speak to the issue of the resolution, where we are with respect to the resolution, to thank the many groups and sponsors and other individuals who have been so supportive of this effort, and to seek permission of the Senate, when people have finished their comments, to withdraw the motion to proceed and to move to other business. That merely means a timeout in our efforts to secure passage of this constitutional amendment.

We recognize at this point in time that proceeding will simply encourage more Senators to use a great deal of the Senate's time in unproductive speeches that really do not go to the heart of our constitutional amendment but take time away from the Senate's important business. We have no intention of doing that.

So we will make some remarks that will set the stage for what we are about to do. But let me begin by noting the tremendous amount of support around the country that has accompanied our effort to bring this measure to the floor of the Senate. I have to begin by thanking two people in particular, Senator DIANNE FEINSTEIN and Majority Leader TRENT LOTT. We could not have brought this amendment, over the course of the last 4 years, to the bipartisan level of support it now enjoys without the ability to work on both sides of the aisle. No one could have carried this matter on the Democratic side more capably than Senator DIANNE FEINSTEIN. Before she came to the Senate, she was a passionate advocate for victims of crime. As mayor of San Francisco, she was a proponent of area residents who were victims of crime and carries that passion with her to this debate now.

She and I have worked closely with victims' rights advocates to shape the legislation. I might say, while some of our colleagues have suggested there is something wrong with the fact that we have conducted dozens of meetings with the administration, Department of Justice, and many others, and honed this amendment in 63 different drafts, we are very proud that we have included anyone who wanted to talk about this in our circle of friends working to get an amendment that could pass the Senate and that we have carefully taken their suggestions into account, thus accounting for the many different drafts as the 4-year progress of this resolution has brought us to this point.

The fact that we have taken their suggestions to heart and continually polished this amendment we think is a strong point. While we were criticized yesterday on the floor for engaging in yet more negotiations that might result in a final, 64th draft, I must say that was largely at the instigation of Senator FEINSTEIN, who said, given the fact the Department of Justice has four concerns still pending with regard to our specific proposal, let's meet with them and see if we can come to closure on those items.

Because of her leadership, we were able to come to closure on three of them. We believe we made more than a good faith effort with respect to the fourth, which had to do with the protection of defendants' rights. We were willing to acknowledge that the rights enumerated in this proposal take nothing whatsoever away from defendants' rights. I do not know how more clearly we can say it. That was not acceptable to the Department of Justice.

But it is not for want of trying, on the part of Senator FEINSTEIN, that we have been unable to secure the support of the Department of Justice for this amendment. So my first sincere thanks go to the person without whom we would not be at this point, my colleague Senator FEINSTEIN.

I also thank Leader LOTT. When I went to him with a request for floor time for this amendment, his first response was: You know all the business the Senate has to conduct. Are you sure you want to go forward with this? I said we are absolutely certain.

Despite all the other pressing business, he was willing because he, too, believes strongly in this proposal, as a cosponsor, to give us the floor time to try to get this through. It is partially out of concern for his responsibilities as leader that we recognize that to proceed would result in a vote that would not be successful, and therefore, rather than use that precious time, we are prepared to visit privately with our colleagues to further provide education to them about the necessity of this amendment since, clearly, the methodology we have engaged in thus far was not working. We would make strong arguments, but I daresay it didn't appear that anyone was here on the floor listening because when various opponents would come to the floor, they would repeat the same mantra over and over again that we had already addressed.

Part of that mantra was, Did you know this amendment is longer than the Bill of Rights? We would patiently restate that is not true, that all of the rights of the defendants in the Constitution are embodied in language of more words than this amendment that embodies the victims' rights and so on. Then that individual would leave the floor, and another individual would come to the floor and repeat the same erroneous information, and we would have to patiently respond to that.

Rather than continue that process, we believe it is better that we visit with our colleagues when we are not using this time on the floor and explain all of this to them, with the hope they will then be better able to support us in the future.

So I thank Senator FEINSTEIN. We have gone through a lot together on this. There is nobody in this body for whom I have greater respect.

Again, I thank Senator LOTT, the majority leader, for his support for us as well.

The National Victims' Constitutional Amendment Network is one of the really strong victims' rights groups that has backed us throughout this process. Roberta Roper has been involved in that. She was in my office this morning. She was with us yesterday. She has been with us throughout the process, helping us evaluate these various proposals and assisting us.

The National Organization for Victim Assistance, known by the acronym NOVA, headed by Marlene Young and John Stein, and all the people on the NOVA board, we are enormously appreciative of their strong support and assistance throughout this effort. They are going to continue to fight for sure.

Marsha Kight, whom Senator FEINSTEIN and I have come to know and respect because of her advocacy as someone whose daughter was killed in the Oklahoma City bombing, brought the experience of that trial and the firsthand knowledge of how victims were denied their rights even to attend the trial. She has been an important witness for us before the Judiciary Committee and at various other forums.

One of the groups in the country that is most strongly in support, and has provided a lot of grassroots support, is Mothers Against Drunk Driving, or MADD. Also, Students Against Drunk Driving, SADD, a group of younger people, has been helpful. Tom Howarth, Millie Webb, Katherine Prescott, and others have been very helpful to us in that regard.

Parents of Murdered Children has been enormously helpful. Rita Goldsmith is from my State of Arizona, from Sedona.

We have had tremendous help from legal scholars such as Professor Laurence Tribe, Professor Doug Beloof, and Professor Paul Cassell. I thank them for their enormous help in this effort, including their testimony before the Judiciary Committee.

There are many prosecutors. I need to mention a couple from my own State. The two largest counties in Arizona are Maricopa and Pima Counties. Rick Romley, the Republican-elected attorney from Maricopa County, the sixth largest county by population in the country, and Barbara LaWall, a Democratic-elected attorney from Pima County, have been very strong supporters and helpful in our work.

Law enforcement has been very well represented by organizations and individuals. From the Law Enforcement Alliance of America, Darlene Hutchinson and Laura Griffith have been helpful.

Various attorneys general, such as Delaware Attorney General Jane Brady, Wisconsin Attorney General Jim Doyle, and Kansas Attorney General Carla Stovall. By the way, these are Democrats and Republicans alike. It is a totally bipartisan effort. As a matter of fact, the National Association of Attorneys General—we have a very good letter signed by the vast majority of attorneys general in support of our crime victims' constitutional rights amendment.

We also have support from former U.S. Attorneys General: Ed Meese, Bill Barr, and Dick Thornburgh are strongly supportive of our proposal.

From a show with which Americans are familiar, "America's Most Wanted," John Walsh has been an early and strong supporter of our proposal.

From the Stephanie Roper Foundation—I mentioned Roberta Roper—but Steve Kelly of the Stephanie Roper Foundation has been very helpful.

Arizona Voice for Crime Victims; a person who helped Senator FEINSTEIN in the early years, Neil Quinter, a superb former Senate staff member and with whom I visited just this morning, continues his support for this.

Matt Lamberti and David Hantman of Senator FEINSTEIN's office; Jason Alberts, Nick Dickinson, and Taylor Nguyen of my office; and, most important, Stephen Higgins of my staff and Steve Twist, an attorney from Arizona, whose support and competence in helping us through this process was, frankly, simply indispensable.

Also, I will submit for the RECORD two things. One is a list of crime victims' rights amendment supporters. This list includes, in addition to those I mentioned, more than half a page of law enforcement organizations. I mention this because there has been some suggestion that law enforcement does not support us:

The Federal Law Enforcement Officers Association, Law Enforcement Alliance of America, American Probation and Parole Association, American Correctional Association, the National Criminal Justice Association, the National Organization of Black Law Enforcement Executives, National Troopers Coalition, Concerns of Police Survivors, and on and on.

This amendment is strongly supported by prosecutors, law enforcement, legal scholars, attorneys general, Governors, former U.S. Attorneys General, and many more. I ask unanimous consent to print this list of supporters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIME VICTIMS' RIGHTS AMENDMENT SUPPORTERS

PUBLIC OFFICIALS

42 cosponsors in the U.S. Senate (29R; 13D).

Former Senator Bob Dole.

Representative Henry Hyde.

Texas Governor George W. Bush.

California Governor Gray Davis.

Arizona Governor Jane Hull.

Former U.S. Attorney General Ed Meese.

Former U.S. Attorney General Dick Thornburgh.

Former U.S. Attorney General William Barr.

The Republican Attorneys General Association.

Alabama Attorney General Bill Pryor.

Alaska Attorney General Bruce Botelho.

Arizona Attorney General Janet Napolitano.

California Attorney General Bill Lockyer.

Colorado Attorney General Ken Salazar.

Connecticut Attorney General Richard Blumenthal.

Delaware Attorney General M. Jane Brady.

Florida Attorney General Bob Butterworth.

Georgia Attorney General Thurbert E. Baker.

Hawaii Attorney General Earl Anzai.

Idaho Attorney General Alan Lance.

Illinois Attorney General Jim Ryan.

Indiana Attorney General Karen Freeman-Wilson.

Kansas Attorney General Carla Stovall.

Kentucky Attorney General Albert Benjamin Chandler III.

Maine Attorney General Andrew Ketterer.

Maryland Attorney General J. Joseph Curran, Jr.

Michigan Attorney General Jennifer Granholm.

Minnesota Attorney General Mike Hatch.

Mississippi Attorney General Mike Moore.

Montana Attorney General Joseph P. Mazurek.

Nebraska Attorney General Don Stenberg.

New Jersey Attorney General John Farmer.

New Mexico Attorney General Patricia Madrid.

North Carolina Attorney General Michael F. Easley.

Ohio Attorney General Betty D. Montgomery.

Oklahoma Attorney General W.A. Drew Edmondson.

Oregon Attorney General Hardy Meyers.

Pennsylvania Attorney General Mike Fisher.

Puerto Rico Attorney General Angel E. Rotger Sabat.

South Carolina Attorney General Charlie Condon.

South Dakota Attorney General Mark Barnett.

Texas Attorney General John Cornyn.

Utah Attorney General Jan Graham.

Virgin Islands Attorney General Iver A. Stridiron.

Virginia Attorney General Mark Earley.

Washington Attorney General Christine O. Gregoire.

West Virginia Attorney General Darrell V. McGraw, Jr.

Wisconsin Attorney General James Doyle.

Wyoming Attorney General Gay Woodhouse.

Alaska State Legislature.

LAW ENFORCEMENT

Federal Law Enforcement Officers Association.

Law Enforcement Alliance of American (LEAA).

American Probation and Parole Association (APPA).

American Correctional Association (ACA).

National Criminal Justice Association (NCJA).

National Organization of Black Law Enforcement Executives.

Concerns of Police Survivors (COPS).

National Troopers' Coalition (NTC).

Mothers Against Violence in America (MAVIA).

National Association of Crime Victim Compensation Boards (NACVCB).

National Center for Missing and Exploited Children (NCMEC).

International Union of Police Associations AFL–CIO.

Norm Early, former Denver District Attorney.

Maricopa County Attorney Rick Romley.

Pima County Attorney Barbara Lawall.

Shasta County District Attorney McGregor W. Scott.

Steve Twist, former chief assistant Attorney General of Arizona.

California Police Chiefs Association.

California Police Activities League (CALPAL).

California Sheriffs' Association.

Los Angeles County Sheriff Lee Baca.

San Diego County Sheriff William B. Kolender.

San Diego Police Chief David Bajarano.

Sacramento County Sheriff Lou Blanas.

Riverside County Sheriff Larry D. Smith.

Chula Vista Police Chief Richard Emerson.

El Dorado County Sheriff Hal Barker.

Contra Costa County Sheriff Warren E. Rupf.

Placer County Sheriff Edward N. Bonner.

Redding Police Chief Robert P. Blankenship.

Yavapai County Sheriff's Office.

Bannock County Prosecutor's Office.

Los Angeles County Police Chiefs' Association.

VICTIMS

Mothers Against Drunk Driving (MADD).

National Victims' Constitutional Amendment Network (NVCAN)

National Organization for Victim Assistance (NOVA)

Parents of Murdered Children (POMC)

Mothers Against Violence in America (MAVIA).

Justice for Murder Victims.

Crime Victims United of California.

Justice for Homicide Victims.

We Are Homicide Survivors.

Victims and Friends United.

Colorado Organization for Victim Assistance (COVA).

Racial Minorities for Victim Justice.

Rape Response and Crime Victim Center.

Stephanie Roper Foundation.

Speak Out for Stephanie (SOS).

Pennsylvania Coalition Against Rape (PCAR).

Louisiana Foundation Against Sexual Assault.

KlaasKids Foundation.

Marc Klaas.

Victims' Assistance Legal Organization, Inc. (VALOR).

Victims Remembered, Inc.

Association of Traumatic Stress Specialists.

Doris Tate Crime Victims Bureau (DTCVB).

Rape Response & Crime Victim Center.

John Walsh, host of "America's Most Wanted".

Marsha Kight, Oklahoma City bombing victim.

OTHER SUPPORTERS

Professor Paul Cassell, University of Utah School of Law.

Professor Laurence Tribe, Harvard University Law School.

Professor Doug Beloof, Northwestern Law School (Lewis and Clark).

Professor Bill Pizzi, University of Colorado at Boulder.

Professor Jimmy Gurule, Notre Dame Law School.

Security on Campus, Inc.

International Association for Continuing Education and Training (IACET).

Women in Packaging, Inc.

American Machine Tool Distributors' Association (AMTDA).

Jewish Women International.

Neighbors Who Care.

National Association of Negro Business & Professional Women's Clubs.

Citizens for Law and Order.

National Self-Help Clearinghouse.

American Horticultural Therapy Association (AHTA).

Valley Industry and Commerce Association.

Mr. KYL. Mr. President, finally, I ask unanimous consent to print in the RECORD a series of a dozen or so statements and letters from supporters of the amendment. Included in those, incidentally, is a strong statement of support for our specific amendment by Governor George Bush of the State of Texas. I ask unanimous consent to print these in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY GOVERNOR GEORGE W. BUSH—APRIL 7, 2000

I strongly support passage of the Victims' Rights Amendment. Two years ago, I joined my colleagues on the National Governor's Association in calling for a national Amendment, like the one we have in Texas and 30 other states. For too long, courts and lawyers have focused only on the rights of criminal defendants and not on the rights of innocent victims. We need to make sure that crime victims are not forgotten, that they are treated fairly and with respect in our criminal process.

MARCH 14, 2000.

DEAR SENATORS KYL AND FEINSTEIN: During our years of service as Attorneys General of the United States, we saw first hand how the criminal justice system must command the respect of all our citizens if it is to be effective. That respect can only be eroded when the system unfairly treats those it is supposed to serve.

For victims, the system is neither fair nor just. Despite federal statutes and states constitutional amendments passed to ensure fair treatment of crime victims, in too many courtrooms across the country, crime victims continue to be excluded and silenced; they are neither informed of proceedings nor given a right to be present or heard.

We believe the only way to extend the fundamental fairness demanded of our system for crime victims, is to secure their rights in our fundamental law, the U.S. Constitution. That is why we are writing now to express our strong and unqualified support for the constitutional amendment you propose, the Crime Victims' Rights Amendment (S.J. Res. 3). This amendment, once ratified, will restore to our justice system the basic fairness necessary to command the respect of all our people. The rights spelled out in the amendment are simple, yet profound. They are practical and attainable, and they will transform our justice system so that it will truly protect the rights of the law abiding as well as the lawless.

Sincerely,

WILLIAM BARR.
EDWIN MEESE III.
RICHARD THORNBURGH.

OFFICE OF THE
MARICOPA COUNTY ATTORNEY,
Maricopa County, AZ, April 14, 2000.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: As the chief prosecutor for the sixth largest prosecutor's office in the nation, handling over 40,000 felony and delinquency prosecutions each year, I have first hand knowledge of the ramifications of providing constitutional rights for victims.

I have been a strong proponent for victims' rights for many years, having served on the Arizona Victim's Bill of Rights Steering Committee that was responsible for the passage of constitutional rights for victims in 1990. I also participated in subsequent legislative ad hoc committees charged with developing the enabling legislation. I strongly support S.J. Res. 3 and your efforts to see constitutional rights for victims become a reality in the United States Constitution.

I recently read the Minority views in the Judiciary Committee's Report on S.J. Res. 3. The "worst case" examples that were raised were for the most part extreme predictions which we in Arizona have not experienced, notwithstanding our long history with victims' rights. I would like to take this opportunity to address several of the Minority report concerns.

Victims' Rights Do Not Result in Substantial Costs To The System—

Providng victims with constitutional rights has not resulted in substantial costs to law enforcement, prosecutors, the courts, corrections or probation departments. My office provides victims' rights services to over 30,000 victims each year and although the "exact cost" is difficult to determine, our estimates are that it costs my office approximately $15.00 per victim.

While we have experienced an increase in trials, the increase cannot be attributed to our constitution amendment for victim rights. Any such increase has been in response to our mushrooming population and the resulting increase in case filings.

The Arizona Court of Appeals and the Arizona Supreme Court have not been besieged with appeals based on victim rights arguments.

Victim Rights Do Not Restrict The Discretion Of The Prosecutor—

A victim's right to be heard regarding a plea agreement does not mean a crime victim can veto a judge's final decision. Judges, of course, consider the victim's opinion when determining whether or not to accept a plea agreement, however that opinion is merely one factor among others which contribute to the deliberative process. In Arizona, the victim's right to allocution has not caused our judicial officers to abrogate their responsibility to render a decision free of bias. There is no reason to believe that federal judicial officers will act otherwise when weighing the appropriateness of accepting a negotiated plea.

I have implemented a policy in which prosecutors solicit the victim's opinion regarding the final outcome of the prosecution and take the victim's opinion into consideration when neogitating a plea agreement. In this way, the prosecutor considers the victim's wishes, including the harm caused by the crime, throughout the plea negotiation process and pretrial phase of prosecution. Consideration of the victim's views are again but one factor considered by the prosecutor. Our experience has been that my deputies are not inappropriately influenced by emotion. To presuppose otherwise does a disservice to these dedicated public servants who have sworn to strive for equal justice.

Prosecutors are responsible for informing victims of the plea agreement and the reasons for the negotiated settlement. It has been our experience that very few victims object to a plea agreement when fully informed of the reasons and benefits of the plea. However, in some instances, after considering the plea and victim's opinion, the judge will reject the plea agreement holding that the interests of justice are not served by the plea. When this happens, although rare in our experience, the court has fulfilled its function as an arbiter not an advocate.

Victim Rights Do Not Under Cut The Rights Of The Accused—

Victims desire to see justice, first and foremost. Their natural desire to gain justice, is not something to fear. In our experience it has helped our office achieve that goal.

While victims have a right to be present throughout the course of trial in Arizona, it has been our experience that defendants and/or the friends and family of the defendants are much more likely than victims to become disruptive during trial. In the rare cases where a victim has been emotionally overwhelmed in court, he or she has either voluntarily left the courtroom to calm down, or is requested to do so upon instruction by the court. In every courtroom in our land, the judge has the responsibility of maintaining order and ensuring that the jury is not influenced by factors other than those presented from the witness box. To assume that the presence of a victim in the courtroom will somehow so prejudice a jury that they would disregard the evidence and return a verdict of guilty predicated and influenced by an individual sitting in the spectator section of the court, presupposes that juries will ignore the instructions of the court to be fair and impartial and to base their decision exclusively on the evidence. To adopt this position, one must conclude that juries will ignore the law. To do so, would be to conclude that our jury system is incapable of justice.

Defendants have a constitutional right to a speedy trial. Oftentimes defendants waive this right for strategy advantage—hoping for memories to fade, critical witnesses to relocate, or victims to die. Victims have as much an interest in the timely disposition of the criminal case as do the defendants and need to have equal consideration when a judge considers whether or not to delay the disposition of a case.

Federal Constitutional Rights Do Not Infringe On State's Rights—

While those victimized by crime in Arizona are afforded victim rights in state court, that same victim would not be afforded constitutional rights if that offense occurred on federal land, or if an Arizona resident were victimized in a state that does not have constitutional rights. These rights are too important to be left to a patchwork of rights from state to state. Consistency in the application of our laws are paramount if our citizens are to realize the benefit of a judicial system that is balanced between the accused and the interest of society at large. Inconsistency breeds contempt and cynicism. Adoption of a federal constitutional amendment will recognize that there is but one law for all.

My office has nearly a decade of experience championing in assisting victims in exercising their state constitutional rights. It would be disingenuous if I were to say that there had been no costs, yet the benefit to the victim, to the citizens of Arizona and our system of justice far outweighs those costs.

Our state constitutional amendment has increased cooperation of victims with police and prosecutors. Victims feel more of a part of the criminal justice process. I believe that this has enhanced the ability of law enforcemenet to put criminals behind the bars, and thus has been a factor in the decrease in crime that we have experienced in recent years.

The scales of justice must be balanced, providing victims with equal access to the courts, information and a voice in the criminal justice system. Our system of justice is dependent upon the voluntary participation of those who have been harmed by crime—without their participation, our country would see an increase in lawlessness and vigilantism. Balancing the scales of justice by providing for victim rights restores faith in our system without detracting from the rights of those accused.

Sincerely,

RICHARD M. ROMLEY,
Maricopa County Attorney.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, April 21, 2000.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS KYL AND FEINSTEIN: We are writing to express our strong and unequivocal support for your efforts to pass S.J. Res. 3, the proposed Crime Victims' Rights Amendment, and send it on to the States for ratification.

As Attorneys General from diverse regions and populations in our nation, we continue to see a common denominator in the treatment of crime victims throughout the country. Despite the best intentions of our laws, too often crime victims are still denied basic rights to fair treatment and due process that should be the birthright of every citizen who seeks justice through our courts. We are convinced that statutory protections are not enough; only a federal constitutional amendment will be sufficient to change the culture of our legal system.

The rights you propose in S.J. Res. 3 are moderate, fair, and yet profound. They will extend to crime victims a meaningful opportunity to participate in each critical stage of their cases. At the same time, they will not infringe on the fundamental rights of those accused or convicted of offenses. Neither will these rights interfere with the proper functioning of law enforcement. Attorney General Reno spoke for many of us in law enforcement when she noted,

"[T]he President and I have concluded that a victims' rights amendment would benefit not only crime victims but also law enforcement. To operate effectively, the criminal justice system relies on victims to report crimes committed against them, to cooperate with the law enforcement authorities investigating those crimes, and to provide evidence at trial. Victims will be that much more willing to participate in this process if they perceive that we are striving to treat them with respect and to recognize their central place in any prosecution."

Some have argued that federal constitutional rights for victims will infringe on important principles of federalism. We disagree. Each of our state criminal justice systems accommodates federal rights for defendants. To provide a similar floor of rights for victims is a matter of basic fairness.

Please share this letter with your colleagues so that they may know of our strong support for S.J. Res. 3.

(Signed by 39 attorneys general.)

STATEMENT OF MARSHA A. KIGHT, DIRECTOR, FAMILIES AND SURVIVORS UNITED, OKLAHOMA CITY, OK., MARCH 24, 1999

My daughter, Frankie Merrell, was murdered in the Oklahoma City bombing, and in tribute to her and all the others, I founded Families and Survivors United, which took a leading role in advocating for the victims and survivors before and during the trials which followed. This is now I first came to meet Beth Wilkinson.

Having attended every day of the McVeigh trial, I came to regard Beth Wilkinson as the most effective advocate on the prosecution team. More than that, I and others trusted her to bring the victims' perspective into the courtroom, and she lived up to that trust. So I believe that her statement before the Judiciary Committee today is from the heart—that she really believes that if our Victims Rights Amendment were in place, it might have jeopardized a very basic right—the "right of just conviction of the guilty," as she puts it.

But she is wrong. As she describes so well, the prosecution team worked hard to earn our trust, and for the great majority of the 2,000-plus of us who were designated victims under the law, we gave them our trust. But on the one tactical issue she says argues against the Amendment, the prosecution team chose not to trust us for the reasons she describes, and in the process, that team broke both our trust and the law.

She claims that, had the Amendment been in place, its right for victims to be heard before a plea bargain is accepted might have harmed the prosecution. Specifically the suggestion that might have persuaded the judge to not accept the guilty plea of Michael Fortier—and thus might have jeopardized the eventual conviction of Timothy McVeigh and Terry Nichols. There are three things wrong with this conjecture.

First, Michael Fortier's testimony was not critical to either conviction, as several jurors later made clear to me.

Second, had the Justice Department taken us into its trust on the usefulness of the Fortier plea, the great majority of us would have reciprocated that trust and encouraged the judge to accept the plea. I think from everything else Beth Wilkinson describes about the trust-building between the prosecution and the victims confirms this belief. We were not blind sheep, willing to accept everything the prosecutors said was so—we were, most of the time, informed citizens who were persuaded by the prosectuors' reasoning. Beth Wilkinson as much as admits this when she notes that the victims overwhelmingly asked for a provable and sustainable case against the guilty.

And third, the prosecution team's mistrust of us over the Fortier plea agreement was so great that it chose not to notify us over the hearing in which the plea was offered, and it chose not to confer with any of us beforehand about the plea—both of which were in violation of existing federal law.

So when Beth Wilkinson says that statutory reform will meet our just demands, we must ask, what happened to the statutes already on the books?

I am increasingly persuaded that the most formidable enemy of crime victims' aspirations for getting justice under our Constitution are criminal justice officials—even well-meaning ones like Beth Wilkinson—who believe that only government lawyers know best. Her testimony is in fact Exhibit A in the case for the Amendment because it is the voice of a superior government extending handouts as an act of grace, not protecting legitimate rights of a free people. She says that the "concerns" of the victims must be balanced with the "need for a just trial," as though these important values were somehow in conflict, and that only the government knows how to achieve this goal.

I cannot tell you how these words hurt me; they confirm my worst fears about the treatment of victims in our justice system and how nothing will change without constitutional rights.

It is painfully obvious to me that she thinks of us as mere meddlers who must be kept out of this important government business for fear that we might break something. Beth Wilkinson may believe that she "grew to understand my grief first hand," but clearly she does not. For me and so many of our families our grief was profoundly extended when our government minimized and discounted our interests by refusing to consult with us about this important development early in the case.

For example, consider the point Beth Wilkinson makes about grand jury secrecy. She says, "Due to the secrecy rules of the grand jury, we could not explain to the victims why Fortier's plea and cooperation was important to the prosecution of Timothy McVeigh and Terry Nichols." Under existing federal law, however, courts are authorized to enter appropriate orders allowing for the disclosure of grand jury information in advance of a court proceeding. It apparently did not even occur to her then, nor does it today, to have sought such a court order for disclosure. Nor is it clear that such an order would even have been necessary, as surely there would have been ways to explain the circumstances to the victims without going confidential grand jury matters.

Perhaps most disturbing of all to me is Beth Wilkinson's assertion that the Victims Rights Clarification Act of 1997 "worked—no victims were precluded from testifying." In fact, I was precluded from testifying in the sentencing phase of the trial. As she is well aware, I very much wanted to be a penalty phase witness. But because of my philosophical beliefs in opposition to capital punishment, I was not allowed by the government prosecutors to testify. Clearly the statute did not work for me.

In addition, a number of victims lost their right to attend the trial of Timothy McVeigh because of legal uncertainties about the status of victims' rights. As I testified before the Senate Judiciary Committee in 1997, Judge Matsch rejected a motion made by a number of us to issue a final ruling upholding the new law as McVeigh's trial began. His reluctance led the prosecution team (including Beth Wilkinson) to tell us that, if we wanted to give an impact statement at the penalty phase, we should seriously consider not attending the trial. Some of the victims on the prosecution's penalty phase list followed this pointed suggestion and forfeited their supposedly protected right to attend McVeigh's trial. Our lawyers also sought further clarification from the judge (unsuccessfully), but had to do so without further help from the prosecution team. The prosecutors were apparently concerned about pressing this point further because the judge might become irritated.

Beth Wilkinson urges the Congress to "consider statutory alternatives to protect the rights of victims." While she says that she opposes the Victim's Rights Amendment in its "current form," the context of this statement makes it clear that she opposes any constitutional rights for crime victims. She concludes with the following prescription: "We must educate prosecutors, law enforcement and judges about the impact of crimes so that they better understand the importance of addressing victims' rights from the outset." But the truth is that there will be no real rights to address, as my experience makes clear, unless those rights are enshrined in the United States Constitution. Only then will victim's rights be meaningful and enforceable.

Mr. KYL. Mr. President, I am going to make some concluding remarks about why we believe so strongly in this amendment, how we intend to pursue the amendment, and why supporters of this amendment should take heart about how far we have come in this process and not at all be dispirited by the fact that there will not be a final vote on the amendment at this time. I will make those comments after Senator FEINSTEIN has had an opportunity to make some comments that I know she strongly wishes to make.

Mr. SCHUMER. Mr. President, will the Senator yield?

Mr. KYL. Yes.

Mr. SCHUMER. Mr. President, I asked the Senator to yield for two quick requests. I forgot to do this yesterday. I mentioned a letter from the Judicial Conference on this amendment. I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON CRIMINAL LAW OF
THE JUDICIAL CONFERENCE OF THE
UNITED STATES,
Greenville, SC, April 17, 2000.

Hon. CHARLES E. SCHUMER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Re: S.J. Res. 3, the Victims' Rights Amendment

DEAR SENATOR SCHUMER: Thank you for your letter requesting the views of the Judicial Conference of the United States regarding S.J. Res. 3, the Victims' Rights Amendment to the Constitution. On behalf of the Judicial Conference, I appreciate the opportunity to have its viewpoint considered as the Senate takes up this important legislation.

In March of 1997, the Judicial Conference resolved to take no position at that time on the enactment of a victims' rights constitutional amendment. However, if the Congress decides to affirmatively act in this area, the Judicial Conference strongly prefers a statutory approach as opposed to a constitutional amendment.

A statutory approach would allow all participants in the federal criminal justice system to gain experience with the principles involved without taking the unusual step of amending our nation's fundamental legal charter, with its concomitant application to the various state systems. Many of the principles contemplated in S.J. Res. 3 represent a significant change in our criminal justice system, literally realigning the interests of defendants and victims, as well as the process by which criminal cases are adjudicated. The rights and protections heretofore afforded to citizens under the Constitution were largely part of the fabric of the law well-known and understood by the Founding Fathers, while many of the concepts in the victims' rights area are largely untested, at least in the federal system. It could take years for a settled body of law and judicial administration to evolve. A statutory approach would accommodate this process.

A statutory approach would also vitiate the potential specter of significant federal court involvement in the operations of the state criminal justice systems under a victims' rights constitutional amendment. Finally, a statutory approach is more certain and immediate, an advantage to victims. Conversely, an amendment potentially would not be effective for many years, awaiting the ponderous and uncertain ratification process required under Article V.

While S.J. Res. 3 appears to have less potential adverse impact on the federal judiciary than some previous amendment proposals, there remain a number of fundamental concerns:

CLASSES OF CRIMES AND VICTIMS TO WHICH THE AMENDMENT WILL APPLY

Under S.J. Res. 3, the proposed amendment will apply to any person who is a "victim of a crime of violence, as these terms may be defined by law." It is not clear from the proposed amendment whether these terms are to be defined by Congress, the states or through case law. The term "crime of violence," which is commonly utilized in legal parlance, has many meanings under state and federal law. Thus, it is unclear as to which specific crimes this provision would actually apply. This problem is magnified by the fact that this provision applies to misdemeanor cases, the number of which is particularly large in the state courts. Failure to provide a clear and practical definition of this term may well result in protracted and unnecessary litigation that will likely take years and great expense to resolve.

Closely associated with this issue is the question of what classes of persons will qualify as a "victim." We note that the proposed amendment includes no definition of victim. This leaves many fundamental questions unanswered, including:

Must a person suffer direct physical harm to qualify as a victim?

Is it sufficient if the person has suffered pecuniary loss alone?

What if the person is alleging solely emotional harm? Is that enough to qualify him or her as a victim?

Are family members of a person injured by a crime also victims?

Suppose that a defendant is accused of committing a series of ten violent armed robberies. Due to evidence strength and efficiency considerations, the prosecutor sends only six of those cases to the grand jury. Are the other four injured persons victims under the proposed amendment?

Suppose an agreement is reached whereby the defendant agrees to plead guilty to just one of the cases. Are the other nine injured persons victims under these circumstances? Will the answer affect a prosecutor's ability to obtain plea agreements from defendants?

Extending the definition of victim to those who claim emotional harm from criminal offenses dramatically exacerbates the potential impact of this proposal. The number of persons who could claim to be emotionally harmed by significant, well-publicized crimes could be quite large. Moreover, substantial litigation could result from the requirement of restitution, especially in cases involving non-economic injury. Finally, cases involving large numbers of victims, particularly victims of terrorist acts, are particularly troubling. Providing the rights enumerated in the proposed amendment to large numbers of victims could overwhelm the criminal justice system's ability to perform its primary function of adjudicating guilt or innocence and punishing the guilty.

ENFORCEMENT

The proposed amendment states that nothing "in this article shall provide grounds to stay or continue any trial, reopen any proceeding or invalidate any ruling." Unlike some previously introduced victims' rights constitutional amendment proposals, S.J. Res. 3 does not stipulate that a victim has no grounds to challenge a charging decision. This addition would be a significant and valid limitation. Allowing victims to challenge a prosecutor's charging decision could result in significant operational problems. We suggest that Congress also consider modifying the proposed amendment to prohibit a victim from challenging a "negotiated plea." Permitting the challenge of a proposed plea interferes with the prosecutor's ability to obtain convictions of defendants whose successful prosecution may rest on the cooperation of another defendant. Guilty pleas are sometimes also negotiated because the prosecution witnesses are, for various reasons, not as strong as they appear to be on paper. Also, the sheer volume of cases would generally overwhelm any prosecutor's office and the courts unless the vast majority were settled. Permitting challenge to a prosecutor's judgment regarding an accepted plea could lead inadvertently to a failure to secure a conviction. The significance of this issue should not be underestimated.

FEDERALISM

The matter of victim enforcement raises significant federalism concerns. While the proposed amendment includes provisions that bar monetary damages as a remedy, it appears that victims may be able to seek injunctive relief against *state officials* for violation of their new constitutional rights. Such claims, almost inevitably filed in federal courts, could cause significant federal court supervision of state criminal justice systems for the purpose of enforcing the amendment. These conflicts between federal courts and state governments would be avoided by a statutory approach to victims' rights.

ADMINISTRATION OF JUSTICE EXCEPTION

S.J. Res. 3 permits Congress to create exceptions to the proposed amendment "when necessary to achieve a compelling interest." While this is a very valid and useful provision, Congress should carefully consider the need for a further exception based on adverse impact on the administration of justice. Inevitably, courts will handle cases where the rights of victims collide with the functional administration of justice. Such cases might fall into two general categories. The first category relates to the very real practicalities of the administration of justice. One example would be an action involving exceptionally large numbers of possible victims wishing to attend the proceedings and overwhelming any available courtroom or other suitable location. A similar problem would be encountered if large numbers of victims wished to exercise their rights to allocution at sentencing, unduly prolonging the proceedings and pushing back other cases that need to be heard. The second category of cases are those in which the rights of victims, exercised under certain circumstances, may have a substantive effect upon the rights of defendants or others, impairing due process or the right to a fair trial. An example of such a case would be if a victim wished to both attend the trial and testify at the guilt phase, even though the trial judge had ordered all witnesses sequestered. This could impair the fundamental integrity of the trial.

Congress should consider modifying the proposed amendment to allow a judge, while recognizing the rights of the victims to the extent practicable, to provide for exceptions in individual cases when required for the orderly administration of justice. Congress may also wish to consider modifying the proposed amendment to additionally allow Congress to statutorily enact exceptions in "aid of the administration of justice." At the very least, Congress should provide an exception permitting the sequestration from trial proceedings of a victim who will appear as a witness at the guilt phase of the trial. This could be accomplished through a general provision in the proposed amendment stating that the victim's rights should not "interfere with the constitutional rights, including due process rights, of the person accused of committing the crime." It could also be accomplished through a more narrow provision, similar to that in the Wisconsin Constitution, by the addition of a phrase allowing sequestration when "necessary to a fair trial for the defendant." Another approach, similar to that taken under the Constitution of Florida, would add a phrase allowing sequestration "to protect overriding interests that may be prejudiced by the presence of the victim."

SPEEDY TRIAL CONSIDERATIONS

The proposed amendment includes a victim's right to "consideration of the interest of the victim that any trial be free from unreasonable delay." Determining the meaning of this phrase and how it interacts with existing speedy trial provisions should be a fertile source of diversionary litigation.

In federal court, the sixth amendment right to a speedy trial and the Speedy Trial Act, *see* 18 U.S.C. §§3161–3173, not only guarantee the defendant's right to a speedy trial, but also recognize the public's, and therefore the victim's, interest in swift justice. However, the Speedy Trial Act also recognizes several legitimate bases to postpone trial, including plea negotiations. *See* 18 U.S.C. §3161. This mechanism is an integral part of the criminal justice system, balancing the desirability of a speedy trial with the realistic requirements of a fair proceeding.

How is this right to consideration of the interest of the victim that any trial be free from unreasonable delay to be enforced? Will the victim have a right to seek relief from unreasonable delay? A motion to move the case faster would require a collateral hearing to determine the extent of the delay and whether it is unreasonable. The victim would then be in an adversarial position to the prosecutor and perhaps to the presiding judge. Would another judge be required to make the determination? Would a federal judge be asked to pass judgment on the efficiency of a state court?

With ever increasing criminal dockets and limited prosecutorial and judicial resources, victims in several cases on the same docket, insisting upon speedier proceedings, could potentially cause severe internal conflicts within units of the same court.

NOTICE

It is important that the responsibility for providing notice of proceedings and of the release or escape of a defendant be appropriately allocated to the prosecution, law enforcement agencies, or corrections agencies as is the law and practice in virtually all the states providing for victims' rights. Many of the rights under the proposed amendment must attach long before a defendant is formally charged in court. The judiciary would not have access to much of the information necessary to provide the required notice. It has neither the personnel nor resources to provide such notice to large numbers of victims or to provide the specialized types of victim assistance that is available from the first line of contact that victims have with the criminal justice system. The situation is likely no better—and possibly worse—in the state courts.

Once again, I thank you for the opportunity to express the views of the Judicial Conference on this important issue. If you have any questions regarding the matters discussed herein, please do not hesitate to contact me. I may be reached at 864/233-7081. If you prefer, your staff may contact Dan Cunningham, Legislative Counsel at the Administrative Office of the U.S. Courts. He may be reached at 202/502-1700.

Sincerely yours,

WILLIAM W. WILKINS, Jr.

Mr. SCHUMER. Mr. President, second, I thank both Senator KYL and Senator FEINSTEIN for the passion, the erudition, the conviction, and for the cause. It is, obviously, wise to delay this. I know we may be back for another day. Maybe we can all come together. I plead with them to consider a proposal of making this a Kyl-Feinstein statute, as opposed to a Kyl-Feinstein constitutional amendment, where I think it might get close to unanimous support on the floor.

I thought the debate we were having and may well continue to have, at least to my young years in the Senate, was one of the best times of the Senate, where we each talked about the issue with our concerns, our intelligence, and our passions. We tried to meet the issue head on. I thank both the Senator from Arizona and the Senator from California for their good work on this and hope we can come together on some sort of compromise on an issue about which we all care so much.

Mr. KYL. Mr. President, I reiterate what I said yesterday, and that is, the best part of the debate we had was the debate with Senator SCHUMER whose approach to this was serious and intelligent. He asked the best questions. I believe we answered them, but we did not come to agreement. Of course, we will be working with him in the future on this matter and, hopefully, persuade him that a constitutional amendment is the best way to go. The debate we had among Senator FEINSTEIN, Senator SCHUMER, and myself I thought was the highlight of this debate. I appreciate his remarks.

I yield to Senator FEINSTEIN for comments I know she wants to make.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Arizona. I also thank the Senator from New York, and I thank you, Mr. President, for allowing me to proceed.

I begin by thanking the Senator from Arizona. Mr. President, I say to JON KYL, working with him on this amendment has truly been one of the highlights of my 7 years in the Senate. He has worked with credibility and with integrity. He has been fulsome in his sharing of detail. We have gone shoulder to shoulder through virtually every rung of this, through 4 years of discussions, of conferences, of hearings, of 800 pages of testimony, some 35 witnesses. I agree with everything he said about the inclusive nature of the process.

I must tell Senator KYL how much I admire him. We worked together on the Technology and Terrorism Subcommittee of the Judiciary Committee. I saw it there. I have never seen it with another Senator as pronounced as it was in these past 4 years in the work on this issue. I believe a friendship has developed in the process, one which means a great deal to me. His leadership has been superb, and there is certainly nothing either one of us has done for the misunderstanding out there still about what we are trying to do and the importance of it. We will come back another day; there is no question in my mind about that. I cannot thank him enough. From the bottom of my heart, I thank Senator KYL for his credibility, his intelligence, his integrity. He did his party proud. I am very happy to be a colleague of his and a friend as well.

Before I get into my remarks, I also echo the thanks Senator KYL provided to a whole host of victims, literally tens of thousands of them, to 37 State attorneys general, to many Governors, to all those across both party lines who support this and understand it. I particularly thank three legal scholars who were with us every step of the way.

I thank Larry Tribe, a professor of constitutional law at Harvard University, for his testimony, for the phone calls, for the advice he has provided and for the statements he has made.

I also thank one of the primary legal scholars in this country who has been a victims' rights representative, legal counsel—just a wonderful human being I have also gotten to know—and that is Professor Paul Cassell, professor of law at the University of Utah.

I would be remiss if I did not thank Steve Twist on behalf of both Senator KYL and myself. There are few people who have been as ardent in the cause as Steve Twist has been, with his knowledge, with his expertise, with his representation of victims throughout this entire process.

I know that none of the three abovementioned individuals is going to go away. We have them as part of this enormous victims coalition. We will come back, and we will fight again another day.

But today, Mr. President, I rise with a sad heart because we must postpone our battle for a crime victims' rights constitutional amendment.

This is a fight that actually began 18 years ago when the President's Task Force on Victims of Crime recommended an amendment to the Constitution of the United States which would address victims' rights. This isn't a new idea. It has been around. There is a track record to show why it is necessary.

As I said, Senator KYL and I introduced that amendment 4 years ago. We have worked long and hard. I think enough has been said about that.

What is unbelievable to me is that we have also been criticized for the hard work we have put into this amendment over the past 4 years.

Senators have come to the floor and told us that the fact that we put our amendment through so many drafts and consulted so many interested parties shows that our amendment does not deserve to be in the Constitution of the United States. Yet, in fact, drafting an amendment to the Constitution of the United States requires an uncanny kind of precision. Because this isn't 1791 when the Bill of Rights was written, or 1789 when the Constitution was adopted, there has been a whole panoply of case law and interpretations that have come throughout the ages that makes the drafting of a constitutional amendment such as this one very difficult. However, I believe we have developed a document that will, in fact, stand the test of time.

What we have tried to do, in essence, is very simple. I would like to show a chart, once again. We have tried to take the Constitution, which provides 15 specific rights to the accused, and no rights to victims of violent crimes—with a scale of justice which we believe is weighted in a certain way to exempt victims from the administration of criminal justice—and give victims some status and standing in the administration of criminal justice, so that the scale of justice would not be so badly tilted but would look something like this other chart where the accused would have certain basic rights, and victims would have certain basic, although limited, rights: The right to notice when a trial takes place; the right not to be excluded from a public proceeding; the right to be heard at that proceeding, if present; the right to submit a statement in writing; the right to notice of the release or the escape of an attacker; the right to consideration for the assurance of a speedy trial; the right to an order of restitution; and the right to consideration of their safety in determining any conditional release of an attacker—simple, basic rights of status and standing.

We have heard much about the fact that this should not be in the Constitution. There has been much talk on the floor about James Madison and other framers. Senators have suggested that our forefathers would not support the amendment.

I tried to point out why our forefathers did not have reason to consider the amendment because when both the Constitution and the Bill of Rights were written, victims had a role in the process. Up until 1850, victims had a role in the process. But it was with the development of the public prosecutors, when victims were no longer in the courtroom, that they became summarily excluded from the process.

I point out that if we look back in history, I find my views very commensurate with those of Thomas Jefferson. He was not among those who wrote the Constitution, but he thought deeply about the Constitution and how and when we should amend it. He was also the inspiration for our Bill of Rights, a document actually drafted by James Madison.

In 1816, 25 years after the Bill of Rights became the law of the land, Thomas Jefferson wrote to Samuel Kercheval, stating his views on amending the Constitution. I think it is important that the RECORD reflect these views. He said:

> I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them and find practical means of correcting their ill effects. But I know also that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

Similarly, 13 years earlier, he said in a letter to Wilson Nicholas:

> Let us go on perfecting the Constitution by adding by way of amendment, those forms which time and trial show are still wanting.

I believe very deeply that time and trial show that our amendment is still wanting and should be adopted.

I ask unanimous consent to have printed in the RECORD, in recognition of the widespread support we have received, letters from virtually every law enforcement agency and every crime victims group.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTY OF SHASTA,
OFFICE OF THE DISTRICT ATTORNEY,
Redding, CA, April 17, 2000.

Re: Crime Victims' Rights Constitutional Amendment

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate HWA Office,
Washington, DC.

DEAR SENATOR FEINSTEIN: I write to offer my wholehearted support for your efforts in sponsoring the Crime Victims' Rights Constitutional Amendment. Your proposed amendment would fill a gaping hole in the rights guaranteed to citizens in our Constitution by providing basic, essential rights to victims of crime in our nation. As a prosecuting attorney, I have all too often seen the rights of perpetrators of horrendous crimes protected at all costs while the basic human rights of victims and families of victims of those crimes are ignored and forgotten. It will be great day when our Constitution and criminal justice system work as hard to protect the rights of victims as they do the rights of criminals. I commend you on your efforts to make that day a reality. Do not hesitate to call upon me if there is anything I can do to support you with this work.

Thank you for your attention to this matter.

Sincerely,

MCGREGOR W. SCOTT,
District Attorney.

STATE OF NEVADA
EXECUTIVE CHAMBER,
Carson City, NV, May 24, 1996.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to lend my support to your efforts to protect victims' rights. As one of the original nine members of President Reagan's Task Force on Victims of Crime, I have long supported a Constitutional Amendment to protect the rights of victims of crime.

As the vice-Chairman, and soon to be Chairman, of the National Governor's Association, I would like to assist you by raising this issue with our nation's governors.

In Nevada, we've made great strides in protecting victims' rights through legislative measure ranging from guarding consumers against auto repair fraud to expanding our domestic violence laws to cover people in dating or live-in relationships. Despite these efforts, more changes need to be made to ensure that victims are treated fairly. The criminal justice system should not overlook the interest of victims in light of protecting the rights of the criminals. I firmly believe that a speedy trial and information about the proceedings of the trial are minimal rights that the constitution should grant to all victims.

Please let me know what other ways I can help you with this cause.

Sincerely,

BOB MILLER,
Governor.

JUSTICE FOR MURDER VICTIMS,
San Francisco, CA, April 19, 2000.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

Regarding: Support of S.J. Res. 3, the Victims Rights Constitutional Amendment

DEAR SENATOR FEINSTEIN: On behalf of Justice for Murder Victims, I would like to inform you of our strong support of S.J. Res. 3, the "Victims Rights Constitutional Amendment"

Criminals' rights are inherently included in America's criminal justice system, while crime victims, historically, have not had a place and/or voice within the criminal justice system. In fact, to add insults to injury, the majority of victims are violated and betrayed a second time by the system. S.J. Res, 3 will secure basic rights for countless victims of crime throughout our nation as they struggle to survive their victimization.

Under this legislation, victims would have a right to receive notice of public proceedings related to the crime perpetrated against them, notice of the offender's escape or release from custody, as well as notification of parole hearings and to have a voice at these hearings. Without the help and determination of so many crime victims, the system cannot hold criminals accountable and stem the tide of future crime.

Victims of crime need to have the same rights across this great nation. We "THANK YOU" for taking an active role in this very important legislation and for the concern and support that you continue to show victims of crime and their survivors.

Please feel free to call on us anytime we may be of help.

Sincerely,

HARRIET SALARNO,
President.

MAY 20, 1996.

Senator DIANNE FEINSTEIN,
U.S. Senate Hart Building, Washington, DC.
Attention: Neil Quinter

DEAR SENATOR FEINSTEIN: Thank you for meeting with me on such short notice last week and sharing the Crime Victims' Rights Amendment. As I am currently spending the majority of my days in court attending the trial of my daughter's killer, I know too well the inequities facing the families of victims.

For that reason I wish to offer my whole hearted endorsement and approval of your attempt to guarantee rights for the victims and families of victims of violent crime. If there is anything that I can do to promote your efforts, please feel free to call on me at any time.

Sincerely,

MARC KLAAS.

VICTIMS & FRIENDS UNITED,
Sacramento, CA, April 21, 2000.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

Re: Support of Crime Victims' Rights Amendment

Victims and Friends United (VFU), a California grassroots organization is the representative of nearly 20,000 members which consists of crime victims, their families, and other concerned citizens. We have been at the forefront of the fight for the rights of crime victims for nearly 20 years. We ensure that existing victims' rights laws are zealously enforced, and encourage the drafting of new legislation to further protect the rights of crime victims and improve public safety.

As President and Board member of VFU, I am writing to ask you and your co-sponsored Senators to urge the full Senate to pass the Crime Victims' Rights Amendment to the U.S. Constitution. In supporting this amendment, the Senate has an historic opportunity to take a stand for the millions of Americans who are victimized each year in this country.

For decades we have seen court decisions expanding the "rights" of criminals. Finally, it is encouraging to see legislators beginning to place equal emphasis on the rights of crime victims. The rights to be present, heard and informed throughout the criminal justice process are basic tenets guaranteed by our U.S. Constitution to those accused or convicted of crimes in our nation, yet the rights of their innocent victims are not articulated in our U.S. Constitution. The Crime Victims' Rights Constitutional Amendment is necessary to ensure that victims' rights are respected and enforced in our criminal justice process.

Thank you for all that you do for Californians, keep up the good work, and realize that you have our full support. If we can be of further assistance or you need someone from our organization to testify, please give us a call.

Sincerely,

Patsy J. Gillis,
President and Co-Founder.

The Law Enforcement
Alliance of America,
Lynbrook, NY, April 12, 2000.

Hon. Dianne Feinstein,
U.S. Senate, Washington, DC.

Dear Senator Feinstein: On behalf of the Law Enforcement Alliance of America, I would like to inform you of our strong organizational support of S.J. Res. 3, the "Victims Rights Constitutional Amendment." LEAA is asking for your active support of this important legislation that is expected to go for a Senate floor vote in late April. Additionally, LEAA asks that you oppose any attempts to dilute the intent of this critical legislation.

LEAA is the nation's largest coalition of law enforcement professionals, crime victims, and concerned citizens dedicated to finding solutions to the problems plaguing our country's criminal justice system. Fighting for passage of victims' rights legislation is of paramount importance in realizing just one of LEAA's many goals.

Paradoxically, criminals' rights are inherently included in America's most supreme document while crime victims, historically, have not had a place and/or a voice within the criminal justice system. In fact, to add insult to injury, the majority of victims are violated and betrayed a second time by the system. S.J. Res. 3 will secure basic rights for countless victims of crime throughout our nation as they struggle to survive their victimization.

Under this legislation, victims would have a right to receive notice of public proceedings related to the crime perpetrated against them, notice of the offender's escape or release from custody, as well as notification of parole hearings and a voice at these hearings. As the President's Task Force on Victims reported in 1982, "The criminal justice system is absolutely dependent upon the cooperation of crime victims to report and to testify. Without their help, the system cannot hold criminals accountable and stem the tide of future crime."

LEAA feels it is imperative to pass legislation to protect the country's violent crime victims. The high number of victims in this country (including the tens of thousands of officers assaulted each year and dozens murdered) indicates that we cannot afford to overlook this proposed amendment. Another reason to endorse this amendment is that in the 18 years we've discussed this provision, 32.4 million Americans have been victims of violent crime. And they simply deserve better treatment in the criminal justice system.

Once again, we urge you to take an active role in passing this very important legislation. If there is any information LEAA can provide on S.J. Res. 3, please don't hesitate to call me or LEAA's Crime Victims Advocate Darlene Hutchinson at (703) 847-2677.

Sincerely,

James J. Fotis,
Executive Director.

WEAVE,
Sacramento, CA, April 21, 2000.

Senator Dianne Feinstein,
Senate Hart Office Building,
Washington, DC.

Dear Senator Feinstein: On behalf of Women Escaping a Violent Environment, Inc. (WEAVE), I am happy to lend our support of your Crime Victims Rights Constitutional Amendment (Senate Joint Resolution 3). This amendment is supported throughout our nation by 49 of 50 governors as well as Mothers Against Drunk Driving, Parents of Murdered Children and the National Organizational for Victim Assistance.

While criminal defendants have almost two dozen separate constitutional rights, fifteen of which specifically provided as constitutional amendments, victims of crime have no constitutional rights. The Crime Victims Rights Amendment brings much needed balance to our justice system by granting victims the right to be informed, present and heard at critical stages throughout trials.

We should not forget that justice is an attempt to give back to victims the sense of closure and fairness taken by their perpetrators. This amendment is a long overdue step toward justice for victims.

Please convey WEAVE's strong support to your colleagues in the U.S. Senate. Thank you for your advocacy efforts on behalf of victims and victim advocacy organizations.

Sincerely,

Mary Struhs,
Associate Director.

Federal Law Enforcement
Officers Association,
East Northport, NY, April 21, 2000.

Hon. Dianne Feinstein,
U.S. Senate, Washington, DC.

Dear Senator Feinstein: On behalf of the National Executive Board of the Federal Law Enforcement Officers Association and out more than 17,000 members across America, I want to formally announce FLEOA's strong support for S.J. Res. 3, the "Crime Victims' Rights Constitutional Amendment."

FLEOA, the voice of America's federal criminal investigators, agents, and officers, is the largest professional association in the nation exclusively representing the federal law enforcement community. FLEOA, a non partisan, volunteer organization comprised of active and retired federal law enforcement members from the agencies listed on the left side of this document is dedicated to the advancement of the federal law enforcement community.

We are an organization comprised of individuals who have dedicated their lives to protecting and serving the American public. It is our belief that the time is right to amend the Constitution to correct the injustice that that has developed in this area. This amendment will ensure that those who have been touched by crimes of violence are not further victimized by laws that may prevent them from being notified, and provided the opportunity to be present and heard at critical stages of their cases. We believe that the Founders created the Constitution to be a living document and this proposed amendment is consistent with that principle.

FLEOA looks forward to working with Congress and the States in securing passage of the Crime Victims' Rights Constitutional Amendment. Please do not hesitate to contact me on this issue or on any other legislative matter impacting federal law enforcement. I can be reached at (202) 258-7884.

Respectfully,

Brian M. Moskowitz,
Legislative Director, National Executive
Board Member.1

National Center for
Missing & Exploited Children,
Arlington, VA, April 25, 1996.

Senator Dianne Feinstein,
Hart Senate Office Building,
Washington, DC.

Dear Senator Feinstein: I am writing on behalf of the National Center for Missing and Exploited Children to formally express our support and endorsement of the Victim's Rights Amendment you have introduced with Senator Kyl and Congressman Hyde. The passage of this resolution will go far to helping victims nationwide begin and continue the difficult healing process necessary after victimization.

The National Center for Missing and Exploited Children spearheads nationwide efforts to locate and recover missing children, and raise public awareness about ways to prevent child abduction, molestation and sexual exploitation. As you continue your work in support of children and others victimized by criminal offenders, please do not hesitate to contact us if we can be of assistance in any way.

Again, we strongly commend your efforts and thank you for your dedication to the interests of America's millions of criminal victims.

Sincerely,

Teresa Klingensmith,
Manager, Legislative Affairs.

California Police Chiefs
Association, Inc.
Sacramento, CA, April 18, 2000.

Hon. Dianne Feinstein,
Senate Hart Office Building,
Washington, DC.

Re: Crime Victims Rights Constitutional Amendment

Dear Senator Feinstein: The California Police Chiefs Association fully supports your Crime Victims Rights Constitutional Amendment (Senate Joint Resolution 3). This amendment is very much needed as demonstrated by the support of Mothers Against Drunk Driving, Parents of Murdered Children and the National Organization for Victim Assistance as well as 49 of 50 Governors.

Law Enforcement has long recognized that crime victims deserve to have a rightful place in our justice system. While criminal defendants have almost two dozen separate constitutional rights, fifteen of them specifically provided as constitutional amendments, victims of crime have zero constitutional rights. The Crime Victims Rights Amendment brings much needed balance to our justice system by granting victims the right to be informed, present and heard at critical stages throughout trials.

While many could claim that this legislation places burdens on the justice system, we should not forget that the spirit of justice is to attempt to give back to victims the sense of closure and fairness taken by their perpetrators. Unfortunately, we as a nation have often forgotten the victims of crime. With today's population increasingly living longer, we are seeing more and more victimization of our elderly. They, along with our children, are the least able to fight back against the criminal element and therefore need this amendment.

The California Police Chiefs Association is very pleased to stand with you on this amendment and fully supports your efforts.

Respectfully,

CRAIG T. STECKLER,
Chief, Fremont Police Department and President, California Police Chiefs' Association.

CALIFORNIA NARCOTIC OFFICERS' ASSOCIATION,
Santa Clarita, CA, April 24, 2000.
Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

Re: Crime Victims Rights/Constitutional Amendment

DEAR SENATOR FEINSTEIN: The membership of the California Narcotic Officers' Association is in strong support of your Crime Victims Rights Constitutional Amendment (Senate Joint Resolution 3). As members of law enforcement community, we recognize that crime victims must have voice in the criminal justice system. Traditionally, they have been treated with less respect than those accused of terrible crimes.

The California Narcotic Officers' Association is very pleased to stand with you on this very important amendment and fully support your efforts.

Sincerely,

WALTER ALLEN,
President.

CALIFORNIA POLICE ACTIVITIES LEAGUE (PAL),
Oakland, CA, February 8, 2000.
Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington DC.

DEAR SENATOR FEINSTEIN: The California Police Activities commends you on your efforts to protect the rights of crime victims. The California Police Activities League supports your Amendment to the Constitution of the United States. As law enforcement personnel, we understand the importance of this Constitutional Amendment to the many victims of crime that we meet during a criminal investigation. In many cases, it is youth, which are the victims. They should have the same rights as every citizen of the United States of America. A victim of a violent crime should have the following rights:

To reasonable notice of public judicial proceedings

To attend all public proceedings.

To be heard at crucial stages in the judicial process.

To receive reasonable notice of the offender's release or escape.

To consider in the interest of the crime victim that the trial is free from unreasonable delay.

To receive restitution from the convicted offender.

To consider for the safety of the victim any conditional release from custody.

The California Police Activities is only asking that the 8.6 millions victims of violent crimé in our country receive fair treatment by the judicial system, which they deserve. For those accused of crimes in our country, the Constitution specifically protects them. However, nowhere in the text of the United States Constitution does there appear any guarantee of rights for crime victims.

The time has come for a Victim Bill of Rights. The California Police Activities in the name of its members support your drive for the passage of this Constitutional Amendment. Please call us if we can be of help in your effort to protect the rights of crime victims. CAL PAL commends you for taking up this cause in the name of 8.6 million Americans.

Sincerely,

RON EXLEY,
Government Relations Director.

CITY AND COUNTY OF SAN FRANCISCO, OFFICE OF THE SHERIFF,
San Francisco, CA, April 24, 2000.
Hon. DIANNE FEINSTEIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I write to lend my support to Senate Joint Resolution 3, the proposed amendment to the Constitution intended to protect the rights of crime victims.

As Sheriff of San Francisco, I have witnessed the empowerment experienced by victims of crime when given the opportunity to speak about how their lives were impacted by violence. I have also witnessed the effect on violent offenders of hearing how their crimes harmed individuals and the entire community. As part of our Resolve to Stop the Violence Project, an in-custody treatment program for men with violent criminal histories, victims come to the jail to tell how the violence done to them changed their lives. For the first time, many offenders realize that their actions have serious and harmful consequences, and this is often the catalyst for real change. Not only does the experience give voice to crime victims, it gives both victim and offender the opportunity to work toward the common goal of the eradication of violence.

Participation of victims in the criminal justice dialogue is essential to their well being and that of the entire community. I am proud to support the Crime Victims Rights Constitutional Amendment.

Sincerely,

MICHAEL HENNESSEY,
Sheriff.

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT,
San Diego, CA, April 24, 2000.
Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: It is with great pleasure that I add my support to S.J. Res. 3, to provide constitutional rights for crime victims. There are rights articulated in the U.S. Constitution to provide rights for crime victims. Criminal defendants have almost two dozen separate constitutional rights, fifteen of them provided by amendments to the U.S. Constitution.

Your proposed Crime Victims' Rights Amendment will bring balance to the justice system, by giving crime victims the rights to be informed, present and heard at critical stages throughout their case.

The need for this measure is evidenced by the forty-two bipartisan senators who have agreed to cosponsor this amendment. I look forward to working with you on this and other legislation that we mutually agree upon.

If I might be of further assistance, please don't hesitate to call me.

Sincerely,

WILLIAM B. KOLENDER,
Sheriff.

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT,
Sacramento, CA, April 21, 2000.
Hon. DIANNE FEINSTEIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to offer my support toward your efforts in sponsoring the Crime Victim's Rights Constitutional Amendment. Your proposed amendment would fill a void in the rights guaranteed to citizens in our Constitution by providing basic, essential rights to victims of crimes all across our nation.

Law Enforcement has long recognized that crime victims deserve a rightful place in the criminal justice system. While criminal defendants have nearly two dozen separate constitutional rights, fifteen of which are specifically provided as constitutional amendments, crime victims have no constitutional rights as it relates to being the victims of crimes. The Crime Victims Rights Amendment will bring much needed balance to our justice system by providing victims the right to be informed, present and heard at all critical stages throughout their respective trials.

The opponents of this legislation claim that the amendment would place burdens on the justice system, we cannot afford to forget the intent of justice is to give back to victims, the sense of security, closure and fairness, taken by the perpetrators of their crimes.

I applaud you for your efforts and I stand with you as you pursue this important issue. Please do not hesitate to call on me if I can provide any assistance. I can be reached at (916) 874-7146.

Sincerely yours,

LOU BLANAS,
Sheriff.

Mrs. FEINSTEIN. One of the unfortunate aspects of the debate in these hallowed Halls is the fact that many have chosen to ignore the fact that this amendment would actually help poor minority communities beset by crime. It would give victims in these communities rights our criminal justice system often deny them through bureaucratic neglect and casual racism.

Among the many supporters of the amendment, for example, is a group called Racial Minorities for Victim Justice. This group includes Norm Early, the former district attorney of Denver, CO, and the founding president of the National Black Prosecutors' Association. It includes Joseph Myers, executive director of the National Indian Justice Center; David Osborne, an Asian American who is assistant secretary of the State in California; Azim Khamisa; Christine Lopez; Steven Njemanze. The group includes minority victims such as Teresa Baker, whose rights were denied after her son was coldbloodedly murdered in Maryland; Clementine Garfield, whose two teenage sons were shot in Detroit; Sarah Fletcher, whose husband Reginald, son Ricky, daughter Crystal, and unborn granddaughter were all murdered. They wrote me an eight-page letter laying out their thoughts about the amendment. I will read some of that letter.

The undersigned are founding members of Racial Minorities for Victim Justice which

> strongly support Senate Joint Resolution 3, the Crime Victims' Rights Constitutional Amendment. We are aware that some groups that seek conscientiously to speak for the interests of racial minorities have expressed opposition to your proposed amendment. We claim some understanding of the fundamental concerns that guide their position—concerns we share—but we also believe that they have reached the wrong conclusion on this issue.
>
> To put it in the simplest terms, no one in our society stands to benefit more from the adoption of the Victims' Rights Amendment than people of color—for it is our people that suffer the highest rates of victimization in the Nation.
>
> Let us start with some common ground on which the great majority of racial minorities stand in this country. Historically, we have had deep suspicions of the agencies of criminal justice. Speaking specifically of the African American experience, it was the agents of criminal justice who were the enforcers of the Fugitive Slave Act and all the Jim Crow laws—often with lawless brutality.
>
> While we are proud of recent progress to end this pattern of bigotry in the administration of justice—proud because African Americans and other minorities have led the way in reforming these practices—we are not so naive as to believe that our criminal justice system has grown altogether colorblind.
>
> More than most Americans, we believe criminal justice has become too fearful of people of color, too punitive toward minority offenders, with too few opportunities for their treatment and rehabilitation.
>
> This is where we share common ground with most members of the minority communities in America. What we cannot understand, however, is why some in those communities have concluded that one way to bring justice agencies into harmony with our higher ideals is to deny the victims of crime any effective and enforceable rights. To us, that makes no sense. We do nothing to improve the fair treatment of minority defendants by impeding the fair treatment of minority victims.

I couldn't agree with that more. They go on to say:

> Leaders of America's criminal defense bar have testified frequently and heatedly against passage of the Crime Victims' Rights Amendment, citing amorphous dangers to defendants' rights and liberties. And how many cases did they cite where their millions of clients had run afoul of some overzealous, unfair and harmful interpretation of a crime victim's rights already provided in State Constitutions? Two hundred? Twenty? Two? Not even one!
>
> It is important to understand that victims' rights statutes echoing those in the proposed Amendment are to be found on the books of every state—buttressed by constitutional amendments in 32 of them. While compliance with those laws is woefully spotty (more on that below) it is fair to estimate that in hundreds of thousands of cases, the victims rights were fully implemented, giving rise to not one single appeal as to the fairness of the application of those laws.
>
> In our opinion, people of color should be especially outraged at these disproportionate deprivations of our legal and human rights, for it is our minority communities who disproportionately suffer the pain of criminal victimization.

I agree with that very much. There is perhaps none but, at most, very few minority victims of violent crime who can afford the counsel to process their rights under State constitutions, under State laws, or under the patchwork of laws to protect victims across this Nation at this time. Every time, if they do, they will eventually lose because the rights of the defendants or the accused are deeply embedded in the heart of this great Constitution. They will find that, in effect, as they press a case in court, they have no standing under the Constitution of the United States. That is what this is all about, to give victims standing in the Constitution of the United States. No case demonstrated that more clearly than the Oklahoma City bombing case.

As we sum up, I will quickly refresh why that is the case. We had passed two statutes—one in 1990—which allowed victims to watch the trial and testify at sentencing. The Victims of Crime Bill of Rights, a 1990 law, passed by the House, passed by the Senate, and signed by the President, references the right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at the trial. In spite of that statute, the court denied the prosecutors' request. The victims made a similar request, and the court denied that request, holding that victims lacked standing to raise their rights under that statute.

The prosecutors and the victims were not satisfied. They both had good attorneys, Washington attorneys, Paul Cassell, distinguished attorneys. They appealed that to the Court of Appeals of the Tenth Circuit. As Professor Cassell, one of the lawyers put it:

> Three months later, a panel of the Tenth Circuit rejected—without oral argument—both the victims' and the United States' claims on jurisdictional grounds. With respect to the victims' challenges, the court concluded that the victims lacked "standing" under Article III of the Constitution because they had no "legally protected interest" to be present at the trial and consequently had suffered no "injury in fact" from their exclusion. The Tenth Circuit also found that victims had no right to attend the trial under any First Amendment right of access. Finally, the Tenth Circuit rejected, on jurisdictional grounds, the appeal and mandamus petition filed by the United States. Efforts by both the victims and the Department to obtain a rehearing were unsuccessful, even with the support of separate briefs urging rehearing from 49 members of Congress, all six Attorneys General in the Tenth Circuit, and some of the leading victims groups in the nation.

We heard about that. We responded with alacrity. The House passed the Victims' Rights Clarification Act of 1997. That statute said, notwithstanding any statute, any rule or other provision of law, a U.S. district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, testify as the effect of the offense on the victim and the victim's family or as to any other factor for which notice is required. That is clear. We cleared it up. We gave them standing by law, passed by the House, passed by the Senate, signed by the President of the United States. But the district court then said that this statute might be unconstitutional and postponed a decision until after the trial. So the judge paid no attention to the House of Representatives, the Senate of the United States, or to the signature of the President of the United States.

This is why we press this cause today. This is why we do not believe that a statute will ever be adequate to give victims basic rights. Push sort of comes to shove. There is an old expression called "carrying water on both shoulders." It is sometimes a way that people feel, in our business—that they can appease a group by saying, oh, something else will do. This case, to me, is irrevocable evidence that the challenge of making a statute work is extraordinarily difficult to give any minority or impoverished victim any meaningful right in real life. So we intend to continue to press this case.

I want to ask the distinguished Senator from Arizona now that he has heard the outline of what happened—some people have criticized me, I think, because I have used this case over and over again, but it is the only clearly definable case we have following the passage of two laws passed by our bodies to make a judgment—and, true, we are making that judgment just on the Tenth Circuit Court—nonetheless, does the Senator not believe it is an applicable judgment to add to this to confirm the fact that a statute probably won't work in this situation?

Mr. KYL. Mr. President, Senator FEINSTEIN is exactly correct. I think it illustrates the inconsistency of the opponents of the amendment. In the first place, they say we should try a statutory remedy. When we try the statutory remedy and the court says you lose, you still don't have the rights—and as Senator SCHUMER said, the court essentially ignored what Congress did, and that was offensive to him because he had been one of the authors of that legislation—we come back and say that illustrates the fact that you need a constitutional protection because until you have that, the courts can't continue to ignore these statutes. Then Senator SCHUMER said: But courts cannot ignore statutes; they are just like the Constitution. You have to apply statutes. The answer to that is, well, you should, but what is the remedy if you don't?

As the Senator pointed out, until we provide standing in a constitutional amendment, if the courts don't abide by the statutes, there is no recourse.

That is the bottom line as to why a constitutional amendment is necessary in these kinds of cases.

The other inconsistency is the other side says you don't have a lot of court decisions overturning statutes for State constitutional protection, so we don't need a constitutional amendment.

That is an odd argument. Most of the constitutional protections are not the result of a Supreme Court decision to strike down a statute or a State provision. In fact, I don't know of any that are, frankly.

Most of the constitutional protections for defendants and other citizens have come about because of the recognition that there are certain fundamental rights that need to be protected, and we ought not to wait for courts to strike something down in order to assume that it is time to propose a constitutional amendment. But if that were the proper standard, then we have a clear reason to do so because as the Senator from California pointed out, the Tenth Circuit Court of Appeals has now ruled that is the precedent, and for at least, I think, seven States in the Tenth Circuit, they have a very bad ruling on their hands; namely, victims have no standing to assert the rights we provided for in statute. So if that is to be the standard—that you have to have a court decision that proves the need for a constitutional protection—we have it. So whichever way you want to argue it, I think the point is made that we need a constitutional amendment to provide real protection for victims of crime.

Mrs. FEINSTEIN. I thank the Senator for that comment. I would like to follow up with something. My staff has handed me a letter from Professor Tribe dated today. It is on this point. I think it adds some additional very distinguished credibility to what the Senator is saying. It says:

> I am writing to address one consideration in particular that is highlighted by the proposed Crime Victims Assistance Act, S. 934, whose sponsors—many of whom are my good friends—evidently hope that by this Federal statute they obviate the need for the proposed constitutional amendment. I favor S. 934's enactment, at least in principle. I assume that closer study of the detailed provision than I have been able to undertake would disclose ways in which it might be improved. But minor technical flaws, or even design defects in the contemplated statute would be beside the point and are not my focus. After all, detailed problems with the statute's terms could be cured by redrafting and would not in themselves explain why only an amendment to the Constitution could meet the need for fuller national protection of victims' rights.

Then he goes on to say this—and I am skipping some:

> The mere brandishment of the banners of defendants' rights or of prosecutorial needs too often suffices to push the needs and interests of victims—to be notified, to observe, to be heard, to have their views considered, to achieve closure, and to be compensated if possible—into the background. Rather than creatively and determinedly seeking ways to protect victims' rights in ways that manage fully to respect the genuine rights, privileges, and needs both of the accuser and the accused, state and local officials are understandably but unfortunately tempted to relegate victims and their rights to second-class status or to shelf them altogether, as merely hortatory and aspirational provisions of law enacted with something much stronger and more operational in mind.

He essentially goes on to say again why a statute won't work. He says:

> The argument is flawed first, because it fails entirely to come to terms with the basic reasons, set forth above, that merely statutory measures would be unable to combat the deeply rooted attitudinal problems confronting victims and their claims of right; and second, because insofar as it assumes broad congressional power to act under Section 5 of the Fourteenth Amendment, it is simply ignorant of the series of decisions in the 1990s and reaching into 2000, beginning with the invalidation of the Religious Freedom Restoration Act and continuing with the invalidation of provisions of the Patent Reform Act and the Age Discrimination Employment Act, in which the modern Supreme Court has dramatically curtailed the legislative authority of Congress to use its Section 5 power to protect interests that Congress, but not yet the Court, is prepared to recognize as constitutional rights, or even to protect Court-recognized constitutional rights in circumstances, or by means, not shown in the legislative record to be "necessary."

What Professor Tribe at this stage is adding to this is that any statute passed by us does not take into consideration the courts striking down of the Religion Freedom Restoration Act, the Patent Reform Act, the Age Discrimination and Employment Act. He is saying that the authority of Congress is now more limited to use its section 5 power to protect interests that we think are valid.

The striking down of these bills, in effect, makes the constitutionality of anything that we might pass by way of a Federal statute extraordinarily vulnerable. I think this is new information which we have not had a chance to analyze and consider which may enable us to come back and fight another day.

Mr. KYL. Mr. President, another point Senator FEINSTEIN made yesterday which people need to continue to focus on is that a Federal statute is going to apply to Federal crimes. A U.S. constitutional amendment applies to all cases in all courts in every State, whether at the trial court level in the county—we call it superior court in Arizona—all the way to any other court, including Federal courts. But a statute that we pass applies to Federal court trials for the most serious crimes. In Federal law, that accounts for about 1 percent of the victims of violent crime in the entire country.

Almost always the local police catch the perpetrator, that perpetrator is tried by the local county prosecutor in the county courts, and the appeals go up through the State court process. Sometimes they can jump over to the Federal court because of a constitutional issue involved. But except on military reservations, Indian reservations, certain kinds of kidnapping cases, and things of that sort where it is not a Federal case, a Federal statute doesn't apply.

Mrs. FEINSTEIN. Of course that is right. I think the Senator from Arizona said it very well.

The PRESIDING OFFICER. The Chair notes that the time of the Senator from California has expired.

Mrs. FEINSTEIN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the Senator from California may have time yielded to her from someone else in her party to advance the rest of her argument. She might find out how much time there is.

I inquire of the Chair. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 2 hours 13 minutes.

Mr. KYL. I shall not take nearly that much time. It is my understanding that I can't yield any of that time to Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator has time under the cloture rule to yield time to other Senators.

Mr. KYL. I ask unanimous consent to yield 1 hour of my time to Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator has that right as manager of the bill.

Mr. KYL. I appreciate it. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the distinguished Senator from Arizona. I thank the Chair.

Let me briefly summarize. I sincerely believe that the only way to afford victims of violent crime standing under the Constitution to be able to assert a right that is provided is by amendment to the Constitution. I don't use my judgment. This is the judgment of the most distinguished legal scholars.

I know there are strong forces at work in this in front of the scenes and behind the scenes. I know there are some people who believe what we are trying to do is weaken defendants' rights. That is simply not correct. Defendants' rights, as I see them, are basically rights that do not come into collision with the rights we would afford the victims. They are totally different rights. If there is a collision, our view is that the judge then provides the balancing mechanism. This gives the victim a standing in law to assert the right that, in a sense, can't be trusted.

This issue goes down—let me be very candid—on one phrase. That one phrase is the addition of language that would say nothing in this Constitution would abridge the right of a defendant as provided by this Constitution.

That is a paraphrase of what it is.

The Department of Justice insists on that language. We will not get administration support, I believe, without that language. The victims movement believes they would not have sufficient standing in these rights to really assert them in a meaningful way unless they were able to be balanced against the rights of the defendant.

The question I wanted to ask my friend and colleague, Senator KYL, is I think our challenge in proceeding may be how we could reconcile this with the very real concern of victims that they once and for all—albeit for a limited right but nonetheless real rights—have standing for those rights in a court of law.

Mr. KYL. Mr. President, Senator FEINSTEIN has touched on a central point because none of the advocates for victims have ever sought to deny one single right to the defendant. In point of fact, the victims' rights that we protect do not deny or abridge the defendants' rights under the Constitution. It is not our intention, and it doesn't happen. We have been willing to acknowledge that in a variety of ways and in a variety of words in the Constitution.

We are not willing to say if there is ever a case in which the defendant asserts a right under the Constitution then that right automatically wins over any of these victims' rights. What we said, and what people in the Department of Justice and the President and others have agreed with, is there should be a balancing just as there is a balancing of two constitutional rights, defendants' rights to a speedy and public trial, a fair trial, and the right of free press.

When the press wants to get into the courtroom, sometimes, as we all know, the judges say: No. We are only going to allow a limited number of certain kinds of media in the courtroom. We don't want a media circus in the courtroom. That wouldn't be fair to the defendant.

The media says: Wait a minute. We have a first amendment right.

The defendant says: I have a constitutional right, too, which amounts to a right for a fair trial.

The judge says: You are both right, and you are both going to get your rights vindicated, but neither of you have an absolute right that excludes any other consideration. The judge says to the defendant: I am not going to allow your case to be prejudiced by a media circus. Media, you are going to have to restrain yourselves to the following conditions. Judges say that every day.

The defendant has a right to sit at his trial. But he can't sit there if he is going to be yelling, screaming, and jumping up and down and threatening people. The judge has a way to control his courtroom, and so on.

We are perfectly willing to make it crystal clear in our language that the enumeration of these rights for victims does not abridge any rights guaranteed in the Constitution for defendants or those accused of crime. We are unwilling to say, if there has to be any balancing, the defendant always wins. That would deny exactly what we are trying to achieve for the victims, which is some equal consideration under the Constitution for their fairness given all of the things we have rightly done for defendants.

Mrs. FEINSTEIN. I thank the Senator. I think the analogy is actually a very good one. I know defendants' rights are extraordinarily privileged, and well they should be. Senator KYL and I have discussed this. We believe that our amendment does not collide, and we understand how victims feel.

I think one of the points is that throughout all of this we have communicated with victims groups. We have been their advocates. We have tried to march to the sound of their drum.

The tragedy for me, today, is that we are so close that, if we could bridge that one gap, getting the support of the Justice Department, the President's support, the Vice President's support, perhaps we might, on our side, pick up some votes. That one inability to reach this kind of consensus within the timeframe we have, in view of the feelings of our colleagues, is really the necessity of what we are doing here this afternoon. But I think at this stage there is an impasse. Does my colleague agree?

Mr. KYL. I do. If I may read one paragraph from a piece written by Professor Paul Cassell, I think it helps to elucidate what we are talking about, if the Senator would not mind.

We are talking about potentially conflicting rights under the Constitution. Senator BIDEN has made this point. Hopefully, he will be here a little bit later to speak to this, but he made the point he can't see there ever being an irreconcilable conflict between the defendant's rights and the victim's rights, and in one sense I think he is absolutely correct because you can vindicate two conflicting rights through a balancing test. But the fact is, there is only one situation I can think of in which you even have that conflict, and that is the right to attend a trial, where the defendant would say, it is not fair to me if the victim or the victim's family attends the trial, and the victim's family or the victim says, wait a minute, that's one of my most fundamental rights, and the Senator guaranteed that in this provision.

There are ways to accommodate both the defendant's and victim's rights, of course. At least the Senator and I understand that, but there are some who find that very difficult and troubling. But here is the analogous situation which I think makes our case. This is what Professor Paul Cassell says:

> Confirmation of the constitutional worthiness of victims' rights comes from the judicial treatment of an analogous right: the claim of the media to a constitutionally protected interest in attending trials. In Richmond Newspapers v. Virginia, the Court agreed that the First Amendment guaranteed the right of the public and the press to attend criminal trials. Since that decision, few have argued that the media's right to attend trials is somehow unworthy of constitutional protection, suggesting a national consensus that attendance rights to criminal trials are properly the subject of constitutional law. Yet the current doctrine produces what must be regarded as a stunning disparity in the way courts handle claims of access to court proceedings. Consider, for example, two issues actually litigated in the Oklahoma City bombing case. The first was the request of an Oklahoma City television station for access to subpoenas for documents issued through the court. The second was a request for various family members of the murdered victims to attend the trial, discussed previously. My sense is that the victims' request should be entitled to at least as much respect as the media request. Yet under the law that exists today, the television station has a First Amendment interest in access to the documents while the victims' families have no First Amendment interest in challenging their exclusion from the trial. The point here is not to argue that victims deserve greater constitutional protection than the press, but simply that if press interests can be read into the Constitution without somehow violating the "sacredness of the covenant," the same can be done for victims.

That is the end of Professor Cassell's quotation, the point being—to those who say the Constitution is sacred; we cannot change it—it includes rights of the media to attend trials, but somehow it would be wrong to grant those same rights to victims. That, indeed, is a disparity. To the extent a defendant might say, "but I don't want the victim or the victim's family in the courtroom," just as the Constitution says, but there is a right that we have to balance with your concerns—and that is the media's right—we would be saying here: The victim also has some consideration here, and the court needs to take that into account in deciding the circumstances under which victims and victims' families would be present.

If we were to somehow insert language that made it possible for courts to rule that the defendant would always win in the case of such an assertion, then we would have, I think, perpetrated a cruel hoax on victims who would think they had something that in fact they would not have. It would be similar to what victims experienced when they proudly went into court with their new statute that the Congress had passed, saying: "Now, judge, we have a right to attend the trial," and he ignored it. If we put it in the Constitution, the judges can't ignore it.

But if we said in the Constitution: However, the defendant is always going to prevail in the case of a conflict, then that would be a cruel hoax. I think we have gone so far as to suggest we are willing to acknowledge that the rights enumerated for victims do not abridge rights guaranteed in the Constitution to defendants. I do not know how much more clearly we can say that. It leads us, and those who are supportive, to conclude, if that is not good enough, that perhaps there really is not a desire on the part of those on the other side to come to an agreement here in a way that could permit us to have a chance of succeeding in this debate this week or next.

That is the unfortunate state of play. Senator FEINSTEIN is absolutely correct. Perhaps in the ensuing weeks we will have an opportunity to explore other ways of expressing this that make it clear we are not taking anything away from defendants. But by the same token, we have to give meaningful rights to victims.

Mrs. FEINSTEIN. If I may, I think the Senator has summarized it very well. I retain the remainder of my time and yield the floor. I know there are some other distinguished Senators who wish to come to the floor and speak.

Mr. KYL. Mr. President, until those in opposition wish to be here, then, I will speak to close out, really, what I have to say about this. I would like to do two things: Just to reiterate a couple of circumstances why this is necessary, and, second, to respond to some of the arguments that have been adduced against what we propose.

Why do we need these rights? Suppose your daughter was raped and murdered and you wanted to attend the trial and you were told that, under the law, you were going to have to sit outside the courtroom every day. The defendant, the defendant's family and friends, they can be in the courtroom, they can watch the trial, but you are going to have to sit outside on the bench in the hallway. That is not fair. It tears at the gut of those who have been victimized already by the commission of the crime that hurt or killed their loved one.

Suppose you pick up the newspaper someday and read that the person who raped you, or assaulted you, is out on the street. He had been incarcerated. Your testimony helped put him there. You have no idea he is running free. His may be the knock on your door or the person at the other end of the telephone which rings. You did not get notice of his parole hearing. You could not even go down and tell the parole board how vicious a person this was and why they ought to think twice before releasing him on parole. You did not even have a chance to go down and say, "Will you please consider my safety in establishing conditions for his release, that he has to stay away from me," for example.

We are talking about things that are serious, not frivolous. These are real cases. Both of the examples I cited are real cases—multiple cases, I might add. What are the arguments against it? One argument is it is too long and specific. Right after that, we heard it is too general. Senator SCHUMER said we should just have a general statement about the fairness that victims are entitled to and leave it at that. Others say that would be far too general. How would we ever define "unreasonable," which is one of the words in our amendment here? Of course, one could have argued that same thing about some of the protections for defendants in the Bill of Rights. How will we define "unreasonable search and seizure," it could have been argued. We have done all right on that.

We were fairly specific about the enumerations of these rights because we didn't want to take anything away from defendants. We wanted it to be crystal clear exactly what the rights were so nobody could contend they went further than they go, so that nobody could argue we might be stepping on the toes of a defendant. We didn't want to step on the defendant's toes.

We wanted to make sure the government wouldn't deny victims access to certain points in the criminal justice process. We were very careful to define this. Indeed, the Department of Justice met with us on numerous occasions and said we would have to be more precise in our description because they could envision possible problems if we do not nail it down. We nailed it down. That took a few words.

Then we were criticized for having too long an amendment; it is longer than the Bill of Rights. We pointed out, it is not longer than the Bill of Rights. Indeed, our amendment is shorter than all of the rights guaranteed to defendants in the Constitution. The defendants' rights consume 348 words; the victims' rights consume 179 words. There are 307 words in our amendment, excluding the purely technical provision.

Isn't it amazing we have gotten down to a word count, if that is one of the big objections of opponents? "It is a little too long." It is not too long. If it were shorter, their argument would be it is not specific enough, we need to be more specific—and that takes more words.

Perhaps the least argument—and there will be others propounding this argument—is that because the Constitution is sacred, it should not be amended. Maybe it is appropriate to read something in the sacred document, article V: Whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution . . . when ratified by the legislatures of three-fourths of the several States, it becomes effective as part of this Constitution.

Thomas Jefferson said: I am not an advocate for frequent changes in laws in the Constitution, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance to keep pace with the times.

Indeed, Thomas Jefferson also said: Happily for us, when we find our Constitution is defective and insufficient to secure the happiness of our people, we can assemble with all the coldness of philosophers and set them to rights, while every other nation on Earth must have recourse to arms to amend or restore their constitutions.

It is certainly a reflection of our wonderful United States of America and our Constitution that from time to time we have found it necessary to grant rights in this sacred document: the right to vote, the right to vote when you are 18, the right to vote and not to be defined by one's sex, the right to a speedy trial. These are rights that were granted by amendment to citizens after this sacred document was written. We all agree with the proposition that it is a wonderful document, a sacred document, a document that ought not lightly be added to, which has a wonderful and glorious history. Indeed, I submit that some of the most profound and glorious aspects of the history of this Constitution are found in its amendments.

To suggest that somehow those who propose an amendment to the Constitution are doing a great disservice and are assaulting the Constitution is itself a great disservice to the process set forth in the Constitution.

It is said that the Constitution ordinarily precluded the government from affecting the rights of citizens, whereas we are granting rights to people. I talked about three or four amendments that granted rights to people: the right to vote if you are 18, the right to vote if you are a woman, the right to a speedy trial. Those were rights granted to citizens. Other rights are expressed in terms of preventing the government from intruding on your rights. For example, the government will not preclude you from having a speedy trial. They will not deny you the right to a speedy trial. They won't deny you the right to counsel.

You can express it either way—as a grant of a right or the government not denying you the ability to do these things. We say the government cannot exclude you from the courtroom. They can't exclude you from the trial. We are not really saying you have a right to attend the trial; we are saying you have a right not to be excluded from the trial. There is a difference. The former could lead to assertions that the government should pay for your getting to the trial, that your employer should have to let you off work or pay. We don't address that. We only say if you show up, you get to attend; the government cannot exclude you.

Some of the other rights are expressed in terms of direct rights. However, they all infer that the government can't exclude you from these proceedings. We are doing exactly what other amendments to the Constitution have done. They are similar rights. The right of the press to be able to cover a trial, it seems to me, should be no greater than the right of a victim to be present at the trial. What is the difference? I conclude by challenging anybody to tell me what the difference is between granting the media the right to attend a trial and granting the victim in the case the right to attend the trial.

I don't understand why there is such a visceral negative reaction to what we are trying to do. If you have ever been a victim or been part of a tragedy that has affected others, you know how much they want to bring closure to the event, why they want to witness the criminal justice process that brings the matter to a close, why they want to participate at a couple of the stages, particularly at the time of sentencing and also at the time of a conditional release so that their safety can be considered, as well as the safety of others.

No one opposing our amendment has suggested that those are unworthy of protection. Rather, they have said we can do it by statute. But what did we find yesterday when we looked at the data according to the National Institute of Justice? After 18 years of Federal and State statutes and State constitutional provisions, looking at the statistics from the States that do it the best, that have the most stringent requirement for notice, fewer than 60 percent of victims were notified of the sentencing hearing and fewer than 40 percent were notified of the pretrial release of the defendant.

As I said yesterday, would we consider those adequate percentages for defendants being given their Miranda warnings, something which isn't even in the Constitution? No. But somehow we think it is OK that statutes provide notice to only 40 percent of the people who want to be present at the parole board, or at least have the opportunity to be present, to say, please, don't let my assailant go; he will hurt someone. We are no longer talking about somebody accused of a crime; we are talking about somebody who has been convicted and who has been serving time for the commission of that crime.

I mentioned the case of Patricia Pollard—because it is a case from Arizona—who was brutally raped and left to die. She wasn't told that the parole board was meeting to consider and then eventually decided to let her assailant out of prison on a home arrest kind of program. By accident, she was made aware of it. When she went back to the parole board and asked them to reconsider their decision, after hearing her story, they kept him in prison.

When I asked her if she thought her life was in danger had he gotten out, she said: Maybe he would have tracked me down, but, frankly, I was a random opportunity for him. I came along at just the time he wanted to do this to somebody, and he did it to me. Mostly I was concerned what would happen to somebody else because if he got out he would be sure to do this to somebody else.

This is what we are talking about. This is not frivolous. This is not trivial. This is people's lives we are talking about. When opponents say, we can protect it by statute, we say, the State of Arizona had a very good statute. In fact, it was better than a statute; it was a constitutional provision in the State. She still didn't get notice. In fact, 60 percent of people don't get notice under these constitutional provisions and State statutes.

Opponents say: That is good enough; maybe we can pass a Federal statute.

We say a Federal statute can only affect 1 percent of all of these cases, and there is little reason to believe a Federal statute would be observed any better than State constitutional provisions are, as the Oklahoma City bombing case reveals.

I am at a loss. I agree with Senator FEINSTEIN. We are moved by these cases. We are moved by the people. We want to help. Everybody wants to help. Even opponents, I am convinced, want to help. So let's do something about it. It is not doing something effective about it to fall back on the notion: Well, we will just rely on another statute; let's pass another law. That is not the answer.

We are at this point now because we have not done enough to educate our colleagues, and I will accept part of the blame for that. I should have spent a lot more time—although I must confess my colleagues got tired of me coming around saying: Are you sure you wouldn't like to hear a little bit more about this? Maybe we should have tried a little harder to say: Will you please listen one more time to our plea?

What has happened is a very superficial mantra of inaccuracies and falsehoods have persuaded colleagues to oppose this to the extent they would not be willing to allow it to come to a vote. In other words, when we would seek to bring this to a final vote, we would not be able to stop the talking, to stop the filibuster, in effect, to get 60 of our colleagues to agree to bring the matter to a vote or to prevent nongermane amendments. There had been a suggestion by some that if we proceed, then we can expect a whole flurry of amendments that have nothing to do with what we are talking about.

Obviously, we do not want to tie up our colleagues' time with that, so we come to the unhappy conclusion that we have more work to do.

The good news is that we prevailed with 80-some votes—perhaps the Senator can recall exactly how many votes we got on the cloture motion to proceed. But it was over 80, as I recall. We have 41 cosponsors of our amendment now, which is real progress. We got a good bipartisan vote out of the Judiciary Committee.

This is the first time this Federal constitutional amendment has been brought to the floor of either House. We have reached a real milestone. We have done well. Most constitutional amendments never pass. All of them take a long time. I do not know of any, at least in modern history, that passed the first time they were presented on the floor of the Senate.

The fact we have been thwarted part way down the road temporarily, while a setback of sorts, should not dissuade those advocates or crime victims in their efforts. As Senator FEINSTEIN said, we will be back, and hopefully next time when we are back, more of our colleagues will have had an opportunity to study this carefully, more victims and victims' rights organizations will have had an opportunity to visit with Senators and Representatives, and we will have been able to persuade a sufficient number of them to allow us to proceed to a final vote.

While there is some sorrow in our inability to bring this to conclusion today, I am buoyed by the prospect and the fact we have at least gotten to this point.

Mrs. FEINSTEIN. Mr. President, will the Senator yield for a moment?

Mr. KYL. I yield.

Mrs. FEINSTEIN. Mr. President, I also am buoyed by the prospects. As we go through this more and more, I understand more and more what is happening behind the scenes. I do want to enter into the record this latest letter from Professor Larry Tribe. Senator KYL will be interested in one quote. He says deep into his letter:

> I can count on the fingers of one hand the number of ostensibly "liberal" lawyers and scholars who do not look askance when they learn of my support for this amendment. Friends who otherwise respect me and admire my work have a difficult time, it seems, assimilating the notion that a liberal champion of defendants' rights—something I think I have been all my life—should take seriously the idea that the victims of violent crime actually have "rights" that the Constitution should compel government to take seriously and to treat with respect, rather than merely being the unfortunate—well, victims—of criminal predations that the state is charged with combating, in a system where the only "rights" worth naming and treating as such of course belong to those unfortunate enough to find themselves on the wrong end of the machinery of criminal justice. With all respect, I do not share that perspective. Rather, I regard its deeply ingrained nature as the principal argument for the conclusion that statutory measures will never fully suffice.

Mr. President, I ask unanimous consent to print Professor Tribe's letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY
LAW SCHOOL,
Cambridge, MA, April 27, 2000.
Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I have previously set forth my reasons for supporting S.J. Res. 3, the proposed Victims' Rights Amendment now under consideration in the Senate, and little purpose would be served by my repeating those reasons here. I understand the objections some have raised to the proposed amendment and have enormous respect for many who oppose the measure, but on balance I am persuaded that the considerations favoring the amendment outweigh those against it, even placing an appropriately skeptical thumb on the scale's negative side.

I am writing to address one consideration in particular that is highlighted by the proposed Crime Victims' Assistance Act, S. 934, whose sponsors, many of whom are my good friends, evidently hope by this federal statute to obviate the need for the proposed constitutional amendment. I favor S. 934's enactment, at least in principle. I assume that closer study of its detailed provisions that I have been able to undertake would disclose ways in which it might be improved, but minor technical flaws or even design defects in the contemplated statute would be beside the point and are not my focus here. After all, detailed problems with the statute's terms could be cured by redrafting and would not in themselves explain why only an amendment to the Constitution could meet the need for fuller national protection of victims' rights.

My concerns are different ones. First, I am concerned that, as the authors of S. 934 doubtless realized given how they wrote their bill, it does nothing directly for the vast majority of crime victims—those victimized by violations of state or local rather than federal law. To be sure, S. 934 would offer the states money for pilot projects and the like, and money of course helps, but the basic reasons for the dramatic underprotection of state crime victims are more attitudinal than fiscal: Even when states enact victims' rights measures of their own in response to pressures from constituents, there is a tendency to ignore or underenforce such rights whenever they appear to rub up against either the rights of the criminally accused or the needs or wishes of the prosecution. And I do mean to say "appear to rub up against," for the problem I have in mind arises in those situations where a careful analysis would reveal that the seeming conflict between victims' rights and the rights of the accused or the interests of the state is a false or a readily avoidable one. The mere brandishment of the banners of defendants' rights or of prosecutorial needs too often suffices to push the needs and interests of victims—to be notified, to observe, to be heard, to have their views considered, to achieve closure, to be compensated if possible—into the background. Rather than creatively and determinedly seeking ways to protect victims' rights in ways that manage fully to respect the genuine rights, privileges, and needs both of the accuser and of the accused, state and local officials are understandably but unfortunately tempted to relegate victims and their rights to second-class status or to shelve them altogether, treating as merely hortatory and aspirational provisions of law enacted with something much stronger and more operational in mind.

State statutory and constitutional provisions cannot overcome this phenomenon so long as the only parties whose rights receive federal constitutional recognition, recognition that reinforces and amplifies traditional habits of mind at the state and local levels, are the defendants in criminal prosecutions. And S. 934, which obviously could not touch the actual conduct of state and local criminal investigations, prosecutions, and adjudications, is manifestly incapable of affecting this pervasive tendency.

Indeed—and this is my second major concern—even in the federal criminal context within which S. 934 would operate, the proposed statute would take effect against the background of a legal culture in which the very notion of "victims' rights" has traditionally been dismissed either as a vague metaphor or as an atavistic throwback to a primitive era of private justice. In a federal universe within which victims are pervasively perceived as mere passive beneficiaries of government protection—as bystanders to the majesty of the criminal process rather than as entitled participants in that process—a merely statutory codification of certain "rights," removable by the grace of the same Congress that bestowed them, is most unlikely to effect the pervasive attitudinal change that is so badly needed. When push comes to shove, even where adequately protecting victims does not in truth entail any abridgment of the federal constitutional rights of criminal defendants or of the needs of government prosecutors to protect the public and vindicate the law, any superficially plausible protest from either the prosecution's table or the defense bar is likely to shove victims and their S. 934 rights back into the shadows, from which a federal judiciary steeped in precisely the same legal culture is unlikely to rescue them.

Evidence of the depth and pervasiveness of this basic attitude, and of the view that to defend the rights of victims is to engage in a primitive exercise in emotionalism, incompatible with the structure of our adversary system of justice and with the rational character of the modern bureaucratic state, is the ferocity and generality of the opposition to a constitutional amendment to protect victims' rights, at least among the elite and especially in the supposedly enlightened circles with which I like to think I associate. I can count on the fingers of one hand the number of ostensibly "liberal" lawyers and scholars who do not look askance when they learn of my support for this amendment. Friends who otherwise respect me and admire my work have a difficult time, it seems, assimilating the notion that a liberal champion of defendants' rights—something I think I have been all my life—should take seriously the idea that the victims of violent crime actually have "rights" that the Constitution should compel government to take seriously and to treat with respect, rather than merely being the unfortunate—well, victims—of criminal predations that the state is charged with combating, in a system where the only "rights" worth naming and treating as such of course belong to those unfortunate enough to find themselves on the wrong end of the machinery of criminal justice. With all respect, I do not share that perspective. Rather, I regard its deeply ingrained nature as the principal argument for the conclusion that statutory measures will never fully suffice.

Permit me to add one point before closing: I want to address the argument that S. 934 should not be faulted for failing to reach state proceedings because, after all, it is designed only to operate at the federal level, and because either state statutes or state constitutional provisions or perhaps federal civil rights-like legislation enacted under Section 5 of the Fourteenth Amendment could fill the state and local gap that S. 934 necessarily leaves unfilled. That argument is flawed first, because it fails entirely to come to terms with the basic reasons, set forth above, that merely statutory measures would be unable to combat the deeply rooted attitudinal problems confronting victims and their claims of right; and second, because, insofar as it assumes broad congressional power to act under Section 5 of the Fourteenth Amendment, it is simply ignorant of the series of decisions in the 1990s and reaching into 2000, beginning with the invalidation of the Religious Freedom Restoration Act and continuing with the invalidation of provisions of the Patent Reform Act and the Age Discrimination in Employment Act, in which the modern Supreme Court has dramatically curtailed the legislative authority of Congress to use its Section 5 power to protect interests that Congress, but not yet the Court, is prepared to recognize as constitutional rights, or even to protect Court-recognized constitutional rights in circumstances, or by means, not shown in the legislative record to be "necessary."

In sum, although S. 934 represents an intelligent step in the much-needed strategy of operationalizing and institutionalizing the rights of victims, neither by itself nor as part of a series of measures, both federal and state, can it hope to provide a satisfactory substitute for the more fundamental constitutional step represented by S.J. Res. 3, a step that I consider not only wise but necessary despite—and (paradoxically) in part because of—its current lack of appeal for "the usual suspects" on the criminal justice scene, both in the defense and civil liberties bars and among prosecutors and their champions.

I hope you find these observations to be of some use, and I apologize for my inability to get them to you sooner. I wish you well in the difficult effort to obtain passage of this amendment by the requisite two-thirds vote and, should you succeed in that respect, in the onerous effort to win its ratification by the requisite three-fourths of the state legislatures.

Sincerely yours,

LAURENCE H. TRIBE.

Mrs. FEINSTEIN. Mr. President, I extend my deepest thanks to Professor Tribe for his letter and for his support. We will certainly be consulting both he and Professor Cassell again and come back to fight again another day.

I want to say something to the victims who have been so heartrending in this process. Those of us who are political come to grips with the sophisticated lobbying around this place. One of the things I have seen in the people whom we represent is they are real people. They have been maimed, they have been harmed, they have been hurt, and with this—I have seen this in the past when I was active in the criminal justice system—victims almost become catatonic. They almost become unable to go out and do the lobbying that is necessary to move something such as this.

I want them to know how much we identify with their cause, how much we intend to continue to pursue this cause. It is a just cause. It is a cause that deserves remedy and recognition in the Constitution of the United States. It is a cause where, once victims have these rights, they lost them.

This Congress—the other body and our body—should provide these rights again. I am hopeful that in the coming years, we will be able to continue our work on this. Perhaps we will be able to solve this one dilemma of the balancing. It is interesting; anytime one reads a statement by the President or by the Attorney General, it mentions the balancing of these rights. Yet when we write something in the Constitution which, in effect, would provide for this, it brings out the criminal defense bar; it brings out the liberal scholars; it brings out people who say: You can't do this. You can't give victims these rights.

The cause is just that they have these rights. A statute, we believe, will be unable to provide them, but as to their standing in the Constitution, there is a time and there is a place, I predict, when that standing will happen and take place.

Mr. KYL. Mr. President, I want to add something to a point Senator FEINSTEIN just made. I do not think she would take offense at my mentioning what occurred in my office about 4 hours ago.

We were summarizing the events and what led to the inability to get this across the goal line this week. I said it is partially my fault for not bringing more victims to the Senate to talk directly with Senators and share their personal stories.

I told that to Roberta Roper, who heads up the Stephanie Roper Foundation. Stephanie Roper was brutally murdered, and Roberta, her mother, has carried this cause in Stephanie's name. They do a lot of good in terms of victim support, in addition to victim advocacy.

She said: You have to understand, though, we are conditioned not to present these stories in an emotional, personal way. We have been told over and over again in the court that "there can be no display of emotion." Those are the words the judges used. I have been told that a display of emotion would be wrong.

Now, think about that. Part of what makes us great as a people is the willingness to act out of our heart as well as our mind. We should never do incorrect things or unintelligent things, acting purely on the basis of emotion, but nor should we deny that emotion can be a potent force in developing public policy.

I tried to tell Roberta that I think it was a mistake, on my part, not to appreciate what she was telling me, not to understand it in advance, and not to counsel her to go ahead in this environment and express it in emotional terms. This is not a court of law. This is where the people's business is done.

I believe that until one fully appreciates what a victim goes through, it is hard to appreciate the necessity for what we are doing here.

Perhaps I could conclude by reading a paragraph again from the remarks of Professor Paul Cassell before the Judiciary Committee.

He said:

> The available social science research suggests that the primary barrier to successful implementation of victims' rights is "the socialization of [lawyers] in a legal culture and structure that do not recognize the victim as a legitimate party in criminal proceedings."

He is talking about a professor, a colleague of his, who disagrees with our position, Professor Mosteller.

He says:

> Professor Mosteller seems to agree generally with this view, explaining that "officials fail to honor victims' rights largely as a result of inertia and past learning, insensitivity to the unfamiliar needs of victims, lack of training, and inadequate or misdirected institutional incentives." A constitutional amendment, reflecting the instructions of the nation to its criminal justice system, is perfectly designed to attack these problems and develop a new legal culture supportive of victims. To be sure, one can paint the prospect of such a change in culture as "entirely speculative." Yet this means nothing more than that, until the Amendment passes, we will not have an opportunity to precisely assay its positive effects. Constitutional amendments have changed our legal culture in other areas, and clearly the logical prediction is that a victims' amendment would go a long way towards curing official indifference. This hypothesis is also consistent with the findings of the National Institute of Justice study on state implementation of victims' rights. The study concluded that "[w]here legal protection is strong, victims are more likely to be aware of their rights, to participate in the criminal justice system, to view criminal justice system officials favorably, and to express more overall satisfaction with the system. It is hard to imagine any stronger protection of victims' rights than a federal constitutional amendment. Moreover, we can confidently expect that those who will most often benefit from the enhanced consistency in protecting victims' rights will be members of racial minorities, the poor, and other disempowered groups. Such victims are the first to suffer under the current, "lottery" implementation of victims' rights.

I think that expresses well the reason for the frustration we have shared, the reason so many of our colleagues have come here repeating the mantra of the legal profession that it has never been this way before. Maybe it is time to change the way things have been. That is why we have been so strongly in support of this amendment.

I see one of the opponents of the amendment is here. I know he wishes to speak. Therefore, let me conclude my remarks by again thanking Senator FEINSTEIN for her stalwart, effective support and her desire to continue this battle on behalf of the victims of crime.

I assure you, Mr. President, that even though we will be withdrawing our motion to proceed on S.J. Res. 3, we will continue to meet with, and work with, anyone who wishes to work with us on this—opponents and proponents—to try to get it into the condition that will finally be approved by two-thirds of this body and two-thirds of the other body. That is our challenge. That is our commitment. It is our promise that we will continue in this effort.

Mr. LEAHY. Mr. President, I am pleased that the sponsors of S.J. Res. 3 have decided to withdraw their proposal to amend the Constitution. One of the reasons they gave for their decision is that the many Senators who came to the floor to oppose their amendment have not, in their view, engaged on the merits of their specific language. Because of this, and because they have vowed to continue in their efforts to amend the Constitution to address victims' rights, I feel obliged to say a few words about some of the most glaring defects of S.J. Res. 3.

One of the most fundamental responsibilities of United States Senators is to make sure that we understand what we are enacting into law. That duty is heightened when we are considering a constitutional amendment. Justice John Marshall said that the Supreme Court "must never forget, that it is a constitution we are expounding."

We, too, must never forget that it is a constitution—the Constitution of the United States of America—that we are being urged to amend.

I could speak for hours about the defects of this proposed amendment, but I trust that Senators have had an opportunity to consider the minority views in the Committee report that I submitted, along with Senators KENNEDY, KOHL, and FEINGOLD.

The minority views run about 40 pages, and identify several specific problems with the drafting of this amendment.

I would also direct Senators to the additional views to the Committee's 1998 report, submitted by our distinguished Chairman. Senator HATCH's views subject this amendment to penetrating criticism. He reiterated such concerns just yesterday in his statement to the Senate in which he indicated the following reservations about the proposed constitutional amendment:

> Its scope: the amendment's protections apply only to violent crimes;
>
> Its vagueness: some of its definitions are unclear and will be subject to too much judicial discretion; and
>
> Its effects on principles of federalism: the proposed amendment could pave the way for more federal control over state legal proceedings.

For the moment, I will just focus on a few fundamental flaws.

Let us start with the first, and most important, seven words of the amendment. The amendment gives rights to "a victim of a crime of violence." Supporters of this amendment have often compared it to the fifth and sixth amendments, which give rights to those accused of crimes. So let us compare them.

The most basic point about any constitutional right is, whose right is it? The fifth and sixth amendments are clear on that point: They give rights to people who have been charged with committing crimes, and we know who those people are. Of course, the other amendments to our present Constitution are no less clear, since they apply without exception to "the people," or to "citizens of the United States," or, in the case of the fourteenth amendment, to "all persons born or naturalized in the United States and subject to the jurisdiction thereof." But do we know who would have rights under the proposed victims' rights amendment?

The answer in the text of the amendment is "a victim of a crime of violence." Who is that? Let us make it easy by taking the most obvious crime of violence—murder. Who is the victim of a murder? The last time I prosecuted a murder case, the victim was the dead person. But that answer, what Justice Scalia might call the plain language approach to interpretation, will not do here, unless the purpose of the amendment is to enable the corpse to attend the trial.

So who, if anyone, gets the benefit of the proposed constitutional rights in a murder case? Maybe nobody. Or maybe the reference in section 2 to "the victim's lawful representative" refers to the trustee of the victim's estate in a murder case, although I do not see what the trustee of a murder victim's estate would have to contribute to a bail or parole hearing. Or maybe the amendment's supporters are banking on what I believe are called "activist judges" to add words to the amendment that are not there and extend rights to a murder victim's family.

This would raise other questions, like what happens when members of the victim's family hold different views about parole, or each wants a share of the mandatory restitution order? Would unmarried couples, be they heterosexual or homosexual, count as families? Would the six-year-old son of a victim be entitled to make arguments in connection with a negotiated guilty plea?

Okay, you may say, so murder is a problem. What about other crimes of violence? Let us take robbery. Let us say there is an armed robbery of a bank. A gun is pointed at a lot of people, tellers and customers. A security guard is shot and injured. The bank loses a lot of money. A pretty simple factual story, and one that I know, from my time as a prosecutor, happens all too often.

Pretend I am the prosecutor in this bank robbery. Tell me who are the victims I have to notify. The security guard? The 20 customers who were uninjured but had a gun pointed at them? The 10 bank tellers? The CEO of the bank? And while you are at it, tell me who gets the mandatory restitution—the bank that lost the money, the security guard who was injured, or the customers and tellers who were scared, or the teams of plaintiffs'—or, I guess, victims'—lawyers who are fighting out these questions.

And who gets to reopen the restitution hearings? Or the bail hearings? Feel free to assume that I am a competent prosecutor who can figure out some administrative details. But, if you are going to pass this amendment, do not pass the buck to me to decide who has constitutional rights and who does not. That is your job if you want to be a Framer of the Constitution; it is not the job of individual courts and prosecutors.

I have talked about two of the most infamous crimes of violence, murder and robbery. Other crimes, such as compound crimes under the federal RICO statute that can include lots of different criminal acts, some violent and some non-violent, over an extended period of years, will involve even harder problems when we try to identify who is and who is not a "victim of a crime of violence." But we should also consider the most common form of violence that afflicts our society, domestic violence.

Here is a typical scenario. The police get a call from neighbors who hear shouting and screaming and pots and pans being thrown. They reach the house and find the husband and wife hysterically angry at one another and a young child cowering in the corner. It is not entirely clear who attacked whom, but the husband is injured and the police arrest the wife and charge her with assault. The wife's bail hearing comes up, or maybe there are plea negotiations. The wife claims it was self-defense; the husband claims she attacked him without provocation.

The wife claims she is a victim of a crime of domestic violence; so does the husband. Maybe the child is too. The proposed amendment leaves us with no clue whether a witness to violence who is psychologically but not physically injured by the violence has the new constitutional status of "victim".

Under current law, it is up to the jury to determine who is the victim and who is the criminal in this sad domestic scenario, and the jury makes that determination after hearing all the evidence from both sides at trial. Under the proposed amendment, that determination must be made before the wife's bail hearing or plea negotiation. If the husband can persuade the prosecutor that he is the victim, and not the instigator of the violence, he gets the special new constitutional rights of a crime victim at the bail and plea bargaining stage, before the wife has even had a chance to present her evidence to the jury that the husband is really the guilty party.

Or maybe the wife can insist on extra-judicial proceedings to contest the husband's status as a victim—although I do not know how you would squeeze in extra proceedings before bail or indictment hearings.

Assuming that the husband is the "victim" for purposes of our new constitutional amendment, what does that get him? Maybe he will push for bail or for a plea with a minimum sentence conditioned on his getting custody of the child, perhaps accompanied by a new kind of child support called "restitution."

Or maybe the husband will be satisfied with his new constitutional right to notice of his wife's release from custody, which will help him track her down and exact revenge.

In some cases, the right end result may be reached. But the process that the proposed amendment seem to involve bypassing a trial on the merits and potentially bypassing family court. By creating pre-trial rights for an undefined category of victims, it requires someone—I guess the prosecutor—to decide who is the victim of a given crime, and who gets special constitutional rights before there has been a trial or even an indictment.

Deciding who has constitutional rights and who does not before there has been even an ex parte judicial proceeding is un-American. Doing so in a case, like a domestic violence case, where there are likely to be self-defense issues, risks giving special constitutional rights to the criminal instead of the victim.

One more comment on this half-baked, undefined term "victim of a crime of violence." Thus far, I have discussed the easy cases in terms of what constitutes a "crime of violence"—murder, robbery, and assault. But there are a lot of hard cases, too.

Is drunk driving a crime of violence if the driver physically injures a pedestrian? What if the driver runs over the pedestrian's dog, or crashes into a parked car? Can the same offense be a crime of violence if someone is physically injured, but not otherwise?

What about elder abuse or child abuse? We have all heard heart-breaking stories of seniors and disabled people who have suffered horrible abuse and neglect at the hands of their so-called care-givers, and of children locked up in squalid conditions and subjected to appalling psychological abuse by their parents.

Neglect of the weak and vulnerable in our society by those who have taken the responsibility of being their care-givers can cause as much harm as almost any violence, without a hand ever being lifted against them. But are neglect and non-physical abuse "violence"? What about the horrifying slavery case involving more than 50 Mexican immigrants in New York a few years ago? Is enslavement a crime of violence? And what about kidnapping? If a parent who has been denied legal custody of a child kidnaps the child, is that a crime of violence, and if so, who is the victim, the child, the custodial parent or both?

The words of the proposed amendment do not answer these questions. The majority report suggests answers, some of which seem to stretch the concept of a "crime of violence" to the breaking point. It suggests, for example, as possible crimes of violence burglary, driving while intoxicated, espionage, stalking, and the unlawful displaying of a firearm—very serious crimes, but crimes that usually do not involve "violence" in the normal sense of the word.

Last year, Senator HATCH criticized the proposed amendment's reliance on the term "crime of violence" as "arbitrary." I can do no better than to quote his language:

> I believe we must tread carefully when assigning constitutional rights on the arbitrary basis of whether the legislature has classified a particular crime as "violent" or "non-violent." Consider, for example, the relative losses of two victims. First, consider the plight of an elderly woman who is victimized by a fraudulent investment scheme and loses her life's savings. Second, think of a college student who happens to take a punch during a bar fight which leaves him with a black eye for a couple of days. I do not believe it to be clear that one of these victims is more deserving of constitutional protection than the other. While such distinctions are commonly made in criminal statutes, the implications for placing such a disparity into the text of the Constitution are far greater.

It is interesting to note that in their additional views in this year's Committee report, Senators KYL and FEINSTEIN do not in any way disagree that the scope of their proposed amendment is arbitrary. Instead, they explain it as a political compromise.

I do not recall Madison and Jefferson saying at the constitutional convention that the provisions they drafted were not great, but politics are politics and you should not expect too much. I believe that we owe the American people something more than arbitrary political compromises when we amend their Constitution.

For anyone who shares Senator HATCH's and my concerns about the arbitrariness of focusing on "crimes of violence," there is, by the way, a solution at hand. Vote against the proposed constitutional amendment and, instead, pass the Crime Victims Assistance Act, which provides strong and effective rights for all crime victims.

I have said a lot about the first, and most important, seven words of the proposed amendment; and I could identify many more problems. But let us sum up where we are so far. We are not sure whether the amendment applies at all to the most obvious "crime of violence," murder, and we have no idea who gets the new constitutional rights for "victims" in a murder case if it does. In other fairly common crimes of violence such as robbery, the amendment appears to apply, but even assuming clear and simple facts, we are not sure which type of person affected by the crime gets to exercise the "victim's" rights, and the answer may well be a large number of people affected in vastly different ways—some physically, some emotionally, and some financially—who have vastly different views and interests. In what is probably the most common violent crime scenario, domestic violence, the amendment appears to require the prosecutor to decide who is the criminal and who is the victim as a constitutional matter, without the benefit of evidence at trial and without participation of judge or jury. And then we have what perhaps we should call "borderline crimes," a wide range of crimes that may or may not be classified as crimes of violence.

On the "of violence" issue, Senator HATCH has raised troubling concerns that it is arbitrary as a matter of principle. I agree, and add the further concern that it is yet another huge point of uncertainty as to the meaning of this amendment. On this and other points, the answer of the amendment's supporters appears to be "don't worry, someone else will figure this out later."

"Don't worry, someone else will figure this out later." I think we can all agree that is not a principle that Congress should ever follow, especially not in the context of a constitutional amendment. Supporters of the amendment will no doubt contend that it is an unfair characterization of their position. Well, let us see what their amendment says.

The amendment seems quite candid in admitting that its central terms are yet to be defined. Section 1 says that the new constitutional rights created by the amendment go to "A victim of a crime of violence, as these terms may be defined by law." I take it that "these terms" mean the two terms that we have identified as hopelessly vague: (1) "victim" and (2) "crime of violence."

The phrase "as these terms may be defined by law" is a new one for the United States Constitution. There is a reason for this. Our Constitution was conceived as, and is, "the supreme Law of the Land."

As Chief Justice John Marshall explained in Marbury versus Madison in 1803, our Constitution, as interpreted by the U.S. Supreme Court, is the law by which our other laws, State and Federal, are to be judged; it is not whatever our other laws, enacted by shifting political majorities from time to time, say it is.

Take, for example, the fourteenth amendment guarantee of equal protection of the laws. That does not mean equal protection "as defined by law." If it did, the legislature and Governor of Arkansas might have been entitled to do what they did in 1957, when they "defined" the equal protection rights of public school students to be rights to a "separate but equal," racially segregated education. But our Constitution has never worked that way, and in 1958, in Cooper versus Aaron, the Supreme Court rightly ruled that Arkansas' attempt to redefine the fourteenth amendment was unconstitutional, and desegregated Arkansas' schools.

Our Constitution has a provision, and a process, for defining new constitutional rights or for redefining existing constitutional rights. That provision, the amendment provision, is in Article V. Article V provides for two-thirds of the members of both Houses of Congress, plus three-fourths of the State legislatures, to amend the Constitution when "necessary". It does not provide for us to pass the buck to bare majorities in State legislatures or in a future Congress to define or redefine constitutional rights as we go along.

As a matter of principle, therefore, I believe that an "as may be defined by law" provision is an abdication of our duty, sitting as we do today as constitutional Framers, to provide clear constitutional standards against which other laws may be judged. In a constitutional democracy, the rule of law means that constitutional rights are to be found in the Constitution, not in ordinary statutes passed from time to time.

If we are going to pass the buck, we should at least be clear about who we are passing it to. Who gets to write the "law" that "define[s]" the critical terms of this constitutional amendment? This is yet another basic question that the amendment itself does not answer. So I have studied the Committee report for an answer.

In a statement that must be profoundly troubling to those Senators who complain regularly about "activist judges" making law, the report first says that "[t]he 'law' which will define a 'victim' (as well as 'crime of violence') will come from the courts interpreting the elements of criminal statutes until definitional statutes are passed explicating the term." This, I suppose, is the "don't worry, the courts will figure it out" theory. Anyone who subscribes to this theory should be prepared to confirm the most activist judges this country has ever seen, because that is certainly the vaguest, blankest check that has ever been written to the judiciary.

The Committee report "anticipates" that judicial law-making under this constitutional amendment may be short-lived—that Congress and the State legislatures would quickly step in and enact "definitional laws" for purposes of their own criminal systems.

It is worth pausing for a moment to consider what this means. One of the main arguments that we have heard in support of this amendment is that we need to eliminate the current "patchwork" of victims' rights.

We are told we need this amendment because even though all 50 States provide rights for victims, the rights vary from State to State. A constitutional amendment that may be defined differently from State to State would not correct this situation —it would simply replace one patchwork with another. The superficially simple concept of basic baseline rights for victims will fracture into more than 50 different schemes of rights. I do not think that there is anything wrong with such diversity; indeed, I believe that the present system of defining crimes and the rights of crime victims and enforcing criminal justice primarily at the State level has served this country well throughout our history. But I do object to a shell game that dresses up rights defined by State law as Federal constitutional rights, thus trivializing the United States Constitution and casting doubt on the rights that it currently protects.

Finally, I should note that the "as these terms may be defined by law" provision is not the only delegation in this proposed amendment. Section 3 provides that "The Congress shall have the power to enforce this article by appropriate legislation." In their additional views, Senators KYL and FEINSTEIN note that they originally proposed to give enforcement power to the States as well as to Congress, but then reached another of this amendment's political compromises.

I am, however, mystified as to what function the section 3 enforcement power could possibly serve. Similar provisions are contained in the fourteenth amendment and in the various amendments that protect voting rights. In the fourteenth and voting rights amendments, the Federal enforcement power against the States was justified by the long history of resistance of certain States to the Federal constitutional mandates for equal protection of law and equal voting rights. But there is no such history of State abuses with respect to victims' rights. In fact, many States provide more protections for crime victims than Federal law provides.

The majority report alleges no conflict between States and the Federal Government that would necessitate a Federal enforcement power. Rather, the reason given by the amendment's principal sponsors for putting victims' right in the Federal Constitution at all is that the States supposedly need Federal help to protect them effectively. They claim that:

> States have had difficulty extending rights to victims of crime through State statutes and constitutional amendments precisely because courts are used to considering, first and foremost, Federal constitutional rights. By extending Federal rights to victims throughout the States, it will then become easier for State criminal justice systems to protect the rights of victims.

I frankly do not understand this explanation. If you want to empower State courts to take State statutes and constitutional amendments seriously, the last thing you do, I would think, is impose a complex new Federal mandate on them. If you want to help willing States protect victims, the last thing you do, I would think, is to place their criminal justice systems under congressional supervision and subject them to Federal enforcement through the Federal courts.

We are left, therefore, with an enforcement provision that mimics other amendments, but without any suggestion of the need to coerce recalcitrant States that justified such provisions elsewhere. Coercing the States here because we have done it before in other contexts is harmful to State sovereignty. And empowering Congress to enforce against the States constitutional rights which it is up to the States to define is likely to be futile. If the goal is, as asserted, to help the States protect victims' rights, we should not be piling new constitutional duties on the States; we should be providing assistance. Instead of threatening them with the stick of federal enforcement, I believe that we should offer the States the carrot of funding for the protection of victims' rights. If you agree with me, you should reject this amendment and, instead, support the Crime Victims Assistance Act.

Senators KYL and FEINSTEIN urge us not to make perfect the enemy of the good. If this amendment responded to an urgent need that could not be met by statute, and if it were well-drafted but imperfect, I would give that argument serious consideration. I have explained before why I believe the goals of this amendment are not merely adequately served, but better served, by statute. But I want to highlight briefly the other problem with this amendment. Not only is it not perfect; it is not well-drafted. In fact, it is remarkably sloppy.

I have just discussed the two major problems with the text of the amendment. Section 1 creates a complex scheme of new federal constitutional rights without saying with any clarity who is entitled to those rights, then says "don't worry; someone, somewhere, in a court or in Congress or in the States, will make a law that will identify who gets these rights." Section 3 then empowers Congress to enforce those rights on behalf of these yet-to-be-identified people against the States, not because the States are unwilling to recognize those rights, but because Congress has been empowered to enforce other constitutional rights in the past, so "why not here."

I do not want to skip section 2. Let me read you a sentence:

> Nothing in this article shall provide grounds to stay or continue any trial, reopen any proceeding or invalidate any ruling, except with respect to conditional release or restitution or to provide rights guaranteed by this article in future proceedings, without staying or continuing a trial.

Let us call that "the tax lawyer's provision," since it is so obscure that I think only someone who has spent half their life plumbing the depths of the tax code could understand it. It would certainly be the first triple negative in the United States Constitution. I think that "Nothing in this article shall provide grounds to stay or continue any trial" should be a sentence on its own, since I do not think that this rule ends up being subject to the exception, in light of the exception to the exception, but frankly I am not sure.

I am also puzzled by the exception that appears to allow victims to reopen proceedings or invalidate rulings "to provide rights guaranteed by this article in future proceedings." If the concern is with future proceedings, I see no need for the exception to allow the reopening of present proceedings. But maybe I missed a turn somewhere in the drafters' maze.

Regardless of how it is ultimately interpreted, this intricate web of exceptions is not the stuff of a Constitution. One of the great virtues of our Constitution is that it speaks with a clear voice, articulating principles of justice that ordinary Americans can understand. The proposed amendment fails to meet that standard.

Finally, let me say a few words about section 5, which states that the new constitutional rights for victims shall apply "in Federal and State proceedings, including military proceedings to the extent that the Congress may provide by law, juvenile justice proceedings, and proceedings in the District of Columbia and any commonwealth, territory, or possession of the United States." This section is truly an enigma. No provision of the current Federal Constitution goes into detail about its geographic scope. There is a reason for that.

The purpose of the Bill of Rights, as envisioned by the Framers, was to provide a fundamental uniform platform of rights enjoyed by all people throughout the United States. Of course every provision of the Constitution applies throughout the United States. The fact that the drafters of this amendment felt the need to state that here suggests a fundamental confusion about the nature of the Federal Constitution, which is, by definition, the supreme law of the land. It was, perhaps, that same confusion that led them to provide for the key phrase of this federal constitutional amendment, "a victim of a crime of violence," to be defined by a patchwork of State and Federal statutes.

A degree of uncertainty at the margins on questions of law and fact may be inevitable in legislation. But, despite the fact that it would be one of the longest-ever amendment to the Constitution, the half-baked proposal before the Senate is hopelessly vague on the basics. I do not know from looking at this amendment and listening to its supporters when it applies and who it applies to, or how that will be figured out.

Senator HATCH has made many of the same points about this proposed constitutional amendment. At our last Committee markup in September 1999, however, the distinguished Senator from Utah said that he intended to vote for this amendment, even though he has "real questions" about it, "because of the hard work that has been put into it." I cannot go along with that reasoning. I commend the efforts of those who have worked on this amendment, as I commend the efforts of Federal and State legislators across the country who have worked to provide rights for victims of crime.

But "A" for effort is not good enough if it means subjecting the American people to a "C"-grade Constitution.

As a Senator, I believe I have a constitutional duty not to inflict on the American people and our busy courts a new constitutional provision when I and they have no idea what it means in the most obvious type of case to which it theoretically might apply. And I have a constitutional duty as a Senator not to pass the buck to the courts by saying, "Here's a new constitutional provision that no one understands. Go make something up."

When Madison, Jefferson and their compatriots wrote the original Constitution, they did not settle for "don't worry, someone else will figure this out later." Nor should we.

I ask unanimous consent to include in the RECORD, a letter to me from the NAACP dated April 10, 2000, opposing the proposed constitutional amendment, and a letter to Senators LOTT and DASCHLE dated April 19, 2000, from over 300 law professors opposing the proposed amendment as unnecessary and dangerous.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON BUREAU—NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, April 10, 2000.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Since this nation was first founded, Americans of color have been the victims of all types of crimes—both violent and non-violent—in disproportionately high numbers. It is for this reason that the National Association for the Advancement of Colored People (NAACP) has always had a keen interest in seeing that crime victims are treated honorably, fairly and compassionately by the American judicial system, and that in the end they feel that justice has been served.

Yet people of color have also historically been wrongly accused in this nation of crimes varying from the very minor to the most heinous. It is for this reason that the NAACP has also been a strong and steadfast supporter of the Constitution, the Bill of Rights, and the concept of due process in the American judicial system. It is our deeply held belief in the need to protect the innocent and allow every American the right to a fair trial that leads us to oppose S.J. Res. 3, the proposed constitutional amendment to protect the rights of victims of crimes.

While we are very sympathetic to the rights and the needs of crime victims throughout this nation, and while we agree that victims are often not treated as compassionately as they should be by the judicial system, the NAACP does not believe that S.J. Res. 3 is the answer. Rather than expend the time and energy necessary for the enactment of an amendment to the Constitution, the NAACP urges you to work together and with state legislatures to develop comprehensive packages of laws that address the specific and diverse needs of crime victims. The statutory route is preferable as it is easier to update laws and to fit them to the changing yet very specific needs of victims, and laws, as opposed to a broadly worded constitutional amendment which is less likely to have long-lasting negative repercussions on the rights of the accused.

The NAACP appreciates and commends the attempts of the members of the Senate to improve the way in which the American judicial system treats crime victims, and we agree that we can and should do more to see that victims feel safe and have closure after their ordeal. We support efforts to pass laws that help victims of crimes, and we would like to work with you to develop a more narrowly tailored and effective package. Yet we cannot support S.J. Res. 3 for, as well meaning as it is, we have grave concerns that the negative effects this amendment would have on the rights of the accused seeking a fair and impartial trial would outweigh the benefits it bestows upon victims.

Thank you in advance for your attention to the concerns of the NAACP. If you have any questions or comments, I hope that you will feel free to contact me at (202) 638-2269. I look forward to working with you on this serious and important issue.

Sincerely,

HILARY O. SHELTON,
Director.

April 19, 2000.

Hon. TRENT LOTT,
Senate Majority Leader, Russell Senate Office Building, Washington, DC

Hon. TOM DASCHLE,
Senate Minority Leader, Hart Senate Office Building, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE: We are law professors and practitioners who oppose adding a "Victims' Rights Amendment" to the Constitution (S.J. Res. 3). Although we commend and share the desire to help crime victims, amending the Constitution to do so is both unnecessary and dangerous. Indeed, ultimately the amendment is likely to be counter-productive in that it could hinder effective prosecution and put an enormous burden on state and federal law enforcement agencies.

The Constitution has been amended only 17 times since ratification of the Bill of Rights in 1791. Amendments should be added to our basic charter of government only when there is a pressing need that cannot be addressed in any other way. No such necessity exists in order to protect the rights of crime victims. Virtually every right contained in the proposed Victims' Rights Amendment can be safeguarded by statute.

Thirty-three states have passed constitutional amendments and every state has either a state constitutional amendment or statute that protects victims' rights. Many of the rights offered by the VRA are already protected by these laws. For example, restitution for crime victims is required in federal court by the Antiterrorism and Effective Death Penalty Act of 1996 and in every state by statute or constitutional amendment. Similarly, the right of victims to attend proceedings can be protected by statute as shown by laws that exist in many states and by the recent federal legislation that mandates that victims be allowed to attend even if they will be testifying during the sentencing phase of the proceedings. Victim impact statements are now a routine part of sentencing proceedings at both the federal and state levels. There is every reason to believe that the legislative process will continue to be responsive to protecting crime victims so that there is simply no need to amend the Constitution to accomplish this.

Not only is the VRA unnecessary, there are grave dangers in amending the Constitution. The framers were aware of the enormous power of the government to deprive a person of life, liberty and property in criminal prosecutions. The constitutional protections accorded criminal defendants are among the most precious and essential liberties provided in the Constitution. The VRA will undermine these basic safeguards. For example, the proposed Amendment would give a crime victim the right "[t]o a final disposition of the proceedings relating to the crime free from unreasonable delay." Any victim of a violent crime has standing under the Amendment to intervene and assert a constitutional right for a faster disposition of the matter. This could be used to deny defendants needed time to gather and present evidence essential to prepare their defense, resulting in innocent people being convicted. It could also be used to force prosecutors to trial before they are ready, leading to guilty people going free.

Section three of the proposed Amendment authorizes Congress to enact legislation to enforce the Amendment. This authority could be used to negate the rights of criminal defendants in an effort to protect crime victims. Courts would then face the enormously difficult task of determining the extent to which legislation to implement the new Amendment can undermine the rights of those accused of crimes.

Moreover, the Amendment is likely to be counter-productive because it could hamper effective prosecutions and cripple law enforcement by placing enormous new burdens on state and federal law enforcement agencies. Prosecutions could be hindered by the creation of an absolute right for crime victims to attend and participate in criminal proceedings. In many instances, the testimony of a prosecutorial witness will be compromised if the person has heard the testimony of other witnesses. Yet, the proposed Amendment creates a constitutional right for a victim to be present at criminal proceedings even over defense or prosecution objections.

Prosecutorial efforts could also be hampered by the ability of crime victims to "submit a written statement . . . to determine . . . an acceptance of a negotiated plea or sentence." It is unclear how much weight judges will be required to give to a crime victim's objection to a plea bargain. Over 90 percent of all criminal cases do not go to trial but are resolved through negotiation. Even a small increase in the number of cases going to trial would unduly burden prosecutors' offices. There are many reasons why prosecutors enter into plea agreements such as allocating scarce prosecutorial resources, concerns about weaknesses in the evidence, or strategic choices to gain the cooperation of one defendant to enhance the likelihood of convicting others. Prosecutorial discretion would be seriously compromised if crime victims could effectively obstruct plea agreements or require prosecutors to disclose weaknesses in their case in order to persuade a court to accept a plea.

The Amendment would impose tremendous financial costs on state and federal law enforcement agencies. These departments would be constitutionally required to make reasonable efforts to find and notify crime victims every time a case went to trial, every time a criminal case was resolved, and every time a prisoner was released from custody. Additionally, the Amendment can be interpreted as creating a duty for the government to provide attorneys for crime victims. The term "victim's representative" in section two might well be seen as creating a right to counsel in order to adequately protect these newly created rights. Criminal defendants do not receive adequate counsel in many cases. Adding the financial burden of providing counsel to victims will likely further limit defendants' access to counsel.

Protecting crime victims by federal and state statutes provides flexibility that is absent in a federal constitutional amendment. Moreover, amending the Constitution in this way changes basic principles that have been followed throughout American history. Principles of federalism always have allowed states to decide the nature of the protection of victims in state courts. The ability of states to decide for themselves is denied by this Amendment. Also, no longer would protecting the rights of a person accused of crime be a preeminent focus of a criminal trial.

Crime victims deserve protection, but that must not be accomplished at the expense of the rights of the accused. As law professors and practitioners we urge the rejection of the proposed Victim's Rights Amendment as unnecessary and dangerous.

Sincerely,

Prof. Richard Abel, University of California, Los Angeles School of Law; Prof. David Abraham, University of Miami School of Law; Prof. Catherine Adcock Admay, Duke University School of Law; Prof. Albert W. Alschuler, University of Chicago Law School; Prof. Scott Altman, University of Southern California Law School; Prof. Anthony G. Amsterdam, New York University School of Law; Prof. Roger Andersen, University of Toledo College of Law; Prof. Ellen April, Loyola Law School, Los Angeles, CA.

Asst. Prof. John A. Barrett, Jr., University of Toledo College of Law; Prof. Elizabeth Bartholet, Harvard University Law School; Prof. Katharine T. Bartlett, Duke University Law School; Prof. Robert Batey, Stetson University College of Law; Prof. Christopher L. Blakesley, Louisiana State University Law Center; Prof. Jack Charles Boger, University of North Carolina School of Law; Prof. Jean Boylan, Loyola Law School, Los Angeles, CA; Prof. Ralph Brill, Chicago-Kent College of Law.

Prof. Peter Arenella, University of California, Los Angeles School of Law; Prof. David Baldus, University of Iowa College of Law; Prof. Fletcher N. Baldwin, Jr., University of Florida College of Law; Prof Susan Bandes, DePaul University College of Law; Prof. Stephen F. Barnett, University of California, Berkeley School of Law; Prof. Donald F. Clifford, University of North Carolina School of Law; Prof. Donna Coker, University of Miami School of Law; Prof. David Cole, Georgetown University Law Center; Prof. John O. Cole, Mercer University Law School; Prof. Doriane L. Coleman, Duke University School of Law; Prof. George Copacino, Georgetown University Law Center; Prof. James D. Cox, Duke University School of Law; Prof. Jerome McCristal Culp, Duke University School of Law.

Prof. Mark Brown, Stetson University College of Law; Prof. John Burkoff, University of Pittsburgh School of Law; Prof. Paul D. Carrington, Duke University School of Law; Prof. George C. Christie, Duke University School of Law; Prof. C. Antoinette Clarke, University of Arkansas at Little Rock School of Law; Prof. Christine Desan, Harvard University Law School; Prof. Norman Dorsen, New York University School of Law; Prof. Donald W. Dowd, Villanova University School of Law; Prof. Joshua Dressler, McGeorge School of Law, University of the Pacific; Prof. Robert F. Drinan, Georgetown University Law Center; Assoc. Prof. James Joseph Duane, Regent University School of Law; Prof. Melvyn R. Durchslag, Case Western Reserve University Law School; Prof. Fernand N. Dutile, Notre Dame Law School.

Prof. Harlon L. Dalton, Yale Law School; Prof. Wes Daniels, University of Miami School of Law; Prof. Richard A. Danner, Duke University School of Law; Prof. George C. Christie, Duke University School of Law; Prof. Derryl D. Dantzler, Mercer University Law School; Prof. James J. Fishman, Pace University School of Law; Prof. Catherine Fisk, Loyola Law School, Los Angeles, CA; Prof. Alyson Floumoy, University of Florida College of Law; Prof. Judy Fonda, Loyola Law School, Los Angeles, CA; Prof. Eric M. Freedman, Hofstra University School of Law; Prof, Monroe H. Freedman, Hofstra University School of Law; Prof. Richard D. Friedman, University of Michigan Law School; Prof. Edward McGuinn Gaffney, Jr., Valparaiso University School of Law.

Prof. Phoebe Ellsworth, University of Michigan; Prof. Anne S. Emanuel, Georgia State University College of Law; Prof. Deborah Epstein, Georgetown University Law Center; Assoc. Prof. Bryan K. Fair, University of Alabama School of Law; Prof. Roger Findley, Loyola Law School, Los Angeles, CA; Prof. Richard K. Greenstein, Temple University School of Law; Prof. Ariela Gross, University of Southern California Law School; Prof. Phoebe A. Haddon, Temple University School of Law; Prof. Eva Hanks, Yeshiva University, Benj. Cardozo School of Law; Dean Joseph D. Harbaugh, Nova Southeastern University, Shepard Broad Law Center; Prof. David Harris, University of Toledo College of Law; Prof. Lynne Henderson, Stanford Law School; Prof. Susan N. Herman, Brooklyn Law School.

Prof. William S. Geimer, Washington and Lee University School of Law; Prof. Bennett L. Gershman, Pace University School of Law; Prof. Daniel J. Goldberger, Ohio State University College of Law; Prof. Phyllis Goldfarb, Boston College Law School; Prof. Robert D. Goldstein, University of California, Los Angeles School of Law; Prof. Ken Graham, University of California, Los Angeles School of Law; Prof. Samuel Gross, University of Michigan Law School; Prof. Martin Guggenhein, New York University School of Law; Prof. Paul M. Kurtz, University of Georgia School of Law; Prof. David L. Lange, Duke University School of Law; Prof. Richard Lempert, University of Michigan Law School; Prof. David Leonard, Loyola Law School, Los Angeles, CA.

Prof. Randy Hertz, New York University School of Law; Lecturer Kenneth E. Houp, Jr., University of Texas School of Law; Prof. Alan Hyde, Rutgers University School of Law; Prof. Stewart Jay, University of Washington School of Law; Prof. Paul R. Joseph, Nova Southeastern University Law Center; Prof. Yale Kamisar, University of Michigan Law School; Prof. Mark Kelman, Stanford Law School; Prof. Bailey Kuklin, Brooklyn Law School; Prof. Brenda Jones Quick, Detroit College of Law at Michigan State; Assoc. Prof. Kathleen Ridofi, Santa Clara University School of Law; Prof. Dean H. Rivkin, University of Tennessee College of Law; Prof. Robert Rosen, University of Miami School of Law.

Prof. Christine A. Littleton, University of California, Los Angeles School of Law; Prof. Holly Maguigan, New York University School of Law; Prof. Mari Matsuda, Georgetown University Law Center; Prof. Christopher May, Loyola Law School, Los Angeles, CA; Prof. Carolyn McAllaster, Duke University School of Law; Prof. Andrew McClurg, University of Arkansas, Little Rock School of Law; Prof. Joel S. Newman, Wake Forest University School of Law; Prof. James O'Fallon, University of Oregon School of Law; Prof. Robert Popper, University of Missouri-Kansas City School of Law; Assoc. Prof. Grayfred B. Gray, University of Tennessee College of Law; Prof. Clyde Spillenger, University of California, Los Angeles School of Law; Prof. Joan Steinman, Chicago-Kent College of Law.

Prof. Thomas D. Rowe, Jr., Duke University School of Law; Prof. Susan Rutberg, Golden Gate University School of Law; Assoc. Dean Rob Saltzman, University of Southern California Law School; Prof. Michael Meltsner Northeastern University School of Law; Prof. Wallace J. Mlyniec, Georgetown University Law Center; Prof. Andre Moenssens, University of Missouri-Kansas City School of

Law; Prof. Emeritus Melvin G. Shimm, Duke University School of Law; Prof. Kenneth W. Simons, Boston University School of Law; Prof. J. Clay Smith, Jr., Howard University School of Law; Prof. Girardeau A. Spann, Georgetown University Law Center; Prof. H. Richard Uviller, Columbia University School of Law; Prof. William W. Van Alstyne, University of California, Los Angeles School of Law.

Prof. Margaret Stewart, Chicago-Kent College of Law; Prof. Allen Sultan, University of Dayton School of Law; Prof. Nkechi Taifa, Howard University School of Law; Prof. J. Alexander Tanford, Indiana University School of Law—Bloomington; Prof. Andrew E. Taslitz, Howard University School of Law; Prof. David C. Thomas, Chicago-Kent College of Law; Prof. Jack L. Sammons, Mercer University Law School; Prof. Jane Schacter, University of Wisconsin Law School; Prof. Stephen Schnably, University of Miami School of Law; Prof. Peter Tillers, Yeshiva University, Benj. N. Cardozo School of Law; Prof. Laura Underkuffler, Duke University School of Law; Prof. Charles Ogletree, Harvard Law School.

Prof. Michael Vitiello, McGeorge School of Law, University of the Pacific; Prof. Welsch S. White, University of Pittsburgh School of Law; Prof. Donald E. Wilkes, Jr., University of Georgia School of Law; Prof. Gary Williams, Loyola Law School, Los Angeles, CA; Prof. Bernard Wolfman, Harvard University Law School; Prof. Larry W. Yackle, Boston University School of Law; Prof. George C. Thomas III, Rutgers, S.I. Newhouse Center for Law and Justice; Prof. Larry Alexander, University of San Diego; Assoc. Dean Fred G. Slabach, Whittier Law School; Prof. William Wesley Patton, Whittier Law School; Assoc. Prof. Rachel Vorspan, Fordham University School of Law; Prof. Alyson Cole, University of Michigan.

Prof. Angela Jordan Davis, Washington College of Law America University; John Payton, Wilma, Cutler & Pickering Washington, DC; Assoc. Prof. Paulette J. Williams, University of Tennessee College of Law; Prof. Susan Looper-Friedman Capital University Law School; Asst. Prof. Mellissa Cole, St. Louis University School of Law; Prof. Beatrice Moulton, University of California Hastings College of the Law; Prof. Victor Romero, Pennsylvania State University, Dickinson School of Law; Prof. Peter Edelman, Georgetown University Law Center; Prof. Richard B. Bilder, University of Wisconsin Law School; Prof. Robert P. Schuwert, University of Houston Law Center; Prof. Ellen Suni, University of Missouri-Kansas City School of Law; Prof. Nancy Levit, University of Missouri School of Law.

Prof. James G. Wilson, Cleveland State University Law School; Lecturing Fellow Brenda Berlin, Duke University Law School; Prof. Gilbert Paul Carrasco, University of Oregon Knight Law Center; Prof. Douglas J. Whaley, Ohio State University College of Law; Dean McClindon, Howard University; Dean Michael Newsom, Howard University; Prof. Morell E. Mullins, University of Arkansas-Little Rock Law School; Prof. Joseph F. Smith, Jr., Nova Southeastern University Law Center; Prof. Dan Simon, University of Southern California Law School; Assoc. Prof. Gary L. Anderson, University of Tennessee College of Law; Prof. Derrick Bell, New York University Law School; Prof. Leroy D. Clark, Catholic University Law School.

Prof. Sarah Welling, University of Kentucky College of Law, Prof. Sally Frank, Drake University Law School; Prof. Kevin W. Saunders, University of Oklahoma; Prof. Elizabeth Samuels, University of Baltimore School of Law; Prof. Anne Schroth, University of Michigan Law School; Prof. David M. Skover, Seattle University of Law School; Prof. Paul H. Brietzke, Valparaiso University School of Law; Prof. Christopher D. Stone, University of Southern California Law School; Prof. Theodore J. St. Antoine, University of Michigan Law School; Prof. Paul Finkelman, University of Tulsa College of Law; Prof. Robert A. Sedler, Wayne State University, Detroit Michigan; Prof. Joseph Dodge, University of Texas Law School; Prof. David E. Vandercoy, Valparaiso University School of Law.

Prof. Glenn Harlan Reynolds, University of Tennessee College of Law; Prof. Peter Linzer, University of Houston Law Center; Prof. Robert A. Burt, Yale Law School; Prof. Jerome H. Skolnick, New York University Law School; Prof. Jordan Paust, University of Houston Law Center; Prof. Speedy Rice, Gonzaga University School of Law; Prof. Larry Yackle, Boston University; Prof. Stanley Fisher, Boston University; Prof. Thomas Baker, Drake University Law School; Prof. Lee Pizzimenti, University of Toledo College of Law; Prof. Howard M. Friedman, University of Toledo College of Law; Prof. Daniel J. Steinbock, University of Toledo College of Law; Prof. Alexander M. Capron, University of Southern California Law Center.

Prof. Gary S. Gilden, Pennsylvania State University; Prof. Gary Blasi, University of California, Los Angeles Law School; Prof. Stephen C. Yeazell, University of California, Los Angeles Law School; Prof. Kenneth Brown, University of North Carolina Law School; Prof. John Copacino, Georgetown University Law Center; Prof. James Klein, University of Toledo College of Law; Prof. Jane R. Wettach, Duke University Law School; Prof. Naomi Mezey, Georgetown University Law Center; Brian Wolfman, Public Citizen Litigation Group, Washington, DC; Prof. Kimberley Hall Barlow, University of California at Los Angeles Law School; Prof. Diane Dimond, Duke University Law School.

Prof. Eugene Volokh, University of California, Los Angeles Law School; Prof. James G. Pope, Rutgers State University S.I. Newhouse Center for Law and Justice; Prof. Mary Ellen Gale, Whittier Law School; Prof. Susan H. Herman, Brooklyn Law School; Prof. Nadine Strossen, New York Law School; Prof. Richard Klein, Touro College Jacob D. Fuchsburg Law Center; Prof. Lori Andrews, Chicago-Kent College of Law; Prof. Craig Bradley, Indiana University—Bloomington School Law; Prof. Christine Goodman, University of California, Los Angeles School of Law; Prof. Peter Lushing, Yeshiva University, Benj. N. Cardozo School of Law; Prof. John Scanlan; Indiana University—Bloomington, School of Law.

Prof. David L. Chambers, University of Michigan Law School; Prof. Stewart J. Schwab, Cornell University Law School; Prof. Bridget McCormack, University of Michigan Law School; Prof. Natsu Taylor Saito, Georgia State University Law School; Prof. Patricia Bryan, University of North Carolina Law School; Prof. Harlon L. Dalton, Yale Law School; Prof. Diane Geraghty, Loyola University—Chicago; Prof. Susan Herman, Brooklyn Law School; Prof. Marina Hsieh, University of Maryland; Prof. Martha Moran, University of Alabama; Prof. Susan Poser, University of Nebraska; Prof. David Rudovsky, University of Pennsylvania; Prof. Stanley Fisher, Boston University; Prof. Sarah Burns, New York University School of law.

Prof. Roger Goldman, Saint Louis University; Prof. Frank Askin, Rutgers School of Law—Newark; Prof. Vivian Berger, Columbia Law School; Prof. Louis D. Bilionis, University of North Carolina School of Law; Prof. Ronald Chen, Rutgers School of Law—Newark; Prof. Margaret Russell, Santa Clara University; Prof. Phillipa Strum, Wayne State University Law School.; Prof. Leland Ware, Saint Louis University; Prof. Gary Williams, Loyola University—Los Angeles; Prof. Emeritus Eugene Feingold, University of Michigan; Prof. Frances Ansley, University of Tennessee College of Law; Prof. Gerald E. Uelmen, Santa Clara University; Prof. Elizabeth M. Schneider, Brooklyn Law School; Prof. David R. Dow, University of Houston Law Center.

Prof. Michael Kent Curtis, Wake Forest University School of Law; Assoc. Prof. Morris Bernstein, University of Tulsa College of Law; Prof. John M. Levy, William and Mary Law School; Prof. Denise Morgan, New York University Law School; Assoc. Prof. Stephen C. Thaman, Saint Louis University; Prof. Lefty Becker, University of Connecticut School of Law; Prof. Ira C. Lupu, George Washington University Law School; Assoc. Dean Ralph G. Steinhardt, George Washington University Law School; Prof. Judith T. Younger, University of Minnesota; Prof. Ruti Teitel, New York Law School; Assoc. Prof. Sibyl Marshall, University of Tennessee Law School; Prof. Janet Cooper Alexander, Stanford Law School; Prof. Arnold H. Loewy, University of North Carolina School of Law; Mr. Norman Dorsen, New York University Law School.

Prof. Joel M. Gora, Brooklyn Law School; Prof. David Weissbrodt, University of Minnesota; Prof. David Kairys, Temple University School of Law; Prof. Don Doernburg, Pace University School of Law; Prof. Lois Cox, University of Iowa College of Law; Prof. Emeritus Samuel Mermin, University of Wisconsin; Prof. Steven G. Gey, Florida State University College of Law; Prof. Aviam Soifer, Boston College Law School; Prof. Arthur S. Leonard, New York Law School; Prof. Emeritus Ted Finman, University of Wisconsin—Madison; Prof. Lawrence M. Grosberg, New York Law School; Prof.

Eric Janus, William Mitchell College of Law; Assoc. Prof. Michael J. Gilbert, University of Texas—San Antonio; Prof. Jordan J. Paust, University of Houston Law Center.

Prof. Carlin Meyer, New York Law School; Prof. Lawrence O. Gostin, Georgetown University; Prof. Mark Strasser, Capital University Law School; Prof. Bruce J. Winick, University of Miami School of Law; Prof. Brian Bix, Quinnipiac Law School; Prof. Ronald D. Rotunda, University of Illinois College of Law; Assoc. Prof. Kathleen Wait, University of Tulsa College of Law; Prof. Donald N. Bersoff, Villanova Law School; Prof. Emeritus Donald P. Rothschild, George Washington University Law School; Mr. Paul Lawrence, Preston Gates & Ellis, Seattle, WA; Ms. Wendy C. Nakamura, San Diego, CA; Luz Buitrago, Berkeley, CA; Ms. Marjorie Esman, Adjunct, Tulane Law School.

Prof. Kenneth Lasson, University of Baltimore; Prof. Jayne W. Barnard, William and Mary Law School; Prof. Colin S. Diver, University of Pennsylvania; Asst. Prof. Judge Steve Russell, University of Texas-San Antonio; Prof. A. Michael Froomkin, University of Miami School of Law; Ms. Alice Bendheim, Phoenix, AZ; Mr. Roland O'Hare, Detroit, MI; Mr. William Hinkle, Hinkle & Smith, P.C., Tulsa, OK; Mr. John Burnett, Little Rock, AR; Ms. Sandra Michaels, Atlanta, GA; Mr. Jeremiah Gutman, New York, NY; Mr. Paul Grant, Juneau, AK; Prof. David Rudovsky, University of Pennsylvania Law School.

Ms. Gwen Thomas, Aurora, CO; Ms. Allison Steiner, Hattiesburg, MS; Ms. Candace M. Carroll, Sullivan, Hill, Lewin, Rez & Engel, San Diego, CA; Prof. Donald N. Bersoff, Villanova Law School; Ms. Jeanne Baker, Miami, FL; Ms. Denise LeBoeuf, Adjunct Prof, Loyola Law School, New Orleans; Prof. Rodney Uphoff, University of Oklahoma Law Center; Prof. Paul Bergman, University of California, Los Angeles School of Law.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from West Virginia.

Mr. BYRD. Mr. President, I have been asked by the two distinguished principal proponents, as I understand it, to allow the motion to proceed to be withdrawn by unanimous consent, after which I and others who are opposed to the constitutional amendment could proceed to make our speeches.

I am opposed to that procedure. I think that if we are going to call up constitutional amendments around here—and certainly Senators have a right to offer constitutional amendments—but if they are going to be called up, I think we ought to take the full time and discuss them, the full time allowed to us under the rules and discuss those amendments—pro and con—and not allow them to be withdrawn and then, afterwards make our speeches.

That does not make sense to this Senator. They have a perfect right—the proponents—to seek consent to have the amendments withdrawn. But I say, let's have a full discussion of them and then give consent to their being withdrawn.

I honor those proponents who have worked hard, especially the two principal ones, Mr. KYL of Arizona and Mrs. FEINSTEIN of California. They are very dedicated, very worthy, very formidable protagonists. I respect them and respect their viewpoints. They have as much right to disagree with me as I have with them. They certainly have the right to their viewpoints. I do not quarrel with that right at all.

Let me also say to the victims of crime, wherever they may be, if they be watching, listening or reading the congressional record of these statements, I certainly am not against victims' rights. I am sure I speak for all of those in this body who oppose this constitutional amendment. We are not against victims' rights. I am for victims' legitimate rights. As one who has been about as firm as any other Senator could be when it comes to dealing with criminals, as one who believes in capital punishment, as one who believes in the death penalty, as one who has seen a public execution, as one who believes in making the criminals pay, I certainly do not take a back seat to anyone when it comes to supporting legitimate victims' rights. I am for that. But I am not for this amendment to the Constitution of the United States.

I think victims' rights can be secured, are being secured, and will continue to have my support, when statutes are devised to protect those rights. But when it comes to amending the Federal Constitution, that is something else. That is entirely another matter. We don't need to amend the Federal Constitution to secure victims rights.

I saw them tearing a building down,
A group of men in a busy town;
With a "Ho, heave, ho" and a lusty yell,
They swung a beam and the sidewall fell.

I said to the foreman, "Are these men skilled
The type you'd hire if you had to build?"
He laughed, and then he said, "No, indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do."

I said to myself as I walked away,
"Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a wrecker who walks the town,
Content with the labor of tearing down?"

That is the picture we have before us. We are talking about the higher law of our land, the Constitution of the United States of America. It was centuries in the making, but it can be trivialized in a day.

We are talking about the Federal Constitution, the Constitution of the United States of America, the Constitution that was signed by 39 delegates on September 17, 1787.

Listen to them: New Hampshire, Nicholas Gilman and John Langdon; Massachusetts, Nathaniel Gorham and Rufus King; Connecticut, Roger Sherman and William Samuel Johnson; New York, Alexander Hamilton; New Jersey, William Paterson, David Brearley, William Livingston, Jonathan Dayton; Pennsylvania, Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas FitzSimons, Gouverneur Morris—the tall man with the peg leg—and James Wilson; Delaware, George Read, John Dickinson, Jacob Broom, Richard Bassett; Maryland, Daniel of St. Thomas Jenifer, Daniel Carroll, James McHenry; Virginia, George Washington, John Blair, James Madison; North Carolina, William Blount, Richard Dobbs Spaight, Hugh Williamson; South Carolina, Charles Pinckney, Charles Cotesworth Pinckney, John Rutledge, Pierce Butler; Georgia, William Few and Abraham Baldwin.

What would they think? What would they think of this amendment? Not what professor so-and-so of such-and-such university may think, but what would those framers of the Constitution say if they were here?

Most Americans can recall seeing the statue of "Blind Justice" holding aloft a balance scale in a courthouse or as a logo for a favorite TV crime show. It is an impressive and powerful representation with roots in Greek and Roman mythology.

The scale symbolizes the impartial weighing of evidence, while the blindfolded figure, the goddess Themis, symbolizes equal justice under the law for the accused.

But in a larger sense, the scale symbolizes something even more significant. It symbolizes competing interests—universal tensions, if you will—such as innocence versus guilt, truth versus falsehood, personal privacy versus the public welfare, the power of the State versus the rights of the individual. When those scales are put into equilibrium, they are said to be in balance, the right side weighed to be exactly at level with the left.

When it comes to human affairs, balance is a very difficult state to achieve. But once achieved, the sweet harmony of balance—one tension offset by just the right measure of the competing tension—allows for the calmest, most rational functioning of man's institutions of order.

Nowhere is the example of beautiful and near-perfect balance, despite competing and conflicting ambitions, goals, and passions more profoundly demonstrated than in that venerable charter, the U.S. Constitution, which I hold here in my right hand.

Our Constitution embodies the accommodation of such difficult-to-rectify aspirations as the National Government's need for supremacy and the individual State's need for autonomy. Our Constitution satisfies the States' desire to maintain order without trampling on the individual's right to enjoy liberty. Liberty. That is the key word. Liberty. Our Constitution bestows power on the institutions and offices of Government in such a way as to allow them to adequately carry out their duties and yet be curbed and checked by the duties and responsibilities of other officials and institutions. Such is the brilliance and the genius of our national charter that it has been amended only 27 times in our more than 200-year history. Ten of those 27 amendments, of course, comprise the Bill of Rights, leaving only 17 amendments in these 212 years. Seventeen amendments.

One of those—the prohibition amendment of 1919—was repealed, wiped out—that was the 18th amendment; it was wiped out by the 21st amendment. So take one away—the 18th amendment—and that leaves only 16 amendments.

One might say: How about the 21st amendment, which wiped it out? Don't subtract that one because there is a portion of that amendment that is still in the Constitution, and it will remain there until such time as it may be repealed. But you might say there are 16 amendments. Over 11,000 amendments to the Constitution have been introduced in both Houses.

The men who created this amazing—and it is amazing. One may read Shakespeare and one may read the Bible time and time and time again, and each time one reads that Holy Writ, he or she will find something new—every time. But think of this truly amazing, durable Constitution. It is a durable crucible for liberty. The men who created this durable, amazing, wonderful crucible for liberty were students of history and students of various methods of governing going back, back, back, back, back into the misty centuries of antiquity, long before 1787. They were students of the philosophies of the various methods of government. These men who wrote the Constitution came fresh from the mistakes of the experience of the Articles of Confederation, the first Constitution of the United States. They lived under the Articles of Confederation; they knew what the flaws of the Articles were. They knew where they fell short. They knew where those provisions were lacking. The memory of the Revolutionary War and the bloodshed in that struggle for freedom were at the forefront of their minds. They—the framers—God bless their names—bequeathed to me, to us, something very profound—something strong, yet something also quite delicate. Over the years, I have come to believe that we should tinker with their magnificent work only very, very rarely.

Each Member of this body takes an oath when he or she becomes a U.S. Senator, and there have only been 1852 men and women who have taken that oath to be Members of this great body. Think—just think—for a moment about that oath. Think about the words: "Support and defend the Constitution of the United States against all enemies, foreign and domestic." Then think, if you will, about the extreme difficulty of the procedure laid out in that same Constitution for changing that Constitution in any way. I do believe that the framers were quite wary of injudicious disruptions to, and even the meddling, piddling, tinkering, and tampering with the careful balance that they had so laboriously achieved. As in most things, they were only too right.

In the 106th Congress, as of April 17 of this year, there had been 63 constitutional amendments proposed—63 constitutional amounts proposed. The Senate has only been in session 43 or 45 days this year. In the 105th Congress, there were 107 constitutional amendments proposed. I think that it is clear the framers' fears were quite well founded. These amendments are proliferating at an unalarming level.

That is why I have taken the floor on yesterday, that is why I have taken it today, and that is why I shall take it, the Lord willing, time and time again in the days to come.

These amendments are proliferating at an alarming level. It seems that we are almost intent on disrupting what has served us and continues to serve us so well—the elegant wisdom and the very careful balance inherent in the Constitution. For the second time within 30 days, the U.S. Senate—that remarkable body which Gladstone, who had been Prime Minister of Britain four times, remarked about—"that remarkable body," the U.S. Senate, "the most remarkable of all of the inventions of modern politics," the U.S. Senate is being called upon to adopt an amendment to the U.S. Constitution.

It would be laughable if it weren't so serious.

Who are we to conjure up all of these myriad amendments to that great document?

So I say the Senate perhaps had better adopt a resolution designating April as "Amend the Constitution Month."

Let's have at it. Let's have a resolution calling April, the fourth month of this year of our Lord, the year 2000, the last year in the 20th century, the last year in the second millennium.

Fie on the media, and fie on politicians who try to hand the American people all of this flimflam about this year's being the first year of the 21st century—this year's being the first year of a new century. Take the old math, take the new math, whatever math you want to take. It all comes out the same.

There are 100 years in every century, and 1,000 years in every millennium. We are today in the last year of the 20th century.

I was invited down to the White House a few days before the beginning of the new year. I don't go down very often. I don't get invited down as much as I used to, but it doesn't bother me. I went down when I was majority leader, when I was minority leader, and when I was majority leader again, and when I was President pro tempore of the Senate—all too much. I got tired of going down there.

I must say they were very kind to invite me down to what I think they called the New Millennium party.

I said to my fine staff person, you tell that nice lady that the new millennium hasn't begun yet, and it won't begin until the year 2001, January.

Now we have the latest constitutional amendment—something called the crime victims' rights constitutional amendment, with the Senate poised to consider it following, you guessed it, "National Crime Victims' Rights Week," a week during which the Senate was in recess.

Does this suggest something to us? To me, it suggests a less than serious, dare I say somewhat frivolous, view of the gravity and far-reaching nature of constitutional amendments in general, and of this constitutional amendment in particular.

To those victims out there who are watching over that electronic eye, let me assure you again that I am for your legitimate rights. But I am not for adding an amendment to the Constitution. It isn't necessary.

The amendment which is being proposed is intended to restore and preserve—although I understand there were some negotiations going on with respect to this amendment as to how it might be changed and altered from what it is in the printed amendment upon the desks of Senators, negotiations going on with the White House, I understand. Why the White House? What do they have to do with it? The President of the United States doesn't sign a joint resolution that carries a constitutional amendment. That is a joint resolution that doesn't go to the President's desk. He can't veto it. He can't sign it. Why negotiate with him?

The amendment which is being proposed is intended to restore and preserve, "as a matter of right for the victims of violent crimes, the practice of victim participation in the administration of criminal justice that was the birthright of every American at the founding of our Nation."

This is a very impressive goal for the amendment, and, if the matter only stopped there, undoubtedly it would enjoy the sympathy and the support of every Member of this body because who is there who would be opposed to the legitimate rights of victims of violent crime? The title and the substance of the measure are certainly worthy of consideration.

The Committee on the Judiciary recommended that victims' rights under nine general headings be protected in the amendment to the Federal Constitution. These nine rights are set forth as follows: (1) a right of victims to receive notice of criminal justice proceedings; (2) a right of victims to attend criminal justice proceedings related to crimes perpetrated against them; (3) a right of victims to be heard at five points in the criminal justice process, namely, plea bargains, bail or release hearings, sentencing, parole hearings, and pardon or commutation decisions; (4) a right of victims to notice of, and an opportunity to submit a statement concerning, a proposed pardon or commutation of sentence; (5) a right of victims to notice of release or escape of the accused; (6) a right to consideration of the victims' interest in a trial free from unreasonable delay; (7) a right of victims to an order of restitution; (8) a right of victims to have their own safety considered whenever an accused or convicted offender is released from custody.

These sound like good things, good amendments. They are good.

No. 9, notice to the victims of these rights inasmuch as such rights are of little use if the victims remain unaware of them.

What is wrong with that? Nothing is wrong with that. We can all be for that.

These participatory rights of victims are laudable and are worthy of consideration, certainly in the instance of legislation, but not when it comes to amending the Federal Constitution.

Such rights can already be assured—here is the problem—such rights, as those we are talking about, can already be assured to victims by Federal or State legislation.

The majority states in the committee report that the first Federal constitutional amendment to protect the rights of crime victims was introduced with hearings thereon in 1996 and that additional hearings were conducted in 1997, 1998, and 1999. The report also indicates that over these years, many changes were made to the original draft, several of which responded to concerns expressed in the hearings.

The fact that so many changes were made over the years indicates to me that the subject matter could be better dealt with by legislation than by a Federal constitutional amendment. If it needs changing, if it needs modifying, if it needs altering, it can be done by legislation. And if we find that something is wrong and it isn't working right, we can change that law again the next session. We can even change it during this session. Congress can change, can alter, can modify, can amend the law almost overnight, if necessary, but not a constitutional amendment. That would take years to do. Statutes can be modified and refined by subsequent legislation during a single session of the legislative branch. But once a constitutional amendment is set into place, the only way to refine or amend that constitutional amendment is to further amend the Constitution of the United States, a procedure which necessarily requires years to do. The Prohibition amendment was on the books from January 1919 to December 1933. It took years.

What are we talking about? This Constitution may not be perfect, but this amendment wasn't perfect. It was changed, and then it was changed, and then it was changed again, and now it is being pulled back because there need to be further changes. What does that tell us? What if it had been welded into the Constitution of the United States and then they would have found, lo and behold, this ought to be changed, this isn't right, this is wrong, we need to change it. That is a long process.

I was interested, as I scanned the committee report, to note that the two legal experts who testified in support of the amendment in the first hearing in 1996 testified again and again and again in the subsequent three hearings. Professor Paul Cassell—I have never had the pleasure of meeting that gentleman—Professor Paul Cassell of the University of Utah College of Law and Steve Twist, former chief assistant attorney general of Arizona, were the chief legal experts. They may have been the best in the Nation; I don't know. Professor Cassell appears at all four hearings in support of the amendment. It seemed to me there was a paucity of expert academic witnesses who appeared in furtherance of the amendment.

This duo—and I say it with great respect for them; they may be the best two in America—the same duo were heard over and over again. Wouldn't it have been well to have a few more? Wouldn't it have been well to add to the list of experts?

It should not go unnoticed that the committee report states that the U.S. Judicial Conference favors a statutory approach because it "would have the virtue of making any provisions in the bill which appeared mistaken by hindsight"—that is 20/20, you know—"to be amended by a simple act of Congress."

The report also says that the State courts favor a statutory approach to the protection of victims' rights, citing the fact that the Conference of Chief Justices—we only have one Chief Justice of the United States, but there are many chief justices of the 50 States—citing the fact that the Conference of Chief Justices has underscored "the inherent prudence of a statutory approach" which could be refined as appropriate.

Other major organizations, including several victims' groups, opposed the amendment, as is stated in the Committee report. For example, the National Clearinghouse for the Defense of Battered Women takes the position that statutory alternatives are "more suitable" than an amendment to the Federal Constitution. Victim Services, the nation's largest victim assistance agency, also opposes S.J. Res. 3, arguing that the proposed amendment "may be well intentioned, but good intentions do not guarantee just results". The National Network to End Domestic Violence, as well as the National Organization for Women Legal Defense and Education Fund, and Murder Victim's Families for Reconciliation, a national organization of family members of murder victims, are united in opposing the joint resolution. Moreover, prosecutors and other law enforcement authorities all across the country "have cautioned that creating special Constitutional rights for crime victims would have the perverse effect of impeding the effective prosecution of crime."

It seems to me that one of the foremost rights of a victim of crime would be to see the perpetrator of that crime brought to justice, tried, convicted, and punished. That is the first and foremost right of the victim.

The National District Attorneys Association has cautioned that the proposed amendment would "afford victims the ability to place unknowing, and unacceptable, restrictions on prosecutors while strategic and tactical decisions are being made about how to proceed with the case."

Prosecutorial discretion over plea bargaining "is particularly at risk" if S.J. Res. 3 were to be adopted. While I personally believe, and have long believed, that there is entirely too much plea bargaining—I believed that for a long time—the committee points out that a prosecutor may need to obtain the cooperation of a defendant who can bring down an entire organized crime ring, or may need to protect the identity of an informant-witness, or may think that the evidence against the defendant will not convince a jury beyond a reasonable doubt, in which case the accused killer, or whatever he might be, would go scot-free. Will the victim's rights have been upheld? Will the victim's rights have been secured if the killer goes free? If the robber goes free? If the burglar goes free?

In any event, I support the main objectives in the measure for the protection of victims' rights, but such protection can be afforded by legislation at the Federal and State levels, and there is absolutely no need for a Federal constitutional amendment to meet the needs set forth in the resolution.

The chief justices of the States have expressed grave concerns that the proposed constitutional amendment would lead to "extensive lower federal court surveillance of the day to day operations of state law enforcement operations."

Now, get that. How many times have we heard it said, "Get the Government off our backs! Get the Government off our backs!" Wasn't that one of the complaints in the great, so-called—what was it called?—contract, the great contract they talked about some few years ago, the Contract With America. Why, of course, that was one of the great things they talked about—Get the Government off our backs; Contract With America. Whoopee. Well, I will tell you, I have my Contract With America right here in my pocket. I know this Senator here, from Vermont, he had two men from Vermont who signed this Constitution, John Langdon and Nicholas Gilman. He has his Contract With America in his pocket—I have. It is called the Constitution of the United States.

Here we have grave concerns expressed by the chief justices of the States, grave concerns that the proposed constitutional amendment would lead to "extensive lower federal court surveillance of the day to day operations of state law enforcement operations." Get the Government off our back, they say on one hand. Then they say, Oh, let's adopt this constitutional amendment.

The minority view on the Senate Judiciary Committee shares these concerns, but states that the laudable goal of making State and law enforcement personnel more responsive to victims should not be achieved by establishing Federal court oversight of the criminal justice and correctional systems of the 50 States. They do not want the Government on their backs, so they do not support this proposed constitutional amendment.

The minority on the committee states that there is no pressing reason to displace State laws in an area of traditional State concern, and that there is no compelling evidence pointing to the need for another unfunded mandate.

They passed a bill here a few years back dealing with unfunded mandates. That was one of the first great so-called great plaints in the Contract—what was it? The Contract With America?

Mr. LEAHY. Mr. President, if the Senator will yield, I called it the Contract On America. They called it the Contract With America. I think it was a Contract On America.

Mr. BYRD. The Contract On America. All right. Call it a Contract On America.

The minority also states that there is no need for more Federal court supervision and micromanagement of State and local affairs, when every State is already working hard to address the issues in ways that are best suited to its own citizens and its own criminal justice system.

There have been some 63 drafts of the proposed amendment, and it remains both excessively detailed and decidedly vague. The level of detail provided in this amendment is inconsistent with the structure and the style of our country's great governing document, and, indeed, the resolution reads like a statute, which suggests that that is, in fact, how the problem of protecting the rights of crime victims should be addressed.

The majority report cites examples of overwhelming popular support and demonstrates that change toward better implementation of victims' rights is occurring now, already, in the States. The majority admits that "there is a trend"—the majority in this subcommittee report issued by the Judiciary Committee of the U.S. Senate—admits that "there is a trend toward greater public involvement in the process, with the federal system and a number of states now providing notice to victims." Hence, it is my belief that we, here at the Federal legislative level, should avoid the adoption of a Federal constitutional amendment and that we should allow the States to continue to come up with innovations of their own without undue Federal intervention in a matter which, basically, is in the purview of the States.

Our illustrious friends who are the chief cosponsors of the amendment, very honorable Members of this body, one from the Democratic side and one from the Republican side, have told us that they will be back. "We'll be back," they say.

In the meantime, I hope we can educate ourselves a little better with respect to the constitutional principles that we are here to defend and to protect. I hope that during this interim, while they are preparing to come back, that we will be educating ourselves a bit further and helping to educate others as to the history of American constitutionalism so that Senators, in the future, may be a little better prepared to take on this new amendment when it is brought back before the Senate, as we are assured that it will be.

I have heard, during this debate, that you can include these victims' rights in statutes, but they won't be enforced. Some of them are already in statutes, but they are not being enforced. That is what we heard the proponents say. They are not being enforced. They won't be enforced. They are in the laws of various States, but they are not being enforced so what we need is a constitutional amendment. How about that? How can we be assured that a constitutional amendment will be enforced?

Let's return to the Book our fathers read:

> 19 There was a certain rich man, which was clothed in purple and fine linen, and fared sumptuously every day:
>
> 20 And there was a certain beggar named Lazarus, which was laid at his gate, full of sores.
>
> 21 And desiring to be fed with the crumbs which fell from the rich man's table: moreover the dogs came and licked his sores.
>
> 22 And it came to pass, that the beggar died, and was carried by the angels into Abraham's bosom: the rich man also died, and was buried;
>
> 23 And in hell he lift up his eyes, being in torments, and seeth Abraham afar off, and Lazarus in his bosom.
>
> 24 And he cried and said, Father Abraham, have mercy on me, and send Lazarus, that he may dip the tip of his finger in water, and cool my tongue; for I am tormented in this flame.
>
> 25 But Abraham said, Son, remember that thou in thy lifetime receivedst thy good things, and likewise Lazarus evil things: but now he is comforted, and thou art tormented.
>
> 26 And beside all this, between us and you there is a great gulf fixed: so that they which would pass from hence to you cannot; neither can they pass to us, that would come from thence.
>
> 27 Then he said, I pray thee therefore, father, that thou wouldest send him to my father's house:
>
> 28 For I have five brethren; that he may testify unto them, lest they also come into this place of torment.
>
> 29 Abraham saith unto him, They have Moses and the prophets; let them hear them.
>
> 30 And he said, Nay, father Abraham: but if one went unto them from the dead, they will repent.
>
> 31 And he said unto him, If they hear not Moses and the prophets, neither will they be persuaded, though one rose from the dead.

That is the lesson. If the people in the States will not be persuaded by the statutes of the States that are already on the books, if they cannot be enforced, then will they listen to Moses and the prophets even if they rose from the dead? Will they hear even if it is a Federal constitutional amendment?

Why should we think they will hear better, that they will see better, that they will honor more, that they will abide more by words that are written into the Federal Constitution than they will those words that are already written in the statute books of the States and the Federal statutes as well? If they will not hear them, they will not hear Moses and the prophets, even though they were brought from the dead.

If they will not abide by the statutes, if they will not enforce them, what is there to ensure us that they would enforce the strictures of a new constitutional amendment? And if they did not, what would we be doing to the Federal Constitution? We would trivialize it; we would minimize it; we would lower it in the estimation of the people.

When it comes to amending the highest law in our constitutional system, it behooves us to step back and behold the forest, not just the trees.

Once before in our history we amended the Constitution without carefully thinking through the consequences. That was when the 18th amendment, dealing with prohibition, was ratified on January 16, 1919.

I can remember as a boy seeing those revenue officers come around to the coal company houses. I can see them climbing the hills of the coal mining community going to various houses, going into the woods, looking for the moonshine stills. Those were the revenuers, as they used to say—the revenuers. That was under prohibition. That amendment opened a Pandora's box, or as Senator JEFF BINGAMAN says, a box of Pandoras. That amendment opened a Pandora's box of unintended and unforeseen consequences, and it was not until almost 15 years later that the 21st amendment repealing the 18th amendment was ratified on December 5, 1933. It took a long time to get the genie back into the bottle, and we should have learned a lesson from that experience.

As a principle of simple prudence, we should be ever cautious about amending the organic law of our Nation. Justice Cardozo was explicit in his warning, uttered in the case of Browne v. City of New York, and we should heed that warning. Here it is:

> The integrity of the basic law is to be preserved against hasty or ill-considered changes, the fruit of ignorance or passion.

Mr. President, the Constitution itself in article V, the article that provides for amendments to the Constitution, carries such an implication. Here is what it says—listen carefully—as an implication against hasty or ill-considered changes:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, . . .

There is the warning, "whenever two-thirds of both Houses shall deem it necessary." The word "necessary" is not just a throwaway word that was just inserted to fill up space in article V of the U.S. Constitution. We can be sure that the constitutional framers chose the word carefully, as they did all other words in that unique document.

It was the word chosen by Governor Edmund Randolph when he presented the Virginia Plan to the Constitution on May 29, 1787. That is my wedding anniversary date. My wife and I were married on May 29. It will be 63 years ago on May 29. I will never forget it. And that is the date in 1787 that Edmund Randolph rose at that Constitutional Convention and laid down his plan containing 15 resolves, 15 resolutions. The 13th of the 15 resolutions, according to Madison's notes, read as follows:

> Resolved that provision ought to be made for the amendment of the Articles of Union whensoever it shall seem necessary, . . .

William Paterson of New Jersey laid the New Jersey Plan before the Convention on June 15, and with respect to amending the Constitution, he used the words that the Congress be authorized "to alter & amend in such manner as they shall think proper"—"in such manner as they shall think proper."

When one compares the pertinent language in the two plans, it is readily apparent that Randolph's language in the Virginia plan was the stronger and more exacting upon those who would undertake to amend the Constitution. Paterson's proposal provided for constitutional amendments in such manner "as they (the Congress) shall think proper." In other words, there is no requirement of necessity. The standard, "as they shall think proper," can vary with whim or caprice or political motivation. Thus, without any firm anchor, what may be thought "proper" one day, might very well not be thought "proper" on the next. But on the contrary, Randolph's language, "whenever two-thirds of both Houses shall deem it necessary,"—"whenever two-thirds of both Houses shall deem it necessary"—provides a surer anchor and firmer foundation, and like the warning sign at a railroad crossing, "stop, look, and listen", commands not only the rapt attention, but also the considered judgment and focus of those who would alter, modify, add to, or repeal the fundamental law of the Nation.

Needless to say, Randolph's language weathered the scrutiny of the Committee of Style and Arrangement; the Committee of Detail; the Committee of the Whole; and survived the storms and changing vicissitudes of the Convention itself.

The word "necessary" made it through all the committees, all the disputations, all the disquisitions, all the arguments, and came out at the end in that almost immortal document, the Constitution of the United States.

That word "necessary" is not just an empty word. It is not just a place holder. It is not just a word to be thrown in to fill out the whole. It meant something. It required something. The word was "necessary." "Whenever two-thirds of the States shall deem it necessary to amend."

Supreme Court Justice Campbell, in Marshall versus Baltimore & O.R.R., offered these words which we might do well to ponder in this instance. Here is what he said: "The introduction of new subjects of doubt, contests and contradiction, is the fruit of abandoning the Constitutional landmarks."

We would profit greatly by reviewing the constitutional landmarks as we are confronted today with this proposed constitutional amendment.

Madison, in The Federalist No. 43, alluded to "that extreme facility which would render the Constitution too mutable"; and he proceeded to implore against appeals to the people that were too frequent.

This was Madison talking. In The Federalist No. 43, he alluded to "that extreme facility which would render the Constitution too mutable" and proceeded to implore against appeals to the people that were too frequent.

Here we have 11,000 of these proposed amendments to the Constitution that have been floating around in one or both Houses throughout the years—11,000.

In the Federalist No. 49 Madison warned: ". . . As every appeal to the people would carry an implication of some defect in the government, frequent appeals would in great measure deprive the government of that veneration which time bestows on everything, and without which perhaps the wisest and freest governments would not possess the requisite stability."

That was James Madison. He was only 36 years old, less than half my age. Listen to him. Let me say it again. He warned: . . . "As every appeal to the people"—as we are being asked to appeal to the people here with S.J. Res. 3—". . . As every appeal to the people would carry an implication of some defect in the government, frequent appeals would in great measure deprive the government of that veneration which time bestows on everything, and without which perhaps the wisest and freest governments would not possess the requisite stability."

In this same Federalist paper, Madison went on to say: "The danger of disturbing the public tranquility by interesting too strongly the public passions, is a still more serious objection against a frequent reference of Constitutional questions to the decision of the whole society."

Ah, what if Madison were here today to speak. The galleries would be filled. The media galleries would be crowded. There would not be a seat vacant. They would be all ears, all eyes, because this would be Madison, 36 years of age, purported to be the father of the Constitution, speaking.

Listen to him.

"But the greatest objection of all is, that the decisions which would probably result from such appeals, would not answer the purpose of maintaining the Constitutional equilibrium of the government."

Finally, Madison clinched his point, when he said: "It appears in this, that occasional appeals to the people would be neither a proper nor an effectual provision, . . ."

Mr. President, an overriding question, therefore, as we examine the proposed Constitutional amendment, is simply this: "Is it necessary?"

"Is it necessary?" That is the standard that is set forth in the verbiage of the Constitution: "Is it necessary?"

Penetrating light has been shed upon this question by the minority views of Senators LEAHY, KENNEDY, KOHL, and FEINGOLD, who, in the committee report, beginning on page 57, set forth a litany of major laws recently enacted by Congress to grant broader protections and provide more extensive services for victims of crime. Among these laws are the Victim and Witness Protection Act of 1982; the Victims of Crime Act of 1984; the Victims' Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mandatory Victims Restitution Act of

1996; the Victim Rights Clarification Act of 1997; the Crime Victims with Disabilities Awareness Act of 1998; the Identity Theft and Assumption Deterrence Act of 1998, as well as the Torture Victims Relief Act; and the Child Abuse Prevention and Enforcement Act, of March 10, 2000.

These are public laws. They have already been passed by both Houses. They have been signed into law.

Obviously, as the minority on the Senate Judiciary Committee point out, there is nothing in the U.S. Constitution that currently constitutes a barrier, that currently inhibits the enactment of State or Federal laws that protect crime victims.

With 33 States having adopted state constitutional amendments dealing with victims' rights, and while every State and the District of Columbia already have some type of statutory provision providing for increased victims' rights, including some or all of the rights enumerated in S.J. Res 3, what is needed is better enforcement of State laws and increased funding, not a Federal constitutional amendment.

This should be "as clear," as our former illustrious and dear colleague, the late Sam Ervin, used to say, "as the noonday sun in a cloudless sky."

Chief Justice Oliver Wendell Holmes once stated: "In my opinion, the Legislature has the whole lawmaking power except so far as the words of the Constitution expressly or impliedly withhold it." There is no indication whatsoever that the Federal Constitution of today provides any barrier—either expressly or impliedly—to the lawmaking power in the subject area of victims' rights. It would, therefore, be far better for lawmakers at the Federal and State levels to exert their talents toward enactment of any further legislation that may be needed—I will be there to join them—rather than pursuing a course of amending the U.S. Constitution.

Hamilton, in the Federalist No. 85—this is the final Federalist paper—states: "It appears to me susceptible of absolute demonstration, that it would be far more easy to obtain subsequent than previous amendments to the Constitution." How right he was. In the light of Hamilton's wise words, members of the Senate should proceed with the utmost caution in proposing and supporting Constitutional amendments.

It is more than noteworthy to again reflect upon the fact that during the 212 years of the American Republic, its organic law has been amended only 27 times—including the first time in which all ten amendments were ratified in one fell swoop. Those ten amendments constituted the Bill of Rights. During this period of over two centuries, more than 11,000 constitutional amendments have been proposed in Congress, but Congress has withstood the pressure behind this flood. Pheobe Cary's I long ago read poem about the lad who put his finger in the hole in the dyke: he "held back the sea by the strength of his single arm". The Senate must once again act to prevent a hole in the dyke which, if exploited here, might, in time, become a virtual flood.

Hamilton, in the Federalist Essay No. 85, states: "For my own part, I acknowledge a thorough conviction that any amendments which may, upon mature consideration, be thought useful, will be applicable to the organization of the government, not to the mass of its powers; . . ." It should be preeminently clear to all observers that the amendment we are considering at this time, would not, as Hamilton had noted, "be applicable to the organization of the government," but, instead, pertains "to the mass of its powers."

The Founders departed from practically all historical precedents by producing the system known as American federalism, and they did this with great care and skill, for the issue of the States' sovereignty was a flashpoint upon which the endeavor at Philadelphia could very quickly have disintegrated.

The Constitution really consists of two types of provisions. One set of provisions is concerned with structure—the separation of functions and powers, the departments of administration, the House of Representatives, the Senate, the President, the Judiciary, and their relations to one another. The other set of provisions is concerned with the relation of the States to the general government. The powers of the general government are limited and the powers of the States are also under certain restrictions.

This federalism was entirely new. There was nothing like it in the colonial charters or in the state Constitutions of 1776 and 1777. The development of federalism went through similar stages and took almost as long in its processes as the development of the structural parts of the Constitution. It had been an important and a much debated question for more than a 100 years before 1776, and more than 20 plans of power-sharing had been suggested and discussed.

As the Articles of Confederation clearly demonstrated, the protection of the States' prerogatives continued to be held very dear, even in the face of the exigencies of newly claimed independence and armed conflict with Britain. What the Framers successfully crafted in 1787 was a system which retained enough sovereignty for the States to keep them from rejecting the new Constitution, while at the same time providing sufficient power to the national government so that it could be effective at home, and establish a credible presence in international affairs—quite an achievement!

The minority on the Judiciary Committee—headed by my illustrious friend, the very able Senator from Vermont the 14th State—indubitably are of the view that the amendment before us constitutes a significant intrusion of Federal authority into a province traditionally left to State and local authorities. The minority viewpoint States a truism: "Under our federal system the administration of criminal justice rests with the states except as Congress, acting within the scope of those delegated powers, has created offenses against the United States." Screws vs. United States

Mr. President, let us view, therefore, with a jaundiced eye, this proposal to amend the Constitution. As I have already indicated, there is nothing in the Constitution which currently inhibits the National and State legislatures from enacting legislation and providing the necessary funds to deal with the many problems surrounding victims' rights.

Let me say again, for the benefit of those victims who may not be sitting nearby but who may be out there on the plains, in the Alleghenies, in the forests, on the lakes of this great country, let me say to them: There is nothing, absolutely nothing, in this Constitution which currently inhibits the National and State legislatures from enacting legislation and providing the necessary funds to deal with the many problems surrounding your rights, victims' rights—nothing!

All needful legislation at the national and local levels should be considered and should be exhausted before we embark upon a course that leads to a further amendment of the Constitution. That is what we are saying. Let's try all the others, and let's enforce the laws if they are not being enforced. Once we go down that road of amending the Constitution, one amendment leads to another amendment, and then to another amendment, and as Hamilton predicted in Federalist No. 85, "it would be far more easy to obtain subsequent than previous amendments to the Constitution." Willy-nilly amendments to the Constitution can only serve to trivialize it.

As Hippocrates admonished physicians everywhere, "Do no harm," we Senators who have taken an oath to support and defend the Constitution of the United States should measure our actions likewise: Let us do no harm to the Constitution. When amendments to the Constitution become a political way of life, when they dovetail with hortatory national weeks for this or for that, then we have transcended mere bumper sticker politics and entered the very shaky world of bumper sticker amendments to the U.S. Constitution. As a result, the public respect for that venerable document will certainly diminish. Just amend it enough and the public veneration for that unique document, the Constitution of the United States, will certainly diminish.

This particular amendment appears to contemplate rewriting the criminal justice code and placing that rewrite into the Constitution. If we wish to rewrite the criminal justice code, that is one thing. Let us have at it, let us be about it, and while we are about it, scan this proposed amendment for its best provisions to incorporate. Certainly, victims' rights, or rather protections, as I prefer to call them, are a cause that I can enthusiastically support. I can embrace them and hold them close to my heart. But why, oh why, do we need to take the step of pinning such a measure to the Constitution itself, rather like some sort of artificial tail? It would be quite funny if it weren't so serious.

The material which has been circulated in support of the need for this constitutional amendment seems to cite two primary reasons as its justification—the first being that the criminal justice system does not give adequate protection to the interests of victims of crimes, and the second being that existing statutory and State provisions are not uniform. While both may be true, neither is a reason for a constitutional amendment.

In the first instance, these concerns can be addressed through statutory means. In the second instance, the concern can also be addressed through statutory means, and to achieve it via the route of amending the Constitution could be deleterious to a very important bedrock principle in the Constitution. That principle is one of the main thrusts and achievements of the framers coming out of the experience of the Articles of Confederation, and one which is a central pillar of our Republic. What is that? Federalism!

Each of the States in its wisdom, through its legislature and its electorate, has the power and the right to protect and accommodate the interests of victims within its own criminal justice system. All of these decisions—those that have been made, and those that will be made in all 50 States—would become subservient to a constitutional standard if we were to adopt this amendment, which in all likelihood no one State would have chosen for its own particular citizens.

Obviously, the proposed amendment mandates a significant intrusion of the Federal Government into an area traditionally left to State and local authorities. Nearly 95 percent of all the crimes are prosecuted by the States. The Federal Government does not have general police power. As the Supreme Court reminded us in United States v. Lopez:

> Under our Federal system, the states possess primary authority for defining and enforcing the criminal law.

This proposed amendment could drastically shift the responsibility by forcing States to put consideration of these new victims' rights and protections on an equal footing with the rights of the accused. Furthermore, in the majority report accompanying this amendment, concerns about disruptions to federalism are deflected by the incredible assertion that States will have "plenary authority" to tailor the amendment to fit the needs of their various criminal systems—that they may flush out such definitions as "victims of crime" and "crimes of violence." So much for uniformity. They talk about uniformity. Well, so much for uniformity.

The result of such a reading of this amendment is, again, the very patchwork of laws that the proponents say they are trying to avoid. Moreover, for the first time, we will have turned the concept of federalism on its head by saying that States and various State laws may be allowed to implement the intent of a constitutional amendment. This is pure folly. What we will achieve if this poorly conceived amendment manages to end up as part of our Constitution is a serious aberration regarding the crowning achievement of the framers—federalism—and a recipe for a very nasty little stew of conflicting interpretations of what is and what is not a victim's right. I shudder to think of where that can lead us.

The term "victim" is undefined and could be interpreted to mean any number of individuals—some quite removed from the usual understanding. In the case of a murder, couldn't an entire family be considered "victims"? Take the tragedy at Columbine High School; could not the entire town of Littleton be considered "victims"? If a battered spouse, finally driven to retaliate to repeated violence, strikes back, is the abuser then also a "victim" and therefore entitled to a victim's protections?

An "exceptions" clause is included in this constitutional amendment. Consider that. Unlike any other part of the Constitution, we are inviting exceptions without stating who can make the exceptions. Are we suggesting that Federal constitutional rights can mean different things from State to State?

Please let us come to our collective senses. Let us come back down to earth again. Let us not shred the concept of federalism with one ill-considered vote in the frenzy of an election year.

Let us pay attention to what we are about to do, remembering John Marshall's words:

> We must never forget that it is a Constitution we are expounding.

This resolution, S.J. Res. 3, consists of 403 words. I counted them. I learned to count by the old math. Yes, I memorized my multiplication tables back in that little two-room schoolhouse in southern West Virginia more than 75 years ago. But it is still the same multiplication tables; it hasn't changed, and it won't change. This resolution consists of 403 words. I am including, of course, the headings. In itself, it exceeds the number of words in 9—not the first 9, but 9 of the 10 amendments comprising the Bill of Rights. Now, many of us have participated in that little game of counting the words. I did so, also. Why not? Why should I not?

According to the committee report accompanying this constitutional amendment, over 450 law professors expressed opposition to this amendment to the Constitution. Why weren't they invited to the hearings? In addition, the Cato Institute, the National Sheriffs' Association, the National Association of Criminal Defense Attorneys, the National Legal Aid and Defenders Association, the NAACP, the ACLU, the Justice Policy Institute, the Center on Juvenile and Criminal Justice, the Youth Law Center, the National Center on Institutions and Alternatives, the American Friends Service Committee, and the Friends Committee on National Legislation—among others—have expressed opposition to such an amendment. They take the position that statutes work, statutes are more flexible and are more easily enacted and more easily corrected and are more able to provide specific, effective remedies on behalf of victims of crimes.

The majority report cites President Clinton as having endorsed the constitutional amendment. Well, so what! President Clinton also supported the line-item veto, but the U.S. Supreme Court knocked it down. Presidents can be wrong and so can majorities.

The majority also cites the National Governors' Association as having passed a resolution in 1997 supporting a Federal constitutional amendment on victims' rights. So what?

As I recall, the National Governors' Association not too long ago also supported a constitutional amendment to balance the budget. Yes—a constitutional amendment to balance the Federal budget. The National Governors' Association supported that. The Federal Government has since balanced the budget, at least on paper, without resorting to a constitutional amendment.

We didn't need it. We didn't need it all along. But what if we had written it into the Constitution?

I submit that the rights of victims of crimes can be clarified and enhanced by legislation at the Federal and State levels without resorting to an amendment to the Federal Constitution.

For, as Madison cogently stated in the Federal No. 49, "A Constitutional road to the decision of the people, ought to be marked out, and kept open for certain great and extraordinary occasions." The occasion for this amendment falls far short of being either "great" or "extraordinary," and does not measure up to Madison's prescription. Congress can immediately pass a statute and provide the financial resources necessary to assist the states in giving force to their own locally-tailored statutes and Constitutional provisions, thus avoid tampering with our national charter.

Jesus said it well, when he sat at meat in the house of Levi: "No man also seweth a piece of new cloth on an old garment: else the new piece that filled it up taketh away from the old, and the rent is made worse." Let us not add this piece of clashing new cloth to the venerable and beautiful garment of the Constitution, lest the new piece trivialize the old and a rent is made in the carefully coordinated system of federal and state relations.

The Constitution of the United States was not meant to be a politician's plaything. It is not mine to play with. It is not yours to play with. It is not ours to play with. It is a sad commentary that we find ourselves having to prepare in haste, without adequate notice and under the strictures of possible cloture, to fend off this proposed change in our Federal Constitution. Think of it!

I do not question the sincerity of the proponents of the measure, but I do question the necessity for a constitutional amendment to achieve their goals and our goals. I also question the necessity, which is being forced upon us, to make such a basic decision under the Damocles' sword of limited debate. That is not what our forefathers had in mind for this great Senate.

Surely no Senator needs to reread history in order to remember how much blood and treasure it has cost throughout the long centuries, dating back to the Magna Carta and beyond, to establish the greatest document of its kind that was ever written—the Constitution of the United States, a Constitution which, in the words of Chief Justice Story, is "not intended to provide merely for the exigencies of a few years" but "to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence."

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to do what I have done several times on the floor this week, and that is to thank my good friend and colleague, the distinguished senior Senator from West Virginia. He is to all our colleagues not only a dear friend but a great mentor. As I have said—and I realize I repeat myself—I have learned so much history not only this week but in the 25 years I have served with him.

Senator BYRD was one of the very first Senators I met after I was elected to the Senate. We chatted at a dinner, in Boston, which he will recall, at the residence of the then-mayor of Boston—he and I and a classmate of mine from law school, John Durkin. John and I had both graduated from law school 10 years before, and probably of hubris, chutzpah, or foolishness, we were both running for the Senate—10 years later, in 1974. We met with Senator BYRD at that time.

I began my practice of keeping a journal. I recently went back to read it. The Senator from West Virginia told of his childhood—not being one born with a silver spoon in his mouth. There probably wasn't a silver spoon in the house. He told me what he had done—self-taught, went on to school, learned more, and learned history as few men in this country ever have. But then he had the opportunity not only to learn history but to live history, as he has done day after day after day for over 40 years in the Congress of the United States, in both bodies.

I wrote down some of the things he said that night. I even wrote down the music we heard that evening.

When I came to the Senate as a 34-year-old—I was going to say "former prosecutor" but the first time I met him was before I was sworn in. I was still a prosecutor. I recall meeting with him during the lame duck session. I don't want to embarrass my good friend from West Virginia, because he met so many young Senators. But I remember so well that it was a lame duck session. I sat in the reception room and Senator BYRD came out. I started to reintroduce myself—after all, he meets so many—and he immediately referred to having met me and Senator-elect Durkin. He had absolute, total recall of that time.

I think about this because recently in an unpleasant and unfortunate constitutionally necessary event in this body a year ago when all 100 Members of the Senate sat at the impeachment trial. I recall a member of the other body made disparaging remarks about the Senate and that the House Managers would have to simplify things so we Senators could understand it. He came over to introduce himself to the distinguished Senator from West Virginia. I was sitting here.

He said: Senator BYRD, I may have somewhat overstated that.

Senator BYRD looked at him and said: I want you to understand two things: I pay close attention and I have a long memory.

I repeated that to my oldest son and he said: Dad, Senator BYRD's right on both accounts.

I know that long memory and we benefit by it.

I was thinking today when I came to work how fortunate I am. I have said many times on the floor of the Senate, we serve at the wishes of our State, but service is a privilege. Every time I come to the Capitol I feel privileged. I have felt no more privileged in my 25 years than in the past few days in this debate on the constitutional amendment. We can not debate anything more significant on this floor, anything that will affect history, long after we have gone. Some day, all 100 Senators who now serve will be gone and others will take our place. I hope they revere the Constitution, too.

I have not enjoyed any debate more than I have the past few days, partly because of my friend from West Virginia. We stood on many battles together on constitutional amendments. The Senator mentioned the balanced budget. I am sure we could go to West Virginia, Vermont, or anywhere else and take a poll on whether voters want a balanced budget amendment to balance the budget and, resoundingly, yes would be the answer. Senator BYRD, myself, and others had to go back and explain to the people of our States: You have trusted us with this vote. If we pander to you on this, we misplace your trust. We have to do it the right way.

We have a dear friend, a former colleague, a man for whom we both have respect and great affection, the distinguished former Senator from Oregon, Mark Hatfield. He and the Senator from West Virginia have served alternately as chairman and ranking member and then as ranking member and chairman of the Senate Appropriations Committee. I have quoted Senator Hatfield on this floor, and I believe my friend from West Virginia remembers very well that balanced budget vote under enormous pressure on the Senator from Oregon, especially when he knew it would be a 1-vote margin. He said he would vote to protect the Constitution and do what was right. Both the Senator from West Virginia and I complimented him afterwards. I remember the steadfastness of Senator Hatfield.

That is what we have to do on this floor. We have stood together on very difficult treaty matters. We have stood side by side casting votes that at the time were unpopular. History has proven us right.

The Senator from West Virginia has cast well over 15,000 votes; I became the 21st person to cast 10,000 votes, so I have a long way to catch up. We can all go back and find votes we might do differently today. But if it is a statute, if it is an amendment, if it is a procedural motion we usually get a chance to vote on it again.

If it is a budget matter, whatever the issue might be, it is going to come up again and again. Use your experience to make sure you do it right—maybe modify it, maybe change it, maybe repeal it, maybe add to it. There is one exception—a constitutional amendment. Write a constitutional amendment. If that is then ratified, if that goes into effect, we do not come back and change it.

Look at the example the distinguished Senator from West Virginia mentioned about prohibition, a bad mistake in the Constitution. A lot happened. Finally it was changed, but only after a great battle.

That is why we should always hesitate. That is why the dean of our party, the No. 1 in seniority in our party, has opposed this proposed constitutional amendment. From one who is No. 6 in seniority to the Senator who is No. 1, I applaud what the Senator has done.

This is not a party issue. The Senator from West Virginia knows we have had Senators from both sides of the aisle, even some who were cosponsors, say, "You are right, let's back up." This proposed amendment will be withdrawn some time today. I hope the United States has learned the Constitution is not something to treat in a cavalier fashion.

I thank my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the able senior Senator from Vermont for his overly charitable words concerning me. I thank him for his steadfast support on the Constitution. I thank him for the positions he has taken on many occasions during the years we have served together—positions that were in the best interest of the Constitution, best interest of this institution, and in the best interest of our country.

I join with the Senator in recalling the new profile in courage that was established by our former colleague, Senator Hatfield. He stood as a rock under the pressures of colleagues. Those were difficult pressures, in the party conference. He was threatened with his position as chairman of the Appropriations Committee. That took courage. And he had it. He had the real stuff. I hope he is listening today. We don't forget men such as Mr. Hatfield.

Again, I thank my friend; he is my friend, and I think of him as my friend. He is a very generous person, a person whom I would think of as a Good Samaritan in this journey of life.

I thank him for his work here. He will be here, he will be, long after the good Lord has taken me away. But he will be there holding the torch, holding the Constitution, holding up this institution. And there will by others, and I hope there will be more, day by day.

I thank the Senator, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in my capacity as ranking member of the Senate Judiciary Committee, I also think it is necessary, as we wind down this debate, that I take care of a couple of misconceptions that occurred during the debate.

My late father, a man who had so much to do with shaping my views, a man who was a self-taught historian—a very good one, I might say—always told me if somebody misstates history, it is wise that someone else stands up and states it correctly so the mistake does not go down to the next generation.

There was a popular misconception behind the proposed constitutional amendment. The distinguished Senator from California, Mrs. FEINSTEIN, touched on this on the first day of the debate, and actually again today, when she discussed her theory as to why victims are not specifically mentioned in either the original Constitution or the Bill of Rights.

According to Senator FEINSTEIN, when the Constitution and the Bill of Rights were written in the late 18th century, public prosecutors did not exist. I should quote exactly what the distinguished Senator, my good friend, told us on this point. She said:

> When the Constitution was written, in America in the late 18th century and well into the 19th century, public prosecutors did not exist. Victims could, and did, commence criminal trials themselves by hiring a sheriff to arrest the defendant, initiating a private prosecution. The core rights of our amendment to notice, to attend, to be heard were inherently made available to a victim of a violent crime.

She then quotes the following passage from an article by Juan Cardenas, in the "Harvard Journal of Law and Public Policy":

> At trial, generally, there were no lawyers for either the prosecution or the defense. Victims of crime simply acted as their own counsel, although wealthier crime victims often hired a prosecutor.

She then continued:

> Gradually, public prosecution replaced the system of private prosecution. . . . [T]his began to happen in the mid 19th century, around 1850, when the concept of the public prosecutor was developed in this country for the first time.

She then argued the Constitution must now be amended to rebalance the criminal justice system and "restore" rights to crime victims.

The distinguished chairman of the Judiciary Committee, also my friend, Senator HATCH, told us on Tuesday that he draws the same conclusion from history. He said that when the Constitution was drafted:

> There was no such thing as a public prosecutor; victims brought cases against their attackers.

He then said:

> When the Constitution was drafted, victims of crime were protected by the same rights given to any party to litigation.

Not surprisingly, the majority views in the report of the Senate Judiciary Committee are likewise predicated on the notion of "restoring"—"restoring" rights to crime victims that they enjoyed at the time the Constitution and Bill of Rights were being ratified. The majority views said the following:

> The Crime Victims' Rights Constitutional Amendment is intended to restore and preserve, as a matter of right for the victims of violent crimes, the practice of victim participation in the administration of criminal justice that was the birthright of every American at the founding of our Nation.
>
> At the birth of this Republic, victims could participate in the criminal justice process by initiating their own private prosecutions. It was decades after the ratification of the Constitution and the Bill of Rights that the offices of the public police and the public prosecutor would be instituted. . . ."

When I heard my distinguished colleague say there was no such thing as a public prosecutor in this country when the Constitution was drafted, I was surprised. I had been a public prosecutor. I was the vice president of the National District Attorneys Association at the time I was elected to the Senate. The fact is that, had I not opted for the anonymity of the Senate, I was next in line to become president of that association, one of my few regrets in having to leave to come here, but the Senate would not wait. And, frankly, I did not want to wait.

But as a former public prosecutor and one who studied a great deal of history of prosecution, I was quizzical. So I did a little research.

I might say, when I state that, you understand, of course, we Senators are often times but constitutional impediments to our staff. But, by the same token they deserve a lot of credit, Julie Katzman, in my office, an able lawyer, did a lot of research as did Bruce Cohen from the Judiciary Committee. They found this article by Mr. Cardenas that Senator FEINSTEIN quoted, which does appear in volume 9 in the "Harvard Journal of Law and Public Policy." In fact, if you take the passage the distinguished Senator from California quoted and relied upon, from page 367, about how victims of crime used to act as their own counsel, it is describing the general practice in this country in the 17th century, not in the late 18th century when the Constitution was written.

Mr. Cardenas discusses what happened at the time of the American Revolution on page 371, a few pages after the passage quoted by the sponsor of this proposed constitutional amendment. He writes:

> Whatever its derivation, the American system of public prosecution was fairly well established at the time of the American Revolution.

Mr. Cardenas notes that Connecticut was the first colony to establish a system of public prosecutors, in 1704, over 80 years before the Constitution was written.

In Vermont, the Office of the State's Attorney is established in chapter II, section 50 of the State constitution of 1793. Even before Vermont joined the Union as the 14th State, it had a system of public prosecutions run by the State's Attorneys. Samuel Hitchcock was State's Attorney for Chittenden County, VT. from 1787 to 1790, during the time that the Federal Constitution and the Bill of Rights were being written. Samuel Hitchcock was State's Attorney in Chittenden County, from 1787 to 1790, some time before I became State's Attorney, in the last century—

or, this century, depending upon how we do this. In May of 1966, until 11:59 in the morning on January 3 of 1975, I served as State's Attorney, also, of Chittenden County. At 12 noon, January 3, I took a different job. I have held it ever since.

Now, private prosecutions may not have been eliminated in all the colonies by the time the Constitution was written. They were, however, eliminated in Virginia, home of some of the foremost architects of the Constitution. Mr. Cardenas writes:

> [B]y 1711, the attorney general [of Virginia] appointed deputies to each county in the state, and these deputies began exercising their authority to prosecute not only in important cases, but in routine ones as well. . . . By 1789, the deputy attorney general had complete control over all prosecutions within his county.

There was a place that had the sort of criminal justice system that the distinguished chairman of the Senate Judiciary Committee and others attributed to the time the U.S. Constitution was written, but that place was not the United States. Mr. Cardenas describes it on page 360 of his article:

> The right of any crime victim to initiate and conduct criminal proceedings with the paradigm of prosecution in England all the way up to the middle of the 19th century.

It was England that had a system of private prosecution in the 18th and 19th centuries, not the United States, not even New England in the United States.

To make sure I had my facts straight, I had to look through some other historical source material. I looked at an essay in volume 3 of the "Encyclopedia of Crime and Justice" by Professor Abraham S. Goldstein on the history of the public prosecutor in America. Professor Goldstein tells us essentially the same thing as Mr. Cardenas.

Most American colonies followed the English model of private prosecutions in the 17th century, but as Professor Goldstein tells us, that system "proved even more poorly suited to the needs of the new society than to the older one." For one thing, victims abused the system by initiating prosecutions to exert pressure for financial reparation. These colonies shifted to a system of public prosecutions because they viewed the system of private prosecutions as "inefficient, elitist, and sometimes vindictive."

According to Professor Goldstein, some of the colonies have no history at all in private prosecutions. In the areas settled by the Dutch in the 17th century, consisting of parts of what are now Connecticut, New York, New Jersey, Pennsylvania, and Delaware, the Dutch brought public prosecutions with them.

In any event, Professor Goldstein comes to the same conclusions as Mr. Cardenas. On page 1287, he writes:

> [B]y the time of the American Revolution, each colony had established some form of public prosecution and had organized it on a local basis. In many instances, a dual pattern was established within the same geographical area, by county attorneys for violations of state law and by town prosecutors for ordinance violations. This pattern was carried over into the states as they became part of the new nation.

Actually, for almost 200 years that was the system in my own State of Vermont. Now prosecutions are done by the State's Attorneys of the 14 counties and, in some instances, by the Attorney General.

Professor Goldstein goes on to discuss the fact that the Federal system of prosecution was always a system of public prosecution. Under the Judiciary Act of 1789, enacted the same year the Constitution was ratified, the U.S. Attorney General was "to prosecute and conduct all suits within the Supreme Court of the United States in which the United States might be concerned." The general authority to "prosecute in each district" for Federal crimes was vested in local U.S. district attorneys appointed by the President.

Professor Goldstein is a highly respected scholar. He is the Sterling Professor of Law at Yale Law School. In fact, at one time he was the dean of that prestigious institution. He is widely regarded as an authority on criminal law and criminal procedure. When Professor Goldstein says every American colony had established some form of public prosecution by the time of the Revolution, I think we Senators can probably take that to the bank.

To be on the safe side, since we heard Senators say otherwise about this, I thought we should check further. We checked another source, a 1995 article by Professor Randolph Jonakait of the New York Law School. It appears in volume 27 of the Rutgers Law Journal beginning on page 77. Not surprisingly, it says much of the same thing about the history of public prosecutions as I had already learned from Mr. Cardenas and Professor Goldstein.

I quote from page 99:

> Although the American colonies initially followed the English prosecutorial pattern, a different process began to emerge around 1700. Public officials took responsibility for the prosecution of crimes generally or just for the limited set of offenses that directly affected the sovereign. As public prosecutors emerged, private prosecutions in the colonies disappeared. This evolution of the American criminal justice system was quick and thorough. By the time of the Revolution, public prosecution in America was standard, and private prosecution, in effect, was gone. Indeed, it was so established and taken for granted at the inception of the new Federal Republic that public prosecutors, although not mentioned in the Constitution, were, without debate, granted exclusive control over prosecutions in Federal courts.

Mr. Cardenas, Professor Goldstein, and Professor Jonakait are all quite clear that the concept of government-paid public prosecutors did not develop in this country for the first time "around 1850," as the Senate was mistakenly told on Tuesday. All these authorities agree that public prosecutors have been around in this country for much longer—about 150 years longer—and that they were the rule, not the exception, by the time Mr. Madison and Mr. Hamilton and all the other framers of our Constitution got together in Philadelphia in 1787 to draft our Nation's founding charter.

If the Bill of Rights, which was written a few years later, makes no specific mention of crime victims, it is not because the framers thought victims were protected by a system of private prosecutions.

My point, of course, is the proposed constitutional amendment on victims' rights cannot be justified as "restoring" victims' rights enjoyed at the time the Constitution and the Bill of Rights were drafted. Rather, if we are to draw any lesson from history, it is that the framers believed victims were best protected by the system of public prosecutions that was then, and remains, the American standard for achieving justice.

Mr. President, I ask unanimous consent to print in the RECORD a letter dated April 25 from Assistant Attorney General Robert Raben opposing the proposed constitutional amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 25, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: I write to convey the views of the Department of Justice on S.J. Res. 3, a resolution setting forth the text of a proposed Victims' Rights Amendment (VRA) to the Constitution, which was voted out of the Committee on the Judiciary on September 30, 1999, and sent to the full Senate. The Department continues to have significant concerns with four aspects of S.J. Res. 3. Although we continue strongly to support a victims' rights amendment to the Constitution, and would support S.J. Res. 3 if the concerns detailed in this letter were addressed, we oppose the amendment in its current form. In the interim, we hope you will continue to help crime victims through the enactment of appropriate legislation.

As you know, the President and the Attorney General both strongly support a victims' rights amendment that will ensure that victims have a voice in the criminal justice system. See Pres. Proc. No. 7290, 65 FR 19823 (Apr. 10, 2000); Speech of Attorney General Janet Reno to the National Organization for Victim Assistance (Apr. 7, 2000). At the same time, this Administration believes that our constitutional system, which the Framers established after much deliberation and debate, has served our nation well for more than 200 years and should not be altered without the most cautious deliberation. See Statement of President Clinton in Support of Victims' Rights Constitutional Amendment (June 25, 1996). Our support for the VRA has rested on the premise that the Amendment would not undermine existing constitutional provisions' thus, our first concern has been that the resolution lacks an express provision preserving the rights of the accused. In light of our role as the chief federal law enforcement agency, our support has also depended on the Amendment not hampering effective law enforcement; accordingly, our second concern has been the unduly stringent standard for creating exceptions to the Amendment's applicability where necessary to promote the interests of law enforcement. We are committed to an amendment that gives real rights to victims while satisfying these basic criteria. This letter augments our previous letter of June 17, 1998 (enclosed), regarding the then-current S.J. Res. 44, in which we noted the above-mentioned concerns. This letter also reflects further concerns we have about the Amendment's application to the pardon power and the reopening of restitution that we discussed with committee staff before markup in September.

PRESERVING THE EXISTING CONSTITUTION

As we stated in our previous letter, we believe that, to ensure the protection of existing constitutional guarantees, the VRA should contain language that expressly preserves the rights of the accused. To that end, we urged that the following language be added: "Nothing in this article shall be construed to deny or diminish the rights of the accused as guaranteed by the Constitution."

Moreoever, we are concerned that new language that has been added to the proposed VRA would further alter our existing constitutional framework. Section 1 of S.J. Res. 3 has been amended to grant victims the right "to reasonable notice of and an opportunity to submit a statement concerning any proposed pardon or commutation of a sentence." This provision would create an unprecedented incursion on the President's exclusive power to grant pardons, commute sentences and remit restitution. *See* U.S. Const. art. 2, §2, cl. 1 (pardon power); *Schick v. Reed*, 419 U.S. 256, 263–64 (1974) (commutation power falls within the pardon power); *see also Knote v. United States*, 95 U.S. 149, 153–155 (1877) (pardon power includes authority to remit unpaid financial obligations imposed as part of a sentence). The Supreme Court has observed that "the draftsmen of [the pardon clause] spoke in terms of a 'prerogative' of the President, which ought not be 'fettered or embarrassed.'" *Schick*, 419 U.S. at 263. The Court has also observed that "whoever is to make [the pardon power] useful must have full discretion to exercise it." *Ex parte Grossman*, 267 U.S. 87, 121 (1925). In addition, we note that this provision could encroach upon the clemency powers of governors in states where their authority is also plenary.

S.J. Res. 3 does more than simply diminish the control over pardons that the Framers vested in the President; it does so in particularly significant ways. The proposed language would require the President to give victims notice and an opportunity to submit a statement (Section 1), and would arguably permit a court to reopen a pardon, commutation, or remission of restitution (Section 2). It also seemingly would authorize Congress to regulate the pardon power in some respects by granting Congress "the power to enforce [the VRA] by appropriate legislation," rather than reserving enforcement authority to the President (Section 3). By contrast, under our existing constitutional framework, the President has both the responsibility and authority to determine the procedures for his Administration's handling of executive clemency requests so that he may receive the information he deems necessary, including input from victims and others. The current procedures are set out at 28 C.F.R. §§1.1–1.10. The Department is presently exploring how, and under what circumstances, additional victim interests can be best integrated into the Department's advisory role in counseling the President as he makes decisions about clemency.

Furthermore, the pardon provision differs from the rest of the VRA, which focuses on criminal proceedings. Although other provisions of the VRA would give victims rights in proceedings in which defendants have rights, the pardon provision would grant victims rights in a setting in which no one—including defendants—has ever possessed rights, and that has always been controlled entirely by the President. The Framers assigned this power wholly to the President, and we oppose any amendment that would encroach upon it.

LAW ENFORCEMENT CONCERNS

As we have noted previously, we are concerned that the very high standard for exceptions to the Amendment's victims' rights guarantees in Section 3 of S.J. Res. 3 would render the government unable to remedy the practical law enforcement problems that may arise under the Amendment. We believe that the authority to create exceptions should exist where necessary to promote a "significant" government interest, rather than the "compelling" interest required by the current draft. It is important that the VRA be flexible enough to permit effective and appropriate responses to the variety of difficult circumstances that arise in the course of implementing the Amendment. This concern is explained in more detail in our letter of June 17, 1998.

Our last issue concerns the addition of restitution to the list of proceedings and rulings subject to retrospective relief. We believe that any remedies provision should strive to make rights of victims real and enforceable, while ensuring that society's and victims' interests in finality and effective law enforcement are not undermined. Measured against these objectives, we believe Section 2 of S.J. Res. 3 is overly broad and would unduly disrupt the finality of sentences. The current language would appear to permit a victim to reopen the restitution portion of a sentence for any reason at all, at any time, even after a sentence has been served in full. The problems for law enforcement that could be caused by this provision include, for example, the possibility that because of the limited economic means of many defendants, restitution awarded to some victims at sentencing might have to be decreased to accommodate subsequent claims by victims who come forward after sentencing; the potential that defendants will litigate the reopening of a restitution order without the reopening of other parts of the sentence; and the difficulty in reaching and defending plea agreements in light of possible reopenings of and changes in the terms of restitution. In our view, these issues constitute serious obstacles to including restitution among the matters subject to retrospective relief.

Further, we believe the inclusion of restitution in Section 2 is not necessary in light of existing legislation providing relief for victims who are denied restitution or whose restitution is inadequate. If a federal court fails to impose restitution in accord with controlling statutes, the government can appeal the unlawful sentence without impairing the defendant's Double Jeopardy rights. See 18 U.S.C. §3742(b); *United States v. DiFrancesco*, 449 U.S. 117, 137 (1980). Likewise, the States can legislatively protect victims in this regard by authorizing state prosecutors to appeal criminal sentences that do not satisfy state restitution statutes. Congress and the States can also enact legislation to address perceived gaps in current laws without going so far as to amend the Federal Constitution.

DOING MORE FOR VICTIMS WHILE IMPROVING THE AMENDMENT

This Administration, with Congress, as kept its commitment to victims of crime, even as it has pushed aggressively for a victims' rights amendment. We have witnessed historic reductions in violent crime over the past seven years, and through our efforts, criminal victimization is at its lowest point in twenty-five years.

Even with the significant drop in violent crime, we have not become complacent. In 1994 the President signed into law the Violent Crime Control and Law Enforcement Act, which gives victims of violent crime and sexual abuse the right to speak out in court before sentencing, providing them the opportunity to describe the impact such victimization has had on their lives.

The Department, working with Congress, has also provided unprecedented levels of funding for victims' services. Since 1993, we have received over $2.2 billion in the Crime Victims' Fund, over 90 percent of which has been distributed to the states and victims' compensation and assistance funds. The Violence Against Women Act has also infused new dollars into victim services: under that act, the Department has funded nearly $1 billion in new domestic violence programs for states, communities, and tribes since 1995.

In addition to funding, the Department has taken other steps to improve the way it provides services to victims. We are auditing every component that has any responsibility for our contact with victims to assure appropriate staffing, improve practices and address problems. We have also revised and updated the Attorney General's guidelines for victim assistance.

There is more yet that can be done while we continue to strive for an appropriate constitutional amendment. For example, as then Associate Attorney General Raymond Fischer testified before the Senate Judiciary Committee in 1998, we can enact federal legislation that will improve victims' rights and services in the federal system while at the same time providing funds and other incentives to states to improve their own victims' rights laws and policies.[1] By passing such legislation, we can build a crucial bridge to the victims' rights amendment.

We appreciate the Judiciary Committee's willingness to work with the Department on issues relating to the Victims' Rights Amendment over the last four years. Although we continue strongly to support a victims' rights amendment to the Constitution, and would support S.J. Res. 3 if the concerns detailed in this letter were addressed, we oppose the amendment in its current form because it fails to do so. We urge the Senate to continue to work with the Department in improving the constitutional amendment, while in the interim, continuing to assist crime victims through the enactment of appropriate legislation. Should you have any questions, please do not hesitate to contact me.

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[1] In this regard, it is worth noting that, thanks to the concerted efforts of crime victims' advocates and governmental bodies at all levels, all fifty States have now enacted laws safeguarding crime victims' rights in the criminal justice process, and 32 States have amended their constitutions accordingly.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

Mr. LEAHY. Mr. President, I have said over and over that no one in the Senate is against crime victims. I care deeply about the rights of crime victims, just as I care about the rights of all Americans.

I established one of the first formal systems in my State to make sure crime victims are heard. It is something that is done all the time now. In fact, one of the distinguished family court judges, Judge Amy Davenport, was in town yesterday and listened to part of this debate. She said: There is nothing you talked about here that we just don't do automatically. In Vermont, we do not need a constitutional amendment to do it.

We all care about the rights of crime victims. This is not a case of for or against amending the Constitution. We establish whether we care about crime victims. We all do. I care about their rights. I also care about the rights of mothers and expectant mothers, the rights of immigrants, the rights of workers, the rights of farmers, the rights of hospital patients, the rights of the young, the rights of the old, the rights of people seeking housing, the rights of students, the rights of artists, journalists, and scientists, the rights of those people who care about the environment, and the rights of families.

I do not know anybody in this body, Democrat or Republican, who does not care about the rights of all these people.

We all care about the rights of all law-abiding Americans. We could easily pass unanimous resolutions to that effect. But Americans want practical solutions to practical problems from their Government, not just expressions of concern. They certainly do not want us to try to define every one of these rights in a separate constitutional amendment.

So the issue is not whether we care about the rights of crime victims. I point out that a couple weeks ago my dear friend Senator FEINGOLD voted against a constitutional amendment to limit campaign contributions. Anyone who would infer from that vote that Senator FEINGOLD is not passionate about campaign finance reform knows nothing about Senator FEINGOLD and his attitude about campaign finance reform. In all the years I have been here, I have never seen anybody as passionate about it as he.

Recently we voted on a constitutional amendment to criminalize physical destruction of the American flag. Senators BOB KERREY, ROBERT BYRD, MITCH MCCONNELL, BOB BENNETT, DANIEL INOUYE, DANIEL PATRICK MOYNIHAN, and many others voted against that constitutional amendment. Many of them are decorated war veterans. BOB KERREY, for example, is the only Member of this body to hold the Congressional Medal of Honor. The vote did not mean they do not respect the flag.

When Gen. Colin Powell and Senator John Glenn opposed the flag amendment, it was not because they lack devotion to this country. Anybody would be hard pressed to find two people more patriotic than they. Far from it, they are American heroes who showed their patriotism by standing up for the Bill of Rights. Frankly, that is ultimate patriotism.

There have been studies over time in which people are asked about different parts of our Bill of Rights that we all rely upon, and the study would say: Would you vote for the right of free speech today, the right of assembly, or some of these others? People say: Yes, all except this or all except that. Thank goodness people had the courage to write and vote for it earlier. Our country has it. And then others made sure we did not go back and change it because we might have some problems.

In my years in public life, I cannot think of more times that devotion to the first amendment has been tested or that any area in the Constitution has been tested more than the first amendment. We do not need the first amendment to protect popular speech; we need it to protect unpopular speech. That really is the crux of why we should care about amending our Constitution and carving exceptions or making changes in our Constitution.

We had a Member of Congress in Vermont who was prosecuted under the Alien and Sedition Act in a way that we all know would be highly unconstitutional. Why? Because he criticized the Federal Government. They locked him up. You know what? This is why I love my native State of Vermont: We do not let other people tell us what to think. While he was locked up, what did we do? We reelected him and sent him right back down to Congress. And the shame was on those who supported the Alien and Sedition Act, they were soon gone.

It was a Vermonter, I think the most outstanding Vermont U.S. Senator of the 20th century, who stood on the floor of this body—a quintessential conservative—Republican Ralph Flanders of Vermont, who introduced a motion of censure against Joseph McCarthy, the late Senator from Wisconsin. Joseph McCarthy ran roughshod for too long over the first amendment of the United States, and lives and careers were ruined because of his accusations. Ralph Flanders stood up and called a halt to that. Then other Senators came forward and joined with him. That reign was over.

I would say to anyone who visits the United States, from whatever country, if you want to guarantee a democracy, guarantee two things: Guarantee the freedom of speech, including the freedom to say things that might be unpopular at the moment because you may find within a few years they will be the popular ones; and, secondly, guarantee the right to practice any religion you want, or none, if you want. Because if you protect those two rights, you protect diversity. If you protect diversity in your country, you protect democracy.

I say that those who have opposed this constitutional amendment are not doing it because they lack concern for victims' rights. Decent and sincere people in both parties who serve in this Chamber respect victims' rights, but many of us oppose this amendment. I support crime victims' rights. I do not support a victims' rights constitutional amendment.

The issue before the Senate is whether to amend the U.S. Constitution—and almost double the length of the entire Bill of Rights—by adding a complex listing of constitutional victims' rights and limitations that may diminish the Constitution and do little to protect victims. It is not like passing a commemorative resolution.

Do we have to pass constitutional amendments to prove we care about people? We care about victims, but we also care about mothers, immigrants, workers, farmers, hospital patients, the young, the old, artists, journalists, scientists, nature lovers, and families.

We have heard complaints in this Chamber more than a few times about "group entitlements." We are not going to have a constitutional amendment for every group.

Stuart Taylor recently wrote in the National Journal about this amendment. He wrote:

> Most of us agree, of course, that prosecutors and judges should be nice to crime victims (as they usually are). Most of us also agree that parents should be nice to their children. But would we adopt a constitutional amendment declaring, "Parents shall be nice to their children"? Or "Parents shall give their children reasonable notice and an opportunity to be heard before deciding whether and how to punish older children who have pushed them around"? Would we leave it to the courts to define the meaning of terms like "reasonable" and "nice"?
>
> A ban on spanking, perhaps? A minimum of one candy bar per day? Would we let the courts override all state and federal laws that conflict with their interpretations?
>
> We don't need constitutional amendments to embody our broad agreement on such general principles. And we should leave it to the states (and Congress) to detail rules for applying such principles to the messy realities of life.

There is no precedent in a national constitution for a victims' rights amendment. But there is precedent for treating constitutional provisions as group entitlements. For most of the 20th century, there was a nation that rejoiced in criticizing America for not caring about the rights of various groups of law-abiding people because we did not have such provisions in our Constitution. That nation had special constitutional provisions for mothers, immigrants, workers, farmers, hospital patients, the young, the old, artists, journalists, scientists, nature lovers, and families.

I would have brought a copy of its 1977 constitution along with me today if I could carry it. But some of our visitors today know that country is no longer here, the former Union of Soviet Socialist Republics. Back then, I felt confident that Mr. Madison and his compatriots had done a better job of drafting a Constitution than Mr. Lenin, Mr. Stalin, or Mr. Brezhnev, and I am no less proud to be an American today. Madison, Jefferson, Washington, and the other founders understood three key lessons other countries are only learning now, 200 years later.

First, in a democracy, it is better to have a short constitution everyone can read and understand rather than a long one full of symbolic declarations, legalese, and procedural details. I hold the Constitution, including the Bill of Rights and the Declaration of Independence in this little booklet.

The distinguished senior Senator from New York mentioned a country we all respect, a democracy, France, which amended its Constitution so many times to fit in every single little thing they could possibly think of so that, as the story goes, in the libraries they do not file it under "constitution," they file it under "periodicals." Well, I do not want that to be the U.S. Constitution.

Secondly, in a free society, the purpose of a constitution is to constrain the government, to establish a government of limited powers, with the rest of the powers to the people, not a government of expanding responsibilities. Jefferson and Madison trusted to the States and the American people to care for the rights of victims of crime and of other misfortunes by means of the democratic process and by using the tool at hand to solve problems as they arose. They did not mandate a set of procedures for relief of every problem by calling them rights and then tacking them on to the Constitution. Instead, they reserved the Constitution for the protection of the people from the government itself.

Thirdly, in a nation of ordinary practical people, what is needed are practical responses to practical problems, not symbols of concern that at the end of the day are empty. Madison and Jefferson designed the original Bill of Rights to respond to actual government abuses such as suppression of unpopular speech or unpopular religion or unpopular newspapers, that the States and the Federal Government could not be otherwise trusted to remedy in the normal course of events.

Likewise, the Reconstruction Amendments did not enact a long litany of procedural rights without substance. Instead, they responded to a real, practical history of abuse by State governments of the rights of African-Americans. Even then our Nation was shamefully slow in implementing the anti-slavery amendments.

The proposed amendment under consideration is fundamentally misconceived. It would be the most procedurally complex provision of the entire Constitution, within just a few words of doubling the length of the entire Bill of Rights. Every school child, every senior citizen, every American can pick up this Constitution and read it and understand it. That is the beauty of it. That is the strength of it. That is why a quarter of a billion people live in such freedom.

We have referred to the last American precedent for a constitutional amendment to increase the power of government over law-abiding citizens. That was prohibition. It was well intentioned but, my word, what a disaster. It ended up staining the reputation of Senator Volstead and others who championed its cause. It was so ill suited to the framework of our Constitution that it bears the distinction of being the only constitutional amendment that had to be repealed.

I still remember the stories I was told as a child, many in Vermont, of good, upright citizens who prospered greatly during prohibition, perhaps because of the fortuitous aspect of our geographical location bordering on Canada.

If I could digress for a moment, we have a large lake in the northern part of Vermont, Lake Memphremagog. My wife was born on the shores of Lake Memphremagog, as she quickly points out, on the Vermont side. Her parents, of French Canadian descent moved there to take up life as new American citizens. She became a first-generation American.

Lake Memphremagog is a magnificent lake that is half in Vermont and half in Canada. During prohibition time, some of the farmers who had little farms, one or two cows and a falling down barn along the lake, had very expensive Chris-Craft speedboats. I mention this because the local Customs official had a slower boat with an outboard motor. Every evening about dusk, these farmers would go out with their high-powered speed boats and they would have their fishing rod and a couple worms and they would head out across the lake toward Canada to go fishing, their speedboats riding high.

About 2 o'clock in the morning, you would hear this awful roar across the lake as several of these came back, obviously the "fishing" having been very successful because the boats are now riding much, much lower. You can imagine the chagrin of the poor Customs agent who had to try to fulfill the prohibition provision of the Constitution, as he wondered which one of these fishing boats he should try to intercept, knowing he could not intercept any of them because he could not catch them.

Whether it was because of the "fishing" or not, for at least a generation thereafter, the two most popular brands of alcohol in Vermont were the two that are also the most popular in the Province of Quebec, right across the lake.

As I said, I digress. But prohibition caused such a disrespect for the law. It really made us look foolish, but it took forever to change it because it was in the Constitution. If we made the mistake of doing it as a statute, we could have amended it. We could have changed it within a year. Everybody knew it was not working. Everybody knew it was increasing the power of organized crime. Everybody knew it was bringing about corruption and bribery and everything else. But worse than that, a democracy can enforce its laws only if people respect the laws. A democracy can work only if we know that these laws are fair and these laws are just.

We do not have a police officer in everybody's house. We do not have a police officer on every corner. We expect people to obey the laws. But if they have no respect for them, then they do not. In all the years it took to repeal this, for over a decade, the laws in this country and the people's respect for the laws of this country diminished every single year. Nobody could do anything about it because it takes so long to repeal a constitutional amendment.

So let us look at statutes when we can. Let us think of article V of the Constitution, which says you amend only when necessary.

Last, but by no means least, the proposed amendment is not a practical response to a practical problem. Many States are ahead of the Federal Government in protecting victims' rights. Recent years have seen huge advances in protection of victims' rights in State constitutions and State legislation, in the provision of restitution or other compensation where practical, and in improvement of law enforcement resources and techniques to ensure proper regard for victims.

While Congress has been focusing its attention on more than 60 drafts of a constitutional amendment on victims' rights, it has actually slowed us down from doing real improvement to the way crime victims are treated in Federal courts and by Federal prosecutors. Our legislative achievements of the period from 1994 through 1997 have not been matched in the last several years. I fear this debate on the proposed constitutional amendment will be in lieu of consideration of scores of significant legislative proposals introduced by Senators on both sides of the aisle to help victims.

Violent crime is a serious practical problem in our society—far more than it was even when I was a prosecutor. As a parent, as a grandparent, that troubles me greatly. But there is not a fundamental problem—certainly not one requiring a rigid, one-size-fits-all set of constitutionally mandated procedures—in how the States treat victims of violent crimes today.

We have visitors in the gallery today from Russia, the successor to the former Soviet Union. The old Soviet Constitution demanded the obedience of Russians. It really was not very subtle about it. Article 59 declared that every citizen was "obliged to observe the Constitution and comply with the standards of socialist conduct."

Well, the U.S. Constitution does not command; instead, it counsels humility. It is humbling to consider the great minds that drafted it, its clarity and simplicity in laying down a framework to protect law-abiding people by ensuring limited, democratic government. It is also humbling to think how it has stood the test of time. It remains extraordinary what was achieved in 4 short months in Philadelphia in 1787, when communication meant walking from one building to another to talk to somebody, or sending a letter by horseback. In 4 short months, look at what they wrote.

By contrast, we have been waiting twice that long for the House-Senate conference on the juvenile crime legislation to meet and complete its work—something that could really help victims of crime in this country, something that could be done now and something that could be sent down to the President and signed into law and it would be the law of the land immediately. But we do not meet because the gun lobby said do not meet.

We ought to be very slow in this Chamber to presume that we know better than the founders how to balance the power of government and the rights of the accused. We should be reluctant to presume that we can draft a one-size-fits-all set of detailed procedural rules that will work to protect different people who are victims of different crimes in cases in different States—the kind of constitutional micromanagement of the judicial process the framers were too wise to attempt. These 400-odd words of the 63rd draft of this proposed amendment do not fit with the size and style, the limited Government vision, or the practical approach of the U.S. Constitution and the Bill of Rights.

I hope when we finish this debate all Senators will join in efforts to improve victims' rights through the States and through Federal legislation.

I see the distinguished Senator from Delaware on the floor. As chairman and as the ranking member of the Senate Judiciary Committee, Senator BIDEN has worked very hard on legislation to help victims of all kinds of crime. The distinguished Senator from Delaware has helped write laws that can take effect and have money and teeth in them to help victims. I have done some, as have others. Usually, we join in bipartisan efforts to do it. But they have been pieces of legislation that, once signed into law, we could watch. We could see if they were working, and if they did, fine, we could expand them and give them more money. If they did not work, we could change them. We cannot do that with a constitutional amendment.

I ask those who are for victims' rights to support congressional action on S. 934, the Crime Victims Assistance Act.

Mr. President, we have editorials in opposition to this constitutional amendment from the Asheville Citizen-Times, the Baltimore Sun, the Chicago Tribune, the Herald, the Philadelphia Inquirer, the Richmond Times-Dispatch, the San Francisco Chronicle, the San Francisco Examiner, the San Jose Mercury News, the Seattle Post-Intelligencer, the St. Petersburg Times, the Washington Times, the Collegiate Times, the Pittsburgh Post-Gazette; and the South Bend Tribune.

I ask unanimous consent that several of these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 15, 2000]

AN UNCLUTTERED CONSTITUTION

(By Bruce Fein)

What keeps our Constitution sacred and accessible to the ordinary citizen is majestic brevity and a confinement to essentials.

Amendments should thus be limited to issues of great and enduring moment that cannot be safely entrusted to popular majorities. The pending Victims' Rights Amendment, under active consideration by the House and Senate and lukewarmly supported by the Clinton administration, falls short of that historically exacting standard.

The amendment, House Joint Resolution 64, would dictate an array of victims' rights in federal or state criminal or auxiliary proceedings. The motivation is irreproachable: to guarantee crime victims a minimum opportunity to be heard or to be otherwise involved when the disposition of their predators in question. But good motivation, without more, does not justify a constitutional coronation. If it did, the 1964 Civil Rights Act, the 1965 Voting Rights Act, the 1968 Fair Housing Act, Title IX of the Higher Education Act, the American With Disabilities Act, and an endless list of companion federal laws would be elevated to constitutional status and the document would smack more of Edward Gibbon's "Decline and Fall of the Roman Empire" than of Lincoln's Gettysburg Address.

VRA crusaders have cobbled together an assortment of unpersuasive reasons for their constitutional cause, as though adding zero to zero repetitively may eventually equal something. It is said criminal defendants and prisoners enjoy constitutional rights that trump victims' rights enumerated in scores of statutes and state constitutions. But nothing in the constitutional text or United States Supreme Court precedents even hints at a conflict with victims' rights that command lower statutory status: the right to notice and to have views considered in prosecutorial, sentencing, parade, or commutation decisions and to attend criminal trials. Amendment proponents have searched in vain for a single court decision that supports their fretting.

Crime victims have demonstrated stunning success in majoritarian politics who need no constitutional protection from potentially hostile legislation. As a chief sponsor of the Amendment, Rep. Steve Chabot, Ohio Republican, testified last Thursday before the House Judiciary Subcommittee on the Constitution, "In 1982, California became the first state to pass a Victims' Rights Amendment to its constitution. Since that time, 32 states, including my home state of Ohio, have passed similar amendments . . . ratified [by an average of] 79 percent of the vote in state-wide referendums."

That is no surprise. Crime victims evoke almost universal sympathy, and no one campaigns boasting, "I will vote against victims' rights."

Amendment apostles also urge that state laws are disrespected by state judges or prosecutors. But that is unvariably true of new laws during their childhoods. Legal training and habits are customarily backward-looking, and legal bureaucracies lie midpoint between sclerosis and rigor mortis. But troglodyte judges, prosecutors, and clerks will die or retire; their replacements will be victims' rights enthusiasts indoctrinated in the new gospel. The problem of inattention to state or victims' rights laws will solve itself, in the same way that unionization rights flowered in the legal system in the 1930s after decades of crabbed interpretations and applications of statutes.

Amendment champions retort that victims' rights would command more prosecutorial and judicial respect if enshrined in the Constitution. But prosecutors and judges take oaths to defend state laws every bit as much as they vow to enforce the Constitution. If they would honor the first more in the breach than in the observance, the second would fare no better. History also speaks volumes. The 1866 Civil Rights Act protecting freedom leaped into the Constitution with the 1868 14th Amendment, but the civil rights of blacks were routinely ignored by courts, including the United States Supreme Court, for almost a century during the ugly era of Jim Crow. Similarly, did the Roman Catholic creed induce greater compliance with the proclamation of Papal infallibility in 1870?

Victims' rights paladins wrongly equate their cause with the constitutional protections of persons accused of crime. But criminal defendants, unlike crime victims, are generally pariahs who need safeguards against an infuriated public clamoring for instant justice. Further, what is at stake for the accused is his life or liberty, the most precious of our natural rights.

* * * * *

Every constitutional amendment dents our system of federalism. It removes an issue from the agendas of state governments that can more closely tailor solutions that satisfy constituents and serve as laboratories for sister states and the federal government without risk to the entire nation. Errors can be corrected by simple legislation, which is nimble compared to overcoming a constitutional misstep, like the Prohibition Amendment. Deference to stale choice additionally offers citizens greater opportunities to participate directly in the responsibilities of self-government, indispensable to sustaining a robust democratic culture.

In sum, the Victims' Rights Amendment has nothing to commend and much to deplore.

[From the San Francisco Chronicle, April 25, 2000]

A Victims' Rights Plan That Goes Much Too Far

Victims of crime deserve consideration and compassion, but a constitutional amendment giving them a new category of "rights" goes too far.

The U.S. Senate will attempt this week to alter the Constitution again, this time with a Victims' Rights Amendment drafted on the premise that victims should have more say about the trials and dispositions of defendants.

Specifically, it would give victims the right to attend all proceedings, to make their views known about sentencing and plea arrangements, to be notified whenever an offender is released from custody, to demand a speedy trial and to get restitution from the offending party.

Considering the often deep pain they suffer, victims deserve to be heard and protected by the criminal justice system, but tinkering with the Constitution is no way to do it. Many of these concerns can and have been addressed through legislation, which can be amended as problems and unintended consequences are identified.

One of the problems with this amendment is that its definition of "victim" is too vague, creating a financially onerous and otherwise impossible mandate. For example, in the Oklahoma City bombing, who would the victims be? The office workers who survived the bombing, the family members and friends of the hundreds killed or maimed, or anybody in town still suffering the horrifying aftermath?

As such, all would have to be notified about trial proceedings, have the right to speak and to push for specific prosecution. And if they didn't agree on sentencing or the way the case was adjudicated, what would the court do then?

Meanwhile, advocates for battered women dread what would happen if a women is arrested for responding to domestic abuse—namely that the abuser could become the victim with rights to oppose her bail and seek restitution. Perhaps that's why a slew of victims' rights groups is among those most opposed to the amendment.

Although a grand gesture, this proposed constitutional change is clumsy and cumbersome, destroying the very core of our justice system—the right to a speedy trial and the presumption of innocence. Both Congress and state legislatures have the ability to strengthen victims' rights without trying to alter the principles of justice set forth in the U.S. Constitution.

[From the San Francisco Examiner, April 14, 2000]

No Victims in the Constitution

Dianne Feinstein is wrong on this one. The usually astute Democratic U.S. senator from California is leading a campaign to get a victims' rights amendment added to the federal Constitution.

Along with Sen. John Kyl, R-Ariz., and 40 other senators, she is sponsoring legislation that would allow the states to vote on ratification of the 28th amendment. The votes of 67 senators are needed for passage. Three-quarters of the states must ratify the amendment before it goes into effect.

Victims' rights is an idea that's seductive by its very simplicity. Of course victims should have rights. Who can deny that? But enshrining them in the Constitution is a feel-good exercise of dubious value that carries potential harm.

"The Constitution," argues Feinstein, "gives 15 specific rights to the accused, but victims have no basic rights under the Constitution."

That misses the point of what the Constitution and the Bill of Rights are about. The rights enumerated are protections for individuals against the awesome power of the government. They are not intended to referee fights between citizens or redress the grievances of victims of private action, no matter how terrible the consequences.

Littering the Constitution with other matters cheapens it and opens the door to inclusion of the flotsam and jetsam of some citizens' oddball desires. If you think this overstates the case, just look at the junk foisted on the California Constitution by an overactive initiative process.

This is not to say there shouldn't be a law. In fact, legislation is exactly where victims' rights belongs.

As a bill in Congress, the planks of victims' rights would be unobjectionable. Consider the constituent parts of the amendment. Among other features, it would give some 9 million victims of violent crimes and their families the right to notice of criminal proceedings in their cases and the right to attend them; the right to testify or submit statements at trials, parole hearings and other proceedings; the right of notice if the felon escapes or is released, and the right of restitution from the perpetrator of the crime.

So far, 32 states have passed legislation or constitutional amendments specifying victims' rights. But Feinstein complains that until the U.S. Constitution is changed, a defendant's rights trump a victim's rights when there's a conflict between the two.

We're glad she's not also proposing to change the standard of criminal guilt from "beyond a reasonable doubt" to a "preponderance of the evidence." Presumably that would also make trials more fair for victims. But the American system of criminal justice is built on the sane principle that letting a possibly guilty defendant go free is a thousand times preferable to convicting an innocent person.

The 13 men released from death row in Illinois after new exonerating evidence was uncovered would be glad to tell Sen. Feinstein why legal protections for the accused are splendid ideas. Anyway, the guts of a sensible victims' rights program wouldn't conflict with legal protections for defendants.

Victims and their families sometimes do get poor treatment from prosecutors and courts. Trying to remedy that by amending the Constitution is a grandstand play that generates a lot of publicity. But it is unnecessary and wrong. It would dilute the time-tested and trusted document that defines relations in this nation between citizens and their government.

Don't make us all victims of an ill-considered crusade.

[From the San Jose Mercury News, April 20, 2000]

Victims of Crime Don't Need Congress' Constitutional Meddling

(By Joanne Jacobs)

You have the right to remain silent, when accused of a crime.

You have the right to speak up, when victimized by a criminal. California and 31 other states have passed victims' rights amendments to their constitutions; all the rest have statutes.

So why do we need to amend the Constitution of the United States of America to include a Crime Victims' Rights Amendment?

Because it's an election year.

Next week, on April 25, the Senate will debate the victims' amendment, sponsored by California Senator Dianne Feinstein, a Democrat, and Arizona Senator John Kyl, a Republican. The vote may be April 27 or 28.

Some 46 senators have signed on to the bill, but it will take a two-thirds majority (67) and two-thirds of the House (291) for passage, plus three-fourths of state legislatures to ratify.

The Constitution shields Americans—especially the unpopular—from governmental power.

The amendment grants rights to a politically popular and sympathetic group, victims. But no legislation can guarantee sensitivity by prosecutors and judges or competence by clerks assigned to notify victims about changing court dates. No amendment or law can give Americans what we really want: freedom from killers, rapists and robbers.

Instead, the amendment would federalize rights already offered by the states: Victims must be notified about bail, plea bargains, trials, sentencing and parole hearings, and about a prisoners' release or escape. They're entitled to a restitution order, which is usually uncollectible.

Feinstein-Kyl also includes "consideration of the interest of the victim that any trial be free from unreasonable delay," which means the victim could ask for a speedy trial but the judge wouldn't have to grant it.

Victims would have a right to attend the entire trial, even if they're going to be called as witnesses and might tailor their testimony to fit an earlier witness's statement.

However, the judge could decide the defendant's constitutional right to a fair trial outweighs the victim's constitutional right to attend.

Other than adding a symbolic statement—"Pols (hurt) Victims"—to the U.S. Constitution, this wouldn't change much. Except to provide more ways to file lawsuits, which isn't going to make justice any swifter.

Both presidential candidates are pro-victim.

"I will lead the fight to pass a Victims' Rights Amendment to the United States Constitution—so our justice system puts victims and their families first again," Al Gore said in a Boston speech last July.

Apparently, he hasn't started yet. Gore's "Fighting Crime" agenda on his *www.gore2000.org* site doesn't mention victims rights, and the vice president hasn't endorsed the Feinstein-Kyl amendment.

The Clinton administration is wavering on the amendment, worried about interfering with prosecutors, denying defendants' rights and impinging on the president's power to grant executive clemency. (If President Gore wanted to pardon ex-President Clinton's perjury, who'd be the victim: Paula Jones? Ken Starr? 275 million Americans?)

George W. Bush "strongly supports" the Feinstein-Kyl amendment. It's not on his Website, *www.georgewbush.com* however; there's no issue statement on crime.

Most victim's groups are for it, but not all.

Bud Welch, whose daughter was killed in the 1995 Oklahoma City bombing, chairs Citizens for the Fair Treatment of Victims, which opposes the amendment. Emotional relatives might hamper prosecutors, Welch argues. Many relatives of victims objected to a plea bargain made to secure testimony of an accomplice of Timothy McVeigh and Terry Nichols, Welch Writes. "Had this amendment been in place, the judge may have refused the plea agreement, making it significantly more difficult for the government to convict McVeigh and Nichols."

Furthermore, consulting all the family members of all the victims—168 were killed and many more injured—would have created chaos, delaying the trial.

Feinstein cites the Oklahoma City bombing as proving the need for the amendment. The judge told victims' families they couldn't sit through the trial if they wanted to testify at the sentencing hearing. When Congress passed a law allowing it, the judge said the Constitution, guaranteeing a fair trial to the defendants, trumped the law.

This is Feinstein's only example of a conflict that would require a constitutional amendment.

The amendment also gives victims rights before a court has determined they're really victims, noted Robert P. Mosteller, a Duke law professor, in testimony before the House Judiciary Committee.

Imagine the Rodney King case, with no videotape, Mosteller said. The police officers charge King attacked them. As victims, the officers could "sit in the courtroom during the testimony of all other witnesses as a matter of federal constitutional right. This provision would permit the true perpetrators of the crime to coordinate their false version of the facts" and convict the real victim.

A judge could weigh witness-victims' right to attend and the defendant's right to a fair trial, Feinstein argues. The defendant might win.

Or be convicted by tainted testimony, leading to more appeals.

It's not worth it.

My bottom line is simple: Don't mess with the U.S. Constitution. Since the Bill of Rights was added 209 years ago, only 17 amendments have been added to the Constitution. It should not be changed unless absolutely necessary. It's not necessary in this case, not even close. Leave the Constitution alone.

[From the Chicago Tribune, April 25, 2000]

THE WRONG WAY ON VICTIMS' RIGHTS

Some national issues of grave importance can be dealt with adequately only by amending the United States Constitution. That was true of slavery, women's suffrage, and the income tax. But the same can't be said about the treatment of crime victims.

Their needs are real and worthy of concern. The Victims' Rights Amendment due for a Senate vote this week, however, is overdoing a good thing.

Every state has a law or constitutional provision assuring that crime victims may attend judicial proceedings that concern them, be notified of the impending release of their attackers, sue the offender for restitution, and the like. Many of these measures are relatively young and, according to victims' rights advocates, have not fulfilled the hopes lodged in them.

That's an argument for better funding and more meticulous implementation. It's grounds for electing prosecutors and judges who will take them seriously. It's also grounds for realistic expectations: Some goals are not likely to be realized no matter what. Restitution, for example, is largely a vain hope simply because most criminals are poor and thus lack the money to pay it.

The proposed constitutional amendment, however, threatens to do more harm than good. Its guarantees could sometimes conflict with the rights of defendants, as when it gives victims the right to demand a speedy trial. In such instances, the suspect's right to defend himself could be compromised, increasing the risk that innocent people will go to jail. Or the defendant's right could trump—in which case the new amendment would amount to little more than empty symbolism.

In either case, the decision will be made by judges, not legislators or voters. The advantage of protecting victims' rights by law is that different states can experiment with different approaches to see which are most effective and affordable. Once this amendment is entrenched in the federal Constitution, though, the entire nation will have to live with a "one size fits all" approach—and we may find that one size fits none.

Someone once said that a vice is often just a virtue taken too far. The Senate shouldn't make that mistake on victims' rights.

Mr. LEAHY. Mr. President, I have so much respect and affection for two key sponsors, Senator KYL of Arizona and Senator FEINSTEIN of California. They, as the other 98 Senators of both parties, care deeply about the rights of victims. Anybody who has seen some of the violent crimes in this country could not feel otherwise. A great, powerful, wealthy nation ought to care about the victims of child abuse, or fraud, and victims of all crime. That is not the issue. The issue, I say to my friends, is the legacy we leave to the next generation. So much of that legacy as Senators is what is in the Constitution.

We will not vote on anything more important than constitutional amendments, unless it is a declaration of war. There have been thousands of votes I have cast, and many that I can remember were inconsequential. Virtually all of them were on issues on which, if we did not like the results we could come back and revisit it the next Congress and change it. You cannot do that with a constitutional amendment. You do it with practical, pragmatic legislation that actually helps people—legislation that the Senator from Delaware has passed, legislation that I have passed, legislation that Senators on both sides of the aisle have passed, including Senators NICKLES, DEWINE, and others. I do not mean to exclude other people who have joined in on real legislation that really works for victims.

Mr. President, how much time is still available to the Senator from Vermont?

The PRESIDING OFFICER (Mr. HELMS). There are 48 minutes remaining.

Mr. LEAHY. I yield the floor to the Senator from Delaware.

Mr. BIDEN. Mr. President, is the Senator from Delaware under a time constraint?

The PRESIDING OFFICER. Under the cloture situation, the Senator has up to 1 hour.

Mr. BIDEN. I thank the Chair. Mr. President, I thank my friend from Vermont for his kind comments. It is rare on matters of constitutional law and matters of civil rights and civil liberties that the distinguished Senator from Vermont and I end up on opposite sides of the issue. We are on opposite sides of this issue. I, as the Senator from Vermont, have been very reluctant over my 28 years in the Senate to support constitutional amendments. I think they are a matter of significant concern and should not be undertaken without significant need and only after it is concluded that the same result could not be accomplished statutorily. So it is after some considerable thought—and, I might add, a considerable amount of work with the two primary sponsors of this amendment—that I have arrived at the point where I support this amendment.

Before I begin to discuss the details of the amendment, let me suggest to the Senator from Vermont that I came in at the tail end of his initial comments regarding public prosecution as opposed to privately going out and hiring a prosecutor to redress a criminal wrong that had been done to you, and his discussion about whether or not it was an established principle that the founders thought public prosecution was appropriate at the time of the Constitution. He is dead right on the facts. But I suggest to him, and others, that I suspect the points being made—and I have been in Colombia spending a good deal of time with President Pastrana on the drug and narcotrafficking problem he faces, so I missed a day of debate on this. So I may be mistaken in what I am about to say. But I expect that those who talked about public prosecution versus private prosecution were trying to make the generic point—I hope they were—that at one point in our English jurisprudential history, and for a number of centuries early on, the issue of moving forward to prosecute a wrong against you was totally in the hands of the victim. The victim made that judgment.

Early on, to overstate it, in the 14th, the 15th, the 16th and 17th century, if I were mugged in the stable, it would be Biden v. Jones. It would not be the Crown v. Jones. I was not represented by anyone but myself. This process evolved. The only good part of that process was that the victim controlled his or her own fate to a significant degree.

All of the years and years that I was chairman of the Judiciary Committee and the ranking member, we held hearing after hearing about how victims feel disenfranchised. One of the things that victims of violent crime need to be able to come to closure with is the dilemma and the horrible position in which they were placed. They have to see it come to fruition. They have to be able to know that they had some hand in the idea that the person who did bad things to them was pursued, and they got their day in court—"they," the victim.

Also, there is an overwhelming amount of evidence that began to pile up in the 1960s, 1970s, and then in the 1980s it reached a high pitch. In the 1990s it pertained as well. That is where people lost respect for the government and lost respect for the law because they believed they were not treated with respect—where victims found themselves, in their view, victimized not only by the criminal but victimized by the system.

That is why, I note parenthetically, when I wrote the Violence Against Women Act I provided for a means by which a woman who was a victim of violent crime could, if the prosecutor chose not to go after her assailant, after the person who did those bad things to her, she could at least go into the civil court and sue that individual.

Again, there was overwhelming testimony from psychiatrists and psychologists that there is a need for healing. Part of the catharsis in healing is to be able to go through the process and believe you are getting fair and decent treatment.

There are two things at stake when this cause of victims' rights begins to arise.

The public prosecutors, not because they were no longer caring, but because of the overwhelming burden, found themselves becoming increasingly callous about the plight of the victims.

I used to be a public defender. When I was a young lawyer, I would be assigned three or four or five cases to be tried in 1 day. The prosecutor would be assigned five, six, seven, or eight cases to be tried in 1 day. Everyone knew that plea bargaining process was necessary.

Often, looking back on it, the victim, or the alleged victim of the crime, found himself or herself showing up for court and learning from some prosecutor that they had dismissed the case. We didn't think there was sufficient evidence, or we decided to allow them to plead to petty larceny rather than robbery or burglar, or we decided so on and so on.

The impact upon victims and their faith in the system and their notion of whether or not government worked was always damning—always impacting upon them in a negative way.

To make a long story not quite so long, the Senator from Vermont is correct. Public prosecution did take place when our Republic became a republic. There were not, for example, in the city of Philadelphia, 25,000 felonies tried a year in one little city. There were not 68,000 habeas corpus out there. There was not the need for a prosecutor to find himself or herself in the position where they dismissed a large number of cases just because they didn't have time to get to them. There were not circumstances where the victims of crime who were so callously treated that they weren't even informed, and the person against whom they had sworn out the warrant they found sitting in the trolley car with them on the way home. They were not in that position.

What are constitutional amendments about?

Constitutional amendments are about dealing with serious concerns of the public that come about as a consequence of changed circumstances. One of the circumstances changed—and I suspect what previous speakers have been speaking to when they talked about how the system used to work—is that there is a feeling on the part of the vast majority of the victims of crimes that they have no control over the situation. They have no control. Not only were they victimized by the criminal, but they go in and either find themselves in the circumstance where there has been a deal made which they were no part of, or there was a sentencing that took place and they didn't get a chance to tell the judge how badly this guy beat them up, or that money that was stolen from them was the last money they had in the whole world, and they lost their home. Just the need to cry out and say: Listen to me, listen to me. Just listen to me. That is all I am asking you to do.

It is not that the prosecutors are bad guys or bad women. They are incredibly overloaded.

As the Presiding Officer knows, we have an incredible amount of time, notwithstanding the fact it has dropped the last 7 years in a row.

This is about going back to a time when public prosecutors had the time and exercised judgment to make a decision relative to moving forward against a defendant in conjunction with the concerns of the needs of and the desires of the victims.

That is what is missing.

We are here today to discuss two matters that I have cared about for many years. The first is crime—more specifically, the victims of violent crime. The second is the Constitution of the United States of America.

As the Presiding Officer knows, we came at the same time, and both of us dedicated a significant portion of our life in the Senate to various issues. We developed different interests, expertise, and/or assignments. In my case, it has been both the plight of crime victims and the preservation of our constitutional liberties. That is why I have thought long and hard about amending the Constitution to guarantee the victims of crime the elemental rights that they deserve, but too often are denied.

Time and again, I wrote and supported many statutory protections for victims. To cite just a few examples:

The 1990 Victims Bill of Rights gave victims a number of important procedural rights, including the right to notice of court proceedings, the right to confer with the prosecutor, and the right to information about the conviction, sentencing, imprisonment, and release of the offender.

The 1994 Biden crime law:

Gave federal victims of sexual and child abuse the right to mandatory restitution;

Gave victims of violent crimes and sexual abuse the right to be heard at the sentencing of their assailants;

Provided special court-appointed advocates for child victims of crime;

And it also included the piece of legislation closest to my heart: the Violence Against Women Act, which provided ground-breaking and sweeping assistance to victims of family violence and sexual assault—and which, I might add, needs to be re-authorized this year through my Violence Against Women Act II bill, which has 46 cosponsors.

The 1996 Anti-Terrorism Act included Hatch-Biden provisions guaranteeing mandatory restitution to all victims of violent federal crimes;

And, now, I am pleased to support—and urge all of you to support—a constitutional amendment to protect victims' rights.

I am proud of my track record on victims' rights. But I am convinced that federal statutory guarantees are not enough. Judges are simply too quick to conclude, almost reflexively, that the defendant's constitutional rights trump the victim's mere statutory rights, even when conflict is illusory or could readily be resolved. You heard about the difficulties we had after the Oklahoma City bombing with a federal statutory approach to help the victims and their families. Senator FEINSTEIN outlined in detail the chronology of events there, and so I will not repeat them.

But equally important, because more than 95 percent of all crimes are handled at the state level, our federal statutory rights simply do not reach the great majority of crime victims.

Regrettably, the hodge-podge of protections for victims in place at the state level is spotty and inadequate. There is no common denominator of rights that victims are guaranteed in every state of the union. As a December 1998 report by the National Institute of Justice found:

> Enactment of state laws and state constitutional amendments alone appears to be insufficient to guarantee the full provisions of victims' rights in practice.

This report found numerous instances in which victims were not afforded the rights to which they were entitled.

For example, even in states identified as providing "strong protection" to victims' rights, more than 40 percent of victims were not notified in advance of the defendant's sentencing hearing. And more than 60 percent of victims in these strong-protection states did not receive notice of a defendant's pre-trial release.

And so, I have come to the conclusion that it is time to write a basic charter of victims' rights into our Constitution setting a national, uniform baseline of rights for all victims of violent crimes.

Now, one of reasons there were more than 60 drafts of this constitutional amendment is because I insisted on a number of basic changes before I would agree to support it. And with the help of Professor Larry Tribe, I proposed these changes, and the sponsors accepted them.

My three key specific "principles" for drafting the language of the amendment were as follows:

Principle No. 1: The amendment must set out the specific rights to be accorded constitutional status—the core of which should be rights of participation. Victims should be entitled to the following rights of participation:

The right to be informed about, and not excluded from, any public proceedings involving the crime;

The right to make a statement to the court about bail, the acceptance of a plea, and sentencing;

The right to be informed about, and to participate in, parole proceedings to the same extent as the convicted offender; and

The right to be informed of an escape or release from custody.

Principle No. 2: The amendment must not unintentionally hamstring criminal prosecutions. We cannot forget: the best thing for victims is to catch and convict the bad guys; we have to make sure that nothing in the amendment would make that job more difficult.

Principle No. 3: The amendment must not abridge the rights of the accused. The protections in our Constitution for the accused—such as the right to counsel, the right to a jury of one's peers, and the right against self-incrimination—are there, above all, so that our system does not convict an innocent person. Locking up an innocent person benefits no one—except the guilty.

Let me describe for you a few of the changes on which I insisted, and which I believe makes this an amendment everyone can and should support:

Originally, the constitutional amendment would have covered the victims of all crimes. But prosecutors worried that the extension of rights to non-violent crimes—particularly those crimes affecting massive numbers of victims, such as may be the case with mail fraud or environmental crimes—would backfire, making it too difficult, too burdensome, to bring these cases. I insisted that the amendment be limited to the victims of violent crimes, and that change was made.

Earlier drafts of the amendment gave victims the right to "a final disposition of the trial proceedings free from unreasonable delay." Prosecutors believed that this could allow victims to force them to proceed to trial before they are prepared.

Defense lawyers believed that the language created the risk that the defendant might be forced to proceed to trial without sufficient time to prepare a defense. In other words, this language would have made it both more difficult for prosecutors to get convictions and easier for those defendants who are convicted to overturn their convictions on appeal.

We want to make sure—above all—that we get the right criminal, and that we don't convict an innocent person. And we also want to make sure that the great police power of the government is not exercised in heavy-handed, over-reaching ways that threaten the constitutional liberties of all of us.

And so I insisted on modifying that language so that victims have the right "to consideration of the interest of the victim that any trial be free from unreasonable delay."

This is an important change. This means—in plain English—that before granting a third, fourth, or fifth continuance, judges in every state—from Delaware to Utah to California—must take into account the inconvenience and hardship to a victim and must proceed with the trial unless there is a good reason to wait.

What this does not mean is that judges must push lawyers to try cases before they're ready.

Next change: prosecutors and others worried that with the old drafts, a defendant could withdraw his plea or a judge could be forced to throw out a sentence after it had been accepted, jeopardizing the government's ability to get a conviction of guilty defendants.

I insisted on new language that makes it clear that nothing in the amendment provides grounds to overturn a sentence or negotiated plea.

Finally, I was concerned with earlier drafts that the amendment could be perceived as giving a victim's rights a higher constitutional standing than those of the criminal defendant—in other words, that victims' rights would be perceived as trumping defendants' rights. Section 2 of an earlier draft stated that nothing in the amendment would "provide grounds for the accused or convicted offender to obtain any form of relief."

I insisted that we change that language, and with the help of Professor Tribe, we redrafted Section 2 and removed that restriction on the rights of the defendant.

While the language is clear that nothing in the amendment itself gives rise to a claim of damages against the United States, a State, a political subdivision, or a public officer or employee, at the same time, it does nothing to bar defendants from obtaining relief for violations of their own constitutional rights.

And let me comment further about the rights of the accused—an issue that I know gives some of you pause about this amendment. I have spent my entire career in the U.S. Senate looking out for the rights of the criminal defendant. There is an obvious and natural tension in the system between protecting the rights of the criminal defendant and ensuring that law enforcement is effective, and I have always worked to achieve a balance between these competing interests.

I say to you that this constitutional amendment, with the changes upon which I have insisted, strikes that balance. Judges will have the power under this amendment to strike a balance.

I keep hearing critics of the amendment say that defendants' rights will not be adequately protected if this amendment becomes part of the fabric of our Constitution.

For example, we heard testimony before the Judiciary Committee and statements on the Senate floor giving examples of how judges routinely—almost reflexively—exclude victims from the courtroom when they are potential witnesses in the case. Critics of the amendment contend that maybe that is how it should be, and they complain that the amendment would change that presumption of exclusion.

These critics argue that the presence of victim-witnesses at trial will undermine the defendant's right to a fair trial by giving the victims the opportunity to observe the other witnesses testify and tailor their testimony accordingly.

I submit to you that that is not as it should be. That is not how it needs to be. The witness sequestration rule is a prophylactic measure rather than a constitutional imperative. The purpose of the rule can be accomplished through defense cross-examination of fact witnesses, defense argument about the opportunity to tailor, and jury instructions, without categorically excluding victims from the trial.

There is nothing that remarkable about the scenario of one witness having the opportunity to listen to the testimony of others: the defendant who is a witness has that opportunity. And the defendant who is a witness is also open to cross-examination and argument by the prosecutor that he had the opportunity to tailor his testimony.

Just last month, the Supreme Court ruled in a case called Portuondo v. Agard, that despite the fact that a defendant has the constitutional right to be present at his trial, the prosecutor was entitled to comment in her closing argument on the fact that the defendant had the opportunity to hear all other witnesses testify and to tailor his testimony. This same type of argument would be available in cases where the victim-witness is present during the trial.

The constitutional amendment takes away nothing from the rights of the defendant. If the defendant's constitutional rights actually conflict with the participatory rights the amendment would guarantee the victim—and I submit to you that these conflicts would be few and far between—the judge is permitted under this amendment to balance these competing interests and grant exceptions where necessary.

Let me repeat: a constitutional amendment for victims does not mean that victims' rights will take precedence over defendants' rights.

Both the criminal defendant and the victim can and should have the chance to participate at trial and at other related public proceedings. There should be a balance. This amendment permits courts to balance.

A constitutional amendment is needed to set a national floor of rights for all victims of violent crimes. In every state—as well as in the federal system—the doors of the criminal justice system must be opened to victims—to make sure that they are meaningful participants, and not just spectators, in a system that has for too long kept them on the outside looking in.

With a victims' constitutional amendment, we will be telling prosecutors and judges, loud and clear: victims must be respected and included. They have rights—constitutional rights—that must be taken into account during the entire case.

I believe that the contradiction that many people see between the rights of defendants and the rights of victims is a false one. Our Constitution is not a zero-sum game. We do not diminish the rights of defendants by recognizing the rights of victims.

That is why I cosponsored this amendment. This amendment will give the victims of crime a voice and a measure of dignity and respect in the criminal justice process.

Mr. BINGAMAN. Mr. President, before I discuss my position on Senate Joint Resolution 3, the crime victims rights constitutional amendment, I would like to briefly talk about my views on amending the Constitution.

A recent letter each of use received from our colleagues Senator BYRD and Senator LEAHY provides some of the history of our Constitution and efforts to amend it.

They note that, since its ratification, over 11,000 amendments have been proposed to the Constitution. In the last month alone, the Senate has voted on three constitutional amendments. However, while thousands of amendments have been proposed, only 27 amendments have been adopted. Of those, the first 10, the Bill of Rights, were ratified in 1791. Therefore, since ratification some 200 years ago, we have generally heeded the caution of James Madison, one of the architects of the Constitution, that amendments to the Constitution should be reserved for "certain great and extraordinary occasions". In other words, amending the Constitution should not be done in response to what is politically popular at the moment or because of passions of the moment. If it was, I'm afraid many of those 11,000 amendments would now clutter our Constitution and undermine the very foundation of the freedoms and liberties it gives each of us.

Mr. President, the victims of violent crime are a compelling group of Americans and deserve our supports and our attentions. Nothing is more devastating to a family than loosing a loved one through a senseless, random act of violence. Nothing is more devastating to a community than the kind of violence we see in our schools and on our streets almost daily. Yet it is only in the past few years, perhaps 15 or 20, that our laws and lawmakers have begun to focus on the group of people we now refer to as "crime victims".

During those years, however, the states have not ignored the legitimate calls of crime victims and their families for more protection and more participation in the criminal justice process. Thirty-three states, including my own, have passed either crime victims rights amendments to their constitution or statutes intended to provide many of the same rights contained in S.J. Res. 3.

In New Mexico, the voters passed a constitutional amendment in 1992 that is very similar to S.J. Res. 3 and the legislature subsequently passed enabling legislation. This, I think is appropriate and I am glad that New Mexico recognizes the rights of crime victims to more fully participate in the criminal justice system. In fact, it is particularly appropriate that the states have acted in this area because the states are responsible for approximately 99 percent of the criminal prosecutions in this country.

From many indications, these amendments and statutes have worked. Not perfectly perhaps, but they have at least begun to bring victims of violent crime into the judicial process in a meaningful way.

Because New Mexico has acted to protect the rights of crime victims, district attorneys who I've spoken with often ask why we need to amend the United States Constitution when New Mexico has already addressed this issue? That, Mr. President, is an extremely important question to ask ourselves before we vote on S.J. Res. 3.

Mr. President, the Constitution provides a process for amendment when "both Houses deem it necessary . . ." Today I would argue that only when absolutely necessary or, in the words of Madison, for great and extraordinary occasions, should we vote to amend the Constitution. I would also argue that, where doubt exists as to the absolute necessity of the occasion, the Senate should defer on amending that document.

While I support the participation of crime victims in our judicial process Mr. President, and support the efforts of New Mexico and other states to give those rights to crime victims, I simply do find the evidence of a great occasion or compelling need to amend the Constitution in the arguments made by the sponsors of the amendment and therefore will vote no on S.J. Res. 3.

As others have pointed out, S.J. Res. 3 is almost as long as the entire Bill of Rights. It reads like a statute and not a constitutional amendment. This is significant and more than simply a matter of form. Part of the reason why our Constitution and republican form of government have survived largely intact for over 200 years while virtually every other in the world has undergone radical, revolutionary change is the wisdom of the drafters in setting out clear principles and a coherent system to ensure the liberties that the Constitution guarantees. However, as I read the amendment before us today, I do not see the clarity or the simplicity of principle that I see in the Bill of Rights or the other amendments we've adopted. Because this amendment lacks clarity, I am concerned about the litigation this amendment could potentially spawn and the additional costs to an already overburdened legal system. Litigation over who is a "victim" alone would likely fill volumes.

Mr. President, one of the biggest concerns with this amendment is that, because of its vagueness, it will inevitably lead to a result which I think none of us, even the proponents, want, the diminishing of the rights of the accused.

No where in the amendment does it guarantee that it will not be construed to interfere with the rights of the accused. I understand that an amendment was offered in the Judiciary Committee that would have made that clear but was rejected. That to me is very troubling because, as important as the rights of victims are, we absolutely have to keep in mind that the rights of the accused must be paramount. That is because it is the accused that stands to lose life and liberty at the hands of the government. This is a bedrock principle of our judicial system, without argument the best system in the world, and we must not diminish that principle even in the name of a good cause.

Finally, Mr. President, I am concerned by the lack of case law to support the arguments of the proponents of S.J. Res. 3. As I understand it, the proponents are unable to point to any cases in which victims' rights laws or State constitutional amendments were not given effect because of defendants' rights in the Federal Constitution. Nor, as the committee report noted, is there any case law where a defendant's conviction was reversed because of victims' rights legislation or a State constitutional amendment. Why then are we amending the Constitution when there is no body of law that justifies the extraordinary step of amending the U.S. Constitution? This is very different from the situation we were in a few weeks ago when the Senate voted on an amendment to the Constitution on the issue of the desecration of the flag on campaign finance limits. In both of those instances, at least we had a final determination by the Supreme Court with which we could take exception. Without such a body of law I do not find the arguments in favor of a Federal constitutional amendment compelling.

Mr. President, I strongly support the right of victims of violent crime to be included in the criminal justice system in a meaningful way. I think it helps bring closure to the inured victims and provides an important balance to a system that admittedly has not always been sympathetic to the rights of victims. I would support additional funding and resources for victims rights programs and to properly train the judiciary in the need to be sensitive to the rights of crime victims. However, before we take the drastic and, for all intents and purposes, irreversible step of amending our Constitution for only the 28th time in our history, I believe we must be absolutely certain that we have exhausted all other avenues. As the National Clearinghouse for the Defense of Battered Women argues:

> The Federal constitution is the wrong place to try to "fix" the complex problems facing victims of crime, statutory alternatives and state remedies are more suitable. Our Nation's constitution should not be amended unless there is compelling need to do so and there are no remedies available at the state level. Instead of altering the U.S. Constitution, we urge policy makers to consider statutory alternatives and statewide initiatives that would include the enforcement of already existing statutes, and practices that can truly assist victims of crimes, as well as increased direct services to victims.

Mr. President, I believe we should give the states additional time to implement their victims rights amendments and statutes. Change occurs slowly, but I am convinced that real change for the victims of crime will be addressed more effectively by the states and that the federal government should not impose a one-size-fits-all, the federal government knows best, solution on the states. Additionally, if we determine that action at the federal level is absolutely necessary, I believe we should try to fashion a legislative solution before we amend the Constitution. I believe that we can do that and provide meaningful rights to victims of crime.

If, failing that, we find that victims are still not being afforded reasonable and real participation in the criminal justice system, then perhaps only a constitutional amendment will work but I am not convinced that we have done all that we can do short of that.

Mr. President, good intentions do not necessarily produce good results. The intentions of the supporters of S.J. Res. 3 are certainly good and just and I share those intentions, as well as their belief that we should be doing more for the victims of violent crime. However, I do not believe that this amendment will produce good results and may actually harm those it is intended to help and for that reason, I will vote against S.J. Res. 3.

Mr. DASCHLE. Mr. President, I rise to recognize all the Senators who participated in this important and healthy debate. In particular, I thank Senator LEAHY and Senator BYRD for their tireless defense of the Constitution.

In addition, however, I also want to recognize Senator FEINSTEIN for her commitment to victims of violence and for working to ensure that they are treated with fairness and decency and respect. While I strongly disagree with the approach the proponents of this amendment have taken, I completely agree with the sentiments they express. Victims should have a strong voice in our criminal justice system. Senator FEINSTEIN has been committed to this cause for decades and I believe her passion has brought new focus to this important issue.

Like many of us, I know what it is like when violence strikes your own family. I would not wish that pain on anyone. And I certainly do not want to see any victim's grief compounded by a needlessly callous or insensitive judicial system.

The question we have been debating, however, is not whether victims should have a voice in the criminal justice process. The question before us is whether we must amend our nation's Constitution to achieve that goal. I believe the answer is "no."

On September 17, 1789, as our new Constitution was about to be signed—after four long months of debate—Benjamin Franklin announced with typical irony: "I consent, sir, to this Constitution because I expect no better, and because I am not sure it is not the best."

Two-hundred and 12 years later, Mr. President, the United States Constitution is still the best constitution this world has ever known. It is, in my opinion, nearly sacred. James Madison, who penned most of our Constitution, urged that it be amended only in—quote—"certain great and extraordinary occasions."

For 212 years, Americans have heeded his words of caution. As Senator LEAHY and Senator BYRD remind us, our Constitution has been amended only 17 times since 1791, when the first 10 amendments—Our Bill of Rights—was added.

More than 11,000 amendments have been offered during that time. But only 17 have actually been added to our Constitution. Because of the genius of the Framers, and the wise restraint of those who came after them, we have today a document that we can fit in our pockets . . . that we can understand . . . that we can refer to, and live by.

This beautiful document contains fundamental, unifying principles that protect our individual liberties and guarantee our democratic rights. The amendment we have been considering—while clearly well-intentioned—does not belong in this document.

With all due respect to its authors, it is not a constitutional amendment. It does not describe universal and eternal truths about human nature, or set forth the broad working of government. It is a statute.

Last month, we debated another Constitutional amendment—to make flag-burning a crime. During that debate, some members of this Senate said it was right to take that extraordinary step because Americans had died to defend our flag.

Mr. President, this Constitution is why Americans have fought and died for more than 200 years—not to protect a flag, but to protect the principles enshrined in this document. As United States Senators, we take an oath to defend the Constitution. It is our most important obligation, our most sacred duty.

There is no "great and extraordinary occasion" requiring us to adopt this Victims' Rights Amendment. This amendment is popular. But it is not necessary. Every state—every single state—has some type of statute that identifies and protects victims' rights. Thirty-two states have passed state constitutional amendments protecting victims' rights. Not one of those statutes has been overturned. Not one of these state constitutional amendments has been found to conflict with our federal Constitution.

Amending—re-writing—our Constitution—is a remedy that ought to be tried only when we have exhausted every other possible means, and they have been found inadequate. When it comes to protecting victims' rights, there is much we can do, short of amending the Constitution.

Indeed, in my home state of South Dakota, every single protection identified in this proposed amendment is guaranteed by state law. In South Dakota, victims are included in every stage of the criminal justice process. They have the right to be notified about every court proceeding involving their case. They are told in advance about bond hearings, plea offers and sentencing hearings, and they have the opportunity to have their opinions heard on these matters.

Crime victims in South Dakota are told about all of these rights, and offered help, if they need it, to exercise them. These state laws provide South Dakotans with wide-ranging and effective protections. They may not, however, be a blueprint for Massachusetts, or Mississippi, or California.

There is another reason we should reject this amendment, Mr. President. Not only is it unwarranted. But also, ironically, this amendment could actually weaken victims' rights by making it harder for police and prosecutors to do their jobs. That is not simply my opinion.

This is a letter from the Chief Justice of the South Dakota Supreme Court. "Victims' rights will not be furthered by SJR 3—and may indeed be harmed—as past state efforts in this area run headlong into an ethereal national standard that is incapable of responding to the constantly changing circumstances of the justice system."

Here is another letter—this one from the State's Attorney and the Victim Witness Advocate representing my most heavily populated county. Quote—"While victims' rights are a very important issue, this amendment would make it difficult for us to do our jobs and make appropriate decisions regarding the prosecution of criminal cases."

Many of my fellow Senators have voiced similar concerns. Senator THOMPSON has said—quote—"This constitutional amendment will make the procedure by which the District Attorneys around the country are trying to prosecute defendants more complex, more costly, more time-consuming in many respects, and ultimately will harm [the goal] that the victim is the most interested in—seeing justice done and a guilty defendant found guilty by our court system."

The federal government should encourage states to set minimum standards for victims' rights. But we should not trample the principles that have served us so well for so many years. Under our system of government, police powers are reserved for the states. That is why 95 percent of all crimes are prosecuted at the state and local level.

Do we really believe it is time to rewrite this fundamental division of responsibility? Do we really believe we need to supercede state and local police powers with a national standard? A standard that can only be enforced by an act of Congress? Wouldn't the wiser, more prudent course of action be to encourage or require states to devise and enforce their own victims' rights standards?

In addition to the threat this amendment poses to our constitutional framework, I am also concerned it may erode the rights of the accused. I know full well that accused criminals are not a popular group. But the cornerstone of our justice system is the belief that we are all presumed innocent until proven guilty. If we undermine that basic principle in any way, we are all hurt.

Our Bill of Rights reflects our framers' deeply held belief that the enormous power of the government to deprive persons of life, liberty and property in criminal prosecutions must be checked. Thus, the document I hold in my pocket protects us all from unreasonable searches . . . guarantees us all impartial juries, and protects us all against cruel and unusual punishments.

When these rights are diminished for some, they are diminished for all. For that reason, they should not be compromised lightly—no matter how politically popular it might be to do so. What crime victims need is real hope, not paper promises. For that reason, I strongly support both the Leahy "Crime Victim Assistance Act" and the Biden "Violence Against Women Act" re-authorization. Let's pass these bills.

Let's also look at making certain federal funds contingent on states' implementation of meaningful victims' rights at the state level. In fact, I declare today that I will work tirelessly with any member of this Senate who wishes to enact legislation to bolster the rights of victims. But let us stop treating our Constitution so cavalierly.

I am deeply troubled by the increasing tendency of this Congress to turn to constitutional tinkering to solve problems, rather than taking up the hard job of legislating. This is the second constitutional amendment we have debated in this Senate in a month!

In his final speech to the Constitutional Convention, just before the Constitution was signed, Benjamin Franklin said something that pertains here. After calling the Constitution very likely "the best" human beings could hope for, he told his fellow signers: "I hope for our own sakes and for the sake of our posterity, we shall act heartily and unanimously in recommending this constitution and turn our future thoughts and endeavors to the means of having it well administered."

That is our real responsibility as members of this Senate—not to second-guess the genius of this document, not to alter and undermine it but to see that it is well administered. In that regard, we have much work to do. Let us do that work.

Again, I say to the sponsors of this amendment, I am as committed as anyone in this body to working with you to strengthen victims' rights. Indeed, I would consider every option—even conditioning federal funds on state implementation of basic protections for victims. I cannot, however, and will not—as much as I respect the Senators from California and Arizona—amend our great Constitution unless absolutely necessary.

By withdrawing their amendment, I believe the sponsors have acted responsibly, in Senatorial fashion. The Senate should be proud that one more time we have resisted the urge to tamper with the miracle created in Philadelphia in 1787—our Constitution.

At this time, I ask unanimous consent that letters from United States, District Judge Lawrence Piersol, Chief Justice Robert Miller, State's Attorney Dave Nelson, Victim Witness Assistant Becky Hess and Marshal Lyle Swenson be inserted into the RECORD following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT,
DISTRICT OF SOUTH DAKOTA,
Sioux Falls, SD, April 19, 2000.

Hon. TOM DASCHLE,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: I was surprised to learn that Senate Joint Resolution 3 would be up on the calendar next week in the Senate. I am very much opposed to this proposed constitutional amendment. To begin with, I think it diminishes our Constitution to attach to it what amounts to legislation. That proposition is true not only of this proposed constitutional amendment but also some other amendments that have been promised but failed.

I realize at first impression that the public might find such a resolution attractive because the rights of victims of crime have sometimes in the past not received the attention that they should. I know from my day-to-day experience as the Chief Judge for the District of South Dakota that victims' rights are considered. I have had victims testify on various occasions in my Court at the time of sentencing and I regularly consider the views of victims both in their letters as well as in comments that are made in the presentence investigative reports as a result of the interviews of victims by the presentence report writers. The writers of those presentence reports are Court personnel and a part of my staff. In addition, when restitution is paid, it is paid first to the victims and then applies to other monetary obligations that are paid to the government after the victim has been monetarily compensated. I say "monetarily compensated" because I recognize that in some instances money alone cannot compensate a victim. In other instances, in an attempt to compensate victims, I have had Defendants, as a part of their sentence, write to victims and I have reviewed the letters before they went to the victims so that I could make sure that the letter was appropriate. As you know, Congress has done much in recent years by legislation to enhance the rights of crime victims. If Congress would choose to do more it would do so by legislation.

On the other hand, a constitutional provision as broad and as sweeping as this one is, especially without limiting definitions in the language, poses many problems. Once those problems come to light upon implementation, the problems will not be able to be solved because it would be a constitutional amendment. On the other hand, when legislation is passed and it turns out upon implementation that there are problems or that the solution should be addressed in a different way, then the legislation can be amended. After I have drafted this letter to you, I received a copy of a letter to Senator Charles Schumer from Judge William Wilkins, Chair of the Committee on Criminal Law for the Judicial Conference of the United States. I am attaching his letter because it considers in detail various problems with the proposed amendment. In addition, it does make some suggestions for its improvement if it is to be passed.

Legislation enhancing victims' rights can be passed now—the amendment process and then its implementation if passed by the states will take more than seven years.

Finally, from my point of view and experience as a trial judge, and that experience includes 180 sentencings last year, the amendment would prevent many guilty pleas in state and federal court. With all of the additional criminal trials, the courts would virtually be brought to a standstill, affecting civil and criminal cases.

I urge that victims' rights continue to be addressed by Congress by legislation.

Thank you for considering my views.

Sincerely yours,

LAWRENCE L. PIERSOL.

SUPREME COURT,
STATE OF SOUTH DAKOTA,
March 14, 2000.

Hon. THOMAS DASCHLE,
U.S. Senate, Office of the Democratic Leader, Capitol Building, Washington DC.

DEAR SENATOR DASCHLE: I want to thank you for taking time from your busy schedule to meet with me on Thursday, March 2. I truly appreciated the time I was able to spend with you and your staff. I am also deeply thankful for your interest in our juvenile intensive probation program (JIPP) and your efforts to secure more funding for it. The JIPP program clearly demonstrates that community corrections can work for certain juveniles who would otherwise be committed to expensive institutions.

There is one other matter that I need to bring to your attention. As you may know, the Senate has under consideration Senate Joint Resolution 3 "Proposing an amendment to the Constitution of the United States to protect the rights of crime victims." It is difficult, on principle, to argue against SJR 3. We are all clearly concerned that victims of crime receive proper treatment by the justice system. It is senseless for the system to re-victimize the victims of crime through inattention to their needs and concerns. In South Dakota, for example, we have built our probation programs around a restorative justice philosophy that seeks to restore victims of crime while working with offenders to reduce recidivism. Regardless of how we consider crime in the hypothetical world of legal theory, crime produces real victims whose needs must be addressed by the justice system.

The fact remains, however, that SJR 3 will not radically change things for victims. Most if not all states in this country have victim rights provisions. South Dakota law provides a long list of victim rights, including the right to restitution, notices of scheduled hearings and releases, an explanation of the criminal charges and process, the opportunity to present a written or oral victim impact statement at trial, etc. There is little in SJR 3 that is not already in place in most if not all states.

On the other hand SJR 3 creates a national standard against which every aspect of the state and federal criminal justice systems will be measured, regardless of local efforts to address crime victim needs. In essence, SJR 3 would produce federal oversight of state court operations far beyond what may be in the interests of victims. For example, Congress, believing that unreasonable delays in court proceedings are harming the interests of victims, could pass national legislation imposing time processing standards that may be completely inapplicable to the peculiar circumstances of state and local courts. Victims who do not believe proper notice is being provided could seek a federal court injunction to compel or prohibit certain state court practices.

I cannot emphasize enough that the criminal justice system in South Dakota is committed to restoring victims of crime. We have not always done this as well as we should have, but we have always had it as a focus of our efforts. We continue to work on improving victim access to the court system while maintaining our independence, neutrality and impartiality. It is important for everyone to understand that our courts must balance the interests of victims with the interests of the accused, the interests of the state, and the constitutional rights we all possess. This is a delicate and difficult balance. I believe setting a single legal standard—as a matter of our national constitution--is ill advised. it can too easily be used in the future to upset this delicate balance.

I hope you will give very careful consideration to SJR 3 before casting your vote. Clearly our response to the needs and interests of victims should be and must be improved. But I believe those needs and interests are best addressed at the state and local level through new programs and state laws recognizing victim rights. Victims' rights will not be furthered by SJR 3 and may indeed be harmed as past state efforts in this area run headlong into an ethereal national standard that is incapable of responding to the constantly changing circumstances of the justice system.

Most sincerely,

ROBERT A. MILLER,
Chief Justice.

OFFICE OF THE STATE'S ATTORNEY,
Minnehaha County, SD, April 21, 2000.

Re Victim's Rights Amendment.

Senator TOM DASCHLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DASCHLE: As you ponder your vote on the Victim's Rights Amendment, we would like to express our concerns about a Constitutional Amendment of that nature being passed. We would strongly urge you to vote against this amendment.

Under our law in South Dakota, the victims' are afforded many, if not all, of the rights contained in the amendment. We currently have victim/witness assistants in many of the prosecutor's offices across the state and are actively working with victims on a daily basis. Each morning, our office contacts by phone, if possible, all victims of crimes against persons from the evening or weekend prior. We make our attorneys aware of the victims' wishes and concerns regarding the cases prior to arraignment. Following arraignment, victims are notified of the next phase of court either by phone or by letter. As the case proceeds, victims are advised of any plea offers or possible issues or concerns the attorneys may have with the case and are kept appraised of the ongoing procedures. Additionally, victims are invited to attend bond hearings, motion bearings, plea hearings, sentencing hearings and any other hearings relevant to the case. Victims are also encouraged to write victim impact statements or letters to the court regarding their thoughts and feelings about how this crime has affected them or their family. Victims are also invited to speak at sentencing hearings regarding these same issues.

In 1999, we averaged approximately 85-90 cases per month involving crimes against persons. We attempted contact with all of these except when the victim is transient and has no phone or address of any kind. Of those cases, an average of 51 cases per month were domestic assaults. Our office has adopted a 'victimless' prosecution position in that the victim does not need to be cooperative on a domestic case for our office to prosecute. Due to the nature of domestic violence, our concerns have been that the defendant has a great deal of power over the victim and can often convince the victim to be unavailable for court or to ask that we dismiss the charges. While our victim's input is important, we hesitate to allow it to become the driving force in the prosecution of these cases. Our fear is that given the influence of the defendant in domestic violence, we would be doing defendant driven prosecution. Typically, our victims report assault many more times than they actually agree that prosecution is necessary or important. Consequently, our ability to get convictions on domestic cases would be greatly hindered if the victim were allowed to run the case or make the final plea negotiation decisions. Our ability to prosecute without the victim makes it possible to get conditions on defendants and keep our victims and our community safe.

I have enclosed copies of the letters that are sent to all victims of every crime against persons. While there may be an occasional victim that we fail to locate, we make every effort to find them whenever possible. Occasionally, a victim may ask that we stop notifying them of the next phases of court and we honor that request.

Please consider these concerns and understand that while victim's rights are a very important issue, this amendment would make it difficult for us to do our jobs and make appropriate decisions regarding the prosecution of criminal cases.

Sincerely,

BECKY HESS, LSW,
Victim Witness Assistant.
DAVID R. NELSON,
State's Attorney.

U.S. DEPARTMENT OF JUSTICE,
U.S. MARSHALS SERVICE,
District of South Dakota, April 24, 2000.

Re Senate Joint Resolution 3, Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

Hon. THOMAS DASCHLE,
U.S. Senator, Office of the Democratic Leader, Capitol Building, Washington, DC.

DEAR SENATOR DASCHLE: As you are well aware, prior to my current position as the United States Marshal for the District of South Dakota, I served as the elected Sheriff of Davison County for 32 years where I dealt directly with victims of crime on a day to day basis. That experience created a great deal of empathy towards victims on my part and caused me to wonder about our system of justice at times. I do have very strong feelings of support for victims of crime and wish to help them in anyway possible.

That said, I strongly believe that amending the Constitution is absolutely the wrong

> way to correct the problem and will accomplish nothing other than a "feel good" attitude and cost the American taxpayers endless dollars! We already have many laws to protect victims so that all that is needed is enforcement by prosecutors and the Courts to correct any problem areas. If it is found that more laws are necessary to better protect them, pass those laws as needed but setting a national standard for all states to follow may cause many more legal problems in the future than we can imagine today.
>
> In addition, consider the problems that will immediately occur within all of our penal institutions, city and county jails throughout the country. Many of the victims of crimes are in those same institutions and/or are becoming victims within those places. This amendment will bring on transportation nightmares for those various institutions as they try to get each prisoner to their necessary hearings creating great cost problems and worse yet possible escape situations.
>
> Having 40 years experience dealing directly with prisoners at the county jail level to the state penitentiary, I know that most every one of them will attempt to use the system if for no other reason than it would be a chance to abuse and misuse the system! As an administrator now charged with the responsibility of transporting prisoners to courts, to and from institutions, I believe the associated problems would be endless besides being very expensive.
>
> I ask for your kind consideration in this matter and I stand ready to work with you to ensure that all victims rights are preserved and they are fairly represented in all criminal proceedings. I believe that can be best accomplished at the state and local level without tampering with the Constitution.
>
> Sincerely,
>
> LYLE W. SWENSON,
> *United States Marshal.*

Mr. DASCHLE. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I read the committee report relative to this constitutional amendment from beginning to end. I did so because of the extraordinarily important issue which has been raised by Senators KYL and FEINSTEIN, and others: an effort on their part to provide some compassion and some relief to victims of crime. I have tremendous respect for their effort and those of their cosponsors.

After reading the committee report and giving a lot of thought to this issue, I have decided to oppose the amendment for a number of reasons.

First of all, we all start with the proposition that we want victims to have rights and Congress and the State legislatures should act to provide those rights. I do not think there is a lot of dispute about that issue. The question that is before us in this constitutional amendment is whether or not the way to achieve that goal is through an amendment to our basic document.

I believe it is fundamentally wrong to amend the Constitution for a number of reasons. First, the desired goals can be achieved by statute. Every State has a constitutional amendment or a statute which protects victims' rights. I do not believe there is one statute or one constitutional amendment in any State protecting victims' rights that has been held to be unconstitutional.

One of the complaints seems to be that State statutes and State constitutional provisions are not being enforced adequately. Take, for example, a story that Marlene Young, executive director of the National Organization for Victim Assistance, brought to the attention of the House Judiciary Committee Subcommittee on the Constitution in February. This is what she said:

> Just within the past 2 weeks, our office received a copy of a letter published in the Sumter (Georgia) Free Press. It reads in part: "I write this letter as a victim, not only of the person who violated me but as a victim of a system gone bad. . . . I was sexually battered here in Sumter County. I chose to press charges. Several days after the arrest and release of the accused, I received a packet from the court which included a list of my rights as defined by Georgia State law. I should have received this information from (the detective) the day I gave my statement. Georgia Law states that the investigator will provide the victim with a copy of Georgia Victims Bill of Rights in plain English upon initial contact. . . . Victims are everywhere and we have the right to be protected under Georgia Law. How many other victims are there who don't know what their rights are because the agencies are not working together? Lucky for me, to date, I have not been further injured by the accused. Others in this country may not be as lucky as I have been. It is time the victims of crimes be treated with respect and the laws set forth by the State of Georgia be followed. At what point are the laws of this state important to the authorities?"

So, the problem in that case, and in so many other cases, was not that the law in Georgia was incapable of protecting the victim; the problem was that the law was not carried out or enforced. Georgia has a State statute guaranteeing victims' rights, and the officials in Sumter County did not abide by that statute or implement it in her case. Is that a reason for a Federal constitutional amendment? Or is it, instead, a plea to the Georgia attorney general—who supports a constitutional victims' rights amendment, by the way, as is documented by his signature on a letter to us—to enforce the laws of his State? I argue that it is the latter.

Then we have the extraordinary testimony of Professor Laurence Tribe. Professor Tribe starts out with the proposition that:

> The States and Congress, within their respective jurisdictions, already have ample affirmative authority to enact rules protecting these rights.

referring to the rights of victims.

Then he says:

> The problem . . . is that such rules are likely, as experience to date sadly shows, to provide too little real protection whenever they come into conflict with bureaucratic habit, traditional indifference, sheer inertia. . . .

What Professor Tribe is saying is that it is justifiable to amend the Constitution of the United States because statutes that are on the books are not enforced. That argument not only falls short of Madison's test that there be a "great and extraordinary" need before the Constitution is amended, it does not even come close.

It is particularly inappropriate to amend the Constitution when the interests sought to be protected are so complex and are still in formation. The question of who is a victim alone is a subject of much discussion.

We have had tragic instances in recent history, in New York City and in Oklahoma City, where the bombings of buildings created literally hundreds of victims—the families of those who were killed and the survivors.

Are all of them to be given the protection that is set forth in this constitutional amendment? What restrictions can be put on their rights by statute? What about persons making false claims against others, charging others with a crime? That person, an alleged victim, is given standing to argue against bond in order to keep the person he falsely accused in jail, without bond, awaiting a trial.

We have had too many instances of false accusations, including one recent notorious story of a schoolteacher of 32 years, who taught not too far from here, and was falsely accused by his students of sexual harassment and sexual assault.

The possibility for injustices of many varieties should be explored, as they are currently being explored in the 50 States, all of which have either statutes or constitutional amendments that provide various means of protection for victims.

The pending amendment will be implemented by congressional enactment. Congress will be legislating for 50 State criminal court systems, which handle 95 percent of the criminal cases in this country. Far better for us to pass legislation that will strengthen victims' rights in Federal criminal cases, over which we have jurisdiction, and test the dozens of critical concepts which are involved in the effort to provide victims with rights, including: Who victims are? What is the impact on prosecutions? Is it negative, as some in law enforcement believe? Will there be undue delays caused by the meaning of the many issues that are open to litigation?

The Conference of Chief Justices of the States of the United States wrote a very compelling letter, part of which reads as follows:

> . . . all states have some type of statutory guarantee for the protection of victims' rights, most of which have been enacted recently. At least 31 of the states also have constitutional provisions and these enactments provide victims with the opportunity to be heard at the various stages of criminal litigation, particularly at the point of sentencing and in respect to release on bail or on parole. Most states are considering further constitutional changes. If the sponsors of S.J. Res. 3 are searching for a single settled law governing victims, the goal will not be achieved through a Federal Constitutional Amendment. Preempting each State's existing laws in favor of a broad Federal law will create additional complexities and unpredictability for litigation in both State and Federal courts for years to come. We believe that the existing extensive state efforts provide a significantly more prudent and flexible approach for testing and refining the evolving legal concepts concerning victims rights.

When the chief justices of our State courts make such a compelling argument, it seems to me that this body—always sensitive to the fact that we live in a Federal system—should give it great attention.

Supporters have argued in the report at one place that the reason for this constitutional amendment is to "establish consistent, uniform rights" for crime victims in this country. On the other hand, in the same report the sponsors talk about giving the 50 different States the authority "to "flesh out the countours of the amendment by providing definitions of victims' and crimes of violence.' " They cannot have that argument both ways.

The subject of trying to provide rights for victims in Federal criminal cases is ripe for Federal statute, but it is wrong—it is simply wrong—to treat the Constitution as though it were a statute book.

This amendment does not meet the test of Federalist No. 49. This great document, written by James Madison, said that a constitutional amendment provision should be reserved "for certain great and extraordinary occasions."

This is an occasion where the cause is surely important and great, but the cause may be achieved by statutory means. It is not appropriate to amend the Constitution for this occasion.

As a student and as a young lawyer, I grew to revere the Constitution. As an American, I thank God for it every day. Amending this hallowed document should be done when a great interest cannot otherwise be protected and when it can be described simply and in transcendent language. The amendment before us does not meet that test.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, over the past few days, there has been a great deal of discussion on the rights of victims and the need for increased participation of victims in the criminal justice system. I believe that all of us support victims' rights, greater federal recognition of these rights. Clearly, they deserve enforceable rights that are guaranteed by law. But, just as clearly, these rights can be achieved without taking the extraordinary step of amending the Constitution of the United States.

The Constitution is the foundation of our democracy, and it reflects the enduring principles of our country. The framers deliberately made it difficult to amend the Constitution, because it was never intended to be used for normal legislative purposes. Chief Justice Rehnquist captures the essence of why this proposed amendment is misguided, when he states that a statute, rather than a constitutional amendment, "would have the virtue of making any provisions in the bill which appeared mistaken by hindsight to be amended by a simple act of Congress."

The Constitution is not a billboard which to plaster amendments as if they were bumper sticker slogans. In this Congress alone, over a dozen constitutional amendments have been introduced. With every new proposed amendment of this kind, we undermine and trivialize the Constitution and threaten to weaken its enduring strength.

One of the guiding principles that has served the nation well for two hundred years is that if it is not necessary to amend the Constitution, it is necessary not to amend it. We have amended the Constitution only 17 times in the two centuries since the adoption of the Bill of Rights. We should consider such amendments only in rare instances, when the enactment of a statute is clearly inadequate.

We do have a responsibility to act to assure victims of crime that their rights in the criminal justice system will not be ignored. But amending the Constitution is not the appropriate remedy, and the debate over such a remedy in recent years has, as a practical matter, delayed the implementation of basic protections that are needed and that should be accomplished by statute.

For too long, our criminal justice system has neglected the hundreds of thousands of victims of crime whose lives are shattered by violence or threats of violence each year. I believe, along with every other member of the Senate, that the rights of victims deserve better from our criminal justice system.

Another irony is worth emphasizing in this debate. Many of the Senators who support the rights of victims and feel so strongly about this constitutional amendment are the same Senators who refuse to allow federal action, even by statute, to protect victims of hate crimes. For the past two years, the Senate has failed to send hate crimes legislation to the President's desk for signature. I hope that this debate will at least have the beneficial affect of encouraging Congress to take action to protect victims of hate crimes. Their needs too can no longer be ignored.

Too often, the legal system does not provide adequate relief for victims of crime. They are not given basic information about their case—such as the case status, scheduling changes of court proceedings, and notice of a defendant's arrest and bail status. Victims deserve to know about their case. They deserve to know about hearings and other proceedings. They deserve to know when their assailants are being considered for parole. And they certainly deserve to know when their attackers are released from prison.

Victims of crime and their families deserve legislation that will guarantee their basic rights and provide urgently needed support. However, particular provisions in the proposed constitutional amendment are of grave concern. It is no surprise that victims' rights groups and domestic violence groups oppose the constitutional amendment for a very practical reason. If a victim of domestic violence acts in self-defense, the batterer would be entitled to all of the constitutional rights created by S.J. Res. 3, including the right to attend court proceedings and the right to be heard.

Clearly, we can deal with this problem by statute, and I urge the Senate to do so. I would welcome the opportunity to work with my colleagues to enact bipartisan legislation to accomplish the goal we share of genuine protections for victims' rights.

Finally, I commend all of my colleagues who have so eloquently defended the Constitution and opposed this misguided amendment, especially Senator BYRD and Senator LEAHY. They have given Congress and the country an excellent lesson in the role of the Constitution in protecting our liberties. Rarely has there been a better example of Senators living up to our oath of office "to support and defend the Constitution."

When we began this debate earlier this seek, the conventional wisdom was that the proposed constitutional amendment was within a vote or two in the Senate of obtaining the two-thirds majority needed for passage. The debate has so clearly demonstrated the fundamental flaws of this amendment that the amendment is likely to be withdrawn. It is a proud moment for the Senate, and I believe the founders who wrote the Constitution would be proud of us too.

Mr. LEAHY. Mr. President, I do not want to conclude this debate without, again, acknowledging the commitment to crime victims of the Senator from Arizona and the Senator from California. I know that they are sincere in their support for crime victims. I compliment them as well for the manner in which they have conducted themselves throughout this debate and throughout the Judiciary Committee's work on this matter. I view them not as opponents but as allies in our mutual efforts to assist crime victims.

I also want to acknowledge the extraordinary efforts of the senior Senator from West Virginia and the thoughtful guidance of the Democratic Leader. Senators DORGAN, DURBIN, SCHUMER, DODD, MOYNIHAN, FEINGOLD, MURRAY, THOMPSON, WELLSTONE, LEVIN, and BINGAMAN each contributed greatly to the debate.

I thank Senators from both sides of the aisle—Senators who supported preserving the Constitution and those who supported the proposed constitutional amendment. I commend the Senate for doing its duty and upholding the Constitution and Bill of Rights.

I would also like to thank Rachel King and her colleagues at the ACLU; Sue Osthoff, Director of the National Clearinghouse for the Defense of Battered Women; John Albert, Public Policy Director of Victims Services; Donna Edwards, Director of the National Network to End Domestic Violence; Renny Cushing, Director of Murder Victims' Families for Reconciliation; Arwen Bird; Scott Wallace; Beth Wilkinson; Emmet Welch; and Professor Lynne Henderson. As always, I thank my staff, as well as the hardworking staff of our distinguished Democratic Leader.

Finally, my special thanks to Professor Robert Mosteller of the Duke Law School, who has given so generously of his time, over many years, to many of us on the Judiciary Committee and in the Senate. Professor Mosteller is a leading scholar in this field, and his expertise and counsel have been invaluable.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, first, I compliment the wonderful statement by the Senator from Michigan in opposition to this amendment. On all issues I appreciate his knowledge and his understanding, and particularly his extremely clear way of presenting his views on this very important issue.

Mr. LEVIN. I thank my friend.

CALLING OF THE BANKROLL KICK-OFF

Mr. FEINGOLD. Mr. President, as many of my colleagues may remember, during the first session of this Congress I initiated the Calling of the Bankroll. It is a time when I come to the floor to chronicle the massive amount of PAC and soft money pumped into the campaign finance system by donors looking to influence the work we do here on this floor.

I called the bankroll many times last year—19 times, to be exact.

And I included not just donations by business interests but from interests on both sides of these debates, including trial lawyers and gun control advocates.

Last year when I began my Calling of the Bankroll effort, I did so because I thought it was time for someone in this body finally to talk about what we all think about and what the American people really are quite angry about; and that is, how money can influence what we do here and how we do it.

I know that this is an uncomfortable topic, and I know full well that there are some who would prefer that I stop Calling the Bankroll—that there are those who wish that I would stop putting the spotlight on facts that reflect poorly on our system, and in turn on the Senate, and on both major political parties.

I have to tell you, Mr. President, no one wishes I could stop Calling the Bankroll as much as I do.

I wish wealthy interests with business before this body didn't have unlimited ability to give money to our political parties through the soft money loophole, but they do.

I wish these big donors weren't able to buy special access to our political leaders through meetings and weekend retreats set up by the parties, but they can.

I wish fundraising skills and personal wealth weren't some of the most sought-after qualities in a candidate for Congress today, but everyone knows that they are.

Most of all, I wish that these facts didn't paint a picture of Government so corrupt and so awash in the influence of money that the American people, especially young people, have turned away from their Government in disgust, but every one of us knows that they have.

But I also know something else: that we have the power to change this embarrassing state of affairs.

Here in the Senate we have the power to show the American people that we have the will to shut down the soft money system.

As I said, I Called the Bankroll 19 times last year—and I could have done it even more times.

Unfortunatey there is never a shortage of material.

When I Call the Bankroll I describe how much money the various interests lobbying on a particular bill have spent on campaign contributions to influence our decisions.

I Called the Bankroll on: A mining rider to emergency supplemental appropriations, the gun control amendments to the juvenile justice bill, the Super Hornet amendment to DoD authorization, the Y2K liability legislation, the Patients' Bill of Rights—we did it twice on that, China/NTR, the tobacco industry, last summer's tax bill, agriculture appropriations, the FCC rule on the siting of telecommunications towers, oil royalties—we did it twice on that one, consolidation in the railroad industry, the Passengers' Bill of Rights, the F-22 program, the Africa Growth and Opportunity Act, the Financial Services Modernization bill, and finally the Bankruptcy Reform Act.

As I said, there was no shortage of material for calling the bankrolls.

This year, it's time again to examine legislation before this body with an eye to the interests that seek to influence the legislative process.

I have already begun that effort—I recently called the bankroll during the debate on the budget resolution. Of course, the budget process itself is tainted by the flood of money that flows to those of us who decide the nation's spending priorities. During that debate we addressed the question of whether or not we should drill for oil in the Arctic National Wildlife Refuge, and I called attention to the significant contributions by the companies with an interest in the outcome of that debate.

Before that I also called the bankroll on the interests lobbying both sides of the nuclear waste debate.

I talked about phony issue ads, PAC contributions, unlimited soft money contributions—the money that's always here, just beneath the surface of our debates.

It's our unwillingness to discuss it or even acknowledge the influence of this money that speaks volumes about how uncomfortable so many of us are with the current campaign finance system.

The purpose of the Calling of the Bankroll is to force this body to face up to the appearance of corruption the system causes and face up to our responsibility to do something about it.

So I can assure my colleagues that I will keep Calling the Bankroll until we do something about the campaign finance system that causes the American people to question our motives when we act on legislation, and, I am afraid, to question the very integrity of this body and our democracy.

And today they have more reason than ever to take a cynical view of our work.

Because last year was another record-breaker in the annals of soft money fundraising—the national political party committees raised a record $107.2 million during the 1999 calendar year—81 percent more than they raised during the last comparable presidential election period in 1995, according to Common Cause.

An 81 percent increase is astounding, especially considering that the year it's compared with—1995, the last off-election year preceding a presidential election—which was itself a record-breaking year for soft money fundraising.

This year one of the most notable fundraising trends hits very close to home, or to the dome, as the case may be: Congressional campaign committees raised more than three times as much soft money during 1999 than they raised during 1995—$62 million compared to $19.4 million.

That's a huge increase, Mr. President.

It is three times as much soft money—much of it raised by Members of Congress. The latest reports show record-breaking soft money figures for the first quarter of the year 2000, as well.

How should the public view this?

What can we expect them to think as Members of Congress ask for these unlimited contributions from corporations, unions and wealthy individuals, and then turn around and vote on legislation that directly affects those donors?

Frankly Mr. President, it's all the more reason for Americans to question our integrity, whether those donations have an impact on our decisions or not.

But we can regain some of the public's trust by doing one simple thing—banning soft money.

On January 24, in its opinion in the Shrink Missouri case, the Supreme Court stated even more clearly to us that we may take that step today without the slightest offense to the First Amendment.

I'll continue the fight to ban soft money this year, and ask every one of my colleagues to join me.

The fight to ban soft money is a fight to regain the public's trust, and Mr. President, there's no fight in our democracy today more worthwhile than that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

NATIONAL DEFENSE INDUSTRIAL ASSOCIATION AWARD DINNER

Mr. SESSIONS. Mr. President, last night Senator JOHN WARNER, chairman of the Armed Services Committee, was the recipient of the James Forrestal Memorial Award at a gathering of 900 distinguished leading individuals involved in the industrial and military affairs of this Nation. It was awarded last night in Washington. The Forrestal award has been given since 1954 to distinguished Americans who most effectively applied Secretary Forrestal's ideas of a close working relationship between the Government and the requirements of a strong national defense. Other recipients were George Bush, Sam Nunn, Scoop Jackson, John Tower, Barry Goldwater, John Stennis and, I believe, our Presiding Officer, the distinguished Senator from Alaska, TED STEVENS.

The award is given to a citizen of the United States who may be from the military services, government, or industry. Senator WARNER was honored last night with the Forrestal award for his distinguished public service relating to national security and national defense in a wide range of responsibilities. All of us in the Senate know that Senator WARNER was a former Navy enlisted man in World War II, enlisting as a 17-year-old, then serving again in Korea as a marine officer. I have heard him say he has gone through two basic trainings, both Navy and Marine.

Later, during the cold war era, JOHN served his Nation as Secretary of the Navy. His service to the Nation in this body began in 1978, and he has been on the Senate Armed Services Committee ever since, a total of 21 years. I know that JOHN enjoyed being honored by 900 of his friends and companions who provide the equipment our soldiers and sailors, marines and airmen use every day to maintain a strong national defense.

JOHN's public thanks to those in industry and in the services is an expression of thanks from all of us in Congress. I associate myself with his remarks that he made so eloquently last evening.

There is no one in this body who cares more about the men and women in uniform, our military retirees, and our veterans than JOHN WARNER. There is no one more committed to the defense of this Nation. The markup of our committee's bill for defense will be undertaken next week, and the debate on this floor will show, without question, the depth of Senator JOHN WARNER's commitment to the Nation.

We owe men such as JOHN WARNER our gratitude for leading us in times of turmoil. There have been many in history who have provided this kind of essential leadership. We are part of JOHN's team. As a member of the Armed Services Committee, I am proud of him, his leadership and his friendship. Congratulations, JOHN, on being the recipient of the year 2000 James Forrestal Memorial Award.

I have the honor of serving with Senator WARNER on the Armed Services Committee. He is a gentleman's gentleman, a patriot's patriot. He is proud of being able to preside this year over a budget that produced the first real increase in defense spending in 15 years, a 4.8-percent pay raise for our men and women in uniform. It was a real accomplishment.

I have been honored to serve with him. I share with this body my pride in his being selected for this prestigious award.

I yield the floor.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that after the Senator from Alabama deals with the procedural matters I be recognized for 5 minutes and then Senator FEINSTEIN be recognized following me for 15 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object. I ask unanimous consent that I be allowed to follow Senator FEINSTEIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF DR. HERB CHEEVER

Mr. DASCHLE. Mr. President, quite often on the floor of the Senate, we give speeches about extraordinary people who do extraordinary things. Today, I'd like to recognize someone whose name you won't see in the headlines, but who is truly extraordinary in every sense of the word. Earlier this year, my good friend Dr. Herb Cheever, Dean of the College of Arts and Sciences at South Dakota State University (SDSU), announced that he would retire.

Dr. Cheever grew up in Brookings, South Dakota and received his undergraduate degree from SDSU. After earning his doctorate from the University of Iowa and teaching in Kansas and Wisconsin, Dr. Cheever returned to his alma mater. He and his wife Sydna raised three boys in Brookings—Jason, Michael and Gene—and Herb and Sydna have long been tireless advocates of the arts in our state.

South Dakota State University is a wonderful school. Its reputation for academic excellence and cutting edge research is known across the country.

Dr. Cheever is to be commended for the critical role he played in the development of the University, but he should also be recognized for his commitment to the things one can't measure by a standardized test.

Dean Cheever is a passionate believer in the importance of public service. Throughout his teaching career, his commitment to serving others was something that was impressed upon all of his students. When I was an undergraduate at SDSU, Dean Cheever taught me more about the importance of public service than I could have imagined possible, and there is no doubt in my mind that he helped steer me down the career path that I eventually chose to follow.

The impact Dean Cheever had on me wasn't confined to his work as an educator. He was also instrumental in helping shape my interest in politics. Dr. Cheever and I volunteered together on George McGovern's race for the Senate in 1968. It was a true pleasure for me to work alongside him during that exciting time.

Later, Dean Cheever took leave from SDSU to help Dick Kneip remain governor, and to direct the South Dakota Democratic Party. Politically—and luckily for me—Herb Cheever has worked on behalf of the Democratic Party. However, as everyone who knows him can attest, that is the only venue in which he plays favorites. Dean Cheever's commitment to education and his community, and his passion for public service have made a deep and lasting impression on thousands of young people on SDSU's campus over the years, and I am pleased that I was fortunate enough to be among them.

I am proud to call Dean Herbert Cheever a friend, and I am pleased to join Sydna, their friends and family in wishing him the best as he begins the next important chapter of his life. While his colleagues and students will undoubtedly miss his daily presence in the classrooms of SDSU, I am confident that he will continue to touch many lives.

NATIONAL MISSILE DEFENSE

Mr. COCHRAN. Mr. President, just a few days ago, the Congressional Budget Office released a paper entitled "Budgetary and Technical Implications of the Administration's Plan for National Missile Defense." I bring this paper to the Senate's attention because I believe it is misleading and confusing. It has given support to critics of the program who also have contributed to the confusion.

Some reporters and editors have characterized this study as a "budget estimate" of our National Missile Defense program which shows that the costs will be far higher than previously predicted. This is not so.

The paper is not a budgetary scoring of legislation that the CBO traditionally engages in. This is a paper of a kind the CBO occasionally produces in response to Congressional requests, providing it can spare analysts from their other duties. The request for this paper was recently made by members of the Senate and the CBO acknowledges that it had insufficient time to fully consider all of the questions it was asked to address.

The paper puts the total cost for a National Missile Defense system at $49 billion. I say "a" National Missile Defense system because the CBO paper did not examine the program actually in place and for which we have received estimates in the past, but rather one that its analysts thought should be in place. Mr. Ken Bacon, the Defense Department spokesman, characterized the estimate as an "apples to gold apples" comparison.

The Defense Department has stated previously that acquisition and operation of a single site NMD system with 100 interceptors would cost $25.6 billion through 2015. The CBO estimate of $49 billion is for a dual site NMD system with 250 interceptors. Some news reports, such as one published in the Wall Street Journal on April 25th have erroneously reported a figure of $60 billion for this year, which they arrive at by adding the cost of Space-Based Infrared Satellites. However, even the CBO paper correctly notes that those satellites will serve other missile defense programs, as well as other entirely different mission areas, and are not part of the cost of the NMD system.

Mr. President, I am convinced that a single interceptor site by itself will be insufficient to adequately protect the United States from missile attack, and additional capability will be needed. Whether that should be a second ground-based site, as the CBO paper assumes, one based at sea, or some other approach remains to be determined. But we should not confuse the CBO's "golden apple" estimate with the estimates we have received previously, which address a different, single site NMD system.

Even where the CBO paper tried to make a direct comparison, it still based its estimate on the program it thought should exist rather than the one that does. For example, the paper determined that the Ballistic Missile Defense Organization should buy 75 percent more interceptor missiles than it plans to for testing and spares in the so-called "Capability 1" single site system. It made different assumptions about construction costs, using the 30 year old Safeguard system in North Dakota as its model. And it based its costs on 30 operational flight tests over the first five years of system operation, three times the number actually planned.

Projecting costs for a complex weapon system still under development is an uncertain enterprise, and different analysts can reasonably reach different conclusions about what assumptions are warranted. It would have been reasonable for CBO to present its conclusions to those who are actually building the NMD system and seek their views on whether the different assumptions were warranted. This, after all, is the procedure followed by the General Accounting Office when it produces such a study. It sends out a draft for comment by the relevant agencies and either incorporates the comments of those agencies or explains why it does not agree. Unfortunately, we have been told by the Ballistic Missile Defense Organization that, despite repeated offers to assess the CBO findings, CBO declined to present its conclusions before publishing this paper. That is unfortunate; had it done so, there might be less confusion about what this paper says.

I believe it is also important to note some costs that CBO did not consider in this study.

The study doesn't examine the potential costs to the United States of not having a missile defense system. We should keep in mind that the NMD program is not like a new tactical fighter or guided missile destroyer or armored vehicle, replacing an earlier generation. We have no defense against long-range ballistic missiles launched against our territory. That means that should the day come when some nation—for whatever reason—launches a missile at the United States, without a National Missile Defense system we will have no choice but to watch that missile strike its target. If that missile is equipped with a weapon of mass destruction, the results would be the most catastrophic event ever to take place in the United States. An assessment of these costs is nowhere to be found in the CBO report.

Nor is the cost to U.S. leadership of our continued vulnerability to missile attack. A missile doesn't have to be used to be useful in deterring actions by other nations, and we need only look at our own experience to confirm that. The United States has spent hundreds of billions of dollars on ballistic missiles over the last 40 years, none of which have ever been used. We did so because we believed those weapons would deter other nations from taking certain actions that would harm our interests.

The United States can be deterred, too, by the threat of missile attack. Our former colleague, Secretary of Defense Cohen, provided an example of how that can happen when he spoke to our Allies in Munich in February. He said,

> If Saddam Hussein had five or ten or twenty ICBMs with nuclear warheads, and he said that, if you try to expel me from Kuwait, I'll put one in Berlin, one in Munich, one in New York, one in Washington, one in Los Angeles, etc., one in Rome—let's spread the wealth, one in England, London—how many

> would have been quite so eager to support the deployment of some five hundred thousand convention troops to expel him from Kuwait? We would have had a different calculation, asking, "What kind of a risk are we running? . . .
>
> We never want to be in the position of being blackmailed by anyone who will prevent us from carrying out our Article 5 obligations or responding to any threat to our national security interests."

There are significant costs to the ability of the United States to act in its national interests if it is vulnerable to missile attack. This report from the CBO doesn't place a dollar value on that.

Mr. President, while our debates on various defense programs can be served by additional views, I think this new paper from the Congressional Budget Office has done more to create confusion than to contribute usefully to the debate. I urge Senators to keep its limitations in mind as they consider it.

QUEST FOR MIDEAST PEACE

Mr. SMITH of Oregon. Mr. President, I had the privilege of chairing a hearing of the Foreign Relations Committee on April 5 that examined the status of U.S. efforts to resolve still open questions of compensation and restitution arising from the tragedy of the Holocaust, and that looked broadly at the persistent phenomenon of anti-Semitism that inspired and enabled that monstrous crime.

Extraordinary witnesses appeared before the Committee—led by Dr. Elie Wiesel, who called on us and all civilized men and women to stand firm against the dark forces of bigotry and other hatreds, and Deputy Secretary of the Treasury Stuart Eizenstat, who described the efforts of the United States and other countries to finally and squarely confront with painful truths and achieve some level of justice for the Holocaust's victims and its survivors.

One subject that was analyzed for the Committee in great detail was the current reach and impact of anti-Semitism, and I feel particularly indebted to David Harris, Executive Director of the American Jewish Committee, for his thoughtful and comprehensive testimony on this grave matter. This presentation reviewed not only the scourge of anti-semitism in Europe but the increasingly troubling incidence of this form of bigotry in the Arab world.

At the same time that countries across the Middle East are engaged in a peace process guided by Washington that promises a new era in relations between Arabs and Israelis, old anti-Jewish enmities are too often tolerated, or even fanned, by important institutions in the Arab world. Anti-Jewish and anti-Israel propaganda of the most grotesque nature is commonly available—on the newsstands, in schools, in professional societies and political conferences—and almost universally tolerated, even by governments committed to pursuing peace.

As the American Jewish Committee asserted, this sanctioning of hatred against Israel and Jews in general, profoundly complicates the search for Middle East peace, fostering a climate in which compromise, accommodation, trust and understanding—on both sides—may be unattainable. This virulent hatred is simply incompatible with the search for peace, and it is the obligation of the region's leaders to act firmly against its continuing dissemination.

I am grateful that the American Jewish Committee distilled the essence of its testimony on this subject in an advertisement that ran on the Op-ed Page of the New York Times on Tuesday, April 11. I ask unanimous consent that the text of the AJC ad be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, April 11, 2000]

HATRED VERSUS PEACE

A comprehensive and durable Arab-Israeli peace requires more than signed agreements. What is needed are concrete steps to build a culture of peace.

As Israeli Prime Minister Ehud Barak takes bold and courageous initiatives to achieve a permanent settlement with the Palestinians, to withdraw Israeli forces from southern Lebanon, and to negotiate with Syria, hatred of Jews seethes in the Arab government-controlled media, and in many Arab schools, religious institutions, and professional societies.

Some recent examples:

The Palestinian Authority-appointed Islamic Mufti of Jerusalem last month publicly trivialized the Holocaust just before meeting with Pope John Paul II, echoing a view often published in newspaper articles and editorials across the Arab world.

Syrian textbooks are replete with anti-Semitism, Holocaust denial, and open calls for the extermination of Jews.

Professional societies in Egypt and Jordan, countries formally at peace with Israel, prohibit contact with Israelis. The Jordanian Journalists' Association expelled one member for committing the "crime" of visiting Israel and compelled three others to sign an apology.

While Israeli diplomats originally invited to a University of Cairo conference on March 28 were turned away at the door, the Arab League, also meeting in the Egyptian capital, called for an immediate end to Jewish immigration to Israel.

The Palestinian Authority's official news outlets regularly assert that Israel is spreading viruses throughout the Arab world.

Arab media have depicted, in words and cartoons, Israeli Prime Minister Barak and Foreign Minister David Levy as Nazis.

Such virulent anti-Semitism and Holocaust denial in the Arab world must no longer be tolerated.

The spreading of hatred and the pursuit of peace cannot coexist. Which will it be? The fate of the region may depend on the answer.

SIMILAR CIRCUMSTANCES, DIFFERENT OUTCOMES

Mr. LEVIN. Mr. President, last week, as the one-year anniversary of the Columbine shooting approached, rumors of copycat violence prompted panic among teachers and students. Principals and administrators sensitive to such rumors heightened security by bringing in police protection and extra security guards. Other districts relied on parents and community volunteers to monitor school activity, and still others canceled classes altogether rather than suffer the fate of a school shooting, or even the threat of one.

For the most part, on the day the nation remembered Columbine, the rumors turned out to be just that—rumors. But the day did not go by without an act of copycat violence. The tragedy occurred, not here in the United States, but in Ottawa in the province of Ontario, Canada.

An article in the Ottawa Citizen describes the attack by a 15-year-old boy as one directly linked to the Columbine killings. The teen-age boy was apparently obsessed with the school massacre, and reportedly had photographs of the Columbine killers posted in his school locker. Students remember the accused counting down the days in eager anticipation of the exact moment Eric Harris and Dylan Klebold began their reign of terror.

In many ways, the student in Ottawa had similar experiences to those of Harris and Klebold. Classmates teased him because of his appearance. He felt depressed and suicidal. He longed to be noticed, and perhaps thought this act of violence would give him the notoriety he craved. And so, exactly one year and a few minutes after the Columbine massacre began, a boy in Ottawa picked up his backpack and pulled out his weapon.

Both scenarios seem similar but there is one critical difference between the now infamous April 20th act of violence in Littleton and the more recent one in Ottawa that garnered virtually no attention. That crucial, critical difference—the weapon.

Despite the Canadian boy's obsession with Columbine, his copycat crime was not carried out with an arsenal of semiautomatic guns, but with a kitchen knife. The weapon he pulled from his backpack caused great pain and anguish, but in the end, none of the five people he stabbed sustained any life-threatening injuries. By comparison, the Columbine rampage left fifteen dead and more than two dozen injured, some of whom still have fragments of ammunition lodged deep in their bodies.

The circumstances of these cases were similar, but the outcomes were different because one country successfully limits access to firearms among young people, and one does not. In Canada, citizens are subject to licensing and registration requirements and have limited access to handguns and certain assault weapons. In the United States, our gun laws are so riddled with loopholes a 15 year old can legally possess an assault rifle.

I've often made the point that Canadian children, who watch the same movies and television programs, and play with the same toys and video games, are far safer than their American counterparts. The key difference between these children is not morals, religion or family, the difference is access to guns.

How else can one explain that in 1997, the U.S. rate of death involving firearms was approximately 14 per 100,000, compared to Canada's rate of 4 per 100,000? In 1997, in my hometown of Detroit, there were 354 firearm homicides. In Windsor, the Canadian town that is across the river, there were only 4 firearm homicides for that same year. Accounting for population, Detroit's firearm homicide rate was 18 times higher than Windsor's.

Congress does not have to pass Canadian-style gun control laws to reduce the number of American firearm casualties, but surely we need to reduce access to firearms among minors.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 26, 2000, the Federal debt stood at $5,718,483,607,979.32 (Five trillion, seven hundred eighteen billion, four hundred eighty-three million, six hundred seven thousand, nine hundred seventy-nine dollars and thirty-two cents).

One year ago, April 26, 1999, the Federal debt stood at $5,591,807,000,000 (Five trillion, five hundred ninety-one billion, eight hundred seven million).

Five years ago, April 26, 1995, the Federal debt stood at $4,848,089,000,000 (Four trillion, eight hundred forty-eight billion, eighty-nine million).

Fifteen years ago, April 26, 1985, the Federal debt stood at $1,730,404,000,000 (One trillion, seven hundred thirty billion, four hundred four million) which reflects a debt increase of almost $4 trillion—$3,988,079,607,979.32 (Three trillion, nine hundred eighty-eight billion, seventy-nine million, six hundred seven thousand, nine hundred seventy-nine dollars and thirty-two cents) during the past 15 years.

ADDITIONAL STATEMENTS

THE 150TH ANNIVERSARY OF TEMPLE BETH EL

• Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to the first Jewish congregation in the state of Michigan, Temple Beth El. The congregation, whose first services were held in 1850 by twelve families in Detroit, begins the celebration of its 150th anniversary this year with a series of special events. Beginning in May with a Musical Revue and concluding with a benefit in November, the events will bring together members of the congregation as well as thousands of others from throughout the metropolitan Detroit area.

Founded at a time of unrest in our nation—when the debate over slavery was intensifying, the economy was booming, and the railroad was transforming American culture—Beth El began with German immigrants. Members of Beth El later joined in the Reform Judaism movement. By 1867, the congregation had replaced German with English as the language of instruction, and in 1873 Beth El was one of the charter members of the Union of American Hebrew Congregations which brought together the Reform synagogues of America to establish an American rabbinical seminary.

Over the years, the congregation experienced steady growth, locating at several notable sites in Detroit. These include a temple that was constructed at Woodward and Eliot in 1903 (now the Bonstelle Theater which is owned and operated by Wayne State University) and a temple that was designed by the late Albert Kahn in 1922 and built at Woodward and Gladstone. Like these formidable architectural works that bear witness to the congregation's vision and contribution, Beth El's rabbis were pillars in the community and were instrumental in building and developing the Detroit Jewish community and the national institutions of the Reform movement. Rabbi Louis Grossman, Rabbi Leo Franklin, Rabbi B. Benedict Glazer, and Rabbi Richard Hertz are among those who are well-remembered for their significant leadership and prominent roles in helping to strengthen human relations and the cause of social justice.

In 1973, the congregation opened its doors to its newest home in Bloomfield Hills. Today it has a membership of over 1600 families. Under the spiritual leadership of Rabbi Daniel Syme, Rabbi David Castigilone, Rabbi Sheila Goloboy and Cantor Stephen DuBov, Temple Beth El continues to play an important role in the metropolitan Detroit Jewish community, and it is recognized as one of the foremost Reform congregations in the United States.

Mr. President, I would like to express my best wishes to Temple Beth El on the celebration of this milestone in their history as a major contributor to America's cultural strength and religious tradition. We all profit from the preservation and celebration of individual and religious freedom that Temple Beth El so well embodies. I know my colleagues will join me in congratulating the congregation of Temple Beth El and Rabbi Daniel Syme for achieving 150 years as a "home that welcomes all of Detroit's Jewish community" and as a hallmark of spiritual development.•

CONGRATULATIONS TO MAYOR EMMA GRESHAM

• Mr. COVERDELL. Mr. President, I rise today to pay tribute to one of the great civil servants of my state. On April 14, 2000, Mayor Emma Gresham of Keysville, Georgia, received an Essence Award from Essence Magazine for her outstanding service to the community. This award is a fitting tribute to a lady who has brought so much to her community and Georgia as a whole.

Emma Gresham was born on April 13, 1925, the youngest of eight children. As the daughter of a pastor and a missionary, Emma Gresham's desire to help other people was established at a young age. During her youth she served as a scoutmaster, and went on to work as a teacher at her local church. All of her life Emma Gresham has sought to make other people's lives better.

While Mrs. Gresham's commitment to the people of Keysville has existed for decades, the town of Keysville has not. Although the town had held a charter since 1890, it stopped having elections and essentially dissolved in 1933. In the mid-1980's the charter was rediscovered and found to be valid, and in 1985 the townspeople chose Emma Gresham as their mayor.

Ms. Gresham enjoyed her position for less than a day because the charter was revoked due to concerns over the city's boundary. Following a drawn-out process that involved excavations to discover a long-lost landmark, the city's charter was reactivated and Ms. Gresham was elected again in 1988. Since taking office, Mrs. Gresham has served for free.

Once in office, Mayor Gresham set to work. Since the town government had been dormant for so long, Keysville lacked many of the necessities most small towns enjoy. The city lacked clean water, streetlights, and even a fire department. In addition, the town's adult illiteracy rate was dangerously high.

Today, thanks to Mayor Gresham's leadership and commitment, Keysville has a water tower and a fire station. The first street lights were recently installed, and the town started a medical clinic. Last, but certainly not least, Keysville has an established adult literacy program as well.

The citizens of Keysville are now talking of building a new city hall and elementary school. This is quite a feat for a town that virtually did not exist twelve years ago.

Now 75, Emma Gresham is likely to retire when her current term as mayor ends in 2002. We can only hope that her successor will follow in her footsteps and be as effective an advocate for Keysville as Mayor Gresham.

Mr. President, the town of Keysville is certainly blessed. Without Emma Gresham's leadership, it is quite possible that it would not have made the strides that it has in the last decade. I offer my sincere congratulations to Mrs. Gresham for the award she earned through years of commitment to Keysville and its people, and wish continued success for her and the community she leads.•

CAPTAINS JOHN AND GLORIA CAFFREY

• Mr. INOUYE. Mr. President, I would like to take a moment to honor Captain John (Jack) and Captain Gloria Caffrey as they retire after more than sixty years of combined dedicated service in the United States Navy. These two outstanding Navy Nurse Corps officers culminate their distinguished careers at the Naval Hospital in Jacksonville, Florida, where Captain Jack Caffrey served as the Director of Operational Medicine and Captain Gloria Caffrey as the Director of Nursing Services and Associate Director of Clinical Services.

Captain Jack Caffrey has distinguished himself as a true leader and pace setter in the Navy Nurse Corps. In addition to his last assignment in Operational Medicine, highlights of his career include serving as the Commanding Officer and Executive Officer of the Naval School of Health Sciences in Bethesda, Maryland. His strong leadership and dedication to excellence in education and training programs led to unprecedented technological advances in training materials and methodologies. For more than thirty years Captain Jack Caffrey has met every challenge and every assignment with enthusiasm and zeal. He has served as a positive role model for all Nurse Corps officers and his contributions will positively impact military nursing and health care for years to come.

Captain Gloria Caffrey has also distinguished herself as an outstanding Nurse Corp officer for more than thirty years and has excelled in numerous executive and clinical assignments. While her accomplishments have been many, highlights of her career include serving as the Head of the Nurse Corps Assignment Section in the Bureau of Naval Personnel. In this role, she expertly managed the assignment of 3,200 Nurse Corps officers to billets Navy-wide. Captain Gloria Caffrey was instrumental in increasing the number of Nurse Corps officers selected to Executive Medicine billets and was key in developing policy changes affecting Defense Officer Personnel Management Act grade relief and subspecialty reductions. Her superior leadership, vision, and dedication to duty has been an inspiration to all military nurses. Captain Gloria Caffrey leaves a lasting legacy of excellence.

Mr. President, more than fifty years ago, as I was recovering in a military hospital, I began a unique relationship with military nurses. The Caffreys embody what I know military nurses to be—strong, dedicated professional leaders, stepping to the forefront to serve their country and committed to caring for our Sailors, Marines, Airmen, Soldiers and family members during peacetime and at war. Captains Jack and Gloria Caffrey's many meritorious awards and decorations demonstrate their contributions in a tangible way, but it is the legacy they leave behind for the Navy Nurse Corps, the United States Navy and the Department of Defense of which we are most appreciative. It is with pride that I congratulate both Captain Jack Caffrey and Captain Gloria Caffrey on their outstanding careers of exemplary service.•

RECOGNITION OF NATIONAL CHARTER SCHOOLS WEEK

• Mr. ABRAHAM. Mr. President, next Monday, May 1, 2000, is the first day of the first National Charter Schools Week in our nation's history, an event modeled after similar state level celebrations in Michigan and California. I feel that this is a momentous occasion which provides the nation with an opportunity to acknowledge and celebrate the hard work and many accomplishments of charter school teachers, students, parents, administrators, and board members. Charter schools are a relatively recent phenomenon, but they have already established their mark on our nation's public education system.

Mr. President, I am extremely proud of the role the State of Michigan has played in the development of charter schools. Since 1993, when Michigan became the ninth state to grant citizens the freedom to establish charter schools, 173 public school academies, as they are called, have been founded. This places Michigan third in the nation in number of charter schools, behind just Arizona and California. In the fall of 1999, over 50,000 students attended these public school academies, up from 30,000 in 1998. More importantly, 91 percent of Michigan parents said their charter public school did a better job of educating their child, and eight of ten said charter schools are better at motivating students.

It is my feeling that these numbers are an indication of the many benefits charter public schools offer to communities. They provide parents and students with choice in education. They allow teachers a degree of flexibility that cannot be found in traditional public schools. Furthermore, they allow administrators and board members a certain amount of innovation in the founding, and also the funding, of schools, and in the decisions that are made in how they are to be run.

Mr. President, what charter schools do, first and foremost, is give teachers, students, parents, and administrators the ability to experiment, to tinker with the system in the hopes of improving it, and they do this while at the same time remaining accountable to local and state school boards. If our educational system is to improve, if we are truly going to strive to provide our nation's children with the education they deserve, I feel that charter schools are going to play a vital role in this process.

Indeed, Mr. President, in charter schools, we have a situation where everybody wins. Parents are able to send their children to a safe school environment where they will have more say in the entire process. Teachers are able to find new ways to do their own work, to work together with one another, and to work with members of the community. Administrators are lifted from many of the restraints of the traditional public school system. And the greatest benefactor of all this will be our nation's public school students. They are the ones who will benefit from the competition, the experimentation, and the innovation, because of the effect that these things will have on our entire public education system.

Mr. President, I have long been a supporter of charter schools and the many opportunities they offer. It was my pleasure last year to have secured $925,000 in funding for Central Michigan University, which will use this money to establish a national Charter Schools Development and Performance Institute. The grand opening of the institute is May 1, 2000, which also happens to be Michigan's Third Annual Charter School Day. The goal of the institute is to foster high-performing students and effectively run charter public schools by promoting development, achievement, and accountability. It will also disseminate information on and assist schools with the design and the implementation of charter school models.

Mr. President, I am extremely excited that the week of May 1–May 5, 2000, is being officially recognized as National Charter Schools Week. I am hopeful that this will help to make our nation more aware of charter schools, and the wonderful opportunities they offer to teachers, parents, and students throughout our nation. The sooner we fully realize the potential of charter schools, the sooner they will be able to fully reach this potential.•

DR. WILLIAM SLOANE COFFIN

• Mr. LEAHY. Mr. President, May 6th marks the 75th birthday of Dr. William Sloane Coffin. Protestants for the Common Good is celebrating that day with a tribute to Dr. Coffin in Chicago, and I want to take a moment to call the Senate's attention to the life of this remarkable man.

I should begin by mentioning that since his retirement, Bill has lived in Vermont, and I am proud to represent a man whose dedication to peace, the environment, and social justice I have long admired.

William Sloane Coffin first came to the world's attention during the 18 years he served as the Chaplain of Yale University. As an outspoken and courageous supporter of civil rights and a founder of Clergy and Laity Concerned for Vietnam, he often sacrificed his own safety to ensure and protect the rights of others. He protested against segregation laws in the South, and with Dr. Benjamin Spock against the war in Vietnam. Anyone who was fortunate to hear him speak on these great moral issues of our time remembers his tremendous eloquence, passion and conviction. What many people may not know is that he also served his country as an infantry officer in Europe during the Second World War.

From New Haven, Dr. Coffin moved to New York City where he became the Senior Minister at Manhattan's Riverside Church. His soaring oratory inspired people from all walks of life.

Regularly challenging those who attended his services to seek justice in their own lives, Dr. Coffin set an example by consistently doing so himself. He founded the Church's well-known disarmament program, traveled throughout the world promoting peace and respect for human rights, and remains the President Emeritus of "SANE/FREEZE: Campaign for Global Security."

Mr. President, I have been fortunate not only to know of William Sloane Coffin but to know him personally. He has had an extraordinary impact on his community, his state, his country, and the world. His conscience is like a beacon, which challenges and guides us all.

Not long ago, I celebrated my 60th birthday. I hope that 15 years from now I will be able to look back at my own life, and look forward to the days ahead, with the sense of accomplishment, pride, and commitment to equality, justice and peace that William Sloane Coffin should feel on the occasion of his 75th birthday.

Happy birthday my friend.●

NATIONAL GRANGE WEEK

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Minnesota members of the National Grange. This week is Grange Week, which celebrates the oldest U.S. rural community service, family-orientated organization with a special interest in agriculture. In recognition of its members in Minnesota, and across the United States, I want to take this time to reflect on the accomplishments of the National Grange during the past 133 years.

Organized in 1867, the National Grange assisted farmers who were trying to dig out of financial troubles that plagued them after the Civil War. Today, this organization continues to advance the best interests of agriculture and promote the family values that are rooted so deeply in rural America.

This commitment is easily seen in the Grange's involvement in many local service projects, such as organizing community response teams to cope with disasters, assisting in community development revitalization, volunteering at local schools, and promoting farm and home safety, along with other important activities.

In my home state of Minnesota, the State Grange has been influential in the development of many key projects and services since 1867. Around the turn of the century, the State Grange played a crucial role in helping farmers and people in rural areas get home delivery of their mail and take part in rural electrification projects. They also helped form the University of Minnesota School of Agriculture.

Mr. President, because its members understand the importance of the family farm and the communities they reside in, it is easy to see why the Grange has been so successful in its many endeavors. I am pleased to make this statement on behalf of the Minnesota Grange, and I wish them well and commend them for their many hours of volunteer service—service that is vital to all our communities.●

LARRY COOKE

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an outstanding Vermonter and good friend, Larry Cooke, who recently died after a long illness. Born and raised in Vermont, Larry's love and devotion to his state and home town of Brattleboro framed all of his actions. We in Vermont are saddened by his loss but heartened by the legacy that he leaves behind.

Larry's dedication to public service began early in his life. As an eighth grader, he was elected president of his class and never looked back. Like many of an earlier generation, Larry was a self-made man, going to work for his father immediately after graduating from Brattleboro Union High School.

Demonstrating a devotion to his country that would extend throughout his life, Larry joined the Army and served in Germany before coming home to earn his real estate license. In this profession that he found his true calling, and it is here that he leaves his biggest footprint on the town of Brattleboro.

Larry devoted his career to affordable housing and environmentally friendly developments. His most important projects have included renovating historic buildings to their original condition while making them viable for modern day usage.

Larry was a consistent and important champion of affordable housing, taking the lead on the issue at the age of thirty as a candidate for Battleboro town selectman. He then went on to serve on the Brattleboro Housing Authority for two decades, building and renovating affordable housing and apartments throughout the area.

As if his professional and private life did not take up enough of his time, Larry was active in every aspect of town affairs. He has served as president of the Kiwanis Club and as a corporator of Brattleboro Memorial Hospital. Among other activities too numerous to mention, Larry was a Mason, a member of the American Legion, the Shriners, and the Elks.

Before he died, this close friend of mine gave one last gift to his community. Larry donated a historic home in the center of Brattleboro to the town's historical society for use as its headquarters and museum. Although only a small part of Larry's life-long contribution to Brattleboro, the home will stand as a lasting monument to a man who devoted his life to the betterment of his community.

It has been said that we live in deeds, not years. While Larry died young, his accomplishments rival those of the oldest of men. He will be missed not only by Brattleboro and Vermont, but also by this country, where his life stands as a shining example for us all. My deepest condolences go out to Larry's devoted wife, Kathleen, and his four daughters.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

[NOTE: The following message was signed by the President on Tuesday, April 25, 2000 and received in the Senate on Wednesday, April 26, 2000.]

REPORT OF THE VETO OF THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000—MESSAGE FROM THE PRESIDENT—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to be spread upon the Journal.

To the Senate of the United States:

I am returning herewith without my approval S. 1287, the "Nuclear Waste Policy Amendments Act of 2000."

The overriding goal of the Federal Government's high-level radioactive waste management policy is the establishment of a permanent, geologic repository. This policy not only addresses commercial spent nuclear fuel but also advances our non-proliferation efforts by providing an option for disposal of surplus plutonium from nuclear weapons stockpiles and an alternative to reprocessing. It supports our national defense by allowing continuing operation of our nuclear navy, and it is essential for the cleanup of the Department of Energy's nuclear weapons complex.

Since 1993, my Administration has been conducting a rigorous world-class scientific and technical program to evaluate the suitability of the Yucca Mountain, Nevada, site for use as a repository. The work being done at Yucca Mountain represents a significant scientific and technical undertaking, and public confidence in this first-of-a-kind effort is essential.

Unfortunately, the bill passed by the Congress will do nothing to advance the scientific program at Yucca Mountain or promote public confidence in the decision of whether or not to recommend the site for a repository in 2001. Instead, this bill could be a step backward in both respects. The bill would limit the Environmental Protection Agency's (EPA) authority to issue radiation standards that protect human health and the environment and would prohibit the issuance of EPA's final standards until June 2001. EPA's current intent is to issue final radiation standards this summer so that they will be in place well in advance of the Department of Energy's recommendation in 2001 on the suitability of the Yucca Mountain site.

There is no scientific reason to delay issuance of these final radiation standards beyond the last year of this Administration; in fact, waiting until next year to issue these standards could have the unintended effect of delaying a recommendation on whether or not to go forward with Yucca Mountain. The process for further review of the EPA standards laid out in the bill passed by the Congress would simply create duplicative and unnecessary layers of bureaucracy by requiring additional review by the Nuclear Regulatory Commission and the National Academy of Sciences, even though both have already provided detailed comments to the EPA. This burdensome process would add time, but would do nothing to advance the state of scientific knowledge about the Yucca Mountain site.

Finally, the bill passed by the Congress does little to minimize the potential for continued claims against the Federal Government for damages as a result of the delay in accepting spent fuel from utilities. In particular, the bill does not include authority to take title to spent fuel at reactor sites, which my Administration believes would have offered a practical near-term solution to address the contractual obligation to utilities and minimize the potential for lengthy and costly proceedings against the Federal Government. Instead, the bill would impose substantial new requirements on the Department of Energy without establishing sufficient funding mechanisms to meet those obligations. In effect, these requirements would create new unfunded liabilities for the Department.

My Administration remains committed to resolving the complex and important issue of nuclear waste disposal in a timely and sensible manner consistent with sound science and protection of public health, safety, and the environment. We have made considerable progress in the scientific evaluation of the Yucca Mountain site and the Department of Energy is close to completing the work needed for a decision. It is critical that we develop the capability to permanently dispose of spent nuclear fuel and high-level radioactive waste, and I believe we are on a path to do that. Unfortunately, the bill passed by the Congress does not advance these basic goals.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 25, 2000.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8649. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpropathrin, Pesticide Tolerance" (FRL # 6554–4), received April 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8650. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiabendazole; Extension of Tolerance for Emergency Exemptions" (FRL # 6554–6), received April 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8651. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Japan Because of Rinderpest and Foot-and-Mouth Disease" (Docket # 00–031–1), received April 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8652. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of Korea Because of Rinderpest and Foot-and-Mouth Disease" (Docket # 00–033–1) , received April 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8653. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pseudorabies in Swine; Payment of Indemnity" (Docket # 98–123–6), received April 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8654. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" (Docket # 99–075–3), received April 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8655. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Wood Chips from Chile" (Docket # 96–031–2), received April 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8656. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of South Africa Because of Rinderpest and Foot-and-Mouth Disease" (Docket # 98–029–2), received April 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8657. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of Korea Because of Rinderpest and Foot-and-Mouth Disease" (Docket # 00–033–1), received April 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8658. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pseudorabies in Swine; Payment of Indemnity" (Docket # 98–123–6), received April 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8659. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" (Docket # 99–075–3), received April 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8660. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in

Disease Status of Japan Because of Rinderpest and Foot-and-Mouth Disease" (Docket # 00-031-1), received April 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8661. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Program Audit Techniques Guide—Child Care Providers", received April 19, 2000; to the Committee on Finance.

EC-8662. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Program Audit Techniques Guide—Garden Supplies", received April 19, 2000; to the Committee on Finance.

EC-8663. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Program Audit Techniques Guide—Alternative Minimum Tax for Individuals", received April 19, 2000; to the Committee on Finance.

EC-8664. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting a report relative to the 2000 annual report of the Board; to the Committee on Finance.

EC-8665. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to disregards under the Old Age and Survivors Disability Insurance and Supplemental Security Income Programs; to the Committee on Finance.

EC-8666. A communication from the Executive Office for Immigration Review, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Executive Office for Immigration Review; Board of Immigration Appeals, 21 Board Members" (RIN 1125-AA28), received April 25, 2000; to the Committee on the Judiciary.

EC-8667. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Clinical Chemistry Devices; Classification of the Biotinidase Test System" (Docket No. 00P-0931), received April 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8668. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Reclassification and Codification of the Nonabsorbable Expanded Polytetrafluoroethylene Surgical Suture" (Docket No. 94P-0347), received April 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8669. A communication from the Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Block Grant Programs", received April 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8670. A communication from the Pension and Welfare Benefits Administration, Department of Labor transmitting, pursuant to law, the report of a rule entitled "Revisions to Certain Regulations Regarding Annual Reporting and Disclosure Requirements" (RIN1210-AA52), received April 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8671. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for March 2000; to the Committee on Governmental Affairs.

EC-8672. A communication from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received April 25, 2000; to the Committee on Governmental Affairs.

EC-8673. A communication from the Division of Financial Practices, Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled "Advisory Opinion Regarding the Fair Debt Collection Practices Act", received April 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8674. A communication from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled "Technology Administration Authorization Act of 2000"; to the Committee on Commerce, Science, and Transportation.

EC-8675. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Technical Amendment Correcting FAA Office Addresses; Docket Nos. 27065, 25148, and 26620 (4/10-4/13)" (RIN2120-ZZ25), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8676. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Grand Island, NE; Confirmation of Effective Date of Final Rule; Docket No. 99-ACE-56 (4-11/4-17)" (RIN2120-AA66) (2000-0085), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8677. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Monticello, IA; Docket No. 00-ACE-5 (4-11/4-17)" (RIN2120-AA66) (2000-0085), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8678. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200B, -300, -400, -400D, and -400F Series Airplanes; Request for Comments; Docket No. 2000-NM-87 (4-10/4-13)" (RIN2120-AA64) (2000-0199), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8679. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes; Docket No. 99-NM-53 (4-11/4-13)" (RIN2120-AA64) (2000-0202), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8680. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, -700, and -800 Series Airplanes; Request for Comments; Docket No. 2000-NM-84 (4-10/4-13)" (RIN2120-AA64) (2000-0200), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8681. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes; Request for Comments; Docket No. 99-NM-232 (4-11/4-13)" (RIN2120-AA64) (2000-0204), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8682. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200, and -200PF Series Airplanes; Docket No. 99-NM-57 (4-11/4-13)" (RIN2120-AA64) (2000-0205), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8683. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 Series Airplanes; Docket No. 99-NM-205 (4-11/4-13)" (RIN2120-AA64) (2000-0203), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8684. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca 1A Series Airplanes; Docket No. 99-NE-42 (4-11/4-17)" (RIN2120-AA64) (2000-0207), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8685. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Mark 050 Series Airplanes; Docket No. 99-NM-315 (12-13/4-13)" (RIN2120-AA64) (2000-0198), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8686. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-100 Series Airplanes; Docket No. 99-NM-40 (4-11/4-13)" (RIN2120-AA64) (2000-0201), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8687. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, Iowa and Illinois (CGD08-99-071)" (RIN2115-AE47) (2000-0020), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8688. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; West Bay, MA (CGD01-00-018)" (RIN2115-AE47) (2000-0019), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8689. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Harlem River, Newtown

Creek, NY (CGD01-00-121)" (RIN2115-AE47) (2000-0022), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8690. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, Iowa and Illinois (CGD08-99-069)" (RIN2115-AE47) (2000-0021), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8691. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Ortega River, Jacksonville, FL (CGD08-00-023)" (RIN2115-AE47) (2000-0018), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8692. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; San Francisco Bay, CA (CGD11-99-009)" (RIN2115-AA98) (2000-0004), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8693. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Annual Suncoast Kilo Run, Sarasota Bay, FL (CGD08-00-029)" (RIN2115-AE46) (2000-0002), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8694. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK (CGD17-99-002)" (RIN2115-AF81) (2000-0001), received April 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8695. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Retention Limit Adjustment" (I.D. 033100D), received April 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8696. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska: Rock Sole by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands", received April 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8697. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific: Pacific Coast Groundfish Fishery; Trip Limit Adjustments", received April 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8698. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Apportionment of the Initial Reserve of Pacific Cod in the Gulf of Alaska", received April 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8699. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Catch Reporting; Determination of State Jurisdiction" (RIN0648-AN56) (I.D. 012800H), received April 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8700. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Lancaster, Groveton and Milan, NH" (MM Docket No. 99-9; RM-9434, 9597), received April 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8701. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Princeville, Kapaa and Kalaheo, HI" (MM Docket No. 99-139; RM-9402, 9412), received April 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8702. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Spencer and Webster, MA" (MM Docket No. 00-8, received April 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8703. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Lampasas and Leander, TX" (MM Docket No. 99-344), received April 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8704. A communication from the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Part 90—Private Land Mobile Services; Section 90.425 Station Identification; Section 90.647 Station Identification" (GN Docket No. 93-252, PR Dockets 93-144 and 89-553, FCC 00-106), received April 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8705. A communication from the Common Carrier Bureau, Network Services Division, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "In the Matter of Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking (rel. Mar. 31, 2000)" (FCC 00-104, CC Doc. 99-200), received April 24, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-462. A resolution adopted by the Legislature of Guam relative to commuting a jail sentence and returning Federal lands to the original landowners; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 270

Whereas, a Dededo lot approximately 29,000 square meters in size, owned by Angel Leon Guerrero Santos' grandfather Angel Borja Santos, was condemned by appointed Governor Carlton Skinner in 1950; and

Whereas, the above mentioned lot was used as part of the United States military training and exercise grounds decades ago, but has since been declared excess federal land by the United States Department of Defense for decades, and is not within the boundaries of any active federal facility or reservation, nor is it fenced or otherwise routinely patrolled; and

Whereas, Angel L.G. Santos began living and farming on the Dededo lot in 1992, citing the fact that the government had not used the land in many year; and

Whereas, the U.S. military and then the Federal Government issued notice to Angel L.G. Santos to vacate the lot, and in 1993 the federal government sought and was granted federal court injunction to keep him from the lot; and

Whereas, a concrete house built by Angel L.G. Santos on the lot was destroyed by the Federal Government after the Federal Court injunction was granted in 1993, but in 1999 Angel L.G. Santos gave notice to the U.S. military that he would again live on the lot as an act of civil disobedience protesting the resistance of the Federal Government to allow excess land to be returned to the original owners and their heirs; and

Whereas, the U.S. District Court of Guam sentenced Angel L.G. Santos to federal prison for violating its injunction against entering and using the Dededo lot and for violating its order to appear in court on October 8, 1999; and

Whereas, the Federal Government controls approximately one-third of Guam's land, with 44,000 acres in its inventory of which 12,000 acres is surrounded by a military fence and only 6,000 acres of that is actively being used by the military; and

Whereas, the Federal Government has declared 10,000 acres of land it claims in Guam as excess land and has expressed its intent to return the excess land to the Government of Guam, but resists the Government of Guam's expressed intent in local law to return the excess Federal land to the original landowners and their heirs; and

Whereas, the Federal Government's holding of 44,000 acres of Guam land, more than 30,000 acres of which have never been developed, serves to stifle the Island's economy by not allowing private land owners to develop, farm, or profit from the land, by not allowing the local government to tax the land, and by making land more scarce and more expensive, and thereby driving up the cost of other goods and services on the Island; and

Whereas, the unused federal land was condemned by a government not elected by the people of Guam and is withheld by a Federal Government not elected by the people of Guam; and

Whereas, Guam has been colonized and administered for hundreds of years by the Spanish, the United States of America, and Japan, and while the people of Guam are as patriotic as any other Americans, they seek democratic self-determination that has been endorsed by President William Clinton in his visit to Guam in 1998; now therefore, be it

Resolved, That *I Mina'Bente Singko Na Liheslaturan Guahan* respectfully requests that clemency be granted for Angel L.G. Santos by President William Clinton, that his sentence be commuted, and that he be released and returned to Guam; and be it further

Resolved, That I *Mina'Bente Singko Na Liheslaturan Guahan* respectfully requests that President William Clinton return all excess federal lands to the Government of Guam as expeditiously as possible; and be it further

Resolved, That *I Mina'Bente Singko Na Liheslaturan Guahan* respectfully requests that the United States Congress allow all excess federal lands returned to the Government of Guam to be disposed of as the local government determines, including but not limited to the return of the land to original landowners and their heirs when possible; and be it further

Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Secretary General of the United Nations; to the National Organization for the Advancement of Chamour People; to amnesty International; to Attorney Antonio Cortez; to Rosaline Roberto Salas; to the Guam Congressional Delegate; and to the Honorable Carl T.C. Gutierrez, *I Maga'lahen Guåhan*.

POM–463. A resolution adopted by the Legislature of Guam relative to a "Critical Habitat" Designation on Guam; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 268

(Be it Resolved by I Liheslaturan Guåhan:

Whereas, thousands of acres of land on Guam are designated as "wildlife refuge" by the Department of the Interior, preventing the rightful and long overdue return of that land to original landowners and restricting the growth of Guam's economy, in the name of protecting an extremely small number of birds; and

Whereas, attorneys for the Center for Biological Diversity and the Marianas Audubon Society sent a February 3, 2000 letter addressed to Secretary of the Interior, the Honorable Bruce Babbit, threatening litigation and seeking to designate twenty-four thousand five hundred sixty-two (24,562) acres of land on Guam as "Critical Habitat"; and

Whereas, the designation of the land as "Critical Habitat" would significantly restrict the Island's tourism industry, placing significant restrictions on inbound and outbound commercial airline flights on Guam by forcing the Federal Aviation Administration to ensure that any of its actions, even those taking place outside of the "Critical Habitat," will *not* affect the habitat in any way; and

Whereas, a "Critical Habitat" environmental designation is significantly more restrictive on uses of real property than a wildlife refuge and could be applied to privately owned real property and real property owned by the government of Guam, severely limiting the possible economic uses for local land already in short supply; and

Whereas, a "Critical Habitat" designation on privately owned real property would devalue that real property, causing an adverse impact to local lending institutions and developers that use the value of real property for collateral in their financial arrangements; and

Whereas, a "Critical Habitat" designation on real property owned by the government of Guam would make it virtually impossible to finance projects through the bond market, and therefore would limit the development of infrastructure by the Guam Power Authority, the Guam International Airport Authority, the Department of Education, the Guam Waterworks Authority and the Port Authority of Guam, among others, which are needed for the economic development of the Island and the physical well-being of the Island's population; and

Whereas, the return of excess Federal lands to original landowners or their heirs that is designated as "Critical Habitat" would result in a significant limitation on the use of those lands, including the prevention of basic uses, such as farming or construction of simply family dwellings and would restrict the installation of basic infrastructure, such as water and power utilities; and

Whereas, a "Critical Habitat" designation could affect the mission of the U.S. military in this region, as Rear Admiral E.K. Kristensen wrote to the U.S. Fish and Wildlife Service Regional Director on November 17, 1992, stating concerns regarding "the possibility of untenable restriction on the military mission that could be created . . . which could lead to significant limitation on the Department of Defense Activities Perceived in the Future is incompatible with Refuge operations."; and

Whereas, the limitations on Guam's development, commercial flights, basic Island infrastructure, financial arrangements, original landowners and economic activity that would be forced by a "Critical Habitat" designation would be without significant evidence and scientific data showing that the designation would in anyway be necessary for the continued survival of any species; now therefore, be it

Resolved, That *I Mina'Bente Singko Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request that the United States Department of Interior *not* allow the designation of land on Guam as "Critical Habitat"; and be it further

Resolved, That *I MinåBente Singko Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request that the Congress of the United States of America *not* allow the designation of land on Guam as "Critical Habitat"; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States of America; to the Honorable Albert Gore, Jr., President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to the Honorable Bruce Babbit, Secretary of the United States Department of Interior; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, *I Maga'lahen Guåhan*.

POM–464. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to prescription drug coverage for Medicare beneficiaries; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, although Medicare provides important health insurance for older Americans, its coverage is not comprehensive, requires substantial cost-sharing for many covered services, and does not cover prescription drugs; and

Whereas, the American Association of Retired Persons (AARP) recently published a brief entitled "Out-Of-Pocket Health Spending by Medicare Beneficiaries Age 65 and Older: 1999 Projections" and revealed that Medicare beneficiaries age sixty-five and older were projected to spend an average of $2,430 or nineteen percent of income, out-of-pocket for health care in 1999; and

Whereas, prescription drugs account for the single largest component of out-of-pocket spending on health care after premium payment; and

Whereas, on average, beneficiaries are expected to spend as much out-of-pocket for prescription drugs as for physician care, vision services, and medical supplies combined; and

Whereas, in many cases, prescription drugs have proven to be more effective, more convenient, and less expensive than alternatives such as surgery or hospitalization; and

Whereas, the nation is currently engaged in a debate about how to provide prescription drug coverage to Medicare beneficiaries, the vast majority of whom are age sixty-five and over; and

Whereas, while about two-thirds of all Medicare beneficiaries already have some form of prescription drug coverage, many low-income seniors do not; and

Whereas, the Legislature of Louisiana believes that all seniors who need prescription drugs should have access to them. Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to adopt a program which will provide prescription drug coverage to Medicare beneficiaries. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–465. A resolution adopted by the Legislature of the State of Minnesota relative to Americans who may be held against their will in North Korea, China, Russia, and Vietnam; to the Committee on Foreign Relations.

RESOLUTION NO. 4

Whereas, United States satellite and spy plane photos show names and rescue codes of missing servicemen spelled out on the ground in Vietnam and Laos; and

Whereas, such rescue codes are constructed exactly as the missing men were taught should they ever be captured; and

Whereas, the executive branch of the United States government has declined to follow the unanimous recommendation of the Senate Select POW/MIA committee to make a by-name request of the government of Vietnam regarding the fate of an individual associated with a June 5, 1992, symbol at a Vietnamese prison; and

Whereas, the executive branch has steadfastly refused a unanimous recommendation from the same committee to create an imagery review task force to look for other symbols from prisoners; and

Whereas, intelligence indicates a group of live American prisoners held in North Korea; and

Whereas, intelligence reports indicate the presence of American POWs held in North Korea, China, Russia, and Vietnam; and

Whereas, the United States government has rebuffed overtures from Vietnam and North Korea regarding the release of live American POWs; now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That it urges the President and the Congress of the United States to take whatever action is necessary to obtain the release of Americans who may be held against their will in North Korea, China, Russia, and Vietnam. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

SENATE RESOLUTION NO. 331

Whereas, The U.S. Environmental Protection Agency (USEPA) is required to submit a report to the U.S. Congress under the Bevill Amendment of 1980, otherwise known as the Bevill Regulatory Determination for Fossil Fuel Combustion Wastes; and

Whereas, The Bevill Regulatory Determination requires the USEPA to "conduct a detailed and comprehensive study and submit a report on the adverse effects on human health and environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other by-product materials generated primarily from other combustion of coal or other fossil fuels"; and

Whereas, The USEPA has studied this issue since 1981 and in 1993 decided that these coal combustion wastes do not pose a threat to human health and the environment under current disposal practices; and

Whereas, The new USEPA report may recommend that coal ash be classified as a hazardous waste; and

Whereas, Illinois is a coal-producing state and a determination that coal ash is a hazardous waste would inhibit the sales of Illinois coal; and

Whereas, Coal is used in a number of industrial processes by major employers and is a vital component of the Illinois industrial fuel mix; and

Whereas, Coal ash can be a useful by-product of coal combustion and can be incorporated in a number of products such as gypsum board, roof shingles, abrasives, and fluid fill material and classifying coal ash as a hazardous waste would seriously damage recycling efforts and the business economy associated with these products; and

Whereas, Illinois derives nearly half of its energy needs from coal-fired power plants and further hindering their operations could compromise the realiability of the electric system; and

Whereas, Illinois coal-fired power plants would be put at a competitive disadvantage if the Bevill Determination were to recommend that coal ash be classified a hazardous waste; therefore, be it

Resolved, by the Senate of the Ninety-first General Assembly of the State of Illinois, That we urge the USEPA to refrain from classifying coal ash as a hazardous waste; and be it further

Resolved, That suitable copies of this resolution be delivered to Vice President Al Gore, USEPA Director Carol Browner, and every member of the Illinois congressional delegation.

POM-466. A resolution adopted by the Senate of the State of Illinois relative to classifying coal ash as a hazardous waste; to the Committee on Environment and Public Works.

POM-467. A resolution adopted by the Senate of the General Assembly of the State of Connecticut relative to a regional petroleum supply mechanism; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 12

Whereas, a sharp, sustained increase in the price of fuel oil would negatively affect the overall economic well-being of the United States, and such increases have occurred in the winters of 1983–1984, 1988–1989 and 1999–2000; and

Whereas, the United States currently imports roughly fifty-five per cent of its oil; and

Whereas, the heating oil price increases disproportionately harm the poor and the elderly; and

Whereas, the global oil market is often greatly influenced by nonmarket-based supply manipulation, including price fixing and production quotas; and

Whereas, according to the June 1998 United States Department of Energy "Report to Congress on the Feasibility of Establishing a Heating Oil Component to the Strategic Petroleum Reserve", (1) the use of a government-owned distillate reserve in the Northeast would provide benefits to consumers in the Northeast and to the nation, (2) the federal government would make a profit of forty-six million dollars from drawing down and selling the distillate, (3) consumer savings, including reductions in jet fuel, would total four hundred twenty-five million dollars, (4) there are a number of commercial petroleum storage facilities with available capacity for leasing in the New York/New Jersey area, and (5) it would be cost-effective to keep a federal government stockpile of approximately two million barrels in leased storage in the Northeast, filled by trading some crude oil from the federal government's strategic reserve of oil for the refined product, now, therefore, be it

Resolved, That the Senate calls upon the United States Congress to create a heating oil reserve located in the Northeast region of the United States to be utilized to stabilize the cost of heating oil for residents of the state; and be it further

Resolved, That the clerk of the Senate cause a copy of this resolution to be sent to the presiding officer of each house of Congress and to each member of the Connecticut congressional delegation.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 682: A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes (Rept. No. 106–276).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John L. Woodward, Jr., 3961

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Harry D. Raduege, Jr., 9435

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Dallager, 9670

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, medical service corps

Col. Richard L. Ursone, 5290

Bruce Sundlun, of Rhode Island, to be a Member of the National Security Education Board for a term of four years.

Manuel Trinidad Pacheco, of Arizona, to be a Member of the National Security Education Board for a term of four years. (Reappointment)

The following named officer for appointment as Deputy Judge Advocate General of the United States Navy in the grade indicated under title 10, U.S.C., section 5149:

To be rear admiral

Capt. Michael F. Lohr, 1245

The following named officer for appointment as Judge Advocate General of the United States Navy under title 10, U.S.C., section 5148:

Judge Advocate General of the United States

Rear Adm. Donald J. Guter, 0275

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Edmund P. Giambastiani, Jr., 8318

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Raymond P. Ayres, Jr., 5986

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Emil R. Bedard, 9035

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Bruce B. Knutson, Jr., 7136

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William L. Nyland, 8595

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael W. Hagee, 5620

(The above nominations were reported with the recommendation that they be confirmed.)

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Marlene E. Abbott and ending Brian P. Zurovetz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2000.

Air Force nomination of David S. Wood, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 4, 2000.

Air Force nominations beginning Robert F. Byrd and ending John B. Steele, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 11, 2000.

Army nominations beginning Robert B. Abernathy, Jr. and ending X4568, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 2000.

Army nominations beginning Harold T. Carlson and ending Jeffrey M. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 2000.

Army nominations beginning Robert V. Loring and ending Jeffrey D. Watters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2000.

Army nominations beginning Willie D. Davenport and ending William P. Troy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2000.

Army nominations beginning *Thomas N. Auble and ending *Robert A. Yoh, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2000.

Army nominations beginning Richard A. Keller and ending *Wendy L. Harter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 4, 2000.

Army nominations beginning James M. Brown and ending Thomas E. Stokes, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 11, 2000.

Navy nomination of Leanne M. York-Slagle, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 30, 2000.

Navy nominations beginning James H. Fraser and ending Dwayne K. Hopkins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2000.

Navy nominations beginning Gerald L. Gray and ending Linda M. Gardner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 4, 2000.

Navy nominations beginning Coy M. Adams, Jr. and ending Michael A. Zurich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 4, 2000.

Marine Corps nomination of J. E. Christiansen, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 4, 2000.

Marine Corps nomination of Clifton J. McCullough, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 4, 2000.

Marine Corps nomination of Landon K. Thorne III, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 4, 2000.

Marine Corps nominations beginning David R. Chevallier and ending John K. Winzeler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 4, 2000.

By Mr. HELMS, from the Committee on Foreign Relations

Treaty Doc. 105–51 Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Exec. Report No. 106–14).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, adopted and opened for signature at the conclusion of the seventeenth session of the Hague conference on Private International Law on May 29, 1993 (Treaty Doc. 105–51) (hereinafter, "The Convention"), subject to the declarations of subsection (a) and subsection (b).

(a) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be included in the instrument of ratification:

(1) NON-SELF EXECUTING CONVENTION.—The United States declares that the provisions of Articles 1 through 39 of the Convention are not self-executing.

(2) PERFORMANCE OF REQUIRED FUNCTIONS.—The United States declares, pursuant to Article 22(2), that in the United States the Central Authority functions under Articles 15–21 may also be performed by bodies or persons meeting the requirements of Articles 22(2)(a) and (b). Such bodies or persons will be subject to federal law and regulations implementing the Convention as well as state licensing and other laws and regulations applicable to providers of adoption services. The performance of Central Authority functions by such approved adoption service providers would be subject to the supervision of the competent federal and state authorities in the United States.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) DEPOSIT ON INSTRUMENT.—The President shall not deposit the instrument of ratification for the Convention until such time as the federal law implementing the Convention is enacted and the United States is able to carry out all the obligations of the Convention, as required by its implementing legislation.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

(4) REJECTION OF NO RESERVATIONS PROVISION.—It is the Sense of the Senate that the "no reservations" provisions contained in Article 40 of the Convention has the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this Convention should not be construed as a precedent for acquiescence to future treaties containing such a provision.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 2475. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. DORGAN, MR. WYDEN, and Mr. BAUCUS):

S. 2476. A bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes; to the Committee of Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 2477. A bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. GRAHAM):

S. 2478. A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 2479. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to certain elementary and secondary school teachers who receive advanced certification and to exclude from gross income certain amounts received by such teachers; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. FRIST, Mr. ABRAHAM, Ms. SNOWE, and Mr. JEFFORDS):

S. 2480. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable product whose import is regulated by the Commissioner of Food and Drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. LEVIN) (by request):

S. 2481. A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2001, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 2482. A bill to assist States and units of local government in carrying out Safe Homes-Safe Streets programs; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 2483. A bill to provide for the eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program of the Department of Defense; to the Committee on Armed Services.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2484. A bill to ensure that immigrant students and their families receive the services that the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 2485. A bill to direct the Secretary of the interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB (for himself and Mr. WARNER):

S. Res. 298. A resolution designating the month of May each year as the Month for Children; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. DODD):

S. Res. 299. A resolution to make technical corrections to the Standing Rules of the Senate; considered and agreed to.

By Mr.WELLSTONE:

S. Res. 300. A resolution designating the week of April 23–30, 2000, as "National Shaken Baby Syndrome Awareness Week"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS (for himself, Mr. DORGAN, Mr. WYDEN, and Mr. BAUCUS):

S. 2476. A bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

UNIVERSAL SERVICE SUPPORT ACT

Mr. BURNS. Mr. President, I rise today to introduce the Universal Service Support Act, a bill that will spur increased access to communications services for rural America. Just a few short years ago, we took the dramatic step of reshaping our nation's communications policy by passing the Telecommunications Act of 1996. A significant element of that initiative was the codification of a reconstituted policy of universal service, which guarantees all Americans with the ability to access to quality communications services.

Nevertheless, a significant impediment to the fulfillment of this national policy exists. There currently exist two regulatory caps that are limiting the amount of support that can be directed to high-cost infrastructure deployment initiatives that are covered under the 1996 Act.

The regulatory caps were first instituted in 1994 at a time when a significant number of communications infrastructure acquisitions were taking place. This was in the days prior to the 1996 Act, which initiated competition and deregulation into the communications industry. Many of the acquisitions of that time involved the rural exchanges of large incumbent local exchange carriers that were divesting themselves of properties deemed to be unprofitable or otherwise undesirable. The entities purchasing such exchanges were generally the small rural cooperative and commercial systems that have served large portions of the nation's rural areas for years.

The Federal Communications Commission instituted these caps because the acquiring carriers were seeking support for these newly acquired exchanges in order to upgrade them to the standards of the day. Generally this meant that universal service support was being sought and approved for areas which had never before received such support. The FCC was concerned that the level of support might escalate and in response it imposed both a cap on individual areas and also on the overall support channeling through the system. While waivers to the caps were occasionally granted, for all intents and purposes growth of universal service support other than for the addition of new lines was effectively halted.

However, shortly thereafter the 1996 Act was enacted, which radically changed this nation's telecommunications landscape. The Act envisioned an evolving universal service support system which would help ensure the deployment of advanced services. The regulatory caps are at odds with this policy and must be repealed.

We cannot permit regulatory policies that are so clearly inconsistent with statutory policy to stand unchallenged. A national, statutory policy dedicated to universal communications service exists, and we can no longer allow inappropriate regulatory actions to undermine its intent. I urge my colleagues to join me in moving this initiative forward to passage prior to the end of this Congress.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 2477. A bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program; to the Committee on Finance.

SOCIAL SECURITY BENEFICIARIES PROTECTION ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation which would make Social Security beneficiaries, who had their benefits misused by organizational representative payees, whole. While most people receive their Social Security and Supplemental Security Income benefit payments directly, others must have assistance in money management. Benefits, totaling over $25 billion, to these people are paid through representative payees who receive and manage the payments on behalf of the beneficiaries. Representative payee responsibilities include, but are not limited to, frequently monitoring the beneficiary's current well-being for food, shelter, clothing, medical care, and personal needs; informing the Social Security Administration of changes in the representative payee's own circumstances that would affect the performance of representative payee services; reporting events to the Social Security Administration that may affect the beneficiary's entitlement or amount of benefits; and submitting an annual accounting to SSA reporting about benefits received, used, and conserved.

Currently, about 6.5 million Social Security and Supplemental Security Income program beneficiaries rely on representative payees to manage their monthly benefits. SSA usually looks for a payee among the beneficiary's family and friends. For others, those traditional networks of support are not available, and SSA relies on state, local, or community sources to fill the need. Family members serve as representative payees for about 88 percent of the beneficiaries requiring them. 45,050 organizations, such as institutions, government agencies, financial organizations, and qualified fee-for-service organizations, serve as payees for the other 12 percent, totaling 750,570 beneficiaries.

As Chairman of the Special Committee on Aging, I am especially concerned about the 795,060 beneficiaries, age 62 and over, who are served by representative payees. With the retirement of the baby boomer generation on the horizon, the number of institutions, such as nursing homes, serving as payees stands to increase dramatically. Therefore, addressing this matter now is all the more urgent.

The majority of representative payees provide much-needed help to beneficiaries without abusing this responsibility. A minority of payees misuse their position. SSA's Office of the Inspector General (OIG) has recently investigated several instances of misuse by organizational representative payees. One such investigation served as the subject of a recent "20/20" television news program segment. In this segment, several elderly Social Security beneficiaries accused Greg Gamble, of the Aurora Foundation, a former organizational payee, of using their benefits for his own purposes. On March 14, 2000, Mr. Gamble entered a guilty plea in federal court of embezzlement of Social Security funds. As part of the plea agreement, Mr. Gamble agreed to make restitution to SSA in the amount of $303,314.00. Although this is only one example of misuse, SSA's OIG has just begun investigating several instances of misuse. Since FY 1998, it has identified about $8 million in SSA representative payee fraud loss. SSA's OIG expects the number of misuse cases to increase as SSA increases its review of organizational representative payee records.

When any payee has been determined to have misused an individual's benefits, SSA reassigns another payee to the beneficiary. Unfortunately, SSA can reissue the benefits only in cases where negligent failure on SSA's part to investigate or monitor the payee resulted in the misuse. In virtually all other cases, the individual loses his or her funds unless SSA can obtain restitution, through civil processes, of the misused benefits from the payee. If SSA is able to recover the misused amount, it may take years to do so. In the meantime, the beneficiary has lost the amount misused and may be temporarily inconvenienced, by not having money to pay rent, utilities, or food, until a new payee is assigned.

In order to prevent misuse of benefits in the future, and to provide better accountability of benefits to beneficiaries, I am introducing the "Social Security Beneficiaries Protection Act," along with my co-sponsor and Special Committee on Aging Ranking Member Senator BREAUX. This bipartisan bill:

(1) gives SSA the authority to reissue benefits misused by organizational payees on its own determination (presently, benefits are only re-issued when a court finds that SSA negligently failed to investigate/monitor the payee);

(2) requires non-governmental organizational payees to be bonded and licensed (presently, there is a bonding or licensing requirement);

(3) requires fee forfeiture when payees misuse benefits;

(4) gives SSA overpayment recovery authority for benefits misused by nongovernmental payees; and

(5) extends civil monetary penalty authority to SSA (of not more than $5,000 per violation for misuse offenses).

I urge my fellow Senators to support Senator BREAUX and me in ensuring that our Nation's most vulnerable citizens, senior citizens and the disabled, will receive every dollar of benefits to which they are entitled.

I would also like to remind everyone that the Senate Special Committee on Aging is holding a hearing on misuse of benefits by Social Security organizational representative payees Tuesday, May 2, 2000, at 10:00 a.m. in 562 Dirksen.

By Mr. AKAKA (for himself and Mr. GRAHAM):

S. 2478. To require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Energy and Natural Resources.

THE PEOPLING OF AMERICA THEME STUDY ACT

Mr. AKAKA. Mr. President, America is truly unique in that we are all immigrants to the United States, coming from different regions—whether from Asia, across the Bering Sea, or from islands in the Pacific Ocean, or Mexico, Europe or many other regions of the world. The prehistory and the history of this Nation are inextricably linked to the mosaic of migrations, immigrations and cultures that has resulted in the peopling of America. Americans are all travelers from other regions, continents and islands.

We need a better understanding of this coherent and unifying theme in America. With this in mind, I am introducing, along with my colleague Senator GRAHAM, a bill authorizing the National Park Service to conduct a theme study on the peopling of America.

The purpose of the study is to provide a basis for identifying, interpreting and preserving sites related to the migration, immigration and settling of America. The peopling of America is the story of our Nation's population and how we came to be the diverse set of people that are today. The peopling of America will acknowledge the diverse set of people that we are today. The peopling of America will acknowledge the first migrants who settled the North American continent, the Pacific Islands, and the lands that later became the United States of America. The original peoples came across the Bering Sea from Asia, or they arrived at our Pacific Islands across thousands of miles of ocean from the South Pacific and Micronesia. The peopling of America continued as Spanish, Portuguese, French, Dutch and English laid claim to lands and opened the floodgates of European migration and the involuntary migration of slaves from Africa.

This was just the beginning. America has been growing and changing ever since. The growth and change can be characterized as the movement of groups of people across external and internal boundaries, the strength within their cultures, and the diffusion of cultural ways through the United States. The strength of American culture is in our diversity and rests on a comprehensive understanding of the peopling of America.

The theme study I am proposing will authorize the Secretary of the Interior to identify regions, areas, districts, structures and cultures that illustrate and commemorate key events or decisions in the peopling of America, and which can provide a basis for the preservation and interpretation of the peopling of America. It includes preservation and education strategies to capture elements of our national culture and history such as immigration, migration, ethnicity, family, gender, health, neighborhood, and community. In addition, the study will make recommendations regarding National Historic Landmark designations and National Register of Historic Places nominations, as appropriate. The study will also facilitate the development of cooperative programs with educational institutions, public history organizations, State and local governments, and groups knowledgeable about the peopling of America.

Mr. President, as we enter a new century of hope and opportunity, it is incumbent on us to reflect on the degree to which the development of the United States owes to our population diversity. Looking back, we understand that our history, and our very national character, is defined by the grand, entangled progress of people to, and across the American landscape—through exploration, colonization, the slave trade, traditional immigration, or internal migration—that gave rise to the rich interactions that make the American experience unique.

We embody the culture and traditions that our forebears brought from other places and shores, as well as the new traditions and cultures that we adopted or created anew upon arrival. Whether we settled in the rangelands and agrarian West, the industrialized Northeast, the small towns of the Midwest, or the genteel cities of the South, our forebears inevitably formed relationships with peoples of other backgrounds and cultures. Our rich heritage as Americans is comprehensible only through the stories of our various contituent cultures, carried with us from other lands and transformed by encounters with other cultures.

All Americans were originally travelers from other lands. Whether we came to this country as native peoples, English colonists or African slaves, or as Mexican ranchers, or Chinese merchants, the process by which our nation was peopled transformed us from strangers from different shores into neighbors unified in our inimitable diversity—Americans all. It is essential for us to understand this process, not only to understand who and where we are, but also to help us understand who we wish to be and where we should be headed as a nation. As the caretaker of some of our most important cultural and historical resources, from Ellis Island to San Juan Island, from Chaco Canyon to Kennesaw Mountain, the National Park Service is in a unique position to conduct a study that can offer guidance on this fundamental subject.

Currently we have only one focal point in the National Park system that celebrates the peopling of America with any significance. Ellis Island is part of the Statute of Liberty National Monument. Ellis Island welcomed over 12 million immigrants between 1892 and 1954, an overwhelming majority of whom crossed the Atlantic from Europe. Ellis Island celebrates these immigrant experiences through their museum, historic buildings, and memorial wall. Immensely popular as it is, Ellis Island is focused on Atlantic immigration and thus reflects the experience only of those groups—primarily Eastern and Southern European—who were processed at the island during its active period, 1892 to 1954.

Not all immigrants and their descendants can identify with Ellis Island. Tens of millions of other immigrants traveled to our great country through other ports of entry and in different periods of our Nation's history and prehistory. Ellis Island only tells part of the American story. There are other chapters, just as compelling, that must be told.

On the west coast, Angel Island Immigration Station, tucked in San Francisco Bay, was open from 1910 to 1940 and processed hundreds of thousands of Pacific Rim immigrants through its portals. An estimated 175,000 Chinese immigrants and more than 20,000 Japanese made the Long Pacific passage to the United States. Their experience are a west coast mirror of the Ellis Island experience. But the migration story on the west coast is much longer and broader than Angel Island. Many earlier migrants to the west coast contributed to the rich history of California, including the original resident Native Americans, Spanish explorers, Mexican ranchers, Russian colonists, American migrants from the Eastern states who came overland or around the Horn, German and Irish military recruits, Chinese railroad laborers, Portuguese and Italian farmers, and many other groups. The diversity and experience of these groups reflects the diversity and experience of all immigrants who entered the United States via the Western States, including Alaska, Washington, Oregon, and California.

The study we propose is consistent with the agency's latest official thematic framework which establishes the subject of human population movement and change—or "peopling places"—as a primary thematic category for study and interpretation. The framework, which serves as a general guideline for interpretation, was revised in 1996 in response to a Congressional mandate (Civil War Sites Study Act of 1990, Public Law 101-628, Sec. 1209) that the full diversity of American history and prehistory be expressed in the National Park Service's identification and interpretation of historic and prehistoric properties.

In conclusion, we believe that this bill will shed light on the unique blend of pluralism and unity that characterizes our national polity. With its responsibility for cultural and historical parks, the Park Service plays a unique role in enhancing our understanding of the peopling of America and thus of a fuller comprehension of our relationships with each other—past, present, and future.

I urge my colleagues to support this initiative.

By Ms. LANDRIEU:

S. 2479. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to certain elementary and secondary school teachers who receive advanced certification and to exclude from gross income certain amounts received by such teachers; to the Committee on Finance.

CERTIFIED TEACHER'S TAX CREDIT

Ms. LANDRIEU. Mr. President, I come to the floor today to introduce a bill. We are going to be discussing, I hope, next week the reauthorization of the Elementary and Secondary Education Act, which is a very important act for the country, that provides the ways in which the Federal Government supports our local school systems throughout the country. There are a few of us here who believe very strongly we need to change some of the ways we do that, to really focus on results and not process, so we can stop funding failure and begin rewarding success.

So I come to the floor today to introduce a bill because there are so many ways we can help improve our schools. Because my time is limited, I cannot list them. But one of the ways we can do that is by helping to encourage good people to go into the field of teaching and to help raise teachers' salaries, if we can, in appropriate ways, to encourage good, qualified teachers to stay in the classrooms.

As you know, Mr. President, we do not fund teachers' salaries directly. The bill I am introducing will provide a tax credit for those teachers who become nationally board certified. Currently, there are over 4,000 teachers who are nationally board certified. This will provide a $5,000 tax credit. It is the least we can do to help encourage the States to continue the way they are encouraging good, qualified people to stay in the classroom and to help raise the salaries of teachers in this Nation.

Just for the record, beginning teachers make $7,000 less than their peers, but, more tragically, teachers with a master's degree make about $35,000 less.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 2482. A bill to assist States and units of local government in carrying out Safe Homes-Safe Streets programs; to the Committee on the Judiciary.

SAFE HOMES-SAFE STREETS ACT

• Mr. DURBIN. Mr. President, today I am introducing legislation along with Senator LAUTENBERG to help communities voluntarily reduce the number of guns in their homes and on their streets. There are over 200 million guns in America today. Alarmingly, that is almost one for every man, woman, and child in this country. Of those 200 million guns, 66 million are hand guns and the number of assault weapons is increasing. Although statistics show a 4.7% decrease in the rate of firearm-related injuries from 1996 to 1997, the rate of a firearm-related injuries is still unacceptably high.

More than 600,000 gun crimes are committed in the United States each year. On average, approximately 200 people are wounded by guns and approximately 88 people are killed by guns everyday. Twelve American children, under the age of 19, are killed by guns everyday. The rate of accidental shooting deaths for children under the age of 15 in the United States is nine times higher than the rate of the other 25 industrialized nations combined. Firearm homicides are the second leading cause of death for youth 15–24. Firearm suicide is the third leading cause of death in this age group. Handguns account for nearly 70% of firearm suicides among all age groups. Guns kept in the home for self-protection are three times more likely to kill a friend or a relative than an intruder.

The human cost of gun violence is great. Saving families from senseless deaths caused by gun violence is long over due. Reducing the number of guns in our homes and in our streets is essential to curbing gun violence in this country.

In economic terms, it is estimated that the lifetime medical costs of the 134,445 gunshot injuries in the United States in 1994 was $2.3 billion. The average medical cost per injury was about $17,000. The medical cost of gunshot injuries due to assaults was about $1.7 billion. Taxpayers paid 49% or $1.1 billion of these medical costs. The estimated indirect costs of gunshot injuries, the value of lost productivity due to fatal and non-fatal injuries, was about $19.7 billion in 1994.

There are also non-economic costs which include pain and suffering of the survivors, the fear which inevitably permeates all strata of society, the societal and emotional stress on both adults and children, and the influence gun related violence can have on a community.

The multiple costs of gun-related injuries—the human cost, the economic cost, and the non-economic cost—amount to an exceedingly costly epidemic and make finding a solution to gun violence a top priority. Unfortunately, there is no single cure for this disease. However, voluntary gun reduction programs that provide a means to reducing the number of weapons on the streets and in children's homes are an important step to creating safe and healthy environments.

That is why I have introduced the Safe Homes-Safe Streets Act of 2000. The purpose of this Act is to voluntarily reduce the number of guns in circulation by aiding State and local law enforcement departments that wish to conduct gun reduction programs to create safer homes and safer streets.

Under the Safe Homes-Safe Streets Act, law enforcement officials would be permitted to—

(1) accept voluntary surrender of firearms from individuals seeking to dispose of them;

(2) provide gift certificates or other goods in exchange for firearms;

(3) provide cash in exchange for firearms, in a value not to exceed a percentage of the estimated cost of a new firearm of the same type; or

(4) use any other innovative approach to encourage a voluntary reduction in the number of firearms in local communities.

This legislation would authorize $15 million for grants to States or local units of government to conduct these programs.

A program may include a criminal background check regarding the ownership of each firearm or may offer amnesty from such background checks, provided that the policy regarding criminal background checks is uniformly applied. Whenever any firearm is surrendered under this Act, State or local units of government shall inquire whether such firearm is needed as evidence. If the surrendered gun is not needed as evidence, it shall be destroyed —thus preventing the potential recycling of guns and possible illegal use. Any firearm that is a curio or relic or that has historic significance shall be donated to a State or local museum for display.

Safe Homes-Safe Streets programs would provide an excellent way for communities to draw attention to the problem of gun violence, which is fueled by the widespread, easy availability of firearms. Gun reduction programs under the Safe Homes-Safe Streets Act would also serve as a catalyst for local communities and neighborhood organizations to work with law enforcement in a collaborative manner. Moreover, gun reduction programs under the Safe Homes-Safe Streets Act would encourage citizens to become more involved in the fight against gun violence.

Most importantly, the Safe Homes-Safe Streets Act would eliminate tens of thousands of guns from our homes and streets. With fewer guns in American homes, fewer guns can fall into the wrong hands and fewer guns can be used for crime or suicide. It makes no difference if older or newer guns are collected in the programs because all guns are potentially lethal and can be fired accidentally. Guns kept in the home for self-protection are three times more likely to kill a friend or a relative than an intruder. Safe Homes-Safe Streets programs would help stop violence before it occurs.

On their own volition, some communities have launched successful gun reduction programs to help rid themselves of guns and reduce the senseless violence in their daily lives. Many communities have implemented gun buyback programs; however, other communities have taken a more innovative approach to address the circulation of illegal guns on their streets. For example, in California and in my hometown of Springfield, Illinois, law enforcement officials have implemented the "Stop Gun Violence Reward Program." Under the "Stop Gun Violence Reward Program," citizens are encouraged to anonymously and confidentially call the CrimeStoppers hotline when handguns are seen in public places. An officer is then dispatched to investigate the compliant. If an illegal gun is recovered in a public place, the caller receives a $100 cash reward. If the gun is stolen, it is returned to its rightful owner. If the gun is not needed as evidence, it is destroyed. With federal assistance, more communities would be empowered to voluntarily help reduce the number of potentially lethal firearms in their homes and on their streets—helping to create safer homes and safer streets.

Moreover, the Safe Homes-Safe Streets Act would help communities increase awareness of gun violence and gun possession; reduce the number of accidents and domestic violence with guns; reduce the availability of highly lethal weapons in the short term; reduce the lethality of crimes committed; enhance community solidarity; enhance community-police relations; and reduce the taxing medical cost of gun-related injuries. The benefits of the Safe Homes-Safe Streets Act—legislation facilitating a voluntary reduction of the number of guns in circulation—is clear.

The Safe Homes-Safe Streets Act would help create safer homes and safer streets for our families. Several organizations, including Illinois Council Against Hand Gun Violence, Physicians for Social Responsibility, Illinois Education Association, National Education Association, The Bell Campaign, and the American Public Health Association, have already recognized the need for legislation calling for a voluntary reduction of the number of firearms in circulation.

I urge my colleagues to join me and Senator LAUTENBERG in taking steps to cure the deadly epidemic of gun violence by supporting and cosponsoring the Safe Homes-Safe Streets Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Homes–Safe Streets Act of 1999".

SEC. 2. PURPOSE.

The purpose of this Act is to reduce firearm circulation by assisting State and local law enforcement agencies in carrying out Safe Homes–Safe Streets programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) FIREARM.—The term "firearm" has the meaning given the term in section 921(a) of title 18, United States Code.

(2) SAFE HOMES–SAFE STREETS PROGRAM.—The term "Safe Homes–Safe Streets program" means a program carried out by a law enforcement agency of a State or unit of local government under which—

(A) the law enforcement agency shall—

(i) accept the voluntary surrender of firearms from individuals seeking to dispose of them;

(ii) provide gift certificates or other goods in exchange for firearms;

(iii) provide cash in exchange for firearms (in a value not to exceed ½ of the estimated cost of a new similar firearm); or

(iv) use any other innovative approach to cause a voluntary reduction in the number of firearms in the State or local communities;

(B) the law enforcement agency may conduct a criminal background check regarding the ownership of each firearm surrendered or may offer amnesty from such background checks, to the extent that the policy regarding criminal background checks is uniformly applied; and

(C) upon the surrender of a firearm, the law enforcement agency shall—

(i) determine whether such firearm may potentially serve as evidence in any criminal investigation or prosecution; and

(ii) if the firearm is not needed as evidence—

(I) destroy the firearm; or

(II) if the firearm is a curio or relic or has historical significance, donate the firearm to a State or local museum for display.

SEC. 4. SAFE HOMES–SAFE STREETS PROGRAM GRANTS.

(a) IN GENERAL.—The Attorney General may award grants to States or units of local government in accordance with this section, which shall be used to establish and implement Safe Homes–Safe Streets programs.

(b) APPLICATIONS.—In order to be eligible to receive a grant under this section, the chief executive of a State or unit of local government shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require.

(c) DISTRIBUTION.—The Attorney General shall distribute grant amounts awarded under this section directly to the recipient State or unit of local government.

(d) RENEWAL.—A State or unit of local government shall be eligible to apply for and receive a grant under this section annually.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General may not make a grant to a State or unit of local government under this section unless that State or unit of local government agrees that, with respect to the costs to be incurred by the State or unit of local government in carrying out the Safe Homes-Safe Streets program for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than 50 percent of such costs.

(2) WAIVER.—The Attorney General may waive the requirement of paragraph (1), in whole or in part, upon a finding of fiscal hardship on the part of a grant recipient.

(f) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement this section, which shall specify—

(1) the information to be included in an application for a grant under this section; and

(2) the requirements that a State or unit of local government shall meet in submitting such an application.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $15,000,000 for each fiscal year.●

By Ms. SNOWE (for herself and Mr. WARNER):

S. 2483. A bill to provide for the eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program of the Department of Defense; to the Committee on Armed Services.

INCLUDE WOMEN-OWNED BUSINESSES IN THE DOD MENTOR-PROTEGE PROGRAM

Ms. SNOWE. Mr. President, I rise today on behalf of myself and the Chairman of the Senate Armed Services Committee, Senator WARNER, to introduce a bill that will enhance an already successful program and have a significant impact on women owned businesses. The purpose of the Snowe-Warner bill is to include women-owned businesses as eligible participants in the Department of Defense's Mentor-Protege Program.

In 1990, the Congress established the DoD Mentor-Protege Pilot Program to provide incentives for major defense contractors to furnish disadvantaged small business concerns with assistance. That act also established a participation goal of 5% for those small disadvantaged businesses; however, women-owned businesses were not covered under that legislation.

The overall results of that legislation were impressive. According to the GAO, from Fiscal Year 1992 through Fiscal Year 1998, appropriated mentor-protege funding of about $233 million was obligated through cooperative agreements, separate contracts, or line items in DOD contracts. And, according to the Department of Defense, between 1994 and 1997 there was a net gain of 3,342 jobs within protege firms; there was a net revenue gain in excess of $276 million within the protege firms; and mentors reported an additional $695 million in subcontract awards to small disadvantaged businesses during this period. So, clearly, our legislation had a beneficial impact on the hundreds of small and disadvantaged businesses that now have the opportunity to compete and win Defense contracts under this program.

Then, in 1994, we passed Public Law 103-355, otherwise known as the Federal Acquisition Streamlining Act of 1994, which, among other provisions, amended Section 15 of the Small Business Act to establish a 5% annual goal for women-owned business enterprise participation in federal prime contracts and subcontracts. The Act also amended Section 8 of the Small Business Act to give women-owned businesses equal standing with small and small disadvantaged businesses in the subcontracting plans of federal prime contractors.

And, again, the results were significant. In Fiscal Year 1997 the government reported that women-owned businesses received 2.5% ($5.6 billion) of the $225 billion prime and subcontract dollars spent, up from 1.3% in Fiscal Year 1991 when data by gender was first collected. And in the latest data from Fiscal Year 1999, women-owned businesses accounted for 2.42% or $4.6 billion of the total $190 billion federal contract dollars. The percentage of Federal agencies that awarded at least 5% of their prime contract dollars to women-owned businesses was 37.9% in Fiscal Year 1997, up from 20.4% in Fiscal Year 1987.

In Fiscal Year 1997 some 5,722 women-owned businesses were involved in 446,332 federal prime contract actions amounting to $3.3 billion while another $2.3 billion was awarded to women-owned businesses in subcontract actions. At that time, women-owned businesses comprised 8.3% of Federal prime contractors, were involved in 4.1% of the prime contract actions and received 2.1% of Federal prime contract awards.

Why is this important? Women-owned federal contractors own much more substantial enterprises than the typical woman-owned firm. The average number of employees in women-owned federal contractor firms was 52.2 compared to just 2.3 among all full-time women-owned firms. Women-owned firms involved in Federal procurement have, on average, 1,742% higher sales and employ 23 times more employees than the average woman-owned firm.

Despite the resounding success of these initiatives, I must ask the question, "Are we there yet?" Not quite. Although all Executive Branch departments operate Mentor-Protege programs, the three agencies, Defense, Energy, and GSA, that account for the most contract dollars have never met the 5 percent goal. While Defense, the largest federal purchaser, provided $2.3 billion or 50% of all federal contracts going to women-owned businesses in Fiscal Year 1999, that amount represented only 1.92% of total Defense contracts.

The other two agencies together provided 16.4% of all federal contracts to women-owned businesses in fiscal year 1999 but, again, that funding only represented 3.1% of their combined contract funding. Of the three agencies, the GSA came closest to meeting the 5% goal with 4.75% of its contract dollars going to women-owned firms.

Some agencies, however, are doing very well at meeting the 5% goal. Housing and Urban Development sent 14.95% of its 1999 contracts to women-owned businesses, Veteran's Affairs sent 5.59%, and appropriately, the Small Business Administration spent 15.29% of their contract dollars at women-owned firms.

Mr. President, women-owned businesses are capable of doing more and they want to do more. Surveys indicate that when asked if the availability of mentor-protege programs would make them more interested in entering the government procurement market, 33% of women business owners responded favorably. Similarly, 30% of women with businesses more than 20 years old were among those most interested in taking part in a mentor-protege program.

When Section 831 of Public Law 101-510 establishing the DoD Mentor-Protege Pilot Program to provide incentives for major defense contractors to furnish disadvantaged small business concerns with assistance was drafted, it defined disadvantaged small business concerns as those owned and controlled by socially and economically disadvantaged individuals, Indian tribes, Hawaiians and those that employ the severely disabled. It did not specifically provide for the participation by women-owned businesses, those firms that are at least 51% owned and whose management and daily business operations are controlled by one or more women.

Mr. President, very simply, this bill will correct that, and I, therefore, urge my colleagues in the Senate to support the passage of the Snowe-Warner bill that allows us to forge two pieces good legislation into one better piece of legislation that benefits American business women and, by extension, America.

Mr. WARNER. Mr. President, I rise today to join my colleague from Maine as a sponsor of this very important piece of legislation that would allow women-owned businesses to participate in the Department of Defense (DOD) mentor protege program.

Since 1990, the mentor protege program has provided small disadvantaged businesses increased opportunity to compete for federal contracts. The program accomplishes this by providing incentives to major defense contractors to assist qualified small business to enhance their abilities to compete as contractors on DOD contracts. The mentor-protege program does not guarantee contracts to anyone. Instead, it is designed to equip participants with the knowledge and expertise that they need to win such contracts on their own, in the competitive market place.

The mentor protege program has been an important tool to help achieve the goal—established by Congress in 1987—that DOD increase to five percent the total value of contracts and subcontracts awarded to small disadvantaged businesses. This has been a remarkable success story. For the past six years, the DOD has exceeded this 5% goal.

In 1994, a similar goal was set for the DOD to award five percent of its annual contracts to women-owned businesses. While women-owned business participation in defense contracting has increased since 1994, we are still, however, well below the 5% goal. It seems appropriate to provide DOD with additional tools to assist in meeting this goal. Providing women-owned businesses the opportunity to participate in the mentor protege program will be a big step forward in expanding federal contracting opportunities for these businesses.

I want to thank Senator SNOWE for her leadership on this issue and her work on behalf of women-owned businesses around the country. I urge swift passage of this legislation to enhance the opportunity for women-owned businesses to compete for, and win, DOD contracts.

By Mr. CLELAND (for himself, and Mr. COVERDELL):

S. 2484. A bill to ensure that immigrant students and their families receive the services that the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE IMMIGRANTS TO NEW AMERICANS ACT

• Mr. CLELAND. Mr. President, there are an estimated 2.3 million foreign-born school children living in the U.S. today and more are arriving daily. This is placing increasing demands on our nation's schools and community organizations to help these newly arrived children and their families with becoming successful in America's schools and communities.

These children began arriving here in large numbers in the 1990s in a wave of immigration that is rivaling the first and second waves of German, Irish, Polish and Scandinavian immigrants who arrived here in the late 1800s and early 1900s. Like those who have preceded them, our nation's newest immigrants have a strong desire to succeed in their new found homeland. Our challenge is to provide them with the support and services they need to achieve to high standards in our schools—and beyond—and in so doing we will all be the beneficiaries.

The wave of immigrants settling into communities all across America is resulting in a significant increase in children with diverse linguistic and cultural backgrounds enrolling in our schools. For example, the Waterloo, Iowa school system is being challenged to teach 400 Bosnian refugee children who came here without knowing our language, culture or customs. Schools in Wausau, Wisconsin are filled with Asian children wanting to achieve success in the United States. In Dalton, Georgia, 47% of the student population in the public schools are Mexican children eager to participate in their new schools and community. In Turner, Maine, the school-aged children of hundreds of recently arrived Mexican immigrant families are pouring into this rural town's schools.

As these examples illustrate, the foreign-born, school-aged children living in our nation today constitute an increasingly significant portion of the population, not just in communities accustomed to large immigrant populations like New York, Los Angeles and Miami, but also non-traditional immigrant communities like Gainesville, Georgia and Fremont County, Idaho. According to recently released estimates, this trend will continue. According to the U.S. Census Bureau, the recently arrived immigrant and refugee populations living here today will account for 75% of the total U.S. population growth over the next 50 years. U.S. schools from Florida to Washington State are being increasingly challenged by these changing demographics. As Secretary of Education Richard Riley recently said, "dealing with this kind of change requires creative thinking and an eagerness to adopt and to incorporate cultural and linguistic differences into the learning process."

We need to make sure that these children are served appropriately—and that their families are as well. Studies have shown that where quality educational programs are joined with community-based services, immigrants have an increased opportunity to become an integral part of their community and their children are better prepared to achieve success in school.

The recent influx of immigrants into U.S. communities calls for innovative and comprehensive solutions. Today, I am joined by my distinguished colleague from Georgia, Senator PAUL COVERDELL, in introducing the Immigrants to New Americans Act. This legislation would establish a competitive grant program within the Department of Education to assist these school systems and communities that are experiencing a high number of immigrant families. Specifically, this new grant program would provide funding to partnerships of local school districts and community-based organizations for the development of model programs that assist immigrant children to achieve in U.S. schools and that provide services like parenting skills to their families as well as access to comprehensive community services, including health care, child care, job training and transportation.

Senator COVERDELL and I have both seen first hand the benefits of one community's program that brings togther teachers, community leaders and businesses in an innovative partnership to aid their linguistically and culturally diverse population. It is the Georgia Project and its mission is to assist immigrant children from Mexico achieve to higher standards in Dalton, Georgia's public schools.

In recent years, the carpet and poultry industries in Dalton and surrounding Whitfield County experienced the need for a larger workforce. The city's visionary leaders encouraged Mexican immigrants to settle into their community to fill that need. The challenge has been in Dalton's public school system where Hispanic enrollment went from being just 4 percent ten years ago to over 47 percent today.

To deal with this sizable increase, Dalton and Whitfield County public school administrators and business leaders formed a public-private consortium. This consortium, known as The Georgia Project, initiated a teacher exchange program in 1996 with the University of Monterrey in Mexico. Today, seventeen Mexican teachers are helping to bridge the language and culture gap by serving as instructors, counselors and role models and providing Spanish language training to English-speaking students. In addition, Dalton Public School teachers spend a month in Monterrey, Mexico, each year learning first hand the culture, language and customs of the Mexican students they serve.

There are other programs across the United States that address similar challenges experienced by the City of Dalton and Whitfield County. One such example is the Lao Family Project. This is a community-based refugee assistance organization that provides a wide range of parent-student services to Hmong and Vietnamese refugees in St. Paul, Minnesota in an effort to help parents become economically self-sufficient and their children succeed in school. The Lao Family Project's staff are bilingual/bicultural paraprofessionals who provide services that include adult English as a second language instruction and preschool literacy activities for children.

In the rural communities of Healdsburg and Windsor, California, the Even Start program provides a variety of instructional and support services to low-income, recently arrived Mexican immigrant families and their preschool and elementary school children. The program focuses on increasing family involvement in their children's education, helping parents and children with their literacy skills, and offering English as a second language course. Many of the instructional activities for the parent's classes are coordinated with the classroom teachers to ensure consistency with what is being taught to both the parent and their children. One focus of these classes is to communicate what the children are learning in their regular classes so that parents can help their children at home.

The Exemplary Multicultural Practices in Rural Education Program, or EMPIRE, operates in the Yakima region of rural Central Washington State, an area with a diverse mix of ethnic groups, including Caucasians, Hispanics, Native Americans, African Americans, and Asian Americans. The program promotes positive race relations and an appreciation for ethnic and cultural differences. It encourages schools to develop learning environments where children of all backgrounds can be successful in school and the community. With support from EMPIRE's board of advisors, each school designs and carries out its own projects based on local resources and needs. Schools in which EMPIRE is active plan a wide variety of programs and activities with emphasis on staff development, student awareness, parent involvement and improvement of curriculum and instruction.

The Immigrants to New Americans Act is endorsed by the National Association for Bilingual Education, The National Council of La Raza, the League of United Latin American Citizens, the India Abroad Center for Political Awareness, and the National Korean American Service and Education Consortium.

I would like to close with the words of Education Secretary Richard Riley: "Regardless of the cultural diversity of our nation's students, there is one unifying factor in their lives, education, the primary and shared source of hope, opportunity and success. It is our duty as a nation to ensure that every ethnically diverse community has the opportunity to achieve a quality education and the success that accompanies it—just as we have done for generations of Americans before them."

Our nation's communities are being transformed by the diverse culture of their citizens. Successfully addressing this change will require leadership, creative thinking and an eagerness to encourage and promote the promise that these new challenges bring. By doing so, we as a nation will better serve all our children—the best guarantee we have of ensuring America's strength, well into the 21st century and beyond.

Mr. President, I ask unanimous consent to print their letters of support in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION FOR
BILINGUAL EDUCATION,
Washington, DC, April 19, 2000.
Hon. MAX CLELAND,
U.S. Senate, Senate Dirksen Building,
Washington, DC.

DEAR SENATOR CLELAND: On behalf of the National Association for Bilingual Education, I wish to commend you on your introduction of legislation to help ensure that immigrant students and their families will receive the services that they require in our schools and communities.

America's rapidly changing demographics make it imperative that adequate services be available to our nation's newcomers, so that they too will attain the American dream and help make our country stronger. Your bill clearly recognizes the contributions that immigrants have made to the United States over its history, and takes a definitive step forward in the spirit of empowerment through education and community-based collaboration.

NABE strongly believes that given the appropriate tools and support students will rise to the highest of levels of achievement. Our endorsement of this forward-thinking legislation is a reaffirmation of this philosophy, and we hope your colleagues in Congress will grant it prompt approval.

Once again, I commend you on the introduction of this important piece of legislation, and I ask that you not hesitate to contact me at (202) 898–1829 if there is anything NABE can do to help your efforts in this respect.

Sincerely,

DELIA POMPA,
Executive Director.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, April 26, 2000.
Senator MAX CLELAND,
Senate Dirksen Office Building,
Washington, DC.

DEAR SENATOR CLELAND: The National Council of La Raza (NCLR) thanks you for your effort to facilitate and enhance the participation of immigrants in American society. In particular, we would like to express our support for your legislation, the "Immigrants to New Americans Act," which would provide education, adult English as a Second Language (ESL), job training, and other important services to immigrants in "emerging" communities.

Over the past decade, dramatic shifts have occurred in the immigrant population in the United States, particularly among Hispanic immigrants. Many Hispanic immigrants have settled in areas where their presence had previously been virtually invisible. For example, the U.S. Census Bureau determined that the South (Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) experienced a 93% increase in its Hispanic population from 1990 to 1998, far outpacing growth in "traditional" Hispanic states like California, New York, and Texas, where increases hovered around 32%. While the U.S. Census Bureau estimated the total Hispanic population in the South in 1998 to be 640,870, unofficial estimates place the Hispanic population of both Georgia and North Carolina at close to 500,000 in each state. Midwestern states have also experienced significant increases in their Hispanic populations during this period, such as Iowa (74%), Minnesota (61%), and Nebraska (96%). Many of these Hispanics are immigrants in search of employment.

The emergence of new immigrant populations has created a significant need for educational and social services. The search for employment opportunities has historically been the primary impetus for the migration of immigrants. An ever-increasing availability of permanent employment has provided the opportunity for many immigrants to settle with their spouses and children, often in areas where previously there had been seasonal agricultural work available. However, these opportunities have largely been in unskilled or low-skilled, low-paying jobs, such as the textile, poultry, and construction industries in the South; meat- and vegetable-packing in the Midwest; and light manufacturing and service-sector work in major cities like New York City, Los Angeles, and Houston. As these new immigrant populations form permanent settlements, they often face social isolation and disconnection from mainstream society.

Emerging immigrant communities face a multitude of issues in adapting to their new environment. Among the needs identified in these communities are access to rigorous standards-based curriculum in the public schools, effective parental involvement in their children's education, adult English-language acquisition programs, quality child care, and employment and training. Your legislation would help local communities to provide services in each of these critical areas.

NCLR believes that the "Immigrants to New Americans Act" can have a significant, positive impact on the lives of many immigrant children and families, and on the communities in which they are settling. That is why we strongly support your legislation and encourage the entire Congress to do the same.

Sincerely,

RAUL YZAGUIRRE,
President.

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS,
Washington, DC, April 27, 2000.
Hon. MAX CLELAND,
Dirksen Senate Building, U.S. Senate
Washington, DC.

DEAR SENATOR CLELAND: The League of United Latin American citizens (LULAC) wishes to thank you for your efforts at facilitating and enhancing the ability of immigrant children and their families to achieve success in America's schools and communities. We would like to strongly support your legislation, "The Immigrants to New Americans Act."

We believe that this act will greatly enhance the ability for schools and community-based services to develop model programs aimed at helping immigrant students and their families to receive the tools that they need to succeed.

We find that this closely supports our mission and beliefs that immigrants should be supported in any way possible. LULAC is the oldest and largest Latino civil rights organization in the United States. LULAC advances the economic condition, educational attainment, political influence, health and civil rights of Hispanic Americans through community-based programs operating at more than 700 LULAC Councils nationwide.

Once again, thank you for putting forth this effort to help those who need a little help getting started in this country. Your legislation will help to carry this country in a positive way well into the 21st century.

Sincerely,

BRENT WILKES,
Executive Director.

THE INDIA ABROAD CENTER
FOR POLITICAL AWARENESS,
Washington, DC, April 24, 2000.

Hon. MAX CLELAND,
Dirksen Senate Building, U.S. Senate
Washington, DC.

DEAR SENATOR CLELAND: The India Abroad Center for Political Awareness would like to endorse your Immigrants to New Americans Act. We believe that this bill would provide a strong support mechanism to those in the United States that need it the most, our immigrants. Also we would be glad to publish your op-ed piece on this bill in the newspaper India Abroad which reaches nearly 250,000 people in the United States. Thank you again for sponsoring this bill.

Sincerely,

PREM SHUNMUGAVELU,
Associate.●

ADDITIONAL COSPONSORS

S. 662

At the request of Mr. L. CHAFEE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. L. CHAFEE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 914

At the request of Mr. SMITH, of New Hampshire, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 934

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 934, a bill to enhance rights and protections for victims of crime.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1545

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 1545, a bill to require schools and libraries receiving universal service assistance to install systems or implement policies for blocking or filtering Internet access to matter inappropriate for minors, to require a study of available Internet blocking or filtering software, and for other purposes.

S. 1608

At the request of Mr. WYDEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1617

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio.

S. 1717

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1717, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1941

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2027

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2027, a bill to authorize the Secretary of the Army to design and construct a warm water fish hatchery at Fort Peck Lake, Montana

S. 2068

At the request of Mr. GREGG, the names of the Senator from Utah (Mr. HATCH) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2105

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2105, a bill to amend chapter 65 of title 18, United States Code, to prohibit the unauthorized destruction, modification, or alteration of product identification codes used in consumer product recalls, for law enforcement, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2293

At the request of Mr. SANTORUM, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing

Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2299

At the request of Mr. L. CHAFEE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2311

At the request of Mr. JEFFORDS, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2344, supra.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Oregon (Mr. SMITH), the Senator from Texas (Mr. GRAMM), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2429

At the request of Mr. JEFFORDS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2429, a bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2440

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2440, a bill to amend title 49, United States Code, to improve airport security.

S. 2459

At the request of Mr. COVERDELL, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. CON. RES. 107

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 107, a concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. MACK), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 292

At the request of Mr. CLELAND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 296

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 296, a resolution designating the first Sunday in June of each calendar year as "National Child's Day."

AMENDMENT NO. 3097

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. SCHUMER), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3097 intended to be proposed to S. 934, a bill to enhance rights and protections for victims of crime.

SENATE RESOLUTION 298—DESIGNATING THE MONTH OF MAY EACH YEAR AS THE MONTH FOR CHILDREN

Mr. ROBB (for himself and Mr. WARNER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 298

Whereas too often, our children suffer from hunger and homelessness;

Whereas the increase in crime in our schools hinders the educational development of our children;

Whereas all children should have food, shelter, and health care, and should be afforded educational opportunity;

Whereas all children should be protected from abuse and neglect; and

Whereas the period of childhood for too many children is marked by hardship and despair: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May each year as the Month for Children;

(2) encourages all Americans to commit themselves to improving the lives and future of all children by serving as positive role models for the children of the United States and the world; and

(3) urges community leaders to publicly acknowledge the significant contributions children make to society.

Mr. ROBB. Mr. President, I rise to offer a Senate resolution designating May each year as the Month for Children. Children are our nation's future, and it is important that we recognize the significant contributions that children make to their homes, schools and communities. Unfortunately, we continue to be plagued by school violence that is devastating our communities. Furthermore, parents who are struggling to make ends meet find themselves with less time to commit to their children. It is imperative that we as a society rededicate ourselves to exalting our children—supporting their efforts to succeed and providing positive role-models for them today and in the future. We must show that we care for them, and in their honor, I submit this resolution.

SENATE RESOLUTION 299—TO MAKE TECHNICAL CORRECTIONS TO THE STANDING RULES OF THE SENATE

Mr. McCONNELL (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Resolved,

SECTION 1. DATE CHANGES.

Each of the recommended forms in paragraph 3 of rule II of the Standing Rules of the Senate is amended by striking "19" each place it appears and inserting "20".

SEC. 2. CORRECTIONS.

(a) INCORRECT ORDER.—Rule XXV of the Standing Rules of the Senate is amended—

(1) in paragraph 1, by redesignating subparagraphs (l) and (m) as subparagraphs (m) and (l), respectively; and

(2) in paragraph 2, by moving the item relating to the Committee on the Judiciary to the end of the list.

(b) NAME CORRECTION.—Paragraph 5(b) of rule XXXVII of the Standing Rules of the Senate is amended by inserting "Select" before "Committee on Ethics".

(c) CROSS REFERENCE.—Paragraph 6(d) of rule XLI of the Standing Rules of the Senate is amended by striking "11" and inserting "12".

SENATE RESOLUTION 300—DESIGNATING THE WEEK OF APRIL 23–30, 2000, AS "NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK"

Mr. WELLSTONE submitted the following resolution; which was considered and agreed to:

S. RES. 300

Whereas the month of April has been designated National Child Abuse Prevention Month, an annual tradition initiated by former President Jimmy Carter in 1979;

Whereas the most recent government figures show that over 1,000,000 children were victims of abuse and neglect in 1997, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, more than 3 children die each day in this country;

Whereas the rate of child fatalities has risen by 37 percent between 1985 and 1997, with children aged 3 and younger accounting for 77 percent of the fatalities;

Whereas head trauma is the leading cause of death of abused children, including the trauma known as Shaken Baby Syndrome;

Whereas Shaken Baby Syndrome, which results from a caregiver losing control and shaking a baby usually less than 1 year of age, and can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse;

Whereas an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, with thousands more misdiagnosed and undetected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant, and more than $1,000,000 in medical costs in just the first few years of life to care for a single, disabled child;

Whereas the most effective solution to ending Shaken Baby Syndrome is to prevent such abuse, and it is clear that the minimal costs of educational and prevention programs may prevent the enormous medical and disability costs and untold grief for many families;

Whereas prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization which began with 3 mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and victim families in the health care and criminal justice systems;

Whereas child abuse prevention programs and "National Shaken Baby Syndrome Awareness Week" are supported by the Shaken Baby Alliance, Children's Defense Fund, American Academy of Pediatrics, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation, and many other organizations including the National Basketball Association which is sponsoring a series of "NBA Child Abuse Prevention Awareness Night 2000" events to generate public awareness about the issue of child abuse and neglect during National Child Abuse Prevention Month 2000;

Whereas a year 2000 survey by Prevent Child Abuse America shows that ½ of all Americans believe child abuse and neglect is the most important issue facing this country compared to other public health issues; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate designates the week of April 23–30, 2000, as "National Shaken Baby Syndrome Awareness Week".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Tuesday, May 2, 2000, at 10 a.m. to conduct a hearing on S. 2350, Duchesne City Water Rights Conveyance Act and S. 2351, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act. The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, May 3, 2000, in room SR–301 Russell Senate Office Building, to receive testimony on political speech on the Internet.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, April 27, 2000, at 9 a.m., in SD–106, to conduct a full committee hearing to consider the nomination of Michael V. Dunn to be a member of the Farm Credit Administration Board, Farm Credit Administration, and to examine pending legislation on agriculture concentration of ownership and competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 27 at 9:30 a.m., to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 1273, the Federal Power Act Amendments of 1999; S. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on The Ergonomics Rule: OSHA's Interference with State Workers' Compensation during the session of the Senate on Thursday, April 27, 2000 at 2:00 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 27, 2000, at 10:00 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, April 27, 2000, at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 27, 2000 at 2:30 p.m. to hold a closed mark-up on the FY01 Intelligence Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 27, 2000, to conduct a hearing on "The International Monetary Fund and International Financial Institutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 27 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of their service; S. 2231 and H.R. 2879, bills to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have a Dream" speech; S. 2343, a bill to amend the National Historic Preservation Act for purposes of establishing a national lighthouse preservation program; S. 2352, a bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System; H.R. 1749, a bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System; and H.R. 3201, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS, AND TERRORISM

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism be authorized to meet during the session of the Senate on Thursday, April 27, 2000, at 9:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES POLICY TOWARD LIBYA

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 512, S. Res. 287.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 287) expressing the sense of the Senate regarding the United States policy toward Libya, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I urge the Senate to approve this resolution, which Senator HELMS, Senator LAUTENBERG and I submitted on the travel ban and other U.S. restrictions on contacts with Libya. The resolution was approved on April 13 by the Senate Foreign Relations Committee.

At the end of March, a team of State Department officials visited Libya as part of a review of the ban that has been in effect since 1981 on U.S. travel to that nation. State Department officials were in Libya for 26 hours, visiting hotels and other sites. Based on the findings of this delegation, the State Department is preparing a recommendation for the Secretary of State to help her determine whether there is still "imminent danger to . . . the physical safety of United States travelers," as the law requires in order to maintain the ban.

Under the provisions of the travel ban, American citizens can travel to Libya only if they first obtain a license from the Department of the Treasury. In addition, the State Department must first validate a passport for travel to Libya.

The travel ban was imposed originally for safety reasons and predates the terrorist bombing of Pan Am Flight 103. But lifting the ban now, just as the two Libyan suspects are about to go on trial in The Netherlands for their role in that atrocity, will undoubtedly be viewed as a gesture of good will to Colonel Qadhafi.

After the State Department announced that it would send this consular team to Libya, a Saudi-owned daily paper quoted a senior Libyan official as saying the one-day visit by the U.S. team was a "step in the right direction." The official said the visit was a sign that "the international community was convinced that Libya's foreign policy position was not wrong and there is a noticeable improvement in Libya's relations with the world."

Libya's Deputy Minister for Foreign Affairs and International Cooperation said the visit demonstrated that the Administration "has realized the importance of Libya" and that Libya feels "the negative chapter in our relations is over."

Libya's Secretary for African Unity told reporters that the visit to Libya by U.S. officials was a welcome step and that ". . . we welcome the normalization between the two countries."

The good will gesture was certainly not lost on Colonel Qadhafi, who said on April 4, when asked about a possible warming of relations with the United States: "I think America has reviewed its policy toward Libya and discovered that it is wrong . . . it is a good time for America to change its policy toward Libya."

I have been in contact with many of the families of the victims of Pan Am Flight 103, and they are extremely upset by the timing of this decision. They are united in their belief that the U.S. delegation should not have been sent to Libya and that it would be a serious mistake to lift the travel ban before justice is served. The families want to know why the Secretary of State made this friendly overture to Colonel Qadhafi just six weeks before the trial in the Netherlands begins. They question how much information the State Department was able to obtain by spending only 26 hours in Libya. They wonder why the State Department could not continue to use the same sources of information it has been using for many years to make a determination about the travel ban.

There is no reason to believe that the situation in Libya has changed since November 1999, when the travel ban was last extended on the basis of imminent danger to American citizens. Indeed, in January 2000, President Clinton cited Libya's support for terrorist activities and its non-compliance with UN Security Council Resolutions 731, 748, and 863 as actions and policies that "pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interest of the United States."

These American families have waited for justice for eleven long years. They felt betrayed by the decision to send the consular delegation to Libya. They have watched with dismay as our close ally, Great Britain, has moved to reestablish diplomatic relations with Libya, before justice is served for the British citizens killed in the terrorist bombing. The State Department denies it, but the families are concerned that the visit signals a change in U.S. policy, undermines U.S. sanctions, and calls into question the Administration's commitment to vigorously enforce the Iran Libya Sanctions Act. That Act requires the United States to impose sanctions on foreign companies which invest more than $40 million in the Libyan petroleum industry, until Libya complies with the conditions specified by the UN Security Council in its resolutions.

The bombing of Pan Am Flight 103, in which 188 Americans were killed, was one of the worst terrorist atrocities in American history. Other American citizens are waiting for justice in other cases against Libya as well. Libya is also accused in the 1986 La Belle discotheque bombing in Germany, which resulted in the deaths of two United States servicemen. The trial of five individuals implicated in that attack began in December 1997 and is ongoing. In March 1999, six Libyan intelligence agents, including Colonel Qadhafi's brother-in-law, were convicted in absentia by a French court for the bombing of UTA Flight 772, which resulted in the deaths of 171 people, including seven Americans. A civil suit against Colonel Qadhafi based on that bombing is pending in France.

The State Department should not have sent a delegation to Libya now and it should not lift the travel ban on Libya at this time. The Department's long-standing case-by-case consideration of passport requests for visits to Libya by U.S. citizens has worked well. It can continue to do so for the foreseeable future.

The resolution the Senate is now considering states the Sense of the Senate that Libya's refusal to accept responsibility for its role in terrorist attacks against United States citizens suggests that the imminent danger to the physical safety of United States travelers continues. It calls on the Administration to consult fully with the U.S. Congress in considering policy toward Libya. It states that the travel ban and all other U.S. restrictions on Libya should not be eased until all cases of American victims of Libyan terrorism have been resolved and the government of Libya has cooperated fully in bringing the perpetrators to justice.

I urge my colleagues to approve this resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas 270 people, including 189 Americans, were killed in the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland on December 21, 1988;

Whereas this bombing was one of the worst terrorist atrocities in American history;

Whereas 2 Libyan suspects in the attack are scheduled to go on trial in The Netherlands on May 3, 2000;

Whereas the United Nations Security Council has required Libya to cooperate throughout the trial, pay compensation to the families if the suspects are found guilty, and end support for international terrorism before multilateral sanctions can be permanently lifted;

Whereas Libya is accused in the 1986 La Belle discotheque bombing in Germany which resulted in the death of 2 United States servicemen;

Whereas in March 1999, 6 Libyan intelligence agents including Muammar Qadhafi's brother-in-law, were convicted in absentia by French courts for the bombing of UTA Flight 772 that resulted in the death of 171 people, including 7 Americans;

Whereas restrictions on United States citizens' travel to Libya, known informally as a travel ban, have been in effect since December 11, 1981, as a result of "threats of hostile acts against Americans" according to the Department of State;

Whereas on March 22, 4 United States State Department officials departed for Libya as part of a review of the travel ban; and

Whereas Libyan officials have interpreted the review as a positive signal from the United States, and according to a senior Libyan official "the international community was convinced that Libya's foreign policy position was not wrong and there is a noticeable improvement in Libya's relations with the world": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Libya's refusal to accept responsibility for its role in terrorist attacks against United States citizens suggests that the imminent danger to the physical safety of United States travelers continues;

(2) the President should consult fully with Congress in considering policy toward Libya, including disclosure of any assurances received by the Qadhafi regime relative to the judicial proceedings in The Hague; and

(3) the travel ban and all other United States restrictions on Libya should not be eased until all cases of American victims of Libyan terrorism have been resolved and the Government of Libya has cooperated fully in bringing the perpetrators to justice.

JOHN H. CHAFEE ENVIRONMENTAL EDUCATION ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 515, S. 1946.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1946) to amend the National Environmental Act to redesignate the Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend programs under that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1946

SECTION 1. SHORT TITLE.

(a) THIS ACT.—This Act may be cited as the "John H. Chafee Environmental Education Act of 1999".

(b) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 1(a) of the National Environmental Education Act (20 U.S.C. 5501 note) is amended by striking "National Environmental Education Act" and inserting "John H. Chafee Environmental Education Act".

SEC. 2. OFFICE OF ENVIRONMENTAL EDUCATION.

Section 4 of the John H. Chafee Environmental Education Act (20 U.S.C. 5503) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "balanced and scientifically sound" after "support";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (7) through (13) as paragraphs (6) through (12), respectively; and

(D) in paragraph (12) (as so redesignated), by inserting before the period at the end the following: "through the headquarters and the regional offices of the Agency"; and

(2) by striking subsection (c) and inserting the following:

"(c) STAFF.—The Office of Environmental Education shall—

"(1) include a headquarters staff of not more than 10 full-time equivalent employees; and

"(2) be supported by 1 full-time equivalent employee in each regional office of the Agency.

"(d) ACTIVITIES.—The Administrator may carry out the activities described in subsection (b) directly or through awards of grants, cooperative agreements, or contracts.".

SEC. 3. ENVIRONMENTAL EDUCATION GRANTS.

Section 6 of the John H. Chafee Environmental Education Act (20 U.S.C. 5505) is amended—

(1) in the second sentence of subsection (i), by striking "25 percent" and inserting "15 percent"; and

(2) by adding at the end the following:

"(j) LOBBYING ACTIVITIES.—A grant under this section may not be used to support a lobbying activity (as described in the documents issued by the Office of Management and Budget and designated as OMB Circulars No. A–21 and No. A–122).

"(k) GUIDANCE REVIEW.—Before the Administrator issues any guidance to grant applicants, the guidance shall be reviewed and approved by the Science Advisory Board of the Agency established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).".

SEC. 4. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 7 of the John H. Chafee Environmental Education Act (20 U.S.C. 5506) is amended to read as follows:

"SEC. 7. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PROGRAM.

"(a) ESTABLISHMENT.—There is established the John H. Chafee Memorial Fellowship Program for the award and administration of 5 annual 1-year higher education fellowships in environmental sciences, to be known as 'John H. Chafee Fellowships'.

"(b) Purpose.—The purpose of the John H. Chafee Memorial Fellowship Program is to stimulate innovative graduate level study and the development of expertise in complex, relevant, and important environmental issues and effective approaches to addressing those issues through organized programs of guided independent study and environmental research.

"(c) Award.—Each John H. Chafee Fellowship shall—

"(1) be made available to individual candidates through a sponsoring institution and in accordance with an annual competitive selection process established under subsection (f)(3); and

"(2) be in the amount of $25,000.

"(d) Focus.—Each John H. Chafee Fellowship shall focus on—

"(1) effective land and resource management;

"(2) innovative open space preservation;

"(3) science associated with such worldwide issues as global climate change and sustainable marine resources; or

"(4) any other issue that a sponsoring institution determines to be appropriate.

"(e) Sponsoring Institutions.—Each year—

"(1) 2 John H. Chafee Fellowships shall be awarded by the University of Rhode Island; and

"(2) 3 John H. Chafee Fellowships may be applied for through any other sponsoring institution.

"(f) Panel.—

"(1) In general.—[The Foundation] *The National Environmental Education Advisory Council established by section 9(a)* shall establish and administer the John H. Chafee Fellowship Panel.

"(2) Membership.—The Panel shall consist of 5 members, appointed by a majority vote of members of the National Environmental Education Advisory [Council established by section 9(a),] *Council*, of whom—

"(A) 2 members shall be professional educators in higher education;

"(B) 2 members shall be environmental scientists; and

"(C) 1 member shall be a public environmental policy analyst.

"(3) Duties.—The Panel shall—

"(A) establish criteria for a competitive selection process for recipients of John H. Chafee Fellowships;

"(B) receive applications for John H. Chafee Fellowships; and

"(C) annually review applications and select recipients of John H. Chafee Fellowships.

"(g) Distribution of Funds.—The amount of each John H. Chafee Fellowship shall be provided directly to each recipient selected by the Panel upon receipt of a certification from the recipient that the recipient will adhere to a specific and detailed plan of study and research.

"(h) Funding.—From amounts made available under [section 11(b)(1)(D)] *section 11(b)(1)(C)* for each fiscal year, the [Foundation] *Office of Environmental Education* shall make available—

"(1) $125,000 for John H. Chafee Memorial Fellowships; and

"(2) $25,000 to pay administrative expenses incurred in carrying out the John H. Chafee Memorial Fellowship Program.".

(b) Definitions.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(14) 'Panel' means the John H. Chafee Fellowship Panel established under section 7(f);

"(15) 'sponsoring institution' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));".

(c) Conforming Amendment.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 7 and inserting the following:

"Sec. 7. John H. Chafee Memorial Fellowship Program.".

SEC. 5. NATIONAL ENVIRONMENTAL EDUCATION AWARDS.

(a) In General.—Section 8 of the John H. Chafee Environmental Education Act (20 U.S.C. 5507) is amended to read as follows:

"SEC. 8. NATIONAL ENVIRONMENTAL EDUCATION AWARDS.

"(a) President's Environmental Youth Awards.—The Administrator may establish a program for the granting and administration of awards, to be known as 'President's Environmental Youth Awards', to young people in grades kindergarten through 12 to recognize outstanding projects to promote local environmental awareness.

"(b) Teachers' Awards.—

"(1) In general.—The Chairman of the Council on Environmental Quality, on behalf of the President, may establish a program for the granting and administration of awards to recognize—

"(A) teachers in elementary schools and secondary schools who demonstrate excellence in advancing environmental education through innovative approaches; and

"(B) the local educational agencies of the recognized teachers.

"(2) Eligibility.—One teacher, and the local education agency employing the teacher, from each State, the District of Columbia, and the Commonwealth of Puerto Rico, shall be eligible to be selected for an award under this subsection.".

(b) Definitions.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 4(b)) is amended by adding at the end the following:

"(16) 'elementary school' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); and

"(17) 'secondary school' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).".

(c) Conforming Amendment.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 8 and inserting the following:

"Sec. 8. National environmental education awards.".

SEC. 6. ENVIRONMENTAL EDUCATION ADVISORY COUNCIL AND TASK FORCE.

Section 9 of the John H. Chafee Environmental Education Act (20 U.S.C. 5508) is amended—

(1) in subsection (b)(2)—

(A) by striking "(2) The" and all that follows through the end of the second sentence and inserting the following:

"(2) Membership.—

"(A) In general.—The Advisory Council shall consist of not more than 11 members appointed by the Administrator after consultation with the Secretary.

"(B) Representatives of sectors.—To the maximum extent practicable, the Administrator shall appoint to the Advisory Council at least 1 member to represent each of—

"(i) elementary schools and secondary schools;

"(ii) colleges and universities;

"(iii) not-for-profit organizations involved in environmental education;

"(iv) State departments of education and natural resources;

"(v) business and industry; and

"(vi) senior Americans.";

(B) in the third sentence, by striking "A representative" and inserting the following:

"(C) Representative of the Secretary.—A representative"; and

(C) in the last sentence, by striking "The conflict" and inserting the following:

"(D) Conflicts of interest.—The conflict";

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) Membership.—Membership on the Task Force shall be open to representatives of any Federal agency actively engaged in environmental education."; and

(3) in subsection (d), by striking "(d)(1)" and all that follows through "(2) The" and inserting the following:

"(d) Meetings and Reports.—

"(1) In general.—The Advisory Council shall—

"(A) hold biennial meetings on timely issues regarding environmental education; and

"(B) issue a report describing the proceedings of each meeting and recommendations resulting from the meeting.

"(2) Review and comment on draft reports.—The".

SEC. 7. NATIONAL ENVIRONMENTAL LEARNING FOUNDATION.

(a) Change in Name.—

(1) In general.—Section 10 of the John H. Chafee Environmental Education Act (20 U.S.C. 5509) is amended—

(A) by striking the section heading and inserting the following:

"SEC. 10. NATIONAL ENVIRONMENTAL LEARNING FOUNDATION.";

and

(B) in the first sentence of subsection (a)(1)(A), by striking "National Environmental Education and Training Foundation" and inserting "National Environmental Learning Foundation".

(2) Conforming amendments.—

(A) The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 10 and inserting the following:

"Sec. 10. National Environmental Learning Foundation.".

(B) Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 4(b)) is amended—

(i) by striking paragraph (12) and inserting the following:

"(12) 'Foundation' means the National Environmental Learning Foundation established by section 10;"; and

(ii) in paragraph (13), by striking "National Environmental Education and Training Foundation" and inserting "Foundation".

(C) Section 11(c) of the John H. Chafee Environmental Education Act (20 U.S.C. 5510(c)) is amended by striking "National Environmental Education and Training Foundation" and inserting "Foundation".

(b) Number of Directors.—Section 10(b)(1)(A) of the John H. Chafee Environmental Education Act (20 U.S.C.

5509(b)(1)(A)) is amended in the first sentence by striking "13" and inserting "19".

(c) Acknowledgment of Donors.—Section 10(d) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(d)) is amended by striking paragraph (3) and inserting the following:

"(3) Acknowledgment of donors.—The Foundation may acknowledge receipt of donations by means of a listing of the names of donors in materials distributed by the Foundation, except that any such acknowledgment—

"(A) shall not appear in educational material presented to students; and

"(B) shall not identify a donor by means of a logo, letterhead, or other corporate commercial symbol, slogan, or product.".

(d) Administrative Services and Support.—Section 10(e) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(e)) is amended in the first sentence by striking "for a period of up to 4 years from the date of enactment of this Act,".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 11 of the John H. Chafee Environmental Education Act (20 U.S.C. 5510) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by striking the section heading and subsections (a) and (b) and inserting the following:

"SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to the Environmental Protection Agency to carry out this Act $10,000,000 for each of fiscal years 2000 through 2005.

"(b) Limitations.—

"(1) In general.—Subject to paragraph (2), of the amounts made available under subsection (a) for each fiscal year—

"(A) not more than 25 percent may be used for the activities of the Office of Environmental Education established under section 4;

"(B) not more than 25 percent may be used for the operation of the environmental education and training program under section 5;

"(C) not less than 40 percent shall be used for environmental education grants under section 6 *and for the John H. Chafee Memorial Fellowship Program under section 7*; and

"(D) 10 percent shall be used for the activities of the Foundation under sections 7 and 10.

"(2) Administrative expenses.—Of the amounts made available under paragraph (1)(A) for each fiscal year, not more than 25 percent may be used for administrative expenses of the Office of Environmental Education.

"(c) Expense Report.—As soon as practicable after the end of each fiscal year, the Administrator shall submit to Congress a report describing in detail the activities for which funds appropriated for the fiscal year were expended."; and

(3) in subsection (d)(2) (as so redesignated), by striking "section 10(d) of this Act" and inserting "section 10(e)".

(b) Conforming Amendment.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 11 and inserting the following:

"Sec. 11. Authorization of appropriations.".

Mr. SESSIONS. I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1946) was read the third time and passed.

MAKING TECHNICAL CORRECTIONS TO THE STANDING RULES OF THE SENATE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 299, submitted earlier by Senator McConnell and Senator Dodd.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 299) to make technical corrections to the Standing Rules of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 299) was agreed to, as follows:

S. Res. 299

Resolved,

SECTION 1. DATE CHANGES.

Each of the recommended forms in paragraph 3 of rule II of the Standing Rules of the Senate is amended by striking "19" each place it appears and inserting "20".

SEC. 2. CORRECTIONS.

(a) Incorrect Order.—Rule XXV of the Standing Rules of the Senate is amended—

(1) in paragraph 1, by redesignating subparagraphs (l) and (m) as subparagraphs (m) and (l), respectively; and

(2) in paragraph 2, by moving the item relating to the Committee on the Judiciary to the end of the list.

(b) Name Correction.—Paragraph 5(b) of rule XXXVII of the Standing Rules of the Senate is amended by inserting "Select" before "Committee on Ethics".

(c) Cross Reference.—Paragraph 6(d) of rule XLI of the Standing Rules of the Senate is amended by striking "11" and inserting "12".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following military nominations reported by the Armed Services Committee today: 484 through 495, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the Record, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John L. Woodward, Jr., 3961

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Harry D. Raduege, Jr., 9435

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Dallager, 9670

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, medical service corps

Col. Richard L. Ursone, 5290

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Raymond P. Ayres, Jr., 5986

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Emil R. Bedard, 9035

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Bruce B. Knutson, Jr., 7136

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William L. Nyland, 8595

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael W. Hagee, 5620

IN THE NAVY

The following named officer for appointment as Deputy Judge Advocate General of the United States Navy in the grade indicated under title 10, U.S.C., section 5149:

To be rear admiral

Capt. Michael F. Lohr, 1245

The following named officer for appointment as Judge Advocate General of the United States Navy under title 10, U.S.C., section 5148:

To be judge advocate general of the United States Navy

Rear Adm. Donald J. Guter, 0275

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Edmund P. Giambastiani, Jr., 8318

IN THE AIR FORCE

Air Force nominations beginning Marlene E. Abbott, and ending Brian P. Zurovetz, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2000.

Air Force nomination of David S. Wood, which was received by the Senate and appeared in the Congressional Record of April 4, 2000.

Air Force nominations beginning Robert F. Byrd, and ending John B. Steele, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2000.

IN THE ARMY

Army nominations beginning Robert B. Abernathy, Jr., and ending X4568, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Army nominations beginning Harold T. Carlson, and ending Jeffrey M. Young, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Army nominations beginning Robert V. Loring, and ending Jeffrey D. Watters, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2000.

Army nominations beginning Willie D. Davenport, and ending William P. Troy, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2000.

Army nominations beginning *Thomas N. Auble, and ending *Robert A. Yoh, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2000.

Army nominations beginning Richard A. Keller, and ending *Wendy L. Harter, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Army nominations beginning James M. Brown, and ending Thomas E. Stokes, Jr., which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2000.

IN THE MARINE CORPS

Marine Corps nomination of J.E. Christiansen, which was received by the Senate and appeared in the Congressional Record of April 4, 2000.

Marine Corps nomination of Clifton J. McCullough, which was received by the Senate and appeared in the Congressional Record of April 4, 2000.

Marine Corps nomination of Landon K. Thorne, III, which was received by the Senate and appeared in the Congressional Record of April 4, 2000.

Marine Corps nominations beginning David R. Chevallier, and ending John K. Winzeler, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

IN THE NAVY

Navy nominations beginning Gerald L. Gray, and ending Linda M. Gardner, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Navy nomination of Leanne M. York-Slagle, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2000.

Navy nominations beginning James H. Fraser, and ending Dwayne K. Hopkins, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2000.

Navy nominations beginning Coy M. Adams, Jr., and ending Michael A. Zurich, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR MONDAY, MAY 1, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Monday, May 1. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for morning business with Senators speaking therein for up to 5 minutes each until the hour of 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO PROCEED WITHDRAWN—S.J. RES. 3

Mr. SESSIONS. Mr. President, I ask unanimous consent that the motion to proceed to S.J. Res. 3 now be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I announce that it will be the majority leader's intention to turn to S. 1608, the Craig-Wyden timber bill, at 10:30 a.m. on Monday. It is the leader's hope that the bill can be concluded in a couple of hours on Monday. However, no votes will occur during Monday's session. Any votes that occur will be postponed to occur on Tuesday.

UNANIMOUS CONSENT AGREEMENT—S. 2

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate begin consideration of S. 2, the Elementary and Secondary Education Reauthorization Act, at 1 p.m. on Monday for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, Monday morning, it is the intention of the majority leader to begin consideration of S. 1608, the Secure Rural Schools and Community Self-Determination Act, the Craig-Wyden bill, hopefully under a time agreement currently being negotiated. Following the disposition of that legislation, at 1 p.m., the Senate will begin consideration of the Elementary and Secondary Education Reauthorization Act. This legislation is very important for our children's education, and it is expected that many Senators will desire to speak on general debate. Vigorous debate is anticipated and therefore the bill will consume most of next week.

ORDER FOR ADJOURNMMENT

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of the following Members: Senators FEINSTEIN, LAUTENBERG, FEINGOLD, and WELLSTONE.

Mr. FEINGOLD. Mr. President, I believe under the previous order I will speak for 5 minutes, Senator FEINSTEIN will have 15 minutes, and then Senator WELLSTONE will be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. FEINGOLD. Mr. President, I am delighted to be here, along with the Senator from California, who I believe is one of the most determined and effective Members of the Senate, to talk about a very important matter.

Last year, when this Senate was debating the African Growth and Opportunity Act, Senator FEINSTEIN and I offered an amendment to that legislation, which was accepted by the bill's managers Senators ROTH and MOYNIHAN, to address to critically important issue—an issue relating to Africa's devastating AIDS crisis; an issue that has cast a dark shadow on US-African relations in the past.

Our amendment was simple—and I want to clarify this point, because there has been some misleading characterizations of it in print recently. It prohibited any agent of the United States Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhered to existing international regulations governing trade. Quite simply, our amendment told the executive branch to stop twisting the arms of African countries that are using legal means to improve access to HIV/AIDS pharmaceuticals for their people.

The Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPS, allows for compulsory licensing in cases of national emergency. HIV/AIDS kills 5,500 Africans every day. Approximately 13 million African lives have been lost since the onset of the crisis. According to the Rockefeller Foundation's recent report, "on statistics alone, young people from the most affected countries in Africa are more likely than not to perish of AIDS."

In contrast to this incredible crisis, is a very modest amendment. This year a number of our colleagues have offered very ambitious proposals—many of which I support—aimed at addressing the AIDS crisis in Africa because they have been moved by the severity of the crisis, by the scope of the devastation, by the human tragedy of millions lost to disease and a generation of orphans left in their wake. The Senate Foreign Relations Committee recently reported out legislation combining many of these efforts in one integrated plan to get serious about this crisis. Time and again, Members of this Senate on a bipartisan basis have stepped forward to implore their colleagues to do more to help.

What is ironic is that this amendment was far less ambitious. It simply took a step toward requiring the United States to do no harm. Yet the conferees working on the African Growth and Opportunity Act are resisting this measure every step of the way. I find the resistance to this measure baffling. They try to skirt the issue, pointing out that prevention programs, not access to drugs, are the most important element in the fight against AIDS.

I couldn't agree more. But why does the fact that the Feinstein-Feingold amendment addresses only one small piece of the puzzle prevent us from making it law? Why on earth should we forgo an opportunity to do no harm even as we strive to form a broader plan of action to do some good? How can anyone justify pressuring these countries, where in some cases life expectancies have dropped by more than fifteen years, not to use all legal means at their disposal to care for their citizens? I simply cannot understand it; I cannot imagine that ordinary Americans are urging their representatives to oppose the Feinstein-Feingold amendment. I cannot imagine that anyone would prevail upon my colleagues to oppose this measure—except perhaps for pharmaceutical companies, companies that know they would not lose customers in Africa, as Africans simply cannot afford their prices, but fear that this measure would somehow, somewhere down the road, affect their bottom line.

The bottom line in Africa is that AIDS represents that worst infectious disease catastrophe since the bubonic plague. The bottom line is that this is a modest measure and it is the right thing to do. I along with the Senator from California, urge the conferees to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank my cosponsor, the distinguished Senator from Wisconsin, for those words. I want him to know, I want the Senate to know, and I want the House to know how important this amendment is. It is so important that both of us are willing to filibuster a conference report. I think it is only fair to send that signal loudly and clearly.

The reason I do so is because I was the mayor of the first city with AIDS. I spent 9 years as mayor understanding what AIDS can do and how it can spread and understanding the importance not only of prevention of AIDS, which is all important, but also of being able to treat an AIDS-infected population adequately.

Let me say something about the AIDS pandemic now sweeping across sub-Saharan Africa. Sub-Saharan Africa has been far more severely effected by AIDS than any other part of the world. The bottom line of all of this is, there will not be an Africa left for an African trade initiative unless this amendment is part of that initiative.

The United Nations reports that 23.3 million—not thousand, million—adults and children are infected with the HIV virus in Africa. Africa has about 10 percent of the world's population, but it has 70 percent of the total number of infected people in the world.

Worldwide, about 5.6 million new infections will occur this year, with an estimated 3.8 million in sub-Saharan Africa alone. Every single day, 11,000 people are infected in sub-Saharan Africa. That is 1 every 8 seconds.

All told, over 34 million people in Africa—the population of California—have been infected with HIV since the pandemic began. An estimated 13.7 million Africans have lost their lives to AIDS, including 2.2 million who died in 1998. It is enormous, and it is hidden because of the cultural taboos that surround it.

Each day, AIDS buries 5,500 men, women, and children. By 2005, if policies do not change, the daily death toll will reach 13,000—double what it is now—with nearly 5 million AIDS deaths in 2005 alone, in sub-Saharan Africa.

The overall rate of infection among adults in sub-Saharan Africa is 8 percent, compared with a 1.1-percent infection rate worldwide. In some countries of southern Africa, 20 percent to 30 percent of the entire adult population is infected. AIDS has cut life expectancy by 4 years in Nigeria, 18 years in Kenya, and 26 years in Zimbabwe. Imagine, AIDS cutting life expectancy by 26 years. That is the case in Zimbabwe today.

AIDS is devastating Africa. It is affecting infant and child mortality rates, reversing the declines that have been occurring in many countries during the 1970s and 1980s. Over 30 percent of all children born to HIV-infected mothers in sub-Saharan Africa will themselves become HIV infected.

There are many explanations why this pandemic is sweeping across sub-Saharan Africa. Certainly, the region's poverty, which has deprived Africans of access to health information, health education, and health care. Cultural and behavioral patterns have led to sub-Saharan Africa being the only region in which women are infected with HIV at a higher rate than men. Clearly, there needs to be considerable emphasis addressing the health care infrastructure of Africa. There must also be additional resources for education.

If the international community is to be successful, we must also make every effort to get appropriate medicine into the hands of those in need. For too many years, there were no effective drugs that could be used to combat HIV/AIDS. Now, thanks to recent medical research, we do have effective medicine. For example, some recent pilot projects have had success in reducing mother-to-child transmission by administering the anti-HIV drug AZT, or a less expensive medicine, Nevirapne, NVP, during birth and early childhood. As a matter of fact, four pills can prevent, in many cases, the transmission of HIV from a mother to an unborn child.

Unfortunately, and inexplicably in my view, access for poor Africans to costly combinations of AIDS medications, including antiretrovirals, is perhaps the most contentious issue surrounding the response to the African pandemic. I happen to believe we have a very strong moral obligation to try to save lives when the medications for doing so actually exist. There are several things the United States could do to increase access to life-saving drugs.

First, we can work with others in the international community to provide support to make these drugs affordable and to strengthen African health care systems so that drug therapies can be administered.

Second, we should not prevent African Governments and donor agencies from achieving reductions in the cost of antiretrovirals through negotiated agreements with drug manufacturers. The British pharmaceutical firm, Glaxo Wellcome, a major producer of antiretrovirals, has already stated it is committed to differential pricing which would lower the cost of AIDS drugs in Africa.

Third, I strongly believe the United States must not oppose parallel importing and compulsory licensing by African Governments, to lower the price of patented medications so that HIV/AIDS drugs are more affordable and more people in Africa will have access to them. That is what the amendment that Senator FEINGOLD and I offered would do.

Through parallel importing, patented pharmaceuticals could be purchased from the cheapest source, rather than from the manufacturer. Under compulsory licensing, an African Government could order a local firm to produce a drug and pay a negotiated royalty to the patent holder. Both parallel imports and compulsory licensing are permitted under the World Trade Organization agreement for countries facing health emergencies. This is a health emergency. Without compulsory licensing and parallel importing, which would allow access to cheaper generic drugs, more people in sub-Saharan Africa will suffer and die needlessly.

For my colleagues who may be concerned that this amendment may undermine wider intellectual property rights, an accusation that those opposed to this amendment—and let me be frank, the pharmaceutical industry—is making, they are incorrect. This amendment reaffirms the World Trade Organization's TRIPS agreements which is the legal standard for intellectual property rights. TRIPS does not prohibit parallel importing and compulsory licensing during health emergencies. That is fully consistent with current U.S. policy on intellectual property rights. In other words, despite what some pharmaceutical companies have been saying behind closed doors about this amendment, the amendment does not weaken intellectual property rights protection one iota. It keeps the bar exactly where it is now.

The World Trade Organization and U.S. commitments on intellectual property protection allows countries flexibility in addressing public health concerns. The compulsory licensing process under this amendment is fully consistent with the WTO's approach to balancing the protection of intellectual property, with a moral obligation to meet public health emergencies such as the HIV/AIDS pandemic in Africa. In other words, this amendment is consistent with international trade law.

The amendment does not create new policy or a new approach on intellectual property rights under TRIPS, nor does it require intellectual property rights to be rolled back or weakened. All it asks is that in approaching HIV/AIDS in Africa, U.S. policy on compulsory licensing and parallel importing remain consistent with what is accepted under international trade law. By doing so, the amendment will allow countries of sub-Saharan Africa to continue to determine the availability of HIV/AIDS pharmaceuticals in their countries and provide their people with affordable HIV drugs.

By itself, the amendment is not going to solve the problems of AIDS in Africa. Opponents of the amendment suggest that because it doesn't address the entire HIV/AIDS problem, it should be removed from the bill. They argue that because the health care infrastructure is weak, allowing parallel importing and compulsory licensing will not get the drugs to the people who need them.

That misses the point. Although it is true we need to strengthen infrastructure, and my amendment contains language urging additional efforts in this area, that was never the purpose or intent of the amendment. Its purpose and intent was to address this one specific issue, this one small piece of the puzzle, and in so doing, provide some measure of relief to the millions and millions of people now suffering from AIDS in sub-Saharan Africa.

Let me provide one example of why the approach adopted by this amendment, admittedly one small part of a larger effort, is necessary. On March 14 of this year, Doctors Without Borders, the medical relief group that won the Nobel Prize last year, sent a letter to Pfizer calling on Pfizer to lower the price of fluconazole, a drug needed to treat cryptococcal meningitis, the most common systematic functional infection in HIV-positive people in developing countries. As the Doctors Without Borders letter notes, in Thailand, fluconazole is available for just $1.20 for a daily dose. Yet in Kenya and South Africa, the daily dose costs $17.84. It is 15 times higher in Africa than in Thailand. That is unconscionable. So, what accounts for the difference? In Thailand, a generic version is available. In Kenya and South Africa, the only supplier is Pfizer.

As Bernard Pecoul, director of Doctors Without Borders Access to Essential Medicines Campaigns, has noted:

> People are dying because the price of the drug that can save them is too high.

As the March 14 Doctors Without Borders letter notes:

> While we appreciate that patents can be an important motor of research and development funding, there must be a balance to ensure that people in developing countries have access to lifesaving medicines.

That is the purpose of my amendment, and I am deadly serious about it.

I am pleased to note that, under pressure from Doctors Without Borders, Pfizer has now agreed to lower the prices of fluconazole. This situation never should have existed to begin with. Ironically, the pharmaceutical companies would profit more from this amendment than they do right now. Presently, most sub-Saharan African countries are not buying these drugs because they can't afford the price tag. So the pharmaceutical companies are not earning any money at all on these drugs. But if sub-Saharan African countries produced HIV/AIDS drugs through compulsory licensing or purchased them through parallel importing, the pharmaceutical companies holding the patents on these drugs would receive royalties.

I was very pleased to work with the managers of this bill, when the African Growth and Opportunity Act was on the floor of the Senate last November, to modify my amendments to meet some of their concerns and to have their support in seeing it included in the final Senate-passed version of this bill.

I have been happy to work with them. My staff has worked with their staff over the past several months to try to meet some additional concerns which have subsequently been voiced. But, frankly, my patience is wearing very thin. The pharmaceutical companies that are opposed to this amendment, opposed because they want to squeeze every last drop of profit from the suffering of the millions of HIV/AIDS victims in sub-Sarahan Africa. They have shown no willingness to compromise, no willingness to enter into good-faith negotiations.

I am more than willing to see additional clarifying language added to this amendment in conference. I believe strongly that the core of the amendment must remain and that efforts to either remove this amendment or to gut it are both inexplicable and reprehensible, and I am determined not to let this happen.

It is clearly in the interests of the United States to prevent the further spread of HIV/AIDS in Africa. I believe my amendment is a necessary part to the Africa Growth and Opportunity Act if we are to continue to assist the countries of this region in halting the number of premature deaths from AIDS.

Antiretroviral drugs can work to improve the quality and length of life. The United States has the power to make these lifesaving drugs more affordable and more accessible to Africans. We should not turn our backs, and the greed of the pharmaceutical industry should not stop us.

I am absolutely determined that if a conference report comes to this floor without this amendment, Senator

FEINGOLD and I, and I hope others, will join together and filibuster this report.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me say to the Senator from California I really appreciate her work. I not only heard what she said but I feel what she said and I would like to be counted as a supporter. If she needs to do the filibuster, I know how to do that. I will be out here with her.

Mrs. FEINSTEIN. I thank my colleague. We will count on him.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. WELLSTONE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 300, introduced earlier today by myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 300) designating the week of April 23–30, 2000, as "National Shaken Baby Syndrome Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WELLSTONE. Mr. President, I rise today to introduce a resolution that I will soon send to the desk to proclaim April 23–30, 2000, as "Shaken Baby Syndrome Awareness Week", and to recognize the many groups, particularly the Shaken Baby Alliance, who support this effort to increase awareness of one of the most unspeakable forms of child abuse, one that results in the death or lifelong disability of thousands of children each year.

For the past twenty years, the current President of the United States has designated one month each year as National Child Abuse Prevention Month to increase awareness of the devastating harm done to our children by abuse and neglect. This year, April, 2000, is National Child Abuse Prevention Month, and it began with the release of a national survey conducted by the group, Prevent Child Abuse America. The survey showed that more than 50% of all Americans believe child abuse and neglect is the most important public health issue facing this country. The survey also showed that a vast majority of Americans—83 percent—believe that child abuse prevention efforts can be most successful before such behavior has begun, rather than waiting until the abuse has occurred. These results point to the need to recognize child abuse and neglect as the public health problem it is, one that is linked with a host of other problems facing our country, including poverty and drug and alcohol addiction, and one that needs the comprehensive approach of our entire public health system to solve.

The need for this widespread and high level concern is well-documented. The most recent government figures show that over 1 million children were victims of abuse in 1997. Each day, three of these children die as a result of this abuse. The U.S. Advisory Board on Child Abuse and Neglect reported in "A Nation's Shame: Fatal Child Abuse and Neglect in the United States," that a more realistic estimate of annual child deaths as a result of abuse and neglect, both known and unknown to Child Protective Service agencies, is closer to 2,000, or approximately five children per day. The rate of child fatalities caused by abuse has risen by 37 percent between 1985 and 1997, with children aged 3 and younger accounting for 77 percent of these fatalities. Because of the problems of under-reporting and errors in diagnoses, the National Center for Prosecution of Child Abuse believes that the number of child deaths from maltreatment per year may be as high as 5,000. In most cases, the child's death is the result of head trauma, including the trauma known as Shaken Baby Syndrome (SBS).

Shaken Baby Syndrome results from a caregiver losing control and shaking a baby, usually an infant who is less than 1 year old. This severe shaking can kill the baby, or it can cause loss of vision, brain damage, paralysis, and seizures, resulting in lifelong disabilities. This totally preventable form of child abuse causes untold grief for many families whose child dies, or is left with permanent, irreparable brain damage. The care for the child's resulting disability is estimated at more than $1 million in medical costs during just the first few years of the baby's life.

The most effective solution to ending Shaken Baby Syndrome is to prevent such abuse, and it is clear that the minimal costs of educational and prevention programs may help to protect our young children and stop this tragedy from occurring. In 1995, the U.S. Advisory Board on Child Abuse and Neglect recommended a universal approach to the prevention of child fatalities that would reach out to all families through the implementation of several key strategies. Such efforts began by providing services such as home visitation by trained professionals or paraprofessionals, hospital-linked outreach to parents of infants and toddlers, community-based programs designed for the specific needs of neighborhoods, and effective public education campaigns.

Child abuse prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome and other forms of abuse to parents, caregivers, day care workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives. Many prevention programs now include not only information about the dangers of shaking babies and how to cope with crying, but also address issues of anger management, stress reduction, appropriate expectations of children, and specific information on why shaking or impact can interrupt early brain development. Education programs for judges and others in the judicial system are also beneficial for SBS criminal cases. Ultimately, the education of all will help us reach a critical goal of zero tolerance toward shaking, a goal that will help to save children's lives.

The prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization which began with 3 mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about Shaken Baby Syndrome, and to increase support for victims and victim families in the health care and criminal justice systems. In my own state of Minnesota, the Shaken Baby Alliance is represented by the outstanding efforts of Kim Kang, whose daughter Rachel was diagnosed in 1995 with Shaken Baby Syndrome, after being violently shaken by a day care provider. My heart goes out to her family, and to all of the families who deal with the results of Shaken Baby Syndrome and all other forms of child abuse and neglect. Child abuse and neglect is a scourge on our country, and we must do more to prevent the damage done to our children, our families, and our society as a result of child abuse, and to help those who suffer its consequences.

Shaken Baby Syndrome Awareness Week is supported by the Shaken Baby Alliance, Children's Defense Fund, American Academy of Pediatrics, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation, and many other organizations including the National Basketball Association, which is sponsoring a series of "NBA Child Abuse Prevention Awareness Nights 2000" events to generate public awareness about the issue of child abuse and neglect during National Child Abuse Prevention Month 2000.

I urge the Senate to adopt this resolution designating the week of April 23–30, 2000, as "Shaken Baby Syndrome Awareness Week", and to take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month.

This resolution has the support of a number of organizations: Shaken Baby Alliance, Children's Defense Fund, American Academy of Pediatrics, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation Child Abuse Prevention Program, and many other organizations, including the National Basketball Association, which is sponsoring a series of NBA Child Abuse Prevention Awareness Nights 2000 to generate public awareness of this.

I will not read the whole resolution, but I do want to just quickly summarize this. With this designation, we are designating this week, April 23 to 30, 2000, as National Shaken Baby Awareness Week. I do just want to read a few whereas clauses, which are chilling.

Whereas head trauma is the leading cause of death of abused children, including the trauma known as Shaken Baby Syndrome;

Whereas Shaken Baby Syndrome, which results from the care-giver losing control and shaking a baby usually less than 1 year of age, and can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse;

Whereas an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, with thousands more misdiagnosed and undetected;

Whereas the most effective solution to ending Shaken Baby Syndrome is to prevent such abuse—what we are doing is we are designating this week:

Resolved, That the Senate designates the week of April 23–30 as National Shaken Baby Syndrome Awareness Week.

Mr. President, I wish I did not have to introduce this resolution. I thank my colleagues for supporting it, but I think all the organizations that are working on this are doing extremely important work. It is hard to believe this happens to infants. It is hard to believe this happens to small children. I certainly cannot say on the floor of the Senate that agreeing to a resolution, ipso facto, ends this practice. But our agreeing to this resolution means a lot to people who have experienced this horror and to people who care deeply about this issue.

I thank my colleagues.

Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to. The preamble were agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 300

Whereas the month of April has been designated National Child Abuse Prevention Month, an annual tradition initiated by former President Jimmy Carter in 1979;

Whereas the most recent government figures show that over 1,000,000 children were victims of abuse and neglect in 1997, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, more than 3 children die each day in this country;

Whereas the rate of child fatalities has risen by 37 percent between 1985 and 1997, with children aged 3 and younger accounting for 77 percent of the fatalities;

Whereas head trauma is the leading cause of death of abused children, including the trauma known as Shaken Baby Syndrome;

Whereas Shaken Baby Syndrome, which results from a caregiver losing control and shaking a baby usually less than 1 year of age, and can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse;

Whereas an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, with thousands more misdiagnosed and undetected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant, and more than $1,000,000 in medical costs in just the first few years of life to care for a single, disabled child;

Whereas the most effective solution to ending Shaken Baby Syndrome is to prevent such abuse, and it is clear that the minimal costs of educational and prevention programs may prevent the enormous medical and disability costs and untold grief for many families;

Whereas prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization which began with 3 mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and victim families in the health care and criminal justice systems;

Whereas child abuse prevention programs and "National Shaken Baby Syndrome Awareness Week" are supported by the Shaken Baby Alliance, Children's Defense Fund, American Academy of Pediatrics, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation, and many other organizations including the National Basketball Association which is sponsoring a series of "NBA Child Abuse Prevention Awareness Night 2000" events to generate public awareness about the issue of child abuse and neglect during National Child Abuse Prevention Month 2000;

Whereas a year 2000 survey by Prevent Child Abuse America shows that ½ of all Americans believe child abuse and neglect is the most important issue facing this country compared to other public health issues; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate designates the week of April 23–30, 2000, as "National Shaken Baby Syndrome Awareness Week".

DESIGNATING "DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS"

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 90, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 90) designating the 30th day of April of 2000 as "Dia de los Ninos: Celebrating Young Americans."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements there to be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 90

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Latinos and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its citizens, and citizens should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 2000, as "Día de los Niños: Celebrating Young Americans" and requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and states across the nation to observe the day with appropriate ceremonies, beginning April 30, 2000, that include:

(1) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) activities that provide opportunities for families within a community to get acquainted; and

(6) activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

SUPPORTING THE CAPITOL HILL POLICE

Mr. WELLSTONE. Mr. President, briefly, in morning business, I want to take 2 minutes to speak to a related topic. I thank, again, the Senate Sergeant at Arms for his leadership, Jim Ziegler.

I thank Senator BENNETT for the key appropriations role he plays in his position as chairman. I thank Senator HARRY REID, who I think is the only Senator who has served on the Capitol Hill police force, and there are a good many others as well.

I want to, one final time, speak to the issue before us. We lost two fine police officers, Officer Chestnut and Agent Gibson. All of us were affected by this tragedy but, first and foremost, their families. We made a commitment to do everything we could to make sure this never happens again.

It is not possible to have any 100-percent guarantee, but we made that commitment, and we certainly need to, therefore, make the commitment by way of spending the money to make sure we have the necessary personnel to have two officers at each one of these posts. Otherwise, if we only have one officer, that officer is in real jeopardy.

I say to my colleagues—I will speak on it week after week—I believe we are going to get this done. I know the Capitol Police Union is very active. It is true sometimes two policemen will be on one door, and there will not be that many people entering. The point is, at other times in the day, many people are entering. Even if it is only a few, all it takes—unfortunately, we know this; we have been through this nightmare—is one deranged individual to show up at one of these posts where there is only one officer, or that one deranged individual comes in as 30 or 40 other people are streaming in, and that police officer may not only not be able to defend the public and defend us but may not be able to defend himself or herself.

This is no small issue. The request has been made, and it is crystal clear what we need to do. We better live up to our commitment, and we better provide the funding to support the Capitol Hill police. I cannot think of anything more important for us to do internally.

I thank my colleagues, and I yield the floor.

ADJOURNMENT UNTIL 10 A.M., MONDAY, MAY 1, 2000

The PRESIDING OFFICER. The Senate stands adjourned under the previous order.

Thereupon, the Senate, at 6:38 p.m., adjourned until Monday, May 1, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 27, 2000:

DEPARTMENT OF TRANSPORTATION

EDWARD M. BOLEN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS (NEW POSITION).

UNITED STATES INFORMATION AGENCY

NORMAN J. PATTIZ, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001, VICE DAVID W. BURKE, RESIGNED.

Confirmations

Executive nominations confirmed by the Senate April 27, 2000.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN L. WOODWARD, JR., 3961

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HARRY D. RADUEGE, JR., 9435

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. DALLAGER, 9670

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Medical Service Corps

COL. RICHARD L. URSONE, 5290

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RAYMOND P. AYRES, JR., 5986

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EMIL R. BEDARD, 9035

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM L. NYLAND, 8595

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. HAGEE, 5620

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAP. MICHAEL F. LOHR, 1245

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be judge advocate general of the United States Navy

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EDMUND P. GIAMBASTIANI, JR., 8318

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MARLENE E. ABBOTT, AND ENDING BRIAN P. ZUROVETZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

AIR FORCE NOMINATIONS BEGINNING ROBEFT E. BYRD, AND ENDING JOHN B. STEELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ROBERT R. ABERNATHY, JR., AND ENDING X4568, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

ARMY NOMINATIONS BEGINNING HAROLD T. CARLSON, AND ENDING JEFFREY M. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

ARMY NOMINATIONS BEGINNING ROBERT V. LORING, AND ENDING JEFFREY D. WATTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

ARMY NOMINATIONS BEGINNING WILLIE D. DAVENPORT, AND ENDING WILLIAM P. TROY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

ARMY NOMINATIONS BEGINNING *THOMAS N. AUBLE, AND ENDING *ROBERT A. YOH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

ARMY NOMINATIONS BEGINNING RICHARD A. KELLER, AND ENDING *WENDY L. HARTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

ARMY NOMINATIONS BEGINNING JAMES M. BROWN, AND ENDING THOMAS E. STOKES, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

J. E. CHRISTIANSEN, 2146

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CLIFTON J. MCCULLOUGH, 6902

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LANDON K. THORNE III, 1352

MARINE CORPS NOMINATIONS BEGINNING DAVID R. CHEVALLIER, AND ENDING JOHN K. WINZELER, WHICH NOMINATIONS WERE RESERVED BY THE SENATE AND APPEARED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEANNE M. YORK-SLAGLE, 2084

NAVY NOMINATIONS BEGINNING JAMES H. FRASER, AND ENDING DWAYNE K. HOPKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

NAVY NOMINATIONS BEGINNING GERALD L. GRAY, AND ENDING LINDA M. GARDNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

NAVY NOMINATIONS BEGINNING COY M. ADAMS, JR., AND ENDING MICHAEL A. ZURICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON APRIL 27, 2000, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

DEPARTMENT OF TRANSPORTATION

EDWARD M. BOLEN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MARCH 30, 2000.

SENATE—*Monday, May 1, 2000*

The Senate met at 10:01 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, our hearts are filled with an attitude of gratitude for the gifts of life: intellect, emotion, will, strength, fortitude, and courage. We are privileged to live in this free land You have so richly blessed.

You have created each of us to know, and love, and serve You. Thanksgiving is the memory of our hearts. You have shown us that gratitude is the parent of all other virtues. Without gratitude, our lives miss the greatness You intended, and we remain proud, self-centered, and limited. Thanksgiving is the thermostat of our souls opening us to the inflow of Your Spirit and the realization of even greater blessings.

We also thank You for the problems that make us more dependent on You for guidance and strength. When we have turned to You in the past, You have given us leadership skills that we needed. Thank You, Lord, for taking us where we are with all our human weaknesses, and using us for Your glory. May we always be distinguished by the immensity of our gratitude for the way that You pour out Your wisdom and vision when we humbly call out to You for help. We are profoundly grateful. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, for the information of all Senators, following morning business, the Senate will begin consideration of S. 2, the Elementary and Secondary Education Reauthorization Act. It is expected that this legislation will consume most of the week. However, by previous consent, on Tuesday morning the Senate will begin debate on overriding the President's veto of the nuclear waste bill. As a reminder, the vote on the veto override has been scheduled for 3:15 p.m. on Tuesday.

I thank my colleagues for their attention.

MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate begin a period of morning business until 1 p.m. today, with the time equally divided in the usual form, with Senators speaking for up to 5 minutes each, with the following exception: Senator THOMAS or his designee from 10:30 to 11 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

PHARMACY BENEFITS FOR MILITARY RETIREES

Mr. KENNEDY. Mr. President, I thank the distinguished chairman of the Senate Armed Services Committee, Mr. WARNER, as well as my colleagues on the committee, Senator LEVIN, our ranking member, and especially Senator SNOWE, for their efforts in doing the right thing for our Medicare-eligible military retirees.

Today, there was introduced in the Senate, on behalf of Senator WARNER, legislation that will have an extremely positive impact on our military retirees and their ability to acquire prescription drugs. This is enormously important for our retirees and will be strongly supported in this body. Hopefully, it will be a part of the defense authorization bill that will come to the floor in the next few weeks.

This initiative gives all military retirees over 65 the same pharmacy benefit that one-third of them already have under the Base Realignment and Closure pharmacy program, a mail order and a retail pharmacy benefit. It makes sense, and is only fair that all military retirees over 65 have one consistent pharmacy benefit.

This pharmacy benefit is a significant and affordable first step in healing the growing rift with the military retiree community caused by the Government's failure to deliver on the promise of health care for life. The pharmacy benefit is the number one issue and priority of military retirees, since pharmacy needs are the biggest drain on the pensions of military retirees. Expanding the BRAC pharmacy benefit to all Medicare-eligible military retirees is the right thing to do for service members who have dedicated their lives to protect and serve our country.

Approximately 450,000 of the 1.3 million Medicare-eligible military retirees already have access to a retail and mail order pharmacy benefit. This was the result of DOD base closures. When the Base Realignment and Closure Commission recommended the closure of several military bases, part of what was lost was access to pharmaceutical benefits for many retired military personnel who were receiving their prescription drugs benefits at those facilities. To address their needs, Congress created the BRAC pharmacy benefit which was a mail order, as well as a retail benefit, for needed prescriptions.

Unfortunately, that benefit only covered about a third of all of those who have retired, so we had a dual system where, by accident of where you had retired and by the results of the Base Closure Commission, some retirees received the benefit and others did not. This legislation would treat military retirees across the country the same.

Basically this bill makes prescription drugs accessible and available to military retirees over the age of 65, at a very reasonable cost—a 20 percent copay when they acquire the prescription drugs in retail pharmacy and an $8 copay if they buy them through mail order. There is no deductible and no enrollment fee. This is recognition that there are incredibly important and significant health needs for our retirees. This pharmacy benefit is one that our military retirees richly deserve.

The BRAC pharmacy benefit was initiated by the Congress in the Fiscal Year 1994 Defense Authorization Act to ensure that Medicare-eligible retirees, who depended on the base's medical treatment facilities for their pharmacy needs, would be taken care of after the base was closed. This benefit includes the mail order pharmacy program for the co-payment of $8 for up to a 90-day supply and use of the Tricare retail network pharmacies for a 20-percent co-pay for up to a 30-day supply.

We ask our armed forces to leave their families, risk their lives, fight our wars, help countries ravaged by disasters, and enforce peace all over the world. Americans who devote their lives to serving our country deserve

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

this benefit. It is wrong for pharmacy benefits to be taken away for the sole reason that a retiree has reached the age of 65.

That is what happens at the present time. Once they turn 65, they go under the Medicare system. Under the Medicare system, there are no prescription drug benefits, which they had otherwise been receiving, so they are left out in the cold. This initiative lets all military retirees know that we have not forgotten them. It lets all of the service members know that if they dedicate their lives to the service of our country, we will take care of their health care needs from the pharmaceutical point of view.

Again, I express great appreciation to Senator WARNER and the others—Senator THURMOND and a number of our colleagues on the committee—particularly Senator SNOWE, who has taken great interest in this prescription drug issue. I think all of us know that the issue of prescription drugs is something of enormous concern to the elderly in this country. It was a benefit that was basically excluded from the coverage of Medicare when Medicare was passed in 1965.

In 1965, the private companies were trying to make Medicare effectively the same kind of benefit package that existed in the private sector. At that time, very few in the private sector had a prescription drug benefit. Today, we see that progress has been made in the private sector. Now, more than 95 percent of the private sector plans provide prescription drug coverage, but Medicare doesn't. That is part of the great debate that, hopefully, we will have in this body before we adjourn; that is, are we going to provide prescription drug benefits for our senior citizens?

What the Armed Services Committee, under the leadership of Senator WARNER, has said is that eligible retirees are going to have those health care needs met, and they do it in a way that makes prescription drugs accessible to them through a mail order and a direct retail system through Tricare. This is basically a nationwide system with only a 20-percent co-payment, no enrollment fee, and no deductible, which will make these prescription drugs accessible and affordable for people who are living in retirement in the armed services community.

I think this is enormously important. I think it is a great step forward. It is in response to the health care needs of men and women who have served this country, and I think it bodes very well for Congress as we try to work together to try to find ways of meeting the needs of others who are retired and need these prescription drugs desperately.

Mr. President, again, I thank Senator WARNER and others for their leadership and for this extremely important and significant step. It bodes well for this institution, and it is an expression of great appreciation to the men and women who have served in the Armed Forces of our country. I hope that we can follow this precedent and come to grips with the challenges that exist for the elderly in our Nation, and that we are able to develop a prescription drug benefit for them, too, the way we have been able to do it for military retirees. I think that would be great work by this Congress, and there is very little reason that we cannot do it. We should do it. I look forward to working with my colleagues to make sure that it is done.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN HONOR OF STEPHEN S.F. CHEN

Mr. MURKOWSKI. Mr. President, I rise today to honor Stephen S.F. Chen, who serves as the head of the Taipei Cultural and Economic Representative Office in Washington, DC.

Ambassador Chen will be retiring from diplomatic service and returning to his home in Taiwan soon. I have come to know Ambassador Chen well since his appointment in October of 1997, as have many of my colleagues, and hold him in high regard for his unquestioned professionalism and personal integrity.

Ambassador Chen has, for forty years, ably represented his government in posts throughout the world. His experience in the United States is extensive. During the past twenty-five years Ambassador Chen has served in Atlanta, Chicago, Los Angeles and Washington, D.C. Over the years, Ambassador Chen has become a friend to numerous Americans, myself included. It is fitting in many ways that he closes his diplomatic career here in Washington, among friends.

Mr. President, representing the people of Taiwan abroad is a challenge of great magnitude. The people of Taiwan live in an admirably democratic, free and dynamic community at home. They are significantly more constrained in the international community. Effectively communicating the interests of Taiwan abroad requires considerable diplomatic skill, patience and resolve. Stephen Chen embodies all these traits.

The people of Taiwan could not have had a better Ambassador in Washington, D.C., than Stephen Chen. I will certainly miss my good friend when he leaves and know my colleagues will join me in extending to him our best wishes and great appreciation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUILDING CONSUMER CONFIDENCE

Mr. GRASSLEY. Mr. President, in 1968 the Congress of the United States passed the Wholesome Poultry Product Act of 1968.

A former Congressman from Iowa by the name of Neal Smith—Members of the present Congress will remember—was a person who served the people of Iowa very well and spent a considerable amount of time during his years in Congress trying to build consumer confidence in poultry and other meats American consumers buy.

In 1960, there were 1.8 billion chickens produced in the United States and consumed by the public. In 1998, it was up to 8 billion chickens. There has been a very dramatic rise in the consumption of chicken by the American consumer, all the more reason to make sure the Wholesome Poultry Products Act of 1968 is followed.

There is a dismal picture painted about the inspection of poultry slaughterhouses in the United States and some question about whether the meat consumed by the American public is as wholesome as the 1968 act intended. This question arises because of a proposal in the Department of Agriculture to shift some routine Federal inspection from Federal inspectors to inspectors hired by the poultry slaughtering companies. An article was in yesterday's Des Moines Register, by Register Washington reporter George Anthan, who has been reporting on the subject of wholesome inspection of meat by the Department of Agriculture for almost his entire journalistic career. George Anthan is very much an authority on both what was intended and the enforcement of that law.

Rather than summarizing, I will read what was reported yesterday in the Des Moines Register by George Anthan.

> The Agriculture Department admits consumers may detest chicken or turkey that contains pus from a pneumonia-like disease called air sacculitis.
>
> But the condition fails to threaten human health, federal officials say, and the issue of dealing with it can be left largely to the employees of meat processing companies, rather than to federal inspectors.

> The poultry condition is at the center of a dispute between the U.S. Department of Agriculture and the union that represents federal inspectors over how best to safeguard America's meat.

A former Iowa Congressman, Neal Smith, says, "I suppose you could sterilize pus and maybe it would not hurt you . . . but the fact is, we should not be eating that kind of stuff."

Continuing the article:

> The Department of Agriculture is implementing a new inspection system that assigns many of the more routine duties now handled by federal inspectors to the companies they regulate. The inspectors, in turn, are supposed to look for systemic problems to prevent disease outbreaks before they happen.
>
> But the union maintains the change breaks a sacred trust with American consumers, who see the Department of Agriculture approval as proof that an independent inspector has signed off on the meat they put on their dining room tables.
>
> The controversy revolves around the Wholesome Poultry Products Act of 1968.
>
> Smith said he "carefully and deliberately" included the word "wholesome" in the law's title because "people don't want to eat pus, and scabs, sores and malignant tumors."
>
> Officials at the Department of Agriculture's Food Safety and Inspection Service said that even though inspecting birds for air sacculitis will be the responsibility of the poultry companies, federal inspectors will monitor the process.

Parenthetically, the question for the consumers in America is whether or not they can be satisfied that their food is safe because there is some Federal inspector monitoring it as opposed to Federal inspectors actually inspecting it.

Continuing the article:

> They said if the inspectors determine birds with air sacculitis and other defects that don't affect human health are being passed for human consumption, they will notify companies, who are supposed to take corrective actions. "The only thing an inspector could do under the new system is inform the plant that something is going wrong," said Felicia Nestor, a food safety specialist at the Government Accountability Project, a group that supports government whistle-blowers.
>
> "They have no club, especially over the products that already have gone out the door," Nestor said. The Department of Agriculture's office of the Inspector General recently interviewed federal inspectors at a Gold Kist, Inc., chicken processing plant at Guntersville, Ala., where the inspection system is being tested.
>
> According to the inspector general's March 3 report, federal inspectors at the plant said that before the system was installed "the inspectors were removing bad products from the lines."
>
> After the new system was implemented, government food inspectors "were told to stop removing products from the lines," according to the report.
>
> Spot checks of the Guntersville plant found nine of 60 birds with air sacculitis on Feb. 5 and 20 of 70 birds on Feb. 7. The bad birds had not been removed by company employees "who had taken the place of (Department of Agriculture) line inspectors," the report said.
>
> Air sacculitis can fill a bird's respiratory system, body cavity and hollow avian bones with pus and bacteria.
>
> While the controversy over air sacculitis involves mainly questions about the wholesomeness of pus-filled chickens and turkeys, the disease also was linked to human health problems at a recent meeting of a Department of Agriculture advisory committee on implementing the new inspection system.
>
> Daniel Lafontaine of Columbia, S.C., a veterinarian representing the American Veterinary Medicine Association, said he told agriculture officials at the meeting that "birds that have air sacculitis may be a wholesomeness issue today and a day or two later these birds may be septicemic."
>
> After the blood stream has been invaded by virulent microorganisms, a chicken or turkey "is not safe for human consumption," said the South Carolina state meat and poultry inspection system.
>
> Even if cooked properly, he said, "pus can get pretty gross. You sure don't want to eat it."
>
> Kenneth Petersen, senior program manager in the Department of Agriculture's food inspection service, said birds with severe air sacculitis are supposed to be condemned by company employees.
>
> If monitoring federal inspectors determine through twice daily checks that they aren't, the firms involved can be cited for failing to meet food safety standards, he said.
>
> Under the new inspection system, as under traditional systems in which federal inspectors examine each carcass, birds with less serious cases of air sacculitis can be "reworked" by either cutting away pus-filled air sacs and other tissues or by using a vacuum device to remove the material, Petersen said.
>
> "We recognize that wholesomeness issues are also important and we check for them," Petersen said. "But our emphasis is on those things that may cause an ailment. So, we are seeking an appropriate balance."

I ask the consumers of America to be aware, as they buy chicken and turkey, of whether or not the wholesomeness act of 1968 is being followed by the Congress of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I inquire where we are. Are we in morning business?

The PRESIDING OFFICER. We are in morning business.

THE REPUBLICAN AGENDA ON EDUCATION

Mr. CRAIG. Mr. President, I rise this morning to talk about education. It appears that we will spend most of our time this week talking about the importance of our public education system to America's children and to our Nation's future.

Long ago, the United States recognized the value of an educational system that is available and accessible to everyone. We knew the tremendous sophistication of a democracy or a representative republic, and that to sustain it we would have to have a well-educated populace—not only to understand it and to believe in it but to further it. That was part of the genesis of the public school system in our country, along with the tremendous value to our citizenry, to be able to say they were educated. That was our goal.

As we start a debate on the Educational Opportunities Act this week, that will continue to be the ultimate goal of the Republicans—the assurance of a strong, growing, reliable, and capable public school system to provide the very best education and the very best educational system to all of our citizens and to all of their children. Though it appears this is the number one issue in the minds of the American people—and everywhere you poll, you find education is—I am saddened that at least here on the floor this week it will become a decidedly partisan issue.

Accusations will fly from the Democrats' side; they will claim that the Clinton-Gore administration has done its job in the promotion of its policies, and that they care more about children than we do. But I think the debate this week, if listened to, will become very clear. Every Senator, either Democrat or Republican, should have the same goal in mind, and that is to provide to our children the very best education possible. The very foundation for that is our public education system. What this debate this week is really about, though, if you listen closely is a difference in philosophies about how we get to the best system in the world. Or how do we improve what is already good and make it better?

The Democrats are going to tell you they want more of your tax dollars to stay in Washington to pay for another Federal bureaucrat to do another study, to construct a one-size-fits-all national policy, or to ensure that only 65 cents out of every dollar actually gets to the classroom in America. That is what this debate is going to be about, in part. They will defend the status quo in an ever-increasing Washington, DC, involvement in our children's education. They will defend the increasingly intrusive Federal involvement in State and local educational systems.

We, at the Federal level, have always believed the responsibility of educating was at the State level. That is why every State has a department of education or an educational system. It has only been in the last few years that we have increasingly begun to put more Federal dollars into the public school system. Even as we have done that by the billions of dollars over the last decade, still only about 7.5 cents to 8 cents out of every Federal dollar are spent in the classroom. So even with our increased involvement, we still historically have erred on the side of the local community and the State government to be the primary providers of public education.

The same system I talk about now, is the system in which the Clinton-Gore regime has denied many students the basic education they deserve by stifling some of our creativity.

Republicans say it is time for a change, and we are taking action.

This week, on the floor of the Senate, we will be considering S. 2, the Educational Opportunity Act, which does just that. It offers a fundamental change in the way the Federal Government involves itself in public education. Republicans say it is time to put decisions back in the hands of parents and back in the hands of teachers. Our bill includes provisions that give States and school districts more flexibility in how they spend their Federal tax dollars. If you go to a principal's office or superintendent's office today and ask what the Federal tax dollar means to them, while they say it is important, they will say: Look around you; 45 to 50 percent of our staff is here to fill out the Federal forms to get the 7.5 cents out of every dollar we get.

That is part of the bureaucracy that has been allowed to build, that the Clinton-Gore administration has aggressively perpetuated over the last eight years.

Republicans say every school is different and has different needs, and Washington, DC, should not decide how to spend the money in Midvale, Idaho. I happened to pick Midvale because that is the small rural school from which I graduated. While I graduated 37 years ago, and there were only 10 in my high school graduating class, there aren't many more than that today. In fact, the public school I grew up in has fewer students in the whole school than in one grade level at one Washington, DC, school. It is a small, rural school. That school does not need money to reduce its class sizes. That school needs money to connect itself to the Internet or to buy books, to improve its library, to improve the ability of students to research in a much broader arena than modern technology allows today. We don't need more teachers, and we don't need smaller class sizes. Yet that is the single loudest mantra you have heard coming from the lips of AL GORE or Bill Clinton.

Our bill doesn't do that. Our bill allows school districts with fewer than 600 students to combine funds to improve student achievement. Republicans believe it is wrong to let even one child slip through the cracks, be it an urban crack or a rural countryside crack. That is why our bill gives schools and teachers increased authority to meet the needs of the disadvantaged students while requiring accountability.

Republicans believe our children deserve the best qualified teachers available. Our bill helps school districts hire and retain the best qualified teachers and empower those teachers to continue to learn and improve so they can increasingly become better educators.

Republicans believe schools should be among the most safe places in the United States. Our bill strengthens the Safe and Drug Free School Program. Why should our schools not be a sanctuary and a haven in which all students can feel safety and trust? I think they will not learn well unless they see their schools in that light.

Republicans recognize the value of speaking multiple languages and the importance of being fluent in English. Our bill gives a helping hand to those whose first language is not English. Republicans recognize the presence of the Federal Government is a drain on the local infrastructure. Our bill fortifies programs designed to meet part of the Federal Government's responsibility to local communities.

Republicans believe we have a special commitment to native students, whether they are in the lower 48 or Alaska or Hawaii. Our bill gives these students a helping hand to help them compete in our modern world.

Again, the real debate this week is not who cares most about educating our children. It is a fundamental, philosophical debate about the best ways to allow our children to achieve. It talks about the stark contrast of a large Federal bureaucracy and new Federal ideas being thrust upon the States and local communities because Washington knows every child, and Washington knows better. I am afraid Democrats are going to continue to preach about the failed policies of the Clinton-Gore administration by keeping tax dollars within the beltway, saying that is the way you educate a child in Midvale, Idaho.

This week we will say enough is enough. It will be a debate about a different approach: returning the money to the local school districts and to the States and empowering them to make those choices.

Let's get that hard-earned tax dollar out of the beltway, out of the hands of the bureaucrat, and into the hands of the well-meaning teachers and parents. Let's tie the money to the child so the parent and the child can seek out and find the very best education that child deserves.

Those are the differences I think will be a part of the baseline of the debate this week on the floor of the Senate.

I hope America listens, because we need the best public school system in the world. It is a good one, but it is not the best. To make something good better or best is to empower people at local levels to make decisions for their children—the kinds of decisions that parents instinctively know, but bureaucrats in Washington somehow have never understood.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, later today the Senate will officially begin the debate on S. 2, the Educational Opportunities Act. I am pleased we will finally have the opportunity to discuss our ideas for improving elementary and secondary education. Of course, one of the reasons we are discussing elementary and secondary education this year is that the ESEA, the statute authorizing most of the Federal Government's education programs in this area, is expiring. I should assure everyone that even though there is no reauthorization bill, it is possible to continue the ESEA programs through the annual appropriations process.

The time has come to act. The American people have been sending us a message to do something to improve America's schools. I agree with the American people about the importance of this issue. If we can get education right in this country, almost everything else should follow. A better educated citizenry will give us an advantage in technology and national defense, better trade and economic opportunities, better citizenship and stronger values, a reduction in crime, and, of course, more personal fulfillment for our citizens. This is an important debate, one of great significance for our Nation.

The bad news is that in the coming days there will be so much politics and partisan acrimony emanating from the floor and that many people who watch us might wonder whether it is worth the trouble. The good news is that if concerned Americans listen closely to this debate and have the patience to endure the political sound and fury, I believe they will see their concerns are taken seriously by the majority.

It is important to keep in mind that the Federal Government's share of America's total education expenditures is quite small, about 7 percent. As a result, Federal attention has been focused on a few specific objectives:

First, providing a quality education that can help offset the effects of poverty and social distress that many of our students experience. It is wrong to expect less of minority and poor students. They can do very well.

Second, improving teacher quality and accountability is critical—teaching the English language to students who do not know it well, particularly in my State and other States in which we have had a real upswing in immigration with students coming to this country who are not as fluent in English as the others.

Third, promoting familiarity with technology, which is the future.

And, of course, providing a safe school environment.

These are the things on which we will focus.

Unfortunately, after some 35 years, the record of progress toward these objectives at the Federal level is not impressive. I believe this record of failure stands as an indictment of the traditional ESEA strategy, which is to establish a new division of the Federal

Government in Washington, DC, and put a small army of people to work writing regulations and processing paperwork from the States.

A promising alternative approach has emerged, and this new alternative is known as Straight A's. The idea behind the Straight A's phrase is very similar to the idea that led to our success with welfare reform. It is a concept of a Federal-State performance partnership as in welfare. We do not measure the success in welfare by how many people we have on welfare or how much money we spend on welfare. We decided to begin measuring success on how few people we had to have on welfare and how little we had to spend.

We have to get to the same kind of performance-based criteria with respect to education, not how many kids we have in some remedial program but how few we have in those kinds of programs because our education system is working to educate our young people. This is the concept of accountability at the State and local level.

When Congress took on welfare in 1995 and 1996, the prerequisite for our success in passing significant reforms was a recognition that very promising ideas were being developed by leaders at the State and local government level. We rejected the old premise that "Washington knows best," and we allowed these innovators outside of what we call the Washington beltway to actually pursue some bold, innovative ideas without a lot of strings attached from Washington.

We have all seen what the result can be. We all understand how welfare reform has been working now to get people off welfare and into a productive capacity in our society. It is time to consider the same possibilities with respect to education.

The HELP Committee's bill permits as many as 15 States to enter into Straight A's performance contracts if they choose to. These contracts will allow significant flexibility for innovation by these States. My guess is, as we saw with education flexibility, the bill we passed earlier—the Ed-Flex bill—the other States will want to participate in this, so it will quickly move from a 15-State demonstration project to one in which all 50 States want the right to participate.

I am sure we will hear objections from the same folks who posited objections to welfare reform. They will say it is a risky scheme: you cannot trust the States and local leaders to do this; Washington knows best. Given the Federal Government's record over the last 35 years, this reactionary posture is impossible to sustain. We cannot keep doing things the same old way and expect different results.

I expect, just as with welfare reform, the American people will come to agree with the majority and at least some members of the minority who have now concluded that flexibility, combined with accountability, can bring needed change to education, where control by the bureaucrats in Washington has failed.

I also look forward to debating proposals aimed at enhancing parents' influence over the decisions affecting their children, especially when a student must overcome poverty or a language barrier. The stakes are very high, and we should not tolerate a system that ignores the views of the people with the keenest appreciation of that fact—parents.

The committee-passed bill recognizes that choice must be available to children in failing or unsafe schools, and I welcome this recognition and urge the greatest possible expansion of choice and competition.

In fact, I am proud that my own State of Arizona has provided leadership in this area by establishing an open enrollment policy that allows parents to enroll a child in any public school of their choice, undeterred by artificial geographic boundaries, and that this latitude has led to the creation of hundreds of new charter schools in Arizona. That has, in turn, improved the traditional public schools with which these charter schools compete.

In fact, I was buoyed to see in the big newspaper at home in August a couple of years ago one of our better public school districts put a full-page ad in the newspaper saying to the parents: We are having to compete with these charter schools. We were losing enrollment to these schools. We figured out what we were doing wrong, and we have improved. Come back to our public school system and see what a great program we have.

That kind of competition and innovation has caused improvement, and we have seen it in our own State of Arizona.

As the author of the Dollars Follow the Students Act, which is the first piece of Federal legislation to advance this idea of making these aid dollars portable, I am heartened the bill we are going to consider will provide unprecedented portability for students aided by title I, which is our largest Federal education program.

There are those who will resist the idea of choice and competition in education. But I am looking forward to this debate.

No American child should be trapped in a school that cannot guarantee a quality education and a safe education. We have an obligation to provide a lifeline for families whose schools are failing, particularly those families who live in our country's most disadvantaged areas.

So once again, I urge the American people to follow this debate closely. If they do, I think they will find that we have been listening to their calls for change and for real reform. That is what the legislation we will be bringing to the floor today will provide. I am looking forward to this debate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent that I be allowed to continue in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. I am excited that we are launching ourselves into what may be a week or more of debate and discussion and, hopefully, success in the area of education and educational funding.

Looking back over time, I think there is probably no other issue we have talked more about than education. I think polls and discussions in town meetings would indicate that education is probably the highest priority issue in the country.

Everybody knows the future of our children—and of the country—depends on education. We will be talking about that during debate of this bill, and I hope we can agree on some positive results.

Unfortunately, I think it is fair to say that when we enter into a year of this kind, particularly with the Presidential election, we find ourselves faced with more emphasis on creating issues than creating solutions. I hope that is not the case during this education debate.

I am sure there is nothing to which we have more commitment or in which we have more intense beliefs than our schools—by "we" I mean all of us: Parents, communities, people all over the country. We are all involved in educating our children. It is a most important part of our lives.

This weekend, I met with the alumni association of the University of Wyoming. It caused me to reflect on the things that were basic to my life and reminded me of changes that need to be made.

I think most of us are proud of our schools. I am especially proud of the schools in my State of Wyoming. They are rural schools, generally, that are relatively small. The population in our State is low. But when those kids come here to visit, through programs such as Close Up or others, when they come here to serve as interns or come here to serve in the Senate, I am very proud. Our education system must be doing well for these young people to be here.

Can we make it better? Of course. That is what we are challenged to do, to make an even better opportunity for our children. We need to be able to help our schools to be flexible enough to change, as the world changes, as our economy changes.

Again, going back to this weekend, we were talking about the relatively small number of young people who have graduated from the University, or even from our high schools, who are equipped with the kind of technological expertise they'll need as we enter this new economy. We need to make sure they're ready to answer the call.

As the Presiding Officer has said so eloquently, we are coming forth this week with an educational agenda. I think it is a very strong agenda. It is the product of much work on the part of the committee that is bringing it forth. It tends to emphasize moving controls to parents. After all, that has really been the controversial issue we have addressed in all of our conversations; that is: Where should the decisions be made? Who really should fit the educational program to the community and their needs?

By all means, we need to reflect on it and measure it against the rest of the country, especially since our population is becoming much more transient. For example, a person living in Cody, WY, as I did, may not live there forever. We have to have some relative comparison between schools, which we do have. But we need to tailor those programs, particularly Federal assistance, to fit our specific needs.

Educational needs in Meeteetse, WY, are much different from those in Pittsburgh, PA. We need to make sure the Federal dollars—and it has already been pointed out it is a relatively small amount, about 7 or 8 percent of the total—are used in the classroom and not set aside for the bureaucracy.

We need to give families more of a role in education with greater educational choice.

This morning, we had a visit from a RespectTeen group. I brought them onto the floor. There was one student from each State. A young man who had been chosen to come here had done a study and a paper on education. His paper focused on the importance of family involvement in schools. I was very impressed with the ideas about ways to get parents more directly involved with the education of their children.

We need, of course, to support exceptional teachers. We need to help teachers be prepared to teach. We need to encourage people to come into that profession. We need to provide attractive opportunities for them to stay in that profession. I guess I am especially interested in that since my wife is a teacher.

But it is very important to focus on basic academics.

That is what we aim to do. We have an opportunity to make some changes, to set some goals and some objectives. I am afraid that, too often perhaps, individually, and certainly institutionally, we become wrapped up in doing the things we are doing and, as a result, do not sit down regularly and ask ourselves: Where are we? Where do we want to go? What are our objectives? What do we need to do to get there?

I think we can fairly easily define the goals we want to accomplish in education. But I am not sure we define very well how to make the process of achieving them more effective.

We also need to address the issue of accountability. We spend a great deal of money in education, which we need to do. However, frankly, money alone does not ensure a good education for our children. We have seen the results of simply throwing out money and not having some system of accountability.

What we have had in this administration is a commitment to a whole series of Federal mandates and programs—for example, 100,000 Federally funded teachers. It has already been pointed out this morning that there are school districts in which providing additional teachers to reduce class size is unnecessary. The needs are in other places. That is why priorities need to be decided locally. Sometimes the mandate is for Federal construction. Again, that need may exist in one place but not in another.

So what we are really talking about is having some accountability, having some local flexibility, helping disadvantaged children meet higher standards, improving teacher quality, enriching the incentives for students to be prepared for a life of success, having safe and drug-free schools—we can do more in these areas.

Increasing educational opportunities is what this bill is all about. This is not a proposal for private school vouchers, but it does give an opportunity for mobility. If these kids are in a school that is not adequate, they can go to another public school and possibly improve.

I think it is exciting that we are moving ahead. I hope we can do so with the objective of passing a bill that will strengthen education in this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. KYL. Mr. President, since we have a few more minutes before we have to end this morning's session, I will take a moment to comment on a few things the Presiding Officer said a little while ago. There are two points I will make.

The first has to do with the percentage of funds the Federal Government spends on primary and secondary education. The second is more general.

The Senator from Wyoming made the point that about 7 percent of the money spent in local schools comes from the Federal Government. It is also true that the average proportion of paperwork imposed on State and local schools by Federal mandates is about 50 percent. In my State of Arizona, it is about 45 percent. Why is that and what is the effect of that? That goes to the heart of what we are proposing to change.

We understand it is not a good economic bargain to give the States $7 for education and to make them spend $3.50 of that on administration. Yet that is exactly what is happening.

Why is this so? States and school districts see pots of Federal money. There are over 100 different Federal programs for which States and local school districts can qualify. Sometimes they have to have matching funds. In most cases, they have to submit a lot of paperwork in order to get this money from the Federal Government. So even if it is only $20,000 or $30,000, a school district will hire an administrator to apply for the money, to fill out the forms, to provide the follow-up information, and then to administer that money when it finally comes. The net result is that about half of the money in administration is spent to get this 7 percent.

There is no surprise, therefore, that so many of the people the school districts hire are not teachers. That has an impact on education. It is one of the reasons why over the last many years, as the Federal Government has dangled these relatively small chunks of funding out to the schools, the schools, in order to get that funding, have jumped through more and more hoops, have spent more and more time and effort and more and more dollars chasing after that relatively small amount of Federal money.

This is inefficient. It is uneconomical. That is not to say the original ideas for the Federal programs were bad ideas. We are smart people in Washington. We come up with all kinds of great ideas. Therefore, we provide funding to implement those ideas. We say: If you will only jump through these various hoops, you can get some Federal funding for this particular great idea. The problem is, that is a very inefficient way to use taxpayer dollars.

It makes a lot more sense to say to the States: We have about 7 percent of the funding for your schools. If you will figure out how you can best spend that money on your own, let us know, set your own goals and make sure you meet those goals at the end of the year—in other words, there still has to be accountability—we will send the money to you without having to have these armies of bureaucrats filling out the forms and administering the Federal programs based upon the ideas we think are great.

It will probably turn out that a lot of those great ideas are implemented by the local schools but they won't always be implemented in every place. As the Presiding Officer noted, one school may need that money to decrease class sizes, to hire more teachers. Another may need that money to hook everybody up to the Internet. Another may want to focus on some kinds of remedial programs in math or reading, for example, tutorial kinds of programs. There are all different kinds of specific needs in specific school districts.

We, in Washington, should not suppose we know best what each school needs, nor should we assume that if we just throw money at the problems, we will get better education.

It turns out that the States that spend the least amount on education are among those with best test scores. There are a lot of different reasons for that. It is also true that where we spend the most money, we have the worst test scores—right here in Washington, DC. So there is no direct correlation between the expenditure of money and a good education. It is where you put your funds, how you make use of those funds, how you prioritize.

That is what we want to address with this change in policy. No longer will everybody have to apply for these little grants and go through all of the hoops that it takes, fill out all of the paperwork, and then follow that paperwork throughout the years. Rather, we are hoping, at least for some States, we are going to create a contract whereby they can apply for the funds at the beginning on the basis of a very general set of goals that they establish, without all of the paperwork required to meet the Federal goals. They can set their own goals and, at the end of the year, demonstrate to us by a good accountability of how they have done whether or not the expenditure of those funds has worked to achieve their goals. If it has, then they can continue to apply for these funds in the future. If not, then they have to be relegated to the same old program they are under today, where they have to continue to apply for each individual program, spend all of the money to do that, and be relegated to this very inefficient way of getting the Federal dollars to them.

That is the essence of what we are trying to do—free up those dollars so people at the local level who know best what to do with them can put the money toward the goals they establish and not have to spend half of the money on administering the programs so that none of that money gets down to the kids we are trying to teach.

The second point is—I mentioned this earlier—if we get education right in our country, almost everything else will follow. Let me illustrate.

First of all, we will have an advantage in national defense. Why did I mention that first? We are the only superpower in the world right now, and we have the technology in our defense to beat anybody in the world should they challenge us. That technology is not static. It is dynamic. If we don't train the young people to continue to innovate, to continue to invent new things which will enable us not only to progress as a civilian society but also to have the capability to defend ourselves with new types of defense technology, we will not stay on top. The history of the world is littered with countries that at one time were on top but did not maintain their edge.

I was talking to some astronauts one day. I said: "What is the difference between you and your Russian counterparts who go up in space with you?" They said: "There isn't any difference; they are just like we are." I said: "Well, surely there has to be something." One of them said: "Well, I can tell you a story. When something goes wrong up there, we immediately get on our computers and try to figure out how to fix it."

"Our Russian friends get out their tablet of paper and pencil and they start doing the math, the algorithms, long division, calculus, whatever it takes, to figure out what to do."

I think there are two lessons in that. First of all, it is wonderful that, as a society, we are all trained in the use of computers, and we have everything so computer-literate that we can quickly figure out the answer. But the second lesson is that we also have to have people who understand what the Russian scientists do—the long math, the calculus—to be able to figure all of this out, because it is only by knowing that that you can program the computers to do the things we can do with computers.

Somebody has to understand the fundamental science. People in other countries are still being educated the old-fashioned way, using the fundamentals. We have to have enough people in this country who are educated in the fundamentals to maintain our technological superiority, while at the same time making the calculations from computers available to all of society to enable us to rapidly advance in all the different areas in which we have advanced.

But if we lose this technological edge because we are no longer educating our citizenry—at least the best and brightest—in the fundamentals of math and science, we will lose this edge. That is why I said we can maintain an edge in defense only if we continue to have the best educated citizenry in the world. Today, we have to import many scientists and computer specialists from other countries, and it demonstrates to us that we are not doing a good enough job of educating our own citizenry.

The same thing applies to better trade and economic opportunities. If we continue to be the inventors of the world and to take those inventions and create applications that make our lives better, we will continue to have the best products in the world that others want to buy, and we will maintain our general superiority in trade. But if we don't provide the education to our students to be able to continue to put out these kinds of products, if we become mostly a service-oriented society, other societies will take up the slack and will gain the advantage in trade and economic opportunities. As I said, we would have a better citizenry.

We have to continue not only to train people in science and math, but also in history, in learning the lessons of life from other subjects that enable us to work better as a society as we become more and more diverse, and to remember the key lessons of our Founding Fathers who understood that our democratic-republican form of government could not continue in perpetuity without a well-educated citizenry—a citizenry understanding the issues of the day because they had to make the decisions.

This is a do-it-yourself government, America. Our people vote on things; they have to be well enough informed to elect good representatives to represent them in the places of our representative government—the legislative branches of government, for example. If they are not engaged enough in the issues of the day to make intelligent decisions, then obviously the people they send here will likewise not be so educated. The quality of decision-making and public policy will falter. Moreover, the understanding of their role in our government will gradually diminish.

Abraham Lincoln was very concerned about this. He said often that one of his big fears was that, little by little, each generation would lose some understanding of the ideas of the Founding Fathers and why the perpetuation of those ideas was so critical to the continuation of our democratic-republican form of government—the notion of citizen participation, the understanding of the checks and balances of our government, why we set the government up the way we did.

Frankly, I was distressed during the time of the impeachment trial of the President—whatever you think of the outcome of that trial—about the lack of understanding of a lot of my fellow citizens about what that was all about, why we had such a procedure, why it was important to maintain the rule of law, and so on. These are subjects that our great-great-grandparents were well versed in from their education. They studied them long and hard. I am distressed that today our kids and grandkids don't take the humanities courses in college that we took, which brought us a real knowledge of the underpinnings of the philosophy of our government, our society, our civilization.

Our students today are caught up in all kinds of studies of minorities of one kind or another and in other fads of the day. They are not as well educated about the traditional concepts. In fact, some even assault these concepts as inapplicable to today's world, when in point of fact, the lessons of the great philosophers are totally applicable. You will find philosophers on every side of every issue. If you study them well, you will appreciate and understand the problems of today, the kinds of choices we should be making in our society today.

History is relevant and, as has been noted many times, those who ignore history are bound to repeat it. That was said in the context of the bad times of history—primarily the wars that have to be fought—because we don't understand that history. So a better education provides better citizenship.

It can provide stronger values because we study the great books and the philosophers who wrestled with the questions of what is the meaning of life and how we should conduct ourselves. There is a difference between right and wrong. There are truths and there are values. Young people today are not reminded that in the Declaration of Independence, our founders said there are "inalienable rights," and "we hold these truths to be self-evident." There were some things that are so true and we understand that. They were self-evident. But today, relativism has begun to teach our kids that there is no real truth, there is no definite right and wrong; there are only shades of gray.

If society comes to believe that and bases decisions upon that misunderstanding, then we cannot long survive as a free society, as a society founded on the principle that there are certain truths, and that part of those truths are that there are inalienable rights that are given to us by our Creator—not by some government. We then begin to rely upon government to do things because it is the benevolence of government that is the basis for our rights. Wrong. Government doesn't give us any rights. The best we can expect from government is the protection of our God-given rights. But if generations are not taught that, then we won't be able to make public decisions on the same foundation that our Founding Fathers understood were so important to future generations.

A reduction in crime. If we have a well-educated citizenry, we are going to have less crime. I think it is absolutely wrong to believe that people from disadvantaged backgrounds have to be relegated to a life of crime, that they somehow aren't as capable as everybody else at learning and improving their lives and staying free from a life of crime. It is so at odds with the fundamental precepts of our country that I can't believe people would still expect less of students in these kinds of communities.

Our proposal, as the Presiding Officer noted, is to recognize that everybody is entitled to an equal opportunity for education, and we cannot expect less of those in our most distressed areas. But if we don't give them the same opportunity to go to areas where they can get a good education and have safe schools that provide a quality education, then we are, in effect, saying: You are second class, you just can't make it, and we are not going to bother to give you the tools to make it. That is fundamentally wrong and un-American.

Finally, a good education—if we get it right—will allow for more personal fulfillment. We all want to make the very best of our God-given talents, to do the very best we can in life, because most of us, toward the end of our lives, begin reflecting on why we are here and what was so important about our life and what we want to leave behind.

We speak in terms of legacies. The reality is that most of us begin saying, well, did we make the most of what we had? We all have wonderful talents given to us, and we feel very good about ourselves and our lives if we have been able to take advantage of those talents, if we have fulfilled our expectations. Yet we know today we are not challenging our young students as much as we could be. It is a crime to me that we don't challenge them to the ultimate, the maximum, so they can make the most of what God has given them. We fail them if we don't do that. If we are so lazy and so wrong about the way we provide an educational opportunity that we don't challenge them to be the very best they can be, that is the worst thing we can do for our young people today. That is why I said if we get education right, everything else will follow in our society, and that is why I think it is the most important thing we can do.

I was asked by a journalist: If you could do one thing in public policy as a member of the Federal Government, what would it be? I said: Well, other than ensuring our national security, which we have to put that first because that is the difference between life and death for all of our people, I would allow real choice in education so that people would be able to go to the place where they thought they could get the best education for their kids wherever that might be, and that the Federal Government not stand in the way of the exercise of that choice. And the very exercise of that choice would ensure a quality education and a safe education because the people who provide the education would have to rise to the challenge. They would have to understand that they would no longer be in business if people didn't come to them. If students didn't come, they wouldn't be able to educate. But if they did a good job, the students would come. It can be done.

I visited a school district in Arizona not long ago—the Alhambra School District—not a wealthy school district. There are a lot of minorities there. Carol Peck is the superintendent. She told me there are 39 different languages and dialects spoken at that school. Yet they have achievement at that school because they have innovative administrators and teachers and the kids learn.

We can learn lessons from that if we will allow innovation at the local level—if we will not bind them by all of these Federal rules and regulations. If we will lay those aside and at least let the small amount of Federal money that goes to local schools be used in an innovative way, we will begin to remove the barriers to innovation, and we will provide quality education for our kids.

As I said in the beginning, just like welfare reform, we can succeed if we will just throw off the old ideas and allow innovation to prosper at the local level and at the parental level—and among our teachers, who, after all, are on the front lines of this wonderful opportunity we have.

I appreciate the indulgence of the Chair. I thought since we had a little extra time I would embellish a little bit on the remarks I made.

I thank the Presiding Officer for setting aside this time for us to focus on this particular subject, and for the great job he has done over the many months in which he has been in charge in the effort to take some morning business time like this so we can all express ourselves on subjects that we are about to debate. I think the upcoming education debate is the most important debate we can engage in as a Senate.

RECESS

Mr. KYL. Mr. President, I ask unanimous consent the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 11:43 a.m., recessed until 1:02 p.m.: whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. The clerk will report S. 2.

The legislative clerk read as follows:

> A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Educational Opportunities Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Short title; purpose; definitions.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Sec. 101. Policy and purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Reservation and allocation for school improvement.

PART A—BASIC PROGRAMS

Sec. 111. State plans.
Sec. 112. Local educational agency plans.
Sec. 113. Eligible school attendance areas.
Sec. 114. Schoolwide programs.
Sec. 115. Targeted assistance schools.
Sec. 116. Pupil safety and family school choice.
Sec. 117. Assessment and local educational agency and school improvement.
Sec. 118. Assistance for school support and improvement.
Sec. 119. Parental involvement.
Sec. 120. Professional development.
Sec. 120A. Participation of children enrolled in private schools.
Sec. 120B. Early childhood education.
Sec. 120C. Allocations.
Sec. 120D. Establishment of the child centered program.

PART B—EVEN START FAMILY LITERACY PROGRAMS

Sec. 121. Even start family literacy programs.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. Program purpose.
Sec. 132. State application.
Sec. 133. Comprehensive plan.
Sec. 134. Coordination.

PART D—PARENTAL ASSISTANCE

Sec. 141. Parental assistance.

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

Sec. 151. General provisions; comprehensive school reform; assistance to address school dropout problems.

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

Sec. 201. Teacher quality.
Sec. 202. Leadership education and development program.
Sec. 203. Reading excellence.
Sec. 204. National Writing Project.
Sec. 205. General provisions.
Sec. 206. New century program and digital education content collaborative.
Sec. 207. Conforming amendments.

TITLE III—ENRICHMENT INITIATIVES

Sec. 301. Enrichment initiatives.
Sec. 302. Dissemination of advanced placement information.
Sec. 303. Technical and conforming amendments.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Sec. 401. Amendment to the Elementary and Secondary Education Act of 1965.
Sec. 402. Gun-free requirements.
Sec. 403. School safety and violence prevention.
Sec. 404. Background checks.
Sec. 405. Constitutionality of memorial services and memorials at public schools.
Sec. 406. Environmental tobacco smoke.

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

Sec. 501. Educational opportunity initiatives.

PART A—TECHNOLOGY EDUCATION

Sec. 511. Technology education.

PART B—WOMEN'S EDUCATIONAL EQUITY; STAR SCHOOLS

Sec. 521. Women's educational equity.
Sec. 522. Star schools.

PART C—MAGNET SCHOOLS ASSISTANCE

Sec. 531. Magnet schools assistance.

PART D—PUBLIC CHARTER SCHOOLS

Sec. 541. Public charter schools.

PART E—CIVIC EDUCATION; FIE; ELLENDER FELLOWSHIPS; READY-TO-LEARN TELEVISION; INEXPENSIVE BOOK DISTRIBUTION

Sec. 551. Civic education; FIE; Ellender fellowships; ready-to-learn television; inexpensive book distribution.

PART F—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 561. Technical and conforming amendments.

TITLE VI—INNOVATIVE EDUCATION

Sec. 601. Innovative education.
Sec. 602. Technical and conforming amendment.

TITLE VII—BILINGUAL EDUCATION

Sec. 701. Purpose.
Sec. 702. Authorization of appropriations.
Sec. 703. Repeal of program development and implementation grants.
Sec. 704. Program enhancement projects.
Sec. 705. Comprehensive school and systemwide improvement grants.
Sec. 706. Repeal of systemwide improvement grants.
Sec. 707. Applications.
Sec. 708. Repeal of intensified instruction.
Sec. 709. Repeal of subgrants, priority, and coordination provisions.
Sec. 710. Evaluations.
Sec. 711. Research.
Sec. 712. Academic excellence awards.
Sec. 713. State grant program.
Sec. 714. National Clearinghouse.
Sec. 715. Instructional materials development.
Sec. 716. Training for all teachers program.
Sec. 717. Graduate fellowships.
Sec. 718. Repeal of program requirements.
Sec. 719. Program evaluations.
Sec. 720. Special rule.
Sec. 721. Repeal of finding relating to foreign language assistance.
Sec. 722. Foreign language assistance applications.
Sec. 723. Emergency immigrant education purpose.
Sec. 724. Emergency immigrant education State administrative costs.
Sec. 725. Conforming amendments.
Sec. 726. Emergency immigrant education authorization of appropriations.
Sec. 727. Coordination and reporting requirements.

TITLE VIII—IMPACT AID

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Payments relating to Federal acquisition of real property.
Sec. 804. Payments for eligible federally connected children.
Sec. 805. Sudden and substantial increases in attendance of military dependents.
Sec. 806. School construction and facility modernization.
Sec. 807. State consideration of payments in providing State aid.
Sec. 808. Federal administration.
Sec. 809. Administrative hearings and judicial review.
Sec. 810. Forgiveness of overpayments.
Sec. 811. Applicability.
Sec. 812. Definitions.
Sec. 813. Authorization of appropriations.
Sec. 814. Technical and conforming amendment.

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 901. Programs.
Sec. 902. Conforming amendments.

TITLE X—GENERAL PROVISIONS

Sec. 10001. Uniform provisions.
Sec. 10002. Evaluations.
Sec. 10003. America's Education Goals.
Sec. 10004. America's Education Goals Panel.
Sec. 10005. Comprehensive regional assistance centers.
Sec. 10006. Repeals.
Sec. 10007. Technical and conforming amendments.

TITLE XI—AMENDMENTS TO OTHER LAWS

PART A—REPEALS

Sec. 11101. Goals 2000: Educate America Act.
Sec. 11102. Higher Education Amendments of 1998.
Sec. 11103. Conforming amendments.

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

Sec. 11201. Statement of policy.
Sec. 11202. Grants for State and local activities.
Sec. 11203. Local educational agency grants.
Sec. 11204. Secretarial responsibilities.
Sec. 11205. Definitions.
Sec. 11206. Authorization of appropriations.
Sec. 11207. Conforming amendments.

PART C—ALBERT EINSTEIN DISTINGUISHED EDUCATORS

Sec. 11301. Albert Einstein Distinguished Educator Act of 1994.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. SHORT TITLE; PURPOSE; DEFINITIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) in the heading for section 1, by striking "**TABLE OF CONTENTS**" *and inserting* "**SHORT TITLE**"; *and*

(2) by adding after section 1 the following:

"SEC. 2. PURPOSE.

"It is the purpose of this Act to support programs and activities that will improve the Nation's schools and enable all children to achieve high standards.

"SEC. 3. DEFINITIONS.

"Except as otherwise provided, in this Act:

"(1) AVERAGE DAILY ATTENDANCE.—

"(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for the operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

"(4) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 6505.

"(6) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 6505.

"(7) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 6502.

"(8) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 14302.

"(9) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(10) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part C of title I;

"(C) title II (other than section 2103 and part D);

"(D) subpart 2 of part A of title V;

"(E) part A of title IV (other than section 4114); and

"(F) title VI.

"(11) The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and title VI.

"(12) DEPARTMENT.—The term 'Department' means the Department of Education.

"(13) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(14) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

"(15) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge, and

"(B) as elementary school or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(16) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(17) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

"(18) LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for the State's public elementary or secondary schools.

"(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) BIA SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(19) MENTORING.—The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(20) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121 and any other discretionary grant program under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(22) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(23) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents on all levels of a school's operation, including all of the activities described in section 1118.

"(24) PUBLIC-TELECOMMUNICATIONS ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397 of the Communications Act of 1934.

"(25) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) PUPIL SERVICES PERSONNEL.—The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) PUPIL SERVICES.—The term 'pupil services' means the services provided by pupil services personnel.

"(26) RESEARCH-BASED.—The term 'research-based' used with respect to an activity or a program, means an activity based on specific strategies and implementation of such strategies that, based on theory, research and evaluation, are effective in improving student achievement and performance and other program objectives.

"(27) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(28) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(29) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(30) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

"(31) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM disks, video and audio tapes, including interactive forms of such products and services, or other technologies.".

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

SEC. 101. POLICY AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1001. STATEMENT OF PURPOSE.

"The purpose of this title is to enable schools to provide opportunities for children served under this title to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State student performance standards developed for all children. This purpose should be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children (from the earliest grades, including prekindergarten) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families that are funded from other sources;

"(6) affording parents substantial and meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources in amounts sufficient to make a difference to local educational agencies and schools where needs are greatest;

"(8) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended—

(1) in subsection (a), by striking "$7,400,000,000 for fiscal year 1995" and inserting "$15,000,000,000 for fiscal year 2001";

(2) in subsection (b), by striking "$118,000,000 for fiscal year 1995" and inserting "$500,000,000 for fiscal year 2001";

(3) in subsection (c), by striking "$310,000,000 for fiscal year 1995" and inserting "$400,000,000 for fiscal year 2001";

(4) by amending subsection (d) to read as follows:

"(d) Parental Assistance.—For the purpose of carrying out part D, there are authorized to be appropriated $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.";

(5) by amending subsection (e) to read as follows:

"(e) Capital Expenses.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2001, $15,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.";

(6) in subsection (f), by striking "1996 and each of the three" and inserting "2001 and each of the four";

(7) by amending subsection (g) to read as follows:

"(g) Federal Activities.—

"(1) Section 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) Section 1502.—For the purpose of carrying out section 1502 there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years."; and

(8) by adding at the end the following:

"(h) Comprehensive School Reform.—For the purpose of carrying out part F, there are authorized to be appropriated $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.".

SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. RESERVATIONS AND ALLOCATIONS FOR SCHOOL IMPROVEMENT.

"(a) Secretary's Reservation and Allocation for School Improvement From Amounts in Excess of $8,076,000,000.—

"(1) Reservation.—The' Secretary shall reserve 50 percent of the amount appropriated to carry out part A for fiscal year 2001 and each of the 4 succeeding fiscal years that is in excess of $8,076,000,000 to make allotments to States under paragraph (2).

"(2) Additional state allotments for assessment development, school improvement, and academic achievement awards.—

"(A) Allotments.—The Secretary shall allot to each State for a fiscal year an amount that bears the same relation to the amount reserved under paragraph (1) for the fiscal year as the amount all local educational agencies in the State received under section 1124 for the fiscal year bears to the amount all local educational agencies in all States received under section 1124 for the fiscal year, except that no State shall receive less than 0.5 percent of the amount reserved under paragraph (1) for the fiscal year.

"(B) Use of funds.—Funds allotted under subparagraph (A) shall be used by a State to carry out section 1111(b)(3), subsections (c) and (d) of section 1116, and section 1117.

"(C) Public notice and comment.—Each State using funds allotted under this subsection shall—

"(i) provide the public with adequate and efficient notice of the proposed uses of the funds;

"(ii) provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed uses of funds; and

"(iii) provide the opportunity described in clause (ii) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public.

"(D) Definition.—For purposes of this subsection, the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(b) State Reservation and Allocation for School Improvement.—

"(1) Payment for school improvement.—

"(A) In general.—Except as provided in paragraph (3), for fiscal year 2001 and each succeeding fiscal year each State may reserve for the proper and efficient performance of its duties under subsections (c) and (d) of section 1116, and section 1117, one-half of 1 percent of the funds made available to the State under—

"(i) part A, except that such reserved amount shall not exceed one-half of 1 percent of the funds made available to the State under part A for fiscal year 2000; and

"(ii) part C of this title, and part B of title III, for the fiscal year for which the reservation is made.

"(B) Minimum.—The total amount that may be reserved by each State, other than the outlying areas, under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated to the State under paragraph (2), if any, may not be less than $200,000. The total amount that may be reserved by each outlying area under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated under paragraph (2) to the outlying area, if any, may not be less than $25,000.

"(C) Special rule.—If the amount reserved under subparagraph (A) when added to the amount made available under section 1002(f) for a State is less than $200,000 for any fiscal year, then such State may reserve such additional funds under parts A and C of this title, and part C of title III, as are necessary to make $200,000 available to such State.

"(2) Additional State Allocations for School Improvement.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under part A (other than section 1120(e)) bears to the total amount allocated to all States under part A (other than section 1120(e)).".

PART A—BASIC PROGRAMS

SEC. 111. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "the Goals 2000: Educate America Act," and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act,"; and

(ii) by striking "14306" and inserting "6506"; and

(B) in paragraph (2), by striking "14302" and inserting "6502";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by amending subparagraph (B) to read as follows:

"(B) The standards described in subparagraph (A) shall be the same standards that the State applies to all schools and children in the State."; and

(ii) by amending subparagraph (C) to read as follows:

"(C) The State shall have the standards described in subparagraph (A) for elementary school and secondary school children served under this part in subjects determined by the State that include at least mathematics, and reading or language arts, and such standards shall require the same knowledge, skills, and levels of performance for all children.";

(B) in paragraph (2), by amending subparagraph (B) to read as follows:

"(B) Adequate yearly progress shall be defined in a manner—

"(i) that is sufficient to achieve the goal of all children served under this part meeting the State's proficient and advanced levels of performance within 10 years;

"(ii) that results in continuous and substantial academic improvement for all students, including economically disadvantaged and limited English proficient students, except that this clause shall not apply if the State demonstrates to the Secretary that the State has an insufficient number of economically disadvantaged or limited English proficient students;

"(iii) that is based primarily on the standards described in paragraph (1) and the assessments

aligned to State standards described in paragraph (3), and shall include specific State determined yearly progress requirements in subjects and grades included in the State assessments; and

"(iv) that is linked to performance on the assessments carried out under this section while permitting progress to be established in part through other academic indicators, whether defined in the State plan or in a State-approved local educational agency plan, such as dropout rates.";

(C) in paragraph (3)—

(i) in subparagraph (F)—

(I) in clause (ii), by striking "and" after the semicolon;

(II) in clause (iii), by inserting "and" after the semicolon; and

(III) by adding at the end the following:

"(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive years for the purpose of school accountability;"; and

(ii) by amending subparagraph (H) to read as follows:

"(H) provide individual student interpretive and descriptive reports, which shall include scores or other information on the attainment of student performance standards, such as measures of student course work over time, student attendance rates, student dropout rates, and student participation in advanced level courses;"; and

(D) in paragraph (5) by striking "through the Office of Bilingual Education and Minority Languages Affairs" and inserting ", but shall not mandate a specific assessment or mode of instruction";

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by striking "1119 and" and inserting "1119,"; and

(ii) by inserting ", and parental involvement under section 1118" after "1117";

(B) by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively;

(C) by inserting after paragraph (4) the following:

"(5) the State educational agency will inform the Secretary and the public regarding how Federal laws hinder, if at all, the ability of States to hold local educational agencies and schools accountable for student academic performance;

"(6) the State educational agency will inform the Secretary and the public regarding how the State educational agency is reducing, if necessary, State fiscal, accounting, and other barriers to local school and school district reform, including barriers to implementing schoolwide programs;

"(7) the State educational agency will inform local educational agencies of the local educational agencies' ability to obtain waivers under part F of title VI and, if the State is an Ed-Flex Partnership State, waivers under the Educational Flexibility Partnership Act of 1999 (20 U.S.C. 5891a et seq.);"; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

"(9) the State will coordinate activities funded under this part with other Federal activities as appropriate.";

(4) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(5) by inserting after subsection (c) the following:

"(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State will support, in collaboration with the regional educational laboratories, the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

"(1) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

"(2) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.";

(6) in subsection (e)(1)(B) (as so redesignated), by inserting ", and who are familiar with educational standards, assessments, accountability, and other diverse educational needs of students" before the semicolon;

(7) in subsection (h) (as so redesignated), by striking "1998" and inserting "2005"; and

(8) by adding at the end the following:

"(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the Goals" and all that follows through "section 14306" and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate"; and

(B) in paragraph (2), by striking "14304" and inserting "6504";

(2) in subsection (b)—

(A) in paragraph (3), by inserting ", which strategy shall be coordinated with activities under title II if the local educational agency receives funds under title II" before the semicolon;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "programs, vocational" and inserting "programs and vocational"; and

(II) by striking ", and school-to-work transition programs"; and

(ii) in subparagraph (B)—

(I) by striking "served under part C" and all that follows through "1994"; and

(II) by striking "served under part D"; and

(C) by amending paragraph (9) to read as follows:

"(9) where appropriate, a description of how the local educational agency will use funds under this part to support early childhood education programs under section 1120B.";

(3) by amending subsection (c) to read as follows:

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) inform eligible schools and parents of schoolwide project authority;

"(2) provide technical assistance and support to schoolwide programs;

"(3) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(4) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(5);

"(5) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

"(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

"(7) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(8) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

"(9) comply with the requirements of section 1119 regarding professional development;

"(10) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under part F of title VI, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and

"(11) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families."; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ", except that" and all that follows through "finally approved by the State educational agency"; and

(B) in paragraph (3)—

(i) by striking "professional development"; and

(ii) by striking "section 1119" and inserting "sections 1118 and 1119".

SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(b)(1) (20 U.S.C. 6313(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C)(iii), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) designate and serve a school attendance area or school that is not an eligible school attendance area under subsection (a)(2), but that was an eligible school attendance area and was served in the fiscal year preceding the fiscal year for which the determination is made, but only for 1 additional fiscal year.".

SEC. 114. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A local educational agency may use funds under this part, together with other Federal, State, and local funds, to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families, for the initial year of the schoolwide program."; and

(B) in paragraph (4)—

(i) by amending the heading to read as follows: "EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—"; and

(ii) by adding at the end the following:

"(C) A school that chooses to use funds from such other programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the programs that were consolidated to support the schoolwide program."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)(vii), by striking ", if any, approved under title III of the Goals 2000: Educate America Act"; and

(ii) in subparagraph (E), by striking ", such as family literacy services" and inserting "(including activities described in section 1118), such

as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Opportunities Act''; and

(II) in clause (iv), by inserting ''in a language the family can understand'' after ''results''; and

(ii) in subparagraph (C)—

(I) in clause (i)(II), by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Opportunities Act''; and

(II) in clause (v), by striking ''the School-to-Work Opportunities Act of 1994'' and inserting ''part C of title II''.

SEC. 115. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking '', yet'' and all that follows through ''setting''; and

(B) in paragraph (2)—

(i) in subparagraph (B), insert ''or in early childhood education services under this title,'' after ''program,''; and

(ii) in subparagraph (C)(i), by striking ''under part D (or its predecessor authority)''; and

(2) in subsection (c)(1)—

(A) by amending subparagraph (G) to read as follows:

''(G) provide opportunities for professional development with resources provided under this part, and to the extent practicable, from other sources, for teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents, who work with participating children in programs under this section or in the regular education program; and''; and

(B) in subparagraph (H), by striking '', such as family literacy services'' and inserting ''(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.''.

SEC. 116. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A (20 U.S.C. 6316) the following:

''SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

''(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent unless allowing such transfer is prohibited—

''(A) under the provisions of a State or local law; or

''(B) by a local educational agency policy that is approved by a local school board; or

''(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

''(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

''(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

''(2) The State educational agency shall determine which schools in the State are unsafe public schools.

''(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

''(A) expulsions and suspensions of students from school;

''(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

''(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

''(D) enrolled students who are under court supervision for past criminal behavior;

''(E) possession, use, sale or distribution of illegal drugs;

''(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

''(G) possession or use of guns or other weapons;

''(H) participation in youth gangs; or

''(I) crimes against property, such as theft or vandalism.

''(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

''(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student who elects a transfer under this section shall not exceed the per pupil expenditures for elementary or secondary school students as provided by the local educational agency that serves the school involved in the transfer.''.

SEC. 117. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6317) is amended—

(1) by amending subsection (a) to read as follows:

''(a) LOCAL REVIEW.—

''(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

''(A) use the State assessments described in the State plan;

''(B) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan; and

''(C) provide the results of the local annual review to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

''(2) LOCAL REPORTS.—(A) Following the annual review specified in paragraph (1)(B), each local educational agency receiving funds under this part shall prepare and disseminate an annual performance report regarding each school that receives funds under this part. The report, at a minimum, shall include information regarding—

''(i) each school's performance in making adequate yearly progress and whether the school has been identified for school improvement;

''(ii) the progress of each school in enabling all students served under this part to meet the State-determined levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has an insufficient number of economically disadvantaged or limited English proficient students; and

''(iii) any other information the local educational agency determines appropriate (such as information on teacher quality, school safety, and drop-out rates).

''(B) The local educational agency shall publicize and disseminate the report to teachers and other staff, parents, students, and the community. Such report shall be concise and presented in a format and manner that parents can understand. The local educational agency may issue individual school performance reports directly to teachers and other staff, parents, students, and the community, or the local educational agency may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.

''(C) Information collected and reported under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

''(D) In the case of a local educational agency for which the State report described in section 1116(d) contains data about an individual school served by the local educational agency that is equivalent to the data required by this subsection, such local educational agency shall not be required to prepare or distribute a report regarding such school under this paragraph.'';

(2) by amending subsection (c) to read as follows:

''(c) SCHOOL IMPROVEMENT.—

''(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan in section 1111, except that in the case of a targeted assistance program under section 1115, a local educational agency may review the progress of only those students in such school who are served under this part.

''(B) The 2 year period described in clause (i) shall include any continuous period of time immediately preceding the date of enactment of the Education Opportunities Act, during which a school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

''(C) Before identifying a school for school improvement under subparagraph (A), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. The review period shall not exceed 30 days, and at the end of the review period the local educational agency shall make a final determination as to the school improvement status of the school. If the school believes that such identification for school improvement is in error for statistical or other substantive reasons, such school may provide evidence to the local educational agency to support such belief.

''(2) SCHOOL PLAN.—(A) Each school identified under paragraph (1), in consultation with parents, the local educational agency, and the

school support team or other outside experts, shall revise a school plan that addresses the fundamental teaching and learning needs in the school and—

"(i) describes the specific achievement problems to be solved;

"(ii) includes research-based strategies, supported with specific goals and objectives, that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

"(iii) explains how those strategies will work to address the achievement problems identified under clause (i);

"(iv) addresses the need for high-quality staff by setting goals for ensuring that high quality professional development programs are supported with funds under this part;

"(v) addresses the professional development needs of instructional staff by committing to spend not less than 10 percent of the funds received by the school under this part during 1 fiscal year for professional development, which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

"(vi) identifies specific goals and objectives the school will undertake for making adequate yearly progress, which goals and objectives shall be consistent with State and local standards;

"(vii) specifies the responsibilities of the school and the local educational agency, including how the local educational agency will hold the school accountable for, and assist the school in, meeting the school's obligations to provide enriched and accelerated curricula, effective instructional methods, high quality professional development, and timely and effective individual assistance, in partnership with parents; and

"(viii) includes strategies to promote effective parental involvement in the school.

"(B) The school shall submit the plan or revised plan to the local educational agency for approval within 3 months of being identified. The local educational agency shall promptly subject the plan to a review process, work with the school to revise the plan as necessary, and approve the plan within 1 month of submission. The school shall implement the plan as soon as the plan is approved.

"(3) PARENTAL NOTIFICATION.—Each school identified under paragraph (1) shall in understandable language and form, promptly notify the parents of each student enrolled in the school that the school was designated by the local educational agency as needing improvement and provide with the notification—

"(A) the reasons for such designation;

"(B) information about opportunities for parents to participate in the school improvement process; and

"(C) an explanation of the option afforded to parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not identified for school improvement.

"(4) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan. Such technical assistance shall include effective methods and research-based instructional strategies.

"(B) Such technical assistance shall be designed to strengthen the core academic program for the students served under this part and addresses specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan.

"(5) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

"(A) After providing technical assistance under paragraph (4), the local educational agency may take corrective action at any time with respect to a school that has been identified under paragraph (1), but shall take corrective action with respect to any school that fails to make adequate yearly progress, as defined by the State, at the end of the second year following the school's identification under paragraph (1) and shall continue to provide technical assistance while instituting any corrective action.

"(B) Consistent with State and local law, in the case of a school described in subparagraph (A) for which corrective action is required, the local educational agency shall not take less than 1 of the following corrective actions:

"(i) Instituting and fully implementing a new curriculum that is based on State and local standards, including appropriate research-based professional development for all relevant staff that offers substantial promise of improving educational achievement for low-performing students

"(ii) Restructuring the school, such as by—

"(I) making alternative governance arrangements (such as the creation of a public charter school); or

"(II) creating schools within schools or other small learning environments.

"(iii) Developing and implementing a joint plan between the local educational agency and the school that addresses specific elements of student performance problems and that specifies the responsibilities of the local educational agency and the school under the plan.

"(iv) Reconstituting the school staff.

"(v) Decreasing decisionmaking authority at the school level.

"(C) Consistent with State and local law, in the case of a school described in subparagraph (A), the local educational agency may take the following corrective actions:

"(i) Deferring, reducing, or withholding funds.

"(ii) Restructuring or abolishing the school.

"(D) A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if—

"(i) the local educational agency assesses the school's performance and determines that the school is meeting the specific State-determined yearly progress requirements in subjects and grades included in the State assessments; and

"(ii) the school will meet the State's criteria for adequate yearly progress within 1 year;

"(E) The local educational agency shall publish, and disseminate to the public and to parents, in a format and, to the extent practicable, in a language that the parents can understand, any corrective action the local educational agency takes under this paragraph, through such means as the Internet, the media, and public agencies.

"(6) PUBLIC SCHOOL CHOICE.—

"(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

"(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 6 months after the date of the enactment of the Educational Opportunities Act, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) under paragraphs (1) and (5) with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited—

"(I) under the provisions of a State or local law; or

"(II) by a local educational agency policy that is approved by a local school board.

"(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 6 months after the date on which a local educational agency identifies a school under paragraphs (1) and (5), the agency shall provide all students enrolled in such school with an option described in clause (i).

"(B) COOPERATIVE AGREEMENTS.—If all public schools in the local educational agency to which a child may transfer are identified under paragraphs (1) and (5), then the agency, to the extent practicable, shall establish a cooperative agreement with other local educational agencies in the area for the transfer, unless the transfer is prohibited under—

"(i) the provisions of a State or local law; or

"(ii) a local educational agency policy that is approved by a local school board.

"(C) TRANSPORTATION.—

"(i) IN GENERAL.—The local educational agency in which the schools have been identified under paragraph (1) may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

"(ii) CORRECTIVE ACTION.—If a school has been identified under paragraph (5), the local educational agency shall provide such students transportation (or the costs of transportation) to schools not identified under paragraph (1) or (5).

"(iii) MAXIMUM AMOUNT.—Notwithstanding any other provision of this paragraph, the amount of assistance provided under this part for a student who elects a transfer under this paragraph shall not exceed the per pupil expenditures for elementary school or secondary school students as provided by the local educational agency that serves the school involved in the transfer.

"(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

"(7) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under this section, the State educational agency shall take into account such action as the State educational agency finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency's responsibilities under this section.

"(8) SPECIAL RULE.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

"(9) WAIVERS.—The State educational agency shall review any waivers approved for a school designated for improvement or corrective action prior to the date of enactment of the Educational Opportunities Act and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping such school to make yearly progress to meet the objectives and specific goals described in the school's improvement plan."; and

(3) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—(A) A State educational agency shall annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards.

"(B) STATE REPORTS.—Following the annual review specified in subparagraph (A), each State educational agency that receives funds under this part shall prepare and disseminate an annual performance report regarding each local educational agency that receives funds under this part.

"(C) CONTENTS.—The State, at a minimum, shall include in the report information on each local educational agency regarding—

"(i) local educational agency performance in making adequate yearly progress, including the number and percentage of schools that did and did not make adequate yearly progress;

"(ii) the progress of the local educational agency in enabling all students served under this part to meet the State's proficient and advanced levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has an insufficient number of economically disadvantaged or limited English proficient students; and

"(iii) any other information the State determines appropriate (such as information on teacher quality, school safety, and drop-out rates).

"(D) PARENT AND PUBLIC DISSEMINATION.—The State shall publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community, the report. Such report shall be concise and presented in a format and manner that parents can understand. The State may issue local educational agency performance reports directly to the local educational agencies, teachers and other staff, parents, students, and the community or the State may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.".

(B) by amending paragraph (4) to read as follows:

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—(A) Each local educational agency identified under paragraph (3) shall, not later than 3 months after being so identified, revise a local educational agency plan as described under section 1112. The plan shall—

"(i) include specific State-determined yearly progress requirements in subjects and grades to ensure that all students will meet proficient levels of performance within 10 years;

"(ii) address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of low-performing students including a determination of why the local educational agency's prior plan failed to bring about increased student achievement and performance;

"(iii) incorporate research-based strategies that strengthen the core academic program in the local educational agency;

"(iv) address the professional development needs of the instructional staff by committing to spend not less than 10 percent of the funds received by the school under this part during 1 fiscal year for professional development, which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

"(v) identify specific goals and objectives the local educational agency will undertake for making adequate yearly progress, which goals and objectives shall be consistent with State standards;

"(vi) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable, in a language that the parents can understand;

"(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

"(viii) include strategies to promote effective parental involvement in the school.";

(C) by amending subparagraph (B) of paragraph (5) to read as follows:

"(B) Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by effective methods and research-based instructional strategies.";

(D) in paragraph (6)—

(i) by amending subparagraph (B) to read as follows:

"(B)(i) Consistent with State and local law, in order to help students served under this part meet challenging State and local standards, each State educational agency shall implement a corrective action system in accordance with the following:

"(I) After providing technical assistance as described under paragraph (5), the State educational agency—

"(aa) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);

"(bb) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State; and

"(cc) shall continue to provide technical assistance while implementing any corrective action.

"(II) Consistent with State and local law, in the case of a local educational agency described under subclause (I), the State educational agency shall not take less than 1 of the following corrective actions:

"(aa) Instituting and fully implementing a new curriculum that is based on State and local standards, including appropriate research-based professional development for all relevant staff that offers substantial promise of improving educational achievement for low-performing students.

"(bb) Restructuring the local educational agency.

"(cc) Developing and implementing a joint plan between the State educational agency and the local educational agency that addresses specific elements of student performance problems and that specifies the responsibilities of the State educational agency and the local educational agency under the plan.

"(dd) Reconstituting school district personnel.

"(ee) Making alternative governance arrangements.

"(III) Consistent with State and local law, in the case of a local educational agency described under subclause (I), the State educational agency may take 1 of the following corrective actions:

"(aa) Deferring, reducing, or withholding funds.

"(bb) Restructuring or abolishing the local educational agency.

"(cc) Removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for public governance and supervision of such schools.

"(dd) Appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this section shall not include the actions described in subclauses (I), (II), and (III) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(C) of section 1111(b)."; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

"(D) NOTIFICATION TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, any corrective action the State educational agency takes under this paragraph through a widely read or distributed medium.

"(E) DELAY.—A State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if—

"(i) the State educational agency determines that the local educational agency is meeting the State-determined yearly progress requirements in subjects and grades included in the State assessments; and

"(ii) the schools within the local educational agency will meet the State's criteria for improvement within 1 year.

"(F) WAIVERS.—The State educational agency shall review any waivers approved prior to the date of enactment of the Educational Opportunities Act for a local educational agency designated for improvement or corrective action and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping the local educational agency make yearly progress to meet the objectives and specific goals described in the local educational agency's improvement plan.".

SEC. 118. ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) PRIORITIES.—In carrying out this section, a State educational agency shall—

"(A) first, provide support and assistance to local educational agencies subject to corrective action described in section 1116 and assist schools, in accordance with section 1116, for which a local educational agency has failed to carry out its responsibilities under section 1116;

"(B) second, provide support and assistance to other local educational agencies and schools identified as in need of improvement under section 1116; and

"(C) third, provide support and assistance to other local educational agencies and schools participating under this part that need support and assistance in order to achieve the purpose of this part.";

(2) in subsection (b), by striking "the comprehensive regional technical assistance centers under part A of title XIII and" and inserting "comprehensive regional technical assistance centers, and"; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

"(A) school support teams which are composed of individuals who are knowledgeable about research and practice on teaching and

learning, particularly about strategies for improving educational results for low-achieving children and persons knowledgeable about effective parental involvement programs, including parents;

"(B) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

"(C) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

"(D) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plans.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "part which" and all that follows through the period and inserting "part."; and

(ii) in subparagraph (C)—

(I) by striking "and may" and inserting "(and may"; and

(II) by striking "exemplary performance" and inserting "exemplary performance)"; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "EDUCATORS" and inserting "TEACHERS AND PRINCIPALS";

(ii) by amending subparagraph (A) to read as follows:

"(A) The State may also recognize and provide financial awards to teachers or principals in a school described in paragraph (2) whose students consistently make significant gains in academic achievement.";

(iii) in subparagraph (B), by striking "educators" and inserting "teachers or principals"; and

(iv) by striking subparagraph (C).

SEC. 119. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting "activities to improve student achievement and student and school performance" after "involvement";

(2) in subsection (b)(1)—

(A) in the first sentence, by inserting "(in a language parents can understand)" after "distribute"; and

(B) in the second sentence, insert "shall be made available to the local community and" after "Such policy";

(3) in subsection (e)—

(A) in paragraph (1), by striking "participating parents in such areas as understanding the National" and inserting "parents of children served by the school or local educational agency, as appropriate, in understanding America's";

(B) in paragraph (14), by striking "and" after the semicolon;

(C) by amending paragraph (15) to read as follows:

"(15) may establish a school district wide parent advisory council to advise the school and local educational agency on all matters related to parental involvement in programs supported under this section; and"; and

(D) by adding at the end the following:

"(16) shall provide such other reasonable support for parental involvement activities under this section as parents may request, which may include emerging technologies.";

(4) in subsection (f), by striking "or with" and inserting ", parents of migratory children, or parents with"; and

(5) by amending subsection (g) to read as follows:

"(g) INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each school or local educational agency that receives assistance under this part and is located in the State, shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.".

SEC. 120. PROFESSIONAL DEVELOPMENT.

Section 1119 (20 U.S.C. 6320) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) support professional development activities that give teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;";

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) advance teacher understanding of effective instructional strategies, based on research for improving student achievement, at a minimum in reading or language arts and mathematics;

"(C) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is 1 component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the needs of students, and the needs of the local educational agency;";

(D) in subparagraph (E) (as so redesignated), by striking "title III of the Goals 2000: Educate America Act,";

(E) in subparagraph (F) (as so redesignated), by striking "and" after the semicolon;

(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

"(H) to the extent appropriate, provide training for teachers in the use of technology and the applications of technology that are effectively used—

"(i) in the classroom to improve teaching and learning in the curriculum; and

"(ii) in academic content areas in which the teachers provide instruction;

"(I) be regularly evaluated for their impact on increased teacher effectiveness and improved student performance and achievement, with the findings of such evaluations used to improve the quality of professional development; and

"(J) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices."; and

(2) in subsection (g), by striking "title III of the Goals 2000: Educate America Act," and inserting "other Acts".

SEC. 120A. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) AMENDMENTS.—Section 1120 (20 U.S.C. 6321) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "that address their needs, and shall ensure that teachers and families of such children participate, on an equitable basis, in services and activities under sections 1118 and 1119" before the period;

(B) in paragraph (3), by inserting "and shall be provided in a timely manner" before the period; and

(C) in paragraph (4), insert "as determined by the local educational agency each year or every 2 years" before the period;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and where" and inserting ", where, and by whom";

(ii) by amending subparagraph (D) to read as follows:

"(D) how the services will be assessed and how the results of that assessment will be used to improve those services;";

(iii) in subparagraph (E), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(F) how and when the local educational agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of private school officials regarding the provision of contract services through potential third party providers, and if the local educational agency disagrees with the views of the private school officials on such provision of services, the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to so provide such services."; and

(B) by adding at the end the following:

"(4) CONSULTATION.—Each local educational agency shall provide to the State educational agency, and maintain in the local educational agency's records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If a private school declines in writing to have eligible children in the private school participate in services provided under this section, the local educational agency is not required to further consult with the private school officials or to document the local educational agency's consultation with the private school officials until the private school officials request in writing such consultation. The local educational agency shall inform the private school each year of the opportunity for eligible children to participate in services provided under this section.

"(5) COMPLIANCE.—A private school official shall have the right to appeal to the State educational agency the decision of a local educational agency as to whether consultation provided for in this section was meaningful and timely, and whether due consideration was given to the views of the private school official. If the private school official wishes to appeal the decision, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.";

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(4) by inserting after subsection (b) the following:

"(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

"(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of private school children, ages 5 through 17, who are low-income by—

"(A) using the same measure of low-income used to count public school children;

"(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; or

"(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area.

"(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 10105.";

(5) in subsection (e) (as so redesignated),

(A) in paragraph (2), by striking "14505 and 14506" and inserting "10105 and 10106";

(B) by redesignating paragraphs (1) and (2) (as so amended) as subparagraphs (A) and (B), respectively;

(C) by striking "If a" and inserting the following:

"(1) IN GENERAL.—If a"; and

(D) by adding at the end the following:

"(2) DETERMINATION.—In making the determination under paragraph (1), the Secretary shall consider 1 or more factors, including the quality, size, scope, or location of the program, or the opportunity of eligible children to participate in the program."; and

(6) by repealing subsection (f) (as so redesignated).

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on September 30, 2003.

(c) CONFORMING AMENDMENT.—Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking "14501 of this Act" and inserting "10101".

SEC. 120B. EARLY CHILDHOOD EDUCATION.

Section 1120B (20 U.S.C. 6321) is amended—

(1) by amending the section heading to read as follows:

"SEC. 1120B. COORDINATION REQUIREMENTS; EARLY CHILDHOOD EDUCATION SERVICES.";

(2) in subsection (c), by striking "Head Start Act Amendments of 1994" and inserting "Head Start Amendments of 1998"; and

(3) by adding at the end the following:

"(d) EARLY CHILDHOOD SERVICES.—A local educational agency may use funds received under this part to provide preschool services—

"(1) directly to eligible preschool children in all or part of its school district;

"(2) through any school participating in the local educational agency's program under this part; or

"(3) through a contract with a local Head Start agency, an eligible entity operating an Even Start program, a State-funded preschool program, or a comparable public early childhood development program.

"(e) EARLY CHILDHOOD EDUCATION PROGRAMS.—Early childhood education programs operated with funds provided under this part may be operated and funded jointly with Even Start programs under part B of this title, Head Start programs, or State-funded preschool programs. Early childhood education programs funded under this part shall—

"(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading;

"(2) teach children to understand and use language in order to communicate for various purposes;

"(3) enable children to develop and demonstrate an appreciation of books; and

"(4) in the case of children with limited English proficiency, enable the children to progress toward acquisition of the English language.".

SEC. 120C. ALLOCATIONS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended to read as follows:

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas.

"(2) COMPETITIVE GRANTS.—

"(A) IN GENERAL.—For fiscal years 2000 and 2001, the Secretary shall reserve $5,000,000 from the amounts made available under subsection (a)(1) to award grants, on a competitive basis, to local educational agencies in the Freely Associated States. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) USES.—Except as provided in subparagraph (C), grant funds awarded under this paragraph only may be used—

"(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

"(ii) to provide direct educational services.

"(C) ADMINISTRATIVE COSTS.—The Secretary may provide 5 percent of the amount made available for grants under this paragraph to the Pacific Region Educational Laboratory to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount reserved for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount reserved for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1)(B). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) IN GENERAL.—For each of the fiscal years 2001 through 2005—

"(1) the amount appropriated to carry out this part that is less than or equal to the amount appropriated to carry out section 1124 for fiscal year 2000, shall be allocated in accordance with section 1124;

"(2) the amount appropriated to carry out this part that is not used under paragraph (1) that equals the amount appropriated to carry out section 1124A for fiscal year 2000, shall be allocated in accordance with section 1124A; and

"(3) any amount appropriated to carry out this part for the fiscal year for which the determination is made that is not used to carry out paragraphs (1) and (2) shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as the allocations were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—For each fiscal year the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be not less than—

"(A) 95 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, served by the local educational agency;

"(B) 90 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is not less than 15 percent and not more than 30 percent; and

"(C) 85 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is less than 15 percent.

"(2) SPECIAL RULES.—If sufficient funds are appropriated, the hold-harmless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency that does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount under this subsection.

"(3) COUNTY CALCULATION BASIS.—Any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that receive funds for the fiscal year in excess of the hold-harmless amounts specified in this paragraph.

"(d) RATABLE REDUCTIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

"SEC. 1123. DEFINITIONS.

"In this subpart:

"(1) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) OUTLYING AREAS.—The term 'outlying areas' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, and not more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) CALCULATION OF GRANTS.—

"(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the Secretary and the Secretary of Commerce shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

"(i) LARGE LOCAL EDUCATIONAL AGENCIES.—In the case of an allocation under this section to a large local educational agency, the amount of the grant under this section for the large local educational agency shall be the amount determined under paragraph (1).

"(ii) SMALL LOCAL EDUCATIONAL AGENCIES.—

"(I) IN GENERAL.—In the case of an allocation under this section to a small local educational agency the State educational agency may—

"(aa) distribute grants under this section in amounts determined by the Secretary under paragraph (1); or

"(bb) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small local educational agencies.

"(II) ALTERNATIVE METHOD.—An alternative method under subclause (I)(bb) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the minimum number of children to qualify described in subsection (b).

"(III) APPEAL.—If a small local educational agency is dissatisfied with the determination of the amount of its grant by the State educational agency under subclause (I)(bb), the small local educational agency may appeal the determination to the Secretary, who shall respond within 45 days of receiving the appeal.

"(iii) DEFINITIONS.—In this subparagraph—

"(I) the term 'large local educational agency' means a local educational agency serving a school district with a total population of 20,000 or more; and

"(II) the term 'small local educational agency' means a local educational agency serving a school district with a total population of less than 20,000.

"(3) ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall allocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

"(B) APPLICATION.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes the State has data that would better target funds than allocating the funds by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

"(C) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—If the Secretary approves its application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that the allocations will be made—

"(i) using precisely the same factors for determining a grant as are used under this section; or

"(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

"(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that a procedure is or will be established through which local educational agencies that are dissatisfied with determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

"(4) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage determined under the preceding sentence; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is—

"(1) 10 or more; and

"(2) more than 2 percent of the total school-age population in the school district of the local educational agency.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraphs (2) and (3);

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

"(C) the number of children determined under paragraph (4) for the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children and youth (other than such institutions operated by the United States), but not counted pursuant to chapter 1 of subpart 2 of part C of title III for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act. In making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the

Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (2)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

“(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

“(2) the average of—

“(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

“(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

“(1) ELIGIBILITY.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State that is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) who are served by the agency exceeds—

“(i) 6,500; or

“(ii) 15 percent of the total number of children aged 5 through 17 served by the agency.

“(B) MINIMUM.—Notwithstanding section 1122, no State shall receive under this section an amount that is less than the lesser of—

“(i) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

“(ii) the average of—

“(I) 0.25 percent of the sums available to carry out this section for such fiscal year; and

“(II) the greater of—

“(aa) $340,000; or

“(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

“(2) DETERMINATION.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

“(A) the number of children counted under section 1124(c) for that fiscal year; and

“(B) the amount in section 1124(a)(1)(B) for all States except the Commonwealth of Puerto Rico, and the amount in section 1124(a)(3) for the Commonwealth of Puerto Rico.

“(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

“(4) LOCAL ALLOCATIONS.—

“(A) IN GENERAL.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

“(B) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of the amount made available to the State under this section for any fiscal year to make grants to local educational agencies that meet the criteria in paragraph (1)(A) (i) or (ii) but that are in ineligible counties.

“(b) RATABLE REDUCTION RULE.—If the sums available under subsection (a) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts that all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

“(c) STATES RECEIVING 0.25 PERCENT OR LESS.—In States that receive 0.25 percent or less of the total amount made available to carry out this section for a fiscal year, the State educational agency shall allocate such funds among the local educational agencies in the State—

“(1) in accordance with paragraphs (2) and (4) of subsection (a); or

“(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

“(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (c), is at least 10; and

“(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (c), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

“(2) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

“(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.—

“(1) IN GENERAL.—The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

“(A) the weighted child count determined under subsection (c); and

“(B) the amount of the grant the local educational agency is eligible to receive under section 1124(a)(1).

“(2) PUERTO RICO.—For each fiscal year, the amount of the grant the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for the Commonwealth of Puerto Rico, multiplied by the amount determined in section 1124(a)(4) for the Commonwealth of Puerto Rico.

“(c) WEIGHTED CHILD COUNT.—

“(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

“(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that county who constitute not more than 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 29.70 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

“(iv) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

“(v) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

“(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

“(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

"(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children who constitute more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

"(iii) the number of such children who constitute more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

"(iv) the number of such children who constitute more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(v) the number of such children who constitute more than 36.538 percent of such population, multiplied by 4.0.

"(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) who constitute not more than 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

"(iii) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

"(iv) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

"(v) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

"(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) CALCULATION OF GRANT AMOUNTS.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted not less than the lesser of—

"(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

"(2) the average of—

"(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighted child count, multiplied by the State's total number of children described in section 1124(c), without application of a weighted child count.

"SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

"(a) GRANTS.—From funds appropriated under subsection (e) the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the purposes of this part.

"(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, in such State multiplied by the product of—

"(i) such State's effort factor described in paragraph (2); multiplied by

"(ii) 1.30 minus such State's equity factor described in paragraph (3).

"(B) MINIMUM.—For each fiscal year no State shall receive under this section less than 0.25 percent of the total amount appropriated under subsection (e) for the fiscal year.

"(2) EFFORT FACTOR.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

"(B) COMMONWEALTH OF PUERTO RICO.—The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

"(3) EQUITY FACTOR.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

"(ii) COMPUTATION.—

"(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

"(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

"(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children from low-income families by a factor of 1.4.

"(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

"(V) SEPARATE COEFFICIENTS.—The Secretary shall compute separate coefficients of variation for elementary schools, secondary schools, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

"(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Educational Opportunities Act) or a State with only 1 local educational agency shall be not greater than 0.10.

"(C) REVISIONS.—The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English-proficiency or other meaningful educational needs, which deserve additional support. In addition, after obtaining the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

"(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

"(d) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

"(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in

the school district of another local educational agency; or

“(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

“(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

“SEC. 1127. CARRYOVER AND WAIVER.

“(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

“(b) WAIVER.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

“(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

“(2) supplemental appropriations for this subpart become available.

“(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.”.

SEC. 120D. ESTABLISHMENT OF THE CHILD CENTERED PROGRAM.

Part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

“Subpart 3—Child Centered Program

“SEC. 1131. DEFINITIONS.

“In this subpart:

“(1) ELIGIBLE CHILD.—The term ‘eligible child’ means a child who—

“(A) is eligible to be counted under section 1124(c); or

“(B)(i) the State or participating local educational agency elects to serve under this subpart; and

“(ii) is a child eligible to be served under this part pursuant to section 1115(b).

“(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term ‘participating local educational agency’ means a local educational agency that elects under section 1133(b) to carry out a child centered program under this subpart.

“(3) SCHOOL.—The term ‘school’ means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

“(4) SUPPLEMENTAL EDUCATION SERVICES.—The term ‘supplemental education services’ means educational services intended—

“(A) to meet the individual educational needs of eligible children; and

“(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

“(5) TUTORIAL ASSISTANCE PROVIDERS.—The term ‘tutorial assistance provider’ means a public or private entity that—

“(A) has a record of effectiveness in providing tutorial assistance to school children; or

“(B) uses instructional practices based on scientific research.

“SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

“(a) FUNDING.—Notwithstanding any other provision of law, not more than 10 States and not more than 20 participating local educational agencies may use the funds made available under subparts 1 and 2, and shall use the funds made available under subsection (c), to carry out a child centered program under this subpart.

“(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—

“(1) IN GENERAL.—If a State does not carry out a child centered program under this subpart or does not have an application approved under section 1134 for a fiscal year, a local educational agency in the State may elect to carry out a child centered program under this subpart, and the Secretary shall provide the funds that the local educational agency (with an application approved under section 1134) is eligible to receive under subparts 1 and 2, and subsection (c), directly to the local educational agency to enable the local educational agency to carry out the child centered program.

“(2) SUBMISSION APPROVAL.—In order to be eligible to carry out a child centered program under this subpart a participating local educational agency shall obtain from the State approval of the submission, but not the contents, of the application submitted under section 1134.

“(c) INCENTIVE GRANTS.—

“(1) IN GENERAL.—From amounts appropriated under paragraph (3) for a fiscal year the Secretary shall award grants to each State, or participating local educational agency described in subsection (b), that elects to carry out a child centered program under this subpart and has an application approved under section 1134, to enable the State or participating local educational agency to carry out the child centered program.

“(2) AMOUNT.—Each State or participating local educational agency that elects to carry out a child centered program under this subpart and has an application approved under section 1134 for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under paragraph (3) for the fiscal year as the amount the State or participating local educational agency received under subparts 1 and 2 for the fiscal year bears to the amount all States and participating local educational agencies carrying out a child centered program under this subpart received under subparts 1 and 2 for the fiscal year.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 to carry out this subsection for fiscal year 2000 and each of the 4 succeeding fiscal years.

“SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

“(a) USES.—Each State or participating local educational agency with an application approved under section 1134 shall use funds made available under subparts 1 and 2, and subsection (c), to carry out a child centered program under which—

“(1) the State or participating local educational agency establishes a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

“(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

“(A) variations in the cost of providing supplemental education services in different parts of the State or the school district served by the participating local educational agency;

“(B) the cost of providing services to pupils with different educational needs; or

“(C) the desirability of placing priority on selected grades; and

“(3) in the case of a child centered program for eligible children at a public school, the State or the participating local educational agency makes available, not later than 3 months after the beginning of the school year, the per pupil amount determined under paragraphs (1) and (2) to the public school in which an eligible child is enrolled, which per pupil amount shall be used for supplemental education services for the eligible child that are—

“(A) subject to subparagraph (B), provided by the school directly or through the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

“(B) if directed by the parent of an eligible child, provided by the school or local educational agency through a school-based program or through the provision of supplemental education services with a tutorial service provider, and in the case that a parent directs that the services be provided through a tutorial assistance provider, the school or local educational agency shall ensure that the provider selected by the parent is reimbursed (not to exceed the per pupil amount) for their tutorial services following notification to the school or local educational agency by the parent that those services were provided in a satisfactory manner.

“(b) SCHOOLWIDE PROGRAMS.—

“(1) IN GENERAL.—In the case of a public school in which 50 percent of the students enrolled in the school are eligible children, the public school may use funds provided under this subpart, in combination with other Federal, State, and local funds, to carry out a schoolwide program to upgrade the entire educational program in the school.

“(2) PLAN.—If the public school elects to use funds provided under this part in accordance with paragraph (1), and does not have a plan approved by the Secretary under section 1114(b)(2), the public school shall develop and adopt a comprehensive plan for reforming the entire educational program of the public school that—

“(A) incorporates—

“(i) strategies for improving achievement for all children to meet the State's proficient and advanced levels of performance described in section 1111(b);

“(ii) instruction by highly qualified staff;

“(iii) professional development for teachers and aides in content areas in which the teachers or aides provide instruction and, where appropriate, professional development for pupil services personnel, parents, and principals, and other staff to enable all children in the school to meet the State's student performance standards; and

“(iv) activities to ensure that eligible children who experience difficulty mastering any of the standards described in section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance;

“(B) describes the school's use of funds provided under this subpart and from other sources to implement the activities described in subparagraph (A);

“(C) includes a list of State and local educational agency programs and other Federal programs that will be included in the schoolwide program;

“(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of an eligible child who participates in the assessment; and

“(E) describes how and where the school will obtain technical assistance services and a description of such services.

“(3) SPECIAL RULE.—In the case of a public school operating a schoolwide program under this subsection, the Secretary may, through publication of a notice in the Federal Register, exempt child centered programs under this section from statutory or regulatory requirements *of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support the schoolwide program, if the intent and purposes of such other noncompetitive or discretionary programs are met.*

"(c) PRIVATE SCHOOL CHILDREN.—A State or participating local educational agency carrying out a child centered program under this subpart shall ensure that eligible children who are enrolled in a private school receive supplemental education services in the same manner as such services are provided under section 1120.

"(d) OPEN ENROLLMENT.—

"(1) IN GENERAL.—In order to be eligible to carry out a child centered program under this subpart a State or participating local educational agency shall operate a statewide or school district wide, respectively, open enrollment program that permits parents to enroll their child in any public school in the State or school district, respectively, if space is available in the public school and the child meets the qualifications for attendance at the public school.

"(2) WAIVER.—The Secretary may waive paragraph (1) for a State or participating local educational agency if the State or agency, respectively, demonstrates that parents served by the State or agency, respectively—

"(A) have sufficient options to enroll their child in multiple public schools; or

"(B) will have sufficient options to use the per pupil amount made available under this subpart to purchase supplemental education services from multiple tutorial assistance providers or schools.

"(e) PARENT INVOLVEMENT.—

"(1) IN GENERAL.—Any public school receiving funds under this subpart shall convene an annual meeting at a convenient time. All parents of eligible children shall be invited and encouraged to attend the meeting, in order to explain to the parents the activities assisted under this subpart and the requirements of this subpart. At the meeting, the public school shall explain to parents how the school will use funds provided under this subpart to enable eligible children enrolled at the school to meet challenging State curriculum, content, and student performance standards. In addition, the public school shall inform parents of their right to choose to have supplemental education services provided under this subpart to an eligible child through a school-based program or a tutorial assistance provider.

"(2) INFORMATION.—Any public school receiving funds under this subpart shall provide to parents a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet.

"SEC. 1134. APPLICATION.

"(a) IN GENERAL.—Each State or participating local educational agency desiring to carry out a child centered program under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

"(1) a detailed description of the program to be assisted, including an assurance that—

"(A) the per pupil amount established under section 1133(a) will follow each eligible child described in that section to the school or tutorial assistance provider of the parent's choice;

"(B) funds made available under this subpart will be spent in accordance with the requirements of this subpart; and

"(C) parents have the option to select to have their child receive the supplemental education services from multiple tutorial assistance providers and schools;

"(2) an assurance that the State or participating local educational agency will publish in a widely read or distributed medium an annual report card that contains—

"(A) information regarding the academic progress of all students served by the State or participating local educational agency in meeting State standards, including students assisted under this subpart, with results disaggregated by race, family income, and limited English proficiency, if such disaggregation can be performed in a statistically sound manner; and

"(B) such other information as the State or participating local educational agency may require;

"(3) a description of how the State or participating local educational agency will make available, to parents of children participating in the child centered program, annual school report cards, with results disaggregated by race, family income, and limited English proficiency, for schools in the State or in the school district of the participating local educational agency;

"(4) in the case of an application from a participating local educational agency, an assurance that the participating local educational agency has notified the State regarding the submission of the application;

"(5) a description of specific measurable objectives for improving the student performance of students served under this subpart;

"(6) a description of the process by which the State or participating local educational agency will measure progress in meeting the objectives;

"(7)(A) in the case of an application from a State, an assurance that the State meets the requirements of subsections (a), (b) and (f) of section 1111 as applied to activities assisted under this subpart; and

"(B) in the case of an application from a participating local educational agency, an assurance that the State's application under section 1111 met the requirements of subsections (a), (b) and (f) of such section; and

"(8) an assurance that each local educational agency serving a school that receives funds under this subpart will meet the requirements of subsections (a) and (c) of section 1116 as applied to activities assisted under this subpart.

"SEC. 1135. ADMINISTRATIVE PROVISIONS.

"(a) PROGRAM DURATION.—A State or participating local educational agency shall carry out a child centered program under this subpart for a period of 5 years.

"(b) ADMINISTRATIVE COSTS.—A State may reserve 2 percent of the funds made available to the State under this subpart, and a participating local educational agency may reserve 5 percent of the funds made available to the participating local educational agency under this subpart, to pay the costs of administrative expenses of the child centered program. The costs may include costs of providing technical assistance to schools receiving funds under this subpart, in order to increase the opportunity for all students in the schools to meet the State's content standards and student performance standards. The technical assistance may be provided directly by the State educational agency, local educational agency, or, with a local educational agency's approval, by an institution of higher education, by a private nonprofit organization, by an educational service agency, by a comprehensive regional assistance center, or by another entity with experience in helping schools improve student achievement.

"(c) REPORTS.—

"(1) ANNUAL REPORTS.—

"(A) IN GENERAL.—The State educational agency serving each State, and each participating local educational agency, carrying out a child centered program under this subpart shall submit to the Secretary an annual report, that is consistent with data provided under section 1134(a)(2)(A), regarding the performance of eligible children receiving supplemental education services under this subpart.

"(B) DATA.—Not later than 2 years after establishing a child centered program under this subpart and each year thereafter, each State or participating local educational agency shall include in the annual report data on student achievement for eligible children served under this subpart with results disaggregated by race, family income, and limited English proficiency, demonstrating the degree to which measurable progress has been made toward meeting the objectives described in section 1134(a)(5).

"(C) DATA ASSURANCES.—Each annual report shall include—

"(i) an assurance from the managers of the child centered program that data used to measure student achievement under subparagraph (B) is reliable, complete, and accurate, as determined by the State or participating local educational agency; or

"(ii) a description of a plan for improving the reliability, completeness, and accuracy of such data as determined by the State or participating local educational agency.

"(2) SECRETARY'S REPORT.—The Secretary shall make each annual report available to Congress, the public, and the Comptroller General of the United States (for purposes of the evaluation described in section 1136).

"(d) TERMINATION.—Three years after the date a State or participating local educational agency establishes a child centered program under this subpart the Secretary shall review the performance of the State or participating local educational agency in meeting the objectives described in section 1134(a)(5). The Secretary, after providing notice and an opportunity for a hearing, may terminate the authority of the State or participating local educational agency to operate a child centered program under this subpart if the State or participating local educational agency submitted data that indicated the State or participating local educational agency has not made any progress in meeting the objectives.

"(e) TREATMENT OF AMOUNTS RECEIVED.—The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

"SEC. 1136. EVALUATION.

"(a) ANNUAL EVALUATION.—

"(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating entity that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of child centered programs under this subpart.

"(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to annually evaluate each child centered program under this subpart in accordance with the evaluation criteria described in subsection (b).

"(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the child centered programs under this subpart. Such criteria shall provide for a description of—

"(1) the implementation of each child centered program under this subpart;

"(2) the effects of the programs on the level of parental participation and satisfaction with the programs; and

"(3) the effects of the programs on the educational achievement of eligible children participating in the programs.

"SEC. 1137. REPORTS.

"(a) REPORTS BY COMPTROLLER GENERAL.—

"(1) INTERIM REPORTS.—Three years after the date of enactment of this subpart the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1136(a)(2) for each child centered program assisted under this subpart. The report shall contain a copy of the annual evaluation under section 1136(a)(2) of each child centered program under this subpart.

"(2) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than March 1, 2006, that summarizes the findings of the annual evaluations under section 1136(a)(2).".

"SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.

"Nothing in this subpart shall be construed—

"(1) to authorize or permit an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this subpart; and

"(2) to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.".

PART B—EVEN START FAMILY LITERACY PROGRAMS

SEC. 121. EVEN START FAMILY LITERACY PROGRAMS.

(a) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), by inserting "(or, if such appropriated amount exceeds $250,000,000, 6 percent of such amount)" after "1002(b)";

(B) in paragraph (2), by striking "If the amount of funds made available under this subsection exceeds $4,600,000," and inserting "After the date of the enactment of the Educational Opportunities Act,"; and

(C) by adding at the end the following:

"(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.".

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) (20 U.S.C. 6362(b)) is amended to read as follows:

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—

"(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes of—

"(A) carrying out the evaluation required by section 1209; and

"(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(2) RESEARCH.—In the case of fiscal years 2001 through 2005, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 1211.".

(3) RESERVATION FOR GRANTS.—Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(A) in the subsection heading, by striking "FOR GRANTS" and inserting "FOR STATEWIDE FAMILY LITERACY INITIATIVES"; and

(B) by striking "From funds reserved under section 2260(b)(3), the Secretary shall" and inserting "From funds appropriated under section 1002(b) for any fiscal year, the Secretary may".

(c) STATE PLAN.—Part B of title I (20 U.S.C. 6361 et seq.) is amended by inserting after section 1202 (20 U.S.C. 6362) the following:

"SEC. 1202A. STATE PLAN.

"(a) CONTENTS.—Each State that desires to receive a grant under this part shall submit a plan to the Secretary containing such budgetary and other information as the Secretary may require. Each plan shall—

"(1) include the State's indicators of program quality developed under section 1210, or if the State has not completed work on those indicators, describe the State's progress in developing the indicators;

"(2) describe how the State is using, or will use, the indicators to monitor, evaluate, and improve projects the State assists under this part, and to decide whether to continue to assist those projects;

"(3) describe how the State will help each program assisted under this part ensure the full implementation of the program elements described in section 1205, including how the State will encourage local programs to use technology, such as distance learning, to improve program access and the intensity of services, especially for isolated populations;

"(4) describe how the State will conduct competition for subgrants, including the application of the criteria described in section 1208; and

"(5) describe how the State will coordinate resources, especially among State agencies, to improve family literacy services in the State.

"(b) DURATION.—Each State plan shall—

"(1) be submitted for the first year for which this part is in effect after the date of enactment of the Educational Opportunities Act;

"(2) remain in effect for the duration of the State's participation under this part; and

"(3) be periodically reviewed and revised by the State, as necessary.".

(d) USES OF FUNDS.—Section 1204 (20 U.S.C. 6364) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking "and" after the semicolon; and

(B) by striking clause (v) and inserting the following:

"(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

"(vi) 35 percent in any subsequent such year."; and

(2) by adding at the end the following:

"(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

"(1) IN GENERAL.—A State may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

"(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

"(3) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.".

(e) PROGRAM ELEMENTS.—Section 1205 (20 U.S.C. 6365) is amended—

(1) by amending paragraph (4) to read as follows:

"(4) provide high-quality, intensive family literacy services using instructional approaches that the best available research on reading indicates will be most effective in building adult literacy and children's language development and reading ability;";

(2) by amending paragraph (7) to read as follows:

"(7) use methods that ensure that participating families successfully complete the program, including—

"(A) operating a year-round program, including continuing to provide some instructional services for participants during the summer months;

"(B) providing developmentally appropriate educational services for at least a 3-year age range of children;

"(C) encouraging participating families to regularly attend and remain in the program for a sufficient time to meet their program goals; and

"(D) promoting the continuity of family literacy services across critical points in the lives of children and their parents so that those individuals can retain and improve their educational outcomes;";

(3) by amending paragraph (10) to read as follows:

"(10) provide for an independent evaluation of the program to be used for program improvement.";

(4) by redesignating paragraphs (9) and (10) (as so amended) as paragraphs (10) and (11), respectively; and

(5) by inserting after paragraph (8) the following:

"(9) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;".

(f) ELIGIBLE PARTICIPANTS.—Section 1206(b) (20 U.S.C. 6366(b)) is amended by adding at the end the following:

"(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older.".

(g) APPLICATION.—

(1) PLAN.—Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended—

(A) by striking "Act, the Goals 2000: Educate America Act," and inserting "Act"; and

(B) by striking "14306" and inserting "6506".

(2) CONSOLIDATED APPLICATION.—Section 1207(d) (20 U.S.C. 6367(d)) is amended by striking "14302" and inserting "6502".

(h) AWARD OF SUBGRANTS.—

(1) REVIEW PANEL.—The matter preceding subparagraph (A) of section 1208(a)(3) (20 U.S.C. 6368(a)(3)) is amended—

(A) by inserting "and one individual with expertise in family literacy programs," after "education professional,"; and

(B) by striking "and one or more of the following individuals:" and inserting "The review panel may include other individuals such as one or more of the following:".

(2) CONTINUING ELIGIBILITY; FEDERAL SHARE.—Section 1208(b) (20 U.S.C. 6368(b)) is amended—

(A) by striking paragraph (3) and inserting the following:

''(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.''; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking the last sentence; and

(ii) by amending subparagraph (B) to read as follows:

''(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).''.

(i) INDICATORS OF PROGRAM QUALITY.—Section 1210 (20 U.S.C. 6369a) is amended—

(1) in the matter preceding paragraph (1), by striking ''Each'' and inserting ''Not later than September 30, 2000, each''; and

(2) by adding at the end the following:

''(3) With respect to a program's implementation of high-quality, intensive family literacy services, specific levels of intensity of those services and the duration of individuals' participation that are necessary to result in the outcomes described in paragraphs (1) and (2), which levels the State periodically shall review and revise as needed to achieve those outcomes.''.

(j) RESEARCH.—Section 1211 (20 U.S.C. 6369b) is amended to read as follows:

"SEC. 1211. RESEARCH.

''(a) IN GENERAL.—From amounts reserved under section 1202(b)(2), the Secretary, in consultation with the National Institute for Literacy and other appropriate organizations, may carry out, directly or through grants or contracts, research on family literacy services, including—

''(1) scientifically based research on the development of reading and literacy in young children;

''(2) the most effective ways of improving the literacy skills of adults with reading difficulties; and

''(3) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children's literacy development.

''(b) DISSEMINATION.—The Secretary shall ensure the dissemination, through the National Institute for Literacy and other appropriate means, of the results of the research conducted under subsection (a).''.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

''(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;'';

(3) in paragraph (5) (as so redesignated), by striking ''and'' after the semicolon;

(4) in paragraph (6) (as so redesignated), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(7) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State content and student performance standards that all children are expected to meet.''.

SEC. 132. STATE APPLICATION.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''a comprehensive'' and all that follows through ''1306;'' and inserting ''the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) a description of joint planning efforts that will be made with respect to programs assisted under this Act, local, State, and Federal programs, and bilingual education programs under part A of title VII;''; and

(2) in subsection (c), by amending paragraph (3) to read as follows:

''(3) in the planning and operation of programs and projects at both the State and local agency operating level there is consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out—

''(A) in a manner consistent with section 1118 unless extraordinary circumstances make implementation with such section impractical; and

''(B) in a format and language understandable to the parents;''.

SEC. 133. COMPREHENSIVE PLAN.

Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''the Goals 2000: Educate America Act,''; and

(B) by striking ''14306'' and inserting ''6506''; and

(2) in subparagraph (B), by striking ''14302;'' and inserting ''6502, if—

''(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

''(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

''(iii) the comprehensive State planning is not used to supplant State efforts regarding, or administrative funding for, this part;''.

SEC. 134. COORDINATION.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by amending subsection (b) to read as follows:

''(b) ACCESS TO INFORMATION ON MIGRANT STUDENTS.—

''(1) NATIONAL SYSTEM.—(A) The Secretary shall establish a national system for electronically exchanging, among the States, health and educational information regarding all students served under this part. Such information shall include—

''(i) immunization records and other health information;

''(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under this title;

''(iii) other academic information essential to ensuring that migrant children achieve to high standards; and

''(iv) eligibility for services under the Individuals with Disabilities Education Act.

''(B) The Secretary shall publish, not later than 120 days after the date of enactment of the Educational Opportunities Act, a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migrant student information, the requirements for immediate electronic access to such information, and the educational agencies eligible to access such information.

''(C) Such system of electronic access to migrant student information shall be operational not later than 1 year after the date of enactment of the Educational Opportunities Act.

''(D) For the purpose of carrying out this subsection in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.

''(2) REPORT TO CONGRESS.—(A) Not later than April 30, 2002, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary's findings and recommendations regarding services under this part, and shall include in this report, recommendations for the interim measures that may be taken to ensure continuity of services under this part.

''(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.''.

(2) in subsection (c), by striking ''$6,000,000'' and inserting ''$10,000,000'';

(3) in subsection (d)(1), by striking ''$1,500,000'' and inserting ''$3,000,000''; and

(4) by adding at the end the following:

''(e) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.''.

PART D—PARENTAL ASSISTANCE

SEC. 141. PARENTAL ASSISTANCE.

Part D of title I (20 U.S.C. 6421 et seq.) is amended to read as follows:

"PART D—PARENTAL ASSISTANCE

"SEC. 1401. PARENTAL INFORMATION AND RESOURCE CENTERS.

''(a) PURPOSE.—The purpose of this part is—

''(1) to provide leadership, technical assistance, and financial support to nonprofit organizations and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student performance;

''(2) to strengthen partnerships among parents (including parents of preschool age children), teachers, principals, administrators, and other school personnel in meeting the educational needs of children;

''(3) to develop and strengthen the relationship between parents and the school;

''(4) to further the developmental progress primarily of children assisted under this part; and

''(5) to coordinate activities funded under this part with parental involvement initiatives funded under section 1118 and other provisions of this Act.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish school-linked or school-based parental information and resource centers that provide training, information, and support to—

''(A) parents of children enrolled in elementary schools and secondary schools;

''(B) individuals who work with the parents described in subparagraph (A); and

''(C) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations), and other organizations that carry out parent education and family involvement programs.

''(2) AWARD RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are distributed in all geographic regions of the United States.

"SEC. 1402. APPLICATIONS.

"(a) GRANTS APPLICATIONS.—

"(1) IN GENERAL.—Each nonprofit organization or nonprofit organization in consortium with a local educational agency that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

"(2) CONTENTS.—Each application submitted under paragraph (1), at a minimum, shall include assurances that the organization or consortium will—

"(A)(i) be governed by a board of directors the membership of which includes parents; or

"(ii) be an organization or consortium that represents the interests of parents;

"(B) establish a special advisory committee the membership of which includes—

"(i) parents described in section 1401(b)(1)(A);

"(ii) representatives of education professionals with expertise in improving services for disadvantaged children; and

"(iii) representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations;

"(C) use at least ½ of the funds provided under this part in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

"(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

"(E) serve both urban and rural areas;

"(F) design a center that meets the unique training, information, and support needs of parents described in section 1401(b)(1)(A), particularly such parents who are educationally or economically disadvantaged;

"(G) demonstrate the capacity and expertise to conduct the effective training, information and support activities for which assistance is sought;

"(H) network with—

"(i) local educational agencies and schools;

"(ii) parents of children enrolled in elementary schools and secondary schools;

"(iii) parent training and information centers assisted under section 682 of the Individuals with Disabilities Education Act;

"(iv) clearinghouses; and

"(v) other organizations and agencies;

"(I) focus on serving parents described in section 1401(b)(1)(A) who are parents of low-income, minority, and limited English proficient, children;

"(J) use part of the funds received under this part to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs;

"(K) provide assistance to parents in such areas as understanding State and local standards and measures of student and school performance; and

"(L) work with State and local educational agencies to determine parental needs and delivery of services.

"(b) GRANT RENEWAL.—For each fiscal year after the first fiscal year an organization or consortium receives assistance under this part, the organization or consortium shall demonstrate in the application submitted for such fiscal year after the first fiscal year that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

"SEC. 1403. USES OF FUNDS.

"(a) IN GENERAL.—Grant funds received under this part shall be used—

"(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

"(A) to engage in activities that will improve student performance, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational performance in comparison to State and local standards;

"(B) to provide followup support for their children's educational achievement;

"(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

"(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

"(E) to participate in the design and provision of assistance to students who are not making adequate educational progress;

"(F) to participate in State and local decisionmaking; and

"(G) to train other parents;

"(2) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents;

"(3) to help the parents learn and use the technology applied in their children's education;

"(4) to plan, implement, and fund activities for parents that coordinate the education of their children with other Federal programs that serve their children or their families; and

"(5) to provide support for State or local educational personnel if the participation of such personnel will further the activities assisted under the grant.

"(b) PERMISSIVE ACTIVITIES.—Grant funds received under this part may be used to assist schools with activities such as—

"(1) developing and implementing their plans or activities under sections 1118 and 1119; and

"(2) developing and implementing school improvement plans, including addressing problems that develop in the implementation of sections 1118 and 1119.

"(3) providing information about assessment and individual results to parents in a manner and a language the family can understand;

"(4) coordinating the efforts of Federal, State, and local parent education and family involvement initiatives; and

"(5) providing training, information, and support to—

"(A) State educational agencies;

"(B) local educational agencies and schools, especially those local educational agencies and schools that are low performing; and

"(C) organizations that support family-school partnerships.

"(c) GRANDFATHER CLAUSE.—The Secretary shall use funds made available under this part to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the grant or contract award.

"SEC. 1404. TECHNICAL ASSISTANCE.

"The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

"SEC. 1405. REPORTS.

"(a) INFORMATION.—Each organization or consortium receiving assistance under this part shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this part, including—

"(1) the number of parents (including the number of minority and limited English proficient parents) who receive information and training;

"(2) the types and modes of training, information, and support provided under this part;

"(3) the strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this part;

"(4) the parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student achievement, student and school performance, and parental involvement in school planning, review, and improvement; and

"(5) the effectiveness of the activities that local educational agencies and schools are carrying out with regard to parental involvement and other activities assisted under this Act that lead to improved student achievement and improved student and school performance.

"(b) DISSEMINATION.—The Secretary annually shall disseminate, widely to the public and to Congress, the information that each organization or consortium submits under subsection (a) to the Secretary.

"SEC. 1406. GENERAL PROVISIONS.

"Notwithstanding any other provision of this part—

"(1) no person, including a parent who educates a child at home, a public school parent, or a private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this part; and

"(2) no program or center assisted under this part shall take any action that infringes in any manner on the right of a parent to direct the education of their children.".

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

SEC. 151. GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS.

Part A of title I (20 U.S.C. 6311) is amended—

(1) by redesignating part F as part H;

(2) by redesignating sections 1601 through 1604 as sections 1901 through 1904, respectively; and

(3) by inserting after part E the following:

"PART F—COMPREHENSIVE SCHOOL REFORM

"SEC. 1601. PURPOSE.

"The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms based upon promising and effective practices and research-based programs that emphasize basic academics and parental involvement so that all children can meet challenging State content and student performance standards.

"SEC. 1602. PROGRAM AUTHORIZATION.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1601.

"(2) ALLOTMENTS.—

"(A) RESERVATIONS.—Of the amount appropriated under section 1002(h) for a fiscal year, the Secretary may reserve—

"(i) not more than 1 percent to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part; and *“(ii) not more than 1 percent to conduct national evaluation activities described in section 1607.*

“(B) In General.—Of the amount appropriated under section 1002(h) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

“(C) Reallotment.—If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do not apply in proportion to the amount allotted to such other States under subparagraph (B).

“SEC. 1603. STATE APPLICATIONS.

“(a) In General.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) Contents.—Each such application shall describe—

“(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

“(2) how the State educational agency will ensure that only comprehensive school reforms that are based on promising and effective practices and research-based programs receive funds under this part;

“(3) how the State educational agency will disseminate information on comprehensive school reforms that are based on promising and effective practices and research-based programs;

“(4) how the State educational agency will evaluate the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic performance; and

“(5) how the State educational agency will make available technical assistance to a local educational agency or consortia of local educational agencies in evaluating, developing, and implementing comprehensive school reform.

“SEC. 1604. STATE USE OF FUNDS.

“(a) In General.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A.

“(b) Subgrant Requirements.—A subgrant to a local educational agency or consortium shall be—

“(1) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency or consortium;

“(2) in an amount not less than $50,000 for each participating school; and

“(3) renewable for 2 additional 1-year periods after the initial 1-year grant is made if the school is making substantial progress in the implementation of reforms.

“(c) Priority.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

“(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

“(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

“(d) Grant Consideration.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary school and secondary students.

“(e) Administrative Costs.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

“(f) Supplement.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

“(g) Reporting.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, and a description of the comprehensive school reform model selected and used.

“SEC. 1605. LOCAL APPLICATIONS.

“(a) In General.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(b) Contents.—Each such application shall—

“(1) identify the schools, that are eligible for assistance under part A, that plan to implement a comprehensive school reform program, including the projected costs of such a program;

“(2) describe the promising and effective practices and research-based programs that such schools will implement;

“(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the promising and effective practices and research-based school reforms selected by such schools; and

“(4) describe how the local educational agency or consortium will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

“SEC. 1606. LOCAL USE OF FUNDS.

“(a) Uses of Funds.—A local educational agency or consortium that receives a subgrant under this section shall provide the subgrant funds to schools, that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program for—

“(1) employing innovative strategies for student learning, teaching, and school management that are based on promising and effective practices and research-based programs and have been replicated successfully in schools with diverse characteristics;

“(2) integrating a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards and addresses needs identified through a school needs assessment;

“(3) providing high quality and continuous teacher and staff professional development;

“(4) the inclusion of measurable goals for student performance;

“(5) support for teachers, principals, administrators, and other school personnel staff;

“(6) meaningful community and parental involvement initiatives that will strengthen school improvement activities;

“(7) using high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

“(8) evaluating school reform implementation and student performance; and

“(9) identification of other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the school reform effort.

“(b) Special Rule.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Secretary, but may develop the school's own comprehensive school reform programs for schoolwide change as described in subsection (a).

“SEC. 1607. NATIONAL EVALUATION AND REPORTS.

“(a) In General.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

“(b) Evaluation.—The national evaluation shall—

“(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

“(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(c) Reports.—Prior to the completion of the national evaluation, the Secretary shall submit an interim report describing implementation activities for the Comprehensive School Reform Program, which began in 1998, to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

“PART G—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

“SEC. 1701. PURPOSE.

“The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants, to schools through State educational agencies, that—

“(1) challenge all children to attain their highest academic potential; and

“(2) ensure that all students have substantial and ongoing opportunities to do so through schoolwide programs proven effective in school dropout prevention.

“Subpart 1—Coordinated National Strategy

“SEC. 1711. NATIONAL ACTIVITIES.

“(a) In General.—The Secretary is authorized—

“(1) to collect systematic data on the participation in the programs described in paragraph (2)(C) of individuals disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

“(2) to establish and to consult with an interagency working group which shall—

“(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students

who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention;

“(B) describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under this title and the School-to-Work Opportunities Act of 1994; and

“(C) address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under title I of this Act, the School-to-Work Opportunities Act of 1994, part B of title IV of the Job Training Partnership Act, subtitle C of title I of the Workforce Investment Act of 1998, and other programs; and

“(3) carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized.

“(b) RECOGNITION PROGRAM.—

“(1) NATIONAL GUIDELINES.—The Secretary shall develop uniform national guidelines for the recognition program which shall be used to recognize schools from nominations submitted by State educational agencies.

“(2) ELIGIBLE SCHOOLS.—The Secretary may recognize under the recognition program any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

“(3) SUPPORT.—The Secretary may make monetary awards to schools recognized under the recognition program in amounts determined by the Secretary. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

“Subpart 2—National School Dropout Prevention Initiative

“SEC. 1721. PROGRAM AUTHORIZED.

“(a) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—From the sum made available under section 1732(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under this title for the preceding fiscal year bears to the amount received by all States under this title for the preceding fiscal year.

“(2) DEFINITION OF STATE.—In this subpart, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

“(1) professional development;

“(2) obtaining curricular materials;

“(3) release time for professional staff;

“(4) planning and research;

“(5) remedial education;

“(6) reduction in pupil-to-teacher ratios;

“(7) efforts to meet State student achievement standards;

“(8) counseling and mentoring for at-risk students; and

“(9) comprehensive school reform models.

“(c) AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

“(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

“(i) school size;

“(ii) costs of the model or set of prevention and reentry strategies being implemented; and

“(iii) local cost factors such as poverty rates;

“(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

“(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

“(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

“(2) INCREASES.—The Secretary shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

“(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1727(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

“SEC. 1722. STRATEGIES AND CAPACITY BUILDING.

“(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

“(1) specific strategies for targeted purposes, such as effective early intervention programs designed to identify at-risk students, effective programs encompassing traditionally underserved students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school, and effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

“(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

“(b) CAPACITY BUILDING.—

“(1) IN GENERAL.—The Secretary, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

“(2) NUMBER AND DURATION.—

“(A) NUMBER.—The Secretary shall award not more than 5 contracts under this subsection.

“(B) DURATION.—The Secretary shall award a contract under this section for a period of not more than 5 years.

“(c) SUPPORT FOR EXISTING REFORM NETWORKS.—

“(1) IN GENERAL.—The Secretary shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

“(2) DEFINITION OF ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that, prior to the date of enactment of the Educational Opportunities Act—

“(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

“(B) developed and published a specific educational program or design for use by the schools.

“SEC. 1723. SELECTION OF SCHOOLS.

“(a) SCHOOL APPLICATION.—

“(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall—

“(A) contain a certification from the local educational agency serving the school that—

“(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

“(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

“(iii) the local educational agency will support the plan, including—

“(I) release time for teacher training;

“(II) efforts to coordinate activities for feeder schools; and

“(III) encouraging other schools served by the local educational agency to participate in the plan;

“(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

“(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

“(D) describe a budget and timeline for implementing the strategies;

“(E) contain evidence of coordination with existing resources;

“(F) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

“(G) describe how the activities to be assisted conform with research-based knowledge about school dropout prevention and reentry; and

“(H) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under section 1114.

“(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

“(c) ELIGIBILITY.—A school is eligible to receive a grant under this subpart if the school is—

“(1) a public school (including a public alternative school)—

“(A) that is eligible to receive assistance under part A, including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

“(B)(i) that serves students 50 percent or more of whom are low-income individuals; or

“(ii) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(2) participating in a schoolwide program under section 1114 during the grant period.

"(d) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act, or section 122 of the Workforce Investment Act of 1998.

"(e) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 and the School-to-Work Opportunities Act of 1994.

"SEC. 1724. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 1725. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under this title shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 1726. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 1727. REPORTING AND ACCOUNTABILITY.

"(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Secretary a report regarding the status of the implementation of activities funded under this subpart, the outcome data for students at schools assisted under this subpart disaggregated in the same manner as information under section 1711(a) (such as dropout rates), and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 1728. STATE RESPONSIBILITIES.

"(a) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the Educational Opportunities Act, a State educational agency that receives funds under this part shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State disaggregated in the same manner as information under section 1711(a), according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(b) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the Educational Opportunities Act, a State educational agency that receives funds under this part shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(1) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(2) specific incentives for retaining enrolled students throughout each year.

"(c) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the Educational Opportunities Act, a State educational agency that receives funds under this part shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.

"(d) REGULATIONS.—The Secretary shall promulgate regulations implementing subsections (a) through (c).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 1731. DEFINITIONS.

"In this part:

"(1) LOW-INCOME.—The term 'low-income', used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5).

"(2) SCHOOL DROPOUT.—The term 'school dropout' has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994.

"SEC. 1732. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 1721; and

"(2) $20,000,000 shall be available to carry out section 1722.".

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

SEC. 201. TEACHER QUALITY.

Title II (20 U.S.C. 6601 et seq.) is amended by striking the title heading and all that follows through part A and inserting the following:

"TITLE II—TEACHER QUALITY

"PART A—TEACHER EMPOWERMENT

"SEC. 2001. PURPOSE.

"The purpose of this part is to provide grants to States and local educational agencies, in order to assist their efforts to increase student academic achievement and student performance through such strategies as improving teacher quality.

"Subpart 1—Grants to States

"SEC. 2011. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—In the case of each State that, in accordance with section 2014, submits to the Secretary and obtains approval of an application for a fiscal year, the Secretary shall make a grant for the year to the State for the uses specified in section 2012. The grant shall consist of the allotment determined for the State under subsection (b).

"(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

"(1) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—From the total amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(i) ½ of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purpose of this part; and

"(ii) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers and other staff in schools operated or funded by the Bureau of Indian Affairs.

"(B) LIMITATION.—In reserving an amount for the purposes described in clauses (i) and (ii) of subparagraph (A) for a fiscal year, the Secretary shall not reserve more than the total amount the outlying areas and the schools operated or funded by the Bureau of Indian Affairs received under the authorities described in paragraph (2)(A)(i) for fiscal year 2000.

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2000 under—

"(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the Educational Opportunities Act); and

"(II) section 310 of the Department of Education Appropriations Act, 2000 (as enacted by section 1000(a)(4) of division B of Public Law 106–113).

"(ii) RATABLE REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(B) ALLOTMENT OF ADDITIONAL FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2000 under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

"(I) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

"(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this subsection.

"SEC. 2012. ALLOCATIONS WITHIN STATES.

"(a) USE OF FUNDS.—Each State receiving a grant under this subpart shall use the funds provided under the grant in accordance with this section to carry out activities for the improvement of teaching and learning.

“(b) REQUIRED AND AUTHORIZED EXPENDITURES.—

“(1) REQUIRED EXPENDITURES.—The Secretary may make a grant to a State under this subpart only if the State agrees to expend not less than 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to local educational agencies and eligible partnerships (as defined in section 2021(e)), in accordance with subsection (c).

“(2) AUTHORIZED EXPENDITURES.—A State that receives a grant under this subpart may expend a portion equal to not more than 10 percent of the amount of the funds provided under the grant for 1 or more of the authorized State activities described in section 2013 or to make grants to eligible partnerships to enable the partnerships to carry out subpart 2 (but not more than 5 percent of such portion may be used for planning and administration related to carrying out such purpose).

“(c) DISTRIBUTION OF SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE PARTNERSHIPS.—

“(1) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—A State receiving a grant under this subpart shall distribute a portion equal to 95 percent of the amount described in subsection (b)(1) by allocating to each eligible local educational agency the sum of—

“(i) an amount that bears the same relationship to 25 percent of the portion as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

“(ii) an amount that bears the same relationship to 75 percent of the portion as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“(B) USE OF FUNDS.—The State shall make subgrants to local educational agencies from allocations made under this paragraph to enable the agencies to carry out subpart 3.

“(2) COMPETITIVE SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—

“(A) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall transfer a portion equal to 5 percent of the amount described in subsection (b)(1) to the State agency for higher education, which shall distribute the portion through a competitive process.

“(B) PARTICIPANTS.—The competitive process carried out under subparagraph (A) shall be open to eligible partnerships (as defined in section 2021(e)).

“(C) USE OF FUNDS.—In distributing funds under this paragraph, the State agency for higher education shall make subgrants to the eligible partnerships to enable the partnerships to carry out subpart 2 (but not more than 5 percent of the funds made available to the eligible partnerships through the subgrants may be used for planning and administration related to carrying out such purpose).

“SEC. 2013. STATE USE OF FUNDS.

“(a) AUTHORIZED STATE ACTIVITIES.—The authorized State activities referred to in section 2012(b)(2) are the following:

“(1) Reforming teacher certification (including recertification) or licensing requirements to ensure that—

“(A) teachers have the necessary teaching skills and academic content knowledge in the academic subjects in which the teachers are assigned to teach;

“(B) the requirements are aligned with the State's challenging State content standards; and

“(C) teachers have the knowledge and skills necessary to help students meet challenging State student performance standards.

“(2) Carrying out programs that—

“(A) include support during the initial teaching experience, such as mentoring programs; and

“(B) establish, expand, or improve alternative routes to State certification of teachers for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

“(3) Developing and implementing effective mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified and effective teachers and principals.

“(4) Developing or improving systems of performance measures to evaluate the effectiveness of professional development programs and activities in improving teacher quality, skills, and content knowledge, and increasing student academic achievement and student performance.

“(5) Developing or improving systems to evaluate the impact of teachers on student academic achievement and student performance.

“(6) Providing technical assistance to local educational agencies consistent with this part.

“(7) Funding projects to promote reciprocity of teacher certification or licensure between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

“(8) Developing or assisting local educational agencies or eligible partnerships (as defined in section 2021(e)) in the development and utilization of proven, innovative strategies to deliver intensive professional development programs and activities that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

“(9) Supporting activities to encourage and support teachers seeking national board certification from the National Board for Professional Teaching Standards or other recognized entities.

“(10) Providing professional development activities involving training in advanced placement instruction.

“(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

“SEC. 2014. APPLICATIONS BY STATES.

“(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) CONTENTS.—Each application submitted under this section shall include the following:

“(1) A description of how the State will ensure that a local educational agency receiving a subgrant to carry out subpart 3 will comply with the requirements of such subpart.

“(2)(A) An assurance that the State will measure the annual progress of the local educational agencies and schools in the State with respect to—

“(i) improving student academic achievement and student performance, in accordance with content standards and student performance standards established under part A of title I;

“(ii) closing academic achievement gaps, reflected in disaggregated data described in section 1111(b)(3)(I), between minority and non-minority groups and low-income and non-low-income groups; and

“(iii) improving performance on other specific indicators for professional development, such as increasing the percentage of classes in core academic subjects that are taught by highly qualified teachers.

“(B) An assurance that the State will require each local educational agency and school in the State receiving funds under this part to publicly report information on the agency's or school's annual progress, measured as described in subparagraph (A).

“(3) A description of how the State will hold the local educational agencies and schools accountable for making annual progress as described in paragraph (2), subject to part A of title I.

“(4)(A) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under—

“(i) titles I and IV, part A of title V, and part A of title VII; and

“(ii) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

“(B) A description of the comprehensive strategy that the State will use as part of the effort to carry out the coordination, to ensure that teachers, paraprofessionals, and principals are trained in the utilization of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in all curriculum areas and academic subjects, as appropriate.

“(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

“(6) A description of how the activities to be carried out by the State under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

“(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

“Subpart 2—Subgrants to Eligible Partnerships

“SEC. 2021. PARTNERSHIP GRANTS.

“(a) IN GENERAL.—From the portion described in section 2012(c)(2)(A), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award subgrants on a competitive basis under section 2012(c) to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). The State agency for higher education shall ensure that such subgrants shall be equitably distributed by geographic area within the State, or ensure that eligible partnerships in all geographic areas within the State are served through the grants.

“(b) USE OF FUNDS.—An eligible partnership that receives funds under section 2012 shall use the funds for—

‘‘(1) professional development activities in core academic subjects to ensure that teachers, paraprofessionals, and, if appropriate, principals have content knowledge in the academic subjects that the teachers teach; and

‘‘(2) developing and providing assistance to local educational agencies and individuals who are teachers, paraprofessionals or principals of public and private schools served by each such agency, for sustained, high-quality professional development activities that—

‘‘(A) ensure that the agencies and individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student academic achievement and student performance; and

‘‘(B) may include intensive programs designed to prepare such individuals who will return to a school to provide such instruction to other such individuals within such school.

‘‘(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under section 2012.

‘‘(d) COORDINATION.—An eligible partnership that receives a grant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 203.

‘‘(e) ELIGIBLE PARTNERSHIP.—In this section, the term ‘eligible partnership’ means an entity that—

‘‘(1) shall include—

‘‘(A) a private or State institution of higher education and the division of the institution that prepares teachers;

‘‘(B) a school of arts and sciences; and

‘‘(C) a high need local educational agency; and

‘‘(2) may include other local educational agencies, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, other institutions of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, or a business.

“Subpart 3—Subgrants to Local Educational Agencies

“SEC. 2031. LOCAL USE OF FUNDS.

‘‘(a) REQUIRED ACTIVITIES.—

‘‘(1) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use the subgrant to carry out the activities described in this subsection.

‘‘(2) REQUIRED PROFESSIONAL DEVELOPMENT ACTIVITIES.—

‘‘(A) MATHEMATICS AND SCIENCE.—

‘‘(i) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities in mathematics and science in accordance with section 2032.

‘‘(ii) GRANDFATHER OF OLD WAIVERS.—A waiver provided to a local educational agency under part D of title XIV prior to the date of enactment of the Educational Opportunities Act shall be deemed to be in effect until such time as the waiver otherwise would have ceased to be effective.

‘‘(B) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities that give teachers, paraprofessionals, and principals the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards. Such activities shall be consistent with section 2032.

‘‘(b) ALLOWABLE ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart may use the funds made available through the subgrant to carry out the following activities:

‘‘(1) Recruiting and hiring certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size, or hiring special education teachers.

‘‘(2) Initiatives to assist in recruitment of highly qualified teachers who will be assigned teaching positions within their fields, including—

‘‘(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subjects in which there exists a shortage of such teachers within a school or the area served by the local educational agency;

‘‘(B) establishing programs that—

‘‘(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

‘‘(ii) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession; and

‘‘(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool of teachers, such as identifying teachers certified through alternative routes, and by implementing a system of intensive screening designed to hire the most qualified applicants.

‘‘(3) Initiatives to promote retention of highly qualified teachers and principals, including—

‘‘(A) programs that provide mentoring to newly hired teachers, such as mentoring from master teachers, and to newly hired principals; and

‘‘(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

‘‘(4) Programs and activities that are designed to improve the quality of the teacher force, and the abilities of paraprofessionals and principals, such as—

‘‘(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers, paraprofessionals, and principals to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2032;

‘‘(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

‘‘(C) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented); and

‘‘(D) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (C) to learn.

‘‘(5) Activities that provide teacher opportunity payments, consistent with section 2033.

“SEC. 2032. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

‘‘(a) LIMITATION RELATING TO CURRICULUM AND ACADEMIC SUBJECTS.—

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), funds made available to carry out this subpart may be provided for a teacher, paraprofessional, or principal, and a professional development activity, only if the activity is—

‘‘(A) directly related to the curriculum and academic subjects in which a teacher provides instruction; or

‘‘(B) designed to enhance the ability of a teacher, paraprofessional, or principal to understand and use State standards for the academic subjects in which a teacher provides instruction.

‘‘(2) EXCEPTION.—Paragraph (1) shall not be construed to prohibit the use of the funds for professional development activities that provide instruction described in subparagraphs (C) and (D) of section 2031(b)(4).

‘‘(b) OTHER REQUIREMENTS.—Professional development activities provided under this subpart—

‘‘(1) shall be tied to challenging State or local content standards and student performance standards;

‘‘(2) shall be tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the teachers participating in the activities;

‘‘(3) in the case of activities for teachers, shall be of sufficient intensity and duration to have a positive and lasting impact on the performance of a teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this paragraph shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved; and

‘‘(4) shall be developed with extensive participation of teachers, paraprofessionals, and principals of schools to be served under this part.

‘‘(c) ACCOUNTABILITY AND REQUIRED PAYMENTS.—

‘‘(1) IN GENERAL.—If, at the end of any fiscal year, a State determines that a local educational agency has failed to make progress in accordance with section 2014(b)(2) during the fiscal year, the State shall notify the local educational agency that the agency shall be subject to the requirement of paragraph (3).

‘‘(2) TECHNICAL ASSISTANCE.—A local educational agency that receives notification pursuant to paragraph (1) may request technical assistance from the State in order to provide the opportunity for such local educational agency to make progress in accordance with section 2014(b)(2).

‘‘(3) REQUIREMENT TO PROVIDE TEACHER OPPORTUNITY PAYMENTS.—

‘‘(A) IN GENERAL.—A local educational agency that receives notification pursuant to paragraph (1) with respect to any 2 consecutive fiscal years shall expend under section 2033 for the succeeding fiscal year a proportion of the funds made available to the agency to carry out this subpart equal to the proportion of such funds expended by the agency for professional development activities for the second fiscal year for which the agency received the notification.

‘‘(B) REQUESTS.—On request by a group of teachers in schools served by the local educational agency, the agency shall use a portion of the funds provided to the agency to carry out this subpart, to provide payments in accordance with section 2033.

‘‘(4) SPECIAL RULE.—

‘‘(A) SUBSEQUENT YEARS OF PROGRESS.—A local educational agency that receives notification from the State pursuant to paragraph (1) with respect to a fiscal year and makes progress in accordance with section 2014(b)(2) for at least

the 2 subsequent years shall not be required to provide payments in accordance with section 2033 for the next subsequent year.

"(B) SUBSEQUENT YEARS WITHOUT PROGRESS.—A local educational agency that receives notification from the State pursuant to paragraph (1) with respect to a fiscal year and fails to make progress in accordance with section 2014(b)(2) for at least the 2 subsequent fiscal years shall request the technical assistance described in paragraph (2) from the State for the next subsequent year.

"(d) DEFINITION.—In this section, the term 'professional development activity' means an activity described in subsection (a)(2) or (b)(4) of section 2031.

"SEC. 2033. TEACHER OPPORTUNITY PAYMENTS.

"(a) IN GENERAL.—A local educational agency receiving funds to carry out this subpart may (or in the case of section 2032(c)(3), shall) provide payments directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice that meets the criteria set forth in subsections (a) and (b) of section 2032.

"(b) NOTICE TO TEACHERS.—Each local educational agency distributing payments under this section—

"(1) shall establish and implement a timely process through which proper notice of availability of the payments will be given to all teachers in schools served by the agency; and

"(2) shall develop a process through which teachers will be specifically recommended by principals to participate in such opportunities by virtue of—

"(A) the teachers' lack of full certification or licensing to teach the academic subjects in which the teachers teach; or

"(B) the teachers' need for additional assistance to ensure that their students make progress toward meeting challenging State content standards and student performance standards.

"(c) SELECTION OF TEACHERS.—In the event adequate funding is not available to provide payments under this section to all teachers seeking such payments, or recommended under subsection (b)(2), a local educational agency shall establish procedures for selecting teachers for the payments, which shall provide priority for those teachers recommended under subsection (b)(2).

"(d) ELIGIBLE ACTIVITY.—A teacher receiving a payment under this section shall have the choice of attending any professional development activity that meets the criteria set forth in subsections (a) and (b) of section 2032, as determined by the State involved.

"SEC. 2034. LOCAL APPLICATIONS.

"(a) IN GENERAL.—A local educational agency seeking to receive a subgrant from a State to carry out this subpart shall submit an application to the State at such time as the State shall require.

"(b) LOCAL APPLICATION CONTENTS.—The local application described in subsection (a) shall include, at a minimum, the following:

"(1) A description of how the local educational agency intends to use funds provided to carry out this subpart.

"(2) An assurance that the local educational agency will target funds to schools served by the local educational agency that—

"(A) have the lowest proportions of highly qualified teachers;

"(B) are identified for school improvement under section 1116(c); or

"(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

"(3) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs, including those authorized under—

"(A) titles I and IV, part A of title V, and part A of title VII; and

"(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

"(4) A description of how the local educational agency will integrate funds received to carry out this subpart with funds received under part A of title V that are used for professional development to train teachers, paraprofessionals, and principals in how to use technology to improve learning and teaching.

"(5) A description of how the local educational agency has collaborated with teachers, paraprofessionals, principals, and parents in the preparation of the application.

"(6) A description of how the activities to be carried out by the local educational agency under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

"Subpart 4—National Activities

"SEC. 2041. ALTERNATIVE ROUTES TO TEACHING AND PROMOTING EXCELLENCE IN TEACHING.

"(a) TEACHER EXCELLENCE ACADEMIES.—

"(1) IN GENERAL.—The Secretary may award grants on a competitive basis to eligible consortia to carry out activities described in this subsection.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible consortium receiving funds under this subsection shall use the funds to pay the costs associated with the establishment or expansion of a teacher academy, in an elementary school or secondary school facility, that carries out—

"(i) the activities promoting alternative routes to teacher certification specified in subparagraph (B); or

"(ii) the model professional development activities specified in subparagraph (C).

"(B) PROMOTING ALTERNATIVE ROUTES TO TEACHER CERTIFICATION.—The activities promoting alternative routes to teacher certification shall, to the extent practicable, provide opportunities for highly qualified individuals with a baccalaureate degree (including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction) to enter the teaching field, through activities such as—

"(i) providing stipends, in exchange for fulfillment of a reasonable service requirement, to the highly qualified individuals, to permit the individuals to fill teaching needs in academic subjects in which there is a demonstrated shortage of teachers;

"(ii) providing for the recruitment and hiring of master teachers to mentor and train student teachers within such academies; or

"(iii) carrying out other activities that promote and strengthen alternative routes to teacher certification.

"(C) MODEL PROFESSIONAL DEVELOPMENT.—The model professional development activities shall be activities providing ongoing professional development opportunities for teachers, such as—

"(i) innovative programs and model curricula in the area of professional development, which may serve as models to be disseminated to other schools and local educational agencies; and

"(ii) the development of innovative techniques for evaluating the effectiveness of professional development programs.

"(3) GRANT FOR SPECIAL CONSORTIUM.—In making grants under this subsection, the Secretary shall award not less than 1 grant to an eligible consortium that—

"(A) includes a high need local educational agency located in a rural area; and

"(B) proposes activities that involve the extensive use of distance learning in order to provide the applicable course work to student teachers.

"(4) SPECIAL RULE.—No single participant in an eligible consortium may use more than 50 percent of the funds made available to the consortium under this subsection.

"(5) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(6) ELIGIBLE CONSORTIUM.—In this subsection, the term 'eligible consortium' means a consortium for a State that—

"(A) shall include—

"(i) the State agency responsible for certifying or licensing teachers;

"(ii) not less than 1 high need local educational agency;

"(iii) a school of arts and sciences; and

"(iv) an institution that prepares teachers; and

"(B) may include local educational agencies, public charter schools, public or private elementary schools or secondary schools, educational service agencies, public or private nonprofit educational organizations, museums, or businesses.

"(b) NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.—

"(1) NATIONAL BOARD CERTIFICATION.—The Secretary may award grants to the National Board for Professional Teaching Standards to enable the Board to complete a system of national board certification. The Secretary may award grants for fiscal year 2001.

"(2) ADVANCED CERTIFICATION OR CREDENTIALING.—The Secretary may support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

"(c) TEACHER TRAINING IN MATHEMATICS AND SCIENCE.—

"(1) IN GENERAL.—The Secretary may award grants, on a competitive basis, to eligible entities to support and promote the establishment of teacher training programs relating to the core subject areas of mathematics and science.

"(2) USE OF FUNDS.—The programs shall include teacher training with respect to the establishment of mentoring programs, model programs, or other programs, that encourage students, including young women, to pursue demanding careers and postsecondary degrees in mathematics and science, including engineering and technology.

"(3) DEVELOPMENT.—In carrying out a teacher training program under this section, the eligible entity may carry out a program jointly developed by the entity and by a business, an industry, or an institution of higher education.

"(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.—

"(1) IN GENERAL.—The Secretary may award a grant or contract, in consultation with the Director of the National Science Foundation, to an entity to continue the Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this subsection as the 'Clearinghouse').

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—The Clearinghouse may use the funds made available through the grant or contract to carry out the functions of the Clearinghouse, as of the date of enactment of the Educational Opportunities Act.

"(B) LANGUAGE ARTS; SOCIAL STUDIES.—The Clearinghouse may also use the funds to provide information and resources in the areas of language arts and social studies.

"(C) QUALITATIVE AND EVALUATIVE MATERIALS AND PROGRAMS.—The Clearinghouse may also use the funds to collect (in consultation with the Secretary, national teacher associations, professional associations, and other reviewers and developers of educational materials and programs) qualitative and evaluative materials and programs for the Clearinghouse, review the evaluation of the materials and programs, rank the effectiveness of the materials and programs on the basis of the evaluations, and distribute the results of the reviews to teachers in an easily accessible manner. Nothing in this subparagraph shall be construed to permit the Clearinghouse to directly conduct an evaluation of the qualitative and evaluative materials or programs.

"(e) TROOPS-TO-TEACHERS PROGRAM.—

"(1) PURPOSE.—The purpose of this subsection is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000).

"(2) TRANSFER OF FUNDS FOR ADMINISTRATION OF PROGRAM.—To the extent that funds are made available under this Act for the Troops-to-Teachers Program, the Secretary of Education shall use the funds to enter into a contract with the Defense Activity for Non-Traditional Education Support of the Department of Defense. The Defense Activity shall use the amounts made available through the contract to perform the actual administration of the Troops-to-Teachers Program, including the selection of participants in the Program under section 1704 of the Troops-to-Teachers Program Act of 1999. The Secretary of Education may retain a portion of the funds to identify local educational agencies with concentrations of children from low-income families or with teacher shortages and States with alternative certification or licensure requirements, as required by section 1702 of such Act.

"Subpart 5—Funding

"SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.

"(a) FISCAL YEAR 2001.—There are authorized to be appropriated to carry out this part $2,000,000,000 for fiscal year 2001, of which $40,000,000 shall be available to carry out subpart 4.

"(b) OTHER FISCAL YEARS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2002 through 2005.

"Subpart 6—General Provisions

"SEC. 2061. DEFINITIONS.

"In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

"(2) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means those subjects listed under the third of the America's Education Goals.

"(3) HIGHLY QUALIFIED.—The term 'highly qualified' means—

"(A) with respect to an elementary school teacher, a teacher—

"(i) with an academic major in the arts and sciences; or

"(ii) who can demonstrate competence through a high level of performance in core academic subjects; and

"(B) with respect to a secondary school teacher, a teacher—

"(i) with an academic major in the academic subject in which the teacher teaches or in a related field;

"(ii) who can demonstrate a high level of competence through rigorous academic subject tests; or

"(iii) who can demonstrate competence through a high level of performance in relevant content areas.

"(4) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

"(5) OUT-OF-FIELD TEACHER.—The term 'out-of-field teacher' means a teacher—

"(A) teaching an academic subject for which the teacher is not highly qualified, as determined by the State involved; or

"(B) who did not receive a degree from an institution of higher education with a major or minor in the field in which the teacher teaches

"(6) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

"(7) STATE.—The term 'State', used with respect to an individual, entity, or agency, means—

"(A) except as provided in subparagraph (B), the Governor of a State (as defined in section 3); or

"(B) in the case of a State (as so defined) for which the constitution or law of the State designates another individual, entity, or agency in the State to be responsible for elementary and secondary education programs, such individual, entity, or agency.".

SEC. 202. LEADERSHIP EDUCATION AND DEVELOPMENT PROGRAM.

Part B of title II (20 U.S.C. 6641 et seq.) is amended to read as follows:

"PART B—LEADERSHIP EDUCATION AND DEVELOPMENT PROGRAM

"SEC. 2201. LEADERSHIP PROGRAMS.

"(a) DEFINITION.—In this section, the term 'school leader' means an elementary school or secondary school superintendent, principal, assistant principal, or teacher, or another individual in a management or leadership position with a State or region of a State whose work directly impacts teaching and learning relating to elementary or secondary education.

"(b) GRANTS.—The Secretary shall award grants to eligible entities (including State educational agencies, institutions of higher education, local educational agencies, and nonprofit educational organizations) and consortia of such entities to enable such entities or consortia to pay for the Federal share of the cost of providing professional development services for school leaders to develop or enhance the leadership skills of the school leaders. In providing the services, the entities and consortia shall work in cooperation with school leaders and other appropriate individuals.

"(c) AWARD BASIS.—The Secretary shall award a grant under this section to an eligible entity or consortium on the basis of criteria that include—

"(1) the quality of the proposed use of the grant funds;

"(2) the educational need of the State, community, or region to be served under the grant; and

"(3) the need for equitable distribution of the grants among urban and rural communities and school districts, and equitable geographic representation of regions of the United States.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity or consortium shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that school leaders were involved in developing the application and determining the proposed use of the grant funds.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—An eligible entity or consortium that receives a grant under this section shall use funds received through the grant to provide assistance for training, education, and other activities to increase the leadership and other skills of school leaders.

"(2) SPECIFIC ACTIVITIES.—In order to improve the quality of education delivered to the children in the State, community, or region in which the entity or consortium is located, the entity or consortium shall use the funds received through the grant for activities that include—

"(A) providing school leaders with effective leadership, management, and instructional skills and practices;

"(B) enhancing and developing the school management and business skills of school leaders;

"(C) improving the understanding of school leaders of the effective use of educational technology;

"(D) improving the knowledge of school leaders regarding challenging State content and performance standards;

"(E) encouraging highly qualified individuals to become school leaders and developing and enhancing the instructional, leadership, school management, parent and community involvement, mentoring, and staff evaluation skills of school leaders; and

"(F) establishing sustained and rigorous support for mentorships and for developing a network of school leaders within the State with the goal of strengthening and improving the leadership of school leaders.

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be not more than 80 percent.

"(2) NON-FEDERAL SHARE.—An entity or consortium may provide the non-Federal share of the cost in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(3) WAIVERS.—The Secretary may grant waivers of paragraph (1) for entities or consortia serving low-income areas, as determined by the Secretary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2001 and such sums as may be necessary for the 4 subsequent fiscal years.".

SEC. 203. READING EXCELLENCE.

(a) PART HEADING.—The part heading for part C of title II (20 U.S.C. 6661 et seq.) is amended to read as follows:

"PART C—READING EXCELLENCE ACT".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2260(a) (20 U.S.C. 6661i(a)) is amended by adding at the end the following:

"(3) FISCAL YEARS 2001 THROUGH 2004.—There are authorized to be appropriated to carry out this part $280,000,000 for fiscal year 2001 and such sums as may be necessary for the 4 subsequent fiscal years.".

(c) SHORT TITLE.—Part C of title II (20 U.S.C. 6661 et seq.) is amended by adding at the end the following:

"SEC. 2261. SHORT TITLE.

"This part may be cited as the 'Reading Excellence Act'.".

SEC. 204. NATIONAL WRITING PROJECT.

Part D of title II (20 U.S.C. 6671 et seq.) is amended to read as follows:

"PART D—NATIONAL WRITING PROJECT

"SEC. 2301. PURPOSE.

"The purpose of this part is—

"(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

"(2) to ensure the consistent high quality of the programs through ongoing review, evaluation, and provision of technical assistance;

"(3) to support and promote the establishment of programs to disseminate information on effective practices and research findings about the teaching of writing; and

"(4) to coordinate activities assisted under this part with other activities assisted under this Act.

"SEC. 2302. NATIONAL WRITING PROJECT.

"(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (referred to in this section as the 'grantee'), a nonprofit educational organization that has, as the primary purpose of the organization, the improvement of the quality of student writing and learning, to support the establishment and operation of teacher training programs to improve the teaching and uses of writing for learning in the Nation's classrooms.

"(b) REQUIREMENTS OF GRANT.—The grant agreement for the grant shall provide that—

"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (referred to individually in this section as a 'contractor') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of establishing and operating teacher training programs concerning effective approaches and processes for the teaching of writing;

"(2) funds made available by the Secretary to the grantee under this section will be used to pay for the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

"(c) TEACHER TRAINING PROGRAMS.—In operating a teacher training program authorized in subsection (a), a contractor shall—

"(1) conduct the program during the school year and during the summer months;

"(2) train teachers who teach kindergarten, grades 1 through 12, and college;

"(3) select teachers to become members of a National Writing Project teacher network, for which each member will conduct writing workshops for other teachers in the area served by a National Writing Project site; and

"(4) encourage teachers from all disciplines to participate in such a teacher training program.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—In this section, except as provided in paragraph (2) or (3), the term 'Federal share' means, with respect to the cost of establishing and operating teacher training programs authorized in subsection (a), 50 percent of such cost to the contractor.

"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

"(3) MAXIMUM.—The Federal share of the cost described in subsection (b) may not exceed $100,000 for any 1 contractor, or $200,000 for a statewide program administered by any 1 contractor in at least 5 sites throughout the State.

"(e) NATIONAL ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

"(A) national educational leaders;

"(B) leaders in the field of writing; and

"(C) such other individuals as the National Writing Project determines to be necessary.

"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

"(B) review the activities and programs of the National Writing Project; and

"(C) support the continued development of the National Writing Project.

"(f) TEACHER TRAINING EVALUATION.—

"(1) IN GENERAL.—

"(A) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this section in accordance with part B of title X. In conducting the evaluation, the Secretary shall determine the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs.

"(B) REPORT.—The Secretary shall submit a report containing the results of such evaluation, including the amount determined by the Secretary under subparagraph (A), to the appropriate committees of Congress.

"(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2001 and the 4 subsequent fiscal years to conduct the evaluation described in paragraph (1).

"(g) APPLICATION REVIEW.—

"(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

"(A) leaders in the field of research in writing; and

"(B) such other individuals as the National Writing Project determines to be necessary.

"(2) DUTIES.—The National Review Board shall—

"(A) review all applications for assistance submitted under this section; and

"(B) recommend applications for assistance submitted under this section for funding by the National Writing Project.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.".

SEC. 205. GENERAL PROVISIONS.

Title II (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part G; and

(2) by repealing sections 2401 and 2402 and inserting the following:

"SEC. 2601. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OR LICENSING OF TEACHERS.

"(a) PROHIBITION ON MANDATORY TESTING, CERTIFICATION, OR LICENSING.—Notwithstanding any other provision of law, the Secretary may not use Federal funds to plan, develop, implement, or administer any mandatory national teacher test or mandatory method of certification or licensing.

"(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary may not withhold funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher certification or licensing.

"SEC. 2602. HOME SCHOOLS.

"Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether a home school is treated as a private school or home school under the law of the State involved, except that the Secretary may require that funds provided to a school under this title be used for the purposes described in this title. This section shall not be construed to bar private, religious, or home schools from participating in or receiving programs or services under this title.".

SEC. 206. NEW CENTURY PROGRAM AND DIGITAL EDUCATION CONTENT COLLABORATIVE.

Title II is amended by inserting before part G (20 U.S.C. 6701 et seq.) the following:

"PART E—THE NEW CENTURY PROGRAM FOR DISTRIBUTED TEACHER PROFESSIONAL DEVELOPMENT

"SEC. 2401. PROJECT AUTHORIZED.

"(a) PURPOSE.—It is the purpose of this part to carry out a program designed to assist elementary school and secondary school teachers in preparing all students for achieving State content standards.

"(b) GRANTS.—The Secretary may make a grant to a nonprofit telecommunications entity, or a partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas to achieve the purpose described in subsection (a).

"SEC. 2402. APPLICATION.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

"(2) provide an assurance that the project for which the assistance is being sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State, or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the relevant subject areas;

"(3) provide an assurance that a significant portion of the benefits available for elementary schools and secondary schools from the project for which the assistance is being sought will be available to schools of local educational agencies which have a high percentage of children counted under section 1124(c); and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) APPROVAL, NUMBER OF SITES.—In approving applications under this section, the Secretary shall ensure that the program authorized by this part is conducted at elementary school and secondary school sites in at least 15 States.

"SEC. 2403. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.

"PART F—DIGITAL EDUCATION CONTENT COLLABORATIVE

"SEC. 2501. DIGITAL EDUCATION CONTENT COLLABORATIVE.

"(a) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 2502(b) to develop, produce, and distribute educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State standards.

"(b) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

"SEC. 2502. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under this part to eligible entities to facilitate the development of educational programming that shall—

"(1) include student assessment tools to provide feedback on student performance;

"(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

"(3) be created for, or adaptable to, State content standards; and

"(4) be capable of distribution through digital broadcasting and school digital networks.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under section 2501(a), an entity shall be a local public telecommunications entity as defined in section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

"(c) COMPETITIVE BASIS.—Grants, contracts, or cooperative agreements under this part shall be awarded on a competitive basis as determined by the Secretary.

"(d) DURATION.—Each grant, contract, or cooperative agreement under this part shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

"SEC. 2503. APPLICATIONS.

"Each eligible entity desiring a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 2504. MATCHING REQUIREMENT.

"An eligible entity receiving a grant, contract, or cooperative agreement under this part shall contribute to the activities assisted under this part non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant, contract, or cooperative agreement. Non-Federal funds may include funds provided from a non-Federal source for the transition to digital broadcasting, as well as in-kind contributions.

"SEC. 2505. ADMINISTRATIVE COSTS.

"With respect to the implementation of this part, entities receiving a grant, contract, or cooperative agreement under this part may use not more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant.

"SEC. 2506. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.".

SEC. 207. CONFORMING AMENDMENTS.

(a) ED-FLEX PROGRAMS.—Section 4(b)(2) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(2)) is amended by striking "Part B of title II" and inserting "Subparts 1, 2, and 3 of part A of title II".

(b) WAIVER AUTHORITY OF SECRETARY OF EDUCATION.—Section 502(b)(2) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6212(b)(2)) is amended by striking "part A of title II" and inserting "subpart 4 of part A of title II".

TITLE III—ENRICHMENT INITIATIVES

SEC. 301. ENRICHMENT INITIATIVES.

Title III (20 U.S.C. 6801 et seq.) is amended to read as follows:

"TITLE III—ENRICHMENT INITIATIVES

"PART A—21ST CENTURY COMMUNITY LEARNING CENTERS

"SEC. 3101. SHORT TITLE.

"This part may be cited as the "21st Century Community Learning Centers Act".

"SEC. 3102. PURPOSE.

It is the purpose of this part—

"(1) to provide local public schools with the opportunity to serve as centers for the delivery of education and human resources for all members of communities;

"(2) to enable public schools, primarily in rural and inner city communities, to collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, to meet the needs of, and expand the opportunities available to, the residents of the communities served by such schools;

"(3) to use school facilities, equipment, and resources so that communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

"(4) to enable schools to become centers of lifelong learning; and

"(5) to enable schools to provide educational opportunities for individuals of all ages.

"SEC. 3103. PROGRAM AUTHORIZATION.

"(a) GRANTS BY THE SECRETARY.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to rural and inner-city public elementary or secondary schools, or consortia of such schools, to enable such schools or consortia to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

"(b) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 3 years.

"(d) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $35,000.

"SEC. 3104. APPLICATION REQUIRED.

"(a) APPLICATION.—To be eligible to receive a grant under this part, an elementary or secondary school or consortium shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably prescribe. Each such application shall include—

"(1) a comprehensive local plan that enables the school or consortium to serve as a center for the delivery of education and human resources for members of a community;

"(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs; and

"(3) a description of the proposed project, including—

"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

"(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

"(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school or consortium will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

"(E) an assurance that the school or consortium will establish a facility utilization policy that specifically states—

"(i) the rules and regulations applicable to building and equipment use; and

"(ii) supervision guidelines.

"(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services which address the needs of the community.

"SEC. 3105. USES OF FUNDS.

"Grants awarded under this part may be used to plan, implement, or expand community learning centers which include not less than four of the following activities:

"(1) Literacy education programs.

"(2) Senior citizen programs.

"(3) Children's day care services.

"(4) Integrated education, health, social service, recreational, or cultural programs.

"(5) Summer and weekend school programs in conjunction with recreation programs.

"(6) Nutrition and health programs.

"(7) Expanded library service hours to serve community needs.

"(8) Telecommunications and technology education programs for individuals of all ages.

"(9) Parenting skills education programs.

"(10) Support and training for child day care providers.

"(11) Employment counseling, training, and placement.

"(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

"(13) Services for individuals with disabilities.

"SEC. 3106. DEFINITION.

"For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—

"(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

"(2) is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, institutions of higher education, community colleges, and cultural, recreational, and other community and human service entities.

"SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $500,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"PART B—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

"Subpart 1—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

"SEC. 3321. PURPOSE; PROGRAM AUTHORIZED.

"(a) PURPOSE.—It is the purpose of this subpart—

"(1) to improve educational services for children in local and State institutions for neglected *or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State are expected to meet;*

"(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(b) Program Authorized.—In order to carry out the purpose of this subpart the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 3322. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

"(a) Agency Subgrants.—Based on the allocation amount computed under section 3332, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies under chapter 1.

"(b) Local Subgrants.—Each State shall retain, for purposes of carrying out chapter 2, funds generated throughout the State under part A of title I based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"Chapter 1—State Agency Programs

"SEC. 3331. ELIGIBILITY.

"A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children and youth;

"(2) attending community day programs for neglected or delinquent children and youth; or

"(3) in adult correctional institutions.

"SEC. 3332. ALLOCATION OF FUNDS.

"(a) Subgrants to State Agencies.—

"(1) In general.—Each State agency described in section 3331 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 3331 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children and youth; or

"(II) in community day programs for neglected or delinquent children and youth; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) Special rule.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

"(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) Subgrants to State Agencies in Puerto Rico.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this subpart shall be equal to—

"(1) the number of children and youth counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) Ratable Reductions in Case of Insufficient Appropriations.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"SEC. 3333. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

"SEC. 3334. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) State Plan.—

"(1) In general.—Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children and youth and, where applicable, children and youth at risk of dropping out of school, that is integrated with other programs under this Act, or other Acts, as appropriate, consistent with section 6506.

"(2) Contents.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 3351;

"(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(3) Duration of the plan.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

"(b) Secretarial Approval; Peer Review.—

"(1) In general.—The Secretary shall approve each State plan that meets the requirements of this subpart.

"(2) Peer review.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) State Agency Applications.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111 to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional institutions, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 3336 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 10201 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained the fiscal effort required of a local educational agency, in accordance with section 10101;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how appropriate professional development will be provided to teachers and other staff;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating children and youth;

"(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if the youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or its recognized equivalent if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to children and youth, such as career counseling, and assistance in securing student loans and grants; and

"(18) provides assurances that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

"SEC. 3335. USE OF FUNDS.

"(a) USES.—

"(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

"(A) are consistent with the State plan under section 3334(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

"(2) PROGRAMS AND PROJECTS.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 3336, are provided to children and youth identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

"(iii) afford such children and youth an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1120A and part F of title I; and

"(D) may include the costs of meeting the evaluation requirements of section 10201.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

"SEC. 3336. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;,

"(3) describes the steps the State agency has taken, or will take, to provide all youth under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the youths will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"SEC. 3337. THREE-YEAR PROGRAMS OR PROJECTS.

"If a State agency operates a program or project under this chapter in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this subpart for a period of not more than three years.

"SEC. 3338. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this chapter for any fiscal year to support projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children and youth in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Chapter 2—Local Agency Programs

"SEC. 3341. PURPOSE.

"The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities to—

"(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

"(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

"(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

"SEC. 3342. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds made available under section 3322(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in community day programs).

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

"(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

"SEC. 3343. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"Eligible local educational agencies desiring assistance under this chapter shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

"(1) a description of the program to be assisted;

"(2) a description of formal agreements between—

"(A) the local educational agency; and

"(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

"(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will coordinate existing educational programs to meet unique education needs;

"(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Investment Act of 1998 and vocational education programs serving at-risk youth;

"(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

"(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"SEC. 3344. USES OF FUNDS.

"Funds provided to local educational agencies under this chapter may be used, where appropriate, for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"SEC. 3345. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

"Each correctional facility having an agreement with a local educational agency under section 3343(2) to provide services to youth under this chapter shall—

"(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

"(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage youth who have dropped out of school to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

"(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

"(6) ensure educational programs in correctional facilities are related to assisting students to meet high educational standards;

"(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

"(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under title I of the Workforce Investment Act of 1998, and vocational education funds;

"(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"SEC. 3346. ACCOUNTABILITY.

"The State educational agency may—

"(1) reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

"Chapter 3—General Provisions

"SEC. 3351. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

"SEC. 3352. DEFINITIONS.

"In this subpart:

"(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) AT-RISK YOUTH.—The term 'at-risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

"(3) COMMUNITY DAY PROGRAM.—The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

"(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term 'institution for neglected or delinquent children and youth' means—

"(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

"(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"SEC. 3353. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $42,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"PART C—GIFTED AND TALENTED CHILDREN

"SEC. 3401. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act'.

"SEC. 3402. STATEMENT OF PURPOSE.

"(a) PURPOSE.—The purpose of this part is—

"(1) to provide grants to State educational agencies and local public schools for the support of programs, classes, and other services designed to meet the needs of the Nation's gifted and talented students in elementary schools and secondary schools;

"(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

"(3) to supplement and make more effective the expenditure of State and local funds for the education of gifted and talented students.

"SEC. 3403. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational setting where appropriate.

"SEC. 3404. AUTHORIZATION OF APPROPRIATIONS; TRIGGER.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $155,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) TRIGGER.—Notwithstanding any other provision of this part, if the amount appropriated under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall use such amount to carry out part B of title X (as such part was in effect on the day before the date of enactment of the Educational Opportunities Act).

"SEC. 3405. ALLOTMENT TO STATES.

"(a) RESERVATION.—From the funds appropriated under section 3404(a) for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas to be allotted to the outlying areas in accordance with their respective needs for assistance under this part.

"(b) ALLOTMENT.—From the funds appropriated under section 3404(a) that are not reserved under subsection (a), the Secretary shall allot to each State an amount that bears the same relation to the funds as the school-age population of the State bears to the school-age population of all States, except that no State shall receive an allotment that is less than 0.50 percent of the funds.

"(c) GRANDFATHER CLAUSE.—If the amount appropriated under section 3404(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under part B of title X (as such part was in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the grant or contract award.

"SEC. 3406. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part

shall submit to the Secretary an application that—

"(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

"(2) contains an assurance of the State educational agency's ability to provide matching funds for the activities to be assisted under this part in an amount equal to not less than 20 percent of the grant funds to be received, provided in cash or in-kind;

"(3) provides for a biennial submission of data regarding the use of funds under this part, the types of services furnished under this part, and how the services impacted the individuals assisted under this part;

"(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities under this Act);

"(5) contains an assurance that there is compliance with the requirements of this part; and

"(6) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

"(b) DURATION AND AMENDMENTS.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years.

"SEC. 3407. STATE USES OF FUNDS.

"(a) IN GENERAL.—A State educational agency shall not use more than 10 percent of the funds made available under this part for—

"(1) establishment and implementation of a peer review process for grant applications under this part;

"(2) supervision of the awarding of funds to local educational agencies or consortia thereof to support gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency and such students with disabilities;

"(3) planning, supervision, and processing of funds made available under this section;

"(4) monitoring, evaluation, and dissemination of programs and activities assisted under this part, including the submission of an annual report to the Secretary that describes the number of students served and the education activities assisted under the grant;

"(5) providing technical assistance under this part; and

"(6) supplementing, but not supplanting, the amount of State and local funds expended for the education of, and related services provided for, the education of gifted and talented students.

"(b) PARENTAL SUPPORT.—A State educational agency shall not use more than 2 percent of the funds made available under this part for providing information, education, and support to parents of gifted and talented children to enhance the parents' ability to participate in decisions regarding their children's educational programs.

"SEC. 3408. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.

"(a) GRANT COMPETITION.—A State educational agency shall use not less than 88 percent of the funds made available under this part to award grants, on a competitive basis, to local educational agencies or consortia thereof to support programs, classes, and other services designed to meet the needs of gifted and talented students.

"(b) SIZE OF GRANT.—A State educational agency shall award a grant under this part for any fiscal year in an amount sufficient to meet the needs of the students to be served under the grant.

"SEC. 3409. LOCAL APPLICATION REQUIREMENTS.

"(a) APPLICATION.—To be eligible to receive a grant under this part the local educational agency or consortium shall submit an application to the State educational agency.

"(b) CONTENTS.—Each such application shall include—

"(1) an assurance that the funds received under this part will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency, and such students with disabilities;

"(2) a description of how the local educational agency or consortium will meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students.

"SEC. 3410. LOCAL USES OF FUNDS.

"Grants awarded under this part shall be used by local educational agencies or consortia to carry out 1 or more of the following activities to benefit gifted and talented students:

"(1) PROFESSIONAL DEVELOPMENT PROGRAMS.—Developing and implementing programs to address State and local needs for inservice training activities for general educators, specialists in gifted and talented education, administrators, school counselors, or other school personnel.

"(2) IDENTIFICATION OF STUDENTS.—Delivery of services to gifted and talented students who may not be identified and served through traditional assessment methods, including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities.

"(3) MODEL PROJECTS.—Supporting and implementing innovative strategies such as cooperative learning, service learning, peer tutoring, independent study, and adapted curriculum used by schools or consortia.

"(4) EMERGING TECHNOLOGIES.—Assisting schools or consortia of schools, that do not have the resources to otherwise provide gifted and talented courses, to provide the courses through new and emerging technologies, including distance learning curriculum packages, except that funds under this part shall not be used for the purchase or upgrading of technological hardware.

"SEC. 3411. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

"In awarding grants under this part the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private, nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"SEC. 3412. ESTABLISHMENT OF NATIONAL CENTER.

"(a) PURPOSE.—The purposes of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth are—

"(1) to develop, disseminate, and evaluate model projects and activities for serving gifted and talented students;

"(2) to conduct research regarding innovative methods for identifying and educating gifted and talented students; and

"(3) to provide technical assistance programs that will further the education of gifted and talented students, including how gifted and talented programs, where appropriate, may be adapted for use by all students.

"(b) CENTER ESTABLISHED.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with 1 or more institutions of higher education, State educational agencies, or a consortia of such institutions and agencies.

"(c) DIRECTOR.—The National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, and State educational agencies or local educational agencies.

"(d) GRANDFATHER CLAUSE.—If the amount appropriated under section 3404(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under section 10204(c) (as such section was in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the grant or contract award.

"(e) FUNDING.—The Secretary may use not more than 30 percent of the funds made available under section 3404(a) for any fiscal year to carry out this section.

"PART D—ARTS IN EDUCATION

"Subpart 1—Arts Education

"SEC. 3511. SUPPORT FOR ARTS EDUCATION.

"(a) PURPOSES.—The purposes of this subpart are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts;

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the America's Education Goals;

"(4) support model partnership programs between schools and nonprofit cultural organizations designed to contribute to overall achievement for students and complement curriculum-based arts instruction in the classroom; and

"(5) support projects and programs in the performing arts through arrangements with the John F. Kennedy Center for the Performing Arts, and support model projects and programs that assure the participation in the arts and education programs for individuals with disabilities through VSA Arts.

"(b) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(c) AUTHORIZED ACTIVITIES.—Funds under this subpart may be used for—

"(1) the development and dissemination of model arts education programs or model arts education assessments based on high standards;

"(2) the development and implementation of curriculum frameworks for arts education;

"(3) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(4) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art;

"(5) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(6) supporting model projects and programs by VSA Arts that assure the participation in mainstream settings in arts and education programs of individuals with disabilities; and

"(7) supporting collaborative projects between schools, and nonprofit cultural organizations with expertise in music, dance, literature, theater and the visual arts, for model school arts programs.

"(d) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this subpart, to the extent possible, shall coordinate projects assisted under this subpart with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this subpart, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

"(e) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $10,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (5) and (6) of subsection (c).

"Subpart 2—Cultural Partnerships for At-Risk Youth

"SEC. 3521. PURPOSE.

"The purpose of this subpart is to award grants to eligible entities to improve the educational performance and potential of at-risk youth by providing comprehensive and coordinated educational and cultural services.

"SEC. 3522. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in section 3523.

"(b) SPECIAL REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this subpart only to eligible entities carrying out programs designed to—

"(A) promote and enhance educational and cultural activities;

"(B) provide multiyear services to at-risk youth and to integrate community cultural resources into in-school and after-school educational programs;

"(C) provide integration of community cultural resources into the regular curriculum and school day;

"(D) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk youth;

"(E) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part C of the Individuals with Disabilities Education Act;

"(F) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education and employment through educational programs and activities that utilize school resources;

"(G) increase parental and community involvement in the educational, social, and cultural development of at-risk youth; or

"(H)(i) develop programs and strategies that provide high-quality coordinated educational and cultural services; and

"(ii) provide a model to replicate such services in other schools and communities.

"(2) PARTNERSHIP.—An interagency partnership comprised of the Secretary, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum and Library Services, or their designees, shall establish criteria and procedures for awarding grants, including the establishment of panels to review the applications, and shall administer the grants program authorized by this section. The Secretary shall publish such criteria and procedures in the Federal Register.

"(3) COORDINATION.—Grants may only be awarded under this subpart to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this subpart, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

"(4) ELIGIBLE ENTITIES.—For purposes of this subpart, the term 'eligible entity' means a partnership between or among—

"(A)(i) one or more local educational agencies; or

"(ii) one or more individual schools that are eligible to participate in a schoolwide program under section 1114; and

"(B) at least 1 institution of higher education, museum, local arts agency, or nonprofit cultural organization or institution with expertise in music, dance, theater, creative writing, or visual arts, that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—

"(i) nonprofit institutions of higher education, museums, libraries, performing, presenting and exhibiting arts organizations, literary arts organizations, State and local arts organizations, cultural institutions, and zoological and botanical organizations; or

"(ii) private for-profit entities with a history of training youth in the arts.

"(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart the Secretary, to the extent feasible, shall ensure an equitable geographic distribution of the grants.

"(6) DURATION.—Grants made under this subpart may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in the application.

"(7) MODELS.—The Secretary, in consultation with the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum and Library Services, or their designees, shall submit successful models developed under this subpart to the National Diffusion Network for review.

"(c) TARGET POPULATION.—To be eligible for a grant under this subpart an eligible entity shall support activities under this part that serve—

"(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;

"(2) out-of-school at-risk youth; or

"(3) a combination of in-school and out-of-school at-risk youth.

"SEC. 3523. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Grants awarded under this subpart may be used—

"(1) to develop, acquire, implement, and expand school-based coordinated educational and cultural programs to strengthen the educational performance and potential of in-school or out-of-school at-risk youth through grants, cooperative agreements or contracts, or through the provision of services;

"(2) to provide at-risk youth with integrated cultural activities designed to improve academic achievement and the transition of such students to all levels of education from prekindergarten to secondary school and beyond;

"(3) to work with school personnel on staff development activities that—

(A) encourage the integration of arts into the curriculum; and

(B) to the greatest extent practicable, are tied to challenging State content standards and challenging State student performance standards;

"(4) for cultural programs that encourage the active participation of parents in the education of their children; and

"(5) for assistance that allows local artists to work with at-risk youth in schools.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) in the case of each local educational agency or school participating in the partnership, describe how the activities assisted under this subpart will be perpetuated beyond the duration of the grant;

"(F) describe the manner in which the eligible entity will improve the educational achievement or potential of at-risk youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program;

"(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site; and

"(I) describe training that will be provided to individuals who are not trained to work with youth, and how teachers will be involved.

"SEC. 3524. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

"(a) PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall pay to each eligible recipient having an application approved under section 3523(b) the Federal share of the cost of the activities described in the application.

"(2) SPECIAL RULE.—

"(A) IN GENERAL.—Grants awarded under this subpart shall be of sufficient size, scope, and quality to be effective.

"(B) NONDUPLICATION.—The Secretary shall award grants under this subpart so as to ensure nonduplication of services provided by grant recipients and services provided by—

"(i) the National Endowment for the Humanities;

"(ii) the National Endowment for the Arts; and

"(iii) the Institute of Museum and Library Services.

"(b) COST SHARE.—

"(1) FEDERAL SHARE.—The Federal share of the cost of activities assisted under a grant under this subpart shall be 80 percent of the cost of carrying out the activities.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities assisted under a grant under this subpart shall be 20 percent of the cost of carrying out the activities, and may be provided in cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.

"(c) LIMITATIONS.—

"(1) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to *supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this subpart, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.*

''(2) EVALUATION; REPLICATION; ADMINISTRATIVE COSTS.—

''(A) SECRETARY.—The Secretary may reserve not more than 5 percent of the grant funds received under this subpart in each fiscal year for the costs of evaluation and replication of programs funded under this subpart.

''(B) ELIGIBLE RECIPIENTS.—Each eligible recipient may reserve not more than 5 percent of any grant funds received under this subpart in each fiscal year for the costs of administration, including review and evaluation of each program assisted under this subpart.

"SEC. 3525. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart, $45,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART E—ADVANCED PLACEMENT PROGRAMS

"SEC. 3601. SHORT TITLE.

''This part may be cited as the 'Access to High Standards Act'.

"SEC. 3602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

''(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

''(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

''(4) advanced placement programs already are providing 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching over 1,000,000 students (of whom 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at over 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

''(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that all public secondary schools offer advanced placement courses, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their public universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

''(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards for both students participating in such programs and other children taught by teachers who are involved in advanced placement courses, and shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

''(b) PURPOSES.—The purposes of this part are—

''(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

''(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

''(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

''(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school district, while also increasing and diversifying student participation in the programs;

''(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

''(6) to provide greater access to advanced placement courses for low-income and other disadvantaged students;

''(7) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded; and

''(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees.

"SEC. 3603. FUNDING DISTRIBUTION RULE.

''From amounts appropriated under section 3608 for a fiscal year, the Secretary shall give first priority to funding activities under section 3606, and shall distribute any remaining funds not so applied according to the following ratio:

''(1) Seventy percent of the remaining funds shall be available to carry out section 3604.

''(2) Thirty percent of the remaining funds shall be available to carry out section 3605.

"SEC. 3604. ADVANCED PLACEMENT PROGRAM GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under section 3608 and made available under section 3603(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (c).

''(2) DURATION AND PAYMENTS.—

''(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

''(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

''(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency, or a local educational agency, in the State,

''(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

''(1) a pervasive need for access to advanced placement incentive programs;

''(2) the involvement of business and community organizations in the activities to be assisted;

''(3) the availability of matching funds from State or local sources to pay for the cost of activities to be assisted;

''(4) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

''(5)(A) in the case of an eligible entity that is a State educational agency, the State educational agency carries out programs in the State that target—

''(i) local educational agencies serving schools with a high concentration of low-income students; or

''(ii) schools with a high concentration of low-income students; or

''(B) in the case of an eligible entity that is a local educational agency, the local educational agency serves schools with a high concentration of low-income students.

''(c) AUTHORIZED ACTIVITIES.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

''(1) teacher training;

''(2) preadvanced placement course development;

''(3) curriculum coordination and articulation between grade levels that prepare students for advanced placement courses;

''(4) curriculum development;

''(5) books and supplies; and

''(6) any other activity directly related to expanding access to and participation in advanced placement incentive programs particularly for low-income individuals.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(e) DATA COLLECTION AND REPORTING.—

''(1) DATA COLLECTION.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

''(A) the number of students taking advanced placement courses who are served by the eligible entity;

''(B) the number of advanced placement tests taken by students served by the eligible entity;

''(C) the scores on the advanced placement tests; and

''(D) demographic information regarding individuals taking the advanced placement courses and tests disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

''(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

"SEC. 3605. ON-LINE ADVANCED PLACEMENT COURSES.

''(a) GRANTS AUTHORIZED.—From amounts appropriated under section 3608 and made available under section 3603(2) for a fiscal year, the Secretary shall award grants to State educational agencies to enable such agencies to award grants to local educational agencies to provide students with on-line advanced placement courses.

''(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) AWARD BASIS.—The Secretary shall award grants under this section on a competitive basis.

''(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving

a grant award under subsection (b) shall award grants to local educational agencies within the State to carry out activities described in subsection (e). In awarding grants under this subsection, the State educational agency shall give priority to local educational agencies that—

"(1) serve high concentrations of low-income students;

"(2) serve rural areas; and

"(3) the State educational agency determines would not have access to on-line advanced placement courses without assistance provided under this section.

"(d) CONTRACTS.—A local educational agency that receives a grant under this section may enter into a contract with a nonprofit or for-profit organization to provide the on-line advanced placement courses, including contracting for necessary support services.

"(e) USES.—Grant funds provided under this section may be used to purchase the on-line curriculum, to train teachers with respect to the use of on-line curriculum, or to purchase course materials.

"SEC. 3606. ADVANCED PLACEMENT INCENTIVE PROGRAM.

"(a) GRANTS AUTHORIZED.—From amounts appropriated under section 3608 and made available under section 3603 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under subsection (c) to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

"(1) are enrolled in an advanced placement class; and

"(2) plan to take an advanced placement test.

"(b) AWARD BASIS.—In determining the amount of the grant awarded to each State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

"(c) INFORMATION DISSEMINATION.—A State educational agency shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

"(d) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

"(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds made available under this section;

"(2) provide an assurance that any grant funds received under this section, other than funds used in accordance with subsection (e), shall be used only to pay for advanced placement test fees; and

"(3) contain such information as the Secretary may require to demonstrate that the State will ensure that a student is eligible for payments under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).

"(e) ADDITIONAL USES OF FUNDS.—If each eligible low-income individual in a State pays not more than a nominal fee to take an advanced placement test in a core subject, then a State educational agency may use grant funds made available under this section that remain after advanced placement test fees have been paid on behalf of all eligible low-income individuals in the State, for activities directly related to increasing—

"(1) the enrollment of low-income individuals in advanced placement courses;

"(2) the participation of low-income individuals in advanced placement courses; and

"(3) the availability of advanced placement courses in schools serving high-poverty areas.

"(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall supplement, and not supplant, other non-federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

"(h) REPORT.—Each State educational agency annually shall report to the Secretary information regarding—

"(1) the number of low-income individuals in the State who received assistance under this section; and

"(2) any activities carried out pursuant to subsection (e).

"(i) DEFINITIONS.—In this section:

"(1) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' includes only an advanced placement test approved by the Secretary for the purposes of this section.

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given the term in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)).

"SEC. 3607. DEFINITIONS.

"In this part:

"(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term 'advanced placement incentive program' means a program that provides advanced placement activities and services to low-income individuals.

"(2) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' means an advanced placement test administered by the College Board or approved by the Secretary.

"(3) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term 'high concentration of low-income students', used with respect to a State educational agency, local educational agency or school, means an agency or school, as the case may be, that serves a student population 40 percent or more of whom are from families with incomes below the poverty level, as determined in the same manner as the determination is made under section 1124(c)(2).

"(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means, other than for purposes of section 3606, a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)) who is academically prepared to take successfully an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

"(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 302. DISSEMINATION OF ADVANCED PLACEMENT INFORMATION.

Each institution of higher education receiving Federal funds for research or for programs assisted under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)—

(1) shall distribute to secondary school counselors or advanced placement coordinators in the State information with respect to the amount and type of academic credit provided to students at the institution of higher education for advanced placement test scores; and

(2) shall standardize, not later than 4 years after the date of enactment of this Act, the form and manner in which the information described in subparagraph (1) is disseminated by the various departments, offices, or other divisions of the institution of higher education.

SEC. 303. TECHNICAL AND CONFORMING AMENDMENTS.

Section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b) is amended—

(1) in subsection (b)(3), by striking "Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act)" and inserting "Subpart 2 of part A of title V of the Elementary and Secondary Education Act of 1965 (other than section 5136 of such Act)"; and

(2) in subsection (d)(4), by striking "subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act)" and inserting "subpart 2 of part A of title V of the Elementary and Secondary Education Act of 1965 (other than section 5136 of such Act)".

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 401. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"PART A—STATE GRANTS

"SEC. 4001. SHORT TITLE.

"This part may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

"Congress makes the following findings:

"(1) Every student should attend a school in a drug- and violence-free learning environment.

"(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly inpedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(4) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

"(5) Research clearly shows that community contexts contribute to substance abuse and violence.

"(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

"(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

"SEC. 4003. PURPOSE.

"The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities; and

"(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth

"SEC. 4004. FUNDING.

"There are authorized to be appropriated—

"(1) $700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under subpart 1;

"(2) $150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under subpart 2; and

"(3) $75,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the National Coordinator Initiative under section 4122.

"Subpart 1—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4111. RESERVATIONS AND ALLOTMENTS.

"(a) Reservations.—From the amount made available under section 4004(1) to carry out this subpart for each fiscal year, the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) may reserve not more than $2,000,000 for the national impact evaluation required by section 4117(a); and

"(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

"(b) State Allotments.—

"(1) In general.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

"(2) Minimum.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) Reallotment.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

"(4) Definitions.—In this subsection:

"(A) State.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) Local educational agency.—The term 'local educational agency' includes educational service agencies and consortia of such agencies.

"(c) Limitation.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4004(1) for the previous fiscal year.

"SEC. 4112. STATE APPLICATIONS.

"(a) In General.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

"(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

"(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

"(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organization, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

"(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

"(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

"(A) be focused on student behavior and attitudes and be derived from the needs assessment;

"(B) include targets and due dates for the attainment of such performance measures; and

"(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

"(8) includes any other information the Secretary may require.

"(b) State Educational Agency Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

"(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116

"(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

"(3) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

"(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

"(c) Governor's Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

"(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

"(4) a description of the special outreach activities that will be carried out to maximize the *participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;*

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

"(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2000 a 1-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 2000 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

"(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective research-based programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention, including service-learning projects;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

"(G) the evaluation of activities carried out within the State under this part.

"(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—

"(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

"(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2) DISTRIBUTION.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

"(A) ENROLLMENT AND COMBINATION APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

"(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

"(I) to each local educational agency in an amount determined appropriate by the State education agency; or

"(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

"(B) COMPETITIVE AND NEED APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

"(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this subpart; and

"(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local education agencies that the State agency determines have a need for additional funds to carry out the program authorized under this subpart.

"(3) CONSIDERATION OF OBJECTIVE DATA.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

"(A) high or increasing rates of alcohol or drug use among youth;

"(B) high or increasing rates of victimization of youth by violence and crime;

"(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(D) the extent of illegal gang activity;

"(E) high or increasing incidence of violence associated with prejudice and intolerance;

"(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(G) high or increasing rates of referrals of youths to juvenile court;

"(H) high or increasing rates of expulsions and suspensions of students from schools;

"(I) high or increasing rates of reported cases of child abuse and domestic violence; and

"(J) high or increasing rates of drug related emergencies or deaths.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

"(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

"(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

"(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

"(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

"(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

"(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

"(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

"SEC. 4114. GOVERNOR'S PROGRAMS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

"(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

"(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities;

"(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in schools and communities in the State;

"(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

"(A) a specification of the objectively measurable goals, objectives, and activities for the program;

"(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

"(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved; and

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

“(c) PROGRAMS AUTHORIZED.—

“(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

“(A) children and youth who are not normally served by State or local educational agencies; or

“(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

“(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

“(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

“(1) disseminating information about drug and violence prevention;

“(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

“(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, service-learning, mentoring, and other appropriate services;

“(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

“(5) activities to protect students traveling to and from school;

“(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

“(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

“(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

“(9) developing and implementing strategies to prevent illegal gang activity;

“(10) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

“(11) service-learning projects that encourage drug- and violence-free lifestyles;

“(12) evaluating programs and activities assisted under this section;

“(13) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence; and

“(14) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies.

“SEC. 4115. LOCAL APPLICATIONS.

“(a) APPLICATION REQUIRED.—

“(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency’s program.

“(2) DEVELOPMENT.—

“(A) CONSULTATION.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

“(B) DUTIES OF ADVISORY COUNCIL.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

“(i) disseminate information about research-based drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

“(ii) advise the local educational agency regarding how best to coordinate such agency’s activities under this subpart with other related programs, projects, and activities;

“(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this subpart; and

“(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency’s drug and violence prevention programs.

“(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant’s drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

“(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

“(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

“(ii) specific reductions in the prevalence of identified risk factors;

“(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

“(iv) other research-based goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

“(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved;

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

“(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

“(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

“(B) security procedures at school and while students are on the way to and from school;

“(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

“(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

“(7) such other information and assurances as the State educational agency may reasonably require.

“(c) REVIEW OF APPLICATION.—

“(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

“(2) CONSIDERATIONS.—

“(A) IN GENERAL.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency’s comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements research-based programs that have been shown to be effective and meet identified needs.

“(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

“SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

“(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

“(1) be designed, for all students and school employees, to—

“(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

“(B) prevent violence and promote school safety; and

“(C) create a disciplined environment conducive to learning;

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart;

"(3) implement activities which shall only include—

"(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

"(B) the development of measurable goals and objectives;

"(C) the implementation of research-based programs that have been shown to be effective and meet identified goals; and

"(D) an evaluation of program activities; and

"(4) implement prevention programming activities within the context of a research-based prevention framework.

"(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and research-based drug and violence prevention program carried out under this subpart may include—

"(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug or violence prevention;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

"(i) family counseling; and

"(ii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

"(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

"(A) metal detectors;

"(B) electronic locks;

"(C) surveillance cameras; and

"(D) other drug and violence prevention-related equipment and technologies;

"(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(9) other research-based prevention programming that is—

"(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

"(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

"(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

"(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

"(11) community involvement activities including community mobilization;

"(12) voluntary parental involvement and training;

"(13) the evaluation of any of the activities authorized under this subsection;

"(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

"(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

"(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

"(A) to have responsibility for the safety or well-being of children;

"(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

"(C) to otherwise be employed at all by the local educational agency.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other research-based information.

"SEC. 4117. EVALUATION AND REPORTING.

"(a) IMPACT EVALUATION.—

"(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

"(A) whether funded community and local education agency programs—

"(i) provided a thorough assessment of the substance abuse and violence problem;

"(ii) used objective data and the knowledge of a wide range of community members;

"(iii) developed measurable goals and objectives; and

"(iv) implemented research-based programs that have been shown to be effective and meet identified needs;

"(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

"(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

"(i) research-based variables that are predictive of drug use or violence;

"(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

"(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

"(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

"(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

"(2) DATA COLLECTION.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence in elementary and secondary schools in the States.

"(3) BIENNIAL REPORT.—Not later than January 1, 2002, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence *and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).*

"(b) STATE REPORT.—

"(1) IN GENERAL.—By December 1, 2001, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

"(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—

"(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

"(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

"(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

"SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

"(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 4121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

"(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

"(5) program evaluations in accordance with section 10201 that address issues not addressed under section 4117(a);

"(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

"(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

"(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

"(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

"(13) other activities that meet unmet national needs related to the purposes of this title.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. NATIONAL COORDINATOR PROGRAM.

"(a) IN GENERAL.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local education agencies for the hiring of drug prevention and school safety program coordinators.

"(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local education agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

"SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is hereby established an advisory committee to be known as the 'Safe and Drug Free Schools and Communities Advisory Committee' (referred to in this section as the 'Advisory Committee') to—

"(A) consult with the Secretary under subsection (b);

"(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

"(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

"(D) provide technical assistance and training for safe and drug free school- and community-based programs;

"(E) provide for the diffusion of research-based safe and drug free school- and community-based programs; and

"(F) review other regulations and standards developed under this title.

"(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

"(A) the Department of Education,

"(B) the Centers for Disease Control and Prevention;

"(C) the National Institute on Drug Abuse;

"(D) the National Institute on Alcoholism and Alcohol Abuse;

"(E) the Center for Substance Abuse Prevention;

"(F) the Center for Mental Health Services;

"(G) the Office of Juvenile Justice and Delinquency Prevention;

"(H) the Office of National Drug Control Policy; and

"(I) State and local governments, including education agencies.

"(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

"(b) PROGRAMS.—

"(1) IN GENERAL.—From amounts made available under section 4004(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out research-based programs to strengthen the accountability and effectiveness of the State, Governor's, and national programs under this title.

"(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

"(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

"(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

"(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State education agencies and local education agencies to support high quality, effective programs that—

"(i) provide a thorough assessment of the substance abuse and violence problem;

"(ii) utilize objective data and the knowledge of a wide range of community members;

"(iii) develop measurable goals and objectives; and

"(iv) implement research-based activities that have been shown to be effective and that meet identified needs;

‘‘(B) the provision of technical assistance and training to foster program accountability;

‘‘(C) the diffusion and dissemination of best practices and programs;

‘‘(D) the development of core data sets and evaluation tools;

‘‘(E) program evaluations;

‘‘(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the Clearinghouse for Alcohol and Drug Abuse Information established under section 501(d)(16) of the Public Health Service Act; and

‘‘(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

“SEC. 4124. HATE CRIME PREVENTION.

‘‘(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

‘‘(b) USE OF FUNDS.—

‘‘(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

‘‘(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

‘‘(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

‘‘(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

‘‘(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

‘‘(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

‘‘(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

‘‘(A) a request for funds for the purposes described in this section;

‘‘(B) a description of the schools and communities to be served by the grants; and

‘‘(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

‘‘(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

‘‘(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

‘‘(B) a description of the program to be developed or augmented by such Federal and matching funds;

‘‘(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

‘‘(D) proper and efficient administration of such program; and

‘‘(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

‘‘(c) AWARD OF GRANTS.—

‘‘(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

‘‘(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

‘‘(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

‘‘(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

“Subpart 3—General Provisions

“SEC. 4131. DEFINITIONS.

‘‘In this part:

‘‘(1) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

‘‘(2) DRUG AND VIOLENCE PREVENTION.—The term ‘drug and violence prevention’ means—

‘‘(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

‘‘(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

‘‘(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

‘‘(3) HATE CRIME.—The term ‘hate crime’ means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

‘‘(4) NONPROFIT.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

‘‘(5) OBJECTIVELY MEASURABLE GOALS.—The term ‘objectively measurable goals’ means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

‘‘(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

‘‘(7) RISK FACTOR.—The term ‘risk factor’ means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

‘‘(8) SCHOOL-AGED POPULATION.—The term ‘school-aged population’ means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

‘‘(9) SCHOOL PERSONNEL.—The term ‘school personnel’ includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

“SEC. 4132. MATERIALS.

‘‘(a) ‘ILLEGAL AND HARMFUL’ MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

‘‘(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

“SEC. 4133. PROHIBITED USES OF FUNDS.

‘‘No funds under this part may be used for—

‘‘(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

‘‘(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

“SEC. 4134. QUALITY RATING.

‘‘(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

‘‘(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

‘‘(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

‘‘(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

‘‘(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

‘‘(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

‘‘(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

‘‘(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

‘‘(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

‘‘(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

‘‘(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be,

shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.".

SEC. 402. GUN-FREE REQUIREMENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART B—GUN POSSESSION

"SEC. 4201. GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This part may be cited as the "Gun-Free Schools Act of 1994".

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

"(3) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

"(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

"(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the type of weapons concerned.

"(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

"SEC. 4202. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

"(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

"(b) DEFINITIONS.—For the purpose of this section, the terms 'firearm' and 'school' have the meanings given the terms in section 921(a) of title 18, United States Code.".

SEC. 403. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART C—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 4301. SCHOOL SAFETY AND VIOLENCE PREVENTION.

"Notwithstanding any other provision of this title and title VI, funds made available under such titles may be used for—

"(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

"(A) identification of potential threats, such as illegal weapons and explosive devices;

"(B) crisis preparedness and intervention procedures; and

"(C) emergency response;

"(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

"(3) innovative research-based delinquency and violence prevention programs, including—

"(A) school anti-violence programs; and

"(B) mentoring programs;

"(4) comprehensive school security assessments;

"(5) purchase of school security equipment and technologies, such as—

"(A) metal detectors;

"(B) electronic locks; and

"(C) surveillance cameras;

"(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

"(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

"(8) school resource officers, including community policing officers; and

"(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.

"SEC. 4302. SCHOOL UNIFORMS.

"(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

"(b) FUNDING.—Notwithstanding any other provision of law, funds provided under this titles and title VI may be used for establishing a school uniform policy.

"SEC. 4303. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any suspension or expulsion disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of suspension and expulsion disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

"SEC. 4304. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

"(a) REQUIREMENTS.—All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other non-governmental entities shall have printed thereon—

"(1) the following statement: 'This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the United States Secretary of Education.'; and

"(2) the complete address of an office designated by the Secretary to receive comments from members of the public.

"(b) DESIGNATION OF OFFICE.—The office designated by the Secretary under subsection (a)(2) to receive comments shall, every 6 months, prepare an accurate summary of all comments received by the office. Such summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, the Majority and Minority Leaders of the Senate, and the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Such comments shall be retained by the office and shall be made available to any member of the general public upon request.".

SEC. 404. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting "(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon.

SEC. 405. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 406. ENVIRONMENTAL TOBACCO SMOKE.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART D—ENVIRONMENTAL TOBACCO SMOKE

"SEC. 4401. SHORT TITLE.

"This part may be cited as the 'Pro-Children Act of 2000'.

"SEC. 4402. DEFINITIONS.

"As used in this part:

"(1) CHILDREN.—The term 'children' means individuals who have not attained the age of 18.

"(2) CHILDREN'S SERVICES.—The term 'children's services' means the provision on a routine or regular basis of health, day care, education, or library services—

"(A) that are funded, after the date of the enactment of the Educational Opportunities Act, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

"(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

"(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

"(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

"(3) INDOOR FACILITY.—The term 'indoor facility' means a building that is enclosed.

"(4) PERSON.—The term 'person' means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 4403. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

"(a) PROHIBITION.—After the date of the enactment of the Educational Opportunities Act, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

"(b) ADDITIONAL PROHIBITION.—

"(1) IN GENERAL.—After the date of the enactment of the Educational Opportunities Act, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

"(2) EXCEPTION.—Paragraph (1) shall not apply to—

"(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(B) any private residence.

"(c) FEDERAL AGENCIES.—

"(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of the enactment of the Educational Opportunities Act, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

"(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

"(A) IN GENERAL.—After the date of the enactment of the Educational Opportunities Act, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to—

"(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(ii) any private residence.

"(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

"(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of the enactment of the Educational Opportunities Act, whichever occurs first.

"(e) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term 'person', as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

"(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

"(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

"(A) the nature, circumstances, extent, and gravity of the violation;

"(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

"(C) such other matters as justice may require.

"(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

"(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

"(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

"SEC. 4404. PREEMPTION.

"Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.".

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

SEC. 501. EDUCATIONAL OPPORTUNITY INITIATIVES.

The heading for title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES".

PART A—TECHNOLOGY EDUCATION

SEC. 511. TECHNOLOGY EDUCATION.

Part A of title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"PART A—TECHNOLOGY EDUCATION

"SEC. 5111. STATEMENT OF PURPOSE.

"To help all students develop technical and higher-order thinking skills and to achieve challenging State academic content and performance standards, as well as America's Education Goals, it is the purpose of this part to—

"(1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies;

"(2) help ensure access to, and the effective use of, educational technology in all classrooms through the provision of sustained and intensive, high quality professional development that improves the ability of teachers and principals to integrate educational technology effectively into the classroom by actively engaging students, teachers, paraprofessionals, media specialists, principals and superintendents in the use of technology;

"(3) help improve the capability of teachers and other appropriate school personnel to design and construct new learning experiences using technology, and actively engage students in the design and construction;

"(4) support efforts by State Educational Agencies and local educational agencies to create learning environments designed to prepare students to achieve challenging State academic content and performance standard through the use of research based teaching practices and advanced technologies;

"(5) support the provision of technical assistance to State educational agencies, local educational agencies, and communities to help such agencies and communities use technology-based resources and information systems to support school reform and meet the needs of students, teachers and other school personnel;

"(6) support partnerships among business and industry and the education community to realize more rapidly the potential of digital communication to expand the scope of, and opportunities for learning;

"(7) support evaluation and research on the effective use of technology in preparing all students to achieve challenging State academic content and performance standards, and the impact of technology on teaching and learning;

"(8) encourage collaborative relationships among the State agency for higher education, the State library administrative agency, the State telecommunications agency, and the State educational agency, in the area of technology support to strengthen the system of education to ensure that technology is accessible to, and usable by, all students;

"(9) assist every student in crossing the digital divide by ensuring that every child is computer literate by the time the child finishes 8th grade, regardless of the child's race, ethnicity, gender, income, geography, or disability; and

"(10) support the development and use of education technology to enhance and facilitate meaningful parental involvement to improve student learning.

"SEC. 5112. DEFINITIONS.

"In this title:

"(1) ADULT EDUCATION.—The term 'adult education' has the same meaning given such term by section 203 of the Adult Education and Family Literacy Act.

"(2) ALL STUDENTS.—The term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, students who have dropped out of school, and academically talented students.

"(3) INFORMATION INFRASTRUCTURE.—The term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States.

"(4) INSTRUCTIONAL PROGRAMMING.—The term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction.

"(5) INTEROPERABLE AND INTEROPERABILITY.—The terms 'interoperable' and 'interoperability' mean the ability to exchange easily data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users.

"(6) OFFICE.—The term 'Office' means the Office of Educational Technology.

"(7) PUBLIC TELECOMMUNICATIONS ENTITY.—The term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934.

"(8) REGIONAL EDUCATIONAL LABORATORY.—The term 'regional educational laboratory' means a regional educational laboratory supported under section 941(h) of the Educational, Research, Development, Dissemination, and Improvement Act of 1994.

"(9) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part.

"(10) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' has the same meaning given to such term in section 3 of the Library Services and Technology Act.

"(11) TECHNOLOGY.—The term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM discs, video and audio tapes, web-based learning resources including online classes, interactive tutorials, and interactive tools and virtual environments for problem solving, handheld devices, wireless technologies, voice recognition systems, and high quality digital video, distance learning networks, visualization, modeling and simulation software and learning focused digital libraries and information retrieval systems.

"SEC. 5113. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $815,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out subparts 1, 2, and 3, of which—

"(1) with respect to subparts 1 and 3—

"(A) $5,000,000 shall be available to carry out subpart 1 (National Programs for Technology in Education) for fiscal year 2001;

"(B) $10,000,000 shall be available to carry out subpart 3 (Regional Technical Support and Professional Development) for fiscal year 2001; and

"(C) for each of fiscal years 2002 through 2005, not to exceed 2.5 percent of the total amount appropriated under this subsection for each such fiscal year shall be available to carry out such subparts; and

"(2) of any funds remaining for a fiscal year after amounts are made available under paragraph (1)—

"(A) except as provided in subsection (b), 70 percent of such funds shall be available for carrying out section 5132; and

"(B) 30 percent of such funds shall be available for carrying out national activities including section 5136.

"(b) SPECIAL RULE.—The amount made available under subsection (a)(2)(A) for a fiscal year shall in no case be less than the amount made available to carry out section 5132 in fiscal year 2000.

"SEC. 5114. LIMITATION ON COSTS.

"Not more than 5 percent of the funds under this part that are made available to a recipient of funds under this part for any fiscal year may be used by such recipient for administrative costs or technical assistance.

"Subpart 1—National Programs for Technology in Education

"SEC. 5121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

"(a) IN GENERAL.—The Secretary shall update, publish, and broadly disseminate not later than 12 months after the date of the enactment of this title, and update when the Secretary determines appropriate, the national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

"(b) PLAN REQUIREMENTS.—The Secretary shall—

"(1) update the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers including teachers, principals and superintendents, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

"(2) transmit such plan to the President and to the appropriate committees of the Congress; and

"(3) publish such plan in a form that is readily accessible to the public.

"(c) CONTENTS OF THE PLAN.—The updated national long-range plan shall describe the Secretary's activities to promote the purposes of this title, including—

"(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and State student performance standards, especially through programs administered by the Department;

"(2) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

"(A) to promote the use of technology in education, training, and lifelong learning, including plans for the educational uses of a national information infrastructure; and

"(B) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

"(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

"(4) how the Secretary will promote—

"(A) higher achievement of all students through the integration of technology into the curriculum;

"(B) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

"(C) the use of technology to assist in the implementation of State systemic reform strategies;

"(D) the application of technological advances to use in education;

"(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development;

"(F) increased opportunities for the professional development of teachers and other school leaders in the use of new technologies;

"(G) increasing the use of educational technology to provide professional development opportunities for teachers and school leaders; and

"(H) increased parental involvement in schools through the use of technology;

"(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

"(6) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other

entities concerning the effective use of technology in education;

"(7) how the Secretary will promote the full integration of technology into learning, including the creation of new instructional opportunities through access to challenging courses and information that would otherwise not have been available, and independent learning opportunities for students through technology;

"(8) how the Secretary will encourage the creation of opportunities for teachers to develop through the use of technology, their own networks and resources for sustained and intensive, high quality professional development;

"(9) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 5123 to promote the purposes of this part; and

"(10) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

"SEC. 5122. FEDERAL LEADERSHIP.

"(a) Program Authorized.—In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, the White House Office of Science and Technology, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this part directly or by awarding grants or contracts competitively and pursuant to a peer review process to, or entering into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

"(b) Assistance.—

"(1) In general.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State.

"(2) Other federal agencies.—For the purpose of carrying out coordinated or joint activities consistent with the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal agencies.

"(c) Uses of Funds.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this part, to include 1 or more of the following activities—

"(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators, including principals and superintendents, regarding the uses of technology for education, including professional development;

"(2) providing development grants to technical assistance providers, to enable such providers to improve substantially the services such providers offer to educators, including principals and superintendents, on the educational uses of technology, including professional development;

"(3) consulting with representatives of industry, elementary and secondary education, higher education, adult and family education, and appropriate experts in technology and educational applications of technology in carrying out activities under this subpart;

"(4) research on, and the development of, applications for educdtion of the most advanced and newly emerging technologies, including high quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand held devices, and wireless technologies, which research shall be coordinated, when appropriate, with the Office of Educational Research and Improvement, and other Federal agencies;

"(5) the development, demonstration, and evaluation of the educational aspects of high performance computing and communications technologies and of the national information infrastructure, in providing professional development for teachers, school librarians, school media specialists, other educators, and other appropriate school personnel; enriching academic curricula for elementary and secondary schools; facilitating communications among schools, local educational agencies, libraries, parents, and local communities and in other such areas as the Secretary deems appropriate;

"(6) the development, demonstration, and evaluation of applications of technology and innovative tools in preschool education, elementary and secondary education, training and life-long learning, and professional development of educational personnel;

"(7) increasing and improving opportunities for professional development for teachers, principals, superintendents and pupil service personnel through technology;

"(8) the evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve America's Education Goals, State content standards and State student performance standards;

"(9) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(10) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(11) research on, and the evaluation of, the effectiveness and benefits of technology in education by making available such research and the results of such evaluation in a national repository as providing for its use for sustained and intensive high quality professional development;

"(12) a biennial assessment of, and report to the public regarding, the availability of uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

"(13) conferences on, and dissemination of information regarding, the uses of technology in education;

"(14) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom;

"(15) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate;

"(16) the development of model programs, mentoring, or other programs that may include partnerships with a business, an industry, or an institution of higher education, that encourages students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering and technology;

"(17) the conduct of long-term controlled studies on the effectiveness of the use of educational technology and the conduct of evaluations and applied reach studies that examine how students learn using technology and the characteristics of classrooms and other educational settings that use education technology effectively;

"(18) the development, demonstration, and evaluation of model technology programs designed to improve parental involvement; and

"(19) such other activities as the Secretary determines will meet the purposes of this subpart.

"(d) Non-Federal Share.—

"(1) In general.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(2) Increase.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

"(3) Maximum.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

"Subpart 2—State and Local Programs for School Technology Resources

"SEC. 5131. ALLOTMENT AND REALLOTMENT.

"(a) Allotment.—

"(1) In general.—Except as provided in paragraph (2), each State educational agency shall be eligible to receive a grant under this subpart for a fiscal year in an amount which bears the same relationship to the amount made available under section 5113(a)(3)(A) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(2) Minimum.—No State educational agency shall be eligible to receive a grant under paragraph (1) in any fiscal year in an amount which is less than one-half of 1 percent of the amount made available under section 5113(a)(3)(A) for such year.

"(3) Outlying areas.—The Secretary shall reserve an amount equal to one-half of 1 percent of the amount made available to carry out section 5132 for each fiscal year to provide grants to outlying areas in amounts that are based on the relative needs of such areas as determined by the Secretary in accordance with the purposes of section 5132.

"(b) Reallotment of Unused Funds.—

"(1) In general.—The amount of any State educational agency's allotment under subsection (a) for any fiscal year which the State educational agency determines will not be required for such fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during such year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to such State educational agencies under subsection (a) for such year.

"(2) Other reallotments.—The total of reductions under paragraph (1) shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of such agencies allotment under subsection (a) for such year.

"SEC. 5132. TECHNOLOGY LITERACY FUND.

"(a) Grants to States.—

"(1) In general.—From amounts made available under section 5131, the Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having applications approved under section 5133.

"(2) Use of grants.—

"(A) In general.—Each State educational agency receiving a grant under paragraph (1) shall use such grant funds to award grants, on a competitive basis, to local educational agencies to enable such local educational agencies to carry out the activities described in section 5134.

"(B) Size, scope and duration.—In awarding grants under subparagraph (A), each State educational agency shall ensure that each such grant is of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this part effectively.

"(b) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under paragraph (1) shall—

"(1) identify the local educational agencies served by the State educational agency that—

"(A) have the highest number or percentage of children in poverty; and

"(B) demonstrate to such State educational agency the greatest need for technical assistance in developing the application under section 5133; and

"(2) offer such technical assistance to such local educational agencies.

"SEC. 5133. STATE APPLICATION.

"To receive funds under this subpart, each State educational agency shall submit a statewide educational technology plan which may include plans submitted under statewide technology plans which meet the requirements of this section. Such application shall be submitted to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall contain a systemic statewide plan that—

"(1) outlines long-term strategies for financing technology education in the State and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan;

"(2) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to carry out activities such as—

"(A) purchasing quality technology resources;

"(B) installing various linkages necessary to acquire connectivity;

"(C) integrating technology into the curriculum in order to improve student learning and achievement;

"(D) providing teachers, library media personnel, principals and superintendents with training or access to training;

"(E) providing administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

"(F) promoting in individual schools the sharing, distribution, and application of educational technologies with demonstrated effectiveness;

"(G) assisting schools in promoting parent involvement;

"(H) assisting the community in providing literacy-related services;

"(I) establishing partnerships with private or public educational providers or other entities to serve the needs of children in poverty; and

"(J) providing assurances that financial assistance provided under this part shall supplement, not supplant, State and local funds;

"(3) the State educational agency's specific goals for using advanced technologies to improve student achievement and student performance to challenging State academic content and performance standards by—

"(A) using web-based resources and telecommunications networks to provide challenging content and improve classroom instruction;

"(B) using research-based teaching practices and models of effective uses of advanced technology to promote basic skills in core academic areas and higher-order thinking skills in all students; and

"(C) promoting sustained and intensive high-quality professional development that increases teacher capacity to enable students to learn challenging State content and performance standards and develop higher-order thinking skills through the integration of technology into instruction; and

"(4) the State educational agency's strategy for disseminating information.

"SEC. 5134. LOCAL USES OF FUNDS.

"Each local educational agency, to the extent possible, shall use the funds made available under section 5132(a)(2) for—

"(1) adapting or expanding existing and new applications of technology to enable teachers to help students to achieve to challenging State academic content and student performance standards through the use of research-based teaching practices and advanced technologies;

"(2) funding projects of sufficient size and scope to improve student learning and, as appropriate, support professional development, and provide administrative support;

"(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and school library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

"(4) providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum and in using those technologies to create new learning environments, including training in the use of technology to access data and resources to develop curricula and instructional materials that are aligned to the challenging State academic content standards in core academic subjects;

"(5) acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries;

"(6) providing educational services for adults and families;

"(7) carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve challenging State and local content and student performance standards through the use of a variety of models including school-based professional development;

"(8) supporting in-school and school-community collaboration to make more effective and efficient use of existing investments in technology;

"(9) utilizing technology to develop or expand efforts to connect schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments and assessments;

"(10) providing support to help parents understand the technology being applied in their children's education so that parents will be able to reinforce their children's learning;

"(11) using web-based learning resources, including those that provide access to challenging courses; and

"(12) providing education technology for advanced placement instruction.

"SEC. 5135. LOCAL APPLICATIONS.

"Each local educational agency desiring assistance from a State educational agency under section 5132(a)(2) shall submit an application, consistent with the objectives of the systemic statewide plan, to the State educational agency at such time, in such manner and accompanied by such information as the State educational agency may reasonably require. Such application, at a minimum, shall—

"(1) include a strategic, long-range (3- to 5-year), plan that includes—

"(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

"(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies;

"(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, principals, superintendents, appropriate school personnel, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center;

"(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers, principals, superintendents, other appropriate school personnel and library media personnel served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education; and

"(iii) a description of how parents will be informed of the use of technologies so that the parents will be able to reinforce at home the instruction their children receive at school;

"(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

"(F) the projected timetable for implementing such plan in schools;

"(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

"(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from other Federal, State and local sources;

"(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

"(3) describe how the acquired instructionally based technologies will help the local educational agency—

"(A) promote equity in education in order to support State content standards and State student performance standards that may be developed;

"(B) provide access for teachers, other appropriate school personnel, parents and students to the best teaching practices and curriculum resources through technology; and

"(C) improve parental involvement in schools;

"(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

"(A) will be integrated into the school curriculum; and

"(B) will affect student achievement and progress toward meeting America's Education Goals and any challenging State content standards and State student performance standards that may be developed;

"(5) describe how the consortia will develop or redesign teacher preparation programs to enable prospective teachers to use technology effectively in their classroom, if applicable to the consortia; and

"(6) describe how the local educational agency will effectively use technology to promote parental involvement and increase communication with parents.

"(d) FORMATION OF CONSORTIA.—A local educational agency for any fiscal year may apply for financial assistance as part of a consortium with other local educational agencies, institutions of higher education, intermediate educational units, libraries, or other educational entities appropriate to provide local programs. The State educational agency may assist in the formation of consortia among local educational agencies, providers of educational services for adults and families, institutions of higher education, intermediate educational units, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of such local educational agency.

"(e) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (d) if the State educational agency determines that such approval would further the purposes of this subpart.

"SEC. 5136. NATIONAL TECHNOLOGY INNOVATION GRANTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts made available under section 5113(a)(3)(B) for any fiscal year the Secretary is authorized to award grants, on a competitive basis, to consortia having applications approved under subsection (d), which consortia shall include at least 1 local educational agency with a high percentage or number of children living below the poverty line and may include other local educational agencies, State educational agencies, institutions of higher education, businesses, academic content experts, software designers, museums, libraries, or other appropriate entities.

"(2) DURATION.—Grants under this section shall be awarded for a period of 5 years.

"(3) CONTINUATION GRANTS.—The Secretary may award continuation grants under this section, where applicable, to entities receiving grants under the Preparing Tomorrows Teachers to Use Technology Program.

"(b) USE OF GRANTS.—Grants awarded under subsection (a) shall be used for activities described in section 5134.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to consortia which demonstrate in the application submitted under subsection (d) that—

"(1) the project for which assistance is sought is designed to serve areas with a high number or percentage of disadvantaged students or the greatest need for educational technology;

"(2) the project will directly benefit students by, for example, integrating the acquired technologies into curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(3) the project will ensure ongoing, sustained professional development for teachers, principals, superintendents, other appropriate school personnel, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center including the preservice education of prospective teachers in the use of educational technology if 1 of the members of the consortia is an institution of higher education that prepares teachers for their initial entry into teaching;

"(4) the project will ensure successful, effective, and sustainable use of technologies acquired under this subsection;

"(5) members of the consortia or other appropriate entities will contribute substantial financial and other resources to achieve the goals of the project;

"(6) the project will enhance parental involvement by providing parents the information needed to more fully participate in their child's learning; and

"(7) the project will use education technology for advanced placement instruction.

"(d) APPLICATION.—

"(1) IN GENERAL.—Each consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) FISCAL AGENTS.—Any member of a consortium may serve as the fiscal agent of the consortium for purposes of this subpart, so long as the lead local educational agency agrees to permit such member to serve as the fiscal agent.

"SEC. 5137. FEDERAL ADMINISTRATION.

"(a) EVALUATION PROCEDURES.—The Secretary shall develop procedures for State and local evaluations of the programs under this subpart.

"(b) SPECIFIC EVALUATIONS.—The Secretary shall submit to the Congress by not later than 3 years after the date of enactment of this title an evaluation of State and local outcomes of the technology literacy challenge funds program and of the technology innovations challenge grant program.

"(c) EVALUATION SUMMARY.—The Secretary shall submit to the Congress by not later than 2 years after the date of enactment of this title a summary of the State evaluations of programs under this subpart in accordance with the provisions of section 10201.

"Subpart 3—Regional Technical Support and Professional Development

"SEC. 5141. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants in accordance with the provisions of this section, to regional entities such as the Eisenhower Mathematics and Science Regional Consortia, the regional education laboratories, the comprehensive regional assistance centers, or such other regional entities as may be designated or established by the Secretary. In awarding grants under this section, the Secretary shall ensure that each geographic region of the United States shall be served by such a consortium.

"(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

"(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

"(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

"(C) foster regional cooperation and resource and coursework sharing.

"(b) FUNCTIONS.—

"(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall, to the extent practicable—

"(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

"(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, schools and adult education programs, on the types and features of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support America's Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom and school library media centers in order to support the purposes of this part;

"(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet challenging State content standards or challenging State student performance standards that may be developed; and

"(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

"(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall, to the extent practicable—

"(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

"(i) intensive school year and summer workshops that use teachers, school librarians, and school library personnel to train other teachers, school librarians, and other school library media personnel; and

"(ii) distance professional development, including—

"(I) interactive training tele-courses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

"(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

"(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

"(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

"(V) mobile education technology and training resources;

"(B) develop training resources that—

"(i) are relevant to the needs of the region and schools within the region;

"(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

"(I) use instructional technology; and

"(II) develop instructional materials for adult learning; and

"(iii) are aligned with the needs of teachers and administrators in the region;

"(C) establish a repository of professional development and technical assistance resources;

"(D) identify and link technical assistance providers to State and local educational agencies, as needed;

"(E) ensure that training, professional development, and technical assistance meet the needs of educators, parents, and students served by the region;

"(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

"(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

"(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall, to the extent practicable—

"(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

"(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

"(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

"(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate regional and other entities assisted in whole or in part by the Department.

"(c) REPORTS ON CURRENT GRANTEES.—Not later than 3 months after the date of enactment of this title, entities receiving grants under section 3141 of this Act (as such section existed 1 day prior to the date of enactment of this title) shall prepare and submit to the Secretary a report concerning activities undertaken with amounts received under such grants.".

PART B—WOMEN'S EDUCATIONAL EQUITY; STAR SCHOOLS

SEC. 521. WOMEN'S EDUCATIONAL EQUITY.

(a) AMENDMENTS.—Part B of title V (20 U.S.C. 7231 et seq.) is amended—

(1) by amending section 5201 (20 U.S.C. 7231) to read as follows:

"SEC. 5201. SHORT TITLE.

"This part may be cited as the 'Women's Educational Equity Act of 1999'.";

(2) in section 5202(3) (20 U.S.C. 7232(3))—

(A) strike "sex," and insert "sex and"; and

(B) by inserting "socioeconomic status," after "disability,";

(3) in section 5203(b) (20 U.S.C. 7233(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "years, to" and inserting "years";

(ii) in subparagraph (A), by striking "provide grants"; and

(iii) in subparagraph (B), by striking "provide funds"; and

(B) in paragraph (2)(A)—

(i) in clause (v), by striking "and on race" and inserting "and race";

(ii) in clause (xiii)(I), by striking "institution" and inserting "institutional";

(iii) in clause (xiii)(II)—

(I) by striking "of equity" and inserting "of gender equity"; and

(II) by striking "education;" and inserting "education,"; and

(iv) in clause (xiii)(III), by striking the period and inserting "for women and girls; and"; and

(C) in paragraph (2)(B)(viii), by striking "and unemployed" and inserting "women, unemployed";

(4) in section 5204 (20 U.S.C. 7234)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"Each entity desiring assistance under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—";

(B) in paragraph (2), by striking "the National Education Goals" and inserting "America's Education Goals";

(C) by striking paragraph (4); and

(D) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively;

(5) in section 5205 (20 U.S.C. 7235)—

(A) in subsection (a)—

(i) by striking "CRITERIA AND PRIORITIES.—" and all that follows through "The" in paragraph (1) and inserting the following: "CRITERIA AND PRIORITIES.—The"; and

(ii) in paragraph (2)—

(I) by redesignating such paragraph as subsection (b), and realigning the margin accordingly; and

(II) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively, and realigning the margins accordingly;

(B) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(C) in subsection (c) (as so redesignated)—

(i) in the matter preceding paragraph (1), by striking "special consideration" and inserting "priority"; and

(ii) by amending paragraph (3)(E) to read as follows:

"(E) address the educational needs of women and girls who suffer multiple forms of discrimination on the basis of sex and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age."; and

(D) in subsection (e)(1) (as so redesignated), by striking "by the Office" and inserting "by such Office";

(6) in section 5206 (20 U.S.C. 7236), by striking "1999" and inserting "2004";

(7) in section 5207 (20 U.S.C. 7237), by striking subsection (a) and inserting the following:

"(a) EVALUATION AND DISSEMINATION.—The Secretary shall—

"(1) evaluate in accordance with section 10201, materials and programs developed under this part;

"(2) disseminate materials and programs developed under this part; and

"(3) report to the Congress regarding such evaluation materials and programs not later than January 1, 2004."; and

(8) in section 5208 (20 U.S.C. 7238)—

(A) by striking "1995" and inserting "2001"; and

(B) by striking ", of which" and all that follows through "section 5203(b)(1)".

(b) TRANSFER AND REDESIGNATION.—Part B of title V (20 U.S.C. 7201 et seq.), as amended by subsection (a), is transferred so as to appear after part D of title V (as transferred by section 541(b)) and redesignated as part E.

(c) REDESIGNATION OF SECTIONS.—Sections 5201 through 5208 (20 U.S.C. 7231-7238) are redesignated as section 5501 through 5508, respectively.

(d) CONFORMING AMENDMENTS.—Part E of title V (as so redesignated) is amended—

(1) in section 5504 (as so redesignated), by striking "5203(b)(1)" each place that such appears and inserting "5503(b)(1)";

(2) in section 5505(a) (as so redesignated), by striking "5203(b)" and inserting "5503(b)"; and

(3) in section 5508 (as so redesignated), by striking "5203(b)(1)" and inserting "5503(b)(1)".

SEC. 522. STAR SCHOOLS.

Title V (20 U.S.C. 7231 et seq.) is amended by inserting after part A (as amended by section 511) the following:

"PART B—STAR SCHOOLS PROGRAM

"SEC. 5201. SHORT TITLE.

"This part may be cited as the 'Star Schools Act'.

"SEC. 5202. PURPOSE.

"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages and challenging and advanced courses as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and individuals with disabilities, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain and operate telecommunications facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 5203. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible entities to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of web-based resources or teleconferencing facilities and resources for making interactive training available to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of broadband and other telecommunications networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 3-year period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) LIMITATIONS.—

"(1) IN GENERAL.—A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any 1 fiscal year.

"(2) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of projects funded under this section shall not exceed—

"(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this part;

"(B) 60 percent for the third and fourth such years; and

"(C) 50 percent for the fifth such year.

"(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other Federal departments *or agencies to carry out the purposes of this section, including funds for the purchase of equipment.*

"(g) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

"(h) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"(i) ADVANCED PLACEMENT INSTRUCTION.—Each eligible entity receiving funds under this part is encouraged to deliver advanced placement instruction to underserved communities.

"SEC. 5204. ELIGIBLE ENTITIES.

"(a) ELIGIBLE ENTITIES.—

"(1) REQUIRED PARTICIPATION.—The Secretary may make a grant under section 5203 to any eligible entity, if at least 1 local educational agency is participating in the proposed project.

"(2) ELIGIBLE ENTITY.—For the purpose of this part, the term 'eligible entity' may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I; or

"(B) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

"(i) a local educational agency that serves a significant number of elementary and secondary schools that are eligible for assistance under part A of title I, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(2);

"(ii) a State educational agency;

"(iii) adult and family education programs;

"(iv) an institution of higher education or a State higher education agency;

"(v) a teacher training center or academy that—

"(I) provides teacher pre-service and in-service training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(vi)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through the Internet, satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vii) a public or private elementary or secondary school.

"(b) SPECIAL RULE.—An eligible entity receiving assistance under this part shall be organized on a statewide or multistate basis.

"SEC. 5205. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible entity which desires to receive a grant under section 5203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) STAR SCHOOL AWARD APPLICATIONS.—Each application submitted pursuant to subsection (a) shall—

"(1) describe how the proposed project will assist in achieving America's Education Goals, how such project will assist all students to have an opportunity to learn to challenging State and local standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high quality system of lifelong learning;

"(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities and equipment;

"(D) satellite time and other transmissions;

"(E) production facilities and equipment;

"(F) other Internet education portals and telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational and related programming for use on a telecommunications network;

"(3) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

"(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

"(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

"(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

"(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

"(10) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

"(11) if any member of the consortia receives assistance under subpart 3 of part A, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

"(12) describe the activities or services for which assistance is sought, such as—

"(A) providing facilities, equipment, training services, and technical assistance;

"(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

"(F) incorporating community resources such as libraries and museums into instructional programs;

"(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

"(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

"(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process;

"(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

"(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

"(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this part; and

"(16) include such additional assurances as the Secretary may reasonably require.

"(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 5203, shall give priority to applications describing projects that—

"(1) propose high-quality plans to assist in achieving 1 or more of America's Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

"(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

"(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

"(4) ensure that the eligible entity will—

"(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

"(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

"(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

"(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

"(E) provide instruction for students, teachers, and parents;

"(F) serve a multistate area; and

"(G) give priority to the provision of equipment and linkages to isolated areas; and

"(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 5203, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this part.

"SEC. 5206. DEFINITIONS.

"In this part:

"(1) EDUCATIONAL INSTITUTION.—The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

"(2) INSTRUCTIONAL PROGRAMMING.—The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on either analog or digital format and are presented by means of telecommunications devices.

"(3) TERM PUBLIC BROADCASTING ENTITY.—The term 'public broadcasting entity' has the same meaning given such term in section 397 of the Communications Act of 1934.

"SEC. 5207. ADMINISTRATIVE PROVISIONS.

"(a) CONTINUING ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under section 5203 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 5205 that such partnership shall—

"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

"(B) use all grant funds received under this part for the second 3-year grant period to provide expanded services by—

"(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

"(ii) providing new courses of instruction; and

"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

"(2) SPECIAL RULE.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this part in the previous fiscal year.

"(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 5203 in acquiring satellite time and other transmissions technologies, where appropriate, as economically as possible.

"SEC. 5208. OTHER ASSISTANCE.

"(a) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide fiber optics telecommunications network under this subsection if such network—

"(A) provides 2-way full motion interactive video and voice communications via Internet, cable and other technologies;

"(B) links together public colleges and universities and schools throughout the State; and

"(C) includes such additional assurances as the Secretary may reasonably require.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

"(b) SPECIAL LOCAL NETWORK.—

"(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

"(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

"(A) include 2-way full motion interactive video, data and voice communications;

"(B) link together elementary and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting America's Education Goals.

"(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such partnerships to develop and operate 1 or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade.

"(2) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.".

PART C—MAGNET SCHOOLS ASSISTANCE

SEC. 531. MAGNET SCHOOLS ASSISTANCE.

Part C of title V (20 U.S.C. 7261 et seq.) is amended to read as follows:

"PART C—MAGNET SCHOOLS ASSISTANCE

"SEC. 5301. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation of our Nation's schools.

"(2) It is in the national interest to continue the Federal Government's support of school districts that are implementing court-ordered desegregation plans and school districts that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds.

"(3) Desegregation can help ensure that all students have equitable access to high-quality education that will prepare them to function well in a technologically oriented and highly competitive society comprised of people from many different racial and ethnic backgrounds.

"(4) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and non-minority students as well as among students of different minority groups.

"(b) STATEMENT OF PURPOSE.—The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students which shall assist in the efforts of the United States to achieve voluntary desegregation in public schools;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards;

"(3) the development and design of innovative educational methods and practices;

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational, technological and career skills of students attending such schools;

"(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding is terminated; and

"(6) ensuring that all students enrolled in the magnet school program have equitable access to high quality education that will enable the students to succeed academically and continue with post secondary education or productive employment.

"SEC. 5302. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5303. DEFINITION.

"For the purpose of this part, the term 'magnet school' means a public elementary school or secondary school or a public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5304. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5305. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate, in accordance with the provisions of section 6506; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school project; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5301(b);

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this part to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school project equitable consideration for placement in the project, consistent with desegregation guidelines and the capacity of the project to accommodate these students.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5306. PRIORITY.

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State and local content and student performance standards; and

"(5) propose activities, which may include professional development, that will build local capacity to operate the magnet school program once Federal assistance has terminated.

"SEC. 5307. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment, or subsidization of the compensation, of elementary school and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part;

"(5) to include professional development, which professional development shall build the agency's or consortium's capacity to operate the magnet school once Federal assistance has terminated;

"(6) to enable the local educational agency or consortium to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

"(7) to enable the local educational agency or consortium to have flexibility in designing magnet schools for students at all grades.

"(b) SPECIAL RULE.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological and career skills.

"SEC. 5308. PROHIBITION.

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

"SEC. 5309. LIMITATIONS.

"(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning (professional development shall not be considered as planning for purposes of this subsection) not more than 50 percent of the funds received under this part for the first year of the project, 25 percent of such funds for the second such year, and 15 percent of such funds for the third such year.

"(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

"(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

"SEC. 5310. INNOVATIVE PROGRAMS.

"(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5304 to enable such agencies or consortia to conduct innovative programs that—

"(1) involve innovative strategies other than magnet schools, such as neighborhood or community model schools, to support desegregation of schools and to reduce achievement gaps;

"(2) assist in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards; and

"(3) include innovative educational methods and practices that—

"(A) are organized around a special emphasis, theme, or concept; and

"(B) involve extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 5301(b), 5302, 5305, 5306, and 5307, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5312(a) for each fiscal year to award grants under this section.

"SEC. 5311. EVALUATIONS.

"(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5312(a) for any fiscal year to carry out evaluations of projects assisted *under this part and to provide technical assistance for grant recipients under this part.*

''(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

''(1) how and the extent to which magnet school programs lead to educational quality and improvement;

''(2) the extent to which magnet school programs enhance student access to quality education;

''(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students;

''(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs; and

''(5) the extent to which magnet school programs continue once grant assistance under this part is terminated.

''(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

"SEC. 5312. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

''(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.''.

PART D—PUBLIC CHARTER SCHOOLS

SEC. 541. PUBLIC CHARTER SCHOOLS.

(a) REAUTHORIZATION.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) in section 10301 (20 U.S.C. 8061)—

(A) by striking subsection (a); and

(B) by striking ''(b) PURPOSE.—''; and

(2) in section 10311 (20 U.S.C. 8067), by striking ''$100,000,000 for fiscal year 1999'' and inserting ''$175,000,000 for fiscal year 2001''.

(b) TRANSFER, REDESIGNATION, CONFORMING AMENDMENTS.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) by transferring such part so as to appear after part C of title V;

(2) by redesignating such part as part D;

(3) by redesignating sections 10301 through 10311 as sections 5401 through 5411, respectively;

(4) in section 5402 (as so redesignated)—

(A) in subsections (a) and (b), by striking ''10303'' each place that such appears and inserting ''5403'';

(B) in subsection (c)(1)(C), by striking ''10304'' and inserting ''5404''; and

(C) in subsection (e)(1), by striking ''10311'' each place that such appears and inserting ''5411'';

(5) in section 5403 (as so redesignated)—

(A) in subsections (b)(3)(M) and (c), by striking ''10302'' each place that such appears and inserting ''5402''; and

(B) in subsection (d)(2)(B), by striking ''10304'' and inserting ''5404'';

(6) in section 5404 (as so redesignated)—

(A) in the matter preceding paragraph (1) of subsections (a) and (b), by striking ''10303'' each place that such appears and inserting ''5403'';

(B) in subsections (a)(7) and (b)(7), by striking ''10302'' each place that such appears and inserting ''5402''; and

(C) in the matter preceding paragraph (1) of subsection (e), by striking ''10310'' and inserting ''5410''; and

(7) in section 5405(a)(4)(B) (as so redesignated), by striking ''10303'' and inserting ''5403''.

PART E—CIVIC EDUCATION; FIE; ELLENDER FELLOWSHIPS; READY-TO-LEARN TELEVISION; INEXPENSIVE BOOK DISTRIBUTION

SEC. 551. CIVIC EDUCATION; FIE; ELLENDER FELLOWSHIPS; READY-TO-LEARN TELEVISION; INEXPENSIVE BOOK DISTRIBUTION.

Title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART F—CIVIC EDUCATION

"SEC. 5601. SHORT TITLE.

''This part may be cited as the 'Education for Democracy Act'.

"SEC. 5602. THE STUDY OF THE DECLARATION OF INDEPENDENCE, UNITED STATES CONSTITUTION, AND THE FEDERALIST PAPERS.

''It is the sense of Congress that—

''(1) State and local governments and local educational agencies are encouraged to dedicate at least 1 day of learning to the study and understanding of the significance of the Declaration of Independence, the United States Constitution, and the Federalist Papers; and

''(2) State and local governments and local educational agencies are encouraged to include a requirement that, before receiving a certificate or diploma of graduation from secondary school, students be tested on their competency in understanding the Declaration of Independence, the United States Constitution, and the Federalist Papers.

"SEC. 5603. PURPOSE.

''It is the purpose of this part—

''(1) to improve the quality of civics and government education, and to enhance the attainment of the third and sixth America's Education Goals, by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;

''(2) to foster civic competence and responsibility; and

''(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with other democratic nations.

"SEC. 5604. GENERAL AUTHORITY.

''The Secretary is authorized to award grants to or enter into contracts with the Center for Civic Education, the National Council on Economic Education, or other nonprofit educational organizations to carry out this part.

"SEC. 5605. WE THE PEOPLE PROGRAM.

''(a) THE CITIZEN AND THE CONSTITUTION.—

''(1) EDUCATION ACTIVITIES.—The Secretary shall award a grant or enter into a contract for the Citizen and the Constitution program that—

''(A) shall continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education; and

''(B) shall enhance student attainment of challenging content standards in civics and government.

''(2) PROGRAM CONTENT.—The education program authorized by this section shall provide—

''(A) a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution of the United States and the Bill of Rights;

''(B) at the request of a participating school, school and community simulated congressional hearings following the course of study;

''(C) an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program;

''(D) advanced training of teachers about the Constitution of the United States and the political system the United States created;

''(E) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

''(F) civic education materials and services such as service learning to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

''(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private elementary schools and secondary schools, including Bureau funded schools, in the 435 congressional districts, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(b) PROJECT CITIZEN.—

''(1) EDUCATIONAL ACTIVITIES.—The Secretary shall award a grant or enter into a contract for the Project Citizen program that—

''(A) shall continue and expand the educational activities of the 'We the People . . . Project Citizen' program administered by the Center for Civic Education; and

''(B) shall enhance student attainment of challenging content standards in civics and government.

''(2) PROGRAM CONTENT.—The education program authorized by this subsection shall provide—

''(A) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States;

''(B) optional school and community simulated State legislative hearings;

''(C) an annual national showcase or competition;

''(D) advanced training of teachers on the roles of State and local governments in the Federal system established by the Constitution;

''(E) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

''(F) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

''(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(c) DEFINITION OF BUREAU FUNDED SCHOOL.—In this section the term 'Bureau funded school' has the meaning given the term in section 1146 of the Education Amendments of 1978.

"SEC. 5606. CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.

''(a) COOPERATIVE EDUCATION EXCHANGE PROGRAMS.—The Secretary, in consultation with the Secretary of State, shall carry out Cooperative Education Exchange programs in accordance with this section.

''(b) PURPOSE.—The purpose of the programs provided under this section shall be to—

''(1) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

''(2) assist eligible countries in the adaptation, implementation, and institutionalization of such programs;

''(3) create and implement civics and government education, and economic education, programs for United States students that draw upon the experiences of the participating eligible countries;

"(4) provide a means for the exchange of ideas and experiences in civics and government education and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and

"(5) provide support for—

"(A) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(B) effective participation in and the preservation and improvement of an efficient market economy.

"(c) AVOIDANCE OF DUPLICATION.—The Secretary shall consult with the Secretary of State to ensure that activities under this section are not duplicative of other efforts in the eligible countries and that partner institutions in the eligible countries are creditable.

"(d) ACTIVITIES.—The Cooperative Education Exchange programs shall—

"(1) provide eligible countries with—

"(A) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

"(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;

"(C) translations and adaptations regarding United States civic and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

"(D) research and evaluation assistance to determine—

"(i) the effects of the Cooperative Education Exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(ii) effective participation in and the preservation and improvement of an efficient market economy;

"(2) provide United States participants with—

"(A) seminars on the histories, economies, and systems of government of eligible countries;

"(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;

"(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;

"(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

"(E) research and evaluation assistance to determine—

"(i) the effects of the Cooperative Education Exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(ii) effective participation in and improvement of an efficient market economy; and

"(3) assist participants from eligible countries and the United States to participate in international conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

"(e) PARTICIPANTS.—The primary participants in the Cooperative Education Exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

"(f) DEFINITION.—For the purpose of this section, the term 'eligible country' means a country with a democratic form of government that—

"(1) is a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, or one of the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

"(2) may include the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country as defined in section 209(d) of the Education for the Deaf Act.

"SEC. 5607. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTION 5605.—There are authorized to be appropriated to carry out section 5605, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SECTION 5606.—There are authorized to be appropriated to carry out section 5606, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART G—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 5701. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of elementary and secondary education. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—Funds under this section may be used for—

"(1) programs under section 5702;

"(2) programs under section 5703;

"(3) programs under section 5704;

"(4) programs under section 5705;

"(5) programs under section 5706;

"(6) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

"(7) the development and evaluation of model strategies for professional development for teachers and administrators.

"(c) AWARDS.—

"(1) IN GENERAL.—The Secretary may make awards under this section on the basis of competitions announced by the Secretary.

"(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

"(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 5702. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that incorporate the elements of character described in subsection (d), as well as other character elements identified by the eligible entities.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State educational agency in partnership with 1 or more local educational agencies;

"(B) a State educational agency in partnership with—

"(i) 1 or more local educational agencies; and

"(ii) 1 or more nonprofit organizations or entities, including institutions of higher education;

"(C) a local educational agency or consortium of local educational agencies; or

"(D) a local educational agency in partnership with another nonprofit organization or entity, including institutions of higher education.

"(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 3 years, of which the eligible entity shall not use more than 1 year for planning and program design.

"(b) APPLICATIONS.—

"(1) REQUIREMENT.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS OF APPLICATION.—Each application submitted under this section shall include—

"(A) a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

"(B) a description of the goals and objectives of the program proposed by the eligible entity;

"(C) a description of activities that will be pursued and how those activities will contribute to meeting the goals and objectives described in subparagraph (B), including—

"(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

"(ii) curriculum and instructional practices that will be used or developed;

"(iii) methods of teacher training and parent education that will be used or developed; and

"(iv) how the program will be linked to other efforts in the schools to improve student performance;

"(D) in the case of an eligible entity that is a State educational agency—

"(i) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

"(ii) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

"(E) a description of how the eligible entity will evaluate the success of its program—

"(i) based on the goals and objectives described in subparagraph (B); and

"(ii) in cooperation with the national evaluation conducted pursuant to subsection (c)(2)(B)(iii);

"(F) an assurance that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(G) any other information that the Secretary may require.

"(c) EVALUATION AND PROGRAM DEVELOPMENT.—

"(1) EVALUATION AND REPORTING.—

"(A) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including the impact on students, teachers, administrators, parents, and others—

"(i) by the second year of the program; and

"(ii) not later than 1 year after completion of the grant period.

"(B) CONTRACTS FOR EVALUATION.—Each eligible entity receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering in students the elements of character described in subsection (d).

"(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

"(A) IN GENERAL.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs. The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

"(B) USES.—Funds made available under subparagraph (A) may be used—

"(i) to conduct research and development activities that focus on matters such as—

"(I) the effectiveness of instructional models for all students;

"(II) materials and curricula that can be used by programs in character education;

"(III) models of professional development in character education; and

"(IV) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3);

"(ii) to provide technical assistance to State and local programs, particularly on matters of program evaluation;

"(iii) to conduct a national evaluation of State and local programs receiving funding under this section; and

"(iv) to compile and disseminate, through various approaches (such as a national clearinghouse)—

"(I) information on model character education programs;

"(II) character education materials and curricula;

"(III) research findings in the area of character education and character development; and

"(IV) any other information that will be useful to character education program participants, educators, parents, administrators, and others nationwide.

"(C) PRIORITY.—In carrying out national activities under this paragraph related to development, dissemination, and technical assistance, the Secretary shall seek to enter into partnerships with national, nonprofit character education organizations with expertise and successful experience in implementing local character education programs that have had an effective impact on schools, students, including students with disabilities, and teachers.

"(3) FACTORS.—Factors which may be considered in evaluating the success of programs funded under this section may include—

"(A) discipline issues;

"(B) student performance;

"(C) participation in extracurricular activities;

"(D) parental and community involvement;

"(E) faculty and administration involvement;

"(F) student and staff morale; and

"(G) overall improvements in school climate for all students.

"(d) ELEMENTS OF CHARACTER.—

"(1) IN GENERAL.—Each eligible entity desiring funding under this section shall develop character education programs that incorporate the following elements of character:

"(A) Caring.

"(B) Civic virtue and citizenship.

"(C) Justice and fairness.

"(D) Respect.

"(E) Responsibility.

"(F) Trustworthiness.

"(G) Any other elements deemed appropriate by the members of the eligible entity.

"(2) ADDITIONAL ELEMENTS OF CHARACTER.—An eligible entity participating under this section may, after consultation with schools and communities served by the eligible entity, define additional elements of character that the eligible entity determines to be important to the schools and communities served by the eligible entity.

"(e) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

"(1) not more than 10 percent of such funds may be used for administrative purposes; and

"(2) the remainder of such funds may be used for—

"(A) collaborative initiatives with and between local educational agencies and schools;

"(B) the preparation or purchase of materials, and teacher training;

"(C) grants to local educational agencies or schools; and

"(D) technical assistance and evaluation.

"(f) SELECTION OF GRANTEES.—

"(1) CRITERIA.—The Secretary shall select, through peer review, eligible entities to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

"(A) the quality of the activities proposed to be conducted;

"(B) the extent to which the program fosters in students the elements of character described in subsection (d) and the potential for improved student performance;

"(C) the extent and ongoing nature of parental, student, and community involvement;

"(D) the quality of the plan for measuring and assessing success; and

"(E) the likelihood that the goals of the program will be realistically achieved.

"(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

"(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

"(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Grantees under this section shall provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in programs and activities under this section.

"SEC. 5703. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

"(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games.

"(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

"(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

"(2) has the capability and experience in administering federally funded scholar-athlete games;

"(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

"(4) has the organizational structure and capability to administer a model scholar-athlete program; and

"(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States internationally.

"SEC. 5704. ELEMENTARY SCHOOL COUNSELING DEMONSTRATION.

"(a) COUNSELING DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary may award grants under this section to establish or expand elementary school counseling programs.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

"(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically *seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;*

“(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

“(G) describe how any diverse cultural populations, if applicable, would be served through the program;

“(H) assure that the funds made available under this section for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

“(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

“(c) Use of Funds.—

“(1) In general.—Grant funds under this section shall be used to initiate or expand elementary school counseling programs that comply with the requirements in paragraph (2).

“(2) Program requirements.—Each program assisted under this section shall—

“(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

“(B) use a developmental, preventive approach to counseling;

“(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

“(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

“(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

“(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

“(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

“(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

“(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

“(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

“(3) Report.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 10201.

“(4) Dissemination.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

“(5) Limit on administration.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

“(d) Definitions.—For purposes of this section:

“(1) School counselor.—The term ‘school counselor’ means an individual who has documented competence in counseling children and adolescents in a school setting and who—

“(A) possesses State licensure or certification granted by an independent professional regulatory authority;

“(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

“(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

“(2) School psychologist.—The term ‘school psychologist’ means an individual who—

“(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

“(B) possesses State licensure or certification in school psychology in the State in which the individual works; or

“(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

“(3) School social worker.—The term ‘school social worker’ means an individual who—

“(A)(i) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

“(ii) is licensed or certified by the State in which services are provided; or

“(B) in the absence of such State licensure or certification, possesses national certification as a school social work specialist granted by an independent professional organization.

“(4) Supervisor.—The term ‘supervisor’ means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

“SEC. 5705. SMALLER LEARNING COMMUNITIES.

“(a) Program Authorized.—

“(1) In general.—The Secretary may award grants to eligible entities to support the development of smaller learning communities.

“(2) Eligible entities.—In this section, the term ‘eligible entity’ means—

“(A) a local educational agency;

“(B) an elementary or secondary school;

“(C) a Bureau funded school; or

“(D) any of the entities described in subparagraph (A), (B), or (C) in partnership with other public agencies or private nonprofit organizations.

“(b) Applications.—A eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

“(1) strategies and methods the applicant will use to create the smaller learning community;

“(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

“(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community;

“(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community;

“(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community;

“(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

“(7) the goals and objectives of the activities assisted under this section, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

“(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

“(9) if the smaller learning community exists as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

“(10) a description of the administrative and managerial relationship between the applicant and the smaller learning community, including how such applicant will demonstrate a commitment to the continuity of the smaller learning community, including the continuity of student and teacher assignment to a particular learning community;

“(11) how the applicant will coordinate or use funds provided under this section with other funds provided under this Act or other Federal laws;

“(12) grade levels or ages of students who will participate in the smaller learning community; and

“(13) the method of placing students in the smaller learning community, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

“(c) Authorized Activities.—Funds under this section may be used—

“(1) to study the feasibility of creating the smaller learning community as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community;

“(2) to research, develop and implement strategies for creating the smaller learning community, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

“(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students and will be used in the smaller learning community; and

“(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

“(d) Evaluation and Report.—A recipient of a grant under this section shall provide the Secretary with an annual report that contains a description of—

“(1) the specific uses of grants funds received under this section; and

“(2) evidence of the impact of the grant on student performance and school safety.

“SEC. 5706. NATIONAL STUDENT AND PARENT MOCK ELECTION.

“(a) In General.—The Secretary is authorized to award grants to national nonprofit, nonpartisan organizations that work to promote

voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

"(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States and territories, including Department of Defense Dependent schools and other international locales where United States citizens are based; and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issue forum";

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speechwriting competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) Requirements.—Each organization receiving a grant under this section shall—

"(1) present awards to outstanding student and parent mock election projects; and

"(2) record all votes at least 5 days prior to the date of the general election.

"PART H—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 5801. PURPOSE.

"It is the purpose of this part to provide fellowships to students of limited economic means, recent immigrants, students of migrant parents, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation in the name of Allen J. Ellender, a Senator from Louisiana and the President pro tempore of the Senate. whose distinguished career in public service was characterized by extraordinary energy and real concern for young people.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 5811. ESTABLISHMENT.

"(a) General Authority.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) Use of Funds.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the programs described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 5812. APPLICATIONS.

"(a) Application Required.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) Contents of Application.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including student with disabilities, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 5821. ESTABLISHMENT.

"(a) General Authority.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) Use of Funds.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the programs described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 5822. APPLICATIONS.

"(a) Application Required.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) Contents of Application.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 5811(a);

"(2) that not more than one teacher in each school participating in the programs described in section 5811(a) may receive a fellowship in any fiscal year; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 5831. ESTABLISHMENT.

"(a) General Authority.—

"(1) In general.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) Definition.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

"(b) Use of Funds.—Grants under this subpart shall be used for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the programs described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 5832. APPLICATIONS.

"(a) Application Required.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) Contents of Application.—Except such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds received under this subpart.

"Subpart 4—General Provisions

"SEC. 5841. ADMINISTRATIVE PROVISIONS.

"(a) General Rule.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) Audit Rule.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 5842. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out subparts 1, 2, and 3, $1,500,000 for fiscal year 2001 and such sums as may be necessary of each of the 4 succeeding fiscal years.

(b) Special Rule.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 5811(a).

"PART I—READY-TO-LEARN TELEVISION

"SEC. 5901. READY-TO-LEARN.

"(a) In General.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 5902(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of America's Education Goals.

"(b) Availability.—In making such grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, childcare workers, and Head Start providers to increase the effective use of such programming.

"SEC. 5902. EDUCATIONAL PROGRAMMING.

"(a) Awards.—The Secretary shall award grants, contracts, or cooperative agreements under section 5901 to eligible entities to—

"(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

"(A) educational programming for preschool and elementary school children; and

"(B) accompanying support materials and services that promote the effective use of such programming;

"(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

"(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

"(A) to the widest possible audience appropriate to be served by the programming; and

"(B) by the most appropriate distribution technologies.

"(b) Eligible Entities.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

"(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

"(c) Cultural Experiences.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 5903. DUTIES OF SECRETARY.

"In carrying out this part, the Secretary may—

"(1) award grants, contracts, or cooperative agreements to eligible entities described in section 5902(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(D) developing and disseminating training materials, including—

"(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, inhome and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and afterschool program personnel caring for preschool and elementary school children;

"(2) establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 5904. APPLICATIONS.

"Each entity desiring a grant, contract, or cooperative agreement under section 5901 or 5903 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 5905. REPORTS AND EVALUATION.

"(a) Annual Report to the Secretary.—An eligible entity receiving funds under a grant, contract or cooperative agreement under section 5901 shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under such grant, contract or cooperative agreement, including—

"(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

"(b) Report to Congress.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that shall include—

"(1) a summary of activities assisted under section 5902(a); and

"(2) a description of the training materials made available under section 5903(1)(D), the manner in which outreach has been conducted to inform parents and childcare providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 5906. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 5902, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

"SEC. 5907. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 5908. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Funding Rule.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 5902.

"PART J—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 5951. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) Authorization.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) Requirements of Contract.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age, including those in family literacy programs;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) Restriction on Payments.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) Definition of 'Federal Share'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

"(e) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.".

PART F—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 561. TECHNICAL AND CONFORMING AMENDMENTS.

(a) General Education Provisions Act.—Section 441(a) of the General Education Provisions Act (20 U.S.C. 1232d(a)) is amended by striking "shall submit (subject" and all that follows through "to the Secretary" and inserting "shall submit to the Secretary".

(b) School-to-Work Opportunities Act of 1994.—Section 502(b)(3) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6212(b)(3)) is amended by striking "part A of title V" and inserting "part C of title V".

(c) Title 31, United States Code.—Section 6703 of title 31, United States Code is amended by striking paragraph (1).

TITLE VI—INNOVATIVE EDUCATION

SEC. 601. INNOVATIVE EDUCATION.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—INNOVATIVE EDUCATION

"PART A—INNOVATIVE EDUCATION PROGRAM STRATEGIES

"SEC. 6101. PURPOSE; STATE AND LOCAL RESPONSIBILITY.

"(a) Purpose.—The purpose of this part is—

"(1) to support local education reform efforts that are consistent with and support statewide education reform efforts;

"(2) to support State and local efforts to accomplish America's Education Goals;

"(3) to provide funding to enable State and local educational agencies to implement promising educational reform strategies;

"(4) to provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials; and

"(5) to develop and implement education programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs.

"(b) State and Local Responsibility.—The basic responsibility for the administration of funds made available under this part is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

"SEC. 6102. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) Authorization.—To carry out the purposes of this part, there are authorized to be appropriated $850,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) Duration of Assistance.—During the period beginning October 1, 2001, and ending September 30, 2006, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for the purpose of this part.

"SEC. 6103. DEFINITION OF EFFECTIVE SCHOOLS PROGRAM.

"In this part the term 'effective schools program' means a school-based program that—

"(1) may encompass preschool through secondary school levels; and

"(2) has the objectives of—

"(A) promoting school-level planning, instructional improvement, and staff development for all personnel;

"(B) increasing the academic performance levels of all children and particularly educationally disadvantaged children; and

"(C) achieving as an ongoing condition in the school the following factors identified through effective schools research:

"(i) Strong and effective administrative and instructional leadership.

"(ii) A safe and orderly school environment that enables teachers and students to focus on academic performance.

"(iii) Continuous assessment of students and initiatives to evaluate instructional techniques.

"Subpart 1—State and Local Programs

"SEC. 6111. ALLOTMENT TO STATES.

"(a) Reservations.—From the sums appropriated to carry out this part in any fiscal year, the Secretary shall reserve not more than one percent for payments to outlying areas to be allotted in accordance with their respective needs.

"(b) Allotment.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of one percent of such remainder.

"(c) Definitions.—In this subpart:

"(1) School-age population.—The term 'school-age population' means the population aged 5 through 17.

"(2) State.—The term 'State' includes the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 6112. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) Formula.—From the sums made available each year to carry out this part, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private elementary schools and secondary schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies serving the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families;

"(2) children from low-income families; and

"(3) children living in sparsely populated areas.

"(b) Calculation of Enrollments.—

"(1) In general.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this part, for the fiscal year preceding the fiscal year for which the determination is made.

"(2) Construction.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

"(3) Adjustments.—

"(A) In general.—Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) Criteria.—The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under subparagraph (A) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) Payment of Allocations.—

"(1) Distribution.—From the funds paid to a State educational agency pursuant to section 6111 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 6133 the amount of such local educational agency's allocation as determined under subsection (a).

"(2) Additional funds.—

"(A) In general.—Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) Requirement.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) Construction.—The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"Subpart 2—State Programs

"SEC. 6121. STATE USES OF FUNDS.

"(a) Authorized Activities.—A State educational agency may use funds made available for State use under this part only for—

"(1) State administration of programs under this part including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this part;

"(2) support for planning, designing, and initial implementation of charter schools as described in part D of title V;

"(3) support for designing and implementation of high-quality yearly student assessments;

"(4) support for implementation of State and local standards; and

"(5) technical assistance and direct grants to local educational agencies and statewide education reform activities including effective schools programs which assist local educational agencies to provide targeted assistance.

"(b) Limitations and Requirements.—Not more than 15 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 6122. STATE APPLICATIONS.

"(a) Application Requirements.—Any State which desires to receive assistance under this part shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part;

"(2) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this part;

"(3) sets forth the allocation of such funds required to implement section 6142;

"(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(5) provides assurances that, apart from technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 6133;

"(6) contains assurances that there is compliance with the specific requirements of this part; and

"(7) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) AUDIT RULE.—A local educational agency that receives less than an average of $10,000 under this part for 3 fiscal years shall not be audited more frequently than once every 5 years.

"Subpart 3—Local Innovative Education Programs

"SEC. 6131. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds made available to local educational agencies under section 6112 shall be used for innovative assistance described in subsection (b).

"(b) INNOVATIVE ASSISTANCE.—

"(1) IN GENERAL.—The innovative assistance programs referred to in subsection (a) include—

"(A) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, and other curricular materials that—

"(B) programs to improve teaching and learning, including professional development activities, that are consistent with comprehensive State and local systemic education reform efforts;

"(C) activities that encourage and expand improvements throughout the local educational agency that are designed to advance student performance;

"(D) initiatives to generate, maintain, and strengthen parental and community involvement, including initiatives creating activities for school-age children and activities to meet the educational needs of children aged birth through 5;

"(E) programs to recruit, hire, and train certified teachers (including teachers certified through State and local alternative routes) in order to reduce class size;

"(F) programs to improve the academic performance of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school;

"(G) programs and activities that expand learning opportunities through best practice models designed to improve classroom learning and teaching;

"(H) programs to combat both student and parental illiteracy;

"(I) technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to effectively use technology in the classrooms and the school library media centers involved;

"(J) school improvement programs or activities under section 1116 or 1117;

"(K) programs to provide for the educational needs of gifted and talented children;

"(L) programs to provide same gender schools and classrooms, if equal educational opportunities are made available to students of both sexes, consistent with the Constitution of the United States of America;

"(M) service learning activities; and

"(N) school safety programs.

"(2) REQUIREMENTS.—The innovative assistance programs referred to in subsection (a) shall be—

"(A) tied to promoting high academic standards;

"(B) used to improve student performance; and

"(C) part of an overall education reform strategy.

"SEC. 6132. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this part, each State or local educational agency may use funds made available under this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 6133. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortium of such agencies may receive an allocation of funds under this part for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1)(A) sets forth the planned allocation of funds among innovative assistance programs described in section 6131 and describes the programs, projects, and activities designed to carry out such innovative assistance which the local educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities; and

"(B) sets forth the allocation of such funds required to implement section 6142;

"(2) describes how assistance under this part will contribute to meeting America's Education Goals and improving student achievement or improving the quality of education for students;

"(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section 6142;

"(4) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State educational agency under this part; and

"(5) provides in the allocation of funds for the assistance authorized by this part, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary schools and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this part (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed three fiscal years, may provide for the allocation of funds to programs for a period of three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this part, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this part and are used to meet the educational needs within the schools of such local educational agency.

"Subpart 4—General Administrative Provisions

"SEC. 6141. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 6142. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—

"(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of

this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

“(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

“(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

“(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

“(c) FUNDS.—

“(1) ADMINISTRATION OF FUNDS AND PROPERTY.—The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

“(2) PROVISION OF SERVICES.—The provision of services pursuant to this part shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

“(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary schools and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

“(e) WAIVER AND PROVISION OF SERVICES.—

“(1) FAILURE TO COMPLY.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

“(2) WITHHOLDING OF ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

“(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

“(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this part.

“(h) REVIEW.—

“(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

“(2) COURT ACTION.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

“(3) REMAND TO SECRETARY.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(4) COURT REVIEW.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of part I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall, to the extent consistent with the purposes of this part, apply to programs under this part.

“SEC. 6143. FEDERAL ADMINISTRATION.

“(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

“(b) RULEMAKING.—The Secretary shall issue regulations under this part to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

“(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

“PART B—RURAL EDUCATION INITIATIVE

“SEC. 6203. SHORT TITLE.

“This part may be cited as the ‘Rural Education Achievement Program’.

“SEC. 6202. PURPOSE.

“It is the purpose of this part to address the unique needs of rural school districts that frequently—

“(1) lack the personnel and resources needed to compete for Federal competitive grants; and

“(2) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

“SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part—

“(1) $125,000,000 for fiscal year 2001, of which $62,500,000 shall be made available to carry out subpart 1; and

“(2) such sums as may be necessary for each of the 5 succeeding fiscal years.

“Subpart 1—Small, Rural School Achievement Program

“SEC. 6211. FORMULA GRANT PROGRAM AUTHORIZED.

“(a) ALTERNATIVE USES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out innovative assistance activities described in section 6131(b).

“(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

“(b) ELIGIBILITY.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

“(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7, as determined by the Secretary of Education.

“(c) APPLICABLE FUNDING.—In this section, the term ‘applicable funding’ means funds provided under each of titles II, IV, and VI.

“(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

“(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth

in subsection (c) may be considered to be references to funds for this section.

"(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

"SEC. 6212. COMPETITIVE GRANT PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out innovative assistance activities described in section 6131(b).

"(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if—

"(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7, as determined by the Secretary of Education.

"(c) AMOUNT.—

"(1) IN GENERAL.—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 6211(c) for the fiscal year.

"(2) DETERMINATION.—The amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students that are in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the amount may not exceed $60,000.

"(3) CENSUS DETERMINATION.—

"(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

"(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

"(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

"(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

"(f) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

"SEC. 6213. ACCOUNTABILITY.

"(a) ACADEMIC ACHIEVEMENT.—

"(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 6211 or 6212 for a fiscal year shall—

"(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

"(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

"(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 6211 or 6212 shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under such section.

"(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 6211(c) shall—

"(1) after the fifth year that a local educational agency in the State participates in a program authorized under section 6211 or 6212 and on the basis of the results of the assessments or tests described in subsection (a), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the fifth year of the participation than the students performed on the assessments or tests after the first year of the participation;

"(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 5 years; and

"(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program, for a period of 5 years from the date of the determination.

"SEC. 6214. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

"(a) IN GENERAL.—If the amount appropriated for any fiscal year and made available for grants under this subpart is insufficient to pay the full amount for which all agencies are eligible under this subpart, the Secretary shall ratably reduce each such amount.

"(b) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

"Subpart 2—Low-Income and Rural School Program

"SEC. 6221. DEFINITIONS.

"In this subpart:

"(1) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(2) SPECIALLY QUALIFIED AGENCY.—The term 'specially qualified agency' means an eligible local educational agency, located in a State that does not participate in a program carried out under this subpart for a fiscal year, which may apply directly to the Secretary for a grant for such year in accordance with section 6222(b).

"SEC. 6222. PROGRAM AUTHORIZED.

"(a) GRANTS TO STATES.—

"(1) IN GENERAL.—From the sum appropriated under section 6203 for a fiscal year and made available to carry out this subpart, the Secretary shall award grants, from allotments made under paragraph (2), to State educational agencies that have applications approved under section 6224 to enable the State educational agencies to award grants to eligible local educational agencies for innovative assistance activities described in section 6131(b).

"(2) ALLOTMENT.—From the sum appropriated under section 6203 for a fiscal year and made available to carry out this subpart, the Secretary shall allot to each State educational agency an amount that bears the same ratio to the sum as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students at the schools served by eligible local educational agencies in all States for that fiscal year.

"(b) DIRECT GRANTS TO SPECIALLY QUALIFIED AGENCIES.—

"(1) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program carried out under this subpart or does not have an application approved under section 6224, a specially qualified agency in such State desiring a grant under this subpart shall apply directly to the Secretary under section 6224 to receive a grant under this subpart.

"(2) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (a)(2) directly to specially qualified agencies in the State.

"(c) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs.

"SEC. 6223. STATE DISTRIBUTION OF FUNDS.

"(a) IN GENERAL.—A State educational agency that receives a grant under this subpart may use the funds made available through the grant to award grants to eligible local educational agencies to enable the local educational agencies to carry out innovative assistance activities described in section 6131(b).

"(b) LOCAL AWARDS.—

"(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

"(A) 20 percent or more of the children age 5 through 17 that are served by the local educational agency are from families with incomes below the poverty line; and

"(B) all of the schools served by the agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

"(c) AWARD BASIS.—The State educational agency shall award the grants to eligible local educational agencies—

"(1) on a competitive basis; or

"(2) according to a formula based on the number of students in average daily attendance at schools served by the eligible local educational agencies.

"SEC. 6224. APPLICATIONS.

"(a) IN GENERAL.—Each State educational agency and specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(b) CONTENTS.—At a minimum, such application shall include information on specific measurable goals and objectives to be achieved

through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

“(1) increased student academic achievement;

“(2) decreased student dropout rates; or

“(3) such other factors as the State educational agency or specially qualified agency may choose to measure.

“SEC. 6225. ACCOUNTABILITY.

“(a) State Reports.—Each State educational agency that receives a grant under this subpart shall prepare and submit to the Secretary an annual report. The report shall describe—

“(1) the method the State educational agency used to award grants to eligible local educational agencies under this subpart;

“(2) how the local educational agencies used the funds provided under this subpart; and

“(3) the degree to which the State made progress toward meeting the goals and objectives described in the application submitted under section 6224.

“(b) Specially Qualified Agency Report.—Each specially qualified agency that receives a grant under this subpart shall prepare and submit to the Secretary an annual report. The report shall describe—

“(1) how such agency used the funds provided under this subpart; and

“(2) the degree to which the agency made progress toward meeting the goals and objectives described in the application submitted under section 6224.

“(c) Academic Achievement.—

“(1) In general.—Each local educational agency that receives a grant under this subpart for a fiscal year shall—

“(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

“(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

“(2) Special Rule.—Each local educational agency that receives a grant under this subpart shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under this subpart.

“(d) State Educational Agency Determination Regarding Continuing Participation.—Each State educational agency that receives a grant under this subpart shall—

“(1) after the fifth year that a local educational agency in the State participates in the program authorized under this subpart and on the basis of the results of the assessments or tests described in subsection (c), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the fifth year of the participation than the students performed on the assessments or tests after the first year of the participation;

“(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 5 years; and

“(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program for a period of 5 years from the date of the determination.

“SEC. 6226. SUPPLEMENT NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds.

“SEC. 6227. SPECIAL RULE.

“No local educational agency may concurrently participate in activities carried out under subpart 1 and activities carried out under this subpart.

“PART C—EDUCATION FLEXIBILITY PARTNERSHIPS

“SEC. 6301. SHORT TITLE.

“This part may be cited as the ‘Education Flexibility Partnership Act of 2000’.

“SEC. 6302. DEFINITIONS.

“In this part:

“(1) Eligible school attendance area; school attendance area.—The terms ‘eligible school attendance area’ and ‘school attendance area’ have the meanings given the terms in section 1113(a)(2).

“(2) State.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

“SEC. 6303. EDUCATION FLEXIBILITY PARTNERSHIP.

“(a) Educational Flexibility Program.—

“(1) Program authorized.—

“(A) In general.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

“(B) Designation.—Each eligible State participating in the program described in subparagraph (A) shall be known as an ‘Ed-Flex Partnership State’.

“(2) Eligible state.—For the purpose of this section the term ‘eligible State’ means a State that—

“(A) has—

“(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b), and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3); or

“(ii)(I) developed and implemented the content standards described in clause (i);

“(II) developed and implemented interim assessments; and

“(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local educational agencies in the State produce the profiles described in clause (i);

“(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4), and for engaging in technical assistance and corrective actions consistent with section 1116, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2); and

“(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

“(3) State application.—

“(A) In general.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

“(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

“(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

“(II) State statutory or regulatory requirements relating to education;

“(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

“(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan;

“(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b);

“(v) a description of how the State educational agency will evaluate, consistent with the requirements of title I, the performance of students in the schools and local educational agencies affected by the waivers; and

“(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

“(B) Approval and considerations.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

“(i) the eligibility of the State as described in paragraph (2);

“(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

“(iii) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

“(iv) the degree to which the State's objectives described in subparagraph (A)(iii)—

“(I) are clear and have the ability to be assessed; and

“(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

“(v) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

“(vi) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

“(4) Local application.—

“(A) In general.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

“(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

"(ii) describe the purposes and overall expected results of waiving each such requirement;

"(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

"(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

"(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

"(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

"(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

"(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

"(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

"(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

"(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

"(i) has been inadequate to justify continuation of such waiver; or

"(ii) has decreased for two consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

"(5) OVERSIGHT AND REPORTING.—

"(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

"(B) STATE REPORTS.—

"(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

"(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

"(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

"(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

"(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

"(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

"(C) SECRETARY'S REPORTS.—The Secretary, not later than 2 years after the date of enactment of the Education Flexibility Partnership Act of 1999 and annually thereafter, shall—

"(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

"(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

"(6) DURATION OF FEDERAL WAIVERS.—

"(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers—

"(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

"(ii) has improved student performance.

"(B) PERFORMANCE REVIEW.—Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

"(C) RENEWAL.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

"(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

"(ii) demonstrates in the request that local educational agencies or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

"(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the educational flexibility program under this section for each of the fiscal years 1999 through 2004.

"(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

"(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

"(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

"(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

"(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

"(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs carried out under the following provisions:

"(1) Title I (other than subsections (a) and (c) of section 1116).

"(2) Subparts 1, 2, and 3 of part A of title II.

"(3) Subpart 2 of part A of title V (other than section 5136).

"(4) Part A of title IV.

"(5) Part A of title VI.

"(6) Part C of title VII.

"(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

"(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

"(1) relating to—

"(A) maintenance of effort;

"(B) comparability of services;

"(C) equitable participation of students and professional staff in private schools;

"(D) parental participation and involvement;

"(E) distribution of funds to States or to local educational agencies;

"(F) serving eligible school attendance areas in rank order under section 1113(a)(3);

"(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b);

"(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

"(I) applicable civil rights requirements; and

"(2) unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

"(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

"(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) (as such provisions were in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the waiver authority.

"(2) APPLICABLE PROVISIONS.—The provisions of law referred to in paragraph (1) are as follows:

"(A) Section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Educational Opportunities Act).

"(B) The proviso referring to such section 311(e) under the heading 'EDUCATION REFORM' in the Department of Education Appropriations

Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

"(3) SPECIAL RULE.—If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—

"(A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Educational Opportunities Act); and

"(B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.

"(4) TECHNOLOGY.—In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall permit a State educational agency to expand, on or after the date of the enactment of the Educational Opportunities Act, the waiver authority to include programs under subpart 2 of part A of title V (other than section 5136).

"(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

"PART D—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 6401. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

"(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 3(10).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the coordinated administration of such programs;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop challenging State standards and assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act.

"SEC. 6402. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 6403. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the total amount available to the local educational agency under such covered programs.

"(b) STATE PROCEDURES.—Not later than one year after the date of enactment of the Educational Opportunities Act, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the uses described in section 6401(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"SEC. 6404. ADMINISTRATIVE FUNDS EVALUATION.

"(a) FEDERAL FUNDS EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct an evaluation of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs. The evaluation shall examine—

"(A) the methods employed by schools, local educational agencies, and State educational agencies to reduce administrative expenses and maximize the use of funds for activities directly affecting student learning; and

"(B) the steps which may be taken to assist schools, local educational agencies, and State educational agencies to account for and reduce administrative expenses.

"(2) STATE DATA.—Beginning in fiscal year 2001 and each succeeding fiscal year thereafter, each State educational agency which receives funds under title I shall submit to the Secretary a report on the use of title I funds for the State administration of activities assisted under title I. Such report shall include the proportion of State administrative funds provided under section 1603 that are expended for—

"(A) basic program operation and compliance monitoring;

"(B) statewide program services such as development of standards and assessments, curriculum development, and program evaluation; and

"(C) technical assistance and other direct support to local educational agencies and schools.

"(3) FEDERAL FUNDS EVALUATION REPORT.—The Secretary shall complete the evaluation conducted under this section not later than July 1, 2004, and shall submit to the President and the appropriate committees of Congress a report regarding such evaluation within 30 days of the completion of such evaluation.

"SEC. 6405. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title IX, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—

"(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) REQUIREMENTS.—The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve America's Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"SEC. 6406. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"(a) UNNEEDED PROGRAM FUNDS.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) are not needed for the purpose of that covered program, may use such funds, not to exceed five percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

"(b) COORDINATION OF SERVICES.—A local educational agency, individual school, or consortium of schools may use a total of not more than five percent of the funds such agency, school, or consortium, respectively, receives under this part for the establishment and implementation of a coordinated services project.

"PART E—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

"SEC. 6501. PURPOSE.

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"SEC. 6502. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

"(a) General Authority.—

"(1) Simplification.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

"(A) each of the covered programs in which the State participates; and

"(B) the additional programs described in paragraph (2).

"(2) Additional Programs.—A State educational agency may also include in its consolidated State plan or consolidated State application—

"(A) the Even Start program under part B of title I;

"(B) the Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out under part D of title I;

"(C) programs under Public Law 103–239; and

"(D) such other programs as the Secretary may designate.

"(3) Consolidated Applications and Plans.—A State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

"(b) Collaboration.—

"(1) In General.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) Contents.—Through the collaborative process described in subsection (b)(1), the Secretary shall establish, for each program under this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

"(3) Necessary Materials.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 6503. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) Assurances.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 6502, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA Provision.—Section 441 of the General Education Provisions Act shall not apply to this part.

"SEC. 6504. ADDITIONAL COORDINATION.

"(a) Additional Coordination.—In order to explore ways for State educational agencies to reduce administrative burdens and promote the coordination of the education services of this Act with other health and social service programs administered by such agencies, the Secretary is directed to seek agreements with other Federal agencies (including the Departments of Health and Human Services, Justice, Labor and Agriculture) for the purpose of establishing procedures and criteria under which a State educational agency would submit a consolidated State plan or consolidated State application that meets the requirements of the covered programs.

"(b) Report.—The Secretary shall report to the relevant committees of Congress not later than 6 months after the date of enactment of the Educational Opportunities Act.

"SEC. 6505. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

"(a) General Authority.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) Required Consolidated Plans or Applications.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 6502 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs.

"(c) Collaboration.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

"(d) Necessary Materials.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 6506. OTHER GENERAL ASSURANCES.

"(a) Assurances.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 6504, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA Provision.—Section 442 of the General Education Provisions Act shall not apply to this part.

"SEC. 6507. RELATIONSHIP OF STATE AND LOCAL PLANS TO OTHER PLANS.

"(a) State Plans.—Each State plan submitted under the following programs shall be integrated with each other and the State's improvement plan, if any, either approved or being developed, under Public Law 103–239, and the

Carl D. Perkins Vocational and Technical Education Act of 1998:

"(1) Part A of title I (helping disadvantaged children meet high standards).

"(2) Part C of title I (education of migratory children).

"(3) Title II (professional development).

"(4) Title IV (safe and drug-free schools).

"(5) Part A of title VI (innovative education program strategies).

"(6) Subpart 4 of part A of title IX (Indian education).

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other:

"(A) Part A of title I (helping disadvantaged children meet high standards).

"(B) Title II (professional development).

"(C) Title IV (safe and drug-free schools).

"(D) Part A of title VI (innovative education program strategies).

"(E) Subpart 1 of part A of title VII (bilingual education).

"(F) Part C of title VII (emergency immigrant education).

"(G) Subpart 4 of part A of title IX (Indian education).

"(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part B of title I (Even Start) shall be consistent with, and promote the goals of the State plan under section 1111 and the local educational agency plan under section 1112.

"PART F—WAIVERS

"SEC. 6601. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver under subsection (b).

"(b) REQUEST FOR WAIVER.—

"(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver request to the Secretary that—

"(A) identifies the Federal programs affected by such requested waiver;

"(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

"(i) increase the quality of instruction for students; or

"(ii) improve the academic performance of students;

"(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies, Indian tribes or schools, as appropriate, to achieve the objectives described in clauses (i) and (ii) of subparagraph (B);

"(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

"(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

"(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

"(2) ADDITIONAL INFORMATION.—Such requests—

"(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) shall be developed and submitted—

"(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

"(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

"(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

"(3) GENERAL REQUIREMENTS.—

"(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

"(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

"(ii) submit the comments to the Secretary; and

"(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

"(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

"(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

"(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

"(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

"(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) use of Federal funds to supplement, not supplant, non-Federal funds;

"(5) equitable participation of private school students and teachers;

"(6) parental participation and involvement;

"(7) applicable civil rights requirements;

"(8) the requirement for a charter school under part D of title V;

"(9) the prohibitions regarding—

"(A) State aid in section 10102; or

"(B) use of funds for religious worship or instruction in section 10107; or

"(10) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b).

"(d) DURATION AND EXTENSION OF WAIVER.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed three years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

"(B) such extension is in the public interest.

"(e) REPORTS.—

"(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

"(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

"(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(4) REPORT TO CONGRESS.—Beginning in fiscal year 2001 and each subsequent year, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"PART G—EDUCATION PERFORMANCE PARTNERSHIPS

"SEC. 6701. SHORT TITLE.

"This part may be cited as the 'Education Performance Partnerships Act'.

"SEC. 6702. PURPOSE.

The purpose of this part is to create options for States and communities—

"(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government on such achievement;

"(2) to give States and communities maximum flexibility in determining how to boost academic achievement and implement education reforms;

"(3) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children;

"(4) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind;

"(5) to give States and local school districts maximum flexibility to determine how to educate students in return for standards of accountability that exceed the requirements of existing Federal law.

"SEC. 6703. PERFORMANCE PARTNERSHIP AGREEMENTS.

"(a) AGREEMENT AUTHORIZED.—A State may, at the option of the State, execute a performance partnership agreement with the Secretary under which the provisions of law described in section 6704(a) shall not apply to such State except as otherwise provided in this part.

"(b) DETERMINATION OF STATE PARTICIPATION.—The Governor of a State, in consultation with the individual or body responsible for the education programs of the State under State law, shall determine whether the State shall participate in a performance partnership agreement.

"(c) APPROVAL OF PERFORMANCE PARTNERSHIP AGREEMENT.—

"(1) IN GENERAL.—A performance partnership agreement submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary provides a written notification, within 60 days after receiving the performance partnership agreement, that identifies areas of the agreement that do not comply with the provisions of this part but that are subject to negotiation under paragraph (2).

"(2) NEGOTIATIONS.—

"(A) IN GENERAL.—Not later than 4 months after the date on which a notification is provided to a State under paragraph (1), the Secretary shall complete negotiations with the State concerning the areas of noncompliance identified in the notification.

"(B) PEER REVIEW.—If the Secretary and the State do not complete negotiations within the 4-month period described in subparagraph (A), the proposed performance partnership agreement involved shall be subject to peer review, except that such 4-month period may be extended for an additional 30 days if the Secretary and the State agree to such a continuance.

"(3) RESUBMISSION.—A State may resubmit a performance partnership agreement at any time after such agreement is rejected by the Secretary. If the Secretary rejects a performance partnership agreement, a State shall have the opportunity to request peer review of the rejection.

"(4) PEER REVIEW.—

"(A) ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish a peer review committee to conduct a review of a performance partnership agreement as provided for under paragraph (2)(B) or (3).

"(B) REVIEWERS.—The committee shall be composed of 7 members, of which—

"(i) 2 members shall be appointed by the State submitting the agreement;

"(ii) 2 members shall be appointed by the Secretary; and

"(iii) 3 members shall be appointed by the National Academy of Sciences.

"(C) RESPONSIBILITIES.—The committee shall review the agreement and, at the discretion of the committee, conduct a site visit.

"(D) RECOMMENDATIONS.—The committee shall make advisory recommendations to the Secretary and the State regarding the agreement, not later than 60 days after receiving the agreement.

"(E) DECISION.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 30 days after receiving the recommendations, the Secretary shall decide whether to approve the agreement.

"(ii) CONTINUED NEGOTIATIONS.—Negotiations on the agreement may continue for as long as the Secretary and the State agree.

"(d) TERMS OF PERFORMANCE PARTNERSHIP.—Each performance partnership agreement executed pursuant to this part shall meet the following requirements:

"(1) TERM.—The agreement shall contain a statement that the term of the performance partnership agreement may be not more than 5 years.

"(2) APPLICATION OF PROGRAM REQUIREMENTS.—The agreement shall state that no program requirements of any program included in the performance partnership agreement shall apply to activities carried out with the program funds, except as otherwise provided in this part.

"(3) LIST.—The agreement shall include a list, provided by the State, of the programs that the State wishes to include in the performance partnership agreement.

"(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—The agreement shall contain a 5-year plan describing how the State intends to combine and use the funds from programs included in the performance partnership agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between groups of students.

"(5) OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT.—The agreement shall include information that demonstrates that the State has, as provided for under the laws of the State, provided parents, teachers, and local educational agencies with notice and an opportunity to comment on a proposed performance partnership agreement prior to the submission of such agreement to the Secretary.

"(6) ACCOUNTABILITY SYSTEM REQUIREMENTS.—If the State includes any program under part A of title I in the performance partnership agreement the State shall include a certification that—

"(A)(i) the State has developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b); or

"(ii) the State has developed and implemented a system to measure the degree of change from 1 school year to the next in student performance on such aligned assessments;

"(B) the State has established a system under which assessment information obtained through an assessment or measurement described in subparagraph (A) is disaggregated by race, ethnicity, English proficiency status, and socioeconomic status for the State, each local educational agency, and each school, except that such disaggregation shall not be required in cases in which—

"(i) the number of students in any group that would result would be insufficient to yield statistically reliable information; or

"(ii) the disaggregated information would reveal the identity of an individual student;

"(C) the State has established specific, measurable, student performance objectives for determining adequate yearly progress (referred to in this part as 'performance objectives'), including—

"(i) a definition of performance considered to be adequate and inadequate by the State on the assessment or measurement instruments described in subparagraph (A) (and (B)), for all students; and

"(ii) the objective of improving the performance of all student groups and narrowing gaps in achievement between the lowest and highest performing students; and

"(D) the State has developed and implemented a statewide system for holding local educational agencies and schools in the State accountable for student performance on the performance objectives that includes—

"(i) a procedure for identifying local educational agencies and schools in need of improvement;

"(ii) a procedure for assisting and building capacity in local educational agencies and schools identified as needing improvement, to improve teaching and learning; and

"(iii) a procedure for implementing corrective actions if the provision of assistance and capacity building described in clause (ii) is not effective.

"(7) PERFORMANCE GOALS.—

"(A) STUDENT ACHIEVEMENT DATA.—Each State shall establish, and include in the agreement, student performance goals for the 5-year term of the agreement that, at a minimum—

"(i) establish a single high standard of performance for all students;

"(ii) take into account the progress of students from every local educational agency and school in the State participating in a program subject to the performance partnership agreement;

"(iii) measure changes in the percentages of students at selected grade levels meeting specified proficiency levels of achievement (established by the State) in each year of the performance partnership agreement, compared to such percentages in the baseline year (as described in subparagraph (C));

"(iv) set annual goals for improving the performance of each group specified in paragraph (6)(B) and for narrowing gaps in performance between the highest and lowest performing students in accordance with section 6710(b); and

"(v) require all students served by a local educational agency or school in the State participating in a program subject to the performance partnership agreement to make substantial gains in achievement.

"(B) ADDITIONAL PERFORMANCE INDICATORS.—A State may identify in the performance partnership agreement any additional performance indicator such as graduation, dropout, or attendance rates.

"(C) BASELINE PERFORMANCE DATA.—To determine the percentages of students at selected grade levels meeting specified proficiency levels of achievement for the baseline year, the State shall use the most recent achievement data available on the date on which the State and the Secretary execute the performance partnership agreement.

"(D) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum, the same challenging State student performance standards, and consistent aligned assessments or measures, as specified in the performance partnership agreement involved, throughout the term of the agreement.

"(8) ANNUAL REPORT.—The agreement shall include an assurance that not later than 2 years after the date of the execution of the performance partnership agreement, and annually thereafter, the State shall disseminate widely to the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

"(A) student performance data obtained through an assessment or measurement conducted under paragraph (6)(A), disaggregated as provided in paragraph (6)(B); and

"(B) a detailed description of how the State has used Federal funds to improve student performance and reduce achievement gaps to meet the terms of the performance partnership agreement.

"(9) COMPLIANCE.—The agreement shall include an assurance that the State educational agency was in compliance with the requirements of this Act as such Act was in effect on the date of enactment of this part.

"(10) ALIGNMENT WITH REFORM PLAN.—The agreement shall contain an assurance that the plan described in paragraph (4) is aligned with the State's reform plan for elementary and secondary education.

"(11) FISCAL RESPONSIBILITIES.—The agreement shall include an assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursements *of, and accounting for, Federal funds provided to the State under this part.*

‘‘(12) Implementation Schedule.—The agreement shall include a schedule for implementation of the plan described in paragraph (4) that aligns the plan with the school calendar for elementary schools and secondary schools in the State.

‘‘(13) Timeline for Reporting Student Performance Data.—The agreement shall contain a timeline for reporting student performance data obtained through an assessment or measurement conducted under paragraph (6)(A), based on the State's assessment schedule.

‘‘(e) Amendment to Performance Partnership Agreement.—

‘‘(1) In General.—The State may modify the terms of the performance partnership agreement—

‘‘(A) by submitting to the Secretary, and obtaining the approval of the Secretary on, an amendment described in paragraph (2); or

‘‘(B) by providing notice to the Secretary of the State's intent to make an amendment described in paragraph (3).

‘‘(2) Amendments Requiring Approval of Secretary.—

‘‘(A) Withdrawal of Programs.—A State may submit to the Secretary an amendment that withdraws a program described in section 6704(a) from the performance partnership agreement. If the Secretary approves the amendment, the requirements of applicable law shall apply for the program withdrawn.

‘‘(B) Inclusion of Programs.—A State may submit to the Secretary an amendment that includes an additional program described in section 6704(a) in the performance partnership agreement.

‘‘(C) Inclusion of Performance Objectives.—A State may submit to the Secretary an amendment that includes in the agreement an additional performance objective for which local educational agencies and schools in the State will be held accountable.

‘‘(3) Amendments Not Requiring Approval of Secretary.—A State, in the discretion of the State, may amend the performance partnership agreement to modify any term of the agreement other than a term described in paragraph (2) or subsection (d)(7)(D).

“SEC. 6704. TREATMENT OF ELIGIBLE PROGRAMS UNDER AGREEMENTS.

‘‘(a) Eligible Programs.—The programs that may be included in a performance partnership agreement under this part are the programs authorized under the following provisions of law:

‘‘(1) Part A of title I.

‘‘(2) Part B of title I.

‘‘(3) Part C of title I.

‘‘(4) Section 1502.

‘‘(5) Subparts 1, 2, and 3 of part A of title II.

‘‘(6) Part B of title III.

‘‘(7) Section 5132.

‘‘(8) Title VI.

‘‘(9) Part C of title VII.

‘‘(10) Any other provision of this Act that is not in effect on the date of enactment of the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

‘‘(11) Section 310 of the Department of Education Appropriations Act, 2000.

‘‘(12) Title III of the Goals 2000: Educate America Act.

‘‘(13) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

‘‘(b) Excluded Provisions.—Each State entering into a performance partnership agreement under this part shall comply with any statutory or regulatory requirement applicable to a program described in subsection (a) relating to—

‘‘(1) maintenance of effort;

‘‘(2) comparability of services;

‘‘(3) equitable participation of students and professional staff of private schools;

‘‘(4) parental participation and involvement;

‘‘(5) in the case of a program carried out under part A of title I, the serving of eligible school attendance areas in rank order under section 1113(a)(3);

‘‘(6) in the case of a program carried out under part A of title I, the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that a State may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families (within the meaning of section 6303(c)(1)(G)) in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school served by the local educational agency that meets the requirements of such subsections (a) and (b);

‘‘(7) use of Federal funds to supplement, not supplant, non-Federal funds; and

‘‘(8) applicable civil rights requirements.

‘‘(c) Combination of Funds Under Agreement.—A State that includes programs described in subsection (a) in a partnership performance agreement may combine funds from any or all of the programs without regard to the program requirements of the programs, except—

‘‘(1) as otherwise provided in this part; and

‘‘(2) that formulas for the program for the allotment of Federal funds to States shall remain in effect except as otherwise provided in Federal law.

‘‘(d) Uses of Funds Under Agreement.—Funds made available to a State under this part shall be used for educational purposes, including—

‘‘(1) carrying out activities focused on improved student learning;

‘‘(2) providing new books;

‘‘(3) providing additional technology;

‘‘(4) promoting high standards and conducting assessments;

‘‘(5) conducting teacher hiring and making improvements in the quality of teaching;

‘‘(6) reducing class sizes;

‘‘(7) operating alternative schools;

‘‘(8) constructing schools;

‘‘(9) supporting special education;

‘‘(10) operating charter schools;

‘‘(11) promoting character education;

‘‘(12) conducting dropout prevention activities; and

‘‘(13) providing tutoring and remedial help for struggling students.

“SEC. 6705. LOCAL PARTICIPATION IN AGREEMENTS.

‘‘(a) Nonparticipating State.—

‘‘(1) In General.—If a State chooses not to submit a performance partnership agreement under this part, any local educational agency in such State is eligible, at the option of the agency, to submit to the Secretary a performance partnership agreement in accordance with this section.

‘‘(2) Agreement.—The terms of a performance partnership agreement between an eligible local educational agency described in this subsection and the Secretary shall specify the programs to be included in the performance partnership agreement, as agreed upon by the State and the agency, from the list specified in section 6704(a).

‘‘(b) State Approval.—In submitting a performance partnership agreement to the Secretary, the eligible local educational agency shall provide written documentation from the State in which such agency is located that the State has no objection to the local educational agency's proposal for a performance partnership agreement.

‘‘(c) Application.—

‘‘(1) In General.—Except as provided in this section, and to the extent practicable, the requirements of this part shall apply to an eligible local educational agency that submits a performance partnership agreement in the same manner and to the same extent as the requirements apply to a State that submits such an agreement.

‘‘(2) Exceptions.—Sections 6706 (other than section 6706(b)) and 6707 (other than section 6707(d)) shall not apply to the eligible local educational agency.

“SEC. 6706. WITHIN STATE DISTRIBUTION OF FUNDS.

‘‘(a) In General.—A State that enters into a performance partnership agreement with respect to programs shall distribute the funds from the programs to local educational agencies within the State on the basis of the constitutional and statutory requirements of the State.

‘‘(b) Targeting for Programs Under Part A of Title I.—If a State includes programs carried out under part A of title I in the performance partnership agreement, sections 1113, 1124, 1124A, 1125, 1125A, 1126, and 1127 shall apply under the agreement, except as provided for under part C.

“SEC. 6707. STATE ADMINISTRATIVE EXPENDITURES.

‘‘(a) Part A Program in Agreement.—A State that includes programs carried out under title I in the State's performance partnership agreement may use not more than 1 percent of the total amount of funds allotted to such State under such programs (as part of the performance partnership agreement) for administrative purposes.

‘‘(b) Other Programs in Agreement.—

‘‘(1) In General.—With respect to programs included in the performance partnership agreement of the State other than programs carried out under title I, the State may use for administrative purposes, from the total amount of funds allotted to such State under such non-title I programs (as part of the performance partnership agreement)—

‘‘(A) for the first school year for which the agreement is in effect, not more than the total amount provided for administration under the programs for the preceding school year;

‘‘(B) for the second such school year, not more than 5 percent, plus 75 percent of the covered reduction, of the total amount of funds allotted;

‘‘(C) for the third such school year, not more than 5 percent, plus 50 percent of the covered reduction, of the total amount of funds allotted;

‘‘(D) for the fourth such school year, not more than 5 percent, plus 25 percent of the covered reduction, of the total amount of funds allotted; and

‘‘(E) for the fifth such school year, not more than 5 percent of the total amount of funds allotted.

‘‘(2) Exception.—Notwithstanding paragraph (1), a State may use not more than 7 percent of the total amount of funds allotted to such State under such non-title I programs (as part of the performance partnership agreement) for administrative and nonadministrative expenses associated with statewide or districtwide initiatives directly affecting classroom learning.

‘‘(3) Definition.—In this subsection, the term ‘covered reduction' means the amount obtained by subtracting—

‘‘(A) 5 percent of the total amount of funds allotted to the State under the programs included in the agreement; from

‘‘(B) the total amount described in paragraph (1)(A).

‘‘(c) Renewal of Agreement.—Upon the renewal of the performance partnership agreement of a State for a subsequent term, the State may use not more than 5 percent of the total amount of funds allotted to such State under the programs included in the performance partnership agreement for administrative purposes.

"(d) LOCAL EDUCATIONAL AGENCY.—A local educational agency submitting a performance partnership agreement under this part may use not more than 5 percent of the total amount of funds allotted to such agency under the programs included in the performance partnership agreement for administrative purposes.

"SEC. 6708. PERFORMANCE REVIEW.

"(a) RECOMMENDATIONS FOR IMPROVEMENT.—

"(1) REVIEW.—At the end of the third year for which a performance partnership agreement is in effect for a State, the Secretary shall prepare a written performance review of the activities carried out under the agreement.

"(2) RECOMMENDATIONS.—

"(A) IN GENERAL.—If the Secretary determines, in the performance review that—

"(i) the State has failed to carry out the requirements of the agreement;

"(ii) the State has failed to implement the State accountability system described in section 6703(d)(6)(D); or

"(iii) the State has failed to make adequate progress in improving student performance, as measured through performance objectives,

the Secretary shall include in the review written recommendations to the State for improvement.

"(B) SIGNIFICANT DECLINE IN ACHIEVEMENT.—If the Secretary determines, in the performance review, that student achievement with respect to the performance objectives of the State has significantly declined, the Secretary shall, after notice and an opportunity for a hearing, terminate the agreement. Such agreement shall not be terminated if the State demonstrates to the Secretary that the decline in student achievement was justified based on exceptional circumstances or circumstances beyond the control of the State.

"(b) WITHHOLDING OF FUNDS OR TERMINATION OF AGREEMENT.—

"(1) REVIEW.—If the Secretary makes a determination described in subsection (a)(2) in the performance review for a State, not later than 1 year after the date of the determination the Secretary shall prepare a second written performance review for the State of the activities described in subsection (a)(1).

"(2) ACTION.—If the Secretary makes a determination described in subsection (a)(2) in the second performance review for a State, the Secretary may take 1 or more of the following actions:

"(A) Withhold a percentage of State administrative funds for programs included in the performance partnership agreement.

"(B) Terminate the performance partnership agreement.

"SEC. 6709. RENEWAL OF PERFORMANCE PARTNERSHIP AGREEMENT.

"(a) NOTIFICATION.—A State that wishes to renew a performance partnership agreement shall notify the Secretary not later than 6 months before the end of the 5-year term of the agreement.

"(b) RENEWAL REQUIREMENTS.—The Secretary shall renew the agreement for an additional 5-year term, if—

"(1) at the end of the 5-year term described in subsection (a), or as soon after the term as is practicable, the State submits the data required under the agreement; and

"(2) the Secretary determines, on the basis of the data, that the State that has made substantial progress toward meeting the performance goals described in section 6703(d)(7) during the 5-year term.

"SEC. 6710. CLOSING THE ACHIEVEMENT GAP BONUS AWARDS.

"(a) IN GENERAL.—The Secretary shall provide bonus awards to eligible States (without regard to whether the States participate in a performance partnership agreement) to reward such States for making significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing student groups.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—To be eligible to receive a bonus award under subsection (a), a State shall—

"(A) use National Assessment of Educational Progress tests for the 4th and 8th grade levels or another non-State auditing device to measure (with a statistically significant sample of students) student academic progress for purposes of determining the progress made by the State in narrowing the achievement gap between the highest and lowest performing students in the State; and

"(B) exceed the national average for reducing the achievement gap between the lowest performing students and the highest performing students in at least 3 of the 4 measured categories (math and English at both the 4th and 8th grade levels).

"(2) DETERMINATION OF REDUCTION.—If, at the end of the fifth academic year that begins after performance partnerships are entered into under this part, the Secretary determines that the achievement gap between the lowest performing students and the highest performing students in a State has decreased (as determined under subsection (c)(2)) by a percentage that exceeds the national average for such reduction (as determined under subsection (c)(1)), the Secretary shall award the State the amount described in subsection (e).

"(c) DETERMINING THE REDUCTION IN ACHIEVEMENT GAP.—

"(1) NATIONAL AVERAGE.—

"(A) IN GENERAL.—For purposes of determining the national average reduction in the achievement gap between the lowest performing students and the highest performing students, the Secretary shall compare the baseline and final levels of achievement (as determined under subparagraphs (B) and (C)) of—

"(i) all those students eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act in the States described in such subparagraphs; and

"(ii) all other students not described in subparagraph (A) in the States described in such subparagraphs;

in each of the 4 measured categories described in subsection (b)(1)(B).

"(B) BASELINE LEVEL.—For purposes of subparagraph (A), the baseline level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading during the 2001-2002 academic year for all States administering such tests, or the results on another non-State auditing device during the academic year.

"(C) FINAL LEVEL.—For purposes of subparagraph (A), the final level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading for all States administering such tests during the fifth academic year in which performance partnerships are entered into under this part, or the results of another non-State auditing device during the calendar year.

"(2) STATE REDUCTIONS.—

"(A) IN GENERAL.—For purposes of determining the State reduction in the achievement gap between the lowest performing students and the highest performing students, the Secretary shall compare the baseline and final levels of achievement (as determined under subparagraphs (B) and (C)) of—

"(i) those students in the State who are eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act; and

"(ii) other students in the State not described in subparagraph (A);

in each of the 4 measured categories described in subsection (b)(1)(B).

"(B) BASELINE LEVEL.—For purposes of subparagraph (A), the baseline level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading during the 2001-2002 academic year for the State, or the results on another non-State auditing device during the academic year.

"(C) FINAL LEVEL.—For purposes of subparagraph (A), the final level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading for the State during the fifth academic year in which performance partnerships are entered into under this part, or the results on another non-State auditing device during the academic year.

"(3) LIMITATION.—A reduction in the achievement gap between the lowest performing students and the highest performing students that results from a reduction in the achievement levels of the highest performing students shall not be considered a reduction for purposes of this subsection.

"(d) REVIEW.—The Secretary shall review the improvement that the State has made in closing the achievement gap, as measured on State assessments.

"(e) AMOUNT OF AWARD.—

"(1) IN GENERAL.—The amount described in this subsection with respect to a State described in subsection (b)(2) shall be an amount that bears the same relationship to the amount appropriated under subsection (f) as the number of eligible individuals in the State bears to the total number of eligible individuals in all such States.

"(2) ELIGIBLE INDIVIDUALS.—In paragraph (1), the term 'eligible individuals' means individuals who are at least 5 years of age, but less than 17 years of age, and whose family income is below the poverty line applicable to a family of the size.

"(3) POVERTY LINE.—In paragraph (2), the term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act, including any revision required by such section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There shall be appropriated $2,500,000,000 for the fifth full fiscal year for which performance partnership agreements are entered into under this part to carry out this section.

"SEC. 6711. PERFORMANCE REPORT.

"Not later than 60 days after the Secretary receives an annual State report described in section 6703(d)(8), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"PART H—ACADEMIC ACHIEVEMENT FOR ALL DEMONSTRATION

"SEC. 6801. SHORT TITLE.

"This part may be cited as the 'Academic Achievement for All Demonstration Act (Straight A's Act)'.

"SEC. 6802. PURPOSE.

"The purpose of this part is to create options for States and communities—

"(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

"(2) to improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;

"(3) to empower parents and schools to effectively address the needs of their children and students;

“(4) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms;

“(5) to eliminate Federal barriers to implementing effective State and local education programs;

“(6) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children; and

“(7) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind.

“SEC. 6803. PERFORMANCE AGREEMENT.

“(a) PROGRAM AUTHORIZED.—Not more than 15 States may, at their option, execute a performance agreement with the Secretary under which the provisions of law described in section 6804(a) shall not apply to such State except as otherwise provided in this part. The Secretary shall execute performance partnership agreements with the first 15 States that submit approvable performance agreements under this section.

“(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and school districts notice and opportunity to comment on any proposed performance agreement prior to submission to the Secretary as provided under general State law notice and comment provisions.

“(c) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be considered as approved by the Secretary within 60 days after receipt of the performance agreement unless the Secretary provides a written determination to the State that the performance agreement fails to satisfy the requirements of this part before the expiration of the 60-day period.

“(d) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this part shall include the following provisions:

“(1) TERM.—A statement that the term of the performance agreement shall be 5 years.

“(2) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this part.

“(3) LIST.—A list provided by the State of the programs that the State wishes to include in the performance agreement.

“(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—A 5-year plan describing how the State intends to combine and use the funds from programs included in the performance agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between students.

“(5) ACCOUNTABILITY REQUIREMENTS.—If a State includes any part of title I in its performance agreement, the State shall include a certification that the State has done the following:

“(A)(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b); or

“(ii) developed and implemented a system to measure the degree of change from one school year to the next in student performance;

“(B) developed and is implementing a statewide accountability system that has been or is reasonably expected to be effective in substantially increasing the numbers and percentages of all students who meet the State's proficient and advanced levels of performance;

“(C) established a system under which assessment information may be disaggregated within each State, local educational agency, and school by each major racial and ethnic group, gender, English proficiency status, migrant status, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or will reveal the identity of an individual student);

“(D) established specific, measurable, numerical performance objectives for student achievement, including a definition of performance considered to be proficient by the State on the academic assessment instruments described under subparagraph (A);

“(E) developed and implemented a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

“(i) a procedure for identifying local educational agencies and schools in need of improvement, using the assessments described under subparagraph (A);

“(ii) assisting and building capacity in local educational agencies and schools identified as in need of improvement to improve teaching and learning; and

“(iii) implementing corrective actions after not more than 3 years if the assistance and capacity building under clause (ii) is not effective.

“(6) PERFORMANCE GOALS.—

“(A) STUDENT ACADEMIC ACHIEVEMENT.—Each State that includes part A of title I in its performance agreement shall establish annual student performance goals for the 5-year term of the performance agreement that, at a minimum—

“(i) establish a single high standard of performance for all students;

“(ii) take into account the progress of students from every local educational agency and school in the State;

“(iii) are based primarily on the State's challenging content and student performance standards and assessments described under paragraph (5);

“(iv) include specific annual improvement goals in each subject and grade included in the State assessment system, which shall include, at a minimum, reading or language arts and mathematics;

“(v) compares the proportions of students at levels of performance (as defined by the State) with the proportions of students at the levels in the same grade in the previous school year;

“(vi) includes annual numerical goals for improving the performance of each group specified in paragraph (5)(C) and narrowing gaps in performance between the highest and lowest performing students in accordance with section 6810(b); and

“(vii) requires all students in the State to make substantial gains in achievement.

“(B) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any additional indicators of performance such as graduation, dropout, or attendance rates.

“(C) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum, the same level of challenging State student performance standards and assessments throughout the term of the performance agreement.

“(7) FISCAL RESPONSIBILITIES.—An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of,. and accounting for, Federal funds paid to the State under this part.

“(8) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws.

“(9) PRIVATE SCHOOL PARTICIPATION.—

“(A) EQUITABLE PARTICIPATION.—An assurance that the State will provide for the equitable participation of students and professional staff in private schools.

“(B) APPLICATION OF BYPASS.—An assurance that sections 10104, 10105, and 10106 shall apply to all services and assistance provided under this part in the same manner as such sections apply to services and assistance provided in accordance with section 10103 of such Act.

“(10) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not reduce the level of spending of State funds for elementary and secondary education during the term of the performance agreement.

“(11) ANNUAL REPORTS.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to parents and the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

“(A) student academic performance data, disaggregated as provided in paragraph (5)(C); and

“(B) a detailed description of how the State has used Federal funds to improve student academic performance and reduce achievement gaps to meet the terms of the performance agreement.

“(e) SPECIAL RULES.—If a State does not include part A of title I in its performance agreement, the State shall—

“(1) certify that the State developed a system to measure the academic performance of all students; and

“(2) establish challenging academic performance goals for such other programs in accordance with paragraph (6)(A) of subsection (d), except that clause (vi) of such paragraph shall not apply to such performance agreement.

“(f) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

“(1) REDUCE SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. If the Secretary approves the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

“(2) EXPAND SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which the State will be held accountable.

“(3) APPROVAL OF AMENDMENT.—An amendment submitted to the Secretary under this subsection shall be considered as approved by the Secretary within 60 days after receipt of the amendment unless the Secretary provides a written determination to the State that the performance agreement if amended by the amendment will fail to satisfy the requirements of this part, before the expiration of the 60-day period.

“(g) DUAL PARTICIPATION PROHIBITED.—A State or local educational agency shall not enter into an agreement under both this part and part G. A local educational agency shall not enter into an agreement under this part or part G if the State in which the local educational agency is located has entered into an agreement under part G or this part, respectively.

“SEC. 6804. ELIGIBLE PROGRAMS.

“(a) ELIGIBLE PROGRAMS.—The provisions of law referred to in section 6803(a) except as otherwise provided in subsection (b), are as follows:

“(1) Part A of title I.

“(2) Part B of title I.

“(3) Part C of title I.

“(4) Subparts 1, 2, and 3 of part A of title II.

“(5) Part B of title III.

“(6) Section 5132.

“(7) Title VI.

"(8) Part C of title VII.

"(9) Section 307 of the Department of Education Appropriation Act of 1999.

"(10) Comprehensive school reform programs as authorized under section 1502 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

"(11) Sections 115 and 116, and parts B and C of title I of the Carl D. Perkins Vocational Technical Education Act.

"(12) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

"(b) ALLOCATIONS TO STATES.—A State may choose to consolidate funds from any or all of the programs described in subsection (a) without regard to the program requirements of the provisions referred to in such subsection, except that the proportion of funds made available for national programs and allocations to each State for State and local use, under such provisions, shall remain in effect unless otherwise provided.

"(c) USES OF FUNDS.—Funds made available under this part to a State shall be used for any elementary and secondary educational purposes permitted by State law of the participating State.

"SEC. 6805. WITHIN-STATE DISTRIBUTION OF FUNDS.

"(a) IN GENERAL.—The distribution of funds from programs included in a performance agreement from a State to a local educational agency within the State shall be determined by the Governor of the State and the State legislature. In a State in which the constitution or State law designates another individual, entity, or agency to be responsible for education, the allocation of funds from programs included in the performance agreement from a State to a local educational agency within the State shall be determined by that individual, entity, or agency, in consultation with the Governor and State Legislature. Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law.

"(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and school districts notice and opportunity to comment on the proposed allocation of funds as provided under general State law notice and comment provisions.

"(c) LOCAL HOLD HARMLESS OF PART A TITLE I FUNDS.—

"(1) IN GENERAL.—In the case of a State that includes part A of title I in the performance agreement, the agreement shall provide an assurance that each local educational agency shall receive under the performance agreement an amount equal to or greater than the amount such agency received under part A of title I in the fiscal year preceding the fiscal year in which the performance agreement is executed.

"(2) PROPORTIONATE REDUCTION.—If the amount made available to the State from the Secretary for a fiscal year is insufficient to pay to each local educational agency the amount made available under part A of title I to such agency for the preceding fiscal year, the State shall reduce the amount each local educational agency by a uniform percentage.

"SEC. 6806. LOCAL PARTICIPATION.

"(a) NONPARTICIPATING STATE.—

"(1) IN GENERAL.—If a State chooses not to submit a performance agreement under this part, any local educational agency in such State is eligible, at the local educational agency's option, to submit to the Secretary a performance agreement in accordance with this section.

"(2) AGREEMENT.—The terms of a performance agreement between an eligible local educational agency and the Secretary shall specify the programs to be included in the performance agreement, as agreed upon by the State and the agency, from the list under section 6804(a).

"(b) STATE APPROVAL.—When submitting a performance agreement to the Secretary, an eligible local educational agency described in subsection (a) shall provide written documentation from the State in which such agency is located that the State has no objection to the agency's proposal for a performance agreement.

"(c) APPLICATION.—

"(1) IN GENERAL.—Except as provided in this section, and to the extent applicable, the requirements of this part shall apply to an eligible local educational agency that submits a performance agreement in the same manner as the requirements apply to a State.

"(2) EXCEPTIONS.—The following provisions shall not apply to an eligible local educational agency:

"(A) WITHIN STATE DISTRIBUTION FORMULA NOT APPLICABLE.—The distribution of funds under section 6805 shall not apply.

"(B) STATE SET ASIDE SHALL NOT APPLY.—The State set aside for administrative funds under section 6807 shall not apply.

"SEC. 6807. LIMITATIONS ON STATE AND LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE EXPENDITURES.

"(a) IN GENERAL.—Except as otherwise provided under subsection (b), a State that includes part A of title I in the performance agreement may use not more than 1 percent of such total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

"(b) EXCEPTION.—A State that does not include part A of title I in the performance agreement may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

"(c) LOCAL EDUCATIONAL AGENCY.—A local educational agency participating in this part under a performance agreement under section 6806 may not use for administrative purposes more than 4 percent of the total amount of funds allocated to such agency under the programs included in the performance agreement.

"SEC. 6808. PERFORMANCE REVIEW AND PENALTIES.

"(a) MID-TERM PERFORMANCE REVIEW.—If, during the 5-year term of the performance agreement, student achievement significantly declines for three consecutive years in the academic performance categories established in the performance agreement, the Secretary may, after notice and opportunity for a hearing, terminate the agreement

"(b) FAILURE TO MEET TERMS.—If at the end of the 5-year term of the performance agreement a State has not substantially met the performance goals submitted in the performance agreement, the Secretary shall, after notice and an opportunity for a hearing, terminate the performance agreement and the State shall be required to comply with the program requirements, in effect at the time of termination, for each program included in the performance agreement.

"(c) PENALTY FOR FAILURE TO IMPROVE STUDENT PERFORMANCE.—If a State has made no progress toward achieving its performance goals by the end of the term of the agreement, the Secretary may reduce funds for State administrative costs for each program included in the performance agreement by not more than 50 percent for each year of the 2-year period following the end of the term of the performance agreement.

"SEC. 6809. RENEWAL OF PERFORMANCE AGREEMENT.

"(a) NOTIFICATION.—A State that wishes to renew its performance agreement shall notify the Secretary of its renewal request not less than 6 months prior to the end of the term of the performance agreement.

"(b) RENEWAL REQUIREMENTS.—A State that has met or has substantially met its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State that has met or has substantially met its performance goals.

"SEC. 6810. ACHIEVEMENT GAP REDUCTION REWARDS.

"(a) CLOSING THE GAP REWARD FUND.—

"(1) IN GENERAL.—To reward States that make significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing students, the Secretary shall set aside sufficient funds from the Fund for the Improvement of Education under part G of title V to grant a reward to States that meet the conditions set forth in subsection (b) by the end of their 5-year performance agreement.

"(2) REWARD AMOUNT.—The amount of the reward referred to in paragraph (1) shall be not less than 5 percent of funds allocated to the State during the first year of the performance agreement for programs included in the agreement.

"(b) CONDITIONS OF PERFORMANCE REWARD.—Subject to paragraph (3), a State is eligible to receive a reward under this section as follows:

"(1) A State is eligible for such an award if the State reduces by not less than 25 percent, over the 5-year term of the performance agreement, the difference between the percentage of highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient level of performance.

"(2) A State is eligible for such an award if a State increases the proportion of two or more groups of students under section 6803(d)(5)(C) that meet State proficiency standards by 25 percent.

"(3) A State shall receive such an award if the following requirements are met:

"(A) CONTENT AREAS.—The reduction in the achievement gap or improvement in achievement shall include not less than two content areas, one of which shall be mathematics or reading.

"(B) GRADES TESTED.—The reduction in the achievement gap or improvement in achievement shall occur in at least two grade levels.

"(c) RULE OF CONSTRUCTION.—Student achievement gaps shall not be considered to have been reduced in circumstances where the average academic performance of the highest performing quintile of students has decreased.

"SEC. 6811. STRAIGHT A's PERFORMANCE REPORT.

"The Secretary shall make the annual State reports described in section 6803(d)(11) available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate not later than 60 days after the Secretary receives the report.

"SEC. 6812. APPLICABILITY OF TITLE X.

"To the extent that provisions of title X are inconsistent with this part, this part shall be construed as superseding such provisions.

"SEC. 6813. APPLICABILITY OF GENERAL EDUCATION PROVISIONS ACT.

"To the extent that the provisions of the General Education Provisions Act are inconsistent with this part, this part shall be construed as superseding such provisions, except where relating to civil rights, withholding of funds and enforcement authority, and family educational and privacy rights.

"SEC. 6814. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this part shall be construed to affect home schools whether or not a home school is treated as a private school or home school under State law.

"SEC. 6815. GENERAL PROVISIONS REGARDING NONRECIPIENT, NONPUBLIC SCHOOLS.

"Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"SEC. 6816. DEFINITIONS.

"For the purpose of this part:

"(1) All Students.—The term 'all students' means all students attending public schools or charter schools that are participating in the State's accountability and assessment system.

"(2) State.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.".

"SEC. 6817. EFFECTIVE DATE.

"This part shall take effect with respect to funds appropriated for the fiscal year beginning October 1, 2000.".

SEC. 602. TECHNICAL AND CONFORMING AMENDMENT.

Section 4(b)(5) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(5)) is amended by striking "Title VI" and inserting "Part A of title VI".

TITLE VII—BILINGUAL EDUCATION

SEC. 701. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 7102. PURPOSE.";

(2) by striking subsections (a) and (b); and

(3) in subsection (c)—

(A) by striking "(c) Purpose.—The" and inserting "The";

(B) in the matter preceding paragraph (1), by striking "to educate limited English proficient children and youth to" and inserting "to help ensure that limited English proficient students master English and";

(C) by striking paragraph (1) and inserting the following:

"(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient students;"; and

(D) in paragraph (2), by inserting "fully" before "developing".

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 7103(a) (20 U.S.C. 7403(a)) is amended by striking "$215,000,000 for the fiscal year 1995" and inserting "$300,000,000 for fiscal year 2001".

SEC. 703. REPEAL OF PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

(a) In General.—Section 7112 (20 U.S.C. 7422) is repealed.

(b) Conforming Amendment.—Section 7111 (20 U.S.C. 7421) is amended, in the matter preceding paragraph (1), by striking "7112, 7113, 7114, and 7115" and inserting "7113 and 7114".

SEC. 704. PROGRAM ENHANCEMENT PROJECTS.

(a) Purpose.—Section 7113 (20 U.S.C. 7423) is amended by striking subsection (a) and inserting the following:

"(a) Purpose.—The purpose of this section is to—

"(1) provide grants to eligible entities to provide innovative, locally designed, high quality instruction to children and youth of limited English proficiency;

"(2) help children and youth develop proficiency in the English language by expanding or strengthening instructional programs; and

"(3) help children and youth attain the standards established under section 1111(b).".

(b) Program Authorized.—Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1)(B), by striking "two" and inserting "3"; and

(2) by striking paragraph (2) and inserting the following:

"(2) Authorized Activities.—(A) Grants awarded under this section shall be used for—

"(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children and youth, that are—

"(I) aligned with State and local content and student performance standards, and local school reform efforts; and

"(II) coordinated with related services for children and youth;

"(ii) providing high quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

"(iii) annually assessing the English proficiency of all limited English proficient students served by activities carried out under this section

"(B) Grants awarded under this section may be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

"(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient students;

"(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(iv) improving the instructional programs for limited English proficient students by identifying, acquiring, and applying effective curricula, instructional materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

"(v) providing intensified instruction, including tutorials and academic or career counseling, for children and youth who are limited English proficient;

"(vi) adapting best practice models for meeting the needs of limited English proficient students;

"(vii) assisting limited English proficient students with disabilities;

"(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary bilingual education programs; and

"(ix) carrying out such other activities, consistent with the purpose of this part, as the Secretary may approve.".

(c) Priority.—Section 7113 (20 U.S.C. 7423) is amended by adding at the end the following:

"(d) Priority.—In awarding grants under this section, the Secretary may give priority to an entity that—

"(1) serves a school district—

"(A) that has a total district enrollment that is less than 10,000 students; or

"(B) with a large percentage or number of limited English proficient students; and

"(2) has limited or no experience in serving limited English proficient students.".

SEC. 705. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7114 (20 U.S.C. 7424) is amended to read as follows:

"SEC. 7114. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

"(a) Purposes.—The purposes of this section are—

"(1) to provide financial assistance to schools and local educational agencies for implementing bilingual education programs, in coordination with programs carried out under title I, for children and youth of limited English proficiency;

"(2) to assist limited English proficient students to meet the standards established under section 1111(b); and

"(3) to improve, reform, and upgrade relevant instructional programs and operations, in schools and local educational agencies, that serve significant percentages of students with limited English proficiency or significant numbers of such students.

"(b) Authorized Activities.—

"(1) Authority.—The Secretary may award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraphs (2) and (3).

"(2) Mandatory Activities.—Grants awarded under this section shall be used for—

"(A) improving instructional programs for limited English proficient students by acquiring and upgrading curriculum and related instructional materials;

"(B) aligning the activities carried out under this section with State and local school reform efforts;

"(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

"(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient students;

"(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents to become active participants in the education of their children;

"(F) coordinating the activities carried out under this section with other programs, such as programs carried out under title I;

"(G) providing services to meet the full range of the educational needs of limited English proficient students;

"(H) annually assessing the English proficiency of all limited English proficient students served by the activities carried out under this section; and

"(I) developing or improving accountability systems to monitor the academic progress of limited English proficient students.

"(3) Permissible Activities.—Grants awarded under this section may be used for—

"(A) implementing programs to upgrade reading and other academic skills of limited English proficient students;

"(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient students;

"(C) implementing research-based programs to meet the needs of limited English proficient students;

"(D) providing tutorials and academic or career counseling for limited English proficient children and youth;

"(E) developing and implementing State and local content and student performance standards for learning English as a second language, as well as for learning other languages;

"(F) developing and implementing programs for limited English proficient students to meet the needs of changing populations of such students;

"(G) implementing policies to ensure that limited English proficient students have access to other education programs (other than programs designed to address limited English proficiency), such as gifted and talented, vocational education, and special education programs;

"(H) implementing programs to meet the needs of limited English proficient students with disabilities;

"(I) developing and implementing programs to help all students become proficient in more than 1 language; and

"(J) providing such other activities related to the purpose of this part as the Secretary may approve.

"(4) SPECIAL RULE.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 90 days. The recipient shall commence carrying out activities under this section not later than 90 days after the date of receipt of the grant.

"(c) AVAILABILITY OF APPROPRIATIONS.—

"(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

"(A) COVERED GRANT.—In this paragraph, the term 'covered grant' means a grant—

"(i) that was awarded under this section, or section 7115, prior to the date of enactment of the Educational Opportunities Act; and

"(ii) for which the grant period has not ended.

"(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 7103 and made available for carrying out this section.

"(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

"(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 7103 that is made available for carrying out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

"(A) not less than ⅓ of the remainder shall be used to award grants for activities carried out within an entire school district; and

"(B) not less than ⅔ of the remainder shall be used to award grants for activities carried out within individual schools.

"(d) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

(1) 1 or more local educational agencies; or

(2) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, local educational agency, or State educational agency.".

SEC. 706. REPEAL OF SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7115 (20 U.S.C. 7425) is repealed.

SEC. 707. APPLICATIONS.

(a) STATE REVIEW AND COMMENTS.—Section 7116(b) (20 U.S.C. 7426(b)) is amended—

(1) in paragraph (1), by striking "such" and inserting "the written comments of the agency on the"; and

(2) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by striking "how the eligible entity";

(B) by striking clause (i) and inserting the following:

"(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient students served under the grant; and"; and

(C) by striking clause (ii) and inserting the following:

"(ii) how the grant application is consistent with the State plan required under section 1111.".

(b) REQUIRED DOCUMENTATION.—Section 7116(f) (20 U.S.C. 7426(f)) is amended to read as follows:

"(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

"(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

"(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.".

(c) CONTENTS.—Section 7116(g) (20 U.S.C. 7426(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "including data" and all that follows and inserting the following: "including—

"(i) data on the number of limited English proficient students in the school or school district to be served;

"(ii) the characteristics of such students, including—

"(I) the native languages of the students;

"(II) the proficiency of the students in English and their native language;

"(III) achievement data (current as of the date of submission of the application) for the limited English proficient students in—

"(aa) reading or language arts (in English and in the native language, if applicable); and

"(bb) mathematics;

"(IV) a comparison of that data for the students with that data for the English proficient peers of the students; and

"(V) the previous schooling experiences of the students;

"(iii) the professional development needs of the instructional personnel who will provide services for the limited English proficient students under the proposed program; and

"(iv) how the services provided through the grant would supplement the basic services provided to limited English proficient students.";

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking ", the Goals 2000: Educate America Act"; and

(II) by striking "section 14306" and inserting "section 6506";

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(iii) by inserting after clause (i) the following:

"(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient students;"; and

(C) in subparagraph (E), by striking "program" and all that follows and inserting the following: "program who, individually or in combination, are proficient in—

"(i) English, including written, as well as oral, communication skills; and

"(ii) the native language of the majority of the students that the teachers teach, if instruction in the program is in the native language as well as English."; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "or 7115".

(d) PRIORITIES AND SPECIAL RULES.—Section 7116(i) (20 U.S.C. 7426(i)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) PRIORITY.—In approving applications for grants for programs under this subpart, the Secretary shall give priority to an applicant who—

"(A) experiences a dramatic increase in the number or percentage of limited English proficient students enrolled in the applicant's programs and has limited or no experience in serving limited English proficient students;

"(B) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

"(C) demonstrates that the applicant has a proven record of success in helping limited English proficient children and youth learn English and meet high academic standards;

"(D) proposes programs that provide for the development of bilingual proficiency both in English and another language for all participating students; or

"(E) serves a school district with a large percentage or number of limited English proficient students.";

(2) by striking paragraphs (2) and (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

SEC. 708. REPEAL OF INTENSIFIED INSTRUCTION.

Section 7117 (20 U.S.C. 7427) is repealed.

SEC. 709. REPEAL OF SUBGRANTS, PRIORITY, AND COORDINATION PROVISIONS.

Sections 7119 through 7121 (20 U.S.C. 7429–7431) are repealed.

SEC. 710. EVALUATIONS.

Section 7123 (20 U.S.C. 7433) is amended to read as follows:

"SEC. 7123. EVALUATIONS.

"(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

"(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

"(1) for program improvement;

"(2) to further define the program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

"(1) use the data provided in the application submitted by the recipient under section 7116 as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

"(2) disaggregate the results of the evaluation by gender, language groups, and whether the students have disabilities;

"(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which students served by the program are meeting the State's student performance standards, and including data comparing limited English proficient students with English proficient students with regard to school retention and academic achievement in—

"(A) reading and language arts;

"(B) English proficiency;

"(C) mathematics; and

"(D) the native language of the students if the program develops native language proficiency;

"(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

"(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

"(6) include such other information as the Secretary may require.".

SEC. 711. RESEARCH.

Section 7132(c)(1) (20 U.S.C. 7452(c)(1)) is amended by striking "under subpart 1 or 2" and inserting "under subpart 1 or 3 or this subpart".

SEC. 712. ACADEMIC EXCELLENCE AWARDS.

Section 7133 (20 U.S.C. 7453) is amended to read as follows:

"SEC. 7133. ACADEMIC EXCELLENCE AWARDS.

"(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

"(1) demonstrated significant progress in assisting limited English proficient students to learn English according to age appropriate and developmentally appropriate standards; and

"(2) demonstrated significant progress in assisting limited English proficient children and youth to meet, according to age appropriate and developmentally appropriate standards, the same challenging State content standards as all children and youth are expected to meet.

"(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 7134(e).".

SEC. 713. STATE GRANT PROGRAM.

(a) GRANT AMOUNT.—Section 7134(b) (20 U.S.C. 7454(b)) is amended by striking "$100,000" and inserting "$200,000".

(b) USE OF FUNDS.—Section 7134(c) (20 U.S.C. 7454(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for programs authorized by this section";

(B) by striking subparagraph (A) and inserting the following:

"(A) assist local educational agencies in the State with activities that—

"(i) consist of program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students; and

"(ii) are aligned with State reform efforts; and"; and

(C) in subparagraph (B), by striking "populations and" and all that follows and inserting "populations and document the services available to all such populations.";

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 714. NATIONAL CLEARINGHOUSE.

Section 7135(b) (20 U.S.C. 7455(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4)—

(A) by striking "described in part A of title XIII"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) publish, on an annual basis, a list of grant recipients under this title.".

SEC. 715. INSTRUCTIONAL MATERIALS DEVELOPMENT.

Section 7136 (20 U.S.C. 7456) is amended, in the first sentence, by striking the period and inserting ", and in other low-incidence languages in the United States for which instructional materials are not readily available.".

SEC. 716. TRAINING FOR ALL TEACHERS PROGRAM.

Section 7142 (20 U.S.C. 7472) is amended by striking subsections (b) and (c) and inserting the following:

"(b) AUTHORIZATION.—

"(1) AUTHORITY.—The Secretary may award grants under this section to—

"(A) local educational agencies; or

"(B) 1 or more local educational agencies in a consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.

"(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

"(c) AUTHORIZED ACTIVITIES.—

"(1) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality, long-term professional development activities relating to meeting the needs of limited English proficient students, which may include—

"(A) developing and implementing induction programs for new teachers, including programs that provide mentoring and coaching by trained teachers, and team teaching with experienced teachers;

"(B) implementing school-based collaborative efforts among teachers to improve instruction in core academic areas, including reading, for students with limited English proficiency;

"(C) coordinating activities with other programs, such as programs carried out under titles I and II and the Head Start Act;

"(D) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

"(E) establishing and maintaining local professional networks;

"(F) developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served; and

"(G) carrying out such other activities as are consistent with the purpose of this section.

"(2) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with other programs, such as programs authorized under titles I and II, and under the Head Start Act.".

SEC. 717. GRADUATE FELLOWSHIPS.

Section 7145(a) (20 U.S.C. 7475(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 718. REPEAL OF PROGRAM REQUIREMENTS.

Section 7147 (20 U.S.C. 7477) is repealed.

SEC. 719. PROGRAM EVALUATIONS.

Section 7149 (20 U.S.C. 7479) is amended to read as follows:

"SEC. 7149. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report containing the evaluation. Such report shall include information on—

"(1) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took positions in an instructional setting with limited English proficient students;

"(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

"(3) the teaching effectiveness of graduates of the program, or other participants who have completed the program.".

SEC. 720. SPECIAL RULE.

Section 7161 (20 U.S.C. 7491) is amended by striking "Improving America's Schools Act of 1994" and inserting "Educational Opportunities Act".

SEC. 721. REPEAL OF FINDING RELATING TO FOREIGN LANGUAGE ASSISTANCE.

Section 7202 (20 U.S.C. 7512) is repealed.

SEC. 722. FOREIGN LANGUAGE ASSISTANCE APPLICATIONS.

Section 7204(b) (20 U.S.C. 7514(b)) is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

"(5) promote innovative activities such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

"(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.".

SEC. 723. EMERGENCY IMMIGRANT EDUCATION PURPOSE.

Section 7301 (20 U.S.C. 7541) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 7301. PURPOSE.";

(2) by striking subsection (a); and

(3) in subsection (b), by striking "(b) PURPOSE.—".

SEC. 724. EMERGENCY IMMIGRANT EDUCATION STATE ADMINISTRATIVE COSTS.

Section 7302 (20 U.S.C. 7542) is amended by inserting after "percent" the following: "(2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis)".

SEC. 725. CONFORMING AMENDMENTS.

(a) STATE ALLOCATIONS.—Section 7304(a) (20 U.S.C. 7544(a)) is amended by striking "7301(b)" and inserting "7301".

(b) REPORTS.—Section 7308(b) (20 U.S.C. 7548(b)) is amended by striking "14701" and inserting "10201".

SEC. 726. EMERGENCY IMMIGRANT EDUCATION AUTHORIZATION OF APPROPRIATIONS.

Section 7309 (20 U.S.C. 7549) is amended by striking "$100,000,000 for fiscal year 1995" and inserting "$200,000,000 for fiscal year 2001".

SEC. 727. COORDINATION AND REPORTING REQUIREMENTS.

Section 7405(d) (20 U.S.C. 7575(d)) is amended by striking "Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and the Workforce".

TITLE VIII—IMPACT AID

SEC. 801. SHORT TITLE.

Title VIII (20 U.S.C. 7701 et seq.) is amended by inserting before section 8001 (20 U.S.C. 7701) the following:

"SEC. 8000. SHORT TITLE.

"This title may be cited as the 'Impact Aid Act'.".

SEC. 802. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended—

(1) in paragraph (4), by inserting "or" after the semicolon;

(2) by striking paragraph (5); and

(3) by redesignating paragraph (6) as paragraph (5).

SEC. 803. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking "1999" and inserting "2005";

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking "ratably reduce the payment to each eligible local educational agency" and inserting "calculate the payment for each eligible local educational agency in accordance with subsection (h)"; and

(B) in subparagraph (C), by inserting "or this section, whichever is greater" before the period;

(3) by amending subsection (h) to read as follows:

"(h) DISTRIBUTION OF FUNDS WHEN THERE ARE INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under subsection (b) for all local educational agencies for a fiscal year, then the Secretary shall calculate the payments the local educational agencies receive under this section for the fiscal year as follows:

"(1) FOUNDATION PAYMENTS FOR PRE-1995 RECIPIENTS.—First, the Secretary shall make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year and was eligible to receive a payment under section 2 of Public Law 81–874 for any of the fiscal years 1989 through 1994. The Secretary shall make the payment by multiplying 37 percent by the payment the local educational agency was entitled to receive under such section 2 for fiscal year 1994 (or if the local educational agency did not receive a payment for fiscal year 1994, the payment that local educational agency was entitled to receive under such section 2 for the most recent fiscal year preceding 1994). If the funds appropriated under section 8014(a) for the fiscal year are insufficient to fully fund the foundation payments under this paragraph for the fiscal year, then the Secretary shall ratably reduce the foundation payments to each local educational agency under this paragraph.

"(2) PAYMENTS FOR 1995 RECIPIENTS.—From any funds remaining after making payments under paragraph (1) for the fiscal year for which the calculation is made that are the result of the calculation described in subparagraph (A), the Secretary shall make a payment to each local educational agency that received a payment under this section for fiscal year 1995 in accordance with the following rules:

"(A) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year for which the calculation is made.

"(B) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995, determined in accordance with subsection (b)(3), by the total national assessed value of the Federal property of all such local educational agencies for fiscal year 1995, as so determined.

"(C) Multiply the percentage share described in subparagraph (B) for the local educational agency by the amount determined under subparagraph (A).

"(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year for which the calculation is made, the Secretary shall make payments in accordance with subsection (i).

"(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year for which the calculation is made—

"(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year for which the calculation is made in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year for which the calculation is made bears to the amount all local educational agencies received under paragraph (1) for the fiscal year for which the calculation is made; and

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year for which the calculation is made in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year for which the calculation is made, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.";

(4) in subsection (i)—

(A) in the subsection heading, by striking "PRIORITY" and inserting "SPECIAL"; and

(B) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year for which the calculation is made (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).";

(5) in subsection (j)—

(A) in paragraph (2)—

(i) by striking "(A) A local" and inserting "A local"; and

(ii) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking the semicolon and inserting a period; and

(II) by striking "(A) The maximum" and inserting "The maximum"; and

(ii) by striking subparagraphs (B) and (C); and

(6) by adding at the end the following:

"(l) DATA; PRELIMINARY AND FINAL PAYMENTS.—The Secretary shall—

"(1) require any local educational agency that applied for a payment under subsection (b) for a fiscal year to submit expeditiously such data as may be necessary in order to compute the payment;

"(2) as soon as possible after the beginning of any fiscal year, but not later than 60 days after the date of enactment of an Act making appropriations to carry out this title for the fiscal year, provide a preliminary payment under subsection (b) for any local educational agency that applied for a payment under subsection (b) for the fiscal year, that has submitted the data described in paragraph (1), and that was eligible for such a payment for the preceding fiscal year, in the amount of 60 percent of the payment for the previous year; and

"(3) make every effort to provide a final payment under subsection (b) for any eligible local educational agency not later than 12 months after the application deadline established under section 8005(c).

"(m) ELIGIBILITY.—

"(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Opportunities Act shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of enactment.

"(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Opportunities Act shall be eligible to receive the payment if—

"(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of enactment, meets the requirements of subsection (a); and

"(B) the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition of the Federal property acquired after the date of enactment.

"(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of enactment of the Educational Opportunities Act shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition.".

SEC. 804. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) GENERAL AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F);

(ii) in subparagraph (D), by striking "subparagraphs (D) and (E) of paragraph (1) by a factor of .10" and inserting "subparagraph (D) of paragraph (1) by a factor of .25"; and

(iii) by inserting after subparagraph (D) the following:

"(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.";

(B) in paragraph (4)—

(i) in the paragraph heading, by striking "UNDERGOING RENOVATION" and inserting "UNDERGOING RENOVATION OR REBUILDING";

(ii) by striking "For purposes" and inserting the following:

"(A) IN GENERAL.—For purposes";

(iii) in subparagraph (A) (as designated by subparagraph (B)), by inserting "or rebuilding" after "undergoing renovation"; and

(iv) by adding at the end the following:

"(B) LIMITATIONS.—(i)(I) Except as provided in subclause (II), children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A) for a period not to exceed 2 fiscal years.

"(II) If the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that the expected completion date of the renovation or rebuilding of the housing has been delayed by not less than 1 year, then—

"(aa) in the case of a determination made by the Secretary in the 1st fiscal year described in subclause (I), the time period described in such subclause shall be extended by the Secretary for an additional 2 years; and

"(bb) in the case of a determination made by the Secretary in the 2nd fiscal year described in *subclause (I), the time period described such subclause shall be extended by the Secretary for an additional 1 year.*

"(ii) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding."; and

(C) by adding at the end the following:

"(5) MILITARY 'BUILD TO LEASE' PROGRAM HOUSING.—

"(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the 'Build to Lease' program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

"(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

"(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

"(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.";

(2) in subsection (b)(1), by adding at the end the following:

"(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.";

(3) in subsection (d)(2), by striking "a free appropriate public education" and inserting "services";

(4) by amending subsection (e) to read as follows:

"(e) HOLD HARMLESS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total amount the Secretary shall pay a local educational agency under this section for fiscal year 2001 and each succeeding fiscal year shall not be less than—

"(A) the result obtained by dividing the amount received by the local educational agency under this subsection for fiscal year 2000 by the total weighted student units calculated for the local educational agency under subsection (a)(2) for fiscal year 2000; multiplied by

"(B) the total weighted student units calculated for the local educational agency under subsection (a)(2) (as such subsection was in effect on the day preceding the date of enactment of the Educational Opportunities Act) for the fiscal year for which the determination is made.

"(2) RATABLE REDUCTIONS.—

"(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

"(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.";

(5) by striking subsections (f) and (g); and

(6) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

"(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

"(B) ELIGIBILITY FOR CONTINUING HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Opportunities Act) for fiscal year 2000; and

"(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

"(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

"(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for local educational agencies in the State;

"(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

"(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Educational Opportunities Act).

"(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

"(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

"(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Opportunities Act) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or the agency—

"(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

"(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

"(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

"(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located, as defined in regulations promulgated by the Secretary; and

"(III) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State.

"(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

"(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal

year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

"(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

"(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

"(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

"(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

"(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

"(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

"(iii) Notwithstanding subsection (a)(3), the Secretary shall compute the payment for a heavily impacted local educational agency under this subparagraph for all children described in subsection (a)(1) that are served by the agency.

"(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

"(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

"(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

"(F) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.".

(c) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—Section 8003(b)(3) (20 U.S.C. 7703(b)(3)) (as so redesignated) is amended—

(1) in subparagraph (A), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subparagraph (B)—

(A) in the heading, by inserting after "PAYMENTS" the following: "IN LIEU OF PAYMENTS UNDER PARAGRAPH (1)"; and

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting before "by multiplying" the following: "in lieu of basic support payments under paragraph (1)"; and

(ii) in subclause (II), by striking "(not including amounts received under subsection (f))";

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

"(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be."; and

(5) in subparagraph (D) (as so redesignated), by striking "computation made under subparagraph (B)" and inserting "computations made under subparagraphs (B) and (C)".

(d) CONFORMING AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking "subsection (b), (d), or (f)" and inserting "subsection (b) or (d)";

(2) in subsection (b)—

(A) in paragraph (1)(C), in the matter preceding clause (i), by striking "this subsection" and inserting "this paragraph"; and

(B) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A), by striking "paragraphs (1)(B), (1)(C), and (2) of this subsection" and inserting "subparagraphs (B). and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection"; and

(ii) in subparagraph (B)—

(I) by inserting after "paragraph (1)(C)" the following: "or subparagraph (D) or (E) of paragraph (2), as the case may be,"; and

(II) by striking "paragraph (2)(B)" and inserting "subparagraph (B) or (C) of paragraph (3), as the case may be,";

(3) in subsection (c)(1), by striking "paragraph (2) and subsection (f)" and inserting "subsections (b)(1)(D), (b)(2), and paragraph (2)"; and

(4) in subsection (h), by striking "section 6" and all that follows through "1994)" and inserting "section 386 of the National Defense Authorization Act for Fiscal Year 1993".

(e) EFFECTIVE DATE.—The time limits imposed by the amendments made by subsection (a)(1)(B)(iv) shall apply with respect to payments made to a local educational agency for fiscal years beginning on or after the date of the enactment of this Act.

SEC. 805. SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

Section 8006 (20 U.S.C. 7706) is repealed.

SEC. 806. SCHOOL CONSTRUCTION AND FACILITY MODERNIZATION.

(a) SCHOOL CONSTRUCTION.—Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

"SEC. 8007. SCHOOL CONSTRUCTION.

"(a) PAYMENTS AUTHORIZED FOR SCHOOL CONSTRUCTION.—From 20 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8003(b); and

"(2)(A) in which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

"(B) in which the number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

"(C) that receives assistance under section 8003(b)(2) for the fiscal year preceding the school year for which the determination is made.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

"(1) the amount made available under subsection (a) for the fiscal year; divided by

"(2) the remainder of—

"(A) the number of children determined under section 8003(a)(2) for all local educational agencies described in subsection (a) for the fiscal year; minus

"(B) the number of children attending a school facility described in section 8008(a) for which the Secretary provided assistance under section 8008(a) for the previous fiscal year; multiplied by

"(3) the sum of the number of children described in paragraph (2) determined for such agency for the fiscal year.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3).".

(b) SCHOOL FACILITY MODERNIZATION.—Title VIII of such Act (20 U.S.C. 7701 et seq.) is amended by inserting after section 8007 (20 U.S.C. 7707) the following:

"SEC. 8007A. SCHOOL FACILITY MODERNIZATION.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From 80 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall award grants to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

"(2) ALLOCATION AMONG ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall allocate—

"(A) 45 percent of the amount made available under paragraph (1) for each fiscal year for grants to local educational agencies described in clause (i) or (ii) of subsection (b)(2)(A);

"(B) 45 percent of such amount for grants to local educational agencies described in subsection (b)(2)(B); and

"(C) 10 percent of such amount for grants to local educational agencies described in subsection (b)(2)(C).

"(3) SPECIAL RULE.—A local educational agency described in subsection (b)(2)(B) may use grant funds made available under this section for a school facility located on or near Federal property only if the school facility is located at a school where not less than 50 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

"(b) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this section only if—

"(1) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency's fiscal agent) has no capacity to issue bonds or is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures, except that a local educational agency that is eligible to receive funds under section 8003(b)(2) shall be deemed to have met the requirements of this paragraph; and

"(2)(A)(i) such agency received assistance under section 8002(a) and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

"(ii) had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made;

"(B) such agency received assistance under section 8003(b) and had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

"(C) such agency had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made, and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

"(c) AWARD CRITERIA.—In awarding grants under this section the Secretary shall consider 1 or more of the following factors:

"(1) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

"(2) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

"(3) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

"(4) The need for modernization to meet—

"(A) the threat that the condition of the school facility poses to the safety and well-being of students;

"(B) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

"(C) facility needs resulting from actions of the Federal Government.

"(5) The age of the school facility to be modernized.

"(d) OTHER AWARD PROVISIONS.—

"(1) AMOUNT CONSIDERATION.—In determining the amount of a grant awarded under this section, the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

"(2) FEDERAL SHARE.—The Federal funds provided to a local educational agency under this section shall not exceed 50 percent of the total cost of the project to be assisted under this section. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

"(3) MAXIMUM GRANT.—A local educational agency may not receive a grant under this section in an amount that exceeds $3,000,000 during any 5-year period.

"(e) APPLICATIONS.—A local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

"(1) documentation of the agency's lack of bonding capacity;

"(2) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

"(3) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

"(4) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

"(5) a description of the modernization to be supported with funds provided under this section;

"(6) a cost estimate of the proposed modernization; and

"(7) such other information and assurances as the Secretary may reasonably require.

"(f) EMERGENCY GRANTS.—

"(1) APPLICATIONS.—Each local educational agency described in subsection (b)(2)(C) that desires a grant under this section shall include in the application submitted under subsection (e) a signed statement from an appropriate State official certifying that a health or safety deficiency exists.

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (2) and (3) of subsection (d) shall not apply to grants under this section awarded to local educational agencies described in subsection (b)(2)(C).

"(3) SPECIAL RULES.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies described in subsection (b)(2)(C).

"(4) PRIORITY.—If the Secretary receives more than 1 application from local educational agencies described in subsection (b)(2)(C) for grants under this section for any fiscal year, the Secretary shall give priority to local educational agencies based on when an application was received and the severity of the emergency as determined by the Secretary.

"(5) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in subsection (b)(2)(C) that applies for a grant under this section for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in paragraph (4).

"(g) GENERAL LIMITATIONS.—

"(1) REAL PROPERTY.—No part of any grant funds awarded under this section shall be used for the acquisition of any interest in real property.

"(2) MAINTENANCE.—Nothing in this section shall be construed to authorize the payment of maintenance costs in connection with any school facilities modernized in whole or in part with Federal funds provided under this section.

"(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this section shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(4) ATHLETIC AND SIMILAR SCHOOL FACILITIES.—No Federal funds received under this section shall be used for outdoor stadiums or other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

"(h) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.".

SEC. 807. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (a)(1), by striking "or under" and all that follows through "of 1994)";

(2) by amending subsection (b)(1) to read as follows:

"(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State."; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking "or under" and all that follows through "of 1994)"; and

(ii) in subparagraph (B), by striking "or under" and all that follows through "of 1994)"; and

(B) in paragraph (2), by striking "or under" and all that follows through "of 1994)".

SEC. 808. FEDERAL ADMINISTRATION.

Section 8010(c) (20 U.S.C. 7710(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated), by striking "paragraph (3)" each place the term appears and inserting "paragraph (2)"; and

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (D), by striking "section 5(d)(2)" and all that follows through "of 1994) or"; and

(B) in subparagraph (E)—

(i) by striking "1994" and inserting "1999";

(ii) by striking "(or such section's predecessor authority)"; and

(iii) by striking "paragraph (2)" and inserting "paragraph (1)".

SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended—

(1) by striking "the Act" and all that follows through "of 1994)" and inserting "this title's predecessor authorities"; and

(2) by inserting before the period ", if a request for such hearing is submitted to the Secretary by the affected local educational agency or State educational agency not later than 60 days after receiving notice that such action has occurred".

SEC. 810. FORGIVENESS OF OVERPAYMENTS.

The matter preceding paragraph (1) of section 8012 (20 U.S.C. 7712) is amended by striking "under the Act" and all that follows through "of 1994)" and inserting "under this title's predecessor authorities".

SEC. 811. APPLICABILITY.

Title VIII is amended by inserting after section 8012 (20 U.S.C. 7712) the following:

"SEC. 8012A. APPLICABILITY TO THIS TITLE.

"Part B of title IV, parts D, E, and F of title VI, and part A of title X, shall not apply to this title.".

SEC. 812. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in the first sentence of paragraph (4), by striking "title VI" and inserting "part A of title VI";

(2) in paragraph (5)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I)—

(I) by striking "low-rent" and inserting "low-income"; and

(II) by striking "or" after the semicolon; and

(ii) by adding at the end the following:

"(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or"; and

(B) in subparagraph (F)(i), by striking "the mutual" and all that follows through "1937" and inserting "or authorized by the Native American Housing Assistance and Self-Determination Act of 1996";

(3) in paragraph (8)(B), by striking "all States" and inserting "the 50 States and the District of Columbia";

(4) in paragraph (9)(B)(i), by striking "or the Act" and all that follows through "of 1994)" and inserting "(or under this title's predecessor authorities)";

(5) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(6) by inserting after paragraph (10) the following:

"(11) MODERNIZATION.—The term 'modernization' means repair, renovation, alteration, or construction, including—

"(A) the concurrent installation of equipment; and

"(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility."; and

(7) by amending paragraph (13) (as so redesignated) to read as follows:

"(13) SCHOOL FACILITY.—The term 'school facility' includes—

"(A) a classroom, laboratory, library, media center, or related facility, the primary purpose of which is the instruction of public elementary school or secondary school students; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.".

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking "$16,750,000 for fiscal year 1995" and inserting "$35,000,000 for fiscal year 2001";

(2) by amending subsection (b) to read as follows:

"(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under subsection (b) of section 8003, there are authorized to be appropriated $875,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.";

(3) in subsection (c), by striking "$45,000,000 for fiscal year 1995" and inserting "$60,000,000 for fiscal year 2001";

(4) by striking subsection (d);

(5) by redesignating subsections (e), (f) and (g) as subsections (d), (e) and (f), respectively;

(6) in subsection (d) (as so redesignated)—

(A) in the subsection heading by inserting "AND FACILITY MODERNIZATION" after "CONSTRUCTION";

(B) by striking "section 8007" and inserting "sections 8007 and 8007A"; and

(C) by striking "$25,000,000 for fiscal year 1995" and inserting "$62,500,000 for fiscal year 2001";

(7) in subsection (e) (as so redesignated), by striking $2,000,000 for fiscal year 1995" and inserting "$7,000,000 for fiscal year 2001"; and

(8) in subsection (f) (as so redesignated), by striking "such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year" and inserting "$500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years".

(b) CONFORMING AMENDMENTS.—Title VIII (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002(j)(1) (20 U.S.C. 7702(j)(1)), by striking "8014(g)" and inserting "8014(f)"; and

(2) in section 8008(a) (20 U.S.C. 7708(a)), by striking "8014(f)" and inserting "8014(e)".

SEC. 814. TECHNICAL AND CONFORMING AMENDMENT.

Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking "subsections (d) and (g) of section 8003" and inserting "section 8003(d)".

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 901. PROGRAMS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

"TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

"PART A—INDIAN EDUCATION

"SEC. 9101. FINDINGS.

"Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards, and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve the standards described in subparagraph (A); and

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high: 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 9102. PURPOSE.

"(a) PURPOSE.—The purpose of this part is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State performance standards as are expected for all students.

"(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"Subpart 1—Formula Grants to Local Educational Agencies

"SEC. 9111. PURPOSE.

"The purpose of this subpart is to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students to meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—The Secretary may make grants to local educational agencies and Indian tribes in accordance with this section.

"(b) LOCAL EDUCATIONAL AGENCIES.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children who are eligible under section 9117, and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(c) INDIAN TRIBES.—

"(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4), an Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant by submitting an application in accordance with section 9114.

"(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe shall not be subject to section 9114(c)(4) (relating to a parent committee), section 9118(c) (relating to maintenance of effort), or section 9119 (relating to State review of applications).

"SEC. 9113. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsections (c) and (d), for purposes of making grants under this subpart the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure of all the States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) or subsection (b) in accordance with subsection (c).

"(b) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

"(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), for purposes of making grants under this subpart the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure of all the States.

"(2) SPECIAL RULE.—Any school described in paragraph (1) may apply for an allocation under this subpart by submitting an application in accordance with section 9114. The Secretary shall treat the school as if the school were a local educational agency for purposes of this subpart, except that any such school shall not be subject to section 9114(c)(4), 9118(c), or 9119.

"(c) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a) and for the Secretary of the Interior under subsection (b), each of those amounts shall be ratably reduced.

"(d) MINIMUM GRANT.—

"(1) IN GENERAL.—Notwithstanding subsection (c), a local educational agency (including an Indian tribe as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (b), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

"(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

"(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grant recipients if the Secretary determines such increase is necessary to ensure quality programs.

"(e) DEFINITION.—In this section, the term 'average per-pupil expenditure', for a State, means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance and for whom such agencies provided free public education during such preceding fiscal year.

"SEC. 9114. APPLICATIONS.

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with the State and local plans submitted under other provisions of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

"(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;

"(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

"(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

"(6) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

"(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this subpart; and

"(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) parents of Indian children in the local educational agency's schools and teachers in the schools; and

"(ii) if appropriate, Indian students attending secondary schools of the agency;

"(B) a majority of whose members are parents of Indian children;

"(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program carried out in accordance with section 9115(c), that has—

"(i) reviewed in a timely fashion the program; and

"(ii) determined that the program will enhance the availability of culturally related activities for American Indian and Alaska Native students; and

"(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

"(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114;

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR SERVICES AND ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by Public Law 103–239 and Public Law 88–210, including programs for tech-prep, mentoring, and apprenticeship activities;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111;

"(8) activities that promote the incorporation of culturally responsive teaching and learning

strategies into the educational program of the local educational agency;

"(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

"(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

"(11) family literacy services.

"(c) Schoolwide Programs.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

"(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

"(2) the schoolwide program is consistent with the purpose described in section 9111.

"(d) Administrative Costs.—Not more than 5 percent of the funds made available to a local educational agency through a grant made under this subpart for a fiscal year may be used to pay for administrative costs.

"SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.

"(a) Plan.—An entity receiving funds under this subpart may submit a plan to the Secretary for a demonstration project for the integration of education and related services provided to Indian students.

"(b) Consolidation of Programs.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to consolidate, in accordance with such plan, the federally funded education and related services programs of the applicant and the agencies, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

"(c) Programs Affected.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved exclusively to serve Indian children under any program, for which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services for Indian students.

"(d) Plan Requirements.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

"(1) identify the programs or funding sources to be consolidated;

"(2) be consistent with the objectives of this section authorizing the program services to be integrated in a demonstration project;

"(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

"(4) describe the way in which the services are to be integrated and delivered and the results expected from the plan;

"(5) identify the projected expenditures under the plan in a single budget;

"(6) identify the State, tribal, or local agencies to be involved in the delivery of the services integrated under the plan;

"(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the plan;

"(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time for activities provided under the plan; and

"(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists, in consultation with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

"(e) Plan Review.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal regulations, policies, or procedures necessary to enable the applicant to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive, for the applicant, any regulation, policy, or procedure promulgated by that agency that has been so identified by the applicant or agency, unless the head of the affected agency determines that such a waiver is inconsistent with the objectives of this subpart or the provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

"(f) Plan Approval.—Within 90 days after the receipt of an applicant's plan by the Secretary under subsection (a), the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

"(g) Responsibilities of Department of Education.—Not later than 180 days after the date of enactment of the Educational Opportunities Act, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal agency identified by the Secretary of Education, shall enter into an interagency memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency for a demonstration project authorized under this section shall be—

"(1) the Department of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Department of Education, in the case of any other applicant.

"(h) Responsibilities of Lead Agency.—The responsibilities of the lead agency for a demonstration project shall include—

"(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project, which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) Report Requirements.—

"(1) In general.—The Secretary shall develop, consistent with the requirements of this section, a single report format for the reports described in subsection (h).

"(2) Report information.—Such report format shall require that the reports shall—

"(A) contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in the entity's approved plan, including the demonstration of student achievement; and

"(B) provide assurances to the Secretary of Education and the Secretary of the Interior that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

"(3) Record information.—The Secretary shall require that records maintained at the local level on the programs consolidated for the project shall contain the information and provide the assurances described in paragraph (2).

"(j) No Reduction in Amounts.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) Interagency Fund Transfers Authorized.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

"(l) Administration of Funds.—

"(1) In general.—An eligible entity shall administer the program funds for the consolidated programs in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds that shall be allocated to such program.

"(2) Separate records not required.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) Overage.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

"(n) Fiscal Accountability.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill responsibilities for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

"(o) Report on Statutory Obstacles to Program Integration.—

"(1) Preliminary report.—Not later than 2 years after the date of enactment of the Educational Opportunities Act, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

"(2) Final report.—Not later than 5 years after the date of enactment of the Educational Opportunities Act, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, *and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.*

"(p) DEFINITION.—In this section, the term 'Secretary' means—

"(1) the Secretary of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"SEC. 9117. STUDENT ELIGIBILITY FORMS.

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—

"(1) IN GENERAL.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as defined in section 9161(3)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of tribe or band of Indians (as so defined), the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership rolls, of any parent or grandparent of the child from whom the child claims eligibility under this subpart;

"(B) a statement of whether the tribe or band of Indians (as so defined) with respect to which the child, or parent or grandparent of the child, claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as so defined) with respect to which the child claims membership; and

"(C) the dated signature of the parent or guardian of the child.

"(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of computing the amount of a grant award made under section 9113.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish eligibility under this subpart; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—

"(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the local educational agencies that are recipients of grants under this subpart. The sampling conducted under this paragraph shall take into account the size of such a local educational agency and the geographic location of such agency.

"(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this subpart; and

"(B) be liable to the United States for any funds from the grant that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant award under section 9113.

"(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, the Secretary, in computing the amount of a grant award under section 9113 to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only 1 of the following, as selected by the school:

"(1) A count, certified by the Bureau, of the number of students in the school.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in computing the amount of a local educational agency's grant award under section 9113 (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 9118. PAYMENTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount computed under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency in a State the full amount of a grant award computed under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

"(B) not use the reduced amount of the combined fiscal effort for the year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) during the fiscal year for which the determination is made.

"(3) WAIVER.—

"(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the combined fiscal effort for the year for which the waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver during the fiscal year for which the waiver is granted.

"(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such

agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

"SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.

"Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on the application. If the State educational agency comments on the application, the agency shall comment on each such application submitted by a local educational agency in the State and shall provide the comment to the appropriate local educational agency, with an opportunity to respond.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

"SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) PURPOSE.—

"(1) IN GENERAL.—The purpose of this section is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education) or a consortium of such entities.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation for Indian children;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

"(K) family literacy services; or

"(L) other services that meet the purpose described in subsection (a)(1).

"(2) PRE-SERVICE OR IN-SERVICE TRAINING.—Pre-service or in-service training of professional and paraprofessional personnel may be a part of any program assisted under this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c). The Secretary shall make the grants for periods of not more than 5 years.

"(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining 2 or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) PROGRESS.—The Secretary shall make a payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant period only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

"(2) DISSEMINATION GRANTS.—

"(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

"(i) has been adequately reviewed;

"(ii) has demonstrated educational merit; and

"(iii) can be replicated.

"(3) APPLICATION.—

"(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program for the activities is a research-based program, which may include a program that has been modified to be culturally appropriate for students who will be served;

"(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grant recipient under this subpart for any fiscal year may be used to pay for administrative costs.

"SEC. 9122. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a consortium of—

"(1) a State or local educational agency; and

"(2) an institution of higher education (including an Indian institution of higher education) or an Indian tribe or organization.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities with applications approved under subsection (e) to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds made available under subsection (c) shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—

"(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant awarded under subsection (c) may be in-service or pre-service training.

"(B) PROGRAM.—For individuals who are being trained to enter any field other than education, the training received pursuant to a grant awarded under subsection (c) shall be in a program that results in a graduate degree.

"(e) APPLICATION.—Each eligible entity desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(f) SPECIAL RULE.—In awarding grants under subsection (c), the Secretary—

"(1) shall consider the prior performance of an eligible entity; and

"(2) may not limit eligibility to receive a grant under subsection (c) on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant awarded under subsection (c) shall be awarded for a program of activities of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives pre-service training pursuant to a grant awarded under subsection (c)—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received for the training.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of the pre-service training shall, not later than 12 months after the date of completion of the training, and periodically

thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

"(i) INSERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.—

"(1) GRANTS AUTHORIZED.—In addition to the grants authorized by subsection (c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

"(A) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

"(B) a consortium of—

"(i) a tribal college;

"(ii) an institution of higher education that awards a degree in education; and

"(iii) 1 or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

"(2) USE OF FUNDS.—

"(A) IN-SERVICE TRAINING.—A consortium that receives a grant under paragraph (1) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

"(B) COMPONENTS.—The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available research-based practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

"(3) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 9153 to this subsection, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in that section.

"SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

"(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

"(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the funding for the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives the assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

"(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 9124. GIFTED AND TALENTED INDIAN STUDENTS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

"(1) establish 2 centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

"(1) 2 tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled College or University Assistance Act of 1978; and

"(B) are fully accredited; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from 2 colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

"(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—

"(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

"(i) identifying the emotional and psychosocial needs of such students; and

"(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

"(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

"(ii) carrying out mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the project.

"(4) APPLICATION.—Each entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(d) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (referred to individually in this section as a 'Bureau school') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

"(A) gifted and talented students;

"(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

"(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

"(D) mathematics and science education.

"(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct 1 or more of the activities described in paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

"(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at

all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

“(5) Grant Period.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

“(6) Dissemination.—

“(A) Cooperative Efforts.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

“(B) Report.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

“(7) Evaluation Costs.—

“(A) Division.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

“(B) Grants and Contracts.—If no funds are provided under subsection (b) for—

“(i) the evaluation of activities assisted under paragraph (1);

“(ii) technical assistance and coordination with respect to such activities; or

“(iii) the dissemination of the evaluations referred to in clause (i),
the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

“(e) Information Network.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

“SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

“(a) In General.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

“(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

“(2) develop education codes for schools within the territorial jurisdiction of the tribe;

“(3) provide support services and technical assistance to schools serving children of the tribe; and

“(4) perform child-find screening services for the preschool-aged children of the tribe to—

“(A) ensure placement in appropriate educational facilities; and

“(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

“(b) Period of Grant.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

“(c) Application for Grant.—

“(1) In general.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

“(2) Contents.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

“(3) Approval.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

“(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

“(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

“(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

“(d) Restriction.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

“(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Education to carry out this section $3,000,000 for each of fiscal years 2001 through 2005.

“Subpart 3—Special Programs Relating to Adult Education for Indians

“SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

“(a) In General.—The Secretary shall make grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

“(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

“(2) to assist in the establishment and operation of programs that are designed to stimulate—

“(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

“(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

“(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

“(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

“(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

“(b) Educational Services.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

“(c) Information and Evaluation.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

“(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

“(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

“(d) Applications.—

“(1) In general.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

“(2) Contents.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

“(3) Approval.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

“(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

“(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

“(4) Priority.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

“(e) Administrative Costs.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

“Subpart 4—National Research Activities

“SEC. 9141. NATIONAL ACTIVITIES.

“(a) Authorized Activities.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

“(1) conduct research related to effective approaches for the education of Indian children and adults;

“(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

“(3) collect and analyze data on the educational status and needs of Indians; and

“(4) carry out other activities that are consistent with the purpose of this part.

“(b) Eligibility.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

“(c) Coordination.—Research activities supported under this section—

“(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

“(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant, contract, or agreement made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

"Subpart 5—Federal Administration

"SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (referred to in this section as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and Indian organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) prepare and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers to be appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 9152. PEER REVIEW.

"The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

"SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants and entering into contracts or cooperative agreements under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

"SEC. 9154. MINIMUM GRANT CRITERIA.

"The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or 3 unless the application is for a grant, contract, or cooperative agreement that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

"(2) based on relevant research findings.

"Subpart 6—Definitions; Authorizations of Appropriations

"SEC. 9161. DEFINITIONS.

"In this part:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained age 16; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(3) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) an individual who is considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native (as defined in section 9306); or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the 'Improving America's Schools Act of 1994' (108 Stat. 3518).

"SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to the Secretary of Education to carry out subpart 1 $62,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPARTS 2 THROUGH 4.—There are authorized to be appropriated to the Secretary of Education to carry out subparts 2, 3, and 4 $4,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—NATIVE HAWAIIAN EDUCATION

"SEC. 9201. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9202. FINDINGS.

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first nonindigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

"(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

"(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

"(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

"(6) In 1898, the joint resolution entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from the lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

"(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

"(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

"(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'.

"(10) Under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

"(11) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', the United States also ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

"(12) The United States has recognized and reaffirmed that—

"(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

"(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

"(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawai'i;

"(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

"(E) the aboriginal, indigenous people of the United States have—

"(i) a continuing right to autonomy in their internal affairs; and

"(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

"(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

"(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

"(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

"(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

"(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

"(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

"(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

"(i) late or no prenatal care;

"(ii) high rates of births by Native Hawaiian women who are unmarried; and

"(iii) high rates of births to teenage parents;

"(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

"(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

"(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

"(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

"(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

"(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

"(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

"(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai'i; and

"(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

"(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai'i.

"(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

"(19) Following the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai'i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo nō ke ola; I ka 'ōlelo nō ka make. In the language rests life; In the language rests death.'.

"(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

"(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

"(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

"(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system; and

"(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

"SEC. 9203. PURPOSES.

"The purposes of this part are to—

"(1) authorize and develop innovative educational programs to assist Native Hawaiians in reaching the National Education Goals;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

"(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

"(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) Establishment of Native Hawaiian Education Council.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

"(b) Composition of Education Council.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

"(c) Conditions and Terms.—

"(1) Conditions.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

"(2) Appointments.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

"(3) Terms.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

"(4) Council determinations.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

"(d) Native Hawaiian Education Council Grant.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

"(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

"(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

"(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

"(e) Additional Duties of the Education Council.—

"(1) In general.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council,

including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

"(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

"(A) Hawai'i.
"(B) Maui.
"(C) Moloka'i.
"(D) Lana'i.
"(E) O'ahu.
"(F) Kaua'i.
"(G) Ni'ihau.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than 4 years after the date of enactment of the Educational Opportunities Act, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 9205. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

"(A) Native Hawaiian educational organizations;

"(B) Native Hawaiian community-based organizations;

"(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

"(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

"(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

"(A) beginning reading and literacy among students in kindergarten through third grade;

"(B) the needs of at-risk children and youth;

"(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

"(D) the use of the Hawaiian language in instruction.

"(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

"(B) the operation of family-based education centers that provide such services as—

"(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

"(ii) preschool programs for Native Hawaiians; and

"(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

"(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

"(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

"(i) the identification of such students and their needs;

"(ii) the provision of support services to the families of those students; and

"(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

"(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

"(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

"(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

"(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

"(G) professional development activities for educators, including—

"(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

"(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

"(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

"(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

"(i) preschool programs;

"(ii) after-school programs; and

"(iii) vocational and adult education programs;

"(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

"(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

"(ii) family literacy services;

"(iii) counseling and support services for students receiving scholarship assistance;

"(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

"(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

"(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

"(K) other research and evaluation activities related to programs carried out under this part; and

"(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

"(4) SPECIAL RULE AND CONDITIONS.—

"(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to paragraph (3)(I).

"(B) FELLOWSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a fellowship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a fellowship enter into a contract to provide professional services, either during the fellowship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $23,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 9206. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under

the grant or contract, and include those comments, if any, with the application to the Secretary.

"SEC. 9207. DEFINITIONS.

"In this part:

"(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) certified birth records.

"(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

"(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organization;

"(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

"(D) has demonstrated expertise in the education of Native Hawaiian youth; and

"(E) has demonstrated expertise in research and program development.

"(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

"(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

"(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

"PART C—ALASKA NATIVE EDUCATION

"SEC. 9301. SHORT TITLE.

"This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

"SEC. 9302. FINDINGS.

"Congress finds the following:

"(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

"(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

"(3) Alaska Native children enter and exit school with serious educational handicaps.

"(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

"(5) The programs authorized in this title, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

"(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

"(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"SEC. 9303. PURPOSES.

"The purposes of this part are to—

"(1) recognize the unique educational needs of Alaska Natives;

"(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

"(3) supplement programs and authorities in the area of education to further the objectives of this part; and

"(4) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

"SEC. 9304. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purposes of this part.

"(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

"(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

"(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

"(ii) instructional programs that make use of Native Alaskan languages; and

"(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

"(C) professional development activities for educators, including—

"(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

"(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

"(iii) recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska;

"(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

"(E) family literacy services;

"(F) the development and operation of student enrichment programs in science and mathematics that—

"(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math; and

"(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs;

"(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

"(H) other research and evaluation activities related to programs carried out under this part; and

"(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include—

"(A) programs for parents and their infants, from the prenatal period of the infant through age 3;

"(B) preschool programs; and

"(C) training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $17,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 9305. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) APPLICATIONS.—A State educational agency or local educational agency may apply for a grant or contract under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

"(c) CONSULTATION REQUIRED.—Each applicant for a grant or contract under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

"SEC. 9306. DEFINITIONS.

"In this part:

"(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act.

"(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policymaking positions within the organization.".

SEC. 902. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)) is amended—

(1) in paragraph (1), by striking "section 9308" and inserting "section 9306"; and

(2) in paragraph (3), by striking "section 9212" and inserting "section 9207".

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (as added by section 1 of Public Law 105–332 (112 Stat. 3076)) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(c) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)) is amended by striking "section 9212" and all that follows and inserting "section 9207 of the Native Hawaiian Education Act".

(d) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(e) ACT OF APRIL 16, 1934.—Section 5 of the Act of April 16, 1934 (commonly known as the "Johnson-O'Malley Act") (88 Stat. 2213; 25 U.S.C. 456) is amended by striking "section 9104(c)(4)" and inserting "section 9114(c)(4)".

(f) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "section 9161(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(4))" and inserting "section 9161(3) of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (3), by striking "section 9212(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912(1))" and inserting "section 9207 of the Elementary and Secondary Education Act of 1965".

(g) WORKFORCE INVESTMENT ACT OF 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking "paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(h) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

TITLE X—GENERAL PROVISIONS

SEC. 10001. UNIFORM PROVISIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for title X (20 U.S.C. 8001 et seq.) to read as follows:

"TITLE X—GENERAL PROVISIONS";

(2) by repealing part A of title X (20 U.S.C. 8001 et seq.);

(3) by transferring part E of title XIV (20 U.S.C. 8891 et seq.) to title X, inserting such part E after the heading for title X (as so amended), and redesignating such part E (as so transferred) as part A of title X;

(4) by redesignating sections 14501 through 14514 (as so transferred) (20 U.S.C. 8891, 8904) as sections 10101 through 10114;

(5) in section 10103(b)(1) (as so redesignated) (20 U.S.C. 8893(b)(1)), by striking subparagraphs (A) through (E) and inserting the following:

"(A) part C of title I;

"(B) title II;

"(C) part A of title IV;

"(D) part A of title V; and

"(E) title VII.";

(6) in section 10104 (as so redesignated) (20 U.S.C. 8894)—

(A) in the matter preceding paragraph (1), by striking "14503" and inserting "10103"; and

(B) in paragraph (2), by striking "14503, 14505, and 14506" and inserting "10103, 10105, and 10106";

(7) in section 10105(a) (as so redesignated) (20 U.S.C. 8895(a)), by striking "14503" and inserting "10103";

(8) in section 10106 (as so redesignated) (20 U.S.C. 8896)—

(A) in subsection (a)(1), by striking "14504" and inserting "10104"; and

(B) in subsection (b), by striking "14503" and inserting "10103"; and

(9) by inserting after section 10114 (as so redesignated) the following:

"SEC. 10115. CONSTRUCTION.

"Nothing in this Act shall be construed to prohibit recruiters for the Armed Forces of the United States from receiving the same access to secondary school students, and to directory information concerning such students, as is provided to postsecondary educational institutions or to prospective employers of such students, because all students should have access to high quality continuing education or service opportunities.

"SEC. 10116. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

"For purposes of any competitive program under this Act—

"(1) a consortium of schools operated by the Bureau of Indian Affairs;

"(2) a school operated under a contract or grant with the Bureau of Indian Affairs in consortium with another contract or grant school, or with a tribal or community organization; or

"(3) a Bureau of Indian Affairs school in consortium with an institution of higher education, with a contract or grant school, or with a tribal or community organization, shall be given the same consideration as a local educational agency.".

SEC. 10002. EVALUATIONS.

Part B of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

"PART B—EVALUATIONS

"SEC. 10201. EVALUATIONS.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

"(A) to carry out comprehensive evaluations of categorical programs and demonstration projects, and studies of program effectiveness, under this Act, and the administrative impact of such programs on schools and local educational agencies in accordance with subsection (b);

"(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs under this Act; and

"(C) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

"(2) SPECIAL RULE.—

"(A) APPLICABILITY.—Paragraph (1) shall not apply to any program under title I.

"(B) SPECIAL RULE.—If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall reserve no additional funds pursuant to the authority in paragraph (1) to evaluate such program, but shall coordinate the evaluation of such program with the national evaluation described in subsection (b).

"(b) NATIONAL EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall use the funds made available under subsection (a)—

"(A) to carry out independent studies of categorical and demonstration programs under this Act and the administrative impact of such programs on schools and local educational agencies, that are coordinated with research supported through the Office of Educational Research and Improvement, using rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, as appropriate, to determine—

"(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving America's Education Goals, with a priority on assessing program impact on student performance;

"(ii) the short- and long-term effects of program participation on program participants, as appropriate;

"(iii) the cost and efficiency of such programs;

"(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;

"(v) specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;

"(vi) promising means of identifying and disseminating effective management and educational practices;

"(vii) the effect of such programs on school and local educational agencies' administrative responsibilities and structure, including the use of local and State resources, with particular attention to schools and agencies serving a high concentration of disadvantaged students;

"(viii) the effect of Federal categorical programs at the elementary and secondary levels on the proliferation of State categorical education aid programs and regulations, including an evaluation of the State regulations that are developed in response to Federal education laws; and

"(ix) the effect of such programs on school reform efforts;

"(B) to carry out a study of the waivers granted under section 6601, which study shall include—

"(i) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

"(ii) an analysis of the effect of waivers on categorical program requirements and other flexibility provisions in this Act on improvement in educational achievement of participating students and on school and local educational agency administrative responsibilities, structure, and resources based on an appropriate sample of State educational agencies, local educational agencies, schools, and tribes receiving waivers;

"(C) to carry out a study of the waivers under section 1114 to support schoolwide programs which shall include—

"(i) the extent to which schoolwide programs are meeting the intent and purposes of any program for which provisions were waived; and

"(ii) the extent to which the needs of all students are being served by such programs particularly students who would be eligible for assistance under any provisions waived; and

"(D) to provide for a study, conducted by the National Academy of Sciences, regarding the relationship between time and learning, which shall include—

"(i) an analysis of the impact of increasing education time on student achievement;

"(ii) an analysis of how schools, teachers, and students use time and the quality of instructional activities;

"(iii) an analysis of how time outside of school may be used to enhance student learning; and *"(iv) cost estimates for increasing time in school.*

"(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so wishes, on the final report described in paragraph (3).

"(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 2004, to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions of the Senate.

"(c) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.".

SEC. 10003. AMERICA'S EDUCATION GOALS.

Part C of title X (20 U.S.C. 8061 et seq.) is amended to read as follows:

"PART C—AMERICA'S EDUCATION GOALS

"SEC. 10301. AMERICA'S EDUCATION GOALS.

"America's Education Goals are as follows:

"(1) SCHOOL READINESS.—

"(A) GOAL.—All children in America will start school ready to learn.

"(B) OBJECTIVES.—The objectives for this goal are that—

"(i) all children will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

"(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

"(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

"(2) SCHOOL COMPLETION.—

"(A) GOAL.—The high school graduation rate will increase to at least 90 percent.

"(B) OBJECTIVES.—The objectives for this goal are that—

"(i) the Nation must dramatically reduce its school dropout rate, and 75 percent of the students who do drop out will successfully complete a high school degree or its equivalent; and

"(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

"(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

"(A) GOAL.—All students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

"(B) OBJECTIVES.—The objectives for this goal are that—

"(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

"(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

"(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

"(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

"(v) the percentage of all students who are competent in more than one language will substantially increase; and

"(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

"(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

"(A) GOAL.—The Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students.

"(B) OBJECTIVES.—The objectives for this goal are that—

"(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

"(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

"(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

"(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

"(5) MATHEMATICS AND SCIENCE.—

"(A) GOAL.—United States students will be first in the world in mathematics and science achievement.

"(B) OBJECTIVES.—The objectives for this goal are that—

"(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the education system, especially in the early grades;

"(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase by 50 percent; and

"(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

"(6) ADULT LITERACY AND LIFELONG LEARNING.—

"(A) GOAL.—Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

"(B) OBJECTIVES.—The objectives for this goal are that—

"(i) every major American business will be involved in strengthening the connection between education and work;

"(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

"(iii) the number of quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

"(iv) the proportion of the qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

"(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

"(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and life-long learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

"(7) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

"(A) GOAL.—Every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.

"(B) OBJECTIVES.—The objectives for this goal are that—

"(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

"(ii) parents, businesses, governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and are a safe haven for all children;

"(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

"(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

"(v) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

"(vi) community-based teams should be organized to provide students and teachers with needed support; and

"(vii) every school should work to eliminate sexual harassment.

"(8) PARENTAL PARTICIPATION.—

"(A) GOAL.—Every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

"(B) OBJECTIVES.—The objectives for this Goal are that—

"(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

"(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decisionmaking at school; and

‘‘(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.’’.

SEC. 10004. AMERICA'S EDUCATION GOALS PANEL.

(a) AMENDMENT.—Part D of title X (20 U.S.C. 8091 et seq.) is amended to read as follows:

‘‘PART D—AMERICA'S EDUCATION GOALS PANEL

‘‘SEC. 10401. AMERICA'S EDUCATION GOALS PANEL.

‘‘(a) PURPOSE.—It is the purpose of this section to establish a bipartisan mechanism for—

‘‘(1) building a national consensus for education improvement; and

‘‘(2) reporting on progress toward achieving the National Education Goals.

‘‘(b) AMERICA'S EDUCATION GOALS PANEL.—

‘‘(1) ESTABLISHMENT.—There is established in the executive branch an America's Education Goals Panel (hereafter in this section referred to as the ‘Goals Panel’) to advise the President, the Secretary, and Congress.

‘‘(2) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this section referred to as ‘members’), including—

‘‘(A) 2 members appointed by the President;

‘‘(B) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

‘‘(C) 4 Members of Congress, of whom—

‘‘(i) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

‘‘(ii) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

‘‘(iii) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

‘‘(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

‘‘(D) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

‘‘(3) SPECIAL APPOINTMENT RULES.—

‘‘(A) IN GENERAL.—The members appointed pursuant to paragraph (2)(B) shall be appointed as follows:

‘‘(i) SAME PARTY.—If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

‘‘(ii) OPPOSITE PARTY.—If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

‘‘(B) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of paragraph (2) and subparagraph (A), except for the requirements of subparagraph (D) of paragraph (2), prior to the date of enactment of the Elementary and Secondary Education Amendments of 1999, then the members serving on such panel shall be deemed to be in compliance with the provisions of such paragraph and subparagraph and shall not be required to be reappointed pursuant to such paragraph and subparagraph.

‘‘(C) REPRESENTATION.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

‘‘(4) TERMS.—The terms of service of members shall be as follows:

‘‘(A) PRESIDENTIAL APPOINTEES.—Members appointed under paragraph (2)(A) shall serve at the pleasure of the President.

‘‘(B) GOVERNORS.—Members appointed under paragraph (2)(B) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms with ½ of such members' terms concluding every 2 years.

‘‘(C) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under subparagraphs (C) and (D) of paragraph (2) shall serve for 2-year terms.

‘‘(5) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of the Elementary and Secondary Education Amendments of 1999.

‘‘(6) INITIATION.—The Goals Panel may begin to carry out the Goals Panel's duties under this section when 10 members of the Goals Panel have been appointed.

‘‘(7) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

‘‘(8) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

‘‘(9) CHAIRPERSON.—

‘‘(A) IN GENERAL.—The members shall select a Chairperson from among the members.

‘‘(B) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

‘‘(10) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

‘‘(11) EX OFFICIO MEMBER.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to paragraph (2)(A), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

‘‘(c) DUTIES.—

‘‘(1) IN GENERAL.—The Goals Panel shall—

‘‘(A) report to the President, the Secretary, and Congress regarding the progress the Nation and the States are making toward achieving America's Education Goals, including issuing an annual report;

‘‘(B) report on, and widely disseminate through multiple strategies, promising or effective actions being taken at the Federal, State, and local levels, and in the public and private sectors, to achieve America's Education Goals;

‘‘(C) report on, and widely disseminate on promising or effective practices pertaining to, the achievement of each of the 8 America's Education Goals; and

‘‘(D) help build a bipartisan consensus for the reforms necessary to achieve America's Education Goals.

‘‘(2) REPORT.—

‘‘(A) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

‘‘(i) assess the progress of the United States toward achieving America's Education Goals; and

‘‘(ii) identify actions that should be taken by Federal, State, and local governments—

‘‘(I) to enhance progress toward achieving America's Education Goals; and

‘‘(II) to provide all students with a fair opportunity-to-learn.

‘‘(B) FORM; DATA.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

‘‘(d) POWERS OF THE GOALS PANEL.—

‘‘(1) HEARINGS.—

‘‘(A) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

‘‘(B) REPRESENTATION.—In carrying out this section, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, and State assessments.

‘‘(2) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this section. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

‘‘(3) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

‘‘(4) USE OF FACILITIES.—The Goals Panel may, with or without reimbursement, and with the consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

‘‘(5) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

‘‘(A) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

‘‘(B) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate, and on a reimbursable basis, shall enter into contracts and make other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

‘‘(6) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

‘‘(e) ADMINISTRATIVE PROVISIONS.—

‘‘(1) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the Goals Panel's members.

‘‘(2) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

‘‘(3) VOTING AND FINAL DECISION.—

‘‘(A) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

‘‘(B) FINAL DECISIONS.—

‘‘(i) CONSENSUS.—In making final decisions of the Goals Panel with respect to the exercise of the Goals Panel's duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

‘‘(ii) VOTES.—Except as otherwise provided in this section, if a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of the Goals Panel's duties and powers, then such final decision

shall be made by a ¾ vote of the members of the Goals Panel who are present and voting.

“(4) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the Goals Panel's proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

“(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—

“(1) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director of the Goals Panel to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

“(2) APPOINTMENT AND PAY OF EMPLOYEES.—

“(A) APPOINTMENT.—

“(i) IN GENERAL.—The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

“(ii) PAY.—The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

“(B) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

“(3) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

“(4) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in the Goals Panel's duties under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $2,500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

(b) TRANSITION RULE.—Each individual who is a member or employee of the National Education Goals Panel on the date of enactment of the Elementary and Secondary Education Amendments of 1999 shall be a member or employee, respectively, of the America's Education Goals Panel, without interruption or loss of service or status.

SEC. 10005. COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

Part E of title X (20 U.S.C. 8131 et seq.) is amended to read as follows:

“PART E—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

“SEC. 10501. PROGRAM AUTHORIZED.

“(a) COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities or consortia of such entities in order to establish a networked system of 15 comprehensive regional assistance centers to provide comprehensive training and technical assistance, related to administration and implementation of programs under this Act, to States, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act.

“(2) CONSIDERATION.—In establishing comprehensive regional assistance centers and allocating resources among the centers, the Secretary shall consider—

“(A) the geographic distribution of students assisted under title I;

“(B) the geographic and linguistic distribution of students of limited-English proficiency;

“(C) the geographic distribution of Indian students;

“(D) the special needs of students living in urban and rural areas; and

“(E) the special needs of States and outlying areas in geographic isolation.

“(3) SPECIAL RULE.—The Secretary shall establish 1 comprehensive regional assistance center under this section in Hawaii.

“(b) SERVICE TO INDIANS AND ALASKA NATIVES.—The Secretary shall ensure that each comprehensive regional assistance center that serves a region with a significant population of Indian or Alaska Native students shall—

“(1) be awarded to a consortium which includes a tribally controlled community college or other Indian organization; and

“(2) assist in the development and implementation of instructional strategies, methods and materials which address the specific cultural and other needs of Indian or Alaska Native students.

“(c) ACCOUNTABILITY.—To ensure the quality and effectiveness of the networked system of comprehensive regional assistance centers supported under this part, the Secretary shall—

“(1) develop, in consultation with the Assistant Secretary for Elementary and Secondary Education, the Director of Bilingual Education and Minority Languages Affairs, and the Assistant Secretary for Educational Research and Improvement, a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for all children, particularly children at risk of educational failure;

“(2) conduct surveys every two years of populations to be served under this Act to determine if such populations are satisfied with the access to and quality of such services;

“(3) collect, as part of the Department's reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

“(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

“(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

“(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this part to an affected region.

“(d) DURATION.—Grants, contracts or cooperative agreements under this section shall be awarded for a period of 5 years.

“SEC. 10502. REQUIREMENTS OF COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

“(a) IN GENERAL.—Each comprehensive regional assistance center established under section 10501(a) shall—

“(1) maintain appropriate staff expertise and provide support, training, and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools, and other grant recipients under this Act, in—

“(A) improving the quality of instruction, curricula, assessments, and other aspects of school reform, supported with funds under title I;

“(B) implementing effective schoolwide programs under section 1114;

“(C) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, immigrant children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, children with disabilities, and, where applicable, Alaska Native children and Native Hawaiian children;

“(D) implementing high-quality professional development activities for teachers, and where appropriate, administrators, pupil services personnel and other staff;

“(E) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

“(F) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and school;

“(G) implementing educational applications of technology;

“(H) coordinating services and programs to meet the needs of students so that students can fully participate in the educational program of the school;

“(I) expanding the involvement and participation of parents in the education of their children;

“(J) reforming schools, school systems, and the governance and management of schools;

“(K) evaluating programs; and

“(L) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas;

“(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

“(3) provide technical assistance using the highest quality and most cost-effective strategies possible;

“(4) coordinate services, work cooperatively, and regularly share information with, the regional educational laboratories, research and development centers, State literacy centers authorized under the National Literacy Act of 1991, and other entities engaged in research, development, dissemination, and technical assistance activities which are supported by the Department as part of a Federal technical assistance system, to provide a broad range of support services to schools in the region while minimizing the duplication of such services;

“(5) work collaboratively with the Department's regional offices;

“(6) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act;

“(7) provide services to States, local educational agencies, tribes, and schools in order to better implement the purposes of this part; and

“(8) provide professional development services to State educational agencies and local educational agencies to increase the capacity of such entities to provide high-quality technical assistance in support of programs under this Act.

“(b) PRIORITY.—Each comprehensive regional assistance center assisted under this part shall give priority to servicing—

“(1) schoolwide programs under section 1114; and

“(2) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

“SEC. 10503. MAINTENANCE OF SERVICE AND APPLICATION REQUIREMENTS.

“(a) MAINTENANCE OF SERVICE.—The Secretary shall ensure that the comprehensive regional assistance centers funded under this part provide technical assistance services that address the needs of educationally disadvantaged

students, including students in urban and rural areas, and bilingual, migrant, immigrant, and Indian students, that are at least comparable to the level of such technical assistance services provided under programs administered by the Secretary on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(b) APPLICATION REQUIREMENTS.—Each entity or consortium desiring assistance under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall—

"(1) demonstrate how the comprehensive regional assistance center will provide expertise and services in the areas described in section 10502;

"(2) demonstrate how such centers will work to conduct outreach to local educational agencies receiving priority under section 10502;

"(3) demonstrate support from States, local educational agencies and tribes in the area to be served;

"(4) demonstrate how such centers will ensure a fair distribution of services to urban and rural areas; and

"(5) provide such other information as the Secretary may require.

"SEC. 10504. TRANSITION.

"(a) EXTENSION OF PREVIOUS CENTERS.—The Secretary shall, notwithstanding any other provision of law, use funds appropriated under section 10505 to extend or continue contracts and grants for existing comprehensive regional assistance centers assisted under this Act (as such Act was in effect on the day preceding the date of enactment of the Educational Opportunities Act), and take other necessary steps to ensure a smooth transition of services provided under this part and that such services will not be interrupted, curtailed, or substantially diminished.

"(b) STAFF EXPERTISE.—In planning for the competition for the new comprehensive regional assistance centers under this part, the Secretary may draw on the expertise of staff from existing comprehensive regional assistance centers assisted under this Act prior to the date of enactment of the Educational Opportunities Act.

"SEC. 10505. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.".

SEC. 10006. REPEALS.

Parts F through K of title X, and titles XI, XII, XIII, and XIV (20 U.S.C. 8141 et seq., 8331 et seq., 8401 et seq., 8501 et seq., 8601 et seq., 8801 et seq.) are repealed.

SEC. 10007. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997.—Section 5(d)(1) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 117b-2(d)(1)) is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801)".

(b) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1987.—Section 104(3)(B)(ii) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e(3)(B)(ii)) is amended by striking "14101" and inserting "3".

(c) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—Section 1417(j)(1)(B) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)(1)(B)) is amended—

(1) by striking "14101(25)" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801(25))".

(d) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 101(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "14101" and inserting "3".

(e) TITLE 10, UNITED STATES CODE.—Section 2194(e) of title 10, United States Code, is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801)".

(f) TOXIC SUBSTANCES CONTROL ACT.—

(1) ASBESTOS.—Paragraphs (7), (9) and (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642) are amended by striking "14101" and inserting "3".

(2) RADON.—Section 302(1)(A) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended by striking "14101" and inserting "3".

(g) HIGHER EDUCATION ACT OF 1965.—Paragraphs (4), (5), (6), (10), and (14) of section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003) are amended by striking "14101" and inserting "3".

(h) GENERAL EDUCATION PROVISIONS ACT.—Section 425(6) of the General Education Provisions Act (20 U.S.C. 1226c(6)) is amended by striking "14701" and inserting "10201".

(i) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 613(f) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(f)) is amended by striking paragraph (3).

(j) EDUCATION AMENDMENTS OF 1972.—Section 908(2)(B) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "14101" and inserting "3".

(k) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302) is amended—

(1) in paragraph (5)—

(A) by striking "10306" and inserting "5410"; and

(B) by striking "(20 U.S.C. 8066)"; and

(2) in paragraphs (8), (16), and (21)—

(A) by striking "14101" and inserting "3"; and

(B) by striking "(20 U.S.C. 8801)".

(l) EDUCATION FOR ECONOMIC SECURITY ACT.—

(1) ECONOMIC SECURITY.—Section 3(3) of the Education for Economic Security Act (20 U.S.C. 3902) is amended—

(A) in paragraph (3)—

(i) by striking "198(a)(7)" and inserting "3"; and

(B) in paragraph (7)—

(i) by striking "198(a)(10)" and inserting "3"; and

(C) in paragraph (12)—

(i) by striking "198(a)(17)" and inserting "3".

(2) ASBESTOS.—Section 511 of the Education for Economic Security Act (20 U.S.C. 4020) is amended—

(A) in paragraph (4)(A),. by striking "198(a)(10)" and inserting "3"; and

(B) in paragraph (5)(A), by striking "198(a)(7)" and inserting "3".

(m) JAMES MADISON MEMORIAL FELLOWSHIP ACT.—Section 815(4) of the James Madison Memorial Fellowship Act (20 U.S.C. 4514(4)) is amended by striking "14101" and inserting "3".

(n) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 3(5) of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 3381)".

(o) EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999.—Section 3(1) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891a(1)) is amended by striking "14101" and inserting "3".

(p) DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999.—Section 3(c)(5) of the District of Columbia College Access Act of 1999 (Public Law 106–98; 113 Stat. 1323) is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801)".

(q) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—

(1) WAIVERS.—Section 502(b) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6212(b)) is amended—

(A) in paragraph (4), by striking the semicolon and inserting "; and";

(B) by striking paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5).

(2) COMBINATION OF FUNDS.—Section 504(a)(2)(B)(i) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6214(a)(2)(B)(i)) is amended by striking "paragraphs (2) through (6)" and inserting "paragraphs (2) through (5)".

(r) NATIONAL EDUCATION STATISTICS ACT OF 1994.—Paragraphs (4) and (6) of section 402(c) of the National Education Statistics Act of 1994 (20 U.S.C. 9001(c)) are amended by striking "14101" and inserting "3".

(s) ADULT EDUCATION AND FAMILY LITERACY ACT.—Section 203(13) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(13)) is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801)".

(t) INTERNAL REVENUE CODE OF 1986.—Section 1397E(d)(4)(B) of the Internal Revenue Code of 1986 is amended by striking "14101" and inserting "3".

(u) REHABILITATION ACT OF 1973.—

(1) RESEARCH.—Section 202(b)(4)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(4)(A)(i)) is amended by striking "14101" and inserting "3".

(2) NONDISCRIMINATION.—Section 504(b)(2)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794(b)(2)(B)) is amended by striking "14101" and inserting "3".

(v) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 108(a)(1)(A) of the Family and Medical Leave Act of 1993 (29. U.S.C. 2618(a)(1)(A)) is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 2891(12))".

(w) WORKFORCE INVESTMENT ACT OF 1998.—Paragraphs (23) and (40) of section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801) are amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801)".

(x) SAFE DRINKING WATER ACT.—Paragraphs (3)(A) and (6) of section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j–21) are amended by striking "14101" and inserting "3".

(y) CIVIL RIGHTS ACT OF 1964.—Section 606(2)(B) of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a(2)(B)) is amended by striking "14101" and inserting "3".

(z) OLDER AMERICANS ACT OF 1965.—

(1) APPLICATION.—Section 338A(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030g-12(a)(1)) is amended by striking "14101" and inserting "3".

(2) DEFINITION.—Section 363(5)(B) of the Older Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is amended by striking "14101" and inserting "3".

(aa) AGE DISCRIMINATION ACT OF 1975.—Section 309(4)(B)(ii) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "14101" and inserting "3".

(bb) HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1989.—Section 221(f)(3)(B)(i) of The Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. 6921 note) is amended by striking "198(a)(7)" and inserting "3".

(cc) ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT OF 1994.—Paragraphs (1), (2), and (3) of section 514 of the Albert Einstein Distinguished Educator Fellowship Act of 1994

(42 U.S.C. 7382b) are amended by striking "14101" and inserting "3".

(dd) EARTHQUAKE HAZARDS.—Section 2(c)(1)(A) of the Act entitled "An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes", approved October 1, 1997 (42 U.S.C. 7704 note) is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801)".

(ee) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Paragraphs (6) and (11) of section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) are amended by striking "14101" and inserting "3".

(ff) COMMUNITY SERVICES BLOCK GRANT ACT.—Section 682(b)(4) of the Community Services Block Grant Act (42 U.S.C. 9923(b)(4)) is amended—

(1) by striking "14101" and inserting "3"; and

(2) by striking "(20 U.S.C. 8801)".

(gg) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Paragraphs (8), (14), (22), and (28) of section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) are amended by striking "14101" and inserting "3".

(hh) TELECOMMUNICATIONS ACT OF 1996.—Section 706(c)(2) of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking "paragraphs (14) and (25), respectively, of section 14101" and inserting "section 3"; and

(2) by striking "(20 U.S.C. 8801)".

(ii) COMMUNICATIONS ACT OF 1934.—Section 254(h)(5)(A) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(A)) is amended—

(1) by striking "paragraphs (14) and (25), respectively, of section 14101" and inserting "section 3"; and

(2) by striking "(20 U.S.C. 8801)".

(jj) TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Section 4024 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31136 note) is amended by striking "14101" and inserting "3".

TITLE XI—AMENDMENTS TO OTHER LAWS

PART A—REPEALS

SEC. 11101. GOALS 2000: EDUCATE AMERICA ACT.

The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is repealed.

SEC. 11102. HIGHER EDUCATION AMENDMENTS OF 1998.

Part B of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1070a–11 note) is repealed.

SEC. 11103. CONFORMING AMENDMENTS.

(a) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—

(1) Section 3(a) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6102(a)) is amended—

(A) in paragraph (1)(B), by striking "the Goals 2000: Educate America Act and"; and

(B) in paragraph (14), by striking "the National Education Goals set forth in title I of the Goals 2000: Educate America Act" and inserting "America's Education Goals".

(2) Section 4(3) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(3)) is amended—

(A) by inserting "and" after "section 213,"; and

(B) by striking ", and is consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act".

(3) Section 102(3) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6112(3)) is amended by striking "including, where applicable, standards established under the Goals 2000: Educate America Act,".

(4) Section 203 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6123) is amended by striking subsection (c).

(5) Section 204 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6124) is repealed.

(6) Section 213 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6143) is amended—

(A) by striking subsection (c); and

(B) in subsection (d)—

(i) in paragraph (6)—

(I) by striking subparagraph (F); and

(II) by redesignating subparagraphs (G) through (L) as subparagraphs (F) through (K), respectively; and

(ii) in paragraph (8), by striking "academic and skill standards established pursuant to the Goals 2000: Educate America Act and the National Skill Standards Act of 1994" and inserting "standards established pursuant to the National Skill Standards Act of 1994".

(7) Section 214(b)(3) of the School-to-Work Opportunities Act of 1994, (20 U.S.C. 6144(b)(3)) is amended—

(A) in subparagraph (B), by inserting "and" after the semicolon;

(B) in subparagraph (C), by striking "; and" and inserting a period; and

(C) by striking subparagraph (D).

(b) EDUCATION AMENDMENTS OF 1978.—Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "the National Education Goals embodied in the Goals 2000: Educate America Act" and inserting "America's Education Goals"; and

(B) by striking the second sentence; and

(2) in subsection (b), by striking "the Goals 2000: Educate America Act" and inserting "the Goals 2000: Educate America Act (as in effect on the date of enactment of the Educational Opportunities Act)".

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 11201. STATEMENT OF POLICY.

Section 721(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431(3)) is amended by striking "should not be" and inserting "is not".

SEC. 11202. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by inserting "and" after "Samoa,"; and

(ii) by striking ", and Palau" and all that follows through "Palau)"; and

(B) in paragraph (3)—

(i) by inserting "or" after "Samoa,"; and

(ii) by striking ", or Palau";

(2) in subsection (e), by adding at the end the following:

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child or youth's status as homeless, except as provided in section 723(a)(2)(B)(ii).";

(3) by amending subsection (f) to read as follows:

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State;

"(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

"(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

"(A) educators, including child development and preschool program personnel;

"(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

"(C) local educational agency liaisons for homeless children and youth; and

"(D) community organizations and groups representing homeless children and youth and their families."; and

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking "the report" and inserting "the information"; and

(II) by striking "(f)(4)" and inserting "(f)(3)"; and

(ii) by amending subparagraph (H) to read as follows:

"(H) contain assurances that—

"(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized; and

"(ii) local educational agencies serving school districts in which homeless children and youth reside or attend school will—

"(I) post public notice of the educational rights of such children and youth where such children and youth receive services under this Act (such as family shelters and soup kitchens); and

"(II) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.";

(B) by amending paragraph (3) to read as follows:

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle shall, according to the child's or youth's best interest—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the duration of their homelessness;

"(II) if the child becomes permanently housed, for the remainder of the academic year; or

"(III) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

"(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian; and

"(ii) provide a written explanation to the homeless child's or youth's parent or guardian when the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian.

"(C) ENROLLMENT.—

"(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

"(ii) SPECIAL RULE.—The enrolling school immediately shall contact the school last attended by the child or youth to obtain relevant academic and other records. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer the child or youth to the appropriate authorities for such immunizations.

"(D) DEFINITION OF SCHOOL OF ORIGIN.—For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(E) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.";

(C) by amending paragraph (6) to read as follows:

"(6) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.).

"(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that homeless children and youth have access to available education and related support services; and

"(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in shelters and other challenges associated with homeless children and youth.";

(D) by amending paragraph (7) to read as follows:

"(7) LIAISON.—

"(A) IN GENERAL.—Each local liaison for homeless children and youth designated pursuant to paragraph (1)(H)(ii)(II) shall ensure that—

"(i) homeless children and youth enroll, and have a full and equal opportunity to succeed, in the schools of the local educational agency;

"(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

"(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and

"(iv) public notice of the educational rights of homeless children and youth is posted where such children and youth receive services under this Act (such as family shelters and soup kitchens).

"(B) INFORMATION.—State coordinators in States receiving assistance under this subtitle and local educational agencies receiving assistance under this subtitle shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons for homeless children and youth.

"(C) LOCAL AND STATE COORDINATION.—Liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

"(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local liaison for homeless children and youth shall provide resource information and assist in resolving a dispute under this subtitle if such a dispute arises."; and

(E) by striking paragraph (9).

SEC. 11203. LOCAL EDUCATIONAL AGENCY GRANTS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a), by amending paragraph (2) to read as follows:

"(2) SERVICES.—

"(A) IN GENERAL.—Services provided under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities;

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals; and

"(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

"(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

"(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to clause (ii); and

"(ii) shall not provide services in settings within a school that segregates homeless children and youth from other children and youth, except as is necessary for short periods of time—

"(I) for health and safety emergencies; or

"(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) an assessment of the educational and related needs of homeless children and youth in the school district (which may be undertaken as a part of needs assessments for other disadvantaged groups);"; and

(C) in paragraph (4) (as so redesignated), by striking "(9)" and inserting "(8)"; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The State educational agency, in accordance with the requirements of this subtitle and from amounts made available to the State educational agency under section 726, shall award grants, on a competitive basis, to local educational agencies that submit applications under subsection (b). Such grants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

"(A) the local educational agency's needs assessment under subsection (b)(1) and the likelihood that the program to be assisted will meet the needs;

"(B) the types, intensity, and coordination of services to be assisted under the program;

"(C) the involvement of parents or guardians;

"(D) the extent to which homeless children and youth will be integrated within the regular education program;

"(E) the quality of the local educational agency's evaluation plan for the program;

"(F) the extent to which services provided under this subtitle will be coordinated with other available services;

"(G) the extent to which the local educational agency provides case management or related services to homeless children and youth who are unaccompanied by a parent or guardian; and

"(H) such other measures as the State educational agency determines indicative of a high-quality program.".

SEC. 11204. SECRETARIAL RESPONSIBILITIES.

Section 724 (42 U.S.C. 11434) is amended—

(1) in subsection (a), by striking "the State educational" and inserting "State educational";

(2) by striking subsection (f);

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

"(c) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Educational Opportunities Act, school enrollment guidelines for States with respect to homeless children and youth. The guidelines shall describe—

"(1) successful ways in which a State may assist local educational agencies to enroll immediately homeless children and youth in school; and

"(2) how a State can review the State's requirements regarding immunization and medical or school records and make revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youth in school more quickly."; and

(5) by adding at the end the following:

"(g) INFORMATION.—

"(1) IN GENERAL.—From funds appropriated under section 726, the Secretary, directly or through grants, contracts, or cooperative agreements, shall periodically collect and disseminate data and information regarding—

"(A) the number and location of homeless children and youth;

"(B) the education and related services homeless children and youth receive;

"(C) the extent to which the needs of homeless children and youth are met; and

"(D) such other data and information as the Secretary determines necessary and relevant to carry out this subtitle.

"(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(h) REPORT.—Not later than 4 years after the date of enactment of the Educational Opportunities Act, the Secretary shall prepare and submit to the President and the appropriate committees of the House of Representatives and the Senate a report on the status of the education of homeless children and youth, which shall include information regarding—

"(1) the education of homeless children and youth; and

"(2) the actions of the Department of Education and the effectiveness of the programs supported under this subtitle.".

SEC. 11205. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) the terms 'local educational agency' and 'State educational agency' have the meanings given the terms in section 2 of the Elementary and Secondary Education Act of 1965;".

SEC. 11206. AUTHORIZATION OF APPROPRIATIONS.

Section 726 (42 U.S.C. 11435) is amended to read as follows:

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $40,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 11207. CONFORMING AMENDMENTS.

(a) GRANTS FOR STATE AND LOCAL ACTIVITIES.—Section 722 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)(1), by striking "section 724(c)" and inserting "section 724(d)"; and

(2) in subsection (g)(2), by striking "paragraphs (3) through (9)" and inserting "paragraphs (3) through (8)".

(b) LOCAL EDUCATIONAL AGENCY GRANTS.—Section 723(b)(3) of such Act (42 U.S.C. 11433(b)(3)) is amended by striking "paragraphs (3) through (9) of section 722(g)" and inserting "paragraphs (3) through (8) of section 722(g)".

(c) SECRETARIAL RESPONSIBILITIES.—Section 724(f) of such Act (as amended by section 11204(3)) is amended by striking "subsection (d)" and inserting "subsection (e)".

PART C—ALBERT EINSTEIN DISTINGUISHED EDUCATORS

SEC. 11301. ALBERT EINSTEIN DISTINGUISHED EDUCATOR ACT OF 1994.

Part A of title V of the Improving America's Schools Act of 1994 (42 U.S.C. 7382 et seq.) is amended to read as follows:

"PART A—ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

"SEC. 511. SHORT TITLE.

"This part may be cited as the 'Albert Einstein Distinguished Educator Fellowship Act of 1994'.

"SEC. 512. PURPOSE; DESIGNATION.

"(a) PURPOSE.—The purpose of this part is to establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers.

"(b) DESIGNATION.—A recipient of a fellowship under this part shall be known as an 'Albert Einstein Fellow'.

"SEC. 513. DEFINITIONS.

"As used in this part—

"(1) the term 'elementary school' has the meaning provided by section 3 of the Elementary and Secondary Education Act of 1965;

"(2) the term 'local educational agency' has the meaning provided by section 3 of the Elementary and Secondary Education Act of 1965;

"(3) the term 'secondary school' has the meaning provided by section 3 of the Elementary and Secondary Education Act of 1965; and

"(4) the term 'Secretary' means the Secretary of Energy.

"SEC. 514. FELLOWSHIP PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary shall establish the Albert Einstein Distinguished Educator Fellowship Program (hereafter in this part referred to as the 'Program') to provide 12 elementary or secondary school mathematics or science teachers with fellowships in each fiscal year in accordance with this part.

"(2) ORDER OF PRIORITY.—The Secretary may reduce the number of fellowships awarded under this part for any fiscal year in which the amount appropriated for the Program is insufficient to support 12 fellowships. If the number of fellowships awarded under this part is reduced for any fiscal year, then the Secretary shall award fellowships based on the following order of priority:

"(A) Two fellowships in the Department of Energy.

"(B) Two fellowships in the Senate.

"(C) Two fellowships in the House of Representatives.

"(D) One fellowship in each of the following entities:

"(i) The Department of Education.

"(ii) The National Institutes of Health.

"(iii) The National Science Foundation.

"(iv) The National Aeronautics and Space Administration.

"(v) The Office of Science and Technology Policy.

"(3) TERMS OF FELLOWSHIPS.—Each fellowship awarded under this part shall be awarded for a period of 10 months that, to the extent practicable, coincide with the academic year.

"(4) ELIGIBILITY.—To be eligible for a fellowship under this part, an elementary or secondary school mathematics or science teacher shall demonstrate—

"(A) that such teacher will bring unique and valuable contributions to the Program;

"(B) that such teacher is recognized for excellence in mathematics or science education; and

"(C)(i) a sabbatical leave from teaching will be granted in order to participate in the Program; or

"(ii) the teacher will return to a teaching position comparable to the position held prior to participating in the Program.

"(b) ADMINISTRATION.—The Secretary shall—

"(1) provide for the development and administration of an application and selection process for fellowships under the Program, including a process whereby final selections of fellowship recipients are made in accordance with subsection (c);

"(2) provide for the publication of information on the Program in appropriate professional publications, including an invitation for applications from teachers listed in the directories of national and State recognition programs;

"(3) select from the pool of applicants 12 elementary and secondary school mathematics teachers and 12 elementary and secondary school science teachers;

"(4) develop a program of orientation for fellowship recipients under this part; and

"(5) not later than August 31 of each year in which fellowships are awarded, prepare and submit an annual report and evaluation of the Program to the appropriate Committees of the Senate and the House of Representatives.

"(c) SELECTION.—

"(1) IN GENERAL.—The Secretary shall arrange for the 24 semifinalists to travel to Washington, D.C., to participate in interviews in accordance with the selection process described in paragraph (2).

"(2) FINAL SELECTION.—(A) Not later than May 1 of each year preceding each year in which fellowships are to be awarded, the Secretary shall select and announce the names of the fellowship recipients.

"(B) The Secretary shall provide for the development and administration of a process to select fellowship recipients from the pool of semifinalists as follows:

"(i) The Secretary shall select three fellowship recipients who shall be assigned to the Department of Energy.

"(ii) The Majority Leader of the Senate and the Minority Leader of the Senate, or their designees, shall each select a fellowship recipient who shall be assigned to the Senate.

"(iii) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives, or their designees, shall each select a fellowship recipient who shall be assigned to the House of Representatives.

"(iv) Each of the following individuals, or their designees, shall select one fellowship recipient who shall be assigned within the department, office, agency, or institute such individual administers:

"(I) The Secretary of Education.

"(II) The Director of the National Institutes of Health.

"(III) The Director of the National Science Foundation.

"(IV) The Administrator of the National Aeronautics and Space Administration.

"(V) The Director of the Office of Science and Technology Policy.

"SEC. 515. FELLOWSHIP AWARDS.

"(a) FELLOWSHIP RECIPIENT COMPENSATION.—Each recipient of a fellowship under this part shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS–13 of the General Schedule.

"(b) LOCAL EDUCATIONAL AGENCY.—The Secretary shall seek to ensure that no local educational agency penalizes a teacher who elects to participate in the Program.

"SEC. 516. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for the Program $700,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I have asked the chairman and the ranking member to allow me to go forward briefly as we get started on this very important legislation. They have been gracious enough to allow me to do so.

I first emphasize a point I think everybody understands: Elementary and secondary education is very important in America. People all over this country, in every State nationwide, believe education is the area where we must concentrate; we have to show better results; we have to have accountability; we have to have some results that show our children are actually learning.

First, I will emphasize my personal background in this area. My mother was a schoolteacher for 19 years. As many schoolteachers, unfortunately, she reached a point where she needed to have more income. She wound up going into bookkeeping and radio broadcasting. I remember quite well her many years as a teacher in elementary schools in my own State.

I had the opportunity, in three different positions, to work for the University of Mississippi. I worked with placement and financial aid programs; I worked as a recruiter; I worked with a work-study program; and I worked with the alumni association. I know the importance of these programs.

I have always been supportive of financial aid programs from the Federal level so our children will have access to good work-study programs, to grants, to loans, so every American child has an opportunity to further their education, whether it is at a training school, community college, or a university. We have done good work in that area. I think we can truly tell students when they finish high school there will be an opportunity to get additional training or education.

In one area we are still falling behind. That is in the elementary and secondary levels, K through 12. The statistics show that in world competition we do quite well in higher education, but in K through 12 we are way behind international standards in reading, and particularly in math and science. We must do more in that area. I feel strongly about that.

I went to public schools all my life. My wife went to public schools. Both of our children went to public schools, from the first grade all the way through college. I want to make sure we have good, quality education in America. We have to do something about the reports such as the ones I have been reviewing this morning.

According to the National Assessment of Educational Programs, 77 percent of children in high-poverty urban schools are reading below basic levels. Test scores of 12th graders in math, reading, and writing have remained stagnant or declined over the last 30 years, and our 12th graders scored near dead last in international comparisons.

At the same time, we have spent billions of dollars—I think this statistic is $120 billion or more—over those past 30 years of Federal funds, not to mention what has been spent at the local and State level. Yet the scores are stagnant or have declined in critical areas including math, reading, and writing. Fourth-grade students in high-poverty schools remain two grade levels behind peers in low-poverty schools in math. In reading, they are three or four grade levels behind.

Contrary to original projections, the ESEA was designed to address the achievement gap that actually is widening. There are other unacceptable statistics if we are going to have our children in a position to have learned enough to be able to compete in the world economy or whether they can even be trained to be able to get a good-paying job.

A couple of years ago, I had a request from the leaders of the Silicon Valley high-tech companies to meet with me. They didn't specify what the subject matter was going to be. Of course, I thought we would talk computers, talk Internet, what do we do about taxes on the Internet, what to do about their inability to get more workers to fill the jobs they had available—basically, just a computer or high-tech discussion.

Twelve of them sat around the table in my conference room. They didn't want to talk about any other subject but education. They said: We cannot get high school graduates who have the basics so we can train them in this critical high-tech industry.

That applies, of course, to Silicon Valley in California and to the high-tech jobs we have in Northern Virginia as well as all over the country.

In my home area of Jackson, MS, we have such companies as SkyTel, Bell South, MCI WorldCom. These companies have created a lot of jobs and great opportunities for our young people. If they don't have the basics to be trained to fill the jobs, the jobs will go unfilled or we will have to go with an H–1B program to bring in people from other countries to fill these jobs until we can improve our system of education.

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education. We may have differences, and we will have differences, about how to improve the system, but let's have that debate, let's have votes, and let's not get distracted by other irrelevant, extraneous matter. I believe Americans want that. Whether it is in my State or nationwide, polls show that American people rate their concern about the quality of education No. 1.

This is a $15 billion reauthorization bill. Good work has been done by the committee. I commend Chairman JEFFORDS, who is on the floor, ready to proceed, and the ranking member, Senator KENNEDY. They had many amendments, many of which were voted down, and some of them were adopted. Now we have the bill ready for action. Many Members have done excellent work, and we will hear from a number of them later on.

I have always said that education is about learning. We need to remember that. Some people think it is about teaching, others think it is about freedom of expression, but in the end the question must be, Does the child learn? Is he or she getting what they need to do better on tests and be able to get and hold a job?

In order to learn, there are basic necessities in a schoolroom. First, you have to have discipline. That has become a problem in schools all across America. If kids are squirming around or if there is disruption in class, if they are talking, if they are not behaving, if there is not a system of discipline, there is a problem with the children being able to learn.

It does require good teachers. There are a lot of great teachers, a lot of teachers who should be rewarded for their good work. There are some teachers who have deficiencies, but we should not condemn them or complain about them. We should find a way to give them the opportunity to get the training they need to do a better job.

In my own State, the private sector has given computers to a lot of our schools and libraries. Many of the computers are sitting in the back of classrooms or in halls in the crates they came in because the teachers have not had a training program to teach the students how to use the computers. So we need to do something about that and we are beginning to get programs developed that specifically train the teachers in what they need to know in order to make use of these computers. That is the kind of program on which we need to focus locally and in the private sector.

We have one individual and his wife, natives of my State, who gave $100 million of their own personal money to, improve reading at the fourth grade level—not as a part of a Federal program, not as a part of a State program. In fact, they specifically said they didn't want to be tied to some sort of match. They wanted this money, every nickel of it, to be used for innovative efforts to train children in the fourth grade to be able to read.

Certainly that is commendable. We need more of that sort of thing.

We need to make sure our schools are safe. It is hard for me to believe the dangers that now go along with going to school. The juvenile justice bill had provisions that would allow assistance in dealing with alcohol abuse among our children, and drug programs. It would have authorized the use of funds to put metal detectors at schools where that might be needed.

We have to make sure our schools are safe and drug free. It is still horrifying to me to think that is a problem in many schools, not just at the high school level or the middle school level but even in elementary school. What have we come to in our society that our children in the sixth grade, fifth grade, fourth grade, are tempted or involved in using drugs? We have to make sure we have programs that are aimed at stopping that.

My colleague from Mississippi, Senator COCHRAN, has been active in the area of trying to promote and provide assistance for drug-free schools.

We must have accountability. It is not good enough any longer to put more money into programs and hope for the best. We have to see the results. There has to be a connection between the money, the teaching, what is happening in the school, and how the children are doing. It is just not acceptable any longer that our children are not getting what they need in our educational system in America. So it has to be results oriented. There has to be some way to determine if the children are getting what they need in the third or fourth grade or in the tenth grade. There must be a system of identifying what is being achieved in our educational process.

There are several provisions in this particular bill on which I think we should focus and we should make sure are included in the final version. We should encourage our States to take full advantage of these. One is the so-called Teacher Empowerment Act. This gives flexibility to the States and to the local schools to use over $2 billion annually to develop high-quality professional programs to reduce class size or to fund innovative teacher programs such as teacher testing, merit-based teacher performance systems, or alternative routes to certification.

In different States you have different needs. In different areas within States you have different needs. In my own State, along the gulf coast, what is needed perhaps is a greater reward for excellent teachers, or more programs for the gifted and talented. In another part of the State better reading programs might be needed. In another part there might be a need to repair the roofs. That kind of flexibility is needed, though, where the administrators, the teachers, the parents, and the children can make those decisions without some nameless, faceless bureaucrat in Washington, or Senators, saying it must be used the way they say it should be used. Give them some modicum of flexibility. That is what this teacher empowerment provision of the bill would do.

We have started moving in that area. A year ago, on a bipartisan basis, we passed the first Flexibility in Education Act. Now it has been expanded. I think it is showing good results. I think this bill would expand it to 15 States, and I would like that to very soon be applicable to every State. But under the Teacher Empowerment Act, States and school districts can choose to spend their money to increase the number of high-quality teachers. That seems to be such a good way to go. It is one of the provisions in this bill that I like the most.

Also, we have what is known as the Straight A's provision. This has been developed by a number of Senators, but Senator SLADE GORTON has worked in particular on it. Under this Straight A's provision, States or interested school districts have to establish a 5-year performance agreement with the Secretary of Education. This gets to the results-oriented and child-centered point I was making earlier. There has to be some way to say we are going to give flexibility, we are going to give additional money to use in different ways, but there have to be results. You have to show it has an impact on the children. So I think that is a very good part of this bill.

The child-centered funding allows interested States and schools to use their title I dollars to establish per-pupil amounts for supplemental services for each eligible child. After all, that gets back to what I said at the beginning—education is about learning. If that is your goal, it has to be aimed at finding ways to help the child. Maybe the traditional way we have used title I funds is not the best way for it to be used nationwide. As I said earlier, test scores would indicate that. In spite of all this money, the scores are stagnant or declining in critical areas. So that is a very important provision.

Then, public school choice. Well over 5,000 title I schools have been identified as failing schools for over 2 years; over 1,000 for over 4 years, and over 100 for 10 years. What if a school is just not doing the job—it is getting the local money, getting the State money, and getting the Federal money, but it continues to fail. The child must have some choice. That is what public school choice is all about. Why should a child have to attend a school that doesn't meet his or her needs and there is a better public school right down the street in the same town? Why shouldn't parents and children be able to make that choice?

I think the money should go with the child; that is who we are really trying to help. It should not be aimed at the school. If a family, for good reason, decides they want to choose a school that produces results rather than a failing school in the public school system, clearly they should have that choice.

So these are just a few of the critical provisions in this legislation that I know will be discussed. There will be amendments offered. Hopefully, we will improve this bill. I understand—in fact I know—there is a bipartisan effort to try to come up with a bill that will have Republican and Democrat support. I will be very interested in developing a bipartisan bill. That is how we got the education flexibility legislation done last year. That is how we got the education savings account bill done this year. This is part of our continuing effort to focus on ways to improve education. We have to do it.

In my State that has a lot of very poor schools, we have to do more. We have to do more locally, and our State legislature and our Governor just signed major education legislation making a 5-year commitment to education and to raising the salaries of our teachers to the Southeastern regional average. That is a major commitment of funds and a major commitment to education that has been expressed by my own State. I know that story is being replicated in States all across the Nation, whether it is Minnesota or Arizona, Massachusetts or Vermont, Alabama or Maine. That is as it should be. But we cannot do it with the status quo.

That is what many Democrats are saying: Look, we have this program. This is the way it has been done. We have been putting billions of dollars into it, but what we need is more billions of dollars to do the same thing.

I do not accept that. Education is about innovation. Technology is changing the face of the world, the face of business in America, and it will change the face of education if we will allow it to do so. So the status quo? Let's just go forward. The way it always has been in education is not the way to go. We should make genuine changes. We should give flexibility and innovation a chance in education. I believe in education we can improve our quality, and it will show results soon. We need it. We need it so more students will be able to get good-paying jobs, will be able to go into the high-tech area, or manufacturing, or the professional schools. This bill is going to be the third major step in that direction: education flexibility last year, education savings accounts earlier this year, and now basic, child-centered programs in the Elementary and Secondary Education Act.

I hope we will have a good debate. I hope we will stay focused on education. I look forward to hearing the opening remarks of the chairman of the committee and the ranking member.

Mr. President, I thank them for allowing me to go forward at this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank my leader for his very eloquent statement on the status of education and the importance of this legislation. I am hopeful we will all work together in a bipartisan manner to come out with legislation on which we can all agree.

Today, the Senate begins debate of S. 2, the Educational Opportunities Act. This legislation deals with every aspect of federal assistance to our nation's elementary and secondary schools.

There is perhaps no subject more on the minds of the American public than education. As a nation, we have long recognized that the quality of our future depends upon the quality of the education provided to our children. From our very earliest days, schoolhouses were among the first buildings to spring up in budding communities.

Federal involvement in elementary and secondary education can be traced back to the enactment of the Northwest Ordinance of 1787, one of the first laws passed by the Continental Congress. The Northwest Ordinance required each township within the territory to reserve one square mile for the establishment of public schools. Under the Northwest Ordinance law, 77 million acres of land were set aside for public education.

Since 1965, the Elementary and Secondary Education Act, ESEA, has provided the foundation for Federal efforts to help children succeed in school. Currently, we provide about $14.3 billion annually for ESEA programs. This is a substantial investment which deserves the careful attention of all Members.

Over half, $7.9 billion, of these funds is used on behalf of disadvantaged children under the title I program. Congress created the Elementary and Secondary Education Act in order to serve these children, and they remain the primary focus of our efforts. Other activities supported through ESEA include professional development, literacy, safe and drug-free schools, bilingual education, impact aid, aid to special populations, and technology.

In preparation for this legislation, the Committee on Health, Education, Labor, and Pensions held 25 hearings on ESEA programs to examine each aspect of the Act with a view toward keeping what works, revising what does not, and adding what is necessary to meet emerging needs.

In addition, I have devoted a great deal of time talking with students, parents, teachers, principals, superintendents, school board members, state-level school officials, and Governors. I have traveled all over the country doing this. In particular, I have listened to those in my home state of Vermont who work every day to make elementary and secondary school the best it can be.

What I have heard from Vermonters and others around the country is that schools need to be held accountable for the performance of all their students, that education programs must show positive results, and that quality teachers and school leaders are essential to the success of any school. I have also been reminded that the 7-cents on the dollar provided by the Federal government is not going to do the job singlehandedly. To achieve these objectives, states and localities must have sufficient flexibility to tailor solutions to meet their individual circumstances.

The advice I received is reflected in the programs and themes included in the Educational Opportunities Act. The primary objectives of this bill are:

One, to maintain and strengthen the title I reform process initiated in 1994 which emphasizes the establishment of high standards and assessments designed to measure progress towards those standards;

Two, to promote the sustained professional development of teachers and school leaders;

Three, to help assure that students are provided a safe and drug-free learning environment;

Four, to place an emphasis on getting results by insisting that activities and programs supported with federal funds are based on theory, research, and evaluation showing them to be effective in meeting their objectives; and

Five, to increase State and local flexibility in the use of Federal funds in exchange for greater accountability for improving student performance.

We would all agree that our schools must be held accountable for ensuring the academic success of all students. Like many others, I am disappointed that our students are not performing at the levels they should be and that Federal efforts to serve disadvantaged students have not shown better results.

Congress has long recognized the need to raise standards. The alarm was raised in the Nation at Risk report issued in 1983. The admonition was given in these terse words: If a foreign government had imposed on us our educational system we would have declared it an act of war. In 1989, then-President Bush called together the Nation's Governors to an education summit from which national education goals for the year 2000 were set.

In 1994, Congress substantially revised the title I program by focusing on standards, assessment, and professional development. The 1994 legislation set out a 7-year timetable for States to develop student content and performance standards and assessments aligned to those standards. The idea was to determine what students should know and be able to do and then to hold schools accountable for results by testing students against these standards.

In addition, States and local school districts are to identify failing schools, known as schools in need of improvement, to offer extra assistance to those schools, and to take corrective action if the schools fail to improve over a 2-year period. Corrective action may include implementing a new curriculum, restructuring the school, implementing a joint plan that addresses specific student performance problems, reconstituting school staff, or decreasing decisionmaking authority at the school level. If permitted under State or local law, corrective action at the school district level may also include reducing or withholding funds from a school or abolishing the school. At the State level, again subject to State and local law, corrective action may include reducing or withholding funds from a school district, abolishing the district, removing particular schools from its jurisdiction, or appointing a receiver or trustee.

We are now midstream in this reform process. To date, 48 States have approved content standards, 25 States have approved performance standards, and no States have approved assessments. Assessments are not required under the law until the 2001–2002 school year.

The proposal approved by the committee "stays the course" with respect to these fundamental reforms, while building upon them in ways which will not sidetrack the activities well underway at the State and local levels. The revisions made to title I are designed to demonstrate that we are serious about holding children to high standards and pressuring for reform of failing schools—without creating mandates that force States and localities to start all over under a new set of rules and reporting requirements. Recognizing the expense of these endeavors, the measure also offers additional assistance for school improvement and assessment activities so that schools will be able to keep in stride with the 7-year reform schedule.

Other revisions in title I emphasize the importance of parental involvement, including the creation of a separate part in the Title which is exclusively devoted to this issue. Title I also contains a new part which highlights the Comprehensive School Reform program. This program provides support for schools to put in place schoolwide reform programs which are backed up by research showing them to be effective.

Not just in title I, but throughout the bill, there is an emphasis on getting results. Activities and programs supported with Federal funds are to be based on theory, research, and evaluation showing them to be effective in meeting their objectives, particularly as they relate to improving student achievement and performance.

The bill also supports efforts to enhance teacher quality, which is one of the most critical tasks facing us. Nothing will change in the classroom until the teachers change. And the teachers can't be expected to change until they have help in knowing what is expected of them.

We made a strong start in this regard during the last Congress by completely revamping federal support for teacher preparation activities as part of our work on the Higher Education Act. We now have the opportunity to focus on the professional development of teachers already in the classroom.

This legislation is designed to step away from one-time, short-term activities and, instead, promote the sustained professional development shown to be effective in improving teacher skills and content knowledge.

Recognizing that the need for professional development is not limited to teachers, the bill includes a new professional development initiative directed toward principals and superintendents. As we all know, a good school always has a first-rate principal, and a first-rate school district always has an outstanding and innovative superintendent.

Funding for professional development activities is increased by including funds currently allocated for the class-size reduction program. Schools will still have the ability to hire teachers with Federal funds. If that is where their need lies, I am sure they will do just that. What I have heard in Vermont, however, is that the biggest need is not for more teachers—but rather for better ones. That is a choice that I believe Vermont and the other States across the country are in a better position to make than we are here in Congress. This bill leaves that choice squarely in their hands.

The goal of assuring a safe and drug-free learning environment is promoted in this legislation through a strengthening of the provisions of title IV, Safe and Drug-Free Schools and Communities. These improvements are the result of the bipartisan efforts of several Members, spearheaded by Senators DEWINE, DODD, and MURRAY. Modifications are made to increase accountability, to ensure that researched-based programs are funded, to provide States with greater flexibility in targeting violence and drug use, and to increase community participation in prevention programs.

Finally, this legislation takes a number of significant steps to increase flexibility in exchange for greater accountability. It does so in the recognition that national programs which offer assistance for specific activities are limited in their ability to capture the diversity of individual needs in States and localities throughout the country.

The bill substantially increases funding for the Innovative Education Program Strategies provisions of title VI. This program is the most flexible of all current Federal education programs, permitting local schools to undertake the activities most likely to improve their schools and enhance the performance of their students. These funds are put to work where the need is greatest—be it technology or library books or teacher training.

The bill consolidates into title VI the waiver and related authorities now located in various titles of current law, making it easier for States and localities to find and review their options for making Federal dollars work more effectively for them.

Title VI also includes several new options for flexible use of Federal funds. For example, a new rural flexibility initiative offers small rural districts the chance to combine the small amounts they might receive under specific categorical grant programs to amass a chunk of funds large enough to really address a priority need.

The Elementary and Secondary Education Act authorizes formula and competitive grants that allow many of our local school districts to improve the education of their students. These federal grants support efforts to promote goals such as the professional development of teachers, the incorporation of technology into the classroom, gifted and talented programs, and making sure our schools provide safe learning environments for our children. Schools receive several categorical grants supporting these programs, each with its own authorized activities.

As valuable as these programs are for thousands of predominantly urban and suburban school districts, they simply do not work well in rural areas. This is because the grants are based on school district enrollment. These individual grants confront smaller schools with a dilemma; namely, they simply may not receive enough funding from any single grant to carry out meaningful activities. The rural flexibility initiative allows a district to combine the funds from four categorical programs and use the funds to support projects that bring about improved academic achievement.

If we are to ensure that our children have the skills and knowledge they need to succeed in an increasingly competitive world, we must all work together to lay a sound foundation at the elementary and secondary school level. The Federal Government is just one among the many partners with a responsibility to assure that we succeed. Although the total Federal investment pales by comparison to the support offered by State and local taxpayers, the $14 billion to $15 billion we do provide represents a substantial sum by anyone's accounting.

Today, we have an opportunity to play a constructive role in helping to bring about the improvements we all want to see in elementary and secondary education. I realize there are many ideas regarding how we might achieve this goal. My hope is that, in debating our differences, we will not lose sight of our mutual goal of supporting a system of education which is second to none.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I express appreciation to the majority leader for calling up this legislation.

As has been mentioned by the majority leader, and now by the chairman of the committee, Senator JEFFORDS, I think this is a matter of very significant importance to families all over this country. Hopefully, the next several days will be a good opportunity for them to develop a better understanding and awareness as to exactly what we are trying to do to enhance academic achievement in our public schools across the Nation.

I pay tribute to the chairman of our committee, Senator JEFFORDS, who has had, over a long period of time, a distinguished career and who has placed the whole issue of quality education as one of his top priorities. We have areas of differences, but I think all of us, certainly on this side, have enormous respect for his continued leadership on the important areas of education. So it is always a pleasure to work with him. We have some important differences on this particular legislation, but all of us, at the start of this debate, acknowledge both the breadth of his understanding of this issue and his strong commitment.

We look forward to this debate. I know today we will have general debate and discussion. I think that is important. Hopefully, at the end of the day, Members of the Senate will have a much clearer idea and awareness as to the two very significant and dramatic differences of how we want to use scarce Federal resources, the $14 billion or $15 billion. It is a lot of money, but in a budget of $1.8 trillion it is still a rather small amount. But, nonetheless, it does represent about 7 cents out of every $1 that is spent at the local level. It is important that we try to appropriate it as well as we possibly can.

I think we have seen times in the past where we have had some important successes; we have also seen times in the past where we have not. But I think as a result of those times, those failures, today we are in a position to make recommendations to this body as to how best we can use the scarce resources.

There are two very dramatic differences in approach, which I think we will try to spell out in the time we have available to us this afternoon.

First of all, I will make a brief comment with regard to the majority leader. He does not engage himself often in the debate and discussion of policy issues. He expresses his viewpoints, but he is not as active, in most policy matters, as he is on education. We appreciate that. We have areas of difference, but, nonetheless, when we do debate the issues on education, he is engaged and involved. It is important that his involvement in this be recognized at the outset.

I remind the Senate, however, of the two pieces of legislation he mentioned in terms of the achievements of the Congress. One was the Ed-Flex legislation we passed over a year ago. We have had three States that have taken advantage of that particular provision—only one State until fairly recently; two more States have come in. The most notable State to take advantage of it was North Carolina. There have been 12 States that have effectively taken advantage of the 1994 Act, and there hasn't been a single State or an educational community that actually has been turned down under Ed-Flex. I am glad we passed the legislation.

Maybe during the course of the debate, we will find out that the principal hindrance, in terms of providing greater cooperation and the commingling of funds at the local level, is the fact that the States themselves have failed to match what we have done in providing Ed-Flex. It is important to recognize that that has been the situation.

In the GAO report about what local communities want at the local level, they name as No. 1, resources; No. 2, programs that have demonstrated effectiveness in local communities and enhance legislation; No. 3, additional training for administrative skills. They don't mention the flexibility issue. We are glad that there is flexibility, but in that report they also point out that the States themselves are the ones that have been extremely reluctant to deal with their own problems.

The GAO report reviewed 15 States and found only 1 State that had really taken action in order to knock down the hindrances for that State to be able to work most effectively with Federal funds in that local community.

Secondly, on the savings account legislation, that piece of legislation was bid up from $1.2 billion over 10 years to $23 billion when it finally left the Senate floor, in a period of 3 days, without any corresponding offsets—just $23 billion. Many of us have been trying to get a prescription drug benefit of some measure. Certainly that $23 billion for the senior citizens would have gone a lot further than the $23 billion which is mostly a tax break for wealthy individuals. The way that it is constructed, it will not guarantee a single additional pencil for a schoolhouse in this nation. It will not guarantee a new teacher for any classroom. It will not guarantee an hour of afterschool programs.

What it will do is provide some generous tax breaks for very wealthy people in order to, under the definitions, try to develop educational programs devised by themselves to enhance the academic achievement for either members of their family or develop a voucher program.

The Joint Tax Committee pointed out, during the course of the debate, that half of the money that would come under the education savings accounts would go to private schools. Half would go to public schools. We know 90 percent of the children go to public schools. I think those two pieces of legislation are very marginal—a generous word—in terms of dealing with the serious problems about which parents are the most concerned relative to the record of this Congress on education.

There is very little with which we might differ in terms of the majority leader's desire and the statement made by my friend from Vermont about enhancing academic achievement and accomplishment. The real question is how that best can be done.

It is my opinion—and, I think, the opinion of many of those on this side of the aisle—that the proposition before the Senate this afternoon is a step back from what we have at the present time.

We know we have made some progress since 1994, when we put in place some tough accountability standards at the local level and other kinds of requirements in the implementation and the utilization of title I. Now, under the proposal of the majority, they are moving back, significantly eliminating and reducing the requirements which had been applicable at the local level, that ensured Title I funds were used effectively to enhance academic achievement. They have effectively wiped those out, even though they say there is a hold harmless provision on where the funds will go. The kinds of assurances for how these funds can be used, and used effectively, have been wiped out. In place, what they have done is given the prime responsibility to the Governors. This is the major change.

With this proposal that has been advanced by Republicans, we are saying that we are going to give the funds to the States and let the Governors make the judgment and decision about how those funds are going to be spent.

We hear a great deal about the importance of local control. We hear a great deal about parental involvement. We hear a great deal about what is important in local communities. That is great rhetoric, but what we have to do is look at what the legislation says. That ought to be the point of the debate.

Let us refer to the legislation. On page 618, Determination of State Participation:

> The Governor of a State, in consultation with the individual or body responsible for the education programs of the State under State law, shall determine whether the State shall participate in the performance agreement.

Now let's say the State makes its judgment about what they are going to include in their application. Look on page 632, Uses of Funds Under Agreement:

> Funds made available to a State under this part shall be used for educational purposes, including—(1) carrying out activities focused on improved student learning; (2) providing new books. . . .

We can ask ourselves, why not let them do that? The answer is very clear. We learned a lesson on why we should not do that. From 1965 to 1969, that is exactly what we did do—let the States use the funds for any educational purpose.

Referring to the excellent report on title I of ESEA, Is It Helping Poor Children, the Washington Research Project points out that funds were used for purchasing tape recorders (14 tape recorders in Milwaukee), purchasing three tubas in Alabama, purchasing football uniforms, band uniforms for $35,000, and the list goes on—in another State, 18 swimming pools in the summer shall be used for educational purposes without any limitation.

So the State moves ahead. They decide what they are going to use the funds for; it is going to be decided by the State.

What kind of a review will we have to find out what they are doing? All we have to do is look at page 637 to find out what the States are going to do, Performance Review:

> At the end of the third year for which a performance partnership agreement is in effect for a State, the Secretary shall prepare a written performance review of the activities carried out under the agreement.

Isn't that wonderful? Doesn't that really have teeth in it? After 3 years, the State is going to have a review of the activities carried out under the agreement. Then if the Secretary determines in the performance review that it isn't complete or it doesn't meet the agreements, there is, on 639, the real kick-in, the real tough action.

This is what it says:

> The Secretary shall prepare a second written performance review for the State of the activities [shall be developed].

This is the legislation, Mr. President.

Finally, on page 640, it says:

> Renewal Requirements.—The Secretary shall renew the agreement for an additional 5-year term, if (1) at the end of the 5-year term described in subsection (a), or as soon after the term as is practical, the State submits the data required under the agreement; and (2) the Secretary determines, on the basis of the data, that the State that has made substantial progress—

What is substantial progress? If they have made, according to the Secretary of Education, substantial progress, there they go again for another 5 years. Where is local control in here? Where is parental involvement in here? Tell me where are we going to get the guarantee for teachers, smaller classes, or afterschool programs in there?

They say: Well, Senator, you have to understand that States know best. Well, there have been some notable exceptions, so let's take a look at what the States have done on this. First of all, the reason we have Title I is because we decided in 1965 that the needs of disadvantaged children were not being addressed. Then we took action in 1965 with a block grant to the States. That was a disaster. So we came back with more targeted programs, some of which have been successful, some of which, have not. What has happened along the way? We have seen an expansion of the title I program. We have reached out to take into coverage the migratory children's programs, the homeless children, the immigrant programs. Why? Because the States failed to meet those priorities.

In March of 1987, the Center for Law and Education sent out a questionnaire regarding State practices of policies for homeless children to the chief

State offices in the 50 States and the District of Columbia and received 23 responses. The majority of the respondents, however, had no statewide data on the number of homeless children within their jurisdiction, or whether those children were able to obtain an education. The majority of States had no uniform plan for ensuring that homeless students received an education.

The same was true with how States were serving the needs of migrant children. We weren't properly addressing the needs of homeless children, migrant children, or immigrant children, and so they became eligible for educational services in targeted programs because they were determined to be disadvantaged children. Are we going to continue addressing the critical needs of these special populations under this proposed legislation? Absolutely not. Absolutely not. This legislation eliminates those special programs. They aren't going to continue those programs in spite of the fact that States historically have done little to address the needs of children in those areas. That has been true regarding programs that would help all three of those groups. Nonetheless, we are going to wipe those out.

In 1986, let's look at what the States were going to do in terms of trying to intervene in failing schools. This is 1986. Listen to the national NGA report. It was chaired by Governors Alexander, Clinton, King, and Riley. All four Governors had solid records in terms of education. They spearheaded the efforts for the Governors' report. They recommended that each Governor intervene in low-performing schools and school districts—that is what title I is all about—and to take over or close down, academically bankrupt school districts.

Well, in 1987, nine States had the authority to take over and annex educationally deficient schools or school districts. In 1990, here go the Governors again. Educating America; State strategies for achieving national education goals. The task force was co-chaired by Governors Clinton and Campbell. Rewards, sanctions, linkages to school, academic performance, including providing assistance and support to low-performing schools and State takeovers—these do not improve student achievement. In 1988, 18 States offered technical assistance or intervention. In 1998—12 years after the Governors quit caring about poor children as a top priority, we are about to send it all back to them. That is what this legislation does—sends it back to them.

In 1998, NGA policy supports the State focus on schools. Reiterating a position first taken in 1988, NGA policy says States should have the responsibility on accountability and clear penalties for sustained failure to improve student performance. In 1999, well, we have 19 States that have procedures for intervening. In the year 2000, 20 States provide some form of assistance to low-performing schools. Included in there are States applying some type of schoolwide sanctions to low-performing schools.

That is what the States have been doing in the last 12 years. Now we are having a recommendation by the Republicans—with that as a failed track record—let's send it all back to them.

That is absolutely crazy, Mr. President. It is absolutely crazy. We should have learned something from the various actions of the States. States report that school support teams are able to serve only half of the schools in need of improvement.

Now, in 1999, here is the final report on the assessment of title I. In this assessment, among the schools reported on in the 1998 survey that have been identified as a need of improvement, less than half reported that they had received additional professional development or technical assistance as a result of being identified for improvement from the States. I mean, this is a year ago, when the local communities' title I were asked—the ones that have been in the most troubled circumstances—what do the States provide, more than half of them said they never heard from the States. That is an indication of the States' interest.

We are turning all of this money over to the States and we naively think they will take care of all disadvantaged children. We are giving them a blank check, revenuesharing, a block grant when we are up against this kind of record. The list goes on. We could go through this, but I don't think we will be all that surprised with the results.

We went through this a short time ago—our block grant to States in terms of tobacco funds. Many of us are trying to identify those funds that ought to go to children, or children's health, or children's education. We were rolled on that particular thing. Now we find out they are laying more sidewalks in the State of California. That list goes on. What happens? What priority do these children get in terms of the States? They didn't get any priority when this bill was passed in 1965, and they are being shortchanged today, even with requirements that the funds go down to the local community. This legislation is going to effectively give it all to the States, as I mentioned. I think that is basically and fundamentally in error. As I mentioned, what are we trying to do?

Let me point out a couple of other items. If a State opts to participate in the Straight A's block grant, the accountability provisions, which, as indicated, are insignificant, apply only at the State level. Therefore, a State could demonstrate statewide overall progress based on progress being made by wealthier communities, while a lack of progress in disadvantaged communities remains statistically hidden. Do we understand that?

That means the State, in giving its progress requirement—which is a rather amorphous kind of definition—can use statewide figures and can also be selective with the particular school districts they are going to include in their report. You can say that can't be so, that just can't be so. It is so.

On pages 625 and 640, Straight A's contains general language supporting efforts to close achievement gaps, but there is no real requirement that the gaps are closed. The goals for student performance are set at the State level and there is little repercussion for failure. In addition, the proposal would free participants from current law requiring inclusion of all students in State assessments. That is one of the matters that is now going to be put aside.

Under the block grant proposal, "all students" is defined as "all students attending public or charter schools that are participating in the State's assessment system." There are no provisions requiring States to include all students in that assessment system. Therefore, the States could exclude students from assessment without any accountability for their performance.

Talk about a shell game—they have general language about what the States have to do in order to get the next big chunk of money from Uncle Sam.

Take a look at what the States have to do in terms of giving their report where they can be selective about who is going to be in and who is going to be out to try to meet that requirement effectively. It is, as we have mentioned, an absolute blank check.

We have learned year in and year out that when you give a blank check on education, it isn't the neediest and the poorest children who are going to get it. That is why we have all of the various GAO studies showing that in targeting funds, Federal funds are targeted seven times more to poorer children than State funds expended on education. At the Federal level, with scarce resources, we decided those are going to be the priorities. They present an extraordinary challenge of what we can do and what we can achieve. I think that is a very legitimate debate.

But on our side, we have attempted to say we are going to provide to parents some guarantees in the area of education, some guarantees on smaller class size, some guarantees on teacher training, some guarantees on afterschool programs, some guarantees in terms of accountability, and hopefully to try to ensure that we were going to have safe schools and safe and drug-free schools. We are also going to do something about meeting the challenges which so many of our students face with buildings that are in a state of collapse, are antiquated, and should not be used for purposes of educating children. Those are guarantees.

The Senate has a choice: Are we going to, on the one hand, give the blank check to the States, or, on the other hand, are we going to follow the tried and tested programs that have demonstrated results for children at the local level?

I want to mention what we have done on our side with regard to the issue of accountability.

First of all, our framework requires States to set goals for student performance progress on the local level and school districts to set goals for student progress for each school.

You will hear the rhetoric about how wonderfully we are doing with schools. Here it is. We will give the reference for the various pages. Let me go through them.

If the school or district fails to make progress within 2 years, districts and States must take action to assist the school or district, and supplemental resources are provided. Research-based school improvement strategies must be implemented.

If they are going to implement from a range of different options, they have to have demonstrated success in the past based upon solid research. Then they can be used in the local communities.

If the school or district continues to fail, the district or State must impose sanctions. The governance structure of the district or school must be changed, intensive professional development must be provided to the school's faculty, and parents must be given the option to send their children to the higher performing public schools.

Effectively, if they are unable to be turned around at the end of the 5-year period, they will be on probation after the 3 years. If they are unable to do that, the school is effectively closed. The children will have to go to another school, or the States will come in and reverse that situation.

Quite frankly, that has worked. In the State of North Carolina, they have 14 schools which they have had to go into and close down. Of the 14 schools they have closed, 12 of them are now above the State average in terms of performance.

We are building on programs that have been tried and have demonstrated success. That is the way we are approaching the underserved schools and school districts. Our bill strengthens the current title I accountability system, and States are required to demonstrate progress and student achievement in each school and each district so that no community is left behind.

Our bill requires goals for student progress, not just in the aggregate, but also for economically disadvantaged, racial and ethnic groups, and limited-English-proficient students. This step is necessary to ensure that progress is made in narrowing existing achievement gaps. States are also required to submit a report identifying students excluded from assessments. If for some reason they are going to let students out of these assessments, they are going to have to be identified. This is to guarantee that the system is not being gamed.

That is what is happening. We sort of know it in some places where they have the various tests and the kids are being taught to take a particular test. There is a great deal of gaming going on in the system. We have to do everything we can to make sure that is not the case. This is to guarantee that the system is not being gamed by the practice of discarding the scores of certain students or outright excluding them from the assessment in order to improve the aggregate result.

It establishes significant consequences for failure—freezes administrative funds and requires the Secretary to withhold an increasing proportion of Federal funds for administrative expenses each successive year the States fails to meet the deadlines.

It requires accountability at the district and school level, not just the State level, by requiring LEAs to undertake corrective actions to reform specific failing schools and requiring States to undertake corrective actions to reform failing school districts. Under these provisions, the school district would be required to take action that would change the governance structure of failing schools;

It establishes report cards to inform parents about the quality of their schools and their progress in meeting student achievement goals. Our plan also requires notification to parents when either the district or school that their child is enrolled in is undergoing corrective actions.

This body doesn't see the difference between what is in the Republican proposal versus the kind of accountability we are talking about in our proposal. There are light years in difference. If we are going to be serious about these funds, we need to move ahead to make sure we are going to have support for programs that will make a difference for children.

With regard to the opening comments about accountability, I hope our friends on the other side of the aisle are going to spare us a lot of discussion about local control and parent involvement because it just isn't there, it just isn't there. It might be there in the minds of people, but it isn't there in terms of legislation. It just isn't there. We want to put it there. We know how to put it there. If we want to do that, that is all well and good. We welcome the opportunity. We tried to do that in the course of the program.

I will make a brief comment about some of the challenges that remain. We still have a long way to go. We are strongly committed to deal with those issues. Let me mention what happened in some areas and some communities.

In Connecticut, reading scores went up when the State had a major investment in attracting the Nation's best and brightest teachers. That has been recognized generally by all those in education. They have done the most effective job in ensuring a well trained teacher in every classroom. Experts are reaching the conclusion that is an indicator as to how much the children have moved up. Important research has supported that concept.

The bottom line is, with well trained teachers who are certified by the States—which is the case in our bill, not in their bill—in every classroom, the students' scores increase. Our legislation, that will be introduced by Senator DASCHLE in the form of a substitute to the underlying legislation, will have certification by the States within the 5-year period.

In Boston, MA, at the Harriet Baldwin School, there is a program that serves 283 students; 93 percent are minorities, and 80 percent are eligible for free or reduced-price lunches. From 1996 to 1998, their math and reading improved substantially above the national median. In 1996, 66 percent of third graders scored at math levels I and II with little or partial mastery of basic skills; in 1998, 100 percent scored at levels III and IV with solid performance, superior performance, beyond grade level. In 1997, 75 percent of the fourth graders were at level I and II and with only 25 percent at high proficiency. In 1998, more than 50 percent were at higher levels of proficiency.

We find programs with tough accountability, good teachers, and smaller class, we are seeing superb results.

One of the underlying differences between the bill presented by our Republican friends and our proposal is with regard to the professional development. That is a key element. Hopefully, we will have an opportunity to address that issue independently as the debate goes on. It is of special importance as we consider the underlying legislation.

Our Republican colleagues argue that the block grants provide the needed flexibility to improve teacher quality. The Republican Teacher Empowerment Act gives so much flexibility that States do not have to do anything to change their current practices. They can continue hiring uncertified teachers and continue providing low-quality, ineffective professional development and mentoring. They can use most of the funds for a large variety of purposes that dilute the focus and attention on improving the recruitment and mentoring and professional development of teachers.

Why is this so? The proposed Teacher Empowerment Act does not guarantee any substantial funds for professional development. Page 210 says, for professional development activities:

> Each local educational agency that receives a subgrant to carry out the subpart shall use a portion of the funds made available through the subgrant for professional development. . . .

They qualify with "use a portion" of the funds. We don't know what that "portion" of the funds is. It does not guarantee funds for mentoring programs, one of the most effective teacher professional development activities. Studies show, without mentoring programs, half of all the new teachers in urban and poor areas drop out within the first 5 years. Put in effective mentoring programs, and 70 to 75 percent of the teachers are staying in the schools, according to studies.

Regarding mentoring, programs that provide mentoring to newly hired teachers, such as mentoring for master teachers, are merely allowed. Mentoring is only "allowed," not required, even though virtually all of the major studies show that mentoring programs work.

It does not guarantee funds for recruitment programs, it just allows the use of the funds. It does not guarantee that teachers are trained to address the needs of children with disabilities. Our bill guarantees that teachers are trained to meet the needs of children with disabilities and limited English proficient children.

It does not hold States accountable for having a qualified teacher in every classroom. It does not even require teachers to be certified. Imagine that. I was listening to the majority leader talk about the importance of having good teachers in every classroom. Their proposal does not even require that teachers be certified in Mississippi.

It also does not require a substantial priority for math and science training. No one can look at the challenges that underserved children are facing in our schools in urban and rural areas and not understand that in math and science there are special needs. Talk to any educator who has dealt with the problems of urban education, and they will say you need someone who will be teaching math and science. We provide an allocation for the math and science teachers, giving them the first priority. They don't require any substantial priority for math and science training.

Their proposal does not require accountability. Instead, it promotes ineffective activities through the TOPS Program that are contrary to promising practices by supporting individually selected strategies for teachers. That means if you are a teacher in Chicopee and decide you would find a program you think is pretty good for elsewhere in Massachusetts, be my guest, you can take it. It gives them all the flexibility on this to be able to go out there and take it, instead of using what has been the recognized way of enhancing academic achievement and professional development; that is, having it school-related, tied to the curriculum, working with teachers, working with students. That is what all the studies, teachers, and scholars alike have said.

Not under the Republican program; it is business as usual. They have used the programs in various communities around the country. I hope those who are trying to defend the Republican program will be able to demonstrate how and where their effectiveness has been. It hasn't been there. It is not there. But they have accepted that. That, I think, really fails to meet the basic thrust of the importance of a qualified teacher.

There are others who want to speak, but let me just spend a few minutes on what we have done on teachers. In our particular program with regard to recruitment and professional development, to help schools and districts States can keep up to 6 percent for State activities, including strategies to raise teacher salaries, improve alternate routes to State certification, and reduce the numbers of teachers placed out of field or who are emergency credentialed. It requires the first $300 million will be used for professional development, mentoring, and recruitment in math and science, and it requires 60 percent of State funds be used for high-quality professional development and mentoring activities. That is funds that would go by formula to districts on the basis of 80-percent poverty and 20-percent population.

It guarantees that 30 percent of the State funds go for State-run competitive local recruitment programs to high-need districts and to recruit and train high-need candidates. It guarantees teachers are trained to address the needs of children with disabilities, female students, and other students with special needs and bilingual programs. It holds States accountable for having a qualified teacher within 4 years of enactment of the law, otherwise their funds halt in this program. They are accountable for having a qualified teacher in every classroom within 4 years of enactment of the law. It holds local districts accountable for results. They may not hire any teachers who are not qualified using title II funds.

If we needed something to say we need to give a high priority to well-trained teachers, all we have to do is just look at the Wall Street Journal of about a month ago. It is dated February 29, "Schools To Turn To Temp Agency For Substitute Teachers."

> Most school districts begin every day with a nerve-wracking hunt for substitutes to fill in for absent teachers. With the tight labor market making the task especially tough, a few are starting to outsource the job. Kelly Temp Services unveiled the first nationwide substitute teacher program, and now handles screening and schedules for 120 schools in 10 States.

This is a national indictment of our failure to deal with the problems of development of qualified teachers for our schools. We have, I think, an effective program which really reflects the judgment on the major professional development programs. I will just mention what the various studies say they need to do. They say high-quality professional development must be connected with teachers' work with their students, linked to concrete tasks of teaching, organized around problem solving, be informed by research, and sustained over time by ongoing conversations and coaching.

There is a series of recommendations which we have worked on with regard to mentoring as well as the other aspects of it.

Let me just conclude with these observations. On the one hand, you have what we are attempting to do, and what we will attempt to do with our substitute amendment, which is to guarantee to parents tough, strong, effective, tried-and-tested programs that are going to result in enhanced academic achievement and accomplishment. There is a significant break with the past with our very tough-minded accountability standards. We owe a great deal to Senator BINGAMAN and others who have done yeoman work in that area of accountability, and have for a long period of time going back to the Governors' meetings. We have that.

On the other hand, we have the contributions, a blank check to the States. It is a blank check to the States for them to effectively use that money in a State program, virtually free from the requirements that are going to result in, first, the funding getting to where the needs are, and, second, the effective and tough-minded programs that can make a difference to those children in the underserved areas.

"It isn't there." You will hear the conversations, you will hear the speeches, you will hear the words, but "it isn't there." You can't show it. We will take every section of the bill and go through it—I have—and show it does not give the accountability that is required. It fails the parents in this country, giving assurance to them for these programs.

I have not even gotten into the question of portability, the whole sense of block grants. What has happened historically when we have gone back to block granting is, on each and every occasion that we have block granted, we have found out those funds have been dramatically reduced over a period of years. We can go back into that. I will at another time. But just take that because the fact is the focus and purpose for which those funds are developed becomes blurred. That has been the record. That is what we are going to see with regard to the Federal participation, partnership. It ought to be a partnership with the State and local communities.

There are many in this body who do not think we ought to be in there at all. I understand that and respect it. It was not that long ago when they were advocating the elimination of the Department of Education. That was the Republican position. I understand it. I believe every one of us on our side believes when the President meets with his Cabinet there ought to be someone in there talking about education, education, education. That has been their position.

Second, they have tried to cut back funding on education over the period since 1994. I understand that. They don't want Federal involvement.

This must be the new way. Now we are getting vouchers, block grants, and give it to the States and let them make the judgment without tough-minded accountability.

It is the wrong way to go. We should know better. I hope in this debate we will have the opportunity to demonstrate it further.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I appreciate the words of my good friend from Massachusetts, but I want to assure the American people that the majority of his criticisms are directed not toward the main body of the bill but toward a demonstration project contained within the bill. I think we have agreement on a great deal of the underlying bill.

I would like to point out, for instance, that the bill contains a bipartisan proposal put forward by the Governors. Our heavily relying on the States is only appropriate, and it is the way to go. The Governors and the States are primarily responsible for education in this country.

I also point out that this bill does not abandon the needs of homeless children and immigrants and other disadvantaged students. They are maintained about the same as they are now.

There are some important differences, there is no question about it, with respect to parts of the bill. But the major of the criticisms offered by my colleague from Massachusetts were aimed at a demonstration project that might be used by 15 States. I think there is agreement on so much of this bill, I hate to see the debate entirely focused on those areas that were mentioned.

I note the majority has consumed about 15 minutes, and the minority has consumed more than an hour. I have three of my people waiting who have been here for pretty much that time. I will recognize those three and then we will return to alternating.

Mr. KENNEDY. If the Senator will yield, I hope the majority leader's eloquent and compelling support for your side would be included.

Mr. JEFFORDS. That is in a special place.

Mr. KENNEDY. I see; a special place. OK. Senator DODD and Senator BINGAMAN were going to speak, so the next 45 minutes will be fine.

Mr. JEFFORDS. We will listen to the three here.

Senator COLLINS has been a leader in an effort to increase flexibility, particularly for our rural schools. I will yield her. I have a feeling she probably has something interesting to say and look forward to hearing her statement.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chairman of the committee, the Senator from Vermont, for his leadership in bringing this important legislation to the Senate floor. It is evident from the debate we have already heard that we are going to have, this week, a very vigorous and productive debate on the best way for the Federal Government to improve America's public schools, to improve teaching and learning. I look forward to the adoption of this legislation which will strengthen our K–12 education.

No endeavor is more important to our Nation's future than ensuring that all children reach high standards. That is exactly what the legislation before us demands.

The Educational Opportunities Act will put children first. That should be our goal as we consider this important legislation. We should put children first so that no child is left behind.

I recently had a schoolteacher in eastern Maine give me a pin that I am wearing today that says, "Children First." If we keep that in mind, if that is our goal throughout this debate, then I am confident we will pass this legislation which will make a difference in the public schools of America and to the future of our children.

During the past 3 years, I have visited dozens of schools all over the State of Maine, from Kittery at the southern tip, to Jackman in the west, Rockland on the coast, and St. Agatha in the north. In fact, just last Friday, I visited two excellent schools in Kittery, ME, the Frisbee Elementary School and the Shapleigh Middle School, where I talked with students and they asked me wonderful questions for over an hour. It was a wonderful visit to these two schools.

I have seen firsthand the excellent jobs that Maine teachers and administrators are doing in educating our children. The quality of instruction taking place in Maine schools is, indeed, impressive, and it is producing results. Maine's scores on national tests and its rate of high school graduation proves that our State's public schools are among the best in the Nation. Moreover, Maine's public schools provide a good education for all of our children regardless of their family income or where they live in our State.

The recent report issued by the Council of Chief State School Officers shows that low-income students are performing nearly as well as the average of all Maine public school students, and that, of course, is our goal.

An important factor in Maine's success has been its ability to obtain waivers from Federal regulations. Let me repeat that. One reason that Maine schools have been successful is they have been able to get waivers from Federal regulations. Federal regulations in some areas have been an obstacle to their success. It is only because Maine's commissioner of education has been vigilant in trying to get waivers from Federal regulations that he has been able to move forward on a number of fronts to improve Maine's schools.

The most recent of the waivers that the State received gave Maine's schools more flexibility to use class-size reduction funds for teacher professional development. This is an option that the bill before us, S. 2, would give to all States.

Recently, I had a phone call from the chairman of a school board in a small community in Washington County. She conveyed the appreciation of that school district for the flexibility to use Federal class-size monies for teacher professional development. She put it well. She said: We don't need to reduce class size; what we need is funds for professional development.

Indeed, this school system is so small that it only received about $6,000 under the Class Size Reduction Program, not enough to hire a teacher, but they were able to put that money to good use by investing in professional development, a high need in that particular school system.

On a larger scale, Maine sought and was granted a waiver from Federal regulations to allow it to use a grant from the Comprehensive School Reform Demonstration Program to support the State's major reform initiative focusing on improving high schools.

That was to implement this excellent report that the State produced through its Commission on Secondary Education. It is called "Promising Futures: A Call for Improving Learning for Maine's Secondary Schools." Although Maine has almost eliminated the performance gap between disadvantaged and advantaged students in the elementary schools, the Federal regulations require the State of Maine to use these funds only in the lower grades.

Fortunately, Maine was able to receive permission to move ahead on carrying out the recommendations put forth in this report by the Maine Commission on Secondary Education and to go forward with comprehensive reform in title I-eligible high schools.

Why should the State of Maine have to go to Washington and get special permission to pursue these critical reforms? That does not make sense. It is the people in Maine who know best what their schools need. The people in Maine, working hard on this commission, decided there needed to be more focus on improving Maine's high schools, and yet Federal regulations were an impediment to achieving that goal.

We have what I think of as a "Mother, may I?" approach to Federal regulation of our schools. Our States have to beg for permission to move forward. They have to seek waivers of regulations in order to pursue worthwhile programs.

The Educational Opportunities Act will give the States this option without the time-consuming and costly administrative burden of seeking waivers from all these Federal regulations. These Federal regulations are well meaning, they are well-intentioned, but too often they act as an impediment to reform.

Unfortunately, the performance in many other States' schools lags behind Maine's with large gaps between the performance of children in high-poverty areas versus low-poverty schools. Our goal as a nation, and the intent of the Educational Opportunities Act, is to help every public school succeed so that every student has the opportunity to achieve his or her full potential.

In many cases, education is the difference between prosperity and poverty, hope and despair, dreams fulfilled and lost opportunities. Fueled by the remarkable success of the dot-com generation, many areas of the United States have experienced unparalleled economic growth. However, between Silicon Valley and Wall Street, many Americans still live in the shadows of the new prosperity. Education is the best, perhaps the only way, to close the ever-widening economic gap in America. Indeed, the economic gap in America is largely an education gap. Moreover, education is the best way for us to stoke the fire of our Nation's economic engine.

The question before us as we debate the reauthorization of the Elementary and Secondary Education Act is: What is the proper role of the Federal Government in promoting excellence in every public school and helping every student succeed? We can all agree that our public schools must do a better job in teaching our children and that the Federal Government must also do a better job in supporting our public schools. The question is: How can we best accomplish that goal?

Seventeen years ago, the landmark study, "A Nation at Risk," warned of declining performance in American schools and turned the Nation's eyes toward reforming public education. Today, however, too many schools, particularly in our inner cities, continue to fail to provide a solid education to their students. Although the United States spends more than $660 billion a year on education, nearly 60 percent of our low-income fourth graders cannot read at a basic level. Clearly, reforms are necessary to ensure that every child learns and achieves his or her full potential.

Recent polls show that the American public thinks our public schools are in a state of crisis. More than two-thirds of the people surveyed said in a recent poll that they are dissatisfied with the way public education is working, and nearly 50 percent gave our schools only a grade of C.

On the bright side, Americans are committed to fixing our public schools and eliminating mediocrity. Nearly every person surveyed said that improving our public schools should be a top priority.

The Federal Government clearly takes a back seat to States and communities in terms of funding and overseeing our public schools, and that is how it should be. The Federal role is, nevertheless, important, particularly for helping disadvantaged students. Unfortunately, Washington has not always been helpful, nor has it been successful in achieving that goal.

The Elementary and Secondary Education Act, first enacted in 1965 as part of President Lyndon Johnson's war on poverty, is the cornerstone of the Federal involvement in K–12 education. It is intended to provide financial assistance to States and school districts to improve education for children from disadvantaged families.

Today, title I remains the largest Federal program, funded at nearly $8 billion annually. But, after 35 years, and $120 billion spent, the results remain a disappointment.

The statistics are troubling and should give us pause:

Only 13 percent of low-income fourth graders score at or above the proficient level on national reading tests;

Two out of three African American and Hispanic fourth graders can barely read;

Half of the students from urban school districts fail to graduate on time; and

In math, fourth graders in high-poverty schools remain two grade levels behind their peers in low-poverty schools; in reading, they are three grade levels below their peers in schools in better neighborhoods.

We can no longer pretend that Federal programs have succeeded. We need a new approach. As these sobering statistics highlight, little progress has been made toward achieving the ESEA's fundamental goal of narrowing the achievement gap between low-income and higher-income students. We know that the gap can be narrowed. We have largely accomplished that goal up to eighth grade in the State of Maine. But, clearly, we are not doing all we can to assist States and communities in reaching this goal. Clearly, the approach we have taken during the past 35 years simply has not worked.

The Educational Opportunities Act gives the Senate the potential to do for education what it did for welfare a few years ago: end years of inflexible rules, provide new incentives, and focus Federal dollars on results.

Under the current system, Washington requires schools to spend an inordinate amount of time filling out forms and complying with bureaucratic mandates. As a result, our public schools spend more than 48 million hours each year on Federal paperwork. That is 48 million hours that could be spent on students; instead, it is spent on Federal paperwork.

The bill before us today will increase the authorization for Federal education funding without adding burdensome restrictions. It will create an environment focused on increased achievement, on results, on student learning, not on more bureaucracy and paperwork, and it will improve our public schools, not abandon them.

The Health, Education, Labor, and Pensions Committee held many hours of hearings on how to improve the effectiveness of the ESEA. The majority of the committee concluded that individual States, local school boards, teachers, and parents are far better prepared than Washington to make decisions about what their students need. So the committee decided to give States more options.

This legislation allows States to choose among three options for how to receive Federal funds. First, a State could decide to continue under the traditional ESEA approach of receiving formula grants for specific Federal programs for specific purposes as well as applying for competitive grants. In other words, if a State is content with the status quo, its schools can continue along that path. No one is forced to adopt a different approach.

The second option is for States to apply to the Secretary of Education to enter into a performance partnership. This approach gives States somewhat more flexibility in the use of Federal education dollars in return for an agreement to achieve specific results, in other words, in return for an agreement to show true improvement in student learning.

Under the third and what I believe to be the most promising and innovative approach, a State could apply, under the Straight A's Program, to be one of 15 States that will be given even more flexibility in spending Federal funds in return for strict accountability focused on student achievement. That is one of the major philosophical differences we are seeing in this debate. Our bill says that what is important is what students are learning. Showing achievement gains should be the bottom line.

Unfortunately, too many on the other side of the aisle are wedded to the old approach which says what is important is having Federal strings attached to every dollar and making sure the paperwork is filled out correctly.

The premise underlying the performance partnership and the Straight A's approach is similar. Instead of imposing a one-size-fits-all Federal mandate, the Federal Government would recognize that one community may need more math teachers while another may need to concentrate on improving reading programs, and that still a third may need to upgrade the science labs. The point is, it should be your community's decision, not Washington's.

The Educational Opportunities Act frees States from Federal control and redtape but only in exchange for increased student performance, increased student achievement gains.

Another important title of S. 2 includes the Teacher Empowerment Act. Other than involved parents, a well-qualified and dedicated teacher is the single most important prerequisite for student success.

The lessons are clear. We must encourage talented people to choose teaching as a career and keep them in the classroom. The Teacher Empowerment Act authorizes $2 billion for State and local efforts to improve the quality of teaching. It gives States and communities the freedom to use Federal dollars to provide effective professional development for our teachers; to prepare, recruit, and retain well-qualified teachers; or to reduce class size—whatever the priority is in that community.

Some States are also exploring alternatives to traditional teacher certification. I find it ironic that in public high schools in most States Alan Greenspan could not teach a class on economics, and our distinguished scholarly colleague, Senator MOYNIHAN, could not teach a class on American Government.

I am not saying that subject matter expertise alone qualifies someone to teach, but surely we should give incentives to States to be more creative in pursuing alternate routes to certification. Our legislation would do just that.

I am particularly pleased that the bipartisan legislation that I introduced to help our Nation's rural schools has been included in this bill. I see my colleague, Senator HUTCHINSON from Arkansas, is on the floor. He is one of the cosponsors of this legislation.

Although my commitment extends to every student in every school—whether rural, suburban, or urban—I have a particular concern for the challenges that are unique to small school districts, especially those in rural areas.

Smaller rural schools face at least two problems under the current Federal system. First, they often receive very small amounts to carry out federally mandated activities.

One Maine school district in Frenchboro, ME, received a whopping $28 to fund a district-wide Safe and Drug Free School program—clearly, not enough to accomplish the goal of that Federal law.

Another school district in northern Aroostook County with 400 students receives four separate Federal grants, ranging from $1,900 to $9,500. Not one of these grants is sufficient to implement the goals of the Federal program, and each small amount comes with its own paperwork, redtape, and strings attached.

The second problem is that small school districts are essentially shut out of the competitive grant program. They lack the grant writers and other resources necessary to apply for and manage Federal grants that larger school districts are able to seek.

My legislation addresses both problems by allowing small school districts to consolidate the Federal funds for local priorities and to receive supplemental funds in lieu of applying for competitive grants.

These small rural districts could then use these funds to hire a new math or reading teacher, fund professional development, offer a program for gifted and talented students, purchase computers, or pay for any other activity that meets the community's priorities and needs. I thank the chairman of the committee for including my rural education initiative as part of his chairman's mark.

Education is more important now than ever before. A strong K through 12 education prepares students for the postsecondary education they will need to adapt to an increasingly dynamic marketplace and to have choices and opportunities throughout their lives. As Plato said centuries ago: The direction in which education starts a man will determine his future life.

I look forward to continuing the debate on the Educational Opportunities Act and to assuring that America's public education system starts all children, from all backgrounds, regions, and income levels, toward a lifetime of learning, contributing to society, and achieving their dreams.

I yield the floor.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Arkansas such time as he may consume, hoping he will keep it at about 15 minutes.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Arkansas.

Mr. HUTCHINSON. I thank the chairman for yielding me this time, and I thank him for his leadership on this bill we bring to the Senate floor today. I thank Senator COLLINS for her outstanding remarks, as well as her leadership, particularly in the area of our rural schools. She has done a great job. I also am pleased that that is included in the chairman's mark. I look forward to the debate in which we engage today and throughout this week and perhaps next week as well.

I see Senator COVERDELL from Georgia, who has led the way on education savings accounts, and Senator FRIST from Tennessee, who was on the floor a moment ago, who led on education flexibility. We have a number of members of the committee who have worked hard, including Senator SESSIONS from Alabama, who has been very engaged and involved in this, and Senator GORTON from Washington, who has been very involved as well and is not a committee member.

This is the most important debate we will have in this session of the Congress. The debate on education and the Educational Opportunities Act is the most critical debate we could possibly have.

I sat here during the remarks of Senator KENNEDY. I respect him immensely; I regard him as a friend. Never could the philosophical chasm that exists between the Democratic approach and our Republican approach on education have been made more clear than during the statement of Senator KENNEDY. While I wish I could take longer to refute some of the things he said, there was one particular comment to which I took greatest exception. That was his statement that Republicans want to cut funding for education. That simply is not accurate.

As all who watched the budget process last year are well aware, we increased education spending above what the President had requested and what he had recommended in his budget. This year, in this legislation, we once again increase spending on education. The statement that Republicans want to cut spending for education is simply inaccurate. Senator KENNEDY is off base in making that allegation. Every school district in Arkansas will see an increase in the Federal contribution to their budgets as a result of the Educational Opportunities Act.

There was another statement of which I took note. I wrote it down as Senator KENNEDY was speaking. He said twice: We need to stick with the tried and the tested. At one point he said: We need to stay with the tried and the demonstrated successful programs. Another time he said: We have an effective program.

I will debate on that ground all week long. I do not want to be the Senator standing on the floor of this Chamber defending the status quo and arguing that it is tried and tested. It was tried and it has failed.

We don't have to look very far to realize that. In yesterday's Washington Post, in the Metro section, just the headline tells the story: Test Shows

Students Can't Do The Math; 64 Percent Fail Final Exam After Montgomery Standardizes Grades. As we read the small print in the story, it becomes even sadder.

The whole purpose of the Federal role under title I was to lower the disparity in scores between the disadvantaged and the advantaged, to narrow the gap. What this story tells us is that while 64 percent of all students failed—almost two-thirds—80 percent of African American and Latino students flunked the test while only about 50 percent of whites failed the test.

That is one of the great tragedies. That is the great failure of our existing status quo approach to title I and trying to fund education for the disadvantaged and trying to narrow the gap between those who are advantaged and those who are disadvantaged. I will repeat this over and over again this week. Stick with the tried and the tested. That is what Senator KENNEDY said: Stick with the tried and the tested. That is what the Democratic side offers. That is what they offer this Chamber. That is what they offer this country: Just stick with the status quo.

That is why we will win this debate this week and before the country, because we know the children of America deserve better. The tried and the tested has not been good enough. To use an old phrase from Scripture: It has been weighed in the balances, and it has been found wanting.

During the 34 years of the Elementary and Secondary Education Act, Congress has increased funding dramatically. We have created programs exponentially, and we have added bureaucracy layer upon layer. As Senator COLLINS pointed out, 15 years ago the alarming report, "A Nation At Risk," recorded that the state of education in the United States not only jeopardized a generation of young Americans but posed a real threat to the future of our Nation.

Since that time, many States have embraced standards and accountability; 26 have instituted exit exams for high school. With these reforms, slight increases in student performance have occurred. But by virtually every measure, we remain a nation at risk.

Unfortunately, while many States are responding to the crisis with bold, creative reforms, the approach of the Federal Government has remained unchanged. Each succeeding reauthorization of ESEA has resulted in preserving the top-down bureaucratic model of education. This is the first time we as Republicans have been in control of the majority, at least in the House and the Senate, the first time we have had an opportunity to leave our imprint upon ESEA.

It should not be surprising, as we look at the history of this program, that the American Legislative Exchange Council, when they issued their bipartisan report on education 2 weeks ago—the American Legislative Exchange Council is the Nation's largest bipartisan association of State legislators; they released their report card on American education about 2 weeks ago—concluded the current path is not good enough.

Senator KENNEDY may say let's stick with the tried and true, but the American Legislative Exchange Council, as most Americans, has concluded the current path is not good enough.

We heard the same dire, fearful predictions when we tried to do welfare reform a few years ago, the same predictions exactly: The sky is falling. You can't trust the States. We heard the same kind of fearful, dire predictions when States began experimenting with charter schools, that it was going to destroy public education. Yet today, with thousands of charter schools throughout the country, no one would dare make that claim.

Where has the current prescriptive regulatory approach led us? In student performance, America's 12th graders rank 19 out of 21 industrialized countries in math achievement and 16 out of 21 countries in science. Where has the current prescriptive regulatory approach led us since 1983? Ten million young Americans have reached the 12th grade without having learned to read at a basic level; 20 million seniors could not do basic math; 25 million are ignorant of the essentials of U.S. history.

In the fourth grade, over three-quarters of children in urban, high-poverty schools are reading below basic on the NAEP test—the National Assessment of Education Progress. Where has it gotten us? Throughout the United States, per pupil expenditures have increased by more than 23 percent over the past 20 years, the past two decades, after adjusting for inflation. Yet two-thirds of American eighth graders are still performing below the proficiency level in reading. I suggest that reauthorizing a status quo ESEA should not be an option. America's children, deserve better.

Not only does American education fail in regard to the most essential criterion, student achievement, but it also fails in its allocation of resources. For example, in Florida it takes six times as many people to administer a Federal education dollar as a State dollar. That is amazing. In Florida, they have 297 State employees administering $1 billion in Federal funds. They have 374 employees overseeing $7 billion in State funds. It takes six times as many people to administer a Federal education dollar as a State dollar. Unfortunately, Florida is not an exception; it is all too typical.

The result from this bureaucratic model of education is that we fund systems; we fund bureaucracies; we fund enormous overhead. In 1994, fewer than 50 percent of the personnel employed by U.S. public schools were teachers. Something is wrong with that picture. Senator KENNEDY may say that it is tried and it is tested, but when more than 50 percent of our education personnel are not even in the classroom, I say it is tried, tested, and it has failed.

The Educational Opportunities Act pioneers a new direction for the Federal Government's role in education. When only 38 percent of U.S. public school teachers majored in an academic subject in college and only one in five teachers feels well prepared to teach to high academic standards, my colleagues, I say we need a new approach to professional development and teacher empowerment. The Educational Opportunities Act gives us that new approach.

The New York Times ran a headline in its January 18, 1999, edition. It read: "Clinton to Urge More U.S. Control on Aid to Schools."

Colleagues, more control is not what is needed. Better student performance—better results—is what is needed.

The Educational Opportunities Act includes four initiatives that promote student achievement. These provisions focus on students rather than school systems. They require results and student performance, help develop teachers of excellence, and promote choice and flexibility. These four initiatives are: Straight A's, Teacher Empowerment Act, child-centered funding, and public school choice.

The Straight A's provision is the heartbeat of this bill. In short, it allows up to 15 States to execute a 5-year performance agreement with the Secretary. States then have the option to consolidate any of their formula grant programs, including the huge title I program, and merge those funds with State and local dollars.

The 15-State demonstration project would allow States to use Federal dollars for any educational purpose permitted under State law. In return for this broad new flexibility, participating States will be held accountable for improving student performance and narrowing the gap between advantaged and disadvantaged students. States will be rewarded with bonus funds for successfully reducing this achievement gap. By the way, no State is required to leave the current funding system; but the 15 lucky States—the 15 wise States—accepted into the demonstration program may consolidate funding from any or all of 12 different ESEA programs.

The idea is to let States mingle the dollars from these several programs and spend the money on whatever their students need most—new tests, tutors, reading programs, bricks and mortar, computers, whatever is deemed most needed. States that prefer to keep their

Federal dollars in redtape-wrapped categorical packages may, of course, be free to do so.

Straight A's will work because it is based on a solid premise: Accountability plus freedom equals academic achievement. Instead of filling out form Y to get grant X, Straight A's would only require that States boost academic performance and narrow the learning gap.

After 34 years and $118 billion, with no reduction in the achievement gap between advantaged and disadvantaged students, it is time to say: Enough.

Kentucky Democratic Governor Paul Patton expressed the Straight A's concept well when he told the L.A. Times recently: "We need the Federal Government as a limited partner and us as the general partner."

Straight A's respects the tenth amendment and allows Uncle Sam to put fuel in the gas tank while leaving the States in the driver's seat.

Straight A's will reduce overhead and transaction costs for dozens of separate fussy programs enabling more resources to go to direct services to students.

The old Federal approach to education has failed. It is time to give the States the opportunity to act as charter schools and option out of burdensome Federal regulations in return for unprecedented levels of accountability for student achievement.

Under the current model, accountability means this: Did you fill the forms out correctly? Did you cross your "t's" and dot your "i's"? Under the Educational Opportunities Act model, accountability relates only to student performance.

The theory of Straight A's was clearly articulated by Democratic California Governor Gray Davis on the "Meet the Press" program in February. He said, "So if you say to the States, 'we will hold you accountable. You just improve student performance and we will give you the money,' that will give all the Governors the flexibility to get the job done."

While there has long been lipservice to goals, standards and accountability associated with Federal programs, the reality has been that the question we focused on was: Are you spending the money in the prescribed way? Under the new approach, the question is, and must be, Are the kids learning? If academic achievement rises, particularly for low-income children, why should Washington care whether the dollars that produced the desirable result were spent on smaller classes or larger classes, on computers or textbooks, on tutoring programs or staff development? The important thing is that those children are making academic progress. The gap is narrowing.

Under Straight A's, Washington assumes the role of shareholder, not CEO of the Nation's education enterprise.

I have talked about—and I will talk about it later this week—the example of one of the school districts I visited in Arkansas which has about a 95-percent minority population. As I toured the school, the sad thing was the building was dilapidated, with paint peeling off of the walls. I will show pictures later this week. The ceiling was collapsing and it had big waterstains where it flooded. I thought, these poor children have to be educated in such an environment. Then I walked into a room which was full of state-of-the-art Nautilus equipment—treadmills and all kinds of gymnastic equipment. I said to the principal: Sir, how did you get the money to do this? He mentioned a particular grant program. I have since investigated, and they received $239,000 to buy treadmills and Nautilus equipment. That may be nice for the community, but the principal told me he would like to have improved, renovated, and made that school building into an atmosphere in which the children could better learn.

Under our bill, they will have the flexibility to take Federal dollars and use them where they—and they alone—know it is most needed and not what Washington says in some prescribed formula grant where the money has to be spent.

The second important provision in this bill is the Teacher Empowerment Act. This initiative is included in title II and provides maximum flexibility to States and to local education authorities to develop high-quality professional development programs by consolidating funds from the Eisenhower Teacher Professional Development Program and the Class Size Reduction Program. As a result, the bill provides more than $2 billion annually over 5 years by consolidating these two programs into one flexible funding stream.

Under the Teacher Empowerment Act, States and local governments would be encouraged to fund innovative programs to promote teacher testing, tenure reform, merit-based teacher performance systems, alternative routes to teacher certification, of which Senator COLLINS was speaking, and differential and bonus pay for teachers in high-need subject areas, teacher mentoring and in-service teacher academies.

Local school districts could use this money to hire new teachers to reduce class size or hire special education teachers. They would have the option of issuing teacher opportunity payments directly to teachers to use toward a high-quality professional development program of their own choice. If a local school district fails to improve teacher quality, they are required to offer teacher opportunity payments directly to teachers, if they are failing to improve the professional quality of their staff.

In consolidating these two programs, we provide more money for teacher professional development. In my home State of Arkansas, the combined fiscal year 2000 allocation for both programs is $14,970,900. The estimated fiscal year 2001 allocation will be $16,337,800, an increase of over $1.3 million. Under this bill, every school district in Arkansas will be authorized to receive additional money for teacher professional development. For example, the Jonesboro School District in northeast Arkansas currently receives about $169,000, and they will be authorized to receive $186,000, an increase of almost $17,000, for professional development. In Texarkana, the increase amounts to an additional $24,000. The Fort Smith School District will see a $36,800 increase. The teachers of the Little Rock School District will have $82,000 more for professional development activities under our program.

One of the other key changes made in the Educational Opportunities Act is to shift the child-centered funding. We do this through a title I portability demonstration program. Under this initiative, interested States and school districts are allowed to use their title I dollars to establish a per pupil amount for each eligible child, which would then follow the child to the school they attend. The per pupil amount would be used to provide title I's supplemental educational—"add on"—services directly to eligible children. Eligible students will be able to use their per pupil amount for "add on" services at a public school (including charter schools) or a tutorial assistance provider. This funding is available for children between ages 5 and 17 whose family income is below the poverty line. A State may choose to expand eligibility to any educationally or economically disadvantaged child in preschool through high school. (These eligibility requirements are consistent with title I.)

Each State participating in a portability program is required to operate a full public school choice program to ensure that low income families have maximum flexibility as to where their child receives title I services.

States operating a "child-centered" program would continue to receive their title I formula allocation as well as a new allocation authorized in this program. The new allocation coupled with the States' formula dollars will permit States to serve all of their title I eligible children. Only two-thirds of title I children are served by the program.

That is very important. Currently, only two-thirds of title I children are served by the title I program. Under our program all disadvantaged children are going to receive the educational opportunities they deserve.

States and school districts would be required to establish specific goals for improving the academic performance of eligible children and a system to measure progress to ensure that student performance is improving. States would be required to annually submit student performance data, disaggregated by race, family income, gender, and limited English proficiency, to the Secretary. The accountability system is similar to the strong accountability provisions in both the Teacher Empowerment Act and Straight A's.

GAO would be required to evaluate the program's effects on student achievement and parental satisfaction.

We must cease to think of title I education programs as investments in programs or populations, and begin to view them as "student-based, portable entitlements for individual children."

One of the experts I have often turned to for advice on the appropriate Federal role in education is the Arizona Superintendent of Public Instruction, Lisa Graham Keegan, one of the leading education reformers in the Nation. In endorsing the concept of portability, this is what she said:

> Presently, there is no guarantee that a poor child will necessarily receive any benefit from the Title I funds he or she generates for a school district, regardless of how needy that child might be. What I am required by law to do is to distribute this money to central offices of school districts, which are then under no legal obligation to spend the money on particular children. They simply provide the services they want to provide in the schools they wish to provide them in, which many benefit some disadvantaged children, but not all of them. Putting it bluntly, Title I is an entitlement for bureaucracy, not an entitlement for a child.

This bill changes that. It makes title I something aimed directly at the child—strapping it to that child's back under this portability demonstration as opposed to funding systems and bureaucracies.

Portability is already standard practice in federal higher education policy, where an historic choice was made in 1972: students rather than colleges became the main recipients of federal aid. A low-income college student establishes his own eligibility for a Pell grant, or Stafford loan, etc., and then carries it with him to the college of his choice. That might mean Stanford or Michigan State, Assumption College, or the Acme Truck Driving School. The institution only gets its hands on the cash if it succeeds in attracting and retaining that student.

The same thing could be done with federal education programs meant to aid needy elementary and secondary students. The big title I program, for example, spends almost $8 billion annually to provide "compensatory" education to some 6.5 million low-income youngsters. That's about $1,250 apiece. What if that money went straight to those families to purchase their compensatory education wherever they like. To be sure, title I would turn into millions of mini-scholarships, like Pell grants.

In addition to Straight A's, the Teacher Empowerment Act, and child-centered funding, the Educational Opportunities Act also includes an important provision for children trapped in failing schools.

Listen to the statistics: Over 5,000 title I schools have been identified as "failing" schools for over 2 years; over 1,000 for at least 4 years; and over 100 for over 10 years.

And yet, we continue to subsidize this failure by keeping the stream of title I funding flowing to these substandard schools. In this bill we have a public school choice provision that seeks to remedy this problem.

Under the "choice for failing schools proposal," once a school has been identified as failing, they have 2 years to improve. If after 2 years, the school has failed to improve student performance, the school district would be required to use the school's title I allotment to allow children in the failed school to attend another higher performing public school. This proposal has the dual effect of terminating federal funds to schools that consistently failed to show any signs of improvement while simultaneously providing the option to low-income parents to take their children out of a failing school and put them in a better school.

No child should be permanently consigned to a sub-par school. No child should be trapped in a failing school. This bill begins to show a way out.

Another important provision in this bill addresses the needs of small, rural school districts that receive small amounts of formula funds and are not able to compete effectively for competitive grants. This program is based on the Rural School Initiative introduced last year by Senator COLLINS of Maine, which I cosponsored.

This initiative has two parts. The first provision allows small, rural school districts with under 600 students to combine the funds from three current formula grant programs: title II—the Teacher Empowerment Act, title IV—Safe and Drug-Free Schools, and title VI—the Innovative Education Strategies grant. Small school districts often receive such small amounts under these separate funding streams that they cannot effectively use the funds. This initiative allows them to combine the funds to develop an effective program to improve student achievement.

The second provision authorizes supplementary grants to small, rural school districts that forgo eligibility to participate in competitive grant programs. A participating district receives a minimum total of $20,000 and a maximum of $60,000 from the existing formula programs plus the supplementary grant.

This new initiative solves two problems. It recognizes that formula grants to schools are often too small to implement any real changes, and it recognizes the limited resources of small districts and the enormous amount of paperwork that are required by applying for competitive grants. Small school districts often lack grant writers and the expertise and time needed to apply for competitive grants. I know in my home state of Arkansas that one school district had to take two teachers out of the classroom for an entire week just to fill out the required paperwork to apply for a federal competitive grant. We need teachers in our classrooms, not filling out paperwork.

This initiative will have a great impact on my home state; 111 of the 311 total school districts in Arkansas will be eligible to participate in this initiative, and every educator that I have spoken with about this has been supportive of this initiative.

Every educator I have spoken to in Arkansas about this initiative has been supportive.

Although the United States spends $664 billion annually—more than 8 percent of its gross domestic product, GDP—on education, nearly 60 percent of our low-income 4th graders, and 40 percent of all 4th graders, cannot read at a basic level. On recent international tests of math and science, our high school seniors ranked near the bottom of industrialized nations; in mathematics, only Cyprus and South Africa fared worse.

Our children deserve better. The current system, the top-down bureaucratic restrictive model has failed American students—tried, tested, and failed.

Today, one-third of all college freshmen enroll in at least one remedial class before attempting college-level course work.

Listen to the words of former Education Secretary Bill Bennett: "We have not yet begun to look at performance or accountability in the spending of federal dollars. Of 60 plus programs authorized under ESEA, not one rewards school districts or states for doing well. Not one inflicts meaningful punishment on schools that do badly. For the results of such policies, one need only look at the performance of our disadvantaged students. Forty percent of inner-city students cannot read by the fourth grade. And 77 percent of low-income fourth-graders in urban high-poverty schools are reading below basic reading levels.

I read this morning in the CongressDaily that Democrats were considering offering a whole host of extraneous amendments. I hope that is not the case—everything from guns to campaign finance reform. Those proposals are worthy of debate but nothing should distract this Chamber from what is first and foremost on the minds of the American people—the education of our children.

I hope those who might consider such a stalling tactic or those who seek to move this debate and shift this debate from student performance, student achievement, and improving our schools will reconsider and realize this bill not only deserves debate—the differences will be clear between the two sides—but this bill deserves a vote. As the debate moves forward and the American people express themselves, the Educational Opportunities Act deserves to be passed by this Chamber and sent to the President.

What we have done for 34 years under the Elementary and Secondary Education Act has demonstrably failed. Senator KENNEDY said it is tried and tested. It was tried and tested and it has failed the test. It is time we change.

I yield the floor.

Mr. JEFFORDS. I thank the Senator from Arkansas for a well prepared and excellent statement.

Mr. WELLSTONE. I ask my colleague from Vermont whether or not after the Senator from New Mexico speaks he could be followed by the Senator from Tennessee, and I follow the Senator from Tennessee.

Mr. JEFFORDS. That is the order in my mind.

Mr. WELLSTONE. I ask unanimous consent that following the Senator from New Mexico, the Senator from Tennessee proceed and I follow the Senator from Tennessee.

Mr. REED. Reserving the right to object, in arranging the speaking order, is it possible to request to be recognized under the unanimous consent request?

Mr. JEFFORDS. I was alternating back and forth. We have not set time limits, but I urge people to keep it within 15 minutes. Nobody has yet.

Mr. WELLSTONE. I ask unanimous consent that following the Senator from New Mexico, the Senator from Tennessee speak, I follow the Senator from Tennessee, and then the Senator from Rhode Island speak unless there is a Republican, and then we go back and forth, and then the Senator from Rhode Island will speak.

Mr. JEFFORDS. Let's proceed the way we have been proceeding. It will be Senators BINGAMAN, FRIST, the Senator from Minnesota, and I will be very accommodating to my good friend from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I come to the floor today somewhat uneasy and conflicted about this debate. I am hopeful, on the one hand, that we in the Senate can come together to provide national leadership by legislating what research has proven actually works in improving student performance. On the other hand, I stand having witnessed people from both sides of the aisle devoting a tremendous amount of time during the last year trying to figure out how to help all of the children of this country make it in today's knowledge-based economy.

I am somewhat dismayed that the bill we finally arrived at the floor with is not the consensus legislation we were working to achieve. Unfortunately, our efforts to achieve a consensus piece of legislation have not succeeded. We have a bill before the Senate today which is decidedly partisan. I hope that can be changed during the course of this Senate debate.

We need to examine this bill carefully because it is very important and not easy to comprehend. The bill gives Governors, who choose to exercise it, control of Federal education dollars and it would abandon the well-cultivated partnership and the powerful national leadership role that has been developed over several years.

On the surface, we see it is a very large bill. I am sure several people have held it up. It is similar to a lot of bills, almost incomprehensible in its length. It goes on for nearly 1,000 pages. It seems to be, on first reading, chock full of different programs for promising ideas such as Safe and Drug Free Schools, education technology, afterschool programs, even a rural education initiative.

It is the kind of assistance that individual schools and localities in New Mexico tell me they would like and need but they do not have the capacity or the resources to pursue on their own. All of my fellow committee members who worked on this legislation in committee know full well that no matter how well we collaborate on the underlying targeted programs, the two Straight A's block grants that were layered on top of the other language at the ninth hour of our deliberations make a lot of the distinctions in the bill and a lot of the programs described in the bill virtually meaningless in those States that opt to pursue that block grant.

The Straight A's proposal at the heart of the bill sounds catchy. However, in my view, it is an empty promise. What does it do? I think we need to step back and ask: What do we mean by the Straight A's proposal? Essentially, it allows every State to spend Federal funds as they wish for 5 years without input from school districts or educators, without accountability for increased school performance. Those who favor the block grants say they are good because they allow for more local control. In the case of Straight A's, this is factually incorrect and ironic because a school district or a school actually will lose control because the control is vested with the Governor to set the priorities for spending within the State.

This chart demonstrates that 95.5 percent of the Federal funds for education go to local schools and local districts. State administration takes 4 percent and the Federal administration takes one-half of 1 percent. The rest, over 95 percent, goes to the local schools.

Under the Straight A's proposal, a Governor who chooses to do so can change that. The discretion as to how that money is spent is no longer a Federal and a local issue; it becomes a State issue.

I think this would be a problem for my State of New Mexico. I know of programs I very much want to see continued. I have trouble seeing how they will be continued under this proposal. I have a list that details some of the programs, and I will go through specific amounts.

In contrast to this Straight A's State block grant proposal, which is in the bill we are now considering, the alternative, which we have prepared and we are going to offer on the Democratic side, is not just to throw large sums of money to the States but, instead, to target Federal dollars to the communities with the greatest need and to give them true local control by leaving it to them and not the Governor or Secretary of Education to decide how to set up programs to meet those needs we have identified in those local communities.

Let me remind you, it was exactly because the States and the localities were not effectively addressing the needs of students in disadvantaged areas that the Federal Government first stepped in to provide targeted aid through the Elementary and Secondary Education Act of 1965. And, in subsequent Federal programs, we have followed this same principle. We have focused on areas of national priority, areas such as education technology and improving professionalism in the classroom. These are areas that otherwise would not be funded because of limited resources and that historically have not been funded at adequate levels.

Let me show one other chart that I think makes this point. When you look at Federal funds, Federal funds are significantly more targeted to low-income children than are State funds. I think no one disputes this. This is a General Accounting Office study in January 1998. It says:

> For every dollar provided for all children, $4.73 is given from Federal funds to low-income children, whereas 62 cents of local money actually goes to low-income children.

So the Federal Government got into the business of providing assistance to education in order to deal with deficiencies which clearly existed nationwide and to deal with inadequacies that were clearly agreed upon. This is what we are getting away from if we wind up adopting the bill which has been presented to us on the floor today.

The Straight A's proposal not only does nothing to ensure the most needy children are protected; it allows Federal dollars to flow out of the public school system in the form of vouchers to private schools. I know that is another debate, but unfortunately it has been brought into this debate about this Elementary and Secondary Education Act. Incorporated into this is authority for a State to take its Federal funds and disburse those in a voucher program to the nonpublic schools as well as the public schools. I think that would be a mistake. I think it would be a mistake in my State. We are short of resources. The Federal funds that come in to help the public schools in New Mexico are very important to those public schools and we do not want to see those funds decreased by virtue of some voucher program, which our Governor today, in all due respect, strongly favors. It has been a major subject of dispute in my State between the Governor and a majority of our legislature.

Another feature the proponents of the block grant approach in this bill often talk about is providing greater accountability. In the case of this Straight A's proposal, the only accountability you will find is that States which fail to make progress will lose a year of eligibility. It is similar to benching your star player for one semester for flunking a class but bringing him back once he gets his average back up to a D. That is an analogous situation. There is no real accountability in the bill as it comes before us.

Under S. 2, as it now stands, at the extreme—and I don't think this will be done, but clearly there have been examples in the past when we had block grants permitted—you could have States deciding to use Federal dollars to buy swimming pools, to recarpet offices. The State could choose maintaining the status quo as its goal over the 5 years.

A less malevolent picture, and one that probably is more likely, is that a Governor would receive pressure from a handful of constituent groups to persuade him or her to pour all of the block-granted Federal funds into something such as an intensive literacy program or a voucher program to send kids to private schools. This will sound good, but the problem is you will find it means there are no longer funds for migrant and homeless children to receive targeted aid; there is no longer money to provide for professional development for teachers so in some classrooms the computer can be used effectively; there is no longer money for afterschool programs; no longer money to hire new teachers. At the end of the day, as long as the wealthier and higher performing schools in the State can do well enough to offset stagnation or even decline in progress at the poorer and lower performing schools, then the Governor would be able to claim he has done his job under the Straight A's proposal.

If he did not do the job, if the goal was not met, then no matter; he would probably be out of office at any rate before the 5-year experiment was over. If he is not, the only consequence is that he simply would go back to the status quo we have today. So this Straight A's proposal contains no significant accountability.

I have an amendment I intend to offer on the issue of accountability. It will try to correct this. It does so by putting some key provisions in the legislation that would provide resources to States for turning around those schools that are failing. It would demand results of all students so as to eradicate existing achievement gaps between minority and nonminority students, between poor and non-poor students, between English-speaking students and those who do not speak English as a first language.

It would provide significant consequences for poor performance, so States and districts have to take responsibility for actually correcting the deficiencies in the failing schools. It would require a single system of accountability for all schools in the State and would limit the availability of flexibility options when a system of accountability is not yet in place.

The amendment also would ensure that every class would have a qualified teacher. It would do that by requiring States which receive Federal funds to make that a priority, to ensure that resources are provided and school plans incorporate high-quality, research-based professional development for their instructional staff.

There will be a chance to debate this particular accountability amendment as we go forward. I hope very much it can be adopted. It would correct many of the deficiencies in the legislation on which I am focused today. But, in addition, as we debate this education bill, I intend to bring attention to some other elements that I do not think are adequately addressed in the bill. I want to remind the Senate of the importance of teacher training in technology. It simply is not good enough that only 20 percent of current teachers are comfortable integrating technology into the subjects they teach or that we currently invest less than a third of what the experts tell us we should spend on technology training for people going into teaching. We need to deal with that. I will be offering an amendment to do that.

Also, in response to concerns from school districts, and also a General Accounting Office study that demonstrates there is still a high level of paperwork burden on schools and districts from States and from environmental and nutritional regulations, I urge a close examination. I have an amendment to do so, to urge a close examination of all of those requirements to try to determine how we can achieve those goals without unduly burdening the schools.

Today and throughout the discussion of this bill this week, and I believe next week as well, I intend to propose some amendments. I hope the Senate will think hard about what it is doing here. This is extremely important legislation.

I acknowledge there are some philosophical differences on the appropriate Federal role in public education. I must call attention to the great shift in attitudes in the Senate since I came here 18 years ago on the proper role of the Federal Government in education. I am very heartened that we are here today with all sides of the debate arguing in favor of a major Federal role and disagreeing about what it should be. I can remember many other debates on the Senate floor where the argument was that the Federal Government should get out of the education field, that we should disband the Department of Education, we should, essentially, shift those funds over to the Department of Defense and be done with it. So we have made progress in our debate in the Senate. But we clearly have not made enough or we would not have this Straight A's proposal in front of us today.

Today the Federal Government's contribution to education spending is roughly 7 cents on the dollar. Yet through an understanding that there is, indeed, a national priority, in the 35 years of the partnership there have been significant improvements. That 7 cents on the dollar has been focused on needs we all agreed needed attention. I believe we can strengthen those programs that work, we can reform those that do not work, and there are some which are not working as well as they should. But we need to keep our eye on the ball and continue to target the Federal funds, the scarce Federal dollars that we have to put into education, on the students and the schools that need them the most.

We need to rise to the occasion. We need to enact a bill that will help further the goals of education. We need to come together in the Senate and not let partisan differences and the upcoming election divide us in this very important set of issues.

There is no more important legislation that will come before Congress this year. I hope very much we can come together on some reasonable changes in this bill so it becomes acceptable and we can send it to the President in a form he will sign.

I want to mention several more items. In my home State of New Mexico, we receive over $1 million for migrant education, we receive $10.4 million targeted for class-size reduction, we receive $2.5 million for professional development, and we receive nearly $3.5 million for the technology literacy challenge fund. Those are important programs. Those are programs upon which the school districts in my State have come to depend. I do not want to see the funds for those programs eliminated. I do not want to see a blank check go to the State with discretion vested in the Governor to either continue or discontinue those programs as he sees fit.

I believe it is important we amend this bill in significant ways. I will be joining with my colleagues in offering some of those amendments. I hope very much they will be adopted.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is now recognized.

Mr. FRIST. Madam President, it is a great opportunity we have as we debate over the next several days the Elementary and Secondary Education Act which makes fundamental improvements to education programs that are long in need of such reform.

Declining student performance, especially as we compare the performance of our students in public schools to the performance of students internationally, simply demands a new response. Our students deserve better. It is time to change our Federal education programs to ensure that school districts, schools, States, and parents have the tools they need to provide a high-quality education for all children.

As we look back over the last 30 or 40 years, there have been waves of education reform, but each of these waves seems to have been washed away as shifting sand, leaving little trace of permanent improvement in public education in this country. Even as funding has increased over time, performance has fallen, as we compare our students internationally, leaving teachers and parents to wonder if anything can be done to reclaim those years of lost potential.

There is, however, a new movement of education reform sweeping the United States of America. Because of it, we have a unique opportunity to significantly and permanently improve education in this country. We have the opportunity to see to it that every child in every public school in America is, indeed, challenged by standards as high as those hopes and those promises of his or her parents, and it is an opportunity we cannot and should not waste.

We must face today that schools that do not educate, schools that do not teach, and will not change must in the future be held accountable. The diminished hopes of America's children as a result of our deteriorating public education—again most notable as we compare our schools and the performance of our students internationally—are sad and serious, and no longer can we ignore these diminished hopes.

We have an opportunity to and we must raise the academic ambition of every school. There are practical things we can do, such as lifting the burden of Federal bureaucracy by giving each school the opportunity, the flexibility, to change, all along demanding they be held accountable to high standards.

Mired in bureaucratic mediocrity, Government today has become almost an obstacle, a barrier, not an ally, and it is time for us in Washington to acknowledge that the Federal role in education is not just to serve the system but to actually serve the child.

Yes, Washington must realize that no longer can we attempt to micromanage the day-to-day activities in our schools. We in Washington must realize and must be wise enough to recognize that schools require more flexibility; they require more innovation; they require more freedom to be innovative. Washington must be strong enough to insist on improving performance in return for this flexibility.

All of us know the tremendous change that is occurring in the 21st century. We see it around us each and every day, and amidst this change we all know deep inside that the future is ultimately decided by how much our kids learn. Education is the key that will unlock the future for our children, and that positive, strong education, that preparation, must begin in those earliest years—kindergarten, 8th grade, 12th grade. Only successful learning will truly equip our children for this changing world, and it is time—and we do it in this bill—we begin to think boldly about this vision for education.

We need to ask the questions: What doors will we open for our children? What pictures are we going to paint for their future? Will we increase their capacity to learn and to explore or are we going to go back and continue to create and enforce barriers that have only failed us in the past, that are holding them back as our international counterparts continue to learn and pass them by?

Education is, as we will hear again and again, the most important gift we can give our children, but the foundation for all lifetime learning is established in these early years of K-12, where we are—and we must admit it—where we are today failing. More of the same is simply not the answer.

We have a choice: We can either turn a blind eye to the problems of education today and say, well, let's just add another Federal program, or let's accept mediocrity, or let's ignore accountability, or we can do what is bold, what is built into this underlying bill, and that is, give schools the flexibility to be innovative, give States the freedom to regulate, and give parents, who care the most about their children, the right to choose what is best for their children.

We have to admit it is going to take a lot more than the power of Washington to fix education in this country. We need the power of people at the local level—the parents, the teachers, the principals, the school superintendents—to help us discover and apply what works. Once they do, we must give them the freedom to apply what they learn.

I mentioned accountability. How can we get schools which are failing our children, not educating our children, to change, to improve? Yes, by giving them the resources they need, but also holding them accountable for their failure. Schools that succeed in educating children should be rewarded. Schools that fail again and again must be held accountable. We know that rewarding failure only produces more failure, condemning our children to a whole lifetime of low expectations. The issue is about excellence.

Today every child does have access to a public school, but not every one of those schools provides an adequate or quality education.

The issue of student performance: If we look at where we are today and just face the facts, it is absolutely critical that we recognize we are not doing as well as our children deserve.

In America, 12th graders today rank not 1st, not 5th, not 10th, not 15th, but 19th out of 21 industrialized countries in math achievement.

In the field of science, we are not 1st, or 5th, or 10th, or 15th, but we are 16th out of 21 nations.

If we look in the field of advanced physics, our students rank dead last.

Since 1983:

Over 10 million students have reached the 12th grade without learning to read at a basic level;

Over 20 million students have reached their senior year unable to do basic math;

Almost 25 million students have reached the 12th grade not knowing the essentials of U.S. history; and

Over 6 million Americans have dropped out of high school altogether.

S. 2, the bill we are debating this week, the Educational Opportunities Act, gives new opportunity, new promises.

We hear again and again of the importance of local control, where parents know their children's needs the best, where teachers know the names of the students, rather than making these micromanaged, heavily regulated decisions here in Washington, DC.

It is simply time for us to recognize we should stop feeding the bureaucracy here in Washington and start funding the classroom, start funding the student. This is about sending the money where it will do the most good.

Simply put, in Washington too many education dollars are wasted on administration and bureaucracy and redtape while too few of those dollars ever reach the people they are intended to help—the students.

Can Federal education dollars be spent more efficiently and more intelligently than they are today? Yes. How? First, we can stop wasting them in Washington. Today, the dollars actually travel from the taxpayer up through our system, and then they filter back down through about 760 separate Federal education programs, each overlapping the other, run by 40 different Federal bureaucracies.

We can start sending those same dollars, as they travel up through the system, back to the local level, back to the classroom, back to the communities where parents and teachers and principals can identify their children's needs. What is right for rural Tennessee simply may not be what is right for schools in the Bronx. We need to let the local schools, the local communities, decide, not Washington.

Today, about half of the personnel employed by our U.S. public school system are not teachers but administrators hired to keep up with the Federal rules and the regulations. What we need is simplification of these regulations, a streamlining, a more efficient use of those Federal education dollars.

I have said that no one cares more about children than their parents. You will hear, as this debate unfolds, that the bill, S. 2, is biased toward increasing the role of parents in education today and decreasing the role of regulations which originate in Washington, DC.

Yes, education is not a Federal issue; it is a family issue. Education is not about bureaucrats; it is about children and their parents and the future of those children. Parents—who have those daily conversations with their children, who do help their children with their homework, who attend regular conferences with their teachers—produce better educated students than parents who leave the education of their children to bureaucrats.

If America's schools are failing our children, parents should have the power to steer their children to more effective schools, to more effective instruction. After all, those dollars, wherever they come from—and, yes, most of them do originate locally, and only 6 or 7 percent come from the Federal Government—ultimately it is the parents' money, it is their children and their children's future.

Whether a child is a quick learner, or a slow learner, or a child with disabilities, or a child who just seems to not be able to function in the school that he is in, parents should have the freedom—I would argue they have the right—to move that child to a school where he has the best chance to succeed, to learn, to be prepared for his future.

In some cases, parental choice is about schools with better educational opportunities; in other cases, it is literally about removing a child from the line of fire or away from the danger of drugs. The point is, parents do have the right—and they deserve the power, I believe—to choose what is best for their child.

Parental choice: It is about schools. It is about parental involvement. It is about doing what is best for your child. It is about having a say in how your education tax dollars are spent.

In closing, I do believe we have a unique opportunity to reform Federal education programs. S. 2, the Educational Opportunities Act, makes a number of key reforms to current law, with the focus on producing child-centered programs—not Washington-centered programs but child-centered programs—that are flexible, that are results oriented, that have strong accountability built in, and that will lead to improved achievement for all our students.

The Educational Opportunities Act seeks to encourage reform rather than mandate particular changes at the Federal level. In this bill, no one is forced to do anything. The act encourages reform by allowing this choice. States and districts have an option either to keep exactly the sort of funding formulas and the categorical programs they have today—as they may have done over the last 35 years—or to embrace these new options, these new initiatives, based on local control and flexibility and accountability. It is these new initiatives which require—and must require—a high level of accountability in exchange for that flexibility.

I am very excited about the debate today. We will be talking about a number of principles. Over the course of the week, we will be talking about the details of the bill. This debate is critically important. The bottom line is: Our children deserve better than what we are doing today. S. 2 addresses the reforms necessary for them to do better.

I yield the floor.

Mr. JEFFORDS. Madam President, the senior Senator from Minnesota is next. We have about seven more Senators who desire to speak. We are not putting any time limitation on them. I am just making Senators aware of that.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair and say to my colleague from Vermont I will try to stay under 3 hours.

Madam President, I, too, think we can do better by our children. It pains me a little bit to say what I am about to say—not for 3 hours—because I respect the chairman of our committee, Senator JEFFORDS of Vermont.

Mr. DODD. Will my colleague yield before he gets into the substance of his remarks?

I ask unanimous consent that at the conclusion of the remarks, I believe, by my colleague from Georgia, I be allowed to address the Senate on the subject matter for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Madam President, just as a point of clarification, I believe the next speaker on our side will be Senator GREGG. So if the Senator modifies his unanimous consent request, and it is granted, he will follow Senator GREGG.

Mr. DODD. I modify my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Madam President, as much as I respect my colleague from Vermont holding up the standard that we can do better for our children, holding up the standard that we need somehow to renew our national vow of equal opportunity for every child, I do not believe this piece of legislation represents the change I have been hearing about. I do not believe S. 2 represents a great step forward for children in our country, especially vulnerable children. I think this piece of legislation, S. 2, represents not a great leap forward but a great leap backwards.

I come to the floor as a Senator from Minnesota to speak against this legislation in its present form because I was a teacher for 20 years, a college teacher, before becoming a U.S. Senator. Education is my passion. I speak against S. 2 because I have been in a school every 2 weeks since I was elected almost 10 years ago. I love teaching. I love being in schools. Today I was at a rally at the State capitol in Minnesota with some great students from all around Minnesota who are seeing cuts in their school districts, teachers being eliminated, extra curricular activities eliminated, larger class sizes, and course offerings being eliminated.

I come to the floor to speak against this legislation because I believe the goodness of our country is to make sure that every child has the same opportunity to reach her or his full potential, and education is the foundation of this opportunity. This piece of legislation does not represent a step forward. It is turning the clock back 30, 40 years. That is unacceptable to me as a Senator.

This bill is fundamentally flawed because of the programs that it block grants. There is a reason why we made a commitment to migrant education. There is a reason why we made a commitment to homeless children. There is a reason why we made a specific commitment with accountability standards to make sure that title I works for children who are disadvantaged and they can do better in school. There is a reason why these are categorical programs. There is a reason why we have set some standards.

The reason is, the House of Representatives and the Senate decided that we are a national community as well as States. And as a national community, we make a commitment in the House and the Senate that no child, no matter how poor or how vulnerable, no matter the son or daughter of migrant farm workers or a child who is homeless or a child who is living in an inner-city or rural neighborhood that is poor, it makes no difference; those children will also receive assistance. There will be standards. That is a national decision because we are a national community. This piece of legislation throws that out.

Some of my colleagues come to the floor and say: We are for change. What kind of change?

Pretitle I, to give but one example, we had the example of school districts using this money to purchase football uniforms, band uniforms, swimming pools, and all of the rest. That is why we decided we were not going to block grant this money. That is why we decided we were going to make sure the title I money went for the children who needed the help.

I had hoped we would not have this crude block grant program that turns the clock back 30 years plus. I thought we would start out with a bipartisan bill. That is not the direction we have gone.

This turns the clock back. This basically says, if you are a child of a mother who is homeless and your mother doesn't have much clout, if you are the child of migrant farm workers and they don't have much political power, or you are the child of parents who are poor and they don't have much clout, it doesn't matter what the State you are living in decides to do. The Governors are free to spend the money however they want. That is what this legislation says in its present form.

That is not a step forward. That is a step backward. That is a step backward from the national commitment we have made as the House of Representatives and Senate, that all the children in this country, including vulnerable children, will have a chance to do well.

I have heard my colleagues say: I hope we get into some real debate; I will be pleased to yield for a question any time. Well, we need to do this because we have had 30 or 40 years of these programs, going back to the Elementary and Secondary Education Act of 1965. Look at the statistics. We haven't seen any change. There are too many children of color and too many poor children and too many children with limited English proficiency who are not doing well. Now we bring a bill to the floor that is going to make things much better.

Give me a break. When I am in communities talking to students and parents, talking to people in schools, nobody ever comes up to me and says: Can we have more Ed-Flex? They don't even know what it is. Hardly any States have even applied for it. They don't talk to me about Ed-Flex, Flex-Flex, flexibility.

They say: Why doesn't the Federal Government make a commitment to pre-K, since most of K through 12 is us? Why don't you adequately fund good developmental child care so when children come to kindergarten they are ready to learn, and we don't have this huge learning gap where some children are way behind, then fall further behind, then drop out, then wind up in prison? Why don't you get real and invest in developmental child care?

Not with this budget from this majority. And, by the way, not with the budget proposal from this President. We haven't made this commitment.

We say we have S. 2 out here because this is for change, to make things better for these children. If we want to make things better for the children, why don't we fully fund the IDEA program so that our school districts don't have to fill in the void? Let's fully fund it. Let's get real about the actual investment of dollars. Why do we not fully fund the title I program? We are funding title I at about a 30-percent level.

When I am in St. Paul or Minneapolis, to use two cities in my State—and I could talk about other communities—I don't have parents and teachers and others rushing up to me saying: We need more Ed-Flex.

They say to me: After you get to the schools that don't have at least 65 percent of the students poor, those schools get no funding at all because we have run out of title I funding for children who come from backgrounds of difficult circumstances, come to school ill-prepared, are behind, need additional help. We fund this program at the 30-percent level, to the point where at the schools in our cities in my State, if they don't have at least a 65-percent low-income student population, they don't receive any funding.

When I talk to people in Minnesota, they ask me: Can we get the best teachers? What does this legislation do about getting the best teachers into teaching? Can we figure out creative ways of having more parental involvement? Can we have smaller class size? Can we focus on good professional development for teachers? Maybe the money could be used for the Eisenhower programs for math and science, but we eliminate the program. The Eisenhower Program has been a huge success. In fact, I would like to do more of it. I would like to have money designated for professional development. The original National Defense Education Act had those summer institutes for teachers, and they were great. Teachers loved getting together. They loved comparing notes. They revitalized one another with new approaches to teaching, new pedagogy, new substantive matter. It was great.

I hear about that. In Minnesota, I also hear about—and I know it is true in every State—decaying infrastructure, crumbling schools. The argument is, can we figure out a way of having more dollars to rebuild our schools? S. 2 doesn't speak to any of these issues.

I wish to make a couple of other points. One of them is that I have heard colleagues talk about flexibility, and this is, I will admit, more a State issue. I don't know quite how we leverage it at the Federal level. But Jonathan Kozol has done a wonderful work called "Amazing Grace: The Lives of Children and the Conscience of a Nation"—and he has written another book and he sent me some data from New York—which says the difference between what New York City spends per pupil is about $8,000 per year per pupil and the suburbs range from $16,000 to $23,000 to $24,000 a year—two and three times as much. Jonathan Kozol's earlier book was called "Savage Inequalities."

So we do not, in this piece of legislation, make sure we live up to our commitment that there should be equal opportunity for every child and that we should do all we can to make sure poor children and vulnerable children have those opportunities.

We do precious little to deal with the savage inequalities about which Kozol talks. We have been shameful in our lack of investment, and I know the Senator from Vermont is all for this; he has been an outspoken proponent for this. But in our shameful lack of investment in early childhood development, we don't fully fund the IDEA program, Children With Disabilities, and we don't come close to fully funding the title I program. In addition, this piece of legislation shows no strong, unequivocal, positive commitment to how we get the great teachers into our schools, how we reduce the class size, how we invest in crumbling schools, how we make sure parents are involved, how we deal with the digital divide, how we make sure schools have adequate resources, how we make sure children do well before they go to school and when they go home. It is just not here.

So this piece of legislation is lacking in two fundamental respects: A, it is not a great step forward; it is a great leap backward. It turns the clock back from a commitment to vulnerable, poor children in America. I will oppose it with all my might for that reason, with its block grant. B, it doesn't, in the affirmative, authorize or talk about the kind of investment or funding in the decisive areas that would be so important to change so that we could do even better as a nation.

Madam President, I wanted to mention a couple of amendments that I have, and then I want to make a plea to the majority leader—not to the chair of the Health, Education, Labor, and Pensions Committee.

I will have an amendment that expresses the sense of the Congress that States and districts that use standardized tests to make high-stakes decisions about students should be professional standards on educational testing. It should not really be controversial, I hope. But I think we have to make sure these tests are used well. I am going to call for a study on the impact of high-stakes testing policies on students, teachers, and curriculum because I am very worried that when we start using single standardized tests to determine whether a third grader goes to fourth grade, what kind of reading group you are in, whether you graduate, and all the rest, and we have done little to make sure every child has the same opportunity to actually pass the test, what we have done is put the responsibility on kids and students for our failure to invest in their future and their achievement. So I think we at least ought to do a study. We ought to have an understanding.

I will have an amendment making it clear that if States and school districts use standardized tests to make the high-stakes decisions—I am all for testing for diagnostic purposes—to determine whether a student graduates or goes from one grade to another, at the very minimum, appropriate accommodations must be made for language proficiency and students with disabilities.

There will be an amendment I am going to sort of dedicate to my friend Paul Simon, who is no longer in the Senate. We did this together. It authorizes grants to urban school districts so they can implement any of the following programs in innovative ways to help eliminate the learning gap, as it affects children of color and the poor, and that could be the McKinney Homeless Assistance Act, Professional Development Act, the Immigrant Education program, or the Class Size Reduction Program. The Presiding Officer has done a good job of making sure we keep the rural piece in, and I am in full accord with that. I want to make sure we also keep in the urban piece.

I will have an amendment about which I was talking to my friend, Senator COVERDELL from Georgia, which I think is extremely important, to provide some support for children who witness violence at home. Every 13 seconds a woman is battered in her home. These children don't see the violence in the movies or on television; they see it in their living rooms. It has a devastating effect on their performance at school, and quite often in our schools we don't even know what is happening with these kids. I want to get some support services for them so they can do better.

I have an amendment to recruit and train highly qualified teachers for high-poverty urban and rural schools. This would provide $500 million to fund a collaborative between State education agencies, local education agencies, and institutes of higher education. This is how we can recruit people, whether they are right out of college or whether they are people who make a lateral change at age 40 or 50 and want to teach in schools. We want to get the training to them and have the mentoring. We want to have the internships, and we want to get this kind of talent into our schools, especially those schools with a large low-income student population.

I will have an amendment that calls for local family information centers. This would expand the Parent Information and Research Center Program in title I to include nonprofit organizations. Sometimes the way we can reach some of the hard-to-reach parents is to get them involved through some of the nonprofits in the community. I think there can be good, bipartisan support for this.

I will have an amendment that provides seed money for schools to hire more counselors for mental health services. In my State of Minnesota, the ratio is 1 counselor for every 1,000 students. Indeed, many of those counselors are trained more to what college or university you go to, or, if you don't go on to college, what kinds of jobs will be available. What about the kids who have mental health needs? How are we going to be able to recognize these kids who are struggling and get help to them?

How are we going to tell them? That is a hugely important issue.

I am going to have an amendment that provides seed money for counselors. I am not sure how many. I am going to figure out exactly the amendment that I think has the best chance of passing so we can make a good start in this area.

Finally, I am going to have an amendment I offered before. I will not spend much time on it. We had a vote on it. I want it to be on the record that I want some historian to include me in a small footnote that we have not done the policy evaluation of "welfare reform." We really do not know where these mothers are. We don't know what kind of jobs they have. We don't know whether the family has had medical assistance. We don't know why there is a dramatic decline in food stamp participation. We don't know what the child care situation is with their kids. We need to know, especially since in the next 2 years all of these families are going to be off assistance and we are going to be pushing a lot of vulnerable people off the cliff. I want some policy evaluation.

Nobody can tell me this has nothing to do with education because when children are hungry, they don't do well in school. When children come to school with an abscessed tooth because they have no health care or dental care, they don't do well in school. When the child care situation is miserable—it ranges from downright dangerous to not even adequate—those children come to kindergarten way behind. I have an amendment that calls for this policy evaluation.

I say to the Senator from Vermont that I am not going to go on for 2 hours. But this is an important bill for me. I will probably take 5 or 10 minutes. I will save him having to get up all the time. I will be finished. But I don't want too much pressure on me to be finished because then I will just get started again.

I want to conclude with this appeal to my colleagues on the other side.

I have stated the reasons for my opposition. Senator GREGG of New Hampshire will be out here. He will be a powerful advocate for a different position. I hope we will have at it. We can do it with civility. We can be formal. Presumably we have respect for one another. But let's have at it. Let's come out here and let the Senate operate as the Senate operates at its best. Let's start bringing amendments out here. Let's have up-or-down votes on amendments. If we need to start early in the morning, let's start early in the morning. If we need to go not until midnight out into the evening, great. Let's work.

This is a major bill. I think we all agree that there is no more important issue. Frankly, the Federal role is critical. This piece of legislation is critical. Let's have at it. It is not atypical when you have a bill of this importance.

I was talking to my colleague from Georgia about this. You have a bill out on the floor for a couple of weeks. That would be good. I wouldn't be at all surprised if there were 90 or 100 amendments. I remember during my earlier years, it happened all the time. Amendments fall off, or people bring amendments out, and people agree to time limits. Let's go at it. Let's have the debate. Let's make sure it is a substantive debate.

I have a number of amendments. Other Senators have amendments. That is the way you operate as a Senator. That is how you can make a difference. That is how you can try to follow up on what people in your State have told you about some of the needs and gaps. That is how you can try to be a good Senator. Let's do it.

We will take a couple of weeks with this. Then we will pass a bill, or we will defeat a bill, or it will be similar to what it is now, or it will be dramatically changed. But I think the country is ready for that.

I think the country is ready for us to have substantive debate. I think it is ready for us to be out here on the floor working. It is ready for us to be talking about what we believe—I think the Senator from Rhode Island will agree—would be best for education in our

States and how we can contribute. It wants that discussion. That is why we are here. I hope we will do that.

I hope the majority leader will not come out here in 2 days, which has been the typical fashion—I am not talking behind his back; I have said this over and over again—and say: I don't like these amendments that deal with how you get guns out of schools; I don't like this amendment and, I don't like that amendment; these amendments aren't relevant; only if you agree to the following four or five or six amendments, or whatever, do we go forward. And we say: Absolutely not. We are here as Senators. We have amendments. We are ready to work for people in our State. Then cloture is filed. If there is not cloture, the bill is pulled.

I don't think it is a very good bill. So in one sense, I wouldn't be unhappy with that result. But as a Senator, I would be unhappy with the result. I want to go forward. I want to have the debate. I want to have at this legislation for a couple of weeks. I want us to consider the amendments out here. I say to the majority leader what I have said twice now: You suck the vitality out of the Senate when you don't let people come out here and offer their amendments and have this debate. We are at our best when we do that, I think.

I am all set to go. I am in profound opposition to this legislation. I think it is a profound mistake. One person's solution is another person's horror. The Senator from New Hampshire thinks it is just the opposite. That is fine. He will state it well. Let's have opening statements. Let's get to the amendments. Let's have debate. And let's move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I will make a unanimous consent request so we know where we stand.

Next to speak is Senator GREGG; then Senator DODD, Senator REED, Senator BUNNING, and then Senator LIEBERMAN—three or four other Members—for a period not to exceed 45 minutes.

I ask unanimous consent that be the order.

Mr. GREGG. Reserving the right to object, the 45 minutes applies to Senator LIEBERMAN.

Mr. JEFFORDS. Senator LIEBERMAN and his group. Others are flexible. But I suggest 15 minutes is an adequate time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Thank you, Madam President.

I congratulate the Senator from Vermont for bringing this bill forward. We recognize it is an extraordinarily important piece of legislation because it sets Federal policy for education, especially in the primary area where the Federal Government has responsibility, which is low-income education.

There are really two areas of elementary and secondary school education where the Federal Government is the dominant player. One, of course, is elementary school education—the low-income kids. The other is elementary school education for special needs children. This bill doesn't address the special needs issue. It is not the IDEA bill, which is a special needs bill. This bill focuses primarily on how we deal with low-income children.

I think it is important to reflect a little bit as we begin this debate as to what the history of this piece of legislation is because that puts in context to a significant degree why it is we on our side believe there needs to be interest for other options to be made available to the States as they address the issue of educating and helping low-income children achieve and, thus, realize the American dream.

This bill was put together 35 years ago. At that time, it was a 32-page bill with 5 specific programs. Today, this bill before us has 922 pages; it has 79 different programs. It is a huge piece of legislation which has expanded radically over the period of the last 35 years. It originally had, and still has, categorical program after categorical program which specifically told the local school districts and the States how to manage very narrow areas of education in a very prescribed way.

There has been a philosophy built up over 35 years in this Congress—essentially dominated by the Democratic Party when this bill evolved—that essentially says: We in Washington know a heck of a lot better how to educate a low-income child than you folks back in the districts do where that child is going to school; We know better than the parents of that child; We know better than the teachers of that child; We know better than the principal; We know better than the school district; And we know better than the State.

As a result, this bill exploded from a 32-page bill to a 1,000-page bill with program after program after program very narrowly, rifle-shot targeted with significant limitations on the funds being spent and significant directions for the local communities.

What was the result? The result was that over that period we spent almost $130 billion in education directed at low-income children—$130 billion over 35 years. What did we get for that? Unfortunately, what we had was a bunch of kids who were left behind—children to whom we had made a commitment, and low-income children who weren't educated hardly at all as a result of all of these dollars being spent.

We know for a fact today that two out of every three low-income fourth grade African American and Hispanic children can barely read. This chart shows that over 70 percent of the children in our high-poverty schools who are low-income do not meet the most basic levels in reading. We know 60 percent of those children do not meet the basic levels of mathematics. We know almost 70 percent of those children do not meet the basic levels in science.

This is the product we have produced $130 billion and 35 years later: 79 programs and 1,000 pages of law. We know in our high-poverty schools, low-income kids in the fourth grade read at two grade levels less than their peers who are not low-income. We know in our urban schools almost half our children are not graduating from high school. We know the achievement gap between our moderate-income, our average-income kids and our low-income kids is not closing as it was supposed to after $130 billion but is potentially expanding and, at best remains the same.

We have gotten nothing for these kids from all this money that has been spent. It is not just our low-income kids, the children addressed in this bill who are being affected by the quality of education, but our entire educational system has serious problems. Forty percent of our fourth graders can't read at a fourth grade level. Our 12th graders have seen either a decline in reading, math, and writing skills or, at best, a stagnation of reading, math, and writing skills. I am talking about all 12th graders—not just low-income 12th graders.

Our 12th graders, compared with the rest of the world, which is where we are competing today, and what our prosperity is tied to, come in about last among industrialized nations. We are behind Hungary, Slovenia, Austria, Germany, Netherlands, and Sweden. We are just about last in levels of academic achievement in mathematics and last for our academic levels in science.

We know there are 7,000 schools in this country today that are deemed failing schools. They are not defined as "failing" by the Federal Government. We have not set a standard to say a school is failing. They are defined as failing by the school systems at the State and local levels that rate their own levels. School systems rating their own schools have identified over 7,000 schools that do not meet the standards they have set. Some of the schools have had the failing designation for not just 1 or 2 years but for up to 6 or 10 years.

We need to be very concerned about this. We are not the only ones, as legislatures, who are concerned. Our manufacturers and our people who are trying to hire folks so they can become prosperous, so they can have good jobs, and so we as a country can compete internationally, are concerned. United

States manufacturers have found that 40 percent of all 17-year-olds do not have the math skills necessary to do the job for which they are hired; 60 percent do not have the reading skills necessary to do a manufacturing job. That is a staggering number. Over half the kids leaving our school systems come in to their work experience without the ability to do the job because they cannot read and they cannot do math.

Madam President, 76 percent of our college professors and 63 percent of our employers believe that a high school diploma is no guarantee the typical student has learned the basics necessary to function in our society, and specifically, in college and the businesses into which they are being hired.

We obviously have a very significant problem. I must stress this problem isn't a lack of money. As I said, we have spent $130 billion for title I kids over the last 35 years. We have also as a Federal Government dramatically increased our funding. This chart reflects how much we have increased funding for education generally in this country from 1950 to the year 1997—from about $10 billion to well over $300 billion in total expenditures from K–12.

This chart shows how much we are spending on our increases on children per pupil during that period. From 1970 to 1999, we see the increase per pupil went from $1,000 to well over $7,000 in this country.

The United States spends 6 percent of its national income on primary and secondary school education which is more than any other of those industrialized countries. Every one of these countries spends less of their gross national product for education than the United States, except Denmark and Canada. All the other countries spend less as a percentage of their national product on education.

It is not a function of dollars being spent. It is a function of what we are getting for our dollars that we are spending that is the problem.

Somebody else said it is a function of the teacher ratio; We simply have too many kids in the classrooms for the teachers to handle. There may be instances where that is the case. I think that is possibly true. But as a practical matter, when reviewing the statistics, it is hard to defend that position. In the 1960s, there were 26 pupils per teacher. Today there are 17 students per pupil in this country, on average. The President has said he wants to have 18 students to one teacher. That is the ratio he wants to reach. As a practical matter, 42 States in this country already have ratios which equal either 18 to 1 or better for the ratio of students to teachers. We know we have a problem, and it is very significant.

Some States have taken this issue on and made significant success. I point to Texas as an example. They have reduced their achievement gap by almost a third between the low-income kids and the high-income kids, and they have not done it by reducing the level of the achievement of the higher or the moderate-income child, the non low-income child. They have done it by raising achievement levels of the low-income child.

One might ask: How have they done it? Texas—and there are lots of other States initiating these programs, including Michigan, Arizona—has done it by being creative, taking a different approach with their kids by demanding achievement in most instances.

When we looked at this bill as it came to the committee for reauthorization, we looked at the statistics and said one thing we know is what we are doing is not working. There are a lot on the other side who are willing to defend the status quo. I am not. These numbers are staggering. We have had generation after generation of low-income children who have been given the raw deal in the way the Federal Government has addressed the issue of educating or trying to help educate them by assisting the local communities. Their achievement levels have not increased. They cannot do math, they cannot read, even though we have poured these huge amounts of dollars into trying to help them out. So we knew it was not working, the status quo. We knew those 79 programs that had come, originally, from 5 simply had not resolved the problem.

I guess they made a lot of people feel good because there is hardly a Member, especially on the other side of the aisle, who has served here for any length of time who does not have one of these targeted programs that is called something—something to help somebody somewhere that has his or her name on it so they can put out their press releases and go back to their States and say: I put out the "da-da-da" program which helps "da-da-da."

But the problem is, that has not improved the education of the children at all, especially the low-income children. So we, on our side of the aisle, said let's try to think of a better way to do this. We came up with a basic thematic approach. We said that, first, the programs we put forward should be child centered. That might seem obvious and everybody might say, of course, they should be child centered; it is education. Unfortunately, title I, the way it was originally designed and the way it functioned up until 1994, was not a child-centered program.

Title I was a school-centered program, an administrator-centered program. Basically, the money went to the schools. If you happened to be a low-income child, you may or may not have ever seen that money. If you happened to be a low-income child in a school system which had less than 35 percent of its kids being low-income kids, you were absolutely not going to see any of that money because none of that money could go to your school. So a lot of low-income children were simply written out of the system, and the money did not go to the children; it went to the schools. So we said let's have a child-centered approach where we are really looking at the children.

Second, we said title I has not accomplished its purpose, it has not improved the education of low-income kids, so let's put the emphasis on achievement; We especially want to see low-income children have their math and reading skills increased; We do not want to see them put into some aggregation where there is a claim of increase because they are part of an average; We want a disaggregated approach, so different groups within the low-income community are looked at independently.

Then we want those groups of kids to improve relative to everyone else. We don't want everyone else to be brought down; We want to see better math skills, better science skills, better reading skills for the low-income children so when they leave school, they can read and they can write and they can do math. So we decided we were going to have an achievement-oriented proposal.

First, it was child centered; second, it was achievement oriented.

Third, we came to the conclusion that maybe we do not know best here in Washington; maybe the local school districts do know what they are doing. I meet very few parents, teachers, and principals who really don't want good education. Almost everyone I ever meet who is a parent of a student or teacher or principal or superintendent really does want good education. That is why they have committed their lives to this exercise. So we said let's give the flexibility to local school districts so they can make the decision as to how to allocate the funds within their school districts and within their schools the way it will get the best results.

In order to give that flexibility we also said, fourth, that we want accountability. We want the local school districts in the States to show us the kids are achieving at a higher level. They have to be accountable.

So it has four steps: Child-centered, achievement, flexibility, and accountability. That is the theme on which we built this bill, or the ideas we put into this bill.

There was another approach which we took, which is a tactical approach. We said we do not know all the answers, unlike some on the other side who appear to think they do know all the answers. We said we don't know all the answers, we don't know what the States need and what they want, so we are going to give the States an optional approach. We are not going to say you have to do this in order to get the money, or you have to do that in order to qualify for the program. We are going to set out a series of options.

The way I describe it is it is similar to a cafeteria line. A State can go down that cafeteria line, or a local school district can go down that cafeteria line, and they can pick out the program which they think best suits their ability to produce the results for the low-income child, to enable that child to have a better school experience and to learn more.

We do not say you have to take any specific program. We do not say in order to get a new teacher you have to take class-size dollars, and if you take class-size dollars, you can't do anything but get new teachers. We don't say that. We say you, the State, can go down this cafeteria line, and if you like this program—and I will talk about them in a second—if you like Straight A's or you like portability or you like public school choice, you can just take that program and try it out in the context of an accountability system where you have to prove that you achieve the results of improving the quality of education for the low-income child.

But if you don't want any of those programs, if your educational community is so strong in your State and you believe you are doing such a good job that you want to stick with title I as it is presently structured out of all the different rules and regulations and all the categorical programs, you can do that, too. You can go right down through that cafeteria line, don't pick up anything, and get the same amount of money. If you take any one of these programs, you get the same amount of money. We are not going to affect anybody's ability to get the dollars the Federal Government is sending to them. They are all going to get the same amount of dollars, but we are going to give some States and communities an opportunity to have options.

It has outraged the other side of the aisle for some reason, the idea we would give options. Maybe it is because we are not demanding people do this. The approach we often hear, regretfully, from the Washington educational establishment is you must tell people what to do. We are not going to do that. We are going to say you have options and when you choose an option, then we are going to say you have to produce the results, yes, but you will have flexibility within that option to produce those results.

Let me talk briefly, because there is going to be a lot of debate about these items, about the four major options in this bill. There are also a lot of other good initiatives in this bill. The Senator from Maine put in a superb initiative in rural education that is going to help rural school districts be able to manage their Federal dollars more, but that is not controversial because it is such a good idea. Let me talk about the four items that basically set these themes in place.

The first, of course, is Straight A's. There are two different types of Straight A programs in this bill. One is the Governors' proposal; the other is pure Straight A's and includes title I. Essentially, what it says is we are going to take a bunch of programs, 14, 15 programs, and instead of having the money go to the States in a categorical way, the States will get the dollars from those programs in a group, and then they will have very significant obligations to meet accountability standards for having improved the achievement of low-income students as a result of getting those dollars—something which does not now exist. We will give them flexibility, but we will expect results. And low-income kids will learn.

This is a State's choice, by the way. The State does not have to take Straight A's. If the State doesn't think this will work for it, it does not have to take this track. If a State wants to take this approach, it can. But after taking this approach, it has to prove, after a reasonable amount of time, the kids are actually improving in their educational levels.

The second approach is called portability. Here we have tried to engage the parents in the process of becoming involved in the education of the low-income child. I think if there is one thing we all recognize, it is that parent involvement is absolutely critical to good education. This is an attempt to get the parents into the process. This proposal, essentially, says that instead of sending the money to the schools—as I mentioned earlier, if the school does not have 35 percent low-income kids, they don't get any money—instead of sending the money to the schools, we give the money to the schools, but we give it to them in relationship to the children who are in the schools so the money follows the child. It does not flow to the schools. Then the parent has the right to go to that school system and say: I am not happy with what my child is learning in this school. I would like you to put my child into an afterschool program or a tutorial program—not a private school; the child still has to go to the public school—but I would like you to put him or her into some sort of private tutorial assistance, or it could be public tutorial assistance, that may cost more money.

That is allowed today under present law, under title I, but it is not at the direction of the parents. The school systems make these decisions. So the parent has the right now to say: Take my title I money and allow my child to get some assisted learning at a Sylvan Learning Center or some sort of other outside assistance program. That is portability. The money goes with the child and the parents, although they never get the dollars, they do not physically have the dollars. This is not anything like a voucher, even though it is occasionally, by people who are really demagogic, being classified as such, but nobody with any integrity would ever call this a voucher because it is not—the dollars go to the school, and the school has control over the dollars. But the parent has the ability, if the parent decides to do so, to direct that these dollars be used to assist the child in additional educational support, something the school can now do but may not want to do, for whatever reason.

That is portability. Again, the most common attack we get on this—and it is legitimate—is: What happens? Under the present system, money comes together in the school system and the school gets to use it to benefit all the kids. It is not going to take control away from the school and their ability to benefit all the kids with these title I dollars.

Yes, it is; it is going to benefit the low-income kids. That is exactly what it is going to do. Remember, for this program to go forward, the school district and the State have to have made the decision this is what they want to do. So if the State and the school system come to the conclusion the best way to educate their kids is to use portability as an option, then they can apply for it, but if the local school district, the teachers, the principals, and the administrators decide this is not going to work, they do not have to apply for it; it is an option.

There are some States in this country that, obviously, are going to apply for it because they already use portability. Arizona uses portability for its State funds, and the city of Seattle uses portability for its State funds. It is not a new idea. I am sure it will be pursued by those places. It will be on the table and available to them if they want it.

Another area is public school choice. As I mentioned, in this country today, 7,000 schools have failed or are failing. What we essentially say is: If your child is in a failing public school—which can do a fair amount of damage to a child, to be in that school for 2 years—but if that school continues to fail for 2 years—and remember, failure is defined by the States, not by us—then the parent has the right to move that child out of that public school. If that public school fails for 4 years, then the parents have a right to move that child out of the public school and the public school system must assist them in the transportation costs of moving their child out of that public school, as long as it is a reasonable number. There is a contingency on how much can be spent.

Parents cannot move their children to a private school and get any support. This is a public-school-to-public-school choice. In other words, if a parent wants to move their child out of one failing public school, under this bill, they can move to another public school that they, as a parent, believe is doing better. Again, this is a process of getting parents involved. Equally, it is a process of putting pressure on the 7,000 failing schools.

Another area is teacher empowerment. This has already been attacked at some length from the other side of the aisle. I heard a commentary on this. There is a philosophical difference which reflects precisely from where the two different parties are coming. The President, the Vice President, and his supporters, have said: If you want to get more money from the Federal Government, you must use this money to add new teachers to classrooms; you must do it.

I do not know how AL GORE or President Clinton know that the town of Milan, NH, needs more teachers, but for some reason they think they do. I do not know how they know that.

Mr. COVERDELL. Will the Senator yield?

Mr. GREGG. I yield to the Senator from Georgia.

Mr. COVERDELL. On that point, I have been waiting for an opportunity to ask that the Senator clarify this. I thought he said the teacher ratio in 1960, going back 35 years, was 1——

Mr. GREGG. To 26; 1 teacher to 26 students in 1960.

Mr. COVERDELL. In 42 States, it is 1 to 18 or better.

Mr. GREGG. Nationally, the average is 1 to 17.

Mr. COVERDELL. Which is the timetable during which this data has gotten progressively worse.

Mr. GREGG. The Senator is absolutely correct. On a side point to which the Senator is making an excellent allusion, it is very hard to tie student-teacher ratio to improved student performance. Study after study has been done on this, and, as a matter of fact, the University of Rochester did a study of the studies done. There have been over 300 studies done on student-teacher ratio and whether or not that is a determinative event in the education of a child, whether the education of a child improves.

At the 17-to-1 level, it really is not. The University of Rochester determined the most determinative event was the quality of the teacher; surprisingly enough, it was not the ratio of the students to the teacher. If there is a teacher of poor quality teaching 17 kids versus 26 kids, the only advantage is 9 kids are not getting a lousy education. This study found it was the quality of the teacher that was the determinative event, which brings us to our point.

Under our proposal, we say to the local school districts: OK, if you need more teachers, if you want to reduce your classroom percentages, you can do that; you can use the money for that; but if you want to use it to improve your teachers' ability to teach, you can use it for that, too. Or if you have really good teachers and the marketplace is trying to attract them away from the school system—math and science teachers are in great demand in the private sector these days, as are a lot of teachers—then you can pay them a bonus to stay in the school system.

We took the teacher size categorical straitjacket the President and Vice President GORE proposed, and we put that together with the Eisenhower teacher training program and created the Teacher Empowerment Act, which essentially says to local school districts: You have the flexibility to use this to improve your teachers in any of three different ways: Add more teachers if you want; give your teachers better educational skills; or pay teachers a little bonus or incentive to stay in the school and teach if they happen to be people you want to keep on board. That is a difference of approach and a philosophical difference.

Those are four items that reflect the difference in our themes, and our themes, to reiterate, are these: We think, after 35 years, it is time we focus on the low-income kids and it is time we expect the schools in this country to deliver those low-income kids an education that is going to give them a shot at the American dream. Unfortunately, we have not done that as a society. The record is abysmal, and I have cited countless statistics to support that. What we expect is a program that is child centered, that is achievement oriented, that is flexible and has accountability.

I again congratulate the chairman of the committee and members of the committee who worked so hard on this. I look forward to the continuation of this debate over the next couple of weeks.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. I thank the Chair.

Madam President, we have before us this afternoon one of the most, if not the most important pieces of legislation we will consider this Congress, the reauthorization of the Elementary and Secondary Education Act. I thank those who have been involved in this process over the last number of months.

I regret at this late hour we are considering something as fundamentally important as the Elementary and Secondary Education Act. It is late in the spring. We have been allocated a few days on this. I guess we will have 3 or 4 days this week and maybe a couple days next week and then move on to other business.

I appreciate the fact we have some days here. Normally, with this issue, given its importance in the national agenda, we would spend a little more time on it. This is a 5-year program. We will not touch this again for 5 years. Unlike other matters which come up every year, this is a bill with which we deal once every 5 years.

I see my colleague present.

Mr. COVERDELL. Madam President, if the Senator will yield, I do not believe there is any predisposition as to the length of the debate decided between the two conferences. What the Senator outlines might well be the case, but it is certainly not predisposed.

Mr. DODD. I thank my colleague for telling me that. I hope that will be the result.

My point is, here we are on the first of May and our legislative year is winding down. Not that we have done much these last two years; with the exception of one or two things, the highlight of this Congress so far might have to be the renaming of the airport. And now after frittering away weeks on nominations and cloture votes on bills going nowhere, we are bringing up ESEA.

Perhaps this will change with this bill—if there is any bill that deserves our full and careful consideration, it is this one. Clearly, we should be able to afford more than a few days for the most important bill, the most important issue to the American public. We spent weeks on renaming the airport; our children deserve at least this much.

Madam President, how does this make sense? It is certainly not the way we have done education in the past. We have always had debates, but we have always been bipartisan. The 1994 ESEA passed with over two-thirds of our votes. Historically, education bills have come out of the committee as overwhelming bipartisan. At least in my 20 years on the committee—this may sound strange in this day and age, but we actually had elementary and secondary education legislation come out of the committee with unanimous support. It came to the floor of the Senate and was adopted almost unanimously. Elementary and Secondary Education legislation is not and cannot be about scoring points for the election—it is about scoring points for our future, our children. We must work together.

And there is much work to be done on this bill. But I do not think it is too late, Madam President, to come together around a good bill, a strong bill for America's children and schools. Let's take the time. And frankly, I believe hidden below a layer of crass partisan policies in the bill before us today, there are significant bipartisan initiatives already in this bill we can build on.

Senator DEWINE and I worked together over months to re-craft the Safe and Drug Free Schools and Communities program to make it more accountable and to focus the program clearly on programs of proven success and that is included here in this bill. I have also worked with the chairman of our Committee on some important but smaller initiatives in this bill—the Magnet Schools program, the Character Education Partnership initiative which I authored with Senator DOMENICI, the Civics program which I authored with Senator COCHRAN, the National Center for Gifted and Talented Education and initiatives to improve Title I's preschool services.

Unfortunately, these efforts did not carry the day. Instead bipartisanship was abandoned and we ended up with this product before us today. But, hopefully, before this process is over maybe we can come to some agreement on these issues.

As we start this effort, we should review some of the basic facts. There are some 53 million children every day who go to school in elementary or secondary schools in this country. Roughly 49 or 50 million go to school in public schools, and about 5 million go to school in private or parochial schools. So our primary responsibility, as a public institution, obviously, is to deal with public educational institutions, where almost 50 million of America's children go to get an education every day.

At the Federal level, we are responsible for about 7 cents on the dollar in education; 93 cents on the dollar for the education of our children at elementary and secondary schools is paid for by the States and local governments.

So when we highlight all the problems that exist in our educational system we should keep this seven percent in mind. There is no question we should certainly look at what we may do to contribute to any of these shortcomings. But frankly, it is less a function of what we do here, and certainly far more of a function of what happens in our respective States and communities.

That is a sad commentary. I do not like to make it. I wish it were not the case. But the idea somehow that the 7 cents from the Federal Government is the sole reason—sole reason—why 7,000 schools or 5,000 schools, out of the thousands, are failing out there, I think, is an unfair allocation of the blame.

We need to look at how we spend the $15 billion dollars of federal money we invest in schools. About $8 billion of that—half of it—is all in one program, Title I, which we distribute right back to the States and local communities through a targeted formula.

What we have tried to do, over the years, is to target this $15 billion of resources so it just does not become revenue sharing. I know there are those who would support that. I know there are those who would get rid of the Department of Education entirely and merely have Washington become a turnstile: Send your money here; send the money right back. You decide what you want exactly.

Some might say: I do not know why we bother with a turnstile. Some may advocate just offering an amendment to eliminate the Department of Education, eliminating the Federal Government's role all together and leaving the money at the State. That is a point of view. I disagree with it.

Our role is fashioning instead a national purpose, responding to national needs and leveraging federal dollars. I believe most Americans believe this is our role, too. They know education is a national interest and that we have national needs and concerns.

Improving the quality of education for our poorest children, that is a national need. I do not only concern myself with the well-being of a child in Bridgeport or Hartford or New Haven. Obviously, I worry about that as a Senator from my State. But I also recognize that my country suffers if, in fact, a child in Tennessee or Vermont or Georgia or Rhode Island or Texas, is failing in those States, then I think my constituency also suffers.

I hope that is not a radical thought, the idea that as a national legislature we are trying to determine what we can do to improve the quality of education of children across the Nation, not just in our own communities. That is a job of our local towns and our States. But as national legislators, with the importance the American public has placed on education, do we just make this a revenue-sharing program, or do we try to speak as closely as possible with one voice about such things as class size, the condition of the buildings in which America's children learn, whether or not they are getting the proper support they need in immigrant education, or in various other aspects of improving the quality of children's performance levels?

I do not think it is so radical a notion that we, as a national legislature, say that across the country these are things on which we would like to see improvement.

And with all due respect, Madam President, I believe we owe our children and our future something much better than the bill before us. What we have here is another missed opportunity to respond to the calls of children, parents, grandparents, teachers, mayors and community leaders for real support to accelerate the pace and progress of change in our schools.

There is no question, in its current form, the bill before us leads to gridlock and, at best at the end of the day, more status quo in our nation's schools. And the last thing our nation's schools need is more status quo.

The process of school reform began here six years ago in the last ESEA reauthorization. In 1994, we left behind forever policies based on low expectations for our children and on checking the boxes and measuring the inputs and revolutioned our policies to focus on high standards for all children, aggressive state-based school reform, accountability for results and responsibility for failure. And we have seen results.

I listened very intently to my colleague from New Hampshire talk about what has happened across the country in education.

If you are looking at 35 years, which he was, you get one set of numbers. If you are looking at the last 6 years, there is a different set of numbers.

Let me show you a chart of math scores on the National Assessment of Education Progress. These numbers challenge the notion that what we presently have in place is not working.

If you take what these numbers represent on the chart, the bottom numbers show the poverty levels in schools. So the first column shows the most affluent schools in the country down to the poorest schools in the country. In every single income category, there has been improvement.

One of the largest levels of improvement are in schools where the level of poverty is 51 to 75 percent. That is where the most dramatic increase has occurred. Even in the poorest schools there has been almost—not quite a doubling—but almost a doubling of improvement in math scores in the last 4 or 5 years or 6 years.

Let me quickly add, these scores are still not good. There has been improvement toward higher achievement—but we still have a long way to go before we rest on any laurels. But there has been improvement because of what we did in 1994 when we passed the Elementary and Secondary Education Act. And not just math scores are up. We have seen increases in reading achievement, particularly in the highest poverty schools, fewer dropouts, and more college attendance.

But there has not been enough progress. Too many of our schools are still failing—failing their students, their communities and us. I believe we must push for reform. Reform must be faster, better and targeted at those children most in need. The status quo is not an option for failing schools nor for federal education policy.

The question before us today must be how to accelerate reforms to increase student achievement further, to reduce the achievement gap, to build on the lessons we have learned and to focus our resources on programs that work. And what works?

As is often the case, it is the simple, meaningful things that make a difference: Smaller class sizes; investments in recruiting, training, and supporting teachers; modern, safe school facilities; after school opportunities that provide students with enriched opportunities for learning as well as safe, supervised care while their parents work; and, real accountability in federal programs.

These are simple straightforward proposals to accelerate the pace of reform in our schools. These are reforms that parents do not see as Democratic or Republican—they simply see them as gaping needs in their children's schools.

But instead of coming together around real change and reform, this bill does nothing to move schools forward. In place of increased accountability and resources, this bill proposes blocking granting programs currently focused on areas of national need and concern and transforming targeted programs into vouchers for private schools. Block grants, one of the central policy "initiatives" of this bill, are no prescription for change. Block grants offer no national purpose, no accountability, they lessen funding and decrease targeting. They simply support the status quo, more of the same.

When you just have a block grant—and I know there is an appeal to block grants—you cannot, on the one hand, be for block granting everything and then simultaneously demand greater accountability. If I just give you a check and do not say, by the way, if I am going to write this check for you, here are the areas in which I want results, then how do I get any kind of accountability at the end of the day?

I see my time is expiring, so I ask unanimous consent for 1 additional minute to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. If I just turn over a blank check to you, in effect, and at the end of the day say, I now want you to be accountable for it—and I have not demanded any kind of requirement where these dollars are targeted—then you get almost zero accountability. That was the experience we had for years. So we changed that—we focused on high standards for all children and accountability for results. We targeted resources and demanded a return on these investments.

What the present bill on the floor does is erase the bill of 1994, in effect, and goes back to the past when we didn't have the accountability and when achievement was sliding down rather than tracking up. We know block grants don't work; we have tried them before. They simply support the status quo. If that is good enough for you, then maybe this bill is. But in my view, this is not just good enough.

This bill also walks away from our public schools in supporting voucher programs that would funnel much needed public resources to pay for private schools. Madame President, public schools educate over 90 percent of the children in America. They are the foundations of our communities, our economy and our democracy. We must not, cannot, walk away from them like this bill does.

These policies are a recipe for failure for our schools—dollars funneled away and frittered away on the status quo, less accountability, less targeting to real need, less funding and more of the status quo. These policies are tired, timid and dangerous for our schools. Block grants and vouchers are proven failures—why should we waste our time, our schools' time, our children's time and our resources on them?

We will try to change that over the next 4 or 5 days in this debate. I believe there is still hope for this bill. America's children and parents are counting on it—and I look forward to rolling up our sleeves and getting to work. We owe them and our own futures no less.

I yield the floor.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Rhode Island.

Mr. REED. Madam President, I believe, pursuant to unanimous consent, I am to be recognized now.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. I thank the Chair.

This is a very important debate about the course of educational policy in the United States. It is important in many dimensions.

Typically, when we bring a bill to the floor on the Elementary and Secondary Education Act, much of our discussion is about the mechanics of the legislation. But this debate opens up broad philosophical topics which we are confronting in the bill that is before us and the alternative which Democratic Senators will offer.

There are basically two philosophies at play. The philosophy I bring, and that I share with many of my colleagues on the Democratic side, is that there is a very specific role for the Federal Government in education policy. First, we recognize the primacy of State and local authorities in the U.S. Historically, culturally, indeed, constitutionally, State and local authorities govern educational policy. There is a role, though, for the Federal Government. It is a role we have played robustly since 1965; that is, to encourage innovation at the local level while at the same time trying to overcome local inertia so that together with this innovation, which comes from below, and with support so we can overcome obstacles at the local and State level, we can improve the education of our children and their academic performance.

All of this leads to an approach which suggests that our role is limited and targeted, particularly with respect to low-income students, who historically have been denied the kinds of opportunities many other American children take for granted. Also, we have a role to reflect national priorities in educational policy, priorities that transcend local feelings, regional approaches, and truly create a national political and policy environment for education improvement. That policy has been established in Federal law since 1965.

Today, we are confronting another philosophy. That philosophy, stripped down to its core, is essentially revenue sharing. My colleague from Connecticut suggested as much in his remarks immediately preceding mine. That approach is to say simply that we have some money and let's turn it over to the States. Underlying that approach is the presumption that, of course, the States know what is best. But one of the ironies, again alluded to by my colleague from Connecticut, is that if you are justifying this change in philosophy and change of legislation by the fact that American education policy is failing, what sense does it make to give vast resources without conditions to those individuals and institutions which control this failing educational policy? The institutions that control educational policy are the States and localities. We contribute, from the Federal level, about 7 percent of resources. It is very limited and very targeted. Ninety-three percent of the resources are governed by State and local law.

So if American education is failing, who is responsible for this failure? And if the States and localities are responsible, why are we about to embark on a legislative policy which would simply turn over the money to them without any real check on how it is spent?

It is States and localities that determine how they raise funds. Through history, they have been wedded to the property tax. In fact, the property tax might be the most decisive reason why some school systems succeed and some fail miserably. But that is a local initiative, local policy, and local law. We wouldn't presume to change that. Yet that has a decisive effect on American educational policy.

Who certifies teachers? It is the States, not the Federal Government. If you are concerned about the quality of teachers in the classroom, don't come here and blame us for requiring poor teachers to be in a classroom. Don't come here and blame us for requiring shoddy school buildings. There is no Federal law that requires that. It is a combination of State policy and revenue measures that provide inadequate resources for many school districts.

All of these things are under the gambit of State and local control. What we have tried to do for more than three decades now is to find points of leverage in the system where Federal resources and Federal policies can make a difference to help spur innovation and to help overcome the inertia we all see at the local level.

This philosophical debate will rage for the next several days on this floor. It is an important debate. Again, I believe the policy we have developed over several decades makes sense, given the realities of educational policy in the United States. It recognizes the key role of States, but it is not an exclusive role. It recognizes that the Federal Government, in limited, targeted ways, can help improve educational quality in the United States.

One of the key issues—indeed, it might be the fulcrum upon which this whole debate turns—is accountability. All of those who propose that we turn over resources will argue: But we are requiring more accountability. I think this argument in some respects misperceives the accountability that has already been built into Federal education legislation and assumes the States and localities will act in all cases wisely and well, when in fact history suggests that under the pressure of local budgets, under the demands of local political forces, they can be as irrational sometimes as any policy dictate from Washington.

Over the last several decades, we have endeavored to improve the accountability of States and localities through principally the title I program, accountability based on student performance. Back in 1988, amendments to the Elementary and Secondary Education Act for the first time got away from the simple accountability for finance which ruled title I programs before and started looking at consequences for student performance, tried to begin to develop the notion of standards-based education and of holding States accountable for their title I students and the use of Federal dollars.

In 1988, for the first time, we started talking seriously about student outcomes and requiring evaluation of outcomes and improvement in student achievement in the context of the title I program. The first attempts back then were quite modest. The States were left to set the standards, and the standards were often set too low. There was no real enforcement of failure to conform to these standards.

Also, in 1988, and years subsequent to that, title I funds went to schools determined on the basis of low student achievement, not based on student poverty levels. As a result, there was this perverse incentive essentially to give more money to schools that were failing rather than to look at another dimension to measure how we could allocate funds. The amendments in 1988 set the stage for action that took place in 1994. That was the Goals 2000 legislation with which, as a Member of the other body, I was deeply involved. And here we began to build on a bipartisan effort, which was begun by President Bush in the context of his educational summit, to develop goals for education in the United States as we approached the new century. The Goals 2000 legislation tried to build on those goals.

One of the key elements was to try to, once again, enhance the accountability for the Federal dollars going to the States and the overall performance of the States. Part of the sensitivity to accountability and to what was going on in the States was a result of books such as Jonathan Kozol's book, "Savage Inequalities," which painted a very bleak picture of programs, particularly urban education programs, and the distinct disadvantage that low-income students, despite title I funding and State efforts, were still suffering in the 1980s.

Also, at that time, there was a range of court cases. The most notable was in Kentucky, where the whole school finance system was challenged as being inequitable and inefficient. In fact, Kentucky's supreme court declared the financing in Kentucky schools to be not supportable and unequal and something that had to be changed. As a result, Kentucky took the lead in developing an equalized financing program and comprehensive reform, and other States acted at the same time, such as Massachusetts, Arkansas, and Tennessee. So this effort was ongoing throughout the country.

In the context of Goals 2000, there was an attempt to develop performance standards and the opportunity to learn standards, where for the first time we were talking about the resources necessary for schools and, most important, for children, to succeed. This was based upon the commonsense notion that a child who has a teacher who is unqualified and teaching out of their subject area, a child in a program where there is inadequate facilities, a child that is not able to participate fully in activities and advance in classes that are common, indeed routine, in the suburbs, that child is not going to be able to succeed as well as other children. We pushed very hard to simply require the States to answer a fundamental question: After you have identified a school that is failing, based on these outcome standards, what will you do?

Frankly, my amendment, which was focused on this effort, caused intense opposition because when you come down to the crunch, and try to ensure schools are performing, there is innate opposition from States and localities—they recognize tough actions will be required on their part, and there is a natural tendency to resist those types of tough decisions. In fact, not only did my Republican colleagues in the other body object, the White House also objected to the scope of the accountability that I envisioned. We moved forward with a concept at least. It was moderated a bit in the final legislation. It required that within the plan for applying for Goals 2000 funding, the States would indicate in a modest way what they proposed to do with respect to schools that were failing and systems that were failing.

Despite all of this discussion about accountability, Goals 2000 does represent progress on voluntary standards and also an enhanced sensitivity to the notion of making sure that programs work and are accountable. Since its passage in 1994, over $2 billion has been dispensed. Every State has participated, in a way. It has been useful in helping to stimulate reform, to raise standards, and to try to develop evaluations and assessments so we can know where we are in education policy and improve education throughout the United States. That is an example, in many respects, of how we can use Federal legislation to help move forward the education agenda. I think it is a very powerful example.

Contemporaneously with Goals 2000, in 1994, we reauthorized the Elementary and Secondary Education Act, which we are beginning to discuss again this week in the Senate. In 1994, we focused on ways in which we could enhance the effectiveness of title I. We made progress in streamlining the approach to title I, eliminating what we thought were unnecessary regulatory burdens on school systems, but at the same time focusing on high-quality standards and the notion that every child can learn, and that title I is not simply a program to placate students, teachers, and parents; it is a program to give them a real chance to succeed—and the development of assessments that would measure the progress of students.

We tried to target the resources more closely to low-income schools and school systems because one of the criticisms of title I is that everyone seemed to get a little piece. When the authorization came to the floor, it was everybody trying to fight to make sure their system—be it a poor or a suburban, middle income school system, or even a rich, exclusive school system—got their little piece of the action.

We did target, much more appropriately, the title I program. Also, again, we thought about corrective action, how to move this system forward, how to identify schools that are failing, and how to make those schools appropriately competent to teach children.

I offered an amendment to allow States to take corrective action against any district identified as needing improvement and require such action during the fourth year following the identification. My amendment also gave a list of remedies the States could use. This amendment was incorporated in the final version of the act. In fact, it is this legislation that, for the first time, has allowed us to identify schools that are not succeeding based on State standards. Back in 1996 and 1997, it was estimated that there are 1,500 LEAs and about 7,000 schools that are not succeeding based upon their State standards. The States have the authority—and, in fact, under title I, they have the obligation—to take corrective action.

I believe all of this is an appropriate introduction to suggest that we are, in fact, dealing with many of the issues that are prompting the debate we have today—this notion that we are not paying attention to accountability, this notion that schools in America are failing. In fact, I suggest that because of the steps we took, starting with Goals 2000 and the last authorization of the Elementary and Secondary Education Act, we are beginning to see progress. As Senator DODD indicated in his remarks, if you look at the statistics, we are seeing increased performance in student mathematics achievements, as measured by the National Assessment of Educational Progress, showing that all three age groups—4th grade, 8th grade, and 12th grade—have shown progress.

Indeed, black and Hispanic students have made significant gains, and since 1982, racial and ethnic difference in achievement have narrowed. Science achievement has also improved. We are also seeing increased numbers of students taking high-level courses, such as algebra II, trigonometry, chemistry, and physics. That is good because this level of effort is so important to our educational progress. The selection of tougher, more demanding courses, once again, cross racial lines, so that we are seeing all of our students take more challenging courses. So in one sense, what we are doing is working.

But in addition to this progress, last year we went further and adopted the Education Flexibility Partnership Act because we were listening to the complaints and comments of those who said: Listen, we have to unburden even further these Federal education programs.

Ed-Flex, however, has not exactly been overwhelmingly embraced in the country. There was an article in the Washington Post a few weeks ago and, by coincidence, the commissioner of education of Rhode Island, Peter McWalters, stated, "I can get the flexibility I want under the current opportunities." That was his reason why he was not interested particularly in the Ed-Flex approach. It exists nevertheless. So those who claim the reason we must essentially create block grants for the States is because they don't have flexibility are ignoring the fact that we did, indeed, pass the Ed-Flex legislation.

Also, as indicated by the Center on Education Policy and the Institute for Educational Leadership, most State and district school administrators fail to understand the inherent flexibility that already exists under Federal law. They see it as barriers to change when, in fact, there are no real barriers. For example, the Department of Education reported that of the 617 waiver requests processed by the fall of 1998, over one-third weren't necessary because the local schools already had the authority under Federal law.

One of the other factors in this issue of flexibility and appropriateness of Federal legislation policy is the irony that many States' rules are more restrictive than the Federal Government's rules. One-third of the States do not allow districts to consolidate administrative funds, even though Federal law allows them to do so. Federal law allows students to operate title I school programs to combine funds for many Federal education programs. However, some States require schools to account for all programs separately.

A lot of the purported burden of Federal rules is really a consequence of State rules, which in some cases are not as flexible.

All of this suggests very strongly, at least in my mind, that we have embarked on policies which are beginning to show some promise and which have already instilled significant accountability devices within the law that are targeted to national purposes and compensate for policies and programs at the State level which historically did not reach low-income children particularly and others who are typically without a voice in many local communities.

But having said that, we approach this reauthorization with a common commitment and a common understanding that we have to do much more. If you look within the United States, we have made some progress. But if you look around the world, we are still not at the level we need to be. If you look at international assessments, our 12th graders score below the international average in math and science, and achievement gaps still remain between minority and nonminority students. We have closed the absolute difference. But those gaps still exist.

In 1998, for example, 32 percent of students in the highest poverty schools met or exceeded the National Assessment of Educational Progress basic level in reading. But that is only half the rate nationally of students in public schools. Dropout rates are much higher than the African American and Hispanic community than the overall level. We know we have to do more.

We also know that as a result of local policies, 30 percent of all math teachers are teaching outside the field of their academic preparation, and that percentages are higher in other academic areas, as well as in high-poverty schools.

Once again, let me emphasize that this is not a result of Federal policies. That is the result of local hiring practices. That is the result of local certification processes. That is the result of decisions made not in Washington but in State capitals and cities throughout this country. Yet we have a national obligation and opportunity to try to assist the States to change the disturbing statistics.

We also want to insist again that we have appropriate outcome-based standards for measuring performance of young people and making sure as best we can that the States are meeting these obligations. We should do that.

The approach this legislation before us takes is an approach that essentially is moving away from all of this and saying simply let's create block grants, turn them over to the States, and let the States operate as they have in the past and as they will do without these specific Federal conditions and guidelines.

There are two variations within the legislation. There is the 50-State Straight A's. Then there is the 15-State Straight A's pilot program, if you will, sponsored principally by Senator GREGG of New Hampshire. But all of these approaches lack the quality and the emphasis that I believe is necessary to continue the progress we have made to date and to continue our appropriate robust Federal role in education policy.

According to Amy Wilkins, who is with the Education Trust, an organization that promotes higher achievement for poor and minority students, I quote:

> The accountability provisions in Straight A's are meaningless window-dressing. The goals are too low, the time lines are too long, and the sanctions too inconsequential.

In fact, Straight A's might take us way back before Goals 2000, and the last reauthorization where we, as I suggested in my remarks, took very strong steps with respect to accountability. In fact, some of us would have taken even further steps to improve accountability for Federal dollars going to States to assist States overall in improving their educational processes.

We have seen since 1988 attempts to increase accountability. In fact, if you go back before 1986, it might reveal how States would react to this new freedom that perhaps they may receive under this bill, an even more chilling scenario.

My colleague from Massachusetts, Senator KENNEDY, pointed out earlier in the day some of the excesses we found when essentially the title I program was a block grant with very few constraints. Money was being used to build pools. Money was being used to buy band uniforms. Money was being used for anything that the ingenuity and imagination of a good school administrator could think of, given perhaps the fact that the local community wouldn't fund it. But here is this Federal pot of money, and I am ingenious enough to use it anywhere I can.

We might be headed in that direction once again, although history has moved on a bit. The pressures at the local level are still there. The budget pressures for school, the pressures to do things, and the limited money to do them are still there in every school system.

The Straight A's program and the Straight A's scheme as proposed by Senator GREGG would block grant funding to the States. We know in a general way that block grants usually end up with a lack of accountability and with a diffusion of purposes. We have seen this in the maternal and child health care block grants. That has been documented by outside observers, such as the Center on Budget and Policy Priorities.

My fear is essentially that we will head in the same direction with education funding.

First I want to make comments about the 50-State Straight A's.

It eliminates the targeting of funds to the truly most needy children in our country—migrant children, children of immigrants, and homeless students. Programs for these children are rolled into the larger block grant.

It also would allow the States to proceed with an experiment for 3 years after which the Secretary of Education could terminate an agreement if there is a determination that student achievement has "significantly declined." Once again, what they mean by "achievement" is if the States are deficient. I expect, given history as a benchmark, that States are not going to challenge themselves too much, that their achievement is going to be modest at best, and it is going to be awfully difficult to determine what "significantly declined" means in fact.

If the Secretary makes this determination, he has to wait at least 2 more years before he or she can come in and put leverage on the States to improve significantly.

In the meantime, you have a 5-year cohort of young people who are moving in a system that might be headed precisely in the wrong way, and there is very little we can do to change direction.

The other aspect of the 50-State approach of Straight A's is that the State offers to participate in this block grant. The accountability provisions, which as I indicated before are rather insignificant, really apply only at the State level. A State could demonstrate improvement according to their own definition. But they could do so by simply aggregating the statistics statewide.

Once again, you have laws that focus on children who have always been a part of our efforts at the Federal level—low-income children who are historically disadvantaged. The goal of the States is performance goals. Very limited local, let alone Federal, participation is provided for in creating these goals.

In some respect, it might be the fact that the authors and proponents recognize that local communities might be struggling with reform, and we have to put it someplace. They have chosen the State level.

But that undercuts the argument we all make on this floor that local control is paramount because the way this legislation is structured, the States would be a decisive force in determining the goals and determining the proper use to achieve those goals.

There is language, of course, to close the achievement gaps. But there is no real requirement that these gaps be closed. We could conceive of progress being made even though we still have significant disparities between racial and ethnic groups. Parents are not incorporated in the process as they should, in my view; that is, in the Straight A's, 50-State process. If you move to the 15-State version, that is even more objectionable from the standpoint of targeting, from the standpoint of accountability, and from the standpoint of having an appropriate Federal-State collaboration on issues that are important to us in terms of educational policy.

In fact, targeting of federal funds to schools with the neediest students would no longer be required. It is also a 5-year program, with very little control in the States for 5 years. States get to do their thing for 5 years.

After 5 years, there is no real penalty, if the States are not doing well. The only time the Secretary could step in is if there were a lack of substantial progress. Once again, the States are defining what "progress" is, and I am sure they will not raise the bar too high. That has been my experience. And I think States keep the bar low because that helps them assure, as best they can, they will be successful.

It would also not require that all students in the State be incorporated in the assessment. "All students," as defined in the 15-State version, simply means all students attending public or charter schools that are participating in the State's assessment system. The State could say, we are not assessing these children, and in effect exclude a number of children from the assessment and, consequently, from their evaluation of overall performance.

Then the money could be used for "any elementary and secondary educational purposes permitted by State law," which could be vouchers and other programs which would undermine seriously not only Federal education policy but public education in general.

There is a different approach to these two block grant proposals, an approach that will be involved in the Democratic alternative. The key element of that is the accountability provision Senator BINGAMAN is introducing and I am cosponsoring. It builds on the record of accountability I talked about before. It maintains current targeting toward disadvantaged students and requires a single system of accountability so you don't get into the fight between title I students and other students. It specifies goals in terms of disaggregated populations, and it requires the States to set specific numerical goals.

So we are not talking about substantial progress or significant progress. We are talking about picking a goal, working towards it, and having a more objective measure of whether or not you are going to make that objective.

It also requires the identification of those populations of students who are not part of the State assessment so they cannot game the system as under the 15-State Straight A's proposal.

It establishes significant consequences if the States fail to respond. It requires States and districts to undertake corrective action in those situations where the schools or the school systems are not performing. It informs parents by having report cards for parents, so they know what is happening. They know if their school or school system is under a corrective action.

In effect, it does what I think we all want to do. It provides not only the context but the consequences so that States will begin to improve or build on the improvements taking place in education throughout this country. We will begin to see not just progress domestically but in those statistics internationally, which is at the heart of so much of what we have talked about over a decade or more.

We have a lot to do to ensure our education policy is moving forward. I believe very strongly that the approach adopted in the bill before the Senate, the two block grants, will not do that. I think it walks away from our commitment, particularly our commitment to low-income students.

We know from statistics that seven times the resources of the Federal programs go to low-income students than State programs. We also know as we turn money over to the States, fully a third of the States are embroiled in debates about how they spend the money themselves.

In my home State of Rhode Island, the State is being sued by suburban communities who claim they are disadvantaged, that they don't get enough State money, while at the same time, of course, in the urban centers such as Providence and Pawtucket, there are 40 languages in the school system and they have tremendous problems with new Americans coming into the school system. They need more and more resources for more programs to deal with populations that didn't even exist in my State 10 years ago. This clash goes on and on.

It suggests to me that the States have real problems themselves deciding how to allocate resources. Citizens of many States are complaining bitterly about how it is done. Yet in Straight A's and the 15-State variation of Straight A's, we propose simply to turn over the keys to the State and say: Do what you will.

I don't think that makes for good policy.

We also know if you look at block grant funding, it historically declines. In 1981, we created block grants from some education programs, and a few years later those programs declined significantly by 12 percent. That is an example of what happens when we put things in a block grant. The support for the programs dissipates over time. We will find ourselves, particularly if we encounter a difficult budget year at the Federal level, where this block grants approach does not yield the kind of resources upon which States have come to rely.

We have a lot to do to ensure our education money is spent well, spent wisely. I think we have taken appropriate action over the last decade to ensure accountability—not just for financial resources but also for outcomes, for student progress. We have to continue that. We certainly don't want to go back to the days when school systems, particularly in the late 1960s, were spending this money willy-nilly because there was no accountability. We have examples replete from programs I mentioned before.

In the late 1960s in Claiborne Parish, LA, they were building outdoor swimming pools. In Benton County, MS, title I funded a 6-week course in homemaking for 11th- and 12th-grade black girls at the old Salem School, an all-black school. The homemaking course was conducted in private homes 3 days a week for 4 hours each day. At the same time, at the white high school, they were providing a summer school program in English. A report done at the time suggested the young black women were essentially being trained to be domestics, while the title I white children were being trained how to read.

That might be a relic of history which in the new century is a quaint anachronism, but it shows in particular places with particular pressures, unconditional block grants could lead to results of which we would not be particularly supportive. I think we can do better than that.

I do not suggest this was a phenomenon in one region of the country. In Massachusetts, in the same report, although they had a significant minority population in the Boston public schools, they were turning money back because they could not use this title I money. That suggests to me, if they didn't want to use it, they didn't want to engage in a serious way to improve every student's output.

We have before the Senate an opportunity not to avert our attention and our efforts from school improvement, not to walk away from public education, but rather to engage in a serious debate of how we can improve existing Federal programs, how we can infuse these programs with more purpose, how we can go ahead and prevent local pressures and local priorities from overcoming what should be a national priority—improving the education of every child in this country.

I look forward to this debate as it ensues. I look forward to ensuring we have a vigorous debate on our policy. In the course of this debate, we will offer amendments to try to improve the legislation. I hope we will enter this debate recognizing what we have done over the last decade, the fact that progress is being made, the fact that this progress is insufficient, which should cause us not to abandon our approach but to strengthen, reform, and improve it.

I ask unanimous consent to recognize Senator MURRAY after Senator BUNNING gives his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

In accordance with the previous order, the Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, this week we begin the debate on the Elementary and Secondary Education Act, probably the most important Federal program dealing with education in the Nation.

The Program needs to be reauthorized and that gives us several options. We can tinker around the edges, make a few changes, put more money in the pot, and maintain the status quo, or we can use this opportunity to reform the program and try to make it better.

As far as I am concerned, if you look back over the past 35 years, the choice between these two options is fairly clear.

Since 1965, the Federal Government has spent more than $120 billion on title 1, the largest Federal education program at meeting the needs of disadvantaged students. Despite this tremendous amount of money, the performance of disadvantaged students continues to decline—77 percent of children in high-poverty urban schools are reading "below basic."

Test scores of 12th graders in math, reading, and writing have remained stagnant or have declined over the last 30 years. Fourth grade students in high-poverty schools remain 2 grade levels behind their peers in low poverty schools in math. In reading, they remain 3 to 4 grades behind. The achievement gap is now widening instead of closing.

Half the students from urban school districts fail to graduate on time, if at all. Seven thousand schools are failing according to current accountability standards. Many have been failing for 4 to 6 years, some have been failing for as long as 10 years. These schools continue to receive Federal funds.

It is clear that the Federal education effort is failing, and it is equally clear that our schools around the Nation are forced to pay a heavy penalty for the Federal funds they do receive.

Burdensome regulations under the current Federal system have a heavy price tag. We keep talking about the need for more teachers but fewer than 50 percent of the personnel employed in 1994 were teachers. Because of unnecessary Federal regulations, administrative staffs continue to grow every year. Compliance with Federal rules and regulations cost States millions of dollars, and millions of man-hours each year.

The Federal Government only provides somewhere between 5 and 7 percent of local school funding, but it demands as much as 50 percent of all school paperwork. That means 49 million hours—or 25,000 employees working full time—are spent each year working on redtape and paperwork—not educating children.

Based on the facts, it is patently clear that status quo is not enough. We need to reform, we need to overhaul this Federal education program. It is not working the way it is supposed to be. It is not getting the job done. And the bill before us this week does include some major reforms.

This bill takes up where the Ed-Flex bill that we passed last year left off. It would increase flexibility and local control, allowing educators and teachers and parents to make the decisions about local education needs rather than Federal bureaucrats.

What would best serve the students in Louisville, KY might not be the same thing that is needed in Williamsburg. Individual communities have different needs. Individual school districts differ—and their needs differ.

We need to give local educators and parents the freedom and the flexibility to develop local solutions to local needs without handcuffing them to one-size-fits-all solutions designed in Washington.

We clearly need to reduce the cost of compliance with Federal regulations so that the money we provide actually makes it to the classrooms instead of being frittered away on paperwork and regulation. We need to let teachers teach, and school administrators and parents design programs that work. This bill does just that in several important ways. Flexibility, accountability, and portability.

It includes a 15-State demonstration project called Straight A's which would give States that choose to participate considerably more flexibility in how they use Federal funds. It would allow States to consolidate up to 12 Federal formula grant programs and integrate that Federal money with State and local funds to serve their children.

This bill would also establish "performance partnerships" that all the

States could participate in. It too, would offer States greater flexibility in how they spend Federal education funds in exchange for accepting new accountability standards.

This bill also contains provisions which would exempt small, rural schools with small student populations from several formula grant program requirements and give them the flexibility to target Federal funds so that they best meet school district's needs. But hand in hand with flexibility, there must be accountability. These new programs established in this bill require that in exchange for this added flexibility, the schools must meet certain standards. They must get results. This bill would reward States that close the achievement gap between the highest and lowest performing groups of students.

States not the Federal Government, would have to establish specific goals for improving performance of all students, and parents could find out whether their children's schools were meeting those goals because States and local school districts would be required to issue report cards on school performance. We have that in Kentucky, thanks to educational reform. I think parents around the Nation deserve to know which schools are educating children and which are failing.

Finally, this bill gives parents an opportunity to do something about it, if their children's school is not getting the job done. It gives them an opportunity to send their children to a different school—one that is getting the job done. This bill creates a demonstration program which will allow States to make title I funds portable—so that the money follows the student. Too many disadvantaged children are trapped in failing schools. This bill would allow children to escape.

The bill requires a school district to offer any child enrolled in title I school that has been designated as failing for 2 years, the option of transferring to another higher performing public school.

Flexibility, accountability, and portability—these three elements are essential ingredients of the kind of reform that is necessary and all three of them are incorporated in this legislation.

I urge my colleagues to support this measure. The status quo is not working. It has proven that red-tape and regulation are not the answer—that more money alone is not the answer.

Let's try something new: flexibility to let our teachers teach; accountability to require our schools to get results; and portability that will give parents more control of their children's education.

I congratulate Senator JEFFORDS and his staff and the committee for the great work that they have done on this bill. As we debate this legislation over this week, and probably into next, I want everybody to come to the floor and debate the issues that are in this bill because this bill is good for kids' education, and that is what the money we send back to the States should be used for. I yield the floor.

Mr. JEFFORDS. Madam President, I thank the Senator for his excellent statement. I know Kentucky has been a leader in this field. I appreciate Senator BUNNING sharing his experience.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, today we are beginning a vital education debate. It is a debate in which every student, educator, and parent has a stake. Schools across America are making progress, but we cannot be satisfied with the status quo. We need to build on that progress.

As we begin this debate, I am optimistic. We have the opportunity to help students across our country. We have the opportunity to invest in things we know work and to make sure every student can reach high standards.

I am optimistic, but I am also realistic about the way the majority has handled education this year. While I thank Chairman JEFFORDS for his genuine continued efforts to keep this a bipartisan process, I have to be realistic because, in the end, this has been a sharply partisan process, and the bill before us proves just that.

In committee, I worked with my Democratic colleagues to improve this bill, to make sure we kept our commitment to reduce overcrowded classrooms and to make sure that vulnerable students were protected. Unfortunately, my amendments, along with most of the Democratic amendments, were defeated on party-line votes. As a result, this bill is a flawed bill, and it will hurt students, but one would never know it by listening to its authors. I urge my colleagues and everyone who cares about public education to listen carefully to what you hear the Republicans say in this debate and also to listen for what you do not hear them say.

The rhetoric the proponents of this bill are using does not match the reality of the bill. First, they talk about local control, even though this bill reduces the control of local educators by giving all the choices to State bureaucracies. They will talk about local control, even though their bill adds an extra level of bureaucracy.

Next, they will talk about flexibility and suggest that Federal dollars are not flexible, but education dollars, such as the title I program, today—right now—give local educators great flexibility. In fact, one could walk into a dozen title I schools and no two schools will be doing the same thing with that money because this program today is flexible. Decisions at the school and district level are being made today.

We will hear them talk about accountability, even though their bill would experiment with students' futures for 3 years before there is any measure of accountability. That is 3 full years where kids will fall behind.

Finally, they talk about helping poor students, even though their bill eliminates—eliminates—the guaranteed funding those students rely on today. My colleagues will hear them talk about things that are much different from what their bill actually does. Their rhetoric does not meet the reality of this bill.

Just as important, there are many things my colleagues will not hear them say. They will not talk about funding cuts, but as history has shown, when specific programs are combined into a block grant, they end up with fewer resources. Block grants will mean fewer dollars for the classrooms next year.

They will not talk about how their bill will cut the lifelines that target funding to students who are homeless or neglected or of migrant workers.

They will not talk about how their bill will let public taxpayer dollars be diverted to private and religious schools.

They will not talk about those things, but those are the consequences of this bill. Their bill goes in the wrong direction, and students are going to lose out.

Instead of making sure that every student has a chance to reach high standards, the Republican proposal before us makes it easier for kids to be left behind. Instead of ensuring we reduce class size, the Republican proposal abandons our national commitment to give students less crowded classrooms.

Instead of making a national commitment to improve teacher quality, the Republican proposal fails to provide funding for professional development.

Instead of ensuring that we invest in the things we know work, the Republican proposal abandons accountability, writes a blank check to State legislatures, and hopes for the best.

That is not a responsible education policy. That is throwing their hands up in the air and walking away from proven methods for helping our students achieve. The Republican proposal goes in the wrong direction, and it will leave students behind.

I have been traveling around the State of Washington meeting with parents, students, and educators. I have visited high-poverty title I schools, and I have visited school districts large and small. As I have been able to discuss how these policies will actually affect what is happening in the classrooms, almost every single local educator has urged me to fight this approach because they know it will hurt their students.

I have come to the Senate floor today to show the American people what is at stake because they have a clear choice on how to improve education. On the one hand, we have Democrats who know that, while some schools are making great strides, we cannot be satisfied with the status quo. We believe the way to improve public schools is to invest in the things we know work, the things that are proven to help kids learn the basics in a safe, disciplined environment.

We believe we should make a commitment to reducing class size by hiring more teachers, improving teacher quality, making sure we have safe and modern school facilities, and making sure children have safe educational opportunities after school.

Educators, parents, and students themselves have told us these are the programs that make a difference in their classrooms, and that is why we want to make sure there are specific dollars behind those programs. That is what the Democrats are offering.

Republicans go in the exact opposite direction. They say we should have no priorities. They do not want to make any commitment to the programs we know work. They do not want to make sure every student in every part of this country can benefit from smaller class sizes and improved teacher quality. It is as if Republicans have forgotten the history of our national education policy, and by ignoring that history, they are making the same mistakes again and moving us back to a time when there was less equality in education.

One of the reasons this legislation was passed in 1965 was to ensure that every single child had great educational opportunities. Unfortunately, before the Federal Government became a partner in education, too many young people did not get the educational resources they deserved. That is why, in 1965, the Congress and the President enacted this monumental legislation, the Elementary and Secondary Education Act, which we are debating today, to focus resources on the students who were left behind and to help us set and meet national priorities.

We are making progress in improving America's schools. More students are staying in school and taking challenging courses today. SAT and ACT scores are up, dropout rates are lower today than they were 20 years ago, and college attendance is at an all-time high, and is increasing for all students, especially minorities.

We are making progress but we can't be satisfied with the status quo. But today, some in Congress want to risk letting vulnerable students fall through the cracks.

So as we reauthorize this legislation, we must stay true to its most basic principle—that no child is left behind. But as we worked in committee on this legislation, I watched as the majority moved away—far away—from that very basic principle.

I would like to mention that—according to the Republicans—the Straight A's part of their bill is based on the policies of one State. And guess which State it is. It is Texas.

Now I happen to like the State of Texas, and I know Texas educators are as good as any in America. But there is only so much they can do with the bad policies they have been given.

After all, Texas ranks 45th in SAT scores. That is at the bottom of the pack. In Texas, minorities are twice as likely to drop out of school as white students. Texas schools have some of the Nation's highest dropout rates—which, by the way, makes the test scores of the remaining students look higher. Texas, after all, is a State that doesn't even require kindergarten. A recent Washington Post article noted that many education experts have concluded the "Texas Miracle" is more of a mirage.

We should base our national education policy on the things that we know work around the country—drawing success stories from educational innovators in every corner of the Nation. And we can do better than the one state the Republicans chose to highlight with this bill.

I would like to spend a few minutes talking about what these Republican block grants will mean for students because block grants could hurt America's most vulnerable students.

Today, many Federal education dollars are targeted to the students who need them the most. This ensures that money intended for poor students actually goes to poor students. It is a responsible, accountable way to meet the specific needs of students who would otherwise likely be left behind.

But the block grant proposal before us would allow those dollars to be used for any educational purpose—completely abandoning the targeting that ensures poor students get the help they need.

Recently, here on the Senate floor, one of my colleagues described the requirements that Federal dollars can only be used for specific purposes—as "strings."

Let me read you his entire quote. He said:

> On the other side of the aisle, they want to have a string running from every desk out to every classroom in America; 30,000 strings running off the desks, and pull a string here and there so every classroom in America has to fall into exactly what we outline in Congress.

My colleague calls the targeting of these dollars "strings." I served on a local school board. I think it is a good thing that hard-earned taxpayers dollars intended for a specific purpose actually go to that specific purpose. It is responsible, and it is accountable.

Now I do agree that some Federal programs require too much paperwork and that we can't accept the status quo in education—but the overall idea that money intended for kids in need actually goes to kids in need is vital.

Let me give you an example. Recently, my office received a letter from Brenda Pessin. She directs a program that helps students who are migrant workers. These students rely on Federal education dollars targeted to meet their needs. Ms. Pessin—as director of the ESTRELLA program of the Illinois Migrant Council, wrote to me:

> After many years of working on the program, I can say without question that it is truly a lifeline for migrant children and their families. There is simply no way that the essential services provided by the program to this special population—with such unique needs—will be continued under a block grant.

My colleague calls them "strings." But according to Brenda Pessin—who sees every day how these programs help vulnerable students—they are "lifelines." I am inclined to listen to Ms. Pessin.

I want everyone to understand what these proposed block grants would do. They would cut the lifelines to vulnerable students.

Let me say that again. Block grants would cut the lifelines to vulnerable students.

If you look at this chart, shown here is a targeted Federal education dollar. It is surrounded by some of the services it guarantees for vulnerable students.

Shown here is an uncrowded classroom.

Shown here is transportation so homeless students can get to school.

Shown here is money targeted for technology training.

Shown here is extra time and attention from a qualified teacher.

And over on this side of the chart is shown two real students who depend on these programs and who represent hundreds of thousands of other students.

Shown up on top of the chart is Nikki. Nikki is an 8th grade student in Pennsylvania who is homeless. She is normally an A and B student but she was falling behind in two classes and at risk of failing 8th grade.

Fortunately, today we have a lifeline—shown right here on the chart—going to homeless students. It is called the Education for Homeless Children and Youth program. It is money the Federal Government sends to States with the requirement that it be used to help homeless students. This program provided the funding Nikki needed to get extra help in the classroom and to buy the school supplies her family couldn't afford. You know what. Today she is doing much better in school.

Nikki is not alone. There are between 600,000 and 1 million homeless students nationwide. Most States and localities provide no money for homeless education. In fact, currently the Federal

Government only provides enough money to serve 37 percent of homeless students.

So right now we are not doing enough to help these vulnerable students, but at least today we know that the dollars targeted to homeless students are homeless students.

If that targeting was taken away—and that money could be used for anything else—who knows how students like Nikki would get help?

Block grants would eliminate the guarantee we make to Nikki right now. Now I am not suggesting that States would misuse the money—but wouldn't you rather keep our commitment to Nikki?

Wouldn't you rather know that—no matter what happens—the Nikki's of America won't be left behind?

We know that before we had a Federal commitment, homeless children were left behind.

That is why I am fighting to keep our commitment that money for homeless students should go to homeless students.

Block grants would cut this lifeline to Nikki and the more than half a million homeless students like her.

Down here on the chart is shown Ancelmo. Ancelmo is just finishing high school in the Yakima Valley in Washington State. When Ancelmo was growing up, his parents were migrant workers. They moved around several times a year in search of work, and Ancelmo had to change schools every time his family moved. Just as Ancelmo started to make a connection with a teacher, and began to feel comfortable with his classmates, he was moved away to another school, in another town—through no fault of his own.

Unfortunately, sitting in a classroom is not always an option for migrant students like Ancelmo. As they grow older, their families begin to rely on the work they can do. Many migrant students join their parents in the field—working long hours to help make ends meet. Students like Ancelmo are trapped. His family needed him in the field, but he needed to be in the classroom so he could get a good education and improve his life and his family's life.

Fortunately, today, we have a lifeline going to migrant students like Ancelmo. Thanks to the federally funded Migrant Education programs, Ancelmo could travel from town to town or State to State and his academic and immunization records followed him.

Thanks to Federal funding, many States have established a system of interstate collaboration to help migrant students meet the high academic standards. Without this collaboration, migrant children are in danger of falling further behind.

Thanks to federally funded Migrant Education programs, Ancelmo has been able to follow his dream of working with computers. He had to overcome a lot of barriers—like learning to speak English, and staying at school long hours to have access to a computer. But today—you know what?—Ancelmo has achieved his goal, and he serves as the computer technician for his entire school. Ancelmo hopes to go on to become a telecommunications specialist.

Thanks to federally funded Migrant education programs, teachers were able to work directly with Ancelmo and address his specific needs as a migrant student. He was not lost in the shuffle. Because of this attention to his specific needs, he learned quickly and gained confidence in his abilities.

Ancelmo is now a great asset to his community. He is a leader in church programs. He has served as captain of his football, baseball, basketball and soccer teams. He volunteers in the Big Brothers, Big Sisters program. He takes time to talk to children about staying away from drugs, and he spends his summers as a peer leader for other teens.

One of the reasons we need a national commitment to migrant students is because they move from town to town and State to State. I would hate to think of what would have happened to Ancelmo if his family had moved him to a State where there was no guaranteed funding for migrant education. That would have hurt not only Ancelmo, but the other students in his class who would be forced to do more with less.

Ancelmo's entire community would have lost out on his talent and leadership as well because there would not have been any guarantee that his schools would address his specific needs as a migrant student. He would have fallen through the cracks.

Ancelmo is not alone. there are 718,000 students nationwide who depend on the Migrant Education Program.

A block grant would eliminate the guarantee we make to students such as Ancelmo. Now, I am not suggesting that States would misuse the money, but wouldn't you rather keep a commitment to students like Ancelmo?

Wouldn't you rather know that no matter what happens, these students won't be left behind?

That's why I'm fighting to keep our commitment to vulnerable students.

Block grants would cut this lifeline to 718,000 students like Ancelmo.

Look at these kids. They are cut off from the lifelines that meet their specific needs. That's what happens to them when block grants are imposed on them. Their lifelines to vital services are cut, and they are more likely to fall through the cracks.

So at the heart of this education debate is a simple question: do you want to make sure that Federal dollars are guaranteed to go to the students who need them the most? Or do you want to take a chance?

Do you want to cut students' lifelines to success?

Unfortunately, some of my colleagues say those dollars should not be tied to specific programs, including these programs that make sure money gets to students who are homeless and migrant.

Some Members of the Senate would even let public school dollars be drained away into private schools.

Let me be clear: A block grant can't educate a single child. A block grant can't teach a child to read. A block grant can't help a single child learn the basics.

But a committed investment in the things we know work, such as improving teacher quality and reducing class size, those specific things can teach children to read. We should be investing in the things we know work, not experimenting with block grants.

We have a positive plan to invest in the things we know work. The first step is to make sure that disadvantaged students don't lose out.

The simple question is, is it worth keeping the guarantees to these students? I think the answer is clear. I think Nikki and Ancelmo would tell you: Don't cut the lifeline we depend on.

Unfortunately, students like Nikki and Ancelmo—and their parents—don't always show up at school board meetings. They don't show up in their State capital or here in Congress to say, Don't cut this program. So we've got to be their voice and speak out against the block grants that will cut their lifelines.

Mr. President, that is only one of the problems with the Republican proposal. Another major problem with block grants is they mean less money for the classroom. Right now, Republicans want you to believe that they will keep the same amount of money available for education. But when those dollars are combined into a block grant, we know they will be cut.

Block grants mean less money for the classroom. You see, block grants are not a new idea. They are an old and failed policy. One of the reasons block grants don't work is because they don't serve a specific purpose. And when there is not a clear purpose, it is hard to make progress toward a goal.

That is why education policy today is targeted. We have programs that are focused on poor students, on gifted students and on reducing class size.

But Republican block grants have no specific purpose. In effect, they're just a blank check. And the trickiest part about block grants is they have a history of shrinking. Here in Congress, we have many examples of programs that were turned into block grants. And once they were turned into block grants, they were squeezed and cut every year.

Let me give you an example. Title VI is an education program that funds innovative education programs including programs to increase local flexibility, reduce administrative burdens, and provide services for private school students.

In 1982, Congress provided about $708 million. But that year, Title VI was turned into a block grant and over time its budget was cut again and again. By 1999, funding for this program had been cut by 50 percent, chopped in half. That's fewer dollars for the classroom after it was turned into a block grant.

In contrast, other education programs that weren't turned into block grants were increased, such as education technology and Title I. But this one, which was turned into a block grant, was squeezed. That's what we can expect out of block grants.

And the consequences of these block grants will be felt in classrooms across the country. Kids will get fewer resources. That means that classrooms across the country would be overcrowded. New schools won't be built, and teachers won't get the training they need.

Anyone who votes for a block grant is saying: I know that under block grants, students will end up with less money, and that's OK with me.

I'm here to say that is not OK. We can't let block grants be used to cut education funding.

Mr. President, in addition to cutting the lifelines to vulnerable students and cutting education funding, block grants would reduce accountability.

Parents, teachers and all taxpayers want to know where their hard-earned tax dollars are going.

Today, we know where Federal education dollars are going. And today, we know they are targeted to the students who need them most. The block grant proposal contained in the ESEA bill would eliminate that accountability, and I'm on the floor to say we must keep our education budget accountable.

Unfortunately, block grants provide no accountability for where education dollars are going. Block grants provide no accountability to ensure those dollars are targeted to our most vulnerable students. And block grants provide little or no accountability for student achievement.

In fact, the Republican proposal would engage a risky, three-year experiment—an experiment that is not based on any proven strategies—all with the hope that 3 years down the road, students will not have fallen behind.

Let me be clear about one thing: While many schools are making dramatic gains, we cannot be satisfied with the status quo. We need to make sure all students are achieving at high standards.

So the question is: What's the best way to improve public education?

After my own experience as an educator, a parent and a school board member, I've seen that making an investment in the things we know work—reducing classroom overcrowding and improving teacher quality—is the way to improve public education.

Today, the Federal Government provides only 7 percent of all education funding. The Federal Government's role is small. But we Democrats want to make sure that every one of those Federal dollars are going where they will help students the most. That means making sure they remain targeted to vulnerable students and investing in reducing class size, improving teacher quality, helping school districts build new schools and modernize old ones, and closing the digital divide.

Even though the Federal Government only provides 7 cents of every education dollar, we know where that money goes.

We can tell parents how many children are being helped by specific programs. This chart shows how many students are served by specific programs and who will lose under the block grant provisions of S. 2.

For example, who will lose? Mr. President, 12.7 million children in a title 1 program; 71,300 parents and students, or 32,000 families, will lose in the Even Start Program; 197,000 students in the Neglected and Delinquent Youth Program; Class Size Reduction Program, 29,000 teachers and 1.7 million children. The list goes on.

Under all of these programs, we see millions of real students who are going to lose out under block grants.

Republican block grants would take all of these vital programs, pool the money together, and then write a blank check to the States, with no accountability. Today, we know where our tax dollars are going. But under block grants, we could not even tell taxpayers where their money was going. That is not responsible accounting budget, but that is the approach the Republicans are taking.

The other side thinks Federal dollars should not be targeted to meet specific needs. But many educators have told me that if these dollars were not targeted, the kids who need them the most would not get them.

Block grants provide no focus on proven, effective strategies to improve schools. States could even start private school vouchers that would drain funds away from public schools, where 90 percent of the students are enrolled. They would take the money from these programs and they could use it for that under this bill.

When it comes to accountability, Federal education dollars are seven times more targeted to poor students than State and local dollars. That targeting ensures that poor kids have the resources they need.

Unfortunately, the first thing block grants will do is eliminate that targeting. It's not hard to predict the results—poor students will end up with fewer resources.

Today, we know money is targeted to poor children. We have accountability. Under block grants, we don't know. There's no accountability to meet the needs of poor students.

Next I'd like to turn to student achievement because, unfortunately, the Republican block grant proposal requires little or no accountability for better student achievement. The bill does not define what, if any, consequences schools would face if they fail, nor does it specify when failing schools would face consequences.

A state would be free to ignore failing schools and the disadvantaged students who attend them. Only after 3 years are states held accountable for educational results. And even then, the accountability is weak—it just says that states must follow the underlying law. By that time, students have lost three critical years of learning.

Mr. President, this Republican Congress would take students across the country on a three-year experiment that is not based in proven, effective strategies, that will cut the lifelines to vulnerable students, and that will mean less money for the classroom, and less accountability to taxpayers. That's not a sound education policy—that's a disaster waiting to happen.

Under the Republican experiment, there will be no guarantee that money for poor students will go to poor students. Under their experiment, there will be no guarantee that money will go to the proven strategies that help students.

They would have us experiment like that for three years, and then we'll see what happens to the students. Anyone looking at that proposal can see poor kids are going to fall behind when resources are no longer targeted to them.

Democrats want accountability in education programs. We think we need to be able to tell taxpayers where their hard-earned tax dollars are going. We think we need to be able to tell taxpayers their money is being targeted to the most critical needs. And we think we need to be able to show taxpayers that students are improving. And we don't think we can take three years of a child's education and experiment with that critical time, when students need to master the building blocks of learning.

Today, we know where tax dollars are going. Under block grants, we don't know.

Today, we know money is targeted to critical needs. Under block grants, we don't know.

Today, we know public tax dollars will stay in public schools. Under block grants, we don't know.

Under the Republican bill, we would experiment for three years and hope students don't fall through the cracks.

That's why we're against this proposal. Democrats want to keep our education dollars accountable. I urge my colleagues to reject block grants and stand up for accountability.

So, Mr. President, that's the Republican agenda: block grants and vouchers, cutting lifelines to vulnerable students, less money for the classroom, and less accountability to taxpayers.

Parents, teachers and students have told us that agenda won't help all students reach their potential. They want us to invest in the things they know make a difference in the classroom—proven, effective strategies like reducing overcrowding.

Two years ago, we agreed on a bipartisan basis that we would help school districts hire 100,000 new, fully-qualified teachers to reduce classroom overcrowding.

This year, 1.7 million students across the country are learning in classrooms that are less crowded than they were the year before. These students are learning in classrooms where teachers can spend more time teaching, and less time dealing with discipline problems. These students are getting the individual attention they need to learn the basics.

During the upcoming debate, I plan to offer an amendment to this bill to authorize the class size reduction program. This program has been so successful and we should authorize it so that it can help every student in this country reach high academic standards.

Throughout my state I've heard from superintendents, principals, teachers, and parents that reducing class size is really making a difference. We can't abandon this commitment to our schools!

Don Worley, of Kettle Falls Elementary School in Washington State recently told me:

> The class size reduction program is one of the best things for kids from the federal government in a long time—reading scores are up and this is really making a difference.

I ask my colleagues on the other side of the aisle, why would you want to abandon an effort like this when it's really making a difference?

The first grade teachers at Eisenhower Elementary School in the Vancouver School District recently sent me a list of how smaller class size is making a difference in their school.

They said the following things—

"Each student receives significantly more one-on-one help for academics and behavior."

"More curriculum is covered in all areas."

"Students are leaving the classroom with the ability to read."

"Students have less "wait time" for all kinds of teachers responses."

"More time is available to really get to know the student."

And "less paperwork leaves more time for students."

Those are the words of teachers, who are telling us this is making a difference.

That's why I plan to offer an amendment that would provide $1.75 billion to our schools to reduce class size in grades 1 through 3.

This amendment will target the money where it is needed within states, and 99 percent of the funds will be disbursed directly to local school districts on a formula which is 80 percent need-based, and 20 percent enrollment-based.

The class size reduction program will ensure local decision-making and flexibility. School districts can use all funds to reduce class size, or use up to 25 percent for other needs.

Any school district that has already reduced class size in the early grades to 18 or fewer children can use funds: to further reduce class sizes in the early grades, to reduce class size in kindergarten or other grades, or to carry out activities to improve teacher quality, including professional development.

In small districts where the funding level is not enough to hire a new teacher, districts can choose to spend the funds on other activities, such as professional development, recruitment, testing new teachers, or providing professional development to new and current teachers of regular and special needs children.

Mr. President, if you look just in my state at how different school districts are using their class size money, you can see how flexible the program is.

In Washington, the North Thurston School District is using all of their money to hire teachers to reduce class size. At the same time, the Pomeroy School District, which is a rural district in Eastern Washington, used 100 percent of their funding for professional development for their teachers. The Seattle School District even used a portion of its funding to recruit teachers.

The class size reduction program is simple and efficient. School districts fill out a one-page form, which is available on-line.

And let me just add that teachers have told me that they have never seen money move so quickly from Congress to the classroom. Linda McGeachy in the Vancouver School District recently said: "the language is very clear, applying was very easy, and these funds really work to support classroom teachers."

Mr. President, I've worked as an educator, and I know it makes a big difference if you have 18 kids in a classroom or if you have 25 or 30 kids in a classroom. Smaller classes provide a better environment for kids to learn the basics with fewer discipline problems.

And smaller classes are an example of how Democrats are making a commitment to improving public education.

Republicans won't make that commitment, and the American people are going to get to decide which approach will help students more.

We believe that we should put our money behind the things that local educators tell us produce results. We believe that we should keep our commitment to vulnerable students. We believed that we should keep education dollars accountable. And we believe that we shouldn't let block grants shortchange students.

If you agree that we can't turn our backs on vulnerable students and critical needs, if you agree that we can't break our commitment to the things that are improving America's schools, and if you agree that we can't let block grants cut education funding and hurt students, I invite you to join our effort—along with thousands of parents and educators across America—to reject block grants and finally make a real, national commitment to the strategies that are revolutionizing America's schools.

Join us in this effort—let your Senators know they should reject block grants and instead support smaller class sizes, safe and modern schools, and high-quality teachers. Students across America are depending on it.

Mr. JEFFORDS. Mr. President, I thank the Senator from Washington for sharing her valuable experiences with us and for her statement.

I believe we have one more speaker who desires to speak before we close out. I ask that she be recognized.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Thank you, Mr. President.

I rise today, as have others, to talk about an issue of paramount importance to this Nation, and possibly the most important issue we in the Senate will face this year—how we educate our children.

I only hope that we in the Senate are big enough to rise above the partisan politics to get results on behalf of our children. We in the Senate have a difficult task before us of passing legislation that reauthorizes the Elementary and Secondary Education Act which determines how the Federal Government allocates money to our public schools.

Unfortunately, all signs to date point to yet another political stalemate on an issue of vital importance to our nation and its children. Once again, Mr. President, we face the real possibility that the Senate will abandon its responsibility to govern and choose partisan politics over sound public policy.

I reject this proposition because our children deserve more from their elected officials. In hopes of fostering a compromise on this contentious issue, I have joined with a group of my moderate Democratic colleagues here in the Senate to promote a "Third Way" on ESEA, one that synthesizes the best ideas of both sides into a whole new approach to federal education policy.

We're calling this bill the "Three R's", and it is a bold effort at streamlining massive Federal education programs and refocusing them on raising academic achievement.

At its core, this blueprint will give more funding and flexibility to states and local school districts, in exchange for greater accountability.

In addition to being smart national policy, the Three R's proposal would dramatically improve education in my home state of Arkansas.

As I noted earlier, the Three R's bill significantly increases the federal investment in our public schools and carefully targets those additional dollars to the neediest public schools.

As my colleague who spoke before said, there are those out there who we cannot just leave to chance.

Statistics consistently demonstrate that, on average, children who attend low-income schools lag behind students from more affluent neighborhoods.

This is certainly true in Arkansas where the most recent test results indicate that students in the economically prosperous northwest region of the state outperform students in the impoverished Delta . . . These results also indicate that the disparity in student achievement between minority and non-minority students in Arkansas continues.

I believe strongly that every child deserves a high-quality education and that the federal government has a right to expect more from our nation's schools. But we also have a responsibility to give public schools the resources they need to be successful.

Another aspect of the current education framework that affects Arkansas is the prevalence of competitive grant funding programs.

Unfortunately, rural states—and especially rural school districts similar to where I grew up—do not have the resources necessary to be successful under a competitive grant system.

Simply put, economically disadvantaged schools don't have the ability to chase after federal dollars as effectively as schools who can afford to hire professional grant writers. As a result, many of the schools in my state that most need financial support from the federal government are too often out of luck.

Under the Three R's bill, federal funding is allocated based on total student enrollment and the number of low-income students in the district, not on the ability of savvy grant writers to draft proposals with graphs and color charts.

Under our bill, Mr. President, these schools would be guaranteed federal funding which they could use to address their most pressing problems. And they will be held accountable; schools will be forced to make improvements or suffer consequences.

Mr. President, we will certainly hear this week from people representing both sides of the debate about how to improve public education. But the question we need to ask: who is representing our children? Who is representing the thousands of young Americans who continue to underperform academically year after year in an educational system simply that does not work for the students who are left behind?

As we go through this debate this is the question we must ask ourselves—what, honestly, is the best thing for our children?

I say to my colleagues, you want accountability from local schools? Our proposal has it.

You want more targeted, effective national investment? Take a look at our Three R's bill.

Do you want qualified, better-trained teachers, flexibility at the local level and higher minority-student retention rates? We have the answers in this bill—a commonsense approach.

Put party politics aside. The "Three R's" is the right approach to improve student achievement in every classroom.

Congress must do all it can to help our schools meet the challenges they face today and will face in the future.

We must do all we can to help our States and local school districts raise academic achievement and deliver on the promise of equal opportunity for all students. But I will say our most important responsibility is to our children and to their future.

I thank my colleagues for their attention and patience this evening, and for all of the hard work that both of these two legislators have done in this field of education.

I yield the floor.

Mr. JEFFORDS. I thank the Senator for her help and participation and also for her statement.

Mr. FRIST. Mr. President, the revolutionary idea that tomorrow might be better and that man can do something about it is distinctly American. At the heart of self-improvement is a quality education.

The purpose of a system of public education is to give every child an equal opportunity for success in life whether his parents are rich or poor, black or white. In order to ensure that every student has a solid base of knowledge from which to build, we must have high expectations and hold schools accountable for the performance of their students.

The American people and most members of Congress are in agreement that America's schools are not meeting this challenge. In fact, the longer our students attend school the further behind they fall in performance. More federal programs are not the answer. During the past three decades while student performance has stagnated, federal programs have proliferated. Today, our schools deny our children the basic principle of opportunity because they fail to adequately equip them for the future.

What we need is the courage to change. America has always met the challenges posed to it with innovation, creativity and ingenuity. So far, in the education debate, we have been denied the opportunity to tap into this resourcefulness. As a consequence, our students have been short-changed by the focus on a top-heavy education establishment rather than on the quality of their education. Business-as-usual is failing our children.

Unfortunately, for too long, our system of federal education programs has failed to provide all students with the opportunity for a quality education. We have left generations of students behind while we focused on inputs and rode the wave of education trend after education trend.

First it was "whole language," which has now been repudiated as a singular method for teaching reading. Unlike other subjects, we have firm, scientific evidence on how children learn to read and what techniques teachers can employ to ensure that children learn how to read by the 3rd grade. Instruction grounded in phonics has been shown to be the most effective means of reading instruction.

The newest trend, the "new, new math" programs that the Department of Education has endorsed, have been repudiated for their "serious mathematical shortcomings" by 200 mathematicians and scientists, including four Nobel laureates.

And all this because the federal government knows best.

The response to stagnant test scores and a widening gap in achievement levels between poor and non-poor has been to spend more and more money on more and more programs—each targeted to address a specific purpose that the federal government has deemed most important.

I learned through my work as the chairman of the Budget Committee Task Force on Education that there are approximately 552 federal education programs. The Department of Education administers 244 of these programs, and even if you count only those "providing direct and indirect instructional assistance to students in kindergarten through grade 12," the GAO found that there are still 69 programs.

Among these programs, overlap is pervasive. In my office, we call this chart the "spider web chart." This chart, prepared by the GAO, shows that 23 federal departments and agencies administer multiple federal programs to three targeted groups: teachers, at-risk and delinquent youth, and young children. For early childhood, for example, there are 90 programs in 11 agencies and offices. In fact, one disadvantaged child could be eligible for as many as 13 programs.

In addition, the effectiveness of many of these programs is doubtful or unknown. The GAO has expressed concern that the Department of Education does not know how well new or newly modified programs are being implemented, or to what extent established programs are working. The efficacy of Title I also remains uncertain.

According to the National Assessment of Educational Programs, 77 percent of children in high-poverty urban schools are reading "below basic."

Test scores of 12th graders in math, reading and writing have remained stagnant or declined over the last 30 years and our 12th graders score near dead last in international comparisons.

Fourth grade students in high-poverty schools remain two grade levels behind their peers in low poverty schools in math. In reading they remain three to four grade levels behind. Contrary to the original objectives the ESEA program was designed to address, the achievement gap is now widening.

Half of the students from urban school districts fail to graduate on time, if at all.

Seven thousand schools are failing, according to current accountability standards. Many have been failing for 4 or 6 years, in some cases even 10 years. Despite their long history of failure, these schools continue to receive federal funds.

Lastly, it should come as no surprise that so many programs and so much confusion comes at great cost. Critics of the education establishment note that although federal funds make up only 7 percent of their budgets, they impose 50 percent of their administrative costs. As one concrete example, Frank Brogan, Florida's Commissioner of Education, has reported that it takes 297 state employees to oversee and administer $1 billion in federal funds. In contrast, only 374 employees oversee approximately $7 billion in state funds. Thus, it takes six times as many people to administer a federal dollar as a state dollar.

Brogan went on to say:

> We at the State and local level feel the crushing burden caused by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible, categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided, one-size-fits-all command and control approach. Most have the requisite focus on inputs like more regulation, increasing budgets, and fixed options and processes. The operative question in evaluating the effectiveness of these programs in usually: How much money have we put into the system?

Cozette Buckney, Chief Education Officer, of the Chicago school system echoed the sentiments of many state and local officials:

> Excessive paperwork is a concern. Too many reports, the time lines for some of the reports, the cost factor involved, the administrative staff just do now warrant that kind of time on task. That is taking from what we need to do to make certain our students are achieving and our teachers are prepared.

Today, we have the opportunity to reverse these trends and to fundamentally reform our federal education system.

Today, we are unveiling a plan that reflects the spirit of innovation. At the core of this innovative effort is the need to galvanize leadership at the state and local level and to hold this leadership accountable.

The bill that we have before us here today is a good first step in that direction.

We focus on student achievement, centering on children, quality teachers, school safety, flexibility, and local control.

One, instead of inputs, our focus is on outputs—student achievement.

We believe that federal programs should hold states and school districts accountable for closing the achievement gap that persists between low-income and non-low-income students and minority students and non-minority students.

Many blame the achievement gap that exists between groups on demographic and socioeconomic factors. This is the soft bigotry of low expectations.

Many schools and school districts with high populations of low-income students increased student performance. In San Antonio TX, over 75 percent of the students are from low-income families at the Terrell Wells Middle School. The School increased student performance by 40% in reading from 49.2 to 89.9 percent performing at proficient levels and by nearly 60 percent in math within just one year 19.1 to 76.2 percent.

Instead of sending states money year after year with no regard for results, we hold states and school districts accountable for the academic achievement of their students. Again, accountability is not focused on how schools and school districts spend the money, but how students perform as a result.

Schools that succeed in educating children should be rewarded. Schools that fail again and again must be held accountable. And parents deserve to know which schools are educating children and which are failing.

Accountability systems based on results raise the academic achievement levels of all students. Texas and North Carolina both have serious systems of accountability for teachers and schools, and not coincidentally, have been named two of the best performers in closing the achievement gap based on National Assessment of Educational Progress results.

There is no excuse for failure. Principals of low-income schools throughout the country are proving that poverty is no excuse for failure.

Two, S. 2 focuses on the child rather than the system. Parents, not school systems, should be empowered to make decisions about which school a child attends.

It is wrong to compel a child to attend a failing school. Needy children must be given the opportunity to attend a high performing public school.

In no other area of American society do we deny Americans the freedom to make choices that affect their well-being. Yet we require many parents to keep their students in schools which not only fail to educate them, but cannot even guarantee their safety.

According to Arthur Levine, President, Columbia University Teachers College: ". . . to force children into inadequate schools is to deny them any chance of success. To do so simply on the basis of their parent's income is a sin."

We must empower parents to choose what is best for their children and, as a consequence, to reform our nation's public education system.

As John Dewey said, "What the best and wisest parent wants for his child, that must be what the community wants for all its children. Any other ideal for our schools is narrow and unlovely; it destroys our democracy."

Children should no longer be trapped in failing schools. Parents of children in failing schools should have greater and more numerous opportunities to send their children to a higher performing school.

Under the Title I system of accountability, over 7,000 schools have been identified as failing and that number is expected to grow. Of those 7,000 schools, many have been identified as failing for 4 years, 6 years, some even for 10 years. Any and every child in one of those should be granted access to better schools.

Three, S. 2 reflects the importance of quality teachers. According to Tennessee's very own Bill Sanders, a professor at the University of Tennessee, teacher quality has a greater effect on student performance than any other factor—including class size and student demographics. "When kids have ineffective teachers, they never recover."

Every child deserves to learn from a high quality teacher—a teacher who is competent in his/her subject area, cares about his/her students, and demands academic excellence.

Every child's teacher deserves expanded opportunities for additional training as education reforms raise the standards of achievement for students. We expect schools to ensure that all of their teachers are proficient in their subject areas and are equipped with the skills and knowledge necessary to help students meet high standards.

Currently, more than 25 percent of new teachers enter our nation's schools poorly qualified to teach.

In Massachusetts alone, 59 percent of incoming teachers failed the basic licensing exam. Forty-four percent of incoming teachers failed a 10th grade level competency test.

Fifty-six percent of those teaching physics and chemistry, 53 percent of those teaching history, 33 percent of those teaching math, and 24 percent of those teaching English do not have a major or minor in the field in which they teach. In inner-city schools, the statistics are even worse. Inner-city students have only a 50-50 chance of being taught by a qualified math or science teacher.

Four, school safety is another important component of our bill. Every child deserves an environment that is free of danger and distractions to learning, and where learning is the primary goal. When drugs and violence threaten the classroom, the first victim is learning.

Five, and perhaps most important, this bill recognizes the importance of flexibility and local control. Parents, community leaders, local and state governments, and not the federal government know best the education needs of their children. All across America states and local communities are implementing innovative solutions to our education challenges.

Indeed, in a recent editorial by an educator and a former Senate majority leader in the state of Maine, Bennett Katz decries the latest attempt by the administration to micromanage school spending priorities from Washington DC. With regard to the President's class size initiative, he says:

> I would opt for [the money] to meet Maine's most pressing education needs as we see them—not as identified by Washington, D.C. politicians. That's the trouble with Washington people dreaming up wonderful programs to be paid for with our tax dollars. We know what our top needs are . . . ask our very savvy commissioner of education. If Washington's lofty thinkers are awash with surplus dollars, they should not try to tell us how to spend them on their priorities. If the US Department of Education is so smart, take a look at how successful they are in running the schools in the District of Columbia.

States and local school districts are innovative. Without question, it is states and localities that today are serving as the engines for change in education. The groundwork for success is already in place at the local level—teachers, parents, principals, and communities demonstrate on a daily basis the enthusiasm and desire to succeed. However, flexibility at the state and local level is critical to the success of our schools.

But along with the resources, the federal government must also give states and localities the freedom to pursue their own strategies for implementation. With respect to education, tactics and implementation procedures are virtually dictated by the federal government.

Rather than working closely with the states, the Congress created 70 new federal education programs in the 1980's. President Clinton, thinking that 552 federal educational programs are not enough, suggested 14 more in his fiscal year 1999 budget proposal. The rationale for expanding an already overly large and burdensome federal education establishment is simply not discernible. Instead, the states should have the flexibility to put together state strategic plans under either the Straight A's program or the Performance Partnerships program. Under such a plan, the states would establish concrete educational goals and timetables for achievement. In return, they would be allowed to pool federal funds from categorical programs and spend these consolidated resources on state established priorities.

Paul Vallas, the Chief Executive Officer of the Chicago school system, explained the crucial elements of the bold reforms that he and his colleagues have been making in Chicago. He didn't have more money to work with. What he had—and has made highly effective use of—was, in his words, "flexibility with money and work rules, high standards and expectations, accountability from top to bottom . . . and a willingness to take advantage of options."

Vallas went on to say:

> [Another] key to our success has been flexibility. We are fortunate to have a great deal of control over the allocation of resources. In Chicago, almost all of the tax levies for the schools are consolidated. The revenue comes right to us. In addition, our categorical grants from the state are consolidated into two block grants—one for regular education and one for special ed. We decide how all this money is spent.
>
> * * * because the state has given us all our funds in block grants and has basically said, "Here's your money—you decide how to spend it," I have been able to reallocate about $130 million into our classrooms and to generate about $170 million in other savings.

As we all know, there is no more important issue today than education. Some of my colleagues across the aisle have a whole array of programs that they think will solve the problem. Among their many amendments, I have counted at least 12 new programs that range from $50 million to $1.3 billion. For many of you, more money and more federal education programs are the answer to all our nation's education woes. Of course these programs sound good—but will they really do any good? More money or an additional program is often a surrogate for the structural reform that American education needs. Structural reform, change—this is what many in the education establishment fear. Instead, their response to crisis is more money and another federal program.

But, the last thing that we need is another federal program. The last thing that our schools need is more bureaucracy and federal intrusion. Instead, what Washington should and can do is to free the hands of states and localities and to support local and state education reform efforts. When localities find ideas that work, the federal government should either get out of the way or lend a helping hand.

The Educational Opportunities Act is a step in the right direction. Building on the bipartisan success of Ed-Flex, we have increased flexibility and empowered parents. I look forward to the debate that we will have about further empowering parents and children with the ability to choose where their children go to school.

I commend the chairman for his hard work and dedication to education. I think there are some very good provisions in this bill.

I strongly support both Straight A's and the performance partnership program that are in title VI.

I am pleased to see report card language in title I—I agree with the chairman that knowledge is power and that by empowering parents we are creating agents for positive change.

Unlike class size reduction proposals, which require States and local schools to hire new teachers, the Teacher Empowerment Act, TEA, provides maximum flexibility to states and locals in using $2 billion annually to develop high quality professional development programs, hire additional teachers, provide incentives to retain quality teachers or to fund innovative teacher programs, such as teacher testing, merit-based teacher performance systems and alternative routes to certification.

I applaud the chairman's rural flexibility initiative, and I am delighted that we have consolidated several different programs and titles. Although I wish we could have consolidated a few more programs and titles, we have made some progress. We used to have 14 titles, now we have 11.

Mr. President, let me be clear. This debate is not over money. It is not over who cares the most about our nation's school children. This debate is over who knows best—the federal government or the parents, teachers and administrators back home who interact with our children every day. The debate is over who do we trust? Federal bureaucrats or people back home who struggle under the weight of federal mandates to help children learn.

The federal government has a track record of failure despite many billions of dollars spent. States and localities, however, have shown the promise and the possibilities of success with innovative methods to raise student achievement and to reduce the achievement gap.

This bill will give states and localities the tools and the flexibility necessary to begin to restore American education to preeminence. To achieve educational excellence will take time. There is no simple solution and gimmicky short-term fads, like those offered by this Administration, will not lead to long-term success. The Republican party is dedicated to a sustained long-term effort to assure that every child in America receives not just an education, but a quality education. In our global economy, it is no longer good enough to be adequate. We must be outstanding.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

BIOTECHNOLOGY AND TRADE

Mr. GRASSLEY. Mr. President, I would like to say a few words today about biotechnology and trade. As a working family farmer, I see the effects of this debate nearly every week at the grain elevators in my hometown of New Hartford, Iowa.

With the benefit of this personal experience, and as chairman of the Senate Finance Committee's International Trade Subcommittee, I have addressed the issue of biotechnology and trade in many ways.

Last October, my Trade Subcommittee looked at the biotechnology issue during hearings on agricultural trade policy. Last fall, I brought Charles Ludolph, the Deputy Assistant Secretary of Commerce for Europe, to Iowa to hear the concerns our corn and soybean growers have about the European food scare over GMO products. Last December, I addressed this issue at the WTO Ministerial Conference Meeting in Seattle.

And I have continued to have high-level discussions about trade in genetically modified foods with the European Commission. I recently had another meeting in this city with David Byrne, the EU Commissioner for Consumer Health and Safety Protection. This was a very informative meeting. If followed a lengthy session I had with Commissioner Byrne in Seattle.

In our Washington meeting, Commissioner Byrne and I discussed recent developments affecting trade and biotechnology within the European Union.

It is with this deep background, and my long-standing concern about biotechnology and trade, that I would like to report to the people of Iowa and America that I still have great concerns about what we are seeing in Europe, and now in Japan.

For nearly 30 years, Europe's governments have been telling their people that modern agricultural technology is dangerous. First, it was the pesticide scare of the 1970s. Even though we have added eight years to our life spans since we started widely spraying modern pesticides on our crops. Then it was growth hormones in meat. Even though European scientists have confirmed the safety of these hormones. Now it's genetically modified foods. Even though not one person has ever caught so much as a cold from eating a genetically enriched product.

Now we learn that just last week, Japan's Ministry of Health and Welfare is getting set to require mandatory safety tests on genetically modified foods before they can be imported into Japan. This will dramatically and adversely affect our farmers, who ship about $10 billion worth of products a year to Japan. Every year, Japan relies on United States production for 80 percent of its corn imports.

Japan is taking this action even though genetically modified products produced in the United States must be approved by a food regulatory agency that the world looks to as the model for what a food safety agency should do.

And both the Japanese and the European Union governments know that genetically modified foods are only approved for sale after thousands of field trials and rigorous testing.

So what's going on?

Mr. President, I am convinced that a good part of these developments can be explained by a desire to restrain trade. Non-tariff trade barriers we've been fighting to eliminate for 50 years. Agricultural producers in Europe, and in Japan, can't grow corn, or soybeans, or many other products more efficiently, at better prices, than we can. So they look for other means to counter their competitive edge we enjoy.

After the United States and our trading partners agreed to the Agreement on Agriculture, one of the Uruguay Round Agreements, it is more difficult now to use quotas, tariffs, and subsidies to favor domestic producers.

So fear is used instead.

Mr. President, it was a Democrat President, Franklin Roosevelt, who said, "The only thing we have to fear is, fear itself." As far as biotechnology is concerned, the only thing Europe, and now Japan, have to offer is fear. It's how the Europeans have protected their domestic agricultural markets from American competition for 30 years.

Just look at the comment by Germany's environment minister, Jürgen Tritten, when the European Commission proposed a redrafting of the legislation governing the admission of genetically modified products into the EU. Just as they planned it, this new European Union legislation has the effect of slowing the approval of new U.S. genetically modified products in Europe to a trickle. The German minister was elected. He hailed this legislation as a "de facto moratorium."

And if it's not the case that the Europeans, and now Japan, are using fear as a new trade barrier, why is it that these governments, and the antibiotechnology activists who are so worried about the impact of genetically modified foods, seem completely unconcerned about biotechnology in medicine? Is it because they really know that medical uses of biotechnology are completely safe?

I don't want to give the impression that all of this consumer fear has been whipped up just to restrain trade. There is always legitimate concern about new technology, especially in food.

But in my view, the unprecedented safety record of our food regulatory system completely eliminates this concern.

And it appears that Europe's governments have overplayed the extent of consumer concern. A recent poll of 16,000 Europeans by the European Commission's own Environment Directorate found that Europe's citizens are less concerned about GMOs than they are over other environmental issues. When asked to rank their chief environmental concerns on a list of nine issues, GMOs finished ninth, in last place.

There is also another dimension to this issue you don't hear the antibiotech activists talk about. That is the fact that we can now prove that biotechnology is the most powerful tool for good that our researchers have ever had.

Right now, some 400 million people currently suffer from Vitamin A deficiency, including millions of children who go blind every year. A new genetically-enhanced form of rice containing beta-carotene, called "golden rice," will mean these children will not be cruelly robbed of their sight.

Another form of "golden rice" included genes to overcome the chronic iron deficiency suffered by 2 billion people in rice cultures. Women have always been subject to extra risk from birth complications because of anemia.

What are the terrible risks in our food approval system that would justify blinding children, or subjecting Asian women to birth complications? The answer is simple: there are none. There is just the polities of fear.

Because biotechnology is such a great force for good, this must change. What can we do about it? I don't have all the answers. But I do know this. We have got to talk about finding a worldwide solution. And we can only do that if the United States leads.

Right now, the Quad Countries—the United States, the European Union, Japan, and Canada—lack a coherent vision for how to address the biotechnology issue. This is largely because the senior Quad partner, the

United States, has backed away from its traditional leadership role in shaping global trade policy. In fact, as a result of this administration's lack of focus and vision, this is the first time in 50 years that we have not succeeded in going forward with a new global trade liberalization agenda.

As a result, the United States is reduced to agreeing to half-hearted ideas put forward by the European Commission in Geneva, like a "consultative forum" to look at biotech issues. Mr. President, I'm not even sure what a "consultative forum" is, or what it is supposed to accomplish, but we have agreed to it.

Another sign of this administration's failure of leadership on trade is the fact that at Seattle, we refused to seek a comprehensive round, knowing this unreasonable posture would never be accepted by our trading partners. In fact, the administration's refusal to negotiate a comprehensive round was a complete reversal of United States policy that successfully launched and completed the last round of global trade negotiations, the Uruguay Round.

In 1986, our then United States Trade Representative, Clayton Yeutter, said only a comprehensive round would result in the greatest gains for the United States. He was right. It did.

I have a high regard for Ambassador Rita Hayes and her team in Geneva. They are leading agriculture negotiations that started about one month ago. But their hands are tied. They have to negotiate within a very narrow framework because a political decision made months ago to limit the scope of new global trade negotiations made it all but certain that the talks in Seattle would not succeed.

This is certainly a far cry from the traditional, bold United States trade agenda that has brought us such tremendous prosperity.

Right now, agriculture is struggling. Our farmers are struggling. Mr. President, I said a few moments ago that Europe and Japan are using fear in place of facts with regard to trade and biotechnology.

But we cannot counter fear with uncertainty. We cannot combat false information with confusion. And we cannot oppose political expediency in Europe with a lack of resolve at home.

There is a great debate going on about extraordinary new technology and trade that we must lead. that sort of focused international leadership can only come from the White House. Because America speaks diplomatically only thru the Office of the President, we need an administration that understands that we must trade globally, so we can prosper locally.

I urge the administration in the strongest possible terms to rise to this challenge.

DEDICATION OF PORTRAIT OF JUDGE DAN M. RUSSELL, JR.

Mr. LOTT. Mr. President, I rise today to honor Judge Dan M. Russell, Jr., U.S. Senior District Court Judge for the Southern District of Mississippi, on the occasion of national Law Day and Judge Dan M. Russell Day in Hancock County, Mississippi. I wish I could be with Judge Russell and his family, colleagues and friends today as they gather to dedicate a portrait of him which will hang in the Hancock County Courthouse in Bay St. Louis, Mississippi. I want to commend Judge Russell for his many years of service on the bench and praise him for his willingness to continue to serve the Gulf Coast community, the state, and the nation as a judge. I can think of no better way to mark Law Day than by recognizing Judge Russell's distinguished service in the law, and by commemorating this service with the dedication of a portrait of him. I have the deepest admiration for Judge Russell, and this commemoration indicates the high esteem that his colleagues in the Bar have for him as well.

VICTIMS' RIGHTS AMENDMENT OPPOSITION

Mr. LEAHY. Mr. President, because of the way in which the Senate last week ended its consideration of S.J. Res. 3, a proposed constitutional amendment on crime victims' rights, I did not have an opportunity to include in the RECORD a number of thoughtful editorials from across the country. I now ask unanimous consent to have a number of them printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Asheville Citizen-Times, Apr. 25, 2000]

VICTIMS' BILL SERIOUSLY FLAWED

Today, the United States Senate will vote on the joint Senate Resolution proposing that a victims' rights amendment be added to the U.S. Constitution. The amendment has been endorsed by some 39 Attorneys General, by organizations such as Racial Minorities for Victim Justice, as well as by the presumptive Republican Presidential nominee Gov. George W. Bush.

In effect, the amendment would offer victims the constitutionally guaranteed right to:

Be notified of proceedings in the criminal case;

To attend public proceedings in the case;

To make a statement at release proceedings, sentencing and proceedings regarding a plea bargain;

To have the court order the convicted offender to pay restitution for the harm caused by the crime.

Some of these provisions may indeed restore some balance to a system that leans heavily in favor of protecting criminals' rights. Some of these provisions are already being enacted in certain jurisdictions and in certain cases on behalf of vitims—the right to be present at hearings and to make statements for example.

Many prosecutors are opposing this amendment because of the unintended effects it could have, and the public should oppose it in light of many unanswered questions and concerns. For example, should rival gang members be notified of pending hearings and be invited to make statement against those rivals? What of convicted violent felons who are themselves victimized in prison—who are the true victims? Will prosecutors be compelled to notify thousands of victims in the case of a national telemarketing scam?

These are real questions that the Senate is grappling with. Without real answers, they should vote "No." We should not tamper with the U.S. Constitution when a statute will suffice in place of an amendment. That document is too important to who are as Americans.

[From the Baltimore Sun, Apr. 23, 2000]

DISTORTING VICTIMS' RIGHTS

Senate vote: A constitutional amendment could actually harm victims and rights of innocent.

It's an election year. You can tell by the flurry of votes on proposed constitutional amendments in Congress this month. The latest, set for the Senate this week, is perhaps the most deceptive and dangerous—a victims' rights amendment.

On the surface it seems reasonable, similar to rights adopted in 32 states. It would guarantee crime victims the right to speak at parole, plea-bargain or sentencing hearings, to be notified of an offender's release, to restitution, and a speedy trial.

But wait a minute: Isn't the defendant the one who has a constitutional right to a speedy trial? This amendment would change all that: Victims would have rights equal to a defendant.

That's just the start of the dangers. The amendment doesn't define who's a victim. Parents? Ex-spouses? Cousins? Boyfriends?

It would create a third party in trials intent on retribution, even though the defendant may not have committed the crime.

It would give victims the right to oppose plea bargains. One of the lead lawyers in the Oklahoma City bombing case says this would have made virtually impossible to convict Timothy McVeigh.

Victims also would have the right to demand a speedy trial—even if prosecutors say they need more time to build a winnable case. And what happens if the "victims" disagree? In the Oklahoma City case, there would have been thousands of "victims," many entitled to court-appointed lawyers.

This could lead to grotesque distortions. A battered wife who strikes back and maims her husband could wind up paying restitution to the "victim." So could a shopkeeper who shoots a robber—the "victim" becomes the robber.

We fear for the right to a fair trial. Crime victims' prejudgement of the defendant clashes with the notion that you're innocent until proven guilty.

Victims deserve certain rights. But not in the Constitution. Why hasn't Congress passed federal laws to assist them? It could be decades before a constitution-cluttering amendment is approved.

This is the wrong approach. The proposal could damage our court system and our fundamental rights.

We urge Senators Barbara A. Mikulski and Paul S. Sarbanes to vote against this ill-conceived constitutional amendment—and then commit to drawing up more clearly defined laws giving crime victims a voice in court.

[From the Chicago Tribune, Apr. 20, 2000]

Criminal Act—The Folly of a Victim's Rights Amendment

(By Steve Chapman)

Some conservatives love Mt. Rushmore so much that they want to alter it, by adding Ronald Reagan. Likewise, many people think the U.S. Constitution is not so flawless that it couldn't be improved. Each group ignores the possibility that its revisions may turn something that is nearly perfect into something that is, well, not nearly perfect.

Recently, the Senate barely failed to approve a constitutional amendment to eliminate the terrible national scourge of flag-burning. Next week, it will vote on the Victims' Rights Amendment, which is based on the odd notion that the criminal justice system does too little for the victims of crime.

In fact, the nation spends enormous sums every year for the victims of crime. Legions of police, lawyers and judges labor every day to find, prosecute and punish people who aggress against their neighbors. We run the world's biggest correctional system, with 1,500 facilities devoted to the care and feeding of nearly 2 million inmates—and that's not counting more than 3 million lawbreakers on parole or probation. All of this is partly for the protection of everyone, but it's also an affirmation of our concern for crime victims.

So what oversight is the amendment supposed to address? Some victims feel their interests are not considered and their voices are not heard when criminal justice decisions are made. Asserts the Senate Judiciary Committee, "The victims of crime have been transformed into a group oppressively burdened by a system designed to protect them." Its remedy is to give victims of violent crimes the constitutional right to attend all proceedings, to make their views known about sentencing and plea arrangements, to be notified of an offender's impending release, to insist on a speedy trial and to get restitution from the victimizer.

But the claim of oppression is a vast exaggeration. In a country with 8 million violent crimes committed every year, the justice system is bound to cause some victims to feel dissatisfied and even angry. If 95 percent get satisfactory treatment, that leaves hundreds of thousands of people a year who are shortchanged.

Some of the supposed mistreatment stems not from callousness, but from efforts to provide the accused a fair trial. Amendment supporters want victims to be able to attend trials from start to finish, just as defendants do. But the only time they are barred is before they testify—to minimize the chance that they will (intentionally or not) tailor their testimony to match that of other witnesses.

The unassailable reason for the rule is that it improves the chances of finding the truth. This is not a favor just to suspects: A crime victim gains nothing if the courts punish the wrong person and let the guilty party go free.

Keeping victims informed about the proceedings, and letting them attend, could create huge problems in some cases. Take the Columbine High School massacre, where two students murdered 13 people and wounded 23 others before committing suicide.

Suppose Eric Harris and Dylan Klebold had lived to stand trial. Who would be entitled to attend and comment on any proposed plea bargain? The families of the 36 dead and wounded? The families of all the students who witnessed any of the shootings? The families of all Columbine students? Your guess is as good as the Senate's: The Victims' Rights Amendment doesn't bother defining the term "victim."

The wider the net, the bigger the logistical challenge. Just notifying all these people of every proceeding, from the time a suspect is arrested until the time he's released from prison years or decades later, would be hard enough. Making room for them in court might mean holding the trial in a large auditorium. Letting each one speak would not exactly advance the goal of speedy justice.

There is nothing to stop the states from mandating consideration of crime victims. In fact, all 50 states have done that. As former Reagan Justice Department official Bruce Fein testified at a recent House hearing, "Nothing in the Constitution or in U.S. Supreme Court precedents handcuffs either Congress or the states in fashioning victims' rights statutes."

The advantage of helping victims by these means is that we can experiment to find solutions that are sensible and affordable and abandon those that are not. But a constitutional amendment would transfer the power to courts to enforce these new rights, without much regard for practicality or proportion.

It would amount to giving unelected federal judges instructions to do good and a blank check with which to do it. Only years later would we find out whether the benefits would be worth the cost and by that time, it would be very hard to change our minds.

The Victims' Rights Amendment is not likely to do much for crime victims that can't be done by other means. But by creating a new constitutional demand of unknown dimensions, it threatens to make victims of us all.

[From the Collegiate Times, Apr. 25, 2000]

Victims' Rights Bill Violates Others' Rights

Although the victims' rights amendment, set to receive Senate vote at the end of the month, sounds like it has all the makings of noble piece of legislation, its true colors shine through as potentially endangering to the rights of the accused.

The bill finds bipartisan support, primarily, bolstered by the efforts of Senators Jon Kyl (R–Arizona) and Dianne Feinstein (D–California.)

The measure would provide victims with the right to notification of public proceedings, which emerge from the alleged offense against them.

In addition, it provides the right of presence at hearings and capacity to testify when the topics of parole, plea-bargaining or sentencing are concerned. Further, victims would be privileged with orders of restitution and attention to their interests in the initiative of speedy trials (Washington Post, April 24).

On a state level, many of these provisions already exist.

But does the Constitution, the ultimate framework of our nation's concept of justice, deserve this slap in the face legislation?

Certainly, when anything is under consideration of amendment to the Constitution, a thorough analysis should occur to both ensure the delicate balance of the Constitution between the accused and the accuser remains intact and that justice remains the focus at all times.

Upon examination, this measure is exposed as a travesty to both. Any right the accused has under the Constitution would be grossly usurped by the passing of this bill into law.

For example, a defendant's constitutional right to a fair trial would rest on the victim's concern in pursuing justice swiftly for their own sake. Another ramification of this bill includes the inevitability of prosecutorial hold ups.

By integrating the emotional response of victims into the proceedings of plea-bargaining and sentencing where prosecution once exercised discretion as given to them by law, fairness in sentencing and swiftness in sentencing seem harder to come by.

On the most basic of levels, the sheer label of victim conflicts with the very sentiment for which the Constitution stands.

The use of the word victim violates the premise of innocence until guilt has been proven in a court of law. By labeling the accuser as a victim, guilt has been assigned to the accused.

It prematurely uses terminology that assesses a situation in light of allegations rather than legally submitted evidence.

The rights of all victims remain preserved in the Constitution.

The fact that courts are fully prepared to issue a denial of all freedoms to the accused, should they be found guilty, guarantees, on the behalf of victims as well as society at large, justice will be served.

Justice will be served by the end processes and not prematurely.

For this reason, the interests of victims are under constant consideration. This piece of legislation threatens to disrupt the balance the Constitution maintains and tip the scale in favor of victims.

This bill, should it be made into law, promises an undemocratic approach to dealing with the accused in a manner which jeopardizes their rights and liberties.

The court system pursues prosecution on behalf of victims.

To undermine these efforts in the name of victims' rights seems the most forthright ruin of what the Constitution truly intended as safeguards for the accused as well as the accuser.

[From the Herald, Everett, WA, Apr. 19, 2000]

Amendment To Aid Victims Could Cause More Damage

The U.S. Senate is nearing a vote on a constitutional amendment that seeks to enact a good idea. Like many fine concepts, however, the proposed victims' rights amendment could cause enormous trouble. The Senate has been looking at the proposal seriously since last year. Good arguments have been made on both sides of the amendment, which has bipartisan sponsorship from Sens. Jon Kyl, R-Ariz., and Dianne Feinstein, D-Calif.

As amendment supporters argue, the level of crime in American society should cause us to look more carefully at protecting the rights of victims and their families. Too many court decisions have protected criminals' rights without a corresponding development of the law to assure victims' interests are respected. Indeed, the whole area of prosecution has changed so much in the past 200 years that an amendment could be a reasonable addition to the Constitution. When the Founding Fathers wrote the Constitution, for instance, it was common for victims themselves to bring a criminal case.

Still, a constitutional amendment ought to be a matter of last resort. The amendment simply fails to meet that elemental test. In fact, portions of what the amendment seeks to ensure are already required in existing federal law.

Unfortunantely, members of Congress have failed to provide the appropriations necessary to ensure that victims are notified of hearings and to make sure that prosecutors have the time and resources to be in regular contact with them. An amendment to the Constitution requiring such actions would do little to remedy such neglect. Indeed, unless followed by better funding, the amendment might put even more strain on prosecutors' time and budgets, making them more reluctant to take on difficult cases. That would work decidedly in the favor of criminals, not society.

Many prosecutors and victims' groups have concerns about the potential for unintended harm from the amendment. Their arguments make enormous sense. During the past two decades, America has begun to address its crime problem more seriously. From local offices to the federal government, prosecutors and lawmakers are doing better in addressing the needs of victims and society. The step-by-step approach is showing results in reduced crime. Methodical, painstaking improvements should be strengthened, rather than being shunted aside in favor of a constitutional amendment that, at best, promises more than it would deliver.

WORKERS MEMORIAL DAY 2000

Mr. KENNEDY. Mr. President, on Friday, April 28, 2000, we remembered and honored the sacrifices of the men and women across the years who have lost their lives on the job. We also marked the 30th anniversary of the Occupational Safety and Health Act, which has done so much to reduce such casualties by improving conditions in the workplace for employees across the country. On this day, we renewed our commitment to fair and safe working conditions for every American.

The progress that we have made over the past 30 years is remarkable. In 1970, the year the Occupational Safety and Health Act was signed into law, 13,800 workers died on the job. Since then, workplace fatality rates have fallen by 74 percent. Over 200,000 lives have been saved. Injury rates have fallen by more than a third.

In observance of this important day, we must also remember the lives and the families that have been irrevocably changed by workplace injuries and illnesses. Despite the progress, 154 people still lose their lives on the job on the average day. Last year in Massachusetts, 91 workers died on the job—more than double the number in 1998. Currently, it is estimated that 1,000 deaths a year result from work-related illnesses, and 1,200 workers a year are diagnosed with cancer caused by their jobs. Clearly, those high numbers are unacceptable.

As the global economy continues to expand and change the new workplace, new challenges are created for ensuring adequate safety protections. The modern workplace is being restructured by downsizing staff, larger output quotas, mandatory overtime, and job consolidation. This restructuring creates new pressures on workers to be more productive in the name of efficiency and competitiveness. New technologies in the workplace make it easier to do jobs faster, but they pose new hazards as well.

For ten years, workers have been struggling to achieve a workplace free from ergonomic injuries and illnesses. Since 1990, Secretary of Labor Elizabeth Dole announced the Department of Labor's commitment to issuing an ergonomics standard, more than 6 million workers have suffered serious job injuries from these hazards. Each year, 650,000 workers lose a day or more of work because of ergonomic injuries, costing businesses $15–20 billion per year.

Ursula Stafford, 24 years old, worked as a paraprofessional for the New York City school district. She was injured assisting a 250-pound wheelchair-bound student. She received no training on how to lift the student, nor did her employer provide any lifting equipment. After two days on the job, she suffered a herniated disc and spasms in her neck. As a result of her injuries, her doctor told her that she may not be able to have children, because her back may not be able to support the weight.

Charley Richardson, a shipfitter at General Dynamics in Quincy, Massachusetts, sustained a career-ending back injury when he was ordered to install a 75-pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days, he could not endure the pain of lifting and using heavy tools. For years afterwards, his injury prevented him from participating in basic activities. The loss that hurt Charley the most was having to tell his grandchildren they could not sit on his lap for more than a couple of minutes, because it was too painful. To this day, he cannot sit for long without pain.

OSHA has proposed an ergonomics standard to protect workers from these debilitating injuries. Yet in spite of the costs to employers and to workers and their families, industry has launched an all-out, no-holds-barred effort to prevent OSHA from issuing this important standard. A stronger standard would go a long way to reducing this leading cause of injury.

Ergonomics programs have been shown to make a difference in reducing the number of injuries that occur on the job. Johns Hopkins University initiated a program which significantly reduced the rate of such injuries by 80 percent over seven years. A poultry processor's program lowered the incidence of workers' compensation claims by 20 percent. A program by Intel Corporation produced a savings of more than $10 million.

Hopefully, after this long battle, a national ergonomics standard will finally be put in place this year. If so, it will be the most significant workplace safety protection in the 30 years since OSHA became law. The ergonomic standard will be a landmark achievement in improving safety and health for all workers in America. May this Workers Memorial Day serve as a monument to the progress we are making, and as a constant reminder of our obligation to do more, much more, to achieve the great goal we share.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 28, 2000, the Federal debt stood at $5,685,108,228,594.76 (Five trillion, six hundred eighty-five billion, one hundred eight million, two hundred twenty-eight thousand, five hundred ninety-four dollars and seventy-six cents).

One year ago, April 26, 1999, the Federal debt stood at $5,598,230,000,000 (Five trillion, five hundred ninety-eight billion, two hundred thirty million).

Five years ago, April 28, 1995, the Federal debt stood at $4,852,327,000,000 (Four trillion, eight hundred fifty-two billion, three hundred twenty-seven million).

Ten years ago, April 28, 1990, the Federal debt stood at $3,059,578,000,000 (Three trillion, fifty-nine billion, five hundred seventy-eight million).

Twenty-five years ago, April 28, 1975, the Federal debt stood at $515,176,000,000 (Five hundred fifteen billion, one hundred seventy-six million) which reflects a debt increase of more than $5 trillion—$5,169,932,228,594.76 (Five trillion, one hundred sixty-nine billion, nine hundred thirty-two million, two hundred twenty-eight thousand, five hundred ninety-four dollars and seventy-six cents) during the past 25 years.

ADDITIONAL STATEMENTS

HONORING TOP GEORGIA YOUTH VOLUNTEERS

• Mr. COVERDELL. Mr. President, I rise today to congratulate and honor two young Georgia students who have achieved national recognition for exemplary volunteer service in their communities. Shelarese Ruffin of Atlanta and Sagen Woolery of Warner Robins have just been named State Honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each State, the District of Columbia, and Puerto Rico.

Ms. Shelarese Ruffin is being recognized for her efforts in developing an intervention program that targets at-risk teens. The program is designed to help further educate and discipline teens in overcoming drug and behavioral problems. Mr. Sagen Woolery is being honored for volunteering his time and creating "The Kid's Kitchen," a soup kitchen for needy children and their families which is fully operated by kids between the ages of 8–12.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Ruffin and Mr. Woolery are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

Ms. Ruffin and Mr. Woolery should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May, along with other 2000 Spirit of Community Honorees from across the country, for several days of special events, including a congressional breakfast reception on Capitol Hill.

I heartily applaud Ms. Ruffin and Mr. Woolery for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others.

In addition, I also salute other young people in Georgia who were named Distinguished Finalists by the Prudential Spirit of Community Awards for their outstanding volunteer service. They are: Vidya Margaret Anegundi of Lilburn, Shamea Crane of Morrow, Lyndsey Miller of Atlanta, Jessica Nickerson of Savannah, Leslie Pruett of LaGrange, and Erin Shealy of Watkinsville.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world and deserve our sincere admiration and respect. Their actions show that young Americans can and do play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

GOREVILLE, ILLINOIS, CENTENNIAL CELEBRATION

● Mr. DURBIN. Mr. President, I rise today to honor the great people of Goreville, IL, during their centennial celebration. Although Goreville was not officially incorporated until 1900, it has been a busy settlement since before the Civil War. A post office was established as early as 1886, after the Gore family migrated from Georgia to settle on the land they had purchased from the government in 1854. When the Civil War broke out, General John A. Logan visited the community to recruit volunteers for his 31st Illinois Volunteer Infantry, which rendezvoused at Camp Dunlap in Jacksonville, IL, before moving on to Fort Defiance in Cairo, IL.

When the Chicago and Eastern Illinois railroad went through Johnson County in 1889, the village moved its businesses down the road. This flexibility proved beneficial to Goreville as the small village prospered.

In April 1900, the village was incorporated, and was formally recognized by the State of Illinois in a small ceremony on July 5, 1900. While Goreville's population has never been extremely large, it has gradually grown to 900 people. Goreville is nestled next to Ferne Clyffe State Park. In 1923, the State Park was declared "the most beautiful spot in Illinois."

The week of May 7–13 has been designated as the Goreville Centennial Celebration. As the people of Goreville hold a series of events to celebrate the 100th birthday of the village, I ask my colleagues to join me in recognizing the centennial celebration of Goreville, IL.●

LOYALTY DAY 2000

● Mr. GRAMS. Mr. President, the true spirit of Americanism cannot truly be captured in the pages of history. It is not found in our vast acquired lands, nor is it printed in our two-century-old Constitution. Americanism is felt and entrenched deep in our soul. It is the goose bumps we get when hearing the Star Spangled Banner and the emotional chills that run through our veins when witnessing the changing of the guard at the Tomb of the Unknown Soldier. The undying passion and loyalty we have for our nation is Americanism.

John Adams understood this loyal, patriotic, American spirit when he wrote, "Our obligations to our country never cease but with our lives." In fulfillment of that obligation, many lives have been sacrificed to guarantee our liberties for ourselves and our posterity. The loyalty and devotion demonstrated by the veterans of our Armed Forces must never be forgotten or discounted.

Every year on May 1, our country takes the opportunity to celebrate that passionate allegiance and pay tribute to those before us who unselfishly ensured the continued success of America and strength of our democracy. Thanks to the efforts of the Veterans of Foreign Wars, Congress mandated in 1958 that May 1 of each year shall be recognized as "Loyalty Day." Across the nation, VFW posts express their steadfast commitment by sponsoring parades, hosting banquets and replacing worn flags in their communities.

While Loyalty Day is an occasion to reminisce about past achievements, we should also take this opportunity to focus on our future. As history has repeatedly shown, challenges to our ideals of democracy are imminent. Each previous generation has shown valor in rising to face those challenges. Now the continued success of our nation relies on instilling in our young people an ardent appreciation for our American ideals, so they may be prepared to face future obstacles.

Each of us in our own unique way can show our commitment to the ideals upon which this nation was founded. Whether flying the flag, visiting a monument, teaching a child the Pledge of Allegiance or simply thanking a veteran, I ask that you join me today in celebrating Loyalty Day. I encourage everyone to discover the passion of our forefathers and experience the pride of true Americanism.●

MARIE CASCONE ROTUNDA

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Marie Cascone Rotunda, an outstanding New Jerseyan who has dedicated her distinguished career to the service of others. A selfless individual and member of the Trenton community, she is being honored with the prestigious Community Service Award by the Grandville Academy National.

The revered American poet Walt Whitman once wrote "Behold, I do not give lectures or a little charity. When I give, I give myself." It is clear that Marie Cascone Rotunda's many years of community service is the embodiment of this notion. She has tirelessly given of herself through her dedication to many noble and charitable causes. She has served with the International Special Olympics, taken it upon herself to create an emergency food pantry in the Township of Lawrence and for the past several years, she has focused much of her effort in supporting the Sunshine Foundation, which helps chronically and terminally ill children realize their dreams and fulfill their wishes. Furthermore she has spearheaded fund raising efforts that have raised over $2 million for charitable causes in her community.

The Trenton community is truly fortunate to have been graced by such a talented and caring person. New Jersey is proud of this distinguished individual who has touched so many lives. Marie is an exemplar of the coveted American ideals of compassion and community service, and it is my honor to recognize her tremendous achievements today.●

TRIBUTE TO WAYNE ASPINALL

● Mr. ALLARD. Mr. President, today I honor a man who spent 48 years of his life serving the public as an elected official for the State of Colorado. A man who served 2 years as the president of Colorado's 35th school district, 6 years as a board member of the town of Palisade, 6 years as a member of the Colorado House of Representatives, 2 of those as House Speaker, 10 years as a Colorado State Senator where he was both the Majority and Minority Leader, and 24 years as a member of the U.S. House of Representative where he was the Chairman of the House Interior and Insular Affairs Committee. I am referring to the late Congressman Wayne N. Aspinall from the small peach and winery town of Palisade, CO.

Let me talk about Wayne Aspinall's time in the U.S. Congress. In 1956, as Chairman of the Subcommittee on Irrigation and Reclamation, he created the Colorado River Storage Project Act of 1956 which authorized Glen Canyon, Flaming Gorge, Navajo and Curecanti Reservoirs, plus several smaller projects authorized for construction and others designated for study. The act was signed into law by President Eisenhower on April 11, 1956.

In 1959, he became Chairman of the U.S. House Interior and Insular Affairs Committee. The ensuing 14 years of his leadership was viewed by many as the most productive in history in terms of new water projects, national parks authorized, wilderness designated, redwoods protected, the States of Alaska and Hawaii were admitted to the Union, and so much more.

This remarkable Congressman's accomplishments continued. In 1964, he lead the way to the Wilderness Act, which became law September 3rd and designated 9.1 million acres of wilderness and set aside more for study. At the same time, the Land and Water Conservation Fund was established primarily for parks acquisition.

Then, in 1968, he created the Colorado River Basin Development Act, signed into law by President Johnson on September 30, which balanced development in the basin. On October 2nd of the same year, his bill was signed protecting 58,000 acres of California redwoods and the Land and Water Conservation Fund was further enhanced.

Finally, he returned to his hometown of Palisade, CO in 1973 to live in a new home over the Colorado River which his life's work had done so much to preserve as a valuable resource for the entire western United States. He died October 9, 1983.

Now the citizens in his hometown plan to honor his memory with a one-and-half times life-size bronze sculpture by noted North Carolina artist Thomas Jay Warren. The statue will be the central feature of a Memorial which will include the representation of a dam and river. Several adjacent Memory Walls will be inscribed with the major achievements of the man known affectionately today in Colorado as "Mr. Chairman." Members of the Wayne N. Aspinall Memorial created it as an educational one, designed as much to teach students and others of the importance of sound water conservation, good government, and the history of water in the West as a record of the Chairman's stellar accomplishments.

The $165,000 Memorial will sit in the southeast quadrant of what is now known as Palisade Park, on a bluff above the Colorado River about 50 yards from the home to which he had retired.

I commend the people of Palisade and other Coloradans for their effort to honor a man who served the great State of Colorado and our Nation with such distinction. I am proud to say that I knew him as a young man. My father, Amos Allard, was chairman of his congressional district. My family is proud of the affiliation with the Wayne Aspinall family and count ourselves among his many supporters. I urge all of who can do so to support this project financially.

Mr. President I ask that a list of Commission members and a copy of Colorado House Joint Resolution 00-1030 concerning support for the Aspinall Memorial Commission be printed in the RECORD.

ASPINALL MEMORIAL COMMISSION MEMBERS

Tilman N. Bishop, Retired State Senator and Educator.

Greg Walcher, Executive Director Department of Natural Resources.

Charles J. Traylor, Attorney and former Aspinall Campaign Manager.

William Cleary, former Aspinall Washington Aide.

Dean Smith, Mayor of Palisade.

Rich Helm, Executive Director, Museum of Western Colorado.

Robert Helmer, Fruit Grower and President of Palisade Chamber of Commerce.

Henry Talbott, President of Talbott Farms.

Elvis Guin, Retired Engineer, representing Palisade Lions Club.

Don Taylor, former Aspinall student and Retired Military.

Mike McEvoy, President of the Palisade National Bank.

Mary White, sister of Mr. Aspinall.

STATE OF COLORADO—HOUSE JOINT RESOLUTION 00-1030

Whereas, The Honorable Wayne N. Aspinall of Palisade, Colorado, was engaged in public service to the people of Colorado for more than half a century; and

Whereas, Wayne N. Aspinall served with distinction in the Colorado House of Representatives from 1931 to 1934, including service as Democratic Whip in 1931 and 1933; and

Whereas, Representative Aspinall also served with distinction in the Colorado House of Representatives in 1937 and 1938, during which time he was Speaker of the House; and

Whereas, Senator Aspinall served with distinction in the Colorado Senate from 1939 to 1948, including service as Democratic Whip in 1939, majority leader in 1941, and minority leader in 1943, 1945, and 1947; and

Whereas, Wayne N. Aspinall served as the United States Congressman from the Fourth Congressional District of Colorado during the Eighty-second through the Ninety-second Congress, serving as Chairman of the House Committee on Interior and Insular Affairs and as Chairman of the Public Land Law Review Commission from 1965 to 1970; and

Whereas, Congressman Aspinall was Chairman of the Subcommittee on Irrigation and Reclamation of the House Committee on Interior and Insular Affairs when Congress enacted the Colorado River Storage Project Act, which at that time was the largest reclamation authorization act ever approved by Congress; and

Whereas, The Colorado River Storage Project Act contained authorization to construct four large water conservation storage units (Curecanti, Flaming Gorge, Glen Canyon, and Navajo) and eleven participating irrigation projects in Colorado and her three sister states in the Upper Colorado River Basin; and

Whereas, It is fitting that one who has served this state long and faithfully should be recognized in a permanent and substantial way; and

Whereas, The Aspinall Memorial Commission, Inc., a nonprofit corporation, has been formed by a group of citizens in Palisade and Mesa County for the purpose of erecting a memorial to Wayne Aspinall; and

Whereas, A major component of the planned Wayne N. Aspinall Memorial is a series of "Walls of Accomplishment" to educate students and others about the water conservation needs of the State of Colorado and the entire western United States; and

Whereas, The town of Palisade has donated land for the Wayne N. Aspinall Memorial at a prime location in Palisade Park and has, by resolution, agreed to maintain the memorial once it is conveyed to the town by the Aspinall Memorial Commission; and

Whereas, The Honorable Wayne Aspinall is one of Colorado's most devoted and illustrious statesmen and citizens; and

Whereas, The faithful, dedicated public service of Wayne Aspinall provides an inspiring example for those who follow him in the difficult tasks of self government; and

Whereas, Wayne Aspinall deserves a substantial and lasting memorial for contributing so much to the improvement of the great state of Colorado; now, therefore, be it

Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

1. That the General Assembly encourages all private citizens, corporations, clubs, and other organizations to provide support and assistance to the Aspinall Memorial Commission.
2. That the General Assembly encourages private grant-making foundations and organizations to support the efforts of the Aspinall Memorial Commission.
3. That the General Assembly encourages all agencies of the State of Colorado to support, cooperate with, and provide assistance to the Aspinall Memorial Commission to the fullest extent possible.
4. That the General Assembly encourages Governor Bill Owens to use his best efforts to cause Colorado's neighboring states and their cities that benefit from the dams and reservoirs built as a result of Wayne Aspinall's tenure in the United States House of Representatives to provide assistance and support to the Aspinall Memorial Commission.●

IN HONOR OF JOSEPH NASTASI

● Mr. BREAUX. Mr. President, I rise today to honor Mr. Joseph Nastasi, who has been an advocate for the seniors of Monroe, Louisiana, for 18 years as executive director of the Ouachita Parish Council on Aging.

A veteran of World War II, and the wars in Korea and Vietnam, Joe honorably served his country in the Marine

Corps from 1943 until he retired in 1979. After his long and distinguished service, Joe shifted his focus to serving older Louisianians as he began work with the Ouachita Council on Aging in 1982.

Under his leadership, the Ouachita Council on Aging has significantly increased its senior services. Eighteen years ago, daily meals were delivered to 80 seniors. Today, that number has expanded to approximately 500. And, in large part to Joe's efforts to enhance senior transportation, more seniors in Ouachita Parish now have access to essential services such as heart and cancer centers.

In addition to his work with the Council on Aging, Joe has also served as President of the Louisiana Council on Aging Directors Association, on the boards of the Louisiana Public Transportation Association and Louisiana State University Monroe Medical Center, and as a member of the Louisiana Elderly Health Care Council.

As ranking Democrat of the Senate Special Committee on Aging, I can tell you that Joe has been an invaluable resource to me and my Aging Committee staff. Last November, he testified at an Aging Committee field hearing in Monroe and provided excellent insight into the challenges faced by family caregivers. Joe's experience and insight have enriched our work time and again.

After many years of loyal service, Joe recently retired from the Ouachita Council on Aging. I want to thank him for his hard work and dedication, and wish him well in his retirement.●

RECOGNITION OF DAVID FORRESTER OF THE LEARNING OPPORTUNITIES CENTER

● Mr. GORTON. Mr. President, I would like to share with you an example of how local educators are using the innovations in the high tech field to improve our children's education. David Forrester, founder and director of the Learning Opportunities Center in Tumwater, Washington, has created a program that gives students with unique needs the opportunity to work at their own pace in an environment that teaches them new skills and encourages them to excel. I would like to take this opportunity to acknowledge Mr. Forrester's outstanding work and give him my next Innovation in Education Award.

David Forrester is the mastermind behind the Learning Opportunities Center which has grown over the last six years and now supports 150 students ages 9 to 21 from high schools in nearly ten separate school districts. The Center supports students from extremely rural areas or who have struggled in the traditional education system. Through this center, students succeed and take courses in English, Math, and Science through a computer system specifically created for their needs.

With the help of grant money, Mr. Forrester has designed software which he has named Pathware. Pathware allows him to manage a large scope of curriculum and organize it to fit each student's needs. In essence, each student has their own personalized program that can help them work at their own level and pace in multiple subject areas, allowing him to maintain one-on-one relationships with his students.

Pat Cusack, the Coordinator of the School to Work program at the New Market Vocational Skills Center considers David Forrester to have, "He's a man with a big heart who puts kids first with tireless energy and tremendous vision."

Shaun Rohr, a student of Mr. Forrester, has told me that because of the Learning Opportunities Center and Mr. Forrester's motivation, he has been offered a job in web-page design. Shaun says, "Mr. Forrester is always there to help, and shows you different ways to approach a problem. At first I was not ready to learn web-page design, but Mr. Forrester kept asking me and showed me how. Without his belief in me and his patience with me, I probably would not have learned."

I applaud the dedication and hard work of Mr. Forrester who has found new and creative ways to serve the needs of his students and I am proud to recognize his contributions and his persistence in carrying out his vision. By creating so many new options for children, Mr. Forrester is giving back to local schools and setting a wonderful example for those around him.●

WOODBRIDGE HIGH STUDENTS SELECTED AS FINALISTS IN CIVICS PROGRAM

● Mr. BIDEN. Mr. President, I am pleased to rise today to congratulate 15 students and their teacher, Ms. Barbara Hudson, from Woodbridge High School in Bridgeville, DE, for their outstanding achievement in qualifying as finalists of the "We the People . . . The Citizen and the Consitiution" program.

This program is administered by the Center for Civic Education which provides curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. These materials assist students in obtaining a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government.

Next, "We the People" conducts a 3-day competition which tests a student's knowledge of the Constitution and the Bill of Rights. A mock Congressional committee hearing is conducted in which the students testify and then respond to questions on Constitutional issues before a panel of judges.

This demanding competition takes hard work and diligence to reach the national finals, which are being held in Washington, D.C. from May 6 to May 8, 2000. I am pleased to congratulate those students from Woodbridge High School who will be participating in the final stage of this competition: Jennifer Blackwell, Steve Breeding, Jarelle Bruso, John Conner, Rachel Dawson, Shawnita Dorman, Chelsea Ferrell, Adam Hickman, Jerome Holder, Nick LaRusso, Kat Leiter, Jennifer Sheets, Latoya Thompson, Robert Tribbett, and Jessica Umstetter. Together with the help of their teacher, Ms. Hudson, they successfully learned and applied a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. Their knowledge will be tested yet again during the national finals, where they will compete with more than 1,200 students from throughout the United States.

It is exciting to see these young people from Delaware and so many other students from across the Nation expressing interest in our country's Government. Programs such as "We the People" help to inspire new generations of leaders. These students from Woodbridge High School are shining examples of the promise bright young people offer the future of this country.

It is my honor to recognize these students who represent excellence in Delaware scholastics, and I am sure that my fellow Delawareans join me in wishing these young "Constitutional experts" the best of luck during the upcoming competition.●

A TRIBUTE TO NATIONAL SCIENCE AND TECHNOLOGY WEEK

● Mr. GRAMS. Mr. President, I proudly rise today in recognition of National Science and Technology Week. Since 1985, the National Science Foundation has used this opportunity to celebrate and bring awareness to the scientific and technological wonders that encompass our lives.

American spirit and determination have created advancements our society could not have imagined a mere 50 years ago. As the world embraces the new information age, our quality of life has been the benefactor. Telecommunications and the Internet have brought billions of people together, while biotechnology research gives hope to solving many of our world's medical mysteries. Environmental technology allows increased sustainability of our precious natural resources and space sciences open up new and exciting worlds.

Science, education, and community organizations all over the U.S. are participating in National Science and Technology Week. Clearly, promoting the awareness of science and technology to the public benefits everyone.

In particular, piquing the interest of children has been proven to instill a lifetime of learning. The importance of a strong scientific education is indisputable, for the skills we learn as children prove invaluable on a daily basis in adult life. Here in Congress, the legislative process utilizes scientific reasoning methods to pinpoint problems, research solutions, experiment, and choose the best course of action.

I am proud of my efforts during the 106th Congress to secure $5 million in funding for improvements to the Minnesota Valley National Wildlife Refuge and National Park Services operations in the new Science Museum of Minnesota. Our state-of-the-art museum allows all Minnesotans the opportunity to experience wonders of science ranging from a face-to-face encounter with a polar bear to navigating a virtual towboat down the Mississippi River. I encourage all our citizens to plan a visit soon.

As National Science and Technology Week activities are conducted across the country, it is my hope that all Americans reflect on the significance of science and technology in our society. In science, as in all of life, the only barriers we cannot overcome are those we do not attempt. Please join me this week in celebrating our achievements and potential.●

THE LAST CLASS IN BUTTE

● Mr. DORGAN. Mr. President, in a recent article in the New York Times, Nicholas Kristof, a reporter, posed the question why this country should care about the fate of family-based agriculture in this country.

Many people are asking that question today. For part of the answer, I suggest they read a short essay by Elizabeth Haugen, a high school senior in Butte, North Dakota, a town of 129 people in the central portion of my state.

Elizabeth has grown up on a family farm. As her grandmother put it, she "helps with the cows, drives truck, cleans granaries, and maintains an A+ grade average." She sings in the State Choir and competes in statewide speech contests.

Elizabeth is a member of the last graduating class in Butte Public School—one of two seniors. After she leaves the school will close. The school will not close because it has failed. It has been a success, and Butte too has been a success. For generations, the school, and the town, have produced the kind of traditional community values that we hear so much about in this Chamber and that this Nation desperately needs.

The Butte Public School will close because family farms are failing, and family-based agriculture is the economic base of Butte—as it is for thousands of small communities like it across America.

This is not rural romanticism of Jeffersonian nostalgia. It is real. If we want the kind of traditional values in this country that people here in Washington preach so much about, then we have got to show some concern for the kinds of economic arrangements that promote those values—including the family farm.

Family based agriculture is not failing in this country because it is unproductive or inefficient. It is failing because it cannot survive in a marketplace in which big grain companies, food processors and the rest are permitted to stomp on family farmers with impunity. It cannot survive when the federal government favors these corporate interests at every turn.

To begin to understand why we need to act, I commend this essay by Elizabeth Haugen to my colleagues. "The little town of Butte, North Dakota is the positive evidence that the small, trustworthy, and simple lifestyle still exists," she writes. How would we replace those values, once they are lost?

I include for the RECORD a copy of the essay.

The essay follows:

THE LITTLE WORLD ALL BY ITSELF

(By Elizabeth Haugen)

We live in a world of advanced technology, increasing violence, and the rush of people running through their lives in an attempt to conquer their busy schedules. What has happened to the silence? The beautiful grazing land? The simple pleasures of life? It once was all people knew. Let's dig deep. This lifestyle has been preserved somewhere.

I've grown up on a farm with the closest neighbor one and a half miles down the road. I have attended a public school that has endured a startling decrease in the student body of 100 to 34 students in kindergarten through twelfth grade. I ask myself if I have been sheltered and deprived—or fortunately been forced to dig into the soil where I've found what really matters?

Butte, North Dakota. It has a population of a dwindling number of 129 people, but it is a place of great happiness and memories for many. Art Meller, 93 years young has never lived anywhere else. He remembers when the old people used to call Butte, "the little world all by itself." Butte was founded as Dogden in 1906. Since then the cornerstone, and the town's greatest asset, has been the school.

I'll never forget that first day of kindergarten when I walked into school and met my nine classmates. Now, I will finish my senior high school with only one classmate. We are excited for the typical reasons just like any other senior, but there is something that is unique about our class. Not only are we the only two seniors, but also we will be the last graduating class of Butte Public School. The cornerstone of Butte will be closing its doors. "It's sad to see Butte School end because when the school closes, the town closes," said Matthew, one of seven juniors. It is sad, and everyday as I drive down Main Street, the only paved street in town, I gaze at the sights—the Café, the grocery store, the Farmer's Union, and the small town bar—that have given me hope.

On a normal day I hear the sounds of wind blowing, children playing outside, and the murmur of people talking. It's not the sounds of loud sirens, or construction machinery, or traffic jams. It is simply, for the most part, a safe and comforting environment—"the little world all by itself." People living only an hour away haven't heard, or even know that a town named Butte, North Dakota exists.

Every morning I drive down the four blocks of Main Street to school, and every morning I slow down as two elderly women cross the street. They are on their daily walk to the Butte Post Office and then to the Café for a cup of coffee. Oh, and don't forget the small town gossip. It's the chatter of figuring out all 129 people's lives in Butte. When the town is so small, shouldn't everybody know everything? It's a different life, "the little world all by itself."

As I walk in the school doors there are no metal detectors, no locks on lockers, just the smiles and solemn faces of the small student body ready to put in another day at Butte school, knowing that there won't be many more at Butte. We aren't about violence or competition. Students have developed cherished friendships. We are proof that school isn't all crime and violence. It isn't a scary place. The wonder of "will a bomb blow up today?" isn't a thought. It's a place where every student shares the common bond of simple pleasures: seeing deer running in the open country, or not having to worry about locking the doors or turning on the alarm system. Everybody has gone outside at night and been able to enjoy the bright, shining stars.

The little town of Butte, North Dakota is the positive evidence that the small, trustworthy, and simple lifestyle has been dug up and still exists. Don't lose heart. Pick up your shovel and start digging deep.●

SHITAMA MANZO SENSEI AND TAKAKI MASANORI SENSEI

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Shitama Manzo Sensei and Takaki Masanori Sensei of the Seikiryukan Dojo upon the occasion of their visit to the United States. As the 16th headmaster of Sosuishi-ryu Jujutsu and kancho of the Seikiryukan, Shitama Manzo Sensei with the aid of Takaki Masanori Sensei, chief instructor of the Seikiryukan, have provided exemplary leadership and dedication in their oversight of the instruction of Jujutsu and Judo for many years.

The Seikiryukan Dojo has a history dating back centuries as the bombu of Sosuishi-ryu Jujutsu. It is dedicated to the ethical and physical principles that compose the martial arts of Jujutsu and Judo and was one of the first martial arts schools in Japan to teach the United States Military Jujutsu and Judo.

Shitama Manzo Sensei and Takaki Masanori have given much of their time and energy working for the betterment of others. I am appreciative of the opportunity to recognize men of such character and conviction who work at teaching others their honorable ways.●

THE FALL OF SAIGON

● Mr. MOYNIHAN. Mr. President, on Sunday, the anniversary of the fall of

Saigon and the end of the Vietnam conflict, the Washington Post carried on its Op-Ed page a thoughtful, healing reflection on those events by Senator KERREY entitled, "Was It Worth It?" A hero—and casualty—of that conflict, the only Member of Congress ever to have received the Congressional Medal of Honor, he might understandably have turned his attention to those who did not think so and did not serve. Instead he allowed that for a period he had shared the same doubts, but had overcome them. As he contemplates the human destruction done by the dictatorship that followed, he concludes: "I believe the cause was just and the sacrifice not in vain." He is now, as he was then, a person of limitless courage.

I ask that his article be included in the RECORD.

[From the Washington Post, Apr. 30, 2000]

WAS IT WORTH IT?

(By Bob Kerrey)

The most difficult war of the last century was not Vietnam; it was World War I. In 1943, the year I was born, veterans of the Great War were remembering the 25th anniversary of their armistice while their sons were fighting in Italy and the Pacific against enemies whose military strength was ignored on account of the bitter memories of the failures of the First World War.

So, as I remember April 30, 1975, I will also remember Nov. 11, 1918, and what happened when America isolated itself from the world. But I will also remember the pride I felt when I sat in joint sessions of Congress listening to Vaclav Havel, Kim Dae Jung, Lech Walesa and Nelson Mandela thank Americans for the sacrifices they made on behalf of their freedom.

The famous photo of South Vietnamese ascending a stairway to a helicopter on the roof of our Saigon embassy represents both our shame and our honor. The shame is that we, in the end, turned our back on Vietnam and on the sacrifice of more than 58,000 Americans. We succumbed to fatigue and self-doubt, we went back on the promise we had made to support the South Vietnamese, and the Communists were able to defeat our allies. The honor is that during the fall of Saigon, we rescued tens of thousands of our South Vietnamese friends, and in the years that followed we welcomed more than a million additional Vietnamese to our shores.

For a young, college-educated son of the optimistic American heartland, the war taught some valuable lessons. My trip to Vietnam gave me a sense of the immense size and variety of our world. I was also awed by something that still moves me: that Americans would risk their lives for the freedom of another people. At the Philadelphia Naval Hospital I learned that everyone needs America's generosity—even me.

During the war, I knew the fight for freedom was the core reason for our being in Vietnam. But after the war, as I learned more about our government's decision-making in the war years, I became angry. I was angry at the failure of our leaders to tell the truth about what was happening in Vietnam. I was angry at their ignorance about the motives of our North Vietnamese adversaries and the history of Vietnam.

Our leaders didn't seem to understand the depth of commitment of our adversaries to creating their version of an independent Vietnam. I particularly detested President Nixon for his duplicity in campaigning on a promise to end the war and then, once in office, broadening the war to Cambodia. But time has taught me the sterility of anger. So, as I recently told former secretary of defense Robert S. McNamara, I forgive our leaders of the Vietnam period.

I am able to forgive, not out of any great generosity of mine but because the passage of time and the actions of the Communist government of Vietnam proven to me we were fighting on the right side. In their harsh treatment of the Vietnamese people, in denying them medicine and essential consumer goods, and in persecuting religious practice, the Vietnamese Communists in the postwar years proved themselves to be—Communists.

The most eloquent comment on life under Ho Chi Minh's heirs was the flight of millions of Vietnamese who risked death on the high seas rather than live under that regime. If there was to be a trial to determine whether the Vietnam War was worth fighting, I would call the Boat People as my only witness.

Was the war worth the effort and sacrifice, or was it a mistake? Everyone touched by it must answer that question for himself. When I came home in 1969 and for many years afterward, I did not believe it was worth it. Today, with the passage of time and the experience of seeing both the benefits of freedom won by our sacrifice and the human destruction done by dictatorships, I believe the cause was just and the sacrifice not in vain.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Governmental Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8706. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to the DoD missions and functions review report; to the Committee on Armed Services.

EC-8707. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to the current Future Years Defense Program funding of the support costs associated with the F/A-18E/F multiyear procurement program; to the Committee on Armed Services.

EC-8708. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to the percentage of funds that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-8709. A communication from the Under Secretary of Defense, Policy, transmitting, pursuant to the 1999 Defense Authorization Act, a report that includes a descriptive summary of appropriations requested for each project category under each Cooperative Threat Reduction program element; to the Committee on Armed Services.

EC-8710. A communication from the President of the United States of America, transmitting, pursuant to the 1998 Supplemental Appropriations and Rescissions Act and the Strom Thurmond National Defense Authorization Act for FY 1999, the report on progress made toward achieving benchmarks in Bosnia, as adopted by the Peace Implementation Council and the North Atlantic Council for evaluating implementation of the Dayton Peace Accords, for a sustainable peace progress; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-468. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to obtaining an apology from the government of Japan for crimes against prisoners of war during World War II; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, 33,587 men and women in the United States military and 13,966 United States civilians were captured by the forces of the Empire of Japan in the Pacific Theater during World War II, confined in brutal prison camps, and subjected to severe shortages of food, medicine, and other basic necessities; and

Whereas, many of the United States military and civilian prisoners of the Imperial Japanese Government during World War II were forced to work in coal, copper, lead, and zinc mines, steel plants, shipbuilding yards, and other private Imperial Japanese industries; and

Whereas, many of the United States military and civilian prisoners of the Imperial Japanese Government were starved and beaten to death or executed by beheading, firing squads, or immolation, while working for Japanese business entities that have become some of the largest multinational companies in the world today; and

Whereas, the Federal Republic of Germany has formally apologized to the victims of the Holocaust and provided financial compensation to its victims; and

Whereas, the United States government, in 1988, acknowledged the unfairness of its policy of detaining and interring Japanese-Americans during World War II; and

Whereas, while Japanese government officials have expressed personal apologies and supported the payment of privately funded reparations to some victims, the Japanese government has refused to fully acknowledge the crimes of Imperial Japan committed during World War II and to provide reparations to its victims: Therefore, be it

Resolved, That the Legislature of Louisiana requests that the President of the United States and the United States Congress take all appropriate action to further bring about a formal apology and reparations by the Japanese government for the war crimes committed by the Imperial Japanese military during World War II. Be it further

Resolved, That suitable copies of this Resolution be transmitted to the President of the United States, the Japanese Ambassador to the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Louisiana's congressional delegation.

POM–469. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, in November 1999, the National Conference of State Legislatures (NCSL) published a position-neutral report titled "Federal Reductions to Social Security Benefits of State and Local Employees: The Windfall Elimination Reduction and the Government Pension Offset"; and

Whereas, the NCSL report stated that two federal Social Security provisions known as the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) result in a reduction of Social Security benefits received by beneficiaries who also receive "uncovered" government retirement benefits earned through work for a state or local government employer where the Social Security payroll tax was not paid; and

Whereas, the NCSL report stated that congress, in crafting the GPO and WEP benefit reductions, intended to alleviate concerns that public employees who had worked primarily in uncovered, non-Social Security employment receive the same benefit as workers who had worked in covered employment throughout their career; and

Whereas, the NCSL report stated that the GPO reduces the Social Security spouse's (widow's) benefit by two-thirds of the amount of the public retirement benefit received by the spousal beneficiary and, in some case, the offset will eliminate a Social Security benefit; and

Whereas, the WEP applies to some government employees who worked primarily in uncovered employment and who have earned an uncovered government pension and also worked enough quarters in covered employment to qualify for an earned Social Security benefit which is subject to a reduction of up to one-half of the amount of the uncovered public retirement benefit earned; and

Whereas, based on the facts as presented in the NCSL report, it can be argued that both the GPO and the WEP reductions are unfair to lower-wage public employees who receive lower uncovered public pension benefits, because the greatest reductions are suffered by the lowest Social Security earners, and both reduction provisions assume that public employees in uncovered employment, are career employees and make no adjustments for employees who may move in and out of public sector employment or who may qualify for only a minimal uncovered government pension: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize congress to repeal the two federal Social Security provisions known as the Government Pension Offset and the Windfall Elimination Provision, and thereby prevent the reduction of Social Security benefits received by beneficiaries who also receive "uncovered" government retirement benefits earned through work for a state or local government employer. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–470. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to tax treatment of independently contracted school bus operators; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, many Louisiana school systems retain school bus operators who own their own school buses and who act as independent contractors for the purpose of transporting students to and from school and school-related events, and each such operator incurs expenses in the performance of his duties, including the cost of new tires, tune-ups, routine maintenance, engine and body repair, interest on financing of the bus, and depreciation thereof; and

Whereas, in each year prior to 1989, such operators were paid a base salary that was reported to the Internal Revenue Service on form W–2 which applies to statutory employees and, in addition thereto, were paid a separate operation expense reimbursement allowance that was reported on form 1099-Miscellaneous which applies to independent contractors; and

Whereas, in each tax year prior to 1989, each such operator was required to pay income tax on his base salary, but it appears that the Internal Revenue Service apparently either condoned or was unaware of the prevailing tax practice of the operators who were foregoing the reporting of their form 1099-Miscellaneous allowance as taxable income thereby allowing, in effect, a tax exemption relative thereto; and

Whereas, the former practice of many operators was to carry forward the unused, untaxed portion of their expense allowance to be applied in any future year if the expense allowance paid in that year did not cover the expenses actually incurred; and

Whereas, during the year 1988, or sometime thereabout, the practice of issuing both a form W–2 and form 1099-Miscellaneous to an individual employee came to the attention of the Internal Revenue Service which, apparently, concluded that the practice of treating a single employee as both a statutory employee and an independent contractor, and the resulting accumulation of unused, untaxed expense allowances was unacceptable and further concluded that a law or regulation was necessary to address the subject; and

Whereas, in tax year 1989, United States Treasury Regulation §1.62–2 became effective, which required employers to pay operational reimbursement allowances in compliance with an arrangement known as an "accountable plan", requiring operators to: (1) only claim expenses incurred in the operation of their buses, (2) provide employers with an itemized list of actual operating expenses, and (3) return to their employers the amount of expense allowance that exceeded the actual expenses incurred during the pay period; and

Whereas, to comply with the 1989 tax regulation, employers began changing their method of paying operators by discontinuing the payment of a separate operational expenses allowance, while simultaneously increasing each operator's base salary by an amount equal to the former expense allowance, and reporting the total amount to the Internal Revenue Service as form W–2 salary; and

Whereas, reporting operational expense allowance as form W–2 salary instead of form 1099-Miscellaneous income, deprives each operator of the opportunity to forego reporting the total amount of the allowance as taxable income as was the widespread practice prior to tax year 1989 and, furthermore, subjects the unused expense allowance to taxation unless that portion is returned to the employer; and

Whereas, the federal government's apparent objective of preventing the accumulation of unused, untaxed expense allowance appears to be neutral on its face, but it nevertheless has caused a departure from treating all operators the same, resulting in a situation that many operators consider to be unfair and disparate treatment between operators, and one example of such perceived disparate treatment is the contrast between those operators who itemize their expenses for deduction purposes as compared to those who must claim the standard deduction; and

Whereas, there are operators whose personal finances are such that they file a federal income tax form 1040 along with a schedule of deductions, and their individual circumstances allow them to deduct all or a part of their expense allowance from taxable income but, by contrast, there are other operators whose personal finances are such that they must claim the standard deduction and, because their circumstances do not allow for itemization, they have no choice but to report their operation expense allowance as taxable income less any returned portion; and

Whereas, the division of operators into those two groups reveals that one group can deduct allowances from taxable income while the other group cannot, thus causing disparate treatment between the two groups, even though the factors that distinguish the groups may be based on totally random and fortuitous circumstances that are unrelated to the occupation of school bus operator, including such factors as home ownership, having a second job, or being married to a highly compensated spouse; and

Whereas, any such disparate treatment can be corrected simply by returning to the pre-1989 policy of treating independently contracted school bus operators as hybrid employees, meaning that they should be treated as statutory employees with respect to their base salary and treated as independent contractors with respect to their operation expense allowance, provided such policy includes an authorization to report the total amount of such allowances on form 1099-Miscellaneous, with an exemption of those allowances from taxable income without returning the unused portion, and thereby allowing a carryforward thereof: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to correct disparate treatment of independently contracted school bus operators by enacting legislation to cause a return to the pre-1989 policy to treating such operators as hybrid employees, meaning that they should be treated as statutory employees with respect to their base salary and treated as independent contractors with respect to their operation expense allowance, provided such policy includes authorization to report the total amount of such allowances on form 1099-Miscellaneous, with an exemption of those allowances from taxable income without returning the unused portion, and thereby allowing a carryforward thereof. Be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States Senate, to the speaker of the United States House of Representatives, and to each member of the Louisiana congressional delegation.

POM–471. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the compensation of retired military personnel; to the Committee on Armed Services.

House Concurrent Resolution No. 15

Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy, and many career military personnel have endured hardships, privation, the threat of death, disability, and long separations from their families while in service to our country, and those soldiers and sailors who have made a career of defending our great nation in peace and war from the time of the American Revolution until the present day are integral to the success of our military forces; and

Whereas, there exists a gross inequity in the federal statutes that deny disabled career military personnel equal rights to receive Veterans Administration disability compensation concurrent with receipt of earned military retired pay, although legislation has been introduced in the United States Congress to remedy this inequity applicable to career military personnel; and

Whereas, the injustice involves those veterans who are retired with a minimum of twenty years of service, in that they are denied the receipt of hard-earned military longevity retirement pay which is not paid, but should be paid concurrently with Veteran Administration awards for service-connected disability compensation.

Whereas, there is a significant difference between earned career military retirement benefits that are based on twenty years or more of honorable and faithful service and rank at time of retirement, and disability compensation which, unlike longevity retirement pay, is intended to compensate for pain, suffering, disfigurement, chemical exposures, wound injuries, and a loss of earning ability has a minimum requirement of only ninety days of active duty; and

Whereas, military retirement benefits are not "free" because military personnel must contribute toward their retirement, which results in a reduction of military base pay by approximately seven percent when pay and allowances are computed and approved by Congress and, traditionally, career military personnel receive lower pay and retirement benefits compared to their civilian counterparts after a life of hardship and long hours without overtime pay and without the advocacy of unions to seek better benefits; and

Whereas, the Veterans Administration pays to disabled veterans with a total body disability of thirty percent or more additional compensation known as "dependents allowances" which is based on one or more dependents of the disabled veteran and the amount of the allowance increases with the severity of the disability, and the Department of Defense causes to be deducted from disabled veterans' benefits an amount which is more or less the same amount as the dependents allowance, and essentially leaves the disabled veteran with no dependents allowance, and the effect of that practice is to extend discriminatory treatment to the families of disabled retirees; and

Whereas, it is patently unfair to require disabled military retirees to fund their own Veterans Administration compensation by deductions on a dollar-for-dollar basis, and no such deduction applies to the benefits of similarly situated federal civil service or congressional disability retirees, and to correct this unjust discrimination a statutory change is necessary which will also serve the purpose of ensuring that America's commitment to national and international goals is matched by the same allegiance as already shown by those who sacrificed their physical well-being on behalf of those goals: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to amend Title X, United States Code, relating to the compensation of retired military, to permit concurrent receipt of retired military pay and Veterans Administration disability compensation, including dependents allowances. Be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States, the United States secretary of defense, the presiding officer of the Senate and the House of Representatives of the Congress of the United States, the committee chairman of the Senate Armed Forces Committee and the Senate Veterans Affairs Committee, the committee chairman of the House National Security and Veterans Affairs Committee, and each member of the Louisiana congressional delegation.

POM–472. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Water Resources Development Act of 2000; to the Committee on Environment and Public Works.

House Concurrent Resolution No. 17

Whereas, Louisiana citizens living and working in southeast Louisiana have been and continue to be vulnerable to the devastating effects of hurricanes and tropical storms; and

Whereas, the Morganza to the Gulf of Mexico Hurricane Protection Project will provide protection for the residents, business, and property owners of Louisiana; and

Whereas; the state of Louisiana and the U.S. Army Corps of Engineers have worked together to coordinate and construct projects according to the hurricane protection alignment that complies with U.S. Army Corps of Engineering standards; and

Whereas, the state of Louisiana has expended a considerable amount of effort and capital on projects that are along and within the proposed Morganza to the Gulf of Mexico Hurricane Protection Project alignment; and

Whereas, the state of Louisiana, serving as the local sponsors for the Morganza to the Gulf of Mexico Hurricane Protection Project, will be responsible for providing the matching funds for this project: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to include in the Water Resources Development Act of 2000, a directive to the secretary of the Army, acting through the Chief of Engineers, to credit toward the nonfederal share for the cost of any work performed by the nonfederal interests for interim flood protection determined by the secretary of the Army as compatible and an integral part of the Morganza to the Gulf of Mexico Hurricane Protection Project. Be it further

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to include in the Water Resources Development Act of 2000, an authorization to the secretary of the Army to permit the nonfederal sponsor for the Morganza to the Gulf of Mexico Hurricane Protection Project to pay, without interest, the remaining nonfederal share of the project over a period to be determined by the secretary not to exceed thirty years. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–473. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to a dairy waste management program in Louisiana; to the Committee on Appropriations.

House Concurrent Resolution No. 42

Whereas, Louisiana is home to approximately four hundred dairy farms, and the continued existence of the dairy industry is of vital importance to the people of this state; and

Whereas, one of the major problems facing dairy farmers in this state is the creation and maintenance of facilities for the disposal of waste from dairy cows; and

Whereas, proper management of diary waste can and does serve numerous public purposes, such as ensuring a dependable supply of milk and other dairy products for consumers and enhancing the quality of the water, soil, and air of this state; and

Whereas, proper management of diary waste has become cost prohibitive and thus become an issue threatening the very existence of the dairy farmers in Louisiana; and

Whereas, the dairy farmers are in dire need of financial assistance to aid in the management and ultimate disposal of dairy waste; and

Whereas, the dairy farmers desire to implement a dairy waste management program, the costs of which are shared between the dairy farmers and the state and federal governments, entities which recognize the vital importance of these dairy farmers to the citizens of this state: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to financially assist the dairy farmers in implementing a dairy waste management program. Be it further;

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–474. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the U.S. Census; to the Committee on Governmental Affairs.

House Concurrent Resolution No. 54

Whereas, the completion of U.S. Census forms is a critically important endeavor, as an accurate count of the citizens of the United States and of the states and units of local government is essential to provide for proper representation of elected bodies and allocation of federal and other government funds; and

Whereas, for these reasons it is important that congress take all necessary action to ensure that the census does not include intrusive questions that may discourage some citizens from completing their census forms; and

Whereas, one in six households nationwide has received the long version of the census form, which has fifty-three questions that ask citizens about topics ranging from income to what kind of plumbing they have in their homes; and

Whereas, the questions on the long version of the census form go far beyond simple inquiries like name, age, and gender; they are personal inquiries regarding education, real estate, employment, and whether children are natural-born or adopted, and many citizens consider these questions to be unnecessarily intrusive; and

Whereas, even though some of these questions may provide information that is important to the provision of services to citizens by both the public and private sectors, the necessity for the development of this data by the census bureau and its significance in the lives of citizens is not readily apparent; and

Whereas, there is evidence that the intrusive nature of the questions on the long census form deters otherwise willing participants from completing the form, thereby distorting the results of the census that are vital to ensuring fair and equal representation and equitable funding for all the citizens of the United States; and

Whereas, the forms left uncompleted by citizens who feel the questions are too intrusive may result in inaccurate data and, thus, drastically impact the distribution of one hundred eighty billion dollars in federal aid routed to each state primarily on the basis of census data; federally funded programs include the building of highways, Medicare and Medicaid, and a variety of services for the elderly; and

Whereas, citizens who answer the census help their communities obtain federal and state funding and valuable information for planning schools and hospitals; and

Whereas, one fundamental reason for conducting the decennial census of the United States is to determine the number of members of the House of Representatives each of the fifty states is entitled to have; and

Whereas, in order to facilitate the vital accuracy of the apportionment and fund distribution processes, all appropriate measures should be taken to encourage the participation of each and every citizen in the United States Census; therefore, no citizen should be unfairly penalized by being asked to complete a long form containing intrusive questions that may discourage their participation and negatively impact the accuracy of census results. Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take all appropriate action to eliminate unnecessarily intrusive questions on the census form in order to ensure maximum participation and accuracy of the United States census. Be it further

Resolved, That the Legislature of Louisiana does urge and request Louisiana citizens to complete and return their census forms as soon as possible in order to assure that Louisiana citizens will benefit from public and private sector services and equal representation which are dependent upon an accurate census. Be it further

Resolved, That suitable copies of this Resolution be transmitted to the president of the United States Senate, the speaker of the United States House of Representatives, and each member of Louisiana's congressional delegation.

POM–475. A resolution adopted by the Assembly of the Legislature of the State of New York relative to the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

RESOLUTION

Whereas, this Assembled Body is exceedingly concerned about the continuing increase in the price of petroleum and home heating fuels; and

Whereas, about three million of New York State's 6.8 million households use home heating oil; and

Whereas, since February 10, 2000, fuel prices have continued to climb, by more than 80 percent compared to last year, causing significant hardship for low-income families throughout the country; and

Whereas, home heating oil prices exceed two dollars per gallon in some areas of New York State; and

Whereas, while such steep increases affect all consumers, the health and safety of low- and moderate-income consumers, working families, the elderly, and people on fixed incomes are being jeopardized; and

Whereas, some of New York's citizens are being forced to decide whether to heat their homes or purchase other basic necessities, such as prescription drugs; and

Whereas, the Federal Government has asked state governments to inform eligible families about the availability of Low-income Home Energy Assistance; and

Whereas, the Federal Government has released a total of $295 million of additional Low-income Home energy Assistance on an emergency basis during severe weather and unusually high energy prices; and

Whereas, the release of $295 million of Low-income Home Energy Assistance by the Federal Government comprises all funds currently available under the program; and

Whereas, New York State has received an additional $73,629,760 of Low-income Home Energy Assistance from the Federal Government; and

Whereas, President William J. Clinton has sent to the United States Congress an emergency supplemental request for $600 million to provide additional funds for the Low-income Home Energy Assistance Program through the end of this fiscal year; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the United States Congress to grant the President's emergency supplemental request for $600 million to provide additional funds for the Low-income Home Energy Assistance Program through the end of this fiscal year; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the Speaker of the House of Representatives, the President Pro Tempore of the United States Senate, and to each member of the New York State Congressional Delegation.

POM–476. A resolution adopted by the Assembly of the Legislature of the State of New York relative to the cost of heating fuel; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, this Assembled Body is exceedingly concerned about recent, dramatic increases in the price of petroleum and home heating fuels; and

Whereas, about three million of New York State's 6.8 million households use home heating oil; and

Whereas, the cost of home heating oil began rising even before the arrival of the current arctic temperature spell being experienced in New York State and across the northeast; and

Whereas, daily increases of as much as 30 cents per gallon have occurred; and

Whereas, while such steep increases affect all consumers, the health and safety of low and moderate income consumers, working families, the elderly and people on fixed incomes are being jeopardized; and

Whereas, the current price of home heating oil is the highest recorded in New York States since the Gulf War in 1991; and

Whereas, some of New York's citizens are being forced to decide whether to heat their homes or purchase other basic necessities, such as prescription drugs; and

Whereas, spot shortages of kerosene have occurred, exacerbating an already serious problem; gasoline prices have begun to rise as well; and

Whereas, the cost of diesel fuel has also risen; a 70 cent increase has brought the cost of diesel fuel to a high of two dollars per gallon which could force truckers to park their rigs or pass the increase on to consumers through surcharges; and

Whereas, it is clear that not only are extremely high fuel prices seriously affecting individuals, they can have a dramatic negative impact on the economy of our State and nation by increasing energy, production and transportation costs; and

Whereas, the rapid and extreme increase in home heating oil and other fuel prices cannot be attributed solely to OPEC's control of the quantity and cost of crude oil, currently approaching 30 dollars per barrel, almost three times the price of crude oil one year ago, or by the federal government's failure to release an emergency supply of crude oil from the Strategic Petroleum Reserve; not, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the President and the United States Congress to investigate the causes of the rising cost of petroleum and related fuels and to enact measures to alleviate the burden such steep increases place on low and moderate income consumers, on working families, and on the elderly and people on fixed incomes; and be it further

Resolved, That copies of this Resolution, suitably engrossed be transmitted to President William J. Clinton, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and to each member of the New York States Congressional Delegation.

POM–4777. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the "Vietnam Veterans Recognition Act of 1999"; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 266

Whereas, H.R. 3293 and S1921, known as the "Vietnam Veterans Recognition Act of 1999," are jointly designed to honor those veterans of the Vietnam War who died after their service in Vietnam, but as a direct result of that service; and

Whereas, war wounds do not always kill immediately, and frequently such wounds linger on for many years after the fighting is done; and

Whereas, those who suffer such wounds, like their brothers and sisters who died on the battlefield, made the ultimate sacrifice for their country and deserve to be duly recognized and honored; and

Whereas, most veterans who died later as a result of their service in the Vietnam War do not qualify for inclusion on the current Vietnam Veterans Memorial in Washington, D.C.; and

Whereas, H.R. 3293 and S1921 both authorize a separate plaque within the Vietnam Veterans Memorial containing an inscription to honor Vietnam Veterans who died after their service in Vietnam, but as a direct result of that service, and whose names are not otherwise eligible for placement on the Vietnam Veterans Memorial wall; and

Whereas, the memorial plaque would be designed and constructed without the use of public funds; and

Whereas, this separate memorial, popularly known as the "In Memory" plaque, has been endorsed by a wide variety of veterans' organizations, including the Vietnam Veterans of America, AMVETS, the American Legion, the Society of the 173d Airborne Brigade, the National Conference of Viet Nam Veteran Ministers, the Veterans of Foreign Wars, and the National Congress of American Indians; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby urge the Congress of the United States to pass H.R. 3293 and S1921, known as the "Vietnam Veterans Recognition Act of 1999," which authorize the Vietnam War "In Memory" memorial plaque; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia.

POM–478. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to enhancing the benefits for individuals eligible for NAFTA transitional adjustment assistance; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 97

Whereas, ratification of the NAFTA treaty was a congressional policy decision which could benefit the continent as a whole; and

Whereas, one of the effects of NAFTA has been to set the United States and other countries on the road to economic globalization; and

Whereas, professional economists continue to analyze and to debate the efficacy of economic globalization; and

Whereas, however, professional economists and most policy makers are not directly or dramatically affected by economic globalization; and

Whereas, although the United States continues to experience economic prosperity, pockets of the United States and Virginia have not benefited from the financial boom; and

Whereas, when plants close because of outsourcing of labor costs to other countries, the people who lose their jobs are not likely to feel sympathy for the benefits of a global economy to the rest of the country or the Commonwealth; and

Whereas, these displaced workers are frequently entitled to elect such benefits as the 18-month COBRA extension of health care insurance coverage; and

Whereas, the costs of the COBRA extension are often beyond the means of unemployed individuals with families; and

Whereas, those individuals who lose their jobs because of the effects of NAFTA and globalization are tax-paying and responsible citizens who, through no fault of their own, must face an uncertain future in the new millennium that may include retraining, the search for new employment, and inadequate access to health care; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress be urged to enhance the benefits for individuals eligible for NAFTA transitional adjustment assistance by providing expanded and short-term eligibility for medical assistance services to such individuals and their families; and be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–479. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to quality care for active duty and retired military personnel and their families; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 125

Whereas, thousands of dedicated men and women comprise the armed forces of the United States, the greatest military force in the world; and

Whereas, these men and women make great personal sacrifices to lend their gifts, talents, and time to protect the people of this nation, and to aid others around the world who are threatened by the malevolent acts of despots and their regimes, and natural acts of destruction; and

Whereas, World War II and Korean War military retirees and their families constitute a significant part of the aging population in the United States; and

Whereas, active duty and military retirees were guaranteed free, quality, lifetime medical benefits for themselves and their immediate families upon their retirement for serving our country honorably for 20 or more years; and

Whereas, prior to the age of 65, military retirees and their families were provided health care services at military medical facilities; or through other United States Department of Defense programs; however, upon reaching the age of 65, they lost a significant portion of health care coverage to which they were entitled through federal legislation that eliminated such medical benefits in 1995; and

Whereas, many military retirees and their families live on a fixed income and cannot obtain quality health care and pharmaceuticals or afford to pay for these services out-of-pocket; and

Whereas, the federal government has closed 58 military hospitals and has downgraded 26 military hospitals to clinics, and the Department of Defense has proposed that an additional 26 military hospitals be closed; and

Whereas, many active duty and military retirees and their families are unable to access military treatment facilities because such facilities no longer exist or have been downsized to the extent that space for health care services has become nonexistent; and

Whereas, our very freedom, and the rights and comforts that we all enjoy and many take for granted in the free world, were bought with the tremendous sacrifice of families, personal freedom, limbs, minds, and the lives of brave, patriotic, and honorable men and women; and

Whereas, these honorable men and women, who have sacrificed in the service of their country, and their immediate families are deserving of the health care that they were guaranteed; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress be urged to restore quality health care to active duty and retired military personnel and their families. Acknowledgment of the great sacrifices made by these persons in the defense of our safety and freedom would be best demonstrated by honoring the pledge made to them by fully restoring their right to free, quality, lifetime heath care; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States; the Speaker of the Unites States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–480. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to an increase in funding for Historically Black Colleges and Universities and financial aid for middle income students; to the Committee on Appropriations.

SENATE JOINT RESOLUTION NO. 222

Whereas, Historically Black Colleges and Universities (HBCUs) have been in existence for more than 150 years, arising at a time in America's history when the education of African-Americans and whites was separate and unequal; and

Whereas, these colleges have been the firm foundation that have provided the crucial means for the educational and economic advancement of African-Americans; and

Whereas, Historically Black Colleges and Universities, dedicated to equality and excellence in higher education, embody many of our most deeply cherished values—equality, diversity, opportunity, and hard work; and

Whereas, by serving the African-American community, HBCUs serve all Americans by preparing gifted young men and women to succeed in every sector of society, by helping persons from low-income communities—African-American and white—to realize their dreams and life goals; and

Whereas, by producing alumni who are great scientists and mathematicians, gifted and talented musicians and artisans, superb athletes and sportsmen, outstanding statesmen and orators, skilled military leaders, and other noteworthy individuals whose immeasurable contributions have benefited mankind; and

Whereas, although colleges and universities associated with other racial and ethnic groups have an equally long and glorious history, and an even brighter future as a result of the many men and women alumni who are recognized leaders in the community and have the wealth to establish endowments and donate substantial financial awards, to their institutions; and

Whereas, a growing number of African-American college graduates have been blessed to achieve social, political, and economic status, the vast number of alumni of Historically Black Colleges and Universities have not had the same opportunity as persons in the majority culture to establish social and business connections and amass fortunes that would enable them to support their alma maters; and

Whereas, the majority of African-Americans with bachelor's degrees in engineering, computer science, life science, business, and mathematics have graduated from one of the

105 Historically Black Colleges and Universities and according to the United States Department of Education's National Center for Education Statistics, historically Black colleges and universities coffered 28 percent of all bachelor's degrees awarded to African-American graduates in 1996, although enrollment at HBCUs constituted only 16 percent of all African-American college students; and

Whereas, although our society has evolved and minority persons may attend traditionally white institutions, there is still a need for HBCUs, as they provide a learning environment where teacher expectations are high, personal dreams and aspirations are nurtured, the campus climate is tolerant of differences, and the ambiance is respectful of Black history and culture; and

Whereas, with an illustrious past and a hopeful present, without increased support and financial assistance, HBCUs and the many African-Americans, low-income and middle-income persons that they serve, the challenge to be competitive in the 21st century will become an insurmountable hurdle; and

Whereas, the federal government has provided funding and other support services to HBCUs and their students through many programs and services, as well as financial aid, substantial increases in the level of federal funding is desperately needed to sustain and expand the educational programs and services given the escalating costs of higher education; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to increase funding for Historically Black Colleges and Universities (HBCUs) and financial aid for middle income students; and, be it

Resolved further, That the Clerk of the Senate shall transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–481. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Trade Act of 1974; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 98

Whereas, the Trade Act of 1974 established a statutory framework for providing transitional adjustment assistance to employees displaced due to increased importation of competitive products; and

Whereas, the adoption by Congress of the North American Free Trade Agreement (NAFTA) included the establishment of a transitional adjustment assistance program in the event that imports of competitive goods from Canada or Mexico are an important contribution to workers' separation; and

Whereas, since the adoption of NAFTA, the number of imports from Canada and Mexico of products directly competitive with products manufactured in the United States has increased; and

Whereas, many manufacturing plants in the United States have displaced workers or closed entirely due to increased competition from imported products; and

Whereas, American workers have been struggling to find similar employment and need retraining services to be qualified for other types of employment; and

Whereas, the current length of time for retraining benefits under the Trade Act is inadequate for most Americans to complete retraining programs; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly of Virginia memorialize the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; and be it

Resolved further, That the General Assembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater benefits to workers displaced due to the adoption of NAFTA; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the Congressional Delegation of Virginia, and to the presiding officer of each house of each state legislative body in the United States of America.

POM–482. A resolution adopted by the Senate of the State of New Hampshire relative to heating oil prices and the Federal Weatherization Program; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 14

Whereas, prices for home heating oil, kerosene, and diesel fuel spiked dramatically this winter in New Hampshire and reached record highs in our state and throughout the Northeast; and

Whereas, heating oil prices in the state rose to prices which were well over $1 per gallon higher than last winter's fuel prices; and

Whereas, kerosene prices in the state rose to well over $2 per gallon; and

Whereas, gasoline prices have skyrocketed, and threaten to reach or exceed $2 per gallon in the coming season; and

Whereas, households across the state struggle to pay their necessary heating and transportation fuel costs; and

Whereas, New Hampshire citizens remain vulnerable to future fuel price volatility; and

Whereas, tight fuel supplies and very low supplier inventories exacerbated the price volatility problem; and

Whereas, sustained below freezing temperatures this past winter and during typical New Hampshire winters make this situation of particular concern as a health and safety issue for our citizens; and

Whereas, 75 percent of all home heating oil used in the United States is used in New England during 12 weeks of winter; and

Whereas, the federally-funded Low Income Weatherization Program last year provided approximately $870,000 to New Hampshire to enable cost-effective energy conservation investments for the neediest households to reduce their energy consumption and heating bills; and

Whereas, the Weatherization Program is one of the most effective means of reducing low income homeowners' reliance on imported heating fuels, and resultant energy cost burdens, while also advancing health and safety goals; and

Whereas, the federal State Energy Program enables states like New Hampshire to target all sectors of the economy—including schools, municipalities, business, industry, state facilities, non-profits, and the residential sector—with energy saving and renewable energy initiatives, education, and creative solutions to energy problems, and further permits the state to monitor and track key trends in fuel prices and supplies so as to foster emergency preparedness; and

Whereas, the federal Low Income Home Energy Assistance Program (LIHEAP) afforded New Hampshire over $17 million this year ($8.5 million base grant plus $9.1 million in emergency funds) for income eligible households to pay essential heating costs, thereby averting hardship and crisis for thousands of elderly, disabled, and families with young children: Now, therefore, be it

Resolved by the Senate:

That the senate hereby urges the United States Department of Energy to take all available measures to assure adequate inventory levels in the Northeast, including re-examination of regional heating oil reserve options, as well as minimum wholesale inventory requirements; and

That the senate hereby urges Congress to repeal the new 25 percent Weatherization Program match requirement scheduled to go into effect in 2001, which would place states like New Hampshire at potential risk of loss of all federal funding to this valuable program; and

That the senate hereby urges the White House to maintain pressure on OPEC to agree to increase production levels when they meet on March 27, 2000, to increase petroleum product supplies available throughout the region in order to reduce prices; and

That the senate hereby urges Congress to support increase funding for much-needed federal programs, at proposed national levels of $1.4 billion for LIHEAP, $175 million for the Weatherization Program and $44 million for the State Energy Program, so that states can best assist residents and businesses to decrease their fuel consumption and afford essential heating costs; and

That the senate clerk transmit copies of this resolution to the President of the United States, the Vice-President of the United States, the Secretary of the Department of Energy, the Speaker of the U.S. House of Representatives, and the members of the New Hampshire congressional delegation.

POM–483. A joint resolution adopted by the General Assembly of the State of Tennessee relative to increasing the number and specificity of ethnicity categories used for reporting of educational data; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 71

Be it resolved by the Senate of the one hundred first general assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the United States Congress to study the need to increase the number of specificity of ethnicity categories used for the reporting of educational data.

Be it further resolved, That an enrolled copy of this resolution be transmitted to the President and the Secretary of the U.S. Senate, the Speaker and the Clerk of the U.S. House of Representatives and to each member of Tennessee's Congressional Delegation.

POM–484. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to the oxygenate content requirements in the Clean Air Act; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 142

Whereas, The 1990 amendments to the Clear Air Act mandated the addition of oxygenates in reformulated gasoline at a minimum of 2% of content by weight to reduce the concentration of various types of air contaminants, including ozone and carbon monoxide, in regions of the country exceeding National Air Quality Standards; and

Whereas, Methyl tertiary-butyl ether (MTBE), the most commonly used gasoline oxygenate in the United States, is being detected with increasing frequency in surface and groundwater supplies and public and private water supply wells throughout the United States and Pennsylvania due to leaking underground petroleum storage tanks, spills and other accidental discharges; and

Whereas, Because MTBE is highly soluble in water, spills and leaks involving MTBE-laden gasoline are considerably more expensive and difficult to remediate than those involving conventional gasoline, and current wellhead techniques for treating gasoline-tainted water, such as air sparging and carbon filtration, are less effective in treating water contaminated by the MTBE-laden gasoline, resulting in increased treatment costs to water suppliers; and

Whereas, Several studies, including the May 1999 study on "The Ozone-Forming Potential of Reformulated Gasoline" by the National Research Council, have found that gasoline oxygenates contribute little to reducing ozone pollution and that the air quality benefits of oxygenates in reformulated gasoline are restricted to cars manufactured prior to 1989 and therefore are diminishing as older model vehicles are phased out; and

Whereas, A Blue Ribbon Panel of the United States Environmental Protection Agency recently called for the elimination of the Federal oxygenate requirement and for the reduction of the use of MTBE in gasoline because of the public health concerns associated with MTBE in water supplies; and

Whereas, The prescriptive requirements in the Clean Air Act Amendments for oxygenate content restrict the Commonwealth's ability to address groundwater contamination and air quality issues; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President and Congress of the United States to repeal the oxygenate content requirements in the Clean Air Act, and to encourage reliance instead upon clean-burning, nonoxygenate fuel formulations that meet the air quality standards established in the Clean Air Act and provide reductions of ozone and airborne toxic pollutants equivalent to or greater than gasoline oxygenates; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress; from Pennsylvania.

POM-485. A resolution adopted by the Township of Dennis, County of Cape May, New Jersey relative to the use of the Mud Dump site as a disposal area for contaminated dredge materials in the Atlantic Ocean; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Mr. LOTT, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. HUTCHINSON, Mr. CRAIG, Mr. GREGG, Mr. BOND, Mrs. HUTCHISON, Mr. CRAPO, Mr. HELMS, Mr. DASCHLE, Mr. LEVIN, Mr. KENNEDY, Mr. LIEBERMAN, Mr. INOUYE, Mr. MACK, Mr. REED, Mr. CLELAND, Mr. KERRY, Mr. ROBERTS, and Mr. SANTORUM):

S. 2486. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes; to the Committee on Armed Services.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 2487. A bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG:

S. 2488. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Finance.

By Mr. GREGG:

S. 2489. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Finance.

By Mr. GREGG:

S. 2490. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Finance.

By Mr. COCHRAN:

S. 2491. A bill to authorize the Librarian of Congress to establish certain programs and activities of the Library of Congress as programs to be administered through a revolving fund, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOMENICI:

S. 2492. A bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 301. A resolution designating August 16, 2000, as "National Airborne Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself, Mr. LOTT, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. HUTCHINSON, Mr. CRAIG, Mr. GREGG, Mr. BOND, Mrs. HUTCHISON, Mr. CRAPO, Mr. HELMS, Mr. DASCHLE, Mr. LEVIN, Mr. KENNEDY, Mr. LIEBERMAN, Mr. INOUYE, Mr. MACK, Mr. REED, Mr. CLELAND, and Mr. KERRY):

S. 2486. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes; to the Committee on Armed Services.

MILITARY HEALTH CARE IMPROVEMENTS ACT OF 2000

Mr. WARNER. Mr. President, I rise today to introduce an enhanced piece of legislation the Military Medical Improvement Act of 2000. This revised legislative initiative incorporates the major concerns of beneficiaries I heard pertaining to the original legislation.

S. 2087, the Military Health Care Improvement Act of 2000 that I introduced on February 23, 2000, contains a provision authorizing a mail order pharmacy benefit for military retirees, dependents and survivors over age 64. Since S. 2087 was introduced, the Personnel Subcommittee of the Senate Armed Services Committee has conducted a hearing on medical issues where beneficiary representatives conveyed the importance of a comprehensive pharmacy benefit to committee members. I chaired sessions of the Senate Armed Services Committee where senior Department of Defense officials, both uniformed and civilian, addressed the importance of the medical benefit and meeting health care commitments to retirees as recruiting and retention issues.

Due to my grave concern about meeting the needs of military beneficiaries, and the importance of health care as a component of the compensation package, I have continued to solicit views of military beneficiaries on medical benefits. I recently conducted a town hall meeting in Norfolk, Virginia, devoted exclusively to military health care issues. A recurring concern mentioned by the participants was that the pharmacy provision of S. 2087 did not include a retail pharmacy component. I have come to the conclusion that it is critical that we expand access to a retail benefit for all military beneficiaries.

The legislation I am introducing today responds to the concerns I have heard from military beneficiaries and includes a modified pharmacy provision that expands the mail order pharmacy program to all military beneficiaries with no enrollment fee or deductible and that would provide access to retail pharmacy networks for all military beneficiaries, including those eligible for Medicare. This benefit would mirror the current Base Realignment and Closure (BRAC) pharmacy benefit. The BRAC pharmacy benefit is currently restricted to only a few Medicare-eligible military retirees. The modified pharmacy benefit I am suggesting would, in effect, extend the BRAC benefit to all Medicare-eligible beneficiaries of the military health care system.

Based on lower than expected costs associated with this enhanced provision, and my recent amendment to the budget resolution which allows for funding of medical reserve account to accommodate incorporation of programs to address military retiree's health care needs, I am confident this body will embrace this further commitment to meeting the health care needs of those who have so faithfully served their nation.

Mr. HUTCHINSON. Mr. President, I am pleased to join Chairman WARNER in bringing this enhanced military medical improvement legislation to the floor today. As chairman of the Personnel Subcommittee, I have chaired several oversight hearings which have contributed to identifying areas of improvements to the original legislation. While the pharmacy benefit included in S. 2087 is significant, beneficiaries have expressed concern over meeting their acute prescription drug needs.

The version of the Military Medical Improvement Act of 2000 that I join the chairman in introducing today, builds upon the previous legislation and provides for enhancement of the pharmacy benefit by adding a retail component on the pharmacy program to address the acute medical needs of our military retiree population. The new legislation provides for system wide expansion of the Base Realignment and Closure of "BRAC" pharmacy benefit. The BRAC benefit includes access to retail networks with a 20 percent beneficiary cost share. The benefit also includes the mail order pharmacy program with current co-pays of $8 for a 90 day supply of drugs with no enrollment fees or deductibles.

I feel it is critically important to provide a uniform benefit for all our military retirees and their families. Revised cost assumptions associated with S. 2087, and a provision in the Budget Resolution, allow us to enhance the original provision to more closely meet the needs of those who were promised health care.

Mr. President, as I travel and meet with military beneficiaries, I will continue to examine opportunities to improve and enhance the health care package provided to our service members, their families, retirees, their dependents, and survivors. The medical component of the compensation package continues to grow in significance as health care costs increase and the recruiting environment becomes more difficult. Meeting the commitment to military retirees sends a strong message to those young people we seek to draw to military service.

This enhanced legislation continues the ongoing process of working toward meeting the needs of the military population. As chairman of the Personnel Subcommittee I am committed to further examination of follow on opportunities to improve the military health care system.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 2487. A bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. MCCAIN. Mr. President, today I am introducing a bill to authorize appropriations for fiscal year 2001 for the Maritime Administration. The introduction of this bill continues the Senate Commerce Committee's commitment to insuring our nation's maritime industry can compete in the world market.

The bill contains the authorization of appropriations for the Maritime Administration [MarAd] for fiscal year 2001 covering two appropriations accounts: (1) operations and training and (2) the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936. Operations and training activities include the costs incurred by MarAd headquarters and regional staffs in the administration and direction of programs that support the American maritime industry. These funds also cover operations of the United States Merchant Marine Academy (USMMA) and assistance to the six state maritime academies. The title XI loan guarantee program for shipbuilding authorizes the Secretary of Transportation to guarantee private sector financing for the construction or reconstruction of U.S.-flag vessels in U.S. shipyards.

Additionally, the bill amends Title IX of the Merchant Marine Act of 1936 to provide a waiver to eliminate the three year period that bulk and breakbulk vessels newly registered under the U.S. flag must wait in order to carry government-impelled cargo. The bill also provides a one year window of opportunity for vessels newly registered under the U.S.-flag to enter into the cargo preference trade without waiting the traditional three year period.

Finally, the bill provides the Secretary of Transportation the authority, regardless of any other law, to scrap 39 obsolete vessels in the National Defense Reserve Fleet that pose an immediate hazard to navigation and the environment and to scrap additional vessels if the Secretary determines they pose a hazard. It requires the Secretary to report to Congress within one year of the date of enactment with a plan to dispose of the remaining obsolete vessels and extends the deadline for completing disposal of all obsolete vessels by three years.

I look forward to working on this important legislation and hope my colleagues will join me and the other sponsors in expeditiously moving this authorization through the legislative process and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2001".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

There are authorized to be appropriated to the Secretary of Transportation for the Maritime Administration the following amounts:

(1) For the expenses necessary for operations and training activities, not to exceed $80,240,000 for the fiscal year ending September 30, 2001.

(2) For the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1271 et seq.), $2,000,000, to be available until expended. In addition, for administrative expenses related to loan guarantee commitments under title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1271 et seq.), $4,179,000.

SEC. 3. DOCUMENTATION OF CERTAIN DRY CARGO VESSELS.

(a) IN GENERAL.—Title IX of the Merchant Marine Act, 1936 (46 U.S.C. App. 101 et seq.) is amended by adding at the end thereof the following:

"SEC. 910. DOCUMENTATION OF CERTAIN DRY CARGO VESSELS.

"(a) IN GENERAL.—The restrictions of section 901(b)(1) of this Act concerning a vessel built in a foreign country shall not apply to a drybulk or breakbulk vessel over 7,500 deadweight tons that has been delivered from a foreign shipyard or contracted for construction in a foreign shipyard before the earlier of—

"(1) the date that is 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2001; or

"(2) the effective date of the OECD Shipbuilding Trade Agreement Act.

"(b) COMPLIANCE WITH CERTAIN U.S.-BUILD REQUIREMENTS.—A vessel timely contracted for or delivered pursuant to this section and documented under the laws of the United States shall be deemed to have been United-States built for purposes of sections 901(b) and 901b of this Act if—

"(1) following delivery by a foreign shipyard, the vessel has any additional shipyard work necessary to receive a Coast Guard certificate of inspection performed in a United States shipyard;

"(2) the vessel is not documented in another country before being documented under the laws of the United States;

"(3) the vessel complies with the same inspection standards set forth for ocean common carriers in section 1137 of the Coast Guard Authorization Act of 1996 (46 U.S.C. App. 1187 note); and

"(4) actual delivery of a vessel contracted for construction takes place on or before the 3-year anniversary of the date of the contract to construct the vessel.

"(c) SECTION 12106(e) OF TITLE 46.—Section 12106(e) of title 46, United States Code, shall not apply to a vessel built pursuant to this section.".

(b) CONFORMING CALENDAR YEAR TO FEDERAL FISCAL YEAR FOR SECTION 901b PURPOSES.—Section 901b(c)(2) of the Merchant

Marine Act, 1936 (46 U.S.C App. 1241f(c)(2)) is amended by striking "1986." and inserting "1986, the 18-month period commencing April 1, 2000, and the 12-month period beginning on the first day of October in the year 2001 and each year thereafter.".

SEC. 4. SCRAPPING OF CERTAIN VESSELS.

(a) IN GENERAL.—Section 510(i) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1160(i)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end thereof the following:

"(2) Notwithstanding any other provision of law, the following vessels of the National Defense Reserve Fleet may be scrapped in foreign countries under terms and conditions prescribed by the Secretary:

"(1) EXPORT CHALLENGER.
"(2) EXPORT COMMERCE.
"(3) BUILDER.
"(4) ALBERT E. WATTS.
"(5) WAYNE VICTORY.
"(6) MORMACDAWN.
"(7) MORMACMOON.
"(8) SANTA ELENA.
"(9) SANTA ISABEL.
"(10) SANTA CRUZ.
"(11) PROTECTOR.
"(12) LAUDERDALE.
"(13) PVT. FRED C. MURPHY.
"(14) BEAUJOLAIS.
"(15) MEACHAM.
"(16) NEACO.
"(17) WABASH.
"(18) NEMASKET.
"(19) MIRFAK.
"(20) GEN. ALEX M. PATCH.
"(21) ARTHUR M. HUDDELL.
"(22) WASHINGTON.
"(23) SUFFOLK COUNTY.
"(24) CRANDALL.
"(25) CRILLEY.
"(26) RIGEL.
"(27) VEGA.
"(28) COMPASS ISLAND.
"(29) DONNER.
"(30) PRESERVER.
"(31) MARINE FIDDLER.
"(32) WOOD COUNTY.
"(33) CATAWBA VICTORY.
"(34) GEN. NELSON M. WALKER.
"(35) LORAIN COUNTY.
"(36) LYNCH.
"(37) MISSION SANTA YNEZ.
"(38) CALOOSAHATCHEE.
"(39) CANISTEO.

"(3) If the Secretary determines that additional vessels in the National Defense Reserve Fleet will become hazards to navigation or the environment, those vessels may be scrapped in a manner consistent with this subsection."

(b) REPORT.—No later than 1 year after the date of enactment of this Act, the Administrator of the Maritime Administration shall submit to the Congress a report on the implementation of the Administration's program to rid the National Defense Reserve Fleet of obsolete vessels, including—

(1) the number of vessels scrapped to date;

(2) the proceeds realized from the sale of vessels to be scrapped; and

(3) the number of vessels remaining to be scrapped.

(c) EXTENSION OF DISPOSAL DEADLINE.—Section 6(c)(1)(A) of the National Marine Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A)) is amended by striking "2001;" and inserting "2004;".

By Mr. DOMENICI:

S. 2492. A bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes; to the Committee on Armed Services.

NUCLEAR WEAPONS COMPLEX CONVERSION ACT OF 2000

Mr. DOMENICI. Mr. President, today I'm introducing legislation, the Nuclear Weapons Complex Conversion Act of 2000, to dramatically improve our programs that deal with non-proliferation risks associated with the Former Soviet Union. My legislation will also significantly enhance our ability to consider future arms control agreements.

Today, we face challenges involving the warheads, materials, and expertise developed during the days of the Cold War. With that war behind us, arguably the greatest global security challenge involves containment and management of proliferation threats—many of which are in danger of being fueled with former Soviet capabilities.

Congress has repeatedly demonstrated frustration with the Administration's progress in this key area. A significant part of this concern arises from today's wide range of uncoordinated programs, all dealing with non-proliferation issues. Programs aren't integrated into one coherent thrust led by a focused and committed Administration. Our non-proliferation programs resemble a patchwork quilt designed and executed by several artists.

The net effect of our non-proliferation programs is far less than it could be and needs to be. These programs are begging for coherent oversight and inter-agency cooperation. To address this need, which is far from new, the 1996 Nunn-Lugar-Domenici legislation called for appointment of a new-level non-proliferation czar.

This Administration never acted on this law. Without this coordination, inter-agency turf fights remain unresolved, potential synergies aren't exploited, and redundancy and inefficiency can run rampant. My legislation therefore expresses a Sense of Congress that the time is long overdue for this coordination.

My legislation also deals specifically with the largest unmet challenges of the former Soviet Russian nuclear weapons complex. That complex contains three main challenges: weapons production capacity, materials for those weapons, and people.

Programs associated with the materials, where goals and progress are easier to define and measure, are demonstrating credible progress. But, the other areas present more complex challenges.

The "brain drain" issue reflects a concern that scientists and engineers with critical knowledge might sell their knowledge to rogue states. The weapons production issue raises concern about Russia's ability to rapidly reconstitute forces that could invalidate future arms control agreements. These twin issues then, non-proliferation and the credibility of future arms control agreements, urgently need improved approaches.

We already have a Nuclear Cities Initiative within the Department of Energy, but it has barely begun to scratch the surface in dealing with the problem of their cash-strapped and over-sized nuclear complex. To date, NCI has not garnered enough Congressional support to have stable and realistic funding, largely because it hasn't set goals and milestones against which progress can be documented and measured.

The concerns on weapon production capabilities highlight very large asymmetries. The U.S. has significantly reduced the size of our nuclear weapons production complex. These reductions were accomplished openly, and are transparent to Russia. Russia, in contrast, has barely started to downsize its complex. Their complex is still sized at Cold War levels.

Little information about the Russian complex is shared, and ten of its most sensitive cities remain closed. Although the Russian Federal Ministry of Atomic Energy has announced its intent to significantly downsize its workforce, it has been slow in accomplishing this goal and any progress is very closely held.

The current Nuclear Cities Initiative was established to assist Russia in creating job opportunities for employees who are not required to support realistic Russian security requirements and to facilitate conversion of the production facilities. It has focused on creation of commercial ventures that provide self-sustaining jobs, primarily in three of the closed cities. The current program scope, progress, and funding are not consistent with the scale of the threats to us.

I want to significantly advance our progress in the nuclear cities. However, to gain sufficient advocacy for a major funding increase, the program must demonstrate rapid progress in downsizing and an ability for the U.S. to track progress against verifiable milestones that support a Russian complex consistent with their future national security requirements.

My legislation substantially increases the funding and scope of our programs with the Russian nuclear weapons complex to assist the Russian Federation in restructuring its complex, but does this conditioned on a commitment from the Russian Federation to measure progress against realistic, transparent milestones. Without their commitment, and without an ability to track progress against such milestones, it is simply not appropriate for us to continue to fund programs within their complex.

My legislation supports the ongoing commercialization programs in their complex. In addition, however, it authorizes the federal government to contract for research in support of United States agencies in cases where the Russians have unique capabilities and facilities.

My legislation demands that funding for this expanded program, for the 2002 fiscal year and beyond, be contingent on making significant measurable progress on key issues of strategic interest to both countries, including:

Demonstrable conversion from military to civilian activities at the four cities participating in the FY 2001 program.

Development of a ten year plan by the Russian Federation for a nuclear weapons complex downsized to reflect the changing national security needs of Russia. This plan should reflect a production capacity consistent with future arms control agreements.

Increased transparency of Russian production capacity and nuclear materials inventories to eventually match that of the United States.

In addition, my legislation authorizes funding for educational initiatives both in the United States and in the Former Soviet Union focused on developing new non-proliferation experts. There are now few people who can assist in these difficult downsizing processes while, at the same time, minimizing the threat presented by residual weapons material or expertise.

Significant cooperation from the Russian government must occur for milestones to be set and met. That won't happen unless they concur that these steps are also in their best interests. From interactions with senior levels of their Ministry of Atomic Energy, I've learned that they share the view that progress in this area is in the best interests of both nations.

It is certainly in our mutual interests to accomplish the transition of both nations' nuclear weapons complexes with as much care and as little proliferation risk as possible. It is also in each nation's interests for the other to maintain a sufficiently credible complex to support realistic national security objectives. To the extent that we can take these steps in a mutually transparent way, we should be able to assure each other of our future intentions.

Mr. President, this legislation can significantly impact our non-proliferation and future arms control national security objectives.

ADDITIONAL COSPONSORS

S. 636

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 818

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 961

At the request of Mr. BURNS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 961, a bill to amend the Consolidated Farm and Rural Development Act to improve shared appreciation arrangements.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1691

At the request of Mr. INHOFE, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1691, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2270

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 2270, a bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2414

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2414, a bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 98

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S. CON. RES. 104

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 104, a concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community.

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

SENATE RESOLUTION 301—DESIGNATING AUGUST 16, 2000, AS "NATIONAL AIRBORNE DAY"

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 301

Whereas the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers that began training in July, 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and the numerous other regimental and battalion-sized airborne units were organized following the success of the Parachute Test Platoon;

Whereas the 501st Parachute Battalion participated successfully and valiantly in achieving victory in World War II;

Whereas the airborne achievements during World War II provided the basis for continuing the development of a diversified force of parachute and air assault troops;

Whereas paratroopers, glidermen, and air assault troops of the United States were and are proud members of the world's most exclusive and honorable fraternity, have earned and wear the "Silver Wings of Courage", have participated in a total of 93 combat jumps, and have distinguished themselves in battle by earning 69 Congressional Medals of Honor, the highest military decoration of the United States, and hundreds of Distinguished Service Crosses and Silver Stars;

Whereas these airborne forces have performed in important military and peacekeeping operations, wherever needed, in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia; and

Whereas the Senate joins together with the airborne community to celebrate August 16, 2000 (the 60th anniversary of the first official parachute jump by the Parachute Test Platoon), as "National Airborne Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2000, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. THURMOND. Mr. President, I am pleased to rise today to submit a Senate resolution which designates August 16, 2000 as "National Airborne Day."

On June 25, 1940, the War Department authorized the Parachute Test Platoon to experiment with the potential use of airborne troops. The Parachute Test Platoon, which was composed of 48 volunteers, performed the first official army parachute jump on August 16, 1940. The success of the Platoon led to the formation of a large and successful airborne contingent that has served from World War Two until the present.

I was privileged to serve with the 82nd Airborne Division, one of the first airborne divisions to be organized. In a two-year period during World War Two, the regiments of the 82nd served in Italy at Anzio, in France at Normandy (where I landed with them), and at the Battle of the Bulge.

The 11th, 13th, 17th, and 101st Airborne Divisions and numerous other regimental and battalion size airborne units were also organized following the success of the Parachute Test Platoon. In the last sixty years, these airborne forces have performed in important military and peace-keeping operations all over the world, and it is only fitting that we honor them.

Mr. President, through passage of "National Airborne Day," the Senate will reaffirm our support for the members of the airborne community and also show our gratitude for their tireless commitment to our Nation's defense and ideals.

AMENDMENTS SUBMITTED

AKAKA (AND OTHERS) AMENDMENT NO. 3103

(Ordered to lie on the table.)

Mr. AKAKA (for himself, Mr. KERREY, Mr. WELLSTONE, Mr. MOYNIHAN, and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place in title V, insert the following:

SEC. . EXCELLENCE IN ECONOMIC EDUCATION.

Title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART —EXCELLENCE IN ECONOMIC EDUCATION

"SEC. 1. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Excellence in Economic Education Act of 2000'.

"(b) FINDINGS.—Congress makes the following findings:

"(1) The need for economic literacy in the United States has grown exponentially in the 1990's as a result of rapid technological advancements and increasing globalization, giving individuals in the United States more numerous and complex economic and financial choices than ever before as members of the workforce, managers of their families' resources, and voting citizens.

"(2) Individuals in the United States lack essential economic knowledge, as demonstrated in a 1998–1999 test conducted for the National Council on Economic Education, a private nonprofit organization. The test results indicated the following:

"(A) Students and adults alike lack a basic understanding of core economic concepts such as scarcity of resources and inflation, with less than half of those tested demonstrating knowledge of those basic concepts.

"(B) A little more than ⅓ of those tested realize that society must make choices about how to use resources.

"(C) Only ⅓ of those tested understand that active competition in the marketplace serves to lower prices and improve product quality.

"(D) Slightly more than ½ of adults in the United States and less than ¼ of students in the United States know that a Federal budget deficit is created when the Federal Government's expenditures exceed its revenues in a year.

"(E) Overall, adults received a grade of 57 percent on the test and secondary school students received a grade of 48 percent on the test.

"(F) Despite these poor results, the test findings pointed out that individuals in the United States realize the need for understanding basic economic concepts, with 96 percent of adults tested believing that basic economics should be taught in secondary school.

"(3) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, and about the range of economic choices which face all people regardless of their financial circumstances. Examples of the trends include the following:

"(A) The number of personal bankruptcies in the United States rose and set new records in the 1990's, despite the longest peacetime economic expansion in United States history. One in every 70 United States households filed for bankruptcy in 1998. Rising bankruptcies have an impact on the cost and availability of consumer credit which in turn negatively affect overall economic growth.

"(B) Credit card delinquencies in the United States rose to 1.83 percent in 1998, which is a percentage not seen since 1992 when the effects of a recession were still strong.

"(C) The personal savings rate in the United States over the 5 years ending in 1998 averaged only 4.5 percent. In the third quarter of 1999, the personal savings rate dropped to 1.8 percent. A decline in savings rates reduces potential investment and economic growth.

"(D) By 2030, the number of older persons in the United States will grow to 70,000,000, more than twice the number of older persons in the United States in 1997. The additional older persons will add significantly to the population of retirees in the United States and require a shift in private and public resources to attend to their specific needs. The needs of this population will have dramatic, long-term economic consequences for younger generations of individuals in the United States workforce who will need to plan well in order to support their families and ensure for themselves a secure retirement.

"(4) The third National Education Goal designates economics as 1 of 9 core content areas in which teaching, learning, and students' mastery of basic and advanced skills must improve.

"(5) The National Council on Economic Education presents a compelling case for doing more to meet the need for economic literacy. While an understanding of economics is necessary to help the next generation to think, choose, and function in a changing global economy, economics has too often been neglected in schools.

"(6) States' requirements for economic and personal finance education are insufficient as evidenced by the fact that, while 39 States have adopted educational standards (including guidelines or proficiencies) in economics—

"(A) only 13 of those States require all students to take a course in economics before graduating from secondary school;

"(B) only 25 States administer tests to determine whether students meet the economic standards; and

"(C) only 27 States require that the economic standards be implemented in schools.

"(7) Improved and enhanced national, State, and local economic education efforts, conducted as part of the Campaign for Economic Literacy led by the National Council on Economic Education, will help individuals become informed consumers, conscientious savers, prudent investors, productive workforce members, responsible citizens, and effective participants in the global economy.

"(8)(A) Founded in 1949, the National Council on Economic Education is the preeminent economic education organization in the United States, having a nationwide network that supports economic education in the Nation's schools by working with States, local educational agencies, and schools.

"(B) This network supports teacher preparedness in economics through—

"(i) inservice teacher education;

"(ii) classroom-tested materials and appropriate curricula;

"(iii) evaluation, assessment, and research on economics education; and

"(iv) suggested content standards for economics.

"(9) The National Council on Economic Education network includes affiliated State Councils on Economic Education and more than 275 university or college-based Centers for Economic Education. This network represents a unique partnership among leaders in education, business, economics, and labor, the purpose of which is to effectively deliver economic education throughout the United States.

"(10) Each year the National Council on Economic Education network trains 120,000 teachers, reaching more than 7,000,000 students. By strengthening the Council's nationwide network, the Council can reach more of the Nation's 53,000,000 students.

"(11) The National Council on Economic Education conducts an international economic education program that provides information on market principles to the world (particularly emerging democracies) through teacher training, materials translation and development, study tours, conferences, and research and evaluation. As a result of those activities, the National Council on Economic Education is helping to support educational reform and build economic education infrastructures in emerging market economies, and reinforcing the national interest of the United States.

"(12) Evaluation results of economics education activities support the following conclusions:

"(A) Inservice education in economics for teachers contributes significantly to students' gains in economic knowledge.

"(B) Secondary school students who have taken economics courses perform significantly better on tests of economic literacy than do their counterparts who have not taken economics.

"(C) Economics courses contribute significantly more to gains in economic knowledge than does integration of economics into other subjects.

"(13) Through partnerships, the National Council on Economic Education network leverages support for its mission by raising more than $35,000,000 annually for economic education from the private sector, universities, and States.

"SEC. 2. EXCELLENCE IN ECONOMIC EDUCATION.

"(a) PURPOSE.—The purpose of this part is to promote economic literacy among all United States students in kindergarten through grade 12 by enhancing national leadership in economic education through the strengthening of a nationwide economic education network and the provision of resources to appropriate State and local entities.

"(b) GOALS.—The goals of this part are—

"(1) to increase students' knowledge of and achievement in economics to enable the students to become more productive and informed citizens;

"(2) to strengthen teachers' understanding of and competency in economics to enable the teachers to increase student mastery of economic principles and their practical application;

"(3) to encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy;

"(4) to assist States in measuring the impact of education in economics, which is 1 of 9 national core content areas described in section 306(c) of the Goals 2000: Educate America Act (20 U.S.C. 5886(c)) (as such section was in effect on the day preceding the date of enactment of the Educational Opportunities Act);

"(5) to extend strong economic education delivery systems to every State; and

"(6) to leverage and expand private and public support for economic education partnerships at national, State, and local levels.

"SEC. 3. GRANT PROGRAM AUTHORIZED.

"(a) GRANTS TO THE NATIONAL COUNCIL ON ECONOMIC EDUCATION.—

"(1) IN GENERAL.—The Secretary is authorized to award a grant to the National Council on Economic Education (referred to in this section as the 'grantee'), which is a nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of economics through effective teaching of economics in the Nation's classrooms.

"(2) USE OF GRANT FUNDS.—

"(A) ONE-QUARTER.—The grantee shall use ¼ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year—

"(i) to strengthen and expand the grantee's nationwide network on economic education;

"(ii) to support and promote training, of teachers who teach a grade from kindergarten through grade 12, regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

"(iii) to support research on effective teaching practices and the development of assessment instruments to document student performance;

"(iv) to develop and disseminate appropriate materials to foster economic literacy; and

"(v) to coordinate activities assisted under this section with activities assisted under title II.

"(B) THREE-QUARTERS.—The grantee shall use ¾ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year to award grants to State economic education councils, or in the case of a State that does not have a State economic education council, a center for economic education (which council or center shall be referred to in this section as a 'recipient'). The grantee shall award such a grant to pay for the Federal share of the cost of enabling the recipient to work in partnership with 1 or more of the entities described in paragraph (3) for 1 or more of the following purposes:

"(i) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics.

"(ii) Providing resources to school districts that want to incorporate economics into the curricula of the schools in the districts.

"(iii) Conducting evaluations of the impact of economic education on students.

"(iv) Conducting economic education research.

"(v) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education, and to encourage awareness and student achievement in economics.

"(vi) Establishing interstate and international student and teacher exchanges to promote economic literacy.

"(vii) Encouraging replication of best practices to encourage economic literacy.

"(C) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

"(i) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

"(ii) provide such technical assistance as may be necessary to carry out this section.

"(3) PARTNERSHIP ENTITIES.—The entities referred to in paragraph (2)(B) are the following:

"(A) A private sector entity.

"(B) A State educational agency.

"(C) A local educational agency.

"(D) An institution of higher education.

"(E) Another organization promoting economic development.

"(F) Another organization promoting educational excellence.

"(4) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a grant under this section for a fiscal year may use not more than 25 percent of the funds made available through the grant for administrative costs.

"(b) TEACHER TRAINING PROGRAMS.—

"(1) IN GENERAL.—In carrying out the teacher training programs described in subsection (a)(2)(B) a recipient shall—

"(A) train teachers who teach a grade from kindergarten through grade 12;

"(B) conduct programs taught by qualified teacher trainers who can tap the expertise, knowledge, and experience of classroom teachers, private sector leaders, and other members of the community involved, for the training; and

"(C) encourage teachers from disciplines other than economics to participate in such teacher training programs, if the training will promote the economic understanding of their students.

"(2) RELEASE TIME.—Funds made available under this section for the teacher training programs described in subparagraphs (A) and (B) of subsection (a)(2) may be used to pay for release time for teachers and teacher trainers who participate in the training.

"(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this part the grantee and recipients are encouraged to—

"(1) include interactions with the local business community to the fullest extent possible, to reinforce the connection between economic education and economic development; and

"(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost described in subsection (a)(2)(B) shall be 50 percent. The Federal share of the cost of establishing a State council on economic education or a center for economic education under subsection (f), for 1 fiscal year only, shall be 75 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(e) APPLICATIONS.—

"(1) GRANTEE.—To be eligible to receive a grant under this section, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) RECIPIENTS.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

"(B) REVIEW.—The grantee shall invite the individuals described in subparagraph (C) to review all applications from recipients for a grant under this section and to make recommendations to the grantee regarding the funding of the applications.

"(C) INDIVIDUALS.—The individuals referred to in subparagraph (B) are the following:

"(i) Leaders in the fields of economics and education.

"(ii) Such other individuals as the grantee determines to be necessary.

"(f) SPECIAL RULE.—For each State that does not have a recipient in the State, as determined by the grantee, not less than the greater of 1.5 percent or $100,000 of the total amount appropriated under subsection (i), for 1 fiscal year, shall be made available to the State to pay for the Federal share of the cost of establishing a State council on economic education or a center for economic education in partnership with a private sector entity, an institution of higher education, the State educational agency, and other organizations.

"(g) SUPPLEMENT AND NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local funds expended for the purpose described in section 6(a).

"(h) REPORT.—The Secretary shall prepare and submit to the appropriate committees of Congress a report regarding activities assisted under this section not later than 2 years after the date funds are first appropriated under subsection (i) and every 2 years thereafter.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

On page 451, line 9, insert "economics," after "geography,".

On page 472, line 4, insert "economics," after "history,".

NOTICE OF HEARINGS

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. LUGAR. Mr. President, I would like to announce that the Subcommittee on Production and Price Competitiveness of the Committee on Agriculture, Nutrition, and Forestry will meet on May 4, 2000 in SR–328A at 2 p.m. The purpose of this meeting will be to discuss carbon cycle research and agriculture's role in reducing climate change.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent Caroline Chang, a fellow in my office, be granted the privileges of the floor during the pendency of S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, for the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider all nominations on the Secretary's desk in the Coast Guard. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

Coast Guard nomination beginning Jay F. Dell, and ending, Denis J. Fassero, which nominations were received by the Senate and appeared in the Congressional Record of November 19, 1999.

Coast Guard nomination beginning Cdr. Michael H. Graner, and ending Cdr. Michael R. Seward, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Coast Guard nominations beginning Lt. Cdr. Douglas N. Eames, and ending Lt. Cdr. Timothy A. Aines, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Coast Guard nominations beginning Jennifer L. Adams, and ending Gregory D. Zike, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TUESDAY, MAY 2, 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, May 2. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of the veto override of the nuclear waste bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I further ask unanimous consent that on Tuesday the Senate recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, I announce that tomorrow morning the Senate will begin consideration of the nuclear waste bill and overriding the President's veto. Under the previous order, there will be 90 minutes under the control of Senator MURKOWSKI and 90 minutes under the control of the Senators from Nevada.

At 2:15 p.m., following the weekly party conferences, the Senate will resume consideration of the veto override for 1 hour, with a vote scheduled to occur at 3:15 p.m. Following the vote, the Senate is expected to resume consideration of the Elementary and Secondary Education Reauthorization Act. Further votes could occur throughout tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Tuesday, May 2, 2000, at 9:30 a.m.

NOMINATION

Executive nomination received by the Senate May 1, 2000:

THE JUDICIARY

JOHN RAMSEY JOHNSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ELLEN SEGAL HUVELLE, ELEVATED.

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE APRIL 27, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN L. WOODWARD, JR., 3961

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HARRY D. RADUEGE, JR., 9435

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. DALLAGER, 9670

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, medical service corps

COL. RICHARD L. URSONE, 5290

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RAYMOND P. AYRES, JR., 5986

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EMIL R. BEDARD, 9035

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE B. KNUTSON, JR., 7136

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM L. NYLAND, 8595

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. HAGEE, 5620

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. MICHAEL F. LOHR, 1245

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be judge advocate general of the united states navy

REAR ADM. DONALD J. GUTER, 0275

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EDMUND P. GIAMBASTIANI, JR., 8318

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MARLENE E. ABBOTT, AND ENDING BRIAN P. ZUROVETZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID S. WOOD, 5878

AIR FORCE NOMINATIONS BEGINNING ROBERT F. BYRD, AND ENDING JOHN B. STEELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ROBERT B. ABERNATHY, JR., AND ENDING X4568, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

ARMY NOMINATIONS BEGINNING HAROLD T. CARLSON, AND ENDING JEFFREY M. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

ARMY NOMINATIONS BEGINNING ROBERT V. LORING, AND ENDING JEFFREY D. WATTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

ARMY NOMINATIONS BEGINNING WILLIE D. DAVENPORT, AND ENDING WILLIAM P. TROY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

ARMY NOMINATIONS BEGINNING * THOMAS N. AUBLE, AND ENDING * ROBERT A. YOH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

ARMY NOMINATIONS BEGINNING RICHARD A. KELLER, AND ENDING * WENDY L. HARTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

ARMY NOMINATIONS BEGINNING JAMES M. BROWN, AND ENDING THOMAS E. STOKES, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

J.E. CHRISTIANSEN, 2146

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CLIFTON J. MCCULLOUGH, 6902

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LANDON K. THORNE III, 1352

MARINE CORPS NOMINATIONS BEGINNING DAVID R. CHEVALLIER, AND ENDING JOHN K. WINZELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEANNE M. YORK-SLAGLE, 2084

NAVY NOMINATIONS BEGINNING JAMES H. FRASER, AND ENDING DWAYNE K. HOPKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2000.

NAVY NOMINATIONS BEGINNING GERALD L. GRAY, AND ENDING LINDA M. GARDNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

NAVY NOMINATIONS BEGINNING COY M. ADAMS, JR., AND ENDING MICHAEL A. ZURICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MAY 1, 2000:

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING JAY F. DELL, AND ENDING DENIS J. FASSERO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1999.

COAST GUARD NOMINATIONS BEGINNING MICHAEL H. GRANER, AND ENDING MICHAEL R. SEWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

COAST GUARD NOMINATIONS BEGINNING DOUGLAS N. EAMES, AND ENDING TIMOTHY A. AINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

COAST GUARD NOMINATIONS BEGINNING JENNIFER L. ADAMS, AND ENDING GREGORY D. ZIKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2000.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 2, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 3

9:30 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD-192

Armed Services
Strategic Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR-232A

Rules and Administration
To hold hearings to examine political speech on the internet.
SR-301

Commerce, Science, and Transportation
To hold hearings to examine issues dealing with the Boston Central Artery Tunnel.
SR-253

10 a.m.

Taxation
To hold hearings to review the strategic plans and budget of the IRS.
SD-215

11 a.m.

Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR-222

2 p.m.

Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR-232A

Indian Affairs
Business meeting to markup S. 1767, to amend the Elementary and Secondary Education Act of 1965 to improve Native Hawaiian education programs; S. 1929, to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band; and H.R. 2484, to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.
SR-485

3 p.m.

Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR-222

MAY 4

9:30 a.m.

Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Edward M. Bolen, of Maryland, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Geoffrey T. Crowley, of Wisconsin, to be a Member of the Federal Aviation Management Advisory Council; the nomination of J. Randolph Babbitt, of Virginia, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Kendall W. Wilson, of the District of Columbia, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Phil Boyer, of Maryland, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Robert A. Davis, of Washington, to be a Member of the Federal Aviation Management Advisory Council; and the nomination of Robert W. Baker, of Texas, to be a Member of the Federal Aviation Management Advisory Council.
SR-253

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Science Foundation and Office of Science and Technology.
SD-138

Finance
To hold hearings to examine the health care financing administration's role and readiness in Medicare reform.
SD-215

10 a.m.

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine U.S. foriegn policy toward Libya.
SD-419

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the activities of the National Partnership for Reinventing Government for the last seven years, including changes to government management and programs that were proposed and implemented.
SD-342

Judiciary
Business meeting to consider pending calendar business.
SD-226

2 p.m.

Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.
SR-222

Judiciary
Immigration Subcommittee
To hold hearings on the proposed Agricultural Job Opportunity Benefits and Security Act of 1999.
SD-226

Agriculture, Nutrition, and Forestry
Production and Price Competitiveness Subcommittee
To hold hearings to examine carbon cycle research and agriculture's role in mitigating greenhouse gases.
SR-328A

2:30 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the FY 1999 omnibus appropriations act, and whether these procedures could be improved to assist forest management activities to meet

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

goals of ecosystem management, restoration, and employment opportunities on public lands.

SD–366

MAY 9

9:30 a.m.

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

SR–222

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the performance management in the District of Columbia.

SD–342

10 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings on the domestic consequences of heroin use.

SD–628

Judiciary

To hold hearings on pending nominations.

SD–226

MAY 10

9:30 a.m.

Indian Affairs

To hold hearings on proposed legislation authorizing funds for programs of the Indian Health Care Improvement Act.

SR–485

Governmental Affairs

To hold hearings on the nomination of Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; the nomination of Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

SR–222

2 p.m.

Foreign Relations

To hold hearings on pending nominations.

SD–419

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning.

SD–366

MAY 12

10 a.m.

Governmental Affairs

To hold hearings on the nomination of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics.

SD–342

MAY 16

9:30 a.m.

Armed Services

To hold hearings on the nomination of the following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033: Adm. Vernon E. Clark, to be Admiral.

SR–222

MAY 17

9:30 a.m.

Indian Affairs

To hold oversight hearings on Indian arts and crafts programs.

SR–485

MAY 24

9:30 a.m.

Indian Affairs

To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

MAY 3

10 a.m.

Judiciary

To hold hearings to examine legal issues implicated by the conduct of the Federal Government, relating to the Elian Gonzalez matter.

SH–216

HOUSE OF REPRESENTATIVES—*Tuesday, May 2, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 2, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 150. An act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes.

H.R. 834. An act to extend the authorization for the National Historic Preservation Fund, and for other purposes.

H.R. 1444. An act to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 397. An act to authorize the Secretary of Energy to establish a multiagency program to alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.

S. 408. An act to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

S. 1167. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1627. An act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1727. An act to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1797. An act to provide for a land conveyance to the city of Craig, Alaska, and for other purposes.

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

S. 1892. An act to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 1946. An act to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act", to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Democratic Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel—

Dr. Richard V. Burkhauser, of New York, for a term of two years; and

Ms. Christine M. Griffin, of Massachusetts, for a term of four years.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Senate Committee on Finance, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel—

Larry D. Henderson, of Delaware, for a term of two years; and

Stephanie Smith Lee, of Virginia, for a term of four years.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BLUMENAUER) for 5 minutes.

LIVABLE COMMUNITIES

Mr. BLUMENAUER. Madam Speaker, my goal in Congress has been the promotion of livable communities, the Federal Government being a better partner with State and local governments than the private sector. In order to make our families safe, healthy, and economically secure transportation is clearly a central element of those deliberations and the bicycle is getting increasing attention as an indicator of livable communities.

At the turn of the century, bicycling was a critical mode of transportation. It was cheaper than a horse. It was faster than walking, and it was more convenient for most than street cars. The demand for new and safe bicycle routes led to a national "good roads" movement; a successful cyclist who led lobbying of Congress won a $10,000 grant to study the possibility of a paved highway system.

It is with some irony that this quest for quality biking led us down the path that ultimately led to the interstate freeway system; and now 100 years, we have come full circle, because the quest for relief from traffic congestion of automobiles is now having people look more attentively at the possibilities of cycling.

Americans still view biking as a very favorable mode of transportation. A

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

study by the New York Department of Transportation showed that in communities with bike lanes and bike parking over 50 percent of the people living within 5 to 10 miles from work would, in fact, commute by bicycle.

Yet Americans are driving nearly 2½ trillion miles a year; they are spending the equivalent of over 50 workdays per year trapped behind the wheel of their car just going to and from work. Every day the average American adult drives close to 40 miles and spends over an hour in their car.

When considering traffic and parking, 40 percent of our trips would be faster on a bike. I certainly found that to be the case, since in the 4 years that I have been on Capitol Hill being able to routinely beat my colleagues in trips to the White House and back on a bike rather than a car.

Increasingly, communities are working to reintegrate cycling back into their transportation systems. Chicago; Philadelphia; Eugene, Oregon; Davis, California; Rockville, Maryland; Washington, D.C. are all actively promoting a more bicycle-friendly transportation system. My own hometown of Portland, Oregon, has been declared twice in the last 5 years as America's most bike-friendly community.

These pro-bike efforts in cities around the country, this progress is due, in no small part, to the national leadership provided by the gentleman from Minnesota (Mr. OBERSTAR).

He was the champion of funding for bike paths in the 1991 ISTEA legislation and the T21 legislation last year for the surface transportation reauthorization. He continues to promote bike-friendly legislation as a ranking member of the Committee on Transportation and Infrastructure.

Madam Speaker, I am especially proud of his membership in our bike-partisan Bike Caucus, perhaps the most avid cyclist in American public office. These pro-bike efforts across the country are not asking everyone to trade in their car for a bicycle, but instead to encourage small but meaningful changes in our everyday transportation decisions and to expand the choices available to Americans.

Biking, walking, or taking transit just a few short trips a week to school, to work, to the grocery store, other nearby errands can have a profound effect on the quality of life.

It is estimated that a 4-mile round trip that we do not take by car prevents nearly 15 pounds of air pollutant from contaminating the air; and in a time of skyrocketing gasoline prices and questions about availability of oil, it is important to note that biking to work just 2 days a week or telecommuting or transit by American workers just 2 days a week would completely eliminate our dependence on oil imports.

May is National Bike Safety Month, and in honor of this occasion and National Bike to Work Day, the Congressional Bicycle Caucus will be riding from Capitol Hill to Freedom Plaza this Friday, May 5. We are urging Members and staff to join us at 7:45 on the west side of Capitol Hill for this ride.

Madam Speaker, in addition, we urge people now to earn their pin and join the Bicycle Caucus.

CELEBRATING OUR ENVIRONMENTAL SUCCESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Madam Speaker, it is estimated that 500 million people around the world participated in Earth Day on April 22 this year. We should consider how the environment has changed since the first Earth Day was celebrated in 1970.

Although a celebration, Earth Day 1970 generated a large amount of dire predictions for the future. I think we should take a moment to look back at those. One Harvard biologist declared "we are in an environmental crisis which threatens the survival of this Nation and of the world as a suitable place for human habitation."

Another common premonition of devastation centered on population growth. Environmental doomsayers in 1970 estimated that the world population would exceed 7 billion people by the year 2000, prompting one Stanford biologist to state, "At least 100 to 200 million people per year will be starving to death during the next 10 years."

This picture of widespread starvation has not materialized, nor has the population projections. Instead of more than 7 billion people on the earth today, we have roughly just 6 billion.

Just as in 2000, environmentalists in 1970 saw a growing environmental catastrophe in the form of climate change. Unlike today, 30 years ago the alarm was sounded over global cooling. They talked about another ice age was in the works.

One ecologist, Kenneth Watt, proclaimed that, "The world will be about 4 degrees colder . . . in 1990, but 11 degrees colder in the year 2000. This is about twice what it would take to put us into an ice age."

Now, frankly, there are no ice sheets spreading across this continent; the threat of global cooling dissolved into the sea of misinformation. However, how can we rage against climatic change if the world is not getting colder? It, therefore, must be becoming warmer.

Evidence indicates that the world's average temperature has increased by 1 degree over the past 100 years. However, data from global satellites indicate that the earth actually has cooled by less than one-tenth of one degree Celsius over the past 18 years. The warnings of serious global warming today have as little basis in fact as those for global cooling 30 years ago.

Now, doomsayers in 1970 also warned of poisonous air ravaging the populations in our major cities. In that year, Life Magazine said, "In a decade, urban dwellers will have to wear gas masks to survive air pollution." The same scientist that predicted that starvation would kill "at least 100 to 200 million people per year" also opined 3 decades ago that air pollution would take "hundreds of thousands of lives in the next few years."

How is our air quality now? The Environmental Protection Agency reports that between 1970 and 1997, emission of every major pollutant except nitrogen dioxide has decreased. From 1988 to 1997, the number of unhealthy air quality days decreased by an average of two-thirds for every major city in the United States of America.

The first Earth Day in 1970 was observed against a backdrop of dire environmental predictions. Unfortunately, Earth Day 2000 was accompanied with similar predictions of environmental calamities. Instead of providing a platform for the harbingers of ecological destruction, we should use Earth Day, I think, to acknowledge the progress we have made.

The environment is better today than it was 10 years ago and better than it was 30 years ago. If we continue our present course, it will be even better 10 years from today. Thanks to the Heritage Foundation, I can share my reasons for this optimism.

Even though 16 billion cubic feet of timber are harvested each year in the United States, net tree growth exceeds tree cuttings by 37 percent. Today we have more forest area in America than we did in the 1920's and it is growing.

The loss of wetlands has been slowing over the past 45 years. From 1992 through 1996, 160,000 acres of wetlands were restored privately through voluntary arrangements each year. The United States is within 47,000 acres of achieving a "no net loss" of wetlands acreage.

Since 1945, the amount of land committed for parks wilderness and wildlife has expanded twice as fast as the growth in urban areas.

Unfortunately, our major media prefer to focus on the negative; they still rely on dire predictions based upon questionable scientific data and misinformation. The American people of today and of future generations deserve their rich natural heritage of clean air, pure water, and unspoiled land. Across the board over the last 3 decades, our water, land and air have gotten cleaner. They will be cleaner in years to come. That is a message we should be sharing on Earth Day 2001.

PERMANENT MOST FAVORED NATION STATUS FOR CHINA IS BAD IDEA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, 3 weeks from this week, the Republican leadership will ask this House to pass legislation granting Permanent Most Favored Nation status trading privileges to China. This is a very bad idea. Let me count the ways.

First of all, China is a nation that practices slave labor and practices child labor. Why should we give trade advantages to a nation that engages in that kind of behavior with no oversight from us, with no check on Chinese behavior?

China is a nation that allows forced abortions, a government that sometimes encourages forced abortions, again, a violation of any kind of behavior that we and most of the nations around the world find unacceptable.

The Chinese government, the Chinese Communist Party, is also a nation and a government that persecutes Christians and Muslims and Buddhists and also local religious sects such as the Falun Gong in a China that, again, has no respect for human rights.

The government of China also has repeatedly sold nuclear technology to countries that have no business having that kind of nuclear technology that can very easily turn into weapons of mass destruction.

□ 1245

At the same time, in the last few weeks, we have seen the People's Republic of China threaten the Republic of Taiwan. Three or 4 years ago, during the last Taiwanese elections, the Chinese government, the People's Republic of China, the Communist Chinese Government sent missiles shooting into the Straits of Taiwan to threaten that Nation that was holding the first free elections ever in Chinese history.

Giving China Most Favored Nation status, giving China permanent trading privileges with the West simply makes no sense. China is a market that has been closed to us. We, 10 years ago, 11 years ago, when President Reagan and President Bush, now President Clinton, began this policy of engagement with China where we would trade freely back and forth with China, in those days, 11 years ago, we had $100 million, with an "M," $100 million trade deficit with the People's Republic of China.

Today, after 11 years of this policy, we have a $70 billion, with a "B," $70 billion trade deficit with the People's Republic of China. Why? Because of slave labor, because of child labor, because they have simply closed their markets to us.

Last year, we bought $85 billion worth of goods from the People's Republic of China. They only let us sell $15 billion of goods into their market. We sell more to Belgium than we do to China. We sell more to Singapore than we do to China. We sell more to Taiwan than we do to China, countries that have, at most, 1-50th the population of the People's Republic of China.

No issue in my 8 years in Congress has been debated as heavily or lobbied most importantly, lobbied as heavily by as many wealthy special interest groups as the annual MFN review for China and now permanent trade relations with China.

There are more corporate jets at National Airport when the China vote comes up. There are more CEOs individually, the CEOs of the largest corporations in America, walking the halls of Congress, stopping in every Member's office, lobbying them about supporting permanent trade privileges for the People's Republic of China.

Wei Jing-Sheng, a Chinese dissident who spent time in Chinese prison camps, said that the vanguard of the Chinese communist party in the United States is American CEOs. Think about that. CEOs of the largest companies in this country are doing the dirty work, doing the heavy lifting, doing the lobbying for, doing the support of the Communist leaders in the People's Republic of China.

This body would never even consider, would not even come close to supporting permanent trade relations with China, would not even come close to supporting any kind of tariff reductions, Most Favored Nation status, trading privileges for China, if these CEOs of America's largest corporations were not walking the halls and lobbying for the Communist leaders in the People's Republic of China.

These same CEOs say, well, the reason we need to knock down all barriers to China and ignore human rights violations, ignore the forced abortions, ignore the persecution of Christians and Muslims, the reason that we in the United States should ignore the nuclear sales to rogue nations, the reason we in the United States should ignore slave labor and child labor in China is because it will help the United States of America, and they say it will mean 1.2 billion consumers for American products. The fact is their excitement is not over 1.2 million consumers, it is over 1.2 million workers. We should defeat China MFN.

SOCIAL SECURITY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, this chart is on Social Security. I have been very interested and concerned about Social Security for the last 5 years. I have introduced three Social Security bills that have been scored by the actuaries of the Social Security Administration that would keep Social Security solvent, would keep it going to the next 75 years. So three bills over the last 5 years.

I also chaired the bipartisan task force on Social Security where we were very successful. We have bipartisan agreement on 18 findings that moves us ahead.

Last night, I was listening to television, and I heard AL GORE talk about his proposal to fix Social Security and criticize Governor George W. Bush's suggestion that we allow some of that money to be kept and invested by individuals. I was so concerned that I took an earlier flight so I could speak this noon on Social Security.

I criticize Mr. GORE for suggesting that we do not have to do anything to fix Social Security. Chris Lehane, Mr. GORE's spokesman, says that one of the reasons Social Security has been so successful is that it depends on one generation to take care of another generation. When in fact there is no need to do anything right now, Mr. GORE suggests that we use the extra money coming in from Social Security. Look at this chart a minute. We have got a short-term, where there is more money coming in from Social Security taxes than is needed to pay out benefits. Mr. GORE suggests that we take some of this money, we borrow from this fund, and we use that money to pay down the debt, the so-called Wall Street debt.

It is also so disconcerting that ABC, NBC, CBS pick up those press releases out of the White House that says we are going to pay down $180 billion of debt this year, and that is good, we are moving in the right direction, but what is happening is we are borrowing the money from Social Security to pay down the Wall Street debt so the $5.7 trillion that we now have as a national debt continues to go up.

Maybe an analogy is saying that Mr. GORE suggests that we take out one credit card and we use that credit card to pay off another credit card when there is no real money out there.

I think this is the time in this presidential election year to discuss and debate how we are going to fix Social Security, how we are going to keep it there, not only for the existing retirees and the near retirees, but for future generations. It is the most important program that probably we have in government. It is the largest program in this country. It is the largest program in the world.

What is happening is some people suggest, look, the United States is as good as its word. If it borrows the money, it is going to pay it back. Even if it paid it all back, it is only going to keep Social Security solvent until 2034.

But will the Federal Government pay that money back? Where is it going to come from? We are going to have to increase borrowing, cut other government programs, or increase taxes. That is where it is going to come from.

As a demonstration of Federal Government's commitment, this Congress and the President, in 1977, when there was a problem of fewer dollars coming in than was needed to pay out benefits, what did they do? In 1977, they increased taxes and reduced benefits. In 1983, again, we ran out of enough money to pay benefits, so, again, they reduced benefits and increased taxes.

If we do nothing, I say to Mr. GORE, then taxes are going to increase up to 55 percent, increase in Social Security taxes for our kids. That is what the trustees of the Social Security Administration said. If we do not want to increase taxes, then we cut benefits by 33 percent.

This is an appropriate time to discuss where we are going to go on Social Security to keep it solvent. If my colleagues look at the red area, how much we are going into the red over the years, the Social Security actuaries project that we are short $120 trillion. Remember, our annual budget here is $1.7 trillion. Over the next 75 years, we are short $120 trillion of there being less money coming in from the Social Security tax than we need to pay out the benefits that are promised.

If we look at the possibility of getting real investment, then all we have got to do is beat a zero percent return. Some of the think tanks around town have projected that one is not even going to get back the money that one paid in. Some of the projections go as high as a 1.7 percent return on the Social Security money that one pays into Social Security.

Can the stock market do any better than that? The average for any 12-year period since 1926 has been 3.7. The average for a retiree's lifetime has been up to a 7.88 percent return. We can do better than Social Security. Let us move ahead. Let us debate it. Let us discuss it. Let us not hide the problem under the rug.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, in past days, we have celebrated with our brothers and sisters of faith the Passover of the Lord and the Paschal Mystery of Jesus Christ. With family customs and solemn traditions, we have participated in the annual rights of spring.

Shower on us Your waters of renewed life and penetrating freedom so that we may truly live as children born of Your Spirit.

May the profound suffering of others and the death of anyone, embraced with the utter abandonment of faith, create in us compassionate hearts ready to respond to those in most need of Your justice.

May the awakening of the heart or the birth of any of Your creatures produce in us a vibrant respect for all life. In this season of hope, we search for continuing signs of Your presence in our midst. For You live now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 14, 2000 at 10:20 a.m.

That the Senate agreed to House amendments, S. 1567.

That the Senate agreed to House amendments, S. 1769.

That the Senate passed without amendment, H.R. 1231.

That the Senate agreed to House amendments to Senate amendments, H.R. 1753.

That the Senate passed without amendment, H.R. 2368.

That the Senate passed without amendment, H.R. 2862.

That the Senate passed without amendment, H.R. 2863.

That the Senate passed without amendment, H.R. 3063.

That the Senate passed without amendment, H.R. 3090.

That the Senate passed without amendment, H. J. Res. 86.

That the Senate passed without amendment, H. Con. Res. 269.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker pro tempore WOLF signed the following enrolled bills and joint resolution on Wednesday, April 19, 2000:

H.R. 1231, to direct the Secretary of Agriculture to convey certain national forest lands to Elko County, Nevada, for continued use as a cemetery;

H.R. 1615, to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment;

H.R. 1753, to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes;

H.R. 2368, to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands;

H.R. 2862, to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange;

H.R. 2863, to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah;

H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes;

H.R. 3090, to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes;

J. Res. 86, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes;

S. 1567, to designate the United States Courthouse located at 223 Broad Avenue in Albany, Georgia, as the "C.B. King United States Courthouse;"

S. 1769, to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

BELINDA McGREGOR

The Clerk called the Senate bill (S. 452) for the relief of Belinda McGregor.

There being no objection, the Clerk read the bill as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

(a) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Belinda McGregor shall be held and considered to have been selected for a diversity immigrant visa for fiscal year 2000 as of the date of the enactment of this Act upon payment of the required visa fee.

(b) ADJUSTMENT OF STATUS.—If Belinda McGregor, or any child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of Belinda McGregor, enters the United States before the date of the enactment of this Act, he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Belinda McGregor as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

The bill was ordered and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPENSING WITH FURTHER CALL OF PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that further call of the Private Calendar be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on April 11, 2000, in accordance with 40 U.S.C. §606.

With warm regards, I remain
Sincerely,
BUD SHUSTER,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on April 11, 2000 by the Committee on Transportation and Infrastructure.

With kind regards, I am
Sincerely,
BUD SHUSTER,
Chairman.

There was no objection.

FUNDING FOR INDIVIDUALS WITH DISABILITIES EDUCATION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, 25 years ago, Congress passed the Individuals With Disabilities Education Act. Twenty-five years ago, Congress made a commitment to disabled students all over America, promising them we would do our part to make sure they got as good an education as other kids.

Twenty-five years ago, Congress made a promise to contribute 40 percent of the cost of educating disabled children, but it was an empty promise.

For 19 years, the Democrats controlled the House and never once did they even come close to keeping that funding promise. Twenty years of consecutive Democratic Congresses never even funded 5 percent.

Special education has for years been yet another unfunded mandate created only to make those who wrote the law look good and placing an enormous financial burden on local schools.

Since coming into the majority, the Republican House has more than doubled Congress' commitment to disabled kids.

Today, we will be voting on the IDEA Full Funding Act of 2000. I urge my Democratic colleagues to join the Republicans in making good on our commitment to disabled children.

THE FBI IN YOUNGSTOWN, OHIO, OWNED BY THE MOB

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I have evidence that certain FBI agents in Youngstown, Ohio, have violated the RICO statute, and I shall prove it. For years they were owned by the Mob; but now they have made a big mistake, Mr. Speaker. Youngstown FBI agents stole large sums of cash that were vouchered to be paid to their street informants. In addition, they failed to report that cash on their tax returns. Bingo. But what is even worse, they quote/unquote suggested to one of their field operative informants that he should commit murder. Mr. Speaker, murder. Not only in Boston, now in Youngstown, Ohio.

It is out of control. The Congress of the United States should pass H.R. 4105. There are buddies investigating buddies in the Justice Department, and they are getting away with murder. Enough is enough.

I yield back the FBI fox in the hen house.

THE SIGNAL WE SEND WITH PNTR

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the United States Commission on International Religious Freedom, which was established just 2 years ago by Congress, stated yesterday that there are systematic, egregious, and ongoing manifestations of religious persecution in China. It is obvious to me and many of my fellow Nevadans that this is yet another reason why we should not, I repeat should not, extend the privilege of permanent normal trade relations with China.

Mr. Speaker, granting PNTR to China sends a signal that the United States condones the inexcusable religious persecutions and human rights abuses that occur currently today.

We would also be sending the signal that the United States is willing to endanger its own national security. After all, we would be trading with a country that holds Americans hostage every day by maintaining nuclear weapons targeted at the United States mainland.

Mr. Speaker, there are too many reasons why we should not grant PNTR to China. I encourage my colleagues to stand up for democracy and freedom and against PNTR to China.

I yield back this ill-conceived and dangerous trade policy that calls for the American people to trust its enemy.

WELCOMING THE INLAND EMPIRE MARIACHI YOUTH GROUP TO WASHINGTON

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, this week we celebrate Cinco de Mayo. It is a time to celebrate the tremendous courage and the bravery of Mexican Americans throughout our history.

I wish to take this opportunity to invite many of the individuals today as we begin to celebrate Cinco de Mayo to a festivity that will be going on in this area. I currently have invited 28 students from the Inland Empire Mariachi Youth Education Foundation to perform Wednesday at the upper Senate park here in the Capitol. This is an opportunity to learn about cultural traditions and music and heritage. It is an opportunity for many of the individuals to see kids between the ages of 6 to 17 that will be performing here in Washington. For these kids, this is the first time that they have come to Washington, D.C., the first time that they have flown. It is an opportunity to share in part of that heritage, part of the culture, part of the tradition, part of the enrichment, part of that motivation.

I encourage my colleagues that are out there, Members who have an opportunity to attend, please come and watch these kids perform as we begin to celebrate Cinco de Mayo.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:00 p.m. today.

RECOGNIZING AND COMMENDING FEDERAL WORKFORCE FOR SUCCESSFULLY ADDRESSING YEAR 2000 COMPUTER CHALLENGE

Mr. HORN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 300) recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic year 2000 computer problem disruptions.

The Clerk read as follows:

H. CON. RES. 300

Whereas the Year 2000 computer problem (Y2K) created the potential of a catastrophic international problem, causing some computer systems and other electronic devices to erroneously misinterpret the "00" in the year as 1900, rather than 2000;

Whereas the American people expected and deserved reliable service from their Federal Government to ensure that critical Federal functions dependent on electronic systems would be performed accurately and in a timely manner;

Whereas, after the initial series of congressional Y2K hearings in the spring of 1996, it became clear that unless appropriate action was taken, the Y2K problem could cause severe consequences on the successful operation of Federal systems;

Whereas Federal agencies and their employees subsequently made significant progress in meeting the challenges posed by the Y2K computer problem;

Whereas minimizing the Y2K problem required a major technological and managerial effort and it was critical that the Federal workforce rise to address this challenge;

Whereas the continued uninterrupted operation of our Nation's Federal systems was due to the comprehensive efforts made by those dedicated, talented, and committed Federal workers who served ably in the front lines of this epic battle in vanquishing the millennium bug;

Whereas the Federal workforce identified and worked to resolve the Y2K problem, giving countless hours and their holidays to assure the American people that major Y2K breakdowns in key infrastructures were unlikely;

Whereas the level of Y2K effort was justified and the threat was very real, and the risks and consequences of inaction were too dire to justify a lesser Federal effort;

Whereas preparation for Y2K led to an unprecedented level of effort that not only improved system inventories and network reliability, but has also accelerated electronic business and international cooperation;

Whereas the efforts of the Federal workforce to solve the Y2K problem provided an important example of the Government's ability to respond to future difficult technological and management challenges; and

Whereas the level of Y2K success in the United States, which has over one-fourth of the world's computer assets and is the most technologically dependent nation in the world, was quite remarkable, and was led by our Federal efforts: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and commends the meritorious service of our Nation's Federal workforce, and all those who assisted in the efforts to successfully address the Year 2000 computer challenge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 300, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 300 recognizes and commends the meritorious service of our Nation's Federal workforce and all those who assisted in the effort to successfully address the Year 2000 computer challenge. Often called Y2K or the Millennium Bug, this was the greatest technological and management challenge confronting this Nation since the Second World War period.

The problem, which involved a programming decision made decades ago, was obviously predictable. Yet management at only one of the 24 largest Federal agencies had the foresight to begin an agency-wide program to prepare its computers to handle the date change in the late 1980s.

That agency, the Social Security Administration, was also the first to complete the work.

As is now well known, when designing computer programs in the 1960s and 1970s, the programmers began using two digits rather than four to indicate the year. In other words, instead of 1967, it was 67. This shortcut enabled programmers to conserve the valuable computer memory of those huge mainframe operations. With the approaching millennium, however, the concern was that these computer systems would misread the year 2000 as simply zero/zero and the computer would think 1900.

This confusion did, in fact, surface in anecdotal examples. In one State, new car buyers found themselves the proud owners of horseless carriages when State computers registered their vehicles as vintage 1900 rather than 2000. In another case, a 104-year-old woman was requested to register for kindergarten when a school district computer miscalculated the date of her birth by 100 years.

None of the problems were irreparable, thanks to an unprecedented nationwide effort to meet the challenge.

□ 1415

However, getting that effort started to take a great deal of work.

Four years ago, the Subcommittee on Government Management, Information and Technology, which I chair, surveyed the Cabinet Secretaries in a questionnaire by the ranking Democratic Member, the gentlewoman from New York (Mrs. MALONEY), and myself, and the heads of the 24 largest Federal departments and agencies. Some of these leaders had not even heard of the problem.

The subcommittee began a concerted effort to urge government agencies to begin fixing their computer systems through its ongoing hearings, 44 in all, and 10 report cards, which graded each department on its Year 2000 progress.

Recognizing the potentially devastating effect of this computer problem, Congress accelerated its oversight responsibilities in a bipartisan and bicameral effort. Former House Speaker Newt Gingrich created the House Year 2000 Task Force, which the gentlewoman from Maryland (Mrs. MORELLA) and I co-chaired. Its purpose was to provide Congressional oversight of the Year 2000 compliance efforts of the departments and agencies in the executive branch of the government. Speaker Hastert supported this continuation when he assumed office. Equal attention was provided in the Senate. In fact, since 1996, more than 30 Congressional committees and subcommittees have held Y2K-related hearings.

After several years, letters cosigned by the gentlewoman from Maryland (Chairman MORELLA) of the Subcommittee on Technology of the Committee on Science and myself, the President issued an executive order in February 1998 requiring all Federal departments and agencies in the executive branch of the government to update their computer systems. The order also established the President's Council on Year 2000 Conversion, which, under the leadership of John Koskinen, became a vital instrument in the Government's effort to meet the year 2000 challenge.

Later, the gentlewoman from New York (Mrs. MALONEY) and I wrote a letter to the United Nations Secretary General, Kofi Annan, urging the United Nations to address this problem. They held one conference. It was very successful. They held a second that was even more successful.

Here at home, however, change did not come quickly in some areas of Federal Government, and this was caused by a systematic management problem in the government, which is why I am a proponent of establishing the separate Office of Management in the Executive Office of the President. Nevertheless, Federal workers were focused on the problem, devoting countless hours and holidays to ensure that government services for millions of America's would not be jeopardized by computer failure.

The unquestionable success of this effort clearly and definitively demonstrated that teamwork, dedication, and strong leadership can stave off the most monumental challenge, including Y2K.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA), the sponsor of this legislation.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me time, and I thank him for all the work he has done to allow us to eliminate the possible Y2K computer glitch.

Mr. Speaker, the resolution before us is the culmination, as you have heard, of 4 years of intensive oversight by the House Y2K Task Force that was originally created by Speaker Gingrich. My fellow Task Force cochair, the gentleman from California (Mr. HORN) has very nicely recounted the history of our efforts, so I want to talk about the resolution itself.

H. Con. Res. 300 recognizes our hardworking Federal workers for their successful efforts in preparing our Nation from any catastrophic Year 2000 disruptions.

The fact that our Nation's Federal systems were able to operate unimpeded by Y2K was a direct result of the comprehensive efforts made by those dedicated, talented and committed Federal workers who served ably in the front lines of this epic battle to vanquish the millennium bug. The Federal workforce identified and worked to resolve the Y2K problem, giving countless hours, including their holidays, to assure the American people that major Y2K breakdowns in key infrastructures were unlikely. The risks and consequences of inaction were simply too dire to justify a lesser Federal effort.

So, it is more than appropriate for Congress to commend the distinguished and meritorious service of our Nation's Federal workforce and all those that assisted in the efforts to successfully address the year 2000 computer challenge.

Yes, the Y2K computer problem was one of the greatest information technology challenges facing our Federal Government, and indeed the world. We had the potential of ushering in the 21st Century with the mother of all computer glitches, one with devastating effects on government computers, rendering useless much of the Nation's date sensitive computer data.

All kinds of systems would have been affected, air traffic control, veterans' benefits, Social Security, our nation's electric power grid, postal delivery, Medicaid, national defense, student loans, just to name a few. Yet in the spring of 1996, when we first began our Y2K hearings, the Federal Government was clearly unprepared for the millennium bug, and we in Congress stepped up to the plate and raised awareness about the problem by pushing Federal agencies, private industry, toward immediate corrective measures.

There were many Congressional hearings that were held, and we did indeed vigilantly exercise our oversight authority, and even enacted legislation requiring the creation of a national Federal strategy, prohibiting the Federal purchase of information technology that was not Y2K compliant, providing legal protection for good faith Y2K information sharing and disclosure, and curbing the possibility of flooding our judicial system with frivolous Y2K lawsuits.

But we did have some great concern about Federal agencies, and the initial reports that we received were very disturbing. I commented on the need for having the executive step in in a radio address back in January of 1998, and, following, the President did begin to use the bully pulpit to raise the profile and take decisive action. He created the Y2K Conversion Council and appointed John Koskinen as its chairman, and suddenly Y2K was catapulted to become a top administration management priority, and that helped make a major difference.

We in the House Y2K Task Force worked very closely with the council to determine the scope and the impact of the problem. For example, we focused with particular concern on the Federal Aviation Administration. In just the past year and a half, we have held five specific hearings on just the FAA alone and the potential for Y2K aviation disruption.

I just want to point out that in discussing it many, many times with administrator Jane Garvey, who was appointed after our first set of FAA Y2K hearings, she assured us that she would pilot FAA through the Y2K turbulence and everyone at FAA would fasten their seat belts to get the job done, and, quite frankly, they did. They did. They worked overtime, they worked sometimes the entire 24 hours in every day, and they did accomplish tremendous success with the Federal Aviation Administration.

Finally, in its aftermath, people have asked, was it real or was it overhyped, this problem? Whether the $100 billion spent in the United States was overkill? Were our Y2K efforts truly necessary to stave off an impending disaster, or was it a non-event waiting to happen?

Well, quite frankly, there is no doubt the problem was genuine, the money was well spent. It was not an exaggerated problem. From our first hearing right up to the final one in December of 1999, we witnessed systems that completely failed Y2K tests and crashed completely; and I must say that Y2K was the single most thoroughly investigated issue ever in the history of Congressional oversight. Ultimately, I think two factors tip the balance from the grave uncertainty many of us harbored in the beginning. The first is that we all knew that the Y2K problem would strike on a date certain, January 1, 2000, therefore, allowing us to collectively plan and coordinate efforts toward that deadline.

The other factor was that we were able to forge effective and unprecedented partnerships with the public sector and the private sector, as well as international, many collaborations that allowed us to share information and monitor the world's progress. So the result was a testament to the fact that we prepared well and invested properly.

I believe the investments were not just about Y2K, but also about improving and gaining knowledge about the information technology systems. From our last hearing we learned a number of these lessons.

First, the international Y2K cooperation between organizations on all levels opened up channels for future partnerships. We saw this certainly with FAA, just as an example of the number of new collaborative partnerships that were developed.

Also, the Y2K experience made us rethink the importance of information technology to businesses. It has helped us to develop a better appreciation on the reliance on information technology. Top management now needs to be more dedicated to information technology on a regular ongoing basis.

Well, now that we have survived the January 1 date rollover, as well as the recently passed February 29th leap year, we can look back and take pride in our role in vanquishing that pesky millennium bug that was supposed to cause such a catastrophe.

To all Federal employees, I salute you for your Y2K efforts. It is an accomplishment about which you should all be very proud. I am proud to be there with our members of the Task Force, indeed my cochair the gentleman from California (Mr. HORN), to be there with you every step of the way. It was an unforgiving deadline. It was clear that we could not have met it without the Federal workforce and the private sector working together, and the President working with Congress. We know the American people were counting on us, and I am proud to say we did not let them down.

I want to finally reiterate my thanks to the gentleman from California (Mr. HORN), who held so many hearings throughout the country, as well as the hearings that we had here on Capitol Hill; the Task Force cochair, the ranking member of my Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA); as well as the ranking member of the Subcommittee on Government Management, the gentleman from Texas (Mr. TURNER) for their leadership. Indeed, for other Members, the gentleman from Virginia (Mr. DAVIS), who is here, and the gentleman from Virginia (Mr. MORAN), it was good teamwork. Well done. Thank you Federal employees and all of us who were involved.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 300. Most experts are in agreement that the Y2K problem presented the Federal Government with its greatest management challenge of the last 50 years. Our Nation has over one-fourth of the computer assets and is technologically dependent, as we all understand, and millions of Americans rely every day on uninterrupted computer service for essential services. Certainly the repercussions of failing to conquer the Y2K problem would have had devastating effects on our economy and our national welfare.

Yet, despite the severity of the Y2K challenge, most observers believe we got off to a slow start in focusing on the problem. As we all know, unfortunately, it usually takes a crisis for the government to concentrate its considerable resources and to solve a problem.

For more than 3½ years the Committee on Government Reform Subcommittee on Government Management, Information and Technology, along with the Committee on Science Subcommittee on Technology, held hearings to focus exclusively upon every facet of the Y2K computer problem. Our subcommittee had over 24 hearings on the topic in the last year alone; and I want to commend our subcommittee chairman, the gentleman from California (Mr. HORN); the gentlewoman from Maryland (Chairwoman MORELLA); and the ranking member, the gentleman from Michigan (Mr. BARCIA) for the outstanding work they have done in leading our Nation through this time of computer crisis.

I also want to thank the General Accounting Office that did outstanding work, particularly Mr. Joel Williamson, who worked very diligently to bring to our attention the progress being made, or not being made, by the various Federal agencies. I also think we owe special thanks to Mr. John Koskinen, who, as chairman of the President's Council on the Y2K Conversion, did yeoman's work to be sure that our Federal agencies, as well as the Nation as a whole, was ready for the clock to strike midnight on December 31, 1999.

Our Federal workers, however, are the ones that are really due the real credit for the ability of our Federal Government to meet the Y2K crisis. The brunt of the work fell on their shoulders, and it is the Federal workers who deserve the real credit. They were the troops in the trenches, they were the ones who were on the front line, they were the ones who gave up their holidays and worked overtime to be sure that the Federal Government computers were working at midnight.

□ 1430

As we approached January 1, 2000, we began to have a higher degree of confidence that we were going to be able to be Y2K compliant and have no significant disruptions. But the truth was, none of us really knew for sure what would happen. Fortunately, we made it through with virtually no problems. The Federal Government's computer systems were ready to successfully operate in the new millennium due to the efforts of these hundreds and even thousands of Federal workers who worked diligently to cure the problems that they found.

We had a smooth transition; the Federal workers did their jobs, and if it is true that the Y2K challenge represented one of the greatest management tasks to face the Federal Government in the last 50 years and that we were slow to focus our attention upon it, then we can take even greater comfort in knowing that it was our Federal workers who handled such a mammoth undertaking with such professionalism and skill.

Mr. Speaker, many of the success stories will never be told to the public and many of our Federal workers will have to take comfort in the fact that it was their efforts in those long weekends and on those holidays that prevented us from having disruptions in computer services. I am glad that this resolution recognizes our Federal workers in one of their finest hours. As a result of their skill, January 1 of 2000 proceeded like any normal day. Once again, we have shown that when faced with a challenge, whether in time of war or peace, the American people are up to the challenge and our Federal workers certainly proved their abilities and their dedication during this time. We owe them a great debt of gratitude.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) who is the ranking minority member; he has been an outstanding member of the committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS). No one has worked harder on this issue than the gentleman from what is known as Silicon Valley East, or Fairfax County.

Mr. DAVIS of Virginia. Mr. Speaker, I commend the authors of the resolution on both sides, as well as our Federal workforce and, of course, the contractors who worked together on this thing.

Mr. Speaker, I rise today in support of H. Con. Res. 300. I would like to thank my colleagues, Representatives MORELLA and HORN for introducing this resolution, and commend them for their outstanding leadership on the Y2K issue. Their vigilant oversight made the Administration and agencies recognize the potential disasters associated with the Y2K rollover. As a member of the Government Management Information Technology Subcommittee, I was proud to work with my colleagues on this oversight. This commitment from Congress helped to ensure that our nation did not see an interruption in the delivery of critical goods and services on January 1, 2000.

In 1996, Representatives HORN and MORELLA began the initial hearings on Y2K and discovered that many of our federal operations were significantly behind in addressing the Y2K bug. It was readily apparent that there could be severe consequences if federal agencies and their employees were not able to address the pending Y2K crisis. There were many outside of government that believed the federal workforce would fail. Our federal workforce once again proved those naysayers wrong. Our federal employees rose to meet this challenge and devoted countless hours to tackling the technological complexities of the Y2K problem.

American taxpayers saw their return on investment on January 1, 2000. There were no delayed Social Security checks and no federal services were interrupted. This is due in large part to the federal employees who worked weekends and holidays to ensure that the millennium bug came without so much as a whimper.

As H. Con. Res. 300 states, the United States has over one-quarter of the world's computer assets and is the most technologically dependent nation in the world. The leadership of our federal workforce continues to ensure that this dependence does not provide a threat to our nation's well-being.

Mr. Speaker, I urge all of my colleagues to support H. Con. Res. 300 and its swift passage today.

Mr. TURNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Texas, and I certainly want to be associated with his fine remarks in congratulating Mr. John Koskinen for leading the executive branch in the Y2K effort, and particularly the Federal workforce. But I also wanted to be associated with the remarks of the gentleman from California (Mr. HORN) and the remarks of the gentlewoman from Maryland (Mrs. MORELLA) and all of those folks on both sides of the aisle who made this such a successful bipartisan effort.

Mr. Speaker, this is one of the real success stories in terms of legislation, because we had nothing to read about on January 1. The old axiom with the media is if it bleeds, it leads, and there was no bleeding on January 1, because the Congress, the House and Senate leadership, and the executive branch recognized the importance, devoted their attention to it, came up with the legislation that was necessary, and certainly the executive branch came up with the resources and the leadership that was absolutely essential to make it a nonevent.

I do want to recognize the efforts of the gentleman from Virginia (Mr. DAVIS) as well in a related matter. In the private sector it was the gentleman from Virginia who introduced the Y2K liability legislation which ensured that the prediction that the American Bar Association made, which was that there could be as much as $1 trillion of liability suits brought by trial lawyers on January 1, never came to pass because the Congress again enacted preventive legislation to see to it that that did not happen; that lawyers were required to warn companies 30 days in advance; that information was required to be shared; that, in fact, there was a cap on punitive damages; and that grants and loans were made available for small businesses.

So both in the private sector and in the public sector, the Congress did its job. That is the point I want to make. It was a nonevent, but both the legislative and the executive branch deserve a great deal of credit for the fact that it was a nonevent both here in the United States and worldwide. It would not have happened had it not been for the leadership on both sides of the aisle, and they deserve congratulations, as does the Federal workforce and Mr. Koskinen.

Mrs. BIGGERT. Mr. Speaker, today I support H. Con. Res. 300, a resolution recognizing and commending our Nation's workforce for successfully preparing for the Year 2000 date change.

Contrary to what some felt might happen when the clock struck midnight on January 1, 2000, planes didn't fall from the sky. Telephones retained their dial tone; water still ran from the faucets; and America's New Year celebrations were not left in the dark.

The smooth turnover from 1999 into 2000 is directly related to the hundreds, even thousands, of man-hours directed by our federal agencies toward preventing and correcting potential Y2K problems. Given the disruptions that did not occur, I would say these efforts paid off handsomely.

Y2K preparations paid off in other ways as well. As a result of Y2K concerns, there are now thousands more American families that own equipment needed to be adequately prepared for other types of emergencies, namely snow storms, floods and hurricanes.

Government leaders on every level now have a better understanding of technology management issues, and are more aware of the importance of cooperation between local, state and federal officials. What's more, the millennium bug provided a reason to upgrade government technology systems and to inventory resources.

Just being able to say some five months after Year 2000 rollover that it turned out to be a positive experience is a testament to the hard work of the federal workforce.

It is also a reflection of the extensive efforts of the House Y2K Task Force and to the leadership of the sponsors of this legislation, Representatives MORELLA and HORN. It is a tribute to the efforts of the President's Council on the Year 2000 Conversion, and to U.S. General Accounting Office (GAO) as well.

Mr. Speaker, I am proud to be an original cosponsor of this resolution recognizing the good work of our Nation's Federal Workforce and urge my colleagues to support it.

Mr. BARCIA. Mr. Speaker, I rise in support of H. Con. Res. 300, Recognizing and Commending our Nation's Federal Workforce for Successfully Preparing our Nation to Withstand any Catastrophic Year 2000 Computer Disruptions.

I want to congratulate Federal Government employees for their efforts in successfully addressing the Y2K problem. I want stress that this Resolution recognizes the hard work of all Federal employees and Federal contractors in evaluating and testing government computer systems.

As was frequently stressed during the past three years, fixing the Y2K computer glitch was not a technical issue; it was a management issue. Therefore, I want to take this opportunity to commend the President and the Vice President for the management structure they developed to attack the Y2K problem. I specifically mention the Vice President because some of my colleagues were ready to blame Vice President GORE if there were any Y2K related problems. As we now know, computer systems were ready for January 1, 2000, and just as some were ready to lay blame so should we be ready to compliment for a job well done. One of their outstanding management decisions was selecting Mr. John Koskinen to be the Chair of the President's Council on Year 2000 Conversion. Mr. Koskinen galvanized and coordinated Federal activities. It is a tribute to Mr. Koskinen's management and diplomatic skills that the American public experienced no disruption of Federal services at the Y2K rollover.

So, to the President, the Vice President, Mr. Koskinen and to all Federal employees, all I have to say is congratulations on a job well done.

In closing, I want to say that it has been a pleasure working with Chairman HORN and Ranking Member TURNER on the Subcommittee on Government Management, Information and Technology on this issue during the past three years. And as always, it has been a pleasure working with Chairwoman MORELLA.

Mr. HORN. Mr. Speaker, having no further requests for time, I urge the adoption of this resolution, and I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 300.

The question was taken.

Mr. HORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL CONTRACTOR FLEXIBILITY ACT OF 2000

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3582) to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified.

The Clerk read as follows:

H.R. 3582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Contractor Flexibility Act of 2000".

SEC. 2. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY GOODS AND SERVICES.

(a) AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology goods and services.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the procurement of information technology goods or services shall not set forth any minimum experience or educational requirement for proposed contractor personnel in order for a bidder to be eligible for award of a contract unless the contracting officer first—

(1) determines that the needs of the agency cannot be met without any such requirement; and

(2) explains in writing the basis for that determination.

(c) GAO REPORT.—Not later than 1 year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) executive agency compliance with the regulations; and

(2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(d) DEFINITIONS.—As used in this Act:

(1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(2) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given that term in the Federal Acquisition Regulation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS) to explain the legislation before us.

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate the gentleman from California (Mr. HORN) yielding me this time.

I rise today in support of a piece of legislation I think is very important, H.R. 3582, the Federal Flexibility Act of 2000, legislation which will address an ongoing problem in Federal information technology contracts.

I would like to thank my colleague, the gentleman from California (Mr. HORN), the chairman of the Subcommittee on Government Management, Information and Technology for his assistance in moving this important legislation forward.

Mr. Speaker, H.R. 3582 is necessary because Federal contracting officers frequently write into IT contracts minimum personnel requirements that hamper the ability of contractors to find qualified personnel to perform the contract. Oftentimes, this means government contractors cannot hire personnel who they believe can successfully perform the work, but instead they search for just simply qualified resumes. This is a burden on the information and technology industry, it is a burden on the American taxpayer, and it contributes to the chronic worker shortage faced by the technology industry because the Federal Government is the largest purchaser of IT products in the world, spending about $28 billion on goods and services each year.

The Fed-Flex Act would require Federal agencies to justify the minimum personnel requirements frequently written into government contracts. Federal agencies have been experiencing something called "credential creep" in the way they write contracts. The problem has become so significant that the Virginia Secretary of Technology, Don Upson, found in a report issued by his office this past September, that minimum personnel requirements are the second largest contributor to the IT workforce shortage in my home State of Virginia. This report was titled "A Study of Virginia's Information Technology Workforce." It strongly recommended that both the government and private sector companies objectively evaluate alternative forms of training and focus on investments in training rather than on degrees or resumes. The nationwide shortage of IT workers is estimated at 364,000, and it is estimated at over 24,000 in the Northern Virginia region alone for the information technology worker shortage.

Now, what these minimum personnel requirements mean for the government is that a Bill Gates or a Michael Dell cannot perform work with the government on most contracts. Since neither one of them holds a college degree, many Federal agencies would not allow them to perform IT work for the government. When Federal agencies write credential creep into contracts, they hinder the ability of Federal contractors to hire qualified personnel to get the job done, and they increase the total cost of the contract to the government and, therefore, the American taxpayer.

In this era of serious labor shortages in nearly every sector of our economy, this practice drives up prices and it limits the flexibility of offers. The government will get better results if it issues performance-based statements of work and leaves it up to the offeror to propose how they will satisfy that requirement. The government should hold the winning offeror accountable for the quality of the cake, not dictate the ingredients that go into the recipe.

Another recent workforce study released by the Information Technology Association of America found that U.S. companies anticipate a demand for 1.6 million IT workers in the next year. According to that study, about 50 percent of the applicants for these jobs would not have the skills required to perform the jobs, meaning that up to 850,000 of these slots go unfilled. The private sector knows it has to adapt to address this shortage and invest in the training that will allow them to get the job done. Let us make sure the Federal Government is not the stumbling block to reaching that goal. The Fed-Flex Act requires agencies to realize that key skills are what matters the most to mission accomplishment within the agencies, not how those skills are acquired.

Recently, there has been ongoing debate about solving the labor shortage in the United States by lifting the cap on H1-B visas. I am a strong supporter of lifting this visa cap, and I am an original cosponsor of my colleague's, the gentleman from California (Mr. DREIER), H.R. 3982, the HI-TECH Act, which raises the cap to 200,000 for H1-Bs. But we all know this is a short-term solution. We need to recognize the new types of training employees receive and encourage American businesses to hire employees who have received less traditional methods of training. We also need to encourage our Federal Government to be a leader in solving the workplace shortage and not remain behind the curve as is so often the case.

Mr. Speaker, H.R. 3582 recognizes the investment that firms make in their employees every day. Many IT firms spend a significant amount of time and dollars training their employees to be up to speed on the latest products and services. The Fed-Flex Act would require agencies to justify the use of such minimum mandatory personnel requirements before imposing such requirements on a particular solicitation for IT services. The Fed-Flex Act would require agencies to justify the use of such minimum mandatory personnel requirements before imposing such requirements in a particular solicitation for IT services. Where the contracting officer determines that the agency's need cannot be met without such requirement, the legislation would not preclude such requirements. Moreover, the legislation would not preclude the agencies from evaluating the advantages that may be associated with a particular employee's experience or education, including participation in an in-house training and certification program. This bill continues the many successes of recent procurement reforms and redirects government to focus on products, not process.

Recently, a study released by the American Association of Community Colleges indicated that 20 percent of community college attendees are pursuing degrees to work on technology issues. With the worker shortage we face in the Nation, it is of great concern to me that the Federal Government could prevent these highly motivated young people from pursuing a technology career. Credential creep is a Federal Government-wide problem. We have fallen behind in recruiting IT workers for the Federal workforce and training Federal workers to take part in the information technology revolution. Yet, the government demands a college degree for entry level positions that might be filled by individuals who have received another form of job training that may be superior. I believe that Federal flexibility is important to address the immediate need within the government, but I am also committed to working closely with my friends in the workforce community to look at credential creep problems as well.

Mr. Speaker, I would like to point to the many organizations that support H.R. 3582. Fed-Flex is supported by ITAA, American Electronics Association, Contract Services Association, Professional Services Council, and CapNet. I would like to quote from a letter sent over by Harris Miller, the President of ITAA. "The Federal Contractor Flexibility Act is a home run for practical, efficient, and effective government contracting." I would also like to submit a copy of the ITAA letter for the RECORD.

MAY 2, 2000.

Rep. TOM DAVIS.

DEAR CONGRESSMAN DAVIS: On behalf of the 26,000 direct and affiliate members of the Information Technology Association of America (ITAA), I write to urge quick passage of the Federal Contractor Flexibility Act of 2000. We applaud you for sponsoring this common sense bill. This is legislation that recognizes a critical demand for appropriately skilled high tech workers is one of the most vexing problems facing employers today—both in and outside of government. At the same time, it realizes that key skills—and not how they are acquired—are what matters most to mission accomplishment within agencies.

A few weeks ago, ITAA released Bridging the Gap: IT Job Skills for a New Millennium, a major national study on the workforce issue. We found that U.S. companies anticipate a demand for 1.6 million IT workers in the next 12 months. Because roughly fifty percent of applicants will not have the skills required to perform these jobs, over 850,000 IT positions will go begging. Our study suggests that in the private sector, this demand pressure has caused hiring managers to revisit the issue of "what it takes" to get the job done.

At one time, the federal government's preference for contractor staff with certain years of experience and a college degree was understandable. Unfortunately, what made sense five to ten years ago does not make sense in today's environment. Indeed, so much has changed in information technology that today's college graduates or those from community colleges are very prepared to take on immediate responsibilities at federal agencies. Talented people with skills in database design, programming, web development and other technical areas have invaluable skills that the federal agencies need today, not three or more years from now.

The agencies that do have specific needs should by all means be able to request certain skills sets and experience, but your legislation will eliminate the situation we find today where old boilerplate language with outmoded requirements is commonly used and reused in thousands of contracts. As you have mentioned your comments, it is more than ironic that some of the foremost leaders of the IT industry, Bill Gates, Michael Dell, and Larry Ellison, would be precluded from most Federal contracts since they did not complete their four year degree!

The Federal Contractor Flexibility Act is a homerun for practical, efficient and effective government contracting. We ask that all Members of Congress support its speedy passage into law.

Very truly yours,

HARRIS N. MILLER,
President.

Mr. Speaker, H.R. 3582 will help ensure that contracts are performance based rather than process driven. I am dismayed to hear that the administration is not ready to support the legislation at this time, and while I applaud OMB and my friend Dee Lee's commitment to performance-based contracting, I believe that the law does not need a clarification on these minimum personnel requirements. Additionally, the letter from OMB concerns me because it recognizes the problem but it does not support the legislative fix that gives it the authority it needs to ensure the problem is corrected.

In my conversations with local Chambers of Commerce in Northern Virginia, and national procurement organizations, I have heard many instances where these personnel requirements have hampered companies' ability to work with government. I have also been presented with evidence that these minimum personnel requirements have been used at various government agencies to favor incumbent contractors rather than promoting open competition. I have even heard of an instance where the contract employees who unpack computers at some agencies are required to hold college degrees.

Mr. Speaker, I will insert the rest of my comments in the RECORD at this time. I just want to urge my colleagues to support this important legislation. I want to thank my colleague next door, the gentleman from Virginia (Mr. MORAN) for his leadership on this issue in cosponsoring this, and my colleague, the gentleman from Texas (Mr. TURNER) for helping to bring this to the floor so expeditiously.

Mr. Speaker, in the new economy, we are all learning new management techniques and the government can not be last to the table in this effort. Earlier this year, the Department of Labor issued two advisory opinions that threatened to harm the operation of the engine driving our economy, the technology sector. Many of you may be familiar with both the telecommuting and stock options decisions. While we should have those problems solved in the short-term through clarifying Congressional legislation that even the Labor Department has now recognized as necessary, we need to ensure that the government does not continue to impede the development of IT products and services through its own contracting and management processes.

Mr. Speaker, I have also received contract examples from the Departments of Defense and Treasury, and the General Services Administration that include minimum personnel requirements. The Defense Department includes these cumbersome requirements for entry-level IT positions that include such basic tasks as data-entry, and they do not give contractors any opportunity to apply for a waiver. The Treasury contract includes these requirements but then says a company may apply for a waiver after contract award although the waiver requires a significant amount of paperwork to get approved. The GSA requirement is on an IDIQ contract that would affect several companies at the same time and drive-up costs of all of the competing bids.

Mr. Speaker, again I urge my colleagues to support this important legislation. I know it will provide important relief to Virginia and government contractors across the nation. It will also provide a tremendous cost-savings to the government.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Federal Contractor Flexibility Act of 2000 which was introduced by our friend, the gentleman from Virginia (Mr. DAVIS), and I want to commend the gentleman for his hard work on this bill. It is a very important piece of legislation, and he did a great job with it.

□ 1445

I also want to thank the gentleman from Virginia (Mr. MORAN), his neighbor, who also was the primary Democratic sponsor of this legislation.

As has been pointed out, this bill would restrict Federal departments and agencies from using mandatory minimum personnel and experience requirements for contractor personnel in the procurement of information technology goods and services, unless there is some justification for such a restriction.

Currently, Federal information technology procurement officers can require contractors to use employees who, at a minimum, have a college degree. As the gentleman from Virginia (Mr. DAVIS) pointed out, Bill Gates and Michael Dell would not qualify under the current restrictions.

It is obvious I think to all of us that the Federal agencies oftentimes dictate more stringent educational requirements than are necessary to do the job. H.R. 3582 would require Federal agencies to justify those minimum requirements, but it would not preclude them from including such requirements if the contracting officer determined that the agency's needs could not be met without the requirements.

The legislation also would not preclude agencies from evaluating an employee's experience or education, including their participation in in-house training or other certification programs. But most importantly, this legislation will increase the number of information technology workers eligible to assume government contractor information technology jobs, and it would alleviate the current shortage of labor in this field.

Today, we take the first step by eliminating these arbitrary experience and educational requirements for the private IT sector contractors. But I look forward to working with my colleagues so that we can eliminate these same requirements for our Federal employees.

Mr. Speaker, I am pleased to be a cosponsor of this bipartisan measure. Again, I commend the gentleman from Virginia (Mr. DAVIS); the gentleman from Virginia (Mr. MORAN); the gentleman from California (Mr. HORN), our subcommittee chairman; as well as the gentleman from Indiana (Chairman BURTON); and the gentleman from California (Mr. WAXMAN), our ranking member, for their work on this bill.

I urge swift passage of H.R. 3582.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for yielding me the time, and I rise in strong support of H.R. 3582, the Federal Contractor Flexibility Act of 2000.

Mr. Speaker, I want to commend the lead sponsor, the gentleman from Virginia (Mr. DAVIS), for introducing this bill. I am proud to be a cosponsor of the legislation.

It would require Federal agencies to justify the use of minimum education and experience requirements in their solicitations for information technology services, which have virtually no relation to whether the individual can perform the required work.

Mr. Speaker, under current regulations, Bill Gates, as has been mentioned, would not be allowed to perform IT work for the Federal Government. That is right. The richest, and many would say one of the smartest, men in the world is not allowed to contract with the Federal Government under current law. Why? Because many Federal agencies currently put in place minimum education requirements in solicitations for IT services, and Mr. Gates does not hold a college degree.

This can be blamed on the fact that many agencies are now writing "credential creep" into contracts, hindering the ability of Federal contractors to hire qualified personnel who can get the job done. Frequently, these same agencies will require contractors to use employees who have a minimum of a college degree or even more stringent education requirements.

Additionally, Federal agencies dictate to companies the amount of experience employees must have working on certain IT systems. In this era of serious labor shortages in the information technology marketplace, this practice drives up prices and limits the flexibility of offers.

As a representative from Montgomery County, Maryland, which has many high-technology industries and research institutions, I understand the importance of skilled workers to our growing economy. However, I also understand that there currently exists a serious shortage of technology workers in not only the Washington, D.C., metropolitan area but throughout the Nation as well.

Mr. Speaker, passage of H.R. 3582 will enable the Government to get better results by issuing performance-based statements of work and leave it up to the job seeker to propose how he or she will get the job done. The Government's requirement should be on the merit and success of the job, not on dictating how the job is accomplished.

Finally, H.R. 3582 recognizes the investment that firms make in their employees today by not precluding agencies from evaluating the advantages that may be associated with a particular employee's experience or education, including participation in in-house training and certification programs.

Mr. Speaker, this is a common sense piece of legislation. I urge support of its passage.

Mr. TURNER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), the primary Democratic cosponsor of the resolution.

Mr. MORAN of Virginia. Mr. Speaker, I certainly want to thank and acknowledge the leadership of the gentleman from Texas (Mr. TURNER) for his Federal management reform efforts. He is doing a very fine job on the Committee on Government Reform, and I congratulate him. And also, certainly, the gentleman from California (Mr. HORN), the gentlewoman from Maryland (Mrs. MORELLA) for their efforts. In many areas, this is a committee that can work together and this is certainly an example of good, bipartisan constructive legislation.

I especially want to recognize the gentleman from Virginia (Mr. DAVIS) and his fine staff for their terrific work on this bill.

Mr. Speaker, this ought to be a no-brainer. But it is designed to address something that for years has gone on. It is a classic example of the right hand not only not letting the left hand know what they were doing, but they were working at cross purposes. If we ask people working in the Federal Government, particularly in Labor or Commerce or HHS, they will say that one of the most serious problems today is the fallout from the new economy of people working in the old economy having their jobs replaced by automation or by competition from overseas.

Mr. Speaker, while 80 percent of them get jobs, and better paying jobs, there are 20 percent of them who do not, who are left by the wayside of the new economy highway. And these people want to work hard, they have got the will and the ability, but they do not have the opportunity.

In many cases, it is because they do not have a 4-year college degree. They do not have the preparation, the skills with computers. We are not providing sufficient opportunity for them. And then there are other people who cannot afford a 4-year college degree. They do not need a 4-year college degree.

On the other hand, we have the Federal Government here saying that if one wants to bid for Federal contracts, they have to have a 4-year college degree on many of these information technology contracts.

They do not have to. They do not need it. In fact, all this bill does is to say that if a contracting officer can justify these higher standards, then fine, go ahead with it. But if they cannot justify requiring these college degrees and these higher certifications, then do not require it. Allow companies to hire people that can perform the work. Put the emphasis on the quality product, not the process.

In Virginia, we are recognizing that this is one of the prime causes of the technology shortage. We have a shortage of almost 30,000 vacancies. We cannot fill them. Many of them are in Federal contract work. This is silly. We have the people, the warm bodies; but we do not have the preparation, and it does not make sense to require a 4-year degree.

Mr. Speaker, in this period of unprecedented labor shortage, certainly we ought to take the initiative. I wish the executive branch had taken the initiative itself, but this bill is necessary. I am sure that they are going to enact it because the current practice drives up prices and limits the competition for Federal contracts. We do not want that. That does not serve anybody's purposes.

It has already been said, and I do not want to beat up on Bill Gates, of all people. We keep talking about the fact that he does not have a college degree. Well, he does not; but he did not need it to be successful. He is a classic example. And there are any number of others as well. I think we made our case on that.

The Department of Commerce recently reported that there are more than 600,000 positions in the information technology field that have yet to be filled. And, in fact, they estimate that over the next 10 years we are going to need more than 100,000 a year. I saw a figure today of 130,000 a year. We do not have those people. We do not need to be sending those people through college. We need to be getting them into community colleges, junior colleges, computer training courses, whatever gives them the skills that are necessary.

Now, we are going to get a whole lot of flack when we bring up the H(1)(b) bill. People are going to say we are bringing in laborers from overseas and taking our jobs and so on. My response is going to be, look, raising the cap on H(1)(b) visas is a short-term solution. We have vacancies and we need to fill them and fill them with qualified people, and bringing these people in that can go to work immediately with skills just pumps iron into our economic bloodstream. We need to do this. It makes a lot of sense. But that is not the long-term solution.

Mr. Speaker, the long-term solution is to train people. And not with 4 years; give them the specific training they need. Give them the opportunities; give them the access to these information technology jobs.

If we do, we are going to enable our American workforce to realize its full potential. If we put these kinds of obstacles in the way, all we are doing is limiting our potential economically and socially.

So I think I have made my point. This bill needs to be supported strongly and unanimously, and I trust it will be.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first commend Melissa Wojciak for her excellent staff work on H.R. 3582, the Federal Contractor Flexibility Act of 2000. Melissa is a true professional and put a lot of her heart into this legislation. That is the kind of people we want on Capitol Hill.

Let me just note a few things. I completely agree with the two gentlemen from Virginia, and if that ever makes this bipartisan, I do not know what does. The gentleman from Virginia (Mr. DAVIS) certainly reflected the floor management's views of what is the essence of this particular legislation.

The fact is, performance-based contracting is a method of acquiring services that focus on successful results or outcomes rather than dictating how the work is to be performed.

Now, I also agree with the gentleman from Virginia (Mr. MORAN) about the need for education. I have been preaching that for the last 2 years. The community colleges of this Nation, public institutions, and the State universities of this Nation should be working with Silicon Valley east, west, south, north, wherever it is, to get the latest generation of equipment on which they can train people. State budgets never have enough, and as a former university president in charge of a State university for 18 years, I can assure my colleagues that is a true statement across the Nation, that very little money is invested in the technology that these students need to be exposed to.

They also need to be exposed to logic, to math, to science starting in the kindergarten. There ought to be concepts of science that a good public school system has, and that is exactly what is needed.

These are $60,000-a-year jobs, and if that should not wake somebody up, I do not know what it does wake up. We need more of our own citizens, and those who have newly arrived here, from Cambodia, the Vietnamese, the Latin American; and what we need are opportunities for the children of immigrants as well as opportunities for our own citizens.

So I completely agree with the gentleman from Virginia on this issue, and much more needs to be done on that. We cannot just have some fly-by-night operation that does this for individuals; we need a long-term investment by the Silicon Valleys, the computer industry, and they need to quit depending on people from abroad. They need to educate our own people.

Mr. Speaker, with those remarks, I thank the gentleman from Texas (Mr. TURNER), who is the ranking member on the subcommittee, for all of his constructive comments during the hearings, during the markup, and now on the floor.

Mr. Speaker, I yield back the balance of my time.

□ 1500

Mr. TURNER. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 3582.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2932) to authorize the Golden Spike/Crossroads of the West National Heritage Area, as amended.

The Clerk read as follows:

H.R. 2932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term "Golden Spike Rail Study" means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site", National Park Service, 1993.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STUDY AREA.—The term "Study Area" means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 2. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term "District" means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term "historic infrastructure" means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled "Crossroads of the West Historic District", numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2932 is a bill I introduced, authorizes a study assessing the feasibility of establishing the Golden Spike/Crossroads of the West National Heritage Area. H.R. 2932 also establishes a Historic District in Ogden, Utah to preserve and interpret historic features relating to the convergence of the intercontinental railway.

The development of our Nation's railway was an important step in our country's development as an economic and industrial super power. The completion of the intercontinental railway was a crowning achievement in our country's history. H.R. 2932 would help to promote a greater public interest and appreciation for this significant event.

The study conducted under this bill charges the Secretary of the Interior to assess the worthiness of the region's historic, recreational, and economic resources for recognition as a National Heritage Area. This study is to be completed with input from the State Historic Agencies and submitted within 3 years.

H.R. 2932 also establishes the Golden Spike/Crossroads of the West Historic District. This Historic District would be an asset of great worth to all the residents and visitors of northern Utah. It would promote the conservation and development of historical and recreational resources associated with the intercontinental railway.

The historic district would be managed by the Secretary of Interior. The Secretary will have the responsibility of making a development plan and inventory of the resources existing in the historical district. The development plan is to be made with public participation and will emphasize economic revitalization that preserves the district's historic character.

It is very important to note that the designation of this historic district will have no effect on existing land-use laws and regulations. Furthermore, the bill will not confer any additional powers of zoning or land use to the Secretary of the Interior or affect private property rights in any way.

Preserving the heritage of our Nation's railroads and their influential role in our history is something I feel is very important. I believe this bill is good for Utah and good for the American people. I urge my colleagues to support H.R. 2932.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2932. The gentleman from Utah (Mr. HANSEN) has quite accurately explained the legislation to the Members of the House.

Originally, we in the minority had some concerns with this legislation, although we clearly were not questioning the historic value of the area covered by the legislation. Working with the gentleman from Utah (Mr. HANSEN), the subcommittee chairman, and with others, we think that the final version of this legislation addresses everyone's concern. We ask that the House support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2932, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ENDANGERED SPECIES ACT REPORT RESTORATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1744) to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

The Clerk read as follows:

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF SUBMISSION OF CERTAIN SPECIES CONSERVATION REPORTS.

(a) ANNUAL COST ANALYSIS.—Section 18 of the Endangered Species Act of 1973 (16 U.S.C. 1544) is amended by striking "On" and inserting "Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), on".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the earlier of—

(1) the date of enactment of this Act; or

(2) December 19, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate bill was introduced by the late Senator from Rhode Island, Senator John Chafee. It restores the report under the Endangered Species Act.

The Endangered Species Act requires all Federal agencies to use their authorities for the protection and conservation of those species listed as threatened or endangered under the Federal Endangered Species Act. In 1988, section 18 of the ESA was added to require the Secretary of the Interior to send to Congress a report on the amount of taxpayer funds spent by each Federal agency in carrying out the mandates of the ESA.

Since 1990, the Committee on Resources has been receiving these reports which detail Federal spending on endangered and threatened species. The last report indicates that over $300 million has been directly spent by over 20 Federal agencies to protect endangered and threatened species. The reports tell us the amount spent on each listed species so we know where those Federal resources are going and can determine whether this spending is achieving the desired results of recovery of listed species.

Section 3003 of the Federal Reports Elimination and Sunset Act of 1997 terminated a long list of reports to Congress contained in the report of the Clerk of the House. The Clerk's report lists statutorily required reports to Congress from various Executive Branch agencies. Unfortunately, in the zeal to eliminate unnecessary reporting by Federal agencies, this very important and useful report was inadvertently eliminated as well.

S. 1744 simply retains the existing requirement of the Secretary of the Interior to provide Congress with this important information currently required by the Endangered Species Act. It does not affect any other provision of the ESA and does not address any substantive concerns regarding the ESA. I urge Members to support S. 1744 and send this important legislation to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I rise in strong support of this legislation. As explained by the gentleman from Utah (Mr. HANSEN), this was an inadvertent mistake when this report was terminated by the Federal Reports Elimination Sunset Act of 1995, and it is right for us to reinstate it.

It is obvious to all Members of Congress that the Endangered Species Act has been one of our Nation's keystone environmental laws to protect biodiversity and recover threatened and endangered species from the brink of extinction. This better helps us target our efforts to restoring endangered species.

Section 18 of the Endangered Species Act requires the Secretary of the Interior to report annually to the Congress on "reasonably identified" expenditures for the conservation and recovery of threatened and endangered species under the ESA. This report includes an accounting of expenditures from all Federal agencies and from all States that receive section 6 grant funding for conservation activities. Over the years this report has been a valuable tool to discern priorities and trends in how and where ESA funds are spent.

Unfortunately, the section 18 report was included in the list of unnecessary report requirements when Congress passed the Federal Reports Elimination and Sunset Act of 1995. Consequently, this report requirement was scheduled to sunset on December 21, 1999, provided that Congress does not act to reauthorize it.

This bill would correct the initial oversight and simply reauthorize this valuable report requirement. It is my understanding that the Administration did not include this report in the initial list that was forwarded to the Clerk of the House in 1994, and it is my further understanding that the Administration does not oppose its reinstatement at this time.

The Endangered Species Act has been our Nation's keystone environmental law to protect biodiversity and to recover threatened and endangered species from the brink of extinction. This bill would restore a helpful report and do no harm to the Act itself. I support S. 1744 and urge all members to do likewise.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1744.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2932 and S. 1744.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 371) to expedite the naturalization of aliens who served with special guerilla units in Laos, as amended.

The Clerk read as follows:

H.R. 371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hmong Veterans' Naturalization Act of 2000".

SEC. 2. EXEMPTION FROM ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)) shall not apply to the naturalization of any person—

(1) who—

(A) was admitted into the United States as a refugee from Laos pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) served with a special guerrilla unit, or irregular forces, operating from a base in Laos in support of the United States military at any time during the period beginning February 28, 1961, and ending September 18, 1978; or

(2) who—

(A) satisfies the requirement of paragraph (1)(A); and

(B) was the spouse of a person described in paragraph (1) on the day on which such described person applied for admission into the United States as a refugee.

SEC. 3. SPECIAL CONSIDERATION CONCERNING CIVICS REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The Attorney General shall provide for special consideration, as determined by the Attorney General, concerning the requirement of paragraph (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(2)) with respect to the naturalization of any person described in paragraph (1) or (2) of section 2 of this Act.

SEC. 4. DOCUMENTATION OF QUALIFYING SERVICE.

A person seeking an exemption under section 2 or special consideration under section 3 shall submit to the Attorney General documentation of their, or their spouse's, service with a special guerrilla unit, or irregular forces, described in section 2(1)(B), in the form of—

(1) original documents;

(2) an affidavit of the serving person's superior officer;

(3) two affidavits from other individuals who also were serving with such a special guerrilla unit, or irregular forces, and who personally knew of the person's service; or

(4) other appropriate proof.

SEC. 5. DETERMINATION OF ELIGIBILITY FOR EXEMPTION AND SPECIAL CONSIDERATION.

In determining a person's eligibility for an exemption under section 2 or special consideration under section 3, the Attorney General—

(1) shall review the refugee processing documentation for the person, or, in an appropriate case, for the person and the person's spouse, to verify that the requirements of section 2 relating to refugee applications and admissions have been satisfied;

(2) shall consider the documentation submitted by the person under section 4;

(3) shall request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B) and shall take into account that opinion; and

(4) may consider any certification prepared by the organization known as "Lao Veterans of America, Inc.", or any similar organization maintaining records with respect to Hmong veterans or their families.

SEC. 6. DEADLINE FOR APPLICATION AND PAYMENT OF FEES.

This Act shall apply to a person only if the person's application for naturalization is filed, as provided in section 334 of the Immigration and Nationality Act (8 U.S.C. 1445), with appropriate fees not later than 18 months after the date of the enactment of this Act.

SEC. 7. LIMITATION ON NUMBER OF BENEFICIARIES.

Notwithstanding any other provision of this Act, the total number of aliens who may be granted an exemption under section 2 or special consideration under section 3, or both, may not exceed 45,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 371, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, this body considers legislation to facilitate citizenship opportunities for Hmong refugees who were recruited by the United States to assist our combat effort in Indochina. Twenty-five years after the end of the Vietnam War, we honor the heroism and sacrifices of the Hmong.

At great personal peril and loss of life, they fought with us and performed critical roles in dangerous missions on our behalf.

As a former CIA officer pointed out in a statement submitted to the Committee on the Judiciary Subcommittee on Immigration and Claims in the last Congress, and I quote, "Throughout the war, CIA's paramilitary forces collected intelligence, used it in combat operations to tie down some 50,000 North Vietnamese forces in Laos, rescued downed American pilots and protected sensitive American installations at remote mountain tops."

Those Hmong veterans who survive the war face severe persecution for their association with us.

H.R. 371 acknowledges that many Hmong veterans face unique language problems that present insurmountable obstacles to U.S. citizenship. The Hmong we recruited during the Vietnam War, including some at a very early age, lived at a predominantly preliterate society.

Lieutenant Colonel Wangyee Vang, National President, Lao Veterans of America, explained in his statement for the 1997 hearing of the Subcommittee on Immigration and Claims, "Cultural barriers and the fact that a written Hmong language was not used in much of Laos until late in its history have compounded the problems of literacy for the Hmong."

In recognition of their compelling and extraordinary sacrifices, H.R. 371 provides for an exemption from the English language requirement and authorizes special consideration related to the civics requirement.

The gentleman from Minnesota (Mr. VENTO), our esteemed colleague, is the author of this legislation, and he may have put it best when he testified as follows before the Subcommittee on Immigration and Claims in the last Congress: "They probably have passed the most important test, Mr. Chairman, and that is risking their lives for the values and beliefs that we revere as Americans and saving American lives."

The step we hopefully will take today is overdue. In the 104th Congress, this body passed an omnibus immigration reform bill in a form that included provisions designed to expedite naturalization for those who served with special guerilla units in Laos, but these provisions were not incorporated in the final version of the legislation.

In the 105th Congress, the gentleman from Minnesota (Mr. VENTO) introduced as H.R. 371 language virtually identical to the original House-passed provisions from the previous Congress.

In June 1997, the Subcommittee on Immigration and Claims held a hearing on H.R. 371. The following year, the subcommittee favorably reported an amended version of the bill to the full Committee on the Judiciary. As amended, H.R. 371 addressed concerns about the potential for fraud by delineating steps to be taken in determining eligibility and limiting to 45,000 the number of potential beneficiaries.

Although the full Committee on the Judiciary in June 1998 ordered the bill as amended in subcommittee favorably reported, no further action was taken in the 105th Congress. In the 106th Congress, the gentleman from Minnesota (Mr. VENTO) reintroduced his bill under the same number, incorporating changes the Committee on the Judiciary supported in 1998. In March of this year, the full Committee on the Judiciary acted again favorably, this time ordering H.R. 371 reported by voice vote.

As this history documents, the details of this legislation have been considered thoroughly by the Committee on the Judiciary, and we bring it up on the floor today with improvements my committee approved in both the last Congress and the current Congress. In our most recent markup, I displayed a Pandau "story cloth" depicting the escape of Hmong refugees across the Mekong River to a camp in Thailand after their villages were strafed by Communist forces in Laos. Such story cloths were a way of communicating Hmong history by people who knew no written language.

This bill will permit a limited number of lawful permanent residents of the United States who served with special guerilla units or irregular forces in support of the U.S. military during the Vietnam war to become citizens. They must have been legally admitted to this country as refugees from Laos, and provision is also made for certain spouses who came as refugees.

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It is particularly significant that the bill before us focuses on people who are already here in the United States legally and permanently. In view of their commitment to our democracy and the great hardships they endured when they made common cause with us, we act appropriately by extending a hand to them now and helping them become citizens of their adopted land. This is just and humane legislation Members can endorse regardless of political affiliation.

Governor Ventura of Minnesota appealed to me on behalf of these freedom fighters in February, and I welcomed the opportunity to assure him and the gentleman from Minnesota (Mr. VENTO) that I would do whatever I could to help get H.R. 371 enacted into law. Supporters of this important bill include the American Legion and the Special Forces Association. I urge my colleagues to support enactment of H.R. 371.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume; and I, of course, rise in strong support of this measure, the Hmong Veterans Naturalization Act.

First and foremost I would like to thank the gentleman from Illinois (Mr. HYDE), the distinguished chairman, for his leadership and continuing support throughout the committee process. I would also like to, of course, acknowledge the strong support I have had from my friend and colleague, the gentleman from Texas (Mr. SMITH), who for some time has encouraged and helped me refine this legislation; and of course the ranking member on the committee, the gentleman from Michigan (Mr. CONYERS).

I would especially like to thank the gentleman from North Carolina (Mr.

WATT) for his work in the past years, as well as the gentlewoman from Texas (Ms. JACKSON-LEE), the current ranking member on the subcommittee with the gentleman from Texas (Mr. SMITH).

Furthermore, of course, the Department of Justice and the Immigration and Naturalization Service have extended themselves and provided assistance and counsel in working out the final language in the bill. As we know in this body, good intentions are not enough. We need to have precise language with regards to Immigration and Naturalization Service issues because misunderstandings do arise.

Today is a historic day and, of course, this past month we have been talking about the 25-year anniversary of the fall of Saigon and the last of the American troops leaving Vietnam. Events have been relived these past weeks, harsh memories of Vietnam that are unpleasant to all Americans. While the Vietnam War is over for all America, the plight of our friends within this region and Laos must be remembered.

The Lao-Hmong soldiers, as young as 10 years old, were recruited and fought and died alongside 58,000 U.S. soldiers, sailors, and airmen in Vietnam. As a result of their contributions, bravery and loyalty to the United States, the Lao-Hmong were tragically overrun by the Communist forces and lost their homeland and status in Laos after the Vietnam War. Between 10,000 and 20,000 Lao-Hmong were killed in combat-related incidents, and over 100,000 had to flee to refugee camps and other nations to survive.

Mr. Speaker, this is a point where we can be very proud that the United States did not abandon these camps and these people, but we responded and opened our doors for refugee assistance and permitted them to come into the United States. Today, in Minnesota, because of the growing population in the Midwest, we have nearly 60,000 Lao-Hmong that now know Minnesota as their new home.

Many of the older Lao-Hmong patriots who made it to the U.S. are separated from their family members and have had great difficulty in adjusting to many aspects of life and culture in the United States, including passing aspects of our required citizenship tests. Learning to read in English has been the greatest obstacle for the Lao-Hmong because written characters in the Hmong language have only been introduced in recent years.

As the chairman of the committee pointed out, the Pandau did the illustrations because they did not have a written language. Very often the only way they could record their history was through their wonderful artwork. If my colleagues would like to see some more of this, Mr. Speaker, they can come to St. Paul, and even in my office. I have a large hanging about the size of a bedspread of this type of depicted character which reflects this wonderful needle work and craft work and history really of the Lao-Hmong and their Chinese origin.

This act, of course, has been explained by the chairman. It facilitates the assistance with regards to citizenship. It extends this benefit. There are tight limits on the bill. I would note that the chairman of the committee has gone beyond and above the call of duty. He had to arm wrestle Governor Jesse Ventura; and fortunately, they declared a draw and he decided to move ahead with the legislation.

This legislation is supported by a whole host of veterans organizations. It is good legislation. It is targeted legislation. It is limited. And it does respond, I think, to the Lao-Hmong problem.

I would say to my colleagues that while the English language and citizenship tests are important, that the Lao-Hmong have indeed passed a more important test. They put their lives on the line to save American sailors and soldiers. They put their lives on the line for the values that are reflected in the promise of America and in this Nation. And so I am proud to stand here today to represent them and to ask my colleagues for their support in supporting this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I just wanted to thank this gentleman for this legislation and for sticking with it all this time on behalf of the Lao-Hmong.

As the gentleman knows, California has many Lao-Hmong residents in our State and also in my district, and they have been fantastic constituents and residents of our State and of our country. I want to thank the gentleman so very much for finally getting this bill to the floor again so that we can deal with this problem that he has so adequately addressed.

Mr. VENTO. Mr. Speaker, I thank the gentleman; and I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise in strong support of H.R. 371, the Hmong Veterans Naturalization Act of 2000.

It is long overdue, Mr. Speaker, that we gave special recognition to the Hmong, who courageously fought with our personnel in Vietnam. They were working in the underground activities in Laos. I had the opportunity of visiting General Vang Pao headquarters back in 1973, and he showed me all the bullet holes around his headquarters where they had been attacked time and time again. They served valiantly and courageously. Then, after the war was over, we left them out to dry, to hang; and we have not done anything to assist them over these years.

I want to commend our distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), for expediting the naturalization of aliens who served with special guerrilla units in Laos, guerrilla units that did an outstanding job on behalf of our Nation. We can do no less for so many who did so much for all of us.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume to mention that there are 108 sponsors of this, including colleagues like the gentleman from Wisconsin (Mr. KIND), who has a significant population. The entire Minnesota delegation is in support of this, as are numerous Members from this area.

The gentleman from Guam (Mr. UNDERWOOD) and the gentleman from Texas (Mr. SMITH) wanted to speak on this, and I know they are going to put their statements in the RECORD.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to say that, in addition to being very honored to help pass this excellent bill and the regret it took so many years to get to this point, one of the ancillary benefits of the campaign for this bill was a visit by the governor of Minnesota, Mr. Ventura. He and I did engage in some arm wrestling. And I want to say that the fact that he let me win has nothing to do with my support for this excellent bill.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 371, the Hmong Veterans' Naturalization Act.

H.R. 371, is a necessary step in assisting the Hmong, a special group of legal immigrants who served with the U.S. Armed Forces and now require help in obtaining U.S. citizenship. It waives the residency requirement for those Hmong and their spouses. Additionally, it waives the English language test and residency requirement for attainment of U.S. citizenship. It would only affect individuals who reside legally in this country and would not grant veteran's status or make the Hmong people who served in the Special Guerrilla Forces eligible for veterans' benefits.

This important legislation would impact thousands of people in the United States, including the large Lao-Hmong community in my home district of western Wisconsin. The history of Hmong demonstrates the need for this legislation. The Hmong are not considered veterans by our government even though they participated in covert operations directed by the U.S. Central Intelligence Agency. Many served in non-uniformed units, therefore making it uncertain if "veteran" status can be proved. The Hmong aided our efforts during the Southeastern Asian conflict at a high personal cost.

Between 10,000 and 20,000 Hmong lost their lives. The Hmong population lost their homeland to Communist forces. After the war, more than 100,000 Hmong were forced to either flee or live in refugee camps. Many Hmong were separated from their families.

The process of assimilation to the United States has been especially challenging for the Hmong. A major problem for many Hmong is an insufficient command of the English language which prevents them from completing the naturalization process. This is partly due to the fact that the Hmong did not have a written language until the 1950s. Therefore, learning to speak, read, and write the English language has been extremely difficult. The English-learning process has also been stymied by the high rate of illiteracy among the Hmong in this recently acquired written language. The majority of the Hmong who were brought to the United States as political refugees had very little opportunity for education during their war-ravaged years in Laos.

Mr. Speaker, the Hmong people need our help. It is wrong to abandon these men and women who served as valuable allies to us during the Southeastern Asian conflict and that is why I support H.R. 371.

Mr. UNDERWOOD. Mr. Speaker, I rise today in strong support of H.R. 371, the Hmong Veterans' Naturalization Act of 2000. I commend my colleague, Mr. BRUCE VENTO, for his leadership and sponsorship with this important measure.

The Hmong veterans have more than proven themselves worthy of American citizenship. It is the obligation of the United States government to pass this bill, which will create an exemption of the English language requirement for naturalization purposes.

As many of us are aware, from 1961–73 during the Vietnam War, the Central Intelligence Agency recruited tens of thousands of Hmong and Laotians to serve in special guerrilla forces fighting the North Vietnamese and the Communist government in Laos. These soldiers fought valiantly alongside American troops. Through their efforts, they were able to defend intelligence sites, prevent thousands of U.S. troops from an ambush by North Vietnamese troops, and rescue hundreds of downed American pilots. Between 10,000–20,000 Hmong and Laotian soldiers lost their lives in service to the U.S. government.

Unfortunatley, when the war ended, Hmong and Laotians were forced to flee their country in an effort to avoid persecution by their governments. The sacrifices they had to make were immense—they gave up their homes, their livelihood and their country. Over 150,000 of them have resettled in the U.S. as political refugees.

Since then, many Hmong and Laotian veterans have faced great difficulty in attaining naturalization status. In fact, today, approximately 60.4 percent of the Hmong and 66.1 percent of the Laotians are still legal permanent residents.

The barriers Hmong and Laotian veterans face involve the significant level of illiteracy and predominant lack of formal education in their community. It was only forty short years ago that Hmong became a written language; thus, many in their community have never learned to read, or to write. This fact leads to the incredible difficulty, and sometimes, impossibility, for the Hmong veterans to learn the English language enough to pass the citizenship test.

Mr. Speaker, during the Vietnam war, the U.S. government promised the Hmong and Laotian soldiers that they would find a refuge in the United States if we lost the war. In fact, the CIA promised to evacuate the Hmong, only to leave them behind in 1974.

It is important for us now to fulfill that promise, and to recognize and honor the contributions the Hmong and Laotian veterans have made, as well as the lives that were lost, to the United States war efforts. The best way for us to do those things is to grant an exemption for these individuals from the English language requirement for naturalization. This exemption, like our fulfillment of the promise, is long overdue.

Mr. DOOLEY of California. Mr. Speaker I stand with my colleagues in support of H.R. 371, the Hmong Veterans Naturalization Act.

By approving this bill, we will make an important contribution to the efforts of the thousands of Hmong veterans and their families to become United States citizens. For over two decades, Hmong veterans have encountered serious obstacles that have impeded their ability to become U.S. citizens. This bill addresses this by exempting Hmong veterans from English language proficiency and residency requirements.

Many Americans are only beginning to appreciate and recognize the invaluable service and bravery of Hmong veterans. Today, we have an opportunity to assure that their service to freedom and to the United States will not be forgotten.

Hmong veterans fought in the Vietnam War alongside American forces at great personal peril and loss of life. They performed critical roles in dangerous missions, collected vital intelligence, rescued downed American pilots and defended sensitive American installations at remote locations.

Tragically, at the end of the war and as a result of their service and bravery, tens of thousands of Hmong freedom fighters and their families constantly faced the horrible reality of life in prison camps and the threat of genocide.

Many Hmong veterans and their families sought refuge in the United States. California's Central Valley, which I represent, has been a primary relocation site for them. I am proud that the Central Valley is one of the most ethnically diverse parts of the country and that the Hmong community has contributed greatly to that diversity and enriched us with their traditions.

In light of their service, heroism and dedication to freedom, it is only fitting that America embrace those Hmong veterans that fought with distinction and honor. I urge my colleagues to join me in support of this bill.

Mr. BARRETT of Wisconsin. Mr. Speaker, today I rise as a cosponsor of H.R. 371, the Hmong Veterans' Naturalization Act of 1999, to honor the Hmong people, many of whom risked their lives or died in service to the United States during the Vietnam War.

There are over 16,000 Hmong in my home-state of Wisconsin, and the legislation before the House of Representatives today will help many Hmong patriots who made it to the U.S. and are currently separated from their families.

This bill will allow more Hmong people to become United States Citizens by providing interpreter-assistance during the citizenship test. Unlike other languages, written characters were only introduced in the Hmong language in recent years, so learning to read in a foreign language presents an extremely difficult challenge. By providing interpreters, the family reunification process in the Hmong community can begin sooner.

Providing this service is a very small token of our appreciation for a people that so loyally fought on behalf of the United States, some of whom started fighting at the age of 10. The Hmong "mountain men" not only rescued downed American pilots, but fought heroically alongside U.S. soldiers in the Vietnam War.

It is my hope that by passing this bill today, the United States Congress will show its gratitude to the Hmong people, in appreciation of the many sacrifices they have made for this country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. I would like to congratulate Congressman BRUCE VENTO for his leadership on this issue.

The Hmong had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 371 is necessary is the Hmong "story cloth," the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

The Hmong were recruited, largely, as boy soldiers. Many of the veterans of the U.S. secret Army were recruited at age 12, 13 and 14 years of age. The CIA in coordination with "Air America" built hundreds of airstrips and bases for the Hmong and their American advisors to conduct military operations.

The Hmong were critical to the American war strategy in S.E. Asia—especially the U.S. air strategy. Mr. Speaker, this legislation provides for the expedited naturalization of Hmong veterans of the U.S. Secret Army currently residing in the United States (as legal aliens) who served with U.S. clandestine and special forces during the Vietnam War by allowing them to take the citizenship test with a translator since the Hmong are a tribal people with no written language, thus relying solely on the "story cloths".

The bill is capped at 45,000, in terms of the total number of Hmong veterans, their widows and orphans who currently reside in the United States who would fall under the legislation. This cap is supported by the Hmong veterans in the United States and is considered to be a generous cap. I support this legislation to provide relief to the Hmong heroes.

Mr. BALLENGER. Mr. Speaker, I rise today in support of the Hmong Veterans' Naturalization Act because I feel that we should reward these brave individuals who assisted American efforts in the war against communism in Southeast Asia. The Hmong which we seek to honor today were a Laotian-based guerrilla group who fought valiantly alongside American and South Vietnamese troops in Vietnam.

Many Hmong risked and lost their lives in defense of democracy at a crucial time in the history of that region. With Communism spreading across the Asian continent during the 60's, it was crucial for American troops to receive indigenous help in defense of South Vietnam. They were brave soldiers of freedom at time of great uncertainty, and their efforts have gone largely ignored for far too long.

Today, the Hmong are valuable citizens and employees in many communities across the United States, including the 10th district of North Carolina which I have the privilege to serve. In fact, I employ several Hmong in my company in Hickory, NC. They are truly great citizens who offer a strong work ethic and another facet of cultural diversity to my community, and to communities across this nation.

The Laotian Hmong have been the victims of persecution and genocide at the hands of the Communist government in Laos, largely due to the help they provided America during the Vietnam War. Now it is time for us to reward them for their sacrifice and service. Please vote yes today on H.R. 371; let us reward these brave people by expediting the naturalization of Hmong aliens who served with these special guerrilla units in Laos during the Vietnam War.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 371, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.".

A motion to reconsider was laid on the table.

MEMORIAL TO HONOR DISABLED VETERANS OF THE UNITED STATES ARMED FORCES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1509) to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

The Clerk read as follows:

H.R. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMORIAL TO HONOR DISABLED VETERANS OF THE UNITED STATES ARMED FORCES.

(a) MEMORIAL AUTHORIZED.—The Disabled Veterans' LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I would first like to thank my colleague, the gentleman from Texas (Mr. SAM JOHNSON), for his efforts in introducing this bill. He has worked diligently in preparing this legislation. I urge Members' consideration and support of H.R. 1509.

A significant portion of veterans who served in defense of our Nation are disabled. In fact, there are nearly 2.3 million disabled veterans in America today who have fought in foreign conflicts ranging from the Gulf War to World War I. There are even 13 disabled veterans from the Mexican border war against Pancho Villa. Although we honor these men and women on Memorial Day, there is no memorial to commemorate those veterans who were disabled during our Nation's conflicts. H.R. 1509 serves to recognize our disabled veterans by authorizing the Disabled Veterans' LIFE Memorial Foundation to construct a memorial honoring their sacrifice on behalf of our country.

The Disabled Veterans' LIFE Memorial Foundation will be responsible for all expenses associated with the establishment of this memorial. This bill ensures that its establishment will be in compliance with the Commemorative Works Act and that Federal funds will not be used to pay for the memorial.

Mr. Speaker, I again commend the gentleman from Texas (Mr. SAM JOHNSON) for his tireless work on behalf of America's veterans, and H.R. 1509 reflects his years of service. The gentleman from Texas is a true war hero, and I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I rise in strong support of this legislation as described by the gentleman from Utah (Mr. HANSEN).

The minority side of the committee is in strong support of this legislation and in support of taking this important first step in the process. We look forward to a time hopefully when visitors to the Washington area can see a tangible reminder of the courage and the dedication displayed by many of our disabled veterans.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), the author of this legislation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the gentleman's help in getting this through the committee. I appreciate the help from the Democrat side as well.

I want to ask my colleagues to support this legislation which I introduced. It is to establish a memorial honoring our Nation's disabled veterans. The memorial expresses our thanks and, at the same time, honors the nearly 2.3 million disabled American veterans in our country today.

This memorial would pay tribute to the men and women who have fought in every major conflict this Nation has entered since the great Civil War, including 471,000 wounded in the Civil War; 234,000 wounded in World War I; 670,000 wounded in World War II; 100,000 wounded in Korea; 300,000 wounded in Vietnam; and nearly 500 wounded in the Persian Gulf War.

Despite those staggering numbers, they do not even begin to represent those who returned with no visible physical wounds but who suffered more through emotional agonies wrought by war.

There are monuments, memorials dedicated to the wars our Nation has fought and to those who lost their lives in the effort to preserve the freedom that we all enjoy. But we have not properly acknowledged the sacrifices of those who went and fought those same battles to preserve the same freedoms and who paid a severe price.

□ 1530

We have yet to honor those who returned from battle with the scars and wounds which serve as daily reminders of how just costly a war can be and how precious the privileges that we enjoy in this Nation are.

This memorial would be the only one dedicated to disabled American veterans, many of whom are still living, thereby giving the American people an opportunity to honor and express their gratitude to those who have sacrificed so much for each of us.

It has been 25 years since the conclusion of the Vietnam War, which we have seen on TV in the past week, and 50 years since the Korean War. Those are two wars in which I fought. And I fear the passage of time is going to allow our wounded veterans to fade from the Nation's memory and conscience.

This memorial will ensure that our Nation will not forget the dedication and devotion to duty, honor, and country demonstrated by all disabled American veterans. It is time to honor their commitment to this Nation and to our freedom which we so richly enjoy.

God bless everyone. I hope my colleagues can see clear to passing this bill.

Mr. HANSEN. Mr. Speaker, I thank the gentleman from Texas (Mr. SAM JOHNSON) for his excellent remarks, and I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise today in strong support of H.R. 1509, which authorizes a memorial to honor disabled American veterans.

This legislation, sponsored by my friend and distinguished veteran, the gentleman from Texas (Mr. SAM JOHNSON), honors those veterans who not only risked their lives but gave part of themselves for our freedom. The courage and the conviction that are demonstrated by these heroes is inspiring and uniquely American.

Mr. Speaker, the soldiers, sailors, airmen, and Marines who defend our country are national treasures. Disabled veterans are brave men and women who deserve to be honored and remembered for their sacrifices. Their sacrifices teach us one lesson above all, freedom is not free. Our national security is preserved because we have men and women who are willing to pay the price, bear the burden, and meet the demand of keeping our country safe and secure.

All of us owe a great debt to those who wear the uniform in defense of America. As I like to say every day when I get up, I thank God for my life. And I thank our soldiers, sailors, airmen, and Marines for our way of life.

While we can never adequately thank the millions of American disabled veterans, this memorial will stand as an eternal reminder of their honor, service, and sacrifice. These are the heroes who protected freedom in America and ensured democracy for the world.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of H.R. 1509, a bill to establish a memorial honoring veterans who sustained disabling injuries in the service of their nation. I commend the gentleman from Texas (Mr. SAM JOHNSON) for bringing this measure to the floor at this time, and I urge all of our colleagues to join in supporting this worthy endeavor.

H.R. 1509 grants authorization to the Disabled Veterans Life Memorial Foundation to establish a memorial in our District of Columbia to honor all those veterans who became disabled while serving in our Armed Forces. The establishment of the disabled veterans memorial will be in accordance with the Commemorative Works Act, and this Foundation will be responsible for both managing contributions for and paying the expenses of establishing this memorial.

While all of our veterans deserve our support and appreciation, those who became disabled during their period of service deserve our special recognition. The Federal Government has recognized their extraordinary sacrifices through the provision of free medical care from service-connected disabilities and the issuance of monthly disability pensions.

Yet, Mr. Speaker, remarkably, there is no separate monument to our disabled veterans in our Nation's capital. This legislation will correct that oversight.

For that reason, I urge my colleagues to give this measure their unwavering support.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1509.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1509.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PROVIDING FOR APPOINTMENT OF ALAN G. SPOON AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 40) providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S.J. Res. 40 provides for the appointment of Alan Gary Spoon to serve on the Board of Regents of the Smithsonian Institution.

This 17-member board, which governs the Smithsonian Institution, is comprised of the Chief Justice and Vice President of the United States, three Members each from the House and Senate, and nine citizens who are nominated by the Board and approved jointly in a resolution of Congress.

Alan Spoon has served as chief operating officer and director of The Washington Post Company since May of 1991 and was elected president of that organization in September of 1993.

Prior to that experience, Mr. Spoon also served as president of Newsweek Magazine.

The Washington Post Company's involvement in areas of education and electronic information services, as well as producing technology publications, can prove to be a useful background in his service to the Smithsonian.

Before joining The Washington Post, he was a partner with an international consulting firm specializing in corporate strategy.

Mr. Spoon also brings previous experience with the Smithsonian as a member of the National Museum of Natural History's board of directors.

I believe the Smithsonian can benefit from Alan Spoon's financial, marketing, and management background. I urge my colleagues to support S.J. Res. 40.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened intently to the words of the distinguished gentleman from Texas (Mr. SAM JOHNSON) on behalf of Mr. Spoon's nomination to the Smithsonian Board of Regents.

Mr. Spoon is indeed, as has been represented by the gentleman from Texas (Mr. SAM JOHNSON), an outstanding American, an outstanding member of this community, a distinguished business executive; and he will bring a wealth of knowledge, experience, and wisdom to serve on the Smithsonian Board of Regents.

I share the view of the gentleman from Texas (Mr. SAM JOHNSON) that he will be a very, very worthy addition to this Board and will serve the Smithsonian and the Nation well. I rise in support of this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 40.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S.J. Res. 40.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR REAPPOINTMENT OF MANUEL L. IBANEZ AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 42) providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

S.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manual L. Ibáñez of Texas on May 4, 2000, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Dr. Manuel Luis Ibanez has been on the Board of Regents. I can vouch for his ability. He is being asked for reappointment to an additional 6-year term with the Smithsonian Institution. He served as president of Texas A&M University in Kingsville and is presently Professor of Microbiology.

As a current citizen regent of the Smithsonian, he brings a unique knowledge of science because of his specialization in bacterial physiology. He possesses a broad background in academic and public service and combines that with his institutional experience in the areas of grants, awards, and funding.

Dr. Ibanez has been a successful fundraiser while serving as president of Texas A&M University and lends that experience to an institution that relies on constantly increasing its private fund-raising base.

He has also expressed support for expanding the Smithsonian's traveling exhibitions to reach parts of our country that do not normally have access to such exhibits.

Dr. Ibanez has served successfully on the Smithsonian's Board of Regents for the past 6 years.

I urge my colleagues to support S.J. Res. 42, which reappoints Dr. Ibanez for another 6-year term.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I rise in support of this resolution.

I have listened to the words of the gentleman from Texas (Mr. SAM JOHNSON) with reference to Dr. Ibanez, and I concur in those remarks.

Mr. Speaker, the Smithsonian Institution is, as my colleagues know, both a museum of extraordinary note but also a very distinguished academic institution. It not only displays knowledge, but it diffuses knowledge, as well.

Dr. Ibanez has served with distinction on the Smithsonian Board. So we have had Mr. Spoon, who is going to bring a new perspective, and Dr. Ibanez, who will continue to have an institutional memory of what has come before and what should go in the future.

So I am very pleased to rise in support of this resolution and to, frankly, thank Dr. Ibanez for agreeing to continue to expend his very valuable time in this volunteer way on behalf of a great American institution, in fact a great world institution, the Smithsonian Institution.

Mr. Speaker, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his comments and I tell him that I appreciate those comments. Because Dr. Ibanez, of course, does live down near the valley in Texas and it is hard to get here, and sometimes those regents come from far away and we are proud to have representation from all over this Nation. It is a great institution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 42.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S.J. Res. 42.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMERICAN INDIAN TRIBAL COLLEGES AND UNIVERSITIES IMPROVEMENT ACT

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3629) to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III, as amended.

The Clerk read as follows:

H.R. 3629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATIONS FOR AND AWARD OF GRANTS.

(a) SIMPLIFICATION OF APPLICATIONS.—Sections 316(d)(2) and 317(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059c(d)(2), 1059d(d)(2)) are each amended by inserting after the first sentence the following: "The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section.".

(b) SPECIAL RULES FOR AWARDS.—

(1) TRIBAL COLLEGES AND UNIVERSITIES.—Section 316(d) of such Act is further amended by striking paragraph (3) and inserting the following:

"(3) SPECIAL RULES.—

"(A) ELIGIBILITY.—No Tribal College or University that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.".

(2) ALASKAN NATIVE AND NATIVE HAWAIIAN INSTITUTIONS.—Section 317 of such Act is further amended by striking subsection (e) and by inserting at the end of subsection (d) the following new paragraph:

"(3) SPECIAL RULES.—

"(A) ELIGIBILITY.—No Alaskan Native-serving institution or Native Hawaiian-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall be effective on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3629, as amended, which makes technical improvements to sections 316 and 317 of title III of the Higher Education Act.

I want to thank the gentleman from Wisconsin (Mr. GREEN) for introducing H.R. 3629 and bringing this matter to our attention.

□ 1545

The bill we are considering today makes two technical improvements to title III that relate to tribal colleges and Alaska Native and Native Hawaiian-serving institutions. These institutions are located primarily in remote areas not served by other postsecondary education institutions.

They offer a broad range of degree and vocational certificate programs to students for whom these educational opportunities would otherwise be geographically and culturally inaccessible.

Under title III, grant funds are provided to postsecondary institutions for improving academic programs, for improving their management and fiscal operations, and to help institutions make effective use of technology. Funding is targeted to institutions that enroll large proportions of financially disadvantaged students and have low per-student expenditures.

Mr. Speaker, last year, 17 institutions received grant awards under this program. One used its funds to add computer hardware and software to improve the college's physical management, academic programming, and student services.

These improvements will include Internet access for instructors. Another institution is using its grant award to acquire new technology and provide staff development related to distance education programs.

Another institution is using its grant to acquire computers and Internet access for its students in order to improve academic achievement and increase student retention. Others are using their grant funds for many similar purposes.

The first technical improvement that we are making in this bill directs the Secretary of Education to simplify the application process for the limited number of institutions eligible for funds under this section 316 and 317.

Currently, institutions spend a great deal of time and money preparing applications for funds under the highly competitive title III grant program. For poorer institutions, these costs are often prohibitive. However, if the process is simplified, it is possible that more of the poorer institutions will apply for assistance.

The second improvement will allow these institutions to apply for a new grant without waiting until 2 years lapse after the expiration of a prior grant. Under current law, an institution receives a grant for a 5-year period and then must wait 2 years after the expiration of the grant before applying for another grant.

This 2-year wait-out rule was part of the original title III legislation, and its purpose was to ensure that title III funding reached the maximum number of institutions. However, in the case of section 316 and 317 institutions, the 2-year wait-out rule is unnecessary.

Based on the current funding available and the limited number of institutions eligible for this program, there is no need for a wait-out period. By removing this restriction, funds for institutional development can go to the maximum number of institutions that submit a qualified application during next year's competition.

Mr. Speaker, the Department of Education has included the elimination of the wait-out period in its lists of technical amendments to the higher educational amendments of 1998 and agrees that the wait-out is unnecessary.

Mr. Speaker, I urge my colleagues to support these technical amendments to title III of the Higher Education Act. I want to express my thanks again to the gentleman from Wisconsin (Mr. GREEN) for introducing this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3629. As our Nation becomes increasingly diverse; it is imperative that all of our segments of the population are afforded the opportunity to receive a quality postsecondary education if this Nation is to remain a world power.

Currently, 30 tribal colleges and universities and 13 Alaska-native and Native Hawaiian-serving institutions are doing an excellent job of reaching out and providing services to some of the hardest to reach and most disadvantaged minority students in the country.

During the 1998 reauthorization of the Higher Education Act, Congress created two grant programs, based on the existing Federal aid program for historical black colleges and universities to assist these 43 institutions whose mission it is to serve Native Americans and Native Alaskans and Native Hawaiian students.

Eligible institutions can use program funds for a number of activities including faculty and academic program development and instructional faculty construction and maintenance.

Mr. Speaker, in many cases, these grants make the difference in an institution's viability. However, the Congress inadvertently placed hurdles between these vital institutions and this essential funding by requiring an unnecessary 2-year waiting period and an overly burdensome application process.

H.R. 3629 removes these hurdles by eliminating the waiting period and streamlining the application process. H.R. 3629, which provides some of the poorest schools educating some of the neediest students with easier access to funding that Congress made available to them in 1998, was reported favorably by the Committee on Education and the Workforce and has the support of the administration.

Mr. Speaker, as such, I urge my colleagues to support H.R. 3629.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN), the sponsor of the bill, the original author of H.R. 3629

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to begin by thanking my friend and colleague, the gentleman from California (Mr. MCKEON), for his support and work on this legislation, as well as my colleague across the aisle, the gentleman from California (Mr. MARTINEZ). I do appreciate their help on this.

Mr. Speaker, today we have a chance to reach out to educational institutions all across America. These institutions may be small in number, but they serve a very great need. Most importantly, the need they serve is experience by a dramatically underserved portion of the population. And for this portion of the population, these Americans, it offers, I believe, some great hope.

Today, we reach out to tribal colleges, not by spending more money, but making sure that for the dollars we do spend that those dollars are more accessible, distributed more equitably and easier to access by all involved. There are 32 tribal colleges in America right now and 12 States serving 25,000 Americans. My own home State of Wisconsin has two, the Lac Courte D'Oreilles Community College and the Menomonee Indian Tribal College.

For the Native Americans served at these institutions, these colleges are closing the gap between the America that is and the America that can be.

In 1998, Congress created the American Indian Tribally Controlled College and University Institutional Development Act. In fiscal year 2000, $6 million has been awarded in a competitive grant program for these institutions in this program.

Last year, 16 tribal colleges applied for grants and eight received grants. We can do more, I believe; and we can reach more tribal colleges, and we can reach more Americans, the Americans that they serve; and that is what this bill attempts to do. Through technical changes that have been supported on both sides of the aisle, voice voted through the subcommittee and supported by the American Indian Higher Education Consortium, this bill will, by removing barriers, get more dollars to more tribal colleges.

As was mentioned previously, it makes some very simple changes. Number one, it directs the Secretary Of Education to simplify and streamline the application process. The current application process requires applicants to address no less than 16 different subject areas, well intended. Unfortunately, I am afraid it may be overkill. It has the unfortunate effect of discouraging fledgling tribal colleges from taking on the grant application process.

We worked closely with the Department of Education in developing these minor changes.

Secondly, this bill would direct the Secretary of Education to ensure a more equitable distribution of these limited dollars to the maximum number of institutions. We are not talking about a lot of dollars here, but it is obviously crucially important that those dollars go as far as they can.

Finally, as has been mentioned, this bill would exempt tribal colleges from the 2-year wait-out period required under title III part A. Again, we have a small number of institutions; but we want to make sure that this money is available to the institutions that most need it, a small number of institutions and perhaps a small number of Americans. But I believe the ripple effect in the area surrounding these institutions will be enormous and help them realize the potential of the American dream.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, the 1998 amendments to the Higher Education Act require all institutions receiving funding under part A of title III to wait 2 years after their 5-year grant expires to apply for an additional grant. We created this wait-out period to maximize fundings to institutions receiving funds under title III. This wait-out period applies only to tribal colleges, universities and Alaska-native and native Hawaiian-serving institutions. Without eliminating this wait-out requirement, there will be a situation in which Federal grant dollars are available but no tribal colleges, universities and Alaska-native and Hawaiian-serving institutions would be eligible to apply because of the small number of these institutions that exist.

I strongly urge my colleagues to support this bill so that these institutions can continue to provide the very high quality education to their students.

Mr. MCKEON. Mr. Speaker, I yield 2½ minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, this member is pleased to be a cosponsor of H.R. 3629, the American Indian Tribal Colleges Universities Improvement Act. I commend the gentleman from Wisconsin (Mr. GREEN) for introducing this legislation and the committee for bringing it to the floor.

This is almost orphan legislation. There are too few members unfortunately that pay attention to Native American issues and certainly to tribal college issues. So I am particularly pleased that the gentleman from Wisconsin (Mr. GREEN) has taken this initiative. The committee has brought it to the floor. People like the gentlemah from Michigan (Mr. KILDEE), always active on Native American issues, are supporting it, as I would always expect him to be supporting it.

Tribal colleges and universities do play a critical and important role in providing postsecondary education opportunities for American Indians. These colleges are among the youngest, poorest, and smallest group of institutions of higher education in the United States.

As mentioned by the gentleman from Wisconsin (Mr. GREEN), these 32 tribal colleges in the United States serve over 25,000 students. They are severely underfunded. There are two tribal colleges located in the first congressional district in Nebraska, the Nebraska Indian Community College and the Little Priest Tribal College. These two young colleges work with very limited resources to provide educational opportunities where none existed before.

Native Americans in Nebraska already have benefited from the services provided and the education offered by these institutions. This legislation, as we have heard, makes important technical corrections to the Higher Education Act title III strengthening institutions provisions.

This Member would focus on three that seem particularly important to my Native American constituents. First, the bill simplifies the application process. As we heard, it puts all colleges on equal footing regardless of age, size, or level of development.

Second, it directs the Secretary of Education to ensure equitable distribution of funding to the maximum number of tribal colleges possible.

Third, this measure exempts tribal colleges from the 2-year wait-out period now required under title III as mentioned by both the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Michigan (Mr. KILDEE).

These three changes simply give tribal colleges the same application procedures now allowed for historically black colleges and universities in this country. Therefore, it is equitable. It is needed.

In closing, Mr. Speaker, this Member strongly urges his colleagues to support H.R. 3629.

Mr. BARRETT of Nebraska. Mr. Speaker, as an original cosponsor, I rise in support of H.R. 3629, Representative MARK GREEN's bill to make technical corrections to Sections 316 and 317 of Title III of the Higher Education Act with respect to Tribal Colleges and Alaska Native and Native Hawaiian-serving institutions. Title III provides grant funds to post-secondary institutions for improving academic programs, management and fiscal operations, and the use of technology, which was something I strongly supported during reauthorization of the Higher Education Act. Funding is targeted to institutions that enroll large proportions of financially disadvantaged students and have low per-student expenditures.

In Nebraska, our two fully accredited tribal colleges—Little Priest Tribal College in Winnebago, Nebraska, and Nebraska Indian Community College in Niobrara and Macy, Nebraska, will benefit from this bill. Major challenges face tribal colleges and their communities, and these schools could use all the support they can get for their important work.

H.R. 3629 helps by authorizing several technical changes that have no cost implications. The first technical change requires the Secretary of Education to simplify the grant application process for a limited number of institutions eligible for funds under Section 316 and Section 317. If the process is simplified, and institutions don't need to hire expensive grant writers, it will be possible for more of the poorer institutions to apply for assistance.

The second, and perhaps more important change, will allow institutions to apply immediately for a new grant after the expiration of the prior grant. Under current law, an institution receives a grant for a five-year period and then must wait two years after the expiration of the grant before applying for another grant.

Based on the funding available and the limited number of institutions eligible for the program, there is no need for a wait-out period. By removing this restriction, funds for institutional development can go to the maximum number of institutions that submit a qualified application.

H.R. 3629 makes small but significant changes in the Higher Education Act. The bill should have the unanimous support of the House.

Mr. MARTINEZ. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. McKEON) that the House suspend the rules and pass the bill, H.R. 3629, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3629, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evan, one of his secretaries.

□ 1600

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 310) supporting a National Charter Schools Week.

The Clerk read as follows:

H. CON. RES. 310

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parent flexibility, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $350 million in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 32 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 350,000 students in more than 1,700 charter schools during the 1999 to 2000 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefitting all public school students;

Whereas charter schools in many States serve significant numbers of students with lower income, students of color, and students with disabilities;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105-278) amended the Federal grant program for charter schools authorized by title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system; and

(2) it is the sense of the Congress that—

(A) a National Charter Schools Week should be established; and

(B) the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I reserve my time.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. PETRI) for giving me the courtesy of going first.

Mr. Speaker, as the gentleman and my friend from Wisconsin (Mr. PETRI) noted, I introduced H. Con. Res. 310, which is a resolution supporting a National Charter Schools Week. It is also a bipartisan resolution introduced by myself, but with the support of the gentleman from Michigan (Mr. UPTON), the gentleman from Delaware (Mr. CASTLE), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Maine (Mr. ALLEN), the gentleman from California (Mr. DOOLEY), the gentleman from Virginia (Mr. MORAN), the gentleman from Wisconsin (Mr. KIND), the gentlewoman from California (Ms. SANCHEZ), the gentleman from Wisconsin (Mr. PETRI), and others. So we are acting in the best spirit of this House in trying to go forward with a bipartisan resolution on charter schools.

Mr. Speaker, Mark Twain once said that there is a big difference between using the right word and the almost right word, like the difference between "lightning" and a "lightning bug." There is a big difference there, just as there is a requirement as we approach public education today in America that we have the right ideas; the right reforms; the right bold, creative initiatives to help move this country in public education forward in this brand new century. Charter schools are part of that right reform and right-now idea.

This National Charter Schools Week seeks to recognize the many accomplishments of charter schools around the country. Seven out of ten charter schools currently have waiting lists.

I also joined in 1998 with the gentleman from California (Mr. RIGGS), to draft a bill that was signed into law to strengthen the accountability provisions, to provide even new support for charter schools around the country.

Mr. Speaker, I would be remiss if I did not recognize the role that President Clinton and Secretary Riley have played in supporting this innovative new idea of charter schools. In 1994 there were less than a dozen charter schools through the whole Nation. In 1999, there are over 1,700 charter schools, and we will probably have over 3,000 charter schools by the year 2002.

Charter schools in many States serve significant numbers of students with lower incomes, students of color, students with disabilities. They are not schools that attempt to cream the best students or cherry pick the best students; they are public schools that attempt to educate in innovative new ways all of the available students.

Mr. Speaker, I think one of the big areas we have seen progress in for charter schools, and I will give an example, to dismiss one of the myths about charter schools, is that we recently had a hearing on the growth of charter schools in our Subcommittee on Education last month. We had Irene Sumida, the Director of Instruction at the Fenton Avenue Charter School in California, testify before the committee. Her school has a population in which about 84 percent of the students are identified as Title I students, meaning many of the poorest students. Sixty-four percent of the students at Fenton are limited English proficient. Ninety percent of the students qualify for free and reduced meals. Eighty-one percent are Hispanic, 14 percent African American. That is the demographics and the composition of the Fenton school.

Since they have been chartered, since they have public school choice, since they have more parental flexibility, here are some of the astounding results that we have seen in that charter school.

Fenton had the highest rate of gain in student attendance of all the schools in the Los Angeles Unified School District, the highest rate of gain in student attendance of all schools in the L.A. Unified School District. A great accomplishment.

Parental participation has increased from a handful of parents attending school meetings to over 400 parents a week, 400 parents a week utilizing Fenton's Family Center to participate in that inner-city school.

Then, you might say, what about the academics? On the California Test of Basic Skills, the number of students scoring at or above the 50th percentile has increased by 383 percent in reading, 253 percent in mathematics, and 280 percent in language.

When we talk about, Mr. Speaker, new ideas, and my constituents at home in Indiana want us to come up with new ideas for public education, it is probably the most important issue to my constituents today, they also want, secondly, better accountability of our schools, better quality in our schools, better achievement from the students. When you get those first two components, thirdly, they are willing to put more resources in to our public schools.

So when you see the results of the Fenton Avenue Charter School in California, which is one example of many of the 1,700 charter schools across the country, you can see why charter schools are part of the reform effort of public school choice in America, of new ideas, of helping all students achieve, regardless of where they live, regardless of income, regardless of color, regardless of religion, charter schools can be part of that effort. So that is one of the reasons that we have targeted and I have introduced this National Charter Schools Week, to provide more information and more knowledge about what charter schools can do.

Finally, Mr. Speaker, let me conclude and simply say this: In America today, and I spent the last 2 weeks going door-to-door, farm-to-farm, factory-to-factory, back home in Indiana, in the north central part of the State, education is the most important issue to our parents. We do not have a more important issue in America today than investing in our children, making sure they have a good public education system.

At the same time, we are going through a technological revolution in America, maybe more significant than the agricultural revolution or the industrial revolution. We must make sure that our public schools are ready and equipped with the technology and the computers, and that we do not have a huge digital divide between rich and poor in access to this technology.

Thirdly, our businesses everywhere are saying we need more workers. We have a 2.5 percent unemployment rate in northern Indiana and our businesses are saying, across the board, public education reform is part of the effort to get us more workers.

So, for these three reasons, parental involvement, the most important issue in America today; secondly, the technological revolution; thirdly, the businesses need more workers, we bring this charter school resolution before the floor today, in a bipartisan way, with bipartisan support, and we hope that we continue to see a lot of support from Congress, from the Republican and Democratic side, for more resources for start-up costs of more charter schools across the country, and we hope to work with the Committee on Appropriations to achieve that objective.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), and, pending that, I ask unanimous consent that the time I control be controlled by the gentleman from Colorado (Mr. TANCREDO).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TERRY. Mr. Speaker, I stand before you in support of the National Charter Schools Week. Thirty-six states and the District of Columbia currently allow charter schools to operate. Nearly 1,700 charter schools around the country are open, serving some 433,000 children. They have become an increasingly popular alternative among educators and local communities concerned about the effectiveness of traditional standards of public education. It provides alternatives for parents.

We are here to celebrate those States that have adopted that, those 37, but my hope is that it also sheds light on the 13 States, such as mine, Nebraska, that have yet to pass effective charter school legislation. So my State is not able to stand with President Clinton and celebrate charter schools. This is truly a bipartisan issue.

I got a letter just a few weeks ago from some parents in my district whose child was having difficulty learning in his home school, especially reading, under the traditional methods, and they had to send their child to a private school that would have met all the criteria of a traditional public charter school. Now, this is why for those 13 States we need to really heighten the discussion about why we need charter schools. Yet for all these parents in my district, with the needs for their children, the Nebraska legislature has refused to provide charter schools as an option for our students.

Political leaders from both sides of the aisle here today, from top to bottom, from President Clinton to local districts, openly embrace this new concept. I am hopeful that in the next legislative session legislators in Nebraska will make it a priority, bringing our school children in our State the type of educational reform supported by parents, educators, and politically elected officials alike.

Mr. TANCREDO. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to speak in support of this bill which commends the charter school movement for its contribution to improving our Nation's public schools. I have been a supporter of the charter school movement since 1992, when former Representatives McCurdy and Penny and I introduced the Public Schools Redefinition Act of 1992. This bill was based on legislation introduced the previous year by Senators Durenberger of Minnesota and LIEBERMAN of Connecticut. That was the very beginning of Congressional efforts to encourage charter schools.

I am delighted to say that the bipartisan efforts of a handful of dedicated individuals resulted in the subsequent creation by Congress of a Federal public charter schools program in 1994. Later, the Charter School Expansion Act of 1998 revised the public charter school statute by, among other things, increasing its authorization and giving priority for grants to states, providing charter schools with financial autonomy.

We should remember that the charter school movement is a true grassroots movement. It is a movement that was started in the early 1990's by worried parents and frustrated teachers who were sick and tired of the status quo, sick and tired of battling the bureaucracy that strangles educational innovation, and sick and tired of seeing their children wallow in mediocrity and, in some cases, in failure.

It is, therefore, important to keep in mind that Congress should shy away from federally prescribing requirements such as teacher certification. According to the Charter Friends National Network, "More than two-thirds of the states—with more than 80 percent of the charters—currently have some degree of flexibility in allowing use of teacher qualifications other than traditional certification."

Any attempt to apply a teacher certification mandate to charter schools would jeopardize their very nature, which is based on autonomy in exchange for academic excellence.

In my State of Wisconsin, I am proud to say we have a strong charter school and school choice program, particularly in the City of Milwaukee, where we have the prominent support of our Governor and other education reform-minded individuals, such as former School Superintendent Howard Fuller and Milwaukee Mayor John Norquist.

□ 1615

Mr. Speaker, the bottom line is that charter schools work. They work because they are free from burdensome regulations; and in return, they are held accountable for academic results. I want to commend the gentleman from Indiana for introducing this resolution; I thank him for the opportunity to speak in support of this measure. I urge all of my colleagues to sport and promote this week as the national charter school week.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, imagine an educated America where all children get a world-class education and the opportunity to achieve their dreams. Can we imagine a great school in every community for every child, or the best and brightest teaching our children? How about graduating 95 percent of high school seniors and enabling every willing child to receive a higher education. That is our dream for education, and that is why we believe so strongly in charter schools.

Charter schools are springing up throughout the Nation as innovative minds create new ways to offer students a quality education that meets their individual needs. Why do charter schools work? Because they are public schools which receive public support, but they are free from the red tape and the bureaucracy which hinders the success of so many of our schools in the public education system.

Charter schools allow folks who care about their community to bring their ideas together and to create new ways of educating our children. At present, there are over 1,700 charter schools around the Nation, and 10 of these are in my home State of South Carolina. It is my dream and goal to help charter schools flourish in South Carolina, to revitalize our education system.

Today, I rise to praise an excellent charter school in my district which opened its doors last fall, the Greenville Technical Charter High School. This charter high school does an outstanding job of integrating solid academics with a project-based learning curriculum which allows students to experience hands-on learning. Greenville Tech Charter School has over 50 percent of parents participating in various committees and support groups. Schools that are accountable to parents produce a better education product for their students.

The business community has rallied around this new school; and the students from this school have, in turn, returned tremendous contributions to the Greenville community by logging over 1,500 hours of community service. The Greenville Tech Charter High School addresses the needs of a diverse student body. There are currently 100 9th and 100 10th graders enrolled in this school. Twenty-five percent are classified as special education students and 32 percent qualify for free or reduced lunch.

I am proud to say that Greenville Tech Charter High School is creatively tackling the challenges of providing students of many backgrounds the opportunity to receive a superior academically challenging education. This strong education will launch these students into higher education or to success in the working world. Is that not what we all want, educated children who excel in an ever-changing world?

We may have different ideas how to get there, but let us not dispute the fact that charter schools are helping lead the way in making America an educated and prosperous Nation.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Colorado for yielding me this time.

Let me take this opportunity to thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Indiana (Mr. ROEMER) for their hard work on this issue. The fact is that education should be bipartisan. Every minute that we talk about education, we should spend looking for those new ideas that the gentleman from Indiana talked about, those ideas that affect our children, the children in this country.

Mr. Speaker, I am proud to stand before my colleagues today as a sponsor of this legislation, this small token, a resolution to create recognition for the success of charter schools. As a matter of fact, Mr. Speaker, North Carolina is a participant in the charter school program. This year we ranked 11th out of the 37 States, so we have a great deal of success in this. North Carolina permits 100 charter schools to be created. Currently we have 75 schools chartered and up and running; and I believe this year, 20 additional schools will be added. One that has been tremendously successful is the kindergartners at Healthy Start Academy in Durham, North Carolina. They achieved an average test score in the 99th percentile for reading and the 97th percentile for math. What an amazing statistic, given that just about all of the children at that school are eligible for the Federal free lunch program and come from low-income families.

What does this resolution do? Quite simply, it recognizes the success of new ideas, the success of people willing to put politics away and to let policy take over. In North Carolina alone, let me share with my colleagues some brief successes, some things that will happen this week. The America Renaissance Charter School in Statesville, North Carolina, is celebrating this week with a proclamation from the mayor, positive news articles, and National Charter School Week logo shirts. In Raleigh, North Carolina, at SARC Academy, the teachers there plan to go and meet with the general assembly members as our short session of the general assembly starts. In Chapel Hill where Village Charter School is, those students have been invited to a special performance of the University of North Carolina's Opera Work Shop just for the charter school kids.

Mr. Speaker, this is a week that we ought to be proud of, a week that complements the work of this body, and really the creativity and the passion of the American people. I hope every State has the opportunity in the future to introduce charter schools to their communities; and I hope that this Congress stays focused on the bipartisanship that we approached this issue with. I thank the chairman and the gentleman from Indiana (Mr. ROEMER) for their great success.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

I want to wrap up on my side by thanking the gentleman from North Carolina (Mr. BURR), a friend of mine, for his kind comments. He is absolutely right, that what we need to do in this Congress and for this country is to try to work in bipartisan ways, with new ideas, with accountability, with increased quality, with better resources and improved public education in America today. Today, with this resolution that I have introduced, I give a lot of credit to the bipartisan nature today that we have achieved. I hope it continues into the future, and I too want to thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman of our committee; and the gentleman from Wisconsin (Mr. PETRI), the second ranking member on the Republican side, for their help and sponsorship. I want to thank on my side the gentleman from California (Mr. MILLER) and the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MARTINEZ) and others for their help. I want to particularly thank the new Democrats, the gentleman from California (Mr. DOOLEY) and the gentleman from Kansas (Mr. MORAN) and the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from California (Ms. SANCHEZ) and a host of other new Democrats that have been very supportive of the whole initiative to start charter schools across the country and support them from a policy perspective.

Mr. Speaker, I would conclude and say again, thanks to my colleagues for the spirit that we see today, the spirit of bipartisanship. I hope it can continue into the Elementary Secondary Education Reauthorization Act. We will be bringing that vote to the floor soon. It was not particularly bipartisan in committee, and I hope we can rekindle the bipartisanship that we saw in the first part of the bill on title I, where an amendment that I offered on increasing the resources and the quality for title I kids, the poorest kids in America; and we were able to get a number of Republicans on to support that amendment and increase title I resources by $1.5 billion, $1.5 billion. When we can increase the quality of a program, we also might look at increasing the resources and quality of that program.

Mr. Speaker, I yield back the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague from Colorado for yielding me this time. I also would like to applaud the work of our colleague on the other side of the aisle, the gentleman from Indiana (Mr. ROEMER), on his strong support for the charter school movement.

I think what we are talking about today is we are talking about an aspect of the total package of public education; not pointing this out and saying this is the best version of public education, but recognizing that this is a reform in public education that ought to be highlighted, as well as reinforcing the solid public education that has gone on in this country day after day, year after year, for so many years. I want to make sure that our constituents recognize that this is an aspect of the total package of public education that is offered to our children around the country.

This resolution commends the charter school movement for its contribution to improving our Nation's public education system. Charter schools have made tremendous progress in improving and reforming public education. Reports show that parental satisfaction is high, students are eager to learn, teachers and administrators are free from bureaucratic red tape, and more dollars are getting to the classroom. As these innovations and these improvements are highlighted through the charter school movement, we also see that a number of our other public schools are asking for the same kind of freedom and the same kind of relief from bureaucratic red tape, so that as we learn through the charter school movement about reforms and changes that can help public education, I am hopeful that the people who are administering the rest of public education or the legislators take a look at it and say, these things are helping our kids, let us take some of these reforms and let us move them into all of public education.

That is why charter schools in many cases are being seen as the force that is driving change in schools around the country. Parents are given new choice for their children, and other schools have responded by increasing emphasis on parental involvement and high academic standards. That has been going on. But I think also what has been happening is that the charter school movement has been accelerating this pace in certain of our schools. Charter schools have an unprecedented amount of accountability to parents, school board members, and State governments. A school can be closed if it does not do its job and if it does not improve student performance. This method of accountability is spreading to traditional public schools and to the Federal education program.

In the State of Michigan we have 173 charter schools, educating more than 50,000 students. More than 70 percent of these schools have waiting lists. This clearly indicates the success of charter schools in these communities and the desire on the part of parents to have more options in public education. Charter schools represent reform; they represent innovation in public education. I hope all of my colleagues will join me in honoring them and also recognizing the work of all public schools for their important contributions to educating our kids and that they will do that by supporting this resolution.

Mr. Speaker, I look forward to the important comments that my colleague, the gentleman from Colorado (Mr. TANCREDO), will now make.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

I too wish to commend the gentleman from Indiana for his work on this resolution. It is an incredibly important advance that this Nation is observing in the entire area of educational improvement. I certainly am in strong support of House Concurrent Resolution 310, which acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system and calls for National Charter Schools Week to be established.

As a former public school teacher at Drake Middle School in Colorado and as the Secretary of Education's regional representative in both the Reagan and Bush administration, I have firsthand experience in the trials and tribulations of teaching in the public school system in general. I also had the opportunity just recently, just over the break, to visit two charter schools in Colorado in my district; and it was a pleasure to be there and see how these schools are operating. One has been around since charter schools started in Colorado and Colorado was one of the first States in the Nation to have a charter school law on the books, and they are doing very well.

□ 1630

They are doing very well.

I have also seen the results on the other side of inflicting the many unfunded mandates on our Nation's public schools and believe the charter school movement is a direct result of the desire for parents to increase their involvement and control over their children's education.

New charter schools have swept the country to the point of including 35 States, the District of Columbia, and Puerto Rico, and represent a clear change in how education is disseminated across this great Nation. There are nearly 1,700 charter schools across the country serving almost 400,000 children.

Laboratories of learning are being established from coast to coast and the common denominator between them all is the staunch desire for local hands-on control by parents and teachers. From "back to basic" schools in Arizona to "magnet programs" in Colorado and even "outcome-based education" programs, they are all proving that there is not just one way to teach.

This resolution supporting National Charter Schools Week must be used as a means of celebrating true diversity. Diversity in education, diversity in learning, diversity in thought.

I would like to point out some of the results of Colorado's Charter School Program. In reading proficiency, the charter schools are at least 10 percentage points above the State average. In writing proficiency, they are significantly above the State average in both the fourth grade and seventh grade levels.

While performance is not yet what it should be in the charter schools, they have proven to produce a significant increase in proficiency, resulting in a minimum 10 percent advantage over the average of the entire State. These same results can be found all across the country when charter schools and schools of choice are made available as an option.

We will recall that 10 percent is the difference between two full letter grades in most schools. It takes students from average to above average and there is no better way to enhance self-esteem than to earn better grades.

Mr. Speaker, I have here an article on Colorado's charter schools which appeared in the April 4 edition of the Colorado Springs Gazette; an article on charter schools which appeared in the April 12 edition of The Hill; and a briefing paper entitled, "How Washington Can Really Help Charter Schools," prepared by the Lexington Institute. I would like to submit all three of these into the RECORD.

Mr. Speaker, I also have a list of States with laws supporting the implementation of charter schools and the strengths and weaknesses of each charter school program, and I will submit those for the RECORD as well.

Supporting National Charter Schools Week lends credence to the proclamation that not everyone thinks alike and not everyone learns alike. Combined with the Charter Schools Expansion Act from the 105th Congress, it acknowledges the success of thinking out of the box by supporting and commending those communities who haye chosen to take control of their own destiny.

Mr. Speaker, I should also say there are attempts whenever we have something good happening in education, there is somebody out there that is going to try and stop it. And we have to make sure that the U.S. Department of Education and State departments of education throughout the Nation do not take advantage of the options they have in regulating State bureaucracies and State charter schools to try and stop it.

[From the Colorado Springs Gazette, Apr. 4, 2000]

COLORADO CHARTER SCHOOLS AREN'T PERFECT, BUT THEY GET THE JOB DONE

(By Robert Holland)

A recent report from the U.S. Department of Education documented the phenomenal growth of charter schools. But it took a state-level evaluation in Colorado to show how these largely autonomous public schools can work at their best.

The federal Department of Education reported that 421 charter schools opened in the 12 months before September 1999—a 40 percent jump, the sharpest increase yet. In all, more than 1,700 charter schools have come into existence since 1991, and they serve a quarter of a million students. Organizers receive exemption from many bureaucratic rules in exchange for a written pledge that they will deliver academic results.

In Colorado, charter schools clearly are living up to that promise. On average, charter students were scoring 10 to 16 percentage points above statewide averages, and three-fourths of charter schools also were out-performing their home districts and schools with comparable demographic profiles.

Colorado is a hotbed of activism for school choice. Were it not for the vigorous ongoing advocacy of private-school vouchers by business leaders like Steve Schuck and political leaders like Rep. Tom Tancredo, R-Colo., it is doubtful that the public school establishment would be embracing charters nearly as ardently. Charters don't provide a full range of educational choice, but they are a start.

The Colorado Education Department evaluated 51 charter schools that had been in operation at least two years. These schools constituted 3.3 percent of Colorado's public schools and served 13,000 students (1.9 percent of total enrollment).

The Core Knowledge curriculum developed by University of Virginia English professor E.D. Hirsch Jr., a prominent critic of the school-of-education mentality, was by far the most popular model among Colorado charter organizers. Twenty-two of the 51 schools used Core Knowledge. And the study shows that their confidence was not misplaced: According to the study, 14 of them "exceeded the expectations set for their performance," and the other eight "generally met" the expectations.

On the whole the evaluators found the charter schools "enjoy striking (some times extraordinary) levels of parent involvement," a factor universally valued as an ingredient in school success. As for reasons, the evaluators said that being able to seek out the school best for their child gave parents "a greater sense of commitment" to the school. In addition, parents appreciated that their schools welcomed their involvement and created opportunities for their participation.

Here are comparisons of the proportions of students who scored "proficient" or higher on the Colorado Student Assessment Program:

Third-grade reading: 77 percent of charter students; state average, 67 percent.

Fourth-grade reading: 73 percent of charter students, state average, 59 percent.

Fourth-grade writing: 49 percent of charter students, state average, 34 percent.

Seventh-grade reading: 66 percent of charter students, state average, 56 percent.

Seventh-grade writing: 57 percent of charter students; state average, 41 percent.

The charters exhibited a kind of diversity that is sometimes overlooked: They "were diverse in size, educational programs, educational philosophies, approach to governance, and assessment strategies. The diversity met the intent of the Colorado Charter Schools Act to offer new educational options to students and their parents."

In the wake of distressing outbreaks of violence at large schools, many educators are calling for a return to small schools. Colorado's charter schools fill the bill: Only 6 percent of the charters had more than 500 students, while 51 percent enrolled fewer than 200 pupils.

How much of a hand do parents have? Consider: Parents were represented on the governing boards of 90 percent of charter schools, and in 34 of the 47 charters reporting the composition of their boards, parents held a majority of seats.

[From The Hill, Apr. 12, 2000]

CHARTER SCHOOLS, SCHOOL CHOICE GAIN BIPARTISAN STEAM

(By Robert Holland and Don Soifer)

Creating charter schools as a way to foster family choice and competition within public education is an idea gaining a bipartisan head of steam on Capitol Hill.

But taking the next big step—tax credits or vouchers that could extend parental choice to private schools, as the G.I. Bill and Pell Grants do for college students—remains largely a Republican cause, with defections by "moderate" GOP lawmakers and threatened vetoes by President Clinton posing formidable obstacles.

Charter schools are a not-to-be-sneezed-at response, though, to education consumers' desire for more choices than a government monopoly typically will allow.

Their phenomenal growth from one school in Minnesota in 1991 to more than 1,700 nationwide today has been the hottest education story of the past decade. Entrepreneurs who organize charter schools get exemptions from stifling bureaucratic rules in exchange for a promise they will deliver academic results.

The biggest obstacle facing charter-school organizers is securing necessary financing for safe and functional facilities. With that concern eased, charters likely would pose even more of a competitive challenge to orthodox public schools. To address the facilities crunch, Rep. Heather Wilson (R-N.M.) in March introduced the Charter School Financing Act of 2000.

Through the Small Business Administration, the bill would distribute $600 million for FY2001 in federal loan guarantees to eligible charter schools. Congress likely will have no more important piece of charter-school legislation before it this year. (The charter section of the Elementary and Secondary Education Act [ESEA] was reauthorized in 1998.)

The concept of providing tax advantages to parents who put money in Education Savings Accounts (ESA) to facilitate their totally free choice of schools has not yet gained nearly as much traction as charter schools.

On March 2, the Senate passed, 61-37, an ESA bill sponsored by Paul Coverdell (R-Ga.) and Robert Torricelli (D-N.J.). However, on the House side, a revolt in late March by 15 "moderate" Republicans may have killed ESAs for this session.

Still alive, though facing an almost-certain Clinton veto, is the idea of letting federal aid follow needy children to a school of the family's choosing. "Portability" received a significant boost when the Senate Committee on Health, Education, Labor, and Pensions passed it as an amendment to the ESEA offered by Sen. Judd Gregg (R-N.H.).

His measure would permit up to 10 states and 20 school districts to disburse their Title I aid in the name of individual needy children, and the money would go with the child to whatever public school the parents or guardians chose. Eventually, the choice could be extended to private schools also.

Despite expenditures of more than $130 billion since Title I was passed 35 years ago in the heyday of President Johnson's War on Poverty, numerous federal evaluations have shown the measure has had little or no impact on closing the achievement gap for underprivileged children. Gregg voiced the hope that portability will create a competition to serve these children that will boost results.

Even in bilingual education, long a captive of special interests, elements of parental choice are catching on.

The Senate is about to take up House-passed reforms, proposed by House Education Committee Chairman Bill Goodling (R-Pa.) and Arizona Rep. Matt Salmon (R), that would require school districts to obtain informed parental consent before placing children in bilingual programs.

They also would eliminate the current rule mandating that at least 75 percent of federal bilingual dollars be spent to support instruction in students' non-English native languages, with the remainder reserved for ironically termed "alternative" programs—that is, classes teaching English, in English.

Republican Sens. Coverdell and Jon Kyl of Arizona are among those championing parental consent and notification provisions like those passed in the House.

Connecticut Democrat Joseph Lieberman also has a plan that would include sweeping bilingual education reforms, such as mandating that teachers of English learners be fluent in English and placing a three-year limit on federally funded bilingual programs.

Many parents new to this country have found that public schools have consigned their children to a kind of linguistic ghetto rather than teaching them promptly the language of jobs and citizenship. Bilingual reform can give the most humble parents the clout to change that.

[From the Lexington Institute, Issue Brief, Apr. 14, 2000]

HOW WASHINGTON CAN REALLY HELP CHARTER SCHOOLS

(By Don Soifer, Executive Vice President)

Charter schools' extraordinary growth—from one school in Minnesota in 1991 to over

1,700 nationwide today—may well be America's biggest education success story of the past decade. In Arizona one in six public schools is a charter school. In North Carolina, Michigan and elsewhere urban charter schools are bringing choice and accountability to families unaccustomed with either. "When we look back on the 1990s," First Lady Hillary Rodham Clinton proclaimed to the National Education Association's 1999 national convention, "the charter school movement may well be one of the ways we have turned around the entire public education system."

With the President's most recent call for a further dramatic increase in the number of charter schools, and with charters at or near the top of many education reform agendas, it seems that Washington expects to play an increasing role in this unfolding story. The critical task will be to foster the development of charter schools without interfering in their effectiveness.

These proposed federal remedies address many, though certainly not all, of the most formidable challenges facing the nation's charter school entrepreneurs. But they are just that, federal remedies, to advance a movement that is intrinsically local. Many charter school leaders argue that the best thing the federal government can do to cultivate their movement is to stay away while local education providers and state policymakers lay the essential groundwork. The threat of federal over-regulation looms large for charter schools, as revealed by recent intrusions by the Department of Justice's Civil Rights Division.

So how can Washington really help charter schools? The following policy recommendations were written with the guidance of charter school experts and leaders from around the country.

Require states to provide charter schools with their per-pupil share of Title I and other federal funding streams within months of the school's startup. The current process often takes a full year to get these funds to charter schools and can require state officials to engage in shaky guesswork—all at the expense of our most at-risk children.

Increase availability of financing for facilities, frequently the greatest obstacle facing charter school entrepreneurs. Safe and functional housing for charter schools can be hardest to find in urban areas where their mission is most vital. Financing opportunities, low-cost or otherwise, are often just as scarce. Second-hand facilities, perhaps those which previously housed public schools, post offices, or downsized military bases, could provide excellent homes for charter schools if available. Representative Heather Wilson's proposed Charter School Financing Act addresses this crunch by distributing $600 million in federal loan guarantees to charter schools for facilities through the Small Business Administration.

Reallocate to the states the 5 percent of federal charter school funding currently set aside for the U.S. Department of Education to pursue "national activities" such as research and dissemination of information. Putting the money in states' hands would enable them to directly address financing or other practical issues.

Protect charter schools' flexibility from rigid teacher-certification requirements. The Clinton Administration boasts of its pro-charter agenda, claiming credit for the remarkable growth of charter schools during its tenure. But the rigid teacher-certification requirements in its current Elementary and Secondary Education Act reauthorization proposal threaten one of charter schools' most vital characteristics—the ability to hire effective teachers with real-world experience outside of traditional teacher-preparation schools and union-embraced professional development. Such a mandate could render futile the autonomy crucial to charter schools' success.

Offer grants beyond the first 3 years of a charter school's existence. This is enough time for some charters to gain necessary traction, but not others. Grants of 5–6 years would also provide successful charter schools with the boost to expand to meet an even greater need.

Ensure that only states with charter school laws on the books receive federal charter school funding. States that produce more charter schools deserve more federal charter school dollars. It is essential that charter school policy decisions should be made at the state level. Sending federal funds to non-charter school states does more than just lessen their impact—it provides Washington bureaucrats with a vehicle to circumvent state laws.

Encourage startup grants which foster for-profit organization partnering with local groups. Arizona, which hosts the nation's most mature charter school movement, has a wide range of innovative private-sector funding sources and approaches. Officials there are quick to acknowledge that many of the state's best charter schools are run by, or through partnerships with, for-profit entities. In much the same spirit as enterprise zones that helped reinvigorate inner cities during the 1980s and 90s, private-sector leadership for the charter school movement can bring critical education growth to the urban settings where the need is most urgent.

With so much momentum on the side of America's charter schools, many in Washington, D.C. understandably want to get involved. Some, like Massachusetts Senator John Kerry, have called for making every public school in America a charter school. But as the charter school movement grows rapidly beyond its infancy, Washington must maintain the right middle ground between neglect and smothering. It will be a difficult balancing act.

[From the Center for Education Reform, Apr. 28, 2000]

MAKING SCHOOLS WORK BETTER FOR ALL CHILDREN

CHARTER SCHOOL HIGHLIGHTS AND STATISTICS

There are 37 charter school laws in the United States, Nearly 1,700 charter schools opened this fall in 31 states and the District of Columbia, serving over 400,000 students.

New Charter School States (Currently Unranked): Oklahoma (1999), Oregon (1999)

Charter School States That Have Strong to Medium Strength Laws (23): Arizona (1994), California (1992), Colorado (1993), Connecticut (1996), Delaware (1995), District of Columbia (1996), Florida (1996), Illinois (1996), Louisiana (1995), Massachusetts (1993), Michigan (1993), Minnesota (1991), Missouri (1998), New Hampshire (1995), New Jersey (1996), New York (1998), North Carolina (1996), Ohio (1997), Pennsylvania (1997), South Carolina (1996), Texas (1995), Utah (1998), Wisconsin (1993).

Charter School States That Have Weak Laws (12): Alaska (1995), Arkansas (1995), Georgia (1993), Hawaii (1994), Idaho (1998), Kansas (1994), Mississippi (1997), Nevada (1997), New Mexico (1993), Rhode Island (1995), Virginia (1998), Wyoming (1995).

CHARTER SCHOOLS IN OPERATION, 1999–2000 SCHOOL YEAR

State (year law passed)	*Total opened*
Alaska ('95)	17
Arizona ('94)	352
Arkansas ('95)	0
California ('92)	239
Colorado ('93)	65
Connecticut ('96)	16
Delaware ('95)	5
District of Columbia ('96)	31
Florida ('96)	111
Georgia ('93)	32
Hawaii ('94)	2
Idaho ('98)	8
Illinois ('94)	19
Kansas ('95)	15
Louisiana ('95)	17
Massachusetts ('93)	39
Michigan ('93)	173
Minnesota ('91)	59
Mississippi ('97)	1
Missouri ('98)	18
Nevada ('97)	5
New Hampshire ('95)	0
New Jersey ('96)	46
New Mexico ('93)	3
New York ('98)	7
North Carolina ('96)	75
Ohio ('97)	49
Oklahoma ('99)	0
Oregon ('99)	4
Pennsylvania ('97)	47
Rhode Island ('95)	2
South Carolina ('96)	8
Texas ('95)	167
Utah ('98)	3
Virginia ('98)	0
Wisconsin ('93)	55
Wyoming ('95)	0
Nationwide total	1689

This information has been compiled through state departments of education and charter school resource centers. In some instances, however, there may be slight discrepancies.

For more information, see CER's overview of current *charter school laws*, including state-by-state *rankings of charter school laws* and 32-point *legislative profiles* of each state's charter provisions.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Colorado (Mr. TANCREDO) has 2 minutes remaining.

Mr. TANCREDO. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the honorable chairman of the Committee on Education and the Workforce.

Mr. ROEMER. Mr. Speaker I ask unanimous consent to reclaim 2 minutes of the time that I yielded back in order that I may also yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), so that the chairman of the committee would have more than 2 minutes to speak.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized for 4 minutes.

Mr. GOODLING. Mr. Speaker, I want to congratulate all of the brave parents and pioneering educators who have taken part in the charter school movement over the last 9 years, and I certainly want to congratulate those who are here today promoting this legislation. There is no question that their commitment to educating our Nation's youth has made all the difference in the world to thousands of children.

About 7 month ago, I had the privilege of seeing a successful charter school in action when I visited Edison Friendship Public Charter School here in D.C. I will tell my colleagues, it was a privilege. It was a privilege because, number one, the school had just celebrated its first anniversary and during that year, student test scores had doubled. And number two, the parents of the students were actively engaged.

Mr. Speaker, these students have to get to that school on their own. There is no transportation provided. The parents must, of course, sign in relationship to discipline, and must sign in relationship to checking homework to make sure that as a matter of fact the homework is being done. The parents of the students were very actively engaged.

In fact, children are learning in charter schools in some 32 States all across the country. They are learning because, by their very nature, charter schools are free from burdensome rules and regulations and because charter schools increase parental involvement by promoting choice in public education. In exchange for this freedom, charter schools are held accountable. If they do not do the job, they cease to exist.

I firmly believe that it is this do-or-die mentality that empowers students, parents, and teachers alike to perform at a high level. It is this do-or-die mentality that has made the charter school movement so successful, and it is this do-or-die mentality in the name of education that I applaud here today.

Mr. Speaker, I encourage all of my fellow colleagues to support H. Con. Res. 310, "Supporting a National Charter Schools Week," which commends the charter school movement for its contribution to improving our Nation's public school system. And improve it we must, because at the present time, we are losing probably 50 percent of our students each year who will never have an opportunity to get a piece of the American dream because they will not be prepared to do it.

We will be voting in the near future again to increase the number who come in from other countries to do our high-tech work. We need to prepare our own to do that.

Mr. SCHAFFER. Mr. Speaker, in recognition of "National Charter Schools Week," May 1–5, and in support of H. Con. Res. 310, I rise to acknowledge and congratulate the phenomenal growth and success of charter schools in the United States and the remarkable success they have achieved. Colorado charter schools, I am particularly pleased to report, are among the nation's leaders when it comes to academic performance, parental satisfaction and accountability.

According to a recent study by the Colorado Department of Education (CDE), charter school students significantly outperformed state and local district averages in reading and writing. Other indicators, including parent satisfaction and participation, were also very positive. As the proud parent of three children attending Liberty Common School, a charter school in Fort Collins, Colorado in the Poudre School District, and one of the 51 Colorado charter schools participating in the CDE study, I can attest to the fact that charter schools work, are a catalyst for improvement in our nation's schools, and are in great demand across the country.

On this celebration of charter schools, I hereby submit a letter by Dr. Kathryn Knox, headmaster of Liberty Common School, on her experience testifying before the Subcommittee on Oversight and Investigation of the Committee on Education on the success and challenges facing charter schools. Mr. Speaker, it clearly and persuasively addressed the opportunities and challenges facing charter schools today.

Notes From Dr. Knox: Washington, D.C. Testimony

The question was asked, "Where were you the two days prior to Spring Break?" Though it would have been fun to say, "I was in Hawaii," actually, something else more important happened. I had the wonderful opportunity to be part of a bipartisan hearing on charter schools in Washington, D.C. for the Congressional Subcommittee on Education and the Workforce. Four of us from different parts of the nation were invited. My colleagues on the panel were Ms. Sumida from Fenton Charter School in California (a district school that had become a charter school by choice, and one in which all continuing teachers resigned from the union in order to form a charter); Ms. Salcido from the Cesar Chavez Charter High School in Washington, D.C. (high population of at-risk students), and Mr. Schroeder from the Charter Friends Network in Minnesota. The chair of the committee was Representative Peter Hoekstra, and the bipartisan representatives were Congressman Bob Schaffer and Congressman Tim Roemer. I was honored to be able to present, with this panel, information about charter successes and challenges and respond to what the federal government was doing to help or hinder charter schools. In addition to the presentation at the Rayburn House, our testimony was taped by CSPAN and broadcast to about 9 million people, so we had the benefit of high visibility for Liberty across the nation. I thought Liberty parents would like to hear a bit about this experience. There were several questions from the members for which I will summarize a response.

Ms. Salcido noted some characteristics of charter schools which we all agreed on including freedom of choice, accountability for results, high standards for all involved in the school, doing away with bureaucracy, supporting innovation and a team-building spirit. Our common goal is to retain our autonomy and clear responsibility to the students, while obtaining fair funding and support of equal capital financing opportunities for the children's sake. Equal capital funding continues to be a challenge for most charter schools. At Liberty, for example, though we officially have 95% of per pupil operating revenue, if the building costs, maintenance, grounds, custodial costs, etc., are subtracted, and into the equation are added the lack of access to other revenue sources including capital reserve funds, mill levy funds, public bond monies, and even vehicle licensing fees, Liberty is operating on about 73% of each dollar given to other public schools.

The Department of Education will have a budget exceeding $120 BILLION, and though we all want equality in funding, and want accountability for results, we don't want strings attached that allow subtle and increasing federal direction and control of local schools. The momentum for charter schools comes locally, and culture is positively different in a good charter school because of the local control. For one example of this: In our case, we received a substantial grant last year from the federal government. Later, we were told that because we had received and accepted federal monies, we had to eliminate our first-come/first-served waiting list and replace it with a lottery. Our charter states that we would hold slots for at-risk students to increase our socioeconomic diversity, but a lottery precludes this desire to reach a more diverse population.

The question about whether teachers feel professional or not in charter schools is responded to by considering the current reality of government-monopoly schooling. Under union contracts, all teachers are treated the same and paid the same, and after a few years, are allowed to remain whether they are doing an excellent job or not. Prior to the three-year tenure period, teachers are often fired or simply laid off after a year in a school, depending on factors including current financing or the number of tenured teachers at a certain level of salary. In good charter schools, some teachers rise to the top as in any enterprise and should be paid more for their extra work, training, and professional responsibility. Teamwork, trustworthiness and collegiality are required for the development of a good school culture in which all teachers are involved in promoting the entire vision and mission of the school. The current paradigm of separation and isolation must be changed, and negative influences must be able to be removed from the enterprise so that student achievement and collegial teamwork is not hindered. Charter schools allow excellent teachers to develop skills and talents for the good of the students and the school. The entrepreneurial spirit is alive and well for the good of students at Liberty and the whole school. Parent concerns and ideas are also valued here, and parents should always feel welcome to participate actively in the school.

The question about accountability and whether the state should have the ability to shut down a charter school if the school were not performing well, was expanded by Congressman Schaffer, who noted that the few charter schools that have closed may not have responded well to their client's needs and charter expectations, and that is a good thing, but that interestingly, other public schools that are not performing well are not similarly challenged to keep their doors open, but rather often receive MORE financing and help.

Overall, the hearing was fruitful and an opportunity included sharing information about Liberty's successes and challenges, in written form with 125 people, while responding to questions publicly. I am very grateful for this greater visibility for our wonderful school, and very grateful for each of your ideas, time, commitment and care.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of H. Con. Res. 310, the resolution that honors National Charter Schools Week and commends the charter school movement for its contribution to improving our Nation's public school system.

Charter schools have been instrumental in demonstrating that accountability and innovation work together to improve our Nation's schools. This is because of the special agreement that these schools make with their state agency or local school board. The agreement is simple: the school is allowed to determine the best way to provide a quality education and, in exchange, it must produce results.

Charter schools have demonstrated that achievements can be made when local school districts are given the flexibility to shape their education programs in ways that work best for their teachers and students. Of course, in allowing flexibility, charter schools must produce real, accountable results.

And that is the bottom line—results.

In fact, an overwhelming majority of the initial reports on charter schools have demonstrated that charter schools are achieving their academic goals. But not only are academic results promising. Reports show that parental satisfaction is high, students are eager to learn, teachers are enjoying teaching again, administrators are set-free from administrative red-tape, and more dollars are getting to the classroom.

I am not here today to only tout the successes of individual charter schools. The Public Charter Schools Program has a purpose greater than just creating new schools. The larger purpose of this program is to create a dynamic for change and improvement in our public school system. In the eight years since the first charter school opened its doors, we have seen the benefit that charter schools have had for the education system as a whole. Reports have found that wherever large numbers of charter schools are clustered, system-wide academic improvement has been accelerated.

Let us take a lesson from the charter schools experience that local flexibility and accountability are essential elements in the formula of successful schools.

The federal government has invested over $120 billion in the Elementary and Secondary Education Act of 1965. We have spent all of that money and can't say definitively that it has led to an increase in academic achievement. We must do something to ensure that the hard-earned money of the American people is spent wisely. Charter schools provide evidence that we should emphasize local flexibility and accountability in our federal education reforms.

The bottom line is that charter schools work because they are freed from burdensome regulations and held accountable for academic results. I commend these schools for their innovation in achieving academic results and for the contribution they have made to our nation's public school system. As we move forward in reforming our federal education programs, let us not forget the lessons learned from the charter schools experience.

Mr. TANCREDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 310.

The question was taken.

Mr. ROEMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 310.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–232)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 2, 2000.*

COMMUNICATION FROM CHIEF OF STAFF OF HON. JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Paul P. Marcone, Chief of Staff for the Honorable James A. Traficant, Jr., Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony before the grand jury issued by the United States District Court for the Northern District of Ohio.

Sincerely,
PAUL P. MARCONE.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 38 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1803

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 6 o'clock and 3 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each of the first two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 300, by the yeas and nays;

H.R. 2932, by the yeas and nays.

Proceedings on S. 1744, H.R. 1509, and H. Con. Res. 310 will resume on Wednesday, May 3.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RECOGNIZING AND COMMENDING FEDERAL WORKFORCE FOR SUCCESSFULLY ADDRESSING YEAR 2000 COMPUTER CHALLENGE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 300.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 300, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 131]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus

Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Brady (TX)
Carson
Coburn
Cook
Ford
Gutierrez
Istook
Lucas (OK)
Manzullo
McCollum
McIntosh
McIntyre
Myrick
Ortiz
Oxley
Saxton
Sessions
Souder
Sweeney
Tauzin
Velázquez
Visclosky
Weldon (FL)
Wise
Young (AK)

□ 1826

Mrs. CHENOWETH-HAGE, Ms. WOOLSEY and Mr. JONES of North Carolina changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to advise the Members on both sides of the aisle that due to the fact that all the work that we have planned for this week is progressing so nicely, I can now tell Members that we should complete our work by midafternoon on Thursday; and, therefore, we will not be here Friday for votes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time for the electronic vote on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 2932, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2932, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 9, not voting 25, as follows:

[Roll No. 132]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—9

Campbell
Chenoweth-Hage
Coble
Largent
Miller, Gary
Paul
Royce
Sanford
Schaffer

NOT VOTING—25

Carson
Coburn
Cook
Ford
Gutierrez
Istook
Kilpatrick
Lucas (OK)
Manzullo
McCollum
McIntosh
McIntyre
Myrick
Ortiz
Oxley
Rangel
Sessions
Souder
Sweeney
Tauzin
Velázquez
Visclosky
Weldon (FL)
Wise
Young (AK)

□ 1837

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained today, May 2, 2000. If I had been present for rollcall No. 131, I would have voted "yea." If I had been present for rollcall No. 132, I would have voted "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–600) on the resolution (H. Res. 482) providing for the consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 673, FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–601) on the resolution (H. Res. 483) providing for consideration of the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2957, LAKE PONTCHARTRAIN BASIN RESTORATION ACT

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–602) on the resolution (H. Res. 484) providing for consideration of the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1106, ALTERNATIVE WATER SOURCES ACT OF 1999

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–603) on the resolution (H. Res. 485) providing for consideration of the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN AND MEXICAN TRUCK DRIVERS ARE CASUALTIES OF NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight to recognize two often-overlooked groups of people who have been innocent casualties of NAFTA, American and Mexican truck drivers. While I have repeated time and time again that American truckers will be forced to compete with their unregulated and underpaid counterparts south of the border, Mexican truck drivers are often overlooked casualties. But the truth is that NAFTA and its evil minions have forced Mexican truck drivers to work 1, 2 and even 3 days straight to get their goods to the U.S.-Mexican border.

The Mexican Government is one of the accomplices. Even though Canacar, the Mexican trucking association, has asked for 5 more years before the border is opened to unlimited truck hauling, the Mexican Government continually demands that the border be open immediately. Canacar admits that the Mexican truck fleet is old and in general disrepair, and neither the fleet nor its crews are safely ready to compete with newer American trucks and its rested drivers.

So why does the Mexican Government continue to push for the cross-border opening? Because the Mexican Government does not seem to care much about its own citizens. Right now, the Mexican economic system forces truck operators to drive days on end, and, as reported in a story by the International Brotherhood of Teamsters, most of these drivers are often fueled by narcotics. Mexican truck drivers freely admit that they would prepare for long hauls with beer, marijuana, pills, and cocaine.

According to one driver, "You must not eat too much meat on a long run, because it will make you sleepy and then you need more cocaine." Clearly, these drivers are sleep deprived.

As another driver, Juan Alvarez, put it, "The biggest problem is lack of sleep. I just drove 36 hours straight. Sometimes I get 6 to 12 hours off between loads." Juan does this for $500 for every 15 days that he drives.

The Mexican Government and its company-sponsored union have forced these drivers into this predicament. Unlike American drivers, Mexican drivers have no right to speak freely or bargain collectively. They know little about the specifics of the NAFTA treaty, and their government likes it that way.

So this brings us back to the American truck drivers, who would be unfairly forced to compete against Mexican truck drivers that are treated with indifference by their own government. But American truckers realize that the Mexican truck drivers are not treated as people by their government; and that, simply put, is not the fault of Mexican truck drivers. It is the Mexican system that is at fault. It is our fault for entering into a treaty with a country that has a completely different socio-economic and labor-management structure than ours.

Thankfully, President Clinton did not open up the borders, as NAFTA called for, on January 1, 2000. Because if he did, we would have thousands of these sleep-deprived Mexican truckers driving all over our highways and byways throughout this Nation endangering other truckers and motorists on the road.

□ 1845

In fact, many Mexican trucks and their drivers have already been found illegally in States throughout the United States of America. Most likely because their government tells them little about our current law.

Clearly, President Clinton made the right decision by keeping the border closed. For the sake of all American truckers' jobs and the safety of the American public, let us hope it stays that way for a long, long time.

IN MEMORY OF EVANDER S. SIMPSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, tonight I rise to pay homage to Evander S. Simpson of Smithfield, North Carolina, who died on April 27 after a long and fruitful life. His passing has removed from North Carolina's Second Congressional District a giant of community service, a leader of humanity, and a man who has left the world immeasurably better than he found it.

The death of Evander Simpson leaves a void that will not soon be filled. Mr. Simpson was a member of what Tom Brokaw called "The Greatest Generation." Those were the men and women who went off collectively to save the world when World War II was thrust upon them. And it was they who, when the war was over, joined in joyous and short-lived celebrations, then immediately began the task of rebuilding their lives and the world that they wanted.

Brokaw's description certainly fits the life of Evander Simpson. Born in 1914 in Sampson County to a father who served for 35 years as a teacher and principal, his future and career direction was foreordained. Mr. Simpson attended the University of North Carolina, eventually receiving a bachelor's degree, a master's degree, and an advanced certificate for school administration from that institution. By the age of 24, Evander had become principal of Newton Grove High School.

World War II intervened; and Mr. Simpson, then serving as Secretary to the Committee on Education in the U.S. House of Representatives, volunteered for the Navy, answering the call, as Tom Brokaw said, "to help save the world from the two most powerful ruthless and military machines ever assembled, instruments of conquest in the hands of fascist maniacs." Mr. Simpson served as a gunnery officer in action in the Arctic and in both the Atlantic and Pacific Oceans.

With the end of the war, Mr. Simpson came home to North Carolina, and for the next 3 years worked at North Carolina State University counseling the thousands of Tar Heel veterans who were flooding into our colleges and universities determined to make up for the time that they had lost while they were off fighting the war. A position as a high school principal followed, but in 1951 Mr. Simpson was appointed superintendent of Johnston County schools, a position which he would hold for 29 years and that would define the rest of his life and leave an indelible impression on the people of Johnston County and North Carolina.

Evander Simpson and Johnston County's schools were at the heart of the county's progress over those 29 years. Eighteen schools were consolidated into five. Accreditation for all schools in the country from the State Department of Public Instruction and the Southern Association of Schools was obtained. Teacher pay supplements were established, kindergarten programs were established county wide, and Mr. Simpson was deeply involved in the establishment of the Johnston County Community College. Mr. Simpson earned a reputation of being one of the top school superintendents in the nation during those years.

An indefatigable man whose devotion to his county was legendary, Evander found time to serve 14 years on the Board of Trustees of the University of North Carolina, to serve as president of the North Carolina Education Association, to serve for 30 years on the Johnston County Board of Health, and to serve for six years on the board of the University of North Carolina at Wilmington.

Mr. Simpson was a Paul Harris Fellow in Rotary International, a member of the American Legion, Veterans of Foreign Wars, and the Chamber of Commerce. That organization awarded him its Distinguished Citizen Award in 1969. He was a deacon, Sunday school superintendent, and Brooks Bible Class teacher for more than 35 years at Smithfield First Baptist Church.

No man has ever loved his country and its history more than Evander Simpson. Johnston County residents know that his every speech would include references to the great documents of this Nation. A speech to veterans might include George Washington's prayer on his inauguration as President. A speech to a civic club would include a reference to the Declaration of Independence or Lincoln's Gettysburg address, both of which he could recite to memory. The great speeches of history were fodder for his mill, including the great inaugural speech by President Kennedy, "Ask not what your country can do for you, ask what you can do for your country."

Generations of Johnston County individuals were influenced by the great good of Evander Simpson. He believed in the innate goodness of men and women, that people of good will could find acceptable answers to any problem, that the spiritual needs of humanity must be served, that planning for the future was preferable to lamenting of the failures of the past.

The great sportswriter Grantland Rice could have had Evander Simpson in mind when he wrote the following: "For when the great scorer comes to mark against your name, he writes not that you won or lost but how you played the game."

Evander Simpson played the game with dedication to God and his community. We who are left can only thank a kind providence that placed him along beside us on this highway of life.

I am also pleased this evening to say to this body that I am also placing with this speech a tribute to Evander Simpson read by Miss Carolyn G. Ennis at Mr. Simpson's funeral on April 30, 2000, and that tribute follows my remarks herewith, Mr. Speaker:

A MAN NAMED SIMPSON

(By Carolyn G. Ennis)

And God stepped out on space
And he looked around and said,
I'm lonely, I'll make me an educator.
So God made many teachers and principals.
And the young children were taught.
And the young children learned. And God said, "That's good."
And God said, I'm lonely still. I need a dynamic leader

A man who knows how to look like a banker,
How to act like a gentleman,
How to think like a politician,
And how to work from sunrise to midnight like a homegrown country farmer.
So God made many, many more educators,
But he was lonely still. And God said, "I'll make me an
Excellent educator:
A man with vision, values, agility and versatility;
A professional man and Crusader with a pioneering spirit.
One whom the power of office will not spoil nor kill,
One who has a conscience and a will,
To do the right thing at the right time, the right way.
So God sat down by the side of the river
In a place called Sampson County.
With his head in his hand he thought and thought.
Then God said, "I'll make make me an extra—special educator
—A superintendent for schools.
A man for consolidation, accreditation, and integration,
A man for providing sources and resources to develop
The best educational opportunities for all children and
For all teachers in Johnston County;
A man who will know how to "command" from his experience
In the military so others will learn how to march in unity
To the same drumbeat for excellence in education.
So God made this "Educator of Excellence".
And Johnston County, North Carolina, the United States of
America and the entire educational arena of the world
Have never been quite the same, since God created
Mr. Evander S. Simpson, who was and still is an extra-
Special, excellent educator. And God said, "That's Good,"
And today, we echo again in fond memory of Mr. E. S. Simpson
Relections of your life to repeat. That's good

ON SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I first want to yield to the gentleman from Maryland (Mr. GILCHREST).

TRIBUTE TO CORPORAL JOHN T. WEED

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding to me. What I would like to do, Mr. Speaker, is to honor a young man who, 33 years ago on May 14, 1967, was a corpsman in the Navy, fought with the Marines in Vietnam, served his country extremely well, and on that particular date put his own life in danger to save my life while in an operation called "Union" in the northern part of South Vietnam.

That young man, who went to Vietnam in 1966, in November, stayed more than a year and not only served his country well, not only served the Marines very well, but he acted responsibly as an American and was a fine example of this country to that war-torn region and to the people.

That young man is with us today, Mr. Speaker. His name is John T. Weed from Texas. And I wanted to make this statement to salute his effort, his commitment, his courage, his grace, and his skill.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding to me and for his patience.

I just talked to former Corporal John T. Weed, who is with us today, and the gentleman who took care of our good friend and colleague, the gentleman from Maryland (Mr. GILCHREST), when he was badly wounded in Vietnam as a Marine Corpsman.

But what he said, which the gentleman from Maryland did not say, was that, in fact, the gentleman from Maryland (Mr. GILCHREST) saved his life twice. The gentleman from Maryland always manages to pass over that when he is talking about John Weed.

I have just had an opportunity to talk to him, and I have to agree with my colleague he is a great American, truly. And he mentioned another thing, and that is that the platoon sergeant, the gentleman from Maryland (Mr. GILCHREST), was the most stabilizing influence on his life as an 18-year-old trooper in the Marines.

So I wanted to add my two cents worth and add the rest of the story to the story told by the gentleman from Maryland.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, I appreciate those announcements by my colleagues.

I have been working on Social Security for the last 5 years. I am very concerned that we are putting off tough decisions that are going to mean that we either, in the future, substantially raise social security taxes on workers or we cut benefits.

And we have done that before. In 1977, when we were short of Social Security funds to pay benefits, we both cut benefits and increased taxes. We did that again in 1983, when money was short in the Social Security Trust Fund. We again in that year cut benefits and raised taxes. So some people are suggesting that we add giant IOUs to the Social Security Trust Fund and assume that the Government is going to pay that money back at a later date.

Let me briefly review a pie chart that shows the budget of the United States for this year. As we can see, the bottom green pie is Social Security. It represents 20 percent of the total budget. Defense only represents 18 percent of the total budget. The 12 appropriation bills that we spend most of the year arguing about is even smaller than the Social Security budget, with 19 percent.

If we take all of the entitlement programs, it represents a little over half of the Federal budget. And here is what is projected by the Social Security Administration actuaries. They are suggesting that if we do nothing, social security taxes, taxes to cover our senior programs, will have to increase from the current 15-odd percent up to 40 percent within the next 38 years. That is if we do nothing. Two choices: either taxes are going to substantially be increased or benefits are going to have to be cut by over one-third.

That is why I think it is so appropriate in this presidential election year that we have an articulate discussion on how to save Social Security. I was disturbed last night when AL GORE started criticizing Governor Bush's proposal that he has not even made yet. So demagogueing this issue is not going to help come to a final solution. It is going to jeopardize being able to work together. Look, we are not going to do this unless Republicans and Democrats work together.

Here is a quick snapshot of the bleak future of Social Security. We have a short-term surplus coming in for the next 11 or 12 years on Social Security. After that we reach into somebody else's pocket to come up with the funds. The estimate from the actuaries is $120 trillion that we are going to be short in terms of our commitment to Social Security over and above what is coming in in taxes.

SHOOTING AT ZOO AND GUN SAFETY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I want to welcome Members back and inform Members, in case someone was off the planet last week, that Columbine came to the Nation's capital last week here where the Congress sits.

At a traditional kids' fun day at the National Zoo, created by the Congress for kids, seven children were shot. One, an 11-year-old boy, lies at Children's Hospital with a bullet in his head. He was the quintessential innocent victim. Harris "Pappy" Bates is a big baby of a boy, the kind one would expect to find at the zoo on Easter Monday. Very much still a child, a rotund kid who was named Pappy because he looked like a papoose when he was born.

His family had their first access to the press on Sunday. They thanked people for their prayers and they thanked the President for calling. They said they were praying for the 16-year-old suspect who was being held for the shooting. This family, I must say, gives real meaning to Christianity at a time when so many profess Christianity and speak only of vengeance. Pappy's mother said to me that she had always intended to be at the Million Moms March coming up on Mother's Day. She also said she supported gun safety legislation and always has.

Pappy Bates is one of 700 children killed by gunfire in the Nation's capital, children under 19, during the 1990s. But there have been 80,000 children killed by gunfire since 1978. The gun safety bill pending before us is only part of a very complex puzzle. The networks are in the puzzle, cable is in the puzzle, sports is in the puzzle, violent computer games is in the puzzle, and above all parents, who have the primary responsibility for children, are in the puzzle. We have to work to get all pieces on the table, and I want to work with Members on all pieces of the puzzle. But would we leave guns out of this puzzle?

We are so very close, my colleagues.

□ 1900

Who would, after seeing what happened right here under the nose of the Capitol on Easter Monday, even think of leaving a loophole in the gun bill now stalled before us?

For all Americans, the average Americans, indeed 90 percent of Americans, the instant check will work. But according to the data, the 10 percent that we need 24 hours to look at are 20 times more likely to be criminals or people with a mental defect or people who otherwise should not have a gun.

It has been more than a year since the Columbine youth massacre. Not one more week, Mr. Speaker, not one more week after this week should pass, and certainly not after an 11-year-old lies with a bullet in his brain at Children's Hospital right here in the Nation's capital. Not after Columbine, which itself should have been all we needed, if we needed even that. Not after what had happened at the zoo.

I ask Members to come back with a new resolve to do what we almost have done. We are almost there. It has been difficult. Let us go the rest of the way. Do it for Pappy. But, above all, do it for the children in our districts.

U.S. NEEDS ADMINISTRATION THAT WILL DEAL WITH RUSSIA IN FAIR AND CONSISTENT MANNER ON ARMS CONTROL PROCESS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, over the recess period, I had the occasion of interacting with over 50 senior Russian leaders from the equivalent of our Congress, the State Duma and the Federation Council.

I had the pleasure of meeting them at Columbia University at a conference. I spoke to 25 new Duma deputies at Harvard University and the John F. Kennedy School of Government. And just today, on the other side, we met for an ongoing conference between Senators and House Members and members of the Russian leadership.

The underlying concern expressed by the Russians with America is a lack of confidence in what our real intentions are. They say that oftentimes we will lead them down a path and then undermine what they thought were our ultimate intentions.

That is happening again, Mr. Speaker. We are all happy that the Russian Duma just recently ratified START II, in fact over the break. But, unfortunately, again this administration has led the Russians down a negative road.

Three years ago the administration negotiated substantive changes to the ABM Treaty involving multilateralizing the Treaty and demarcation between theater national missile defense systems.

As required by our Constitution, the administration should have been brought those changes to the Senate for their advice and consent. Repeatedly members of the Senate said, bring them forward, let us look at them and debate them; and repeatedly the administration failed to do that because they knew they did not have the votes to get them passed. So then they convinced the Russians to put those two items on the back of START II so the Senate would have to consider them as a part of the START II protocol issues.

Now we are going to again disappoint the Russians because the administration chose not to have a legitimate debate on those two protocols but rather have the Russians attach them to the START II treaty that they passed in Moscow just several weeks ago.

Mr. Speaker, when are we going to learn? To deal with the Russians, we have to be up front, candid, and consistent. The more games that we play, the more underhanded tactics when we cannot get issues resolved according to our Constitution, the more consternation and frustration it causes in our relationship with Russia.

Unfortunately, once again, the Russians will feel that we have let them down and that our word is not good. How tragic it is and how sad it is. We need an administration, Mr. Speaker, who will deal with Russia in a consistent, fair, and uphanded manner, not one that plays games on the arms control process.

TRIBUTE TO JENARD AND GAIL GROSS AND JEWISH WOMEN INTERNATIONAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to pay tribute to Jenard and Gail Gross and the Jewish Women International. This is an important evening and an important week as I honor the Jewish Women International organization and my good friends, great Houstonians, great Texans and great Americans, Jenard and Gail Gross.

The Jewish Women International strengthens the lives of women, children, and families through education, advocacy, and action. Jewish Women International focuses on family violence and the emotional health of children on the local, national, and global level.

Jewish Women International spearheads activities to educate the Jewish community about domestic violence. Currently, more than 3,000 rabbis from all branches of Judaism have been alerted to the growing tide of family abuse and have learned how to recognize the signs of abuse in their congregation by reading the Resource Guide for Rabbis on Domestic Violence.

In particular, I would like to honor Gail and Jenard Gross for their unwavering support for Jewish Women International and their efforts involving the Prejudice Awareness Summit.

As we move into the 21st century, clearly the challenge for Americans, with all of our diversity, is to learn to live together in peace, to accept our diversity, to appreciate it, to applaud it. And if there ever are two individuals who applaud and appreciate diversity and live it every day, it is Gail and Jenard Gross.

The Prejudice Awareness Summit is an unprecedented opportunity for teams of students to have a positive interactive learning experience with peers from a variety of ethnic, cultural, racial, and economic backgrounds through one-day workshops on prejudice.

The Prejudice Awareness Summit educates our youth about prejudice by providing a comfortable forum to discuss issues of prejudice. With a thorough knowledge of stereotypes, exposure to powerful speakers, and interactive learning exercises, these students can become leaders in the battle against prejudice.

Mr. Speaker, I had the opportunity today to participate in the President and Mrs. Clinton's teenage summit. One of the points that was made is that we always encourage young people that they are the leaders of tomorrow. And one very eloquent speaker said, our young people are the leaders of today because. Because they are the leaders of today, we need to teach them and educate them to the value of diversity in living the opposition of prejudice.

America's cultural diversity enables our country to achieve great accomplishments. However, our diversity also causes much friction borne of ignorance. The Prejudice Awareness Summit will prepare our Nation's youth to become leaders in a country where diversity can be considered a blessing and not a source of division. The work of Gail and Jenard Gross on behalf of the Prejudice Awareness Summit does not go unnoticed.

On May 4, Jewish Women International will bestow the Good Heart Humanitarian Award on Gail and Jenard Gross. The Good Heart Humanitarian Award honors a member or members of the Houston community contributing to the goals of this organization. This award is presented annually to recognize and pay tribute to outstanding members of the Houston community who have contributed to the humanitarian needs of Houston.

Previously, honorees have included outstanding contributors in the fields of education, health care, politics, the legal profession, the media, and exemplary members of Jewish Women International.

Gail Gross is a very spiritual person, a very humble person. She attributes much of her success to her commitment to meditation, spirituality and her wonderful marriage to her husband Jenard Gross. She is a local, national, an international humanitarian, a savvy businesswoman, and a scholar in numerous areas. She also has just received her doctorate in education. She is now Dr. Gail Gross.

Gail once stated that to her life has three parts: the first part devoted to education, which she has evidenced in her own career and profession; the second part dedicated to raising her children; and the third part, the time she currently devotes to service.

As vice president of Gross Investment/Builders, a real estate company started by her husband, she satisfies her yearning for professional excellence. However, her joy is to serve the Houston community. She does it now every week with her own radio program encouraging, listening, and teaching the community about the value of education of our young people. Whether serving on 24 boards, fundraising, or advocating on behalf of the voiceless, Gail is a shining example of genuine concern and generosity.

Jenard Gross has been in the building and real estate investment field since 1954. During this period he has built and owned more than 14,000 apartment units throughout Texas. He has built several small strip centers, developed a residential subdivision, and invested in land and mini-warehouses. Moreover, he is past president of the Houston Apartment Association and the National Apartment Association.

But he is also a builder for humanity. He has worked as a member of the Board of Regents of Texas Southern University Historically Black College, and he believes in housing those who need to be housed.

Mr. Speaker, as I conclude, Jeanard's business accomplishments are many, but his involvement in a number of civic and philanthropic organizations in the city of Houston are legendary.

Jenard and his wife Gail have always advocated for the voiceless. Many Houstonians have improved their lives due to the generosity and service of Gail and Jenard Gross. They are mighty and great, and I salute them and congratulate them for their great leadership.

I am reminded of a quote by Theodore Roosevelt, who stated:

> Far better it is to dare mighty things, to win glorious triumphs, even though checked with failure, than to take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat.

Gail and Jenard are persons of action and have dared mighty things for Houston. For their love of Houston and its people we will be eternally grateful. I can think of no other best suited to receive the Good Heart Humanitarian Award and the respect of the American people.

WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. LEE. Mr. Speaker, first I would like to thank my colleagues for allowing tonight's special order to be held to increase awareness of the AIDS epidemic which is really scourging Africa and many other developing nations throughout the world.

Sixty percent of the 16 million deaths, however, have been in sub-Saharan Africa as a result of AIDS.

I would also like to applaud the leadership and commitment of the gentleman from Iowa (Chairman LEACH) and the gentleman from New York (Mr. LAFALCE), the ranking member, of the House Committee on Banking, and also the gentleman from Missouri (Mr. GEPHARDT), our minority leader, for addressing this huge crises in Africa and throughout the world.

I believe that the diligence of the hearings and the markup held in March of this year on H.R. 3519, the World Bank AIDS Prevention Trust Fund Act, represents a necessary response to the urgency of the AIDS crisis in Africa.

The World Bank AIDS Marshall Plan Trust Fund Act represents the most effective bipartisan strategy to date possible to push this issue to the national forefront.

As we work to establish partnerships and relationships with African countries whether as health care experts, business persons, activists or policymakers, it is critical that we unite to focus both attention and resources on the global emergence of HIV and AIDS which wreaks havoc in developing countries, most tragically in sub-Saharan Africa.

I have worked very closely with my colleague and dear friend, Congressman RON DELLUMS, who served with distinction in this body for over 27 years. Congressman DELLUMS has been instrumental on focusing on this initiative and building constituent and congressional support to address the AIDS pandemic.

With his position as chair of the White House Council on AIDS and as president of the Constituency for Africa, he has engaged in consistent dialogue regarding this pandemic both here and within the United States. And I want to thank him for his remarkable contributions.

Tonight we have Members who will talk about this huge pandemic. We appreciate being allowed the hour of time.

Mr. Speaker, I yield to the gentlewoman from San Francisco, California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding. But more importantly, I thank her for her tremendous leadership and encouragement on calling to the attention of Congress and the country the global HIV/AIDS issue and working with our former colleague, Congressman RON DELLUMS, on this.

Mr. Speaker, it is really exasperating. For years we have known about the spread of global HIV and AIDS. For years Members of Congress have appealed to both Democratic and Republican administrations to put this issue on the agenda of the G–7.

What do they have to talk about that is more important than the health, or lack thereof, of millions of people in Africa and throughout the world? What has more of an impact on the economies of the developing world than the health of its people?

Now it is being considered a national security issue at long last. I commend the Clinton administration for making this very bold statement. Frankly, it is long overdue.

The extent of the global AIDS epidemic is staggering. Over 23 million people are infected with HIV in Africa, and nearly 14 million Africans have already died from AIDS. The social, economic, and human cost of the crisis is devastating entire nations. And this is just the beginning.

In Asia and India, India already has more infected people than any other nation. When I talk about Africa, I am talking about the continent. In terms of India, one nation, 3½ million infected people.

Experts are predicting that, without significant efforts to treat those with

HIV and prevent new infections, the number of people living with HIV/AIDS in India could surpass the combined number of all cases in all African countries within two decades.

□ 1915

We clearly have a long way to go. These numbers are staggering, but any single one of them is a tragedy and we should be motivated by it.

Think of all the orphans that this tragedy has produced. Some of those orphans are HIV infected as well; but even among those who are not, they have tremendous needs and, sadly, this was predictable.

We clearly have a long way to go. I am pleased that as a Nation we are finally beginning to focus more of our attention and resources on the global AIDS epidemic and that the National Security Council has declared HIV/AIDS to be a national security threat.

I just want to inject a word here about our colleague, the gentleman from Washington (Mr. MCDERMOTT), who has traveled the world on this issue since he came to Congress, which is nearly I think it is over a decade. So, again, this is no surprise and has been no secret. Even though there has been a great deal of denial about it, the problem has existed for a long time.

Many of us in Congress again have been working for years to draw attention to this crisis. We know sadly from our own experience, in my district in San Francisco when I came to Congress 13 years ago, 13,000 people had already died of AIDS in my district. Think of that, Mr. Speaker, if that had happened in your district, how intolerable it would be.

That is the only thing we should not tolerate in our society is the HIV rate that is among us.

Funding for prevention, education, treatment, and care must be increased dramatically and our commitment to the development of an AIDS vaccine must be strengthened.

In terms of our funding, we also have to think internationally. We have begged for the money that we have, about $147 million, and then another $16 million or so for orphans each year; but we need 10 times that to do our share globally in terms of HIV/AIDS.

I have introduced the Vaccines for the New Millennium Act in order to create incentives for private sector biotech and pharmaceutical companies to accelerate their research and development efforts for vaccines against HIV, tuberculosis, and malaria. Vaccines are the best hope to bring this epidemic under control.

It is about prevention. We must do all we can to facilitate cooperation between the public and private sectors in order to bring together the resources and expertise necessary to move quickly towards effective vaccines.

In conclusion, Mr. Speaker, I want to again call to the attention of our colleague the incredible leadership, well, it is believable so I will just say the great leadership of our colleague, the gentlewoman from California (Ms. LEE), on this subject. She has made it a priority. She has developed legislation to meet this terrible challenge. She has not been shy about the amount of money that this is going to require, and she has been very, very bold as she has gone forth with this. She has provided great leadership for us because she has a vision about what she wants to accomplish. She has tremendous knowledge about the subject we are dealing with. She has a plan. She has a plan, a good plan, to attack the challenge; and she and her leadership is able to attract a great deal of support for this cause.

So on behalf of the many people in my district who have died of HIV and live with HIV and AIDS now, I want to commend her and thank her.

One final note is that this weekend I had the privilege of participating in the march on Washington that some of our colleagues were involved in, that we spoke to, the huge crowd, over 800,000 people; and one of the major issues on the agenda of the day was increased funding for HIV and AIDS.

What is important for us to do is with all of our research for a cure, which is very important, it must be relentless. Even though we have some proteas inhibitors that prolong and improve the quality of life, that those drugs must be available to everyone. We cannot say that we are not engaged in research but the cure only goes to the wealthy. The cure must be available across the board and across the world. So I hope that we will be thinking in ways that are new and different about this.

AIDS has been a model, really the mobilization, for support for research, care, and prevention. That mobilization in our country has been a model to other illnesses. Now the mobilization is on the international and national scene, and we must not any longer ignore it. Now that it has been declared a national security threat, at least there is the attention focused at the right level on it.

I would have hoped that compassion for the millions of people who are HIV infected would have been enough motivation, but we will take the help wherever we can get it. Again, I thank the gentlewoman from California (Ms. LEE) for her leadership, for the rallying cry she has given; and we are all very, very pleased to follow her lead on this.

Ms. LEE. Mr. Speaker, let me just say thanks to my colleague, the gentlewoman from San Francisco, California (Ms. PELOSI), for her very strong support and also for her consistent work throughout the years on behalf of peace and security throughout the world. I thank her very much for everything that she does on behalf of all of our people, not only in the Bay Area but throughout the country and the world.

The gentlewoman mentioned the whole issue of orphans in Africa and the impact of the HIV/AIDS crisis on children. Last year I had the opportunity to participate in a presidential delegation to Africa and met with and witnessed some of the children who had been orphaned by AIDS, many who had the virus. We are told now that there are 7.8 million children in southern Africa alone who are orphaned as a result of AIDS; but by the year 2010, it is expected, if we do nothing, that there will be 40 million children orphaned by AIDS; and this number, 40 million, is the number of children in our entire public school system in the United States of America. Staggering numbers.

So I just want to thank all of the Members here tonight for helping us raise the level of awareness for the country to really understand the tremendous serious implications of what this whole virus presents to us.

Now I would like to yield to my colleague, the gentlewoman from Maryland (Mrs. MORELLA), who has been very instrumental in helping us forge a bipartisan strategy to tackle this pandemic.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentlewoman from California (Ms. LEE) for her leadership on this issue and for yielding me the time and for arranging this special global HIV/AIDS special order; also my colleagues who are here and others who would like to be here who do support the concept of recognizing that, as the Clinton administration has, that worldwide AIDS crisis is a threat to the United States national security and that, in fact, it could topple foreign governments, touch off ethnic wars and reverse decades of work in building free-market democracies abroad.

This declaration correctly raises the focus on this epidemic, especially in Africa, which has been reported by CNN to be, quote, "the worst health calamity since the Middle Ages and one likely to be even worse," unquote.

Statistics of the economic, social and personal devastation of the disease in sub-Saharan Africa are staggering. To mention some of them, 23.3 million of the 33.6 million people with AIDS worldwide reside in Africa; 3.8 million of the 5.6 million new HIV infections in 1999 occurred in Africa. African residents accounted for 85 percent of all AIDS-related deaths in 1999, and 10 million of the 13 million children orphaned by AIDS live in Africa.

Life expectancy in Africa is expected to plummet from 59 years to 45 years between the years of 2005 and 2010.

Now, many experts attribute the spread of the virus to a number of factors, including poverty, ignorance, costly treatments, lack of sex education and unsafe sexual practices. Some blame the transient nature of the workforce. Many men, needing to leave their families to drive trucks, work in mines or on construction projects, engage in sex with commercial sex workers of whom an estimated 90 percent are HIV positive, and in addition many men go untested and unknowingly spread the virus.

Many of those infected cannot afford the potent combination of HIV treatments available in Western countries, and in some countries only 40 percent of the hospitals in some capital cities have access to basic drugs.

While efforts are continuing to find an AIDS vaccine, many experts fear that some African countries hardest hit by the epidemic lack the basic infrastructure to deliver the vaccine to those most in need.

More than 25 percent of working-age adults are estimated to carry the virus. Countries have lost 10 to 20 years of life expectancy due to this disease, and 80 percent of those dying from AIDS were between ages 20 and 50, which is the bulk of the African workforce.

As was mentioned by the gentlewoman from California (Ms. LEE), 40 million children will be orphaned by the disease by 2010. Many of these children will be forced to drop out of school to care for a dying parent or take care of younger children. Children themselves are being infected with the disease, many through maternal fetal transmission. And while drugs like AZT have been proven effective in reducing the risk of an HIV-positive mother infecting her newborn child, those drugs often are too costly for most nations.

Legislation has been introduced by the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) which particularly target the tragedy in sub-Saharan Africa. However, it also addresses the worldwide AIDS crisis.

H.R. 3519, the World Bank AIDS Prevention Trust Fund Act, directs that the U.S. Government should seek the establishment of a new AIDS prevention trust fund at the World Bank. The bill authorizes U.S. contributions of $100 million a year for 5 years in hopes of leveraging that contribution to obtain contributions from other governments as well as the private sector to reach $1 billion a year. The proceeds of the trust fund would support AIDS education, prevention, treatment and vaccine development efforts in the world's poorest countries, particularly in sub-Saharan Africa.

The President has proposed $350 million to prevent the spread of AIDS around the world. Under the President's proposal, funding will be targeted where it is needed the most, in sub-Saharan Africa. The AIDS Marshall Plan fund for Africa will help to ensure that the Federal Government addresses this issue over the next several years. However, studies indicate that Africa is just the tip of the iceberg. New HIV and AIDS diagnosis are escalating in the Caribbean, Latin America, Asia, and the Balkans at alarming rates.

Now the United States is uniquely positioned to lead the world in the prevention and eradication of HIV and AIDS. The administration's request, the AIDS Marshall Plan fund for Africa, the World Bank AIDS Marshall Plan Trust Fund Act will provide the funding and the framework to respond to the AIDS pandemic in Africa and throughout the world.

I would also like to mention legislation I have introduced to enhance the research on microbicides which would enable and empower women to be able to have a barrier against sexually transmitted diseases and HIV and AIDS.

We can no longer afford to debate whether or not fighting global disease is simply an idealistic crusade. Instead, we must recognize the fact that it has clearly become a fiscal and national security imperative.

The good news is that the United States is taking action. The bad news is it is taking so long.

I conclude with a quote from a physician who directs AIDS prevention at the CDC and he said, "Oh, yeah, it is very late but better late than never. You rarely get a second chance in an epidemic."

I thank the gentlewoman from California (Ms. LEE) and the others who have gathered here tonight to focus on this important crisis so that we can do something to ameliorate it.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for that very eloquent statement and for setting forth the case and bringing out more statistics as it relates to this pandemic, and also for her leadership on not only HIV/AIDS but also on health care issues in general for our country.

Let me also mention that as the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from California (Ms. PELOSI) indicated earlier, AIDS threatens economic security but also human life. It has been set forth in a Washington Post article, which I would like to put into the RECORD, from today. It is titled, "AIDS is Declared Threat to Security. White House Fears Epidemic Could Destabilize the World."

□ 1930

HIV and AIDS in Africa has created also an economic crisis, crippling Africa's workforce in many areas and creating even greater economic instability where poverty is ever present. In many countries now, companies are hiring two and three persons, two and three employees to fill one job, because, of course, it is assumed that one or two will die of AIDS.

In the Republic of Congo, according to the National Intelligence Estimate, it indicates, this document indicates that the militias in Anglo and the democratic Republic of Congo show an HIV prevalence rate of 40 to 60 percent.

As the AIDS crisis grows, it will only exacerbate dangerous economic and political instability.

Mr. Speaker, I would like to yield now to the gentleman from Illinois (Mr. DAVIS), my colleague who throughout his life has been a consistent supporter for justice and equality and health care for all throughout our world. I want to thank the gentleman for being with us tonight.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of the World Bank AIDS Marshall Plan Trust Fund Act. I also want to take this opportunity to commend the gentlewoman from California (Ms. LEE) for the outstanding leadership that she is providing on this issue. As a matter of fact, I know that people were concerned when Representative Ron Dellums decided to retire, but they knew that they had someone waiting in the wings ready to take over and take charge and to follow along with some of the tremendous work that he started, and I certainly want to commend Ron, even though not being a current Member of Congress, he is still providing valuable leadership on this issue throughout the world.

As the most developed Nation in the world, we have an obligation and a responsibility to share our technology and medical expertise with developing nations. As a matter of fact, I come from a school of thought which suggests that to those to whom much is given, much is expected in return; therefore, we have not only an opportunity, but also the responsibility to share the great wealth and the great resources of this Nation.

Franklin Delano Roosevelt once said that the test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little. And I submit to you tonight that the continent of Africa is being stripped of its most precious resource, its people.

Mr. Speaker, more than 11 million Africans have already died from AIDS since its inception; that represents more than 70 percent of the AIDS deaths worldwide. Another 23 million Africans are currently infected with HIV or AIDS.

In South Africa alone, it is estimated that there are more than 1,500 new HIV infections each and every day. We can no longer afford to sit back and do so little or in many instances do nothing about what is happening throughout the world.

HIV/AIDS is a threat, yes, to our national security, but it is also a threat to the security of the world community. I commend President Clinton for his recognition of that fact as we have seen an increase in the proposal of resources to deal with this problem, but those increases that have been proposed are not even enough.

AIDS has a major impact on our trade with Africa. The World Health Organization and other relief organizations were committed to ending this dreaded disease some time ago, but, more importantly, if we continue to do nothing or little, eventually Africa will have a population of orphans that is unthinkable. Currently, more than 13 million children have lost one or both their parents to AIDS.

The statistics suggest that the number will reach 40 million by the year 2010. Yes, we now have an opportunity, because we had a Marshall Plan to rebuild Europe after the war. It is now time to apply the same principles, the same practices, the same techniques, the same tactics to help prevent the spread of HIV/AIDS in Africa.

Now, is the time for action. Each day that we wait, thousands more are subjected to HIV/AIDS infection. And I say to the gentlewoman from California (Ms. LEE), again, I am pleased to join with the gentlewoman and all of those who have come to call for a massive infusion of resources, similar to the Marshall Plan that we used after World War II. If we could do it then, with the strong economy that we are experiencing today there is nothing to prevent us from initiating and implementing this magnificent effort that the gentlewoman and others have put together to bring help, hope, and relief to our dying brothers and sisters in Africa, but also to our dying brothers and sisters in the American streets in every city, village, and hamlet of this Nation and throughout the world. I thank and commend the gentlewoman for her outstanding work.

Ms. LEE. I thank the gentleman. And I want to thank my colleague from Illinois for his very eloquent remarks and his kind remarks and also for bringing clarity to not only this issue but so many of the tough issues which we deal with here in the United States Congress. I also thank the gentleman for bringing this right back home, because this is a global pandemic which we are dealing with. I thank the gentleman for participating with us.

I would like to yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a colleague who has been really in the forefront challenging the pharmaceutical companies to do the right thing, by providing affordable drugs to those in need, not only in America, but throughout the world.

Ms. SCHAKOWSKY. Mr. Speaker, I would like to join my colleagues in thanking the gentlewoman from California (Ms. LEE) for being such an outstanding leader and outspoken person on the issue of the global AIDS crisis. It is a little bit hard to follow my colleague from Illinois and his eloquence and his beautiful voice, but I appreciate the opportunity to weigh in on this important issue.

I want to also express my continuing support for H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act, which is sponsored by the gentlewoman from California and also the chairman of the Committee on Banking and Financial Services from Iowa, and I am very proud to be a cosponsor of that bill.

If enacted, H.R. 3519 would create a worldwide trust fund that is administered by the World Bank and funded by governments, the private sector, and international organizations. Nations would be able to receive grants from the trust fund to address the HIV/AIDS crisis. The bill would direct the United States to contribute $200 million a year, and I hope it stays at no less than $200 million, to the fund for 5 years, the hope being that U.S. contributions would help leverage contributions from others in the private sector and the international community.

Although the passage of this bill would be a significant victory in the battle against HIV/AIDS, it is a small drop in a very big bucket. It is estimated that about $10 billion would be needed to fight AIDS in Africa over the next 5 years, just to fight AIDS in Africa.

We must do much more if we want to seriously address the HIV/AIDS epidemic that is killing millions of people worldwide, and the United States has to lead the way. It is in our own best interests to do so, because HIV/AIDS knows no borders and it threatens the stability of the world, even more than conventional warfare.

I have been extremely concerned in the past by the actions of our government on this issue. While a number of important initiatives have been created and championed by the administration, and I do not want to diminish those, I yet was dismayed when I realized efforts by other nations were being blocked because of objections raised by the pharmaceutical industry and in turn by our government. These were efforts that would lower the cost of AIDS drugs by manufacturing generics or importing them at a lower cost. We saw our own government step in on the side of the pharmaceutical companies to prevent that.

I have been encouraged by recent comments by the administration that appear to reflect a policy change on this issue. I hope that I will not hear any more reports of our administration weighing in to prevent others from addressing their own national emergencies. I would hope that the United States would take advantage of every opportunity to help other nations address this crisis, including relinquishing to the World Trade Organization patents on AIDS drugs that are owned by the United States and were developed using our own taxpayer funds.

I commend the administration and National Security Council for the step taken this week in designating HIV/AIDS as a threat to our national security. Indeed, HIV/AIDS stands to threaten this Nation and others. I must say that I am truly surprised that there are individuals in our Congress who would disagree and contend that the AIDS pandemic is not a national security threat. I can only assume such individuals have not been paying attention or just do not want to face the facts.

We have been hearing a number of those facts. Let me add to those a few additional ones, and I think some bear reiterating.

AIDS is claiming more lives than all armed conflicts in the last century combined. Twelve million men, women, and children in Africa have already died of AIDS. Today in Africa, 5,500 people are buried daily because of AIDS, and that number is expected to more than double. AIDS is the leading cause of death in Africa, but also, and this is very important, among young adult African-American men in the United States as well. It is our problem.

Every day 11,000 people in Africa become infected, one every 8 seconds. According to the Director of the Office of National AIDS Policy, it is estimated that by 2005 there will be more than 100 million, 100 million, HIV/AIDS cases worldwide.

Today in sub-Saharan Africa, one-fifth to one-third of all children have already been orphaned by AIDS. We talked about the 40 million that within the next decade may become orphans. HIV/AIDS runs high among the world's militaries. The rapid loss of senior officers can mean destabilization for those nations where the military plays a central role.

It should be noted that the most effective means of halting the spread of AIDS in the developed or developing world is the use of effective prevention measures, including needle exchange programs and condom distribution, the kinds of efforts that, unfortunately, have been repeatedly opposed by the majority in this body.

I had the privilege of going with the President and other Members of Congress to India and met in New Delhi in a very poor neighborhood Naseem the barber, who was one of 10 barbers trained in New Delhi to not only deliver a shave and a haircut and the neighborhood gossip, but also information about AIDS prevention and a condom. This is a program that is funded in part by USAID, by American taxpayer dollars, and a good and important expenditure of funds.

Since the beginning of the epidemic, 410,800 people in the United States have died from AIDS. Today it is estimated that as many as 700,000 people in the United States have AIDS. We cannot be lulled or allow our children to become lulled into believing that the new drug cocktails, the protease inhibitors, have conquered the disease. Our policies cannot be driven by those who would say that the threat to our national security that AIDS poses does not exist or by those who would claim that it is simply a homosexual disease. It is not, it is a heterosexual disease as well. That is very important.

I was proud to join the Vice President and our Ambassador to the United Nations at a meeting of the United Nations Security Council in January. During that session the Security Council addressed the issue of HIV/AIDS in Africa. This marked the first time that the Security Council looked at a health issue in the context of a threat to global security. The Vice President made the point that it is time for us to move beyond our classical definition of security.

We have all talked about the staggering statistics, but I want to just end by saying while I was honored to have the opportunity to attend that historic meeting, I left feeling even more unsettled than I expected. The fact that a United Nations panel considered the issue of AIDS in the form of a security meeting and our National Security Council has followed suit should be taken as both a move in the right direction for the international community as well as a serious wake-up call.

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We, the international community, are losing the fight currently against AIDS. This beast knows no borders, it does not discriminate by class, race, gender, or nationality. AIDS is not just a detriment to the health of humanity; it is a global security threat and should be addressed as such.

Again, I want to commend my colleague for her tireless effort on this issue and look forward to the passage of H.R. 3519 when it is considered by the entire House.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for that very succinct and very profound statement and also for her consistent hard work on this issue and many others that we are dealing with here in the Congress.

Mr. Speaker, I yield 5 minutes to my colleague, the gentlewoman from Los Angeles, California (Ms. WATERS), whose life has been about fighting injustices wherever they may occur. She has taken the lead here in the United States Congress in terms of the whole HIV/AIDS pandemic, both here in the United States and abroad. The gentlewoman from California has been in the forefront of seeking peace and security on the continent of Africa.

Ms. WATERS. Mr. Speaker, I would like to commend my friend and colleague, the gentlewoman from California (Ms. LEE), for organizing tonight's Special Order on the HIV/AIDS crisis in Africa and for her general leadership on this issue. The gentlewoman from California (Ms. LEE) is providing the kind of leadership that has caused this Congress to finally focus on this crisis and on this epidemic. She is a Member of Congress that served on the staff of one of the most esteemed Members of Congress who is now retired, Congressman Ronald Dellums; and Congressman Dellums decided earlier this year that he was going to give priority time to this issue.

Even though he is away from Congress working in the private sector in the health care industry, he decided that this is the most important issue confronting the world today. So he uses most of his time now not only speaking with Members of Congress, the President of the United States, health organizations, pharmaceutical companies, the USTR. He has just about spoken with everyone imaginable that has the power to do anything about this issue. So as a result of the efforts of the gentlewoman from California (Ms. LEE), working along with Congressman Dellums and the rest of us, we are finally, I think, being heard on this issue.

Mr. Speaker, I would like to commend President Bill Clinton for recognizing the importance of United States support for international HIV/AIDS treatment and prevention programs. Earlier this year, the President requested an additional $100 million in funding for international HIV/AIDS treatment and prevention programs. These funds would be in addition to the $225 million that the United States is currently spending on these programs.

The impact of the HIV/AIDS epidemic on sub-Saharan Africa has been especially severe. Since the beginning of the epidemic, over 80 percent of all AIDS deaths have occurred in sub-Saharan Africa. By the end of 1999, there were an estimated 23.3 million people in sub-Saharan Africa living with HIV/AIDS. That is 70 percent of the total number of HIV-infected people worldwide. In sub-Saharan Africa, there are over 5,000 AIDS-related funerals per day.

HIV/AIDS treatment and prevention efforts in sub-Saharan Africa are complicated by poverty. Most Africans lack access to the most basic health care services and only the wealthiest people in Africa can afford HIV/AIDS medications and advancements in treatment therapies. Furthermore, high illiteracy rates combined with low levels of education funding have made prevention efforts more difficult.

Nevertheless, experience has proven that HIV/AIDS-prevention programs can make a substantial difference if the programs are funded sufficiently and implemented in an effective manner. Uganda in particular has implemented a highly successful program which has reduced HIV/AIDS infection rates by over 50 percent. I happen to have been in Uganda when I was on one of my trips to Africa with the President when he was there. I had an opportunity to visit the clinics and to talk with people and to understand how seriously they had taken this whole epidemic and how they were moving forward and providing leadership on the continent; and it is working and it shows. Senegal has also developed a successful HIV/AIDS prevention program. However, effective HIV/AIDS treatment and prevention programs cannot be expanded or implemented in other countries without substantial financial assistance from the international community.

Mr. Speaker, H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act, was passed by the Committee on Banking and Financial Services on March 15 of this year by a bipartisan majority thanks to the leadership of the gentlewoman from California (Ms. LEE) and to our Chairman, the gentleman from Iowa (Mr. LEACH). This legislation would direct the Secretary of the Treasury to enter into negotiations with the World Bank for the creation of a World Bank AIDS trust fund to provide grants to support HIV/AIDS treatment and prevention programs in less developed countries, and I am proud to be a cosponsor of this bill.

Now, during the Committee on Banking and Financial Services' consideration of H.R. 3519, I offered an amendment to the bill that increased the amount of funds authorized to be appropriated for payment to the World Bank AIDS trust fund from $100 million to $200 million per year. While $200 million is still only a small fraction of what is needed for HIV/AIDS programs, it would represent a significant commitment of financial resources by the United States and set an example for the international community.

Mr. Speaker, I know that at the time that I offered the amendment, our Chairman was a little bit worried, because this is a difficult issue; and at a time where we have competing interests and we have lots of needs here in this country, it is very difficult sometimes to get our Congress focused on a crisis like this someplace else. However, I feel that the crisis is of such proportions that we must be aggressive and we must be bold; and I still think $200 million is but a drop in the bucket. I am worried now, I am worried that when this bill is on the floor in a few days, that there will be an effort to reduce the amount back to $100 million because of the fear that it will not be passed if it is more than $100 million.

I would like to encourage support from my colleagues to keep the amount at $200 million. Let us not go backwards. Let us move forward, and let us stand up for what is right. I hope that the recent report that was put out by the CIA and others and the work that has been done now by the National Security Council identifying AIDS as a world threat to peace will help our people to understand that we cannot retreat. We must move forward. We cannot reduce the amount in this bill from $100 million to $200 million.

Mr. Speaker, I also offered another amendment that would allow the World Bank trust fund to provide technical assistance to countries to assist them in building the capacity to implement effective HIV/AIDS treatment and prevention programs. I am pleased to report that both of my amendments were passed by the Committee on Banking and Financial Services.

The rest of the world does look to us for leadership, and I think there is one other area that we have got to be profoundly supportive of. I would just like to give a little background on that, if I may.

Most HIV/AIDS drug therapies are well beyond the reach, as I said, of all but the wealthiest elites in sub-Saharan Africa. Drug therapies that have extended the lives of people living with HIV/AIDS in the United States and other developed countries would cost between $4,000 to $20,000 per person per year in sub-Saharan Africa. However, the gross national product per capita in sub-Saharan Africa is only $503 per year. If South Africa is excluded, the GNP per capita is only $308 per year. Furthermore, according to the World Bank, no sub-Saharan African countries spent more than $400 per person per year on health care between 1990 and 1995.

The agreement on trade-related aspects of intellectual property rights, known as TRIPS, is one of the international agreements enforced by the World Trade Organization. The TRIPS agreement allows corporations to benefit from patents over plants and medicines. Corporations use their patent rights to force developing countries to pay for the use of plants and medicines. In some cases, these plants and medicines were developed by indigenous people in developing countries who have been using them for hundreds of years. As a result of the TRIPS agreement, many people in developing countries have been denied lifesaving medicines because they cannot afford to pay for them.

In 1997, the South African government passed a law to make HIV/AIDS drugs more affordable and available for its people. This law allows the importation of commercial drugs from sources other than the manufacturers, a practice called parallel importing, and authorizes the South African government to license local companies to manufacture generic drugs, a practice called "compulsory licensing." The U.S. pharmaceutical industry opposed this law and our own United States Trade Representative attempted to pressure South Africa not to implement it. Fortunately, USTR has recently announced in December of 1999 that it would be more flexible in its policies towards South Africa's situation.

The amendment that I would love to have had passed in my committee would have required the United States Government to encourage sub-Saharan African countries to develop policies to make HIV/AIDS medications available to their populations at affordable prices. It would also require the United States Government to encourage pharmaceutical companies to make HIV/AIDS medications available to the populations of these countries at affordable prices. More importantly, this amendment would direct the United States representative to the WTO to encourage the World Trade Organization to exempt sub-Saharan African countries from the TRIPS agreement and other international agreements that prohibit them from implementing laws that make HIV/AIDS medications available to their populations at affordable prices. This would allow countries such as South Africa to enact legislation to expand the availability and affordability of HIV/AIDS medicines without worrying about WTO challenges to their laws.

Mr. Speaker, access to affordable medicine is essential for sub-Saharan Africans living with HIV/AIDS. It should be the policy of the United States and the WTO to encourage policies that increase the availability and affordability of HIV/AIDS medicines in sub-Saharan Africa, not to challenge or oppose such policies.

Again, the rest of the world looks to the United States for leadership. It is essential that Congress pass the World Bank AIDS Marshall Plan Trust Fund Act that has been initiated and guided by my friend and colleague, the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH); and it is equally essential that Congress fully fund the President's request for international HIV/AIDS treatment and prevention programs. Also, it is imperative that we do not pare back the $200 million that we adopted in the Committee on Banking and Financial Services, but rather support it and move forward in a very proud way to join with other leaders in the world, some countries much smaller than ours who are doing more to deal with this crisis than we are doing. I am convinced we can do that.

Ms. LEE. Mr. Speaker, I want to thank my colleague from California for her very profound statement and also for once again speaking the truth and for making sure that this Congress and administration is challenged to step up to the plate to provide adequate resources to begin to tackle this pandemic at the proportion of which we see the problem.

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Madam Speaker, I yield now to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), who has been a voice of reason, an advocate for social justice both here and abroad, and who I had the privilege to be with on our presidential delegation when we visited Southern Africa and witnessed the devastation of HIV/AIDS' toll on the orphans in Africa.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentlewoman from California (Ms. LEE). She is very right that together we were enormously moved, along with the gentlewoman from Michigan (Ms. KILPATRICK) when we traveled to Southern Africa to witness firsthand what many of us had seen before, but together on this presidential mission.

Let me thank the gentlewoman for carrying forth the vision to help with our former colleague, our dear friend, Ron Dellums, to form and foster and nurture H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act, in collaboration with the gentleman from Iowa (Chairman LEACH). Let me thank the gentlewoman for that, because she has put the engine behind the remorse, the devastation, the sadness, the high emotions that have been brought about by understanding that since 1980, in the 1980s, 16 million people have died from AIDS.

Madam Speaker, I would like to read into the RECORD just these simple figures, if I can do this rather quickly, to elaborate on the enormity of this pandemic tragedy with respect to AIDS.

The percentage of adult population infected with HIV or suffering from AIDS in a number of countries in Africa: Zimbabwe, 25.9 percent of the adult population. Botswana, 25.1. Many of these countries I visited, particularly Botswana, a few years ago; and the numbers were climbing then. I visited an AIDS clinic and talked to a woman who had been infected and had lost her son. And I saw the pain of the country trying to grapple with this. One of the issues, of course, was the ability to have the pharmaceuticals to deal with this. The low cost of those drugs is a necessity.

Namibia, 19.4 percent; Zambia, 19.1 percent. This is the percentage of adult adoption. Swaziland, 18.5 percent; Malawi, 14.9; Mozambique, 14.2 percent; South Africa, 12.9 percent. I imagine these nations would say these percentages are growing.

Rwanda, 12.8 percent; Kenya, 11.6 percent; Central African Republic, 10.8

percent; Ivory Coast, 10.1 percent; India, .82; U.S., .76.

Just another example. Number of 15-year-olds per 10,000 of that age group who have lost their mothers or both parents to AIDS: Uganda, 1,100; Zambia, 890; Zimbabwe, 700; Malawi, 580.

The list goes on. The number of Africans that we understand die every day from HIV/AIDS: 5,000, at least.

And so as I stand on the floor of the House, I can only ask that we move quickly to support this legislation, to encourage the full funding that the President has promoted to grab hold of this and declaring this a national security issue, an international security issue; to encourage Kofi Annan to embrace this as well in his commitment to bring down the percentages of HIV infection by putting the resources of the United Nations behind this; by acknowledging that this is the number one killer of women 25 to 44 in the African-American population in the United States.

Madam Speaker, I thank my community, who I marched with 2 weeks ago, in recognizing that in pockets of the 18th Congressional District HIV/AIDS is one of the number-one killers, and to commit to my constituents in Houston as well to join them in the women's, and what I have promoted, the Mothers' March Against AIDS that we will be promoting in the next couple of months, and to say that we have to do more than simply roll up our sleeves. We have to get in the fight and really battle.

It is important to recognize that H.R. 3519, the Marshall Plan, the same concept that we used after World War II, is long overdue and that we must move this legislation along very quickly. It must pass out of the House of Representatives. It must quickly pass out of the Senate. We must get it to the President's desk, and we must act on it.

It is likewise important that, as we move through the appropriations process, we must recognize that 13 million children have lost one or both of their parents to AIDS, and the number is projected to 40 million in the continent of Africa by 2010.

AIDS in sub-Saharan Africa accounts for nearly half all the infectious disease deaths globally, and what that translates into is TB. Many are suffering from pneumonia, and it leads into other infectious diseases as well.

We well recognize that the Pentagon budget has been one of the largest that we have had. That is why I believe it is so crucial that we have acknowledged that this is a national security issue. With that in mind, I can only say to the gentlewoman from California (Ms. LEE) in thanking her for her leadership, this Special Order should not be one in vain. It should be a Special Order of challenge, a special order that energizes us as we provide through the committee process, each of us who has any opportunity to encourage the faster process of this legislation, we should ask that it be declared an emergency and that we move it as quickly as we can to the floor of the House.

Madam Speaker, let me simply thank the gentlewoman for giving me the opportunity to speak and yield back.

Madam Speaker I rise in support of HR 3519, the World Bank AIDS Marshall Plan Trust Fund Act, introduced by Congresswoman Barbara Lee.

As the Clinton Administration formally recognized just a few days ago, the spread of HIV/AIDS in the world today is an international crisis that can no longer be ignored.

The National Security Council, which has never before involved itself in combating infectious diseases, has formally designated the disease as a threat to U.S. national security.

With the establishment of the White House interagency working group on AIDS and the National Security Council's designation, America is taking steps to lead in the fight against the global AIDS crisis.

As HR 3519 correctly reiterates, AIDS is a global emergency that is devastating developing countries.

The creation of a World Wide trust for in which nations would be able to obtain grants to address the needs of HIV/AIDS victim globally is truly needed.

We know that 60% of those that have died from AIDS are in sub-Saharan Africa. That is 16 million people since the 1980's.

An even more heart-wrenching statistic is that 13 million children have lost one or both of their parents to AIDS and this number is projected to reach 40 million by 2010.

AIDS in sub-Saharan Africa accounts for nearly half of all infectious disease deaths globally.

Not since the bubonic plague of the Middle Ages, has there been a more devastating disease.

I applaud the Clinton Administration's recent push to double the budget request to $254 million to combat AIDS overseas.

However, I still believe that much more funding is needed to adequately address this emergency epidemic.

When the Pentagon budget continues to spend more than this $254 million on obsolete aircraft, we are struck with the remaining gap in the battle to tackle this global problem.

Consequently, Senior Clinton Administration officials clearly express their frustration that by all estimates on HIV/AIDS, that nearly $2 billion is needed to adequately prevent the spread of this disease in Africa per year.

Although I realize that this may not be politically feasible at the time, we must take notice of the fact that if the National Security Council can designate AIDS as a national security threat, then it is time for this country to take affirmative steps to combat this devastating tragedy in the international community.

AIDS is significantly shortening the life expectancy of all and will continue to cut more years off people's lives if we do not take responsibility for combating this disease.

I applaud my colleague BARBARA LEE for her leadership. The AIDS Marshall Plan Fund for Africa will help to ensure that the federal government follows through on its recently stated plans to address the international AIDS epidemic.

In conclusion, I also believe that the private sector has a major role in fighting AIDS. In the African Growth and Opportunity, I successfully included a sense of Congress amendment to cause corporations doing business in Africa to set up a private fund that can be utilized to also fight the AIDS devastation. That provision still remains in the bill.

Ms. LEE. Madam Speaker, I thank my colleague from Texas once again for participating with us this evening and also for participating and fighting on all of the issues that we tackle here in Congress and for her leadership on the whole HIV/AIDS crisis both here and abroad. I say, Thank you very much, Congresswoman JACKSON-LEE.

Madam Speaker, I now yield to the gentleman from Maryland (Mr. CUMMINGS), who has been consistent and very instrumental in forcing the United States Congress to deal with the devastating effects of drugs and the impact of drugs as it relates to the HIV/AIDS crisis. I thank the gentleman very much for being with us tonight.

Mr. CUMMINGS. Madam Speaker, I thank the gentlewoman from California (Ms. LEE) for yielding, and I want to thank her for all that she does every day, everything that she does to put a face on this crisis. I think so often, I think the philosopher Camus said that a lot of times when we get so caught up in statistics, we forget that there are real people behind those statistics.

Certainly, the ones that I will cite in a minute or two are quite frightening. But the gentlewoman and I and many others who have visited Africa know that these statistics have real faces behind them.

Madam Speaker, I rise today to address one of the most challenging and life-threatening public health issues facing the global community: HIV infection and AIDS.

This disease is now the world's deadliest with over 40 million persons infected worldwide. And significantly, our President recently declared AIDS as a national security threat. Not surprisingly, this pandemic affects the most vulnerable citizens of our global community; in fact, nearly 95 percent of infected persons live in developing countries with, sub-Saharan Africa being hit harder than any other region.

Let me mention some startling statistics. New HIV infections in Africa have numbered more than 1.4 million each year since 1991. That is an average of more than 3,800 new HIV/AIDS infections per day in sub-Saharan Africa.

23.3 million adults and children are infected with the HIV virus in the region which has about 10 percent of the world's population, but nearly 70 percent of the worldwide total of infected people.

Life expectancy in these nations has been reduced by disease to between 22 and 40 years.

In several sub-Saharan nations, more than one in four pregnant women is infected with HIV/AIDS, and in many sub-Saharan nations one quarter of all children have already been orphaned by AIDS, 13 million children, the equivalent of all the children enrolled in our public school system.

As leaders of this great Nation, we have a responsibility to take the lead in efforts to overcome this AIDS pandemic. But in order to effectively combat the disease, we must come to a full understanding of two key issues. As Martin Luther King, Sr., said, "[w]e cannot lead where we do not go, and we cannot teach what we do not know."

First, we must understand what accounts for this devastating spread of this disease on the African continent. Just to name a few: lack of quality health care, poverty, lack of education, armed conflict, lack of jobs, and limited government assistance are all factors.

Second, we must come to an understanding that all sectors and all spheres of society have to be involved as equal partners in combatting this crisis. The health sector cannot meet this challenge on its own, nor can one government or one nation.

So it is imperative that we have a collective global effort to increase international AIDS spending in Africa and to improve the health care infrastructures of African countries.

Mr. PAYNE. Madam Speaker, I rise today in support of H.R. 3519, the Marshall Plan Trust Fund. I know my colleague, Ms. BARBARA LEE (CA), has worked diligently on this issue for some time now and I am pleased that this House is taken up this issue. Let me also thank the Chairman of the Banking Committee, Congressman JIM LEACH (IA), who is responsible for moving this bill through the Committee.

The HIV/AIDS crisis is a transnational threat. It threatens not only our public health but it is also a threat to our National Security. According to the Washington Post, "It has the potential to undo decades of work in building free-market democracies abroad."

On my visit to South Africa in December of last year, I visited an HIV/AIDS clinic and saw first hand the education and preventive ways to combat this virus. In Soweto, South Africa, when the AIDS virus detonates this black township of 3 million in a decade or so, the disease will wipe out about 600,000 people. This is almost six times as many people as the atomic bombs killed in Hiroshima and Nagasaki.

Some estimates predict that more than 25% of the working age population in South Africa will be infected with HIV by the year 2010. The global spread of AIDS is reaching catastrophic numbers.

HIV/AIDS has greatly reduced the life span of the citizens of South African countries. Life expectancy in Botswana has declined from 61 years five years ago to 47 years, and is expected to drop to 41 years between 2000 and 2005. In Zimbabwe 1 out of every 5 adults is affected and is significantly reducing population growth from 3.3%.

More than 33 million are infected and more than 14 million have died. Of this number, more than 16 million people have died from AIDS since the 1980s, 60% of them from sub-Saharan Africa. In 1998, 200,000 people died from armed conflicts on the subcontinent, while AIDS has caused about 2.2 million deaths.

Former Congressman Ronald Dellums, who is now the President of Healthcare International Management Company, has conceived the AIDS Marshall Plan for Africa as a means to bring treatment to those affected with the HIV/AIDS virus. Also, the NAACP introduced a similar measure declaring HIV/AIDS a crisis in Africa.

The Clinton administration has taken the right step to curb the spread of AIDS. President Clinton recently declared $254 million to prevent the spread of AIDS around the world.

Bristol-Myers, one of the largest pharmaceutical company and is headquartered in the state of New Jersey, has also pledged their support of $1 million to prevent the further spread of HIV and to care for those affected by this devastating disease.

In conclusion, let me say that the spread of infectious diseases poses a threat to our own health here in the U.S. We should support the AIDS Marshall Plan and the Clinton administration's efforts to rid the world of this deadly disease.

Mr. TOWNS. Madam Speaker, I want to join my colleagues in their support of H.R. 3519 the "World Bank AIDS Marshall Plan Trust Fund Act." In Testimony before the Committee on Government Reform, Sandra Thurman, the Director of the Office of National AIDS Policy, sometimes called the AIDS CZAR said that as of this moment, AIDS has killed 12 million men women and children in Africa. Today and every day, AIDS in Africa buries more than 5,500 men, women and children. And that number is estimated to double in the next few years. AIDS has become the leading cause of death in Africa.

But in order to understand the total dimensions of this tragedy, we not only look at the dead, but we must also look at the living. It is estimated that by the year 2010, 40 million children in Africa will be orphaned by AIDS. These children will have lost their parents, and many will have lost entire families. What will these children do? Who will pay for their education? How will they get the basic necessities of food, clothing and shelter? Who will teach them right from wrong? Forty million children with no connection to society, no connection to family, the community or each other will grow up to be forty million adults who have no sense of past, present, or future. Forty million people who are without moorings can and will destabilize a country, a region, a continent and a world.

I know that the fate of Africa or Africans may not be a high priority for many here. Many may not care about the AIDS virus or its victims. But I don't know anyone here who does not care about children. I ask you to do what you can to prevent the predictions of forty million orphans from coming true. Lets find a way to keep their parents healthy and alive. Lets find a way to provide medical assistance so that there will not be 40 million orphans. The United States can and should be a leader in the fight against this pandemic. We can not be the leader of democracy and turn our backs on these families.

The SPEAKER pro tempore (Mrs. BIGGERT). The time of the gentlewoman from California (Ms. LEE) has expired. All time has expired.

GENERAL LEAVE

Ms. LEE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of our special order tonight.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from California?

There was no objection.

TRIBUTE TO THE COLORADO STATE LEGISLATURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Madam Speaker, as the gentleman from Maryland (Mr. CUMMINGS) knows, I have an hour and I would be happy to yield to the gentleman up to 5 minutes so he could conclude his statement. I think the issue that he is speaking about is very important. I yield up to 5 minutes to the gentleman.

Mr. CUMMINGS. Madam Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) for yielding.

Second, we must come to an understanding that all sectors and all spheres of society have to be involved as equal persons in combatting this crisis. The health sector cannot meet this challenge on its own, nor can one government or one nation.

So it is imperative that we have a collective global effort to increase international AIDS spending in Africa. This collective effort must also make vaccine research and development a priority and secure access to treatment for infected individuals. We must encourage pharmaceutical companies to reduce the percentage of spending on marketing and advertising and instead reduce drug prices and increase expenditures on patient assistance programs.

Passage of H.R. 3519, the World Bank AIDS Marshall Trust Act, would be an important step towards these goals. This legislation calls for the governments of key nations, the private sector, and nongovernmental entities to partner in the creation of a Marshall Fund to eliminate AIDS. The fund would provide $1 billion over 5 years for research, prevention, and treatment.

I thank the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH) for having the foresight to introduce this measure. When the history of our time is written, it will record the collective efforts of societies responding to a threat that has put in the balance the future of whole nations. Future generations will judge us on the adequacy of our response.

One of my mentors, the Reverend Jeremiah Wright of Chicago, has stated many times, "In my time and in my space, I will make a difference with God's grace."

And so, Madam Speaker, I urge support of H.R. 3519 for this is our space, and this is our time; and we must make a difference with God's grace. With that, I yield back; and I thank the gentleman from Colorado for yielding.

Mr. McINNIS. Madam Speaker, I can tell my colleagues as many have experienced themselves personally, the great time in my life that I served in the State legislature, the State of which I represent here in the United States Congress.

Being able to serve in the State House of Representatives for the State of Colorado meant a great deal to me. I was honored to be elected by the people of the 57th district of the State of Colorado to serve five terms. I had the opportunity to go and serve as the chairman of a committee and ended my career in the State House of Representatives as majority leader.

During that period of time, I established lifetime friendships with fellow legislators on both sides of the aisle. By political design, the activity that we have in Congress in Washington is dramatically different than the type of system that we operate at least in the State of Colorado. In Colorado, for example, we have what we call "instant voting." Now, why do I bring up the facts to my colleagues of instant voting? Because I want to explain what that leads to.

It leads to strong friendships. Why? Because instant voting such as we have in the State of Colorado requires that all of the State legislators, and I speak generically, the State senators as well, have to be on the House floor at the time that the voting machine is opened, as compared to the United States Congress here in the House of Representatives where we have a minimum of 15 minutes on most votes, 5 if it is a subsequent vote, to come to the House floor and cast our vote.

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As a result of that here, we do not mill as a group for a very long period of time.

Under the rules of the Colorado House of Representatives, the Colorado State Senate, they in fact work with each other and stand around, sit by each other throughout the entire voting process. As a result of that, they have moments where they get to know the person sitting to their right or the person sitting to their left. They have an opportunity to stand in the back of the chambers and have a cup of coffee with a Democrat or a Republican or somebody from the city or somebody from the rural areas of the State of Colorado.

It is very easy to really bring together strong friendships that last throughout a person's political career and throughout a person's personal career. I was privileged to be fortunate enough to be able to do that.

I also want to point out, as many of my colleagues obviously know, here in the United States Congress, we have to travel great distances, and our travel is very, very extensive. The district that I represent in the State of Colorado is actually geographically larger than the State of Florida. My travel is extensive.

But in the State legislature, one does not have those kinds of traveling requirements. In the Colorado State legislature, one has more opportunity to get to know each other. In the Colorado State legislature, they have 65 members. In the United States Congress, we have 435 in the House, and we have 100 in the Senate. In the Senate in the State of Colorado, they have 35 members.

So simply by the fact that they have a smaller number of people, it is easier to make lasting and strong friendships. That is what I did.

Tonight, I stand here in front of my colleagues talking about a few of those good friends that I made. I am also going to talk about a few fine legislators whom I did not know as well but who are concluding their service for the State of Colorado.

Tomorrow, Wednesday, is the last day that the Colorado State legislature has in session. In Colorado, we have a 120-day limitation. So the legislature can only meet for 120 days. We also have in Colorado term limitations. We have a number of people who are subject to term limitations who will be leaving office or serving their last legislative day tomorrow.

So with the patience of my colleagues, I am going to go through some of the names of some of these people, talk just a little bit about them, because it is kind of special for me to be back here talking to my colleagues, Madam Speaker, as U.S. Congressmen about some people that are very exceptional people in the State of Colorado.

Let me begin with a long-time friend of mine, the speaker of the House in the State of Colorado. His name is Russell George. His wife's name is Neal. They have a fine, fine family.

Russ has impressed me over the years because, number one, no matter whether one agrees with him or disagrees with him, no matter what one thinks of his political leanings on one day or his political leanings on another day, there has never been a question about Russell George's integrity. His integrity is second to none in the State of Colorado.

Now, in the State of Colorado, we have waited for over 20 years on the western side of the State to get a speaker of the House. Russ George became our speaker from western Colorado. Unfortunately, under the term limitations, he could only be the speaker for 240 legislative days. So despite his qualifications, despite his remarkable career, he is out, automatically shoveled out of the Colorado State capitol.

Now Russ has served 8 years in the 57th district. Russ is an attorney at law. He is recognized in the legal community for his capabilities and his exceptional knowledge of the law. He is also recognized in the legal community for his ability to sway in the courtroom. See, he is well known. He is soft spoken, but he is well spoken.

In the Colorado State House of Representatives, he has earned compliments from both sides of the aisle for his fairness and for his leadership. I am confident that after Russ leaves the State House of Representatives in Colorado, that there will be a number of golden opportunities for the people, for him, but for the people who might be lucky enough to retain his services in some way or another.

Russ dealt with a number of tough issues. His latest issue was the Gas and Oil Commission. Now, whether one agrees or not in the State of Colorado with what the speaker of the House attempted to do with the Oil and Gas Commission, the fact is the intensity of his work was reflected even up to the last few days that he served as a legislator. He is to be commended.

I stand in front of all my colleagues tonight, almost all of whom have never met Russell George and would say to each and every one of them, I hope that they some time have the opportunity to at least meet him. I have had the absolute privilege of considering him one of my best friends for many, many, many years.

We have others who are leaving the Colorado House and the Colorado Senate. Debbie Allen. Debbie Allen is a friend of mine. Debbie was elected in 1992. She has worked hard. Some of her key issues have been crime, law enforcement obviously falls into that category, and education issues.

Debbie's husband Bob has been very faithful and good; faithful, meaning that he has been a good supporter. As my colleagues know, to be a State legislator, one has got to have a spouse that is pretty understanding. One has got to have a spouse that is ready to stand by one for those late night hours and the intensity that that job has for that 120-day period. Bob did that.

Debbie served as the chairman of the Education Committee. Madam Speaker, in the State of Colorado this year, education has been an especially tough issue. Now, education has always been a priority of the Republican Party and of the Democratic Party in Colorado. But this year the Republicans really led the fight on more funding for education. Debbie was the chairman of that committee.

She is the owner and the manager of a company called Custom Data Services. She served as a secretary, vice chairman, and chairman of the Arapahoe County Republican Party. She has been a Republican activist. But I can tell my colleagues, as a Republican activist, she still crosses the aisle. She considers many Democrats her friends.

She was the President of Aurora Republican forum, and she was awarded the Junior League Champion for Small Children Award.

Now, Debbie is not totally leaving the legislature. She is going to make a run for the Colorado State Senate, but her years in the State House of Representatives are much appreciated.

I want to talk just for a moment here about another friend of mine, and that is representative Bob Hagedorn. Bob was elected in 1992. He was named as the CACI business legislator of the year, and his key issues have been education, reform, and health care.

Bob has faced a pretty tough challenge in the last few years, and he overcame that challenge. While I may not necessarily agree with my friend Bob on a number of different issues in the political arena, I can tell my colleagues I consider him my friend, and I admire him for his courage to overcome the challenges that faced him.

Representative Dorothy Gotlieb. Dorothy is a great person. She is an aggressive, aggressive legislator. She works very hard on the issues of the budget. She served as a member of the Denver Board of Education for 6 years, and she was the President for the Denver Board of Education for 2 years. She served as a member of the State Board of Education for 6 years and 2 years as chairman.

As a member of the Denver Public Schools Athletic League Hall of Fame, she won many different education awards. Dorothy is well known for her expertise in education. She is also known for how hard she pushes to make children the highest priority of State legislative issues.

She obviously was on the Education Committee. She served on the Transportation and the Energy Committee in the State legislature. She served on Criminal Justice. She worked hard on Small Business and efficient in Accountable Government issues.

She, too, is running for the State Senate, but she wraps up her days tomorrow in the State House. I can tell my colleagues something, Dorothy has done a great job. I want my colleagues to know that I hope they someday have the privilege of getting to meet all of these people of which I am trying to give them some reference to this evening.

Representative Ken Gordon. Ken has done a good job as the House minority leader. Minority leader. I am a Republican. But I can tell my colleagues I respect Ken for his efforts as a minority leader. He has been strong for the Democrats. He stood up on a number of different issues. Ken is also known for his straightforwardness. He had success in his plain language law, which he passed. He was elected in 1992. Ken has done a good job.

I will talk about my good friend Bill Kaufman. Bill is a special guy to me. Bill was appointed to a vacancy in 1993, and he was elected time after time after time since then. He served as chairman of the Judiciary Committee and was a member of the Legal Services Committee. Currently my friend Bill is the Speaker Pro-Temp.

Bill served as an attorney in the Loveland area. He has a good reputation, a strong reputation in the Loveland area for his capabilities in the field of law and for his honesty in that field.

He is very active in the Republican party. He was chairman of the Dole-Kemp campaign in 1996. He coordinated the campaigns of people like Senator Armstrong, Senator Hank Brown, Senator WAYNE ALLARD.

He was named in 1996 as the Legislator of the Year. That is a great honor. CACI and the American Planning Association gave him awards in that regard. He got awards from the Social Legislation Committee and the Colorado Sheriff's Association. He has been very active in education, transportation, and prisons.

Now, the reason Bill is such a good friend is, over the years, I have had a number of tough issues, even as late as last week where I took issues that we work with on this House floor. As my colleagues know, real government is at the local level. That is where the best government is is at the local level. We really should serve more of a perfunctory role. We have duties in regards to defense and in regards to commerce and international trade, but the real government is at the local level.

One can always go to Bill and sit down with Bill and discuss issues or even conflicts between the Federal government and the State government. He would listen, and if he felt that one's position had good merit, not necessarily popular merit, but good merit, he would get behind one.

I am going to miss Bill in the Colorado State House of Representatives. He has got a lot of good years ahead of him. He is a young man, and his career has just gotten off to a start. Tomorrow will be his last day as well, and he is to be congratulated.

I also want to talk about his wife Diana. I will tell my colleagues she is quite a lady, and obviously Bill could not have done this without her.

I will talk about Representative Ron May. Ron May is a good friend of mine. He was out in Colorado Springs, Colorado. I wish my colleagues could meet Ron. Ron is very good on transportation issues. He was elected to the House in 1992. He also has worked very hard on the technological capabilities.

As my colleagues know, I think, as I have spoken before, I think we are in the second industrial revolution in this country when it comes to the Internet. Here is an individual, Ron May, who helps take elected officials like my colleagues and I, and try and bring us up to speed on some of these technological issues.

He served on the city council before he went to the State legislature; and as we all know, that is pretty good training ground. He sponsored a number of bills on workers' compensation, unemployment insurance, highway speed limits, right-to-work law and information systems.

He and his wife Onilla are good people. I will tell my colleagues something, Ron has done a great job for the people of the State of Colorado, and I hope my colleagues have an opportunity to meet him at some point.

Representative Maryanne Keller. Maryanne I do not know well, but I know about her. She was elected in 1992. She cosponsored standards in education legislation, and she is a special education teacher. I have heard more about the representative of her teaching capabilities. They have been very positive. They have been very strong.

As I understand it, she is exactly the kind of person that we want teaching. But she is an excellent teacher, and I also understand, of course, that she did an excellent job or did a good job on education issues. She did an excellent job as a State representative. She, too, will be leaving us.

Same with Representative Ben Clarke. Ben was appointed in 1994. His key issues have been health care. Why are they health care issues? Because Representative Clarke is a retired doctor. He is one of the few doctors we have in the State legislature. Instead of leaving and living a cushy life of retirement, he decided that he would become active in the State legislature, especially in regards to health care issues.

As many of my colleagues on the House floor know this evening, these health care issues are predominant, predominant on our agenda. I can go on and on. I would like to get into another subject and talk about the Republican health plan for prescription services and talk about what we are trying to do to get good health care delivery out in our country. We already have good health care delivery, but better health care delivery.

But I want to come back to Ben. He is also a veteran. He served in the war in Korea. Ben was a good legislator. Tomorrow is his last day. Again, I hope my colleagues have an opportunity to shake his hand someday.

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Representative Andy McElhany. Andy is from Colorado Springs. Andy is probably one of the most energetic, dedicated, focused guys I have met. Andy was chairman of the State, Veterans and Military Affairs Committee. He served on the Colorado Springs Park and Recreational Advisory Board. In fact, he was the board chairman. He was a real estate broker. Has a strong reputation for integrity and professionalism in the real estate field in Colorado. He is the Colorado Library Association Legislator of the Year, the Colorado Union of Taxpayers' Friend of Taxpayer, and the Associated Press' Outstanding Legislator.

He was the sponsor of the "Deadbeat Parent" bill, denying driver's licenses to parents not paying child support. And talk about something that gets people to pay child support, as Andy told his colleagues and as Andy told me, tell them they are not going to get their driver's license. Most people gasp at that. They say, well, how do they get to work. But the fact is very few people will ever let their license go like that if they have the option of paying off that child support. It works. Andy convinced me of it, and he has proven it.

He worked, obviously, on other areas regarding health care reform, transportation, government efficiency, and tax reform. Andy has done an excellent job as a representative in the Colorado House of Representatives.

Representative Gloria Lebya, appointed in 1995 and elected in 1996. She was active with the Bobby Kennedy campaign in 1968.

She has been a champion and worked very hard with healthy communities. Communities and the centrifuge of how communities come together in regards to community activities has been where she has devoted a lot of her energy.

Again, one of the people who, obviously, I know. I have met with her. I do not know her that well, but I speak about her based on her reputation, and it is a good reputation. So it is easy to speak of her, and I wish her the very best in her future.

Representative Gary McPherson. Gary is a dedicated guy. I have known Gary for some time. He was appointed in 1994 to the Colorado State House. He was a member of the Appropriations and Judiciary Committees. He is an attorney at law, practiced for a number of years with Kissinger and Fellman, a professional corporation.

He was the vice chairman and the board member of the Arapahoe County Recreation District. He was a CACI Legislator of the Year and the recipient of the Aurora Public Schools' Superintendents' award.

He has dealt with legislation regarding minors and smoking. Gary has really focused on the problems that we have with smoking and minors. Later on, if I have the opportunity to finish what I am doing here, I would like to talk a little about how smoking impacts our minor children in this country.

Here is a guy right here, Gary, that that was a big issue for him; and he was really recognized as a leader in the Colorado Legislature as somebody who had good capable facts on what we do with that problem of our young people smoking, of our young people becoming addicted to tobacco, which every one of us in this Chamber knows is a killer. So I hand it to him. He deserves a big star for that one.

He also worked quite aggressively on education, crime, and welfare reform. Gary's done an excellent job in the Colorado House.

Representative Marcy Morrison. Now, Marcy is a character. People like Marcy. She has been very active. Her husband, Howard, is, in my opinion, an excellent guy, a good supporter. She used to be an El Paso County commissioner, and she enjoyed a strong reputation down there in El Paso County for the job she did. She is tough. She is tough, but she has some humor about her. And it is good to see somebody who is tough and holds the line but can smile and sit down and have a cup of coffee with you after the debate.

She served on the Committees of Health, Environment, Welfare and Institutions and Judiciary. She also served on the State of Colorado Board of Health. She sponsored the Post Delivery Care for Stays in Hospitals and immunization for more Colorado children, a pilot program to evaluate health care costs concerning children. She has done an excellent job. She cares and has been very active on the health care issues for seniors, the disabled, and child care.

Marcy has done an excellent job, and she is also one of the people, if any of my colleagues ever go to Colorado and are down in El Paso County, they will hear about Marcy Morrison and they will want to meet her after they hear about her. She is that kind of person.

Representative Penn Pfiffner. Penn was elected in 1992. His wife, Karen, is obviously a spouse who is supportive of the issues she has taken on.

Penn is aggressive. He is tough. I would say that he is probably one of the more conservative members of the House. He is conservative especially when it comes to these economic issues and on social issues as well. But he is particularly astute on economic issues.

He served as an officer in the United States Navy. He served on the Utility Consumer Advisory Board. He has proposed legislation on everything from prison reform to education alternatives to privatization and transportation deregulation.

He currently serves as a consulting economist to construction and real estate industries. He served, obviously, on the Finance Committee. He served on the Legislative Audit and the State, and the Veterans and Military Affairs Committees.

Penn has given good service to the State of Colorado.

I want to visit about another good friend of mine, Senator Dorothy Rupert. Dorothy and I go back a long, long ways. I want to tell a special story about Dorothy and I.

Years ago, she and I came back to Washington, DC, with a group of individuals, other State legislators; and it was the first time that I had ever seen the Vietnam Memorial wall. Obviously, for my generation, the generation of most of us in this room, that Vietnam Memorial wall has a very special feeling; a sad feeling, a warm feeling, a feeling of pleasure that these people have been recognized. All of those feelings were brought out by Dorothy Rupert.

And I will never forget, as long as I have the mental capability to remember, I will never forget that evening. It was a cold evening, but the sun had been shining that day. And as Dorothy and I went up to the Vietnam Memorial wall, and as my colleagues know it is black granite, it had absorbed that sunlight. And even though there was a cold wind, the sun had just gone down; and that wall emitted warmth because it had stored it up from the sunshine during the day. It was as if the soldiers being recognized by that wall once again stood up to help protect us, keep us warm from that cold wind going down through there.

Dorothy was appointed to the State senate in 1995. She obviously served honorably in the State House of Representatives before that. She has worked very extensively on hate crime issues. She is a high school teacher. She is a counselor. And I can tell my colleagues that there were a number of issues that Dorothy and I voted on the opposite side of, but never once did I consider myself really adversarial to Dorothy Rupert. She is the kind of person who has the type of personality that does not disarm someone to a disadvantage. The feeling, I guess, is one of professionalism, the debates that she gets into.

She is recognized by her colleagues as a person who is very caring. She has a heart many, many times the size of her body. Dorothy has served the State of Colorado very well, and her friendship is something that is very special to me.

Now, let me talk about one of my western people, representative Jack Taylor. Jack's done a great job for western Colorado. Jack comes from Steamboat Springs, Colorado. He was elected in 1992. His wife, Geneva, and I go back a long ways as well. She has been very active, and Jack's been very active in the party.

But Jack understands agricultural issues. Jack knows about Colorado water. As I have said many times from this podium, Colorado's water is very unique compared to most States in the Nation. In Colorado, our State is the only State where all of our water goes out. We have no free-flowing water that comes into the State of Colorado for our use. So as a result of that, those water resources are very precious.

We do not get much rain in Colorado. It is an arid State. We depend on our snow fall and spring runoff. Spring runoff does not last all year long. It lasts about 65 to 90 days. We just started it in Colorado. This means if we do not have the capability to store water, we are in a lot of trouble in Colorado. And there are a lot of organizations that want to make sure there are no storage projects on our rivers; that want to make sure there are no diversions from the streams. Well, that is the only way we can survive out in the West. It does not rain in the West like it rains in the East.

Jack Taylor knows that. And Jack Taylor has understood that for a long time. And Jack Taylor has been a good part of the team, lead, frankly, by Rus George, on the water issues back there in the State legislature in Colorado.

He was chairman of the Business Affairs and Labor Committee; served on the Agriculture, Livestock and Natural Resources Committee and the Legislative Audit Committee. He was a businessman for 30 years in Steamboat. He was named Business Legislator of the Year. He earned the Guardian of Small Business Awards and the NFIB, which is the National Federation of Independent Businesses, Colorado Legislator of the Year.

Jack worked very hard to get equal access to telecommunications state-of-the-art technology throughout Colorado. As many of my colleagues know that represent rural districts throughout the United States, we are concerned. We do not want to get behind the eight ball in this second industrial revolution on the Internet. We need technological advancements that are going to the cities. We need those fiberoptics out in the rural areas. It hurts if we in the rural areas do not have access to fiberoptics; if we do not have the technological capability to do business with our colleagues in the cities.

Jack understood this and he pushed it and pursued it very hard. Jack has a strong sense. It is kind of like a sixth sense for him, for common sense. He exercises it well. And, obviously, with his business experience that he brings to the legislative process, it has been of some assistance.

I think he has worked very hard to try to create more efficiencies for government, and I think above probably next to water his strong stances on the right to private property and the respect for private property in Colorado is probably second to none currently in the State legislature. Jack's done a good job. We will miss him in the State House of Representatives.

Senator Bob Martinez. Bob and I go back a long ways. Bob was elected in 1984, same year actually I went into office in the Colorado State House of Representatives. Bob and I had an opportunity to serve many, many years in the State House of Representatives, then he went on the State senate. He was a higher education administrator.

He has always been very strong on adoption and the ability for people to adopt. He has been very caring for the homeless people. But I will tell my colleagues something else about Bob. Bob has always served in the minority, in the State senate and in the State house. The Republicans have controlled the State house and the State senate since Bob went into office. But Bob had that knack to be able to go across the aisle, and he built up relationships that enabled him to be a very effective legislator despite his political minority status.

Bob is a wonderful guy. He is a good guy to work with. He is a good guy to have as a friend. And he is a neat guy out of the city that understands some of the rural issues that we in rural Colorado faced. I miss Bob. Bob has done good service for the State of Colorado, and he should be recognized for that.

My next friend, Representative Steve Tool, whose father, Gene Tool, is a long-time friend of mine, former chairman of our State party. Steve is a guy, who also like Russell George, has an impeccable reputation. He serves on the Finance Committee, the Judiciary Committee, and the Health Environment and Welfare and Institutions Committee.

He is a strong family man. Has a wonderful family. He is a real estate broker, an appraiser in Fort Collins. He served in the United States Air Force as a navigator on B–52s in Vietnam. He is a Vietnam veteran. He flew 160 missions, 160 missions over Southeast Asia.

He has been very active in and has sponsored legislation for the changing of child abuse resulting in death from a felony to a homicide. He has also been very aggressive in regards to school finance and trying to balance school finance in the State of Colorado so the poorer communities are not left, and to reorganize our educational system to guarantee the maximum amount of dollars into the classroom and the maximum amount of accountability from our teachers who teach our young people. He has done a good job on that.

We are going to miss Steve. He did a good job and I hope my colleagues here on the floor also sometime have an opportunity to meet Steve Tool. He is a young man, and his career has just begun.

Senator Frank Weddig. He was appointed in 1994 and was elected in 1996. He is an electrician. Children's welfare and children's issues.

Again, Frank I do not know well, but you feel like you know him because you have heard about him. As I have said with some of my other colleagues who I have not had an opportunity to meet and know, like a Bob Martinez, or like a Rus George, or like a Jack Taylor or Bill Kaufman, some of those people I did not get to know that well. I kind of looked at their reputations and listened to what their colleagues had to say about them.

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Frank has enjoyed a strong reputation amongst his colleagues, and that speaks well for him.

My friend Senator Gloria Tanner. Gloria was appointed in 1994 in the State Senate. She served in the State House of Representatives prior to that. I got to serve with her.

Gloria represented the issues of the minority community very well. She spoke up and helped educate those of us who did not live in the urban areas in the cities. She was very patient with us and very educational with us I guess you would say in walking us through the issues that are unique to minority communities in big cities. She worked hard on the pension fund protection issues. She is a real estate agent. I can tell my colleagues, my service with Gloria Tanner was enjoyable. She is a professional, a real pro.

Well, the State House of Representatives is going to lose their Speaker of the House this year. And the State Senate in Colorado, again because of term limits, loses the Senate president.

Ray Powers. His wife's name is Dorothy, a wonderful, wonderful lady. I have known her for years. Ray has done a tremendous job as the President of the Colorado State Senate. He has had a lot of tough issues. He has been there for many years. He has worked with a lot of people. The people that have worked with Ray walk away from Ray thinking, gosh, that guy is on the ball. He knows what is going on.

To be the leader of the State Senate in Colorado, you have got to have some finesse, you have got to have some capabilities to have a strong personality to deal with people. That happens, too, with the Speaker of the House. But Ray had those.

Ray could deal with people without making them angry. Ray could be firm but he did not have to be mean. He could be firm without being mean. Ray Powers had a lot of capability in convincing people and helping educate his colleagues on the issues of the day.

Now he is a former rancher. He has a ranch down in Colorado Springs. He is active in the local bank down there. He sponsored any number of bills, including bills on the death penalty, highway funding, more judicial requirements or appropriate judicial requirements for judges. He dealt with the major regional presidential primary that we wanted to have there in Colorado. He has been recognized by the United Veterans Committee Distinguished Service Award, the Colorado Springs Chamber of Commerce named his as Legislator of the Year. The Colorado Public Affairs Council named him Business Legislator of the Year.

Dorothy and Ray will do well in their retirement. We are going to miss his service in the Colorado State Senate.

Senator Mike Feeley. Mike is the minority leader elected in 1992. He is smart. He is aggressive. He and I did not agree on a lot of issues but I can tell you, as with some of his colleagues, the disagreements were professional disagreements.

He was recognized by his colleagues as, let us just say, a person of persistence, a person who when he decided to support an issue he stuck with it. He was recognized as the minority leader. He enjoyed a strong reputation for the job that he did as the minority leader.

Mike Feeley is spoken of by the Democrats in the State of Colorado as one who holds future promise for a political office. Frankly, I would like to convert him to a Republican. But the fact is he is a Democrat. They consider him a good Democrat. I consider him a good man, and we are going to miss him.

Dorothy "Dottie" Wham. Dorothy is her former name. I called her "Dottie" for all those years. I served with Dottie for the 10 years I was in the State legislature.

Let me tell my colleagues something. I am not sure I have had the opportunity to serve with a woman who I think has been more dedicated to the process, more dedicated to being sure that the government in Colorado served the people of the State of Colorado.

She comes from a community from Denver. Her husband Bob is a lawyer well recognized in the community in his own regard. But I will tell you something, Dottie took on tough issue after tough issue. Dottie never was too busy to sit down with those of us outside the Denver metropolitan city limits and talk to us about different issues.

She worked hard on the juvenile justice, on the children's code in Colorado, on the Denver Health Authority, on AIDS legislation, proposed adoption, State recodification, salaries of elected county officials. If there was a tough issue and you wanted somebody who could take the arrows, it was Dottie Wham.

I have deep, deep respect for Dottie. My years with Dottie were nothing but satisfying. My professional career with her and my professional relationship with her was excellent. Dottie will be missed not only by me. She will be missed by the State of Colorado. She will be particularly missed by the City of Denver and by her colleagues.

Ron Tupa. Ron is a representative minority whip. I have actually not gotten to talk with Ron very long, but I saw him on TV the other day. I can tell you about Ron. I watched him and I did not agree with him at all on the issue. I think Ron was talking about campaign reform. And while everybody, of course, wants campaign reform, the issue is how do you go about it. I mean, who gets the short end of the stick? That is what the issue is about.

But as I watched him, I was just flipping through with my remote control. I was in a hotel, as I often am, and sitting there and flipping through with my remote control, I come across this local station coverage and there is Ron.

He is an impressive guy. He speaks well. He was well received by the audience to whom he spoke. I thought his points were frankly to the point. I think Ron is respected outside, not just in the legislature, but outside the legislature. He is a young man. He is a social studies teacher.

I can tell just by listening to him that he probably has a knack for being able to communicate very well with his students. His issues, of course, have been e-mail privacy and some of the education issues. And, as I mentioned, he was the minority whip.

Senator Elsie Lacy. She was elected in the Senate in 1992. I will tell you, Elsie is quite a lady. She is a heck of a State senator. She is a solid, strong State senator. And she is a good friend. Elsie has done a tremendous job for the State of Colorado.

Her husband Duane, in his own regard, is well-respected. But I can tell you, Elsie has the respect of her colleagues. She was chairwoman of the appropriations committee and chairman of the joint budget committee. She served on the Aurora City Council. She worked primarily in transportation, health, education, and local government issues. Although, as chairman of the joint budget committee, her responsibilities obviously were dealing with the budget.

In Colorado, just like here, colleagues in Congress, we deal with some tough issues on the budget.

Elsie was there during the time that Colorado was just beginning to get out of the tough times, so she had to make tough decisions then. And as chairwoman she had to make tough decisions when Colorado got a surplus. Because then everybody thought Colorado had plenty of money. So people would go up to Elsie and say, Elsie, I want more money for this program. You got a surplus in Colorado. We want to start this new government program. We want to start this new government program.

Elsie had a way of being very polite in saying no if it would not give us a balanced budget.

Now, as Elsie told me one time, her choices were never choices on that joint budget committee between bad programs and good programs, as Elsie puts it. And as all of my colleagues here on the floor know, many, many times our choices are between good programs and good programs. The bad programs get eliminated very early on in the process. The tougher choices is as we begin to filter it out and we get to the good programs versus the good programs.

I thought Senator Lacy did an excellent job in shifting through that. And I think her service to the State of Colorado, especially in her focus in regards to the State's budget, will serve the State well for many, many years to come. Because the State of Colorado, I am proud to say, in large part to her and in part to our goner, Governor Bill Owens, its fiscal ship is in order and is strong.

Representative Sue Windells elected in 1998. Her big issues were education and tax reform. She is a teacher. Again, I did not know Sue that well. But I can tell you that, once again, these people that I did not know well, I went and asked because I knew I was going to give these comments tonight, I went to some of my colleagues that do know them and I asked them about them. What about Sue? What are some of her attributes?

She is well-received. She is honorable. She is knowledgeable. And she is respected by her colleagues. What more do you need said about a person?

In politics, if somebody acknowledges that you have got the technical capability, that you understand and care about people and that you are honest, that says a lot. Sue meets every one of those standards, and she is going to be missed.

Senator Dave Wattenberg. I can tell you a lot about Dave Wattenberg. He and I got elected at the same time back in 1982. He and I are from rural Colorado, the same area. Well, we actually bordered each other. He later went to the State Senate because he served in the State House of Representatives.

Dave and I, when we first ran for office, no one either gave Dave or me a chance of winning office. I was running against a very popular and very capable incumbent, and Dave was not given much of a chance of winning the seat.

I will never forget. The day before the election, he and I were sitting in a bar having a drink and Dave asked me, Wattenberg says, Scott, have you ever given any thought as to what is going to happen if by some chance we win this thing? I mean, we spent all this time campaigning, we spent all this time talking as candidates, but you and I have never been able to work as elected officials. I mean, we really are going to have to do what we said we are going to do. We are going to have to get aggressive. We really have got to stand up for issues like water and so on and so forth.

I would say in the State legislature there is probably no one right now as popular as David Wattenberg.

David is a cowboy. He is an old cowboy. I do not mean old in age. I mean old in respect. He is on a ranch up there in the northern part of the State.

For a number of years, Dave did not have opposition. In fact, I will tell my colleagues, he was so popular in one of his elections that his Democrat opponent who was very aggressive against Dave and ran a very aggressive race until about halfway through the race and, after debating Dave on a number of different occasions, liked him so well and felt he was so capable and so deserving as serving that district as State senator, pulled out of the race, and endorsed him.

Have you ever heard of somebody in a partisan race pulling out midway through the race and endorsing the other person?

That speaks very well, by the way, for the Democrat that did that, in my opinion. I am sorry, her name slipped me this evening. But I can tell you, it speaks well for David Wattenberg.

David, as I said, was elected to the House in 1982 and to the Senate in 1992. He is chairman of the agriculture natural resource energy committee. He also served on the business affairs and labor committees. His ranch is called the Wattenberg Ranch in Walden, Colorado.

He sponsored bills on all kinds of things, everything from horse racing to water issues to mining and transportation to tort reform. He specifically focused in on agriculture, water, ranching issues, and banking issues.

He has received any number of awards. He has been named Legislator of the Year, honored by Colorado Ski Country and Consulting Engineers Council and Guardian of Small Business.

As I was on the airplane this morning, I open up the Denver Post or the Rocky Mountain News. I am not sure which one of those two major papers, and there is David Wattenberg dancing on the Senate floor. He was serious but he had good humor.

As I said earlier in my comments about Dave, he is probably the most popular legislator in Colorado today. Dave Wattenberg is going to be sorely missed.

Representative Penfield Tate. I know Penfield by his work. I know him as a person. I have respect for him. I have dealt with him not extensively, but I have dealt with him.

Penfield is one solid guy, and he is known by his work. His work product is excellent. He works aggressively on it. He works hard. He has a strong reputation. His focuses have been primarily education and health issues. He is a member of the Denver Metropolitan Chamber of Commerce. I will tell you, Penfield is a fellow that anybody would like to have work as a partner with him. He has done a good job. We are going to miss him.

Senator Maryanne Tebedo. Maryanne and I went in and she actually was appointed shortly after I was elected. But, in essence, we have served together for 10 years in the State House. She went on to the State Senate.

Her husband Don is a retired air traffic controller. She was chairman of the State Veterans Military Affairs Committee, and she served on the Finance Committee.

She is also our parliamentarian. She is actually a certified professional parliamentarian. She served on the National Task Force on Labor, and she has worked hard on uniform stated permits for concealed weapons, regulations of the funeral board, State boards, highways. I mean, Maryanne has worked on a lot of legislation.

Senator Tebedo, when she took on an issue, she did several things with that issue. Number one, she learned about the issue. Number two, she figured out what the ramifications of her bill would be with that issue. She was aggressive in her pursuit of passing her legislation. I think she was professional at every step of the way.

Now, not everyone agreed with her. But I will tell you, if you wanted to disagree with Senator Tebedo, you better have your facts in order. Because I never saw her without having her facts in order.

We are going to miss her.

Senator Tom Blickensderfer. Tom is a long-time friend of mine. Tom is a fine man. His wife is Kristen. He just got married 4 or 5 years ago. She is a beautiful woman. And I mean that in a very broad way. She has got all kinds of things about her that just make her a beautiful person.

But back to Tom. Tom is a great guy. He has been an excellent State senator. He was in the State House. He was a Senate majority leader. He was an attorney at law. I knew him well before he came into the State legislature.

His issues ranged from everything from water in the rural areas of the State. We could always go to Tom because Tom would always sit down with us and talk about the rural issues even though he represented a metropolitan area.

His family had a long running reputation in the ski industry in the State of Colorado. Tom's leadership as the majority leader in the Senate has been second to none.

□ 2100

He is a strong leader. He is recognized throughout the political community for his contributions to his party. He is Republican. I am not talking about financial. I am talking about his volunteer time, his help with other candidates.

I will say, in my opinion, Tom has a wonderful future ahead of him. He has a great family. He has a great background. He has served the State of Colorado very well, and Tom is going to do very well in his future.

Representative Stephanie Takis, she was elected in 1996 and her big issue was affordable health care. She is a financial specialist. Again, I did not know Stephanie very well but as with the others I sat down and visited with my colleagues about Stephanie. I did not find anybody who said anything critical, although they had the opportunity to because my conversations with some of my colleagues were in private, and these were the colleagues that I could have that kind of conversation with. Not one bad word said about her.

She has done well in her service to the State of Colorado; and she, too, it appears, has a very promising future ahead of her.

Madam Speaker, I know that my colleagues may be saying, gosh, we sat here this evening; and we have had SCOTT MCINNIS talk about State legislators from the State of Colorado who are concluding their service tomorrow. What has that got to do with us? What has that got to do with the U.S. House of Representatives? After all, these are State legislators. This is the U.S. Congress in Washington, D.C.

It has a lot to do with us because those individuals that I just talked about can set an example for us back here, one that local government really truly is the best government. The Federal people in Washington, D.C., do not always know best. There are certain roles that we have to play, leadership in military, leadership in international trade, leadership in interstate commerce. But the fact is these State legislators are on the line. They are at the front of the battle.

The people that I spoke about this evening, most of my colleagues probably will never even meet one of them, but I can say what I hope was gotten out of my recognitions of these special people was the fact of their integrity, the impeccability of their hard work, the focus on the issues that they really cared about, the ability to cross party aisles. We all know politics is partisan. It is designed to be that way. It has to be that way. Somebody has to be boss. We cannot all be equal bosses. Somebody has to be the leader. So there is always partisan politics, but a real leader has the capability to step aside. The minority may not have a right to rule; but the minority has a right to be heard, and the individuals that I talked about this evening recognize that. They worked on both sides of the aisle.

I consider it a real honor to stand here in front of my colleagues in the House on the House floor of the United States Congress and recognize that tomorrow will be the last day for those colleagues of mine and their service in the State senate or State house respectively, and I want them to know from the highest level of the Federal Government here in the House of Representatives, that we acknowledge the work that they do; that we appreciate their honesty and their integrity and the respect that people who work with them understand that public officials, elected public officials, almost all of them really are good people. They work intensely for the people that they represent. They work intensely on the issues they care about. They work intensely and are proud of the States that they represent or the districts that they represent.

My colleagues in the State of Colorado are an excellent example of this.

Madam Speaker, in my concluding remark, let me just say truly it was my privilege to get to know and work with these people as they served the State of Colorado in the State legislature, and I hope to have a continued professional and profound good friendship with all of my friends in the State of Colorado.

WHAT IS FREE TRADE?

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Madam Speaker, I asked for this Special Order this evening to talk about trade. We are going to be dealing with permanent normal trade relations with China here soon, and there is also a privileged resolution that will be brought to the floor that I have introduced, H.J.Res. 90. The discussion in the media and around the House floor has been rather clear about the permanent normal trade status, but there has not been a whole lot of talk yet about whether or not we should even really be in the World Trade Organization.

I took this time mainly because I think there is a lot of misunderstanding about what free trade is. There are not a whole lot of people who get up and say I am opposed to free trade, and many of those who say they are for free trade quite frankly I think they have a distorted definition of what free trade really is.

I would like to spend some time this evening talking a little bit about that, because as a strict constitutionalist and one who endorses laissez-faire capitalism, I do believe in free trade; and there are good reasons why countries should trade with each other.

The first reason I would like to mention is a moral reason. There is a moral element involved in trade, because when governments come in and regulate how citizens spend their money, they are telling them what they can do or cannot do. In a free society, individuals who earn money should be allowed to spend the money the way they want. So if they find that they prefer to buy a car from Japan rather than Detroit, they basically have the moral right to spend their money as they see fit and those kinds of choices should not be made by government. So there is a definite moral argument for free trade.

Patrick Henry many years ago touched on this when he said, "You are not to inquire how your trade may be increased nor how you are to become a great and powerful people but how your liberties may be secured, for liberty ought to be the direct end of your government." We have not heard much talk of liberty with regards to trade, but we do hear a lot about enhancing one's ability to make more money overseas with trading with other nations. But the argument, the moral argument, itself should be enough to convince one in a free society that we should never hamper or interfere with free trade.

When the colonies did not thrive well prior to the Constitution, two of the main reasons why the Constitutional Convention was held was, one, there was no unified currency, that provided a great deal of difficulty in trading among the States, and also trade barriers are among the States.

Even our Constitution was designed to make sure that there were not trade barriers, and this was what the interstate commerce clause was all about. Unfortunately though, in this century the interstate commerce clause has been taken and twisted around and is the excuse for regulating even trade within a State. Not only interstate trade, but even activities within a State has nothing to do with interstate trade. They use the interstate commerce clause as an excuse, which is a wild distortion of the original intent of the Constitution, but free trade among the States having a unified currency and breaking down the barriers certainly was a great benefit for the development and the industrialization of the United States.

The second argument for free trade is an economic argument. There is a benefit to free trade. Free trade means that you will not have high tariffs and barriers so you cannot buy products and you cannot exert this freedom of choice by buying outside. If you have a restricted majority and you can evenly buy from within, it means you are protecting industries that may not be doing a very good job, and there is not enough competition.

It is conceded that probably it was a blessing in disguise when the automobile companies in this country were having trouble in the 1970s, because the American consumer was not buying the automobiles, the better automobiles were coming in, and it should not have been a surprise to anybody that all of a sudden the American cars got to be much better automobiles and they were able to compete.

There is a tremendous economic benefit to the competition by being able to buy overseas. The other economic argument is that in order to keep a product out, you put on a tariff, a protective tariff. A tariff is a tax. We should not confuse that, we should not think tariff is something softer than a tax in doing something good. A tariff is a tax on the consumer. So those American citizens who want to buy products at lower prices are forced to be taxed.

If you have poor people in this country trying to make it on their own and they are not on welfare, but they can buy clothes or shoes or an automobile or anything from overseas, they are tremendously penalized by forcing them to pay higher prices by buying domestically.

The competition is what really encourages producers to produce better products at lower costs and keep the prices down. If one believes in free trade, they do not enter into free trade for the benefit of somebody else. There is really no need for reciprocity. Free trade is beneficial because it is a moral right. Free trade is beneficial because there is an economic advantage to buying products at a certain price and the competition is beneficial.

There really are no costs in the long run. Free trade does not require management. It is implied here on conversation on the House floor so often that free trade is equivalent to say we will turn over the management of trade to the World Trade Organization, which serves special interests. Well, that is not free trade; that is a misunderstanding of free trade.

Free trade means you can buy and sell freely without interference. You do not need international management. Certainly, if we are not going to have our own government manage our own affairs, we do not want an international body to manage these international trades.

Another thing that free trade does not imply is that this opens up the doors to subsidies. Free trade does not mean subsidies, but inevitably as soon as we start trading with somebody, we accept the notion of managed trade by the World Trade Organization, but immediately we start giving subsidies to our competitors.

If our American companies and our American workers have to compete, the last thing they should ever be required to do is pay some of their tax money to the Government, to send subsidies to their competitors; and that is what is happening. They are forced to subsidize their competitors on foreign aid. They support their competitors overseas at the World Bank. They subsidize their competitors in the Export/Import Bank, the Overseas Private Investment Corporation.

We literally encourage the exportation of jobs by providing overseas protection in insurance that cannot be bought in the private sector. Here a company in the United States goes overseas for cheap labor, and if, for political or economic reasons, they go bust, who bails them out. It is the American taxpayer, once again, the people who are struggling and have to compete with the free trade.

It is so unfair to accept this notion that free trade is synonymous with permitting these subsidies overseas, and, essentially, that is what is happening all the time. Free trade should never mean that through the management of trade that it endorses the notion of retaliation and also to stop dumping.

This whole idea that all of a sudden if somebody comes in with a product with a low price that you can immediately get it stopped and retaliate, and this is all done in the name of free trade, it could be something one endorses. They might argue that they endorse this type of managed trade and subsidized trade; but what is wrong, and I want to make this clear, what is wrong is to call it free trade, because that is not free trade.

Most individuals that I know who promote free trade around Washington, D.C., do not really either understand what free trade is or they do not really endorse it. And they are very interested in the management aspect, because some of the larger companies have a much bigger clout with the World Trade Organization than would the small farmers, small rancher or small businessman because they do not have the same access to the World Trade Organization.

□ 2115

For instance, there has been a big fight in the World Trade Organization with bananas. The Europeans are fighting with the Americans over exportation of bananas. Well, bananas are not grown in Europe and they are not grown in the United States, and yet that is one of the big issues of managed trade, for the benefit of some owners of corporations that are overseas that make big donations to our political parties. That is not coincidental.

So powerful international financial individuals go to the World Trade Organization to try to get an edge on their competitor. If their competitor happens to be doing a better job and selling a little bit lower, then they come immediately to the World Trade Organization and say, Oh, you have to stop them. That is dumping. We certainly do not want to give the consumers the benefit of having a lower price.

So this to me is important, that we try to be clear on how we define free trade, and we should not do this by accepting the idea that management of trade, as well as subsidizing trade and calling it free trade is just not right. Free trade is the ability of an individual or a corporation to buy goods and spend their money as they see fit, and this provides tremendous economic benefits.

The third benefit of free trade, which has been known for many, many centuries, has been the peace effect from trade. It is known that countries that trade with each other and depend on each other for certain products and where the trade has been free and open and communications are free and open and travel is free and open, they are very less likely to fight wars. I happen to personally think this is one of the greatest benefits of free trade, that it leads us to policies that direct us away from military confrontation.

Managed trade and subsidized trade do not qualify. I will mention just a little later why I think it does exactly the opposite.

There is a little bit more to the trade issue than just the benefits of free trade, true free trade, and the disadvantages of managed trade, because we are dealing now when we have a vote on the normal trade status with China, as well as getting out of the World Trade Organization, we are dealing with the issue of sovereignty. The Constitution is very clear. Article I, section 8, gives the Congress the responsibility of dealing with international trade. It does not delegate it to the President, it does not delegate it to a judge, it does not delegate it to an international management organization like the World Trade Organization.

International trade management is to be and trade law is to be dealt with by the U.S. Congress, and yet too often the Congress has been quite willing to renege on that responsibility through fast-track legislation and deliver this authority to our President, as well as delivering through agreements, laws being passed and treaties, delivering this authority to international bodies such as the UN-IMF-World Trade Organizations, where they make decisions that affect us and our national sovereignty.

The World Trade Organization has been in existence for 5 years. We voted to join the World Trade Organization in the fall of 1994 in the lame duck session after the Republicans took over the control of the House and Senate, but before the new Members were sworn in. So a lame duck session was brought up and they voted, and by majority vote we joined the World Trade Organization, which, under the Constitution, clearly to anybody who has studied the Constitution, is a treaty. So we have actually even invoked a treaty by majority vote.

This is a serious blunder, in my estimation, the way we have dealt with this issue, and we have accepted the idea that we will remain a member based on this particular vote.

Fortunately, in 1994 there was a provision put in the bill that said that any member could bring up a privileged resolution that gives us a chance at least to say is this a good idea to be in the World Trade Organization, or is it not? Now, my guess is that we do not have the majority of the U.S. Congress that thinks it is a bad idea. But I am wondering about the majority of the American people, and I am wondering about the number of groups now that are growing wary of the membership in the World Trade Organization, when you look at what happened in Seattle, as well as demonstrations here in D.C. So there is a growing number of people from various aspects of the political spectrum who are now saying, what does this membership mean to us? Is it good or is it bad? A lot of them are coming down on the side of saying it is bad.

Now, it is also true that some who object to membership in the World Trade Organization happen to be conservative free enterprisers, and others who object are coming from the politics of the left. But there is agreement on both sides of this issue dealing with this aspect, and it has to do with the sovereignty issue.

There may be some labor law and there may be some environmental law that I would object to, but I more strenuously object to the World Trade Organization dictating to us what our labor law ought to be and what our environmental law ought to be. I highly resent the notion that the World Trade Organization can dictate to us tax law.

We are currently under review and the World Trade Organization has ruled against the United States because we have given a tax break to our overseas company, and they have ruled against us and said that this tax break is a tax subsidy, language which annoys me to no end. They have given us until October 1 to get rid of that tax break for our corporations, so they are telling us, the U.S. Congress, what we have to do with tax law.

You say, oh, that cannot be. We do not have to do what they tell us. Well, technically we do not have to, but we will not be a very good member, and this is what we agreed to in the illegal agreement. Certainly it was not a legitimate treaty that we signed. But in this agreement we have come up and said that we would obey what the WTO says.

Our agreement says very clearly that any ruling by the WTO, the Congress is obligated to change the law. This is the interpretation and this is what we signed. This is a serious challenge, and we should not accept so easily this idea that we will just go one step further.

This has not just happened 5 years ago, there has been a gradual erosion of the concept of national sovereignty. It occurred certainly after World War II with the introduction of the United Nations, and now, under current conditions, we do not even ask the Congress to declare war, yet we still fight a lot of wars. We send troops all over the world and we are involved in combat all the time, and our presidents tell us they get the authority from a UN resolution. So we have gradually lost the concept of national sovereignty.

I want to use a quote from somebody that I consider rather typical of the establishment. We talk about the establishment, but nobody ever knows exactly who they are. But I will name this individual who I think is pretty typical of the establishment, and that is Walter Cronkite. He says, "We need not only an executive to make international law, but we need the military forces to enforce that law and the judicial system to bring the criminals to justice in an international government."

"But," he goes on to say, and this he makes very clear, and this is what we should be aware of, "the American people are going to begin to realize that perhaps they are going to have to yield some sovereignty to an international body to enforce world law, and I think that is going to come to other people as well."

So it is not like it has been hidden, it is not like it is a secret. It is something that those who disagree with me about liberty and the Constitution, they believe in internationalism and the World Trade Organization and the United Nations, and they certainly have the right to that belief, but it contradicts everything America stands for and it contradicts our Constitution, so, therefore, we should not allow this to go unchallenged.

Now, the whole idea that treaties could be passed and undermine the ability of our Congress to pass legislation or undermine our Constitution, this was thought about and talked about by the founders of this country. They were rather clear on the idea that a treaty, although the treaty can become the law of the land, a treaty could never be an acceptable law of the land if it amended or changed the Constitution. That would be ridiculous, and they made that very clear.

It could have the effect of the law of the land, as long as it was a legitimate constitutional agreement that we entered into. But Thomas Jefferson said if the treaty power is unlimited, then we do not have a Constitution. Surely the President and the Senate cannot do by treaty what the whole government is interdicted from doing in any way.

So that is very important. We cannot just sit back and accept the idea that the World Trade Organization, we have entered into it, it was not a treaty, it was an agreement, but we have entered into it, and the agreement says we have to do what they tell us, even if it contradicts the whole notion that it is the Congress' and people's responsibility to pass their own laws with regard to the environment, with regard to labor and with regard to tax law.

So I think this is important material. I think this is an important subject, a lot more important than just the vote to trade with China. I think we should trade with China. I think we should trade with Cuba. I think we should trade with everybody possible, unless we are at war with them. I do not think we should have sanctions against Iran, Iraq or Libya, and it does not make much sense to me to be struggling and fighting and giving more foreign aid to a country like China, and at the same time we have sanctions on and refuse to trade and talk with Cuba. That does not make a whole lot of sense. Yet those who believe and promote trade with China are the ones who will be strongly objecting to trade with Cuba and these other countries. So I think a little bit more consistency on this might be better for all of us.

Alexander Hamilton also talked about this. He said a treaty cannot be made which alters the Constitution of the country or which infringes any expressed exception to the powers of the Constitution of the United States.

So these were the founders talking about this, and yet we have drifted a long way. It does not happen overnight. It has been over a 50-year period. Five years ago we went one step further. First we accepted the idea that international finance would be regulated by the IMF. Then we accepted the idea that the World Bank, which was supposed to help the poor people of the world and redistribute wealth, they have redistributed a lot of wealth, but most of it ended up in the hands of wealthy individuals and wealthy politicians. But the poor people of the world never get helped by these programs. Now, 5 years ago we have accepted the notion that the World Trade Organization will bring about order in trade around the country.

Well, since that time we have had a peso crisis in Mexico and we had a crisis with currencies in Southeast Asia. So I would say that the management of finances with the IMF as well as the World Trade Organization has been very unsuccessful, and even if one does not accept my constitutional argument that we should not be doing this, we should at least consider the fact that what we are doing is not very successful.

What I think we are seeing, when you get tens of thousands of people out on an issue that seems to be esoteric and start talking and demonstrating against our policy, essentially as they did in Seattle and Washington, I would say maybe the grassroots in America are starting to wake up a lot sooner than the people here in the U.S. Congress. So I think that it is very important that we think this through and think of it in the big context, not only in the very narrow context of voting for trade with China or not.

The World Trade Organization does not represent free trade because it is management of trade. It accepts all the complaints from the countries who think that they are being undersold or the competition is getting a little tough for them.

Just this week, the President has announced that he will send seven more complaints to the World Trade Organization, seven different countries who are being charged with unfair trade practices. The United States has not fared well with the World Trade Organization. The World Trade Organization has ruled against us on patents dealing with the playing of music, the World Trade Organization has ruled against us with regard to taxes, and also against us on some anti-dumping resolutions.

□ 2130

But I am afraid that what is happening is, it is just another international bureaucracy that will be able to provide benefits for some very powerful special interests and ignore the little people who have a harder time to get an ear at the World Trade Organization.

The China situation I think is an interesting one because we are spending a lot of effort trading with China. Of course, the tragedy really here is not free trade in trading with China; it has to do with China getting some of our top secrets which to me is more disturbing than trading and buying some things that we might want from China. But China, we have gone to this extent. They have received a tremendous amount. I think they have now received $13 billion from the World Bank. They are the largest recipient of the Export-Import Bank. And, at the same time we send these benefits to China, we still have Members in the Congress who seem to flip flop on the issues who will say well, no, I do not like China; I think China, they are not respectable enough and they will undermine what we are doing, so I do not want to trade with China and they will vote against trade with China, yet at the same time they continue to vote to subsidize China through the Export-Import Bank. That is hard for me to understand why, if one does not want to trade with China, why would one want to continue to send them money. Why would they not vote against the World Bank sending them money. Why would they not vote against the Export-Import Bank sending money over there, because that is subsidizing them. That is where the real harm comes from. Yet, we see that inconsistency all the time.

Madam Speaker, I would like to discuss the third point about free trade that I made, and that is that free trade should lead to peace. I sincerely believe this, if we have free trade. But take an example of this: free trade is supposed to lead to lower taxes and lower prices. But here we have the World Trade Organization not telling us to lower taxes to be equal, that would not be quite as harmful, but here we have a World Trade Organization telling us to raise taxes to equal the competition. So it is working perversely. The same way in the military sense. We trade with China, we subsidize China, and yet China appears to be a threat to Taiwan.

So what do we do? Do we say let us not send any more subsidies to China? No, what we do is we hurry up and say well, there could be a conflict between Taiwan and China, so we send more weapons to Taiwan. So in subsidizing the Communist system in China, as well as militarizing and sending the military weapons and promising that we will support Taiwan, we are bound and determined to stir up a fight over there with us in the middle. So this, in itself, should tell us that this is not free trade. Free trade means that we are less likely to fight with people and yet, we are stirring up trouble over there and literally, but rather typically, we are subsidizing and helping both sides, which we have done for many, many years.

This is why the argument for national sovereignty and the national defense, a strong national defense makes a whole lot of sense, because we do not have to make these determinations. First, we do not have the authority to make the determination of the internal affairs of other nations. We do not have that authority. We probably do not have the wisdom to pick out who the good guys and the bad guys are, but we certainly do not have the finesse to do it by going in there and satisfying all sides. About all we do is we commit ourselves to these conflicts around the world, commit our troops and commit our dollars.

Instead of trying to come back from some of these commitments of troops every place in the world, we are looking for more dragons to slay. We in the Congress are going along with the President, getting prepared to send billions of dollars down to Colombia to support a faction down there that has been in a civil war for decades and 30,000 people killed. And of course the grandiose explanation is that we are going down there and we are going to stop drugs from coming in here, which is a dream, because that is not going to happen. But the real reason why I think we venture out into these areas is to serve the financial interests, because it just happens that those individuals who like to sell helicopters and they like to sell airplanes and they like others who would like to protect oil interests are the ones who are more likely to lobby for us to be in areas like this.

Madam Speaker, free trade, if it were true free trade, we would be less likely ever to fight with other countries. There was one free trade economist who stated that he had a rule, it was called the McDonald rule. He said he has watched it so far and up until now, the best he knows, there has never been two countries that have had McDonalds in each country ever fought a war. So that is rather simplistic, but I think there is a lot of truth to that, that we should trade and talk with people, give people the freedom and the right to spend their money the way they want. Do not take the money from the people who may have short-term disadvantages from free trade and tax them in order to subsidize the competition. That is where I think we really get off track and we do way too much of it.

Madam Speaker, I would like to touch on another subject about trade that is rarely mentioned, and it may well be one of the most important aspects of trade. That has to do with the even flow of trade between countries and their currencies. Balance of payment deficits and current account deficits are very, very important in the long run, especially if they are accompanied by fiat money and not sound money and different currencies being inflated at different rates. This will cause imbalances which causes tremendous shake-outs like we had in Southeast Asia where all of a sudden there are devaluations and some of the protectionist sentiment in order to get an edge on the competitors will be frequently deliberate devaluations where they will prop up currencies in order to get an edge or keep a currency lower in order to get an edge. These things can work for a while, but they usually end up in a crisis, with a currency crisis, higher interest rates, inflations and a downturn in the economy.

Now, fortunately, over the last 10 years, most other countries have done a poorer job than we have. The United States has had a built-in advantage in the 1990s since the breakup of the Soviet Union. We have remained the power house economically and militarily which conveys a certain amount of confidence to our currency and has given us license to counterfeit. It has given our Federal Reserve license to create credit out of thin air for all of the reasons they want to do, to stimulate housing or whatever. Also, to encourage some of these trade imbalances. So some of the protectionists will look and they will say, look how much we buy from China, look how much we buy from Japan. That is related to the fact that we have a currency that is artificially and temporarily rated very high and foreigners are willing to take our money, creating this imbalance. But that will all come to an end, because we cannot do this forever. When that happens, stocks go down, interest rates go up, the economy drops, and inflation comes back.

The benefits that we have received over these past 10 years have only been temporary. So when we look at the imbalances created by the currency system and the monetary system, we should be prepared to find out that the World Trade Organization will do absolutely nothing to solve that problem. The IMF cannot solve that problem, the World Bank cannot solve that problem, and the World Trade Organization certainly will not solve that problem, because some of the imbalances have already been built into the system.

Madam Speaker, we are the greatest debtor Nation in the world today. Our current account deficit is running at record highs. That will be reversed, and the value of the dollar will be reversed. This will cause some serious problems for all of us. It will be the paying back. We have borrowed money endlessly, the foreigners are willing to take our money, sell us cheap products. Our standard of living goes up, they loan us back the money, they buy into our stock market, so we have an illusion of wealth because we have the greatest counterfeiting machine in the world, and that is the Federal Reserve's ability to create credit out of thin air.

It would be nice if it would last forever and these perceptions would persist, but if one looks at monetary history, one finds out that it never persists forever. It persists only for a limited period of time. There was a time in the 1980s they thought in Japan it would persist forever, and then all of a sudden the investment and the adjustments that were required from the over-capacity built into their system came about, and because they have not permitted the liquidation of the debt and the adjustment in prices and wages, their problems have persisted now for more than 10 years.

So we will have to face up to that. The important thing there is that it is not a trade problem, it is a currency problem. One day, we in the Congress will have to decide whether or not we want a sound currency again, or whether we want to continue manipulating a paper currency, a paper currency backed up by nothing. Nothing but promises, promises that we will tax the American people, and that if the American people are not working hard enough and they are not paying enough taxes or the economy slips, all of a sudden that perceived value of the dollar will go down. So that is a very serious problem that we will be needing to address in the not too distant future.

I would like to mention in a little bit more detail the H. J. Res. 90, because that is the number of the resolution that will be brought to the floor for a vote, and it is not a complicated piece of legislation, it is a single page. It just says that we do not want to be members of the World Trade Organization. People worry, well, what will this mean? It will mean that we believe in free trade. It means that we will trade with China and that we will have low tariffs and that we should not be subsidizing or managing trade for powerful special interests, but it will also mean that we do not endorse this concept that the World Trade Organization should be dictating to us the way we write our laws. The way this was stated is that we must accept the idea that we accept the rules of the WTO. I, of course, think that is a serious mistake, and that we should always work for free trade.

Monesque was very clear on his ideas about what free trade should be and why we should have it in relationship to this issue of war and peace. That, of course, I think is the most important. He says, peace is the natural effect of trade. Two nations who differ with each other become reciprocally dependent, for if one has an interest in buying, the other has an interest in selling, and thus, their union is founded on their mutual necessities. That is true, but what we are doing today by subsidizing and supporting a regime like Red China, not trading with Red China, but subsidizing them at the same time we see the antagonism building with Taiwan and our only answer there is to rush to Taiwan and send them more weapons, and we decide to stand in between them, I think is a foolish policy that will lead to trouble.

Madam Speaker, we should not be the policemen of the world. We should set a standard on free trade. We should set a standard in the ideas of liberty. We should be aware and think more seriously about what Patrick Henry said. If we are concerned only about the immediate financial benefit of some trade agreement, we forget about the bigger picture. And the bigger picture and the bigger the responsibility of all of us, my responsibility and your responsibility to our people, and the American people should think about this too. The most important thing is that we provide liberty for our people to let our people solve their problems. This blind faith in big government and this blind faith in international government and World Trade Organization, the United Nations, and this idea that we can police the world, that is a blind faith which I think has caused a lot of trouble and is bound to bring a lot more pain and suffering to us in the future.

Madam Speaker, I am quite confident that in due time, it will be the undoing of our system if we do not change our ways. Because technically, we are a bankrupt Nation. We talk about huge surpluses, but the huge surpluses are fictitious. The national debt is going up at a rate of $100 billion a month. There is no surplus. There is a commitment made out there, and the wealth of this country is based on borrowed money and a belief that the dollar is going to be remaining strong forever and ever. That fiction will come to an end, and we will be forced to face up to reality, and then we have to decide what really is our purpose. Is our purpose to manage people, tell them how to live, tell them how to live their personal lives? Is our job to manage the economy and distort the general welfare clause and the interstate commerce clause to the point that we tell everybody what they can do with every item they buy?

□ 2145

And are we going to permit agreements that are not treaties to act as treaties to undermine our national sovereignty and write laws for us in the Congress? I do not think that is a very good idea, and I think that is the direction that we are going.

I think there is every reason to believe that if we go back to what America was all about and the importance of the American policies, what made America great, we will be all right. But we have too much emphasis on the commercialism of what people want from special advantage.

Why is it that we here in the Congress are lobbied by lobbyists willing to spend $130 million a month? Why do they come here? Because their interests are best served because we are doing way too much. And I certainly do not believe that the answer is to regulate the lobbyists, regulate the elections or tell people how to spend their own money. What we should regulate is ourselves. We should regulate our insatiable desire to tell people what to do and how to live and how to run the economy and how the world should run.

That is what we cannot seem to control. We seem to not have any ability to just back away and have some belief and conviction that a free society works; that freedom works; that protection of life and liberty is important; the protection of property is important.

Madam Speaker, the World Trade Organization undermines property rights through the patent laws, which they have done; the Congress endlessly buying up land and confiscating land from the people, taking land from the people. We do not honor property rights. We interfere with contracts continuously.

The Government should be protecting liberty. The Government is not here under the original agreement with the people and the Constitution. The Government, we the Congress, the Constitution was designed to protect our liberties, not to undermine them; and yet we spend most of our time here undermining the liberties of the people.

Now the question is: Is that what the people want? Do the people really want us to do this and tell them what to do and how to live endlessly, and they will accept that because they will get things from us? As long as we take care of them and provide them free medical care and free education and everything is free, everybody knows we have all of that ability to create free things.

Most people, though, I am afraid are on to us. They think the U.S. Congress and the United States Government creates nothing. They are incapable of creating anything. About all they can do is take from one and give to another, and then in the process undermine the principles of liberty. And by doing that, we will undermine the principles of the basic concept of what is necessary to produce a good standard of living. But we concentrate not on liberty, not on freedom. We concentrate on the things that are distributed and redistributed, the advantages and the disadvantages and how we are going to get bigger government. Not only bigger Federal Government, but bigger international government, never talking about what are the advantages to the people if we just give them their freedom. Just leave them alone.

The people I have my greatest sympathies for are the low middle-income people. People who do not want to go on welfare and are getting ripped off by the system because they do have to pay taxes, and they are the first ones who suffer from job losses and suffer from the inflation, and they are the last ones to have any representation up here. If one is on welfare, they have representation. And if one is a giant corporation willing to send equipment overseas and fight wars, they have great representation.

But if one is hard working, believes in freedom, accepts the responsibility for their own acts, believes they should take care of their family, would like to be left alone, then they are seen as an enemy of the State. The Government too often wants to do something to them, like tax them more and more.

So I think it is time we as a Congress started thinking about something other than the transfer of wealth and the control and manipulation of people. Think again once more of the quote that I used as I started tonight by Patrick Henry: "You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties may be secured. For liberty ought to be the direct end of your government."

If we make liberty the direct end of our government, I do not believe for one minute that we will have to worry about the prosperity. Because we have neglected the liberties of our people, I am deeply concerned about the prosperity of our people and I am deeply concerned about the international conflicts that we tend to stir up and demand that we send our troops throughout the world. I think that can lead to trouble. It has in the past. It will in the future.

Because we have drifted from this notion that the Government should be limited. Limited to protecting our liberty, making sure the marketplace is free, making sure that property rights exist, and making sure that we mind our own business. And quite possibly if we would do more of that, minding our own business and not spending this money overseas, we could literally do a better job taking care of our military.

Madam Speaker, our military needs funding. They need a morale boost. They need better training. They need a better mission. And yet we send them hither and yon around the world spending hundreds of billions of dollars, at the same time our defenses are probably as low as they have ever been.

But that is not a "lack of money" problem; that is a "lack of mission" problem. It is a lack of understanding what policy ought to be. Our policy ought to be, and our purpose ought to be, the preservation of liberty. The preservation of liberty means that we should have free trade and that we should talk to our so-called enemies and trade with them and deal with them, and we are less likely to fight with them.

But we should never fall into the trap of talking and using words incorrectly, this idea that people come and talk so much about free trade and then do not defend free trade, or do not understand it. What they are talking about is managed trade by the World Trade Organization, and it means that we also subsidize our enemies and our competitors around the world. That is not free trade. That is not related to freedom. Freedom is not that complex.

Fortunately for us, we have a document that is rather clear and simple that we all can read and understand. And, unfortunately, we do not read it often enough when we pass this massive legislation here on the House floor and get ourselves involved in too many things. So, hopefully, here in the next couple of weeks as we talk more about trade and we have a vote on China, as well as a vote on whether or not we should even be in the World Trade Organization, hopefully we will have more than five or 10 or 15 or 20, say: That makes sense. Why are we in the World Trade Organization?

We can still believe in freedom, we can still believe in trade, we can still believe in the American dream without accepting the idea that free trade and freedom means we belong to the World Trade Organization. Hopefully, there will be enough people in this Congress to send the message and say at least let us question this. Why do we feel so compelled to belong to these international organizations, joining them not with a treaty but with a mere vote of this Congress and now they are dictating law back to us.

Hopefully, those individuals who are a little bit annoyed with the World Trade Organization because they have encroached upon our lawmaking process dealing with trade law, dealing with labor law, and dealing with environmental law, dealing with tax law, that they will say maybe the problem is not mismanagement of the World Trade Organization; maybe we should not have that much confidence that if we get a few new managers in there, like they think they can do at the IMF. Maybe the problem is that we should not be in the World Trade Organization at all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of a weather delay.

Mr. LUCAS of Oklahoma (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. COBURN (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

Mr. MANZULLO (at the request of Mr. ARMEY) for today on account of a death in the family.

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and May 3.

Mr. METCALF, for 5 minutes, today, May 3, and May 5.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 397. An act to authorize the Secretary of Energy to establish a multiagency program to alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology; to the Committee on Science.

S. 408. An act to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center; to the Committee on Resources.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; to the Committee on Resources.

S. 1629. An act to provide for the exchange of certain land in the State of Oregon; to the Committee on Resources.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii; to the Committee on Resources.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes; to the Committee on Resources.

S. 1727. An act to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; to the Committee on Resources.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir; to the Committee on Resources.

S. 1797. An act to provide for a land conveyance to the city of Craig, Alaska, and for other purposes; to the Committee on Resources.

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; to the Committee on Commerce.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

S. 1892. An act to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes; to the Committee on Resources.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt

House located in Waterloo, New York; to the Committee on Resources.

S. 1946. An act to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act", to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On April 13, 2000:

H.R. 1658. To provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

On April 20, 2000:

H.R. 1231. To direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery.

H.R. 1615. To amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

H.R. 1753. To promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.

H.J. Res. 86. Recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

H.R. 3090. To amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

H.R. 3063. To amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes.

H.R. 2863. To clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

H.R. 2862. To direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

H.R. 2368. To assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands.

ADJOURNMENT

Mr. PAUL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 3, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7149. A letter from the Associate Administrator, Seed Regulatory and Testing Branch, Agricultural Marketing Service, transmitting the Department's final rule—Increase in Fees for Federal Seed Testing and Certification Services [Docket No. LS-99-05] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7150. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Use of Electronic Signatures by Customers, Participants and Clients of Registrants— received March 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7151. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Exemption from Registration as a Commodity Trading Advisor (RIN: 3038–AB48) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7152. A letter from the Associate Administrator, Agricultural Marketing Service, Seed Regulatory and Testing Branch, Department of Agricultural, transmitting the Department's final rule—Amendments to Regulations Under the Federal Seed Act [No. LS-94–012] (RIN: 0581–AB55) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7153. A letter from the Regulatory Liaison, Grain Inspection, Packers, and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Grain Inspection, Packers and Stockyards Administration, USDA (RIN: 0580–AA70) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7154. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV00–916–1 IFR] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7155. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Poultry Meat and other Poultry Products from Sinaloa and Sonora, Mexico [APHIS Docket No. 98–034–2] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7156. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Export Certificate Endorsements [APHIS Docket No. 98–003–02] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7157. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1999–2000 Marketing Year [Docket No. FV00–985–3 IFR] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7158. A letter from the Associate Administrator, Agricultural Marketing Services, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Avacodos Grown in South Florida; Relaxation of Container and Pack Requirements [Docket No. FV00–915–1 FIR] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7159. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation and Interstate Movement of Certain Land Tortoises [Docket No. 00–016–1] received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7160. A letter from the Associate Administrator, Fruits and Vegetables, Department of Agriculture, transmitting the Department's final rule— Blueberry Promotion, Research, and Information Order; Referendum Procedures [FV–99–702–FR] received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7161. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Melons Grown in South Texas; Increased Assessment Rate [Docket No. FV00–979–1 FR] received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7162. A letter from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule— Pork Promotion and Research [No. LS–98–007] received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7163. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Food Labeling; Nutrient Content Claims, Definition of Term: Healthy [Docket No. 99–050IF] (RIN: 0583–AC65) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7164. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—1999–Crop Peanuts National Poundage Quota (RIN: 0560–AF48) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7165. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dichlormid; Time-Limited Pesticide Tolerance [OPP–300988; FRL–6498–7] (RIN: 2070–AB78) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7166. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cucurbitacins; Exemption from the Requirement of a Tolerance [OPP–300965; FRL–6485–3] (RIN: 2070–AB78) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7167. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glufosinate Ammonium; Pesticide Tolerance [OPP-300986; FRL-6498-1] (RIN: 2070-AB78) received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7168. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Polyvinyl Acetate, Carboxyl Modified Sodium Salt; Tolerance Exemption [OPP-300942; FRL-6389-8] (RIN: 2070-AB78) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7169. A letter from the Deputy Assistant Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides during Fiscal Year 1999, pursuant to 7 U.S.C. 136w—4; to the Committee on Agriculture.

7170. A letter from the the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 2000, pursuant to 2 U.S.C. 685; (H. Doc. No. 106—224); to the Committee on Appropriations and ordered to be printed.

7171. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106—229); to the Committee on Appropriations and ordered to be printed.

7172. A communication from the President of the United States, transmitting a request for emergency Fiscal Year 2000 supplemental appropriations to assist in reconstruction expenses in Southern Africa; (H. Doc. No. 106—230); to the Committee on Appropriations and ordered to be printed.

7173. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of violations of the Antideficiency Act by the Department of the Air Force personnel; to the Committee on Appropriations.

7174. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of the violations of the Antideficiency Act by the Department of the Army; to the Committee on Appropriations.

7175. A letter from the Under Secretary, Department of Defense, transmitting On payment of restructuring costs under defense contracts, pursuant to Public Law 105—85 section 804(a)(1) (111 Stat. 1832); to the Committee on Armed Services.

7176. A letter from the Secretary, Department of Defense, transmitting F-22 aircraft program report for FY 2000 and the event-based decisions planned for FY 2001, pursuant to Public Law 104—201, section 218(a) (110 Stat. 2455); to the Committee on Armed Services.

7177. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Scientific Advisory Board of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

7178. A letter from the Director of Operational Test and Evaluation and Deputy Under Secretary (Science and Technology), Department of Defense, transmitting a report on the selection of the laborities and T&E Centers; to the Committee on Armed Services.

7179. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation to authorize military construction and related activities of the Department of Defense; to the Committee on Armed Services.

7180. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the report on reimbursement of contractor environmental response action cost; to the Committee on Armed Services.

7181. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—Collection From Third Party Players of Reasonable Costs of Healthcare Services (RIN: 0790-AG51) received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7182. A letter from the Program Manager, Department of Defense, Pentagon Renovation Program, transmitting the 10th Annual Report on the renovation of the Pentagon Reservation; to the Committee on Armed Services.

7183. A letter from the Assistant General Counsel for Regulatory Law, Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Transfer of Real Property at Defense Nuclear Facilities for Economic Development [Docket No. FM-RM-99-RPROP] (RIN: 1901-AA82) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7184. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Michael C. Short, United States Air Force; to the Committee on Armed Services.

7185. A letter from the Secretary of Defense, transmitting a report on plans to establish and deploy Rapid Assessment and Intial Detection (RAID) teams that would respond to incidents involving weapons of mass destruction; to the Committee on Armed Services.

7186. A letter from the Secretary of Transportation, transmitting a proposed bill, "To authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation, and for other purposes"; to the Committee on Armed Services.

7187. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to HUD's Mortgagee Review Board and Civil Money Penalty Regulations [Docket No. FR-4308-I-01] (RIN: 2501-AC44) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7188. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Turkey, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

7189. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule— Restrictions on the Purchase of Assets from the Federal Deposit Insurance Corporation (RIN: 3064-AB37) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7190. A letter from the Assistant, Federal Reserve Board, transmitting the Board's final rule—Regulation Y; Bank Holding Companies and Change in Bank Control [Docket No. R-1062] received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7191. A letter from the Assistant, Division of Consumer and Community Affairs, Federal Reserve Board, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R-1050] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7192. A letter from the Assistant, Federal Reserve Board, transmitting the Board's final rule—Financial Subsidiaries [Regulation H; Docket No. R-1066] (RIN: 1505-AA77) received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7193. A letter from the Assistant, Federal Reserve Board, transmitting the Board's final rule—Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R-1067] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7194. A letter from the Assistant, Federal Reserve Board, transmitting the Board's final rule—Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R-1065] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7195. A letter from the Assistant, Federal Reserve Board, transmitting the Board's final rule—Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R-1057] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7196. A letter from the Assistant, Federal Reserve Board, transmitting the Board's final rule—Membership of State Banking Institutions in the Federal Reserve System [Regulation H; Docket No. R-1064] received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7197. A letter from the Assistant, Federal Reserve Board, transmitting the Board's final rule—Bank Holding Companies and Change in Bank Control; Securities Underwriting, Dealing, and Market-Making Activities of Financial Holding Companies [Regulation Y; Docket No. R-1063] received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7198. A letter from the Director, Office of Thrift Supervision, transmitting the Office's 2000 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Banking and Financial Services.

7199. A letter from the Secretary of Agriculture, transmitting a draft bill, "To amend section 504 of the Housing Act of 1949"; to the Committee on Banking and Financial Services.

7200. A letter from the Secretary, Department of Education, transmitting Final Regulations——Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

7201. A letter from the Department of Health and Human Services, transmitting the twentieth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

7202. A letter from the Administator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule— Modification of the "Vegetable Protein Products" Requirements for the National School Lunch Program, School Breakfast Program, Summer Food Service Program and Child and Adult Care Food Program (RIN: 0584-AC82) received March 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7203. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's final rule—Amendment of Equal Access to Justice Act Attorney Fees Regulations—received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7204. A letter from the Director, Coporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7205. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Internal Dosimetry—received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7206. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—The DOE Corporate Lessons Learned Program [DOE-STD 7501-99] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7207. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Backup Power Sources for DOE Facilities [DOE -STD 3003-2000] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7208. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Preparation Guide for U.S. Department of Energy Nonreactor Nuclear Facility Safety Analysis Reports [DOE-STD 3009-94] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7209. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 95F-0065] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7210. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 94F-0334] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7211. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Public Information; Communications With State and Foreign Government Officials [Docket No. 98N-0518] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7212. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 99F-0461] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7213. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globulin (Human); Confirmation in Part and Technical Amendment [Docket No. 98N-0608] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7214. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; School Bus Body Joint Strength [Docket No. NHTSA-2000-6994] (RIN: 2127-AH84) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7215. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Devices; 3-Year-Old Child Crash Test Dummy [Docket No. NHTSA-2000-7051] (RIN: 2127-AG 77) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7216. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Phase 2 Emission Standards for New Nonroad Spark-Ignition Handheld Engines At or Below 19 Kilowatts and Minor Amendments to Emission Requirements Applicable to Small Spark-Ignition Engines and Marine Spark-Ignition Engines [FRL-6548-2] (RIN: 2060-AE29) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7217. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Alabama [AL52-200014; FRL-6568-6] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7218. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 099-1099; FRL-6568-8] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7219. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—West Virginia: Final Determination of Partial Program Adequacy of the State's Municipal Solid Waste Landfill Permitting Program [FRL-6565-6 40 CFR-Part 258] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7220. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6565-4] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7221. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—A Required State Implementation Plan for Carbon Monoxide; Spokane, Washington [FRL-6566-9] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7222. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Failure To Submit A Required State Implementation Plan for Carbon Monoxide; Fairbanks, Alaska [FRL-6566] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7223. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Indiana; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [IN193-1a; FRL-6566-7] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7224. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Municipal Solid Waste Landfills State Plan For Designated Facilities and Pollutants: Idaho [Docket No. 01-0001; FRL-6566-2] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7225. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for New Mexico: Transportation Conformity Rule [NM-26-1-6944a; FRL-6561-6] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7226. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Volatile Organic Compounds, Vent Gas Control and Offset Lithographic Printing Rules [TX-107-2-7424a; FRL-6567-5] received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7227. A letter from the Director, Office of Regualtory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut and Rhode Island; Clean Fuel Fleets [CT061-7220A; A-1-FRL-6542-3] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7228. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration Delegation of Authority to Mendocino County Air Pollution Control District to Administer Permits Issued by EPA [NZ001; FRL-6561-80] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7229. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule [FRL-6560-4] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7230. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon [OR-73-7288-a; FRL-6544-2] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7231. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Air Management District [CA 224-0213a FRL-6549-7] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7232. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, and Santa Barbara County Air Pollution Control District [CA 040-0223a; FRL-6563-3] received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7233. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for California [FRL-6563-9] received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7234. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Refugio and Taft, Texas) [MM Docket No. 99-256 RM-9527] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7235. A letter from the Chief, Legal Branch, Accounting Safeguards Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Comprehensive Review of the Accounting Requirements for Incumbent Local Exchange Carriers: Phase 1 [CC Docket No. 99-253] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7236. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lufkin and Corrigan, TX) [MM Docket No. 98-135 RM-9300 RM-9383] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7237. A letter from the Chief, Legal Branch, Accounting Safeguards Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Review of Depreciation Requirements for Incumbent Local Exchange Carriers [CC Docket No. 98-137] United States Telephone Association's Petition for Forbearance from Depreciation Regulation of Price Cap for Local Exchange Carriers [ASD 98-91] received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7238. A letter from the Senior Attorney, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67] received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7239. A letter from the Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules to Facilities Future Development of SMR Systems in the 800 MHz Frequency Band [PR Docket No. 93-144 RM-8117, RM-8030 RM-8029] Implementation of Section 3(n) and 332 of the Communications Act—Regulatory Treatment of Mobile Services [GN Docket No. 93-252] Implementation of Section 309(j) of the Communication Act—Competative Bidding [PP Docket No. 93-253] received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7240. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Amendment of Part 97 of the Commission's Amateur Rules [WT Docket No. 98-143, RM-9148. RM-9150, RM-9196] received March 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7241. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Middlebury, Berlin and Hardwick, Vermont) [MM Docket No. 98-72, RM-9265, RM-9368] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7242. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alberton, Montana) [MM Docket No. 99-305 RM-9537] (Big Sky, Montana) [MM Docket No. 99-307 RM-9739] (Albany, Texas) [MM Docket No. 99-286 RM-9713] (Seymour, Texas) [MM Docket No. 99-303 RM-9737] (Inglis, Florida) [MM Docket No. 99-306 RM-9729] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7243. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Open Access-Same-Time Information System and Standards of Conduct [Docket No. RM95-9-003; Order No. 638] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7244. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Regional Transmission Organizations [Docket No. RM99-2-001; Order No. 2000-A] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7245. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") [Billing Code 6750-01-M] received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7246. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7247. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks; Revision, NUHOMS 24-P and NUHOMS 52-B (RIN: 3150-AG19) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7248. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: TN-32 Addition (RIN: 3150-AG18) received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7249. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a proposed bill for Authorization of Appropriations for Fiscal Year 2001; to the Committee on Commerce.

7250. A letter from the Secretary of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) Clinical Research Loan Repayment Program for Individuals From Disadvantaged Backgrounds (CR-LRP) for FY 1999; to the Committee on Commerce.

7251. A letter from the Secretary of Health and Human Services, transmitting the Annual Report of the National Institutes of Health (NIH) AIDS Research Loan Repayment Program (LRP) for FY 1999; to the Committee on Commerce.

7252. A letter from the Secretary of Health and Human Services, transmitting the Annual Report in the National Institute of Child Health and Human Development (NICHD) Contraception and Infertility Research Loan Repayment Program (CIR-LRP) for FY 1999; to the Committee on Commerce.

7253. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of December 31, 1999, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

7254. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Belgium for defense articles and services (Transmittal No. 00-31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7255. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the United Kingdom for defense articles and services (Transmittal No. 00-32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7256. A letter from the Lieutenant General, Director, Defense Security Cooperation

Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Norway for defense articles and services (Transmittal No. 00–34), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7257. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 05–00 which constitutes a Request for Final Approval to conclude Supplement 3 to the Program Memorandum of Understanding for Cooperative Production of the Multifunctiona; Information Distribution System Low Volume Terminal (MIDS-LVT), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance Agreements and Manufacturing License Agreements with Russia (Transmittal No. DTC–125–99), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7259. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 019–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7260. A communication from the President of the United States, transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation during January 1, 1998 and December 31, 1998, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

7261. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7262. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7263. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective February 27, 2000, danger pay rate for the Montenegro Province was designated at the 20% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

7264. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Department's report entitled "Country Reports on Human Rights Practices for 1999," pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

7265. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1999, pursuant to Public Law 94—59, title III (89 Stat. 283); to the Committee on International Relations.

7266. A letter from the Director, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on International Relations.

7267. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 1999; to the Committee on International Relations.

7268. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Export Administration Regulations Entity List: Removal of Entities, Revision in License Policy, and Reformat of List [Docket No. 981019261–0020–02] (RIN: 0694–AB73) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7269. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to License Exception CTP [Docket No. 000204027–0027–01] (RIN: 0694–AC14) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7270. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revision to the Export Administration Regulations; Administrative Enforcement Proceedings [Docket No. 00306060–0060–01] (RIN: 0694–AC16) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7271. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Editorial Clarifications and Revisions to the Export Administration Regulations [Docket No. 000207028–0028–01] (RIN: 0694–AC02) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7272. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7273. A letter from the Staff Director, Commission On Civil Rights, transmitting the annual report on compliance and enforcement activities for fiscal year 1999, pursuant to 20 U.S.C. 3413(b)(1); to the Committee on Government Reform.

7274. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–298, "Tax Increment Financing Amendment Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7275. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–304, "Harry L. THOMAS, Sr., Recreation Center Designation Temporary Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7276. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–303, "Limited Liabilty Company Amendment Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7277. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–302, "Management Supervisory Service Exclusion Amendment Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7278. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–300, "Retail Service Station Amendment Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7279. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–299, "Fairness in Real Estate Transactions and Retirement Funds Protection Amendment Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7280. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–297, "Assisted Living Residence Regulatory Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7281. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–296, "Tax Conformity Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7282. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–301, "Performance Rating Levels Amendment Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7283. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–313, "Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000" received April 14, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7284. A letter from the Acting President, Inter-American Foundation, transmitting the Foundation's Fiscal Year 1999 Audited Financial Statements, pursuant to 22 U.S.C. 283j—1(c); to the Committee on Government Reform.

7285. A letter from the Director, Administrative Committee of the Federal Register, transmitting the Committee's final rule—Prices, Availability and Official Status of Federal Register Publications (RIN: 3095–ZA02) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7286. A letter from the Administrator, Agency for International Development, transmitting the FY 2001 Annual Performance Plan for the U.S. Agency for International Development; to the Committee on Government Reform.

7287. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7288. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7289. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received

March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7290. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule— Intergovernmental Consultation—received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7291. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank's 1999 CFOA Report, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7292. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7293. A letter from the Director, Financial Management, General Accounting Office, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report as required by Public Law 95-595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

7294. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999; to the Committee on Government Reform.

7295. A letter from the Office of the District of Columbia Auditor, transmitting the report entitled, "Audit of the District of Columbia Sports and Entertainment Commission for Fiscal Years 1996 Through 1998"; to the Committee on Government Reform.

7296. A letter from the General Counsel, Cost Accounting Standards Board, Office of Management and Budget, transmitting the Office's final rule—Cost Accounting Standards Board; Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage—received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7297. A letter from the Director, Office of Management and Budget, transmitting written certifications received from agencies confirming that they have assessed the impact of their policies and regulations on the family; to the Committee on Government Reform.

7298. A letter from the Director, Staffing Reinvention Office Employment Service, Office of Personnel Management, transmitting the Office's final rule —Excepted Service; The Career Conditional Employment System; Promotion and Internal Placement (RIN: 3206-AI51) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7299. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Changes in the Survey Cycle for the Orleans, LA, Nonappropriated Fund Wage Area (RIN: 3206-AJ05) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7300. A letter from the Chairman, Securities and Exchange Commission, transmitting the 1999 Annual Performance Report and the 2001 Annual Performance Plan; to the Committee on Government Reform.

7301. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Filing Copies of Campaign Finance Reports and Statements With State Officers [Notice 2000-4] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7302. A letter from the Chairman, Federal Election Commission, transmitting six recommendations for legislative action, pursuant to 2 U.S.C. 437d(d)(2); to the Committee on House Administration.

7303. A letter from the Assistant Secretary, Office of Indian Gaming Management, Bureau of Indian Affairs, transmitting the Bureau's final rule— Tribal Revenue Allocation Plans (RIN: 1076-AD74) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7304. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Marine Mammals; Incidental Take During Specified Activities (RIN: 1018-AF54) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7305. A letter from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Personal Watercraft Use Within the NPS System (RIN: 1024-AC65) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7306. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, "To amend the National Historic Trails System Act to designate the Ala Kahakai Trail in Hawaii as a National Historic Trail"; to the Committee on Resources.

7307. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, "To correct spelling errors in the statutory designations of Hawaiian National Parks, and for other purposes"; to the Committee on Resources.

7308. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA-127-FOR] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7309. A letter from the Director, Wish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Threatened Status for Holocarpha macradenia (Santa Cruz tarplant) (RIN: 1018-AE80) received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7310. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule for Endangered Status for Four Plants from South Central Coastal California (RIN: 1018-AE81) received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7311. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for Chlorogalum purpureum (Purple Amole), a Plant from the South Coast Ranges of California (RIN: 1018-AE76) received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7312. A letter from the Assistant General Counsel for Regulatory Law, Bonneville Power Administration, Department of Energy, transmitting the Department's final rule—Regarding Bonneville Power Administration's subscription power sales to customer's sales of firm resources—received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7313. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Indian Environmental General Assistance Program, Final Guidelines on the Award and Management of General Assistance Agreements for Indian Tribes— received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7314. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 032100B] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7315. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 99120 7322-9322-01; I.D. 12-399A] (RIN: 0648-AN30) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7316. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shimp Trawling Requirements [Docket No. 950427117-9278-11; I.D. 100899A] (RIN: 0648-AN30) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7317. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 991207322-9328-02; I.D. 120899D] (RIN: 0648-AN45) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7318. A letter from the Assistant Administrator for Fisheries, National Marine Fisherie's Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fishery of the Gulf of Mexico; Extension of Effective Date of Red Snapper Bag Limit Reduction [Docket No. 990615162-9162-01; I.D. 122298A] (RIN: 0648-AM73) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7319. A letter from the Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Minimum Size Limit [Docket No. 990527145-9145-01; I.D. 052199B] (RIN: 0648-AM71) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7320. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries [Docket No. 000301055-0055-01; I.D. 012400A] (RIN: 0648-ZA81) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7321. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Statistical Area 620 of the Gulf of the Alaska [Docket No. 990304062-9062-01; I.D. 091099B] received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7322. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 031600A] received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7323. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 031700A] received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7324. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 030200A] received March 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7325. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-line or Pot Gear in the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 030700B] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7326. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 030800A] received March 16, 2000,, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7327. A letter from the Assistant Administrator for Fisheries, National Marine Fisherie's Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Inshore Fee System for Repayment of the Loan to Harvesters of Pollock from the Directed Fishing Allowance Allocated to the Inshore Component Under Section 206(b)(1) of the American Fisheries Act (AFA) [Docket No. 991210331-0017-02; I.D. 102899B] (RIN: 0648-AN34) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7328. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 031000A] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7329. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Catch Sharing Plans [Docket No. 991220343-0071-02; I.D. 120999D] (RIN: 0648-AM52) received March 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7330. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Designated Critical Habitat: Critical Habitat for 19 Evolutionarily Significant Units of Salmon and Steelhead in Washington, Oregon, Idaho, and California [Docket No. 990128036-0025-02; I.D. 012100E] (RIN: 0648-AG49) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7331. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Wildlife and Plants; 90-Day Findings for a Petition to List North American Populations of Smalltooth Sawfish and Largetooth Sawfish as Endangered Under the Endangered Species Act [Docket No. 000303059-0059-01; I.D. No. 021700B] (RIN: 0648-XA49) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7332. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; A Cost Recovery Program for the Individual Fishing Quota Program [Docket No. 991207325-0063-02; 100699A] (RIN: 0648-AJ52) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7333. A letter from the the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 106—225); to the Committee on the Judiciary and ordered to be printed.

7334. A letter from the the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 106—226); to the Committee on the Judiciary and ordered to be printed.

7335. A letter from the the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 106—227); to the Committee on the Judiciary and ordered to be printed.

7336. A letter from the the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 106—228); to the Committee on the Judiciary and ordered to be printed.

7337. A letter from the Assistant Attorney General, Department of Justice, transmitting the Office for Victims of Crime's Report to Congress on the Department of Justice's implementation of the Victims of Crime Act for Fiscal Years 1997 and 1998, pursuant to 42 U.S.C. 10604(g); to the Committee on the Judiciary.

7338. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Adjustment of Status for Certain Nationals of Nicaragua and Cuba [INS No. 1893-97; AG Order No. 2293-2000] (RIN: 1115-AF04) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7339. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Adjustment of Status for Certain Nationals of Haiti [INS No. 1963-98; AG Order No. 2294-2000] (RIN: 1115-AF33) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7340. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Petitioning Requirements for the H-1B Nonimmigrant Classification Under Public Law 105-277 [INS 1962-98] (RIN: 1115-AF31) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7341. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule— Irish Peace Process Cultural and Training Program [INS No. 2000-99] (RIN: 1115-AF51) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Immigrants and Nonimmigrants under the Immigration and Nationality Act, as Amended—received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Nonimmigrant classes; Irish Peace Process Cultural and Training Program Visitors, Q Classification—received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7344. A letter from the Acting Solicitor, U.S. Patent and Trademark Office, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Changes to Application Examination and Provisional Application Practice [Docket No. 000301056-0056-01] (RIN: 0651-AB13) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7345. A letter from the Assistant Secretary of the Army, Civil Works, Department of Army, transmitting the flood damage reduction project for the Turkey Creek Basin, Kansas and Missouri; to the Committee on Transportation and Infrastructure.

7346. A letter from the Attorney-Advisor, Office of the Secretary, Department of Transportation, transmitting the Department's final rule—Third Extension of Computer Reservations Systems (CRS) Regulations [Docket No. OST-2000-6984] (RIN: 2105-AC75) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7347. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc 524 Series and Trent 768-60 and 772-60 Turbofan Engines [Docket No. 99-NE-59-AD; Amendment 39-11605; AD 2000-04-22] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7348. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Model S-61 Helicopters [Docket No. 99-SW-61-AD; Amendment 39-11626; AD 2000-05-16] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7349. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 98-NM-57-AD; Amendment 39-11623; AD 2000-05-13] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7350. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurpocopter France Model EC 120B Helicopters [Docket No. 99-SW-85-AD; Amendment 39-11627; AD 2000-05-17] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7351. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Fan Jet Falcon Series Airplanes; Model Mystere-Falcon 20, 50, 200, and 900 Series Airplanes; and Model Falcon 10, 900EX, and 2000 Series Airplanes [Docket No. 99-NM-319-AD; Amendment 39-11630; AD 2000-05-20] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7352. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronautics, S.A. (CASA) Model CN-235-100 and CN-235-200 Series Airplanes [Docket No. 99-NM-261-AD; Amendment 39-11614; AD 2000-05-05] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7353. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 Helicopters [Docket No. 98-SW-70-AD; Amendment 39-11608; AD 2000-04-25] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99-NM-241-AD; Amendment 39-11613; AD 2000-05-04] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7355. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes [Docket No. 99-NM-337-AD; Amendment 39-11616; AD 2000-05-07] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319 and A321 Series Airplanes [Docket No. 99-NM-353-AD; Amendment 39-11617; AD 2000-05-08] (RIN: 2120-AA64) received March 17, 2000; pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050, 200, 500, and 600 Series Airplanes [Docket No. 98-NM-186-AD; Amendment 39-11611; AD 2000-05-02] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International (formerly AlliedSingal Inc.) 36-300(A), 36-280(B), and 36-280(D) Series Auxiliary Power Units [Docket No. 99-NE-34-AD; Amendment 39-11607; AD 2000-04-24] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model 400A and 400T Series Airplanes [Docket No. 99-NM-334-AD; Amendment 39-11615; AD 2000-05-06] (RIN: 2120-AA64) received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marshall, MO; Correction [Airspace Docket No. 99-ACE-51] received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29946; Amdt. No. 1979] received March 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Terrain Awareness and Warning System [Docket No. 29312; Amendment No. 91-263; 121-273; 135-75] (RIN: 2120-AG46) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7363. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Saint Pete Beach, Florida [COTP Tampa 00-016] (RIN: 2115-AA97) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7364. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Pass Manchac, LA [CGD08-00-003] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7365. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Pine River (Charlevoix), MI [CGD09-00-001] (RIN: 2115-AE47) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Special Visual Flight Rules [Docket No. FAA-2000-7100; Amdt. No. 91-262] (RIN: 2120-AG94) received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Special Federal Aviation Regulation (SFAR) No. 84 Removal of Prohibition Against Certain Flights Within the Territory and Airspace of Serbia-Montenegro [Docket No. 29508] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes [Docket No. 99-NM-349-AD; Amendment 39-11631; AD 200-05-21] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7369. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA330F, SA330G, SA330J, AS332C, AS332L, AS332L1, and AS332L2 [Docket No. 2000-SW-06-AD; Amendment 39-11645; AD 2000-06-05] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7370. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. ALF502 and LF507 Series Turbofan Engines [Docket No. 96-ANE-36-AD; Amendment 39-11624; AD 2000-05-14] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7371. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GMBH Model MBB-BK 117 Helicopters

[Docket No. 98-SW-77-AD; Amendment 39-11647; AD 2000-06-07] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7372. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF34-Series Turbofan Engines; Correction [Docket No. 99-NE-49-AD; Amendment 39-11560; AD 2000-03-03] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7373. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA-31 Series Airplanes [Docket No. 99-CE-49-AD; Amendment 39-11646; AD 2000-06-06] (RIN: 2120-AA64) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7374. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace, Alexandria England AFB, LA; Revocation of Class D Airspace, Alexandria Esler Regional Airport, LA; and Revision of Class E Airspace, Alexandria, LA [Airspace Docket No. 2000-ASW-10] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7375. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Stingler, OK [Airspace Docket No. 2000-ASW-02] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7376. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Hobbs, NM [Airspace Docket No. 99-ASW-32] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7377. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 150, 152, 172, 177, 180, 182, 185, 188, 206, 207, 210, and 337 Series Airplanes [Docket No. 97-CE-114-AD; Amendment 39-11641; AD 2000-06-01] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7378. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. 99-NM-347-AD; Amendment 39-11638; AD 2000-05-28] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7379. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-200, ATR-42-300, and ATR42-320 Series Airplanes [Docket No. 98-NM-94-AD; Amendment 39-11636; AD 2000-05-26] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7380. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Inc. Models DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 Airplanes [Docket No. 99-CE-44-AD; Amendment 39-11643; AD 2000-06-03] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7381. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft Corporation SA226 and SA227 Series Airplanes [Docket No. 99-CE-52-AD; Amendment 39-11644; AD 2000-04] (RIN: 2120-AA64) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7382. A letter from the Administrator, FAA, Department of Transportation, transmitting a Study to Congress: Air Carrier Pilot Pre-Employment Screening Standards and Criteria Study; to the Committee on Transportation and Infrastructure.

7383. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29959; Amdt. No. 1982] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7384. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29958; Amdt. No. 1981] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7385. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29960; Amdt. No. 1983] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7386. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Traffic Separation Scheme in the Approaches to Delaware Bay (RIN: 2115-AF42) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7387. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Anchorage Area; Henderson Harbor, New York [CGD09-99-081] (RIN: 2115-AA98) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7388. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Big Bear City, CA [Airspace Docket No. 99-AWP-26] received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7389. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Saugus River, MA [CGD01-99-193] received March 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7390. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters Inc. Model MD600N Helicopters [Docket No. 99-SW-54-AD; Amendment 39-11604; AD 2000-04-21] (RIN: 2120-AA64) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7391. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Models ASH 25M and ASH 26E Sailplanes [Docket No. 99-CE-78-AD; Amendment 39-11599; AD 2000-04-16] (RIN: 2120-AA64) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7392. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 98-SW-64-AD; Amendment 39-11603; AD 2000-04-20] (RIN: 2120-AA64) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7393. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines [Docket No. 99-NE-24-AD; Amendment 39-11597; AD 2000-04-14] (RIN: 2120-AA64) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7394. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-211, -212, -213, -311, -312, and -313, Series Airplanes; Correction [Docket No. 99-NM-336-AD; Amendment 39-11495; AD 99-27-14] (RIN: 2120-AA64) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7395. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2000-NM-59-AD; Amendment 39-11606; AD 2000-04-23] (RIN: 2120-AA64) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7396. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29947; Amdt. No. 1980] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7397. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29950; Amdt. No. 421] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7398. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29945;

Amdt. No. 1978] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7399. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Puget Sound Vessel Traffic Service [USCG–1999–6141] (RIN: 2115–AF92) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7400. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; San Juan Harbor, San Juan, Puerto Rico [COTP San Juan 00–013] (RIN: 2115–AA97) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7401. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211–524 Series Turbofan Engines [Docket No. 2000–NE–02–AD; Amendment 39–11622; AD 2000-05-12] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7402. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS355N Helicopters [Docket No. 99–SW–87–AD; Amendment 39–11625; AD 2000–05–15] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7403. A letter from the Program Analayst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–211–AD; Amendment 39–11628; AD 2000–05–18] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7404. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 99–NM–73–AD; Amendment 39–11629; AD 2000–05–19] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7405. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146–100A, -200A, and -300A Series Airplanes Equipped with AlliedSignal ALF502R-Series Engines [Docket No. 98–NM–174–AD; Amendment 39–11635; AD 2000–05–25] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7406. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. KAP 140 and KFC 225 Autopilot Systems [Docket No. 2000–CE–11–AD; Amendment 39–11634; AD 2000–05–24] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7407. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Ayres Corporation S2R Series Airplanes [Docket No. 99–CE–57–AD; Amendment 39–11633; AD 2000–05–23] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7408. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98–NM–58–AD; Amendment 39–11639; AD 2000–05–29] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7409. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–22–AD; Amendment 39–11640; AD 2000–05–30] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7410. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146–100A, -200A, and -300A Series Airplanes [Docket No. 99–NM–237–AD; Amendment 39–11637; AD 2000–05–27] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7411. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS355N Helicopters [Docket No. 99–SW–87–AD; Amendment 39–11625; AD 2000–05–15] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7412. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Luftfaht GmbH 228 Series Airplanes [Docket No. 99–CE–43–AD; Amendment 39–11642; AD 2000–06–02] (RIN: 2120–AA64) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7413. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Frequency of Inspection [USCG–1999–4976] (RIN: 2115–AF73) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7414. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Special Projects and Programs Authorized by this Agency's FY 2000 Appropriations Act—received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7415. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to the Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Builders' Paper and Board Mills Point Source Category; Technical Amendment; Removal [FRL–6562–3] received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7416. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Collaborative Science, Technology, and Applied Research (CSTAR) Program [Docket No. 991215340–9340–01] (RIN: 0648–ZA78) received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7417. A letter from the Director, Office of Management and Budget, Department of Veterans Affairs, transmitting the Department's final rule— Appeals Regulations and Rules of Practice—Case Docketing (RIN: 2900–AJ72) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7418. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900–AJ87) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7419. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Eligibility Reporting Requirements (RIN: 2900–AJ09) received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7420. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule— Technical Corrections Relating To Customs Forms [T.D. 00–22] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7421. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, "Customs Automation Modernization Act of 2000"; to the Committee on Ways and Means.

7422. A letter from the Assistant Secretary, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter No. 3–95, Change 3—received March 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7423. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update —received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7424. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transfer of Qualified Replacement Property to a Partnership [Rev. Ruling 2000–18] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7425. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Treatment of Cafeteria Plans [TD 8878] (RIN: 1545–AU61) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7426. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Request for Comments on the Revision of Proposed Section 987 Regulation [Notice 2000–20] received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7427. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Closing agreements concerning variable annuity contracts [Notice 2000-9] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7428. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate— received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7429. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guidelines: Excess Moisture—received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7430. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interim Waiver of Signature Requirement for Form SS-4 [Notice 2000-19] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7431. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2000 Prevailing State Assumed Interest Rates [Rev. Ruling 2000-17] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7432. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revision of Revenue Procedure 80-18 to reflect repeal of U.K. Act [Rev. Ruling 2000-13] received March 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7433. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election in respect of losses attributable to a disaster—received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7434. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Time to File and Pay Due to Patriot's Day [Notice 2000-17] received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7435. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits [Rev. Rul. 2000-13] received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7436. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—April 2000 Applicable Federal Rates [Rev. Ruling 2000-19] received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7437. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Differential Earnings Rate for Mutual Life Insurance Companies [Notice 2000-16] received March 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7438. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2000 Automobile Inflation Adjustment [Rev. Ruling 2000-18] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7439. A letter from the General Sales Manager and Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting a report on sales and barter of commodities donated under section 416(b) of the Agricultural Act of 1949; jointly to the Committees on Agriculture and International Relations.

7440. A letter from the Secretary of Energy, transmitting the report on the Department of Energy's Activities Relating to the Defense Nuclear Facilities Safety Board Calendar Year 1999; jointly to the Committees on Armed Services and Commerce.

7441. A letter from the Chairman, International Financial Institution Advisory Commission, transmitting the Report of the International Financial Institution Advisory Commission; jointly to the Committees on Banking and Financial Services and Ways and Means.

7442. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Prospective Payment System for Hospital Outpatient Services [HCFA-1005-FC] (RIN: 0938-AI56) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

7443. A letter from the Secretary of Health and Human Services and Attorney General, transmitting the Annual Report on Health Care Fraud and Abuse Control Program FY 1999; jointly to the Committees on Commerce and Ways and Means.

7444. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting a copy of the Secretary's Memorandum of Justification for Transfer of Defense Articles and Services to the Government of Bosnia, pursuant to Public Law 104—107, section 540(b) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

7445. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the allocation of funds the Executive Branch intends to make available from funding levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000; jointly to the Committees on International Relations and Appropriations.

7446. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidental Determination 2000-10 pursuant to Section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as Contained in the Consolidated Appropriations Act for FY 2000; jointly to the Committees on International Relations and Appropriations.

7447. A letter from the Chairman, Federal Election Commission, transmitting 32 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration and the Judiciary.

7448. A letter from the Director, Coporate Audits and Standards, General Accounting Office, transmitting the financial statements of the Capitol Preservation Fund for fiscal years ended September 30, 1999 and 1998; jointly to the Committees on House Administration and Government Reform.

7449. A communication from the President of the United States, transmitting a report on progress made toward achieving benchmarks for a sustainable peace process; (H. Doc. No. 106—231); jointly to the Committees on International Relations, Appropriations, and Armed Services and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 673. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys; with an amendment (Rept. 106-592). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1106. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources; with an amendment (Rept. 106-593). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2957. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes; with an amendment (Rept. 106-594). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 855. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 relating to the dumping of dredged material in Long Island Sound, and for other purposes; with an amendment (Rept. 106-595). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1237. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; with an amendment (Rept. 106-596). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3313. A bill to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes; with an amendment (Rept. 106-597). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2647. A bill to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes (Rept. 106-598). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3577. A bill to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho (Rept. 106-599). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 482. Resolution providing for consideration of motions to suspend the rules (Rept. 106–600). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 483. Resolution providing for consideration of the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys (Rept. 106–601). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 484. Resolution providing for consideration of the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes (Rept. 106–602). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 485. Resolution providing for consideration of the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources (Rept. 106–603). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on April 14, 2000]

Pursuant to clause 5 of rule X, the Committee on Banking and Financial Services discharged from further consideration of H.R. 3244.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on Apr. 14, 2000]

H.R. 3244. Referral to the Committee on Ways and Means extended for a period ending not later than May 2, 2000.

H.R. 1656. Referral to the Committees on Commerce and Education and the Workforce extended for a period ending not later than May 26, 2000.

[Submitted May 2, 2000]

H.R. 3244. Referral to the Committee on Ways and Means extended for a period ending not later than May 3, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CLAY (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. FATTAH, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. WU, Mr. HOLT, and Mr. JEFFERSON):

H.R. 4346. A bill to modernize public schools, reduce class sizes, increase access to technology, enhance school safety, improve teacher quality and strengthen accountability for academic results, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 4347. A bill to amend title 18, United States Code, to modify authorities relating to the use of pen registers and trap and trace devices, to modify provisions relating to fraud and related activities in connection with computers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 4348. A bill to require the Secretary of Housing and Urban Development to conduct a study of developing residential mortgage programs that provide low-cost health insurance in connection with low-cost mortgages; to the Committee on Banking and Financial Services.

By Mr. BACA:

H.R. 4349. A bill to provide grants to local educational agencies to provide financial assistance to elementary and secondary schools for obtaining computer software for bilingual education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts:

H.R. 4350. A bill to amend the Higher Education Act of 1965 to provide for the forgiveness of Perkins loans to members of the armed services on active duty; to the Committee on Education and the Workforce.

By Mr. GEKAS (for himself and Mr. BOUCHER):

H.R. 4351. A bill to amend title 17, United States Code, to preserve efficient low-cost commercial financing of enterprises based upon the security of their copyrights and copyrightable assets by confirming that a security interest perfected therein through traditional, practical, and appropriate means will prevail over lien creditors; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Mr. YOUNG of Alaska):

H.R. 4352. A bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GUTIERREZ (for himself, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. STARK, Mr. EVANS, Mr. THOMPSON of Mississippi, Mr. KUCINICH, Mr. FRANK of Massachusetts, Mr. HILLIARD, Mr. GREEN of Texas, Mr. FILNER, Ms. LEE, Mr. MEEKS of New York, Ms. VELÁZQUEZ, Mr. SANDERS, Ms. KILPATRICK, Mr. PALLONE, Ms. WATERS, Mr. CAPUANO, Mr. WYNN, Mr. HOEFFEL, Ms. NORTON, Mr. HINCHEY, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. NADLER, Mr. LEWIS of Georgia, Mr. OWENS, Ms. SCHAKOWSKY, Mr. COSTELLO, Mr. CONYERS, Mr. RUSH, Mr. PAYNE, Mr. MCDERMOTT, Ms. CARSON, Mr. BROWN of Ohio, Mrs. MALONEY of New York, Mr. BERMAN, Mr. COYNE, Mr. MARTINEZ, Mr. PASTOR, Mr. TIERNEY, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. PHELPS, Mrs. CLAYTON, Mr. GEORGE MILLER of California, Mr. KILDEE, Ms. PELOSI, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. STRICKLAND, Mr. MATSUI, Mr. RAHALL, Ms. WOOLSEY, Ms. BALDWIN, Mr. DEFAZIO, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, Mr. RANGEL, Mr. OLVER, Mr. DELAHUNT, Mr. TOWNS, Ms. BROWN of Florida, Mr. CLAY, Ms. DELAURO, Mr. MCNULTY, Mr. LIPINSKI, Mr. ROMERO-BARCELO, Mr. SERRANO, Mr. FALEOMAVAEGA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. JEFFERSON, Mr. RODRIGUEZ, Mr. SABO, Mr. FARR of California, Mr. DIXON, Mrs. MEEK of Florida, Mr. REYES, Mr. ORTIZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. BACA, Mr. MCGOVERN, Mr. BARRETT of Wisconsin, and Ms. ROYBAL-ALLARD):

H.R. 4353. A bill to provide for a livable wage for employees under Federal contracts and subcontracts; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 4354. A bill to amend the Immigration and Nationality Act to provide for the adjustment of status of certain unaccompanied alien children and the establishment of a panel of advisors to assist unaccompanied alien children in immigration proceedings; to the Committee on the Judiciary.

By Mr. HILLEARY:

H.R. 4355. A bill to authorize retention by the City of Tullahoma, Tennessee, of all funds received under Environmental Protection Agency construction grants c470319–03 and c470319–04; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE:

H.R. 4356. A bill to amend title XVIII of the Social Security Act to provide additional protections for Medicare beneficiaries under the MedicareChoice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. KENNEDY of Rhode Island, Mr. WEYGAND, and Ms. PELOSI):

H.R. 4357. A bill to continue the current prohibition of military relations with and assistance for the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions with respect to East Timor are being met; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4358. A bill to amend the Internal Revenue Code of 1986 to promote the economic recovery of the District of Columbia; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4359. A bill to provide for permanent resident status for any alien orphan physically present in the United States who is less than 12 years of age and to provide for deferred enforced departure status for any alien physically present in the United States who is the natural and legal parent of a child born in the United States who is less than 18 years of age; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 4360. A bill to amend title 32, United States Code, to end the prohibition against overtime pay for National Guard technicians; to the Committee on Armed Services.

By Mr. PETERSON of Minnesota:

H.R. 4361. A bill to amend title 10, United States Code, to extend to National Guard military technicians the applicability of certain provisions concerning separation and retirement of Army Reserve and Air Force Reserve military technicians; to the Committee on Armed Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH (for himself, Mr. CUMMINGS, and Ms. NORTON):

H.R. 4362. A bill to require that each Government agency post monthly, on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH:

H.R. 4363. A bill to provide for the implementation of the provisions of law allowing members of the uniformed services to participate in the Thrift Savings Plan; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H. Con. Res. 313. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. BLUMENAUER:

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H. Res. 486. A resolution expressing the sense of the House of Representatives regarding Cesar E. Chavez and farm worker housing programs; to the Committee on Education and the Workforce.

By Mr. BACA:

H. Res. 487. A resolution expressing the sense of the House of Representatives that schools across the Nation should teach about the role of Native American Indians in American history and culture and lead community service projects that further that education; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DREIER introduced a bill (H.R. 4364) for the relief of Fred Forrest; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. PAYNE and Ms. MCKINNEY.

H.R. 49: Mr. MCINTYRE and Ms. BERKLEY.

H.R. 65: Mr. SANDERS.

H.R. 86: Mr. FRELINGHUYSEN.

H.R. 110: Mr. BACA.

H.R. 148: Mr. COBURN, Mr. SAXTON, Mr. BALDACCI, and Mr. VITTER.

H.R. 303: Mr. TALENT.

H.R. 306: Mr. HOEFFEL and Mr. BACA.

H.R. 347: Mr. COOK.

H.R. 382: Mr. BACA.

H.R. 407: Mr. NORWOOD.

H.R. 453: Mr. CHABOT.

H.R. 488: Mr. LOBIONDO.

H.R. 531: Ms. CARSON and Mr. KLINK.

H.R. 534: Mr. FRANK of Massachusetts and Mr. WU.

H.R. 583: Mr. DEFAZIO.

H.R. 670: Mr. ENGEL.

H.R. 684: Ms. PELOSI.

H.R. 783: Mr. SHERMAN, Mr. RILEY, Mr. MCGOVERN, and Mr. CLEMENT.

H.R. 828: Mr. BATEMAN and Mr. GILMAN.

H.R. 860: Mr. BOSWELL and Mr. COOK.

H.R. 890: Mr. BENTSEN.

H.R. 894: Mr. WAMP.

H.R. 896: Mr. KING and Mr. STENHOLM.

H.R. 914: Mr. GILCHREST and Mr. EDWARDS.

H.R. 920: Mr. ABERCROMBIE and Mr. MEEKS of New York.

H.R. 959: Mr. LAFALCE.

H.R. 1020: Mr. BLAGOJEVICH, Mr. HASTINGS of Washington, Mr. GALLEGLY, and Mr. BALDACCI.

H.R. 1050: Mr. RANGEL, Mr. CUMMINGS, and Mr. KUCINICH.

H.R. 1053: Mr. ABERCROMBIE.

H.R. 1071: Ms. WOOLSEY.

H.R. 1083: Mr. SUNUNU.

H.R. 1093: Mr. BECERRA.

H.R. 1095: Mr. NEAL of Massachusetts.

H.R. 1102: Mr. JENKINS and Mr. MCCOLLUM.

H.R. 1115: Ms. NORTON.

H.R. 1139: Mr. BACA.

H.R. 1145: Mr. NORWOOD.

H.R. 1168: Mr. MCINTYRE, Mr. MOORE, and Mr. BOYD.

H.R. 1217: Mr. VISCLOSKY.

H.R. 1227: Mr. SANDERS.

H.R. 1291: Mr. FOSSELLA, Mrs. WILSON, Mr. NUSSLE, Mr. PAUL, and Ms. GRANGER.

H.R. 1304: Mr. MEEKS of New York.

H.R. 1310: Mrs. BIGGERT.

H.R. 1311: Mr. MCDERMOTT.

H.R. 1363: Mr. CRANE.

H.R. 1367: Mr. BACA and Ms. MCKINNEY.

H.R. 1413: Ms. DANNER and Mr. CANNON.

H.R. 1485: Mr. KENNEDY of Rhode Island.

H.R. 1621: Mr. NEAL of Massachusetts, Mr. BALDACCI, Ms. ROYBAL-ALLARD, Mr. WEYGAND, Mr. BACA, Mr. MCDERMOTT, and Ms. JACKSON-LEE of Texas.

H.R. 1622: Mr. TRAFICANT and Mr. BROWN of Ohio.

H.R. 1625: Mr. FORD.

H.R. 1690: Mr. MATSUI.

H.R. 1731: Mr. LEVIN.

H.R. 1804: Mr. DUNCAN and Mr. MEEKS of New York.

H.R. 1841: Mr. OLVER and Mr. WU.

H.R. 1917: Mr. HOLT.

H.R. 1976: Mrs. NAPOLITANO.

H.R. 2000: Mr. GONZALEZ and Mr. GEJDENSON.

H.R. 2004: Mr. EHRLICH and Mr. BLAGOJEVICH.

H.R. 2059: Mr. LUCAS of Kentucky.

H.R. 2120: Mr. GILMAN.

H.R. 2129: Mr. WISE, Mr. BARTON of Texas, Mr. GOODE, Mr. BUYER, Mr. BARRETT of Nebraska, Ms. PRYCE of Ohio, Mr. BASS, Mr. BOYD, and Mr. LINDER.

H.R. 2136: Mr. DICKEY.

H.R. 2221: Mr. CHAMBLISS.

H.R. 2258: Mr. SANDERS.

H.R. 2298: Mr. STRICKLAND.

H.R. 2308: Mr. NETHERCUTT and Mr. BASS.

H.R. 2339: Mr. LUCAS of Kentucky.

H.R. 2341: Mr. GOODLING and Mr. KANJORSKI.

H.R. 2382: Mr. RAHALL, Mrs. MINK of Hawaii, Mr. EHLERS, and Mr. HOEFFEL.

H.R. 2391: Mr. ISTOOK and Mr. FOLEY.

H.R. 2511: Mr. WAMP, Mr. MOLLOHAN, and Mr. GREEN of Wisconsin.

H.R. 2553: Mr. BACA.

H.R. 2562: Mr. HOLT, Mr. CONYERS, Mr. SMITH of Washington, and Ms. BERKLEY.

H.R. 2573: Ms. ESHOO, Mr. HALL of Ohio, and Ms. SCHAKOWSKY.

H.R. 2631: Mr. TURNER, Mr. MEEKS of New York, and Mr. RODRIGUEZ.

H.R. 2635: Mr. GILMAN.

H.R. 2660: Mr. SMITH of New Jersey and Mr. WU.

H.R. 2697: Mr. FILNER.

H.R. 2713: Ms. DEGETTE.

H.R. 2722: Mrs. CLAYTON.

H.R. 2727: Mr. STRICKLAND.

H.R. 2741: Mr. BLAGOJEVICH.

H.R. 2867: Mr. HASTINGS of Washington.

H.R. 2870: Mr. FOLEY.

H.R. 2883: Mr. MEEHAN and Mrs. TAUSCHER.

H.R. 2925: Mr. MINGE.

H.R. 2969: Mr. DEFAZIO.

H.R. 3000: Mr. CONYERS.

H.R. 3032: Mr. RAHALL, Mr. TIERNEY, Ms. SCHAKOWSKY, and Mr. BOUCHER.

H.R. 3044: Mr. CLEMENT.

H.R. 3140: Mr. BOSWELL.

H.R. 3192: Mr. RAHALL, Mr. HORN, Mr. TIERNEY, Mr. EVANS, Mr. BARRETT of Wisconsin, Mr. GUTIERREZ, Mr. GEJDENSON, Mr. COSTELLO, Mrs. JONES of Ohio, Mr. CONYERS, Mr. LATOURETTE, Mr. DOYLE, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. BALDACCI, and Mr. BORSKI.

H.R. 3193: Ms. DELAURO, Mr. HILL of Montana, Mr. FLETCHER, Mr. KINGSTON, Mr. CROWLEY, and Mr. WAMP.

H.R. 3224: Mr. BACA.

H.R. 3235: Ms. SLAUGHTER, Mrs. BONO, Mr. RODRIGUEZ, Mr. ANDREWS, Mr. BALDACCI, and Mr. BACA.

H.R. 3244: Mr. OXLEY and Ms. SCHAKOWSKY.

H.R. 3246: Mr. HOEFFEL.

H.R. 3256: Mr. OSE and Mr. BACA.

H.R. 3267: Mr. FALEOMAVAEGA and Mr. BACA.

H.R. 3301: Mr. CLYBURN, Mr. MEEHAN, Mr. GONZALEZ, Mr. WOLF, Mrs. MORELLA, Mr. CAPUANO, Mr. MOLLOHAN, Ms. MILLENDER-MCDONALD, Mr. STUPAK, Mr. HILLEARY, Mr. FRANK of Massachusetts, and Mr. HOLT.

H.R. 3375: Mr. PORTER.

H.R. 3397: Mr. LANTOS.

H.R. 3461: Mrs. FOWLER.

H.R. 3514: Mr. MEEHAN, Mrs. KELLY, Mr. LAMPSON, Mr. GEORGE MILLER of California, Mrs. LOWEY, and Mr. NEAL of Massachusetts.

H.R. 3518: Mr. BACHUS.

H.R. 3520: Mr. ANDREWS.

H.R. 3535: Mr. KUCINICH, Ms. PRYCE of Ohio, and Mr. RAMSTAD.

H.R. 3544: Mr. FOLEY, Mr. GUTIERREZ, Mr. NETHERCUTT, Mr. DICKS, Mr. GILMAN, Mrs. CHRISTENSEN, Mr. SWEENEY, Mr. DELAHUNT, Mr. LAZIO, Ms. CARSON, Mrs. MALONEY of New York, Mr. TRAFICANT, Mr. MCINNIS, Mr. LATOURETTE, Ms. BROWN of Florida, Mr. JONES of North Carolina, Mrs. MORELLA, Mr. COSTELLO, Mr. BERMAN, Mrs. BIGGERT, Mr. ROMERO-BARCELO, Mr. WATTS of Olahoma, Mr. PALLONE, Mr. BLUMENAUER, Mr.

CAPUANO, Mr. DAVIS of Illinois, Mr. CONDIT, Mr. DOYLE, Mr. FORD, Mr. JACKSON of Illinois, Mr. KANJORSKI, Mr. FLETCHER, Mr. MASCARA, Mr. MOORE, Mrs. NAPOLITANO, Mr. MENENDEZ, Mr. MARKEY, Mr. OBEY, Mr. SHOWS, Mr. VITTER, Mr. SMITH of Washington, and Mr. ABERCROMBIE.

H.R. 3556: Mr. ANDREWS.

H.R. 3565: Mr. HASTINGS of Washington.

H.R. 3569: Mr. DAVIS of Illinois and Ms. SLAUGHTER.

H.R. 3571: Mr. MEEKS of New York.

H.R. 3573: Mr. HILLIARD, Mr. MEEKS of New York, and Mr. HALL of Ohio.

H.R. 3575: Mr. BOUCHER, Mr. GREEN of Wisconsin, and Mr. ANDREWS.

H.R. 3580: Mr. PRICE of North Carolina, Mr. MCDERMOTT, Mr. SHIMKUS, Mr. GREENWOOD, Mr. ANDREWS, Mr. RAHALL, Mr. FILNER, Mr. GRAHAM, Mr. SHUSTER, Mr. ABERCROMBIE, Mr. MOLLOHAN, Mr. LUCAS of Kentucky, Mr. SPENCE, Mr. WEYGAND, Mr. MCCOLLUM, Mrs. FOWLER, Mr. PETERSON of Pennsylvania, Mr. LEACH, Mr. EDWARDS, Mr. STUMP, and Mr. GREEN of Texas.

H.R. 3594: Mr. MCGOVERN, Ms. HOOLEY of Oregon, and Mr. VITTER.

H.R. 3614: Mr. FILNER, Ms. MCKINNEY, Mr. PICKETT, Mr. BASS, Mr. CLYBURN, Mr. DOOLEY of California, Mr. HINCHEY, Mrs. JOHNSON of Connecticut, and Mr. BOUCHER.

H.R. 3633: Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. MALONEY of Connecticut, Ms. NORTON, Mr. GIBBONS, Mr. LAHOOD, Mr. CROWLEY, Mrs. CLAYTON, Mr. KNOLLENBERG, Mr. GUTIERREZ, Mr. SPRATT, Mr. DICKS, Mr. GILMAN, Mr. MEEKS of New York, Mr. METCALF, Mr. NEAL of Massachusetts, Mrs. CHRISTENSEN, Mr. SWEENEY, Mr. PORTMAN, Mr. HOLDEN, Mr. MCNULTY, Mr. DELAHUNT, Mr. LAZIO, Ms. CARSON, Mrs. MALONEY of New York, Mr. TRAFICANT, Mr. MCGOVERN, Mr. MCINNIS, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. LATOURETTE, Ms. BROWN of Florida, Mr. JONES of North Carolina, Mr. ENGLISH, Mr. PAYNE, Mrs. MORELLA, Mr. COSTELLO, Mr. WAMP, Mr. BERMAN, Mrs. BIGGERT, Mr. ROMEMRO-BARCELO, Mr. RANGEL, Mr. PALLONE, Mr. WATT of North Carolina, Mr. BLUMENAUER, Mr. CONYERS, Mr. CAPUANO, Mrs. NORTHUP, Mr. DAVIS of Illinois, Mr. CONDIT, Mr. FORD, Mr. LIPINSKI, Mr. JACKSON of Illinois, Mr. MASCARA, Mr. MOORE, Mrs. NAPOLITANO, Mr. MENENDEZ, Mr. MARKEY, Mr. EVANS, Mr. OBEY, Mr. ENGEL, Mr. SHOWS, Mr. SMITH of Washington, and Mr. ABERCROMBIE.

H.R. 3634: Mr. DELAHUNT.

H.R. 3639: Mr. CLEMENT.

H.R. 3686: Mr. CUMMINGS, Ms. CARSON, Mr. EVANS, and Mr. UDALL of Colorado.

H.R. 3694: Mr. STUPAK and Mr. ANDREWS.

H.R. 3709: Mr. ROGAN.

H.R. 3819: Mr. BLUMENAUER, Mr. FORBES, Mr. DOOLEY of California, Mr. BILBRAY, Mr. FALEOMAVAEGA.

H.R. 3861: Ms. SLAUGHTER.

H.R. 3885: Mr. EVANS, Mr. HYDE, Mr. JACKSON of Illinois, and Mr. BLAGOJEVICH.

H.R. 3915: Mr. MORAN of Kansas, Mr. HANSEN, Mr. NEY, Mr. HORN, Mr. ABERCROMBIE, Mr. GRAHAM, Mr. EVERETT, Mr. STUPAK, Mr. GOODE, Mrs. KELLY, Mr. RAHALL, Mr. MCCRERY, Mr. GIBBONS, and Mr. TRAFICANT.

H.R. 3916: Mr. DUNCAN, Mr. REYNOLDS, Mr. RAHALL, Mr. GORDON, and Mr. GEKAS.

H.R. 3983: Mr. UDALL of Colorado, Mr. REYNOLDS, Ms. WOOLSEY, and Mr. NETHERCUTT.

H.R. 4007: Ms. NORTON.

H.R. 4011: Mr. ABERCROMBIE, Mrs. THURMAN, and Mr. MORAN of Kansas.

H.R. 4018: Mr. HINCHEY, Mr. MINGE, Mr. BISHOP, and Mr. BOEHLERT.

H.R. 4033: Mr. MOORE, Mr. FARR of California, Mr. SABO, Mr. MEEHAN, Mr. FORBES, Ms. SCHAKOWSKY, Mr. CLEMENT, Mr. BACA, Mr. MEEKS of New York, Mr. OWENS, Mr. MURTHA, Mr. FORD, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. JENKINS, Mr. KOLBE, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. CAPUANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Mr. CANNON, and Mr. SANDLIN.

H.R. 4040: Mr. WAMP and Mr. NADLER.

H.R. 4055: Mr. OWENS, Mr. KENNEDY of Rhode Island, Mr. HINOJOSA, Mr. FILNER, Mr. TALENT, Mr. FRANKS of New Jersey, Mr. CASTLE, Mr. KUYKENDALL, Mr. BLUNT, Mr. BAIRD, Ms. BALDWIN, Mrs. NAPOLITANO, Mr. BERMAN, Mr. ROGAN, Mr. BECERRA, Mr. RODRIGUEZ, Mr. BACA, Ms. ESHOO, Mr. HORN, Mr. RAMSTAD, Mrs. MORELLA, Mr. STARK, Mr. NUSSLE, Mr. BASS, Ms. CARSON, Mr. DEMINT, and Ms. SANCHEZ.

H.R. 4069: Mr. FARR of California, Mr. HAYWORTH, Mr. MASCARA, Mr. TIERNEY, and Mr. DIXON.

H.R. 4071: Mr. ISAKSON and Mr. TERRY.

H.R. 4085: Mr. MANZULLO.

H.R. 4100: Mr. GILCHREST.

H.R. 4101: Mr. GILCHREST.

H.R. 4105: Mr. DUNCAN.

H.R. 4106: Mrs. JONES of Ohio, Mr. FILNER, Mr. HAYES, Mr. KILDEE, and Mrs. MYRICK.

H.R. 4118: Mr. GOODLING.

H.R. 4124: Mr. SCHAFFER, Mr. HILLEARY, and Mr. STUPAK.

H.R. 4133: Mr. FARR of California, Mr. SABO, and Mr. OWENS.

H.R. 4142: Ms. PRYCE of Ohio.

H.R. 4149: Mr. FOLEY, Mr. SOUDER, and Mr. BALDACCI.

H.R. 4154: Mr. GOODLING, Mr. NEY, Mr. MANZULLO, and Mr. CRANE.

H.R. 4176: Mrs. THURMAN, Mr. RAHALL, Mr. ENGEL, Mr. FROST, Mr. FILNER, Mrs. CLAYTON, Mr. STARK, Mr. BROWN of Ohio, and Mr. OWENS.

H.R. 4182: Mr. TALENT, Mr. EWING, Mr. HILLEARY, Mr. ROMERO-BARCELÓ, Mr. MCCOLLUM, and Mr. KNOLLENBERG.

H.R. 4184: Mr. NETHERCUTT.

H.R. 4200: Mr. JACKSON of Illinois, Mr. MEEKS of New York, and Ms. KILPATRICK.

H.R. 4207: Mr. METCALF, Mr. BERMAN, Mrs. CAPPS, Mr. CAPUANO, Ms. DELAURO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HOEFFEL, Ms. LEE, Mr. LEVIN, Mr. MATSUI, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. PAYNE, Mr. STARK, and Mr. TIERNEY.

H.R. 4209: Mr. GONZALEZ.

H.R. 4211: Ms. ESHOO, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. PASCRELL, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. MCDERMOTT, and Mr. WEXLER.

H.R. 4213: Mr. LATOURETTE, Mrs. TAUSCHER, and Mr. GARY MILLER of California.

H.R. 4214: Mr. NEY, Mr. FILNER, Mr. HORN, Mr. SISISKY, Mr. CONYERS, Mrs. KELLY, Mr. FALEOMAVAEGA, Mr. GOODE, Mr. GIBBONS, Mr. RAHALL, and Mr. ROMERO-BARCELO.

H.R. 4232: Ms. LEE.

H.R. 4233: Mr. LIPINSKI, Mr. LOBIONDO, and Mr. TRAFICANT.

H.R. 4239: Mr. CARDIN, Mr. KENNEDY of Rhode Island, and Mr. BRADY of Pennsylvania.

H.R. 4242: Ms. PRYCE of Ohio.

H.R. 4245: Mr. SISISKY, Mr. CONYERS, Mr. NEY, Mr. FILNER, Mr. HORN, Mr. FALEOMAVAEGA, Mr. GIBBONS, Mr. GUTIERREZ, Mr. ROMERO-BARCELO, Mr. HUNTER, and Mr. BUYER.

H.R. 4248: Mr. COOK and Mr. MARTINEZ.

H.R. 4277: Mr. WOLF, Mr. MORAN of Virginia, and Mrs. MORELLA.

H.R. 4278: Mr. ABERCROMBIE.

H.R. 4281: Mr. WEXLER, Mr. GEJDENSON, Mr. RAHALL, Mr. BILBRAY, Mr. GALLEGLY, Mr. GREENWOOD, Mr. METCALF, and Mr. RAMSTAD.

H.R. 4290: Mr. FATTAH.

H.R. 4303: Mr. GUTKNECHT.

H. R. 4315: Mr. OXLEY and Mr. REGULA.

H.R. 4334: Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Ms. MCKINNEY, Mr. ROMERO-BARCELO, and Mr. OWENS.

H. Con. Res. 177: Mr. RAHALL.

H. Con. Res. 209: Ms. BERKLEY, Mr. COOK, Ms. MILLENDER-MCDONALD, and Mr. DELAHUNT.

H. Con. Res. 220: Mr. BACHUS.

H. Con. Res. 251: Mr. SMITH of New Jersey, Mr. GEJDENSON, Mr. LANTOS, Ms. DUNN, Ms. SCHAKOWSKY, and Mr. ROGAN.

H. Con. Res. 256: Mrs. THURMAN and Mr. SOUDER.

H. Con. Res. 262: Mr. SPENCE.

H. Con. Res. 283: Mr. SPENCE.

H. Con. Res. 286: Mr. BROWN of Ohio.

H. Con. Res. 300: Mr. SOUDER, Ms. NORTON, Mr. OWENS, and Ms. BERKLEY.

H. Con. Res. 301: Mr. EVANS.

H. Con. Res. 308: Mr. TRAFICANT and Mr. GEORGE MILLER of California.

H. Con. Res. 309: Mr. POMEROY, Mr. FRANKS of New Jersey, Mr. GREENWOOD, Mr. MENENDEZ, Mr. ETHERIDGE, Mr. MEEHAN, Mrs. KELLY, Mr. UNDERWOOD, and Mr. RAMSTAD.

H. Res. 187: Mr. WAXMAN, Mr. COX, and Mr. CLEMENT.

H. Res. 398: Mr. NADLER, Mr. DOYLE, Mr. SHERMAN; Mr. BLAGOJEVICH, Mr. MORAN of Virginia, and Mr. OLVER.

H. Res. 414: Mr. DOOLEY of California, Mr. MEEHAN, and Mr. GONZALEZ.

H. Res. 420: Mr. GILCHREST and Mr. PALLONE.

H. Res. 452: Mr. REYES, Mr. MCNULTY, Mr. ENGEL, Mr. STUPAK, and Ms. ROYBAL-ALLARD.

H. Res. 459: Mr. WATTS of Oklahoma and Mr. MILLER of Florida.

SENATE—*Tuesday, May 2, 2000*

The Senate met at 9:33 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Lord of our lives and Sovereign of this Nation, we thank You for the attitude change that takes place when we remember that we are called to glorify You in our work and to work with excellence to please You. The Senators are responsible to their constituents; their staffs report to them; and others are part of the Senate support team. All of us are employed to serve the Government, but ultimately we are responsible to You for the work we do and how we do it. Help us to realize how privileged we are to be able to work, earn wages, and provide for our needs. Thank You for the dignity of work.

We press on today with enthusiasm, remembering that You have called us to our work and will give us a special measure of strength. Whatever we do, in word or deed, we do it to praise You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Alaska.

SCHEDULE

Mr. MURKOWSKI. Mr. President, today the Senate will begin consideration of the veto override of S. 1287, the nuclear waste repository legislation. By previous consent, the time prior to 12:30 p.m. will be equally divided between Senator MURKOWSKI and the Senators from Nevada. Senator REID is on the floor. At 12:30 p.m., the Senate will recess for the weekly party conference meetings until 2:15 p.m. Following the conferences, there will be 1 hour of debate remaining on the nuclear waste veto override, with a vote scheduled to occur at 3:15 p.m. After the vote, the Senate will resume debate on S. 2, the Elementary and Secondary Education Act, with votes possible throughout the evening. The leader thanks his colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the veto message accompanying S. 1287, which the clerk will report.

The legislative clerk read as follows:

> Veto message on S. 1287, a bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

(The text of the President's veto message is printed on page S3017 of the CONGRESSIONAL RECORD of April 27, 2000.)

The Senate proceeded to consider the veto message.

The PRESIDING OFFICER. Under the previous order, there shall be 90 minutes under the control of the Senator from Alaska, Mr. MURKOWSKI, and 90 minutes under the control of the Senators from Nevada, Mr. REID and Mr. BRYAN.

Mr. MURKOWSKI. Mr. President, it is my understanding Senator BINGAMAN has indicated a desire to speak. I believe he is off the floor at this time and will be coming momentarily. I suggest the absence of a quorum and ask unanimous consent that the time be equally taken off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, it is my intent to accommodate Senator BINGAMAN's schedule.

I yield to the ranking member of the Energy and Natural Resources Committee, Senator BINGAMAN, with the understanding that the time be charged to the other side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will take a few minutes to give my perspective on this upcoming vote to override the President's veto.

The question before the Senate is not whether the Senate supports the construction of a nuclear waste repository. Clearly, I support construction of a nuclear waste repository. The President has indicated he does. The Department of Energy has made significant progress on a repository in the time this administration has been in office. In fact, the Department of Energy has made much more progress in the past 7 years under President Clinton than during the preceding 10 years under Presidents Reagan and Bush.

The President, according to the statement he issued, is "committed to resolving the . . . issue in a timely and sensible manner consistent with sound science and protection of public health, safety, and the environment."

This bill was not vetoed by the President because he does not want to solve the nuclear waste problem. He vetoed it because, as he stated in his veto message, this bill "will do nothing to advance" the program. That is a quote out of the statement that was issued. And secondly, instead of doing something to advance the program, the bill will be "a step backward."

What are the problems that face the nuclear waste program today? Let me go through those problems with a little bit of detail so we all understand what those problems are and we can assess whether or not there is anything in this bill that helps us address that.

First, burying tens of thousands of tons of highly radioactive waste in Yucca Mountain and making sure it does not escape for tens of thousands of years—that is the goal we set for ourselves—raises very difficult scientific and technical questions.

Only last month, the Nuclear Waste Technical Review Board, which Congress created to advise us on these matters, warned that "a credible technical basis does not exist for the repository design." This is the Nuclear Waste Technical Review Board. This is a group that Congress established. This is not some left-wing environmental organization that made this statement.

That report also went on to say, "large uncertainties" still exist in how the Yucca Mountain site will behave, and "much work remains to be completed." That is an exact quote from that review board.

The bill before us does nothing to advance the scientific program that is trying to resolve these issues. Instead, the bill will make it harder for the Department of Energy to resolve these issues by imposing substantial new requirements which will divert the limited resources they have away from the essential scientific work that needs to be done.

A second problem facing the program is public confidence. People need to know that the repository will be safe and will not leak radiation into their water supply now or long into the future. Again, the bill will do nothing to advance public confidence in the repository's safety. Instead, it will undermine that public confidence. Under current law, the repository must meet radiation standards set by the Environmental Protection Agency to protect public health and the environment.

The bill on which we are now voting to override a Presidential veto forbids the Environmental Protection Agency from issuing those standards until this administration leaves office. The proponents of the provision are plainly hoping Governor Bush will be elected President and that his administration will adopt more lax standards than the Clinton administration would adopt. Such a blatant attempt to manipulate the scientific review process is sure to undermine public confidence in the ultimate site suitability determination.

A third problem facing the program is that it is behind schedule. Again, the bill does nothing to accelerate the program. On the contrary, the bill will delay the program further by forbidding the Environmental Protection Agency from issuing its radiation protection standards before June of 2001.

Under current law, EPA will issue the standards this summer, in plenty of time for the Secretary of Energy to take the standards into account in determining whether Yucca Mountain is suitable in 2001. But by delaying the issuance of the standards by nearly one year, the bill is likely to delay the Secretary's suitability determination and his recommendation that the repository be built.

A fourth problem facing the program is that the Department of Energy has not been able to begin moving waste from the States where it is now stored to Yucca Mountain. Again, the bill does nothing to begin moving waste to Yucca Mountain or to accelerate the date at which shipments can begin. On the contrary, the bill will probably obstruct shipments of waste by imposing a host of new obstacles to such shipments.

The bill says no shipment can be made until the Secretary of Energy has determined that emergency responders in every State, every local community, and every tribal jurisdiction, along every primary and every alternative shipping route, have met certain training standards and until the Secretary has given all of those entities financial assistance for 3 years before the first shipment. That is what the bill provides.

The transportation provisions of the bill are far more restrictive than those for shipments to the Waste Isolation Pilot Plant in my State. They are an open invitation to opponents of the nuclear waste program to obstruct shipments to the repository. I think we are all familiar with the availability of the courts to assist in that obstruction, where we put unreasonable restrictions on the Department of Energy, as we have done in the case of transportation to the site.

A fifth problem facing the program—this is the nuclear waste repository program—is the claims against the Government for failing to accept the utilities' waste by the original deadline. The bill permits the Department of Energy to settle these claims by paying the utilities compensation out of the nuclear waste fund—which the utilities said they did not want.

This bill does not permit the Department of Energy to take title to the utilities' waste at the utilities' sites, which is the one near-term solution that was sought by the administration when we went into this debate. In fact, that provision was in the bill when we reported it out of the committee, which I think was a step forward.

Moreover, the bill creates new unfunded liabilities for the Government. It does so by imposing new deadlines that the Department of Energy cannot meet and imposing substantial new requirements without providing funding mechanisms to meet those obligations.

A sixth major problem facing the program is inadequate funding. Our current budget rules make it impossible to give the program the money it requires, even though the fees the utilities pay the Government far exceed what Congress appropriates to the program each year, and the nuclear waste fund has a $9 billion surplus in it. Yet, at the same time, the bill imposes substantial new unfunded spending requirements. So we are setting up and maintaining a prohibition against spending the money at the same time we are imposing new unfunded spending requirements on the program.

These unfunded spending requirements are to provide relief to the utilities under the settlement agreements, to provide financial assistance for transportation planning and training, and to conduct research on alternative waste management technologies.

Finally, the bill does nothing to help the one utility that is actually threatened with having to shut down one of its plants because of insufficient onsite storage capacity. Here I am talking about Northern States Power's Prairie Island plant in Minnesota. Nothing in this bill forestalls the shutdown of that plant in January of 2007.

The bottom line is that this bill will not fix what is wrong with the nuclear waste program. On the contrary, it will make matters worse and move us further from a final solution.

The question before the Senate is whether the bill should pass, "the objections of the President notwithstanding." That is the question for us to vote on this afternoon.

The President said he remains committed to solving the nuclear waste issue. The administration has made considerable progress toward that end and is close to completing the work needed for the site suitability decision next year.

The President says the bill does not help; it does not advance the program's goals.

On the contrary, in his view, it is a major step backward because it is likely to delay the site suitability determination, it undermines public confidence, and it is likely to create new unfunded liabilities for the Government—in fact, not likely, but it does create them.

The President's objections to the bill are well taken, and, in my view, the Senate should not pass the bill over the objections that have been raised by the President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we are again faced with the decision of whether to put off an obligation that we have to store nuclear waste that is threatening our industry or just talk some more.

If we reflect on reality, we will find that the last time this issue came before the Senate we had 64 votes in favor. There was one Senator who was absent. We anticipate that Senator to be here today, so we anticipate approximately 65 votes. In the House, it passed 253-167. So, clearly, a majority in the House and Senate have spoken on this issue.

We have before us the question of the President's veto on the Nuclear Waste Policy Act. I say that the President is wrong. He is wrong for the environment, wrong for the U.S. energy policy, wrong for the economy, and he is wrong for international security.

This has become pretty much a political issue on the floor—whether to override the President's veto and do what is right. What is right is to address the responsibility that we have to the taxpayers of this country. I urge every Member of this body to reflect on the obligation that he or she has at this time. We have a situation where, as a consequence of the inability of the Federal Government to take the waste, which was to occur in 1998, we have a breach of contract with several of our utility companies. That breach of contract has resulted in liability and damages—damages that are assessed now at somewhere between $40 billion and $80 billion. So every Member of this body who does not support an override better be prepared to respond to the American taxpayer and address the reasons and have an excuse for not moving this and terminating that extended liability to the taxpayers.

While the President's veto wasn't based on good science, it was based on crass politics. The President's veto is particularly troublesome because Congress has bent over backward to meet every legitimate concern expressed by this administration. So it is simply clear that this administration doesn't want to take up this matter and resolve it under any circumstances under their watch.

Instead, they apparently want to use it as an election year issue. Well, I think it will come back and bite them as an election year issue. The bill the President vetoed would have disposed of our nuclear waste in a rational and effective way. It would do so by providing early receipt at Yucca Mountain of our civilian and our defense nuclear waste 5 years earlier than under existing law but not until after the Nuclear Regulatory Commission approved a construction permit for the facility, and it would have protected the $16 billion nuclear waste fund from being raided to pay for the Government's default on its contract with the utilities—money that consumers have paid through higher electric rates. It would have protected consumers from the Secretary of Energy unilaterally and unreasonably raising the nuclear waste tax on electricity without the consent of Congress, and it would have preserved the right of the Environmental Protection Agency to set the radiation standards in a manner that fully protects public health and safety.

If you go back and read the bill, it clearly gives the Environmental Protection Agency the obligation of setting the standard. Failure to address this problem does not solve the problem by any means; it simply leaves the waste where it is.

I would like to refer to this chart in back of me because this is the reality. We have the waste at 80 sites in 40 States. It is located in our backyards. Each year that goes by, our ability to continue to store nuclear waste in each of these sites in a safe and reasonable way diminishes. Why? These sites were designed for temporary storage and, in many cases, they have about reached their maximum. Isn't it better to put this at one site, at Yucca Mountain in Nevada, which was designed for the waste?

It is irresponsible to let this situation continue. Rather than exhibiting courage and signing legislation that would address the problem, the President has abdicated his responsibility. Rather than protect the American people, he has chosen to sacrifice them to satisfy the anti-nuclear interests.

The veto is absolutely wrong for the environment. Again, I refer to this chart. Is it better to have this material scattered at 80 sites in 40 States or one, single, easily-monitored location which, I add, is where we have had over 50 years of nuclear testing out in the Nevada desert? This veto means that the administration wants to continue to keep this material near our major population centers, near schools, hospitals, parks, homes, areas where we have earthquakes, such as in California, and in other areas, such as Illinois, where we have severe windstorms at times. The administration's own draft environmental impact statement released in August of last year makes it clear that leaving the material spread around the country could represent a considerable human health risk.

His veto is wrong for the U.S. energy policy. The real agenda of this administration is to kill nuclear power as a means to provide electricity, but they never answered the tough questions—the reality that nuclear power generation consists of 20 percent of the Nation's electricity. It does so without emanating any air pollution or greenhouse gases. How do we address the risk of global warming without nuclear power? It is pretty hard to do. How do we meet our clean air requirements and goals without nuclear power?

There is no alternative suggested by the administration. How do we provide consumers and our economy with the electricity they need if we rule out our nuclear power? The answer is very simple: We can't.

The choice we face is either replace nuclear power with coal-fired power or consumers will go without; that means brownouts, perhaps blackouts. But this should come as no surprise to an administration that has allowed this Nation to become dependent on insecure sources of foreign oil to meet our energy needs. Our energy policy consists of the Secretary of Energy going hat-in-hand to beg for help from countries that once sought our protection to maintain their existence. We have recently seen our increased dependence on oil from Saddam Hussein and Iraq. It was 300,000 barrels a day last year, and this year it is 700,000 barrels a day.

Isn't it rather ironic, as we look at the foreign policy of this country, to recognize that we buy Saddam Hussein's oil and give him our dollars, and we take that oil, put it in our airplanes, and we go out and bomb him.

That is really what we are doing. How ironic.

Furthermore, it has cost the American taxpayer about $10 billion since the end of the Persian Gulf war in 1991 to keep Saddam Hussein fenced in.

The veto is wrong for the economy. Failure to resolve the nuclear waste problem may well turn into a budgetary disaster that will rival the savings and loan crisis.

I say that as a consequence of the increasing liability that goes to the Federal Government for its inability to take that waste when it was due under the contract terms in 1998. That is over $40 billion. It may be closer to $80 billion. That is a liability that is being assumed by the American taxpayer as we delay addressing this obligation.

By failing to resolve the nuclear waste problem, the Federal courts have said this administration has violated its contractual obligations. As I said, this means the Department of Energy may have to pay as much as $40 billion to $80 billion in liability, and possibly more. Where do you think this money is going to come from? You guessed it. The taxpayer. And every Member who doesn't support this veto override had better be able to explain that to his or her constituents. Instead of using this money to keep Social Security solvent, we have to use it to pay for this administration's willful failure to comply with the law.

But keep in mind that even after the taxpayers foot this bill, the nuclear waste problem still won't be dealt with because the President simply won't stand up and recognize that we have an obligation under a contract made 20 years ago to accept the waste.

Further, it is wrong for the international security of this Nation. How do we convince our allies and those who are not to abide by our goal of nuclear nonproliferation when we demonstrate that we have neither the will nor the intelligence to deal with our own domestic problem? How do we convince our European allies to look to us and not Russia for solutions when we demonstrate that we do not have the courage to follow science and our own law? What type of leadership do we show to the world when we are unwilling to honor our commitments to our own citizens? It is not only our security that is jeopardized but also that of our allies who depend on our willingness and capability to defend them to enforce a peace.

This is referred to as a "mobile Chernobyl" by some. Opponents of the legislation argue that shipping nuclear waste across the Nation will create a "mobile Chernobyl." The administration seems to agree with these opponents. Yet this very same administration agreed in 1996 to accept 20 tons of foreign nuclear high-level waste shipped to the United States. The administration's Foreign Research Reactor Program brought that in. This foreign nuclear waste is being moved safely in the very same way and in the very same casks that the opponents say U.S. nuclear waste cannot be moved safely.

Let me also observe as we are talking about "mobile Chernobyls" that there are 83 nuclear-powered U.S. submarines and naval warships which operate under nuclear power. They are around the world. They operate around the clock in both U.S. and foreign ports to ensure our security. They carry the reactors, and they have done it in a safe and admirable manner for a long period of time. There does not seem to be any concern about these ships. And the shipments we are talking about are dry, stable waste, and not reactors. But they criticize it in the capacity of suggesting this is a Chernobyl-style act.

This is fear mongering. It is unnecessary. It is fear in the worst case.

Finally, we recognize the obligation of our Chief Executive. The President of the United States had a choice. The President could have shown courage and chosen for the environment. Instead, he declined. The President could have shown leadership and chosen a sound energy policy. Instead, he refused. The President could have demonstrated concern for the future and chosen for a healthy economy. Instead, he ducked. The President could have shown resolve on our national and international obligations and chosen for our national security. Instead, he abdicated. The President's veto was wrong for the environment, for energy policy, for the economy, and for our national security.

Today, our choice is a simple one.

Again, I note on this chart behind me, all of those areas in green are the States where nuclear waste is stored, 40 States. Do we want to have that, or do we want to have one central disposal facility at Yucca Mountain where we have already expended $6 billion or $7 billion in the design of a permanent repository? Do we want to move it to one central facility in an area where over 800 nuclear devices were tested?

I show you a chart and a picture of the proposed location for the permanent repository at the Nevada site. It was used for previous testing of more than 800 nuclear weapons.

I urge my colleagues not to be misguided and to support the veto override.

Before I yield some time to the other side, I want to make a couple of points relative to the radiation issue which has come up from time to time.

One of the principles originally in S. 1287 was that the Yucca Mountain radiation standards should be set by the NRC and not the EPA. Although I still strongly believe that the Nuclear Regulatory Commission should set this standard, the managers' amendment contains new language—I hope my colleagues will read it—that will permit the EPA to go ahead with its rule as long as both the EPA and the Nuclear Regulatory Commission, in consultation with the National Academy of Sciences, agrees that the standard will protect public health, safety, and the environment, and is reasonable and obtainable. If that isn't the best science available, I don't know what is.

This is a very reasonable approach that provides the very best science and the very best peer review, yet allows the EPA to have the obligation to ultimately complete the rule after all the best minds on the subject have been consulted.

I think it is apparent as we address this issue—and I recognize that my State of Alaska does not have nuclear waste stored in it—that if we don't resolve it today, we are going to have to address it at a later date because the fact is nobody wants this waste.

I am particularly sensitive to and appreciate the position of my colleagues from Nevada. The bottom line is they don't want the waste. If the waste were going to be stored in Colorado, we would have the Senators from Colorado speaking here on the floor and objecting to it. It is going to be stored in California, or New Hampshire, or somewhere. That is just the harsh reality of recognizing that no one wants this waste.

But my colleagues from Nevada claim that the Congress chose Nevada to be studied for nuclear waste disposal purely for political reasons. They would have you believe that there are no rational, technical, or scientific reasons for placing spent nuclear fuel in Nevada. That is what they would have you believe. But it is wrong.

The DOE spent over $1 billion studying other potential sites before narrowing the list to three sites, one of which was Yucca Mountain. Congress settled on Yucca Mountain back in 1987. It is geologically unique. The Nevada Test Site has been used to explode nuclear weapons for over 50 years.

This is a picture of the Nevada site. The last weapon exploded there underground was in 1991. The underground tests are still being performed, with nuclear materials being exploded with conventional explosives, with the wholehearted support of the Nevada delegation. In fact, not too long ago one of the Senators from Nevada supported storing spent fuel at the test site. There was a resolution that I believe took place back in 1975 or 1976.

The resolution reads as follows. This is a resolution from the Nevada Assembly, Joint Resolution 15:

> Whereas, the people of Southern Nevada have confidence in the safety record of the Nevada test site and the ability of the staff of the site to maintain safety in the handling of nuclear materials;
>
> Whereas, nuclear disposal can be carried out at the Nevada test site with minimal capital investment relative to other locations;
>
> Now, therefore, be it resolved that the Assembly of the State of Nevada jointly with the Legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose the Nevada test site for the disposal of nuclear waste.

This resolution passed the Nevada Senate by a 12–6 vote, aided by a vote at that time of then State Senator BRYAN and signed by the Governor of Nevada.

What has changed? The Nevada Test Site has not changed. It has the workers, a workforce, an infrastructure for dealing with nuclear materials. The geology has not changed.

I ask unanimous consent to have printed in the RECORD a Los Angeles Times article called "Marketing a Nuclear Wasteland."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 4, 1998]

MARKETING A NUCLEAR WASTELAND

(U.S. tries to drum up business for Nevada Test Site by urging companies to use it for research too risky to try anywhere else. "No job is too big," promotional brochure boasts)

(By Stephanie Simon)

MERCURY, NEV.—This sun-scraped scab of desert has been pounded by the worst mankind could hurl at it: four decades of nuclear explosions.

Those trials are over now. But this echoing expanse remains the proving ground for audacious inventions. Only now it's not the government experimenting, it's private industry.

Need to blow up a building to test a new anti-terrorism design? Do it at the Nevada Test Site. Need to set a chemical fire to try out a new foam flame retardant? Feel free, at the Nevada Test Site.

Dump toxins on the ground to train emergency crews. Bury land mines to test detection technology. Send a brand new, one-of-a-kind reusable rocket hurtling into orbit.

Even the most violent and volatile of experiments can do little to land that has been assaulted by 928 nuclear explosions over the years.

That is why the U.S. Department of Energy is marketing the site—a wasteland bigger than Rhode Island—as the perfect place to conduct research that would not be welcome in the average American neighborhood. As the promotional brochure boasts: "No job too big."

The push to woo private industry to the Nevada Test Site mirrors transitions underway at nuclear facilities across the country. With the Cold War over, the government has been trying to shrug off surplus weapons plants by cleaning them up and turning them over to communities for commercial development.

The test site, however, presents some unusual challenges:

It's huge. It's impossible to scrub clean. And it might one day be needed for more nuclear tests. Thus, unlike some other nuclear facilities, it can't be transformed into, say, an industrial park. Instead, the Energy Department seeks to bring in private projects compatible with the site's legacy.

"We're selling the concept of a place where you can do things you can't do anywhere else," said Tim Carlson, who runs NTS Development Corp., a nonprofit group commissioned by the government to market the site.

Of course, not every company wants to be associated with a nuclear testing ground, even one that no longer sends mushroom clouds roaring through the dawn. Hundreds of craters from underground blasts still pock the earth like giant thumbprints in a just-baked pie. Yellow signs still warn of radiation here and there in the desert scruff.

"Gerber baby food will never move out here, because of the image," NTS consultant Terry Vaeth acknowledged.

But plenty of other companies will. Exempt from many environmental restrictions, the site allows researchers to step outside their labs and conduct real-life, full-scale tests too dangerous to carry out elsewhere.

Consider the Hazardous Materials Spill Center, a tangle of criss-crossing pipes and mock smokestacks gleaming in the dull brown emptiness. It's centered around a

> giant wind tunnel built to spew toxins into the air—on purpose.
>
> Private firms and government agencies pay up to $1.2 million for the privilege of dumping dangerous brews by the tens of thousands of gallons through the wind tunnel or elsewhere at the facility. From a bank of nearby TV cameras, they can then monitor how the fumes spread in different weather conditions, or whether experimental cleanup methods work.
>
> "It's the only place we've found where we can spill this stuff," said Mark Salzbrenner, a senior engineer at DuPont Chemical Co.
>
> Every other year, DuPont holds two weeklong workshops for industrial customers who buy fuming sulfuric acid for products such as shampoo, laundry detergent and pharmaceuticals. Engineers spill the stuff into huge steel pans, then demonstrate how to battle the resulting blazes.
>
> Each workshop costs DuPont $40,000 a fee Salzbrenner considers well worthwhile. After all, he says, "we're not going to do this in the middle of Los Angeles."
>
> The spill center has been operating for more than a decade, but promoters are just starting to market it intensively to private industry as part of the drive to commercialize the site. It's a startling shift of focus for this lonely chunk of desert 65 miles northwest of Las Vegas.
>
> For decades, the test site was top secret, off limits a proud if mysterious symbol of America's determination to preserve peace through overwhelming military strength.
>
> Before the test site was established in 1951, the United States had exploded five nuclear bombs on the Bikini Atoll in the Pacific Ocean. With tensions rising in Korea, President Harry Truman decided to shift the nuclear program to the mainland, Nevada, with its dry weather and low population, was selected.
>
> The government conducted a handful of tests on peaceful uses for nuclear explosions in Alaska, Mississippi, New Mexico and Colorado, as well as 104 blasts on Pacific islands. But more than 90% of the nation's nuclear tests took place at the Nevada site.
>
> Then the Cold War crumbled.
>
> In 1992, President George Bush declared a moratorium on nuclear testing that has held to this day. The Energy Department, which runs U.S. nuclear programs, responded with painful cutbacks at weapons assembly and testing facilities from Tennessee to New Mexico.
>
> In the past six years, the department has slashed its nuclear work force by a third. The Nevada site, suddenly stranded with no clear mission, fared even worse: Employment has collapsed from a Cold War peak of 11,000 jobs to fewer than 2,500.
>
> Scientists lost their jobs, of course, but so did lab technicians and welders and mechanics. Half of the site's 3,300 buildings, ranging from trailers to offices to elaborate labs, were vacated and declared surplus. "It created a kind of vacuum," said Susan Haase, a vice president of NTS Development.
>
> To cushion the blow, the Energy Department set aside more than $190 million over five years to help communities affected by the downsizing. Cities could use the grants to retrain laid-off workers, convert weapons plants to commercial use or put together incentive plans to lure new employers.
>
> The Nevada Test Site received nearly $9 million of these funds, but with a caveat: Privatization would have to proceed with caution, because the government still has first dibs on the rugged, mountain-fringed site.
>
> Though the United States has not set off a nuclear explosion in nearly six years, the Nevada site is still used for underground experiments designed to assess the stability of aging weapons.
>
> Also, by law the Energy Department must be prepared to resume full-scale tests within two years if the president ever gives the word. So the government could not simply hand the site to Las Vegas developers and let them have at it.
>
> Clearly, a Ground Zero Casino was out. Instead, NTS Development has tried to market the site to industries that can take advantage of the equipment and brainpower assembled over the years to support nuclear tests.
>
> "You've got a tremendous amount of energy . . . sitting there waiting to be of service again," Carlson said.
>
> Local leaders hope that wooing scientific projects to the site will diversify the state's economy, which now leans on gambling and tourism for nearly half its revenue. At the same time, the government is eager to busy laid-off nuclear workers with peacetime challenges so they'll keep their skills sharp in case testing ever resumes.
>
> Whatever the motivation, electrical foreman Clifford Houpt is glad to see so much interest in revving up business for the repair shops and assembly facilities of Mercury, a town that serves as the last site's faded barracks-style base camp. "We need all the work we can get out here," he said.
>
> Some of the projects drawn to the test site represent efforts to atone for the Cold War years of environmental destruction.
>
> Most of the site's new ventures so far have come from private, for-profit companies such as Kistler. Eventually, though, local leaders hope that the federal government will step in with its own projects.
>
> The nonprofit Nevada Testing Institute is pressing Congress to fund a $1-million anti-terrorism center. Engineers could subject buildings to terrorist-style assaults to determine how best to safeguard lives and property, said institute President Pete Mote.
>
> "They may say, 'We need a 20,000-pound bomb, and we want to simulate a building in New York City that a Ryder truck can get within 20 feet of,'" he said. "We'll say, 'OK, we're the place to do it.'"
>
> The prospect of such projects cheers Nevada civic leaders who would love to see the site once again serve national security—without sending mushroom clouds billowing toward Las Vegas as the early atmospheric tests in the 1950s did.
>
> "We want to take the technology and the personnel we had [for the nuclear industry] and apply it to new areas so we're doing things for society instead of just blowing up bombs," said Stephen Rice, associate provost of the University of Nevada, Las Vegas. Or, as NTS Development's Haase put it: "Taxpayers paid for this place, after all.
>
> NEVADA'S NUCLEAR LEGACY
>
> The United States conducted 928 nuclear tests at the Nevada Test Site between 1951 and 1992. Though most were conventional bombs, the government also tested a nuclear artillery shell, experimented with a nuclear-powered rocket and sought peaceful uses of atomic explosives for earth-moving projects.
>
> SOME FACTS ABOUT THE TEST SITE
>
> Las Vegas residents used to stand on their doorsteps to toast the passing mushroom clouds.
>
> In the early 1950s, troops from all four military services were deployed within a few thousand yards of atmospheric tests to train them in atomic combat.
>
> For a 1953 test dubbed "Doom Town" scientists built a mock American community near ground zero, complete with cars, bunkers and mannequin families. The explosion destroyed all but two houses.
>
> The U.S. Environmental Protection Agency for years managed a 36-acre farm on the site to test the effect of radiation on cattle, crops and wells.
>
> For a 1957 test, "Priscilla,," engineers built concrete domes, underground garages, bridges and other shelters near ground zero to see how they would fare in a blast. Most did poorly, although a bank vault survived intact.
>
> Scientists built a Japanese-style town and bombarded it with radiation in 1962 to determine whether houses shielded residents from exposure during the Hiroshima and Nagasaki bombings.
>
> Apollo 16 astronauts practiced driving their moon rover through test-site craters thrown up by nuclear explosions.
>
> The test site's base camp, in Mercury, includes dormitory housing for 1,200 as well as warehouses, laboratories, repair shops and a hospital. Recreation facilities include a bowling alley, movie theater, pool, track and cafeteria.

Mr. MURKOWSKI. The subheading reads:

> U.S. tries to drum up business for Nevada's Test Site by urging companies to use it for research too risky to try anywhere else. No job is too big, promotional brochures boast. It is huge. It is impossible to scrub clean. We are selling the concept of a place where you can do things you can't do anywhere else, said Tim Carlson, who runs the NTS Development Corporation, a nonprofit commission by the Governor to market the site.

A few more observations from Nevadans quoted by the story:

> We take these companies out of someone's backyard and put them here. They are never going to be able to reclaim it for 10,000 or 15,000 years, says Randy Harness of the Sierra Club's Las Vegas chapter. They might as well do research there.

He concludes:

> Given the constant monitoring, the site is probably the safest place in the whole United States.
>
> We want to take the technology and the personnel we have in the nuclear industry and apply it to new areas so we are doing things for society instead of just blowing up bombs, said Steven Rice, assistant provost for the University of Nevada, Los Vegas.

Or, as the Nuclear Testing Site Development's Haase put it:

> Taxpayers paid for this place, after all. They should get some use out of it.

We are seeing a situation develop where it is fair to say we have the final obligation in the Congress of the United States to address this with resolve once and for all.

I will comment briefly on the specifics of the veto the President saw fit to initiate. In looking at the President's veto message, the President presented the argument that S. 1287 is a step backward because delaying the issue regarding radiation standards delays any decision with regard to the site recommendation. The reality is the radiation standard is only necessary for the license application through March 2000.

The other argument the President reports is that the bill adds unnecessary bureaucracy to issuing standards and delays. The bill says specifically that the EPA issues the radiation standards by June 2001. EPA must also compare provisions with the National Academy's recommendation and justify this scientific basis for the rule. If good science unduly burdens the EPA, then perhaps we have a problem with the proposed rule. We are talking about the EPA having the final determination.

The President further states that the bill does not help with claims against the Federal Government for damages related to failure to accept fuel. The opposite is true. The bill provides early receipt as soon as construction is authorized. That is as early as 2006, January. It permits the Secretary of Energy to enter into settlement agreements with utilities, thus limiting continued liability. I think this is another example of the administration putting responsibility for its own problems on Congress. They seek to minimize damages from their own failure to take the waste and minimize the $40 to $80 billion liability by cooperating with Congress. Is that too much to ask? I ask my colleagues to explain to their constituencies why they are exposing them to continued litigation at the expense of the taxpayer, as the $40 to $80 billion claims against the Federal Government continues to mount.

Another argument is S. 1287 doesn't promote settlement because it doesn't have "take title" language. Mr. President, one time it had take title language but the Secretary of Energy, Secretary Richardson, didn't do his part to gain support from the States that opposed it. Why did the States oppose it? They feared the Federal Government would simply leave the waste in their States, take title to it and leave it. More importantly, the DOE has argued in the past; the Ninth Circuit, in 1991, said that the Department of Energy already had the authority to take title. That was granted by the 1954 Atomic Energy Act. This is another smokescreen.

What is lacking is not legal authority but a political exercise of will. This administration, unfortunately, does not have that political will.

It is interesting to note some of the support. I ask unanimous consent to have printed in the RECORD a letter from the Governor of the State of New York, George Pataki.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK
April 21, 2000.

DEAR MR. PRESIDENT: Now before you is the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). On behalf of the citizens of New York State who have been forced to temporarily store more than 2,000 tons of radioactive nuclear waste, I urge you to sign this bill into law.

Because the Federal government has failed in its statutory obligation to build a permanent and safe nuclear disposal site by 1998, our State and others are faced with continued on-site management of high-level radioactive waste. With S. 1287 Congress has developed a sensible plan that will, if signed by you, begin a process leading to this facility finally being built.

This bill has passed both the U.S. Senate and House of Representatives by large majorities and would allow New York State to transport the radioactive waste we have been storing on an interim basis. Disposal of this waste is one of the most important environmental concerns facing New York and other states with nuclear facilities and failure to seize the opportunity we now have with passage of S. 1287 could pose serious risks for us all.

Enactment of the Nuclear Waste Policy Amendments Act of 2000 will also allow us to avoid continued litigation over the Federal government's failure to live up to its commitment to accept this waste. The plan laid out after years of debate and discussion in Congress moves us closer to protecting the health and safety of all Americans and should be signed.

As time passes, the problem of finding a means for the safe disposal of nuclear waste grows more complicated. Your support is needed on this critical issue of national importance, and I respectfully request that you sign S. 1287 so the process of shipping radioactive waste out of New York and other states into a safe, permanent Federal facility can finally begin.

Very truly yours,
GEORGE E. PATAKI.

The Honorable WILLIAM J. CLINTON,
President,
The White House,
Washington, DC.

Mr. MURKOWSKI. I will read briefly from the letter.

APRIL 21, 2000.

DEAR MR. PRESIDENT: Now before you is the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). On behalf of the citizens of New York State who have been forced to temporarily store more than 2,000 tons of radioactive nuclear waste, I urge you to sign this bill into law.

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This bill has passed both the U.S. Senate and House of Representatives by large majorities and would allow New York State to transport the radioactive waste we have been storing on an interim basis. Disposal of this waste is one of the most important environmental concerns facing New York and other states with nuclear facilities.

This is an appeal by the Governor of New York, to this body, to override the President's veto.

Another point. Some of the affected States that would have high-level waste have been storing this waste at interim sites, sites that were not designed for a permanent storage.

Ratepayers from the State of New York paid in over $1 billion in their electric bill for the Federal Government to take that waste. There are seven sites in New York, about 2,167 metric tons of waste. As a consequence, the State dependence on nuclear energy is about 26 percent. They had one shutdown of one plant, Indian Point, in 1974. The point is to show in New York the significance of what it means and why we have this letter from the Governor of New York addressing this body asking to move this bill and override the President's veto.

Another State with a significant amount of waste is Colorado. Federal payments of about $6.3 million have been paid by the ratepayers in Colorado. There is one unit that is closed, Fort St. Vrain, and about 15 metric tons of waste. There is a significant amount of Department of Energy defense waste. The alternative is to leave the waste in Colorado or move it out.

Illinois is another State where there is a significant amount of waste as a consequence of the fact that 39 percent of Illinois' power generation comes from nuclear energy. In Illinois, the ratepayers have paid $2 billion to the Federal Government to take the waste. They have 11 units and approximately 5,215 metric tons of waste. Is that waste going to stay in those numerous sites where the 11 units are, or are we going to move it out to one central location in Nevada?

In North Carolina, in 1998, the ratepayers have paid over $706 million to the Federal Government to take the waste. As I have indicated, the Federal Government is in violation of the contract. Thirty-one percent of the State of North Carolina is dependent on nuclear energy. As a consequence, they are looking at 1,400 metric tons.

Do we want to leave that waste in temporary storage, or do we want to move it now when we have an opportunity?

The State of Oregon has a significant amount of waste stored at Hanford. Hanford is in Washington, but the site certainly affects Oregon as well. The ratepayers have paid $108 million. The Trojan plant in Oregon has been closed for decommissioning. Do we want to leave it closed, or do we want to move the high-level waste out of there to one central site? There are 424 metric tons in Oregon.

Whether one is talking about Massachusetts, Connecticut, Arkansas, Wisconsin, Georgia, Louisiana, Washington State, Maine, Pennsylvania, or Vermont, these are all States which have a significant amount of waste that has been generated by the utilities under the assumption that the Federal Government would take that waste in 1998. The Federal Government has failed to take that waste and, as a consequence, the litigation goes on.

I am amused because we have a statement by the Vice President on this question of the veto override. Looking at his statement, I see a rather curious phraseology. I ask unanimous consent that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE VICE PRESIDENT ON YUCCA MOUNTAIN VETO

Today's veto of the nuclear waste bill is an important step to protect health, safety and the environment. This legislation was rejected because it does nothing to assist in conducting the best scientific research into the propriety of the Yucca Mountain site, as a long-term geologic repository for high level nuclear waste. Rather, the legislation limits the ability of the Environmental Protection Agency to set appropriate radiation emissions standards for the site. I believe that we need to find a permanent solution for the disposal of high-level nuclear waste, but one that is based on the best available science, in order to protect public health and the environment. I wish to commend Senator Reid, Senator Bryan and Representative Berkley for their tireless work to help us defeat the ill-advised approach in this bill.

Mr. MURKOWSKI. He states:

> Today's veto of the nuclear waste bill is an important step to protect the health, safety, and the environment.

He is saying the President's veto is in the interest of protecting health, safety, and the environment. He is saying leave it at those sites in the 40 States. That must be what he is saying.

He says:

> This legislation was rejected because it does nothing to assist in conducting the best scientific research into the . . . Yucca Mountain site. . . .

What are the EPA, the Nuclear Regulatory Commission, and the National Academy of Sciences? That is the best science we have, and yet he says there is no science involved in this process.

He says:

> . . . the legislation limits the ability of the Environmental Protection Agency to set appropriate radiation . . . standards.

That is contrary to reality. It does not. We do give that authority to the EPA.

He further says:

> I believe we need to find a permanent solution for the disposal—

We all agree we need a permanent solution, but the Vice President does not suggest any permanent solution. He says we ought to have one.

We have spent almost $7 billion digging a hole out of Yucca Mountain and, in 1998, the ratepayers have paid $16 billion to the Federal Government to take the waste. Now the taxpayers, as a consequence of the inability of the Federal Government to live under the terms of that contract, are looking at a liability exposure of $40 billion to $80 billion.

When the Vice President makes that kind of a statement, I wonder what he is talking about—we need to find a permanent solution. This is a permanent solution for disposal of the high-level nuclear waste and is one based on the best science available to protect public health and the environment.

This is just another issue of politics. Obviously, there is a certain sensitivity about overriding any President's veto, but there is a recognition of and an obligation to do what is in the interest of the taxpayers and of protecting those 80 sites in 40 States where this waste is stored and getting on with the obligation.

What concerns me more than anything is the reality that at some point in time we may find ourselves in a position where we simply are unable to come to grips with this matter. I am going to quote one of my friends from Nevada who, in a February 9 press release, indicated a key victory on the nuclear waste bill. It is entitled, "Senators Secure Votes Needed to Sustain Presidential Veto."

The interesting paragraph reads, under a criticism of S. 1287:

> The Environmental Protection Agency will have full authority to set radiation standards for Yucca Mountain which many experts say will ultimately prevent—

Ultimately prevent—

> the site from ever being licensed as a nuclear waste dump.

Make no mistake about this, there is a conscientious effort by many people who are antinuclear to simply stop the nuclear industry in its tracks by making sure there is no permanent repository for that waste. The sequence of what will happen is these reactor sites are licensed for a certain capacity. When that capacity fills up, those plants have to shut down, and we can bid goodbye to the nuclear industry. The problem is the administration and those who oppose it have not suggested an alternative as to where we are going to pick up the power.

It is fair to say the ultimate objective of some people is to ensure that Yucca Mountain is never used, others never want to see a permanent repository built, regardless of where it is. In deference to my good friends from Nevada, clearly they do not want it in their State under any terms and circumstances.

That is the posture of where we are, but we do have an opportunity today to bring this matter to a head by overriding the President's veto and getting on with the business at hand.

I have used a good deal of time this morning. I yield the floor to the other side. First, how much time have I used?

The PRESIDING OFFICER (Mr. CRAPO). The Senator has used 35½ minutes.

Mr. MURKOWSKI. That is all that has been used on this side?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate resumes the pending ESEA legislation this afternoon, debate only be in order for the remainder of the session today.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, how much time was used by Senator BINGAMAN this morning on behalf of the people wishing to sustain the Presidential veto?

The PRESIDING OFFICER. Twelve minutes.

Mr. REID. And the remaining time, after the morning formalities took place, is evenly divided between the two respective parties?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, my friend from Alaska talked about a little history this morning, or words to that effect. "Heard a little history" is not very accurate. For example, the chart they just took down shows the Nevada Test Site. Yucca Mountain is not the Nevada Test Site. It is a mountain in Nye County. It is separate and apart from the Nevada Test Site.

What my friends from Alaska should do is pull out new notes, not the old ones. That is what they were trying to do previously with interim storage: take it to the Nevada Test Site. This is a new bill. They are back at Yucca Mountain, which is not the Nevada Test Site. Of course, the Nevada Test Site had a lot of aboveground tests and some underground tests. That whole area is contaminated, and it is going to cost billions and billions of dollars to clean up that area.

Nevada has sacrificed a great deal. We have done it for national security.

I, as a young boy, watched the tests go off above ground. We did not know this would kill people. The dust clouds did not blow toward where I was watching, thank goodness, at least to my perspective. It blew the other way, causing the highest rate of cancer in America. People in southern Utah and parts of Nevada suffered and still today suffer from the effects of those aboveground tests.

As to the underground tests, the Department of Energy and this administration recently included Nevada Test Site workers for the ability to be compensated for exposure to radiation-type injuries and illnesses as a result of working on the underground tests. So Nevada has given a great deal. But, I repeat, the Nevada Test Site is not Yucca Mountain. History—but the wrong history.

I also say, there is some intimation here, by my friend, for whom I have the greatest respect, the chairman of the Energy Committee, who is attempting to override the President's veto, talking about radiation standards. He talks about the manager's amendment. No one should be fooled. This bill the President vetoed is the same one—the identical one—that Members of the Senate voted on just a few months ago.

Nothing has changed. For my friend to intimate that the managers suddenly changed things from the national Nuclear Regulatory Commission back at the EPA—that was in the bill to begin with.

My friend, interestingly, pointed out and showed pictures of States where Senators had the courage to vote for the right principle. Every State he talked about—Colorado, New York, Oregon, North Carolina, Massachusetts—is a State where Senators had the courage to vote, and they will vote to sustain the Presidential veto. And why? Because every—I am not talking about 90 percent or 98 percent; I am talking about every—environmental group in America supports the sustainment of the Presidential veto—every environmental group.

My friend says, I do not understand what Vice President GORE is saying when he says this veto is protecting the environment. Of course it is protecting the environment.

My colleague also brings up something that took place—a resolution—25 years ago in the Nevada State Legislature. That was 25 years ago. We, in Nevada, in 1982, suddenly began to learn very quickly that there were 70,000 tons of nuclear waste stored around the country. Nevadans—everyone in this country—have a different perspective than they did before.

I show my colleagues a chart. This is a chart that is comparable to the one my friend from Alaska showed. What this chart shows is that there are nuclear-generating facilities all over America. In fact, there are 100-some-odd sites where nuclear power is generated in America today.

He showed his chart. He said: Wouldn't it be wonderful? And the nuclear power industry runs ads around the country costing hundreds of thousands of dollars—full-page ads, newspaper ads. What they do in these adds is say: Instead of having all these sites, wouldn't it be wonderful to wind up having just one? That is a sleight of hand, if there ever was one.

I will show you another chart.

What will happen is, we will not wind up with simply one site, we will wind up with one more site. These other places will still be generating nuclear waste. There will be nuclear waste stored in those sites. Even those sites that are closed down will still have nuclear waste. They will be nuclear waste sites for many years to come.

Why do we want to establish a new repository at Yucca Mountain?

Let me show you what this chart shows. This chart illustrates a nuclear nightmare. It does not show the highways. We could show highways here, too. But we just wanted to make this relatively simple for illustrative purposes. This chart shows the railroads in America where nuclear waste will be carried to this one site. If this does not send a chill down your spine, nothing will. Why? Because accidents happen on the railways all the time.

The chart shows an accident that happened very recently. It happened on March 21, 2000. This is a picture of an accident that happened in Oregon. The part of Oregon where this accident took place has dense farmland, lots of water. In this instance, there was a track slightly out of line. There was no notice for the accident. Train cars went tumbling over each other.

Let's see what the newspaper reported about this accident.

On this chart, you can see an article from this newspaper, the LaGrande Observer, of March 21, 2000. We thought we would get a fairly recently one. But you can pick any time of the year. These accidents happen all the time.

But this article shown on the chart is about the same accident that is depicted in the previous picture. In the picture, you can see one locomotive, and down here you can see another locomotive in yellow. They are tumbled—turned all over. You can see that it crumpled everything in its path. You can see railcars with stuff pouring out of them. This is what they are going to haul nuclear waste in.

One problem: They have not figured out any way to safely store nuclear waste for transportation purposes. They have come up with some dry cask storage containers. These dry cask storage containers, they say, are fine—unless you have an accident and are going more than 30 miles per hour. If you go more than 30 miles per hour, it will breach the container.

They also say these containers they have developed are really safe in a fire—unless it is fueled by diesel and burns for more than 30 minutes. We have one train in recent months that burned for 4 days.

Also, the point is always raised, what are we going to do with nuclear waste? In 1982, that was probably a pretty good question. But as the years roll on, that is not a very good question because there is an easy answer. You do just as they do out at Calvert Cliffs in Southern Maryland—a nuclear-power-generating facility—you store it onsite.

Dry cask storage—it is pretty safe if you leave it onsite because you are not going to be traveling 30 miles per hour; it is going to be stationary. And, likely, there will not be a diesel fire. Diesel burns very hot. So the odds are very good that if you store it onsite, it will be safe. That is what they are doing at Calvert Cliffs and other places around the country. We do not need to transport all this stuff across America.

I show my colleagues again the chart with the train tracks. We do not need to have this nuclear nightmare. Remember, this chart I am showing you now does not have the highways on it. This is only the railroads. We do not need to establish this very dangerous precedent of hauling nuclear waste all over America.

The situation is beyond my ability to comprehend except, when I think about it, it is easier to understand because the very powerful, greedy nuclear power industry knows it will be safer to leave it where it is. They helped defeat a provision that said the United States of America will take title to this waste. They would not allow that to take place in one of the previous bills.

They want an issue because they do not want any responsibility for the poison they have created. They want to be able to wash their hands of it and send it someplace else. But they cannot do that, even though they might try, because there are always going to be the nuclear waste sites where the nuclear-generating facilities exist.

We know there are all kinds of problems—problems that relate to transportation. Transportation problems are replete with danger. We know terrorist threats are significant. We know that no matter how hard you try, you cannot keep the trainloads or the truckloads of nuclear waste secret. For example—this is in the CONGRESSIONAL RECORD from previous debates—one organization wanted to see if they could follow things nuclear on the highways and railways in this country. Yes, they could.

Ground water protection. Not only in Nevada, but all along the routes where 50-plus million people are within a slingshot of these trains and highways, they are all going to be exposed.

The risk to children is significant. Radiation standards are not only serious in Nevada but wherever these trains and trucks travel.

The other question the American public should ask is, Why are we having this debate? We have voted on nuclear waste time after time. Every vote we have taken has shown we have enough votes to sustain a Presidential veto. In fact, it shows there is ground being lost by the nuclear power industry. For the first time since 1982, in the House of Representatives there was a vote taken that had 51 votes more than necessary to sustain a Presidential veto. That was the first time they have had enough votes to sustain a Presidential veto, and they did it by more than 50 votes in the House.

One reason we are on this path is to take up time. The Senate should be doing other things, but we are here debating whether or not the Presidential veto will be sustained.

We should be talking about the juvenile justice bill. Why should we be talking about juvenile justice? Let's see the chart. One of my staff went on a short vacation to New Orleans. In the paper they had a number of cartoons, and one he brought home to me was from the Dayton Daily News. This is one reason we should be debating things other than nuclear waste on the Senate floor today. The number of Americans who died from all our wars since 1775: 650,858. That is the number of Americans who died in all our wars since 1775. The number of Americans who died from guns in the last 20 years tops that: 700,000. All the wars since 1775 compared to 700,000. I say maybe we should be doing some work here on the Senate floor dealing with guns.

I am from a Western State. I have been a police officer. I have been a prosecutor. I have been involved in things relating to guns all my life. As I have said on the floor before, when I was 12 years old I was given a 12-gauge shotgun for my birthday. I still have that gun. I am very proud of it. I have a rifle my brothers had when they were younger, and I now have that, and I have all kinds of pistols. I have guns. I believe in the second amendment. But I also believe we have to stop certain things.

For example, I think we have to stop crazy people, people with emotional problems, and people who are felons, from purchasing guns. That is something we need to debate because there are gun loopholes that allow people to buy guns who should not be able to buy guns. You can go to a gun show in Las Vegas or Denver or Hartford and there are no restrictions; anybody can sell to anybody. We should close that loophole. Pawn shops—there are loopholes there.

We need to constructively determine why in America, in the last 20 years, 700,000 people have been killed by guns—700,000. But no, after the Columbine killings, we passed a juvenile justice bill and nothing has happened. The House passed something. We passed something. We have waited more than a year for a conference to be appointed to deal with that issue. No, we are here debating nuclear waste.

There are a lot of other issues we should talk about, such as Medicare. For 35 years Medicare has been in existence. When Medicare came into being, there was no need for a prescription drug benefit because doctors didn't use them to keep people well —they didn't exist. In the 35 years since Medicare came into being, there are many prescription drugs that save lives and make for people having very good years in those so-called golden years. We should do something to change Medicare. The average senior citizen now has 18 prescriptions filled every year.

We need to debate this issue. We need to spend some time on this floor determining why senior citizens on Medicare do not have a prescription drug benefit. But no, this is an issue we are not going to get to right away. Perhaps we won't get to it this year. We are going to spend our time talking about nuclear waste and other issues that are simply fillers of time.

Paying down the debt? I think it would be good if we had a little discussion on paying down the debt. There is always a constant harangue. George W. Bush, his answer to every problem in the world is lower taxes. International problems? Lower the taxes. What to do about the surplus? Lower the taxes. That is his one-liner: Lower the taxes. I guess he learned it from his dad who said "Read my lips." But the fact of the matter is, paying down the debt is something we should talk about here because before lowering taxes we should talk about the $5.7 trillion debt we have and figure out a way to reduce that significantly.

Patients' Bill of Rights? We had a hearing, and Senator DORGAN and I are going to come to the floor this week, or the first chance we get, to talk about that hearing we had in Las Vegas. At the hearing we had in Las Vegas, I guarantee everyone in this room, had they heard these stories, tears would come to their eyes and some would break down and cry, as they did in that room.

One man had two broken legs. He was covered by the managed care industry. They won't get him a wheelchair. He crawled to the orthopedic surgeon, and the surgeon said: I can't help you, go to the HMO. Somebody drove him there. He crawled in on his hands and knees and then finally got a wheelchair. He said he has been so denigrated, his spirit has been so broken at how he has been treated by his managed care provider, he felt what he wanted to do was buy a quart of gasoline, douse himself with gasoline, and set himself afire.

Another woman who had cancer—she was a nurse—she told of the hurdles she had to jump to receive minimal treatment.

We had a doctor come in and talk about the impossibility patients have in trying to get care. He is one of the physicians who acknowledged that he has lied to insurance companies in an effort to get treatment that patients badly need.

That is what the Patients' Bill of Rights is all about, and that is what we should be talking about on the Senate floor today, doing something to protect people who are sick and need help. They may need to go to an emergency room. A woman may need to go to a gynecologist. They are prevented from doing so because of managed care entities that have a lock on this country.

What about saving Social Security? Why are we not talking about Social Security? Social Security is not in the danger that people say it is in, but it is something we need to take a look at and debate here. How we are going to prolong Social Security past the year 2040 so people can draw 100 percent of their benefits, not 75 to 80 percent?

Public schools? It seems everything the majority does regarding schools is something to tear down public schools. We need to talk about our need for more teachers. We need to give school districts help in school construction. This great Nation is the only superpower left in the world. Doesn't it seem this Nation could spend more than one-half of 1 percent of its budget on education? We spend one-half of 1 percent of the Federal budget on education. We can do better than that. This has nothing to do with taking away from the power of local schools, from school districts, to control their schools. There are national problems in which the Federal Government must be involved.

There are lots of things we should be working on, but wasting a day of time in sustaining a Presidential veto is not one of them. As I said before, the people who have the courage to vote to sustain the Presidential veto are doing the right thing. They are doing the right thing for their States. They are doing the right thing for the country. They are doing the right thing in the process for the environment. So when Vice President GORE said, following the veto by the President, that this is a proenvironmental stand the President took—he said it. I do not think there is anyone in this body who can question the Vice President's credentials on the environment.

We have a lot more to say. The fact of the matter is this is an important issue. It is important to the country.

I look forward to the President's veto being sustained. I acknowledge and congratulate and applaud the President for doing this. It would have been easy for him to go with the States with all the power and the money, but he decided to do what he thought was right for the environment. I think he has done a very courageous thing. I will always remember the President's stand on this issue.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I yield the 20 minutes remaining to our good friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I proceed, let me yield 2 minutes to my good friend from Washington for a comment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for nearly 60 years, the citizens of the Tri-Cities in Washington state, Richland, Kennewick and Pasco, have worked to guarantee our nation's nuclear defense. Now it's time for the federal government to guarantee these citizens—and the rest of the Northwest—that the nuclear waste produced at Hanford will be moved to an adequate storage facility for permanent disposal.

The Hanford site contains 177 underground tanks full of radioactive and chemical byproduct waste. These aren't small tanks—some are as large as a four story apartment building, and, in toto, they hold 54 million gallons of waste: two-thirds of the nation's defense-related nuclear waste. This waste resulted from nearly 45 years of plutonium production at Hanford. Unfortunately, at least 66 of these tanks have exceeded their design life by thirty years and have leaked radioactive waste into the soil near the Columbia River. This problem is not going away.

We need a safe, permanent repository for this waste. We need the federal government to be focused on opening the repository. We need this nuclear waste legislation to become law.

Many of the opponents of this legislation are acting as if they do not want a solution to this problem at all. They would rather have commercial waste stored at reactors all around the country and defense waste stored in temporary structures, including the leaking underground tanks at Hanford. Delaying work on the repository is not the answer.

Continuing with the present situation is irresponsible. I urge an override of the President's veto of this nuclear waste legislation.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thought it was important for my colleague, the senior Senator from the State of Washington, to make those statements because, as we are here today on the floor talking about nuclear waste, I must tell my colleague from the State of Nevada it is an important issue. I am sorry he and his colleagues haven't gained traction on the issue of guns, but America is wise to that. Try as you may, second amendment rights prevail in our country.

What we are here to talk about today is the absence of this administration's energy policy. Now, brownouts and blackouts and escalating fuel prices seem to take second or third place on the list of priorities about which the Senator from Nevada would like to talk. I think the American consumer and that elderly person whose air-conditioning may go out this summer at the peak of a heat spell would say this issue is a mighty important issue for this Senate to be considering.

So as it relates to priorities, while I am going to say that some of what the Senator from Nevada suggested is important for the Senate to address, but this issue is among them in priority. But, of course, my colleagues on the other side have been running for cover for months because they know that Bill Clinton has no energy strategy, never has had one, and doesn't propose one. He simply runs around Nevada sticking his head in the sand and talking about the politics of the issue instead of the substance of the issue.

Well, the veto we are here to attempt to override today is the fundamental difference between politics and substance. You heard the Senator from Alaska, Mr. MURKOWSKI, in great detail talking about the practicality of needing a national nuclear waste policy implemented in this country to be able to sustain our nuclear energy as we now have it, but, most importantly, to move forward into the future.

For a few moments today, let me talk about where we get our electricity. Somehow, it just comes when you throw on a switch. The bulbs light up, the heater turns on, the air-conditioner turns on, and we don't stop to think about the long-term strategy and policy that this country has been engaged in for decades to assure that the light does come on, that the air-conditioner does turn on, and that we have abundant energy.

Sixty percent of our electricity comes from coal. Given the concern of the other side about climate change, we aren't building new coal plants, we are not pushing forward on the technology of clean coal—the kind of technology that we ought to be pushing and giving priority to. The Clinton-Gore administration wants to make this situation dramatically worse by tying our hands and tying U.S. power companies to a Kyoto treaty, while allowing our economic competitors in developing nations to pollute at will.

Shame on you, Bill Clinton and AL GORE, for that kind of silly environmental policy. Climate change is a serious issue, but it isn't addressed in a helpful manner when you walk away from the negotiating table with an agreement that lets China and India and other major developing nations pollute at will, penalizing our economy, and doing so by trying to develop an anti-fossil-fuel bias in this country, along with the anti-nuclear-energy bias on which the President based his veto.

We get 20 percent of our electricity from nuclear power. That is why we are having this debate today. We have to sustain at least 20 percent of our energy base coming from nuclear if we are ever going to have clean air and gain the standards in the nonattainment areas that we want to set. Any right-thinking scientist and right-thinking politician today knows that fact. They can't argue otherwise. We won't get to the clean air levels this country wants without at least a 20-percent blend in our energy base coming from nuclear.

We have about 10 percent of our electricity coming from hydropower, and the Presiding Officer and I know how silly this has become in the Pacific Northwest. We have a President, a Vice President, and a Secretary of the Interior who want to take dams down—all in the name of what? Environmental radicals who want to roll back to a history of a century ago and try to reestablish ourselves without the kind of very clean power that our hydro base provides for us. It is not a large base; it is 10 percent of our base, though. Again, it is part of that 10 percent, 60 percent, 20 percent that has built the stability of an integrated power system for our country over the years that has brought us the best electrical service of any nation in the history of the world.

What we are talking about today is sustaining that capability. We are not talking about tearing dams down. We are talking about finding a safe repository for nuclear waste so we can complete the cycle of nuclear energy and allow it to go forward.

We get a small percentage of our electricity from solar and wind and biomass. Let me be perfectly clear about my support for these technologies because I do support them and I am willing to continue to allow taxpayer dollars to go into the investment of the technology as it relates to solar and wind and biomass. I am also willing to invest in fuel cells and fusion energy and other kinds of new technology that may someday supplant the kind of technology about which we are talking.

But let's have a reality check because if the Senator from Nevada is going to talk about the importance, or the lack thereof, of what we debate today, let's talk about this President and this administration's energy budget and where they want to spend money. They want to spend a lot of money on wind. They have even said that it is their goal to have 5 percent of our electricity generated by wind by the year 2020. It just so happens that the States of Nevada and Idaho have a little wind. It doesn't all come from politicians. It is kind of natural, and it flows through the Rocky Mountains out of Canada. It is the way Mother Nature created the natural environment which creates a wind opportunity out there.

But let me talk to you for a moment about a recent report in analyzing the 5 percent wind blend by the year 2020 that this President wants.

If you calculate what is needed to meet the goal of 5 percent of our electricity coming from wind energy that would require 133,000 windmills. The current wind turbines generate about 750 kilowatts of electricity each. Some of these 750 kilowatt wind turbines have been installed in Iowa. They are impressive and huge in size. They are on towers 213 feet tall. In addition to that, they have blades with a sweep of 164 feet in diameter. What is something comparable in height? Well, that is about the height of the Capitol dome in the building in which we are standing today.

Can't you just see all of those spread across the State of Nevada and Idaho? What are the environmentalists going to say again about vistas, visions, and horizons? You know and I know what they are going to say—"no windmills." But that is what this administration wants to talk about because they have this illusion that somehow that is environmentally sensitive.

Have you ever caught an eagle in a 164-foot blade? It is referred to as "avian mortality"—eagles, condors, flying into the turbines and being killed. Yes. Those machines aren't very environmentally sensitive, and they make a great sound across the countryside. They are probably the loudest producer of electricity of any technology we have today.

One-hundred and thirty-plus thousand windmills is the answer to no nuclear waste policy? I don't think so. I don't think America thinks so. When they are faced with those realities, I think they will turn on this administration and say, Why aren't you being responsible? Why create a problem when you can solve a problem with a single location in a permanent, deep, geologic repository that is environmentally safe and sound for all under the most stringent of laws and the best technology available?

That is what we are talking about. That is a right and responsible choice for the American people to contemplate and for this Senate to debate.

There is going to be debate on guns. There is going to be debate on health care. There is going to be debate on prescription drugs. But, in my opinion, a well founded, well orchestrated energy policy for this country is every bit as valuable and important for us to be involved in as any one of those issues.

A veto override that this President offered and gave, in my opinion, is not an environmental vote. Voting for a sound and sane policy for nuclear waste is the No. 1 environmental vote all of us will be making. Let's not try to hide it and walk away from it. Let's deal with it up front and in a way that is right and responsible to recognize.

As I thought about what I would say here today that might convince my colleagues to vote for a Presidential override, because for some it is a tough vote and it is a partisan vote, tragically enough, good national energy policy has in this instance become an issue of politics.

There is a letter from J.V. Parrish of Energy Northwest based in Richland, WA. He writes about the importance of this legislation. I found his words compelling. I want to read them to you. He says:

> Because the Federal Government has not had an effective program to receive spent fuel from this country's commercial power reactors, most of these reactors will have to spend several millions of dollars of ratepayer dollars to provide temporary storage. My own company will spend in excess of $25 million. This is money that could be better spent by the households and businesses in the region on things that would improve their futures.

What is he talking about? He is talking about utility companies having to charge their ratepayers more because this administration failed to be responsible in their energy policy.

I think as time goes on we will find a lot of other things in which our President failed to be responsible, and history will record him differently. I hope the absence of a nuclear waste policy is one of them because that is the way it deserves to be remembered.

All I would say to President Clinton is: In vetoing this bill, you have failed, once again, to do the right thing for the country but my colleagues and I don't have to be a party to your failure.

I encourage my colleagues to vote to override the President's mistake and override this veto.

Mr. President, I yield my time.

Mr. MURKOWSKI. Mr. President, how much time is remaining from the 20 minutes that was allotted?

The PRESIDING OFFICER (Mr. ENZI). Three and one-half minutes are still remaining.

Mr. MURKOWSKI. I want to point out a couple of things. I saw my friend from California on the floor a few moments ago. I guess she intends to speak.

Let me point out something that I think is paramount as we address this matter. That is the reality of where this waste is and where this waste is coming in.

I think it is important to note that San Francisco is obviously key because just up from the area of Sacramento and the Sacramento River is Concord, CA. Concord, CA, is unique inasmuch as it has been designated by the Clinton administration as one of the major west coast ports for receiving high-level nuclear waste under the Foreign Research Reactor Program.

It is kind of interesting because over a 13-year period some portion of 20 tons of spent nuclear fuel from 41 countries will be shipped to the United States for storage, and a good portion of that will come into Concord, CA. Once it gets into Concord, CA, it will be shipped from the Concord Naval Weapons Station in California, and it will follow a route up to Idaho. That shipment will either go by rail or truck.

I think it is significant to recognize the reality that we move waste. The waste moves in areas that are prone to earthquakes. California certainly is. California has four nuclear reactors currently: San Onofre, Rancho Seco—and one which is shut down. Here is another opportunity for the waste to simply stay at the shutdown reactor, or move almost 20 percent of California's electricity which comes from nuclear energy.

I might add that the residents of California have paid $762 million into a nuclear waste fund. That is three-quarters of a billion dollars.

In 1998, nuclear reactors avoided about 5.35 million metric tons of CO2 emissions. Have they helped with the greenhouse gases? Since 1983, the total avoided greenhouse emissions are 83 million metric tons. These are to be avoided as a consequence of the contribution of nuclear power in California. During 1998, nuclear power avoided 878 tons of sulfur dioxide in California.

If indeed my friend from California intends to speak on this issue, I would certainly encourage her to address the concerns of California being chosen as the West Coast recipient for the transfer of waste from the 41 countries and some 20 tons of spent fuel.

On the east coast, the Charleston Naval Weapons Station in South Carolina will be the recipient of waste moving by rail and truck.

This is pertinent to the discussion at hand. We have heard in detail the question of the important agenda before the Senate, whether we are talking about juvenile justice, protecting Medicare or Patients' Bill of Rights. These are all important issues, but so is this. It is important we get this issue behind us. It is costing the taxpayers a good deal every day it goes unresolved—$40 to $80 billion in liability. That continues to increase as a consequence of the Nation's inability to honor the sanctity of the contracts.

I urge my colleagues to reflect on the importance of this bill, the importance of this legislation, and not be misled. It is meaningful to the taxpayers of this country that we vote today to override the President's veto.

How much time remains on this side?

The PRESIDING OFFICER. The time remaining is 27½ minutes out of the original 90.

Mr. MURKOWSKI. And we have more this afternoon, is that right?

The PRESIDING OFFICER. One hour equally divided.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. I yield myself 20 minutes.

The proponents of this legislation, who would have us override the Presidential veto, proclaim this is an environmental savior. In point of fact, this legislation is an unenvironmental travesty. It represents the most cynical assault to date on the environment.

I will respond to a general criticism frequently made. That is, that the deadline for the opening of a permanent repository in 1998 as contemplated in the Nuclear Waste Policy Act, enacted in 1982, has been breached. There is no permanent repository that will be opened for any time within the foreseeable future, in my judgment. The reason is that politics, not science, has been involved in this process, including proponents of nuclear power and, more specifically, the nuclear industry itself, and its advocates who appear on the floor.

Let me briefly, as I have on many occasions over the past 12 years of my Senate tenure, give a little bit of history. In 1982, the Nuclear Waste Policy Act was enacted by the Congress. It sought to search the entire country for three sites to be studied. Those would be sent to the President of the United States, and the President himself would select one of those sites as the repository location. It was contemplated there would be regional equity in balance, and indeed, some of the promising geologic formations in upper New England, the formations of granite, would be examined. We would look at the salt dome locations in the southeastern part of our States, and, yes, the geology of Nevada would be considered, as well, what was referred to as welded tuff.

That was a fair and balanced approach. Let science look throughout the country for the best sites. Those sites would be recommended. That did not occur. It did not occur because politics, not science, dictated the conclusion. No sooner had the act been signed into law in January of 1983 by then-President Reagan than the Department of Energy made a unilateral decision it would not look at the granite formations because the people in that part of the country would strongly resist the location of a permanent repository in their State. Is that science? Of course not. It was politics.

Then in the 1984 Presidential campaign, President Reagan assured those in the Southeast that the salt dome formations would not be considered. Was that science? Of course not. It was politics.

Then finally in 1987, legislation, which is infamously known in my State as the "Screw Nevada" bill, the whole concept of the original Nuclear Waste Policy Act to search the country and truly try to come up with the right science and the right location, all of that was cast into the ash bin because politics, not science, dictated only one site would be studied.

When I hear the lamentations about the delays and all the money that has been spent, it is politics that has caused that, and politics that interfered with the science of the process.

Today we have the most recent cynical political attempt to manipulate the process. In that 1982 legislation, the Environmental Protection Agency was selected as the agency to establish health and safety standards. Who better than the Environmental Protection Agency? For more than a decade, that was not questioned.

Then in 1992, there was, in the Energy Act of that year, an attempt to inject another aspect of the equation. The National Academy of Sciences was asked to review the process and come up with a range of recommendations. Make no mistake, the distinguished predecessor chairman to the distinguished Senator from Alaska has been debating as a great advocate of nuclear power and was advocating a position sought for the nuclear power industry. It was his hope and expectation that the National Academy of Sciences would somehow cast an aspersion and question the credibility of the Environmental Protection Agency's proposed regulations when they were issued.

We have the regulations now. Let me describe them briefly. This chart expresses the recommendations or the regulations proposed by the EPA in terms of the millirems of radioactive exposure per year per person. That is one of the standards involved. The EPA has proposed a standard of millirems. That is 15 millirems and is the only reason we are on floor today debating the veto override of the President. That is the EPA's proposed standard.

Now what does National Academy of Sciences say the appropriate standard should be? Remember, they expressed that in a range. NAS refers to the National Academy of Science. They are saying the range should be between 2 and 20 millirems; 15, by any standard, is in that mid-range. S. 1287 in its original iteration—not the bill before the Senate, but in the original iteration—proposed a standard that was nearly twice the rate of exposure per person per year, a 30 millirem standard. That is what the nuclear industry desires, the 30 millirem standard. The NRC has come up with a standard of 25 millirems. WIPP, a waste isolation facility in the State of New Mexico which currently houses transuranic nuclear waste, the standard set by EPA not objected to, 15 millirem.

Why the difference? Why are we debating this? Because the nuclear power industry does not want a 15 millirem standard; they prefer a 30 millirem standard. The legislation ultimately submitted by the President interferes with the Environmental Protection Agency in moving forward with that and seeks to delay the final rule of 15 millirems.

My friend from Alaska has pointed out his responsibilities as the chairman of this committee. I understand that. I respect that and I respect him. But let's talk about what we are trying to do. We are trying to jury-rig, to skew this standard so that under every circumstance Yucca Mountain will meet the scientific criteria. The only way they can do that is to move the goalposts, and that is what the Senator from Alaska has indicated is his primary purpose. What he wants is to "make sure that the measuring," referring to radioactivity, "is under a regulation that allows waste to go to Yucca Mountain."

That says nothing about safety—safety for millions of Americans, safety for several hundreds of thousands of people who would live within the affected vicinity, the 2 million people who live in Nevada. That is what we are talking about, health and safety. We are not talking about whether nuclear power is good or bad. That debate can be had another day. We are talking about health and safety. That is why many of us have become energized.

It is fair to say there are different ways in which these accidents have occurred, but I wish to illustrate the magnitude of the problem. With radioactivity, we are talking about something that is lethal, deadly, not for generations, but thousands of years—not only a few generations, but thousands of generations. We are not talking about a mistake we could make today and correct in the next Congress or the next decade or even in the next century; and we are talking about something that is lethal.

Our friends advocating on behalf of this legislation do not like us to point this out, but let's talk a little bit about the history, since history has been mentioned. In the dawn of the nuclear age, between 1945 and 1968, some 23 years, there were a series of accidents involving nuclear reactors and nuclear power. Some six people were killed as a consequence. I am not suggesting the circumstances are identical to what would be involved with the storage of high-level radioactivity, but I point out this is not just an academic discussion. We are talking about things that cause people to die—not get sick and then get well, but die. That is a very final medical judgment: Death.

In the Soviet Union, in 1957, a container of nuclear waste exploded and nearly 11,000 people were evacuated. We don't know how many people may have died as a consequence of that. Theirs is a society, unlike our own, that is closed. We don't get as much information as we would like.

In 1961, at Idaho Falls, ID, an explosion occurred within a reactor vessel that resulted in the individuals who were at the reactor site being impaled with a spent fuel rod. Two men were killed. To give you some indication of how lethal, how deadly this is, the remains of those two men who were tragically killed in that accident, by virtue of their contact with the spent fuel rod—and that is what we are talking about with the civilian reactor waste—by virtue of their contact, their bodies themselves had become high-level nuclear waste. It is a rather unpleasant thought but it is true. So in making the arrangements the relatives had to make, they were not only talking about selecting something that might be at the local undertaker's home; they had to design a facility that protected against high-level nuclear waste because the victims themselves had become high-level nuclear waste. That is why health and safety is such a critical concern for us.

We could go on and on. We had the Three Mile Island tragedy. Fortunately, that situation did not result in any loss of life.

Let me comment on Chernobyl for a moment, because, yes, I have referred to this legislation as the "mobile Chernobyl." I do so because it involves some very serious issues. Last week, in the Washington Post—and I will yield in a moment to my colleague from California who has rejoined us on the floor, but let me finish this thought, if I may—the United Nations released an assessment of the Chernobyl nuclear meltdown that occurred 14 years ago, saying the worst health consequences for 7.1 million people may be yet to come. Then, in making the contrast my colleague from Nevada and I tried to make on so many occasions, in explaining in Chernobyl, at least 100 times as much radiation was released by this accident as by the two atomic bombs we dropped in World War II on Hiroshima and Nagasaki. Then this article goes on to say:

> The number of those likely to develop serious medical conditions because of delayed reactions to radiation exposure will not be known until 2016 at the earliest.

Yes, this is about health and safety; and do I get mad? You bet I do, because we are talking about the health and safety, not only of millions of Americans, but 2 million people who live in my own State. Do we want science and not politics to be the way in which these standards are set? The answer is you bet we do. I am greatly offended and outraged the suggestion would be made on the floor of the Senate that we should let politics dictate this health and safety issue because we want to make sure that, whatever the cost, we have to make sure Yucca Mountain qualifies. That was not the concept and spirit of the 1982 legislation, and it should not be the spirit that activates us today.

Mr. President, I ask unanimous consent that my colleague from California be recognized and, upon the completion of her remarks, I might again be recognized to take the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Nevada, Mr. BRYAN, and Senator REID, the assistant Democratic leader, for their incredible leadership, and I might say sometimes lonely leadership, on this issue of nuclear waste safety.

I strongly oppose S. 1287. I believe the bill is bad policy. President Clinton has rejected it, and I urge my colleagues in the Senate to join him. I think it is a dangerous bill. I think it is important to note that this Senate has stopped this bill in its tracks five times at least. I believe today we will stop it again. So the question is, Why do we keep turning to this bill over and over and over again when so many people, including the President of the United States and the Vice President, have so many concerns that, in fact, it would be quite dangerous for our people? Why do we turn to it?

I think Senator REID was quite eloquent when he made the point, it is not as if we do not have other things to do. It is not as if there are not issues that are crying out to be debated and discussed on this Senate floor. He mentioned a few of those. I thought it would be good to simply summarize what I think about what he said.

Clearly, we need to take up education. We are going to an education bill. However, we are now taking time away from that education debate when people want us to make it the No. 1 issue: smaller class sizes, afterschool—we know the things people want—school renovation, teacher training. We are now taking precious time of the Senate away from that when we could be starting that debate.

A good Patients' Bill of Rights bill passed out of the House of Representatives. I thought the bill that passed out of the Senate was not as good. It was really a sham. I thought it was an HMO Bill of Rights for the HMOs. But that is in the conference committee. We ought to work on that.

Sensible gun control—we passed five sensible gun control measures in the juvenile justice bill.

Every day 12 children die of gun violence. In my State of California, it is the No. 1 cause of death among children. Senator REID had an incredible cartoon that ran showing the amazing number of deaths. During the Vietnam war, there were 58,000 deaths over an 11-year period. In the last 11 years, we have lost 300,000 Americans to gun violence. Why are we taking up a bill that is dangerous—and I will get into why it is dangerous—when we could be making our lives less dangerous? It does not make sense.

Then Senator CRAIG from Idaho says this administration has no energy policy. Maybe that is because the Republican side keeps reducing the amount the President wants to spend on energy efficiency, which is so important. It is the cheapest way to get more energy.

Campaign finance reform is an issue Senator McCAIN and Senator FEINGOLD bring continually before us. It passed in the House, but it is getting the death knell in the Senate. This is just a handful of issues. If protecting the health of our citizens is our highest priority—and indeed it should be—then we should not be taking up a bill that will expose our people to illness and danger. This is not a bill that makes life better for our people. It is a bill that is going to make life worse for our people.

It has been described as a compromise bill, but, in my view, it is still an attempt to bypass and preempt science and legislate the scientific suitability of Yucca Mountain, NV, as a high-level nuclear waste dump. It is not based on reality or on fact. Instead of finding a repository that meets the health and safety standards we have established in law, this legislation attempts to weaken our health and safety standards to make Yucca Mountain fit because some people committed themselves to Yucca Mountain, and it does not seem to matter what the facts are; they just keep on going down that path. I cannot, and I will not, support such action.

For many years, we have debated the suitability of a high-level radioactive waste dump at Yucca Mountain, and for years I have been on the Senate floor with my colleagues from Nevada fighting to protect the health and safety of the citizens of Nevada.

I want my colleagues to know that today I am fighting not only for their citizens but for the citizens of the State of California. In fact, because of recent studies, we know that if we go forward with Yucca Mountain, it will seriously impact the people I represent.

Yucca Mountain is only 17 miles from the California border and from Death Valley National Park. I have a map to show how close we are. We can see where the Yucca Mountain repository site is and how close Death Valley National Park is to Yucca Mountain. There is Yucca Mountain, Death Valley National Park in Inyo County, and then San Bernardino County.

I want to show my colleagues the beauty of Death Valley National Park. This is one magnificent view of Death Valley National Park. It amazes me when we make these incredibly important investments in our environment and in the beauty of our Nation to protect and preserve it, with the next vote, we vote for a nuclear waste dump that can adversely impact on this national treasure. I will explain that.

The development of Yucca Mountain has the potential to contaminate California's ground water. It poses a threat to the health and safety of Californians from possible transportation accidents related to the shipping of high-level nuclear waste through Inyo, San Bernardino, and neighboring California counties.

Since its inception as a national monument in 1933, the Federal Government has invested more than $600 million in Death Valley National Park. The park receives over 1.4 million visitors each and every year.

The communities surrounding the park are economically dependent on tourism. The income generated by the presence of the park exceeds $125 million per year. The park has been the most significant element in the sustainable growth of the tourist industry in the Mojave Desert. This chart is a blown-up photo of how close the national park is to Yucca Mountain and why these two counties have concerns.

Scientific studies show that a significant part of the regional ground water aquifer surrounding Yucca Mountain discharges in Death Valley because the valley is downgradient of areas to the east. If the ground water at Death Valley is contaminated from nuclear waste stored at Yucca Mountain, it will be the demise of the park and the surrounding communities.

The long-term viability of fish, wildlife, and human population in these areas are largely dependent on water from this aquifer. The vast majority of the park's visitors rely on services and facilities at the park headquarters near Furnace Creek. These facilities are all dependent upon the ground water aquifer that flows under or near Yucca Mountain. Unfortunately, there is no alternative water source that can support these visitor facilities and wildlife resources. So I cannot understand why, on the one hand, we create a magnificent park—we spent $600 million on it; we get tourist dollars from it—and on the other hand in another vote we endanger this magnificent monument and the people who live in the surrounding areas.

Water is life in the desert. Water quality must be preserved for the viability of Death Valley National Park, the dependent tourism industry, and the surrounding communities.

We do not have the science that tells us that Yucca Mountain is safe, and the potential loss is far too great. It has been hard to get the Energy Department to accept California's connection to the site. Every time they talk about the site, they talk about Nevada. Finally, they recognize that Inyo County, CA, as an effective unit of local government under the Nuclear Waste Policy Act, actually qualifies. There had to be, unfortunately, a lawsuit by the county that resulted in DOE granting affected unit status in 1991.

It is very important my colleagues understand that my concern comes from the local people.

I ask unanimous consent to print in the RECORD a letter from the board of supervisors of the county of Inyo.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Independence, CA, February 1, 2000.
Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER, I am writing to express concern with S. 1287, the Nuclear Waste Policy Amendments Act of 1999. S. 1287 proposes to abandon current specific DOE guidelines for determining the suitability of Yucca Mountain, Nevada (for siting of a nuclear waste repository) in lieu of less-demanding, generalized criteria. S. 1287 also removes the role of the Environmental Protection Agency from determining the human health standard to which repository design and operations should be held.

S. 1287, as it currently stands, would replace DOE's current and specific site suitability criteria (10 CFR 960—adopted in 1986 after considerable public input) with a generalized "total system performance assessment" approach (proposed in 10 CFR 963) which does not require the site to meet specific criteria with regard to site geology and hydrology or waste package performance. Replacement of the current site suitability criteria by 10 CFR 963 would reduce the likelihood that the repository would be designed and constructed using the best available technology. Individual components of the repository system could be less than optimal in design and performance if computer modeling of the design showed it capable of meeting NRC's less-demanding standard. Given the significant long-term risk that development of the repository places on California populations and resources, any compromises on repository design, operations or materials cannot be tolerated.

S. 1287 allows the Nuclear Regulatory Commission to set a standard for protection of the public from radiological exposure associated with development of the repository. The power to set a standard for the Yucca Mountain project rightfully belongs with the EPA in its traditional role of setting health standards for Federal projects. In our recent response to EPA's proposed radiological health standard for the repository, Inyo County stated its strong support for EPA authority over the project and for use of a standard which focuses on maintaining the safety of groundwater in the Yucca Mountain-Amargosa Valley-Death Valley region.

Based on these considerations, S. 1287 will not provide adequate protection for Inyo County resources or citizens. We hope that the provisions in the bill for setting repository standards and for changing the site suitability guidelines will be deleted.

We appreciate your continued support of Inyo County's efforts to safeguard the health and safety of its citizens.

Sincerely,

MICHAEL DORAME,
Supervisor, Fifth District County of Inyo.

Mrs. BOXER. I shall not read the entire letter. The Board of Supervisors, County of Inyo—and these are the local government officials to whom my colleagues on the other side of the aisle are constantly saying we have to pay attention—let us pay attention to them. They are saying:

> [We] are writing to express concern with S. 1287, the Nuclear Waste Policy Amendments Act of 1999.

They go on to say why it is flawed. They say there is a "significant long-term risk that development of the repository places on California"—that it places California in an untenable position. In very strong language they ask that we not approve this. They say it does not "provide adequate protection for Inyo County resources or citizens" and that they are very concerned about it.

I also ask unanimous consent to have printed in the RECORD a letter from the Board of Supervisors of San Bernardino County.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF SUPERVISORS,
COUNTY OF SAN BERNARDINO,
San Bernardino, CA, January 12, 2000.
Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Board of Supervisors unanimously approved the attached resolution at our meeting yesterday. It expresses our substantial concern over the lack of notification from the Department of Energy with regard to their plans to transport thousands of shipments of high-level radioactive waste through the major cities of our County.

The only hearing held in this State took place in a remote area hundreds of miles from our major population centers. In addition we were not provided with any official notification of the Issuance of the Environmental Impact Statement nor were we provided a copy of same.

While we understand that transportation and storage/disposal of this material is essential for operation of various facilities, it is only appropriate that the jurisdictions which will be recipient of the majority of these shipments be given notice and response opportunities.

We ask for your strong support for our request to the Department of Energy for full disclosure, additional time for response and review, and for a public hearing to be held in our area. The hearing should be held somewhere near the population centers which will be subject to these shipments and the potential dangers imposed thereby.

We appreciate your serious consideration of this request.

Sincerely,

JERRY EAVES,
Supervisor, Fifth District.

RESOLUTION NO. 2000-10

Whereas, the United States Department of Energy, has prepared an Environmental Impact Statement for the Yucca Mountain High Level Radioactive Waste Disposal Site, and

Whereas, the COUNTY of SAN BERNARDINO has learned through non-official sources that the United States Government plans to construct and operate a disposal site for high level radioactive waste which will include spent nuclear fuel rods, and

Whereas, no less than a year ago, the COUNTY of SAN BERNARDINO was provided inadequate notification on another Department of Energy Radioactive Waste project and formally expressed its objections to the lack of proper notification, and

Whereas, almost all of the shipment will pass through major population centers in San Bernardino County on Interstate Highways 10, 15 and 40, State Route 247 and rail lines in San Bernardino County, and

Whereas, the project presents obvious potential hazards from transportation accidents, which place an unnecessary additional burden on emergency response resources; and

Whereas, had it not been for the news media; the public would not have known that the project was underway because no public hearing has been scheduled or held in San Bernardino County or anywhere else in Southern California, and

Whereas, there has been no opportunity for our citizens to review or comment on this project in a formal setting, and

Whereas, the citizens of the COUNTY of SAN BERNARDINO have a right to be informed of and have an opportunity to comment on a project of this magnitude that poses a potential significant threat to their health, property, air and water quality and other natural resources, and

Now, therefore, be it *Resolved*, That the Board of Supervisors of the COUNTY of SAN BERNARDINO, petition the United States Department of Energy to extend the comment period on the Yucca Mountain Project, and

Further be it Resolved that public hearings be held by the Department of Energy in San Bernardino County so as to provide our citizens a reasonable opportunity to comment on this project, and

Further be it Resolved that this resolution be forwarded without delay to United States Senators Boxer and Feinstein and Congressmen Lewis, Baca and Miller.

Mrs. BOXER. This letter expresses substantial concern over this project. They are asking us to be very careful with shipments and with the entire project.

Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the County of Ventura.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNTY OF VENTURA,
Washington, DC, February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the Ventura County Board of Supervisors' opposition to S. 1287, the Nuclear Waste Policy Amendments of 1999, which, as currently written, would allow spent nuclear fuel and radioactive waste to be transported through Ventura County.

The Board of Supervisors endorses the development of a national policy for the transportation of spent nuclear fuel. However, the Board opposes transporting these materials through Ventura County. County officials and residents are concerned about the proximity of the Diablo Canyon Nuclear Power Plant in San Luis Obispo County and the vulnerability to potential disasters related to the transportation of hazardous materials through the community, which poses serious health and safety risks to County residents.

Please vote against S. 1287 unless it is amended to prohibit the transportation of spent nuclear fuel and radioactive waste through Ventura County and other heavily populated areas.

Sincerely yours,

THOMAS P. WALTERS,
Washington Representative.

Mrs. BOXER. In this letter they reiterate their opposition to this bill. They say it would be very dangerous for their residents because the waste could be transported through Ventura County.

On this map I show my colleagues, even the counties next to Inyo and San Bernardino are very upset that waste will come all through California. Ventura County is taking a stand. They say:

> Please vote against S. 1287. . . .

I have a letter from the California Energy Commission. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CALIFORNIA ENERGY COMMISSION,
Sacramento, CA, February 7, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: We have reviewed S. 1287 (Nuclear Waste Policy Amendments Act of 2000) (NWPA) and offer the following comments.

The State of California, including thirteen California agencies, has reviewed the Department of Energy's (DOE) Draft Environmental Impact Statement (DEIS) for the proposed Yucca Mountain High-Level Nuclear Waste Repository. This review, coordinated by the California Energy Commission, identified major areas of deficiencies and scientific uncertainties in the DEIS regarding potential transportation and groundwater impacts in California from the repository. In light of these deficiencies and uncertainties, there are serious questions whether a decision should/can be made on the Yucca Mt. site's suitability in time for shipments to begin in 2007, as required by S. 1287.

These deficiencies and uncertainties include the need for better data and more realistic models to evaluate groundwater flow and potential radionuclide migration toward regional groundwater supplies in eastern California. In addition, there are major scientific uncertainties regarding key variables affecting how well geologic and engineered barriers at the repository can isolate the wastes from the environment. For example, there is considerable uncertainty regarding waste package corrosion rates, potential water seepage through the walls of the repository, groundwater levels and flow beneath the repository, and the potential impact on California aquifers from the potential impact on California aquifers from the potential migration of radionuclides from the repository. California is concerned about these uncertainties and deficiencies in studies of the Yucca Mt. project and the serious lack of progress in DOE's developing transportation plans for shipments to the repository.

Potential major impacts in California from the proposed repository include: (1) transportation impacts, (2) potential radionuclide contamination of groundwater in the Death Valley region, and (3) impacts on wildlife, natural habitat and public parks along shipment corridors and from groundwater contamination. Transportation is the single area of the proposed Yucca Mt. project that will affect the most people across the United States, since the shipments will be traveling cross-country on the nation's highways and railways. California is a major generator of spent nuclear fuel and currently stores this waste at four operating commercial nuclear power reactors, three commercial reactors being decommissioned, and at five research reactor locations throughout the State. Under current plans, spent nuclear fuel shipments from California reactors will begin the first year of shipments to a repository or storage facility.

In addition to the spent fuel generated in California, a major portion of the shipments from other states to the Yucca Mountain site could be routed through California. This concern was elevated recently when DOE decided, over the objections of California and Inyo and San Bernardino Counties, to reroute through southeastern California, along California Route 127, thousands of low-level waste shipments from eastern states to the Nevada Test Site, in order to avoid nuclear waste shipments through Las Vegas and over Hoover Dam. We objected to DOE's rerouting these shipments over California Route 127 because this roadway was not engineered for such large volumes of heavy truck traffic, lacks timely emergency response capability, is heavily traveled by tourists, and is subject to periodic flash flooding. We are concerned that S. 1287, by requiring that shipments minimize transport through heavily populated areas, could force NWPA shipments onto roadways in California, such as State Route 127, that are not suitable for such shipments.

The massive scale of these shipments to the repository or interim storage site will be unprecedented. Nevada's preliminary estimates of potential legal-weight truck shipments to Yucca Mountain show that an estimated 74,000 truck shipments, about three-fourths of the total, could traverse southern California under DOE's "mostly truck" scenario. Shipments could average five truck shipments daily through California during the 39-year time period of waste emplacement. Under a mixed truck and rail scenario, California could receive an average of two truck shipments per day and 4–5 rail shipments per week for 39 years. Under a "best case" scenario that assumes the use of large rail shipping containers, Nevada estimates there could be more than 26,000 truck shipments and 9,800 shipments through California to the repository.

We are concerned that S. 1287 would require NWPA shipments begin prematurely before the necessary studies determining the site's suitability have been completed and before the transportation impacts of this decision have been fully evaluated. S. 1287 accelerates the schedule for the repository by requiring shipments to begin at the earliest practicable date and no later than January 31, 2007. In contrast, DOE has been planning for shipments to begin in 2010, a date considered by many to be overly optimistic. Shipping waste to a site before the necessary scientific evaluations of the site have been completed and before route-specific transportation impacts have been fully evaluated could have costly results. The DOE nuclear weapons complex has many examples of inappropriate sites where expediency has created a legacy of very costly waste clean-up, e.g., Hanford, Washington. The use of methods that were not fully tested for the storage and disposal of nuclear wastes has resulted in contaminants from these wastes leaking into the environment. Transporting waste to a site, as mandated by S. 1287, before the appropriate analyses are completed could create a "de facto" high-level waste repository in perpetuity with unknown and potentially serious long-term public and environmental consequences.

Attached is information that might be useful in formulating your position on S. 1287. It includes (1) our specific comments on S. 1287, (2) an overview of our comments on the Yucca Mountain Draft EIS, and (3) Resolution 99–014 passed by the Western Governor's Association on Spent Nuclear Fuel Shipments. If you have any questions regarding these materials, please phone me at (916) 654-4001 or Barbara Byron at (916) 654–4976.

Sincerely,

ROBERT A. LAURIE,
Commissioner and State Liaison Officer
to the Nuclear Regulatory Commission.

Mrs. BOXER. This letter is quite long and goes into all the objections, with detailed comments, and the concerns they have about Yucca Mountain.

I think the important point here is, this is not just a Nevada issue. Even when in my mind it was, I would never subject the people of Nevada to this kind of a dangerous policy. It now includes the people of California. We are very concerned about transportation routes, very concerned about the ability of this material to migrate into an aquifer that serves the counties surrounding it, and we could go on and on.

Even the Western Governors' Association has repeatedly asked the Energy Department to complete an analysis of the transportation routes to Yucca Mountain, to no avail.

So we have a lot of problems with this bill in my home State of California.

The radiation to be allowed at Yucca Mountain would be much higher than is allowed under current regulations. The DOE study finds that maximum doses at the site would be 50 millirems per year. I am sure my colleagues have gone into it, but sometimes you repeat facts because they are very important. I would like to put the numbers into perspective.

That amount of radiation would equal approximately 5,000 chest x rays annually. It is 2,000 times higher than what the public is currently permitted to receive from an operating powerplant under EPA regulations.

I will say, under NRC and DOE risk estimates, it is my understanding—I am going to just double-check here—studies have shown that if these people were exposed to the maximum, virtually all of them would get cancer. That is how much and how high these levels are.

In conclusion, my colleagues from Nevada have done us a great service. Even before I knew the extent to which they were actually fighting was not only for Nevada but for California, I knew they were doing the right thing, because if we do not stand up and protect the health and safety of the people we represent, what use are we? What good are we?

When a physician takes his or her test to get licensed, they say: Do no harm. At a minimum, do no harm. This does harm. If we were, in fact, to allow this matter to move forward, I think the people would become even more cynical than they are about Government. They will ask: What special interests are behind this one? How on Earth can we throw out the health and safety regulations to push through this site? Is that the best we can do for this site?

I will tell you, it makes me sick at heart. The only thing that keeps me going on this one is my colleagues from Nevada, who have stood up in the face of powerful committee chairmen. And you will hear them today. Oh, you will hear them today. The Senators from Nevada have stood up for the people of this country. I stand with them. I stand with the people of California, who want to protect Death Valley National Park, who want to protect the water supply there, who want to protect our Federal investment there, who want to protect the health and safety of the people who have to drink the water and live there.

So let us do what we have done five times before. Let us beat back this ill-advised attempt to put a nuclear waste dump where it does not belong. Let us feel good that we have protected the people of this country. Let us turn to the matters to make life better for our people: Sensible gun laws, an HMO Patients' Bill of Rights, education, afterschool programs, smaller class sizes, and campaign finance reform.

For goodness' sake, let's do something in this Chamber that helps people, not exposes them to risk.

Yesterday I was at the Albert Einstein Medical School in New York. They are doing extraordinary things to find cures for cancer, to invest in ways to make our people healthier, to work with the Federal Government to make sure we have enough money going into research. Why would we do things around here that would elevate people's risk of getting cancer? I do not understand it. It does not add up. I listened to the arguments on the other side. They simply do not add up.

So, again, I associate myself with my friends from Nevada. They are courageous. They are brave. They are right. They are protecting the people of Nevada and the people of California. I hope they will be successful. I will be working with them.

As I understand it, the Senator from Nevada, Mr. BRYAN, will now have some time for further remarks.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada, under a previous agreement, is to be allowed to continue now after the Senator from California. He has 5 minutes remaining on his time.

Mr. BRYAN. I assure the Senator, I will only speak for 5 minutes because I understand he has a commitment at noon.

Mr. ROCKEFELLER. Mr. President, it was my understanding that after the Senator from Nevada spoke and after the Senator from New Mexico spoke, I would be able to speak.

Mr. REID. Mr. President, if I could ask my friend from Nevada to yield for a minute.

The PRESIDING OFFICER. The Senator Nevada has the floor.

Mr. REID. So everyone understands what we would like to have happen, Senator BRYAN will speak for 5 or 6 minutes, and then Senator DOMENICI will take time under the control of Senator MURKOWSKI for whatever time he may consume, and then Senator BRYAN and I would be happy to yield to Senator ROCKEFELLER 10 minutes to speak on another issue. He has been very supportive of us on this underlying issue of nuclear waste. He wants to speak on something regarding his ranking membership dealing with veterans, introducing some legislation. We are happy to allow him to do that.

I ask that in the form of a unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, for the remaining 5 or 6 minutes, let me just complete my thoughts on the issue of health and safety because I think this is the overriding issue.

EPA has proposed a standard of 15 millirems, consistent with what was done in New Mexico. S. 1287, in its original form, doubled this. We are debating this issue today because the nuclear utilities do not want the 15-millirem standard. That is what we are talking about.

One can have a difference of opinion as to whether or not nuclear power is good or bad or whether Yucca Mountain is or is not the proper scientific site. I might say, parenthetically, no one has ever made a determination that Yucca Mountain will meet the suitability standards. That remains to be seen. But how in God's world can we say we ought to change a health and public safety standard, one that is set by independent agents?

Let me point out that the history of matters nuclear has indicated that we have underestimated the risk and danger to public health. In the immediate aftermath of World War II, we exposed military veterans at Bikini and Eniwetok to levels of radiation exposure that today would be absolutely a crime. In my own youth, while growing up in Nevada, watching the detonations at Frenchman's Flat, where they dropped nuclear bombs out of B-29s, we were told it is "absolutely safe, don't worry about a thing." Today, we know that nobody in his or her right mind would suggest that anyplace in the world. Indeed, the tragedy is that people downwind from that died of cancer and have suffered from other mutations.

There are literally hundreds of thousands of people in this country who helped us in America prevail in the cold war, working in our nuclear weapons production facilities, in the nuclear testing program in Nevada, who were told the diseases that they suffered from and the suffering and the death that families had endured had nothing to do with radiation. Today, to the great credit of this administration and the Secretary of Energy, Mr. Richardson, we now acknowledge that it was wrong, that people did become ill, and people did die because of radiation.

Every person in this Chamber will recall in his or her own personal life how, and today, when you get an x ray at your dentist, or a chest x ray, the amount of radioactive exposure you have is much less than it was earlier because we are fearful of what the consequences of this exposure over a period of time can mean. Many will recall going to the local shoe store and getting on a fluoroscope; you could see the bones in your feet and your mom or your dad would look at that just to see whether or not you had the correct fitting. That was exposure to radioactivity. There is no place in the country where that would be tolerated today. What did we learn? We learned the risk of radioactivity is much greater than we had originally thought.

To conclude this aspect of my discussion today, the whole history of radioactivity exposure, in terms of its impact upon us as human beings, has been that the standards ought to be increased in terms of safety. We have done that in the private sector; we have done that publicly. Now this legislation would suggest that we abandon that, and that in the name of helping out nuclear power industries—utilities particularly—we should reject the health and safety standard. It was good enough for our friends in New Mexico, and I support that, but never objected to. We simply say, look, what is sauce for the goose is sauce for the gander. Fifteen millirems is within the range of the National Academy of Sciences. To do anything less is a cynical and cavalier disregard for the public health of citizens in America generally, and Nevadans particularly.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I rise to support override of the President's veto of the Nuclear Waste Policy Amendments Act. This bill, S. 1287, under Senator MURKOWSKI's leadership, provided the first opportunity for real progress on nuclear waste issues during the term of the Clinton Administration.

With nuclear energy providing 22 percent of our Nation's electrical power, it is simply irresponsible for the Administration to continue to avoid all attempts at improving our handling of spent nuclear fuel. We must maintain nuclear energy as a viable energy option for our nation, and without concrete progress on nuclear waste, we will lose this part of our national energy supply.

American consumers are still facing dramatically higher prices for gas and oil, driven in no small part by the failure of this Administration to develop a coherent energy policy. We can't afford to place 22 percent of our electrical supply in jeopardy, and then pretend to be surprised when energy prices skyrocket.

These recent oil shocks have proven again the folly of over dependence on a single source of energy. They should have reinforced to the Administration that we need, more than ever before, a coherent energy policy that maintains a diverse energy supply portfolio. Nuclear energy is an important component of that portfolio.

As I've noted in the last few months, our response to this latest oil price episode was to approach the OPEC countries, tin barrel in hand, asking them to increase the flow of oil and lower our prices. That only serves to make us more dependent on their oil and increase the impact of the next episode of restricted oil availability.

Senator MURKOWSKI incorporated a very large range of concessions into the current bill, concessions that met every one of the Administration's advertised concerns. Unfortunately, as we've seen before, this Administration is so determined to undercut the role of nuclear energy, that new objections were invented faster than concessions were granted.

I find it interesting that the Administration is treating the two major electrical producers in the nation, coal and nuclear, in somewhat similar ways. These two sources together account for over 70 percent of our electricity. Yet in both cases, the Administration is not focusing resources on actions that would address remaining concerns with these two sources. Our dependence on foreign oil would be far more serious with loss of either of these energy sources.

For coal, they should be increasing resources on clean coal technologies. For nuclear, they should be advancing timetables for addressing spent nuclear fuel. Neither is happening.

I believe that consumer concerns relating to nuclear energy are changing, as more information about the successes of this energy source becomes better known. Just yesterday, I checked on an MSNBC Internet poll on the 20 year anniversary of the Three Mile Island nuclear accident.

In that poll, 80 percent of over 18,000 people responding said that they believe nuclear energy is safe, with 85 percent favoring licensing of new plants.

I find it amazing how fear of anything in this country with "nuclear" in its title, like "nuclear waste," seems to paralyze our ability to act decisively. Nuclear issues are immediately faced with immense political challenges.

There are many great examples of how nuclear technologies impact our daily lives. Yet few of our citizens know enough about the benefits we've gained from harnessing the nucleus to support actions focused on reducing the remaining risks.

Just one example that should be better understood and appreciated involves our nuclear navy. Their experience has important lessons for better understanding of these technologies.

The *Nautilus*, our first nuclear powered submarine, was launched in 1954. Since then, the Navy has launched over 200 nuclear powered ships, and about 85 are currently in operation. Recently, the Navy was operating slightly over 100 reactors, about the same number as those operating in civilian power stations across the country.

The Navy's safety record is exemplary. Our nuclear ships are welcomed into over 150 ports in over 50 countries. A 1999 review of their safety record was conducted by the General Accounting Office. That report stated:

> No significant accident—one resulting in fuel degradation—has ever occurred.

For an Office like GAO, that identifies and publicizes problems with government programs, that's a pretty impressive statement.

Our nuclear powered ships have traveled over 117 million miles without serious incidents. Further, the Navy commissioned 33 new reactors in the 1990s, that puts them ahead of civilian power by a score of 33 to zero. And Navy reactors have more than twice the operational hours of our civilian systems.

The nuclear Navy story is a great American success story, one that is completely enabled by appropriate and careful use of nuclear power. It's contributed to the freedoms we so cherish.

Nuclear energy is another great American success story, it is not a supply that we can afford to lose. It's a clean source of power, without release of greenhouse gases, with a superlative safety record over the last decade. The efficiency of nuclear plants has risen consistently and their operating costs are among the lowest of all energy sources.

I've repeatedly emphasized that the United States must maintain nuclear energy as a viable option for future energy requirements. And without some near-term waste solution, like interim storage or an early receipt facility, we are killing this option. We may be depriving future generations of a reliable power source that they may desperately need.

There is no excuse for the years that the issue of nuclear waste has been with us. Near-term credible solutions are not technically difficult. We absolutely must progress towards early receipt of spent fuel at a central location, at least faster than the 2010 estimates for opening Yucca Mountain that we now face or risk losing nuclear power in this country.

Senator MURKOWSKI's bill is a significant step toward breaking the deadlock which continues to threaten the future of nuclear energy in the U.S. I appreciate that he made some very tough decisions in crafting this bill that blends ideas from many sources to seek compromise in this difficult area.

One concession involves tying the issuance of a license for the "early receipt facility" to construction authorization for the permanent repository.

I'd much prefer that we simply moved ahead with interim storage. An interim storage facility can proceed on its own merits, quite independent of decisions surrounding a permanent repository. Such an interim storage facility could be operational well before the "early receipt facility" authorized in this act.

There are absolutely no technical issues associated with interim storage in dry casks, other countries certainly use it. Nevertheless, in the interests of seeking a compromise on this issue, I supported this act's approach with the early receipt facility.

I appreciate that Senator MURKOWSKI included Title III in the new bill with my proposal to create a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

Now I'm well aware that reprocessing is not viewed as economically desirable now, because of today's very low uranium prices. Furthermore, it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat this spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make that decision. Title III establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

Title III requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. As we do this, I'll encourage the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

Title III requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With Title III, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

Mr. President, I want to specifically discuss one of the compromises that Senator MURKOWSKI developed. In my view, his largest compromise involves the choice between the Environmental Protection Agency or the Nuclear Regulatory Commission to set the radiation-protection standards for Yucca Mountain and for the "early release facility."

The NRC has the technical expertise to set these standards. Furthermore, the NRC is a non-political organization, in sharp contrast to the political nature of the EPA. We need unbiased technical knowledge in setting these standards, there should be no place for politics at all. The EPA has proposed a draft standard already, that has been widely criticized for its inconsistency and lack of scientific rigor—events that do not enhance their credibility for this role.

I appreciate, however, the care that Senator MURKOWSKI has demonstrated in providing the ultimate authority to the EPA. His new language requires both the NRC and the National Academy of Sciences to comment on the EPA's draft standard. And he provides a period of time, until mid-2001, for the EPA to assess concerns with their standard and issue a valid standard.

These additions have the effect of providing a strong role for both the NRC and NAS to share their scientific knowledge with the EPA and help guide the EPA toward a credible standard.

Mr. President, I want to again thank Senator MURKOWSKI for his leadership in preparing this bill and in leading this over ride discussion. We need to overturn the President's veto, to ensure that we finally attain some movement in the nation's ability to deal with high level nuclear waste.

Mr. President, I won't respond to the millirem argument with reference to New Mexico and WIPP. Frankly, I believe it is irrelevant. Nonetheless, I wish to talk about nuclear energy power and what is happening to the United States of America. I say to the Senators from Nevada, I compliment them. They have been able, for a number of years, to delay the United States of America from having an underground permanent repository, and today, once again, they are successful. I understand they are acting in what they think is the best interest of their State. They are, once again, going to preclude the United States from coming up with an interim storage facility for nuclear waste.

Whatever the arguments have been, there is no science or engineering issue with reference to whether or not the United States of America can build, plan, and safely maintain an interim storage facility for high-level nuclear waste. Let me repeat. Nobody can, with any credibility, come to the floor of the Senate and say we cannot do that. In fact, we are doing so many things with reference to nuclear energy, with reference to radiation, that are more difficult than building an interim storage facility, a temporary storage facility for high-level waste for 25 or 50 years. In fact, the idea that we must find a permanent repository, one that will last for 20,000 or 30,000 years, for the fuel rods that come out of nuclear power reactors before we can proceed to take care of it for 50 or 100 years, borders on lunacy. It borders on standing reality on its head. The only possible reason could be that we don't believe we will build a permanent one if we build interim ones. But the truth is that it is not difficult; it is very safe once you have established it, and the only possible argument could be transportation.

We should have a debate on the floor of the Senate on whether it is dangerous for the American people to transport nuclear waste from fuel sites across the United States—and every Senator knows where they are in their States—to interim facilities that we don't have today. We told the American people that the waste would move from their states. Nobody should conclude that it is unsafe to move it across the United States. We are moving more, and risking more dangerous things on a regular basis, across the highways of the United States, with utter and total safety, than would be involved in this.

What is the issue? It seems to me that any time you are involved with radiation and anything nuclear, those who oppose it rely upon scaring the American people or their constituents, when the truth is that the United States of America gets 22 percent of its electricity from nuclear powerplants. Let me suggest that anybody who wants to test out what I am going to say have at it. That 22 percent of electricity produced in nuclear powerplants is the safest electricity produced in America. If you want to talk about risk of lives, injuries, health conditions, anything you would like, those are the safest sites producing electricity for the engine of American industry and for Americans living every day with computers built upon energy sources and electricity, and the like.

I laud Senator MURKOWSKI for his compromise legislation. Actually, I thought he might have even given away too much at one point, but looking at how things are going, he can't even get this passed. He has conceded a number of issues since this was originally proposed.

What do we do? We continue our dependence upon oil, and now natural gas, for our electricity in the future. This administration, by vetoing this bill and other actions, does the following things: One, they don't spend money on coal technology that will clean that technology up. Two, they don't spend money on finding an interim facility for nuclear waste. And then, three, we go begging those in Saudi Arabia and in Central and South America to continue to provide us with reasonably priced oil because we have become hostage to their oil.

Here we are, as a nation, worrying about oil supplies while the Democrats on that side get up and say this is not an issue; that the issues are Medicaid, Medicare, or Social Security. Well, the issue about 7 weeks ago was skyrocketing oil prices, which caused skyrocketing gasoline prices. What if we cannot produce electricity as we need it in America? Think what would happen to America.

Think what would happen in the United States if, in fact, we decided, as a nation, that we were not going to do anything with nuclear power, it is too dangerous, too scary, and we decided to shut it down. The United States would become a basket case soon.

When the Democrats get up in rhythm with each of them, saying this is not an important issue, my friends, this is a big issue. This is one of the most important issues to America's future because it has been made the linchpin about which we discuss the future of improved nuclear power in the United States of America.

I've become a strong advocate for nuclear power. I speak to it wherever I can. People listen. I think people believe we ought to continue with it. But we can't continue with it unless we decide what to do with the waste.

Recently, my spirits were lifted a bit by a poll on MSNBC Internet. I know it is not scientific poll, but it is pretty interesting. It's being conducted on the 20th anniversary of Three Mile Island. People still hearken back to that event and say, "Look at what happened with nuclear power." Well, actually nothing happened. There was a leak. Nobody got hurt, and nothing happened.

Over 18,000 people responded on that MSNBC Internet poll, and 80 percent believe nuclear energy is safe. Eighty-five percent favor licensing power plants in the future for nuclear power.

Right now, today, the U.S. Navy has slightly over 100 nuclear reactors with partially spent fuel rods in the power plant. Those 100 nuclear power plants are sailing the oceans and the seas of the world in the hulls of submarines, battleships, and aircraft carriers. Some have two power plants in them—two complete nuclear reactors with the fuel rods that we are down here talking about and we don't know what to do with. They are on ships. Those ships are welcomed in almost every seaport in the world, except New Zealand because it had some argument about it years ago.

Imagine, all the big ports in America welcoming U.S. Navy ships into their waters and their harbors. What do they have in them? Nuclear power plants with their fuel rods. Why do they let them in? Why don't they say that is terrible, as we are saying here on the floor, and people are going to get hurt? Because they have been audited, and reaudited.

The General Accounting Office has looked at it and concluded, like no other study, that U.S. Navy ships are totally safe, never having had an accident since the *Nautilus* was launched in 1954.

We are here today arguing about whether we can safely take spent fuel rods—not in a pond of water where, if something happens, it goes everywhere. But we are talking about whether we can haul it down the road or highway and take it somewhere. It is on all the oceans of the world, and nobody is even talking about it.

Then we are arguing about, once you get it there, it is just too scary to think of storing it there.

France has about 80 percent of its energy in nuclear. They get the benefits of what I am bringing to the surface now—there is no air pollution to speak of in France because nuclear power does not create the air pollution we are worried about with reference to global warming.

The United States of America runs around the world negotiating how to clean our air so we will not have global warming. And here we're talking about the principal source of electricity that would be totally clean. We scare our people to death about moving fuel rods down a highway when the oceans and seas of the world have nuclear power plants floating under water and on top of the water by virtue of 100 U.S. Navy ships at sea.

Actually, France, which I just described, does not today have a permanent repository.

You heard the argument, fellow Senators, and those listening, that we don't want to have interim storage until we have a permanent repository for certain.

I think France is pretty concerned about the health and safety of their constituents, the French people. They aren't building underground repositories yet because they are very satisfied with having interim, temporary storage. Sooner perhaps than later, they will find a way to use that spent fuel, which is highly radiated, either to produce more energy, or they will break it into its components and make sure they can safely put it somewhere.

There is no question in this Senator's mind, that this is a big issue. This is America trying to turn science, engineering, and safety on its head to try to make fear where there is no reality of fear, to try to conclude that this great Nation cannot take care of the nuclear waste coming out of our powerplants with the end product being no more nuclear power.

What a shame, if that happened in the Nation that started it, that led it, that built the safest reactors in the world—safer than 20 or 30 coal-burning, electricity-generating plants, or any kind of plant.

What if we as a matter of fact kill nuclear power while the rest of the world proceeds to use it in China, Japan, Europe? We're doing that by not finding a way to do the easiest part of the fuel cycle, which is to temporarily put spent fuel somewhere in a repository of interim measure?

It would appear to me that, innocently or intentionally, those who oppose it are failing to recognize the significance of the future of nuclear energy and nuclear power for America and for a world that wants to be clean and wants to have growth and prosperity without global warming.

From my standpoint, not only do I refute the argument that this is not important, that there are other issues more important.

I want to say that the President is making a very big mistake for America's future by vetoing this compromise bill. The Congress passed it in both bodies overwhelmingly. Now, because of his veto ban, we need 66 votes in the Senate. That is probably too hard to do for an issue such as this. But sooner or later, a President will sign a bill. I am hoping it is sooner.

Obviously, we shouldn't try it again with the current President because it won't fly. But I personally believe the day will come soon when we will have the repository, wherever it is, and we will not come to the floor of the Senate and hearken back to the numerous times we have denied the validity and credibility of the fact that it can be easily and safely transported and easily and safely put in 30- to 50-year interim repositories.

I yield the floor. I thank the Senate for listening.

The PRESIDING OFFICER. Under the previous agreement, the Senator from West Virginia is recognized for up to 10 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer.

VIETNAM: HONORING THOSE WHO SERVED

Mr. ROCKEFELLER. Mr. President, this past Sunday, April 30, was the 25th anniversary of the end of the Vietnam war. And that reaches deep into the soul of every Member of this body, all across America, and all across the world.

Our involvement with Vietnam was filled with discord, it was filled with anxiety, and it tore sections and generations of our country apart. It began slowly. It gradually escalated and became "a bottomless quagmire" for America, "our longest, costliest, and . . . least popular war," until it finally came to an end.

Many in our country were very ambivalent about this war. Some thought we didn't fight hard enough, some thought we turned our backs on the South Vietnamese, and some thought we should have fought a lot harder. Many became disillusioned with our Government. I think that experience changed the nature of American politics and public life for at least some time to come.

However, there should be no ambivalence whatsoever about those who fought that war. Today I want to pay homage to those who fought that war. It doesn't matter whether you were for or against the war. All who served there deserve our appreciation, our respect, our caring, our compassion. It would have been easier to fight in a popular war. There are such wars, oddly enough. It is obtuse to say that, but it is true.

But it took guts, courage, and endurance to fight in that war and survive it; to resist the erosion of the bad morale which overtook at least part of our ground forces in Vietnam. And then, of course, there was the lack of united support from the home front which had to have just overwhelming consequences, not only while the soldiers were there, but even more so when they returned.

Those who served did their duty, and they did it under very difficult, trying circumstances. Their motto might very well have been what Alexander Pope said:

> Act well your part, therein all honor lies.

Looking back at this war, like the war before it and others, what strikes me with enormous poignancy and tenderness, is how young our soldiers were. Many were teenagers—18- and 19-year-old men and women—from familiar and comfortable surroundings, leading lives we all might identify with, sent to a completely foreign country, a foreign culture, halfway around the world, not knowing what to expect. They encountered baking heat, torrential rain, fire ants, leeches, and the enemy. They could not imagine the world of horror that awaited them when they got there. Presumably they were trained and told about it, but I think it was unimaginable to them when they got there. There was no clear enemy line. They could be ambushed at any minute. They couldn't tell enemies from allies.

Some never came back. The more than 58,000 names on the Vietnam Memorial Wall attest to that. But painful as it is to view those names, it does not begin to encompass the scope of pain caused by that war. Like a pebble thrown in a pool, each single name on the wall is ringed by concentric circles of others touched by that person's death—widows, mothers, fathers, sisters, brothers, aunts, uncles, friends. For all in that pool, certain hopes and dreams died as well. We grieve for all of them.

Some came back wounded. In an instant, life could change. Soldiers could step on a landmine; they could be killed by friendly fire; they could come under random attack. They never knew from moment to moment. Due to the wonders of modern medicine, many of those who, in earlier wars, would have died, did not and were saved; they survived. But merely surviving posed tremendous burdens on those who did. The process of adapting, accepting, and moving on is easy to say, very hard to do.

So I salute the stubborn resilience and perseverance of those who did move on with life after recovering from injury.

Some came back suffering from emotional trauma—people call it PTSD—and many other things. For them, it has been a very hard road to make peace with the past. They are still haunted by it, fighting it in their nightmares, in startle reflexes to sudden noises which bring back memories of perceived danger. They may turn to alcohol to numb the constant pain, to drown the memories.

Veterans suffering from post-traumatic stress disorder deserve our most profound compassion, love and caring. As we have discovered, PTSD in fact goes back even to World War I. We are discovering a lot of things about the consequences of war. We have no way of knowing what people have been through, those of us who were not there. But we cannot judge their continuing pain. We cannot judge them. But we can honor them, and we need to do that, to respect them for what they have done, and to hope they will recover as others did.

As a Senator from West Virginia, I have more than a personal interest in this war. Statistics show that West Virginia's soldiers suffered more casualties per capita during that war than any other State in the Union. On this day, I salute our West Virginia veterans in particular. I am enormously proud of the sons and daughters of West Virginia, who, as they have done throughout history, volunteered or were drafted, and went to fight and to protect their country and their freedom, mountain men doing what needed to be done.

That fighting spirit and strength of character runs incredibly deep in this Senator's State, and this Senator is very proud of it.

Lyndon Johnson called the war "dirty, brutal and difficult." It tore apart our country, devastated lives, caused tremendous personal hardship and unbearable pain. Twenty years later, the scars are still healing.

I am reminded of the words of Maya Lin, the young architect student who designed the Vietnam Memorial. In conceptualizing the form of her design, she wrote:

> I thought about what death is, what a loss is. A sharp pain that lessens with time, but never quite heals over. The idea occurred to me there on the site. Take a knife and cut open the earth, and with time, the grass would heal it.

With time, the wounds of Vietnam will heal. But we should never forget the courage and bravery of those who served there. Let us always honor our men and women who fought and died in Vietnam.

(The remarks of Mr. ROCKEFELLER pertaining to the introduction of S. 2494 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I yield 5 minutes to Senator GRAMS.

The PRESIDING OFFICER. The Senator from Minnesota.

NUCLEAR WASTE POLICY ACT OF 2000—VETO—Continued

Mr. GRAMS. Mr. President, I want to take just a few minutes today to speak about the Nuclear Waste Policy Amendments Act and the President's recent veto of this legislation.

Throughout the past 5 years, I have repeatedly come to the Senate floor to discuss this important issue and its impact on my home State of Minnesota. I have, on countless occasions, laid out for Members of the Senate the history of the nuclear energy program and the promises made by the Federal Government. Every time I sit down to discuss this matter with stakeholders, I am reminded that the Federal Government not only allowed, but strongly encouraged, the construction of nuclear power plants across the country.

This point needs to be clearly understood by the Members of this body. Our Nation's nuclear utilities did not go out and invest in nuclear power in spite of Federal Government warnings of future difficulties. Instead, they were encouraged by the Federal Government to turn to nuclear power to meet increasing energy demands. Utilities and states were told to move forward with investments in nuclear technologies because it is a sound source of energy production.

It is important to note that the Federal Government's support for nuclear power was based on some very sound considerations. First, and I believe most important, nuclear power is environmentally friendly. Nothing is burned in a nuclear reactor so there are no emissions released into the atmosphere. In fact, nuclear energy is responsible for over 90% of the reductions in greenhouse gas emissions that have come out of the energy industry since 1973. Between 1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and 80.2 million tons of sulfur dioxide.

Second, nuclear power is a reliable base-load source of power. Families, farmers, businesses, and individuals who are served by nuclear power are served by one of the most reliable sources of electricity. In Minnesota, nuclear power accounts for roughly 30% of our base-load generation.

Third, nuclear energy is a homegrown technology and the United States led the way in its development. We have long been the world leader in nuclear technology and continue to be the world's largest nuclear producing country. Using nuclear power increases our energy security.

Finally, much of the world recognizes those same values and promotes the use of nuclear power because of its reliability, its environmental benefits, and its value to energy independence.

Because of those reasons, the Federal Government threw one more bone to our Nation's utilities. It said if you build nuclear power, we will take care of your nuclear waste. We will build a repository and take it out of your States. In response to those promises, over 30 States took the Federal Government at its word and allowed civilian nuclear energy production to move forward.

Ratepayers agreed to share some of the responsibilities, but were promised some things in return. They agreed to pay a fee attached to their energy bill to pay for the proper handling of the spent nuclear fuel in exchange for an assurance that the Federal Government meet its responsibility to manage any waste storage challenges. Because of these promises and measures taken by the Federal Government, ratepayers have now paid over $15 billion, including interest, into the Nuclear Waste Fund. Today, these payments continue, exceeding $600 million annually, or $70,000 for every hour of every day of the year. In Minnesota alone, ratepayers have paid over $300 million into the Nuclear Waste Fund.

In summary, the Federal Government promoted nuclear power, utilities agreed to invest in nuclear power, states agreed to host nuclear power plants, and ratepayers assumed the responsibility of investing in the long-term storage of nuclear waste. And still, nuclear waste is stranded on the banks of the Mississippi River in Minnesota and on countless other sites across the country because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility.

We can argue all day long in this Chamber on the merits of nuclear power. But we cannot deny that the Federal Government promoted nuclear power and promised to take care of nuclear waste.

The Clinton administration, however, would have you believe that they do not have a responsibility to deal with nuclear power. I have been working with Senator MURKOWSKI and many other Members over the roughly 5 years that I have been in the Senate to establish an interim repository for nuclear waste and move forward with the development of a permanent repository. We have brought a bill to the floor that accomplishes those objectives in each of the past two Congresses. Each time, we passed the bill in both the House and the Senate with overwhelming, bipartisan support. Just over 2 years ago, we passed a bill that would have removed nuclear waste from States by a vote of 65–34 and the House passed the bill with 307 supporters—a veto-proof majority. We have had extensive debate with the opportunity for anyone to offer amendments. We have thoroughly addressed most issues related to nuclear waste storage, including the transportation of waste across the United States. Yet every time we have passed a bill that fulfills the Federal Government's commitments, President Clinton has issued his veto threat and stopped our efforts in their tracks.

Here we are again. The President has vetoed the legislation before us today and apparently taken great pride in doing so. Time and again, when confronted with making the tough decisions about the future of our Nation's energy supply, this President has "punted," and refused to take any responsibility for the energy needs of our growing economy.

If it were not such a serious matter, I would have to say that the President's approach to energy policy is comical. When was the last time anyone here heard the President speak in any great detail about energy issues? He does not. I do not think he cares or at least his policies reflect a great degree of indifference to the energy needs of our Nation's consumers.

He has turned over the reins of the Energy Department not just to Secretary Richardson, but to AL GORE, and Bruce Babbitt, and Carol Browner, and anyone else who has an agenda with an aspect of the energy industry.

As many of my colleagues know, I have been a strong critic of the Department of Energy since coming to Congress in 1992. I have long argued that the Department has failed miserably on its most basic mission of increasing our Nation's energy independence. The Department was created in the late 1970's in response to that decade's energy crisis. Since that time, our reliance on foreign oil has increased from 35% to almost 60% today. In the 1970s, we were looking to increase our use of nuclear energy, today we are looking at closing down plants before their licenses have expired. In the 1970s, much like today, hydro power was a very popular form of electricity generation among the American public. Even still, this Administration wants to rip apart hydro dams in the Northwest and, I guess, replace them with fossil fuels.

Therein lies the great irony of the Clinton administration's approach to energy and the environment. This administration had the vision to agree to legally binding reductions in greenhouse gas emissions while at the same time failing to take even the most basic steps to protect emissions free nuclear power plants from shutting down. I asked the administration's chief Kyoto negotiator, Stuart Eizenstat, about nuclear energy during a Foreign Relations Committee hearing and he said that we absolutely needed nuclear energy to meet the demands of the Treaty. In fact, he said that he believed his own administration ought to have done more and ought to be doing more to promote nuclear power. Mr. Eizenstat, the President's signature on this bill would have been a great first step. Instead, this President has taken an action which I argue is harmful to the environment and contradicts his statements and actions that he wants to improve air quality in our country.

Nuclear energy, however, is not the only example of this administration's hypocrisy on energy and the environment. Hydro power, as well, is an emissions free form of electricity generation. Yet this administration is engaged in at least two separate activities that undermine the future of hydro power and its environmental benefits. As I mentioned earlier, this administration wants to rip open hydro dams in the northwest and, I guess, replace that electricity with fossil fuels. Second, this administration, in its electricity restructuring proposals, wants to require a certain usage of renewable energy but refuses to include hydro power as a renewable energy source. These are all perfect examples of how this administration isn't truly interested in results oriented clean air goals. Instead, they want to deeply involve themselves in the process of achieving environmental goals, regulate like crazy, and predetermine winners and losers. Unfortunately, the only real losers in the Clinton energy circus are the American consumers.

I want to touch on one last Clinton administration energy and environment contradiction. As my colleagues know, this administration has been opposed to new oil and gas development on public land. In fact, Vice President GORE recently stated that he would do everything in his power to stop offshore oil and gas leasing. Both President Clinton and Vice President GORE tout these stances against oil and gas development as part of their legacy of environmental protection. I ask my colleagues, do you think other nations on whom we rely for our oil supplies are employing the environmental protections and reviews that we require? Do you think Iran, Libya, or Iraq are going the extra mile to protect the environment? Do you think the OPEC nations are holding themselves to the stringent environmental standards to which we hold companies on U.S. soil? We all know the answer is an emphatic no. Yet this administration is opposing virtually any exploration of oil and gas reserves on public land for environmental reasons, while at the same time, it employs its "tin cup diplomacy" that relies upon countries like Iran, Iraq, Libya and others to increase their production for us. I ask my colleagues, if you look at the global impacts of the Clinton administration's actions, who are the real environmentalists? Certainly not the Clinton administration. It is clear to me that this administration's policy against exploration and development, when compared against its policy of begging for increased oil production abroad, is a net loss for American jobs, family checkbooks, domestic energy security, and the environment.

I am getting a little off track, but I believe this point needs to be clearly understood when we are talking about a long- term plan to remove, transport, and store nuclear waste. This administration is not concerned about results, nor is it really concerned about the environment. Instead, this administration is concerned solely with its political agenda and keeping the nuclear industry on the ropes.

We can, as a nation, move forward now and deal with our nuclear waste. There is simply no scientific nor technological reasons why we cannot move waste from civilian reactors to a central repository. In fact, we ship waste across our Nation right now—including the waste we have accepted from 41 other nations under the Atoms for Peace program. Our Nation's fleet of nuclear powered vessels go from international port to port. They protect the world and our Nation's interests in a way that is only allowed them through the use of nuclear power. There is overwhelming proof that we can transport nuclear waste on ships, roads, and rail without a threat to either the environment or human beings.

I am going to support the legislation before us, and I urge my colleagues to do the same. If the President is not going to have an energy policy, then we in Congress had better step forward and forge one of our own. When the brownouts begin increasing in frequency and energy rates rise, President Clinton will be long gone and we will be left to explain to our constituents why their family lost its power, their business lost a days work, or their farm was unable to milk its cows.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank Senator GRAMS for his statement, particularly for highlighting the risk we face in not acting, inasmuch as some of our plants that anticipated having Yucca Mountain available for permanent storage, indeed, are in danger.

Maryland, for example, has two reactors at Calvert Cliffs producing over 13,000 kilowatts a year. They provide 26 percent of the clean electricity for the State of Maryland. The consumers in Maryland have paid $337 million into the nuclear waste fund since 1982. There are 741 metric tons stored there, and it is short term. It is temporary because, when they built that plant, they were looking at Yucca Mountain as a permanent storage. Indeed, there is genuine concern about the ability to maintain this very clean source of energy if, indeed, we do not act in this body and override the President's veto.

Before we break, I wish to take my colleagues through a brief summary of the inconsistencies of this administration with regard to transportation.

In 1996, the Clinton administration agreed to participate in the Foreign Research Reactor Program where, over a 13-year period, some 20 tons of spent nuclear fuel from 41 countries will be shipped to the United States for storage. It goes into Concord, CA, and up to Idaho on railroads and highways. It goes into Savannah River and is moved there through the rail system, as well as highways.

At the Savannah River site in South Carolina, as well as the Idaho National Engineering and Environmental Laboratory, this waste is moved, depending on whether it comes from the west coast or east coast—shipment comes in on freighters through the Charleston Naval Weapons Station in South Carolina and the Concord Naval Weapons Station in California—the spent fuel is transported from the ship to a final designation by either rail or truck. Shall we leave it in California? Shall we leave it in South Carolina?

The President mentions the importance of nonproliferation goals that a central repository will meet and that the nonproliferation for these shipments of foreign spent fuel is a good one. We do not want terrorists or rogue governments coming into possession of these weapons, but let's look at reality.

For example, when the program started in 1996, we were faced with transporting spent fuel from a reactor in Bogota, Colombia. The spent fuel was moved from the reactor, loaded into a shipping cask, placed into a semitractor trailer truck for shipment, and then what did we do? We went to the Russians.

We chartered a Russian Antonov AN-124 airplane large enough to carry tanks and helicopters and drove the semi aboard the plane and flew the shipment to the seaport city of Cartagena and placed it on a freighter. It then joined spent fuel already loaded from Chile. It was delivered to the Charleston weapons center where it was loaded on railcars to Savannah River.

This was the Department of Energy acting to pull out all stops, sparing no expense to complete this important shipment. Administration policy then is to take nuclear fuel from foreign nations flying, shipping, and trucking all over the world and storing it at military facilities, and even building interim storage sites in the United States, but this administration will not address the waste generated by the domestic nuclear power industry; it will not reconcile a policy to address this in a responsible manner. It would rather leave it at the 40 States in 80 sites. That is what this administration proposes to do. It is unconscionable at a time when we are looking to the nuclear energy for roughly 20 percent of the power generated in the United States, and this administration does not accept its responsibility. That is why I urge all my colleagues to look at this realistically: Do we want the waste concentrated where it is in temporary storage, or do we want it in a permanent repository where we have already expended some $7 billion to place it?

I believe my time has expired or is about to expire.

The PRESIDING OFFICER. The Senator has a minute and a half left.

Mr. MURKOWSKI. In a minute and a half, I note the Senator from California showed a beautiful picture of Death Valley. I will show you a beautiful picture of the proposed location of the repository out at Yucca Mountain.

This is it. It is not very pretty. We have had 800 nuclear weapons tests in the last 50 years. That is the area we are talking about.

Some suggest, why are we talking about this when we have other more important things to do? This is an obligation of this Congress. The House has acted. It is up to the Senate to act now and move this legislation over the President's veto.

This is important. This costs the taxpayers money. We have an obligation.

Furthermore, this is the pending business of the Senate at this time because the House voted. It went down to the President. The President vetoed it. It is the standing order of business before this body. So it is most appropriate that we resolve this matter today.

I encourage my colleagues this afternoon to vote to override the President's veto.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. In my 12 years in the Senate, I have to say this is the most unfocused debate we have had on this issue. We are not here today to debate whether or not nuclear power is good or bad for the Nation. We are not here today to debate whether interim storage is an appropriate response. We are not here to debate whether or not France has no pollution, as some have suggested, because they have nuclear reactors. I must say, parenthetically, I am not aware that France propels its automotive fleet through nuclear power. But perhaps we can discuss that at some other date.

Very simply, what we are here to talk about is a piece of legislation which the President of the United States has courageously vetoed that would alter the health and safety standards for the Nation. That is the issue. Every American—regardless of his or her politics—should be proud of the President's position.

Our colleagues on the other side of the aisle have taunted our colleagues who support the position that my colleague from Nevada and I have been advocating, as well as the distinguished Senators from California and New Mexico today, saying: What are you going to tell your constituents when you return home? The answer that every Member can give, with a straight face, in responding to that question is: Look, I voted to uphold the health and safety standards of the Nation. I was not prepared for any industry, even though I might support nuclear power, to reduce the health and safety standards for millions of people in this country. I will not do it for nuclear power. I will not do it for anything else. I will not be beholding to a special interest. I am voting in the best interests of my constituents and the Nation in upholding public health and safety.

That is the answer. That is the most powerful response that can be given.

May I inquire how much time I have left.

The PRESIDING OFFICER. Twelve seconds.

Mr. BRYAN. Twelve seconds.

I yield the remainder of my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will be in recess until the hour of 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, there will now be 30 minutes under the control of the Senators from Nevada, Mr. REID and Mr. BRYAN, and 30 minutes under the control of the Senator from Alaska, Mr. MURKOWSKI.

Who seeks time?

Mr. MURKOWSKI. Mr. President, I yield 6 minutes to my good friend, the Senator from North Carolina.

Mr. HELMS. Mr. President, I have been around this place a long time and a lot of things have happened that I can't quite understand, one of them being the veto of this measure by the President of the United States. If you stop and think, you see that it is purely political. For that reason, I hope this Senate will not hesitate to vote to override the veto of S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

The President's decision to veto this vital legislation is just further evidence that the Clinton administration has no energy policy, except the appeasement of the doctrinaire environmentalists.

Because of the President's purely political veto, the United States will continue to have spent fuel assemblies piling up at all nuclear generation facilities throughout the United States—including five facilities in North Carolina.

The taxpayers of my state alone have paid more than $700 million into the Nuclear Waste Disposal Fund justifiably expecting that the spent fuel assemblies would be transported to Yucca Mountain, Nevada, for permanent storage.

But no, it was not to happen, according to the environmentalists, and therefore according to the President of the United States, who immediately got his pen out and vetoed it.

A portion of the monthly electric bill payments of North Carolinians and other states goes into this fund, but while the Administration plays its political veto game, North Carolina's utility companies have been forced to construct holding pools or dry cask storage facilities to store this used material. This has caused additional expense for the utilities and higher prices for their customers.

Why did Mr. Clinton veto this legislation? Clearly it was to appease the self-proclaimed environmentalists, who so piously proclaim their concern about the air Americans breathe. We are all concerned about that.

Mr. President, it has long been self-evident that these so-called self-proclaimed environmentalists are opposed to nuclear energy production—which is, behind hydro-power, the cleanest source of electricity. Nuclear power generation does not emit greenhouse gasses into the atmosphere.

The question is inevitable. Is it not better for the environment that no fossil fuels are burned?

So while the President plays politics to please the self-proclaimed environmentalists the spent fuel assemblies continue piling up all over the country in spite of the availability of the Yucca Mountain storage site which—according to the experts— poses absolutely no environmental risks for the permanent disposal of the spent fuel assemblies.

A handful of North Carolina anti-nuclear activists are complaining about the on-site storage of this material. If these activists were truly concerned about the environment, they would support this legislation and urge the federal government to complete construction of the national storage site at Yucca Mountain in one of the most remote areas of the United States.

I have at hand a copy of a letter sent to President Clinton by the Executive Director of the Public Staff of the North Carolina Utilities Commission urging the President to sign S. 1287. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA PUBLIC STAFF
UTILITIES COMMISSION, RALEIGH, NC,
April 11, 2000.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As Executive Director of the Public Staff-North Carolina Utilities Commission, I am keenly aware of the need for an effective federal nuclear waste management program, and I strongly encourage you to sign S. 1287 passed earlier in the year by the Senate and House.

Nuclear energy accounts for nearly half of the electricity produced in North Carolina. Our state's electricity consumers have paid more than $700 million into the Nuclear Waste Fund. The national repository for nuclear spent fuel, however, is currently not scheduled to open until 2010, twelve years behind the statutory obligation in the Nuclear Waste Policy Act of 1982.

The two nuclear plant operators in North Carolina—as well as those around the country—are being forced to undertake costly, alternative measures to compensate for the delays and shortcomings in the federal program.

The nuclear waste legislation on the table will be a positive step in the right direction and will provide nuclear plant operators and the communities around their facilities some assurance that the Federal Government will fulfill its obligations in this matter. It is not sound public policy to force nuclear plants to continue indefinitely on-site interim storage of their spent fuel. It is a more responsible course to consolidate the spent fuel in a central facility designed for safe, permanent disposal.

I understand you have reservations about S. 1287. The bill may be imperfect, but it represents a sensible and long overdue first step in restoring public confidence in a federal program that is a vital component of our national energy policy.

I request your support of S. 1287.

Sincererly,

ROBERT P. GRUBER.

Mr. REID. Mr. President, I yield myself 12 minutes.

This debate is not about nuclear power. It is not about whether you are in favor of nuclear power generation or opposed to it. But it is about health and safety concerns in America we should have for nuclear waste and other such issues. It is about health and safety. That is what S. 1287 is all about—lowering health and safety standards relevant to nuclear waste.

My good friend, with whom I have worked for many years on the water subcommittee of Appropriations—I have great respect for the chairman of the Budget Committee—came to this floor this morning and spoke in favor of overriding the Presidential veto. My friend, the senior Senator from New Mexico, said "radiation standards are irrelevant." That is a quote. I can't imagine anyone saying that, including my good friend from New Mexico, who is someone who should know better—"radiation standards are irrelevant."

I guess that is what they said earlier in this century when we had patent medicines. They advertised, saying they would cure all kinds of diseases—arthritis, lumbago, and pleurisy—and the medicines wound up killing people. It is the same when they talk about x rays being irrelevant. Radiation from x rays is irrelevant, except it kills people. My father-in-law was an x ray technician. He died as a young man from cancer of the blood as a result of being exposed to x rays.

Radiation standards are relevant. They are as relevant today as they were then. They are as relevant today as they were when we were told 50 years ago that aboveground nuclear tests were OK, that radiation was not relevant. We sent soldiers and others into these nuclear clouds and they died, and some are still sick as a result of that.

Radiation is relevant. It is relevant in the transportation of nuclear waste. It is relevant in the storage of nuclear waste. That is what this debate is all about.

Of course, this is a challenge. We have 100 sites that are generating nuclear power today. They are indicated on this chart. But to say we are going to eliminate all 100 sites and wind up with one in Nevada is not true. We will wind up with 100 of them. With the one additional nuclear waste site in Nevada, instead of 108 we will have 109. These places aren't going away. Some are generating nuclear waste. Those that aren't generating nuclear waste will be nuclear repositories for many years to come.

The reason radiation is relevant is we have a nuclear nightmare. I have placed on this chart only the railways where nuclear waste will be transported. I haven't added the highways. This is a nuclear nightmare because accidents are happening every day, literally.

This is from a recent newspaper account in LaGrande, OR. An accident happened because a rail was a little out of line, causing this terrible accident. Locomotives are dumped all over. Here are locomotives which you can just barely see. You can see a little bit of yellow down here. Here is one dumped in the marsh.

We have a farm back here. One of my staff members happens to be here on the floor today, Kai Anderson. This was his family's farm. This train derailed where people lived.

These accidents happen all the time—3 engines, 29 cars derailed. You can see stuff dumped out all over.

Radiation matters. Radiation is not, as my friend said, "irrelevant." We have a challenge, as we indicated. But this debate is not about whether or not you are in favor of nuclear power generation. This debate is not about Nevada. It is about our country. It is about health and safety standards for our country.

If this bill is allowed to pass, 43 States will have nuclear waste passing through them without appropriate health and safety standards.

My friend from North Carolina talked about not understanding why the veto took place. I made notes as he spoke. He said it was "political." If the President were political, he certainly wouldn't go against 40 States, many of them very heavily populated States. He wouldn't go against the biggest businesses in those States—utilities. He did it because he believed in the health and safety of the people of this country. He could have gone with where the numbers were. He decided not to do that.

The citizens of North Carolina, he said, deserve to know why he is doing it. It is an easy answer why the President did this—because the people of North Carolina deserve health and safety standards just as everyone else. They may have some stored nuclear waste there. But they need to have it stored in a safe manner.

As I said this morning, if you are wondering what we are going to do with our nuclear waste, it is an easy question to answer. What we are going to do with our nuclear waste is what they are doing at various sites around the country. They are storing it onsite.

We have already spent in the State of Nevada over $7 billion characterizing Yucca Mountain. You could store it onsite safely in dry cask storage containers. You could establish a nuclear waste repository site where the waste is generated—where the power is generated. You could do that for $5 million. It would be safe. It would not be subject to terrorist threats.

We don't have to worry about transportation. We don't have to worry about the loss of public confidence. It would be cheap. We could save this country and the utilities money. My friend from North Carolina talked about not millions but billions of dollars. Ground water would be protected. There would be no risk to children. There would be decent radiation protection standards.

I can't express enough my appreciation to the President and the Vice President for their support on this issue, and also the courageous Senators—Democrats and the two Republicans. The Senator from Rhode Island and the Senator from Colorado, with untold pressure being placed on them, are going to vote to sustain the Presidential veto. The 33 very powerful and courageous Democrats—and I say the same about my 2 Republican friends—I am very appreciative of their support and courage.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I grant 5 minutes to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from Alaska. I appreciate his leadership on this issue.

I see the poster the Senator from Nevada has of a train wreck. But I have heard many others say on this floor that if a train carrying nuclear waste wrecks, the nuclear waste doesn't blow up; it just lies on the ground. There was once a train with chemicals on board wreck about 200 yards from my mother's house. That was a very dangerous train wreck; with explosions and chemicals leaking into the air and on the ground. Had it been nuclear waste, it would have been sealed up and would not have blown up, or have gone into the air, or seeped onto the ground. It would have just sat there—posing little risk to people or the environment. It is just not that dangerous to transport. In fact, as Senator DOMENICI has noted, ships and submarines with nuclear fuel in them ply the oceans every day. Those ships use the same fuel and create the very same nuclear waste which we are looking to dispose of today.

I will note that this debate is a political issue. There was an excellent film on global warming on "Frontline" about 2 weeks ago. Basically, they concluded our energy needs could not be met and our environmental needs could not be met without nuclear energy. There was no other conclusion you could reach from watching that, but an activist who opposed nuclear energy said the main reason she opposed it was because we could not get rid of the waste. That is an absolutely bogus argument.

We have the ability to solve this problem. But until we do, we have, in effect, shut off our ability to produce a cleaner environment and get on with emission free energy production at a reasonable cost.

The President has noted, in the State of the Union, that we have to do something about global warming. He attempted to get us to ratify the Kyoto treaty to reduce greenhouse gas emissions by 7 percent from the 1990 levels. But this Senate, voted unanimously, 95-0, against the agreement.

Our greenhouse gas emissions have gone up 8 percent since 1990. So to meet the Kyoto agreement, we would have to have over a 15-percent reduction in greenhouse gas emissions between now and 2012. There is no way that can be done without nuclear power.

The Energy Information Agency predicts a 30-percent increase in demand in electricity in this country by the year 2015. 20 percent of our power today comes from nuclear energy. France produces over 60 percent, and Japan, nearly 50 of its electricity from nuclear power sources.

Between 1973 and 1997, nuclear power generation avoided the emission of 82.2 million tons of sulfur dioxide and 37 million tons of nitrous oxide into the atmosphere. In 1997 alone, emissions of sulfur dioxide would have been about 5 million tons higher and emissions of nitrogen oxide, 2.4 million tons higher, had fossil fuel generation replaced nuclear. Billions of tons of carbon and millions of tons of methane—believed to be the most significant greenhouse gas—are not emitted because of nuclear power. The building blocks of ozone, a proven irritant and health risk to sensitive children and the elderly, is not emitted at all by nuclear power plants. Ozone precursors are emitted in all other fossil production of power.

Sixteen percent of the world's electricity is coming from nuclear power, but we here in the U.S. have a strained situation because we cannot dispose of the waste. This problem drives up the cost of nuclear power which makes this cleanest of all power generation sources almost uneconomical. Certainly, one of the main reasons we are not building any new plants today is because of our inability to solve the waste problem.

Even as some in the environmental movement are changing their views on nuclear power, the Vice President is not. In the April 22, edition of the Congressional Quarterly:

> Vice President Gore stated he does "not support an increased reliance on nuclear power for electricity production" but would "keep open the option of relicensing nuclear power plants."

I visited the Tennessee Valley Authority's existing plant a few weeks ago in north Alabama. They set a record for safe operation without one shut down in over 500 days. It produces no environmental discharge. One thousand workers are there, quite happy, making excellent wages and providing a steady, 24-hour-a-day supply of clean electricity for the Tennessee Valley Authority.

That is good for this country. It means we are not having to burn coal. It means we are not having to import oil to generate our power.

But members of the Administration are not unanimous in their position on nuclear power. In 1998, Under Secretary of State Stuart Eizenstat remarked:

> I believe very firmly that nuclear has to be a significant part of our energy future and a large part of the Western world if we're going to meet these emission reduction targets. Those who think we can accomplish these goals without a significant nuclear industry are simply mistaken.

Another administration official, Ambassador John Ritch, speaking to the North Atlantic Assembly said:

> The reality is that, of all energy forms—

This is the President's own appointee—

> capable of meeting the world's expanding energy needs, nuclear power yields the least and most easily managed waste.

I agree with Senator DOMENICI. We are almost at the point of lunacy if we cannot choose a place in the desert of this country—where we had hundreds of bombs exploded while developing our nuclear weaponry—to bury nuclear waste deep down a tunnel, under a solid rock mountain and secure it there. What is it that we cannot do? We are storing this waste in hundreds of nuclear powerplants all over America and we cannot put it out in the desert and seal it up, yet we have ships traveling all over the world powered by nuclear energy that have this same spent fuel in them?

This is not wise. I call on the people of this country to rethink our position on nuclear power. There are 40,000 tons of spent nuclear fuel stored in 71 sites around this country. We have the ability to safely solve this waste problem and move ahead with a viable nuclear program to supply clean, low cost energy to our country.

I thank the Chair and the distinguished chairman of this committee for his excellent work. I do hope this veto will not be sustained.

Mr. MURKOWSKI. Mr. President, how much time do we have on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes. The Senator from Nevada has 21 minutes.

Mr. REID. Mr. President, my friend from Alabama said if there was an accident it would not be nearly as bad as a chemical accident, a trainload of chemicals compared to a trainload of nuclear waste because the container would not breach.

I do not know where my friend got that information because we have already established there is no container that can sustain an accident where the vehicle is going more than 30 miles an hour or, in fact, if it was a diesel fire.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. REID. Mr. President, on this legislation we are talking about 12,000 shipments through Illinois, 11,000 shipments through Nebraska and Wyoming, 14,000 shipments through Utah. We have already had seven nuclear waste transportation accidents. The average has been one accident for every 300 shipments.

S. 1287 would result in 10 times as many shipments of nuclear waste over longer distances. Currently, the statistics would lead us to expect, scientifically, 150 more accidents for this transportation plan. Are you ready to take that risk? I say to anyone the answer should be emphatically no.

It would be no because let's assume there would not be a nuclear explosion when the train wrecked or the truck wrecked. But, remember, we are talking about the most poisonous substance known to man. If there is a breach in the container, a tiny, tiny breach, the amount of plutonium on the end of a pin would make you sick, if not kill you. These transportation risks are expensive and dangerous.

The Department of Energy estimates an accident with a small release of radioactivity in a rural area would contaminate a 42-square mile area, require almost 2 years to clean up, and cost almost $1 billion to clean that up, one accident—the Department of Energy, in their own words: "A small release."

This is something that is very dangerous. We are talking about the health and safety standards for the people of America. They deserve the best. This legislation gives them the worst.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to point out a couple of things. We can show all the pictures we want around here about "what if's" but the facts remain. There was no nuclear waste associated with that particular photograph of the unfortunate train wreck.

Let's talk a little bit about how this is stored. There have been 1,500 tests performed to confirm and approve container safety. In the Nuclear Regulatory Commission tests, transportation canisters have been subject to some very tough tests, as they should be, tests that confirmed that they did not break open. They survived a 30-foot free-fall onto an unyielding surface, which is the same as a crash into a concrete bridge abutment at 120 miles an hour. Puncture tests, as well, were done, allowing the container to fall 40 inches onto a steel rod 6 inches in diameter; 30 minutes in a fire of 1,475 degrees that engulfs the whole container;

submerging the container under 3 feet of water for 8 hours. It goes on and on. It is rather interesting to note, about 10 years ago we were looking at flying nuclear waste for reprocessing from Japan to France. At that time, the requirement was to design a cask that would withstand a free-fall from 30,000 feet. We were advised it was technically available.

What we have here is almost a Nevada litmus test. Everyone has to be against Yucca Mountain. I know there is a good deal of pressure on Members, out of allegiance to my good friends from Nevada, from those who do not want the waste in their State. That is the bottom line. If they have to kill the nuclear waste industry to achieve it, that is what will happen.

I am holding a copy of the U.S. Navy Nuclear Propulsion Program. This is the so-called "Mobile Chernobyl," some 90 reactors moving all over the world. It is entitled "Over 117 Million Miles Safely Steamed on Nuclear Power." That is the record of our Navy. What we are hearing today is nothing but fear tactics of the worst kind, and this is emanated by the veto of the President.

Let's be realistic; the EPA has the sole and final authority to issue a radiation standard. I do not want to hear any Member reinterpreting that any other way. They—the EPA—must set forth a scientific basis for the rule. That is the best science. On June 1, 2001, they—meaning the EPA—are free to issue whatever standard they deem appropriate. They have the final say. We can only hope it makes a sensible and achievable interpretation and is based on sound science.

We talk about the science. In the President's veto message, he talks about the science. The Vice President talks about the science. We are talking about the best science—the EPA, the Nuclear Regulatory Commission, and the National Academy of Sciences, with the EPA having the sole and final authority. There is absolutely no question about that if you read the bill.

Let's look at something else. Taking the waste is a Federal responsibility, the sanctity of a contract. The deadline was 1998. The ratepayers have paid $16 billion to the Federal Government to take that waste. The taxpayers have spent some $6 billion already at Yucca Mountain where we have the hole in which to put the waste.

The longer the delay, the more liability the Federal Government has for not taking the waste because the utilities are suing the Federal Government for not taking the waste. That is some $40 billion to $80 billion. It is estimated it will cost each taxpaying family in the United States $1,300.

I will talk about foreign-domestic transportation. We have seen 300 safe domestic shipments over the last 30 years—no injury, no radiation. This chart shows the network all over the country. Since 1996, transport of foreign reactor fuel has come into this country from 41 other nations. That is over 20 tons over the next 13 years.

To where does it go? It goes into Concord, CA, Sacramento River, and moves up to Idaho. On the east coast, it goes to the Charleston Naval Weapons Center by rail up to Savannah River, and by truck on the highways. It is shipped as high-level waste from other countries. In the debate, the Senators from Nevada never acknowledged that exists. They never acknowledged there is an inconsistency in our policy.

We accept it from foreign governments, and we store it in the United States, but this administration will not address its obligation to take the domestically produced waste from our own utilities and the ratepayers have paid the Government to take it. That is the inconsistency. That is what is wrong with the administration's policy.

One example of this is U.S. participation in foreign shipments. A semi truck full of spent fuel was loaded into a chartered Russian Antonov AN-124 cargo plane and flown from Bogota, Colombia, to Cartagena so it could join a shipment from Chile bound for Charleston by freighter. The flight was believed to be necessary to avoid terrorists in Colombia, and the shipment went off without a hitch.

The point of this message is obvious. We are doing it for foreign nations. We are shipping it all over the world to two places in the United States: Concord, CA, and Charleston, SC. I do not know if the Senators from those States are concerned about it. I do not see them speaking on the floor about it in indignation. Do we want to leave the spent fuel at 80 sites in 40 States, as this chart shows? That is the alternative.

I leave all Members with one thought. Putting politics aside, how will you as a Senator explain why today you voted to leave the waste in your State, subjecting your taxpayers to continued liability for broken promises of this administration?

I urge my colleagues to vote to override the President's veto. Let's put this issue behind us once and for all. If we do not, it will come back at a greater cost to the taxpayers.

Finally, on the issue of health and safety, about which we have heard so much from our good friends from Nevada, this waste is spread out at 80 sites in 40 States, as I have indicated. I have another chart which shows that. These might be determined to be 80 mini Yucca Mountains, but they were not designed for permanent storage. They were designed for short-term storage, just as we have seen at Calvert Cliffs in Maryland. The current onsite storage was designed for short-term storage, not long-term storage.

In conclusion, I encourage my colleagues to remember that in the 1999 Department of Energy draft EIS report, it said:

> Leaving the waste onsite represents considerable human health risks as opposed to one central remote facility in the Nevada desert.

That is a statement by this administration relative to the issue of health and safety and leaving this waste where it is in these 40 States at these 80 sites.

Again, I encourage my colleagues to reflect on what they are going to say to their constituents when they go home and say, I guess I voted to leave the waste in my State, when, indeed, they had an obligation and an opportunity to move it to one central facility that has been selected at Yucca Mountain, an area where we had 800 nuclear weapons tests over a 50-year period and where we did our experimentation with the nuclear bomb—an area, frankly, that is probably already so polluted that it can never be cleaned up.

I ask my colleagues to read the letter, which is printed earlier in the RECORD, from Governor George E. Pataki, who indicated that the citizens of New York State have been forced to temporarily store more than 2,000 tons of radioactive waste and urged the President to sign this bill into law, and the statement that disposal of this waste is one of the most important environmental concerns facing New York and other States with nuclear facilities.

I yield the floor.

Mr. BRYAN. Mr. President, I am pleased to yield to my colleague from Illinois 3 minutes of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. Mr. President, the issue of nuclear waste is an important one in my home state of Illinois. More than half the electricity generated in our state comes from nuclear power plants. We have an extraordinarily large amount of nuclear waste in our state. We would like to see it moved, once and for all, to a safe facility away from population centers in Illinois and virtually in every other state.

In that respect, I admire the Senator from Alaska for his tenacity in trying to come forward with a nuclear waste bill that will put to rest an issue that literally will challenge us for centuries to come.

This nuclear waste, once transported, is still dangerous. We have to find a politically and scientifically acceptable way to move it to a safe spot in America where we can not only store it for the future generations that we can think of, but also for the generations in centuries to come who could still be exposed to this hazard.

Having said that, the nuclear waste bill supported by the majority, and vetoed by President Clinton, fails the most important test. This bill, S. 1287, the Nuclear Waste Policy Amendments Act of 2000, is not environmentally responsible.

First, it prevents the Federal Government from taking ownership and legal responsibility for the nuclear waste in Illinois and around the nation. The omission of this provision undermines the U.S. Department of Energy's efforts to resolve lawsuits with utilities and to focus on the development of a permanent repository for this waste.

In addition, this bill establishes unrealistic deadlines for the completion of a repository and the transportation of waste to that facility. The bill sets deadlines for the Department of Energy under terms that the Department of Energy says they cannot meet. They are physically impossible. Failure to set realistic deadlines threatens public health and safety and the environment, and will only lead to further lawsuits in the future.

Finally—I believe this is the most telling point—this bill purposely bars the U.S. Environmental Protection Agency from establishing a radiation safety standard for the national waste site until after the Presidential election. The science will not change after the Presidential election, but many writing this bill hope the President will change and that they will be able to elect a President who has a different environmental point of view.

When it comes to the safety of future generations from radiation hazards, it should not be determined by the outcome of an election. It should be determined by scientists who take into account public health and safety.

I refuse to be part of this deal that plays politics with the health and safety of Illinoisans and millions of Americans. I want the nuclear waste safely removed from my state and stored safely so it will never endanger future generations. The President was right to veto this bill. I support his position.

Mr. FITZGERALD. Mr. President, I begin by thanking Senator MURKOWSKI for his efforts in introducing and promoting the Nuclear Waste Policy Amendments Act which addresses an issue of critical importance to the nation and in particular to the State of Illinois. I rise today to ask my colleagues to join me in voting to override the President's veto of this vital legislation.

Nuclear waste disposal policy is one of the most significant issue facing our nation and my home State of Illinois. Illinois is home to 11 operating nuclear units which account for 38.4 percent of the electricity generated in Illinois in 1998. Nuclear energy also provided 20 percent of the electricity consumed by the nation as a whole last year.

Nuclear power also yields a large amount of nuclear waste. Since we do not presently reprocess this material, it must be stored, usually on site at nuclear facilities in communities throughout our nation.

Illinois is home to over 4,300 metric tons of commercial nuclear waste out of 30,000 tons located throughout the nation. This is more commercial nuclear waste than is found in any other State in the Union.

Utility companies from Illinois and throughout the country along with their consumers have paid approximately $16 billion into a fund to provide for a central national site for the storage of this waste mandated by the Nuclear Waste Policy Act of 1982. But as of yet, there has been no action taken by the Department of Energy to take this waste as it was mandated to do by 1998. Illinois consumers alone have contributed $2.14 billion to the federal Nuclear Waste Fund since 1983. This is about 12.5 percent of the total amount contributed to the fund today.

The DOE was required by statute to take possession of this waste in 1998. It failed to do so, and we now have a very serious problem. We need to decide the best way to allocate the costs of storage at existing facilities. To this end, Senator MURKOWSKI offered this legislation which addresses DOE's failure and requires the Department to take responsibility for the costs associated with its failure to act.

I again thank Senator MURKOWSKI for his longstanding support on this issue of critical importance to my State of Illinois and the nation. It is my hope that we can enact Senator MURKOWSKI's legislation and I urge all of my colleagues to vote to override the President's veto.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield myself 10 minutes.

Mr. President, I thank my colleague from Illinois because he has encapsulated the essence of this argument. This is not about science. This is about politics, as he reminds us. Because the time is short, I will respond to some of the issues that have been raised.

First of all, we have heard many paeans to the nuclear power industry. Whether you are for or against nuclear power is not the issue. I might say, parenthetically, there is nothing preventing any community that wants to establish a nuclear reactor from doing so. That is a matter of community choice. The fact that for 20 years no community has chosen to do so may tell us the concerns people have about their health and safety.

We have heard the Kyoto agreement discussed and interim storage. None of those are the issues. We have talked about why Paris apparently has less pollution than the United States because of nuclear power. All of these things have no relevance.

Here are the issues—and the only issues. The question is one of health and safety. Who is going to make that determination? Is it going to be the Environmental Protection Agency, which, by law, for 20 years has provided that standard?

What this is all about, when striped to the bare bones, is an attempt to circumvent the standard proposed by the EPA of 15 millirems. That is what we are talking about today.

My friend from Illinois is so right. They want to put this off until next year, hoping that a new political process, with a new President, might change the results in a measure far more favorable to the nuclear power industry. That is politics.

We hear over and over again the deadline of 1998 has been missed. It is true that the deadline for accepting the waste was missed in 1998. And where does the fault lie? It lies right here in the Congress. It is politics. Because the original nuclear waste bill said that we would search all over the entire country and look for the best geology, the best site. That was the science in 1987, when the legislation focused on one site and one site only. That was politics. The geology of that site is immensely complex. We will not know for some years whether or not that is scientifically suitable.

We are told about the costs that are incurred by utility ratepayers. Indeed, there have been costs incurred. But for more than a decade this Senator and this administration has said to each utility that incurs costs as a result of not having a 1998 permanent repository open that we will reimburse them for the cost.

If in this legislation we said, look, take title and eliminate the potential liability that the reactor utility sites would have and compensate the utilities for any expenses they have incurred because of the delay, this Senator would support that legislation.

What is involved here is not compensation or reimbursement or delay; it is to change the basic science. Health and safety is the issue.

Let me say to my friend from Alaska, with whom I agree on many other issues, the area depicted by the photo, when he repeatedly made reference to Yucca Mountain, is 25 miles from Yucca Mountain. That is the Nevada Test Site. We are talking about an area that is totally geographically removed.

Let me talk about the issue that the nuclear utilities run all of these full-page ads, that rather than 101 sites—we heard today 80 sites—how about a single site? Just have a single site in Nevada. That is a bogus issue, a red herring.

So long as each nuclear reactor continues to generate power, there will be a nuclear waste site at that reactor. As those spent fuel rods are removed from the reactor, they are placed in pools about which the senior Senator from North Carolina talked. That has nothing to do with whether Yucca Mountain is established or not established.

That is the way these spent fuel rods are first addressed. There will be storage at those sites for years to come if Yucca Mountain were determined tomorrow to be suitable.

The proposed site contemplates that, if approved, there will be a 25- to 30-year period of shipments. So the notion that somehow this legislation will establish a single site is a bogus argument.

Let me talk about transportation for a moment because that has been treated very lightly, in my judgment, by colleagues on the other side of the aisle. Transportation is a legitimate issue. We are talking about 43 States. We are talking about 51 million Americans who live within a mile or less of these sites.

This map shows the highways in red, the rail in blue, going through all of the major cities, particularly in the eastern part of the United States.

What about the accidents? The Department of Energy itself says over the lifetime of this disposal process, one could expect 70 to 310 accidents.

Each year in America there are 2,000 derailments. Each year there are approximately 200 collisions. We are talking about shipments of a magnitude that we have never seen before: 35,000 to 100,000 shipments over this 25-year period of time.

Although these casks have been described as having fallen from the heavens, in point of fact, the casks that the Department of Energy would like to use are much larger than any that have been previously tested. There have been no tests conclusively done with respect thereto. They are an earlier model.

What does this all really amount to? It amounts to congressional irresponsibility, to yield to the pressure of a special interest group that wants to change the rules that are designed to protect 270 million Americans.

Finally, I would say the answer to the question that the Senator from Alaska propounded—how do you explain, as a Senator, your vote to sustain the President's veto?—that ought to be a proud moment for every Senator. Because every Senator could stand up and say: I resisted the pressures of a special interest lobbying group, the nuclear utilities in America. What I voted for was what was right for the country and that is to protect the health and safety of the American public—270 million of us who rely upon the Environmental Protection Agency standard, a standard that was unchallenged for 20 years that exists with respect to the nuclear repository in New Mexico, the so-called WIPP site, at 15 millirems.

Remember, the original version of S. 1287—we tend to forget that is the bill before us, which admittedly has been modified—would have set health and safety standards where the American public—each citizen—could be exposed to twice the amount of radiation that the EPA has said is safe for us.

Is that what we really want in America, to set health and safety standards to accommodate the interests of the special interest groups, the nuclear utilities, or should we not as Senators, Democrats and Republicans, from the Northeast to the Southwest, from Seattle to Tampa, be saying that we ought to support the health and safety standard that protects the American public?

We can debate energy policy in America. That is a debate for another day. However, as Americans, how can we provide less safety, less protection than the Environmental Protection Agency? Every Senator on this floor knows, as do I think most Americans who follow the issue, the only reason we would propose to change the standards—not sites, as my friend from Illinois reminds us—is that it is politics, with the hopes that perhaps in November there may be a new administration that is beholden to the nuclear power industry and will make it easier, at the risk of public health and safety, to site nuclear waste somewhere in America.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes. The Senator from Nevada has 4 minutes.

Mr. MURKOWSKI. Mr. President, I yield 5 minutes to my good friend, the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Ms. LANDRIEU. Mr. President, this has been a very difficult issue for us to try to resolve. It is with a great deal of thought and consideration that I come to the floor to announce that I will be voting to override the President's veto. It is a very difficult vote, obviously, but a correct and necessary vote for my State of Louisiana.

The Nuclear Waste Policy Act of 1982 required the Department of Energy to provide a Federal repository for used nuclear fuel no later than January 31, 1998. Here we are, 2 years after that deadline, and there is still no central repository for spent nuclear fuel in 40 States. In fact, according to the Department of Energy's latest projections, the placement of waste underground at Yucca, which I have visited, would take place, at the earliest, in 2010, and only then if it receives full regulatory approval. That leaves us at least 12 years behind schedule.

Meanwhile, millions of American families and businesses have been paying, not once but twice, for this delay. They pay once to fund the Federal management of used nuclear fuel at a central repository and again when electric utility companies have to build temporary storage space. As a result, since 1983, American consumers have paid approximately $16 billion to this nuclear waste fund through add-ons to their utility bills without a real satisfactory result. Still, the Federal Government continues to collect nearly $700 million a year from electricity consumers. Future generations of Americans, our children and grandchildren, will pay a high price for continued inaction. We must push to do something, and that is what this debate is about.

Also, the situation for the more than 100 operating nuclear powerplants storing used fuel onsite grows ever more urgent. Plants are running out of storage space. In Louisiana, we have two nuclear powerplants: Riverbend Reactor in St. Francisville and Waterford near New Orleans. These plants will reach maximum storage capacity very soon, and waiting until 2010 poses definite problems for my State.

This legislation is a necessary step toward meeting the Federal Government's legal obligation to safely and responsibly manage used nuclear fuel and high-level nuclear waste. It provides the necessary tools to begin moving used nuclear fuel to a central facility for disposal if scientific investigation demonstrates that the Yucca Mountain repository site in Nevada is suitable. This is an important step that we need to take.

S. 1287 establishes three definitive deadlines for developing a repository for used nuclear fuel at Yucca Mountain. First, it reaffirms that by December of 2001, the Secretary of Energy must make a recommendation to the President on whether Yucca Mountain is a suitable site for a nuclear waste repository. Second, it requires the President to make a subsequent recommendation regarding Yucca Mountain's suitability to Congress by March 2002. Third, it requires a decision on the construction authorization application for a repository at Yucca Mountain by January 2006. In addition, the bill enhances an already safe transportation system with more training and state involvement in routing.

According to the President's veto message issued on April 25th the administration has two primary concerns with S. 1287. First, "the bill would limit the EPA's authority to issue radiation standards that protect human health and environment and would prohibit the issuance of EPA's final standards until June 2001." In fact, under the bill the EPA retains authority to establish radiation standards that protect public health and the environment near Yucca Mountain. The bill seeks the participation of experts on radiation safety at the National Academy of Sciences and the Nuclear Regulatory Commission in order to establish the best public health and environmental standards possible. Second, the administration argues that "the bill does little to minimize the potential for continued claims against the Federal Government for damages as a result of the delay in accepting spent fuel from utilities." I point out that the federal government bears responsibility for this delay and should not be completely absolved. Under the legislation the Energy Department is given specific authority to reach settlements with the utility companies that have filed lawsuits for the Department's failure to meet the congressionally mandated requirement to move used nuclear fuel. In addition, the Department is prohibited from using the funds accumulated in the Nuclear Waste Fund for settlements, except when the funds are used for containers or other aspects of storage that would be required to meet the Department's obligation to move the fuel to a repository.

Mr. President, it is difficult to come to the floor to speak on an override. It will be very rare, I hope, in my career that I will vote to override any President because I do respect the office, but I also respect the role of the Congress.

I think this is the right vote for the Congress and for my State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRYAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Nevada has 4 minutes remaining. The Senator from Alaska has 3 minutes remaining.

Mr. BRYAN. Mr. President, I want to make a point one more time on the issue of transportation. This has often been characterized as an issue of Nevada versus the entire country. As more and more people around the country are aware of the implications for their families and their own security in terms of health and safety, we are beginning to get the attention of the public. Just this past week, the Deseret News in Salt Lake City, UT, strongly supported the President's veto. That publication does not have a long track record of being supportive of this administration and particularly this President. But it indicates the nature of the concern.

Here again, take a look at the routes that are involved in the transportation. This will occur around the clock for 25 to 30 years: 30,000 to 100,000 shipments. It is said that, gee, we have had transports before and nothing has happened. That is true; we have had no fatalities as a result, but we have had 58 accidents. I suppose before the disaster of the *Challenger* we could talk proudly about our space program and the shuttle launches that never had a fatality.

It is not a question of what the history has been as to whether or not there has been a fatality. We are talking about something of a magnitude many times greater, and I think our colleagues must look at that. There are many States—43 States and 51 million Americans. But it has been said repeatedly that we have to do something. The deadline has been missed, there is no question. But as I pointed out a moment ago, this Congress bears the responsibility. It politicized the action. Had we let the Nuclear Waste Policy Act unfold as it was originally contemplated back in 1982, we might very well have had the solution to the permanent repository issue.

This health and safety standard ought to anger every American watching. It is cynical for a political and a special interest purpose—this is what this bill is all about, special interest legislation—to change a health and safety standard that is designed to protect the Nation.

Finally, just a reference that comes up again and again. We were told by someone obliquely that if we don't do something, somehow the waste will pile up and we will not be able to generate nuclear power.

Twenty years ago this summer, the same argument was advanced by the distinguished chairman's predecessor—that if we did not get, what was then referred to, away from an active program on line, we would soon have to shut down nuclear reactors around the country. It was not true then, and it is not true now. No reactor waste is exposed because of space. There is dry cask storage available, it is licensed, and approved for up to a period of 100 years.

Let's do this right. Let science and not politics prevail.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, as we wind down our debate, I compliment my friends from Nevada for their points of view. But I would like to remind all of my colleagues of the obligations we have.

Senator DURBIN from Illinois expressed concern about why we are waiting until 2001.

We are all very much aware that this administration and the Environmental Protection Agency came down today without a doubt to set a standard that was unattainable. Make no mistake about it, that is what some of these folks would like to see happen.

I quote from the press release of my friend, Senator REID, of February 9:

> Under this bill, the Environmental Protection Agency will have full authority to set radiation standards for Yucca Mountain, which many experts say will ultimately prevent the site from ever being licensed as a nuclear waste dump.

There you have it. They don't want to ever see it accomplish its purpose.

We talk about courage. We talk about health. We talk about safety. But the real issue is politics, and it is Nevada politics against the recognition of the rest of the country that we have this waste at 80 sites in 40 States, and this administration is simply caving in to Nevada politics.

Let me talk about courage.

It is going to take courage to tell your constituents the money they paid to move the waste has been taken by the Federal Government and the waste is still not moved.

It is going to take courage to tell your constituents the Federal Government has broken its word again, and you support that Government, you support that decision, and you support the President who tells you he has justification for overriding the veto.

It takes courage to tell your constituents you think this waste is safer near their homes, their schools, their hospitals, and their playgrounds than it is in one site in Nevada.

It takes courage to tell your constituents to ignore the findings of the administration's draft EIS that found that leaving the material spread around the country would "represent a considerable health risk."

There you have it. There you have the capsule of what this is all about.

I urge my colleagues to vote to override the President's veto and to meet our obligation as Senators to resolve this problem once and for all.

I thank the Chair.

Again, I thank my colleagues on the other side of the issue.

The PRESIDING OFFICER. Under the previous order, the hour of 3:15 p.m. having arrived, the Senate will now vote on the question of overriding the President's veto.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory under the Constitution. The clerk will call the roll.

The Legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Edwards
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lugar
Mack
McCain
McConnell
Murkowski
Murray
Nickles
Robb
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—35

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Campbell
Chafee, L.
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Lautenberg
Lieberman
Lott
Mikulski
Moynihan
Reed
Reid
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Roth

Mr. LOTT. Mr. President, I change my vote to no, and I enter a motion to reconsider the vote by which the veto message was sustained, and I send the motion to the desk.

The PRESIDING OFFICER. The motion to reconsider would be premature until the vote is announced.

On this vote, the yeas are 64, the nays are 35. Two-thirds of the Senators voting not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

Mr. LOTT. Mr. President, I enter a motion to reconsider the vote by which the veto message was sustained, and I send a motion to the desk.

The PRESIDING OFFICER. The motion is entered.

Mr. LOTT. Mr. President, I would like to express my personal disappointment that today the Senate was unable to override the President's veto of S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

Twelve years have passed since Congress directed the Department of Energy (DOE) to take responsibility for the disposal of nuclear waste created by commercial nuclear power plants and our nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with. DOE is absolutely obligated under the NWPA of 1982 to begin accepting spent nuclear fuel from utility sites. Today DOE is no closer in coming up with a solution. This is unacceptable. This is in fact wrong—so say the Federal Courts. The law is clear, and DOE has not met its obligation.

The President sent his message—once again he chose not to enact sound energy policy. Once again, he chose to ignore the growing energy demands of this nation. Therefore, it became Congress's duty to vote for sound science, fiscal responsibility, safety, and honoring a federal commitment to tens of millions of consumers across the nation who benefit from nuclear energy.

This should be a bipartisan effort for a safe, practical and workable solution for America's spent fuel storage needs. The proper storage of spent fuel should not be a partisan issue—it is a safety issue. This bill incorporates key concepts embraced by the Congress, the Administration, and the nuclear industry.

Where is the Administration? Where is DOE? Where is the solution? All of America's experience in waste management over the last 25 years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste. It is the goal of our nation's nuclear waste management policy to develop a specially designed disposal facility. The federal government is now 12 years behind schedule in managing nuclear waste from 140 sites in 40 states. The sites have spent fuel sitting in their "backyard," and this fuel needs to be gathered and accumulated. This lack of a central storage capacity could very possibly cause the closing of several nuclear power plants. These affected plants produce nearly 20 percent of America's electricity. Closing these plants just does not make sense.

This bill would permit early receipt of fuel at Yucca Mountain following issuance of a repository construction authorization by federal regulators. In the meantime, improved environmental and public safety would be provided at the site and during transportation from the states to a federal repository.

The citizens, in some 100 communities where fuel is stored today, challenged the federal government to get this bill done. It is unfortunate that this goal has not yet been achieved.

The nuclear industry has already committed to the federal government $16 billion exclusively for the nuclear waste management program. The nuclear industry continues to pay $700 million annually with only one-third of that amount being spent on the program. The federal government needs to honor its commitment to the American people and the power community. The federal government needs to protect those 100 communities. This bill would ensure adequate funding for the lifecycle of this program and limit the use of these funds.

To ensure that the federal government meets its commitment to states and electricity consumers, it is vital that there be a mandate for completion of the nuclear waste management program—this program would give the federal government title to nuclear waste currently stored on-site at facilities across the nation, a site for permanent disposal, and a transportation infrastructure to safely move used fuel from plants to the storage facility.

Mr. President, nuclear energy is a significant part of America's energy future, and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. We have realized this year more than ever that this Administration lacks a sound energy policy. The President's veto of the Nuclear Waste Storage Act is a prime example.

Mr. President, this federal foot dragging is unfortunate and unacceptable. It is in the best interest of this nation for Congress to override the President's veto. This is achievable, and I look forward to the opportunity to revisit this issue.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my good friends, Senator REID and Senator BRYAN, for the spirited debate on this nuclear waste legislation on the President's veto override.

I also thank the professional staff on the other side who assisted with this bill and my own staff: Colleen Deegan, Andrew Lundquist, and Kristin Phillips, Trici Heninger, Jim Beirne, BRYAN Hannegan.

I also thank the leader for his guidance and counsel. As we look at this vote, which, as I understand, officially was, prior to the reconsideration, 65–34, we have one Republican Senator out today, the chairman of the Finance Committee, Senator ROTH. We would have had, had he been here, 66 votes. We are 1 vote shy. It is my understanding, according to the rules of reconsideration, that this matter may come up again at the pleasure of the leadership because it does remain on the calendar. Is that correct, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska is correct; it would take a motion to proceed.

Mr. MURKOWSKI. Again, I thank my colleagues for their confidence and recognition that this matter still remains to be resolved by either this Senate in this session or at a later time because the contribution of the nuclear industry is such that we simply cannot allow it to strangle on its own waste. We really do not have that alternative.

I yield the floor and thank the leader for his courtesy.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the leader does not mind—I see him standing—I also extend my hand of congratulations to the Senator from Alaska. He has been a gentleman during this entire debate. We have appreciated his courtesies. We also appreciate the leader working out a time arrangement for us. It saved everybody a lot of time and effort.

Of course, part of the wait was because there were a number of Republicans who were missing last week, and we thought it appropriate they be here when the vote took place.

We are in a parliamentary position now where the leader, at any time he desires, can call this forward. It is a nondebatable motion to proceed. I hope, however, that the leader will continue the good faith that has been shown by all parties on this issue for many years, not only this year, and that if, in fact, something comes up because of travel or illness the leader will give us an opportunity to know when this matter will come forward.

Mr. LOTT. Will the Senator yield? Mr. President, I assure the Senators from Nevada that we have proceeded in good faith on both sides of the aisle on this issue from day one. I have always understood how important it is and how difficult it is for the Senators from Nevada. I also understand, on the other side, how important this issue is to Senators all across America who have nuclear waste in their respective States in cooling pools or in conditions of uncertainty where something needs to be done.

There will not be a surprise on this issue. If there is a decision made that we will need to reconsider, it will not be based on absentees or something of that nature. But I do think it is such an important issue and it is so close now—really 1 vote—keeping that option open for a while longer is worthwhile, but I will certainly notify Senator REID and Senator BRYAN, as I have in the past, before we proceed on it.

Mr. REID. I thank the leader.

Mr. BRYAN. Mr. President, will the leader yield for a moment?

Mr. LOTT. I will be glad to yield.

Mr. BRYAN. Mr. President, I express my appreciation for the leader's forthrightness in indicating that we have tried to accommodate each other in terms of the time. I recognize that, as the leader, he has a difficult schedule to maintain. This is an issue that for Senator REID, for me, and for Nevadans is of paramount importance. We think it is important for the country. I appreciate the spirit of the Senator's response. I appreciate the spirit in which the chairman of the Energy Committee has conducted this debate. We disagree, but he, as well, has been courteous and very responsible in the exchange.

I thank three members of my staff who have done an extraordinary job: Brock Richter, Brent Heberlee, Jean Neal, and previously Joe Barry; they have worked on this issue for many months, some for the past 12 years. I acknowledge and thank them for their efforts. Again, I thank the leader for his commitment. I yield the floor.

Mr. DORGAN. Mr. President, on February 10th of this year, the Senate passed S. 1287, the Nuclear Waste Policy Amendments of 2000. I commend the distinguished Chairman and Ranking Member of the Energy Committee for the time and effort they have dedicated to this issue. However, I did not vote for this bill, because it contains many of the same flaws as in past bills, including safety and licensing issues, inadequate delivery schedules, and a failure to address specific storage problems of some companies.

One of the companies in our region of the country that has such a storage problem is Northern States Power, NSP. Minnesota state law prevents NSP from expanding its nuclear waste storage capacity. As a result, NSP will be forced to shut down its Prairie Island nuclear power plant when it runs out of storage space in January, 2007. Mr. President, this is an issue of critical concern. NSP serves 1.5 million electricity users in five states, including 84,000 customers in my own state of North Dakota. If NSP is forced to close its Prairie Island plant, the resulting impact on electricity customers in our region would be devastating. Grid reliability could be compromised, and the energy costs of many North Dakotans could increase substantially. In a cold-weather state such as mine, any increase in electricity costs is a matter of great concern. In short, this utility is caught between a state law and federal inaction—and we need to address the problem.

While I agree with the Administration's decision to veto the nuclear waste bill, I am also disappointed by its failure to proactively work with Congress to reach a compromise on nuclear waste storage, particularly in light of the fact that North Dakotans have invested nearly $14 million to pay for the construction of a permanent waste storage facility with little to show for it.

In the coming weeks, I will be working with the Appropriations Committee to craft a solution to the problems brought on by state laws that limit or restrict the storage of spent nuclear fuel. I encourage the participation of the Administration and my colleagues in the Senate in this effort. I hope that this will be one of many efforts to address the outstanding issues that have, up to this point, prevented comprehensive nuclear waste legislation from becoming law.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The clerk will report S. 2.

The assistant legislative clerk read as follows:

> A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I believe the pending business is the Educational Opportunities Act.

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, as we get ready to resume general debate on this bill, let me say again how important this issue obviously is in America. People across this country in every State put the highest priority on the need to improve the quality of our education to have safe and drug-free schools, to have accountability, to have rewards for good teachers, and have a way of making sure our education system is based on learning and that it is child centered. This legislation does that.

I listened yesterday and participated in the debate. I thought there was excellent debate. A number of Senators came to the floor and made statements. I do not know how many, but probably 12 to 15 Senators spoke yesterday. There are a number of Senators on both sides who wish to speak further today.

There are some legitimate disagreements about how to proceed on improving the quality of education in America and the accessibility of education. There are those who say the current system is working fine and we ought to keep it the way it is. I do not agree with that.

There are people who say the Federal Government must have control and dictate or the right things will not be done by the States, the local school districts, the administrators, and the teachers. I do not agree with that.

It is legitimate to have debate because we have spent billions of dollars since 1965 trying to improve the quality of education in America, and the test scores show we are, at best, holding our own and slipping in a number of critical areas. We need to think outside the box. We need to think of different and innovative ways to provide learning opportunities for our children in America.

I think it calls for flexibility as to how the funds are used at the local level. I think it calls for rewards for good teachers, but accountability for all teachers and for students. I think we need some evidence, with the flexibility, that our children are actually making progress.

So this is an important debate as we go forward. I am glad we are having it. We have spent a lot of our time on education this year in the Senate. We passed the education savings account bill earlier this year to allow parents to be able to save for their children's needs, with their own money, for their children K through 12. Now we are going to have this continued debate and amendments of the Elementary and Secondary Education Act.

Later on this year, when we get to the Labor-HHS and education appropriations bill, I am sure we are going to have some good discussion about the funding level for higher education—loans, grants, the work-study program. We need the whole package to improve education and to make our children capable of competing in the world market, to be trained to do the job they need to make a good living for their families.

So this is an important debate. I am glad we got an agreement to stay on general debate today. We are hoping to go forward tomorrow with the first four amendments on education, two on each side, so that we can have some legitimate debate about how to best help education in America and help learning for our children in America.

But I am worried about a lot of what I am hearing. I am hearing there may be amendments to the education bill on everything from agriculture, to NCAA gambling, to campaign finance reform, to minimum wage, to guns. Where is the limit on all the subjects that could be raised on an issue that is No. 1 in the minds of the American people—education?

We are not starting off by saying we are not going to do this or not going to do that. We are starting. We are going forward. We are starting in kindergarten. We are going to go to the first grade. We are going to have general debate and education amendments and take stock of where we are.

If there is a center ground that must and should be found in America on any subject, it is education. What we have—the status quo—is not working well enough. The Federal Government has a role. We need for it to be a more positive role and a results-oriented role.

So let's have the debate. Let's have amendments on education. I hope my colleagues—on both sides of the aisle—will not make this important legislation a piece of flypaper to attract every amendment that is flying around in this Chamber. It would be a terrible discredit to a vital issue in the minds and hearts of the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Vermont.

Mr. JEFFORDS. We are commencing further debate on the ESEA, the Elementary and Secondary Education Act. I think it is important that we do spend this time on general debate because it is a big bill. There are a number of very important problems to be discussed. Hopefully, we will reach a consensus at some point so that the bill will pass.

Mr. President, I would like to take a little bit of time today, until others arrive, to talk about the role of teachers in our efforts to improve educational opportunities for young people. S.2 includes some important changes related to the critical job of providing teachers with opportunities to enhance their professional skills. Supporting our Nation's teachers must be at the foundation of our education reform efforts because the better our Nation's teachers are—the better chance our Nation's students will have to "make the grade" in the 21st century.

A 1999 survey by the U.S. Department of Education on the preparation and qualifications of public school teachers reported that continued learning in the teaching profession is "key to building educators' capacity for effective teaching, particularly in a profession where the demands are changing and expanding." An investment in our Nation's teachers is a wise one. And we need to make wise investments with our Federal resources to ensure that the Federal dollars for professional development support activities that will foster improvements in teaching and learning that benefit students in the classroom.

Our Nation's classrooms are changing. All across this country, students are expected to learn to higher standards and perform at increasingly challenging levels. We will never get students to where they "need to be" unless our Nation's teachers have the knowledge base to teach to those demanding standards. While there is near total agreement that strong, capable teachers are the ones that will make the most significant, positive difference in the education of our nation's students, we have not done enough to help them be at the top of their game.

There are still too many educators teaching outside their field of expertise. Too often, teachers are offered one-shot, one-day workshops for professional development that do little to improve teaching and learning in the classroom. Professional development activities often lack the connection to the everyday challenges that teachers face in their classrooms. The most recent evaluation of the Eisenhower Professional Development program notes that "The need for high-quality professional development that focuses on subject-matter content and how students learn that content is all the more pressing in light of the many teachers who teach outside their areas of specialization."

Title II of this bill addresses these serious deficiencies in professional development "head on." S. 2 draws on the strongest elements of the Eisenhower program while including authority for other initiatives that have an impact on "teacher quality." The bill provides flexibility to school districts to address the specific needs of individual schools through programs such as: recruitment and hiring initiatives; teacher mentoring and retention initiates and professional development activities.

It prohibits Federal dollars from being used for "one-shot" workshops that have been criticized for being relatively ineffective because they are usually short term; lacking in continuity; lacking in adequate followup; and typically isolated from the participants' classroom and school contexts.

The bill before the Senate provides significant resources—$2 billion—to school districts to improve the quality of teaching in the classroom. It combines funds and authorities from the Eisenhower program and the class size reduction program in an effort to give school districts the flexibility that they need to make decisions about what investments in "teacher quality" will have the greatest impact on learning in their schools.

In an effort to set the record straight, I would like to clarify a point that has been made by my colleagues on the other side of the aisle with regard to hiring teachers. The language in Title II makes it very clear that only certified or licensed teachers can be hired under this program. I would like to read from the text of the bill on page 210, Section 2031(b)(1):

> Each Local Education Agency that receives a subgrant to carryout this subpart may use the funds made available though the subgrant to carryout the following activities: (1) Recruiting and hiring certified or licensed teachers, including teachers certified though State and local alternative routes, in order to reduce class size or hiring special education teachers.

This language is very straight forward and to the point—if you use Title II funds for hiring teachers—they must be certified or licensed.

There has also been some criticism about what kind of professional development programs can be supported under this bill. The language in S. 2 is very strong on this point. The bill ensures that professional development funded with Federal dollars be related to the curriculum and tied to the academic subject the teacher is responsible for teaching.

Professional development must be tied to challenging State or local standards; tied to strategies that demonstrate effectiveness in improving student academic achievement and student performance or be a project that will substantially increase the knowledge and teaching skills of the teacher. They must be developed with extensive participation of teachers and other educators and must be of sufficient intensity and duration to have a positive and lasting impact on the performance of a teacher in the classroom. It prohibits "one-shot, one-day" workshops unless they are part of a long-term comprehensive program.

This bill—for perhaps the first time in Federal law—makes it crystal clear that Federal funds must be used for activities that will improve teaching and learning in the classroom—not for fad-type activities that have no relationship to what teachers want and need to know to be better at their jobs.

The structure of title II makes a great deal of common sense and will result in a real improvement in teacher quality. My home State of Vermont serves as a good example of success through local decisionmaking. Vermont strongly supports the class size money. Yet, since the first dollar was appropriated for class-size reduction, Vermont sought greater flexibility to use that money for professional development activities that would improve the quality of the teacher in the classroom. Because Vermont already had small classes—sizes that happen to meet the Federally mandated standard of 18—those dollars were able to go for professional development.

I want other States to do what Vermont has done if that is what is in the best interest of their students. Reducing class size is important. Having a dynamic, qualified teacher at the head of the classroom is of equal or greater importance. Title II of this bill supports both efforts—high quality professional development and hiring teachers to reduce class size—yet does it in a way that allows school districts to come up with their own recipe for improvement that will work for its students.

S. 2 has a new focus on the needs of other educators as well. In all the schools I have visited over the years, I can tell almost immediately if the school is a good one by meeting the principal. Principals have the ability to transform the environment at a school and make it a place where inquiry, collaboration, and learning flourish. That is why I am so pleased that Title II of this bill includes a new program to support professional development for school leaders. The program is based in large part on a Vermont model—the Snelling Center for School Leadership. It will support training in effective leadership, management and instructional skills and practice; enhancing and developing school management and business skills; improving the effective use of education technology; and encouraging highly qualified individuals to become school leaders.

In general, I am pleased that S. 2 makes a significant and thoughtful investment in programs that will give our nation's teachers the knowledge and "know-how" to educate our nation's young people. Supporting our nation's teachers is one of the best ways that we can invest in the future well-being of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Are we under time control?

The PRESIDING OFFICER. There is no control of time.

Mr. GREGG. I thank the Chair.

Mr. President, I rise to respond to some of the points made by some of our colleagues on the other side of the aisle during the debate yesterday because, unfortunately, they have attempted, I believe, to mischaracterize our bill as it comes forward. The reason for mischaracterizing it I don't understand. Maybe they are not fully informed about it or they simply believe the bill is so strong that they can't defend it when they talk about it in its real form; therefore, they must characterize it as a fantasy and then attack the fantasy as being inappropriate.

Let's begin with the Senator from Massachusetts who came to the floor yesterday and said that the flexibility we are suggesting to the States will just revisit the situation where States were spending education dollars on things such as uniforms and tubas. I must say, I think the Senator from Massachusetts is in a time warp on this point. That happened back when tubas and uniforms were bought, and I think one or two schools actually did that.

Title I was passed in 1965. That was 35 years ago. I think it is important that people catch up with today and the events of today. It is important that people catch up with the events of today and the educational system of today. We have had 35 years of title I, the proposal as structured by a Democratic Congress for the purpose of addressing the issue of education of low-income children. That Congress was controlled by the Democrats for the vast majority of those 35 years.

What have we gotten as a result of that? We have spent $120 billion to $130 billion on title I, and the achievement level of low-income children has not improved; it has either decreased or it has stayed the same. We know low-income children in the fourth grade are reading at two grade levels lower than the other children in that grade level. We know the low-income children in our inner cities are reading at grade levels significantly lower, and some can't read at all as they head toward high school graduation.

We know, for example, as this chart shows, that 70 percent-plus of our students in high-poverty schools are below the basic levels in reading, 60 percent-plus are below the basic levels in math, and almost 70 percent are below the basic levels in science. We know the program has not worked. Yet Members from the other side decide to stroll onto the floor and start citing problems from 30 years ago and acting as if they have corrected those problems over the last 35 years.

They haven't corrected the problems in education. They have aggravated the problems in education. Generation after generation of children have been put through a system that has not allowed them to achieve. Low-income children have been denied the American dream because they haven't been educated to read and to write. They are complicit in this. They say the status quo works. They basically say they have the answers.

Let me quote from the President on this point. I like to hold up these charts myself, and I can read them. This is from the Washington Post in which the President is quoted. He told the reporters the Federal money for new teachers does not belong to the States and local school districts. "It is not their money," he said.

That is the attitude on the other side, that it is not their money. Well, whose money is it? Where does this money come from? It is obviously the taxpayers' money, and it obviously is coming out of the local school districts and States. It comes to Washington. But for some reason, the mentality on the other side is that we then capture this money here in Washington, send it back to the States, and tell the States exactly what to do with it—categorical, targeted, and straitjacketed programs; programs after programs, regulations after regulations, 900 pages of new law. What do they get for it? What have we gotten for it after 35 years? Very little. Our low-income kids have gotten even less—virtually no improvement in their academic efforts.

So the Members on the other side come to the floor and they say things such as, "This money will be spent, once again, as it was 35 years ago, if flexibility is given to the States, on tubas and football uniforms."

I guess they didn't read the bill because it is very specific. For the first time, we are expecting achievement in exchange for giving the States these flexibility opportunities with these funds. This bill, as a result of the Republican initiative, says there must be academic achievement. It must be provable. It must be academic achievement which can be shown to have occurred through tests that have been given at the local level. The academic achievement must occur amongst our low-income kids so they are not left behind.

We are not suggesting dumbing down, as has occurred, regrettably, in too many school systems. We are not suggesting lowering the average so that it looks as if the low-income child is getting closer to the norm. No, we are saying low-income children's achievement must improve as a result of low-income kids actually doing better in math and science and reading in relationship to their peers.

Equally important is that the achievement accountability standards in this bill are very specific in saying they will be disaggregated. What does that mean? That means they are not going to be able to hide the performance of low-income kids behind throwing them in with the average; you will have to look at groups on the basis of their abilities and their classification so we will know whether poor children from the inner city are actually improving in their educational efforts, and we won't have a poor child being claimed to have improved because he or she is put in a pool with kids who have higher incomes and who are attending different school systems.

So we have very specific achievement requirements in this bill. You cannot, in any way, come down here and, in fairness, or with objectivity, or, in my opinion, with an accurate reading of our bill, claim this is the type of program that occurred 30 or 35 years ago and it is, therefore, not going to work today.

This is entirely different. It is an attempt to acknowledge what study after study has shown. Study after study has shown it is not Federal programs and title I that have worked to help kids; local communities and States focusing on kids' education have helped kids. In those States that have actually seen an increase in the achievement levels of low-income kids, such as Texas and North Carolina, success has been specifically achieved because the local schools had flexibility and control over the State money. It wasn't because of Federal dollars. In fact, a NEPA study by the National Education Goals Panel reported that "the study concludes that the most plausible explanation for test score gains are found in the policy environment established in each State"—not in any policies that came out of Washington.

The point is this: The other side is trying to mislead us. It is making representations which are totally inaccurate on the issue of how these dollars, which are put into more flexible arenas such as Straight A's portability, will be used.

There is specific accountability. Straight A's requires that States establish annual numeric goals for increasing the percentage of economically disadvantaged students, of minority students, and of students with limited English proficiency. It requires that those kids meet higher abilities of proficiency and that they advance in their ability in math, science, and English.

This representation, which we have now heard for at least a day and we have heard in the press for numerous days, about the ability to just simply throw money in the school systems and allow them to spend it for whatever they want—tubas, footballs, or uniforms—is a fantasy being made by people who are living in a time warp, not only a time warp relevant to that fantasy, but it is a time warp about what is the proper way to approach education. They are unwilling to look at any change. They are so mired in the status quo that they are unwilling to consider any change—even one such as we put forward as an options approach versus an approach which requires the States to do something. We say the States should have the option to try these new ideas. We don't say they must try the ideas.

Another area: There was a representation that Straight A's would end up undermining the ability of kids to achieve in the sense that the school will get the money, that the money won't flow to the low-income child, and that it will be used on some other activity within the school system. They are not talking here about tubas and uniforms. They are talking about another school activity which might end up benefiting the average-income student versus the low-income student. That may be.

But the point is, of course, that at end of the day the school system must prove the academic achievement of the low-income child has increased to get the money. However they spend the money, the results of spending the money must be that the academic achievement of the low-income child must improve. This is the new trust we put into this bill. We are concerned about the achievement of the low-income child, and we are not willing to spend another 35 years throwing money at a problem and creating a status quo in education that loses another generation or two of kids.

Senator MURRAY came to the floor. She said this is a block grant. First, it is not a block grant because it has all of the categorical programs still in place. The money flows into the States. The States still have the categorical programs. They can spend it on any one of those programs. But they will have the ability to move it amongst those programs. They have the accountability standard which we put in place.

But, more important than that, she goes on and says block grant programs are always easy to cut and therefore we shouldn't do this because the programs might get cut and might end up reducing funding.

I point out that it is this Republican Congress that has significantly increased funding for education over the last 4 years. We have increased Federal funding for K through 12 by 67 percent. That is a big improvement.

Equally important, it is this administration—and specifically on the other side of the aisle—that has suggested cutting block grant programs. Title VI, which is the only true block grant under ESEA, has been put in for zeroing out and for cutting in every Clinton/Gore budget. That is a block grant program that has been proposed as zeroing out.

There is a certain disingenuousness when Members on the other side of the aisle come down here and give us crocodile tears about cutting educational spending—especially block grant educational spending—when it is their side that has proposed time and time again in their budgets that we do exactly that.

It is our side that has proposed and has succeeded in significantly increasing funding for the various functions of education—elementary and secondary specifically—and this bill does the same.

It is an important debate we are pursuing right now because it is a debate over the fundamental question of how we improve education for our children, and specifically for our low-income children. It does none of us any good to have a mischaracterization and a misrepresentation of the proposals that are brought to the floor.

Regrettably, the other side has participated in hyperbole of a rather aggressive nature. I suggest if they really wanted to debate the issue of education, they would turn from hyperbole to getting into substance.

Explain to us why we shouldn't put pressure on the local school districts to require that low-income children succeed.

Explain to us why we should not empower parents, teachers, principals, and school board members to make the decisions as to how to better educate low-income children:

Explain to us why they believe—by "they" I mean the people here in Washington who represent the educational establishment in Washington—they know more about educating a child, a low-income child specifically, in the town of Rye, or the town of Epping, or the town of Grantham, NH, than the people who spend their whole life in Rye, in Epping, and in Grantham, NH, working to educate that child, and the parents of that child who happen to be totally committed to its education.

Why do we believe we know more and can do a better job?

We have put forward a series of proposals which say to the States: You do not have to take any of them. You can continue this program called title I exactly as it is, if that is what you desire. But if you want to try something more creative, we are going to give you four or five really good options that have worked in other States such as Arizona, or in other cities such as Seattle. And you can undertake those proposals. But it is up to you to make that choice.

The other side needs to come down here and explain to us substantively why it is inappropriate to give States those options when we don't deny that there is a chance to use title I. They refuse to do that. They refuse to address the substance of the issue. Instead, they use hyperbole and go back 56 years to find a problem that has no relationship to today. It is a meager response to this bill coming from the other side of the aisle. Regrettably, it does not do them a service and it doesn't do this debate a great deal of service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I will propound a unanimous consent that the other speakers be Senator SESSIONS of Alabama, Senator HUTCHINSON of Arkansas, and Senator GRAMS of Minnesota, which I think is in keeping with our normal protocol of those who have arrived in the order in which they arrived.

I propound that unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the unanimous consent agreement, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire. He served on the Education Committee for a number of years. You can see the passion, the conviction, and the knowledge he brings to bear on this issue, as the Chair himself has done over the years.

It is time for some changes. The Elementary and Secondary Education Act was passed as part of President Lyndon Johnson's Great Society in 1965.

I have been in schools in Alabama. I have talked to teachers. I have been in 18 schools in Alabama since January 1 of this year.

I was in Selma, AL, just Friday afternoon and spent some time with the new and innovative school they have created. All of the sixth grade is in one building. They call it a "discovery school." They emphasize art, music, and special programs that give the kids electives. But the faculty has gotten together and created a system in which those electives are very substantive. One of the classes was sports math for kids who like sports. There is a lot of useful mathematics in sports. They are teaching them batting averages and how to calculate all sorts of factors relating to sports programs. That was their idea.

The faculty of that school got together with the principal in the town of Selma to create a better way to educate sixth graders in that community.

We are not capable of doing that here. We will have to vote one day on the defense budget.

We have never been elected to run education in America. We were not elected to do that. The same people who elect us, as the Senator from Washington many times has eloquently said, elected our school board leaders to run education in our communities. They didn't elect us to run education. They elect them to run education. Education is fundamentally a local State community project. It needs to be done by people who know our children's names, who care about them, who know the school buildings, who know the offices.

We are not doing that. We are trying to micromanage education from Washington. We have 700 Federal Government education programs in this country. Imagine that, 700. We talk about empowering schools to develop plans of excellence, and some of our friends from the Democratic side say we don't believe in accountability.

It finally dawned on me, their definition of "accountability" is a Federal mandate stating precisely how the money has to be spent in their school system. They define that as accountability. That is not accountability. We are pouring millions of dollars into schools in which learning is not occurring. Under all these programs and all the grants and the 700 programs, nobody knows whether or not learning is occurring.

That is not exactly so. We are beginning to understand that learning is not occurring in many of the schools. Children are operating far below their grade level. That is no longer acceptable.

We need a system of real accountability, a system that tells the American people and parents whether or not learning is occurring. We don't want some national test that will be pushed on every school. In Alabama, we have a very tough new testing system in the 4th, 8th and 12th grade. Students do not get their diploma if they do not take the test and pass. Kids are getting worried. I asked a teacher in Selma the other day did they think kids were actually wising up and were their parents getting more energized and were they aware they were not going to get their diploma unless they met certain minimum standards. The teacher said teachers and parents understand it, children understand it, and they are doing a better job of doing their homework and taking learning more seriously instead of just going through the motions of going to school every day and expecting the diploma to be handed to them when they finish school.

I remember somebody talked about textbooks and how good our textbooks ought to be. What good is a $500 textbook, the best words ever written, if the child is not going to read and is not motivated to read it and the parents are not engaged in helping them read it and there is no sense of urgency or motivation in learning?

Obviously, that is the key to education in America. We will not mandate from Washington, DC. It has to come from the local communities. That is consistent with what modern management is all about.

The Senator from New Hampshire indicated this is old thinking: Run any business from the top down. Every good CEO knows, that all the new management techniques are to empower people at the lowest level who are actually doing the job that is necessary for success. You empower them, motivate them, and encourage them to use their creative power to do that job better every day. That is what we ought to do with an education bill. That is so fundamental to me as to be without dispute.

I taught 1 year in the sixth grade in the public school. My wife taught a number of years. It was a great time but challenging. Our teachers are working desperately to try to educate on a daily basis. Sometimes our regulations and paperwork are unnecessarily adding to their daily burdens. They complain to me about it at every school I visit. I always try to visit classrooms, talk to the principal and try to have an hour or so with a teacher just to talk to them about what they think is important. They are complaining to me about Federal paperwork on a regular basis at every school. They say it is much too burdensome and unnecessary, and it keeps them from doing what they would like to do to improve education in their school.

I am excited about this legislation. We have, in this Congress, increased funding for education every year. We spent more last year on education than the President asked for. We believe in education. We want children to learn. We are not here to feather the nests of bureaucrats. I know people get scared when we talk about a system that doesn't guarantee this program will continue as it has for 35 years. It scares people. The people who are working in those programs are talented and they will be needed in our school system. People are not going to be fired. But we need changes. Every business, every government agency needs to make some changes. Thirty-five years is enough. After 35 years, it is time we reevaluate what we are doing and make some decisions.

We want to see education improve. What does that mean? That means learning is occurring. When children go to class in September and come out in May, they have learned something. The more they have learned during that time, the better we are as a nation. This is critical. We have to figure out how to do that. We will not do it by polling data from Washington setting up 701 Government programs. That is not the way to do it. We have to, with humility, recognize our limits as a Senate and as a Congress. We have to trust the people we have elected in our local communities to run our education systems. We have to encourage parents to be involved in education, both in the schools and in their children's homework and learning. We have to insist local schools have testing programs that actually determine whether or not they are getting better in their mathematics, reading, English, and science.

We want them to improve. We don't want to be at the bottom of the world in test scores in science and mathematics. That is not acceptable in the greatest nation the world has ever known. We cannot allow that to continue. But it will not be business as usual. There will have to be some changes. This legislation will give States an option, a chance to say to the Federal Government, let us try, give us the free reign to run. Let us present to you a program of excellence. Our teachers have signed on, our principals have signed on, the community has signed on. We will have the special sixth grade, this discovery school for sixth graders, and they will learn a lot of different things, including, as they did in Selma, dance, ballet, tap, and music as part of their education curriculum. We believe children will learn better. We know these children. We love this community. We love this school. Give us a chance to do some of these things and inculcate that as part of their schooling.

I believe we will see progress. I believe that is the only way we will see progress. I am excited that what has been produced by this Committee on Health, Education, Labor and Pensions—and this is my first year serving on that committee. I believe this is a good step in the right direction. We will be sending more Federal dollars than ever before to our classroom. We will be sending it down to the classroom, to the principals and teachers who know our children's names. We will be challenging them to provide programs of excellence in which actual learning occurs. That is what we should do. I thank Chairman JEFFORDS and the others who have worked on it.

I see Senator HUTCHINSON, who has been such an outstanding champion of these values. We have worked together on a number of issues. He shares our concerns about empowering our teachers and helping them as they teach in the classroom. We can do better, and this bill is a step in that direction.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I commend Senator SESSIONS from Alabama. The Senator from Alabama has been a strong voice for change on the HELP Committee. He has been a very influential member in the writing and offering of this legislation, as has the Senator from Washington, who has been one of the outstanding leaders in this Nation. He returns periodically from our recesses and reports on his visits to the schools in Washington State. He made a conscientious effort to gain the input of local educators, the ones to whom we ought to be listening. I commend his great efforts in this debate.

This is an important debate. As I said yesterday, I believe this is the most important issue and the most important debate the Senate will have in this Congress. It is important, as Senator GREGG said, for us to have this debate on the substantive issues. There are very real, philosophical issues as to what should be the Federal role in education. It is that philosophical difference that should be debated. I am afraid, as I listened to the other side yesterday during their speeches, that what I saw was a straw man being erected and knocked down. That is a very common practice in debate but not very illuminating when it comes to what ought to be the public policy of the United States regarding our public schools.

During the 35 years of the Elementary and Secondary Education Act, Washington made its imprint very deeply; it engraved it into the status quo. The "status quo," that is what Ronald Reagan used to say is Latin for "the mess we are in." If you look at the statistics and studies and reports, you cannot help but conclude that American education is a mess today. American 12th graders rank 19th out of 21 industrialized nations in mathematics. Only Cyprus and South Africa fared worse. You can take a whole smorgasbord of studies and facts and statistics to indicate the status quo is not sufficient.

The Democratic side, the other side in this debate, has clearly aligned themselves with the status quo. They said it explicitly. They said it forthrightly. They said it candidly. Senator KENNEDY, who is always very articulate and succinct in the way he expresses himself, said we should stick with the tried and the tested. That is an honorable position to take. It is a position we deserve to debate on the floor of the Senate, not misrepresenting or mischaracterizing the bill the committee has presented.

If you want to preserve the status quo, if you want to stay with the tried and the tested, then clearly the bill the HELP Committee has produced is not the bill for you. This is a bill that takes a dramatically new approach. It is a bill that says the past may have been tried and tested, but it is also a past that has clearly been flawed. While American 12th graders have been ranked 19th and 21st among industrialized nations in mathematics since 1993, 10 million American kids reach 12th grade without having learned to read at the basic level.

Senator GREGG said it very well: That is the problem in American education today. We have young people who are reaching 12th grade, preparing to graduate from high school, who cannot read and write. It is not sufficient. It is irresponsible, and it is reprehensible for this Senate to defend that kind of status quo.

Twenty million high school seniors cannot do basic math, and 25 million are illiterate in American history. That should embarrass us as Americans. It certainly ought to embarrass us as U.S. Senators.

What about middle school test scores? Two-thirds of American eighth graders are still performing below the proficiency level in reading. But it is not only high school and middle school students being shortchanged by our Washington cubical-based system; over three-quarters of fourth grade children in urban high-poverty schools are reading below basic on the National Assessment of Education Progress. Those kids, in particular, are the ones title I was intended to help most.

The Elementary and Secondary Education Act, as it originated 35 years ago, was created to help those disadvantaged children who were from distressed urban schools. Yet it is these very children, three-quarters of whom are in the fourth grade, who are reading below the basic level. Those are the children we are failing, those we had promised we were going to help when we established the ESEA 35 years ago.

Last year—and I think this will demonstrate the tragic failure of America today—when the Children's Scholarship Foundation, a private scholarship fund—no public dollars, no Federal dollars, no ESEA dollars; private dollars, a private scholarship fund—offered 40,000 scholarships for tuition, 1.25 million applications were received. Even though families were required to make a matching contribution from their own pockets of $1,000, 1.25 million applications were received for 40,000 scholarships from the Children's Scholarship Foundation.

Does that not tell us that the status quo has tragically failed American families and American children? In urban districts, the Children's Scholarship Foundation demand was high. A staggering 44 percent of eligible parents in Baltimore applied; 33 percent of the parents in Washington, DC, applied for these scholarships. In the poorest communities, parents simply are not satisfied with their schools.

So I say to my colleagues, one could make the argument our country's education system is in a state of emergency, and you would have compelling data to back up that claim. Clearly, the "tried and tested programs" are flat busted. They even say that expanding Washington control would fix the multitude of programs. That is nothing more than robbing our kids of their future.

I mentioned yesterday that the President a year ago, as quoted in the New York Times, said he wanted Washington to have more control over education. I will say again, we have too much Washington control. Just last week, back in the State of Arkansas during our recess, I visited an elementary school in North Little Rock. I spoke to a very, very impressive class of fourth graders. I had been invited to come and talk to them about government. They were seated around. For 45 minutes we did a give-and-take. They asked me questions and I asked them questions. I asked them questions to try to get an idea of where they were in their understanding of American government. It was inspirational. Frankly, they knew more than many civics classes and government classes in high schools that I had visited and to whom I had spoken.

The key wasn't any ESEA program. Frankly, it wasn't any title I program. It was that they had a tremendous teacher. I am convinced more and more as I visit schools, the key to good education is good principals and good teachers who are excited about their job and want to communicate facts and information and truth to children.

So I went to this school. While I was at the school, after I made my presentation, the principal, who sat through the 45-minute session with the fourth graders, half jokingly—I say, only half jokingly—introduced me to one whom he described as "his boss." He said, "Meet my boss, the title I coordinator for our schools."

I thought in that little joking comment there was a real truth that was being communicated. The other side has said that title I is only 7 percent of the local school district's budget, it is only 7 percent of their funds, but I think when a principal says, "Meet my boss, this is the title I coordinator," it says that while it may only be 7 percent, it wields tremendous influence on the decisions made by local educators. It is a revealing comment, indicative of the extent to which our Federal bureaucracy has assumed control of our local schools. While 7 percent of the education dollars come from the Federal Government, I am repeatedly told by educators, half of all the paperwork is done to obtain Federal grants and comply with Federal regulations.

Child-based education is the focus of the bill the HELP Committee has produced. The pending legislation before us is based upon children: not systems and bureaucracies, but what is best for the children. Make no mistake about it, we have a bill that is about educating America's children, not keeping a failing, dilapidated system on life support.

The bill before us pioneers a new direction for the Federal Government's role in education. It includes four student-focused initiatives, including the Straight A's program, which we have heard a lot about and which I think is the heartbeat of this legislation. It is a 15-State demonstration program. As Senator GREGG said, no State has to do it. No State is compelled to do it. No State is required to get into the Straight A's program.

If they want to continue with the calcified system of bureaucracy that we have created over the last 35 years, they can do it, but 15 States will be given the opportunity to exchange the mandates, the regulations, the prescriptive formulas from Washington, DC, for freedom to mingle and merge those funds and use them as they deem most important for those children. The bill before us moves us in that direction.

It also has a Teacher Empowerment Act. It has child-centered funding, and it has public school choice, all geared to students, under the premise that no child ought to be chained in a school that has failed year after year. The Department of Education tells us there are literally hundreds of schools that have been adjudged failing schools in which children are trapped. No child ought to be trapped in those schools.

I have listened carefully to the bill's opponents who claim our legislation is nothing more than a blank check to the States. Having served in the State legislature in Arkansas and worked with local school boards, I do not subscribe to the notion that Washington is somehow omniscient. It is not. Nor do I subscribe to the notion that the States are incompetent or uncaring.

Beyond that, this bill is not a blank check. It requires accountability and student performance measures in exchange for flexibility and discretion by States and local schools. That is something the current system does not have and opponents fail to mention.

I say to all my colleagues, when they listen to the eloquent speeches on the other side of the aisle and when they speak about blank checks and lack of accountability, ask yourselves what kind of accountability exists in the current system. I will tell you what accountability means under the current ESEA. It means: Did you fill out the grant application correctly? Did you get the "i's" dotted and the "t's" crossed? Did you fill it out in the correct manner?

The second thing accountability means under the current system is: Did you spend the money in the prescribed way? That is all accountability means. There is no accountability as to whether kids are learning. There is no accountability as to whether academic progress is being attained. In fact, if you fail, the likelihood is we will just fund your failure at a higher level.

That is not real accountability. Rather than cubical-based bureaucrats in Washington pulling the funding strings, funding will be allocated directly to the States and based on how well each school's students are performing.

Let me illustrate what is happening under the current Washington-based, top-down system.

School districts currently receive funds under more than a dozen Federal categorical grant programs. The only accountability for many of these programs lies in how the money is spent, not in improving student achievement. Washington requires schools to spend money on technology, but there are no requirements for what matters most: Are the kids learning?

Officials in an elementary school in my home State think that one of their greatest needs is to remediate children early. This is referring to a principal whom I talked with last night and again today in a situation that arose in her elementary school.

She thought the greatest need was to begin remediation early, as soon as the deficiency could be identified, rather than waiting until the end of the school year and sending the children to summer school. To achieve this, the principal wanted to implement a concept known as point-in-time remediation, which is designed to help underachieving students before they fall irreversibly behind.

This principal needed to hire a new teacher who would spend time each day working in different classrooms throughout the school assisting students who were struggling below grade level. In her desire to do what she believed was best for her children and to utilize this point-in-time remediation, she made an application for a Federal grant. Her title I coordinator rewrote her grant application as a request for funding to hire a teacher to reduce class size, and the application was then approved.

She now had an approved grant for class size reduction, which has been one of the hallmarks of what the other side said we needed to be doing: provide 100,000 teachers from the Federal level to reduce class size. That is what this title I coordinator did. She rewrote the principal's application so it would comply with the program that was most likely to get approved—class size reduction. The application was approved.

Here is the problem: The school does not have a class size problem. They do have a desire to work with students to keep them from falling behind. Unfortunately, for many of the children of this Arkansas elementary school, under our current one-size-fits-all, overly prescriptive Federal education system, arbitrarily lowering class size is more important than meeting the real needs of children. This principal is faced with the alternative: I either fudge, I cheat, I do not follow the prescription of the grant application and what the grant was given for or I cheat my children whom I care about, for whom I want to do point-in-time remediation.

That was the choice this principal was facing. That is the choice our one-size-fits-all approach to education from the Federal level gives educators over and over.

The arguments I have heard repeatedly from the other side echo the arguments we heard a few years ago when we sought to reform welfare: block grants, blank checks, cannot trust the States; they are going to hurt people; they are not compassionate.

What happened is, nationwide welfare caseloads have fallen in half since we passed welfare reform and gave the States the same kind of latitude that we now would like to give them in regard to education. The sky did not fall. Disaster did not occur. The States did not turn their backs upon the needy. But hope and opportunity and a way up and out was created for millions of Americans who had been trapped in a welfare system that did not do anyone justice.

Now we are hearing the same arguments regarding education: You cannot trust the States; they will build swimming pools; it is a blank check; they are not compassionate; they do not care; they are not going to do what is right for the children.

I reject that, and I think the American people reject the notion that wisdom flows out of the beltway in Washington, DC.

Under the Straight A's Program, States do not receive a blank check. Before a State is even eligible to participate in the optional demonstration program, it must have a rigorous accountability system in place. It must establish specific numeric performance goals for student achievement in every subject and grade in which students are assessed. It must establish specific numeric goals to reduce the achievement gap and to increase student achievement for all children. No more averaging. No more aggregating the test results so as to conceal the failure of the current system. They must establish numeric goals reducing the achievement gap, which is still all too real between the disadvantaged students and those who have more advantages.

Under our bill, it must establish an accountability system to ensure schools are held accountable for substantially increasing student performance for all children, regardless of income, race, or ethnicity. That is far from a blank check. That is not the end.

Then a State signs a performance contract with the Secretary setting forth the performance goals by which the State's progress will be measured and describing how the State intends to improve achievement for all students and narrow that achievement gap. Unlike current law, Straight A's forces States to measure the progress of all children by requiring States to take into account the progress of students from every school district and school in the State so that no community is left behind.

States must make improvements in the proportion of students at proficient and advanced levels of performance from year to year so that no child is left behind.

Most importantly, States must include annual numerical goals for improving student achievement for specific groups of children, including disadvantaged students, so that no child is left behind.

Right now, title I—I know my good friend, the distinguished Senator from Minnesota, cares about disadvantaged children—only serves two-thirds of the eligible children. That is a tragedy. That is a disgrace. Under the bill our committee has produced, every title I eligible child will be assured of being served.

For the first time, the Federal Government will not make schools fill out paperwork to show us what they are spending their money on, but we will make States show us that every child in every school in every school district is learning.

Block grants. I heard Senator KENNEDY say this yesterday, and I think some others on the other side of the aisle also said this: Block grants will surely result in abuses.

We are, of course, investigating this, but let me point back to the example of a school building a swimming pool with a block grant. First of all, I do not know if that is accurate, and I do not know if they were violating the law at the time, if it did occur. But beyond that, there is no honest way to compare the block grant experience of the 1960s with the accountability provisions that are required in the Straight A's proposal in the legislation before the Senate. It is apples and oranges. It is not even fair to make such a comparison. But they do so.

In that allegation, in that attack upon this bill, there is the insinuation or the suggestion that currently, under the status quo—which is so roundly defended—there is somehow accountability and those abuses do not occur. On that, I know they are wrong.

Let me give you an example. I want to show some pictures.

Last August, during a recess, I toured a lot of the Delta area in Arkansas, which is the poorest area in the State of Arkansas. It is also the poorest area in the United States. We hear about Appalachia. Today, the Delta of the Mississippi River is the poorest area in this Nation. So I spent almost 2 weeks in the Delta area of Arkansas.

During that time, I visited the rural health clinics, I visited the hospitals, and I visited schools. But one I will never forget—I had staff go down this past week to verify that I had my facts straight—was the Holly Grove school in southern Arkansas in the Delta.

It is about 95 percent minority—95 percent African American. They are in a 50-year-old building. The building is older than the Elementary and Secondary Education Act. They have a very low property tax base, so they have very little funding. Frankly, it is an issue the State needs to address in the equitable distribution of State funds. But that is not my point at this moment.

So I went into the building. It is 50 years old. It is dilapidated, falling down. We hear about inner-city schools falling down. This rural school surely is as bad as any inner-city school I have ever visited or seen or heard about.

The ceilings are 12 feet high, so it is very difficult to heat. That in itself makes it a very bad learning environment. The lighting is very poor. Then, worse yet, the ceiling is collapsing. Tiles are falling down, tiles are missing. There are big water stains. You can see it in this picture. These are the water stains in the tile of the ceiling. There are missing tiles in the ceiling. This picture gives you an idea of the conditions in the building.

This picture shows the outside of the school, the school door. This one school building, by the way, houses Head Start through the 12th grade. As you can see from the picture, the paint is in very poor condition. The building itself, while brick, is 50 years old.

I want to show you an amazing thing. I toured the school. The principal took me through the school. There were broken windows. The ceiling was, as I said, collapsing. We opened this one door, and I had the most amazing sight. I saw state-of-the-art exercise equipment.

Here is a picture of it. This was taken last week. These are treadmills—I suspect better than what we have in the Senate gym. There were a number of treadmills. And then, if you don't like treadmills, they had Stairmasters, a number of Stairmasters. This is brand new equipment. This was all purchased last year. If you want to go beyond the Stairmasters and the treadmills, there is Nautilus equipment, state-of-the-art, brand new Nautilus equipment, a big room full of this equipment.

Mr. HARKIN. Will the Senator yield for a question?

Mr. HUTCHINSON. Let me finish my story. Then maybe I will answer the question and be glad to yield.

After having looked at the terrible conditions in the building, the conditions to which the students were being exposed every day, I asked the principal: Where did you get the money? Where did you get the money to buy all of this state-of-the-art equipment? And he said, rather sheepishly: This was a Federal grant.

We went back and talked about it. He applied for this grant. The school applied for the grant. This was the way they could spend the money. Then he said: I would much rather have spent the money on improving my facilities. I would much rather have lowered the ceiling, put good lighting in, painted the rooms. I would much rather have had some resources to do that.

The answer on the other side is: Well, we will just start a school construction program from up here. Do you know what will happen then? We will spend school construction money where they don't need school construction. What we had here was a typical Federal Government approach, a prescriptive categorical grant. Do you know how much money they got? They got $239,000 for the Holly Grove school to buy athletic equipment.

To my colleagues, I say that is the insanity we must end. I am not saying that is not good. I am glad they have the equipment. I am sure the community can come in and use it in the evening. There is probably some good coming out of this state-of-the-art athletic equipment. But that is not what they needed, and the principal knew it.

Under our legislation, that principal and the school district, working together with the school board, would be able to decide what was needed most.

For a lot of schools, maybe it would be nice. I don't know. For an after-school learning program, maybe they could use the equipment. Or maybe a school could use computers, or maybe they could use tutors, or maybe they could use new textbooks. But when they talk about swimming pools from block grants, I want you to remember this picture because that is the current system.

I am not shy about how I feel about education. As is Senator SESSIONS, I am excited about the legislation this committee has produced. This is a debate about education, not elections. It is a debate about student achievement, not bureaucratic preservation.

If the underlying bill is passed and signed into law, the American people will be the beneficiaries, the American children will know they have a better opportunity in the future, and we will know we did our job.

I think this bill is so good and the facts so clear and the message so strong that proponents of the status quo are worried this could actually happen. In fact, some colleagues have already stated their intentions to offer amendments that they know darn good and well will kill this bill—kill it.

I am elated that so far the debate has been about educating our kids. I hope it continues. However, I understand a gun and gun violence debate is coming. Who knows? Possibly campaign finance, maybe prescription drugs, too—all important issues in their own place, to be sure. But there isn't any American who follows this debate who does not understand what that would do to this bill. It would kill it. That is what they want to do.

I respect any Member's right to have their amendment debated on the floor of the Senate. I, too, have that right. I want to preserve it. But the Senate has already debated a juvenile crime bill. Members have stated their positions, and they have taken tough votes. What we need to do is ensure that this debate remains on education.

I implore my colleagues on the other side to reject the temptation to offer extraneous, unrelated, nongermane amendments to this bill. Let's have an honest debate on education. We can disagree and disagree vehemently. We can have an honest philosophical difference over what the role of the Federal Government ought to be. Let's have that debate and take those arguments to the American people. But let's not clutter this up with extraneous, nongermane issues.

With millions of American students struggling to read, millions of American students who don't know the basics of U.S. history or don't exhibit basic mathematic skills, you would think we could collectively improve student performance by passing the pending legislation. We will soon see if we can bring our children to the halls of learning or keep them outside spinning endlessly on the merry-go-round of Washington politics.

I will conclude by quoting a former Secretary of Education, Bill Bennett. He used this analogy, and it is appropriate in our debate on the floor of the Senate. This was back in 1988, and it is true today under the ESEA:

> If you serve a child a rotten hamburger in America, Federal, State and local agencies will investigate you, summon you, close you down, whatever. But if you provide a child with a rotten education, nothing happens, except that you're likely to be given more money to do it with.

That is the current system. That is the status quo. I won't defend it. We want to change it. This legislation does that. I hope as this debate goes forward we will have an opportunity to vote on the substance of the Educational Opportunities Act.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senator from Minnesota, Mr. GRAMS, is recognized.

Mr. WELLSTONE. Will the Senator yield for 10 seconds?

Mr. GRAMS. Yes.

Mr. WELLSTONE. A number of Republicans have spoken, four or five in a row. I ask unanimous consent that Senator HARKIN follow the Senator from Minnesota, Mr. GRAMS, and that I be allowed to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator DOMENICI be added to the end of that list.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I come to the floor this afternoon to discuss an amendment that I hope to offer later to the proposed Educational Opportunities Act. To get right to the needs of this amendment, it would permit States to fulfill the assessment requirements of this bill by testing students at the local district level, or at the classroom level, and with a nationally recognized academic test, such as the Iowa Test of Basic Skills, and also to provide school districts a choice of State-approved standards from which to teach their students.

This is an amendment that seeks to maintain more authority at the local level where decisions are best made. It would provide more flexibility for schools to choose their own assessments to meet State standards without losing any of the accountability needed to ensure students are achieving. Basically, it would offer schools an option on how they want to measure the academic standards for achievements of their students—not to have this cookie-cutter-type proposal out of Washington that says this is the only way it can be done but to allow some flexibility for States that might want to use a different measuring stick.

In Minnesota, the Federal requirements to implement a set of State standards and accompanying State assessments have resulted in a highly controversial State content standard called the "profile of learning." Many parents in Minnesota have expressed to me their concern about the vague and indefinite nature of the profile standards and also the consequential decline of academic rigor in the classroom. Parents also object to some of the intrusive test questions that have been asked of the students. A poll taken a few months ago showed that only 9 percent of public school teachers support continuation of the profile as it is currently written in the State of Minnesota.

The students who visit my Washington office on school trips almost universally believe the time spent on fulfilling the profile requirements has shortchanged them from obtaining real academic instruction. Some of the assessments, entitled "performance packages" in Minnesota, can take from 3 to 6 weeks to complete, sacrificing some very valuable class time for students. The performance packages required under the profile are often assigned to groups of students, and inevitably some students end up pulling more of the weight than others. It is hard to see how this group system ensures that each student is assessed based upon his or her individual performance or effort.

I won't get into many particulars of the profile standards, but they, unfortunately, focus too much on politically fashionable outcomes and not enough on transmitting to students a core body of knowledge. For instance, one of the profile "performance packages"—let me explain this to you—was for a student to "violate a folkway," which means to do something odd or unexpected in a public place; and then they would have their partner come along with them who, in the background, would watch how people reacted and write down that reaction. I think it would be an understatement to say that a school project such as that would be of extremely questionable value, just as an example.

The Thomas P. Fordham Foundation, which publishes a review of State standards nationwide, stated that in the English portion of the profile "a large number of standards are not specific, measurable, or demanding."

We have another expert, a standards expert, Dianne Ravitch, who wrote the following about the profile:

> I will be candid because I don't have time to be diplomatic. In the area of social studies, the Minnesota standards are among the worst in the Nation. They are vague. They are not testable. I advise you to toss them out and start over.

A professor at one of the Minnesota State universities describing the profile wrote:

> The detail, the record keeping, the assessment for each individual is enough to make one's head spin. The time that will be devoted to paperwork will, of necessity, distract teachers from planning, preparation, reflection, working with students, and other essential tasks. I pity the poor teacher who tries to bring it off and any nonlinear-thinking student who falls victim to Minnesota-style results-based learning.

It is obvious that in Minnesota we have a real problem with education standards. In fact, the Minnesota House of Representatives voted last year to scrap the profiles completely, but unfortunately that bill was not adopted by the full legislature.

Our children's education is too important to be the subject of experimentation with the latest politically correct instructional fad. I want Minnesota students to excel, and I want to make sure Minnesota school districts have a choice of standards—again, not a cookie-cutter model from Washington or imposed by Washington to qualify for any funding. I believe Minnesota will adopt new standards and assessments, if not this year, then in the near future. I want to help ensure school districts are not forced to follow a fad, but that they have some options in how to assess their students' education.

Though the profile has not been replaced, there is a strong grassroots movement toward rigorous academic standards in Minnesota which has been embodied in legislation that creates an alternative academic standard that emphasizes very clear, rigorous standards, local control, and accountability to parents.

This State legislation has been entitled the "North Star Standard," and it is the intent of the bill's sponsors to implement this standard as a local option so that local school districts can choose between the North Star Standard or the profile. They can stick with the new politically correct system or they can go to an academically rigorous system that allows students to learn more.

My amendment would clarify that there can be two sets of standards and assessments from which local school districts can choose. Again, that is all my amendment asks for. It says it would clarify that there could be two sets of standards and assessments from which local school districts could choose—again, not the one dictated standard of how to get it done but leaving some options and allowing at least a second set of standards that parents and teachers could choose.

For districts choosing the North Star Standard, students may be assessed at the classroom or local district level, not the State level. To ensure true accountability, the North Star Standard sets up strict reporting requirements. Teachers would have to provide parents a complete syllabus, information on the curriculum, homework assignments, and testing. Thus, the parents would know what their students are learning and what their children are being tested on, protecting against the temptation to "dumb down" any of the tests to make things look better.

While academic rigor is currently being compromised in Minnesota through a system of standards and assessments that aren't challenging and involve time-consuming projects that take valuable time away from classroom instruction, it would be returned through local "full disclosure" requirements to parents. Local testing would be tied to the curriculum, and the testing would also include a nationally recognized test such as the Iowa Test of Basic Skills.

The North Star Standard would also create an alternative, State-level set of academic standards that are clear, unambiguous, and present what a student should know, without dictating a specific curriculum or how teachers are to teach that body of information. In other words, we don't want tests written and then teachers teaching to the tests. I believe this standard is closer to what was intended under the ESEA of 1994.

The theme of this reauthorization bill has been more State and local flexibility in exchange for accountability. I believe we can maximize that accountability if we leave it to local school boards and parents. The North Star Standard is an appropriate response to the shortcomings of the State-level standards and assessments experiment in Minnesota.

I firmly believe that nothing we do here in Congress should inhibit the efforts of citizens to reform their school systems in a manner they choose, and that they know what is best for their children.

Parents are the moving force behind development of the North Star Standard. These parents, some of which are current and former local school board members, feel passionately about the education of all children, and have carefully crafted a standard and assessment structure that they believe, and I believe, will improve the education of Minnesota students.

Again, this amendment is designed not to create a mold for one size fits all, but to allow states to have two sets of standards and assessments and to allow a local school district and teachers the opportunity to choose their own assessment that meets the outcomes we all want. I urge my colleagues to help my constituents restore the proud history of excellent educational achievement in the Minnesota public schools by supporting this amendment when I have the opportunity to offer it later this week.

Thank you very much, Mr. President. I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator GORTON be added to the list of Republicans who are to speak.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, as we enter the 21st century, the American people have their eyes firmly focused on the future, and they know education is the key to that future. This morning's USA Today newspaper reported that of all the issues the American people care about or they want their Presidential candidate speaking about, education is No. 1. Eighty-nine percent rank it as the most important issue in determining their vote for President.

That is why this debate is so important. It has been 6 years since we had the elementary and secondary education bill on the floor and I am delighted that we are finally having this debate. I am hopeful it will be a full and open debate with amendments that address the broader issue of education in this country.

Yesterday, there was a lot of discussion about the failure of Federal education programs. We heard a lot of talk yesterday about how the achievement gap has widened and U.S. students are near the bottom of international assessments, teachers are not qualified, too many students can't read, and on and on. We heard all of these horror stories yesterday.

I wish to state at the outset, first of all, that, like so many of my colleagues, I have traveled around the world. I have visited education systems in other parts of the globe. I wouldn't trade one education system anywhere in the world for the public education system we have in America. I wouldn't trade this public education system we have in America for anything anywhere else in the world because we invest in public education so that every child, regardless of how rich, or how poor, no matter where that child is born or raised, has a chance to fulfill his or her dreams. It is not so in other countries.

You might say the math scores are higher here or there. But, then again, in some other education systems they take the brightest kids through testing and put them in mainstream schools. They may take other kids who maybe don't test as well and put them in technical schools. When it comes to some of these international assessments, some countries are only testing the kids who are the brightest.

We don't believe in that kind of a structured education system in America. We don't have one set of kids here, another set of kids here, and another set of kids here. We believe in universal education so that every child has the ability to learn, to grow, and to develop. Yet even kids with disabilities have the ability to learn, to grow, and to develop. We have expanded the concept of public education time and time again to include more under that umbrella.

When I was a kid growing up and going to public schools, you would never see a kid in a wheelchair in school, or a kid on a respirator, or someone who had a mental disability in a school, or a kid with Down's syndrome, for example. But today it is commonplace. And I say we are a better country because of it.

When my daughter was in public grade school recently there were kids in school with disabilities right in the classroom. I used to visit her in the classroom. I thought it was good for the kids with disabilities, and it is good for the kids without disabilities. It brings people together. You won't find that in very many foreign countries. Why don't talk about that as a source of pride in this country, and what we do for all of our kids in this country? Listening to the speakers yesterday you would think we had the worst education system in the world; that it is just the pits. I beg to differ.

We have great teachers, we have great schools, and we have great kids. We have come a long way in this country in making sure that universal education is the right for all.

Does that mean we don't have problems? Of course, we have problems to fix. Just as we opened the doors with kids with disabilities and said that you can't keep kids out of school, you can't keep kids out of school because of race, you can't keep kids out of school because of sex.

Again, I hear these terrible stories about schools. I wonder where the people are coming from who I heard speak so much yesterday. What do they want? Do they want to privatize all of American education? Do they want to have a system of education as some foreign countries have where the brightest kids at an early age when they are tested get put into special schools, and maybe kids who don't have the intellectual capacity of others are put in technical schools? They just learn a trade, and that is all they do. Is that what people want around here? If so, why don't they have the guts to get up and say so if they want our education system to be like some foreign countries, where their national governments, not local school districts control education.

After listening to the debate yesterday, you come to the conclusion that the Federal Government is solely responsible for public education in this country, and it is the Federal Government that is solely responsible for the failure of our schools.

Let's set the record straight. Right now, of all of the money that goes to elementary and secondary education in America, only 6 percent comes from the Federal Government.

That 6 percent of the money that comes to the Federal Government has ruined all of the kids in America, has ruined our schools. Forget that a lot goes for Title I reading and math programs, forget a lot of the Federal help goes to IDEA, Individuals with Disabilities Education Act, and other programs such as that. For some reason, that small amount, 6 percent, has ruined our schools. That is an odd case to make for those arguing that the Federal Government is to blame for this.

Second, education is only 2.3 percent of the Federal budget. Out of every $1 the Federal Government spends, only 2.3 cents goes for education.

I make the opposite argument. I think it ought to be more than that. I think on a national level we need more of a national commitment to our public schools. Because our investment in public education is so small—only 6 cents out of every dollar—we have to be careful where it goes.

First, we ought to make sure every child is educated in modern public schools connected to the Internet. Schools that have the best technology.

Second, we must make sure every child has an up-to-date teacher who is an expert in the subjects he or she is teaching.

Third, we must make sure every child has a chance to learn and be heard. You cannot do that in overcrowded classrooms. We need to make our class sizes smaller.

Fourth, we have to make sure children have a safe place to go during the hours between the end of the school day and the time their parents come home from work.

People talk about safety in schools. We are all concerned about safety in schools. However, we need to keep our focus on where the problem is. Schools are one of the safest places for our children, most of the problems happen after they leave school in the afternoon, in the evening, and on weekends.

We all decry the tragedy at Columbine, and tragedies at other schools. Those incidents capture our attention; they cry out for some kind of involvement and some kind of a solution. But keep in mind that only 1 percent of the violence done to kids is in school. We need to make sure we have an after school program to help keep these kids safe and secure.

Fifth, we have to continue to expand our help to local school districts to help kids with special needs in special education and for Title I reading and math programs so that students can master the basics.

Finally, we must demand accountability for our investments.

I think this is a clear, comprehensive, and accountable national education agenda.

But the pending legislation before the Senate does not establish this clear agenda. In fact, the bill retreats on our national commitment to education. It does not answer the tough questions. It simply says we are going to throw it back to the States; we will not provide any kind of leadership on the national level.

Finally, as has been said before by Senator KENNEDY, Senator DASCHLE, and others, this is the first time this reauthorization is coming to the floor as a partisan bill. The first time since the Elementary and Secondary Education Act was passed in the 1960s that we have not had a bipartisan bill on the floor. It came out of committee on a straight party line vote.

This bill gets an A for partisanship, but it gets an F for educational progress. The centerpiece is the Straight A block grant. It sends the dollars back to the States for any educational purpose they see fit.

As was stated in the committee, one of our Senators, Mr. GREGG on the other side, admitted this could mean private school voucher programs if the State has such a program. In return for the blank check, the State has to show improvements in student achievement after 5 long years. It is a risky proposal and will not guarantee any improvements in education.

We heard a lot of talk yesterday about the burden of filling out all these forms that schools have to fill out to get Federal grants. First we are told the Federal grants are not any good. Then we are told it is too burdensome. Do they want to make it easier or cut it out? We don't know the answer to that.

I have a Federal Class-Size Reduction Program application from the Marion Independent School District in Marion, IA. This is for class-size reduction. It is one page, two pages, three pages. Three pages is burdensome? Anyone could fill this thing out in no time flat. To hear some people on the other side talk, one would think it necessary to sit down for a whole week and hire consultants to complete this paperwork.

This administration, under the leadership of President Clinton and Vice President GORE, in reinventing government, have simplified and clarified a lot of the processes. To hear some of my colleagues talk about it, you would think we were back 20 or 30 years ago under the Reagan administration, or even before that, when you did have to fill out volumes and volumes of material.

Here is the bill, S. 2. We hear the talk on the Republican side about all the mandates, local control, and the reporting requirements. Here is an amendment that takes up a page, section 4304: Disclaimer On Materials Produced, Procured Or Distributed From Funding Authorized By This Act.

> All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act shall have printed thereon—
>
> (1) the following statement: "This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to

> the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization or religious beliefs, are encouraged to direct their comments to the Office of the United States Secretary of Education;
>
> (2) the complete address of an office designated by the Secretary to receive comments from members of the public.

And it goes on. Every 6 months they have to prepare a summary of all of this.

And the Republicans are talking about simplifying? This requirement will be burdensome.

I want to talk about one issue on which I will offer an amendment, providing authorization for the national effort to modernize and make emergency repairs to our Nation's public schools. The conditions of our schools are well known.

In 1998, the American Society of Civil Engineers—not a political group the last time I checked—did a report card on the Nation's physical infrastructure, covering roads, bridges, mass transit, water, dams, solid waste, hazardous waste, and schools. The only subject to receive an F in their quality in terms of our national infrastructure were our schools. That is from the American Society of Civil Engineers.

We know that 74 percent of our schools, three out of four schools, were built before 1970 and they are over 30 years old. The average age is about 42 years right now. I was on the floor when the Senator from Arkansas was discussing the school he visited. The ceiling was falling in, rain was coming in, insulation was peeling off. It looks dismal. He talked about how there was exercise equipment in the school. I don't know about the exercise equipment, but I do know about the infrastructure, and he is right. There are schools like that in Arkansas and Iowa and all across this country. Many of these schools are in low-income areas where they do not have a very large property tax base so they are unable to generate the revenue they need to fix up their schools. This is a national problem, and it requires a national effort and a national solution.

It is a national disgrace that the nicest things our kids see as they are growing up are shopping malls, movie theaters, and sports arenas and some of the most run down things they see are the public schools they attend. What kind of message are we sending to our kids about how much we believe in their public education?

In 1994, there was a title XII that was added to the Elementary and Secondary Education Act in that reauthorization. I had been instrumental in that, both from the authorizing end and also from the appropriation end, because I have long believed this is a national problem. Just as our roads and our bridges, our dams, and our water systems are all constructed, built, and maintained locally, we still provide a national input into those facilities.

I then tried, on the Appropriations Committee, to get money for Title XII. I have not been all that successful, I must admit. I did get a pilot program which is showing that a federal investment in school facilities can make a big difference. A modest federal investment can make school safer by bringing them up to state and local fire codes. A modest federal investment can spur new construction projects as well.

Here is that report card that says our schools rate F in infrastructure. We know there are some $268 billion needed to modernize school facilities all over America. We know our local property taxpayers are hard pressed in many areas to increase their property taxes to pay for this. So that is why we need a national effort.

But this bill, S. 2—I can hardly lift it, it weighs so much—S. 2, the reauthorization, strikes out title XII. We put it in, in 1994. I remember it was not objected to on the Republican side. It was not objected to on the Democratic side. It had broad support in committee. It had broad support in the Congress. Now, for some reason, 6 years later when we have not even taken the first baby step to help modernize our schools on a national basis, the Republicans have taken it out—just excised it. I offered an amendment in committee to restore this important program, and I lost on a straight party line vote.

In the next day or so, whenever I have the opportunity, I will be offering an amendment to restore title XII. My amendment will reauthorize $1.3 billion to make grants and zero interest loans to enable public schools to make the urgent repairs they need so public schools such as the one talked about by my friend from Arkansas could use that money to fix the leaking roof, repair the electrical wiring, fix fire code violations.

From my own State, the Iowa State Fire Marshal reported that fires in Iowa schools have increased fivefold over the past several years, from an average of 20 in the previous decades to over 100 in the 1990s. Why is that? It is because these old schools, 31 percent of them built before World War II, have bad wiring. After all these years, they are getting short-circuits. Maybe they have tried to air-condition; they got a bigger load factor, and they are getting more and more fires all the time in our public schools.

This is something you will not believe, but 25 percent, one out of every four public schools in New York City, are still heated by coal. One out of every four public schools in the city of New York is heated by coal. Talk about pre-World War II.

I think there is a clear national need to help our school districts improve the condition of their schools for the health, the safety, and the education of our children. I hope the Republicans will do what they did in 1994 and support it again, broadly based, so we can have a national effort to provide funds. The President put $1.3 billion in his budget that would go out under title XII. Yet the Republicans have taken title XII completely out of the bill. So I am hopeful in the next day or two we can put it back in and authorize this money.

Having said all that, is everything in this bill absolutely bad? Not by a long shot. There are some really good things in that bill, and I want to talk about one of those. Right now, children, especially little kids, are subject to unprecedented social stresses coming about from the fragmentation of families, drug and alcohol abuse, violence they see every day either in person in the home or on the streets or on television or in movies, child abuse, and of course grinding poverty.

In 1988, 12 years ago, the Des Moines, IA, Independent School District recognized the situation and they began a program of expanded counseling services in elementary schools. They called it "Smoother Sailing," and it operates on the simple premise: Get the kids early to prevent problems rather than waiting for a crisis.

As a result, the Des Moines School District more than tripled the number of elementary school counselors to make sure there is at least one well-trained professional guidance counselor in every single elementary school building in the Des Moines School District. In some there is more than one, but no school is without one. It started in 10 elementary schools. Forty-two elementary schools now have this program. The ratio is 1 counselor for every 250 students, as recommended by experts. The national figure for counselors for students in elementary school is one counselor for every 1,000 students—1 counselor for every 1,000 kids. There is no way 1 counselor can get to 1,000 kids. In Des Moines, we went down to 1 for every 250.

It is working. It has been a great success. Assessments of fourth- and fifth-grade students show they are better at solving problems, and the teachers tell us there are fewer fights and there is less violence on the playgrounds. It has worked. Smoother Sailing was a model for the Elementary School Counseling Demonstration Program, and I am pleased the program is reauthorized in S. 2.

We are discussing the reauthorization of the Elementary and Secondary Education Act and I am hopeful we can make some changes in S. 2 to reflect our national priorities. I just spoke about one. I also serve on the Appropriations Committee, and my question is: How are we going to fund it? Mr. President, the budget resolution we adopted cuts nondefense discretionary spending by $7 billion.

I am working with Senator SPECTER, chairman of the education appropriations subcommittee, to find the money and do more than talk about these problems. We are going to have a lot of debate on it. The President submitted a budget that I think makes a good start at funding these programs—title I, after school programs, class-size reduction, school modernization, school technology. All of these are vitally important. But where is the money when the budget resolution cut our nondefense discretionary spending by $7 billion?

We will have more debate about that in the future. I thought I might give a heads up to my fellow Senators and say, it is all fine to authorize this, but when the crunch comes on money, let's step up to the bar and vote because we may need 60 votes. There will probably be a point of order, and we will need 60 votes. We will see then if Senators really want to invest in public education in this country. It is one thing to authorize it, but then sometime later this year we are going to have to step up and vote the money to solve these problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank Senator HARKIN for his statement. I am going to build on a couple points he has made.

I ask unanimous consent that Senator JOHN KERRY—in the order that has already been established—follow Senator GORTON. I believe Senator GORTON is last on the list, and Senator KERRY wants to be included in that list of speakers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I have a sequence of thoughts I want to put forward, and I will not do this, hopefully, in a haphazard way. I say to Senator HARKIN, since he talked about appropriations, I want to talk about my State of Minnesota and the need for investment in some of these crumbling schools. He is right on the mark. I hear about that all the time.

I also want to talk about a wonderful book by Mike Rose called "Possible Lives" based upon his experience in classrooms and all the goodness he sees.

I agree with the very first point Senator HARKIN made today about what is going on makes sense. But on the appropriations, the Senator from Iowa is right on the mark. Every breed of politician likes to have their picture taken with children. Everybody is for education. Everybody is for the children. Everybody is for the young. They are the future. But it has become symbolic politics.

Frankly, I hear a lot of concern about children and education, but the question is whether or not we will dig into our pockets and make some investment. The Senator from Iowa is right on the mark.

When I listen to some of my colleagues, I hear them talk about a couple different points. First, I hear them say this piece of legislation represents a step forward and Senator TED KENNEDY somehow represents the past. I thought we were going to have a bipartisan bill, but this piece of legislation before us represents a great step backward. This is not about a step forward; this is a great step backward. This legislation turns the clock back several decades and basically says no longer do we, as a nation, say we have a commitment to making sure vulnerable children—namely, homeless children; namely, migrant children—will, in fact, get a good education, or that we at least enunciate that as a national goal. We retreat from that in this legislation.

With all due respect, there is a reason that we, as the Senate and House of Representatives—the Congress—said we are going to make sure there are some standards, we are going to make sure we live up to this commitment, and that is because, prior to targeting this money with some clear guidance, these children, the most vulnerable children, were left behind.

Second, my understanding is the National Governors' Association has said, when it comes to title I, they want to keep it targeted. This particular piece of legislation is so extreme that it even gets away from the targeting of title I money.

Third, to go to Senator HARKIN's point about appropriations, when I hear my colleagues on the other side talk about how we want change, we want to close the learning gap, we want to make sure poor children do as well, that children of color do as well, this piece of legislation is the agent of change, and we are for change, change, change, the question I ask is: If that is the case, then—I said this the other day—why don't we get serious about being a player in prekindergarten?

With all due respect, most of K–12 is at the State level. As a matter of fact, if we are going to say—Senator HARKIN made this point—that education is not doing well and they are going to present this indictment of teachers and our educational system, remember that about 93, 94 percent of the investment is at the State level.

With all due respect to some colleagues on the floor, when I hear some of the bashing, either explicit or implicit, of education and teachers, I say to myself that some of the harshest critics of public education could not last 1 hour in the classrooms they condemn.

If we are serious about this, then why don't we make a real investment in pre-K? It is pathetic what is in this budget when it comes to investing in children before kindergarten. The learning gap is wide by kindergarten, and then those children fall further behind. We could make such a difference. We could decentralize it and get it down to the community level, and we could make a real difference. But no, that is not in this bill or any piece of legislation from my colleagues on the other side of the aisle.

Senator HUTCHINSON, a friend—we disagree, but we like each other—talked about how the bill, S. 2, provides title I money for all the children in the country. I do not get that. I do not know how it can. Right now, we have an appropriation that provides funding for—what, I ask Senator HARKIN—about 30 percent of the children that will be available? Fifty percent? I do not see in the budget proposal or in any appropriations bills that are coming from the Republican majority a dramatic or significant increase in that investment at all.

If my colleagues want to present a critique of what is going on, let me just give you some figures from my friend Jonathan Kozol who just sent me the Chancellor's 60-day report on New York City Public Schools. It is pretty interesting. In New York City, they are able to spend per year, per pupil, on average, $8,171. Fishers Island is $24,000, rounding this up; Great Neck, $17,000; White Plains, $16,000; Roslyn, $16,000; and other communities, $20,000, $21,000.

Mr. HARKIN. Is that per student?

Mr. WELLSTONE. Per student, two times and three times the amount.

Here is another interesting figure. This is median teacher salaries. In the Democratic proposal—I will be honest about it, I cannot help it. I do not think the administration's proposal is great. I do not think we should be talking about their proposal when it comes to early childhood development. I would like to see much more in education. But I think with what we have heard on the floor, I say to Senator HARKIN, is that the investment in rebuilding our crumbling schools, the focus on lowering class size, the focus on having good teachers and making sure we put money into professional development basically is eliminated.

I hear some of my colleagues—I think the Senator from Alabama—talking about how poor we are performing in mathematics. The Eisenhower program, a great professional development program—teachers in Minnesota love this program—is eliminated.

This is pretty interesting. For New York City and in surrounding counties: The median teacher salary in New York City is $47,345; the median teacher salary in Nassau County is $66,000; in County, it is $67,000; in Westchester, it is $68,400.

Jonathan Kozol can send me these figures because he wrote the book

"Savage Inequalities." But with all due respect to my colleagues, if you are concerned about the learning gap, if you are concerned about the tremendous disparity in opportunities of students in our country—and all too often students are able to do well or not do well because of income or race—then we would want to make sure we live up to the opportunity-to-learn standard, where every child has an opportunity to learn and do well.

If that was the case, we would be talking about the whole problem of financing, which is based so much on the wealth of the school district; we would be talking about incentives for the best students, and incentives for executives and people in other areas of life who are in their 50s who want to go into teaching, all of whom can go into teaching; we would be talking about a massive investment, the equivalent of a national defense act, when it comes to child care; we would be talking about afterschool programs; we would be talking about investing in the crumbling infrastructure of our schools.

I do not see it in this piece of legislation. I said it yesterday, and I will say it one more time: I do not see it in the Ed-Flex bill.

I said it last time, and I will say it again, that when I am in Minnesota and I am in cafes and I am talking to people, nobody has ever come running up to me saying: I need Ed-Flex. They do not even know what it is. But they sure talk about the holes in the ceilings or the inadequate wiring or the schools that do not have heating. They talk about how terrible it is that kids go into those schools. It tells those kids that we do not care about them. They sure talk about all these other issues.

I will conclude in a moment, but this is for the sake of further debate.

Mr. HARKIN. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to.

Mr. HARKIN. The Senator pointed out the disparity in teacher salaries and the amount of money spent per student. It raises in my mind this question, again, of why that is. Why is it? I ask the Senator, where is it in the Constitution of the United States that public education in America is to be funded by property taxes? Why is this so? I asked a rhetorical question. Obviously it is not in the Constitution of the United States.

Mr. WELLSTONE. I say to my colleague, we have had some important litigation that I know he is familiar with, some really important Supreme Court decisions in the past on this question.

The challenge is this. The 14th amendment talks about equal protection under the law. I think many of us believe that when the education a child receives is so dependent upon the wealth or lack of wealth of the community he or she lives in, that that isn't equal protection under the law because a good education is so important to be able to do well and to fully participate in the economic and political life of our country.

So the answer is, it is extremely unfortunate that we rely so much on the property tax system. If my colleagues want to present a critique of public education, they ought to look back to the States.

I say to my colleague from Iowa, I love being a Senator. I do not mean this in a bashing way. But Washington, DC and the Senate is the only place I have ever been where when people talk about grassroots, they say: Let's hear from the Governors. They say: The grassroots is here. The Governors' Association has just issued a statement.

Boy, I tell you. I don't hear that in Minnesota or in any other State I have been in. People tend to view the grassroots as a little bit more down to the neighborhood, the community level.

Mr. HARKIN. I thank the Senator for bringing up these points again. We tend to get into these debates, and we really forget what is at essence here. What is at the essence of our problem is the big disparity, as Jonathan Kozol has pointed out time and time again, between those who happen to be born and live in a wealthy area and those who are born and live in a poor area.

Mr. WELLSTONE. That is right.

Mr. HARKIN. It should not depend on the roll of the dice of where you were born as to what kind of school you attend.

Mr. WELLSTONE. I say to my colleague, I thank him for mentioning Jonathan Kozol because I love him. I believe in him. The last book he wrote—although he has another book that is now coming out—that was published—and my colleague may very well have read it—is called "Amazing Grace: Poor Children and the Conscience of America."

If you read that book, the sum total of that book is that any country that loved and cared about children would never let children grow up under these conditions and never abandon these children in all the ways we have. I say to my colleagues on the other side of the aisle, there is precious little, if anything—precious little; I do not want to overstate the case—in S. 2 that speaks to that question.

When you get to where the rubber meets the road, and the budget proposal we have and, therefore, the appropriations bills we will have, are we going to see any of the kind of investment that deals with any of these conditions which are so important in assuring that all the children in this country have a chance to succeed? The answer is no. The answer is no, no, no.

I will finish up because I see my colleague from New Mexico is on the floor. I know others want to speak.

Two final, very quick points. One, I want to speak to Senator HUTCHINSON's example. Again, he is not here. He is very good at making his arguments. I know he will have a counterpoint, so I am not going to present this as: You are wrong; you were inaccurate. But Senator HUTCHINSON came out with graphics about gym facilities, workout equipment. It looked like a Cybex system. He was basically saying: Here you have, in a school that has a decaying infrastructure, this beautiful workout facility; this is an outrage because basically this is what we have right now with this Federal bureaucracy which dictates, hey, this is where you can get the money.

I say that I know of no Federal grant program that requires any school to purchase exercise equipment. I do not know whether this was a part of an afterschool program or part of another program in which perhaps the school officials decided this is what they needed for the community. But that is a very different point.

But I want to make it clear—and Senator HUTCHINSON may be able to add to the RECORD and make it perfectly clear that what I have said is not perfectly clear—I do not have any knowledge —I wanted to ask him about this—of any Federal grant program that would require a school to purchase this equipment. I think that is important.

Finally, I have heard my colleagues talk about bureaucracy and all of the rest. I find it interesting that when I look at the opposition, and I see the National Association of Elementary School Principals or the National Association of Secondary School Principals, much less the American Federation of Teachers, the National Education Association, the Council of the Great City Schools—these people do not work at the Federal level; these people are down there in the trenches—the National Association of Secondary School Principals or the National Association of Elementary School Principals—we are talking about men and women who have a great deal of knowledge about what is working and what isn't working. I think that we might want to take heed of their opposition to this bill because we are not talking about bureaucrats; we are talking about teachers, about principals. I don't know where the PTA is. I think they are also in opposition.

So for the record, I will concede—and Senator DOMENICI is great in debate, and he will jump up and debate me—that the National PTA—and he says I am right—doesn't represent all the parents, and I concede that the teachers unions don't represent all the teachers, and I concede the Association of Secondary School Principals, or Elementary School Principals, don't represent all the principals at either level; but you have to admit that these people, these organizations, do represent a considerable number of principals. They do represent a lot of teachers. They do represent a lot of people who work there at the school level. I find it interesting that they oppose this bill. They don't see this bill as a great step forward for education or for the children they represent.

So for my colleague from New Mexico, after 30 seconds I will yield the floor. In that 30 seconds, I say to the majority leader, let's have at it. Let's have the amendments out here and let's have a good debate. Let's not fold after 2 or 3 days. This is a major bill. I remember, when I first came here, we had major bills out on the floor and we took 2 weeks, and we might have 60, 70, or 80 amendments. We worked from the morning until the evening. Let's do it.

I have a number of amendments that I think would make a difference for the children in my State and in other States. Other Senators have amendments. But, for gosh sakes, let's allow the Senate to be at its best and not insist that we have only a few amendments and that will be it, and then we basically shut this down. The people in the country want us to have the debate. I think it is important to do so. People also want to see some good legislation. This bill, in its present form, is not good legislation, in my view. I think it is fundamentally flawed. I don't think it represents anywhere close to the best of what we can do as a Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, before the Senator leaves the floor, I will say this on a subject we will be together on. I understand that the parity for insurance purposes for the mentally ill in America bill—the Domenici-Wellstone bill for total parity—not some piece of parity, no discrimination of outreach, we are going to have a hearing soon, right?

Mr. WELLSTONE. Mr. President, we are going to have a hearing before the health committee. I think we both thank Senator JEFFORDS and we are ready to move it forward. It is great to have a chance to work with the Senator on this. I wish he wasn't wrong on every other issue.

Mr. DOMENICI. Some people will recognize that, even according to WELLSTONE, DOMENICI is right sometimes. I thank the Senator very much.

I wish to take a few minutes to speak now because I am not at all sure that tomorrow, or even the next day, I could speak to this issue, so I am going to do it tonight. I want to start by saying that it is really good for Americans—whoever watches C-SPAN, or whoever pays attention to what we are saying on the floor—to hear speeches about how we are going to improve education for every child in America, or even to hear speeches about the Federal Government needing to do more of what it has been doing, or speeches saying if we just paid attention and took care of things, all these children in America the education system would improve.

Let's be realistic, for starters. We don't pay for much of public education. Now, considering the tone of the arguments about what we ought to be doing for education and for all our children, one would never believe that we only pay for about 7 to 8 percent of what it costs to educate a child in the public schools of Pennsylvania, Minnesota, Iowa—I won't say New Mexico because we get about 9 percent, because we have a lot more children who are dependent upon the Federal Government in terms of military establishments, plus our Indian children. But let's make sure everybody knows that this great national debate on education is talking about 7 percent of what is used to fund the public schools of America in the 50 sovereign States.

Let's make sure we understand fundamentally the States—in some places counties, in other places cities—collect local taxes, in some cases property taxes, in other cases sales taxes, in other cases income taxes—not here in Washington, but in the capital of Santa Fe, NM, or in the great State of Pennsylvania, or the State of Oregon or Washington—they collect the money, they have the programs, and they decide between the State, the legislature, the school districts, and in many places, commissioners of education, what to do with all the real money that is applied to the public education system and, thus, the students of America.

So it may shock some to know that education reform is occurring in the State capitals, at the education departments across America, and our debate is about a little, tiny margin of 7 to 8 or 8½ percent of what goes into each student. We are doing this in the context of trying to improve and help our public schools, because we have been greatly enhanced, as a nation, during past generations, when the public education system of America was the model for the world. What many of us are trying to do is take it back to the glory days when every student received a better education and the manifold problems that teachers experienced in the classrooms today were, in some way, alleviated so more of our children can learn.

In doing that, the issue is, for this little share that the Federal Government sends down to our school districts by way of special grants, hundreds of categorical programs, title I programs, which is $8 billion or $9 billion, all of those programs go down and help in some way in the total mix of dollars and programs that the cities and counties and States and commissioners of education put together.

The question is, Can we do better with our small amount of money than we have been doing? Let me assure the Senators that whichever side they are on on this bill, to reform the education system, which is reported out by our Committee on Health, Education, Labor, and Pensions, that this is one of their education functions—this bill, in essence—and it may shock people to know this—provides an opportunity to leave things just as they are. So for those on that side of the aisle, or perhaps one or two on our side of the aisle—I don't know—that say they want the Federal Government to continue to be involved in all these programs and to be telling everybody how to run them, so that 7 or 8 percent of the money generates 50 percent of the paperwork, we want that to continue. Just wait and read the bill in its entirety and if that is what you like, the school boards, the commissioners of education, or the Governors who run education in our States can decide to leave it just as it is.

Now, I can't understand how schoolteachers can be against an approach that says this is not working as well as it should. But if you like it, please understand this bill says you can keep having it like it is. That is why we call it a menu.

You get to look at a menu. If you went out to eat, you wouldn't like to have in front of you three items we have been having for 15 years. And our nutrition isn't working well, and our bodies aren't feeling well, but we get the same restaurant menu of the same three things. Wouldn't we like it if the menu added a few other things just to try?

This is a new approach only in that you can keep it as it is or you have another couple of choices.

What is wrong with some choice which might bring some innovation, which might cause us to do better with our 7 or 8 percent of education than we are doing, because it might let the States, the school districts, the education commissioners, and the principals meld our dollars into their needs in a better way.

If you want to keep it as it is, you can come down here and say: That is what I want; I am voting for this bill; and I sure hope my State keeps it as it is. Right? We sure hope whoever wants to say that, that we will keep the same menu we have been having, and we don't want to add to the menu, we don't want to add to the choice.

It is wonderful to be a Republican who can come to the floor and say: We don't think the menu we have been delivering to the schools of America with our 8 percent is a very good menu. It is not the best menu, and we are going to provide some additional items of choice.

I want to thank a few Senators for taking the early lead on this.

In that regard, I want to recognize Senator SLADE GORTON because he is the first one who came up with the idea, albeit it was a piece of education, to say let them choose down there, but if they don't want to choose, let them keep on doing what they are doing, but here is a new opportunity to handle those Federal dollars differently.

That imaginary, innovative, visionary idea has been expanded so now there are a number of really interesting choices that those who educate our children in our sovereign States can choose.

Essentially, if I went no further and did not explain the choices on this menu, I think I might have performed a minor service for those who are interested to find out that the bill we are talking about says the old menu doesn't work, let's try a new menu and put some new items on it—not mandatory, but that you can choose.

Let me tell you how poorly we do our job at the national level when we decide we are going to do more than that and we are going to put a little bit of money in and tell everybody what to do. Let me talk about special education for a minute.

Special education is an admirable commitment—in fact, some would think one of the greatest civil commitments that could be made in the field of education. The National Government began not many years ago to say you are going to educate children who are hard to educate, who are special education children, and special needs children. And we came along and said exactly how you should do it; if you want our money, you do it this way. The courts interpreted and told you in even more detail how you are going to do it. Lo and behold, we said we will pay for 40 percent and the States and localities will pay for 60 percent.

Is anyone interested tonight? Take out a piece of paper and write down your guess of this year as to how much we are paying of the 40 percent. If you think we must be paying 35 or 38, you are desperately wrong. We are currently paying 11 percent instead of the 40 percent to which we committed, and the years have passed us by.

If you run the school and you get Federal money, don't you think you would be a little bit upset if we came along and told you how to do it, and then we didn't give you the money but our law said we would give you the money?

I have to compliment a couple of Senators who have said the best thing we could do is put more money in special education so the schools wouldn't be paying so much for it, and that would loosen up money for them to do other things with. In particular, Senator JUDD GREGG has been a leader on that initiative.

It goes unnoticed because it is not very politically sexy, at least to the general public, to say we have increased the funding for special education by 4 or 5 percent in the last 3 or 4 years. That doesn't sound like coming to the floor and giving a speech about how we want to take care of every child in America, when we are only paying for 8 percent of the bill, and how we ought to be taking care of all those needs out there when the Government doesn't even try to take care of most of them.

We still have a commitment to 40 percent. We are only paying for 11 percent of that. We come along and have a bill, and people want more of the same. I think educators would like to try something different.

I congratulate the committee because they reported out a bill that has some very exciting items added to the menu. I suggest people can call it what they like in terms of trying to describe the new items on the menu. But I see it as an opportunity on the part of the constitutionally enfranchised leader in a State, whether it is a commissioner of education, or the legislature, or the Governor. This bill says you can collapse the strings, you can collapse the rigid boundaries in two different ways—at least two. One is an approach that is called Straight A's.

The Straight A's Program says there is an option for 15 States—not all of them, and they don't need to take it. But 15 States can opt for a State demonstration program. It will be for at least a 5-year commitment on the part of the Federal Government and up to—isn't that interesting?—13 big grant programs and little grant programs can be collapsed.

The thing that makes them rigid and makes them kind of a one-shoe-fits-all concept on education is that up to 13 can be collapsed. They can collapse five of them, if they choose, and leave the other eight as being as rigid as they currently are.

In that ability to collapse under Straight A's is an option to use title I money—our biggest program—in that manner along with other programs.

That is not going to be free to the school districts of America, nor to the principals and teachers, because commensurate with it is going to be an agreement on the part of the States. The States are going to agree, if they take this option, this added menu item, to a significant new standard of student achievement within their schools.

They are going to figure out a way locally to see if collapsing these programs and administering them differently helps the schools. We are going to say you can continue to do this if you have a plan to improve student achievement, which we choose to call accountability.

We also talk about the collapsing of the rigidity of the program—the rigid boundaries. We call that flexibility.

I think it is kind of better to say you are permitted to collapse the programs, administer them less rigidly, and require student achievement, and in return measure student achievement. But if you want to choose the Straight A's Program, my guess is that 15 States are going to run quickly to get it and it will be used by 15 States. In the end, they are going to be saying: Let's try this new thing. Let's see if we can collapse these programs and do a better job. The agreement with the Government will require that achievement occur at every level, including those covered by the current Title I program.

We have said if you do not want that menu item, because it is a pretty big step away from what we have, there is another one called Performance Partnerships which the Government permitted. You can collapse up to 13 programs, but that cannot include Title I, the program whereby we measure aid to schools based upon the number of poor children in the school.

What we are saying there is the Secretary of Education will still be able to determine the boundary and use of Title I money. That is a second option—collapsing up to 13. But the Secretary still keeps his finger on the Title I money. The Governors thought that would be a very good option, and we put that in. I don't see anything wrong with that.

Then we say for 10 States and 20 school districts, in exchange for new accountability, new agreements on student achievement, you can switch the current Title I funding from school based to a child-centered approach. Isn't that interesting? We are not interested in school-based education programs. That is just a mechanism for talking about an institution that educates children.

It seems to me what we are talking about is that all the programs should be child centered and we are going to give 10 States and 20 school districts the option to choose a new funding mechanism for Title I. Eight billion dollars is my recollection of the $14.6 billion we spend on elementary and secondary education. It is more than half. We are going to say for these few States and few school districts, you want to be bold? Want to enter into a student achievement agreement? In exchange for that, you get the opportunity to have Title I money follow the students.

I close by saying that the committee did another exciting thing. We are all concerned about improving teacher quality. Whether we have excellent teachers or not, I don't think we ought to pass judgment on the floor. We hear many of the schools are worried that teachers are not necessarily as highly qualified as the principals, the superintendents, the school boards, and the parents want them to be. We understand that is a major, major concern. We think part of it is because we don't have an adequate way of helping develop better teachers.

We have decided to have a new State teacher development grant program, with a substantially larger amount of money, about $2 billion for fiscal year 2001, that focuses on the long term and sustained development of teachers, and includes professional development for administrators and principals. There will be some who will come to the floor and say right now that we don't have all this in one pot of money. We have some very special programs—one is the Eisenhower program—that we want to leave alone. Why do we want to leave them alone? Shouldn't we give the States an option to say they don't need all that preciseness, if they want to use it in their school districts in their State to produce long-term benefits by way of teachers being better equipped to teach their subject matter?

There is much more to say and I will have printed the 13 programs that can be collapsed and made less than 13 in either the Straight A's or the performance partnership. I will include that list in the RECORD to be attached to my comments. Some of the attached lists are technical, but those in the education community who would be interested will know what the programs are.

Let me summarize. For those on the other side of the aisle who want to talk about education as if we are debating the funding of public schools in America, let's put it back where it belongs. We are debating funding 7 to 8 percent of the public education in America. That is all we provide. One would not guess it from the rhetoric about what we ought to get done with that 7 or 8 percent.

We will hear speeches that we ought to totally perfect the education system and take care of every child in America. What is the responsibility for the 93 percent of the dollars that come from the State or the county? They are doing that with that money.

First, we will say, if you want to keep the system, keep it. It is almost hard to understand how the other side and the President can get so worked up they won't pass this bill. Really, they could say to their constituents, we are so sure our programs of the past are good, we will vote for this bill and you can choose to go with a program of the past. The bill says that. If you want a program from the past, you can have it.

That is the debate. They want the programs of the past reiterated but we say, no, no, let's give you that choice and give you a few other new choices. The choices are exciting because we may find by entering into a multiyear student achievement agreement called accountability, where some flexibility is provided, that 7 or 8 percent might make a difference. It might be such that at the end of 5 years, using it that way by choice, you might really have an impact.

If we continue the way we are, we will produce a bill, or no bill, if the President insists on getting what he wants. I have not argued 1 second today about who will put the money in the program. We are probably going to put as much money in the program as the Democrats in the appropriations process. We will fund at very close to the same amount of dollars. Let's not get off on the side that the Republicans don't want to pay for education. We want to try a different approach.

There are some who will say to be different we want to offer a whole bunch of amendments for the Federal Government to do new things. We will tell them how to do things. We have been doing that and every 5 years we have another list, but it is the Federal Government's list of how to fix up our kids. However, if you look back, it isn't working. It is not the Federal dollar that is not working. We are just a little bit of the money. We ought to try to figure out how our little bit of the money can be the most helpful to those spending all the money—93 percent of the dollar in some cases. How can we help them do a better job? I think it is a shame if this bill and this concept gets defeated in the Senate because we don't want to try a new approach, or if we want to add to it a variety of measures not relevant to this education bill.

These are issues that must be debated. Some Members want to put them on this bill to either kill it or make us vote on issues not part of this. Whoever does that, the final judgment will be simple. If you kill this bill with this innovative approach of different items on the menu for our schools in America's sovereign States, if you kill that either by nonperformance or an outright vote against it and kill it, you have decided the Federal Government in all cases knows best and we ought to continue to tell our educators, superintendents, and commissioners of education precisely how they can help their children with our dollars. No more, no less; do it our way.

I frankly believe, although I hate to say this in political tones, I think for the first time, in the case of this Senator—and I have been here awhile—we can debate this any way we want. We won't lose this debate. We win this, unless we let somebody pull the wool over our eyes about what we are trying to do, what we have been doing and just how much of the Federal money is involved versus the State and cities that we don't control—States, counties and school boards. I think everybody will understand we ought to permit innovation, not rigidity by dictating specifically how moneys ought to be used.

That is a little lengthy for tonight. Some people know it is not so lengthy for me. But it is the second speech I made today. I spoke about nuclear power with as much energy and enthusiasm as I did on this bill.

I am saying, as I leave the floor of the Senate, there are some very good Senators who will take over and I am satisfied will close out the day with some pretty good remarks about where we ought to be trying to move in lockstep with those who really want to change education at the local level, instead of walking along, kicking at them, telling them do it our way. I think we ought to walk along in some sort of lockstep by letting them have some real choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Georgia.

Mr. COVERDELL. I hope the Senator from New Mexico knows we do not consider that a terribly long speech.

Mr. President, I ask unanimous consent the first four amendments in order to the bill be the following, and that they be first-degree amendments, offered in alternating fashion, and subject to second-degree perfecting amendments only, and that the second-degree amendments be relevant to the first-degree.

The amendments are as follows: Gorton, technical, Straight A's; Daschle, alternative; Abraham-Mack, merit pay-teacher testing; and Kennedy, teacher quality.

Both sides have agreed to this.

Mr. DOMENICI. What was the Kennedy amendment? I didn't hear the title.

Mr. COVERDELL. Teacher quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from the State of Washington.

Mr. GORTON. Mr. President, if there were a secret poll taken in this body to determine an MVP, Most Valuable Player, my own suspicion is that would be the Senator to whom my own vote would go, the senior Senator from New Mexico, who has just spoken to us with such eloquence. He manages to work thoughtfully on the widest range of issues of any Member of this body that I know. The minute the debate on the budget resolution, with which he is charged, is over, he is on to another subject, whether it is energy or national defense or education or Social Security. It is a privilege to be his colleague. It is a privilege to be his friend. It is also a little bit difficult at times because after his introduction to this bill, this Senator, even as an author of the bill, can do nothing to improve on the remarks of the Senator from New Mexico but maybe only to rephrase them slightly and offer his support for them.

I think what we gain from this debate, from what the Senator from New Mexico has said, what we heard from the Senator from Georgia and the Senator from New Hampshire and others, is that there may not have been another instance in the last half dozen years on any major subject—perhaps the Senator from New Mexico might agree with me, with perhaps the exception of the debate on welfare reform—in which the old and the new were so magnificently and so dramatically contrasted as are the new, fresh ideas, fresh approaches to this problem outlined in this bill and outlined by its supporters as opposed to the passionate defense of the status quo by so many on the other side.

The Senator presiding and the Senator from New Mexico will remember that was the essential division in the debate over welfare reform. We were told of all of the disasters that would take place if we dramatically reformed our welfare system. Now, a few years later, no one, for all practical purposes, can remember that he or she opposed that reform; it has been so magnificently successful.

Mr. President, I predict the same fate for this debate if, in fact, we are successful in carrying out the dramatic and innovative and constructive changes that are included in this bill.

We have heard basically two arguments from the other side of the aisle.

Mr. DOMENICI. Will the Senator yield for a moment?

Mr. GORTON. I will.

Mr. DOMENICI. As I indicated a while ago, I was planning to leave the floor. But my friend caught my attention when he, it seemed to me, wanted me to stay around. I have been around long enough to hear his kind remarks about me, and I thank him. Before I make a speech as I did tonight, I do try to understand what I am talking about. Sometimes I go back to my office after hearing something down here, or watching it, and say, I'll wait a week and really know something about this. But I think I do know something about this.

I was a teacher once. I can tell you things have changed very little. You talk about the disparity in the preparation of children. The one year I taught I had one class in mathematics. One half of the class could not add or subtract, and the other half of the class was doing algebra. This was a long time ago. I was 22 years old, so that is how long ago. Sunday I will be 68. We still have the same thing. We have a difficult job for teachers.

I think the Senator is correct. He is the one who offered the first bill to provide some choice instead of rigid, bound-up programs where, instead of walking together, we were kicking them to do it our way or not use our money. You were the starter, the charger of that, along with Senator BILL FRIST of Tennessee. A little bit of that expertise came about by accident out of the Budget Committee, on which you both serve. We had a task force, the Senator may recall. We asked the GAO—a very significant number of them worked with your staff and his staff on the Budget Committee and told you about the programs that were out there hanging around, but they wondered what they were doing. You provide the first opportunity to pull some together and collapse the rigidity. Right?

Mr. GORTON. Does the Senator from New Mexico remember the dramatic testimony that our Budget Committee task force took of the then-superintendant of public schools for Florida?

Mr. DOMENICI. Yes.

Mr. GORTON. To the effect that he had almost four times as many people in his office to manage the 8 or 10 percent of the money that came in from the Federal Government than he did to manage the 90 percent-plus of the money that came from the State government for education?

Mr. DOMENICI. Yes. That is right.

Mr. GORTON. That was a dramatic learning experience for this Senator and I think for the Senator from New Mexico as well, and really contributed magnificently to where we are today.

Mr. DOMENICI. I can also remember when you first thought about this idea. We were walking down one of the halls here and you were saying you didn't quite understand how you could get around all the opposition to trying something different. I think I pulled on your arm and said, "Why don't you give them the option to leave it like it is?"

You are pretty quick. You never asked me again. But that has become the cornerstone, from your bill to this bill. For those who think what we are doing is really good and really right, that we are not trying to take it away. Right? Those people who say that is not enough, what must they be saying?

Mr. GORTON. They are saying, essentially—and we have heard it on the floor of the Senate in the last hour—that we cannot trust the school authorities in any State in the United States of America, or any school district in any one of those States, to make these decisions on their own without guidance from this body acting as a sort of supernational school board.

Mr. DOMENICI. Right.

Mr. GORTON. When it gets right down to it, that is what their position amounts to.

Mr. DOMENICI. Or they could be saying that if you give them the choice, they will all take what the Republicans are offering here today.

Frankly, that is thought by some to be a very good argument against the bill, right? I think it is a very good argument in favor of it. I would think, if what we are doing is so good that under all circumstances a significant portion of the school districts and superintendents and commissioners of education would go down the same path for another 5 years.

Mr. GORTON. This Senator, for example, believes that if there is a shortcoming in this bill, it is that Straight A's is limited to 15 States only and not all the States in the country.

Mr. DOMENICI. I thank the Senator.

Mr. GORTON. I thank my friend from New Mexico. I will go back to what I see as two distinct currents of criticism from the other side.

The first of those is that if we have not reached the goals they set 35 years ago, 30 years ago, 20 years ago, 10 years ago, 5 years ago, we still have to keep running up against that same wall, and the reason we have not succeeded is that we have not imposed enough rules and regulations on schools all across the United States. So what we really need to do—they call it accountability—is to impose more rules and regulations on States and on school districts and on principals and teachers all across the United States to make sure they do exactly what we tell them to do.

I strongly suspect that any alternative they come up with will include dozens, if not hundreds, of additional rules and regulations to be imposed on our school districts.

There is a second element, a second part of their proposal, and that is if 12, 16, 74, 276 Federal education programs have not really done what they ought to have done, we need another half dozen programs. Again, in the last hour or so, we have heard of some new ways, some new Federal programs which we ought to authorize and on which we ought to spend money.

They make that proposition in spite of the dramatic point made by my friend from New Mexico that the most prescriptive of all of the Federal programs—the education for disabled act, the special education provisions—required us as long as almost 30 years ago to come up with 40 percent of the money. It is only in the last couple of years, with the efforts of Members on this side of the aisle, that it has cracked two digits and has reached 11 percent.

Instead of saying why don't we properly fund what we promised to fund in programs that carry with it a tremendous number of rules and regulations, why don't we do that? No, no, let's think of half a dozen new programs and let's not abolish any.

Now that I think of that last statement, I guess I have to amend it. They do want to abolish one, or at least the President wants to abolish one. He wants us to appropriate no money at all to the sole program in the present education bill which allows the States to spend the money on their own priorities without any controls from the Federal Government. It is a very modest part of our present education system—a very modest part. That is the only one the administration, and I suspect the other side, would just as soon abandon.

We, on the other hand, as the Senator from New Mexico points out, do not even go so far as to say we know everything, nothing is right with the present system, no one should be allowed to use it under any circumstances. Running from top to bottom through the proposal we have before this body right now is the right of any State's educational authorities who believe the present system is the best we can come up with to continue to follow it, to continue to use it, to continue to file all of the forms and abide by all of the rules and regulations of the present system.

All we are saying, modestly in some respects but I think quite dramatically in other respects, is that you are going to have a choice, education commissioners of the 50 States and, in many cases, the school districts of the several States; you can try a dramatic new system called Straight A's, or 15 of you—and I am very sorry it is only 15—can try a dramatic new program called Straight A's under which a dozen or a baker's dozen of the present education programs can be collapsed into a single program, rules and regulations thrown out, forms tossed, administrators turned into teachers, as long as you make a legal commitment to one single goal: The kids in your State will get a better education and you will prove it by achievement tests that you design and that you agree will show that improvement over a period of 3 to 5 years.

Accountability under the present system means you have filled out all the forms correctly, you have made absolutely certain that you have not spent a dollar that we have said ought to be spent on one purpose for another education purpose or for another student, no matter how well, how validly you have spent that dollar.

Accountability under our system means our kids are better educated, they are better fitted to deal with the world in the 21st century.

In describing that choice under Straight A's, my friend from New Mexico omitted only one element, but it is an important element. That element is that as against the form of accountability the other side wishes, punishment—you are going to lose your money; you are going to lose your ability to make your own choices; you are going to be fined; or you are going to get a bad audit—we offer a carrot. We say that if after 35 years in which we have failed to close the gap between underprivileged students who are entitled to title I support and the other more privileged students, if you close that gap by raising the achievement of the underprivileged students, you will get more money; you will get a reward; you will get a bonus.

They never thought of that in connection with the present program. We do. We do have to supply some discipline, some loss of ability to make your own choices for States that are miserable failures, but we think it every bit as important, perhaps more important, to provide a reward for those systems that do the job right.

I must confess that I have a reservation about our own proposal in this connection. We are demanding a great deal because we are demanding that States, in order to get Straight A's, agree to a contract under which the performance of their students will improve, and they sign that contract in order to get control over 5 or 6 or 7 percent of the money they are going to spend on their students, the really modest contribution made by the Federal Government.

I would feel a lot more comfortable in the form of accountability we have designed ourselves if the demands we make were more directly proportional to the amount of money we are putting into the system. Even so, I believe there are a minimum of 15 States that will jump at this opportunity to get the Federal bureaucrats off their backs and to say, as we are saying here: Let the decision about what is best for the education of our students be made, by and large, by the people who know their names—the parents, teachers, and principals, and above them, their superintendents and their elected school board members. Let's no longer claim that we in Congress, that people downtown in the Department of Education know all of the answers, and that one set of answers fits every school district, no matter how rural or how urban, no matter west or east or north or south in the United States of America.

This bill goes beyond just Straight A's for 15 States. It has, as the Senator from New Mexico described, performance partnership agreements, a modified form of Straight A's, a form that still retains some of the rules and regulations, more than I would like, but also provides a far greater degree of choice and policy-setting authority to our local school boards and to our States and does have two great advantages: One, it is strongly supported by the Governors—Republicans and Democrats—and, two, it is applicable to all of the States.

So, even at that level, some States will get three choices, and all will get two: Straight A's, performance partnership agreements, or the present system.

Beyond that, our proposal includes the Teacher Empowerment Act, which gives much more flexibility to the way in which we compensate our teachers, train our teachers, and determine what the requirements for those teachers are, and a very real degree of choice with respect to title I, especially for failing schools, where instead of saying that title I is focused on schools and on systems, we will say, again, for those States and for those communities that wish to do so, title I will be focused on the individual students who are eligible, the underprivileged students who are eligible, so that they, and not the systems and not particular schools, will be the goals of title I.

Has the present title I been so successful that it cannot stand a change, even a change that offers an option to States and to individual school districts? That is what we hear from the other side of the aisle, that it would be terrible. We have 35-year-old reports cited concerning things that happened two generations ago as an argument against any kind of innovation today and as an argument for maintaining a system that, bluntly, has not worked, that has not worked at all.

At its most fundamental level, this is a debate about who knows best and who cares most: Members of this body and people working in the bowels of the Department of Education in Washington, DC, or those men and women all across the United States of America who are concerned about the future of their children, those men and women all across the United States of America who have dedicated their entire professional lives to providing that education for our children—their teachers and their principals and their superintendents—and those men and women across America who, in almost every case without compensation, have entered the political arena and have run for and have been elected to school boards in their various communities.

Our opponents of this bill say that none of these people should be trusted; only we should be trusted. We say we want to repose far more trust and confidence in those individuals all across the United States of America, we want to hold them accountable, but we want to hold them accountable on the basis of their results, and their results only.

That is what the debate will be about for the balance of this week and perhaps next week, as well.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MING CHEN HSU

Mr. LOTT. Mr. President, I rise today to pay tribute to a great American, Ming Chen Hsu. Last December, Ms. Hsu retired from the Federal Maritime Commission (FMC), where she served as a Commissioner for nine and one-half years. Ms. Hsu was first appointed to the Commission by President George Bush and confirmed by the Senate in 1990. She was reappointed and reconfirmed in October, 1991.

Many of my colleagues may not realize it, but the ocean shipping system is vital to international trade and is the underpinning for the international trade on which the vitality of our Nation's economy depends. A fair and open maritime transportation system creates business opportunities for U.S. shipping companies and provides more favorable transportation conditions for U.S. imports and exports. Ensuring a fair, open, competitive and efficient ocean transportation system is the mission of the FMC. The Commission has a number of important responsibilities under the shipping laws of the United States, including: the responsibility to ensure just and reasonable practices by the ocean common carriers, marine terminal operators, conferences, ports and ocean transportation intermediaries operating in the U.S. foreign commerce; monitor and address the laws and practices of foreign governments which could have a discriminatory or adverse impact on shipping conditions in the U.S. trades; and enforce special regulatory requirements applicable to carriers owned or controlled by foreign governments.

Mr. President, for almost a decade, Ms. Hsu played an active and important role in the life and decisions of the Commission. The Commission and the Nation have been fortunate in her service. During her tenure, Ms. Hsu's experience and judgment helped guide the Commission through a number of challenges and actions which will continue to shape the work of the Commission long after her retirement.

In 1998, the Congress passed and the President signed the Ocean Shipping Reform Act (OSRA), which amended the Shipping Act of 1984, the primary shipping statute administered by the FMC. As I have said before, the OSRA signaled a paradigm shift in the conduct of the ocean liner business and its regulation by the FMC. Where ocean carrier pricing and service options were diluted by the conference system and "me too" requirements, an unprecedented degree of flexibility and choice will result. Where agency oversight once focused on using rigid systems of tariff and contract filing to scrutinize individual transactions, the "big picture" of ensuring the existence of competitive liner service by a healthy ocean carrier industry to facilitate fair and open commerce among our trading partners will become the oversight priority. This week marks the one-year anniversary of the implementation of the Ocean Shipping Reform Act of 1998. It is most fitting that we take the time to remember the career of Ming Chen Hsu this week.

Mr. President, Ms. Hsu clearly recognized the important change in the business and regulation by the FMC of ocean shipping brought about by the Ocean Shipping Reform Act. During the Commission's consideration of regulations to implement OSRA, Ms. Hsu played a critical role in working with the other Commissioners and FMC staff to ensure that the regulations embodied the spirit of the new law. As she told a large gathering of shippers and industry representatives, "This has been not only a long journey, but a long needed journey * * * With the passage of the Ocean Shipping Reform Act and the FMC's new regulations, I believe the maritime industry will be far less shackled by burdensome and needless regulations * * * I believe we can now look forward to an environment which gives you the freedom and flexibility to develop innovative solutions to your ever-changing ocean transportation needs."

Ms. Hsu's wisdom and experience was also instrumental in helping the Commission navigate one the Commission's most difficult and highly-publicized actions in recent years. In 1998, the Commission took action against a series of restrictive port conditions in Japan. As a result of these conditions, both U.S. carriers and U.S. trade were burdened with unreasonably high costs and inefficiencies. Because of the Commission's action, steps were taken by Japan to initiate improvements to its port system. If ultimately realized, these improvements will substantially facilitate and benefit the ocean trade of both nations.

Mr. President, during her career at the Commission, Ms. Hsu led a number of Commission initiatives. Among others, in 1992 Ms. Hsu served at the request of then FMC Chairman Christopher Koch as Investigative Officer for the Commission's Fact Finding 20. Under her leadership, the Fact Finding held numerous hearings across the United States in an effort to examine and understand the experience of shippers associations and transportation intermediaries under the Shipping Act of 1984. Fact Finding 20 ultimately led to Commission efforts to ensure that shippers associations and transportation intermediaries received all of the benefits intended by Congress in enacting the 1984 Act.

Commissioner Hsu's service at the Federal Maritime Commission is just the most recent milestone in a remarkable life and career. A naturalized U.S. citizen, Ming Chen Hsu came as a student to the United States from her native Beijing, China. Prior to coming to the Commission, Ms. Hsu has had an extensive career in international trade and commerce in both the public and private sectors. She was a Vice President for International Trade for the RCA Corporation in New York, where she held a variety of executive positions in the areas of international marketing and planning. She played a pivotal role in gaining market access for RCA in China in the 1970's. She was appointed by former Governor Thomas H. Kean of New Jersey as Special Trade Representative and as Director of the State's Division of International Trade, a position she held from 1982 to 1990. In her positions with RCA and the state of New Jersey, Ms. Hsu led over thirty trade missions to countries throughout the world.

Mr. President, Ms. Hsu has served on several U.S. Federal advisory committees, having been appointed by the President, the Secretary of Defense, the Secretary of Commerce and the U.S. Trade Representative. She is a recipient of numerous awards including the Medal of Freedom and the Eisenhower Award for Meritorious Service. She is listed in Who's Who of America. Ms. Hsu is a founding member and director of the Committee of 100, an organization of prominent Chinese Americans and is a member of the National Committee on United States-China Relations. She also serves on the National Advisory Forum to the U.S. Holocaust Memorial.

Ms. Hsu is a Summa Cum Laude graduate of George Washington University and member of Phi Beta Kappa. At New York University, she was a Penfield Fellow for International Law. Ms. Hsu was the recipient of the George Washington Alumni Achievement Award in 1983 and holds several honorary degrees.

Mr. President, I congratulate Ming Chen Hsu on her exemplary career at the Federal Maritime Commission and salute her contributions to the ocean transportation industry. I add my voice to those who say "thank you" for her service to the Nation. And finally, I wish her smooth sailing in her future endeavors.

IMPORTANCE OF PRIVATE PROSECUTIONS

Mrs. FEINSTEIN. Mr. President, last week, during the debate on a proposed constitutional amendment to protect the rights of crime victims, Senator LEAHY made several lengthy statements challenging some of the facts set forth by supporters of the amendment, including myself. We responded to many of those arguments at the time—and, I believe, refuted them. I do want not burden the record now by repeating all our contentions or making new ones.

However, there is one argument that the Senator from Vermont made during the waning hours of debate on the amendment that I find particularly troubling. It involves the role of victims in criminal proceedings at the time our Constitution was written. Because I believe the Senator's comments contradict the clear weight of American history, I feel compelled to respond.

Here is the argument Senator LEAHY disputes: At the time the Constitution was written, the bulk of prosecutions were by private individuals. Typically, a crime was committed and then the victim initiated and then pursued that criminal case. Because victims were parties to most criminal cases, they enjoyed the basic rights to notice, to be present, and to be heard under regular court rules. Given the fact that victims already had basic rights in criminal proceedings, it is perhaps understandable that the Framers of our Constitution did not think to provide victims with protection in our national charter.

The Senator from Vermont tried to rebut this argument. Citing an encyclopedia article and a couple of law review articles, he claimed that, by the time of the Constitutional Convention, public prosecution was "standard" and private prosecution had largely disappeared.

Because Senator LEAHY's comments suggest that some confusion about this issue lingers among my colleagues, I would now like to provide some additional evidence demonstrating that private prosecutions had not only not largely disappeared in the late 18th century but in fact were the norm.

First, it is important to concede one point: some public prosecutors did exist at the time of the framing of the Constitution. Certainly, by then, the office of public prosecutor had been established in some of the colonies—such as Connecticut, Vermont, and Virginia. But just because some public prosecutors existed in the late 18th century does not mean that they played a major role or that public prosecution had supplanted private prosecution. In fact, criminal prosecution in 18th century English and colonial courts consisted primarily of private suits by victims. Such prosecutions continued in many States throughout much of the 19th century.

Thus, contrary to Senator LEAHY's suggestion that a "system of public prosecutions" was "standard" at the time of the framing of the Constitution, the evidence is clear that private individuals—victims—initiated and pursued the bulk of prosecutions before, during, and for some time after the Constitution Convention.

Let's look, for example, at the research of one scholar, Professor Allen Steinberg, who spent a decade sifting through dusty criminal court records in Philadelphia and wrote a book about his findings. Based on a detailed review of court docket books and other evidence, Professor Steinberg determined that private prosecutions continued in that city through most of the 19th century.

In Professor Steinberg's words, by the mid-19th Century, "private prosecution had become central to the city's system of criminal law enforcement, so entrenched that it would prove difficult to dislodge. . . ."

Of course, Philadelphia was the city where the Constitution was debated, drafted, and adopted. And for decades it was our new nation's most populous city—and its cultural and legal capital as well.

It is difficult to reconcile the assertion that a "system of public prosecutions" was "standard" at the time of the Constitution Convention with historical research showing that, in the same city where the Convention was held, private prosecutions—inherited from English common law—continued to be "standard" through the mid-19th century.

It is not surprising that the Senator from Vermont would conclude that public prosecution had replaced private prosecution by the late 18th century. A cursory exam of historical documents might lead to such a conclusion, for the simple reason that documents regarding public prosecutors and public prosecutions (what few there were) are easier to find than documents regarding private prosecutions. As Stephanie Dangel has explained in the Yale Law Journal:

> [e]arly studies concentrating on legislation naturally over-emphasized the importance of the public prosecutor, since a private prosecution system inherited from the common law would not appear in legislation. Examinations of prosecutorial practice were cursory and thus skewed. The most readily accessible information relating to criminal prosecutions predictably concerned the exceptional, well publicized cases involving public prosecutors, not the vast majority of mundane cases, involving scant paperwork and handled through the simple procedures of private prosecution . . .

Dangel has summed up recent historical research into the nature of prosecution in the decades leading up to the framing of the Constitution as follows:

> First, private individuals, not government officials, conducted the bulk of prosecution. Second, the primary work of attorneys general and district attorneys consisted on nonprosecutorial duties, with their prosecutorial discretion limited to ending, rather than initiating or conducting, prosecutions.

Regarding the prevalence of private prosecution in the colonies, Dangel noted:

> Seventeenth and eighteenth century English common law viewed a crime as a wrong inflicted upon the victims not as an act against the state. An aggrieved victim, or interested party, would initiate prosecution. After investigation and approval by a justice of the peace and grand jury, a private individual would conduct the prosecution, sometimes with the assistance of counsel. . . . Private parties retained ultimate control, often settling even after grand juries returned indictments. Contemporaneous sources confirm the relative insignificance of public prosecutions in the colonial criminal system. Only five of the first thirteen constitutions mention a state attorney general, and only Connecticut mentions the local prosecutor. Secondary references are similarly rare. Finally, the earliest judicial decision voicing disapproval of private prosecution did not appear until 1849. No decision affirming public prosecutors' virtually unreviewable discretion appeared before 1883.

The historical evidence is clear: Because victims were parties to most criminal prosecutions in the late 18th century, they had basic rights to notice, to be present, and to participate in the proceedings under regular court rules. Today, victims are not parties to criminal prosecutions, and they are often denied these basic rights. Thus, a constitutional victims' rights amendment would restore some of the rights that victims enjoyed at the time the Framers drafted the Constitution and Bill of Rights.

If this historical evidence about prosecutions in the colonies is not enough, I would repeat a point Senator LEAHY made himself last week: that in England, any crime victim had the right to initiate and conduct criminal proceedings all the way up to the middle of the 19th century. As we know from Senator BYRD's enlightening remarks last week, many of the rights and liberties of our Constitution—such as those for criminal defendants—have their roots in English history and the English constitution.

Given the fact, then, that virtually all the protections for criminal defendants in the Bill of Rights have English antecedents—including habeas corpus, trial by jury, due process, prohibition against excessive fines, and so on—it is hardly a stretch to think that the lack of rights for crime victims in the Bill of Rights would reflect an English antecedent as well: the long-established right of victims to prosecute crimes themselves.

Let me be clear: I do not support a return to the old system of private prosecution. My only point is that we can cogently explain why the Framers did not include a single word on behalf of crime victims in the Constitution. And, given the relatively recent development in the United States of a system of 100% public prosecution, we can offer strong reasons to restore basic rights for victims in our criminal justice system.

Just so there is no more confusion on this point, let us return to Professor Allen Steinberg, a legal historian who researched and wrote a 326-page book on prosecutions in 19th century Philadelphia—the most in-depth study of private prosecution in the United States.

Did Professor Steinberg find that public prosecution was "standard" in Philadelphia even decades after the Constitution and Bill of Rights were adopted, as Senator LEAHY suggests? No. In fact, he found that victims directly prosecuted crimes in Philadelphia until at least 1875.

The fact that Professor Steinberg's research is on Philadelphia is undeniably important. Not only did the Framers live in Philadelphia while debating and drafting the Constitution, but many had resided there earlier as well.

For example, James Madison—sometimes called the Father of our Constitution—was not only a delegate at the Philadelphia Convention, he served in the Continental Congress in Philadelphia from March 1780 through December 1783. I have little doubt that Madison knew that the bulk of criminal prosecutions in Philadelphia consisted of private prosecutions. Here is what Professor Steinberg writes about private prosecutions in Philadelphia:

> [T]he criminal law did have a central place in the everyday social life of mid-nineteenth-century Philadelphia. Private prosecution—one citizen taking another to court without the intervention of the police—was the basis of law enforcement in Philadelphia and an anchor of its legal culture, and this had been so since colonial times . . . Well past mid-century, private prosecution remained popular among a broad spectrum of ordinary Philadelphians. Familiar and frequent, it was rooted in a complex political and legal structure that linked political parties, courthouses, saloons and other centers of popular culture, real crime and dangerous disorder, and ordinary disputes and transgressions of everyday life . . . Through the process of private prosecution, the criminal courts of Philadelphia developed a distinctive set of practices and a culture that was remarkably resilient in the face of constant official hostility and massive social change. . . .

He continues:

> Private prosecution refers to the system by which private citizens brought criminal cases to the attention of court officials, initiated the process of prosecution, and retained considerable control over the ultimate disposition of cases—especially when compared with the two main executive authorities of criminal justice, the police and the public prosecutor . . . Private prosecution . . . [was] firmly rooted in Philadelphia's colonial past. [It was an] example[] of the creative American adaptation of the English common law. By the seventeenth century, private prosecution was a fundamental part of English common law. Most criminal cases in England proceeded under the control of a private prosecutor, usually a relatively elite person, and often through a private society established for that purpose.

Professor Steinberg concludes that before the second half of the 19th Century, private prosecutions were the "dominant" mode of criminal justice in Philadelphia. He explains how this system worked:

> When a person wanted to initiate a criminal prosecution, he or she went off to the nearest alderman's office, complained, and usually secured a warrant for the arrest of the accused. After the alderman's constable escorted the defendant to the office, the alderman conducted a formal hearing, and the process was underway. Most often, private prosecutors charged their adversaries with assault and battery, larceny, or some form of disorderly conduct. Well before 1850, aldermen and litigants established patterns of case disposition that would last through most of the century. Most criminal cases were fully disposed of by the alderman . . .

Professor Steinberg also notes that:

> [m]uch of the time, people used the criminal law in their private affairs in order to combat a perceived injustice or to assert basic rights they felt were violated. There was no better example of this than battered wives. Women regularly brought charges against men for assault . . . Most often, . . . the batterer was punished in some manner . . . .

And what of the public prosecutor? Contrary to Senator LEAHY's suggestion that public prosecutors had consolidated control over prosecutions by the late 18th century, Professor Steinberg found that—even by the mid-19th Century—the Philadelphia public prosecutor did little more than act as a clerk to victims who were pursuing private prosecutions. Here is what Professor Steinberg found:

> One of the major reasons for the weakness of the court officials was the limited power of the public prosecutor. Most discretion was exercised by the magistrates and private parties, some by the grand and petit juries, and little by anyone else. As late as the mid-1860s, for example, jurists agreed that, despite their importance on the streets, the police had no role in ordinary criminal procedure. More importantly, the same was basically true for the district attorney. In an 1863 outline of criminal procedure, Judge Joseph Allison did not mention the police and gave no discretionary role to the district attorney in the "usual and ordinary mode of procedure." . . . . .The discretion of the private parties in criminal cases was not checked by the public prosecutor. Instead, the public prosecutor in most cases adopted a stance of passive neutrality. He was essentially a clerk, organizing the court calendar and presenting cases to grand and petit juries. Most of the time, he was either superseded by a private attorney or simply let the private prosecutor and his witnesses take the stand and state their case.

And the dominance of private prosecutions was certainly not unique to Philadelphia. Other legal historians who have sifted through court records have reached similar conclusions to Professor Steinberg.

In a 1995 article in the American Journal of Legal History, for example, Robert Ireland concluded that "By 1820 most states had established local public prosecutors. . . . Yet, because of deficiencies in the office of public prosecutor, privately funded prosecutors constituted a significant element of the state criminal justice system throughout the nineteenth century."

In a 1967 article in the New York University Law Review, William E. Nelson found that private prosecution was commonplace in a typical Massachusetts county between 1760 and 1810. Criminal trials, he writes, were "in reality contests between subjects rather than contests between government and subject."

And the list goes on: other scholars who have acknowledged the prevalence of private prosecution in the American colonies and fledgling United States include Richard Gasjins (Connecticut), Michael S. Hindus (Massachusetts and South Carolina), William M. Lloyd, Jr. (Pennsylvania), and Edwin Surrency (Philadelphia). Indeed, William F. McDonald notes in the American Criminal Law Review that a system of private prosecution was preferred by many around the time of the American Revolution because of a fear of tyranny associated with government prosecutors and because it was less expensive.

In the face of this overwhelming historical evidence that the bulk of prosecutions at the time of the Constitutional Convention were private, the Senator from Vermont suggested instead that public prosecutions were "standard." He relied on several sources for that conclusion: a four-page article in a legal encyclopedia and a few law review article quotes, one lacking citation and the rest citing the same four-page encyclopedia article.

Of particular importance seems to be a quotation from an article in the Rutgers Law Review that asserted that "[b]y the time of the Revolution, public prosecution in America was standard, and private prosecution, in effect, was gone." But reading closer, one finds that the support for this statement was none other than a statement in the oft-cited four-page encyclopedia article that "by the time of the American Revolution, each colony had established some form of public prosecution. . . ."

Again, however, we have seen that the mere existence of "some form of public prosecution" at the time of the American Revolution does not mean that public prosecution was "standard." And it certainly does not mean that public prosecutors handled the bulk of prosecutions or had much a prosecutorial role. They did not. Rather, the weight of historical evidence on this subject—a subject which has been extensively researched and reviewed by some of our country's most distinguished legal historians and other scholars—suggests that private prosecutions were dominant.

Mr. President, I am glad to have the chance to correct the historical record on this point. I have the utmost respect for my distinguished colleague from Vermont and I thank him for his thoughtful remarks on the history of prosecution in this country. However, I believe that my main point stands: we need to restore rights that crime victims enjoyed at the time the Framers drafted the Constitution and Bill of Rights.

IN RECOGNITION OF NATIONAL NEUROFIBROMATOSIS MONTH

Mr. ASHCROFT. Mr. President, I rise today to recognize May as the National Neurofibromatosis month. Neurofibromatosis (NF) is a genetic disorder that causes tumors to grow along nerves throughout the body. These tumors can lead to a number of physical challenges including blindness, hearing impairment, or skeletal problems such as scoliosis or bone deformities. In addition to these physical challenges, over 60 percent of those diagnosed with neurofibromatosis are also faced with learning disabilities ranging from mild dyslexia and ADD to severe retardation.

Anyone's child or grandchild can have NF. This disease affects one in

4,000 children, making it more prevalent than cystic fibrosis and hereditary muscular dystrophy combined. NF equally affects both sexes and all racial and ethnic backgrounds. Although 50 percent of the cases are inherited, half are spontaneous with no family history.

It is an honor to stand before this body and recognize May as National Neurofibromatosis month. I would also like to take this opportunity to recognize the Missouri Chapter of The National Neurofibromatosis Foundation, Inc. and their efforts to provide support to those who suffer from NF as they strive towards a cure.

VICTIMS' RIGHTS AMENDMENT OPPOSITION

Mr. LEAHY. Mr. President, during the debate last week on the proposed constitutional amendment on victims' rights, a number of editorials and thoughtful essays were printed in the RECORD. Because of the way in which the Senate ended its consideration of S.J. Res. 3, I did not have an opportunity to include in the RECORD all such materials. Accordingly, I included additional materials yesterday and do so again today, in order to help complete the historical record of the debate. I ask unanimous consent to have printed in the RECORD editorials from a number of sources around the country in opposition to the proposed amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Apr. 22, 2000]

Misguided Bill

Crime victims need justice and compassion, not the ability to usurp the rights of others.

If ever there was a likely booster for the cause of empowering crime victims, it's Bud Welch of Oklahoma City.

After his 23-year-old daughter, Julie, perished in the 1995 federal building bombing there, Mr. Welch recalls wanting to see the co-conspirators "fried" rather than tried in court.

But the latest push in Congress to enshrine a victims' bill of rights in the U.S. Constitution does not enjoy Bud Welch's support. Nor does it have the backing of numerous groups equally as concerned as Mr. Welch with seeking justice for victims.

The amendment's opponents include advocates for battered women, the families of murder victims—plus the nation's top state judges, civil-rights groups and veteran prosecutors.

All of them, whether knowingly or not, are heeding James Madison's wise directive that the Constitution be amended only on "great and extraordinary occasions."

This isn't one of those occasions.

These groups understand that the proposals before Congress would completely restructure federal and state criminal justice systems. As such, the victims' rights measure is dangerous to fundamental rights that protect all Americans. In the Oklahoma case that Mr. Welch knows so well, he cites the plea bargain that led to key testimony by an accomplice of Timothy McVeigh and Terry Nichols.

Had victims been able to contest that plea—as provided by the rights proposals in Congress—the case might have been more difficult to prosecute or might even have unraveled.

That's just a hint of the practical problems in according crime victims such rights as court-appointed counsel, a say in prosecution decisions, and the like. How could anyone think things are working so well in the nation's clogged criminal courts that they could handle this wrench tossed into the works?

There's a more fundamental problem, through, with giving crime victims a virtual place at the prosecutors's table.

It presumes the guilt of a person charged with a crime before the courts have spoken. With that, out the courtroom window goes a fair trail—and in comes a threat to all Americans' rights.

What crime victims are owed is compassion, the chance to seek compensation, consideration of the demands a trial places on their time and psyches, and a full measure of justice. That's the intent of victims' rights provisions already enshrined in law or state constitutions by all 50 states.

For instance, the Pennsylvania statute provides for notifying victims of court proceedings, allowing them to comment on—but not to veto—plea bargains, the right to seek restitution, and notification of post-conviction appeals and even convicts' escapes. These are good ideas that don't deprive rights.

Shame on Congress if it seriously considers a measure that could jeopardize the right to a fair trial. Ditto if the victims' rights cause is turned into just another cynical vehicle to make political hay—like the flag-burning nonsense.

The region's senators should not be party to that—no matter what their party.

[From the Providence Journal, Apr. 27, 2000]

The Quality of Justice

Bud Welch, whose daughter Julie was one of the 168 victims of the bombing of the Murrah Federal Building in Oklahoma City five years ago, testified before the U.S. Senate Judiciary Committee against the proposed Victims' Rights Amendment to the Constitution. "I was angry after she was killed that I wanted McVeigh and Nichols killed without a trial. I probably would have done it myself if I could have. I consider that I was in a state of temporary insanity immediately after her death. It is because I was so crazy with grief that I oppose the Victims' Rights Amendment."

Mr. Welch is right. Giving the victims of crime the constitutional right to influence bail decisions and plea agreements would turn the principle of innocent until proven guilty, the foundation of the American system of justice embodied in our Bill of Rights, on its head. Other countries, notably France, are still striving to incorporate this principle into their legal codes. It would come as a shock to see the United States move away from it, a move that would be rightly perceived as a step backward into law's dark, despotic past—the days of an eye for an eye and a tooth for a tooth.

If that seems a hard indictment of an amendment that sounds so eminently reasonable and fair, consider the provision granting victims the right to a trial "free of unreasonable delay." The very phrase should send chills down the spine. One person's "expedited" trial is another's "legal lynching," to borrow Supreme Court Justice Clarence Thomas' phrase. And, like most amendments to the Constitution, there is no telling where this amendment would lead. Would an assault against a Ku Klux Klan member marching with thousands of co-bigots mean that the state has to notify and consult with every racist marcher "victim" in prosecuting the criminal?

The United States is a country that abhors the miscarriage of justice. It is, or should be, the key element of our national character. No one would contend that it is good that victims sometimes suffer further in the administration of justice, and proponents of this amendment, such as Mothers Against Drunk Driving, fight a noble cause in trying to protect the rights of victims in the justice system. But amendment the Constitution is not the way to do it. Victims' rights laws are on the books in 35 states, including Rhode Island. Strengthen and enforce these laws. That is the way to ensure all Americans, victims and accused, have a fair trial.

[From the Richmond Times-Dispatch, Apr. 16, 2000]

Differently Situated

Complaints about partisan rancor in Congress are commonplace. But sometimes it's even worse when Republicans and Democrats agree.

Take the resolution sponsored by Republican Senator John Kyl and Democrat Dianne Feinstein. It proposes a victims' rights amendment to the Constitution guaranteeing a right to be notified of, attend, and testify at the defendant's trial. Thirty-three states already codify such protections, and there is little wrong with them. But an amendment would sully the Constitution with (to borrow a turn of phrase) a new indoor record for missing the point.

At a recent news conference supporting the proposed amendment, Mothers Against Drunk Driving president Millie Webb said, "Many Americans don't realize that victims have no guaranteed rights under our current law," whereas "the system caters to the rights of defendants." Such statements—with which many Americans, including 41 Senate co-sponsors of the Kyl-Feinstein resolution, would agree—reflect a cavernous lack of understanding regarding the machinery of justice in America.

That machinery exists for the very purpose of defending rights, such as the right to physical safety and the right to property. Legislatures pass laws forbidding assault, murder, theft, fraud, and a host of other crimes. Policemen patrol the streets to prevent those crimes. When a crime is committed and a victim created, police hunt down the likeliest suspect and arrest him.

Government attorneys then prosecute. The courts sit in judgment, impose prison time, and order restitution where appropriate. Corrections departments imprison—and sometimes execute—offenders, not only to punish them for the misdeed in question but also to prevent them from violating the rights of additional victims. This vast legislative, judicial, and executive machinery expends a great amount of time and energy to guarantee the rights of innocent citizens.

The procedural rights of defendants exist for a good reason. The right to trial by jury, the right to an attorney, the right to an appeal, the right not to have a confession beaten out of you—all are in place because a defendant stands in a markedly different position from a crime victim. The state wields its immense coercive power on behalf of the victim—and against the defendant.

Some mechanism is necessary to ensure that powerful machinery does not run out of control and crush someone it should not. Though they sometimes are abused, the constitutional protections guaranteed to a defendant are not catering to the guilty, but to the innocent. They exist to make sure the apparatus functioning on behalf of victims does not create another one, or several other ones. If sloppy law enforcement sends an innocent person to prison, then it leaves the real perpetrator free—to strike again.

[From the Seattle Post-Intelligencer, Apr. 21, 2000]

Victim Amendment Undoes Prior Work

With the drive to enshrine its tenets in the U.S. Constitution, the victims' rights movement is in danger of undoing much of the good it has done.

Granted, the proposed amendment to the Constitution, which is scheduled for a vote Tuesday in the U.S. Senate, is emotionally appealing. If approved by Congress and ratified by three-fourths of the state legislatures, the amendment would, among other things, require that victims be notified of any court proceedings involving their accused assailants and be told of an offender's release or escape.

These provisions are fairly innocuous; others in the far-reaching proposal are not.

For example, the amendment would give victims the right to attend all public proceedings stemming from the crime. But there are compelling reasons for victim witnesses to be excluded from the courtroom except when they are testifying. Their presence could bias the testimony of other witnesses sympathetic to what the victims have endured, and on hearing other witnesses testify, victims might tailor their own testimony to minimize any inconsistencies.

Another new "right" would authorize victims to submit a statement at all public proceedings held to accept a negotiated plea. That risks the possibility of victims becoming equal partners with prosecutors in deciding when to plea-bargain cases. Therein lies the crux of our objections.

The government prosecutes crimes on behalf of the community, not just victims, even though victims routinely suffer the greatest toll. It is the community's best interests that should receive the highest consideration by prosecutors.

One surprising opponent of the amendment voiced his concerns simply: "I think crime victims are too emotionally involved," said Bud Welch of Oklahoma City, whose daughter died in the bombing of the federal courthouse there.

Welch and his organization, Citizens for the Fair Treatment of Victims, are joined in opposing the proposal by the National Coalition Against Sexual Assault, the National Network to End Domestic Violence and Murder Victims' Families for Reconciliation.

Already, 32 states have passed victims' rights statutes or amendments to their state constitutions. This is how it should be, as the vast majority of crimes are prosecuted on the state level. It is far too radical a step to amend the federal Constitution for what is essentially a state matter.

All victims' rights run the risk of being diluted if this proposal becomes the 28th amendment to the U.S. Constitution. That should convince Washington's senators, Democrat Patty Murray and Republican Slade Gorton, to vote no Tuesday.

[From the South Bend Tribune, Apr. 27, 2000]

Proposed Victims' Rights Amendment Is Misguided

A proposed constitutional amendment to codify rights for crime victims may be sincere in intent, but it is misguided and should be defeated when the Senate votes today.

The most sacred tenet of the United States' system of justice says that all those accused are innocent until proven guilty. The Victims' Rights Amendment could jeopardize that constitutional protection by giving victims an active role in virtually every stage of prosecution, from plea bargaining to punishment and parole.

Under terms of the amendment, victims would be allowed to remain present in the courtroom throughout a trial, even if they are witnesses for the prosecution.

Crime victims deserve sympathy and support, but inserting them into the criminal justice system as proposed in this amendment is an invitation to substitute vengeance for justice. If Congress wants to establish a fund to help victims recover emotionally, physically and financially it should do so. It should not, however, seek to alter core principles of the law.

Congress is developing an annoying tendency to legislate by pandering to the public's feelings as a substitute for thoughtful consideration. Amending the Constitution may create many unintended consequences and should not be undertaken when there are other ways to reach the goal desired.

[From the St. Petersburg Times, Apr. 25, 2000]

A Wrong Set of Rights

The so-called Victims' Rights Amendment isn't all that it seems. Politically motivated, it would tilt cases in favor of prosecutors and strike a blow to constitutional guarantees of due process and fairness for the accused.

The Constitution was purposely made hard to amend to shield it from political whims, but that hasn't stopped Congress from trying to alter this great document. In this 106th Congress, at least 53 constitutional amendments have been introduced concerning every hot-button issue from flag burning to school prayer. The latest assault on individual rights is the so-called Victims' Rights Amendment, a wrongheaded attempt to give crime victims rights in criminal proceedings.

The amendment is popular because any measure that appears to favor victims over criminals is going to sail through Congress. But the amendment has more to do with political pandering than conscientious lawmaking. This helping hand for crime victims is really about tilting the balance in favor of prosecutors. It would substantially reduce the Constitution's guarantees of due process and fairness for the criminally accused.

While victims often complain that they are ignored or mistreated by the criminal justice system, there are fixes short of amending the Constitution. Florida, for example, has codified victims' rights in statute and made it part of the state Constitution. A caveat, though, prevents the exercise of victims' rights from interfering with the defendant's constitutional rights. But if the federal Constitution were amended, this key protection for defendants would be nullified.

Among the disturbing provisions, the Victims' Rights Amendment would give crime victims the right to be present at any public proceeding, to expect a trial free from unreasonable delay and to have their safety considered relative to a defendant's release from custody. While these measures don't sound excessive on their face, they could seriously handicap a defendant's right to a fair hearing.

For example, a victim who demands to sit in on every day of trial could also be a key witness to the crime. By listening to all other testimony, he could tailor his comments to avoid inconsistent statements—complicating the defense's job.

Similar problems arise in interpreting the victim's right to a quick resolution. A victim's demand for speed could truncate the defense attorney's time to prepare for trial, making it difficult to present a full defense. It is also unclear how the victim's right to a speedy resolution would impact the defendant's right of habeas corpus. Habeas claims of wrongful imprisonment sometimes comes many years after conviction.

Multiple concerns also are raised by the provision requiring that the safety of victims be considered before a defendant is released. At minimum, the accused could be denied reasonable bond, but the provision could also give the state the power to hold prisoners indefinitely after their prison terms based on some minimal showing of fear by the victim.

The amendment is scheduled to come up for action in the Senate this week, and if it passes by the two-thirds majority necessary, it's expected to fly through the House. The amendment would then need to be passed by three-fourths of state legislatures before becoming part of the Constitution. Florida's Republican Sen. Connie Mack has already signed on as a sponsor, but Democrat Bob Graham, as usual is waiting until the last minute to reveal his position.

What seems to elude amendment supporters is that the rights of defendants are not enshrined in the Constitution to protect criminals. They are there to ensure that those falsely accused by government get a fair trail. So really the Constitution already provides for victims' rights: victims of overzealous government prosecution, that is.

[From the Wichita Eagle, Apr. 27, 2000]

Not Again—Victim's Rights Don't Merit Constitutional Amendment

There's no question that victims of crimes too often feel victimized a second time by the justice system. Look at the parents of the students killed at Columbine High School: Their frustration with the Jefferson County sheriff's department over access to videotape and records has rightly provoked multiple lawsuits—and compounded their grief.

But the instances in which victims are wronged by authorities hardly justify the ultimate legal remedy in America—an amendment to the Constitution.

That's the conclusion that once again should be reached by both the U.S. Senate, which moved ahead this week with debate on the proposed Victims' Rights Amendment, and the House, which has a similar measure pending in committee.

Supporters such as Sen. Dianne Feinstein, D-Calif., argue that the Constitution currently guarantees 15 rights to criminal defendants yet extends none to victims. They want to equalize the importance of defendant and victim, guaranteeing the latter the right to be present at court hearings, speak at sentencing, have a say in plea agreements, see the cases resolved quickly and seek restitution.

But the proposed amendment is rife with problems:

It would step on existing statutory and constitutional safeguards in 32 states, including Kansas.

It could end up conflicting with or compromising defendants' rights.

It lacks even the support of some advocacy groups such as Victim Services, which is focusing its resources and energy elsewhere.

And, as Senate Minority Leader Tom Daschle, D–S.D., noted, it "is longer than the entire Bill of Rights."

Authorities obviously need to do a better job respecting and enforcing existing state victims'-rights laws and taking pains not to treat victims like afterthoughts. But there are good reasons why the 11,000 attempts to amend the Constitution over the defining document's 213-year history have succeeded only 27 times. The plight of crime victims is heartrending, but it should be dealt with by appropriate laws, not by this kind of intensive meddling with the Constitution.

[From the Winston-Salem Journal, Apr. 27, 2000]

Victims' Rights

The victims of violent crimes and their loved ones often have reason to feel that they have fewer rights under the justice system than does the criminal. Many victims say that they feel victimized all over again by the time the court proceedings are done. Clearly there is much that ought to be done to ensure that courts and related offices treat victims with respect, compassion and efficiency. But a victims' rights amendment to the U.S. Constitution, under discussion this week in the Senate, is the wrong way to make those improvements.

It's a bad idea to amend the Constitution for a problem that could be handled by less sweeping and less permanent legislation. The Constitution has remained strong for more than 200 years precisely because the Founders did not address the details of every issue that might arise. It is unwise to amend it to deal with problems that can be addressed through less drastic means.

Even more important, the drive for a victims' rights amendment is based on a misunderstanding of the role of the criminal-justice system. The courts are set up to protect the rule of law and the greater interests of society, not to exact personal vengeance. When a criminal is sentenced to imprisonment or some other punishment, he is paying his debt to society, not to the victim. He is being punished for violating the rule of law that we all agree to as citizens for our mutual protection.

Advocates of an amendment argue that the Constitution establishes many rights of the accused, but none for victims. But the Constitution is designed to provide the protection of laws and fair and efficient justice for all. Crime victims are suffering because a law has been broken, and the function of the courts is to punish the lawbreaker. The rights of the accused are spelled out because defendants are in danger of having rights taken from them as punishment. Though the victims of crimes deserve public sympathy and support, they do not deserve special treatment by the legal system.

The move for victims' rights has arisen out of frustrations when the court system, far from giving victims special treatment, seems to disregard them. Among the rights in the proposed amendment would be notification of proceedings, speedier proceedings and notification of release or escape of an offender.

Some of these rights exist but aren't honored because of overcrowded courts and lack of staff. Those are problems that Congress and state legislatures can address without an amendment. They can also pass laws to make things more smooth and comfortable for victims and to give victims a voice in such proceedings as parole hearings. Some laws providing restitution are appropriate.

A constitutional amendment is not needed to achieve any of these worthy goals. Senators should make it clear that they support the goals but don't want to pursue them in the wrong way.

[From the Washington Times, May 2, 2000]

Constitutional Pandora's Box

(By Debra Saunders)

Just when you thought that Congress was a totally craven institution full of pandering pols who would sell out the Constitution for a friendly story on Page 3 of the local paper, the Senate up and takes a stand on principle. An unpopular stand even.

I refer to a proposed Crime Victims' Amendment to the Constitution. Last week, Senate sponsors Dianne Feinstein, California Democrat, and Jon Kyl, Arizona Republican, pulled a vote on the measure because they didn't have the two-thirds vote needed for passage. Finally, some good news.

Of course, I support crime victims' rights, and the stated goals of the measure. The amendment, among other things, would give victims the right to be notified of legal proceedings where they would have a right to be heard, to be notified if a perp is released or escapes, and to weigh in on plea bargains.

As Mrs. Feinstein explained in a statement, "The U.S. Constitution guarantees 15 separate rights to criminal defendants, and each of these rights was established by amendment to the Constitution. But there is not one word written in the U.S. Constitution on behalf of crime victims."

I, for one, value that omission. The Founding Fathers wrote the document when being a victim was not a badge of honor. If it were written today in the decade of the victim, the Constitution probably would read like a 12-step pamphlet.

More importantly, while the Constitution does not pay homage to victims' rights per se, the entire process of prosecution, of using the government to exact punishment for wrongdoing against individuals, recognizes the government's responsibility to protect citizens from lawless individuals.

Of course, there have been some victim horror stories that give the measure legitimacy. One need look no further than Littleton, Colo., where authorities have sold videotapes of the bloodstained high-school shooting crime scene for $25. This is a true outrage, but it is best remedied by parents suing the daylights out of these cruel civil servants.

'Tis better to sue than to revamp the U.S. Constitution. Law enforcement generally is a local matter. A constitutional amendment then would give federal judges another excuse to butt in and tell local lawmen and women what to do. No thanks.

I'll add that because a constitutional amendment has so much force, and is so difficult to change, there must be a compelling reason to pass it, and lawmakers should have a clear idea of its effects.

But it's not clear how judges would interpret it. The American Civil Liberties Union's Jennifer Helburn argues that some judges, for example, could interpret the right of victims to "be present, and to submit a statement' at all public legal proceedings to mean indigent victims would have a right to publicly funded legal representation.

The ACLU also warns the provision could "allow victims to be present throughout an entire trial, even if they are going to be witnesses." A Senate aide explained a judge would determine whether victims could be present before testifying or could testify first, and then attend the rest of the trial. So, the provision could make life harder for prosecutors. Not good.

Legal writer Stuart Taylor Jr. of the National Journal worries that mandating victim output—even if it is not mandatory that prosecutors obey it—could scuttle plea bargain arrangements that might be unpopular but result in a better outcome than letting murderers walk free.

Sen. Fred Thompson, Tennessee Republican, warned that the measure is "very, very disruptive in ways that there is no way we can possibly determine. We are opening up a Pandora's box."

Except, last week, the Senate didn't open up Pandora's box. And in not opening the box, it nonetheless released one precious item: hope.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 1, 2000, the Federal debt stood at $5,660,725,641,944.27 (Five trillion, six hundred sixty billion, seven hundred twenty-five million, six hundred forty-one thousand, nine hundred forty-four dollars and twenty-seven cents).

Five years ago, May 1, 1995, the Federal debt stood at $4,860,333,000,000 (Four trillion, eight hundred sixty billion, three hundred thirty-three million).

Ten years ago, May 1, 1990, the Federal debt stood at $3,082,585,000,000 (Three trillion, eight-two billion, five hundred eighty-five million).

Fifteen years ago, May 1, 1985, the Federal debt stood at $1,744,028,000,000 (One trillion, seven hundred forty-four billion, twenty-eight million).

Twenty-five years ago, May 1, 1975, the Federal debt stood at $516,680,000,000 (Five hundred sixteen billion, six hundred eighty million) which reflects a debt increase of more than $5 trillion—$5,144,275,641,994.27 (Five trillion, one hundred forty-four billion, two hundred seventy-five million, six hundred forty-one thousand, nine hundred ninety-four dollars and twenty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO THE NAVY NURSES OF THE KOREAN WAR

• Mr. INOUYE. Mr. President, I am deeply honored to rise in tribute to over 3,000 courageous professional Navy Nurses of the Korean War, undaunted in the face of danger, who unselfishly answered the call of duty. They came from every corner of the nation. They came from all walks of life. They joined the Navy because they wanted to serve their country. They wanted to share their professional nursing skills and to care for those injured in body, mind and spirit.

The Navy nurses of the Korean War claim they did nothing special, they were just doing their job. But in the hearts of all who served with them, the doctors and the corpsmen, and their patients, Navy Nurses of the Korean War are true American heroes.

During the Korean War, whole blood could only be kept for eight days. Hospital ships were in Korean waters for weeks, months. Navy nurses gave their own blood for patient transfusions. Many aboard the hospital ship *Haven* were found to be anemic from giving so much of their blood for the injured.

Nurses worked around the clock during the mass casualties brought in from battles like Chosin Reservoir. Many times they worked 96 hours with just two hours of sleep in between swells of patients. Ever resilient and effervescent, Navy Nurses of the Korea War volunteered to assist orphanages in Inchon and Pusan caring for sick and wounded children. Severely injured children were brought back to hospital ships for surgery like having shrapnel removed from head wounds.

Nurses ventured into POW camps to ensure that children in these camps were treated and inoculated. Whether the nurses were stationed close to the fighting aboard hospital ships in Korean waters, at Naval Hospital Yokosuka, Japan, at other medical facilities in the Far East or on the home front, nurses were always there for their patients . . . their patients always came first.

Fifty years ago, Navy Nurses who served during the Korean War came home to quietly live their lives. For fifty years our nation has not known about this group of patriotic nurses who volunteered to serve our country. And they did it because they wanted to. They did it because they cared about our nation. They did it because they wanted to share their nursing skills. They did it because of their respect for life.

Let us not wait a day longer. Let us remember how these courageous, patriotic women answered the call of their country. And let us remember those Navy nurses who made it home in spirit only to live on in the hearts of family, friends and their fellow countrymen. Let us remember those Navy Nurses of the Korean War who are now in nursing homes and long-term care facilities. These nurses who once fought so valiantly to save the lives of their patients, now fight each day for their own survival.

Navy Nurses of the Korean War, you are forgotten no more. You shall remain in the hearts and spirits of all Americans. Let your story be told. Let your story be heard. Let your story be preserved in our history and remembered for decades to come. Your sacrifices and uncommon valor sparks the fire of patriotism, the foundation of our nation.

Navy Nurses of the Korean War, your unfaltering commitment of service to our country brings pride and honor to us. Mr. President, I ask my colleagues in the Senate to join me in remembering these quiet heroes—the Navy Nurses of the Korean War.

Navy Nurses of the Korean War . . . thank you from the bottom of our hearts. You are our heroes. You are forever remembered in the hearts and souls of your fellow countrymen. You are forever remembered in the history of our Nation.●

SALUTING ROGER DECAMP

● Mr. MURKOWSKI. Mr. President, I rise to salute the achievements of a man who has dedicated most of his life to improving the quality and safety of Alaskan and Pacific Northwest seafood, and whose efforts have made a positive and permanent impact on America's food industry.

Roger DeCamp is by no means a household name. Roger has never sought recognition or fame. Yet it is not too much to say that he has made a profound contribution to the welfare of America's seafood consumers.

In just a few short weeks, Roger DeCamp will retire as the Director of the National Food Processors Association Northwest Laboratory, in Seattle, Washington.

In 1960, Roger joined the Association as a microbiology and processing engineer. In 1964, he moved to Seattle to become the head of the microbiology and thermal processing division at the Northwest facility, and in 1971, he became the assistant director for the entire facility. He has been the director since 1981.

Unlike some who achieve senior positions, Roger has not ceased his work "in the trenches." He has remained accessible to anyone who needed his assistance, and as one of the most knowledgeable individuals in the world about seafood quality control and safety, his advice has been widely sought.

One of the major achievements in Roger's career has been the modernization and direction of the Canned Salmon Control Plan, which assures the safety and integrity of the millions and millions of pounds of canned salmon produced annually in Alaska, and which is shipped worldwide. Canned salmon is one of the United States' most successful seafood exports. That success owes a great deal to the control plan, which gives buyers everywhere the confident knowledge that American canned salmon is a wholesome and beneficial protein source.

Under Roger's direction, the Canned Salmon Control Plan, with participation from industry, the Food and Drug Administration, and the National Food Processors Association, received the Vice-Presidential Hammer award for its unique approach to meeting the highly complex, technical, and sometimes conflicting requirements of the industry and the government agencies that regulate it.

Roger has continually worked to modernize the practices and procedures of the industry, and has represented it with distinction in the development of regulatory guidelines at both the state and federal levels.

He provided much of the impetus and expertise that led to the development of new Alaska seafood inspection regulations, has counseled the Alaska Seafood Marketing Institute technical committee on seafood quality since its creation in 1981, and led the development of the Hazard Analysis/Critical Control Point approach to seafood processing. The latter revolutionized seafood safety requirements, and when put in place in Alaska, became the model on which later federal regulations were constructed for seafood products nationwide. This same technical approach is now being applied not just to seafoods, but to meats and other products as well.

Roger also has been active on international trade issues of critical importance to the seafood industry. Among other things, he played a crucial role in obtaining agreement on a method of certifying seafood for the European Union market without resorting to the imposition of new user fees on the industry.

Finally, it must be noted that the respect in which Roger's been held by both the industry and by government regulators has been key to the successful negotiation of scientific and technical agreements between the industry and the Food and Drug Administration, to the maintenance of a strong working relationship between them, and to the federal agency's willingness to work cooperatively on even the most complex and technical issues of food handling and safety.

In no small way, both his industry and his country owe a debt of thanks to Roger DeCamp.●

HONORING THE NEVADA KNIGHTS OF COLUMBUS FOR NINETY YEARS OF SERVICE

● Mr. BRYAN. Mr. President, I rise today to recognize the Knights of Columbus of Nevada, which will be celebrating their 90th anniversary on May 10, 2000.

The history of the Knights of Columbus stretches back 118 years, when Father Michael J. McGivney founded the fraternal order in New Haven Connecticut on March 29, 1882. Since the order's founding, the Knights of Columbus have promoted the Catholic faith and have practiced the principles of charity, unity and fraternity.

When Father McGivney passed away in 1890, there were 5,000 Knights of Columbus located in 57 councils in New

England. Today, the Knights of Columbus are the largest Catholic lay fraternal organization in the world and has 1.6 million members in the United States and twelve other nations around the world. Members of the organization and their families donate over $100 million to charities in addition to the 50 million hours of their own time that they volunteer each year.

Since May 10, 1910 in the State of Nevada, the Knights of Columbus have been committed to the highest ideals and principles of humanitarianism, and it gives me great pleasure to congratulate them on nine decades of volunteer service that has certainly enhanced and improved the quality of life for all Nevadans.

Mr. President, the members of the Knights of Columbus of Nevada, are truly deserving of recognition for their nearly century-long dedication to promoting the teachings of the Catholic Church, and for living those teachings by serving those in need in their community. I hope my colleagues will join me in offering congratulations to the Brother Knights and their families on the occasion of their 90th anniversary, and in wishing them continued success.●

HONORING VETERANS ADMINISTRATION NURSES

● Mr. SANTORUM. Mr. President, as we prepare to celebrate National Nurses Week during the week of May 6 through May 12, 2000, I would like to give special recognition to the dedicated nurses who serve the largest healthcare system in the world, the Veterans Health Administration. I rise today to recognize our Veterans Administration nurses for the critical care which they have provided throughout our nation's history and continue to provide today.

The first VA nurses served the needs of veterans of the Spanish-American War and World War I. In the 1930's, the VA Nursing Service was created, and employed 2,500 registered nurses. Throughout World War II, Korea, Vietnam, and the Persian Gulf War, VA nurses continued the tradition of outstanding service to our nation's veterans. The number of VA nurses has grown substantially, and today the Veterans Health Administration employs 34,000 registered nurses and 26,000 licensed practical nurses and nursing assistants, serving an average of 25 million outpatients and 1 million inpatients annually. The VA Nursing Service maintains its tradition of excellence by encouraging nurses to pursue higher education, and was a forerunner in introducing advanced employment and educational policies. These trained professionals work in a nationwide system of VA health facilities located throughout the continental United States and its territories.

I have been privileged to personally witness the hard work and dedication of Veterans Administration nurses. From 1946 until 1985, my mother served as a VA nurse at several hospitals including Aspinwall Veterans Hospital in Pittsburgh, Pennsylvania and Butler Veterans Hospital in Butler, PA. As Chief of Nursing for 32 years, my mother can attest to the commitment which is typical of VA nurses everywhere. During times of low funding and limited staffing, VA nurses worked harder than ever to care for the needs of their patients. While my experience on the Senate Armed Services Committee has served as affirmation of the dedication of Veterans Administration nurses, it pales in comparison to the hard work and sacrifice that I personally witnessed as the son of a VA nurse.

As we celebrate National Nurses Week, it is imperative that we remember those who have faithfully served and continue to care for our Nation's veterans.●

TRIBUTE TO REVEREND JAMES A. SCOTT

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Rev. James A. Scott on the occasion of his retirement as Pastor of the Bethany Baptist Church in Newark, NJ.

For more than three decades, Rev. James A. Scott has devoted his life to building a new legacy for the Bethany Baptist Church congregation and the Newark community. Since its founding in 1871, Bethany Baptist has evolved into an international network. The church's more than 2,000 members represent 22 different countries, including many in the Caribbean and Africa. Under Reverend Scott's leadership, Bethany Baptist helped establish a daughter church in Johannesburg, South Africa, and renovated a church in Cuba. The church also provides scholarship funds for students to attend the Moscow Baptist Seminary, and it educates primary students in Kenya.

Reverend Scott is not just building bridges to the international community, he is also playing a major role in the rebirth of Newark and surrounding areas. In the Roseville Avenue neighborhood, for example, Reverend Scott's church helped build 100 affordable homes. His church also helped build a community outreach building in Newark as well as the Newark-Bethany Christian Academy Day School.

These facilities have created a sense of stability and rootedness in their respective neighborhoods. Low-income families now have new housing options and new reasons to feel proud of where they live.

Reverend Scott's commitment to Newark is unsurpassed. I hope that Bethany Baptist Church will be inspired by his example to achieve even higher goals. I salute Reverend Scott on his retirement and wish him well.●

TRIBUTE TO GRACE WALSH

● Mr. FEINGOLD. Mr. President, today I pay tribute to the memory of Grace Walsh of Eau Claire, WI, who passed away on Monday, April 24. I will remember Grace as a wonderful person and brilliant teacher, someone who taught me lessons in debate and in life that I have relied on so often throughout my career in public service.

Grace coached her debate team to six national championships at the University of Wisconsin-Eau Claire, where she co-founded the Speech Department and served as both a professor and director of forensics. During the summer of 1970 when I was still in high school, I was lucky enough to study debate with Grace at the Eau Claire Debate Institute. Grace was a consummate teacher who brought out the best in her students, and a fierce competitor who built a debating dynasty in Eau Claire. With warmth, wit, and a mastery of forensics, Grace quickly won her students' respect. While small in size, Grace was commanding in stature, thanks to her keen understanding of how to coach winning debaters. "Always slip them the blade nicely," she told us.

Many years after I attended that summer debating program at Eau Claire, I saw Grace again. I gave a talk in Eau Claire after I won an upset victory in the Democratic primary in 1992, and who was in the front row but Grace Walsh, urging me again to "slip them the blade nicely, Russell." She was still coaching me, and displaying a love of debate that made her a coaching legend in Wisconsin and around the country.

Grace passed away last week at the age of 89, but her spirit lives on through all those who knew her and had the opportunity to learn from her. As her student, I am grateful for her guidance, and as a Wisconsinite, I am proud of her many achievements. Her work did honor to our state, and I think it only fitting that we pause to honor and remember her here today.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 102

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 2000.*

MESSAGE FROM THE HOUSE

At 10:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3439. An act to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

H.R. 3615. An act to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

H.R. 4199. An act to terminate the Internal Revenue Code of 1986.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4199. An act to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3615. An act to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8711. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS-LIFO Department Store Indexes-March 2000" (Rev. Rul. 2000-25), received April 28, 2000; to the Committee on Finance.

EC–8712. A communication from the Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Federal Health Care Programs; Fraud and Abuse; Statutory Exception to the Anti-Kickback Statute for Shared Risk Arrangements" (RIN0991-AA91), received April 19, 2000; to the Committee on Finance.

EC–8713. A communication from the Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Clarification of the Safe Harbor Provisions and Establishment of Additional Safe Harbor Provisions Under the Anti-Kickback Statute" (RIN0991-AA46), received April 19, 2000; to the Committee on Finance.

EC–8714. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Analysis of the Impact on Welfare Recidivism of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Child Support Arrears Distribution Policy Changes"; to the Committee on Finance.

EC–8715. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Hospital Outpatient Services" (RIN0938-AI56), received April 28, 2000; to the Committee on Finance.

EC–8716. A communication from the Employment Standards Administration, Office of Labor-Management Standards, Department of Labor transmitting, pursuant to law, the report of a rule entitled "Labor Organization Annual Financial Reports: Correction" (RIN1215-AB29), received April 28, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8717. A communication from the National Committee on Vital and Health Statistics transmitting, pursuant to law, a report entitled "Third Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act"; to the Committee on Health, Education, Labor, and Pensions.

EC–8718. A communication from the President of the United States of America, transmitting, pursuant to the Nuclear Non-Proliferation Act of 1978, a report on efforts to prevent nuclear proliferation for the period of January 1, 1998 and December 31, 1998; to the Committee on Foreign Relations.

EC–8719. A communication from the National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, a report entitled "Draft Operations Plan and Environmental Assessment for the Stabilization, Selective Recovery and Archaeological Investigation of the USS Monitor"; to the Committee on Commerce, Science, and Transportation.

EC–8720. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the extent to which Coast Guard regulations concerning oils, including animal fats and vegetable oils, carry out the intent of the Edible Oil Regulatory Reform Act; to the Committee on Commerce, Science, and Transportation.

EC–8721. A communication from the Administrative Office of the United States Courts transmitting, pursuant to law, the annual report for calendar year 1999; to the Committee on the Judiciary.

EC–8722. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 64 FR 1523; 01/11/99", received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8723. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 53936; 10/05/99" (FEMA Docket No. 7297), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8724. A communication from the Division of Corporate Finance, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled "Use of Electronic Media" (RIN3235–AG84), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8725. A communication from the Office of Foreign Assets Control, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions Regulations: Licensing of Imports of, and Dealings in, Certain Iranian-Origin Foodstuffs and Carpets" (31 CFR Part 560), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8726. A communication from the Division of Investment Management, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled "Custody of Investment Company Assets Outside of the United States" (RIN3235–AH55), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8727. A communication from the Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Emergency Oil and Gas Guaranteed Loan Program; Conforming Changes" (RIN3003–ZA00), received April 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8728. A communication from the Emergency Steel Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Emergency Steel Guaranteed Loan Board; Conforming Changes" (RIN3003–ZA00), received April 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8729. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance; 64 FR 20090; 04/14/2000" (FEMA Docket No. 7730), received April 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8730. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Accrual Method Exception for Qualifying Small Taxpayers" (Rev. Proc. 2000–22), received April 26, 2000; to the Committee on Finance.

EC–8731. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled

"Indirect Food Additives: Adhesives and Components of Coatings" (98F–0675), received April 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8732. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Osteopathic Medical Oncology", received April 27, 2000; to the Committee on Finance.

EC–8733. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC–8734. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (SPATS No. WV–080–FOR), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8735. A communication from the Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Letter; Small Business Programs" (AL 2000–02), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8736. A communication from the Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Financial Management Clauses for Management and Operating (M&O) Contracts" (RIN1991–AB02), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8737. A communication from the Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations: Mentor-Protege Program" (RIN1991–AB45), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8738. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: TN–68 Addition" (RIN3150–AG30), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8739. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Energy Compensation Sources for Well Logging and Other Regulatory Clarifications—10 CFR Part 39" (RIN3150–AG14), received April 19, 2000; to the Committee on Environment and Public Works.

EC–8740. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Holtec HI-STORM 100 Addition" (RIN3150–AG31), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8741. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Enforcement Policy", received April 27, 2000; to the Committee on Environment and Public Works.

EC–8742. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: VSC–24 Revision" (RIN3150–AG36), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8743. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyridate; Pesticide Tolerance" (FRL # 6550–9), received April 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8744. A communication from the Secretary of Transportation, transmitting, the annual report of the Maritime Administration for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–8745. A communication from the National Marine Fisheries Service, Department of Commerce transmitting, pursuant to the Atlantic Tunas Convention Act of 1975, the 2000 annual report regarding Highly Migratory Species; to the Committee on Commerce, Science, and Transportation.

EC–8746. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework 33 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AN51), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8747. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 32 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AK79), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8748. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands", received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8749. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (PVSA) (USCG–1999–5040)" (RIN2115–AF69), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8750. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Atlantic Intracoastal Waterway, Mile 1021.9 and 1022.6, Palm Beach, FL (CGD07–00–037)" (RIN2115–AE47) (2000–0024), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8751. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sacramento River, CA (CGD11–00–002)" (RIN2115–AE47) (2000–0025), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8752. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Sunken Vessel JESSICA ANN, Cape Elizabeth, ME (CGD01–00–120)" (RIN2115–AA97) (2000–0007), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8753. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Merrimack River, MA (CGD01–99–029)" (RIN2115–AE47) (2000–0023), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8754. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Juan Harbor, PR (COTP San Juan 00–013)" (RIN2115–AA97) (2000–0008), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–486. A resolution adopted by the Senate of the General Assembly of the State of Iowa relative the Rock Island Arsenal; to the Committee on Armed Services.

SENATE RESOLUTION NO. 107

Whereas, the facilities of the Rock Island Arsenal employ several thousand people; reflect a greatly enhanced physical plant, machine tool inventory, and data processing capabilities; and comprise one of the largest weapons manufacturing arsenals in the world; and

Whereas, the Rock Island Arsenal has proven capable of producing many weapons systems at a lower cost than producers of such systems in the private sector; and

Whereas, the Defense Megacenter-Rock Island, located at the Rock Island Arsenal, has the significant ability to furnish a full range of automation services, including business, tactical, and logistical systems support; and

Whereas, the communities in the states of Illinois and Iowa which are located in the vicinity of the Rock Island Arsenal recognize and appreciate the contribution which the Rock Island Arsenal makes to the economic vitality and stability of the region; Now therefore, be it

Resolved by the Senate, That the United States Department of Defense, the United States Army, and the United States Congress are urged to place production work at the Rock Island Arsenal, and to consider increased utilization of the Arsenal's facilities, so that the capabilities of the Rock Island Arsenal, and economic vitality of the surrounding region, may be utilized to the fullest extent possible; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the United States Secretary of Defense, the Secretary of the Army, the Commander of Headquarters of the Army Materiel Command, the President, Majority Leader, and

Minority Leader of the United States Senate, the Speaker, Majority Leader, and Minority Leader of the United States House of Representatives, and to members of the Illinois and Iowa congressional delegations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2494. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BREAUX:

S. 2495. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mr. BREAUX:

S. 2496. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. LIEBERMAN):

S. 2497. A bill to provide for the development, use, and enforcement of an easily recognizable system in plain English for labeling violent content in audio and visual media products and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. FRIST):

S. 2498. A bill to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

TOBACCO SMUGGLING ERADICATION ACT OF 2000

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Tobacco Smuggling Eradication Act.

When Congress last debated tobacco legislation, Big Tobacco raised the specter of rampant smuggling to defeat the legislation. Of course, the public only found out recently that Big Tobacco itself is a major player in the smuggling game. A tobacco company executive recently pleaded guilty to money laundering charges in a case involving nearly $700 million worth of cigarettes on the Canadian black market. Although the company denies knowledge of the scheme, they clearly profited from it.

The best way to address smuggling concerns is to prevent any large-scale smuggling problem from arising in the first place. The Tobacco Smuggling Eradication Act contains several common-sense provisions to combat smuggling of tobacco products, and associated tax evasion.

The bill will require unique serial numbers on all tobacco product packages manufactured or imported into the United States, and will require all packages bound for export to be marked for export. Under current law, export-bound products that re-enter the U.S. too often avoid tax assessment, and are sold at discount, in competition with products on which taxes have been paid. Likewise, re-imported products under current law often evade counting for purposes of the multistate settlement, and thus cheat Americans twice—once in avoidance of tax, and again in avoidance of MSA assessment.

The bill would require retailers to maintain tobacco-related records, which may consist simply of ordinary business records. This provision would ensure that invoices for tax-paid tobacco products match sales, and that the retailer is not an outlet for product on which tax has not been paid.

The bill also would require wholesalers to keep records on the chain of custody of tobacco products. This requirement already exists for manufacturers, exporters, and importers. This requirement needs to be strengthened in order to ensure that product marked for export is not diverted back into the domestic market without appropriate taxes having been collected.

In addition, the bill would amend the Contraband Cigarette Trafficking Act, which assists states in enforcing and collecting their excise taxes, by lowering the threshold of jurisdiction to 30,000 cigarettes (from 60,000) and expanding it to cover other tobacco products. Federal law should ensure that states have the necessary tools to stop interstate bootleggers who routinely move tons of tobacco products from low-tax states to higher-tax states.

Mr. President, this is important legislation which would crack down on bootleggers and black marketeers. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco Smuggling Eradication Act of 2000".

TITLE I—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 101. AMENDMENT OF 1986 CODE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. IMPROVED MARKING AND LABELING.

(a) IN GENERAL.—Subsection (b) of section 5723 (relating to marks, labels, and notices) is amended—

(1) by striking ", if any," and

(2) by adding at the end the following: "Such marks, labels, and notices shall include marks and notices relating to the following:

"(1) IDENTIFICATION.—The Secretary shall promulgate regulations that require each manufacturer or importer of tobacco products to legibly print a unique serial number on all packages of tobacco products manufactured or imported for sale or distribution. Such serial number shall be designed to enable the Secretary to identify the manufacturer or importer of the product, and the location and date of manufacture or importation. The Secretary shall determine the size and location of the serial number.

"(2) MARKING REQUIREMENTS FOR EXPORTS.—Each package of a tobacco product that is exported shall be marked for export from the United States. The Secretary shall promulgate regulations to determine the size and location of the mark and under what circumstances a waiver of this paragraph shall be granted.".

(b) SALES ON INDIAN RESERVATIONS.—Section 5723 is amended by adding at the end the following new subsections:

"(f) SALES ON INDIAN RESERVATIONS.—The Secretary, in consultation with the Secretary of the Interior, shall promulgate regulations that require that each package of a tobacco product that is sold on an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)) be labeled as such. Such regulations shall include requirements for the size and location of the label.

"(g) DEFINITION OF PACKAGE.—For purposes of this section, the term 'package' means the innermost sealed container irrespective of the material from which such container is made, in which a tobacco product is placed by the manufacturer and in which such tobacco product is offered for sale to a member of the general public.".

SEC. 103. WHOLESALERS REQUIRED TO HAVE PERMIT.

Section 5712 (relating to application for permit) is amended by inserting ", wholesaler," after "manufacturer".

SEC. 104. CONDITIONS OF PERMIT.

Subsection (a) of section 5713 (relating to issuance of permit) is amended to read as follows:

"(a) ISSUANCE.—

"(1) IN GENERAL.—A person shall not engage in business as a manufacturer, wholesaler, or importer of tobacco products or as an export warehouse proprietor without a permit to engage in such business. Such permit shall be issued in such form and in such manner as the Secretary shall by regulation prescribe, to every person properly qualified under sections 5711 and 5712. A new permit may be required at such other time as the Secretary shall by regulation prescribe.

"(2) CONDITIONS.—The issuance of a permit under this section shall be conditioned upon the compliance with the requirements of this chapter and the Contraband Cigarette Trafficking Act (28 U.S.C. chapter 114), and any regulations issued pursuant to such statutes.".

SEC. 105. RECORDS TO BE MAINTAINED.

Section 5741 (relating to records to be maintained) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Every manufacturer",

(2) by inserting "every wholesaler," after "every importer,",

(3) by striking "such records" and inserting "records concerning the chain of custody of the tobacco products and such other records", and

(4) by adding at the end the following new subsection:

"(b) RETAILERS.—Retailers shall maintain records of receipt of tobacco products, and such records shall be available to the Secretary for inspection and audit. An ordinary commercial record or invoice shall satisfy the requirements of this subsection if such record shows the date of receipt, from whom tobacco products were received, and the quantity of tobacco products received.".

SEC. 106. REPORTS.

Section 5722 (relating to reports) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Every manufacturer", and

(2) by adding at the end the following new subsection:

"(b) REPORTS BY EXPORT WAREHOUSE PROPRIETORS.—

"(1) IN GENERAL.—Prior to exportation of tobacco products from the United States, the export warehouse proprietor shall submit a report (in such manner and form as the Secretary may by regulation prescribe) to enable the Secretary to identify the shipment and assure that it reaches its intended destination.

"(2) AGREEMENTS WITH FOREIGN GOVERNMENTS.—Notwithstanding section 6103 of this title, the Secretary is authorized to enter into agreements with foreign governments to exchange or share information contained in reports received from export warehouse proprietors of tobacco products if—

"(A) the Secretary believes that such agreement will assist in—

"(i) ensuring compliance with the provisions of this chapter or regulations promulgated thereunder, or

"(ii) preventing or detecting violations of the provisions of this chapter or regulations promulgated thereunder, and

"(B) the Secretary obtains assurances from such government that the information will be held in confidence and used only for the purposes specified in clauses (i) and (ii) of subparagraph (A).

No information may be exchanged or shared with any government that has violated such assurances.".

SEC. 107. FRAUDULENT OFFENSES.

(a) IN GENERAL.—Subsection (a) of section 5762 (relating to fraudulent offenses) is amended by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—Section 5762 is amended—

(1) by redesignating subsection (b) as subsection (c),

(2) in subsection (c) (as so redesignated), by inserting "or (b)" after "(a)", and

(3) by inserting after subsection (a) the following new subsection:

"(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—It shall be unlawful—

"(1) for any person to engage in the business as a manufacturer or importer of tobacco products or cigarette papers and tubes, or to engage in the business as a wholesaler or an export warehouse proprietor, without filing the bond and obtaining the permit where required by this chapter or regulations thereunder;

"(2) for an importer, manufacturer, or wholesaler permitted under this chapter intentionally to ship, transport, deliver, or receive any tobacco products from or to any person other than a person permitted under this chapter or a retailer, except a permitted importer may receive foreign tobacco products from a foreign manufacturer or a foreign distributor that have not previously entered the United States;

"(3) for any person, except a manufacturer or an export warehouse proprietor permitted under this chapter to receive any tobacco products that have previously been exported and returned to the United States;

"(4) for any export warehouse proprietor intentionally to ship, transport, sell, or deliver for sale any tobacco products to any person other than a permitted manufacturer or foreign purchaser;

"(5) for any person other than an export warehouse proprietor permitted under this chapter intentionally to ship, transport, receive, or possess, for purposes of resale, any tobacco product in packages marked pursuant to regulations issued under section 5723, other than for direct return to a manufacturer or export warehouse proprietor for repacking or for re-exportation;

"(6) for any manufacturer, export warehouse proprietor, importer, or wholesaler permitted under this chapter to make intentionally any false entry in, to fail willfully to make appropriate entry in, or to fail willfully to maintain properly any record or report that such person is required to keep as required by this chapter or the regulations promulgated thereunder; and

"(7) for any person to alter, mutilate, destroy, obliterate, or remove any mark or label required under this chapter upon a tobacco product held for sale, except pursuant to regulations of the Secretary authorizing relabeling for purposes of compliance with the requirements of this section or of State law.

Any person violating any of the provisions of this subsection shall, upon conviction, be fined as provided in section 3571 of title 18, United States Code, imprisoned for not more than 5 years, or both.".

(c) INTENTIONALLY DEFINED.—Section 5762 is amended by adding at the end the following:

"(d) DEFINITION OF INTENTIONALLY.—For purposes of this section and section 5761, the term 'intentionally' means doing an act, or omitting to do an act, deliberately, and not due to accident, inadvertence, or mistake, regardless of whether the person knew that the act or omission constituted an offense.".

SEC. 108. CIVIL PENALTIES.

Subsection (a) of section 5761 (relating to civil penalties) is amended—

(1) by striking "willfully" and inserting "intentionally", and

(2) by striking "$1,000" and inserting "$10,000".

SEC. 109. DEFINITIONS.

(a) EXPORT WAREHOUSE PROPRIETOR.—Subsection (j) of section 5702 (relating to definition of export warehouse proprietor) is amended by inserting before the period the following: "or any person engaged in the business of exporting tobacco products from the United States for purposes of sale or distribution. Any duty free store that sells, offers for sale, or otherwise distributes to any person in any single transaction more than 30 packages of cigarettes, or its equivalent for other tobacco products as the Secretary shall by regulation prescribe, shall be deemed an export warehouse proprietor under this chapter".

(b) RETAILER; WHOLESALER.—Section 5702 is amended by adding at the end the following:

"(q) RETAILER.—The term 'retailer' means any dealer who sells, or offers for sale, any tobacco product at retail. The term 'retailer' includes any duty-free store that sells, offers for sale, or otherwise distributes at retail in any single transaction 30 or less packages, or its equivalent for other tobacco products.

"(r) WHOLESALER.—The term 'wholesaler' means any person engaged in the business of purchasing tobacco products for resale at wholesale, or any person acting as an agent or broker for any person engaged in the business of purchasing tobacco products for resale at wholesale.".

SEC. 110. EFFECTIVE DATE.

The amendments made by this title shall take effect on January 1, 2000.

TITLE II—AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT

SEC. 201. AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT.

(a) DEFINITIONS.—Section 2341 of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "60,000" and inserting "30,000";

(2) in paragraph (4), by striking "and" at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

"(6) the term 'tobacco product' means cigars, cigarettes, smokeless tobacco, and pipe tobacco (as such terms are defined in section 5701 of the Internal Revenue Code of 1986); and

"(7) the term 'contraband tobacco product' means a quantity of tobacco product that is equivalent to or more than 30,000 cigarettes as determined by regulation, which bear no evidence of the payment of applicable State tobacco taxes in the State where such tobacco products are found, if such State requires a stamp, impression, or other indication to be placed on packages or other containers of product to evidence payment of tobacco taxes.

(b) UNLAWFUL ACTS.—Section 2342 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or contraband tobacco products" before the period;

(2) by striking subsection (b) and inserting the following:

"(b) It shall be unlawful for any person—

"(1) knowingly to make any false statement or representation with respect to the information required by this chapter to be kept in the records or reports of any person who ships, sells, or distributes any quantity of cigarettes in excess of 30,000 in a single transaction or tobacco products in such equivalent quantities as shall be determined by regulation, or

"(2) knowingly to fail to maintain records or reports, alter or obliterate required markings, or interfere with any inspection, required under this chapter, with respect to such quantity of cigarettes or other tobacco products."; and

(3) by adding at the end the following:

"(c) It shall be unlawful for any person knowingly to transport tobacco products under a false bill of lading or without any bill of lading.".

(c) Recordkeeping.—Section 2343 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after "transaction" the following: ", or, in the case of other tobacco products an equivalent quantity as determined by regulation,";

(B) by striking "60,000" and inserting "30,000"; and

(C) by striking the last sentence and inserting the following: "Except as provided in subsection (c) of this section, nothing contained herein shall authorize the Secretary to require reporting under this section.";

(2) in subsection (b)—

(A) by striking "60,000" and inserting "30,000"; and

(B) by inserting after "transaction" the following: ", or, in the case of other tobacco products an equivalent quantity as determined by regulation,"; and

(3) by adding at the end the following:

"(c)(1) Any person who ships, sells, or distributes cigarettes or tobacco products for resale in interstate commerce, whereby such cigarettes or tobacco products are shipped into a State taxing the sale or use of such cigarettes or tobacco products or who advertises or offers cigarettes or tobacco products for such sale or transfer and shipment shall—

"(A) first file with the tobacco tax administrator of the State into which such shipment is made or in which such advertisement or offer is disseminated, a statement setting for the person's name, and trade name (if any), and the address of the person's principal place of business and of any other place of business; and

"(B) not later than the 10th of each calendar month, file with the tobacco tax administrator of the State into which such shipment is made a memorandum or a copy of the invoice covering each and every shipment of cigarettes or tobacco products made during the previous calendar month into such State; the memorandum or invoice in each case to include the name and address of the person to whom the shipment was made, the brand, and the quantity thereof.

"(2) The fact that any person ships or delivers for shipment any cigarettes or tobacco products shall, if such shipment is into a State in which such person has filed a statement with the tobacco tax administrator under paragraph (1)(A) of this subsection, be presumptive evidence that such cigarettes or tobacco products were sold, shipped, or distributed for resale by such person.

"(3) For purposes of this subsection—

"(A) the term 'use' in addition to its ordinary meaning, means consumption, storage, handling, or disposal of cigarettes or tobacco products; and

"(B) the term 'tobacco tax administrator' means the State official authorized to administer tobacco tax laws of the State.".

(d) Penalties.—Section 2344 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or (c)" after "section 2342(b)"; and

(2) in subsection (c), by inserting "or contraband tobacco products" after "cigarettes".

(e) State Jurisdiction Not Affected.—Section 2345 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or tobacco product" after "cigarette"; and

(B) by inserting ", tobacco products," after "cigarettes"; and

(2) in subsection (b)—

(A) by inserting "or tobacco product" after "cigarette"; and

(B) by inserting ", tobacco products," after "cigarettes".

(f) Repeal.—The Act entitled "An Act to assist States in collecting sales and use taxes on cigarettes", approved October 19, 1949 (15 U.S.C. 375 et seq.) is repealed.

(g) Civil Forfeiture.—Section 981(a)(1)(C) of title 18, United States Code, is amended by striking "or 1344" and inserting "1344, or 2344".

By Mr. ROCKEFELLER:

S. 2494. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

CHILDREN OF FEMALE VIETNAM VETERANS' BENEFITS ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I introduce, on behalf of myself and Senator Murray, legislation that would aid the children born with birth defects to female Vietnam veterans. This legislation, the Children of Female Vietnam Veterans' Benefits Act of 2000, is long overdue. As we commemorate the 25th anniversary of the end of the war, it is a particularly appropriate time for passage of this important legislation.

Women played a critical role in Vietnam. As nurses, they provided lifesaving care to the wounded and comfort to the dying. Their compassion and selflessness is legendary. Others served in countless other ways, as clerks, mapmakers, photographers, air traffic controllers, Red Cross and USO workers, and other volunteer roles. Their support was crucial to the war effort.

Last year, the VA completed study on women Vietnam veterans which concluded that there was a "statistically significant increase in birth defects" in their children. VA generally does not have the legal authority to provide health care and compensation to the children of veterans, except in the case of spina bifida.

The legislation we are sponsoring would apply to children of women Vietnam veterans born with birth defects, other than spina bifida, which resulted in permanent physical or mental disability, except for certain birth defects determined by the Secretary of Veterans Affairs to result from genetics, birth injury, or fetal or neonatal infirmities with well-established causes. The benefits would include health care, vocational rehabilitation services, and financial compensation, depending on the degree of disability.

In closing, I emphasize that the health care and benefits provided by the Department of Veterans Affairs play a crucial role in supporting the healing process I spoke of earlier. While no amount of remuneration can ever truly compensate for bodily injury and emotional trauma, we have the responsibility to provide the tools for coping and to ease the difficulties of daily life. I urge my colleagues to support this measure.

This bill will provide health care and compensation to the children of women Vietnam veterans who were born with permanently disabling birth defects. Though they have waited 25 years for this acknowledgment, this legislation has the ability to significantly improve the lives of women veterans and their disabled children. These women and children have endured incredible and ongoing hardships for this country, and their significance must be realized. We can no longer ignore the responsibility the government owes to women veterans.

This bill has its origin in a study the Department of Veterans Affairs did on women Vietnam veterans. In response to the concerns of many women Vietnam Veterans, Congress required that VA perform a comprehensive study of any long-term adverse health effects that may have been suffered by these women. This mandate led to three separate but related epidemiologic studies of women Vietnam-era veterans: 1) a post Vietnam service mortality follow-up; 2) an assessment of psychologic health outcomes; and 3) a review of reproductive health outcomes. This particular study, released in 1999, analyzed the reproductive outcomes of over 4000 women Vietnam veterans, compared with 4000 women Vietnam-era veterans.

The study revealed that the risk of a woman Vietnam veterans having a child with birth defects was significantly elevated, even after adjusting for age, demographic variables, military characteristics, and smoking and alcohol consumption of the mothers. Upon review of the resulting conclusions, the VA study's task force recommended that the Secretary seek statutory authority to provide health care and other benefits to the offspring of women veterans with birth defects. Secretary West approved of this recommendation. The tragic realization of the birth defects present in so many of the children of women Vietnam veterans brings light to a situation that cries out not only for our sympathy, but for an acceptance of governmental responsibility and action.

VA does not have the authority under current law to provide health care or other benefits to the children of women Vietnam veterans disabled from birth defects other than spina bifida. Thus, the enabling legislation that I introduce today is absolutely necessary in order to address the compelling needs of these children.

Currently, VA has the authority to compensate and aid veterans, and the dependents of these veterans, for disease or injury to the veteran due to service. Millions of veterans, from every branch of the Armed Forces, have been helped by this benefit. These small amounts of compensation can in no way fully redress the physical and psychological injuries that war has caused these veterans, their children, and their spouses. But it does serve to assist these veterans to live active and fulfilled lives, and it would assist with making up for lost income over the years, due to the injuries. However, no benefits have been extended to the children of veterans, for their own harm.

In 1996, VA was given special authority to provide benefits and compensation to the children of Vietnam veterans for their own disease associated with their parent's service—for those children born with spina bifida. The legislation I am introducing today is modeled after that ground breaking spina bifida legislation. We owe that same debt to the children born with birth defects to women Vietnam veterans. My cosponsors and I believe that providing this assistance to children disabled by birth defects associated with their mother's military service would be a fitting extension of the principle of providing benefits for disabilities that are incurred or aggravated as a result of service on active duty in the Armed Forces of the United States.

I am seeking to aid the children of women Vietnam veterans who have been tragically affected by birth defects. These women fought for their country, and served this Nation with honor and courage. They volunteered to be placed in harm's way, without knowledge of what effects their service may bring later. Many were nurses who cared for wounded soldiers, and offered enormously important support services to all those in active duty. Indeed, these women provided such an incredible nursing service to injured soldiers that less than 2% of all treated casualties during the war died. These women saw death and disease, and they experienced their own forms of disillusionment with the war. These women fought on the front lines; they were not kept away in safe places during the conflict.

Further, I want to add that these women performed a service for women who have been in any way involved in the Armed Forces since then, by contributing to the changes in the military structure of the 1970s and since. Women performed critically important roles during the Vietnam war. Their ongoing contributions were recognized as altogether essential. Disastrously, some of their children have suffered because their mothers were so courageous, and it is time for them to begin to be repaid for that suffering.

Though long overdue perhaps, now is a particularly appropriate time for passage of this important legislation. As we celebrate the 25th anniversary of the end of the Vietnam War, we must remember the women Vietnam veterans who served this country so well, all those years ago. These women paid for their service not only with their own bodies, but too often with the bodies of their children who were born years later. It is my opinion that this legislation is late in coming, but there is no time like the present. As we take these recent months to remember the Vietnam War, I can think of no more fitting time than this for this bill. After all, though the fighting in Vietnam came to an end 25 years ago, the consequences of that fighting are still dramatically present.

At the heart of this legislation, this bill would apply to children of women Vietnam veterans born with birth defects, other than spina bifida, which resulted in permanent physical or mental disability, except for birth defects determined by the Secretary of Veterans' Affairs to result from familial disorders, birth-related injuries, or fetal or neonatal infirmities with well-established causes.

The legislation authorizes VA to provide or reimburse a contractor for health care delivered to the disabled children for the birth defect and associated conditions. This health care would include home, hospital, nursing home, outpatient, preventative, habilitative, rehabilitative and respite care. It also includes pharmaceuticals and supplies required by the birth defect, such as wheelchairs, if appropriate.

The legislation also provides compensation from the VA to the children at four payment levels. The benefits would be for $100, $214, $743, and $1,272, per month, depending upon the severity of the child's disability. Future cost-of-living adjustments would be based on the Consumer Price Index, just as other veterans and Social Security benefits are adjusted.

This bill also authorizes VA to furnish the disabled children with important vocational rehabilitation services. The services would include: VA design of a training plan that is individually designed, accounting for the individual needs of the child; placement and post-placement services, personal and work adjustment training. It may also include education at an institution of higher learning. The programs would generally run 24 months, but if necessary, the Secretary may extend the program for an additional 24 months.

This legislation would be effective one year after the date of enactment, in order to allow time for regulations to be established. VA estimates that the costs for this legislation would be approximately $25 million over five years.

In conclusion, I believe that we must help the children born with disabling birth defects associated with their mother's service in Vietnam. It is the logical extension of our policy to provide benefits for disabilities that result from service. It's the compassionate thing to do—to ensure that these children have the health care and other benefits they need to survive. As a nation, it is our unwavering responsibility to deal with all the consequences of war, not just the easy and obvious ones.

Mr. President, I ask unanimous consent that the bill fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children of Female Vietnam Veterans' Benefits Act of 2000".

SEC. 2. BENEFITS FOR THE CHILDREN OF FEMALE VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"§ 1811. Definitions

"In this subchapter:

"(1) The term 'child', with respect to a female Vietnam veteran, means a natural child of the female Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the female Vietnam veteran first entered the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title).

"(2) The term 'covered birth defect' means each birth defect identified by the Secretary under section 1812 of this title.

"(3) The term 'female Vietnam veteran' means any female individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era (as so specified), without regard to the characterization of the individual's service.

"§ 1812. Birth defects covered

"(a) IDENTIFICATION.—Subject to subsection (b), the Secretary shall identify the birth defects of children of female Vietnam veterans that—

"(1) are associated with the service of female Vietnam veterans in the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title); and

"(2) result in the permanent physical or mental disability of such children.

"(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

"(A) A familial disorder.

"(B) A birth-related injury.

"(C) A fetal or neonatal infirmity with well-established causes.

"(2) The birth defects identified under subsection (a) may not include spina bifida.

"(c) LIST.—The Secretary shall prescribe in regulations a list of the birth defects identified under subsection (a).

"§ 1813. Benefits and assistance

"(a) HEALTH CARE.—(1) The Secretary shall provide a child of a female Vietnam veteran who was born with a covered birth defect such health care as the Secretary determines is needed by the child for such birth defect or any disability that is associated with such birth defect.

"(2) The Secretary may provide health care under this subsection directly or by contract or other arrangement with a health care provider.

"(3) For purposes of this subsection, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this subsection, except that for such purposes—

"(A) the reference to 'specialized spina bifida clinic' in paragraph (2) of such section 1803(c) shall be treated as a reference to a specialized clinic treating the birth defect concerned under this subsection; and

"(B) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of such section 1803(c) shall be treated as a reference to vocational training under subsection (b).

"(b) Vocational Training.—(1) The Secretary may provide a program of vocational training to a child of a female Vietnam veteran who was born with a covered birth defect if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

"(2) Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under paragraph (1).

"(c) Monetary Allowance.—(1) The Secretary shall pay a monthly allowance to any child of a female Vietnam veteran who was born with a covered birth defect for any disability resulting from such birth defect.

"(2) The amount of the monthly allowance paid under this subsection shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

"(3) In prescribing a schedule for rating disabilities under paragraph (2), the Secretary shall establish four levels of disability upon which the amount of the monthly allowance under this subsection shall be based.

"(4) The amount of the monthly allowance paid under this subsection shall be as follows:

"(A) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under this subsection, $100.

"(B) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $214; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

"(C) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $743; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

"(D) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $1,272; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

"(5) Amounts under subparagraphs (A), (B)(i), (C)(i), and (D)(i) of paragraph (4) shall be subject to adjustment from time to time under section 5312 of this title.

"(6) Subsections (c) and (d) of section 1805 of this title shall apply with respect to any monthly allowance paid under this subsection.

"(d) General Limitations on Availability of Benefits and Assistance.—(1) No individual receiving benefits or assistance under this section may receive any benefits or assistance under subchapter I of this chapter.

"(2) In any case where affirmative evidence establishes that the covered birth defect of a child results from a cause other than the active military, naval, or air service in the Republic of Vietnam of the female Vietnam veteran who is the mother of the child, no benefits or assistance may be provided the child under this section.

"(e) Regulations.—The Secretary shall prescribe regulations for purposes of the administration of the provisions of this section.".

(b) Administrative Provisions.—That chapter is further amended by inserting after subchapter II, as added by subsection (a) of this section, the following new subchapter:

"SUBCHAPTER III—ADMINISTRATIVE MATTERS

"§ 1821. Applicability of certain administrative provisions

"The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall apply with respect to benefits and assistance under this chapter in the same manner as such provisions apply to veterans' disability compensation.

"§ 1822. Treatment of receipt of monetary allowance on other benefits

"(a) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

"(b) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

"(c) Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for or the amount of benefits under any Federal or Federally-assisted program.".

(c) Repeal of Superseded Matter.—Section 1806 of title 38, United States Code, is repealed.

(d) Redesignation of Existing Matter.—Chapter 18 of that title is further amended by inserting before section 1801 the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA".

(e) Conforming Amendments.—(1) Sections 1801 and 1802 of that title are each amended by striking "this chapter" and inserting "this subchapter".

(2) Section 1805(a) of such title is amended by striking "this chapter" and inserting "this section".

(e) Clerical Amendments.—(1)(A) The chapter heading of chapter 18 of that title is amended to read as follows:

"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS".

(B) The tables of chapters at beginning of that title, and at the beginning of part II of that title, are each amended by striking the item relating to chapter 18 and inserting the following new item:

"18. Benefits for Children of Vietnam Veterans .... 1801".

(2) The table of sections at the beginning of chapter 18 of that title is amended—

(A) by inserting after the chapter heading the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA";

(B) by striking the item relating to section 1806; and

(C) by adding at the end the following:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"1811. Definitions.
"1812. Birth defects covered.
"1813. Benefits and assistance.

"SUBCHAPTER III—ADMINISTRATIVE MATTERS

"1821. Applicability of certain administrative provisions.
"1822. Treatment of receipt of monetary allowance on other benefits.".

(f) Applicability.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1822 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of that title (as so added), not later than the effective date specified in paragraph (1).

(3) No benefit or assistance may be provided under subchapter II of chapter 18 of title 38, United States Code (as so added), for any period before the effective date specified in paragraph (1) by reason of the amendments made by this section.

Fact Sheet

BACKGROUND

In 1999, VA released an epidemiological study on women Vietnam veterans which found a "statistically significant increase in birth defects" in the children of women Vietnam veterans, particularly moderate to severe birth defects. The reproductive outcomes of over 4,000 Vietnam women veterans were compared with 4,000 Vietnam-era women veterans.

VA currently has authority to compensate veterans and dependents for disease or injury of the veteran due to service. VA was given special authority in 1996, to provide benefits to children of Vietnam veterans for their own disease resulting from their parent's service—for those children born with spina bifida

LEGISLATION

This bill would apply to women Vietnam veterans' children born with birth defects (other than spina bifida) which result in permanent physical or mental disability, except for birth defects determined by the Secretary of VA to result from familial disorders, birth-related injuries, or fetal or neonatal infirmities with well-established causes.

This bill is modeled after the 1996 spina bifida legislation.

It authorizes VA to provide or reimburse a contractor for health care delivered to the disabled children for the birth defect and associated conditions. This health care would include home, hospital, nursing home, outpatient, preventative, habilitative, rehabilitative and respite care. It also includes pharmaceuticals and supplies required by the birth defect, such as wheel chairs, if appropriate.

It provides compensation from the VA to the children at four payment levels. The benefits would be for $100, $214, $743, and $1,272, depending upon the severity of the disability. Future cost of living adjustments would be indexed and based on the Consumer Price Index, just as other veterans' and Social Security benefits are adjusted.

This bill also authorizes VA to furnish the disabled children with vocational rehabilitation services. The services would include: VA provision of a training plan that is individually designed, accounting for the individual needs of the child; placement and post-placement services; and personal and work adjustment training. It may also include education at an institution of higher learning. The programs will generally run 24 months, but if necessary, the Secretary may extend the program for an additional 24 months.

The legislation would be effective one year after the date of enactment, in order to allow time for regulations to be established.

VA estimates that the costs for this legislation would be approximately $25 million over five years.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. FRIST):

S. 2498. A bill to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on Rules and Administration.

LEGISLATION TO AUTHORIZE THE SMITHSONIAN INSTITUTION TO CONSTRUCT A BASE FACILITY IN HILO, HAWAII

• Mr. MOYNIHAN. Mr. President, I am pleased to introduce today, with Senator COCHRAN and Senator FRIST, legislation to authorize the construction of a base facility structure in Hilo, Hawaii, to house the staff and laboratory operations of the Smithsonian Astrophysical Observatory's Submillimeter Array (SMA) atop the summit of the ancient volcano Mauna Kea.

The advanced SMA is an array of eight moveable radio telescope antennas. Its combined images can produce high-resolution detail 50 times sharper than those achieved by any telescopes currently making observations at these wavelengths. Ultimately, this telescope array will be used to study a host of astronomical objects and phenomena emitting images in the submillimeter range, the narrow band of radiation between radio and infrared waves, a portion of the electromagnetic spectrum largely unexplored from the ground. Using the latest technology, the array will be able to probe the murky clouds of the Milky Way where stars are born, peer into the hearts of exploding galaxies, study cool faint objects of our own Solar System, and explore other great questions in astronomy, gaining insight into the processes and cataclysmic forces involved in the ultimate formation and evolution of stars, planets and galaxies.

Like the innovative Chandra X-ray Observatory, which is now sending back stunning images from space, essentially all of the Submillimeter Array's equipment was designed and prototyped at the Smithsonian Astrophysical Observatory's facilities in Cambridge, Massachusetts. And, just as the Smithsonian collaborates with NASA on the groundbreaking Chandra project, it collaborates with the Institute of Astronomy and Astrophysics of the Academia Sinica of Taiwan on the advanced SMA.

On September 29, 1999, by tracking and observing 230 gigahertz (230 billion cycles per second) of radiation from Mars, Venus, Saturn, and Jupiter, SMA scientists made their first test observation—thereby achieving the submillimeter equivalent of "first light"—and took a critical step in the ultimate success of this project. This is but yet another milestone in the history of the Smithsonian Astrophysical Observatory (SAO). Founded in 1890 by Secretary Samuel Langley as a center for "the new astronomy," where one might study the physical nature of astronomical bodies as well as their positions and motions, SAO pioneered studies of the relationship between the solar and terrestrial phenomena. In the earliest days of the Space Age, SAO established and operated a worldwide network of satellite-tracking stations, including one on the island of Maui, and developed experiments for some of the first orbiting space observatories. Today, SAO, the Smithsonian unit with the largest budget, is headquartered—in a partnership with Harvard University—in Cambridge, Massachusetts. At that facility more than 300 scientists are engaged in a broad program of astronomy, astrophysics, and earth and space sciences supported by Federal appropriations, Smithsonian trust funds, Harvard University funds, and contracts and grants. In addition to the Submillimeter Array in Hawaii, SAO maintains a major data-gathering facility at the Whipple Observatory near Tucson, Arizona and operates the Oak Ridge Observatory in Massachusetts.

The legislation I am introducing today authorizes the Smithsonian to plan, design, construct, and equip approximately 16,000 square feet of laboratory, administrative, and support space at the base of Mauna Kea, replacing inadequate, temporary leased space. It further authorizes an appropriation of $2,000,000 in fiscal year 2001 and $2,500,000 in fiscal year 2002. This is a very modest investment to ensure the continuation of the scientific achievement and research excellence that have been a tradition at the Smithsonian Astrophysical Observatory for 110 years.

I urge the speedy passage of this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, $2,000,000 for fiscal year 2001, and $2,500,000 for fiscal year 2002, which shall remain available until expended.•

• Mr. COCHRAN. Mr. President, I am pleased to join my colleague, the Senator from New York (Mr. MOYNIHAN) and fellow Smithsonian Institution Board Regent in introducing the legislation authorizing a permanent base facility structure at Hilo, Hawaii for the Smithsonian Astrophysical Observatory Submillimeter Array.

The Submillimeter Array is part of the world-class web of major data-gathering facilities of the Smithsonian Astrophysical Observatory. Other facilities are located in Arizona and its headquarters in Massachusetts. Together these facilities support some of the world's most advanced studies and discoveries in astronomy, astrophysics, earth and space science.

This legislation will authorize the planning, design, construction and outfitting of the necessary laboratory and other operational space for the array of radio telescope antennas installed atop the ancient volcano, Mauna Kea. Funding is authorized in the amount of $2,000,000 for Fiscal Year 2001 and $2,500,000 for Fiscal Year 2002. The new base station will replace a current system of rented, overcrowded space shared with astrophysical operations of other organizations and countries.

Mr. President, I am proud of the Smithsonian Astrophysical Observatory 110-year history and its reputation around the world. Its work and discoveries are considered to be some of the most significant of the Twentieth Century. From the first orbiting space observatories to the newest images of our galaxy, the Smithsonian Astrophysical Observatory has worked independently and collaborated with the National Aeronautics and Space Administration to explore and explain the wonders of the universe.

I hope the Senate will work quickly to pass this legislation so the work of the Submillimeter Array can proceed.•

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. BREAUX, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1145, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1922

At the request of Mr. KERREY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1922, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to inter-city buses required under the American with Disabilities Act of 1990.

S. 1941

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1987

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1987, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older American Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2044

At the request of Mr. CAMPBELL, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2057

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2057, a bill to amend the Communications Act of 1934 to prohibit the use of electronic measurement units (EMUs).

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2363

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2394, a bill to amend title XVII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2399

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2399, a bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare Program.

S. 2413

At the request of Mr. CAMPBELL, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2429

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2429, a bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2444

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2444, a bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2487

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2487, a bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation.

S. 2492

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2492, a bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

COLLINS AMENDMENTS NOS. 3104–3106

(Ordered to lie on the table.)

Ms. COLLINS submitted three amendments intended to be proposed by her to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

AMENDMENT NO. 3104

On page 657, strike lines 6 through 8.

AMENDMENT NO. 3105

On page 653, strike lines 12 through 22.

On page 657, line 21, insert "that are consistent with part A of title X and" after "purposes".

On page 665, strike lines 16 through 18, and insert the following:

"To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike "and".

On page 846, between lines 15 and 16, insert the following:

"(E) part H of title VI; and".

On page 846, line 16, strike "(E)" and insert "(F)".

AMENDMENT NO. 3106

On page 292, strike line 17 and all that follows through page 293, line 4, and insert the following:

"(d) COORDINATION AND CONSULTATION.—

"(1) IN GENERAL.—A recipient of funds under this subpart, to the extent possible, shall coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) COORDINATION.—In carrying out this subpart, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

"(3) CONSULTATION.—In carrying out this subpart, the Secretary shall consult with agencies and entities described in paragraph (2) as well as other Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

"(4) SPECIAL RULE.—In carrying out paragraph (3), the Secretary shall ensure that an individual who has a pending application for financial assistance under this section, or who is an employee or agent of an organization that has a pending application, does not serve as a consultant to the Secretary for purposes described in paragraph (3).

AMENDMENTS NOS. 3107–3108

(Ordered to lie on the table.)

Mr. SANTORUM submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3107

At the end of title XI, insert the following:

PART —INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. . IDEA.

(a) SHORT TITLE.—This section may be cited as the "Growing Resources in Educational Achievement for Today and Tomorrow Act" (GREATT IDEA Act).

(b) PURPOSE.—It is the purpose of this section to more than double the Federal funding authorized for programs and services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—

(1) ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(1) $6,230,469,900 for fiscal year 2001;

"(2) $7,779,800,800 for fiscal year 2002;

"(3) $9,714,403,800 for fiscal year 2003;

"(4) $12,130,084,000 for fiscal year 2004; and

"(5) $15,146,471,000 for fiscal year 2005.".

(2) GENERAL PROVISIONS.—Part A of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following:

"SEC. 608. MAINTENANCE OF EFFORT.

"A State utilizing the proceeds of a grant received under this Act shall maintain expenditures for activities carried out under this Act for each of fiscal years 2001 through 2005 at least at a level equal to not less than the level of such expenditures maintained by such State for fiscal year 2000.".

AMENDMENT NO. 3108

On page 922, after line 18, add the following:

PART D—UNIVERSAL SERVICE FOR SCHOOLS AND LIBRARIES

SEC. 11401. SHORT TITLE.

This part may be cited as the "Neighborhood Children's Internet Protection Act".

SEC. 11402. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS OR ADOPT INTERNET USE POLICIES.

(a) NO UNIVERSAL SERVICE.—

(1) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

"(l) IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.—

"(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

"(2) CERTIFICATION.—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

"(A) has—

"(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

"(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

"(B)(i) has adopted and implemented an Internet use policy that addresses—

"(I) access by minors to inappropriate matter on the Internet and World Wide Web;

"(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

"(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

"(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

"(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

"(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

"(3) LOCAL DETERMINATION OF CONTENT.—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making such determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

"(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001.".

(2) CONFORMING AMENDMENT.—Subsection (h)(1)(B) of that section is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

(b) STUDY.—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 11403. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of enactment of this Act, the Federal Communications Commission shall adopt rules implementing this part and the amendments made by this part.

CHARLES M. SCHULZ CONGRESSIONAL GOLD MEDAL

FEINSTEIN AMENDMENT NO. 3109

Mr. GORTON (for Mrs. FEINSTEIN) proposed an amendment to the bill (H.R. 3642) to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration, and took a job with "Timeless Topix". He also took a second job as an art instructor. Eventually, his hard work paid off when the *Saturday Evening Post* began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, "L'il Folks", that Charlie Brown was born. That comic strip, which was eventually renamed "Peanuts", became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz drew every frame of the "Peanuts" strip, which ran 7 days a week, since it was created in October 1950. This is rare dedication in the field of comic illustration.

(6) The "Peanuts" comic strip appeared in 2,600 newspapers around the world daily until January 3, 2000, and on Sundays until February 13, 2000, and reached approximately 335,000,000 readers every day in 20 different languages, making Charles M. Schulz the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, "A Charlie Brown Christmas", has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters have also been produced.

(8) Charles M. Schulz was a leader in the field of comic illustration and in his community. He paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz gave back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz also financed a yearly ice show that drew crowds from all over the San Francisco Bay Area.

(10) Charles M. Schulz gave the Nation a unique sense of optimism, purpose, and pride. Whether through the Great Pumpkin Patch, the Kite-Eating Tree, Lucy's Psychiatric Help Stand, or Snoopy's adventures with the Red Baron, "Peanuts" embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz's lifetime of work linked generations of Americans and became a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President is authorized to award posthumously, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take on Tuesday, May 9, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1756, the National Laboratories Partnership Improvement Act of 1999; and S. 2336, the Networking and Information Technology Research and Development for Department of Energy Missions Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510-6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224-7875.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 10, 2000, at 9:30 a.m., to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act. A business meeting to mark up pending legislation will precede the hearing-agenda to be announced. The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact Committee staff at 202/224-2251.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1357, a bill to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; S. 1670, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; S. 2020, a bill to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; S. 2478, a bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; and S. 2485, a bill to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

The hearing will take place on Thursday, May 11, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, May 17, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, May 23, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 2, 10 a.m., Hearing Room (SD–406), to examine successful State environmental programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 2, 2000, at 2 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, May 2, 2000, at 10 a.m., to conduct a hearing on S. 2350, Duchesne City Water Rights Conveyance Act and S. 2351, Shivwits Band of the Paiute Tribe of Utah Water Rights Settlement Act. The hearing will be held in the committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on May 2, 2000, from 10 a.m.–1 p.m., in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Tuesday, May 2, 2000, at 9:30 a.m., in 106 Dirksen.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition be authorized to meet to conduct a hearing on Tuesday, May 2, 2000, at 2 p.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 4:30 p.m., on Tuesday, May 2, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 2, 2000, at 10 a.m., for a hearing on "The Effectiveness of Federal Employee Incentive Programs."

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2:30 p.m., on Tuesday, May 2, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 3:30 p.m., on Tuesday, May 2, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it so ordered.

PRIVILEGES OF THE FLOOR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following members of my staff: Jim Beirne, Howard Useem, Betty Nevitt, Colleen Deegan, Trici Heninger, Kristin Phillips, Brian Malnak, and Kjersten Scott.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that Kristine Svinicki of my staff, a congressional fellow, be allowed access to the floor for the duration of debate on the nuclear waste legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following member of my staff: Melissa Crookes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Lynn Kinzer, a fellow in my office, be granted floor privileges during consideration of S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE—PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Monday, May 15, 2000. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Pubic Records office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Wednesday, June 14. Any questions regarding the availability of reports should be directed to the Public Records office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

ORDER FOR STAR PRINT—S. 2443

Mr. GORTON. Mr. President, I ask unanimous consent that S. 2443 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AWARDING A GOLD MEDAL TO CHARLES M. SCHULZ

Mr. GORTON. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 3642, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3642) to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3109

Mr. GORTON. Mr. President, Senator FEINSTEIN has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mrs. FEINSTEIN, proposes an amendment numbered 3109.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration, and took a job with "Timeless Topix". He also took a second job as an art instructor. Eventually, his hard work paid off when the *Saturday Evening Post* began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, "L'il Folks", that Charlie Brown was born. That comic strip, which was eventually renamed "Peanuts", became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz drew every frame of the "Peanuts" strip, which ran 7 days a week, since it was created in October 1950. This is rare dedication in the field of comic illustration.

(6) The "Peanuts" comic strip appeared in 2,600 newspapers around the world daily until January 3, 2000, and on Sundays until February 13, 2000, and reached approximately 335,000,000 readers every day in 20 different languages, making Charles M. Schulz the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, "A Charlie Brown Christmas", has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters have also been produced.

(8) Charles M. Schulz was a leader in the field of comic illustration and in his community. He paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz gave back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz also financed a yearly ice show that drew crowds from all over the San Francisco Bay Area.

(10) Charles M. Schulz gave the Nation a unique sense of optimism, purpose, and pride. Whether through the Great Pumpkin Patch, the Kite Eating Tree, Lucy's Psychiatric Help Stand, or Snoopy's adventures with the Red Baron, "Peanuts" embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz's lifetime of work linked generations of Americans and became a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President is authorized to award posthumously, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3109) was agreed to.

The bill (H.R. 3642), as amended, was read the third time and passed.

The title was amended so as to read: "To authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes."

FAIR ACCESS TO JAPANESE TELECOMMUNICATIONS FACILITIES AND SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Finance Committee be discharged from consideration of S. Res. 275, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 275) expressing the sense of the Senate regarding fair access to Japanese telecommunications facilities and services.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 275) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 275

Whereas the United States has a deep and sustained interest in the promotion of deregulation, competition, and regulatory reform in Japan;

Whereas new and bold measures by the Government of Japan regarding regulatory reform will help remove the regulatory and structural impediments to the effective functioning of market forces in the Japanese economy;

Whereas regulatory reform will increase the efficient allocation of resources in Japan, which is critical to returning Japan to a long-term growth path powered by domestic demand;

Whereas regulatory reform will not only improve market access for United States business and other foreign firms, but will also enhance consumer choice and economic prosperity in Japan;

Whereas a sustained recovery of the Japanese economy is vital to a sustained recovery of Asian economies;

Whereas the Japanese economy must serve as one of the main engines of growth for Asia and for the global economy;

Whereas the Governments of the United States and Japan reconfirmed the critical importance of deregulation, competition, and regulatory reform when the 2 Governments established the Enhanced Initiative on Deregulation and Competition Policy in 1997;

Whereas telecommunications is a critical sector requiring reform in Japan, where the market is hampered by a history of laws, regulations, and monopolistic practices that do not meet the needs of a competitive market;

Whereas as the result of Japan's laws, regulations, and monopolistic practices, Japanese consumers and Japanese industry have been denied the broad benefits of innovative telecommunications services, cutting edge technology, and lower prices that competition would bring to the market;

Whereas Japan's significant lag in developing broadband and Internet services, and Japan's lag in the entire area of electronic commerce, is a direct result of a noncompetitive telecommunications regulatory structure;

Whereas Japan's lag in developing broadband and Internet services is evidenced by the following: (1) Japan has only 17,000,000 Internet users, while the United States has 80,000,000 Internet users; (2) Japan hosts fewer than 2,000,000 websites, while the United States hosts over 30,000,000 websites; (3) electronic commerce in Japan is valued at less than $1,000,000,000, while in the United States electronic commerce is valued at over $30,000,000,000; and (4) 19 percent of Japan's schools are connected to the Internet, while in the United States 89 percent of schools are connected;

Whereas the disparity between the United States and Japan is largely caused by the failure of Japan to ensure conditions that allow for the development of competitive networks which would stimulate the use of the Internet and electronic commerce;

Whereas leading edge foreign telecommunications companies, because of their high level of technology and innovation, are the key to building the necessary telecommunications infrastructure in Japan, which will only be able to serve Japanese consumers and industry if there is a fundamental change in Japan's regulatory approach to telecommunications; and

Whereas deregulating the monopoly power of Nippon Telegraph and Telephone Corporation would help liberate Japan's economy and allow Japan to take full advantage of information technology: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the appropriate officials in the executive branch should implement vigorously the call for Japan to undertake a major regulatory reform in the telecommunications sector, the so-called "Telecommunications Big Bang";

(2) a "Telecommunications Big Bang" must address fundamental legislative and regulatory issues within a strictly defined timeframe;

(3) the new telecommunications regulatory framework should put competition first in order to encourage new and innovative businesses to enter the telecommunications market in Japan;

(4) the Government of Japan should ensure that Nippon Telegraph and Telephone Corporation (NTT) and its affiliates (the NTT Group) are prevented from using their dominant position in the wired and wireless market in an anticompetitive manner; and

(5) the Government of Japan should take credible steps to ensure that competitive carriers have reasonable, cost-based, and nondiscriminatory access to the rights-of-way, facilities, and services controlled by NTT, the NTT Group, other utilities, and the Government of Japan, including—

(A) access to interconnection at market-based rates;

(B) unrestricted access to unbundled elements of the network belonging to NTT and the NTT Group; and

(C) access to public roads for the installation of facilities.

EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE RABIYA KADEER, HER SECRETARY, AND HER SON

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 514, S. Con. Res. 81.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendments to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 81) was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 81

Whereas Rabiya Kadeer, a prominent ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China, her secretary, and her son were arrested on August 11, 1999, in the city of Urumqi;

Whereas Rabiya Kadeer's arrest occurred outside the Yindu Hotel in Urumqi as she was attempting to meet a group of congressional staff staying at the Yindu Hotel as part of an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rabiya Kadeer's husband Sidik Rouzi, who has lived in the United States since 1996 and works for Radio Free Asia, has been critical of the policies of the People's Republic of China toward Uighurs in Xinjiang;

Whereas Rabiya Kadeer was sentenced on March 10 to 8 years in prison "with deprivation of political rights for two years" for the crime of "illegally giving state information across the border";

Whereas the Urumqi Evening Paper of March 12 reported Rabiya Kadeer's case as follows: "The court investigated the following: The defendant Rabiya Kadeer, following the request of her husband, Sidik Haji, who has settled in America, indirectly bought a collection of the Kashgar Paper dated from 1995–1998, 27 months, and some copies of the Xinjiang Legal Paper and on 17 June 1999 sent them by post to Sidik Haji. These were found by the customs. During July and August 1999 defendant Rabiya Kadeer gave copies of the Ili Paper and Ili Evening Paper collected by others to Mohammed Hashem to keep. Defendant Rabiya Kadeer sent these to Sidik Haji. Some of these papers contained the speeches of leaders of different levels; speeches about the strength of rectification of public safety, news of political legal organisations striking against national separatists and terrorist activities etc. The papers sent were marked and folded at relevant articles. As well as this, on 11 August that year, defendant Rabiya Kadeer, following her husband's phone commands, took a previously prepared list of people who had been handled by judicial organisations, with her to Kumush Astana Hotel [Yingdu Hotel] where she was to meet a foreigner";

Whereas reports indicate that Ablikim Abdyirim was sent to a labor camp on November 26 for 2 years without trial for "supporting Uighur separatism," and Rabiya Kadeer's secretary was recently sentenced to 3 years in a labor camp;

Whereas Rabiya Kadeer has 5 children, 3 sisters, and a brother living in the United States, in addition to her husband, and Kadeer has expressed a desire to move to the United States;

Whereas the People's Republic of China stripped Rabiya Kadeer of her passport long before her arrest;

Whereas reports indicate that Kadeer's health may be at risk;

Whereas the People's Republic of China signed the International Covenant on Civil and Political Rights on October 5, 1998;

Whereas that Covenant requires signatory countries to guarantee their citizens the right to legal recourse when their rights have been violated, the right to liberty and freedom of movement, the right to presumption of innocence until guilt is proven, the right to appeal a conviction, freedom of thought, conscience, and religion, freedom of opinion and expression, and freedom of assembly and association;

Whereas that Covenant forbids torture, inhuman or degrading treatment, and arbitrary arrest and detention;

Whereas the first Optional Protocol to the International Covenant on Civil and Political Rights enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant; and

Whereas in signing that Covenant on behalf of the People's Republic of China, Ambassador Qin Huasun, Permanent Representative of the People's Republic of China to the United Nations, said the following: "To realize human rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected . . . As a member state of the United Nations, China has always actively participated in the activities of the organization in the field of human rights. It attaches importance to its cooperation with agencies concerned in the U.N. system . . .": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress calls on the Government of the People's Republic of China—

(1) immediately to release Rabiya Kadeer, her secretary, and her son; and

(2) to permit Kadeer, her secretary, and her son to move to the United States, if they so desire.

AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 519, H.R. 3707.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3707) to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Institute in Taiwan Facilities Enhancement Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as "AIT"), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;

(2) the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;

(3) the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;

(4) the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT's American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;

(5) AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT's current and future needs; and

(6) because the Congress established AIT and has a strong interest in United States relations with Taiwan, the Congress has a special responsibility to ensure that AIT's requirements for safe and appropriate office quarters are met.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $75,000,000 to AIT—

(1) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and

(2) for acquisition by purchase or construction of such facility, residences, or other structures.

(b) LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special status of AIT. In making such certification, the Director shall also certify that security considerations permit the exercise of the waiver of such requirements.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute amendment was agreed to.

The bill (H.R. 3707), as amended, was read the third time and passed.

EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REMAIN ACTIVELY ENGAGED IN SOUTHEASTERN EUROPE TO PROMOTE LONG-TERM PEACE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 521, S. Res. 272.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 272) expressing the sense of the Senate that the United States should remain actively engaged in southeastern Europe to promote long-term peace, stability, and prosperity; continue to vigorously oppose the brutal regime of Slobodan Milosevic while supporting the efforts of the democratic opposition; and fully implement the Stability Pact.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause and insert in lieu thereof the following:

Whereas the North Atlantic Treaty Organization's (NATO's) March 24, 1999 through June 10, 1999 bombing of the Federal Republic of Yugoslavia focused the attention of the international community of southeastern Europe;

Whereas the international community, in particular the United States and the European Union, made a commitment at the conclusion of the bombing campaign to integrate southeastern Europe into the broader European community;

Whereas there is an historic opportunity for the international community to help the people of southeastern Europe break the cycle of violence, retribution, and revenge and move towards respect for minority rights, establishment of the rule of law, and the further development of democratic governments;

Whereas the Stability Pact was established in July 1999 with the goal of promoting cooperation among the countries of southeastern Europe, with a focus on long-term political stability and peace, security, democratization, and economic reconstruction and development;

Whereas the effective implementation of the Stability Pact is important to the long-term peace and stability in the region;

Whereas the people and Government of the Former Yugoslav Republic of Macedonia have a positive record of respect for minority rights, the rule of law, and democratic traditions since independence;

Whereas the people of Croatia have recently elected leaders that respect minority rights, the rule of law, and democratic traditions;

Whereas positive development in the Former Yugoslav Republic of Macedonia and the Republic of Croatia will clearly indicate to the people of Serbia that economic program and integration into the international community is only possibly if Milosevic is removed from power; and

Whereas the Republic of Slovenia continues to serve as a model for the region as it moves closer to European Union and NATO membership: Now, therefore, be it

Resolved,

That the Senate—

(1) welcomes the tide of democratic change in southeastern Europe, particularly the free and fair elections in Croatia, and the regional cooperation taking place under the umbrella of the Stability Pact;

(2) recognizes that in this trend, the regime of Slobodan Milosevic is ever more an anomaly, the only government in the region not democratically elected, and an obstacle to peace and neighborly relations in the region;

(3) expresses its sense that the United States cannot have normal relations with Belgrade as long as the Milosevic regime is in power;

(4) views Slobodan Milosevic as a brutal indicted war criminal, responsible for immeasurable bloodshed, ethnic hatred, and human rights abuses in southeastern Europe in recent years;

(5) considers international sanctions an essential tool to isolate the Milosevic regime and promote democracy, and urges the Administration to intensify, focus, and expand those sanctions that most effectively target the regime and its key supporters;

(6) supports strongly the efforts of the Serbian people to establish a democratic government and endorses their call for early, free, and fair elections;

(7) looks forward to establishing a normal relationship with a new democratic government in Serbia, which will permit an end to Belgrade's isolation and the opportunity to restore the historically friendly relations between the Serbian and American people;

(8) expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

(9) expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe;

(10) calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization;

(11) recognizes the importance of opposition mayors in Serbia, and encourages the effort of the Administration to include such mayors in the humanitarian and democratization efforts of the United States in Serbia; and

(12) recognizes the progress in democratic and market reform made by Montenegro, which can serve as a model for Serbia, and urges a peaceful resolution of political differences over the abrogation of Montenegro's rights under the federal constitution.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

Mr. GORTON. I ask unanimous consent the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 272), as amended, was agreed to.

The preamble was agreed to.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group Meeting during the Second Session of the 106th Congress, to be held in Puebla, Mexico, May 5–7, 2000: The Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS).

ORDERS FOR WEDNESDAY, MAY 3, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:30 a.m. on Wednesday, May 3. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator WELLSTONE, or his designee, 9:30 a.m. to 10:15 a.m.; Senator THOMAS, or his designee, 10:15 a.m. to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that following morning business the Senate resume consideration of S. 2, under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, on Wednesday there will be a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of the Elementary and Secondary Education Act. Under the previous order, there will be four amendments debated during tomorrow's session, and therefore Senators can expect votes throughout the day. As previously announced, the Senate will not meet on Friday in order to accommodate the Democratic retreat.

ORDER FOR ADJOURNMENT

Mr. GORTON. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. SCHUMER. Mr. President, I wish to say a few words as we embark on debating ESEA. I hope not to be very long. First, I am glad we are debating this bill, because education is such an important issue to America as we move into the 21st century. We have moved into an economy that is based on ideas. Alan Greenspan put it best. He said that high value is added no longer by moving things—when you make a car with moving things, such as putting in a carburetor here or brakes there—but, rather, by thinking things. All the new technology, such as the Internet, information systems, allow an idea to be transported quickly and inexpensively, which gives ideas so much more power.

In that kind of society, we can't afford to have an educational system that is even second. As we all know, our education system, at least elementary and secondary, isn't even in the top 10. If we want to stay the leading economic power of the world, which I think we all do, we have to make our educational system better.

In the past, the Federal Government has stayed away from education. I argue that there is a national imperative for us to be more involved, not to dictate to the localities what they have to do—that has been a mistake this Government has entered into far too much in the past—but certainly to help and aid in education.

I note that education in America is funded by the property tax, by and large. That is the least popular tax in America, and it puts a real cap on what can be done. Education is done locally, and so there isn't too much ability, when you have thousands and thousands of school districts, to have people think beyond the day-to-day need of providing teaching and other educational services in schools.

The need of the Federal Government to be involved with resources and just as important, if not more important, taking ideas and helping spread them, ideas that have worked in one corner of the country but don't spread to the rest of the country because it is not a capitalistic system—usually we spread ideas because somebody makes money by doing that, but that doesn't happen in public education—is vital.

So when the Federal Government says we should have higher standards, that is a good thing. I believe and I agree with those who believe in higher standards. I don't believe in social promotion. If you are reading at a third-grade level, you should not be in the seventh grade. I agree with my conservative friends in that regard. But I think my more liberal friends are right in that we have to help keep the bar high, and conservatives are right about that, but we ought to help people get over that bar. If education were completely left up to each locality, that probably would not happen. The bar would not be set high enough and the effort to help people get over the bar might not be forthcoming. So, in my judgment at least, we need more Federal involvement. I think the American people share that judgment. From the data I have seen, that is pretty clear.

Another problem we face is that our system is probably going to be under more stress, not less, in the future. The number of people enrolled is expected to increase by 11 percent. The schools age; the same exact school was in better shape in 1990 than in the year 2000. I have recently visited school districts, fairly affluent ones, on Long Island where the facilities were simply a mess. They had been built during the baby boom in the fifties, sixties, and seventies, and, quite frankly, even those rather affluent districts didn't have the money to fix the schools. They were sort of a mess; they were not great places to look at. Paint was peeling from some of the ceilings.

Most importantly an area I have chosen to focus on, which we will talk a little bit about, is the fact that we are going to have a crisis in teaching. We don't today, but we will in the next 5 or 10 years because so many of our teachers are over 50 years old and they are going to retire. Quite frankly, many of the new teachers who take their place are not up to speed, or at least not of the same quality as the old teachers.

When we have a starting salary of $26,000, which we do for teachers in America, and the private sector can pay double that, particularly in certain areas such as math and science and technology, we are not going to be getting the best.

In the past, we had captive audiences with cohorts of groups who would teach in the 1930s and 1940s. There were lots of Depression babies. "Go get a civil service job so you will never risk that horrible feeling of being unemployed and unable to provide for your family." In the 1950s and 1960s, women taught; they didn't have other opportunities.

I had so many great teachers when I went through New York public schools.

The last cohort which is now retiring in large numbers is my generation—I am 49—the Vietnam war generation, as you may recall. Young men were given a draft exemption if they taught and hundreds of thousands did. They made very fine teachers. But we don't have those captive audiences, so we have a crisis in having quality teaching.

I will be talking more about that when we do our Democratic amendment. I am happy to have the Inspired Scholarship Program as part of it. We will talk, hopefully, about other amendments that are on this floor, including some of mine which would allow teachers, if they taught for 5 years, to forgo repaying their student loans—we would provide a test in math and science—to give teachers a $4.000-a-year stipend so they would continue teaching. We have some true excellence. I will be talking about all of those later.

What I would like to talk about now is just two things, one on this bill. I truly pray that the majority leader will not cut off debate quickly. We have debated education. We debate it only once every 5 years. The last time we did I believe was in 1994—6 years ago. Originally it was 5.

In the area where about 37 percent of Americans consider the most important thing the Federal Government can do, to have a 1- or 2-day debate really doesn't make much sense. It doesn't live up to what this body is about, which is helping people in need.

To say that because we passed Ed-Flex—a nice program but really rather minor in what it does, and only one new State has joined since we passed again the bill last year, or earlier this year—and to say that educational savings accounts, which I believe the President might veto, but even if he does not, don't deal with the hard-core issues of higher standards, better teachers, better classrooms, and smaller class size—to say, having done those two things, that we have done enough and sort of wash our hands of it and walk away would be nothing short of disgraceful. Yet that is the talk.

We should be debating amendments that will make our schools better. There are lots of them. Some of the proposals will pass; many will fail. To have that debate not only helps educate America but it also helps educate each of us. It helps educate one another of us and helps us come to consensus because I believe we will not wait 5 years to do another education bill. I believe within the next 2 or 3 years the crisis, which is looming largely on the horizon now, will be so upon us; whether the new President is AL GORE or George W. Bush, we will be talking about education with frequency. We had better get used to it, and we shouldn't delay that now.

A number of us have gotten together and agreed to do an amendment about school safety dealing with guns. We don't want to have 20, 30, or 40 amendments. There is no attempt whatsoever to delay or bog down this bill. We want to see this bill moved and passed. But school safety is an important issue.

The fact that so many of us believe strongly in gun control and have come together and put together one amendment which will be offered by the Senator from New Jersey, Mr. LAUTENBERG, who has been such a leader on this issue, is no attempt to divert us or to slow this bill down. If we wanted to do that, we would have asked for many amendments.

If the majority leader, in his wisdom, should decide to pull the bill because there is that one amendment, I think most Americans would believe we really do not want to debate education and that it was just an excuse.

The second thing I would like to talk about a little bit is the block grant, which is really the main debate we will be having.

Is the Federal Government going to be involved in education and just giving the money unfettered—how I would characterize it—to the States or to the school districts or, rather, we should say: Here is a need and here is some money; We are not forcing you to use it; This is not a mandate; But if you want the money, you have to meet certain rules, certain standards, and apply under certain standards.

The greatest area I have experience with in this realm is the issue of crime. We tried the block grant route with crime. It was a fiasco. Governor after Governor, locally-elected official after locally-elected official—the LEA program, the law enforcement assistance grant, a block grant devised by Jimmy Carter and certainly supported by many Democrats—just wasted the money.

We had instances of a tank being purchased by one State. I think it was in the State of Indiana where the Governor purchased an airplane under LEA so he could fly to Washington to discuss crime issues. Money was wasted.

A few short years after LEA was passed and the money was appropriated, it was withdrawn with its tail between its legs. That issue could be repeated in education. I wasn't around. I was actually in high school when we passed the block grants in 1965. Again, this was done by Democrats. Imagine it is 1965—it was a Congress that was overwhelmingly Democrat—and the same thing that happened to crime happened in education; money was just wasted.

Here is an example. There were blank checks: $35,000 was spent on band uniforms, $2,200 was spent on football uniforms, $63,000 was spent to purchase 18 portable swimming pools, and $16,000 was spent on construction of two lagoons for sewage disposal.

Do we want to repeat that? Do we want to see that kind of waste and patronage when we give a locality money? They don't have to sweat to raise the taxes for it. They are getting free money, and we say, basically, spend it on what you want. It is a formula for disaster. That is what it seems we are headed towards. It is just incredible to me.

There is an even deeper point, which is this:

We are all critical of our present educational system. We say it is not working the way it should. Instead of changing, instead of trying to improve it, instead of saying here are ways, such as reducing class size, or making classrooms better, or having better teachers, or having standards, or having some accountability, we just give the money to the very same school districts we criticize and say: Do whatever you want with it. It is illogical.

The only way there should be a block grant is if we think the school districts are doing a great job and simply don't have enough money.

That is not a conservative argument. You hear more of that from the liberals. Yet the conservatives in this body are supporting block grants—no standards, little accountability, no direction, spend it on what you wish. I am utterly amazed.

I think there are a lot of good debates we can have. I understand the desire to keep schools locally controlled. But a block grant, a formula for waste, and much of it going to the Governors so that money doesn't even trickle down?

If you ask the American people if they prefer a block grant or prefer tethered money to reduce class size, or to raise standards, or to improve the quality of teachers, there is no question what they would desire.

I hope my colleagues will listen to the debate we are going to have on this bill. As I said before, I hope it is a fulsome debate. I hope it is a long debate. We cannot spend time on any issue that is more important than education.

I hope they will look at the proposals I have brought forward to improve teachers. They are not ideological. Some involve tax breaks, some involve raising standards. I hope we will decide that the role of the Federal Government should be to raise the bar—because enough localities have not—and help people get over that bar rather than just give them a sack of coins and say, "Do what you will."

I look forward to this debate. I think it is one of the most important we can have.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, May 3, 2000.

Thereupon, the Senate, at 7:21 p.m., adjourned until Wednesday, May 3, 2000, at 9:30 a.m.

NOMINATION

Executive nomination received by the Senate May 2, 2000:

THE JUDICIARY

JAMES EDGAR BAKER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE WALTER T. COX, III, TERM EXPIRED.

EXTENSIONS OF REMARKS

IN COMMEMORATION OF HOLOCAUST MEMORIAL DAY MAY 2, 2000

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. WAXMAN. Mr. Speaker, I commend Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered during World War II.

This somber anniversary is a tribute to the memory of the victims of the Holocaust, the heroism of those who fought back, and the strength of those who survived. A national holiday in Israel, Yom Hashoah is also commemorated across this country.

I strongly believe that we must act on our promise to "never forget" by acting on our responsibility to teach future generations about the lessons of the Holocaust. As we prepare our children for a new century, we must instill in them the tolerance and compassion to prevent the greatest terror of the past century from ever being repeated in the next. The legacy of the survivors of the Holocaust and of those who perished will only live on if we educate people about this history.

It was only last month that British Courts exonerated historian Deborah Lipstadt of the libel charges brought by a Holocaust denier. Although the decision reaffirmed that Holocaust denial is false history and Nazi sympathy, it is unfortunate that such attempts to distort and trivialize the Holocaust abound. The release of the Eichmann diaries as evidence used in the trial only further establishes the reality of the Holocaust and the dangers of those who seek to deny it.

Today is an opportunity to recommit ourselves to stand against anti-Semitism, discrimination, and intolerance in all forms, at home and abroad. We reflect upon the murder of 6 million innocent Jewish men, women and children, and the systematic destruction of families and vibrant communities. We reestablish our determination to confront the past, and our dedication to perpetuating the memory of those who suffered.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

SPEECH OF

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BALLENGER. Mr. Speaker, I am pleased to be able to vote today for the final version of the congressional budget for fiscal year 2001 (H. Con. Res. 290). Again, I wish to congratulate my colleagues on the House Budget Committee and their counterparts in the other body for their hard work in crafting a fiscal year 2001 budget and pushing it to passage ahead of schedule.

First, this congressional budget keeps a lid on runaway federal spending. For the second year in a row, this budget devotes the entire Social Security surplus, totaling $161 billion in fiscal year 2001, to a lock box to prevent it from being used to finance other government programs. And, it proposes the creation of a $40 billion reserve fund over five years to be used to reform Medicare and provide prescription drug coverage for Medicare beneficiaries who need it. Simultaneously, it allows us to continue to pay down the public debt (a trillion dollars of it over five years), making it possible to eliminate the entire public debt by 2013.

In addition, the Republican budget proposal calls for tax cuts of up to $150 billion over five years, including the elimination of the marriage penalty. It also contains tax relief for small businesses, phases out the estate or 'death' tax, establishes tax incentives for educational assistance and tax relief associated with pending health care reform legislation.

Finally, I am pleased to report that the Republican budget increases spending for primary and secondary education, including Pell Grants (which we have increased by about 50% since we assumed control of Congress in 1995); national defense and programs to support our military men and women; transportation; and veterans programs. In response to many of my constituents' concerns, it also decreases foreign aid expenditures. Again, I believe this budget fulfills my commitment to 10th District citizens to support budget reforms and fiscally responsible spending.

RADIO BROADCASTING PRESERVATION ACT OF 2000

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3439) to prohibit the Federal Communications Commission for establishing rules authorizing the operation on new, low power FM radio stations:

Mr. PITTS. Mr. Chairman, I rise in support of H.R. 3439, the Radio Broadcasting Preservation Act, because it protects the interests of all parties affected by low-power FM.

I have several small and independent broadcasters in my district. They provide important services to communities in Lancaster and Chester Counties, PA. Unfortunately, the FCC Low-Power FM rule threatens these broadcasters and many like them across the country.

While the intentions of the FCC are good, its policy is bad. The FCC's low-power FM policy does not provide adequate safeguards against broadcasting interference.

Do we really want to increase the burden for these small and independent stations, many of which are already struggling to stay on the air? I think not.

For this reason, we need to pass H.R. 3439 and protect FM station license holders in small, rural markets where there are already limited opportunities for stations to sell the advertising that covers operating expenses.

H.R. 3439 makes sure we take a hard look at the consequences of low-power FM by requiring the FCC to conduct an economic impact study of low-power FM on existing broadcasters, with an emphasis on minority and small-market broadcasters. This bill also requires the FCC to properly conduct tests to prevent broadcast interference.

I thank my colleague, Mr. OXLEY, for introducing this important bill. We must ensure all parties affected by low-power FM—existing small and independent broadcasters, public radio stations, and radio listeners—are given the consideration they deserve.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 4051, "Project Exile: The Safe Streets and Neighborhoods Act of 2000." Project Exile adopts a zero-tolerance for federal gun crimes, with federal, state and local law enforcement and prosecutors working hand-in-hand to prosecute each and every firearms violation. This program imposes stringent and serious consequences on armed criminals by demonstrating that prosecution and punishment provides for deterrence and prevention. We need to send a real clear message to criminals who abuse our Second Amendment. Project Exile is a positive step in the direction to reduce firearm related crime in America by providing a five-year mandatory minimum sentence, with no eligibility for parole, for anyone who uses or carries a firearm in the commission of a violent crime, drug trafficking crime or for any convicted felon found to be in possession of a firearm.

Project Exile is one of the most aggressive, creative and innovative crime control plans ever initiated. Since its inception in Richmond, Virginia, in 1997, Project Exile has produced

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

overwhelmingly successful results; the Project has put more than 200 armed criminals behind bars; one violent gang responsible for many Richmond murders has been eliminated; the rate of gun carrying by criminals has been cut nearly in half; and the armed robbery rate for 1998 has declined 29 percent. This is just one state with significant examples of how the implementation of Project Exile has decreased gun-related crimes. It has proved to be so effective that Project Exile has expanded to other areas such as Rochester, New York and Philadelphia and other areas are considering adopting the same approach. Project Exile needs to be applied on a federal level and not just on a state level. We cannot comprise American families and their safety by just denying felons access to guns. We must do more. We must effectively enforce gun laws.

We cannot be sure that our criminal justice system is doing all that it can do to keep guns out of the hands of violent felons if these felons are not consistently being prosecuted for their crimes. Our focus needs to be criminal control and not gun control. It is about time we take proactive measures to protect law-abiding citizens from becoming the victims of violent gun crimes. I urge my colleagues to vote for Project Exile.

A TRIBUTE TO THE HUMAN SPIRIT OF MR. JOHN FRIDLEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. SHIMKUS. Mr. Speaker, today I praise the human spirit. We have become a cynical nation. It has become cliché to say that a good person is hard to find. I don't believe that for one minute. I meet good people everyday. On this occasion, I would like to commend Mr. John Fridley, of New Baden, Illinois.

John is a member of the Wesclin Community Unit School Board, the Kaskaskia Special School District Board and on the advisory board at Belleville Area College as well as active in his church. John also is a member of the Year 2000 Allocations panel for the United Way of Metro East. This father and grandfather, former teacher and retired member of the U.S. Air Force, now works as a civilian at Scott Air Force Base. By all indications, John is a success.

He credits has sense of civic duty and volunteerism to his father, who instilled in young John what you owe your services to the community where you live. Mr. Fridley is a dynamic leader and an inspiration to all of us in the 20th District of Illinois.

TRIBUTE TO ECKERD CORPORATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. WALSH. Mr. Speaker, I would like to recognize a very important player in the war against drugs in our nation. The Eckerd Corporation has for many years now sponsored a Drug Quiz Show that reaches over 30,000 middle school students in New York State. This program teaches students important lessons about the dangers of substance abuse in a creative 'game show' format. In years past, the Eckerd Corporation has received recognition awards from the Department of Justice, the Department of Health and Human Services, and New York State Governor George Pataki. I believe that the local efforts of the Eckerd Corporation are in line with the company's national campaign, and I believe that the Eckerd Corporation deserves to be recognized for its long-standing commitment to the Drug Quiz Show format.

Finals for this year's competition are scheduled to take place on Monday, May 8th, 2000 in Syracuse, New York. I would like to thank the coordinators of the event, especially Executive Director, Ms. Susan Meidenbauer, the Eckerd Corporation, the students, the schools, the parents, and administrators who are so supportive of this outstanding and exciting opportunity to educate young and old about the dangers of substance abuse.

A TRIBUTE TO THE CHARLES CITY HIGH SCHOOL MUSIC DEPARTMENT

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. NUSSLE. Mr. Speaker, today I pay tribute to the Charles City High School Music Department for its selection as a GRAMMY Signature School for the second time in as many years.

I would like to congratulate the students of the Charles City High School band, choir and orchestra. They are one of only 100 schools to be recognized in the country this year, and one of the three from Iowa. With this achievement, they have demonstrated that they have the ability and the desire to be assets and role models in their community and the great state of Iowa.

This award is given to schools that are dedicated to advancing music and arts-based education by the GRAMMY Foundation, a non-profit arm of the National Academy of Recording Arts and Sciences (NARAS). The recipients of this award are determined on the basis of a scoring system applied by an advisory committee made up of members of the musical industry.

I also congratulate the directors of the three music departments at the school; the Director of Bands, Jim Jurgensen, the Director of Vocal Music, Larry Michehl, and the Director of Orchestras, Nancy Western as well as Principal Jon Nordaas and the entire faculty at Charles City High School. Without their guidance and support, and that of the entire community, this prestigious recognition would not have been possible.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and congratulating the Charles City High School Music Department for the outstanding achievement of receiving the NARAS GRAMMY Signature School Award.

TRIBUTE TO EDWARD DEEB AND HARVEY WEISBERG

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. LEVIN. Mr. Speaker, on Sunday, May 7, 2000 a dinner will be held under the sponsorship of American Arab and Jewish Friends, a program of the National Conference for Community and Justice (NCCJ). The NCCJ is an organization founded to improve understanding and friendship between the Arab and Jewish communities.

The dinner honors two exceptionally distinguished citizens of Michigan, Edward Deeb and Harvey Weisberg.

Ed Deeb has been a leader in the food industry for almost forty years, currently serving as President and CEO of the Michigan Food & Beverage Association, Chairman of the Eastern Market Merchants Association and head of the Michigan Business and Professional Association. His commitment to community is demonstrated through his continuing coordination of the Metro Detroit Youth Day and his service in numerous organizations in a variety of capacities, among them the Salvation Army, United Way Community Services, Boys & Girls Clubs of Southeast Michigan.

Harvey Weisberg also has had a distinguished career in the food industry, playing a leading role in the retail business in Michigan. He has long been actively involved in improving the lives of those who live in Metro Detroit. He is a National Commissioner and a member of the Michigan Anti-Defamation league of B'nai B'rith, serves on the boards of the Jewish Welfare Federation, United Jewish Charities, Hillel Day School, United Hebrew Schools and the American-Israel Chamber of Commerce. Harvey had recently become involved with the Children's Sports For Peace Organization, which is planning to build sports facilities in Israel, Gaza City and other Arab cities.

It has been my pleasure to know Ed Deeb and Harvey Weisberg during their decades of professional and community work. I admire their efforts to create broader understanding between the Arab-American and Jewish communities in Michigan.

Mr. Speaker, I ask my colleagues to join me in recognizing Edward Deeb and Harvey Weisberg. It is very fitting that they be honored for their endeavors. May they help to stimulate further efforts to foster meaningful dialogue about major challenges and opportunities.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. TERRY. Mr. Speaker, I rise today in support of the H.J. Res. 94, the Tax Limitation Constitutional Amendment. I would first like to thank my distinguished colleague from Texas, Representative PETE SESSIONS for sponsoring this overdue piece of legislation. This legislation of which I am cosponsor, requires any tax increase passed by Congress to be supported by more than a simple majority. The Tax Limitation Amendment states that any tax increase must pass by a two-thirds vote of Congress.

Taxes are the most fundamental means of pricing out the government, and yet few taxpayers understand the price that they pay when members of Congress pass tax increases by a simple majority. Currently, 14 states require tax limitation standards, which have caused tax and spending decreases while increasing employment and economic expansion. Why not implement a tax limitation standard on the federal level so that this same effect can be felt by all Americans?

There are a number of important issues which require a two-thirds vote by Congress such as amending the Constitution, overriding a Presidential veto; two events which clearly require the parties of Congress to come to a consensus. The decision to increase taxes is an important issue and it too should require more than a majority, it should require a consensus.

When Congress votes yes to increase taxes, it has an effect on everyone. When I was elected to represent the second district of Nebraska, one of my priorities was to fight against any and all attempts by the federal government to take more money away from my constituents. Last year many of my colleagues and I voted to cut $792 billion dollars in taxes for hard-working Americans, a great effort which was vetoed by the President. Unfortunately, we had no hope of overriding the Presidents veto because we could not muster the two-thirds votes necessary from the House. Any attempt by members of Congress to cut taxes is put in jeopardy by the Presidents ability to veto. We should require any increase in taxes to receive overwhelming support of Congress—a two-thirds vote.

Many of the major tax increases levied on Americans have passed without a two-thirds vote. In 1982, Congress passed the Tax Equity and Fiscal Responsibility Act which cost the taxpayer $214 billion dollars without a two-thirds vote; Congress passed the Omnibus Budget Reconciliation Act of 1987 totaling $40 billion dollars without a two-thirds vote; Congress passed the Omnibus Budget Reconciliation Act of 1989 for $25 billion dollars without a two-thirds vote; Congress passed the Omnibus Budget Reconciliation Act of 1990 for a whopping $137 billion dollars without a two-thirds vote. Finally, Congress passed one of the largest tax increases in American history, the Omnibus Budget Reconciliation Act of 1993 for $275 billion dollars by 1 vote not a two-thirds vote. I believe that I have made my point. If you are going to send Americans a tax bill, you better have the support from two-thirds of Congress.

The economy of the United States is at a fiscally sound level, but our taxes remain to be the highest they have been since World War II. As Congress, our main goal is to keep our economy sound and contribute to the current prosperity. Preventing future tax increases will help us in this mission. One way to accomplish this is to require a two-thirds vote from Congress before making a decision that could alter our lives.

Federal tax laws have numerous unintended consequences on Americans. Congress needs to make decisions in the best interest of Americans by ensuring that any federal tax increase is supported by more than just a simple majority. I urge my colleagues to vote yes on this bill.

A TRIBUTE TO MS. SHIRLEY SCHMITT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. SHIMKUS. Mr. Speaker, today I honor Ms. Shirley Schmitt, who is the fifth-grade teacher at St. Jacob Elementary School. Shirley was named the school Recycling Coordinator of the Year, otherwise known as the "Recycling Queen" because of her creative ways of cleaning up the world around her.

As a former teacher, I know that you have to be inventive to grab and then maintain the kid's attention. Her recycling program is much more than separating glass and plastic, she makes it fun. Let me share with you some of Shirley's ideas: using pencil shavings as mulch or using 6 pack plastic rings along with a shish-kabob stick to make flowers.

When you are creative in the classroom, and make projects fun, you dare a child to dream. That is the magic of teaching. Thank you Shirley.

TRIBUTE TO MS. AMANDA NODINE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. WALSH. Mr. Speaker, I received a letter two weeks ago from a constituent, The Honorable Lucille Craine, who is supervisor of the town of Victory, New York which is in my district. Included in the letter was an essay, written by Amanda Nodine, a thirteen-year-old student who attends Red Creek Central School. Amanda's essay, titled "Our Flag, Why Should We Respect It?", has received various acclamations, including recognition by the Wolcott Elk Lodge and other American Legion organizations.

I am very proud of Amanda for her patriotism and loyalty to our country. She exhibits discipline, sensitivity, and love for her country while also representing her school and her community. I am equally proud of Red Creek High School, the parents, and administrators who are so supportive of this outstanding young citizen.

I have included her essay for the record.

OUR FLAG, WHY SHOULD WE RESPECT IT?

(By Amanda Nodine)

The American Flag has many reasons why it should be respected. Yet many people don't understand the meanings of the American flag.

Many Americans fought for our country risking their lives. People died so they could save our country. The soldiers wanted all of us to be free now, in the future, and back then. The American flag shows honor and support for the people who fought, died, and suffered, all for our country.

The flag has many meanings. The flag symbolizes independence, freedom, justice, America, and democracy. The flag has 50 white stars on a navy blue background, and 13 alternating red and white stripes. The 13 strips represent the original 13 colonies. It has 50 stars for all of the 50 states. The flag's colors are red, white, and blue. Red standing for heroism, zeal, and faith; white for hope, purity, and cleanliness of life; and blue the color of heaven, in honor of God, loyalty, sincerity, justice, and truth.

We show patriotism when we salute the flag, fly it on at important events, government buildings, schools, American legions, Elks Clubs, and other important buildings.

Without our flag we wouldn't be a free country. We could be owned by another country and ruled by one too.

The flag should be respected because it is an important monument and also because it symbolizes the freedom of our country. Respect the American flag!

TRIBUTE TO MR. THOMAS MILLER OF MERIDIANVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. CRAMER. Mr. Speaker, I pay tribute to Mr. Thomas Miller of the Madison County Sheriffs Department. Mr. Miller goes above and beyond the duties of a public servant. Mr. Miller works the night shift with the Sheriff's Department, but still finds time to lead a group of Tiger Scouts.

Mr. Miller has dedicated himself to this group of eager young men and has taught them by example about a life of citizenship and patriotism. The Tiger Scouts respect Mr. Miller and the job he does everyday to protect them and their families, often without proper recognition or gratitude.

I wish to take this opportunity to thank him for his exemplary role as a leader in our community. Children in this country need more role models like Mr. Miller. I believe that this honor is fitting for someone who has given so much of himself for this community and this nation.

I want to wish Mr. Miller and his family best wishes and express to him my gratitude on behalf of the United States Congress for his selfless work with the Tiger Scouts in our community.

A CELEBRATION OF INTERNATIONAL GUIDE DOG DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mrs. MORELLA. Mr. Speaker, on April 26, thousands of individuals around the world will celebrate International Guide Dog Day. This day was brought to my attention last November, when I received a letter from a constituent of mine, Ms. Christine de Angeli. She is a junior at St. Andrew's Episcopal School in Potomac, MD, and has spent a great deal of time as a foster puppy raiser. She believes that having sight is a gift, and feels that it is important for her to donate her time toward improving mobility for those with visual impairments. At her urging, the State of Maryland will issue a Governor's Proclamation recognizing International Guide Dog Day.

Christine is currently raising her second dog guide puppy. Often when she is out with the puppy, she encounters people who are unaware of the opportunity to become a foster puppy raiser, oftentimes they are very interested in learning more about how they can help. These volunteers are great ambassadors for our country's dog guide program.

Just by happenstance Mr. Speaker, a new staff person in my office is a dog guide user. Watching her work her dog guide on the Metro, in meetings, and around the office has given me a much greater appreciation for the value of these dog guides and how they enable one to keep working despite the loss of vision.

Ms. de Angeli feels strongly that in this country we should have a day to recognize the work of dog guides, their handlers, the families, and many organizations such as the Lions Club that support dog guide schools.

Dog guides change the lives of people who are blind or have low vision. Training dog guides takes both volunteer time and private donations of funds. The average cost to successfully train a blind person and their dog guide is about $25,000. Dog guide organizations rely on foster puppy raisers to raise future dog guides from the age of eight weeks until they start their formal guide training at 18 months. As International Guide Dog Day is acknowledged, many more families will become aware of the opportunity to be foster puppy raisers and will hopefully contribute time and energy to help their fellow citizens.

I salute these selfless individuals and marvelous animals for their contributions to our society.

TRIBUTE TO JOSEPH HOJNICKI, MEMBER OF THE CENTURY OF THE MINQUADALE FIRE COMPANY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I, as a member of the Congressional Fire Service Caucus, honor and pay tribute to a leader in the firefighting community—Joseph Hojnicki of the Minquadale Fire Company. Joseph Hojnicki is an outstanding, dedicated and caring Delawarean with an abundance of accomplishments in this field. On behalf of myself and the citizens of the First State, I would like to honor this outstanding individual and extend to him our congratulations on being chosen Minquadale Fire Company's Member of the Century.

Mr. Speaker, I am proud of the volunteer fire service in Delaware. It has been my privilege to have had the opportunity on many occasions to speak about this institution on the floor of the House of Representatives. These unselfish men and women provide their communities with essential volunteer public service. The volunteer fire service is as old as our nation. Benjamin Frankin was our first volunteer fire chief. It is tradition in the volunteer fire service for these men and women not to seek praise for what they do as volunteer firefighters. However, it is my privilege to praise Joseph Hojnicki, a man who has devoted the better part of his life to the volunteer fire service.

Today, I recognize Joseph Hojnicki of the Minquadale Delaware Fire Company. On Saturday, April 29, during the Seventy-fifth Annual Banquet of the Minquadale Fire Company, Joseph Hojnicki was named Member of the Century. He has provided more than 50 years of service to his community and the State of Delaware. He has done so in a manner that brings great distinction to the Minquadale community.

Family, friends and fellow firefighters can now take a moment to truly appreciate the world of difference Joseph Hojnicki has brought to the firefighting community. He has served for many years as Fire Chief and then President of the Minquadale Fire Company. He later earned a statewide reputation in Delaware for his service as President of the New Castle County Volunteer Firemen's Association and the Delaware Volunteer Firemen's Association. Today, while past the age of seventy, Joseph Hojnicki continues to respond to fire service calls to protect his community.

Joseph Hojnicki believes in young people. His firm yet friendly manner has influenced and encouraged young men and women to become involved in the fire service. For many it was an alternative to the street and possibly getting into trouble. Joseph Hojnicki's leadership and guiding hand helped create many fine firefighters and officers while he taught civic responsibility to two generations of Minquadale's youth. Mr. Speaker, with his wife Irene at his side, the Hojnicki family proudly and unselfishly contributes everyday to the quality of life at home in their community and our entire state.

As Minquadale celebrates their Diamond Anniversary, I join with them as they honor and pay tribute to a man whom they have called their "greatest member." His selfless commitment to the cause of volunteer firefighters will have a permanent place in Delaware's volunteer fire service history. I am proud to call Joseph Hojnicki my friend.

TRIBUTE TO COMMAND SGT. MAJ. DAVID B. RABON

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. UNDERWOOD. Mr. Speaker, the Creed of the Noncommissioned Officer says, in part, "I will strive to remain tactically and technically proficient. I am aware of my role as a Noncommissioned officer. I will fulfill my responsibilities inherent in that role. All soldiers are entitled to outstanding leadership; I will provide that leadership. I know my soldiers and will always place their needs above my own . . ." These words certainly seem to be the sentiments of the many men and women of my home island who have distinguished themselves in all branches of military service. Indeed, military men from Guam have won praises for their loyalty, their patriotism, their commitment to duty, and their dedication to the mission for more than 300 years.

In the 17th century, when the Spaniards recruited men from Guam as sailors in the Spanish fleet; in World Wars I and II, when the American military worked shoulder to shoulder with Guamanians both as civilian volunteers and uniformed personnel; in the Korean war and the Vietnam conflict; in other conflicts with American involvement since then; and most recently, in the Persian Gulf war, the record established and maintained by military men and women from Guam is a long and very proud one. This continues today.

As we enter the new millennium, another son of Guam is carrying on the tradition. It gives me great pride to say that the new commandant of the U.S. Army Aviation Center Noncommissioned Officer Academy at Fort Rucker, AL, is Command Sgt. Maj. David B. Rabon, the son of Jesus Bontugan and Rosa Benavente Rabon. Born in my home village of Sinajana on August 15, 1949, Sergeant Major Rabon enlisted in the U.S. Army in 1972, attended basic training at Fort Ord, CA, and advanced individual training [AIT] at Aberdeen Proving Grounds, MD, graduating from the AIT as an aircraft fire control repairman. In the 27 years he has spent in the Army, Sergeant Major Rabon has held numerous positions of leadership including squad leader; unit nuclear biological and chemical NCO; battalion aviation maintenance NCOIC; platoon sergeant; company first sergeant; service school instructor; service school branch chief; battalion and brigade command sergeant major.

Sergeant Major Rabon's awards and decorations include the Legion of Merit, the Meritorious Service Medal with One Oak Leaf Cluster, the Army Commendation Medal, the Army Achievement Medal with One Oak Leaf Cluster, the Good Conduct Medal 9th Award, the National Defense Service Medal w/Star, the Armed Forces Expeditionary Medal, the Armed Forces Service Medal, the Non-Commissioned Officer Professional Development Ribbon with numeral "4", the Army Service Ribbon, the Overseas Service Ribbon with numeral "4", the NATO Medal, the Master Aircraft Crewman Badge, the Air Assault Badge, and the Honorable Order of St. Michael Bronze award.

Command Sergeant Major Rabon's long and distinguished military career was made possible by the support of his wife, Barbara, and their children, David Jr. and Jennifer. The Command Sergeant Major's family bore the difficulties and accepted the challenges posed to military dependents. The Rabon's sacrifices were compounded by the misfortune of losing their son in a motorcycle accident while the family was stationed in Germany in 1995. The loss of a child is most difficult but worse when one is far from home and family.

The Rabons have held together. Without a doubt, the family's unity and strength, in addition to traditional values and the Command Sergeant Major's guidance, have enabled them to endure. The Rabons have been continually dedicated to serving the communities they have come in contact with through the Command Sergeant Major's service. Command Sergeant Major Rabon, himself, has taken special interest in coordinating Asian Pacific American activities.

As the Command Sergeant Major's military career nears conclusion, he and his wife have made plans to retire to Fort Walton Beach, FL. They look forward to living near their daughter, Jennifer, who is a special agent for the Department of Defense at Eglin Air Force Base.

Once again, to Command Sgt. Maj. David Rabon, his wife, Barbara, and daughter, Jennifer, I send best wishes from the people of Guam. It is well known that NCO's are "the backbone of the Army," the leaders of soldiers, I can think of no finer teacher of leadership than a good leader like Command Sgt. Maj. David Rabon. Guam is proud of him and he is a great representative of what our people can do.

THREE GIANTS OF THE LAW

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, criticism of both public and private institutions is a vital part of democracy, but there are times when we as a society err on the side of excessive negativism, with the danger that the important contributions institutions make to the quality of our life can be overlooked.

An example of this is the current mood of ridiculing the legal profession. In the welter of legitimate criticisms that are made in the media and elsewhere about mistakes that lawyers make, the extraordinarily important role that lawyers play in fighting for some element of fairness in our society is sometimes lost.

In the Boston Globe on Monday, April 17, Professor Charles Ogletree, Jr. of Harvard Law School published an eloquent and thoughtful essay about the role of three of his former Harvard Law School colleagues who, tragically, all passed away last month.

Professor Ogletree's moving tribute to Gary Bellow, Abram Chayes and James Vorenberg serves two important purposes. First, it highlights the valuable work all three of these very dedicated, highly talented public spirited men did to make our society a fairer one. And in doing that, Professor Ogletree also highlights how the law at its best—and each of these three men represented that ideal—enhances the quality of our life as a civilized people.

It is entirely appropriate that Professor Ogletree wrote this article, because he embodies the tradition and moral leadership through the practice and teaching of law that these three extraordinary men exemplified. Because it is important that we as public policy makers strive constantly to vindicate the values that Gary Bellow, Abe Chayes and Jim Vorenberg worked so hard for during their lifetimes, because Charles Ogletree so well conveys this point, I submit his article to be printed in the RECORD.

[From the Boston Globe, Apr. 17, 2000]

Giants of Law

(By Charles J. Ogletree, Jr.)

Three giants in the legal education reform movement died this past week. Gary Bellow, Abram Chayes, and James Vorenberg have left indelible marks on the profession and have been instrumental in initiating reform that will continue to have an impact well into the 21st century.

While they are known for being scholars and gifted teachers at Harvard Law School, their contributions are much broader; and they have touched the lives of generations.

Although they spent more than 30 years as exceptional teachers, they spent an equal amount of time as public interest advocates. Bellow is known for his remarkable string of acquittals as a public defender in Washington. He represented Cesar Chavez and the migrant farm workers in California as they fought to reduce the use of life-threatening pesticides and to press for a livable wage. Bellow's success drew the wrath of then-Governor Ronald Reagan. His work ultimately led to severe restrictions on the type of cases that legal service attorneys could accept in representing poor people.

Vorenberg's ground-breaking work as a Watergate prosecutor was an important affirmation of the principle that no person is above the law and today is a marker for public prosecutors functioning as public servants.

Chayes over the past two years represented the nation of Namibia before the International Court of Justice. He also represented Kosovo refugees in an action claiming that government-led forces engaged in genocide, war crimes, and human-rights violations.

Their work in the courtrooms of the nation and the world, however, does not adequately illustrate their lasting contributions to our legal system. Bellow pioneered the clinical legal education movement in the early 1970s. His idea was that, with new constitutional changes requiring that indigents accused of criminal violations receive free attorneys, well-trained and energetic law students could serve in this effort. As a result of his vision, thousands of law students have provided quality legal representation to poor people in civil and criminal cases throughout Massachusetts and the nation.

Bellow's casebook, "Lawyering Process," is the seminal clinical legal education textbook used today. It took the unprecedented approach of using social science literature and empirical research to explain the complexities of the legal process, and it is unparalleled in its breadth and depth.

Chayes was a pioneer in the field of international law, human rights advocacy, and peaceful conflict resolution. He began teaching and writing in these areas shortly after World War II and served as an adviser and consultant to several American presidents, including John Kennedy during the Cuban missile crisis. He helped policy makers realize that our salvation as a nation is inextricably tied to our willingness to see world progress as a global challenge, with cooperation and conciliation as an integral element. Chayes trained many foreign lawyers, including some who have returned to their countries and implemented democratic reforms that facilitated unfettered elections, economic productivity, and the protection of minority rights, without compromising principles of national sovereignty. His effort over the past 50 years stands as a testament that one person, fully committed to democracy and peace, can make a difference.

Vorenberg's impact influenced not only legal education but also law reform in communities nationally. His commitment to justice and equality started early as he witnessed his father and grandfather hiring black employees at Gilchrist's, the Boston department store, during a time when few accepted the principle of hiring minorities. He also quietly influenced improved relationships between law enforcement officials and minority communities.

While Vorenberg's role in developing the Kerner Commission Report is well known, his role in creating the Center for Criminal Justice at Harvard Law School to help eliminate distrust between police and minority community members is less publicized. He convened meetings of some of the nation's police chiefs in the early 1970s and had them examine ways to address crime control, while respecting the individual liberties of an increasingly diverse population.

While it was not called community policing then, Vorenberg's efforts were designed to make police chiefs implement programs that helped them to better understand the communities they served, and to work with clergy, community leaders, and youth, to prevent crime. Former police chiefs like Lee P. Brown, of Houston and New York, Joe McNamara of Santa Clara, Calif., and Thomas Gilmore, the first African-American sheriff in Lowndes County, Ala., credit their visits to Harvard and consultations with Vorenberg and others for the success in vastly improving police and community relations following the turbulence of the 1980s.

The lasting impact of Vorenberg's work with police chiefs can be seen in the success of cities like Boston and San Diego, and it offers a blueprint for innovation in turbulent cities like New York and Los Angeles.

The accomplishments of these three giants cannot be adequately recounted without acknowledging the significant contributions of their spouses and partners, talented women in their own right. Jeanne Charn was with Bellow every step of the way in creating the Hale and Dorr Legal Services Center over the last two decades, and she now serves as director of the center, providing legal assistance to a bilingual and the multicultural population of poor people in Massachusetts.

Antonia Chayes joined her husband in resolving international disputes and advising foreign leaders through the Conflict Management Group, an internationally recognized dispute resolution institute that continues to help world leaders and nongovernmental organizations.

Betty Vorenberg traveled the world with her husband promoting individual liberty and civil rights, particularly for women and children, while also playing an active role in the juvenile justice reform movement in Massachusetts.

The love of the law and passion for teaching the next generation of social engineers was evident even in their final moments. Vorenberg was fatally stricken after teaching one of his classes, and Bellow suffered heart failure en route to class. These educators were the epitome of humility and selflessness. There will not be three like them to pass this way again.

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HUGH T. MURRAY FAMILY

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. HANSEN. Mr. Speaker, I recently received a letter from my constituent, Iola B. Murray, regarding an error in the CONGRESSIONAL RECORD of October 19, 1971. To correct the historical record for her family I include the statement as it should have appeared at that time.

HUGH T. MURRAY FAMILY

Mr. MCKAY. Mr. Speaker, I would like at this time to pay special tribute to the Hugh T. Murray family of West Point, Utah, for special achievement in the field of Scouting. The Murrays have set an outstanding example for all of us with each of the family's six sons achieving the Eagle Scout award and with the four youngest receiving this award on the same night at a special court of honor.

Dean, 19; Paul, 17; David, 16; and Joel, 13, were presented with their Eagle awards on the night of June 27 of this year with two older Eagle Scout brothers, John, 25, and Thomas, 23, participating in the special ceremony. In this day and age of the dropout, it is heartening to see young men who still care—young men who see value in religion, family life and in serving their community. I pay tribute to the Murray family and to the scouting program for the sense of responsibility it provides for young men in America today.

The Murrays have been blessed with eight fine children including two daughters, Mabel Ann and Julie Kay. It was a goal of the entire family to see that all six sons become Eagle Scouts and this goal was reached when the four youngest sons received their individual Eagle awards at the same time.

The six Eagle Scouts of the Murray family have all been actively engaged in school, church, and community activities. Twenty-five-year-old John recently received his master's degree in electrical engineering from Brigham Young University. He was a member of the National Honor Society, a high school athlete and has served a mission for his church. He is married to Bonnie Hart and has a year old son.

Twenty-three-year-old Thomas is a senior at Weber State College. He too has served a mission for his church and has served in student government while in college. He is leader of an Explorer Post and took his young men to the National Explorer Olympics where they won the basketball title.

Nineteen-year-old Dean is now serving on a mission for the Latter-day Saints Church and was attending Weber State College prior to that church call. He participated in athletics in high school and in college and has worked with young men in scouting and athletics. He played on the Explorer Olympics national champion basketball team.

Seventeen-year-old Paul is now a senior at Clearfield High School where he lettered in wrestling and track. He has been active in scouting and church work. He also played on the National Explorer Olympics basketball championship team.

Sixteen-year-old David is a junior at Clearfield High School where he is actively engaged in sports. He has also been a leader in church activities and in scouting and was also on the Explorer Olympics national champion basketball team. He has been president of his Venturer and Explorer posts.

Thirteen-year-old Joel is the youngest of the six brothers and a ninth grader at North Davis Junior High School. He enjoys sports and scouting and is now a patrol leader. He has been an active leader in his church and has won several awards.

I am happy to call to the attention of the Members of the House the accomplishments of the Murray family. I would like to commend Mr. and Mrs. Hugh Murray for the outstanding example they have set, as parents, for all of us. And I also commend the Murray sons and daughters for their genuine interest and involvement in church, school, and community.

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RECOGNIZING RABBI MARC SCHNEIER AND THE FOUNDATION FOR ETHNIC UNDERSTANDING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. TOWNS. Mr. Speaker, I rise today to recognize the contribution of The Foundation for Ethnic Understanding, under the strong leadership of Rabbi Marc Schneier. The Foundation has over the past ten years worked to highlight the need for strengthening relations between Jewish-Americans and African-Americans. In doing so, the Foundation has reminded Americans of the strength that comes from sharing our similarities as well as our differences, while reminding us all of the pain endured by our nation during the Civil Rights Movement, and the ultimate success of those efforts.

On April 4th, the 32nd anniversary of the assassination of Dr. Martin Luther King, Jr., members of Congress and leaders of both the African-American and Jewish-American communities gathered in the halls of Congress to pay tribute to the legacy of Dr. King. Even as we paid tribute to this hero of the Civil Rights Movement, we joined the Foundation for Ethnic Understanding in honoring two members of Congress, my colleagues, Congresswoman NITA LOWEY from New York and Congresswoman SHEILA JACKSON-LEE from Texas. Both of these leaders deserve our greatest admiration for their commitment to ensuring that justice and liberty will prevail within our nation.

Mr. Speaker, Rabbi Schneier, The Foundation for Ethnic Understanding, and Representatives LOWEY and JACKSON-LEE deserved to be honored for keeping the memory and dream of Dr. King alive. Together, they have—while perhaps less dramatically, but with equal success—challenged the system of segregation that has now given way to a better America.

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CELEBRATING THE 65TH BIRTHDAY OF JEREMIAH "DERRY" HEGARTY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, on April 18th, 2000, family, friends and admirers gathered to celebrate the 65th birthday of Jeremiah "Derry" Hegarty, as well as his 35-year love affair with his community, Milwaukee, Wisconsin.

I have known Derry Hegarty for many years, and it is hard to recall a more engaging personality. He came to this country from Drinagh East, County Cork, Ireland in 1965 and became Purchasing Manager for a local manufacturing company. Just seven years later, he purchased a pub on Milwaukee's west side. It didn't take long for the entrepreneurial Irishman to put his stamp on the place.

He transformed this small corner tavern into something closer to what he remembered from home. Slowly and surely, Derry's became a virtual community center. It is a place to go for the opening of the baseball season. It is a comfortable and entertaining spot to watch a Green Bay Packer game. Friends gather here spontaneously. Groups and organizations hold their meetings here. It is the site of receptions, fundraisers and election night parties. It is a very popular location, and its popularity can be traced to a factor more important than tasty food and refreshing beverages. Derry's is Derry.

Behind this mild mannered, soft spoken and friendly man is an individual of surprising extremes. If you were to poll the people who know him best, you would hear nothing moderate . . . nothing halfway. You would hear of his seemingly tireless efforts on behalf of his church. You would be told of his enormous generosity of time and spirit in helping to bring Milwaukee's Irish Cultural and Heritage Center to life. You would hear of his fierce loyalty to his friends and their causes.

Just as Derry's is far more than a simple corner pub, Derry himself is well more than a seasoned proprietor. He is a counselor. He is an advisor. He is a civic leader. He is a philanthropist. He is a confidant.

He is one more thing, I think, that is even more important than all of those. He is a friend.

They say that the ancient Norman invaders of Ireland became "more Irish than the Irish." Derry Hegarty is more a Milwaukeean than most who were raised here. He is entwined in our history and has made his mark on our future.

Happy Birthday, Derry, and thank you.

DESIREA HOLTON RECEIVES GOLD AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishment of one of Colorado's youth, Desirea Holton. Desirea is a member of Senior Girl Scout Troop 81 in Delta, Colorado. On May 20, 2000, ceremonies will take place to honor Ms. Holton's achievement of earning the Girl Scout Gold Award.

The Girl Scout Gold Award is the highest award possible for a Girl Scout to earn. In order to earn the award, a Girl Scout must meet five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. Desirea's project, "Hair Today: Gone Tomorrow," encompasses all of those things. Her project brought community awareness to the issue of juvenile hair loss. Desirea developed an informational brochure, which she distributed to local salons in an effort to increase hair donations. She also organized a day where individuals interested in donating their hair could receive a free haircut and styling.

It is with this, Mr. Speaker, that I say congratulations to Desirea Holton on her achievement. Due to Ms. Holton's dedicated service, it is clear that Colorado is a better place.

IN HONOR OF THE ANNUAL BAYONNE HOLOCAUST REMEMBRANCE DAY OBSERVANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Annual Bayonne Holocaust Remembrance Day Observance.

This is not just a day to remember the tragedy of the Holocaust, it is also a day to celebrate the special commitment the Jewish community has to its heritage and the preservation of Jewish identity.

The ceremony will feature speaker Norman Salsitz, a Holocaust survivor himself. He was born in Kolbuszowa, Poland, the youngest of nine children. During the war, he was confined to a ghetto and three labor camps, escaping on several occasions, and eventually commanding a Jewish partisan group in southern Poland. Later, he joined the Polish army and rose to the rank of colonel.

Germans murdered Norman Salsitz's mother and sisters, and their husbands and children. He witnessed the shooting of his father. These tragic events have contributed to his unwavering commitment to the Jewish community and its legacy.

For many years, Norman Salsitz has participated in numerous and diverse Jewish organizations, such as Israeli Bonds, United Jewish Appeal, and Jewish Fighters and Partisans. He is an executive board member of the National Federation of Holocaust Survivors. He has authored two books: Against All Odds: A Tale of Two Survivors, co-authored by his wife; and A Jewish Boyhood in Poland: Remembering Kolbuszowa.

Proclamations will be made by Mayor Joseph V. Doria, Jr., the honorary chairman of the event. This year's event is dedicated to the memory of Colonel Anthony Podbielski, a longtime and active member of the committee.

I ask my colleagues to join me in honoring the annual Holocaust Remembrance Day Observance; and I ask that we, too, remember the Holocaust.

HONORING DR. FRANKLIN E. KAMENY AND THE GAY AND LESBIAN ACTIVISTS ALLIANCE OF WASHINGTON, D.C.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Ms. NORTON. Mr. Speaker, today I recognize two Washington, D.C. institutions that have been in the forefront of the lesbian; gay, bisexual, and transgendered civil rights movement, and that I have the distinct honor and pleasure of representing in this body: the Gay and Lesbian Activists Alliance of Washington, D.C. (GLAA), the oldest continuously active gay and lesbian rights organization in the United States and its charter member, Dr. Franklin E. Kameny.

Since its founding in April 1971, GLAA has been a respected and persistent advocate in District politics tirelessly asserting equal rights and social equality for lesbians and gay men living in the city. In the last two years, its advocacy with the city government helped reestablish an independent Office of Human Rights and the Citizen Complaint Review Board; implementation of a unique identifier system for reporting cases of HIV/AIDS to help to protect the privacy of people who test positive for HIV; and the establishment of an antiharassment policy by the District of Columbia Public Schools.

On April 27, GLAA held its 29th Anniversary Reception honoring the year 2000 recipients of its Distinguished Service Awards: Steve Block of the American Civil Liberties Union/National Capital Area; Jeffrey Berman of the Public Defender Service; local and international gay activist Barrett L. Brick; Food and Friends; Dr. Patricia Hawkins, Associate Director of the Whitman Walker Clinic; and Jessica Xavier, a local and national transgendered activist. GLAA also celebrated Frank Kameny's 75th Birthday.

Dr. Kameny's résumé reflects the history of the gay and lesbian movement in the District of Columbia. He remains an indefatigable and outspoken gay activist. Dr. Kameny holds a BS in Physics from Queens College and an M.A. and a Ph.D. in Astronomy from Harvard University.

In 1957, Dr. Kameny began an 18-year struggle to end the civil service ban on the federal employment of gay men and lesbians that achieved success in 1975 and was recently formalized by President Clinton with Executive Order 13087. In 1961, Dr. Kameny founded the Mattachine Society of Washington, the first local gay and lesbian organization in the District. The following year, he initiated the ongoing effort to lift the ban on gay men and lesbians in the military.

By 1962, Dr. Kameny had become the nationally recognized authority on security clearances for lesbians and gay men. His efforts resulted in lifting of the absolute ban on gay and lesbian security clearances in 1980, which President Clinton made formal with Executive Order 12968. In 1965, Dr. Kameny organized the first lesbian and gay demonstration at the White House; and a year before the "Stonewall Rebellion" in New York City in 1968, he coned the slogan "Gay Is Good."

In 1971, Dr. Kameny ran for Congress in the District of Columbia, the first openly gay person to seek such an office in the country. His campaign committee became the nucleus of the Gay and Lesbian Activists Alliance of Washington, D.C. He subsequently helped draft the D.C. Human Rights Law, one of the strongest civil rights laws in the country, which codified gay and lesbian civil rights in the District.

Dr. Kameny's 10 year fight to have homosexuality removed from the American Psychiatric Association's classification as a mental illness succeeded in 1973. He was a founding member of the National Gay and Lesbian Task Force (1973), the Gay Rights National Lobby (1975), which ultimately became the Human Rights Campaign, and the Gertrude Stein Democratic Club (1976).

Dr. Kameny became D.C.'s first openly gay municipal appointee when Mayor Washington appointed him to the Human Rights Commission (1975). He drafted the legislation which repealed the D.C. Sodomy Law in 1993.

Dr. Kameny continues to be a revered and effective activist. He lectures, writes, and testifies on behalf of gay and lesbian issues. He has become the institutional memory of D.C.'s gay and lesbian rights movement.

I ask the House to join me in congratulating the Gay and Lesbian Activists Alliance and Dr. Franklin E. Kameny.

HONORING DR. WILLIAM LARKIN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. KLECZKA. Mr. Speaker, I honor Dr. William Larkin, who is retiring as superintendent of the Greenfield, Wisconsin School District after 40 years as an educator.

Dr. Larkin began his career as a classroom teacher. Through his hard work, and genuine concern for his students, he became an assistant principal, then junior high school principal, and high school principal. He spent 10 years as assistant superintendent for Milwaukee Public Schools, before becoming superintendent of the Monona Grove School District, and finally superintendent of the Greenfield School District, where he has served for the last 7 years.

But Bill's commitment to education was not confined to the classroom or the superintendent's office. Besides working as an associate professor at the University of Wisconsin-Stout, Dr. Larkin has contributed his considerable talents to the North American International Baccalaureate Board of Directors, the College Board of Academic Affairs Board, and the College Board of School-University Partnership Board.

Dr. Larkin's diligence in making the world around him a better place has taken many forms over the years. In his spare time, he has shown his dedication to his community as Greenfield Chamber of Commerce President, and as chair of the North Central Association Evaluation team for the Department of Defense in South Korea, England, and the Netherlands.

And so it is my great pleasure to join with his family and friends, as well as all of the students whose lives he has touched, in wishing Dr. William Larkin a long, happy, and well-deserved retirement.

TRIBUTE TO DANNY COLLINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize an exceptional man, Danny Collins. Despite challenges, Danny overcame many of them and for 11 years has been a skillful weaver at Mountain Valley Textiles. I have known Danny for over 30 years and can attest to what a fine individual he is. Danny's work ethic and his strength stand out in our community. Although Danny now faces another challenge with the loss of his beloved father, Bud, Danny will pull through. Danny's family is strong and supportive and very, very proud of Danny.

The retiring of Denver Bronco's great quarterback, John Elway, motivated Danny to create several mementos to say good-bye to John Elway and sent them to John's family. All of the items have the number seven on them and are orange, blue and white. Danny was proud of his work in honor of Mr. Elway.

It is with this, Mr. Speaker, that I say thank you to Danny Collins, a wonderful human being. His talent and love of life brings him many admirers.

IN HONOR OF MARY ANN ROSWAL ON HER RETIREMENT AFTER 35 YEARS OF TEACHING

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Mary Ann Roswal on her retirement after 35 years of teaching.

It is said that teaching another something of value takes compassion, understanding and patience; and absent these virtues, the simple process of imparting knowledge can become strained and cumbersome, leaving both teacher and pupil estranged, unable to truly learn from each other. In honoring Mary Ann Roswal today, I honor the virtues that allow teachers to become great teachers.

For 35 years, Mary Ann Roswal taught English at Union Hill High School in Union City, New Jersey. And for 35 years, she touched the lives of her students in a way that her years of dedication cannot measure. As my teacher, she imparted to me the knowledge that language is a profound tool for understanding the world, and a necessary instrument in realizing one's full potential as a human being. I am proud to say that I learned this then; I accept this now; and I have done my best to impart this to others.

It is with great honor that I remember the lessons of yesterday—the lessons taught, and those who taught them. It is my history, and I am thankful that Mary Ann Roswal made it a history worth remembering, worth honoring.

Today, I ask that my colleagues join me as I honor a great teacher I admire and respect.

A TRIBUTE TO STUDENTS FROM McALLEN MEMORIAL HIGH SCHOOL

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. HINOJOSA. Mr. Speaker, on May 6–8, 2000 more than 1200 students from across the United States will be in Washington, DC to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from McAllen Memorial High School from McAllen will represent the state of Texas in this national event. These young scholars have worked diligently to reach the national finals, and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are: Melinda Acuna, Cassie Baumeister, Paul Bongat, Amy Booth, Emily Dyer, Brandon Garcia, Gabriela Gonzalez, Amber Hausenfluck, Jason Jarvis, Kyle Jones, Anita Manoharan, Suleima Mohamed, Taylor Mohel, George Morgan, Raquel Pacheco, Angela Perez, Blythe Selman, Matt Sheinberg, Jane Springmeyer, Veronica Vela, Summer West. I would also like to recognize their teacher, LeAnna Morse, whose tireless efforts have contributed greatly to the success of the class.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The class from McAllen Memorial High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young "constitutional experts" the best of luck at the We the People . . . national finals, and my staff and I look forward to greeting them when they visit Capitol Hill.

INTRODUCTION OF THE OMNIBUS DISTRICT OF COLUMBIA TAX INCENTIVE RECOVERY ACT OF 2000

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Ms. NORTON. Mr. Speaker, today I am introducing the Omnibus District of Columbia Tax Incentive Recovery Act. Congress was out of session on the day of the deadline for filing federal taxes, when I had wanted to introduce the D.C. Tax Package. Therefore, on the first day the House returns, I introduce the Omnibus District of Columbia Tax Incentive Recovery Act. The legislation builds on federal tax incentives Congress has already passed here to produce market-induced residential and business stability and growth. This bill is necessary to assure even the sustained stability, let alone real economic growth, that still eludes the District economy and the city government. This federal tax package gives the city the tools it needs to produce a self-sufficient economy. After the financial collapse of the 1990s, and as the control board passes from the scene, the Congress has an obligation to help the city do what is necessary to increase its own economic output on its own.

The city does not have that capacity today. Ominously, the District lacks the essential safety valve of other large cities—a state to fall back on in times of economic downturn. The economic forecasters agree that D.C. has reached the height of its economic output for this period and will experience four straight years of declining economic output after 2001, largely because its economic boost has come primarily from temporary construction jobs and from jobs held primarily by commuters. The surpluses that brightened the city's hopes have already declined: 1997, $185 million; 1998, $445 million, an artificial increase resulting from one-time federal contributions; 1999, $105 million. The District's top two private sectors—hotels and health care—actually lost jobs, and retail continues to shrink. The city's unemployment rate is 5.7% compared with 3.0% in Maryland and 2.7% in Virginia. This picture resembles other large cities in the United States. However, none survives on city-generated revenues alone, nor could it do so. State assistance is necessary not only to meet current expenses, but also to make up for sharply diminished tax bases in every major American city.

The District is not requesting similar subsidies or federal financial assistance. We believe that the federal tax credit incentive approach already approved by Congress that is already having substantial success here is the key to permanent stability. Tax credits leverage the private sector rather than the government to do the job of growing the economy and return many times the revenue foregone by the federal government.

The Omnibus Tax Package I am introducing today has four parts. They are: (1) the District of Columbia Non-Resident Tax Credit Act that would cost commuters nothing but would fairly spread the cost of the services used by federal and other employees, who return to the suburbs untaxed the overwhelming majority of the income earned here; (2) the District of Columbia City-Wide Enterprise Zone Act, to spread to all neighborhoods and businesses tax incentives that have brought substantial benefits to communities but with the unintended effect of affording an unfair and arbitrary advantage to some neighborhoods and businesses over their competitors; (3) the District of Columbia Economic Recovery Act, affording a progressive 15% flat tax to residents in order to draw and maintain taxpayers; and (4) the District of Columbia $5,000 Homebuyer Credit Act, to make permanent the tax incentive that is largely responsible for new homebuyers and for maintaining and attracting taxpayers to the city.

TITLE I: THE DISTRICT OF COLUMBIA NON-RESIDENT TAX CREDIT ACT

Not only do suburbanites carry home two-thirds of all the income generated in the District. They leave behind most of the damage that occurs to many services, especially roads and other infrastructure, while making free use of many of the same services that D.C. taxpayers can obtain only by paying for them. Large cities generally recoup at least some of these service costs in order to avoid overwhelming the tax base of cities, which are far less prosperous than the regional areas where suburban service users reside.

For years, the District has sought some reimbursement for the heavy toll in services commuters use. Neither the obvious unfairness, nor even the city's insolvency and increasing need for reimbursement for the services provided, has produced any change.

The District's future economic prospects necessitate a fresh look at how to assure that the city gets its fair share of revenue in a region experiencing large and sustained growth while its core city does not generate sufficient revenue to assure its economic viability. The matter is no longer only a home rule issue or a services issue. Today, it is a fundamental needs issue to assure a viable capital.

The city gave up the federal payment in return for a takeover of state functions as the only way out of its insolvency. The old federal payment was almost never increased and, therefore, declined in value each year. A flat payment was a seriously antiquated and obsolete way for the federal government to meet its financial responsibility to help maintain a capital city. The 1997 Revitalization Act provides an automatic increase by assuming at least some of the most costly and fastest rising state costs. In spite of the splendid national economy, without the Revitalization Act takeover of some state costs, D.C. would still be insolvent, the city would not have an investment grade bond rating, and the control board would not be on its way out.

The tax credit is necessary because even the substantial relief afforded by the Revitalization Act has not left the District able to support itself in the long run. The cold reality is that neither the present robust economy nor the District's own exemplary efforts are doing enough, or can do enough, to assure a permanent recovery.

Three reasons account for this dilemma: (1) There simply are not enough taxpaying residents and businesses here now; it will take many years to make up for the shortfall, and the sufficient business and residential growth may not occur at all if incentives to make the city more competitive with the suburbs are not enacted; (2) expenditures are inexorably rising faster than revenues; and (3) years of disinvestment in the services provided to residents and especially children, in infrastructure and in basic neighborhood amenities require immediate and substantial funds to hold and attract businesses and residents.

The new tax credit approach we offer today has the twin advantage of greater efficiency and greater reliance on approaches already sanctioned by Congress: (1) Congress has already approved tax credits for the District and increasingly uses tax credits nationally as a tool; (2) a federal tax credit is the fairest way to recoup the cost of services because most of the commuters are federal employees, most of the services rendered to non-residents are due to the federal presence, and most of the land taken off the tax rolls is federal land; (3) a tax credit would spread the obligations of securing a viable economy in the nation's capital to the entire country; (4) the tax credit is set at 2%, the average of non-resident taxes in the country; and (5) a standard commuter tax, other taxes, or other subsidies, are all politically impossible today, while the region has always supported the federal payment, a federal solution.

The tax credit would net the District $400 million the first year, and, unlike the flat federal payment would automatically rise every year because incomes increase every year. The take-home pay of commuters would not change because the 2% of their salary that would otherwise go to the federal government would instead transfer to the D.C. government (thereby also eliminating any new administrative burden).

TITLE II: DISTRICT OF COLUMBIA CITY-WIDE ENTERPRISE ZONE

Several extraordinarily valuable enterprise zone tax benefits constitute the major financial tools that have been used for business revival and new commercial and office construction in the city. Among the most successful have been the wage tax credit allowing an employer a 20% credit for the first $15,000 of an employee's income if that employee is a D.C. resident. This credit not only helps attract and retain businesses, it also helps to correct the severe imbalance that allows two-thirds of the jobs in the city to go to commuters. Another new benefit, the elimination of capital gains altogether, is expanding and creating businesses in many city neighborhoods and downtown. The success of zero capital gains has already led the Senate to make this provision city-wide. A third tax incentive, tax exemption for up to $15 million in bonds, is fueling much of the construction boom the city is experiencing, and construction alone accounts for the major portion of the increased economic output of the District today.

However, because the District is small and compact, multiple enterprise zones have had unintended effects. High income university students with little personal income have brought Georgetown and Foggy Bottom businesses within the zone, but businesses in struggling areas of Ward 5 do not qualify. This title would eliminate an unearned advantage that forces competition among our already depleted pool of businesses instead of between those in and outside of the District.

The solution is to designate the District of Columbia itself an enterprise zone. Only this solution will erase indefensible distinctions that tear neighborhoods apart and help some D.C. businesses, neighborhoods and residents over others that are similarly situated. The citywide zone solution also draws upon the criterion of poverty already in the law because the present law requires a 20% residential zone poverty rate for businesses to receive the tax benefits, and a 10% poverty rate to qualify for capital gains tax elimination. Since the poverty rate for the District is 22%, it makes sense to use the city-wide poverty rate to designate the entire city an enterprise zone.

The $5,000 Homebuyer Tax Credit was always citywide and has proved so successful that the Senate has tried to raise the income limit (see below). The citywide success of the Homebuyer Credit shows highly effective tax breaks can and should be used to encourage the economy throughout the city.

TITLE III: D.C. ECONOMIC RECOVERY ACT (DCERA)

As valuable as the tax credits the District has achieved are, it is the one that the city has not yet achieved that has consistently provoked the greatest excitement and would have the greatest effect. There is general agreement that the 15% Progressive Flat Tax (PFT) would promote a dramatic increase in residents and would stop taxpayer flight altogether. A residential increase in indispensable to the survival of this city. The control board conservatively estimates the need for an increase of 100,000 residents to support city government services unattainable under present conditions.

The 15% progressive flat tax works this way: After affording sharp increases in the traditional standard deduction and personal exemption, a uniform rate of 15% would be applied progressively up the income scale to reduce a resident's tax liability—from approximately 80% reduction to a one-third reduction in taxes owed, depending on income. The lower the income, the greater the tax reduction. The DCERA would take 50% of D.C. residents off of the tax rolls altogether. The uniform rate also would rescue the remaining taxpayers from bracket creep, and assure that income increases resulting from the tax cut are not then significantly taxed away.

I first introduced the Progressive Flat Tax in the 104th Congress. I remain persistent not only because of the city's continuing and serious taxpayer deficit, but particularly because of the strong support I have received for the PFT from congressional leadership. They include Senate Majority Leader TRENT LOTT (R–MS), who sponsored the first-ever D.C. town meeting in the Senate and Senator CONNIE MACK (R–FL), Chairman of the Joint Economic Committee, and other members, who remain strong supporters of the PFT.

TITLE IV: THE DISTRICT OF COLUMBIA $5000 HOMEBUYER CREDIT ACT

This title would make permanent the $5,000 Homebuyer Credit, perhaps the most successful economic stimulus in the city's history. It is chiefly responsible for stemming the flight that almost destroyed the city's tax base during the 1980s and during the financial crisis and insolvency of the 1990s. The credit offers significant evidence that a tightly targeted tax incentive can have a major turn around effect on a specific problem confronting a city.

The credit has been so successful that we have recommended that states do the same for the many large cities that are rapidly losing taxpayers. In its first year, despite the city's financial problems and damaged reputation, the credit made the District first in home sales increases in the United States. According to an independent study by the Greater Washington Research Center, 70% of D.C. homebuyers have used the credit, and 51% purchased homes because of the credit.

Last Year, the Senate was so impressed with the Homebuyer Credit results that it increased the income limits for joint filers from $130,000 to $180,000. The limit for individual filers is $90,000. This increase was passed by the House and Senate, but no omnibus tax bill was enacted last year. Nevertheless, the Senate action demonstrates congressional acknowledgment of the effectiveness of tax credits in general and of the $5,000 homebuyer credit in particular. Fannie Mae has converted the credit into up-front money towards the purchase of a home, affording the credit significantly greater value to the individual.

The $5,000 homebuyer credit proved itself so quickly and so well that I have been able to get it repeatedly extended by Congress. The credit is similar to the PFT in its magnet effect. Until the PFT is enacted, the $5,000 credit is minimally necessary if the city is to have any chance of increasing its still small and depleted tax base. The credit has proved itself so definitively that to get the full effect, it should be enacted permanently.

TRIBUTE TO LUE IDA HILL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Ms. KAPTUR. Mr. Speaker, I commend the 100th birthday of Lue Ida Hill from Swanton, Ohio. This remarkable woman lives a life that celebrates every day as a gift, every sunrise as the herald of new opportunities.

When Mrs. Hill referred to her centennial birthday as "just another day", she does so not to comment on the routine of life, the monotony of "just another day", she sets an example to us all that everyday, indeed, every moment, ought to be a cause for celebration. For by celebrating, we give thanks for the blessings bestowed upon us by God.

Mrs. Hill has never known what most of us call retirement, for she continues to keep herself busy by helping her neighbors and bringing joy to those around her. With a bow in her hair, a tradition she began while working as a butcher, she was careening about her home in a motorcycle sidecar just months before her birthday.

Lue Ida is a first class woman from a first class community. She's never stopped working, whether it was at the farm helping out with the plowing or mending shirts for Arizona State University students. She's done it all with a gracious and genuine smile. Now, with 68 grandchildren, great-grandchildren, and great-great-grandchildren, Lue Ida keeps the fellow residents of the Harborside Healthcare Facility hopping. There, they refer to her as a social butterfly, playing cards and chatting with her friends and neighbors.

If only we could all be half the "butterfly" Lue Ida is. Bringing happiness to those around us, joy to our loved ones, and recognizing the gift of what we have instead of complaining for what we don't.

Our entire community wishes to extend its warmest and most caring congratulations to Lue Ida Hill on the attainment of her 100th year. Few Americans reach this incredible life pinnacle. May God bless Lue Ida and keep her as America and the world move toward the new millennium. She is a legendary teacher to us all.

FRIENDS OF MUSTANGS RECEIVES THE "MAKING A DIFFERENCE" AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional group, the Friends of the Mustangs group, who were honored by the Bureau of Land Management with the "Making a Difference" award. The BLM selected the Friends of the Mustangs group because of their dedication to Colorado and to its outdoors.

For the past 17 years, the Friends of the Mustangs group have volunteered and managed the BLM's Little Book Cliffs Wild Horse Area. There, they saved the BLM over $20,000 by volunteering over 2,500 hours, maintained the grounds, fixing fences and trails. They also performed pre-adoption inspections. As a result, the Friends of the Mustangs group has played an integral role in managing wild horses.

Mr. Speaker, it is obvious why the Friends of the Mustangs group was chosen for the "Making a Difference" award. I think we owe them a debt of gratitude for their service and dedication to Colorado and to its outdoors.

HONORING MR. DONALD ALMQUIST

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. KLECZKA. Mr. Speaker, I honor my friend, Mr. Donald Almquist, who is retiring after serving on the School Board in Greenfield, Wisconsin for 23 years. Don was the School Board president for eight years, and has also served as vice-president, and as treasurer.

After retiring from a lengthy career in the Marine Corps, Don settled down in Greenfield where he has been an outstanding member of the community ever since. His work with such civic organizations as the Greenfield Lions Club, Greenfield Historical Society, American Legion, Boy Scouts of America, Greenfield Little League, and Vietnam Veterans of America have helped to make his community a better place to live.

Over the past 23 years, Don has left his mark on the quality of education in Greenfield. He has initiated many programs for Greenfield students including a school breakfast program, and a Junior ROTC program. He was also instrumental in beginning the filming of School Board meetings for cable television broadcasting.

Though this is his second retirement, Don will certainly have no trouble keeping himself busy. While he will no longer be a member of Greenfield's school board, he will continue his public service as the city's 4th district alderman, and president of the Common Council. He will also remain active in the Lion's Club, as well as the Education Scholarship Foundation, and a number of other community organizations.

Don has received many awards from the Greenfield Lion's Club including: The President's Award, the Governor's Award, and the Melvin Jones Fellow Award. He was also honored with the 1996 Achievement Award as one of Wisconsin's Outstanding Vietnam Veterans.

And so it is my great pleasure to extend my gratitude to my good friend Donald Almquist for his years of service, and my congratulations to him and his wife, Beverly, on a well deserved retirement.

IN HONOR OF THE UNITED CEREBRAL PALSY OF HUDSON COUNTY EIGHTH ANNUAL "OUTSTANDING ACHIEVEMENT AWARD" DINNER DANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor the United Cerebral Palsy of Hudson County Eighth Annual "Outstanding Achievement Award" Dinner Dance.

Since 1951, United Cerebral Palsy (UPC) of Hudson County has had one mission: "To advance the independence, productivity, and full citizenship of people with disabilities." At UPC of Hudson County, this is more than a mission, it is a cerebral way of life. And the annual "Outstanding Achievement Award" honors those who have truly embraced this way of life, giving of themselves in a profoundly selfless and compassionate manner.

This year there are three such individuals, and I am proud to honor them as well. I honor them for their compassion; I honor them for their dedication; and I applaud them for what they have done for people with disabilities.

Henry Sanchez, Migdalia Viole, and Vincent J. Bottino where chosen by UPC of Hudson County to receive the "Outstanding Achievement Award" because they exemplify the strength of character and sense of purpose necessary to become outstanding community leaders. Hudson County has benefited enormously from their very special contribution to the community.

I ask my colleagues to join me as I honor these extraordinary individuals for their unparalleled commitment to bettering the lives of people with disabilities. Congratulations to this year's "Outstanding Achievement Award" winners.

BLOOMFIELD CITIZENS COUNCIL AWARDS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. COYNE. Mr. Speaker, today I honor a number of Pittsburgh residents who will be honored on May 6 with Bloomfield Citizens Council Awards. Every year, the Bloomfield Citizens Council presents these awards as a way of recognizing members of the community who have made a significant contribution to the quality of life in Bloomfield. I would like to take this opportunity to mention the 2000 award recipients and commend them for their efforts to make Bloomfield a better place to live.

For their hard work, commitment, and enormous amount of volunteer time given for the love of the community and its children, members of the Immaculate Conception School Parent Teacher's Guild are receiving the Mary Cercone Outstanding Citizens Award. The members of the Guild being honored include: Nick and Amy Balestra, Tammy Bruno, Nancy Cherico, Beverly Helwich, Craig and Rosina Koziell, Janet Langer, Larry Lordeon, Frank and Renee Magliocco, Faye Parker, Ray Polk, Crystal Scullion, and Antionette Surmacy. This group of people is a symbol of the family values and the rich heritage of the Bloomfield community.

As president of the Immaculate Conception Christian Mothers for 38 years, Ann Scuilli has earned the Neighborhood Loyalty Award. She has demonstrated a sincere dedication to the betterment of Bloomfield with the unselfish giving of her personal time and willingness to work with others as a true team player.

Patrick McGonigle is the 2000 recipient of the Community Commitment Award for this consistent willingness to assist the Bloomfield Citizens Council in its efforts to work for the betterment of Bloomfield. He has given his time to promoting the Bloomfield Halloween Parade and the Bloomfield Preservation Center.

This year, the Extra Mile Award is given to Jolene Owens. She has given a decade of service to the Bloomfield Citizens Council. She has improved the BCC through her constant willingness to volunteer and by successfully accomplishing every task she is assigned.

For her heroic actions in entering a burning building to alert the second and third floor tenants of a life-threatening fire, Mary Gratta is the recipient of the Heroism Award. She risked her own life in the interest of saving others.

Nick and Amy Balestra have won the Keeping Christ in Christmas Award for their front yard display of a large handmade manger.

For their creative Christmas decorations that added beauty to the community, George and Eleanor Sciullo are receiving the Most Outstanding and Completely Decorated Home Award.

Russell and Leah Carlisle are given the Most Creative Design Award for their balanced, colorful Christmas decorations.

The recipients of this year's Bloomfield Citizens Council awards have all made significant contributions to the quality of life in Bloomfield and deserve recognition for their efforts. I commend them all, as well as the Bloomfield Citizens Council, for their dedication to their community.

NEW FUNCTIONING DEMOCRACY IN INDEPENDENT STATES OF THE FORMER SOVIET UNION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Ms. KAPTUR. Mr. Speaker, functioning democracy in the newly emerging independent states of the former Soviet Union requires setting up new political institutions and developing the means of conducting the people's business. As we have seen in many of these countries, this is proving to be a challenge beyond the patience and political will of their leaders, particularly given the harsh economic conditions throughout the region. More often than not, responsible economic policies represent, in the short term, even greater hardships for the people whose support is essential if democracy and market economy are to be sustained in these countries.

In Ukraine this challenge was put to test earlier this year when the Verkhovna Rada, Ukraine's parliament, was confronted with a serious political crisis over the selection of the Speaker and other leadership positions. The Leftist forces, though in the minority, have managed to control the parliament for the past 18 months, thwarting the majority's efforts to implement President Kuchma's legislative agenda.

A vivid description of how the leftist speaker, Oleksandr Tkachenko, thwarted the majority and the subsequent developments that led to his ouster are provided in a report by the U.S.-Ukraine Foundation. In Update on Ukraine, February 24, 2000, Markian Bilynskj writes.

Until January 21, the final day of the fourth parliamentary session, the Rada was presided over by a chairman whose political ambitions and sense of indispensability were matched only by his limitations. Oleksandr Tkachenko had been elected essentially by default 18 months earlier as elements within the Rada and beyond fought to prevent the chairmanship from falling into the hands of anyone harboring presidential ambitions. His eventual, somewhat surprise decision to run brought about a further politicization of the legislative process and was the principal reason behind the Rada's growing ineffectiveness. Tkanchenko's final unabashed identification with the communist candidate—a fitting conclusion to what can only be described as a parody of an election campaign—represented an abandonment of any pretense at impartiality and irreversibly undermined his credibility as Rada chairman. At the same time, President Leonid Kuchma's re-election altered the broader political context within which the Rada had to operate to such an extent that Tkachenko was transformed from a largely compromise figure into an anachronism.

After the December election, President Kuchma's administration joined with the pro-reform majority to challenge Speaker Oleksandr Tkachenko and his Communist-Left forces and succeeded in electing a new Speaker and many of the leadership positions in the Rada. The result is a newly constituted parliament with a majority now occupying key positions that is capable of responding to President Kuchma and Prime Minister Yuschenko's reform agendas.

I would like to submit for the record and bring to the attention of my colleagues an interview with Grigoriy Surkis, a prominent, businessman and member of the Rada.

IT'S TIME FOR TRANSPARENCY

(By Grigoriy Surkis)

It would be desirable if our Parliament did not have deep divisions between the majority and minority factions; however this is not possible due to deep-rooted ideological divisions in the country.

Former Speaker Tkachenko, leader of the Communists in the Rada, demonstrated his inability to work out a compromise even when the majority announced a willingness to work cooperatively with Communist leaders on a legislative program.

By the way, leaders of the Ukraine Communists should learn a lesson from their Russian counterparts, who recently made a deal with the pro-government factions in organizing the Duma and distributing assignments among party leaders. They have a difficult time understanding that Communist authoritarianism does not exist in post-Soviet societies, nor is it as strong after eight years of democracy.

However, it remains to be seen how the pro-government block in Russia will get the Communist Speaker of the Duma to act on progressive legislation and actually achieve results. I sincerely wish that this arrangement will work so that the people of Russia benefit from progressive changes that will improve living standards that make for a better society.

In my opinion, Ukraine has chosen the right path. In parliament, we formed a majority bloc by uniting the "healthy" forces who were committed to reform legislation. This is necessary to ensure speedy action on a range of progressive proposals to deal with the problems of our pension system, taxes, and the criminal and civil code. This will help us to clean house in the Rada and institute badly needed changes that, in the past, impeded our efforts to confront these needs.

Is compromise possible? Let's think about it. We want our people to live in a new environment but there are some who want to pull us back to the old Soviet system. To go back is to lose hope and confidence in our ability to improve our situation. The reformers want a government that will enable people to own property while the Communists want people to be the property of the state. We believe that the Constitution is the basic law, but they still believe the "Party" is the supreme authority.

Finally, in a democracy it is acceptable to have a compromise, which is how people work out their differences. But the old guard distrusts working with what they see as the "bourgeois" and reject efforts to resolve differences amicably. So we are not talking about compromise in terms of confronting the issues and resolving differences, but the Communists see any negotiations with reformers as selling out or imposing a kompromat on us. I am reminded of the words of the great Golda Meir, who was born in Kiev, who once said: "We want to live. Our neighbors want to see us dead. I am afraid that this does not leave any space for compromise".

The problem would not be so serious if we were talking only about Parliament. However, we are talking about society as a whole. The Leftists seem committed to destroying the Rada, the one institution that ensures representation of the people in government decision making. Perhaps they do not know about Abraham Lincoln's statement that a house divided cannot succeed and that their intransigence will prevent democracy from taking root in Ukraine. Everyone knows what happens to the person if his right leg makes two steps forward and the left remains rooted in the same spot.

I want to stress again that after the 1999 presidential election, it became obvious that a divided parliament with a Communist as Speaker would prove unacceptable and only serve to obstruct the reform agenda of the government. Had the Communists prevailed, they would have taken the country down the back road of political fatalism. Yet there are some who worry that the unfairness of winners hides the guilt of losers. I can only say that if the Leftists had won the election, we would not be asking these questions.

I am afraid that if the majority had allowed a Communist to remain as Speaker, it would have proved to be a temporary solution, similar to what will happen with the Duma. In the United States, it is possible for the Republicans to control the Congress and the other party to have the Presidency. This is possible because America has 200 years of experience working within democratic system.

Our country does not have time to wait. For us, every day without enacting and implementing laws is a huge setback for a country that must accomplish so much in a critically short time. The majority knows that it is impossible to form a parliament without the opposition, and it is our intention to treat proposals from the opposition seriously. We have assumed political responsibility that gives us an opportunity to cooperate with the newly re-elected president who bears the main responsibility for society as a whole.

We recognize that it is the president who must provide the leadership and direct the institutions of government. Throughout the years of Ukraine's independence, there is not a single case when the three branches of power simultaneously worked together on behalf of Ukrainian citizens. Today we must take responsibility and are ready to be accountable for our actions.

Once again, we do not have time. The majority of Ukrainian citizens spoke very clearly in the recent election of giving President Kuchma a new four-year term. By this vote, they rejected the Communist Party and the idea of turning back to the old system where freedom and human rights did not exist.

The Communists, of course, feel threatened by the new democratic forces and their reform agenda. They do not want to relinquish power and recognize that a new generation of intelligent and resourceful leaders is taking charge. That is the promise of democracy and, if given a chance to succeed, the future of Ukraine in the new millennium.

PERSONAL EXPLANATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. STARK. Mr. Speaker, due to flu, I unavoidably missed 8 votes on April 13th. If I had been present, I would have voted as follows:

"Yes" on the Journal (rollcall No. 123).

"No" on the Rule to the Budget Resolution (No. 124).

"No" on the Budget Resolution because it sets up unworkable appropriations caps and cuts vital domestic spending too deeply (No. 125).

"Yes" on the Rangel motion to recommit the Date Certain Tax Code Replacement Act (No. 126).

"No" on the Date Certain Tax Code Replacement Act (No. 127). To say one is going to end a tax system without spelling out what the replacement will be is economic nonsense and, if anyone actually believed this nonsense, would lead to tremendous financial instability.

"Yes" on the Rural Local Broadcast Signal Act (No. 128).

"Yes" on Mr. BARRETT' amendment to the Radio Broadcasting Preservation Act (No. 129), and

"No" on passage of the Radio Broadcasting Preservation Act (No. 130).

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. BEREUTER. Mr. Speaker, on April 13, 2000, this Member inadvertently voted "aye" on rollcall vote 127 on final passage of H.R. 4199, the Date Certain Tax Code Replacement Act. This Member is opposed to the bill and intended to vote "no" on final passage as his statement at that time on H.R. 4199 reflected his opposition to the bill.

IN TRIBUTE TO MAYOR BILL LEWIS OF ENNIS, TEXAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. FROST. Mr. Speaker, I pay tribute to a fellow Texan who is both a longtime personal friend and an outstanding civic leader in the 24th Congressional District, Mayor Bill Lewis of Ennis, Texas.

Mayor Lewis will be honored this Friday by his home community and many friends for more than 30 years as a dedicated public servant. He has recently announced his intention to retire after this term as mayor, opting to spend more time with his family.

He spent a quarter century in Oak Cliff, where he worked with and retired from TU Electric long before it had that name. His office was in the same building as mine more than two decades ago, so we were business neighbors who became friends. He was a man of endless energy in the Oak Cliff community affairs for 23 years serving an endless array of charitable and public organizations.

When he retired from TU, he and his wife moved back to her childhood home, the city of Ennis. And although retired from business life, Bill continued the strong tradition of public service that has made him one of the most respected men I know. He has tirelessly served his community as a strong and active advocate, as mayor and in countless other capacities.

Service has indeed been a key word in the life of Bill Lewis, whether in his business career, as a charity worker, a chamber volunteer, on the battlefields of World War II, or a father in his local Dad's Club. The organizations which have benefited from Bill Lewis' dedication are too many to mention individually.

As we honor him in advance of his retirement as mayor, I am extremely proud that this man who has been a friend to so many is also a friend of mine.

GIRL SCOUT GOLD AWARD 2000

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. LaHOOD. Mr. Speaker, today I would like to salute outstanding young women who are being honored with the Girl Scout Gold Award by Girl Scouts-Kickapoo Council in Peoria, Illinois. They are Elizabeth Liddell of Girl Scout Troop #1000, Ann Schwingel of #301, Wendy Matheny of #581, Melissa Eman of #581, and Melody Blanch of #4. They are being honored on May 7, 2000 for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17 or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As members of Girl Scouts-Kickapoo Council, Elizabeth, Ann, Wendy, Melissa, and Melody began working toward the Girl Scout Gold Award in 1996 and 1997. They completed various projects: Elizabeth built a short nature trail for a local elementary school, Ann organized games to be played during inclement weather, Wendy helped to make youth more aware of daily injustices and how they can respond, Melissa repaired and reorganized the books in the Kickapoo Council lending library and Melody rebuilt the fitness trail at the local Girl Scout camp. I believe all of these girls should receive the public recognition due them for their significant service to their community and their country.

IN HONOR OF BAYONNE ELKS LODGE NO. 434 STUDENTS OF THE MONTH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the students selected as Bayonne Elks Lodge No. 434 Students of the Month.

Each year, the Bayonne Elks Lodge No. 434 selects students from a group of applicants to participate in Bayonne Elks Youth Day. On this day, young students' from around the Bayonne community are provided a unique opportunity to interact with local government.

Students take on the role of a government official, and under the guidance of that official, learn the process by which local government functions. This is an excellent chance to reward hard working students for their commitment to academics, while providing them with useful knowledge for their future as community leaders.

Today, I commend the Bayonne Elks Lodge for its commitment to our youth and for its support and recognition of young students' achievements in the classroom, reaffirming and strengthening the students' character and resolve.

I congratulate the students who have achieved this great success, and I look forward to a future in which the next generation proudly takes on the responsibility and commitment of public service.

I ask my colleagues to please join me in honoring the Bayonne Elks Lodge No. 434 Students of the Month, on their special day.

RED HILL COUNCIL RECEIVES THE "MAKING A DIFFERENCE" AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional group, the Red Hill Council, who was honored by the Bureau of Land Management with the "Making a Difference" award. The BLM selected the Red Hill Council group because of their dedication to Colorado and to its outdoors.

The Red Hill Council is comprised of volunteers, neighbors and community partners. Their mission is to aid the BLM in preserving several aspects of the Red Hill area. For over two years, the Council has held public discussions, conducted assessments and overseen volunteer programs. They have raised over $80,000 in contributions from the community.

Mr. Speaker, it is obvious why the Red Hill Council was chosen for the "Making a Difference" award. I think we owe them a debt of gratitude for their service and dedication to Colorado and to its outdoors.

TRIBUTE TO RABBI ISAIAH ZELDIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. BERMAN. Mr. Speaker, we are greatly honored today to pay tribute to Stephen S. Wise Temple which will, on Sunday evening, May 21st, celebrate its 36th Anniversary. This anniversary has special significance in the Jewish faith. The Hebrew letter chai represents the number 18 and means "life." Thirty-six, then—is a Double Chai or "double-life" and an event of great importance.

Also on that evening, another event of great importance will be celebrated: the 80th birthday of the founder of Stephen S. Wise Temple, the distinguished scholar and nationally respected teacher, Rabbi Isaiah Zeldin.

In the short span of 36 years, Stephen S. Wise Temple has grown into the largest Jewish congregation in the West and the second-largest Jewish congregation in the world. It is both a caring and active congregation and a renowned center for spiritual, cultural and educational studies. On its beautiful campus in the hills above West Los Angeles, is found—in addition to the temple—a dynamic elementary school, a unique Jewish community high school and a religious institute, all highly acclaimed for the excellent education they offer. They represent one of the greatest legacies of Rabbi Zeldin—the origination of Reform Judaism's day school programs in Los Angeles.

It is hard to overstate the vision and the commitment that led Rabbi Seldin to build such an extraordinary facility. This complex of eleven buildings on an 18-acre site carved out of a mountain which serves more than 3,000 families is a true testament to his hard work, his dedication, his visionary guidance, his strong sense of community and his great interest in training young people in the traditions of their religion as well as the knowledge of the world.

Upon Rabbi Zeldin's graduation from the Cincinnati School of Hebrew Union College, he became the assistant rabbi of the largest Reform congregation in New Jersey. He spent the next several years serving as a spiritual leader at various congregations and, in 1964, founded the Stephen S. Wise Temple. He is the former president of the San Fernando Valley Synagogue Council, the American Zionist Federation of Southern California, the Pacific Association of Reform Rabbis and the American Zionist Council. On a personal note, Rabbi Zeldin did a wonderful job of officiating at the bat mitzvah of Lindsey Berman.

We are very proud, Mr. Speaker, to ask that our distinguished colleagues join us in congratulating Stephen S. Wise Temple on its Double Chai Anniversary, and in extending our gratitude and appreciation to Rabbi Isaiah Zeldin for his enormous accomplishments and his tremendous contributions to the Jewish community of Los Angeles. We wish him many happy returns.

PHILADELPHIA'S LIVELY ARTS GROUP FOUNDER RETIRES AFTER 25 YEARS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. FATTAH. Mr. Speaker, this year the Lively Arts Group bids farewell to its founding director, Naomi Klein, who is retiring after 25 years of service.

The Lively Arts Group is unique as the nation's only nonprofit cultural arts touring organization since its founding in 1975 by Naomi Klein. Since then Mrs. Klein has conducted an average of 50 adult-education and cultural-arts tours each year, totaling 1,250 tours in her 25 years. Mrs. Klein has personally guided more than 62,000 Philadelphia area residents throughout our country to major museums, orchestra concerts, theater, ballet and opera performances, historic houses, mansions, villages and gardens. For many of these travelers, especially those with physical disabilities, it has been their eye-opening and mind-opening introduction to the various cultural arts, which they have subsequently pursued and enjoyed independently.

At the same time, these group visits have provided a new outreach audience, additional new members and support for these cultural organizations and institutions. Directors of Philadelphia's museums and cultural institutions have served as the Lively Arts Group's Advisory Board, lending their prestige and professional knowledge to these tours.

The Lively Arts Group adventures have spread Philadelphia's reputation for its cultural-minded citizens throughout the country and abroad and continues into its next century on the principles and highest standards of arts-education and community service created in 1975 by its founder, Naomi Klein.

IN RECOGNITION OF BROOKLYN CHINESE-AMERICAN ASSOCIATION'S FOURTH ANNIVERSARY OF AVENUE U SENIOR AND COMMUNITY CENTER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Ms. VELÁZQUEZ. Mr. Speaker, today I recognize the Brooklyn Chinese-American Association's Avenue U Senior and Community Center on its fourth anniversary.

Gillian Anderson once said "Be of service * * * there is nothing that harvests more of a feeling of empowerment than being of service to someone in need." This need is met everyday for the members of the Avenue U Senior and Community Center.

In just 4 years, the Center has enrolled more than 1,600 members, serving more than 150 senior members daily. It offers daily meals, social service information, referral and case management, medical and health-related workshops and screenings, monthly birthday celebrations, ESL, citizenship, music, dancing and arts and crafts classes, field trips, as well as other recreational activities.

The Center additionally is involved in coordinating community events such a town hall meetings, assisting senior members with their meeting housing needs, promoting voter registration and educating the community about the importance of exercising their voting rights.

President John F. Kennedy once said the definition of happiness is "the full use of your powers along lines of excellence." Members of the Avenue U Senior and Community Center understand this happiness and I wish them and members of the Brooklyn Chinese-American Association continued success and best wishes this anniversary.

SUPPORTING THE FULL FUNDING OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 4055, the IDEA Funding Act.

I am happy that this Congress has finally decided to vote on substantive legislation that puts our children first. Hopefully, this vote is an indication of this Congress' national commitment to our children in the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA).

Over 25 years ago, Congress promised to pay 40 percent of the national average per pupil expenditure of all children with disabilities. However, the government has never funded more than 12.6 percent. This lack of funding has placed severe strains on local school district's budgets.

Today's vote provides the necessary financial resources to help our local school districts to provide a first rate education to students with disabilities as well as freeing up resources to be used for the education of other students.

Although it has taken 25 years for the Congress to seriously address this funding issue, the fact that there is a funding formula has made Congress accountable to providing these funds. Educators have been able to point out that Congressional funding for IDEA has fallen far short from what was promised to each disabled student. This link between program funding and the student provides Congress with an accurate measure of the amount of increased funding that is necessary to keep up with the inflationary increases in a student's education.

This fact should not be lost when we debate and vote on the reauthorization of ESEA later this year. There have been many bills introduced that would break the connection of Federal funding to each student by block granting these programs. The effect of creating block grants in such programs as title I will result in fewer poor children receiving the adequate funds to provide them a good education.

I ask my colleagues in the majority to remember the pressures that have caused Congress to vote on this bill today and how much its passage will positively impact the education of disabled children throughout the United States, I urge them to remember this when they vote on the reauthorization of ESEA.

IN HONOR OF "TERTULIAS DE ANTAÑO" ("GET TOGETHER OF YESTERDAY")

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. MENENDEZ. Mr. Speaker, today, I honor "Tertulias de Antaño" ("Get Together of Yesterday") for its contribution to the Cuban-American community of West New York.

"Tertulias de Antaño" came into existence 22 years ago because one woman, Lidia Gil-Ramos, who came to America in 1965 as a Cuban refugee, had the desire to "help make the elderly happy and help them take part in local life." She founded the program and volunteers her time as program coordinator.

"Tertulias de Antaño" has helped Cuban elderly within the Cuban-American community of West New York, New Jersey to escape the disconnect and loneliness often experienced by immigrant communities.

In describing the work of a small group of volunteers dedicated to helping the Cuban elderly, Gil-Ramos said: "We work for love, not for profit." "Tertulias de Antaño" does not receive any government funds—only private donations are accepted. However, this has not prevented the organization from achieving success. I attribute the success of this wonderful organization to the hard work and dedication of Lid Gil-Ramos and her equally dedicated staff of volunteers.

Today, it is my great pleasure to honor "Tertulias de Antaño" and everyone who has helped integrate the Cuban elderly community into American society. I ask my colleagues to join me in honoring them as well.

TOWN OF HOTCHKISS CELEBRATES 100 YEARS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate the Town of Hotchkiss on celebrating 100 years. On May 6, 2000, the 920 citizens have set the day aside for festivities and celebration. There will be a parade, contests for the kids and adults, food, prizes and more.

On March, 19, 1900, papers were filed to make Hotchkiss a legally incorporated Colorado municipality. On May 7, 1900, they received notice from the State of Colorado that the State had accepted the petition and charter for the Town of Hotchkiss, whose population at the time was less than 300. The new town was named after Enos Throop Hotchkiss who had led the first party of settlers into the valley in 1881. George and William Duke, Fred Simonds and Ed Hanson were the towns "speculators" or "subdivision developers." They owned many of the businesses in the town.

It is with this, Mr. Speaker, that I say thank you to the Town of Hotchkiss for their many contributions to the State of Colorado. I would like to wish the Town of Hotchkiss Happy 100th Birthday!

A TRIBUTE TO RABBI AMIEL WOHL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. LOWEY. Mr. Speaker, I express my great admiration for Rabbi Amiel Wohl, a remarkable spiritual leader and great American who this year retires from twenty-seven years of service to Temple Israel of New Rochelle.

A man of high principle, moving eloquence, and tireless energy, Rabbi Wohl has touched countless lives in Westchester County through his work at Temple Israel and his contributions to a variety of civic organizations.

Under Rabbi Wohl's leadership, Temple Israel has built on its already rich history and reinforced its reputation as a vibrant center of religious observance and civic activism. Rabbi Wohl's support for new programs and his introduction of additional opportunities for worship have enabled congregants to enrich their spiritual lives and achieve a closer connection to their neighbors.

Rabbi Wohl has earned a reputation as an outstanding communicator, whose radio broadcasts touch thousands beyond the walls of Temple Israel and invite Jews and non-Jews alike to reflect on the ethical and moral precepts which guide our lives. He has been especially supportive of important Jewish institutions and organizations such as the Westchester Jewish Conference, B'nai B'rith, the

Zionist Organization of American, the Anti-Defamation League, the Westchester Board of Rabbis, and UJA/Federation.

Rabbi Wohl's commitment to achieving harmony among religious, racial, and ethnic groups has been just as impressive. He helped found the Inter-Religious Council of New Rochelle, serves as Co-President of the Coalition for Mutual Respect, which encourages dialogue between Jews and African-Americans, and enjoys close relationships with community leaders representing a variety of traditions.

Rabbi Amiel Wohl's extraordinary stature and unique personal example will remain sources of inspiration to his congregants and fellow New Rochelleans for many years to come. I am proud to call Rabbi Wohl a friend and pleased to join in wishing him a joyous and rewarding retirement.

IN RECOGNITION OF YOM HASHOAH—THE ANNUAL DAY OF REMEMBRANCE

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. SHAW. Mr. Speaker, I ask that this House, and indeed, our nation pause on this Yom Hashoah—the Day of Remembrance—to remember the Six Million Jewish Men, Women and Children who perished during the Holocaust in the last century. While there were many positive legacies of the twentieth century, the Holocaust stands out as one of the most negative, shameful legacies—a legacy that must never be forgotten.

I believe it is appropriate to mark this first Yom Hashoah of the Twenty-first Century with appropriate recognition. As one of the statues that stands as a vigilant sentinel outside of the National Archives here in Washington, D.C. is inscribed "What's Past is Prologue." Without our nation's efforts to ensure that this tragedy is remembered by remembering each of its victims, such a tragedy could happen again.

Therefore, as Chairman of the Florida Congressional Delegation, I am proud to join Florida governor Jeb Bush is recognizing today, Tuesday, May 2, 2000, as a "Day of Tolerance" in our State. The promotion of tolerance for Florida citizens of all races, religions and ethnicities on this solemn day will be a small tribute to the memory of those Holocaust victims—victims of the Shoah—that are not here today to enjoy the dawn of this new century.

CHRIS AND JANE BREISETH HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. KANJORSKI. Mr. Speaker, I pay tribute to my good friends Chris and Jane Breiseth from my District in Pennsylvania. This week, the Breiseths are being honored with the Distinguished Community Service Award by the Wilkes-Barre Society of Fellows, Anti-Defamation League (ADL). I am pleased and proud to have been asked to participate in this event, which is honoring such a well-respected and well-liked couple.

Dr. Christopher Breiseth will retire as president of Wilkes University in July 2001, after 17 years, the second-longest presidential term in the institution's history. He has been an extraordinary president of Wilkes University, bringing significant growth to the institution during a challenging period for all private institutions of higher education. He not only established the School of Pharmacy and oversaw the construction of numerous new buildings on the Wilkes campus, but he also maintained a warm, caring atmosphere that encouraged students to thrive.

During his tenure, the university has experienced unprecedented growth in its fundraising, programmatic and campus development initiatives. He led the institution to its 1989 designation as a university by the Pennsylvania Board of Education, a recognition of the breadth of Wilkes's programs and curricula at the undergraduate and graduate level.

Under Chris's leadership, the Wilkes campus has been transformed into a cohesive academic environment, with several buildings constructed or remodeled for student residence, study and recreation. Curricular enhancements include the 1994 creation of the School of Pharmacy, which will graduate its first class of Doctors of Pharmacy on May 20.

Chris's legacy extends to his tireless efforts as a community leader. His awards and involvements are too numerous to list them all. Personally, I developed enormous respect and appreciation for him from countless hours working together on the creation of the Earth Conservancy, a unique organization formed to reclaim thousands of acres of mine-scarred land in the Wyoming Valley. There were many difficult moments during the early days of the Earth Conservancy, and Chris Breiseth put himself at significant personal and professional risk to make our dream a reality. He continues to serve as chairman of the board and has helped to develop the Earth Conservancy into a respected and important asset for the community.

Mr. Speaker, Jane Morehouse Breiseth is a highly educated community activist in her own right. Educated at prestigious Cornell University, she earned a Bachelor's in Comparative Literature, then earned her Master's in Education there in 1967. She is certified to teach Language Arts and Social Studies in several states. Jane has taught in several schools over her career and was a study skill specialist, worked on a quality of life survey project and was assistant to the Secretary of Health, Education and Welfare.

Since coming to Northeastern Pennsylvania, Jane has continued her civic involvement. She has worked with the Family Service Association, Hospice St. John, Luzerne County Women's Conference, and the Northeast Philharmonic Society, to name just a few.

The Breiseths are active members of First Presbyterian Church in Wilkes-Barre and the parents of three fine young women, Abigail, Erika, and Lydia.

Mr. Speaker, when the Breiseths came to Northeastern Pennsylvania, they truly made it their home, volunteering their time and energy to many worthwhile projects and community activities. The area is enriched by their presence and I am extremely proud and honored to be among their many friends. I sent my sincere best wishes as they accept this prestigious award and I look forward to their continued involvement in the community for years to come.

HELEN STAIRS THEATER

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. MICA. Mr. Speaker, I would like to take this opportunity to congratulate the City of Sanford, Florida and its citizens for their successful renovation and restoration of the former Ritz Theater, to be renamed the Helen Stairs Theater, which will celebrate its grand opening on Saturday, May 6, 2000. The theater, located in the historic district of Sanford, has celebrated a storied past, and its restoration promises the citizens of Sanford the opportunity to transform an icon of another age into a community facility with a bright new future.

Originally known as the Milane Theater, the Helen Stairs Theater was first constructed in 1923 by the Milane Amusement Company as part of a broad expansion in downtown Sanford. The theater design is indicative of a building style that began appearing in the United States in the 1850s based on European models of opera houses. Motion picture expansion in the early twentieth century led to a boom in the construction of new theaters with over twenty-five thousand theaters located across the United States by 1916. The technical sophistication achieved in theater construction during this period remains unparalleled in the history of American architecture. The Helen Stairs Theater epitomizes the tremendous boom and amazing achievements made during this period and is a visual testimony to the rich history and beauty of Sanford, Florida.

The Milane Amusement Company, led by President Frank Miller and Vice President Edward Lane, built the theater as a profit-enterprise. They had acquired the site from the former Star Theater, and movie house that had been abandoned for a number of years, with the intention of creating a new theater that would be capable of accommodating seven hundred patrons. Construction of the new theater began in November of 1922, and was completed in July of 1923 for a mere $80,000. Editors of the Sanford Daily Herald proclaimed the building as "a much needed asset in the City Substantial," and claimed that "this city now has a real theater and one of which the city can feel proud." The theater opened on August 2, 1923 to rave reviews.

Over the next few years there were management changes, the sale of the theater to Frank and Stella Evans in 1933, and in 1936, the theater was renamed the Ritz Theater. The Ritz continued to thrive through the years featuring mostly picture shows, but also including some live performances, and became an integral part of the history of Sanford. During the 1960s, the theater attendance declined, and in 1978, the Ritz closed after failing to compete with the new multiplex theaters. The theater stood vacant until 1984 when it was reopened as the Showtime Cantina. Four years later the theater was again closed and remained vacant until the mid-1990s when it was acquired by the Ritz Community Theater Project, Inc., under the leadership of Helen Stairs. The group began renovating the theater in 1999, and it was renamed in honor of Helen Stairs whose determination and dedicated effort has resulted in its restoration.

I congratulate and thank Helen Stairs, her husband Carl and family, and all of those who joined with her in the effort to restore this historic treasure. On behalf of the Central Florida U.S. Congressional Delegation, we salute the tremendous effort that made this community project a reality.

FEDERALIZATION OF PUBLIC SCHOOLS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. HYDE. Mr. Speaker, the April issue of the Phyllis Schlafly Report contains a penetrating analysis of education issues that now confront Congress.

I hope my colleagues will give this material the careful attention it deserves.

[From the Phyllis Schlafly Report, April 2000]

WHY THE PUBLIC SCHOOLS ARE BEING FEDERALIZED

Congress is about to pass legislation that will federalize every local school district and spell the end of local and state control of America's public school classrooms. Mindful of Ronald Reagan's words, "You can't control the economy without controlling the people," Bill and Hillary Clinton have found the way to control the economy by controlling America's schoolchildren.

The plan started with the passage of Bill Clinton's two 1994 laws, the Goals 2000 Act and the School-to-Work Act, and we were moved further in the same direction with his Workforce Investment Act of 1998. Now, with the Elementary and Secondary Education Act (ESEA), H.R. 2/S.2, the Clintons are about to complete the nationalization of the public school classroom.

This massive education bill is the eighth successive five-year plan to increase academic achievement by providing "compensatory education" grants to schools with high concentrations of low-income children. It is more ambitious and comprehensive than the Clintons' discredited 1994 health care plan.

A holdover from Lyndon Johnson's Great Society legislation, the ESEA has already spent more than $116 billion. According to the Federal Government's five-year $29 million longitudinal study concluded in 1997, the ESEA failed to achieve its objectives.

Unable to make the argument that ESEA, with its current price tag in excess of $10 billion per year, will raise academic achievement of poor children, the Clintons designed this "stealth" legislation with very different objectives. Pretending to "educate to high standards," ESEA mandates that all 50 states agree to implement a one-size-fits-all education plan. (Sec. 1001(a)(1))

How? The bill calls for mandated "statewide" minimum competencies for all children." That's code language for the disastrous and discredited Outcome Based Education (OBE). (Sec. 1111(B)(4)(A,B))

OBE (also called performance-based education) is measured by "criterion referenced tests" that assess students against a low threshold of achievement (formerly associated with the letter grade "D"), rather than by "norm referenced tests" which measure how well students master a body of knowledge in comparison with other students (such as the ACT, SAT, GRE, Iowa Basic, and Stanford Achievement tests).

ESEA's purpose is to tie schools to the floor of minimum achievement rather than to the ceiling of educational excellence and possibilities. The oft-repeated phrase "all children will learn" really means that all children will be taught only the low level of learning that is actually reached by all children.

The term "minimum competencies" doesn't sell well to parents and the taxpaying public, so as linguistic bait-and-switch occurs through the bill. "Standards" means minimum levels, "accountability" means accountability to the U.S. Department's of Education and Labor, "integrated curriculum" means integrating of training into the school day, and "local control" means control only over implementing the nonacademic job-training system but not over standards, content or testing.

Not only does ESEA force OBE and criterion referenced testing on every local school district in the nation, ESEA cements into place the goals of nationalized curriculum, nationalized testing and national teacher certification, which were envisioned in the 1994 Goals 2000 Act. ESEA also continues the radical changes required by the 1994 School-to-Work Act to guide schools away from a knowledge-based system and toward training for Jobs selected by local Workforce boards.(Sec. 1111. Sat Plans)

School-to-work is the Clintons vision of controlling the economy. Students will be pigeon-holed into jobs to serve the best interests of the local economy as decided by the bureaucrats, not into careers chosen by the student.

"But," Congress proclaims, "the Goals 2000 and School-to-Work laws are sun setting!" Nothing could be further from the truth.

While those laws are about to expire, all 50 states adopted them and ESEA requires that states certify they have adopted "challenging content standards and challenging student performance standards * * * with aligned assessments." That is bureaucratic jargon for continuing the 1994 Goals 2000/School-to-Work mandates.(Sec. 1111)

ESEA has already moved far in the legislative process because Congress was hoodwinked by the bills doublespeak language and only now is beginning to understand that the Goals 2000 and School-to-Work laws have morphed into ESEA. If ESEA passes in its current form, every public school district will be forced to continue implementation of the revolutionary restructuring required by the 1994 laws.

ESEA is not stand-alone legislation but works in tandem with other federal, state and local programs to mesh curriculum, graduation requirements and public funds into state-filed, federally-approved Unified Plans under the Workforce Investment Act. Under the guise of education "reform," all traditional public school curriculum, testing and teaching methods are being replaced with a job training system modeled after failed socialized economies in Europe.

ESEA will fulfill Bill and Hillary Clinton''s dream of national economic planning fed by a federalized workforce training system domiciled in the public schools. ESEA is the capstone of their plan to restructure our American system away from free enterprise, academic achievement in schools, and the freedom of individuals to select their future occupations.

CLINTON''S PLAN FOR EDUCATION AND THE ECONOMY

The following graphic, distributed by the Minnesota Department of Children, Families and Learning (DCFL), explains how School-to-Work is a government plan to interlock public school "reform" of curriculum with workforce preparation (job training) and economic development (national economic planning). This official state publication states that the School-to-Work mission is "to create a seamless system of education and workforce preparation for all learners, tied to the needs of a competitive marketplace."

School-to-Work means that the mission of the public schools is no longer to educate children to be all they can be, but instead to train students to take entry-level jobs as needed by the global economy. The different motivations of several special interests perfectly mesh in School-to-Work: the Clinton Administration economic gurus (Marc Tucker, Ira Magaziner and Robert Reich) who say they want America to imitate the German school-to-workforce system, the Clinton Administration education activists (particularly the teachers unions and Education Department bureaucrats) who want to control the school system, and the multinational corporations that seek a poorly-educated but well-trained labor force willing to work for low wages to compete with low-paid workers in the Third World.

The master plan to federalize education and tie it into the workforce originated with the now infamous "Dear Hillary" letter written on November 11, 1992 by Marc Tucker, president of the National Center on Education and the Economy (NCEE). It lays out a plan "to remold the entire American system" into "a seamless web that literally extends from cradle to grave and is the same system for everyone," coordinated by "labor market boards at the local, state and federal levels" where curriculum and "job matching" will be handled by counselors "accessing the integrated computer-based program."

Rep. Bob Schaffer (R–CO) correctly analyzed this letter as "a blueprint for a German model of education that would be forced upon the people of America." He said this "moves the country toward a government-owned centralized education system from kindergarten past college." He placed this letter in the Congressional Record on September 25, 1998. It is most easily accessible on Eagle Forum''s website: http//www.eagleforum.org.

A TRIBUTE TO AMERICAN NURSES DURING NATIONAL NURSES WEEK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to a remarkable group of dedicated health professionals—the 2 million+ registered nurses in the United States.

These outstanding men and women, who work hard to save lives and maintain the health of millions of individuals, will celebrate National Nurses Week from May 6–12, 2000. Registered nurses will be honored by hosting or participating in several events such as rallies, childhood immunizations, community health screenings, publicity efforts, dinners, receptions and hospital events. I believe that any American who has ever been cared for by a nurse should join in the celebration of National Nurses Week.

Modern nursing has been traced to Florence Nightingale's efforts during the Crimean War of the mid-19th century. Exactly 100 years after Nightingale's methods were first used, National Nurses Week was first observed from October 11–16, 1954. National Nurses Day and Week was eventually moved to May to include Florence Nightingale's birthday, which is May 12th.

Using this year's theme: "Nurses—Keeping the Care in Health Care," the American Nurses Association (ANA) and its 53 constituent associations will highlight the diverse ways in which registered nurses, the largest health care profession, are working to improve health care for Americans. Thankfully, the efforts of nurses are being widely acknowledged. According to the Gallup Poll's 1999 "Honesty and Ethics" survey, nursing ranked #1 of 45 among the most respected professions.

Mr. Speaker, I will salute America's nurses during the week of May 6–12, 2000. I encourage my colleagues to do the same.

END RELIGIOUS PERSECUTION IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. TOWNS. Mr. Speaker, the persecution of Christians and other religious minorities in India continues. Now even an ally of the ruling party has spoken out against it.

Newsroom, a website devoted to religious news, reported that the Trinamool Congress, a party in coalition with the ruling BJP, demanded the banning of Bajrang Dal, a militant Hindu nationalist organization. The Bajrang Dal is affiliated with the Vishwa Hindu Parishad (VHP), which in turn is part of the RSS, a Fascist organization that is the parent organization of the BJP.

Dara Singh, the person India has arrested in connection with the murder of missionary Graham Staines and his two young sons, has been linked to the Bajrang Dal. Christians have been subjected to three attacks in Uttar Pradesh in two weeks. On Good Friday, members of the Bajrang Dal attacked members of the House of Worship, a Christian church in Agra. Uttar Pradesh also has a law prohibiting Muslims from building new mosques or converting any building into a mosque without government permission. In the state of Orissa, religious conversions are banned without government permission.

In Haryana on April 22, three nuns were attacked by a Hindu fundamentalist. One, Sister Anandi, remains in Holy Family Hospital in serious condition. No one has been arrested for this crime.

The militant Hindu fundamentalists who carried out these acts are allies of the Indian government. The government itself has killed over 200,000 Christians in Nagaland, over a quarter of a million Sikhs, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of others. It holds tens of thousands of political prisoners without charge or trial. Some of them have been held for over 15 years. This is unacceptable.

America is the bastion of freedom in the world. It is our responsibility to do what we can to ensure freedom for all people. We should cut off India's aid until it learns to respect human rights. The government must stop killing religious and ethnic minorities. It must also punish strongly those who kill and do other acts of violence in the government's behalf. Amnesty International, which has not been allowed to enter India to investigate human rights abuses since 1978, must be allowed to come into the country. Until then, no American money should go to India.

We should also put this Congress on record in support of democracy in South Asia by calling for a free and fair plebiscite, under international supervision, to decide the political future of Khalistan, Kashmir, Nagaland, and all the other nations occupied by India. These steps are the best way to bring freedom to all the people of South Asia.

Mr. Speaker, I would like to submit the Newsroom article into the RECORD. I urge my colleagues to read it.

BAJRANG DAL BAN SOUGHT AFTER PRE-EASTER ATTACKS ON CHRISTIANS IN INDIA

NEW DELHI, 25 April 2000 (Newsroom)—Allies of the Bharatiya Janata Party (BJP), which leads India's coalition government, this week demanded that the BJP ban a militant group of Hindu nationalists and dismiss the BJP-led Uttar Pradesh state government in the wake of recent attacks against Christians.

The call by the Trinamool Congress, an ally in the BJP-led National Democratic Alliance headed by Prime Minister Atal Bihari Vajpayee, to ban the Bajrang Dal and dismiss Uttar Pradesh Chief Minister Ram Prakash Gupta and his government stunned BJP leaders.

Leaders from the Trinamool Congress and from the opposition Congress and Samajwadi parties blasted the BJP for failing to control the Hindu nationalist group that many blame for the spate of violent incidents directed toward religious minorities in the last two years.

The Bajrang Dal, a militant Hindu organization affilated with the Vishwa Hindu Parishad (World Hindu Council) and linked to several attacks on Christians, believes it has a duty to promote the Hindu religion and Hindutva—Hinduness—in India. Dara Singh, who is accused of masterminding the murders of Australian missionary Graham Staines and his two sons last year, has been linked to the Bajrang Dal, although the group denies he is a member.

Sudip Bandopadhyay of the Trinamul Congress and Yerram Naidu, Tulugu Desam party leader, demanded that security be provided to Christians and other religious minorities wherever possible, especially in states like Uttar Pradesh where there have been three violent attacks against Christians in the last two weeks.

Madhavrao Scindia, deputy leader of the Congress Party in the Lok Sabha (the lower house of Parliament), said the government should put a stop to incidents like those reported in Uttar Pradesh and Haryana this month. He demanded a response from Home Affairs Minister Lal Kishen Advani, who is considered a friend of most of India's Hindu nationlist groups and is the second most powerful man in India after Vajpayee. "Groups close to the BJP must be reined in as they are vitiating communal peace," Scindia said.

Opposition Samajwadi party leader Mulayam Singh Yadav, who once headed the defense ministry, said that militant Hindu groups pose a greater danger than the actions of religious minorities. "Majority communalism poses a greater danger compared to minority communalism," he said. Members of the Hindu group Shiv Sena tried to heckle him while he addressed members of Parliament.

During a two-day BJP national executive meeting in the Uttar Pradesh town of Lucknow, Vajpayee chastised Uttar Pradesh Chief Minister Ram Prakash Gupta over his state's handling of attacks on Christian missionaries in Mathura. Vajpayee reportedly said the state should have dispatched police to assess the situation and instill confidence among the Christian community. He also asked the state government to explain its position on the controversial religious places bill, which prohibits Muslims from building mosques or converting an existing building into a mosque without government permission.

Bajrang Dal national coordinator Surendra Kumar Jain said last month that his group was fighting to construct a temple for Ram in Ayodhya in Uttar Pradesh. The extremist group also once demanded that the federal government declare Pakistan an enemy state.

Referring to the attacks against Christians, Jain said that "missionaries consider Hindus a soft target. Even the words 'soft target' were used in the missionary literature. However, now the Hindus have woken up. We are no more a soft target for their unholy activities. We appreciate missionary services, but only when the object is service and not conversion."

Monday's confrontation in parliament followed three attacks against Christians in Uttar Pradesh in the last two weeks. Members of the House of Worship, one of India's fastest-growing church groups headquartered in the southern state of Hyderabad, were attacked by suspected Bajrang Dal activists on the outskirts of Agra, site of the Taj Mahal, police said. The Good Friday attack on the 14-member preaching team from Hyderabad in the BJP-ruled state came a week after a Catholic priest and three nuns were attacked in a school. It was the seventh attack reported in the state in less than 100 days.

The Bajrang Dal complained to state police that the Hyderabad group was trying to convert villagers by offering them money, a charge church authorities deny. In a counter complaint the victims reported that a mob of 20 to 30 people attacked the van in which they were traveling and tried to burn the vehicle. The group returned to Hyderabad where the main church, Hebron Church, is located. The church, also known as the Indigenous Society of Churches in India, is one of the fastest growing in the country with mainly new converts as members. It was founded by a Punjabi Sikh agricultural engineer, Bakht Singh, in the 1920s. Bakht Singh is 99.

Three Catholic nuns on their way to attend midnight Mass in Rewari in neighboring Haryana state were attacked Saturday night by a man riding a scooter. It was the third attack on Christians reported in the past three months in this wheat-rich state. One nun, Sister Anandi, remains in Holy Family Hospital in serious condition. The other two nuns suffered minor injuries. Police so far have made no arrests.

John Dayal, convener of the United Christian Forum for Human Rights, said in a prepared statement that "this attack was part of the series of ongoing attacks on Christians and their institutions."

THE SAFE AND SUCCESSFUL SCHOOLS ACT OF 2000

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. CLAY. Mr. Speaker, today I introduce the Safe and Successful Schools Act of 2000. It will help modernize our public schools by providing grants and loans for up to 8,300 renovation projects in high-need school districts. It will continue the highly successful class size reduction program by helping communities hire an additional 20,000 highly qualified teachers. It will boost investments in quality after-school and summer school programs advocated by the President. It will help us close the digital divide that currently leaves too many poor children and their teachers behind. It will bolster safe and drug free school programs, and strengthen programs to reduce hate crimes by children.

ESEA is our nation's flagship education partnership with local communities. It provides vital assistance to the most vulnerable, educationally challenged children in America. Until this Congress, the ESEA had enjoyed a rich and enduring history of bipartisanship.

Unfortunately, Senate and House Republicans have been highly partisan and divisive. At the beginning of the ESEA process, we urged Republicans to work in a bipartisan way. Instead, they proceeded in a highly partisan manner and created havoc throughout the reauthorization process. In the House, they carved up the ESEA into seven disjointed pieces—hoping to bolster their devastating public image and terrible performance on education.

Today, the ESEA process is in shambles. Straight A's, the Republican education block grant bill, has a veto threat pending and has no chance of becoming law. Their Teacher Empowerment bill has a veto threat pending because of its gratuitous attack and block granting of the Clinton Class Size Reduction Act. Conservative Republican Members are blocking floor action on two other ESEA bills, Even Start and Impact Aid. And the one major bipartisan bill, H.R. 2, has been sharply and publicly attacked by reactionary Republican Members of the Education and Workforce Committee.

Republicans repeatedly refused to work with Democrats to craft the pending ESEA bill, H.R. 4141, and voted in mass to defeat 52 of 54 amendments offered by Democratic Members. The bill passed out of committee is a legislative disaster. Every major education group opposes the bill. The President will probably veto it.

Because the Republicans have decided to play politics with America's school children, they have placed in jeopardy passage of this comprehensive Federal aid program to education. If the Republicans leave town this year without enacting the ESEA, it would be the first time that the program has permanently lapsed in its 35-year history.

I urge the Republican leadership to stop playing politics with our nation's school children, and pass ESEA legislation that can bring urgent relief and assistance to our public schools this year.

THE DEMOCRATIC AGENDA: DEMONSTRATING A NATIONAL COMMITMENT TO OUR NATION'S PUBLIC SCHOOLS

THE SAFE AND SUCCESSFUL SCHOOLS ACT OF 2000

Helping Communities Repair and Modernize Unsafe Schoolhouses

Communities across the country are struggling to address critical needs to build new schools and renovate existing one. One-third of all public schools—about 25,000 schools—need extensive repair or replacement. A recent survey documented over $250 billion dollars of unmet school modernization funding need.

The Safe and Successful Schools Act of 2000 authorizes $1.3 billion annually to help communities make emergency school renovations such as repairing roofs, fixing dangerous electrical wiring and plumbing, bringing schools into compliance with fire safety codes, undertaking asbestos removal or abatement, and removing lead-based paint. The Act will support up to 8,300 renovation projects in high-poverty, high-need school districts that have little or no capacity to fund urgent repairs over the next five years.

Reducing Class Sizes/Smaller Schools

Research shows that class size reduction in the early grades is one of the most direct and effective ways to boost student academic achievement, especially among populations of disadvantaged children. Smaller class sizes ensure that every child receives personal attention, gets a solid foundation for further learning, and learns to read independently by the end of the third grade. The Safe and Successful Schools Act of 2000 continues the Clinton/Clay class size reduction program that is helping communities hire and pay for 100,000 new, fully qualified teachers.

The Act also reauthorizes the Small, Safe and Successful High Schools program, which helps high schools to create smaller, safer learning environments. Research has shown that the size of a school and the number of its students greatly impact children's ability to learn and the likelihood that violence may occur.

Accountability for Results

The bill requires schools reducing class sizes to hire only fully qualified teachers. The bill strengthens ESEA technology programs by focusing on the achievement of performance indicators and the correlation between technology and improved student achievement. The Act requires school safety and drug abuse prevention programs to be based on sound research, and strengthens reporting and eligibility criteria for the Title VI program, increasing program accountability.

Providing Safe After-School Learning Opportunities for Students

Extended learning programs reduce juvenile crime by providing a wide range of education, social, mentoring, and counseling services to help improve student behavior, including services relating to violence prevention and conflict resolution. Recent research has demonstrated that extended learning programs help improve student achievement in reading and math, and reduce truancy and dropout rates.

The Safe and Successful Schools Act more than doubles our investment to $1 billion, in the 21st Century Community Learning Centers program. This program enables schools to stay open longer, providing safe and educational after-school opportunities for some 700,000 school age children in rural and urban communities each year, and vital social health, and educational services for their families.

Providing Safe and Drug Free Schools/Keeping Guns Out of Our Schools

America's students cannot be expected to learn to high standards if they are threatened by drugs and violence. There is a high level of concern by parents and students about school safety and violence caused in part by the tragic shootings at Columbine High School and other schools in the past two years.

The legislation will increase funding for the Safe and Drug Free Schools Act, and enhance its accountability and performance through the adoption of research-based programs. It also authorizes the Secretary of Education to set aside $5 million annually to fund strong, community-based hate crime prevention activities.

The bill requires school districts, with a history of suspensions and expulsions for gun violence or possession, to work with law enforcement agencies to promote the use of child safety locks.

Lastly, the bill provides new, additional support for school-based alternative education programs to address the educational needs of students who are suspended or expelled from school. This authority will increase the safety of both our schools and communities by ensuring that discipline and violence problems leading to suspensions and explusions do not spill over into the community.

Recruiting and Maintaining High Quality Teachers

The Safe and Successful Schools Act of 2000 requires all teachers to become certified or fully licensed, and have knowledge of the subjects they teach. The bill creates a "Parent Right to Know" requirement to ensure that parents are made aware of the professional qualifications and expertise of their children's teacher. It also includes a provision requiring that parents be notified when their child is being taught by an underqualified or substitute teacher for more than two consecutive weeks.

It also authorizes $50 million to help high-poverty school districts attract and retain teachers and principals through better pay. To become eligible, schools would have to undertake rigorous peer review of every teacher, improve systems to remove low-performing teachers, and provide intensive support to give the opportunity for all teachers to succeed.

Expanding Access to Education Technology/Closing the Digital Divide

Technology in the schools can substantially improve student learning, classroom management, the professional development of teachers, and assessment of student progress. Most importantly, strong school technology programs report significant impact on gains in student achievement in reading, writing, and mathematics. Technology has its greatest impact with low-income and rural students as well as with expanding opportunities for girls. Unfortunately, the "digital divide" still separates the technology haves and the technology have-nots—leaving our most disadvantaged children without vital knowledge and tools to compete with their more advantaged peers.

The Safe and Successful Schools Act of 2000 increases the Federal commitment to technology and closing the digital divide. The Act provides $500 million for the Technology Literacy Challenge Fund program, to help the most disadvantaged school districts to provide educators with sustained, high quality training to integrate technology in their classrooms and provide students with the latest access to advantaged technology resources. The Act creates a $50 million Go Girls program to help encourage the ongoing interest in girls in science, mathematics and technology, and prepare girls to pursue undergraduate and graduate degrees and careers in science, mathematics, or technology. The bill will provide new support for restructuring teacher education programs so that new teachers are proficient in the use of educational technologies and can integrate technology throughout their instructional practices. Lastly, it also creates new initiatives to develop and expand cutting edge technologies to improve teaching and learning, and to establish community technology centers in the neediest communities.

HONORING THE LOS ANGELES VETERANS RESOURCE CENTER

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. KUYKENDALL. Mr. Speaker, today I recognize a very important organization, the Los Angeles Veterans Resource Center. The Vet Center is currently celebrating its twentieth year of providing services to local veterans.

For twenty years the Los Angeles Veterans Resource Center has provided outstanding service to our nation's veterans and their families. The Vet Center Program was established in 1979 out of recognition that a significant number of Vietnam era vets were still experiencing readjustment problems. Vet Centers are community based and part of the United States Department of Veterans Affairs. They provide a number of important programs and services to assist veterans, particularly those suffering from Post Traumatic Stress Disorder.

I thank the staff and volunteers of the Los Angeles Veterans Resource Center for the invaluable services they have provided to community veterans over the past 20 years. As a veteran of the Vietnam War, I thank them for their contributions. You have touched the lives of many. The veteran community of Los Angeles is grateful for your services. I wish you continued success.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. BECERRA. Mr. Speaker, today I support H.R. 4163, the "Taxpayer Bill of Rights 2000." Last month when the House Ways and Means Committee considered this bill, I raised concerns about the apparent lack of oversight of State taxing authorities that use Federal tax return information.

This bill recognizes breaches of taxpayer confidentiality at the State level and contains a provision to require that States conduct onsite reviews of all contractors receiving Federal tax return information. However, this bill does not address instances in which state agencies may have inappropriately disclosed Federal tax information. In a recent study on taxpayer confidentiality, the Joint Committee on Taxation found that "[A]lmost all of the surveyed State taxing authorities reported some discrepancy of one type or another [in their efforts to safeguard tax return information]."

I have personally heard stories from taxpayers about how my state's taxing authority, the California Franchise Tax Board (FTB), has misused and inappropriately disclosed Federal tax information. Some examples include making IRS tax returns public without the consent of the taxpayer and using the threat of disclosure as a tool to try to force taxpayers into concessions. I have even been told that the State's training materials encourage misuse of penalties and other types of inappropriate behavior.

In my current position on the House Ways and Means Committee, I plan to do my utmost to ensure that States like my State of California are fully accountable for the privacy of its citizens. I hope to work with other Members of Congress to improve H.R. 4163 by requiring more safeguards and oversight of State taxing authorities' use of Federal tax information.

TRIBUTE TO CHIEF WARRANT OFFICER JOHN W. SCOTT, JR.

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. LAMPSON. Mr. Speaker, today I wish to recognize the outstanding service to our Nation of Chief Warrant Officer John W. Scott, Jr., the commanding officer of Coast Guard Station Sabine Pass, Texas, who will be relieved of command on May 5, 2000, as he retires after 31 years in the Coast Guard. Throughout his career, he exemplified the Coast Guard's core values of Honor, Respect, and Devotion to Duty. He is a highly respected leader who is renowned for his commitment to the Coast Guard men and women serving under his command.

Chief Warrant Officer Scott has lived the multi-mission character of the Coast Guard. Very early in his career, he had to face the stark reality that the Coast Guard is an armed force when he was assigned to serve on a patrol boat in Vietnam. His career is also ripe with examples of dedicated services to the mariner. He served many tours ensuring the safety of maritime commerce by maintaining aids to navigation in our critical waterways. Additionally, he operated and commanded boats, cutters and shore stations that rescued people in distress, responded to environmental threats and maritime disasters, and ensured the security of our ports. Moreover, he enforced federal laws that enhanced vessel safety, deterred unlawful activity that threatened our national security, and brought those that had violated our laws to justice.

Over the past four years while he has been in command of Coast Guard Station Sabine Pass, I have seen firsthand the remarkable results of his efforts. During this period, Chief Warrant Officer Scott directed over 700 search and rescue cases that resulted in saving the lives of 400 people. He directed numerous maritime law enforcement missions to deter and intercept illegal narcotics and other contraband destined for Southeast Texas shores. He initiated operations that preserved our valuable natural resources and fisheries in the Gulf of Mexico. He achieved these results by instilling his vision of excellence in his crew, and through the seamless integration of active duty and reserve Coast Guard personnel into a cohesive team. At the same time, he also managed a comprehensive shoreside modernization project to rehabilitate several existing station buildings and to construct new waterfront facilities that will ensure the Coast Guard remains a robust part of the Sabine community for the foreseeable future.

Mr. Speaker, Chief Warrant Officer Scott dedicated his life to our Coast Guard men and women and our Nation. I am extremely honored that he and his wife, Judy, have decided to remain in Southeast Texas after his retirement. I ask my colleagues to join me in commending Chief Warrant Officer Scott, an individual who has stood Semper Paratus—Always Ready—for the past 31 years to answer our Nation's call.

RECOGNIZING PROFESSOR KENNETH T. PALMER

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. BALDACCI. Mr. Speaker, today I pay tribute to Professor Kenneth T. Palmer of the Department of Political Science at my alma mater, the University of Maine. I was fortunate to study under Professor Palmer, and learned many a lesson in politics from him.

Today, I want to thank him for one of the extra-curricular responsibilities he has taken on in addition to his teaching. For 31 years, Professor Palmer has coordinated the University of Maine's Washington Congressional Internship Program, which has been a rich source of interns for the Maine Congressional Delegation since 1958.

Ken Palmer has played a crucial role in the program's success. His oversight of the selection has helped to guarantee high quality interns who have made important contributions to our offices.

Approximately 150 University of Maine students have taken part in the program since its inception. I have been fortunate to have the assistance of 5 able University of Maine interns during my tenure here. Two of them have gone on to join my staff, which speaks highly of the caliber of students Professor Palmer has selected to participate.

I am told that many former interns report that the five months they spent in Washington constituted the most significant learning experience in their undergraduate careers. Graduates of the program have distinguished themselves in various careers, especially law, business, and public service.

Recently, Ken Palmer announced that he will be stepping down from his post and handing the reins over to another professor. He leaves large shoes to fill.

I am pleased to congratulate Professor Palmer on all that he has achieved with the Congressional Internship Program. He has set a fine example for other academic institutions to follow.

HONORING CHARLES F. RYAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. ROTHMAN. Mr. Speaker, today I honor a longtime friend and colleague; Charles F. Ryan, who will be inducted as President of the Bergen County Bar Association Friday, May 5, 2000. This is another milestone in Chuck's outstanding career, which is distinguished by his constant dedication to using his expertise in the law to improve the lives of people throughout Bergen County, New Jersey.

After serving three years of active duty in the United States Marine Corps where he rose to the rank of Sergeant, Chuck pursued a Bachelor's Degree at the University of Notre Dame. Chuck then came home to New Jersey, where he earned his law degree at Rutgers University.

Ever the activist, Chuck involved himself in the Young Lawyers Section of the Bergen County Bar Association, first as a member and later as its president. For four years, Chuck also co-edited the Young Lawyer Section's publication, Hearsay. The success of Hearsay led the Bergen County Bar Association to establish its own newspaper, Barrister, for which Chuck has been a valued contributor and author of the "Family Law/Around the Courthouse" column.

One common denominator in Chuck's work is that he constantly strives to expand access to the legal system and make it work better for those involved. Chuck represented the Bergen County Bar Association for five years on the Board of Directors of Bergen County Legal Services, and helped develop the Legal Services Board's annual Pro Bono Award Program which recognizes the contributions to the public good made by lawyers and law firms in the Bergen County.

In this same vein, Chuck founded the Alternatives to Domestic Violence Lawyers Referral Panel 14 years ago, and he remains a coordinator on the panel to this day. Chuck gathered lawyers from throughout Bergen County practicing matrimonial law, with particular experience and knowledge in the area of domestic violence, to provide emergency consultation and representation to victims of domestic violence. These lawyers agree to accept no fees, or work on a sliding-scale fee, according to the ability of the client to pay. With this expertise, the Bergen County Bar Association tapped Chuck two years ago to establish and co-chair the Bergen County Domestic Violence Pro Bono Lawyers Project, which has recruited and trained 89 lawyers to represent domestic violence victims. Fittingly, Chuck was honored last year by both the New Jersey State Senate and the New Jersey General Assembly for his tireless efforts on behalf of victims of domestic violence.

Though these accomplishments testify to Chuck's efforts in the professional arena, he is also an active member of the Bergen County community. Chuck is married and is the father of four children, and works in both private practice and as a prosecutor in Park Ridge, New Jersey. He is a former Commander of the Midland Park/Wyckoff Veterans of Foreign Wars Post 7086, and is Director of the Midland Park Chamber of Commerce. Chuck has also been a coach on the Midland Park Soccer, Little League Baseball, Little League Softball, and Girls Basketball teams, and has served as a guest lecturer on family law at Montclair State College and Rutgers Law School.

Mr. Speaker I have been fortunate to know and work with Chuck Ryan for the past 20 years and I am proud to count him as a dear friend. I wish him the best of luck on his induction as President of the Bergen County Bar Association, and expect him to thrive in that position as he has in every other task he has taken on in his life.

TRIBUTE TO JANET R. HENKE

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mrs. NAPOLITANO. Mr. Speaker, it is my distinct honor and great pleasure today to recognize the extensive service of the Honorable Janet R. Henke to the people of the City of Whittier. Janet Henke has long been an active and dedicated member of the community and for the past eight years has served as a member of the Whittier City Council, including one two-year term as mayor from 1996 to 1998.

Councilwoman Henke has a long history of involvement in education and the arts. Through the Whittier Presbyterian Church, she served as a youth choir director for twenty-two years, starting in 1960, and as the preschool music director for seven years. From 1977 to 1986, Mrs. Henke worked for the Montebello Unified School District.

Janet Henke's community service has included serving as a program chair of the PTA; Ruling Elder of the Whittier Presbyterian Church; member of the Friends of the Whittier Hills; Co-Vice-President and President of the Whittier Area Education Study Council; President of the Shelters Right Hand; and as a director on the boards of the YMCA, Rio Hondo Temporary Home and the Los Angeles County Sanitation Districts.

For sixteen years from 1973 to 1989, Mrs. Henke served as a trustee on the Whittier City School Board. She served as vice president of the board for three years and another three years as president. Mrs. Henke's recognized commitment to education was further evidenced by being elected four times, from 1978 to 1985, to serve in the Delegate Assembly of the California School Board Association.

Mr. Speaker, it takes dedicated individuals who are committed to serving their community—individuals like Janet R. Henke—to build strong, vibrant, livable towns and cities. The people of Whittier are indeed fortunate to have enjoyed the benefits of decades of generous public service by this outstanding American and leader. I am proud of my friendship with Janet, and extend to her the best wishes for every continued happiness and fulfillment.

ENACTMENT OF THE CHILDREN'S ONLINE PRIVACY PROTECTION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. INSLEE. Mr. Speaker, today I recognize the enactment of the Children's Online Privacy Protection Act (COPPA). The Act requires operators of World Wide Web sites to obtain verifiable parental consent before collecting, using, or disseminating information about children under 13 years of age.

Representing a Congressional District which contains many of the world leaders in E-Commerce has given me a first hand opportunity to view the importance of privacy online. Consumers will not partake in business online without full assurance that their personal information will remain private. Though children are frequently more Web adept than their parents, they often lack the judgment and experience to deal with requests for their personal information, especially those request made from strangers. COPPA gives notice to both Web sites and parents of their responsibilities to protect children's privacy.

The Children's Online Privacy Protection Act prohibits unfair and deceptive acts in connection with the collection and use of personal information from and about children on the Internet. It will serve to enhance parental involvement in a child's online activities, protect the privacy of children in the online environment, maintain the security of children's personal information collected online and limit the collection of this information without parental consent. Failure to follow the guidelines of the Act will result in fines in excess of $10,000 and the possible closure of the Web site.

This act directly follows the five core principles of privacy protection, set forth by the FTC, which represent 'fair information practices': (1) Notice/Awareness; (2) Choice/Consent; (3) Access/Participation; (4) Integrity/Security; and (5) Enforcement/Redress. While the online industry has made great strides in protecting consumer privacy online, we need government intervention to assure the privacy of children.

A March 1998 FTC survey of 212 commercial children's Web sites found that while 89 percent of the sites collected personal information from children, only 24 percent posted privacy policies and only one percent required parental consent for the collection or disclosure of children's information. No parent would allow their child to wander the streets giving out their personal information to strangers, yet the aforementioned survey illustrates that this occurred continually over the World Wide Web prior to COPPA. With COPPA we have taken one large step towards putting parents back in charge of their children's personal information online.

We must continue to encourage parents to become involved in their children's online activities. Though the Web contains wonderful resources, there are also people online who prey on children and COPPA presents a useful tool to stop this from happening. COPPA provides one important part of the solution to ensuring children's privacy and safety online, parental involvement and filtering tools such as Net Nanny can provide others. Net Nanny, one of the many high-tech firms found inside of my district, offers software that allows parents to regulate their children's online activities. Software of this sort lets parents choose the sites their children can visit, further bolstering parental control over their children's privacy.

COPPA may impose an increased cost on commercial children's Web sites, but these sites must realize that ensuring children's privacy is an essential part of their business. COPPA will provide an incentive to the industry to self-regulate, through self-regulatory watch dog groups such as BBBOnLine, TrustE and the Children's Advertising Review Unit of the Council of Better Business Bureaus, so as to ward off future government intervention in the industry.

As a strong advocate of personal privacy, whether in the realm of banking and financial transactions or the World Wide Web, we must assure consumers that they have full control over their personal information. With no Constitutional protections over the sharing of personal information to third parties, in both the financial world and online, Acts such as COPPA and the Banking Privacy Act (H.R. 1929), which I introduced, are necessary safeguards of our privacy. Americans have a right to privacy in regards to their personal information, and I recognize the Children's Online Privacy Protection Act as enhancing this right.

SENATE—*Wednesday, May 3, 2000*

The Senate met at 9:34 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Father, we are recipients of the impact of the prayers of intercession prayed by millions of Americans around the clock. Help us to remember that You are seeking to answer those prayers as we receive Your wisdom and guidance. May we never feel alone or solely dependent on our own strength. Your mighty power impinges on us here as a result of people's prayers. An unlimited supply of Your supernatural wisdom and strength and vision is ready to be released.

Remind us also that our ability to receive all that You have to give is dependent on our willingness to pray for each other here as we work together in the Senate. We commit ourselves to become channels of prayer power, not only for our friends and those with whom we agree but also for those with whom we might disagree, those we might consider political adversaries, and especially those who test our patience and those whom we need to forgive. So lift our lives from the battle zone of combative words to a caring community where leaders pray for and communicate esteem to each other. Thank you for giving us unity in spirit as we deal with the diversity of ideas.

This morning, gracious Lord, we ask for Your blessing, peace, and healing for our friend, Mike Epstein. Be with him and help him to know that You are indeed Jehovah Shema and Jehovah Shalom.

In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 11 a.m., with the time controlled by Senator THOMAS and Senator WELLSTONE. Following morning business, the Senate will resume consideration of S. 2, the Elementary and Secondary Education Act, with four amendments also in order under the previous agreement. Members can expect votes throughout the day.

For the information of all Senators, the Senate will continue to debate this important education legislation throughout the week. It is hoped that the Senate can make substantial progress on this bill, and that we can continue to debate education-related amendments.

I thank my colleagues for their attention. I yield.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that, because we got started a little bit late, both sides have 45 minutes in morning business.

Mr. ALLARD. No objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the first 45 minutes is under the control of the Senator from Minnesota, Mr. WELLSTONE, or his designee.

I now recognize the Senator from Minnesota.

MIKE EPSTEIN

Mr. WELLSTONE. Mr. President, let me thank the leadership of both parties for allowing the Senate to talk to a very dear friend, Mike Epstein. I want you to know, Mike, and your family, that a lot of our staff are back here as well with me. I think this is a little unusual, that the Senate stops its business and focuses on an individual in this way. But I think there are some things that many of us want to say to Mike.

I want to start out this way. When I mentioned in the past couple of days to Senators, but also support staff everywhere here, that my friend Mike was struggling with cancer, I just could never have anticipated the reaction. Mike, I want you to know I can think of at least four or five times where someone said to me: Mike? He's an institution.

I know Mike's priorities, so let me be clear about the people who talk about Mike as an institution. And, Mike, I know you; this was real. This was real.

Some of the people who said Mike is an institution were support staff. People said to me: Mike just treats everybody so well. He is such a nice, good person. He is great, just because of the way he treats people.

Mike, that is the best compliment of all.

Then Senators said to me: PAUL, Mike Epstein is an institution in the Senate. Some may have been thinking about history. Some in the Senate—I do not think that many because we have had a lot of new Senators—know of Mike's role with the Church committee and the important investigative research he has done.

There are others who are familiar, Mike, with the kind of work you have done with Senator KENNEDY. Mike did some of the most important investigative research on HIV infection and AIDS early on when other people in the country did not even want to focus on this.

Then other Senators said to me: PAUL, we are going to come to the floor and talk to Mike today because we have worked with him on the Senate Foreign Relations Committee when he was chief counsel to the committee.

Then way down on the list of priorities—because I am talking to you, Mike, about great work that you do—has been the work that Mike and I have done together. Mike, I know you will not like me saying this, but I am going to say it anyway because it is true. I believe from the bottom of my heart that everything I have been able to do as a Senator that has been good for Minnesota and the country is because, Mike, you have been there right by my side, 1 inch away from me.

A lot of the people in the Senate know that. As a matter of fact, I say to my colleagues on the floor, I will never forget one time when I finally learned at least a little bit of the rules and I was able to come to the floor and fight very hard a number of years ago for some assistance for victims of a tornado that hit Chandler, MN, and other small communities. Mike was there as my tutor, as my teacher, teaching me, as you do, Mike.

It worked out well, but afterwards, Alan Simpson, a former Senator from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Wyoming, came up to me and said: PAUL?

I said: Yes?

He said: You see those fellows on the other side of the aisle?—pointing to the Republicans, and I think Nancy Kassebaum was there as well.

I said: Yes.

He said: They have been looking at you.

I said: Yes.

Mike was a ways behind me about where Tinker is sitting right now.

He said: He has been right next to you the whole time. It doesn't look good. It looks like you can't do it yourself. It looks like he is doing it for you. PAUL, the trick is this: You want to have Mike far enough away from you so that it looks like you are doing it yourself but close enough to you in case they throw a whizzer on you, he can be 1 inch away from your side.

That has basically been my methodology as a Senator. I had Mike far enough away so it looked like I was doing it on my own, but Mike was close enough so that always when I needed the advice, I got it.

Mike Epstein, I speak on the floor today in the Senate, and others are coming out to speak, because you are an institution and I want to make sure you and your family hear these words loudly and clearly.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, when I learned Mike was sick, I thought I should come down and say a few words. I thought: What can I say? I do not want to say anything that will not be appropriate. I went to my person who does my floor work in the Senate, Peter Arapis. I said: Tell me about Mike Epstein. What do you know about Mike Epstein?

He said—and I made some notes—he always told us some jokes and he was always funny, always had a smile, and he appears to be Senator WELLSTONE's best friend. Those are the same things I felt about Mike Epstein.

The feelings about Mike are pretty well known in the Senate. He has a great sense of humor. He always had that sly grin on his face when he was in the Senate, which I appreciated a lot.

Mike, I always appreciated your being so courteous to me. I had a lot of dealings with you because as we proceed in the Senate—and I say this through Senator WELLSTONE to Mike—it seems one of my responsibilities is to get the legislation moving. A lot of times Senator WELLSTONE threw a monkey wrench into legislation moving. Who would I go to to find out what really was happening? I would go to the back row and talk to Mike and say: Mike, what is going on here? He would have a grin on his face as he would tell me what was going on. He was always the person I would go to to break through the Wellstone logjam that was created.

I was looking this morning for something to describe you, Mike. I found a quote by James Barrie that is pretty good. I believe it really sizes up what you appear to be to me. Barrie said, "Always be a little kinder than necessary."

Certainly with Mike Epstein, that is the case. Mike was always a little kinder than necessary to me. Always kind. A lot of times I thought to myself: Wow, that is really a nice person. I guess I thought maybe he was a little kinder to me than was necessary.

I never looked at Mike's résumé. My staff gave me a little background résumé of Mike today. Here is a man who graduated from Brown University. Brown is an Ivy League school. It is a wonderful school; some say the best school in America. It is very hard to get in. It is a small school, and they only take the best people whom they think can academically be a success.

Then, of course, he went to Boston University Law School, which is one of the top law schools in the country.

He had a résumé. He could have gone anyplace in the world to work in the legal field. He could have gone anyplace in the legal field in America to work. He decided very early on that he wanted a life in public service, and that is what he did. As soon as he got out of law school, he served in the Justice Department as staff counsel, prosecuting attorney, special assistant to the Attorney General, and worked in the Criminal Division.

In 1970 or 1971, Mike moved to Capitol Hill where he spent the rest of his career. What a career it was. I repeat, at any juncture of Mike's career, he could have gone anyplace in Washington to make the big bucks as a lobbyist, as an attorney in one of the big law firms, but he decided not to do that.

He decided to be a counsel to the special commission to investigate intelligence activities—Senate counsel on the Intelligence Committee. He was counsel to one of the Senate Democratic leaders. He was chief counsel to the Foreign Relations Committee. And he, of course, for the last 10 years or so has been the legislative director for Senator WELLSTONE.

At any juncture of his career, including any time he worked for Senator WELLSTONE, he could have gone anyplace in town to make a lot of money. He has a great academic background, and of course his experience is tremendous.

So I feel very moved to say nice things about Mike Epstein, things I wish I had said earlier.

So, Mike, I certainly wish you the best. I know your health isn't as good as we would like it. But I certainly hope you have some peace and rest in the next little bit and that you recognize how much we would like to see you in this back row, helping Senator WELLSTONE—kind of the "Mini-Me" of the Wellstone operation.

I think it is also important that Jonathan and Bob—your two children—recognize the great contributions you have made to Government in America. Things are better because of you. Certainly, I know the many contributions Senator WELLSTONE has made during his career have been directly related to your expertise.

I yield the floor.

Mr. WELLSTONE. Mr. President, I thank the Senator from Nevada.

Mr. DASCHLE. Mr. President, I am not sure what the time allocation is, but I will use my leader time to make a few remarks, if I may.

Mr. President, every day—until very recently—if you looked toward the west entrance to the Senate floor, as my colleague from Nevada has just noted, chances are, you would see Mike Epstein—with that wonderful, warm smile—Senator WELLSTONE's learned and much-loved legislative director.

Today, however, as so many of my colleagues have already noted, Mike is not with us. He is at home resting, because he is very, very sick. His absence from this floor, from this Senate he loves so well, is conspicuous. It is being felt in the hearts of every member of the Senate community. Indeed, it is being felt in the very heart of this institution itself.

For Mike Epstein is actually an institution within an institution.

He is a Senate staffer of the old school. He came to the Senate in 1971—before virtually every member of the Senate staff, and before all but seven sitting Senators.

That is not the kind of thing Mike would ever tell you. As a staffer of the old school, he isn't given to boasting or self-promotion. Then again, he doesn't have to: his experience and his ability speak for themselves.

During Mike's tenure here, he has served on the staffs, as I am sure my colleagues have already noted, of some of our most distinguished Senators to serve in my lifetime, including Senator ROBERT C. BYRD, Senator TED KENNEDY, Senator PAUL SARBANES, and now—for the last 9 years—our dear, dear Senator from Minnesota, Mr. PAUL WELLSTONE.

He also served as a member of the staffs of the Committees on Foreign Relations, Ethics, Labor and Human Resources, and Judiciary.

He first came to Washington in 1962 as a young attorney working at the Department of Justice for Attorney General Robert F. Kennedy.

Along the way he picked up a library full of knowledge, and a mind full of wisdom.

He became—at the elbow of the master, Senator ROBERT C. BYRD—an expert in Senate history, rules, and parliamentary procedure.

He also became a friend, teacher, and mentor to generations of Senate staff.

And he became a valued and trusted counselor to the Senators for whom he worked, and for many others—this Senator included.

What a career. What a remarkable achievement. But then again, what a remarkable man.

What is perhaps most remarkable about Mike is his passion.

Even though all those years of public service tends to wear someone down, Mike is still fiercely, proudly committed to the ideals of a progressive agenda, much like his boss, Senator WELLSTONE.

But "boss" is the wrong term to use in describing the relationship between Mike and PAUL. They are more like family. In fact, Mike says PAUL is like a brother to him. I know PAUL feels exactly the same way about Mike.

Before joining PAUL's staff in 1991, Mike told a friend that his dream job would be to work as Senator PAUL WELLSTONE's legislative director. That dream came true for Mike, and he and PAUL have been inseparable ever since.

So, Mr. President, on behalf of the Democratic Conference, the Democratic staff, and frankly, the entire Democratic Party, not to mention our Senate community, I thank my friend, PAUL WELLSTONE for being here today and for telling this Senate how much Mike Epstein means to this institution and to all of us.

Most of all, I want to express our heartfelt gratitude to our gallant, courageous colleague, Mike Epstein, for his friendship—and for his inspired service to the Senate and to the Nation.

Mike, we are keeping you and your family very much in our thoughts and in our prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, yesterday Senator WELLSTONE told our caucus of the health challenges Mike Epstein has been facing. I am someone who knows Mike. Am I his closest friend? No. But Senator WELLSTONE had his office next to mine in the Hart Building. Every day—during votes, and coming and going in the Senate—I would see Mike Epstein and see my colleague, Senator WELLSTONE, moving back and forth. I watched, with some wonder, at the work he did for Senator WELLSTONE.

I know he is now facing a health challenge that is difficult. I know there are times in this fast-paced world of ours—especially here in the Senate, with the travel and the hearings and the moving about quickly—that it is easy to forget what makes this work and what has real value in our lives.

This is a moment, as Mike faces this challenge, to say to Mike: Our thoughts and prayers are with you today as you face this serious health challenge. But we also want, as we think of you, to say thanks for what you have done here. The people who serve here, especially my colleague, Senator WELLSTONE, know how important personal relationships are.

The only thing we really have, as we try to deal with public policy, is our work. Personal relationships are everything. But it is not just personal relationships between Senators; it is also the relationships that exist around here between Senators and some talented, dedicated people who help make this institution work. One of those is Mike Epstein.

Each of us aspired to serve our country in different ways. That is what persuaded us in the Senate to seek public office. It is what inspires some of the most talented, dedicated men and women in our country to want to come and serve and work in these Senate offices.

Mike Epstein has worked with Senator WELLSTONE for many years. I know Senator REID just talked about at the end of considering pieces of legislation. I say to Senator WELLSTONE, at the end of the consideration of pieces of legislation that are long, torturous trials, trying to get all the amendments in, Senator REID and I have always tried to figure out, how do we get these amendments compressed? In almost every case, at the end of the process, it has been Senator WELLSTONE who has had three or four amendments.

The reason: I know Mike Epstein would be sitting behind Senator WELLSTONE, and Senator WELLSTONE would be exhibiting this passion, saying: No, we have to do these. This is important. It has been because he shares Mike's commitment to give voice to the voiceless, and hope to the hopeless, and to not let the big things obscure things that are important to average Americans and people who are struggling out there every day.

That is the legacy of the service of someone such as Mike Epstein to this Senate. As he struggles with this health challenge, I just wanted to comment, as a member of this caucus, and to say to Senator WELLSTONE, and say directly to Mike Epstein, our thoughts and prayers are with you. This country is better because of your service in this Senate.

We wish you well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I thank my friend and colleague, Senator PAUL WELLSTONE, for having the foresight and the intelligence to have Mike Epstein on his staff for all the years he has been here in the Senate.

I say to you, Mike, you could not have picked a better person to work for in the Senate. PAUL is in the great tradition of those you have worked with before in the Senate.

I also want to thank you, Mike, for all of your work in the Senate over all these years. When I heard the other day that you were home battling cancer, I said, it is impossible; I saw him right back here just the other day, in back of the balustrade over here. Many times I would be sitting here when debate would be going on, and I would go over and say, "Mike, tell me what is happening," or "What is going on here on the floor?" or "What is the amendment? What is our strategy?"

Mike would fill me in. I thank you, Mike, for keeping me up to speed as to what was happening on the floor a lot of times. Mostly, I also want to thank you, Mike, for all the times we rode back and forth on the subway cars together. It seems around here that sometimes you just kind of meet certain people at certain times. It is unplanned and it sort of happens. I don't know why, but you and I, Mike, seemed to be on the same schedule to ride the subway. I don't know what the subway ride is, a couple or 3 minutes. There was always time for me to get a 3-minute briefing from you, Mike, on what we were doing and what we were fighting for. It revolved around I think what I would like to say is the liberal cause.

If there is one thing I would like to really thank both Mike Epstein and PAUL WELLSTONE for, it is for fighting for the liberal cause. I can't think of anyone who embodies more of what I believe is the real face of liberalism in this country than you, Mike. I think of what President Kennedy once said. I may get the words a little wrong because I am reaching into my memory bank now. But President Kennedy was once asked—I believe when he was running for President—about being a "liberal," whether he was a liberal or not. President Kennedy responded by saying: Well, if by liberal you mean someone who is soft on defense, someone who is not concerned about ethics and morals, someone who doesn't believe in responsibility and accountability—if that is what you mean by liberal, that is not me. But if by liberal you mean someone who cares deeply about the health and the welfare and the happiness of our people, and if by liberal you mean someone who fights for the education of all of our kids, even the most disadvantaged, and if by liberal you mean someone who will fight for the elderly and their rights in our society, if that is what you mean by liberal, then I am one, and I am proud to be one.

So, Mike, I think you embody exactly what President Kennedy was talking about. In all the years I have known you, that has really been your mantle. In all the strategies we had here in fighting for legislation, I think you, Mike, really represented those who didn't have a high paid lobbyist pushing for them, such as children in poverty, working parents who needed some help, and even my people living in rural areas—a lot of times you helped them.

I just wanted to take this time to thank you, Mike, for always fighting for what I believe is in the best traditions of liberalism in this country. It is the liberal attitude that I believe makes us more compassionate and understanding toward one another, and you have embodied that during the entire time I have known you for all these years.

Again, I thank you for that. You have been a great person, a remarkable person. For as long as I am here, I am always going to turn back to the balustrade and look for Mike Epstein to tell me what is going on and what our strategy is and to keep me focused on what really matters around this place, and that is what we do to enhance the lives of people at the bottom of the ladder. That really is the mark of what we are about and should be about as a Senate.

Mike, I thank you, and I thank PAUL for getting us together this morning to pay tribute to you. I know you are struggling right now, and I just want you to know that you are always in my thoughts and you are always in my prayers. I can just tell you that all the things you have fought for and believed in so strongly in the Senate, believe me, we are going to keep on going with them. So take care of yourself and just know that we are with you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I join with my other colleagues, first of all, in thanking a very special friend and someone we admire and care so much about, our colleague, PAUL WELLSTONE, as TOM HARKIN has said, for bringing us together. I thank him for persuading our leaders who have responded positively that we take a few moments from the business of the Senate to give recognition to an individual who has given so much of his life to this institution and, really, to our country.

I am grateful to join with my colleagues in adding a word about this extraordinary individual because, in a very important way, his life has been the U.S. Senate. I was fortunate enough, along that pathway of his, to have the opportunity to work with him, as several of my colleagues did, those who are here now, such as Senator SARBANES, and some who are not with us, Phil Hart and Claiborne Pell, as well as Senator Byrd. So I welcome this chance to join with others in recognizing Mike Epstein's extraordinary service.

Mike Epstein came to the Senate Judiciary Committee after 9 years at the Department of Justice, where he served as a Federal prosecutor. He used those same skills that made him a top-notch prosecutor to investigate some of the most difficult issues before our country. If there was a lead, he pursued it. If there was a fact to be found, he would find it. He left no stone unturned. He served the committee well, and I am proud that he was a member of my staff.

It was during that period that Mike's love for this institution grew and matured. Though he left briefly in 1974, he couldn't stay away for very long. Within months, he was back working for the Senate Intelligence Committee, and later for three additional committees, and then for several of my colleagues.

It is a mark of the man that Mike worked for so many different committees and Senators. His career in the Senate reflects an extraordinary breadth of interests and a genuine love for this institution. He is well-versed on issues ranging from international affairs to education; from health care to drug treatment and prevention. In fact, the country owes Mike a debt of gratitude for his tireless work on the 1988 drug policy legislation. He was an articulate advocate for a more balanced and comprehensive approach to drug policy.

Because of his landmark work, the country began to enhance its enforcement efforts by also considering the importance of drug prevention and treatment, as well as a fairer approach to sentencing.

Mike's work on each of these issues was guided by a love for national policy and also for the Senate and its procedures. He understands so well the relationship between the rules and the outcome of a legislative debate, which is so key in being a useful and productive and effective Member of this body.

The rules form a framework that ensures the fairness of the debate and an outcome that can be respected. Mike knows that, and it is reflected in his work. In so many instances, his knowledge of the ways of the Senate was drawn upon by so many of our colleagues in ways to advance the cause of our common humanity and decency.

Mike Epstein's work in the Senate will be long remembered—the legislative battles he helped us win, and the losing battles he helped us fight so well. But his true legacy will be his commitment to public service, and his dedication to the institution. He is among the ranks of those who choose to give deeply of themselves to make a significant difference in the lives of so many people across this country. That achievement will stand as a shining example to everyone who works in the Senate—Senators and staffers alike.

I grew up in a family where members of the family were taught that they should and they could make a difference, and that each of them should try.

I remember listening to the members of our family who said you do not have to be a United States Senator to make a difference. All you have to do is give of yourself and work towards a purpose.

This country is a better country because of Mike Epstein. Today there are scores of people—there are children who are getting better opportunities, young people who are getting better educations, older people whose lives have been enhanced—who will never know the name of Mike Epstein. But because of Mike, their lives are more graceful and more useful and more productive, and their sense of hope is realized—all because of the extraordinary service of an extraordinary human being.

We love you, Mike, and we always will.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Maryland.

Mr. SARBANES. Mr. President, I join my colleagues in expressing appreciation to Senator WELLSTONE for arranging for this period this morning to give us a chance to send a message to Mike, and to talk with him, as it were, long distance for just a few minutes.

I was struck as I listened to my colleagues as they spoke about Mike's attributes. His kindness, his warmth, which I think everyone who came in contact with him would subscribe to.

I still remember him on the staff back row here in the Chamber with, I guess one might call it, a mischievous smile on his face, and his generosity with his counsel.

Presumably Senator WELLSTONE was aware and gave a special dispensation to all of us to contact Mike, even though he was working for PAUL, for his counsel and advice on matters that were before the Senate.

I took advantage of that opportunity on many an occasion, and always benefited from it.

He has been spoken about by many of my colleagues as an institution in the Senate, and I think that is very true.

But I want to make this point in talking about Mike as an institution, and the impact he had on this body. I think we are also paying a tribute to all of the loyal and hard-working staff in the Senate who make it possible for this institution to function and to play its proper role in the American constitutional system.

He and Senator WELLSTONE developed a very close relationship. As some have noted, they were like family—like brothers toward one another. But Mike's family is also all of us because he was such a caring friend.

So this is a trying time. Mike, we want you to know that you are very much in our thoughts and in our prayers, and as the Chaplain said this morning when he opened the Senate and pronounced his blessing we also hope that you will derive some peace and harmony from this conversation.

I want to talk for a moment about Mike Epstein as a thoroughly committed fighter for progressive principles.

As others have noted, when he finished law school in 1961 at Boston University where he graduated with honors and was an editor of the Law Review, he came to Washington and went to work for the Justice Department. That was headed at the time by another Kennedy. Mike enlisted in that effort and served with great distinction in the Department of Justice for almost 10 years.

He then came to Capitol Hill and held a number of very significant responsibilities in the Senate: Counsel to Senator KENNEDY; then Counsel to the special committee to investigate intelligence activities, the Church committee. He was counsel to the Select Committee on Intelligence; counsel to the Democratic leader. For more than two years, he was chief counsel to the Senate Committee on Foreign Relations, which is where I got to know him best. I had that wonderful opportunity to work closely with Mike and I still treasure the close relationship we developed.

Consistently throughout all these responsibilities, Mike reflected his abiding commitment to the U.S. Constitution.

He understood the significance of the Constitution in our political system, and Mike, again and again in carrying out your responsibilities, your determination that we should pay appropriate respect and deference to the Constitution constantly came through.

Secondly, I was struck by Mike's commitment to American democracy. It is a complicated business to make American democracy work—We are a very diverse, pluralistic nation. We are now getting up towards 300 million people. Mike understood the importance of opportunity and fairness for the workings of the American political system and was constantly committed to those goals and to those objectives.

He had an abiding commitment to working people. As Senator KENNEDY noted, there are hosts of people across the country who never met Mike Epstein and don't know his name, but lead better lives today because of the work and the commitment of Mike Epstein here in the Halls of the Congress for now almost three decades.

So Mike, we want to take this opportunity to just talk with you and tell you how much you have meant to all of us.

I want to close with one final observation. Mike, throughout all of this commitment and tough fighting for principle and for causes, you consistently reflected a civility and a decency and a respect for others which I think, explains, why you have come so much into the hearts of so many people.

I join others in expressing my gratitude to you for all you have meant to us, and in wishing you the very best now in this difficult and trying time, and in saying a very heartfelt thank you for being our friend.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is an honor to be able to talk to Mike for just a couple of minutes and to do so with my friends whom you and I care so much about and to say, particularly to Senator WELLSTONE, thank you for standing up in the caucus and for telling us about Mike's battle and inviting us to speak with him.

The message I want to give you today, Mike, is that you have made a mark in the Senate. It is hard to do that because I am sure you know we have at least 100 fairly large egos around here. To make a mark in such a place is a tribute to you. You have made a mark among so many Senators—by the way, you picked some wonderful ones to work for—and also among staff.

I don't know whether you can see the staff here, Mike, but there are quite a number of them here today. If they could grab a microphone away from us, I know they would. They also send their strong and best wishes to you and their love.

It is kind of unusual for someone to have that kind of amazing respect and admiration from Senators and staffers alike. There is a reason for it. You chose this career for the right reasons—not for the power, not for the influence. In many ways, you have that through the powerful and effective people for whom you work.

But that is not why you decided to make your career in public service. It is really because inside you, you have this burning feeling that we need to make life better for all the American people. That is reflected in the work you do, as well as the people for whom you chose to work. That is reflected in making life better for families, children, and workers, regardless of who they are or what their status is.

But I want to tell you, Mike, I remember just a couple of weeks ago when I was feeling my oats because we had won an amendment on the floor dealing with sensible gun laws. It had been such a struggle. I found myself in the subway, going back to my office with you, Mike. Boy, I was feeling good because we don't win a lot around here these days. It was a good feeling. You looked at me and instead of saying, good work—which is of course what I wanted to hear from you—you said: You know, we really have much more to do on this. We have to build on this. We have to take it the next step.

At first, I thought, this was not what I wanted to hear. I wanted to relax and enjoy the moment. When I got back to my office I realized: He is right, we just have to build on our success. We have to keep on working and keep pushing.

That gleam Mike always has in his eye really comes with this message of fighting. That is why I think he and PAUL WELLSTONE are such a great combination. You can't have more of a fighter for the people than PAUL WELLSTONE. It is a great and contagious quality. We need more of it around here. It is easy to give up, whatever side of the aisle you are on, or wherever you stand on the issues. It is tough to get in some of these battles. It is tough to stand and debate and fight for your point of view.

There is a lot at stake, Mike, and you always understand that. I hope you can take that amazing spirit, fight, and spark with your family, engage in this fight you are in right now, and know that a lot of Members, including staff and Senators alike, really care about you and respect you so much.

Thank you.

Mr. FEINGOLD. Mr. President, I am pleased that Senator WELLSTONE is on the floor at this point. I want to join my colleagues and speak regarding our good friend, Mike Epstein, and I send my thoughts to Mike as well. This is a wonderful place to work in the Senate and in this community. But it is a tough town. Mike Epstein is one of the warmest, best people I have ever met. For a while, I was a little jealous that he worked for Senator WELLSTONE, until I found out that Senator WELLSTONE, with Mike Epstein, is a team operation. Whenever I needed encouragement out here and PAUL wasn't around, or somebody from my office, all I had to do is turn back and look at Mike who would give me a warm smile and good advice. He is a good friend. I am proud to be associated with Mike and to have worked with him over the years.

I thank PAUL very much for giving us this opportunity.

Mr. WELLSTONE. Mr. President, my colleague from Wisconsin sent a wonderful letter that was read to Mike and he loved it. I thank him for that.

I thank all of the Senators who spoke for Mike and his family. There are other Senators who will be speaking who could not work into this timeframe. It is quite amazing to have so many people come down.

Mike, I want you to know that the Parliamentarian, staff, Republican, Democrat, everybody here has a look on their face, an expression of love and support for you and your family.

I finish this way, Mike. It has not been our friendship—the relationship is not like I hired somebody to be my assistant; it is more like I hired somebody who has been my teacher. Maybe that is why we are joined at the hip.

Sometimes when I come to the floor, probably I make mistakes, maybe get too intense, feel too strongly. I will ask Mike, how have I done? He will be willing to give me quite a bit of constructive criticism. But sometimes I will be down on the floor with other Senators and I will go back to the office and I will go to Mike and look for approval. I will say: Mike, how did I do? And he will say: That was just right.

Mike, I hope you think this was just right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. What is the time status?

The PRESIDING OFFICER. Under the previous order, the time until 11:15 is under the control of the Senator from Wyoming or his designee.

Mr. THOMAS. Let me first say how touching and impressive it was for the Senators to come to the floor and make these comments. All of us have Mike in our hearts and prayers.

I yield to the Senator from Idaho as much time as he desires.

EDUCATIONAL OPPORTUNITIES ACT

Mr. CRAPO. Mr. President, I appreciate the opportunity to come to the floor today and speak with regard to the Educational Opportunities Act we will be debating later today. The Educational Opportunities Act represents an opportunity to make a striking change in education in America. I will quickly go over what it is that this act with which we are dealing will do.

Title I of the act is dedicated to helping disadvantaged children meet the high standards of education that we seek to have them achieve.

Title II is dedicated to improving teacher quality throughout the Nation.

Title III contains enrichment initiatives for our schools, including initiatives such as the gifted and talented programs; the advanced placement programs; help for neglected, delinquent, and at-risk students; and help for each school to meet each child's unique educational needs.

Title IV deals with developing safe and drug-free schools.

Title V deals with initiatives for educational opportunities, initiatives that will involve opportunities such as taking maximum advantage of the technology education we need to provide for our children.

Title VI involves innovative education where we give flexibility and power to the local teachers and parents to create innovative educational programs in their communities that will help empower students.

Title VII deals with bilingual education and language enhancement acquisition so those who need to develop the necessary skills to speak English can be given the assistance to do so.

Title VIII deals with impact aid, a form of aid critically important for those areas where the Federal Government creates an additional burden through its use of Federal property. And Title VIII deals with Indians, Native Hawaiians, and Alaskan Native education, dealing with specific needs throughout the Nation where we need focused efforts.

I thank the chairman of the HELP Committee, Senator JEFFORDS for his leadership on this bill. I also like to thank the ranking member, Senator KENNEDY, and all the members of the committee for their time and efforts to bring forth a bill that invests in public schools and offers our children an unparalleled opportunity for education reform and a better education. I commend all for your endeavors in tackling the tough decisions that face our schools and our children.

The pending ESEA bill offers students and parents a tremendous opportunity for better schools and a better education. Perhaps our greatest accomplishment in this bill is the reduction of Federal regulations. While the Federal financial contribution is approximately 7 percent of total education costs, the requirements currently placed on States represent a disproportionate burden in redtape and Federal control.

Granting waivers to States, and allowing them to bypass complex, confusing, and time consuming mandates, is one of the most important things S. 2 does to help schools reach their full potential.

In exchange for increased State and local flexibility, the Education Opportunities Act requires greater accountability for improving student performance. By establishing high standards and demanding accountability, this bill represents a great step toward ensuring the academic success of all students.

Senator GORTON's Straight A's proposal also allows interested States to consolidate up to twelve Federal formula grant programs in exchange for flexible approaches that boost student achievement. The Straight A's program gives States more flexibility in the use of Federal funds, so long as it can be demonstrated that the flexibility is used to achieve higher academic results for students.

Senator GREGG's efforts to promote portability should also be commended. This child-centered approach establishes per-pupil amounts to be used for supplemental services, such as tutoring. This change, would for the first time, ensure that the money follows the student. No longer will a school with title I students go without receiving funding for the very students it is asked to educate.

As I have looked through this bill and reviewed the various provisions, I am particularly pleased to see a number of measures I introduced earlier this year in separate legislation have been included. These bills focused on the growing needs of education in our rural communities. Earlier this year, I introduced an education bill—now title VI part B, the Rural Education Initiative—that would allow school districts to combine the small amounts of funding they may receive for specified programs, to accumulate a book of funds large enough to address local priorities. The committee recognized the unique challenges facing rural school districts by incorporating this important provision into the bill before us today. The students, parents, teachers, and administrators in Idaho appreciate your commitment to small, and sometimes poor, rural school districts.

Regarding title VIII and the Impact Aid Program, I am pleased to see legislation I authored earlier this year included in the bill. My legislation recommended changing the formulas by which Impact Aid funds are distributed to schools. This change, and other important changes in the bill before us, reaffirm our commitment to those children in schools where the loss of local property taxes due to a large Federal presence has placed an extra burden on local taxpayers.

The Educational Opportunities Act also ensures that teachers are an integral part of the effort to improve public education. The bill recognizes that strong professional development for our teachers is the foundation of our effort to facilitate improved student achievement. Whether professional development is emphasized through technology training, quality mentoring, or programs to recruit, hire, and train certified teachers, all which I proposed in legislation earlier this year, under this bill schools will have the flexibility to influence education based on local principles and local successes. Nothing can replace qualified teachers with high standards and a desire to teach. Coupled with professional development opportunities, our teachers must be equipped to positively influence and inspire every child in their classroom, and ultimately accelerate student achievement.

As I close, I would like to clarify one position that I have heard misstated, not only during this debate, but in various forums on education reform. Some have expressed the unwillingness of Republicans to adequately fund education initiatives like many of those we are debating today. Some individuals have gone so far as to say that we have proposed significant cuts. This is far from the truth. Last year's consolidated appropriations bill included significant funding increases for education. In fact, education was funded at $990 million above the President's budget request and $2.4 billion more than fiscal year 1999 levels. While there is a clear disagreement on how to spend education funds, I hope that we can proceed with an honest and accurate discussion about the support for adequate funding.

If we put our differences aside and work together to pass this bill, ESEA will be reauthorized for five years, with a price tag of nearly $160 billion. In 1965, the original ESEA bill was enacted to close the achievement gap between rich and poor students. I have yet to speak to a Senator who is not willing to provide the funds to achieve this worthy goal. But, I believe there are some Senators who share my concern that we will continue to fund a system where the original goal of this 35-year-old law is no closer to being met. Instead of narrowing the achievement gap, we see the gap actually widening. Too many of our students continue to perform at low standards, with many ranking near the bottom of a list of 21 industrialized nations in many subject areas. Continued Federal funding should be implemented with the goal of closing the achievement gap, and rewarding successful schools, rather than funneling money into failing programs. If our original goal remains—closing the achievement gap—it is not unreasonable for Federal funds to be tied to strict accountability standards.

Congress takes up the reauthorization of the Elementary and Secondary Education Act every 5 years. What we do now will significantly impact the lives of all students. We cannot sit around any more waiting to see if our old programs suddenly work. In 5 years, one child will have completed his or her elementary career. Another will graduate from high school and enter our increasingly demanding technological workforce. Are we willing to let another 5 years go by before making real changes? Are we willing to allow another child to be pushed through a failing system? I am not, and that is why the provisions and initiatives incorporated in this bill must be supported.

Education is the key that unlocks the future for our children, our State, our Nation, and there is no higher priority. I support the Educational Opportunities Act, which reauthorizes the Elementary and Secondary Education Act and I urge my colleagues to work together to pass a bill we can all take pride in supporting.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise today to talk about our vision for the future, our vision for the future of education and why that is important for the future. We have to provide a high-quality education to the students of the United States in order for them to be able to compete, for them to be able to grow, for them to be able to prosper into our future. I think it is critical at this juncture that we in this country talk about what that vision is of our future, that vision of education in our future.

We are talking about a different model. We are talking about a different way to go. We are talking about more innovation. We are talking about more individual decisionmaking. We are talking about a system which will allow students in that individual classroom, and teachers and local boards of education and States, to make more decisions about their future than they have had the freedom to make, using education dollars, at any time in the past.

This is a model we followed previously. I think the correct model to look at is welfare reform that this Congress, in 1995 and 1996, debated and passed. It was major welfare reform legislation in that we went from a federalized system of one-size-fits-all rules and regulations to a State system. We set up some parameters and guidelines at the outset. We said our objective was to get people to work and have the freedom of the workforce and not continue to be strapped down in a system that did not allow individuals to blossom. It was a system that confined people, in many cases, to failure.

We said we were going to let the States innovate. We were going to let the States work to help people more instead of having this one-size-fits-all system. It has been a brilliant success in welfare reform. Welfare rolls are down 50 percent. People are working and receiving a check in the mail, and they are happy about it; they are in charge of their future rather than thanking the Federal Government for a small subsistence payment to mire them in poverty all of their lives.

It was innovation, it was opportunities, it was local decisionmaking, and it has been wildly successful. We want to replicate that model in education—local decisionmaking, innovation, individual opportunities, and I think this is going to be wildly successful if we are given the opportunity from our colleagues on the other side of the aisle in the Democratic Party to allow us to move forward with this model of education reform.

I hope we do not get hung up as we did last week on the marriage tax penalty saying, to pass marriage tax penalty, we want to deal with germane amendments, and then we were stopped by a number of nongermane amendments on topics that were not relevant at all to the marriage tax penalty. It appears we are starting down the same track.

We want to do something significant in education reform. We can do it. We have the time, we have the floor, and we have the opportunity. Or are we going to be stopped by things that simply do not pertain to education at all?

The Democratic Party is going to have to decide whether we move forward with an education bill or this is just another chance to block major legislation and complain about a Congress that does not do anything when there are those on their side of the aisle who seek to stop us from doing anything.

In a vision of the future, I imagine a future in which a human being actually steps onto another planet in our solar system, and I imagine that the coming generations will look forward and say: We do not fear cancer as a major threat to health. In fact, the odds may be pretty good we both have a pretty accurate vision of opportunities in the future.

Indeed, at this point in our Nation's history, in the wee hours of a new millennium, we have tremendous potential to accomplish things that until now have been unimaginable—eliminating cancer as a major health risk in the country or going to other planets.

However, for the future to become how we envision it today, our Nation's children must receive a first-class education. Over the next couple of weeks, we will have a chance to address our visions for the future in providing that first-rate education for our children.

When I say visions for education, I use the plural for a reason. When Senators from both sides of the aisle close their eyes and envision the future of American education, they often see very different results. One vision about which we have heard quite a bit in the past few weeks is the vision of the status quo. Some want to move into the new century using the old model which spends education funds through specific categories that the Department of Education sees fit. They will continue to hold school districts accountable primarily for filling out their paperwork correctly and on time.

In one sense, this model is very successful. This model has been successful at creating programs. Currently, ESEA is comprised of over 60 different programs, each one specifically tailored to address a problem or problems with public education that Washington perceives. With 46 million students in approximately 87,000 public schools, it is pretty impressive that we can figure out their needs so well from here—one place.

The status quo model has also been extremely successful at holding States, school districts, and schools accountable for filling out paperwork. While the Government provides only 7 percent of local school funding, it demands 50 percent of all school paperwork. Those are pretty bad odds. In fact, some State education agencies devote 45 percent of their staff to administering the funds they receive from the Federal Government. Quite wasteful.

This paperwork burden demands 49 million hours each year, or the equivalent of 25,000 employees working full time on paper rather than kids. Indeed, fewer than 50 percent of the personnel employed by public schools are teachers today.

Unfortunately, with all of its success over the past 30 years, the status quo model has been a failure in one very important aspect, and that is student performance. Many of the status quo programs have been specifically targeted toward low-income students. Yet in the fourth grade, 77 percent of the children in urban high-poverty schools are below basic on the National Assessment of Educational Progress test.

Problems with student performance are not confined to urban districts. These problems have touched the lives of literally millions of Americans. Since 1983, over 10 million students have reached the 12th grade without having learned to read. Over 20 million have reached their senior year unable to do basic math.

The bill before us has in it a different vision for American education. This new vision is the vision of innovation versus the vision of status quo. Under this model of innovation, instead of relying on Washington to assess the problems facing 46 million students, we rely on the parents, teachers, and principals who know the children's names. Instead of counting on the bureaucrats at the Department of Education to figure out the needs of 87,000 public schools, we leave it up to the school board members and State education officials who can tell you about the neighborhood where the school is located.

Under this model, we count on these people to identify the problems facing our students and schools and to be innovative in finding a solution to fix these problems.

This model has already started to work in places such as my State of Kansas. Over the past 3 years in Kansas, we have seen Federal education funds increase by over $21 million. However, when one talks to the people who deal with the Federal education funds, they want to talk about the success of consolidated planning, which Kansas implemented under an Ed-Flex waiver.

Consolidated planning was a modest step which helped eliminate some unnecessary bureaucracy and helped the State use Federal funds more efficiently. More than that, it gave Kansans a taste of what can be accomplished with a little innovation. I want to give Kansas and the rest of the Nation more room, an incentive to be innovative. That is why I support the bill before us today.

Under the leadership of the Senator from Vermont and other colleagues such as Senator GREGG, our committee was able to produce a piece of legislation that takes very important steps toward the innovator model, the first being the Straight A's proposal about which several of my colleagues have already spoken.

In conclusion, we have had a taste of this in education, and it has worked. We like the taste of it, and we like what it produces. We experienced it in welfare reform, and we have seen enormous success.

Let's move forward with this innovation. Let's allow this opportunity to blossom so our kids not only can envision but fulfill the dreams of going to other planets and of curing cancer, but they need a quality education to fulfill those dreams. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Missouri.

Mr. BOND. Mr. President, I have been listening with a great deal of interest as my colleagues on both sides of the aisle have expressed their views on education. I particularly commend my neighbor and colleague from Kansas and my good friend from Idaho for their very perceptive comments about education.

As I listen to the debate back and forth, it is clear we have two very different approaches to education being championed. On the one side, we have trust of local schools; on the other side, we have mistrust.

On one side, we advocate local control; on the other side, they advocate Federal control.

On our side, we say that parents, schools, teachers, and school boards know best. On the other side, they say Washington knows best.

For me it is not a tough choice. This is not rocket science: trust, local control, parents, schools know best. There is no question in my mind.

I come to the Senate floor today to say—and I have said it before and I will say it again—I spent my adult career working with parents, teachers, and school boards in Missouri. I have watched them work. I have watched their education decisions. I spent the last 13 years in this body watching Congress debate issues and watching the Federal bureaucracy administer programs.

When it comes to wasting money, it is not even close. It is not a contest. It is a good thing that local schools do not operate as does the Federal Government because local schools could not afford to. Luckily, schools are far better at applying resources to the needs of children in their schools. Unfortunately, the Federal bureaucracy has been good at creating waste, misdirected priorities, red tape, and unnecessary hassles and regulations.

As it is the case in other areas as well, our congressional zest to provide assistance has become part of the problem—our good intentions. And they are good intentions. Nobody questions the intentions. When the Congress went about creating 765 programs, every single one of them was a good idea. Unfortunately, it was at the wrong place. It was a good idea in Washington, not a good idea at the local school level.

Our good intentions have become burdensome regulations, unfunded mandates, mounds of paperwork, and unwanted meddling. We have created a system where parents, teachers, and local school officials have less and less control over what happens in the classroom.

Instead of empowering parents, teachers, and local school officials, we have empowered the Federal Government and the bureaucrats. We have been slowly eroding the opportunity for creativity and innovation on the local level and have put a system in place where the Olympians on the hill pretend to know what is best for the peasants in the valley.

We need to be bold enough to stand up and admit that these good intentions have gone astray. Our good intentions are failing our public schools and, most importantly, they are failing our children. Let's recognize what we do not know in Washington has become obvious. Washington does not always know best, especially when it comes to micromanaging the education of children in local schools throughout this country.

What is wrong with giving control of education to local schools and to the States? What happened to everyone saying that education is a national priority but a local responsibility? I firmly believe that is true. If that were true, and the other side trusted those at the local level, this debate would not be as controversial as it is.

What is wrong with letting classroom teachers, principals, and school boards fashion plans to improve learning and achievement in their own schools?

Back in my home State of Missouri, no one thinks the answer to improving public education lies within the Halls of Congress or in the granite buildings in downtown Washington's Department of Education.

Almost everyone I have talked to will say: Stay out of the way and give the local schools the opportunity.

Missourians know, and I know, that the real solutions—the laboratories—are the local schools when they are given the opportunity to excel and not have to play the "Mother, May I" game with Washington, DC.

My colleagues on the other side of the aisle keep talking about class size, afterschool programs, and numerous other programs. These will be new programs, with new mandates, and new responsibilities for schools directly controlled and regulated by Washington, smothered with reports and regulations and redtape. Is this the direction we want to go? I do not think so. This will only exacerbate the "Mother, May I" game.

As we debate ESEA today, I hope we will keep certain things in perspective. One of those things is how much money the Federal Government actually provides to the local school district and what amount of Federal involvement is appropriate with the amount of funding provided.

I have heard over and over again that the Federal Government provides less than 10 percent of a local school district's budget. Yet the Federal Government accounts for over 50 percent of the local school district's paperwork burden. How can any of us justify this proportion of Federal meddling and paperwork burden for less than 10 percent of the district's funding? In my State of Missouri, on average, Federal funding accounts for only 6 percent of the local school district's budget.

My great State of Missouri has some wonderful teachers, principals, superintendents, and school board members—some of the best in the country. I cannot believe my colleagues are not hearing the same thing from their constituents that I am hearing from mine. If you are not, I suggest you are not listening. Go back and ask them. They will tell you. However, just in case you have not heard, let me share some of the things I have been told.

The Superintendent of Springfield Public Schools in Missouri said:

> The amount of paperwork that the federal government causes local school districts to engage in is often overwhelming. That extra effort and time often reduces productive classroom time and energy that could better be spent working directly with children.

Mr. Berrey of the Wentzville R-IV School in Missouri said:

> Limiting federal intrusion into decisions best left to local communities is what I believe our founding fathers had in mind.

From Neosho R-5, in Missouri:

> The individuals working most closely with the students are indeed the ones who can best decide how this money can be spent for the benefit of students' education.

From the Superintendent of the Special School District of St. Louis County, MO:

> As head of a school district specializing in special education, I fully understand how my district's financial needs differ from other school districts' needs. In order to best utilize the limited funds that are at my disposal, I need maximum flexibility in determining how to put those funds to the best use.

From the Board of Education President of the Blue Springs School District in Missouri:

> Without local control, the focus is taken away from the needs specific to the children in each school system.

I think the Superintendent of the Taneyville R-II School District in Missouri sums it up well:

> I feel that the State and Federal government has tied our school's hands with mandated programs and mandated uses for the monies we are receiving. The schools are likened to puppets on a string. Pull this string this way and the school does this; pull it another way and the school does that. School systems and communities are as different from one another as individual people are different. What works for one will not work for another.

These are the types of comments I have heard over the past couple years. These comments led to the development of my Direct Check for Education proposal that is S. 52.

As introduced, S. 52 took six Department of Education programs, primarily competitive grant programs, and combined them and determined that the funding would go out based on average daily attendance in school districts. It would give school districts added flexibility.

I intend to offer an amendment that would allow us to try this as a demonstration program.

I know it is hard sometimes to get Governors to support this concept. But I stand here as a recovering Governor. I know that Governors and States have the responsibility for welfare programs, State transportation programs; but the responsibility for directly delivering student education rests in the hands of those at the local level.

Let's give them the opportunity to demonstrate they can deliver. States can still establish standards and requirements. They still have the ability to control their local school districts. What I am saying, with Direct Check, is to keep their hands out of the bureaucratic maze that the Federal Government imposes on them. I hope my colleagues will take a look at that proposal when I offer it.

Another area I am looking at very carefully is having an amendment on Impact Aid. Impact Aid is one of the oldest Federal education programs, dating from the 1950s, and is meant to compensate local school districts for the "substantial and continuing financial burdens" resulting from Federal activities. These "activities" include Federal ownership of land, such as military installations or Indian reservation lands, as well as local school enrollment of children whose parents work on Federal property. It is a Federal responsibility.

In my State, we have two outstanding military bases: Fort Leonard Wood and Whiteman Air Force Base. I would argue it is a quality-of-life issue for our military and one we must address. I look forward to working on it with my colleagues. I believe the Senator from Oklahoma will be working on it.

I also offer my support, in advance, for an amendment I have been working on for some time with Senators STEVENS and JEFFORDS, along with a number of our other colleagues, that focuses on early childhood education and development.

While most of the debate this week will be about elementary and secondary education—the years of what we might call "formal schooling"—the education and mental development of a child, however, begins long before that child enters kindergarten. In fact, the education and development of a child begins practically at birth. From the experiences we have had in Missouri with parents and teachers, we know that those first 3 years are vitally important. Giving the parents the right tools to help that child get started can make a tremendously important difference in the educational achievement of that child throughout that child's educational experience.

The amendment the Senators from Vermont and Alaska will offer recognizes these basic facts; that the education and mental development and entire development of a child begins early in life. Through this amendment, we hope to support families with the youngest children to find the early childhood educational programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

The amendment recognizes that if we want to do everything possible for our Nation's children and their overall education, we need to focus on the earliest years, as well as the years of formal schooling. We can do this—and this amendment proposes to do this—by supporting and expanding the successful early childhood programs and initiatives that are working right now at the local level. I invite anybody to come to Missouri to see how well these programs work.

I am pleased to say the amendment is based on the basic ideas and principles set forth in legislation that I was pleased to introduce several years ago with my good friend and colleague from Massachusetts, Senator KERRY.

Mr. President, it is my opinion that if we want to improve our public education system to educate our children for a lifetime of achievement, we must take the stranglehold of the Federal Government off the local school districts and the States and give the resources directly to those local school districts and States so they can do their job.

I look forward to supporting an amendment by my colleague from Missouri, Senator ASHCROFT, which deals with some of the very serious problems that the current IDEA imposes. Talk to any school official, any schoolteacher, any school personnel in Missouri, and they will tell you they are scared because the requirements of IDEA put other students, teachers, and school personnel at risk from dangerously violent students who sometimes carry guns and are sheltered by the Federal regulations that come with the individual education program. We should not have a Federal Government program that puts people associated with schools at risk. We need to change the laws to protect and nurture those with IEPs but not to expose those with whom they deal to violence and perhaps even to guns.

In closing, we must empower parents, teachers, school administrators, and school boards because education decisions can best be made by educators, board members, parents, teachers, and local school officials who know the names and the needs of the children in their schools. I hope we will be spending our time debating education, not every issue under the Sun that may come up as an effort to derail this vitally important reform of our education system.

Our children deserve the reform this bill delivers. This ESEA bill deals with one of the most important national priorities, and that is education. It deals with it by moving the control and the responsibility out of Washington and back into the real world where the best decisions can be made. I look forward to working with my colleagues.

I thank the floor manager, the chairman of the committee, for allowing me the extra time. I look forward to continuing the debate and working with colleagues on both sides of the aisle to achieve successful ESEA reform, with perhaps some of the bells and whistles added that I have mentioned.

Mr. JEFFORDS. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. JEFFORDS. When does morning business terminate?

The PRESIDING OFFICER. Morning business terminates at 11:15.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The clerk will report S. 2.

The legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the order of amendments to S. 2 be modified to show Senator MURRAY's class size amendment is the fourth amendment in lieu of Senator KENNEDY's teacher quality amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield to the Senator from Washington.

Mr. GORTON. I believe under the previous order it is now in order for me to offer an amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3110

(Purpose: To strengthen the Academic Achievement for All Demonstration Act (Straight A's Act)

Mr. GORTON. I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. GREGG, Mr. LOTT, and Mr. COVERDELL, proposes an amendment numbered 3110.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 630, strike lines 24 and 25.

On page 653, strike lines 12 through 22.

On page 654, between lines 16 and 17, insert the following:

“(12) ACHIEVEMENT GAP REDUCTIONS.—An assurance that the State will reduce by 10 percent over the 5-year term of the performance agreement, the difference between the highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient and advanced level of performance.

“(13) SERVING DISADVANTAGED SCHOOLS AND SCHOOL DISTRICTS.—An assurance that the State will use funds made available under this part to serve disadvantaged schools and school districts.

On page 656, beginning with line 22, strike all through page 657, line 5, and insert the following:

“(9) Section 1502.

“(10) Any other provision of this Act that is not in effect on the date of enactment of the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

“(11) Section 310 of the Department of Education Appropriations Act, 2000.

On page 657, line 6, strike “(11)” and insert “(12)”.

On page 657, line 9, strike “(12)” and insert “(13)”.

On page 657, line 21, insert “that are consistent with part A of title X and” after “purposes”.

On page 665, strike lines 16 through 18, and insert the following:

“To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike “and”.

On page 846, between lines 15 and 16, insert the following:

“(E) part H of title VI; and

On page 846, line 16, strike “(E)” and insert “(F)”.

Mr. GORTON. Mr. President, we are now launched into that portion of this vital debate on education when amendments will be proposed, debated, and voted upon. Under the order, there will be first a Republican amendment; second, an amendment for a Democratic alternative; the third, another Republican amendment; and fourth, the Murray amendment that was just outlined by the Senator from Vermont.

I hope, and I think the leadership hopes, we will vote on the first two amendments before the end of business today, but that certainly is not guaranteed. At the present time, there is no time agreement.

Mr. KENNEDY. Will the Senator yield?

Mr. GORTON. I yield.

Mr. KENNEDY. I appreciate what the Senator said. I think we can move more rapidly if we exchange the amendments. We have just received the Gorton amendment and we want to be responsive in a timely way. We would be glad to try to stay two amendments ahead so those who have the responsibility to inform their colleagues, as well as to speak on these issues on the floor, have an opportunity to be prepared to address those questions.

I hope, out of a spirit of comity, we could try to do that. It is generally done in areas of important policy. There is no reason not to. We know what these matters are. I indicated to the chairman of the committee 2 days ago what our amendments were going to be, and they are the ones we offered in committee. There are no surprises. I hope we could at least try to do that as a way of moving this process forward.

This is related not only to the Senator from Washington. We know he has spoken to other groups that he intended to offer an amendment, but we will try to work with the floor managers to exchange these amendments so we can move it forward in a way that will benefit all Members.

Mr. JEFFORDS. Mr. President, I will do all I can to make sure the Senator has appropriate notice.

Mr. KENNEDY. We will provide to the leader our first amendment, as I indicated, the Democratic alternative, and then the Murray amendment. I will be glad to give the particulars to the floor manager.

Mr. JEFFORDS. Thank you.

Mr. GORTON. Mr. President, I think the suggestion of the Senator from Massachusetts is an excellent one. As I say, I hope we will debate for the balance of the day on the amendment I have just submitted and on the Democratic alternative. I, for one, will have no objection during the course of the day if the Democratic amendment is before the body more or less contemporaneously with my own. They can be debated at the same time. Whether we will be able to finish today and vote on both of them is uncertain. I think it is the hope of the leadership we can do so. The idea that the next two amendments that are already enshrined in the unanimous consent agreement should be exchanged today so each side can see them for debate tomorrow, in my view, is an excellent idea.

The subject of my amendment is one of the important and dramatic changes proposed in the bill reported by the Health, Education, Labor, and Pensions Committee. It is an amendment to the Straight A's portion of that bill.

I will discuss Straight A's a little bit more in detail as we go forward today, but, fundamentally, Straight A's in the form in which it is found in this bill is a 15-State experiment available to 15 of the 50 States, pursuant to which roughly a dozen of the present categorical education programs—including, most notably, title I—would be combined and consolidated without the great bulk of the rules and regulations literally amounting to hundreds of pages and the forms and bureaucracy that accompany those rules and regulations.

There would, however, be one overwhelming requirement substituted for the procedural rules that accompany the present programs that are included in Straight A's. Those procedural rules have literally nothing to do with student achievement. They have to do with eligibility. They have to do with the nature in which the money coming through those programs is spent. They, of course, have as their goal student achievement. But most notably, the 35 years of title I have not been marked by any significant reduction in the difference between partially privileged student achievement and those of the underprivileged students, at which title I is aimed.

This amendment is slightly more than a technical amendment, but it certainly does not change the philosophy of Straight A's. It has a more binding requirement; that the 15 States which take advantage of Straight A's actually reduce the achievement gap between high- and low-performing students by a minimum of 10 percent over the 5 years of the contract under which Straight A's is offered to those 15 States.

S. 2, this bill, already includes a very considerable carrot that gives a bonus to States that close that gap by 25 percent during the course of the agreement. That is a new, novel, and vital part of Straight A's. However, in order to see to it that the States which take advantage of Straight A's actually reduce that gap, a more modest but still significant reduction is simply required as a condition of continuing to be eligible for Straight A's.

Second, there has been some criticism that elements in this bill could be construed to be vouchers. That is not the case, in my view. It was not the intention of the draftsman of Straight A's or of the bill as a whole, but a portion of the amendment that is before the Senate now creates exactly the situation that exists under present law, where the use of Federal funds for vouchers is not explicitly provided for or disallowed but is essentially dependent upon the interpretation of current law by the Department of Education.

A third change in this amendment requires that districts and States that use Straight A's provide an assurance that Federal funds will be used to certain disadvantaged districts and schools. I do not think that differs from Straight A's, as it was originally drafted, but it makes that requirement more explicit.

Finally, it sets up a list of eligible programs in Straight A's and in another part of this bill, performance partnership agreements, as being identical, as matching. They were meant to match. There were a couple of technical differences in the bill as reported. This corrects that disparity. But the purpose of the amendment, in addition to those minor changes, is to focus the attention of this body on that portion of S. 2 that deals with Straight A's.

I have spoken on a number of occasions on that subject. I would like to do so now once again. I should like to say, to reuse an analogy I used in my remarks last night, we are, as is the case with every group that proposes a dramatic change, threatened with all kinds of disastrous consequences if somehow or another we change the status quo. That is not a property exclusively belonging to members of one party or to the other. But it does seem to me that what we are proposing in S. 2 taken as a whole, with Straight A's as a major portion, is the most significant redirection of Federal education policy since the advent of title I itself some 35 years ago.

Every addition to Federal education policy since then, with the modest exception of Ed-Flex, has increased the control and the influence of the Department of Education here in Washington, DC, over the education policies of 17,000 school districts in the 50 States across the United States. Every frustration at a lack of success—and there have been many such lacks and many such frustrations—has been marked by a Federal statute that increases the control and the authority the Federal Government has imposed over education policy. If 100 pages of rules is not working as we desired it, maybe 200 pages of rules would work better.

At least unconsciously, if not consciously, that has been the direction in which the Congress and many Presidents have led Federal education policy over the course of the last 35 years, to the point at which we have a huge disparity between the modest 7 percent or 8 percent of the money spent on public education in this country that is appropriated by Congress and the blizzard of rules and regulations governing the spending of that 7 percent or 8 percent, a set of rules which has a huge impact on the way the other 93 percent that is supplied by States and local communities themselves is spent.

This is an attempt to reverse that direction, to show far more trust in parents, who obviously are concerned about their children's education, and trust in the men and women who dedicate their careers to that education—their principals, their teachers, their school superintendents, and those civic-minded citizens who expose themselves to the same kind of assaults in the political world as we do as Senators. But in 99 percent of all cases as they run for membership on school boards, they do so without compensation and close to home.

We believe firmly that these people, the people who, by and large, know our children's names and our grandchildren's names, are better suited to make many of the decisions about the quality of education and the direction of education those children receive than is the Congress of the United States or are the bureaucrats in the U.S. Department of Education. That is the goal of Straight A's, to restore some of that authority on an experimental basis to States and to school districts in 15 of the States of the United States.

As I said earlier, it is regarded by a number of Members of this body with absolute horror that we should think of doing so. We are given a series of nightmares about what might happen if we allow parents and these professional educators to make decisions they have continuously been deprived of the authority to make over the years.

The analogy to which I referred was welfare reform. The Presiding Officer can remember that debate only a few years ago. We were told if we took this tremendous step in a very different direction, a different direction after 50 years or more of a welfare system that was also more and more encrusted with rules and regulations and assumptions about what people would do under certain circumstances, we would devastate the social fabric of the United States. After a debate that encompassed several years, with a number of vetoes, we did in fact dramatically reform our welfare system, and we have had a dramatic success in doing so, with only a few bitter enemies critical of the direction of that welfare reform.

I know of no other issue during my time in this body comparable to that change and to that debate until we got to this debate. We are now at the point at which we found ourselves, maybe 1 year into the debate on welfare reform, here with education reform. Our view is that if more decisions are made closer to our students' lives by people who know those students, the quality of their education will improve and we will have a greater opportunity to help the great mass of students in the United States, our young people, with the complicated challenges of the 21st century.

However we do not leave it at that. We do not simply say: We think you can do a better job, so here is the money. Go out and do it. We tell the 15 States that will be privileged to exercise the Straight A's option: You have to perform. We are not going to give you a whole bunch of rules and regulations about how you fill out forms and how you assure that money is spent on a narrow category of programs; we are simply going to tell you that you have to do better. You are going to have to come up with a way of measuring achievement in your State—as most States have, at this point. You are going to have to tell the U.S. Department of Education that if you are allowed into Straight A's, in the 5-year period of your contract the achievement of your students will improve by a specific amount that you outline in this contract. And if you fail, you are going to lose that ability, that authority to spend the money as you see fit for your priorities, for your children, for your States and in your communities.

That is the ultimate in accountability. When we deal only with process accountability—how well do you abide by the rules, how well do you fill out the forms—we do nothing in particular for our children and for their education. We hope the results will be good, but there is no measurement of the actual quality of their education as reflected in the way in which they deal with standardized tests in each one of these States. We have an accountability, not to process but to performance. I want to repeat that. Our accountability is not to process but to performance. In order to succeed, in order to continue in the Straight A's Program, you are going to have to show that you are providing a higher quality of education to the students in the school systems in your State.

As I introduced this bill more than a year ago, it was not limited to 15 States, either in the House or in the Senate. I suppose it is a commentary on the dramatic nature of the change, that it has been reduced to a significant demonstration program in this bill. The House of Representatives allows it in 10 States. We, in this bill, allow it in 15 States. I would much prefer every State have that option, but only 15 are going to be able to do so. At the same time, I want to point out a very important fact, not just about Straight A's but about all of the innovative directions in this bill. The Performance Partnership Act, the Teachers' Empowerment Act, other provisions of the bill—none of them is mandatory; they are all elective.

It is important for everyone in this body to recognize—it is important for all the people to recognize—that we are not requiring these changes. Any State in the United States of America that believes the present system of categorical aid programs and the present system that has 127 at-risk and delinquent youth programs in 15 Federal agencies and Departments, 86 teacher training programs in 9 Federal agencies and Departments, and more than 90 early childhood programs in 11 Federal agencies and Departments, not to mention the programs that are included in Straight A's, any State that wishes to continue under that system is free to do so—any State. If they like the present system, if they are accustomed to the present system, they can continue to perform under it.

If this bill passes and becomes law, in a relatively short period of time in our history, 5 years at the maximum, we will know which system works best. We will know whether or not allowing our educators a far greater degree of freedom to set their own priorities is, in fact, the way to do it. We will be able to measure objectively, by the forms of accountability they are required to follow in order to get into Straight A's, whether or not it works.

I may go beyond that proposition to say, of course, Straight A's is not the only element in this bill that allows our local educators in our States to make more of the decisions that affect their children. There is a Performance Partnership Act in this bill that is a modification of Straight A's, supported by the National Governors' Association, an association through which many of the dramatic reforms in education over the last few years that are allowed by the Federal Government have, in fact, taken place.

That Performance Partnership Act does not have all of the flexibility Straight A's has, but it has a significant portion of it. All States under this bill will be allowed to take that more modest step toward making their own decisions than is available in Straight A's, which is only to 15 States.

Again, no State will be required to do so. What does that mean? That means there are at least three paths States can follow in this connection: 15 States can take Straight A's, a number of other States can take the Performance Partnership Act, and a number of other States—and I am sure there will be some—will decide not to choose either of those alternatives.

Again, not only will our students learn more, we will learn more about the best way or perhaps more than one successful way toward our goal, a goal we all share, and that is a better education for our children.

The same thing is true for the Teacher Empowerment Act. The same thing is true with title I flexibility that is included in this bill. These are elective with the States and sometimes with the school districts themselves.

How is it we can be so certain that the present system is so good that we do not want anyone to use a different system? Have we been so overwhelmingly successful that we do not need to have this debate at all; that all we need to do is just reratify for another 5 years what we have been doing for the last 5 years? I do not think anyone believes that; everyone believes we can do better. But can't we at the very least allow people to do better in a different direction rather than simply saying, we have a whole bunch of programs now; all we need is more rules for the existing programs and a few new ones, added on to the dozens and hundreds we have at the present time that affect the education of our children from prekindergarten to and through the 12th grade?

Straight A's gives us the ability in some of the States to determine the accuracy of the statement that our parents, our teachers, our principals, our superintendents, and our school board members care deeply about the education of the kids admitted to their charge or in their families; that they are smart enough to make fundamental decisions about the course of that education; that we want an alternate way of reducing the gap between underprivileged children and those in more successful schools; that we have not been overwhelmingly successful—at all successful—in reducing that gap in the last 35 years, and that perhaps another way is better and at the very least we ought to compare it with the current way in which we do business.

We will hear during the course of this debate: No, we just need to do more of the same; if we can just do more of the same; it is just that we have not done enough of what we have been doing in the past; and no, we cannot allow some States to go off in a different direction from others; no, we cannot repose that degree of confidence in the people in our school districts all across the country; we dare not do it; this threatens to have this adverse consequence or that adverse consequence or a third adverse consequence.

I only ask my colleagues to reflect on the fact that this debate will be, for all practical purposes, identical to that debate over welfare reform of a few years ago, and if we had taken counsel of our fears then, this country would be far worse off than it is today, when instead of taking counsel of our fears, we took counsel of our hopes and worked rationally toward those goals.

The attitudes that gave us welfare reform ought to give us this bill, including Straight A's, during the course of this debate and provide a better future for children all across the United States.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to, if I may, ask my friend and colleague from Washington a question. If I understand this correctly, there are two essential provisions that he includes here. One is, in the 15-State block grant, the Senator prohibits the use of funds for vouchers to private schools; is this correct?

Mr. GORTON. Yes. I said I believe it did already, but this makes it more explicit. It simply keeps the present rules with respect to vouchers in effect.

Mr. KENNEDY. As the Senator knows, there are different provisions in the 50-State block grant than in the 15-State block grant. During the exchange in our committee, the principal proponent, Senator GREGG—and I am sure he will speak to it—indicated that he did not dismiss the use of those funds for private school vouchers.

Is the Senator from Washington saying—many of us have been critical of the overall program and the use of vouchers, that this is a block grant and voucher program—with this amendment, there would be the elimination of the language in the 15-State block grant that would have permitted the voucher program for private schools?

Mr. GORTON. Mr. President, that is not what I say. I do not believe it allowed it previously, but in any event, I think we have satisfied that criticism with respect to those who made it with respect to Straight A's. I do not think it allowed vouchers before. It clearly does not now.

Mr. KENNEDY. I appreciate the Senator's response. I hope the Senator will stay with me because usually when the proponent of a particular measure, such as Senator GREGG, says that it does and then another Senator says he reads the language that it does not—generally speaking, the members of our committee believed that it did, whether we agree with it or not, for the very significant reasons that the Senator from New Hampshire pointed out—so we want to understand now, once and for all, whether you believe it did or did not before.

Your understanding is that it eliminates the use of vouchers for the private school partnerships as part of your amendment?

Mr. GORTON. The amendment we have proposed essentially restates current law, where the use of Federal funds for vouchers is neither expressly provided for nor disallowed but intended upon the interpretation of current law by the Department of Education.

Mr. KENNEDY. Whatever the exchange is that we are having here between the Senator from Washington and myself—I know he is reluctant to somehow say now this is the effect of the amendment. It certainly is my understanding, and I think the other members of our committee would agree, that when it was proposed, very clearly—you can go back into the RECORD and see—this was the intent of the Senator from New Hampshire.

I may stand corrected by the one who put that in, that it was to be an allowable use of these funds to be used under the block grant program. They were going to consolidate the programs and then turn the funds over to the States, and then some would go down into the local communities. But one of the purposes that would have been legitimized for the first time was a voucher program for private schools.

On our side, we support the use of title I funds in terms of public school choice. But this was a departure from that. That is exactly the way we read it.

Under the Senator's amendment, the option of private school vouchers will not be there.

Secondly, in the 15-State demonstration block grant, you add a provision. Could the Senator tell me what the effect of the language for the 15-State block grant is, on line 5, on the "Achievement Gap Reductions"? What does the Senator intend to achieve by that language?

Mr. GORTON. The language is designed to require that there be a reduction of 10 percent over the 5-year period between the highest and the lowest performing students described in an earlier part of the act, which is basically title I.

Mr. KENNEDY. I am trying to understand. Exactly of what would the 10 percent reduction be? What is the Senator trying to drive at? As I understand it, the Senator is trying to deal with the provisions of the legislation that relates to accountability.

We have the overall State accountability. Then we have the 15-State block grant. The 15-State block grant is going to come under overall State accountability. The provisions of the overall legislation will apply.

Could the Senator please clarify? We can probably move to an early acceptance of the Senator's amendment, but I just want to understand exactly what it does and what it does not do. I have difficulty in seeing exactly what this really means in terms of the total accountability.

Does this change the overall State requirements that are spelled out on page 662, the "Failure To Meet Terms.—If at the end of the 5-year term of the performance agreement a State has not substantially met the performance goals . . ."? Does this in any way change that?

Mr. GORTON. It makes it tougher.

Mr. KENNEDY. Can the Senator tell me exactly what are the penalties that will be included in here if they do not achieve that?

Mr. GORTON. The penalties will be the same as they are in the original form of the bill; that is to say, if a State does not meet the commitments it made in getting into this 15-State Straight A's Program, it runs the risk, at the discretion of the Department of Education, of losing the ability to continue in that program. It would revert to the present system of categorical aid programs and the accountability provisions contained therein.

What this does is add another mandatory requirement to what the State undertakes, a 10-percent reduction in this differential. So it makes it somewhat tougher for the State to be entitled to continue in Straight A's after its initial 5-year period.

Mr. KENNEDY. The reason I ask this is, I say to the Senator, he is not in any way changing the "Failure To Meet Terms" that a State must meet. As I understand it, the Senator is amending a different section, and that is the 15-State block grant.

What we find out further, on page 662, is, "If a State has made no progress toward achieving," there will be certain reductions of funds. But that is when there is "no progress." On page 662 it is: "substantial progress". I do not see how your 10-percent over the 5-year period of the performance agreements really does very much.

Mr. GORTON. I say to the Senator, given the fact that in 35 years of title I we have not reduced it at all, a requirement to reduce it by 10 percent in 5 years is rather substantial.

Mr. KENNEDY. If the Senator would explain to me where—this is the controlling law. It states very clearly, on page 662, what the test is going to be. It talks about "agreement a State has not substantially met the performance. . . ." There is no definition of what "substantially met the performance" is. That has not changed by the Senator's addition. The penalty described on page 662 only applies when there is "no progress."

I fail to see how that does very much in terms of accountability. It does not stop at the end of 2 years.

Does the Senator's program have the requirement of a reduction of funds administratively at the end of 3 years, as the Democratic program does? It does not. Does it have a further reduction after 4 years? No, it does not. Does it have requirements that the State has to intervene; and that, if not, there could be the closing of a particular school if it does not achieve those kinds of reductions? It does not. The Democratic program does.

It is basically feel-good language.

I would recommend, if it is going to make the Senator from Washington feel good—and evidently is going to make others on that side feel good—that we are not going to be able to use vouchers for private schools, we have been maintaining that block grants are blank checks for States. We have talked about, this Republican proposal is going to provide vouchers for private schools, and we have been told: Oh, no, that isn't so. We have some of our Republican friends saying: Oh, no, that was not even intended for part of it. We had the proponent of the amendment saying that was so. Now the Senator from Washington wants to eliminate that. Well, I certainly would urge our colleagues to support that.

Mr. GORTON. I thank the Senator.

Mr. KENNEDY. I see some colleagues here who might want to address this issue. The way I see it is that this language, as the Senator has pointed out, would effectively reduce the block grant.

I would say, just out of comity, since this language was prepared by the Senator from New Hampshire, could the

Senator indicate to me whether he is supporting this program—just out of comity, since it is directly related to his language?

Mr. GORTON. I am not sure what the question is.

Mr. KENNEDY. The question is, since this is the amendment of the Senator from New Hampshire, has the Senator inquired if the Senator from New Hampshire supports him?

Mr. GORTON. The Senator from New Hampshire joins me.

Mr. KENNEDY. He joins you. That is interesting. He gave me a different interpretation. I appreciate that.

Mr. President, I think it is basically very weak language.

On page 662 of the legislation, in relation to the States, it does not have any penalty. And, furthermore, you have to wait 5 years to find out whether there is going to be any progress made.

I think families in this country want progress now. They want accountability now. They want guarantees now. Under our bill, that process of accountability begins in the second year, third year, fourth year, fifth year; and it builds in terms of accountability, in terms of the requirements of the States to help those particular communities, which is not being done today.

Does the Senate understand that it is not being done today? We have the most recent surveys done by the Department of Education that polls underserved title I communities. According to the surveys, more than half of the Title I communities have said that when they have asked the States to help them, they have gotten virtually no response whatsoever. This is very weak accountability. I will be glad to recommend that we move ahead and accept this amendment and then get to the Democratic alternative so that the Members of the Senate and the American people will understand and be able to compare and contrast the accountability provisions because this is still woefully inadequate and woefully weak.

Mrs. MURRAY. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mrs. MURRAY. The Senator from Massachusetts and I both sit on the Labor Committee, which went through the entire progress of this issue. I came to the floor and was trying to understand what the amendment actually accomplishes. Does the Senator recall that during the committee hearing we asked the author of the amendment specifically if funds could be used for private schools, and his response to us was yes?

Mr. KENNEDY. Yes, that is absolutely my recollection of it.

Mrs. MURRAY. And that the portability for title I could also be used for private schools.

Mr. KENNEDY. The Senator is correct. If the Senator will permit, does the Senator's language affect the portability provisions?

Mr. GORTON. It affects only the Straight A's title of this bill at this point.

Mr. KENNEDY. That's fine. He has indicated we could not use vouchers for private schools. Now we are asking, "Are you going to be able to use funds for private school vouchers under the portability provision?" Under the portability provision, there is every indication that you could use funds for private schools and religious schools as well. I am trying to understand whether we are addressing both of these concerns or just part of them.

Mr. GORTON. That question would be more properly directed to the Senator from New Hampshire who, I may say, I think disagrees with the Senator from Massachusetts as to his interpretation of the provisions of the Senator from New Hampshire. This provision, the 10 percent, applies to the Straight A's provision of the bill which, in turn, allows 15 States to have that degree of flexibility. It is very easy to talk about accountability from the point of view of punishing States and school districts by taking money away from them so that will increase, somehow or another, their performance. Part of our bill, in my view, is that the States who succeed will get a bonus, which is not included in the Democratic bill or in any previous education bill.

Mrs. MURRAY. If the Senator will yield further, does the Senator understand, as I do, that this amendment would not apply to title I portability? And we, again, asked the author of this amendment in committee if the title I portability funds could be used for private education institutions, and his answer was yes. This amendment doesn't fix that. I am glad it fixes the first part of it, but it doesn't—and the Senator can respond—fix the portability.

Mr. KENNEDY. I appreciate the Senator's attention to this matter because it shows something enormously interesting that is happening here. On one hand, this amendment addresses the issue of voucher programs for private schools under the 15-State block grant program. On the other, it doesn't affect private school vouchers that are permissible under the title I portability program. It seems to me that if you are going to fix it in one program, you ought to fix it in both.

If you look at the portability provisions on page 127, it states:

> . . . an eligible child, for which a per pupil amount shall be used for supplemental education services for the eligible child that are (A) subject to subparagraph (B)—

And this deals with the portability provisions—

> provided by the school directly or through the provisions of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business

So you are striking one section, but leaving the other section. Well, that will have to remain there until we address that in our alternative. I, for one, want to move ahead in the debate on this, and I would be glad to urge acceptance of this amendment.

Mrs. MURRAY. If the Senator will yield for one other point, because I have continually heard that with title I funds, for over 35 years kids have not increased their abilities, and test scores don't show that, it is my understanding that we test title I students, or analyze their performances, and as kids do better, they move out of the program. So each year, we have new kids coming into the program who need the extra services for reading, writing, and basic instruction. So we are not testing the same kids year after year. When we hear the comments that student achievement has not increased under title I, we essentially haven't been testing the same group of students, and we cannot show that because they have moved out and we are testing new kids. Am I correct?

Mr. KENNEDY. The Senator is entirely correct. It is one of those important facts that one has to understand in order to be able to respond to those who say, look, there hasn't been any change for 2 or 3 years. We can demonstrate there has been academic progress made in terms of classes in a number of areas.

Mrs. MURRAY. I thank the Senator from Massachusetts. I don't think any of us disagree with the goal of reducing by 10 percent over 5 years the term of performance agreements—the difference between the highest and lowest achieving students. But I think to rhetorically say that we can do it through a test is very difficult. I think we all want students to achieve better. Here on the Democratic side, we believe that by providing high-quality teachers and class sizes that are reduced, where a teacher has time to teach math and English, where we are in classrooms and where students can actually learn and they are not there in overcoats because there is no heating, or there are holes in the roof, and that we continue to put Federal resources into programs that have been shown to work those achievement gaps will decrease. I hope our colleagues understand this as we move forward. I thank the Senator from Massachusetts for yielding.

Mr. KENNEDY. Mr. President, we are prepared to accept the amendment.

Mr. GORTON. Mr. President, I am going to ask for a rollcall vote on my amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. There are Members on our side who wish to speak to that amendment, I hope, with the consent of the manager of the bill because we are debating education as a whole. We would be happy to allow the Senator from Massachusetts to propose the Democratic alternative now, and we can debate them jointly for the balance of the time in the time available. Any time the Senator from Massachusetts wishes to introduce an amendment, there will be no objection on this side to allowing that.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, there have been a number of representations that have been inaccurate from the other side, and I regret that. I think that maybe they are concerned that the substance of this bill works so well, they have to mischaracterize the actual process in order to attack it. The representation that there are voucher proposals in this bill is inaccurate. The senior Senator from Washington has offered an amendment which would make this absolutely clear. He put the status of the Straight A's proposal in this bill in the same position as the present law under the ESEA of 1965, which law does not limit the ability to use the funds for public entities. So that law, as viewed, is a chilling event on school systems from using it for private entities which would create the voucher issue.

The amendment of the senior Senator from Washington clarifies that point, which was a point raised in committee and which was the language reported out of committee. If a State such as Florida has a private voucher system—I guess the issue now is whether they have one or not—those funds can be used in this manner. But as a practical matter, what the Senator from Washington is making clear is that they can't—that they will be subject to the chilling event that presently exists for any title I money. That chilling event has basically made it virtually impossible for vouchers to be used by any State. This was the concern of the Senator from Maine.

That is why I have agreed wholeheartedly with the amendment of the Senator from Washington, as I believe we should not allow the bogeyman vouchers—it has been used as a bogeyman by the other side—to be used to try to undermine what is a really good idea, which is the concept of Straight A's.

The basic theme of Straight A's doesn't need vouchers in order to work well, and we don't have to get in the voucher debate in order for Straight A's to work well. I am perfectly happy to have the voucher issue taken off the table. I don't think it was really on the table to begin with because I don't think many States have a system to make it available. But even if it was on the table, the Senator from Washington is taking it off the table.

I heard about this attempt this morning from a number of people on a couple of talk shows. Representatives of the educational lobby are here in Washington in full charge against any idea of changing the status quo because they basically are the beneficiaries of the status quo. They are also trying to use the term "vouchers" to stigmatize this piece of legislation, which I suppose is the defense of folks who really can't defend their positions in opposition to this language on substance.

The fact is that Straight A's, as put forward, is an optional program. It is up to each State whether they want to pursue it.

If a State pursues Straight A's, the achievement obligations in the area of increasing the educational success of our low-income children is very strict. Straight A's is an attempt to give low-income children a better education and to require that better education actually be proved to have occurred, something that has not happened under title I over the last 35 years after $130 billion has been spent.

Also, one of the Senators came out and said it is also about portability. There is no voucher program for portability. Portability is not a voucher program. All the money under portability stays with the public school systems. The public school systems write the check. The public school systems control the dollars.

This is once again a bogeyman attempt to try to mischaracterize the bill and, as a result of using mischaracterization, to try to, therefore, tune up opposition to it.

I think we ought to stick to the substance of the actual language versus those types of presentations which I don't think are constructive to the debate.

I yield to the Senator from Georgia.

Mr. COVERDELL. Just a clarification: I thought I distinctly understood the Senator from Washington comment that it was represented in committee that portability was indeed a voucher.

Mr. GREGG. No. Under no circumstance was portability ever represented as a voucher, or ever represented as a voucher in committee. What I said was Straight A's could have been used by a State to qualify that it had set up a voucher program such as Florida had. Yes, in those instances Straight A's could have been used. The Senator from Washington was making it very clear that is not going to happen.

Mr. COVERDELL. I thank the Senator.

Mr. GREGG. I yield to the Senator from Maine for a question.

The PRESIDING OFFICER. Will the Senators suspend for a second.

The Senator from New Hampshire has the floor. Does he yield for a question?

Mr. GREGG. Yes. I yield to the Senator from Maine for a question.

Ms. COLLINS. Thank you, Mr. President. I thank the Senator for yielding for a question.

I thank the Senator from New Hampshire and the Senator from Washington State for their terrific, truly extraordinary leadership on this entire bill.

As the Senator from New Hampshire knows, the issue of whether or not Straight A's authorizes Federal funds for private school vouchers was most important to me. I have worked with him and with the Senator from Washington. Indeed, I am the author of the provisions in the Gorton amendment which makes it crystal clear that Federal funds could not be used for vouchers under the Straight A's proposal.

Will the Senator from New Hampshire agree with me that while there is nothing in this legislation that prohibits a State from using also its own funds for some sort of voucher proposal, that the Gorton amendment now makes clear that Federal funds under the Straight A's proposal could not be used for private school vouchers?

Mr. GREGG. It makes that as clear as it is under present law relative to other title I moneys.

Ms. COLLINS. I thank the Senator from New Hampshire for his clarification on this.

Mr. GREGG. I yield the floor.

Ms. COLLINS. I ask to be a cosponsor of the Gorton amendment. I am pleased to have contributed to it in this area in clarifying the law since I think it was ambiguous as to whether we were changing current law, and that ambiguity has now been eliminated.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we can talk about this all we like, but I draw attention—and I congratulate the Senator from Maine—to the additional views of Senator COLLINS, which say, I am opposed to using Federal funds for private school vouchers. I believe the language about academic achievement for all programs must be modified to prevent having diversion of Federal funds to private schools.

That is exactly our position.

The Senator from Washington can deny that is his understanding, and the Senator from New Hampshire said this isn't really a voucher debate. It isn't just on our side, it is on their side too.

I am glad the position of the Senator from Maine has prevailed on this issue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I congratulate the Senator from Maine also for working on this issue.

My amendment, I think, fixes one problem with which many of us were concerned. However, regarding the title I portability funds in the bill, I am reading the language of the bill on page 127. It says:

> Subparagraph (b): Provided by the schools directly or through the provision of supplemental education services with any governmental or nongovernmental agency, school, post-secondary educational institution, or other entity, including a private organization or business.

The language in the bill allows title I portability funds to go to a public or private school.

In committee, we asked if it could go to a private school. We didn't use the word "vouchers." We said: Could this portability money go to a private school? The answer is yes. That is what the language does. The amendment before us fixes the Straight A's question, but it does not fix title I portability.

Mr. GREGG. If the Senator will yield for a question, is the Senator aware that under title I, if a public school wishes to contract with a private entity, such as a Sylvan Learning Center, it can do that?

Mrs. MURRAY. Yes. But the school is in control of those funds.

Mr. GREGG. Is the Senator aware that under this proposal the dollars will still flow through the public school if it goes to a Sylvan Learning Center?

Mrs. MURRAY. Under title I portability provisions that are in the bill before us, it will allow families to take the title I funds they receive to any institution, school, or private—I just read all of it. They can choose.

Mr. GREGG. No. The Senator is incorrect in her characterization. The family does not have possession of the funds. The funds go to the public school. The public school, at the request of the family, may then and should then take the money and use it to support that child in an additional learning activity. In other words, the child has to go to the public school. The child cannot go to a private school under portability and use funds for the purpose of going to a private school. The child must attend the public school. If they decide to do so under the plan as presented to the Secretary of Education, under their portability plan as designed by the public school system, the public school may use those dollars as it does today for the purpose of giving additional support to the low-income child in assisted learning.

Mrs. MURRAY. I reclaim my time.

Mr. GREGG. If the Senator doesn't want me to clarify the point.

Mrs. MURRAY. The Senator from New Hampshire has made a statement and I am looking at the language of the bill. It says.

> (B) if directed by the parent of an eligible child, provided by the school or local educational agency through a school-based program . . . that a parent directs that the services be provided through a tutorial assistance provided.

It is not directed by the school but directed by the parent.

I think that is one of the underlying flaws and concerns we have. As a former school board member, I do not know how a school district is going to manage this when parents come to the school indicating they have the right to this money, and you figure, as a school, how you do your accounting, how you determine whether that child actually gets the money, how you hire teachers. And, frankly, the parent is in control. It is very clear in the language of this bill.

The Senator from New Hampshire made a very specific case that he thought it was the school. If the language reflected that, I would believe it. But the language says very clearly that the parent can take their title I money and take it to another school. We interpret that, and everyone else will, as private or public because it is not defined as public.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I regret the Senator will not yield to debate this issue in a forum-like manner. Let me answer the question on my own time because I guess the Senator isn't making her point because she recognizes her point is inaccurate.

If the language is as they stated, the school has the control over the dollars. The parent has the right to direct the school to pursue an assisted learning activity. But the child is in the public school and the public school controls the dollars for that assisted learning activity.

The only difference between the present law and what this does relative to that assisted learning activity, in this case the parent gets involved. Under present law, the parent is not involved in the assisted learning activity. If they want to bring in the Sylvan Learning Center or any tutorial service to help the low-income child, they can do that, but the parent does not have the right to say do it or not do it. Under this proposal, the parent has the right to say, yes, please send my child to an assisted learning facility.

The school, however, has the right to say they don't think that an assisted learning activity qualifies as being a quality educational activity and is applicable to this child's needs. If the school overrules it because they say that the assisted learning activity is not a qualified activity, then the parent can't direct the funds to go in that area.

Essentially, what we are proposing is a system which already exists in Arizona—in fact, I think Seattle may have some form of this system—where parents actually get involved in the process of educating low-income kids. Parents actually have something to say about it.

We all know from history and from study after study after study that pertinent for improving the quality of education of the child is parental involvement. We also know that the single biggest problem we have with low-income children is the fact that parents are not involved. This is an opportunity to draw the parent into the process and have the parent have a role in the process. That is very important.

Equally important, this is an opportunity to make sure the dollars actually benefit the low-income child. Under the present law, there are lots of low-income children who don't get any benefit from the title I dollars, which are low-income dollars theoretically. Why is that? Because if a school does not have a threshold number of children, does not have the 35 percent, or in some States it is up to 65 percent of the kids in the school who qualify as low income, in other words, kids who meet the School Lunch Program, then no dollars go to that school.

If you are a low-income child attending a school where you don't have 35 percent of the other kids in the school as low-income children, you don't get any title I assistance. Does that make any sense? Of course, it doesn't make any sense.

We are saying, instead of having the dollars go to the school systems and to the administration and to the bureaucracy, let's have the dollars follow the child. Let's have the dollars actually follow the child to different public schools so every child who is a low-income child actually gets funded, actually gets dollars benefiting that child.

That is a pretty good idea because that means we are actually going to point the dollars at the kids who we allegedly are trying to help, the low-income kids. The dollars never leave the public school system in the sense that all dollars must go to the public school. In other words, the parent does not have the control over those dollars. He doesn't get a check.

If John Jones goes to public school A, the dollars go to public school A. If the parent says they don't think public school A is doing the best job for their child, and then moves John Jones to public school B, the dollars go to public school B. When John Jones gets to public school B, if the parent says they think John Jones needs some assisted learning outside of his schoolday—remember, his whole schoolday is dominated by the public school system and he cannot go to a private school with these dollars—then the dollars go to the assisted learning to the extent it is required in order to pay for that assisted learning subject to the public school system, and subject to the public school system saying that the assisted learning is actually something that is qualified and will do the job as they deem it appropriate, recognizing that under present law we already allow this to occur. We allow assisted learning which is a private activity.

To characterize this as a voucher is an inexcusable attempt to try to stigmatize this with a term that is being used for the purposes of creating an irrational response from folks, especially teachers and the educational community. It is simply hyperbole for the purposes of trying to beat this for political reasons. It is not a substantive or an accurate response to what this proposal involves.

Remember, this proposal—whether it is portability or whether it is the Senator from Washington's Straight A's proposal—is an option. No State has to pursue this. No community has to use this. If they decide to pursue this, if the State decides it wants to use portability, it is the educational community in that State that has come together, that has thought about the issue, that has said: Title I isn't working in its presents form; let's try a portability initiative.

It will be the educators who write the portability initiative in the State and who apply for it. They will have the say in how it is structured. They don't have to do it if they don't want to do it.

If the State of New Hampshire decides they like the way they are doing title I, they don't care about trying this new idea of portability or this Straight A's idea, they can walk away from the proposal. They don't have to do it. They can keep the law the way it is.

Why is there such fear on the other side of the aisle of putting on the table a bunch of different options, having a cafeteria line that States and communities can go through? I don't understand it. They have been stratified, iced into the status quo, petrified into the status quo to the point they are not willing to adjust in any way or give the States any opportunity for adjustment. It is regrettable. It is regrettable because it means we basically, as we know for 35 years, are locking our low-income kids into generation after generation of failure. We know for a fact our low-income kids simply have not achieved. We ought to try some other ideas. We ought to let our States try some other ideas.

There are a lot of States out there that want to try other ideas, and we should not lock them out of that opportunity with Federal dollars.

I yield the floor.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DASCHLE. Mr. President, I have not had the opportunity to participate in this debate over the last couple of days. This is the first chance I have had. I would like to make a statement, and at the end of my statement I will be introducing the Democratic substitute which, under the agreed-upon order, will be the second amendment to be considered during the debate on this legislation.

I think, as everyone has already noted, this is an important debate for a lot of reasons. The Elementary and Secondary Education Act is truly the blueprint that guides all Federal education policy from prekindergarten through high school. So this is the big one. This is the one that really counts when it comes to the Federal policy framework under which we will work for the next 6 years. Every 5 or 6 years, Congress has the responsibility to do what we are doing now, to decide what is working, to fix what is not.

In the past, this debate on ESEA has always been vigorous, but it has always been bipartisan. In the end, the votes have always been bipartisan. Unfortunately, that is not the way things have shaped up so far this year.

Two months ago, Republican leaders in the Senate stunned us by announcing that they were abandoning efforts to develop the bipartisan approach we have used now for 35 years. Instead, they put forward legislation so sharply partisan that even the Republican chair voted "present" on two major Republican amendments in committee.

The truth is, this bill does not redefine the Federal role in education, it abandons it. It essentially repeals the role of the Federal Government in education. Instead of targeting Federal education dollars where they can do the most good, the bill takes money from Federal education programs and puts it in block grants. All the Federal Government would do is sign blank checks. Governors and State legislators would decide how the money is spent. Block grants eliminate any guarantee the funds will be spent where they are most needed or on reforms that are most effective.

Our Republican colleagues claim to hold States accountable for the results. They require states to have a plan in this legislation, but in that plan the State sets their own performance goals and the goals be based on State averages. If children from well-off families made all the gains, that would be good enough. This bill does nothing to make sure the children in disadvantaged communities have access to good teachers and strong academic programs.

If States fail to achieve their goals, nothing happens for 5 years. After 5 years, the only penalty for failure to comply is that a State cannot participate in the block grant program for the next year.

It is also ironic that they are claiming to "do something new." What new suggestion they are proposing is to take the block grant idea that goes all the way back, at least to 1981, to repeat it again now in the year 2000. That is their new idea. They take an idea that was proposed and passed in 1981, to convert several Federal education programs into a block grant, and to do now what we did then.

It is important, as my Democratic colleagues have noted, to look at what has happened to that new idea back in 1981. Since then, the funding for that new idea, funding for that blank check, that block grant, has been cut in half, largely because it is difficult to advocate for a blank check.

Republicans have made clear their highest priority is enacting huge tax cuts. Those irresponsible policies would leave absolutely no room for critical investments in education. So this cutting in half of the blank check might fit that scenario.

Perhaps we should not be so surprised at their interest in creating new education block grants. This new, revolutionary reform idea of the year 2000, similar to the one in 1981 might be the design: Let's create a block grant, let's sign a blank check, let's cut that blank check in half in 20 years, and let's provide more in tax cuts. What we need is a bipartisan commitment to maintain the national commitment to education and invest in solutions that we know work.

One of our great leaders in South Dakota history has been the Indian leader Sitting Bull. More than a century ago, he actually came to Washington and noted in a speech to policymakers at the time that if we put our minds together and see what life can make for our children, we will all be the beneficiaries.

Today, we make that same request of all of our colleagues. For the sake of our children, let's put aside these extraordinary partisan differences, put our minds together, and see what we can do for our children's future. That, in essence, is what Democrats are providing with this comprehensive plan to improve America's public schools. Our entire caucus has worked hard on this plan. I am very gratified that our entire caucus supports it.

Our plan is a substitute for the Republican block grant proposal that is now on the Senate floor. It actually includes many pieces of the bipartisan plan our Republican colleagues abandoned in March. It is not a blank check. It sets high standards for students and teachers. It gives communities the resources and tools to meet those standards. It holds them accountable for results. It targets Federal education dollars where they will do the most good.

We do this by helping communities reduce class size, by recruiting and training qualified teachers, by helping to rebuild and replace overcrowded and crumbling schools and helping close the digital divide so all children can compete in the new economy, and by strengthening parents' involvement in their children's education, through report cards and other information, so they can hold schools accountable.

It also helps create opportunities for safe before- and afterschool programs where children can receive responsible adult supervision. It is troubling to many of us that every afternoon in

America, 5 million kids go home after school to empty houses while their parents sit at work and worry about their safety. Our Democratic colleagues believe we can do better than that.

Improving public education must be our top priority.

State and local governments clearly have the responsibility for funding and running our Nation's public school programs. Federal programs should be the catalyst for change. We need to focus our efforts on fundamental changes that work to make sure every child has the opportunity to learn.

We took important steps in 1994 by requiring States to set high standards for learning and to assess student performance, and we are starting already to see some results in some areas, as some of my colleagues have noted.

Student performance is rising in reading, math, and science. Why? Because we took action in 1994.

SAT scores are rising. Why? Because we took action in 1994. Why? Because the Federal Government created the incentives. Why? Because we have been the catalyst to move these programs in the right direction.

More students are taking rigorous courses and doing better in them. The percentage of students taking biology, chemistry, and physics has doubled. Why? Because we took action in 1994. Why? Because the Federal Government has been directly involved, not in decisionmaking but in incentivizing.

More students are passing AP exams. Fewer students are dropping out. Why? Because we took action.

What we are saying now is that it is time for us to continue to build on those success stories at the national level that worked then, that are working now, and that provide us with the opportunity to do even more.

There is much more to do. Not all schools and not all students are reaching their potential. The achievement gap between rich and poor, between whites and minorities, is unacceptable. Students from disadvantaged communities have significantly less access today to technology. We cannot afford to leave any child behind, and we have to do better.

Schools face many challenges that must be addressed if all students are challenged to achieve high standards. School enrollments are at record levels and continuing to rise. A large part of the teaching corps is getting ready to retire.

Diversity is increasing, bringing new languages and cultures into the classroom.

Family structures are changing. More women are in the workplace creating the need for quality afterschool and summer school activities.

We are learning how important good development in early childhood is in determining success in school.

The importance of higher education has never been greater. Our public schools need to make sure that all students are prepared to continue to learn in college or in technical training or on the job.

These are national changes, and the Federal Government, as we have been, must be a partner in addressing them.

My State of South Dakota has many small rural school districts. These schools face a particular set of challenges and limited resources to address them. Many have a hard time attracting qualified teachers, and teachers often have to teach more than one subject. Course offerings may be limited. Because students can come from long distances, many rural schools have high transportation costs. In many rural communities, the tax base is actually shrinking. The crisis in the farm economy is making it difficult to modernize schools and meet all of these student needs.

Federal resources are important for these schools, but they do not even get enough funding to make effective programs in the first place.

The Democratic alternative includes a provision to provide supplemental payments to qualifying rural schools that they can use to hire and train teachers, reduce class size, improve school safety, and upgrade technology.

For more than 50 years, and going all the way back prior to that period 50 years ago when the first baby boomers were born, our parents committed themselves to the most ambitious school construction program in our Nation's history. They had just fought the Second World War, and they could have said: We have sacrificed enough for a while. We fought the war; we won the war. Now it is somebody else's responsibility.

Instead, they said: We love this country; we love our children; we want them to have at least as good a life as we have had, and we are willing to work to give them that chance.

Most of us who now serve in Congress attended those schools. We have benefited greatly from the decisions and sacrifices they made. The question facing us now is pretty simple, but awfully important: Are we willing to give our own children, are we willing to give our own grandchildren, the same chance we were given? Are we willing to work with each other, with parents, teachers, and community and business leaders to strengthen our schools? Or are we going to turn our backs?

The answer to that question is going to be decided in part by the decisions we make over the next several days on the education bill and, frankly, on this amendment.

If one visits London, they will see the work of Christopher Wren everywhere. He was the 17th century architect whose work defines London's skyline today. He built 51 churches. He built palaces, hospitals, and libraries. His most famous work, of course, is St. Paul's Cathedral. If one goes to the crypt at St. Paul's and looks hard, he will see a small black stone marking the architect's final resting place. It is written in Latin. It simply says: If you seek his monument, look around.

The blueprint we are drafting today is like a cathedral. It is like a blueprint that will help shape our children's education and, thus, their future. If we do it well, it will inspire them to find the best in themselves.

The monuments we are creating are for our children, and we need to ask ourselves what will our monuments say about us and what we value.

Twelve years ago, America's Governors were able to do just that. All 50 Governors, Republicans and Democrats, agreed on eight national goals:

No. 1, all children will start school ready to learn.

No. 2, graduation rates will increase by 90 percent.

No. 3, all children will demonstrate competency in challenging subject matter.

No. 4, teachers will have access to programs to improve their professional skills.

No. 5, U.S. students will be first in the world in math and science achievement.

No. 6, every American adult will be literate.

No. 7, every school will be disciplined, safe, and drug free.

And finally, No. 8, every school will promote parental involvement and participation.

In a few weeks, the children who were in the first grade when those goals were written will graduate from high school. Children grow up quickly. Instead of abandoning our Federal commitment to education, we need to work together to build that monument so one day we, too, can say: If you want to see what this great country did on education, look around. If you want to see how good we are, go into the schools where eight goals were pronounced and now are reality. If you want to see whether or not we as Senators have succeeded and achieved our goals representing the great legacy left to us by others, look around.

Let us do this right. Let us pass good comprehensive elementary and secondary education today so that we can provide the kind of incentive, the kind of commitment, the kind of investments, the kind of direct, responsible approach that is so warranted if, indeed, we say that our children are important and our future is really what it is all about.

AMENDMENT NO. 3111

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending Gorton amendment be laid aside, and that I be permitted to call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3111.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to thank our minority leader, Senator TOM DASCHLE, for the tremendous effort he has made in helping us craft the Democratic alternative to the underlying bill that we are considering today, the Elementary and Secondary Education Act. This amendment the minority leader has put forward is going to make very important corrections to the Republican bill that will help all students in this country and their schools get the help they really need.

On Monday on the Senate floor, I, along with a lot of my colleagues on this side, outlined the many ways that this Republican bill is going to hurt our students. I outlined our positive agenda that will help all students reach their potential by investing in the things we know work.

Today, I have come back to the Senate floor to support this alternative which sets the right priorities for our students. This is a positive agenda for making improvements to the role the Federal Government plays in helping our local districts provide education.

Across this country, schools are making remarkable progress, but none of us can remain satisfied with the status quo.

As Americans, we believe every child should be able to meet high standards and reach his or her full potential. This debate in this Senate is our chance—our only chance, perhaps in 6 years—to make sure every child has the tools to succeed.

As a parent, as someone who has fought for our students on the PTA, as a school board member, I have seen what works in our schools. Parents and educators have told me we need to invest in smaller class sizes. We need to invest in teacher quality. We need to help to have more parental involvement in our schools. We need to invest in safe and modern schools for all of our kids. Those are proven strategies that are transforming schools across the country. We should invest in those powerful approaches.

Unfortunately, the Republican proposal before us goes in the exact opposite direction. Instead of making a commitment to what works, and to what we know works, it experiments with things that have no record of producing results for students.

Today, surprisingly, the Federal Government only provides 7 percent of all education funding. But those dollars are very importantly targeted to help America's most vulnerable students meet their critical needs. It is a responsible, accountable way to meet the needs in America's classrooms.

The Republican approach would take the things that are working and turn them into a block grant. Their block grant does not go to the classroom. It goes to State legislatures and adds a new layer of bureaucracy between the education dollars and the students who are so important.

The Republican approach puts all of its faith in block grants. I am here to tell you that students will lose out because, as I have said before, a block grant cannot teach a single child to read. A block grant cannot teach a single child the basics. But investing in teacher quality and reducing our class sizes can help teach children the basics. That is what we should be doing in the Senate.

The Republican block grant proposal is a reckless, giant step backwards. First of all, the Republican bill is going to hurt disadvantaged students. Today, education dollars are targeted at the Federal level to America's most vulnerable students, ensuring that children who are homeless or children of migrant workers get the resources they need. They travel from school to school, from State to State; and we need to make sure, no matter what school or State they are in, they get the help they need. Under block grants, there would be no assurance that the education dollars intended for these very vulnerable students will actually go to those vulnerable students.

Educationally disadvantaged students have very few advocates. Believe me, as a former school board member, I know they do not show up at school board meetings. They do not show up in State legislatures. They certainly do not travel here to the Congress to stand up for the programs that serve their children. We have the responsibility to do that for them. By eliminating the targeting that helps poor students, block grants would simply cut the lifelines that run to disadvantaged students. We cannot let that happen.

Secondly, block grants reduce accountability. Under block grants, we do not know where our tax dollars are going. We will not know if that money is being used for critical needs. We will not know if public taxpayer dollars are staying in our public schools.

Block grants have little or no accountability for student achievement. In this bill, we let 3 to 5 years pass before any accountability kicks in. We are going to lose kids in that amount of time. The Republican bill simply is a 3-year experiment that breaks our commitment to the things we know work, and it risks having students fall behind. Under the current bill, block grants would even allow public taxpayer dollars to be used for private schools.

The amendment that was previously offered supposedly fixes that, but it does not fix the fact that, under the title I portability requirements, public tax dollars will still be able to be used in private schools.

Finally, block grants mean less money for the classroom. Pure and simple, block grants will mean less money from the Federal Government to our classrooms.

By the way, block grants are not new. They do have a history here. That history shows us, very clearly, that when a specific program is turned into a block grant, inevitably the funding will get cut.

For example, an education program that we call title VI, which funds innovative education efforts, was turned into a block grant in 1982. Guess what happened between 1982 and 1999. The funding for that program was cut in half.

The effects of putting our education budget today into a block grant would be felt in every school across this country. We would see more overcrowded classrooms with fewer resources dedicated to improving teacher quality. That will be the result of block grants.

The Republican agenda is made up of block grants and vouchers, cutting lifelines to vulnerable students, having less money for our classrooms, and less accountability for taxpayers.

There is no reason to experiment with block grants and risk leaving students behind. We know how to improve education, and we should be doing that on the Senate floor. That is why I support the Democratic alternative that is now before the Senate.

We believe we must keep our commitment to vulnerable students. We believe we should keep our schools accountable. We believe we should not let block grants shortchange students. That is why we are fighting these block grants and standing up for the strategies that make a positive difference in the classroom. That is why we are working very hard to pass this Democratic alternative.

This alternative makes a real commitment to reducing classroom overcrowding. It keeps our commitment to help local school districts hire 100,000 new teachers to reduce classroom overcrowding, an approach that we know works—parents know it works, teachers know it works. Studies are showing that reducing class size in the first, second, and third grades makes a difference in our student's ability to read, to write, and to reduce discipline problems in our classrooms. That is in the Democratic alternative.

Over the past 2 years, Congress has provided more than $2.5 billion for the specific purpose of recruiting, hiring, and training teachers to reduce class size. Unfortunately, the underlying Republican bill walks away from that commitment. The Democratic substitute will authorize the Class Size Reduction Program, and provide $1.75 billion to help districts hire new, fully qualified teachers.

In addition to keeping that commitment, this alternative will address the need for a qualified teacher in every classroom. I assure you, when they send their child off to school on the first day of school in September, every parent wants to know two things: how many kids are in their classroom, and who is their teacher?

Why do parents ask those questions? Because they know if their child is in a classroom that is small enough, where they get individual attention, and if they have the best teacher, that child is going to learn.

We want to make sure every child has a qualified teacher in their classroom. This Democratic alternative makes a move in the right direction.

The amendment will hold schools accountable for better student performance. It will expand and strengthen afterschool opportunities for students, which Senator BOXER has been so strong on, knowing that it makes a difference in the educational lives of thousands of students across this country.

We will repair and modernize America's aging schools. I can't tell you how many times I have been in a school where we have seen kids with coats on because the heat didn't work, where water was dripping through the classrooms, where they were in portables. We send first, second, and third graders out across schools to use restrooms because there isn't any running water in their building. We believe our children can learn if we pay attention to what they are learning in.

Our underlying Democratic alternative increases parental involvement. Every parent knows intuitively if they participate with their child in their school, their child will learn better. We make sure that happens in the Democratic alternative.

Finally, we work to close the digital divide. As Senator MIKULSKI so eloquently speaks about, we have to make sure every child is on the right side of the digital divide. This Democratic alternative makes that happen.

I urge my colleagues to support this alternative. Clearly, the Republican proposal before us will leave students behind. By passing this amendment, we will show parents, teachers, and students across the country that we understand the challenges they face, and that we are going to be good partners at the Federal level to make sure all of our kids, no matter who they are or from where they come, will have the opportunity to reach their full potential.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise in opposition to the Democratic alternative because I believe it inadequately addresses the issues and the things which we feel so strongly about—flexibility, innovation, and creativity at the local level; strong accountability; a child-centered education program, focusing on the child, not the system in Washington DC; flexibility, accountability, high standards, and, again, child-centeredness.

We have an opportunity, over the course of the next several days, to continue to build on themes that we debated, I believe, very effectively, last year on the Education Flexibility Partnership Act—Ed-Flex, as it came to be known. Ed-Flex was a bill that was signed by the President, which stresses flexibility, accountability, local control, and stripping away the Washington redtape. Over the last several days, we have heard statistics quoted again and again about how we are doing better in education today and citing new programs that have been introduced and new money spent in the traditional old ways, to explain that we are doing better.

I think it is absolutely critical that we in this body and people around the United States recognize we are not doing better. American 12th graders rank 19th out of 21 industrialized countries in mathematics achievement. In science, my own field—remember, math and science serve so much as the foundation of what is going to occur in our economy, in job creation and global competitiveness, as we work to the future. In science, we are not 1st, or 5th, or 10th, or 15th in the world; we are 16th out of 21 nations. If you look at physics or advanced physics, we are dead last when we compare ourselves to other nations.

If we look at 12th graders, those people you would think were best positioned to enter the world of this new economy, since 1983 over 10 million Americans reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math. We have heard that in the fourth grade—although we have made slight improvements—77 percent of children in urban, high-poverty schools are reading below the basic level on the National Assessment of Educational Progress.

So as we hear the debate unfold, basically saying that progress is being made, this is the foundation, these are the facts, and this is where we are today: Little or no progress has been made. If you look longitudinally at how we are doing in various fields in the last 30 years, when you compare us internationally, that flat curve of not doing better has to be compared to the fact that other countries around the world, competitors, other members of the global economy, are doing much better. That lack of achievement, that lack of accountability, that lack of progress is really what we are debating today. For whom? For our children. For that next generation.

I mentioned Ed-Flex. The purpose of Ed-Flex was basically to begin that process, that debate, of getting rid of the Washington redtape. We heard again that the Federal programs account for about 50 percent of the bureaucratic redtape that our teachers at the local levels, back in all of our local communities, suffer under each day. They want to teach, and they want to have that individual child become better educated. Yet in another Federal program, we have another set of regulations and we layer more and more redtape on their activities each day.

It is time for us to cut the redtape and remove these overly prescriptive—yes, well intentioned—programs that we see in the Democratic alternative just presented. It is well intended, but there are more programs, more of the same, cutting out that opportunity to capture an educational reform movement that is going on around the country today. If we look at what our schools and principals and teachers want to do, the opportunity we have today in the underlying bill is to promote that innovation, that creativity, to take off those handcuffs, and capture that innovation of educational reform.

The bill that was just laid down—the Democratic alternative—is simply more of the same: more programs which cut out and reject the innovation and creativity which has the opportunity of accomplishing what the real goal must be, which is to take care of that individual child in a way that he becomes better educated.

Flexibility, combined with accountability, has to be our objective. The end result of the debate on education modernization, I call it, absolutely must and should be innovation—rewarding what works, and what doesn't work, putting it aside. That is captured in the underlying bill.

I had the opportunity on the Budget Committee—I serve on the Health, Education, Labor and Pensions Committee from which this bill has been debated and has emerged. I have had the opportunity also to serve on the Budget Committee, where we had a task force on education. For 6 to 8 months, we had a whole range of hearings and witnesses, both Democrats and Republicans, who came forward with a pretty uniform, simple, well-understood message after about the third or fourth witness, and that is that we have today in education, Federal education programs, almost a spider web of duplicative programs, oftentimes conflicting, each with their own bureaucracies, all trying to do something good, but resulting in this sprawling—like a spider web, behemoth, and it is hard to decipher what the incentives are to do better.

There has been no streamlining, no coordination over all these programs, which have been layered one on top of the other over the last 30 years. We have heard it again and again. This sort of spider web of responsibilities and conflicting programs—some people say there are 280 programs; some say there are 750 programs. The point is, there are a lot of programs, all aimed at that individual child, resulting in inefficiencies and waste and loss of focus on student achievement that is so apparent.

The sad part about that is, it ultimately gets translated into punishing our children today instead of helping our children today. There is a lack of educational progress, resulting in the international data I mentioned. Once again, instead of truly developing the full potential of the individual students, thousands, tens of thousands, are not being well educated in our schools today.

We filed a report based on our task force, and the No. 1 recommendation—because we heard so much again and again about the redtape, the burdensome regulations, tying hands of the individual teachers—the No. 1 recommendation out of the Budget Committee Task Force on Education was:

> In light of the continuing proliferation of Federal categorical programs, the task force recommends that Federal education programs be consolidated. This effort should include reorganization at the Federal level and block grants for the States. The task force particularly favors providing States flexibility to consolidate all Federal funds into an integrated State strategic plan to achieve national educational objectives for which the State would be held accountable.

That is the No. 1 recommendation that came from this Senate Budget Committee Task Force on Education.

This need for consolidation really could not be more clear. We had this backdrop of stagnant student performance, in spite of different statistics and studies that have been brought forward and purport to show minimal progress. We have to come to the general agreement that student performance has been stagnant—because it has been stagnant. In spite of that, we find not what you would think would be a very streamlined focus to the Federal effort, but a sprawling, unfocused effort that really is driven by a lack of the question, What works?

Let's support what works, and what doesn't work. Let's no longer feed, as we have done over the last 20 or 30 years and would continue in this Democratic alternative bill, things that do not work. The Democratic alternative unfortunately feeds, yes, some good things that work but also continues this institutionalization of things that do not work.

Our bill, we have heard, contains a very important demonstration project called Straight A's. It is a demonstration program. Earlier, Senator GREGG, again, drove home a very important point on the floor, within the last hour, that we are not in this demonstration program and in our underlying bill forcing anybody to do anything; that they have a choice. If a local school district or a State is unsatisfied with this duplicative Federal effort and the categorical programs that have redtape tied to them, under our bill they can, if they want to but don't have to, continue with the same programs. But they have other options.

In Straight A's, we give schools in school districts the flexibility if they want it. I can tell you that many of them want it based on the hearings we have had in our committee, or based on the budget task force. Their goal is to increase achievement. If they say it can be best achieved in a local community in Nashville, TN, or Alamo, TN, or Soddy-Daisy, TN, requiring them to make decisions and giving them the flexibility to accomplish that achievement to educate the children, then they, for the first time, will have choice under our bill. But under the Democratic alternative they will not have that flexibility to innovate and to create.

Under our bill, States don't have to, but they may elect to partner with the Federal Government to consolidate those elementary and secondary education funding sources. A State may choose to remain just where they are today under our bill in the categorical program, but they will have a choice for the first time.

Under the Straight A's demonstration project, States that participate could choose to spend that Federal money in the way that is best for them. The contrast will be the Democratic approach that says: No, we in Washington, DC, can best judge what works best. In Soddy-Daisy, TN, at the school that is serving the hundreds of kids in Soddy-Daisy, basically Republicans say no; that the school should be able to make the choice on how to use those funds. Why? Because, in Soddy-Daisy, they might need textbooks and not another teacher, for example. They have already reduced class size, per se. They may need to hook up that computer to the T-1 line, to the fiber-optic cable, that comes a block away so they can take advantage of that access. Or they may need an afterschool program. They are the ones—not us in Washington, DC, and not those of us in this Chamber—who are in the best position to make those decisions.

State and local school districts, I mentioned earlier, are attempting to be innovative today. They recognize that things are not working. I think it is, without question, based on the data we have listened to as we go back to our districts and in our various hearings, that it is the local school districts and the States that are the real engines for change, that recognize the needs, and are responding to those needs with innovative programs. They are yelling and crying out to take away these regulatory handcuffs and this excessive regulatory burden and redtape that strangles them and keeps that innovation from bursting forth.

It is teachers, it is parents, it is principals, and it is local communities who are demonstrating on a daily basis their enthusiasm and desire calling for this choice and increased flexibility.

Although the Federal Government—both the Congress and the President—is prepared to assist in improving America's schools, I think it is for all of us to remember that there are limitations. We have heard it on this floor. There are limitations in terms of the Federal role in education. In Tennessee, funding for education in our local schools is about 9-percent Federal funding and 91-percent local, community, and State.

There are not Federal teachers. There are not Federal classrooms. There are not Federal principals. Virtually all learning in America is occurring in classrooms and in homes outside of the purview of the Federal Government. But the Federal Government, tied to that 9 percent in Tennessee or 7 percent nationally, has this excessive regulatory burden which strips resources out of our local communities.

The Federal Government clearly plays an important role. Since we are failing so miserably, I argue, nationally, and thus, we are failing internationally in this increasingly global world, I believe the Federal Government must provide the leadership to identify the problems of education in K through 12 in this country as one that is clearly worthy of the collected energy and the attention of all Americans.

Yes, incremental resources both at the local and the national level are likely to be required and to be increased over time. But it is absolutely essential, along with the resources we provide today, that we give the States and the local communities the freedom to pursue their own strategies for implementation in how to identify the needs and thoughts of local communities.

State strategic plans are something that we, as a Federal Government, should support. It is allowed under our bill. It is encouraged under our bill. In fact, under such a plan the States would establish concrete, specific educational goals.

As we address this whole issue of accountability of what they do in return for this flexibility, they would also establish at the State level or at the local level very specific standards for accountability, and timetables for achievement. In return, they would be allowed to pool the Federal funds from all of the categorical programs that we built here in Washington, DC, and spend those consolidated resources in States on locally established priorities. Accountability is absolutely critical. Traditionally, accountability in the Federal perspective has been very much on quantitative measures rather than qualitative ones.

We talk about how many students are being served by title I. Everybody knows by now that title I is the Federal program with $8 billion aimed at disadvantaged students. But we have not asked how well those students are doing. Again, is it child-centered? That is so important in the underlying bill. Is it child-centered and focused on how well that student is doing? How much is that student learning? How much is that achievement gap narrowing? We haven't asked that question. Now is the time. The underlying bill links that flexibility to accountability and to asking those fundamental questions.

The issue of partisanship comes forward again and again. Although both sides of the aisle say, yes, education is important, and, yes, we need to do better, the partisanship is interesting because people are painting the Straight A's component as partisan.

Again, the Straight A's demonstration project, flexibility, accountability, local control, choice—not forced choice but the free choice, is a partisan measure.

During a budget education task force meeting, it was fascinating for me to hear from the Democratic officials from the Chicago school system, who said the most important thing is flexibility. They credit much of their progress in reforming the system which they adopted to the so-called block grants, the block grants which the other side is attempting to vilify. If you talk to Chicago, which is really a model in terms of flexibility and accountability, they attribute much of their success to the use of block grants that allow flexibility to rise forth to capture the innovation and the creativity that emerges once you take away these regulatory handcuffs.

The Chicago officials were clear:

> We know the system and we believe we know the things that it needs to have in order to improve. So, the more flexibility we have with Federal and State funds, the easier it is to make those changes.

The partisanship we should put aside. Effective education policy absolutely should not be bound by party lines. We can have disagreements. We will say more flexibility, more local controls, child-centeredness. The other side may say another government program is the answer. That is a legitimate debate. But let's set the partisanship aside.

The Florida Commissioner of Education said:

> We, at the State and local level, feel the crushing burden caused by too many Federal regulations, procedures and mandates. Florida spends millions of dollars every year to administer inflexible categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided one size fits all command and control approach.

The concept of command and control clearly is one that we believe and believe strongly has not worked in the past and is something we should no longer rely upon as we march into the next century, recognizing the importance of a foundation of strong education for our children.

The Department of Education, when they testified before our task force, in many ways agreed there needs to be simplification. We have so many categorical programs. Testifying before the task force, Secretary Riley said the Department had eliminated 64 programs. Then just several weeks later, we had the General Accounting Office tell us the Department still oversees 244 programs.

Seeing the Department recognizes the importance of streamlining and consolidation leaves me a bit perplexed as to why the Department opposes the principles in our underlying bill. Under our bill, we allow choice between the current system and a more consolidated approach—not forcing consolidation, but a choice for consolidation.

If we were doing so well today, as we have heard again and again from the other side, I do wonder why they fear all the States will choose to participate in our Straight A's demonstration program, if they really think the categorical system is working so well.

I understand why the administration opposes our proposal. We do say we should not be micromanaging K-through-12 education for all of the 80,000 public schools out there out of Washington, DC. It means, for example, if the administration has an agenda item, it would be increasingly difficult to impose that on a local community if the local community says you are wrong. That is not what is needed. That does not meet the needs we have identified based on our experience in a local community.

In the last several days, many of my colleagues on the other side of the aisle suggest that Straight A's does not have any guarantee that the money will be spent the way "it is intended." We have heard it again and again. I ask that fundamental question, the way "who" intended it be spent? Do we really think we in the Senate with the range of issues that we deal with, with the distance of being in Washington, DC, can speak for each individual school and the individual needs identified by that local school? Or is it the local teachers and administrators and educators who have been in the education business for years. Do we really think we know better than they what schools need to be successful? Are we so arrogant and think so much of our own thoughts to believe that without our individual programs that are targeted for specific purposes, our schools would not undertake specific efforts to reduce class size, to recruit quality teachers to the classroom, or to modernize their schools?

We have heard in the last several days from Democrats who have called the Straight A's demonstration project a blank check. Anybody who has read the bill or who has studied what Straight A's is all about simply cannot call it a blank check. For the first time, we are actually requiring States to show results. This bill looks at results, student achievement. It must be documented. We are requiring States to show for the first time how they are helping disadvantaged students reduce the achievement gap.

An editorial today in the Washington Post was interesting. It decries Straight A's for removing targeting requirements on Federal dollars. The editorial says:

> It makes no sense that States somehow need the right to shift funds away from low-income schools in order to narrow the achievement gap between the lowest and highest achieving students.

Apparently, the editorial board encourages us to vote Straight A's down to protect the flow of money to the poorest schools.

It misses the point. The point is this Federal flow of money has done nothing for children in the poorest schools except to make us feel good; to say, yes, we are doing something. If you look at the objective results, we have done nothing. Report after report shows our poorest students are getting further and further behind. If you go back to our bill, you will see why we stress measurable results in reducing the achievement gap, linking it to the devotion and the investment of resources.

It requires you send the money to poor schools. In the underlying bill, S. 2, we have infused the fact that new responsibilities must be coupled with ensuring that students are actually learning, that standards are increasing, that we are doing what education is all about, and that is educating those individual students.

States must have measures in place to ensure that all children, poor and nonpoor, meet proficient levels of achievement within 10 years. What better catalyst for reform is there? What better way to ensure that poor children receive the same quality of education as their wealthier counterparts than requiring—which is what our bill does—that States demonstrate their poor children are achieving?

School districts should be allowed to use the Federal funds in the most effective way to reverse the trends I opened my comments with, trends which show us falling further and further behind as we compare our students in the 4th, 8th, and 12th grades internationally.

In the First in the World Consortium schools located outside of Chicago, administrators poured significant amounts of money into improving teacher quality through intensive professional development. The results, unlike the rest of America in the statistics which I quoted from the Third International Math and Science Study, which show we are falling behind, were just the opposite in the consortium than what we are seeing nationally. They saw improvement.

Last week, I heard from innovative State superintendents from Texas and Georgia that several of their school districts discovered that their reading teachers did not know how to teach children to read so they invested significant dollars in retraining all of them in the research-proven, the documented methods of reading instruction. This is local control, local flexibility, local identification of needs; not mandating what districts need out of Washington, DC. It is reinforced when you think some districts may want to offer programs on a district-wide scale to entice better teachers into the school system and into some of the poorest performing schools. The funds might not be sent directly to those poor schools, but the quality teachers would. Because we know a high-quality teacher is the most important determinant of a student's achievement level, that would be good. It would be a wise use of those funds. Our bill allows the use of funds in those ways.

Isn't it possible that this approach might just be more effective than simply throwing money at a poor school? Demanding that accountability while giving the flexibility to use those funds in that way?

Radical changes in flexibility and accountability, I believe, are precursors to the sort of reforms we are witnessing at the local level in selected pockets. I mentioned Chicago. Many of us have quoted the reforms that have gone on in Texas. In 1988 and 1995, the Illinois State Legislature enacted sweeping reforms. The 1988 law gave unprecedented discretion to individual Chicago schools. The 1995 law gave the mayor an unprecedented role. In addition, the State legislature in Illinois has allowed the use of block grants for much of the funding for Chicago's schools.

According to Chicago school officials:

> Most of our initiatives are locally-based, locally-funded, locally-developed by people who have been working in Chicago for many years. We know the system and we believe we know the things it needs to have happen in order to improve. So, the more flexibility we have with Federal and State funds, the easier it is for us to make those changes.

Remember, Straight A's is a demonstration project. It is not being forced on anybody. The school district, the State, can choose whether or not they want that increased flexibility or accountability. That is the beauty of the underlying Republican bill.

For the first time, Straight A's focuses on what matters most—the accountability, the achievement levels of the children who need the help the most. Under Straight A's, a State may do almost anything with the Federal money but—and the "but" is what you don't hear from the other side—but it has to prove it has increased the academic achievement of all of its students in the end. Poor kids, clearly, will be better served under this proposal.

Again, for the first time the object of the Straight A's Program is for States to focus on closing the achievement gap between those students who excel and those who do not, between rich and poor, between black and white; the achievement gap is to be closed.

The debate centers on flexibility, accountability, on child-centeredness, on local control. I have risen today to speak in opposition to the Democratic alternative which basically says those are not the principles, those are not the themes for the American people. The themes are another Federal program to add to the 760 programs that are out there.

The theme on the Democratic side is: We know what is best in Washington, DC. Republicans are basically saying: No, we do not know what is best. The people who know best are the people who are closest to our children, who do know their names and their faces, who are at the head of the classroom every day, teaching; those with the commitment, the teachers and the principals and the school superintendents and the parents—the parents, again, who understand, who see, whose input is so necessary as we answer that question of what works and what does not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in opposition to the amendment before us, the Democrat substitute. In that it is a total proposal, it gives us a chance to talk about the context of the total debate. I have to say I am appalled, looking at the scope of the data over the last 30 years, that anybody could defend the status quo. It is just mind-boggling to think about it.

It does remind me of the welfare debate. I never could understand how anybody could look at that system and look at the number of people who were being damaged by it and not recognize that something had to be done to change it and we had to look to newer ideas. Not all the new ideas work, but we know the old ideas did not.

Today in America, 41 million adults are not effective readers. They have trouble with a phone book or a prescription drug label, reading a letter from a family member. That is a staggering number. I am going to get into some of these statistics, but I want to step back just for a moment to say I think everybody inherently knows education is an exceedingly important subject for all of us in the country. But from time to time, I think we need to step back and recognize that education and an educated mind are a cornerstone of American liberty.

Let's try to frame this for a moment. From our very founding, we have understood that a core component of maintaining a free society is that the population is educated. To the extent that any among us who are citizens do not have the fundamental skills, the basic education, they are truly not free. They cannot enjoy the full benefits of American citizenship because they are denied the ability to participate. They are inhibited in the ability to think for themselves, for their families, for their communities, for the Nation.

There have been a couple of assertions made here. One was made by the majority leader. The other I think was made by the Senator from Connecticut. I would like to talk about those for a minute.

The suggestion is that these deplorable statistics, that two out of every three African American students and Hispanic fourth graders can barely read, 70 percent of children in high-poverty schools score below the most basic level of reading, and on and on and on—the assertion by the Senator from Connecticut was: But the Federal Government only deals with 7 percent of the funding for schools and 93 percent comes from somewhere else so this blame cannot be directed at Federal policy.

That is a little misleading because for the 7 percent of these funds that go to the various States, about 50 percent of the bureaucratic overhead is associated with that 7 percent.

All the regulations, all the mandates, and all the forms associated with this Federal investment in education carry with them an enormous and staggering burden. There are hundreds upon hundreds of Federal employees in every State of the Union endeavoring to carry out the programs associated with the 7 percent.

Since 1994, by and large, the growth of employment in the public school system has been for administrators, not teachers. We are arguing about how to get the appropriate number of teachers, and a system-oriented program is driving up administrators. I want to make the point that one cannot simply say it is just 7 percent of the money. That is just not the case. It is 7 percent of the money, it is 50 percent of the overhead, and it is mandate after mandate. It has local systems gnarled up.

On more than one occasion, there has been an inference that the States do not have the moxie or the know-how to get in there and get this done. Frankly, it is in the States where I see the most innovation. In my State of Georgia, a Democratic Governor is turning the system upside down. Or one can go to Wisconsin or Arizona. Why are they so energized? Why are they asking us for more flexibility and more options? Because they know what we have been doing is ineffective and not getting the job done and damaging our democracy because it is putting out on the street millions of Americans who cannot function properly in our society.

The minority leader earlier said that since 1994, we have been doing a whole lot better. First of all, we were doing so badly that it did not take a lot to improve. The point is, there really is no basic improvement. The data is atrocious. In mathematics, American 12th graders ranked 19th of 21 industrialized countries and in science 16th of 21 nations. Our advanced physics students ranked last. Who would ever have thought this to be the case in the United States of America?

Since 1983, 6 million Americans dropped out of high school. In 1996, 44 percent of Hispanic immigrants aged 16 through 24 were not in school and did not hold a diploma.

In the fourth grade, 77 percent of children in urban high-poverty schools are reading below basic on the National Assessment of Educational Progress.

In 1995, nearly 30 percent of all first-time college freshmen enrolled in at least one remedial course, and 80 percent of all public 4-year universities offered remedial courses.

According to U.S. manufacturers, 40 percent of all 17-year-olds do not have the math skills and 60 percent lack the reading skills to hold down a production job at a manufacturing company.

Seventy-six percent of college professors and 63 percent of employers believe a high school diploma is no guarantee that a typical student has learned the basics.

Maybe this is one of the statistics that is thought to have improved: The dropout rate for 9th and 12th graders in 1995 was 3.9 million—rounded off, 12 percent. In 1998, this period for which we were supposed to have seen significant improvement, the dropout rate was 3.9 million or 11.8 percent, or perhaps two-tenths of 1 percent—hardly anything about which to get excited.

In grade 4, according to the National Association of Education Progress, poor students lag behind their more affluent peers by 20 percent. The results show no change—I repeat, no change—over the three assessments from 1992 to 1998. From where are we drawing any conclusions that somehow things have turned around?

In grade 8, 38 percent are below basic in mathematics; 48 percent of fourth grade students scored below basic.

In reading, there are more 12th graders scoring below the basic level; 20 percent in 1992 and 23 percent, up 1 percent, in 1998.

One has to be an eternal optimist beyond any description or definition that I can understand to think that somehow this incorrigible data we have received shows that we have a tourniquet on the problem and circumstances are improving.

Seventy percent of children in high-poverty schools scored below even the most basic level of reading.

Half of the students from urban school districts failed to graduate on time, if at all.

Forty-two percent of students in the highest poverty schools scored at or above the NAEP basic level for reading; 62 percent of students in all public schools met the standard.

We have been at this for 35 years and have spent approximately $130 billion. In virtually every category, those students who were the targets of this program are not better off.

I want to talk about that for a moment. What does "not better off" mean? I said 42 percent, 13 percent, 30 percent, 6 million of those, 5 million of these. What does that mean? What if it is a person we know living in one of our cities? It means, to use a figurative name, Billy Smith cannot get a job because he cannot read. He has dropped out of school. He is pushed into probably a very poor environment. The likelihood of Billy Smith going to prison is three times that of a student who stays in school. The chances Billy is going to be the father of a child born out of wedlock are in huge multiples. The average annual income is virtually poverty line or below. Pushed to crime, Billy Smith, one of these millions about whom we talk, one of these percentage points or numbers, one of these people we have turned a blind eye toward for these many years, is just likely, more than anything else, to end up in trouble, end up in prison, end up on drugs, not be a productive element of society, and probably create a family of whom he cannot take care.

That is the picture that gets repeated by these millions and millions of people about whom we talk. There are 41 million American adults who cannot read. Look at the prison population and find out their reading skills. Of course, it is not that it is nonexistent, but it is not there. Every one of these children who falls out, and through, this system is being condemned to a very unpleasant and nonproductive future in our society.

Now comes this bill that we are considering. I am not a member of the committee. But it talks about giving local school systems options, performance agreements. It talks about more flexibility. It talks about accountability. It makes it all optional. Nobody has to do it. If everybody is real comfortable with the status quo, with the abysmal data we see every other week, they can stay right where they are. I think they will find that the constituencies—the public—are going to demand that changes start to occur, which is why so many Governors are in the middle of all of this and why they are asking for flexibility and new options.

But even the opportunity to try different concepts is repulsed by the other side: No. We can't do that. We have to set the standard right here. We have to tell every one of those Governors they are not capable of knowing exactly what we should do anyway, so we have to tell them exactly what they need to do.

This is a classic debate between those who want to go to a new place and those who want to stay in the old, between the status quo and the new, between those who have confidence in the emerging effectiveness of local governments and State governments and those who don't.

In the early 1960s, there were a number of critiques written about State governments. You would not recognize any of them today. I think for us to assert that those folks on the ground, in the community, have to be told what to do is uncharacteristic of the American way.

I think that the substitute which says, no, let's keep things the way they are—they have bells and whistles in there; but essentially it is a defense of the status quo; let's just keep on looking at this data; let's not try anything different; let's not give some flexibility to these localities and States—ought to be defeated.

I compliment the chairman of the committee, who is not here at the moment, and also Senator FRIST of Tennessee, and all the others on the committee who worked so hard to produce the underlying bill we are considering, that does move to a new day, that does offer flexibility and accountability, that does offer new options. I commend them for their work.

I hope we will defeat this substitute and move on ultimately to passage of the underlying bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take a few moments to respond to these general comments that have been made over the period of the past few days by those who are opposed to our proposal in terms of education reform. The proposed bill basically gives a block grant, a blank check, to the Governors to make these decisions.

It is always interesting to me to hear my friends on the other side of the aisle when they say: We are interested in local control, local decisionmaking.

That isn't what this is about. This is about giving a blank check—a block grant—to the States. Read the legislation. The States are the ones that are accountable to the Secretary of Education at the end of the day, after 5 years. They get the block grant. They can go out and do whatever they want for another 5 years. Then they can come back and say, look, we have had substantial compliance in what we originally proposed. Then the Secretary is either going to say, no, you have not; or yes, you have. The idea that the Secretary is going to cut off the States on any program is preposterous—anyone who thinks that will happen has not been around for any period of time under Democratic or Republican administrations.

But let's get back to some of the facts. First of all, if we are going to provide this money, why allow this money to be taken by the States before the money gets down to the local level?

The fact is, various GAO reports indicate that school districts received anywhere from 95 to 100 percent of the federal funds appropriated. This was true in 1995, for the title I programs, the bilingual education programs, the emergency immigrant education program, the safe and drug-free schools program. Specifically, for the Goals 2000 program, 93 percent of federal funds went to the local level; for the Eisenhower program, 91 percent; for IDEA, 91 percent; for the preschool programs, 88 percent. Ninety-five percent to 100 percent of federal funds get to the local community. That is where it is happening at the present time.

So the other side of the aisle says: All right. What we need to do is to have more flexibility. The Federal Government and its mandates are denying local flexibility.

Let's look at the GAO report dated January 25, 2000: "Elementary and Secondary Education, Flexibility Initiatives Do Not Address Districts' Key Concerns About Federal Requirements."

Do we hear that? We specifically asked the General Accounting Office to look into local communities to find out if we are effectively restricting them in their ability to use money effectively to enhance local decisions. The GAO report, on page 9, says, that what the local communities want, No. 1, are resources, funding. No. 2, they want to have management technology and techniques and training for the local schools. And third, they want information about what is working in other communities.

That isn't only the Democrats speaking. That is what the General Accounting Office reported. Local school districts have enough flexibility at the present time.

What does the other side say? They say: We do not want to do business as usual. We just want to send the money out there.

It is interesting when we look at what the situation is at the local level. Let's look at the IG's report from March 2000. It reviewed State education agency officials in 15 States. They received complete responses back from 10 States. Of the 10 States that responded, 6 States do not permit any combining of funds whatsoever—no combining of local, State, or Federal funds; that is, 6 of the States prohibit that.

When we provide flexibility, we say, if that decision is going to be made, it has to be done there at the State level. Two States, of the 10 States reporting, allow combining of Federal funds only. One State allows combining of State and local. Only one State out of the 15 States looked at by the IG of the Department of Education permits the combining of funds at the State, Federal, and local levels.

(Mr. GREGG assumed the chair.)

Mr. KENNEDY. Mr. President, the problem isn't the Federal Government, the problem is the States. That is the contention. Let's hear the argument from the other side on that during this debate. You say those are interesting reports, Senator, but is this really the case? All you have to do is take the national assessment of title I that was done last year. In 1999, the national assessment of title I says:

> Among the schools that reported in the 1998 survey that they had been identified as in need of improvement, less than half reported that they could receive additional professional development or technical assistance as a result of being identified for improvement from the States.

Here you have communities that are trying to ask for help, and only half are receiving any. States are not responding to half of those communities. What is the other side's answer? Send more money to the States. This is the wrong answer. States didn't care prior to the time we passed the Elementary and Secondary Education Act in 1965. They didn't care about ensuring that the most disadvantaged children were served. Then we gave them federal funds from 1965 to 1970 and they still didn't take care of disadvantaged children. We have learned that lesson. And now, we want to give States blank checks. Haven't we already learned from the past? States will allocate federal funds according to what the Governor wants to look out after, and there are no guarantees that it'll be targeted to the poorest or most disadvantaged children—the States aren't using their own dollars to do this now.

If Members on the other side could say: Senator KENNEDY, let me show you where we have 25, 35 States pinpointing as a matter of State priority in education what they are trying to do for the neediest kids and they are showing results, saying give us more help, they would have a strong argument. They can't do it. They don't answer that. You won't hear that. You will hear all the cliches such as, "What has happened in the past isn't working," and "They want more of the status quo."

Now, in contrast, let's look at what I have said is happening out there. Needy children are the responsibility of the States. In 1986, the National Governors report said, "It's Time For Results." The task force urged Governors to intervene in low-performing States and school districts and take over closed-down, academically bankrupt school districts. Let's see what happened.

In 1987, 9 States were authorized to take over—9 States out of the 50. In 1990, the NGA report on educating America outlined strategies for achieving the national education goals. The task force, cochaired by Governors Clinton and Campbell, recommended States provide rewards, sanctions, linked to school academic performance, including assistance and support for low-performing schools. Take over if those do not improve.

In 1990, eighteen States offered technical assistance or intervened in the management of low-performing schools. In 1998, NGA policy supported the State focus on schools. In 1999, 19 States complied. It will take another 50 years to get all the States to take care of poor children. Now the Republicans want to send all that money out there, with virtually no accountability, virtually none. Five years, and then unless the Secretary of Education can demonstrate that they haven't substantially complied with it, States can get another chance at it for five more years.

That is what this is all about. Are we going to just send the money out to the States, or are we going to have some real accountability? Now, let me take one area and present our side's alternative.

In regard to teacher quality, we maintain in our alternative that there are new, important, tried and tested, and demonstrably effective policies that can enhance academic achievement. As we have pointed out, these policies are: smaller class size, afterschool programs, teacher quality, accountability, technology provisions, and others. These are virtually new. The other side may say that "they just want to do business as usual," but we didn't have technology 10 years ago or 30 years ago. We didn't have the documentation of the importance of small class sizes.

We assumed that all States were focused on ensuring that all classrooms were going to have certified teachers. That hasn't been the case. We stand on this side of the aisle to guarantee a well-trained and fully qualified teacher in every classroom in America after 4 years of the date of enactment of this Act. That is our side.

Let's hear what the other side has. First of all, on the issue of teacher training, recruitment and empowerment, they have the Republican Teacher Empowerment Act, which gives so much flexibility, States really don't have to do anything to change their current practices. They can continue hiring uncertified teachers, continue to provide low-quality, ineffective professional development and mentoring. In States, they could use most of the funds for a large variety of purposes that dilute the focus and attention on improving the recruitment and mentoring and professional development of teachers.

The question is, Does the underlying bill guarantee substantial funds for professional development? No. All the underlying bill says is there will be "a portion of the funds"; it doesn't say how much will be there. Our amendment guarantees professional development. The underlying bill doesn't guarantee funds for mentoring programs. It just allows the use of funds for those programs. Our amendment absolutely guarantees mentoring.

Thirdly, the underlying bill does not guarantee funds for recruitment programs. It just allows the use of funds for recruitment programs. Ours guarantees a recruitment program and gives priority for that. Their bill does not guarantee that teachers are trained to address the needs of children with disabilities or other students with special needs. It just allows the use of funds for such training.

Our amendment guarantees that teachers will learn how to teach these children. Their bill does not hold States accountable for having a qualified teacher in every classroom. It doesn't even require teachers to be certified. If you look carefully at the Republican program, it does not really guarantee much. In contrast, we clearly spell out what our bill accomplishes.

Their bill does not require a substantial priority for math and science training.

If you go and talk to any schoolteacher, any school superintendent, anyone that is involved in educating needy children in this country, and you ask them is: Do you have enough good math and science teachers? They will say that one of their top priorities is getting good math and science teachers in high-poverty areas.

Everyone says that.

I can give the various reports of what matters most in teaching for America's future. The report of the National Commission on Teaching on America's future was made up of Republicans and Democrats alike. One of their key findings was that if you are going to do anything about teaching, make sure you do something about math and science—there is no mention of a Republican block grant program.

Finally, their bill does not require accountability. Instead, it promotes ineffective professional development activities through Teacher Opportunity Payment Programs, what they call TOPS. TOPS supports individually selected strategies that aren't necessarily proven effective practices. Effectively, it says that if you are a teacher and you want professional development, you can go out and find any program, anywhere, and it will be paid for. Having the Federal Government reimburse for this untested and untried program as matter of local control makes no sense.

Our amendment contains tough and high standards of accountability. Our amendment says if you do not make progress in student achievement, which is the bottom line, with better teachers after 3 years, you cannot continue to receive funding for this program.

There it is. We are prepared to say this is the challenge and this the way we ought to go and this is the way it ought to be tried and tested.

We are effectively guaranteeing parents in this country good, fully qualified teachers. The other side can't say that because their program doesn't justify that.

In addition, I want to look at the existing programs and the proposal that is before us. This is what I consider the "education report card."

They certainly get the F in terms of qualified teachers for the reasons that I have outlined.

We are talking about secure and gun-free schools and trying to make them safe.

We are talking about safe schools.

We are talking about small and orderly class sizes.

We are talking about afterschool programs.

We are talking about strong parental involvement.

And, we are talking about, most of all, accountability for better results.

This is the heart and soul of what we believe is necessary in order to enhance and strengthen the quality of education for children in this country.

These are the various areas of policy that we have to take action on. The existing bill grade is an F.

We have a program that we are prepared to debate and discuss, and to be challenged on. I hope we are going to escape the cliches and the slogans in this debate. We have heard the cliches. We have heard the slogans. We are prepared to deal with the real policy issues and the real policy questions because we believe this is a way that we can really respond to children's needs.

We need a guarantee. We don't need a blank check. We want to make sure the money is going to get to where it is needed and not go to the Governors' pet programs and pet projects in local communities in their States. That is what has been happening. That continues today.

You don't have to get a lot of reports to see what happens when we give Governors a blank check. What happened has been demonstrated in the tobacco bill. We sent money back to the States with the idea that money was going to be used for children in terms of smoking and children's health. We are finding out that it is instead being used to build sidewalks, and cut taxes.

We need to take responsibility for helping our neediest children with our scarce federal resources. The democratic alternative allows us to make a difference for children in this country.

Finally, I want to mention what has been happening in recent times. I heard, with great interest, my friend from Georgia talk about all the challenges we are facing. We understand that every child who goes to school in America today is facing additional complexities and problems than they were facing 2 or 3 years ago or 5 years ago. It is very challenging for a variety of different reasons that we can talk about. But the fact is that there has been some progress made. Primarily it has been made since 1994.

Let me mention the National Association of Educational Progress. Their reports show that there have been significant increases in math scores in the fourth through eighth grades, and reading and math performance among 9-year-olds in high-poverty public schools. Among the lowest achieving, the fourth graders have improved significantly. The achievement gap between blacks and Hispanics and white students has narrowed since 1982. The greatest gains in science were made by black and Hispanic students. Average SAT scores in math and verbal were higher in 1999 than the average for 1983 or 1989.

These improvements came at the same time that the proportion of test takers with native languages other than English have been increasing.

The dropout rates are lower today than in the 1970s and 1980s, and particularly lower for black youth.

In 1972, 21 percent of black youth dropped out of school.

In 1979, the rate was 13 percent. The dropout rate for Hispanics fell from 34 percent to 25 percent during that same period, and from 12 percent to 8 percent for whites.

In 1997, 89 percent of persons age 16 to 24 completed high school or attained a GED.

The number of students taking advanced courses has increased, especially those taking advanced placement courses.

No one is saying that we have this challenge solved. We are not saying that. But what we are saying is, we reject the statement made that our alternative is merely the status quo.

The programs we are talking about are dramatically different. They are innovative. They are responsive. They have a solid record of achievement. We are making some progress.

With this substitute, we believe we will be able to come back in 5 or 6 years and say we have made gains and that we made the right investment for the neediest children in America.

Finally, I want to put in a word for those children who are going to be wiped out under the Republican program—the migrant children, the immigrant children, and homeless children.

I read in the RECORD the other day the report that was given in 1987 when we were considering the McKinney Act. We asked States how many homeless children were being educated in their respective State. We had virtually no response to that particular question.

In March of 1987, the Center for Law and Education sent the questionnaire regarding State practices and policies for homeless students to the chief State school offices in the 50 States and Washington, DC, and received 23 responses. The majority of the respondents had no statewide data on the number of homeless children within their jurisdiction or whether the children were able to go to school. The majority of States had no plan for ensuring that homeless students received an education.

That was prior to the McKinney Act, prior to the time of identifying homeless children, migrant children, and immigrant children.

Now our friends on the other side are saying we don't have to deal with those populations anymore, the Governors will know best.

They didn't up until 1987. They don't today, without these kinds of program. We are going to be back here, if their program is passed, mourning the day that we have essentially abdicated our responsibility to those children in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent, after my presentation, Senator HUTCHINSON follow me. We will rotate. Senator DODD could not stay. He will be allowed to follow Senator HUTCHINSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have had a chance to come to the floor the last couple of days. My colleague from Arkansas has been on the floor, as well. We will go back and forth in this discussion. I support some of what my colleague, Senator KENNEDY, had to say about the differences between the Democrat proposal now on the floor and the Republican proposal. The differences between our alternative proposal and the Republican bill make a huge difference.

I have loved being a Senator. It is quite an honor. I don't think I will ever feel otherwise. I only mean this in the spirit of a twinkle in my eye. Honest to goodness, Washington, DC, and this Congress is the only place I have ever been where people say: Let's hear from the grass roots, the Governors are here.

Governors are not what I know to be grass roots. There could be good Governors, bad Governors, average Governors, but my colleagues have a bit of tunnel vision thinking of Governors as grass roots. Grass roots is community, neighborhood, school district level.

This is a tough point, but it is a point that needs to be made. There is a reason, going back over 30 years, that we as a Congress representing the Federal Government, representing the United States of America, have made it clear we don't just do block granting without some major accountability when it comes to the question of whether or not we are going to invest in poor children in America. That is why we have a migrant children program. That is why we have a program for homeless children. I think this legislation, S. 2, rather than representing a great step forward, and change, is a great leap backwards.

Mr. COVERDELL. Mr. President, will the Senator yield with regard to a unanimous consent about everybody's time?

Mr. WELLSTONE. That will be fine.

Mr. COVERDELL. The Senator from Arkansas has to go to a markup in about 15 minutes. His remarks will take 10 minutes.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the Senator from Arkansas be able to proceed right now. I will be pleased to follow the Senator from Arkansas. I think I might get done, but I will defer to my colleague, not because I think he is right but because I think he is a good Senator.

Mr. COVERDELL. I appreciate very much the comity extended by the Senator from Minnesota.

Mr. HUTCHINSON. Mr. President, I thank my good friend from Minnesota, for his gracious comity, his willingness to afford me this opportunity on the very limited schedule. We are all fighting the schedule. I appreciate that very much.

I thank Senator COVERDELL for his continued management of this legislation.

I have spoken several times on the Educational Opportunities Act, the legislation that the HELP Committee on which I serve and Senator WELLSTONE serves has brought to the floor of the Senate. I will take a few moments to respond to the substitute proposal that has been offered by the Democrats under the leadership of Senator KENNEDY.

Senator KENNEDY stressed that what he is offering is a break from the status quo. He is trying to distance himself from this inevitable and unavoidable label that has been attached to the Democratic approach which is, in fact, the defense of the status quo. While you can run from the label of status quo and try to say no, this is not the status quo, you cannot run from your own words. It was Senator KENNEDY who said we have to stick with the tried and the tested. That is clearly an identification and defense of the existing model, the existing strategy, the existing approach we have used in this country for the last 35 years and one that has brought us to the current situation in American education and a situation that no one can, with a straight face, truly defend.

It is the status quo in the alternative, the option that has been offered. It speaks on behalf of the Washington-based establishment. It throws more money at a broken system rather than focusing upon children. The strategy is to claim the underlying bill is a blank check. It seems pretty clear this strategy is going to bounce.

This substitute amendment before us again presents more of the same programs that have been around for 35 years, a plethora of new programs to try to solve some nationally recognized problems, loads of new bureaucracy and paperwork for teachers and principals. Of the more than 60 programs that are in the substitute amendment—60 programs in the substitute amendment—there is no emphasis upon rewarding States and school districts that do well. There is no emphasis upon sanctioning or punishing those that do poorly.

The bottom line is that is more of the same. That is more of the same approach we have had where, if you fill out the forms correctly and you receive the funding and you spend it in the way that is prescribed by Washington, that is the end of so-called accountability. That is a defense of the old way. We are suggesting the real accountability is in whether kids are learning, whether the performance gap between the advantaged and disadvantaged is narrowing.

The emphasis in this substitute is on the status quo. I will quote in just a moment from an April 13 editorial that appeared in the Wall Street Journal regarding AL GORE's education agenda because I think it is reflected in this substitute.

> So what's left in the Gore teaching plan? Hire more teachers. Smaller class sizes (hire more teachers). Pay more teachers more. Sounds like a textbook definition of more of the same. . . . One of Democratic liberalism's underlying, decades-old premises of using highly controlled federal funds is that Washington's moral intentions always trump those of the untrustworthy states. After 40 years this theory is fairly shopworn, but the core of the Democratic Party will never let go of it.

This substitute is clinging to the shopworn formula of the last 35 years. The idea that Washington's moral intentions trump those of the untrustworthy States is being rejected on this floor and rejected in this country. Democrats keep mentioning that we need to continue our current commitments. This amendment not only will continue to support the status quo, it will continue to add on to the piles of programs created at the Federal level and the piles of paperwork that we require school districts to fill out. That is not the way to help students.

Yesterday, Senator HARKIN, very dramatically—I was watching it—held up a four-page application for class size reduction funds. He emphasized the point that all of this stuff about paperwork from Washington was blown out of proportion, there was nothing all that burdensome, nothing that onerous being placed upon local school administrators because it was only a four-page grant application on the class size reduction from one of his districts there in Iowa.

That might have been what was in the original application. But complying with Federal requirements usually imposes a much larger burden. Lisa Graham Keegan, Superintendent of Public Instruction for the State of Arizona, recently talked about the paperwork burden that Federal programs impose on her State:

> Their end (meaning the grant application sent by the Federal Government) may be five pages—

That is Washington's end—

> but ours certainly isn't. We have to send in a hideous amount of justification. Plus they ask for "assurances" that we will align our state laws, policies, procedures, (thoughts, actions, desires . . .) to the federal program. Home loan applications also start out as one to two pages . . . by the time you are done with justifications, you have killed a forest. Same with federal applications.

That is the point. So Senator HARKIN may hold up a four-page application. This is the 110-page end result of what the States have to do. This is the 1999 IASA Program Data Checklist. There is, in fact, 110 pages in the application. That is much more typical of what ends up having to come back to Washington.

In her home State of Arizona, 45 percent of the staff of her State education department is responsible for managing Federal programs that account for 6 percent of the State's education program. As I pointed out the other day, in Florida, it takes six times as many people to administer Federal education dollars as State dollars—six times as many. So something is wrong.

What the substitute before us would do is create more programs, more paperwork, and reinforce more of the same without any of the focus upon children's academic performance and narrowing the gap that is the focus of the underlying bill.

I know most Members of the Senate want to do what is right for children. I ask them to consider where the focus really is in this substitute. If every school district in Arkansas—there are over 300 of them—applied for this one grant, the result would be over 30,000 pages of paperwork for those 300 school districts, for just one grant.

I know of two teachers in my home State of Arkansas who had to take 1 week out of the classroom to apply for a Federal grant. It is not easy for many small districts in Arkansas to find a person knowledgeable in the intricacies of the Federal grant process to locate funding that originally came out of their own pocketbooks, and there are no requirements in the substitute amendment for improvements in student achievement—no requirements. Instead, they are funding systems, not students, as we have done for 35 years. If we are to change the course of education in this country, it is time to realize that funding must support each and every child, not each and every program.

Senator DASCHLE charged that the underlying bill would replace federal targeting of funds and hand it over to the states to set their own performance criteria. I think this "blank check" strategy breeds contradiction. I am reminded of past bills that are now law where we voted to do just what the underlying bill requires. Let me give an example.

In August, 1998, the Senate HELP Committee—at that time it was the Senate Labor and Human Resources Committee—passed and sent to the floor the Workforce Investment Act—a bipartisan job training bill. Like our existing education system, the nation's job training programs were top-down, Washington-controlled and funded programs infested with bureaucratic red-tape. The WIA gutted the longstanding 1982 Job Training and Partnership Act, JTPA, and handed over years of federally controlled, prescriptive requirements to the states and localities. The States were given the green light by us to create their own plans to administer their own job training—teaching people the skills they need to make a living right on the local level.

I did not hear folks make the claims that this was a "blank check" 2 years ago. Where were they then? How can we have a bipartisan bill that overwhelmingly passed the Senate and handed the bulk of discretion over to States and local boards for teaching people job skills, but we cannot even think of doing the same for education. I will tell you why. It is because the Washington establishment for job training does not have Congress in a head-lock like the education establishment does. That is why.

Theold adage, "you can't teach an old dog new tricks" sure has meaning when the Washington establishment weighs in. Sure enough, creativity and innovative means to education get chucked out the window. I will not allow such unfounded charges that mischaracterize the underlying bill to go unchallenged.

There can be a legitimate debate, and should be, but my constituents overwhelmingly believe local control and local flexibility is a better course for American education.

I am very pleased with the underlying legislation with which the Presiding Officer had so much to do in the drafting, and Chairman JEFFORDS showed such leadership in the committee. It is a bill on which we can stand with pride. I do not want to trade in or exchange the future for the past. That is what this debate is coming down to.

The substitute that is being offered is a return to the past. The underlying bill takes us in a new direction and pioneers new opportunities for American children. The vote on this substitute will be: Do my colleagues want to turn back to the past or do they want to go a new route or new direction for American education—a plethora of new programs or a new way? That is the question before us.

I look forward, as we continue this debate, for the Senate, following the lead of the American people, to say enough is enough; let's chart a new path; let's put trust in those laboratories of democracy in the States that have done such a marvelous job on welfare; let's give them the same opportunities in education. We will look back, as we look back on welfare, in a few years and say we did right by the American people and, more importantly, the children of this country.

I again thank Senator WELLSTONE for his willingness to allow me to precede him. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, it is amazing, I say with a twinkle in my eye. I actually agree with my colleague from Arkansas on one thing: This really is a debate about the future and the past. I just think he has it mixed up as to which bill represents which.

I am looking at the people who are opposed to S. 2. I see the American Association of School Administrators, American Federation of Teachers, Antidefamation League, Council of Great Cities Schools, Leadership Conference on Civil Rights, Mexican American Legal Defense Fund, National Alliance of Black School Educators, National Asian Pacific American Legal Consortium, National Association for the Advancement of Colored People Legal Defense Fund, National Association of Elementary School Principals, National Association of Secondary School Principals, National Parent Teachers Association, National School Board Association.

What occurs to me—and I will try to say it differently than I said yesterday—is what we have is not bureaucratic or some top-down Government program, we have school board members; we have the PTA, parents, elementary school principals; we have high school principals; we have teachers.

One can argue that all these organizations do not represent all of the principals, all of the teachers, all of the school board members, and all of the parents in the country, but, with all due respect, they represent many of them. The reason my colleagues do not have any such support from the parents, the teachers, the school board members, and the principals at the local level is because S. 2 is not connected to what it is people are asking us to do.

I will again talk about what my colleague from Arkansas was talking about, which is past versus future. This is what they have for accountability. This is the sum total of the Republicans' accountability provision:

> The Secretary shall renew the agreement for an additional 5-year term if, at the end of the 5-year term described in subsection (a), or soon after the term is practicable, the State submits the data required under the agreement and (2) the Secretary determines on the basis of the data that the State has made substantial progress—

Whatever in the world that is.

We turn back the clock 35 years. We abandon our commitment to poor children, to vulnerable children. We no longer have the specific commitment to migrant children and homeless children. Then the accountability provision is we wait for 5 years to see what has happened to these kids, and then the Secretary determines, on the basis of the data, whether or not the State has made "substantial progress," which is not defined. This is hardly what I call a very rigorous accountability standard.

My colleague from Arkansas talked about the Workforce Investment Act. I wrote that bill with Senator DEWINE. I know something about that bill. Actually, it is a good example, but my colleague from Arkansas has made the mistake of assuming this was just a crude block grant program. That is not what we passed. It was a good compromise. Yes, we were able to go after some of the duplication and some of the bureaucracy. We also made sure there was a targeting and separate stream of funding for youth programs, for adult training programs, for dislocated worker programs, and I also think for veterans' programs.

When my colleague cites the Workforce Investment Act as an example of what we should be doing, it is precisely the opposite of what the majority party has presented. I will say it one more time, and then I will move on to a couple of other points in the positive. I first have to talk about what I am against, and then I have to talk about what I am for.

I am, as a Senator from the State of Minnesota, in agreement with the principals, school board members, the teachers, and the parents all across the country who oppose this legislation, S. 2, in part because it is an abandonment of the good commitment we made as a nation to our most vulnerable children. That, in and of itself, invites my opposition, and I believe it invites the opposition of most of the people in the country.

Secondly, when I look at the accountability language in S. 2, with all due respect, it is inadequate at best. Frankly, there is nothing there.

Now, my colleague is not on the floor now. Senator BROWNBACK is someone I am working together with on a good bill that is going to be dealing with the trafficking of women and children for the purposes of forcing women and children into prostitution and forced labor. It is an outrage. We are working together. But my colleague and other colleagues have said S. 2 is patterned after the welfare bill. He said: It has been a brilliant success, with the mothers working. And they are happy. People are working and happy.

For 2 years I have been trying to get a policy evaluation of what in fact is happening with the welfare bill. We do not know.

We know this. We have reduced the rolls by 50 percent.

We know this. We have barely reduced the poverty.

We know this. The vast majority of these mothers who are working have jobs barely above the minimum wage.

We know this. Mr. President, 670,000 more American citizens, many of them women and children, no longer have any medical coverage.

We know this. There has been a dramatic decline in food stamp participation.

We know this. The child care situation is dangerous. Many of these 2-year-olds and 3-year-olds, with their single parent working, are at home with someone who really should not be taking care of them or there are inadequate or downright dangerous child care situations.

We know all that. Can someone please give me the evidence for this being a great success?

We also know the Governors in the States are sitting on top of $7 billion of TANF money, while the child care needs of these children—poor children—are not being met.

I have colleagues out here who are telling me that on the basis of what we don't know—and then on the basis of what we do know, which is that it has been really quite brutal what has been happening—we should use the TANF experience as the basis for moving toward this crude block grant approach. It does not make a lot of sense.

As a matter of fact, some of our Governors have actually used the TANF money with a little bit of a budget gimmickry for tax cuts. Some of the States are being called on the carpet.

Would it surprise anybody here that not all this money is going to poor women and poor children? That is the point, colleagues. Please do not bring that piece of legislation out here and say it is a brilliant success and that people are working and happy when there is no empirical evidence to support that at all.

So my first point is, it is a great leap backwards.

My second point is, the accountability provision of the Republican plan is pathetic.

My third point is, when we talk about block granting and patterning it after the welfare bill, the TANF experience, there is not a shred of evidence to support that. Whatever evidence we have would make us very weary of doing so, especially if we are concerned about how poor and vulnerable children might fare.

My fourth point is, the Workforce Investment Act is a great example of a bipartisan approach. I was proud to write that bill with Senator DEWINE. Why didn't we get an elementary and secondary education piece of legislation out here which was bipartisan? We would not have to have any of this debate.

Certainly, with the Workforce Investment Act, we did not abandon the idea that when it comes to certain groups of citizens, we make a commitment, and we do not just go straight to a block grant with no standards, no accountability, and no national priorities.

What will work is our alternative. My colleague from Arkansas took off after the Senator from Massachusetts—in a civil way; it is just a good debate—and said: Clearly, the Senator from Massachusetts, Mr. KENNEDY, is for the status quo because he says we should focus on what works.

Honest to goodness, this is getting pretty nutty. That is what we should do. If we know that good teachers make for good education, we had better, I say to Senator KENNEDY, focus on what works. If we know that smaller class sizes make a real difference, we had better focus on what works. If we know that investing in crumbling schools makes a difference in terms of building the morale of our children, we had better invest in what works. If we know that programs such as the Eisenhower program for math and science, and other professional development programs, lead to good teachers and good teaching, then we had better be investing our resources in this area.

Are my colleagues suggesting that actually we should invest in what we don't know? Are they saying our priorities should reflect what we don't know? Are they saying that because we have an alternative out here which focuses on teacher quality, professional development, a teacher corps to get more teachers in low-income school districts and low-income schools, class size reduction—I am sorry, I forgot parental involvement and investing in dilapidated schools, with some school construction money—all of which are priorities that the people in our States ask us to please focus on, all of which are programs that have a proven record and work, all of which is the direction in which our constituents tell us they want us to go, all of which is about good education for children in our country—that we represent the status quo? If so, I want to be called the "Status Quo Senator."

But I will tell you something. If this is just a cute semantics debate, I would rather be on the side of programs that work. I would rather be on the side of good policy, good public policy, than on the side of turning the clock back 35, 40 years to some crude block grant program where all of a sudden we abandon some key national commitments to the most vulnerable citizens and where we are, frankly, unwilling to make the investment in the very decisive priorities and programs that work and really make a positive difference in children's lives. That, to me, colleagues, is what this debate is all about.

Because my colleague from Wisconsin is out here, I will just take a couple more minutes.

On the parental involvement, I have worked on this. We have been doing some preliminary discussion. One of the things I have worked on is ways in which we can creatively use some of the nongovernmental organizations, community groups that have credibility with parents, to get them more involved. I am excited about that.

As long as we talk about welfare, I promise my colleagues, if this bill is out here for a while, I will have this policy evaluation. I am telling you—I say this to Senator JEFFORDS from Vermont—we have to have some honest policy evaluation of what, in fact, is happening because pretty soon we are going to be pushing everybody off the cliff. By the year 2002 there isn't going to be any of this welfare assistance to any families. Let's know what is going on.

I will have an amendment that deals with counselors—if it is not 100,000, then 50,000 more counselors—in the country. I tell you that we can do a much better job. The ratio is about 1 counselor per 1,000 students. That does not work. We can do a much better job of having an infrastructure of good counselors in our country that can make a real difference for kids, especially kids who are at risk, especially kids who are struggling with mental health problems. It is terribly important.

I will have an amendment that provides some support services for kids who witness violence in their homes. If my wife Sheila were out here on the floor, she would say: PAUL, repeat the statistic again that every 13 seconds a woman is battered in her home. Home should be a safe place. These children see it. They come to school. They have not slept through the night. They are depressed. They act out. They are really struggling.

I say to some of the pages, you can imagine what it would be like. I pray it never happens to you. We need to get some support services to those students.

I have several amendments that deal with the dicey and tricky question about whether or not we are just going to have standardized tests that hold kids back, as young as age 8, or whether or not we are going to: A, make sure these children have the same opportunities to succeed and pass these tests; B, to take into account learning disabilities or limited English proficiency before we start flunking 8-year-olds in the country; and, C, whether or not we are going to take into account the fact that everybody who works in this field says it is an abuse to rely just on one single standardized test.

Then finally, also, I am going to have an amendment that deals with urban education, Ed-plus, which is the counterpart to the rural education initiative, all of which I am for. But we want to make sure—this is what the Democratic alternative includes in it—this recognizes the challenge facing urban schools and enables the urban schools to build on some of these programs with more resources. We need to do that.

Mr. President, I conclude with what I think, frankly, is the strongest part of my presentation. This is the accountability provision of S. 2. Wait 5 years and then the Secretary determines, on the basis of the data, that the State has made substantial progress. Substantial progress is not even defined. We do a lot better.

Mr. President, the cargo in those yellow school buses is much more precious than all the gold in Fort Knox. We can do better. We can do much better for our children, and our alternative does better for our children.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator DODD is to be recognized at this time.

Mr. FEINGOLD. Mr. President, Senator DODD is not present. I ask unanimous consent that I be recognized at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, following Senator WELLSTONE's excellent remarks on education, I want to speak on the bill before us. I rise to add my thoughts to this important debate about the future of the Federal role in the education of America's children.

The Elementary and Secondary Education Act has shaped the Federal role in public elementary and secondary education for 35 years. Yesterday, we began the debate on a new 5-year reauthorization of this vital set of programs. This debate will also set the tone for the Federal role in education for the next 5 years and beyond.

The legislation that this Congress passes this year will affect today's first graders well into their middle school years, and will carry today's eighth graders through to their high school commencements.

We hold the future in our hands, Mr. President. It is our responsibility to find the right balance between local control and Federal targeting and accountability guidelines for the federal dollars that are so crucial to local school districts throughout the United States.

Ninety percent of American children attend public schools. During the 1998–1999 school year, the most recent year for which statistics are available, more than 879,000 young people in my home State of Wisconsin were enrolled in public education, from pre-school through grade twelve. I am a graduate of the Wisconsin public schools, and my children have also attended them.

Mr. President, just a few short years ago the members of the other body considered eliminating the federal Department of Education all together. Some tried to evoke the specter of a federal takeover of one of the basic responsibilities of local governments—the education of our children. But those voices have faded in recent years as the Department of Education, under the dedicated leadership of Secretary Richard Riley, has regained the confidence of the American people and dispelled the charge that it was out to usurp the authority of the local school districts and the states.

I am deeply concerned by the persistent calls by some in Congress and elsewhere for a drastically limited federal involvement in our children's education. While I strongly support maintaining local control over decisions affecting our children's day-to-day classroom experiences, I am concerned about the lack of appropriated targeting of funds and accountability for results in the bill that is currently before the Senate.

Mr. President, the legislation before us today has generated vigorous debate in my home state of Wisconsin. I have heard from parents, teachers, school board members, school administrators, school counselors and social workers, state officials, and other interested observers. And there is one central theme in their comments: The United States Congress must not undermine the targeting and accountability measures that currently exist at the Federal level. These provisions are paramount to ensuring that no students are left behind and that all schools perform up to the standards set by the states and by local school districts.

I have also heard from a number of my constituents that this Congress should do nothing that would undermine all the good that the federal government's support has helped the states and local school districts achieve in public education over the last several years, in areas including smaller class sizes, technology education, standards-based reform, and accountability for results.

The education community in my state is also deeply concerned—and I share this concern—about provisions in this legislation that would shift scarce Federal dollars away from the public schools they are intended to support.

I fear that this disturbing trend toward block granting and vouchers will further widen the educational divide in which too many of our students are caught. We need to focus our scarce resources on rebuilding and reforming our public schools, not on tearing them down.

I worry that this block grant and voucher-driven weeding-out process will leave behind the most vulnerable students—those from low-income families, those with special needs, those at-risk for dropping out, and those with behavioral problems—those very students that title I was created to help. We cannot and must not abandon our most at-risk students in dilapidated schools with outdated textbooks and few resources. We can and must do better for all of our children. The answer is not to funnel scarce resources away from the public school systems that have served this country so well for so long.

And those who think vouchers will lead to real school choice are sadly mistaken. Private schools are already full to capacity and many have extensive waiting lists. We cannot simply shift students from public schools to private schools and think that all of the problems will magically disappear.

Mr. President, we will hear a lot of terms batted back and forth during this debate.—Accountability. Flexibility. Targeting. Parental involvement. Class size. Construction and maintenance. Teacher quality. Professional development. After-school programs. Education technology. School choice. School reform.—These concepts are at the heart of this debate. The question lies in how these terms are defined. I sincerely hope that the members of this body will be able to leave behind the partisan rancor that unfortunately pervaded the Health, Education, Labor, and Pensions Committee's consideration of this bill and come together to do what is best for all of our Nation's children.

I would like to take this opportunity to discuss some of my own priorities—and those of my constituents—for this important piece of legislation: class size, targeting, professional development, music and the arts, and the impact of this bill on preparation for post-secondary education and entrance into the job market.

I regret that this bill as reported by the HELP Committee does not contain the authorization for the funds necessary to implement the third year of the President's initiative to reduce class size in the earliest grades. And I particularly regret that this commonsense proposal was defeated in committee on a straight party-line vote.

My home State of Wisconsin is a leader in the effort to reduce class size in kindergarten through third grade. The Student Achievement Guarantee in Education program is a statewide effort to reduce class size in kindergarten through third grade to 15 students.

The SAGE program began during the 1996–1997 school year with 30 participating schools in 21 school districts. Now in the program's fourth year, there are 78 participating schools in 46 school districts.

According to the recently-released program evaluation for the 1998–1999 school year, conducted by the SAGE Evaluation Team at the University of Wisconsin—Milwaukee:

First grade students in SAGE classrooms statistically outperformed their peers in comparison schools in language arts, math, and total scores on the post-tests administered in May of 1999. And twenty-nine of the thirty top-performing classrooms for which two years of data were available are SAGE classrooms.

Case studies conducted at three SAGE schools during the 1998–1999 school year found that, "individualization is made possible because having fewer students enables teachers to know students better, it reduces the need for teachers to discipline students, which results in more time for instruction, and it increases teacher enthusiasm for teaching."

The case study also found that: "A product of individualization in reduced size classes in addition to academic development is student independence, thinking, and responsibility."

The results speak for themselves, Mr. President. Smaller classes translate to better instruction and better achievement.

I will support efforts to include this important program in this bill.

As I noted earlier, one of the things that my constituents have repeatedly told me is that the targeting mechanisms that ensure that vital federal dollars reach those students who need them most are a crucial part of any ESEA reauthorization. Time and time again, my constituents have expressed opposition to any effort to block grant title I and other programs under ESEA.

Title I pays for supplementary educational services for economically disadvantaged students, and those funds are targeted to the schools with the highest concentrations of eligible students. During the current school year, local school districts in my home State of Wisconsin will receive more than $125 million in title I funding. According to the Department of Education, ninety-five percent of the nation's highest-poverty schools receive this vital title I funding.

I am deeply concerned about the so-called "portability" provisions in this bill, which would allow ten states and twenty local education agencies in other states to distribute their Title I money on a per-pupil basis rather than to the schools with the greatest need. This funding formula would allow parents to choose to use their child's share of these "portable grants" for supplementary services at their public school or for private tutoring services, which could be provided by private or religious schools.

This formula will all but ensure that those schools with the highest concentration of poor children in the ten states and twenty districts using the portable grants will no longer be able to count on this crucial Title I support.

And this provision also raises serious constitutional questions about the use of public funds for tutoring provided by non-public sources.

In addition, there is no clear way to determine accountability for the success of those children whose parents opt for non-public tutoring services.

I will support efforts to eliminate the portability language and ensure that Title I funding continues to be targeted to the schools with the highest concentrations of low-income students.

I have also heard a great deal about the importance of federal dollars for professional development for teachers, administrators, principals, and school counselors and social workers. We must do everything we can to ensure that teachers and other school professionals have access to the resources they need to continue their professional development. We often hear people say that we should encourage our children to become "lifetime learners." We must also ensure that those who educate our children have access to quality professional development programs that enhance their effectiveness and give them access to the latest methods in teaching, administration, and counseling.

In that same regard, we must ensure that our children have the opportunity to receive a well-rounded education that is both academically challenging and rich in opportunities to study music and the arts. I am deeply concerned that many school systems around the country have decided to eliminate, or to severely scale back, their arts education programs. Research has shown that arts education can help students to become better learners in all subject areas.

The arts given students the opportunity to express themselves in ways that are distinct from those provided by the academic subjects. Students learn valuable lessons including cooperation, hard work, dedication, and the desire to strive for excellence—lessons that will help them in other areas of their education and in other aspects of their lives.

We must do all we can to prevent local school systems from having to choose between maintaining the arts as a vital part of their curriculum or building a new science lab. Both are important for our students, and one should not have to be sacrificed to have the other.

Finally, Mr. President, we must ensure that high school graduates have the skills they need to be successful adults, whether they choose to go on to college, technical school, the military, or into the job market.

I am pleased that the HELP Committee adopted an amendment offered by the Senator from New Mexico, Mr. BINGAMAN, which authorizes additional funding to expand a very successful existing program which increases access to Advanced Placement classes and exams. It is extremely important that we continue to strive to give all students, regardless of their economic status, access to these challenging academic courses.

And it is important that the Congress also help to provide the financial assistance that so many students need to continue their education. For that reason, I will continue my efforts, along with the Senator from Massachusetts, Mr. KENNEDY, and others, to increase the individual maximum Pell Grant award by $400.

Mr. President, I wish to again remind my colleagues that this bill currently before us will affect 90 percent of the school-aged children in this country. While many of them have never even heard of the Elementary and Secondary Education Act of 1965, they will feel the impact of its pending reauthorization in their classrooms beginning next fall. I welcome this important debate. I hope that we can produce a truly bipartisan bill that will provide the financial assistance that our children deserve and the appropriate targeting and accountability measures that our states and local school districts continue to call for. And I hope we will do this without creating a system of block grants and back-door vouchers that will leave our most vulnerable children behind.

I thank the chair. I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order of recognition be Senator GORTON, followed by Senator DODD and Senator ASHCROFT, and then Senator HARKIN.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, may we amend that for this side? The order on this side would be Senators DODD, KERRY, SCHUMER, HARKIN, and DORGAN.

Mr. JEFFORDS. We are trying to alternate.

Mrs. MURRAY. We will alternate, obviously, between the sides. But that will be the Democratic speakers.

Mr. JEFFORDS. That is fine.

Mrs. MURRAY. The order on the Democratic side, obviously alternating with the Republican side, would be Senators DODD, KERRY, SCHUMER, HARKIN, and DORGAN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. With the understanding that we will be intersecting in between with a Republican as announced.

The PRESIDING OFFICER. The Chair's understanding is that the speakers will alternate starting with Senator GORTON in the order listed.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, this has been already a remarkably substantive debate, with, I think, a clear delineation of education philosophies on each side.

The nature of the debate and the degree of heat that accompanies it has, I think, obscured one overwhelmingly important factor; that is, without exception, the Members on either side of the aisle have genuinely desired to improve the education system of the United States and desire a Federal participation that enhances that growth and that improvement. This, of course, is a wonderful characteristic of the debate where we are debating means and not ends.

As well, I hope, before the debate has concluded next week, or whenever we complete it, there will have been a reaching across the aisle that divides the two parties on proposals that do not unite everyone on both sides but at least will unite a sufficient number of Republicans and Democrats so that the last vote we take will be a vote on final passage of an education-related bill that can take the next step toward reaching the goals in which all Members join. That is not to underestimate the differences between us.

I found the statement made by the Senator from Wisconsin to be particularly eloquent, even as I disagreed with almost all of its particulars. If I may be permitted to do so, I think I characterize the difference as being a difference which relates primarily to our degree of trust and confidence in men and women for whom education is both a profession and an avocation, men and women who spend their lives as educators, as teachers, as principals, and superintendents.

This debate also expresses a difference with respect to our trust and confidence in parents to seek the best possible education for their children, and in those men and women who share with Members of the Senate the willingness to suffer the slings and arrows of political campaigns often hotly contested but, in their case, running for membership on school boards across the United States, most of whom, unlike us, are not compensated or paid for the job they undertake.

The real difference—and it is a difference—illustrated by the relatively narrow two amendments before the Senate at the present time, one relating to Straight A's and the Democratic alternative, is the degree of trust and confidence we have in allowing those decisions to be made by people who know the names of the children they teach.

The Senator from Wisconsin has set out in detail his priorities, the clear implication being in every single case that if we don't set these requirements, the arts will be overlooked, underprivileged children will be overlooked, teacher training will be overlooked; that some amorphous blank check somehow or another will not be used for primary education purposes.

I find it difficult to understand this kind of difference. After all, the men and women who are voters in the United States, who voted for us, are the same voters who vote for these elected school board members who, in turn, employ the professionals in education. Why is it they elect Senators who are sensitive to all of these needs and school board members who are not?

One of the two subjects before the Senate now is Straight A's. It isn't the Straight A's that I started out with, by any stretch of the imagination, either when I introduced it under that name more than a year ago or when its precursor was voted on in this body some 3 years ago. It is, among other things, only an experiment limited to 15 of the 50 States in the United States of America. But for those 15 States, it says essentially, we trust you. We trust the education authorities in each one of these 15 States not only to use the money as wisely as we do in our categorical aid programs but more wisely.

However, in spite of the use of the phrase "blank check," the check by no means is blank because in order to take advantage of Straight A's, in order to be one of these 15 States, the State must set up a testing system, an achievement system that measures how well its students are doing, must propose and sign a contract that the achievement level will rise as a result of their being allowed to use this experiment and that they risk losing this additional authority and trust if they do not meet the commitments they make in that original contract.

Mr. KERRY. Will the Senator yield for a few questions to explore what the Senator has just said?

Mr. GORTON. For a brief period, yes. I do want to finish my remarks, but go ahead.

Mr. KERRY. I thank the Senator, and I will not be too long.

We have come here for several years in a row with this impasse. The Senator from Washington and I have met privately trying to have a discussion about how we could find a meeting of the minds. I certainly don't question his desire to have kids in the United States educated.

Obviously, there is a difference between us, as he has said, in our confidence in what may occur. As the Senator from Washington knows, when title I began back in 1965, for instance, it was a block grant. Indeed, in Memphis, TN, moneys were used to pay for swimming pools. In Oxford, MS, moneys were used for cheerleading uniforms. In Macon County, AL, moneys were used for football uniforms. In Attala County, MS, two lagoons for sewage disposal were constructed with title I money.

The record of States not choosing to reduce class size or have afterschool programs or improve teacher quality is already there.

The question I ask the Senator, If everyone on his side is so willing to pass this bill with the notion there is a level of accountability that they will put in place for improving education, why would they not be willing to adopt a series of areas which we could all agree on to represent the top priorities in America for education, such as getting better teachers, improving teacher quality, having afterschool programs? Isn't it possible to agree on a broad categorization that does not tell local districts how to do it, doesn't tie their hands to one particular choice, but gives them a sufficient range of options? At least we know the Federal dollar will not be subject to the kind of abuse it was once subjected.

Mr. GORTON. The Senator from Massachusetts could not have asked a better question. He does remind me of the fact that he and I, with a number of other Senators in both parties, have had, over the course of last 2 or 3 years, a number of meetings in private to discuss whether or not we could reach just such an agreement.

We haven't reached it yet. That is obvious from our place on the floor of the Senate at this point. As I think he knows, negotiations involving at least some Republicans and some Democrats with that goal in mind continue at the present time.

I think it is the nature of our common humanity that we don't usually reach agreements on controversial issues until we are at the point of having to make final votes on these issues. I have every hope that we can.

In connection with the two proposals on the floor today, however, they state our dramatically opposing philosophies. My answer to the specifics of the question asked by the Senator from Massachusetts is very simple. He, it seems to me, is examining a beetle stuck in amber, a fossil from 35 years ago, with five examples out of 17,000 school districts today that he believes did not use money properly when they could use it as they desired.

But we have had 35 years of experience since then, with increased Federal controls, increased Federal mandates, increased numbers of forms to be filled out. And they have not succeeded, in title I, in reducing the disparity between underprivileged students and the common run of students who do not fall into that category. Yet we see the proposal on which we will vote later this afternoon, that side of the aisle saying the problem is not that we have too many rules, we have too few, and, where we had 100 pages of regulations, we need 200 pages of regulations.

While we can all say we wish for our schools better teachers, more teachers, more computers, and a number of other items, what we see in a proposal of categorical aid is each school district needs so many more teachers, each school district needs so many more teacher training programs, each district needs so many more hours of art instruction, for example, rather than saying within these broad categories each school district ought to be able to decide the balance among each of those primary needs.

We also see, obviously, that there should be some form of accountability. We believe we have the ultimate form of accountability, that in Straight A's, in that portion of this bill at least, we say the bottom line is: How well educated are your students after they finish this program? Is there an objective measurement of their educational achievement? Has that improved? That seems to me to be a policy accountability against the process accountability we have required, increasingly, in the course of the last several years.

Mr. KERRY. Mr. President, I appreciate the answer.

I do not want to abuse the time because I know my colleagues are lined up to speak, but if I may ask further, I hear what the Senator is saying, but the examples I chose are examples of when it was a block grant. We changed the block grant precisely in order to obviate those kinds of examples. Bringing it to modern times, I know the Senator will agree with me that everyone in the Senate is not debating education because it is a nonissue in America.

No one would suggest that every Governor in this country is doing as well as some other Governors in the country. No one would suggest—I am not going to name States here—there are not some States that are light years behind other States in what they are willing to adopt.

So even measured against the modern system, I agree with the Senator from Washington. Let's tear apart some of the bureaucracy. Let's rip away some of the layers and tiers, let's minimize the paperwork. But let's guarantee we are working together in a more genuine fashion. The fact that we have bills on the floor that are, frankly, as far apart—this is the first time in the eight times this bill has been to the floor that there is as little bipartisan effort at this stage as there is this year, a time when education is far more important than it has ever been in the history of the country.

So I ask my colleague if it is not possible, if we somehow cannot find a more reasonable middle ground where we achieve goals of both sides which are essentially to provide the best opportunities for our kids.

It seems to me, when you are looking at a 5-year period before you, in effect, measure what is happening, I am constrained to ask the Senator how that 5-year period helps a kid who goes into that foundational stage of education, or even a high school student? You go into freshman year and you are gone from high school before anybody has evaluated the program at the Federal level to make a judgment whether or not the Federal dollar is being well spent.

Surely the accountability mechanism in the Democratic alternative cannot be that unappealing to those on the other side who want to give local administrators power but at the same time be more responsible for the Federal dollar. I wonder why it is, in fact, so unacceptable, measured against a 5-year block of time where nothing takes place.

Mr. GORTON. I repeat the first half of my answer to the Senator from Massachusetts. I believe there are efforts—I hope he is a part of those efforts; I can assure him this Senator is—to reach just such an agreement in which each side would accommodate to some of the highest priorities of the other side, whether they are substantive or procedural with respect to accountability.

But I think the reason the differences are so great as against what they were 5 years ago, or 10 years ago, is that, if I may say so, on this side of the aisle there is a greater recognition that we are on a dead-end street, that 35 years of the kind of programs with increasing rules and regulations that have led us to this point simply have not worked. There is a greater disposition over here to say, at least in some States we ought to allow people to do something radically different from what they have before them.

The Senator from Massachusetts is 100-percent correct. Some States are far ahead of others, even with the degree to which their hands are tied by present Federal regulations. My profound fear is, if we allow even more differentiation, the next time we come to renew this act, we will have a far better understanding of what works in the real world and what does not work in the real world.

What I wanted to say, not only in connection with Straight A's but in connection with title I portability, in connection with the Teachers' Empowerment Act, in connection with the Performance Partnership Act that comes to us from the Governors, that is a part of this bill, and of course in connection with Straight A's, none of these experiments, or these changes of direction, is mandated on any State of the 50 States in the United States of America. Any State education authority, any State legislature that does believe it is making more progress or will make more progress with essentially the present system—tweaked a little bit—is completely free to do so. Only 15 States can take Straight A's. I think at present only 10 States can take title I portability, plus a few other school districts.

Mr. KERRY. Mr. President, I will have more to say. I thank the Senator for interrupting his remarks. My colleague has been waiting a long time. My only comment is that Ed-Flex was passed. It allows radical departures. And very few Governors have even taken advantage of the Ed-Flex that we passed. We need to look at the reality of what is happening. I thank the Senator very much for his engaging in this dialog and thank my other colleagues for their patience.

Mr. GORTON. I appreciate the comments of the Senator from Massachusetts. I do think they lent clarity to the debate in which we are engaged at the present time. I am fairly close to the conclusion of my remarks.

Again, it is essential for both Members and the public to understand that we are not mandating a change in the Federal system. We are enabling a change in the Federal system. We are enabling a combination of three or four or five changes in the Federal system. If I find any proposition difficult to understand, it is the proposition that somehow or another we know so much more about the subject than do the Governors and legislators of the various States, the elected school board members, and the full-time school authorities in 50 States and 17,000 school districts across the United States of America.

It is true that the virtue of humility is more highly praised than practiced. No place is that more true than it is here in the Senate. But it does seem to me that a little bit of humility about these education policies is very much in order here, a little bit more trust and confidence reposed in the people who devote their entire lives to this field of education—something that we do not.

The comments of the Senator from Massachusetts were very well placed and very thoughtfully stated. By the time we reach the end of this debate, I hope we will be in a position that we simply will not have all members of one party voting one way and all the members of the other party voting the other way. I hold that to be a very real possibility.

In the meantime, it is vitally important to make clear the distinction between those with all the eloquence of the previous speaker from Wisconsin whose goals I totally share but whose means I do not share at all, who sets out what he thinks are priorities the Congress is better able to set, not in general terms but in very specific terms, for every school district across America.

Our view is that we seek a better educated populace in the 21st century, children better prepared to deal with the marvelously complex challenges of that century by allowing our schools the greater right to innovate, a greater right to meet these challenges than we grant them at the present time.

The current manager of the bill and I represent the same State. While we disagree on these issues, we agree on the wonderful innovative things going on in the State of Washington at the present time. I simply wish to grant more scope to that innovation. I hope my State will be among the 15 because I trust the educators in my State and school board members in my State to make the right decisions about their children and about their schools.

I must say, I have no less confidence than the people who hold those positions in the State of the Presiding Officer across my eastern borders, or, in that case, the State of Massachusetts represented by my good friend. There at least is the debate. For tomorrow, I hope we have a greater degree of accommodation which does and must retain this degree of added authority, added trust, and added confidence in our school authorities.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I see a number of my colleagues. I know time is running along before the first vote will occur. I will try to move along and not delay my remarks or be repetitive.

Unfortunately, there are some significant distinctions between the alternative and what is being proposed in S. 2. I always think it is worthwhile to lay some basic facts before our colleagues, which I have done in the past, but I believe it deserves repeating.

Fifty-three million children every day go to an elementary school or high school in America. About 48 or 49 million of the 53 million walk through the doors of public schools in all 50 States and territories of the United States; about 4 to 5 million go to a nonpublic school in America. Our principal responsibility is how do we improve the quality of public education in the United States.

We spend less than one-half of 1 percent of the entire Federal budget on elementary and secondary education. I expect that comes somewhat as a surprise to the majority of Americans that we spend even less on the education of 90 to 95 percent of all children in the United States than we do on foreign aid, and more speeches are given on education on a weekly basis than any other subject matter. Most of those speeches begin with how nothing is more important to the well-being and future of our Nation than the education of our children. Yet less than one-half of 1 percent of the entire Federal budget is spent on improving the quality of education for America's children. The rest of the education money comes from our local communities and States.

We are not much of a partner when it comes to the education of America's children. I do not think the question is whether we are doing too much. I happen to subscribe to the notion we are not doing much at all. Of the entire education budget, the Federal government provides 7 percent—a little less—of the total dollars spent on education. Ninety-three percent comes from our States and communities. We are involved with 7 percent of that education budget, less than one-half of 1 percent of the entire Federal budget of the United States.

We really do not do much for education. We decided 35 years ago that it would make sense to at least try to do something about the poorer schools in America. Why? Simply, we came to the realization that on a State-by-State basis, there was not a great allocation of resources to the poorest schools, both urban and rural. In fact, States were spending about 60 cents, 63 cents on poor children. With our 7 cents on the dollar, we spend about $4.50 on poor children as opposed to the Governors across the country.

We tried to target these resources to those areas, a rifle shot into the areas we thought might do the most good to make a difference. It has been said over and over this afternoon that, in 1965, they began with the idea of turning over a bunch of money—basically a block grant to the States—and said: Get this money back to those poor communities.

As my colleagues just heard from our colleague from Massachusetts and others, the track record of what happened to those dollars was abysmal, it was embarrassing, it was scandalous. Money that was supposed to go to these poorer schools to improve the quality of education went, in case after case, to anything but that. So we decided collectively—again not in any partisan way—that we ought to come up with a better idea of getting the resources into these tough nonperforming schools in rural America and urban America.

We began the process targeting dollars. That is where we are today. What is the difference between what has been offered by the distinguished minority leader, Senator DASCHLE, and others and what is the underlying bill?

First and foremost is this notion of block grants. It is a big difference, unfortunately. I wish it were not. I wish we could work out some differences, but apparently that is not possible, despite efforts over weeks and weeks to iron out the differences.

What is the difference? A block grant is turning a large sum of money over to the Governors, which is what the underlying bill does, with the hopes the Governors are then going to transfer those resources to the local communities.

We, on the other hand, think that we are better off targeting those dollars directly back to the local community. Why? We happen to know—my good friend from Missouri is a former Governor—too often when the political debates occur in the State legislatures, it is hard. Sometimes the poorest areas do not have the political muscle to get the necessary resources. It is basically a revenue sharing program. They fight over scarce dollars even at the State level. They end up not doing what I know my colleagues who advocate block grants want to happen.

The fact is, in too many States, those dollars end up going off in different directions. As a result, we do not have any accountability. We are the ones who said you do it at the State level, you identify the needs, you come up with a plan, and at the end of 5 years, we will determine whether or not, based on your criteria, you have done it. That is hardly what I call a tough accountability standard when it comes to tracking the 7 cents on the dollar that we are providing for elementary and secondary education.

We came up with an alternative to S. 2, the underlying bill. Who opposes the underlying bill? We do, the Senator from Massachusetts, myself, and the Senator from Washington, but that is not terribly relevant. Also opposing it is the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Parent-Teachers Association, and the National School Board Association.

Who do my colleagues think these people are? Put aside the teachers' unions everybody gets fired up about. What about the locally elected school boards? Does anyone think they know anything about education?

Are they blind to all of this? Are parent-teacher associations some little special interest groups off in a corner that are trying to squeeze out some dollars for themselves? These are the people we represent. These principals, these school boards, these PTAs, they are saying this underlying bill is a bad idea. We are just giving voice to their concerns, identifying what they have said are the reasons to oppose this, and finding the common ground that will allow us to develop a program. We try to do this with the alternative which we will vote on shortly. It will get these scarce dollars to the areas that need them the most.

In a sense, what we are doing with S. 2 is walking away from the partnership, as limited a partnership as it is, with the scarce dollars we provide. We are now going to walk away from that. We are saying to these local communities: You do not know what you are talking about, the things you told us that you thought would work that we tried to incorporate.

Our good friends on the other side of the aisle are saying: Those school board members, those PTA members, those school principals, they do not know what they are talking about. We know best. I respectfully suggest that is a certain sort of arrogance.

Our bill requires and depends upon what we are getting from the local officials who know what they are taking about and have asked us to approach this problem in the way we have offered here today.

Under the plan offered by our colleagues on the other side, as I mentioned a moment ago, the Governors would identify "educational priorities"—that is a quote from the bill—and over the next 5 years spend Federal funds on those "priorities" without any accountability for results. We go 5 years? And then we get some sort of accountability back?

Governors would also be able to reallocate dollars. There would be no targeting of resources. This is ludicrous. Given what we know from the General Accounting Office, States provide an additional 63 cents, I mentioned earlier, for each poor student. That is the history—63 cents for every poor child in the State. The Federal Government provides $4.70 or more. So we block grant a lot of what we are talking about here. Again, given the track record of our States in reaching these poor communities, it does not happen.

Block grants also weaken the focus on key areas of national priorities and obligations. Does anyone really think—we have all been around politics long enough. How vibrant a constituency do you think homeless children are? Tell me about the lawyers they hire. What political action committee do homeless or migrant children have? Does anyone know of a political action committee that raises money for homeless kids or migrant kids or title I kids? I do not know of any. Yet we are saying we are going to block grant these dollars for migrant children and homeless children, and we will leave it there in the State capitals. And don't worry, it is going to get to them. There is no track record of that at all. In fact, the track record tells us a completely different story. The track record says it does not get to them.

If we truly care about what our mayors and our school boards and our PTAs are saying in these communities where these kids live, they have asked us to follow a pattern that allows these dollars to go directly to them. This shouldn't be any great revelation.

I do not claim any one State is necessarily better than another. The fact is, if you are a homeless kid or a migrant kid or a poor kid or a title I kid, the likelihood that you are going to end up getting your share of the $1 is pretty small. We recognize that here. The school boards recognize it. The PTAs recognize it. That is why they oppose what is in S. 2.

Don't believe me. Don't believe my colleagues who have stood up and argued for this. Listen to the voices of the people who come from your States. It is the PTAs and the school boards that are saying: Get this money directly back to us.

Our bill acknowledges and supports key national priorities and priorities for parents. We know our involvement is limited; as I said, 7 cents out of a dollar that is spent on education. But we try to leverage those dollars to national needs. So our 7 cents actually, in many cases, leverages a bit more of local or State dollars in these areas.

National priorities: We do not make up the list of national priorities. This was not somehow drafted in a back room here or in the Democratic National Committee or the office of the minority leader.

Class size, school infrastructure, educational technology: go back to any community you reside in in America and ask whether or not those are important issues. You will hear your constituents say that they are. For the millions of kids who go to public school every day, the teachers will tell you, particularly in serving disadvantaged kids where these problems are huge, that class size, technology and the key issues.

I have often cited to my colleagues in my home State of Connecticut—we are a small State. I look around the room. There are a lot bigger States geographically represented here. Our State is 110 miles by 60 miles. San Diego County is bigger than my State graphically. We are also the most affluent State in the United States on a per capita income basis. I could take you to communities in my State that are just amazing in terms of what my local communities provide for in terms of an educational opportunity for children. Public schools, almost compete with college campuses in terms of language labs, computers, and the like.

I know of one such community that ought to be a model for what every public high school ought to look like in America. In 16 minutes or less, I can drive you from that school to an inner-city school in Bridgeport, CT, Fairfield County—for those familiar with my State, they know Fairfield County is a very affluent corner of my State. But in 16 minutes, I can take you from that school to a school where there are about four computers for the entire student body, cops on every corner, and teachers that have 20, 25, 30 students in a classroom.

So I have two constituents—high school students—living 16 minutes apart from each other with hugely varied educational opportunities, and my State does a pretty good job.

We provide the exact same salaries for teachers who teach in Bridgeport or some other area. But there is a great disparity. We wrestle with that in my State.

What we are saying with this bill, or trying to say, is that back in that community—I am not going to be able to make it absolutely equal, but I would like to get some resources into that school.

You have to trust your good Governors. The Governor of my State and I are friends, who are in different parties. I like John, and my State legislature. But too often I know what happens. When it comes down to my inner cities, they just do not do quite as well. Those homeless and migrant kids, those poor kids, do not have the clout, and, too often, they do not get the resources.

So what we are saying with our alternative is we want to get those resources back into those communities to leverage those dollars.

Let me just briefly touch on teachers, if I can, and then wrap up. There are a lot of other areas to talk about. I know my colleagues want to talk about them.

Teachers are critical, we all know that, for success in schools. I come from a family of teachers. My father's three sisters taught for 40 years apiece in the public schools of Connecticut, one of them a Fulbright scholar. My own sister has taught for almost 30 years, teaching in the largest inner-city elementary school in my State—Fox Elementary School. My brother was a professor at the university level. I hear from him.

Teacher quality is critical. I think all of us agree on that. There is no debate about the importance of teacher quality. But consider, if you will, what these two proposals provide. I have already explained the difference in the block grants and how to get direct funding back into our communities in a targeted way. Let me just point out the difference on teacher quality programs in these two proposals that are before us.

The Democratic alternative which has been offered, provides $2 billion to help schools recruit and retain high-quality teachers and includes an accountability provision to make sure all teachers are fully qualified.

Specifically, we require States to have a qualified teacher in every classroom by the fourth year after enactment of this bill—a specific requirement, an accountability standard. We will be able to see whether or not we have achieved it. The alternative that we propose would guarantee that communities receive substantial funds to recruit qualified teachers, provide qualified mentors for new teachers, provide professional development for teachers, and hold schools accountable for the results in that area.

We currently spend $330 million on professional development. The Republican proposal to the alternative ignores this and only requires a portion of the $330 million be spent on these activities. If you want to have teacher quality, you have to invest in it. It does not happen miraculously. Our bill takes funds directly to $2 billion.

Under the committee proposal, you cut back on the $330 million we already have, and provide only a portion of those dollars to go for teacher quality. To contrast our proposal with the underlying plan in S. 2, they block grant all of the funds for teacher quality. And then on top of that, it block grants the block grant by making it subject to the Straight A's—a block grant on top of a block grant for teacher quality. Again, you are going to write a check for the Governors and you are going to say to get teacher quality up in these areas. We all know what happens. Too often, those dollars don't end up going where they ought to go in these communities—targeted dollars, focusing on teacher recruitment and professional development or a block grant on a block grant for teacher quality.

We say you have to have a school with qualified teachers in each classroom in the fourth year of this bill. There is nothing in S. 2 requiring that at all—nothing. How do you get accountability following a block grant on a block grant? Where do I go to get the answer for that?

The amendment we are proposing—the substitute—offers real accountability. Our bill requires States to adopt tough accountability standards for all schools—one system, not separate systems. The underlying bill says you have accountability standards for title I schools and another accountability standard for non-title I schools. That is a nightmare. Talk about creating some inherent discrimination in the process where you have accountability standards for one set of schools and then a separate one for others. That doesn't make sense. Our bill requires States to adopt tough accountability standards. If all children are going to learn to high standards, as required, then let's subject all schools to the same high expectations.

We also call for a real step toward accountability requiring school report cards. This will give the public and parents the information they need to hold schools accountable. Where those schools fail, we send in a new staff, new people to operate them at the first opportunity. If that doesn't work, we create charter schools, and if that doesn't work, we shut them down. What does S. 2 do? S. 2 says at the end of 5 years you have to sort of report back to us and let us know whether or not the schools have met the State standard and what they consider to be a high degree of performance. Under the Republican proposal, you wait 5 years for accountability. I don't know how, with a straight face, you call that accountability. That is not what the American public expects with accountability. They want a higher standard than that.

Lastly, our amendment responds to calls made by parents for help after school. The provision in this bill that calls for the 21st century learning community centers started out as a $1 million program 5 or 6 years ago. As a result of demand from our school districts, that program has gone to a $500 million afterschool program in 5 years.

Our proposal has schools working with community-based organizations, such as the Boys and Girls Clubs and other organizations, to develop an afterschool program for an additional 2.5 million kids in this country. Five million children every day, right about at this time—on the east coast at least—parents go through the anxiety of wondering where their kids are. Ask a local police chief what hours they worry the most about where kids are involved, and they will tell you between 2:30 and 6:30 in the afternoon, not after 11 o'clock at night. This is the dangerous period.

We have an afterschool period here where we put a billion dollars into after school—up from a $500 million—to expand that idea, so people have some security or a sense of confidence that their children are being taken care of. The Republican proposal is status quo on after school. We have to do better than that. This is one of the ways we can improve the quality and the safety of children, which parents worry about.

The two words "status quo" have been tossed around a lot in the last few days. I happen to think that is where the big difference is. We offer an alternative which is anything but the status quo. It is anything but that. I am so saddened, Mr. President. I have been on this committee for 20 years. I have never been in a situation where we didn't work out amendments together and craft a bill that was still subject to amendment on the floor. It was a bipartisan approach.

Education ought not to be an ideological debate. It is turning into that. My constituents don't walk up to me and talk to me about block grants and categorical programs, or about all these fancy formula issues that people talk about. They want to know whether or not you are working together with local people and trying to make a difference. None of us have a silver bullet here. None of us can say with total certainty what works or doesn't work. But we know, based on experience, particularly the experience of those who, day in and day out, dedicate their lives to the education of children, those who serve on our local school boards, those who serve on the Parent-Teacher Associations, those people who have become principals and teachers in schools.

Are we trying to demonize these people. These teachers are "evil" somehow, or they don't care about the kids. In the 30 years my sister has taught—she is blind, by the way, from birth—she has dedicated her life to education, when other options were available to her. She cares deeply about what happens to the kids she teaches. She tries to come up with better ideas each year on how to make it work better. Her experience is duplicated over and over again in community after community. To suggest somehow that school boards and PTAs and principals and teachers such as my sister don't give a damn about the kids is just wrong.

Our bill reflects their priorities, their ideas, and it is anything but status quo. I am saddened that we haven't been able to find common ground to listen to them and craft a piece of legislation here in the waning days of this session of the Congress—a bill that will have to survive for the next 6 years and will address these concerns.

Our schools are in trouble, and we ought not allow this to become so politicized that we can't come up with some common answers on how to address their needs. I urge adoption of the alternative and of some amendments that will be offered later on. Listen to the PTAs and the school boards. Listen to the principals. We give voice to their agenda. That is why they oppose the underlying bill. They oppose it. I oppose it but, more important, they oppose it. That is why the alternative is a far better idea. I urge its adoption.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I appreciate the opportunity to address the important issues we are facing today regarding education. I admire the passion with which my colleague from Connecticut has spoken. I simply come to a different conclusion. I think that if we really admire those individuals who work at the local level, we won't distrust them to allocate the resources for their children in their communities, to make good decisions about how the moneys are spent. That is a real contrast to what we have had for quite some time.

I wish to give a few examples about how Federal education program requirements eat up resources and they consume a disproportionate amount of the time that States and schools spend on administration. You see, when my constituents come to talk to me, they don't ask me about the process. They are asking me about the product. They are asking me can the students read? Can they spell? Can they compute? Can they reason? They want to be focused on student achievement. They don't want to be focused on whether the money is going to the State or whether the money is going to the Federal bureaucracy. They want something to happen at the end of the process that changes the lives of individuals.

As we get into a culture that is more and more technically oriented, the need for education is elevated more and more. In fact, we need to make sure that the money not only gets to the local level, but when it gets there, it can do something of value. And we have a couple of big problems with our current situation. They are primarily these:

No. 1, we may get the money to the local level, but only what is left of it after the Federal government and the State bureaucracies consume it with their bureaucratic redtape. So there is a small stream, a very anemic flow, that goes to the local community.

No. 2, when we finally get it there, we are frequently telling people at the local community that they have to spend it for something the local community knows isn't really very important.

Very few of us would want to get our help, for instance, medically, from someone who was 1,000 miles away and who didn't know anything about our condition. We would want someone who could examine us to find where our problems are and direct a therapy to address those problems. Federal programs from 1,000 miles away designed to make things uniform frequently don't work, and it is because the conditions are different in each community.

My colleague from Connecticut boasted of Connecticut's ability to provide uniform salaries for teachers. Then he talked about how unsuccessful it was to have the same salary in one place that you have in another place because the conditions are different. Maybe we should conclude something based on that—that uniformity may not be the answer. Maybe we should conclude that we should give individuals an opportunity to tailor, to adjust, to refine, and to define the resource and its application so that we could have a cause and effect, which is what we are looking for.

What is it we are looking for? We are looking for an elevated classroom capacity. We are looking for an elevated human capacity. We are looking for students who can read, write, spell, decipher, add, subtract, multiply, and divide. That is what we want from our schools. That isn't really different from the culture at large.

We have passed the century of mass products. Henry Ford was the master of mass production in the 1930s. He said, "You can have your Ford any color you want it so long as it is black." He had the best idea, and a centrally driven idea that everybody would drive the same color car. The problem was that 10 years later, after he had 75 percent of the automotive market, he had 50 percent of the automotive market, and he began to understand that it wasn't appropriate to try to tell everybody what they wanted or what their needs were. He changed his slogan. Instead of, "You can have your Ford any color you want it so long as it is black," he just shortened it to say, "You can have your Ford any color you want it"—because he knew he had better meet the need.

It is time for us to stop saying you can have your education any color you want it so long as it is bureaucratic. It is time for us to say we want to help you elevate the capacity of students. We are not interested in bureaucracy. We are not interested even in bureaucracy at the State level. We are interested in students. We are interested in classrooms. We are not interested in interest groups. We want to elevate the capacity of students.

Listen to what has happened in the Federal Government. The Federal Department of Education requires over 48.6 million hours worth of paperwork every year in order for people to receive Federal dollars. That is the equivalent of 25,000 employees working full time. That is a real cost—25,000 full-time equivalents just processing Federal paperwork. There are more than 20,000 pages of applications States must fill out to receive Federal education funds each year.

The Department of Education brags that its staff is one of the smallest Federal Government agencies with only 4,637 people. State agencies, however, have to employ nearly 13,400 FTEs, full-time equivalents with Federal dollars to administer the myriad of Federal programs. That doesn't always reflect the total that is necessary at the local level. Hence, there are nearly three times as many federally funded employees at State education agencies administering Federal programs as there are U.S. Department of Education employees.

I think we need to be thinking carefully about getting the resources to the students. We are facing a situation today in the United States of America where more than half of all the employees in public education are outside the classroom. No wonder people are wondering whether or not we are getting a return on our investment.

Where do we want to focus our investment? Do we want to feed the bureaucracy and build the bureaucracy, or do we want to fund the classroom and elevate student performance? We have to look carefully at that.

In the State of Florida, it takes 374 employees to administer $8 billion in State funds. It takes almost 400 to do $8 billion in State funds. For the $1 billion in Federal funds, it takes almost 300 employees. Basically, there are six times as many hours required to administer one dollar of Federal funds as there are hours required to administer one dollar of State funds. That puts us in a situation where there is a lot of money being spent on administration trying to make sure we have complied with all of the Federal requirements and working to satisfy the Federal mandate instead of working to educate the children.

I submit that we ought to look at these statistics. We find that it is not surprising that the Federal bureaucratic maze consumes up to 35 percent of Federal education dollars. These Federal programs and their requirements take away not only precious dollars, but they take up valuable teacher time.

I don't think there is much question about what we want. I don't think this is a partisan issue. All of us in the end want students to be able to achieve. The educational system is not for the bureaucracy. It is not for Washington. It is not for the State capitals. It is not for making people fill out forms to comply with Federal rules. Clearly, we can't afford for this trend to continue. We need to change our Federal policies to ensure a more efficient use of our Federal resources.

I would be pleased to yield to the manager on my side for a comment or unanimous consent request.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the votes occur on or in relation to the amendments in the order in which they were offered beginning at 6 p.m., with the time between now and then to be equally divided in the usual form. I further ask unanimous consent that no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, a recent example of an inflexible mandate is the $1.2 billion earmarked exclusively for classroom size reduction for early elementary grades. That is a noble aspiration—lower classroom size. You can pursue a noble aspiration into a dead end or make a noble aspiration a financial misallocation.

Last year, Governor Davis of California described how the inflexibility of this initiative is hindering his State's ability to direct Federal funds to areas where the need is the greatest. While the Federal initiative requires funds to be used to reduce class size to 18 in the first three grades, in California they have already reduced class size to near that target in grades K through 4.

Governor Davis put it this way. He said of those Federal funds which are earmarked for an area where he has pretty much achieved the desired goal, that the goal to best serve the State's needs is to reduce class size in math and English in the 10th grade.

Of course, it is kind of hard to see that from Washington DC. But the Governor has a pretty good shot at understanding that if he has the class size problem under control in grades K through 4, and he really has a desperate need to reduce class size in the different area, he should be able to allocate those funds in that direction.

He put it this way: We need to have the flexibility to apply those resources where we think they could best be used.

A lot has been made about the potential for politics at the State level.

The eloquent speaker, the Senator from Connecticut, talked about how that might contaminate decisionmaking. Frankly, I think that the ability to hit the target from close up is usually far better than the ability to hit the target from long range.

When we talk about helping our children learn and helping them achieve elevated capacities in terms of the fundamentals necessary, States and local schools need the flexibility to spend money in the way they see fit to improve education.

Knowing the kinds of misallocations that have come, up to 35 percent of the resource being lost in the bureaucratic nightmare of regulations, the tens of thousands of full-time equivalents designed to supervise to make sure you spend the money in the way the Federal Government says it should be spent, in spite of the fact that might totally miss the needs of the student, we need to change things. We can't keep going in the same direction.

They used to joke when I was a kid when someone asked for directions. Someone else would say: Any road will get you there so long as you don't care where you are going. My grandfather used to say: I have sawed this board off four times, and it is still too short. If you are not succeeding, think about changing. The industrialist put it this way: Your system is perfectly designed to give you what you are getting. If you don't like what you are getting, think about changing it.

What are we getting? We are getting a poor return on our investment. It is wrong for America to have an output from its educational effort that is at the bottom of the industrialized nations. We can't keep sawing this board off. It is too short. We can't just take any road to get us there because we know we have a destination that is important. We can't afford to be taking the wrong road.

It is important to put people who are there on the spot, to see what the needs are. I say it this way: I want someone who knows the names of the students and the needs of the schools making the decisions. That is what is important. I want people who will live or die by the decisions, not someone from 1,000 miles away.

I believe there is a lot of common ground here. People talk about getting money to the local level. It doesn't do any good to get it there and then tie the hands of the people at the local level, or send the money to the school district so they can only spend it for things that are not priorities. That doesn't make much sense. Send the money to the school district and allow the school district to devote the resource to those things which are important to the achievement of students.

Mr. KERRY. Will the Senator yield?

Mr. ASHCROFT. Yes.

Mr. KERRY. Can the Senator tell me precisely what priorities resources are required to be spent on?

Title I is the biggest expenditure of Federal money; it is for poor, disadvantaged children. Is that a priority?

Mr. ASHCROFT. Yes.

May I answer the question?

Mr. KERRY. I asked the question.

Mr. ASHCROFT. First you said, could I respond by saying what priorities people are being required to spend resources on, or what things are not a priority.

Governor Davis of California said: You are requiring me to spend money on reduced class size in grades K through 4 when the priority is for reducing class size in grade 10 and English.

I quoted the Governor a few moments ago to that effect.

I believe it is very important that we be able to devote resources in ways to improve the ultimate performance.

We know class size is a priority in some settings. And other kinds of priorities exist for other settings. But I think we should allow individuals who know what the students need for our ultimate priority, which is student achievement. I think they should be able to look at that ultimate priority and see how we are going to elevate the performance of students.

Mr. KERRY. If the Senator will yield, is the Senator aware—and maybe the Governor is not; I think he is—that it is an option, but, secondly, that the Senator joined with all of us in voting for Ed-Flex under which any Governor basically can do whatever they want?

Is the Senator aware of that? That is what we passed last year, complete flexibility to Governors. We are not required to spend that. If they want to seek a waiver, they can get a waiver.

Mr. ASHCROFT. I ask the Senator to restate his question.

Mr. KERRY. Is the Senator aware under Ed-Flex the Governors have full flexibility for a waiver for any kind of onerous regulation? We voted for that last year precisely for this purpose. It is, in fact, voluntary as to whether or not they make the decision to which he referred.

Mr. ASHCROFT. I believe the correct interpretation of Ed-Flex is that there is substantial flexibility accorded to Governors for certain programs—not for all programs—and I believe it would be a misstatement to characterize it in the way it was characterized in the question. But there is additional flexibility, and I voted for Ed-Flex because it was a step in the right direction.

I don't purport to say the Governors should be the last word on this. From my perspective, we would be well served to push more of the decisionmaking authority down to the local level where the people who know the names of the students and the needs of the schools can make the determination.

I have visited three or four dozen school districts in my State in the last 3 or 4 months. I have been very intensive in my examination. It is very important we understand that tailoring the resource to meet the needs of students to elevate student performance is very important.

Sending money to feed the bureaucracy isn't important. The ultimate thing we need to determine is, are we doing those things that will elevate student performance? It may not even be the same thing in every case. There may be things needed in one area in one setting, in one cultural venue, that are different from in another. The presumption that Washington can know a single solution is as foolish as the idea that there is a single product that would suit everyone.

Look at the march of industry in our country. We don't try to sell everybody the same computer. Look at the future. The future tells us if you call a fellow named Dell down in Texas, he doesn't tell you what computers he has to offer, he asks you what your needs are. They tailor that computer to meet your specific needs.

It is called mass customization, not mass production. Mass production is a thing of the past. Mass customization is a thing of the future. Let's allow our school districts to tailor the resources we provide to meet their needs and to elevate their students' capacity. Let's not try to impose on those students some sort of template from Washington that pushes them into a program or something that is not in their best interests and not according to their needs. The idea of Washington imposing and distorting education is an idea whose time has past.

In my State, there is a designation that is a result of a Federal program called IDEA. One in seven students in my State—and one in eight nationally—are designated as disabled. As a result of this designation, those students are not subject to discipline in the same way other students are. For example, if a disabled student brings a gun to school, the maximum time you can keep him out of the regular classroom is generally 45 days. Some of these disabilities, a good number of them, are behavioral disabilities, so they are students whose problem is in controlling themselves. Instead of having the 1-year suspension from class because they brought a weapon to school, they only have a 45-day suspension from class because they brought a weapon to school.

It is very difficult for local school administrators to have a situation where they can't discipline students effectively to maintain order and control. I believe we ought to adjust that. We ought to get decisions about resource allocation down to the local level, to moms and dads, community leaders, school board members, to decide how to spend the resources to best elevate student performance. I think that is what they want to do with the money. That is what they want school resources for.

I think we ought to also say to those people at the local and State level, you can make the kinds of decisions regarding discipline that are necessary in your culture and in your community and in your setting to secure the classroom and secure teachers. It is very important that be done, and be done in ways that will help students.

The Missouri School Boards Association has talked to me recently about these kinds of circumstances. They have given me some examples of what has happened in their school districts in the area of IDEA, discipline, and safety. Here is one, "Teacher Assault."

> High school student with disabilities was placed in an alternative school after repeatedly assaulting her high school teachers. Recently aggravated, she approached the office. The secretary was talking with a person outside the office and did not see the student approach. The student hit the secretary in the side of the head, knocking her glasses off her face and causing personal injuries. This year the student has broken her teacher's glasses four times by hitting him in the face or pulling them from his face and breaking them. This behavior continues in spite of multiple years of interventions by mental health professionals, behavioral specialists and disability experts at school. The parents continue to meet on a regular basis with the school personnel. However, assaults are frequent and cause injury at home, at school and in the community. No agencies within the community or State will provide comprehensive treatment or services as she is considered too aggressive. She remains in public school.

Not subject to the kind of discipline there ought to be.

I can go through case after case of teacher assault. I can talk about students who have been shot by other students, students who were injured, whether it is with a knife or with a gun, and the absence of the capacity of our school administrators to deal with students who pose threats to the learning environment of our classrooms. It is a tragic absence of capacity. We ought to return that capacity to the local level. I believe it is possible for us to do so when we think carefully about our school; whether it be assaults on teachers, whether it be the possession of weapons, whether it be the importation of drugs into the schools.

So it is with this in mind that I think trusting local school officials is the way for us to respond. We need to adopt the kind of philosophy that moves decisionmaking as well as resources to the local level. Just moving resources to the local level with an administrative burden and a direction to spend the resources in ways that are not needed at the local level is nonsense. Move the resources to the local level and move the decisionmaking capacity to people who know the names of the students and the needs of those students and the needs of the institution. Let them make decisions.

Second, allow individuals who are running our schools at the State and local level to have the kind of rules and disciplinary procedures which provide a safe learning environment. If we do those things, we get to our ultimate accountability. The accountability is in student performance. Accountability is not in answering to Washington. Accountability is not answering to a bureaucracy. It is not filing tens of thousands of papers. Accountability is whether our students can read and write, add, subtract, multiply, and divide. It is whether our students are prepared for a technically demanding world, a workplace where, if they succeed with the right education, it will provide them with a chance to be world leaders; where, if we do not succeed and our educational skills languish, our days are numbered as a leader of the world.

It is with that in mind I want to say how important it is for us to not only have the right ability to send resources but decisionmaking as well to the local level, and then to provide a basis for maintaining a safe school environment by simply saying that school districts have the ability to discipline all children who bring weapons to school or use illegal drugs at school or possess them at school or children who assault school district personnel.

I will close by just remarking that this is not something that is against the best interests of schools or of teachers or of groups of individuals. The Education Roundtable of Missouri, which is comprised of all the major education associations in Missouri, including the PTA, including the MNEA, including the AFT, including the Missouri State Teachers Association and the Missouri School Boards Association—all of those endorse this idea that we need to have the capacity to discipline appropriately all students who bring weapons to schools, who assault teachers, who threaten and assault teachers and provide drugs in the school. They should be subject to appropriate discipline measures.

I ask unanimous consent to have this letter from the Missouri Education Roundtable be printed in the RECORD, and I thank the Chair for this opportunity to express myself on this important issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MISSOURI EDUCATION ROUNDTABLE,
Columbia, MO, May 1, 2000.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: The Education Roundtable, comprised of all the major education associations in Missouri, strongly supports your proposed amendments to the Individuals with Disabilities Education Act regarding discipline of students. It is absolutely essential that school district officials have the ability to discipline any child that brings a weapon to school, possesses or uses illegal drugs at school, or assaults school district personnel. This conduct must not be tolerated in our public schools.

School safety is a top priority for teachers, administrators, and school board members in Missouri. Our children must be guaranteed a safe environment if effective learning is to take place. We are committed to providing such an environment but currently our hands are tied in certain circumstances due to restrictive federal law. We commend you for offering this important amendment and we urge your colleagues in the Senate to approve it.

Sincerely,

CARTER D. WARD,
Executive Director,
Missouri School Boards Association.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I say to my friend from Missouri, who I have listened to carefully—and I regret with only 10 minutes, I do not have time to yield and enter into a dialog, which I would enjoy doing—first of all, I agree with what he just said about the capacity of people to discipline. In fact, I have proposed what we call Second Chance Schools. In the legislation that Senator GORDON SMITH and I proposed, there is a component of it that would help provide the capacity for that kind of discipline. But once again, because this is not a bipartisan process or one that has been open to anything except the point of view of the Straight A's plan, we do not have the ability to debate that or other things.

I will also say to my friend from Missouri, one has to ask a question. He is talking about getting the capacity to the local people to be able to make the choices. If the local people were so thrilled with the proposal by the other side, why are they not supporting it? The only entity that I know of that is supporting the legislation proposed by the Republicans is the Heritage Foundation.

Mr. ASHCROFT. Will the Senator yield?

Mr. KERRY. I do not have time. Unfortunately, I am limited to 10 minutes now because of the time.

Mr. ASHCROFT. When the Senator asks a question of me, I would like to be able to respond.

Mr. KERRY. Mr. President, I am actually informing him at this point in time, not asking him a question. I am going to ask a rhetorical question because, again, I do not have the time. But the fact is, the local entities that make the decisions, the State school officers, the secondary and elementary school principals, the teachers, the education associations—all of those folks are the ones who are supportive of the Democratic alternative.

Second, I heard the Senator from Missouri say why is it that—I guess it was more than 50 percent of the people who work in schools are outside of the classroom?

That is because we do not have enough teachers for the numbers of kids in the classroom. When you have one teacher teaching 35 kids, you begin to change the proportion of who is working in the school system. I am confident my friend from Missouri does not intend to have a school system that does not have custodians, does not have janitors, does not have schoolbus drivers, does not have people working in the cafeterias. These are the people "outside of the classroom."

What we really need to face is the reason the proportion is out of whack, which is that we will need 2 million new teachers in America in the next 10 years. We will need a million of those teachers in the next 5 years. At the current pay level, without the capacity of the Federal Government to assist in reducing class size, it is going to be exceedingly difficult for the very districts in which the Federal Government got involved in education in the first place, which are poor districts, to ever be able to catch up.

I will ask another rhetorical question. If we are supposed to be giving control to the people who effectively have had control for all of these years, why is the school system in America doing so badly? We do not run it at the Federal level. We have never run it, nor are we asking to run it. We are trying to provide an incentive for communities, which have never bought into real reform, to buy into reform. If you look at the 1994 ESEA that we passed in a bipartisan fashion, you will see, as a result of that legislation, standards now being put in place across the country, whole school reforms being put into effect, a whole series of measures with respect to testing and improvements that are beginning to take hold.

Have they reached the level that everybody would like? The answer is no. But we would never have had to try to make that kind of broad-based effort at reform if, indeed, everything was working so well because the local decisionmakers were making the decisions that needed to be made.

Equally important, the Senator from Missouri was talking about raising the standards of schools.

I know in St. Louis or Kansas City, MO, there are poor schools. I know in Atlanta there are schools that depend on title I money to adequately provide a cushion for what their lack of a tax base provides. Poor communities do not have a big tax base. Since schools are funded by the property tax, they do not have the ability to put the money into the school system. That is precisely why the Federal Government became involved in 1965 in title I in the first place. The reason was to address the problems of communities that were disadvantaged.

Along comes this Republican bill with a provision called portability. I know the sponsors have spent a lot of time saying this is not a voucher, and the reason this is not a voucher is there is not a piece of paper that goes to the parent which they take to another school. The school district manages the money. But it is effectively a credit voucher. It is effectively an indirect voucher where a parent gets $400 to $600 of value for their child if they want to take them somewhere else for a different kind of schooling.

It sounds good and appealing, but it directly undermines the very concept that brought the Federal Government in the first place to help education, which is, if a school has a group of disadvantaged kids, by providing assistance based on the number of kids, on the conglomerate need of that community, we can help lift the school so the school can become a great school and teach those kids.

If we provide a per-disadvantaged-pupil stipend, what we will do is, in fact, reward kids who may be poor themselves but who go to a good school, a school that is not disadvantaged, that has an adequate tax base and does not at all need to have additional funding from the Federal Government. We will simultaneously have stripped away from a school that is struggling to be good the very heart of the money they need to make the difference and improve.

If we really wanted to help make a difference today, we would fully fund title I. That is the way we make a difference in what is happening to the schools that are not making it. We would do so in a way that set an order of priorities with respect to the key things we wanted to do.

I heard from the Senator from Missouri the mirror reflection of what we keep hearing from the other side. They keep saying: We do not want the Federal Government dictating how to approach this. The fact is, the Federal Government does not dictate that. It offers a specific menu. The schools can apply for the menu of money or not apply, as the case may be. If they think they need money for smaller class size, they can apply for that money, but nothing in the Federal budget orders a school to do that—nothing.

It is a concept completely out of any reality whatsoever for people to suggest there is somehow this long arm that is telling them precisely what to do. It is only suggesting the guidelines and constraints of what they have to do if they choose to do what has been established as a priority.

Surely we can all agree that afterschool programs are a priority. Getting guns out of schools is a priority. Drug-free schools is a priority. Having adequate class size is a priority. Having better teachers is a priority. I do not understand why the Senate is incapable of agreeing on a set of top priorities that every school district in this country can name and then say we are going to find a way to hold them accountable, not after 5 years but next year, to see precisely how there is funding money with respect to that priority.

We are not going to tell them how to spend the money. We are not going to order them to spend the money. They can choose to do it or not do it, but we are going to at least guarantee that the country is going to spend its Federal dollars on those things that represent priorities of education.

This is hard for me to understand. The bill proposed by the Republicans has no accountability for 5 years at all, and for all this talk of telling us that we want the local people to make the decision, it plunks the entire pot of money in the hands of the Governors. That is not local decisionmaking; that is just playing to the politics of the State, and the people most powerful and with the greatest lobbying capacity will go back to the old order and the Federal priorities will be by the wayside.

We are somehow not connecting. It is the first time in all the years of this bill that there has been such a partisan bill and such a disconnect in an effort to meet the needs of our Nation.

I close by saying there was a terrific ex-general who was the superintendent of schools for 3 or 4 years in Seattle, from where the Senator from Washington came. He did an extraordinary job and was beloved by all. He said: There are no libertarians, no Republicans, no Democrats, no conservatives or liberals among the kids in our schools. We ought to get the ideology out of this process and put the kids first. If we do that, I am confident we can have a solution.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Wyoming as much time as he may consume within our limits.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, today I rise in strong support of the original committee bill, the Educational Opportunities Act of 2000, which will reauthorize for another 5 years the Elementary and Secondary Education Act of 1965. We now call it ESEA.

I especially applaud my fellow members of the Health, Education, Labor, and Pensions Committee, particularly Senator JEFFORDS, and also Senator GREGG, Senator FRIST, Senator HUTCHINSON, and Senator COLLINS for their unusual dedication and the hours they spent working on this bill and working with every single member of the committee.

I congratulate the committee for constructing a bill that contains a new recipe of support for our children as they embark on their educational journey. I am very interested in this educational journey. My oldest daughter is a teacher in Gillette, WY, an outstanding teacher of English for seventh and ninth graders. She goes the extra mile every day to make a difference in these kids' lives. I want to do everything I can to help.

We are an education family. My wife has been involved in education. She just received her master's degree in adult education from the University of Wyoming by Internet while she was here in Washington with me. That is a major challenge, using some of the new technology in education in Wyoming today. It is what we can do to help kids, wherever they might be, to get a good education. That is the goal, and we do understand that goal, and we do work toward that goal.

Unfortunately, the pending amendment offered by the minority leader on behalf of his Democratic colleagues does not seek to address the real academic needs of our children. The amendment is virtually a mirror image of the status quo.

Earlier today, somebody said if the Republicans could not use the words "status quo," we could not debate. In this instance, that would be true. The proposal does not reflect an investment in understanding where the Federal role in education has failed our children; therefore, the proposal lacks the payoff our children and parents are demanding, and that is a better education.

In fact, one of the only and certainly the most notable change included in the Democratic proposal eliminates funding for many small and rural schools under title IV, the safe and drug-free school section of ESEA—simply writing off communities that under current law receive grants that I have to admit are too small to fund any meaningful initiatives. It is not a productive solution. Our bill fixes that problem, instead of dismissing it, with a new rural flexibility initiative.

The other side of the aisle talks about their desire to get the money to the poor kids. On behalf of the Governors of this country, I have to object to some of the accusations made against them today. Education innovation has come from the Governors of this country. Their States have been the laboratories for this country.

We have used some of the things they have suggested, and they have worked. They are light years ahead of the Federal ESEA. They are the ones on which we rely. And we are saying, do not trust those Governors with any money?

In my State, we have State equalization that takes a whole bunch of these problems that have been laid out here and forces the rich districts to provide for the poor districts so every kid has an equal chance. We provide for that to be taken to court regularly to make sure it still meets all the guidelines of an equal education.

I have to tell you, "equal" refers to buildings, too. So when I hear some of these things about needing school construction, that is something that is being forced to happen in Wyoming so all kids have a good place to go to school. That was a Republican initiative by a Governor.

State accountability. Our State believes in measuring the achievement of the kids, knowing how the kids are doing. It isn't important for the district to know how the kids are doing; it is important for the parents to know how the kids are doing, so the parents can be more involved in the education of their kids. They even have report cards they send home that evaluate the whole school to see how the school is doing.

This substitute that has been laid down again is an unfortunate example of resistance to acknowledging and accommodating the differing needs among communities and schools.

Wyoming cannot be the only State that has a unique way of doing things, which is why I am so pleased that the underlying bill does reflect a fresh look at the Federal role in education. This is a priority issue for voters because they are concerned with our historic lack of concern for their specific needs. With this bill before us, we finally have the opportunity to honestly say we have listened and have moved away from the stalemate of entrenched Washington to the solutions of the future.

While the Federal Government does not hold all the answers, and certainly does not hold the purse strings for the bulk of education spending, there is a clear role for leadership and technical assistance as schools lead the way toward academic improvement for all children.

Right now, the Federal Government provides 7 percent of the money—just 7 percent of the money—in education and requires over 50 percent of the paperwork. Yes, to check on those funds that we give away, we inundate principals and teachers with tons of unproductive proof. Our bill requires less paperwork and makes it count. More could and should be done to reduce paperwork.

On this reauthorization we are talking about, everybody seems to agree we have a failed system out there, or at least one that definitely needs improvement. I hear that from the other side of the aisle. I have to say, the other side of the aisle was in the majority the last five times this bill was authorized. They settled for less than 7 percent of the funds and 50 percent of the paperwork. We tried it their way. Everyone has said we need change. The committee bill is change. Let's try it our way once.

Our bill essentially provides three options of Federal support for State and local education initiatives, as decided by local communities. The variation between States' economies, geography, student-body composition, and position on the "academic achievement" spectrum warrants an improvement in how the Federal Government can be most helpful to each State's unique needs.

For example, States that have a self-sufficient internal infrastructure through which they are able to provide local schools with high-quality technical assistance are not dependent on the Federal Department of Education for that kind of support. Those States have been wrestling with the regimented requirements the Federal programs currently demand, despite their ability to not only do it themselves, but for the States to do it better.

As a good-faith act of Federal leadership on education improvement, we need to accommodate and support the progress of States that has outgrown the 35-year-old model of ESEA. This is new and, therefore, untested ground. But isn't that what learning is? It is time for all of us to get educated and to make room for improvements and innovations in our kids' education.

So the first piece of the underlying bill is a demonstration program for up to 15 States to break from the title-by-title categorical programs under ESEA and develop new proposals for executing excellence in education.

While the 1994 reauthorization of ESEA tacked sharply in the direction of measuring what kids learn through the end of the day through standards and assessments rather than solely concentrating on how they are learning, this demonstration program, called Straight A's, tests that model by allowing States to implement an education plan completely outside the current input requirements of ESEA. Again, though, the sharp distinction is that those States will be held accountable for high standards of student achievement in exchange for such freedom with Federal tax dollars.

The second option under the bill was developed in partnership with the National Governors' Association. In another new proposal for improving education, States will now be able to enter into education performance partnerships with the Federal Government. This program will require States to develop a plan similar to the Straight A's education and achievement plan to significantly increase student performance over a period of 5 years. The difference between this option and Straight A's, however, is that States will be required to maintain the targeting of title I to specifically serve the low-income and disadvantaged children those dollars were historically intended to help.

While I support the innovation, flexibility, and commitment to meaningful accountability those two new options represent, my home State of Wyoming is actually best served by the third piece of the bill. Under the third option, States can choose to remain under the existing categorical and title structure of the current law.

Make no mistake, there have been modernizations to the current law which are intended to make categorical programs do a better job of serving the unique needs of States. That is an improvement in the committee bill. I am sorry more was not done in further reducing the administrative burden associated with the Federal education funds, but I believe we did make substantial progress in leveling the playing field for small States and rural communities; their education needs are just as important as urban needs.

Most notably, the supercategorical program known as the Class Size Reduction Program—or 100,000 new teachers—was evaluated and appropriately authorized by the committee.

I need not remind everyone that the program, while funded over the last 2 years, was essentially an appropriations rider and had never been considered before the HELP Committee. Now the committee has assigned this program to its rightful place in ESEA. It is part of title VI, the innovative education title. This is the funding source States can use to accommodate existing needs for which there are no other or insufficient resources as well as to innovate outside the box of the other categorical titles under ESEA. If it is more professional development, more reading excellence initiatives, or a new teacher that a school needs, this is where they can fund it. If you cannot pay teachers enough to retain them, what good is another slot? We have a teacher shortage in this country. We have a shortage among many professionals, but the shortage that will affect our future the most is that of teachers.

For a small State such as Wyoming, which in the first year of the Class Size Reduction Program required a waiver because we could not even meet the consortia title—we had already met the requirements for class size reduction. We had provided another amendment that would allow you to group some of that under a waiver. We could not even meet that requirement for eligibility, so the committee version of ESEA makes good sense.

Also, a notable modernization of the current law approach is the new Rural Flex Initiative. To quote from the committee report:

> The purpose of this part is to provide adequate funding to rural school districts to enhance their ability to recruit and retain teachers, strengthen the quality of instruction, and improve student achievement.

The provision would allow rural school districts with enrollments of fewer than 600 kids to pull funds from titles II, IV, and VI to spend on local improvement initiatives that—and this is important—would enable the small schools to offer their kids programs and activities of sufficient size, scope, and quality to have a significant impact upon student and overall school performance.

In Wyoming, there is such a thing as qualifying for a $200 grant, based on current formulas, to run a drug prevention program. Well, $200 is not meaningful and it is not fair. So I applaud my fellow rural Senator from Maine, SUSAN COLLINS, for initiating this provision on behalf of all the kids in rural schools.

I have to spend just a moment explaining why, despite how good Straight A's and performance partnerships might be for some States, they are not quite the right fit for Wyoming. It is actually quite simple. Wyoming is small in population. We are the smallest population State in the Union, with the second largest relative land mass per person. My county is the same size as the State of Connecticut. That is just my county in Wyoming. The last census in that county, which is 110 miles by 60 miles, recorded a total of 33,000 people—two towns. The biggest one, which we call a city, had 22,000 people. The rest were spread over that huge geographical area.

Resources are scarce, and therefore we focus on the basics of education. Simply, there isn't the money, the infrastructure, or, necessarily, the inclination to get fancy. We even have single-child schools. We have driving compensation for parents willing to drive their kids to school because they are the only child on a bus route 60 miles one way. We have school districts with so few kids that the district superintendent teaches classes.

We are pioneers in compressed video classes to provide some variety in class offerings—but no teacher is in the room with the student. That is part of the State's charm and its integrity, but it also means that Wyoming utilizes and, in fact, relies upon technical assistance provided by the Federal Department of Education. That is still in here. We don't want the same kind of education that Massachusetts provides. We know our kids can be as well educated but not the same way as the kids in California. I can assure you we don't want somebody in Washington, DC, deciding how we will do things. When you take away the titles under current law, you also take away the technical assistance that goes with them. To be clear, Wyoming hates the paperwork and the bureaucracy as much as I do. But while we are making progress on getting that in check, we cannot throw out the baby with the bath water. Whether it be manuals, guidelines, protocols, research-based models on teaching methods, or the human resources that are the good side of Federal assistance in educating our kids, Wyoming is using it.

About 5 years ago, Wyoming gathered its stakeholders in education, from parents and teachers to administrators and legislators, and they developed a plan to bring our kids to the top of the charts. A new system for reporting to parents on statewide, school-by-school progress is up and running. While it is a rocky road, new, challenging, State content standards are near completion with assessment mechanisms soon to follow. It takes a while to develop those, particularly in a small State. You can't say: Wyoming, have it next month or next year, without providing unusually large dollars to do it. It has been no small task to get where we are and it has been, in part, predicated on Federal resources available through the current structure of ESEA. I am not willing to pull the rug out from under my constituents when the light is right there at the end of the tunnel.

That is why I am enthusiastic about the options this bill contains. It is a different way for everybody to do different things and make sure their kids are educated. While I don't want to set back Wyoming's efforts by ignoring current law—with improvements—as a viable option for States, I also don't want to impose on States that can do it better another way the structured method of current law.

Earlier, there were some comments about Ed-Flex. I have to take on a couple of those. I have heard a number of my colleagues contend that since only a few States have applied for Ed-Flex so far, additional flexibility is not needed or wanted.

Fifty Governors signed a letter asking for Ed-Flex. Now, with regard to Ed-Flex guidance, it wasn't even issued by the Department of Education and sent to the States until November of 1999. The bill, as passed, was only 17 pages when the President signed it into law on April 29, 1999.

According to State education agencies, the Federal Government has complete control over the application process and the State must tailor its application to the Department's guidelines and expectations. Even the Department of Education wrote in a May 1999 memo:

> States are strongly encouraged to refer to the guidance before submitting their Ed-Flex applications to the Department.

In addition to the guidance issue, officials at the Department of Education have informed the Nation's Governors that contrary to both their own guidance and the Ed-Flex law, written along with Senator RON WYDEN of Oregon, they will only approve applications for States that are in compliance with title I requirements. The law, and the Department's guidance, allow a State to participate if it has made substantial progress toward meeting the requirements under title I—substantial progress.

Despite these rather significant hurdles, a number of States, including Tennessee, Pennsylvania, Delaware, and others, have been working on their applications for months. Tennessee submitted its application in early April. North Carolina has also submitted its application.

When Congress passed Ed-Flex, we did not expect every State to take advantage of the new law, but we did think it was important that every State be afforded the opportunity to utilize the flexibility available under the law to support innovation and cut through Federal redtape.

The Senate is currently considering several other proposals for increased flexibility that will be available to States, at their option. Because every State will not choose to participate, however, does not mean the policy is unnecessary or a failure. Some States will choose to utilize the new authorities and some will not, but all States should have the opportunity. The Federal Government should not stand in the way of States that want to innovate and reform to meet the specific needs of their own children.

I remind you again that the States have been the laboratories for innovation, not the Federal Government. The bottom line here is accommodating success in every State for every child. I think that is a tall order, but I think we have filled it with the committee bill. The opponents of choice and innovation do not have a healthy understanding of our role. I suggest that everyone look out across the country, and then look in their backyard and, only then, come here and argue that there is no variation needed for our children. I won't assume to argue against the needs of any other community. I simply ask the same of my colleagues. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Washington.

Mrs. MURRAY. I yield 8 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I come, first, to say how I am strongly in support of the Democratic alternative. It does represent what is the appropriate response by the Federal Government to educational policy in the United States; that is, to find specific ways in which we can help local schools and State systems improve education, with a particular concentration on low-income students. That has been the emphasis in Federal education policy since 1965. It is an emphasis that is being severely diluted by the Republican proposal.

In this substitute, there are provisions for strong parental involvement. In contrast, the Republican bill says very little about parental involvement and again leaves it to the States. It provides funds for specific programs that used to be part and parcel of Federal education policy, such as funds for libraries. But because of the inclusion of block grants, we have seen those funds withered away. As a result, our library selections in schools are abysmal and anachronistic. It also provides real accountability for results.

This is another issue that I think distinguishes our proposal from the Republican proposal. There is talk about accountability in the Republican proposal but no real accountability. It states that the Governors get to select the standards they want to use to measure their progress. It is only after 3 or 4 or 5 years that there is any real examination of what is going on.

At the end of that time, the idea that a Secretary of Education—any Secretary of Education—would take away all the funds or a significant number of funds from a State is, to me, somewhat attenuated. But, in addition, because the criteria for such Secretarial action is so vague and amorphous, there would be very little legal justification to do something such as that.

In effect, the accountability provisions are really not accountability provisions. In the last reauthorization in 1994, and in Goals 2000 of that same year, I fought for very tough accountability standards—accountability not only for the student performance but also for the resources going into schools. We fought back and forth, and the opposition, particularly of the Republicans, was vehement. We managed through compromise to come up with provisions that were included in the legislation. But in 1995, with the advent of the Republican Congress, those tough accountability provisions were quickly stricken from the legislative record. As a result, this accountability issue suggests, with respect to the Republican proposals, that it is more superficial than substantive.

We, alternatively, also have provisions to help professional development because we recognize that this is not only a local problem; this is a national problem, and we want to help States and localities. They are the key guardians of access to the classrooms and teachers. We want to help them improve professional development.

We have language with respect to safe schools and afterschool programs that are targeted to specific programs that are going to aid the overall mission of States and localities.

The proposals that are emanating from the Republican side move away from the core principle of involving the Federal Government in the first place in elementary and secondary education, and to help disadvantaged children who were systematically and consciously neglected by States and localities. That was the record up to 1965. They moved away from that. Now the approach is that we want to give the States the money to do that without respect, really, to an emphasis on education, and we want to give the States this money because the school systems of America are failing.

Frankly, if the school systems of America are failing, if that is the premise of the legislation, you have to ask yourself who is in charge of this failing school system? Frankly, it is the Governors, the mayors, and the schools throughout this country. The Federal Government contributes about 7 percent of resources; 93 percent of the resources are provided by States and localities.

One of the most decisive factors of educational policy in the United States has nothing to do with Washington. It is reliance on the property taxes, exclusively a local idea. It is exclusively a local initiative. Teachers who go into the classroom are not certified by any Federal agency. They are certified by States and localities. School construction is controlled by States and localities. These are decisive factors that influence policy in the country. If you presume that we are here today changing our system because education is failing, why in God's name are you simply going to give the money without conditions to the people who are presiding over this?

I don't think we are speaking about educational failure. We are speaking about some limited progress over the last several years as a result of some Federal initiatives. But, frankly, because of lots of local initiatives, because there is a partnership now between States, localities, and the Federal Government with respect to many programs of innovation, starting with Goals 2000 and embedded in the 1994 reauthorization of the Elementary and Secondary Education Act—in fact, searching for a metaphor to try to capture what I think the other side is suggesting, it seems to me, if you were a police officer proceeding on a highway and you saw an automobile careening out of control, recklessly driven, violating the rules, failing to abide by the standards we expect for driving, and you pulled that car over, went up, looked in, and saw a driver and someone in the backseat, then you turned to the backseat driver, and said, you caused of all of this, that is essentially what the Federal Government has been doing in some respects.

Yes, we are part of this voyage, if you will, of educational policy. But with 7 percent of the effort, with a limited role, we are, at best, backseat drivers. No one would suggest that the reason the car is failing to operate properly is because of who is in the backseat. It is who is doing the driving; that is, the States and localities.

Our approach is to recognize that they are, in fact, in control; that we can collaborate with them; that we can, in fact, provide resources in areas where they either don't do it or do it insufficiently.

That is the heart of what we are talking about today—to build on the very real progress we have made over the last several years but recognizing that this progress is insufficient.

I urge that we get back to the business of proper Federal educational policy, supporting innovation where it works, overcoming inertia where it hobbles education reform, specifically targeted ways in which we can help localities improve the quality of education for all of our systems with a particular emphasis on disadvantaged American students who need more than what they get without the Federal support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the one thing that is certain is that every Member of this Chamber is committed to improving public education in America. In America, we differ on how to accomplish that goal.

Over the years, we have enacted Federal program after Federal program. There are dozens of Federal programs on the books, all in the hope of narrowing the gap in achievement between low-income students and high-income students. All of us want to narrow that achievement gap.

Each and every person here is committed to providing an equal educational opportunity to every child in America. But we have to look at the record. We have to look at the facts. When we evaluate in what direction we should go, we have to look at from where we have come.

The fact is that after 35 years and $120 billion spent on Federal education programs aimed at the disadvantaged, we have not achieved the goal of ensuring that children in high-poverty schools receive a good education. We know that children from poor families have just as many brains as children from wealthier families. We know that they have all the ability in the world. This is not about aptitude. It is not about the ability of these children. The debate is whether or not our current education system has served them well. The evidence suggests overwhelmingly that in too many cases our schools are failing these children.

Let's look at the statistics. Seventy percent of children in high-poverty schools scored below even the most basic level of reading. Seventy percent have disadvantaged children that are unlikely to graduate from high school if they are in high-poverty schools in the inner cities. Children in high-poverty schools score two grade levels below their peers in high-income schools when it comes to math and three grade levels when it comes to reading.

Again, the problem is not a lack of ability. These children have all the ability in the world. The problem is that we are not meeting their needs.

We can continue down the path we followed during the past 35 years—a path paved with good intentions but not producing good results.

We can try a new approach. We can try to be innovative. We can get away from the "Washington knows best" approach, and empower local school boards, teachers, and parents to work together with State education officials to make a real difference in the lives of these children. That is what our Republican bill would do.

I point out again that no State is forced to accept the increased flexibility in designing programs using Federal funds. If a State is content with the status quo, if a State believes that its schools are delivering the best education possible, it can continue with the status quo. It can continue along the path of receiving Federal funds, attached with Federal strings, attached with paperwork, and tied up with redtape. If that works fine with a State, then a State can continue with that system.

But a second alternative is for a State to enter into what is known as a performance partnership.

Under this approach, a State would have more flexibility in spending Federal dollars and can consolidate some Federal programs as long as the State can show improved student achievement.

Under the third and most innovative approach, 15 States would be allowed to participate in what is known as the Straight A's Program. Under Straight A's, a State would have great flexibility in combining Federal funds to meet whatever is the greatest need of that community.

The needs differ from community to community. One community may need to hire more math teachers. Another may need to concentrate on improving reading skills. Still a third may need to upgrade the science labs. The needs are not identical from community to community. Straight A's recognizes this and would allow a State to choose to consolidate Federal funds to meet the greatest need of that community. That is what this debate is about. It is about trying a new approach that could help ensure a brighter future for the disadvantaged children of America. That is our goal.

I yield the floor.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 32 minutes and the Senator from Georgia has 6 minutes.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington not only for yielding the time but for her leadership on this issue. I am so proud of the package that she and the Senator from Massachusetts have put together under the sponsorship of our minority leader, the Senator from South Dakota.

I think this debate is one of the most important debates we will have on the floor of the Senate. It is the issue of education about which we probably need to do the most. America is in very good shape overall, but the greatest trouble spot on the horizon is the fact our educational system is not up to snuff. You can't be the No. 1 economy with the No. 15 educational system in the world.

This debate presents two stark choices. The Republican bill, S. 2, basically revolves—and I use the word advisedly—around block grants, vouchers, and an alternative approach, which I am proud to have worked on with my colleagues on this side of the aisle. Again, I want to particularly salute my colleague from Massachusetts and my colleague from Washington for their leadership, as well as my colleagues from New Mexico, Iowa, and Connecticut, who worked on this so diligently.

The block grant approach is a two-way street of folly. From the congressional standpoint, it is an abdication of responsibility. We send blank checks to the State and wash our hands of the educational crisis. Waste always accompanies block grants. We learned this in area after area when we gave the money to local politicians who had not done a good job. It is also enthusiastically contradictory. My colleagues on the other side say our system isn't good enough. It has been in the control of local school boards.

What are we doing? We are giving more money to local school boards, no strings attached.

If you think our educational situation is in great shape and needs a little more money, you do a block grant. I, for one, don't think just giving a little bit more money to the status quo is going to improve our system. Block grants are an abdication of our responsibility to set national goals and figure out what programs work. When we separate the taxing authority from the spending authority, as in a block grant, unless you have some restrictions, it is a formula for waste because it is free money.

I am utterly amazed my conservative friends on that side of the aisle are for a fundamentally profligate concept—free money, no taxing authority, no strings attached, do what you want.

The issue is not the Federal Government dictating in a block grant because we are not dictating. If you don't want the money, you don't have to take it. If you don't want to improve teacher quality, don't take the money. I agree with some on the other side that we have had too many mandates. But we are not mandating here. There is not a mandate at all.

To say the National Government, which has the responsibility of leading us into the 21st century, should not set any goals—and again, give money to the very local districts we are criticizing for not doing a good enough job—no strings attached, to me is utterly devoid of reason.

I ask my colleagues on the other side of the aisle and some on this side of the aisle to examine the principle of block grant. Don't let your anger at Federal control, which in some cases, in my judgment, is justified, mar your ability to see that a block grant makes no sense. It is an abdication of accountability.

My colleagues have talked very well about the 5 years of complete freedom to do what you want. The result is flawed because States only have to demonstrate statewide performance, effectively allowing States to ignore failing schools. We focus on a few schools that excel and bolster the State average.

Under this proposal, States could use Federal funds for any educational purpose under State law. As we discussed during yesterday's debate, what was then a title I State block grant of 1965, studies demonstrate educational purposes can be band uniforms, swimming pools, sewage disposal. I talked about that last night and won't go through those arguments again.

If my colleagues like block grants, they would be better off going by conservative principles and not having the block grant but reducing taxes by that amount. I, for one, don't like separating the taxing authority from the spending authority. That is as conservative a principle as we are going to get.

Fortunately, we don't have to go down the path of a block grant. The Democratic alternative targets scarce Federal dollars to the Nation's most important priorities: Teacher quality, high standards for our children, accountability for students in school performance, safe and modernized schools, smaller class size, technology, and parental involvement. Under our proposal, schools would be required to ensure that all students meet or exceed State proficiency standards within 10 years. We prevent States from masking an achievement gap by requiring schools to determine academic progress by using disaggregated student performance data.

Under our proposal, we build 6,000 new centers, giving 1.6 million school-age children access to before-school and after-school programs. Under our proposal—this is the part I will dwell on because the Senator from Massachusetts has enabled me to play a little bit of a role in this, along with the other proposals—we recognize the urgent and vital need to have a qualified teacher in every classroom. We guarantee funds to communities to recruit qualified teachers. That is the greatest crisis, in my judgment, that education faces.

Last night, I mentioned on the floor more than half the teachers will retire in the next 15 years. For math and science, even in affluent districts, we have a great deal of trouble finding teachers now. If we could only accomplish one thing, if we could make only one change to our schools to raise quality, in my judgment, it would be to improve the quality of our teachers, make the teaching profession more attractive to young people and mid-career professionals alike.

In the past, we were able to attract teachers of high quality because we had set cohorts of people who went into teaching. Depression babies in the 1930s and 1940s wanted a secure, if not a well-paying job; women in the 1950s and 1960s who had no other opportunities, and in the late 1960s and early 1970s, my generation, had young men who went into teaching because they were given draft preference.

Today, however, to choose to teach is to choose to sacrifice, at least economically, as fulfilling a job as teaching is. Teacher salaries could not compare with other possible options facing college graduates. Over the past 4 years, salary offers for college graduates in all fields have grown at twice the rate of those for new teachers. Computer programming, $44,000; accounting, $37,000—these are starting salaries—market research, $34,000; a paralegal, $45,000; teaching, $26,769.

For the millions of young men and women who would consider the idealistic profession of teaching young people—I have done it, not as a professional, but when I have been invited as an elected professional to teach eighth grade social studies in Cunningham Junior High school or 12th grade American History in Madison.

Just one other point on the teacher crisis. We face a teacher shortage of 750,000 teachers. One-third of the Nation's teachers are eligible to retire in the next 5 years. The largest number of teachers is about 49 years old through 55 years old. We desperately need new teachers.

I have been working on a program, which is included in this alternative, to address the shortage and quality concerns through a teacher scholarship program: Inviting New Scholars to Participate In Renewing Education, called INSPIRE, a brilliant work of an acronym by my staff.

Under this proposal, the federal government would pay 80 percent of the costs of awarding annual INSPIRE scholarships to highly qualified high school seniors, undergraduate students and college graduates/mid careers interested in committing to teach.

In exchange for having educational expenses (either college, graduate school or an alternative certification program) paid for, awardees would commit to obtain teacher licensing and agree to teach in a "high need" area—those regions with high poverty and a high number of uncertified teachers.

My proposal would require new teachers to have an academic or work related concentration in the subject in which they intend to teach. When so much is riding on a teacher's ability and mastery, it is unacceptable that one-fourth of the math and science teachers in 1998 had not majored in the field they were teaching.

The deal would be one year for every $5,000 in assistance received. The awards would not exceed $20,000 and a portion of the scholarships would be reserved for shortage subject areas, such as math, science and special education. The total federal contribution would be $500 million over five years.

Some states are already leading the way; Massachusetts runs a Tomorrow Teachers Scholarship Program, Mississippi supports a Critical Needs Scholarship Program. States are innovating in a time of great need. Federal dollars should be used to replicate this on a broader scale.

In addition, my amendment also provides local districts money to set up mentoring programs for new teachers. $250 million over five years to ensure that the best local teachers will be trained to evaluate and guide new teachers during their first critical years in the classroom.

We want to attract qualified, motivated, committed new teachers and provide them the resources to stay teaching.

Currently, only 12 states pay veteran teachers to be mentors. We've just got to do better than that.

So, the choice seems to me to be simple. Do we provide federal dollars to do the hard work of ensuring quality, standards, accountability? Or do we just walk away? I think the answer is just as simple.

Mrs. MURRAY. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. Twenty minutes.

Mrs. MURRAY. Mr. President, I yield 8 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the issue before us really is whether or not we are going to change gears on education. The Republican bill changes gears in reverse. It puts us in reverse. The Democratic alternative offered by Senator DASCHLE puts us in a forward gear and moves us ahead into the 21st century.

I want to cover basically one issue that is encompassed in the Democratic alternative. If that alternative is not adopted—I assume by the party-line votes that are being held on education this year it probably will not be—I will be offering an amendment, hopefully tomorrow or the day thereafter, on an issue about which the American people are really concerned when it comes to elementary and secondary education. That is the issue of our crumbling schools and what is going to be done about them. USA Today the other day pointed out that 89 percent of the American people ranked education as the most important issue. That is why this debate is so important and why the elementary and secondary education bill is so important.

When you talk to the American people about what their concerns are, they talk about things such as smaller class sizes, better qualified teachers, better paid teachers, better accountability—all the issues we talk about in our alternative. But the one that comes up every single time is the state of our schools, how bad they are and how they are crumbling down around us.

Two years ago, in 1998, the American Society of Civil Engineers—not a political body—issued a report card on the status of our physical infrastructure in this country: The roads, the bridges, mass transit, aviation, waste water, dams, solid waste, and schools. Schools was the only one to receive an F. It is the worst part of our physical infrastructure in America according to the American Society of Civil Engineers. Three out of four, 74 percent, of our schools were built before 1970. Here it is right here; 74 percent were built before 1970. Half our schools were built over 40 years ago.

You have to wonder. When the nicest things our kids see as they are growing up are shopping malls, movie theaters, and sports arenas, and the worst things they see are the public schools, you have to wonder what kind of message we are sending to them about the value we really place on their education.

We have had, in the Elementary and Secondary Education Act, since 1994, title XII. That was put in with bipartisan support, I might add, in 1994, to provide for grants to local school districts to repair, rebuild, and modernize their schools. I have been fighting on this issue for 7 years. Finally we had gotten the attention that this was a national problem—not just a local problem, a national problem. It is national because in some of the poorest school districts where they do not have the tax base to raise the local revenues, that is where you have the real problems. So it is a national issue, not just a local issue.

It is one where we can help local school districts without being involved in curriculum or taking over local control. This has nothing to do with that. I will tell you this: If you talk to local property taxpayers in any school district, talk about how burdened they are, and ask them if they want another increase in their property taxes to rebuild and modernize their crumbling schools, they will tell you they cannot do it. That is why it is a national problem and needs a national answer.

We had title XII and guess what. When we finally got the bill to our committee, title XII had been struck, just done away with. That is what we were faced with—no more title XII, no more authorization to provide grants to schools, while at the same time President Clinton sends the budget down earlier this year and there is $1.3 billion in the President's budget for grants to our local schools to rebuild and modernize.

The President requested $1.3 billion, and the Republican bill we have before us strikes the authorization to allow us to do that.

So I will tell you, at about this time President Clinton is in Davenport, IA, to continue his push for legislation to modernize our crumbling schools. But the pending bill cuts that effort off at the knees by repealing title XII. The amendment we have before us, the Daschle amendment, reauthorizes and amends title XII. It authorizes $1.3 billion to make grants and zero-interest loans to enable public schools to make urgent repairs, to fix the leaking roofs, repair the electrical wiring, or fix fire code violations.

What I am about to tell you has happened in the State of Iowa I am sure is true in almost every State in this Nation. The Iowa State Fire Marshal reported that fires in Iowa schools have increased fivefold over the past several years. Why is that? Because they are old schools. The wiring is old. They are catching on fire. It is true in every State in the country.

Here is something else. I say this to my friend from New York. Most people say this cannot be so, but it is so. Twenty-five percent of the schools in New York City are still heated by coal.

One out of every four public schools in New York City is heated by coal. Talk about old fashioned. Talk about the need to modernize and upgrade.

In closing, we have a lot of needs for elementary and secondary education, but one need that must be met on a national basis is fixing, repairing, and modernizing our crumbling schools. The Daschle amendment does that. That is why it needs to be supported.

If the substitute amendment is not adopted, I will be back with an amendment to amend title XII to provide the $1.3 billion President Clinton asked for in his budget. Our local school districts need this national help.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts. As I do so, I thank him for his tremendous leadership on our side on the issue of education and making sure all children, no matter where they are in this country, have the opportunity to learn. It is represented in this amendment which he has had such an incredible part in drafting. I thank him for that. I yield him 10 minutes.

Mr. KENNEDY. Mr. President, I thank my good friend, the Senator from Washington, for her comments. I yield myself 8 minutes. We are going to have two votes in about 20 minutes.

In closing this debate, I want to ensure my colleagues in the Senate fully understand the amendment offered by the Senator from Washington, Mr. GORTON. I certainly understand it was written to ensure that the Straight A's provision cannot be used to divert funds for private school vouchers. The Office of General Counsel at the Department of Education has reviewed the language and informs me they are concerned that, because of the convoluted approach this language takes, it would be very difficult to sustain in court an interpretation that vouchers are prohibited by the amendment.

Quite frankly, a direct prohibition in this amendment could have resolved that concern. For that same reason, the author of the amendment chose not to do so. The underlying bill, through its child-centered program, also known as portability, clearly authorizes the use of funds for what are, in effect, private school vouchers.

The amendment offered by the Senator from Washington does not purport to change that program at all. Therefore, notwithstanding any interpretation of the amendment on which we are about to vote, we would continue, according to the general counsel's belief, to have a private school voucher program.

I believe it is probably marginally better in terms of reducing the possibilities of a voucher than exists in the bill. I urge my colleagues, even with this hesitation, to support the amendment.

For the last few minutes, I will go back to the comparison of the accountability provisions of S. 2 and the Daschle bill. I will mention seven different areas. I want the attention of those on the other side so they can address it, which they did not do over the course of this day.

Must States dedicate funds specifically for turning around failing schools?

Under S. 2, the answer is no. Under the Daschle proposal, the answer is yes. Under title I, they have to allocate 3 percent in the years 2001 and 2002 and 5 percent for every year after so there will be funds available in the States to turn around failing schools. Our answer is yes; their answer is no.

Must schools show annual gains in student performance?

The answer for S. 2 is no. In our legislation, the answer is yes, States have a period of time to reach proficiency in 10 years for all children, but they have to define how they are going to get there. We let them do it, but they must meet the benchmarks along the way. We define it and hold States accountable; they do not.

Is there any assurance of real accountability? Do failing schools face any real consequences?

As we have pointed out time and again, there is virtually no accountability for the first 5 years under S. 2. The answer to that is no. Under the Daschle bill, after 2 years, there has to be changes that the schools will take part in or otherwise, after the 4 years, the whole governance of that school will be replaced. There are funds for that, and there is the commitment spelled out in our legislation to do it.

Is accountability based on the performance of all students, including poor children and limited-English-proficient children? The answer under S. 2 is no. The State can choose what children—this is the unbelievable part. I reviewed this in the RECORD yesterday. Under S. 2 requirements, they can select or choose which children they are going to put in the aggregation to report back to the Secretary of Education. It is a shell game.

Under the Daschle bill, there is a requirement for disaggregation not only in school districts but in schools on race and income, so we will know actually what school, not what school district, not just a general area, but we will know that every single year this legislation is in place.

Do schools and districts face consequences if they fail to help poor children, minority children, and limited-English-proficient children learn to high standards?

The answer under the Republican bill is no; under ours it is yes, for the reasons I have identified.

Is there a sensible requirement enabling students in failing schools to transfer to higher-quality schools?

The answer in the Republican bill is virtually no. They can use the whole amount of money for transportation. We challenge them. Show us where the limitation is. It is not there. We put the limitation cap at 10 percent.

Finally, must States help migrant children, delinquent or neglected children or homeless children reach high standards?

Under S. 2, no, they effectively abolish the homeless program, the immigrant program, and the migratory programs. We protect those.

If they are looking for accountability—and we have heard those words from the other side all day long today, "We want accountability"—they have to answer those questions. They have not answered them. They did not answer them in their opening statements when they presented this issue, and they refuse to respond to the challenges that Senator BINGAMAN and everyone on this side has posed to them.

Republicans want a blank check that is a stamp of approval on the status quo. It gives a blank check to the Governors and does not require anything to change. The Democrat's substitute cancels the blank check and instead provides parents a guarantee of better results for kids. It guarantees accountability for results, as I have spelled out—a qualified teacher in every classroom, as was pointed out earlier in the debate, smaller class size, as Senator MURRAY has pointed out, modern and safe schools, as Senator HARKIN and others have pointed out, and strong parental involvement, as Senator REED from Rhode Island has pointed out. All of this has been included in our alternative. That is a Marshall Plan for change, and I urge my colleagues to support it. I yield back the remainder of the time.

Mr. JEFFORDS. Mr. President, how much time does the majority have?

The PRESIDING OFFICER. The majority has 6 minutes, and the minority has 4 minutes.

Mr. JEFFORDS. Mr. President, I join my colleague from Massachusetts in urging everyone to vote for the Gorton amendment. However, I urge them to vote no on the Daschle amendment. The distinguished minority leader has offered objections to S. 2, and we agree that it is not perfect, but S. 2 does ensure that the Federal Government provides leadership and support in areas where there is a critical need for help. These areas include title I, education for the disadvantaged; safe and drug-free schools; bilingual education; and education technology, to name a few.

S. 2 maintains and strengthens the title I reform process begun in 1994 with the enactment of the last ESEA reauthorization which required the establishment of high standards and the development and implementation of assessments designed to measure progress towards those standards.

The deadline for adopting standards was 1998, and the deadline for adopting assessments is in the school year 2001–2002.

A bipartisan group of educators, known as the Independent Review Panel, which was created under the 1994 law to review federally funded elementary and secondary education programs, said in their report, released last year, that standards driven reform should be given a chance to fully take hold while the Nation continues to assess progress in student performance.

S. 2 enhances the title I reform process by providing a separate funding stream within title I which will provide dollars to those schools that need improvement and also provides funding to States so that States may develop the assessments they need to have in place by next year.

Title II of the bill provides clear Federal leadership and support for investments in teacher quality. It builds upon our national commitment to professional development. Yet, it does so in a commonsense way that allows school districts to create the recipe that works for their schools and their communities to improve opportunities for teachers. It provides a list of activities that school districts can choose from in an effort to improve the quality of the teachers in the classroom. The bill encourages funds to be used for recruiting and hiring teachers, mentoring programs, programs and partnerships to keep good teachers in the profession, and professional development programs that will have a positive impact on teaching and learning in the classroom.

In addition, S. 2 includes a new program to develop and strengthen the leadership skills of teachers, principals, and superintendents.

This bill also improves the Safe and Drug Free Schools Program by increasing accountability. While requiring that Safe and Drug Free money be used for effective programs, S. 2 also gives States and local school districts enough flexibility to design programs that will prevent violence and drug use.

The bill provides Federal leadership and significant Federal funding for education technology. The current education technology programs have made a significant difference in fostering the effective integration of technology into the curriculum. The programs authorized under S. 2 build upon the strengths of the current law and enhance the educational opportunities in technology available to teachers and students across the country. S. 2 preserves an important role for the Federal Government in education technology. It includes a number of changes offered by Senators from the other side of the aisle which, in my view, improve and strengthen the education technology provisions in the underlying bill. The education technology program is a good one—it should not be abandoned by adopting the Senator Daschle amendment.

This bill also improves bilingual education. Recently, rural communities throughout this Nation have seen tremendous growth in the bilingual student population. S. 2 includes provisions that will enable these rural communities to receive funds from this program. At the same time, ensuring that the large urban centers continue to be eligible for Bilingual Program grants.

S. 2 includes a new flexibility initiative included in Title VI which is based on Senator COLLINS' Rural Education Initiative Act. The purpose of this program is to provide adequate funding to rural schools to enhance their ability to strengthen the quality of instruction and improve student achievement and student performance. Through flexibility provisions and a supplemental grant program, rural school districts will have the ability to maximize their resources for implementation of education reform strategies. The amendment offered by my colleagues on the other side does not have this authority and it is a provision that will provide a significant benefit to the rural communities of this Nation.

In conclusion, I urge my colleagues to reject the substitute and work together to make improvements to S. 2 in an effort to arrive at a bipartisan product that will make a positive difference in the lives of all of our Nation's students and educators.

I urge Senators to vote yes on the Gorton amendment and no on the Daschle substitute.

I yield the floor.

The PRESIDING OFFICER. The remaining time is under the control of the Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I yield the remaining debate time to the Democratic leader, who has done an outstanding job in putting together an amendment that really reflects the values of the Democrats and ensures that all of our children, no matter who they are, get a quality education.

I thank the Democratic leader and yield him our time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank my colleague from Washington for her leadership on this issue, and particularly on the issue of class size, and all of the work that she has done to get us to this point.

Mr. President, I will use whatever additional time I need out of my leader allotment to finish my remarks.

Let me begin by complimenting the distinguished chairman and manager on the other side for the manner in which he has closed the debate.

There is no one who has worked on a more bipartisan basis on so many issues than has he. I respect him and appreciate the tone that he has set, once again, in calling for bipartisanship. I guess the irony is that we find ourselves, in spite of his desire for bipartisanship, at a point where we have very little of it.

I am as disappointed as he is that in committee, after more than a year's worth of work, the document the committee had been using, the work they had been constructing was shelved in favor of a very partisan approach to the Federal role in education for the next 6 years through ESEA.

I know, I am sure—I do not know—I am sure that he shares my disappointment that the kind of bipartisan tradition we have had in drafting this legislation over 35 years was not represented in the final vote during the markup of the ESEA in committee. So his call for bipartisanship, I know, on his part is genuine.

I am disappointed it was not reflected in the actions taken by the committee. I am disappointed that it does not reflect our current status on the Senate floor. As a result, I am really disappointed that we are relegated now to offering a Democratic substitute, when we could have worked on a bipartisan bill that would have allowed both parties to claim achievement and some success, and the confidence that we are doing the right thing in addressing education at the Federal level.

I thank all of my colleagues for the extraordinary effort they have made to bring us to this point within my caucus. I have mentioned Senator MURRAY. I thank, first and foremost, Senator KENNEDY, for all the work he has done as our ranking member. I thank Senator DODD and all of the members of the HELP Committee. But I must say, all of our colleagues—Senator LIEBERMAN, and others—have joined with us in an effort to make this the very best proposal we could make.

I believe we have achieved that. I believe there is a lot more we can do. But given our circumstances, given where we are, I believe this represents the finest opportunity that we will be able to construct to ensure that for the next 6 years, during this ESEA authorization, we build upon the things that have worked, change the things that have not. We as we acknowledge the report card that still stands in the back of this Chamber—the report card by the American Society of Civil Engineers issued just a little more than a year ago—as we look at our infrastructure, in all of its different facets, as we determine what is working and what is not, we can say, with some authority and with some absolute certainty that too many of our schools are failing when it comes to the infrastructure.

We are getting poor results. We are not doing what we should in large measure because we have not made the commitment in infrastructure that we must make in education. So they gave schools an F. So we are faced with that reality, that we can do a better job.

We are faced really with two choices. One choice is to say: Let's take those tools. Let's assure that those things we know are working can be built upon, and that we can provide the kind of leadership and be the catalyst we know we can be in improving teacher quality, in improving accountability, in reducing class size, in ensuring there is more technology in all schools, and to make sure there is more parental involvement—taking all of those things that school boards and parents and teachers and school officials tell us we have to do a better job on. We can work to improve those specific areas with the knowledge it is going to take resources. We can do that. That is what the Democratic substitute does do.

On the other hand, we can do what we attempted to do back in 1981, in the name of flexibility, in the name of local control. Ironically, we created a blank-check approach that, I believe, has been an abysmal failure—a failure in terms of the kind of commitment to that approach, represented in real dollars, now cut by more than half since the legislation was passed, an approach that probably is far more bureaucratic, when you think about it. We go from the people administering the program at the Federal level through the people administering the program at the State level, to the people administering the program at the city or school district level, to the people administering the program in the schools themselves. That is the Republican approach. That is the blank check. If that isn't bureaucratic, I don't know what is.

What we say is, if you really want local control, if you want to ensure that the maximum number of dollars get right into the school, bypass all of that and you will directly affect the school and provide the resources. That is what we say you should do. That is what our substitute does. That is real local control. That is providing the resources in the place where it can do the most good, without all of the bureaucratic hurdles, without all of the money going from here to the State capital, to the county, to the city, to the school district, to the school. We should not have to do that.

So I find a real irony in this local control argument used by some on the other side. I will say that I am hopeful, in spite of the history over the last several days—a somewhat partisan approach to this debate—we can actually reach some sort of a bipartisan consensus before the end of the debate. I am hopeful, as the chairman has indicated, that there is yet some opportunity for us to reach across the aisle. This is our best hope in doing that. We know all of the things that we are suggesting have enjoyed bipartisan support in the past. These have not been partisan issues. There is no reason why now it must be. So we offer this amendment in good faith, hoping that our Republican colleagues will join us in building on the success of the past and ensuring that we really have local control, in recognizing the educational tools that can be of extraordinary benefit to students and teachers all over this country. That is what this amendment is about, and I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3110. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Delaware (Mr. ROTH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Domenici
Roth

The amendment (No. 3110) was agreed to.

VOTE ON AMENDMENT NO. 3111

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3111. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Roth

The amendment (No. 3111) was rejected.

Mr. JEFFORDS. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I rise today to address once again the education of our children. This week we have been debating S. 2, the Educational Opportunities Act. More importantly, we have been debating a difference in philosophy between Democrats and Republicans.

The Democrats have stood before us and proclaimed that Republicans want to weaken the Federal stranglehold on our education system.

The Democrats have stood before us and accused us of wanting to turn power from the beltway to parents and teachers.

Well, Mr. President, I plead guilty.

In fact, let us examine exactly what Republicans want to do.

We want to reduce overhead costs to put more money into the classroom, make States and local districts more accountable, and provide greater flexibility for teachers and parents to make the decisions which affect their children.

Anyone who has itemized taxes, applied for an FAH loan, been in the military, or just dealt with the Federal Government knows how stifling the paperwork can be. People all across this country make a fine living helping people deal with Federal bureaucracy.

So, it is easy to imagine how a school district can devote half of its administrative staff to administer the 7 percent of its budget that comes from the Federal Government.

Just imagine how much paperwork you have to do to send money to the Federal Government.

Now imagine how much that would increase if they were giving you money—and then imagine if you were receiving millions of dollars a year.

It is easy to see how money and staff can be siphoned off to administer Federal funds—money and staff that could go to teaching our children.

Our bill reduces Federal paperwork in order to put more money into the classroom.

Every student knows that grades—a measure of your accomplishment—are important. Every day parents and teachers hold them accountable for their grades.

These same students may find it surprising that school districts and States are not held accountable for their achievements with the billions of Federal tax dollars they receive.

Our bill says enough is enough. It is time to hold States accountable for student achievement.

Our bill offers an opportunity for 15 willing States to consolidate up to 12 Federal grant programs and free themselves from Federal redtape. However, the States must use that flexibility to boost student achievement—which they will be held accountable for. A noble concept.

The pillar of our public school system is to allow everyone free and open access to a high quality education. And, generally, it works.

Unfortunately, there are schools out there that are denying our students the basic education they need. And, students who can't afford private education, are stuck in the schools where they live.

That should not be the case. Our bill says that if a school that generally reaches disadvantaged students is designated as failing for 2 years, the district would be required to offer any child enrolled in the failing school the option to transfer to a higher performing public school.

If a school continues to fail for another 2 years, the district would also have to cover the students' transportation costs.

If all public schools within a district were identified as failing, then the district would be directed to form a cooperative agreement with another district to allow students to transfer.

And, finally, students attending these schools who either have been a victim of a violent crime on school grounds or whose school has been designated unsafe may also transfer to another public school.

This puts many decisions about a students education in the hands of their parents, forces schools to be accountable for their achievement, and allows all students access to a quality education.

Mr. President, as I close today I want to ask every parent out there one question. Do you know better than a Federal bureaucrat in Washington what is best for your child? If the answer is yes, you should support our bill.

I also want to ask every school administrator and teacher out there one question. Do you know better than a Federal bureaucrat in Washington what is best for your students? If the answer is yes, you should support our bill.

After all, it is all about increased accountability, greater local and parental control, and more money in the classroom.

The PRESIDING OFFICER. The Senator from Alaska.

DAVID MAHONEY

Mr. STEVENS. Mr. President, our Nation has lost one of the great and modest men of our time, David Mahoney. A man who will receive posthumously one of the highest awards the medical community can bestow on a layman—the first Mary Woodard Lasker leadership in Philanthropy Award for "visionary leadership" from the Albert and Mary Lasker Foundation on May 9.

David, through his generosity, with both his time and his money, greatly expanded knowledge about the human brain, neuroscience, and the connection between body and brain which is helping people lead longer, healthier lives.

He led us through the "Decade of the Brain" and used his extraordinary marketing and public relations skills to foster awareness in Congress and our people of the importance of medical research and brain research in particular.

From his humble beginnings in the Bronx, my friend served as an infantry captain in World War II and then attended the Wharton School at the University of Pennsylvania while working full time in the mail room of an advertising agency.

David's talents did not stay hidden for long; by the time he was 25, he had become the youngest vice president of an advertising agency on Madison Avenue.

He went on from there to form his own agency in New York and then began his climb through the corporate world, first running the Good Humor Ice Cream Co., and rising to chief operating officer of Norton Simon's various corporate holdings.

It was during his stewardship of Norton Simon, Inc., that I first met David. My friend Norton Simon retired as president and CEO of Norton Simon, Inc., in 1969 and selected David Mahoney to be the new leader of his company.

He chose David because "David was inspirational, tough, visionary, and dangerous." David expanded the company and helped Norton Simon build the world famous Norton Simon art collection, the greatest personal art collection west of the Mississippi.

David wrote a book about his own life in business called Confessions of a Street Smart Manager. David was a wonderful combination of street smarts garnered from growing up in the Bronx, an education from the Wharton School, and the Irish charm that could convince people to share a dream and work to realize its value.

Just 2 years ago David authored another book, along with Dr. Richard Restak, "The Longevity Strategy—How To Live To 100 Using the Brain-Body Connection."

David once said that "God gave you intelligence so you could build your intuition about what lies ahead."

David Mahoney's second career and perhaps most lasting legacy was with the Charles A. Dana Foundation where he served as its chairman since 1977.

After leaving Norton Simon, he focused the attention of the Dana Foundation on neuroscience research and helped the world's top neuroscientists and researchers explain the importance of their research to the general public and to funding agencies in the executive branch and the Congress.

In 1992, he and Nobel Laureate Dr. James Watson launched the "Decade of the Brain" with 10 specific objectives they believed might be achievable by the end of the decade. That effort focused attention better than ever before on understanding the basis for diseases of the brain like Parkinson's and Alzheimer's and generated an unprecedented level of support for neuroscience research.

David has become widely and justifiably credited as our foremost lay advocate for neuroscience. While David had recently expressed some frustration to me that those 10 ambitious goals had not yet been fully achieved, through his efforts remarkable progress has been made in understanding the human brain and the diseases that afflict it. I know those goals will ultimately be met, and David Mahoney will be forever remembered as the driving force behind this effort.

My friend David Mahoney and his wife Hillie have been close friends of ours for many years. David and I celebrated our 75th birthdays, which fell in the same year, and shared many memorable times. Catherine and I will miss his wit and his wisdom and his leadership, but I will continue to enjoy personal memories of our friendship and to be grateful for his legacy of exploration into the workings of the human brain.

Mr. President, the May 2, 2000, New York Times contained an excellent obituary of David Mahoney, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 2000]

DAVID MAHONEY, A BUSINESS EXECUTIVE AND NEUROSCIENCE ADVOCATE, DIES AT 76

(By Eric Nagourney)

David Mahoney, a business leader who left behind the world of Good Humor, Canada Dry and Avis and threw himself behind a decidedly less conventional marketing campaign, promoting research into the brain, died yesterday at his home in Palm Beach, Fla. He was 76.

The cause was heart disease, friends said.

Mr. Mahoney, who believed that the study of the brain and its diseases had been shortchanged for far too long, was sometimes described as the foremost lay advocate of neuroscience. As chief executive of the Charles A. Dana Foundation, a medical philanthropic organization based in Manhattan, he prodded brain researchers to join forces, shed their traditional caution and reclusivity and engage the public imagination.

To achieve his goals, he brought to bear the power of philanthropy, personal persuasion and the connections he had made at the top of the corporate world.

Using his skills as a marketing executive, he worked closely with some of the world's top neuroscientists to teach them how to sell government officials holding the purse strings, as well as the average voter, on the value of their research. He pressed them to make specific public commitments to find treatments for diseases like Alzheimer's, Parkinson's and depression, rather than conduct just "pure" research.

"People don't buy science solely," Mr. Mahoney said this year. "They buy the results of, and the hope of, science."

In 1992, aided by Dr. James D. Watson, who won the Nobel Prize as a co-discoverer of the structure of DNA, Mr. Mahoney founded the Dana Alliance for Brain Initiatives, a foundation organization of about 190 neuroscientists, including Dr. Watson and six other Nobel laureates, that works to educate the public about their field.

The same year, after taking over the 50-year-old Dana Foundation as chief executive, Mr. Mahoney began shifting it away from its traditional mission of supporting broader health and educational programs, and focused its grants almost exclusively on neuroscience. Since then, the foundation has given some $34 million to scientists working on brain research at more than 45 institutions.

Mr. Mahoney also dipped into his own fortune, giving millions of dollars to endow programs in neuroscience at Harvard and the University of Pennsylvania. Later this month, the Albert and Mary Lassker Foundation, which traditionally honors the most accomplished researchers, was to give him a newly created award for philanthropy.

"He put his money where his mouth was," said Dr. Kay Redfield Jamison, a professor of psychiatry at Johns Hopkins University.

Mr. Mahoney's journey from businessman to devotee of one of the most esoteric fields of health was as unusual as it was unexpected.

David Joseph Mahoney Jr. was born in the Bronx on May 17, 1923, the son of David J. Mahoney, a construction worker, and the former Loretta Cahill.

After serving as an infantry captain in the Pacific during World War II, he enrolled at the University of Pennsylvania's Wharton School. He studied at night, and during the day he worked 90 miles away in the mail room of a Manhattan advertising agency, Ruthrauff & Ryan. By the time he was 25, he had become a vice president of the agency—by some accounts, the youngest vice president on Madison Avenue at the time.

Then in 1951, in a move in keeping with the restlessness that characterized his business career, he left Ruthrauff & Ryan to form his own agency. Four years later, when his business was worth $2 million, he moved on again, selling it to run Good Humor, the ice-cream company that his small agency had managed to snare as a client.

Five years later, when Good Humor was sold, Mr. Mahoney became executive vice president of Colgate-Palmolive, then president of Canada Dry, and then, in 1969, president and chief operating officer of Norton Simon, formed from Canada Dry, Hunt Food and McCall's. Under Mr. Mahoney, Norton Simon grew into a $3 billion conglomerate that included Avis Rent A Car, Halston, Max Factor and the United Can Company.

Despite his charm, associates said, he had a short temper and an impatient manner that often sent subordinates packing. "I burn people out," he once said in an interview, "I'm intense, and I think that intensity is sometimes taken for anger."

The public knew him as one of the first chief executives to go in front of the camera to promote his product, in this case, in the early 1980's for Avis rental cars, which Norton Simon had acquired under his tenure.

By all accounts, including his own, Mr. Mahoney was living on top of the world. He was one of the nation's top paid executives, receiving $1.85 million in compensation in 1982—a fact that did not always endear him to some Norton Simon shareholders, who filed lawsuits charging excessive compensation, given that his company's performance did not always keep pace with his raises.

Tall and trim, he moved among society's elite and was friends with Henry A. Kissinger, Vernon E. Jordon, Jr. and Barbara Walters. He was reported to have advised Presidents Richard M. Nixon, Jimmy Carter and Ronald Reagan, and to have met with Mr. Carter at Camp David.

But his fortunes changed late in 1983. True to form, the restless Mr. Mahoney was seeking change, putting into motion a plan to take Norton Simon private. But this time, he stumbled; a rival suitor, the Esmark Corporation, bettered his offer and walked away with his company.

Mr. Mahoney was left a lot richer—as much as $40 million or so, by some accounts—but, for the first time in his life, he was out of a job and at loose ends. He described the period as a low point.

"You stop being on the 'A' list," he said some years later, "Your calls don't get returned. It's not just less fawning; people could care less about you in some cases. The king is dead. Long live the king."

It look some years for Mr. Mahoney to regain his focus. Gradually, he turned his attention to public health, in which he had already shown some interest. In the 1970's, he had been chairman of the board of Phoenix House, the residential drug-treatment program. By 1977, while still at Norton, he became chairman of the Dana Foundation, a largely advisory position.

Mr. Mahoney increasingly devoted his time to the foundation. In 1982, he also because its chief executive, and soon began shifting the organization's focus to the brain. In part, the reason came from his own experience. In an acceptance speech that he has prepared for the Lasker Award, he wrote of having seen first-hand the effects of stress and the mental health needs of people in the business world.

But associates recalled, and Mr. Mahoney seemed to say as much in his speech, that he appeared to have arrived at the brain much the way a marketing executive would think up a new product. "Some of the great minds in the world told me that this generation's greater action would be in brain science—if only the public would invest the needed resources," he wrote.

In 1992, Mr. Mahoney and Dr. Watson gathered a group of neuroscientsts at the Cold Spring Harbor Laboratory on Long Island. There, encouraged by Mr. Mahoney, the scientists agreed on 10 research objectives that might be reached by the end of the decade, among them finding the genetic basis for manic-depression and identifying chemicals that can block the action of cocaine and other addictive substances.

"We've gotten somewhere on about four of them—but what's life," Dr. Watson said recently.

In recent years, Mr. Mahoney became convinced that a true understanding of the brain-body connection might also lead to cures for diseases in other parts of the body, like cancer and heart disease.

He believed that it would soon be commonplace for people to live to 100. For the quality of life to be high at that age, he believed, people would have to learn to take better care of their brains.

In 1998, along with Dr. Richard Restak, a neuropsychiatrist, Mr. Mahoney wrote "The Longevity Strategy: How to Live to 100: Using the Brain-Body Connection" (John Wiley & Sons).

Mr. Mahoney's first wife, Barbara Ann Moore, died in 1975. He is survived by his wife, the former Hildegarde Merrill, with whom he also had a home in Lausanne, Switzerland; a son, David, of Royal Palm Beach, Fla.; two stepsons, Arthur Merrill of Muttontown, N.Y., and Robert Merrill of Locust Valley, N.Y., and a brother, Robert, of Bridgehampton, N.Y.

Associates said Mr. Mahoney's temperament in his second career was not all that different from what it had been in his first. It was not uncommon, said Edward Rover, vice chairman of the Dana Foundation's board of trustees, for his phone to ring late at night, and for Mr. Mahoney to sail into a pointed critique of their latest endeavors.

One researcher spoke of his "kind of charge-up-San-Juan-Hill . style." Dr. Jamison, of Johns Hopkins, called him "impatient in the best possible sense of the word."

As in his first career, Mr. Mahoney never lost the good salesman's unwavering belief in this product, "If you can't sell the brain," he told friends, "then you've got a real problem."

Mr. DODD. If my colleague will yield, I thank our colleague from Alaska for his comments about David Mahoney. I didn't know him as well as my good friend from Alaska but had the opportunity to be with him on numerous occasions. All the things the Senator from Alaska said about David Mahoney are true, and even more so. It is a great loss to the country.

In fact, I point out our good friend from Alaska has lost a couple of good friends in the last few months.

A man of significant contributions, a man who appreciated the arts, had a great love of this country and history—David Mahoney was all of those.

Suffice it to say, I want to be associated with the comments of the distinguished Senator from Alaska on his comments about David Mahoney.

MARKING THE ARRIVAL OF TAX FREEDOM DAY

Mr. GRAMS. Mr. President, today is Tax Freedom Day, the day on which working Americans stop working just to pay their State, Federal, and local taxes and actually begin keeping their earnings for themselves.

This is an important day for American taxpayers, but it is certainly not a happy occasion because every year—since 1913—Tax Freedom Day has arrived later and later. This means that Americans are working more hours and more days every year just to pay their tax bill. This year, Americans had to work 124 days for their local, State and Federal governments before they could finally start working for themselves and their families on May 3.

What is even more troubling is that in 13 States—including my home State of Minnesota—Tax Freedom Day will arrive 2 or more days later than the rest of the Nation. That means Minnesota taxpayers have to wait longer before they can start working for themselves, not for the Government.

Despite the fact that Americans work so long for the Government, we have recently heard a lot of talk on the Senate floor and in the media that the Federal tax bite is the smallest in 40 years and that the era of big government and high taxes is over. If that is true, why hasn't Tax Freedom Day arrived earlier than last year?

The stark truth is that the Federal Government's tax collecting—and spending—are still too high.

The facts speak for themselves. Although the total Federal tax burden is slightly lower thanks to our tax-relief initiatives, particularly the bill I authored to provide a $500 per-child tax credit, the combined burden of Federal personal income and payroll taxes is well above the figures of both World War II and 1980 prior to the Reagan tax cut. Federal taxes consume 20.4 percent of GDP, compared to 17.5 percent of GDP when President Clinton took office. Since 1993, federal taxes have increased by 54%, which for the average taxpayer translates into a $2,000 tax hike.

The combined personal income and payroll tax soared to 16.3% of GDP in 1999, up from 14.2% in 1992. Measured as a share of GDP, the personal income tax rose from 8% in 1981 to 9.6% in 1999. The payroll tax now takes 6.8% of GDP, up from 4.5% in 1970.

On average, each American is paying $10,298 this year in Federal, State, and local taxes. A typical family now pays more of its income in total taxes than it spends on food, clothing, transportation, and housing combined. More and more middle-income families are being pushed into higher tax brackets each year.

Even for most low- and middle-income families, federal payroll taxes take a huge bite of their income, and it keeps growing. For example, in 1965, a family earning wages of $10,000 paid $348 in payroll taxes. Today, that family would pay $1,530 in payroll taxes—an increase of 340 percent.

According to the Tax Foundation, a nonpartisan group that tracks the government tax bite at all levels, the total tax burden has grown significantly since 1992. While State and local taxes have grown somewhat, Federal taxes account for the largest share of the increase.

Federal, State and local taxes claim 39.0 percent of a median two-income family's total income and 37.6 percent for a median one-income family, according to a Tax Foundation study.

During the Clinton administration, Tax Freedom Day has leap frogged almost 2 weeks from April 20 in 1992 to May 3 this year. The Clinton Presidency means working Americans have to spend an extra 13 days working for Government. Not since the era of the Vietnam War and President Johnson's "Great Society" programs has Tax Freedom Day been pushed back so far in such a short period of time—and this is from an administration that claims it has put an end to "big government."

The Government is getting bigger, not smaller. Some people claim that big Government is over because Government spending as a percentage of GDP is shrinking. The real question is how do we measure the size of the Government? Is it the number of employees, the number of dollars spent, the tax burden, the hidden costs of regulations, or all of the above? I believe it should be all of the above. The growth of the economy does not have to be linked to the growth of Government. In fact, I have always said that we can streamline the Government and still provide all the Government services we need.

A more meaningful way to measure Government spending is to look at the number of dollars spent. Since President Clinton took office in 1993, Government spending has increased from $1.40 trillion to $1.83 trillion in 2000, a 30-percent rise. During the same period, Government revenue increased from $1.15 trillion to $2.08 trillion, a 75-percent increase.

The growth for domestic nondefense spending was 6.3 percent between 1990 and 1995. In the last 2 years alone, nondefense spending grew by 5.3 and 6.8 percent. President Clinton has proposed a 14-percent increase in his last budget. If this is not big Government, what is?

If President Clinton's spending frenzy continues, it will wipe out the entire $1.9 trillion non-Social Security surplus in less than 3 years, leaving none of these tax overpayments to return to taxpayers in the form of debt reduction, tax relief and Social Security reform. But our colleagues on the other side of the aisle do not say this increased spending is risky. They instead claim that our tax relief efforts to let the people keep a little more of their own money is risky.

People today work hard, and then are penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult, and for some, impossible. How can anyone call the elimination of the marriage tax penalty for 21 million American families risky?

It is clear that the American people are still overtaxed despite the progress we have made to reduce taxes. Congress must provide meaningful tax relief to help alleviate the tax burden on working Americans.

But the only way we can effectively push back Tax Freedom Day is to terminate the tax code and replace it with one that promotes tax freedom and economic opportunity. We must repeal the 16th amendment and abolish the IRS. We must create a new tax system that's fairer, simpler, and friendlier to taxpayers.

Tax Freedom Day—it should be more than just another reminder of the high cost of Government. We owe it to the American taxpayers to work together to fix the system. Only when we begin to shorten the number of days that Americans work for Government, and allow them to own the fruits of their labor, can we truly celebrate Tax Freedom Day.

CONGRESSIONAL GOLD MEDAL FOR PRESIDENT AND MRS. REAGAN

Mr. COVERDELL. Mr. President, as you may know, on April 25, 2000, many of my colleagues and I introduced S. 2459, legislation that would award President and Mrs. Ronald Reagan with the Congressional Gold Medal.

The bill has been received warmly in my home State as well. The Press-Sentinel of Jesup, GA, recently ran an editorial supporting my bill. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jesup, GA, Press-Sentinel, Apr. 26, 2000]

A FITTING TRIBUTE TO REAGAN

If Sen. Paul Coverdell has his way, former President Ronald Reagan and his wife, Nancy, will become the 118th recipient of the Congressional Gold Medal.

Tuesday, the Georgia senator introduced legislation that would award the president and his wife the medal.

Said the senator, "I am proud to sponsor this effort. President and Mrs. Reagan are a constant source of inspiration for me, as they are for many Americans. President Reagan led us to the economic prosperity that we still enjoy today and was instrumental in ending the Cold War. Mrs. Reagan lent her grace and commitment to fighting the war on drugs. Now as they battle the President's Alzheimer's Disease together, it is fitting for this nation to thank them for their leadership and for the role they played in shaping American history."

During his eight years in the White House, Reagan's role in ending the Cold War will go down in history as perhaps his greatest accomplishment.

Who can forget the challenge he hurled to his counterpart in Moscow, Mikhail Gorbachev, when he stood at Berlin's Brandenburg Gate and said, "Mr. Gorbachev, tear down this wall!"

In 1989, near the end of his term, the Berlin Wall came down and a year later Germany was again reunited.

When told of plans to award the Reagans the medal, Gorbachev said, "The award of the Gold Medal of U.S. Congress to Ronald Reagan is a fitting tribute to the 40th president of the United States, who will go down in history as a man profoundly dedicated to his people and committed to the values of democracy and freedom.

"Together with Ronald Reagan, we took the first, the most important steps to end the cold war and start real nuclear disarmament. . . . I am confident that succeeding generations will duly appreciate the accomplishments of President Reagan."

We applaud the overdue recognition of President Reagan's accomplishments and hope for unanimous support for Sen. Coverdell's legislation.

Mr. COVERDELL. Mr. President, from rural Georgia to Capitol Hill, Americans recognize the immeasurable contribution that President and Mrs. Ronald Reagan have made to our Nation. Their support is most welcome.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 2, 2000, the Federal debt stood at $5,669,550,992,339.00 (Five trillion, six hundred sixty-nine billion, five hundred fifty million, nine hundred ninety-two thousand, three hundred thirty-nine dollars and zero cents).

Five years ago, May 2, 1995, the Federal debt stood at $4,859,125,000,000 (Four trillion, eight hundred fifty-nine billion, one hundred twenty-five million).

Ten years ago, May 2, 1990, the Federal debt stood at $3,082,811,000,000 (Three trillion, eight-two billion, eight hundred eleven million).

Fifteen years ago, May 2, 1985, the Federal debt stood at $1,745,505,000,000 (One trillion, seven hundred forty-five billion, five hundred five million).

Twenty-five years ago, May 2, 1975, the Federal debt stood at $516,450,000,000 (Five hundred sixteen billion, four hundred fifty million) which reflects a debt increase of more than $5 trillion—$5,153,100,992,339.00 (Five trillion, one hundred fifty-three billion, one hundred million, nine hundred ninety-two thousand, three hundred thirty-nine dollars and zero cents) during the past 25 years.

ADDITIONAL STATEMENTS

WORLD ASTHMA DAY 2000

● Mr. DURBIN Mr. President, I rise today to call attention to the fact that today May 3, 2000, is World Asthma Day. As some of you may know, I am a strong supporter of federal, state, and local efforts to create and enhance awareness of asthma and to improve asthma care throughout this country and indeed throughout the world. I would also like to extend sincere thanks to the many thousands of Americans and others who work day after day to try to improve the way asthma is diagnosed and treated.

In the last 15 years, the prevalence of asthma has doubled throughout the world. More than 10 percent of children have asthma symptoms, and in some countries, as many as 30 percent are affected. In this country, asthma ranks among the most common chronic conditions, affecting more than 15 million Americans, including 5 million children, and causing more than 1.5 million emergency department visits, approximately 500,000 hospitalizations, and more than 5,500 deaths. The estimated direct and indirect monetary costs for this disease totaled $11.3 billion in 1998, in the United States alone.

World Asthma Day 2000 is being marked by more than 80 countries throughout the world. It is a partnership between health care groups and asthma educators organized by the Global Initiative for Asthma, GNA, which is a collaboration between the National Heart, Lung, and Blood Institute, NHLBI, of the National Institutes of Health and the World Health Organization. On this day, thousands of people throughout the world will work together to create greater awareness of the need for every person with asthma to obtain a timely diagnosis, receive appropriate treatment, learn to manage their asthma in partnership with a health professional, and reduce exposure to environmental factors that make their asthma worse.

Among those participating in World Asthma Day, via a special World Asthma Day Internet site (www.Webvention.org), will be Dr. David Satcher, Surgeon General of the United States, and Mr. Nelson Mandela, former President of the Republic of South Africa and currently Chairman of the South African National Asthma Campaign. Ministers of Health from Japan, Turkey, Malaysia and other countries will also be available on the Internet to answer questions about how the implementation of international asthma treatment guidelines can benefit patients and reduce health care costs.

In the U.S., local World Asthma Day activities are being coordinated by the NHLBI's National Asthma Education and Prevention Program and are listed on its Web site (www.nhlbi.nih.gov). These activities range from local press conferences to school poster contests, and health fairs to science museum education programs.

The NAEPP, along with the National Library of Medicine, Howard University, the Office of the Mayor of the District of Columbia, the American Lung Association of the District of Columbia, and the D.C. public school system, will hold the official U.S. press conference to report on the state of asthma in the United States and what is being done to combat the problem. Invited guests include members of Congress; Olympians who have achieved their titles despite their asthma; Washington, DC, elementary school students who have asthma; and representatives of selected community-based asthma coalitions from across the country. The press conference will be Webcast and shown on the World Asthma Day Web site.

Mr. President, it is my hope that our colleagues will join in paying tribute to World Asthma Day and to those who suffer from this condition and those who are working to help them. It is hoped that with the continued support of the Congress, additional progress can be made in the efforts to prevent asthma, as well as to improve its diagnosis and treatment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

H.R. 2932. An act to direct the Secretary of the Interior to conduct a study of the Golden

Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah.

H.R. 3582. An act to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified.

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of the title III.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic year 2000 computer problem disruptions.

The message further announced that the House has passed the following bill, without amendment:

S. 452. An act for the relief of Belinda McGregor.

The message also announced that the House has passed to the following joint resolutions, without amendment:

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2932. An act to direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah; to the Committee on Energy and Natural Resources.

H.R. 3582. An act to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified; to the Committee on Governmental Affairs.

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic year 2000 computer problem disruptions; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8755. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, –700, –800 Series Airplanes; Request for Comments; Docket No. 2000–NM–84 (4–10/4–24)" (RIN2120–AA64) (2000–0214), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8756. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes; Docket No. 99–NM–81 (4–11/4–24)" (RIN2120–AA64) (2000–0215), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8757. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplane; Docket No. 99–NM–72 (4–10/4–24)" (RIN2120–AA64) (2000–0216), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8758. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, –700, –800 Series Airplanes; Request for Comments; Docket No. 2000–NM–88 (4–24/4–27)" (RIN2120–AA64) (2000–0214), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8759. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket No. 99–NM–56 (4–27/5–1)" (RIN2120–AA64) (2000–0239), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8760. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200, –300 , –400, and –500 Series Airplanes; Docket No. 98–NM–253 (4–26/5–1)" (RIN2120–AA64) (2000–0242), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8761. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes; Docket No. 99–NM–346 (4–26/5–1)" (RIN2120–AA64) (2000–0241), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8762. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300–600 and A310 Series Airplanes; Docket No. 99–NM–82 (4–14/4–24)" (RIN2120–AA64) (2000–0228), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8763. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300–600 Series Airplanes; Docket No. 98–NM–78 (4–14/4–24)" (RIN2120–AA64) (2000–0227), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8764. A communication from the Federal Aviation Administration, Department of Transportation, .transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 Series Airplanes; Docket No. 99–NM–304 (4–24/4–18)" (RIN2120–AA64) (2000–0219), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8765. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A310, and A300–600 Series Airplanes; Docket No. 99–NM–07 (4–14/4–24)" (RIN2120–AA64) (2000–0222), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8766. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 99–NM–369 (4–14/4–24)" (RIN2120–AA64) (2000–0226), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8767. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Series Airplanes equipped with Rolls Royce 532–7 Dart 7 Series Engines: Request for Comments; Docket No. 200–NM–959 (4–18/4–24)" (RIN2120–AA64) (2000–0212) , received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8768. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta Model A109C and A109K2 Helicopters; Docket No. 99–SW–28 (4–24/4–27)" (RIN2120–AA64) (2000–0234), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8769. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta Model A109C, A109AII, and A109C Helicopters; Request for Comments; Docket No. 99–SW–47 (4–14/4–24)" (RIN2120–AA64) (2000–0223), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8770. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Artouste III Series Turboshaft Engines; Docket No. 99–NE–33 (4–11/4–24)" (RIN2120–AA64) (2000–0210), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8771. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Makila 1 Series Turboshaft Engines; Docket No. 99–NE–11 (4–11/4–24)" (RIN2120–AA64) (2000–0209), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8772. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Tay 650–15 Turbofan Engines; Docket No. 99–NE–61 (4–18/4–24)" (RIN2120–AA64) (2000–0220), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8773. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–40 (4–11/4–24)" (RIN2120–AA64) (2000–0208), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8774. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes Equipped with Certain Honeywell Air Data Inertial Reference Units; Request for Comments; Docket No. 2000–NM–83 (4–18/4–24)" (RIN2120–AA64) (2000–0213), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8775. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L–1011–385 Series Airplanes; Docket No. 99–NM–252 (4–17/4–24)" (RIN2120–AA64) (2000–0221), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8776. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G–IV Series Airplanes; Docket No. 2000–NM–82 (4–14/4–24)" (RIN2120–AA64) (2000–0224), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8777. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC–8–100 Series Airplanes; Docket No. 99–NM–321 (4–14/4–24)" (RIN2120–AA64) (2000–0225), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8778. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes; Docket No. 99–CE–65 (4–11/4–24)" (RIN2120–AA64) (2000–0229), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8779. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes Equipped with Mode C Transponders with Seingle Code Altitude Input; Docket No. 2000–NM–81 (4–20/4–27)" (RIN2120–AA64) (2000–0235), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8780. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 2000–NM–97 (4–20/4–27)" (RIN2120–AA64) (2000–0232), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8781. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 45 Airplanes; Docket No. 2000–NM–85 (4–28/5–1)" (RIN2120–AA64) (2000–0238), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8782. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model BAe 125–800A and BAe 125–800B, Model Hawker 800, and Model Hawker 800XP Series Airplanes; Docket No. 99–NM–13 (4–26/5–1)" (RIN2120–AA64) (2000–0240), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8783. A communication from the Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Truth-in-Billing Format" (FCC 00–111, CC Doc. 98–170), received May 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8784. A communication from the Policy and Rules Division, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Establishment of a Class A Television Service" (MM Doc. 00–10, FCC No. 00–115), received May 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8785. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Export-Import Bank Act of 1945, a determination by the Secretary of State to allow the Export-Import Bank to finance the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–8786. A communication from the Corporation for National Service transmitting, pursuant to law, the annual reports for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8787. A communication from the General Services Administration, transmitting an informational copy of an amended lease prospectus for the Federal Bureau of Investigation, Cleveland, OH; to the Committee on Environment and Public Works.

EC–8788. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of Yacare Caiman in South America from Endangered to Threatened, and the Listing of Two Other Caiman Species as Threatened by Reason of Similarity of Appearance" (RIN1018–AD67), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8789. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Umpqua River Cutthroat Trout from the List of Endangered Wildlife" (RIN1018–AF45), received April 21, 2000; to the Committee on Environment and Public Works.

EC–8790. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List as Endangered the Oahu Elepaio from the Hawaiian Islands and Determination of Whether Designation of Critical Habitat is Prudent" (RIN1018–AE51), received April 13, 2000; to the Committee on Environment and Public Works.

EC–8791. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Alabama Sturgeon as Endangered" (RIN1018–AF56), received May 2, 2000; to the Committee on Environment and Public Works.

EC–8792. A communication from the General Services Administration transmitting, pursuant to law, a report of Building Project Survey for Riverside and San Bernadino Counties, CA; to the Committee on Environment and Public Works.

EC–8793. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X and RACT Determinations for Individual Sources"; to the Committee on Environment and Public Works.

EC–8794. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Approval and Promulgation of Implementation Plan; Indiana"; to the Committee on Environment and Public Works.

EC–8795. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Guidance for Developing TMDLs in California"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1509: A bill to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes (Rept. No. 106–277).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2340: A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes (Rept. No. 106–278).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2499. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 2500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PUFFIN; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON:

S. 2501. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care programs.

and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2502. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. Res. 302. A resolution expressing the sense of the Senate that the Health Care Financing Administration should consider current systems that provide better, more cost effective emergency transport before promulgating any final rule regarding the delivery of emergency medical services; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2499. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

LEGISLATION PROVIDING FOR A PROJECT DEADLINE EXTENSION

Mr. SPECTER. Mr. President, I rise today to introduce legislation that would reinstate and extend the deadline for construction of a Pennsylvania hydroelectric power project. This extension is necessary because the Potter Township Power Authority (Project No. 7041) will lose their license from the Federal Regulatory Commission under Section 13 of the Power Act. On many occasions, the Congress has granted similar noncontroversial extensions to licensees for projects in other states. This legislation would provide additional time for the municipal licensees to conclude their negotiations with the potential power purchasers. In introducing this legislation, I am not expressing any personal views on whether the projects should go forward or on how the projects should be funded; that is clearly the responsibility of the municipal licensees and the residents of the township.

I urge my colleagues to support this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7041, the Commission shall, at the request of the licensee for the project, extend the period required for commencement of construction of the project until December 31, 2001.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired before the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction as provided in subsection (a).

By Mr. DODD:

S. 2500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Puffin*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR THE "PUFFIN"

• Mr. DODD. Mr. President, I rise today to introduce legislation to waive the 1920 Merchant Marine Act, the so-called Jones Act, to allow Mr. Thomas Brooks Brener of Norwalk, Connecticut to commercially operate the *Puffin*, a sailing sloop built in the Netherlands in 1985.

Mr. Brener seeks the Jones Act waiver in order to reclassify the *Puffin* from a strictly recreational vessel to a charter or commercial vessel documented to operate with six or fewer paying passengers. If granted this waiver, Mr. Brener intends to provide private sailing instruction and captained private and charitable charters out of Norwalk, Connecticut.

The operating plan proposed by Mr. Brener is quite modest and limited in scale. With a total length of just under 36 feet and carrying six or fewer passengers, the *Puffin* is not the foreign built challenge to American shipyards and shipping envisioned by the drafters of the Merchant Marine Act of 1920. Indeed, it poses no threat to larger U.S. coastal shipping interests. On the contrary, instead of being a threat to the local coastal trade, reclassification of the *Puffin* will provide a beneficial service to the community of Norwalk and the people of southwestern Connecticut by creating an additional recreational and small business opportunity.

I believe it is altogether appropriate to grant a Jones Act waiver for the sailing sloop *Puffin* and I urge the Senate to do so. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PUFFIN, United States official number 697029.•

By Mr. JOHNSON:

S. 1501. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

GENERIC PHARMACEUTICAL ACCESS AND CHOICE FOR CONSUMERS ACT OF 2000

• Mr. JOHNSON. Mr. President, today, I am introducing legislation as one more step in my fight to combat rising prescription drug prices and reduce the cost of medication for consumers in this country. My legislation, called the Generic Pharmaceutical Access and Choice For Consumers Act of 2000, aims to reduce the cost of prescription medication to American taxpayers and the U.S. government by encouraging the use of Food and Drug Administration (FDA) approved, therapeutically equivalent generic prescription drugs within the federal health care programs, except if the non-generic form is either ordered by the prescribing physician or requested by the patient.

The Generic Pharmaceutical Access and Choice For Consumers Act of 2000 establishes a straightforward and cost-effective means of increasing consumers' access and choice to safe, affordable generic prescription drugs under federal health care programs which could result in savings of millions of dollars.

The Federal Employee Health Benefits Program (FEHBP), which last year spent $18.2 billion providing health insurance coverage to its estimated 4.12 million enrollees, spent nearly twenty percent, $3.6 billion, of their insurance program costs on pharmaceutical benefits alone. This year brought little relief when the Office of Personnel Management (OPM) announced that FEHBP premium increases for the year 2000 were about 9.3 percent, mostly attributable to the cost increase in prescription drug claims.

In 1997, about one-third of all prescriptions under the FEHBP were for generic drugs. The Office of Personnel Management (OPM), which administers the FEHBP, estimated that total costs for prescription drugs would drop by about fifteen percent if half of all prescriptions were for generic drugs.

A 1998 study conducted by the Congressional Budget Office estimates that generic pharmaceutical substitution saves consumers nationwide approximately eight to ten billion dollars a year.

Some FEHBP plans and other federal health care programs do to some extent encourage the use of generic prescription drugs but the practice is not mandatory or universally incorporated into all programs. The Generic Pharmaceutical Access and Choice For Consumers Act simply directs all federal health care programs that provide prescription drug plans to fill prescriptions with FDA approved, therapeutically equivalent generic prescription drugs, except if the non-generic form is either ordered by the prescribing physician or requested by the patient.

I believe we can take greater steps to increase the utilization of high-quality, FDA approved generic pharmaceutical which cost between twenty-five and sixty percent less than brand-name pharmaceutical, resulting in an estimated average savings of fifteen to thirty dollars on each prescription filled.

Generic pharmaceutical are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceutical compared to brand-name prescription drugs has more than doubled during the last decade, from approximately nineteen to forty-three percent, according to the Congressional Budget Office. Yet, despite accounting for just over forty percent of the prescriptions drugs dispensed, generic pharmaceutical represent only 8 percent of the total dollar volume spent on drugs.

Since there exists no current coverage for outpatient prescription drugs under the Medicare program, a second component of my bill includes a Sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceutical be considered in conjunction with any legislation that adds a prescription drug benefit to the Medicare program. I strongly believe that the utilization of high-quality generic pharmaceutical in a Medicare prescription drug benefit would provide a built in cost control mechanism that would help ensure the economic feasibility and sustainability of any new benefit.

And third, the bill I am introducing today works to prevent a tactic used by the brand drug industry to prevent generics from reaching the consumers by convincing state legislatures to pass unwarranted restrictions to the substitution of generic versions of brand name drugs. The campaign that some brand name drug companies lobby in some states is nothing more than an attempt by the brand name companies to protect their market share. The Generic Pharmaceutical Access and Choice For Consumers Act increases the level playing field for generic pharmaceutical by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and affording national uniformity to that determination.

The legislation would also prevent a State from establishing or continuing any requirement that keeps generic pharmaceutical off the market once FDA has determined that a generic drug is "therapeutically equivalent" to a brand name drug. This provision will ensure that generic prescription drugs get to the market in a timely fashion and provide consumers with access and choice to low cost, high-quality alternatives.

As the year continues, we will see more discussion about how we provide Medicare coverage of prescription drugs and I hope that ultimately that's where we'll wind up some day. However, I believe that minimizing cost through full access to generic drugs must be part of any effort to address the prescription drug pricing issue. I introduced the Generic Pharmaceutical Access and Choice For Consumers Act of 2000 to lay the ground work early in these discussions and take some constructive steps in the right direction so that the American public can get the full benefit of safe, affordable generic prescription drugs and taxpayers are treated right at the same time.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Generic Pharmaceutical Access and Choice for Consumers Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

Sec. 101. Encouragement of the use of generic drugs under the Public Health Service Act.
Sec. 102. Application to Federal employees health benefits program.
Sec. 103. Application to medicare program.
Sec. 104. Application to medicaid program.
Sec. 105. Application to Indian Health Service.
Sec. 106. Application to veterans programs.
Sec. 107. Application to recipients of uniformed services health care.
Sec. 108. Application to Federal prisoners.

TITLE II—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

Sec. 201. Therapeutic equivalence of generic drugs.

TITLE III—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

Sec. 301. Sense of the Senate regarding a preference for the use of generic pharmaceuticals under the medicare program.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Generic pharmaceuticals are approved by the Food and Drug Administration on the basis of testing and other information establishing that such pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name pharmaceuticals.

(2) The pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals.

(3) The Congressional Budget Office estimates that—

(A) the substitution of generic pharmaceuticals for brand-name pharmaceuticals will save purchasers of pharmaceuticals between $8,000,000,000 and $10,000,000,000 each year; and

(B) quality generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of $15 to $30 on each prescription filled.

(4) Generic pharmaceuticals are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office.

(b) PURPOSES.—The purposes of this Act are—

(1) to reduce the cost of prescription drugs to the United States Government and to beneficiaries under Federal health care programs while maintaining the quality of health care by encouraging the use of generic drugs rather than nongeneric drugs under those programs whenever feasible; and

(2) to increase the utilization of generic pharmaceuticals by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and by affording national uniformity to that determination.

TITLE I—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

SEC. 101. ENCOURAGEMENT OF THE USE OF GENERIC DRUGS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following new section:

"SEC. 247. USE OF GENERIC DRUGS ENCOURAGED.

"(a) Each grant or contract entered into under this Act that involves the provision of health care items or services to individuals shall include provisions to ensure that, to the extent feasible, any prescriptions provided for under such grant or contract are filled by providing the generic form of the drug involved, unless the nongeneric form of the drug is—

"(1) specifically ordered by the prescribing provider; or

"(2) requested by the individual for whom the drug is prescribed.

"(b) In this section:

"(1) The term 'generic form of the drug' means a drug that is the subject of an application approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(5)(E) of that Act (21 U.S.C. 355(j)(5)(E)).

"(2) The term 'nongeneric form of the drug' means a drug that is the subject of an application approved under section 505(b) of the

Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 102. APPLICATION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(p) To the extent feasible, if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of any prescription drug, the carrier shall provide, pay, or reimburse the cost of the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), except, if the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 103. APPLICATION TO MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)) is amended by adding at the end the following new paragraph:

''(3) For purposes of paragraph (1), the term 'drugs' means, to the extent feasible, the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of such drug (as defined in section 247(b)(2) of such Act) is—

''(A) specifically ordered by the health care provider; or

''(B) requested by the individual to whom the drug is provided.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

(2) MEDICARE+CHOICE PLANS.—In the case of a Medicare+Choice plan offered by a Medicare+Choice organization under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w-21 et seq.), the amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 104. APPLICATION TO MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking ''and'' at the end;

(2) in paragraph (65), by striking the period at the end and inserting ''; and''; and

(3) by adding the following new paragraph:

''(66) provide that the State shall, in conjunction with the program established under section 1927(g), to the extent feasible, provide for the use of a generic form of a drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act is—

''(A) specifically ordered by the provider; or

''(B) requested by the individual to whom the drug is provided.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished under State plans that are approved or renewed on or after the date of enactment of this Act.

SEC. 105. APPLICATION TO INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following new subsection:

''SEC. 225. USE OF GENERIC DRUGS ENCOURAGED.

''In providing health care items or services under this Act, the Indian Health Service shall ensure that, to the extent feasible, any prescriptions that are provided for under this Act are filled by providing the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) involved, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 106. APPLICATION TO VETERANS PROGRAMS.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722A the following new section:

''§ 1722B. Use of generic drugs encouraged

''When furnishing a prescription drug under this chapter, the Secretary shall furnish a generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1722A the following new item:

''1722B. Use of generic drugs encouraged.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 107. APPLICATION TO RECIPIENTS OF UNIFORMED SERVICES HEALTH CARE.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1110. Use of generic drugs encouraged

''The Secretary of Defense shall ensure that, whenever feasible, each health care provider who furnishes a drug furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1109 the following new item:

''1110. Use of generic drugs encouraged.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 108. APPLICATION TO FEDERAL PRISONERS.

(a) IN GENERAL.—Section 4006(b) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(3) USE OF GENERIC DRUGS ENCOURAGED.—The Attorney General shall ensure that, whenever feasible, each health care provider who furnishes a drug to a prisoner charged with or convicted of an offense against the United States furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(A) specifically ordered by the prescribing provider; or

''(B) requested by the prisoner for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

TITLE II—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

SEC. 201. THERAPEUTIC EQUIVALENCE OF GENERIC DRUGS.

(a) IN GENERAL.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

''(E)(i) For each abbreviated application filed under paragraph (1), the Secretary shall determine whether the new drug for which the application is filed is the therapeutic equivalent of the listed drug referred to in paragraph (2)(A)(i) prior to the approval of the application.

''(ii) For purposes of clause (i), a new drug is the therapeutic equivalent of a listed drug if—

''(I) each active ingredient of the new drug and the listed drug is the same;

''(II) the new drug and the listed drug (aa) are of the same dosage form; (bb) have the same route of administration; (cc) are identical in strength or concentration; (dd) meet the same compendial or other applicable standards, except that the drugs may differ in shape, scoring, configuration, packaging, excipient, expiration time, or, subject to paragraph (2)(A)(v), labeling; and (ee) are expected to have the same clinical effect and safety profile when administered to patients under conditions specified in the labeling; and

''(III) the new drug does not (aa) present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or (bb) if the new drug presents a known or potential bioequivalence problem, the drug is shown to meet an appropriate bioequivalence standard.

''(iii) With respect to a new drug for which an abbreviated application is filed under paragraph (1), the provisions of this subparagraph shall supersede any provisions of the law of any State relating to the determination of the therapeutic equivalence of the drug to a listed drug.''; and

(2) in paragraph (7)(A), by adding at the end the following:

''(iv) The Secretary shall include in each revision of the list under clause (ii) on or after the date of enactment of this clause the official and proprietary name of each listed drug that is therapeutically equivalent to a new drug approved under this subsection during the preceding 30-day period, as determined under paragraph (5)(E).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE III—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

SEC. 301. SENSE OF THE SENATE REGARDING A PREFERENCE FOR THE USE OF GENERIC PHARMACEUTICALS UNDER THE MEDICARE PROGRAM.

It is the sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceuticals should be considered in conjunction with any legislation that adds a comprehensive prescription drug benefit to the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).•

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2502. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

UNITED STATES CAPITOL FIRE PROTECTION ACT

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleague, Senator MIKULSKI, to enhance fire safety and protection in the United States Capitol and the buildings within the Capitol Complex.

Last year, in response to a request made by congressional employees under the Congressional Accountability Act of 1995, the General Counsel of the Office of Compliance conducted a fire safety inspection of the Capitol Complex. The resulting report, the Report on Fire Safety Inspections of Congressional Buildings, outlined an alarming number of fire code violations in the U.S. Capitol, as well as the House and Senate Office Buildings. The report identified significant fire code violations existing throughout every one of these buildings, including, but not limited to, "lack of fire barriers to retard the spread of fire and smoke, inadequate exit signs and exit capacity, deficient emergency lighting, limited sprinkler coverage, and dangerous storage of flammable and toxic materials." Furthermore, in March, the Office of Compliance issued eight citations ordering the Architect of the Capitol, who is responsible for fire safety and protection within the Complex, to take action to increase fire alarm and sprinkler systems testing and improve the training of staff in the handling of hazardous materials.

My legislation seeks to address these fire code violations by improving upon the expertise and accountability of the Office of the Architect of the Capitol with regard to fire safety. The measure establishes a position to be appointed by and responsible to the Architect to meet his responsibility for fire safety and protection within the Capitol Complex. The Director of Fire Safety and Protection will work to ensure that all properties under the jurisdiction of the Architect, including the U.S. Capitol, House and Senate Office Buildings, Library of Congress, U.S. Botanical Gardens, and the Capitol Power Plant, meet the applicable codes and standards established by the National Fire Protection Association. The Director will be responsible for conducting regular inspections of the properties, as well as their fire alarm and protection systems, and training employees of the Architect of the Capitol in the proper use and maintenance of these systems and the storage of hazardous chemicals and materials. This legislation would also require the Director to make semiannual reports to the Congress on the progress of his or her efforts in making the Capitol Complex fire-safe.

As a longtime advocate for historic preservation, I want to stress that this legislation recognizes the historic nature of the buildings under the jurisdiction of the Architect and provides the Director with the flexibility necessary to ensure that the properties are preserved and rehabilitated in such a manner to retain their historical and architectural significance.

Mr. President, the United States Capitol Fire Protection Act is an important step in addressing a critical situation. I urge my colleagues to support its passage.

ADDITIONAL COSPONSORS

S. 2

At the request of Ms. LANDRIEU, her name was withdrawn as a cosponsor of S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

S. 344

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 577

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 682

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 702

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 702, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 832

At the request of Mr. FRIST, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1690

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. GRAMS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2044

At the request of Mr. CAMPBELL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2071

At the request of Mr. GORTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2112

At the request of Mr. TORRICELLI, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2112, a bill to provide housing assistance to domestic violence victims.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2224

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2224, a bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil.

S. 2231

At the request of Mr. COVERDELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2287

At the request of Mr. L. CHAFEE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environment Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2297

At the request of Mr. CRAPO, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Colorado (Mr. ALLARD), the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2320

At the request of Mr. JEFFORDS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2320, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2367

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2367, a bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Washington, (Mr. GORTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs and for other purposes.

S. 2477

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Montana (Mr. BURNS), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2486

At the request of Mr. WARNER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 84

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN-77, the last vessel of the historic "*Nimitz*" class of aircraft carriers, as the U.S.S. LEXINGTON.

AMENDMENT NO. 3103

At the request of Mr. AKAKA, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3103 intended to be proposed to S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SENATE RESOLUTION 302—EXPRESSING THE SENSE OF THE SENATE THAT THE HEALTH CARE FINANCING ADMINISTRATION SHOULD CONSIDER CURRENT SYSTEMS THAT PROVIDE BETTER, MORE COST EFFECTIVE EMERGENCY TRANSPORT BEFORE PROMULGATING ANY FINAL RULE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 302

Whereas the State of New Jersey developed and implemented a unique 2-tiered emergency medical services system nearly 25 years ago as a result of studies conducted in New Jersey about the best way to provide services to State residents;

Whereas the 2-tiered system established in New Jersey includes volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support;

Whereas the New Jersey system has provided universal access for all New Jersey residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities;

Whereas the New Jersey system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act;

Whereas the hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies;

Whereas the New Jersey system saves the lives of thousands of New Jersey residents each year, while saving the medicare program an estimated $39,000,000 in reimbursement fees;

Whereas when Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing healthcare costs, and lengthening the solvency of the medicare program;

Whereas the Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that would destabilize or eliminate the 2-tier system that has developed in the State of New Jersey: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of the emergency medical services delivery system in New Jersey when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

Mr. TORRICELLI. Mr. President, I rise today to submit a resolution that would greatly improve the lives of thousands of New Jersey residents.

Healthcare in New Jersey has a long history of innovation and advancement. From the large number of pharmaceutical companies that create new medicines, to the hospitals and facilities where innovative therapies are develop, New Jersey remains one of the most progressive healthcare States in the country. This State was one of the first to introduce and pass a comprehensive patient's bill of rights, and one of the first to recognize the importance of expanding access to healthcare to children and low income families.

One of New Jersey's greatest innovations, and one which truly demonstrates the community based approach which has been so successful, is the development of our Emergency Medical Services (EMS) system. The current EMS system in New Jersey, which has been in place for roughly 25 years, was designed as a modern remedy to the age old problem of guaranteeing access to emergency transport, while at the same time preserving local involvement in the delivery of services and preventing skyrocketing costs.

The New Jersey EMS system accomplished all three goals by establishing a two-tiered approach to emergency transport. This two-tiered system includes volunteer and for-profit Emergency Medical Technicians (EMTs) who provide basic life support (BLS), and hospital-based paramedics, who provide advanced life support (ALS). Basic and advanced life support are differentiated by the status of the victim, with the most serious injuries, such as heart attacks, treated by ALS paramedics.

The two-tiered system has been an unqualified success in New Jersey, providing universal access for all residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive it from the proper authorities. The system allows almost 500 local volunteer emergency medical technician (EMT) squads to blanket the entire State with quick and effective initial responses to emergencies. In the case of more serious emergencies, paramedics are strategically stationed at various hospitals throughout the State to provide secondary assistance. In either case, the EMTs will generally transport patients to the hospital with the paramedics, if necessary, along to provide care.

There are currently an estimated 20,000 EMTs providing ambulance transportation for virtually all BLS and ALS emergencies, close to 400,000 calls each year. It is estimated that over 80 percent of these calls are handled by volunteers who are not reimbursed by Medicare. In contrast, the hospital-based paramedics, also known as mobile intensive care units (MICUs), are reimbursed by Medicare when they respond to ALS emergencies, just as all other paramedics.

Unfortunately, the great success of this system would be jeopardized if the Health Care Financing Administration (HCFA) finalizes plans to implement new rules regarding the reimbursement of EMS services. The new HCFA EMS guidelines propose to only provide reimbursement to hospital-based paramedics. This would have the effect of requiring them to be the only responders to provide transport for all victims in order to be reimbursed by Medicare. This, in turn, would eliminate the two-tier structure by solely recognizing MICUs, and thus also eliminate the need for volunteer EMS units, which currently provide the bulk of the transport. Under the new rules, there would be no incentive for EMS units to respond to calls of they know their mission has been given to MICUs.

While I applaud HCFAs intentions in releasing the new rules, which are designed to control costs by enforcing one, standardized, system throughout the country, I am dismayed by the impact this will have on New Jersey. Our system, when compared to the system HCFA is set to approve, would save an estimated $39 million annually, due to the preponderance of BLS calls and the large number of EMS volunteers who respond to these calls. But beyond the cost savings, the elimination of EMS units would jeopardize the prompt service that New Jersey residents have come to rely on.

The resolution I am submitting today seeks to emphasize the benefits of two-tiered EMS in my State, and request that HCFA do its best to preserve this highly beneficial and cost effective system. HCFA has always been a strong supporter of measures that improve the delivery of healthcare services, while lowering the cost to taxpayers. I believe that once they have been made fully aware of the importance of this issue, the agency will act responsibly and include an exemption for New Jersey.

It is my hope that the Senate will see the importance of supporting my resolution, not just for the impact it will have on the residents of my State, by also for the statement it will make about the Heath Care Financing Administration's mission.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

GORTON (AND OTHERS) AMENDMENT NO. 3110

Mr. GORTON (for himself, Mr. GREGG, Mr. LOTT, Mr. COVERDELL, Ms. COLLINS, and Mr. VOINOVICH) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965, as follows:

On page 630, strike lines 24 and 25.

On page 653, strike lines 12 through 22.

On page 654, between lines 16 and 17, insert the following:

"(12) ACHIEVEMENT GAP REDUCTIONS.—An assurance that the State will reduce by 10 percent over the 5-year term of the performance agreement, the difference between the highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient and advanced level of performance.

"(13) SERVING DISADVANTAGED SCHOOLS AND SCHOOL DISTRICTS.—An assurance that the State will use funds made available under this part to serve disadvantaged schools and school districts.

On page 656, beginning with line 22, strike all through page 657, line 5, and insert the following:

"(9) Section 1502.

"(10) Any other provision of this Act that is not in effect on the date of enactment of the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

"(11) Section 310 of the Department of Education Appropriations Act, 2000.

On page 657, line 6, strike "(11)" and insert "(12)".

On page 657, line 9, strike "(12)" and insert "(13)".

On page 657, line 21, insert "that are consistent with part A of title X and" after "purposes".

On page 665, strike lines 16 through 18, and insert the following:

"To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike "and".

On page 846, between lines 15 and 16, insert the following:

"(E) part H of title VI; and

On page 846, line 16, strike "(E)" and insert "(F)".

DASCHLE (AND OTHERS) AMENDMENT NO. 3111

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, and Mr. DURBIN) proposed an amendment to the bill, S. 2, supra; as follows:

In the committee substitute strike all after "section 1" on page 4 line 14 and insert the following:

1. SHORT TITLE.

This Act may be cited as the "Educational Excellence for All Children Act of 2000".

SEC. 2. TABLE OF CONTENTS; REFERENCES.

(a) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents; references.
Sec. 3. America's education goals.
Sec. 4. Transition.
Sec. 5. Effective dates.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Sec. 101. Policy and purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Reservation and allocation for school improvement.

PART A—BASIC PROGRAMS

Sec. 111. State plans.
Sec. 112. Local educational agency plans.
Sec. 113. Eligible school attendance areas.
Sec. 114. Schoolwide programs.
Sec. 115. Targeted assistance schools.
Sec. 116. Assessment and local educational agency and school improvement.
Sec. 117. Assistance for school support and improvement.
Sec. 118. Parental involvement.
Sec. 119. Professional development.
Sec. 120. Participation of children enrolled in private schools.
Sec. 120A. Fiscal requirements.
Sec. 120B. Early childhood education.
Sec. 120C. Allocations.

PART B—EVEN START FAMILY LITERACY PROGRAMS

Sec. 121. Even start family literacy programs.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. Program purpose.
Sec. 132. State application.
Sec. 133. Comprehensive plan.
Sec. 134. Coordination.

PART D—PARENTAL ASSISTANCE

Sec. 141. Parental assistance.
Sec. 142. Child opportunity zone family centers.

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

Sec. 151. General provisions; comprehensive school reform; assistance to address school dropout problems.

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

Sec. 201. Teacher quality.
Sec. 202. Technical assistance programs.
Sec. 203. Grants to States for the training of principals.
Sec. 204. Scholarships for inviting new scholars to participate in renewing education.
Sec. 205. Mentor teacher program.
Sec. 206. Teacher technology preparation academies.
Sec. 207. New century program and digital education content collaborative.

TITLE III—TECHNOLOGY FOR EDUCATION

Sec. 300. Short title.

PART A—FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

Sec. 301. Findings.
Sec. 302. Statement of purpose.
Sec. 303. Prohibition against supplanting.
Sec. 304. Repeals.
Sec. 305. Federal leadership and national activities.
Sec. 306. Allotment and reallotment.
Sec. 307. Technology literacy challenge fund.
Sec. 308. State application.
Sec. 309. Local uses of funds.
Sec. 310. Local applications.
Sec. 311. Repeals; conforming changes; redesignations.
Sec. 312. Definitions; authorization of appropriations.
Sec. 313. Regional technology in education consortia.

PART B—STAR SCHOOLS PROGRAM; COMMUNITY TECHNOLOGY CENTERS.

Sec. 321. Star schools program.
Sec. 322. Community technology centers.

PART C—READY-TO-LEARN TELEVISION

Sec. 331. Ready-to-learn television.

PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

Sec. 341. Special projects; next-generation technology innovation awards.

PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

Sec. 351. Preparing tomorrow's teachers to use technology.

PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

Sec. 361. Regional, State, and local educational technology resources.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Sec. 401. Amendment to the elementary and secondary education act of 1965.
Sec. 402. Gun-free requirements.
Sec. 403. Transfer of school disciplinary records.
Sec. 404. Environmental tobacco smoke.

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

Sec. 501. Educational opportunity initiatives.

PART A—MAGNET SCHOOLS ASSISTANCE

Sec. 511. Magnet schools assistance.

PART B—PUBLIC CHARTER SCHOOLS

Sec. 521. Public charter schools.

PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

Sec. 531. Options: Opportunities to Improve Our Nation's Schools.

PART D—WOMEN'S EDUCATIONAL EQUITY

Sec. 541. Women's educational equity.

PART E—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 551. Technical and conforming amendments.

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

Sec. 601. High performance and quality education initiatives.
Sec. 602. Technical and conforming amendment.

TITLE VII—BILINGUAL EDUCATION

Sec. 701. Purpose.
Sec. 702. Authorization of appropriations.
Sec. 703. Repeal of program development and implementation grants.
Sec. 703A. Performance objectives.
Sec. 704. Program enhancement projects.
Sec. 705. Comprehensive school and systemwide improvement grants.
Sec. 706. Repeal of systemwide improvement grants.
Sec. 706A. Immigrants to new americans model programs.
Sec. 707. Applications.
Sec. 708. Repeal of intensified instruction.
Sec. 709. Repeal of subgrants, priority, and coordination provisions.
Sec. 710. Evaluations.
Sec. 711. Research.
Sec. 712. Academic excellence awards.
Sec. 713. State grant program.
Sec. 714. National clearinghouse.
Sec. 715. Instructional materials development.
Sec. 716. Training for all teachers program.
Sec. 717. Graduate fellowships.
Sec. 718. Repeal of program requirements.
Sec. 719. Program evaluations.
Sec. 720. Special rule.
Sec. 721. Repeal of finding relating to foreign language assistance.
Sec. 722. Foreign language assistance applications.
Sec. 723. Emergency immigrant education purpose.
Sec. 724. Emergency immigrant education State administrative costs.
Sec. 725. Conforming amendments.
Sec. 726. Emergency immigrant education authorization of appropriations.
Sec. 727. Coordination and reporting requirements.

TITLE VIII—IMPACT AID

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Payments relating to Federal acquisition of real property.

Sec. 804. Payments for eligible federally connected children.
Sec. 805. Sudden and substantial increases in attendance of military dependents.
Sec. 806. School construction and facility modernization.
Sec. 807. State consideration of payments in providing State aid.
Sec. 808. Federal administration.
Sec. 809. Administrative hearings and judicial review.
Sec. 810. Forgiveness of overpayments.
Sec. 811. Applicability.
Sec. 812. Definitions.
Sec. 813. Authorization of appropriations.
Sec. 814. Technical and conforming amendment.

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 901. Programs.
Sec. 902. Indian school construction.
Sec. 903. Conforming amendments.

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

Part A—Fund for the Improvement of Education; Arts in Education

Sec. 1001. Fund for the Improvement of Education

Part B—Gifted and Talented Children

Sec. 1010. Gifted and talented children

Part C—High School Reform

Sec. 1021. High school reform.

Part D—Arts in Education

Sec. 1031. Arts in education.

Part E—Excellence in Economic Education

Sec. 1041. Excellence in economic education.

Part F—Elementary and Secondary School Library Media Resources

Sec. 1051. Elementary and secondary school library media resources.

Part G—Foreign Language Assistance Program

Sec. 1061. Foreign language assistance program.

Part H—21st Century Community Learning Centers

Sec. 1071. 21st Century community learning centers.

Part I—Initiatives for Neglected, Delinquent, or at Risk Students

Sec. 1081. Initiatives for neglected, delinquent, or at risk students.

Part J—National Writing Project

Sec. 1091. National writing project.

Part L—Advanced Placement Programs

Sec. 1095. Advanced placement programs.
Sec. 1096. Dissemination of advanced placement information.

TITLE XI—GENERAL PROVISIONS, DEFINITIONS AND ACCOUNTABILITY

Sec. 1101. Definitions.
Sec. 1102. Administrative funds.
Sec. 1103. Coordination of programs.
Sec. 1104. Waivers.
Sec. 1105. Uniform provisions.
Sec. 1106. Repeal.
Sec. 1107. Evaluation and indicators.
Sec. 1108. Coordinated services.
Sec. 1109. Redesignations.
Sec. 1110. Ed-flex partnerships.
Sec. 1111. Accountability.
Sec. 1112. America's education goals panel.

TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

Sec. 1201. Public school repair and renovation.

TITLE XIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

TITLE XIV—AMENDMENTS TO OTHER LAWS; REPEALS

Part A—Amendments to Other Laws

Sec. 1401. Amendments to the stewart b. Mc kinney homeless assistance act.
Sec. 1402. Amendments to other laws.

Part B—Repeals

Sec. 1411. Repeals.

(b) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AMERICA'S EDUCATION GOALS.

(a) Findings.—The Congress finds that:

(1) America's Education Goals (formerly the National Education Goals) are very ambitious, and purposely designed to set high expectations for educational performance at every stage of an individual's life, from the preschool years through adulthood.

(2) With a focus by policymakers, educators, and the public on the Goals, the Nation will be able to raise its overall level of educational achievement.

(3) Since the 1990 adoption of the National Education Goals, some progress has been made toward achieving those Goals. Areas in which the Nation has made progress toward these Goals during the last decade include:

(A) On Goal #1, that all children will start school ready to learn, there has been an increase in the percentages of—

(i) preschool children whose parents read to them or tell them stories; and

(ii) 2-year-old children who have been fully immunized against preventable childhood diseases.

(B) On Goal #3, that all students demonstrate competency over challenging subject matter, the percentage of fourth, eighth, and twelfth grade students who meet the Goals Panel's performance standard in mathematics has increased.

(C) On Goal #5, that United States students become first in the world in mathematics and science achievement, the percentage of all college degrees awarded that are in mathematics and science has increased for all students.

(D) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, the percentage of students who report that they have been threatened or injured at school has decreased.

(4) Areas in which the Nation has been unsuccessful in making progress toward these Goals during the last decade include:

(A) On Goal #4, that all teachers have access to programs for the continued improvement of their professional skills, the percentage of secondary school teachers who hold a degree in the subject that is their main teaching assignment has decreased.

(B) On Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship—

(i) fewer adults with a high school diploma or less, and who need additional training, are participating in adult education than individuals who have a postsecondary education; and

(ii) the difference between the percentage of Black high school graduates who complete a college degree and the percentage of white high school graduates who complete a college degree has increased.

(C) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol—

(i) the percentage of students reporting that they have used an illicit drug, or that someone offered to sell or give them drugs, has increased;

(ii) the percentage of public school teachers who report that they were threatened or injured at school has increased; and

(iii) a higher percentage of secondary school teachers report that student disruptions in their classrooms interfere with their teaching.

(5) Because States began the 1990s at various levels of achievement with respect to each of the Goals, the time and effort needed to reach the Goals will vary from State to State and from Goal to Goal.

(6) Individual States have made significant progress toward the Goals, and some States have made progress in multiple areas. Areas in which States have made progress toward the Goals during the last decade include:

(A) With respect to Goal #1, that all children will start school ready to learn—

(i) 35 States have reduced the percentage of infants born with one or more of four health risks;

(ii) 50 States have increased the percentage of mothers receiving early prenatal care; and

(iii) 47 States have increased the percentage of children with disabilities participating in preschool.

(B) With respect to Goal #2, that at least 90 percent of all students graduate from high school—

(i) 10 States have increased the percentage of young adults who have a high school diploma; and

(ii) 3 States have reduced the percentage of students in grades 9 through 12 who leave school without completing a recognized program of secondary education.

(C) With respect to Goal #3, that all students demonstrate competency over subject matter—

(i) 27 States have increased the percentage of 8th-grade students who achieved to at least the "proficient" standard on the 1996 National Assessment of Educational Progress (NAEP) in mathematics; and

(ii) 50 States have increased the percentage of students that received a score on an Advanced Placement examination that permitted the students to earn college credits in the subject area tested.

(D) With respect to Goal #4, that all teachers have access to programs for the continued improvement of their professional skills, 17 States have increased the percentage of public school teachers who received support from a master or mentor teacher during their first year of teaching.

(E) With respect to Goal #5, that United States students become first in the world in mathematics and science achievement—

(i) 47 States have increased the percentage of all degrees that were awarded in mathematics and science;

(ii) 33 States have increased the percentage of all degrees in mathematics and science that were awarded to minority students; and

(iii) 42 States have increased the percentage of all degrees in mathematics and science that were awarded to female students.

(F) With respect to Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship—

(i) 39 States have increased the percentage of high school graduates who immediately enroll in an institution of higher education; and

(ii) 10 States have increased the percentage of their citizens who registered to vote.

(G) With respect to Goal #8, that every school will promote partnerships that increase parental involvement, 17 States have increased the influence of parent associations in setting public school policies.

(7) Areas in which States have been unsuccessful in making progress toward these Goals during the 1990s include:

(A) On Goal #1, that all children will start school ready to learn, the percentage of infants born at low birthweight has increased in 32 States.

(B) On Goal #2, that at least 90 percent of all students graduate from high school, the high school dropout rate has increased in 10 States.

(C) On Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship, lower percentages of students are enrolling in college immediately after high school in 11 States.

(D) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol—

(i) student use of marijuana has increased in 16 States;

(ii) the percentage of students who report that drugs are available on school property has increased in 15 States; and

(iii) the percentage of public school teachers reporting that student disruptions in class interfere with their teaching has increased in 37 States.

(8) The continued pursuit of these Goals is necessary to ensure continued, and more evenly distributed, progress across our Nation.

(9) Federal programs and policies have contributed to States' ability to offer high-quality education to all students and have helped States to implement reforms intended to raise the achievement level of every child.

(10) Even though all the Goals have not been reached, nor accomplished to equal degrees, there is a continued need to reaffirm these Goals as a benchmark to which all students can strive and attain.

(b) AMERICA'S EDUCATION GOALS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for section 1 to read as follows: "**SHORT TITLE.**"; and

(2) by inserting after section 1 the following:

"SEC. 2. PURPOSE.

"It is the purpose of this Act to support programs and activities that will improve the Nation's schools and enable all children to achieve high standards.

"SEC. 3. AMERICA'S EDUCATION GOALS.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) set forth a common set of national goals for the education of our Nation's students that the Federal Government and all States and local communities will work to achieve;

"(2) identify the Nation's highest education priorities related to preparing students for responsible citizenship, further learning, and the technological, scientific, and economic challenges of the 21st century; and

"(3) establish a framework for educational excellence at the national, State, and local levels.

"(b) AMERICA'S EDUCATION GOALS.—The Congress declares that America's Education Goals are the following:

"(1) SCHOOL READINESS.—(A) All children in America will start school ready to learn.

"(B) The objectives for this goal are that—

"(i) all children will have access to high-quality, and developmentally appropriate, preschool programs that help prepare children for school;

"(ii) every parent in the United States will be a child's first teacher, and devote time each day to helping his or her preschool child learn, and parents will have access to the training and support they need; and

"(iii) children will receive the nutrition, physical activity, and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

"(2) SCHOOL COMPLETION.—(A) The high school graduation rate will increase to at least 90 percent.

"(B) The objectives for this goal are that—

"(i) the Nation will dramatically reduce its school dropout rate, and 75 percent of the students who do drop out will successfully complete a high school degree or its equivalent; and

"(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

"(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—(A) All students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

"(B) The objectives for this goal are that—

"(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

"(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

"(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

"(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

"(v) the percentage of all students who are competent in more than one language will substantially increase; and

"(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

"(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—(A) The Nation's teaching force will have access to programs for the continued improvement of its professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

"(B) The objectives for this goal are that—

"(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

"(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

"(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

"(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

"(5) MATHEMATICS AND SCIENCE.—(A) United States students will be first in the world in mathematics and science achievement.

"(B) The objectives for this goal are that—

"(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the education system, especially in the early grades;

"(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase; and

"(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

"(6) ADULT LITERACY AND LIFELONG LEARNING.—(A) Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

"(B) The objectives for this goal are that—

"(i) every major American business will be involved in strengthening the connection between education and work;

"(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

"(iii) the number of high-quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

"(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

"(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

"(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and lifelong learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

"(7) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—(A) Every school in the

United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.

"(B) The objectives for this goal are that—

"(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

"(ii) parents, businesses, and governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and a safe haven for all children;

"(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

"(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

"(v) drug and alcohol curriculum will be taught as an integral part of sequential, comprehensive health education;

"(vi) community-based teams will be organized to provide students and teachers with needed support; and

"(vii) every school will work to eliminate sexual harassment.

"(8) PARENTAL PARTICIPATION.—(A) Every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

"(B) The objectives for this Goal are that—

"(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, limited English proficient, or have disabilities;

"(ii) every school will actively engage parents and families in a partnership that supports the academic work of children at home and shared educational decisionmaking at school; and

"(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.".

SEC. 4. TRANSITION.

(a) ACTIONS OF THE SECRETARY.—The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition of programs and activities under the Elementary and Secondary Education Act of 1965, as amended by the Educational Excellence for All Children Act of 2000, from programs and activities under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the date before the date of enactment of this Act.

(b) ACTIONS OF FUNDING RECIPIENTS.—A recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect the date before the date of enactment of this Act, may use such funds to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs and activities under such Act, as amended by this Act.

SEC. 5. EFFECTIVE DATES.

The provisions of this Act shall take effect on July 1, 2000, except that—

(1) those amendments that pertain to programs under the Elementary and Secondary Education Act of 1965 that are conducted by the Secretary on a competitive basis, and the amendments made by ❙title VIII of this Act,❙ shall take effect with respect to appropriations for use under those programs for fiscal year 2001 and subsequent fiscal years; and

(2) section 4 of this Act shall take effect upon enactment.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

SEC. 101. POLICY AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1001. STATEMENT OF PURPOSE.

"The purpose of this title is to enable schools to provide opportunities for children served under this title to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State student performance standards developed for all children. This purpose should be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children (from the earliest grades, including prekindergarten) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families that are funded from other sources;

"(6) affording parents substantial and meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources in amounts sufficient to make a difference to local educational agencies and schools where needs are greatest;

"(8) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children;

"(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance; and

"(10) giving attention to the role technology can play in professional development and improved teaching and learning.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended—

(1) in subsection (a), by striking "$7,400,000,000 for fiscal year 1995" and inserting "$15,000,000,000 for fiscal year 2001";

(2) in subsection (b), by striking "$118,000,000 for fiscal year 1995" and inserting "$500,000,000 for fiscal year 2001";

(3) in subsection (c), by striking "$310,000,000 for fiscal year 1995" and inserting "$400,000,000 for fiscal year 2001";

(4) by amending subsection (d) to read as follows:

"(d) PARENTAL ASSISTANCE; LOCAL FAMILY INFORMATION CENTERS.—

"(1) IN GENERAL.—For the purpose of carrying out part D, there are authorized to be appropriated $70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) RESERVATION.—Of the amount appropriated under paragraph (1) for a fiscal year—

"(A) the Secretary shall reserve $50,000,000 to carry out part D, other than section 1403A; and

"(B) in the case of any amounts appropriated in excess of $50,000,000 for such fiscal year, the Secretary shall allocate an amount equal to—

"(i) 85 percent of such excess to carry out section 1403A; and

"(ii) 15 percent of such excess to carry out part D, other than section 1403A.";

(5) by amending subsection (e) to read as follows:

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2001, $15,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.";

(6) in subsection (f), by striking "1996 and each of the three" and inserting "2001 and each of the four";

(7) by amending subsection (g) to read as follows:

"(g) FEDERAL ACTIVITIES.—

"(1) SECTION 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) SECTION 1502.—For the purpose of carrying out section 1502 there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years."; and

(8) by adding at the end the following:

"(h) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.".

SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. RESERVATIONS FOR ACCOUNTABILITY AND SCHOOL IMPROVEMENT.

"(a) STATE RESERVATIONS.—

"(1) AMOUNTS RESERVED.—Each State educational agency receiving funds under part A shall reserve 3 percent of such amount for each of fiscal years 2001 and 2002, and 5 percent of such amount for each of fiscal years 2003 through 2005, to—

"(A) make allotments under paragraph (2); and

"(B) carry out the State educational agency's responsibilities under sections 1116 and 1117, including establishing and supporting the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(2) ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—From the amount reserved under paragraph (1) for a fiscal year, a State educational agency shall allot not less than 80 percent of such amount to local educational agencies within the State. In making allotments under this paragraph, the

State educational agency shall give first priority to schools and local educational agencies identified for corrective action or in need of improvement under section 1116(c)(5).

"(B) Use of funds.—Each local educational agency receiving an allotment under subparagraph (A) shall use the allotment to—

"(i) carry out effective corrective action in the local educational agency or the schools identified for corrective action, as the case may be; or

"(ii) achieve substantial improvement in the performance of the schools identified for school improvement.

"(b) National Activities.—From the total amount appropriated for a fiscal year to carry out this title, the Secretary may reserve not more than 0.30 percent to conduct evaluations and studies, collect data, and carry out other activities.".

PART A—BASIC PROGRAMS

SEC. 111. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "the Goals 2000: Educate America Act," and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act,"; and

(ii) by striking "14306" and inserting "6506"; and

(B) in paragraph (2), by striking "14302" and inserting "6502";

(2) in subsection (b)—

(A) in the heading, by striking 'and Assessments' and inserting ', Assessments, and Accountability';".

(B) in paragraph (1)—

(i) by amending subparagraph (B) to read as follows:

"(B) The standards described in subparagraph (A) shall be the same standards that the State applies to all schools and children in the State."; and

(ii) by amending subparagraph (C) to read as follows:

"(C) The State shall have the standards described in subparagraph (A) for elementary school and secondary school children served under this part in subjects determined by the State that include at least mathematics, and reading or language arts, and such standards shall require the same knowledge, skills, and levels of performance for all children.";

(C) by amending paragraph (2) to read as follows:

"(2) Yearly progress.—

"(A) In general.—Each State plan shall specify what constitutes adequate yearly progress in student achievement, under the State's accountability system described in paragraph (3), for each school, local educational agency, and State receiving funds under this part.

"(B) Schools.—The yearly progress specified in the State plan for schools shall—

"(i) be based on the standards described in paragraph (1) and the valid and reliable assessments aligned to State standards described in paragraph (3), and shall, based on the assessments required under section 1111, include specific numerical yearly progress requirements in each subject and grade included in the State assessments;

"(ii) be defined in a manner that is based on performance on the assessments carried out under this section;

"(iii) compare separately, within the State as a whole, for each local educational agency and each school, the performance and progress of students by each major ethnic and racial group, by English proficient status, and by economically disadvantaged students as compared to nondisadvantaged students (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about individual students);

"(iv) compare the proportion of students at the basic, proficient, and advanced levels of performance with the proportion of students at each of the 3 levels in the same grade in the previous year;

"(v) the numerical goal required in clause (i) for each group of students specified in clause (ii) shall be based on a timeline that ensures that all students in each group of students reach or exceed the proficient level of performance on the assessments required by section 1111 within 10 years of the effective date of this subparagraph; and

"(vi) at the State's discretion, may also include other academic measures such as grade-to-grade promotion rates, rates of completion of the college preparatory curriculum, and 4- year high school completion rates, except that, if a State elects to include such additional indicators, the data for all such indicators shall in all cases be disaggregated as required by clause (ii) and shall not change which schools or local educational agencies would be subject to improvement or corrective action if the discretionary indicators were not included.

"(C) Local educational agencies.—For a local educational agency to make adequate yearly progress in the first year after the effective date of the Educational Excellence for All Children Act of 2000, not less than 90 percent of the schools within the agency's jurisdiction shall meet their adequate yearly progress goals.

"(D) States.—For a State educational agency to make adequate yearly progress in the first year after the effective date of the Educational Excellence for All Children Act of 2000, not less than 90 percent of the local educational agencies within the State educational agency's jurisdiction shall be making adequate yearly progress.

"(E) Schools.—For an elementary or a secondary school to make adequate yearly progress, not less than 90 percent of each group of students for which data is disaggregated who are enrolled in such school shall have participated in the administration of any State required assessment.";

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "developed or adopted" and inserting "in place"; and

(II) by inserting ", not later than the school year 2000-2001," after "will be used";

(ii) in subparagraph (F)—

(I) in clause (ii), by striking "and" after the semicolon;

(II) in clause (iii), by inserting "and" after the semicolon; and

(III) by adding at the end the following:

"(iv) the use of assessments written in Spanish for the assessment of Spanish speaking students with limited English proficiency, if Spanish language assessments are more likely than English language assessments to yield accurate and reliable information regarding what those students know and can do in content areas other than English;

"(v) notwithstanding clauses (iii) and (iv), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive years for the purpose of school accountability; and

"(vi) a report from each local educational agency that indicates the number and percentage of students excluded from each assessment at each school, including, where statistically sound, disaggregated in accordance with section 1111(b)(3)(I), except that a local educational agency shall be prohibited from providing such information in any case in which to do so would reveal the identity of any individual student;"; and

(iii) by amending subparagraph (H) to read as follows:

"(H) provide individual student interpretive and descriptive reports, which shall include scores or other information on the attainment of student performance standards, such as measures of student course work over time, student attendance rates, student dropout rates, and student participation in advanced level courses;";

(E) in paragraph (5) by striking "through the Office of Bilingual Education and Minority Languages Affairs" and inserting ", but shall not mandate a specific assessment or mode of instruction";

(F) by striking paragraph (7);

(G) by redesignating paragraphs (4), (5), (6), and (8) as paragraphs (8), (9), (10), and (12), respectively;

(H) by inserting after paragraph (3) the following:

"(4) Accountability.—

"(A) In general.—Each State plan shall demonstrate that the State has developed and is implementing a statewide accountability system that is or will be effective in substantially and continually increasing the numbers and percentages of all students, including the lowest performing students, economically disadvantaged students, disabled students, and students with limited proficiency in English, who meet the State's proficient and advanced levels of performance within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000. Each State accountability system shall—

"(i) be the same accountability system the State uses for all schools or all local educational agencies in the State, if the State has an accountability system for all schools or all local educational agencies in the State;

"(ii) hold local educational agencies and schools accountable for student achievement in at least reading, mathematics, and, not later than the 2005-2006 school year, science, and in any other subjects that the State may choose; and

"(iii) identify schools and local educational agencies for improvement or corrective action based on failure to make adequate yearly progress as defined in the State plan pursuant to section 1111(b)(2).

"(B) Need of improvement; corrective action.—The accountability system described in subparagraph (A) and described in the State plan shall also include a procedure for identifying local educational agencies and schools in need of improvement, intervening in those schools, and (when those interventions are not effective) implementing corrective actions not later than 3 years after first identifying such agency or school, that—

"(i) complies with sections 1116 and 1117, including the provision of technical assistance, professional development, and other capacity-building as needed, to ensure that schools and local educational agencies so identified have the resources, skills, and knowledge needed to carry out their obligations under sections 1114 and 1115 and to meet the requirements for adequate yearly progress described in paragraph (2); and

"(ii) includes rigorous criteria for identifying those agencies and schools based on failure to make adequate yearly progress in student performance in accordance with section 1111(b)(2).

"(5) PUBLIC NOTICE AND COMMENT.—Each State plan shall contain assurances that—

"(A) in developing the State plan for annual yearly progress, the State diligently sought public comment from a range of institutions and individuals in the State with an interest in improved student achievement; and

"(B) the State will ensure that information regarding this part is widely known and understood by citizens, parents, teachers, and school administrators throughout the State, by publication in a widely read or distributed medium.

"(6) ANNUAL REVIEW.—States shall annually submit to the Secretary information, as part of the State's consolidated report, on the progress of schools and local educational agencies in meeting adequate yearly progress, including the number and names of schools and local educational agencies identified for improvement and corrective action under section 1116, the steps taken to address the performance problems of such schools and local educational agencies, and the number and names of schools that are no longer identified for purposes of determining State and local compliance with section 1116.

"(7) STATE AUTHORITY.—If a State educational agency provides evidence that is satisfactory to the Secretary that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority under State law to adopt curriculum content and student performance standards, and assessments aligned with such standards, that will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

"(A) adopting curriculum content and student performance standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of such standards and assessments to students served under this part; or

"(B) adopting and implementing policies that ensure that each local educational agency within a State receiving a grant under this part will adopt curriculum content and student performance standards and assessments—

"(i) that are aligned with the standards described in paragraph (1)(A); and

"(ii) that meet the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish and that are applicable to all students served by each such local educational agency.

"(8) PENALTIES.—

"(A) INELIGIBILITY FOR RESERVATIONS.—If a State fails to meet the deadlines described in paragraphs (1)(C) and (6) for demonstrating that the State has in place high-quality State content and student performance standards, aligned assessments, and a system for measuring and monitoring adequate yearly progress, including the ability to disaggregate student achievement data for the assessments required under section 1111 for each of the student groups specified in section 1111(b)(2)(B)(iii) at the State, local educational agency, and school levels, then the State shall be ineligible to reserve any administrative funds under section 1003 for the succeeding fiscal year that exceed the amount so reserved for such purposes by the State for the fiscal year preceding the fiscal year for which the determination is made.

"(B) WITHHOLDING ADMINISTRATIVE FUNDS.—

"(i) IN GENERAL.—Except as described in clause (ii), if a State fails to meet the deadlines described in paragraphs (1)(C) and (6) for a fiscal year, then the Secretary may withhold funds made available under this part for administrative expenses for the succeeding fiscal year in such amount as the Secretary determines appropriate.

"(ii) SPECIAL RULE.—For each succeeding fiscal year for which a State fails to meet the deadlines described in paragraphs (1) and (6) after the fiscal year described in clause (i), the Secretary shall withhold not less than ⅕ of the funds made available under this part for administrative expenses for the fiscal year.

"(C) ED-FLEX DESIGNATION.—A State that has not developed challenging State assessments that are aligned to challenging State content standards, in at least mathematics and reading or language arts by school year 2000–2001 is not eligible for Ed-Flex designation under the Education Flexibility Partnership Act of 1999 and shall be subject to such other penalties as are provided by law for the violation of this Act.";

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by striking "1119 and" and inserting "1119,"; and

(ii) by inserting ", and parental involvement under section 1118" after "1117";

(B) by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively;

(C) by inserting after paragraph (4) the following:

"(5) the State educational agency will inform the Secretary and the public regarding how Federal laws hinder, if at all, the ability of States to hold local educational agencies and schools accountable for student academic performance;

"(6) the State educational agency will inform the Secretary and the public regarding how the State educational agency is reducing, if necessary, State fiscal, accounting, and other barriers to local school and school district reform, including barriers to implementing schoolwide programs;

"(7) the State educational agency will inform local educational agencies of the local educational agencies' ability to obtain waivers under part F of title VI and, if the State is an Ed-Flex Partnership State, waivers under the Educational Flexibility Partnership Act of 1999 (20 U.S.C. 5891a et seq.);"; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

"(9) the State will coordinate activities funded under this part with other Federal activities as appropriate.";

(4) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(5) by inserting after subsection (c) the following:

"(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State will support, in collaboration with the regional educational laboratories, the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

"(1) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

"(2) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.";

(6) in subsection (e)(1)(B) (as so redesignated), by inserting ", and who are familiar with educational standards, assessments, accountability, and other diverse educational needs of students" before the semicolon;

(7) in subsection (h) (as so redesignated), by striking "1998" and inserting "2005"; and

(8) by adding at the end the following:

"(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the Goals" and all that follows through "section 14306" and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate"; and

(B) in paragraph (2), by striking "14304" and inserting "6504";

(2) in subsection (b)—

(A) in paragraph (3), by inserting ", which strategy shall be coordinated with activities under title II if the local educational agency receives funds under title II" before the semicolon;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "programs, vocational" and inserting "programs and vocational"; and

(II) by striking ", and school-to-work transition programs"; and

(ii) in subparagraph (B)—

(I) by striking "served under part C" and all that follows through "1994"; and

(II) by striking "served under part D"; and

(C) by amending paragraph (9) to read as follows:

"(9) where appropriate, a description of how the local educational agency will use funds under this part to support early childhood education programs under section 1120B.";

(3) by amending subsection (c) to read as follows:

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) inform eligible schools and parents of schoolwide project authority;

"(2) provide technical assistance and support to schoolwide programs;

"(3) ensure, through incentives for voluntary transfers, the provision of professional development, and recruitment programs, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers;

"(4) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(5) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(5);

“(6) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

“(7) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

“(8) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

“(9) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

“(10) comply with the requirements of section 1119 regarding professional development;

“(11) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under part F of title VI, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999;

“(12) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.”; and

(4) in subsection (d)(1)—

(A) by striking “and pupil” and inserting “pupil”;

(B) by striking “and parents” and inserting “parents”; and

(C) by inserting “, and students (as developmentally appropriate)” before the semicolon; and

(5) in subsection (e)—

(A) in paragraph (1), by striking “, except that” and all that follows through “finally approved by the State educational agency”; and

(B) in paragraph (3)—

(i) by striking “professional development”; and

(ii) by striking “section 1119” and inserting “sections 1118 and 1119”.

SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(b)(1) (20 U.S.C. 6313(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” after the semicolon;

(2) in subparagraph (C)(iii), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(D) designate and serve a school attendance area or school that is not an eligible school attendance area under subsection (a)(2), but that was an eligible school attendance area and was served in the fiscal year preceding the fiscal year for which the determination is made, but only for 1 additional fiscal year.”.

SEC. 114. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—A local educational agency may use funds under this part, together with other Federal, State, and local funds, to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families, for the initial year of the schoolwide program.”; and

(B) in paragraph (4)—

(i) by amending the heading to read as follows: “EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—”; and

(ii) by adding at the end the following:

“(C) A school that chooses to use funds from such other programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the programs that were consolidated to support the schoolwide program.”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)(vii), by striking “, if any, approved under title III of the Goals 2000: Educate America Act”; and

(ii) in subparagraph (E), by striking “, such as family literacy services” and inserting “(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “Improving America's Schools Act of 1994” and inserting “Educational Excellence for All Children Act of 2000”; and

(II) in clause (iv), by inserting “in a language the family can understand” after “results”; and

(ii) in subparagraph (C)—

(I) in clause (i)(II), by striking “Improving America's Schools Act of 1994” and inserting “Educational Excellence for All Children Act of 2000”; and

(II) in clause (v), by striking “the School-to-Work Opportunities Act of 1994” and inserting “part C of title II”.

SEC. 115. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking “, yet” and all that follows through “setting”; and

(B) in paragraph (2)—

(i) in subparagraph (B), insert “or in early childhood education services under this title,” after “program,”; and

(ii) in subparagraph (C)(i), by striking “under part D (or its predecessor authority)”; and

(2) in subsection (c)(1)—

(A) by amending subparagraph (G) to read as follows:

“(G) provide opportunities for professional development with resources provided under this part, and to the extent practicable, from other sources, for teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents, who work with participating children in programs under this section or in the regular education program; and”; and

(B) in subparagraph (H), by striking “, such as family literacy services” and inserting “(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.”.

SEC. 116. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6317) is amended—

(1) by amending subsection (a) to read as follows:

“(a) LOCAL REVIEW.—

“(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

“(A) use the State assessments described in the State plan;

“(B) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2) toward enabling its students to meet the State's student performance standards described in the State plan; and

“(C) provide the results of the local annual review, including disaggregated results, to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

“(2) LOCAL REPORTS.—(A) Following the annual review specified in paragraph (1)(B), each local educational agency receiving funds under this part shall prepare and disseminate an annual performance report regarding each school that receives funds under this part. The report, at a minimum, shall include information regarding—

“(i) each school's performance in making adequate yearly progress and whether the school has been identified for school improvement;

“(ii) the progress of each school in enabling all students served under this part to meet the State-determined levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has a statistically insignificant number of economically disadvantaged or limited English proficient students; and

“(iii) any other information the local educational agency determines appropriate (such as information on teacher quality, school safety, and drop-out rates).

“(B) The local educational agency shall publicize and disseminate the report to teachers and other staff, parents, students, and the community. Such report shall be concise and presented in a format and manner that parents can understand. The local educational agency may issue individual school performance reports directly to teachers and other staff, parents, students, and the community, or the local educational agency may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.

“(C) Information collected and reported under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

“(D) In the case of a local educational agency for which the State report described in section 1116(d) contains data about an individual school served by the local educational agency that is equivalent to the data required by this subsection, such local educational agency shall not be required to prepare or distribute a report regarding such school under this paragraph.”;

(2) by amending subsection (c) to read as follows:

“(c) SCHOOL IMPROVEMENT.—

“(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan in section 1111, except that in the case of a targeted assistance program under section 1115, a local educational agency may review the progress of only those students in such school who are served under this part.

"(B) The 2 year period described in clause (i) shall include any continuous period of time immediately preceding the date of enactment of the Education Opportunities Act, during which a school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

"(C) Before identifying a school for school improvement under subparagraph (A), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. The review period shall not exceed 30 days, and at the end of the review period the local educational agency shall make a final determination as to the school improvement status of the school. If the school believes that such identification for school improvement is in error for statistical or other substantive reasons, such school may provide evidence to the local educational agency to support such belief.

"(2) SCHOOL PLAN.—(A) Each school identified under paragraph (1), in consultation with parents, the local educational agency, and the school support team or other outside experts, and if the plan relates to a secondary school, students from such school, shall revise a school plan that addresses the fundamental teaching and learning needs in the school and—

"(i) describes the specific achievement problems to be solved;

"(ii) includes research-based strategies, supported with specific goals and objectives, that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

"(iii) explains how those strategies will work to address the achievement problems identified under clause (i);

"(iv) addresses the need for high-quality staff by working to ensure that teachers in programs supported with funds under this part are fully qualified;

"(v) addresses the professional development needs of instructional staff by committing to spend not less than 10 percent of the funds received by the school under this part during 1 fiscal year for professional development, which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

"(vi) identifies specific goals and objectives the school will undertake for making adequate yearly progress, including specific numerical performance goals and targets that are high enough to ensure that all groups of students specified in section 1111(b)(2) meet or exceed the proficient levels of performance in each subject area within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000;

"(vii) specifies the responsibilities of the school and the local educational agency, including how the local educational agency will hold the school accountable for, and assist the school in, meeting the school's obligations to provide enriched and accelerated curricula, effective instructional methods, high quality professional development, and timely and effective individual assistance, in partnership with parents; and

"(viii) includes strategies to promote effective parental involvement in the school.

"(B) The school shall submit the plan or revised plan to the local educational agency for approval within 3 months of being identified. The local educational agency shall promptly subject the plan to a review process, work with the school to revise the plan as necessary, and approve the plan within 1 month of submission. The school shall implement the plan as soon as the plan is approved.

"(3) PARENTAL NOTIFICATION.—Each school identified under paragraph (1) shall in understandable language and form, promptly notify the parents of each student enrolled in the school that the school was designated by the local educational agency as needing improvement and provide with the notification—

"(A) the reasons for such designation;

"(B) information about opportunities for parents to participate in the school improvement process; and

"(C) an explanation of the option afforded to parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not identified for school improvement.

"(4) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan. Such technical assistance shall include effective methods and research-based instructional strategies.

"(B) Such technical assistance shall be designed to strengthen the core academic program for the students served under this part and addresses specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan. Such technical assistance will be designed to strengthen the core academic program for the students served under this part and address specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development provisions in section 1119, and the responsibilities of the school and local educational agency under the plan.

"(5) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

"(A) IN GENERAL.—After providing technical assistance under paragraph (6), the local educational agency may take corrective action at any time with respect to a school that has been identified under paragraph (1), but shall take corrective action with respect to any school that fails to make adequate yearly progress, as defined by the State, at the end of the second year following the school's identification under paragraph (1) and shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii) of subparagraph (B).

"(B) DEFINITION OF CORRECTIVE ACTION.—In this paragraph, the term 'corrective action' means action, consistent with State and local law, that—

"(i) substantially and directly responds to the consistent academic failure that caused the local educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

"(ii) is designed to substantially increase the likelihood that students will perform at the proficient and advanced levels.

"(C) ACTIONS DESCRIBED.—In the case of a school described in subparagraph (A), the local educational agency shall take not less than 1 of the following corrective actions:

"(i) Deferring, reducing, or withholding title I funds.

"(ii) Instituting and fully implementing a new curriculum, including appropriate professional development for all relevant staff, that is supported by valid and reliable evidence of effectiveness, and offers substantial promise of improving educational achievement for low-performing students.

"(iii) Restructuring the school, such as by—

"(I) making alternative governance arrangements (such as the creation of a public charter school); and

"(II) creating schools within schools or other small learning environments.

"(iv) Redesign the school by reconstituting all or part of the school staff.

"(v) Eliminating the use of noncredentialed teachers.

"(vi) Closing the school.

"(D) REQUIRED ACTION.—A local educational agency shall take corrective action with respect to a school identified for corrective action under subparagraph (A)(ii). The corrective action shall—

"(i) change the school's administration or governance by the means specified in clause (ii), (iii), (iv), (v), or (vi) of subparagraph (B); and

"(ii) provide to relevant staff professional development that is supported by valid and reliable evidence of effectiveness, offers substantial promise of improving student educational achievement and is directly related to the content areas in which each teacher is providing instruction and the State's content and performance standards for that subject area.

"(E) PARENTAL CHOICE.—Where a local educational agency has identified a school for corrective action under subparagraph (A)(ii), the agency shall provide all students enrolled in the school with the option to transfer to another public school within the area served by the local educational agency that has not been identified for school improvement and provide such students transportation, subject to the following requirements:

"(i) Such transfer must be consistent with State or local law.

"(ii) If the local educational agency cannot accommodate the request of every student, it shall permit as many students as possible to transfer, with such students being selected on a nondiscriminatory and equitable basis.

"(iii) The local educational agency may use not more than 10 percent of the funds the local educational agency receives through the State reservation under section 1003(a)(2)) to provide transportation to students whose parents choose to transfer their child or children to a different school.

"(iv) If all public schools in the local educational agency to which a child may transfer to are identified for corrective action, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer.

"(F) IMPLEMENTATION DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(G) NOTIFICATION TO PARENTS.—The local educational agency shall publish, and disseminate to the public and to parents in a format and, to the extent practicable, in a language that the parents can understand, any corrective action the agency takes under this paragraph through such means as the Internet, the media, and public agencies.

"(6) PUBLIC SCHOOL CHOICE.—

"(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

"(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 6 months after the date of the enactment of the Educational Excellence for All Children Act of 2000, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) under paragraphs (1) and (5) with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited—

"(I) under the provisions of a State or local law; or

"(II) by a local educational agency policy that is approved by a local school board.

"(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 6 months after the date on which a local educational agency identifies a school under paragraphs (1) and (5), the agency shall provide all students enrolled in such school with an option described in clause (i).

"(B) COOPERATIVE AGREEMENTS.—If all public schools in the local educational agency to which a child may transfer are identified under paragraphs (1) and (5), then the agency, to the extent practicable, shall establish a cooperative agreement with other local educational agencies in the area for the transfer, unless the transfer is prohibited under—

"(i) the provisions of a State or local law; or

"(ii) a local educational agency policy that is approved by a local school board.

"(C) TRANSPORTATION.—

"(i) IN GENERAL.—The local educational agency in which the schools have been identified under paragraph (1) may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

"(ii) CORRECTIVE ACTION.—If a school has been identified under paragraph (5), the local educational agency shall provide such students transportation (or the costs of transportation) to schools not identified under paragraph (1) or (5).

"(iii) MAXIMUM AMOUNT.—Notwithstanding any other provision of this paragraph, the amount of assistance provided under this part for a student who elects a transfer under this paragraph shall not exceed the per pupil expenditures for elementary school or secondary school students as provided by the local educational agency that serves the school involved in the transfer.

"(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

"(7) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under this section, the State educational agency shall take into account such action as the State educational agency finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency's responsibilities under this section.

"(8) SPECIAL RULE.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

"(9) WAIVERS.—The State educational agency shall review, including disaggregated results, any waivers approved for a school designated for improvement or corrective action prior to the date of enactment of the Educational Excellence for All Children Act of 2000 and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping such school to make yearly progress to meet the objectives and specific goals described in the school's improvement plan."; and

(3) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—(A) A State educational agency shall annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2) toward meeting the State's student performance standards.

"(B) STATE REPORTS.—Following the annual review specified in subparagraph (A), each State educational agency that receives funds under this part shall prepare and disseminate an annual performance report regarding each local educational agency that receives funds under this part.

"(C) CONTENTS.—The State, at a minimum, shall include in the report information on each local educational agency regarding—

"(i) local educational agency performance in making adequate yearly progress, including the number and percentage of schools that did and did not make adequate yearly progress;

"(ii) the progress of the local educational agency in enabling all students served under this part to meet the State's proficient and advanced levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has an insufficient number of economically disadvantaged or limited English proficient students; and

"(iii) any other information the State determines appropriate (such as information on teacher quality, school safety, and dropout rates).

"(D) PARENT AND PUBLIC DISSEMINATION.—The State shall publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community, the report. Such report shall be concise and presented in a format and manner that parents can understand. The State may issue local educational agency performance reports directly to the local educational agencies, teachers and other staff, parents, students, and the community or the State may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.".

"(E) SUBMISSION TO THE SECRETARY.—The State shall annually submit the performance report required under this paragraph to the Secretary. In addition to the information required under subparagraph (C), the report shall contain the number and names of each school identified as low-performing, including schools identified under paragraphs (1) and (5) of section 1116(c), the reason why each such school was so identified, and the measures taken to address the performance problems of such schools.";

(B) in paragraph (3), by amending the heading and subparagraph (A) to read as follows:

"(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—

"(A) IN GENERAL.—A State educational agency shall identify for improvement any local educational agency that—

"(i) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2) except that for targeted assistance schools, a State educational agency may choose to review the progress of only the students who are served under this part; or

"(ii) was in, or eligible for, improvement status under this section as this section was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000.";

(ii) in subparagraph (B), by adding at the end the following: "The review period required under this subparagraph shall not exceed 30 days and the State shall make public a final determination as to the status of the local educational agency not later than the end of such period."; and

(iii) by adding at the end the following:

"(C) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents in a format and, to the extent practicable, in a language the parents can understand, of each student enrolled in a school in a local educational agency identified for improvement of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.";

(C) by striking paragraph (4) and inserting the following:

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—

"(A) PLAN; ANNUAL ACADEMIC ACHIEVEMENT GOALS.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified and in consultation with parents, school staff, and others, develop or revise the local educational agency's plan and annual academic achievement goals. Annual academic achievement goals shall be based on the overall objective of ensuring that all students within the area served by the local educational agency, including students of different races and ethnicity, economically disadvantaged students, and students with limited English proficiency, will meet or exceed the State proficiency level of performance in each subject assessment that the State requires, within 10 years of the effective date of this subparagraph. The revised plan shall—

"(i) address the fundamental teaching and learning needs in the schools served by the agency specific the academic problems of low-performing students, and the reasons why the local educational agency's prior plan failed to bring about increased achievement;

"(ii) incorporate strategies that are supported by valid and reliable evidence of effectiveness and that strengthen the core academic program in the local educational agency;

"(iii) identify specific annual, academic achievement goals and objectives that will—

"(I) have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards; and

"(II) include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2), which shall be high enough to ensure that each group of students achieves at least the proficient level of performance within 10 years of the effective date of this subparagraph;

"(iv) address the professional development needs of the instructional staff by spending a minimum of 10 percent of the funds received by the schools under this part on professional development that—

"(I) may not supplant professional development services that school staff would otherwise receive; and

"(II) increases the content knowledge of teachers and builds the teachers' capacity to align classroom instruction with challenging content standards and bring all students to proficient or advanced levels of performance;

"(v) identify measures the local educational agency will undertake to make adequate yearly progress;

"(vi) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable, in a language that the parents can understand, pursuant to paragraph (6);

"(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

"(viii) include strategies to promote effective parental involvement in the school.

"(B) DEADLINE FOR SUBMISSION.—The local educational agency shall submit its revised plan to the State educational agency for peer review and approval within 60 days of submission. The local educational agency shall implement the revised plan as soon as such plan is approved.";

(D) by striking paragraph (5)(B) and inserting the following:

"(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by valid and reliable evidence of effectiveness, and shall address problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development provisions in section 1119."; and

(E) by striking paragraph (6) and inserting the following:

"(6) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action.

"(A) IN GENERAL.—After providing technical assistance under paragraph (5) and subject to subparagraph (D), the State educational agency—

"(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);

"(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, at the end of the third year following its identification under paragraph (2); and

"(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

"(B) DEFINITION OF CORRECTIVE ACTION.—In this paragraph, the term 'corrective action' means action, consistent with State law, that—

"(i) substantially and directly responds to the consistent academic failure that caused the State educational agency to take such action, and to any underlying staffing, curricular, or other problems in the school; and

"(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

"(C) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in paragraph (A)(ii), the State educational agency shall take not less than 1 of the following corrective actions;

"(i) Withholding funds from the local educational agency.

"(ii) Reconstituting school district personnel.

"(iii) Removing particular schools from the area served by the local educational agency, and establishing alternative arrangements for public governance and supervision of such schools.

"(iv) Appointment, by the State educational agency, of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

"(v) Abolition or restructuring of the local educational agency.

"(D) AUTHORITY TO TRANSFER STUDENTS.—If a local educational agency has been identified for corrective action, the State educational agency shall authorize students to transfer from a school served by the local educational agency to a higher performing public school served by another local educational agency, in conjunction with not less than 1 additional action described under subparagraph (C). When a local educational agency cannot accommodate the request of every student, it shall permit as many students as possible who shall be selected randomly. The local educational agency may use up to 10 percent of the funds it receives through the State reservation under section 1003(a)(2) to provide transportation to students whose parents choose to transfer their child to a different school.

"(E) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

"(F) NOTIFICATION TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, any corrective action the State educational agency takes under this paragraph through a widely read or distributed medium.

"(G) DELAY.—A State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

"(H) WAIVERS.—The State educational agency shall review any waivers approved prior to the date of enactment of the Educational Excellence for All Children Act of 2000 for a local educational agency designated for improvement or corrective action and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping the local educational agency make yearly progress to meet the objectives and specific goals described in the local educational agency's improvement plan.".

SEC. 117. ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) PRIORITIES.—In carrying out this section, a State educational agency shall—

"(A) first, provide support and assistance to local educational agencies subject to corrective action described in section 1116 and assist schools, in accordance with section 1116, for which a local educational agency has failed to carry out its responsibilities under section 1116;

"(B) second, provide support and assistance to other local educational agencies and schools identified as in need of improvement under section 1116; and

"(C) third, provide support and assistance to schools participating under this part in which the number of students in poverty equals or exceeds 75 percent of the total number of students enrolled in such school."; and

(2) in subsection (b), by striking "the comprehensive regional technical assistance centers under part A of title XIII and" and inserting "comprehensive regional technical assistance centers, and"; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

"(A) school support teams which are composed of individuals who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children and persons knowledgeable about effective parental involvement programs, including parents;

"(B) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

"(C) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

"(D) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plans.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "part which" and all that follows through the period and inserting "part."; and

(ii) in subparagraph (C)—

(I) by striking "and may" and inserting "(and may"; and

(II) by striking "exemplary performance" and inserting "exemplary performance)"; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "EDUCATORS" and inserting "TEACHERS AND PRINCIPALS";

(ii) by amending subparagraph (A) to read as follows:

"(A) The State may also recognize and provide financial awards to teachers or principals in a school described in paragraph (2) whose students consistently make significant gains in academic achievement.";

(iii) in subparagraph (B), by striking "educators" and inserting "teachers or principals"; and

(iv) by striking subparagraph (C).

SEC. 118. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting "activities to improve student achievement and student and school performance" after "involvement";

(2) in subsection (b)(1)—

(A) in the first sentence, by inserting "(in a language parents can understand)" after "distribute"; and

(B) in the second sentence, insert "shall be made available to the local community and" after "Such policy";

(3) in subsection (e)—

(A) in paragraph (1), by striking "participating parents in such areas as understanding the National" and inserting "parents of children served by the school or local educational agency, as appropriate, in understanding America's";

(B) in paragraph (14), by striking "and" after the semicolon;

(C) by amending paragraph (15) to read as follows:

"(15) may establish a school district wide parent advisory council to advise the school and local educational agency on all matters related to parental involvement in programs supported under this section; and"; and

(D) by adding at the end the following:

"(16) shall provide such other reasonable support for parental involvement activities under this section as parents may request, which may include emerging technologies.";

(4) in subsection (f), by striking "or with" and inserting ", parents of migratory children, or parents with"; and

(5) by amending subsection (g) to read as follows:

"(g) INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each school or local educational agency that receives assistance under this part and is located in the State, shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

"(h) STATE REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if they meet the goal described in section 10301(8) of increasing parental involvement and participation in promoting the academic growth of children.".

SEC. 119. PROFESSIONAL DEVELOPMENT.

Section 1119 (20 U.S.C. 6320) is amended—

(1) in subsection (a)(1), by adding at the end the following: "Each local educational agency receiving funds under this part shall use not less than 5 percent of the funds for fiscal years 2001 and 2002, and 10 percent of the funds for subsequent fiscal years, for such professional development.";

(2) in subsection (b)—

(A) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) support professional development activities that give teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;";

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) advance teacher understanding of effective instructional strategies, based on research for improving student achievement, at a minimum in reading or language arts and mathematics;

"(C) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is 1 component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the needs of students, and the needs of the local educational agency;";

(D) in subparagraph (E) (as so redesignated), by striking "title III of the Goals 2000: Educate America Act,";

(E) in subparagraph (F) (as so redesignated), by striking "and" after the semicolon;

(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

"(H) to the extent appropriate, provide training for teachers in the use of technology and the applications of technology that are effectively used—

"(i) in the classroom to improve teaching and learning in the curriculum; and

"(ii) in academic content areas in which the teachers provide instruction;

"(I) be regularly evaluated for their impact on increased teacher effectiveness and improved student performance and achievement, with the findings of such evaluations used to improve the quality of professional development;

"(J) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices; and

"(K) provide instruction, which may include instruction developed in partnership with a business, an industry, or an institution of higher education, to encourage and enable students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering, and technology, including the development of mentoring programs, model programs, or other programs."; and

(3) in subsection (g), by striking "title III of the Goals 2000: Educate America Act," and inserting "other Acts".

SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) AMENDMENTS.—Section 1120 (20 U.S.C. 6321) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "that address their needs, and shall ensure that teachers and families of such children participate, on an equitable basis, in services and activities under sections 1118 and 1119" before the period;

(B) in paragraph (3), by inserting "and shall be provided in a timely manner" before the period; and

(C) in paragraph (4), insert "as determined by the local educational agency each year or every 2 years" before the period;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and where" and inserting ", where, and by whom";

(ii) by amending subparagraph (D) to read as follows:

"(D) how the services will be assessed and how the results of that assessment will be used to improve those services;";

(iii) in subparagraph (E), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(F) how and when the local educational agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of private school officials regarding the provision of contract services through potential third party providers, and if the local educational agency disagrees with the views of the private school officials on such provision of services, the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to so provide such services."; and

(B) by adding at the end the following:

"(4) CONSULTATION.—Each local educational agency shall provide to the State educational agency, and maintain in the local educational agency's records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If a private school declines in writing to have eligible children in the private school participate in services provided under this section, the local educational agency is not required to further consult with the private school officials or to document the local educational agency's consultation with the private school officials until the private school officials request in writing such consultation. The local educational agency shall inform the private school each year of the opportunity for eligible children to participate in services provided under this section.

"(5) COMPLIANCE.—A private school official shall have the right to appeal to the State educational agency the decision of a local educational agency as to whether consultation provided for in this section was meaningful and timely, and whether due consideration was given to the views of the private school official. If the private school official wishes to appeal the decision, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.";

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(4) by inserting after subsection (b) the following:

"(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

"(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of private school children, ages 5 through 17, who are low-income by—

"(A) using the same measure of low-income used to count public school children;

"(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; or

"(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area.

"(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 10105.";

(5) in subsection (e) (as so redesignated),

(A) in paragraph (2), by striking "14505 and 14506" and inserting "10105 and 10106";

(B) by redesignating paragraphs (1) and (2) (as so amended) as subparagraphs (A) and (B), respectively;

(C) by striking "If a" and inserting the following:

"(1) IN GENERAL.—If a"; and

(D) by adding at the end the following:

"(2) DETERMINATION.—In making the determination under paragraph (1), the Secretary shall consider 1 or more factors, including the quality, size, scope, or location of the program, or the opportunity of eligible children to participate in the program."; and

(6) by repealing subsection (f) (as so redesignated).

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on September 30, 2003.

(c) CONFORMING AMENDMENT.—Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking "14501 of this Act" and inserting "10101".

SEC. 120A. FISCAL REQUIREMENTS.

Section 1120A(c) (20 U.S.C. 6322(c)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: "CRITERIA FOR MEETING COMPARABILITY REQUIREMENT.";

(B) by amending subparagraph (A) to read as follows:

"(A) To meet the requirement of paragraph (1), a local educational agency shall establish, and obtain the State educational agency's approval of, policies to ensure comparability in the use of State and local funds among its schools participating under this part and its other schools with respect to—

"(i) pupil-teacher ratios and the qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, which may be achieved through recruitment, hiring practices, and incentive programs, but shall not be met through involuntary transfers of teachers or other staff;

"(ii) curriculum, the range of courses offered, instructional materials, and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards; and

"(iii) the condition and safety of school facilities, and their accessibility to technology."; and

(C) by adding at the end the following:

"(D) Notwithstanding subparagraph (A), a local educational agency may continue to meet the requirement of paragraph (1) by complying with subparagraph (A) as it was in effect prior to the enactment of the Educational Excellence for All Children Act of 2000, but each local educational agency shall comply with subparagraph (A), as amended by that Act, no later than July 1, 2002."; and

(2) in paragraph (3)(B), by striking "biennially" and inserting "annually".

SEC. 120B. EARLY CHILDHOOD EDUCATION.

Section 1120B (20 U.S.C. 6321) is amended—

(1) by amending the section heading to read as follows:

"SEC. 1120B. COORDINATION REQUIREMENTS; EARLY CHILDHOOD EDUCATION SERVICES.";

(2) in subsection (c), by striking "Head Start Act Amendments of 1994" and inserting "Head Start Amendments of 1998"; and

(3) by adding at the end the following:

"(d) EARLY CHILDHOOD SERVICES.—A local educational agency may use funds received under this part to provide preschool services—

"(1) directly to eligible preschool children in all or part of its school district;

"(2) through any school participating in the local educational agency's program under this part; or

"(3) through a contract with a local Head Start agency, an eligible entity operating an Even Start program, a State-funded preschool program, or a comparable public early childhood development program.

"(e) EARLY CHILDHOOD EDUCATION PROGRAMS.—Early childhood education programs operated with funds provided under this part may be operated and funded jointly with Even Start programs under part B of this title, Head Start programs, or State-funded preschool programs. Early childhood education programs funded under this part shall—

"(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading;

"(2) teach children to understand and use language in order to communicate for various purposes;

"(3) enable children to develop and demonstrate an appreciation of books; and

"(4) in the case of children with limited English proficiency, enable the children to progress toward acquisition of the English language.".

SEC. 120C. ALLOCATIONS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended to read as follows:

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas.

"(2) COMPETITIVE GRANTS.—

"(A) IN GENERAL.—For fiscal years 2000 and 2001, the Secretary shall reserve $5,000,000 from the amounts made available under subsection (a)(1) to award grants, on a competitive basis, to local educational agencies in the Freely Associated States. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) USES.—Except as provided in subparagraph (C), grant funds awarded under this paragraph only may be used—

"(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

"(ii) to provide direct educational services.

"(C) ADMINISTRATIVE COSTS.—The Secretary may provide 5 percent of the amount made available for grants under this paragraph to the Pacific Region Educational Laboratory to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount reserved for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount reserved for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1)(B). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) IN GENERAL.—For each of the fiscal years 2001 through 2005—

"(1) the amount appropriated to carry out this part that is less than or equal to the amount appropriated to carry out section 1124 for fiscal year 2000, shall be allocated in accordance with section 1124;

"(2) the amount appropriated to carry out this part that is not used under paragraph (1) that equals the amount appropriated to carry out section 1124A for fiscal year 2000, shall be allocated in accordance with section 1124A; and

"(3) any amount appropriated to carry out this part for the fiscal year for which the determination is made that is not used to carry out paragraphs (1) and (2) shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

"(2) Additional funds.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as the allocations were reduced.

"(c) Hold-Harmless Amounts.—

"(1) In general.—For each fiscal year the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be not less than—

"(A) 95 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, served by the local educational agency;

"(B) 90 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is not less than 15 percent and not more than 30 percent; and

"(C) 85 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is less than 15 percent.

"(2) Special rules.—If sufficient funds are appropriated, the hold-harmless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency that does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount under this subsection.

"(3) County calculation basis.—Any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that receive funds for the fiscal year in excess of the hold-harmless amounts specified in this paragraph.

"(d) Ratable Reductions.—

"(1) In general.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) Additional funds.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

"SEC. 1123. DEFINITIONS.

"In this subpart:

"(1) Freely associated states.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) Outlying areas.—The term 'outlying areas' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(3) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) Amount of Grants.—

"(1) Grants for local educational agencies and Puerto Rico.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, and not more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) Calculation of grants.—

"(A) Allocations to local educational agencies.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the Secretary and the Secretary of Commerce shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B) Allocations to large and small local educational agencies.—

"(i) Large local educational agencies.—In the case of an allocation under this section to a large local educational agency, the amount of the grant under this section for the large local educational agency shall be the amount determined under paragraph (1).

"(ii) Small local educational agencies.—

"(I) In general.—In the case of an allocation under this section to a small local educational agency the State educational agency may—

"(aa) distribute grants under this section in amounts determined by the Secretary under paragraph (1); or

"(bb) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small local educational agencies.

"(II) Alternative method.—An alternative method under subclause (I)(bb) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the minimum number of children to qualify described in subsection (b).

"(III) Appeal.—If a small local educational agency is dissatisfied with the determination of the amount of its grant by the State educational agency under subclause (I)(bb), the small local educational agency may appeal the determination to the Secretary, who shall respond within 45 days of receiving the appeal.

"(iii) Definitions.—In this subparagraph—

"(I) the term 'large local educational agency' means a local educational agency serving a school district with a total population of 20,000 or more; and

"(II) the term 'small local educational agency' means a local educational agency serving a school district with a total population of less than 20,000.

"(3) Allocations to counties.—

"(A) In general.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall allocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

"(B) Application.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes the State has data that would better target funds than allocating the funds by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

"(C) Allocations to local educational agencies.—If the Secretary approves its application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that the allocations will be made—

"(i) using precisely the same factors for determining a grant as are used under this section; or

"(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

"(D) Appeal.—The State educational agency shall provide the Secretary an assurance that a procedure is or will be established through which local educational agencies that are dissatisfied with determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

"(4) Puerto Rico.—For each fiscal year, the Secretary shall determine the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage determined under the preceding sentence; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(b) Minimum Number of Children To Qualify.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is—

"(1) 10 or more; and

"(2) more than 2 percent of the total school-age population in the school district of the local educational agency.

"(c) Children To Be Counted.—

"(1) Categories of children.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraphs (2) and (3);

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

"(C) the number of children determined under paragraph (4) for the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children and youth (other than such institutions operated by the United States), but not counted pursuant to chapter 1 of subpart 2 of part C of title III for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act. In making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (2)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

"(2) the average of—

"(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State that is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) who are served by the agency exceeds—

"(i) 6,500; or

"(ii) 15 percent of the total number of children aged 5 through 17 served by the agency.

"(B) MINIMUM.—Notwithstanding section 1122, no State shall receive under this section an amount that is less than the lesser of—

"(i) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

"(ii) the average of—

"(I) 0.25 percent of the sums available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

"(2) DETERMINATION.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the amount in section 1124(a)(1)(B) for all States except the Commonwealth of Puerto Rico, and the amount in section 1124(a)(3) for the Commonwealth of Puerto Rico.

"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) LOCAL ALLOCATIONS.—

"(A) IN GENERAL.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

"(B) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of the amount made available to the State under this section for any fiscal year to make grants to local educational agencies that meet the criteria in paragraph (1)(A) (i) or (ii) but that are in ineligible counties.

"(b) RATABLE REDUCTION RULE.—If the sums available under subsection (a) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts that all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(c) STATES RECEIVING 0.25 PERCENT OR LESS.—In States that receive 0.25 percent or less of the total amount made available to carry out this section for a fiscal year, the State educational agency shall allocate such funds among the local educational agencies in the State—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

"(A) the number of children in the local educational agency counted under section

1124(c), before application of the weighted child count described in subsection (c), is at least 10; and

"(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (c), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

"(2) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount of the grant the local educational agency is eligible to receive under section 1124(a)(1).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for the Commonwealth of Puerto Rico, multiplied by the amount determined in section 1124(a)(4) for the Commonwealth of Puerto Rico.

"(c) WEIGHTED CHILD COUNT.—

"(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

"(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) for that county who constitute not more than 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children who constitute more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

"(iii) the number of such children who constitute more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

"(iv) the number of such children who constitute more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

"(v) the number of such children who constitute more than 29.70 percent of such population, multiplied by 4.0.

"(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) who constitute not more than 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

"(iii) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

"(iv) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

"(v) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

"(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

"(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children who constitute more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

"(iii) the number of such children who constitute more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

"(iv) the number of such children who constitute more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(v) the number of such children who constitute more than 36.538 percent of such population, multiplied by 4.0.

"(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) who constitute not more than 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

"(iii) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

"(iv) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

"(v) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

"(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) CALCULATION OF GRANT AMOUNTS.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted not less than the lesser of—

"(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

"(2) the average of—

"(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighted child count, multiplied by the State's total number of children described in section 1124(c), without application of a weighted child count.

"SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

"(a) GRANTS.—From funds appropriated under subsection (e) the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the purposes of this part.

"(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, in such State multiplied by the product of—

"(i) such State's effort factor described in paragraph (2); multiplied by

"(ii) 1.30 minus such State's equity factor described in paragraph (3).

"(B) MINIMUM.—For each fiscal year no State shall receive under this section less than 0.25 percent of the total amount appropriated under subsection (e) for the fiscal year.

"(2) EFFORT FACTOR.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

"(B) COMMONWEALTH OF PUERTO RICO.—The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

"(3) EQUITY FACTOR.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

"(ii) COMPUTATION.—

"(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

"(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

"(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children from low-income families by a factor of 1.4.

"(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

"(V) SEPARATE COEFFICIENTS.—The Secretary shall compute separate coefficients of variation for elementary schools, secondary schools, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

"(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) or a State with only 1 local educational agency shall be not greater than 0.10.

"(C) REVISIONS.—The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English-proficiency or other meaningful educational needs, which deserve additional support. In addition, after obtaining the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

"(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

"(d) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

"(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

"(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

"(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1127. CARRYOVER AND WAIVER.

"(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) WAIVER.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

"SEC. 1128. ENSURING APPROPRIATE USE OF FUNDS.

"For each fiscal year, the Secretary shall—

"(1) take all appropriate steps to ensure that, to the maximum extent consistent with this part, funds made available under this part are provided to local educational agencies with the largest concentrations of children eligible to be counted under section 1124(c); and

"(2) report to Congress on the steps taken under paragraph (1).".

PART B—EVEN START FAMILY LITERACY PROGRAMS

SEC. 121. EVEN START FAMILY LITERACY PROGRAMS.

(a) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), by inserting "(or, if such appropriated amount exceeds $250,000,000, 6 percent of such amount)" after "1002(b)";

(B) in paragraph (2), by striking "If the amount of funds made available under this subsection exceeds $4,600,000," and inserting "After the date of the enactment of the Educational Excellence for All Children Act of 2000,"; and

(C) by adding at the end the following:

"(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.".

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) (20 U.S.C. 6362(b)) is amended to read as follows:

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—

"(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes of—

"(A) carrying out the evaluation required by section 1209; and

"(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(2) RESEARCH.—In the case of fiscal years 2001 through 2005, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 1211.".

(3) RESERVATION FOR GRANTS.—Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(A) in the subsection heading, by striking "FOR GRANTS" and inserting "FOR STATEWIDE FAMILY LITERACY INITIATIVES"; and

(B) by striking "From funds reserved under section 2260(b)(3), the Secretary shall" and inserting "From funds appropriated under section 1002(b) for any fiscal year, the Secretary may".

(c) STATE PLAN.—Part B of title I (20 U.S.C. 6361 et seq.) is amended by inserting after section 1202 (20 U.S.C. 6362) the following:

"SEC. 1202A. STATE PLAN.

"(a) CONTENTS.—Each State that desires to receive a grant under this part shall submit a plan to the Secretary containing such budgetary and other information as the Secretary may require. Each plan shall—

"(1) include the State's indicators of program quality developed under section 1210, or if the State has not completed work on those indicators, describe the State's progress in developing the indicators;

"(2) describe how the State is using, or will use, the indicators to monitor, evaluate, and improve projects the State assists under this part, and to decide whether to continue to assist those projects;

"(3) describe how the State will help each program assisted under this part ensure the full implementation of the program elements described in section 1205, including how the State will encourage local programs to use technology, such as distance learning, to improve program access and the intensity of services, especially for isolated populations;

"(4) describe how the State will conduct competition for subgrants, including the application of the criteria described in section 1208; and

"(5) describe how the State will coordinate resources, especially among State agencies, to improve family literacy services in the State.

"(b) DURATION.—Each State plan shall—

"(1) be submitted for the first year for which this part is in effect after the date of enactment of the Educational Excellence for All Children Act of 2000;

"(2) remain in effect for the duration of the State's participation under this part; and

"(3) be periodically reviewed and revised by the State, as necessary.".

(d) USES OF FUNDS.—Section 1204 (20 U.S.C. 6364) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking "and" after the semicolon; and

(B) by striking clause (v) and inserting the following:

"(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

"(vi) 35 percent in any subsequent such year."; and

(2) by adding at the end the following:

"(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

"(1) IN GENERAL.—A State may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

"(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

"(3) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.".

(e) PROGRAM ELEMENTS.—Section 1205 (20 U.S.C. 6365) is amended—

(1) by amending paragraph (4) to read as follows:

"(4) provide high-quality, intensive family literacy services using instructional approaches that the best available research on reading indicates will be most effective in building adult literacy and children's language development and reading ability;";

(2) by amending paragraph (7) to read as follows:

"(7) use methods that ensure that participating families successfully complete the program, including—

"(A) operating a year-round program, including continuing to provide some instructional services for participants during the summer months;

"(B) providing developmentally appropriate educational services for at least a 3-year age range of children;

"(C) encouraging participating families to regularly attend and remain in the program for a sufficient time to meet their program goals; and

"(D) promoting the continuity of family literacy services across critical points in the lives of children and their parents so that those individuals can retain and improve their educational outcomes;";

(3) by amending paragraph (10) to read as follows:

"(10) provide for an independent evaluation of the program to be used for program improvement.";

(4) by redesignating paragraphs (9) and (10) (as so amended) as paragraphs (10) and (11), respectively; and

(5) by inserting after paragraph (8) the following:

"(9) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;".

(f) ELIGIBLE PARTICIPANTS.—Section 1206 (20 U.S.C. 6366) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "and" at the end and inserting "or"; and

(C) by inserting after subparagraph (B), the following:

"(C) who are attending secondary school; and"; and

(2) in subsection (b), by adding at the end the following:

"(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program pay the cost of providing family literacy services under this part to families with children 8 years of age or older who are not otherwise eligible under this subsection, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of those children and families, so long as the main focus of the program assisted under this part remains on families with young children.".

(g) APPLICATION.—

(1) PLAN.—Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended—

(A) by striking "Act, the Goals 2000: Educate America Act," and inserting "Act"; and

(B) by striking "14306" and inserting "6506".

(2) CONSOLIDATED APPLICATION.—Section 1207(d) (20 U.S.C. 6367(d)) is amended by striking "14302" and inserting "6502".

(h) AWARD OF SUBGRANTS.—

(1) REVIEW PANEL.—The matter preceding subparagraph (A) of section 1208(a)(3) (20 U.S.C. 6368(a)(3)) is amended—

(A) by inserting "and one individual with expertise in family literacy programs." after "education professional,"; and

(B) by striking "and one or more of the following individuals:" and inserting "The review panel may include other individuals such as one or more of the following:".

(2) CONTINUING ELIGIBILITY; FEDERAL SHARE.—Section 1208(b) (20 U.S.C. 6368(b)) is amended—

(A) by striking paragraph (3) and inserting the following:

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210."; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking the last sentence; and

(ii) by amending subparagraph (B) to read as follows:

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).".

(i) INDICATORS OF PROGRAM QUALITY.—Section 1210 (20 U.S.C. 6369a) is amended—

(1) in the matter preceding paragraph (1), by striking "Each" and inserting "Not later than January 31, 2001, each"; and

(2) by adding at the end the following:

"(3) With respect to a program's implementation of high-quality, intensive family literacy services, specific levels of intensity of those services and the duration of individuals' participation that are necessary to result in the outcomes described in paragraphs (1) and (2), which levels the State periodically shall review and revise as needed to achieve those outcomes.".

(j) RESEARCH.—Section 1211 (20 U.S.C. 6369b) is amended to read as follows:

"SEC. 1211. RESEARCH.

"(a) IN GENERAL.—From amounts reserved under section 1202(b)(2), the Secretary, in consultation with the National Institute for Literacy and other appropriate organizations, may carry out, directly or through grants or contracts, research on family literacy services, including—

"(1) scientifically based research on the development of reading and literacy in young children;

"(2) the most effective ways of improving the literacy skills of adults with reading difficulties; and

"(3) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children's literacy development.

"(b) DISSEMINATION.—The Secretary shall ensure the dissemination, through the National Institute for Literacy and other appropriate means, of the results of the research conducted under subsection (a).".

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

"(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;";

(3) in paragraph (5) (as so redesignated), by striking "and" after the semicolon;

(4) in paragraph (6) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(7) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State content and student performance standards that all children are expected to meet.".

SEC. 132. STATE APPLICATION.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "a comprehensive" and all that follows through "1306;" and inserting "the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;";

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) a description of joint planning efforts that will be made with respect to programs assisted under this Act, local, State, and Federal programs, and bilingual education programs under part A of title VII;"; and

(2) in subsection (c), by amending paragraph (3) to read as follows:

"(3) in the planning and operation of programs and projects at both the State and local agency operating level there is consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out—

"(A) in a manner consistent with section 1118 unless extraordinary circumstances make implementation with such section impractical; and

"(B) in a format and language understandable to the parents;".

SEC. 133. COMPREHENSIVE PLAN.

Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "the Goals 2000: Educate America Act,"; and

(B) by striking "14306" and inserting "6506"; and

(2) in subparagraph (B), by striking "14302;" and inserting "6502, if—

"(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

"(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

"(iii) the comprehensive State planning is not used to supplant State efforts regarding, or administrative funding for, this part;".

SEC. 134. COORDINATION.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by amending subsection (b) to read as follows:

"(b) ACCESS TO INFORMATION ON MIGRANT STUDENTS.—

"(1) NATIONAL SYSTEM.—(A) The Secretary shall establish a national system for electronically exchanging, among the States, health and educational information regarding all students served under this part. Such information shall include—

"(i) immunization records and other health information;

"(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under this title;

"(iii) other academic information essential to ensuring that migrant children achieve to high standards; and

"(iv) eligibility for services under the Individuals with Disabilities Education Act.

"(B) The Secretary shall publish, not later than 120 days after the date of enactment of the Educational Excellence for All Children Act of 2000, a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migrant student information, the requirements for immediate electronic access to such information, and the educational agencies eligible to access such information.

"(C) Such system of electronic access to migrant student information shall be operational not later than 1 year after the date of enactment of the Educational Excellence for All Children Act of 2000.

"(D) For the purpose of carrying out this subsection in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.

"(2) REPORT TO CONGRESS.—(A) Not later than April 30, 2002, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary's findings and recommendations regarding services under this part, and shall include in this report, recommendations for the interim measures that may be taken to ensure continuity of services under this part.

"(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.".

(2) in subsection (c), by striking "$6,000,000" and inserting "$10,000,000";

(3) in subsection (d)(1), by striking "$1,500,000" and inserting "$3,000,000"; and

(4) by adding at the end the following:

"(e) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.".

PART D—PARENTAL ASSISTANCE

SEC. 141. PARENTAL ASSISTANCE.

Part D of title I (20 U.S.C. 6421 et seq.) is amended to read as follows:

"PART D—PARENTAL ASSISTANCE AND CHILD OPPORTUNITY

"Subpart I—Parental Assistance".

"SEC. 1401. PARENTAL INFORMATION AND RESOURCE CENTERS.

"(a) PURPOSE.—The purpose of this part is—

"(1) to provide leadership, technical assistance, and financial support to nonprofit organizations and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student performance;

"(2) to strengthen partnerships among parents (including parents of preschool age children), teachers, principals, administrators, and other school personnel in meeting the educational needs of children;

"(3) to develop and strengthen the relationship between parents and the school;

"(4) to further the developmental progress primarily of children assisted under this part; and

"(5) to coordinate activities funded under this part with parental involvement initiatives funded under section 1118 and other provisions of this Act.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish school-linked or school-based parental information and resource centers that provide training, information, and support to—

"(A) parents of children enrolled in elementary schools and secondary schools;

"(B) individuals who work with the parents described in subparagraph (A); and

"(C) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations), and other organizations that carry out parent education and family involvement programs.

"(2) AWARD RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are distributed in all geographic regions of the United States.

"SEC. 1402. APPLICATIONS.

"(a) GRANTS APPLICATIONS.—

"(1) IN GENERAL.—Each nonprofit organization or nonprofit organization in consortium with a local educational agency that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

"(2) CONTENTS.—Each application submitted under paragraph (1), at a minimum, shall include assurances that the organization or consortium will—

"(A)(i) be governed by a board of directors the membership of which includes parents; or

"(ii) be an organization or consortium that represents the interests of parents;

"(B) establish a special advisory committee the membership of which includes—

"(i) parents described in section 1401(b)(1)(A);

"(ii) representatives of education professionals with expertise in improving services for disadvantaged children; and

"(iii) representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations;

"(C) use at least ½ of the funds provided under this part in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

"(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

"(E) serve both urban and rural areas;

"(F) design a center that meets the unique training, information, and support needs of parents described in section 1401(b)(1)(A), particularly such parents who are educationally or economically disadvantaged;

"(G) demonstrate the capacity and expertise to conduct the effective training, information and support activities for which assistance is sought;

"(H) network with—

"(i) local educational agencies and schools;

"(ii) parents of children enrolled in elementary schools and secondary schools;

"(iii) parent training and information centers assisted under section 682 of the Individuals with Disabilities Education Act;

"(iv) clearinghouses; and

"(v) other organizations and agencies;

"(I) focus on serving parents described in section 1401(b)(1)(A) who are parents of low-income, minority, and limited English proficient, children;

"(J) use part of the funds received under this part to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs;

"(K) provide assistance to parents in such areas as understanding State and local standards and measures of student and school performance; and

“(L) work with State and local educational agencies to determine parental needs and delivery of services.

“(b) Grant Renewal.—For each fiscal year after the first fiscal year an organization or consortium receives assistance under this part, the organization or consortium shall demonstrate in the application submitted for such fiscal year after the first fiscal year that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

“SEC. 1403. USES OF FUNDS.

“(a) In General.—Grant funds received under this part shall be used—

“(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

“(A) to engage in activities that will improve student performance, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational performance in comparison to State and local standards;

“(B) to provide followup support for their children's educational achievement;

“(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

“(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

“(E) to participate in the design and provision of assistance to students who are not making adequate educational progress;

“(F) to participate in State and local decisionmaking; and

“(G) to train other parents;

“(2) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents;

“(3) to help the parents learn and use the technology applied in their children's education;

“(4) to plan, implement, and fund activities for parents that coordinate the education of their children with other Federal programs that serve their children or their families; and

“(5) to provide support for State or local educational personnel if the participation of such personnel will further the activities assisted under the grant.

“(b) Permissive Activities.—Grant funds received under this part may be used to assist schools with activities such as—

“(1) developing and implementing their plans or activities under sections 1118 and 1119; and

“(2) developing and implementing school improvement plans, including addressing problems that develop in the implementation of sections 1118 and 1119.

“(3) providing information about assessment and individual results to parents in a manner and a language the family can understand;

“(4) coordinating the efforts of Federal, State, and local parent education and family involvement initiatives; and

“(5) providing training, information, and support to—

“(A) State educational agencies;

“(B) local educational agencies and schools, especially those local educational agencies and schools that are low performing; and

“(C) organizations that support family-school partnerships.

“(c) Grandfather Clause.—The Secretary shall use funds made available under this part to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

“SEC. 1403A. LOCAL FAMILY INFORMATION CENTERS.

“(a) Centers Authorized.—The Secretary shall award grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in schools assisted under part A have the training, information, and support the parents need to enable the parents to participate effectively in helping their children to meet challenging State standards.

“(b) Definition of Local Nonprofit Parent Organization.—In this section, the term ‘local nonprofit parent organization’ means a private nonprofit organization (other than an institution of higher education) that—

“(1) has a demonstrated record of working with low-income individuals and parents;

“(2)(A) has a board of directors the majority of whom are parents of students in schools that are assisted under part A and located in the geographic area to be served by the center; or

“(B) has a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under part A; and

“(3) is located in a community with schools that receive funds under part A, and is accessible to the families of students in those schools.

“(c) Required Center Activities.—Each center assisted under this section shall be exempt from the uses of funds requirements under section 1403 and shall instead—

“(1) provide training, information, and support that meets the needs of parents of children in schools assisted under part A who are served through the grant, contract, or cooperative agreement, particularly underserved parents, low-income parents, parents of students with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action under section 1116(c);

“(2) help families of students enrolled in a school assisted under part A to understand and participate in all of the provisions of this Act designed to improve the achievement of students in the school;

“(3) provide information in a language and form that parents understand, including taking steps to ensure that underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, or parents of students in schools identified for school improvement or corrective action, are effectively informed and assisted;

“(4) assist parents to—

“(A) understand what their child's school is doing to enable students at the school to meet the State and local standards, including understanding the curriculum and instructional methods the school is using to help the students meet the standards;

“(B) better understand their child's educational needs, where their child stands with respect to State standards, how the school is addressing the child's education needs, and how they can work with their child to increase the child's academic achievement;

“(C) participate in the decisionmaking processes at the school, school district, and State levels;

“(D) understand and benefit from the provisions of other Federal education programs; and

“(E) understand public school choice options available in the local community, including magnet schools, charter schools, and alternative schools;

“(5) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support; and

“(6) report annually to the Secretary regarding measures, determined by the Secretary, that indicate the program's effectiveness in reaching underserved parents and developing meaningful parent involvement in schools assisted under part A.

“(c) Application Requirements.—Each local nonprofit parent organization desiring assistance under this section shall submit to the Secretary an application (in place of the application required under section 1402) at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

“(1) describe how the organization will use the assistance to help families under this section;

“(2) describe what steps the organization has taken to meet with school district or school personnel in the geographic area to be served by the center in order to inform the personnel of the plan and application for the assistance; and

“(3) identify with specificity the special efforts that the organization will take—

“(A) to ensure that the needs for training, information, and support for parents of students in schools assisted under part A, particularly underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action, are effectively met; and

“(B) to work with community-based organizations.

“(d) Distribution of Funds.—

“(1) Allocation of funds.—The Secretary shall make at least 2 awards of assistance under this section to a local nonprofit parent organization in each State, unless the Secretary does not receive at least 2 applications from such organizations in a State of sufficient quality to warrant providing the assistance in the State.

“(2) Selection requirement for local family information centers.—

“(A) In general.—The Secretary shall select local nonprofit parent organizations in a State to receive assistance under this section in a manner that ensures the provision of the most effective assistance to low-income parents of students in schools assisted under part A.

“(B) Priority.—The Secretary shall give priority to—

“(i) non-profit parent organizations that are located in rural and urban areas in the State where the percentage of students from families at or below the poverty line is greater than the median, as determined by the State; and

“(ii) areas with high school dropout rates, high percentages of limited English proficient students, or schools identified for school improvement or corrective action under section 1116(c).

"SEC. 1404. TECHNICAL ASSISTANCE.

"The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

"SEC. 1405. REPORTS.

"(a) Information.—Each organization or consortium receiving assistance under this part shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this part, including—

"(1) the number of parents (including the number of minority and limited English proficient parents) who receive information and training;

"(2) the types and modes of training, information, and support provided under this part;

"(3) the strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this part;

"(4) the parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student achievement, student and school performance, and parental involvement in school planning, review, and improvement; and

"(5) the effectiveness of the activities that local educational agencies and schools are carrying out with regard to parental involvement and other activities assisted under this Act that lead to improved student achievement and improved student and school performance.

"(b) Dissemination.—The Secretary annually shall disseminate, widely to the public and to Congress, the information that each organization or consortium submits under subsection (a) to the Secretary.

"SEC. 1406. GENERAL PROVISIONS.

"Notwithstanding any other provision of this part—

"(1) no person, including a parent who educates a child at home, a public school parent, or a private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this part; and

"(2) no program or center assisted under this part shall take any action that infringes in any manner on the right of a parent to direct the education of their children.".

SEC. 142. CHILD OPPORTUNITY ZONE FAMILY CENTERS.

Part D of title I (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

"Subpart II—Child Opportunity Zone Family Centers

"SEC. 1451. SHORT TITLE.

"This subpart may be cited as the 'Child Opportunity Zone Family Center Act of 2000'.

"SEC. 1452. PURPOSE.

"The purpose of this subpart is to encourage eligible partnerships to establish or expand child opportunity zone family centers in public elementary schools and secondary schools in order to provide comprehensive support services for children and their families, and to improve the children's educational, health, mental health, and social outcomes.

"SEC. 1453. DEFINITIONS.

"In this subpart:

"(1) Child opportunity zone family center.—The term 'child opportunity zone family center' means a school-based or school-linked community service center that provides and links children and their families with comprehensive information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of the children and their families.

"(2) Eligible partnership.—The term 'eligible partnership' means a partnership—

"(A) that contains—

"(i) at least 1 public elementary school or secondary school that—

"(I) receives assistance under this title and for which a measure of poverty determination is made under section 1113(a)(5) with respect to a minimum of 40 percent of the children in the school; and

"(II) demonstrates parent involvement and parent support for the partnership's activities;

"(ii) a local educational agency;

"(iii) a public agency, other than a local educational agency, such as a local or State department of health, mental health, or social services; and

"(iv) a nonprofit community-based organization, providing health, mental health, or social services;

"(v) a local child care resource and referral agency; and

"(vi) a local organization representing parents; and

"(B) that may contain—

"(i) an institution of higher education; and

"(ii) other public or private nonprofit entities with experience in providing services to disadvantaged families.

"SEC. 1454. GRANTS AUTHORIZED.

"(a) In General.—The Secretary may award, on a competitive basis, grants to eligible partnerships to pay for the Federal share of the cost of establishing and expanding child opportunity zone family centers.

"(b) Duration.—The Secretary shall award grants under this section for periods of 5 years.

"SEC. 1455. REQUIRED ACTIVITIES.

"Each eligible partnership receiving a grant under this subpart shall use the grant funds—

"(1) in accordance with the needs assessment described in section 1456(b)(1), to provide or link children and their families with information, support, activities, or services in core areas such as education, child care, before- and after-school care and enrichment programs, health services, mental health services, family support, literacy services, parenting skills, and drop-out prevention;

"(2) to provide intensive, high-quality, research-based programs that—

"(A) provide violence prevention education for families and developmentally appropriate instructional services to children (including children below the age of compulsory school attendance); and

"(B) provide effective strategies for nurturing and supporting the emotional, social, and cognitive growth of children; and

"(3) to provide training, information, and support to families to enable the families to participate effectively in their children's education, and to help their children meet challenging standards.

"SEC. 1456. APPLICATIONS.

"(a) In General.—Each eligible partnership desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) Contents.—Each application submitted pursuant to subsection (a) shall—

"(1) include a needs assessment, including a description of how the partnership will ensure that the activities to be assisted under this subpart will be tailored to meet the specific needs of the children and families to be served;

"(2) describe arrangements that have been formalized between the participating public elementary school or secondary school, and other partnership members;

"(3) describe how the partnership will effectively coordinate with the centers under subpart I and utilize Federal, State, and local sources of funding that provide assistance to families and their children;

"(4) describe the partnership's plan to—

"(A) develop and carry out the activities assisted under this subpart with extensive participation of parents, administrators, teachers, pupil services personnel, social and human service agencies, and community organizations and leaders; and

"(B) coordinate the activities assisted under this subpart with the education reform efforts of the participating public elementary school or secondary school, and the participating local educational agency;

"(5) describe how the partnership will ensure that underserved populations such as families of students with limited English proficiency, or families of students with disabilities, are effectively involved, informed, and assisted;

"(6) describe how the partnership will collect and analyze data, and will utilize specific performance measures and indicators to—

"(A) determine the impact of activities assisted under this subpart as described in section 1459(a); and

"(B) improve the activities assisted under this subpart; and

"(7) describe how the partnership will protect the privacy of families and their children participating in the activities assisted under this subpart.

"SEC. 1457. FEDERAL SHARE.

"The Federal share of the cost of establishing and expanding child opportunity zone family centers—

"(1) for the first year for which an eligible partnership receives assistance under this subpart shall not exceed 90 percent;

"(2) for the second such year, shall not exceed 80 percent;

"(3) for the third such year, shall not exceed 70 percent;

"(4) for the fourth such year, shall not exceed 60 percent; and

"(5) for the fifth such year, shall not exceed 50 percent.

"SEC. 1458. CONTINUATION OF FUNDING.

"Each eligible partnership that receives a grant under this subpart shall, after the third year for which the partnership receives funds through the grant, be eligible to continue to receive the funds if the Secretary determines that the partnership has made significant progress in meeting the performance measures used for the partnership's local evaluation under section 1456(b)(6).

"SEC. 1459. EVALUATIONS AND REPORTS.

"(a) Local Evaluations.—Each partnership receiving funds under this subpart shall conduct annual evaluations and submit to the Secretary reports containing the results of the evaluations. The reports shall include the results of the partnerships performance assessment described in section 1456(b)(6).

"(b) National Evaluations.—The Secretary shall reserve not more than 3 percent of the amount appropriated under this subpart to carry out a national evaluation of the effectiveness of the activities assisted under this subpart. Such evaluation shall be completed not later than 3 years after the date of enactment of the Child Opportunity Zone Family Center Act of 2000, and every year thereafter and shall be submitted to Congress.

“(c) EXEMPLARY ACTIVITIES.—The Secretary shall broadly disseminate information on exemplary activities developed under this subpart.

“SEC. 1460. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.”.

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

SEC. 151. GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS.

Part A of title I (20 U.S.C. 6311) is amended—

(1) by redesignating part F as part H;

(2) by redesignating sections 1601 through 1604 as sections 1901 through 1904, respectively; and

(3) by inserting after part E the following:

“PART F—COMPREHENSIVE SCHOOL REFORM

“SEC. 1601. PURPOSE.

“The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms based upon promising and effective practices and research-based programs that emphasize basic academics and parental involvement so that all children can meet challenging State content and student performance standards.

“SEC. 1602. PROGRAM AUTHORIZATION.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1601.

“(2) ALLOTMENTS.—

“(A) RESERVATIONS.—Of the amount appropriated under section 1002(h) for a fiscal year, the Secretary may reserve—

“(i) not more than 1 percent to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part; and

“(ii) not more than 1 percent to conduct national evaluation activities described in section 1607.

“(B) IN GENERAL.—Of the amount appropriated under section 1002(h) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

“(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do not apply in proportion to the amount allotted to such other States under subparagraph (B).

“SEC. 1603. STATE APPLICATIONS.

“(a) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) CONTENTS.—Each such application shall describe—

“(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

“(2) how the State educational agency will ensure that only comprehensive school reforms that are based on promising and effective practices and research-based programs receive funds under this part;

“(3) how the State educational agency will disseminate information on comprehensive school reforms that are based on promising and effective practices and research-based programs;

“(4) how the State educational agency will evaluate the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic performance; and

“(5) how the State educational agency will make available technical assistance to a local educational agency or consortia of local educational agencies in evaluating, developing, and implementing comprehensive school reform.

“SEC. 1604. STATE USE OF FUNDS.

“(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A.

“(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

“(1) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency or consortium;

“(2) in an amount not less than $50,000 for each participating school; and

“(3) renewable for 2 additional 1-year periods after the initial 1-year grant is made if the school is making substantial progress in the implementation of reforms.

“(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

“(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

“(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

“(d) GRANT CONSIDERATION.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary school and secondary students.

“(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

“(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

“(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, and a description of the comprehensive school reform model selected and used.

“SEC. 1605. LOCAL APPLICATIONS.

“(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(b) CONTENTS.—Each such application shall—

“(1) identify the schools, that are eligible for assistance under part A, that plan to implement a comprehensive school reform program, including the projected costs of such a program;

“(2) describe the promising and effective practices and research-based programs that such schools will implement;

“(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the promising and effective practices and research-based school reforms selected by such schools; and

“(4) describe how the local educational agency or consortium will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

“SEC. 1606. LOCAL USE OF FUNDS.

“(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this section shall provide the subgrant funds to schools, that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program for—

“(1) employing innovative strategies for student learning, teaching, and school management that are based on promising and effective practices and research-based programs and have been replicated successfully in schools with diverse characteristics;

“(2) integrating a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards and addresses needs identified through a school needs assessment;

“(3) providing high quality and continuous teacher and staff professional development;

“(4) the inclusion of measurable goals for student performance;

“(5) support for teachers, principals, administrators, and other school personnel staff;

“(6) meaningful community and parental involvement initiatives that will strengthen school improvement activities;

“(7) using high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

“(8) evaluating school reform implementation and student performance; and

“(9) identification of other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the school reform effort.

“(b) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Secretary, but may develop the school's own comprehensive school reform programs for schoolwide change as described in subsection (a).

“SEC. 1607. NATIONAL EVALUATION AND REPORTS.

“(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

“(b) EVALUATION.—The national evaluation shall—

“(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

“(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(c) REPORTS.—Prior to the completion of the national evaluation, the Secretary shall submit an interim report describing implementation activities for the Comprehensive School Reform Program, which began in 1998, to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

“PART G—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

“SEC. 1701. PURPOSE.

“The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants, to schools through State educational agencies, that—

“(1) challenge all children to attain their highest academic potential; and

“(2) ensure that all students have substantial and ongoing opportunities to do so through schoolwide programs proven effective in school dropout prevention.

“Subpart 1—Coordinated National Strategy

“SEC. 1711. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—The Secretary is authorized—

“(1) to collect systematic data on the participation in the programs described in paragraph (2)(C) of individuals disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

“(2) to establish and to consult with an interagency working group which shall—

“(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention;

“(B) describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under this title and the School-to-Work Opportunities Act of 1994; and

“(C) address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under title I of this Act, the School-to-Work Opportunities Act of 1994, part B of title IV of the Job Training Partnership Act, subtitle C of title I of the Workforce Investment Act of 1998, and other programs; and

“(3) carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized.

“(b) RECOGNITION PROGRAM.—

“(1) NATIONAL GUIDELINES.—The Secretary shall develop uniform national guidelines for the recognition program which shall be used to recognize schools from nominations submitted by State educational agencies.

“(2) ELIGIBLE SCHOOLS.—The Secretary may recognize under the recognition program any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

“(3) SUPPORT.—The Secretary may make monetary awards to schools recognized under the recognition program in amounts determined by the Secretary. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

“Subpart 2—National School Dropout Prevention Initiative

“SEC. 1721. PROGRAM AUTHORIZED.

“(a) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—From the sum made available under section 1732(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under this title for the preceding fiscal year bears to the amount received by all States under this title for the preceding fiscal year.

“(2) DEFINITION OF STATE.—In this subpart, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

“(1) professional development;

“(2) obtaining curricular materials;

“(3) release time for professional staff;

“(4) planning and research;

“(5) remedial education;

“(6) reduction in pupil-to-teacher ratios;

“(7) efforts to meet State student achievement standards;

“(8) counseling and mentoring for at-risk students; and

“(9) comprehensive school reform models.

“(c) AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

“(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

“(i) school size;

“(ii) costs of the model or set of prevention and reentry strategies being implemented; and

“(iii) local cost factors such as poverty rates;

“(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

“(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

“(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

“(2) INCREASES.—The Secretary shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

“(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1727(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

“SEC. 1722. STRATEGIES AND CAPACITY BUILDING.

“(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

“(1) specific strategies for targeted purposes, such as effective early intervention programs designed to identify at-risk students, effective programs encompassing traditionally underserved students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school, and effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

“(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

“(b) CAPACITY BUILDING.—

“(1) IN GENERAL.—The Secretary, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

"(2) NUMBER AND DURATION.—

"(A) NUMBER.—The Secretary shall award not more than 5 contracts under this subsection.

"(B) DURATION.—The Secretary shall award a contract under this section for a period of not more than 5 years.

"(c) SUPPORT FOR EXISTING REFORM NETWORKS.—

"(1) IN GENERAL.—The Secretary shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

"(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the Educational Excellence for All Children Act of 2000—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"SEC. 1723. SELECTION OF SCHOOLS.

"(a) SCHOOL APPLICATION.—

"(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of coordination with existing resources;

"(F) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(G) describe how the activities to be assisted conform with research-based knowledge about school dropout prevention and reentry; and

"(H) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under section 1114.

"(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) ELIGIBILITY.—A school is eligible to receive a grant under this subpart if the school is—

"(1) a public school (including a public alternative school)—

"(A) that is eligible to receive assistance under part A, including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

"(B)(i) that serves students 50 percent or more of whom are low-income individuals; or

"(ii) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(2) participating in a schoolwide program under section 1114 during the grant period.

"(d) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act, or section 122 of the Workforce Investment Act of 1998.

"(e) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 and the School-to-Work Opportunities Act of 1994.

"SEC. 1724. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 1725. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under this title shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 1726. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 1727. REPORTING AND ACCOUNTABILITY.

"(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Secretary a report regarding the status of the implementation of activities funded under this subpart, the outcome data for students at schools assisted under this subpart disaggregated in the same manner as information under section 1711(a) (such as dropout rates), and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 1728. STATE RESPONSIBILITIES.

"(a) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State disaggregated in the same manner as information under section 1711(a), according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(b) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(1) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(2) specific incentives for retaining enrolled students throughout each year.

"(c) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall develop uniform, long-term suspension and expulsion policies (that in the case of a child with a disability are consistent with the suspension and expulsion policies under the Individuals with Disabilities Education Act) for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.

"(d) REGULATIONS.—The Secretary shall promulgate regulations implementing subsections (a) through (c).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 1731. DEFINITIONS.

"In this part:

"(1) LOW-INCOME.—The term 'low-income', used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5).

"(2) SCHOOL DROPOUT.—The term 'school dropout' has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994.

"SEC. 1732. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) $125,000,000 shall be available to carry out section 1721; and

"(2) $20,000,000 shall be available to carry out section 1722.".

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

SEC. 201. TEACHER QUALITY.

(a) In General.—Title II (20 U.S.C. 6601 et seq.) is amended by striking the title heading and all that follows through the end of part A and inserting the following:

"TITLE II—QUALIFIED TEACHER IN EVERY CLASSROOM

"PART A—TEACHER QUALITY

"SEC. 2001. PURPOSES.

"The purposes of this part are the following:

"(1) To improve student achievement in order to help every student meet State content and student performance standards.

"(2) To—

"(A) enable States, local educational agencies, and schools to improve the quality and success of the teaching force by providing all teachers, including beginning and veteran teachers, with the support those teachers need to succeed and stay in teaching, by providing professional development and mentoring programs for teachers, by offering incentives for additional qualified individuals to go into teaching, by reducing out-of-field placement of teachers, and by reducing the number of teachers with emergency credentials; and

"(B) hold the States, agencies, and schools accountable for such improvements.

"(3) To support State and local efforts to recruit qualified teachers to address teacher shortages, particularly in communities with the greatest need.

(4) To ensure that underqualified and inexperienced teachers do not teach higher percentages of low-income students and minority students than other students.

"SEC. 2002. DEFINITIONS.

"In this part:

"(1) Beginning teacher.—The term 'beginning teacher' means a fully qualified teacher who has taught for 3 years or less.

"(2) Core academic subjects.—The term 'core academic subjects' means—

"(A) mathematics;

"(B) science;

"(C) reading (or language arts) and English;

"(D) social studies (consisting of history, civics, government, geography, and economics);

"(E) foreign languages; and

"(F) fine arts (consisting of music, dance, drama, and the visual arts).

"(3) Covered recruitment.—The term 'covered recruitment' means activities described in section 2017(c).

"(4) Fully qualified.—

"(A) In general.—The term 'fully qualified', used with respect to a teacher, means a teacher who—

"(i)(I) is certified or licensed and has demonstrated the academic subject knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the academic subject in which the teacher teaches, according to the standards described in subparagraph (B) or (C), as appropriate; and

"(II) shall not be a teacher for whom State certification or licensing requirements have been waived or who is teaching under an emergency or other provisional credential; or

"(ii) meets the standards of the National Board for Professional Teaching Standards.

"(B) Elementary school instructional staff.—For purposes of complying with subparagraph (A)(i), each elementary school teacher (other than a middle school teacher) in the State shall, at a minimum—

"(i) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

"(ii) hold a bachelor's degree and demonstrate the academic subject knowledge, teaching knowledge, and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other academic subjects.

"(C) Middle school and secondary school instructional staff.—For purposes of complying with subparagraph (A)(i), each middle school or secondary school teacher in the State shall, at a minimum—

"(i) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

"(ii) hold a bachelor's degree or higher degree and demonstrate a high level of competence in all academic subjects in which the teacher teaches through—

"(I) achievement of a high level of performance on rigorous academic subject tests;

"(II) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the academic subjects in which the teacher teaches; or

"(III) for a teacher hired prior to the date of enactment of the Educational Opportunities Act, completion of appropriate coursework for mastery of such academic subjects.

"(5) High-poverty.—The term 'high-poverty', used with respect to a school, means a school that serves a high number or percentage of children from families with incomes below the poverty line, as determined by the State in which the school is located.

"(6) High-poverty local educational agency.—The term 'high-poverty local educational agency' means a local educational agency for which the number of children served by the agency who are age 5 through 17, and from families with incomes below the poverty line—

"(A) is not less than 20 percent of the number of all children served by the agency; or ;

"(B) is more than 10,000.

"(7) Institution of higher education.—The term 'institution of higher education'—

"(A) has the meaning given the term in section 101(a) of the Higher Education Act of 1965; and

"(B) if such an institution prepares teachers and receives Federal funds, means such an institution that—

"(i) is in full compliance with the requirements of section 207 of the Higher Education Act of 1965; and

"(ii) does not have a teacher preparation program identified by a State as low-performing.

"(8) Low-performing school.—The term 'low-performing school' means—

"(A) a school identified by a local educational agency for school improvement under section 1116(c); or

"(B) a school in which the great majority of students, as determined by the State in which the school is located, fail to meet State student performance standards based on assessments the local educational agency is using under part A of title I.

"(9) Mentoring.—The term 'mentoring' means activities that—

"(A) consist of structured guidance and regular and ongoing support for beginning teachers, that—

"(i) is designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

"(ii)(I) as part of a multiyear, developmental induction process;

"(II) involves the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

"(III) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

"(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out the activities described in subparagraph (A).

"(10) Mentor teacher.—The term 'mentor teacher' means a fully qualified teacher who—

"(A) is a highly competent classroom teacher who is formally selected and trained to work effectively with beginning teachers (including corps members described in section 2018);

"(B) is full-time, and is assigned and qualified to teach in the content area or grade level in which a beginning teacher (including a corps member described in section 2018), to whom the teacher provides mentoring, intends to teach;

"(C) has been consistently effective in helping diverse groups of students make substantial achievement gains; and

"(D) has been selected to provide mentoring through a peer review process that uses, as the primary selection criterion for the process, the teacher's ability to help students achieve academic gains, measured through objective data.

"(11) Poverty line.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(12) Professional development.—The term 'professional development' means activities that are—

"(A)(i) an integral part of broad schoolwide and districtwide educational improvement plans and enhance the ability of teachers and other staff to help all students, including females, students with disabilities, students with limited English proficiency, and students who have economic and educational disadvantages, meet high State and local content and student performance standards;

"(ii) sustained, intensive, school-embedded, tied to State standards, and of high quality and sufficient duration to have a positive and lasting impact on classroom instruction (not one-time workshops); and

"(iii) based on the best available research on teaching and learning; and

"(B) described in subparagraphs (A) through (F) of section 2017(a)(1).

"(13) Recruitment activities.—The term 'recruitment activities' means activities carried out through a teacher corps program as described in section 2018 to attract highly qualified individuals, including individuals taking nontraditional routes to teaching, to enter teaching and support the individuals during necessary certification and licensure activities.

"(14) Recruitment partnership.—The term 'recruitment partnership' means a partnership described in section 2015(b)(2).

"SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part—

"(1) $2,000,000,000 for fiscal year 2001, of which—

"(A) $1,730,000,000 shall be made available to carry out subpart 1;

"(B) $270,000,000 shall be made available to carry out subpart 2, of which—

"(i) $120,000,000,000 shall be made available to carry out chapter 1 of subpart 2;

"(ii) $25,000,000 shall be made available to carry out chapter 2 of subpart 2;

"(iii) $75,000,000 shall be made available to carry out chapter 3 of subpart 2; and

"(iv) $50,000,000 shall be made available to carry out chapter 4 of subpart 2; and

"(C) $1,750,000,000 shall be available to carry out subpart 3; and

"(2) such sums as may be necessary for each of fiscal years 2002 through 2005.

"Subpart 1—Grants to States and Local Educational Agencies

"Chapter 1—Grants and Activities

"SEC. 2011. ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary is authorized to make grants to eligible State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development, mentoring, and recruitment activities (and covered recruitment, at the election of a local educational agency) at the State and local levels. Each grant shall consist of the allotment determined for the State under subsection (b).

"(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

"(1) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—From the total amount made available to carry out this subpart under section 2003(1) for any fiscal year, the Secretary shall reserve—

"(i) ½ of 1 percent for allotments for the outlying areas to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, for professional development and mentoring and recruitment activities carried out in accordance with the purposes of this part; and

"(ii) ½ of 1 percent for the Secretary of the Interior for programs carried out in accordance with the purposes of this part to provide professional development and mentoring and recruitment activities for teachers and other staff in schools operated or funded by the Bureau of Indian Affairs.

"(B) LIMITATION.—Notwithstanding subparagraph (A), the Secretary shall not reserve, for either the outlying areas under subparagraph (A)(i) or the schools operated or funded by the Bureau of Indian Affairs under subparagraph (A)(ii), more than the amount reserved for those areas or schools for fiscal year 2000 under the authority described in paragraph (2)(A)(i).

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the amount that the State received for fiscal year 2000 under section 2202(b) of this Act (as in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000).

"(ii) RATABLE REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(B) ALLOTMENT OF ADDITIONAL FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2000 under the authority described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

"(I) an amount that bears the same relationship to 40 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 60 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

"(3) REALLOTMENT.—If any State described in paragraph (2) does not apply for an allotment under paragraph (2) for any fiscal year, the Secretary shall reallot such amount to the remaining such States in accordance with paragraph (2).

"SEC. 2012. STATE APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—

"(1) IN GENERAL.—Each State desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) DEVELOPMENT.—The State educational agency shall develop the State application—

"(A) in consultation with the State agency for higher education, community-based and other nonprofit organizations, and institutions of higher education; and

"(B) with the extensive participation of teachers, teacher educators, school administrators, and content specialists.

"(b) CONTENTS.—Each such application shall include—

"(1) a description of the State's shortages of fully qualified teachers relating to high-poverty school districts and high-need academic subjects (as such districts or subjects are determined by the State);

"(2) an assessment of the need for professional development for veteran teachers in the State and the need for strong mentoring programs for beginning teachers that is—

"(A) developed with the involvement of teachers; and

"(B) based on student achievement data in the core academic subjects and other indicators of the need for professional development and mentoring programs;

"(3) a description of how the State educational agency will use funds made available under this part to improve the quality of the State's teaching force, eliminate the use of out-of-field placement of teachers, and eliminate the use of teachers hired with emergency or other provisional credentials by setting numerical, annual improvement goals, and meet the requirements of this section;

"(4) a description of how the State educational agency will align activities assisted under this subpart with State content and student performance standards, and State assessments by setting numerical, annual improvement goals;

"(5) a description of how the State educational agency will coordinate activities funded under this subpart with professional development and mentoring and recruitment activities that are supported with funds from other relevant Federal and non-Federal programs;

"(6) a plan, developed with the extensive participation of teachers, for addressing long-term teacher recruitment, retention, and professional development and mentoring needs, which may include—

"(A) providing technical assistance to help school districts reform hiring and employment practices to improve the recruitment and retention of fully qualified teachers, especially with respect to high-poverty schools; or

"(B) establishing State or regional partnerships to address teacher shortages;

"(7) a description of how the State educational agency will assist local educational agencies in implementing effective and sustained professional development and mentoring activities and high-quality recruitment activities under this part;

"(8) an assurance that the State will consistently monitor the progress of each local educational agency and school in the State in achieving the goals specified in the information submitted under paragraphs (1) through (7);

"(9) a description of how the State educational agency will work with recipients of grants awarded for recruitment activities under section 2015(b) to ensure that recruits who successfully complete a teacher corps program will be certified or licensed; and

"(10) the assurances and description referred to in section 2021.

"(c) APPROVAL.—The Secretary shall, using a peer-review process, approve a State application if the application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"SEC. 2013. STATE USE OF FUNDS.

"(a) IN GENERAL.—Of the funds allotted to a State under section 2011 for a fiscal year—

"(1) not more than 6 percent shall be used by the State educational agency to carry out State activities described in section 2014, or for the administration of this subpart (other than the administration of section 2019 but including the administration of State activities under chapter 2), except that not more than 3 percent of the allotted funds may be used for the administration of this subpart;

"(2) 60 percent shall be used by the State educational agency to provide grants to local educational agencies under section 2015(a) for professional development and mentoring (except as provided in section 2017(c));

"(3) 30 percent shall be used by the State educational agency—

"(A) except as provided in subparagraph (B), to provide grants to recruitment partnerships under section 2015(b) for recruitment activities; or

"(B) if the State educational agency determines that all elementary school and secondary school teachers in the State that are teaching core academic subjects are fully qualified, to provide the grants described in paragraph (2); and

"(4) 4 percent (or 4 percent of the amount the State would have been allotted if the appropriation for this subpart were $1,730,000,000, whichever is greater) shall be used by the State agency for higher education to provide grants to partnerships under section 2019.

“(b) Priority for Professional Development and Mentoring in Mathematics and Science.—

“(1) Priority.—

“(A) Appropriations of not more than $300,000,000.—Except as provided in section 2017(c), for any fiscal year for which the appropriation for this subpart is $300,000,000 or less, each State educational agency that receives funds under this subpart, working jointly with the State agency for higher education, shall ensure that all funds received under this subpart are used for—

“(i) professional development and mentoring in mathematics and science that is aligned with State content and student performance standards; and

“(ii) recruitment activities to attract fully qualified math and science teachers to high-poverty schools.

“(B) Appropriation of more than $300,000,000.—Except as provided in section 2017(c), for any fiscal year for which the appropriation for this subpart is greater than $300,000,000, the State educational agency and the State agency for higher education shall jointly ensure that the total amount of funds that the agencies receive under this subpart and that the agencies use for activities described in subparagraph (A) is at least as great as the allotment the State would have received if that appropriation had been $300,000,000.

“(2) Interdisciplinary activities.—A State may use funds received under this subpart for activities that focus on more than 1 core academic subject, and apply the funds toward meeting the requirements of paragraph (1), if the activities include a strong focus on improving instruction in mathematics or science.

“(3) Additional funds.—Except as provided in section 2017(c), each State educational agency that receives funds under this subpart and the State agency for higher education shall jointly ensure that any portion of the funds that exceeds the amount required by paragraph (1) to be spent on activities described in paragraph (1)(A) is used to provide—

“(A) professional development and mentoring in 1 or more of the core academic subjects that is aligned with State content and student performance standards; and

“(B) recruitment activities involving teachers of 1 or more of the core academic subjects.

“SEC. 2014. STATE LEVEL ACTIVITIES.

“(a) Activities.—Each State educational agency that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(1) to carry out statewide strategies and activities to improve teacher quality, including—

“(1) establishing, expanding, or improving alternative routes to State certification or licensing of teachers, for highly qualified individuals with a baccalaureate degree, mid-career professionals from other occupations, or paraprofessionals, that are at least as rigorous as the State's standards for initial certification or licensing of teachers;

“(2) developing or improving evaluation systems, with performance measures drawn from assessment that objectively measure student achievement against State performance standards, to evaluate the effectiveness of professional development and mentoring and recruitment activities in improving teacher quality, skills, and content knowledge, and the impact of the professional development and mentoring and recruitment activities on increasing student academic achievement and student performance;

“(3) funding projects to promote reciprocity of teacher certification or licensure between or among States;

“(4) providing assistance to local educational agencies to reduce out-of-field placements and the use of emergency credentials;

“(5)(A) supporting activities to encourage and support teachers seeking national board certification from the National Board for Professional Teaching Standards or other recognized entities; and

“(B) in particular, supporting certification by the National Board for Professional Teaching Standards of teachers who are teaching or will teach in high-poverty schools;

“(6) providing assistance to local educational agencies in implementing effective programs of recruitment activities, and professional development and mentoring, including supporting efforts to encourage and train teachers to become mentor teachers;

“(7) increasing the rigor and quality of State certification and licensure tests for individuals entering the field of teaching, including subject matter tests for secondary school teachers; and

“(8) implementing teacher recognition programs.

“(b) Coordination.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

“SEC. 2015. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) Grants for Professional Development and Mentoring Activities.—

“(1) In general.—The State educational agency of a State that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(2) (and any funds made available under section 2013(a)(3)(B)) to make grants to eligible local educational agencies, from allocations made under paragraph (2), to carry out the activities described in section 2017(a) (except as provided in section 2017(c)).

“(2) Allocations.—The State educational agency shall allocate to each eligible local educational agency the sum of—

“(A) an amount that bears the same relationship to 20 percent of the funds described in paragraph (1) as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

“(B) an amount that bears the same relationship to 80 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“(3) Eligibility.—To be eligible to receive a grant from a State educational agency under this subsection, a local educational agency shall serve schools that include—

“(A) high-poverty schools;

“(B) schools that need support for improving teacher quality based on low achievement of students served;

“(C) schools that have low teacher retention rates;

“(D) schools that need to improve or expand the knowledge and skills of new and veteran teachers in high-priority content areas;

“(E) schools that have high out-of-field placement rates; or

“(F) high-poverty schools that have been identified for improvement in accordance with section 1116.

“(4) Equitable geographic distribution.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible local educational agencies serving urban and rural areas.

“(b) Grants for Recruitment Activities.—

“(1) In general.—The State educational agency of a State that receives a grant under section 2011 shall use the funds made available under section 2013(a)(3)(A) to make grants to eligible recruitment partnerships, on a competitive basis, to carry out the recruitment activities and meet requirements described in section 2017(b).

“(2) Eligibility.—

“(A) In general.—To be eligible to receive a grant from a State educational agency under this subsection, a recruitment partnership—

“(i) shall include an eligible local educational agency, or a consortium of eligible local educational agencies;

“(ii) shall include an institution of higher education, a tribal college, or a community college; and

“(iii) may include other members, such as a nonprofit organization or professional education organization.

“(B) Eligible local educational agency.—In subparagraph (A), the term ‘eligible local educational agency’ means a local educational agency that receives assistance under part A of title I, and meets any additional eligibility criteria that the appropriate State educational agency may establish.

“(3) Equitable geographic distribution.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible recruitment partnerships serving urban and rural areas.

“SEC. 2016. LOCAL APPLICATIONS.

“(a) In General.—A local educational agency or a recruitment partnership seeking to receive a grant from a State under section 2015 to carry out activities described in section 2017 shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

“(b) Contents Relating to Professional Development and Mentoring Activities.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(a), the local application described in subsection (a) shall include, at a minimum, the following:

“(1) A description of how the local educational agency intends to use the funds provided through the grant to carry out activities that meet requirements described in section 2017(a).

“(2) An assurance that the local educational agency will target the funds to high-poverty, low-performing schools served by the local educational agency that—

“(A) have the lowest proportions of qualified teachers;

“(B) are identified for school improvement and corrective action under section 1116; or

“(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

“(3) A description of how the local educational agency will coordinate professional development and mentoring activities described in section 2017(a) with professional development and mentoring activities provided through other Federal, State, and local programs, including programs authorized under—

"(A) titles I, IV, and V, and part A of title VII; and

"(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

"(4) A description of how the local educational agency will integrate funds received to carry out activities described in section 2017(a) with funds received under title V that are used for professional development and mentoring in order to carry out professional development and mentoring activities that—

"(A) train teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library media specialists, in how to use technology to improve learning and teaching; and

"(B) take into special consideration the different learning needs for, and exposures to, technology for all students, including females, students with disabilities, students with limited English proficiency, and students who have economic and educational disadvantages.

"(5) A description of how the local application was developed with extensive participation of teachers, paraprofessionals, principals, and parents.

"(6) A description of how the professional development and mentoring activities described in section 2017(a) will address the ongoing professional development and mentoring of teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library media specialists.

"(7) A description of how the professional development and mentoring activities described in section 2017(a) will have a substantial, measurable, and positive impact on student achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority student from other students.

"(8) A description of how the local educational agency will address the needs of teachers of students with disabilities, students with limited English proficiency, and other students with special needs.

"(9) A description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child's education, and encourage parents to become collaborators with schools in promoting their child's education.

"(10) The assurances and description referred to in section 2023, with respect to professional development and mentoring activities.

"(c) DEVELOPMENT AND CONTENTS RELATING TO RECRUITMENT ACTIVITIES.—If an eligible local educational agency (as defined in section 2015(b)) seeks a grant under section 2015(b) to carry out activities described in section 2017(b)—

"(1) the eligible local educational agency shall enter into a recruitment partnership, which shall jointly prepare and submit the local application described in subsection (a); and

"(2) at a minimum, the application shall include—

"(A) a description of how the recruitment partnership will meet the teacher corps program requirements described in section 2018;

"(B) a description of the individual and collective responsibilities of members of the recruitment partnership in meeting the requirements and goals of a teacher corps program described in section 2018;

"(C) information demonstrating that the State agency responsible for teacher licensure or certification in the State in which a recruitment partnership is established will—

"(i) ensure that a corps member who successfully completes a teacher corps program will have the academic requirements necessary for initial certification or licensure as a teacher in the State; and

"(ii) work with the recruitment partnership to ensure the partnership uses high-quality methods and establishes high-quality requirements concerning alternative routes to certification or licensing, in order to meet State requirements for certification or licensure; and

"(D) the assurances and description referred to in section 2023, with respect to recruitment activities.

"(d) CONTENTS RELATING TO COVERED RECRUITMENT.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(c), the local application described in subsection (a) shall include, at a minimum, a description of the activities and the manner in which the activities will contribute to accomplishing the objectives of section 2023.

"(e) APPROVAL.—A State educational agency shall approve a local educational agency's or recruitment partnership's application under this section only if the State educational agency determines that the application is of high quality and holds reasonable promise of achieving the purposes of this part.

"SEC. 2017. LOCAL ACTIVITIES.

"(a) PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—Except as provided in subsection (c), each local educational agency receiving a grant under section 2015(a) shall use the funds made available through the grant to carry out activities (and only activities) that—

"(1) are professional development activities (as defined in section 2002(12)(A)) that—

"(A) improve teacher knowledge of—

"(i) 1 or more of the core academic subjects;

"(ii) effective instructional strategies, methods, and skills for improving student achievement in core academic subjects, including strategies for identifying and eliminating gender and racial bias;

"(iii) the use of data and assessments to inform teachers about and improve classroom practice; and

"(iv) innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies that integrate academic and technical skills and applied learning (such as service learning), methodologies for interactive and interdisciplinary team teaching, and other alternative teaching strategies, such as strategies for experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects;

"(B) replicate effective instructional practices that involve collaborative groups of teachers and administrators from the same school or district, using strategies such as—

"(i) provision of dedicated time for collaborative lesson planning and curriculum development meetings;

"(ii) provision of collaborative professional development experiences for veteran teachers based on the standards in the core academic subjects of the National Board for Professional Teaching Standards;

"(iii) consultation with exemplary teachers;

"(iv) provision of short-term and long-term visits to classrooms and schools;

"(v) participation of teams of teachers in summer institutes and summer immersion activities that are focused on preparing teachers to enable all students to meet high standards in 1 or more of the core academic subjects; and

"(vi) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and administrators and that allow for the exchange of information on advances in content knowledge and teaching skills;

"(C) include strategies for fostering meaningful parental involvement and relations with parents to encourage parents to become collaborators in their children's education, for improving classroom management and discipline, and for integrating technology into a curriculum;

"(D) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of the evaluations used to improve the quality of activities described in this paragraph;

"(E) include, to the extent practicable, the establishment of a partnership with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out activities described in this paragraph; and

"(F) include ongoing and school-based support for activities described in this paragraph, such as support for peer review, coaching, or study groups, and the provision of release time as needed for the activities;

"(2) are mentoring activities; and

"(3) include local activities carried out under chapter 2.

"(b) RECRUITMENT ACTIVITIES.—Each recruitment partnership receiving a grant under section 2015(b) shall use the funds made available through the grant to carry out recruitment activities (and only recruitment activities) described in section 2018.

"(c) COVERED RECRUITMENT.—A local educational agency receiving a grant under section 2015(a) for a fiscal year may elect to use a portion of the funds made available through the grant, but not more than the agency's share of 10 percent of the funds allotted to the State involved under section 2011 for the fiscal year, to carry out recruitment (including recruitment through the use of signing bonuses and other financial incentives) and hiring of fully qualified teachers.

"SEC. 2018. RECRUITMENT ACTIVITIES THROUGH A TEACHER CORPS PROGRAM.

"(a) TEACHER CORPS PROGRAM REQUIREMENTS.—

"(1) RECRUITMENT.—A recruitment partnership that receives a grant under section 2015(b) shall broadly recruit and screen for a teacher corps a highly qualified pool of candidates who demonstrate the potential to become effective teachers. Each candidate shall meet—

"(A) standards to ensure that—

"(i) each corps member possesses appropriate, high-level credentials and presents the likelihood of becoming an effective teacher; and

"(ii) each group of corps members includes people who have expertise in academic subjects and otherwise meet the specific needs of the district to be served; and

“(B) any additional standard that the recruitment partnership establishes to enhance the quality and diversity of candidates and to meet the academic and grade level needs of the partnership.

“(2) REQUIRED CURRICULUM AND PLACEMENT.—Members of the recruitment partnership shall work together to plan and develop a program that includes—

“(A) a rigorous curriculum that includes a preservice training program (incorporating innovative approaches to preservice training, such as distance learning), for a period not to exceed 1 year, that provides corps members with the skills and knowledge necessary to become effective teachers, by—

“(i) requiring completed course work in basic areas of teaching, such as principles of learning and child development, effective teaching strategies, assessments, and classroom management, and in the pedagogy related to the academic subjects in which a corps member intends to teach;

“(ii) providing extensive preparation in the pedagogy of reading to corps members who intend to teach in the early elementary grades, including preparation components that focus on—

“(I) understanding the psychology of reading, and human growth and development;

“(II) understanding the structure of the English language; and

“(III) learning and applying the best teaching methods to all aspects of reading instruction;

“(iii) providing training in the use of technology as a tool to enhance a corps member's effectiveness as a teacher and improve the achievement of the corps member's students; and

“(iv) focusing on the teaching skills and knowledge that corps members need to enable all students to meet the State's highest challenging content and student performance standards;

“(B) placement of a corps member with the local educational agency participating in the recruitment partnership, in a teaching internship that—

“(i) includes intensive mentoring;

“(ii) provides a reduced teaching load; and

“(iii) provides regular opportunities for the corps member to co-teach with a mentor teacher, observe other teachers, and be observed and coached by other teachers;

“(C) individualized inservice training over the course of the corps member's first 2 years of full-time teaching that provides—

“(i) high-quality professional development, coordinated jointly by members of the recruitment partnership, and the course work necessary to provide additional or supplementary knowledge to meet the specific needs of the corps member; and

“(ii) ongoing mentoring by a teacher who meets the criteria for a mentor teacher described in paragraph (4)(B), including the requirements of section 2002(10); and

“(D) collaboration between the recruitment partnership, and local community student and parent groups, to assist corps members in enhancing their understanding of the community in which the members are placed.

“(3) EVALUATION.—A recruitment partnership shall evaluate a corps member's progress in course study and classroom practice at regular intervals. Each recruitment partnership shall have a formal process to identify corps members who seem unlikely to become effective teachers and terminate their participation in the program.

“(4) MENTOR TEACHERS.—

“(A) IN GENERAL.—A recruitment partnership shall develop a plan for the program, which shall include strategies for identifying, recruiting, training, and providing ongoing support to individuals who will serve as mentor teachers to corps members.

“(B) MENTOR TEACHER REQUIREMENTS.—The plan described in subparagraph (A) shall specify the criteria that the recruitment partnership will use to identify and select mentor teachers and, at a minimum, shall—

“(i) require a mentor teacher to meet the requirements of section 2002(10); and

“(ii) require that consideration be given to teachers with national board certification.

“(C) COMPENSATION.—The plan shall specify the compensation—

“(i) for mentor teachers, including monetary compensation, release time, or a reduced work load to ensure that mentor teachers can provide ongoing support for corps members; and

“(ii) for corps members, including salary levels and the stipends, if any, that will be provided during a corps member's preservice training.

“(5) ASSURANCES.—The plan shall include assurances that—

“(A) a corps member will be assigned to teach only academic subjects and grade levels for which the member is fully qualified;

“(B) corps members, to the extent practicable, will be placed in schools with teams of corps members; and

“(C) every mentor teacher will be provided sufficient time to meet the needs of the corps members assigned to the mentor teacher.

“(b) CORPS MEMBER QUALIFICATIONS.—

“(1) CANDIDATES INTENDING TO TEACH IN ELEMENTARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the elementary school level shall—

“(A) have a bachelor's degree;

“(B) possess an outstanding commitment to working with children and youth;

“(C) possess a strong professional or postsecondary record of achievement; and

“(D) pass all basic skills and subject matter tests required by the State for teacher certification or licensure.

“(2) CANDIDATES INTENDING TO TEACH IN SECONDARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the secondary school level shall—

“(A) meet the requirements described in paragraph (1); and

“(B)(i) possess at least an academic major or postsecondary degree in each academic subject in which the candidate intends to teach; or

“(ii) if the candidate did not major or earn a postsecondary degree in an academic subject in which the candidate intends to teach, have completed a rigorous course of instruction in that subject that is equivalent to having majored in the subject.

“(3) SPECIAL RULE.—Notwithstanding paragraph (2)(B), the recruitment partnership may consider the candidate to be an eligible corps member and accept the candidate for a teacher corps program if the candidate has worked successfully and directly in a field and in a position that provided the candidate with direct and substantive knowledge in the academic subject in which the candidate intends to teach.

“(c) THREE-YEAR COMMITMENT TO TEACHING IN ELIGIBLE DISTRICTS.—

“(1) IN GENERAL.—In return for acceptance to a teacher corps program, a corps member shall commit to 3 years of full-time teaching in a school or district served by a local educational agency participating in a recruitment partnership receiving funds under this subpart.

“(2) REIMBURSEMENT.—

“(A) IN GENERAL.—If a corps member leaves the school district to which the corps member has been assigned prior to the end of the 3-year period described in paragraph (1), the corps member shall be required to reimburse the Secretary for the amount of the Federal share of the cost of the corps member's participation in the teacher corps program.

“(B) PARTNERSHIP CLAIMS.—A recruitment partnership that provides a teacher corps program to a corps member who leaves the school district, as discussed in subparagraph (A), may submit a claim to the corps member requiring the corps member to reimburse the recruitment partnership for the amount of the partnership's share of the cost described in subparagraph (A).

“(C) REDUCTION.—Reimbursements required under this paragraph may be reduced proportionally based on the amount of time a corps member remained in the teacher corps program beyond the corps member's initial 2 years of service.

“(D) WAIVER.—The Secretary may waive reimbursements required under subparagraph (A) in the case of severe hardship to a corps member who leaves the school district, as described in subparagraph (A).

“(d) FEDERAL SHARE; NON-FEDERAL SHARE.—

“(1) PAYMENT OF FEDERAL SHARE.—The Secretary shall pay to each recruitment partnership carrying out a teacher corps program under this section the Federal share of the cost of the activities described in the partnership's application under section 2016(c).

“(2) NON-FEDERAL SHARE.—A recruitment partnership's share of the cost of the activities described in the partnership's application under section 2016(c)—

“(A) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services; and

“(B)(i) for the first year for which the partnership receives assistance under this subpart, shall be not less than 10 percent;

“(ii) for the second such year, shall be not less than 20 percent;

“(iii) for the third year such year, shall be not less than 30 percent;

“(iv) for the fourth such year, shall be not less than 40 percent; and

“(v) for the fifth such year, shall be not less than 50 percent.

“SEC. 2019. GRANTS TO PARTNERSHIPS OF INSTITUTIONS OF HIGHER EDUCATION AND LOCAL EDUCATIONAL AGENCIES.

“(a) ADMINISTRATION.—A State agency for higher education may use, from the funds made available to the agency under section 2013(a)(4) for any fiscal year, not more than 3⅓ percent for the expenses of the agency in administering this section, including conducting evaluations of activities on the performance measures described in section 2014(a)(2).

“(b) GRANTS TO PARTNERSHIPS.—

“(1) IN GENERAL.—The State agency for higher education shall use the remainder of the funds, in cooperation with the State educational agency, to make grants to (including entering into contracts or cooperative agreements with) partnerships of—

“(A) institutions of higher education that are in full compliance with all reporting requirements of title II of the Higher Education Act of 1965 or nonprofit organizations of demonstrated effectiveness in providing professional development and mentoring in the core academic subjects; and

``(B) eligible local educational agencies (as defined in section 2015(b)(2)), to carry out activities (and only activities) described in subsection (e).

``(2) Size; duration.—Each grant made under this section shall be—

``(A) in a sufficient amount to carry out the objectives of this section effectively; and

``(B) for a period of 3 years, which the State agency for higher education may extend for an additional 2 years if the agency determines that the partnership is making substantial progress toward meeting the specific goals set out in the written agreement required in subsection (c) and on the performance measures described in section 2014(a)(2).

``(3) Applications.—To be eligible to receive a grant under this section, a partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may reasonably require.

``(4) Award process and basis.—The State agency for higher education shall make the grants on a competitive basis, using a peer review process.

``(5) Priority.—In making the grants, the State agency for higher education shall give priority to partnerships submitting applications for projects that focus on mentoring programs for beginning teachers.

``(6) Considerations.—In making such a grant for a partnership, the State agency for higher education shall consider—

``(A) the need of the local educational agency involved for the professional development and mentoring activities proposed in the application;

``(B) the quality of the program proposed in the application and the likelihood of success of the program in improving classroom instruction and student academic achievement; and

``(C) such other criteria as the agency finds to be appropriate.

``(c) Agreements.—

``(1) In general.—No partnership may receive a grant under this section unless the institution of higher education or nonprofit organization involved enters into a written agreement with at least 1 eligible local educational agency (as defined in section 2015(b)(2)) to provide professional development and mentoring for elementary and secondary school teachers in the schools served by that agency in the core academic subjects.

``(2) Goals.—Each such agreement shall identify specific measurable annual goals concerning how the professional development and mentoring that the partnership provides will enhance the ability of the teachers to prepare all students to meet challenging State and local content and student performance standards.

``(d) Joint Efforts Within Institutions of Higher Education.—Each professional development and mentoring activity assisted under this section by a partnership containing an institution of higher education shall involve the joint effort of the institution of higher education's school or department of education and the schools or departments of the institution in the specific disciplines in which the professional development and mentoring will be provided.

``(e) Uses of Funds.—A partnership that receives funds under this section shall use the funds for activities (and only for activities) that consist of—

``(1) professional development and mentoring in the core academic subjects, aligned with State or local content standards, for teams of teachers from a school or school district and, where appropriate, administrators and paraprofessionals on a career track;

``(2) research-based professional development and mentoring programs to assist beginning teachers, which may include—

``(A) mentoring and coaching by trained mentor teachers that lasts at least 2 years;

``(B) team teaching with veteran teachers who have a consistent record of helping their students make substantial academic gains;

``(C) provision of time for observation of, and consultation with, veteran teachers;

``(D) provision of reduced teaching loads; and

``(E) provision of additional time for preparation;

``(3) the provision of technical assistance to school and agency staff for planning, implementing, and evaluating professional development and mentoring;

``(4) the provision of training for teachers to help the teachers develop the skills necessary to work most effectively with parents; and

``(5) in appropriate cases, the provision of training to address areas of teacher and administrator shortages.

``(f) Coordination.—Any partnership that carries out professional development. and mentoring activities under this section shall coordinate the activities with activities carried out under title II of the Higher Education Act of 1965, if a local educational agency or institution of higher education in the partnership is participating in programs funded under that title.

``(g) Annual Reports.—

``(1) In general.—Beginning with fiscal year 2002, each partnership that receives a grant under this section shall prepare and submit to the appropriate State agency for higher education, by a date set by that agency, an annual report on the progress of the partnership on the performance measures described in section 2014(a)(2).

``(2) Contents.—Each such report shall—

``(A) include a copy of each written agreement required by subsection (c) that is entered into by the partnership; and

``(B) describe how the members of the partnership have collaborated to achieve the specific goals set out in the agreement, and the results of that collaboration.

``(3) Copy.—The State agency for higher education shall provide the State educational agency with a copy of each such report.

“Chapter 2—Accountability

“SEC. 2021. STATE APPLICATION ACCOUNTABILITY PROVISIONS.

``(a) Assurances.—Each State application submitted under section 2012 shall contain assurances that—

``(1) beginning on the date of enactment of the Educational Excellence for All Children Act of 2000, no school in the State that is served under this subpart will use funds received under this subpart to hire a teacher who is not a fully qualified teacher; and

``(2) not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, each teacher in the State who provides services to students served under this subpart shall be a fully qualified teacher.

``(b) Withholding.—If a State fails to meet the requirements described in subsection (a)(2) for a fiscal year in which the requirements apply—

``(1) the Secretary shall withhold, for the following fiscal year, a portion of the funds that would otherwise be available to the State under section 2013(a)(1) for the administration of this subpart; and

``(2) the State shall be subject to such other penalties as are provided by law for a violation of this Act.

``(c) Assistance by State Educational Agency.—Each State application submitted under section 2012 shall describe how the State educational agency will help each local educational agency and school in the State develop the capacity to comply with the requirements of this section.

“SEC. 2022. STATE REPORTS.

``(a) Report to Secretary.—

``(1) In General.—Each State that receives funds under this subpart shall annually prepare and submit to the Secretary a report containing—

``(A) information on the activities of the State under this subpart, including statewide information, and information on the activities of each grant recipient in the State;

``(B) information on the effectiveness of the activities, and the progress of recipients of grants under this subpart, on performance measures, including measures described in section 2014(a)(2) and goals described in paragraphs (3) and (4) of section 2012(b); and

``(C) such other information as the Secretary may reasonably require.

``(2) Deadlines.—The State shall submit the reports described in paragraph (1) by such deadlines as the Secretary may establish.

``(b) Public Accountability.—

``(1) In general.—Each State that receives funds under this subpart—

``(A) in the event the State provides public State report cards on education, shall include in such report cards—

``(i) the percentage of middle school and other secondary school classes in core academic subjects that are taught by out-of-field teachers;

``(ii) the percentage of middle school, other elementary school, and other secondary school classes taught by individuals holding only emergency credentials or provisional credentials, or for whom any State certification or licensing standards for teachers have been waived;

``(iii) the average statewide class size; or

``(B) in the event the State provides no such report card, shall disseminate to the public the information described in clauses (i) through (iii) of subparagraph (A) through other means.

``(2) Public availability.—Such information shall be made widely available to the public, including parents and students, throughout the State.

``(c) General Accounting Office.—Not later than September 30, 2004, the Comptroller General of the United States shall—

``(1) conduct a study of the progress of the States in increasing the percentage of teachers who are fully qualified teachers for fiscal years 2001 through 2003; and

``(2) prepare and submit to the Committee on Education and Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing the results of the study.

“SEC. 2023. LOCAL APPLICATION ACCOUNTABILITY PROVISIONS.

``Each local application submitted under section 2016 shall contain assurances that—

``(1) the agency will not hire a teacher with funds made available to the agency under this subpart, unless the teacher is a fully qualified teacher;

"(2) the local educational agency and schools served by the agency will work to ensure, through voluntary agreements and incentive programs, that elementary school and secondary school teachers in high-poverty schools served by the local educational agency will be at least as well qualified, in terms of experience and credentials, as the instructional staff in schools served by the same local educational agency that are not high-poverty schools;

"(3) any teacher who receives certification from the National Board for Professional Teaching Standards will be considered fully qualified to teach, in the academic subjects in which the teacher is certified, in high-poverty schools in any school district or community served by the local educational agency; and

"(4) the agency will—

"(A) make available, on request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the professional qualifications of the student's classroom teachers with regard to—

"(i) whether the teacher has met State certification or licensing criteria for the academic subjects and grade level in which the teacher teaches the student;

"(ii) whether the teacher is teaching with emergency or other provisional credentials, or whether any State certification or licensing standard has been waived for the teacher; and

"(iii) the academic qualifications of the teacher in the academic subjects and grade levels in which the teacher teaches; and

"(B) inform parents that the parents are entitled to receive the information upon request.

"SEC. 2024. LOCAL CONTINUATION OF FUNDING.

"(a) AGENCIES.—If a local educational agency applies for funds under this subpart for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency has demonstrated that the agency, in carrying out activities under this subpart during the past fiscal year, has met annual numerical performance objectives for—

"(1) improved student performance for all groups described in section 1111(b)(2);

"(2) increased participation in sustained professional development and mentoring programs;

"(3) reduced the beginning teacher attrition rate for the agency; and

"(4) reduced the number of teachers who are not certified or licensed, and the number who are out-of-field teachers, for the agency.

"(b) SCHOOLS.—If a local educational agency applies for funds under this subpart on behalf of a school for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for the school for that fiscal year only if the State determines that the school has demonstrated that the school, in carrying out activities under this subpart during the past fiscal year, has met the requirements of paragraphs (1) through (4) of subsection (a).

"(c) RECRUITMENT PARTNERSHIPS.—

"(1) IN GENERAL.—If not more than 90 percent of the graduates of a teacher corps program assisted under this subpart for a fiscal year pass applicable State or local initial teacher licensing or certification examinations, the recruitment partnership providing the teacher corps program shall be ineligible to receive grant funds for the succeeding fiscal year.

"(2) WAIVER.—The State in which the partnership is located may waive the requirement described in paragraph (1) for a recruitment partnership serving a school district that has special circumstances, such as a district with a small number of corps members.

"SEC. 2025. LOCAL REPORTS.

"(a) IN GENERAL.—Each local educational agency that receives funds under this subpart (including funds received through a partnership) shall prepare, make publicly available, and submit to the State educational agency, every year, beginning in fiscal year 2002, a report on the activities of the agency under this subpart, in such form and containing such information as the State educational agency may reasonably require.

"(b) CONTENTS.—The report shall contain, at a minimum—

"(1) information on progress throughout the schools served by the local educational agency on the performance measures described in section 2014(a)(2) and goals described in paragraphs (3) and (4) of section 2012(b);

"(2) information on progress throughout the schools served by the local educational agency toward achieving the objectives of, and carrying out the activities described in, this subpart;

"(3) data on the progress described in paragraphs (1) and (2), disaggregated by school poverty level, as defined by the State; and

"(4) a description of the methodology used to gather the information and data described in paragraphs (1) through (3).

"Subpart 2—National Activities for the Improvement of Teaching and School Leadership

"Chapter 1—National Activities and Clearinghouse

"SEC. 2031. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants to, and to enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private nonprofit agencies, organizations, and institutions to carry out subsection (b).

"(b) ACTIVITIES.—In making the grants, and entering into the contracts and cooperative agreements, the Secretary—

"(1) may support activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation's schools, such as—

"(A) supporting collaborative efforts by States, or consortia of States, to review and measure the quality, rigor, and alignment of State standards and assessments;

"(B) supporting collaborative efforts by States, or consortia of States, to review and measure the quality and rigor of standards for entry into the field of teaching, including the alignment of such standards with State standards for students in elementary school and secondary school, and the alignment of initial teacher licensing and certification assessments with State standards for entry into the field of teaching;

"(C) supporting the development of models, at the State and local levels, of innovative compensation systems that—

"(i) provide incentives for talented individuals who have a strong knowledge of academic content to enter teaching; and

"(ii) reward veteran teachers who acquire new knowledge and skills that are needed in the schools and districts in which the teachers teach; and

"(D) supporting collaborative efforts by States, or consortia of States, to develop performance-based systems for assessing content knowledge and teaching skills of teachers prior to initial certification or licensure of the teachers;

"(2) may support activities of national significance that the Secretary determines will contribute to the recruitment and retention of highly qualified teachers and principals in schools served by high-poverty local educational agencies, such as—

"(A) the development and implementation of a national teacher recruitment clearinghouse and job bank, which shall be coordinated and, to the extent feasible, integrated with the America's Job Bank administered by the Secretary of Labor, to—

"(i) disseminate information and resources nationwide on entering the teaching profession, to persons interested in becoming teachers;

"(ii) serve as a national resource center regarding effective practices for teacher professional development and mentoring, recruitment, and retention;

"(iii) link prospective teachers to local educational agencies and training resources;

"(iv) provide information and technical assistance to prospective teachers about certification and licensing and other State and local requirements related to teaching; and

"(v) provide data projections concerning teacher and administrator supply and demand and available teaching and administrator opportunities;

"(B) the development and implementation, or expansion, of programs that recruit talented individuals to become principals, including such programs that employ alternative routes to State certification or licensing that are at least as rigorous as the State's standards for initial certification or licensing of teachers, and that prepare both new and experienced principals to serve as instructional leaders, which may include the creation and operation of a national center or regional centers for the preparation and support of principals as leaders of school reform;

"(C) efforts to increase the portability of teacher pensions and reciprocity of teaching credentials across State lines;

"(D) research, evaluation, and dissemination activities related to effective strategies for increasing the portability of teachers' credited years of experience across State and school district lines;

"(E) the development and implementation of national or regional programs to—

"(i) recruit highly talented individuals to become teachers, through alternative routes to certification or licensing, in schools served by high-poverty local educational agencies; and

"(ii) help retain the individuals for more than 3 years as classroom teachers in schools served by the local educational agencies; and

"(F) the establishment of partnerships of high-poverty local educational agencies, teacher organizations, and local businesses, in order to help the agencies attract and retain high-quality teachers and principals through provision of increased pay, combined with reforms to raise teacher performance including use of regular, rigorous peer evaluations and (where appropriate) student evaluations of every teacher;

"(3)(A) may support the National Board for Professional Teaching Standards and, in particular, may award a grant for fiscal year

2001 to the National Board to enable the National Board to complete a system of national board certification; and

“(B) may support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning;

“(4)(A) shall carry out a national evaluation, not sooner than 3 years and not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, of the effect of activities carried out under this title, including an assessment of changes in instructional practice and objective measures of student achievement; and

“(B) shall submit a report containing the results of the evaluation to Congress; and

“(5) shall annually submit to Congress a report on the information contained in the State reports described in section 2022.

“SEC. 2032. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

“(a) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary shall award a grant or contract, on a competitive basis, to an entity to establish and operate an Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this section as ‘the Clearinghouse’).

“(b) AUTHORIZED ACTIVITIES.—

“(1) APPLICATION AND AWARD BASIS.—

“(A) IN GENERAL.—An entity desiring to establish and operate the Clearinghouse shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(B) PEER REVIEW.—The Secretary shall establish a peer review panel to make recommendations on the recipient of the award for the Clearinghouse.

“(C) BASIS.—The Secretary shall make the award for the Clearinghouse on the basis of merit.

“(2) DURATION.—The Secretary shall award the grant or contract for the Clearinghouse for a period of 5 years.

“(3) ACTIVITIES.—The award recipient shall use the award funds to—

“(A) maintain a permanent collection of such mathematics and science education instructional materials and programs for elementary schools and secondary schools as the Secretary finds appropriate, and give priority to maintaining such materials and programs that have been identified as promising or exemplary, through a systematic approach such as the use of expert panels required under the Educational Research, Development, Dissemination, and Improvement Act of 1994;

“(B) disseminate the materials and programs described in subparagraph (A) to the public, State educational agencies, local educational agencies, and schools (particularly high-poverty, low-performing schools), including dissemination through the maintenance of an interactive national electronic information management and retrieval system accessible through the World Wide Web and other advanced communications technologies;

“(C) coordinate activities with entities operating other databases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal, and, where feasible, international databases;

“(D) using not more than 10 percent of the amount awarded under this section for any fiscal year, participate in collaborative meetings of representatives of the Clearinghouse and regional mathematics and science education consortia to—

“(i) discuss issues of common interest and concern;

“(ii) foster effective collaboration and cooperation in acquiring and distributing instructional materials and programs; and

“(iii) coordinate and enhance computer network access to the Clearinghouse and the resources of the regional consortia;

“(E) support the development and dissemination of model professional development and mentoring materials for mathematics and science education;

“(F) contribute materials or information, as appropriate, to other national repositories or networks; and

“(G) gather qualitative and evaluative data on submissions to the Clearinghouse, and disseminate that data widely, including through the use of electronic dissemination networks.

“(4) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops mathematics or science education instructional materials or programs, including the National Science Foundation and the Department, shall submit copies of that materials or those programs to the Clearinghouse.

“(5) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

“(6) APPLICATION OF COPYRIGHT LAWS.—

“(A) CONSTRUCTION.—Nothing in this section shall be construed to allow the use or copying, in any medium, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the Clearinghouse obtains the permission of the owner of the copyright.

“(B) COMPLIANCE.—In carrying out this section, the Clearinghouse shall ensure compliance with title 17, United States Code.

“Chapter 2—Transition to Teaching

“SEC. 2041. PURPOSE.

“The purpose of this chapter is to address the need of high-poverty local educational agencies for highly qualified teachers in particular academic subjects, such as mathematics, science, foreign languages, bilingual education, and special education needed by the agencies, by—

“(1) continuing and enhancing the Troops to Teachers model for recruiting and supporting the placement of such teachers; and

“(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help the professionals become such teachers.

“SEC. 2042. DEFINITIONS.

“In this chapter:

“(1) PROGRAM PARTICIPANT.—The term ‘program participant’ means a career-changing professional who—

“(A) demonstrates interest in, and commitment to, becoming a teacher; and

“(B) has knowledge and experience that is relevant to teaching a high-need academic subject for a high-poverty local educational agency.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Education, except as otherwise determined in accordance with the agreements described in section 2043(b).

“SEC. 2043. PROGRAM AUTHORIZED.

“(a) AUTHORITY.—Subject to subsection (b), using funds made available to carry out this chapter under section 2003(2)(A) for each fiscal year, the Secretary may award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized under this chapter.

“(b) IMPLEMENTATION.—

“(1) CONSULTATION.—Before making awards under subsection (a) for any fiscal year, the Secretary of Education shall—

“(A) consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to carry out this chapter; and

“(B) upon agreement, transfer that amount to the Department of Defense to carry out this chapter.

“(2) AGREEMENT.—The Secretary of Education may enter into a written agreement with the Secretary of Defense and the Secretary of Transportation, or take such other steps as the Secretary of Education determines are appropriate, to ensure effective implementation of this chapter.

“SEC. 2044. APPLICATION.

“Each entity that desires an award under section 2043(a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the target group of career-changing professionals on which the entity will focus in carrying out a program under this chapter, including a description of the characteristics of that target group that shows how the knowledge and experience of the members of the group are relevant to meeting the purpose of this chapter;

“(2) a description of how the entity will identify and recruit program participants;

“(3) a description of the training that program participants will receive and how that training will relate to their certification or licensing as teachers;

“(4) a description of how the entity will ensure that program participants are placed with, and teach for, high-poverty local educational agencies;

“(5) a description of the teacher induction services (which may be provided through induction programs in existence on the date of submission of the application) the program participants will receive throughout at least their first year of teaching;

“(6) a description of how the entity will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this chapter, including evidence of the commitment of the institutions, agencies, or organizations to the entity's program;

“(7) a description of how the entity will evaluate the progress and effectiveness of the entity's program, including a description of—

“(A) the program's goals and objectives;

“(B) the performance indicators the entity will use to measure the program's progress; and

“(C) the outcome measures that the entity will use to determine the program's effectiveness; and

“(8) an assurance that the entity will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this chapter.

“SEC. 2045. USES OF FUNDS AND PERIOD OF SERVICE.

“(a) AUTHORIZED ACTIVITIES.—Funds made available under this chapter may be used for—

“(1) recruiting program participants, including informing individuals who are potential participants of opportunities available under the program and putting the individuals in contact with other institutions, agencies, or organizations that would train, place, and support the individuals;

"(2) providing training stipends and other financial incentives for program participants, such as paying for moving expenses, not to exceed $5,000, in the aggregate, per participant;

"(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

"(4) providing placement activities, including identifying high-poverty local educational agencies with needs for the particular skills and characteristics of the newly trained program participants and assisting the participants to obtain employment with the local educational agencies; and

"(5) providing post-placement induction or support activities for program participants.

"(b) PERIOD OF SERVICE.—A program participant in a program under carried out under this chapter who completes the participant's training shall serve in a high-poverty local educational agency for at least 3 years.

"(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

"SEC. 2046. EQUITABLE DISTRIBUTION.

"To the extent practicable, the Secretary shall make awards under this chapter that support programs in different geographic regions of the Nation.

"Chapter 3—Hometown Teachers

"SEC. 2051. PURPOSE.

"The purpose of this chapter is to support the efforts of high-need local educational agencies to develop and implement comprehensive approaches to recruiting and retaining highly qualified teachers, including recruiting such teachers through Hometown Teacher programs that carry out long-term strategies to expand the capacity of the communities served by the agencies to produce local teachers.

"SEC. 2052. DEFINITION.

"The term 'high-need local educational agency' means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

"(1) a high percentage (as determined by the State in which the agency is located) of individuals from families with incomes below the poverty line;

"(2) a high percentage (as determined by the State in which the agency is located) of secondary school teachers not teaching in the core academic subjects in which the teachers were trained to teach; or

"(3) a high percentage (as determined by the State in which the agency is located) of elementary school and secondary school teachers who are not fully qualified teachers.

"SEC. 2053. PROGRAM AUTHORIZED.

"From funds made available to carry out this chapter under section 2003(2)(B) for each fiscal year, the Secretary may award grants to high-need local educational agencies to carry out Hometown Teacher programs and other activities described in this chapter.

"SEC. 2054. APPLICATIONS.

"Each high-need local educational agency that desires to receive a grant under section 2053 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the local educational agency's assessment of the agency's needs for teachers, such as the agency's projected shortage of qualified teachers and the percentage of teachers serving the agency who lack certification or licensure or who are teaching out of field;

"(2) a description of a Hometown Teacher program that the local educational agency plans to develop and implement with the funds made available through the grant, including a description of—

"(A) strategies the agency will use to—

"(i) encourage secondary school and middle school students in schools served by the local educational agency to consider pursuing careers in the teaching profession; and

"(ii) provide support at the undergraduate level to those students who intend to become teachers; and

"(B) the agency's plans to streamline the hiring timelines in the hiring policies and practices of the agency for participants in the Hometown Teacher program;

"(3) a description of the long-term strategies that the agency will use, if any, to reduce the agency's teacher attrition rate, including providing mentoring programs and making efforts to raise teacher salaries and create more desirable working conditions for teachers;

"(4) a description of the agency's strategy for ensuring that all secondary school teachers and middle school teachers in the school district are fully certified or licensed in an academic subject and are teaching the majority of their classes in the subject in which the teachers are certified or licensed;

"(5) a description of the short-term strategies the agency will use, if any, to address the agency's teacher shortage problem, including the strategies the agency will use to ensure that the teachers that the local educational agency is targeting for employment are fully certified or licensed;

"(6) a description of the agency's long-term plan for ensuring that the agency's teachers have opportunities for sustained, high-quality professional development;

"(7) a description of the ways in which the activities proposed to be carried out through the grant are part of the agency's overall plan for improving the quality of teaching and student achievement;

"(8) a description of how the agency will collaborate, as needed, with other institutions, agencies, or organizations to develop and implement the strategies the agency proposes in the application, including evidence of the commitment of the institutions, agencies, or organizations to the agency's activities;

"(9) a description of the strategies the agency will use to coordinate activities funded under the program carried out under this chapter with activities funded through other Federal programs that address teacher shortages, including programs carried out through grants to local educational agencies under title I or this title, including chapter 2, if the applicant receives funds from the programs;

"(10) a description of how the agency will evaluate the progress and effectiveness of the Hometown Teacher program, including a description of—

"(A) the agency's goals and objectives for the program;

"(B) the performance indicators that the agency will use to measure the program's effectiveness; and

"(C) the measurable outcome measures, such as increased percentages of fully certified or licensed teachers, that the agency will use to determine the program's effectiveness; and

"(11) an assurance that the agency will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this chapter.

"SEC. 2055. PRIORITY.

"In awarding grants under this chapter, the Secretary may give priority to agencies submitting applications that—

"(1) focus on increasing the percentage of qualified teachers in particular teaching fields, such as mathematics, science, and bilingual education; and

"(2) focus on recruiting qualified teachers for certain types of communities, such as urban and rural communities.

"SEC. 2056. USE OF FUNDS.

"(a) MANDATORY USE OF FUNDS.—A local educational agency that receives a grant under this chapter shall use the funds made available through the grant to develop and implement long-term strategies to address the agency's teacher shortage, including carrying out Hometown Teacher programs such as the programs described in section 2051.

"(b) PERMISSIBLE USE OF FUNDS.—A local educational agency that receives a grant under this chapter may use the funds made available through the grant to—

"(1) develop and implement strategies to reduce the local educational agency's teacher attrition rate, including providing mentoring programs, increasing teacher salaries, and creating more desirable working conditions for teachers; and

"(2) develop and implement short-term strategies to address the agency's teacher shortage, including providing scholarships to undergraduates who agree to teach in the school district served by the agency for a certain number of years, providing signing bonuses for teachers, and implementing streamlined hiring practices.

"(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this chapter shall be used to supplement, and shall not supplant, State and local funds expended to carry out programs and activities authorized under this chapter.

"SEC. 2057. SERVICE REQUIREMENTS.

"(a) IN GENERAL.—The Secretary shall establish such requirements as the Secretary finds to be necessary to ensure that a recipient of a scholarship under this chapter who completes a teacher education program subsequently—

"(1) teaches in a school district served by a high-need local educational agency, for a period of time equivalent to the period for which the recipient received the scholarship; or

"(2) repays the amount of the funds provided through the scholarship.

"(b) USE OF REPAID FUNDS.—The Secretary shall deposit any such repaid funds in an account, and use the funds to carry out additional activities under this chapter.

"Chapter 4—Early Childhood Educator Professional Development

"SEC. 2061. PURPOSE.

"In support of the national effort to attain the first of America's Education Goals, the purpose of this chapter is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering reading difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

“SEC. 2062. PROGRAM AUTHORIZED.

“(a) Grants to Partnerships.—The Secretary shall carry out the purpose of this chapter by awarding grants, on a competitive basis, to partnerships consisting of—

“(1)(A) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

“(B) another public or private, nonprofit entity that provides such professional development;

“(2) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private, nonprofit organizations; and

“(3) to the extent feasible, an entity with demonstrated experience in providing violence prevention education training to educators in early childhood education programs.

“(b) Priority.—In awarding grants under this chapter, the Secretary shall give priority to partnerships that include 1 or more local educational agencies which operate early childhood education programs for children from low-income families in high-need communities.

“(c) Duration and Number of Grants.—

“(1) Duration.—Each grant under this chapter shall be awarded for not more than 4 years.

“(2) Number.—No partnership may receive more than 1 grant under this chapter.

“SEC. 2063. APPLICATIONS.

“(a) Applications Required.—Any partnership that desires to receive a grant under this chapter shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) Contents.—Each such application shall include—

“(1) a description of the high-need community to be served by the project, including such demographic and socioeconomic information as the Secretary may request;

“(2) information on the quality of the early childhood educator professional development program currently conducted by the institution of higher education or other provider in the partnership;

“(3) the results of the assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

“(4) a description of how the proposed project will be carried out, including—

“(A) how individuals will be selected to participate;

“(B) the types of research-based professional development activities that will be carried out;

“(C) how research on effective professional development and on adult learning will be used to design and deliver project activities;

“(D) how the project will coordinate with and build on, and will not supplant or duplicate, early childhood education professional development activities that exist in the community;

“(E) how the project will train early childhood educators to provide services that are based on developmentally appropriate practices and the best available research on child, language, and literacy development and on early childhood pedagogy;

“(F) how the program will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, disabilities, or other special needs; and

“(G) how the project will train early childhood educators in identifying and preventing behavioral problems or violent behavior in children;

“(5) a description of—

“(A) the specific objectives that the partnership will seek to attain through the project, and how the partnership will measure progress toward attainment of those objectives; and

“(B) how the objectives and the measurement activities align with the performance indicators established by the Secretary under section 2066(a);

“(6) a description of the partnership's plan for institutionalizing the activities carried out under the project, so that the activities continue once Federal funding ceases;

“(7) an assurance that, where applicable, the project will provide appropriate professional development to volunteer staff, as well as to paid staff; and

“(8) an assurance that, in developing its application and in carrying out its project, the partnership has consulted with, and will consult with, relevant agencies and early childhood educator organizations described in section 2062(a)(2) that are not members of the partnership.

“SEC. 2064. SELECTION OF GRANTEES.

“(a) Criteria.—The Secretary shall select partnerships to receive funding on the basis of the community's need for assistance and the quality of the applications.

“(b) Geographic Distribution.—In selecting partnerships, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

“SEC. 2065. USES OF FUNDS.

“(a) In General.—Each partnership receiving a grant under this chapter shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

“(b) Allowable Activities.—Such activities may include—

“(1) professional development for individuals working as early childhood educators, particularly to familiarize those individuals with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

“(2) professional development for early childhood educators in working with parents, based on the best current research on child, language, and literacy development and parent involvement, so that the educators can prepare their children to succeed in school;

“(3) professional development for early childhood educators to work with children who have limited English proficiency, disabilities, and other special needs;

“(4) professional development to train early childhood educators in identifying and preventing behavioral problems or violent behavior in children;

“(5) activities that assist and support early childhood educators during their first three years in the field;

“(6) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

“(7) professional development activities related to the selection and use of diagnostic assessments to improve teaching and learning; and

“(8) data collection, evaluation, and reporting needed to meet the requirements of this chapter relating to accountability.

“SEC. 2066. ACCOUNTABILITY.

“(a) Performance Indicators.—Simultaneously with the publication of any application notice for grants under this chapter, the Secretary shall announce performance indicators for this chapter, which shall be designed to measure—

“(1) the quality and assessability of the professional development provided;

“(2) the impact of that professional development on the early childhood education provided by the individuals who are trained; and

“(3) such other measures of program impact as the Secretary determines appropriate.

“(b) Annual Reports; Termination.—

“(1) Annual reports.—Each partnership receiving a grant under this chapter shall report annually to the Secretary on the partnership's progress against the performance indicators.

“(2) Termination.—The Secretary may terminate a grant under this chapter at any time if the Secretary determines that the partnership is not making satisfactory progress against the indicators.

“SEC. 2067. COST-SHARING.

“(a) In General.—Each partnership shall provide, from other sources, which may include other Federal sources—

“(1) at least 50 percent of the total cost of its project for the grant period; and

“(2) at least 20 percent of the project cost in each year.

“(b) Acceptable Contributions.—A partnership may meet the requirement of subsection (a) through cash or in-kind contributions, fairly valued.

“(c) Waivers.—The Secretary may waive or modify the requirements of subsection (a) in cases of demonstrated financial hardship.

“SEC. 2068. FEDERAL COORDINATION.

“The Secretary and the Secretary of Health and Human Services shall coordinate activities under this chapter and other early childhood programs administered by the two Secretaries.

“SEC. 2069. DEFINITIONS.

“In this chapter:

“(1) High-need community.—

“(A) In general.—The term ‘high-need community’ means—

“(i) a municipality, or a portion of a municipality, in which at least 50 percent of the children are from low-income families; or

“(ii) a municipality that is one of the 10 percent of municipalities within the State having the greatest numbers of such children.

“(B) Determination.—In determining which communities are described in subparagraph (A), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

“(2) Low-income family.—The term ‘low-income family’ means a family with an income below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available.

“(3) Early childhood educator.—The term ‘early childhood educator’ means a person who provides care and education to children at any age from birth through kindergarten.

“Subpart 3—Class Size Reduction

“SEC. 2071. GRANT PROGRAM.

“(a) Purpose.—The purposes of this section are—

“(1) to reduce class size through the use of fully qualified teachers;

“(2) to assist States and local educational agencies in recruiting, hiring, and training 100,000 teachers in order to reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and

“(3) to improve teaching in those grades so that all students can learn to read independently and well by the end of the 3rd grade.

“(b) Allotment to States.—

“(1) Reservation.—From the amount made available to carry out this subpart for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

“(2) State allotments.—

“(A) Hold harmless.—

“(i) In general.—Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year under this section or section 310 of the Department of Education Appropriations Act, 2000, as the case may be.

“(ii) Ratable reduction.—If the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(B) Allotment of additional funds.—

“(i) In general.—Subject to clause (ii), for any fiscal year for which the amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

“(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

“(II) the percentage so received of the total amount made available to the States under section 2202(b), as in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000, or the corresponding provision of this title, as the case may be.

“(ii) Ratable reductions.—If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(c) Allocation to Local Educational Agencies.—

“(1) Allocation.—Each State that receives funds under this section shall allocate a portion equal to not less than 99 percent of those funds to local educational agencies, of which—

“(A) 80 percent of the portion shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

“(B) 20 percent of the portion shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

“(2) Exception.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

“(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

“(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

“(3) State administrative expenses.—The State educational agency for a State that receives funds under this section may use not more than 1 percent of the funds for State administrative expenses.

“(d) Use of Funds.—

“(1) Mandatory uses.—Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

“(2) Permissible uses.—

“(A) In general.—Each such local educational agency may use funds made available under this section for—

“(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

“(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

“(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

“(B) Limitation on testing and professional development.—

“(i) In general.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

“(ii) Waivers.—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

“(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

“(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or the State educational agency has waived those requirements for 10 percent or more of the teachers.

“(iii) Use of funds under waiver.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

“(C) Use of funds by agencies that have reduced class size.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on November 28, 1999 if that goal is 20 or fewer children) may use funds received under this section—

“(i) to make further class size reductions in kindergarten through third grade;

“(ii) to reduce class size in other grades; or

“(iii) to carry out activities to improve teacher quality, including professional development.

“(3) Supplement, not supplant.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

“(4) Limitation on use for salaries and benefits.—

“(A) In general.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

"(B) Exception.—Funds made available under this section may be used to pay the salaries of teachers hired under section 310 of the Department of Education Appropriations Act, 2000.

"(e) Reports.—

"(1) State activities.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6122(a)(2) with respect to the activities.

"(2) Progress concerning class size and qualified teachers.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

"(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

"(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

"(3) Professional qualifications.—Each school receiving funds under this section shall provide to parents, on request, information about the professional qualifications of their child's teacher.

"(f) Private Schools.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6142. Section 6142 shall not apply to other activities carried out under this section.

"(g) Local Administrative Expenses.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

"(h) Request for Funds.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2034 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

"(i) Certification, Licensing, and Competency.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available under section 310 of the Department of Education Appropriations Act, 2000, unless, by the start of the 2000–2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

"(j) Definition.—In this section:

"(1) Certified.—The term 'certified' includes certification through State or local alternative routes.

"(2) State.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(b) Conforming Amendment.—The Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.) is repealed.

SEC. 202. TECHNICAL ASSISTANCE PROGRAMS.

Part B of title II (20 U.S.C. 6671 et seq.) is amended to read as follows:

"PART B—TECHNICAL ASSISTANCE PROGRAMS

"SEC. 2201. FINDINGS.

"Congress finds that—

"(1) sustained, high-quality technical assistance that responds to State and local demand, supported by widely disseminated, research-based information on what constitutes high-quality technical assistance and how to identify high-quality technical assistance providers, can enhance the opportunity for all children to achieve to challenging State academic content and student performance standards;

"(2) an integrated system for acquiring, using, and supplying technical assistance is essential to improving programs and affording all children this opportunity;

"(3) States, local educational agencies, tribes, and schools serving students with special needs, such as educationally disadvantaged students and students with limited English proficiency, have clear needs for technical assistance in order to use funds under this Act to provide those students with opportunities to achieve to challenging State academic content standards and student performance standards;

"(4) current technical assistance and dissemination efforts are insufficiently responsive to the needs of States, local educational agencies, schools, and tribes for help in identifying their particular needs for technical assistance and developing and implementing their own integrated systems for using the various sources of funding for technical assistance activities under this Act (as well as other Federal, State, and local resources) to improve teaching and learning and to implement more effectively the programs authorized by this Act; and

"(5) the Internet and other forms of advanced telecommunications technology are an important means of providing information and assistance in a cost-effective way.

"SEC. 2202. PURPOSE.

"The purpose of this part is to create a comprehensive and cohesive, national system of technical assistance and dissemination that is based on market principles in responding to the demand for, and expanding the supply of, high-quality technical assistance. Such a system shall support States, local educational agencies, tribes, schools, and other recipients of funds under this Act in implementing standards-based reform and improving student performance through—

"(1) the provision of financial support and impartial, research-based information designed to assist States and high-need local educational agencies to develop and implement their own integrated systems of technical assistance and select high-quality technical assistance activities and providers for use in those systems;

"(2) the establishment of technical assistance centers in areas that reflect identified national needs in order to ensure the availability of strong technical assistance in those areas;

"(3) the integration of all technical assistance and information dissemination activities carried out or supported by the Department of Education in order to ensure comprehensive support for school improvement;

"(4) the creation of a technology-based system, for disseminating information about ways to improve educational practices throughout the Nation, that reflects input from students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system; and

"(5) national evaluations of effective technical assistance.

"Subpart 1—Strengthening the Capacity of State and Local Educational Agencies To Become Effective, Informed Consumers of Technical Assistance

"SEC. 2211. PURPOSE.

"It is the purpose of this subpart to—

"(1) provide grants to State and local educational agencies in order to—

"(A) respond to the growing demand for increased local decisionmaking in determining technical assistance needs and appropriate technical assistance services;

"(B) encourage States and local educational agencies to assess their technical assistance needs, and how their various sources of funding for technical assistance under this Act and from other sources can best be coordinated to meet those needs (including their needs to collect and analyze data);

"(C) build the capacity of State and local educational agencies to use technical assistance effectively and thereby improve their ability to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards; and

"(D) assist State and local educational agencies in acquiring high-quality technical assistance; and

"(2) establish an independent source of consumer information regarding the quality of technical assistance activities and providers, in order to assist State and local educational agencies, and other consumers of technical assistance that receive funds under this Act, in selecting technical assistance activities and providers for their use.

"SEC. 2212. ALLOCATION OF FUNDS.

"From the funds appropriated to carry out this subpart for any fiscal year—

"(1) the Secretary shall first allocate one percent of such funds to the Bureau of Indian Affairs and the Outlying Areas, in accordance with their respective needs for such funds (as determined by the Secretary) to carry out activities that meet the purposes of this subpart; and

"(2) from the remainder of such funds, the Secretary shall—

"(A) allocate two-thirds of such remainder to State educational agencies in accordance with the formula described in section 2213; and

"(B) allocate one-third of such remainder to the 100 local educational agencies with the largest number of children counted under section 1124(c), in accordance with the formula described in section 2216.

"SEC. 2213. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.

"(a) Formula.—Subject to subsection (b), the Secretary shall allocate the funds under section 2212(2)(A) among the States in proportion to the relative amounts each State would have received for Basic Grants under subpart 2 of part A of title I of this Act for the most recent fiscal year, if the Secretary had disregarded the allocations under such subpart to local educational agencies that are eligible to receive direct grants under section 2216.

"(b) Adjustments to Allocations.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 2216, the percentage allocated to a State under this section and to localities in the State under section 2216 is at least the minimum percentage for the

State described in section 1124(d) for the previous fiscal year.

“(c) REALLOCATIONS.—If the Secretary determines that any amount of any State's allocation under subsection (a) (as adjusted, if necessary, under subsection (b)) will not be required for such fiscal year for carrying out the activities for which such amount has been allocated, the Secretary shall make such amount available for reallocation. Any such reallocation among other States shall occur on such dates as the Secretary shall establish, and shall be made on the basis of criteria established by regulation. Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year, and shall be deemed to be part of the State's allocation for the year in which the amount is obligated.

“SEC. 2214. STATE APPLICATION.

“(a) APPLICATION REQUIREMENTS.—Each State desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each such application shall describe—

“(1) the State's need for, and the capacity of the State educational agency to provide, technical assistance in implementing programs under this Act (including assistance on the collection and analysis of data) and in implementing the State plan or policies for comprehensive, standards-based education reform;

“(2) how the State will use the funds provided under this subpart to coordinate all its sources of funds for technical assistance, including all sources of such funds under this Act, into an integrated system of providing technical assistance to local educational agencies, and other local recipients of funds under this Act, within the State and implement that system;

“(3) the State educational agency's plan for using funds from all sources under this Act to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to local educational agencies and other recipients within the State;

“(4) how, in carrying out technical assistance activities using funds provided from all sources under this Act, the State will—

“(A) assist local educational agencies and schools in providing high-quality education to all children served under this Act to achieve to challenging academic standards;

“(B) give the highest priority to meeting the needs of high-poverty, low-performing local educational agencies (taking into consideration any assistance that such local educational agencies may be receiving under section 2216); and

“(C) give special consideration to local educational agencies and other recipients of funds under this Act serving rural and isolated areas.

“(b) APPROVAL.—The Secretary shall approve a State's application for funds under this subpart if it meets the requirements of subsection (a) and is of sufficient quality to meet the purposes of this subpart. In determining whether to approve a State's application, the Secretary shall take into consideration the advice of peer reviewers. The Secretary shall not disapprove any application under this section without giving the State notice and opportunity for a hearing.

“SEC. 2215. STATE USES OF FUNDS.

“(a) IN GENERAL.—The State educational agency may use funds provided under this subpart to—

“(1) build its capacity (and the capacity of other State agencies that implement programs under this Act) to use technical assistance funds provided under this Act effectively through the acquisition of high-quality technical assistance, and the selection of high-quality technical assistance activities and providers, that meet the technical assistance needs identified by the State;

“(2) develop, coordinate, and implement an integrated system—

“(A) that provides technical assistance to local educational agencies and other recipients of funds under this Act within the State, directly, through contracts, or through subgrants to local educational agencies, or other recipients of funds under this Act, for activities that meet the purposes of this subpart; and

“(B) that uses all sources of funds provided for technical assistance, including all sources of such funds under this Act; and

“(3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State's plan or policies for comprehensive standards-based education reform.

“(b) TYPES OF TECHNICAL ASSISTANCE.—A State's integrated system of providing technical assistance may include assistance on such activities as the following:

“(1) Implementing State standards in the classroom, including aligning instruction, curriculum, assessments, and other aspects of school reform with those standards.

“(2) Collecting, disaggregating, and using data to analyze and improve the implementation, and increase the impact, of educational programs.

“(3) Conducting needs assessments and planning intervention strategies that are aligned with State goals and accountability systems.

“(4) Planning and implementing effective, research-based reform strategies, including schoolwide reforms, and strategies for making schools safe, disciplined, and drug-free.

“(5) Improving the quality of teaching and the ability of teachers to serve students with special needs (including educationally disadvantaged students and students with limited English proficiency).

“(6) Planning and implementing strategies to promote opportunities for all children to achieve to challenging State academic content standards and student performance standards.

“SEC. 2216. GRANTS TO LARGE LOCAL EDUCATIONAL AGENCIES.

“(a) FORMULA.—The Secretary shall allocate the funds under section 2212(2)(B) among the local educational agencies described therein in proportion to the relative amounts allocated to each such local educational agency for Basic Grants under subpart 2 of part A of title I of this Act for the most recent fiscal year.

“(b) REALLOCATIONS.—If the Secretary determines that any amount of any local educational agency's allocation under subsection (a) will not be required for such fiscal year for carrying out the activities for which such amount has been allocated, the Secretary shall make such amount available for reallocation. Any such reallocation among other local educational agencies described in section 2212(2)(B) shall occur on such dates as the Secretary shall establish, and shall be made on the basis of criteria established by regulation. Any amount reallocated to a local educational agency under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year, and shall be deemed to be part of the local educational agency's allocation for the year in which the amount is obligated.

“SEC. 2217. LOCAL APPLICATION.

“(a) APPLICATION REQUIREMENTS.—Each local educational agency described in section 2212(2)(B) that desires a grant under section 2216 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each such application shall describe—

“(1) the local educational agency's need for technical assistance in implementing programs under this Act (including assistance on the use and analysis of data) and in implementing the State's, or its own, plan or policies for comprehensive standards-based education reform; and

“(2) how the local educational agency will use the funds provided under this subpart to coordinate all its various sources of funds for technical assistance, including all sources of such funds under this Act and from other sources, into an integrated system for acquiring and using outside technical assistance and other means of building its own capacity to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards implementing programs under this Act, and implement that system.

“(b) APPROVAL.—The Secretary shall approve a local educational agency's application for funds under this subpart if it meets the requirements of subsection (a) and is of sufficient quality to meet the purposes of this subpart. In determining whether to approve a local educational agency's application, the Secretary shall take into consideration the advice of peer reviewers. The Secretary shall not disapprove any application under this section without giving the local educational agency notice and opportunity for a hearing.

“SEC. 2218. LOCAL USES OF FUNDS.

“(a) IN GENERAL.—A local educational agency described in section 2212(2)(B) may use funds provided under section 2216 to—

“(1) build its capacity to use technical assistance funds provided under this Act effectively through the acquisition of high-quality technical assistance and the selection of high-quality technical assistance activities and providers that meet its technical assistance needs;

“(2) develop, coordinate, and implement an integrated system of providing technical assistance to its schools using all sources of funds provided for technical assistance, including all sources of such funds under this Act; and

“(3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State's, or its own, plan or policies for comprehensive standards-based education reform.

“(b) TYPES OF TECHNICAL ASSISTANCE.—A local educational agency may use funds provided under this subpart for technical assistance activities such as those described in section 2215(b).

“SEC. 2219. EQUITABLE SERVICES FOR PRIVATE SCHOOLS.

“(a) INFORMATION AND TRAINING.—If a State or local educational agency uses funds under this subpart to—

“(1) provide professional development for teachers or school administrators, it shall provide for such professional development for teachers or school administrators in private schools located in the same geographic area on an equitable basis; or

"(2) provide information about State educational goals, standards, or assessments, it shall, upon request, provide such information to private schools located in the same geographic area.

"(b) WAIVER.—If a State or local educational agency is prohibited by law from complying with subsection (a)(1), or the Secretary determines it has substantially failed or is unwilling to comply with subsection (a)(1), the Secretary shall waive subsection (a)(1) and arrange for the provision of such professional development services for such teachers or school administrators, consistent with applicable State goals and standards and section 11806 of this Act.

"SEC. 2219A. CONSUMER INFORMATION.

"(a) The Secretary shall, through one or more contracts, establish an independent source of consumer information regarding the quality and effectiveness of technical assistance activities and providers available to States, local educational agencies, and other recipients of funds under this Act, in selecting technical assistance activities and providers for their use.

"(b) A contract under this section may be awarded for a period of up to five years.

"(c) The Secretary may reserve, from the funds appropriated to carry out this subpart for any fiscal year, such sums as he determines necessary to carry out this section.

"SEC. 2219B. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

"Subpart 2—Technical Assistance Centers Serving Special Needs

"SEC. 2221. GENERAL PROVISIONS.

"In addition to meeting the requirements of a particular section of this subpart, all technical assistance providers that receive funds under this subpart, all consortia that receive funds under subpart 2 of part B of title III, and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such title or Act), shall—

"(1) participate in a technical assistance network with the Department and other federally supported technical assistance providers in order to coordinate services and resources;

"(2) ensure that the services they provide—

"(A) are of high quality;

"(B) are cost-effective;

"(C) reflect the best information available from research and practice, including findings and applications such as those made available through the Regional Educational Laboratories, Research and Development Centers, National Clearinghouses, and other federally supported providers of technical assistance; and

"(D) are aligned with State and local education reform efforts;

"(3) in collaboration with State educational agencies in the States served, educational service agencies (where appropriate), and representatives of high-poverty, low-performing urban and rural local educational agencies in each State served, develop a targeted approach to providing technical assistance that gives priority to providing intensive, ongoing services to high-poverty local educational agencies and schools that are most in need of raising student achievement (such as schools identified as in need of improvement under section 1116(c));

"(4) cooperate with the Secretary in carrying out activities (including technical assistance activities authorized by other programs under this Act) such as publicly disseminating materials and information that are produced by the Department and are relevant to the purpose, expertise, and mission of the technical assistance provider; and

"(5) use technology, including electronic dissemination networks and Internet-based resources, in innovative ways to provide high-quality technical assistance.

"SEC. 2222. CENTERS FOR TECHNICAL ASSISTANCE ON THE NEEDS OF SPECIAL POPULATIONS.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, contracts, or cooperative agreements for each fiscal year to public or private nonprofit entities, or consortia of such entities, to provide for the operation of two technical assistance centers to provide training and technical assistance to State educational agencies, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act concerning—

"(A) how to address the specific linguistic, cultural, or other needs of limited English proficient, migratory, Indian, and Alaska Native students; and

"(B) educational strategies for enabling those students to achieve to challenging State academic content and performance standards.

"(2) SPECIAL EXPERTISE REQUIRED.—An entity may receive an award under this section only if it demonstrates, to the satisfaction of the Secretary, that it has expertise in the areas described in paragraphs (1) (A) and (B).

"(b) DURATION OF AWARD.—Grants, contracts, or cooperative agreements under this section shall be awarded for a period of up to 5 years.

"(c) CENTER REQUIREMENTS.—

"(1) IN GENERAL.—In order to assist local educational agencies and schools to provide high-quality education to the students described in subsection (a)(1)(A), so that they can achieve to challenging State academic content and performance standards, each center established under this section shall—

"(A) maintain appropriate staff expertise; and

"(B) provide support, training, and assistance to State educational agencies, tribes, local educational agencies, schools, and other grant recipients under this Act in meeting the needs of the students described in subsection (a)(1)(A), including the coordination of other Federal programs and State and local programs, resources, and reforms.

"(2) PRIORITY.—Each center assisted under this section shall give priority to providing services to schools, including Bureau of Indian Affairs-funded schools, that educate the students described in subsection (a)(1)(A) and have the highest percentages or numbers of children in poverty and the lowest student achievement levels.

"(d) ACCOUNTABILITY.—To ensure the quality and effectiveness of the centers supported under this section, the Secretary shall—

"(1) develop a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for students described in subsection (a)(1)(A);

"(2) conduct surveys every two years of entities to be served under this section to determine if such entities are satisfied with the access to, and quality of, such services;

"(3) collect, as part of the Department's reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

"(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

"(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

"(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

"SEC. 2223. PARENTAL INFORMATION AND RESOURCE CENTERS.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, contracts, or cooperative agreements for each fiscal year to nonprofit organizations that serve parents (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish parental information and resource centers that—

"(A) coordinate the efforts of Federal, State, and local parent education and family involvement initiatives; and

"(B) provide training, information, and support to—

"(i)(I) State educational agencies;

"(II) local educational agencies, particularly local educational agencies with high-poverty and low-performing schools; and

"(III) schools, particularly high-poverty and low-performing schools; and

"(ii) organizations that support family-school partnerships, such as parent teacher organizations.

"(2) AWARD RULE.—In making awards under this section, the Secretary shall, to the greatest extent possible, ensure that each State is served by at least one recipient of such an award.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each nonprofit organization that desires an award under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary shall determine.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall, at a minimum, include—

"(A) a description of the applicant's capacity and expertise to implement a grant under this section;

"(B) a description of how the applicant would use its award to help State and local educational agencies, schools, and non-profit organizations in the State, particularly those making substantial efforts to reach a large number or percentage of low-income, minority, or limited English proficient children—

"(i) identify barriers to parent or family involvement in schools, and strategies to overcome those barriers; and

"(ii) implement high-quality parent education and family involvement programs that—

"(I) improve the capacity of parents to participate more effectively in the education of their children;

"(II) support the effective implementation of research-based instructional activities that support parents and families in promoting early language and literacy development; and

"(III) support schools in promoting meaningful parent and family involvement;

"(C) a description of the applicant's plan to disseminate information on high-quality parent education and family involvement programs to local educational agencies, schools, and non-profit organizations that serve parents in the State;

"(D) a description of how the applicant would coordinate its activities with the activities of other Federal, State, and local parent education and family involvement programs and with national, State, and local organizations that provide parents and families with training, information, and support on how to help their children prepare for success in school and achieve to high academic standards;

"(E) a description of how the applicant would use technology, particularly the Internet, to disseminate information; and

"(F) a description of the applicant's goals for the center, as well as baseline indicators for each of the goals, a timeline for achieving the goals, and interim measures of success toward achieving the goals.

"(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any center funded under this section shall not exceed 75 percent. The non-Federal share of the cost of a center may be provided in cash or in kind, fairly evaluated.

"(d) USES OF FUNDS.—

"(1) IN GENERAL.—Recipients of funds awarded under this section shall use such funds to support State and local educational agencies, schools, and non-profit organizations in implementing programs that provide parents with training, information, and support on how to help their children achieve to high academic standards. Such activities may include:

"(A) Assistance in the implementation of programs that support parents and families in promoting early language and literacy development and prepare children to enter school ready to succeed in school.

"(B) Assistance in developing networks and other strategies to support the use of research-based, proven models of parent education and family involvement, including the 'Parents as Teachers' and 'Home Instruction Program for Preschool Youngsters' programs, to promote children's development and learning.

"(C) Assistance in preparing parents to communicate more effectively with teachers and other professional educators and support staff, and providing a means for on-going, meaningful communication between parents and schools.

"(D) Assistance in developing and implementing parent education and family involvement programs that increase parental knowledge about standards-based school reform.

"(E) Disseminating information on programs, resources, and services available at the national, State, and local levels that support parent and family involvement in the education of their school-age children.

"(2) TARGETED ACTIVITIES.—Each recipient of funds under this section shall use at least 75 percent of its award to support activities that serve areas with large numbers or concentrations of low-income families.

"(e) NATIONAL ACTIVITIES.—For any fiscal year, the Secretary may reserve up to 5 percent of funds appropriated to carry out this section for that fiscal year to—

"(1) provide technical assistance to the centers funded under this section; and

"(2) carry out evaluations of the program authorized by this part.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'parent education' includes parent support activities, the provision of resource materials on child development, parent-child learning activities and child rearing issues, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

"(2) the term 'Parents as Teachers program' means a voluntary early childhood parent education program that—

"(A) is designed to provide all parents of children from birth through age 5 with the information and support such parents need to give their child a solid foundation for school success;

"(B) is based on the Missouri Parents as Teachers model, with the philosophy that parents are their child's first and most influential teachers;

"(C) provides—

"(i) regularly scheduled personal visits with families by certified parent educators;

"(ii) regularly scheduled developmental screenings; and

"(iii) linkage with other resources within the community in order to provide services that parents may want and need, except that such services are beyond the scope of the Parents as Teachers program; and

"(3) the term 'Home Instruction for Preschool Youngsters program' means a voluntary early-learning program for parents with one or more children between the ages of 3 through 5, that—

"(A) provides support, training, and appropriate educational materials necessary for parents to implement a school-readiness, home instruction program for their child; and

"(B) includes—

"(i) group meetings with other parents participating in the program;

"(ii) individual and group learning experiences with the parent and child;

"(iii) provision of resource materials on child development and parent-child learning activities; and

"(iv) other activities that enable the parent to improve learning in the home.

"(g) REPORTS.—Each recipient of funds under this section shall annually submit a report to the Secretary, on its activities under this section, in such form and containing such information as the Secretary may reasonably require. A report under this subsection shall include, at a minimum—

"(1) the number and types of activities supported by the recipient with funds received under this section;

"(2) activities supported by the recipient that served areas with high numbers or concentrations of low-income families; and

"(3) the progress made by the recipient in achieving the goals included in its application.

"(h) GENERAL PROVISIONS.—Notwithstanding any other provision of this section—

"(1) no person, including a parent who educates a child at home, public school parent, or private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this section;

"(2) no program assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children; and

"(3) the provisions of section 444(c) of the General Education Provisions Act shall apply to organizations that receive awards under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

"SEC. 2224. EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—

"(A) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

"(i) disseminating exemplary mathematics and science education instructional materials; and

"(ii) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers, and administrators.

"(B) NUMBER OF AWARDS.—The Secretary, in accordance with the provisions of this subsection, shall award at least one grant, contract, or cooperative agreement to an eligible entity in each region.

"(C) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to subsection (h) is less than $4,500,000, then the Secretary may waive the provisions of subparagraph (B) and award grants, contracts, or cooperative agreements of sufficient size, scope, and quality to carry out this subsection.

"(D) DESIGNATION.—Each regional consortium assisted under this subsection shall be known as an 'Eisenhower regional consortium'.

"(2) PERIOD OF AWARD AND REVIEW.—Grants, contracts, or cooperative agreements under this section shall be awarded for a period of not more than five years and shall be reviewed before the end of the 30-month period beginning on the date the award is made.

"(3) AWARD AMOUNT.—In making awards under this section, the Secretary shall ensure that there is a relatively equal distribution of the funds made available among the regions, except that the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

"(b) USE OF FUNDS.—Funds provided under this section may be used by a regional consortium, under the direction of a regional board established under subsection (d), to—

"(1) work cooperatively with the other regional consortia, the Eisenhower National Clearinghouse for Science and Mathematics Education, and federally funded technical assistance providers, to accomplish more effectively the activities described in this subsection;

“(2) assist, train, and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess, or adapt the instructional materials, teaching methods, and assessment tools described in subsection (a)(1)(A);

“(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the classroom use of the instructional materials, teaching methods, and assessment tools described in subsection (a)(1)(A);

“(4) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

“(5) collect data on activities assisted under this section in order to evaluate the effectiveness of the activities of the regional consortia;

“(6) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

“(7) communicate, on a regular basis, with entities within the region that are delivering services to students and teachers of mathematics and science; and

“(8) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science.

“(c) APPLICATION.—Each eligible entity desiring a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

“(1) demonstrate that the eligible entity has expertise in the fields of mathematics and science education;

“(2) demonstrate that the eligible entity will implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

“(3) demonstrate that the eligible entity will carry out the functions of the regional consortium;

“(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

“(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work; and

“(6) assure that the eligible entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

“(d) REGIONAL BOARDS.—

“(1) IN GENERAL.—Each eligible entity receiving an award under this section shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

“(2) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by paragraph (1), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

“(e) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

“(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (c) the Federal share of the cost of the activities described in the application.

“(2) FEDERAL SHARE.—For the purpose of paragraph (1), the Federal share shall be 80 percent.

“(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted under subsection (c) may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

“(f) EVALUATION.—

“(1) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 11911, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

“(2) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators, and students in the region.

“(3) REPORT.—At the end of each award, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

“(g) DEFINITIONS.—For purposes of this part:

“(1) The term ‘eligible entity’ means an entity that has demonstrated expertise in mathematics and science education and is—

“(A) a private nonprofit organization;

“(B) an institution of higher education;

“(C) an elementary or secondary school;

“(D) a State or local educational agency;

“(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

“(F) any combination of the entities described in subparagraphs (A) through (E).

“(2) The terms ‘mathematics’ and ‘science’ include the technology education associated with mathematics and science, respectively.

“(3) The term ‘region’ means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act).

“(4) The term ‘regional consortium’ means each regional mathematics and science education consortium established pursuant to subsection (a).

“(5) The term ‘State agency for higher education’ means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of carrying out this section by the Governor or by State law.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

“Subpart 3—Technology-Based Technical Assistance Information Dissemination

“SEC. 2231. WEB-BASED AND OTHER INFORMATION DISSEMINATION.

“(a) IN GENERAL.—(1)(A) With funds appropriated under section 2232 for each fiscal year, the Secretary is authorized to carry out a national system, through the World-wide Web and other advanced telecommunications technologies, that supports interactive information sharing and dissemination about ways to improve educational practices throughout the Nation.

“(B) In designing and implementing the system under this subsection, the Secretary shall create opportunities for the continuing input of students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system.

“(C) The Secretary may carry out the program authorized by this subsection through the award of grants, contracts, or cooperative agreements on a competitive basis.

“(2) The system authorized by this subsection shall include information on—

“(A) stimulating instructional materials that are aligned with challenging content standards; and

“(B) successful and innovative practices in—

“(i) instruction;

“(ii) professional development;

“(iii) challenging academic content and student performance standards;

“(iv) assessments;

“(v) effective school management; and

“(vi) such other areas as the Secretary determines are appropriate.

“(3)(A) The Secretary may require the technical assistance providers funded under this part, or under subpart 2 of part B of title III, or the educational laboratories and clearinghouses of the Educational Resources Information Center supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such part, subpart, or Act), to—

“(i) provide information (including information on practices employed in the regions or States served by the providers) for use in the system authorized by this subsection;

“(ii) coordinate their activities in order to ensure a unified system of technical assistance; or

“(iii) otherwise participate in the system authorized by this subsection.

“(B) The Secretary shall ensure that—

“(i) the dissemination activities authorized under this subsection are integrated with, and do not duplicate, the dissemination activities of the Office of Educational Research and Improvement; and

“(ii) the public has access, through the system authorized by this subsection, to the latest research, statistics, and other information supported by, or available from, such Office.

“(b) ADDITIONAL ACTIVITIES.—The Secretary is authorized to carry out additional activities, using advanced telecommunications technologies where appropriate, to assist local educational agencies, State educational agencies, tribes, and other recipients of funds under this Act in meeting the requirements of the Government Performance and Results Act of 1993. Such assistance may include information on measuring and benchmarking program performance and student outcomes.

"SEC. 2232. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

"Subpart 4—National Evaluation Activities

"SEC. 2241. NATIONAL EVALUATION ACTIVITIES.

The Secretary shall conduct, directly or through grants, contracts, or cooperative agreements, such activities as the Secretary determines necessary to—

"(1) determine what constitutes effective technical assistance;

"(2) evaluate the effectiveness of the technical assistance and dissemination programs authorized by, or assisted under, this part and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such Act); and

"(3) increase the effectiveness of such programs.".

SEC. 203. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

Title II (20 U.S.C. 6671 et seq.) is amended—

(1) by redesignating part E as part J;

(2) by redesignating sections 2401 and 2402 as sections 2901 and 2902, respectively; and

(3) by amending part D to read as follows:

"PART D—GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS

"SEC. 2301. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

"(a) GRANTS.—

"(1) IN GENERAL.—From the sums appropriated under subsection (g) and not reserved under subsection (f) for any fiscal year, the Secretary shall award grants to eligible State educational agencies or consortia of State educational agencies to enable such State educational agencies or consortia to award grants to local educational agencies for the provision of professional development services for public elementary school and secondary school principals to enhance the leadership skills of such principals.

"(2) AWARD BASIS.—The Secretary shall award grants under this section to eligible State educational agencies or consortia on the basis of criteria that includes—

"(A) the quality of the proposed use of the grant funds; and

"(B) the educational need of the State or States.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State educational agency or consortium shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that—

"(1) matching funds will be provided in accordance with subsection (e); and

"(2) principals were involved in developing the application and the proposed use of the grant funds.

"(c) USE OF FUNDS.—Subject to section 3(a)(1), a State educational agency or consortium that receives a grant under this section shall use amounts received under the grant to provide assistance to local educational agencies to enable such local educational agencies to provide training and other activities to increase the leadership and other skills of principals in public elementary schools and secondary schools. Such activities may include activities—

"(1) to enhance and develop school management and business skills;

"(2) to provide principals with knowledge of—

"(A) effective instructional skills and practices; and

"(B) comprehensive whole-school approaches and programs;

"(3) to improve understanding of the effective uses of educational technology;

"(4) to provide training in effective, fair evaluation of school staff; and

"(5) to improve knowledge of State content and performance standards.

"(d) AMOUNT OF GRANT.—The amount of a grant awarded to a State educational agency or consortium under this section shall be determined by the Secretary.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—To be eligible to receive funds under this section, a State educational agency or consortium shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this title in an amount equal to 25 percent of the amount that is provided to the State educational agency or consortium under this section.

"(2) WAIVER.—The Secretary shall promulgate regulations to waive the matching requirement of paragraph (1) with respect to State educational agencies or consortia that the Secretary determines serve low-income areas.

"(3) NON-FEDERAL CONTRIBUTIONS.—Non-Federal funds required under paragraph (1) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

"(f) RESERVATION.—The Secretary may reserve not more than 2 percent of the amount appropriated under subsection (g) for each fiscal year to develop model national programs to provide the activities described in subsection (c) to principals. In carrying out the preceding sentence the Secretary shall appoint a commission, consisting of representatives of local educational agencies, State educational agencies, departments of education within institutions of higher education, principals, education organizations, community groups, business, and labor, to examine existing professional development programs and to produce a report on the best practices to help principals in multiple education environments across our Nation. The report shall be produced not later than 1 year after the date of enactment of this Act.

"(g) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $100,000,000 for each of the fiscal years 2001 through 2005 to carry out this section.".

SEC. 204. SCHOLARSHIPS FOR INVITING NEW SCHOLARS TO PARTICIPATE IN RENEWING EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 203, is amended by inserting after part D the following:

"PART E—SCHOLARSHIPS FOR INVITING NEW SCHOLARS TO PARTICIPATE IN RENEWING EDUCATION

"SEC. 2401. SHORT TITLE; PURPOSE.

"(a) SHORT TITLE.—This part may be cited as the 'Inviting New Scholars to Participate in Renewing Education Act'.

"(b) PURPOSE.—The purpose of this part is to make available, through grants to the State educational agencies, scholarships to individuals who are outstanding students, who are in their final year of secondary school, attending an institution of higher education, or graduates of such an institution, and who demonstrate an interest in teaching children and youth, in order to enable and encourage those individuals to pursue teaching careers in education at the preschool, elementary, or secondary level.

"SEC. 2402. DEFINITIONS.

"In this part:

"(1) ALTERNATIVE CERTIFICATION PROGRAM.—The term 'alternative certification program' means a program to obtain teacher certification through an alternative route designated by the State.

"(2) ALTERNATIVE ROUTE.—The term 'alternative route', used with respect to certification, means a route to certification that—

"(A) includes strong academic and pedagogical course work that provides a candidate seeking to become a teacher with the subject matter knowledge and teaching knowledge needed to help students meet a State's curriculum standards;

"(B) provides intensive field experience in the form of an internship, or student teaching, under the direct daily supervision of an expert, veteran teacher;

"(C) ensures that the candidate meets standards that are at least as rigorous as the State's standards for subject matter knowledge and teaching knowledge that are required for traditional teacher certification or licensing (not certification through such a route); and

"(D) is provided through a program that meets all of the State's quality standards for program approval, including standards that pertain to teacher candidate test performance and other outcomes.

"(3) HIGH-NEED.—The term 'high-need', used with respect to a school district, means a school district in which—

"(A) not less than 30 percent of the children served by the local educational agency for the school district are children eligible to be counted under section 1124(c)(2); and

"(B) the elementary schools and secondary schools—

"(i) have a higher teacher turnover rate than the corresponding rate for the State in which the school district is located;

"(ii) have a higher percentage of uncertified or unlicensed teachers than the corresponding percentage for the State; or

"(iii) have a higher percentage of secondary school teachers not teaching in the academic subject in which the teachers were trained to teach, than the corresponding percentage for the State,

as determined by the State.

"(4) SCHOLARSHIP.—The term 'scholarship' means a scholarship awarded under this part.

"SEC. 2403. ALLOTMENTS AND GRANTS TO STATES.

"(a) GRANTS.—The Secretary may make grants to States, from allotments determined under subsection (b), to enable the State educational agencies for the States to pay for the Federal share of the cost of awarding scholarships in accordance with this part.

"(b) ALLOTMENTS.—From the sums appropriated to carry out this part and not reserved under section 2409(c) for any fiscal year, the Secretary shall allot to each eligible State educational agency an amount that bears the same relationship to the sums as the school-age population in the State, bears to the school-age population in all States, as determined using the most recently available data from the Bureau of the Census.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 80 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided from State sources in cash or in kind, fairly evaluated, including plant, equipment, and services.

"SEC. 2404. GRANT APPLICATIONS.

"(a) SUBMISSION OF APPLICATIONS.—In order to receive a grant under this part, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) CONTENT OF APPLICATIONS.—The application shall contain information that—

"(1) describes the selection criteria and procedures to be used by the State educational agency in the selection of scholarship recipients under this part;

"(2) designates the State educational agency as the State agency responsible for administering the grants received under this part;

"(3) describes the outreach effort the State educational agency intends to use to publicize the availability of the scholarships to eligible applicants in the State;

"(4) describes how the State educational agency will inform recipients, on receipt of the scholarship awards, of current and projected teacher shortages and surpluses within the State;

"(5) provides assurances that each recipient of scholarship assistance will enter into an agreement with the State educational agency under which the recipient will—

"(A) complete the program of postsecondary education or alternative certification program, as described in section 2407(a)(1), for which the scholarship was awarded;

"(B)(i) obtain certification or licensing as a teacher (that is not temporary or emergency certification or licensing); and

"(ii) teach in a private nonprofit or public preschool, or a public elementary school or secondary school, in a high-need school district, for a period of not less than 1 year for each $5,000 of the assistance received;

"(C) provide to the Secretary evidence of compliance with section 2407 as required by the Secretary; and

"(D) repay all or part of a scholarship, plus pay interest and, if applicable, reasonable collection fees, in compliance with regulations issued by the Secretary under section 2408(a), in the event that the recipient does not comply with the conditions described in subparagraphs (A) and (B), except as provided for in section 2408(b) or procedures described in paragraph (7);

"(6) provides that the agreement entered into with recipients will fully disclose the terms and conditions under which assistance is provided under this part and under which repayment may be required, including—

"(A) a description of the procedures required to be established under paragraph (7); and

"(B) a description of the appeals procedures required to be established under paragraph (8);

"(7) provides for procedures under which a recipient of assistance under this part who teaches for less than the period required under paragraph (5)(B) will have the repayment requirements described in section 2408(a) reduced or eliminated, consistent with the provisions of section 2408(b); and

"(8) provides for appeals procedures under which a recipient may appeal any determination of noncompliance with any provision under this part.

"SEC. 2405. AMOUNT AND DURATION OF AND RELATION TO OTHER ASSISTANCE.

"(a) LIMITATIONS ON AMOUNT AND DURATION.—Subject to subsection (c), each scholarship recipient shall receive a scholarship for each academic year of postsecondary education or study in an alternative certification program described in section 2407(a) in preparation to become a preschool, elementary school, or secondary school teacher. No individual shall receive scholarship assistance under this part for more than 4 years of such postsecondary education or study, as determined by the State educational agency, or a total amount of such assistance that is greater than $20,000.

"(b) CONSIDERATION OF AWARD IN OTHER PROGRAMS.—Notwithstanding the provisions of title IV of the Higher Education Act of 1965, scholarship assistance awarded pursuant to this part shall be considered in determining eligibility for student assistance under such title IV.

"(c) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—No individual shall receive assistance for a scholarship under this part, in any academic year, that exceeds the cost of attendance, as defined in section 472 of the Higher Education Act of 1965, at the institution the individual is attending or such cost of attendance for an alternative certification program. A scholarship awarded under this part shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for the other forms of Federal student financial assistance.

"(d) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

"SEC. 2406. SELECTION OF SCHOLARSHIP RECIPIENTS.

"(a) SELECTION CRITERIA AND PROCEDURES.—The State educational agency shall establish criteria and procedures for the selection of scholarship recipients. The criteria shall be intended to attract highly qualified individuals into teaching, and to meet the present and projected needs of States in addressing teacher shortages, including the demand for and supply of early childhood and elementary school teachers in the State, the demand for and supply of secondary school teachers in the State, and the demand for teachers with training in specific academic subjects in the State.

"(b) RESERVATION OF SCHOLARSHIP FUNDS.—In awarding the funds made available to a State educational agency under this part for scholarships, the State educational agency shall reserve not less than 30 percent of the funds for scholarships to students that intend to teach in an academic subject that the State educational agency determines is a subject shortage area, such as mathematics, science, or special education.

"SEC. 2407. SCHOLARSHIP CONDITIONS.

"(a) EVIDENCE OF ENROLLMENT.—An individual who is a recipient of scholarship assistance under this part shall continue to receive such scholarship assistance only during such periods as the Secretary finds that the recipient is—

"(1)(A)(i) enrolled as a full-time student in a program of postsecondary education at an accredited institution of higher education that includes a teacher education program that is approved by the agency; and

"(ii) pursuing a major or minor in the academic subject that the individual intends to teach;

"(B)(i) enrolled as a full-time student in a graduate program of postsecondary education at an institution described in subparagraph (A); and

"(ii) pursuing a degree in the academic subject that the individual intends to teach; or

"(C) enrolled in an alternative certification program;

"(2) pursuing a course of study leading to teacher certification or licensing in the program of postsecondary education or alternative certification program involved; and

"(3) maintaining satisfactory progress, as determined by the institution of higher education, or the entity providing the alternative certification program, that the recipient is attending.

"(b) EVIDENCE OF EMPLOYMENT.—An individual who is a recipient of scholarship assistance under this part shall supply to the Secretary, not later than 27 months after the date the recipient completes the program of postsecondary education or alternative certification program for which the scholarship was awarded, evidence of employment as a teacher in a private nonprofit or public preschool, or a public elementary school or secondary school.

"(c) TRACKING.—The Secretary shall conduct such oversight and evaluation as may be necessary to assure compliance with this section.

"SEC. 2408. SCHOLARSHIP REPAYMENT PROVISIONS.

"(a) REPAYMENT.—Recipients of scholarships who are found by the Secretary to be in violation of the agreement entered into under section 2404(b)(5) shall be required—

"(1) to repay a pro rata amount of the scholarship assistance received; and

"(2) to pay interest (but in no event at an interest rate higher than the rate applicable to loans in the applicable period under part B of title IV of the Higher Education Act of 1965), and, in applicable cases, to pay reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary in regulations issued pursuant to this part.

"(b) DEFERRAL DURING CERTAIN PERIODS.—A recipient shall not be considered to be in violation of the agreement entered into under section 2404(b)(5) during any period during which—

"(1) the recipient is enrolled in, pursuing an appropriate course of study in, and maintaining satisfactory progress in, a program of postsecondary education or an alternative certification program, as described in section 2407(a);

"(2) the recipient is seeking and unable to find full-time employment as a teacher in a private nonprofit or public preschool, or a public elementary school or secondary school, for a single period of not to exceed 27 months;

"(3) repayment would pose particular hardship for the recipient, as determined by the Secretary; or

"(4) the recipient satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this part.

"SEC. 2409. EVALUATION.

"(a) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent evaluation of the scholarship assistance program carried out under this part, which shall summarize and evaluate the State activities assisted under this part and the performance of such program. The evaluation shall assess the impact of the scholarship program assisted under this part to determine whether such program has brought into teaching a significant number of highly able individuals who otherwise would not have entered teaching.

"(b) EVALUATION REPORTS.—The Secretary shall submit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate—

"(1) such interim evaluation reports as may be appropriate; and

"(2) not later than September 30, 2005, a final report containing the results of the evaluation.

"(c) FUNDING.—The Secretary shall reserve, from the amounts appropriated pursuant to section 2410 for fiscal years 2001 through 2005, the minimum amount necessary to carry out this section.

"SEC. 2410. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this part $100,000,000 for each of fiscal years 2001 through 2005.

"(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.".

SEC. 205. MENTOR TEACHER PROGRAM.

Title II, as amended by section 204, is amended by inserting after part E the following:

"PART F—MENTOR TEACHER PROGRAM

"SEC. 2501. PURPOSES.

"The purposes of this part are to give local educational agencies the resources to establish mentor teacher programs to enable experienced teachers to train, support, and mentor novice teachers.

"SEC. 2502. DEFINITIONS.

"In this part:

"(1) BOARD CERTIFIED.—The term 'board certified' means successful completion of all requirements to be certified by the National Board for Professional Teaching Standards in the academic subject in which a teacher is teaching.

"(2) MENTOR TEACHER.—The term 'mentor teacher' means a teacher who—

"(A) is fully certified or licensed;

"(B) has demonstrated mastery of pedagogical and subject matter skills (such as by becoming board certified); and

"(C) has provided evidence of superior teaching abilities and interpersonal relationship characteristics.

"(3) NOVICE TEACHER.—The term 'novice teacher' means a teacher who has been teaching not more than 3 years at a public elementary school or secondary school.

"SEC. 2503. PROGRAM AUTHORIZED.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to local educational agencies to develop and implement mentor teacher programs as described in subsection (d).

"(2) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

"(b) GEOGRAPHIC DISTRIBUTION.—To the maximum extent practicable, the Secretary shall award the grants so that the grants are distributed among the local educational agencies with higher percentages of new teachers, or lower percentages of certified or licensed teachers, than the corresponding percentages for the States in which the agencies are located.

"(c) AMOUNT.—The amount of each grant shall be determined based on—

"(1) the total amount appropriated for a fiscal year under section 2508 and made available to carry out this part; and

"(2) the extent of the concentration of novice teachers in the school district involved.

"(d) AUTHORIZED ACTIVITIES.—

"(1) ALLOCATION BY ACTIVITY.—A local educational agency that receives a grant under subsection (a) for a mentor teacher program shall use—

"(A) not less than 75 percent of the funds made available through the grant to pay for the Federal share of the cost of obtaining the services of the mentor teachers; and

"(B) not more than 25 percent of the funds to pay for other costs related to the development and implementation of the mentor teacher program.

"(2) TRAINING.—The mentor teacher program shall provide training to novice teachers on effective teaching techniques (including techniques relating to class discipline and curriculum development) through observation, instruction, coaching, and mentoring by mentor teachers.

"(3) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost described in paragraph (1)(A) is 75 percent.

"(B) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided from State sources in cash or in kind, fairly evaluated, including plant, equipment, and services.

"(e) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

"SEC. 2504. APPLICATIONS.

"A local educational agency desiring a grant under section 2503 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 2505. PAYMENTS.

"(a) IN GENERAL.—Grant payments shall be made under this part on an annual basis.

"(b) ADMINISTRATIVE COSTS.—Each local educational agency that receives a grant under section 2503 shall use not more than 2 percent of the amount awarded under the grant for administrative costs.

"(c) DENIAL OF GRANT.—If the Secretary determines that a local educational agency has failed to make substantial progress in attaining such performance objectives and goals as the Secretary may require the agency to establish, such an agency shall not be eligible for a grant payment under this part in the next succeeding year.

"SEC. 2506. REPORTS.

"The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report of program activities funded under this part.

"SEC. 2507. MATCHING REQUIREMENT.

"The Secretary may not award a grant to a local educational agency under section 2503 unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly or through donations from public or private entities) in non-Federal contributions an amount equal to 25 percent of the amount of the grant awarded to the agency.

"SEC. 2508. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $50,000,000 for each of fiscal years 2001 through 2005.".

SEC. 206. TEACHER TECHNOLOGY PREPARATION ACADEMIES.

Title II, as amended by section 205, is amended by inserting after part F the following:

"PART G—TEACHER TECHNOLOGY PREPARATION ACADEMIES

"SEC. 2601. TEACHER TECHNOLOGY PREPARATION ACADEMIES.

"(a) GRANTS.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to establish Teacher Technology Preparation Academies within the State that—

"(1) provide teachers, librarians, and library media specialists with training to acquire or upgrade technology skills in order to use technology effectively in the classroom;

"(2) have training plans developed by a local educational agency; and

"(3) encourage teachers, librarians, and library media specialists trained at the academies to return to their schools and act as technology instructors for other teachers, librarians, and library media specialists.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001 and each of the 4 subsequent fiscal years.".

SEC. 207. NEW CENTURY PROGRAM AND DIGITAL EDUCATION CONTENT COLLABORATIVE.

Title II, as amended by section 206, is amended by inserting after part G, the following:

"PART H—THE NEW CENTURY PROGRAM FOR DISTRIBUTED TEACHER PROFESSIONAL DEVELOPMENT

"SEC. 2701. PROJECT AUTHORIZED.

"(a) PURPOSE.—It is the purpose of this part to carry out a program designed to assist elementary school and secondary school teachers in preparing all students for achieving State content standards.

"(b) GRANTS.—The Secretary may make a grant to a nonprofit telecommunications entity, or a partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas to achieve the purpose described in subsection (a).

"SEC. 2702. APPLICATION.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

"(2) provide an assurance that the project for which the assistance is being sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State, or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the relevant subject areas;

"(3) provide an assurance that a significant portion of the benefits available for elementary schools and secondary schools from the project for which the assistance is being sought will be available to schools of local educational agencies which have a high percentage of children counted under section 1124(c); and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) APPROVAL, NUMBER OF SITES.—In approving applications under this section, the Secretary shall ensure that the program authorized by this part is conducted at elementary school and secondary school sites in at least 15 States.

"SEC. 2703. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.

"PART I—DIGITAL EDUCATION CONTENT COLLABORATIVE

"SEC. 2811. DIGITAL EDUCATION CONTENT COLLABORATIVE.

"(a) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 2812(b) to develop, produce, and distribute educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State standards.

"(b) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

"SEC. 2812. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under this part to eligible entities to facilitate the development of educational programming that shall—

"(1) include student assessment tools to provide feedback on student performance;

"(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

"(3) be created for, or adaptable to, State content standards; and

"(4) be capable of distribution through digital broadcasting and school digital networks.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under section 2811(a), an entity shall be a local public telecommunications entity as defined in section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

"(c) COMPETITIVE BASIS.—Grants, contracts, or cooperative agreements under this part shall be awarded on a competitive basis as determined by the Secretary.

"(d) DURATION.—Each grant, contract, or cooperative agreement under this part shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

"SEC. 2813. APPLICATIONS.

"Each eligible entity desiring a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 2814. MATCHING REQUIREMENT.

"An eligible entity receiving a grant, contract, or cooperative agreement under this part shall contribute to the activities assisted under this part non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant, contract, or cooperative agreement. Non-Federal funds may include funds provided from a non-Federal source for the transition to digital broadcasting, as well as in-kind contributions.

"SEC. 2815. ADMINISTRATIVE COSTS.

"With respect to the implementation of this part, entities receiving a grant, contract, or cooperative agreement under this part may use not more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant.

"SEC. 2816. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.".

TITLE III—TECHNOLOGY FOR EDUCATION

SEC. 300. SHORT TITLE.

Section 3101 (20 U.S.C. 6801) is amended by striking "of 1994".

PART A—FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

SEC. 301. FINDINGS.

Section 3111 (20 U.S.C. 6811) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) technology can—

"(A) support education improvement efforts by expanding available resources and reshaping instruction, teaching, and learning environments; and

"(B) when used effectively and aligned with challenging State academic content and performance standards, support teacher capacity to create classrooms where students develop higher-order thinking and information technology skills;";

(2) by amending paragraph (3) to read as follows:

"(3) the Federal Government—

"(A) has played an integral role in expanding and improving access to technology as an important tool for teaching and learning; and

"(B) can continue to serve as a catalyst in bringing effective uses for education technology to the classroom by providing support for—

"(i) access to technology;

"(ii) the development of educational software and web-based learning resources; and

"(iii) sustained and intensive, high- quality professional development that is aligned with challenging State academic content and performance standards;";

(3) by amending paragraph (5) to read as follows:

"(5) a 1996 Department of Commerce study found that, by the year 2000, 60 percent of all jobs will require computer-related skills, and other studies show that women and some minorities are underrepresented in the information technology workforce;

(4) by striking paragraph (7);

(5) in paragraph (8), by striking "acquisition and maintenance" and inserting "acquisition, maintenance, and ongoing support";

(6) by striking paragraphs (9) and (11);

(7) in paragraph (12), by adding "and" at the end thereof;

(8) by striking paragraph (13);

(9) by amending paragraph (14) to read as follows:

"(14) the rapidly changing nature of technology, among other factors, requires the Department to maintain a leadership role in developing a national vision and strategies for bringing effective technology applications and practices to all classrooms and all educational programs through such activities as—

"(A) developing and carrying out a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology to better inform the Federal role in supporting the use of educational technology, stimulate reform and innovation in teaching and learning with technology, and further the development of advanced technology;

"(B) evaluating and assessing technology programs;

"(C) disseminating information;

"(D) coordinating with public and private partnerships; and

"(E) convening expert panels to identify effective uses of educational technology;";

(10) by striking paragraph (15);

(11) by redesignating paragraphs (2), (3), (4), (5), (6), (8), (10), (12), and (14) as paragraphs (4), (5), (9), (10), (15), (16), (17), (18), and (19), respectively;

(12) by inserting after paragraph (1) the following new paragraphs:

"(2) the cost of processing, storing, and transmitting information continues to plummet, making new advances in computer and telecommunications technology more available to schools;

"(3) by providing students with a rapidly expanding educational resource base, and a unique means of developing content knowledge, improvements in software and other technology applications (such as high-quality video, voice recognition, modeling and simulation, and intelligent tutoring and virtual reality tools), have increased student opportunities for meaningful exploration and discovery;";

(13) by inserting after paragraph (5) (as redesignated by paragraph (11)) the following new paragraphs:

"(6) poor children are less likely than their wealthier peers to have access to a computer at home, and to attend a school in which teachers use technology to develop technical and higher-order thinking skills;

"(7) public schools have made significant progress toward meeting the goal of connecting every school to the Internet, with the percentage of schools that are connected to the Internet increasing from 35 percent in 1994 to 89 percent in 1998 and nearly doubling between 1997 and 1998, but a gap continues to exist between wealthy and poor schools in the extent to which classrooms are connected to the Internet and the manner in which technology is used to support instruction;

"(8) the E-Rate and other Federal education technology initiatives are significantly increasing the number of classrooms connected to the Internet and providing affordable access to advanced telecommunications;"; and

(14) by inserting after paragraph (10) (as redesignated by paragraph (11)) the following new paragraphs:

"(11) because girls of all ethnicities consistently rate themselves significantly lower than boys on computer ability, and are less likely to experiment with technology and enroll in advanced computer science courses, the Federal Government should encourage States, local educational agencies, and teachers to consider the needs of girls and women to obtain technical proficiency, so that they can compete in an increasingly technological society;

"(12) the Federal Government should support efforts to ensure the accessibility of all educational technology, not just assistive technology, to students with disabilities through strategies such as universal design;

"(13) although 25 States have some requirement for computer education for teacher licensure, only two States require teacher candidates to show that they can use technology, and only three States require participation in technology training, as a prerequisite for license renewal;

"(14) according to a 1998 National Center for Education Statistics survey, only 20 percent of full-time K–12 teachers feel fully prepared to integrate technology into classroom instruction;".

SEC. 302. STATEMENT OF PURPOSE.

Section 3112 (20 U.S.C. 6812) is amended to read as follows:

"SEC. 3112. STATEMENT OF PURPOSE.

"To help all students to develop technical and higher-order thinking skills and to achieve to challenging State academic content and performance standards, as well as America's Education Goals, it is the purpose of this title to—

"(1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies;

"(2) help ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive, high-quality professional development that improves teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and teachers in the use of technology;

"(3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in that design and construction;

"(4) support efforts by State educational agencies and local educational agencies to create learning environments designed to prepare students to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies;

"(5) support technical assistance to State educational agencies, local educational agencies, and communities to help them use technology-based resources and information systems to support school reform and meet the needs of students and teachers;

"(6) support the development of applications that make use of such technologies as advanced telecommunications, hand-held devices, web-based learning resources, distance learning networks, and modeling and simulation software;

"(7) support Federal partnerships with business and industry to realize more rapidly the potential of digital communications to expand the scope of, and opportunities for, learning;

"(8) support evaluation and research on the effective use of technology in preparing all students to achieve to challenging State academic content and performance standards, and the impact of technology on teaching and learning;

"(9) provide national leadership to stimulate and coordinate public and private efforts, at the national, State, and local levels, that support the development and integration of advanced technologies and applications to improve school planning and classroom instruction;

"(10) support the development, or redesign, of teacher preparation programs to enable prospective teachers to integrate the use of technology in teaching and learning;

"(11) increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools;

"(12) promote the formation of partnerships and consortia to stimulate the development of, and new uses for, technology in teaching and learning;

"(13) support the creation or expansion of community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training;

"(14) help to ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency; and

"(15) assist every student in crossing the digital divide by ensuring that every child is computer literate by the time the child finishes 8th grade, regardless of the child's race, ethnicity, gender, income, geography, or disability.".

SEC. 303. PROHIBITION AGAINST SUPPLANTING.

(a) Repeal.—Section 3113 (20 U.S.C. 6813) is repealed.

(b) Prohibition.—Title III (20 U.S.C.6801 et seq.) is amended by inserting after section 3112 the following:

"SEC. 3113. SUPPLEMENT, NOT SUPPLANT.

"A recipient of funds awarded under this title shall use such funds only to supplement the amount of funds or resources that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of the programs authorized under this title, and not to supplant such non-Federal funds or resources.".

SEC. 304. REPEALS.

Sections 3114 and 3115 (20 U.S.C. 6814, 6815) and subpart 4 of part A of title III (20 U.S.C. 6871) are repealed.

SEC. 305. FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES.

Subpart 1 of part A of title III (20 U.S.C. 6831 et seq.) is amended to read as follows:

"Subpart 1—Federal Leadership and National Activities;

"SEC. 3121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

"Not later than one year after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary shall update the national long-range educational technology plan and broadly disseminate the updated plan.

"SEC. 3122. NATIONAL EVALUATION OF EDUCATION-TECHNOLOGY.

"(a) National Evaluation.—

"(1) In general.—In order to better inform the Federal role in supporting the use of educational technology, in stimulating reform and innovation in teaching and learning with technology, and in advancing the development of more advanced and new types and applications of such technology, the Secretary shall—

"(A) develop, within 12 months of the date of enactment of the Educational Excellence for All Children Act of 2000, a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology; and

"(B) carry out such an evaluation.

"(2) Activities authorized.—From the funds reserved under subsection (b), the Secretary may—

"(A) conduct long-term controlled studies on the effectiveness of the uses of educational technology;

"(B) convene panels of experts to—

"(i) identify uses of educational technology that hold the greatest promise for improving teaching and learning;

"(ii) assist the Secretary with the review and assessment of the progress and effectiveness of projects that are funded under this title; and

"(iii) identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software;

"(C) conduct evaluations and applied research studies that examine—

"(i) how students learn using educational technology, whether singly or in groups, and across age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings; and

"(ii) the characteristics of classrooms and other educational settings that use educational technology effectively;

"(D) collaborate with other Federal agencies that support research on, and evaluation of, the use of network technology in educational settings; and

"(E) carry out such other activities as the Secretary determines appropriate.

"(b) Availability of Title III Funds for Evaluation.—Notwithstanding any other provision of this title, the Secretary may use up to 4 percent of the funds appropriated to carry out this title for any fiscal year to carry out the activities described in subsection (a) for that fiscal year.

"SEC. 3123. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.".

SEC. 306. ALLOTMENT AND REALLOTMENT.

Section 3131(a)(2) is amended—

(1) by inserting "(including, for purposes of this subpart, the Bureau of Indian Affairs)" after "State educational agency"; and

(2) by striking the period at the end thereof and inserting a comma and "except that such minimum shall apply to the aggregate of grants received under this subpart by the outlying areas for a fiscal year.".

SEC. 307. TECHNOLOGY LITERACY CHALLENGE FUND.

Section 3132 is amended—

(1) by amending the heading thereof to read as follows: **"TECHNOLOGY LITERACY CHALLENGE FUND"**;

(2) by amending subsection (a)(2) to read as follows:

"(2) Use of grants.—(A) Each State educational agency that receives a grant under paragraph (1) shall use—

"(i) not less than 95 percent of the grant funds received to award, on a competitive basis, subgrants to eligible local applicants, as defined in section 3136, for use in creating new learning environments designed to prepare all students, including students with disabilities or limited English proficiency, to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies; and

"(ii) subject to subparagraph (C), the remainder of the grant funds for administrative costs and technical assistance.

"(B) In awarding subgrants under subparagraph (A)(i), a State educational agency shall give priority to an eligible local applicant that is a partnership that meets the requirements of section 3136.

"(C) From the funds described in subparagraph (A)(i), a State educational agency may use not more than 2 percent of the grant funds received by that agency under this subpart to provide planning subgrants to eligible local applicants in order to assist them to develop strategic long-term local technology plans that shall be included in the application for a subgrant under section 3135(1)."; and

(3) by amending subsection (b)(2) to read as follows:

"(2) provide eligible local applicants with assistance in—

"(A) developing applications under section 3135;

"(B) forming partnerships among the entities described in section 3417(1)(B); and

"(C) establishing performance indicators and methods for measuring program outcomes against the indicators.".

SEC. 308. STATE APPLICATION.

Section 3133 (20 U.S.C. 6843) is amended to read as follows:

"SEC. 3133. STATE APPLICATION.

"To receive funds under this subpart, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. As part of its application, a State educational agency shall submit a new or updated statewide educational technology plan. The plan submitted shall demonstrate how it will be coordinated with and support the State plan or policies for comprehensive standards-based education reform, and shall describe—

"(1) how the State educational agency will meet the national technology goals that—

"(A) all teachers in the Nation will have the training and support they need to help students learn using computers and the information superhighway;

"(B) all teachers and students will have modern multimedia computers in their classrooms;

"(C) every classroom will be connected to the information superhighway; and

"(D) effective software and online learning resources will be an integral part of every school's curriculum;

"(2) the State educational agency's long-term strategies for financing educational technology in the State, including how the State educational agency will use other sources of Federal and non-Federal funds, including the E-Rate, for this purpose;

"(3) the State educational agency's criteria for identifying, for purposes of section 3317(1)(A), a local educational agency as high-poverty, serving at least one low-performing school, and having a substantial need for technology, and how the State educational agency will report to the public the criteria to be used and the outcome of the competition;

"(4) the State educational agency's specific goals for using advanced technology to improve student achievement to challenging State academic content and performance standards by—

"(A) using web-based resources and telecommunications networks to provide challenging content and improve classroom instruction;

"(B) using research-based teaching practices and models of effective uses of advanced technology; and

"(C) promoting sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of technology into instruction;

"(5) the State educational agency's performance indicators for each of the goals described in paragraphs (1), (2), and (4) and included in its plan, baseline performance data for the indicators, a timeline for achieving the goals, and interim measures of success toward achieving the goals;

"(6) how the State educational agency will ensure that grants to eligible local applicants are of sufficient size, scope, and quality to meet the purposes of this subpart effectively;

"(7) how the State educational agency will provide technical assistance to eligible local applicants, and its capacity for providing such assistance;

"(8) how the State educational agency will ensure that educational technology is accessible to, and usable by, all students, including students with special needs, such as students who have disabilities or limited English proficiency; and

"(9) how the State educational agency will evaluate its activities under the plan.".

SEC. 309. LOCAL USES OF FUNDS.

Section 3134 (20 U.S.C. 6844) is amended to read as follows:

"SEC. 3134. LOCAL USES OF FUNDS.

"Each eligible local applicant shall use the funds made available under section 3132(a)(2)(i) for one or more of the following activities:

"(1) Adapting or expanding existing and new applications of technology to enable teachers to create learning environments designed to prepare students to achieve to challenging State academic content and student performance standards through the use of research-based teaching practices and advanced technologies.

"(2) Providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum and in using those technologies to create new learning environments, including training in the use of technology to access data and resources to develop curricula and instructional materials.

"(3) Enabling teachers to use the Internet to communicate with other teachers and retrieve web-based learning resources.

"(4) Using technology to collect, manage, and analyze data to inform school improvement efforts.

"(5) Acquiring wireless telecommunications, hand-held devices, modeling or simulation tools, distance learning networks, and other advanced technologies with classroom applications.

"(6) Acquiring wiring and access to advanced telecommunications.

"(7) Using web-based learning resources, including those that provide access to challenging courses such as Advanced Placement courses.

"(8) Assisting schools to use technology to promote parent and family involvement, and support communications between family and school.

"(9) Repairing and maintaining school technology equipment.".

SEC. 310. LOCAL APPLICATIONS.

Section 3135 (20 U.S.C. 6845) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting the subsection designation and heading "(a) IN GENERAL.—" after the section heading; and

(B) by striking "local educational agency" and "section 3132(a)(2)" and inserting "eligible local applicant" and "section 3132(a)(2)", respectively;

(2) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

"(A) a description of how the applicant plans to improve the achievement of all students by—

"(i) making effective use of new technologies, networks, and electronic learning resources;

"(ii) using research-based teaching practices that are linked to advanced technologies; and

"(iii) promoting sustained and intensive, high-quality professional development that increases the capacity of teachers to create improved learning environments through the integration of educational technology into instruction.";

(B) by striking subparagraph (B);

(C) by amending subparagraphs (C), (D), and (E) to read as follows:

"(C) a description of the applicant's goals regarding the use of educational technology to meet the purposes of this subpart, as well as the applicant's baseline data, timelines, benchmarks, and indicators of success for meeting these goals;

"(D) a description of how the applicant will ensure sustained and intensive, high-quality professional development for teachers, administrators, and other educational personnel to further the use of technology in the classroom;

"(E) a description of the administrative and technical support that the applicant will provide schools;";

(D) in subparagraph (G), by striking "and" at the end thereof;

(E) by amending subparagraph (H) to read as follows:

"(H) a description of the applicant's strategy for financing its strategic, long-term local technology plan, including the use of other Federal and non-Federal funds;";

(F) by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively;

(G) by adding at the end the following new subparagraphs:

"(J) a description of how the applicant will use advanced technology to promote communication between teachers for activities such as—

"(i) sharing examples of student work;

"(ii) developing instructional strategies;

"(iii) developing curricula aligned with State or local standards;

"(iv) using data to improve teaching and learning; and

"(K) a description of how the applicant would use technology to improve the teaching and learning of students with special needs, such as students with disabilities or limited English proficiency.".

(3) by amending paragraph (2) to read as follows:

"(2) describe how the applicant included parents, public libraries, business leaders, and community leaders in the development of the strategic long-term local technology plan described in paragraph (1);";

(4) in paragraph (3), by striking "and" at the end thereof;

(5) in paragraph (4)(B), by striking "National Education Goals" and inserting in lieu thereof "America's Education Goals";

(6) by redesignating paragraph (4) as paragraph (8);

(7) by inserting after paragraph (3) the following new paragraphs:

"(4) describe how the applicant would use subgrant funds to benefit low-performing schools;

"(5) describe how the applicant will ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency;

"(6) include an assurance that, before any funds received under this part are used for acquiring wiring or access to advanced telecommunications, the applicant will use all resources available to it through the E-Rate;

"(7) if the applicant is a partnership, describe the members of the partnership, their respective roles, and their respective contributions to improving the capacity of the local educational agency; and";

(8) by striking subsection (d);

(9) in subsection (e), by striking "local educational agency" and "under this Act or the Goals 2000: Educate America Act," and inserting "eligible local applicant" and "under this Act,", respectively; and

(10) by redesignating subsection (e) as subsection (b).

SEC. 311. REPEALS; CONFORMING CHANGES; REDESIGNATIONS.

(a) Repeals.—Sections 3136 and 3137 (20 U.S.C. 6846, 6847) are repealed.

(b) Conforming Amendments.—

(1) Section 3131(a) (20 U.S.C. 6841(a)) is amended—

(A) in paragraph (1), by striking "section 3114(a)(1)(C)" and inserting "section 3137"; and

(B) in paragraph (2), by striking "section 3115(a)(1)(C)" and inserting "section 3137".

(2) Section 3132 (20 U.S.C. 6842) is amended—

(A) in subsection (a)(1), by striking "section 3131," and "section 3133." and inserting "section 3131," and "section 3133.", respectively; and

(B) in subsection (b)(1)(B), by striking "section 3133;" and inserting "section 3133;".

SEC. 312. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

Title III, as amended by section 311, is amended by adding after section 3135 the following:

"SEC. 3136. DEFINITIONS.

"In this subpart—

"(1) Eligible local applicant.—The term 'eligible local applicant' means—

"(A) a local educational agency that, as determined by the State educational agency—

"(i) is among the local educational agencies in the State with the highest numbers or percentages of children from households living in poverty;

"(ii) includes one or more low-performing schools; and

"(iii) has a substantial need for assistance in acquiring and using technology; or

"(B) a partnership that includes at least one local educational agency that meets the requirements of subparagraph (A) and at least one—

"(i) local educational agency that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms;

"(ii) institution of higher education;

"(iii) for-profit organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology; or

"(iv) public or private non-profit organization with demonstrated experience in the application of educational technology.

"(2) Low-performing school.—The term 'low-performing school' means a school—

"(A) identified by the local educational agency for school improvement under section 1116(c) of this Act; or

"(B) in which a substantial majority of students fail to meet State performance standards based on State or local assessments that are aligned to the performance standards.

"SEC. 3137. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.".

SEC. 313. REGIONAL TECHNOLOGY IN EDUCATION CONSORTIA.

Subpart 3 of part A of title III is amended—

(1) in the heading, to read as follows:

"Subpart 3—Regional Technology in Education Consortia";

(2) in section 3141 (20 U.S.C. 6861)—

(A) in subsection (a)—

(i) by amending the heading to read as follows: "Grants, Contracts, and Cooperative Agreements Authorized.—";

(ii) by amending paragraph (1) to read as follows:

"(1) Authority.—The Secretary, through the Office of Educational Technology, shall make grants, or enter into contracts or cooperative agreements, in accordance with the provisions of this subpart, to consortia that meet the requirements of paragraph (2). In making such awards, the Secretary shall ensure, to the extent possible, that each geographic region of the United States shall be served by a recipient of an award under this subpart."; and

(iii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "a grant under this section" and inserting "an award under this subpart";

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(III) by inserting immediately after subparagraph (A) the following new subparagraph:

"(B) meet the requirements of section 2421 in addition to meeting the requirements of this subpart;"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "a grant under this section" and inserting "an award under this subpart";

(II) in subsection (B)—

(aa) by striking "information, in coordination with information available from the Secretary," and inserting "information"; and

(bb) by striking "evaluate and make recommendations on equipment and software that support the America's Education Goals and are suited for a school's particular needs,"; and

(III) in subparagraph (C), by striking "to participate" through the end thereof and inserting "assistance in applying advanced technologies and web-based resources in order to design learning environments for the 21st Century; and";

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "a grant under this section" and inserting "an award under this subpart";

(II) in subparagraph (A)—

(aa) in the matter preceding clause (i), by striking "technology-specific, ongoing professional development," and inserting "sustained and intensive high-quality professional development that prepares educators to be effective developers, users, and evaluators of educational technology,";

(bb) in clause (i), by striking "that use" through the end thereof and inserting "for teachers, administrators, school librarians, and other education personnel; and"; and

(cc) in clause (ii), by striking subclauses (II), and (V), in subclause (III), by adding "and" at the end, in subclause (IV), by striking "video conferences and seminars which" and inserting "the use of advanced telecommunications and distance learning networks to", and by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively;

(III) by striking subparagraphs (B) and (C);

(IV) in subparagraph (F), by striking "for students" through the end thereof and inserting a comma and "coordinated with other programs supported under this title, that incorporate the effective use of advanced technology into teacher preparation courses;";

(V) in subparagraph (G)—

(aa) by striking "develop support from" and inserting "increase the involvement and support of"; and

(bb) by striking the period at the end and inserting a semicolon and "and"; and

(VI) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (B), (C), (D), and (E), respectively;

(iv) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking "a grant under this section" and inserting "an award under this subpart";

(II) in subparagraph (A), by adding "and" at the end;

(III) in subparagraph (B), by striking the semicolon and "and" at the end and inserting a period;

(IV) by striking subparagraph (C);

(V) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(VI) by inserting immediately before subparagraph (B) (as redesignated by subclause (V)) the following new subparagraph:

"(A) maintain, or contribute to, a nationally accessible repository that contains information about effective uses of educational technology, including for sustained and intensive, high-quality professional development, and disseminate that information nationwide;"; and

(iv) by amending paragraph (4) to read as follows:

"(4) Collaboration.—Each consortium receiving an award under this subpart shall—

"(A) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the Department;

"(B) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region regarding the application of technology to teaching, learning, instructional management, dissemination, the collection and distribution of educational statistics, and the transfer of student information; and

"(C) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund under subpart 1, and the Next-Generation Technology Innovation Awards program under subpart 1 of part C, to assist the Department and those recipients as requested by the Secretary."; and

(3) by adding at the end the following:

"SEC. 3142. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.".

PART B—STAR SCHOOLS PROGRAM; COMMUNITY TECHNOLOGY CENTERS.

SEC. 321. STAR SCHOOLS PROGRAM.

(a) In General.—Part B of title III (20 U.S.C. 6891 et seq.) is amended to read as follows:

"PART B—STAR SCHOOLS PROGRAM

"Subpart 1—Star Schools Program

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Star Schools Act'.

"SEC. 3202. PURPOSE.

"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages and challenging and advanced courses as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and individuals with disabilities, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain and operate telecommunications facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 3203. GRANTS AUTHORIZED.

"(a) Authority.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible entities to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of web-based resources or teleconferencing facilities and resources for making interactive training available to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of broadband and other telecommunications networks to reach the greatest number of schools.

"(b) Duration.—

"(1) In general.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) Renewal.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 3-year period.

"(c) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"(2) Availability.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) Limitations.—

"(1) In general.—A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any 1 fiscal year.

"(2) Instructional programming.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(3) Special rule.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

"(e) Federal Share.—

"(1) In general.—The Federal share of the cost of projects funded under this section shall not exceed—

"(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this part;

"(B) 60 percent for the third and fourth such years; and

"(C) 50 percent for the fifth such year.

"(2) Reduction or waiver.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(f) Authority To Accept Funds From Other Agencies.—The Secretary is authorized to accept funds from other Federal departments or agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"(g) Coordination.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

"(h) Closed Captioning and Descriptive Video.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"(i) Advanced Placement Instruction.—Each eligible entity receiving funds under this part is encouraged to deliver advanced placement instruction to underserved communities.

"SEC. 3204. ELIGIBLE ENTITIES.

"(a) Eligible Entities.—

"(1) Required participation.—The Secretary may make a grant under section 3203 to any eligible entity, if at least 1 local educational agency is participating in the proposed project.

"(2) Eligible entity.—For the purpose of this part, the term 'eligible entity' may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I; or

"(B) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

"(i) a local educational agency that serves a significant number of elementary and secondary schools that are eligible for assistance under part A of title I, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(2);

"(ii) a State educational agency;

"(iii) adult and family education programs;

"(iv) an institution of higher education or a State higher education agency;

"(v) a teacher training center or academy that—

"(I) provides teacher pre-service and inservice training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(vi)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through the Internet, satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vii) a public or private elementary or secondary school.

"(b) Special Rule.—An eligible entity receiving assistance under this part shall be organized on a statewide or multistate basis.

"SEC. 3205. APPLICATIONS.

"(a) Applications Required.—Each eligible entity which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) Star School Award Applications.—Each application submitted pursuant to subsection (a) shall—

"(1) describe how the proposed project will assist in achieving America's Education Goals, how such project will assist all students to have an opportunity to learn to challenging State and local standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high quality system of lifelong learning;

"(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities and equipment;

"(D) satellite time and other transmissions;

"(E) production facilities and equipment;

"(F) other Internet education portals and telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational and related programming for use on a telecommunications network;

"(3) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

"(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

“(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

“(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

“(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

“(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

“(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

“(10) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

“(11) if any member of the consortia receives assistance under subpart 3 of part A, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

“(12) describe the activities or services for which assistance is sought, such as—

“(A) providing facilities, equipment, training services, and technical assistance;

“(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

“(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

“(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

“(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

“(F) incorporating community resources such as libraries and museums into instructional programs;

“(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

“(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

“(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

“(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process;

“(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

“(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

“(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this part; and

“(16) include such additional assurances as the Secretary may reasonably require.

“(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 3203, shall give priority to applications describing projects that—

“(1) propose high-quality plans to assist in achieving 1 or more of America's Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

“(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

“(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

“(4) ensure that the eligible entity will—

“(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

“(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

“(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

“(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

“(E) provide instruction for students, teachers, and parents;

“(F) serve a multistate area; and

“(G) give priority to the provision of equipment and linkages to isolated areas; and

“(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

“(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3203, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this part.

“SEC. 3206. DEFINITIONS.

“In this part:

“(1) EDUCATIONAL INSTITUTION.—The term ‘educational institution’ means an institution of higher education, a local educational agency, or a State educational agency.

“(2) INSTRUCTIONAL PROGRAMMING.—The term ‘instructional programming’ means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on either analog or digital format and are presented by means of telecommunications devices.

“(3) TERM PUBLIC BROADCASTING ENTITY.—The term ‘public broadcasting entity’ has the same meaning given such term in section 397 of the Communications Act of 1934.

“SEC. 3207. ADMINISTRATIVE PROVISIONS.

“(a) CONTINUING ELIGIBILITY.—

“(1) IN GENERAL.—In order to be eligible to receive a grant under section 3203 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 3205 that such partnership shall—

“(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

“(B) use all grant funds received under this part for the second 3-year grant period to provide expanded services by—

“(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

“(ii) providing new courses of instruction; and

“(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

“(2) SPECIAL RULE.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this part in the previous fiscal year.

“(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 3203 in acquiring satellite time and other transmissions technologies, where appropriate, as economically as possible.

“SEC. 3208. OTHER ASSISTANCE.

“(a) SPECIAL STATEWIDE NETWORK.—

“(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide fiber optics telecommunications network under this subsection if such network—

“(A) provides 2-way full motion interactive video and voice communications via Internet, cable and other technologies;

“(B) links together public colleges and universities and schools throughout the State; and

“(C) includes such additional assurances as the Secretary may reasonably require.

“(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

“(b) SPECIAL LOCAL NETWORK.—

“(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

“(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

“(A) include 2-way full motion interactive video, data and voice communications;

"(B) link together elementary and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting America's Education Goals.

"(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such partnerships to develop and operate 1 or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade.

"(2) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.".

(b) REDESIGNATION OF PART D.—

(1) Part D of title III (20 U.S.C. 6951 et seq.) is redesignated as subpart 2 of part B of title III and transferred so as to appear at the end of part B of such title.

(2) Sections 3401, 3402, and 3403 are redesignated as sections 3221, 3222, and 3223, respectively.

SEC. 322. COMMUNITY TECHNOLOGY CENTERS.

Part B of Title III, as amended by section 321, is amended by adding at the end the following:

"Subpart 3—Community Technology Centers

"SEC. 3231. PURPOSE; PROGRAM AUTHORITY.

"(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

"(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

"(2) provide technical assistance and support to community technology centers.

"(b) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in—

"(A) creating or expanding community technology centers; or

"(B) providing technical assistance and support to community technology centers.

"(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than three years.

"SEC. 3232. ELIGIBILITY AND APPLICATION REQUIREMENTS.

"(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

"(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

"(2) be—

"(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

"(B) an institution of higher education;

"(C) a State educational agency;

"(D) a local education agency; or

"(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

"(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

"(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

"(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

"SEC. 3233. USES OF FUNDS.

"(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

"(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

"(2) evaluating the effectiveness of the project.

"(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

"(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

"(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

"(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

"(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

"(B) Adult education and family literacy activities through technology and the Internet, including—

"(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

"(ii) introduction to computers;

"(iii) intergenerational activities; and

"(iv) lifelong learning opportunities.

"(C) Career development and job preparation activities, such as—

"(i) training in basic and advanced computer skills;

"(ii) resume writing workshops; and

"(iii) access to databases of employment opportunities, career information, and other online materials.

"(D) Small business activities, such as—

"(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

"(ii) access to information on business start-up programs that is available online, or from other sources.

"(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

"SEC. 3234. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.".

PART C—READY-TO-LEARN TELEVISION

SEC. 331. READY-TO-LEARN TELEVISION.

Part C of title III (20 U.S.C. 6921 et seq.) is amended to read as follows:

"PART C—READY-TO-LEARN TELEVISION

"SEC. 3301. READY-TO-LEARN.

"(a) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of America's Education Goals.

"(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, childcare workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3302. EDUCATIONAL PROGRAMMING.

"(a) Awards.—The Secretary shall award grants, contracts, or cooperative agreements under section 3301 to eligible entities to—

"(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

"(A) educational programming for preschool and elementary school children; and

"(B) accompanying support materials and services that promote the effective use of such programming;

"(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

"(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

"(A) to the widest possible audience appropriate to be served by the programming; and

"(B) by the most appropriate distribution technologies.

"(b) Eligible Entities.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

"(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

"(c) Cultural Experiences.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 3303. DUTIES OF SECRETARY.

"In carrying out this part, the Secretary may—

"(1) award grants, contracts, or cooperative agreements to eligible entities described in section 3302(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(D) developing and disseminating training materials, including—

"(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after- school program personnel caring for preschool and elementary school children;

"(2) establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3304. APPLICATIONS.

"Each entity desiring a grant, contract, or cooperative agreement under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3305. REPORTS AND EVALUATION.

"(a) Annual Report to the Secretary.—An eligible entity receiving funds under a grant, contract or cooperative agreement under section 3301 shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under such grant, contract or cooperative agreement, including—

"(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

"(b) Report to Congress.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that shall include—

"(1) a summary of activities assisted under section 3302(a); and

"(2) a description of the training materials made available under section 3303(1)(D), the manner in which outreach has been conducted to inform parents and childcare providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3306. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 3302, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

"SEC. 3307. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Funding Rule.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3302.".

PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

SEC. 341. SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS.

Title III, as amended by section 321(b), is amended—

(1) by striking part E; and

(2) by inserting after part C the following:

"PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

"SEC. 3401. PURPOSE; PROGRAM AUTHORITY.

"(a) Purpose.—It is the purpose of this part to—

"(1) expand the knowledge base about the use of the next generation of advanced computers and telecommunications in delivering new applications for teaching and learning;

"(2) address questions of national significance about the next generation of technology and its use to improve teaching and learning; and

"(3) develop, for wide-scale adoption by State educational agencies and local educational agencies, models of innovative and effective applications of technology to teaching and learning, such as high quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand-held devices, and virtual reality and wireless technologies, that are aligned with challenging State academic content and student performance standards.

"(b) Program Authority.—

"(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to carry out the purposes of this part.

"(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this part for a period of not more than five years.

"SEC. 3402. ELIGIBILITY.

"(a) ELIGIBLE APPLICANTS.—In order to receive an award under this part, an applicant shall, subject to subsection (c)(1), be a consortium that includes—

"(1) at least one State educational agency or local educational agency; and

"(2) at least one institution of higher education, for-profit business, museum, library, or other public or private entity with a particular expertise that would assist in carrying out the purposes of this part.

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this part, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, and how it would carry out the purposes of this part; and

"(2) a detailed plan for the independent evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) PRIORITIES.—In making awards under this part, the Secretary may establish one or more priorities consistent with the objectives of this part, including:

"(1) A priority for applicants, the members of which are one or more of the particular types described in subsection (a)(2).

"(2) A priority for projects that develop innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online-learning resources.

"(3) A priority for projects serving more than one State and involving large-scale innovations in the use of technology in education.

"(4) A priority for projects that develop innovative models that serve traditionally underserved populations, including low-income students, students with disabilities, and students with limited English proficiency.

"(5) A priority for projects in which applicants provide substantial financial and other resources to achieve the goals of the project.

"(6) A priority for projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

"SEC. 3403. USES OF FUNDS.

"A recipient shall use funds awarded under this part to—

"(1) develop new applications of educational technologies and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, web-based learning resources, distributed learning environments (including distance learning networks), and the development of educational software and other applications; and

"(2) carry out other activities consistent with the purposes of this part, such as—

"(A) developing innovative models for improving teachers' ability to integrate technology effectively into course curriculum, through sustained and intensive, high-quality professional development;

"(B) developing high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources, such as—

"(i) new technological formats to facilitate deeper subject matter understanding in particularly challenging learning environments in areas such as physics, foreign language, or Advanced Placement courses;

"(ii) computer modeling, visualization, and simulation tools;

"(iii) new methods for assessing student performance;

"(iv) web-based and other distance learning curricula and related materials, such as interoperable software components;

"(v) learning-focused digital libraries, information retrieval systems, and other designs for supporting broad re-use of learning content; and

"(vi) software that supports the development, modification, and maintenance of educational materials;

"(C) using telecommunications, and other technologies, to make programs accessible to students with special needs (such as low-income students, students with disabilities, students in remote areas, and students with limited English proficiency) through such activities as using technology to support mentoring;

"(D) providing classroom and extracurricular opportunities for female students to explore the different uses of technology;

"(E) promoting school-family partnerships, which may include services for adults and families, particularly parent education programs that provide parents with training, information, and support on how to help their children achieve to high academic standards;

"(F) acquiring connectivity linkages, resources, distance learning networks, and services, including hardware and software, as needed to accomplish the goals of the project; and

"(G) collaborating with other Department of Education and Federal information technology research and development programs.

"SEC. 3404. EVALUATION.

"The Secretary is authorized to—

"(1) develop tools and provide resources for recipients of funds under this part to evaluate their activities;

"(2) provide technical assistance to assist recipients of funds under this part in evaluating their projects;

"(3) conduct independent evaluations of the activities assisted under this part; and

"(4) disseminate findings and methodologies from evaluations of activities assisted under this part, or other information obtained from such projects that would promote the design, replication, or implementation of effective models for evaluating the impact of educational technology on teaching and learning.

"SEC. 3405. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.".

PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

SEC. 351. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

Title III is further amended by adding at the end the following:

"PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

"SEC. 3501. PURPOSE; PROGRAM AUTHORITY.

"(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards.

"(b) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively in their classrooms.

"(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this part for a period of not more than five years.

"SEC. 3502. ELIGIBILITY.

"(a) ELIGIBLE APPLICANTS.—In order to receive an award under this part, an applicant shall be a consortium that includes—

"(1) at least one institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching;

"(2) at least one State educational agency or local educational agency; and

"(3) one or more of the following entities:

"(A) An institution of higher education (other than the institution described in paragraph (1)).

"(B) A school or department of education at an institution of higher education.

"(C) A school or college of arts and sciences at an institution of higher education.

"(D) A private elementary or secondary school.

"(E) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity with the capacity to contribute to the technology-related reform of teacher preparation programs.

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this part, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of each of the members of the consortium; and

"(B) the active support of the leadership of each member of the consortium for the proposed project;

"(3) a description of how each member of the consortium would be included in project activities;

"(4) a description of how the proposed project would be continued once the Federal funds awarded under this part end; and

"(5) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

“(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities or infrastructure, and the non-Federal share of the cost of any such acquisition shall be in cash.

“SEC. 3503. USES OF FUNDS.

“(a) REQUIRED USES.—A recipient shall use funds under this part for—

“(1) creating programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; and

“(2) evaluating the effectiveness of the project.

“(b) PERMISSIBLE USES.—A recipient may use funds under this part for activities, described in its application, that carry out the purposes of this part, such as—

“(1) developing and implementing high-quality teacher preparation programs that enable educators to—

“(A) learn the full range of resources that can be accessed through the use of technology;

“(B) integrate a variety of technologies into the classroom in order to expand students' knowledge;

“(C) evaluate educational technologies and their potential for use in instruction; and

“(D) help students develop their own technical skills and digital learning environments;

“(2) developing alternative teacher development paths that provide elementary and secondary schools with well-prepared, technology-proficient educators;

“(3) developing performance-based standards and aligned assessments to measure the capacity of prospective teachers to use technology effectively in their classrooms;

“(4) providing technical assistance to other teacher preparation programs;

“(5) developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and

“(6) subject to section 3502(c)(2), acquiring equipment, networking capabilities, and infrastructure to carry out the project.

“SEC. 3504. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.”.

PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

SEC. 361. REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES.

Title III is further amended by adding at the end the following:

“PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

“Subpart 1—Technology Literacy Challenge Fund

“SEC. 3611. PURPOSE.

“It is the purpose of this subpart to increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools, by supporting State and local efforts that—

“(1) make effective use of new technologies and technology applications, networks, and electronic learning resources;

“(2) utilize research-based teaching practices that are linked to advanced technologies; and

“(3) promote sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of educational technology into instruction.

“Subpart 2—One-Stop Shop for Technology Education

“SEC. 3621. ONE-STOP SHOP.

“The Office of Educational Technology shall be a one-stop shop for all technology education programs within the Department, provide schools and community groups with information with respect to technology education programs and related sources of funds, and serve as a clearinghouse with respect to information on public and private efforts to bring technology to areas underserved by technology.”.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 401. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

“TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

“PART A—STATE GRANTS

“SEC. 4001. SHORT TITLE.

“This part may be cited as the ‘Safe and Drug-Free Schools and Communities Act of 1994’.

“SEC. 4002. FINDINGS.

“Congress makes the following findings:

“(1) Every student should attend a school in a drug- and violence-free learning environment.

“(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

“(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together with young people to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

“(4) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

“(5) Research clearly shows that community contexts contribute to substance abuse and violence.

“(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

“(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

“SEC. 4003. PURPOSE.

“The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

“(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

“(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

“(3) States for development, training, technical assistance, and coordination activities; and

“(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

“SEC. 4004. FUNDING.

“There are authorized to be appropriated—

“(1) $700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under subpart 1;

“(2) $150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under subpart 2 (other than activities described in section 4125)

“(3) $75,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the National Coordinator Initiative under section 4122; and

“(4) $5,000,000 for each of fiscal years 2000 through 2002 to carry out section 4125.

“Subpart 1—State Grants for Drug and Violence Prevention Programs

“SEC. 4111. RESERVATIONS AND ALLOTMENTS.

“(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this subpart for each fiscal year, the Secretary—

“(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

“(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

“(3) may reserve not more than $2,000,000 for the national impact evaluation required by section 4117(a); and

“(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

“(b) STATE ALLOTMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

“(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each

State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

"(2) Minimum.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) Reallotment.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

"(4) Definitions.—In this subsection:

"(A) State.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) Local educational agency.—The term 'local educational agency' includes educational service agencies and consortia of such agencies.

"(c) Limitation.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater than the amounts appropriated under such section 4004(1) for the previous fiscal year.

"SEC. 4112. STATE APPLICATIONS.

"(a) In General.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

"(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

"(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

"(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organization, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

"(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

"(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

"(A) be focused on student behavior and attitudes and be derived from the needs assessment;

"(B) include targets and due dates for the attainment of such performance measures; and

"(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

"(8) includes any other information the Secretary may require.

"(b) State Educational Agency Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

"(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116

"(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

"(3) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

"(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

"(c) Governor's Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

"(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

"(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

"(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

"(d) Peer Review.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) Interim Application.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2000 a 1-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 2000 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) Use of Funds.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) State Level Programs.—

"(1) In general.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

"(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective research-based programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention, including service-learning projects;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

“(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

“(G) the evaluation of activities carried out within the State under this part.

“(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

“(c) STATE ADMINISTRATION.—

“(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

“(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

“(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

“(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

“(2) DISTRIBUTION.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

“(A) ENROLLMENT AND COMBINATION APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

“(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

“(I) to each local educational agency in an amount determined appropriate by the State education agency; or

“(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

“(B) COMPETITIVE AND NEED APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this subpart; and

“(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local education agencies that the State agency determines have a need for additional funds to carry out the program authorized under this subpart.

“(3) CONSIDERATION OF OBJECTIVE DATA.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

“(A) high or increasing rates of alcohol or drug use among youth;

“(B) high or increasing rates of victimization of youth by violence and crime;

“(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

“(D) the extent of illegal gang activity;

“(E) high or increasing incidence of violence associated with prejudice and intolerance;

“(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

“(G) high or increasing rates of referrals of youths to juvenile court;

“(H) high or increasing rates of expulsions and suspensions of students from schools;

“(I) high or increasing rates of reported cases of child abuse and domestic violence;

“(J) high or increasing rates of drug related emergencies or deaths; and

“(K) high rates of reported incidences of sexual harassment and abuse.”.

“(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

“(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

“(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

“(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

“(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

“(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

“(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

“(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

“SEC. 4114. GOVERNOR'S PROGRAMS.

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

“(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

“(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in schools and communities in the State;

“(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program;

“(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved; and

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

“(c) PROGRAMS AUTHORIZED.—

“(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, student-led groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

“(A) children and youth who are not normally served by State or local educational agencies; or

“(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

“(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

“(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

“(1) disseminating information about drug and violence prevention;

“(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

“(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, service-learning, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing strategies to prevent illegal gang activity;

"(10) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

"(11) service-learning projects that encourage drug- and violence-free lifestyles;

"(12) evaluating programs and activities assisted under this section;

"(13) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence;

"(14) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies; and

"(15) developing and implementing strategies and programs to greatly reduce the incidence of sexual harassment and abuse and to encourage positive and respectful interactions between girls and boys.".

"SEC. 4115. LOCAL APPLICATIONS.

"(a) Application Required.—

"(1) In general.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) Development.—

"(A) Consultation.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) Duties of advisory council.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

"(i) disseminate information about research-based drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency regarding how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities;

"(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this subpart; and

"(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) Contents of Applications.—An application under this section shall contain—

"(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

"(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

"(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

"(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

"(ii) specific reductions in the prevalence of identified risk factors;

"(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

"(iv) other research-based goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

"(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

"(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

"(4) a specification for the method or methods by which measurements of program goals will be achieved;

"(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

"(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

"(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

"(B) security procedures at school and while students are on the way to and from school;

"(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

"(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

"(7) such other information and assurances as the State educational agency may reasonably require.

"(c) Review of Application.—

"(1) In general.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2) Considerations.—

"(A) In general.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements research-based programs that have been shown to be effective and meet identified needs.

"(B) Disapproval.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) Program Requirements.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and school employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

"(B) prevent violence and promote school safety;

"(C) create a disciplined environment conducive to learning; and

"(D) greatly reduce the incidence of sexual harassment and abuse;

"(2) include activities to promote the involvement of parents and students and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart;

"(3) implement activities which shall only include—

"(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

"(B) the development of measurable goals and objectives;

"(C) the implementation of research-based programs that have been shown to be effective and meet identified goals; and

"(D) an evaluation of program activities; and

"(4) implement prevention programming activities within the context of a research-based prevention framework.

"(b) Use of Funds.—A comprehensive, age-appropriate, developmentally-, and research-based drug and violence prevention program carried out under this subpart may include—

"(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug or violence prevention;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

"(i) family counseling; and

"(ii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

"(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

"(A) metal detectors;

"(B) electronic locks;

"(C) surveillance cameras; and

"(D) other drug and violence prevention-related equipment and technologies;

"(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(9) other research-based prevention programming that is—

"(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

"(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

"(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

"(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

"(11) community involvement activities including community mobilization;

"(12) voluntary parental involvement and training;

"(13) the evaluation of any of the activities authorized under this subsection;

"(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

"(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

"(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

"(A) to have responsibility for the safety or well-being of children;

"(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

"(C) to otherwise be employed at all by the local educational agency.

"(c) Limitations.—

"(1) In general.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

"(2) Special rule.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

"(d) Rule of Construction.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other research-based information.

"SEC. 4117. EVALUATION AND REPORTING.

"(a) Impact Evaluation.—

"(1) Biennial evaluation.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

"(A) whether funded community and local education agency programs—

"(i) provided a thorough assessment of the substance abuse and violence problem;

"(ii) used objective data and the knowledge of a wide range of community members;

"(iii) developed measurable goals and objectives; and

"(iv) implemented research-based programs that have been shown to be effective and meet identified needs;

"(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

"(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

"(i) research-based variables that are predictive of drug use or violence;

"(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

"(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

"(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

"(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

"(2) Data collection.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence, including sexual harassment and abuse, in elementary and secondary schools in the States.

"(3) Biennial Report.—Not later than January 1, 2002, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

"(b) State Report.—

"(1) In general.—By December 1, 2001, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

"(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

"(2) Special rule.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) Local Educational Agency Report.—

"(1) In general.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

"(2) Availability.—Information under paragraph (1) shall be made readily available to the public.

"(3) Provision of documentation.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

"SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

"(a) General Authority.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

"(b) Definition of Native Hawaiian.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 4121. FEDERAL ACTIVITIES.

"(a) Program Authorized.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

"(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

"(5) program evaluations in accordance with section 10201 that address issues not addressed under section 4117(a);

"(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

"(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

"(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

"(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

"(13) other activities that meet unmet national needs related to the purposes of this title.

"(b) Peer Review.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. NATIONAL COORDINATOR PROGRAM.

"(a) In General.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local education agencies for the hiring of drug prevention and school safety program coordinators.

"(b) Use of Funds.—Amounts received under a grant under subsection (a) shall be used by local education agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

"SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

"(a) Establishment.—

"(1) In general.—There is hereby established an advisory committee to be known as the 'Safe and Drug Free Schools and Communities Advisory Committee' (referred to in this section as the 'Advisory Committee') to—

"(A) consult with the Secretary under subsection (b);

"(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

"(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

"(D) provide technical assistance and training for safe and drug free school- and community-based programs;

"(E) provide for the diffusion of research-based safe and drug free school- and community-based programs; and

"(F) review other regulations and standards developed under this title.

"(2) Composition.—The Advisory Committee shall be composed of representatives from—

"(A) the Department of Education,

"(B) the Centers for Disease Control and Prevention;

"(C) the National Institute on Drug Abuse;

"(D) the National Institute on Alcoholism and Alcohol Abuse;

"(E) the Center for Substance Abuse Prevention;

"(F) the Center for Mental Health Services;

"(G) the Office of Juvenile Justice and Delinquency Prevention;

"(H) the Office of National Drug Control Policy; and

"(I) State and local governments, including education agencies.

"(3) Consultation.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

"(b) Programs.—

"(1) In general.—From amounts made available under section 4004(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out research-based programs to strengthen the accountability and effectiveness of the State, Governor's, and national programs under this title.

"(2) Grants, contracts or cooperative agreements.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

"(3) Coordination.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

"(4) Activities.—Activities that may be carried out under programs funded under this section may include—

"(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State education agencies and local education agencies to support high quality, effective programs that—

"(i) provide a thorough assessment of the substance abuse and violence problem;

"(ii) utilize objective data and the knowledge of a wide range of community members;

"(iii) develop measurable goals and objectives; and

"(iv) implement research-based activities that have been shown to be effective and that meet identified needs;

"(B) the provision of technical assistance and training to foster program accountability;

"(C) the diffusion and dissemination of best practices and programs;

"(D) the development of core data sets and evaluation tools;

"(E) program evaluations;

"(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the Clearinghouse for Alcohol and Drug Abuse Information established under section 501(d)(16) of the Public Health Service Act; and

"(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

"SEC. 4124. HATE CRIME PREVENTION.

"(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

"(b) USE OF FUNDS.—

"(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

"(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

"(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

"(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

"(D) professional training and development for teachers, administrators, families, and students on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

"(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

"(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

"(A) a request for funds for the purposes described in this section;

"(B) a description of the schools and communities to be served by the grants; and

"(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

"(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

"(B) a description of the program to be developed or augmented by such Federal and matching funds;

"(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

"(D) proper and efficient administration of such program; and

"(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(c) AWARD OF GRANTS.—

"(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

"(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

"SEC. 4125. GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools that work with experts to enable the elementary schools and secondary schools—

"(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children;

"(B) to provide educational programming to students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

"(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children; and

"(D) to develop and implement school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

"(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

"(A) on a competitive basis; and

"(B) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

"(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of domestic violence and the impact of experiencing or witnessing domestic violence on children.

"(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

"(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or witness domestic violence, and the impact of such violence on the students.

"(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

"(3) To develop and implement elementary school and secondary school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

"(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert.

"(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships and witness domestic violence, and the impact of the violence described in this paragraph on the children.

"(6) To conduct evaluations to assess the impact of programs assisted under this section in order to enhance the development of the programs.

"(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of victim safety and confidentiality in a manner consistent with applicable Federal and State laws.

"(d) APPLICATION.—

"(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

"(B) describe how the experts shall work in consultation and collaboration with the elementary school or secondary school; and

"(C) provide measurable goals for and expected results from the use of the funds provided under the grant or contract.

"(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(f) DEFINITIONS.—In this section:

"(1) DOMESTIC VIOLENCE.—The term 'domestic violence' means an act or threat of violence, not including an act of self defense, committed by—

"(A) a current or former spouse of the victim;

"(B) a person with whom the victim shares a child in common;

"(C) a person who is cohabiting with or has cohabited with the victim;

"(D) a person who is or has been in a social relationship of a romantic or intimate nature with the victim;

"(E) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction of the victim; or

"(F) any other person against a victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

"(2) EXPERTS.—The term 'experts' means—

"(A) experts on domestic violence from the educational, legal, youth, mental health, substance abuse, and victim advocacy fields; and

"(B) State and local domestic violence coalitions and community-based youth organizations.

"(3) WITNESS DOMESTIC VIOLENCE.—

"(A) IN GENERAL.—The term 'witness domestic violence' means to witness—

"(i) an act of domestic violence that constitutes actual or attempted physical assault; or

"(ii) a threat or other action that places the victim in fear of domestic violence.

"(B) WITNESS.—In subparagraph (A), the term 'witness' means to—

"(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

"(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

"SEC. 4126. SEXUAL HARASSMENT PREVENTION TRAINING GRANTS.

"(a) SHORT TITLE.—This section may be cited as the 'Sexual Harassment Prevention Training Grants Act'.

"(b) STATEMENT OF PURPOSES.—It is the purpose of this section to—

"(1) train teachers and administrators in identifying and preventing sexual harassment; and

"(2) reduce the incidence of sexual harassment in elementary schools and secondary schools.

"(c) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

"(1) PROGRAM AUTHORITY.—The Secretary is authorized to carry out a program of awarding grants to eligible entities to enable such entities to train teachers and administrators in identifying and preventing sexual harassment. A grant recipient shall be responsible for—

"(A) determining the type of training to be offered with respect to identifying and preventing sexual harassment; and

"(B) defining the term sexual harassment.

"(2) ELIGIBLE ENTITY.—The Secretary is authorized to award grants under this section to State educational agencies, local educational agencies, or other private and public agencies and organizations for the planning, developing, or carrying out the activities described in paragraph (1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

"Subpart 3—General Provisions

"SEC. 4131. DEFINITIONS.

"In this part:

"(1) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

"(2) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

"(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

"(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(3) HATE CRIME.—The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

"(4) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(5) OBJECTIVELY MEASURABLE GOALS.—The term 'objectively measurable goals' means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

"(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms 'protective factor', 'buffer', and 'asset' mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

"(7) RISK FACTOR.—The term 'risk factor' means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

"(8) SCHOOL-AGED POPULATION.—The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(9) SCHOOL PERSONNEL.—The term 'school personnel' includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 4132. MATERIALS.

"(a) 'ILLEGAL AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 4133. PROHIBITED USES OF FUNDS.

"No funds under this part may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

"(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

"SEC. 4134. QUALITY RATING.

"(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

"(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

"(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

"(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

"(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

"(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

"(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

"(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

"(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

"(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

"(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.".

SEC. 402. GUN-FREE REQUIREMENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART B—GUN POSSESSION

"SEC. 4201. GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This part may be cited as the "Gun-Free Schools Act of 1994".

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

"(3) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

"(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

"(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the type of weapons concerned.

"(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.".

SEC. 403. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART C—TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"SEC. 4301. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any suspension or expulsion disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of suspension and expulsion disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.".

SEC. 404. ENVIRONMENTAL TOBACCO SMOKE.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART D—ENVIRONMENTAL TOBACCO SMOKE

"SEC. 4401. SHORT TITLE.

"This part may be cited as the 'Pro-Children Act of 2000'.

"SEC. 4402. DEFINITIONS.

"As used in this part:

"(1) CHILDREN.—The term 'children' means individuals who have not attained the age of 18.

"(2) CHILDREN'S SERVICES.—The term 'children's services' means the provision on a routine or regular basis of health, day care, education, or library services—

"(A) that are funded, after the date of the enactment of the Educational Excellence for All Children Act of 2000, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

"(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

"(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

"(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

"(3) INDOOR FACILITY.—The term 'indoor facility' means a building that is enclosed.

"(4) PERSON.—The term 'person' means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 4403. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

"(a) PROHIBITION.—After the date of the enactment of the Educational Excellence for All Children Act of 2000 no person shall permit smoking within any indoor facility, owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

"(b) ADDITIONAL PROHIBITION.—

"(1) IN GENERAL.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

"(2) EXCEPTION.—Paragraph (1) shall not apply to—

"(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(B) any private residence.

"(c) FEDERAL AGENCIES.—

"(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

"(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

"(A) IN GENERAL.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to—

"(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(ii) any private residence.

"(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

"(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of the enactment of the Educational Excellence for All Children Act of 2000, whichever occurs first.

"(e) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term 'person', as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

"(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

"(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

"(A) the nature, circumstances, extent, and gravity of the violation;

"(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

"(C) such other matters as justice may require.

"(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

"(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

"(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

"SEC. 4404. PREEMPTION.

"Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

"PART E—OTHER PROGRAMS

"SEC. 4501. PROJECT SERV.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—From funds appropriated to carry out this part for each fiscal year under subsection (d), the Secretary is authorized to carry out a program of providing education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, such as a shooting or major accident. Such program shall be referred to as 'Project SERV'.

"(2) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—The Secretary may carry out Project SERV directly, or through grants, contracts, or cooperative agreements with public and private organizations, agencies, and individuals, or through agreements with other Federal agencies.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Project SERV may provide—

"(A) assistance to school personnel in assessing a crisis situation, including—

"(i) assessing the resources available to the local educational agency and community to respond to the situation; and

"(ii) developing a response plan to coordinate services provided at the Federal, State, and local level;

"(B) mental health crisis counseling to students and their families, teachers, and others in need of such services;

"(C) increased school security;

"(D) training and technical assistance for State and local educational agencies, State and local mental health agencies, State and local law enforcement agencies, and communities to enhance their capacity to develop and implement crisis intervention plans;

"(E) services and activities designed to identify and disseminate the best practices of school- and community-related plans for responding to crises; and

"(F) other needed services and activities that are consistent with the purposes of this section.

"(2) CRITERIA AND REPORTING REQUIRING.—The Secretary, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency—

"(A) shall establish such criteria and application requirements as may be needed to select which local educational agencies are assisted under this section; and

"(B) may establish such reporting requirements as may be needed to collect uniform data and other information from all local educational agencies assisted under this section.

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—There shall be established a Federal coordinating committee on school crises comprised of the Secretary, the Attorney General, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, the Director of the Office of National Drug Control Policy, and such other members as the Secretary determines appropriate. The Secretary shall serve as chair of the Committee.

"(2) COORDINATION.—The Committee shall coordinate the Federal responses to crises that occur in schools or directly affect the learning environment in schools.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 following fiscal years.".

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

SEC. 501. EDUCATIONAL OPPORTUNITY INITIATIVES.

The heading for title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES".

PART A—MAGNET SCHOOLS ASSISTANCE

SEC. 511. MAGNET SCHOOLS ASSISTANCE.

Part A of title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"PART A—MAGNET SCHOOLS ASSISTANCE

"SEC. 5001. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation of our Nation's schools.

"(2) It is in the national interest to continue the Federal Government's support of school districts that are implementing court-ordered desegregation plans and school districts that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds.

"(3) Desegregation can help ensure that all students have equitable access to high-quality education that will prepare them to function well in a technologically oriented and highly competitive society comprised of people from many different racial and ethnic backgrounds.

"(4) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and nonminority students as well as among students of different minority groups.

"(b) STATEMENT OF PURPOSE.—The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students which shall assist in the efforts of the United States to achieve voluntary desegregation in public schools;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards;

"(3) the development and design of innovative educational methods and practices;

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational, technological and career skills of students attending such schools;

"(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding is terminated; and

"(6) ensuring that all students enrolled in the magnet school program have equitable access to high quality education that will enable the students to succeed academically and continue with post secondary education or productive employment.

"SEC. 5002. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5003. DEFINITION.

"For the purpose of this part, the term 'magnet school' means a public elementary school or secondary school or a public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5004. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5005. APPLICATIONS AND REQUIREMENTS.

"(a) Applications.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) Information and Assurances.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate, in accordance with the provisions of section 6506; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school project; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5001(b);

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this part to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school project equitable consideration for placement in the project, consistent with desegregation guidelines and the capacity of the project to accommodate these students.

"(c) Special Rule.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5006. PRIORITY.

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State and local content and student performance standards; and

"(5) propose activities, which may include professional development, that will build local capacity to operate the magnet school program once Federal assistance has terminated.

"SEC. 5007. USE OF FUNDS.

"(a) In General.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment, or subsidization of the compensation, of elementary school and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part;

"(5) to include professional development, which professional development shall build the agency's or consortium's capacity to operate the magnet school once Federal assistance has terminated;

"(6) to enable the local educational agency or consortium to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

"(7) to enable the local educational agency or consortium to have flexibility in designing magnet schools for students at all grades.

"(b) Special Rule.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological and career skills.

"SEC. 5008. PROHIBITION.

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

"SEC. 5009. LIMITATIONS.

"(a) Duration of Awards.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

"(b) Limitation on Planning Funds.—A local educational agency may expend for planning (professional development shall not be considered as planning for purposes of this subsection) not more than 50 percent of the funds received under this part for the first year of the project, 25 percent of such funds for the second such year, and 15 percent of such funds for the third such year.

"(c) Amount.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

"(d) Timing.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

"SEC. 5010. INNOVATIVE PROGRAMS.

"(a) In General.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5004 to enable such agencies or consortia to conduct innovative programs that—

"(1) involve innovative strategies other than magnet schools, such as neighborhood or community model schools, to support desegregation of schools and to reduce achievement gaps;

"(2) assist in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards; and

"(3) include innovative educational methods and practices that—

"(A) are organized around a special emphasis, theme, or concept; and

"(B) involve extensive parent and community involvement.

"(b) Applicability.—Sections 5301(b), 5302, 5305, 5306, and 5307, shall not apply to grants awarded under subsection (a).

"(c) Applications.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(d) Innovative Programs.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5012(a) for each fiscal year to award grants under this section.

"SEC. 5011. EVALUATIONS.

"(a) Reservation.—The Secretary may reserve not more than two percent of the funds appropriated under section 5012(a) for any fiscal year to carry out evaluations of projects assisted under this part and to provide technical assistance for grant recipients under this part.

"(b) Contents.—Each evaluation described in subsection (a), at a minimum, shall address—

"(1) how and the extent to which magnet school programs lead to educational quality and improvement;

"(2) the extent to which magnet school programs enhance student access to quality education;

"(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students;

"(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs; and

"(5) the extent to which magnet school programs continue once grant assistance under this part is terminated.

"(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

"SEC. 5012. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $130,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.".

PART B—PUBLIC CHARTER SCHOOLS

SEC. 521. PUBLIC CHARTER SCHOOLS.

(a) REAUTHORIZATION.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) in section 10301 (20 U.S.C. 8061)—

(A) by striking subsection (a); and

(B) by striking "(b) PURPOSE.—"; and

(2) in section 10311 (20 U.S.C. 8067), by striking "$100,000,000 for fiscal year 1999" and inserting "$200,000,000 for fiscal year 2001".

(b) TRANSFER, REDESIGNATION, CONFORMING AMENDMENTS.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) by transferring such part so as to appear after part A of title V;

(2) by redesignating such part as part B;

(3) by redesignating sections 10301 through 10311 as sections 5201 through 5211, respectively;

(4) in section 5202 (as so redesignated)—

(A) in subsections (a) and (b), by striking "10303" each place that such appears and inserting "5203";

(B) in subsection (c)(1)(C), by striking "10304" and inserting "5204"; and

(C) in subsection (e)(1), by striking "10311" each place that such appears and inserting "5211";

(5) in section 5203 (as so redesignated)—

(A) in subsections (b)(3)(M) and (c), by striking "10302" each place that such appears and inserting "5202"; and

(B) in subsection (d)(2)(B), by striking "10304" and inserting "5204";

(6) in section 5204 (as so redesignated)—

(A) in the matter preceding paragraph (1) of subsections (a) and (b), by striking "10303" each place that such appears and inserting "5203";

(B) in subsections (a)(7) and (b)(7), by striking "10302" each place that such appears and inserting "5202";

(C) in the matter preceding paragraph (1) of subsection (e), by striking "10310" and inserting "5210"; and

(D) in subsection (b)(3)(E), by striking "parents" and inserting "families, students,";

(7) in section 5205(a)(4)(B) (as so redesignated), by striking "10303" and inserting "5203"; and

(8) in section 5210(2) (as so redesignated), by striking "parents" and inserting "families and students,".

PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

SEC. 531. OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS.

Part C of title V (20 U.S.C. 7621 et seq.) is amended to read as follows:

"PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

"SEC. 5301. PURPOSE.

"It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and the dissemination of information about, public school choice programs that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

"SEC. 5302. GRANTS.

"(a) IN GENERAL.—From funds appropriated under section 5305(a) and not reserved under section 5305(b), the Secretary is authorized to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

"(b) DURATION.—A grant under this part shall not be awarded for a period that exceeds 3 years.

"SEC. 5303. USES OF FUNDS.

"(a) USES OF FUNDS.—

"(1) IN GENERAL.—Funds under this part may be used to demonstrate, develop, implement, and evaluate, and to disseminate information about, innovative approaches to broaden public elementary school and secondary school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all such public schools.

"(2) EXAMPLES.—The approaches described in paragraph (1) at the school, school district, and State levels may include—

"(A) inter school district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

"(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of the institutions;

"(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

"(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

"(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

"(b) LIMITATIONS.—Funds under this part—

"(1) shall supplement, and not supplant, non-Federal funds expended for existing programs;

"(2) may be used for providing transportation services or costs, except that not more than 10 percent of the funds received under this part may be used by the local educational agency to provide such services or costs;

"(3) may be used for improving low performing schools that lose students as a result of school choice plans, except that not more than 10 percent of the funds under this part may be used by the local educational agency for the improvement of low performing schools; and

"(4) shall not be used to fund programs that are authorized under part C, D, or E.

"SEC. 5304. GRANT APPLICATION; PRIORITIES.

"(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

"(b) APPLICATION CONTENTS.—Each application shall include—

"(1) a description of the program for which funds are sought and the goals for such program;

"(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal programs;

"(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities; and

"(4) a description of the policies and procedures the agency will use to ensure—

"(A) that priority is provided to parents of students attending schools identified for school improvement under section 1116 in exercising choice among schools;

"(B) that priority is provided to parents of students who want to stay enrolled at a school;

"(C) the agency's accountability for results, including the agency's goals and performance indicators;

"(D) that the program is open and accessible to, and will promote high academic standards for, all students regardless of the achievement level or disability of the students and the family income of the families of the students;

"(E) that all parents are provided with easily comprehensible information about various school options, including information on instructional approaches at different schools, resources, and transportation that will be provided at or for the schools on an annual basis;

"(F) that all parents are given timely notice about opportunities to choose which school their child will attend the following year and the period during which the choice may be made;

"(G) that limitations on transfers between schools only occur because of facilities constraints, statutory class size limits, and local efforts to ensure that schools reflect the diversity of the communities in which the schools are located;

"(H) that a lottery or other random system be established for parents of students wishing to attend a school that cannot receive all students wishing to attend; and

"(I) that the program is carried out in a manner consistent with Federal law, including court orders, such as desegregation orders, issued to enforce Federal law.

"(c) PRIORITIES.—

"(1) IN GENERAL.—The Secretary shall give a priority to applications for programs that will serve high-poverty local educational agencies.

"(2) Permissive.—The Secretary may give a priority to applications demonstrating that the State or local educational agency will carry out the agency's program in partnership with one or more public or private agencies, organizations, or institutions, including institutions of higher education and public or private employers.

"SEC. 5305. AUTHORIZATION OF APPROPRIATIONS; RESERVATION; EVALUATIONS.

"(a) Authorization of Appropriations.—For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for each of fiscal years 2001 through 2005.

"(b) Reservation for Evaluation, Technical Assistance, and Dissemination.—From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

"(c) Evaluations.—The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which, at a minimum, shall address—

"(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

"(2) the extent to which public schools of choice supported with funds under this part are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.".

PART D—WOMEN'S EDUCATIONAL EQUITY

SEC. 541. WOMEN'S EDUCATIONAL EQUITY.

(a) Amendments.—Part B of title V, as such part existed on the day before the date of enactment of this Act, (20 U.S.C. 7231 et seq.) is amended—

(1) by amending section 5201 (20 U.S.C. 7231) to read as follows:

"SEC. 5401. SHORT TITLE.

"This part may be cited as the 'Women's Educational Equity Act of 2000'.";

(2) in section 5202(3) (20 U.S.C. 7232(3))—

(A) strike "sex," and insert "sex and"; and

(B) by inserting "socioeconomic status," after "disability,";

(3) in section 5203(b) (20 U.S.C. 7233(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "years, to" and inserting "years";

(ii) in subparagraph (A), by striking "provide grants"; and

(iii) in subparagraph (B), by striking "provide funds"; and

(B) in paragraph (2)(A)—

(i) in clause (v), by striking "and on race" and inserting "and race";

(ii) in clause (xiii)(I), by striking "institution" and inserting "institutional";

(iii) in clause (xiii)(II)—

(I) by striking "of equity" and inserting "of gender equity"; and

(II) by striking "education;" and inserting "education,"; and

(iv) in clause (xiii)(III), by striking the period and inserting "for women and girls; and"; and

(C) in paragraph (2)(B)(viii), by striking "and unemployed" and inserting "women, unemployed";

(4) in section 5204 (20 U.S.C. 7234)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"Each entity desiring assistance under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—";

(B) in paragraph (2), by striking "the National Education Goals" and inserting "America's Education Goals";

(C) by striking paragraph (4); and

(D) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively;

(5) in section 5205 (20 U.S.C. 7235)—

(A) in subsection (a)—

(i) by striking "Criteria and Priorities.—" and all that follows through "The" in paragraph (1) and inserting the following: "Criteria and Priorities.—The"; and

(ii) in paragraph (2)—

(I) by redesignating such paragraph as subsection (b), and realigning the margin accordingly; and

(II) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively, and realigning the margins accordingly;

(B) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(C) in subsection (c) (as so redesignated)—

(i) in the matter preceding paragraph (1), by striking "special consideration" and inserting "priority"; and

(ii) by amending paragraph (3)(E) to read as follows:

"(E) address the educational needs of women and girls who suffer multiple forms of discrimination on the basis of sex and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age."; and

(D) in subsection (e)(1) (as so redesignated), by striking "by the Office" and inserting "by such Office";

(6) in section 5206 (20 U.S.C. 7236), by striking "1999" and inserting "2004";

(7) in section 5207 (20 U.S.C. 7237), by striking subsection (a) and inserting the following:

"(a) Evaluation and Dissemination.—The Secretary shall—

"(1) evaluate in accordance with section 10201, materials and programs developed under this part;

"(2) disseminate materials and programs developed under this part; and

"(3) report to the Congress regarding such evaluation materials and programs not later than January 1, 2004."; and

(8) in section 5208 (20 U.S.C. 7238)—

(A) by striking "1995" and inserting "2001"; and

(B) by striking ", of which" and all that follows through "section 5203(b)(1)".

(b) Transfer and Redesignation.—Part B of title V (20 U.S.C. 7201 et seq.), as amended by subsection (a), is transferred so as to appear after part C of title V (as added by section 531) and redesignated as part D.

(c) Redesignation of Sections.—Sections 5201 through 5208, as amended by subsection (a), (20 U.S.C. 7231-7238) are redesignated as sections 5401 through 5408, respectively.

(d) Conforming Amendments.—Part D of title V (as so redesignated) is amended—

(1) in section 5404 (as so redesignated), by striking "5203(b)(1)" each place that such appears and inserting "5403(b)(1)";

(2) in section 5405(a) (as so redesignated), by striking "5203(b)" and inserting "5403(b)"; and

(3) in section 5408 (as so redesignated), by striking "5203(b)(1)" and inserting "5403(b)(1)".

PART E—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 551. TECHNICAL AND CONFORMING AMENDMENTS.

(a) General Education Provisions Act.—Section 441(a) of the General Education Provisions Act (20 U.S.C. 1232d(a)) is amended by striking "shall submit (subject" and all that follows through "to the Secretary" and inserting "shall submit to the Secretary".

(b) Title 31, United States Code.—Section 6703(a) of title 31, United States Code is amended by striking paragraph (1).

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

"SEC. 6001. FINDINGS, POLICY, AND PURPOSE.

"(a) Findings.—Congress makes the following findings:

"(1) Congress embraces the view that educators most familiar with schools, including school superintendents, principals, teachers, and school support personnel, have a critical role in knowing what is needed and how best to meet the educational needs of students.

"(2) Local educational agencies should therefore have primary responsibility for deciding how to implement funds.

"(b) Policy.—Congress declares it to be the policy of the United States to assist State educational agencies and local educational agencies in building the agencies' capacity to establish, implement, and sustain innovative programs for public elementary and secondary school students.

"(c) Purposes.—The purposes of this title are as follows:

"(1) To provide supplementary assistance for school improvement to elementary schools, secondary schools, and local educational agencies to improve core content curriculum and instructional practices and materials in core subject areas to ensure that all students are at the proficient standard level within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000.

"(2) To provide assistance to local educational agencies and schools for innovative academic programs and activities by creating a challenging learning environment and facilitating academic enrichment through innovative academic programs.

"PART A—INNOVATIVE PROGRAMS

"SEC. 6011. PROGRAMS AUTHORIZED.

"(a) Grants Authorized.—From the amount appropriated under section 6017 for a fiscal year, the Secretary shall award a grant to each State educational agency having a State plan approved under section 6013(a)(4) to enable the State educational agency to award grants to local educational agencies in the State.

"(b) Reservations and Allotments.—

"(1) Reservations.—From the amount appropriated under section 6018 for a fiscal year, the Secretary shall reserve—

"(A) not more than ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this title; and

"(B) not more than ½ of 1 percent of such amounts for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this title as determined by the Secretary, for activities, approved by the Secretary, consistent with this title.

"(2) STATE ALLOTMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 6018 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 6013(a)(4) the sum of—

"(i) an amount that bears the same relationship to 50 percent of the remainder as the amount the State received under part A of title I bears to the amount all States received under such part; and

"(ii) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

"(B) DATA.—For the purposes of determining the school-age population in a State and in all States, the Secretary shall use the latest available Bureau of the Census data.

"(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than 0.4 percent of the total amount allotted to all States under subsection (b)(2).

"(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (e), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted under title VI (as such title was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) for the preceding fiscal year.

"(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2)(A) for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under that subsection for such year, the Secretary shall ratably reduce such amounts for such year.

"SEC. 6012. WITHIN STATE ALLOCATION.

"(a) ALLOCATIONS.—Each State educational agency for a State receiving a grant award under section 6011(b)(2) shall—

"(1) set aside not more than 1 percent of the grant funds for the cost of administering the activities under this title;

"(2) set aside not more than 4 percent of the grant funds to—

"(A) provide for the establishment of high-quality, internationally competitive content and student performance standards and strategies that all students will be expected to meet;

"(B) provide for the establishment of high-quality, rigorous assessments that include multiple measures and demonstrate comprehensive knowledge;

"(C) encourage and enable all State educational agencies and local educational agencies to develop, implement, and strengthen comprehensive education improvement plans that address student achievement, teacher quality, parent involvement, and reliable measurement and evaluation methods;

"(D) encourage and enable all States to develop and implement value-added assessments; and

"(E) establish other statewide innovative activities aimed at raising student achievement levels of student performance so that all students may meet the proficient level on State standards within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000; and

"(3) using the remaining 95 percent of the grant funds, make grants by allocating to each local educational agency in the State having a local educational agency plan approved under section 6013(b)(3) the sum of—

"(A) an amount that bears the same relationship to 50 percent of such remainder as the amount the local educational agency received under part A of title I bears to the amount all local educational agencies in the State received under such part; and

"(B) an amount that bears the same relationship to 50 percent of such remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

"(b) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Each eligible local educational agency receiving a grant under subsection (a) shall contribute resources with respect to the local authorized activities to be assisted under this title in case or in-kind from non-Federal sources in an amount equal to 25 percent of the Federal funds awarded under the grant.

"(2) WAIVER.—A local educational agency may apply to the State educational agency may grant a waiver of the requirements of paragraph (1) to a local educational agency that—

"(A) applies for such a waiver; and

"(B) demonstrates extreme circumstances for being unable to meet such requirements.

"SEC. 6013. PLANS.

"(a) STATE PLANS.—

"(1) IN GENERAL.—The State educational agency for each State desiring a grant under this title shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONTENTS.—Each plan submitted under paragraph (1) shall—

"(A) describe how the State educational agency will assist each local educational agency and school served under this title to comply with the requirements described in section 6015 that are applicable to the local educational agency or school;

"(B) certify that the State has in place the standards and assessments required under section 1111;

"(C) certify that the State educational agency has a system, as required under section 1111, for—

"(i) holding each local educational agency and school accountable for adequate yearly progress (as defined in section 1111(b)(2)(B));

"(ii) identifying local educational agencies and schools that are in need of improvement and corrective action (as required in sections 1116 and 1117);

"(iii) assisting local educational agencies and schools that are identified for improvement with the development of improvement plans; and

"(iv) providing technical assistance, professional development, and other capacity building as needed to get such agencies and schools out of improvement status;

"(D) certify that the State educational agency shall use the disaggregated results of student assessments required under section 1111(b)(4), and other measures or indicators available, to review annually the progress of each local educational agency and school served under this title to determine whether or not each such agency and school is making adequate yearly progress as required under section 1111;

"(E) certify that the State educational agency will take action against a local educational agency that is in corrective action and receiving funds under this title as described in section 6006(d)(1);

"(F) describe what, if any, State and other resources will be provided to local educational agencies and schools served under this title to carry out activities consisted with this title; and

"(G) certify that the State educational agency has a system to hold local educational agencies accountable for meeting the annual performance objectives required under subsection (b)(2)(C).

"(3) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan if the State plan meets the requirements of this subsection.

"(4) DURATION OF THE PLAN.—Each State plan shall remain in effect for the duration of the State's participation under this title.

"(5) REQUIREMENT.—A State shall not be eligible to receive funds under this title unless the State has established the standards and assessments required under section 1111.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency shall annually submit a local educational agency plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) CONTENTS.—Each local educational agency shall—

"(A) describe the programs for which funds allocated under section 6012(a)(3) will be used and the reasons for the selection of such programs;

"(B) describe the methods the local educational agency will use to measure the annual impact of programs described under subparagraph (A) and the extent to which such programs will increase student academic performance;

"(C) describe the annual, quantifiable, and measurable performance goals and objectives for each program described under subparagraph (A) and the extent to which such goals and objectives are aligned with State content and student performance standards;

"(D) describe how the local educational agency will hold schools accountable for meeting the intended performance objectives for each program described under subparagraph (C);

"(E) provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the local educational plan and select the programs to be assisted under this title; and

"(F) provide assurances that the local educational agency will continue such consultation on a regular basis and will provide the State with annual evidence of such consultation.

"(3) APPROVAL.—The State, using a peer review process, shall approve a local educational agency plan if the plan meets the requirements of this subsection.

"(4) DURATION OF THE PLAN.—Each local educational agency plan shall remain in effect for the duration of the local educational agency's participation under this title.

"(5) PUBLIC REVIEW.—Each State educational agency will make publicly available each local educational agency plan approved under paragraph (3).

"SEC. 6014. LOCAL USES OF FUNDS AND ACCOUNTABILITY.

"(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant award under section 6004(3) may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this title.

"(b) ACTIVITIES.—Each local educational agency receiving a grant award under section 6012(a)(3) may use the grant funds pursuant to this subsection to establish and carry out programs that are designed to achieve, separately or cumulatively, each of the goals described in the category areas described in paragraphs (1) through (6).

"(1) For programs that seek to raise the academic achievement levels of all elementary school and secondary school students based on challenging State content and student performance standards and, to the greatest extent possible,—

"(A) incorporate the best practices developed from research-based methods and practices;

"(B) are aligned with challenging State content and performance standards and focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by State assessments under section 1111(b)(4) and local evaluations;

"(C) focus on accelerated learning rather than remediation, so that students will master the high level of skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments;

"(D) offer teachers, principals, and administrators professional development and technical assistance that are aligned with the content of such programs; and

"(E) address local needs, as determined by the local educational agency's evaluation of school and districtwide data.

"(2) For programs that provide for extra learning, time, and opportunities for students so that all students may achieve high levels of learning and meet the State proficient standard level within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000.

"(3) For programs to improve higher order thinking skills of all students, especially disadvantaged students.

"(4) For promising innovative education reform projects that are consistent with challenging State content and student performance standards.

"(5) For programs that focus on ensuring that disadvantaged students enter elementary school with the basic skills needed to meet the highest State content and student performance standards.

"(6) To establish technology programs that will, to the greatest extent possible—

"(A) increase student performance related to an authentic task;

"(B) integrate the use of technology into activities that are a core part of classroom curricula and are available to all students;

"(C) emphasize how to use technology to accomplish authentic tasks;

"(D) provide professional development and technical assistance to teachers so that teachers may integrate technology into daily teaching activities that are directly aligned with State content and student performance standards; and

"(E) enable the local educational agency annually to increase the percentage of classrooms with access to technology, particularly in schools in which not less than 50 percent of the school-age population comes from families with incomes below the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"SEC. 6015. LOCAL ASSISTANCE.

"(a) IN GENERAL.—A local educational agency shall provide, upon request by an elementary school or secondary school served by the agency, technical assistance to such school, including assistance in analyzing student performance and the impact of programs assisted under this title, and identifying the best instructional strategies and methods for carrying out such programs.

"(b) PROVISION.—Local assistance may be provided by—

"(1) the State educational agency or local educational agency; or

"(2) with the school's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement, a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

"SEC. 6016. LOCAL REPORTS.

"Each local educational agency receiving funds under this title shall annually publish and disseminate to the public in a format and, to the extent practicable, in a language that parents can understand, a report on—

"(1) information describing the use of funds;

"(2) the impact of such programs and an assessment of such programs' effectiveness; and

"(3) the local educational agency's progress toward attaining the goals and objectives described in section 6013(b), and the extent to which programs assisted under this title have increased student achievement.

"SEC. 6017. SANCTIONS.

"(a) THIRD FISCAL YEAR.—If performance objectives established under section 6013 have not been met by a State receiving grant funds under this title by the end of the third fiscal year for which the State receives such grant funds, the Secretary shall reduce by 50 percent the amount the State is entitled to receive for administrative expenses under this title.

"(b) FOURTH FISCAL YEAR.—If the State fails to meet such performance objectives by the end of the fourth fiscal year for which the State receives grant funds under this title, the Secretary shall reduce the total amount the State receives under this title by 20 percent.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, if sought, to a State subjected to sanctions under subsection (a) or (b).

"(d) LOCAL SANCTIONS.—

"(1) IN GENERAL.—Each State receiving assistance under this title shall develop a system to hold local educational agencies accountable for meeting the adequate yearly progress requirements established under part A of title I and the performance objectives established under this title.

"(2) SANCTIONS.—A system developed under paragraph (1) shall include a mechanism for sanctioning local educational agencies for low performance with regard to failure to meet such performance objectives and adequate yearly progress levels.

"SEC. 6018. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—RURAL AND URBAN EDUCATION INITIATIVE

"SEC. 6201. SHORT TITLE.

"This part may be cited as the 'Rural and Urban Education Development Initiative for the 21st Century Act'.

"SEC. 6202. PURPOSE.

"The purpose of this part is to provide rural school students in the United States with increased learning opportunities.

"SEC. 6203. FINDINGS.

"Congress makes the following findings:

"(1) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

"(2) The National Center for Educational Statistics (NCES) reports that 46 percent of our Nation's public schools serve rural areas.

"(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in science and mathematics). Consequently, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subjects than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

"(4) Small school districts with fewer than 600 students often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.

"(5) The ability of the Nation's major urban public school systems to meet the Nation's educational goals will substantially determine the country's economic competitiveness and academic standing in the world community.

"(6) The quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's cities.

"(7) The success of urban public schools in accelerating the achievement of the youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society.

"(8) The cost to America's businesses to provide remedial education to high school graduates is approximately $21,000,000,000 per year.

"(9) Approximately ⅓ of the Nation's workforce are members of minority groups.

"(10) Urban schools enroll a disproportionately large share of the Nation's poor and 'at-risk' youth.

"(11) Urban schools enroll over ⅓ of the Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth.

"(12) Nearly 40 percent of the Nation's limited-English-proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools.

"(13) The National Assessment of Educational Progress (in this section referred to as 'NAEP') shows substantial achievement gaps between urban and non-urban students, whether enrolled in high poverty or low poverty schools.

"(14) Urban school children have begun to narrow the achievement gap in reading according to the recent NAEP Reading Report Card.

"(15) The NAEP shows substantial achievement gaps between white students, and African-American and Hispanic students.

"(16) African-American and Hispanic school children have begun to narrow the achievement gap in reading according to the recent NAEP Reading Report Card.

"(17) The dropout rate for urban students is more than 50 percent higher than the national dropout rate.

"(18) Urban preschoolers have ½ the access to early childhood development programs as do other children.

"(19) Teacher shortages and teacher turnover in urban public school systems are substantially greater than in non-urban school systems, particularly in math and science.

"(20) Urban public school systems have less parental involvement, and greater problems with health care, teenage pregnancy, truancy and discipline, drug abuse, and gangs than do other kinds of school systems.

"(21) Urban school buildings are in more serious disrepair according to the General Accounting Office than facilities in other kinds of school systems, with 75 percent of urban public school buildings being over 25 years old, 33 percent of such buildings being over 50 years old, thus creating poor and demoralizing working and learning conditions.

"(22) Solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community.

"(23) Federal and State funding of urban public schools has not adequately reflected need.

"(24) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools and school children.

"SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out—

"(1) subpart 1, $300,000,000 for each of the fiscal years 2001 through 2004; and

"(2) subpart 2, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.

"Subpart 1—Rural Education Development Initiative for the 21st Century

"SEC. 6211. SHORT TITLE OF SUBPART.

"This subpart may be cited as the 'Rural Education Development Initiative for the 21st Century Act'.

"SEC. 6212. PURPOSE.

"The purpose of this subpart is to provide rural school students in the United States with increased learning opportunities.

"SEC. 6213. FINDINGS.

"Congress makes the following findings:

"(1) While there are rural education initiatives at the State and local levels, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

"(2) The National Center for Educational Statistics (NCES) reports that 46 percent of our Nation's public schools serve rural areas.

"(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in science and mathematics). Consequently, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subjects than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

"SEC. 6214. DEFINITIONS; CERTIFICATION.

"(a) DEFINITIONS.—In this subpart:

"(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'eligible local educational agency' means a local educational agency that serves—

"(A)(i) a school age population with an average family income that is below the State median income level as determined by the Secretary using the most recent data available from the Bureau of the Census; and

"(ii) a school district that is identified as rural by the National Center for Education Statistics; or

"(B)(i) a school age population 15 percent or more of whom are from families with incomes below the poverty line; and

"(ii) a school district that is identified as rural by the National Center for Education Statistics.

"(2) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(3) SCHOOL AGE POPULATION.—The term 'school age population' means the number of students aged 5 through 17 residing in the school district served by the local educational agency as determined by the Secretary using the most recent data available from the Bureau of the Census.

"(b) CERTIFICATION.—The Secretary may waive the requirements of subparagraph (A)(ii) or (B)(ii) of paragraph (1) for an eligible local educational agency if the agency provides certification to the Secretary that the agency serves a school district located in an area defined as rural by a governmental agency of the State.

"SEC. 6215. PROGRAM AUTHORIZED.

"(a) RESERVATION.—From amounts appropriated under section 6219 for a fiscal year the Secretary shall reserve—

"(1) 0.5 percent of such amount for each fiscal year to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purposes of this subpart; and

"(2) $2,000,000 for each fiscal year to enable the Secretary to provide technical assistance to eligible local educational agencies to assist such agencies.in obtaining other Federal assistance.

"(b) GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From amounts appropriated under section 6219 that are not reserved under subsection (a) for a fiscal year, the Secretary shall award grants to eligible local educational agencies that have applications approved under section 6216 for local authorized activities described in subsection (c).

"(2) INITIAL AMOUNT.—Each eligible local educational agency shall receive a grant under this subpart in an amount equal to the sum of—

"(A) a base amount of $20,000; plus

"(B) $100 multiplied by the number of students, over 50 students, in average daily attendance in the schools served by the eligible local educational agency.

"(3) MAXIMUM.—No eligible local educational agency shall receive a grant under this subpart that is greater than $60,000.

"(4) RATABLE ADJUSTMENT.—

"(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that eligible local educational agencies are eligible to receive under paragraph (2) for such year, the Secretary—

"(i) first, shall ratably reduce the amount made available under paragraph (2)(B) for all local educational agencies for such year; and

"(ii) second, shall ratably reduce the base amount under paragraph (2)(A) for all eligible local educational agencies for such year.

"(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (2) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(5) DATA.—In determining the school age population under paragraph (2) the Secretary shall use the most recent data available from the Bureau of the Census.

"(c) LOCAL AUTHORIZED ACTIVITIES.—Grant funds awarded to an eligible local educational agency under this subpart shall be used for—

"(1) professional development activities authorized under title II;

"(2) class size reduction activities and other activities authorized under section 307 of the Department of Education Appropriations Act, 1999;

"(3) technology activities authorized under title III; or

"(4) local drug and violence prevention programs authorized under section 4116.

"(d) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this subpart by an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to the eligible local educational agency.

"SEC. 6216. APPLICATIONS.

"Each eligible local educational agency that desires a grant under this subpart to carry out an activity described in section 6215(c) shall include, as part of the application submitted under the provision of law described in section 6215(c) applicable to the activity, a request for funds under this subpart.

"SEC. 6217. ADMINISTRATIVE PROVISIONS.

"(a) SUPPLEMENT NOT SUPPLANT.—Funds under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purposes of this subpart.

"(b) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit an eligible local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this subpart.

"SEC. 6218. REPORTS; ACCOUNTABILITY; STUDIES.

"(a) LOCAL EDUCATIONAL AGENCY REPORTS.—Each eligible local educational agency that receives a grant under this subpart for an activity described in section 6215(c) shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this subpart to make progress in meeting the goals and objectives of the provision of law described in section 6215(c) applicable to the activity.

"(b) STUDIES.—

"(1) COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this subpart on student achievement. The Controller General shall report the results of the study to Congress.

"(2) SECRETARY.—The Secretary shall conduct a study and report to Congress regarding the unique needs of rural school districts, including needs related to—

"(A) the small size of the school districts, the small number of students or student sparsity, and remoteness;

"(B) teacher qualifications and class size;

"(C) teacher recruitment and multiple roles of teachers;

"(D) transportation costs;

"(E) school safety and drug abuse;

"(F) course offerings; and

"(G) the impact of children with special needs.

"SEC. 6219. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $300,000,000 for each of the fiscal years 2001 through 2004.

"Subpart 2—Urban Education Initiative

"SEC. 6221. SHORT TITLE OF SUBPART.

"This subpart may be cited as the 'Eliminating Educational Disparities and Promoting Learning for Urban Students Act of 2000'.

"SEC. 6222. PURPOSE.

"The purpose of this subpart is to provide supplemental financial assistance to eligible urban school districts to enhance their efforts under programs established under this Act to narrow or overcome educational disparities between minority and non-minority group students, and between urban and non-urban public school students.

"SEC. 6223. URBAN SCHOOL GRANTS.

"(a) Authorization.—The Secretary is authorized to make supplementary grants to eligible local educational agencies serving an urban area, or State educational agencies in the case where the State educational agency is the local educational agency, for activities designed to assist schools with high concentrations of students from low income families and racial and language minority groups improve schoolwide academic achievement, with particular attention to narrowing or overcoming disparities in achievement scores and school completion between minority and non-minority group students and between urban and non-urban public school students.

"(b) Definition of Eligible Local Educational Agency.—In this subpart, the term 'eligible local educational agency' means a local educational agency that—

"(1) serves the largest central city in a State; or

"(2) enrolls—

"(A) more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(B) between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

"(c) Authorized Activities.—

"(1) In general.—Grant funds awarded to an eligible local educational agency under this subpart shall be used—

"(A) for—

"(i) activities to assist schools in need of improvement authorized under section 1116;

"(ii) professional development activities authorized under title II;

"(iii) programs authorized under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act;

"(iv) the Emergency Immigrant Education Program authorized under part C of title VII; or

"(v) class size reduction; and

"(B) in ways consistent with the purposes of this subpart.

"(2) Additional requirement.—Authorized activities conducted with grant funds provided under this subpart shall be carried out in a school or schools of a feeder system with high concentrations of students from racial and language minority groups within the eligible local educational agency.

"(3) Administrative costs.—Not more than 5 percent of any grant awarded under this subpart may be used for administrative costs.

"(d) Allocations.—In making awards from amounts appropriated under this subpart, the Secretary shall allocate amounts directly to each urban eligible local educational agency on the basis of the relative number of children counted under section 1124(c) in such agencies, as determined by the Secretary using the most recent satisfactory data.

"(e) Relation to Other Federal Funding.—Funds received under this subpart by an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to the local educational agency.

"(f) Applications.—Each eligible local educational agency that desires a grant under this subpart shall submit an application to the Secretary that identifies the authorized activities described in subsection (c)(1) for which funds provided under the grant will be used.

"(g) Supplement Not Supplant.—Funds under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purposes of this subpart.

"(h) Reports; Accountability; Studies.—

"(1) Local educational agency reports.—Each eligible local educational agency that receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this subpart to make progress in meeting the goals and objectives applicable to the authorized activities conducted with such funds.

"(2) Study by national academy of sciences.—The Chairman of the National Academy of Sciences shall conduct a study regarding the impact of assistance provided under this subpart on student achievement and report the results of the study to Congress.

"(i) Additional Definitions.—In this subpart:

"(1) Central city.—The term 'central city' has the meaning given that term by the Bureau of the Census.

"(2) Metropolitan statistical area.—The term 'metropolitan statistical area' has the meaning given that term by the Bureau of the Census.

"(3) Poverty level.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.".

SEC. 602. TECHNICAL AND CONFORMING AMENDMENT.

Section 4(b)(5) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(5)) is amended by striking "Title VI" and inserting "Part A of title VI".

TITLE VII—BILINGUAL EDUCATION

SEC. 701. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 7102. PURPOSE.";

(2) by striking subsections (a) and (b); and

(3) in subsection (c)—

(A) by striking "(c) Purpose.—The" and inserting "The";

(B) in the matter preceding paragraph (1), by striking "to educate limited English proficient children and youth to" and inserting "to help ensure that limited English proficient students master English and";

(C) by striking paragraph (1) and inserting the following:

"(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient students;"; and

(D) in paragraph (2), by inserting "fully" before "developing".

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 7103(a) (20 U.S.C. 7403(a)) is amended by striking "$215,000,000 for the fiscal year 1995" and inserting "$300,000,000 for fiscal year 2001".

SEC. 703. REPEAL OF PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

(a) In General.—Section 7112 (20 U.S.C. 7422) is repealed.

(b) Conforming Amendment.—Section 7111 (20 U.S.C. 7421) is amended, in the matter preceding paragraph (1), by striking "7112, 7113, 7114, and 7115" and inserting "7113 and 7114".

SEC. 703A. PERFORMANCE OBJECTIVES.

Title VII (20 U.S.C. 7401 et seq.), as amended by section 703(a), is amended by inserting after section 7111 the following:

"SEC. 7112. PERFORMANCE OBJECTIVES.

"(a) In General.—Each entity receiving a grant under this subpart shall develop annual numerical performance objectives with respect to helping limited English proficient students become proficient in English. The objectives shall include age and developmentally appropriate incremental percentage increases for each fiscal year a State or local educational agency receives a grant under this subpart, including increases in the number of limited English proficient students demonstrating continuous and substantial progress on annual assessments in reading, writing, speaking, and listening comprehension, from the preceding fiscal year.

"(b) Accountability.—Each entity receiving a grant under this subpart shall be held accountable for meeting the annual numerical performance objectives under this subpart and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B)(iv) and (vii).

"(c) Program Improvement Plan.—

"(1) In general.—If, at the conclusion of the third year in which an entity receives a grant under this subpart, the Secretary determines that the entity is failing to meet its program objectives, as determined pursuant to the entity's program application, the entity shall promptly develop and submit to the Secretary a program improvement plan in order to receive a continuation grant award under this subpart for the subsequent fiscal year. Such plan shall include the annual performance objectives required under subsection (a).

"(2) Approval.—The Secretary shall approve a program improvement plan under paragraph (1) only if the Secretary determines that the plan holds reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve the challenging State content and performance standards.

"(3) Denial of Continuation Award.—If, at the conclusion of the fourth fiscal year in which an entity receives a grant under this subpart, the Secretary determines that the entity is still not meeting annual performance objectives for English proficiency and adequate yearly progress levels for limited English proficient students under section 1111(b), the Secretary shall deny the entity a continutation grant award under this subpart for the succeeding fiscal year.

"(d) Parental Notification.—

"(1) IN GENERAL.—Each local educational agency shall notify parents, in a manner and form understandable to the parent including, if necessary and to the extent feasible, in the native language of the parent, of a student participating in a language instruction educational program under this subpart of—

"(A) the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, and the implications of the student's educational strengths and needs for age- and grade-appropriate academic attainment, promotion, and graduation;

"(B) what programs are available to meet the student's educational strengths and needs, and how such programs differ in content and instructional goals from other language instruction educational programs and, in the case of a student with a disability, how such program meets the objectives of the individualized education program of such a student; and

"(C) the instructional goals of the language instruction educational program, and how the program will specifically help the limited English proficient student learn English and meet State and local content and performance standards.

"(2) OPTION TO DECLINE.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of their children or youth in a language instruction educational program, and shall be given an opportunity to decline such enrollment if the parent so chooses.

"(3) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any Federally assisted language instruction educational program assisted under this subpart solely on the basis of a surname or language-minority status.".

SEC. 704. PROGRAM ENHANCEMENT PROJECTS.

(a) PURPOSE.—Section 7113 (20 U.S.C. 7423) is amended by striking subsection (a) and inserting the following:

"(a) PURPOSE.—The purpose of this section is to—

"(1) provide grants to eligible entities to provide innovative, locally designed, high quality instruction to children and youth of limited English proficiency;

"(2) help children and youth develop proficiency in the English language by expanding or strengthening instructional programs; and

"(3) help children and youth attain the standards established under section 1111(b).".

(b) PROGRAM AUTHORIZED.—Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1)(B), by striking "two" and inserting "3"; and

(2) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—(A) Grants awarded under this section shall be used for—

"(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children and youth, that are—

"(I) aligned with State and local content and student performance standards, and local school reform efforts; and

"(II) coordinated with related services for children and youth;

"(ii) providing high quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

"(iii) annually assessing the English proficiency of all limited English proficient students served by activities carried out under this section.

"(B) Grants awarded under this section may be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

"(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient students;

"(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(iv) improving the instructional programs for limited English proficient students by identifying, acquiring, and applying effective curricula, instructional materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

"(v) providing intensified instruction, including tutorials and academic or career counseling, for children and youth who are limited English proficient;

"(vi) adapting best practice models for meeting the needs of limited English proficient students;

"(vii) assisting limited English proficient students with disabilities;

"(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary bilingual education programs; and

"(ix) carrying out such other activities, consistent with the purpose of this part, as the Secretary may approve.".

(c) PRIORITY.—Section 7113 (20 U.S.C. 7423) is amended by adding at the end the following:

"(d) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

"(1) serves a school district—

"(A) that has a total district enrollment that is less than 10,000 students; or

"(B) with a large percentage or number of limited English proficient students; and

"(2) has limited or no experience in serving limited English proficient students.".

SEC. 705. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7114 (20 U.S.C. 7424) is amended to read as follows:

"SEC. 7114. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to provide financial assistance to schools and local educational agencies for implementing bilingual education programs, in coordination with programs carried out under title I, for children and youth of limited English proficiency;

"(2) to assist limited English proficient students to meet the standards established under section 1111(b); and

"(3) to improve, reform, and upgrade relevant instructional programs and operations, in schools and local educational agencies, that serve significant percentages of students with limited English proficiency or significant numbers of such students.

"(b) AUTHORIZED ACTIVITIES.—

"(1) AUTHORITY.—The Secretary may award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraphs (2) and (3).

"(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

"(A) improving instructional programs for limited English proficient students by acquiring and upgrading curriculum and related instructional materials;

"(B) aligning the activities carried out under this section with State and local school reform efforts;

"(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

"(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient students;

"(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents to become active participants in the education of their children;

"(F) coordinating the activities carried out under this section with other programs, such as programs carried out under title I;

"(G) providing services to meet the full range of the educational needs of limited English proficient students;

"(H) annually assessing the English proficiency of all limited English proficient students served by the activities carried out under this section; and

"(I) developing or improving accountability systems to monitor the academic progress of limited English proficient students.

"(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

"(A) implementing programs to upgrade reading and other academic skills of limited English proficient students;

"(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient students;

"(C) implementing research-based programs to meet the needs of limited English proficient students;

"(D) providing tutorials and academic or career counseling for limited English proficient children and youth;

"(E) developing and implementing State and local content and student performance standards for learning English as a second language, as well as for learning other languages;

"(F) developing and implementing programs for limited English proficient students to meet the needs of changing populations of such students;

"(G) implementing policies to ensure that limited English proficient students have access to other education programs (other than programs designed to address limited English proficiency), such as gifted and talented, vocational education, and special education programs;

"(H) implementing programs to meet the needs of limited English proficient students with disabilities;

"(I) developing and implementing programs to help all students become proficient in more than 1 language; and

"(J) providing such other activities related to the purpose of this part as the Secretary may approve.

"(4) Special rule.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 90 days. The recipient shall commence carrying out activities under this section not later than 90 days after the date of receipt of the grant.

"(c) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this section, $1,000,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) Distribution of funds.—Subject to paragraph (3), amounts appropriated under paragraph (1) for a fiscal year shall be distributed by the Secretary as follows:

"(A) Reservation of funds for continued payments.—

"(i) Covered grant.—In this subparagraph, the term 'covered grant' means a grant—

"(I) that was awarded under this section, or section 7115, prior to the date of enactment of the Educational Excellence for All Children Act of 2000; and

"(II) for which the grant period has not ended.

"(ii) Reservation.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in clause (iii) from the amount appropriated for the fiscal year under paragraph (1).

"(iii) Payments.—The Secretary shall continue to make grant payments to each entity that received a covered grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in clause (i)(I).

"(B) Availability.—Of the amount appropriated for a fiscal year under paragraph (1) that remains after the Secretary reserves funds for payments under subparagraph (A)—

"(i) not less than ⅓ of the remainder shall be used to award grants for activities carried out within an entire school district; and

"(ii) not less than ⅔ of the remainder shall be used to award grants for activities carried out within individual schools.

"(3) Conversion to formula grant program.—With respect to any fiscal year in which the amount appropriated to carry out this section equals or exceeds $800,000,000, such amounts shall be distributed—

"(A) first, among each State with an approved applications under section 7116, in the same proportion as amounts are distributed to such State under part A of title I; and

"(B) second, of the amount distributed to a State under subpararaph (A)—

"(i) 50 percent of such amount shall be distributed within the State based on the number of children who live in poverty in areas of the State; and

"(ii) 50 percent of such amount shall be distributed within the State based on the number of limited English proficiency students, using the most recently available data from the Bureau of the Census.

"(d) Eligible Entities.—In this section, the term 'eligible entity' means—

(1) 1 or more local educational agencies; or

(2) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, local educational agency, or State educational agency.".

SEC. 706. REPEAL OF SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7115 (20 U.S.C. 7425) is repealed.

SEC. 706A. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

Title VII (20 U.S.C. 7401 et seq.), as amended by section 706, in amended by inserting after section 7114 the following:

"SEC. 7115. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

"(a) Findings.—Congress finds the following:

"(1) In 1997, there were an estimated 25,800,000 foreign-born individuals residing in the United States. That number is the largest number of such foreign-born individuals ever in United States history and represents a 6,000,000, or 30 percent, increase over the 1990 census figure of 19,800,000 of such foreign-born individuals. The Bureau of the Census estimates that the recently arrived immigrant population (including the refugee population) currently residing in the Nation will account for 75 percent of the population growth in the United States over the next 50 years.

"(2) For millions of immigrants settling into the Nation's hamlets, towns, and cities, the dream of "life, liberty, and the pursuit of happiness" has become a reality. The wave of immigrants, from various nationalities, who have chosen the United States as their home, has positively influenced the Nation's image and relationship with other nations. The diverse cultural heritage of the Nation's immigrants has helped define the Nation's culture, customs, economy, and communities. By better understanding the people who have immigrated to the Nation, individuals in the United States better understand what it means to be an American.

"(3) There is a critical shortage of teachers with the skills needed to educate immigrant students and their families in nonconcentrated, nontraditional, immigrant communities as well as communities with large immigrant populations. The large influx of immigrant families over the last decade presents a national dilemma: The number of such families with school-age children, requiring assistance to successfully participate in elementary schools, secondary schools, and communities in the United States, is increasing without a corresponding increase in the number of teachers with skills to accommodate their needs.

"(4) Immigrants arriving in communities across the Nation generally settle into high-poverty areas, where funding for programs to provide immigrant students and their families with the services the students and families need to successfully participate in elementary schools, secondary schools, and communities in the United States is inadequate.

"(5) The influx of immigrant families settling into many United States communities is often the result of concerted efforts by local employers who value immigrant labor. Those employers realize that helping immigrants to become productive, prosperous members of a community is beneficial for the local businesses involved, the immigrants, and the community. Further, local businesses benefit from the presence of the immigrant families because the families present businesses with a committed and effective workforce and help to open up new market opportunities. However, many of the communities into which the immigrants have settled need assistance in order to give immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

"(b) Purpose.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations for the development of model programs to provide to immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

"(c) Definitions.—In this section:

"(1) Community-based organization; elementary school; local educational agency; secondary school.—The terms 'community-based organization', 'elementary school', 'local educational agency', and 'secondary school' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) Immigrant.—The term 'immigrant' has the meaning given the term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

"(d) Program Authorized.—

"(1) In general.—The Secretary is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

"(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; andparent education and literacy development services and by coordinating activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

"(2) Duration.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

"(e) Applications for Grants.—

"(1) In general.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) Eligible partnerships.—To be eligible to receive a grant under this section, a partnership—

"(A) shall include—

"(i) at least 1 local educational agency; and

"(ii) at least 1 community-based organization; and

"(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

"(3) Required documentation.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

"(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

"(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

"(4) Other application contents.—Each application submitted by a partnership under this section for a proposed program shall include—

"(A) a list of the organizations entering into the partnership;

"(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

"(i) the native languages of the students to be served;

"(ii) the proficiency of the students in English and the native languages;

"(iii) achievement data for the students in—

"(I) reading or language arts (in English and in the native languages, if applicable); and

"(II) mathematics; and

"(iv) the previous schooling experiences of the students;

"(C) a description of the goals of the program;

"(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

"(E) a description of activities that will be pursued by the partnership through the program, including a description of—

"(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

"(ii) how the activities will further the academic achievement of immigrant students served through the program;

"(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

"(iv) methods of coordinating comprehensive community social services to assist immigrant families;

"(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

"(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

"(H) an assurance that the partnership will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(I) any other information that the Secretary may require.

"(f) SELECTION OF GRANTEES.—

"(1) CRITERIA.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the basis of the quality of the programs proposed in the applications submitted under subsection (e), taking into consideration such factors as—

"(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

"(B) the quality of the activities proposed by a partnership;

"(C) the extent of parental, student, and community involvement;

"(D) the extent to which comprehensive community social services are made available;

"(E) the quality of the plan for measuring and assessing success; and

"(F) the likelihood that the goals of the program will be achieved.

"(2) GEOGRAPHIC DISTRIBUTION OF PROGRAMS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

"(g) EVALUATION AND PROGRAM DEVELOPMENT.—

"(1) REQUIREMENT.—Each partnership receiving a grant under this section shall—

"(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

"(B) prepare and submit to the Secretary a report containing the results of the evaluation.

"(2) EVALUATION REPORT COMPONENTS.—Each evaluation report submitted under this section for a program shall include—

"(A) data on the partnership's progress in achieving the goals of the program;

"(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

"(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

"(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

"(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

"(D) such other information as the Secretary may require.

"(i) ADMINISTRATIVE FUNDS.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 707. APPLICATIONS.

(a) STATE REVIEW AND COMMENTS.—Section 7116(b) (20 U.S.C. 7426(b)) is amended—

(1) in paragraph (1), by striking "such" and inserting "the written comments of the agency on the"; and

(2) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by striking "how the eligible entity";

(B) by striking clause (i) and inserting the following:

"(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient students served under the grant; and"; and

(C) by striking clause (ii) and inserting the following:

"(ii) how the grant application is consistent with the State plan required under section 1111.".

(b) REQUIRED DOCUMENTATION.—Section 7116(f) (20 U.S.C. 7426(f)) is amended to read as follows:

"(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

"(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

"(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.".

(c) CONTENTS.—Section 7116(g) (20 U.S.C. 7426(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "including data" and all that follows and inserting the following: "including—

"(i) data on the number of limited English proficient students in the school or school district to be served;

"(ii) the characteristics of such students, including—

"(I) the native languages of the students;

"(II) the proficiency of the students in English and their native language;

"(III) achievement data (current as of the date of submission of the application) for the limited English proficient students in—

"(aa) reading or language arts (in English and in the native language, if applicable); and

"(bb) mathematics;

"(IV) a comparison of that data for the students with that data for the English proficient peers of the students; and

"(V) the previous schooling experiences of the students;

"(iii) the professional development needs of the instructional personnel who will provide services for the limited English proficient students under the proposed program; and

"(iv) how the services provided through the grant would supplement the basic services provided to limited English proficient students.";

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking ", the Goals 2000: Educate America Act"; and

(II) by striking "section 14306" and inserting "section 6506";

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(iii) by inserting after clause (i) the following:

"(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient students;"; and

(C) in subparagraph (E), by striking "program" and all that follows and inserting the following: "program who, individually or in combination, are proficient in—

"(i) English, including written, as well as oral, communication skills; and

"(ii) the native language of the majority of the students that the teachers teach, if instruction in the program is in the native language as well as English."; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "or 7115".

(d) PRIORITIES AND SPECIAL RULES.—Section 7116(i) (20 U.S.C. 7426(i)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) PRIORITY.—In approving applications for grants for programs under this subpart, the Secretary shall give priority to an applicant who—

"(A) experiences a dramatic increase in the number or percentage of limited English proficient students enrolled in the applicant's programs and has limited or no experience in serving limited English proficient students;

"(B) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

"(C) demonstrates that the applicant has a proven record of success in helping limited English proficient children and youth learn English and meet high academic standards;

"(D) proposes programs that provide for the development of bilingual proficiency both in English and another language for all participating students; or

"(E) serves a school district with a large percentage or number of limited English proficient students.";

(2) by striking paragraphs (2) and (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

SEC. 708. REPEAL OF INTENSIFIED INSTRUCTION.

Section 7117 (20 U.S.C. 7427) is repealed.

SEC. 709. REPEAL OF SUBGRANTS, PRIORITY, AND COORDINATION PROVISIONS.

Sections 7119 through 7121 (20 U.S.C. 7429–7431) are repealed.

SEC. 710. EVALUATIONS.

Section 7123 (20 U.S.C. 7433) is amended to read as follows:

"SEC. 7123. EVALUATIONS.

"(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

"(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

"(1) for program improvement;

"(2) to further define the program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

"(1) use the data provided in the application submitted by the recipient under section 7116 as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

"(2) disaggregate the results of the evaluation by gender, language groups, and whether the students have disabilities;

"(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which students served by the program are meeting the State's student performance standards, and including data comparing limited English proficient students with English proficient students with regard to school retention and academic achievement in—

"(A) reading and language arts;

"(B) English proficiency;

"(C) mathematics; and

"(D) the native language of the students if the program develops native language proficiency;

"(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

"(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

"(6) include such other information as the Secretary may require.".

SEC. 711. RESEARCH.

Section 7132(c)(1) (20 U.S.C. 7452(c)(1)) is amended by striking "under subpart 1 or 2" and inserting "under subpart 1 or 3 or this subpart".

SEC. 712. ACADEMIC EXCELLENCE AWARDS.

Section 7133 (20 U.S.C. 7453) is amended to read as follows:

"SEC. 7133. ACADEMIC EXCELLENCE AWARDS.

"(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

"(1) demonstrated significant progress in assisting limited English proficient students to learn English according to age appropriate and developmentally appropriate standards; and

"(2) demonstrated significant progress in assisting limited English proficient children and youth to meet, according to age appropriate and developmentally appropriate standards, the same challenging State content standards as all children and youth are expected to meet.

"(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 7134(e).".

SEC. 713. STATE GRANT PROGRAM.

(a) GRANT AMOUNT.—Section 7134(b) (20 U.S.C. 7454(b)) is amended by striking "$100,000" and inserting "$200,000".

(b) USE OF FUNDS.—Section 7134(c) (20 U.S.C. 7454(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for programs authorized by this section";

(B) by striking subparagraph (A) and inserting the following:

"(A) assist local educational agencies in the State with activities that—

"(i) consist of program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students; and

"(ii) are aligned with State reform efforts; and"; and

(C) in subparagraph (B), by striking "populations and" and all that follows and inserting "populations and document the services available to all such populations.";

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 714. NATIONAL CLEARINGHOUSE.

Section 7135(b) (20 U.S.C. 7455(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4)—

(A) by striking "described in part A of title XIII"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) publish, on an annual basis, a list of grant recipients under this title.".

SEC. 715. INSTRUCTIONAL MATERIALS DEVELOPMENT.

Section 7136 (20 U.S.C. 7456) is amended, in the first sentence, by striking the period and inserting ", and in other low-incidence languages in the United States for which instructional materials are not readily available.".

SEC. 716. TRAINING FOR ALL TEACHERS PROGRAM.

Section 7142 (20 U.S.C. 7472) is amended by striking subsections (b) and (c) and inserting the following:

"(b) AUTHORIZATION.—

"(1) AUTHORITY.—The Secretary may award grants under this section to—

"(A) local educational agencies; or

"(B) 1 or more local educational agencies in a consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.

"(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

"(c) AUTHORIZED ACTIVITIES.—

"(1) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality, long-term professional development activities relating to meeting the needs of limited English proficient students, which may include—

"(A) developing and implementing induction programs for new teachers, including programs that provide mentoring and coaching by trained teachers, and team teaching with experienced teachers;

"(B) implementing school-based collaborative efforts among teachers to improve instruction in core academic areas, including reading, for students with limited English proficiency;

"(C) coordinating activities with other programs, such as programs carried out under titles I and II and the Head Start Act;

"(D) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

"(E) establishing and maintaining local professional networks;

"(F) developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served; and

"(G) carrying out such other activities as are consistent with the purpose of this section.

"(2) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with other programs, such as programs authorized under titles I and II, and under the Head Start Act.".

SEC. 717. GRADUATE FELLOWSHIPS.

Section 7145(a) (20 U.S.C. 7475(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 718. REPEAL OF PROGRAM REQUIREMENTS.

Section 7147 (20 U.S.C. 7477) is repealed.

SEC. 719. PROGRAM EVALUATIONS.

Section 7149 (20 U.S.C. 7479) is amended to read as follows:

"SEC. 7149. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report containing the evaluation. Such report shall include information on—

"(1) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took positions in an instructional setting with limited English proficient students;

"(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

"(3) the teaching effectiveness of graduates of the program or other participants who have completed the program.".

SEC. 720. SPECIAL RULE.

Section 7161 (20 U.S.C. 7491) is amended by striking "Improving America's Schools Act of 1994" and inserting "Educational Excellence for All Children Act of 2000".

SEC. 721. REPEAL OF FINDING RELATING TO FOREIGN LANGUAGE ASSISTANCE.

Section 7202 (20 U.S.C. 7512) is repealed.

SEC. 722. FOREIGN LANGUAGE ASSISTANCE APPLICATIONS.

Section 7204(b) (20 U.S.C. 7514(b)) is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

"(5) promote innovative activities such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

"(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.".

SEC. 723. EMERGENCY IMMIGRANT EDUCATION PURPOSE.

Section 7301 (20 U.S.C. 7541) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 7301. PURPOSE.";

(2) by striking subsection (a); and

(3) in subsection (b), by striking "(b) Purpose.—".

SEC. 724. EMERGENCY IMMIGRANT EDUCATION STATE ADMINISTRATIVE COSTS.

Section 7302 (20 U.S.C. 7542) is amended by inserting after "percent" the following: "(2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis)".

SEC. 725. CONFORMING AMENDMENTS.

(a) State Allocations.—Section 7304(a) (20 U.S.C. 7544(a)) is amended by striking "7301(b)" and inserting "7301".

(b) Reports.—Section 7308(b) (20 U.S.C. 7548(b)) is amended by striking "14701" and inserting "10201".

SEC. 726. EMERGENCY IMMIGRANT EDUCATION AUTHORIZATION OF APPROPRIATIONS.

Section 7309 (20 U.S.C. 7549) is amended by striking "$100,000,000 for fiscal year 1995" and inserting "$200,000,000 for fiscal year 2001".

SEC. 727. COORDINATION AND REPORTING REQUIREMENTS.

Section 7405(d) (20 U.S.C. 7575(d)) is amended by striking "Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and the Workforce".

TITLE VIII—IMPACT AID

SEC. 801. SHORT TITLE.

Title VIII (20 U.S.C. 7701 et seq.) is amended by inserting before section 8001 (20 U.S.C. 7701) the following:

"SEC. 8000. SHORT TITLE.

"This title may be cited as the 'Impact Aid Act'.".

SEC. 802. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended—

(1) in paragraph (4), by inserting "or" after the semicolon;

(2) by striking paragraph (5); and

(3) by redesignating paragraph (6) as paragraph (5).

SEC. 803. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking "1999" and inserting "2005";

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking "ratably reduce the payment to each eligible local educational agency" and inserting "calculate the payment for each eligible local educational agency in accordance with subsection (h)"; and

(B) in subparagraph (C), by inserting "or this section, whichever is greater" before the period;

(3) by amending subsection (h) to read as follows:

"(h) Distribution of Funds When There Are Insufficient Appropriations.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under subsection (b) for all local educational agencies for a fiscal year, then the Secretary shall calculate the payments the local educational agencies receive under this section for the fiscal year as follows:

"(1) Foundation payments for pre-1995 recipients.—First, the Secretary shall make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year and was eligible to receive a payment under section 2 of Public Law 81-874 for any of the fiscal years 1989 through 1994. The Secretary shall make the payment by multiplying 37 percent by the payment the local educational agency was entitled to receive under such section 2 for fiscal year 1994 (or if the local educational agency did not receive a payment for fiscal year 1994, the payment that local educational agency was entitled to receive under such section 2 for the most recent fiscal year preceding 1994). If the funds appropriated under section 8014(a) for the fiscal year are insufficient to fully fund the foundation payments under this paragraph for the fiscal year, then the Secretary shall ratably reduce the foundation payments to each local educational agency under this paragraph.

"(2) Payments for 1995 recipients.—From any funds remaining after making payments under paragraph (1) for the fiscal year for which the calculation is made that are the result of the calculation described in subparagraph (A), the Secretary shall make a payment to each local educational agency that received a payment under this section for fiscal year 1995 in accordance with the following rules:

"(A) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year for which the calculation is made.

"(B) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995, determined in accordance with subsection (b)(3), by the total national assessed value of the Federal property of all such local educational agencies for fiscal year 1995, as so determined.

"(C) Multiply the percentage share described in subparagraph (B) for the local educational agency by the amount determined under subparagraph (A).

"(3) Subsection (i) recipients.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year for which the calculation is made, the Secretary shall make payments in accordance with subsection (i).

"(4) Remaining funds.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year for which the calculation is made—

"(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year for which the calculation is made in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year for which the calculation is made bears to the amount all local educational agencies received under paragraph (1) for the fiscal year for which the calculation is made; and

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year for which the calculation is made in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year for which the calculation is made, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.";

(4) in subsection (i)—

(A) in the subsection heading, by striking "Priority" and inserting "Special"; and

(B) by amending paragraph (1) to read as follows:

"(1) In general.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year for which the calculation is made (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).";

(5) in subsection (j)—

(A) in paragraph (2)—

(i) by striking "(A) A local" and inserting "A local"; and

(ii) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking the semicolon and inserting a period; and

(II) by striking "(A) The maximum" and inserting "The maximum"; and

(ii) by striking subparagraphs (B) and (C); and

(6) by adding at the end the following:

"(l) Data; Preliminary and Final Payments.—The Secretary shall—

"(1) require any local educational agency that applied for a payment under subsection (b) for a fiscal year to submit expeditiously such data as may be necessary in order to compute the payment;

"(2) as soon as possible after the beginning of any fiscal year, but not later than 60 days after the date of enactment of an Act making appropriations to carry out this title for the fiscal year, provide a preliminary payment under subsection (b) for any local educational agency that applied for a payment under subsection (b) for the fiscal year, that has submitted the data described in paragraph (1), and that was eligible for such a payment for the preceding fiscal year, in the amount of 60 percent of the payment for the previous year; and

"(3) make every effort to provide a final payment under subsection (b) for any eligible local educational agency not later than 12 months after the application deadline established under section 8005(c).

"(m) ELIGIBILITY.—

"(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of enactment.

"(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment if—

"(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of enactment, meets the requirements of subsection (a); and

"(B) the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition of the Federal property acquired after the date of enactment.

"(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition.

"(n) DISTRIBUTION OF FUNDS.—In calculating payments under this section for a local educational agency, any Federal funds received from a Federal agency (other than the Department of Education) for Federal lands located in a school district served by the local educational agency shall not be deducted from the payment unless the payment is for the maximum amount, as determined under subsection (b), the agency is eligible to receive under this section.".

SEC. 804. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) GENERAL AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F);

(ii) in subparagraph (D), by striking "subparagraphs (D) and (E) of paragraph (1) by a factor of .10" and inserting "subparagraph (D) of paragraph (1) by a factor of .25"; and

(iii) by inserting after subparagraph (D) the following:

"(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.";

(B) in paragraph (4)—

(i) by amending the paragraph heading to read as follows: "HOUSING UNDERGOING RENOVATION OR REBUILDING';

(ii) by striking "For purposes" and inserting the following:

"(A)(i) MILITARY HOUSING.—For purposes";

(iii) in subparagraph (A)(i) (as designated by clause (ii)), by inserting "or rebuilding" after "undergoing renovation"; and

(iv) by adding at the end the following:

"(ii) HOUSING ON INDIAN LAND.—For purposes of computing the amount of a payment for a local educational agency that received a payment for children described in paragraph (1)(C) in the fiscal year prior to the fiscal year for which the local educational agency is making application, but which the Secretary determines on the basis of a certification provided to the Secretary by a designated representative of the Department of the Interior or the Department of Housing and Urban Development, that such children did reside in housing on Indian land in accordance with paragraph (1)(C) in the previous fiscal year and would continue to reside in such housing except that such housing was undergoing renovation or rebuilding on the date for which the Secretary determines the number of children under paragraph (1).

"(B) LIMITATIONS.—(i)(I) Except as provided in subclause (III), children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for a period not to exceed 2 fiscal years.

(II) Except as provided in subclause (III), children described in subparagraph (A)(ii) may be deemed to be children described in paragraph (1)(C) with respect to housing on Indian land undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for a period not to exceed 2 fiscal years.

(III) If the Secretary determines, on the basis of certification provided to the Secretary by a designated representative of the applicable Secretary, that the expected completion date of the renovation or rebuilding of the housing has been delayed by not less than 1 year, then—

"(aa) in the case of a determination made by the Secretary in the first fiscal year described in subclauses (I) or (II), the time period described in such subclauses shall be extended for an additional 2 years; and

"(bb) in the case of a determination made by the Secretary in the 2nd fiscal year described in subclauses (I) or (II), the time period described in such subclauses shall be extended by the Secretary for an additional 1 year.

"(ii) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

"(iii) The number of children described in subparagraph (A)(ii) who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian land undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding."; and

(C) by adding at the end the following:

"(5) MILITARY 'BUILD TO LEASE' PROGRAM HOUSING.—

"(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the 'Build to Lease' program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

"(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

"(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

"(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.";

(2) in subsection (b)(1), by adding at the end the following:

"(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

"(E) SPECIAL RULE.—For the purpose of determining the comparable local contribution rate under subparagraph (C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code of Federal Regulations, the Secretary shall determine as the local educational agency's minimum comparable local contribution rate the local contribution rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.";

(3) in subsection (d)(2), by striking "a free appropriate public education" and inserting "services";

(4) by amending subsection (e) to read as follows:

"(e) HOLD HARMLESS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total amount the Secretary shall pay a local educational agency under this section for fiscal year 2001 and each succeeding fiscal year shall not be less than—

"(A) the result obtained by dividing the amount received by the local educational agency under this subsection for fiscal year 2000 by the total weighted student units calculated for the local educational agency under subsection (a)(2) for fiscal year 2000; multiplied by

"(B) the total weighted student units calculated for the local educational agency under subsection (a)(2) (as such subsection was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) for the fiscal year for which the determination is made.

"(2) RATABLE REDUCTIONS.—

"(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

"(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.";

(5) by striking subsections (f) and (g); and

(6) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

"(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

"(B) ELIGIBILITY FOR CONTINUING HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000) for fiscal year 2000; and

"(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

"(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

"(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for local educational agencies in the State;

"(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

"(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000).

"(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

"(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

"(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or the agency—

"(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

"(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

"(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

"(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located, as defined in regulations promulgated by the Secretary; and

"(III) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State.

"(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

"(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

"(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

"(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

"(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

"(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

"(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

"(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

"(iii) Notwithstanding subsection (a)(3), the Secretary shall compute the payment for a heavily impacted local educational agency under this subparagraph for all children described in subsection (a)(1) that are served by the agency.

"(E) Maximum amount for large heavily impacted local educational agencies.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

"(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

"(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

"(F) Data.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.".

(c) Payments With Respect to Fiscal Years in Which Insufficient Funds Are Appropriated.—Section 8003(b)(3) (20 U.S.C. 7703(b)(3)) (as so redesignated) is amended—

(1) in subparagraph (A), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subparagraph (B)—

(A) in the heading, by inserting after "Payments" the following: "in lieu of payments under paragraph (1)"; and

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting before "by multiplying" the following: "in lieu of basic support payments under paragraph (1)"; and

(ii) in subclause (II), by striking "(not including amounts received under subsection (f))";

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

"(C) Learning opportunity threshold payments in lieu of payments under paragraph (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be."; and

(5) in subparagraph (D) (as so redesignated), by striking "computation made under subparagraph (B)" and inserting "computations made under subparagraphs (B) and (C)".

(d) Conforming Amendments.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking "subsection (b), (d), or (f)" and inserting "subsection (b) or (d)";

(2) in subsection (b)—

(A) in paragraph (1)(C), in the matter preceding clause (i), by striking "this subsection" and inserting "this paragraph"; and

(B) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A), by striking "paragraphs (1)(B), (1)(C), and (2) of this subsection" and inserting "subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection"; and

(ii) in subparagraph (B)—

(I) by inserting after "paragraph (1)(C)" the following: "or subparagraph (D) or (E) of paragraph (2), as the case may be,"; and

(II) by striking "paragraph (2)(B)" and inserting "subparagraph (B) or (C) of paragraph (3), as the case may be,";

(3) in subsection (c)(1), by striking "paragraph (2) and subsection (f)" and inserting "subsections (b)(1)(D), (b)(2), and paragraph (2)"; and

(4) in subsection (h), by striking "section 6" and all that follows through "1994)" and inserting "section 386 of the National Defense Authorization Act for Fiscal Year 1993".

(e) Effective Date.—The time limits imposed by the amendments made by subsection (a)(1)(B)(iv) shall apply with respect to payments made to a local educational agency for fiscal years beginning on or after the date of the enactment of this Act.

SEC. 805. SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

Section 8006 (20 U.S.C. 7706) is repealed.

SEC. 806. SCHOOL CONSTRUCTION AND FACILITY MODERNIZATION.

(a) School Construction.—Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

"SEC. 8007. SCHOOL CONSTRUCTION.

"(a) Payments Authorized for School Construction.—From 20 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8003(b); and

"(2)(A) in which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

"(B) in which the number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

"(C) that receives assistance under section 8003(b)(2) for the fiscal year preceding the school year for which the determination is made.

"(b) Amount of Payments.—The amount of a payment to each such agency for a fiscal year shall be equal to—

"(1) the amount made available under subsection (a) for the fiscal year; divided by

"(2) the remainder of—

"(A) the number of children determined under section 8003(a)(2) for all local educational agencies described in subsection (a) for the fiscal year; minus

"(B) the number of children attending a school facility described in section 8008(a) for which the Secretary provided assistance under section 8008(a) for the previous fiscal year; multiplied by

"(3) the sum of the number of children described in paragraph (2) determined for such agency for the fiscal year.

"(c) Use of Funds.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3).".

(b) School Facility Modernization.—Title VIII of such Act (20 U.S.C. 7701 et seq.) is amended by inserting after section 8007 (20 U.S.C. 7707) the following:

"SEC. 8007A. SCHOOL FACILITY MODERNIZATION.

"(a) Program Authorized.—

"(1) In general.—From 80 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall award grants to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

"(2) Allocation among eligible local educational agencies.—The Secretary shall allocate—

"(A) 45 percent of the amount made available under paragraph (1) for each fiscal year for grants to local educational agencies described in clause (i) or (ii) of subsection (b)(2)(A);

"(B) 45 percent of such amount for grants to local educational agencies described in subsection (b)(2)(B); and

"(C) 10 percent of such amount for grants to local educational agencies described in subsection (b)(2)(C).

"(3) Special rule.—A local educational agency described in subsection (b)(2)(B) may use grant funds made available under this section for a school facility located on or near Federal property only if the school facility is located at a school where not less than 50 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

"(b) Eligibility Requirements.—A local educational agency is eligible to receive funds under this section only if—

"(1) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency's fiscal agent) has no capacity to issue bonds or is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures, except that a local educational agency that is eligible to receive funds under section 8003(b)(2) shall be deemed to have met the requirements of this paragraph; and

"(2)(A)(i) such agency received assistance under section 8002(a) and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

"(ii) had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made;

"(B) such agency received assistance under section 8003(b) and had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

"(C) such agency had an enrollment of children determined under section

8003(a)(1)(C) which constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made, and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

"(c) AWARD CRITERIA.—In awarding grants under this section the Secretary shall consider 1 or more of the following factors:

"(1) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

"(2) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

"(3) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

"(4) The need for modernization to meet—

"(A) the threat that the condition of the school facility poses to the safety and well-being of students;

"(B) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

"(C) facility needs resulting from actions of the Federal Government.

"(5) The age of the school facility to be modernized.

"(d) OTHER AWARD PROVISIONS.—

"(1) AMOUNT CONSIDERATION.—In determining the amount of a grant awarded under this section, the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

"(2) FEDERAL SHARE.—The Federal funds provided to a local educational agency under this section shall not exceed 50 percent of the total cost of the project to be assisted under this section. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

"(3) MAXIMUM GRANT.—A local educational agency may not receive a grant under this section in an amount that exceeds $3,000,000 during any 5-year period.

"(e) APPLICATIONS.—A local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

"(1) documentation of the agency's lack of bonding capacity;

"(2) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

"(3) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

"(4) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

"(5) a description of the modernization to be supported with funds provided under this section;

"(6) a cost estimate of the proposed modernization; and

"(7) such other information and assurances as the Secretary may reasonably require.

"(f) EMERGENCY GRANTS.—

"(1) APPLICATIONS.—Each local educational agency described in subsection (b)(2)(C) that desires a grant under this section shall include in the application submitted under subsection (e) a signed statement from an appropriate State official certifying that a health or safety deficiency exists.

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (2) and (3) of subsection (d) shall not apply to grants under this section awarded to local educational agencies described in subsection (b)(2)(C).

"(3) SPECIAL RULES.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies described in subsection (b)(2)(C).

"(4) PRIORITY.—If the Secretary receives more than 1 application from local educational agencies described in subsection (b)(2)(C) for grants under this section for any fiscal year, the Secretary shall give priority to local educational agencies based on when an application was received and the severity of the emergency as determined by the Secretary.

"(5) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in subsection (b)(2)(C) that applies for a grant under this section for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in paragraph (4).

"(g) GENERAL LIMITATIONS.—

"(1) REAL PROPERTY.—No part of any grant funds awarded under this section shall be used for the acquisition of any interest in real property.

"(2) MAINTENANCE.—Nothing in this section shall be construed to authorize the payment of maintenance costs in connection with any school facilities modernized in whole or in part with Federal funds provided under this section.

"(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this section shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(4) ATHLETIC AND SIMILAR SCHOOL FACILITIES.—No Federal funds received under this section shall be used for outdoor stadiums or other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

"(h) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.".

SEC. 807. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (a)(1), by striking "or under" and all that follows through "of 1994)";

(2) by amending subsection (b)(1) to read as follows:

"(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State."; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking "or under" and all that follows through "of 1994)"; and

(ii) in subparagraph (B), by striking "or under" and all that follows through "of 1994)"; and

(B) in paragraph (2), by striking "or under" and all that follows through "of 1994)".

SEC. 808. FEDERAL ADMINISTRATION.

Section 8010(c) (20 U.S.C. 7710(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated), by striking "paragraph (3)" each place the term appears and inserting "paragraph (2)"; and

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (D), by striking "section 5(d)(2)" and all that follows through "of 1994) or"; and

(B) in subparagraph (E)—

(i) by striking "1994" and inserting "1999";

(ii) by striking "(or such section's predecessor authority)"; and

(iii) by striking "paragraph (2)" and inserting "paragraph (1)".

SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended—

(1) by striking "the Act" and all that follows through "of 1994)" and inserting "this title's predecessor authorities"; and

(2) by inserting before the period ", if a request for such hearing is submitted to the Secretary by the affected local educational agency or State educational agency not later than 60 days after receiving notice that such action has occurred".

SEC. 810. FORGIVENESS OF OVERPAYMENTS.

The matter preceding paragraph (1) of section 8012 (20 U.S.C. 7712) is amended by striking "under the Act" and all that follows through "of 1994)" and inserting "under this title's predecessor authorities".

SEC. 811. APPLICABILITY.

Title VIII is amended by inserting after section 8012 (20 U.S.C. 7712) the following:

"SEC. 8012A. APPLICABILITY TO THIS TITLE.

"Part B of title IV, parts D, E, and F of title VI, and part A of title X, shall not apply to this title.".

SEC. 812. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in the first sentence of paragraph (4), by striking "title VI" and inserting "part A of title VI";

(2) in paragraph (5)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I)—

(I) by striking "low-rent" and inserting "low-income"; and

(II) by striking "or" after the semicolon; and

(ii) by adding at the end the following:

"(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or"; and

(B) in subparagraph (F)(i), by striking "the mutual" and all that follows through "1937" and inserting "or authorized by the Native American Housing Assistance and Self-Determination Act of 1996";

(3) in paragraph (8)(B), by striking "all States" and inserting "the 50 States and the District of Columbia";

(4) in paragraph (9)(B)(i), by striking "or the Act" and all that follows through "of 1994)" and inserting "(or under this title's predecessor authorities)";

(5) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(6) by inserting after paragraph (10) the following:

"(11) Modernization.—The term 'modernization' means repair, renovation, alteration, or construction, including—

"(A) the concurrent installation of equipment; and

"(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility."; and

(7) by amending paragraph (13) (as so redesignated) to read as follows:

"(13) School facility.—The term 'school facility' includes—

"(A) a classroom, laboratory, library, media center, or related facility, the primary purpose of which is the instruction of public elementary school or secondary school students; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.".

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking "$16,750,000 for fiscal year 1995" and inserting "$35,000,000 for fiscal year 2001";

(2) by amending subsection (b) to read as follows:

"(b) Basic Payments; Payments for Heavily Impacted Local Educational Agencies.—For the purpose of making payments under subsection (b) of section 8003, there are authorized to be appropriated $875,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.";

(3) in subsection (c), by striking "$45,000,000 for fiscal year 1995" and inserting "$60,000,000 for fiscal year 2001";

(4) by striking subsection (d);

(5) by redesignating subsections (e), (f) and (g) as subsections (d), (e) and (f), respectively;

(6) in subsection (d) (as so redesignated)—

(A) in the subsection heading by inserting "And Facility Modernization" after "Construction";

(B) by striking "section 8007" and inserting "sections 8007 and 8007A"; and

(C) by striking "$25,000,000 for fiscal year 1995" and inserting "$62,500,000 for fiscal year 2001";

(7) in subsection (e) (as so redesignated), by striking $2,000,000 for fiscal year 1995" and inserting "$7,000,000 for fiscal year 2001"; and

(8) in subsection (f) (as so redesignated), by striking "such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year" and inserting "$500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years".

(b) Conforming Amendments.—Title VIII (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002(j)(1) (20 U.S.C. 7702(j)(1)), by striking "8014(g)" and inserting "8014(f)"; and

(2) in section 8008(a) (20 U.S.C. 7708(a)), by striking "8014(f)" and inserting "8014(e)".

SEC. 814. TECHNICAL AND CONFORMING AMENDMENT.

Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking "subsections (d) and (g) of section 8003" and inserting "section 8003(d)".

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 901. PROGRAMS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

"TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

"PART A—INDIAN EDUCATION

"SEC. 9101. FINDINGS.

"Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards, and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve the standards described in subparagraph (A); and

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high: 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 9102. PURPOSE.

"(a) Purpose.—The purpose of this part is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State performance standards as are expected for all students.

"(b) Programs.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"Subpart 1—Formula Grants to Local Educational Agencies

"SEC. 9111. PURPOSE.

"The purpose of this subpart is to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students to meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) In General.—The Secretary may make grants to local educational agencies and Indian tribes in accordance with this section.

"(b) Local Educational Agencies.—

"(1) Enrollment requirements.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children who are eligible under section 9117, and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) Exclusion.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(c) Indian Tribes.—

"(1) In general.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4), an Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant by submitting an application in accordance with section 9114.

"(2) Special rule.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe shall not be subject to section 9114(c)(4) (relating to a parent committee), section 9118(c) (relating to maintenance of effort), or section 9119 (relating to State review of applications).

"SEC. 9113. AMOUNT OF GRANTS.

"(a) Amount of Grant Awards.—

"(1) In general.—Except as provided in subsections (c) and (d), for purposes of making grants under this subpart the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure of all the States.

"(2) Reduction.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) or subsection (b) in accordance with subsection (c).

"(b) Schools Operated or Supported by the Bureau of Indian Affairs.—

“(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), for purposes of making grants under this subpart the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

“(A) the total number of Indian children enrolled in schools that are operated by—

“(i) the Bureau of Indian Affairs; or

“(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

“(B) the greater of—

“(i) the average per-pupil expenditure of the State in which the school is located; or

“(ii) 80 percent of the average per-pupil expenditure of all the States.

“(2) SPECIAL RULE.—Any school described in paragraph (1) may apply for an allocation under this subpart by submitting an application in accordance with section 9114. The Secretary shall treat the school as if the school were a local educational agency for purposes of this subpart, except that any such school shall not be subject to section 9114(c)(4), 9118(c), or 9119.

“(c) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a) and for the Secretary of the Interior under subsection (b), each of those amounts shall be ratably reduced.

“(d) MINIMUM GRANT.—

“(1) IN GENERAL.—Notwithstanding subsection (c), a local educational agency (including an Indian tribe as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (b), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

“(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

“(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grant recipients if the Secretary determines such increase is necessary to ensure quality programs.

“(e) DEFINITION.—In this section, the term ‘average per-pupil expenditure’, for a State, means an amount equal to—

“(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

“(2) the aggregate number of children who were included in average daily attendance and for whom such agencies provided free public education during such preceding fiscal year.

“SEC. 9114. APPLICATIONS.

“(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

“(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

“(2)(A) is consistent with the State and local plans submitted under other provisions of this Act; and

“(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

“(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;

“(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

“(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

“(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

“(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

“(6) describes how the local educational agency—

“(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

“(B) will provide the results of each assessment referred to in subparagraph (A) to—

“(i) the committee of parents described in subsection (c)(4); and

“(ii) the community served by the local educational agency; and

“(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

“(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

“(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

“(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

“(A) carry out the functions of the Secretary under this subpart; and

“(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

“(3) the program for which assistance is sought—

“(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

“(B) will use the best available talents and resources, including individuals from the Indian community; and

“(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

“(4) the local educational agency developed the program with the participation and written approval of a committee—

“(A) that is composed of, and selected by—

“(i) parents of Indian children in the local educational agency's schools and teachers in the schools; and

“(ii) if appropriate, Indian students attending secondary schools of the agency;

“(B) a majority of whose members are parents of Indian children;

“(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

“(D) with respect to an application describing a schoolwide program carried out in accordance with section 9115(c), that has—

“(i) reviewed in a timely fashion the program; and

“(ii) determined that the program will enhance the availability of culturally related activities for American Indian and Alaska Native students; and

“(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

“SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

“(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

“(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114;

“(2) are designed with special regard for the language and cultural needs of the Indian students; and

“(3) supplement and enrich the regular school program of such agency.

“(b) PARTICULAR SERVICES AND ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) culturally related activities that support the program described in the application submitted by the local educational agency;

“(2) early childhood and family programs that emphasize school readiness;

“(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

“(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

“(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by Public Law 103-239 and Public Law 88-210, including programs for tech-prep, mentoring, and apprenticeship activities;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111;

"(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

"(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

"(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

"(11) family literacy services.

"(c) Schoolwide Programs.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

"(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

"(2) the schoolwide program is consistent with the purpose described in section 9111.

"(d) Administrative Costs.—Not more than 5 percent of the funds made available to a local educational agency through a grant made under this subpart for a fiscal year may be used to pay for administrative costs.

"SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.

"(a) Plan.—An entity receiving funds under this subpart may submit a plan to the Secretary for a demonstration project for the integration of education and related services provided to Indian students.

"(b) Consolidation of Programs.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to consolidate, in accordance with such plan, the federally funded education and related services programs of the applicant and the agencies, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

"(c) Programs Affected.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved exclusively to serve Indian children under any program, for which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services for Indian students.

"(d) Plan Requirements.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

"(1) identify the programs or funding sources to be consolidated;

"(2) be consistent with the objectives of this section authorizing the program services to be integrated in a demonstration project;

"(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

"(4) describe the way in which the services are to be integrated and delivered and the results expected from the plan;

"(5) identify the projected expenditures under the plan in a single budget;

"(6) identify the State, tribal, or local agencies to be involved in the delivery of the services integrated under the plan;

"(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the plan;

"(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time for activities provided under the plan; and

"(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists, in consultation with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

"(e) Plan Review.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal regulations, policies, or procedures necessary to enable the applicant to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive, for the applicant, any regulation, policy, or procedure promulgated by that agency that has been so identified by the applicant or agency, unless the head of the affected agency determines that such a waiver is inconsistent with the objectives of this subpart or the provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

"(f) Plan Approval.—Within 90 days after the receipt of an applicant's plan by the Secretary under subsection (a), the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

"(g) Responsibilities of Department of Education.—Not later than 180 days after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal agency identified by the Secretary of Education, shall enter into an interagency memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency for a demonstration project authorized under this section shall be—

"(1) the Department of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Department of Education, in the case of any other applicant.

"(h) Responsibilities of Lead Agency.—The responsibilities of the lead agency for a demonstration project shall include—

"(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project, which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) Report Requirements.—

"(1) In general.—The Secretary shall develop, consistent with the requirements of this section, a single report format for the reports described in subsection (h).

"(2) Report information.—Such report format shall require that the reports shall—

"(A) contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in the entity's approved plan, including the demonstration of student achievement; and

"(B) provide assurances to the Secretary of Education and the Secretary of the Interior that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

"(3) Record information.—The Secretary shall require that records maintained at the local level on the programs consolidated for the project shall contain the information and provide the assurances described in paragraph (2).

"(j) No Reduction in Amounts.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) Interagency Fund Transfers Authorized.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

"(l) Administration of Funds.—

"(1) In general.—An eligible entity shall administer the program funds for the consolidated programs in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds that shall be allocated to such program.

"(2) Separate records not required.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) Overage.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for

Federal audit purposes, if the overage is used for the purposes provided for under this section.

"(n) Fiscal Accountability.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill responsibilities for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

"(o) Report on Statutory Obstacles to Program Integration.—

"(1) Preliminary report.—Not later than 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

"(2) Final report.—Not later than 5 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

"(p) Definition.—In this section, the term 'Secretary' means—

"(1) the Secretary of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"SEC. 9117. STUDENT ELIGIBILITY FORMS.

"(a) In General.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

"(b) Forms.—

"(1) In general.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as defined in section 9161(3)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of tribe or band of Indians (as so defined), the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership rolls, of any parent or grandparent of the child from whom the child claims eligibility under this subpart;

"(B) a statement of whether the tribe or band of Indians (as so defined) with respect to which the child, or parent or grandparent of the child, claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) Minimum information.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as so defined) with respect to which the child claims membership; and

"(C) the dated signature of the parent or guardian of the child.

"(3) Failure.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of computing the amount of a grant award made under section 9113.

"(c) Statutory Construction.—Nothing in this section shall be construed to affect a definition contained in section 9161.

"(d) Forms and Standards of Proof.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish eligibility under this subpart; and

"(2) to meet the requirements of subsection (a).

"(e) Documentation.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) Monitoring and Evaluation Review.—

"(1) In general.—

"(A) Review.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the local educational agencies that are recipients of grants under this subpart. The sampling conducted under this paragraph shall take into account the size of such a local educational agency and the geographic location of such agency.

"(B) Exception.—A local educational agency may not be held liable to the United States or be subject to any penalty by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) False information.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this subpart; and

"(B) be liable to the United States for any funds from the grant that have not been expended.

"(3) Excluded children.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant award under section 9113.

"(g) Tribal Grant and Contract Schools.—Notwithstanding any other provision of this section, the Secretary, in computing the amount of a grant award under section 9113 to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only 1 of the following, as selected by the school:

"(1) A count, certified by the Bureau, of the number of students in the school.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(h) Timing of Child Counts.—For purposes of determining the number of children to be counted in computing the amount of a local educational agency's grant award under section 9113 (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 9118. PAYMENTS.

"(a) In General.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount computed under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) Payments Taken Into Account by the State.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) Reduction of Payment for Failure To Maintain Fiscal Effort.—

"(1) In general.—The Secretary may not pay a local educational agency in a State the full amount of a grant award computed under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) Failure.—If, for any fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

"(B) not use the reduced amount of the combined fiscal effort for the year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) during the fiscal year for which the determination is made.

"(3) Waiver.—

"(A) In general.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) Future determinations.—The Secretary shall not use the reduced amount of the combined fiscal effort for the year for which the waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver during the fiscal year for which the waiver is granted.

"(d) Reallocations.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

"SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.

"Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on the application. If the State educational agency comments on the application, the agency shall comment on each such application submitted by a local educational agency in the State and shall provide the comment to the appropriate local educational agency, with an opportunity to respond.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

"SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) Purpose.—

"(1) In general.—The purpose of this section is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) Coordination.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) Eligible Entities.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education) or a consortium of such entities.

"(c) Grants Authorized.—

"(1) In general.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation for Indian children;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(J) partnership projects between schools and student groups to improve the achievement of Indian students;

"(K) family literacy services; or

"(L) other services that meet the purpose described in subsection (a)(1).

"(2) Pre-service or in-service training.—Pre-service or in-service training of professional and paraprofessional personnel may be a part of any program assisted under this section.

"(d) Grant Requirements and Applications.—

"(1) Grant requirements.—

"(A) In general.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c). The Secretary shall make the grants for periods of not more than 5 years.

"(B) Priority.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining 2 or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) Progress.—The Secretary shall make a payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant period only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

"(2) Dissemination grants.—

"(A) In general.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(B) Determination.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

"(i) has been adequately reviewed;

"(ii) has demonstrated educational merit; and

"(iii) can be replicated.

"(3) Application.—

"(A) In general.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Contents.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program for the activities is a research-based program, which may include a program that has been modified to be culturally appropriate for students who will be served;

"(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) Administrative Costs.—Not more than 5 percent of the funds provided to a grant recipient under this subpart for any fiscal year may be used to pay for administrative costs.

"SEC. 9122. PROFESSIONAL DEVELOPMENT.

"(a) Purposes.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) Eligible Entities.—In this section, the term 'eligible entity' means a consortium of—

"(1) a State or local educational agency; and

"(2) an institution of higher education (including an Indian institution of higher education) or an Indian tribe or organization.

"(c) Program Authorized.—The Secretary is authorized to award grants to eligible entities with applications approved under subsection (e) to enable such entities to carry out the activities described in subsection (d).

"(d) Authorized Activities.—

"(1) In general.—Grant funds made available under subsection (c) shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) Special rules.—

"(A) Type of training.—For education personnel, the training received pursuant to a grant awarded under subsection (c) may be in-service or pre-service training.

"(B) Program.—For individuals who are being trained to enter any field other than education, the training received pursuant to a grant awarded under subsection (c) shall be in a program that results in a graduate degree.

"(e) Application.—Each eligible entity desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(f) Special Rule.—In awarding grants under subsection (c), the Secretary—

"(1) shall consider the prior performance of an eligible entity; and

"(2) may not limit eligibility to receive a grant under subsection (c) on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) Grant Period.—Each grant awarded under subsection (c) shall be awarded for a program of activities of not more than 5 years.

"(h) Service Obligation.—

"(1) In general.—The Secretary shall require, by regulation, that an individual who receives pre-service training pursuant to a grant awarded under subsection (c)—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received for the training.

"(2) Reporting.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of the pre-service training shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

"(i) Inservice Training for Teachers of Indian Children.—

"(1) Grants authorized.—In addition to the grants authorized by subsection (c), the Secretary may make grants to eligible consortia for the provision of high quality inservice training. The Secretary may make such a grant to—

"(A) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

"(B) a consortium of—

"(i) a tribal college;

"(ii) an institution of higher education that awards a degree in education; and

"(iii) 1 or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

"(2) Use of funds.—

"(A) In-service training.—A consortium that receives a grant under paragraph (1) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

"(B) Components.—The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available research-based practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

"(3) Preference for Indian applicants.—In applying section 9153 to this subsection, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in that section.

"SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) Fellowships.—

"(1) Authority.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) Requirements.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

"(b) Stipends.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) Payments to Institutions in Lieu of Tuition.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

"(d) Special Rules.—

"(1) In general.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

"(2) Written notice.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the funding for the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) Priority.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) Service Obligation.—

"(1) In general.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives the assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) Reporting.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

"(f) Administration of Fellowships.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 9124. GIFTED AND TALENTED INDIAN STUDENTS.

"(a) Program Authorized.—The Secretary is authorized to—

"(1) establish 2 centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) Eligible Entities.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

"(1) 2 tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled College or University Assistance Act of 1978; and

"(B) are fully accredited; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from 2 colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) Use of Funds.—

"(1) In general.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) Subcontracts.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

"(3) Demonstration projects.—Demonstration projects assisted under subsection (b) may include—

“(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

“(i) identifying the emotional and psychosocial needs of such students; and

“(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

“(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

“(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

“(ii) carrying out mentoring and apprenticeship programs;

“(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

“(D) the use of public television in meeting the special educational needs of such gifted and talented children;

“(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

“(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the project.

“(4) Application.—Each entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

“(d) Additional Grants.—

“(1) In general.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (referred to individually in this section as a ‘Bureau school’) for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

“(A) gifted and talented students;

“(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

“(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

“(D) mathematics and science education.

“(2) Applications.—Each Bureau school desiring a grant to conduct 1 or more of the activities described in paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

“(3) Special rule.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

“(4) Requirements.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

“(5) Grant period.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

“(6) Dissemination.—

“(A) Cooperative efforts.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

“(B) Report.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

“(7) Evaluation costs.—

“(A) Division.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

“(B) Grants and contracts.—If no funds are provided under subsection (b) for—

“(i) the evaluation of activities assisted under paragraph (1);

“(ii) technical assistance and coordination with respect to such activities; or

“(iii) the dissemination of the evaluations referred to in clause (i),

the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

“(e) Information Network.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

“SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

“(a) In General.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

“(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

“(2) develop education codes for schools within the territorial jurisdiction of the tribe;

“(3) provide support services and technical assistance to schools serving children of the tribe; and

“(4) perform child-find screening services for the preschool-aged children of the tribe to—

“(A) ensure placement in appropriate educational facilities; and

“(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

“(b) Period of Grant.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

“(c) Application for Grant.—

“(1) In general.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

“(2) Contents.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

“(3) Approval.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

“(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

“(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

“(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

“(d) Restriction.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

“(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Education to carry out this section $3,000,000 for each of fiscal years 2001 through 2005.

“Subpart 3—Special Programs Relating to Adult Education for Indians

“SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

“(a) In General.—The Secretary shall make grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

“(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

“(2) to assist in the establishment and operation of programs that are designed to stimulate—

“(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

“(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

“(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

“(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

“(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

"(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

"(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

"(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

"(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

"Subpart 4—National Research Activities

"SEC. 9141. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this part.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant, contract, or agreement made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

"Subpart 5—Federal Administration

"SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (referred to in this section as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and Indian organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) prepare and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers to be appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 9152. PEER REVIEW.

"The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

"SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants and entering into contracts or cooperative agreements under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

"SEC. 9154. MINIMUM GRANT CRITERIA.

"The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or 3 unless the application is for a grant, contract, or cooperative agreement that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

"(2) based on relevant research findings.

"Subpart 6—Definitions; Authorizations of Appropriations

"SEC. 9161. DEFINITIONS.

"In this part:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained age 16; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(3) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) an individual who is considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native (as defined in section 9306); or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the 'Improving America's Schools Act of 1994' (108 Stat. 3518).

"SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to the Secretary of Education to carry out subpart 1 $62,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPARTS 2 THROUGH 4.—There are authorized to be appropriated to the Secretary of Education to carry out subparts 2, 3, and 4 $4,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—NATIVE HAWAIIAN EDUCATION

"SEC. 9201. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9202. FINDINGS.

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first non-indigenous people in Hawai'i in 1778, the

Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

“(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai‘i.

“(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai‘i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai‘i, and entered into treaties and conventions with the Kingdom of Hawai‘i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

“(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai‘i, the Kingdom of Hawai‘i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai‘i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

“(6) In 1898, the joint resolution entitled ‘Joint Resolution to provide for annexing the Hawaiian Islands to the United States’, approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai‘i, including the government and crown lands of the former Kingdom of Hawai‘i, to the United States, but mandated that revenue generated from the lands be used ‘solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes’.

“(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

“(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: ‘One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.’.

“(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area ‘only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.’.

“(10) Under the Act entitled ‘An Act to provide for the admission of the State of Hawai‘i into the Union’, approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai‘i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

“(11) In 1959, under the Act entitled ‘An Act to provide for the admission of the State of Hawai‘i into the Union’, the United States also ceded to the State of Hawai‘i title to the public lands formerly held by the United States, but mandated that such lands be held by the State ‘in public trust’ and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai‘i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

“(12) The United States has recognized and reaffirmed that—

“(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

“(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

“(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawai‘i;

“(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

“(E) the aboriginal, indigenous people of the United States have—

“(i) a continuing right to autonomy in their internal affairs; and

“(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

“(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

“(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

“(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

“(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

“(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

“(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

“(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

“(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the ‘Native Hawaiian Educational Assessment Project’, was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

“(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

“(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

“(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

“(i) late or no prenatal care;

“(ii) high rates of births by Native Hawaiian women who are unmarried; and

“(iii) high rates of births to teenage parents;

“(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

“(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

“(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

“(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

“(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

“(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

“(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

“(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai‘i; and

“(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

“(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai‘i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

“(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai'i.

"(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

"(19) Following the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai'i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo nō ke ola; I ka 'ōlelo nō ka make. In the language rests life; In the language rests death.'.

"(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

"(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

"(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

"(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system; and

"(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

"SEC. 9203. PURPOSES.

"The purposes of this part are to—

"(1) authorize and develop innovative educational programs to assist Native Hawaiians in reaching the National Education Goals;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

"(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

"(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

"(c) CONDITIONS AND TERMS.—

"(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

"(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

"(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

"(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

"(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

"(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

"(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

"(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

"(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

"(A) Hawai'i.

"(B) Maui.

"(C) Moloka'i.

"(D) Lana'i.

"(E) O'ahu.

"(F) Kaua'i.

"(G) Ni'ihau.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 9205. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

"(A) Native Hawaiian educational organizations;

"(B) Native Hawaiian community-based organizations;

"(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

"(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

"(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

"(A) beginning reading and literacy among students in kindergarten through third grade;

"(B) the needs of at-risk children and youth;

"(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

"(D) the use of the Hawaiian language in instruction.

"(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

"(B) the operation of family-based education centers that provide such services as—

"(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

"(ii) preschool programs for Native Hawaiians; and

"(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

"(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

"(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

"(i) the identification of such students and their needs;

"(ii) the provision of support services to the families of those students; and

"(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

"(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

"(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

"(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

"(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

"(G) professional development activities for educators, including—

"(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

"(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

"(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

"(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

"(i) preschool programs;

"(ii) after-school programs; and

"(iii) vocational and adult education programs;

"(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

"(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

"(ii) family literacy services;

"(iii) counseling and support services for students receiving scholarship assistance;

"(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

"(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

"(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

"(K) other research and evaluation activities related to programs carried out under this part; and

"(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

"(4) SPECIAL RULE AND CONDITIONS.—

"(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to paragraph (3)(I).

"(B) FELLOWSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a fellowship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a fellowship enter into a contract to provide professional services, either during the fellowship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $23,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 9206. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

"SEC. 9207. DEFINITIONS.

"In this part:

"(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) certified birth records.

"(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

"(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organization;

"(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

"(D) has demonstrated expertise in the education of Native Hawaiian youth; and

"(E) has demonstrated expertise in research and program development.

"(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

"(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

"(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

"PART C—ALASKA NATIVE EDUCATION

"SEC. 9301. SHORT TITLE.

"This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

"SEC. 9302. FINDINGS.

"Congress finds the following:

"(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

"(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

"(3) Alaska Native children enter and exit school with serious educational handicaps.

"(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

“(5) The programs authorized in this title, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

“(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

“(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

“SEC. 9303. PURPOSES.

“The purposes of this part are to—

“(1) recognize the unique educational needs of Alaska Natives;

“(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

“(3) supplement programs and authorities in the area of education to further the objectives of this part; and

“(4) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

“SEC. 9304. PROGRAM AUTHORIZED.

“(a) GENERAL AUTHORITY.—

“(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purposes of this part.

“(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

“(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

“(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

“(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

“(ii) instructional programs that make use of Native Alaskan languages; and

“(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

“(C) professional development activities for educators, including—

“(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

“(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

“(iii) recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska;

“(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

“(E) family literacy services;

“(F) the development and operation of student enrichment programs in science and mathematics that—

“(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math; and

“(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs;

“(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

“(H) other research and evaluation activities related to programs carried out under this part; and

“(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

“(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include—

“(A) programs for parents and their infants, from the prenatal period of the infant through age 3;

“(B) preschool programs; and

“(C) training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

“(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $17,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“SEC. 9305. ADMINISTRATIVE PROVISIONS.

“(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

“(b) APPLICATIONS.—A State educational agency or local educational agency may apply for a grant or contract under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

“(c) CONSULTATION REQUIRED.—Each applicant for a grant or contract under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

“(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

“SEC. 9306. DEFINITIONS.

“In this part:

“(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3(b) of the Alaska Native Claims Settlement Act.

“(2) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

“(A) has or commits to acquire expertise in the education of Alaska Natives; and

“(B) has Alaska Natives in substantive and policymaking positions within the organization.”.

SEC. 902. INDIAN SCHOOL CONSTRUCTION.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(2) INDIAN.—The term “Indian” means any individual who is a member of a tribe.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRIBAL SCHOOL.—The term “tribal school” means an elementary school, secondary school, or dormitory that is operated by a tribal organization for the education of Indian children and that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d).

(5) TRIBE.—The term “tribe” means any Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation, or Village Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(b) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which eligible tribes have the authority to issue tribal school modernization bonds to provide funding for the improvement, repair, and new construction of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue bonds under the program under paragraph (1), a tribe shall prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B).

(B) PLAN OF CONSTRUCTION.—A plan of construction meets the requirements of this subparagraph if such plan—

(i) contains a description of the improvements, repairs, or new construction to be undertaken with funding provided under the bond;

(ii) demonstrates that a comprehensive survey has been undertaken concerning the construction or renovation needs of the tribal school involved;

(iii) contains assurances that funding under the bond will be used only for the activities described in the plan; and

(iv) contains any other reasonable and related information determined appropriate by the Secretary.

(C) PRIORITY.—In determining whether a tribe is eligible to participate in the program under this section, the Secretary shall give priority to tribes that, as demonstrated by the relevant plans of construction, will fund projects described in the Replacement School Construction priority list of the Bureau of Indian Affairs, as maintained under the Indian Self-Determination and Education Assistance Act.

(D) APPROVAL.—Except as provided in subparagraph (C), the Secretary shall approve the issuance of qualified tribal school modernization bonds by tribes with approved plans of construction on the basis of the order in which such plans were received by the Secretary. Such approval shall not be unreasonably withheld.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use of funds permitted under paragraph (1), a tribe may use amounts received through the issuance of a bond to—

(A) enter into contracts with architects, engineers, and construction firms in order to determine the needs of the tribal school and for the design and engineering of the school;

(B) enter into contracts with financial advisors, underwriters, attorneys, trustees, and other professionals who would be able to provide assistance to the tribe in issuing bonds; and

(C) carry out other activities determined appropriate by the Secretary.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any tribal school construction bond issued by a tribe under this section shall be subject to a trust agreement between the tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets requirements established by the Secretary by regulation may be designated as a trustee under subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by a tribe under this paragraph shall specify that the trustee, with respect to bonds issued under this section shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) from any amounts in excess of the amounts necessary to make payments to bondholders, in accordance with the requirements of subparagraph (D), make direct payments to contractors with the governing body of the tribe for facility improvement, repair, or new construction pursuant to this section; and

(iv) invest in the tribal school modernization escrow account established under paragraph (6)(B) such amounts of the proceeds as the trustee determines not to be necessary to make payments under clauses (ii) and (iii).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, only the trustee shall make the direct payments referred to in subparagraph (C)(iii) in accordance with requirements that the tribe shall prescribe in the agreement entered into under subparagraph (C). The tribe shall require the trustee, prior to making a payment to a contractor under subparagraph (C)(iii), to inspect the project that is the subject of the contract, or provide for an inspection of that project by a local financial institution, to ensure the completion of the project.

(ii) CONTRACTS.—Each contract referred to in subparagraph (C)(iii) shall specify, or be renegotiated to specify, that payments under the contract shall be made in accordance with this subsection.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—Qualified tribal school modernization bonds shall be issued under this section as interest only for a period of 15 years from the date of issuance. Upon the expiration of such 15-year period, the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—Interest on a qualified tribal school modernization bond shall be in the form of a tax credit under section 1400F of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this section shall be guaranteed by amounts deposited in the tribal school modernization escrow account established under subparagraph (B).

(B) ESTABLISHMENT OF ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, subject to the availability of amounts made available under an appropriations Act, beginning in fiscal year 2001, the Secretary may deposit not more than $30,000,000 of unobligated funds into a tribal school modernization escrow account.

(ii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) and paragraph (4)(C)(iv) to make payments to holders of qualified tribal school modernization bonds issued under this section.

(7) LIMITATIONS.—

(A) OBLIGATION OF TRIBES.—Notwithstanding any other provision of law, a tribe that issues a qualified tribal school modernization bond under this section shall not be obligated to repay the principal on the bond.

(B) LAND AND FACILITIES.—Any land or facilities purchased or improved with amounts derived from qualified tribal school modernization bonds issued under this section shall not be mortgaged or used as collateral for such bonds.

SEC. 903. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)) is amended—

(1) in paragraph (1), by striking "section 9308" and inserting "section 9306"; and

(2) in paragraph (3), by striking "section 9212" and inserting "section 9207".

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (as added by section 1 of Public Law 105–332 (112 Stat. 3076)) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(c) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)) is amended by striking "section 9212" and all that follows and inserting "section 9207 of the Native Hawaiian Education Act".

(d) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(e) ACT OF APRIL 16, 1934.—Section 5 of the Act of April 16, 1934 (commonly known as the "Johnson-O'Malley Act") (88 Stat. 2213; 25 U.S.C. 456) is amended by striking "section 9104(c)(4)" and inserting "section 9114(c)(4)".

(f) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "section 9161(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(4))" and inserting "section 9161(3) of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (3), by striking "section 9212(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912(1))" and inserting "section 9207 of the Elementary and Secondary Education Act of 1965".

(g) WORKFORCE INVESTMENT ACT OF 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking "paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(h) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION; ARTS IN EDUCATION

SEC. 1001. FUND FOR THE IMPROVEMENT OF EDUCATION

Part A of title X (20 U.S.C. 8001 et seq.) is amended to read as follows:

"PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 10101. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of elementary and secondary education. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—Funds under this section may be used for—

"(1) programs under section 10102;

"(2) programs under section 10103;

"(3) programs under section 10104;

"(4) programs under section 10105;

"(5) programs under section 10106;

"(6) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

"(7) the development and evaluation of model strategies for professional development for teachers and administrators.

"(c) AWARDS.—

"(1) IN GENERAL.—The Secretary may make awards under this section on the basis of competitions announced by the Secretary.

"(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

"(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 10102. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that incorporate the elements of character described in subsection (d), as well as other character elements identified by the eligible entities.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State educational agency in partnership with 1 or more local educational agencies;

"(B) a State educational agency in partnership with—

"(i) 1 or more local educational agencies; and

"(ii) 1 or more nonprofit organizations or entities, including institutions of higher education;

"(C) a local educational agency or consortium of local educational agencies; or

"(D) a local educational agency in partnership with another nonprofit organization or entity, including institutions of higher education.

"(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 3 years, of which the eligible entity shall not use more than 1 year for planning and program design.

"(b) APPLICATIONS.—

"(1) REQUIREMENT.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS OF APPLICATION.—Each application submitted under this section shall include—

"(A) a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

"(B) a description of the goals and objectives of the program proposed by the eligible entity;

"(C) a description of activities that will be pursued and how those activities will contribute to meeting the goals and objectives described in subparagraph (B), including—

"(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

"(ii) curriculum and instructional practices that will be used or developed;

"(iii) methods of teacher training and parent education that will be used or developed; and

"(iv) how the program will be linked to other efforts in the schools to improve student performance;

"(D) in the case of an eligible entity that is a State educational agency—

"(i) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

"(ii) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

"(E) a description of how the eligible entity will evaluate the success of its program—

"(i) based on the goals and objectives described in subparagraph (B); and

"(ii) in cooperation with the national evaluation conducted pursuant to subsection (c)(2)(B)(iii);

"(F) an assurance that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(G) any other information that the Secretary may require.

"(c) EVALUATION AND PROGRAM DEVELOPMENT.—

"(1) EVALUATION AND REPORTING.—

"(A) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including the impact on students, teachers, administrators, parents, and others—

"(i) by the second year of the program; and

"(ii) not later than 1 year after completion of the grant period.

"(B) CONTRACTS FOR EVALUATION.—Each eligible entity receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering in students the elements of character described in subsection (d).

"(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

"(A) IN GENERAL.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs. The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

"(B) USES.—Funds made available under subparagraph (A) may be used—

"(i) to conduct research and development activities that focus on matters such as—

"(I) the effectiveness of instructional models for all students;

"(II) materials and curricula that can be used by programs in character education;

"(III) models of professional development in character education; and

"(IV) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3);

"(ii) to provide technical assistance to State and local programs, particularly on matters of program evaluation;

"(iii) to conduct a national evaluation of State and local programs receiving funding under this section; and

"(iv) to compile and disseminate, through various approaches (such as a national clearinghouse)—

"(I) information on model character education programs;

"(II) character education materials and curricula;

"(III) research findings in the area of character education and character development; and

"(IV) any other information that will be useful to character education program participants, educators, parents, administrators, and others nationwide.

"(C) PRIORITY.—In carrying out national activities under this paragraph related to development, dissemination, and technical assistance, the Secretary shall seek to enter into partnerships with national, nonprofit character education organizations with expertise and successful experience in implementing local character education programs that have had an effective impact on schools, students, including students with disabilities, and teachers.

"(3) FACTORS.—Factors which may be considered in evaluating the success of programs funded under this section may include—

"(A) discipline issues;

"(B) student performance;

"(C) participation in extracurricular activities;

"(D) parental and community involvement;

"(E) faculty and administration involvement;

"(F) student and staff morale; and

"(G) overall improvements in school climate for all students.

"(d) ELEMENTS OF CHARACTER.—

"(1) IN GENERAL.—Each eligible entity desiring funding under this section shall develop character education programs that incorporate the following elements of character:

"(A) Caring.

"(B) Civic virtue and citizenship.

"(C) Justice and fairness.

"(D) Respect.

"(E) Responsibility.

"(F) Trustworthiness.

"(G) Any other elements deemed appropriate by the members of the eligible entity.

"(2) ADDITIONAL ELEMENTS OF CHARACTER.—An eligible entity participating under this section may, after consultation with schools and communities served by the eligible entity, define additional elements of character that the eligible entity determines to be important to the schools and communities served by the eligible entity.

"(e) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

"(1) not more than 10 percent of such funds may be used for administrative purposes; and

"(2) the remainder of such funds may be used for—

"(A) collaborative initiatives with and between local educational agencies and schools;

"(B) the preparation or purchase of materials, and teacher training;

"(C) grants to local educational agencies or schools; and

"(D) technical assistance and evaluation.

"(f) SELECTION OF GRANTEES.—

"(1) CRITERIA.—The Secretary shall select, through peer review, eligible entities to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

"(A) the quality of the activities proposed to be conducted;

"(B) the extent to which the program fosters in students the elements of character described in subsection (d) and the potential for improved student performance;

"(C) the extent and ongoing nature of parental, student, and community involvement;

"(D) the quality of the plan for measuring and assessing success; and

"(E) the likelihood that the goals of the program will be realistically achieved.

"(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

"(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

"(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Grantees under this section shall provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in programs and activities under this section.

"SEC. 10103. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

"(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games.

"(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

"(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

"(2) has the capability and experience in administering federally funded scholar-athlete games;

"(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

"(4) has the organizational structure and capability to administer a model scholar-athlete program; and

"(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States internationally.

"SEC. 10104. ELEMENTARY SCHOOL COUNSELING DEMONSTRATION.

"(a) COUNSELING DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary may award grants under this section to establish or expand elementary school counseling programs.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

"(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this section for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand elementary school counseling programs that comply with the requirements in paragraph (2).

"(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

"(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 10301.

"(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) DEFINITIONS.—For purposes of this section:

"(1) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

"(2) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in school psychology in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

"(3) SCHOOL SOCIAL WORKER.—The term 'school social worker' means an individual who—

"(A)(i) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

"(ii) is licensed or certified by the State in which services are provided; or

"(B) in the absence of such State licensure or certification, possesses national certification as a school social work specialist granted by an independent professional organization.

"(4) SUPERVISOR.—The term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"SEC. 10105. SMALLER LEARNING COMMUNITIES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may award grants to eligible entities to support the development of smaller learning communities.

"(2) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

"(A) a local educational agency;

"(B) an elementary or secondary school;

“(C) a Bureau funded school; or

“(D) any of the entities described in subparagraph (A), (B), or (C) in partnership with other public agencies or private nonprofit organizations.

“(b) APPLICATIONS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

“(1) strategies and methods the applicant will use to create the smaller learning community;

“(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

“(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community;

“(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community;

“(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community;

“(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

“(7) the goals and objectives of the activities assisted under this section, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

“(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

“(9) if the smaller learning community exists as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

“(10) a description of the administrative and managerial relationship between the applicant and the smaller learning community, including how such applicant will demonstrate a commitment to the continuity of the smaller learning community, including the continuity of student and teacher assignment to a particular learning community;

“(11) how the applicant will coordinate or use funds provided under this section with other funds provided under this Act or other Federal laws;

“(12) grade levels or ages of students who will participate in the smaller learning community; and

“(13) the method of placing students in the smaller learning community, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

“(c) AUTHORIZED ACTIVITIES.—Funds under this section may be used—

“(1) to study the feasibility of creating the smaller learning community as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community;

“(2) to research, develop and implement strategies for creating the smaller learning community, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

“(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students and will be used in the smaller learning community; and

“(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

“(d) EVALUATION AND REPORT.—A recipient of a grant under this section shall provide the Secretary with an annual report that contains a description of—

“(1) the specific uses of grants funds received under this section; and

“(2) evidence of the impact of the grant on student performance and school safety.

“SEC. 10106. NATIONAL STUDENT AND PARENT MOCK ELECTION.

“(a) IN GENERAL.—The Secretary is authorized to award grants to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

“(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States and territories, including Department of Defense Dependent schools and other international locales where United States citizens are based; and

“(2) consist of—

“(A) school forums and local cable call-in shows on the national issues to be voted upon in an “issue forum”;

“(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

“(C) quiz team competitions, mock press conferences and speechwriting competitions;

“(D) weekly meetings to follow the course of the campaign; or

“(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

“(b) REQUIREMENTS.—Each organization receiving a grant under this section shall—

“(1) present awards to outstanding student and parent mock election projects; and

“(2) record all votes at least 5 days prior to the date of the general election.”.

PART B—GIFTED AND TALENTED CHILDREN

SEC. 1010. GIFTED AND TALENTED CHILDREN

Part B of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

“PART B—GIFTED AND TALENTED CHILDREN

“SEC. 10201. SHORT TITLE.

“This part may be cited as the ‘Jacob K. Javits Gifted and Talented Students Education Act’.

“SEC. 10202. STATEMENT OF PURPOSE.

“(a) PURPOSE.—The purpose of this part is—

“(1) to provide grants to State educational agencies and local public schools for the support of programs, classes, and other services designed to meet the needs of the Nation's gifted and talented students in elementary schools and secondary schools;

“(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

“(3) to supplement and make more effective the expenditure of State and local funds for the education of gifted and talented students.

“SEC. 10203. CONSTRUCTION.

“Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational setting where appropriate.

“SEC. 10204. AUTHORIZATION OF APPROPRIATIONS; TRIGGER.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $155,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) TRIGGER.—Notwithstanding any other provision of this part, if the amount appropriated under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall use such amount to carry out part B of title X (as such part was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000).

“SEC. 10205. ALLOTMENT TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 10204(a) for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas to be allotted to the outlying areas in accordance with their respective needs for assistance under this part.

“(b) ALLOTMENT.—From the funds appropriated under section 10204(a) that are not reserved under subsection (a), the Secretary shall allot to each State an amount that bears the same relation to the funds as the school-age population of the State bears to the school-age population of all States, except that no State shall receive an allotment that is less than 0.50 percent of the funds.

“(c) GRANDFATHER CLAUSE.—If the amount appropriated under section 10204(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under this part B (as such part was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

“SEC. 10206. STATE APPLICATIONS.

“(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part shall submit to the Secretary an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) contains an assurance of the State educational agency's ability to provide matching funds for the activities to be assisted under this part in an amount equal to not less than 20 percent of the grant funds to be received, provided in cash or in-kind;

“(3) provides for a biennial submission of data regarding the use of funds under this part, the types of services furnished under this part, and how the services impacted the individuals assisted under this part;

“(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities under this Act);

"(5) contains an assurance that there is compliance with the requirements of this part; and

"(6) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

"(b) Duration and Amendments.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years.

"SEC. 10207. STATE USES OF FUNDS.

"(a) In General.—A State educational agency shall not use more than 10 percent of the funds made available under this part for—

"(1) establishment and implementation of a peer review process for grant applications under this part;

"(2) supervision of the awarding of funds to local educational agencies or consortia thereof to support gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency and such students with disabilities;

"(3) planning, supervision, and processing of funds made available under this section;

"(4) monitoring, evaluation, and dissemination of programs and activities assisted under this part, including the submission of an annual report to the Secretary that describes the number of students served and the education activities assisted under the grant;

"(5) providing technical assistance under this part; and

"(6) supplementing, but not supplanting, the amount of State and local funds expended for the education of, and related services provided for, the education of gifted and talented students.

"(b) Parental Support.—A State educational agency shall not use more than 2 percent of the funds made available under this part for providing information, education, and support to parents of gifted and talented children to enhance the parents' ability to participate in decisions regarding their children's educational programs.

"SEC. 10208. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.

"(a) Grant Competition.—A State educational agency shall use not less than 88 percent of the funds made available under this part to award grants, on a competitive basis, to local educational agencies or consortia thereof to support programs, classes, and other services designed to meet the needs of gifted and talented students.

"(b) Size of Grant.—A State educational agency shall award a grant under this part for any fiscal year in an amount sufficient to meet the needs of the students to be served under the grant.

"SEC. 10209. LOCAL APPLICATION REQUIREMENTS.

"(a) Application.—To be eligible to receive a grant under this part the local educational agency or consortium shall submit an application to the State educational agency.

"(b) Contents.—Each such application shall include—

"(1) an assurance that the funds received under this part will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency, and such students with disabilities;

"(2) a description of how the local educational agency or consortium will meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students.

"SEC. 10210. LOCAL USES OF FUNDS.

"Grants awarded under this part shall be used by local educational agencies or consortia to carry out 1 or more of the following activities to benefit gifted and talented students:

"(1) Professional development programs.—Developing and implementing programs to address State and local needs for inservice training activities for general educators, specialists in gifted and talented education, administrators, school counselors, or other school personnel.

"(2) Identification of students.—Delivery of services to gifted and talented students who may not be identified and served through traditional assessment methods, including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities.

"(3) Model projects.—Supporting and implementing innovative strategies such as cooperative learning, service learning, peer tutoring, independent study, and adapted curriculum used by schools or consortia.

"(4) Emerging technologies.—Assisting schools or consortia of schools, that do not have the resources to otherwise provide gifted and talented courses, to provide the courses through new and emerging technologies, including distance learning curriculum packages, except that funds under this part shall not be used for the purchase or upgrading of technological hardware.

"SEC. 10211. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

"In awarding grants under this part the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private, nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"SEC. 10212. ESTABLISHMENT OF NATIONAL CENTER.

"(a) Purpose.—The purposes of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth are—

"(1) to develop, disseminate, and evaluate model projects and activities for serving gifted and talented students;

"(2) to conduct research regarding innovative methods for identifying and educating gifted and talented students; and

"(3) to provide technical assistance programs that will further the education of gifted and talented students, including how gifted and talented programs, where appropriate, may be adapted for use by all students.

"(b) Center Established.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with 1 or more institutions of higher education, State educational agencies, or a consortia of such institutions and agencies.

"(c) Director.—The National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, and State educational agencies or local educational agencies.

"(d) Grandfather Clause.—If the amount appropriated under section 10204(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under section 10204(c) (as such section was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

"(e) Funding.—The Secretary may use not more than 30 percent of the funds made available under section 10204(a) for any fiscal year to carry out this section.".

PART C—HIGH SCHOOL REFORM

SEC. 1021. HIGH SCHOOL REFORM.

Title X (20 U.S.C. 8001 et seq.) is amended by inserting after part B the following:

"PART C—HIGH SCHOOL REFORM

"SEC. 10301. FINDINGS AND PURPOSES.

"(a) Findings.—Congress makes the following findings:

"(1) All high school students must obtain the academic foundations needed for further education and training, and to succeed in an economy that is increasingly characterized by global competition, evolving technologies, and high demands for a skilled, literate, and adaptable workforce.

"(2) To be effective, high schools must not only prepare students academically, they must also ensure that students are connecting with adults and are receiving the necessary supports to continue their personal and interpersonal growth during this critical transition stage.

"(3) Effective high schools are places where students feel safe, the school is free of drugs, and the classrooms are disciplined environments where all students can learn. High schools are increasingly larger places where students feel increasingly disconnected from adults and often from their peers, particularly in urban and suburban areas. Research shows that when students feel connected to school and to their parents, they are less likely than other adolescents to suffer from emotional distress, have suicidal thoughts and behaviors, use violence, and smoke cigarettes, drink alcohol, or smoke marijuana.

"(4) Research and national data collections indicate that many high schools do not succeed in meeting both the academic and developmental needs of students. For example—

"(A) more than 20 percent of Americans, ages 25 through 29, do not have a regular high school diploma;

"(B) on the most recent international assessment of mathematics and science knowledge, the Third International Mathematics and Science Study (TIMSS), American 12th-graders outperformed students from only two of the 21 other participating Nations. A comparison of these assessment results with 4th-grade and 8th-grade TIMSS scores indicates that American students lose ground during the high school years;

"(C) recent results from National Assessment of Educational Progress reading assessments for 12th-graders indicate improvement in the performance of higher-achieving students, but no improvement in the scores for the lowest-achieving students;

"(D) the problems facing high schools are particularly prevalent in schools that enroll concentrations of minority students and students from low-income families; and

"(E) relatively few high schools are undertaking serious, standards-based educational reforms. For instance, most of the initiatives carried out through the Comprehensive School Reform Demonstrations program have been at the elementary level.

"(5) Because of changes made by the Improving America's Schools Act of 1994, high schools now receive significantly more title

I funding than was the case before, and the number of high schools operating title I schoolwide programs has increased. However, evaluations indicate that title I, by itself, has not yet resulted in significant reforms in high schools. High schools now have the opportunity to use title I funds to leverage Federal, State, and local funds to implement education reforms.

“(6) High school reforms can be effective. For example, schools participating in the Southern Regional Education Board ‘High Schools that Work’ program, a whole-school, research-based reform initiative, have shown significant improvement in reading and mathematics scores. The Johns Hopkins University Talent Development model has demonstrated promising results at its initial implementation site. The schools implementing locally based reforms and participating in the Department of Education's ‘New American High Schools’ initiative have generally achieved improved outcomes in graduation, attendance, and achievement.

“(7) A variety of approaches to high school reform, geared to local conditions and needs, can be effective. These approaches include ‘schools within schools’ and other innovations that create smaller learning environments and involve adults more fully in the lives of students, ‘career academies’ and other approaches that structure learning around careers, partnerships that pair schools with businesses or institutions of higher education, and reforms that reorganize the school day. In addition, most successful reforms include a strong focus on the professional development of participating educators and provision of in-depth academic, career, and college counseling.

“(b) Purposes.—The purposes of this part are to—

“(1) support the planning and implementation of educational reforms in high schools, particularly in urban and rural high schools that educate concentrations of students from low-income families, in order to—

“(A) meet the needs of students at risk of failing to achieve to challenging standards, by strengthening curriculum and instruction, offering extended learning opportunities, and providing professional development opportunities to school staff; and

“(B) improve title I schoolwide programs in high schools;

“(2) support the further development of educational reforms, designed specifically for high schools, that—

“(A) help students meet challenging State standards; and

“(B) increase connections between students and adults and provide safe learning environments;

“(3) create positive incentives for serious change in high schools, by offering rewards to participating schools that achieve significant improvements in student achievement;

“(4) increase the national knowledge base on effective high school reforms by identifying the most effective approaches and disseminating information on those approaches so that they can be adopted nationally; and

“(5) support the implementation of reforms in at least 5,000 American high schools by the year 2007.

“SEC. 10302. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) Grants Authorized.—The Secretary may make grants to local educational agencies, on a competitive basis, for activities, consistent with this part, carried out in their high schools.

“(b) Duration.—Each grant under this section shall be for a period of up to three years.

“(c) Limitation.—The Secretary shall not provide assistance under this part to any high school under more than one grant.

“SEC. 10303. APPLICATIONS.

“(a) Applications Required.—A local educational agency that desires to receive a grant under this part shall submit an application at such time, in such manner, and containing such information as the Secretary may determine.

“(b) Contents.—Each such application shall, for each high school for which assistance is sought—

“(1) identify the school and describe its need for assistance under this part;

“(2) include—

“(A) a preliminary plan for grades above 8th grade in the school that describes the educational reforms that will take place, as well as the specific activities to be carried out with grant funds; and

“(B) an assurance that the local educational agency will have a final plan for those reforms and activities within six months of receiving a grant under this part; and

“(3) demonstrate that a substantial percentage of administrators, teachers, and students at the school, as well as parents of students and other members of the community, were (and will be) involved in developing and carrying out that plan.

“SEC. 10304. SELECTION OF GRANTEES.

“(a) In General.—The Secretary shall select grantees, using a peer-review process, on the basis of—

“(1) the relative need of each high school for which assistance is sought, considering such factors as the percentage of students who are from low-income families, student achievement data, dropout rates, and attendance rates; and

“(2) the quality of applications, including the likelihood that the proposed reforms will succeed.

“(b) Applications for More Than One High School.—In case of a meritorious application that requests assistance for more than one high school, the Secretary may approve the application for any number of those schools.

“(c) Special Rules.—In approving applications under this section, the Secretary shall—

“(1) to the extent possible, award a majority of grants under this part to assist high schools that participate in programs under part A of title I of this Act or serve high-poverty school attendance areas; and

“(2) equitably distribute grants among the geographic regions of the Nation and among urban and rural local educational agencies.

“SEC. 10305. PRINCIPLES AND COMPONENTS OF EDUCATIONAL REFORMS.

“(a) Principles.—Each grantee under this part shall ensure that the reforms it carries out under this part are designed so that each assisted high school—

“(1) is a place where students receive individual attention and support, through such strategies as creating smaller learning environments, such as ‘schools within schools’ and career academies and providing students with counselors and mentors;

“(2) provides all students in the school with challenging coursework, aligned with State content and performance standards, through such strategies as the use of technology to enhance academic instruction and the establishment or expansion of international baccalaureate programs or advanced placement programs;

“(3) is a place where students are motivated to learn, through such strategies as applied learning and linking the arts, music, and cultural opportunities with the school, both during and after the normal school day;

“(4) enables students to receive an education that is continuous and integrated, through such strategies as partnerships with middle schools and institutions of higher education;

“(5) helps students achieve their educational and career goals, through such strategies as integrated academic and vocational instruction that connects students with career opportunities; and

“(6) functions as a center for the community, through such strategies as increasing the involvement of parents, employers, and others in the community.

“(b) Required Components.—In order to institutionalize the principles described in subsection (a), each grantee under this part shall use funds that are provided on behalf of a high school to implement (and, if necessary, to use not more than six months to complete the planning and development of) research-based educational reform strategies throughout the entire school that—

“(1) in the case of a school with a schoolwide program under part A of title I, build on and improve the schoolwide reform program;

“(2) address the needs of students who are at risk of failing to be promoted to the next grade or to graduate, including—

“(A) covering material that students need to master in order to pass State-mandated exit exams; and

“(B) strengthening curriculum, instruction, and assessments and by offering extended learning opportunities such as after-school, weekend, and summer programs;

“(3) are implemented at the school level, but include strong support and assistance from the local educational agency, as documented in its application;

“(4) make full and effective use of the resources that the school receives under other Federal programs;

“(5) make use of outside experts in high-school reform, unless the local educational agency demonstrates in its application, to the Secretary's satisfaction, that the school's reform strategy can be implemented effectively without outside assistance;

“(6) include professional development of school staff, including development of the skills needed to use student achievement and other outcome data to refine and improve the educational reform strategy; and

“(7) provide for collecting data on, and evaluating, the reforms and for reporting to the Secretary on the results of those evaluations.

“SEC. 10306. PRIVATE SCHOOLS.

“(a) Professional Development.—Each grantee under section 10304 shall, in accordance with sections 11803 through 11806, provide for the equitable participation of private school personnel in the professional development activities it carries out with grant funds.

“(b) Information.—If a grantee uses grant funds to develop curricular materials, it shall make information about those materials available to private schools at their request.

“SEC. 10307. ADDITIONAL ACTIVITIES.

“From the amount available to carry out this part for any fiscal year under section 10310, the Secretary shall reserve the amount he finds appropriate to carry out one or more of the following:

“(1) Incentive Awards.—(A)(i) The Secretary shall select a random sample of schools from each of the first two years' cohorts of grantees, along with a similarly selected control group of comparable schools, to participate in an incentive-based experiment, under which the Secretary makes incentive payments to teachers and administrators in the grantee schools if, after three years of program participation, their students demonstrate significant gains in student educational outcomes compared to the gains made in the schools in the control group.

"(ii) If those significant gains continue, the Secretary may make further incentive payments to those teachers and administrators for up to two additional years.

"(B) The Secretary shall base determinations of student educational outcomes on multiple measures, including scores on State assessments.

"(C) The maximum amount of an incentive award under this paragraph is $3,000 per teacher and administrator per year, which may be used by those individuals for any purpose.

"(2) RECOGNITION, DISSEMINATION, NETWORKS, AND PEER REVIEW.—The Secretary may—

"(A) recognize high schools and high school reforms that show outstanding results;

"(B) disseminate information on those schools and reforms;

"(C) carry out other activities to encourage the spread and adoption of successful high school reform strategies;

"(D) facilitate the creation of networks among participating schools and local educational agencies, which may include schools and local educational agencies interested in meeting the purpose of this part; and

"(E) pay the costs of the peer review of applications under this part.

"(3) EVALUATION.—The Secretary may reserve funds, consistent with section 11911, to evaluate activities carried out under this part.

"SEC. 10308. CONSTRUCTION.

"Nothing in this Act shall be construed to prohibit recruiters for the Armed Forces of the United States from receiving the same access to secondary school students, and to directory information concerning such students, as is provided to postsecondary educational institutions or to prospective employers of such students, because all students should have access to high quality continuing education or service opportunities.

"SEC. 10309. DEFINITION OF HIGH SCHOOL.

"In this part, the term 'high school' means any school that serves students in 12th grade.

"SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.".

PART D—ARTS IN EDUCATION

SEC. 1031. ARTS IN EDUCATION.

Section 10401 (20 U.S.C. 8091) is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(B) by inserting immediately after paragraph (8) the following new paragraph:

"(9) supporting model arts and cultural programs for at-risk children and youth, particularly programs that use arts and culture to promote students' academic progress;"; and

(2) by amending subsection (f) to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.".

PART E—EXCELLENCE IN ECONOMIC EDUCATION

SEC. 1041. EXCELLENCE IN ECONOMIC EDUCATION.

Part E of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

"PART E—EXCELLENCE IN ECONOMIC EDUCATION

"SEC. 10501. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Excellence in Economic Education Act of 2000'.

"(b) FINDINGS.—Congress makes the following findings:

"(1) The need for economic literacy in the United States has grown exponentially in the 1990's as a result of rapid technological advancements and increasing globalization, giving individuals in the United States more numerous and complex economic and financial choices than ever before as members of the workforce, managers of their families' resources, and voting citizens.

"(2) Individuals in the United States lack essential economic knowledge, as demonstrated in a 1998–1999 test conducted for the National Council on Economic Education, a private nonprofit organization. The test results indicated the following:

"(A) Students and adults alike lack a basic understanding of core economic concepts such as scarcity of resources and inflation, with less than half of those tested demonstrating knowledge of those basic concepts.

"(B) A little more than ⅓ of those tested realize that society must make choices about how to use resources.

"(C) Only ⅓ of those tested understand that active competition in the marketplace serves to lower prices and improve product quality.

"(D) Slightly more than ½ of adults in the United States and less than ¼ of students in the United States know that a Federal budget deficit is created when the Federal Government's expenditures exceed its revenues in a year.

"(E) Overall, adults received a grade of 57 percent on the test and secondary school students received a grade of 48 percent on the test.

"(F) Despite these poor results, the test findings pointed out that individuals in the United States realize the need for understanding basic economic concepts, with 96 percent of adults tested believing that basic economics should be taught in secondary school.

"(3) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, and about the range of economic choices which face all people regardless of their financial circumstances. Examples of the trends include the following:

"(A) The number of personal bankruptcies in the United States rose and set new records in the 1990's, despite the longest peacetime economic expansion in United States history. One in every 70 United States households filed for bankruptcy in 1998. Rising bankruptcies have an impact on the cost and availability of consumer credit which in turn negatively affect overall economic growth.

"(B) Credit card delinquencies in the United States rose to 1.83 percent in 1998, which is a percentage not seen since 1992 when the effects of a recession were still strong.

"(C) The personal savings rate in the United States over the 5 years ending in 1998 averaged only 4.5 percent. In the third quarter of 1999, the personal savings rate dropped to 1.8 percent. A decline in savings rates reduces potential investment and economic growth.

"(D) By 2030, the number of older persons in the United States will grow to 70,000,000, more than twice the number of older persons in the United States in 1997. The additional older persons will add significantly to the population of retirees in the United States and require a shift in private and public resources to attend to their specific needs. The needs of this population will have dramatic, long-term economic consequences for younger generations of individuals in the United States workforce who will need to plan well in order to support their families and ensure for themselves a secure retirement.

"(4) The third National Education Goal designates economics as 1 of 9 core content areas in which teaching, learning, and students' mastery of basic and advanced skills must improve.

"(5) The National Council on Economic Education presents a compelling case for doing more to meet the need for economic literacy. While an understanding of economics is necessary to help the next generation to think, choose, and function in a changing global economy, economics has too often been neglected in schools.

"(6) States' requirements for economic and personal finance education are insufficient as evidenced by the fact that, while 39 States have adopted educational standards (including guidelines or proficiencies) in economics—

"(A) only 13 of those States require all students to take a course in economics before graduating from secondary school;

"(B) only 25 States administer tests to determine whether students meet the economic standards; and

"(C) only 27 States require that the economic standards be implemented in schools.

"(7) Improved and enhanced national, State, and local economic education efforts, conducted as part of the Campaign for Economic Literacy led by the National Council on Economic Education, will help individuals become informed consumers, conscientious savers, prudent investors, productive workforce members, responsible citizens, and effective participants in the global economy.

"(8)(A) Founded in 1949, the National Council on Economic Education is the preeminent economic education organization in the United States, having a nationwide network that supports economic education in the Nation's schools by working with States, local educational agencies, and schools.

"(B) This network supports teacher preparedness in economics through—

"(i) inservice teacher education;

"(ii) classroom-tested materials and appropriate curricula;

"(iii) evaluation, assessment, and research on economics education; and

"(iv) suggested content standards for economics.

"(9) The National Council on Economic Education network includes affiliated State Councils on Economic Education and more than 275 university or college-based Centers for Economic Education. This network represents a unique partnership among leaders in education, business, economics, and labor, the purpose of which is to effectively deliver economic education throughout the United States.

"(10) Each year the National Council on Economic Education network trains 120,000 teachers, reaching more than 7,000,000 students. By strengthening the Council's nationwide network, the Council can reach more of the Nation's 53,000,000 students.

"(11) The National Council on Economic Education conducts an international economic education program that provides information on market principles to the world (particularly emerging democracies) through teacher training, materials translation and development, study tours, conferences, and research and evaluation. As a result of those activities, the National Council on Economic Education is helping to support educational reform and build economic education infrastructures in emerging market economies, and reinforcing the national interest of the United States.

"(12) Evaluation results of economics education activities support the following conclusions:

"(A) Inservice education in economics for teachers contributes significantly to students' gains in economic knowledge.

"(B) Secondary school students who have taken economics courses perform significantly better on tests of economic literacy than do their counterparts who have not taken economics.

"(C) Economics courses contribute significantly more to gains in economic knowledge than does integration of economics into other subjects.

"(13) Through partnerships, the National Council on Economic Education network leverages support for its mission by raising more than $35,000,000 annually for economic education from the private sector, universities, and States.

"SEC. 10502. EXCELLENCE IN ECONOMIC EDUCATION.

"(a) Purpose.—The purpose of this part is to promote economic literacy among all United States students in kindergarten through grade 12 by enhancing national leadership in economic education through the strengthening of a nationwide economic education network and the provision of resources to appropriate State and local entities.

"(b) Goals.—The goals of this part are—

"(1) to increase students' knowledge of and achievement in economics to enable the students to become more productive and informed citizens;

"(2) to strengthen teachers' understanding of and competency in economics to enable the teachers to increase student mastery of economic principles and their practical application;

"(3) to encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy;

"(4) to assist States in measuring the impact of education in economics, which is 1 of 9 national core content areas described in section 306(c) of the Goals 2000: Educate America Act (20 U.S.C. 5886(c)) (as such section was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000);

"(5) to extend strong economic education delivery systems to every State; and

"(6) to leverage and expand private and public support for economic education partnerships at national, State, and local levels.

"SEC. 10503. GRANT PROGRAM AUTHORIZED.

"(a) Grants to the National Council on Economic Education.—

"(1) In general.—The Secretary is authorized to award a grant to the National Council on Economic Education (referred to in this section as the 'grantee'), which is a nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of economics through effective teaching of economics in the Nation's classrooms.

"(2) Use of grant funds.—

"(A) One-quarter.—The grantee shall use ¼ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year—

"(i) to strengthen and expand the grantee's nationwide network on economic education;

"(ii) to support and promote training, of teachers who teach a grade from kindergarten through grade 12, regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

"(iii) to support research on effective teaching practices and the development of assessment instruments to document student performance;

"(iv) to develop and disseminate appropriate materials to foster economic literacy; and

"(v) to coordinate activities assisted under this section with activities assisted under title II.

"(B) Three-quarters.—The grantee shall use ¾ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year to award grants to State economic education councils, or in the case of a State that does not have a State economic education council, a center for economic education (which council or center shall be referred to in this section as a 'recipient'). The grantee shall award such a grant to pay for the Federal share of the cost of enabling the recipient to work in partnership with 1 or more of the entities described in paragraph (3) for 1 or more of the following purposes:

"(i) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics.

"(ii) Providing resources to school districts that want to incorporate economics into the curricula of the schools in the districts.

"(iii) Conducting evaluations of the impact of economic education on students.

"(iv) Conducting economic education research.

"(v) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education, and to encourage awareness and student achievement in economics.

"(vi) Establishing interstate and international student and teacher exchanges to promote economic literacy.

"(vii) Encouraging replication of best practices to encourage economic literacy.

"(C) Additional requirements and technical assistance.—The grantee shall—

"(i) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

"(ii) provide such technical assistance as may be necessary to carry out this section.

"(3) Partnership entities.—The entities referred to in paragraph (2)(B) are the following:

"(A) A private sector entity.

"(B) A State educational agency.

"(C) A local educational agency.

"(D) An institution of higher education.

"(E) Another organization promoting economic development.

"(F) Another organization promoting educational excellence.

"(4) Administrative costs.—The grantee and each recipient receiving a grant under this section for a fiscal year may use not more than 25 percent of the funds made available through the grant for administrative costs.

"(b) Teacher Training Programs.—

"(1) In general.—In carrying out the teacher training programs described in subsection (a)(2)(B) a recipient shall—

"(A) train teachers who teach a grade from kindergarten through grade 12;

"(B) conduct programs taught by qualified teacher trainers who can tap the expertise, knowledge, and experience of classroom teachers, private sector leaders, and other members of the community involved, for the training; and

"(C) encourage teachers from disciplines other than economics to participate in such teacher training programs, if the training will promote the economic understanding of their students.

"(2) Release time.—Funds made available under this section for the teacher training programs described in subparagraphs (A) and (B) of subsection (a)(2) may be used to pay for release time for teachers and teacher trainers who participate in the training.

"(c) Involvement of Business Community.—In carrying out the activities assisted under this part the grantee and recipients are encouraged to—

"(1) include interactions with the local business community to the fullest extent possible, to reinforce the connection between economic education and economic development; and

"(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

"(d) Federal Share.—

"(1) In general.—The Federal share of the cost described in subsection (a)(2)(B) shall be 50 percent. The Federal share of the cost of establishing a State council on economic education or a center for economic education under subsection (f), for 1 fiscal year only, shall be 75 percent.

"(2) Non-Federal share.—The non-Federal share may be paid in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(e) Applications.—

"(1) Grantee.—To be eligible to receive a grant under this section, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) Recipients.—

"(A) In general.—To be eligible to receive a grant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

"(B) Review.—The grantee shall invite the individuals described in subparagraph (C) to review all applications from recipients for a grant under this section and to make recommendations to the grantee regarding the funding of the applications.

"(C) Individuals.—The individuals referred to in subparagraph (B) are the following:

"(i) Leaders in the fields of economics and education.

"(ii) Such other individuals as the grantee determines to be necessary.

"(f) SPECIAL RULE.—For each State that does not have a recipient in the State, as determined by the grantee, not less than the greater of 1.5 percent or $100,000 of the total amount appropriated under subsection (i), for 1 fiscal year, shall be made available to the State to pay for the Federal share of the cost of establishing a State council on economic education or a center for economic education in partnership with a private sector entity, an institution of higher education, the State educational agency, and other organizations.

"(g) SUPPLEMENT AND NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local funds expended for the purpose described in section 6(a).

"(h) REPORT.—The Secretary shall prepare and submit to the appropriate committees of Congress a report regarding activities assisted under this section not later than 2 years after the date funds are first appropriated under subsection (i) and every 2 years thereafter.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES

SEC. 1051. ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES.

Part F of title X (20 U.S.C. 8001 et seq.), is amended to read as follows:

"PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES.

"SEC. 10601. SHORT TITLE.

"This subpart may be cited as the 'Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Assistance Act'.

"SEC. 10602. PURPOSE.

"The purposes of this subpart are—

"(1) to improve academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists;

"(2) to support the acquisition of up-to-date school library media resources for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

"(3) to provide school library media specialists with the tools and training opportunities necessary for the specialists to facilitate the development and enhancement of the information literacy, information retrieval, and critical thinking skills of students; and

"(4)(A) to ensure the effective coordination of resources for library, technology, and professional development activities for elementary schools and secondary schools; and

"(B) to ensure collaboration between school library media specialists, and elementary school and secondary school teachers and administrators, in developing curriculum-based instructional activities for students so that school library media specialists are partners in the learning process of students.

"Chapter 1—Library Media Resources

"SEC. 10605. STATE ALLOTMENTS.

"The Secretary shall allot to each eligible State educational agency for a fiscal year an amount that bears the same relation to the amount appropriated under section 5170 and not reserved under section 5169 for the fiscal year as the amount the State educational agency received under part A of title I for the preceding fiscal year bears to the amount all State educational agencies received under part A of title I for the preceding fiscal year.

"SEC. 10606. STATE APPLICATIONS.

"To be eligible to receive an allotment under section 5161 for a State for a fiscal year, the State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

"(1) the manner in which the State educational agency will use the needs assessment described in section 5165 and poverty data to allocate funds made available through the allotment to the local educational agencies in the State with the greatest need for school library media improvement;

"(2) the manner in which the State educational agency will effectively coordinate all Federal and State funds available for library, technology, and professional development activities to assist local educational agencies, elementary schools, and secondary schools in—

"(A) acquiring up-to-date school library media resources in all formats, including books and advanced technology such as Internet connections;

"(B) providing training for school library media specialists; and

"(C) facilitating resource-sharing among schools and school library media centers;

"(3) the manner in which the State educational agency will develop standards for the incorporation of new technologies into the curricula of elementary schools and secondary schools through school library media programs to develop and enhance the information literacy, information retrieval, and critical thinking skills of students; and

"(4) the manner in which the State educational agency will evaluate the quality and impact of activities carried out under this subpart by local educational agencies to make determinations regarding the need of the agencies for technical assistance and whether to continue funding the agencies under this subpart.

"SEC. 10607. STATE RESERVATION.

"A State educational agency that receives an allotment under section 5161 may reserve not more than 3 percent of the funds made available through the allotment to provide technical assistance, disseminate information about effective school library media programs, and pay administrative costs, relating to this subpart.

"SEC. 10608. LOCAL ALLOCATIONS.

"(a) IN GENERAL.—A State educational agency that receives an allotment under section 5161 for a fiscal year shall use the funds made available through the allotment and not reserved under section 5163 to make allocations to local educational agencies.

"(b) AGENCIES.—The State educational agency shall allocate the funds to the local educational agencies in the State that have—

"(1) the greatest need for school library media improvement according to the needs assessment described in section 5165; and

"(2) the highest percentages of poverty, as measured in accordance with section 1113(a)(5).

"SEC. 10609. LOCAL APPLICATION.

"To be eligible to receive an allocation under section 5164 for a fiscal year, a local educational agency shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain—

"(1) a needs assessment relating to need for school library media improvement, based on the age and condition of school library media resources (including book collections), access of school library media centers to advanced technology, including Internet connections, and the availability of well-trained, professionally certified school library media specialists, in schools served by the local educational agency;

"(2) a description of the manner in which the local educational agency will use the needs assessment to assist schools with the greatest need for school library media improvement;

"(3) a description of the manner in which the local educational agency will use the funds provided through the allocation to carry out the activities described in section 5166;

"(4) a description of the manner in which the local educational agency will develop and carry out the activities described in section 5166 with the extensive participation of school library media specialists, elementary school and secondary school teachers and administrators, and parents;

"(5) a description of the manner in which the local educational agency will effectively coordinate—

"(A) funds provided under this chapter with the Federal, State, and local funds received by the agency for library, technology, and professional development activities; and

"(B) activities carried out under this chapter with the Federal, State, and local library, technology, and professional development activities carried out by the local educational agency; and

"(6) a description of the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this chapter by schools served by the local educational agency.

"SEC. 10610. LOCAL ACTIVITIES.

"A local educational agency that receives a local allocation under section 5164 may use the funds made available through the allocation—

"(1) to acquire up-to-date school library media resources, including books, for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

"(2) to acquire and utilize advanced technology, incorporated into the curricula of the schools, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

"(3) to acquire and utilize advanced technology, including Internet links, to facilitate resource-sharing among schools and school library media centers, and public and academic libraries, where possible;

"(4) to provide professional development opportunities for school library media specialists; and

"(5) to foster increased collaboration between school library media specialists and elementary school and secondary school teachers and administrators.

"SEC. 10611. ACCOUNTABILITY AND CONTINUATION OF FUNDS.

"Each local educational agency that receives funding under this chapter for a fiscal year shall be eligible to continue to receive the funding—

"(1) for each of the 2 following fiscal years; and

"(2) for each fiscal year subsequent to the 2 following fiscal years, if the local educational agency demonstrates that the agency has increased—

"(A) the availability of, and the access of students, school library media specialists, and elementary school and secondary school teachers to, up-to-date school library media resources, including books and advanced technology, in elementary schools and secondary schools served by the local educational agency;

"(B) the number of well-trained, professionally certified school library media specialists in those schools; and

"(C) collaboration between school library media specialists and elementary school and secondary school teachers and administrators for those schools.

"SEC. 10612. SUPPLEMENT NOT SUPPLANT.

"Funds made available under this chapter shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

"SEC. 10613. NATIONAL ACTIVITIES.

"The Secretary shall reserve not more than 3 percent of the amount appropriated under section 5170 for a fiscal year—

"(1) for an annual, independent, national evaluation of the activities assisted under this chapter, to be conducted not later than 3 years after the date of enactment of this chapter; and

"(2) to broadly disseminate information to help States, local educational agencies, school library media specialists, and elementary school and secondary school teachers and administrators learn about effective school library media programs.

"SEC. 10614. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $250,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

"Chapter 2—School Library Access Program

"SEC. 10621. PROGRAM.

"(a) IN GENERAL.—The Secretary may make grants to local educational agencies to provide students with access to libraries in elementary schools and secondary schools during non-school hours, including the hours before and after school, on weekends, and during summer vacation periods.

"(b) APPLICATIONS.—To be eligible to receive a grant under subsection (a), a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to local educational agencies that demonstrate, in applications submitted under subsection (b), that the agencies—

"(1) seek to provide activities that will increase reading skills and student achievement;

"(2) have effectively coordinated services and funding with entities involved in other Federal, State, and local efforts, to provide programs and activities for students during the non-school hours described in subsection (a); and

"(3) have a high level of community support.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $25,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.".

PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM

SEC. 1061. FOREIGN LANGUAGE ASSISTANCE PROGRAM.

Part G of title X (20 U.S.C. 8601 et seq.) is amended to read as follows:

"PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"SEC. 10701. FINDINGS; PURPOSE.

"(a) FINDINGS.—Congress finds that:

"(1) Increased fluency in languages other than English is necessary if the United States is to compete effectively in a global economy.

"(2) Four out of five new jobs in the United States are created from foreign trade.

"(3) The optimum time to begin learning a second language is in elementary school, when children have the greatest ability to learn and excel in foreign languages.

"(4) Foreign language study can increase children's capacity for critical and creative thinking, and children who study a second language show greater cognitive development in such areas as mental flexibility, creativity, tolerance, and higher-order thinking skills.

"(5) Children who have studied a foreign language in elementary school score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

"(6) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

"(7) While research suggests that students more easily acquire foreign languages when instruction begins in the early grades, fewer than one-third of elementary schools in the United States offer foreign language instruction.

"(8) Of those elementary schools that do offer foreign language instruction, most offer only an introductory exposure to the foreign language.

"(9) Few elementary school foreign language programs are coordinated with secondary school foreign language programs to promote transitions that build on student knowledge of the foreign language.

"(10) Foreign language teachers have a continuing need for professional development that provides opportunities to improve their language competence and their teaching skills in the language they teach. This need is particularly important for elementary school teachers, most of whom have no specialized training or certification to teach languages at that level.

"(11) The next generation of advanced computers and telecommunications technology has a tremendous potential for improving access to foreign language instruction and the quality of that instruction at the elementary level.

"(12) It is a national goal that 25 percent of all public elementary schools offer high-quality, comprehensive foreign language programs by 2005, and that 50 percent offer such programs by 2010. Such programs should be designed to achieve language proficiency, aligned with State foreign language standards, and available to all students (including students with limited English proficiency and students with disabilities), and should ensure effective coordination between elementary and secondary school foreign language instruction.

"(b) PURPOSE.—It is the purpose of this part to expand, improve the quality of, and enhance foreign language programs at the elementary school level, including programs that recruit and train qualified elementary school foreign language teachers, by supporting—

"(1) State efforts to encourage and support such programs;

"(2) local implementation of innovative programs that meet local needs; and

"(3) the identification and dissemination of information on best practices in elementary school foreign language education.

"SEC. 10702. ELEMENTARY SCHOOL FOREIGN LANGUAGE ASSISTANCE PROGRAM.

"(a) AUTHORITY.—(1) From funds appropriated under subsection (g) for any fiscal year, the Secretary is authorized to make grants to State educational agencies and to local educational agencies for the Federal share of the cost of the activities set forth in subsection (b).

"(2) Each grant under paragraph (1) shall be awarded for a period of three years.

"(3) A State educational agency may receive a grant under paragraph (1) if it—

"(A) has established, or is establishing, State standards for foreign language instruction; or

"(B) requires the public elementary schools of the State to provide foreign language instruction.

"(4) A local educational agency may receive a grant under paragraph (1) if the program proposed in its application under subsection (c)—

"(A) shows promise of being continued beyond the grant period;

"(B) would demonstrate approaches that can be disseminated to, and duplicated by, other local educational agencies;

"(C) would include performance measurements and assessment systems that measure students' proficiency in a foreign language; and

"(D) would use a curriculum that is aligned with State standards, if the State has such standards.

"(b) AUTHORIZED ACTIVITIES.—(1) Grants to State educational agencies under this section shall be used to support programs that promote the implementation of high-quality foreign language programs in the elementary schools of the State, which may include—

"(A) developing foreign language standards and assessments that are aligned with those standards;

"(B) supporting the efforts of institutions of higher education within the State to develop programs to prepare the elementary school foreign language teachers needed in schools within the State and to recruit candidates to prepare for, and assume, such teaching positions;

"(C) developing new certification requirements for elementary school foreign language teachers, including requirements that allow for alternative routes to certification;

"(D) providing technical assistance to local educational agencies in the State in developing, implementing, or improving elementary school foreign language programs, including assistance to ensure effective coordination with, and transition of students among, elementary, middle, and secondary schools;

"(E) disseminating information on promising or effective practices in elementary school foreign language instruction and supporting educator networks that help improve that instruction;

"(F) stimulating the development and dissemination of information on instructional programs that use educational technologies and technology applications (including such technologies and applications as multimedia software, web-based resources, digital television, and virtual reality and wireless technologies) to deliver instruction or professional development, or to assess students' foreign language proficiency; and

"(G) collecting data on and evaluating the elementary school foreign language programs in the State and activities carried out with the grant.

"(2) Grants to local educational agencies under this section shall be used for activities to develop and implement high-quality, standards-based elementary school foreign language programs, which may include—

"(A) curriculum development and implementation;

"(B) professional development for teachers and other staff;

"(C) partnerships with institutions of higher education to provide for the preparation of the teachers needed to implement programs under this section;

"(D) efforts to coordinate elementary school foreign language instruction with secondary-level foreign language instruction, and to provide students with a smooth transition from elementary to secondary programs;

"(E) implementation of instructional approaches that make use of advanced educational technologies; and

"(F) collection of data on, and evaluation of, the activities carried out under the grant, including assessment, at regular intervals, of participating students' proficiency in the foreign language studied.

"(3) SPECIAL RULE.—Efforts under paragraph (2)(D) may include support for the expansion of secondary school instruction, so long as that instruction is part of an articulated elementary-through-secondary school foreign language program that is designed to result in student fluency in a foreign language.

"(c) APPLICATIONS.—(1) Any State educational agency or local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances, as the Secretary may require.

"(2) Each application shall include descriptions of—

"(A) the goals that the applicant intends to accomplish through the project, including—

"(i) for applications submitted by State educational agencies, the goal of ensuring the availability of qualified elementary school foreign language teachers throughout the State; and

"(ii) for applications submitted by local educational agencies, the goal of enabling all participating students to become proficient in a foreign language;

"(B) the activities to be carried out through the project; and

"(C) how the applicant will determine the extent to which its project meets its goals.

"(d) PRIORITIES.—In awarding grants under this section, the Secretary may establish one or more priorities consistent with the purpose of this part, including priorities for projects carried out by local educational agencies that—

"(1) provide immersion programs in which instruction is in the foreign language for a major portion of the day; or

"(2) promote the sequential study of a foreign language for students, beginning in elementary schools.

"(e) REPORTS.—(1) A State educational agency or local educational agency that receives a grant under this section shall submit to the Secretary an annual report that provides information on the project's progress in reaching its goals.

"(2) A local educational agency that receives a grant under this section shall include in its report under paragraph (1), information on students' gains in comprehending, speaking, reading, and writing a foreign language, and shall compare such educational outcomes to the State's foreign language standards, if such State standards exist.

"(f) FEDERAL SHARE.—(1) The Federal share for each fiscal year of a program under this section shall be not more than 50 percent.

"(2) The Secretary may waive the requirement of paragraph (1) for any local educational agency that the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

"(2) For any fiscal year, the Secretary may reserve up to five percent of the amount appropriated under paragraph (1) to—

"(A) conduct independent evaluations of the activities assisted under this section;

"(B) provide technical assistance to recipients of awards under this section; and

"(C) disseminate findings and methodologies from evaluations required by, or funded under, this section and other information obtained from such programs.".

PART H—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 1071. 21ST CENTURY COMMUNITY LEARNING CENTERS.

Part I of title X (20 U.S.C. 8061 et seq.) is amended to read as follows:

"PART H—21ST CENTURY COMMUNITY LEARNING CENTERS

"SEC. 10901. SHORT TITLE.

"This part may be cited as the "21st Century Community Learning Centers Act".

"SEC. 10902. PURPOSE.

It is the purpose of this part—

"(1) to provide local public schools, primarily in low income, rural, and inner-city communities, with the opportunity to establish and develop centers that—

"(A) provide supervised care during nonschool hours and extended learning opportunities to students, including students with disabilities, to assist such students in meeting challenging State and academic standards and developing personal, social, health and related competencies; and

"(B) deliver education and human services for all members of communities served by the public schools;

"(2) to enable public schools to collaborate with other public and nonprofit agencies and organizations, community-based organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, to meet the needs of, and expand the opportunities available to, the residents of the communities served by such schools;

"(3) to use school facilities, equipment, and resources so that communities can promote a more efficient use of public education facilities, especially in low income, rural, and inner-city communities where limited financial resources have enhanced the necessity for local public schools to become social service centers;

"(4) to enable schools to become centers of lifelong learning; and

"(5) to enable schools to provide educational opportunities for individuals of all ages.

"SEC. 10903. ALLOTMENT TO STATES.

"(a) RESERVATION.—From the amounts appropriated under section 10911 for each fiscal year, the Secretary shall reserve—

"(1) not to exceed 1 percent of such amount in each fiscal year to make payments to the outlying areas and to the Bureau for Indian Affairs to be allotted in accordance with their respective needs for assistance under this subpart as determined by the Secretary;

"(2) not to exceed 2.5 percent of such amounts in each fiscal year to carry out national activities under section 10909; and

"(3) amounts in each fiscal year as may be necessary to make continuation awards for projects that were funded using amount appropriated in fiscal years 1999 and 2000, under the terms and conditions that applied to the original awards for such projects.

"(b) ALLOTMENTS.—From amounts appropriated under section 10911 for a fiscal year and remaining after amounts are reserved under subsection (a), the Secretary shall allot to each State an amount determined by the Secretary based on the relative amounts that each State received under subpart 2 of part A of title I for the fiscal year immediately preceding the fiscal year for which the allotment is being made, except that no State shall receive an amount that is less than ½ of 1 percent of such remaining amount.

"SEC. 10904. STATE APPLICATION.

"(a) APPLICATION REQUIREMENTS.—A State, through the State educational agency, that desires to receive an allotment under this part shall submit to the Secretary an application that—

"(1) describes the competitive procedures to be used by the State for ensuring that the programs carried out with amounts provided under this part will be high quality and serve schools and communities with a substantial need for expanded learning opportunities and a need for supervised care during non-school hours, including those with—

"(A) a high proportion of low achieving students;

"(B) a lack of resources; and

"(C) other needs in the larger community consistent with this part;

"(2) describes the manner in which the State will ensure the implementation of effective strategies for providing community learning centers with technical assistance, training, and other information and support;

"(3) provides for the annual submission of data regarding the use of funds under this part, including data on the activities provided and populations served, and such other information as the Secretary may require;

"(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audits and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities required under this Act);

"(5) contains a description of the manner in which the State will coordinate existing Federal, State, and local programs focused on similar results in order to make the most effective use of the resources available, including resources from health and safety programs;

"(6) describes the manner in which the State will evaluate the effectiveness of the program (carried out with funds received under this part);

"(7) contains an assurance that the State educational agency will comply with the requirements of this part; and

"(8) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be effective for a period of 5 years.

"(c) APPROVAL.—The Secretary shall approve a State application submitted under subsection (a) if the Secretary determines that the application satisfies the requirements of this part and demonstrates promise for accomplishing the purposes of this part.

"SEC. 10905. LIMITATIONS ON USE OF FUNDS.

"(a) IN GENERAL.—A State educational agency may use not to exceed 5 percent of the amount of the State allotment under section 10903(b) for—

"(1) the establishment and implementation of a peer review process for grant applications;

"(2) the supervision of the awarding of funds to local education agencies;

"(3) the planning, supervision, and processing of funds made available under this part; and

"(4) monitoring activities.

"(b) EVALUATIONS AND TECHNICAL ASSISTANCE.—A State educational agency shall use 3 percent of the amount of the State allotment under section 10903(b) for—

"(1) the evaluation of programs and activities assisted under this part; and

"(2) providing technical assistance and training under this part, including both State and locally based technical assistance.

"(c) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds expended to carry out services or activities authorized by this part.

"SEC. 10906. DISTRIBUTION TO SCHOOLS.

"(a) DISTRIBUTION RULES.—

"(1) IN GENERAL.—A State educational agency shall use not less than 92 percent of the amount of the State allotment under section 10903(b) to award grants, on a competitive basis, to local educational agencies, consortia of local educational agencies, or consortia of local educational agencies with community-based organizations, acting on behalf of public elementary or secondary schools to enable such agencies to plan, implement, or expand community learning centers that address the educational, health, social service, cultural, and recreational needs of the local community and provide care during non-school hours and expanded learning opportunities for students.

"(2) URBAN AND RURAL AREAS.—In awarding grants under this subsection, a State educational agency shall ensure that both urban and rural areas of the State are served.

"(3) MINIMUM AMOUNT.—A State educational agency shall not award a grant under this subsection in any fiscal year in an amount that is less than $75,000.

"(4) DURATION.—A State educational agency shall award grants under this subsection for a period not to exceed 5 years.

"(b) PRIORITY.—In awarding grants under subsection (a) the State educational agency shall give priority to applicants that intend to use grant funds to—

"(1) serve schools and school districts with a high percentage or large number of children in need of services as indicated by high levels of poverty, juvenile delinquency, poor student achievement, or other need-related indicators; and

"(2) carry out projects that offer a broad selection of services that address the needs of the community to be served.

"SEC. 10907. LOCAL APPLICATION REQUIRED.

"To be eligible to receive a grant under this part, a local educational agency, consortium of local educational agencies, or consortium of local educational agencies with community-based organizations shall submit an application to the State educational agency. Each such application shall include—

"(1) a comprehensive local plan that enables a public elementary or secondary school to serve as a center for the delivery of education and human services for members of a community;

"(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs;

"(3) a description of the proposed project, including—

"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

"(B) a description of the manner in which the applicant will coordinate existing Federal, State, and local programs operating in the community and at schools in order to use most effectively the resources available to support the project;

"(C) a description of staff qualifications and ratios of staff to program participants;

"(D) an assurance that collaborative efforts will be undertaken with community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(E) a description of how the program will provide services in a manner that will meet the needs of working families;

"(F) a description of the manner in which the program will assist students in meeting challenging State academic standards;

"(G) a description of the manner in which the program will assist students in developing personal, social, health, and related competencies;

"(H) an assurance that the local educational agency will serve schools with the highest percentage of low-income students;

"(I) a description of how the community learning center will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

"(J) an assurance that the public elementary or secondary school will establish a facility utilization policy that specifically states—

"(i) the rules and regulations applicable to building and equipment use; and

"(ii) supervision guidelines;

"(4) information that demonstrates that, unless waived by the State for applicants from low-income areas, the applicant will provide at least 20 percent of the cost of the project to be carried out with the grant from other sources, which may include other Federal funds and may be provided in cash or in-kind, beginning in the second year and in each of the following years of the grant award period;

"(5) an assurance that the applicant will, in each fiscal year, expend from non-Federal sources at least as much for the services provided with assistance made available under this part as it expended in the preceding fiscal year; and

"(6) information on the manner in which the applicant will continue the project after the completion of the grant period.

"SEC. 10908. LOCAL USES OF FUNDS.

"(a) IN GENERAL.—Grants awarded under section 10906(a) may be used to implement or expand community learning centers which shall include supervised care during non-school hours and extended learning opportunities and which shall include not less than 3 of the following activities:

"(1) Literacy education programs.

"(2) Senior citizen programs.

"(3) Integrated education, health, social service, recreational, or cultural programs.

"(4) Summer and weekend school programs in conjunction with recreation programs.

"(5) Nutrition and health programs.

"(6) Expanded library service hours to serve community needs.

"(7) Telecommunications and technology education programs for individuals of all ages.

"(8) Parenting skills education programs.

"(9) Training for providers of supervised care during non-school hours.

"(10) Employment counseling, training, and placement.

"(11) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

"(12) Services for individuals with disabilities.

"(13) Community improvement programs that engage students, school staff, and community members in assessing community strengths and unmet community needs and designing strategies to address those needs, which may involve—

"(A) coordination between the school and community-based organizations and agencies; and

"(B) coordination with the school's core curriculum, in terms of service learning or vocational education.

"(b) INTEGRATION AND COORDINATION.—With respect to the recipient of a grant under section 10906(a), by the date that is not later than 2 years after the date on which the recipient received such grant, the recipient shall demonstrate how the 4 or more activities required to be carried out under subsection (a) are being integrated and coordinated with each other and with other services in the school and community, including with local educational agencies, local governmental agencies, community-based organizations, vocational education programs, institutions of higher education, community colleges and cultural, recreational and other community and human service entities.

"SEC. 10909. NATIONAL ACTIVITIES.

"The Secretary shall use funds reserved under section 10903(a)(2) to provide technical assistance, conduct evaluations, disseminate information, carry out activities to encourage the spread and adoption of successful extended learning opportunities programs, provide for training and technical assistance best practices, and to carry out other national activities that support programs under this part.

"SEC. 10910. DEFINITION.

"In this part:

"(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' means an entity within a public elementary or secondary school building that—

"(A) provides high quality expanded learning opportunities in a safe and drug-free environment, and also provides services that address health, social service, cultural, and recreational needs of the community; and

"(B) coordinates services with public and nonprofit agencies and organizations, community-based organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities.

"(2) School-age population.—The term 'school-age population' means the population of individuals who are at least 5 years of age but who are less than 19 years of age.

"(3) State.—The term 'State' means each of the several State, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 10911. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.".

PART I—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

SEC. 1081. INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS.

Part J of title X (20 U.S.C. 8271 et seq.) is amended to read as follows:

"PART J—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

"Subpart 1—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

"SEC. 10951. PURPOSE; PROGRAM AUTHORIZED.

"(a) Purpose.—It is the purpose of this subpart—

"(1) to improve educational services for children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State are expected to meet;

"(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(b) Program Authorized.—In order to carry out the purpose of this subpart the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 10952. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

"(a) Agency Subgrants.—Based on the allocation amount computed under section 10956, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies under chapter 1.

"(b) Local Subgrants.—Each State shall retain, for purposes of carrying out chapter 2, funds generated throughout the State under part A of title I based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"Chapter 1—State Agency Programs

"SEC. 10955. ELIGIBILITY.

"A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children and youth;

"(2) attending community day programs for neglected or delinquent children and youth; or

"(3) in adult correctional institutions.

"SEC. 10956. ALLOCATION OF FUNDS.

"(a) Subgrants to State Agencies.—

"(1) In general.—Each State agency described in section 10955 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 10955 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children and youth; or

"(II) in community day programs for neglected or delinquent children and youth; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) Special rule.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

"(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) Subgrants to State Agencies in Puerto Rico.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this subpart shall be equal to—

"(1) the number of children and youth counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) Ratable Reductions in Case of Insufficient Appropriations.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"SEC. 10957. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

"SEC. 10958. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) State Plan.—

"(1) In general.—Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children and youth and, where applicable, children and youth at risk of dropping out of school, that is integrated with other programs under this Act, or other Acts, as appropriate, consistent with section 6506.

"(2) Contents.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 10975;

"(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(3) Duration of the plan.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

"(b) Secretarial Approval; Peer Review.—

"(1) In general.—The Secretary shall approve each State plan that meets the requirements of this subpart.

"(2) Peer review.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) State Agency Applications.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional institutions, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 10960 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section

10201 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained the fiscal effort required of a local educational agency, in accordance with section 10101;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how appropriate professional development will be provided to teachers and other staff;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating children and youth;

"(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(13) provides assurances that the agency will work with parents to secure parents' assistance in improving, the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if the youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or its recognized equivalent if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to children and youth, such as career counseling, and assistance in securing student loans and grants; and

"(18) provides assurances that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

"SEC. 10959. USE OF FUNDS.

"(a) Uses.—

"(1) In general.—A State agency shall use funds received under this chapter only for programs and projects that—

"(A) are consistent with the State plan under section 10959(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

"(2) Programs and projects.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 10960, are provided to children and youth identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

"(iii) afford such children and youth an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1120A and part F of title I; and

"(D) may include the costs of meeting the evaluation requirements of section 10201.

"(b) Supplement, Not Supplant.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

"SEC. 10960. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all youth under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the youths will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"SEC. 10961. THREE-YEAR PROGRAMS OR PROJECTS.

"If a State agency operates a program or project under this chapter in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this subpart for a period of not more than three years.

"SEC. 10962. TRANSITION SERVICES.

"(a) Transition Services.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this chapter for any fiscal year to support projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies.

"(b) Conduct of Projects.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) Limitation.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children and youth in schools other than State-operated institutions.

"(d) Construction.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Chapter 2—Local Agency Programs

"SEC. 10965. PURPOSE.

"The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities to—

"(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

"(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

"(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

"SEC. 10966. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) Local Subgrants.—With funds made available under section 10952(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in community day programs).

"(b) Special Rule.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

"(c) Notification.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

"SEC. 10967. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"Eligible local educational agencies desiring assistance under this chapter shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

"(1) a description of the program to be assisted;

"(2) a description of formal agreements between—

"(A) the local educational agency; and

"(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

"(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will coordinate existing educational programs to meet unique education needs;

"(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Investment Act of 1998 and vocational education programs serving at-risk youth;

"(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

"(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"SEC. 10968. USES OF FUNDS.

"Funds provided to local educational agencies under this chapter may be used, where appropriate, for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"SEC. 10969. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

"Each correctional facility having an agreement with a local educational agency under section 10967(2) to provide services to youth under this chapter shall—

"(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

"(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage youth who have dropped out of school to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

"(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

"(6) ensure educational programs in correctional facilities are related to assisting students to meet high educational standards;

"(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

"(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under title I of the Workforce Investment Act of 1998, and vocational education funds;

"(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"SEC. 10970. ACCOUNTABILITY.

"The State educational agency may—

"(1) reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

"Chapter 3—General Provisions

"SEC. 10975. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

"SEC. 10976. DEFINITIONS.

"In this subpart:

"(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) AT-RISK YOUTH.—The term 'at-risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

"(3) COMMUNITY DAY PROGRAM.—The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

"(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term 'institution for neglected or delinquent children and youth' means—

"(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

"(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"SEC. 10977. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $42,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.",

PART J—NATIONAL WRITING PROJECT

SEC. 1091. NATIONAL WRITING PROJECT.

Part K of title X (20 U.S.C. 8331 et seq.) is amended—

(1) in section 10991—

(A) in paragraph (15)—

(i) by striking "154 regional sites" and inserting "157 regional sites"; and

(ii) by striking "45 States" and inserting "46 States";

(B) in paragraph (17) by adding "and" at the end;

(C) in paragraph (18) by striking at the end the semicolon and "and" and inserting a period; and

(D) by striking paragraph (19); and

(2) in section 10992—

(A) by striking subsection (e);

(B) by amending subsection (g) to read as follows:

"(g) EVALUATION.—The Secretary may conduct an independent evaluation, by grant or contract, of the program administered pursuant to this part."; and

(C) by amending subsection (i) to read as follows:

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.".

PART L—ADVANCED PLACEMENT PROGRAMS

SEC. 1095. ADVANCED PLACEMENT PROGRAMS.

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART L—ADVANCED PLACEMENT PROGRAMS

"SEC. 10981. SHORT TITLE.

"This part may be cited as the 'Access to High Standards Act'.

"SEC. 10982. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

"(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

"(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

"(4) advanced placement programs already are providing 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching over 1,000,000 students (of whom 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at over 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

"(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that all public secondary schools offer advanced placement courses, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their public universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

"(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards for both students participating in such programs and other children taught by teachers who are involved in advanced placement courses, and shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

"(b) PURPOSES.—The purposes of this part are—

"(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

"(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

"(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

"(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school district, while also increasing and diversifying student participation in the programs;

"(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

"(6) to provide greater access to advanced placement courses for low-income and other disadvantaged students;

"(7) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded; and

"(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees.

"SEC. 10983. FUNDING DISTRIBUTION RULE.

"From amounts appropriated under section 10988 for a fiscal year, the Secretary shall give first priority to funding activities under section 10986, and shall distribute any remaining funds not so applied according to the following ratio:

"(1) Seventy percent of the remaining funds shall be available to carry out section 10984.

"(2) Thirty percent of the remaining funds shall be available to carry out section 10985.

"SEC. 10984. ADVANCED PLACEMENT PROGRAM GRANTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under section 10988 and made available under section 10983(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (c).

"(2) DURATION AND PAYMENTS.—

"(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

"(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

"(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency, or a local educational agency, in the State.

"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

"(1) a pervasive need for access to advanced placement incentive programs;

"(2) the involvement of business and community organizations in the activities to be assisted;

"(3) the availability of matching funds from State or local sources to pay for the cost of activities to be assisted;

"(4) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

"(5)(A) in the case of an eligible entity that is a State educational agency, the State educational agency carries out programs in the State that target—

"(i) local educational agencies serving schools with a high concentration of low-income students; or

"(ii) schools with a high concentration of low-income students; or

"(B) in the case of an eligible entity that is a local educational agency, the local educational agency serves schools with a high concentration of low-income students.

"(c) AUTHORIZED ACTIVITIES.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

"(1) teacher training;

"(2) preadvanced placement course development;

"(3) curriculum coordination and articulation between grade levels that prepare students for advanced placement courses;

"(4) curriculum development;

"(5) books and supplies; and

"(6) any other activity directly related to expanding access to and participation in advanced placement incentive programs particularly for low-income individuals.

"(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(e) DATA COLLECTION AND REPORTING.—

"(1) DATA COLLECTION.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

"(A) the number of students taking advanced placement courses who are served by the eligible entity;

"(B) the number of advanced placement tests taken by students served by the eligible entity;

"(C) the scores on the advanced placement tests; and

"(D) demographic information regarding individuals taking the advanced placement courses and tests disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

"(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

"SEC. 10985. ON-LINE ADVANCED PLACEMENT COURSES.

"(a) GRANTS AUTHORIZED.—From amounts appropriated under section 10988 and made available under section 10983(2) for a fiscal year, the Secretary shall award grants to State educational agencies to enable such agencies to award grants to local educational agencies to provide students with on-line advanced placement courses.

"(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

"(1) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) AWARD BASIS.—The Secretary shall award grants under this section on a competitive basis.

"(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant award under subsection (b) shall award grants to local educational agencies within the State to carry out activities described in subsection (e). In awarding grants under this subsection, the State educational agency shall give priority to local educational agencies that—

"(1) serve high concentrations of low-income students;

"(2) serve rural areas; and

"(3) the State educational agency determines would not have access to on-line advanced placement courses without assistance provided under this section.

"(d) CONTRACTS.—A local educational agency that receives a grant under this section may enter into a contract with a nonprofit or for-profit organization to provide the on-line advanced placement courses, including contracting for necessary support services.

"(e) USES.—Grant funds provided under this section may be used to purchase the on-line curriculum, to train teachers with respect to the use of on-line curriculum, or to purchase course materials.

"SEC. 10986. ADVANCED PLACEMENT INCENTIVE PROGRAM.

"(a) GRANTS AUTHORIZED.—From amounts appropriated under section 10988 and made available under section 10983 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under subsection (c) to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

"(1) are enrolled in an advanced placement class; and

"(2) plan to take an advanced placement test.

"(b) AWARD BASIS.—In determining the amount of the grant awarded to each State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

"(c) INFORMATION DISSEMINATION.—A State educational agency shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

"(d) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

"(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds made available under this section;

"(2) provide an assurance that any grant funds received under this section, other than funds used in accordance with subsection (e), shall be used only to pay for advanced placement test fees; and

"(3) contain such information as the Secretary may require to demonstrate that the State will ensure that a student is eligible for payments under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.).

"(e) ADDITIONAL USES OF FUNDS.—If each eligible low-income individual in a State pays not more than a nominal fee to take an advanced placement test in a core subject, then a State educational agency may use grant funds made available under this section that remain after advanced placement test fees have been paid on behalf of all eligible low-income individuals in the State, for activities directly related to increasing—

"(1) the enrollment of low-income individuals in advanced placement courses;

"(2) the participation of low-income individuals in advanced placement courses; and

"(3) the availability of advanced placement courses in schools serving high-poverty areas.

"(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall supplement, and not supplant, other non-federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

"(h) REPORT.—Each State educational agency annually shall report to the Secretary information regarding—

"(1) the number of low-income individuals in the State who received assistance under this section; and

"(2) any activities carried out pursuant to subsection (e).

"(i) DEFINITIONS.—In this section:

"(1) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' includes only an advanced placement test approved by the Secretary for the purposes of this section.

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given the term in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a-11(g)(2)).

"SEC. 10987. DEFINITIONS.

"In this part:

"(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term 'advanced placement incentive program' means a program that provides advanced placement activities and services to low-income individuals.

"(2) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' means an advanced placement test administered by the College Board or approved by the Secretary.

"(3) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term 'high concentration of low-income students', used with respect to a State educational agency, local educational agency or school, means an agency or school, as the case may be, that serves a student population 40 percent or more of whom are from families with incomes below the poverty level, as determined in the same manner as the determination is made under section 1124(c)(2).

"(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means, other than for purposes of section 10986, a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a-11(g)(2)) who is academically prepared to take successfully an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

"(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 10988. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 1096. DISSEMINATION OF ADVANCED PLACEMENT INFORMATION.

Each institution of higher education receiving Federal funds for research or for programs assisted under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)—

(1) shall distribute to secondary school counselors or advanced placement coordinators in the State information with respect to the amount and type of academic credit provided to students at the institution of higher education for advanced placement test scores; and

(2) shall standardize, not later than 4 years after the date of enactment of this Act, the form and manner in which the information described in subparagraph (1) is disseminated by the various departments, offices, or other divisions of the institution of higher education.

TITLE XI—GENERAL PROVISIONS, DEFINITIONS AND ACCOUNTABILITY

SEC. 1101. DEFINITIONS.

Part A of title XIV (20 U.S.C. 8801 et seq.) is amended—

(1) in section 14101—

(A) in paragraphs (5), (6), (7), and (8), by striking "section 14302" and inserting "section 11502";

(B) by amending paragraph (10) to read as follows:

"(10) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I,

"(B) part C of title I;

"(C) part A of title II;

"(D) subpart 1 of part D of title III;

"(E) part A of title IV (other than section 4115);

"(F) the Comprehensive School Reform Demonstration Program; and

"(G) title VI.";

(C) in paragraph (11)(B), by striking "and title VI";

(D) in paragraph (24), by striking "section 602(a)(17)" and inserting in lieu thereof "section 602(22)";

(E) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and

(F) by inserting after paragraph (14) a new paragraph (15) to read as follows:

"(15) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents on how to be the primary teachers for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences."; and

(2) in section 14102, by striking "Parts B, C, D, E, and F" and inserting "Parts D, E, F, and G".

SEC. 1102. ADMINISTRATIVE FUNDS.

Part B of title XIV (20 U.S.C. 8821 et seq.) is amended—

(1) in section 14201—

(A) by amending subsection (a)(2) to read as follows:

"(2) APPLICABILITY.—This section applies to—

"(A) programs under title I and those programs described in subparagraphs (C), (D), and (E) of section 11101(10);

"(B) the Comprehensive School Reform Demonstration Program;

"(C) title VI;

"(D) the Carl D. Perkins Vocational and Technical Education Act of 1998; and

"(E) such other programs as the Secretary may designate.";

(B) by amending subsection (b)(2) to read as follows:

"(2) ADDITIONAL USES.—A State educational agency may also use the funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) State-level activities designed to carry out this title, including part B;

"(B) the coordination of those programs with other Federal and non-Federal programs;

"(C) the establishment and operation of peer-review mechanisms under this Act;

"(D) collaborative activities with other State educational agencies to improve administration under this Act;

"(E) the dissemination of information regarding model programs and practices;

"(F) technical assistance under the programs specified in subsection (a)(2);

"(G) training personnel engaged in audit and other monitoring activities; and

"(H) implementation of the Cooperative Audit Resolution and Oversight Initiative."; and

(C) by striking subsection (f);

(2) in section 14203—

(A) in subsection (b), by striking "Improving America's Schools Act of 1994" and inserting "Educational Excellence for All Children Act of 2000"; and

(B) in subsection (d), by striking "the uses described in section 14201(b)(2)" and inserting "for uses, at the school district and school levels, comparable to those described in section 11401(b)(2)";

(3) by repealing section 14204;

(4) in section 14205(a)(2)(B)(i), by striking "National Education Goals" and inserting "America's Education Goals"; and

(5) in section 14206—

(A) by amending the section heading to read: "MOST EFFECTIVE USE OF PROGRAM FUNDS.";

(B) by amending subsection (a) to read as follows:

"(a) MOST EFFECTIVE USE.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) would be more effective in helping all its students achieve the State's challenging standards if used under another covered program, may use those funds, not to exceed five percent of the local educational agency's total allotment for that fiscal year, to carry out programs and activities under that other covered program."; and

(C) in subsection (b), by striking "title XI of this Act" and inserting "part I of this title".

SEC. 1103. COORDINATION OF PROGRAMS.

Part C of title XIV (20 U.S.C. 8851 et seq.) is amended—

(1) in the heading thereof, by striking "AND APPLICATIONS";

(2) by amending section 14302 to read as follows:

"SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS.

"(a) GENERAL.—

"(1) PURPOSE AND AUTHORITY.—In order to promote continuing, standards-based education reform, encourage the integration and coordination of resources, and simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan meeting the requirements of this section for any or all of—

"(A) the covered programs in which the State participates; and

"(B) the additional programs described in paragraph (2).

"(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated State plan—

"(A) the Even Start program under part B of title I;

"(B) the State Agency Programs for Children and Youth Who Are Neglected or Delinquent under part D of title I;

"(C) programs under part A of title II of the Carl D. Perkins Vocational and Technical Education Act of 1998; and

"(D) such other programs as the Secretary may designate.

"(3) STATE DEVELOPMENT AND SUBMISSION.—(A) A State educational agency desiring to receive a grant under two or more of the programs to which this section applies may submit a consolidated State plan for those programs that satisfies the procedures and criteria established under this section.

"(B) A State educational agency that submits a consolidated State plan shall not be required to submit separate State plans or applications for the programs included in the consolidated State plan.

"(C) A State educational agency that submits a consolidated State plan shall comply with all the requirements applicable to the programs in the consolidated State plan as if it had submitted separate State plans.

"(4) CONSOLIDATED STATE PLANS.—A State educational agency that desires to receive funds under a program to which this section applies for the fiscal year 2001 and the succeeding four fiscal years shall submit to the Secretary a new consolidated plan that meets the requirements of this section within the time specified by the Secretary.

"(b) PLAN CONTENTS.—

"(1) COLLABORATIVE PROCESS.—(A) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(B)(i) Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions and information that must be included in a consolidated State plan.

"(ii) In carrying out clause (i), the Secretary shall ensure that a consolidated State plan contains, for each program included in the plan, the descriptions and information needed to ensure proper and effective administration of that program in accordance with its purposes.

"(2) INTEGRATION AND COORDINATION OF RESOURCES.—In its consolidated plan under this section, a State educational agency shall describe how—

"(A) funds under the programs included in the plan will be integrated to best serve the students and teachers intended to benefit from those programs; and

"(B) those programs will be coordinated at the State, school district, and school levels with—

"(i) other covered programs not included in the plan; and

"(ii) related programs, such as programs under the Reading Excellence Act under part E of title I, the 21st Century Community Learning Centers program and the High School Reform program under parts G and H of title X, respectively, and the Teacher Quality Enhancement Programs, and the Gaining Early Awareness and Readiness for Undergraduate Programs under title II and chapter 2 of subpart 2 of part A of title IV, of the Higher Education Act of 1965, respectively.

"(c) INDICATORS.—In order to evaluate its performance under its consolidated State plan, a State educational agency shall include in its plan—

"(1) any information required by the Secretary under section 11912 regarding performance indicators, benchmarks, and targets; and

"(2) any other indicators or measures the State determines are appropriate for evaluating its performance under its consolidated State plan.

"(d) MONITORING AND DATA INTEGRITY.—A State educational agency shall include in its consolidated State plan a description of the strategies it will use to meet the requirements of section 11503(a)(4) and (5).

"(e) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall—

"(A) establish a peer-review process to assist in the review, and provide recommendations for the revision, of consolidated State plans under this section; and

"(B) to the extent practicable, appoint individuals to the peer-review process who—

"(i) are knowledgeable about the programs, and the populations they serve, included in the plans;

"(ii) are representative of State educational agencies, local educational agencies, teachers, and parents of students served under those programs; and

"(iii) have expertise on educational standards, assessments, and accountability.

"(2)(A) Following such peer review, the Secretary shall approve a consolidated State plan if the Secretary determines that the plan meets the requirements of this section.

"(B) The Secretary may accompany such approval with one or more conditions that the State educational agency shall meet.

"(3) If the Secretary determines that the plan does not meet the requirements of this section, the Secretary shall notify the State of that determination and the reasons for it.

"(4) The Secretary shall not finally disapprove a consolidated State plan before—

"(A) offering the State an opportunity to revise its plan;

"(B) providing technical assistance to assist the State to meet the requirements; and

"(C) providing a hearing.

"(f) REVISION AND AMENDMENT.—A State educational agency shall periodically review its consolidated State plan to ensure that it accurately reflects its strategies and activities under the programs covered by the plan. If the State educational agency makes significant changes to its strategies and activities, it shall submit an amendment to its plan to the Secretary for approval in accordance with this section.";

(3) in section 14303(a)—

(A) in the matter before paragraph (1)—

(i) by striking "or consolidated State application"; and

(ii) by striking "section 14302" and inserting "section 11502";

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (6), (7), (8), and (9), respectively; and

(C) by inserting after paragraph (3) the following new paragraphs:

"(4) the State will monitor performance by local educational agencies to ensure compliance with the requirements of this Act and—

"(A) maintain proper documentation of monitoring activities;

"(B) provide technical assistance when appropriate and undertake enforcement activities when needed; and

"(C) systematically analyze the results of audits and other monitoring activities to identify trends in funding and to develop strategies to correct problems;

"(5) the data used by the State to measure its performance (and that of its local educational agencies) under this Act are complete, reliable, and accurate, or, if not, that the State will take such steps as are necessary to make those data complete, reliable, and accurate.";

(4) by repealing section 14304;

(5) by amending section 14305 to read as follows:

"SEC. 14305. CONSOLIDATED LOCAL PLANS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans to the State educational agency under such programs on a consolidated basis.

"(b) CONSOLIDATED PLANS.—A State educational agency that has an approved consolidated State plan under section 11502 may require local educational agencies that receive funds under more than one program included in the consolidated State plan to submit consolidated local plans for such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing criteria and procedures for the submission of the consolidated local plans under this section.

"(d) CONTENTS.—For each program under this Act that may be included in a plan under this section, the Secretary may designate the descriptions and information that must be included in a local consolidated plan, to ensure that each such program is administered in a proper and effective manner in accordance with its purposes.";

(6) in section 14306, by striking out "section 14304" and inserting in lieu thereof "section 11504";

(7) by repealing section 14307; and

(8) by adding at the end thereof a new section to read as follows:

"SEC. 14307. CONSOLIDATED REPORTING.

"In order to encourage integration and coordination of resources, simplify reporting requirements, and reduce reporting burden, the Secretary shall establish procedures and criteria under which a State educational agency must submit a consolidated State annual performance report. Such a report shall contain information about the programs included in the report, including the State's performance under those programs, and other matters, as the Secretary determines, such as information regarding monitoring activities under part I and section 11503(a)(4). Such a report shall take the place of individual annual performance reports for the programs subject to it.".

SEC. 1104. WAIVERS.

Part D of title XIV (20 U.S.C. 8881 et seq.) is amended—

(1) in section 14401(a), by inserting a comma and "the Carl D. Perkins Vocational and Technical Education Act of 1998, or subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act" immediately after "requirement of this Act";

(2) in section 14401(b), by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

"(A) identify each Federal program affected and the statutory or regulatory requirement requested to be waived;

"(B) describe the purpose and expected results of waiving each such requirement;

"(C) describe for each school year specific, measurable, educational goals for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the waiver; and

"(D) explain why the waiver would assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching those goals.";

(3) in section 14401(c)—

(A) in paragraph (8) by—

(i) striking out "part C of title X" and inserting in lieu thereof "part B of title V"; and

(ii) by striking out "or" at the end thereof;

(B) in paragraph (9)—

(i) by striking out "section 14502" and "section 14507" and inserting in lieu thereof "section 11702" and "section 11707", respectively; and

(ii) at the end thereof, by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof a new paragraph to read as follows:

"(10) health and safety."; and

(4) in section 14401(e)(4), by—

(A) striking out "fiscal year 1997" and inserting in lieu thereof "fiscal year 2001"; and

(B) striking out "the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting in lieu thereof "the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate".

SEC. 1105. UNIFORM PROVISIONS.

Part E of title XIV (20 U.S.C. 8891 ET SEQ.) is amended—

(1) in section 14501(a), by inserting "(except part C of title I)" immediately after "covered program";

(2) in section 14503—

(A) in subsection (a)(1), by inserting "that address their needs" immediately before the period;

(B) by amending subsection (b)(1) to read as follows:

"(1) IN GENERAL.—This section applies to programs under—

"(A) part C of title I;

"(B) part E of title I;

"(C) subpart 2 of part A of title II;

"(D) title III;

"(E) part A of title IV, other than section 4115; and

"(F) part A of title VII."; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (C), by striking out "and" at the end thereof;

(II) in subparagraph (D), by striking out the period and inserting a semi-colon; and

(III) by adding at the end thereof the following new subparagraphs:

"(E) to the extent applicable, the amount of funds received by such agency that are attributable to private school children; and

"(F) how and when such agency will make decisions about the delivery of services to these children."; and

(ii) by amending paragraph (2) to read as follows:

"(2) TIMING.—Such consultation shall include meetings of agency and private school officials, shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children, teachers, or other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.";

(3) in section 14504, by striking out "section 14503" and "sections 14503, 14505, and 14506" and inserting in lieu thereof "section 11703" and "sections 11703, 11705, and 11706", respectively;

(4) in section 14506—

(A) in subsection (a)(1)(A), by striking out "section 14504" and inserting in lieu thereof "section 11704";

(B) in subsection (b), by striking out "section 14503" and inserting in lieu thereof "section 11703"; and

(C) in subsection (d), by striking out "Improving America's Schools Act of 1994" and inserting in lieu thereof "Educational Excellence for All Children Act of 1999"; and

(5) by repealing section 14513 and section 14514.

SEC. 1106. REPEAL.

Part F of title XIV (20 U.S.C. 8921 et seq.) is repealed.

SEC. 1107. EVALUATION AND INDICATORS.

Part G of title XIV (20 U.S.C. 8941 et seq.) is amended—

(1) in the heading, by inserting "**AND INDICATORS**";

(2) in section 14701—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(II) by inserting the following new subparagraph (B):

"(B) conduct evaluations that carry out the purposes of the Government Performance and Results Act of 1993 with respect to programs under this Act;";

(III) in subparagraph (C), as redesignated by clause (i), by striking out "and" at the end thereof;

(IV) in subparagraph (D), as redesignated by clause (i), by striking out the period and inserting in lieu thereof a semi-colon and "and"; and

(V) by adding at the end thereof the following new subparagraph (E):

"(E) to work in partnership with the States to develop information relating to program performance that can be used to help achieve continuous program improvement at the State, school district, and school levels.";

(B) by striking out subsections (b) and (c); and

(C) by inserting after subsection (a) the following new subsections:

"(b) NATIONAL EVALUATION.—The Secretary shall use funds reserved under subsection (a) to conduct independent studies of programs under this Act and the effectiveness of those programs in achieving their purposes, to determine whether those programs (or the administration of those programs) are—

"(1) contributing to improved student academic performance;

"(2) supporting the development of challenging standards and aligned assessments that guide other elements of school reform, including teacher certification, curriculum frameworks, instruction, and professional development;

"(3) assisting efforts in schools and classrooms to improve teaching and the climate for learning, particularly in high-poverty schools, including efforts related to technology, professional development, school violence and drug prevention, and public school choice;

"(4) promoting flexibility with accountability;

"(5) supporting efforts to strengthen family and community involvement in education;

"(6) targeting their resources effectively;

"(7) contributing to reform efforts and continuous improvement; and

"(8) achieving other goals consistent with the purposes of this Act.

"(c) INDEPENDENT PANEL.—The Secretary shall establish an independent panel to review studies under subsection (b) to advise the Secretary on their progress, and to comment, if the panel chooses, on the final report described in subsection (d).

"(d) REPORTS.—The Secretary shall submit an interim report on the evaluation described in subsection (b) within three years of enactment of the Educational Excellence for All Children Act of 2000 and a final report within four years of its enactment to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor and Pensions of the Senate.

"(e) PARTNERSHIPS TO STRENGTHEN PERFORMANCE INFORMATION FOR IMPROVEMENT.—The Secretary may provide technical assistance to recipients of assistance under this Act in order to strengthen the collection and assessment of information relating to program performance and quality assurance at the State and local levels. Such technical assistance shall be designed to promote the development, measurement, use, and reporting of data on valid, reliable, timely, and consistent performance indicators, within and across programs, and may include one-time grants, from funds reserved under subsection (a), to recipients to develop their data systems with the goal of helping recipients make continuous program improvement."; and

(3) by adding at the end thereof the following new section:

"SEC. 14702. PERFORMANCE MEASURES.

"(a) IN GENERAL.—The Secretary is authorized to establish performance indicators, benchmarks, and targets for each program under this Act and subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, to assist in measuring program performance. Indicators, benchmarks, and targets under this section shall be consistent with the Government Performance and Results Act of 1993 (and strategic plans adopted by the Secretary under that Act) and section 11501.

"(b) COLLABORATION.—The Secretary shall collaborate with State educational agencies, local educational agencies, and other recipients under this Act in establishing performance indicators, benchmarks, and targets under this section.

"(c) PLANS AND APPLICATIONS.—The Secretary may require any applicant for funds under this Act or subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act to—

"(1) include in its plan or application information relating to how it will use performance indicators, benchmarks, and targets under this section to improve its program performance; and

"(2) report data relating to such performance indicators, benchmarks, and targets to the Secretary.".

SEC. 1108. COORDINATED SERVICES.

(a) REPEALS AND REDESIGNATIONS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C 6301 et seq.) is further amended by—

(1) repealing sections 11003 and 11007; and

(2) redesignating—

(A) title XI as part I of title XI; and

(B) sections 11001, 11002, 11004, 11005, and 11006 as sections 11901, 11902, 11903, 11904, and 11905, respectively.

(b) MISCELLANEOUS.—Part I of title XI, as redesignated by subsection (a)(2), is amended—

(1) by amending section 11903, as redesignated by subsection (a)(2)(B), to read as follows:

"SEC. 11903. PROJECT DEVELOPMENT AND IMPLEMENTATION.

"(a) APPLICATIONS.—Each eligible entity desiring to use funds made available under section 11405(b) shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as that agency may reasonably require.

"(b) PROJECT ACTIVITIES.—An eligible entity that wishes to conduct a coordinated services project shall—

"(1) maintain on file—

"(i) the results of its assessment of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and of the local, State, Federal, and privately funded services available to meet those needs;

"(ii) a description of the entities operating the coordinated services project;

"(iii) a description of its coordinated services project, the objectives of that project, where the project will be located, the community-wide partnership that will link public and private agencies providing services to children and their families, the staff that will be used to carry out the project, and how the project will meet the requirements in this part; and

"(iv) an annual budget that indicates the sources and amounts of funds under this Act that will be used for the project, consistent with section 11405(b), and the purposes, by budget category, for which those funds will be used;

"(2) evaluate annually the success of the coordinated services project under this section in meeting its goals and objectives;

"(3) train teachers and appropriate personnel on the purposes, activities, and services of the coordinated services project, and how children and families may obtain those activities and services; and

"(4) ensure that the coordinated services project addresses the health and welfare needs of migratory families.

"(c) SPECIAL RULE.—A State educational agency need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under this section.";

(2) in section 11904(a)—

(A) in paragraph (1), by striking out "section 14206(b)" and "section 11004(b)(1)" and inserting in lieu thereof "section 11405(b) for a coordinated services project" and "section 11903(b)(1)(i)", respectively; and

(B) in paragraph (2), by striking out "section 14206(b)" and inserting in lieu thereof "section 11405(b)"; and

(3) in section 11905—

(A) by striking out "Secretary" each place it appears and inserting in lieu thereof "State educational agency"; and

(B) by striking out "section 14206(b)" and inserting in lieu thereof "section 11405(b)".

SEC. 1109. REDESIGNATIONS.

Title XIV (20 U.S.C. 8801 et seq.) is further amended—

(1) by redesignating such title as title XI;

(2)(A) by redesignating sections 14101, 14102, and 14103 as sections 11101, 11102, and 11103, respectively; and

(B) by amending section 11103 (as so redesignated) to read as follows:

"SEC. 11103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

"For purposes of any competitive program under this Act—

"(1) a consortium of schools operated by the Bureau of Indian Affairs;

"(2) a school operated under a contract or grant with the Bureau of Indian Affairs in consortium with another contract or grant school, or with a tribal or community organization; or

"(3) a Bureau of Indian Affairs school in consortium with an institution of higher education, with a contract or grant school, or with a tribal or community organization, shall be given the same consideration as a local educational agency.";

(3) by redesignating—

(A) part B as part D; and

(B) sections 14201, 14202, 14203, 14205, and 14206 as sections 11401, 11402, 11403, 11404, and 11405, respectively;

(4) by redesignating—

(A) part C as part E; and

(B) sections 14301, 14302, 14303, 14305, 14306, and 14307 as sections 11501, 11502, 11503, 11504, 11505, and 11506, respectively;

(5) by redesignating—

(A) part D as part F; and

(B) section 14401 as section 11601;

(6) by redesignating—

(A) part E as part H; and

(B) sections 14501, 14502, 14503, 14504, 14505, 14506, 14507, 14508, 14509, 14510, 14511, and 14512 as sections 11801, 11802, 11803, 11804, 11805, 11806, 11807, 11808, 11809, 11810, 11811, and 11812, respectively;

(7) by redesignating—

(A) part G as part J; and

(B) sections 14701 and 14702 as sections 11911 and 11912, respectively; and

(8) by redesignating—

(A) part H as part K and

(B) sections 14801 and 14802 as sections 11921 and 11922, respectively.

SEC. 1110. ED-FLEX PARTNERSHIPS.

(a) IN GENERAL.—The Education Flexibility Partnership Act of 1999 (P.L. 106–25) is amended—

(1) by striking out everything before section 1;

(2) in section 1, by—

(A) striking out "Act" and inserting in lieu thereof "part"; and

(B) striking out "of 1999";

(3) in section (2), by—

(A) striking out paragraph (5);

(B) redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(C) in paragraph (5), as redesignated by subparagraph (B), by—

(i) striking out "Expansion of waiver authority will allow for the waiver of" and inserting "States should be allowed to waive"; and

(ii) striking out the comma after "affected programs" and everything that follows through "and maintaining" and inserting "and maintaining";

(4) by amending section 3 to read as follows:

"SEC. 3. DEFINITIONS.

"As used in this part, the terms 'eligible school attendance area' and 'school attendance area' have the meanings given those terms in section 1113(a)(2) of this Act.";

(5) in section 4—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) in the matter before subparagraph (A), by inserting a comma after "section";

(II) by amending subparagraph (A) to read as follows:

"(A) has an approved educational accountability plan under section 11208 of this Act and is making satisfactory progress, as determined by the Secretary, in implementing its policies under sections 11204 and 11205 of this Act;"; and

(III) by amending subparagraph (B) to read as follows:

"(B) has developed and implemented challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of this Act; and";

(ii) in paragraph (3)(B)—

(I) in the matter before clause (i), by striking out "such application" and inserting "it"; and

(II) in clause (iv)(I), by striking out "have the ability to" and inserting "can";

(iii) in paragraph (4)(A)—

(I) in the matter before clause (i), by inserting a comma immediately after "paragraph (1)(A)" and immediately after "regulatory requirement", the second time that phrase appears, respectively; and

(II) in clause (iv), by striking out "why" and inserting "how";

(iv) in paragraph (5)—

(I) in subparagraph (B)(ii), by striking out "each such State" and inserting in lieu thereof "it"; and

(II) in subparagraph (C), by striking out "2 years after the date of the enactment of this Act" and inserting "May 1, 2001";

(v) in paragraph (6), by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may, in accordance with subparagraph (C), extend that period if the Secretary determines that—

"(i) the State educational agency's authority to grant waivers has been effective in enabling that State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(B); and

"(ii) the State has made significant statewide gains in student achievement and in closing the achievement gap between low- and high-performing students."; and

(vi) in paragraph (7), by striking out "1999" and inserting "2000";

(B) by amending subsection (b) to read as follows:

"(b) INCLUDED PROGRAMS.—The statutory and regulatory requirements referred to in subsection (a)(1)(A) are any requirements for programs carried out under the following provisions:

"(1) Title I of this Act (other than subsection (a) and (c) of section 1116).

"(2) Part A of title II of this Act.

"(3) Subpart 1 of part D of title III of this Act.

"(4) Part A of title IV of this Act.

"(5) Title VI of this Act.

"(6) Part B of title VII of this Act.

"(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

"(8) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.";

(C) in subsection (c)—

(i) in subparagraph (G), by striking out "such Act" and inserting "this Act";

(ii) by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively; and

(iii) by inserting a new subparagraph (H) to read as follows:

"(H) the eligibility of a school for a schoolwide program under section 1114 of this Act, except that a State educational agency may grant a waiver to allow a local educational agency to conduct a schoolwide program in a school that serves an attendance area in which not less than 40 percent of the children are from low-income families or in which not less than 40 percent of the children enrolled are from such families;";

(D) in subsection (d)—

(i) in paragraph (1), by striking out "the waiver authority" and inserting "that waiver authority"; and

(ii) in paragraph (4), by—

(I) striking out "date of the enactment of this Act" and inserting "effective date of this part"; and

(II) striking out "subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act)" and inserting "subpart 1 of part D of title III of this Act"; and

(E) at the end thereof, by adding a new subsection (f) to read as follows:

"(f) TRANSITION.—Waivers granted under applicable ED-Flex authority prior to the effective date of this part shall remain in effect in accordance with the terms and conditions that applied to those waivers when they were granted. Waivers granted on or after the effective date of this part shall be subject to the provisions of this part.";

(6) by striking out "the Elementary and Secondary Education Act of 1965" each place it appears and inserting "this Act"; and

(7) by repealing sections 5 and 6.

(b) REDESIGNATIONS.—Title XI is further amended—

(1) by redesignating the Education Flexibility Partnership Act, as amended by subsection (a), as part G of title XI; and

(2) by redesignating sections 1, 2, 3, and 4 as sections 11701, 11702, 11703, and 11704, respectively.

SEC. 1111. ACCOUNTABILITY.

Title XI as redesignated by section 1109, is further amended by inserting a new part B to read as follows:

"PART B—IMPROVING EDUCATION THROUGH ACCOUNTABILITY

"SEC. 11201. SHORT TITLE.

"This part may be cited as the "Education Accountability Act of 2000".

"SEC. 11202. PURPOSE.

It is the purpose of this part to improve academic achievement for all children, assist in meeting America's Education Goals under section 3 of this Act, promote the incorporation of challenging State academic content and student performance standards into classroom practice, enhance the accountability of State and local officials for student progress, and improve the effectiveness of programs under this Act and the educational opportunities of the students that they serve.

"Subpart 1—Turning Around Failing Schools

"SEC. 11211. TURNING AROUND FAILING SCHOOLS.

"Consistent with section 1111(b)(3)(B) of this Act, a State that receives assistance under this Act shall develop and implement a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

"(1) a procedure for identifying local educational agencies and schools in need of improvement;

"(2) intervening in those agencies and schools to improve teaching and learning; and

"(3) implementing corrective actions, if those interventions are not effective.

"SEC. 11212. ENSURING TEACHER QUALITY.

"(a) IN GENERAL.—A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11221, have in effect a policy that—

"(1) is designed to ensure that there are qualified teachers in every classroom in the State; and

"(2) meets the requirements of this section.

"(b) POLICY.—A policy to ensure teacher quality under this section shall include the strategies that the State will carry out to ensure that, within four years from the date of the approval of its accountability plan—

“(1) not less than 95 percent of the teachers in public schools in the State are certified or—

“(A) have a baccalaureate degree and are enrolled in a program, such as an alternative certification program, leading to full certification in their field within three years; or

“(B) have full certification in another State and are establishing certification where they are teaching;

“(2) not less than 95 percent of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach;

“(3) there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) or (2); and

“(4) its certification process for new teachers includes an assessment of content knowledge and teaching skills that is aligned with State standards.

“(c) Plan Content.—(1) A State shall include in its accountability plan under section 11221 the performance indicators by which it will annually measure its progress in—

“(A) decreasing the percentage of teachers in the State teaching without full licenses or credentials; and

“(B) increasing the percentage of secondary school classes in core academic subject areas taught by teachers who—

“(i) have a postsecondary-level academic major or minor in the subject area they teach or a related field; or

“(ii) otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

“(2) In its accountability plan under section 11221, a State shall assure that, in carrying out this policy, it will not decrease the rigor or quality of its teacher certification standards.

“SEC. 11213. SOUND DISCIPLINE POLICY.

“(a) In General.—A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11221, have in effect a policy that requires its local educational agencies and schools to have in place and implement sound and equitable discipline policies, in order to ensure a safe, orderly, and drug-free learning environment in every school.

“(b) Policy.—A State discipline policy under this section shall require local educational agencies and schools to have in place and implement disciplinary policies that—

“(1) focus on prevention and are coordinated with prevention strategies and programs under title IV of this Act;

“(2) apply to all students and are enforced consistently and equitably;

“(3) are clear and understandable;

“(4) are developed with the participation of school staff, students, and parents;

“(5) are broadly disseminated;

“(6) ensure that due process is provided;

“(7) are consistent with applicable Federal, State and local laws, including the Individuals With Disabilities Education Act;

“(8) ensure that teachers are adequately trained to manage their classrooms effectively; and

“(9) in case of students who are suspended or expelled from school, provide for appropriate supervision, counseling, and educational services that will help those students continue to meet the State's challenging standards.

“(c) Plan Content.—A State shall include in its accountability plan under section 11221 an assurance that it has in effect a policy that meets the requirements of this section.

“Subpart 2—Accountability and Performance

“SEC. 11221. EDUCATION ACCOUNTABILITY PLANS.

“(a) In General.—Each State that receives assistance under this Act on or after July 1, 2000, shall have on file with the Secretary an approved accountability plan that meets the requirements of this section.

“(b) Content.—An accountability plan under subsection (a) shall include—

“(1) a description of the State's system under section 11203;

“(2) a description of the steps the State will take to ensure that all local educational agencies have the capacity needed to ensure compliance with this part;

“(3) the information or assurances called for by sections 11204(c), 11205(c), 11206(c), and 11207(e);

“(4) information indicating that the Governor and the State educational agency concur with the plan; and

“(5) any other information that the Secretary may reasonably require to ensure the proper and effective administration of this part.

“(c) Reports.—(1) A State shall report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this part, and shall include such report in its consolidated State performance report under section 11506.

“(2) In reporting on its progress in implementing its student progress and social promotion policy under section 11204, a State shall assess the effect of its policy, and its implementation, in improving academic achievement for all children and otherwise carrying out the purpose specified in section 11202.

“(d) Relationship to Consolidated Plan.—(1) If a State submits a consolidated State plan under section 11502, it shall include in that plan its accountability plan under this section.

“(2) If a State does not submit a consolidated State plan, it shall submit a separate accountability plan under this section to receive assistance under this Act.

“(e) Approval.—(1)(A) The Secretary shall approve an accountability plan under this section if the Secretary determines that it complies substantially with the requirements of this part.

“(B) The Secretary may accompany the approval of a plan with conditions that are consistent with the purpose of this part.

“(2) In reviewing accountability plans under this part, the Secretary shall employ the peer-review procedures under section 11502(e).

“(3) If a State does not submit a consolidated State plan under section 11502, the Secretary shall, in considering that State's separate accountability plan under this section, employ such procedures, comparable to those set forth in section 11502(e), as the Secretary may determine.

“SEC. 11221A. ADDITIONAL ACCOUNTABILITY PROVISIONS.

“(a) In General.—Notwithstanding any other provision of this Act, a recipient of funds provided under part A of title I, part B, D, F, G, or H of title II, part A, B, C, D, or E of title III, part A of title IV, title VII, or title X shall include the following in the plans or applications and reports required under such provisions:

“(1) The methods the recipient will use to measure the annual impact of each program funded in whole or in part with funds provided under such part and, if applicable, the extent to which each such program will increase student academic achievement.

“(2) The annual, quantifiable, and measurable performance goals and objectives for each such program, including the adequate yearly progress established under part A of title I, the extent to which, if applicable, the program's goals and objectives align with State content standards and State student performance standards established under section 1111(b)(1)(A).

“(3) If the recipient is a local educational agency, provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the plan submitted and that such consultation will continue on a regular basis.

“(4) A report for the preceding fiscal year regarding how the plan submitted for such fiscal year was implemented, the recipient's progress towards attaining the goals and objectives identified in such plan for such year, and, if applicable, the extent to which programs funded in whole or in part with funds provided under such part increased student achievement.

“(b) Penalties.—If a recipient of funds provided under the parts of this Act described in subsection (a) fails to meet the goals and objectives of such parts for 3 consecutive fiscal years, the Secretary shall—

“(1) withhold not less than 50 percent of the funds made available under the relevant program for administrative expenses for the succeeding fiscal year, and for each consecutive fiscal year thereafter for which the recipient fails to meet such goals and objectives; and

“(2) in the case of—

“(A) a competitive grant, consider the recipient ineligible for future grants until the applicants meet such goals and objectives; and

“(B) a formula grant, withhold not less than 20 percent of the total amount of funds provided under title VI for the succeeding fiscal year and each consecutive fiscal year thereafter for which the recipient fails to meet such goals and objectives.

“(c) Other Penalties.—A State that has not meet the requirements of subsection (a)(2) with respect to a fiscal year—

“(A) is not eligible for Ed-Flex designation under the Education Flexibility Partnership Act of 1999; and

“(B) shall be subject to such other penalties as are provided for violation of this Act.

“(d) Special Rule for Secretary Awards.—

“(1) In general.—Notwithstanding any other provision of this Act, a recipient of funds provided under a direct award made by the Secretary, or a contract or cooperative agreement entered into with the Secretary, shall include the following in any application or plan required under such programs:

“(A) How funds provided under the program will be used and how such use will increase student academic achievement.

“(B) The goals and objectives to be met, including goals for dissemination and use of the information or materials produced, where applicable.

“(C) If the grant requires dissemination of information or materials, how the recipient will track and report annually to the Secretary—

"(i) the successful dissemination of information or materials produced;

"(ii) where information or materials produced are being used; and

"(iii) what is the impact of such use and, if applicable, the extent to which such use increased student academic achievement or contributed to the stated goal of the program.

"(2) Requirement.—If no application or plan is required under a program, contract, or cooperative agreement described in paragraph (1), the Secretary shall require the recipient of funds to submit a plan containing the information required under paragraph (1).

"(3) Failure to achieve goals and objectives.—

"(A) In general.—The Secretary shall evaluate the information submitted under this subsection to determine whether the recipient has met the goals and objectives described in paragraph (1)(B), where applicable, assess the magnitude of dissemination, and, where applicable, assess the effectiveness of the activity funded in raising student academic achievement in places where information or materials produced with such funds are used.

"(B) Ineligibility.—The Secretary shall consider the recipient ineligible for future grants under the program, contract, or cooperative agreement described in paragraph (1) if—

"(i) the goals and objectives described in paragraph (1)(B) have not been met;

"(ii) where applicable, dissemination has not been of a magnitude to ensure goals are being addressed; and

"(iii) where applicable, the information or materials produced have not made a significant impact on raising student achievement in places where such information or materials are used.

"SEC. 11222. PARENTAL INVOLVEMENT PLAN.

"(a) State Parental Involvement Plan.—In order to receive Federal funding for any program authorized under this Act, a State educational agency shall (as part of a consolidated application, or other State plan or application submitted under this Act) submit to the Secretary—

"(1) a description of the agency's parental involvement policies, consistent with section 1118, including specific details about—

"(A) how Federal funds will be used to implement such policies; and

"(B) how successful research-based practices will be implemented in schools throughout the State; and

"(2) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.

"(b) Parental Review of State Parental Involvement Plan.—Prior to making the submission described in subsection (a), a State educational agency shall involve parents in the development of the policies described in such subsection by—

"(1) providing public notice of the policies in a manner and language understandable to parents;

"(2) providing the opportunity for parents and other interested individuals to comment on the policies; and

"(3) including the comments received with the submission.

"(c) Language Applicability.—Each State educational agency and local educational agency that is required to establish a parental involvement plan or policy under a program assisted under this Act shall make available, to the parents of children eligible to participate in the program, the plan or policy in the language most familiar to the parents (where there are significant numbers of parents in that language group) and in an easily understandable manner.

"SEC. 11223. AUTHORITY OF SECRETARY TO ENSURE ACCOUNTABILITY.

"(a) Remedies for Substantial Failure.—If the Secretary determines that a State has failed substantially to carry out a requirement of this part or a provision in its approved accountability plan under section 11208, or that its performance has failed substantially to meet a performance indicator in such plan, the Secretary shall take, consistent with applicable due process procedures, one or more of the following steps to ensure that the purpose of this part is carried out promptly:

"(1) Providing, or arranging for the provision of, technical assistance to the State educational agency in question.

"(2) Requiring a plan for corrective action.

"(3) Suspending or terminating authority to grant waivers under applicable ED-Flex authority.

"(4) Suspending or terminating eligibility to participate in competitive programs under this Act.

"(5) Withholding, in whole or in part, State administrative funds available under this Act.

"(6) Withholding, in whole or in part, program funds available to such State under the Act.

"(7) Imposing one or more conditions upon the Secretary's approval of a State plan or application under this Act.

"(8) Taking other action authorized under part D of the General Education Provisions Act, such as a cease-and-desist order or compliance agreement.

"(9) Taking any other appropriate accountability step that is consistent with this Act, including referral to the Department of Justice for enforcement.

"(b) Effective Enforcement.—If remedial steps taken by the Secretary under subsection (a) fail to correct the State's noncompliance, the Secretary shall take one or more additional steps under subsection (a) to bring the State into compliance.

"SEC. 11224. REPORT CARDS.

"(a) Grants Authorized.—The Secretary shall award a grant, from allotments under subsection (b), to each State having a State report card meeting the requirements described in subsection (g), to enable the State annually to publish report cards for each elementary school and secondary school that receives funding under this Act and is served by the State.

"(b) Reservations and Allotments.—

"(1) Reservations.—From the amount appropriated under subsection (e) to carry out this part for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part; and

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, for activities, approved by the Secretary, consistent with this part.

"(2) State allotments.—From the amount appropriated under subsection (e) for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State report card meeting the requirements described in subsection (g) an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools in the State bears to the number of such students so enrolled in all States.

"(c) Within-State Allocations.—Each State educational agency receiving a grant under subsection (a) shall allocate the grant funds that remain after making the reservation described in subsection (d) to each local educational agency in the State in an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools served by the local educational agency bears to the number of such students so enrolled in all local educational agencies within the State.

"(d) State Reservation of Funds.—Each State educational agency receiving a grant under subsection (a) may reserve—

"(1) not more than 10 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2001; and

"(2) not more than 5 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2002 and each of the 3 succeeding fiscal years.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) Annual State Report.—

"(1) Reports required.—Not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report for parents, the general public, teachers and the Secretary, with respect to all elementary schools and secondary schools within the State.

"(2) Requirements.—Annual report cards under this part shall be—

"(A) concise; and

"(B) presented in a format and manner that parents can understand, including, to the extent practicable, in a language the parents can understand.

"(g) Content of Annual State Reports.—

"(1) Required information.—Each State described in subsection (f)(1), at a minimum, shall include in the annual State report information regarding—

"(A) student performance on statewide assessments for the year for which the annual State report is made, and the preceding year, in at least English language arts and mathematics, including—

"(i) a comparison of the proportions of students who performed at the basic, proficient, and advanced levels in each subject area, for each grade level at which assessments are required under title I, with proportions in each of the same 4 levels at the same grade levels in the previous school year;

"(ii) a statement on the 3-year trend in the percentage of students performing at the basic, proficient, and advanced levels in each subject area, for each grade level for which assessments are required under title I; and

"(iii) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested;

"(B) student retention rates in grades, the number of students completing advanced placement courses, annual school dropout rates, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data and 4-year graduation rates; and

“(C) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of class sections not taught by fully qualified teachers, and the percentage of teachers who are fully qualified.

“(2) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

“(A) Racial and ethnic groups.

“(B) Gender.

“(C) Economically disadvantaged students, as compared to students who are not economically disadvantaged.

“(D) Students with limited English proficiency, as compared to students who are proficient in English.

“(E) Migrant status.

“(F) Students with disabilities, as compared with students who are not disabled.

“(3) OPTIONAL INFORMATION.—A State may include in the State annual report any other information the State determines appropriate to reflect school quality and school achievement, including by grade level information on average class size and information on school safety, such as the incidence of school violence and drug and alcohol abuse, the incidence of student suspensions and expulsions, student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet, and parent involvement, as determined by such measures as the extent of parental participation in school, parental involvement activities, and extended learning time programs, such as after-school and summer programs.

“(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL REPORT CARDS.—

“(1) IN GENERAL.—The State shall ensure that each local educational agency, elementary school, or secondary school in the State, collects appropriate data and publishes an annual report card consistent with this subsection.

“(2) REQUIRED INFORMATION.—Each local educational agency, elementary school, and secondary school described in paragraph (1), at a minimum, shall include in its annual report card—

“(A) the information described in subsections (g)(1) and (2) for each local educational agency and school;

“(B) in the case of a local educational agency—

“(i) information regarding the number and percentage of schools identified for school improvement, including schools identified under section 1116 of this Act, served by the local educational agency;

“(ii) information on the 3-year trend in the number and percentage of elementary schools and secondary schools identified for school improvement; and

“(iii) information that shows how students in the schools served by the local educational agency perform on the statewide assessment compared to students in the State as a whole;

“(C) in the case of an elementary school or a secondary school—

“(i) information regarding whether the school has been identified for school improvement;

“(ii) information that shows how the school's students performed on the statewide assessment compared to students in schools served by the same local educational agency and to all students in the State; and

“(iii) information about the enrollment of students compared to the rated capacity of the schools; and

“(D) other appropriate information, whether or not the information is included in the annual State report.

“(i) DISSEMINATION AND ACCESSIBILITY OF REPORTS AND REPORT CARDS.—

“(1) STATE REPORTS.—State annual reports under subsection (g) shall be disseminated to all elementary schools, secondary schools, and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

“(2) LOCAL REPORT CARDS.—Local educational agency report cards under subsection (h) shall be disseminated to all elementary schools and secondary schools served by the local educational agency and to all parents of students attending such schools, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

“(3) SCHOOL REPORT CARDS.—Elementary school and secondary school report cards under subsection (h) shall be disseminated to all parents of students attending that school, and made broadly available to the public, through means such as posting on the Internet and distribution to the media, and through public agencies.

“(j) COORDINATION OF STATE PLAN CONTENT.—A State shall include in its plan under part A of title I or part A of title II, an assurance that the State has in effect a policy that meets the requirements of this section.

“(l) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

“SEC. 11225. REWARDING HIGH PERFORMANCE.

“(a) STATE REWARDS.—

“(1) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary shall make awards to States that—

“(A) for 3 consecutive years have—

“(i) exceeded the States' performance objectives established for any title under this Act;

“(ii) exceeded their adequate yearly progress levels established in section 1111(b);

“(iii) significantly narrowed the gaps between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students;

“(iv) raised all students to the proficient standard level prior to 10 years from the date of enactment of the Educational Opportunities Act; or

“(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

“(B) by not later than fiscal year 2003, ensure that all teachers teaching in the States' public elementary schools and secondary schools are fully qualified.

“(2) STATE USE OF FUNDS.—

“(A) DEMONSTRATION SITES.—Each State receiving an award under paragraph (1) shall use a portion of the award that is not distributed under subsection (b) to establish demonstration sites with respect to high-performing schools (based on achievement or performance levels) objectives and adequate yearly progress in order to help low-performing schools.

“(B) IMPROVEMENT OF PERFORMANCE.—Each State receiving an award under paragraph (1) shall use the portion of the award that is not used pursuant to subparagraph (A) or (C) and is not distributed under subsection (b) for the purpose of improving the level of performance of all elementary and secondary school students in the State, based on State content and performance standards.

“(C) RESERVATION FOR ADMINISTRATIVE EXPENSES.—Each State receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to local educational agencies.

“(b) LOCAL EDUCATIONAL AGENCY AWARDS.—

“(1) IN GENERAL.—Each State receiving an award under subsection (a)(1) shall distribute 80 percent of the award funds to local educational agencies in the State that—

“(A) for 3 consecutive years have—

“(i) exceeded the State-established local educational agency performance objectives established for any title under this Act;

“(ii) exceeded the adequate yearly progress level established under section 1111(b)(2);

“(iii) significantly narrowed the gaps between minority and nonminority students, and between economically disadvantaged and noneconomically disadvantaged students;

“(iv) raised all students enrolled in schools within the local educational agency to the proficient standard level prior to 10 years from the date of enactment of the Educational Opportunities Act; or

“(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

“(B) not later than December 31, 2003, ensured that all teachers teaching in the elementary schools and secondary schools served by the local educational agencies are fully qualified; or

“(C) have attained consistently high achievement in another area that the State deems appropriate to reward.

“(2) SCHOOL-BASED PERFORMANCE AWARDS.—A local educational agency may use funds made available under paragraph (1) for activities such as school-based performance awards.

“(3) RESERVATION FOR ADMINISTRATIVE EXPENSES.—Each local educational agency receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to eligible elementary schools and secondary schools, teachers, and principals.

“(c) SCHOOL REWARDS.—Each local educational agency receiving an award under subsection (b) shall consult with teachers and principals to develop a reward system, and shall use the award funds—

“(1) to reward individual schools that demonstrate high performance with respect to—

“(A) increasing the academic achievement of all students;

“(B) narrowing the academic achievement gap described in section 1111(b)(2)(B)(vii);

“(C) improving teacher quality;

“(D) increasing high-quality professional development for teachers, principals, and administrators; or

“(E) improving the English proficiency of limited English proficient students;

“(2) to reward collaborative teams of teachers, or teams of teachers and principals, that—

"(A) significantly increase the annual performance of low-performing students; or

"(B) significantly improve in a fiscal year the English proficiency of limited English proficient students;

"(3) to reward principals who successfully raise the performance of a substantial number of low-performing students to high academic levels;

"(4) to develop or implement school district-wide programs or policies to increase the level of student performance on State assessments that are aligned with State content standards; and

"(5) to reward schools for consistently high achievement in another area that the local educational agency deems appropriate to reward.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) Definition.—The term 'low-performing student' means students who are below the basic State standard level.

"SEC. 11226. BEST PRACTICES AND MODELS.

"In implementing this part, the Secretary shall, after consulting with State and local educational agencies and other agencies, institutions, and organizations with experience or information relevant to the purpose of this part, disseminate information about best practices, models, and other forms of technical assistance.

"SEC. 11227. CONSTRUCTION.

"Nothing in this part shall be construed as affecting home schooling or the application of the civil rights laws or the Individuals with Disabilities Education Act.".

SEC. 1112. AMERICA'S EDUCATION GOALS PANEL.

(a) In General.—Title XI, as redesignated by section 1109, is further amended by adding at the end the following:

"PART L—AMERICA'S EDUCATION GOALS PANEL

"SEC. 11931. AMERICA'S EDUCATION GOALS PANEL.

"(a) Purpose.—It is the purpose of this section to establish a bipartisan mechanism for—

"(1) building a national consensus for education improvement; and

"(2) reporting on progress toward achieving the National Education Goals.

"(b) America's Education Goals Panel.—

"(1) Establishment.—There is established in the executive branch an America's Education Goals Panel (hereafter in this section referred to as the 'Goals Panel') to advise the President, the Secretary, and Congress.

"(2) Composition.—The Goals Panel shall be composed of 18 members (hereafter in this section referred to as 'members'), including—

"(A) 2 members appointed by the President;

"(B) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

"(C) 4 Members of Congress, of whom—

"(i) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

"(ii) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

"(iii) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

"(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

"(D) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

"(3) Special appointment rules.—

"(A) In general.—The members appointed pursuant to paragraph (2)(B) shall be appointed as follows:

"(i) Same party.—If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

"(ii) Opposite party.—If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

"(B) Special rule.—If the National Governors' Association has appointed a panel that meets the requirements of paragraph (2) and subparagraph (A), except for the requirements of subparagraph (D) of paragraph (2), prior to the date of enactment of the Elementary and Secondary Education Amendments of 1999, then the members serving on such panel shall be deemed to be in compliance with the provisions of such paragraph and subparagraph and shall not be required to be reappointed pursuant to such paragraph and subparagraph.

"(C) Representation.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

"(4) Terms.—The terms of service of members shall be as follows:

"(A) Presidential appointees.—Members appointed under paragraph (2)(A) shall serve at the pleasure of the President.

"(B) Governors.—Members appointed under paragraph (2)(B) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms with ½ of such members' terms concluding every 2 years.

"(C) Congressional appointees and state legislators.—Members appointed under subparagraphs (C) and (D) of paragraph (2) shall serve for 2-year terms.

"(5) Date of appointment.—The initial members shall be appointed not later than 60 days after the date of enactment of the Elementary and Secondary Education Amendments of 1999.

"(6) Initiation.—The Goals Panel may begin to carry out the Goals Panel's duties under this section when 10 members of the Goals Panel have been appointed.

"(7) Vacancies.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

"(8) Travel.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

"(9) Chairperson.—

"(A) In general.—The members shall select a Chairperson from among the members.

"(B) Term and political affiliation.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

"(10) Conflict of interest.—A member of the Goals Panel who is an elected official of a State which has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

"(11) Ex officio member.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to paragraph (2)(A), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

"(c) Duties.—

"(1) In general.—The Goals Panel shall—

"(A) report to the President, the Secretary, and Congress regarding the progress the Nation and the States are making toward achieving America's Education Goals, including issuing an annual report;

"(B) report on, and widely disseminate through multiple strategies, promising or effective actions being taken at the Federal, State, and local levels, and in the public and private sectors, to achieve America's Education Goals;

"(C) report on, and widely disseminate on promising or effective practices pertaining to, the achievement of each of the 8 America's Education Goals; and

"(D) help build a bipartisan consensus for the reforms necessary to achieve America's Education Goals.

"(2) Report.—

"(A) In general.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

"(i) assess the progress of the United States toward achieving America's Education Goals; and

"(ii) identify actions that should be taken by Federal, State, and local governments—

"(I) to enhance progress toward achieving America's Education Goals; and

"(II) to provide all students with a fair opportunity-to-learn.

"(B) Form; data.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

"(d) Powers of the Goals Panel.—

"(1) Hearings.—

"(A) In general.—The Goals Panel shall, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

"(B) Representation.—In carrying out this section, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, and State assessments.

"(2) Information.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this section. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

"(3) Postal services.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

"(4) USE OF FACILITIES.—The Goals Panel may, with or without reimbursement, and with the consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

"(5) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

"(A) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

"(B) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate, and on a reimbursable basis, shall enter into contracts and make other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

"(6) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

"(e) ADMINISTRATIVE PROVISIONS.—

"(1) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the Goals Panel's members.

"(2) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

"(3) VOTING AND FINAL DECISION.—

"(A) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

"(B) FINAL DECISIONS.—

"(i) CONSENSUS.—In making final decisions of the Goals Panel with respect to the exercise of the Goals Panel's duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

"(ii) VOTES.—Except as otherwise provided in this section, if a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of the Goals Panel's duties and powers, then such final decision shall be made by a ¾ vote of the members of the Goals Panel who are present and voting.

"(4) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the Goals Panel's proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

"(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—

"(1) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director of the Goals Panel to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

"(2) APPOINTMENT AND PAY OF EMPLOYEES.—

"(A) APPOINTMENT.—

"(i) IN GENERAL.—The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(ii) PAY.—The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

"(B) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

"(3) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

"(4) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in the Goals Panel's duties under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $2,500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

(b) TRANSITION RULE.—Each individual who is a member or employee of the National Education Goals Panel on the date of enactment of the Elementary and Secondary Education Amendments of 1999 shall be a member or employee, respectively, of the America's Education Goals Panel, without interruption or loss of service or status.

TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

SEC. 1201. PUBLIC SCHOOL REPAIR AND RENOVATION.

Title XII (20 U.S.C. 8501 et seq.) is amended to read as follows:

"TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

"SEC. 12001. FINDINGS.

"Congress finds as follows:

"(1) The General Accounting Office estimated in 1995 that it would cost $112,000,000,000 to bring our Nation's school facilities into good overall condition.

"(2) The General Accounting Office also found in 1995 that 60 percent of the Nation's schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

"(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

"(4) School condition is positively correlated with student achievement, according to a number of research studies.

"(5) The results of a recent survey indicate that the condition of schools with large proportions of students living on Indian lands is particularly poor.

"(6) While school repair and renovation are primarily a State and local concern, some States and communities are not, on their own, able to meet the burden of providing adequate school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need. It is, therefore, appropriate for the Federal Government to provide assistance to high-need communities for school repair and renovation.

"SEC. 12002. PURPOSE.

"The purpose of this title is to assist high-need local educational agencies in making urgent repairs and renovations to public school facilities in order to—

"(1) reduce health and safety problems, including violations of local or State fire codes, faced by students; and

"(2) improve the ability of students to learn in their school environment.

"SEC. 12003. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—A recipient of a grant or loan under this title shall use the grant or loan funds to carry out the purpose of this title by—

"(1) repairing or replacing roofs, electrical wiring or plumbing systems;

"(2) repairing, replacing, or installing heating, ventilation, or air conditioning systems;

"(3) ensuring that repairs and renovations under this title comply with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 relating to the accessibility of public school programs to individuals with disabilities; and

"(4) making other types of school repairs and renovations that the Secretary may reasonably determine are urgently needed, particularly projects to correct facilities problems that endanger the health and safety of students and staff such as violations of State or local fire codes.

"(b) LIMITATION.—The Secretary shall not approve an application for a grant or loan under this title unless the applicant demonstrates to the Secretary's satisfaction that the applicant lacks sufficient funds, from other sources, to carry out the repairs or renovations for which the applicant is requesting assistance.

"SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF STUDENTS LIVING ON INDIAN LANDS.

"(a) GRANTS AUTHORIZED.—From funds available under section 12008(a), the Secretary shall award grants to local educational agencies to enable the agencies to carry out the authorized activities described in section 12003 and subsection (e).

"(b) ELIGIBILITY.—A local educational agency is eligible for a grant under this section if the number of children determined under section 8003(a)(1)(C) of this Act for that agency constituted at least 50 percent of the number of children who were in average daily attendance at the schools of such agency during the preceding school year.

"(c) ALLOCATION OF FUNDS.—The Secretary shall allocate funds available to carry out this section to eligible local educational agencies based on their respective numbers of children in average daily attendance who are counted under section 8003(a)(1)(C) of this Act.

"(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

"(1) a statement of how the agency will use the grant funds;

"(2) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs, renovates, or constructs with those funds; and

"(3) such other information and assurances as the Secretary may reasonably require.

"(e) CONSTRUCTION OF NEW SCHOOLS.—In addition to any other activity authorized under section 12003, an eligible local educational agency may use grant funds received under this section to construct a new school if the agency demonstrates to the Secretary's satisfaction that the agency will replace an existing school that is in such poor condition that renovating the school will not be cost-effective.

“SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDUCATIONAL AGENCIES.

“(a) GRANTS AUTHORIZED.—From funds available under section 12008(b)(1), the Secretary shall make grants, on a competitive basis, to local educational agencies with poverty rates of 25 percent or greater to enable the agencies to carry out the authorized activities described in section 12003.

“(b) CRITERIA FOR AWARDING GRANTS.—In awarding grants under this section, the Secretary shall consider—

“(1) the poverty rate, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

“(2) such other factors as the Secretary determines appropriate.

“(c) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

“(1) a description of the agency's urgent need for school repair and renovation and of how the agency will use funds available under this title to meet those needs;

“(2) information on the fiscal effort that the agency is making in support of education and evidence demonstrating that the agency lacks the capacity to meet the agency's urgent school repair and renovation needs without assistance made available under this title;

“(3) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs or renovates with the assistance; and

“(4) such other information and assurances as the Secretary may reasonably require.

“SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.

“(a) GRANTS AND LOANS AUTHORIZED.—From funds available under section 12008(b)(2), the Secretary shall make grants, and shall pay the cost of loans made, on a competitive basis, to local educational agencies that lack the ability to fund urgent school repairs without a grant or loan provided under this section to enable the agencies to carry out the authorized activities described in section 12003.

“(b) LOAN PERIOD.—Each loan under this section shall be for a period of 7 years and shall carry an interest rate of 0 percent.

“(c) CRITERIA FOR MAKING LOANS.—In making loans under this section, the Secretary shall consider—

“(1) the extent of poverty, the need for school repairs and renovations, and the fiscal capacity of each applicant; and

“(2) such other factors as the Secretary determines appropriate.

“(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant or loan under this section shall submit an application to the Secretary that includes the information described in section 12005(c).

“(e) CREDIT STANDARDS.—In carrying out this section, the Secretary—

“(1) shall not extend credit without finding that there is reasonable assurance of repayment; and

“(2) may use credit enhancement techniques, as appropriate, to reduce the credit risk of loans.

“SEC. 12007. PROGRESS REPORTS.

“The Secretary shall require recipients of grants and loans under this title to submit progress reports and such other information as the Secretary determines necessary to ensure compliance with this title and to evaluate the impact of activities assisted under this title.

“SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.

“(a) GRANTS UNDER SECTION 12004.—For the purpose of making grants under section 12004, there are authorized to be appropriated $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) GRANTS UNDER SECTION 12005 AND GRANTS AND LOANS UNDER SECTION 12006.—For the purpose of making grants under section 12005, and grants and loans under section 12006, there are authorized to be appropriated $1,250,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding 4 years, of which—

“(1) 10 percent shall be available for grants under section 12005; and

“(2) 90 percent shall be available to make grants and to pay the cost of loans under section 12006.

“(c) LIMITATION ON LOAN VOLUME.—Within the available resources and authority, gross obligations for the principal amount of direct loans offered by the Secretary under section 12006 for fiscal year 2001 shall not exceed $7,000,000,000, or the amount specified in an applicable appropriations Act, whichever is greater.

“SEC. 12009. DEFINITIONS.

“For the purpose of this title, the following terms have the following meanings:

“(1) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given that term in section 14101(18)(A) and (B) of this Act.

“(2) PUBLIC SCHOOL FACILITY.—

“(A) IN GENERAL.—The term ‘public school facility’ means a public building whose primary purpose is the instruction of public elementary or secondary students.

“(B) EXCLUSIONS.—The term excludes athletic stadiums or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

“(3) REPAIR AND RENOVATION.—The term ‘repair and renovation’ used with respect to an existing public school facility, means the repair or renovation of the facility without increasing the size of the facility.”.

TITLE XIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

Title XVIII (20 U.S.C. 8601 et seq.) is amended to read as follows:

“TITLE XVIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

“SEC. 13101. PROGRAM AUTHORIZED.

“(a) COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities or consortia of such entities in order to establish a networked system of 15 comprehensive regional assistance centers to provide comprehensive training and technical assistance, related to administration and implementation of programs under this Act, to States, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act.

“(2) CONSIDERATION.—In establishing comprehensive regional assistance centers and allocating resources among the centers, the Secretary shall consider—

“(A) the geographic distribution of students assisted under title I;

“(B) the geographic and linguistic distribution of students of limited-English proficiency;

“(C) the geographic distribution of Indian students;

“(D) the special needs of students living in urban and rural areas; and

“(E) the special needs of States and outlying areas in geographic isolation.

“(3) SPECIAL RULE.—The Secretary shall establish 1 comprehensive regional assistance center under this section in Hawaii.

“(b) SERVICE TO INDIANS AND ALASKA NATIVES.—The Secretary shall ensure that each comprehensive regional assistance center that serves a region with a significant population of Indian or Alaska Native students shall—

“(1) be awarded to a consortium which includes a tribally controlled community college or other Indian organization; and

“(2) assist in the development and implementation of instructional strategies, methods and materials which address the specific cultural and other needs of Indian or Alaska Native students.

“(c) ACCOUNTABILITY.—To ensure the quality and effectiveness of the networked system of comprehensive regional assistance centers supported under this part, the Secretary shall—

“(1) develop, in consultation with the Assistant Secretary for Elementary and Secondary Education, the Director of Bilingual Education and Minority Languages Affairs, and the Assistant Secretary for Educational Research and Improvement, a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for all children, particularly children at risk of educational failure;

“(2) conduct surveys every two years of populations to be served under this Act to determine if such populations are satisfied with the access to and quality of such services;

“(3) collect, as part of the Department's reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

“(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

“(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

“(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this part to an affected region.

“(d) DURATION.—Grants, contracts or cooperative agreements under this section shall be awarded for a period of 5 years.

“SEC. 13102. REQUIREMENTS OF COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

“(a) IN GENERAL.—Each comprehensive regional assistance center established under section 13101(a) shall—

“(1) maintain appropriate staff expertise and provide support, training, and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools, and other grant recipients under this Act, in—

“(A) improving the quality of instruction, curricula, assessments, and other aspects of school reform, supported with funds under title I;

“(B) implementing effective schoolwide programs under section 1114;

“(C) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, immigrant children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, children with disabilities, and, where applicable, Alaska Native children and Native Hawaiian children;

"(D) implementing high-quality professional development activities for teachers, and where appropriate, administrators, pupil services personnel and other staff;

"(E) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

"(F) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and school;

"(G) implementing educational applications of technology;

"(H) coordinating services and programs to meet the needs of students so that students can fully participate in the educational program of the school;

"(I) expanding the involvement and participation of parents in the education of their children;

"(J) reforming schools, school systems, and the governance and management of schools;

"(K) evaluating programs; and

"(L) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

"(3) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(4) coordinate services, work cooperatively, and regularly share information with, the regional educational laboratories, research and development centers, State literacy centers authorized under the National Literacy Act of 1991, and other entities engaged in research, development, dissemination, and technical assistance activities which are supported by the Department as part of a Federal technical assistance system, to provide a broad range of support services to schools in the region while minimizing the duplication of such services;

"(5) work collaboratively with the Department's regional offices;

"(6) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act;

"(7) provide services to States, local educational agencies, tribes, and schools in order to better implement the purposes of this part; and

"(8) provide professional development services to State educational agencies and local educational agencies to increase the capacity of such entities to provide high-quality technical assistance in support of programs under this Act.

"(b) PRIORITY.—Each comprehensive regional assistance center assisted under this part shall give priority to servicing—

"(1) schoolwide programs under section 1114; and

"(2) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

"SEC. 13103. MAINTENANCE OF SERVICE AND APPLICATION REQUIREMENTS.

"(a) MAINTENANCE OF SERVICE.—The Secretary shall ensure that the comprehensive regional assistance centers funded under this part provide technical assistance services that address the needs of educationally disadvantaged students, including students in urban and rural areas, and bilingual, migrant, immigrant, and Indian students, that are at least comparable to the level of such technical assistance services provided under programs administered by the Secretary on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(b) APPLICATION REQUIREMENTS.—Each entity or consortium desiring assistance under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall—

"(1) demonstrate how the comprehensive regional assistance center will provide expertise and services in the areas described in section 13102;

"(2) demonstrate how such centers will work to conduct outreach to local educational agencies receiving priority under section 13102;

"(3) demonstrate support from States, local educational agencies and tribes in the area to be served;

"(4) demonstrate how such centers will ensure a fair distribution of services to urban and rural areas; and

"(5) provide such other information as the Secretary may require.

"SEC. 13104. TRANSITION.

"(a) EXTENSION OF PREVIOUS CENTERS.—The Secretary shall, notwithstanding any other provision of law, use funds appropriated under section 13105 to extend or continue contracts and grants for existing comprehensive regional assistance centers assisted under this Act (as such Act was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000), and take other necessary steps to ensure a smooth transition of services provided under this part and that such services will not be interrupted, curtailed, or substantially diminished.

"(b) STAFF EXPERTISE.—In planning for the competition for the new comprehensive regional assistance centers under this part, the Secretary may draw on the expertise of staff from existing comprehensive regional assistance centers assisted under this Act prior to the date of enactment of the Educational Excellence for All Children Act of 2000.

"SEC. 13105. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.".

TITLE XIV—AMENDMENTS TO OTHER LAWS; REPEALS

PART A—AMENDMENTS TO OTHER LAWS

SEC. 1401. AMENDMENTS TO THE STEWART B. MC KINNEY HOMELESS ASSISTANCE ACT.

(a) POLICY.—Section 721(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.; hereinafter referred to in this section as "the Act") is amended by striking "should not be" and inserting "is not".

(b) GRANTS TO STATES FOR STATE AND LOCAL ACTIVITIES.—Section 722 of the Act is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by inserting "and" before "the Commonwealth of"; and

(ii) by striking "and Palau (until the effective date of the Compact of Free Association with the Government of Palau),"; and

(B) in paragraph (3)—

(i) by inserting "and" before "the Commonwealth of"; and

(ii) by striking ", or Palau";

(2) in subsection (e), by adding at the end the following new paragraph:

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free, appropriate public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child or youth's status as homeless, except in accordance with section 723(a)(2)(B)(ii).";

(3) in subsection (f)—

(A) by striking paragraph (1);

(B) by amending paragraph (4) to read as follows:

"(4) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State;";

(C) by amending paragraph (6) to read as follows:

"(6) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

"(A) educators, including child development and preschool program personnel;

"(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

"(C) local educational agency liaisons for homeless children and youth; and

"(D) community organizations and groups representing homeless children and youth and their families."; and

(D) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(4) in subsection (g)—

(A) by amending paragraph (1)(H) to read as follows:

"(H) contain assurances that—

"(i) State and local educational agencies will adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized; and

"(ii) local educational agencies in which homeless children and youth reside or attend school will—

"(I) post public notice of the educational rights of such children and youth where such children and youth receive services under this Act (such as family shelters, and soup kitchens); and

"(II) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.";

(B) by amending paragraph (3)(B) to read as follows:

"(B) In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

"(i) to the extent feasible, keep a homeless child or youth in his or her school of origin, except when doing so is contrary to the wishes of his or her parent or guardian; and

"(ii) provide a written explanation to the homeless child or youth's parent or guardian when the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian.";

(C) by amending paragraph (6) to read as follows:

"(6) Coordination.—(A) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this part with local services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

"(B) Where applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act to minimize educational disruption for children and youth who become homeless.

"(C) The coordination required in subparagraphs (A) and (B) shall be designed to—

"(i) ensure that homeless children and youth have access to available education and related support services; and

"(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth.";

(D) in paragraph (7)(A)—

(i) in the matter before clause (i), by striking out "local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that" and inserting in lieu thereof "local liaison for homeless children and youth, designated pursuant to subsection (g)(1)(H)(ii)(II), shall ensure that";

(ii) by amending clause (i) to read as follows:

"(i) homeless children and youth enroll in, and have a full and equal opportunity to succeed in, schools of that agency;";

(iii) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and";

(iv) by adding a new clause (iii) to read as follows:

"(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children."; and

(v) by adding a new subparagraph (C) to read as follows:

"(C) Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth."; and

(E) by striking paragraph (9).

(c) Local Educational Agency Grants.—Section 723 of the Act is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) Services.—(A) Services under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities;

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless individuals with non-homeless individuals; and

"(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

"(B) Where services under paragraph (1) are provided on school grounds, schools—

"(i) may use funds under this Act to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii) as applied to such other children and youth; and

"(ii) shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as is necessary for short periods of time—

"(I) because of health and safety emergencies; or

"(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(B) by adding a new paragraph (1) to read as follows:

"(1) an assessment of the educational and related needs of homeless children and youth in their district (which may be undertaken as a part of needs assessments for other disadvantaged groups);"; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) In general.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) Quality.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

"(A) the applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet those needs;

"(B) the types, intensity, and coordination of the services to be provided under the program;

"(C) the involvement of parents or guardians;

"(D) the extent to which homeless children and youth will be integrated within the regular education program;

"(E) the quality of the applicant's evaluation plan for the program;

"(F) the extent to which services provided under this subtitle will be coordinated with other available services; and

"(G) such other measures as the State educational agency deems indicative of a high-quality program.".

(d) Collection and Dissemination of Information; Report.—Section 724 of the Act is amended—

(1) by striking subsection (f); and

(2) adding at the end the following new subsections:

"(f) Information.—(1) From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information on:

"(A) the number and location of homeless children and youth;

"(B) the education and related services such children and youth receive;

"(C) the extent to which such needs are being met; and

"(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.

"(2) The Secretary shall coordinate such collection and dissemination with the other agencies and entities that receive assistance and administer programs under this subtitle.

"(g) Report.—Not later than four years after the date of the enactment of the Educational Excellence for All Children Act of 1999, the Secretary shall prepare and submit to the President and appropriate committees of the House of Representatives and the Senate a report on the status of education of homeless youth and children, which may include information on—

"(1) the education of homeless children and youth; and

"(2) the actions of the Department and the effectiveness of the programs supported under this subtitle.".

(e) Section 726 of the Act is amended to read:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 1402. AMENDMENTS TO OTHER LAWS.

(a) Perkins Act.—Section 116(a) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)) is amended by striking out paragraph (5).

(b) Higher Education Act of 1965.—Section 317(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(10)) is amended by striking out "9308" and inserting in lieu thereof "9306".

(c) Pro-Children Act of 1994.—The Pro-Children Act of 1994 (20 U.S.C. 6081 et seq.) is amended—

(1) in section 1042(2)—

(A) by striking out "education"; and

(B) in subparagraph (A)(i), by striking "or the Secretary of Education"; and

(2) in section 1043—

(A) in subsection (a), by striking "kindergarten, elementary, or secondary education or"; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the heading thereof, by striking "Kindergarten, Elementary, or Secondary Education or"; and

(II) by striking out kindergarten, elementary, or secondary education or"; and

(ii) in paragraph (3), by striking out "kindergarten, elementary, or secondary education or".

(d) Department of Education Organization Act.—Section 216 of the Department of Education Organization Act (as added by Public Law 103-227) (20 U.S.C. 3425) is amended—

(1) in subsection (a), by striking "Director" each place the term appears and inserting "Assistant Secretary";

(2) in subsection (b), by striking "Director" each place the term appears and inserting "Assistant Secretary";

(3) in subsection (c), by striking "Director" and inserting "Assistant Secretary"; and

(4) by redesignating such section (as so amended) as section 218 of such Act.

PART B—REPEALS

SEC. 1411. REPEALS.

The Goals 2000: Educate America Act (Public Law 103-227) is amended—

(1) by repealing titles I, II, III, IV, VII, and VIII; and

(2) in title X, by repealing part B.

AKAKA AMENDMENT NO. 3112

(Ordered to lie on the table.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 721, between lines 12 and 13, insert the following:

(d) CHILDREN WITH DISABILITIES.—Section 8003(d) (20 U.S.C. 7703(d)) is amended—

(1) in paragraph (1), by inserting after "educational agency," the following: ", and each State agency designated as the lead State agency under part C of the Individuals with Disabilities Education Act that is determined to be eligible by the Secretary,"; and

(2) in paragraph (2), by inserting ", or State agency referred to in paragraph (1)," after "agency".

On page 721, line 13, strike "(d)" and insert "(e)".

On page 722, line 21, strike "(e)" and insert "(f)".

VOINOVICH AMENDMENT NO. 3113

(Ordered to lie on the table.)

Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the end of title X, insert the following:

SEC. . INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Title X (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

"PART F—INDIVIDUALS WITH DISABILITIES EDUCATION ACT

"SEC. 10601. INDIVIDUALS WITH DISABILITIES EDUCATION ACT FUNDING.

"(a) SHORT TITLE.—This section may be cited as the 'State and Local Educators Empowerment Act'.

"(b) PURPOSE.—The purpose of this section is to authorize local education leaders to fund selected programs by giving such leaders the flexibility to spend education dollars on programs under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(c) FINDINGS.—Congress makes the following findings:

"(1) All children deserve a quality education, including children with disabilities.

"(2) Programs implemented under the Individuals with Disabilities Education Act have been successful in enabling children with disabilities to participate more fully in mainstream schools.

"(3) The Individuals with Disabilities Education Act provides that the Federal Government and State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to provide funds to assist with the expenses of educating children with disabilities.

"(4) The amount of Federal money spent on education programs continues to grow at an enormous rate from $21,000,000,000 in 1991 to more than $35,000,000,000 in 2000.

"(5) The cost of educating a child with special educational needs is far greater than the cost of educating a child without such needs.

"(6) The Individuals with Disabilities Education Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure on special education in public elementary and secondary schools in the United States.

"(7) Education leaders throughout the Nation support honoring the commitment in the Individuals with Disabilities Education Act to fully fund programs carried out under such Act.

"(8) To date, the Federal Government has never contributed more than 12.6 percent of the national average per pupil expenditure to assist with the expenses of educating children with disabilities under the Individuals with Disabilities Education Act.

"(9) Failing to meet the Federal Government's commitment to assist with the expense of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education.

"(10) The failure of the Federal Government to provide full funding for programs under the Individuals with Disabilities Education Act results in placing a great burden on the States by creating an unfunded mandate.

"(11) The mandate impedes the ability of State and local education leaders to fund their own education priorities, such as hiring new teachers, building schools, providing after-school programs, improving technology and training in schools, and creating community learning centers.

"(d) INDIVIDUALS WITH DISABILITIES EDUCATION ACT FUNDING.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a local educational agency may use funds—

"(A) made available to the local educational agency under this Act (other than under title I) pursuant to a State grant program established on or after the date of enactment of the Educational Opportunities Act, or

"(B) made available to the local educational agency under this Act (other than under title I) pursuant to a State grant program that is in excess of the amount made available to the local educational agency under the State program for fiscal year 2000, to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(2) STATE GRANT PROGRAM.—In this part, the term 'State grant program' means any program carried out under this Act (other than under title I) in which the Secretary awards grants to States on a discretionary basis or on the basis of a formula. Such term does not include a program under this Act in which the Secretary awards grants to States on a competitive basis or in which the State awards grants to local educational agencies on a competitive basis.".

SANTORUM AMENDMENT NO. 3114

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 532, line 3, strike the end quotation marks and the second period and insert the following:

"PART —NATIONAL CLEARINGHOUSE FOR YOUTH ENTREPRENEURSHIP EDUCATION

"SEC. 1. NATIONAL CLEARINGHOUSE FOR YOUTH ENTREPRENEURSHIP EDUCATION.

"(a) PROGRAM AUTHORIZED.—The Secretary may award a grant or contract to an organization or institution with substantial experience in curriculum-based entrepreneurship education to establish a national clearinghouse for youth entrepreneurship education. The clearinghouse shall facilitate professional development opportunities for teachers, stimulate community partnerships with businesses, youth agencies, and nonprofit entities (including faith-based, non-profit, and other local organizations), collect and disseminate curricular materials, and undertake other activities, to encourage teacher interest and involvement in entrepreneurship education, especially for students in grades 7 through 12.

"(b) FUNDING.—The Secretary shall make available $500,000 from funds otherwise available to the Department of Education for administrative expenses, to carry out this section for each of fiscal years 2001 through 2003.

"SEC. 2. USE OF FUNDS FROM OTHER PROGRAMS FOR YOUTH ENTREPRENEURSHIP.

"(a) IN GENERAL.—The Secretary may use funds made available under any of the provisions described in subsection (b) to award grants and contracts to organizations and institutions with demonstrated records of empowering disadvantaged youth by teaching the youth applied math, entrepreneurial, and other analytical skills, to enable the organizations and institutions to carry out curriculum-based youth entrepreneurship education programs.

"(b) COVERED PROVISIONS.—The provisions referred to in subsection (a) are—

"(1) subparts 1 and 2 of part D, and part E, of title I;

"(2) subparts 1, 2, and 4 of part A, and part B, of title III;

"(3) subparts 1 and 2 of part A of title IV;

"(4) parts B and C of title VI; and

"(5) part A, and subparts 1 and 2 of part J, of title X.".

BOXER AMENDMENTS NOS. 3115–3116

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3115

Beginning on page 250, strike line 9 and all that follows through line 14 on page 254, and insert the following:

"SEC. 3103. PROGRAM AUTHORIZATION.

"(a) GRANTS BY THE SECRETARY TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or expand projects that benefit the educational, health, social service, cultural, and recreational needs of communities.

"(b) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States and among urban and rural areas of the United States.

"(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 5 years.

"(d) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $35,000.

"SEC. 3104. APPLICATION REQUIRED.

"(a) APPLICATION.—To be eligible to receive a grant under this part, a local educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably prescribe.

“(b) CONTENTS OF APPLICATION.—Each application under subsection (a) shall include—

“(1) a comprehensive local plan that enables the school to serve as a center for the delivery of education and human resources for members of a community;

“(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs;

“(3) a description of the proposed project, including—

“(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

“(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized, including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

“(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues, businesses, or other appropriate organizations;

“(D) a description of how the school will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

“(E) an assurance that the school will establish a facility utilization policy that specifically states—

“(i) the rules and regulations applicable to building and equipment use; and

“(ii) supervision guidelines;

“(4) information demonstrating that the local educational agency will—

“(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

“(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

“(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.

“(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services which address the needs of the community.

“SEC. 3105. USES OF FUNDS.

“(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:

“(1) Literacy education programs.

“(2) Senior citizen programs.

“(3) Children's day care services.

“(4) Integrated education, health, social service, recreational, or cultural programs.

“(5) Summer and weekend school programs in conjunction with recreation programs.

“(6) Nutrition and health programs.

“(7) Expanded library service hours to serve community needs.

“(8) Telecommunications and technology education programs for individuals of all ages.

“(9) Parenting skills education programs.

“(10) Support and training for child day care providers.

“(11) Employment counseling, training, and placement, and job skills preparation.

“(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

“(13) Services for individuals with disabilities.

“(14) After school programs, that—

“(A) shall include at least 2 of the following—

“(i) mentoring programs;

“(ii) academic assistance;

“(iii) recreational activities; or

“(iv) technology training; and

“(B) may include—

“(i) drug, alcohol, and gang prevention activities;

“(ii) health and nutrition counseling; and

“(iii) job skills preparation activities.

“(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.

“(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

“(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

“(2) ensure that youth in the local community participate in designing the after school activities;

“(3) develop creative methods of conducting outreach to youth in the community;

“(4) request donations of computer equipment and other materials and equipment; and

“(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.”.

“SEC. 3106. DEFINITION.

“For the purpose of this part, the term ‘community learning center’ means an entity within a public elementary or secondary school building that—

“(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

“(2) is operated by a local educational agency in conjunction with local governmental agencies, including law enforcement organizations such as the Police Athletic and Activity League, businesses, vocational education programs, institutions of higher education, community colleges, and cultural, recreational, and other community and human service entities.

“SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated $1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

AMENDMENT NO. 3116

On page 254, line 11, strike “$500,000,000” and insert “$1,000,000,000”.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 16, 2000, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct general oversight on the U.S. Forest Service's proposed transportation policy.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, May 24, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2163, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, a bill to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, a bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; and S. 2425, a bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 3 p.m., on Wednesday, May 3, 2000, in executive session, to mark up the fiscal year 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 3, 2000, at 9:30 a.m. on the Boston Central Artery Tunnel.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, at 2 p.m., to mark up pending legislation. The meeting will be held in the committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, at 9:30 a.m., to receive testimony on political speech on the Internet.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON TAXATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Joint Committee on Taxation be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, to hear testimony on Joint Review of the Strategic Plans and Budget of the IRS.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 11 a.m., on Wednesday, May 3, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2 p.m., on Wednesday, May 3, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 9:30 a.m., on Wednesday, May 3, 2000, in Executive Session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Laura Chow, a legislative fellow in my office, be granted floor privileges during the entire debate on the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I ask unanimous consent for floor privileges for three individuals on Senate bill 2: Kathy Hogan-Bruen, Meredith Miller, and Shannon Faltens.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Ann Ifekwunigwe, a fellow of my office, be granted the privilege of the floor for the entire ESEA debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Matthew Lyon, a fellow with the Committee on Health, Education, Labor, and Pensions, be afforded floor privileges during the consideration of S. 2, the Educational Opportunities Act, and during any votes in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, on behalf of Senator HATCH, I ask unanimous consent that Becky Shipp of Senator HATCH's staff and Jeff Taylor, a detailee from the Justice Department on the Judiciary Committee, be accorded the privileges of the floor during consideration of S. 2, the Education Opportunities Act, and during votes in relation to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 4, 2000

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:45 a.m. on Thursday, May 4. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 2 under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, at 9:45 a.m. the Senate will resume consideration of the Elementary and Secondary Education Act, with debate on the Abraham-Mack merit pay amendment to begin immediately. Following the consideration of that amendment, Senator MURRAY will be recognized to offer her amendment regarding class size. Votes are expected throughout the day. As usual, Senators will be notified as these votes are scheduled. As a reminder, the Senate will not meet on Friday in order to accommodate the Democratic retreat.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senators BYRD and GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized under the previous order.

MIKE EPSTEIN

Mr. BYRD. Mr. President:

God hath not promised
Skies always blue
Flower-strewn pathways
All our lives through;
God hath not promised
Sun without rain,
Joy without sorrow,
Peace without pain.

But God hath promised
Strength for the day,
Rest for the laborer,
And light on the way,
Grace for the trials,
Help from above,
Unfailing sympathy
And undying love.

Mr. President, I have quoted this bit of poetry because I am thinking of Mike Epstein, Senator WELLSTONE's long serving legislative director. Mike Epstein, I heard only yesterday, is gravely ill. I know that he is facing this news with the same gallant, noble, straightforward courage that has marked his entire life. I know because I employed him as a member of the Democratic Policy Committee staff when I was the majority leader of the Senate, and I have seen him in action. I have seen him at work many times.

Mike is a man of lively humor, great heart, idealistic vision, and pragmatic understanding. Despite many years on Capitol Hill, he has never lost his sense of purpose in public service. He has never lost his desire to make the world a better place in which to live. At the same time, he has accumulated the political savvy and acumen to rapidly size up a piece of legislation, weigh its strengths and weigh its weaknesses, and then deliver a succinct analysis on the spot. He has been a fixture on the Democratic bench during debate on many bills.

It seems it was only yesterday that I saw him back here on this bench. I always made it a point to speak to Mike as I went by. It may have been a week ago, it may have been 2 weeks ago, perhaps it was 3 weeks ago, but he was there. And, as I say, just like always, it was as though it was only a few hours ago.

He has shepherded a generation of inexperienced legislative assistants through the arcane minuet of amendment trees, tabling motions, and cloture votes. In this respect, as in so many others, Mike has been outstanding in his commitment to the Senate, to its traditions, and in giving one's best to the Nation. What more can one do?

The Senate is, in many ways, Mike's enduring passion. Legislation is his obsession. He was a "policy wonk" before that phrase was ever coined. His friends are legion in both parties, and outside the Senate as well as inside the Senate, and outside both parties as well.

Senator WELLSTONE and his staff are part of Mike's extended Senate family. I know that everyone is shocked, just as I was shocked yesterday, at this unexpected news and that all my colleagues join me in offering Mike strength and comfort.

It brings home the memory of that scriptural passage which says:

> Man that is born of a woman is of few days, and full of trouble.
>
> He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Seneca once observed that "there is nothing in the world so much admired as a man who knows how to bear unhappiness with courage." As he bravely faces his toughest battle, Mike Epstein offers to each of us something further to admire and to cherish.

So tonight I shall go home, remembering Mike, sitting back there on that bench, looking at me, smiling.

I close with a short verse by Spencer Michael Free, "The Human Touch," which I believe best captures the warm and caring legacy of Mike Epstein's long and faithful service to the Senate:

> 'Tis the human touch in this world that counts,
> The touch of your hand and mine,
> Which means far more to the fainting heart
> Than shelter and bread and wine;
> For shelter is gone when the night is o'er,
> And bread lasts only a day,
> But the touch of the hand and the sound of the voice
> Sing on in the soul alway[s].

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until the hour of 9:45 a.m. tomorrow.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, May 4, 2000, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2000:

CORPORATION FOR PUBLIC BROADCASTING

KATHERINE MILNER ANDERSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

GENERAL JOHN A. GORDON, UNITED STATES AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY. (NEW POSITION)

BROADCASTING BOARD OF GOVERNORS

MARC B. NATHANSON, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001. (REAPPOINTMENT)

MARC B. NATHANSON, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (NEW POSITION)

MERIT SYSTEMS PROTECTION BOARD

BARBARA J. SAPIN, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007, VICE BENJAMIN LEADER ERDREICH, RESIGNED.

THE JUDICIARY

DENNIS M. CAVANAUGH, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE ALFRED M. WOLIN, RETIRING.

HOUSE OF REPRESENTATIVES—*Wednesday, May 3, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 3, 2000.

I hereby appoint the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Rabbi Israel Zoberman, Congregation Beth Chaverim, Virginia Beach, Virginia, offered the following prayer:

Our God of freedom and responsibility, Dear Legislators, at this sacred season of both remembrance and rejoicing, haunted by the Holocaust's vast tragedy, while inspired by the miracle of Zion restored, I humbly yet proudly stand before you, son of Polish survivors who was born in Kazakhstan in 1945, lived in a displaced persons' camp in Germany and raised in Haifa, Israel.

May we be mindful of our divine mandate to build a world community reflecting the universal God of love who embraces us all with Shalom's holy gifts of healing, hope and harmony.

Grateful for our Nation's essential leadership and sacrifice with Your own invaluable input, and my Congressman OWEN PICKETT's distinguished service, may we ever, one family, strive to be a blessing.

Let us say, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3642. An act to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

The message also announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 81. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Mexico-United States Interparliamentary Group Meeting during the Second Session of the One Hundred Sixth Congress, to be held in Puebla, Mexico, May 5–7, 2000—

The Senator from Alaska (Mr. MURKOWSKI); and

The Senator from Alabama (Mr. SESSIONS).

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON TODAY

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that it be in order at any time on Wednesday, May 3, 2000 for the Speaker to entertain motions to suspend the rules and pass the following bills:

H. Con. Res. 295, relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces;

H. Res. 464, expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David;

H. Con. Res. 304, expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus;

H.R. 3879, Sierra Leone Peace Support Act of 2000;

H. Res. 449, congratulating the people of Senegal on the success of the multiparty electoral process:

S. 2323, Worker Economic Opportunity Act;

H.R. 4055, IDEA Full Funding Act of 2000;

H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall";

H.R. 1405, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building"; and

H.R. 1901, to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

FISCAL RESPONSIBILITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Treasury Department recently announced that due to Congressional fiscal responsibility, it expects to reduce the national debt by a record $216 billion this year.

Furthermore, this means that the national debt will have been reduced by $350 billion or 10 percent in just 3 years.

The 2001 Republican budget continues this fiscal responsible trend.

Our budget will pay off more than $1 trillion of the public debt over the next 5 years without raiding Social Security trust fund or bankrupting Medicare.

The Clinton administration, however, has proposed a budget full of new programs and additional bureaucracy, all funded from the projected surplus or new tax increases.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, we need to continue to reduce, not increase, wasteful spending on efficient government programs and bureaucracy.

Let us build upon our past successes and pass the budget that our children can be proud of and can afford when they grow up.

ELIAN GONZALEZ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it was with shock, disgust and outrage that I watched on TV over Easter weekend flack-jacketed government agents, acting like military commandoes armed with high-powered rifles breaking down doors, assaulting reporters, ransacking a private home and seizing an innocent child in the dark of night, while negotiations were ongoing, with something they called a search warrant. But the warrant they had was not based on a proper court order. It was based on an after-hours ex parte application that claimed Elian was being "concealed" and "unlawfully restrained."

The Justice Department should have waited until a judge had a chance to hold a hearing to determine if anyone was in contempt of court. Only then would a court order have been appropriate. Why did they not follow that procedure? Because an earlier application by the Justice Department for such a court order had already been turned down.

So what did they do? They just broke into the home of an American citizen and seized him. For the executive branch to ignore a court ruling is a very dangerous precedent. So much for the rule of law. We have a constitutional system of checks and balances. Checks on the executive branch will only work if they are made to obey the courts. It was a bad day for America and a new low for this administration.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, today I rise to tell the story of Joseph Howard, whose child was abducted across international borders. His child is just one of 10,000 American children who have been abducted to foreign countries.

In 1994, Joseph Howard's wife took his child when he was at work and fled to Germany. Joseph notified the police and the FBI. Two months after the abduction, the German lower court issued an ex parte order granting temporary custody to the mother and informed Joseph 1 month later. The German lower court later confirmed custody to the mother and stated that "the father lives in the United States of America and is therefore no longer in a position to exercise his custody rights."

Joseph was not given access rights, but received a demand for child support. He appealed to German higher court, but the appeal was rejected. In April of 1998, Joseph was granted access rights to be exercised only in the office of the German Youth Authority and only after he surrendered his passport. Joseph has not seen his child since 1994.

Mr. Speaker, this kind of treatment of American parents and their children must stop. Signatories to the Hague Convention should uphold their agreement, and this House should urge them to do so.

H.R. 4055, IDEA FULL FUNDING ACT OF 2000

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY MILLER of California. Mr. Speaker, I rise to ask my colleagues to fulfill Congress' promise to fund special education at the 40 percent level that was promised in 1975.

For the past 25 years, Congress has consistently ignored its responsibility to special education students. The result has impacted all students in public schools throughout our Nation.

In Orange County, California, the special education funding shortfall now exceeds $70 million annually. Each year, local school boards face the inevitable question: What programs will be cut to meet our responsibility to educate students with special needs? The paradox is unfair. We have required these school districts to provide high quality services to a population with significant needs with only a fraction of the funds we promised.

Mr. Speaker, on behalf of the school districts which have struggled to balance the needs of all their students, I implore my colleagues to support H.R. 4055. This bill sets out a plan that will allow Congress to meet the 40 percent funding promise it made to all by 2010. If we fail to fulfill this commitment, we will continue to fail not only children with special needs, but all students in public schools.

TRIGGER LOCKS ARE NOT THE ANSWER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, on March 23 in my district a 12-year-old boy took a loaded gun to school. Thank God, no one was hurt. But guess what, Mr. Speaker. The gun had a trigger lock. The boy simply searched for and found the key and, bingo, the gun was at school.

So I checked out this trigger lock business and uncovered a General Accounting Office report that says trigger locks are only effective for children under 6 years of age.

Six-year-old criminals? Beam me up, Mr. Speaker.

I assure my colleagues, no 6-year-old will mug them at 3 o'clock in the morning. It is not about trigger locks. It is about enforcing the gun laws we already have.

Mr. Speaker, I yield back what is left of our decimated second amendment rights.

TAX FREEDOM DAY COMES WAY TOO LATE FOR WORKING AMERICAN FAMILIES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today is Tax Freedom Day. Today is the day that working Americans for the first time this year can stop working for the government and begin working for themselves and for their own families. May 3, 5 months into the year, 124 days working for the government. Incredible.

Mr. Speaker, we have an obligation to those working American families to trim the size of big government and trim the size of their tax bills. Rather than picking up the tab for a host of government programs that simply refuse to die because the President and the Congress refuse to kill them, taxpayers should be able to spend their hard-earned money on their own needs. Rather than supporting billion-dollar corporate welfare programs, taxpayers should be allowed to provide for the welfare of their own families.

Mr. Speaker, we can help. We can move Tax Freedom Day to an earlier slot on the calendar by cutting big government down to size and providing American people with the healthy tax cut that they richly deserve. And next year, we can celebrate Tax Freedom Day a little earlier.

SCHOOL CONSTRUCTION

(Mr. HOLT asked and was given permission to address the House for 1 minute.)

Mr. HOLT. Mr. Speaker, this morning I am talking about trailers. Temporary school buildings. I have visited over 80 schools in my district and, everywhere I go, parents, teachers, and students all talk to me about the problem of overcrowding and the expense of construction.

Just last week, Secretary of Education Riley and I visited Crossroads School in a school district where the total student population has doubled in the past 11 years from 3,500 students to 7,000 now.

Mr. Speaker, study after study shows that smaller class sizes produce better students. With the median school construction cost for an elementary school in New Jersey at $13 million, and the price of a new high school at more than $22 million on average, these are expenses that our beleaguered taxpayers cannot afford. They cannot continue to have staggering tax increases year after year.

So, Mr. Speaker, they are putting up temporary trailers. Temporary buildings may be a temporary solution, but they are not cheap. They cost nearly $40,000 to install, $6,000 a year to lease, and there is a maintenance cost.

There is also a cost to the students. Trailers may provide more space, but do not provide the optimal learning environment for a quality education. Because of their long, rectangular shape, students have trouble seeing the blackboard, and many do not have Internet connections.

Congress must act to pass legislation that will provide much-needed financial assistance to fast growing school districts.

☐ 1015

SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I want to just make a couple comments on Social Security. Mr. Speaker, I see a lot of young people joining us today. They are the generation at risk on Social Security. The actuaries of the Social Security Administration report that, if we do nothing with Social Security, we are either going to see taxes increase by 54 percent or benefits cut by 33 percent.

The chart I have here is a pie chart of the Federal Government spending this year. The bottom green piece of that pie represents Social Security benefits and equals 20 percent of total Federal spending. The cost of senior programs continues to grow. The problem is exacerbated by the fact that people are living longer and therefore are drawing on Social Security longer. At the same time our birth rate is going down. The result is fewer workers paying payroll tax to finance higher benefit costs.

That leads us to a predicament where we are going in the red on Social Security. This year, with the Presidential race, it is an appropriate time to discuss Social Security, to get into the details of how we are really going to solve this problem and how we are really going to save this very important program.

BRAIN TUMOR AWARENESS WEEK

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, this is Brain Tumor Awareness Week. Each year, over 100,000 people in the United States alone will be diagnosed with a brain tumor. Unfortunately, the general public is not that familiar with this disease. Brain tumors are the second leading cause of cancer death for children under 19, the third leading cause of cancer death for young adults ages 20 to 39.

Brain tumors attack the essence of what it means to be an individual. They ravage the control center for thought, emotion, and movement. The developing minds of children are especially susceptible.

There are over 100 different types of brain cancers, making effective treatments very complicated and expensive. There is no proven cure for most malignant brain tumors. Congress needs to appropriate increased funding for the National Cancer Institute and provide a strong investment in brain tumor research. We need to give patients as many options as possible to ensure quality cancer care and improve long-term survival.

Mr. Speaker, I urge my colleagues to educate themselves about brain tumors, and as we head into the heart of the appropriation season, to support increased funding for the National Cancer Institute.

BUDGET SURPLUS SHOULD BE USED FOR DECREASING DEBT, PROTECTING SOCIAL SECURITY AND DECREASING TAXES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, how did the Army lose a $1 million rocket launcher? How did the Air Force lose 15 jets? How did the Department of Interior build a $300,000 outhouse? Why is it that Ben and Jerry's Ice Cream gets an $800,000 taxpayer supplement? Why is it that, if one eats cheese pizza, the FDA inspects it; but if one has the cheese and pepperoni, the USDA inspects it? It is easy. It is called OPM, "other people's money."

In Washington, the departments, the bureaucracies are all operating on other people's money, taxpayers' money, hard-working men and women who put in 40, 50, 60 hours a week paying their tax dollars to Washington only to have it squandered by unelected faceless bureaucrats who know the beauty of OPM. They do not have to be accountable because it is not their money.

Mr. Speaker, the Republican party knows whose money it is. It is the hard-working American taxpayers. That is why we believe budget surpluses should be used to pay down the debt, protect Social Security, and give a tax decrease to the working Americans; and that is what we are working for.

GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in 3½ weeks, we will take what will be, I believe, the most important vote in this Congress, the vote to extend permanent normal trade relations to China.

Mr. Speaker, this vote is important. It is not only important to our own domestic industries, our driving high-tech industry or to America's workers in other industry or to America's farmers, but it is very, very important, perhaps even more important, to the sense of freedom and dignity to the Chinese people.

Mr. Speaker, this vote is not about allowing Chinese product access to American markets, it is about allowing American product access to Chinese markets. It is about having the Chinese Government accept the discipline of conforming to a worldwide trade regime of rules and proper conduct and behavior. That can be infectious, Mr. Speaker. If they can accept those disciplines with respect to commerce, they are most likely going to accept them with respect to other aspects of their life.

It is about allowing the Chinese people, the normal every day working Chinese man or woman, the opportunity to enjoy the information, the freedom, the cultural experience, the sharing of America's freedom and, by doing so, getting a case to freedom in their own life.

History has proven, Mr. Speaker, that once people acquire the experience of freedom through commerce, they then require freedom in a greater share of their life.

If we want to see the Chinese people free from an oppressive government, if we want to see a Chinese Government reform, put freedom in the hands of the Chinese people. They, Mr. Speaker, will reform the Chinese Government, improve their human rights; and while doing that, we will be able to maintain, not only an American economic boom, but a world economic boom to the greater good of all the world's people.

TEXAS 49TH IN BOSNIA

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, during this last Easter weekend, several Members of the Texas delegation, led by our U.S. Senator KAY BAILEY HUTCHINSON, the gentleman from Texas (Mr. FROST), the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Texas (Mr. EDWARDS), the gentleman from Texas (Mr. BRADY), the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. SANDLIN), and myself traveled to Bosnia with Senator HUTCHINSON to visit the Texas National Guard's 49th Division and observed Easter Sunrise Services with our Guard in Tuzla.

We had the opportunity to examine the operating situation of U.S. forces in Bosnia. We were accompanied by General Russell Davis, the chief of the National Guard Bureau, but also our General in Texas, Daniel James of the Texas National Guard, to observe the Commanding General Robert Halverson in the 49th Texas division.

I personally had the opportunity to visit with Colonel Tom Roman who, in his real life, is a lieutenant in the Houston Police Department, who is currently serving in the division. Frankly, we have three Houston police officers who, not only serve Houston during their regular jobs, but are now serving in Tuzla, Bosnia, serving our country with the 49th Division.

For the first time in history, we have a National Guard division who is in charge of a regular Army unit in Bosnia.

I am proud of the outstanding job our troops are doing in helping bring peace to this ravaged war-torn area. They have been successful in stopping the killing of women and children and trying to bring stability to that area.

They are serving our country with honor and are proving that the Guard is a reliable part of our Armed Forces.

Let me just show for national television the T-shirt that shows the Eagle Base with the 49th Lone Star Texas Division emblem on it. Thank you.

AMERICANS DESERVE MEANINGFUL TAX RELIEF

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we return to Washington to be about the business of the American people. During our district work period, in the 6th Congressional District of Arizona, an area in square mileage almost the size of the Commonwealth of Pennsylvania, one of the largest districts in the country, not only geographically, but also now as we do the estimates on representing close to 1 million people, I was pleased that close to 1,000 people joined my family and me at a tax relief rally April 15.

Despite the talk of the pundits here on the banks of the Potomac, the American people understand, Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) alluded to it earlier, it is not the other people's money, it is not the government's money, the money belongs to the hard-working taxpayers of the United States.

We owe it to the people who work hard and play by the rules to make sure that their money, our money is spent the right way. The best way to spend it is to put it back in the hands of people who earned it. Meaningful tax relief, we have offered it in terms of ending the earnings penalty for seniors. We hope that others will act on the marriage penalty as this body has done. The American people deserve more of their hard-earned money.

GOP BUDGET INVESTS IN EDUCATION TO HELP OUR KIDS LEARN

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, for America to remain competitive in the 21st Century, we must improve public schools and help children reach their full potential. I have a particular outstanding, I think many outstanding schools in my district, but today I have the Ruston Junior High School students in town.

That is why the Republican budget proposal increases our commitment to public education so that today's children will be tomorrow's leaders in America and around the world. Republicans are providing $2.2 billion more in the elementary and secondary education funding over the last year's level. That is an increase of almost 10 percent, and more than $20 billion over the next 25 years or over the next 5 years.

We need new solutions to help students learn, not just more money. That is why Republicans want to give parents and local teachers, not Washington bureaucrats, more control over Federal education dollars. That is why we need to expand education savings accounts to help students get out of failing schools. The Republican budget means more resources and a brighter future for millions of America's children and students.

JUSTICE DEPARTMENT OVERPOWERS IN ELIAN GONZALEZ SAGA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, most people apparently felt Elian Gonzalez should have been returned to his father. However, regardless of what anyone felt about custody, the actions of the Justice Department were ridiculously excessive in busting into that home in Florida in the early morning hours several days ago.

To send in officers in full riot gear, brandishing submachine guns was something a Federal police state would do. It was something that we would have expected in some Communist dictatorship, but not here.

The picture of that officer pointing a gun at Elian and that fisherman is something that should have shocked and saddened everyone. Taking the law into its own hands just after it had been severely criticized by a U.S. Court of Appeals, not waiting for the next scheduled court hearing just a few days away, the Justice Department has shown once again that it has grown far too arrogant, far too abusive, far too big and really out of control.

Mr. Speaker, if we do not drastically decrease the size, power, and especially the funding of the Justice Department in the years ahead, the freedom of all Americans will be in jeopardy.

ENCOURAGING TRADE IN VIETNAM

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, last year I went to Vietnam with Hal Rogers, chairman, at the behest of Pete Peterson, who is the ambassador, and was asked to raise the American flag over Ho Chi Mihn City for the first time for over 25 years.

On that trip, I met with the prime minister, Communist prime minister in Hanoi, and I asked the prime minister, "Why do you not get involved in trade?" In perfect English, the Communist prime minister said, "Congressman, we are Communist. If we get involved in trade, we will be out of power as Communists." At that moment, I said trade is good.

□ 1030

If we take a look at whether there are problems with the trade with China, whether it is humanitarian or whether it is with national security issues, it is in our best interest. That is why Taiwan supports trade with China. They want China in 20 to 30 years to move in a direction of pro democracy, not back to a totalitarian Communist State.

Regardless of how one feels on the trade issue, both human rights and national security, it is in the United States' best interest to support the trade with China.

IRANIAN SHAM TRIAL

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise to alert my colleagues to the ongoing sham trial of 13 Jews in Iran. Iran's judiciary said on Monday that suspect Hamid "Danny" Tefileen had confessed to passing classified information to Israel's Mossad, and Iranian state television broadcast an interview with Mr. Tefileen in which he stated he had been trained in Israel. It is obvious, Mr. Speaker, that his confession was coerced since the defendant's court-appointed attorney noted there was no information to back up that confession.

Israel has repeatedly denied this man was a spy. And since I understand that it is not illegal for any Iranian citizen to visit Israel, the charges against Mr. Tefileen should be promptly dismissed.

Mr. Speaker, I urge the Iranian government to free these men at once. They are not guilty of anything more than being Jewish. Moreover, I request my colleagues to cosponsor H. Con. Res. 307, a measure I introduced, along with the Speaker, the gentleman from Illinois (Mr. HASTERT), opposing this ongoing prosecution of 13 members of the Jewish community.

OPPOSITION TO WTO FOR COMMUNIST CHINA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. First and foremost, Mr. Speaker, I would like to commend the gentleman from New York (Mr. GILMAN) on the statement that he just made. All of us should be very united in this effort to draw a spotlight on what is going on in Iran. If the Iranian people, who I am convinced want to have better relations with the United States, then Iran must know that they cannot conduct this sham trial and brutally terrorize their Jewish population or any other part of their population. We need to pay attention to this and send a message to the Iranians that we want to have good relations with them.

But what I wanted to mention today, and with my last 30 seconds, is that we have heard a lot about trade with China this morning and we will hear more about it. The trade that we have had with Communist China these last 10 years have not made this world a safer world. In fact, it has done nothing but build up the powerful forces in Communist China that now threaten the peace of the world.

Furthermore, it has not worked to the benefit of the people of the United States. What we have in China is the building up of their infrastructure. Our trade with them is building up their technological capabilities; building them factories so that they can then export to the United States and get enough money to buy weapons in order to put us under a threat. I would oppose any of this WTO for China.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes on postponed questions may be taken in two groups: The first occurring before the debate has concluded on all motions to suspend the rules, and the second after debate has concluded on the remaining motions.

RELATING TO CONTINUING HUMAN RIGHTS VIOLATIONS AND POLITICAL OPPRESSION IN THE SOCIALIST REPUBLIC OF VIETNAM

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 295) relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces, as amended.

The Clerk read as follows:

H. CON. RES. 295

Whereas April 30, 2000, marks the 25th anniversary of the fall of Saigon to Communist forces of North Vietnam;

Whereas 25 years after the Vietnam War ended, the Socialist Republic of Vietnam is a one-party state ruled and controlled by the Vietnamese Communist Party;

Whereas the Government of the Socialist Republic of Vietnam continues to violate the liberties and civil rights of its own citizens through arbitrary arrests, detentions without trial, and the censorship of peaceful expressions of political and religious beliefs;

Whereas the Department of State Country Reports on Human Rights Practices for 1999 notes that the Government of the Socialist Republic of Vietnam "continued to repress basic political and some religious freedoms and to commit numerous abuses";

Whereas the Socialist Republic of Vietnam still retains Article 4 in its Constitution that ensures the supremacy of the Vietnamese Communist Party as the only political party in the country while continuing to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to two years, without trial, under the pretext of "endangering national security";

Whereas the Socialist Republic of Vietnam is one of the most politically repressive and poorest countries in the world, with an average annual per capita income of $330;

Whereas, according to the Department of State and international human rights organizations, the Government of the Socialist Republic of Vietnam continues to restrict unregistered religious activities and persecutes citizens on the basis of their religious affiliation through arbitrary arrests and detention, harassment, physical abuse, censorship, and the denial of the rights of free association and religious worship;

Whereas the Department of State Annual Report on International Religious Freedom for 1999 on Vietnam estimates that "there are from 30 to 50 religious prisoners" but "the number is difficult to verify with any precision because of the secrecy surrounding the arrest, detention, and release process";

Whereas the Government of the Socialist Republic of Vietnam continues to prevent human rights organizations from unfettered and open investigations of allegations of state-sponsored oppression of the right to worship by its citizens, and has prevented the United Nations Special Rapporteur on Religious Intolerance, Abdelfattah Amor, from meeting with various religious leaders during his visit to Vietnam in October 1998;

Whereas the Government of the Socialist Republic of Vietnam systematically violates the Universal Declaration of Human Rights in contravention of its status as a member of the United Nations;

Whereas the Government of the Socialist Republic of Vietnam systematically violates the International Covenant on Civil and Political Rights in contravention of its status as a signatory to that agreement; and

Whereas it is in the interest of the United States to promote political, religious, and economic freedom throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) requests the President to restate and make clear to the leadership of the Government of the Socialist Republic of Vietnam that—

(A) the American people are firmly committed to political, religious, and economic freedom for the citizens of the Socialist Republic of Vietnam; and

(B) the United States fully expects equal protection under law with all Vietnamese citizens, regardless of religious belief, political philosophy, or socio-political association;

(2) urges the Government of the Socialist Republic of Vietnam—

(A) to cease violations of religious freedom as defined by the International Religious Freedom Act of 1998;

(B) to release all religious prisoners, political prisoners, and prisoners of conscience, and immediately cease the harassment, detention, physical abuse, and imprisonment of Vietnamese citizens who have exercised their legitimate rights to freedom of belief, expression, and association;

(C) to allow all Vietnamese citizens the right to free expression, freedom of association, freedom of the press, and religious worship; and

(D) to formally commit to a framework and a set timetable for open and fair elections that will facilitate the ability of Vietnamese citizens to peacefully choose their own local and national leaders, free from fear and intimidation; and

(3) commends the Vietnamese-American community for initiating a memorial to American and South Vietnamese soldiers who sacrificed their lives for the cause of freedom during the Vietnam War, which is under development and will be located in Westminster, California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 295, the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of House Concurrent Resolution 295, which was introduced by my distinguished colleague, the gentleman from California (Mr. ROHRABACHER). And I would also like to thank the chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), for his work in crafting the current language in this resolution.

Mr. Speaker, it is truly unfortunate that 25 years after the end of the Vietnam War the Socialist Republic Vietnam is still a one-party state ruled and controlled by the Vietnamese Communist party. Regrettably, the government in Hanoi continues to repress basic political and some religious freedoms, and to commit numerous human rights abuses.

This resolution rightfully requests the President to make clear to the government of Vietnam the firm commitment of the American people to fundamental human rights and equal treatment for all people of Vietnam still persist.

It further urges Vietnam to cease its violations of human rights and to undertake the long overdue liberalization of its antiquated political system.

And, finally, it appropriately commends the Vietnamese American community for a memorial to fallen American and South Vietnamese soldiers being developed in Westminster, California. In that regard, I call upon the Vietnamese government to do all it can to assist in bringing our POWs and MIAs home to American soil.

Mr. Speaker, democracy and human rights are not eastern or western values, as some might contend. They are universal values and the right of people everywhere, including the 77 million people of Vietnam. I want to praise this resolution for pointing out the injustice that tragically exists in Vietnam today. Communism is a dead idealogy. Somehow, and surprisingly, the government in Hanoi still has not received that news.

I sincerely hope that the bureaucrats in Hanoi are listening today and, as a result, will undertake the necessary reforms to release minds and spirits of the Vietnamese people. The people of Vietnam clearly deserve much better.

Once again I commend the gentleman from California (Mr. ROHRABACHER) for introducing this resolution and his continuing commitment to human rights and democracy, and I also want to commend the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), for bringing it to the floor at this time. Accordingly, I urge my colleagues to strongly support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

At the outset, I would like to commend my friend, the gentleman from California (Mr. ROHRABACHER), for crafting this resolution, which is so necessary to focus attention on the continuing violations of human rights in all forms in Vietnam.

I also want to commend the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), and the chairman of the Subcommittee on Asia and the Pacific, my good friend, the gentleman from Nebraska (Mr. BEREUTER) for their work on this resolution.

Mr. Speaker, Vietnam continues to be—25 years after the conclusion of that tragic war—one of the most repressive societies on the face of this planet. Similarly to China, Vietnam has opened up its economy to some extent, but its political system is as rigid, unbending, and repressive as it has ever been.

I call, therefore, on the government of Vietnam to release all religious and political prisoners, all prisoners of conscience; and to immediately cease the harassment, detention, physical abuse and imprisonment of Vietnamese citizens who are exercising their legitimate rights to freedom of belief, expression, and association.

I call on the government of Vietnam, Mr. Speaker, to abolish article four of the Vietnamese constitution and repeal all regulations and codes and decrees prohibiting citizens the rights to free expression, freedom of association, freedom of the press and religious worship.

I also think it is critical that we as a body call on the government of Vietnam to set an early timetable for open and fair elections that at long last will facilitate the inclusion of Vietnam in the community of civilized nations and allow its citizens to peacefully choose their own local and national leaders, free from fear and intimidation.

I think it is particularly significant, Mr. Speaker, that the government of Vietnam has prevented the United Nations special rapporteur on religious intolerance from meeting with the various religious leaders during his visit to Vietnam. Vietnam has an obligation, as a signatory of the appropriate treaties, to allow access by United Nations' officials to all religious practitioners.

We are indeed pleased that a quarter century has gone by since the conclusion of that tragic war, but we are appalled at the continued suppression of the Vietnamese people. I earnestly hope and trust that this move by the Congress of the United States, which I trust will be approved unanimously, will begin the process of opening up the political situation in that country. And I once again commend my friend from California (Mr. ROHRABACHER).

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER), the sponsor of the measure.

Mr. ROHRABACHER. Mr. Speaker, I thank the chairman of the committee, the gentleman from New York (Mr. GILMAN), and the chairman of the subcommittee, the gentleman from Nebraska (Mr. BEREUTER), as well as the ranking member, the gentleman from California (Mr. LANTOS) for being very cooperative on this measure.

This is one of those measures, Mr. Speaker, that goes through Congress that has bipartisan support because it reflects fundamental values which I believe that this body is supposed to be all about. This is a body that represents the greatest democracy in the world, and all of us who meet here share these values of democracy and freedom. And when we are talking about issues that go to the heart of our country, we stand united.

This resolution commemorates the 25th anniversary of the end of the Vietnam War and expresses a tribute to the Americans and South Vietnamese who gave their lives in the cause of freedom in that conflict. The international press reports from Vietnam this past weekend unanimously emphasized the ongoing repression that the people of Vietnam have had to suffer under the Communist regime in Hanoi.

The violation of human rights and the denial of democracy for the people of Vietnam has been just a horrific experience over these last 25 years and has caused a firsthand observer, Senator JOHN MCCAIN, to state that regardless of America's shortcomings in conducting that war, that the wrong side won.

Singapore's senior statesman and ASEAN founding member, Lee Kuan Yew, commented recently that the sacrifices by the Americans in Vietnam in the 1960s and 1970s gave the rest of the region, which also faced Communist-backed guerilla movements, time to stabilize and even prosper. So, yes, there were some good things that came out of Vietnam, yet the people of Vietnam still suffer.

And there was great sacrifice during that war: 58,000 Americans perished and more than 300,000 were wounded. In addition, 270,000 South Vietnamese military personnel perished, and over 570,000 were wounded. And that was before, of course, the final offensive by the Communist forces 25 years ago today.

This resolution honors their sacrifice and calls attention to the cause of freedom in Vietnam. This resolution is entirely in support of the people of Vietnam who deserve the right and the opportunity to participate in the democratic process of a free and Democratic society.

The greatest example of the potential of Vietnam is perhaps the tremendous educational and economic success of the Vietnamese American community, such as that in Little Saigon, which is in my district. And I am very proud to represent these freedom loving people who came here in such turmoil and have made a success of their lives despite great hardship.

□ 1045

In fact, the fact that they came here with little more than the shirts on their back and now live in relative prosperity and have made wonderful citizens for our country indicates just how important freedom and democracy is considering that the people that they left behind still languish in poverty and still are repressed and suffer great tyranny there in Vietnam.

This resolution expresses the hope that some day the people of South Vietnam will enjoy the same kind of freedom that the people who came here after the war enjoy. The resolution urges the Vietnamese regime to commit to a framework, a set timetable for open and free elections.

Twenty-five years after the end of the war, it is time for Vietnamese leaders to make peace with their own people and to permit their citizens to peacefully choose their own local and national leaders without fear of intimidation.

This resolution also, as the gentleman from New York (Chairman GILMAN) stated, congratulates the Vietnamese-American community in Southern California and throughout the United States for initiating and funding through private donations the first memorial to honor both American and South Vietnamese military personnel who sacrificed their lives during the Vietnam War, which is now being developed in Orange County, California.

Finally, I urge my colleagues on both sides of the aisle to support this bipartisan resolution which honors the sacrifice of American citizen soldiers who perished for the cause of freedom during the Indochina conflict by supporting the struggle for democracy in Vietnam.

And finally, I would like to salute a member of my staff, Mr. Al Santoli, who is standing behind me at this moment, who helped me put this resolution together. Al Santoli, a triple Purple Heart winner from the Vietnam War, has dedicated his life to the cause of freedom and justice not only in Southeast Asia but throughout the world; and we appreciate the effort that he put into this resolution, as well.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the relatively short time that she has been with us, the gentlewoman from California (Ms. SANCHEZ) has demonstrated extraordinary qualities of leadership in many fields but particularly in the field of defending human rights.

Mr. Speaker, I am delighted to yield 3 minutes to my friend and colleague, the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank my colleague from California for yielding me the time for this gracious ability to give me some time to speak a little about April 30, 1975, marking the beginning of a treacherous boat journey for many Vietnamese who sought refuge in an unknown land to them and an uncertain future. These individuals risked everything for a chance to live freely and to provide better opportunities for their children and their families.

I rise today as a proud cosponsor of the H. Con. Res. 295, legislation relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam still 25 years later since the fall of Saigon.

I also rise to pay special tribute and to recognize the efforts of those servicemen and women who served as Vietnam War veterans and also to the Vietnamese who fought for freedom and democracy in Vietnam.

As my colleagues know, I represent the largest Vietnamese-American community in the Nation in Orange County, California. As a proud member of the Congressional Human Rights Caucus, it was my distinct honor just last month to hold a second hearing on the human rights conditions in Vietnam. We held one a couple years ago.

We received testimony from expert witnesses who tell us still freedom of religion, freedom of expression, freedom of the press, freedom of collective bargaining are still sorely missed in Vietnam.

The Vietnamese Government continues to grossly violate human rights by incarcerating prisoners of conscience and placing dissidents under strict surveillance.

So as we continue to move forward with furthering relations between our two countries, it is my hope that we will address the current human rights issues in Vietnam: the violations, the religious persecution, the social injustice that many individuals still face in Vietnam.

Mr. Speaker, as we reflect on this tragic day, it is our duty as Members of Congress to honor the memories of the individuals that have fought for liberty and democracy in Vietnam.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, as the chairman of the Subcommittee on Asia and the Pacific, I rise in strong support of H. Con. Res. 295.

This Member congratulates and thanks the distinguished gentleman from California (Mr. ROHRABACHER) for bringing this matter to the body's attention and for recognizing that the 25th anniversary of the fall of Saigon was an important time to focus the American attention on what we were fighting for and to also recognize the contributions of so many men and women among our countrymen who made tremendous sacrifices in that war and I imagine with the hope that some impact might prevail in Vietnam, as well.

I also, once again, want to thank the distinguished gentleman from California (Mr. LANTOS), the ranking minority member of the subcommittee, for his cooperation and his assistance in bringing this legislation to the floor.

We were happy to work with the gentleman from California (Mr. ROHRABACHER) on any kind of perfecting amendments, but his legislation is very timely and was very well crafted to begin with.

Certainly it is appropriate to express concerns about the continuing human rights violations and the political repression in the Socialist Republic of Vietnam.

Even as the United States moves forward in establishing relations with Vietnam, which this Member supports, we should be mindful that serious human rights concerns do remain.

Indeed, in the 25 years since the end of the war, regretfully this Member must say flatly that there has been no discernible progress, no discernible progress, towards representative government or basic democratic freedom in Vietnam.

The Vietnamese Constitution enshrines the principle of one-party communist rule. Political dissidents are routinely harassed or arrested for attempting to exercise their fundamental human rights, such as freedom of speech and association.

The Vietnamese Government also continues to restrict unregistered religious activities and to persecute citizens on the basis of their religious affiliations. Vietnam can be said to be an equal opportunity oppressor of religious freedoms as Buddhists, Christians, and over groups also suffer to some extent from Government harassment and repression.

The Government has also refused to allow human rights groups and the U.N. special rapporteur on religious intolerance unfettered access to investigate allegations of religious oppression.

This resolution urges the Government of Vietnam to release religious and political prisoners and cease harassment of those exercising their legitimate rights to allow basic freedoms, such as freedom of speech and association, and to commit to a framework and a timetable for open and fair elections.

It is time that the Vietnamese Government realizes that one-party communist regimes have no place in the modern world. It is time that the talented, hard-working, and energetic people of Vietnam enjoy their rights to fundamental religious, economic, and political freedom.

Mr. Speaker, a few minutes ago the gentleman from California (Mr. ROHRABACHER) referred to comments recently made by the senior senator from Arizona, Senator MCCAIN, who said the wrong side won.

Well, I would also like to reference the senior Senator from my home State of Nebraska, a member of the opposite party, Senator ROBERT KERREY, who is a courageous, distinguished American who won the Congressional Medal of Honor in Vietnam and who lost part of his leg in the process. He came home and protested the way the war was being conducted.

But this past weekend, in the major papers of our State, he had an opinion piece; and he said, I was fighting and we were fighting on the right side. Upon reflection, upon visitation to Vietnam and to Southeast Asia, I understand what we were doing there was appropriate.

I want and will include that as a matter of the RECORD. It is an outstanding reflection upon his service in Vietnam and also his reflection upon service in the Congress of the United States as he prepares to retire from the other body.

Mr. Speaker, this resolution attempts to send a clear message to the Vietnam regime about the need for fundamental reforms. This Member urges his colleagues to support strongly H. Con. Res. 295.

Mr. Speaker, I include the following article authored by Senator KERREY for the RECORD:

VIETNAM: 25 YEARS LATER; IN HINDSIGHT, A JUST CAUSE

(By Bob Kerrey)

Today we mark the 25th anniversary of the fall of Saigon, the day Americans witnessed the end of a war in which our enemy emerged victorious and our ally defeated. For many years afterward, Americans buried this experience and turned their backs on the problems of Southeast Asia. Anger and self-absorption dominated the debates that occasionally occurred about what went wrong.

In the past 10 years, anger and self-absorption have been replaced with active, optimistic policies. In Southeast Asia, we have seen impressive successes. Beginning with President Bush's initiatives to bring peace to Cambodia and continuing with President Clinton's initiatives to normalize relations with Vietnam, we have started to return with an American spirit that advances the cause of freedom.

No doubt the war affected America, but it wasn't our worst war-connected failure. The most difficult war of the last century was not Vietnam; it was World War I. In 1943, the year I was born, veterans of the Great War were remembering the 25th anniversary of their armistice while their sons were fighting in Italy and the Pacific against enemies whose military strength was ignored on account of the bitter memories of the failures of the first World War. So, as I remember April 30, 1975, I will also remember Nov. 11, 1918, and what happened when America isolated itself from the world. But I will also remember the pride I felt when I sat in joint sessions of Congress listening to Vaclav Havel, Kim Dae Jung, Lech Walesa and Nelson Mandela thank Americans for the sacrifices they made on behalf of their freedom.

The famous photo of South Vietnamese ascending a stairway to a helicopter on the roof of our Saigon embassy represents both our shame and our honor. The shame is that we, in the end, turned our back on Vietnam and on the sacrifice of more than 55,000 Americans. We succumbed to fatigue and self-doubt, we reneged on the promise we had made to support the South Vietnamese, and the communists were able to defeat our allies. The honor is that during the fall of Saigon we rescued tens of thousands of our South Vietnamese friends, and in the years following we welcomed over a million more Vietnamese to our shores.

For a young, college-educated son of the clean, optimistic American heartland, the war taught some valuable lessons. My trip to Vietnam gave me a sense of the immense size and variety of our world. I was also awed by something that still moves me: That Americans would risk their lives for the freedom of another people. At the Philadelphia Naval Hospital, I learned that everyone needs America's generosity—even me.

During the war, I knew the fight for freedom was the core reason for our being in Vietnam. But after the war, as I learned more about our government's decision-making in the war years, I became angry. I was angry at the failure of our leaders to tell the truth about what was happening in Vietnam. I was angry at their ignorance about the motives of our North Vietnamese adversaries and the history of Vietnam. Our leaders didn't seem to understand the depth of commitment of our adversaries to creating their version of an independent Vietnam. I particularly detested President Nixon for his duplicity in campaigning on a promise to end the war, and then, once in office, broadening the war to Cambodia. But time has taught me the sterility of anger. So, as I recently told former Secretary of Defense Robert McNamara, I forgive our leaders of the Vietnam period.

I am able to forgive, not out of any great generosity of mine, but because the passage of time and the actions of the communist government of Vietnam have proven to me we were fighting on the right side. In their harsh treatment of the Vietnamese people, in denying them medicine and essential consumer goods, and in persecuting religious practice, the Vietnamese communists in the post-war years proved themselves to be communists. The most eloquent comment on life under Ho Chi Minh's heirs was the flight of millions of Vietnamese who risked death on the high seas rather than live under that regime. If there was to be a trial to determine if the Vietnam War was worth fighting, I would call the Boat People as my only witness.

Was the war a mistake, or was it worth the effort and sacrifice? Everyone touched by it must answer that question for themselves. When I came home in 1969 and for many years afterward, I did not believe it was. Today, with the passage of time and the experience of seeing both the benefits of freedom won by our sacrifice and the human destruction done by dictatorships, I believe the cause was just and the sacrifice not in vain.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from New Jersey (Mr. SMITH) who is the chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, let me just begin by thanking the gentleman from California (Mr. ROHRABACHER) for his excellent piece of legislation, which tells the truth about the ongoing repression in Vietnam.

Today, Mr. Speaker, I want to share some observations from a human rights fact-finding mission I made in December to Saigon. The principal purpose of the trip was to inspect the new refugee processing program, which, as most of my colleagues know, has recently moved from Bangkok to our new U.S. Consulate in Saigon.

As I think many of my colleagues know as well, I am very pleased to have been the sponsor, the prime author, of comprehensive foreign policy legislation, the Foreign Relations Authorization Act for Fiscal Year 2000 and 2001, which became law last November.

That bill provided for an extension of the McCain amendment on Vietnamese refugee children through fiscal year 2001, along with an expansion of the amendment to cover the so-called coresidency cases.

The new law also included very important language making clear that our refugee programs in Vietnam should be far more than a token effort. We made that clear in all kinds of cases. For example, with the Montagnards who were turned down because they kept fighting the Communists after 1975, with reeducation camp survivors whose refugee applications were denied because they were afraid to talk in front of government-hired interpreters, with former U.S. Government employees who were turned down for no good reason at all, and with people who have suffered recent persecution for their political or religious beliefs, we need to be far more generous than we have been in the past.

It is too early, Mr. Speaker, to know whether or not our Saigon refugee program will live up to those expectations, which is the clear meaning and intent of the law. But I promise, as chairman of the Subcommittee on International Operations and Human Rights, to keep my eye on the ball and to keep pushing hard for it.

In addition to focusing on the refugee programs, Mr. Speaker, we also focused heavily on the human rights issues, democracy, and transparency in Vietnam, which we have also done in our subcommittee over the last several years.

I met with Dr. Nguyen Dan Que, who—like the great Professor Hoat, who is now in this country—is a courageous and brilliant former prisoner of conscience. He is now under virtual house arrest, however, in Saigon. His phone is tapped. His Internet connections have been cut off. He and members of his family are followed wherever they go.

Notwithstanding the fact that I had a Government thug following me wherever I went, Dr. Que invited us into his home and gave us a fascinating lecture on the future prospects for reform and democracy in Vietnam.

He explained, for example, that the principal contradiction in Vietnamese society is not between North and South, not between traditionalism and modernity, but between the Politburo and everybody else in the country.

We also met with religious leaders, including Archbishop Man, Father Chan Tin, and members of the Hoa Hao Buddhist Church. And we met with Montagnard students, some of whom are Protestants who have been forbidden to have prayer meetings in their country.

Unfortunately, on the advice of Ambassador Peterson, we were unable to meet with the leaders of the Unified Buddhist Church, who have come in for some of the most brutal treatment of all. The ambassador felt the time was not right. The next trip, I can assure my colleagues, we will meet with them. But we have continued to raise their issues, as well.

One thing that was very clear from all of our conversations with human rights advocates, religious figures, and ordinary Vietnamese was that international pressure does indeed work.

For example, Dr. Que pointed out that while trade may bring some reforms to Vietnam, these reforms will come quicker if the United States strongly uses each economic concession, especially the prospect of a bilateral trade agreement, as leverage to require immediate progress on human rights.

If anyone doubts that economic leverage works to change the behavior of the Vietnamese Government, these doubts should be resolved by the experience of the ROVR program.

In mid-1996, the Vietnamese Government promised that if the 20,000 or so people who were eligible for ROVR would return to Vietnam, the U.S. would be able to interview them for refugee resettlement in the U.S.

Eighteen months after making this promise, the Vietnamese Government had let us interview only a few hundred of the 20,000 people. But when it was made clear to them that they would not get a waiver of the Jackson-Vanik amendment, which would be necessary to allow subsidized loans under the U.S. Export-Import and OPIC programs, they allowed us to start interviewing people almost immediately.

We eventually got 18,000 people to freedom under the ROVR program. So linkage to economic issues does work.

Let me also focus on a couple of human rights issues. As the gentleman from California (Mr. LANTOS) said so eloquently, the Vietnamese Government must stop imprisoning people for their political or religious beliefs. They must release all prisoners of conscience that they currently hold.

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Hanoi insists that it has no political or religious prisoners, only ordinary law breakers. When visiting, American delegations like my own point out that these law breakers include Catholic priests and Buddhist monks. When we raise these issues, they say that these people have been imprisoned for such crimes as activities to overthrow the government, which is utter nonsense, or using freedom and democracy to injure the national unity, whatever that means.

Vietnamese officials cheerfully remind visitors that they have a "different system." They need to be persuaded that if they are going to do business with us they have to abide by internationally recognized norms regarding human rights.

The Vietnamese government must eliminate other gross human rights violations such as its two-child-per-couple policy, which deprives the parents of unauthorized children of employment and other government benefits.

It must grant workers the right to organize independent trade unions and stop the practice of forced labor. It has to stop jamming Radio Free Asia, which tries to bring the Vietnamese people the kind of broadcasting they would provide for themselves if their government would allow freedom of expression.

Mr. Speaker, I would submit for the RECORD an excellent article written by Le Van Tien on "Vietnam's Failed Revolution." It was in the Asian Wall Street Journal on April 28, 2000.

[From the Wall Street Journal, Fri., Apr. 28, 2000]

Vietnam's Failed Revolution . . .

(By Le Van Tien)

We are marching to Saigon.
We are entering the city.
We are liberating the South.

This was the song I heard the National Liberation Front soldiers singing as they marched behind the North Vietnamese tanks that rolled into Saigon on April 30, 1975. Later the lyrics were taught to children, who sang them enthusiastically enough. Say what you will about the Communists, they have always understood that children love parades.

In the years just after the unification of Vietnam, even as many South Vietnamese were either fleeing in boats or being sent to prison or "re-education," others—particularly young people—were willing to join the Communists in efforts to rebuild the country. Many were even willing to fight and die in the wars against Cambodia and China.

Yet 25 years later most of the survivors can barely remember the songs they used to sing about the revolution. For those of us who were imprisoned or forced into exile, it is tempting to judge the revolution by our own standards. It is more instructive, however, to judge a movement by the extent to which it has met its own goals. Life in Vietnam has indeed changed in many ways since 1975, but not in any of the ways promised by the revolution.

Vietnam was never a rich country, but now it is one of the poorest in the world, with a per capita GDP of about $300. Teachers make $20 per month, construction workers about $30, medical doctors $35. Of the 37 million working-age Vietnamese, only 7 million have stable jobs, almost all in government or in state-owned enterprises. The remaining 30 million are seasonal workers employed for 200 days or less per years.

Almost everyone in Vietnam is struggling for survival day by day, and almost everyone blames the government—especially corruption in government. It is no accident that people in rural areas are the poorest of all (according to the World Bank, about 45% of Vietnamese farmers live below the poverty line) because these are the areas where government is most corrupt and has the greatest power over people's lives.

Despite the harsh measures taken by the Vietnamese government against those who openly express their displeasure with government policies, there have been periodic demonstrations and even uprisings among rural people protesting corruption and oppression.

In 1989, several hundred people from villages in the Mekong Delta traveled to Saigon, now called Ho Chi Minh City, to demand improved conditions in the countryside. These demonstrations were partly motivated by resentment at continued North Vietnamese domination of the South, but in the early 1990s there were riots in three provinces in Central Vietnam, in an area known as the "cradle of the revolution."

These events culminated in 1997 in Thai Binh, a northern province noted for the unusually high percentage of enthusiastic Communists among its people, in which thousands of peasants and farmers detained armed public security officers and demanded an end to confiscatory taxes, corruption, and other official abuses. Even a group of high-ranking Army officers from Thai Binh openly announced that "the Communist party has succeeded in abolishing the old regime in which man exploited man, only to replace it with a regime in which the Party itself exploits the people." Many of the Thai Binh demonstrators were sent to prison or re-education, but the government also dismissed about 50 officials including the head of the provincial People's Committee.

The poor living conditions of the farmers and the working class contrast sharply with the lifestyle of many Communist cadres, government officials, and executives in state-owned enterprises. They can afford conspicuous consumption not because of their salaries, but because of their far larger income from official corruption. In recent years, the government itself has recognized that corruption is at the heart of its problems, strangling the economy and scaring away foreign investors.

In mid-1999 General Secretary Le Kha Phieu announced a two-year campaign of "self-criticism." The campaign is intended to end bribery, extortion, smuggling, and other corrupt practices, in order to win the confidence of the people and also of foreign investors. These investors were initially attracted by the official policies of economic "renovation" and "openness" announced in the early 1990s, but they have been discouraged not only by the burdens of corruption and hyperregulation, but also by the consequent decline in economic growth rates from about 8% annually to just over 4%. Most ominously, many are frighted by the prospect of political instability as a consequence of the steady erosion of the government's legitimacy.

The Vietnamese government seems to understand that it is in danger of losing its grip on power. It has been quietly advised by scholars, international financial institutions and representatives of other governments that it must act to regain the trust of the Vietnamese people. The most obvious way to do this would be through a campaign of renovation and openness extending beyond the economic sphere to include freedom of expression, religion, and the press as well as steps toward more representative government.

Party leaders, however, regard these freedoms as an even greater threat to their power than the current popular dissatisfaction with government. In August 1999, at the closing session of the Seventh Communist Party Plenum, General Secretary Le Kha Phieu stated that "there will be no sharing of power. The Communists will hold firmly to leadership. Any request for democracy, freedom, human rights, or 'peaceful evolution,' is a conspiracy by the enemy forces to erase the socialist regime in Vietnam."

This injunction has manifested itself in strong measures by local authorities throughout the country against actions suspected to be harmful to internal stability and order. Most recently, a number of Hoa Hao Buddhists were imprisoned for participating in a ceremony to commemorate the 53rd anniversary of the disappearance of their founder.

Father Chan Tin, an outspoken Roman Catholic priest and human rights advocate, was recently "tried" in absentia at public meeting organized by the People's Committee in the district where his church is located. Father Tin was charged with such crimes as "seeking to abolish the leadership of the Communist Party" and "destroying the solidarity between religions and the state." And the principal leaders of the Unified Buddhist Church of Vietnam, the country's largest religious denomination, remain under virtual house arrest.

The government also recently arrested, searched, and deported French reporter Sylvaine Pasquier, who was apprehended outside the house of former political prisoner Nguyen Dan Que, whom she was attempting to interview. Ms. Pasquier reports that at one point her interrogator made a gesture to simulate a gun at her head and said she could put heroin in her purse and condemn her as a drug smuggler.

Next month Mr. Phieu will make an official visit to France at the invitation of President Chirac—the first visit to a democratic country by a General Secretary of the Vietnamese Communist Party since Ho Chi Minh visited France in 1946. The Phieu visit was arranged with the help of the French Communist Party, which recently announced its determination to "rejuvenate the spirit of communism" as a movement committed to "return political power to the individual citizen."

Perhaps Mr. Phieu and his colleagues in the Vietnamese Communist Party will come to share the insight of their French comrades that Communism can only survive by finding a way to coexist with democracy and individual freedom. If not—if they keep trying to cure the consequences of Stalinism with more Stalinism—it is hard to imagine that anyone will be singing songs about the revolution in another 25 years.

Mr. Speaker, I want to salute the gentleman from California (Mr. ROHRABACHER) for this excellent resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his supportive comments.

Mr. Speaker, I yield the balance of the time to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. GILMAN), for yielding me this time.

Mr. Speaker, I rise to support H. Con. Res. 295 relating to continuing human rights violations and political oppression in the socialist Republic of Vietnam, 25 years after the fall of South Vietnam to Communist forces.

This past weekend, April 30, marked the fall of Saigon, which ended the Vietnam war 25 years ago. There were a series of events held across America, including in my district in Northern Virginia, to commemorate this tragic event in history.

Vietnamese Americans from the Washington, DC, metropolitan area gathered this past weekend to honor the fallen heroes who sacrificed their lives in the name of freedom. In addition, they staged an all-night candlelight vigil, a flag ceremony, and a peaceful demonstration to keep the hope and flame of democracy alive for those still living in the socialist Republic of Vietnam.

The Vietnam war took its toll on American families sending fathers, brothers, husbands, and uncles thousands of miles away to the jungles of Vietnam to fight the enemy they could never face. We must never forget that over 58,000 Americans and over 300,000 South Vietnamese soldiers lost their lives defending and protecting fundamental ideals, such as freedom of speech, freedom of religion, and free and open elections.

Their noble sacrifices should serve as a reminder that the Vietnam war was fought on the principles and values of democracy.

H. Con. Res. 295 is a timely resolution which reiterates America's commitment to political, religious, and economic freedom for the citizens of the socialist Republic of Vietnam.

Furthermore, this resolution urges the government to release all political and religious prisoners and prisoners of conscience; to allow their citizens the right to freedom of speech, freedom of association, freedom of the press and freedom of religious worship, and more importantly to formally commit to a framework and timetable for open and fair elections.

Finally, H. Con. Res. 295 recognizes and commends the Vietnamese American community for initiating an international memorial to American and South Vietnamese soldiers who gave their lives for the cause of freedom during the Vietnam war, which will be located in Westminster, California.

I urge my colleagues to support H. Con. Res. 295 to honor all those who valiantly fought during the Vietnam war and to commemorate the fall of Saigon.

I commend the gentleman from California and his staff for their hard work to bring to our attention this important issue.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 295, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS ON INTERNATIONAL RECOGNITION OF ISRAEL'S MAGEN DAVID ADOM SOCIETY AND ITS SYMBOL THE RED SHIELD OF DAVID

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 464) expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David.

The Clerk read as follows:

H. RES. 464

Whereas Israel's Magen David Adom Society has provided emergency relief to people in many countries in times of need, pain, and suffering since 1930, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable services in Kosovo, Indonesia, and Kenya following the bombing of the United States Embassy in Kenya, and in the wake of the earthquakes that devastated Greece and Turkey;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Committee of the Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protected symbols under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions" and it "may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949; and

Whereas in fiscal year 1999 the United States Government provided $119,400,000 to the International Committee of the Red Cross and $7,300,000 to the Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

Resolved, That—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Committee of the Red Cross and Red Crescent Movement;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross; and

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 464, the resolution being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. GILMAN. Mr. Speaker, today we are calling up for the consideration of the House, H. Res. 464, expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David, which I introduced along with the ranking member of our Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON).

This measure reaffirms our support for justice and inclusiveness in the International Red Cross movement. Resolution 464 lends our support to the efforts of the Magen David Society and strongly encourages its acceptance as a full member into the international governing body of the International Committee of the Red Cross, the ICRC.

The Magen David Society is equivalent to our own American Red Cross. It has served countless citizens of nations in need for over 70 years. It might come as a shock to some that while the national organizations of countries such as Iraq, Libya and North Korea are all members of the International Conference of the Red Cross and the Red Crescent, the Magen David Society, though, has been left out. The Magen David Society has fulfilled its criteria for full membership, has requested membership and recognition of the Shield of David as their symbol. The American Red Cross has repeatedly sought to have the Magen David Society admitted as part of the International Red Cross and the Red Crescent Movement but has so far been thwarted by the political prejudices of a small number of its member nations and others that raise what I believe to be spurious issues concerning the adoption of another emblem, the Red Shield of David, into the movement.

Congress in 1987 affirmed its support for the Magen David Society requesting that they be admitted as full members. After 13 years, 13 long years, the ICRC is still dragging its feet on this issue, and the Israeli Magen David Adom Society remains the victim of politics. We must reinforce our support for this praiseworthy organization by passing this resolution, H. Res. 464, and letting other members of the International Red Cross and Red Crescent Movement know that we do not look favorably on this kind of bias and hypocrisy.

A working group charged with resolving this issue has recently decided to call later this year a diplomatic conference of all the signatories of the Geneva Conventions, as well as representatives of each of the International Red Cross and Red Crescent Societies. That diplomatic conference will decide whether the Magen David Adom Society will be admitted to the International Movement of the Red Cross and Red Crescent and whether its emblem, the Red Shield of David, will be accorded the same protections under international law as the Red Cross and Red Crescent.

By adopting this resolution today, the House will put all the participants of that diplomatic conference on notice that this is a matter we take seriously, that it must be resolved fairly and in conformity with the principles of the Red Cross and the Red Crescent Movement.

Accordingly, Mr. Speaker, I urge my colleagues to join with us in adopting H. Res. 464.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, let me join with my colleague, the gentleman from New York (Mr. GILMAN), in his remarks. In somewhat a stunning occurrence over the last 20 years or so, the International Red Cross has argued that the religious symbols they have, the Red Cross and the Red Crescent, are not religious, but the religious symbol that Israel uses somehow is religious.

Frankly, it always astounded me that year after year we would hear from the Red Cross annually that the Magen David was a separate category. One does not want to jump to the conclusions that somehow prejudice has saturated their thinking, but it was very difficult to come to any other conclusion.

Well, after almost 20 years of contact with them on this issue I am frankly heartened that the present leadership of the Red Cross recognizes there needs to be a solution. It has taken all too long. The Magen David Adom has participated in International Red Cross humanitarian crises in Indonesia, in Kosovo, in Greece, in Turkey, in Kenya where the American Embassy in Nairobi was attacked. It has been in operation since the 1930s. It functions with the International Red Cross and Red Crescent in every way, except for official recognition.

It seems to me, as we enter this second millennium, that it is long overdue for the Red Cross to accept what is the American proposal to include the Magen David Adom in these international organizations and to stop what has been, frankly, a bad reflection on what is a great international organization, an international organization that has done so much to save people, to stop suffering, to help people in crisis, to have them continue to battle over what is clearly a prejudice that even they are having a hard time now defending. It is long overdue. I commend the chairman for his efforts.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Connecticut (Mr. GEJDENSON), for yielding me this time.

Mr. Speaker, I want to commend the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for introducing this legislation. I want to commend the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for supporting it.

Mr. Speaker, earlier this year in January several of us visited the headquarters of the International Red

Cross, and we had extended discussions with the top leaders of this very fine organization concerning the issue we are debating this morning.

While I must say I am deeply impressed by the work of the International Red Cross, I was appalled by the failure of the leadership in Geneva to take decisive action to put an end to this outrageous form of discrimination.

The International Red Cross and Red Crescent have been doing an outstanding job and Israel's parallel organization, the International Magen David Adom, has been there helping in every single international crisis. They were in the front lines of the humanitarian effort both in East Timor and Indonesia and in the tragic bloody crisis of Kosovo. They were among the very first groups to arrive, both in Greece and Turkey, in the wake of the earthquake, and, of course, they stood shoulder to shoulder with us to save American and Kenyan lives following the outrageous bombing of the U.S. Embassy in Nairobi.

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I particularly want to commend the Chairman of the American Red Cross, Dr. Bernadine Healy, for proposing that we withhold any dues to the International Red Cross until this singularly appalling form of discrimination is terminated. I strongly support her posture, as I am sure all of my colleagues in this body and in the other body do.

The Red Cross is doing an outstanding job. It should not besmirch its reputation internationally by being part and parcel of an appalling medieval discriminatory measure. The time is long overdue to put an end to this practice and to recognize Magen David Adom as a full-fledged member of the International Society of the Red Cross.

Mr. Speaker, I again want to commend my colleagues for introducing this resolution.

Mr. GEJDENSON. Mr. Speaker, it is a privilege to yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am here today to express my strong and full support for House Resolution 464, and I do want to acknowledge the tremendous work of our chairman, the gentleman from New York (Mr. GILMAN), and our ranking member, the gentleman from Connecticut (Mr. GEJDENSON).

Mr. Speaker, what is wrong with the following picture: Many of the nations of the world have what are called Red Cross societies, or societies that provide emergency humanitarian relief, not only to their own people, but to other nations when there are tragedies that occur around the world. There is the International Red Cross, with a red cross as its symbol; there is the International Red Crescent in Arab lands with the red crescent as their symbol. The state of Israel has its own version of the Red Cross, which, as my colleagues have said, provides emergency humanitarian relief all over the world, in Europe, Africa, Asia, all over the world, and their symbol in Israel is the Red Star of David.

What is wrong with this picture? Well, the International Red Cross Societies and the International Red Crescent Societies refuse to permit Israel's Red Cross, the Magen David Adom Society, to be admitted into the International Society of Red Cross and Red Crescents. They refuse to acknowledge the legitimacy of that Israeli Red Cross Society, and they refuse particularly to consider including Israel's Red Star of David, which its ambulances and emergency humanitarian vehicles fly overhead, like the Red Cross and the Red Crescent Societies. We are in the year 2000, Mr. Speaker, and this kind of blatant prejudice still exists.

What should we do as American legislators and as American citizens? The U.S. Government provides to the International Red Cross $119 million a year. The U.S. Government provides to the Federation of Red Cross and Red Crescent Societies over $7 million a year, those same organizations that refuse to allow the inclusion of Israel's Red Cross, the Magen David Adom Society, which has been providing emergency services around the world, obviously, without regard to race, religion, or nationality since the 1930s.

What should we do? Our own American Red Cross says it is one of the greatest acts of injustice, that the International Red Cross and Red Crescent Societies will not admit Israel's Red Cross Society, the Magen David Adom Society, and refuses to accept the legitimacy of the Red Star of David. Hypocrisy? Injustice? Obviously.

So I urge my colleagues in the House and my friends around the country to speak loudly about this act of injustice, and, hopefully, through the work of the gentleman from New York (Chairman GILMAN) and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON) and our other members on the Committee on International Relations, finally the International Red Cross and International Red Crescent Societies will do what is right now in the year 2000, and admit the Red Star of David, which has flown over so many tragedies, lending helping hands to peoples all over the world for the last 70 years, to be included in the family of those who wish to help others in need.

Mr. GEJDENSON. Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in support of H. Res. 464 which urges the International Committee of the Red Cross (ICRC) and the Federation of Red Cross and Red Crescent Societies to fully recognize the Magen David Adom, Israel's counterpart to the American Red Cross, as a member. I am pleased that the President of the International Committee of the Red Cross, Dr. Jakob Kellenberger, has made membership of the Magen David Adom a priority this year. However, the Magen David Adom has been kept waiting for more than fifty years for full membership. It is imperative that the ICRC recognize the Magen David Adom immediately and not further delay the process. This could be done most easily by applying the American Red Cross' solution: to "grandfather" the Magen David Adom into the ICRC since it has met all necessary conditions to become a national society.

I would like to commend the American Red Cross and Dr. Bernadine Healy for their support and commitment to ensuring full membership for the Magen David Adom. Furthermore, Chairman GILMAN and Ranking Member GEJDENSON also deserve recognition for their leadership on this issue.

I hope my colleagues will join me in voting for this resolution.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 5, 2000.

Dr. JAKOB KELLENBERGER,
President, International Committee of the Red Cross, Geneva, Switzerland.

DEAR DR. KELLENBERGER: We are writing to urge the International Committee of the Red Cross and the Federation of the Red Cross and Red Crescent Societies to recognize the Magen David Adom (MDA) as a full member as expeditiously as possible.

As you know, the MDA was founded in 1930 and is the national humanitarian society in the state of Israel. The MDA is the Israeli counterpart to the American Red Cross and carries out all of the traditional roles of a voluntary medical aid society including emergency medical services, maintenance of blood supplies, first aid, and disaster relief. Unfortunately, despite its dedicated humanitarian relief efforts around the world, MDA has not yet been recognized as a full member of the International Red Cross and Red Crescent Movement.

The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent Societies have equal status. However, MDA is in a decidedly unequal position. The Magen David Adom Society is excluded from full membership in the International Committee of the Red Cross and Red Crescent Movement solely because the Red Shield of David, the organization's emblem, is not an official emblem recognized by either the Geneva Conventions governing the International Red Cross and Red Crescent Movement or the Statutes of the International Red Cross and Red Crescent Movement.

While other countries utilize the red cross or the red crescent as emblems of their national humanitarian societies, we respect the decision of MDA in Israel, a Jewish state, to maintain the 70-year tradition of using the Red Shield of David as its emblem. With peace slowly but surely coming to the Middle East and Israel developing progressively more relations with its neighbors, it is time that the ICRC recognize the Magen David Adom as a full member, and the Federation grant it membership.

As you are likely aware, the US House of Representatives passed an amendment last year which expressed the sense of the Congress that the MDA should be recognized as a full member of the International Red Cross and Red Crescent Movement. Congress may consider additional legislation this year about MDA's exclusion from your organization.

We understand that there have been recent meetings between you and the government of Israel which have brought the two sides closer to a resolution. While we are encouraged by the new positive atmosphere, we will be monitoring this situation closely until the MDA is fully recognized by the ICRC and the Federation.

Sincerely,

Eliot L. Engel; Constance A. Morella; Stephen Horn; Jerrold Nadler; Rush D. Holt; Dana Rohrabacher; John M. Spratt, Jr.; Anthony D. Weiner; James E. Rogan; Henry A. Waxman; Joseph Crowley; Tim Holden; Christopher Shays; Nita M. Lowey; Benjamin A. Gilman; Steven R. Rothman; Tom Lantos; Peter Deutsch; Sam Gejdenson; John F. Tierney; Howard L. Berman; John Lewis; Sander M. Levin; Sherrod Brown; Charles B. Rangel; Juanita Millender-McDonald; Gary L. Ackerman; James H. Maloney; Edward J. Markey; Robert Wexler; Carolyn B. Maloney; Janice D. Schakowsky.

Mr. CROWLEY. Mr. Speaker, I speak today in strong support of House Resolution 464 to urge the International Committee of the Red Cross and the Federation of the Red Cross and Red Crescent Societies to formally recognize its Israeli counterpart, the Magen David Adom (MDA) as a full member.

Unfortunately, international bias against the State of Israel still exists today. While the Israeli people have taken tremendous risks in negotiating peace with their Arab neighbors and promoting normalized relations with all nations, anti-Israel sentiment in international organizations still prevails.

The reluctance of the International Red Cross and Red Crescent Movement to provide recognition to the Magen David Adom is just another manifestation of this attitude.

The Magen David Adom not only provides important services in the State of Israel but also works internationally alongside other humanitarian relief organizations providing invaluable emergency aid to people in many countries, regardless of nationality or religious affiliation.

Israel's recent response to the tragic earthquake in Turkey underlines that the Magen David Adom is an important member of the worldwide humanitarian community.

I am proud to be a cosponsor of this important resolution.

Mr. Speaker, the House International Relations Committee on which I am privileged to serve, unanimously supported this resolution and I urge my fellow Members to give this legislation the same overwhelming support on the floor today and send a strong message that the United States will not accept discrimination against the State of Israel.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 464.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING CONDEMNATION OF CONTINUED HUMAN RIGHTS VIOLATIONS IN REPUBLIC OF BELARUS AND CALLING ON RUSSIAN FEDERATION TO RESPECT SOVEREIGNTY OF BELARUS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusan people, and calling on the Russian Federation to respect the sovereignty of Belarus.

The Clerk read as follows:

H. CON. RES. 304

Whereas the United States has a vital interest in the promotion of democracy abroad and supports democracy and economic development in the Republic of Belarus;

Whereas in the Fall of 1996, Belarusian President Alyaksandr Lukashenka devised a controversial referendum to impose a new constitution on Belarus and abolish the Parliament, the 13th Supreme Soviet, replacing it with a rubber-stamp legislature;

Whereas President Lukashenka organized a referendum in violation of the 1994 Belarusian Constitution, which illegally extended his term of office to 2001;

Whereas Lukashenka's legal term in office expired in July 1999;

Whereas Belarus has effectively become an authoritarian police state, where human rights are routinely violated;

Whereas Belarusian economic development is stagnant and living conditions are deplorable;

Whereas in May 1999, the Belarusian opposition challenged Lukashenka's unconstitutional lengthening of his term by staging alternative presidential elections, unleashing the government crackdown;

Whereas the leader of the opposition, Semyon Sharetsky, was forced to flee Belarus to the neighboring Baltic state of the Republic of Lithuania in fear for his life;

Whereas several leaders of the opposition, including Viktor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka have disappeared;

Whereas the Belarusian regime harasses and persecutes the independent media and works to actively suppress freedom of speech;

Whereas former Prime Minister Mikhail Chygir, who was a candidate in the opposition's alternative presidential elections in May 1999, was held in pretrial detention on trumped up charges from April through November 1999;

Whereas the Lukashenka regime provoked the clashes between riot police and demonstrators at the October 17, 1999, "Freedom March", which resulted in injuries to demonstrators and scores of illegal arrests;

Whereas hundreds of peaceful demonstrators and over thirty journalists were arrested during a March 25, 2000, pro-democracy rally in Miensk, once again illustrating the Lukashenka regime's disregard for freedom of assembly, association, and information;

Whereas the Lukashenka regime has refused to engage in meaningful dialogue with the opposition and has used the tactics of delay and obfuscation in disregarding the Organization for Security and Cooperation in Europe (OSCE)-mediated dialogue process;

Whereas genuine dialogue with the opposition and legitimate, free and fair elections cannot take place in the present climate of repression and fear existing in Belarus;

Whereas on April 3, 1996, Russian Federation President Boris Yeltsin and President Lukashenka signed an agreement to form a Union State of Russia and Belarus;

Whereas there have been credible press reports that the Government of the Russian Federation has been providing assistance to the Lukashenka regime since the signing of the agreement to form a Union State, such as official Russian Federation Government credits, uncollected customs duties, assistance for export sales of Belarusian arms and joint manufacturing of arms, and reduced prices for energy supplies;

Whereas there has been a credible estimate cited in press reports that Russian Federation economic subsidies to Belarus reached $1,500,000,000 to $2,000,000,000 in 1996 and 1997 alone, enabling the Lukashenka regime to maintain a large police force and state control of the economy;

Whereas the Union Treaty, signed on December 8, 1999, by Belarus and the Russian Federation, undermines Belarus sovereignty and the prospect of democracy;

Whereas the Consultative Council of Belarusian opposition parties appealed to the Government of the Russian Federation, the State Duma, and the Federation Council calling for a cessation of support for the Lukashenka regime;

Whereas the former Chairmen of the Belarusian Supreme Soviet, Stanislav Shushkevich and Semyon Sharetsky, have stated that economic support from the Russian Federation has been crucial to the survival of the Lukashenka regime;

Whereas a Union Treaty between the Russian Federation and Belarus was ratified by the Russian Parliament and the illegitimate parliament of Belarus;

Whereas the Union Treaty between the Russian Federation and the Lukashenka regime violates Russian Federation Government respect for the sovereignty of Belarus per the memorandum on security guarantees signed by Russian Federation President Boris Yeltsin at the December 1994 Summit of Organization for Security and Cooperation in Europe Heads of State in Budapest, Hungary; and

Whereas the introduction of any nuclear weapons on the territory of Belarus, a declared non-nuclear state under the Treaty on the Non-Proliferation of Nuclear Weapons, would be a violation of Belarus's obligations under that Treaty: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns continued egregious violations of human rights by President Alyaksandr Lukashenka's regime in the Republic of Belarus;

(2) further condemns the Lukashenka regime's conviction and sentencing of Andrei Klimov, Vasiliy Leonov, and Vladimir Koudinov on politically motivated charges and urges their release;

(3) is gravely concerned about the disappearances of Viktor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka and calls on the Lukashenka regime to ensure a full and timely investigation of these cases;

(4) calls for immediate dialogue between the Lukashenka regime and the opposition and the restoration of a democratically elected government in Belarus;

(5) urges the Lukashenka regime to respect and ensure the human rights of all Belarusian citizens, including those members of the opposition who are currently being illegally detained in violation of their constitutional rights and further urges the regime to respect the rule of law and an independent judiciary;

(6) further urges Lukashenka to hold legitimate, free and fair parliamentary elections in accordance with Organization for Security and Cooperation in Europe (OSCE) standards;

(7) supports the appeal by the Consultative Council of Belarusian opposition parties to the Government of the Russian Federation, the State Duma, and the Federation Council calling for a cessation of support for the Lukashenka regime;

(8) calls on the international community to support the opposition in Belarus by continuing to meet with the legitimately elected parliament;

(9) supports Belarus's sovereignty, independence, and territorial integrity, as well as its market democratic transformation and integration among the broader trans-Atlantic community of nations;

(10) calls on the President of the United States—

(A) to ensure assistance to and cooperation with Belarusian opposition figures;

(B) to ensure that adequate resources are made available on an urgent basis to support those programs aimed at strengthening independent media, human rights, civil society, independent trade unions, and the democratic opposition in Belarus; and

(C) to support the free flow of information into Belarus;

(11) calls on the President of the United States to raise the issue of financial support provided by the Russian Federation to the Lukashenka regime at the highest levels of the Russian Federation Government;

(12) calls on the President of the United States to urge the Government of the Russian Federation, in accordance with its international commitments, to fully respect the sovereignty of Belarus, particularly in light of the illegitimate nature of the Lukashenka regime; and

(13) calls on the President of the United States to prepare and transmit to the Congress a report on—

(A) the human rights situation, democratic process, elections, independence of the media, and the Lukashenka regime's control of the economy in Belarus;

(B) the steps undertaken by the United States to persuade the Russian Federation Government to end support to the Lukashenka regime in Belarus; and

(C) the status of Russian Federation-Belarus military integration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. Gilman. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res 304.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is extraordinarily important for the people of Belarus, for their liberty and their freedom. I want to thank our ranking minority member on the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON), for introducing this measure which calls it like it really is in Belarus, pointing out quite simply that the regime of Belarusan President Alyaksandr Lukashenka is unconstitutional and illegitimate. It points out that the Lukashenka regime uses the very worst of Soviet-style tactics to repress political opposition and democratic Government and to deny the people of Belarus their fundamental human rights. It points out that the Lukashenka regime is, in short, nothing less than a dictatorship, pure and simple.

Mr. Speaker, I have been pleased to join the ranking member as an original sponsor of this resolution, not just for those important reasons, but because it also points to some very troubling facts with regard to the foreign policy of Belarus' neighbor, Russia.

First, as this measure notes, the Government of Russia has been pursuing a reunification with Belarus and is actively pursuing such reunification just as we speak. Such a reunification is inappropriate and I believe an affront under international law for the following reasons: The president of the Belarusan parliament is an illegitimate one, having been dissolved by the President, and no such negotiations should be conducted with it or, much less, agreements ratified with it.

Any such reunification of results in Russia extending its military nuclear forces to cover Belarus would, I believe, be a violation of Belarus status as a nonnuclear state under the Nuclear Nonproliferation Treaty.

Mr. Speaker, the second important point raised by this resolution regarding Russia is the fact that Russia has been providing considerable financial support, billions of dollars worth of such support, to that dictatorship in Belarus, and at a time when the Russian Government is getting hundreds of millions of dollars in aid from our Nation to pay its costs for reducing its arms under the START-I Treaty, at a time when the Russian Government is seeking billions of dollars in debt forgiveness from foreign Governments, including our own Nation, at a time when the Russian Government has received billions of dollars in loans from international financial institutions, and at a time when our Nation is turning over to the Russian Government hundreds of millions of dollars in monies earned from the sale of donated American food in Russia, it is nothing less than shocking that the Russian Government is spending millions of dollars to support a brutal dictatorship in Belarus and to fight a war in Chechnya that has killed thousands of innocent civilians.

Mr. Speaker, I believe that this resolution should be a wake-up call to our President that now is the time to take action, appropriate action, that Russia cease its support for Lukashenka and his dictatorship. This resolution calls on the President to raise the issue of Russian financial support for the Lukashenka regime and to report to the Congress on the steps undertaken to persuade it to end that kind of support.

Once again, that simply has to come to an end, and our Nation should make it clear that we not going to support further IMF loans, debt forgiveness or other forms of assistance of importance to the Russian Government until it ends this kind of support to Belarus.

Mr. Speaker, let me state in closing that there are some important issues that, regrettably, are not raised in this measure, including the mysterious incident in September 1995, in which a Belarusan helicopter gunship shot down an American hot air balloon involved in an international race, killing two American civilians; Lukashenka's eviction of our American Ambassador from his official residence, in violation of international diplomatic conventions; and, finally, reports that the illegitimate government in Belarus may be engaged in the proliferation of advanced military technology to other such regimes around the world.

This comprehensive resolution does not go into those issues, but, as I have noted, it makes it clear that now is the time to halt Russian support for the Lukashenka dictatorship, and it does indeed do a great service to the repressed people of Belarus simply by stating the obvious, that the government of Belarus is nothing but a dictatorship.

Mr. Speaker, it is time for the Russian Government to cease its financial support for the regime in Minsk, to halt its moves to reunify its government and military with Lukashenka's regime and its Armed Forces, to respect the sovereignty of Belarus, and to join us in sincerely working for the cause of true democracy in that suffering country.

Mr. Speaker, I fully support the passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with my chairman, the gentleman from New York (Mr. GILMAN), in support of this resolution. It was interesting that in less than half an hour on this floor we had over one-quarter of the Members join us as cosponsors of this legislation. If we had spent any time, we would have had virtually every Member joining us.

This resolution may not even be directed at Mr. Lukashenka, because it is clear he is not listening. He is not listening to his own citizens who have experienced some of the worst economic hardship in the former Soviet Union. He is not listening to the international community. His country today is among the most isolated of the former Soviet countries. While many are moving towards democratic institutions and a better standard of living for their citizens, Belarus sadly continues to see both its democratic institutions and its economy deteriorate.

The people of Belarus deserve better. They have suffered so much through World War II in history, as the armies of Germany and Russia pushed back and forth, and you need only go to the capital city of Minsk to see that virtually no buildings remain from the pre-war era.

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So hopefully, those in the government in Belarus who recognize that what Mr. Lukashenka is doing to their country is wrong, is damaging, will join with the opposition, join to bring about change to work out a new democratic agreement to develop a civil society there.

We hope that Mr. Putin and the Russians will put pressure on Belarus to move forward to try to attain democratic institutions and a free economy. It is in Russia's interests to see that its neighbor be developed in a democratic way and have a stronger economy. Russian subsidies of the Lukashenka government and cheap energy will only continue to harm the Russian economy, whereas a strong, independent, democratic and free Belarus would actually help the Russian economy and society.

Mr. Speaker, we have all seen the abuse by the government in Minsk, Mr. Lukashenka's attack on people who want to protest for freedom. He is robbing the political system of the proper election process, and we now hear that he may be involved in illegal arms sales to the government of Saddam Hussein.

Mr. Speaker, every Member of this House who treasures democracy, every one of our allies in the world today recognizes that sadly it is Belarus alone that has the worst of the post-Soviet era, a crumbling economy, a lack of democracy; and the fact that the dialogue continues to deteriorate is a very bad sign there. It will not go unnoticed in this Chamber. It is one place where our European allies stand with us in opposition to the Lukashenka government. We will not end this struggle until the good people of Belarus have their chance at freedom and a better life.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. GILMAN) for their leadership in constructing this resolution condemning violations of human rights and the erosion of democracy in Belarus in calling upon the Lukashenka regime to restore the constitutional rights of the Belarusian people and on the Russian Federation to respect the sovereignty of Belarus.

In March, Mr. Speaker, I chaired a second Helsinki Commission hearing on Belarus which addressed many of the issues that are very importantly highlighted in this resolution. The hearing featured key leaders of Belarus's opposition, including Semyon Sharetsky and two leading State Department officials as well as the person in the OSCE Parliamentary Assembly, Adrian Severin, who was attempting to forge dialogue between the Belarusian authorities and the opposition. This hearing was a follow-up to our April 1999 hearing on Belarus. In the last year our commission has made repeated and consistent intercessions, including through the OSCE, to draw attention to the deplorable situation in Belarus and to encourage the establishment of a democracy there.

As my friend and colleague from Connecticut just pointed out, there are the allegations, and they would seem to be real, that have been in some of the newspapers, including the London Sunday Telegraph about the Russians brokering an arms deal to rebuild the Iraqi air defenses using the Belarusians as the conduit. The Telegraph reported that Beltechexport, the State-owned Belarusian military hardware company, has agreed to upgrade Iraqi's air defense systems to reequip the Iraqi Air Force and to provide air defense training for Iraqi troops. The deal is estimated to be worth about $90 million. It was signed in the middle of April, or last February, I should say, during a visit to Baghdad by high-ranking Belarusians.

It also points out, the article, that Belarusian officials have agreed to undertake a detailed overhaul of 17 Soviet-made Iraqi war planes which had been in Belarus since the late 1980s.

Again, Mr. Speaker, this directly puts our pilots at risk who are trying to enforce the no-fly zone, and I think this resolution again gets this Congress focused on the egregious human rights situation and also the military implications of the Belarusian regime.

Mr. PALLONE. Mr. Speaker, I rise in support of this Resolution, of which I am proud to be an original co-sponsor. I would like to praise the sponsor, the Gentleman from Connecticut, Mr. GEJDENSON, for introducing this Resolution, and to thank both the Ranking Member and the Chairman of the International Relations Committee, Mr. GILMAN, for bringing the Resolution to the Floor of the House so quickly.

Mr. Speaker, while there have been many success stories among the new independent states of the former Soviet Union and the other former Warsaw Pact nations, Belarus has not been one of them. Over nearly a decade of independence, the promise of democracy, freedom of expression and association, and a new flowering of a national identity have not come to pass for the Belarusan people. The fault for this sad state of affairs rests with President Alyaksandr Lukashenka. The President has illegally extended his term of office beyond the legally mandated expiration date. Throughout his tenure, President Lukashenka has monopolized the mass media, undermined the constitutional foundation for the separation of powers, used intimidation and strong-arm tactics against the political opposition, suppressed freedom of the press and expression, defamed the national culture, maligned the national language and eroded Belarus's rightfull position as a sovereign nation.

Apart from the daily deprivations and indignities that the Belarusan people must endure, perhaps the saddest outcome of Mr. Lukashenka's rule is that his efforts have created the impression—a false one—that Belarus really has no distinct national culture or character. Nothing could be further from the truth. But the formation of the Union State between Russia and Belarus only serves to further perpetuate this false impression. While the tragic reality is that Belarus has been dominated politically for centuries by Russia, the fact remains that Belarus has its own national symbols and a distinct language.

It's no coincidence that authoritarian President Lukashenka has targeted such national symbols as the nation's flag and coat of arms. As part of this campaign, Lukashenka's regime has ordered that schools go back to using Soviet-Russian textbooks, while the Russian language has been made the official language of the Belarusan Parliament in Minsk. Lukashenka's strategy has been to create conditions to justify the claim that history, language and culture inevitably tie the two countries together.

The Belarusan language endures to this day as a key to national survival, both for the people living in the Republic of Belarus and among the Belarusan diaspora in the U.S. and elsewhere. There are centuries-old legal documents and religious texts written in the Belarusan language, as well as modern literary and historic works. Despite Lukashenka's repression, the cause of Belarusan nationalism still burns in the heart of the Belarusan people, with the Belarusan language the means of expressing it.

Failure to acknowledge the harm done to Belarusan culture and national singularity by the Russian-Belarus merger can only give comfort to Lukashenka and the Russian-Soviet irredentists.

Mr. Speaker, the negligence and mismanagement of Mr. Lukashenka's regime has also put at risk the nation's environment and the health of the people. Just last week, former Belarusán President Stanislau Shushkevich spoke at Radio Free Europe/Radio Liberty's (RFE/RL) Washington office on the occasion of the 14th anniversary of the Chernobyl nuclear disaster in neighboring Ukraine. More than 70 percent of the radioactive fallout from the world's worst nuclear accident fell on Belarusan territory. While there is plenty of blame to go around for mishandling of this disaster—among Soviet officials, and post-Soviet officials in Russia, Ukraine and Belarus—President Lukashenka exacerbates the problems by insisting that all aid to Chernobyl victims pass through his hands. These funds often are diverted to other uses. Fortunately, some Western NGOs and religious organizations have bypassed Lukashenka to get aid to the people who really need it.

Also last week, RFE/RL President Thomas A. Dine denounced efforts by the Belarusan KGB to intimidate journalists from that organization working in Belarus. Mr. Dine's statement came in response to the threats against Yahor Mayorchyk, a reporter for the news service funded by this Congress to provide objective information to people from the region. A KGB officer told Mr. Mayorchyk that the "same thing will happen to you as to Babitsky," a reference to RFE/RL journalist Andrei Babitsky who was arrested for his coverage of the war in Chechnya and faces trumped-up charges in Moscow.

Mr. Speaker, the abuses of the Lukashenka regime have been a source of concern for at least the past four years. In 1996, I introduced a Resolution expressing concern over the Lukashenka regime's violations of human and civil rights in direct violation of the Helsinki accords and the constitution of Belarus, and expressing concern about the union between Russia and Belarus. That Resolution also recognized March 25 as the anniversary of the declaration of an independent Belarusan state. A year later, I worked with leaders of the International Relations Committee to include language in the State Department Authorization bill, which passed the House, calling for our President to press the Government of President Lukashenka on defending the sovereignty of Belarus and guaranteeing basic freedoms and human rights.

For years now, the Belarusan-American community has been trying to inform the American people about the truth in Belarus, that President Lukashenka's actions do not have widespread support and his regime has lost any sense of legitimacy it once may have had. I want to thank the Belarusan-American community in New Jersey and throughout the nation for continuing to speak the truth about events in the land of their ancestors.

Obviously, President Lukashenka has not been moved by these expressions of concern by the United States and the international community. But we must not give up. We should go on record condemning the abuses that have taken place, and continue to take place in Belarus. We must urge our President and State Department to keep the pressure on President Lukashenka—and also Russian President Vladimir Putin.

For these and many other reasons, I urge my colleagues to support passage of this Resolution.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 304.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SIERRA LEONE PEACE SUPPORT ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3879) to support the Government of the Republic of Sierra Leone in its peace-building efforts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sierra Leone Peace Support Act of 2000".

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Eight years of civil war and massive human rights violations have created a humanitarian crisis in the Republic of Sierra Leone, leaving over 50,000 dead and 1,000,000 displaced from their homes.

(2) As many as 480,000 Sierra Leoneans have fled into neighboring countries, especially Guinea.

(3) All parties to the conflict have committed abuses, but the Revolutionary United Front (RUF) and its ally, the former Sierra Leonean army (AFRC) are responsible for the overwhelming majority.

(4) The RUF and AFRC have systematically abducted, raped, mutilated, killed, or forced children to fight alongside RUF soldiers.

(5) The RUF continues to hold hundreds and perhaps thousands of prisoners, including many child soldiers, despite the agreement of RUF leadership at Lome to release all children.

(6) The civil defense forces committed human rights violations, including killings and recruitment of child soldiers, and Economic Community of West African States Military Observer Group (ECOMOG) forces have also committed human rights abuses, including executions of captured combatants and killings of civilians.

(7) Neighboring countries, especially Liberia and Burkina Faso, have contributed greatly to the destruction of Sierra Leone by aiding and arming the RUF and providing sanctuary for RUF fighters.

(8) International humanitarian efforts to assist Sierra Leoneans, both at home and in Guinea, have fallen far short of need such that conditions in refugee camps and among displaced persons camps are deplorable, food and medicine is dangerously inadequate, and the refugee population on the Sierra Leonean border continues to be preyed upon by RUF insurgents and subjected to rape, mutilation, or killing.

(9) Demobilization, demilitarization, and reintegration (DDR) efforts, as called for in the Lome agreement of July 1999, have begun months late and are still at beginning stages.

(10) With the withdrawal of the West African peacekeeping forces, the United Nations Security Council has approved the deployment of 11,000 peacekeeping forces for Sierra Leone.

(11) There are approximately 45,000 combatants, including many child soldiers, in Sierra Leone who must be demobilized, provided with alternate employment, and reintegrated into their communities.

(12) Both the Government of Sierra Leone and the RUF/AFRC formally agreed in the Lome Convention of July 7, 1999, to uphold, promote, and protect the human rights (including the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression, and association, and the right to take part in the governance of one's country) of every Sierra Leonean as well as the enforcement of humanitarian law.

(b) SENSE OF CONGRESS.—The Congress urges the President to vigorously promote efforts to end further degradation of conditions in the Republic of Sierra Leone, to dramatically increase United States assistance to demobilization, demilitarization, and reintegration (DDR) efforts and humanitarian initiatives, to assist in the collection of documentation about human rights abuses by all parties, and to engage in diplomatic initiatives aimed at consolidating the peace and protecting human rights.

SEC. 3. DEMOBILIZATION, DEMILITARIZATION, AND REINTEGRATION ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated to the President $13,000,000 for fiscal year 2001 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.) to the Sierra Leone DDR Trust Fund of the International Bank for Reconstruction and Development for demobilization, demilitarization, and reintegration assistance in Sierra Leone. Assistance under the preceding sentence may not be used to provide stipends to ex-combatants of the civil war in the Republic of Sierra Leone.

(b) ADDITIONAL REQUIREMENTS.—Amounts appropriated pursuant to subsection (a)—

(1) are in addition to any other amounts available for the purpose described in such subsection; and

(2) are authorized to remain available until expended.

SEC. 4. DEMOCRATIZATION, ELECTORAL, AND JUDICIAL ASSISTANCE.

(a) JUDICIAL ASSISTANCE.—There is authorized to be appropriated to the President $5,000,000 for fiscal year 2001 for assistance to rebuild and strengthen the capacity of the judiciary in the Republic of Sierra Leone and to assist efforts to establish the rule of law and maintain law and order in Sierra Leone.

(b) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE.—Beginning 1 year after the conclusion of free and fair elections in Sierra Leone, the President may provide expanded international military education and training assistance to the military forces and related civilian personnel of Sierra Leone under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) solely for the purpose of providing training relating to defense management, civil-military relations, law enforcement cooperation, and military justice.

(c) ADDITIONAL REQUIREMENTS.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) are in addition to any other amounts available for the purposes described in such subsection; and

(2) are authorized to remain available until expended.

SEC. 5. ACCOUNTABILITY.

(a) STATEMENT OF CONGRESSIONAL CONCERN ABOUT ACCOUNTABILITY.—It is the sense of the Congress that a thorough and nonpartisan initiative to collect information on human rights abuses by all parties to the conflict in the Republic of Sierra Leone be undertaken. Comprehensive and detailed information, particularly the identification of specific units, individuals, and commanders found to have been especially abusive, will be essential for vetting human rights abusers from the newly formed armed forces and police forces of Sierra Leone and for deterring abuses by all parties in the future. Accordingly, the Congress calls upon the administration to strongly support an independent process of data collection on human rights abuses in Sierra Leone, for use by the Truth and Reconciliation Commission when it has been established, and to support any future initiatives of international accountability for Sierra Leone.

(b) ASSISTANCE FOR TRUTH AND RECONCILIATION COMMISSION.—

(1) ASSISTANCE FOR ESTABLISHMENT AND SUPPORT OF COMMISSION.—The President is authorized to provide assistance for the establishment and support of a Truth and Reconciliation Commission to establish accountability for human rights abuses in the Republic of Sierra Leone.

(2) ASSISTANCE FOR HUMAN RIGHTS DATA COLLECTION.—The Secretary of State, acting through the Assistant Secretary of the Bureau of Democracy, Human Rights and Labor, is authorized to collect human rights data with respect to Sierra Leone and assist the Truth and Reconciliation Commission in carrying out its functions.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) ESTABLISHMENT AND SUPPORT OF COMMISSION.—There is authorized to be appropriated to the President $1,500,000 for fiscal year 2001 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 to carry out paragraph (1).

(B) HUMAN RIGHTS DATA COLLECTION.—There is authorized to be appropriated to the Secretary of State $500,000 for fiscal year 2001 to carry out paragraph (2). Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence shall be deposited in the "Human Rights Fund" of the Bureau of Democracy, Human Rights and Labor of the Department of State.

(C) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraphs (A) and (B) are authorized to remain available until expended.

SEC. 6. NEIGHBORING COUNTRIES OF SIERRA LEONE.

(a) REPORTS TO CONGRESS.—

(1) ARMS FLOWS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report which provides information, including measurable, credible, and verifiable evidence (to the extent practicable), concerning the extent to which neighboring countries of the Republic of Sierra Leone are involved in arms flows into Sierra Leone.

(2) SIERRA LEONEAN MINERALS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report which provides information, including measurable, credible, and verifiable evidence (to the extent practicable), concerning illicit sales of Sierra Leonean gold and diamonds through neighboring countries of the Republic of Sierra Leone.

(b) NOTIFICATION BY SECRETARY OF STATE.—If a report transmitted by the President pursuant to paragraph (1) or (2) of subsection (a) contains measurable, credible, or verifiable evidence that a country is involved in arms flows into Sierra Leone, or that a country is involved in illicit sales of Sierra Leonean gold or diamonds through that country, then the Secretary of State—

(1) shall take all necessary steps to initiate diplomatic efforts to bring about the termination of such activities by the country; and

(2) if the country has not ceased the proscribed activity within 3 months of the initiation of such diplomatic efforts, shall inform the country of the possibility that United States foreign assistance for the country may be terminated or suspended if the country does not cease the proscribed activity.

(c) ASSISTANCE FOR NEIGHBORING COUNTRIES.—United States assistance may be provided to the central government of a neighboring country of the Republic of Sierra Leone only if such government—

(1)(A) provides demonstrated support for the peace process in the Republic of Sierra Leone in accordance with the Lome Convention of July 7, 1999; and

(B) does not provide training or other support for the RUF/AFRC forces or any other forces proscribed under the Lome Convention; and

(2) cooperates with efforts to monitor arms flows to Sierra Leone.

(3) UNITED STATES ASSISTANCE.—In this subsection, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3879.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support this measure, which was introduced by the ranking member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON), and considered by our Committee on International Relations.

I wish I could express strong confidence that Sierra Leone will enjoy a peaceful and democratic future, but at this point we cannot. I fear that the significant problems and lack of cooperation with the U.N. peacekeepers in Sierra Leone that they have experienced since the outset of their deployment will continue. We also fear that the Revolutionary United Front, the RUF, which has waged a war of terror and atrocity against its own citizens, has not changed in its ultimate objective; that is, the complete dominance of Sierra Leone.

Nonetheless, I support this measure on the basis that we must make every effort, and even take some chances, where the future of so many innocent and suffering people is concerned.

My hope is that these funds can be used for a variety of purposes, including the documentation of continuing abuses and the tracking of arms flows. They can also support the effort to contain an emerging international criminal enterprise that operates with the consent, support, and even the direction of President Charles Taylor of Liberia.

President Taylor pioneered the technique of election by exhaustion in which a population becomes so fatigued by war and violence that it is willing to accept as a leader even the very person who inflicted that violence if he promises to ease their suffering.

The RUF rebels in Sierra Leone seem to be operating from Mr. Taylor's play book. Of course, they have added their own creative touches such as carving their initials into the bodies of the children they kidnapped and chopping the limbs of toddlers to invoke terror in the population. It is disgraceful that our government gave its blessing to this brutal and twisted group's entries into the government of Sierra Leone. I am saddened that the President's special representative for democracy in Africa presided over the signing of this Faustian bargain in July last year.

Despite these misgivings, we cannot abandon hope for the beleaguered people of Sierra Leone. Accordingly, I support the passage of this measure by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that, at the conclusion of my remarks, the gentleman from New Jersey (Mr. PAYNE) control the remaining time on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

The connection between Sierra Leone and Connecticut is an old one, starting with the Amistad. The gentleman from New Jersey (Mr. PAYNE) and others just joined us in Connecticut to remember the courage of the cargo of the Amistad, those people who had been enslaved in their fight for freedom.

It is sad to see the continued torture of the citizens of Sierra Leone, and therefore, the little effort that we are putting forth here, the United States involvement, to try to end the bloodshed, to try to immobilize and disarm the armed combatants. We need to make sure that the killing stops. Many of these soldiers are really children, and we have to work with those in the country to provide accountability for the victims to work with the Truth and Reconciliation Commission, to make sure the guilty are pursued, that the rights of the victims are not forgotten. We must be the leaders here to promote peace in Sierra Leone, because as almost everywhere, the world looks to the United States.

The international community is ready to make a significant effort here, but American leadership, as always, is critical. So I would hope we would have broad support for this resolution. I commend the chairman of the subcommittee and the chairman of the full committee for all of their great work here.

Mr. Speaker, I reserve the balance of my time, to be controlled by the gentleman from New Jersey (Mr. PAYNE) henceforth.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the distinguished chairman of our Subcommittee on Africa.

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation.

Sierra Leone has experienced one of the most horrific civil wars in the world over the past decade. The atrocities there have perhaps been some of the most shocking that we have seen in the world. Tens of thousands of people have been victimized. There have been killings, there have been rapes, but most shockingly, there has been a policy of forced amputations carried out as a terror tactic by the Revolutionary United Front.

It is hard to imagine, but this rebel group which has won the world's disdain, has a policy of cutting off the hands, the arms of little boys and little girls. The streets of the capital, Freetown, is full of amputees, thousands of amputees, including many children. This is sheer cowardliness. It deserves the strongest condemnation that is possible out of this institution, and out of the world.

There should be no question on another issue: the RUF and its allies have been guilty of attacking a democratically elected government. This group has been aided and abetted by neighboring Liberia. This bill brings attention to that aid and has constructive measures designed to pressure those neighbor governments to not wage war on the people of Sierra Leone.

There is a peace agreement in place in Sierra Leone. It is a precarious peace. Unfortunately, the RUF appears to be reverting to form, waging war, disregarding peace. The RUF most recently has taken U.N. peacekeepers hostage. Its leaders have made clear in the most inflammatory statements that the U.N. is not welcome. Since the beginning of the peace process, I have expressed my serious reservations about the policy of bringing the RUF into the Sierra Leone Government. Well, that has been done. Now I hope that the peace can be built anyway.

Mr. Speaker, this bill makes a modest contribution to building peace. We should do this. We should help Nigeria and other West Africa states who have made a great sacrifice in lives and funds to bring stability to this country of Sierra Leone. It is in America's interests to see that terror does not win the day in Sierra Leone. For if it does, more than Sierra Leone will be imperiled. All of West Africa will be imperiled, and America would suffer too.

Mr. Speaker, I congratulate the gentleman from Connecticut for his legislation. Many of us on the Committee on International Relations have been concerned about Sierra Leone. We have held several hearings, we have passed resolutions, and now we have this legislation. There is strong committee support for this approach.

For the sake of the little boys and girls who tragically will live their lives with no hands and arms, for the sake of the future of West Africa, and for America's interest in a stable and better world, I ask my colleagues to support this legislation.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from New York (Mr. GILMAN), the chairman of the full committee, and our ranking member, the gentleman from Connecticut (Mr. GEJDENSON) for moving this legislation forward. I certainly would like to commend my chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE) for his untiring devotion to the subcommittee and for moving legislation forward and the interest that he has taken in the problems of the continent.

□ 1145

Let me say that Sierra Leone is a country which gained its independence back in 1961, but since that time it has had a difficult time from its first president, Momoh, to the current president, Kabbah. It is a country which has had a difficulty in the quality of life for its rural people in particular. A country which, incidentally, is small enough to be able to deal with its problems, a country very rich in diamonds and other natural resources.

And so I strongly support the Sierra Leone Peace Support Act of 2000, H.R. 3879, because what this legislation will do is to help to support the peacebuilding efforts of Sierra Leone. It would help with the demobilization and demilitarization and reintegration of the military, which is essential in order to have people who are carrying arms to put them back and get back into civilian life.

Mr. Speaker, let me also commend the Nigerian military, as the gentleman from California (Mr. ROYCE) has already done, with the forces of ECOMOG that for many years kept the peace in Freetown and in Sierra Leone. Without their efforts, the situation would have been much more difficult.

I would certainly agree that the RUF has been extraordinarily brutal. Nowhere in the world has there been more horrific behavior on the part of a military group, because this group would take its vengeance out on civilians, and not only civilians, but usually children and women, amputating hands and legs.

And so it was difficult to come to an accord with the RUF in a government of reconciliation where President Kabbah has allowed Foday Sankoh to be a part of the new government, bringing in the rebels with the government to try to simply have the people of Sierra Leone have a quality of life that they deserve.

Sierra Leone is a country that has a tremendous background as relates to the United States. As my colleagues may know, the Amistad, as the gentleman from (Mr. GEJDENSON) talked about, Cinque was from Sierra Leone; and in the trial they were found not guilty and allowed to go back to Sierra Leone. I had an opportunity to hear from his great, great grandchildren who came to Connecticut.

And so, as a matter of fact, after the Revolutionary War, African American slaves who fought with the British were given their freedom by Britain and allowed to go back to Sierra Leone, and people who were picked up on the high seas were also allowed to go to Sierra Leone. So that is a country that has strong ties with African Americans and Africans.

We hope that the peace will keep. We are disturbed at the recent behavior of a small group of the RUF. The majority of them have come in; but there is a group, anarchist group that has broken off from the regular RUF organization that Mr. Foday Sankoh is attempting to bring in. We know that this legislation will go forward to help ameliorate the situation, and we are hoping to see peace for the people of Sierra Leone.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 3879, the Sierra Leone Peace Act of 2000.

Congressman TONY HALL and I were in Sierra Leone a few months ago. We witnessed the brutal atrocities carried out against the civilian population by the rebel forces in Sierra Leone. Although both the government of Sierra Leone and the rebel forces signed the Lome Peace accord, reports continue to flow out of Sierra Leone about continued unrest and further atrocities committed by rebel forces.

It is my hope that the Sierra Leone Peace Act will greatly assist the Lome Peace accords and the continued pursuit of peace, reconciliation, and recovery for this country that has endured so much.

I recently wrote both President Clinton and Secretary Albright urging the Administration to set a to be determined date by which the Sierra Leonian rebels should comply with the peace accords or face being named by the U.S. as war criminals and that they not be allowed to travel to the U.S. I submit this correspondence and a copy of my trip report from my time in Sierra Leone for the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to you about the continuing tragedy in Sierra Leone.

As you know, although a tenuous peace is in place, the former rebels from the Revolutionary United Front (RUF) are disarming at a slow to minimal rate. Numerous reports indicate that the RUF has taken weapons from U.N. peacekeepers at gun point. Reports also indicate that atrocities such as rape, intimidation, and forced conscription are continuing by the supposedly disbanded RUF.

Present and former RUF units still operate and control certain sections of the country, specifically the diamond producing areas.

I have enclosed a letter which I sent to Secretary Albright outlining proposed action that the U.S. should take if the RUF continues its atrocities, occupation, and reluctance to disarm by a to be determined designated date.

The entire country of Sierra Leone will continue to experience suffering and turmoil unless leadership is exercised by the U.S.

You must do something (see my letter to Secretary Albright for proposed courses of U.S. action). I urge you to act quickly.

Best wishes
Sincerely,

FRANK R. WOLF,
Member of Congress.

OBSERVATIONS BY U.S. REP. FRANK R. WOLF OF VIRGINIA. VISIT TO WESTERN AFRICA: SIERRA LEONE AFTER A DECADE OF CIVIL WAR, NOVEMBER 30–DECEMBER 8, 1999

This report provides details of a trip Congressman Tony Hall of Ohio and I made to Western Africa to see the conditions in Sierra Leone and in refugee camps nearby in Guinea. We spent two days in Sierra Leone and an additional day visiting refugee camps in bordering Guinea. The people desperately need an end to years of civil strife, terrorism and brutality. Humanitarian assistance in the form of food, medical and public health assistance is urgently required. The country's leaders are struggling with a most fragile peace accord and the community of nations must do whatever it can to strengthen it.

Our trip to Western Africa provided the opportunity to observe conditions in and around Sierra Leone resulting from a decade-long civil war. I have been to Africa a number of times, but this was my first time in Western Africa. Congressman Hall had visited Sierra Leone once about 10 years ago. I have followed the history of this country for a long while and have been looking for ways to help the people.

Sierra Leone is a part of the immense portion of Africa that juts westward into the Atlantic Ocean just above the equator. It is slightly larger than West Virginia and has a population of about 4.6 million of which about one half million people live in the capital of Freetown. Though the country is rich in natural resources, per capita income is only about $285, which ranks Sierra Leone among the very poorest nations in the world. This can be attributed primarily to civil strife and rebel terrorism.

Sierra Leone gained independence from Great Britain in 1961 and a continuing struggle for self governance has followed. The elect government was toppled by an army coup in 1992 and a state of civil war has largely existed since. Elections were again held in 1996 when current President Kabbah emerged as the winner. He has held office ever since and his government, with military assistance from The Economic Community of West African States Military Observer Group (ECOMOG), has continued to battle rebel forces made up of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Counsel (AFRC). In July 1999, the Lome Peace Accords were finally signed and a very fragile peace is beginning to take hold in the region. Presently, it is the best hope if not the only hope to end years of brutality, poverty and despair in Sierra Leone.

On December 5, we visited two refugee camps in the Forecariah Provence of Guinea located about 20 kilometers across the border from Sierra Leone. Each camp held thousands of refuges, some of whom have lived there for years. Barely adequate food supplies are dwindling and there was some unrest. There is little progress in educating the children or in pursuing efforts to upgrade an existence reduced to the most basic of simply sustaining life.

On December 6 and 7, we visited Sierra Leone and its capital of Freetown. We met with the President and with leaders of Parliament. We met rebel leaders, members of the clergy and Non-Governmental Organizations (NGO) representatives. And we met with many victims who will carry throughout their lives horrible physical and emotional scars of years of civil war perpetrated because of greed and power.

Existence for too many in Sierra Leone is one of hunger, homelessness, poverty and pain. And this seems strange. Sierra Leone is, or should be, an agricultural oasis. Its temperate climate, fertile soil and abundant rain should result in the production of crops and goods far above what the people could consume. The Atlantic Ocean yields an unending harvest of seafood and offers immediate access to important trade routes around the world. And the country is rich in diamonds and minerals for which there is a huge market and huge demand. Yet, because of the civil war, people are without even the basic necessities of life.

We visited a housing reclamation project established by Catholic Relief Services (CRS). Much of Freetown has been destroyed, looted and burned by rebel forces and CRS has started a program of helping people to rebuild their lost homes. The Sierra Leonians supply the labor, the muscle and much of the raw material from other destroyed structures and CRS offers guidance, harder-to-get building supplies, food rations and a great deal of encouragement. Many new homes are rising out of the rubble. It is a good program.

We visited the Holy Mary Clinic. Two doctors, a husband and wife team, have been operating a clinic for several years to deal with young children who are the worst victims of the war. About 3,000 girls and boys have been taken hostage by rebel forces and many continue to be held today. Some 500 young girls have been returned. They have been horribly sexually abused and were used as sex slaves, temporary wives and household workers. They have been returned or have escaped and are psychologically devastated. Some have no parents left alive and have no one to turn to, no family to help them. Many are pregnant and have sexually transmitted diseases (STD). These are young girls, many are barely 14 years old. The boys taken by the rebels are also young children and have been brainwashed, probably drugged and then recruited into the rebel army.

Holy Mary Clinic does a wonderful job of dealing with this trauma and with young infants and pregnant girls needing pre-natal and medical care and counseling. The clinic doctors rely on friends, colleagues and family from Italy for supplies, medicines and equipment. They are doing an outstanding job, but are stretched so thin and could use help. The AIDS virus adds to the despair and the hopelessness, too. We visited a therapeutic feeding center where dozens of starving infants hover on the edge of death. These young children are so malnourished they have no strength to eat and are being force fed in an attempt to sustain life. They are so thin and so fragile that we were afraid that they would break if we just even touched them.

We saw a former railroad repair factory converted to housing for displaced persons where thousands of homeless refugees are being warehoused. This huge former factory building provides a roof over the refugees' heads and little more. There were few indications of real help being applied to return refugees to a self-sufficient life.

The Murray Town amputee camp is where victims of rebel brutality go after having their limbs mindlessly hacked off with machetes, axes or knives simply to frighten and terrorize. The amputees receive counseling, some medical care and the beginnings of assistance with crutches and prostheses. They are also fed and have a place to stay.

One of the first people we saw was a 14-year-old girl whose parents had been killed. She was pregnant, having been raped by rebel soldiers, and had both hands cut off above the wrist. We saw tiny children who had lost limbs. We heard tales of a grotesque lottery where a person drew a slip from a bag. If the slip contained the word "hand", "arm", "leg", "ear", "both feet", "head" or other parts of the body, then the rebels proceeded to carry out the sentence. This sounds unbelievable, but we saw the painful results. Sometimes the rebel butcher offered a choice—long sleeve or short sleeve. That meant: do you want your arm cut off at the wrist or above the elbow?

Yet one of the camp leaders who had lost his right arm this way told us of seeing the two rebels who mutilated him when they paid a visit to the amputee center. He said that he had forgiven them. He said it was time to move forward from this chapter of despair. Reconciliation is what he was talking about.

We heard a member of the clergy tell of listening to a small boy ask of the camp counselor, "When will my hands grow back?" The rebels abused children too young to even have an inkling of what was happening to them.

COMMENTS AND RECOMMENDATIONS

The West, including the United States and European Union (EU) nations, should quickly provide food and medical supplies to save lives which are in danger. The World Food Programme has asked that more food supplies be directed to Guinea and Sierra Leone so basic food needs can be met. We were told that the food allotment to the refugees is down from a caloric intake of 2,100 a day to 1,400 a day.

The civil war is largely being funded by the sale of unregulated diamonds (conflict diamonds) being mined in regions held by rebel forces. Congressman Hall has introduced legislation to certify the country of origin of all diamonds. Thus a diamond buyer will know where diamonds have been mined and a purchaser can avoid buying conflict diamonds. Not only are the profits from these illicit diamonds used to fund a war of terror against the people of Sierra Leone, but the people are being deprived of the benefits that these natural resources could offer their society. Passage of Congressman Hall's bill would be a huge stride in ending this practice. Also, we have written United Nations Secretary General Kofi Annan asking the U.N. to sanction black-market diamonds that are not certified by the government of Sierra Leone.

Every effort should be made to support the current disarmament program which is in place but wobbly. More needs to be done to make it desirable for the rebels to turn in their weapons, come in out of the bush and rejoin society. So far only a few thousand out of about 45,000 rebels have surrendered their arms.

The West should exert every possible leverage on rebel leaders and also Charles Taylor in Liberia, who is aiding the rebels, to end the civil war. The fragile peace agreement between the government, the RUF, the AFRC and their leaders must be sustained, enforced and nourished. There is an African saying we heard, "When the elephants fight, the grass dies." This is certainly the case here. Bad leaders motivated by greed and power have nearly destroyed a nation and its people.

Pressure from the United States government and others including European Union (EU) nations on the leadership of the RUF/AFRC to implement the provisions of the accord would be helpful in ensuring success.

Similar pressure on Liberian President Taylor to ensure that arms and men do not enter Sierra Leone from Liberia would also help.

The U.S. government joined by EU nations should send these leaders the message that unless peace is achieved, they will not be welcomed in the West. Their families and children will not be welcomed. No visas will be issued. Outside their borders, these leaders will be treated as war criminals and there will be no place for them to spend their ill-gotten gains.

And the process of reconciliation for the people of Sierra Leone needs to begin. Here, as elsewhere around the globe, lasting peace will depend upon the people being able to reconcile their differences.

Lastly, I would like to acknowledge and salute all those in the region who came from America and elsewhere to lend a hand to the people of Sierra Leone. The ambassadors and embassy staff personnel, the NGO representatives, doctors and medical staff and clergy who are there at personal risk and discomfort are truly making a difference, and I was so proud to see the job they are doing.

We saw the great service of citizens from Congressman Tony Hall's district in Dayton, Ohio. They have been working for years on schools, housing, training academies for the blind and other terribly needed programs that have been helping the people of Sierra Leone. It has been said that it is better to light a candle than to curse the darkness. The people of Dayton have ignited an eternal flame in Freetown.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 2000.

Hon. MADELEINE KORBEL ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: I write today about the worsening situation in Sierra Leone. Congressman Troy Hall and I visited Sierra Leone last December. We were horrified at the atrocities we saw. Throughout the country, rebel groups have tortured, killed, and maimed thousands of people to gain control of the country's diamond industry, fueling the trade in illicit "conflict diamonds." Across a broad spectrum, the conditions in Sierra Leone were among the worse I have ever seen in the many places I've visited in the world.

At the time of our visit, it was too early to determine the effectiveness of the Lome Peace Accord and the rebels' compliance with it. In my trip report, which I have enclosed for you, I outlined several recommendations about the developing situation in Sierra Leone and the prospective response and involvement of the United States and Europe in achieving peace and stability in the region. In light of the current situation in Sierra Leone, I want to reiterate those recommendations with you.

First, the flow of conflict diamonds from rebel held areas must stop. Reports indicate that rebel forces still control most of the diamond producing regions in Sierra Leone, suggesting that the trafficking of these diamonds is going to continue to fuel bloodshed upon the people of Sierra Leone. Reports indicate that an overwhelming majority of rebels have not disarmed and that they have control of most, if not all, of the diamond producing region. This condition cannot be tolerated by the U.S., Europe, ECOMOG, and the United Nations.

Congressman Hall has introduced legislation, H.R. 3188, to certify the country of origin of all diamonds. Thus a diamond buyer will know where a diamond has been mined and a purchaser can avoid buying conflict diamonds. Passage of Congressman Hall's bill will be a huge stride in ending this practice. Your support for this important legislation would be very helpful.

My report stated that every effort should be made to support the disarmament program in Sierra Leone. Reports include that not only are the rebels not disarming, but they have repeatedly confronted at gunpoint ECOMOG and U.N. peacekeepers and taken their weapons, ammunition, armored personnel carriers, etc. Bold action is needed from the Administration on this matter. I urge you to issue a statement and a fixed date, that you think is reasonable and helpful, to the rebels making clear when the rebels should be completely disarmed and what action the U.S. will take if they are not disarmed.

Promised U.S. action if the rebels do not comply with the conditions for disarmament should be:

They and their families will not be allowed entry into the U.S., Britain or any other country—no visas should be issued to rebels or their family members;

If the rebels have bank accounts in the U.S. and in Europe, they should be frozen and they should be denied access to these accounts and to future commerce with the U.S., bank accounts of rebel family members should be included in this prohibition too;

The rebel leaders should be declared war criminals by the U.S. and other Western countries and direct its intelligence and police agencies to actively pursue apprehending rebels who have not disarmed.

These same conditions should also be applied to Liberian Charles Taylor and all Liberians who have assisted the rebels in Sierra Leone. It has come to my attention that Taylor escaped from a Massachusetts prison and fled to Liberia. Taylor and many Liberians have blood on their hands from their support of these rebels. By being the primary conduit for trading the conflict diamonds mined by the rebels, and by reportedly supplying the rebels with military assistance, Taylor and others have fueled the atrocities committed by the rebels upon the people of Sierra Leone. The U.S. should enact similar measures and conditions against Taylor and other Liberians as those I proposed for the rebels in Sierra Leone.

If the rebels are not disarmed and if Taylor and other Liberians continue to traffic in conflict diamonds and to provide the rebels with military assistance, Taylor and others should be named as war criminals and they should not be allowed to travel outside of their country. You should fix a date that you think is reasonable and helpful.

Lastly, I ask that the U.S. continue to bolster its efforts to bring belief, aid, and ultimately reconciliation to the region. U.S. leadership in helping the people of Sierra Leone recover from the brutality is integral in creating stability and peace in the region.

I do appreciate you taking the time to visit Sierra Leone. It was a good thing to do.

I would be happy to discuss with you in more detail my recommendations and observations. Thank you for your consideration.

Best wishes.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3879, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE PEOPLE OF SENEGAL ON SUCCESS OF MULTI-PARTY ELECTORAL PROCESS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 449) congratulating the people of Senegal on the success of the multi-party electoral process.

The Clerk read as follows:

H. RES. 449

Whereas the Republic of Senegal held free, fair, and transparent multi-party elections on March 19, 2000;

Whereas Senegalese President Abdou Diouf conceded defeat to longtime rival Abdoulaye Wade on Monday, March 20, 2000, after a hotly contested run-off election;

Whereas President Diouf's party, Parti Socialist, has ruled in the West African country of Senegal since independence from France in 1960;

Whereas President-elect Abdoulaye Wade of the Parti Democratique Senegal (PDS) was voted into office by a majority of the electorate and is Senegal's third President;

Whereas the citizens of Dakar, Senegal, joyously welcomed the results of Senegal's free and fair elections;

Whereas on February 27, 2000, during the first round of voting, President Diouf amassed 41.3 percent of the vote to Wade's 31 percent;

Whereas President-elect Wade won 22 of the country's 31 districts and received 60 percent of the total 1,616,307 votes cast;

Whereas President-elect Wade's victory ends 40 years of uninterrupted rule by Mr. Diouf's Socialist Party;

Whereas President Diouf telephoned Mr. Wade to congratulate him on winning the elections;

Whereas President-elect Wade campaigned on the principles of "probity, good work, and involvement of the youth" in the construction of Senegal;

Whereas Mr. Wade received the endorsement of five leading opposition candidates after the second round of voting, including Mr. Moustapha Niasse, a former foreign minister in President Diouf's party;

Whereas Mr. Niasse said the new government's first task would be to re-establish the country's equilibrium and fight corruption;

Whereas the newly elected President Wade first ran for the presidency in 1978 against ex-President Leopold Senghor and ran in four subsequent polls;

Whereas this West African country of 10 million people has remained relatively stable and prosperous;

Whereas Senegalese President Diouf took office 19 years ago and served as prime minister for 10 years;

Whereas his predecessor and mentor, poet and politician Leopold Sedar Senghor, surprised the country in 1980 by voluntarily stepping down and turning over power to President Diouf, as prescribed by Senegal's constitution;

Whereas Senegal has a free press and judiciary;

Whereas Senegal is a recipient of the African Crisis Responsive Initiative;

Whereas Mr. Wade's history symbolizes a triumph for a country which has long been considered a model of African democracy although ruled by one party; and

Whereas this election marks a contribution to a paradigm shift of a new political system on the West African coast: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of the Republic of Senegal for voting in this historic Presidential election;

(2) congratulates President Diouf for stepping down before the results were officially announced and upholding democracy and good governance;

(3) encourages the Administration to send a Presidential delegation to the West African Country of Senegal to welcome President Wade into office;

(4) strongly urges the Economic Community Of West African States (ECOWAS) to follow Senegal's lead and make efforts to promote democratic reforms and prevent future conflicts;

(5) calls upon the newly elected President to involve all Senegalese to accept the election results and move the country forward;

(6) calls on all factions within the Secessionist Movement of Democratic Forces in the Casamance (MFDC) rebel group in Casamance to commit to a cessation of hostilities and create stability for its people;

(7) strongly urges newly elected President Wade to continue the peace initiative started by former President Diouf with the Secessionist Movement of Democratic Forces in the Casamance (MFDC);

(8) urges President-elect Wade to dialogue with the MFDC to settle the Casamance conflict through political negotiations and urges prompt initiation of peace talks; and

(9) recognizes Senegal as one of the first African states to adopt a multi-party system in the early 1980's and a nation that has been a longtime beacon of democracy on a continent of one-party states and military dictatorships.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution introduced by our friend and colleague, the gentleman from New Jersey (Mr. PAYNE). In a region afflicted by military coups, authoritarian leaders and one-party states, Senegal has been be a model of a stable and pluralist society.

As a matter of fact, later today I will introduce a resolution on Zimbabwe, along with the gentleman from New Jersey (Mr. PAYNE), a country whose leadership could learn much from Senegal's example.

The people of Senegal voted for a change in leadership and the president stepped down. It sounds simple, and it is something that we in our 224-year-old republic have come to take for granted, but it is anything but the norm in many other parts of the world, and in this region in particular.

Accordingly, I urge passage of House Resolution 449.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 449. Let me thank the gentleman from New York (Mr. GILMAN), the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from California (Mr. ROYCE) for helping to bring this bill to the floor.

As it has been noted, Senegal held free and fair elections on May 19, and it was recognized as an election that all democratic governments should follow when there is a possible shift in regimes.

Senegal held these fair and free elections. The recent multi-party elections were peaceful; however, there was an attempt in the southern part to disrupt the voting in that region. But the people decided that they wanted to have fair and free elections and persisted.

I would like to extend my best wishes to President-elect Wade. I had the privilege of meeting in my New Jersey office with then-candidate Wade who indicated that he felt that he had a very good chance to win the election. He just wanted to alert me and our committee and our government that he was going to insist that the election be fair and free. We were very pleased that it did happen to be that way.

We would like to recognize the composure of President Diouf in his honorable defeat as an example of the true spirit of democracy. It is apparent that President Diouf respects the democratic process, which sends a signal to the people of Sierra Leone to respect the democratic process as well as to embrace change. They can have change without having disruption and military action.

President-elect Wade has made a noble gesture to bridge the divide between his party and the other multi-parties by endorsing five leading opposition candidates after the second round of voting, including Mr. Niasse, who is the former foreign minister of President Diouf's party. This is merely another example of Senegal's respectable democratic system, adding to the willing resignation of former President Leopold Senghor in 1980 when power was turned over to President Diouf, adhering to the Senegal constitution.

Senegal should be internationally recognized for their action and should be treated with equal respect given to all functioning governments worldwide.

On our trip to Africa with the President when he made a historic six-country, 12-day trip, the final country that we visited was Senegal, visiting Goree Island, the place where slaves came. It is estimated close to 6 million may have perished, it is estimated, over the 600, 700 years that slavery was legal. And so Senegal has a tremendous place in the heart of African Americans and Africans in general, and Americans in general.

Mr. Speaker, once again, we are very pleased that this transition of government was done in a most noble way. With that, I urge my colleagues to support the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I do not have further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 449.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, and on yesterday, in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 295, by the yeas and nays;

H. Con. Res. 304, by the yeas and nays;

S. 1744, by the yeas and nays;

H.R. 1509, by the yeas and nays;

H. Con. Res. 310, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RELATING TO CONTINUING HUMAN RIGHTS VIOLATIONS AND POLITICAL OPPRESSION IN SOCIALIST REPUBLIC OF VIETNAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 295, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 295, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 16, as follows:

[Roll No. 133]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (FL)

NAYS—3

Chenoweth-Hage
Gillmor
Paul

NOT VOTING—16

Coburn
Cook
Gutierrez
Hill (IN)
Kennedy
Lucas (OK)
McIntosh
Moore
Myrick
Oxley
Sanders
Souder
Velázquez
Wise
Woolsey
Young (AK)

□ 1217

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING CONDEMNATION OF CONTINUED HUMAN RIGHTS VIOLATIONS IN REPUBLIC OF BELARUS AND CALLING ON RUSSIAN FEDERATION TO RESPECT SOVEREIGNTY OF BELARUS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 304.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 304, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, answered "present" 2, not voting 21, as follows:

[Roll No. 134]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Wu
Wynn
Young (FL)

NAYS—2

Chenoweth-Hage
Paul

ANSWERED "PRESENT"—2

Barr
Wicker

NOT VOTING—21

Burr
Coburn
Collins
Cook
Cooksey
Frelinghuysen
Gutierrez
Hutchinson
Kennedy
Lucas (OK)
McIntosh
Moore
Myrick
Napolitano
Sanders
Souder
Spence
Velázquez
Wise
Woolsey
Young (AK)

□ 1226

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 134, I was unavoidably detained in a meeting with constituent Board of Supervisors. Had I been present, I would have voted "yea."

ENDANGERED SPECIES ACT REPORT RESTORATION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1744.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1744, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14, as follows:

[Roll No. 135]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez

Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—14

Coburn
Cook
Gutierrez
Hilliard
Hutchinson
Kennedy
Lucas (OK)
McIntosh
Moore
Myrick
Souder
Velázquez
Wise
Young (AK)

□ 1235

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMORIAL TO HONOR DISABLED VETERANS OF THE UNITED STATES ARMED FORCES

The SPEAKER pro tempore (Mr. QUINN). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1509.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1509, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 136]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—13

Coburn
Cook
Cooksey
Cox
Gutierrez
Kennedy
Lucas (OK)
McIntosh
Myrick
Souder
Velázquez
Wise
Young (AK)

☐ 1243

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on May 3, 2000, I was unavoidably detained and consequently missed four votes. Had I been here I would have voted: "Yes" on the passage of H. Con. Res. 295; "yes" on the passage of H. Con. Res. 304; "yes" on the passage of S. 1744; "yes" on the passage of H.R. 1509.

SUPPORTING A NATIONAL CHARTERS SCHOOLS WEEK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 310.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 310, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 20, not voting 17, as follows:

[Roll No. 137]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—20

Bonior
Capuano
Carson
Clay
Conyers
Hilliard
Hinchey
Kucinich
Lee
McDermott
Mink
Olver
Payne
Rivers
Scott
Serrano
Slaughter
Tierney
Towns
Visclosky

NOT VOTING—17

Coburn
Cook
Cummings
DeLay
Doolittle
Evans
Filner
Gutierrez
Kasich
Largent
Lucas (OK)
McIntosh
Myrick
Souder
Velázquez
Wise
Young (AK)

☐ 1252

Ms. CARSON changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOOLITTLE. Mr. Speaker, on rollcall No. 137, I was inadvertently detained. Had I been present, I would have voted "yea."

WORKER ECONOMIC OPPORTUNITY ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2323) to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

The Clerk read as follows:

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Worker Economic Opportunity Act".

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) EXCLUSION FROM REGULAR RATE.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking "or" at the end;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

"(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee's participation in the program or at the time of the grant;

"(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee's death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

"(C) exercise of any grant or right is voluntary; and

"(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

"(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

"(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract.".

(b) EXTRA COMPENSATION.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking "Extra" and inserting the following:

"(2) Extra"; and

(2) by inserting after the subsection designation the following:

"(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) LIABILITY OF EMPLOYERS.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in strong support of S. 2323, the Worker Economic Opportunity Act. The Department of Labor, in a recent opinion letter, has jeopardized a successful and popular new trend in employment, and they did it not because of any fault of theirs but because they interpreted the Labor Standards Act of 1938, which is what I have said over and over again, year after year, we are trying to run businesses, labor and management, based on rules and regulations that were written back in the 1930s, when it was a manufacturing economy only and men only. We cannot do that in the 21st century.

Well, of course, if they had followed through, we would have eliminated the very popular stock option for hourly employees.

I want to thank the gentleman from New York (Mr. OWENS) and the gentleman from Indiana (Mr. ROEMER) and the gentleman from Wisconsin (Mr. KIND), among others, for helping us develop the bipartisan resolution. I want to certainly thank the gentleman from California (Mr. CUNNINGHAM), who has worked tirelessly to help bring about this resolution, as well as our subcommittee chair, the gentleman from North Carolina (Mr. BALLENGER).

The Worker Economic Opportunity Act reflects a consensus reached among the bill's chief sponsors in the House and the Senate committees of jurisdiction and the Department of Labor. The other body passed it 95 to nothing; and to further explain the consensus we have reached, I am going to include into the RECORD a statement of legislative intent which is substantially identical to what was the legislative intent presented in the other body by Senators MCCONNELL, DODD, JEFFORDS, and ENZI.

I urge my colleagues to vote for the Worker Economic Opportunity Act.

STATEMENT OF LEGISLATIVE INTENT REGARDING S. 2323, THE WORKER ECONOMIC OPPORTUNITY ACT

I. INTRODUCTION AND PURPOSE

The purpose of S. 2323, the Worker Economic Opportunity Act, is to allow employees who are eligible for overtime pay to continue to share in workplace benefits that involve their employer's stock or similar equity-based benefits. More working Americans are receiving stock options or opportunities to purchase stock than ever before. The Worker Economic Opportunity Act updates the Fair Labor Standards Act to ensure that rank-and-file employees and management can share in their employer's economic well being in the same manner.

Employers have provided stock and equity-based benefits to upper level management for decades. However, it is only recently that employers have begun to offer these programs in a broad-based manner to non-exempt employees. Historically, most employees had little contact with employer-provided equity devices outside of a 401(k) plan. But today, many employers, from a broad cross-section of industry, have begun offering their employees opportunities to purchase employer stock at a modest discount, or have provided stock options to rank and file employees; and they have even provided outright grants of stock under certain circumstances.

The Federal Reserve Board of Governors recently estimated that 17 percent of large firms have introduced a stock options program and 37 percent have broadened eligibility for their stock option programs in the last two years.[1] The Employment Policy Foundation estimates between 9.4 million and 25.8 million workers receive benefits through some type of equity participation program.[2] The trend is growing, and given the current state of the economy, it is likely to continue.

The tremendous success of our economy over the last several years has been largely attributed to the high technology sector. One of the things that our technology companies have succeeded at is creating an atmosphere in which all employees share the same goal: the success of the company. By vesting all employees in the success of the business, stock options and other equity devices have become an important tool to create businesses with unparalleled productivity. The Worker Economic Opportunity Act will encourage more employers to provide opportunities for equity participation to their employees, further expanding the benefits that inure from equity participation.

II. BACKGROUND AND NEED FOR LEGISLATION

A. Background on Stock Options and Related Devices

Employers use a variety of equity devices to share the benefits of equity ownership with their employees. As the employer's stock appreciates, these devices provide a tool to attract and retain employees, an increasingly difficult task during a time of record economic growth and low unemployment in the United States. These programs also foster a broader sense of commitment to a common goal—the maintenance and improvement of the company's performance—among all employees nationally and even internationally, and thus provide an alignment between the interests of employees with the interests of the company and it shareholders. They can also reinforce the evolving employer-employee relationship, with employees viewed as stakeholders.

Employer stock option and stock programs come in all different types and formats. The Worker Economic Opportunity Act focuses on the most common types: stock option, stock appreciation right, and employee stock purchase programs.

Stock Option Programs. Stock options provide the right to purchase the employer's securities for a fixed period of time. Stock option programs vary greatly by employer. However, two main types exist: nonqualified and qualified option programs.[3] Most programs are nonqualified stock option programs, meaning that the structure of the program does not protect the employee from being taxed at the time of exercise. However, the mechanics of stock option programs are very similar regardless of whether they are nonqualified or qualified. Some of these characteristics are described below.

Grants. An employer grants to employees a certain number of options to purchase shares of the employer's stock. The exercise price may be around the fair market value of the stock at the time of the grant, or it may be discounted below fair market value to provide the employee an incentive to participate in the option program.

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[1] Footnotes at end of article.

Vesting. Most stock option programs have some sort of requirement to wait some period after the grant to benefit from the options, often called a vesting period. After the period, employees typically may exercise their options by exchanging the options for stock at the exercise price at any time before the option expires, which is typically up to ten years. In some cases, options may vest on a schedule, for example, with a third of the options vesting each year over a three-year period. In addition to vesting on a date certain, some options may vest if the company hits a certain goal, such as reaching a certain stock price for a certain number of days. Some programs also provide for accelerated or automatic vesting in certain circumstances such as when an employee retires or dies before the vesting period has run, where there is change in corporate control or when an employee's employment is terminated.

Exercise. Under both qualified and nonqualified stock option programs, an employee can exchange the options, along with sufficient cash to pay the exercise price of the options, for shares of stock. Because many rank-and-file employees cannot afford to pay the cost of buying the stock at the option price in cash, many employers have given their employees the opportunity for "cashless" exercise, either for cash or for stock, under nonqualified option plans. In a cashless exercise for cash, an employee gives options to a broker or program administrator, this party momentarily "lends" the employee the money to purchase the requisite number of shares at the exercise price, and then immediately sells the shares. The employee receives the difference between the market price and the exercise price of the stock (the profit), less transaction fees. In a cashless exercise for stock, enough shares are sold to cover the cost of buying the shares the employee will retain. In either case, the employee is spared from having to provide the initial cash to purchase the stock at the option price.

An employee's options usually expire at the end of the option period. An employee may forfeit the right to exercise the options, in whole or in part, under certain circumstances, including upon separation from the employer. However, some programs allow the employee to exercise the options (sometimes for a limited period of time) after they leave employment with the employer.

Stock Appreciation Rights. Stock appreciation rights (SARs) operate similarly to stock options. They are the rights to receive the cash value of the appreciation on an underlying stock or equity based security. The stock may be publicly traded, privately held, or may be based on valued, but unregistered, stock or stock equivalent. The rights are issued at a fixed price for a fixed period of time and can be issued at a discount, carry a vesting period, and are exercisable over a period of time. SARs are often used when an employer cannot issue stock because the stock is listed on a foreign exchange, or regulatory or financial barriers make stock grants impracticable.

Employee Stock Purchase Plans. Employee stock purchase plans (ESPPs) give employees the opportunity to purchase employer stock, usually at up to a 15 percent discount, by either regularly or periodically paying the employer directly or by having after-tax money withdrawn as a payroll deduction. Like option programs, ESPPs can be qualified or nonqualified.

Section 423 of the Internal Revenue Code[4] sets forth the factors for a qualified ESPP. The ability to participate must be offered to all employees, and employees must voluntarily choose whether to participate in the program. The employer can offer its stock to employees at up to a 15 percent discount off of the fair market value of the stock, determined at the time the option to purchase stock is granted or at the time the stock is actually purchased. The employee is required to hold the stock for one or two years after the option is granted to receive capital gains treatment. If the employee sells the stock before the requisite period, any gain made on the sale is treated as ordinary income.

Nonqualified ESPPs are usually similar to qualified ESPPs, but they lack one or more qualifying features. For example, the plan may apply only to one segment of employees, or may provide for a greater discount.

B: The Fair Labor Standards Act and Stock Options

The Fair Labor Standards Act of 1938[5] (FLSA) establishes workplace protections including a minimum hourly wage and overtime compensation for covered employees, record keeping requirements and protections against child labor, among other provisions. A cornerstone of the FLSA is the requirement that an employer pay its nonexempt employees overtime for all hours worked over 40 in a week at one and one-half times the employee's regular rate of pay.[6] The term "regular rate" is broadly defined in the statute to mean "all remuneration for employment paid to, or on behalf of, the employee."[7]

Section 207(e) of the statute excludes certain payments from an employee's regular rate of pay to encourage employers to provide them, without undermining employees' fundamental right to overtime pay. Excluded payments include holiday bonuses or gifts,[8] discretionary bonuses,[9] bona fide profit sharing plans,[10] bona fide thrift or saving plans,[11] and bona fide old-age, retirement, life, accident or health or similar benefits plans.[12] By excluding these payments from the definition of "regular rate,"[13] Congress recognized that certain kinds of benefits provided to employees are not within the generally accepted meaning of compensation for work performed.

Thus, by excluding these payments from the regular rate in section 207(e) of the FLSA, Congress encouraged employers to provide these payments and benefits to employees. The encouragement has worked well—employees now expect to receive from their employer at least some of these benefits (i.e. healthcare), which today, on average, comprise almost 30 percent of employees' gross compensation.[14] For similar reasons, Congress decided that the value and income from stock option, SAR and ESPP programs should also be excluded from the regular rate, because they allow employees to share in the future success of their companies.

C. The Department of Labor's Opinion Letter on Stock Options

The impetus behind the Worker Economic Opportunity Act is the broad dissemination of a February 1999 advisory opinion letter[15] regarding stock options issued by the Department of Labor's Wage and Hour Division, the agency charged with the administration of the FLSA. The letter involved an employer's stock option program wherein its employees would be notified of the program three months before the options were granted, and some rank-and-file employees employed by the company on the grant date would receive options. The options would have a two-year vesting period, with accelerated vesting if certain events occurred. The employer would also automatically exercise any unexercised options on behalf of the employees the day before the program ended.[16]

The opinion letter indicated that the stock option program did not meet any of the existing exemptions to the regular rate under the FLSA, although it did not explain the reasons in any detail. Later, the Administration's testimony before the House Workforce Protections Subcommittee explained that the stock option program did not meet the gift, discretionary bonus, or profit sharing exceptions to the regular rate because, among other reasons, it required employees to do something as a condition of receiving the options—to remain employed with the company for a period of time.[17] Such a condition is not allowed under the current regular rate exclusions. The testimony also noted that the program was not excludable under the thrift or savings plan exception because the employees were only allowed to exercise their options using a cashless method of exercise, and thus the employees could not keep the stock as savings or an investment.[18]

The opinion letter stated that the employer would be required to include any profits made from the exercise of the options in the regular rate of pay of its nonexempt employees. In particular, the profits would have to be included in the employee's regular rate for the shorter of the time between the grant date and the exercise date, or the two years prior to exercise.[19]

Section 207(e)'s exclusions to the regular rate did not clearly exempt the profits of stock options or similar equity devices from the regular rate, and thus from the overtime calculation. Thus, the Department of Labor's opinion letter provided a permissible reading of the statute. A practical effect of the Department of Labor's interpretation was stated by J. Randall MacDonald, Executive Vice President of Human Resources and Administration at GTE during a March 2, 2000 House Workforce Protections Subcommittee hearing on the issue: "[i]f the Fair Labor Standards Act is not corrected to reverse this policy, we will no longer be able to offer stock options to our nonexempt employees."[20]

As the contents of the letter became generally known in the business community and on Capitol Hill, it became clear that the letter raised an issue under the FLSA that previously had not been contemplated. It further became clear that an amendment to the FLSA would be needed to change the law specifically to address stock options.

A legislative solution was not only supported by employers at the House hearing, it was also supported by employees and unions. Patricia Nazemetz, Vice President of Human Resources for Xerox Corporation, read a letter from the Union of Needlework, Industrial and Textile Employees (UNITE), the union that represents many Xerox manufacturing and distribution employees, in which the International Vice President stated:

> Xerox's UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purposes of calculating overtime. . . . It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future.[21]

At the House hearing, the Administration also acknowledged that the problem needed to be fixed legislatively in a flexible manner, "Based on the information we have been able to obtain, there appears to be wide variations in the scope, nature and design of stock option programs. There is no one common model for a program, suggesting the need for a flexible approach. Given the wide variety and complexity of programs, we believe that the best solution would be to address this matter legislatively." [22]

The general agreement on the need to fix the problem among these diverse interests led to the development of the Worker Economic Opportunity Act.

III. EXPLANATION OF THE BILL AND SPONSORS' VIEWS

Congress worked closely with the Department of Labor to develop this important legislation. The sections below reflect the discussions between the sponsors and the Department of Labor during the development of the legislation, and the sponsors' intent and their understanding of the legislation.

A. Definition of Bona Fide ESPP

For the purposes of the Worker Economic Opportunity Act, a bona fide employee stock purchase plan includes an ESPP that is (1) a qualified ESPP under section 423 of the Internal Revenue Code,[23] or (2) a plan that meets the criteria identified below.

1. Qualified Employee Stock Purchase Plans

Qualified ESPPs, known as section 423 plans, comprise the overwhelming majority of stock purchase plans. Thus, the intent of the legislation is to deem "bona fide" all plans that meet the criteria of section 423.

2. Nonqualified Employee Stock Purchase Plans

As described above, section 423 plans are considered bona fide ESPPs. Further, those ESPPs that do not meet the criteria of section 423, but that meet the following criteria also qualify as bona fide ESPPs:

(a) the plan allows employees, on a regular or periodic basis, to voluntarily provide funds, or to elect to authorize periodic payroll deductions, for the purchase at a future time of shares of the employer's stock;

(b) the plan sets the purchase price of the stock as at least 85% of the fair market value of the stock at the time the option is granted or at the time the stock is purchased; and,

(c) the plan does not permit a nonexempt employee to accrue options to purchase stock at a rate which exceeds $25,000 of fair market value of such stock (determined either at the time the option is granted or the time the option is exercised) for each calendar year.

The sponsors note that many new types of ESPPs are being developed, particularly by companies outside the United States, and that many of these companies may also intend to apply them to their U.S.-based employees. These purchase plans have several attributes which make them appear to be more like savings plans than traditional U.S. stock purchase plans, such as a period of payroll deductions of between three and five years, or an employer provided "match" in the form of stock or options to the employee.

Further many companies are developing plans that are similar to section 423 plans. The sponsors believe that it is in the best interests of employees for the Secretary of Labor to review these and other new types of plans carefully in the light of the purpose of the Worker Economic Opportunity Act—to encourage employers to provide opportunities for equity participation to employees—and to allow section 7(e), as amended, to accommodate a wide variety of programs, where it does not undermine employees' fundamental right to overtime pay. It is the sponsors' vision that this entire law be flexible and forward-looking and that the Department of labor apply and interpret it consistently with this vision.

B. "Value or Income" Is Defined Broadly

The hallmark of the Worker Economic Opportunity Act is that section 7(e)(8) provides that any value or income derived from stock option, SAR or bona fide ESPP programs is excluded from the regular rate of pay. For this reason, the phrase "value or income" is construed broadly to mean any value, profit, gain, or other payment obtained, recognized or realized as a result of, or in connection with, the provision, award, grant, issuance, exercise or payment of stock options, SARs, or stock issued or purchased pursuant to a bona fide ESPP program established by the employer.

This broad definition means, for example, that any nominal value that a stock option or stock appreciation right may carry before it is exercised is excluded from the regular rate. Similarly, the value of the stock or the income in the form of cash is excluded after options are exercised, as is the income earned from the stock in the form of dividends or ultimately the gains earned, if any, on the sale of the stock. The discount on stock option, SAR or stock purchase under a ESPP program is likewise excludable.

C. The Act Preserves Programs Which Are Otherwise Excludable Under Existing Regular Rate Exemptions

The Worker Economic Opportunity Act recognizes two ways that employer equity programs may be excluded from the regular rate. Such equity programs may be excluded if they meet the existing exemptions to the regular rate pursuant to Section 7(e)(1)–(7), which apply to contributions and sums paid by employers regardless of whether such payments are made in cash or in grants of stock or other equity based vehicles, and provided such payment or grant is consistent with the existing regulations promulgated under Section 7(e). Employer equity plans also may be excluded under new section 7(e)(8) added by the Worker Economic Opportunity Act.

This is reaffirmed in new section 207(e)(8), which makes clear that the enactment of section 7(e)(8) carries no negative implication about the scope of the preceding paragraphs of section (e). Rather, the sponsors understand that some grants and rights that do not meet all the requirements of section 7(e)(8) may continue to qualify for exemption under an earlier exclusion. For example, programs that grant options or SARs that do not have a vesting period may be otherwise excludable from the regular rate if they meet another section (7)(e) exclusion. This would be true even if the option was granted at less than 85% of fair market value. This language was not intended to prevent grants or rights that meet some but not all of the requirements of an earlier exemption in 7(e) from being exempt under the newly created exemption.

D. Basic Communication to Employees Required Because it Helps Ensure a Successful Program

For grants made under a stock option, SAR or bona fide ESPP program to qualify for the exemption under new section 7(e)(8), their basic terms and conditions must be communicated to participating employees either at the beginning of the employee's participation in the program or at the time of grant. This requirement was put into the legislation to recognize that when employees understand the mechanics and the implications of the equity devices they are given, they can more fully participate in exercising meaningful choices with respect to those devices. As discussed below, this is a simple concept, it is not intended to be a complicated or burdensome requirement.

1. Terms and Conditions To Be Communicated to Employees

Employers must communicate the material terms and conditions of the stock option, stock appreciation right or employee stock purchase program to employees to ensure that they have sufficient information to decide whether to participate in the program. With respect to options, these terms include basic information on the number of options granted, the number of shares granted per option, the exercise price, the grant date or dates, the length of any applicable vesting period(s) and the dates when the employees will first be able to exercise options or rights, under what conditions the options must be forfeited or surrendered, the exercise methods an employee may use (such as cash for stock, cashless for cash or stock, etc.), any restrictions on stock purchased through options, and the duration of the option, and what happens to unexercised options at the end of the exercise period. Pending issuance of any regulations, an employer who communicated the information in the prior sentence is to be deemed to have communicated the terms and conditions of the grant. Similar information should be provided regarding SARs or ESPPs.

2. The Mode of Communications

The legislation does not specify any particular mode of communication of relevant information, and no particular method of communication is required, as long as the method chosen reasonably communicates the information to employees in a understandable fashion. For example, employers may notify their employees of an option grant by letter, and later provide a formal employee handbook, or other method such as a link to a location on the company Intranet. Any combination of communications is acceptable. The intent of the legislation is to ensure that employees are provided the basic information in a timely manner, not to mandate the particular form of communication, nor to bar the use of new forms of communication. Therefore, an employer should be able to use current electronic communication methods, as well as other forms of communication that develop later.

3. The Timing of Communications

The legislation specifies that the employer is to communicate the terms and conditions of the stock option, SAR and ESPP programs to employees at or before the beginning of the employee's participation in the program or at the time the employee receives a grant. It is acceptable, and perhaps even likely, that the relevant information on a program will be disseminated in a combination of communications over time. This approach allows flexibility and acknowledges that types of participation vary greatly between stock option and SAR programs, on the one hand, and ESPPs on the other.

For example, under an ESPP, an employee may choose to begin payroll deductions in January, but not actually have the option to purchase stock until June. By contrast, with an option or SAR program, employees are given the options or rights at the outset, but those rights may not vest until some year in the future.

The timing of the communication is flexible, because often it is difficult to have materials ready for employees at the beginning of a stock option or stock appreciation right program, immediately following approval by the Board of Directors, because of confidentiality requirements. Thus, within a reasonable time following approval of a stock option grant by the Board of Directors, the employer is required to communicate basic information about the grant employees have received. For example, an initial letter may notify the employees that they have received a certain number of stock options and provide the basic information about the program. More detailed information about the program may precede or follow the grant in formats such as an employee handbook, options pamphlet, or an Intranet site that provides options information.

E. Exercisability Criteria Applicable only to Stock Options and SARs

As discussed above, a common feature in grants of stock options and SARs is a vesting or holding period, which under current practice may be as short as a few months or as long as a number of years. For a stock option of SAR to be excluded from the regular rate pursuant to the Worker Economic Opportunity Act, new section 7(e)(8) requires that the grant or right generally cannot be exercisable for at least six months after the date of grant.

For stock option grants that include a vesting requirement, typically an option will become exercisable after the vesting period ends. Some option grants vest gradually in accordance with a schedule. For example, a portion of the employee's options may vest after six months, with the remaining portion vesting three months thereafter. Options may also vest in connection with an event, such as the stock reaching a certain price or the company attaining a performance target.

In addition, the sponsors recognize that a grant that is vested may not be currently exercisable by the employee because of an employer's requirement that the employee hold the option for a minimum period prior to exercise. In other words, there may be an additional period of time after the vesting period during which the option remains unexerciseable. An option or SAR may meet the exercisability requirements of the bill without regard to the reason why the right to exercise is delayed.

Further, if a single grant of options or SARs includes some options exercisable after six months while others are exercisable earlier, then those exercisable after the six month period will meet the exercisability requirement even if the others do not. The determination is made option by option, SAR by SAR. In addition, if exercisability is tied to an event, the determination of whether the six-month requirement is met is based on when the event actually occurs. Thus, for example, if an option is exercisable only after an initial public offering (IPO) and the IPO occurs seven months after grant, the option shall be deemed to have met the provision's exercisability requirement.

However, section 7(e)(8)(B) specifically recognizes that there are a number of special circumstances when it is permissible for an employer to allow for earlier exercise to occur (in less than 6 months) without loss of the exemption. For example, an employer or plan may provide that a grant may vest or otherwise become exercisable earlier than six months because of an employee's disability, death, or retirement. The sponsors encourage the Secretary to consider and evaluate other changes in employees' status or circumstances.

Earlier exercise is also permitted in connection with a change in corporate ownership. The term change in ownership is intended to include events commonly considered changes in ownership under general practice for options and SARs. For example, the term would include the acquisition by a party of a percentage of the stock of the corporation granting the option or SAR, a significant change in the corporation's board of directors within 24 months, the approval by the shareholders of a plan or merger, and the disposition of substantially all of the corporation's assets.

The sponsors believe it important to allow employers the flexibility to construct plans that allow for these earlier exercise situations. However, this section is not intended to in any way require employers to include these or any other early exercise circumstances in their plans.

F. Stock Option and SAR Programs may Be Awarded at Fair Market Value or Discounted up to and Including 15%

Stock options and SARs generally are granted to employees at around fair market value or at a discount. New section 7(e)(8)(B) recognizes that grants may be at a discount, but that the discount cannot be more than a 15% discount off of the fair market value of the stock (or in the case of stock appreciation rights, the underlying stock, security or other similar interest).

A reasonable valuation method must be used to determine fair market value at the time of grant. For example, in the case of a publicly traded stock, it would be reasonable to determine fair market value based on averaging the high and low trading price of the stock on the date of the grant. Similarly, it would be reasonable to determine fair market value as being equal to the average closing price over a period of days ending with or ending shortly before the grant date (or the average of the highs and lows on each day). In the case of a non-publicly traded stock, any reasonable valuation that is made in good faith and based on reasonable valuation principles must be used.

The sponsors understand that the exercise price of stock options and SARs is sometime adjusted in connection with recapitalizations and other corporate events. Accounting and other tax guidelines have been developed for making these adjustments in a way that does not modify a participant's profit opportunity. Any adjustment conforming with these guidelines does not create an issue under the 15% limit on discounts.

G. Employee Participation in Equity Programs Must Be Voluntary

New section (8)(C) of the Worker Economic Opportunity Act states that the exercise of any grant or right must be voluntary. Voluntary means that the employee may or may not choose not to exercise his or her grants or rights at any point during the stock option, stock appreciation right, or employee stock purchase program, as long as that is in accordance with the terms of the program. This is a simple concept and it is not to be interpreted as placing any other restrictions on such programs.

It is the intent of the sponsors that this provision does not restrict the ability of an employer to automatically exercise stock options or SARs for the employee at the expiration of the grant or right. However, an employer may not automatically exercise stock options or SARs for an employee who has notified the employer that he or she does not want the employer to exercise the options or rights on his or her behalf.

Stock option, SARs and ESPP programs may qualify under new section 7(e)(8) even though the employer chooses to require employees to forfeit options, grants or rights in certain employee separation situations.

H. Performance Based Programs

The purpose of new section 7(e)(8)(D) is to set out the guidelines employers must follow in order to exclude from the "regular rate" grants of stock options, SARs, or shares of stock pursuant to an ESPP program based on performance. If neither the decision of whether to grant nor the decision as to the size of the grant is based on performance, the provisions of in new section 7(e)(8)(D) do not apply. For example, grants made to employees at the time of their hire, and any value or income derived from these grants, may be excluded provided they meet the requirements in new sections 7(e)(8)(A)–(C).

New section 8(D) is divided into two clauses. The first, clause (i), deals with awards of options awarded based on pre-established goals for future performance, and the second, clause (ii), deal with grants that are awarded based on past performance.

1. Goals for Future Performance

New section 7(e)(8)(D)(i) provides that employers may tie grants to future performance so long as the determinations as to whether to grant and the amount of grant are based on the performance of either (i) any business unit consisting of at least ten employees or (ii) a facility.

A business unit refers to all employees in a group established for an identifiable business purpose. The sponsors intend that employers should have considerable flexibility in defining their business units. However, the unit may not merely be a pretext for measuring the performance of a single employee or small group of fewer than ten employees. By way of example, a unit may include any of the following: (i) a department, such as the accounting or tax departments of a company, (ii) a function, such as the accounts receivable function within a company's accounting department, (iii) a position classification, such as those call-center personnel who handle initial contacts, (iv) a geographical segment of a company's operations, such as delivery personnel in a specified geographical area, (v) a subsidiary or operating division of a company, (vi) a project team, such as the group assigned to test software on various computer configurations or to support a contract or a new business venture.

With respect to the requirement to have ten or more employees in a unit, this determination is based on all of the employees in the unit, not just those employees who are, for example, non-exempt employees.

A facility includes any separate location where the employer conducts its business. Two or more locations that would each qualify as a facility may be treated as a single facility. Performance measurement based on a particular facility is permitted without regard to the number of employees who are working at the facility. For example, a facility would include any of the following: a separate office location, each separate retail store operated by a company, each separate restaurant operated by a company, a plant, a warehouse, or a distribution center.

The definition of both a business unit and a facility are intended to be flexible enough to adapt to future changes in business operations. Therefore, the examples of business units set forth above should be viewed with this in mind.

Options may be excluded from the regular rate in accordance with new section 7(e)(8)(D)(i) under the following circumstances:

Example 1—Employer announces that certain employees at the Wichita, Kansas plant will receive 50 stock options if the plant's production reaches a certain level by the end of the year (note that in order to fit within this subsection, the grant does not have to be made on a facility wide basis):

Example 2—Employer announces that it will grant employees working on the AnyCo. account 50 stock options each if the account brings in a certain amount of revenue by the end of the year, provided that there are at least 10 employees on the AnyCo. account.

Example 3—Employer announces that certain employees will receive stock options if the company reaches specified goal.

New section 7(e)(8)(D)(i) also makes clear that otherwise qualifying grants remain excludable from the regular rate if they are based on an employees' length of service or minimum schedule of hours or days of work. For example, an employer may make grants only to employees: (i) who have a minimum number of years of service, (ii) who have been employed for at least[21] a specified number of hours of service during the previous twelve month period (or other period), (iii) who are employed on the grant date (or a period ending on the grant date), (iv) who are regular full-time employees (i.e., not part-time or seasonal), (v) who are permanent employees, or (vi) who continue in service for a stated period after the grant date (including any minimum required hours during this period). Any or all of these conditions, and similar conditions, are permissible.

2. Past Performance

New section 7(e)(8)(d)(ii) clarifies that employers may make determinations as to existence and amount of grants or rights based on past performance, so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract. Thus, employers have broad discretion to make grants as rewards for the past performance of a group of employees, even if it is not a facility or business unit, or even for an individual employee. The determination may be based on any performance criteria, including hours of work, efficiency or productivity.

Under new section 7(e)(8)(D)(ii), employers may develop a framework under which they will provide options in the future, provided that to the extent the ultimate determination as to the fact of and the amount of grants or rights each employee will receive is based on past performance, the employer does not contractually obligate itself to provide the grant or rights to an employee. Thus, new section 7(e)(8)(D)(ii) would allow an employer to determine in advance that it will provide 100 stock options to all employees who receive "favorable" ratings on their performance evaluations at the end of the year, and it would allow the employer to advise employees, in employee handbooks or otherwise, of the possibility that favorable evaluations may rewarded by option grants, so long as the employer does not contractually obligate itself to provide the grants or in any other way relinquish its discretion as to the existence or amount of grants.

Similarly, the fact that an employer makes grants for several years in a row based on favorable performance evaluation ratings, even to the point where employees come to expect them, does not mean in itself that the employer may be deemed to have "contractually obligated" itself to provide the rights.

Some examples of performance based grants that fit within new 7(e)(8)(D)(ii) are as follows:

Example A: Company A awards stock options to encourage employees to identify with the company and to be creative and innovative in performing their jobs. Company A's employee handbook includes the following: "Company A's stock option program is a long-term incentive used to recognize the potential for, and provide an incentive for, anticipated future performance. Stock option grants may be awarded to employees at hire, on an annual basis, or both. All full-time employees who have been employed for the appropriate service time are eligible to be considered for annual stock option grants."

Company A provides stock options to most nonexempt employees following their performance review. Each employee's manager rates the employee during a review process, resulting in a rating of from 1 to 5. The rating is based upon the manager's objective and subjective analysis of the employee's performance. The rating is then put into a formula to determine the number of options an employee is eligible to receive, based on the employee's level within the company, the product line that the employee works on, and the value of the product to the company's business. Employees are aware a formula is used. The Company then informs the employee of the number of options awarded to him or her.

Managers make it clear to employees that the options are granted in recognition of prior performance with the expectation of the employee's future performance, but no contractual obligation is made to employees. This process is repeated annually, with employees eligible for stock options each year based on their annual performance review. Most employees receive options annually based upon their performance review rating and their level in the company.

Example B: Company B manages its program similarly to company A, with some notable exceptions. Company B has a very detailed performance management system, under which all employees successfully meeting the expectations of their job receive options. The employee's job expectations are more clearly spelled out on an annual basis than under Company A's plan. Once a year, the employee under goes a formal, written, performance review with his or her manager. If work is satisfactory, the employee receives a predetermined but unannounced number of options. Unlike Company A, which provides different amounts of options to employees based upon a numeric performance rating, Company B provides the same number of options to all employees who receive satisfactory employment evaluations. Over 90 percent of Company B's employees receive options annually, and in many years, this percentage exceeds 95 percent.

In both Example A and Example B, the employers set up in advance the formula under which option decisions are made; however, the decisions as to whether an individual employee would receive options and how many options he or she would receive was made based on past performance at the end of the performance period, but not pursuant to a prior contractual obligation made to the employees. The fact that the employer determines a formula or program in advance does not disqualify these examples from new section 7(e)(8).

I. Extra Compensation

The Worker Economic Opportunity Act also amends section 7(h) of the FLSA (29 U.S.C. §207(h)) to ensure that the income or value that results from a stock option, SAR or ESPP program, and that is excluded from the regular rate by new section 7(e)(8), cannot be credited by an employer toward meeting its minimum wage obligations under section 6 of the Act or overtime obligations under section 7 of the Act. The language divides section 7(h) into two parts, 7(h)(1) and 7(h)(2). Section 7(h)(1) states that an employer may not credit an amount, sum, or payment excluded from the regular rate under existing sections 7(e)(1–7) or new section 7(e)(8) towards an employers' minimum wage obligation under section 6 of the Act. When section 7(h)(1) is read together with section 7(h)(2), it states that an employer may not credit an amount excluded under existing sections 7(e)(1–4) or new section 7(e)(8) toward overtime payments. However, consistent with existing 7(h), extra compensation paid by an employer under sections 7(e)(5–7) may be creditable towards an employer's overtime obligations. This change shall take effect on the effective date but will not affect any payments that are not excluded by section 7(e) and thus are included in the regular rate.

J. The Legislation Includes a Broad Pre-Effective Date Safe Harbor & Transition Time

In drafting the Worker Economic Opportunity Act, the sponsors hoped to create an exemption that would be broad enough to capture the diverse range of broad-based stock ownership programs that are currently being offered to non-exempt employees across this nation. However, in order to reach a consensus, the new exemption had to be tailored to comport with the existing framework of the FLSA. The result is a series of requirements that stock option, SAR and ESPP programs must meet in order for the proceeds of those plans to fit within the newly created exemption.

Because of the circumstances that give rise to this legislation, the pre-effective date safe harbor is intentionally broader than the new exemption. The sponsors did not want to penalize those employers who have been offering broad-based stock option, SAR and ESPP programs simply because these programs would not meet all the new requirements in section 7(e)(8). Thus, the safe harbor in section 2(d) of the Act comprehensively protects employers from any liability or other obligations under the FLSA for failing to include any value or income derived from stock option, SAR and ESPP programs in a non-exempt employee's regular rate of pay. The safe harbor applies to all grants or rights that were obtained under such programs prior to the effective date, whether or not such programs fit within the new requirements of section 7(e)(8). If a grant or right was initially obtained prior to the effective date, it is covered by the safe harbor even though it vested later or was contingent on performance that would occur later. In addition, normal adjustments to a pre-effective date grant or right, such as those that are triggered by a recapitalization, change of control or other corporate event, will not take the grant or right outside the safe harbor.

On a prospective basis, the sponsors realized that many employers would need time to evaluate their programs in light of the new law and to make the changes necessary to ensure that the programs will fit within the new section 7(e)(8) exemption. Consequently, the sponsors adopted a broad transition provision to apply to stock option, SAR and ESPP programs without regard to whether or not they meet the requirements for these plans set forth in the legislation. Specifically, section 2(c) of the legislation contains a 90 day post enactment delayed effective date. The sponsors believe that the vast majority of employers who offer stock option, SAR and ESPP programs to non-exempt employees will be able to use the transition period in section 2(d)(1) to modify their programs to conform with the requirements of the legislation.

In addition, the sponsors felt that there were two circumstances where a further extension of this broad transition relief was appropriate. First, the legislation recognizes that some employers would need the consent of their shareholders to change their plans. Section 2(d)(2) provides an additional year of transition relief to any employer with a program in place on the date this legislation goes into effect that will require shareholder approval to make the changes necessary to comply with the new requirements of section 7(e)(8). Second, the legislation extends the transition relief to cover situations wherein an employers' obligations under a collective bargaining agreement conflict with the requirements of this Act. Section 2(d)(3) eliminates any potential conflict by allowing employers to fulfill their pre-existing contractual obligations without fear of liability.

V. REGULATORY IMPACT STATEMENT

The sponsors have determined that the bill would result in some additional paperwork, time and costs to the Department of Labor, which would be entrusted with implementation of the Act. It is difficult to estimate the volume of additional paperwork necessitated by the Act, but the sponsors do not believe that it will be significant.

VI. SECTION-BY-SECTION ANALYSIS

Sec. 2. (a) Amendments to the Fair Labor Standards Act—The legislation amends Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C.§207(e)) by creating a new subsection, 7(e)(8), which will exclude from the definition of the regular rate of pay any income or value nonexempt employees derive from an employer stock option, stock appreciation right, or bona fide employee stock purchase program under certain circumstances. Specifically, the legislation adds the following provisions to the end of Section 7(e) of the Fair Labor Standards Act:

(8) The new exclusion provides that when an employer gives its employees an opportunity to participate in a stock option, stock appreciation right or a bona fide employee stock purchase program (as explained in the Explanation of the Bill and Sponsor's Views), any value or income received by the employee as a result of the grants or rights provided pursuant to the program that is not already excludable from the regular rate of pay under sections 7(e)(1-7) of the Act (29 U.S.C. §207(e)), will be excluded from the regular rate of pay, provided the program meets the following criteria—

(8)(A) The employer must provide employees who are participating in the stock option, stock appreciation right or bona fide employee stock purchase program with information that explains the terms and conditions of the program. The information must be provided at the time when the employee begins participating in the program or at the time when the employer grants the employees stock options or stock appreciation rights.

(8)(B) As a general rule, the stock option or stock appreciation right program must include at least a 6 month vesting (or holding) period. That means that employees will have to wait at least 6 months after they receive stock options or a stock appreciation right before they are able to exercise the right for stock or cash. However, in the event that the employee dies, becomes disabled, or retires, or if there is a change in corporate ownership that impacts the employer's stock or in other circumstances set forth at a later date by the Secretary in regulations, the employer has the ability to allow its employees to exercise their stock options or stock appreciation rights sooner. The employer may offer stock options or stock appreciation rights to employees at no more than a 15 percent discount off the fair market value of the stock or the stock equivalent determined at the time of the grant.

(8)(C) An employee's exercise of any grant or right must be voluntary. This means that the employees must be able to exercise their stock options, stock appreciation rights or options to purchase stock under a bona fide employee stock purchase program at any time permitted by the program or to decline to exercise their rights. This requirement does not preclude an employer from automatically exercising outstanding stock options or stock appreciation rights at the expiration date of the program.

(8)(D) If an employer's grants or rights under a stock option or stock appreciation right program are based on performance, the following criteria apply.

(1) If the grants or rights are given based on the achievement of previously established criteria, the criteria must be limited to the performance of any business unit consisting of 10 or more employees or of any sized facility and may be based upon that unit's or facility's hours of work, efficiency or productivity. An employer may impose certain eligibility criteria on all employees before they may participate in a grant or right based on these performance criteria, including length of service or minimum schedules of hours or days of work.

(2) The employer may give grants to individual employees based on the employee's past performance, so long as the determination remains in the sole discretion of the employer and not according to any prior contract requiring the employer to do so.

(b) Extra Compensation—The bill amends section 7(h) of the Fair Labor Standards Act (29 U.S.C. 207(h) to make clear that the amounts excluded under section 7(e) of the bill are not counted toward an employer's minimum wage requirement under section 6 of the Fair Labor Standards Act and that the amounts excluded under sections 7(e)(1-4) and new section 7(e)(8) are not counted toward overtime pay under section 7 of the Act.

(c) Effective Date—The amendments made by the bill take effect 90 days after the date of enactment.

(d) Liability of Employers—

(1) No employer shall be liable under the FLSA for failing to include any value or income derived from any stock option, stock appreciation right and employee stock purchase program in an non-exempt employee's regular rate of pay, so long as the employee received the grant or right at any time prior to the date this amendment takes effect.

(2) Where an employer's pre-existing stock option, stock appreciation right, or employee stock purchase program will require shareholder approval to make the changes necessary to comply with this amendment, the employer shall have an additional year from the date this amendment takes effect to change its plan without fear of liability.

(3) Where an employer is providing stock options, stock appreciation rights, or an employee stock purchase program pursuant to a collective bargaining agreement that is in effect on the effective date of this amendment, the employer may continue to fulfill its obligations under that collective bargaining agreement without fear of liability.

(e) Regulations—the bill gives the Secretary of Labor authority to promulgate necessary regulations.

FOOTNOTES

[1] David Lebow et al., Recent Trends in Compensation Practices, Board of Governors of the Federal Reserve System, Fin. and Econ. Discussion Series, No. 1999-32, July 1999.

[2] Anita U. Hattinagadi, Taking Stock: $470,000 at Risk for Hourly Workers, Employment Policy Foundation, Mar. 2, 2000, at 4, and Fig. 2.

[3] Any stock option program that meets the criteria under section 422 of the Internal Revenue Code (called an Incentive Stock Option) is considered a qualified option. 26 U.S.C. §422.

[4] 26 U.S.C. §423.

[5] 29 U.S.C. §201, et seq.

[6] 29 U.S.C. §207(a)(1).

[7] 29 U.S.C. §207(e).

[8] 29 U.S.C. §207(e)(1).

[9] 29 U.S.C. §207(e)(3).

[10] Id.

[11] *Id.*

[12] 29 U.S.C. §207(e)(4).

[13] See e.g., Conference Report on H.R. 5856, H. Rept. No. 1453.

[14] U.S. Dept. of Lab. Bureau of Lab. Statistics, Employer Costs for Employee Compensation—March 1999, available at ftp://146.142.4.23/pub/news.release/ecec.txt.

[15] A wage-hour opinion letter responds to a request for the Department of Labor's view of how the law applies to a given set of facts. The letters are available to the public upon request or through commercial reporting services. Opinion letters have significant practical effects: "[T]he Administrator's interpretation . . . has the characteristic not only of securing 'expected compliance' . . . but of possibly stimulating double damage suits by employees who need not fear that they would be at odds with the Government Officials involved." National Automatic Laundry & Cleaning v. Schultz, 143 U.S. App. D.C. 274 (D.C. Cir. 1971).

[16] Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

[17] Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Workforce Protections, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of T. Michael Kerr, at 4-5).

[18] Id. at 5. The testimony also noted that the program's automatic exercise feature prevented the employees' participation from being voluntary, as required under the Division's rules for thrift savings programs.

[19] Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

[20] Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Workforce Protections, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of J. Randall MacDonald, at 2).

[21] Id. (addendum to statement of Patricia Nazemetz, Letter from Gary J. Bonadonna, Director & International Vice President, UNITE, February 22, 2000).

[22] Id. (statement of T. Michael Kerr, at 7).

[23] 26 U.S.C. §423.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Worker Economic Opportunity Act. It is kind of complicated so I think it is important that the record reflect that we understand those complications.

Stock option programs have existed for decades, but traditionally they have only been provided to top executives. Laudably, in recent years a number of companies have expanded these programs to cover rank and file workers. However, when this practice was brought to the attention of the Department of Labor, it correctly found that in many cases income earned by workers participating in these kinds of programs do not qualify within any of the existing statutory exemptions for exclusion from overtime.

As a general matter, ignorance of or disregard for the law should not serve to justify its violation. In this instance, however, I fully concur that speculative stock options should not be subject to overtime and that invoking the requirements of the law at this late date ex post facto would be unfair and unwise.

This legislation provides that if certain conditions are met, income earned by workers as a result of participation in certain recognized option programs, stock appreciation programs, or bona fide employee stock purchase programs, shall not be counted for the purpose of calculating overtime.

The legislation is not intended to alter or to undermine in any way any other existing protection afforded to workers under the overtime provisions of the Fair Labor Standards Act. By the same token, income from stock option-type programs that is already exempt from the overtime calculation is not intended to be affected by this legislation. That income remains exempt.

Stock programs vary widely in their structure. This legislation is not intended to impose a single structure on such programs but has been broadly crafted to try to accommodate their variety. Consequently, the bill is solid with regard to certain definitions and implementation issues, and broad regulatory authority has been given to the Department of Labor to implement the legislation.

The legislation requires that employees must be informed of the terms and conditions of any grants made to employees and that the employees must be able to voluntarily exercise any grant or right offered by the employer. The intent of these provisions is to ensure that employees are able to knowledgeably and freely determine whether they wish to participate in the program before they are required to do so and that they are able to knowledgeably and freely exercise such rights and options as they are afforded within the program. Employees must have a basis for assessing the value and the risk inherent in the choices they face.

This legislation provides that employers may sell stock options or stock appreciation rights to employees at a discounted rate but that the discount may not be greater than 15 percent of the market value of the stock. This provision applies equally to closely held companies as well as publicly traded companies. Necessarily then stock appraisals by closely held companies may become subject to review.

□ 1300

The legislation provides that there must be at least a 6-month period between the grant of stock option or stock appreciation right and the date on which that right is exercisable. This requirement is waived in cases involving an employee's death, disability, retirement, or a change in corporate ownership or in other circumstances permitted by regulation.

The limitation on stock discounts and the 6-month holding period, taken together, reflect the intention that some level of risk be assumed by employees in order that this legislation does not serve as an incentive for employers to convert wages to stock options as a means of evading overtime.

Where an employee separates from employment with an employer, whether voluntarily or involuntarily, overtime is no longer an issue. In my view, it is, therefore, wholly appropriate for the 6-month holding period requirement to be waived in such instances.

Finally, while many refer to the 6-month period as a vesting period, the use of the term vesting is not accurate. The only requirement imposed by this legislation is that an employee may not exercise a grant for at least 6 months.

This legislation provides that an employer may not condition the offer of a stock program based on an employee's future performance unless such an offer is made to all employees in a facility or in a business unit consisting of at least 10 employees.

An exception to this rule is provided to permit employers to condition offers upon length of service or minimum schedule of hours or days of work. The purpose of the exception is to permit employers to distinguish between part-time and full-time employees or between employees on temporary or probationary status and those on permanent status.

The purpose is not to permit employers to target offers predicted on future performance to a single employee or to require employees to work overtime as a condition of participation.

Likewise, the term business unit is intended to be meaningful. Assuming an offer is made on less than a facilitywide basis, an employer may not make an offer that is conditioned on future performance if that offer excludes some employees within a business unit who are otherwise eligible under the grant's terms, nor may an employer make such an offer arbitrarily to some employees without regard to their duties.

As is generally the case under current law with regard to performance bonuses, an employer may offer program participation to individual employees based upon the employee's past performance. The intent is to enable the employers to reward employees for past service. This provision is not intended to undermine or supersede limitations applicable to grants that are conditioned upon future performance.

Stock-option programs are new avenues for the front-line worker; however, the right to overtime remains protected by the Fair Labor Standards Act for the same group of employees.

The overtime law plays a more important role in the daily lives of Americans than any other provision of labor law. It guarantees that workers will be fairly compensated when they are required to work excessive hours. It creates more job opportunities for workers. It ensures that workers will have enough time away from work to meet family and personal responsibilities. As women enter the workforce in increasing numbers, the overtime law has become even more vital to the health of American families.

This legislation is necessary to accommodate the increasing participation of rank and file workers in stock programs. This legislation is not intended to otherwise weaken or to diminish the vital protection afforded workers under the FLSA and should be interpreted in the manner that is consistent with the intent and remedial purposes of the Fair Labor Standards Act.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM) who has worked tirelessly to bring this legislation to the floor.

Mr. CUNNINGHAM. Mr. Speaker, as a lead House sponsor of H.R. 4182, I rise in strong support today of this identical Senate counterpart, S. 2323. Originally, we came up with an idea based on the 1938 language, and thanks to the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from North Carolina (Mr. BALLENGER), the subcommittee chairman, and the ranking minority member, they had hearings with an attempt to match this not only with the Senate, but with the Department of Labor and with the White House in a very bipartisan way.

Mr. Speaker, I think the outcome in the Senate of 95 to 0 vote shows the work that went forward on this bill, not only from Republicans but Democrats, the White House and the Labor Department as well.

Why would we do this? Well, when the 1938 legislation first came about, they did not know that every day you pick up a newspaper that there is jobs wanted in there that offer stock options; whether it is medical benefits; whether it is stock options or safety programs within the workplace, workers look at these things when they select those jobs to help their families. This bill provides for that.

This will affect over 65 million Americans, union, nonunion, private individuals, public individuals. They want a piece of the rock, and I laud those individuals who have helped with this.

Profits from stock options have been taken to account for too long, Mr. Speaker, and I want to thank personally the gentleman from California (Mr. KUYKENDALL); the gentleman from Virginia (Mr. DAVIS); the gentleman from California (Mr. OSE); the gentleman from California (Mr. BALLENGER), chairman of the committee; the gentleman from Virginia (Mr. MORAN); on the Democrat side, the gentleman from California (Mr. DOOLEY); the gentleman from Indiana (Mr. ROEMER); the gentlewoman from California (Ms. ESHOO). And I say to the gentleman from New York (Mr. OWENS) there is not but a handful of issues that we agree on in a year, but this is one where we come together in support of it. I would like to thank the gentleman as well.

Mr. Speaker, I want to also thank Senator MCCONNELL on the Senate side that drove this. In an election year, it is not important who takes credit for this thing, it is the workers and the families that benefit from this bill. I want to thank those individuals. This will help protect the dot-coms of America.

Another issue is where for example, the biotechs, we have had to bring in Ph.D.s for biotech industries from other countries. I think that is a crime to where our education system does not provide for our people to take those jobs, Americans to take those workers, but yet when they brought in other doctors and Ph.D.s, there is a group that wanted to tax that as real income, because they did not have the cash flow to do that, it prohibited those companies from helping with medical research.

This is a good bill, Mr. Speaker, a lot of good people worked on it on both sides of the aisle, the White House, and with the Department of Labor.

Mr. Speaker, I want to specifically thank the gentleman from California (Mr. KUYKENDALL), for his effort in this; the gentleman from North Carolina (Mr. BALLENGER), who worked tirelessly on this, and the gentleman from California (Mr. ROGAN) and the gentleman from California (Mr. BILBRAY), my seatmate down in San Diego.

Washington, DC, April 27, 2000.

Hon. RANDY "DUKE" CUNNINGHAM,
House of Representatives,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: The National Association of Manufacturers (NAM) is the nation's largest, broad-based industrial trade group. Our membership includes more than 14,000 companies and subsidiaries, including approximately 10,000 small manufacturers and 350 member associations, located in every state. On behalf of our member companies, we ask you to cosponsor and support H.R. 4182, the Worker Economic Opportunity Act. H.R. 4182 is a bipartisan bill, sponsored by Representatives CUNNINGHAM (R–CA), JIM MORAN (D–VA), CASS BALLENGER (R–NC), TIM ROEMER (D–IN) and many more of their colleagues, which simply ensures that non-exempt (hourly) workers can continue to receive stock options and other equity-participation programs.

H.R. 4182 is needed because of a February 1999 compliance letter by the Department of Labor's (DOL) Wage and Hour Division that placed stock options and other equity-participation programs for hourly workers in jeopardy. It required employers to recalculate overtime pay based on profits realized when an employee exercises the stock options. In response to the letter, many companies have already put their programs on hold until there is legislative clarification. If hourly employees are to continue to receive these options, the House needs to act swiftly. This bipartisan bill has already passed the Senate by a 95–0 margin and enjoys the strong support of the Department of Labor.

On behalf of our members and their employees, the NAM thanks you in advance for your support of H.R. 4182, The Worker Economic Opportunity Act.

Sincerely,

PATRICK J. CLEARY.

UNION OF NEEDLETRADES,
INDUSTRIAL AND TEXTILE EMPLOYEES,
Rochester, NY, February 22, 2000.

TO WHOM IT MAY CONCERN: I am writing on behalf of UNITE and its approximately 5,300 United States bargaining unit employees covered by a contract with Xerox Corporation. It is our understanding that Congress is currently considering legislation to clarify the Fair Labor Standards Act (FLSA) treatment of stock options and other forms of stock grants in computing overtime for non-exempt workers. Xerox' UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purpose of calculating overtime.

It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future. In addition, without such a change in the law if options are granted there could be tremendous differentials in the amount of overtime each individual employee receives based on what he or she decides, to exercise an option or sell stock. However, *our position that stock options should be exempt from the regular rate for purposes of overtime* in no way *diminishes our position that* bargaining unit employees *must have the* right to receive overtime pay for actual hours worked.

As we begin the 21st century, UNITE hopes more companies will begin to provide all their employees with stock options and other forms of stock, it is a great way to assure that when the company does well the employees share the reward through employee ownership. Thank you for your consideration of this matter.

Sincerely,

GARY J. BONADONNA,
Director, International Vice President.

ASSOCIATION OF PRIVATE PENSION
AND WELFARE PLANS,
Washington, DC, April 19, 2000

Hon. J. C. WATTS,
Chairman, House Republican Conference,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE WATTS: I am writing on behalf of the Association of Private Pension and Welfare Plans (APPWP—The Benefits Association) to ask you to co-sponsor and support H.R. 4182, the Worker Economic Opportunity Act, a bipartisan bill to ensure that rank and file employees continue to benefit from stock ownership programs. A companion bill (S. 2323) has already passed the Senate by a 95 to 0 vote and the legislation enjoys the support of the Clinton Administration.

APPWP is a public policy organization representing principally Fortune 500 companies and other organizations that assist employers of all sizes in providing benefits to employees. Collectively, APPAP's members either sponsor directly or provide services to employees benefit plans that cover more than 100 million Americans.

Many stock option and stock participation plans, which extend the benefits of equity ownership to working Americans at all income levels, are in jeopardy due to an opinion letter issued by the Department of Labor (DOL) in February 1999. The opinion letter stated that the Fair Labor Standards Act (FLSA) requires any stock option profits earned by a non-exempt employee to be included in that employee's regular rate of pay for purposes of calculating overtime. The practical result of this unexpected ruling is that employers will feel compelled to exclude their non-exempt employees from broad-based stock ownership plans or not offer such plans at all. To its credit, the DOL recognizes that this result is not beneficial to workers but has stated that only legislative action can reverse the ruling. H.R. 4182, introduced by Representatives "Duke" Cunningham (R-CA), Jim Moran (D-VA), and Cass Ballenger (R-NC), is the product of bipartisan discussions and agreement with the DOL and provides the necessary revisions to the FLSA.

APPWP believes that broad-based stock ownership plans provide important benefits to American workers. Such plans make workers corporate owners, can serve as a significant vehicle for wealth accumulation and enhance retirement security. As the attached fact sheet shows, stock ownership and its benefits are spreading to all levels of the workforce and across the entire spectrum of American industry. Despite these positive developments, many employers are now caught in the quandary of how, or even whether, to proceed with extending equity ownership to rank-and-file employees. Therefore, quick passage of H.R. 4182 is necessary. Your commitment to join 37 other House members as a co-sponsor of H.R. 4182 will help achieve this goal and ensure that non-exempt employees will continue to be eligible for stock ownership programs.

Thank you for your consideration of this important matter. If we can provide more information or answer any questions you may have, please contact James Deleplane, APPWP's Vice President, Retirement Policy, at jdeleplane@appwp.org or (202) 289-6700.

Sincerely,

JAMES A. KLEIN,
President.

STOCK OPTION BILL UNANIMOUSLY APPROVED BY SENATE; LPA-BACKED LEGISLATION MOVES TO HOUSE

BIPARTISAN BILL BACKED BY LABOR DEPARTMENT CORRECTS LAW DISCOURAGING EMPLOYERS FROM PROVIDING STOCK, STOCK OPTION PROGRAMS TO HOURLY EMPLOYEES

APRIL 12, 2000—Today, LPA praised the Senate's passage of the Worker Economic Opportunity Act (S. 2323), bipartisan legislation that would amend the Fair Labor Standards Act of 1938 (FLSA) to ensure that employers can continue to offer stock options to non-exempt employees without fear of violating overtime requirements. Many stock and stock option programs had been placed on hold when companies learned last December about a potential conflict with the FLSA. That conflict would require overtime payments to be calculated retroactively based on profits earned through stock option programs.

According to Jeff McGuiness, President of LPA, "We are very pleased that the Senate has come to the rescue of tens of thousands of working Americans who receive stock and stock options from their employers. We applaud its effort to ensure that companies will be able to continue to offer broad-based stock option programs. Because proxy season is upon us, we hope the House will act quickly on this important bill so that stock programs can be resumed." Labor Secretary Alexis Herman has indicated that she will strongly recommend that the President sign the bill if it reaches his desk.

Senators Mitch McConnell (R-KY) and Chris Dodd (D-CT) introduced S. 2323 in March. Rep. Duke Cunningham (R-CA) has introduced an identical bill (H.R. 4182) in the House.

The need for legislation became apparent after the Department of Labor's Wage and Hour Division advised an employer to include employees' stock option profits as part of base pay for the purposes of calculating overtime. The additional administrative burden imposed by such calculations and the liability arising from making them incorrectly has resulted in a large number of companies suspending future employee equity programs.

LPA is a public policy advocacy organization representing human resource executives of more than 200 leading companies doing business in the United States, many of whom give stock options to hourly employees. Collectively, LPA members, many of whom have substantial numbers of employees represented by labor unions, employ more than 12 percent of the private sector workforce in the United States.

Chamber of Commerce
of the United States of America,
Washington, DC, May 2, 2000.

Hon. Randy "Duke" Cunningham,
Rayburn House Office Building,
Washington, DC.

Dear Representative Cunningham: I am writing to commend you on your leadership role in bringing to the floor of the House S. 2323, the Worker Economic Opportunity Act. As you know, this bill passed the Senate by a vote of 95-0 in April, and is identical to H.R. 4182, which you introduced along with seven other original co-sponsors from both sides of the aisle. The Chamber strongly supports this bipartisan legislation, which will help millions of hourly workers retain or obtain stock options.

Last year, the U.S. Department of Labor issued a letter ruling stating that companies providing stock options to their employees must include the value of those options in the base rate of pay for hourly workers. Employers must then recalculate overtime pay over the period of time between the granting and exercise of the options. This costly and administratively complex process will cause many employers to cease offering stock options and similar employee equity programs to their nonexempt workers.

Clearly, the Fair Labor Standards Act must be modernized to reflect the fact that many of today's hourly workers receive stock options. For this reason, the Chamber strongly supports S. 2323, legislation that would exempt stock options and similar programs from the regular rate of pay for nonexempt workers. This carefully crafted legislation will provide certainty to employers who want to increase employee ownership and equity building by offering stock options and similar programs to their hourly workers. The bill is broadly supported by members from both sides of the ideological spectrum, as well as the U.S. Department of Labor.

We urge prompt enactment on S. 2323, which will help millions of American workers build equity in the companies for which they work.

Sincerely,

R. Bruce Josten.

The ERISA Industry Committee,
Washington, DC, May 1, 2000.

Dear Representative: The ERISA Industry Committee (ERIC) strongly urges you to support H.R. 4182, the "Worker Economic Opportunity Act." H.R. 4182 is expected to come before the House for a vote during the week of May 1. Timely enactment of this legislation is critical to the continued viability of broad-based stock options and other similar programs that provide employees with equity ownership in the companies for which they work.

Introduced April 5 by Representative Randy "Duke" Cunningham, the "Worker Economic Opportunity Act" enjoys strong bipartisan and bicameral support. The bill is the result of a cooperative effort between congressional leaders, the Department of Labor, and the business community. The Senate unanimously passed its companion to H.R. 4182 on April 12.

Stock options increasingly are available to a broad range of employees, not just executives. A recent survey by William M. Mercer, Inc., reports a better than twofold increase since 1993 in the percentage of major industrial and service corporations that have a broad-based stock option plan.

In spite of the growing enthusiasm for employee equity ownership among employers and employees, an advisory letter interpreting current law issued by the Department of Labor's Wage and Hour division has effectively stopped this movement in its tracks.

According to the Department's interpretation of the Fair Labor Standards Act (FLSA) of 1938, and gains from the exercise of stock options recognized by rank and file workers must be included in their "regular rate of pay" for purposes of computing overtime wages. Thus, in order to comply with the Wage and Hour Division's interpretation of the FLSA, employers would be required to track stock options granted to rank and file employees and recalculate their overtime payments once the options have been exercised.

No rational employer will subject itself to this impracticable burden. As a result, rank and file workers will be denied the valued opportunity to become a stakeholder in their employer's future.

H.R. 4182 is narrowly tailored to directly address the issues raised by the Wage and Hour Division's advisory letter without compromising any long-standing worker protections under FLSA. Most important, this legislation will benefit millions of working Americans by facilitating the continued expansion of equity-based compensation programs. It should be enacted without delay.

Thank you for considering our views. Please feel free to call on us if you have any questions or need additional information.

Very truly yours,

Mark J. Ugoretz,
President.

Information Technology
Industry Council,
Washington, DC, May 2, 2000.

Hon. Randy Cunningham,
House of Representatives,
Washington, DC.

Dear Congressman Cunningham: I am writing to thank you for your leadership during House consideration of S. 2323, the Worker Economic Opportunity Act. I would also like to let you know that ITI anticipates making the vote on final passage of S. 2323 a "key vote" for our 106th Congress High-Tech Voting Guide.

ITI is the association of leading U.S. providers of information technology products and services. It advocates growing the economy through innovation and supports free-market policies. ITI members had worldwide revenue of more than $440 billion in 1998 and employ more than 1.2 million people in the United States. The High-Tech Voting Guide is used by ITI to measure Members of Congress' support for the information technology industry and policies that ensure the success of the digital economy. At the end of the 106th Congress, key votes will be compiled and analyzed to assign a "score" to every Member of Congress.

We believe that passage of this legislation is an important piece in ensuring the future growth of our industry and the nation's economy. As you know, today more and more working Americans worker are receiving stock options. The Worker Economic Opportunity Act updates the Fair Labor Standards Act to guarantee that rank-and-file employees and management can share in their employer's economic well being in the same manner.

We look forward to working with you on other issues important to the information technology industry.

Best regards,

Rhett Dawson,
President.

Mr. OWENS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Dooley).

Mr. DOOLEY of California. Mr. Speaker, I rise today in support of H.R. 4182, a bipartisan effort to address a problem that could impede advancements in many sectors of our economy.

In many ways this legislation I think is a reflection of the transition our economy is making from an industrial-based economy to an information-based economy. We are seeing some of the most rapid growth in our economy now in this information sector, where a lot of those companies are making great efforts to recruit talent and personnel by offering them a stake in the company. By ensuring that stock options can be available not only to management, but to employees, we are going to ensure that that employee will have the opportunity to benefit from the technology and the product development that is adding so much wealth to our entire economy.

I am real pleased that this legislation will certainly benefit not only the technology sector, but also a lot of other companies on the more manufacturing side of things, who are seeing some examples of how they too can reach out to make their employees more a part of their efforts to move forward.

Mr. Speaker, I just want to join the chairman and the ranking member in their efforts in bringing this bill to the floor, and thank all of the efforts of the administration and other Members that have joined in support of this legislation.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), the subcommittee chair responsible for this legislation.

Mr. BALLENGER. Mr. Speaker, I am pleased today to rise in support of this act, a bipartisan bill to protect the stock option programs for rank and file employees.

Stock option programs can be configured in a variety of ways and are referred to by different names, but all the programs share similar objectives, to reward employees, to provide ownership in the company, and to attract and maintain a motivated workforce.

In testimony before my Subcommittee on Workforce Protections earlier this month, witnesses discussed how stock ownership programs are now available to more and more employees. In the past, such programs were used to reward executives, top management and other key employees. However, there has been a dramatic increase in the past several years in the number of companies offering broad-based employee ownership plans to rank and file employees.

The Department of Labor's recent interpretation saying that stock options may be part of an employee's "regular rate," threatened to undermine the ability and willingness of employers to make stock options available to their own nonexempt employees. Ms. Abigail Rosa, an employee who testified at the hearing, expressed concern that the Department of Labor's interpretation of the law would force companies to do away with stock option programs for employees who are covered by the overtime law.

Allowing hard-working rank and file employees to share in the growth of their companies is good for morale, good for families, and good for the country. I am pleased that we were able to work together to fashion a bill that updates the 1938 labor law. We have a bill that fosters stock option plans and has the FLSA taking a baby step into the 21st century.

This bill represents the hard work and attention of many Senators and Members of the House on both sides of the aisle, as well as the Department of Labor, and I urge my colleagues to vote for this legislation.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my gratitude to the gentlemen on the other aisle for their cooperation in working together on this piece of legislation.

I think the bipartisan cooperation of this legislation shows that both parties are willing to go into the rest of this age of information and to continue on to what I call the cyber-civilization and make the necessary adjustments to various factors in our economy. But I think it is important to note that the gentleman from California (Mr. Cunningham) said that it is a crime that large numbers of foreign workers are being imported and that they will be occupying these high-paying jobs, they will be getting these stock options, and large numbers of our own workforce will be denied the opportunity because they do not have the proper education and training. So at a time when our economy is leaping ahead and there is unprecedented prosperity, and we heard recently that the budget surplus is going up since we were on recess and came back, the budget surplus is going up, I think they expect about $200 billion surplus this year or more, and over the next 10 years you may have a $2 trillion surplus, it is a crime that we do not have the kind of education system which will develop and train the workers who can take the jobs that are paying so well that they offer stock options in addition to regular salaries.

This great budget surplus that we anticipate, if we were only to take 10 percent of it for education, just 10 percent, we could deal with these 21st century problems of large numbers of vacancies in industries which require highly educated workers. Just 10 percent. I would say 5 percent for the all-important activity of school construction, school repairs, various things related to school infrastructure, because part of the training process requires that you have the facilities and you have the equipment.

There is a great need for capital investment in our schools in order to get the workforce trained who would be able to take advantage of such lucrative items as stock options, as well as higher paying jobs. Take 5 percent for physical infrastructure and deal with the problem that the National Education Association has cited as requiring $254 billion. Their survey, their report, shows that we need $254 billion to bring the infrastructure of the public school systems up to a level where they can take care of the present population. We are not talking about long-term enrollment projections. $254 billion is needed at this point to do that.

We have it. Money is not the problem. It is there in the surplus. I am not asking for that much, but I think we ought to reserve 10 percent for education. Five percent of $2 trillion would be like $20 billion. Five percent of $2 trillion would be $10 billion for construction and another $10 billion for other educational improvements. $20 billion a year reserved out of the projected surplus would take care of the problem of training workers so those workers could make the salaries and be eligible for the stock options we are talking about today.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. OWENS. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds, just to indicate that if we in the Congress of the United States refuse to admit that billions and billions, hundreds of billions of dollars that we have spent on education from the Federal level have not closed the academic achievement gap one little tiny bit, and if we will not admit that those programs have failed, I do not care how much money we spend or how many more programs we introduce, failure is bound to follow as it has over the last 30 years.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), the other subcommittee chair of the labor side of our committee.

Mr. BOEHNER. Mr. Speaker, team-building is replacing bureaucracy throughout our country. That is really what we define today as the New Economy. New Economy companies are not just high-tech firms. They are companies that understand the value of their workforce as a team and organize themselves around team dynamics. That goes for companies that make sofas in southwestern Virginia, as well as companies that make Internet servers in Silicon Valley.

A critical part of team-building is getting everyone on the same page, making sure everyone is motivated by common interests. By making the employee a shareholder, stock options also make them valued team members who see their interests and those of the rest of their team as one and the same.

Our subcommittee held a hearing in March on another stock options-related measure, one that I introduced last winter. One of the witnesses at our hearing was Timothy Byland, a sales employee with a San Diego-based Internet firm. Tim told our committee, and I quote, "Stock options are a way of sharing the gains of the business with those responsible for those gains. With stock options, I am part of that shared success. I am rewarded for the contributions I make and I am motivated to make them."

Stock options are part of almost any employee compensation package in the high-tech sector today, but increasing numbers of more established companies today are recognizing the value of helping employees become shareholders, giving them an unprecedented chance to share in their company's performance and profits. These companies range from 3M to Pepsi to Merrill Lynch, Citigroup and CBS.

In short, Mr. Speaker, stock options just are not for the executive anymore. This is a new economy with new opportunities for workers at every step along the pay scale.

The Labor Department's current policy on stock options for overtime employees illustrates how out of step Washington's rules are with the opportunities of the new economy. It is a throwback to the old days when stock options were available to almost no one except top executives.

If fully implemented, this policy would be a dramatic step backward. It would needlessly discourage employers from granting stock options to hourly employees. It would limit opportunities for millions of workers to build greater wealth and, most importantly, retirement security.

Swift passage of this measure today will remove a major Federal obstacle to the vision of a shareholder society shared by many members on both sides of the political aisle. It will also help to ensure continued movement toward a regulatory system that reflects the opportunities of the 21st century, and it will pave the way for us to address some other problems that current law poses for rank and file workers with stock options such as the IRS Tax Code dual taxation of nonqualified stock options.

Mr. Speaker, I commend the gentleman from North Carolina (Mr. BALLENGER), the gentleman from Pennsylvania (Mr. GOODLING), and all of the Members who have worked on this bill, and I urge all of my colleagues to support it today.

Mr. OWENS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from New York for yielding me this time.

Mr. Speaker, as the lead Democratic sponsor of the House version of this bill, the Stock Options Preservation Act, I want to thank all of the people in both Chambers and particularly on both sides of the aisle who put aside partisanship and traditional turf battles to get this important legislation passed into law. Particularly, I want to thank the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Virginia (Mr. DAVIS), who reached out to Members on both sides of the aisle and worked with the administration to craft meaningful, substantive legislation. I wish we could do more of this. Not only is this a substantive piece of legislation, but it also ought to be an example of how we can do things when we can get together in a bipartisan way.

What drove this, of course, was the understanding that in business, there is only one way to increase total compensation without raising inflation, and that is increasing productivity. Increased productivity means that workers can take home more and that businesses can earn more. It represents a win/win scenario and is directly responsible for the tremendous economic growth we have experienced over the last 8 years. It has been unbelievable to be able to keep inflation down, while wages and benefits are going up; and, of course, it is all because of the increased productivity that we are seeing throughout our workforce.

This is not just because of technological advances; it is achieved by improving the way in which employees work together. When employers and employees share the same goals, which is the success of a business, then productivity increases. Employees and employers both win, and of course the American economy wins too. That is why we have this enormous surplus. We are finally going to be able to stop paying down the debt, investing in education and research, and setting aside money for our retirement. It is all because we have this tremendously more productive economy.

As one example, let me just share an example. One large company that distributed food products was losing millions of dollars each year because of very low recycling rates. So when it imprinted the logo for its stock option program on all of its products, the recycling rates went up to 99 percent; 99 percent got recycled. It was because the employees realized that recycling boxes and other waste products saved the company millions, that improved the bottom line and consequently, the stock price.

No longer are stock options exclusively for the CEO and top management. Two-thirds of large companies give options to portions of their nonexecutive workforce, and over one-fourth of those companies give options to all of their employees.

Stock options unite employees. Some businesses have stock tickers in their cafeterias. When the price is up, the employees all feel a sense of achievement. When it is down, they know they have more work to do. It overcomes divisions that oftentimes pit employees against employers, and that is better for all of us. It promotes a sense that employees from the CEO to the line worker in all parts of the country are part of the same team.

This has been a long time in coming, but when we can work as a team and we can stop that gap between management and the workforce, we are all better off. This new economy should bring increased opportunities for all American workers. Stock option programs provide that opportunity by making workers into owners, investing them in the success of the business.

The administration has endorsed this bill, the Senate passed it unanimously, and I strongly support it, and I trust it will pass unanimously. This is what the new economy should be all about and what the American workforce should be all about, being invested more in the product, in the efficiency and the effectiveness of the way in which we develop a product and not just in the process. We are all part of this economy, and workers need to be owners. Stock options are enabling us to achieve that.

Again, I want to congratulate my colleague, the gentleman from Virginia (Mr. DAVIS), for being one of the first people to bring that up, and as I said, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Pennsylvania (Mr. GOODLING), and all of the other speakers, and the gentleman from New York (Mr. OWENS). It is both sides of the aisle, and this is the way we get things done, and this is very important for our economy.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a member of the committee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a rare occasion when we agree with the Department of Labor on legislation, but today we do. This bill will ensure that all employees, including rank and file workers, are allowed to participate in employee-provided stock option programs.

With the advent of new technology and Internet companies that offer stock options to lure the best and the brightest, we must make sure that outdated laws do not stifle our growth and innovation.

It is unfair to allow only top executives to participate in these stock options, excluding those who provide the labor for the same company, but on an hourly basis. I believe rank and file employees deserve the chance to make their fortune, secure their retirement, and increase opportunities for savings. The time is long overdue to help millions of workers and employees achieve the American dream.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS), another Member who worked hard on this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, the Department of Labor's opinion letter that was issued in February was really outrageous. The letter stated that the Fair Labor Standards Act did not allow the value of stock options to be excluded from the calculation of a nonexempt worker's overtime pay. Now, this had not been a problem in 20 years. When I was a corporate executive and we were giving stock options to nonexempt employees, we did it with the idea of they being owners of companies.

The effect of this rule and regulation would have been that many workers who are salaried employees would no longer be eligible for stock options, that they were going to be deprived of their piece of the American dream: homeownership, to be able to build equity, and get the kind of income that exempt workers were routinely getting. That was the effect of that decision.

Unfortunately, it created a lot of uncertainty within the business community. When this was brought to the attention of the higher-ups, Congress started to act and the administration moved into gear. We appreciate everybody working together now to bring this legislation where it is today. I think the unanimous Senate vote, the fact that the administration is now going to sign legislation that will basically solve the problem that was created when they sent this letter out in February, is an indication that when we work together, we can solve these problems. I want to applaud all concerned.

Mr. Speaker, I rise today to express my strong support for S. 2323, the Worker Economic Opportunity Act, a measure that exempts stock options, stock appreciation rights, and employee stock purchase programs from the calculation of overtime pay for certain employees under the Fair Labor Standards Act. As a sponsor of the House companion to this measure, introduced by my colleague, Congressman CUNNINGHAM, I cannot emphasize enough how important this legislation is to the continued growth of our nation's New Economy in the 21st Century.

Over the past decade, our economy has boomed and the shortage of workers has intensified. Within this context, employers have used innovative ways to improve their workplaces and attract and retain workers. Offering new financial opportunities—such as stock options—has allowed many companies to draw in good workers and at the same time, give employees an ownership right in the growth potential of a business. According to Fortune magazine, of the 100 best companies to work for, over one-third now offer stock options to all of their employees. And the National Center for Employee Ownership reports that over 80 percent of companies receiving venture capital financing provide options to both non-managerial and key management employees.

The Department of Labor's opinion letter, issued in February, brought a great deal of uncertainty for employers and employees. The letter stated the Fair Labor Standards Act did not allow the value of stock options to be excluded from calculation of non-exempt worker's overtime pay, sparking serious concerns among those of us here in the House of Representatives and the other body as to how this ambiguity would affect economic growth. While the increased use of stock options is on the rise in traditional businesses, the high technology industry in particular owes a great deal of its growth to the issuance of stock options. The high technology industry has been a boon to our economy, creating more than 1 million high-paying jobs since 1993. In my home state of Virginia, some 12,100 technology-based firms call Virginia home, employing more than 370,000 workers and contributing more than $19.4 billion in wages.

S. 2323 passed the Senate overwhelmingly with a vote of 95–0 last month and received the support of the Secretary of Labor, Alexis Herman. It will assure the protection of worker's stock options and ability to share in the success of a company without harming the computation of fair overtime pay. I want to commend Chairman GOODLING, Chairman BALLENGER, and Congressman CUNNINGHAM, for their leadership on this issue. I urge all of my colleagues to support this bill and save stock options for all workers.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of S. 2323, the Worker Opportunity Act. It is important legislation that encourages companies to grant stock options to all employees without triggering overtime calculations of the Fair Labor Standards Act. It is a much-needed update to reflect current realities in the workforce and our economy.

Passed in 1938, the Fair Labor Standards Act guaranteed that hourly workers would receive fair pay for their work. It set strict requirements with respect to how overtime would be calculated. Over the years, overtime pay provisions have been amended to reflect changing realities of the workplace.

For example, today current law excludes health and pension plans from overtime calculations as a means of encouraging employers to offer these important benefits to hourly employees. The United States economy has changed dramatically since 1938. It is an economy fueled by information technology and high-tech industries.

Many companies today have tight capital constraints when starting out. Companies in this new economy attract potential employees by offering the promise to share future corporate profitability through stock options or other stock purchase plans; and for the first time, employees at all levels have a meaningful stake in the success of their businesses, creating other positive benefits. Imagine, the attitude that every employee is important to the success and welfare of their employer, and they can participate in the benefits of ownership are attitudes that our labor laws and policies should encourage.

Unless changes are made to the Fair Labor Standards Act, most employers have indicated that they would exclude nonexempt employees from participation in stock purchase plans. According to the Employment Policy Foundation, the potential impact of the Department of Labor's interpretation is that 26 million Americans would stand to lose their stock options or other corporate equity. This is not a result intended by the Fair Labor Standards Act, by the Department of Labor, or by labor representatives. With passage of this bill today, we undertake the much needed revision to provide the Department of Labor with additional flexibility.

I was pleased to be an original cosponsor of the House companion bill, and I am proud to support S. 2323 today, and I urge all of my colleagues to vote in favor of this important resolution.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. OWENS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is important to note that the language on both sides has been the same. The concepts have been the same. We basically agree that the Committee on Education and the Workforce understands the implication of the New Economy. We understand the kind of society we are going into. We understand that we have responsibilities for the workforce.

Here we are exercising an important responsibility in terms of payment; that they should not be barred from enjoying the prosperity and should not in any way be kept from having stock options as other people do within the confines of a corporate enterprise. So we all agree.

Mr. Speaker, I think we all ought to agree that the Committee on Education and the Workforce is primarily for the American workforce. We may have some international obligations sometime in the future; we may choose to assume those, but it is the American workforce that we would like to see take advantage of the opportunities that exist in our economy now.

The sad thing about this bill, as the gentleman from California (Mr. CUNNINGHAM) pointed out, is that so many of our people who ought to be qualified for these jobs are not qualified, and we are going to be reaching out to the rest of the world to bring in workers who will not pay into the Social Security system, who will not contribute to the full economy of our Nation, while we are denying the opportunity to our own people because we have not developed a sufficient education system.

So given the fact that we now have an opportunity with a huge surplus, 10 percent of that surplus ought to be devoted to revamping our education system. Revamping it in ways that do not interfere with local controls, starting with school construction, which is a capital expenditure. Buying computers is a capital expenditure. We can do the things that capital expenditures require, get out, and do not interfere with the operation of the schools.

It is relevant to this discussion. At the end of the war in Vietnam, we did not jettison or throw away our military establishment. We did not say, look, they have lost a war to a Third World country; and, therefore, they have not succeeded so we will not continue to support our military. Just the opposite happened. We began to pour more and more resources more and more dollars into revamping and building up the world's greatest military system that existed.

So the failure of our school systems up to now, the huge amount of problems that we have in terms of educational reform and improvement, should not prevent us from utilizing this window of opportunity to provide help for working families. Working families should be allowed to join the economy and enjoy the stock options, because they qualify for those good-paying jobs.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2323.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2323.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IDEA FULL FUNDING ACT OF 2000

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4055) to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of the act by 2010.

The Clerk read as follows:

H.R. 4055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "IDEA Full Funding Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) All children deserve a quality education, including children with disabilities.

(2) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) provides that the Federal Government and State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of educating children with disabilities.

(3) While Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities, the Federal Government has failed to meet this commitment to assist States and localities.

(4) To date, the Federal Government has never contributed more than 12.6 percent of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act.

(5) Failing to meet the Federal Government's commitment to assist with the excess expense of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education.

SEC. 3. PURPOSE.

It is the purpose of this Act to reach the Federal Government's goal under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) of providing 40 percent of the national average per pupil expenditure to assist States and local educational agencies with the excess costs of educating children with disabilities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Notwithstanding section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(j)), for the purpose of carrying out part B of such Act, other than section 619, there are authorized to be appropriated—

(1) $7,000,000,000 for fiscal year 2001;
(2) $9,000,000,000 for fiscal year 2002;
(3) $11,000,000,000 for fiscal year 2003;
(4) $13,000,000,000 for fiscal year 2004;
(5) $15,000,000,000 for fiscal year 2005;
(6) $17,000,000,000 for fiscal year 2006;
(7) $19,000,000,000 for fiscal year 2007;
(8) $21,000,000,000 for fiscal year 2008;
(9) $23,000,000,000 for fiscal year 2009;
(10) $25,000,000,000 for fiscal year 2010; and
(11) such sums as may be necessary for each subsequent fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have looked forward to this day for 26 years, and I am glad it has arrived and I hope it is just the beginning.

For many years in the minority, I pleaded and pleaded and pleaded to do something about getting somewhere near that 40 percent of excess costs. Finally, I got the gentleman from Michigan (Mr. KILDEE) to join with me on the Committee on the Budget and as powerful as we two are, we did not move the Committee on the Budget nor did we move the appropriators. But we are still fighting.

Today, of course, we have an opportunity to do something about it. As I have said over and over again, if we would meet that obligation, if we had met it over the years of paying 40 percent of the excess costs, today we are talking probably about $2,500 per student for each child.

I have said over and over again that how much we could have done over those years in maintaining school buildings, improving school buildings, reducing class size. And then people will say that is not very much money. Well, I have got news for my colleagues. New York City would get $170 million a year. Twenty times $170 million sounds like a lot of money to me. Los Angeles, $95 million every year. Twenty times $95 million every year sounds like a lot of money to me.

The problem is, we have not met our obligations. If we had met our obligations, of course, we can see on the chart the number of children with disabilities, the national average per pupil in the year 2000 was $6,300. So 40 percent of that gives about $2,500 per child.

On the other chart, of course, I indicate what Los Angeles, Chicago, New York City, Dallas, Miami, Washington, D.C., St. Louis, just to mention a few, would have gotten year after year after year if they had gotten the 40 percent that they expected us to put forth on the excess costs.

I ought to caution, however, that unless we can control over-identification, we can never get to the 40 percent. There is not anybody that has enough money to get to that 40 percent. So we have to work at both ends.

The legislation was proper because the legislation said every child, whether you have a disability or not, should have an equal opportunity for a good education. Our problem is that we did not put our money where our mouth was. That meant that local school districts have had to raise all of this money locally and take it away from reducing classes and away from school construction and maintenance, and they have had to take it away from better education for every other child because they had to fund this 40 percent.

I am very pleased to indicate, however, in the last 4 years we have convinced the budget people and we have convinced the appropriators, and they have upped us $2 billion each year. That gives us 115 percent increase in a 4-year period, and I am very thankful for that. If we keep doing the same for the next 10 years, we will be in very good shape.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Pennsylvania (Chairman GOODLING) in supporting H.R. 4055. I want to commend the gentleman for bringing this legislation before the House today.

Several years ago, when we both served on the Committee on the Budget, the gentleman from Pennsylvania had the wisdom and the courage to vote for full funding of IDEA. He was the only one on his side of the aisle in that committee to vote "yes," and I certainly appreciate his courage. Despite opposition to this effort, he doggedly pursued this goal.

Mr. Speaker, I admired him for his perseverance then and continue to admire him for it now. The work of the gentleman from Pennsylvania (Mr. GOODLING) has touched the lives of so many children during his career, providing many of them with the means to better themselves.

Today, I find myself as a better person because of the gentleman from Pennsylvania. His retirement at the end of this Congress is a great loss to this institution and to the children of our country.

Having extolled the virtues of my chairman, and he is my chairman and my friend, I also want to discuss the importance of this legislation. When the gentleman from Pennsylvania introduced H.R. 4055, I was pleased to learn that his bill is similar to the text of H.R. 3545, the bill introduced by the gentleman from California (Mr. MARTINEZ) and myself.

I want to especially acknowledge the leadership of the gentleman from California (Mr. MARTINEZ) on this issue. It has been a goal of mine, and that of Members on both sides of the aisle, to provide full funding for IDEA.

With this legislation, we will create guideposts that the Committee on Appropriations can use to put us on a 10-year path to reaching our goal of providing 40 percent of the excess costs of educating a child with a disability. I truly hope that this bill provides the impetus to reach full funding of IDEA. That would be the greatest tribute we could pay to the gentleman from Pennsylvania (Chairman GOODLING).

Clearly, the educational needs of children with disabilities and their access to a free, appropriate public education is a critical issue in assuring they become productive members of our society. Moreover, Mr. Speaker, I believe that Federal funding we target to all populations often provides the link to a high-quality education that would not exist without that funding.

This legislation allows us to take a bigger step towards fully funding IDEA and increasing the funding for all of our Federal educational programs.

Every child has dignity. Every child has worth. Their education must be a high priority. Together with the President, who has shown great leadership in the area of increased education funding, we can and should be making increased investments in education for our Nation and for our children.

In closing, Mr. Speaker, I want to urge Members to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Chairman BALLENGER), and I too want to congratulate the gentleman from California (Mr. MARTINEZ) for his doggedness to help us get this legislation to the floor.

Mr. BALLENGER. Mr. Speaker, I rise in strong support of the IDEA Full Funding Act of 2000.

In October 1997, the 105th Congress reauthorized IDEA, allowing continued funding to the States for education of children with disabilities. In 1997, funding for IDEA was only $2.6 billion. In the last 3 years, the Republican-controlled Congress has nearly doubled Federal funding on IDEA to approximately $4.3 billion. Although Congress has allocated more money to IDEA, there is still a shortfall in the obligation to States and local school districts to fund this act.

This bill would free up funds that currently States and local school districts are forced to use to compensate for the Federal Government's failed commitment to fund IDEA. By steadily working to increase IDEA funding to $2 billion each year annually until 2010, Congress would increase opportunity and flexibility for local school districts to fund the programs that they feel are best for their students, whether it be school construction, Title I funding, teacher training or smaller classrooms.

Mr. Speaker, it is time that Congress honors its commitment to States and local school districts, and I urge my colleagues to vote for H.R. 4055.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I rise in strong support of H.R. 4055. I would like to give a little history. In 1972, two landmark cases, Parc versus the State of Pennsylvania and Mills versus the Board of Education, found that children with disabilities are guaranteed an equal education under the 14th amendment.

In response to these cases, Congress enacted the Education for All Handicapped Children Act of 1975, the predecessor of today's Individuals with Disabilities Education act, to assist State and local governments in meeting their responsibility to these children by agreeing to pay up to 40 percent of the excess costs of educating children with disabilities.

However, to date, as the gentleman from Pennsylvania (Chairman GOODLING) has said, the Federal Government has never contributed more than 12.6 percent, leaving States and school districts to make up the difference.

Mr. Speaker, I would like to give an example in my own district. Los Angeles Unified School District, which serves schools in my district, currently spends $891 million to educate 81,000 disabled students. While the school district receives approximately $500 million from the State and $42 million from the Federal Government for that purpose, it still must tap into its general education funds to make up the $300 million shortfall.

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I will say that again, $300 million shortfall. The share of responsibility that falls on the school district grows every year. That fact has not been ignored by the gentleman from Pennsylvania (Chairman GOODLING), as he has at various times tried to rectify the wrong. Therefore, to help him, to help the L.A. school district and school districts all over the country facing similar situations, I introduced a bill to incrementally increase the amount until we achieved the 40 percent commitment.

My bill would authorize an additional $2 billion a year for 10 years to reach full funding of IDEA by 2010.

I am extremely pleased that the gentleman from Pennsylvania (Chairman GOODLING) who has been calling for funding and increased funding for IDEA for many years, long before it was politically popular, has embraced this idea of funding IDEA incrementally over a period of time, in his own bill, H.R. 4055.

In my view, his bill, H.R. 4055, is a first good step to funding our commitment, not only to children with disabilities, but to all children, because, after all, the money that goes to disabled children comes from the general fund for the other children.

I hope that H.R. 4055 is the first of many education full funding bills considered by the Congress.

As we move into the 21st century, we must make critical decisions about the priorities of this Nation. In countries like Japan and China, education is a top priority above even defense. This year alone the Department of Defense will ask for $11 billion in new spending. I do not deny them that. According to OMB's most recent estimates, we can expect an $80 billion budget surplus.

Certainly if the Department of Defense can get $11 billion in new spending, we can spare $2 billion a year to ensure a brighter future for all our children.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me. I, too, rise in support of the legislation before us.

I am a strong believer this is something we really should have done a long time ago at the Federal government level. It is something we should make the commitment to do now because we have to make up for lost time, and it really does free up other opportunities with respect to local and State spending.

We need to understand that we at the Federal Government level only supply about 6 or 7 percent of all of the funding of education in this country. But every now and then, we mandate something. We have done that with children with disabilities. We have said that we have got to educate. The Supreme Court has come along and said, not only do we have to educate, but we have to provide some health services as well.

This is extraordinarily expensive on a local basis; and as a result, we have an obligation, I think, to stand up and to do something about it.

So for all these reasons, I rise in support of the legislation and what the gentleman from Pennsylvania (Chairman GOODLING) is doing, and hopefully this entire body will speak to it in a positive sense.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, as a member of the Committee on Education and the Workforce, I rise in strong support of this legislation. I commend the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce for his resolute stand on this issue. I am proud to be a supporter, along with the gentleman from Michigan (Mr. KILDEE), the ranking member on the subcommittee, on this issue as well.

It is a wise investment of Federal funds to see that schools accommodate students with special needs. It is one that Congress has not taken seriously enough throughout the years.

I am concerned, however, that too many of my colleagues, both on the Committee on Education and the Workforce and throughout the rest of the body, use the IDEA funding issue as a tool for divisiveness on education policy.

Reasonable minds, I believe, can disagree over whether the statutory language of IDEA created a Federal mandate to fund 40 percent of the excess cost of education for special education students. If it does create that 40 percent obligation, then we have only lived up to, over the years, roughly 12 or 13 percent of that responsibility. Reasonable minds can also disagree over how exactly those educational services should best be provided.

But we all should be able to agree that this kind of targeted funding to help schools provide a quality education for students with special needs is exactly the proper role for the Federal Government in education.

Accordingly, we should do all we can to fund IDEA at adequate levels. But we should not use IDEA funding to hold the rest of the Federal education program hostage. We should not, as some of my colleagues are quick to do, insist on funding IDEA only or as a prerequisite for any other funding for other important educational goals in this body.

This country has the wealth and the public will to do great things on behalf of our children's educational needs. The question remains, does the Congress have the will to make hard choices across the whole of the Federal budget to see that America's commitment to education is supported?

Unfortunately, the battles over ESEA in both Houses that seem inevitable in the closing months of the 106th Congress leave many in America doubting our collective will and wisdom.

Again, Mr. Speaker, I support the efforts of my colleagues here today in focusing attention on helping to provide quality education to all students. Let us hope that we can continue this effort in a bipartisan fashion when it comes to reauthorizing the whole of the ESEA legislation throughout the remaining months of this session of Congress.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Chairman McKEON).

Mr. McKEON. Mr. Speaker, I, too, rise in strong support of H.R. 4055, the IDEA Full Funding Act. First, I would like to commend the gentleman from Pennsylvania (Chairman GOODLING) for all of his hard work on this important issue. He has long been an advocate for special needs children. His leadership will sorely be missed when he retires at the end of this year.

Now, in this era of budget surpluses, we must resist the temptation to create new untested Federal programs. Instead, I believe that, before we pass any new programs, we must first fulfill a promise we made a quarter of a century ago, a promise to assist our local schools so that they can provide our special needs children with a public education.

Time and again, I hear our States and schools must sacrifice other educational needs and priorities in order to make up for the Federal shortfall on IDEA funding.

For example, the Antelope and Santa Clarita Valleys in my Congressional District must find nearly $5 million in additional funds to cover the Federal share for educating special education students.

I am sure there are a lot of other things those schools could do with $5 million if the Federal government would simply live up to its obligation.

I am hopeful the President will join us in this important endeavor. If the President would first fund the special education mandate, our State and local school districts would have the funds to do the things the President proposes, such as building new schools, hiring new teachers, buying more computers, and ensuring accountability.

Already, as earlier speakers have said, the Republican Congress has dramatically increased funding for special education. Under H.R. 4055, this Congress will provide fair Federal funding for special education so, in the end, we can approve special education for all of our children.

Therefore, as a proud cosponsor of the IDEA Full Funding Act, I urge all of my colleagues to vote for this bill.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the time be extended 5 additional minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Speaker, I commend the gentleman from Pennsylvania (Chairman GOODLING) for his commitment to Georgia's children and America's children. Twenty-five years ago, this Congress made a promise with the passage of 42–194 and established public education, a mandate to teach all children regardless of their disability, physical or otherwise. Today, millions of American children, because of special education improvements, now live far more productive lives.

I want to talk about two citizens in my district Jonathon Hughes, a young man wheelchair bound, a young man with learning disabilities, a young man who, at the age of 23, graduated from public high school. It took him 9 years to do it, but because of special education and IDEA, he did it. Had he been born 20 years sooner, he would have been in a baby-sitting service and never lived the productive life he will now.

Paul Cobb, a foster child, who, without special education, would not have graduated, but today is a productive worker in our society as a professional photographer.

Thousands of stories all over America are true all because of IDEA, but today the promise made 25 years ago is now a promise kept because we in this Congress are saying to America's public schools, we are sending along with a mandate the funds; and with those funds, we will alleviate local pressures, enhance the education of children with special needs. This Congress will have done what it should have done a long time ago; and that is, made an investment in those American children most in need of our attention, most in need of our love, and most in need of this funding.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time, and I thank him for his support and his introduction of H.R. 4055.

Mr. Speaker, I served for 8 years in the Kansas legislature before being elected to Congress. During that 8-year period of time, it became clear to me that the consequences of the Federal Government's failure to fund special education were dramatic and significant upon the taxpayers of the State of Kansas, upon our school system, and most importantly upon the students.

So it is with pleasure that, upon arriving in Congress, I discovered there was a group of individuals, including the chairman and the ranking member, who were willing and interested in this topic, that cared about the quality of education across the country, and were willing to assist in allowing the Federal Government to at least now gradually meet that mandate.

This year, the Kansas legislature just concluded its session. For that 90-day session, we spent most of it wrangling over the cost of education with a budget shortfall predicted of about $73 million or $74 million. Had the special education funding mandate by the Federal Government been fully funded as promised in 1975, the $75 million that we were struggling to try to find in Kansas would have been there. In fact, it would have been there in double. We would receive about an additional $143 million.

So it is with pleasure today that I rise in strong support of H.R. 4055 on behalf of the students, teachers, parents, and taxpayers of our State and believe that it is well past time that the Federal Government step forward to meet its commitment. This is a matter of significant importance, and I urge its passage.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise today as a cosponsor and in support of H.R. 4055, the IDEA Full Funding Act of 2000 and to thank the gentleman from Pennsylvania (Mr. GOODLING) and his committee for their historic leadership on this special education issue, which is so vital.

Every year, we in Congress talk about the importance of fully funding the Federal Government's share of the Individuals with Disabilities Act, and this bill finally does it, this bipartisan bill.

When the Federal Government neglects its share of IDEA, the State and local governments are forced to pick up the tab. In my State of New Jersey alone, full funding of IDEA would mean an additional $300 million more per year from the Federal Government, money that local governments could spend to hire new teachers, improve school facilities, or reduce local property taxes.

After 25 years of underfunding IDEA, we are considering legislation which will finally authorize the money needed to finally meet the Federal Government's obligation to this critical program for our children. H.R. 4055 authorizes enough funding to fully fund IDEA by the fiscal year 2010, and it deserves our full support.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS) who has been helping us lead this battle the last several years.

Mr. BASS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me. Nobody has led the battle longer and harder than the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. Speaker, I rise in support of the IDEA Full Funding Act of 2000. Full funding of IDEA, as I said, for many, many years now is good for communities. It is good for families. It is good for school boards. But most importantly, it is good for the children who are affected by the funding of this program.

We all recognize that we have a constitutional obligation to provide equal education opportunity to everyone, regardless of disability or need.

Unfortunately, as we have heard over the last few minutes, this government has failed to meet its statutory obligation year after year after year.

Now, with the passage of this bill, we will fully authorize the funding of IDEA over a 10-year period. Now, Mr. Speaker, after the passage of this bill, the challenge moves to the Committee on Appropriations, and it is my sincere hope that the Committee on Appropriations can meet its commitment as is outlined in the sense of Congress and the Budget Resolution to increase funding for special education by $2 billion for fiscal year 2001 and meet the authorized levels in H.R. 4055, which I strongly support.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I, too, rise in strong support of this bill, which I have cosponsored, and I applaud the gentleman from Pennsylvania (Chairman GOODLING) for his leadership.

Over the last Christmas recess, I spent a lot of my time visiting dozens of schools in my District, and I heard one theme over and over and over again, and it was with regard to IDEA and full funding. We have all heard how, since 1975, the Federal Government has been quick to put mandates on local school systems but has never lived up to its financial commitment. That is what this bill is all about, to finally fund what has been heretofore an unfunded mandate.

It is also important in so many other ways because we talk about reducing class size, putting computers in the classroom, all of these other needs. Fully funding IDEA is probably the quickest way to do that, because this will free up local and State money for other needs that school systems need to address and give them flexibility in the process. That is another reason it is so important.

I have sponsored a separate bill to immediately fully fund IDEA, and I certainly would like to do it quicker. But this bill is very aggressive, very productive. I am a proud cosponsor, and again I applaud the gentleman from Pennsylvania (Chairman GOODLING) on his very productive efforts.

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Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to thank my distinguished friend and the ranking member, the gentleman from Michigan (Mr. KILDEE), for yielding me this time.

Mr. Speaker, I was not going to speak, but I decided to take just a short period of time. I want to compliment the gentleman from Pennsylvania (Mr. GOODLING) from our neighbor State. I know he is now tied up and occupied over there with matters of this bill, but I just want to tell him that he has helped every American, and I want to echo and associate myself with the comments of one of the most distinguished Democrats in America, the gentleman from Michigan (Mr. KILDEE), when he said that every child and every student in America owes the gentleman from Pennsylvania a debt of gratitude.

I want to personally thank the gentleman from Pennsylvania for being a leader on this bill. This bill would not have happened without him. And I also want to say that he and the gentleman from Michigan (Mr. KILDEE) over the years have set an example for many Members to look at where bipartisanship has helped to make America better and stronger.

But I know the gentleman is leaving, and I am sad to hear he is leaving. I think he is truly one of our great leaders. I want to thank him for this bill. I think what he has done on this bill will help America more than anybody might imagine, and I think the fingerprints of the gentleman will be on improvements in education for years to come, even as he is out golfing or doing whatever he wants to do.

I want to close by saying to the gentleman from Michigan (Mr. KILDEE) that he has also been an outstanding leader too. And for the two of these Members to have worked together like they have, and to bring legislation like this to the Congress, is truly helpful for all Americans.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise in strong support of this legislation, and I also want to thank the gentleman from Pennsylvania (Mr. GOODLING) and members of his committee for their outstanding work on this legislation. Since 1995, when I came to Congress, we have doubled IDEA funding and that has been a great accomplishment.

Mr. Speaker, Americans are compassionate people. We want every American to be able to climb the ladder of success, even if we have to provide the less fortunate with an escalator. Twenty-five years ago, when the Individuals with Disabilities Education Act was enacted, the Federal Government mandated that our local school systems educate all children, even those with severe mental and physical disabilities.

During the floor debate, it was clear that the Federal Government was committed to paying 40 percent of the cost needed to educate a special-needs child. Today we are falling far short of that mark. Now our good intentions have turned into bad consequences.

The Federal Government's mandate has undermined the public school system's ability to adequately meet the needs of these special children. This is not acceptable for either the children who need special education or those without disabilities who watch their education programs cut in order to fund IDEA.

Educating every child is the right thing to do and I am proud that we are doing that today. Yet IDEA has placed an extreme financial burden on our public schools forcing school districts to rob Peter to pay Paul.

But we can fix this problem. By fully funding IDEA we can put an end to this practice, helping all of our children reach their full potential.

Last week I visited with Barbara Fuller, president of the United Teachers of Wichita, along with a group of special education teachers in my home district. Speaking with them, it became clear the paperwork was also a big burden.

It takes a special and loving person to care for our mentally and physically disabled children. We should be commending their work and doing all we can to make their jobs easier. Instead, Washington and the States drain our teachers' time and patience by forcing them to fill out endless paperwork and Individual Education Plans (IEPs).

This Congress has passed special laws reducing paperwork for small businesses and others; yet we have allowed bureaucrats to expand the number of forms educators are required to fill out. Congress needs to provide an escalator for those with special needs and paper relief for those teachers who dedicate their lives to educating them.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, with thanks and appreciation to the chairman and the gentleman from Michigan, I rise in strong support of increased funding for IDEA.

Mr. Speaker, there is nothing better we can do for this nation than to ensure that all children in all communities have access to a quality education. IDEA was enacted with this credo in mind.

In 1975, Congress enacted this legislation to help states and localities meet their legal responsibility of providing a free and appropriate public education to children with disabilities. Congress' goal was to contribute up to 40 percent of the national average per pupil expenditure for each child with a disability. We are nowhere close to that goal. In fact, we currently provide only 12.6 percent of the national average per pupil expenditure—the most we have ever contributed. According to estimates from the Department of Education, there are 6.3 million children with disabilities being served by our Nation's schools, at a cost to the states of roughly $73 billion. However, this year, Congress is contributing only $5 billion in assistance. That is not enough. We must do more to help the state meet our responsibility that we as a society have undertaken.

The Federal Government has always played a role in helping the states provide an education. We have given billions of dollars to ensure that kids from disadvantaged backgrounds have the same educational opportunities as kids from more privileged homes; we have given money to help the states recruit and train teachers; and we have provided assistance to help schools get connected to the Internet. We must not short change the state in this area of IDEA.

This IDEA money benefits more than 6.3 million kids in our schools. It benefits our whole community. It helps ensure that our children will grow up to be valuable and productive members of our communities. Even in this era of hi-tech stocks, where people are becoming millionaires and even billionaires almost overnight, I believe there is no better investment we can make for our future than providing a quality education for all children.

This bill seeks to do that, and I urge my colleagues to support H.R. 4055.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this proposal today.

I am very pleased that we are finally considering moving forward on funding of IDEA. I am concerned, however, that promises are easy and follow-through is not always so easy, especially when follow-through is costly.

Mr. Speaker, there is a $15 billion walk that goes along with this talk, and I think it is imperative that we discuss that today. Because, frankly, I fear that what we will have is an authorization bill which allows us to make a promise, but no appropriation which allows us to fund the program.

As a matter of fact, I am very concerned that this activity today really represents a fig leaf rather than real progress for American schools. We need authorization, yes; but the real commitment comes when we pass appropriations, when we see the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations pass full funding for this program and then see it pass in the full House.

Now, I am sure this bill will pass today overwhelmingly. I question, however, whether this body will be willing to give the money to effectuate the promise that we make today.

I am also concerned that any proposal that comes forward in appropriations will take from existing educational programs. And of course we will create exactly the same problem that schools struggle with today, which is when we do not fund Federal programs, when we do not fund programs with dollars that schools can rely upon, we ask them to spend their own money to pursue the goals that are currently in effect.

This is a big commitment. The commitment is not just to say we are for it; the commitment is to say we will pay for it. I for one will look at the proposal that comes out of appropriations. Will it be new money? Will it actually be monies going to the schools in a new way that can be used? Or will it simply be a fig leaf which will allow some people to say they support IDEA.

I would hope that the American public will take a look at the names of the people who vote for this proposal today and then line them up come August with the people who vote for appropriations, and we will see whether or not people who give the talk are willing to walk the walk.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this issue.

Mr. Speaker, for too many years the Federal Government has broken its promise to children with disabilities as well as to the local taxpayers. Back when IDEA was first mandated, Congress promised to provide 40 percent of the cost of educating a child with special needs. Yet today we fund less than 13 percent of those costs. As a result, States and local school districts must turn to other sources, mostly local taxpayer dollars, to compensate for the lack of Federal funding. It is time to put an end to this practice.

All across my State of South Dakota, local school districts are forced to take money out of their general funds. Construction plans get put on hold, new teachers are not hired, new programs get pushed aside, and our children pay the price.

I would hope that the administration would support full funding, Mr. Speaker; yet the President's budget falls short of this bill's funding level. I believe the Federal Government must do a better job. This bill will simply commit the Federal Government to do today what it promised to do 25 years ago, and that is provide States and local school districts with the full 40 percent funding.

Mr. Speaker, let us end the IDEA funding gap and support this legislation. And I once again thank the chairman for his leadership on this issue.

Mr. GOODLING. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Pennsylvania (Mr. GOODLING) has 9½ minutes remaining, and the gentleman from Michigan (Mr. KILDEE) has 12½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time; and I want to thank him for his leadership on IDEA. Indeed, as he goes off to do other things, leaving this Congress, he will be remembered for many education programs, and IDEA will indeed be among them.

Mr. Speaker, I certainly want to express my support for H.R. 4055 to fully fund the Individuals with Disabilities Education Act. Twenty-five years ago, Congress enacted and President Ford signed the Education for all Handicapped Children Act. Mr. Speaker, in this country education is a right; it is not a privilege. In my opinion, IDEA is one of the most important civil rights that has ever been written into law.

The basic premise of this Federal law, now known as IDEA, the Individuals with Disabilities Education Act, is that all children with disabilities have a federally protected civil right to have available to them a free appropriate public education that meets their education and related services needs in the least restrictive environment. The statutory right articulated in IDEA is grounded in the Constitution's guarantee of equal protection under law and the constitutional power of Congress to authorize and place conditions on participation in Federal spending programs.

Actually, getting to the heart of it, IDEA established the Federal commitment to provide funding at 40 percent of the average per-pupil expenditure to assist with the cost of educating students. Today, IDEA is funded at 12 percent of the average per-pupil expenditure, much higher than the 7 percent of 5 years ago, but this is not good enough when we talk about 40 percent.

That is the goal that we have to continue to work to reach, and this bill is a good step. It urges Congress to fully fund IDEA while maintaining its commitment to existing Federal education programs so that we can ensure that children with disabilities receive a free and appropriate public education and, at the same time, ensure that all children have the best education possible if we just provide fair Federal funding for students with disabilities. I urge my colleagues to support H.R. 4055.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 4055, authorizing full funding for IDEA.

Before we even consider any new programs for education, we need to fulfill our promise to fund this program. In 1975, the Federal Government committed to providing 40 percent of the funding for IDEA, while 60 percent was to come from State and local governments. Under the Democrat-controlled Congress, IDEA was funded at a dismal 7 percent. Only 7 percent for 24 years. Today it is at 12 percent.

This Republican Congress has nearly doubled the Federal commitment to these children, but much more needs to be done. Teachers in my district have told me over and over again how much difficulty they have meeting the IDEA requirements, and still these teachers are expected to perform with inadequate Federal funding. It is a disgrace that my State and all others have been forced to take money away from other programs to cover unpaid Federal shares of IDEA.

Let us fully fund IDEA and free up State and local money to meet other needs, such as books, construction, and, yes, more teachers and technology in the classroom.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding me this time; and to my friend, the gentleman from Pennsylvania (Mr. GOODLING), I join with all my colleagues in thanking him for his service over the many, many years.

The gentleman from Pennsylvania (Mr. GOODLING) and I have some things in common, as he and I both know, but perhaps some of our colleagues who might listen to some of our exchanges in the committee may not believe. The gentleman from Pennsylvania came to Congress in 1974, succeeding his father. I succeeded my father in 1996. My father started in Congress the same year the gentleman from Pennsylvania started.

Mr. Speaker, I can remember standing with my dad as he took the oath of office here on the floor, and me holding my hand up as well with my dad knowing one day I wanted to come here and serve as well.

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The gentleman from Pennsylvania (Mr. GOODLING) obviously had that same passion early in life and was able to not only come here and do a great job representing his constituents but do a good job on behalf of the children around this country.

I rise in strong support of this effort today and would join colleagues on both sides of the aisle in searching for ways in which to make this a reality.

In fairness to the gentleman from Pennsylvania (Chairman GOODLING), there are many on both sides who demagogue this issue at times, and in fairness to him, he has been since my short time in the Congress, he has been an outspoken leader on the committee and has been consistent in all of his language. And I appreciate that.

I would hope that as the gentleman from Pennsylvania (Chairman GOODLING) moves on to do what I would not necessarily say bigger and better things, because I think we are doing important things here in the Congress, but as he moves on to do more fulfilling things in his life, I would hope that those of us here would take seriously what he is asking us to do today.

As we propose tax proposals and other revenue generating in other ways in which to further the prosperity or prolong the prosperity of this great economy, I would hope that we would be mindful of the fact that we have initiatives and programs like this, commitments that this Congress made to States including mine, Tennessee; California; Michigan; Pennsylvania; and New York. I would hope that as we offer proposals before this Congress that we would keep in mind that we have obligations and have commitments.

I thank the chairman for his leadership on this issue for many, many years. I look forward to even working with him when he leaves this Chamber in continuing to work on behalf of children.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Chairman GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise today in full support of H.R. 4055, calling for full funding for IDEA, the Individuals with Disabilities Act.

I commend the gentleman from Pennsylvania (Mr. GOODLING), our distinguished chairman of our Committee on Education and Workforce, for his continual efforts to raise the need for fully funding IDEA.

In passing IDEA in 1975, Congress required Federal, State and local governments to share the cost of educating children with disabilities; and when enacted, the Federal Government was to assume 40 percent of the national average per-pupil expense for such children.

While Congress has authorized this program since 1982, appropriation levels has never come close to the stated goal of 40 percent.

The result has been an enormous unfunded mandate on State and local school systems to absorb their cost of educating students with disabilities, leading to the draining of school budgets, decreasing the quality of education, and unfairly burdening our taxpayers. Local school districts have had to spend as much as 20 percent of their total budgets to fund IDEA.

Once the Federal Government begins to pay its fair share, local funds will be available for school districts to hire more teachers, reduce class size, invest in technology, and even lower local property taxes for their constituents.

H.R. 4055 demonstrates our commitment to our Nation's children and their education in their already overburdened school districts.

I applaud the gentleman from Pennsylvania (Chairman GOODLING) and the Committee on Education and the Workforce for their dedication to the education of children around the Nation. And accordingly, I urge our colleagues to fully support this important legislation.

Since the Republican Party took control of Congress, I.D.E.A. appropriations have jumped dramatically. Since 1995, the funding levels have jumped 85 percent and have demonstrated our commitment to help States and local school districts provide public education to children with disabilities. It is now time for this Congress to make good on its promise to fully fund I.D.E.A at 40 percent. We can no longer let the States try to make up the difference between the funds they have been promised and the funds that they actually receive.

In my congressional district, the schools are feeling the negative effects of the lack of idea funding. East Ramapo School District in Rockland County should receive $2.04 million in I.D.E.A. money but according to 1995 figures, they only saw $398,000. That is a difference of $1.6 million. Similarly, the Middletown City School District in Orange County was expecting $1.6 million but actually only saw $316,000. A difference of $1.3 million.

In addition to cutting I.D.E.A. funding, the President refuses to recognize the strain on local school districts by requesting no increase in funds for grants to States for providing assistance to educate children with disabilities. Moreover, the President wants to create new Federal programs which will do good things for this country, but shouldn't we be concerned about the programs we already have, but never fund completely? We cannot continue to underfund I.D.E.A. and impose this unfunded mandate on the States while introducing new ones.

Mr. Speaker, it is time for this Congress to show that we are truly concerned about our Nation's children's education. By fully funding I.D.E.A., Congress will simultaneously ease the burden on local school budgets while ensuring that students with disabilities receive the same quality of education as their non-disabled counterparts.

H.R. 4055 demonstrates our commitment to our Nation's children, their education and the already over-burdened school districts. I applaud Chairman GOODLING and the Education and Workforce Committee for their dedication to the education of our children around the country and, I urge my colleagues to fully support this vital legislation.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill starts us on a real measurable track to full funding of IDEA. Again, I wish to thank my chairman and my good friend, the gentleman from Pennsylvania (Mr. GOODLING), for bringing this bill to the floor and to the children of this country.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as I said at the beginning of our discussion this afternoon, it was a lonely road for many, many years; and then I met my good buddy, the gentleman from Michigan (Mr. KILDEE) and the road was not as lonely as it was. And then we picked up one or two, the gentleman from Maryland (Mr. HOYER), and then since that time it has grown and grown and grown.

Because the people back home are realizing that, hey, we cannot provide the education for all of our students because of something that they did not necessarily mandate, they highly recommended, and I put that in quotes, because if they did not do it they were in real trouble. And rightfully so. Because, as I also said earlier, every child should have an opportunity for a good education.

I thank the gentleman from California (Mr. MARTINEZ) again who joined with us in this effort.

What I want to point out, the gentlewoman from Michigan was quite concerned as to whether we would keep our promise that we are making today since we did not keep our promise before. Well, I will not be here, so I cannot say, yes, they will.

Many of my colleagues who spoke today will be here, and so it is their responsibility to make sure that that happens.

However, I to want to point out that keeping what we are promising today is not anything differently than we were able to get the leadership and then the appropriators to do the last 4 years. That is what they have been doing.

So on the chart I show the President's request in yellow and what the Congress came up with. So we see in 1997 the yellow, and then the red is the Congress. And we see in 1998 the yellow, and the red is the Congress. In 1999 the yellow is the present; the red is the Congress. Each time we have gone up, up, up. So we have increased 115 percent in the last 4 years.

So I would say to her, if she is able to keep moving everybody the way they have been moving the last 4 years, the way our leadership and the way the appropriators have moved the legislation, we should not have any problem because those are the steps that we are suggesting that they take now.

Again let me remind everyone that when I came here as a superintendent, I realized that one of the most difficult things we had to do back in the local district was to take State mandates, Federal mandates, rules and regulations from both the State and the Federal Government, and then try to find some way to finance the overall education program.

With this 40 percent, as I mentioned, just in New York City alone we are talking about $170 million every year. In Los Angeles, another $90-some million. So we are talking about big dollars that would have been coming every year to help local districts if we would have only put our money where our mouth was.

Well, we cannot do anything about the past. We can do something about the present. Continue what we have been doing in the last 4 years and we will give the greatest gift to children in this country we possibly can give because we will give an opportunity for local districts to give every child a good education because they will have the money freed up from the mandates that come from here.

Let me caution all of those on the State level. I am seeing all over this country that their regulations are even worse or greater than ours from the Federal level. So to the local school boards and to the local parents, I say make sure they know exactly what regulations have been piled on at the State level on top of what we have done.

Now, they do it for one reason I am sure; and that reason is they fear that if they are not doing everything we say they are supposed to do, they are going to lose their money, so they go overboard.

Again, we are on the right track. For those of my colleagues who will be back for years to come, and I am sure some of them will, make sure that they put their money where their mouth is and every child will have a far better education in this country.

Mr. TERRY. Mr. Speaker, I rise today in support of full funding for special education.

All children deserve a quality education, including children with disabilities. Over 24 years ago Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities. We must keep this promise. The Federal Government has failed to keep its commitment to assist states and localities. This contradicts the goal of ensuring that children with disabilities receive quality educations. By keeping our promise, Congress will give state and local school districts the flexibility to educate children in the best possible way.

This vote is an important step in securing the future of our children. Currently school districts have to divert money from their general fund to cover the costs of special education. When school districts are relieved of these federally mandated costs, the result will be increased flexibility in education. Necessarily undertakings such as wiring schools for new technology, increasing teacher salaries, new school construction, and local tax relief will be possible with these long-overdue funds.

This vote is an important step forward in fulfilling our Nation's commitment to children and families who need special education services and to the local school districts that have been paying these mandated costs since the mid-1970's. Recent increases in Federal funding and the proposed schedule to fully fund these costs by 2010 represent significant relief for the local school districts in Nebraska and all across America.

Mr. TALENT. I rise today in strong support of the IDEA Full Funding Act of 2000. Mr. Speaker, 25 years ago Congress made a promise to children and families with special education needs under the Individuals with Disabilities Education Act [IDEA]. Under IDEA the Federal Government promised to provide children with disabilities access to quality public education, as well as to contribute 40 percent of the average per pupil expenditure to assist state and local schools with the additional cost of educating these students. Mr. Speaker, to date the Federal Government has failed to meet this commitment to assist the states and local school districts.

During the past four fiscal years the Republican majority in Congress has increased Federal funding for IDEA by 115 percent or $2.6 billion. Sadly, even with the increase, the Federal Government has never contributed more than 12.6 percent of the national average per pupil expenditure the assist children with disabilities. That is less than ⅓ of the funding Congress promised under IDEA.

The Congressional Research Service estimates that more than $15 billion would be needed to fully fund the Federal portion of IDEA. In fiscal year 2000 IDEA received $4.9 billion, leaving states and school districts with an unfunded mandate of more than $10 billion. This is $10 billion dollars that states and local school districts could have spent on smaller class size, school construction, new computer equipment, and hiring new teachers; instead this money is being spent to cover the Federal share of IDEA. What does that mean for the State of Missouri, Mr. Speaker? The additional funds needed to meet the commitment to the State of Missouri is over $161 million this year. What does that mean for St. Louis? The additional funds needed to meet the commitment to St. Louis is over $8 million this year.

Mr. Speaker, it is essential that Congress fully fund IDEA and this legislation is a step in the right direction. This legislation authorizes an increase of $2 billion per year to meet the Federal commitment of 40 percent by the year 2010. Mr. Speaker, 25 years ago the Federal Government placed a mandate on our state and local school districts to provide education for all special needs and disabled students. The Federal Government also promised to pay 40 percent of the average cost of the average per pupil expenditure. Today, there is a lot of talk about new education programs and new education initiatives but we still have yet to meet the Federal commitment to IDEA. IDEA is the mother of all unfunded mandates. Local schools are required by Federal law to meet the special education needs of our Nation's IDEA students. It is time that Congress gives our schools the resources that were promised to provide all children with disabilities a quality education.

Mr. HORN. Mr. Speaker, I am pleased to join with my colleague, Mr. GOODLING, in supporting H.R. 4055 that will increase the educational opportunities of all of America's students. Twenty-five years ago, Congress passed the Individuals with Disabilities Act, making it possible for children with disabilities to receive a quality public education, get jobs, and lead more productive and fulfilling lives. When this legislation was passed, the Federal Government committed to paying 40 percent of the cost of educating these students. Currently, the Federal Government pays only 13 percent of the cost of IDEA.

Over the past 5 years, special education funding has increased by more than $2.7 billion. I commend my colleagues on the House Budget Committee and the Appropriations Committee for recognizing the importance of special education. As important as these increases are, they are not enough. Special education is expensive. The average cost of educating a special education student is more than twice the national average per pupil cost of $5,955. Schools with already strained resources are struggling to educate these students.

To mandate that the States provide special education services without adequate funding is grossly unfair, both to the States and to the students themselves. H.R. 4055 would eliminate this unfunded mandate by requiring that the Federal Government provide the 40 percent that it promised. This legislation is an important step in ensuring that this commitment is honored. The additional funding provided by this legislation will significantly improve the quality of education for special education students across the country. I urge my colleagues to support H.R. 4055 and I urge the House to pass it.

Mr. McINTOSH. Mr. Speaker, I rise in support of H.R. 4055, the IDEA Full Funding Act.

In the 1970's, the U.S. Supreme Court ruled that children with disabilities are entitled to a free, appropriate public education. In 1975, Congress passed the All Handicapped Children Act to ensure that children with disabilities received a quality education. In the 105th Congress, we built on this law by passing the IDEA Improvements Act of 1997 which strengthened the program. The IDEA Improvements Act, like the earlier 1975 act, pledged to fund 40 percent of the average per-pupil expenditure to educate children with special needs. Unfortunately, the Government has fallen far short of this goal, providing a mere 11 or 12 percent a year for the costs of IDEA. Although Republicans have increased funding for this program, funding still falls woefully short.

Last year, Congress provided $5.0 billion for the grants to states program, which assists participating states in providing a free appropriate public education to school-age children with disabilities. An estimated $15.8 billion would be required to provide states the maximum allotment allowed per disabled child served last year, about 3.1 times more than the appropriation of $5.0 billion.

To address the underfunding of IDEA, I joined the chairman of the Education and the Workforce Committee BILL GOODLING in introducing the IDEA Full Funding Act of 2000, which provide an authorization schedule for reaching the Federal mandate to assist states and local school districts in the excess costs of educating children with disabilities. It will fulfill the promise made by Congress in 1975 and again in 1997 to provide 40 percent of the national average per pupil expenditure to assist states and local school districts in paying the excess costs of educating children with disabilities. In other words, it will help us fulfill our promise to states and schoolhouses and ultimately, the children who attend those schools. It will help ensure that no child is left behind.

The IDEA Improvements Act makes the following statement, "Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities."

The IDEA Full Funding Act backs this statement with the funds to carry it out. There are 146,550 special education students in Indiana. For their sake and for the sake of other special education students, I support this important piece of legislation.

Mr. KUYKENDALL. Mr. Speaker, I rise today to express my strong support of H.R. 4055, a measure to fully fund the Individuals with Disabilities Education Act (IDEA). Twenty-four years ago, Congress made a promise to children and families with special needs. That promise was to provide children with disabilities access to a quality public education by contributing 40 percent of the average per student expenditure to assist states and local schools with the extra costs of educating these children. However, since 1975 when IDEA was signed into law, Congress has consistently failed to meet its financial commitment.

Every child deserves a first rate education. We can no longer tolerate the inadequate education that special-needs children have received. Congress has ignored its IDEA funding obligation, burdening state and local governments with unfunded mandates. The time has come for Congress to fulfill its commitment to children with disabilities and fully fund IDEA.

Today's legislation authorizes increases of $2 billion a year to meet the federal government's commitment of 40 percent per student expenditure by the year 2010. This measure is a step in the right direction in ensuring that all children receive a quality education.

Mr. HILLEARY. Mr. Speaker, when the federal government originally created the mandate on local districts stating that they must comply with the Individuals with Disabilities Education Act, also known as IDEA, the federal government promised that in exchange for imposing these new constraints, it would provide 40 percent of the cost. In reality, we have supplied only about 12 percent of the cost. I think this is shameful. If you make a deal, you should keep your side of the bargain. Think of all the local school money that could be used on teachers, buildings and teaching supplies that instead must be used on special education because the federal government will not give their promised share.

That is why I am such a strong supporter of H.R. 4055, the IDEA Full Funding Act of 2000. As an original cosponsor of this legislation, I support the effort to channel our education dollars into IDEA. Such an action will not only help the disabled children this act serves, but also allow for more flexibility to local schools in the use of their funds.

This act works by setting up a definitive time line in an effort to meet the government's goal of funding 40 percent of the per pupil expenditure associated with IDEA. By setting up a set of goals, we finally are taking definitive steps in meeting the obligation we owe to our states, local communities and, most importantly, the disabled which they serve.

This effort to fully fund IDEA is just another in a long running desire by this Congress to aid our special needs children. Already, the 12 percent funding that I mentioned earlier represents a doubling of previous funding levels before 1994. In addition, as a member of the Budget Committee, I am proud that we were able to make fully funding the IDEA a priority above all other new education programs in the federal budget that passed this year. In addition, last year we overwhelmingly passed of H. Con. Res. 84, a resolution urging the President to fully fund IDEA, of which I was a cosponsor and strong supporter.

Unfortunately, we still have a long way to go. Some in government just do not believe that this is a high priority. For example, the President traditionally refuses to increase IDEA funds in his budget. In addition, we must also address the problem associated with over identifying individuals who qualify as special needs. As a result, these individuals dilute the funds intended for those disabled children who desperately need these funds. I hope that we can overcome obstacles like this when it comes time to fund this program in the appropriations process this year and years to come.

Ms. SANCHEZ. Mr. Speaker, I rise today in support of the Individuals with Disabilities Act, IDEA.

As Orange County's representative to the Education and Workforce Committee, I know that many of the students, schools and families in my district rely on IDEA funding. All children are entitled to a quality public education with the resources that will enable them to fully pursue their academic dreams.

The Individuals with Disabilities Act is an important part of our national education program. IDEA has brought many students with disabilities the educational resources they need, empowering them to become contributing members of society.

Inadequate IDEA funding has been a widespread problem for many years. Although we have recently increased federal funding, IDEA is still only funded at 12 percent of the average per-pupil expenditure. While this is much higher than the 7 percent of five years ago it is, as many advocates and educators have stated, still inadequate. Full federal funding would enable local school districts to focus resources on other needs.

Today the House has an opportunity to keep our promise to America's public schools by increasing IDEA funding. H.R. 4055, the "IDEA Full Funding Act of 2000" will authorize funding to reach the federal government's goal of providing 40 percent of the per-pupil expenditure over the next 10 years. I am a cosponsor of this bill and am proud to support this legislation.

Our students, their families and our schools have asked Congress to keep its commitment. Today I ask my colleagues to join me in ensuring that these special children will have access to a quality education.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his strong support for H.R. 4055, the IDEA Full Funding Act of 2000, of which he is a cosponsor.

Within his home state of Nebraska, the number of children enrolled in special education programs has risen 3,700 students from 1995–1999, a nine percent increase. To continue supporting these increasing numbers, we must fulfill the commitment by Congress made in 1975, prior to my service in the U.S. House to fund IDEA at 40 percent. This is a classic and very damaging unfunded mandate.

Currently the Federal Government is funding an average of 12.6 percent of the per-pupil expenditure for children with disabilities. The other 27.4 percent of our unfilled promise is a burden that state and local governments are having to include in their budgets. This Member has said for many years now that the one significant way that Congress can help decrease property taxes for my Nebraska constituents is to keep the promise to provide 40 percent of the costs of special education.

Nebraska is currently facing teacher shortages and has among the lowest teacher salaries in the country and yet continues to produce top-ranked students. By meeting this commitment and fully funding IDEA, Nebraska could use its state and local dollars to meet the needs of attracting and maintaining quality teachers or direct dollars to programs the local school districts deem to be priorities, such as school modernization, curriculum improvement or more advanced technology.

Mr. Speaker, this Member encourages his colleagues to meet our commitments and phase-up that 40 percent by the year 2010. Support the IDEA Full Funding Act of 2000.

Mr. ROGAN. Mr. Speaker, I thank the gentleman from Pennsylvania and my colleagues from the Education and Workforce Committee for their leadership on this issue.

The IDEA program was developed as a partnership, uniting local and federal education funds for students with disabilities. Under this program, the federal government committed to funding up to 40 percent of the average cost of educating disabled students.

Sadly, over the lifetime of this bill, the government has never contributed more than about 12 percent of the average. The time has come for Congress to pay its fair share in this long unfunded mandate.

Despite the federal government's two-decade old commitment to educating disabled students, Congress has never once funded its full share, leaving local and state educators to scramble for funds to pay for special education programs.

The result has been an unnecessary and unfair competition, pitting the funding needs of disabled students against the needs of students in traditional programs. In turn this has spurred excessive litigation resulting in exorbitant costs for local educators. By failing to meet its original commitment, the federal government has put local educators in a financial catch-22. The bill we support will aid in ending this crisis, and enact much needed reforms in the IDEA program.

H.R. 4055, the Individuals with Disabilities Full Funding Act will guarantee that the federal government keeps its commitment to support local education programs for students with disabilities, and authorize the federal government to fund the full 40 percent of the cost of local programs for students with disabilities.

The IDEA Full Funding Act will authorize approximately $7 billion in FY 2001 and expand this allocation by $2 billion per year over the next decade. It is a necessary measure and will help the federal government maintain its commitment to provide a quality education to disabled students.

I urge my colleagues to join me in supporting the long-overdue proposal, and thank the gentleman for his leadership on this vital issue.

Mr. MOORE. Mr. Speaker, I am pleased that today the House of Representatives is rising above partisan politics to address a matter of utmost importance. Be it urban, rural, small or large, every school district in our country is suffering because the federal government had not made good on its 1975 commitment to fund 40 percent of education costs for special needs students.

I commend Chairman GOODLING for bringing this bill to the floor, and for his commitment to fully fund IDEA by 2010. Fulfilling our commitment to our special needs students is absolutely the right thing to do.

I would like, however, to challenge this House today. I'll take this bill and raise you one. I urge my colleagues to cosponsor H.R. 4090, a bill introduced by Representative VITTER of Louisiana. This bill would fulfill our commitment to our schools and our children in two years. I know this is an ambitious goal, but I think 25 years of unfulfilled promises is long enough. So does Representative VITTER. I am one of a group of cosponsors from both sides of the aisle who think our government should step up to the plate and make good on its promise.

I urge my colleagues to pass this bill today. And tomorrow we should come to this floor and pass H.R. 4090, the IDEA Keeping our Commitment Act. It's the right thing to do and it's about time.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress has been the promotion of livable communities. A community that is safe, healthy and economically secure must view educating our children as a priority. The well-being of our families depends upon the health of our schools.

In the 94th Congress, we mandated—appropriately—that there would be special education access for children with severe learning disabilities. Along with that mandate came a promise that the federal government would pay 40 percent of the cost. This too was appropriate, for these children are the most difficult and expensive to educate. Unfortunately, the federal government has not met this important commitment. Funding has fallen as low as 9 percent, and currently, we fund only 12.6

percent of the average per pupil expenditure to assist children with disabilities. As a result, the financial burden has fallen on local districts.

I am proud to support H.R. 4055, the IDEA Full Funding Act, which addresses the critical issue of assistance for the children whose needs are the greatest. This bill authorizes increases of $2 billion a year to meet the federal commitment of 40 percent by the year 2010. I have cosponsored similar legislation because programs such as IDEA offer the chance to improve the lives of more disabled people than ever before.

Livable communities are for all of us, not just a select few. The federal government should lead by example in offering the best possible education to our nation's disabled children.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of H.R. 4055, the IDEA Full Funding Act. I am proud to be a cosponsor of this important legislation.

It is high time the federal government kept its statutory commitment to fully fund the Individuals with Disabilities Act (IDEA).

In 1975, the Federal Government mandated that all states provide Free Appropriate Public Education (FAPE) to all children with disabilities by 1978. This law established a federal commitment to provide funding aid at 40 percent of the average pupil expenditures to assist with the excess costs of educating students with disabilities.

Unfortunately, annual appropriations for IDEA have not even come close to the 40 percent level! Before Republicans took control of the Congress in 1995, the federal government was only paying 7 percent of the average per pupil expenditure. We are now paying 12.6 percent of the cost, but this still is not enough.

The Congressional Research Service (CRS) estimates that almost $16 billion would be needed to fully fund Part B of IDEA. The FY2000 appropriations for Part B was $6 billion, leaving State and local governments with an unfunded mandate of nearly $10 billion.

Local school districts currently spend on average 20 percent of their budgets on special education services. Much of this goes to pay the unpaid Federal share of the mandate.

Passing H.R. 4055 would be a giant step closer to our goal of fulfilling the promise. If the federal government would keep its commitment, this money could be used to hire and train more high quality teachers, reduce class size, build and renovate classrooms, and invest in technology.

We must improve the education our children receive. A good way to do this is to show a strong federal commitment to education by fully funding IDEA and passing H.R. 4055, the IDEA Full Funding Act.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 4055.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4055.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PAMELA B. GWIN HALL

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1729) to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall."

The Clerk read as follows:

H.R. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PAMELA B. GWIN HALL.

The Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, shall be known and designated as the "Pamela B. Gwin Hall".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Pamela B. Gwin Hall".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1729 designates the Federal facility in Charlottesville, Virginia, as the Federal Executive Institute's campus as the "Pamela B. Gwin Hall."

Dr. Gwin received her Ph.D. from Duke University. She was a member of the American Political Science Association, the Organization of American Historians, the Southern Historical Association, the American Society for Public Administration, and was especially active in the American Society for Training and Development and the Center for the Study of the Presidency.

Pamela Gwin began her career at the Federal Executive Institute in 1983 as a faculty member teaching public policy.

In 1987, she became Assistant Director of Academic Programs and instituted the design and implementation of the Leadership for a Democratic Society program.

Pam gave tirelessly to her students and everyone at the Federal Executive Institute. She survived and still continued working for 2 years after receiving a heart transplant in 1996 and, sadly, passed away in 1998.

Mr. Speaker, I strongly support this bill, and I urge my colleagues to join in doing the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with the remarks of my good friend the gentleman from Ohio (Mr. LATOURETTE).

This is very fitting that the Virginia Delegation has taken such an effort to honor Dr. Gwin. She played a significant role, as well, in developing the Institute's curriculum, especially emphasizing the Constitution as a central focus of the Institute's core of studies.

But very to the point, Dr. Gwin is an icon, a beloved teacher, mentor, and friend. She inspired and captivated her students with her love of politics and the presidency.

It is absolutely fitting that a facility at the Federal Executive Institute be named in her honor.

Mr. LATOURETTE. Mr. Speaker, we are now honored to have one of the two independents in the House of Representatives on the floor with us. This independent holds a special place in the heart of the Republican conference, because he has chosen to conference with us.

Mr. Speaker, I yield whatever time he may consume to our good friend, the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to say thanks to all on the subcommittee and the committee who worked on reporting the bill, naming the annex at the Federal Executive Institute in Charlottesville on behalf of Pamela B. Gwin. Pamela B. Gwin was not a high profile military person. She is not a movie personality. She is not a famous legislator, but she was a hard-working, dedicated and loyal employee at the Federal Executive Institute for almost two decades.

She was known by every student and graduate at the Federal Executive Institute as Pam. She loved politics and our Federal Government. She served as assistant director from 1983 until she passed away at a young age on December 31, 1998.

Mr. Speaker, I am indeed happy, privileged and honored to say these remarks on behalf of Pamela B. Gwin and to express appreciation to the committees again and to all in the House for naming the facility at the Federal Executive Institute in Charlottesville in her honor.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1729.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DONALD J. PEASE FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1405) to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building."

The Clerk read as follows:

H.R. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 143 West Liberty Street, Medina, Ohio, shall be known and designated as the "Donald J. Pease Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Donald J. Pease Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1405 designates the Federal building in Medina, Ohio, as the "Donald J. Pease Federal Building."

Congressman Pease was born in Toledo, Ohio, where he attended public schools. He earned his undergraduate and masters degrees from Ohio University before becoming a Fulbright scholar at Kings College University of Durham, England.

Congressman Pease served in the Oberlin City Council, the Ohio State House of Representatives, and in the Ohio State Senate before being elected to the United States House of Representatives in 1976. He served in the House from 1977 until his retirement in 1993.

Congressman Pease began his congressional career on the Committee on International Relations. He later secured a spot on the Committee on Ways and Means and by the time of the 102nd Congress earned one of the three seats on the Committee on the Budget that is reserved for members of the Committee on Ways and Means.

□ 1430

This bill is a fitting tribute and this naming a fitting tribute for this fine former Member. I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with great pride in this bill being brought to the floor. Congressman Don Pease worked tirelessly for the citizens of Northern Ohio as a Member of the Committee on Ways and Means. He tackled the tough tax reform and tax policy issues with zeal. He always looked for consensus. He was able to work on both sides of the aisle. He kept a rather low profile, but he was a very effective Member and one of the few who was able to influence former chairman Dan Rostenkowski. I might add, anybody who could do that was certainly an influential Member.

As I said, he was an activist who fought for welfare reform. Don Pease supported sunshine rules for open government, and he was always available to look for common ground on bills that emanated from either side of the aisle. He was a staunch, hard worker for tax fairness and tax policy fairness, and I think that people of Northern Ohio really do owe him a debt of gratitude.

Mr. Speaker, I am proud to associate myself with the designation of the naming of the Federal build in Medina in honor of our fine former Congressman, Don Pease.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Lake County, Ohio (Mr. LATOURETTE) and my friend, the gentleman from Mahoning County, Ohio (Mr. TRAFICANT).

Mr. Speaker, I rise in support of the legislation about former Congressman Don Pease. Don Pease began his long and distinguished congressional career in 1976, a time when Gerald Ford was President of the United States and Ohio's 13th Congressional District was characterized by growing industrialization and rural communities.

Upon his retirement in 1992, Don Pease could look back and see a fundamentally changed landscape that he held shaped both on a local and national level.

A native of Toledo, Ohio, Pease is a graduate of Ohio University and served in the Oberlin City Council, the Ohio House and Senate and as editor of the Oberlin News-Tribune. In 1976, he won election to this House of Representatives.

Pease spearheaded the fight for human rights protections with his standing on the International Relations Committee. In 1981, he secured his seat on the Committee on Ways and Means and further dedicated himself to tax policy. His numerous legislative victories were marked by an ability to reach consensus. His efforts to work with both sides of the aisle included service on the conference committee for the hotly debated tax reform bill of 1986, and mediation between congressional leaders and the Bush administration on tax policy. Also, as Congress prepares to consider China's trade status at the end of this month, I think it is especially important to note Pease is largely responsible for introducing labor rights into trade legislation.

Since leaving Congress, Don has returned to Ohio. He has served on the Amtrak board and currently serves as Visiting Distinguished Professor in Oberlin College's Department of Politics.

Don Pease was, and still is, committed to Ohio's working families. His efforts to improve education, expand access to health care, and support workers have made a difference in our lives. By renaming the Medina Federal Building on West Liberty Street in Medina, Ohio, as the Donald J. Pease Federal Building, this bill, Mr. Speaker, honors his hard work in the district that he loves so much.

Don Pease was held in high regard as both an ethical and able legislator. He devoted 16 years of service to the 13th district in Ohio, and he served the Nation and the State well. I am pleased to join my colleagues in both parties in recognizing Don's dedication to improving people's lives.

Mr. Speaker, I appreciate the support for this legislation.

Mr. SAWYER. Mr. Speaker, I am pleased to support the designation of the Donald J. Pease Federal Building in Medina, Ohio.

I had the great pleasure of working with Congressman Pease for many years in this House. Throughout his years here, he approached every problem with an open mind, a sense of fairness, and a gentle good humor. In addition, Congressman Pease had a remarkable facility for grasping and getting to the essence of any issue he confronted.

The legacy of Don Pease continues today in the heightened attention given to the conditions under which workers around the world toil.

Finally, there have been times when this Congress could still benefit from Don Pease's ability to appeal to reason and common sense, on both sides of the aisle. Rather than stirring baser instincts, or joining in a chorus of noisemakers, Don Pease embodied the all too rare ability to focus on policy as it affects real people in the real world.

Throughout his career at all levels of public service—city, state, and federal—Don Pease followed the guiding principle that there is no limit to what one person can accomplish if he doesn't care who gets the credit.

Now, Don Pease is in retirement from public life. But he remains active. He recently completed serving on the board of Amtrak, a product of his abiding affection for railroads. And he has been able to travel around the country and around the world with his wife, Jeanne—a delightful and special person in her own right.

But Don Pease's service is not finished, and neither is Don. He is sharing his wisdom and experience, educating and guiding the next generation of leaders at Oberlin College in his Ohio hometown.

Mr. Speaker, it is a fitting tribute to Congressman Don J. Pease that we name a public building for him. It is a tangible symbol of the esteem in which he is held by those privileged to know him, to work with him, and to learn from him.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1405.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

KIKA DE LA GARZA UNITED STATES BORDER STATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1901) to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station."

The Clerk read as follows:

H.R. 1901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States border station located in Pharr, Texas, shall be known and designated as the "Kika de la Garza United States Border Station".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the border station referred to in section 1 shall be deemed to be a reference to the "Kika de la Garza United States Border Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTourette).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1901 designates the United States border station in Pharr, Texas, as the Kika de la Garza United States Border Station. Congressman de la Garza was born in Mercedes, Texas, in 1927. He attended St. Mary's University in San Antonio, Texas, earning his law degree in 1952.

Prior to that, he served in the United States Navy from 1945 until 1946 and in the United States Army from 1950 until 1952. After serving in the Texas State House of Representatives for 11 years, he was elected to the United States House of Representatives in 1964. He was reelected to serve for 16 consecutive terms.

Congressman de la Garza began serving on the Committee on Agriculture in 1965. He served as chairman of the committee from 1981 until 1994. As chairman, he compiled an impressive record of achievement and dedication to America's farming community.

During his tenure as chairman, the United States Department of Agriculture underwent major restructuring. This bill and this naming is, at this time, fitting tribute to an esteemed former colleague. I support passage of the bill and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA), my good friend.

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H.R. 1901, a measure designating the U.S. border station at Pharr, Texas, as the Kika de la Garza Border Station. I am proud to stand here today with my colleagues to honor Congressman de la Garza, my predecessor.

Many of my colleagues here in this Chamber had the pleasure and privilege of working with him during his long tenure and especially as chairman of the Committee on Agriculture.

Naming the Pharr, Texas, border station after the Honorable Mr. de la Garza is important to our district because it honors his role in service as international ambassador for American agriculture, an industry which thrived during Kika's tenure in the House.

Agriculture is a strong element of our economy, and it only seems fitting to honor the man who did so much in this area. H.R. 1901 is indeed a tribute to a man who dedicated his life to public service and is known throughout all of Texas and the Nation simply as "Kika."

Kika made a dignified institution all the more distinguished with his vision, his keen insight, and his devotion to his constituents and to his country. No one deserves this honor more. I urge my fellow Members to join me in passing this measure to say, Thank you, Kika, we are indebted to you for your decades of outstanding work on behalf of the residents of the 15th congressional district of Texas and to the Nation.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding this time.

Mr. Speaker, I rise in strong support of H.R. 1901, to designate the United States border station located in Pharr, Texas, as the Kika de la Garza United States Border Station. I want to join with my colleague, the gentleman from Texas (Mr. HINOJOSA) from Mercedes, in his comments.

Kika de la Garza was clearly an institution in this body. He served the State of Texas in this body for 32 years from the 15th congressional district in the Rio Grand Valley; prior to that, having served in the State legislature.

As my colleague, the gentleman from Texas (Mr. HINOJOSA), stated, Mr. de la Garza was known perhaps more than anything else for his work as chairman of the Committee on Agriculture and the ranking member of the Committee on Agriculture and the work that he did on drafting and writing successive omnibus farm bills as both the chairman and the ranking member. But I think it is also important to note that Congressman de la Garza fought for much legislation that would help the constituents of what is also one of the poorest congressional districts in the United States.

He fought for legislation to provide affordable housing programs for rural home buyers. He pushed for hunger relief measures to feed hungry children, and he helped launch a full scale Federal offensive against the spate of devastating birth defects in the Rio Grand Valley in Texas.

It is a special honor for me because not only was Mr. de la Garza a close family friend of my grandfather Lloyd Bentsen, Sr., who was a rancher and farmer in south Texas for many years until his death in 1989, but Kika held the seat that my Uncle Lloyd Bentsen, Jr., the past Secretary of the Treasury and Senator from Texas held.

So our families have had a very longstanding relationship, and I was really pleased and proud to have the opportunity to serve with Kika during my first term in Congress. I spent a great deal of time with him not just on the House Floor but also sitting next to him on the flight from Houston to Washington, as he would catch it from McAllen and he would tell me stories going back to his early days in the House of Representatives when things certainly were not as they are today.

I also want to commend not just Kika but his wife of many years, Lucille, who has clearly been his partner in his days in Congress. She was always very kind to all of the spouses, I believe, up here in telling them how things are done and, in particular, whereas she was close to many of my relatives in south Texas also became close not only to my wife but to my daughters as well having gotten the opportunity to spend time flying back and forth to Texas with them.

□ 1445

So I think, Mr. Speaker, this is a tremendous honor for one who has been a tremendous public servant for the people of Texas, not just the Rio Grande Valley, and I strongly endorse it and urge my colleagues to adopt it.

Mr. Speaker, I rise in support of H.R. 1901 to designate the United States border station located in Pharr, TX, as the "Kika de la Garza United States Border Station."

I believe this is an appropriate way to honor Congressman de la Garza's many years of service to the United States and the state of Texas, during which he provided tremendous leadership in support of agriculture, improved relations with Mexico, a better quality of life for residents along the border, among many other issues.

I am honored to have had the opportunity to serve in Congress with Kika de la Garza, even if for only 2 of his amazing 32 years in this body. He is an example to all of us of a true gentleman and public servant who brought honor to this House through the civility, respect, and commitment to doing what is right that he brought to conducting the people's business. He is also a true Texan who worked with his colleagues from both sides of the aisle to further the best interests of our state.

Throughout his tenure in Congress, Congressman de la Garza never forgot the people he represented, who live in a district considered to be the poorest in the state, and which is now ably represented by my esteemed colleague RUBÉN HINOJOSA. Congressman de la Garza fought for legislation to provide affordable housing programs for rural homebuyers. He pushed for hunger relief measures to feed hungry children. And he helped launch a full-scale federal offensive against the spate of devastating birth defects in the Rio Grande Valley.

When he was named the Texas Legislative Conference's Texan of the Year in 1991, Congressman de la Garza said:

> I bring with me centuries of people who at times were not recognized properly. From the conquistador on the trek north to the most humble of migrant workers, they stand with me here.

Naming a border station after Congressman de la Garza is a fitting tribute to an individual who is a true son of the Lower Rio Grande Valley of south Texas.

Congressman de la Garza is perhaps best remembered for his leadership on behalf of American agriculture. He served as chairman of the Agriculture Committee for a longer uninterrupted period than anyone else in history and presided over the drafting and successful enactment of three major omnibus farm bills (1981, 1985, and 1990) that have reformed our nation's agricultural policies. He also guided efforts to reduce the cost of agricultural programs through several deficit reduction bills that have been approved by Congress. His other legislative accomplishments include legislation to streamline the agricultural lending system, strengthen federal pesticide laws, and various other measures to assist American agriculture, encourage rural development, and improve human nutrition.

Congressman de la Garza was also one of Congress' leading experts on United States-Mexico relations and a proponent of greater trade with Mexico. In 1966, he became the first member of Congress from the Texas-Mexico border area to serve on the Mexico-United States Interparliamentary Group, which promotes dialog between legislators from the two countries. He was an early congressional supporter of opening negotiations with Mexico to develop a free-trade agreement and helped rally congressional support that led to approval of the North American Free Trade Agreement (NAFTA).

Throughout his career, Kika de la Garza also fought for government policies that fostered better living and economic conditions for all Americans. He obtained federal funds to provide much-needed water and sewer services to Texas' impoverished colonias. He was a strong supporter of civil rights for all Americans, better educational opportunities, and improved access to health care for the elderly, veterans, and low-income individuals. He also supported policies to improve the nation's infrastructure and maintain a strong, cost-effective national defense.

Our entire nation benefited from Kika de la Garza's service in Congress, and his legacy includes an agricultural system that continues to lead and feed the world, better relations and expanded trade with Mexico and other nations, and a better quality of life for many Texans and Americans. I am pleased to join my colleagues in honoring Kika de la Garza and in urging approval of this legislation to designate the Kika de la Garza United States Border Station.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the sponsor of the bill, I want to associate my remarks with those of the gentleman from Texas (Mr. HINOJOSA), who succeeds Kika, our good friend, and has done an outstanding job for the 15th Congressional District. I salute the gentleman for his words and for his efforts. The gentleman seems to be cut out of the same mold and has some big shoes to fill.

I also want to associate myself with the comments of the gentleman from Texas (Mr. BENTSEN) on the historical ramifications of his family and the association with Kika. I think it really lends a lot to the discussion here today.

As the sponsor of this legislation, I just simply loved Kika. He was the first Hispanic American to serve as the chairman of a major committee, the Committee on Agriculture. I think that was a significant achievement for a man of such humble roots who developed into such a powerhouse here in the Congress.

I can remember one time, Mr. Speaker, standing down there at the voting booth on a key vote years ago, and I saw the leaders come up to Kika and say, "Kika, we really need your vote. You didn't vote with us on this particular bill." I will never forget as long as I live, Kika looked at them, and he was very loyal, and he said, "I wish I could, but I am going to give my vote to my people. My people are not for this. I don't think it is good for my people."

Mr. Speaker, I would say to the gentleman from Ohio (Mr. LATOURETTE), that was Political Science 101 that I will never forget. I admired Kika for that.

I also want to say and place upon the record that he was one of the most ardent and outspoken advocates for United States agriculture and for programs to protect and improve the farm and rural economy. He had much more to do with the economics of farming than many people gave him credit for.

Chairman de la Garza led the effort to enact landmark legislation, such as the Federal crop insurance reform and the Department of Agriculture Reorganization Act of 1994, which established a federally funded catastrophic risk coverage policy for crop losses that touches every farmer in America today. Kika has touched every farmer and has helped anyone who produces a food product in our country. In 1990, Kika helped pass the Food, Agriculture, Conservation and Trade Act of 1990, which reformed export assistance programs and established new initiatives to strengthen environmental protection of our agricultural lands.

Mr. Speaker, one of the few surpluses we have had in trade has been our agriculture base, and Kika de la Garza deserves much of the credit for those tremendous improvements to our agriculture community.

So I think it is just really overdue. We have passed this a couple times in the House. I would make this pledge to my good friend the gentleman from Ohio (Mr. LATOURETTE): If the other body does not act on it this year, I am personally paying a visit over there.

This is overdue, the distinguished career of Congressman de la Garza must now be commemorated by designating the border station in Pharr, Texas, as the Kika de la Garza Border Station.

Before I yield back my time, I want to thank the committee staff. It does a great job for this committee, Mr. Barnett, Ms. Brita, and I want to thank the gentleman from Ohio (Mr. LATOURETTE) for working with us as he has.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1901.

The question was taken.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1725, H.R. 1405, and H.R. 1901, the measures just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LAKE PONTCHARTRAIN BASIN RESTORATION ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 484 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 484

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 484 would grant H.R. 2957, the Lake Pontchartrain Basin Restoration Act, an open rule waiving clause 4(a) of rule XIII that requires a 3-day layover of the committee report against consideration of the bill.

The rule provides one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any time.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. In addition, the rule allows the chairman of the Committee of the Whole to postpone votes during the consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15 minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 2957 is to coordinate and provide financial and technical assistance for water quality restoration activities in the Lake Pontchartrain Basin. The Lake Pontchartrain watershed covers a 5,000 square mile area, including all or part of 16 Louisiana parishes and four counties in Mississippi.

Since the 1940s, increasing population, urbanization and land use changes have adversely affected the basin, resulting in a number of serious environmental problems and declining health of the watershed. To address this problem, H.R. 2957 would establish within the EPA the Lake Pontchartrain Basin Program in order to restore the ecological health of the basin by developing and funding restoration projects and related scientific and public education projects.

The Congressional Budget Office estimates that implementing H.R. 2957 would cost $108 million over the 2001 to 2005 period, assuming appropriation of those authorized amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. Furthermore, the bill contains no intergovernmental or private sector mandates and would impose no costs on state, local, or tribal governments.

Accordingly, Mr. Speaker, I urge my colleagues to support both the open rule reported by the Committee on Rules and the underlying bill, H.R. 2957.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 484 is an open rule providing for 1 hour of general debate on H.R. 2957, the Lake Pontchartrain Basin Restoration Act. The rule does provide one waiver, however. Since the bill was not filed until yesterday, the rule waives the 3-day layover requirement of clause 4(a) of rule XIII.

This legislation establishes Lake Pontchartrain as an estuary of national significance under the National Estuary Program and requires EPA to establish a Lake Pontchartrain Basin Restoration Program to coordinate efforts to reduce pollution and restore the health of the basin watershed. These are important steps to improve the health of this important body of water. The bill also authorizes $100 million for a project to reduce the amount of sewage that enters the lake from New Orleans and neighboring parishes.

Mr. Speaker, I know of no controversy surrounding this bill. Therefore, I support this open rule, which will allow any Member to offer germane amendments to this proposal.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I know that it is not in order at all for me to say this, but it is my mother's 86th birthday today, and I am not going to mention that in a formal sense.

With that, Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 484 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2957.

□ 1458

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes, with Mr. OSE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Lake Pontchartrain Basin is the largest estuary in the Gulf Coast region and one of the largest estuaries in the United States. However, due to urbanization, increased population growth, and intensive land uses, many water bodies in this watershed do not meet their designated uses. The sources of pollution in the Basin include inadequate sewage systems or septic tanks systems, combined sanitary and storm water sewer overflows, as well as urban and agricultural runoff.

State and local agencies are working cooperatively with private organizations on restoration efforts. However, they cannot do it alone. H.R. 2957, introduced by our committee colleague, the gentleman from Louisiana (Mr. VITTER), and the gentleman from Louisiana (Mr. JEFFERSON), supports these State and local efforts.

First, the bill identifies the Lake Pontchartrain Basin as an estuary of national significance and adds this estuary to the list of estuaries in section 320 of the Clean Water Act that are to be given priority consideration for the National Estuaries Program.

☐ 1500

Under the National Estuaries Program, EPA will convene a management conference for the Lake Ponchartrain Basin with representation by appropriate local and State organizations.

The purpose of the management conference is to help these local and State organizations come up with a plan for basin restoration that recommends activities and projects. In addition, H.R. 2957 creates a Lake Ponchartrain basin restoration program within EPA modeled after the Long Island Sound program. This program will help coordinate ongoing voluntary efforts to reduce pollution and restore the ecological health of the basin, and will provide financial assistance to help fund the activities and projects recommended by the management conference.

Finally, H.R. 2957 authorizes $100 million to provide continued Federal assistance to the project to prevent inflow and infiltration in New Orleans and Jefferson Parish. Completing this project, which is an integral part of basin restoration efforts, will require a total investment of over $300 million, most of which will be provided from State and local sources of funding.

Mr. Chairman, I commend the gentlemen from Louisiana (Mr. VITTER) and (Mr. JEFFERSON) for their efforts on this legislation. I would also like to thank the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the subcommittee, my colleague and friend, and also the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee, and of course the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, for their leadership and cooperation in bringing this bill to the floor. I would urge all of my colleagues to support H.R. 2957.

Mr. Chairman, I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2957, the Lake Ponchartrain Basin Restoration Act. This legislation, as amended by the Committee on Transportation and Infrastructure, would create a priority for the inclusion of the Lake Ponchartrain Basin into the EPA's National Estuary Program. By including the basin into the NEP, the administrator would be authorized to begin development of a comprehensive conservation management plan for the basin in order to promote its long-term ecological protection. In addition, this legislation would establish a new program office within EPA aimed at restoring the ecological health of the basin and coordinating the development of its CCMP.

This new program office would provide administrative and technical assistance to a management conference convened for the protection of the basin. This office would also be responsible for coordinating any grant, research and planning programs authorized under this act, including grants for public education projects consistent with any management plan.

Because the drainage basin for the Lake Ponchartrain watershed extends across much of southern Louisiana and Mississippi, it is the intent of the Committee on Transportation and Infrastructure that any management conference appointed to develop a CCMP for the basin include appropriate representatives from the States of Louisiana and Mississippi.

In addition, in order to ensure that the surrounding communities are fully informed, the bill requires the newly-established program office to collect and make available to the public information on the environmental health of the basin.

Mr. Chairman, H.R. 2957 authorizes the basin restoration program at $5 million per year for 5 years. In addition, the bill authorizes $100 million for inflow and infiltration projects that are currently under construction in New Orleans, Louisiana, a project which is viewed as integral to the long-term protection of water quality in the basin.

Mr. Chairman, I also want to commend the gentlemen from Louisiana (Mr. VITTER) and (Mr. JEFFERSON) for their hard work in support of this bill, and I also want to thank my distinguished subcommittee chairman, the gentleman from New York (Mr. BOEHLERT) for working with us in a bipartisan manner, which is the way this committee always operates. It is greatly appreciated.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. VITTER), the primary author of this legislation. But before I do so, let me acknowledge that oftentimes Members come here and it takes quite a while before they make an impact on this institution. The gentleman from Louisiana (Mr. VITTER) is an exception to the rule.

Mr. VITTER. Mr. Chairman, I thank the gentleman for those kind words.

Today, of course, I rise in strong support of this Lake Pontchartrain Basin Restoration Act, H.R. 2957, because it truly will revitalize a national treasure for the American people.

The Lake Pontchartrain Basin is about 5,000 square miles. It encompasses 16 parishes in Southeast Louisiana, as well as four Mississippi counties. It is one of the largest estuaries in the United States, and at the center of this basin is 630 square miles of water, Lake Pontchartrain, that is surrounded by almost 1.5 million residents, making it the most populated area in the State of Louisiana.

The problem with this area is that over the past 60 years wetlands loss, human activities, natural forces have had a lot of adverse impacts on the Pontchartrain Basin. Wetlands around the basin have been drained, dredged, filled and channeled for oil and gas development. Storm water discharges, inadequate waste water treatment, agricultural activities, they have all significantly degraded water quality. Loss of wetlands due to subsistence, salt water intrusion, and hurricanes also have harmed basin wildlife populations and placed 13 species, 13, on the U.S. Fish and Wildlife Service Threatened or Endangered Species List. Today, swimming is still not allowed on the south shore of the lake due to the high levels of pollution.

Because of all of this, last September I introduced one of my first pieces of legislation in the Congress, the Lake Pontchartrain Basin Restoration Act. This is designed to facilitate and accelerate the restoration, maintenance, and cleanup of truly one of America's most significant bodies of water.

This act will create a coordinated technically-sound program for the restoration and sustainable health of the ecosystem. It will amend the clean water act to establish a program for water quality restoration activities in the basin. Most importantly, it will focus on voluntary, positive, proactive restoration projects, not an increase in government regulation, not bureaucratic finger-pointing. There will also be extensive input by all of the local stakeholders in Southeast Louisiana and the four Mississippi counties affected, including all government entities in the basin and universities and restoration groups. So it is a great productive, proactive model to use.

Since introducing this act, I have held town hall meetings on the bill in Louisiana. I have met with hundreds of citizens and local elected officials to solicit their input. Their response has been overwhelming and enthusiastic and positive. These meetings were important because they affirmed the right model we are using for this legislation.

Mr. Chairman, I do want to say, though, this legislation builds on a lot of local support and activity that has been going on for some years. There has been progress in cleaning up the lake and the basin, and I want to, in particular, highlight and salute the Lake Pontchartrain Basin Foundation for its superb work in turning the corner and cleaning up the lake and bringing all parts of the community and all interested citizens and elected officials together. Their past efforts and outreach programs have informed many citizens in Southeast Louisiana about the steps we can all take to reduce pollution. Tremendous success has been achieved already.

For instance, last summer I saw porpoises and manatees in Lake Pontchartrain, and that was something just a few years ago no one would have ever guessed and soon, many of the no swimming signs on the south shore will be taken up. Those signs first began to appear in Lake Pontchartrain in 1962 when I was one year old.

Unfortunately, not all of the news is good news. On the north shore of the lake where there is tremendous development, some of those "no swimming" signs are soon to be erected, so there is still a long road ahead before we regain a sustainable, fully functioning ecosystem.

For as long as I have lived, I have never known the lake as a place to swim, as I mentioned. Hopefully, my three daughters, Sophie, Lise, and Airey will not have to say that, will not have that same perception and memory when they are my age.

Mr. Chairman, this legislation was reported unanimously from both the subcommittee and the committee with unanimous bipartisan support. I urge all of my House colleagues to vote in favor of it.

I want to thank again the full committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and the subcommittee ranking member, the gentleman from Pennsylvania (Mr. BORSKI), and all of the staff who have assisted on the bill, particularly Ben Brumbles and Susan Bodine of the Subcommittee on Water Resources.

Mr. BORSKI. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I thank my distinguished friend from Philadelphia, my neighboring State of Pennsylvania. I have an amendment that I am waiting for that is coming from my office, Mr. Chairman. But I support this bill, and I want to commend the leadership of the gentleman from New York (Mr. BOEHLERT), and I want to thank him for helping me secure the class A franchise in the New York Penn League baseball, now known as the Mahoney Valley Scrappers. He does a tremendous job on our committee and I appreciated your help on bringing the president of the league up, that was a big help. I want to thank the gentleman from Pennsylvania (Mr. BORSKI) for all the work that he has done. If one wants to pass water, one wants to talk with him. He is the guy that does it around here.

I just want to make a couple of comments. I support this, and support almost every public works project in America, and I want the top gun to hear this. We have spent $12.6 billion to build a tunnel in Bosnia. It is now $1.2 billion over cost. But I am sure it is going to have merit.

Mr. Chairman, I have been advancing the prospect of completing the internavigable water system in the United States by connecting the Beaver River north of Pittsburgh, 110 miles away from Lake Erie, to revitalize every piece of industrial wasteland between Chicago and New York; Mr. Chairman, 60 percent of factories, 60 percent of the population within the region. They said it is too expensive. The Army Corps of Engineers said, Mr. TRAFICANT, we would love to build this; but we are afraid of its cost, so we are not going to support it. We have the greatest builders in the world, the Army Corps of Engineers, putting their fingers in the holes of the dike, not really maximizing the infrastructure of our internavigable water system. I say to my colleagues, it is time that we do that and put America to work.

Let me say one last thing. How can there be an affected total comprehensive multi-modality transportation network without a full, comprehensive navigable water system connecting the Great Lakes to the Ohio River? Think about it. I don't know how much time it is going to take for my amendment to be here, and now I would like to speak to the effect of my amendment.

I understand this is an amendment to the Clean Water Act, the bill itself, and I commend my colleagues' constructive ingenuity to affect this common and well-thought-out goal. However, that Buy American, that Clean Water Act amendment already is covered by the Buy American Act. But the Buy American Act does not provide for a notice. The Traficant amendment says, yes, you must abide by the Buy American Act that is in the bill, and Congress recommends this, because we cannot mandate that they buy America, but encourages the support of buy American-made products or spending that on goods and services made in America. But more importantly, it gives notice from the Congress of the United States saying look, you are getting money, try and expend that money wherever possible on American-made goods.

The top gun is protected, and all of us work hard on the bill. So I hope that my staff will have heeded this clarion call and have my amendment here forthwith.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume to say that this is the birthday of the gentleman from Louisiana (Mr. VITTER), the primary author of the bill, and Congress is not just presenting him with a $125 million birthday present, Congress is advancing on a bipartisan basis responsible legislation that represents good public policy.

With respect to the comments of my good friend from Ohio, let me point out that this committee has the habit of working constructively in a positive manner with him to fashion his language in a way that we can all embrace, and we eagerly anticipate the arrival of that language so that it can be given the careful scrutiny to which this committee has become accustomed.

□ 1515

Mr. Chairman, at this juncture, I have no further requests for time; and I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. JEFFERSON), the cosponsor of this bill.

Mr. JEFFERSON. Mr. Chairman, I appreciate the allocation of time by the gentleman from Pennsylvania (Mr. BORSKI).

Mr. Chairman, I rise this afternoon to join the gentleman from Louisiana (Mr. VITTER) in a bipartisan effort to request this House vote to pass this important environmental restoration and protection legislation.

This is the gentleman's birthday, I understand; and it is a wonderful birthday present for him to have this bill passed. But more than that, a wonderful gift to the people of our State that he is providing under his leadership, and I thank him for his efforts.

H.R. 2957 amends the Federal Water Pollution Control Act to authorize Federal support and coordination of water quality restoration projects for the Lake Pontchartrain Basin in Louisiana. By passing this legislation today, Congress will join with the State of Louisiana, local governments of the Metropolitan New Orleans area, local universities, the Lake Pontchartrain Basin Foundation, and private citizens who have already recognized that the lake is important and it is important to restore the water quality in the Lake Pontchartrain Basin.

Mr. Chairman, Lake Pontchartrain is one of the largest estuaries in the continental United States, and it is important that the Federal Government join in the effort to restore water quality there. The lake has a diverse ecology that is essential to the habitat that supports numerous species of fish, birds, mammals, and plants there.

Lake Pontchartrain also handles the major storm water runoff for the 16 parishes in Louisiana that surround it. As a direct result of sewage and septic tank discharges, animal waste from nearby farms that contain herbicides, pesticides, fertilizers, runoff from construction sediments, and other sources of pollution, the lake's water quality has been compromised to the point that fishing and swimming has been prohibited for decades.

Already, our local initiatives have started to address the issue of water quality, and some predict that one day in the near future swimming may be permitted again and fishing may be restored fully.

Restoration of the basin continues to be a major task for the State and local governments, and greater coordination is needed for restoration efforts.

Mr. Speaker, there is another reason for Federal involvement. Lake Pontchartrain also serves as a relief valve for Mississippi River spring floods which bring waters from regions exceeding way north of our State when high water at New Orleans requires opening of the Bonnet Carre Spillway.

Every time that the spillway has been opened, eight times since 1932, the last 1997, the deluge of Mississippi River flood waters that are diverted through Lake Pontchartrain have wreaked havoc on the delicate ecological balance in the basin. The waters of Lake Pontchartrain are brackish, not fresh water, not salt water; and the titanic influx of fresh water from the floods act as a toxic shock to the lake's environment that can take years to overcome.

Mr. Chairman, the Federal challenge here today is to help us to balance the management of the river and the need for flood control for New Orleans, for the Nation, while at the same time balancing the management of the ecological and economically important resources for the lake.

Mr. Chairman, we have been working on the problem of restoring the lake basin locally. It is time that the Federal Government adds its weight and ability to coordinate these efforts, and its resources, to help with this important initiative.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. BORSKI) for yielding me this time, and I thank my colleague for his work on this measure. It is a pleasure to join him, and I urge my colleagues to join us in passing this bill today.

Mr. BORSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Pontchartrain Basin Restoration Act of 2000".

SEC. 2. NATIONAL ESTUARY PROGRAM.

(a) FINDING.—Congress finds that the Lake Ponchartrain Basin is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Lake Ponchartrain Basin, Louisiana and Mississippi;" before "and Peconic Bay, New York.".

SEC. 3. LAKE PONTCHARTRAIN BASIN.

(a) IN GENERAL.—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. LAKE PONTCHARTRAIN BASIN.

"(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

"(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

"(c) DUTIES.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

"(d) GRANTS.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

"(2) for public education projects recommended by the management conference; and

"(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) BASIN.—The term 'Basin' means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

"(2) PROGRAM.—The term 'program' means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated—

"(A) $100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

"(B) $5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.

Such sums shall remain available until expended.

"(2) PUBLIC EDUCATION PROJECTS.—Not more that 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

All recipients of grants pursuant to this act shall abide by the Buy American Act and the Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

Mr. TRAFICANT. Mr. Chairman, it is a very forthright little handwritten amendment. The gentleman from New York (Chairman BOEHLERT), who has reserved the right to object, should make note of the fact that it is like a reinforcement that there is a Buy American Act that everybody seems to overlook and buy goods made from China and all over the place, with a trade deficit that is now approaching $300 billion with China, surpassing Japan's $60 billion. China will amass a $70-plus billion trade surplus.

They are buying nuclear attack submarines and intercontinental ballistic missiles with our money. I have got to say "beam me up."

So the Traficant amendment says, look, the Clean Water Act has a Buy American statute in it, but it is so weak I do not think it could knock out Palooka. All we say, and all I say in this amendment, is abide by the Buy American Act, but give a notice of what that Buy American Act stands for so that the people who are getting these grants will at least have embedded in their psyche that the Congress of the United States would like to encourage them in expending American taxpayer dollars wherever possible, to expand it on American-made goods and services.

Now, having explained it, and wanting to have my standard language in, I believe that this language is significant enough and will require some task, but a task that is worthy of any administrator to effect a Buy American posture by our procurement policies.

I would hope that the gentleman's reservation in this matter can be abated.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, let me ask my distinguished colleague, well, first of all let me give a preamble. I think the objective of the gentleman's amendment is sound. I think the concept is noble. I am wondering if the gentleman might ask that his amendment might be amended to have a preamble: "It is the sense of Congress that," and continue on. That would make it consistent with previous endeavors advanced by the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, that would be fine except to say that it is the sense of Congress, and the administrator says it is a sense of Congress and he does not give a notice. If we want the administrator to say that it is the sense of Congress to abide by the Buy American Act, I do not know why we should pass the Buy American Act. What is the use of a law if we make it a sense of Congress and they do not have to abide by it?

Mr. BOEHLERT. Mr. Chairman, would the gentleman continue to yield?

Mr. TRAFICANT. Mr. Chairman, I am not so sure that I will yield after that argument. I will yield.

Mr. BOEHLERT. Mr. Chairman, I am trying to assist my noble colleague in making the language——

Mr. TRAFICANT. Mr. Chairman, I would be glad to make it a sense of the Congress, but the notice shall not be a sense of the Congress. The historical debate on this would be that, yes, it is a sense of the Congress amendment, but there shall be a notice given that it is a sense of the Congress that they do abide by the Buy American Act. In other words, a notice will be given, Mr. Chairman.

Mr. BOEHLERT. Mr. Chairman, if my distinguished colleague would again yield.

Mr. TRAFICANT. Glad to yield to the gentleman.

Mr. BOEHLERT. Mr. Chairman, that is perfectly acceptable.

MODIFICATION TO AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the words spoken by the gentleman from New York (Mr. BOEHLERT) which state that it is the sense of the Congress that, bang, before the Traficant amendment be that which is incorporated into the amendment.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The Clerk read as follows:

At the beginning of the text proposed to be inserted, add the following: It is the sense of the Congress that All recipients of grants pursuant to this act shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT)?

Mr. TRAFICANT. Clarification, Mr. Chairman. Clarification. And the remainder of it shall be after the Buy American Act, period: The Administrator of the Environmental Protection Agency shall give notice. That language shall remain.

The CHAIRMAN. The Clerk will again report the modification.

Mr. TRAFICANT. In further clarification——

The CHAIRMAN. The gentleman will suspend. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows: At the end of the bill, add the following new section: It is the sense of Congress that all recipients of grants pursuant to this act shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act Requirements to the grant applicants.

Mr. TRAFICANT. That is in essence a complete——

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to enter into a colloquy with the gentleman from Louisiana (Mr. VITTER), my good friend.

The report accompanying this bill defines certain members of the management conference. Could the gentleman please share with me his intentions in regards to the makeup of this management conference.

Mr. VITTER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Louisiana.

Mr. VITTER. Mr. Chairman, it is certainly my intention to clarify that representation from each of the 16 parishes in Louisiana in the Lake Ponchartrain Basin estuary will be included in the management conference.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, the report filed with the bill also clarifies that this legislation does not create new regulatory authority over the basin; however, it sets broad goals for the estuary. Could the gentleman share his intentions on the goals of this legislation and for the estuary.

Mr. VITTER. Mr. Chairman, if the gentleman would continue to yield, certainly, it is the intention of this legislation to address inflow and infiltration problems of the municipal sewer systems in the estuary that are adversely affecting the ecosystem of the basin and to provide the assistance necessary to focus on voluntary restoration projects that will benefit the health and productivity of the Lake Ponchartrain Basin. It does not provide any new regulatory authority in the basin.

I intend to more clearly define the goals of the legislation and management conference in the conference report of this bill.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for the clarification, and I would like to congratulate the gentleman from Louisiana for his fine work on behalf of the citizens of south Louisiana in this important basin. I look forward to continuing to work with him on this bill throughout the legislative process and encourage its passage by this House.

The CHAIRMAN. The question is on the amendment, as modified offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

Mr. BOEHLERT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOEHLERT. Mr. Chairman, does that mean that the Traficant-Boehlert amendment has just passed?

The CHAIRMAN. Yes, the gentleman is correct.

□ 1530

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. OSE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes, pursuant to House Resolution 484, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHLERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8(c) of rule XX, this 15-minute vote will be followed by a series of 5-minute votes on motions to suspend the rules postponed from earlier today.

The vote was taken by electronic device, and there were—yeas 418, nays 6, not voting 11, as follows:

[Roll No. 138]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—6

Chenoweth-Hage
Hostettler
Paul
Royce
Sanford
Schaffer

NOT VOTING—11

Coburn
Cook
Frost
Gutierrez
Lucas (OK)
Myrick
Velázquez
Wicker
Wise
Young (AK)
Young (FL)

□ 1552

Mr. SCHAFFER changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2957, the bill just passed.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 2323, by the yeas and nays;

H.R. 4055, by the yeas and nays; and

H.R. 1901, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote in this series.

WORKER ECONOMIC OPPORTUNITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2323.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2323, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 139]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn

NOT VOTING—13

Coburn
Cook
Cooksey
Frost
Gutierrez
Lucas (OK)
Myrick
Radanovich
Tauzin
Velázquez
Wise
Young (AK)
Young (FL)

□ 1603

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IDEA FULL FUNDING ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4055.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 4055, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 3, not voting 10, as follows:

[Roll No. 140]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall

LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—3

Paul
Sanford
Sensenbrenner

NOT VOTING—10

Bateman
Coburn
Cook
Gutierrez
Lucas (OK)
Myrick
Velázquez
Wise
Young (AK)
Young (FL)

□ 1611

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

KIKA DE LA GARZA UNITED STATES BORDER STATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1901.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1901, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 16, as follows:

[Roll No. 141]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—1

Sanford

NOT VOTING—16

Bateman
Coburn
Cook
Cox
Doyle
Fletcher
Gutierrez
Kelly
Lucas (OK)
Myrick
Souder
Velázquez
Walsh
Wise
Young (AK)
Young (FL)

□ 1621

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider is laid on the table.

Stated for:

Mr. FLETCHER. Mr. Speaker, on rollcall No. 141 I was inadvertently detained. Had I been present, I would have voted "yea."

AUTHORIZING THE USE OF THE CAPITOL GROUNDS BY THE EARTH FORCE YOUTH BIKE SUMMIT

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 314), authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Ohio?

Mr. BLUMENAUER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. LATOURETTE) to explain his request.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman for yielding to me for an explanation.

Mr. Speaker, H. Con. Res. 314 authorizes the use of the Capitol Grounds for Get Outspoken, Youth Bicycle Summit to be held on May 10, 2000, or on such date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

The resolution also authorizes the architect of the Capitol, the Capitol Police Board and the sponsor of the event to negotiate the necessary arrangements for carrying out of the events in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The event is open to the public and free of charge.

Mr. Speaker, I want to thank my friend for yielding. I also want to thank him for his leadership and sponsorship of this measure.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress has been to promote more livable communities. Livable communities are those that are safe, healthy and economically secure.

There are many things that we in Congress can do to enhance livability. Whether it is requiring the Post office to play by the same rules as the rest of America by following local land use and zoning laws or by having more rational water policies to help protect and renew our waterways.

It is important that Congress lead by example and support policies and programs that contribute to the health, safety and economic security of our communities. One simple step we can take today is to support this resolution and the event that it will enable.

On May 10th, Earth Force will hold their annual Bike Rodeo on the Capitol Grounds.

This event is the culmination of a nation wide cycling education project. Children from all of our districts were asked to devise safe bicycling routes through their communities and share their proposals with their peers.

To commemorate their efforts Earth Force holds the bike rodeo to promote youth civic involvement and teach children about safe biking techniques.

This is a fun event with an important message. In 1998, 350,000 children 14 and under were treated in hospital emergency rooms for bicycle-related injuries. Collisions with motor vehicles account for 90 percent of all bicycle related deaths and 10 percent of all non-fatal injuries.

Bike safety education will go a long way to preventing these unnecessary fatalities and significantly enhance the livability of our communities.

This event is the perfect way to celebrate May as National Bike Safety Month.

I welcome the support of my colleagues on this resolution and encourage you to join Earth Force on May 10th to celebrate the leadership demonstrated by the youths they are honoring.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 314

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF BIKE RODEO ON CAPITOL GROUNDS.

The Earth Force Youth Bike Summit (in this resolution referred to as the "sponsor") shall be permitted to sponsor a bike rodeo (in this resolution referred to as the "event") on the Capitol Grounds on May 10, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 434, AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: From the Committee on International Relations for consideration of the House bill and the Senate amendment and modifications committed to conference, Messrs. GILMAN, ROYCE, and GEJDENSON; from the Committee on Ways and Means for consideration of the House bill and the Senate amendment, and modifications committed to conference, Messrs. ARCHER, CRANE, and RANGEL; as additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference, Mr. HOUGHTON and Mr. HOEFFEL.

There was no objection.

CONFEREES TO MEET ON H.R. 434, AFRICAN GROWTH AND OPPORTUNITY ACT

(Mr. GILMAN asked and was given permission to address the House for 1 minute.)

Mr. GILMAN. Mr. Speaker, I would like to announce that the conferees on H.R. 434 will meet in Room 1100 of the Longworth Building immediately.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 701, CONSERVATION AND REINVESTMENT ACT

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, today a Dear Colleague letter will be sent to all Members informing them that the Rules Committee is planning to meet the week of May 8 to grant a rule which may limit the amendment process on H.R. 701, the Conservation and Reinvestment Act, also known as CARA.

Any Member who wishes to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 5:00 p.m. on Monday, May 8, to the Committee on Rules in Room H-312 of the Capitol.

Amendments should be drafted to the text of an amendment in the nature of a substitute which is available at the Committee on Resources and will be posted on their Web site by 12 noon tomorrow.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

EAST TIMOR REPATRIATION AND SECURITY ACT

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and revise and extend his remarks and include therein extraneous material.)

Mr. McGOVERN. Mr. Speaker, today I am proud to join with my colleague, the gentleman from New Jersey (Mr. SMITH), to introduce H.R. 4357, the East Timor Repatriation Security Act.

The crisis in East Timor continues, and the Congress needs to respond. Some 100,000 refugees remained trapped in squalid and threatening conditions inside West Timor. The overwhelming majority of these refugees want to return to their home in East Timor, but they cannot because the camps are under the control of the militias.

The militias and elements of the Indonesian Army continue cross-border attacks into East Timor.

Reconstruction continues to be a slow and laborious task.

Our bill maintains Congressional restrictions and the President's suspension on military cooperation with the Indonesian Armed Forces until the refugees are safely repatriated and military attacks against East Timor are ended.

It calls upon the President to help the safe repatriation of the refugees and to help rebuild East Timor, and it salutes the members of the United States Armed Forces who have participated in the peacekeeping operation in East Timor.

Mr. Speaker, I urge my colleagues to cosponsor the McGovern-Smith bill on East Timor.

Mr. Speaker, I include the following for the RECORD:

[From Human Rights Watch]

EAST TIMORESE REFUGEES FACE NEW THREAT

(NEW YORK, Mar. 30, 2000).—Human Rights Watch today called on Indonesian authorities to lift a March 31 deadline on humanitarian aid to East Timorese refugees living in West Timor. The Indonesian government has given the refugees, some 100,000 people, until the end of the month to choose whether to go back to East Timor or remain in Indonesia. Indonesia says it will end all delivery of food and other assistance as of March 31.

"Everyone wants a quick resolution of the refugee crisis, but this ultimatum is counterproductive," said Joe Saunders, deputy Asia direct at Human Rights Watch. "The threatened deadline alone has created panic. If it is implemented, the cutoff will directly endanger the lives of tens of thousands of refugees without solving the underlying problems."

Conditions for many of the refugees are already dire. There have been food shortages, along with health and nutrition problems in many of the camps. Some reports estimate that as many as 500 refugees have died from stomach and respiratory ailments. Refugees also continue to face significant obstacles in deciding whether to return. In some areas, refugees continue to be subjected to intimidation by armed militias and disinformation campaigns. Refugees are told that conditions in East Timor are worse than in the camps, and the United Nations is acting as a new colonial occupying force. Other refugees opposed independence for East Timor, or come from militia or army families, and fear vigilante justice should they return to East Timor.

Indonesian officials claim, however, that they can no longer afford to feed the refugees, that food aid acts as a magnet and prevents refugees in West Timor from returning home permanently, claiming that after March 31, the refugees should be the sole responsibility of the international community.

"Given Indonesia's economic woes, the call for international financial support in feeding and caring for the refugees is understandable. We call on donors to make urgently needed assistance available. But an artificial deadline helps no one," said Saunders. "Thousands of refugees are not now in a position to make a free and informed choice about whether to return. A large part of the problem has been Indonesia's failure to create conditions in which refugees can make a genuine choice."

According to aid agencies, the total number of refugees currently in West Timor is just under 100,000. Precise figures are not available because access to the camps and settlements has been limited by harassment and intimidation of humanitarian aid workers by pro-Indonesian militias still dominant in a number of the camps. Many refugees have also been subjected to months of disinformation and, often, intimidation by members of the pro-Indonesian militias. Indonesia has recently made some progress in combating the intimidation in the camps, but lack of security and reliable information continue to be important obstacles to return. Aid workers in West Timor estimate that one-half to two-thirds of the refugees, if given a free choice, would eventually choose to return to East Timor.

"Withdrawal of food aid and other humanitarian assistance should never be used as a means to pressure refugees into returning home prematurely" said Saunders. "Return should be voluntary and based on the free and informed choice of the refugees themselves."

Following the announcements by the United Nations on September 4, 1999 that nearly eighty percent of East Timorese voters had rejected continued rule by Indonesia, East Timor was the site of orchestrated mayhem. In the days and weeks following the announcement, an estimated seventy percent of homes and buildings across East Timor were destroyed, more than two-thirds of the population was displaced, and an estimated 250,000 East Timorese fled or were forcibly taken, often at gunpoint, across the border into Indonesian West Timor. To date, roughly 150,000 refugees have returned to East Timor.

[From the New York Times, Apr. 29, 2000]

STUMBLING EFFORTS IN EAST TIMOR

In East Timor, where pro-Indonesian militias went on a rampage last summer, the United Nations has taken on an ambitious reconstruction mission with inadequate means. Not surprisingly, the results to date have been disappointing. Unless faster progress can be achieved in creating jobs, resettling refugees and establishing the rule of law, there is a serious risk of new violence.

International peacekeepers belatedly put a stop to the violence, which came after the East Timorese voted for independence. But by the time U.N. administrators moved in six months ago, conditions were desperate. Pro-Jakarta militias had burned much of the territory's housing and destroyed its agricultural economy. The abrupt withdrawal of Indonesian civil servants left East Timor without police, teachers and other essential services.

Since then the U.N. has made only modest progress. Some schools have been reopened, although they still lack trained teachers. Emergency medical and dental clinics have been established, many of them staffed by private relief agencies. But a staggering 80 percent of East Timor's 800,000 people still have no work, and nearly 100,000 remain in refugee camps across the Indonesian frontier. There is no functioning police force or courts, no reliable water, power or transportation systems.

The chief U.N. administrator, Sergio Vieira de Mello, has been hampered by an inadequate budget, unrealistic staff ceilings and the slowness of donor nations in providing the funds and volunteers they have promised for Timor's reconstruction. Of more than $500 million pledged late last year, only $40 million has been delivered. Washington has so far sent about $8 million of the $13 million it promised for U.N. and World Bank reconstruction efforts. Donor nations have been slow in providing the local governance experts the U.N. needs.

These problems have been magnified by the workings of the notoriously slow U.N. bureaucracy and the U.N. mission's reluctance to give more responsibility to local residents. If the rebuilding effort continues to lag in the months ahead, Jakarta could be tempted to exploit the continuing poverty and chaos, launching new military forays from Indonesian-controlled West Timor.

Last summer's violence in East Timor galvanized international attention and action. That commitment must now be sustained with adequate resources and a renewed sense of urgency.

MILLION MOM MARCH

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of the Million Mom March and the tapestry of mothers across the Nation.

These dedicated mothers will be arriving in Washington, D.C. and over 60 cities to participate in the Million Mom March on Mother's Day, May 14.

The mothers here on the mall and around the Nation will be demonstrating their grassroots support for common sense gun safety legislation. Fathers, sons, daughters, their friends, and their relatives will be joining their moms. The cause of gun safety has united these marchers.

I commend the March's Founder, Donna Dees-Thomases, for organizing this massive event. To learn more about the March, my colleagues may access the Web site at www.millionmom.com. This Web site contains "Woven Words" stories. These are stories from the moms themselves on why they got involved in the March.

Mr. Speaker, I will introduce these stories in the CONGRESSIONAL RECORD.

Gun safety is not a partisan issue. I will look forward to joining Donna and thousands of other mothers who will be participating in the Million Mom March across the country.

I urge all members to join the Million Mom March and to heed its message of adopting common sense gun safety legislation.

Mr. Speaker, the "Woven Words" stories that I referred to are as follows:

ADD YOUR VOICE TO OUR TAPESTRY—WOVEN WORDS

"MMM I support you in this effort. It is time we come together to make changes to the gun laws. It is time to make some common sense gun policies so no more children, Black or White, Baptist or Jewish has to die accidentally or because another child felt powerful enough to take another child's life. We must hold our lawmakers accountable to changing the waive of gun violence in our society. It is our right to call on lawmakers to help us save our children. Johnetta, another one in a million"—Johnetta, Washington, DC, AL

"This is long overdue . . . I have a 10 yr old daughter who I want to protect. I support this cause wholeheartedly. Way to go moms. . . ."—Lori C. Jefferson, Hayward, CA

"I am blessed to have 3 wonderful boys, all 5 and under. I am scared to death to send them out into this world . . . why must the youth of our nation be subjected to the violence that has become so "normal"? I WILL NOT sit by and allow this to happen to our most precious resources . . . it is up to US!!!!"—Tiffany, AZ

"We needed better gun control laws in this country. Twice I've had a gun pointed at me. Once a boyfriend used my father's gun to threaten me. He actually fired it. The second time was during an armed robbery. Funny how the person who was supposed to care about me fired the gun, but the robber who I meant nothing to only waved it around. Regardless I never want my daughter to have to deal with any situation involving guns!"—Tracy, Palmdale, CA

"Thank-you to the organizers of the march and the movement. Every time I read something sponsored by the march I get goosebumps. This is my first Mother's Day, and I am so proud that someday my 10 month old will look back and know that I took a stand for something as important as sensible gun control. My husband is a cop, and is ready to quit because of the heartbreaking cruelty in our society. Simply, like the man said, you've got to stand for something or you'll fall for anything. Bless us all."—Colleen, Karnes City, TX

"Remind your gun-supporting family, friends and lawmakers: When the Constitution was written, citizens of our new country were in danger from the threat of armed British soldiers at many a turn. No wonder the framers gave our citizens the right to bear arms! The NRA and like-minded individuals and groups have somehow (?) failed to take into account that there are no longer armed soldiers, subjects of a foreign power in pursuit of political and economic control, threatening our citizenry. Nor are we blazing a new, untamed frontier. Times have changed. With the exception of those in service to our country, the people now "bearing arms" ARE the threat. What is their point? They're "defending" themselves? Against whom? The reality is that those who irresponsibly own and/or use hand guns and assault rifles (weapons of war—Why are they available to citizens?! $$$. This is nuts!!) are now the aggressors and one thing these aggressors control, shamefully, is the lives of our defenseless citizens—particularly our children. THEY DO NOT HAVE THAT RIGHT and I am steadfastly behind paring their power play. Background checks, "cooling off" periods, licenses for ALL guns, safety locks . . . Why are these measures anathema? They make SENSE! It's at least 100 years past time to CHANGE THE LAW! I applaud all the organizers and intend to lend my support by swelling your numbers by one. See you in Washington!"—LC Kelly, Durham, NC

"The state of America saddens me on a regular basis. Whether I am watching TV, reading the paper, or surfing the net, I am inevitably going to run into a story of some child who was shot dead . . . today. I am 24 years old, I do not have any children, and I have no immediate plans of having any. Yet, every day, I hurt for these dead children and their families. I hurt for a bond that I have yet to understand. And then there are these people who have children, and have the nerve to tell me that my beliefs defy our Constitution. A Constitution which was written over 200 years ago by men who could not even fathom the notion of an AK47 or a sawed-off shot-gun. This is the reason why our Constitution is made up of Amendments, not Commandments. And to those who have children and who have the nerve to tell me that my belief system is wrong, let's look at the big picture. It's not right that I care about the well-being of your child more than you do."—Allison Kaplan, West Linn, OR

"Unfortunately, I will be unable to attend the march, but I would like to share the story of what happened to my 19-year-old daughter who was threatened by a 45-year-old man with a semi-automatic handgun 2 weeks ago. He pulled his car in front of hers, blocking her escape and got out of the vehicle, reached in the car for his gun (we later learned it was loaded) and threatened her. After our first court appearance, I realized that this guy will probably walk away. We not only need serious legislation, but we need to enforce the laws! While we are thankful our daughter is alive, she has certainly been traumatized by this incident. My heart goes out to all who have lost loved ones to gun violence."—Madlon Glenn and Katie Glenn—madlon glenn, Winston-Salem, NC

"Heartbreaking stories, heartbreaking words. Is anyone listening? Are we preaching to the choir? Please, God, don't make us share more heartbreak, year after bloody, tragic year."—Jeanne Genova-Goldstein, Spring Lake, NJ

"Guns are bad. They hurt people. A gun killed our favorite singer 'Selena'. We don't go in houses that have guns. Guns are stupid." "(Mom Astrea Fall gives permission to print how her two children feel about guns)."—Chris 6 and Elizabeth Fall 5, Cherry Hill, New Jersey, NJ

"It is past time that our voices were heard . . . past time that the NRA and other lobbyists are stopped . . . past time that someone stand up for the safety of our children . . . past time that we show the politicians that WE are their constituents and we have a voice, loud enough to be heard across the land and into Congress . . . it is OUR time and the time is NOW. My sister and I will be at the march, with our seven-year-old daughters, marching to keep them safe."—Christine Bintz, Reston, VA

"When will enough be enough? I was outraged to learn that my 13-year-old God Daughter was afraid to go to school because she heard other 13-year olds talking about how they were going to "Shoot the place up". The child was in hysterical sobs and has had to endure counseling to help with her fear of GUNS. When will the powers that be realize that besides the senseless and AVOIDABLE loss of precious life of our loved ones, that we are also taking away the freedom that our constitution promises us when a child is afraid to go to school because of guns?!? I applaud the efforts of all the coordinators, sponsors and participants of the Million Mom March and pray with you all that Congress enacts laws that will help protect us, and our precious children."—Elaine Thompson, Columbia, MD

"Children are the world's most valuable asset and the only hope for our future. The most important thing a parent can do is to protect our children from harm or death. If we don't protect them, who will? They count on us for that! Let's do it!!!!"—Pat Barton, Aurora, CO

"I feel that it is time that the Government listen to the people. I have a 6-month son whom I can still protect from the violence that seems to be taking over our nations children. My biggest fear is what will happen when the day comes for me to release my child into society. I can educate my own child that guns are not toys—but what about other peoples children, especially those whose parents aren't educated about guns. I AM AFRAID!"—Jill Hamann, Whitmore Lake, MI

"My child isn't even born yet, and I have to worry about him or her getting hurt by a gun! I live in the country, and I don't oppose hunting. But I can't understand people who think trigger locks, background checks, and waiting periods are unreasonable. The NRA says that law abiding citizens will be hurt by these laws. I say, law abiding citizens have children; law abiding citizens can have accidents! More children are killed by gun accidents than by criminals. There will be no guns in my house, but that's not good enough. I want sensible gun laws now!"—Andrea S. Colton, OR

"I will be present in Denver on May 14, along with many women from our Presbyterian church. The Presbyterian Church (USA) has declared July 2000–July 2001 as the year of the Child. What better organization to stand up for children than our churches/synagogues/places of worship, who offer "sanctuary" to our children and youth!! I encourage Presbyterians, Methodists, Catholics, Hindu, Pagan . . . all spiritual faiths, to put feet on your beliefs and join the Million Mom March!"—Holly Inglis, Arvada, CO

"What words can we use, to say how we feel? It is time, actually pass time to do something about the killings in our streets, schools, churches, etc. I am a city resident, and proud of it! I have raised my son and have been blessed that he is alive, in college and breathing each day!! It is a sin and a shame, that in this "land of opportunity" that so many individuals are fighting so hard to get into, that our children are dying violently every day. It is heartwrenching to have children base their dreams on statistics—my son informed me at the age of 13, that he was making no plans regarding, college or his future because the statistics show that he is unlikely to reach his 18th birthday. Once he celebrated his 17th, he decided to apply to colleges, just in case he lives that long—the tears flowed from my eyes uncontrollably!! Our children should not have to live like this! When will our representatives wake up! With all issues, most people don't care until it hits in their own backyards—haven't enough backyards been riddled with gunfire!! Haven't enough of our children sacrificed their lives for the "right to bear arms"?

Will 7 children need to be injured or killed in the zoo everyday for the message to become clear that change is needed? Different gun laws are needed today, not tomorrow, not sometime in the future, today!! And even though the guns can not be fired without someones finger on the trigger, new laws are a start. While we are working to change those laws, we need to look within ourselves to see what "housecleaning" we need to do regarding, bigotry, hatred, oppression and make sure that we are not feeding the fires that instill beliefs/values in our young so that they assume violence is the answer! Amani & Baraka (peace & blessings)-Kipenzi-Baltimore Maryland"—Kipenzi, Baltimore, MD

"Accidental. Deliberate. Hunting. Protection. Legal and licensed. Illegal and hidden. Safety. Crime. It is all the same. The purpose of a gun is to stop a life from continuing. Whether or not this happens in a premeditated, controlled fashion or in a spontaneous manner with reckless abandon, the consequence is the same. A beating heart stops. A brain stops functioning. A soul is released from its body. Guns have a power that is to be respected and REGULATED. Mothers also have a power that must be acknowledged, exercised and focused on the safety of our fellow beating hearts and thinking brains. Thank you for giving us a place and a situation in which we can make our voices heard. I am a mom who has had enough of watching other mothers lose their children. I have lost friends and family members because of guns. I pray that we will have our eyes and hearts opened by this Million Mom March."—Jo-Jo T. Murphy, Westmont, IL

"It is long overdue but an incredible and worthwhile effort! Please join my family and millions of others this mother's day to take a stand on these issues: improper gun access, mandatory safety locks, background checks and other common sense laws. Guns are deadly. We have restrictions on viewing movies, making safe toys and baby gear, child seats and seat belts . . . why not for guns. The "right to bear arms" does not mean the right to murder or the right to children accessing guns. Lets correct the misperceptions through educations and common sense gun laws and stop ignoring this epidemic!"—M. Rait, Portland, OR

"One week ago, my children were home for spring break. A neighbor had ordered a rifle and UPS tried to deliver it to their home. My neighbors were not there so the UPS driver brought the rifle to my home and my 13 year old signed for the gun. It took several phone calls and going to the local media to get a response from UPS. I never ordered this gun and did not expect it to be in my home. What if my child opened the package? I was told by the gun company that this was not the first time UPS delivered a gun to a minor. What can we do?"—Fran Wilson, Memphis, TN

"Power to the Mothers! We are the majority, and we know what we want—sensible gun control laws. Now, many children's deaths are caused by gun available in the home. Well, there's nothing politicians can do about that. So, before you leave for the March, as I will, make sure you scour YOUR OWN HOME for weapons of any kind. Confront your husband if you have to, and make very clear that you will not tolerate weapons in your home, and that's not negotiable. Before we scream for others to do their part, we have to do ours. Also, guns are only one of the instruments of violence. We also have to address the motivations that lead to these crimes: bigotry, desperate poverty, peer pressure at school. These are the issues, and they are completely out of hand, and demand our attention and action. Let's empower ourselves, and make our voices heard both in the home and out. See you at the March!"—L. M., Pittsburgh, PA

"Please, please, please do not make this a Dems vs GOP issue. There are MANY of us in the GOP who feel as strongly if not more strongly about this issue. (Jim Brady worked for Reagan) If you polarize this issue and make only Democrats the heros of this worthwhile effort you will dilute this vital effort. For the children's sake, do NOT make this political!"—Alan Kiefer, Wooster, OH

"In January of this year, my Aunt was shot to death she answered her door, by a 17 year old 9th grader. This shouldn't have happened. I have a 3 year old son and I want him to live in a safe environment. Life is too unstable anyway, without having to worry about guns being in the wrong hands. Let's get safer gun laws, NOW."—Lori Martin, Lafayette, CO

"You've inspired me! This march is long overdue, and I must take part in it because I feel passionately about gun control. Let's need a strong message to Congress and defeat the NRA. Together we can do it!—Marilyn M. Wayne, PA

"There is a war going on this country and the government is ignoring it. Big money and the NRA have stolen our safety and security. It is a truly sad day when you cannot send your children to school in safety. It is a sad statement on our society that the right to own a gun outweighs the rights of our children. I think that everyone knows of someone who has been killed by a gun. If guns aren't the problem, then what is? It would be very difficult for someone to walk into a zoo and hurt several people without a gun. I will not be at the march in body, but I will be in spirit."—Phoebe, Omaha, NE

"I am a mother of a three year old son, he and all children deserve a view of life without the violence that we now see everyday, in every walk of life. When I was seventeen, I witnessed the murder of my boyfriend/fiance', he died in my arms, I never want my child, or any other child to go through the trauma that I endured then. EVERY SINGLE CHILD not only in the USA but THE WORLD deserves a life with out fear. Do we, as parents, grandparents, aunts, uncles . . . want our children to go to school, play, church, or anywhere in fear. I trully think not. This MILLION MOM MARCH is the one step in the right direction to ensure our children (our future) a happy and safe childhood, and life."—Christine, Baltimore, MD

"Almost every day the news media reports on another shooting of innocent people. Guns do kill. It's a fact. Let's get some tough laws enacted to stop this senseless violence."—Sharon Ward-Fore, Oak Park, IL.

"I am not yet a mom but I do have 4 beautiful nephews who I worry about eveytime I hear about another shooting involving a child. My husband was an avid hunter growing up. His fondest memories are hunting trips he went on with his father. But he and I agree that sensible gun control is needed. We want to have children and would like to start in a few years. Everytime I turn on the news, however, and I hear about more gun violence in our schools and neighborhoods, it makes me afraid to have a family of my own. How can I possibly keep them safe? Do I need to move to another country because our supposed "representatives" are governed more by the NRA than by their constituents? I'm so glad that the millions of us who support sensible gun control are organizing and becoming a unified force to be reckoned with! Together, we can have greater influence than the NRA and make a change for the better! Let's make America something to be proud of again!"—Deb Duffy, Baltimore, MD

"Who would have believed that this country would come to a place in time when people would worry that the person sitting next to them, or meeting them on the street, or driving by in a car might decide to shoot them? What on earth are we thinking of? Is this "freedom?" I am so proud of the organizers of this march and I will do my best to be a participant. Thank you all."—Mary Kjos, Marine on St. Croix, MN

"I will be marching in DC on March 14, in memories of my son who was killed on October 10, 1999, only 19 years old. The killer is still out there somewhere."—Sally McKee, Fort Washington, MD

"The Million Mom March is truly an idea whose time has come. I've wondered many times if we women could stop a nation in it's tracks with a peaceful assembly in the name of our children on a given day. We owe it ourselves, our children, and in the memory of all who have died at the hands of someone holding a gun to show our concern for any lives lost due to gun violence. If I can't make it to Washington, I will try to organize a local march in the Poconos of Pennsylvania. Just a couple of hours to show your concern for all humanity is not too much to ask when you consider the alternative of being sorry you did not take a public stand against violence and support those of us who live everyday with the empty rooms and heavy hearts from the memories of murdered children and adults."—Maria Coqueran-Belk, Broadheadsville, PA

"My husband's name is Robert Ott. He is 30 years old. Nine years ago, he was shot at point blank by a stranger in a bar. The stranger went to prison for 8 years—he was released last year. My husband lost his sight—for life. The bar was uninsured. My husband was awarded $10 million by a judge. He has never seen a dime"—Kimberly Ott, Seattle, WA

"I live just outside our Nation's capital and am still reeling from the shock of the recent shootings at the National Zoo. The mere fact that an 11-yr old child is fighting for his life after what should have been an innocent day at the zoo should be enough of a wake-up call for everyone. I will never understand why a 16-year old felt the need to bring a gun to the zoo, or why, based on this and other tragedies there are still those who oppose gun control."—LeeAnn, Waldorf, MD

"Without our children there is no future. It isn't only because of my 2 children that I am coming to Washington for the Million Mom March, it is for the future of all of us. Let there be Peace on Earth, and let it begin with me."—Debbye, Coral Springs, FL

"I will never forget the day my 16-year-old daughter learned her close friend, Hans Hummel, also 16, had been murdered by gunshot. I phoned the police in Arizona where the murder of Hans and another young man occurred, sure I would be told it was just a vicious rumor. How could that little boy wearing a soccer uniform in the photos my daughter kept displayed in her room possibly have been shot in the head? How could anyone do that to a kid? Why would anyone take a hundgun to Walmart with them? Walmart was a place for Hans to work after school to earn money, not a place for his murderer to show up. Hans' murder took more than his life. The people who knew and loved Hans will never be the same. They will never trust like they did before his murder. They will never feel as safe as they should be able to. They will never be relieved of the anguish of losing their friend and all the wondrous things that should have come from his life. Hans' friends remember him each time they see a rainbow. He will live on in their memories as the teenager he was, as each Valentine's Day, his birthday, they bake a cake and sing happy birthday to a perpetual 16-year-old who, because of someone else's selfishness will never have the privilege of growing old."—Diane Puckett, Manassas, VA

"I think this march is a wonderful opportunity to show our Congress and our country that we are saying "NO MORE" to the senseless violence and loss that guns can bring. I don't wish to outlaw all guns, but to simply regulate and wisely control the industry. It is time that we make a stand to show our lawmakers how we feel. Washington, be aware—we are watching you, and our votes count!!"—Kim Smith, Carl Junction, MO

"My hope is that we, as fellow humans inhabiting this Earth, start placing a higher value on life than we do on money or power, so that no more children will needlessly die."—Kelly Stanford, Hulmeville, PA

"I moved from my home state of California, which I thought I would never do, because of the violence was coming to close. Being in the mist of the roits, I thought what can do to stop the violence? Well, we moved across the country to a small southern town, where a week ago my son's friend's Mother found 9mm Gun in his room. Which was stolen and only cost him 2 weeks allowance. There is no Price large enough to put on a child's, or for that fact anyone's life. When I got the call (early) to pick my son up I knew something was wrong in his voice. He told me what happened and I cried. "I move across the country to get away from this, and here it is in my face". Thank God my son turned and ran. The first thing that came out of his mouth was "Columbine and Hitler's birthday, what was he thinking?" He is now torn between helping a friend see the right way and someone being killed, even himself. I can no longer keep asking myself what can I do. I am so glad that we as Mothers can finally make a stand and be heard. I realize that I am one of the lucky Mothers that still have a living child. My heart goes out to all those others that have lost. These guns need to be taken off the streets, and out of the hands of children and if the government won't take them off the street then they need to be in a controlled environment. One lucky Mom, Portia McRill, Alpharetta, GA."

"As I sat and read through all the postings on the tapestry, my first thoughts were of my 8-month-old son. As a new mother, how could I NOT do something to help protect him and his generation, in addition to the future generations in the years to come?? My following thoughts were memories of how guns played a role in my life . . . when my grandmother passed away when I was 10 years old, there was a young man whose family was having his funeral in the same place as my grandma. He was 20 years old. He had shot himself in the head playing Russian Roulette. Or, when I was in Junior High and a young man, upset about his girlfriend breaking up with him, shot himself in the head. Outside the high school. Just a bus loads of other children were pulling up. It is a memory I will never forget. Or, in high school when my cousin's best friend committed suicide with a handgun (after numerous other attempts had failed). Flash ahead to Columbine, and the rest of the school/company/random shootings that have begun to happen on a fairly regular basis. No, I have never been DIRECTLY affected by guns . . . so far. And, that's what terrifies me and spurs myself and my husband into action. As many people have said, "it will never happen to me. . ." Well, it might. And, I want to do everything I can to prevent it from occurring. I march in memory of the boy who played Russian Roulette, the boy in front of the high school, and my cousin's friend. And we march in honor of all of the children and others who should NEVER have died in such a senseless way. Lastly, for my son and the children of his and future generations. We will not be in Washington, but will be supporting the rally in Chicago. God Bless us, Everyone, in our fight to keep guns under control. And let this not be the only step . . . let us continue to march for those who can't."—Jamie Littlefield, Bensenville, IL

"On Easter Monday, April 24, at the National Zoo in DC seven children were shot by a 16-year old boy. He used a 9mm gun. We all know he couldn't buy the gun, so how did he get it. Something has to be done when children can't go to an Easter egg hunt at the zoo and feel safe."—Patricia, Temple Hills, MD

"AT LAST!!! A LARGE GROUP OF PEOPLE WHO AGREE THAT EASY ACCESS TO GUNS IS INSANE!! Why does this country recall toys that have hurt a few children, but we haven't been able (YET!) to have sensible control and licensing of guns which kill 12 CHILDREN per day?!?!? MY SPIRIT AND THE SPIRITS OF MY BEAUTIFUL 7 YEAR-OLD SON, MY MOTHER, SISTER, AND AUNTS ARE WITH YOU!!! YOU GO WOMEN!!!"—Lynne Harkness, Edwardsville, IL

"I have a 6 year old daughter & We are so excited to be participating in "The Million Mom March", it's about time our voices are being heard & that we will not tolerate the violence any longer! As mothers, We are tired of our beautiful children being slaughtered like worthless animals!! God has given us the gift of being Mothers, and did NOT intend on them to be ripped from our arms in this way!! No matter how young or how old!! They are still our Babies!! So precious and pure! Come and join us Mother's Day 2000, and help us in this fight against the Violence being plagued upon our Children!! Let these foolish people know we will not sit and wait for our children to die painful and senseless deaths in our schools and in everyday life. I look forward to walking down the streets of DC in support of this worthy cause. Remember, our children are our only hope for a better future!! Love them and teach them that violence is wrong!! Love them enough to save them!!!!! Eileen, Waldorf, MD"—Eileen E., Waldorf, MD

"It is very inspiring to see and read about so many people who care about this issue. I am the mother of a Columbine student who survived the shooting last year; however, my daughter attended 3 funerals for victims. April 20, 1999 was the worst day of my life. It was a nightmare for many of us parents—even if we didn't lose a child. I have written to my state legislators to ask them to support reasonable gun controls proposed by our governor, but they did not feel it was important enough to support these proposals. I will be attending the local march in Denver along with other Mothers and people who care about this issue. We must do more than just attend the March, however; remember how your legislators voted and unless they support our desire for reasonable gun control—don't vote for them again. Support those legislators who agree with many of us that reasonable gun control measures will make a difference!"—Tina Campbell, Littleton, CO

"LET'S MAKE OUR CITIES, STATES & COUNTRY A SAFER PLACE FOR OUR CHILDREN! WE DEMAND GUN CONTROL!!!" MARLA BENTON, CHAPEL HILL, NC

"As an EMT and employee at Children's Hospital, there are too many children transported to our hospital due to gun shot wounds. I am a mother of three children and would feel a lot more comfortable with the fact that we are moving closer in the fight for gun control and easy gun accessibility. Guns are meant for one thing and one thing only, to kill!! When a 6-year-old can obtain a gun, the time is overdue for the strictest gun control measures."—Tracy Staton, Bowie, MD

"In 1994, the 12-year-old son of a friend accidently shot himself with a 22-caliber handgun and died. Why do we hide our car keys so our five-year-olds can't drive the family car, and yet allow something as deadly as a gun to lay around within reach? How many dead children will we need before we take parental responsibility? Normally I am a proponent of minimal government intervention, but if we're not willing to take responsibility for the safety of our families, then let the laws fall where they may."—Susan Richmond, Gig Harbor, WA

"About 8 years ago my father was the victim of a car jacking, he was shot twice. He survived, although it was very touch and go for a while, but he will never physically be the same again. I thought at that time this was the worst thing that could happen to my family . . . But I couldn't have been further from the truth. On Thursday, December 17, 1998, my life changed forever. I came home from work with my 4-year-old daughter by my side and tried to enter my home. I was unsuccessful in doing so and I started knocking on the door. No one answered, I knew someone was home. I went around to the back of the house and saw that the balcony door was ajar. I thought maybe one of my two older boys might have forgotten to close the balcony door and maybe fell asleep or something. I then put my 4-year-old daughter over the balcony so she could go inside and let me in. When she opened the door I noticed my eldest son, who was 17-years-old, was lying on the floor. At that moment I still didn't realize the extent of what was wrong. I leaned over my sons body and that's when I saw that he had been shot in the head. That image of my son lying on the floor is as vivid and painful today as it was then. It was as if someone ripped my heart out. My immediate reaction was who, what, why, how, and also why I wasn't there to protect my son. After all it was my job as a mother to protect him from all harm. I couldn't save my baby. Your not even safe in your own home. Maybe by getting these laws passed we will be able to spare another mother, father, sister or brother the pain of losing a loved one to gun violence. My son was a very fun person, very artistic, and he loved basketball. He was looking forward to getting his first real paycheck from his new job. I miss him so much. I miss his face, his laughter. Just hearing him call my name. The young man that killed by son was 19 years old. I still have not really dealt with his death. The trial will begin soon. I often ask my self: How in the world did this happen?"—Faye Hicks, E. Elmhurst, NY

"We women need to remember that we are the swing voting bloc this year. We have the power to overcome the NRA and their pro-gun cohorts. We must stand resolute in our belief that sensible gun control reforms are necessary not only for the safety of our children, but for the safety of all children. We must write our Representatives, our Congresspersons, our Senators and Governors and urge them to pass common-sense gun control legislation. Most politicians have an email address . . . sending an email only takes five minutes! This is our responsibility. We must speak and vote for our children. They are worth the effort."—Wendy, Lima, OH

"As a society, we need to get a grip on what is really important. We need to remember that children are children, not small adults, and they need protection. We are a country that educates parents to keep medicine and cleaning products out of reach or locked up, yet there is free and easy access to weapons. How are we to keep our children safe? We must speak out and demand meaningful gun controls."—Joanne P., Farmingdale, NY

"I hope that someone plans to distribute this tapestry to all of our Representatives and Senators—along with the message that we are paying attention to how THEY vote—and that we will cast OUR votes accordingly. By the way, my daughter and I plan to attend the march, instead of our usual Mother's Day movie and dinner."—Elaine, Pasadena, MD

"Growing up as part of a family of avid hunters in rural Wisconsin, guns were an everyday part of my life. My father took great care to educate us on the uses as well as the dangers of firearms. I feel blessed to have been raised in an environment where a healthy respect for weapons of any sort was imparted. Unfortunately, not everyone has that opportunity. Today, as a mother of 3 year old twins, I am still pro-hunting; however, a time has come for change. I feel handguns and assault weapons serve no purpose but to kill people and therefore should be outlawed. Rifles and shotguns used for the purpose of legal hunting should be allowed but only after extensive hunter education course completion and installation of safety equipment. Severe penalties for illegal possession and sale of firearms should be implemented. Minimum jail time requirements, in federal penitentiaries, with no chance of parole is a good start, but still not enough. Waiting times, background checks and possession limits need to be put in place immediately. I have cried my last tear over a child killed through irresponsible and reckless firearm use. I am now angry and choose to use that anger to make a change in my child's world. Nothing else in the world is so powerful as an idea whose time has come. Now is our time. Good luck and God Bless. KSK"—Kristin K, Burlington, NJ

"I am the mother of three and like most moms out there I am afraid every time they leave my house. What will happen when they go to school? What will happen when they are walking down the street? Etc. I know all mothers worry naturally, but in today's world it's not just worry, it's panic. I've never been a victim of gun violence nor have I known anyone personally. But just watching it on the news and reading it in magazines and newspapers is enough to make me sick. Some people in my family don't agree with the way I feel about guns. I do not allow any type of gun in my house, I don't care if it is "just" a water gun. There have been family members who have bought my children toy guns and said, "It's just a toy, it won't hurt anyone." I don't believe that to be true. Maybe like my family says I am overreacting, but I feel a child should in no way know how to hold, handle, or fire a gun, Toy or Real. I don't have the means to get to the march this Mother's Day, but I will be there in spirit. Someone has to put a stop to all of this violence and it seems like Mothers are the obvious choice. After all who else cares as much as Mothers do?"—Sue, Philadelphia, PA

"If there is any group that can change the course of history and its events it's "Mothers". How appropriate that this march is scheduled for Mothers Day. As women we have changed the course of history and battled for our rights in every court in this nation. We will succeed and for all the right reasons "safety for our children, grandchildren and every child that follows. We will make this a safer world for them."—Paul L. Hayes, Stroudsburg, PA

"In October 1994, just two months after my first son had been born, I got a call from the hospital that my older brother had shot himself. He had been diagnosed for years with paranoid schizophrenia and I could not believe how he was able to get a hold of a gun. Although he survived a gunshot to the head, it tore our family apart. We had always been taught to stay away from guns. We grew up in one of the most violent neighborhoods in San Diego. I saw the violence of guns time and time again throughout my childhood. I had a dear friend who was shot and killed when he was only 17 years old. I vowed to never allow a gun, real or fake, into my home. And now, almost six years later, another gun-related tragedy has torn my life apart. My 19 year old nephew was shot and killed at a party on April 1, 2000 in Arizona. The 21 year old host of the party was toting around a gun. He had a history of violence and had used the gun several times before to threaten other young men in the community. He claims it was "accidental." What is so "accidental" about a man that carries around a lethal weapon, cocked and ready to fire, while at a party with "friends" and then uses it to kill and shoot another? Why are these weapons so readily available? What is their use if only to kill? My nephew was a loving, sweet young man who could unarm you with his smile. We only have the memory of that wonderful smile left with us. I cannot begin to feel the pain my sister-in-law feels to have lost such a wonderful son. My husband is devastated. My son is now five years old and we have another one on the way. I want to fight so their lives will not end or be affected by the tragedies gun cause. We must fight together and let our voices be heard loud and clear. My husband and I will participate in the Million Mom March in San Diego. Thank you for taking a stand and organizing us moms. I hope this can begin to heal our wounds."—Layla Smith, San Diego, CA.

"Thank you to the Million Moms that will march nationwide on May 14th. Let us be strong and determined that we will not stop pushing this issue until there are sensible gun laws on the books. I will proudly be marching in D.C. on Mother's Day with my one year old daughter, my mother and my eighty year old grandmother. Four generations of women that are committed to make a difference!"—Lisa Hyle Marts, Baltimore, MD

"With all the violence involving young people, my mother always comments that she would never want to have kids now and have to raise them in this society. That is a very sad comment. I have two small children (ages 18 months and 7 weeks) and I am also worried about what will happen in society while I am raising them. I am glad that there are groups that are trying to better things for our kids and their future. Good luck with the march. Since I live on the other side of the country, I cannot be there in person. I will be there in spirit!"—Traci, Phoenix, AZ

"When I was 11 years old, my 21-year-old sister committed suicide in the kitchen while the rest of the family was getting ready for night on the second floor. She used my father's revolver to shoot herself in the heart. I will never forget the "Ouch, Ouch" and then the thud of her body falling on the floor. It was 39 years ago; it still as vivid as if it happened yesterday. If she had not had easy access to my father's gun that night, she probably would be alive today. When I was 15, I went through deep depression, and I, too, attempted suicide. I didn't have access to a gun. I took pills. I was found in time, and my life was saved. After therapy and confronting the demons of my past, one of which was my sister's suicide, I became a well-adjusted, functioning adult. My point is that guns do make a difference. Not having them save lives."—Carole, AZ

"As a prospective Harvard Postgrad student, I can only say that I will feel a lot safer heading off to the US for that postgrad degree when gun control is introduced."—Student, London, MA

"On February 4, 1999 my life changed forever when two detectives came to my home and told me that my son, Larry was shot and killed tonight. Those words ring in my ears daily. I cried, "How could this be? I saw him 4 hours earlier". He was just going over his girlfriend's house. A trip he made numerous times for over a year. At 6:30 in the evening as he walked from the bus towards his girlfriend's house he was shot multiple times and was pronounced dead at the scene. Larry was twenty-one and had just accepted a job as a bank teller. I remember how happy he was when he came home and told me he passed the test and that he was waiting for the company to find a bank near our home. His years of confusion, not knowing what to do with his life was finally headed toward a goal. The person(s) who killed my child took away someone I loved (still love) and someone I miss daily. I miss what we shared. I miss what we were suppose to share. I miss all the simple things I took for granted that was to come. I will never know the joy seeing him get married, the joy of holding my grandchildren. This was all taken from me that night. I cry when I hear of someone's child being killed. I live their pain, through my own. I cry for how that mother must now feel now and the difficult days to come without her child. I want the senseless pain to end. I can't bring back my child, but if my participating in the march can help save the lives of other children, then I am very thankful to be part of this march."—Katherine Lewis, Columbia, MD.

"Selecting Mother's Day for this March is both appropriate and quite in keeping with its original intent. Julia Ward Howe urged the creation of Mother's Day as a day for women to speak out for peace. Although it has changed over the years to become a day to honor mothers, Howe's Mother's Day Proclamation supports the goal of this year's march. She wanted all people to be safe from the horrors of war. I hope you will honor her and the history of Mother's Day by making her words an official part of your day. Mothers have, for a long time, spoken out against the madnesses that hurt our children. We should all keep our foremothers in mind as we continue the struggle."—Cynthia Lehman-Budd, Cleveland, OH.

"The first thing we need to do is PRAY. These folks in charge of changing the laws are procrastanating until one of their kin is killed or hurt. If the presidents family were shot, I'm sure the law would be passed. Don't give special treatment to the higher ups. And leave us little people to be hurt. Do something now. Exactly how many children will have to die in vain because of ignorance of the gun use. This is supposed to be the best city to live in but it seems to be on the list to stay away from. Please do something with the gun laws."—Margaret Shields, Clinton, MD.

"I like so many other moms out there wish that that sensible gun control laws had been in effect a long time ago. About 5 years ago, my 14 year old cousin put a gun to his head because he couldn't take being dumped by his girlfriend. Well he live but not the way that he would like to, in a wheelchair, parallized on his right side and not being able to speak. Then 2 years ago, my Uncle, depressed for so many years and not have a way out put a gun to his and died, alone. Everytime I see Charlton Heston speak I get a huge knot in my stomach, because it seems like everytime he does speak another breaking story comes on the tv talking about another school shooting. Mr Heston needs to "think" before he "speaks"."—Tammy Towk, Lemoore, CA.

"as i read these tapestries i cry for all these lost children. i can't imagine the feeling of losing a child, my three sons are my world and the glue that holds me together. i will be at the march no matter what. and like someone else said earlier i will walk for every child lost to senseless acts of violence involving guns. we need tougher gun laws and we need to enforce the laws that we have now also. may GOD bless all of you."—s schwartz, ashley, IN.

"I almost lost my father to gun violence when he was shot in the arm and side by a drug-addicted criminal while acting in the line of duty (he's a retired police officer). At 18, I got that long-feared knock on the door and was told that he had been shot and was in critical condition in the hospital. He died, was revived, and survived. But, his life (and mine) was never quite the same. Reading the stories in this Tapestry makes it all too clear why we need stricter gun control legislation (while also working together on resolving the underlying social/economic issues which give rise to violence—accidental and intended). I am confused, disgusted and angry when certain pro-gun advocates seem to believe the issue of "the right to bear arms" is an all or nothing issue. The aims of the majority of people (as the words in this Tapestry make clear) is not to make guns illegal, but to regulate and control them in a sensible manner, much as we do many other activities and products. While it's true that "guns don't kill people, people kill people," there's no reason we should make this any easier. With rights come responsibilities. It's time we make our voices heard. In this election year, let's make our votes really count for something. See you at the MMM."—Nike Carstarphen, Takoma Park, MD.

"I pushed the gun away from my brothers feet, afraid to touch it, but wanting to get it away. It was too late, it had already done what it was intended for. I found him lying on the floor and if Tom Delay and Charlton Heston could see and feel what many of us have to live with they would agree, wouldn't they? Let us try . . . No, let us do it! My brothers name was Joe DiPaul and he had a wife and two children, and he would still be here if not for an easily accessible GUN!!"—Theresa Cass, King of Prussia, PA.

"Yesterday 6 kids were shot near the national zoo—apparently by another child. Yet our representatives waste their time and our money to investigate the "violence" of armed law enforcement personnel rescuing a child to be returned to his parent. Just who is supposed to be carrying guns in this society and what is "violence?" How many children have to be shot before these self-righteous legislators realize that a heavily armed society requires even more heavily armed law enforcement personnel, and that the excess supply of guns will end up in the hands of children. These are the same legislators that think we need to have a great excess of nuclear arms as a deterrent for war."—Sue Hauser, Beltsville, MD.

"My daughter and I will proudly march in the Million Mom March. Our participation is not only an effort to demand sensible gun laws but to remember those moms and children that have been indelibly scarred by the use of guns in the wrong hands. I am a Registered Nurse. I have worked closely with children that have been traumatized by life's painful events. Many of these are the result of the ruthless use of handguns. I ask that we Million Moms remember these innocent children in our purpose and in our prayer. For the frail 9 y.o. whose leg and mind were scarred when he was used as a human shield in crossfire when his dad's drug deal went bad. For the beautiful 12 y.o. whose guilt and shame overtook her; never knowing if she killed the young target in the driveby shooting, a rite of gang induction. For the despondent 16 y.o. who witnessed his mothers being shot in the street. His pain has tempted him to find a handgun to take his own life. For the 15 y.o. who returned home to find his mother's bullet ridden body on the floor of his room. He is tormented by the flashbacks. We ask that these children be kept in mind as well as the staggering statistics. There were 32,436 people killed by guns in the US in 1997. Hopefully, this strong message will be heard by Congress and action will be taken to pass sensible gun laws."—M.J. Ferrone, Hillsdale, NJ.

"I am the mother of two very young boys (17 months and 7 months). I believe that the only purpose for hand guns is to kill. I have been writing to my Congressmen asking them to pass stricter legislation for gun laws. Recently I actually received a response back, it was from Spencer Abraham from Michigan who expressed his concern re: stricter legislation fearing that that would punish law biding citizens. I feel that law biding citizens would and should support smart guns and mandatory safety locks. I am hoping that the million mom march will show Congress that us moms mean business. Thank you for organizing this."—Patricia, Harrison TWP, MI

"I was 17 when I got the phone call that my 15 yr. old brother was shot and killed playing with a "unloaded gun". It was the worst night of my life. Now I am a mom of two children and my husband and myself have made the choice not to have a gun in our home. If it isn't there then nobody can be hurt or killed. All we are asking for are minor things, gun control. Locks on guns, time between the sales of guns to one person. if only one person has had to die because we didn't do any of these things then it is one too many. I would bet if any of the members of the "NRA" have every lost a child or family member that they would be with us and not against what we are doing. They say it is their right. But what about our rights as parents to keep our kids safe from gun violence. We have to worry when we send them to school, or let them play outside. It isn't right and it isn't fair to us or them. We are not saying that they can not have their guns, but please think if you don't keep them locked up what can happen when they are at hand's reach of a child. Children only do what they learn and are allowed to do. So it is up to us to make a change. Hundreds of years ago guns were meant for hunting, but now some of these guns are meant for one thing and that is to kill another human being."—Tonia day, Hampstead, MD

"I need some clarification—many of our congressmen have begun yelling and screaming because there was a loaded gun near a small child. They are all over the TV calling for hearings. "The boy could have hurt and at the very least he was traumatized! This shouldn't happen." Odd, gentlemen, we've been saying that for ages and you've turned your back. Either back up those words or you show yourselves for what you are."—JR. KY

On June 5th, 1988 my 15 year old son was shot and killed by a 44 magnum. The only good thing is he died instantly and did not suffer, but for the past 17 yrs I and my family suffer everyday. He was the baby of the family and the only boy. I only hope that this will help change the laws on guns, so nobody will ever go through what my family has. The loss of a child is the greatest tragedy every known"—Rita McKinney, Ridgecrest, CA

"What a beautiful tapestry of words, woven with love and hope and true energy, about such an urgent issue. I and my children will be at the march—I want our legislators to know that they must speak for us.

to do that, they must hear our voice. Stop the gun violence!—Cathleen Barnes, Silver Spring, MD

It's a fact of life that family members are forever lost to us due to illnesses that cannot be cured. I remember, as a little girl, overhearing my grandmother tell someone that the greatest tragedy in life was to bury a child. It simply was not what God intended. Many years later I stood with my grandmother at a memorial service for my mother who had died of cancer. The anguish she felt was clear. Now that I have a 7½ yo daughter, all I want is for her to be safe. As I accompany her to/from school I am reminded daily that there are people out there that may look sane but do not always act accordingly. In a city where mentally ill individuals push total strangers in front of subways cars, I am always aware, and every vigilant, of the people around us as we travel. Unfortunately I cannot tell if the person next to us has a gun. The laws must change! Both my daughter and I will attend the March in Washington because we are part of a community that needs to be heard, that will change gun control laws, and must demand that safety be restored to our lives. The safety of our families must be an inalienable right!"—Lorraine Ashman, New York, NY

"The young's gun violence is so serious—some news I've read in newspaper is so shocked. But many statemen don't do any action. Tonight I heard about a great action of moms. What an amazing courage! Yes, Moms are powerful. I'm sure Moms can protect our children and make a safe country. Cheer up! Now I live in Pusan, Korea. I heard about your march from my principal in the institute of opportunity: leadership developing center for volunteer."—hee kim, pusan, AL "October 11, 1998, Hans Hummel was shot and killed in Arizona. He was 17, a senior in high school with a bright future. He was working at Walmart, and he and a security guard were pursuing a man that had tried to steal a television. The man shot both of them, both were killed. Hans was a very good friend of mine for years, but we had recently lost contact. Everyday I am haunted knowing that I am denied the opportunity to let him know how much I cared. Guns are unnecessary and intolerable. Why should we let them destroy us? Where can the beauty be found in a gun that can be found in a life? Can we look Hans' mother in the face and tell her that man deserved to carry a gun with him? That it was his legal right? Didn't Hans have a legal right to live? To succeed? I am marching, along with my mother and best friend for Hans' sake, that others may be saved as a result of the pain that has been suffered. tkokayde@yahoo.com"—Kayde Puckett, Manassas, VA

"Yesterday, 6 children were shot at the National Zoo in Washington. The fight between teens could have ended in cuts and bruises, instead children were shot and a young boy is brain dead. Although stricter gun laws will not put an end to violence in our country, it will go far in saving precious lives. Every day more children are shot and killed. Most cases don't even make national news. I have lived in Washington, DC for eight months. During this time, local news has highlighted the violent deaths of several children. Senseless deaths . . . Voters make your voices heard across this country . . . Sensible Gun Laws?"—Kimberly, Ketchum, ID

"We all need to be involved with gun education and control. Mothers shouldn't have to be the only ones concerned—everyone needs to care about our children and the future of guns in this country as well as all over the world. I have not personally been affected by the tragedies, but I have cried for those who have and I want to keep my children safe. March on?"—Shelli Seaton, Marble Falls, TX

"As an American expatriate now living in gun-free Singapore, and one who is soon returning to live in gun-happy Texas, I cannot express the great sense of safety parents feel here knowing their children will not be gunned down in school, at the zoo, and traveling about town in the evenings. Singapore has tough laws, but there is a great sense of freedom in safety that makes small sacrifices well worthwhile? Nearly every parent returning to the US expresses fears about their children's security there due to gun violence. Without strict Federal gun control laws American children will never feel the wonderful freedom and security that the children of Singapore and other gun-free societies enjoy and take for granted."—Barbara Johnston, Corpus Christi, TX

"On January 29, 2000 my 12 Year old son was sitting on the sofa and was shot in the back of the neck with a nine mil. bullet and one grazed his shoulder. Thank god he is alive and ok. This was senseless and made me realize how much I hate guns. I wish there were no such thing as guns, especially for those who have lost loved ones this way."—Tammy Baughman, Detroit, MI

"Once I rote a letter to my local Congressman asking him to support sensible gun control and he sent me back a 3 page letter upholding the 2nd amendment as if it were the Bible. But this had no effect on me, as in my life I have lost my father, an uncle and a nephew by marriage to guns. One was murdered, one a suicide and one was accidently. Had guns not been around and easy to get, none of these untimely and sad deaths would have occurred."—Gael Ralph, Alpine, CA

"Together we can change our laws to provide sensible gun legislation which will protect our families from senseless violence. The MMM is about benevolent change for those we love and cherish."—Rebecca Angel, Albany, CA

"I support much greater control over the access to guns. There should be true background checks on all firearm purchasers at all gun shows, banning of the import of large ammunition clips, keeping handguns and assault weapons out of the hands of anyone under age 21 (unless appropriately supervised) and ensuring that all guns are equipped with safety devices such as trigger locks."—Carla Seyler, New Orleans, LA

"I think its about time for something like this to happen! I plan to participate on behalf of my own children, grandchildren, and all the other precious children that belong to US! they most certainly are OUR future!"—Elizabeth C., Yellow Springs, OH

"Tonight (4/24) on the NBC Nightly News, in response to the Elian raid, George W. Bush declared this to be a "nation of laws, not guns". I am sure you can imagine my disbelief. Mr. Bush, I am going to hold you to that statement. Not only is this a nation of laws, it is a nation of children and parents and sons and daughters and brothers and sisters. All of whom deserve never to be witnesses to violence. I am marching so that I can say that I live in a nation of laws, not guns."—Melissa Foutz, Washington, DC

"My 19 year old son, Ryan was sold a gun illegally by K-Mart & committed suicide on May 23, 1996. He couldn't buy cigerettes in the store that sold him a gun! Ryan was schizophrenic but had a heart of gold! I have a lot of respect for Rosie for dropping representation of K-Mart! Ryans is not an isolated case! This is happening time & time again! I hope to make a difference in my lifetime in helping keep guns out of the hands of people that should not have them. No Mother should have to live with the constant pain of losing a child because of irresponsible Gun Control! I will be particating in the MMM with a broken ankle in Jacksonville, Florida on Mothers Day! Sandra Eslinger (pslinger@earthlink.net)"—Sandra Eslinger, Park City, UT

"I have always been appalled at the control that the NRA maintains on our lawmakers. Thank you for making the voice of the many concerned parents of this country heard. The life of one more child is too high a price to pay for the failure to pass this common sense legislation."—Becky Adams, Marietta, GA

"I am the mother of two boys, ages 3 and 6. For years, I have been very upset about the gun violence in America. Our country appears to be a war zone with over 10,000 people dying every year from guns—many of these innocent children. If you look at any other country in the world, you wouldn't find anything near that number. IT MUST STOP NOW! The Million Mom March is an excellent way to get everyone involved in order to stop gun violence. Thank you to the organizers of this wonderful organization. Thank you for saving our children."—Andrea Price, Auburn, NY

"I'm a dad, a husband, and Director of an Emergency Medical Services (EMS) department. I've seen far too much violence and trauma that came out of the barrel of a gun. I support this March (and all of the regional gatherings) with my heart & soul. Be well. Practice big medicine. Hal Newman, Montreal, Qc."—Hal Newman, Montreal, Quebec, AL

"YES!!!! It's about time we mothers weighed into this issue. We nurture the life that guns make so easy to destroy. But don't stop with marching; write your senators and congress people, write letters to the editor of your local newspaper, ask you women's groups to take a public position on the issue, support and express your appreciation to those who champion gun control, and vote! Together, we are stronger than the Tom DeLays of the world."—Pamela Behan, Jonesboro, AR

"June 29, 1993, I lost my oldest son to gun violence. It was just two weeks after his high school graduation. Everyday since that night, I re-live the whole thing over and over in my head. I hope the Million Mom March can do something for about the gun laws, I have three more young children and I don't every want to go through the same situation again, nor do I wish anyone else to. I will be marching in Chicago with my family. Thank you,"—Olmedo, Chicago, IL

"I am the mother of a perfect, beautiful 9 year old girl. I am saddened by the seemingly endless stories of innocent children being killed by handguns, ether by accidents in the home, or by the hands of intentional users. I live in constant fear that someday this tragedy may become my own. I am outraged by the lawmakers that continue to defend the so called right of "law abiding" citizens to bear arms in the form of semi-automatics and handguns. I applaud and support the efforts of the MMM. I pray that this will be a wake up call to legislators who continue to have the NRA in their back pockets. I am tired of those who say gun control efforts are in vain. I view gun violence as any other disease which threatens our children and our society, and step by step . . . effort by effort . . . God listens to a mother's prayers."—Julie Townsend, Davenport, IA

"I think it is wonderful that we moms are speaking up for our children and am glad to see dad's doing it too. How many more children need to die before we see a need for licensing, safety locks and background checks? When the Constitution was written, the guns they were referring to were too heavy to be held by a child, and could not be concealed in a over coat. We need a reality check here. We have the right to bear arms according to the Constitution in order to protect ourselves and loved ones. It does not say we have the right to bear arms and take away someone else's life who is defenseless. I guess it would be mothers that would have the love for their children to stand up to the politicians and the NRA and all it's money and say, "we are not going to allow this senseless killing anymore!"—Anie Lyne-Both, Wailuku, HI

"I am not a Mother, but I am a Father and Grandfather. I am also a longtime long gun and Handgun owner. But I totally agree with everything your group is striving for in the area of Gun Control. This Gun Madness must end! No one is asking me to give up my Guns! I believe in Handgun registration and licensing of Handgun owners. I also believe in the "Cooling off period" for purchasing long guns. I also believe in responsible gun ownership. Good luck and keep up the good work."—David G. Warner, Utica, NY

"I wish I could say that I do not personally know anyone that has been adversely affected by a gun. I just heard about the Million Mom March this morning, Easter, while checking my email. I will be in the local Tampa march. I can't think of a better way to celebrate Mother's Day, for both myself and my daughter, Jasmine. I cannot imagine what it is like to have to lose a child to such an act of cowardly violence. We do not and will never allow guns, either fake or real, in our home. Children are hurt and abused every day, and we cannot stop most of this. This is an opportunity to the Mothers of the United States to take a stand and shout "Enough!" and remove one huge way of abusing our children, who are, after all, are our future."—Deb Carter, St. Petersburg, FL

"This should be the first step in promoting gun control. The next step is that each mother at the rally contact five others who, in turn, contact five others to vote for legislation that ensures the safety of our children and ourselves. We have the power to make a difference if we focus our demands at the voting booth."—Sandra Pressman Weissfisch, Ridgewood, NY

"Look into the eyes of a child, yours or any other child. See their smiles. Touch their tiny fingers and kiss that tiny little nose. Imagine their future, a blank canvas that society gets to paint, a blank sheet of music that we get to write. What colors will we use? What notes will we choose? Now look into those eyes again . . . how will YOU make a difference? How will YOU ensure those eyes still shine bright tomorrow and the next day? Or does it even matter to you? My children matter to me. Your children matter to me. I will do whatever I can so that our children can grow together, I hope you will too."—Sheri Seehorn, Milpitas, CA

"In January of last year a mentally ill person purchased a handgun. She then walked into the Triad Center in downtown SLC, took the elevator to the office of AT&T where she shot Anne Sleater. Anne died a few days later. She was a beautiful mother of a 6-month-old daughter and had only that month returned from maternity leave. Anne and her husband Chris were school mates of my son all though elementary, junior and senior high school. We must not let tragedies like this happen in this country again. We must have background checks for purchasing guns to protect all Americans."—Kay Jones, Murray, UT

"My youngest son Kevin was shot and killed instantly on January 1, 1990, he was 20 years young. I can't express strongly enough how this insanity has got to STOP. The children of this world are being taken from us. I have 22 grandchildren and 11 great children, I pray for their safety every night, and worry constantly about who will be next? Not only for my own family, but for all innocents. My two daughters wrote in the Tapestry and one of my Granddaughters, It breaks my heart to know the sadness that is still with them and will never go away. God bless all you mothers, Grandmothers, and caring people that will march on Mother's Day. We must win this one, good luck."—Gloria Coohill, Moscow, PA

"On May 16, 1994, my husband Edward was shot and killed in front of our three daughters. It was over a dumb baseball game. It has been a nightmare since. God willing, myself and the girls will attend the March. God Bless."—Iris, Staten Island, NY

"Yesterday I was reading an "Arthur" book with my daughter, Julia and in the book Arthur has to write an essay on what would help make America great. I asked my daughter what she thought would help make America great and she replied "to have programs to help families and to stop guns." I was shocked to hear such a well-thought-out response from my 6 year old. When I asked about this she said she remembered Columbine and didn't want any more kids to die. As a nurse for the last 13 years, I know that all too many do die—every day. I would say to the NRA: you say you want to promote "family togetherness". Well the real way to promote family togetherness is to STOP KILLING OUR KIDS. Way to go moms, see you on May 14 in D.C."—Rebecca Stern, Havertown, PA

"Even back in the days of the "wild wild west", strangers were required to check their guns when entering a town. We've gotten so far from the basic civility of gun control that now, instead of gangsters and robbers getting killed, it's our children—the most fundamental building blocks of our society. What's even scarier is the number of children who have access to guns, before they've even had the chance to learn what a wonderful gift life is. Thank you to the organizers of this long-overdue stand for gun control. Count me and my family in. See you May 14."—Cathie Batavia, McLean, VA

"Reading this tapestry has made me so emotional. As a social worker, I know how just one person can make a difference. I'm also a mother of a two-year-old. I don't want to worry about my daughter's safety when she becomes school age. In our society, we feel that the social problems that exist don't exist in our backyard, but they do. I feel very compelled also to make legislators hear "our voices". It's time we end this nightmare."—Kelly D'Onofrio, New Haven, CT

"I am thrilled that the women especially the Moms of this country are standing up and saying, "That's it. Enough." and being pro-active about this critical issue of guns in this country. I send blessings to each and every one of you and know that we will be successful."—Susan McGuire, Studio City, CA

"I only heard about the Million Mom March today: the anniversary of the Littleton, Colorado shooting. I am appalled that nothing has changed in the last year. I am even more incensed that I have stood by and done nothing, assuming that someone else would make America safer for our children—for my child. That isn't going to happen. I must get involved for Ellie's sake. She deserves a life with less gun violence."—Kathryn Kerr, Chandler, AZ

"Thirty years ago I lost a wonderful friend to the handgun he had purchased for his own protection. Raising my children near an urban area, having police officers in our family, I know many sides of the gun issue. All I know for certain is that guns are killers, and that sensible laws cannot and should not be opposed by sensible people. I have raised my kids to act on their convictions, and my daughter and I will be there on Mothers Day."—Peg Williams, Ambler, PA

"I will be marching in DC with my mother in memory of my brother. Trevor was shot and killed April 8, 1993. No one knows the who or whys. Seven years later my heart is still broken and will never heal from losing him. To most people it was just another "random shooting" on the city streets of Buffalo, NY, but now my and my families lives will be forever ruined. Thanks to everyone who is taking their time to express their concern about gun violence."—Rich, Dillon, CO

"When I was 14, my 11-year-old sister was shot by a school buddy. Yes, it was an accident, however, if she had died, would that have mattered? As a Canadian, I am also an avid supporter of this cause and want to commend your organization for bringing such an important issue to the eyes and ears of the world. Recently, Charlton Heston was in British Columbia denouncing Canada's gun laws and trying to raise supporters for the NRA in our country. This frightens me greatly. I would like to show MY SUPPORT to the Million Mom March in some way on May 14, not only for the citizens of the United States but all citizens against gun violence. Do you know of any marches or demonstrations being held in Canada? Thank you, Leisa Nason, Winnipeg, Manitoba (lnason@home. com)"—Leisa Nason, Winnipeg, CN

"Heartfelt gratitude I feel for all who take part in this March. My emotions have never been the same since I lost my 20-year-old brother to a single gun shot on New Year's eve 1989/1990. I weep with so many others . . . I have a son who is 11 years old. I am trying my best to raise a sensitive and caring man. I worry about the future for our children. This march is a wonderful thing to do. Thanks again. Peace to all . . . Mo Giandinoto"—Maurine Giandinoto, Mtn. View, Ca.

"Several months ago after another senseless gun death, I said to my husband, 'This will only stop when women take to the streets to put an end to it to protect their children.' Little did I know it was already underway. I can't be in Washington, but I can and will be in Chicago. Let's not forget another important thing—that is to show up at the ballot box. If you are not registered to vote—do it today. Here we come, ready or not!"—Julie Ilacqua, Clarendon Hills, IL.

"Question for the NRA—What part of "Well regulated" do you not understand?"—JR, KY.

"I am an intern with Texans Against Gun Violence, a Social Worker, an aunt and a mother to be. I will be at the march in DC with my husband to demand that Congress clean up this mess. I will be marching in memory of all those who have died senselessly and specifically for my high school friend David Beatrous, who, at 18, shot himself in the head at our school. He had a promising future as a scholar and actor, but his depression made him desperate to end his pain. He used his father's unsecured gun to do so. David's death was a wake up call to me to get my own life together and to someday work with suffering teens to heal their lives. A gun in the home makes it 5x more likely that someone in the home will use it to commit suicide (and 3x more likely to commit a homicide). I am committed to doing my part for this cause. But our elected leaders better do theirs."—Jessica Hartog Smith, Houston, TX.

"I lost a brother and a nephew to gang violence in Chicago. Both were under 17 years old. I fled with my only son to Silver Spring to keep him alive. He is now 28 . . . I had to leave friends and family because of the gun violence in Chicago . . . I will march on Mother's Day in hopes that someone else does not have to leave everything to give her child a chance at living! Rest in Peace Thomas Anthony (1973) and Dujan Miller (1982)!"—Katie Johnson, Silver Spring, MD.

"While I was reading the tapesty I came across my mother's letter about her 20 year old brother (my uncle) that was killed by a single bullet 10 years ago. As I read that I began to cry . . . even though it has been years since his tragic death I cry often when I think of what he could have been and how sad that my son Jacob will never meet the uncle I loved so much. I will not be walking in the March in Washington, DC but I will join the forces of many mom's in Seattle, Washington. I walk for Kevin, my 4 year old son Jacob, and my beautiful nephews. Yet every step I take during that walk will be for every tear that my mother and grandmother have let fall from there saddened eyes. We as mothers need to make a difference in our children's future. They need our strength and support to guide them through life and I believe this march is the beginning of our strengths shinning through. I thank you as a mother for caring for my son's future, and his precious life. I can never repay all of you for taking a stand for my son. You are right it is not called the Jacob march but in my eyes it is because it is his future and other children's that we are fighting for. Thank you Tara D Rios"—Tara Rios, Bremerton, WA.

"There is no place for guns in a civilized society, and no civilized society would allow its children—our future—to be silenced, whether by design or accident, by the bullet. The time has come to bring the senseless massacre of reason and humanity to an end. Just how many more must perish by that bullet before we, as those whom we elect to represent us, say, "No more?" "—Seth D. Bykofsky, West Hempstead, Long Island, NY.

"I plan to march locally in LA on Mother's Day in support of stricter gun laws. As I watch the news coverage of the tragic events happening all over the country my heart breaks over families torn apart by gun violence. I feel almost ashamed to be an American and sometimes wonder how I can justify raising my son in such a violent society. I am angry that while more children are killed by guns our lawmakers sit on their hands and bow down to Charlton Heston and the NRA. When I heard of the march my heart lept because that's exactly what's needed—the Mom's of America need to unite and speak out (loudly) to our Government—STRICTER GUN CONTROL NOW! You Go Mom's!"—Pam Edwards, Los Angeles, CA.

"I believe in this march because if we don't make a move to stop the senseless killings we will continue to watch the news everyday and see another senseless shooting or worse suffer a loss within our own families. We cannot continue to allow the proliferation of guns in our homes and streets just because there are those in our society who wish to gain a profit for the sale of guns."—Wanda Reid Wilson, Southfield, MI.

"I WITNESSED the senseless SHOOTING DEATH of my 13yr old nephew 6/8/98. He was KILLED while PLAYING basket ball IN HIS OWN YARD, by a 12yr old PLAYING SNIPER. No, I'm not a mom, but I couldn't have loved him more or hurt any less than my sister. WE CAN ALL SAVE THE CHILDREN IF WE WORK TOGETHER AND TAKE RESPONSIBILITY."—Claudette, Richmond, CA.

"My youngest brother Kevin was shot and killed on New Years Day 1990 in New York City. The memory of that phone call and the violent way he died will never leave my heart. I thank you for this march and I am going to get things together so I can be there. Kevin was 20 years old"—Kathie Riera, Hawley, PA.

"It seems so natural to try to end all of this senseless gun violence on Mother's Day. There is no stronger bond of love than a mother and her child. I have three sons; Tony (20), Mitchell (18), and Jared (9) who deserve a world of peace and I am going to do anything and everything I can to make sure that happens! My heart and prayers go to all of the moms out there who lost their children to this evil. And because those in Washington don't pay that much attention to the "common man", it is up to us to make those in Washington sit back, take a hard look at what THEY have and have not done! God's grace be with us all!"—Patti Moy, Indianapolis, IN

"I am a mother and a grandmother. I had the good fortune to be blessed with two beautiful, wonderful sons, Mead and Brad. Brad wil be 30 on May 7th. Mead would have been 33 on June 11th. Mead Jeffrey passed away on December 28, 1999. No, he didn't die of a gunshot wound. He died of leukemia. However, I know the unbearable pain and anguish of loosing a child. It is the worst possible tragedy that could befall a mother. The pain of mothers who have lost children to senseless violence is also my pain. No mother should have to bury her own child—it's just not right or natural. We pray for long lives for our children, and when these lives are needlessly and senselessly cut short, we wonder what kind of a world we live in where children are allowed to die—whether it be through illness or violence—it is WRONG! My heart goes out to all the families who have lost loved ones because the power of the NRA has become so great that it seems to have overtaken and paralized our government. It's time for someone to take a stand, and who would be better at doing so than the mothers of our country! I cannot attend the march in Washington, but hope to do something on a local level to show my support for the MMM. My mourning is still so intense. I will never be the same. I, too, cry every time another child becomes the victim of a senseless shooting. The shooting of the 6 year old by a seven year old was such a shock! How did our great nation come to this??? We must end this violence NOW. I will be with you all in spirit on May 14th. I know my son Mead will be watching from wherever he is. He has two beautiful little girls, age 2 and 6. I am scared for them. Can they survive their school years? Who would have ever thought it would come to this—that parents and grandparents have to worry about sending their children to school every day!?! Here's to the mothers of the world—together we can and WILL make a difference! Our voices must and WILL be heard! Beverly Himelstein, Bloomfield, CT"

"I am the proud mother of two wonderful children, ages 10 & 2½. I am so thankful for this opportunity to speak out against the gun lobby and those politicians who are so firmly wedged in its pocket. There must be some common sense used in the selling and manufacturing of guns. When the assault weapon ban was repealed a few years ago, I was sickened. I am ashamed to say that one of the representatives of my state played a major part in that repeal. He is now running for governor in our state and seems very proud of his pro-gun record. This is a very pro-gun state, but please know that not all of us are like that. Growing up, I even heard the minister of my church declare that the government would take away our guns, and thus, our freedom. Why would this be included in a church sermon? Christ taught peace and love of your fellow man. I am sorry to say that a lot of my family still feels this way. I will probably take a lot of flak for this march. Thank goodness my husband supports me 100%. I pray that we can make a difference, and that my children and their children can grow up in a society that is not so saturated with violence."—Sandi Young, Charleston, WV

"I had a brother 3 years older than me. He was a typical big brother, often teasing me and my little sister to tears but also always ready to play with us and as we got older, there to listen and be a friend. My brother had a way of making people love him. He was charming and thoughtful and caring. Most of all he would go out of his way to help people, they couldn't stay angry with him. He would win them over with his smile and because of his determination to be friendly. He was a nonviolent man. When he was drafted for the Vietnam war, he became a conscientious objector. He didn't run away, he was determined to do his part if he had to, but he couldn't kill others and sought a nonviolent way of helping. Three years ago my brother in typical fashion stepped in to help a colleague. He was due a vacation. His children, then aged 6 and 8, had never been on a real family vacation and they planned to camp up through California and end up at my Uncle's ranch in Oregon. But Preston's colleague was sick with cancer and he asked my brother a favor—would he be part of a panel hearing a student's Master's thesis defense? My brother changed his plans, shortened his vacation and came back to hear the student's work. On August 15, 1996 that student ambushed three professors in a small room, firing over 40 rounds in less than 2 minutes, from a 9mm police type semi automatic hand gun he had concealed in the room. My brother and two colleagues died, leaving 3 young widows and 5 orphaned children. The irony is, if he had known the student and known of his fears and worries, he would have gone out of his way to help him. The student held a license for his gun and practiced regularly at a gun club. Please tell me why an ordinary citizen needs such a weapon? He had a family history of mental illness and was ex-military training, which apparently is a typical profile for 'cagers' according to recent research. If that is the case, why is it he and others like him can obtain a license? We need to protect the rights of all our citizens. I have heard much talk about our 'constitutional rights'. If you read the constitution, you will know that the right to bear arms is in an organized militia, not in a classroom. My brother's constitutional rights died with him in a hail of bullets. Please let us move into a new century with a better understanding and respect for what other rights are and should be—that is to feel safe in our work environments and to know that our children will come home from school at night."—Mary Rose, Hebron, CT

"I am the very proud mother of an almost 2 year old boy. He is my hope, my future, and the pride and joy of his family. Our children—the nations children—are the hope of the future. Thank you for starting this march, thank you for doing what you can to keep guns out of their hands. I am HONORED to be a part of this tremendous effort! If we can help prevent one senseless death of an innocent child by this march, then it is well worth it. God Bless!"—Kris M. Koehler, Overland Park, KS

"Please keep guns away from children—they are our hope for the future, the most precious resource this country has."—Marta Settles, Burke, VA

"My husband has been a reserve police officer for over a decade working in a northern California city with a high violent crime rate. He has been in situations where he has had to draw his weapon more times than some officers will in an entire career. He has seen so much death and sadness as the result of guns in the hands of criminals, teens, substance abusers, and emotionally desperate people. Early in his career he saw the middle-aged parents of one of his partners on the force, make the nightmare decision to disconnect their adult son (and my husband's co-worker) from life support and watch him die from devastating brain damage—the result of being shot in the line of duty by a criminal—a 19 year old who got his hands on a "Saturday Night Special", and used it. My husband, a witness to the events leading up to the shooting, testified at the trial of this young man, who had been raised in a violent family where guns were as everyday as a loaf of bread, and saw the jury lock him up for life. Two young lives destroyed, albeit in different ways, because guns were available. I watch parents in toy stores buying their children plastic guns—pistols, machine guns, "Star War" space guns, and see the parents laugh as their kids aim at each other and shoot. If they could see and understand what my husband sees and experiences they might come to believe that guns are not playtoys, that guns in the wrong hands kill and maim. My daughter knows that my husband uses a gun in his police work. She has been taught to respect his weapon, and to understand the awesome and powerful aspects of guns. His service weapon is kept in a locked gunbox and never removed until he leaves the house for a shift. I support the Million Mom March with all my heart. It is time that this country and our elected officials respond to the needs of our citizens for sensible gun-control laws and law enforcement, and not cater to the lobbying of special interest groups and firearms manufacturers."—Terry Clark, Los Gatos, CA

"As the mother of a police officer killed in the line of duty, I have long been aware of the need for some kind of gun control. I am so glad to see SOMEONE finally take a stand. I no longer feel alone in my views on this important issue."—Billie Hurst, Roseland, VA

"Although the state of Georgia is very pro gun, I want all to realize we're not all that way. Stop this insanity of guns, guns available to children. Stop children killing children,"—Sherry Roak, Nashville, GA

"My husband and I have three children. My husband is a hunter. We lock are guns up and have taught our 5 year old about gun safety. She is not allowed to touch or even shoot. I just talked to her about what do do if someone points a gun at her. My daughter cried right alone with me that little 6 year old girl died. I can't understand the madness. I will be there mother's day. God bless everyone who has lost someone they loved to guns."—Sheila, Angola, NY.

"When we lose our children due to illness or natural disaster, it's a tragedy. When we lose our children due to gun violence, it's a reflection of our own stupidity, laxity, and arrogance. It's time to hold onto and protect our children, our most precious resources, by standing up to be counted. Each one of us has a voice that matters, and it's time to use that voice and our brains to protect those we love and value so much. A choir of thousands of women chanting their demands for tight gun control is better than a choir of a thousand moms singing songs of lamentation at church funerals. Believe, think, act!—Kathey Kelly, Ann Arbor, MI

"My son Nick was 16yrs old when he was shot, by another 17 yrs old in May 1977. He was not killed Thank God, but he is maimed for life. He was shot in the spine and the bullet still remains there. The Doctors can't do anything for him, because his nerves has been severed from his spine, he is in contant pain everyday and has to live on pain meds. I feel for the children and families that have been killed by guns, but what about the ones that have been maimed, what is the stats on them? I'm in support of the Mom's in the Million Moms March, and planning on being there and hoping to take my Son with me."—Susan Woytasik, Mesa, AZ

"When I remember the pains of giving child birth I can't help but wonder how anyone could deal with the pain of losing that priceless child in a shooting death. We are each someones child, no matter what age we are. Life is precious and we must protect it with conscious efforts like this Million Mom March."—LeAnn Crawford, Caldwell, ID

"On April 1st, 1986 my only son, 19 yrs old, was killed by a "friend" who was just showing him a gun that was "not" loaded. Irresponsible people and irresponsible use of a gun has taken away someone so very precious to me and our family. We are loosing our children by the thousands to this. It is insane. If only they could hear us crying or feel our pain at our losses, but God forbid, they ever walk in our shoes."—Judy B., Peoria, IL

"All gun purchases should require a complete background check, state and federal database registration, trigger locks and a personal insurance policy, (just as you must have auto insurance in case of accident/injury). Handguns should be severely controlled, as their purpose is to kill/injure humans. Congressional members, please listen to us, not the NRA."—Sharon & Martin McGladdery, Farming ton Hills, MI

"The hand that rocks the cradle truly rules the world. We will end gun violence and soothe the anger and hatred that feed it by joining together to show our children and the rest of the country our love and our resolve to take control. Thanks to those moms who have taken the steps to make this march possible. This will truly be a Mothers Day worth celebrating!"—Allison Leopold, Falls Church, VA

"There are a lot more moms out there than members of the NRA and it's time to make our voices heard. I am making this a personal goal—that the Million Mom March is the starting point for a new grassroots movement to end gun violence. So, the next question is . . . What are we doing after the March????"—Holly Spiegel, Calabasas, CA

"Though I will be unable to join the march, my heart and thoughts will be with you all. I applaud every single mother who participates. I feel the NRA's anti-gun control arguments are totally antiquated; no one needs semi-automatic weapons to protect their rights, or to use for hunting. Even if someone wants a handgun, why is it unreasonable to require a waiting period or a trigger lock? No one, child or adult, should have to die violently from a bullet. We must convince Congress to take action once and for all."—Susan Turgeon, Norridgewock, ME

"In November of 1999, my son walked into a sporting goods store in Atlanta and walked out with a gun. He used the gun to end his life. If he had not had such easy access to that gun, I believe he would be alive today. Our grief is indescribable, our pain hard to endure, our lives will never be the same. All who knew my son have been affected by this tragedy I am so glad that this first Mother's Day without my son, I will be able to do SOMETHING. I have always been pro-gun control but now I am passionate about it."—Judy, Tampa, FL

"On May 11, 1999 my life changed forever with the phone call every parent dreads. My son was dead, shot with a gun belonging to this father. I will never know what happened to my precious 14 year old, but because of a gun left carelessly accessible, Kit will never have an opportunity to grow up. I will never feel "safe" again. My family has been torn apart, not just by violence, but by poor judgment and poor decision making. How many other lives must be ruined by this same lack of initiative? We must protect our children, and we must find a way to reach our legislators I don't want my child to be a statistic. He was more than a number to me. How do we communicate this sense of loss to Congress?"—Dru Fentem, Tifton, GA

"February 22, 1999 my son who was only 4 years old was at a close friend of ours playing with there 6 year old daughter, who got hold of a 22 rifle and accidently shot my son above the right eye. He is now blind in that eye, paralyzed in his left hand and cannot walk without a brace on his left foot. He was a perfectly healthy 4 year old before this happened. Even to this day the doctors say he is a miracle, they tell me he was not supposed to survive and even though he did, with the injuries he had he should have been brain dead. My son was a lucky child to survive this. The story is the gun was sitting beside a chair in the living room, loaded and ready to go. My son will always have to work harder than others, take criticism in a cruel world because he's different, and may always have to use a wheelchair when he's too tired to walk because of someone else's stupidity. I want my son's accident to be a lesson to all. I tell my story to people that have guns and children because what my husband and I have been through and are still going through is a parents worst nightmare. Our son with the help of millions of prayers and the grace of God made it. Even though he made it, it's still heartbreaking to see him suffer through hard times. I am a mother who is a full believer in making stronger gun laws. If anyone would like to e-mail me with their comments, please do. My e-mail address is dkstepp@altavist.com"—Kristi Stepp, Dumfries, VA

"I would just like to say that I think that the march is a wonderful idea, and its about time this sort of thing took place. I'm the co-founder and president of a club at my high school, S.A.Y.V., Students Against

Youth Violence, and because we live right near the District, a big group of kids are planning on attending. It's not just adults who worry about gun legislature and things like that, but also people who are just children themselves. The response from the student body has been overwhelming. I have no doubt that a great deal of the next generation in America is planning to make the difference."—Leigh, Springfield, VA

"Me Conmovi mucho el saber que como mujferes y madres nos podamos unir en esta gran causa, como madre me preocupa el bien de mis dos ninos son lo mas importante en mi vida y en la de mi esposo ellos son la razon por la que me levanto en las mananas y me moriria de la tristeza el saber que uno de ellos me le paso algo o que alguien me los lastime asi que por eso quiero participar en esta marcha y aunque no pueda ir a Wa. D.C. ire a la marcha de mi estado de Wa. Pienso que es bien importante porque mis ninos son el futuro de este pais. Denise Trimble."—Denise Trimble, Gig Harbor, WA

"This madness has to stop and we need to be heard. I plan to be in Washington, D.C. on May 14, 2000 fighting for stricter gun laws to help protect our children. I have 2 boys, ages 5 and 3 and I do not want them to be exposed to guns, especially at school, which unfortunately, is where kids seem to be getting killed by them more and more. A place where they are supposed to be, and more importantly feel safe. We are their protectors and I would not be doing my job if I did not support this issue and got involved in this March. I will see all of you there on May 14, 2000. In the meantime, I will continue to say prayers that our children can stay protected. God Bless."—Kelly Borbely, Belford, NJ.

"By our readiness to allow arms to be purchased at will and fired at whim. We have created an atmosphere in which violence and hatred have become popular pastimes."—Martin Luther King, Jr. It's amazing with all the advancement this country has made from the time this man was alive, that this statement still rings true today. I don't want to leave this world knowing that I complained about this violence, but did nothing to curtail it. We must all be leaders from here on out, getting involved in our communities, until gun violence is a thing of the distant past. It can be done. "Do not wait for leaders; do it alone, person to person."—Mother Teresa. I will see you in Washington."—Manzo Speight, DC

"I am so thankful that someone has found a way for those of us who believe in this cause to show and voice our support. The people elected to represent our interests are out of control and so obligated to special interest groups that it's unbelievable. No group is more dangerous than the NRA. We don't have the money the NRA has or an over-the-hill actor spouting propaganda but I think we can make a difference. Our elected officials need to know that there are a lot of us here and we're fed up. "Common sense" is an unknown term to those in the pocket of the NRA. If they won't listen, we can make a difference on election day!"—LH, Broken Arrow, OK.

"I AM A SOLE SURVIVOR OF A SHOOTING. My best friend was killed and I was shot when a 19 year old wanted to see what it was like to kill someone. It was random and it changed my life, my family's life, my friend's life and his family's life. I will walk with the Million Mom March in hopes that when I have children, they won't ever have to know the pain I know and I won't have to know the pain my best friend's mom knows. We are all in this together. We can make a difference. I honestly believe that."—Yvette Evans, Layton, UT.

"I am the mother of 3 and I am an Emergency Medicine doctor. I have seen the carnage of gun violence first hand for years—a high school student shot dead while mowing his lawn by a mentally ill person. A man who shot his brother to death in an argument over the TV remote. We are not safe. Our kids are not safe. I'll be at the march to add my voice to all of yours."—Kerry Foley, Chevy Chase, MD.

"I am a new mother now of about 3 months. Unfortunately these news broadcasts are just now staring to affect me, but now I am afraid to send my new son to school. Just the thought of sending him to school in 5 years where he could be shot and killed terrifies me. I saw a Dateline episode where one of the gun companies tried to make the "Smart Guns" and were boycotted by the American Rifle Association. That company went out of business. Doesn't that make you think? Those guns can only be used by their owners, and they were boycotted. Now, a person buys a gun and gets the license so that THEY can use it, not so that everyone else can use it, so why does it matter if they are "Smart Guns" or not? Does the American Rifle Association want our kids to die?"—Heather R. Spann, Wabash, IN.

"Three years ago this May, my 13-year-old nephew Jim used a loaded, unsecured handgun to end his life. Because he had this weapon readily accessible to him while home alone, a bad day at school turned into the last day of his life. I am certain that without easy access to loaded gun, Jim could have survived his academic crisis. Now he is lost forever to those who love him; he will never grow up, never go to college, never fall in love, never raise a family of his own. I wish and hope that we can help prevent this horrible experience from happening to others."—Katherine Toyer, Earlysville, VA.

"Years ago at my cousin's ranch the kids were PLAYING around, showing off, swinging around a rifle and BANG! Dead cousin. The boy who held the gun was a nice kid. Living on a ranch he was familiar with firearms. He knew not to PLAY with guns, not to point them at people, to check if they are loaded. But he was an IMPULSIVE teenager who acted, as do most kids,.without thinking through the possible consequences. It is our responsibility as adults to protect our children from their own naturally impulsive, thoughtless behavior. Safety locks, registration, purchase time-limits, these do not restrict our second amendment. I'll be at the Seattle Center in Seattle Washington on March 13th to rally for gun control. Hope we can get the government's attention."—Jan H. Renton, WA.

"I have 12 children the oldest one is 34 years old the youngest one is 9 years old and not one of them have ever had a need for a gun, if our country was at war than ok we may need a gun in the home but I haven't seen a redcoat or a Indian trieng to brake down my door latley? We have given so much to our kids over the years in this country maybe it's time we took something away from them and give the parents back the right to see there babys grow up and become parents to a parent should never have to be afraid to sent there babys to school or to sunday school and we should give them the freedom to live a long and happy life and not be afraid of other children in there schools? There is a song that says I believe I can flie, and we need to give our kids the chance to do that. Thank you. Theresa J. McNurlin"—Theresa J. McNurlin, Filer, ID.

At the age of thirteen I walked into my mom and dad's bedroom to find my fifteen year old brother with his brains across the room due to a freak accident with a shotgun. . . That image is in my mind today as strong as it was that day! I now have to live with the fear in the back of my mind that one day my daughter will be in school . . . looking down the barrel of a shotgun. . . . Years ago with my brother gun safety was not as widely talked about and spread out to people. . . Today it is there and they don't seem to listen and they just don't seem to care. They act as though adding safety for our children will infringe on their right to go hunting, or to offer up defense, etc. So they fight against any form of gun control. And as long as the killing doesn't infiltrate their life they think that they are right to fight this. Yet the day is does they will be out raged that it happened and nothing was done sooner! It took my brothers death to awaken my family on these issues. . . I don't want it to take my children's to awaken the world!!!! There's been to much senseless dying due to lack of support on simple gun laws. I think it is time that our Government and ALL gunmakers to stand up and help save our youth!!!! I for one thank Smith and Wesson for putting locks on all guns they make from now on. My only wish is that it had been done sooner.."—Brenda Kliebenstein, Jacksonville, FL.

"I have no problem with those who own appropriate weapons for hunting and keep them locked appropriately when not hunting. However, those of you that own guns for self-protection and have concealed weapons permits, please tell us the circumstances that will provoke you to shoot another human being. I've tried to think of incidents on my own but cannot come up with any that would be appropriate. Please don't say "another human may threaten me with a gun, therefore, I must be ready to shoot him/her first." Shouldn't the goal be the reduction, not the proliferation, of guns on the streets in the hands of non-law enforcement people."—Marilyn, Fairfax, VA

"My nineteen-year-old son, Jonathan, was shot with an unlicensed handgun on Friday, October 13, 1995. He was attending a party for a friend that was entering the Navy when a guy who had been drinking came with a gun. Supposedly, the killer had forgotten that he had loaded the gun and put it to my sweet boy's left temple and pulled the trigger. My boy hadn't been gone from our house 30 minutes when we received a call that he had been shot. We rushed to the hospital but he was non-responsive. Jonathan Stephen McGowan was declared brain-dead at 2:30 the next day. We were able to donate his organs, which would have made him glad. This senseless act with a gun, killed one of the sweetest boys any mother could want. Nine months later, my husband died very suddenly from a brain aneurysm at the age of 48. I have no doubt that my husband's death is directly related to the emotional stress suffered as a result of the loss of this boy he loved more than life. In essence, that gun killed my two favorite men and left my daughter and me with the knowledge that the remainder of our lives would always be tinged with varying degrees of sadness. I've written a great deal since my boys died. One short piece follows: WHEN The months and years drift by. The heartache lingers. Many say "Time will heal". I question "When"? The longer they're gone, The deeper I miss them. The cycle remains unbroken. . . . Unlike my heart. Since my sweet Jon died, Mother's Day has been difficult for me.

Hopefully, this march will assist in soothing a wound that will never heal and at the same time enlighten those who haven't experienced first-hand the horror that guns perpetuate."—Chris McGowan, Philadelphia, AL

"On October 29, 1999, one of my daughters 14 year old friends was killed by a 9mm hand gun. He was killed by another friend who was playing around with the gun and supposedly (accidentally) shot him in the back with the gun while playing around with it. The boy who shot him has been charged with reckless homicide. He doesn't go to trial until August of this year. My daughter's friend died needlessly. His name was Jeffery Alan Cole, who had his whole life in front of him. He was an excellent student and excelled in sports. Jeff is Loved and missed by all. There is not a day that goes by that we don't think of him and how he should have not died that October night. We still don't know who the gun belonged to or how the other boy got it. The other boy was 19 at the time of the shooting. Don't you have to be 21 to have a hand gun? He was not even charged with illegal possession of a hand gun. We live in a county that is known for the police not doing their job or a very good job. So now we all wonder what will really happen at the trial. The boy should not have even had the hand gun, but did. And as a result, another life was taken. My daughter was there when the shooting happened and has to live with that night for the rest of her life. She is very much against hand guns just as I am. You have mine and my daughters support!"—Caryn B. Harpring, Hymera, IN

"I found out about the Million Mom March watching Rosie O'Donnell. Then there was an article in our local newspaper. The article ended with Margaret from MI saying she didn't have a story and wanted to keep it that way. Those are my feelings exactly. I'm horrified and saddened by the loss of innocence every time I hear that a child's life is lost or destroyed by a gun. I have been lucky so far but will my luck continue? That's the question I ask every time I hear another story. The saddest to me is that we hear these heart wrenching stories and then we continue on with our lives as usual but that MOM has to continue to live with it every day. I don't want to be one of those MOMs!"—Donna Robb, Memphis, TN

"Ten years ago my beautiful son, Andrew, killed himself with a bullet to his brain. He was mentally ill and never should have been able to buy a gun. I have been reading the tapestry today, in tears over the stories by so many grieving mothers who have also lost children or other loved ones. I will be at the March with one of my daughters (also a mother), because something has to bring Congress to its senses. I have three beautiful granddaughters (3, 3 & 1½) and I cannot bear the thought of them being exposed to a society filled with guns—and the needless destruction they cause."—Glennys Christie, El Cerrito, CA

"On March 22, 2000, my son, Mark Allan Tilley, age 31, was murdered in his apartment by an intruder that caught him coming out of the shower. My son had just been released from the hospital for an operation that he had on March 21st. I believe that we must stop illegal gun sales. We must give mandatory minimums to individuals that sell guns without the transfer being known to local police—if that weapon is later used in a crime. Buying guns for others should be outlawed and that person should pay the price if the weapon is used in a crime. My son was scheduled to marry his wife in a traditional ceremony in her native country, Kenya in September. And, his 11 year old son, Aaron, no longer has his father. This ordeal has devastated my family and I do not want these incidents to happen to any other family. "Spread Love, no guns!""—Emily Tilley, Orlando, FL

"I'm lucky enough to never have lost someone to gun violence. I'd like to keep it that way. It's time we stood up to the gun lobby and to those cowards in Congress—the people who are SUPPOSED to represent us but don't have the backbone it takes to turn down the NRA's money and do what they know is right. Get rid of the guns once and for all! We can make a difference—together we can stop this horror."—Karen, Washington, DC

"As an employee at the Texas School for the Blind, I am horrified at the alarming number of students we serve that are blind and have suffered traumatic brain injury as a result of gun shot wounds. The majority are either gang-related or accidential. I strongly support common sense gun legislation and I am thrilled for the opportunity to be heard at the march in Washington."—Danna Wisnia, Austin, TX

"I would ask those people in the Gun Lobby who are opposed to any reasonable gun legislation to watch the tapes of the children of Columbine the day of their tragedy. Watch the tapes of those small children being led out of the day care center. Now as you watch, put your childrens' faces in those videos. I cry to think of those beautiful angels having to lose their innocence and their childhood. I cry for all of us, because some of us are so busy protecting their right to have guns they have forgotten about our childrens' rights to be children. I will march for my children, my nieces and nephews and their children to come."—Diane Scheidt, Dumont, NJ

"In March of 1978 my brother Dan Sweeney was shot to death while on a business trip in Costa Massa CA. Dan and I were raised in a small, safe town where gun violence was unheard of. Nothing in my background prepared me for dealing with his murder. Afterwards I helped pass a 7 day waiting period for the purpose of a handgun in RI. I can't begin to tell you how I was harassed by the NRA. These people do not care about the safety of their fellow citizens. I was at one rally where they tried to shout down Sarah Brady and Senator Claiborne Pell. For people who claim to be so concerned about the 2nd Amendment they showed little concern about the 1st. I am so glad that this march has been organized. I will be marching in memory of my big brother, Dan."—Jane Sweeney, Warwick, RI

"Mothers are a voice to be listened to. We need to use that voice to make our country safe for our children and their children. We need to raise that voice as one on Mother's Day!"—Geneviere Lemire, Brownsville, VT

"My husband is a licensed gun owner and we are not anti-gun, but there must be gun control in America. It seems that in the legislature only money talks. I am ashamed to be from Tom DeLay's District here in Texas. He has no common sense when it comes to guns. Why are there more controls on automobiles than on guns. It's baffling."—Katherine R. Tizravesh, Sugar Land, TX

"This is a wonderful opportunity to make a difference, the gun—control issue is one we have felt passionately about for a long time, but we haven't found a way to really voice our support and I feel this MARCH will strengthen our beliefs, and help us to unify our feelings and our country—and let our elected officials realize this is a serious issue and as parents—it is our moral obligation to protect our children—all children—We have a five year old daughter and a two-week old son and we not only march for these children but for the children of our community, our state, our country and our world.—.thank you."—Stephen and Renee Branham, Lexington, KY

"I would have liked to have protected my mom too except she committed suicide with a gun last year. It's too late for her but not for my son. I would like to think she might have been willing to get counseling if the "easy way out" had not been available. I miss you, Mom, and will honor you on Mother's Day this year by trying to stop this from happening to anyone else."—Cindy, Burke, VA

"The new poll that was just conducted is frightening . . . . 35% of Americans with children have guns in their home, 48% have them unlocked. What are we thinking! This march is a necessity and people need to stand up for tougher gun laws! I look forward to the march and look forward to doing any part in protecting our children."—Jocelyn Witt, Bethesda, MD

"As a Mom and an ER Nurse, who works in Baltimore City, with one of the highest murder rates in the nation, I cannot sit back and wait for someone else to do something, for the sake for ALL our children, yours and mine, I challenge every Mom and every ER nurse to gather together a few Moms and/or ER nurses to March or support this effort in anyway they can, see you in D.C.! United we stand!"—Pat Sullens, Joppatowne, MD

"I am the grandmother of two. My grandchildren are very young and not aware of the violent society that awaits them as they get older. I am praying that rallies like this will bring about positive change in our society. I ask myself how we let things get so out of control. I applaud your efforts to bring about change. It is never too late. Our elected officials will hear our voices in Washington. Remind them that we voted them in, we can, and will vote them out!!"—Gina, Randall, IA

"I do not have any children, however, I feel it is EXTREMELY important to regulate guns. How many more children and adults have to die before we demand the end of the NRA's stronghold on Washington? I think all firearms should be banned, but short of a miracle, reasonable gun laws must been enacted."—Whitney, Los Angeles, CA

"Finally—something to march about that should appeal to all thinking, feeling Americans. What makes more sense than the intelligent control of weapons in our homes, streets and nation. We can respect our Constitution and show our common sense at the same time. Let's go!"—Barbara, North Attleboro, MA

"I cannot tell you how outraged I am that access to guns is continually given precedence over savings children's (and adults'!) lives. All people of conscience must stand together to stop the NRA and those in the congress who vote with them and thereby put all of our children at risk for their lives. Enough. For the sake of my son, and other mother's sons, I will not vote for anyone unable to provide gun control leadership and I will contribute to defeat those who vote against our kids. I take comfort in the fact that I am not alone. Moms, it seems are hard to rouse, but we are many, and, once roused, are a powerful force. Time to march.—Karen Lawley, Lexington, MA."—Karen R. Lawley, Lexington, MA

"When I was in the fifth grade, a student in my father's Sunday School class was killed by a self-inflicted gunshot during a "game" of russian roulette at his friends home. I want my Dad's student to know I remember him. When I was in high school, a friend was killed by another friend who was showing her his father's gun. I want Mary to know I remember her. I am now 42 and am a mother of a beautiful daughter. Many times I watch her experience joy. I remember my two friends and their families. On Mother's Day, my daughter will walk with me and we will remember my friends and their families every step of the way. After almost thirty years, I have found a way to remember and honor my friends. I also have a way to feel like I can do something so my daughter and her friends will be safe."—annemarie, Ithaca, NY

"Dear mothers of America, my love and support are with you on Mother's Day in Washington. As Margaret Mead said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has," "—Susan McLoughlin, Peachland, CN

"It only happens to other people, right? But then there was the early morning phone call telling me my younger brother, the delight of our family, had been killed, one week after he graduated from high school. He was shot with a gun which his best friend kept loaded to protect himself as he housesat. The "killer" was a 14-year-old girl who picked up the gun to look at it. My brother, his friend, my family, the girl and her family; the list of victims of that one gun goes on. This march matters. Now that I'm a mom myself, it matters even more. Thank you. "—Patty, Vienna, VA

"On January 29, 1998, I lost my father to suicide. We never even had a gun in the house growing up, and I'm sure a moment of insanity put that gun into his hands. We never learned where he got the gun. I can never bring back my father, but I can help others think twice about what they do with the guns they have and who they choose to sell them to. Guns rob us of what is most near and dear to us. Enough is enough."—Tara Hlavinka, Severn, MD

"My brother was murdered by a man who had just been released from a mental hospital with a diagnosis of paraniod schizophrenic, but was able to buy a shotgun because no background checks are necessary in our state for the purchase of a shotgun. If a background check had been done on this man, my brother, David, may still be alive today. David died at the age of 6. The man who murdered him was my father, who also killed himself. So my mother and I will be there on Mother's Day to honor my brother's memory by trying to prevent this tragedy from happening again."—Jessica, PA

"I am a surviver. In 1975, at the age of 13, I was shot by a 14 year old neighbor from his bedroom window. In the suburbs, seemingly protected from violence, I almost died and it is by a miracle of God that I can walk as the bullet chipped my spine after going through several organs. Even at 13 years of age and even in 1975, it seemed clear to me that owning a gun in one's home was asking for trouble. This boy took his father's dismantled gun, put it together, and loaded it for his use. I happened to be the victim. Today in 2000, the violence has grown but the message is as clear as it was to me and my family back in 1975. Guns are dangerous and should, in no way, be made accessible to children.... and in most instances, adults,"—Belle, Park Ridge, NJ

"Although I have not lost a child to violence, I am tremendously affected by the loss of any child, of any race, religion, or ethnic background. As a mom myself, I support wholeheartedly this attempt to WAKE UP OUR NATION and to TAKE A FIRM STAND AGAINST VIOLENCE. We are tired of being ruled by those who tell us that we no longer have the authority to teach our children RESPECT. We have lost the ability to parent effectively—to teach our children to respect life itself—to respect US...That is why guns are sought at such early ages as the solution to problems. We want the responsibility of raising our children brought back into the home INSTEAD OF THE GOVERNMENT. We want to teach our children the sanctity of love, life, and God without being afraid of 'upsetting' them."—Jacquelyn E. Berry, Atlanta, GA

"I march to honor my children on the day they honor me. I must add my voice with other mothers of this nation to embrace peace and end the senseless fear of a young one at the mercy of a gun as victim or perpetrator. May our voices be heard!"—Mary Harger, Cleveland, OH

"I am a retired public school teacher and a mother of 2 twenty-something young adults. There are so many children I care about. Finally, a way to express my concern about the gun violence and what it is doing to our children. "Thou shalt not kill" is not just some pretty phrase to be framed on the wall! Life in the US gets more dangerous daily, if we do not protect our children from those who value guns more than children we are one sick society. Count me in!"—Cyndy, Warwick, RI

"ENOUGH IS ENOUGH! How many more innocent children have to die before the politicians get the message?! We gave life to our children and now it's time to give life to change. We have the courage and we have the right!"—Giselle, Seattle, WA

"Grant those who wish to exercise it—the right to bear the arms that our forefathers intended. Single shooter, musket loaders, NOT guns which did not exist. FIRST, grant all of us the rights in the First Amendment. Those rights superseed what comes second. Our first right is the right to Life (w/o being murdered with a gun), Liberty (the right to safe passage on any street w/o being threatened w/ a gun) and the pursuit of happiness (that which a Mom can do ONLY when she knows her children are safe). Gun control NOW"—Laureen Pepersack, Santa Fe, NM

"Our neighbor's 12 year old son killed himself with a gun upstairs in his bedroom after the family finished dinner. He had just gotten in small trouble and was sent to him room. In a fit of teenage mad, which we all have experienced, he made the rash decision to kill himself. The family was and is still devastated. I believe if the current gun laws were enforced we would see less death with guns. Instead, we are forced to demand even more!—Kathy Frasier, Yelm, WA

"When the shooting occurred in Littleton, Co last year, my then-9 year old came to me and asked, Mom, what can I do if that happens in my school? What's the answer? Moms, we CAN make the difference and protect our children. Certainly Congress won't."—Laurie Jerin, Madison, WI

"My daughter, who is 27, has just given me the best Mother's Day gift—her company at the Moms' March in Washington, D.C. My steps will be for all the children who have died or been hurt by senseless gunfire, for their parents and for the children whose lives will be safer when this country finally lays down its weapons—or at least keeps them away from children. If the gun-lovers in our midst think they know anger because they are being asked to store and handle guns safely, they should talk to a mother who has been forced to bury her innocent child."—Betsy Shea-Taylor, Providence, RI

"There are so many interwoven issues, but one fact remains true: WE ALL LOVE AND WANT TO KEEP OUR CHILDREN ALIVE!!! Let's stop the killing of our loved ones."—Michelle, N. Huntingdon, PA

"NRA. * * * We ARE coming and we WILL defeat you. * * * Smith and Wesson was only the first dominoe. The power belongs to the people, not the gun lobby"—Joyce Baird, Chapel Hill, NC

"When I was child, we were at our grandparents house for a family get together. My cousin, who was probably only 2 or 3 years of age, went into my grandparents room and grabbed a hand pistol from the night stand on my grandfather's side of the bed. We were fortunate * * * it was not loaded. How many close calls does it take? A good friend of mine from high school took his own life by shooting himself in the head while sitting in the kitchen of his parents house talking to his girlfriend on the phone. How many friends must die? I am now a mother of 2 boys a 2 yr old and an 8 week old. I cringe at the thought of sending them off to school, because even though they will know it is never bad enough to take a life * * * who is to know if the others will be taught the same."—Kristin Vance, Omaha, NE

"The chain of preschool children walking across the street in Los Angeles brought tears to a room full of people. This scene did it for me. The craziness of the gun lobby has got to stop and people with good common sense need to prevail. We must have more controls on guns and their owners, NOW!"—Roxanne Hallquist, Protland, OR

"There can no better way to celebrate Mother's Day than by marching to show our love for our children. I thank God each day that I am blessed with two beautiful Boys!"—Mary Schwander, New Hope, PA

"I've just finished reading Tapestry and I am deeply saddened because I didn't think so many people felt the same pain that my family did six years ago. My 19 year old nephew was murdered, leaving behind a newborn daughter who will grow up never knowing her father. Sure she'll see pictures of him and hopefully understand what she's told about him, but it won't be the same. Helen Ready sings, "I am woman hear me roar, in numbers too big to ignore," well the roar will be deafening on May 14th when a million moms come together and I intend to be one of them!"—C, Chicago, IL

"Finally, an organization which is not motivated by political pandering and that is willing to step forward and to let their voices be heard and to mobilize for sensible common sense gun laws—The Million Mom March. I live in New York City and have a teenage daughter who attended public high school in the City. Additionally, I spent 7 years working in the Dept. of Juvenile Justice setting and know only too well the horrible toll that guns are taking on our children. Now I am in law school and as a mom and a concerned citizen and a student at a law school that is profoundly motivated by the public interest, I think my duty is clear. We see you on May 14th."—Colleen Richman—Colleen Richman, Bronx, NY

"Thank you for finally giving me a voice to ask our leaders in Congress to please enact stricter gun control laws. I ask on behalf of a 12 year old boy named bill McGuire who was accidentally shot and killed by his 16 year old brother in 1962. Bill was one of my best friends in elementary school here in Washington, D.C. I was only 12 myself and never know how his brother had gotten the gun. His brother thought he had taken all the bullets out of the gun. The two boys were playing around when his brother aimed the gun point blank at Bill and pulled the trigger. Bill was shot in the chest and died. I have mourned this friend ever since that terrible day in 1962. I have one picture of him that I keep to this day. I feel it keeps him alive somehow. I wonder how he would have turned out, who he would have become, if his life had not been taken so tragically. My message to our President and Congressional leaders is simply this: Please make it your number one priority to enact and enforce stricter gun laws. The American people don't care about campaign finance reform. We care about the violence on our streets, in our schools and in our homes. The time has come for you to take action and get the guns out of the hands of criminal repeat offenders and out of easy reach of our nation's children. There is no more urgent problem facing America today."—Rebecca Lambert, Bowie, MD

"My cousin was killed by a self-inflicted gunshot wound to the head when he was 16 years old. His mother still defends the right to have a gun in her house although 'no one knows where they are'. This was the first thing that came to mind as I heard about the Million Mom March. My aunt and I agree to disagree but I cannot understand how anyone after having lost a child in such a tragic way would still want them in her house. There were other circumstances regarding the shooting because he was in an altered state at the time of the shooting but if the gun had not been in the house, he would most likely still be here today, possibly raising a family as I am right now."—Heather, South Jersey, NJ

"Like Millions of other Moms. I have felt so helpless in the face or relentless news stories relating yet another . . . and another . . . senseless incident of violence involving guns. As the anniversary of Columbine approaches and we reflect on that bitter day—and on all the killings in between—let us all renew our commitment to mobilize for common sense gun laws in this beloved country of ours. And THANK YOU, Million Mom March, for giving us an avenue of hope in which to channel our energies. Another "Mom"—Kathleen Brahney, Arlington, VA

"Despite the validity of our constitution as the backbone of our great democracy, the patriots who wrote it would burn their words if they knew that 200+ years later innocent children would be dying because of the second amendment. We must honor the spirit of the constitution which was written to protect citizens against outdated, tyrannical laws."—Barbara Raphael, Haddonfield, NJ

"IF SOMEBODY DRIVES A CAR, EVEN PERFECTLY, BUT WITHOUT A DRIVING LICENSE WILL BE ARRESTED. IF SOMEBODY CARRY HIS GUN IN PUBLIC, EVEN WITHOUT KNOWING HOW TO USE IT, WILL BE FREE. WHAT AN ABSURD WAY OF THINKING. YOU NEED SCHOOL AND EXAMS TO DRIVE BUT YOU DON'T NEED NEITHER LICENSE NOR TESTS TO CARRY A GUN. IS A CAR MORE DANGEROUS THAN A GUN?—MILLO MAZZOLENI, NEW YORK, NY

"I feel so empowered where I once felt I had no power. We can make a difference now, before it is too late. We have to end this today, so there is no tomorrow of tears and questions of "WHY?". I applaud the organizers of Million Mom March and I will continue to play an active part to protect our children."—Donna Pappe, Louisville, KY

"The Million Mom March is the first organization that I have seen to protect the children of our nation against accidental murder. I would like to see guns banned from every home that a child lives in."—Elizabeth Battle, Missouri City, TX

"Today in our local newspaper I read these disturbing statistics: in one year firearms killed NO children in Japan, 19 in Great Britain, 57 in Germany, 109 in France, 153 in Canada and 5,285 in our UNITED STATES OF AMERICA. There is a gun store within 2 blocks of my affluent neighborhoods, and every time I pass it I become angry. It is time for the NRA to stop hiding behind the United States Constitution and realize that times have changed. We have created an atmosphere in this Country where our children have been desensitized to the horror of violence. These children have felt the reality of violence. That is why the horrified looks on their faces as we see them run from the schools, churches and other "safe places" disturb us so. I have banned my children who are 15 and 14 from bringing any violent video game into our home, which up to the recent shooting of a six year old first grader was allowed. I will take a stand to try to teach my children that killing is not a game, guns are dangerous in the wrong hands, and I ask all you parents reading this to do the same. Our children are OUR responsibility, and it's time to take a stand."—Kathy Halbeisen, Reading, PA

"I have just read all of Tapestry & will never be the same. But please, PLEASE DO NOT LET THIS ENERGY END WITH THE MARCH. VOTE!! We must get the Tom Delay's out of office. We must keep working until the House and the Senate again belong to us!! Please, when you return to your home, don't stop the fight, don't let the energy end . . ."—PJ Bowling, Las Vegas, NV

"In 1954 my father was seriously wounded on the floor of the U.S. House of Representatives by a terrorist with a hand gun. I was quite young then, but I do remember that both houses of congress voted pretty quickly to create very strong security measures to protect themselves and to ensure that that kind of incident would not happen again. Why would they not do the same for the innocent children and others? I am happy to be a part of the Million Mom March and will certainly do what I can to spread the word among my community. See you all on Mothers' Day, 2000."—Helen Bentley, Strasburg, VA

"I am a mother of 3 boys, ages 15, 11 and 2. I cannot believe that the NRA won't budget on the simplest law of having a waiting period for registering for guns. If most of the people buying guns were getting them for legitimate reasons why would they mind having background checks or waiting periods? I fully believe in child locks also. Are the members so lazy and dumb that they cannot figure them out? There are too many children being killed by guns that have been stolen or that careless people leave around loaded. There needs to be changes in the laws. How would an NRA member feel if this happened to one of their children? I worry about my children and everyone elses everyday with this violent society. Let's all make a difference in Washington!"-Lisa, Kresgeville, PA

"I am a 42 year old mother with 2 sons ages 11 and 14. My husband is a big hunter and my boys have been involved in some sort of "hunting activity" from the time they were 6 or 7 years old. When our 14 year was 12 he took a "Hunter's Education" class where he had to pass a test before he could be issued a license to hunt. My husband said this would help him to be a safe hunter. The actual thought of him having a rifle in his possession really bothers me. My husband wants to buy our son his own rifle. I told him no way!! One day last year my 11 year old was playing in our bedroom while I was on the phone. I heard him say "Mommy look!!" and when I turned around he had the rifle barrel pointed straight at my face and cocked the gun to shoot. I had never been so sick and frightened in my entire life. Thank God that there was no shell in that rifle. I can not even imagine what my childs life would be like today had that rifle gone off. I have asked my husband to take all the rifles out of our home and he did for a few months and now they're right back in our bedroom. I respect the fact that my husband loves to hunt but I feel that he does not respect the boys and me for not taking the rifles and danger out of our home. I want to be a part of this March and would like different Mom's from San Antonio to get together if they would like to start a March here in S.A. It is very important to me that gun control is enforced in an extreme way!!! Isn't that the way of this Millinnium, that everything is EXTREME? Why are we not totally extreme about our children's safety? There is something seriously wrong here and we need to be heard!!!! I work in a High School and the other day a co-worker gave me this e-mail she had received from someone and I would like to share it with you, it says volumes . . . Student: Dear God, Why weren't you at Columbine the day of the shootings and stop all the terror? God: Because they won't let me in. LET'S BE HEARD!!!! Cathy Aschbacher, San Antonio, Texas"—Cathy Aschbacher, San Antonio, TX

"As a responsible gun owner, I applaud all that you stand for. I cringe when I hear any news from the extreme minds at the NRA standing in the way of any sensible legislation. I firmly believe that if someone is willing to lay down hundreds of dollars, they can also spend the $5 that a simple trigger lock costs. That $5 investment can save the lives of our kids. Trigger locks should be mandatory, and there is no logical reason not to use one."—Mark Thoms, Hoffman Estates, IL

"I'm a lifelong outdoor enthusiast, having hunted and fished for more than 40 years. I want something done to stop this madness. Please help people understand that handguns are good for nothing but killing PEOPLE. I have two precious grandchildren. I want something better for them. I'm obviously not a mom, but my thoughts will be with you."—Dave Gilmore, Shawnee, OK

"Five years ago, my daughter was 10 and the only witness to a shooting!!! Your simple changes in handgun control are needed NOW!!! As a Mom, a woman, a person—I am sick of all the senseless shootings!! Hoorah for the MARCH!!"—Cheryl, Omaha, NE

"I am so tired of the politicians and the excuses. Stop it now. If you want to hunt . . . ok, but an AD-47 or a handgun? These are weapons that are used for one purpose. To kill humans. As a principal of a elementary school the fight to stop the violence is very difficult. The hands of the NRA are covered in the blood of children"—Mike, Philadelphia, PA

"Bobby Kennedy's most famous phrase was "Some people see things as they are and ask why, I dream things that never were and ask why not?" John F. Kennedy said "ask not what your country can do for you but what you can do for your country, let the word go forth from this time and place to friend and foe alike that the torch has been passed to a new generation of Americans born in this century proud of our heritage and unwilling to witness or permit the slow undoing of those human rights etc." well we as mothers are responsible for the next generation and if we don't do something now we will not have another generation. We can do it on May 14, 2000."—Diana Barrowcliff, Claymont, DE

"I can't describe the feeling inside as I sat and nursed my son while watching the horror of Columbine on the TV. I kept saying to myself as I held my son a little tighter, "something has got to be done . . . I've got to get involved . . ." I read about the MMM in Parenting Magazine and decided this was something I really wanted to be a part of, for the sake of my son and the rest of my family. Without hesitation, my mother joined me as we make plans for a Mother's Day like no other . . . one we will never forget . . . one when we stand up and say we are one of a million!!"—Karie, Virginia Beach, VA

"I am a mother and middle school counselor. I live in a community where poverty and violence is all too prevelant. There are many issues to deal with in preventing the problems we are experiencing today . . . children must learn how to handle conflict peacefully; they must be taught to be tolerant and respect the differences of others; they must be flooded with opportunities to be involved in positive activities. However, to keep our children safe, until the societal issues are tackled, we MUST have comprehensive gun-control reform . . . including mandatory on-site checks and child safety locks for ALL guns!"—Karen Faircloth, Cordele, GA

"Your organization is the answer to my prayers. My husband, a Chicago police officer was shot and killed with a semi automatic equipped with a lazer site. I sure you already know that the March coincides with National Police Week in Washington. My entire family will be there to honor my husband and we want to join your March. Please let us know where and when."—Joan Knight, Chicago, IL

"My cousin Christopher was killed by a friend while playing cops and robbers. His friend went into the house, grabbed his fathers gun, and not knowing it was loaded, shot and killed Christopher. I was young when it happened, but it has made a profound impact on my life. I am a mom now also and I fear for my son everyday he goes to school or plays at someone else's home. We need to be sensible about our guns America! Our children are the ones we are killing."—Jennifer, Milwaukee, WI

"I have been angry long enough without doing something about it. Charlton Heston's latest ads for the NRA are the final straw. I am not only a mother, but due to become a grandmother in May. I can think of no better way to spend Mother's Day this year!"—Christine E. Gaithersburg, MD

"It makes me sick that in this country we "love" our guns more than we love our children!"—Peg McCabe-Ashlevitz, Walled Lake, MI

"I am so thrilled that this is happening and that so many people with common sense will be coming together to collectively tell Congress "We have had it—our children deserve more from us". Thank you to the folks that have worked to make this event possible. I am going to make sure all my neighbors and friends know—I found out through a friend—you cant beat word of mouth. Lets all tell the NRA what we really think of them and their antiquated notions that put our children in danger every single day. Enough is Enough!"—G. Perez, Annandale, VA

"It is so long over due that we, as Moms fight back against the likes of the NRA. They have been the bullies on the block for far too long. We need to show our children how to stand-up and make a difference."—Elaine Covert, Toledo, OH

"I got angry when I heard that triggers can be made to work with only the owners fingerprint! The gun manufacturers have the technology to make smarter guns and they will not make safer, SMARTER guns until we force them to through legislation. As an RN, I feel gun violence is a national health care crisis. SEE YOU IN D.C."—sue ann sullivan, nashua, NH

"As a native Coloradan, an Air Force Family Child Care provider, and most importantly a mother, I feel a tremendous responsibility to participate in the Million Mom March. With every mass shooting that occurs in this country—a fire burns within me and now I have the opportunity to make a difference with an incredible group of woman. I can no longer sit and wait for the "pro-gun" population to come to their senses—I will make the march with my fellow mothers and we will be heard from every pawn shop to Capitol Hill."—Tillie Sanchez Elvrum, Cheyenne, WY

"It is difficult-to-impossible to reason with NRA supporters, or to out-spend the NRA lobbyists. BUT THERE IS STRENGTH, and HOPE, in NUMBERS. YOU GO!!!!"—William K., Edina, MN

"What does it say about our country when we have to hold a march to save our children? To some it says we are a country of non-caring people. On the contrary, we must care deeply. To say that our children are not worth the effort is a slap in the face to every one of them. They are our future, our whole reason for being. If we do not care for them, who will care for us?"—Gwen Neiderheiser, Tampa, FL

"I am saddened by the political rhetoric of our current election candidates . . . men running scared from the NRA. I am tremendously thankful that in the last sentence of an NPR (National Public Radio) broadcast on gun control this past week, I heard of the Million Mom March . . . count me in! Let's make a difference ladies, our lives and our children's futures depend on getting our society under control. No where in the world are there greater freedoms than here in the US. Unfortunately they are abused and misused by the political machine of our times. Common sense and passion for life and safety should be our watchwords. Let's all work together to make the difference we so desire!"—Sue Hill, Issaquah, WA

"I thought with the coming election if I just voted on the right candidate new gun laws would come into effect. I now realize that getting votes is more important to them then a child's life. It's our turn to stand up to Congress and tell them to protect the future of America!!"—Amanda, Portland, OR

"CONGRESS . . . SHAME ON YOU!!! Do what you were put in office to do or you will be voted out! We are WATCHING you and know how you vote . . . AND this one issue (for the first time in my life) will be the deciding factor on how I vote in EVERY ELECTION FROM THIS POINT ON. Have the GUTS to take a stand AGAINST the NRA and anyone else because this is the BEST thing to do for the future of American children. Where is your personal "line in the sand"??? I hold each and every one of you RESPONSIBLE for every child that is killed. If you cannot do your job . . . then LEAVE. I am ashamed of you all!!!!"—Karen Gordon, Livonia, MI

"If only for the politics and the fear of losing a job over doing what is right could be overcome, I continue to pray for this. Too bad the fathers of our nation can't get as passionate about this issue. I offer my prayers for every single mother who has lost a loved one to this kind of violence, regardless of age. I also dedicate time to pray for the safe trip, and return, to their families during your speaking out. Since this is for mothers, I still want to show my support."—Greg, Redford, MI

"Mothers need to stand up to the greedy legislators beholden to the NRA. It's time to say "No More" to the senseless slaughter of our children and our nation. We are far from powerless. They don't get elected without the woman's vote. We are the nurturers that give life, not take it away. Whether a mother is a Christian Conservative Republican or a Liberal Democrat, she cannot be worthy of that most revered title unless her first priority is to protect America's children."—Patti DiTuri, Marietta, GA

"I do not understand why legislators, who have their own children and grandchildren, are reluctant to require safety locks on guns! Think how many lives that would save when unwitting children find guns in the house! I will carefully scrutinize all candidates in this election year 2000 to determine their stand on safety and guns. I urge everyone who reads this site to do so too! If we can save just one child from being killed by another child, we will have accomplished much!"—Ina Burwasser, Elkins Park, PA

"My husband is a gun owner and a member of the NRA, but even he agrees that there is nothing unreasonable about trigger locks and background checks. My daughter is 2 years old and i fear for the day that I have to send her off to school. I'm sick and tired of being afraid. Even though I won't be at the March in DC, I will be contributing generously to the cause. It is a darn good one."—Dawn N., Lake Villa, IL

"With the Presidential election coming soon, please choose very carefully which candidate you select. The position that each candidate takes on the issue of gun control will affect us and our children for the next years. My child is the most important thing in my life and I want her to have a happy worry-free childhood. Guns and violence are taking away any innocence left in our children. Please stand up for the children. Please protect the most precious things in our lives."—Jennifer, Apex, NC

"Our legislators "care" enough about children to make vaccinations for chicken pox mandatory for entry to daycares or public schools. Yet they don't care enough about our children or our families to spend the same amount of energy to address gun violence which kills far more people. Astounding isn't it?"—Jeanne, Mansfield, MA

"I was 10 years old when I watched my 12 year old brother inspect my dad's LOCKED UP gun. Three days later, I watched my brother's funeral. We MUST do something to stop this. I now have a son who is 11. I am very scared for him to even go to school. I know first hand that it CAN happen to you. In Memory of my brother and best Friend, Tim Polhamus."—Kathy Polhamus Wolak, Troy, MI

"The argument that we have a "right" to bear arms seems to be that we need these guns to "protect" ourselves, yet, the vast majority of law abiding citizens are not protected by this "right". They are, quite simply, endangered by it. The silent majority in this country needs to get loud on this one! Protect our 6 year olds! Protect all our children! We need gun control NOW."—Geneva Bosak, Charlotte, NC

"Our elected officials will listen to only one thing—votes. Women have to vote for the candidates (at the state and national level) that commit to support legislation that meets our goals. For me this is an issue for which I'm willing to become a single-issue voter!"—Jennifer, Bethesda, MD

"Today the news of a young child killing another arrived at the same time as an appeal for money from the NRA! I can't say which made me sicker. I will go to Denver and march there for safe, sane gun control! COMBINED our voices will mean something!"—Vanessa Woodford, Dillon, CO

"How many children must die before this country decides to take action?? I think it is in the hands of mothers to take up this cause and protect our children. Look at the changes that MADD was able to bring about! Let's do the same with gun control!"—Karen, Simsbury, CT

"I thought for a long time about all the reasons that I'm involved in the MMM. But the one that resinates the loudest is GRATITUDE. My son and daughter both graduated from High School in 95'. And although I in no way believe that they are free from the dangers of gun violence, I am profoundly grateful that they survived that stage of their lives. I recently read a quote by Anne Morrow Lindbergh that says, "One can never pay in gratitude; one can only pay in kind somewhere else in life." I moved to Littleton almost two years ago and this is my "somewhere else in life".—Carmelita Garcia-Konrad, Littleton, CO

"Our children look to their parents for protection. What are we suppose to tell them when we can't? Who are we suppose to go to for help? It is the job of EVERY citizen in this country and EVERY government official to make sure our children are safe. Stricter gun laws are only meant to do ONE thing....PROTECT OUR CHILDREN! I am asking the government to please step up to the plate and protect them...after all aren't some of you parents too?"—Cindy Leberman, Bridgewater, NJ

"The message to congress is this—we want tight gun control, NOW, or you will be voted out of office. Vote with your bodies on Mothers' Day, and inundate congress with letters, e-mails, and phone calls today. Tell them—change the laws or we'll change the lawmakers."—Kate Beysselance, Arlington, VA

"We must make common sense gun policy a populist mandate. The cynical federal and state legislators would rather reach into the deep pockets than protect our children. We can make enough of a commotion that they cannot continue to flaunt our will. See you at the Million Mom March!"—Catherine J. Moynihan, McLean, VA

"It is 4 a.m. and my daughter had that terrifying dream again...the one about the man with the gun.."he'd already shot you and Dad, Mom..and now he's coming for me". Was my daughter affected by Columbine? I was! Sydney and I will be there in DC to march on Mother's Day. DAD too! PEACE."—Victoria Dym, Pittsburgh, PA

"My daughter survived Columbine, but looking into the faces of the parents that night who had not found their children was the hardest thing I've ever done. Although guns were not the only equation, how can we not do what we can to prevent this from happening again? How can gun commerce be more important than the lives and safety of our children? How can we face them and not say that we have done all we can to protect them?"—B. Adams, Littleton, CO

"I have been a midwife for 25 years and have been privileged to be at the births of over one thousand babies. I am outraged that these precious children can be shot in the streets of our country while members of Congress turn their backs on families, extend their hands to the gun lobby for money and espouse "family values." Together we will finally end this violence."—Marion McCartney, Washington, DC

"I think that this is really great! I am in full support of this. My nephew was killed by gun violence two years ago leaving behind a little brother and now its time for me to stand up and protect him and keep him safe. Not just him but all the children of the world! A change has to be made right NOW!"—Lisa Southern, Temple Hills, MD

"'Come on ladies, put your money where your mouth is, and support this cause. Every Body counts in DC. Make the decision to get to there, no matter what it takes, instead of thinking about it."—My kid's Mom, Montclair, NJ

"My father was murdered outside his place of business last January. Everyday I look at my two-year-old son and wonder how someday I will try to explain to him the horror that stole away my innocence about gun violence forever. It's time to raise our voices against this insanity. . . . NOW!"—Rabbi Joel Mosbacher, Atlanta, GA

"How many children have to die in this country before congress takes action? I sincerely believe that if the majority of this body of elected representatives were women that this problem would have been addressed long, long ago."—Melanie Fernandez, Dunedin, FL

"On November 30th, 1999 the husband of my cousin Barbara shot and killed her and their 13-year-old daughter in cold blood, with a legally owned handgun. Enough is enough. No more deaths. Take the toys away from the boys."—Nicole Whitman, Queens, NYC, NY

"A persons right to own a gun does not supercede a childs right to live."—Gloria Michalski, Hammond, IN

"My 8 month old son has become my life's inspiration. When he was born, my mother said to me "Los quieren tantos que ni quieres que el viento les pegue." *Translation: You love them so much that you don't even want the wind to hit them.*" She was right. On Mother's Day 2000 I will march with my mother and my three sisters, along with our husbands and children to say to Congress "Ya Basta! Enough is enough!" There is no love like that of a mother, and our passion will be our "weapon" against intransigent purveyors of violence and destruction."—Victoria R. Ballesteros, Los Angeles, CA

"This fight has been going on silently for far too long. The focus has gone away from childrens safety to politics. I am honored to be a part of the million mom march and do so because, as the mother of four children (ages 15 to 1) it is my responsibility to do everything within my power to ensure a safe future for them and their families. Millions of us will be unstoppable."—Jacquie Cofer, Jupiter, FL

"I am petrified every day that my children leave our home to go to school because in Louisiana EVERYONE (but us, it seems) has guns and hunts. My older son tells me that all of the kids in his 6th grade class hunt with guns. I am not ok with that as a mom or as an American.

Responsible gun laws means waiting periods, limits on sale AND limits on the ages of those using them. NO CHILD SHOULD USE A GUN. Any parent who says they want to teach correct use of guns to a child is asking for trouble and putting my child at risk. I am with MMM 100% as a woman, mom, social worker, and human being!"—Barbara Pierce, Natchitoches, LA

"A close friend of mine once found a little boy that had been accidentally shot in the head by a friends' dads' gun. To this day she will never in a million years forget what it felt like to have that little boy tug and pull at her shirt during his last few moments alive. Had there been a trigger-lock on that firearm his life could've been saved. . . . As well as so many others . . ."—Angelique, Imperial Beach, CA

"As a physician assistant, I have had ample opportunity to see just what a bullet, fired by a gun, does to human flesh. Believe me, it is thoroughly disgusting, wholly obscene, sinful. Now, relate that description to the body of a child. Lastly, think of your own child . . .

Do you still want to do nothing?"—Patricia Hoppen, Saugerties, NY

"At 16 years old I was shot while babysitting and suffered permanent damage to my wrist. Now that I have a one month old son I want to insure that he, or any other child, doesn't suffer as I did."—Carol, Alpharetta, GA

"We have been quiet for too long. I'm tired of watching the NRA dictate arms control. I think there are more of us than them, and we need to get more vocal about it."—Stephanie, NY

"As a former ER nurse, never once did I see a robber shot by a home owner! All of the shootings were by people who knew each other."—Ivy, PA

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF THE U.S. CAPITOL FIRE PROTECTION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, as the Twenty-first century dawns, fire remains a serious threat to life and property, especially for the U.S. Capitol, House and Senate office buildings, the Library of Congress, and their occupants and visitors. Today, with the gentleman from Pennsylvania (Mr. WELDON), co-chair of the Congressional Fire Caucus, and the gentleman from New Jersey (Mr. ANDREWS), I am introducing a bill intended to enhance fire protection of the United States Capitol complex and the safety of the thousands who work in or visit the complex every day.

No one can deny that the Architect of the Capitol, the official responsible for operation and maintenance of the complex, has taken steps to improve fire safety on Capitol Hill. However, recent reports warn that much work remains in order to make these buildings safe. A December 1998 report by the House Inspector General found the condition of House's fire-protection systems, such as alarms and sprinklers, to be "deficient." A follow-up report just issued by the Inspector General warns that the AOC continues to take a "haphazard approach" to fire protection throughout the House complex.

A January 2000 complex-wide inspection by the Office of Compliance identified numerous violations of occupational safety and health standards made applicable to the Congress by the 1995 Congressional Accountability Act. The Compliance Office subsequently issued eight citations requiring corrective actions, including two requiring prompt implementation of a program of inspection, testing and maintenance for key fire-protection systems and equipment.

This Congress must take every reasonable step to make fire protection of the Capitol complex and its occupants a top priority. To assist the Architect in fulfilling his responsibilities in this area, and to enhance the status of fire-safety and protection efforts, out bill will create within the Architect's office the position of Director of fire Safety and Protection. Reporting directly to the Architect, The Director will coordinate and take charge of fire-protection activities and work to bring the Capitol complex into compliance with the applicable codes and standards established by the prestigious National Fire Protection Association. The work of the NFPA acknowledges the difficulties associated with protecting historic buildings like the Capitol from fire, and our bill provides the Architect the flexibility he needs to preserve the Capitol's historic character. The measure requires the Architect to report regularly to key House and Senate committees on his fire-safety and protection efforts.

Mr. Speaker, there are doubtless several reasons progress on fire protection of the Capitol complex has not been more rapid, but the simple reason is that the subject has not received sufficient attention. By creating a high-level official within the Architect's office to carry out all fire-safety duties, this bill will correct that problem, expedite progress, and make clear that Congress is serious about protecting the complex and its occupants from fire. I urge my colleagues to support this important measure.

LACK OF PRESCRIPTION DRUG INSURANCE COVERAGE IN MEDICARE, AN INTOLERABLE SITUATION IN AMERICA TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to discuss an intolerable situation in America today, the lack of prescription drug insurance coverage in our Medicare program. Seniors are simply not receiving the prescription drug coverage that they so desperately need. Prescription drugs did not play a significant role in health care when Medicare was created back in 1965, but today the advances in pharmaceuticals have made prescription drugs a fundamental part of the typical senior's health care.

While seniors represent only 12 percent of the population, they account for more than one-third, more than one-third, Mr. Speaker, of the prescription drugs used in our country each year.

☐ 1630

The typical American who is 65 or older uses 18 prescription drugs a year, and 85 percent of the beneficiaries of Medicare fill at least one prescription per year for such conditions as osteoporosis, hypertension, heart attacks, diabetes, or depression. It is obvious, Mr. Speaker, that the need is there for prescription drug coverage.

We must defend the seniors of America from the rising costs of medicine, which monthly worsens the situation for those without prescription drug coverage. The price for the 50 drugs most commonly used by seniors increased at nearly twice the rate of inflation last year. The prices for prescription drugs rose faster than any other category of health care, increasing by more than 15 percent, while total health care costs rose by less than 6 percent.

In my San Diego Congressional District on the United States-Mexico border, thousands of our citizens are forced to cross the international border to find the drugs they need at a much lower cost. Why is such a trip necessary for American citizens? How can seniors find the money that they need to purchase these vital drugs? Many are on fixed incomes. Many do not have the choice of a high paying job with good private medical plans.

Think about your parents; think about your grandparents. We are forcing them to choose between food on the one hand and essential prescription drugs that protect their quality of life on the other. Mr. Speaker, this is a choice that no American should have to make.

The President has proposed a plan that would extend prescription drug coverage to all seniors, provide lower premiums for Medicare beneficiaries and contain the rising costs of pharmaceuticals. Let us work together to make life-saving prescription drugs available to all of America's seniors.

ENSURING THAT CHILDREN RECEIVE NEEDED IMMUNIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, most Americans are surprised to learn that in some States one in four children are not receiving the immunizations they need to prevent disease and death. Yet despite gains in recent years, we are still not doing enough to make sure that children get the right immunizations when they need them.

As this chart shows, in some States, like my home State of Texas, Michigan, and Nevada one in four children are not receiving one or more of the immunizations they need by the time they are 2 years old. In Houston, we share seven Members of Congress in Houston, and that is my district, over 44 percent of our children do not receive one or more of the immunizations. Over 44 percent of the children receive less than one or more of their immunizations.

I am introducing two bills that will help correct this situation. The first is the sense of Congress that calls for increase in funding to crucial State immunization infrastructure programs. The second bill, the Comprehensive Insurance Coverage of Childhood Immunization Act, will require health plans to begin providing immunizations to children as a covered benefit.

America's children need our help. In recent months, some have questioned why vaccines are needed at all. Some have linked them to adverse effects, such as autism. While there is no scientific link between immunizations and autism, and I will repeat, no scientific link between immunization and autism, I support efforts to completely and thoroughly research this issue to put the minds of parents at rest.

We should not lose our focus, however, on the huge health gains that have resulted from immunizations. The Centers for Disease Control list vaccinations for children as the number one public health achievement of the last century. Before we had the smallpox vaccine, 48,000 Americans per year had this disease; 1,528 died. Before we had a measles vaccine, close to one-half million children a year got this disease, and over 400 died. Before we had the mumps vaccine, close to 150,000 died each year of this disease. Before we had diphtheria vaccination, over 175,000 children got sick each year.

None of these diseases have been eliminated. Only smallpox has been eradicated. An epidemic of unvaccinated children is entirely possible, as we saw with measles in 1989.

Children still die of the measles, mumps, rubella, and whooping cough. These are dangerous and harmful, painful and sometimes fatal diseases. Measles can lead to seizures and death. Mumps can lead to deafness. Polio causes paralysis that can lead to permanent disability and death. Diphtheria can result in coma and death. Whooping cough can result in death for infants.

Providing access to lifesaving vaccines should be one of our Nation's top priorities. Tracking children who have not been vaccinated, in order to prevent future outbreaks, should be another priority.

To meet these goals, the sense of Congress resolution I have introduced with my friend and colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), calls for an increase in Federal funds to the Public Health Service's Section 317 infrastructure program. A similar resolution was approved by the Senate Budget Committee in March. These funds are used by States and cities to support a complex array of programs and activities, including implementation of registries, community outreach, management of vaccines, quality assurance services, and surveillance and outbreak control.

As this chart of funds illustrates, infrastructure funds have reduced rather dramatically in the last 5 years, from $271 million in 1995, to $139 million today. That is a 40 percent decrease in funds for infrastructure immunization. Yet the need for outreach and registry and infrastructure development is greater today than it was in 1995.

If you have not heard from your State health director on this issue, you will. Cuts in infrastructure funding have meant different things in different States. In Florida, for example, the State reports that it has reduced surveys on pockets of need and has reduced monitoring due to lack of adequate staffing. The State has reduced community outreach staffs and reduced the number of reminder cards it sends. Florida has also reduced its school-based immunization clinics and has had to cut back on efforts at day care centers.

In California, where infrastructure funds have been reduced from $27 million in 1997 to $14.9 million in 1999, only 35 percent of children have been vaccinated against chicken pox, and the State has no system to monitor chicken pox cases.

In California, a targeted immunization information campaign aimed at Latino, African and American Southeast Asian families has been eliminated.

The need for increased infrastructure funding is particularly important in light of a recent journal of the American Medical Association showing that 50 percent of America's children are either over- or under-vaccinated.

Mr. Speaker, the JAMA study shows that 21% of toddlers received at least one extra immunization while 31% missed at least one. In other words, over 50% of American children are receiving too few or too many vaccinations. We should do a better job of tracking these children.

A Section 317 funding increase is supported by: the American Academy of Family Physicians, the American Academy of Pediatrics, and the American Public Health Association.

The increase is also supported by the Association of Maternal and Child Health Programs, Every Child by Two, the Association of State and Territorial Health Officials and the Association of County and City Health Officials.

My second legislative initiative, the Comprehensive Insurance Coverage of Childhood Immunization Act of 2000, requires all health plans governed by the Employee Retirement Income Security Act (ERISA) to provide coverage of immunizations for children 18 years old and younger.

The vaccines required to be covered are those recommended by CDC's Recommended Childhood Immunization Schedule, issued periodically by the CDC's Advisory Committee on Immunization Practices.

This schedule is approved by the American Academy of Pediatrics and others and serves as the standard for immunization in the United States. Plans may not charge any payment for the immunizations or vaccines. And vaccines must be made available to children as soon as they are approved by the Advisory Committee.

Beginning for plan years in 2001, ERISA governed health plans must provide the benefit.

For plans that are negotiated as part of a collective bargaining agreement, the effective date is delayed until plan years following the termination date of the current underlying collective bargaining agreement.

The adoption of collectively bargained plan amendments made solely in order to comply with the new requirements will not affect the timing of the effective date under this special rule.

Why is federal legislation needed? The federal government gives this benefit to its own workers: it requires plans that contract with the Office of Personnel Management to provide immunizations for children as a covered benefit.

Many states have recognized the importance of covering vaccines. Twenty-four states, including Texas, have enacted laws to require state-regulated plans to provide vaccines.

How big is the problem? A March, 2000 William M. Mercer survey done for the non-profit Partnership for Prevention showed that nearly one in five employer-sponsored plans do not cover immunizations for infants and children.

Nearly one in four children in Preferred Provider Organizations (PPO) and Indemnity plans do not have coverage for immunizations.

The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000 is endorsed by the American Medical Association, the American Academy of Pediatrics and others.

It, and our Sense of the Congress resolution, will improve the health of millions of American children is a cost-effective manner.

For each dollar we spend on vaccines we save twenty-four dollars in future health costs. That's a good investment.

I urge my colleagues to support these two bills and I yield back the balance of my time.

DENY PERMANENT MOST FAVORED NATION STATUS FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in 3 weeks the Republican leadership will ask this body to vote for permanent most favored nation status trading privileges for the People's Republic of China. They tell us engagement with China, that more trade with China, that giving trade advantages to China, will make everything better. It all started back about a dozen years ago with Ronald Reagan, then President George Bush and President Bill Clinton, telling us that things would get better with China.

Eleven years ago the United States had a $100 million trade deficit, with an "M," with Communist China, the People's Republic of China. Today that trade deficit has grown to $70 billion, that is billion with a "B," from $100 million in 11 years to $70 billion trade deficit with China.

We sell only $15 billion worth of goods to China every year. We buy $85 billion worth of goods from China. We sell more to Singapore, we sell more to Taiwan, we sell more to Belgium, than we do to China, because China's markets are closed to American products by and large. In fact, those products we sell to those countries, Belgium, Taiwan, Singapore, those are countries with about 1/50 the population of the People's Republic of China.

This process of engagement and giving them most favored nation status and giving China trade privileges simply has not worked. Other conditions have worsened. The trade deficit, as I said, went from $100 million to $70 billion in 11 years.

Other conditions, child labor has worsened, slave labor conditions in China have worsened. We continue to give them trade advantages. They answer by continuing their thumb in the eye of the values that we hold dear.

The Chinese communist party persecutes Christians and Buddhists and Muslims, not to mention their indigenous religious organizations such as the Falun Gong. The Chinese government winks at, sometimes even encourages, forced abortions, something that almost every country in the world, probably every country in the world, finds absolutely abhorrent.

Today, China continues its assault on Taiwan. A few years ago, I believe 3 years ago when Taiwan held the first free elections in Chinese history, the People's Republic of China sent missiles into the Straits of Taiwan to warn them against democracy. Today, as Taiwan begins a new era where their first native Taiwanese will be inaugurated president later this month, the Chinese again are threatening military maneuvers on the east coast of China.

If we let China in the World Trade Organization with full trading privileges, as the Republican leadership and the President here wants to do, what is to stop China from doing even more to Taiwan? They will not have any check on their behavior.

Perhaps the most insidious part of this whole debate is how American corporations have lined up on behalf of the Communist party dictatorship. The CEOs of the largest businesses in America, the most prominent corporations in America, are walking the halls of Congress today and all the House and Senate office buildings imploring Members of Congress to vote to support the People's Republic of China, to support most favored nation status trading privileges for China.

Wei Jing Sheng, a Chinese dissident, said the vanguard of the Chinese Communist Party revolution in the United States is America's most prominent and prestigious CEOs.

There are more corporate jets at National Airport today, leading up to the MFN vote, the most favored nation status, trading privileges for China vote, than at any time during the year. Corporations understand. They tell us that China has 1.2 billion potential consumers, that America needs to sell to them. What they really mean to say is China has 1.2 billion workers, investments made from American companies, in China, people making 13 cents and 15 cents and 20 cents an hour, working 60 and 70 and 75 hours a week, selling products back to the United States, exploiting Chinese workers and costing American jobs.

Most favored nation status privilege is permanent. MTR for China is a bad idea. I ask this Congress to defeat it.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ROGER F. WICKER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Harold Lollar, Jr., District Director of the Honorable ROGER F. WICKER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the U.S. District Court for the Northern District of Mississippi.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
HAROLD LOLLAR, Jr.,
District Director.

COMMUNICATION FROM HON. SAM FARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that the Custodian of Records in my office, the Office of Representative Sam Farr, has been served with a subpoena for production of documents issued by the United States District Court for the Northern District of California.

After consultation with the Office of General Counsel, we will make the determinations required by Rule VIII.

Sincerely,
SAM FARR,
Member of Congress.

□ 1645

PATIENTS' BILL OF RIGHTS: IS IT NECESSARY LEGISLATION?

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I am here this afternoon to talk about the Patients' Bill of Rights. Is this legislation necessary? The issue of whether or not Americans enrolled in HMOs, health maintenance organizations, need passage of the patient protection in order to sue their plans is currently in conference here in Congress.

Today, I would like to call my colleagues' attention to a study by John S. Hoff. Mr. Hoff wrote this study for the Heritage Foundation, and he outlined some very compelling arguments about why passage of this legislation would result in more government control of our health care system.

It is interesting that we are having this debate, because, Mr. Speaker, I think the majority of Americans already made clear their views on more regulation for health care when the Clinton health care bill was overwhelmingly rejected.

The Heritage Foundation Backgrounder N1350 concludes that increased regulation, plus increased litigation will equal rising costs in health care and, ultimately, more uninsured Americans. The gentleman from Iowa (Mr. GANSKE), my good friend and colleague, has been very critical of this study and did a Special Order to refute the analysis of this health bill. I am not here to comment on his presentation; but my purpose is, more importantly, to talk about Mr. Hoff's analysis and why Mr. Hoff's analysis, I think, has credible evidence. So I am here to merely present the other side of the argument that opposes imposing further Federal Government regulations on health care plans and delivery of health care.

So according to Mr. Hoff, let us take each of the major items. He believes the Patients' Bill of Rights, in conference as we speak, increases regulation. If passed, it would impose detailed regulations by the Federal Government on health care plans and the delivery of health care. The question is, does anyone in this House think passing more government legislation will decrease the Government's involvement? In fact, I think most of us, every time we pass legislation that is going to increase government involvement, there is going to be more regulation. I think the regulation, as Mr. Hoff pointed out, is pervasive in this bill.

For example, private health plans normally evaluate medical services, treatments and procedures. Under the Patients' Bill of Rights, however, managed care plans and fee-for-service plans are allowed to conduct such utilization reviews only, only as specified by the Federal Government. The time allotted for a decision and the status of those making a decision are two examples of such specifications. Further regulation involves an appeals process for denial of coverage. The proposed legislation requires an internal appeals process that follows precise, regulatory details on each and every procedure.

It further requires a provision of external appeals of decisions made in the internal appeals process. The external appeal requires that the plan contract with an entity that is directly or indirectly certified by the Department of Health and Human Services, or the Department of Labor. So there we have it. We have both of these large agencies involved in conducting the reviews. I think this arrangement can lead to a situation in which the final determination of what is covered by a plan is made by an entity certified, regulated, and answerable only to the United States Government.

Mr. Speaker, the proposed legislation also leads to Federal intrusion into the physician-plan relationship. Under the Patients' Bill of Rights, provisions of contracts between plans and health care providers are void if they restrict or have the effect of restricting the provider's ability to advise a patient about their health status or medical treatment. The legislation further intrudes by precluding a plan from discriminating with respect to participation by providers or in payment to them on the basis of license or certification under State law.

Let us take another item. I mentioned earlier increased litigation. In addition to the increased burdens of regulation, this Patients' Bill of Rights in conference is talking about increased litigation. Each of the many regulations contemplated by the legislation will create legal rights that could be causes of action.

In addition to an increasing number of actions that plans may be liable, the legislation opens up employers themselves to the possibility of being sued for damages resulting from denial of coverage. While the bill purports to protect employers if they refrain from the exercise of discretionary authority to make a decision on a claim for benefits, courts have been willing and creative in finding ways around similar provisions.

Defenders of the legislation point to provisions which limit litigation. These provisions, however, apply to actions brought under ERISA claims only; they do not apply to state tort actions. Tort claims under state law may result in "malpractice-type" lawsuits with large jury awards awarded to sympathetic victims of faceless insurance companies.

Effect of increased regulation and litigation: According to the CBO, the House bill would increase health insurance premiums by 4.1 percent. This increase may lead to more than 1.2 million Americans losing employer-based health coverage. In addition to rising costs, the threat of malpractice suits and the exposure of employers to liability could lead to millions more Americans joining the ranks of the uninsured.

ENACTING PRESCRIPTION DRUG BENEFITS FOR MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, this evening some of my colleagues from the Committee on Commerce, as well as from the Committee on Ways and Means, are going to spend the next hour talking about a subject that is the subject of a lot of talk lately, and that is usually a good sign, because right before the Congress gets around to legislating, the level of rhetoric picks up and the amount of speeches on the floor increases. So I think we are getting actually very close to the point where we will, in fact, enact a prescription drug benefit for Medicare.

In 1965, when Medicare was created, it was a big step in the American health care history. Prior to that time, if one is a retiree, if one was elderly or if one was disabled and one could not afford their own health care, they did not have any. So in 1965, the Congress of the United States, in a historic moment, decided to provide Medicare coverage for the elderly and ultimately for the disabled, and then what it covered was that which is most obvious, hospitalization and visits to physicians. No one really gave serious consideration in 1965 to extending that Medicare benefit to prescription drugs, for a couple of reasons.

Number one, it was a huge step to do what the Congress did in 1965 in providing coverage for hospitalization and physicians; and, secondly, Americans were not relying upon prescription drugs anything like they are today. Today, we are blessed as a Nation, and indeed as a world by an industry that has created miracle drug after miracle drug; wonderful, brilliant scientists in laboratories who have cracked the mysteries of the human genome, who have cracked the mysteries of the human body physiology to the point where we can prescribe and create drugs for a variety of illnesses that used to not only cause great pain and suffering, but premature death. Today, if one does not have access in the year 2000, if one does not have access to a good prescription drug benefit plan, one simply does not have good access to good health care. So the Congress of the United States, although it has been talking for years about the need to provide this coverage, has heretofore, so far, not accomplished that.

Why can we do it today and why are we talking seriously about it today? We are talking about it today because the Congress, in fact, since the Republicans have taken over the majority of the Congress, have taken the necessary fiscal steps to end the endless deficit spending that our Nation was experiencing for so many years. We have balanced the budget. We have reformed Medicare itself to bring the costs into a reasonable level. We have reformed welfare, and we are going to save something on the order of $55 billion, or probably $200 billion over the next 5 years in welfare costs alone. We have taken just this year, just in the last several months, we have taken Social Security finally off budget. We have said that no longer will we spend the Social Security surplus on a host of other causes, but, in fact, we will use Social Security payments only for Social Security and the rest of the surplus will be used to pay down debt; and we are now paying down the Nation's debt.

So finally, now that the budget is balanced, now that we are paying down debt, now that we have a surplus, we are in a position to responsibly, to responsibly provide a prescription drug benefit for Medicare for the Nation's elderly and for the disabled. About two-thirds of the Medicare population already has access to some kind of prescription drug benefit, but a fully one-third does not, and those are disproportionately low-income individuals.

What are our goals in doing this? Number one, we do want to provide affordable coverage to every American who is a Medicare beneficiary by virtue of their age or their disability. Secondly, we want to do that in a way that does not break the bank all over again. We do not want to create a runaway spending program that is unregulated and causes the Federal Government to go back into the bad old days of deficit spending and budgets in the red.

Thirdly, we want to reduce the cost of prescription drugs for everyone who is now paying the highest price. And today, if one does not have a prescription drug plan and a doctor provides a prescription, one walks into a pharmacy and they pay the highest price that anybody pays in the world, you may if you are all alone in the marketplace and do not have anyone to bargain for you.

Finally, we do want to make sure that when we have accomplished this, that the industries, the pharmaceutical companies and their brilliant scientists, the biological industry that is doing so much to create new miracle cures will be vital enough to continue to provide those products for us into the next generation, the drugs that will eventually cure cancer, that will cure AIDS and so many other ailments.

Mr. Speaker, I am joined this evening first off by a colleague from the Committee on Ways and Means who is working on a joint task force that the Speaker has put together, drawing on members of the Committee on Commerce on which I serve and the Committee on Ways and Means, the distinguished gentlewoman from Connecticut (Mrs. JOHNSON), who is an expert on health care, and I yield the floor to her.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is a pleasure to be with my colleague tonight to discuss the issue of Medicare covering prescription drugs. It is extremely important that we change the law so that Medicare will cover prescription drugs, because modern medicine, modern medical care, without medicines, is an oxymoron. We cannot have good medical care if we cannot buy prescription drugs that both cure illness now and manage long-term, chronic illnesses; really, as Americans, live longer. This issue of managing chronic illness is going to become a bigger and bigger issue and a more important one in our lives, and management of chronic illness is primarily a medication-based science.

We do have another chart here on the floor that I think is helpful in helping us discuss the problem of prescription drugs, because there is one very significant difference between the President's proposal in this area and the Republicans' proposal, the House Republicans' proposal. That is, if one looks there at the far end where the line goes way up, then one will see that for a small number of seniors, about 15 percent of seniors, 20 percent, the drug costs are extremely high, $6,000; $8,000; $10,000; $11,000 a year. People on fixed incomes, I mean the great majority, 85, 95, 99 percent of people on fixed incomes cannot handle $12,000; $11,000 in prescription drug costs a year.

So we need to look at two things. First of all, we do need to look at protecting all seniors from catastrophic costs, from those very high drug costs often that follow remarkable lifesaving, life-preserving, quality-of-life-restoring cardiac surgery, cardiac surgical procedures that we are now capable of. So those very high-end drug costs, we need to protect our seniors against them. We also need to help those seniors that have the lowest incomes, to have a prescription drug benefit without facing the choice of food on the table, of decent shelter, and drugs; and one can see on this chart that the poorer beneficiaries who are under the current system are very much less likely to have drug coverage than, of course, our more affluent seniors. It is sort of a no-brainer, but the chart does show it.

So it is very important that that 37 percent that are living on less than $10,000 a year have not only the program available, but the premium coverage, the premium subsidies that they would need to have the drug coverage that is so critical, not only to their recovery from illness, but to their quality of life in living with chronic disease.

So our goal is both to provide prescription drug and total coverage, 100 percent coverage for low-income seniors, but also to protect 100 percent of all seniors from catastrophic drug costs. And then to create, for those seniors in between, affordable, insured drug policies that will guarantee that they will be able to have the drugs that are so critical to the quality of their lives.

Just to go back to the preceding chart for a minute, we can see from that that the great majority of seniors do not spend more than $2,000 on drugs; and 80 percent, if we follow that line out, if my colleague will follow that $2,000 line out, then it is clear that 80 percent of seniors do not have more than $2,000 in drug costs.

□ 1700

And the great majority have a lot less than that, and about 90 percent do not have more than $4,000 in drug costs.

So we need to help that group, but we need to really also think about the number that have very high drug costs. Because, frankly, my fear is that that number is going to grow as we develop the kind of sophisticated drugs we need to cure cancer, to cure some of the difficult diseases that haunt our elder years, prevent Alzheimer's, those kinds of solutions. And it is very possible that at least for a year or two at a time, many seniors are going to be faced with $10,000, $12,000, $14,000 drug costs. So catastrophic coverage is absolutely an essential part of a prescription drug program.

Some people say to me, Why can we not have the government pay all of our drug costs, just like they pay all but 20 percent of office visits, all but the first day of hospital coverage? The answer to that, basically, is sadly very simple. It would bankrupt the Medicare program. And if we added all that spending on top of the current program, the younger generation would be spending more than half of their tax dollars on people over 65. It is simply sad but true.

Sometimes my colleagues do not like me to say that, but right now, 35 percent of all Federal spending goes to people over 65. So that means that our child, if we are a grandparent, our child in the tax force, all of their tax money going to Washington, one-third is going to subsidize the lifestyle of people over 65. If we do nothing, do not add prescription drugs, that will be up to 45 percent in 10 years. And very soon thereafter, if we add prescription drugs in with no participation from seniors, then over 50 percent of all of our tax dollars will be allocated to people over 65.

Frankly, we will not be able to provide the public education our children need. We will not be able to provide the seaports, the air traffic control system, the highways that our economy depends on.

So most seniors I know would not want that to happen. And, furthermore, many seniors I know have better drug benefit programs than Medicare could ever provide.

Mr. GREENWOOD. Mr. Speaker, if the gentlewoman would yield briefly on that point, the question is why should the Congress not just say to every retiree, everyone on Medicare, every beneficiary: we will pay 100 percent of all of your prescription drugs benefits. The answer is, in part as you said, the younger generation asked to pay that bill would be wiped out.

But, secondly, two out of three seniors today already have a prescription drug benefit, many of them provided by their former employer. As I travel to the senior centers around my district I say, How many of you already have some kind of a prescription drug benefit? And there is a show of hands. How many of you receive them from your former employer? And a goodly number of hands go up. Usually, it is either the big Fortune 500 companies that were able to provide these generous benefits, or they worked for a governmental entity, a school district or a State or the Federal Government.

If we moved in and started to pay all the prescription drugs, employers would drop that coverage like a rock and all of a sudden the two-thirds of the seniors who already have a benefit, albeit maybe not the perfect one and we might be able to supplement their benefits, but those would all of the sudden be shifted from the private sector to the public sector and be enormously expensive.

Mrs. JOHNSON of Connecticut. That is a very, very important point. We do not want to shift costs from the private sector to the public sector, and we do not want to do it for another important reason. Many of the people who have coverage through former employers have very, very good coverage, and they have total choice of prescription or generic or whatever is best for them personally.

If we look at Medicaid, if we look at the big managed care plans, we tend to have the choice of those drugs offered in a formulary. Maybe that formulary, in other words the choices of drugs, will be good. Maybe it will not. In the Patients' Bill of Rights we are going to give certain rights to go outside the formulary, but they will have to be documented by health need. And sometimes we would just rather have the one that we believe is going to be the best for us.

That kind of total choice is not common in the plans that are out there now. And in order to provide a range of plans, in order to allow people who have that total choice through their employer to keep it, we need to provide many solutions so seniors have their choice of the kind of drug plan that will best suit them. We need to protect them from catastrophic costs. We need to guarantee that if there are a seniors out there with a $4,000, $6,000 annual income, they will have prescription drug coverage.

But we also need to provide the opportunity for all of our seniors who currently get coverage to keep that coverage, if they choose it; to join another plan, if they choose it. And we want to be sure, this is very important to me, we want to be sure that the prescription drug programs can be integrated into the managed care programs, because many managed care programs now are developing ways to manage chronic disease, and they are doing it much better than we were ever able to do it under fee-for-service.

Mr. Speaker, they are saying to people who are coming out of heart surgery: Listen, we will pay for your drugs, but you have to be part of this management protocol. Through that protocol, they cannot just follow the doctor's orders to take the medicine. They have to follow the doctor's orders to exercise. They to follow the doctor's orders to lose weight. But they are going to have help. They are going to have allies, and these programs that are providing allies to people are seeing people stopping smoking, not just for a month, not just for 2 months, but permanently. Changing their lifestyle.

So then, of course, the medicine does much better. The person does much better. So if we do everything our doctor says, we lose weight, exercise, and take the medicine, and we have allies to help us do that, then we are going to do better.

More and more plans are saying they will give their insured customers a better deal on drug coverage if they will take their responsibility to take a holistic approach to their health and take responsibility for their health.

So we want plans to have the opportunity to incentivize people and reward people for improving their own personal health, not just taking medicine, as important as that is.

Mr. GREENWOOD. Mr. Speaker, if the gentlewoman will yield, what is interesting, of course, is that no matter who we speak to in this town, talk to Republican Members of the House or Democratic Members of the House, Republican and Democratic Members of the Senate, the President, et cetera, we all agree on one thing: let us provide a prescription drug benefit to Medicare beneficiaries, and let us do it this year.

So there is wide agreement, which is historic. It has not really happened before. Now what happens? We have different opinions. The President has a plan. There are numerous plans in the House. Republicans in the House, like the gentlewoman from Connecticut and I, have a plan that we have proposed. And now we get into the business of deciding how to work these different ideas and merge them into one.

What I find so frustrating is that it is an election year. It is not only an election year for the entire House and a third of the Senate, but for the presidency of the United States. And this issue is so easy to demagogue. If we listen to C-SPAN regularly and listen to the rhetoric on the floor, it is easy to accuse the other party of not really caring about seniors, and of course that is nonsense. We would not be here doing this job if we were not interested in the welfare of our constituents, particularly the elderly and those disabled who do not have a prescription drug benefit.

So we are going to have a good discussion about methodology. How do we do this?

What we do, what the Republican House plan does is say let us use the insurance model, since we know that pouring money and paying everything ourselves will not work for the reasons we have discussed. Let us create an insurance model.

How do we do this? First off we want to make sure that that insurance premium is affordable for middle-class Americans. And as we look at this chart, again, insurance companies have been reluctant to provide affordable drug-only plans because of this end over here, because of that high end of the chart. Because they can sell a prescription plan tomorrow and the next day a brand-new drug comes out that costs a $1,000 or $2,000 or $3,000 a month; and it comes onto the market, and now the insurance company is losing money hand over fist.

What we have said in our plan is we will stop the loss at somewhere in this range, somewhere between $6,000 and $8,000 is about where we will cut off the insurance company's exposure to risk, and the Federal Government, through Medicare, will pay for all of that.

Now, we have a plan that only has to cover the first several thousand dollars of exposure, which most Americans will fall under that, and it becomes affordable.

Now, how does it become affordable to the lowest end of the socioeconomic ladder? What we would do is we would pay 100 percent of the premium for everyone below 150 percent of poverty. So the poor elderly and the poor disabled would get free insurance. Talk about giving everything for free, they would get the whole plan free at no cost. For those middle-class-and-above Americans, they would have a small, relatively affordable monthly premium that they could pay and could choose between plans out there in the market to buy the plan that is best for them.

An elderly person with very little in the way of prescription drugs might want a plan that has a low premium and a high deductible. If someone has a lot of expenditures, they might want a different plan. We enhance choice with our approach.

Mr. Speaker, that is our idea in a nutshell, and we can go on later about some of the details. The President has a plan, as I say. But for goodness sake, what must happen this year is that Republicans and Democrats, the Congress and the President have to get together and say: let us roll up our sleeves, let us get the best of your ideas, the best of our ideas, merge them into a bill, get it signed into law. Because at the end of this year, either we will have done that and done a tremendous service to the people of this country, President Clinton will have some legacy, something that Presidents want to have before they leave office, and the system will have worked.

On the other hand, if all we do is point our fingers at one another and try to take political advantage of the issue, shame on all of us. And what I recommend to the voters at the next election is vote us all out of office if we do not figure out how to work together collaboratively.

Mrs. JOHNSON of Connecticut. One of the reasons we are doing this Special Order is to point out how terribly important it is that we address this problem for seniors and also to point out how much agreement there is. The President's proposal is really a proposal to cover 50 percent of the costs of the drug. There is no proposal out there, because it is so expensive, that recommends covering 100 percent of the costs of the drug.

I think people, sometimes when they hear us talk about covering prescription drugs under Medicare, they think we are talking about covering all of the costs. They think the President is talking about that.

The President's proposal is really very simple. He is talking about covering 50 percent of the cost up to about $2,500. In other words, the insured would cover $1,250 and the Government would cover $1,250. And they would not cover the first $1,250; they would cover 50 percent of each premium up to that. And I am not sure whether the limit in the President's program is $2,000 or $2,500.

But we can see from the chart that by having no coverage at all thereafter, that 20 percent of seniors that have the highest drug costs get very little help from the President's plan. But the House plan is, too, and I have not read another plan that is not a cost-sharing plan, usually 50–50.

I think what is slowing down the production of the final bill a little bit is the complexity of the stop-loss provision, of helping everybody to be protected from catastrophic loss. It is a matter of peace of mind. It is a matter of confidence and ease and security in our elder years to have stop-loss insurance and know that prescription drugs will never bankrupt us, just like long-term care insurance gives a peace of mind.

That is why we are working so hard this year to make long-term care premium costs deductible on income tax. We could do that. Then for a rather modest investment in a long-term care premium, we have the peace of mind of knowing that we will never have to spend down to poverty to pay for long-term care costs. And under prescription drugs, with a stop-loss provision, we will have the peace of mind of knowing that we will never be bankrupt by the costs of prescription drugs.

□ 1715

So this is not a concept that the President opposes at all. We are all talking within provisions that we all know would be helpful to our seniors. We simply have to work out, not only their costs, but how they fit in with the real world, how we can protect seniors who already have good drug coverage and do not want it disturbed, how we do not want to encourage their employers to drop good coverage.

So we want to make sure that we do not compromise opportunities that seniors currently have but that we create new opportunities for seniors who either have no drug coverage or inadequate drug coverage.

It is really important for everyone listening to remember that, under both the Republican and the Democrat and the President's plan, because those are the two on the table now, that all seniors would be helped.

They would both be optional plans. They are voluntary. They are not mandatory. Seniors can elect them. That is why seniors who have other plans that they prefer can continue to benefit from those plans.

Mr. GREENWOOD. Mr. Speaker, reclaiming my time, as we have discussed a little bit, there have been criticisms of the plans. And one of those criticisms has been, what part of the debate has been, what are we really going to do to lower the cost of prescription drugs?

A lot of the debate and rhetoric that we have heard about this issue has been focused on strictly the cost of prescription drugs, how do we bring down the cost of prescription drugs.

There are those who think that the answer to that question is to have some sort of governmental price controls on prescription drugs. That is a pretty scary proposition, because once we start down the road of price controls in a free enterprise market like the American system, we run the risk of killing the very industries that are providing these miracle drugs.

So how do you do it? Well, the answer is that, for that one-third of the Medicare beneficiaries, the elderly and the disabled who do not have this coverage today, that one-third walks into a drug store with the prescription, they have an illness, they have an ailment, they are suffering from something, they go to their doctor, their doctor writes a prescription for them, they take that prescription, they go into the drug store, and they have to pay full retail price out of their pocket with nobody's helping them at all.

Of course that is the most expensive way one can buy a prescription drug. Some seniors order the drug. The pharmacists fills the prescription, hands them the bottle, and the price tag. When they see the price tag, which is often, it is not anything for one prescription to cost $100 or $200, they are embarrassed and have to walk away from the drug store and say I do not have that kind of money.

Others may be able to scrape together the money to pay for the drug. But then they take it home, and the label says take four times a day, or six times a day, and maybe it is a prescription that they are going to need for the rest of their lives every month, week after week, for the rest of their lives, they know that they cannot afford to go back and fill that prescription over and over again.

So, instead of taking the pill four times a day, they will take it two times a day. That does not do them any good because the prescription is not providing the kind of physiological response that it was sustained to provide. So that senior is really held hostage, and those are the seniors we are trying to help.

So how do we help them and bring down the prescription drug costs at the same time, by allowing these elderly to join in a group health care plan. That is what we are doing, we are providing a group prescription drug plan for them that would cover large groups of Americans at a very affordable cost. Again, if one is low income at zero cost, if one is middle income and above at a very affordable monthly cost. Those individuals gain from the fact that they are now part of a big group.

The spokespersons for that group, the leaders of the insurance companies, the managers of the insurance companies will then negotiate with every pharmaceutical company as to what price they are willing to pay. That is how we bring down the cost of prescription drugs because we are now having the big insurance plans that are buying drugs for our seniors and for our disabled, negotiating tough prices with the pharmaceutical companies so that we get and they get affordable prices.

I have been joined now by the gentleman from Louisiana who is on the Committee on Ways and Means and on the Speaker's Task Force and has been the leader in drafting this prescription drug program.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. Mr. Speaker, unfortunately, I have been in another meeting on another health care subject and not been able to hear the discussion so I do not know what has been said so far.

But I do want to compliment the President on coming forward with a plan. I do not want anything that I say here to say that I am not appreciative of the President getting in the mix and trying to put forward a prescription drug plan, because I think it is important that he be part of the process.

All of us, the President, the gentleman from Pennsylvania (Mr. GREENWOOD), I, Republicans, Democrats, I think, agree that in order to have a modern Medicare program, we have got to have a prescription drug benefit. Thirty-five years ago when Medicare was created, prescription drugs were a very small part of the health care regimen of a senior citizen. So we took care of their hospital needs and their doctor needs, Part A and Part B, and that was fine for most seniors.

Today that has changed. Now if one takes care of the hospital bill and the doctor bill, in many cases, there is a third item, prescription drugs that constitutes a very large portion of that senior's health care needs, the health care regimen of that senior.

So we all agree, and I think it is appropriate for all of us to be discussing how we best do this, including the President, Republicans, and Democrats. So I appreciate the President putting out a plan.

I think the President's plan is insufficient. In his defense, he was trying to craft a plan that would meet certain budgetary guidelines. His plan spends about $34.5 billion over 5 years. He decided to put the bulk of that money into a benefit for low-income seniors and giving every senior a very minimal benefit. Let me tell my colleagues what I mean when I say "minimal."

Based on the figures provided by the White House for the premiums that a senior will have to pay, the level of the benefit, which is $2,000, once one reaches $2,000 of expenditures for prescription drugs, one's benefit is over under the President's plan.

So when one adds up the premium that a senior has to pay for the plan and the co-insurance requirement, which is 50 percent, basically a senior will pay $1,750 for $2,000 worth of drugs. Not a great deal.

But, again, in the President's defense, if one only has a limited amount of money to spend, in his case $34.5 billion over 5 years, and one provides 100 percent of the benefit to low-income seniors, there is not a lot left to give the average senior a benefit.

So I think the President's plan, while it is a good start, is insufficient. The glaring insufficiency in the President's plan is that he does not give any protection to extraordinarily high costs that seniors may have. So that if one has got a senior citizen who has done everything right his whole life, he worked hard, he paid his taxes, he saved for retirement, and then after he is 65 years old, he contracts some chronic disease that requires a very high level of drug maintenance, he bleeds those savings. Those savings are just gone.

That is not right. We ought to give seniors some protection against just financial ruin because of bad luck in health care and having very high prescription drug costs. Our Republican plan does that. That is why I think that we need to work with the White House, the White House needs to work with us.

We need to get a plan in law that gives seniors, not only low-income seniors, that basic benefit that both our plan and the President's plan does, but also some protection against those very high drug costs that are killing some of our seniors, not killing, they are staying alive because of those drugs, but it is bleeding their savings; and that is not right.

Mr. GREENWOOD. Mr. Speaker, reclaiming my time, just if I can comment on the gentleman's point for a moment. It has been my experience that, the older I get, the more cautious I become. As we go through life, we bump up against enough things that, by the time one reaches the age of 65 years of age and one is ready to retire one is not looking for any more risk. One wants to pretty much know what one's life is going to be like for one's golden years.

The problem that, the criticism that we do have with the President's plan is, as one said, one is sitting there with this big risk over one's head; and that is, maybe when one is 65 and when one is 66 and when one is 67, one will be able to have low drug costs that are under the $2,000 threshold, or I think the President's threshold increases over time. But still there is always a cap on it.

Now one day, one can come down with some terrible disease, and go to the doctor, and the doctor says, Guess what, the good news is there is a drug that will solve your problem and keep you alive for another, you know, another 5 or 10 years. But the bad news is it costs $10,000 or $20,000. Well, that senior suddenly has exposure to a risk that there was no way that he or she could have planned for.

So what we provide with our plan is the peace of mind, the peace of mind of knowing, no matter how expensive your prescription is, no matter whether you are on one drug or 10 or 15, you will be covered. The sky is the limit on one's coverage because that is where our plan comes in for everyone. Every American pays all of their costs above that ceiling.

Mr. McCRERY. That is right, Mr. Speaker. I want to be honest here. We have come up with a conceptional plan that does the things that the gentleman from Pennsylvania and I have talked about.

We have not had the numbers crunched by the Congressional Budget Office. That is in the process of being done. We have worked with some actuaries who think we can do what we have described within the budgetary confines that we are working in, which is $40 billion over 5 years. But we do not know yet to what extent we can protect those seniors from those high costs. We have to wait until we get those numbers from the CBO.

But I believe that any plan that we include in Medicare ought to provide not only a basic benefit for low-income seniors and other seniors but also must include a stop-loss provision which protects that senior citizen from skyrocketing out-of-pocket costs that could bleed his lifetime savings. So we have got to wait and see what the numbers show.

But I think, from a conceptional standpoint, we ought to agree that we are going to provide a basic benefit which both our plan and the President's plan does, and that is protection against those very, very high drug costs. If it ends up costing more, then we have got to figure out a way to finance that.

But from a conceptional standpoint, I think any drug benefit that we include must have those two elements, a basic benefit for everybody, including low-income seniors and protection against those extraordinarily high drug costs that some seniors, a few seniors run into.

Mr. GREENWOOD. Mr. Speaker, as the gentleman from Louisiana talked about, the fundamental goal is to provide coverage for everyone. What has been discouraging and frustrating to me is that we have crafted this plan so that it benefits everyone regardless of income. If one is at the lowest end of the scale, we cover 100 percent of one's premiums. We think we can go up to 150 percent of poverty and cover that. The President's rhetoric and language has suggested that that is all we do, that we are only providing a benefit for the really poor; and it is really not the case.

Mr. McCRERY. That is not the case, Mr. Speaker.

Mr. GREENWOOD. Mr. Speaker, the mechanism that we use by stopping the loss for everyone is what makes the premium affordable. Maybe the gentleman from Louisiana could share his thoughts on that as well, because that is so important to get straight with the American people.

Mr. McCRERY. Mr. Speaker, it is fairly easy to explain, but not easily understood. Let me take a shot at it. It is really different from a stop-loss provision that I have talked about for an individual senior. That is a stop the loss out of his pocket.

What the gentleman from Pennsylvania is talking about is the Federal Government telling the insurance industry we will stop your losses for any seniors in, say, the top 2½ percent of expenditures for drugs. We know that that top 2½ percent of seniors in terms of their drug cost constitutes about 25 percent of the total drug expenditures for the senior population.

So if we give the insurance industry some reinsurance protection, so to speak, against those extraordinarily high-cost seniors, then they will be able to write a product, produce a product in the marketplace at a premium that will be substantially lower, perhaps as much as 25 percent lower than they could if we gave them no protection in a reinsurance way against those extraordinarily high-cost seniors.

□ 1730

So the gentleman is exactly right. By basically buying down the tail of those high cost seniors for the insurance industry, we allow them to write a product that is fairly predictable in terms of their cost, and we allow them to write those products at a premium that would be substantially lower than they could if we gave them no such stop-loss protection for the insurance industry.

Mr. GREENWOOD. And since Americans are not used to buying drug-benefit insurance, this is a little alien to them. But if we think about buying automobile insurance, if we went to buy automobile insurance that would provide liability coverage for $10 million, that would be expensive. The premium that we would pay on a monthly basis or annual basis would be quite expensive to get that coverage. And if it were unlimited, if we had unlimited liability protection, of course it would be unaffordable and the insurance industry would have a hard time putting a price on that.

That is almost the way it is with prescription drugs now, because we cannot predict the exposure with these new modern expensive drugs. So what we are saying here is, if it was automobile insurance and the Federal Government said we will cover everything over, let us say $50,000 of liability, then we know that the premium is going to go way down and we would have the coverage covered by the Federal Government. It is the same thing here. By the Federal Government, by our House Republican plan proposing to pay for that top, from the cap to the sky being the limit, suddenly now we have an affordable product that every American can afford to purchase.

Mr. McCRERY. That cap that the gentleman is talking about, though, is an after-the-fact determination according to the actual costs in the industry. So at the end of a year, what we do is we go back and look at the cost for drugs for all seniors, and then we determine above what level constitutes the top 2.5 percent of expenditures. It might be $10,000; it might be $12,000; it might be $15,000; it might be $7,000. Somewhere, though, we will reach a point where all expenditures above that by all seniors constitutes the top 2.5 percent of expenditures.

So a plan knows very quickly how many seniors it has with expenditures over that $10,000 level or $12,000 level. They report that to the Federal Government. The Federal Government ships them a check basically for those seniors and the costs for those seniors above that level. It is doable. It is kind of an after-the-fact risk adjustment that we can do, and we are hopeful that the insurance industry will be comfortable with that kind of risk adjustment mechanism and will write products in the marketplace that will give seniors a choice of products and give the basic benefits that we have talked about.

Mr. GREENWOOD. And when this plan is enacted into law, as we hope that it will be this year, the average middle-class American who does not have a prescription plan now, who has one next year because of this program, will wonder, okay, so what was in this for me? What did I get out of this? They will know what they got out of this when they go to write their check for their insurance to cover their prescription plan. That check will be a heck of a lot smaller. The amount they have to write that check for will be very small compared to what it would be if we had not decided to cover this top end of the exposure.

Mr. McCRERY. I agree. And I thank the gentleman for allowing me to participate in the discussion on the prescription drug plan for seniors.

Our good friend and colleague, the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Health of the Committee on Ways and Means, has joined us. So with the gentleman's permission, I am going to go back to my other health care meeting and turn it over to the gentleman from California.

Mr. GREENWOOD. By all means. I thank the gentleman for his participation and would now yield to the gentleman from California, who is, in my mind, the leader on this issue in the House of Representatives, and has been leading us for a number of years now.

Mr. THOMAS. I thank the gentleman very much, one, for taking the time and, two, for beginning to get into the details.

This does become somewhat complex for most people, but the key point that we need to have everyone understand is that if we were discussing, as the gentleman indicated, automobile insurance or homeowner insurance, and we peeled back what most people know about the insurance business, it is pooled risk. And it would get into exactly the same kind of discussion that we are getting into here.

One of the reasons that we are doing it is to create a comfort level, I believe, notwithstanding all the details, that what we are trying to do is to create a product that takes care of the real concerns of seniors. It is not the first dollar that we spend on prescription drugs; it is that last dollar. And we do not know when it is and we do not know how much it is going to be. That is what insurance is all about: pooling the risk in a way that everyone can afford to protect themselves against that last dollar, no matter how much it is going to be. And that is what we are trying to create.

There are others, for example the President, who said let us just set up a prepayment plan. Everyone will know how much they are going to get. And he has a plan that eventually gets to like $5,000; but it is $2,000, and that is all anyone is going to get no matter what their costs are. That is better than what we have today. There is no question it is better than what we have today. But if we are going to put a plan in place, I think the gentleman and myself and others who have been working on this agree, including Democrats who have been working with us, is let us try to do this the best we can.

The way we really need to deal with prescription drug cost is to take care of the low income and create a risk structure that allows the private sector to write the product. Now, why in the world are we always saying let us get the private sector into this process? It is very simple. If we take a look at prescription drug insurance today, there is value brought by those people who are managing the prescription drug programs. It is so specialized that even people who offer ordinary health care, and if they include prescription drugs, will hire these people to run their prescription drug portion.

One, taking drugs, especially taking more than one drug, becomes risky business if there are not knowledgeable pharmacists and others to help in the management of taking those drugs. Sometimes drugs that would be lifesaving are not worth very much if we only participate in a portion of the regimen; if we leave pills in the bottles; if we do not follow the directions; if we do not take them in a timely fashion. Seniors are one of the groups that have the least support of any group in assisting in taking drugs. This is one of the real value-added features brought by one of these programs.

We keep talking dollars and cents. Dollars and cents is important, but availability, deliverability and proper usability of drugs is very, very critical. That just comes as a kind of a free aspect of putting this kind of a plan in place.

The other thing that we have to remember is that seniors have been very knowledgeable in this whole process. I have become quite enamored with their ability to realize that when someone promises something for nothing, they know they cannot get something for nothing. And what we are trying to do is put a plan in place that will assist those who, through no fault of their own, do not have the wherewithal to pay for it; and those seniors who, through no fault of their own, cannot afford the enormously high cost of the drugs that happen to meet their particular health needs. And for those who would like to have the protection, whether or not they fall into one of those other groups, to be able to participate in a minimally reasonable fashion, I think, is a proposition that most seniors would be interested in.

I know that the idea is enormously popular to promise people that they will not be involved financially and they will not be involved administratively or behaviorally. But, frankly, I think the seniors have been appreciative of our open approach, which says all parts of the society are at fault and all parts of the society are the solution. The pharmaceutical industry is part of the problem, and they are also part of the solution. The insurance industry, the same. Members of Congress, the same. The children of our seniors, the same. And, of course, the seniors themselves.

It has to be a positive, cooperative effort that builds a plan that not only works today but, more importantly, 5 and 10 years from now when those biotech drugs come on the line that are more expensive and, through no fault of our own, the cost is something we could not handle. There must be an insurance product available for seniors. More importantly, not that it is just available, but that we have created a system that allowed us to get into it at a time when the costs were reasonable, where now that they are not reasonable that we are covered. It is simply something that needs to be done.

I appreciate the gentleman taking the time not just to talk about prescription drugs, because we are focusing on that as a new addition to Medicare, paid for, by the way, and I do not think we say this often enough because people do not realize it, the $40 billion that the Republican leadership has laid on the table to cover the prescription drug and the modernization cost for the next 5 years is money that we have saved from the Medicare program. We are not taking it from taxpayers. We are not robbing current programs that need money to pay for this. And we are not simply saying that it is a revenue-neutral game and that if we pay money for drugs it is coming out of hospitals or doctors or some other health care costs.

It is money that was saved because of the changes in the program that we have put in place that we are reinvesting. The leadership has said let us put this money back into Medicare that we saved from Medicare, but let us put it back in in a new way in which we get an even better benefit out of the dollars that we have spent. And to that end, part of the other program that we are advocating is that as we add prescription drugs, we do not just tack it on to a system that now says we get drugs and we get health care.

Because the way medicine is delivered today, as the gentleman well knows, and those of us who have looked at it for some time, and especially those seniors who have participated in the health system, drugs and old-fashioned, as we say, health care have merged. We cannot deliver health care today without, as I say, an integrated approach with prescription drugs.

So as importantly, in my opinion, as adding prescription drugs to Medicare is the extra care and attention we are trying to provide to creating a system that integrates this new benefit in with the other benefits that are defined and guaranteed in the Medicare program in such a way that seniors are now going to receive health care just the way the rest of the society receives health care. Frankly, they are a decade or more behind because we do not have this integrated prescription drug aspect to seniors' Medicare health care. It is overdue. It needs to be put into effect, and it needs to be integrated. And that is what we are trying to do.

Mr. GREENWOOD. I think what is important, as we compare the President's plan to the House Republican plan to other plans that may be in the Senate and elsewhere, what is important to understand is that there are some similarities. The low-income folks in both plans would have no cost and would have access, for the first time many of them, to a prescription drug plan.

Mr. THOMAS. If the gentleman will yield, not only are they similar but they are identical. No one should say that the President's plan or our plan treats low income differently, because we treat them exactly the same. They get complete coverage.

Mr. GREENWOOD. That is a very good point. And then for every one of the elderly and the disabled above that 150 percent of poverty, under both plans there will be out-of-pocket expenses. Under both plans, whether paying for a premium in our case, or whether paying 50 percent of the cost of every drug, there is cost out of pocket. So the middle class and above will have to pay something for their prescription plan.

We have two systems by which we try to figure out how to make that most manageable, most affordable, most flexible, and to provide the most security at the end of the day from catastrophic, potentially ruinous costs, where someone would have to choose between literally selling their home to buy the medicine they need or doing without and having their life foreshortened as a result.

In the course of this debate, in fact in the course of this last almost hour here, I think my colleagues and I have been very careful. Not once have we questioned the motives of the President or the motives of the other party. We have started with the assumption that every Member of Congress in the House and the Senate, that the President and the Congress have the same goal, to provide affordable health care. What I think the public needs to watch for and be most critical of is not the fact that we have differences of opinion and not be judgmental about a Member who takes this tack or that tack, but rather be judgmental about Members of Congress or other politicians or the President, to the extent that he does it, when they begin to question the motives of the other party. Because if we avoid that, we will get this job done.

Certainly the President has some ideas that are worthy of our consideration and we have some worthy of his. And certainly if we are going to get this done, at some point in the process there is going to be an amalgamation of the President's best ideas and our best ideas, and we ought to be able to learn from each other.

□ 1745

Mr. THOMAS. Mr. Speaker, the gentleman makes an excellent point. Because, as everyone knows, we can take a fixed amount of money and spend it a number of different ways. And, in essence, that is what we do. The amount that we lay out for prescription drugs is about the same amount roughly as the President. But their goal was to achieve a slightly different payment balance.

We place the emphasis on low income as the President does, but we talk about making sure that those out-of-pocket payments that are unexpected and too high to pay for fall under an insurance umbrella on shared risk.

The President has chosen to take a bit more of that subsidy and some of the earlier basic costs to create, which I think, in fairness, we could say one size fits some because those who have the very high cost would not be served by that system, but that there is a consequence in the way we write the program. And it is entirely possible that, for the middle-income person who is not low income and who does not have the extra high drug costs at that moment in time they occupy that position, they may in fact be paying more than they would under the President's plan for roughly the same support.

But most of us know and the seniors certainly do, at some time or other over the course of the rest of their lives they are going to fall into the category where they are going to get expenses for drugs, hopefully on a temporary basis, that they cannot afford to pay. That is what we are trying to protect against.

We believe it can be done today. Not 5 years from now, not 7 years from now, not 8 years from now, but today.

So our discussion, as my colleague points out, will quite rightly be how do we best construct a program to meet the most important and dangerous concerns that seniors face; and that will be, hopefully, the policy discussion that we are engaged in.

My colleague is quite rightly proud of the product that we are moving forward. My goal, frankly, in the next several days is to be able to stop using the phrase "the Republican plan."

I have engaged in a number of discussions with Democrats both here in the House and in the Senate. Some of them I think could be described honestly as excited about the idea once they understand the policy direction that we are trying to go, not only excited but supportive about it and will be able to talk about the bipartisan plan that the Congress is moving forward as a legitimate contender, one we believe most appropriate to meet seniors' needs and that we will be dealing with this on a policy level and not a political level.

I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for taking the time and for allowing me to participate.

Mr. GREENWOOD. Mr. Speaker, reclaiming my time, I thank the gentleman from California (Mr. THOMAS) for his participation and his leadership, as usual.

The experience that I had not too long ago was I visited a senior center and asked a group of my elderly constituents whether they had or had not coverage and what their experiences were.

I met a woman who told me that she was taking 18 different prescription drugs and that she was working three jobs in order to pay for those drugs because she had no coverage. And at the end of the day the question for those Americans is not is this a Republican plan, is this a Democratic plan, is this the President's plan, is this the Congress's plan, but the question at the end of the day is can the Republicans and the Democrats in the House and the Senate and the Congress and the President figure out how to solve this problem so we do not have a single elderly person in America, not a single disabled person in America having to make that awful choice between their health and their finances so that they do not get to the point where they have to say to a doctor, do not bother writing that prescription for me because I cannot afford to pay it, or taking a prescription home and not being able to take all of the pills that they need to take in a given day and not being able to renew that prescription because of their inability to afford it.

I am convinced that, at the end of the day, Republicans and Democrats will join together on this, we will negotiate a bill with the President and it will mark the point in our history, the history of Medicare, of which we all can be proud.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. FLETCHER). I am glad to have him here to join. He has been a real leader in this issue, as well, and I am glad to have his participation.

Mr. FLETCHER. Mr. Speaker, we just came from a meeting, but I did want to get in at the few minutes left and certainly participate. We have got 1 minute remaining it looks like.

First of all, I think it is very important and I am very encouraged by this plan. I think it is essential. Health care without prescription drugs in this modern age is really not health care.

I give my colleagues an illustration. In assisted living, I was visiting with some seniors who talked about a gentleman living there. For the first half of the month, he was a perfect gentleman. The last half of the month, he was a tyrant in the place. The problem was he could only afford the first half of the month's prescription drugs.

We see a number of seniors like this. So I think it is very important we put $40 million aside versus the President's $28 billion over the 5 years. His does not start for 3 years. We are toward the target at making sure it is affordable, available, and optional. So I think it is an outstanding plan that targets those that really need it and it is essential.

Again, health care without prescription drugs is really not health care in this day and age with the way prevention and chronic disease management has become the major portion of health care versus acute care, which we had back when Medicare was first developed.

So I wanted to come and just certainly say I think, hopefully, we can get good bipartisan support. We did in a bill that I filed back last year, we got bipartisan support, which is very similar in concept. So I am very encouraged by this and look forward to us being able to get something done. There are a number of seniors out there that need this and it is going to be very important for their health and future.

Mr. GREENWOOD. Mr. Speaker, the gentleman from Kentucky (Mr. FLETCHER) is one of the few physicians in America who has chosen to leave his practice behind temporarily and come to serve in Congress. His leadership is greatly appreciated.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I intend tonight with some of my Democratic colleagues to also take up the issue of prescription drug benefit under Medicare.

I must say that I was pleased to hear that my Republican colleagues on the other side of the aisle were concerned about the issue. I certainly do not doubt their sincerity in raising the issue, but I am very concerned about the proposal that the Republican leadership has put forward and I express that concern because I do not believe that it will actually do anything to provide a prescription drug benefit to most American seniors.

I say that with heavy heart because I really believe that this is one of the most important issues that we need to address in this Congress, and I believe that we will not get a prescription drug benefit unless we get it on a bipartisan basis. And so, we do need to have Republicans and Democrats work together.

But it is also important to point out distinctions and to make it clear that the Republican leadership proposal that has been set forth really does not do anything to help most senior citizens and in fact is just, in my opinion, a way to show concern in an election year to give the impression that somehow this issue is going to be addressed in an effective way when it will not if the Republican plan were to be adopted.

Let me just summarize, if I could before I yield to my colleague, some of the problems with the Republican plan.

First of all, it will leave millions of seniors uncovered. Their proposal would do nothing to assist more than half of all Medicare beneficiaries who currently lack prescription drug coverage because it provides assistance only to beneficiaries with annual incomes of under $12,600. Seniors with modest incomes above $12,600 would receive absolutely nothing under the Republican plan.

The benefit will fail to be an affordable option even if it is available. And if enacted, the Republican proposal would mark the first time in the program's history that Medicare would not provide coverage for all American seniors.

Now, I say that because, basically, what they are proposing is a private insurance plan, not a Medicare benefit. Every time that we have expanded Medicare to provide more coverage, it has been a benefit that has been available to everyone under Medicare either as a guarantee or as a voluntary benefit that they can opt into by paying a premium, as they do right now under part B for their doctor's care, for example.

Well, all of a sudden we have a proposal which really is not Medicare at all but is, basically, saying that the Federal Government will subsidize for low-income people a private drug insurance plan. We do not believe that those plans will ever be available.

So one of my chief criticisms is that this is not really a Medicare benefit at all, this is not really Medicare at all, this is simply a private insurance plan which even most of the insurance companies say will simply not be available for most seniors.

Also, even for those seniors who would be perhaps able to take advantage of what the Republicans are proposing, it does not even guarantee, if you will, the coverage for many of those who have an absolute need. The Republican plan relies on these private insurers to voluntarily offer a drug only benefit.

In testimony before the Congress, even the insurance industry itself had expressed skepticism about the effectiveness of this approach.

The other thing is, one of the key issues that has come up in the context of the prescription drug issue and that the Democrats, particularly my colleague the gentleman from Maine (Mr. ALLEN) has pointed out, is the need for access to lower prices.

Price discrimination is a major issue here. What happens is that the seniors that are in an HMO or have access to some larger plan maybe through the Government, like the veterans' plan or whatever, they are getting lower prices. The senior who goes out and tries to buy the prescription drug on their own, they are charged a lot more.

Well, there is nothing in the Republican proposal that would provide access for the average senior citizen to discounts on prescription drugs that these larger plans, the people in the HMOs and the people in the veterans' plan, obtain.

I mean, one of the advantages that we have with our Democratic plan is that we try to address that issue of price discrimination and make it so that everyone who is in the Medicare program would have the benefit of those same types of discounts.

Also, and this is the last thing I want to say on the issue of why this Republican plan really is nothing that is going to help the average senior, it is not really funded.

Earlier this year the Republicans promised that they would commit $40 billion for a prescription drug benefit. Their own budget resolution dedicated as little as $20 billion to pay for this weak and limited plan that would leave so many seniors without coverage.

Moreover, the lack of their willingness to release 10-year numbers on their prescription drug proposal raises serious concerns that their tax policy consumes virtually all revenue necessary to adequately fund a drug benefit in the future.

My point is the Republicans continue to advocate a huge tax cut that primarily benefits corporations and wealthy individuals. They do not leave any money left for this type of Medicare prescription drug plan that would actually help most Americans. They do not have the money to accomplish that because of the tax cuts that they have proposed.

Well, I do not want to just keep harping on what they are doing. I would like to talk a little bit about what the Democrats have in mind.

But before I do that, I would like to yield to the gentlewoman from Michigan (Ms. STABENOW) who has been such a leader on this issue.

Ms. STABENOW. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) very much for all of his efforts. He is tireless in his efforts coming to the floor of the House not only on the important issue of prescription drug coverage and lowering the cost for seniors but the Patients' Bill of Rights and some other important issues for health care. So I appreciate his leadership on all of these important health care issues.

As my colleagues know, I have been involved in the great State of Michigan in an effort that I have called the prescription drug failure fairness campaign, where we have put together a hotline for people to call and share their stories.

I have encouraged people to send me copies of their high prescription drug bills so I can bring them to the floor. And I am continually coming down and sharing stories. I started on April 12 of this year bringing letters down to the floor. I am down again. And I am going to continue to share stories of people in Michigan until we can get this right and until we can pass a plan that really does the job.

As my colleague indicates, the plan, unfortunately, that is being proposed on the other side of the aisle I believe takes us back to where we were before Medicare. Before Medicare, half the seniors in the country could not find health care insurance or could not afford it. So to say that we are going to rely on that same kind of system for prescription drugs just does not make any sense.

Medicare needs to be modernized. It is simple. Everybody understands it. It covers the way health care was provided back in 1965 when it was set up in the hospital, operations, prescriptions in the hospital.

As we know, most care is provided now on an outpatient basis in the home and with prescription drugs. And so, it is critical. I believe it is the number one quality-of-life issue for older Americans today is to address the issue of the high prescription drug costs and to modernize Medicare.

I want to first commend Newsweek this week, who has a feature story called "The Real Drug War." They talk about this problem and what is happening. I urge my colleagues to have a chance to take a look at this article. They do mention what a number of us are doing, the fact that I did take a bus trip to Canada with a number of the seniors that are from Michigan. We lowered the costs by 53 percent just crossing a bridge. Just crossing a bridge from Detroit to Windsor, we lowered the cost 53 percent.

I also want to commend Newsweek, who is doing live talk. They are the hosting a live talk on the Internet tomorrow at noon. So for anyone listening who would like to participate and share their story at noon tomorrow, Eastern Daylight Time, they can log on to Newsweek.com.

□ 1800

I am anxious to see what people are sharing through that mechanism.

I think it is important to recognize that in the last 20 years we have seen a huge increase in the cost of prescription drugs. The price increases from 1981 to 1999 have gone up 306 percent, while at the same time the Consumer Price Index has gone up by about 96 percent. So, in other words, the costs of medications have tripled, have gone up 3 times as much as the cost of living for everything else, which is a critical issue.

As the gentleman mentioned also, the second piece is price discrimination. If one has insurance, if they are in an HMO, then they have somebody fighting for them to go out and negotiate a group discount. If they are a senior or if they are a woman who has breast cancer, and we have done a study in my district on women with breast cancer and the kinds of drugs they need to use and the costs, or if one is a child, any family member who walks into the drugstore without insurance, they are out of luck. They pay whatever the market will bear; and unfortunately, the market today for the uninsured is at least twice, if not three or four times, higher than someone with insurance.

We can start with Medicare. Medicare can fight for the seniors of this country if Medicare coverage is put into place so they can negotiate a group discount, just like every other insurance carrier.

I would like this evening to share a letter from Mrs. Johnnie Arnold from Decatur, Michigan. I am so grateful for Mrs. Arnold's letter, and I wanted to share it. It is like so many letters that we have all received. She says, "Dear Congresswoman STABENOW, I am writing about my prescription drugs. I am 76 years old and get $280 a month drawing from my husband's Social Security. He is a notch baby," which is another problem, "and only gets $661 a month."

So that is $941 a month that they receive.

"Our supplemental insurance costs us $281.34 a month. We are having a struggle for my drugs I need. I have had open heart surgery and complete thyroid removal for a cancer. I have high blood pressure and I have had aorta aneurysm surgery. I am in a wheelchair part-time and have been turned down three times for SSI now. My Vasolin high blood pressure medication is $65 for a month's supply. My Claritin is $80 for a month's supply. My other medications are an additional $85.26, and I have additional medications, not counting the Claritin, that come to $150.26. I do not buy the Claritin every month because when you add up all of my drugs after my supplemental insurance payment, I cannot afford them.

"Lasix used to be $6.27. Now it is $18.25. It takes all my husband's Social Security to pay utilities, insurance and his supplemental insurance."

So it takes all of his Social Security to pay utilities, insurance and his supplemental insurance. That is two-thirds of their income.

"Help us, if you can. Mrs. Johnnie Arnold."

We need to pay attention to this. We need to have a sense of urgency. Mr. and Mrs. Arnold are every month literally trying to decide do we buy our food now, do we afford this medication, that medication, do we pay the electric bill, how do we survive and remain at home and keep our health and benefit from the medications that are currently available today?

I think Newsweek is right. That is the real drug war. This is the drug war we are fighting right now, the drug war to lower the prices of prescription drugs for everyone; and for seniors who use the majority of medications this is life or death for too many people, and it is a situation that we can correct. Instead of putting up those kinds of programs that just sound good on the surface but do not do anything, to do what I know the gentleman from New Jersey (Mr. PALLONE) is going to talk about tonight, what he is going to talk about in terms of the plan that we are supporting that really does something, now is the time to do it. We have economic good times. If we do not do it now, when do we do it? If we do not get it right now, we never will.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) very much for allowing me to participate in this important discussion.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Michigan (Ms. STABENOW) for her remarks. I appreciate the comments she made, first of all, to give us an actual example of the constituents that write to us and the problems that they face because this is a real story. This is not abstract. This is a reality that people face every day in our district.

Ms. STABENOW. Right.

Mr. PALLONE. Also because I know the gentlewoman has always been a leader on addressing and having people contact us through the Internet. She really, more than anybody else, brought to my attention the value of reaching out through that vehicle, and I think it is so important. So I thank her again.

Mr. Speaker, I wanted to follow up on what the gentlewoman from Michigan (Ms. STABENOW) said, though, also in terms of a report that recently came out. The Democrats, of course, for some time and the President ever since his State of the Union address this year, and even before that, has kept watch and constantly talked about how we have to address this problem because of the costs to seniors, and a new report recently came out by Families USA. Families USA has been highlighting the problem of price discrimination for some time, but this report just came out within the last week or so from Families USA. It is entitled, "Still Rising: Drug Price Increases for Seniors 1999 to 2000." So they are just talking about the last year or so.

Once again, this report demonstrates that failure to provide a voluntary, affordable and accessible Medicare prescription drug benefit, which is what the Democrats would like to see, that this imposes, this failure imposes a continuing and growing burden on middle-class, older Americans and people with disabilities. The President released this report just a few days ago, and I just wanted to present, if I could, Mr. Speaker, some of the key findings of this Families USA report.

First, it showed that on average the price for the 50 drugs most commonly used by seniors increased at nearly twice the rate of inflation during 1999, last year. On average, the prices of these drugs reportedly increased by 3.9 percent from January 1999 to January 2000 versus 2.2 percent for general inflation.

Second item or second major point in this Families USA report is that over the past 6 years the prices of the prescription drugs most commonly used by seniors also increased by twice the rate of inflation. The report finds that the price of the 50 prescription drugs most commonly used by older Americans increased by 30.5 percent since 1994, again twice the rate of inflation.

Another point in the report is that more than half of the most commonly used drugs that were on the market for the entire 6-year period had price increases that were double the rate of inflation.

In addition, the Families USA report concludes that more than 20 percent of these prescription drugs increased in price by 3 times the rate of inflation over that same time period.

Fourthly, the report shows that seniors with common chronic illnesses are often forced to spend well over 10 percent of their income on prescription drugs.

Lastly, in terms of the key findings of this report, it shows that the findings are consistent with the conclusions of studies conducted by the Department of Health and Human Services showing that the price differential for older and disabled Americans with and without coverage has nearly doubled.

So, again, I am giving the statistics; and the gentlewoman from Michigan (Ms. STABENOW) gave us an example with her letter of a family of seniors that face the rising cost problem and what it means for them. What it means essentially is that they go without certain drugs, that doctors prescribe certain prescription drugs that they cannot take advantage of and they simply go without or in other cases they may simply buy the prescription drugs and go without food or have other basic necessities that they cut back on. It should not be that way.

The promise of the Medicare program when it was set forth was that seniors at least, as a group of Americans, would not have to worry about coverage for health care and that they would be provided with coverage.

Of course, when Medicare was founded back in the 1960s, prescription drug needs were not as significant as they are today. They have grown significantly in those 30 or 35 years or so that they are now a crucial factor in terms of preventive care. Without the preventive care that comes from prescription drugs, we have seniors getting sick, having to be hospitalized, having to go into a nursing home or ultimately leading shorter lives. It is just not right. That is not what we are supposed to be about as Americans.

Because my colleagues on the Republican side did precede us and essentially tried to tout what they are doing with regard to prescription drugs, I need to, I feel, focus again on the limitations of the Republican leadership proposal. Again, I am not saying that all Republicans are bad or that they are not well intentioned, but the problem is that the leadership proposal really does not help most Medicare beneficiaries.

This leadership proposal, in my opinion, was developed more for those who sell drugs than those who need them. The Republican leadership essentially provided no details of the premium for the policy, what the basic benefit would cover or how much it would cost the Medicare program. That is probably because it really is not part of the Medicare program, effectively.

The details that are in the Republican leadership's outline, which is consistent with proposals supported by the pharmaceutical industry, raise a lot of serious concerns, and I just wanted to mention three.

First, covering prescription drugs through drug-only private insurance plans rather than Medicare, even though insurers have raised doubts about their willingness to offer such policies, the Republican leadership assumes that these drug-only insurance policies are going to be available, and the insurance companies are telling us that they are not going to be available.

Second, limiting premium assistance for basic benefits to beneficiaries with income up to 150 percent of poverty, again I mentioned before $12,600 for a single individual, $17,000 for a couple. Well, this leaves out millions of uninsured and underinsured seniors. Medicare was promised on the idea that it would be available to everyone. Why are we now talking about a prescription drug plan that is only going to cover certain individuals? This should be universal. It should be a basic benefit under Medicare that one can voluntarily opt into if one wants to.

Thirdly, again, a major shortcoming of the Republican leadership proposal is encouraging private plans to participate by having the Government bear most of the risk of covering sick beneficiaries. What is really being done is giving the insurance companies a lot of money without guaranteeing them that they are actually going to come up with coverage.

There are so many reasons why this essentially reneges on any kind of commitment for a meaningful prescription drug benefit. Again, just to talk about the funding, before I introduce another one of my colleagues, the Republican budget chairmen have acknowledged that their budget resolution uses only half, $20 billion, of its Medicare reserve for prescription drugs. This is insufficient to finance a meaningful, affordable, accessible drug benefit for all beneficiaries.

Again, they have not explained how they are going to spell out their 10-year funding commitment for prescription drugs. Again, I think that is because essentially most of the money that they are setting aside in the budget is for tax cuts, primarily for wealthy individuals. There will not be enough money left over for a prescription drug benefit program.

The main thing that I keep stressing, and I will continue to stress, is that what the Republican leadership has come up with is not really a Medicare benefit. It is simply a way of suggesting that somehow someone is going to be able to go out and buy some kind of private insurance that will cover prescription drugs, and there is absolutely no reason to believe that that is going to work. It really has nothing to do with the traditional Medicare program that most seniors are used to seeing and used to having as a guaranteed benefit.

Let me, if I can, now begin by talking about the Democrats and what the Democratic proposal is that we have set forth as a party here in the House. I would just briefly mention the principles that the Democrats have put forward as part of their Medicare prescription drug proposal; and then I will yield to my colleague, the gentleman from Texas (Mr. GREEN), who I see is here.

□ 1815

We have said, first of all, that any Medicare drug benefit has to be voluntary. In other words, beneficiaries can elect prescription drug coverage under a new Medicare program. However you describe it, it would be part of Medicare. You can voluntarily opt into it, for example like you do now with Part B for your doctor's care.

There would be universal coverage accessible to all. It has to be for all individuals, all seniors, not just for low-income seniors. The benefits should be designed to give all beneficiaries meaningful defined coverage. That means that you know beginning at a certain date that you are going to have a certain coverage up to a certain dollar amount. What percentage you are going to have, what percentage your copay is, all this is defined.

Next, you have to have catastrophic protection. At some point there has to be a guarantee that above a certain dollar amount or a certain level of out-of-pocket expenditures, that there would be some catastrophic protection, and that coverage would be complete, that you would not have to pay out any more money above a certain amount.

Also as a principle, access to medically necessary drugs, it would guarantee access to all medically necessary drugs, and the benefit will be affordable to all beneficiaries, the taxpayers, with extra help for low-income beneficiaries. Obviously, if we are going to provide a Medicare prescription drug benefit, it has to be a premium that you opt into that is affordable. For those who cannot afford to pay that premium, that that premium is provided and paid for by the government, very similar to what we have now with Part B coverage.

Lastly, to address the issue of price discrimination, we have as one of our Democratic principles that the program has to be administered through purchasing mechanisms that maximize Medicare beneficiaries' market power.

Again, I will go back to what my colleague from Michigan said before, and that is that the Medicare beneficiary should be able to access the discounts that are now available for the large purchasers, such as the HMOs, or some other government plans like the veterans' plan.

With that, I now yield to my colleague from Texas (Mr. GREEN), who has again been one of the people who has contributed the most to this debate and to putting together these principles that we as Democrats believe have to be basic to any Medicare prescription drug program.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New Jersey for, one, requesting this special order. It seems like we have been doing this for a good while on the prescription medication problems seniors have, but not only seniors, but everyone in our country, but particularly seniors, because of the limited income.

I know dozens of Democratic Members participated last week on April 26th all around the country, I forget if it was 60 Members talked to seniors, had different events in their district on the problems with prescription drugs, and we did one in Houston that we found, in fact this was our third time to do a study of prescription drugs in Houston, this time compared to what the same prescriptions for their pets would be.

Our three other studies showed that seniors pay almost double, in some cases in fact more than double, than what the most preferred purchasers of medications would be, like VA or the local HMOs or something like that. We found that for seniors walking into their local drugstore, whether it is a chain or an individual.

The next study we did in our district, and I think the numbers around the country may vary, but typically you can say seniors pay double the cost.

We are 6½ hours drive from Mexico, and in Houston people can save almost half their prescription costs by going to Mexico. The same thing on the Canadian border. In fact, I know there is a candidate running for the Senate that has bus loads of seniors he takes to Canada from somewhere up in the northern United States. I had a constituent that suggested I do that. I said it is a much longer bus ride to Mexico than it is to Canada.

But the one we released last week showed that some of the same prescriptions that you and I and seniors may take are also prescribed for pets. Again, oftentimes seniors, humans, pay double what the same prescription is for the pet for the same disease.

We met at the Magnolia Multipurpose Center, we have a great senior citizen community there, actually it is a multipurpose center paid by community block grant money years ago, and we found that seniors might want to start taking out prescriptions in their pet's names instead of their own. It would save them hundreds, maybe even thousands of dollars a year.

I want to thank the Committee on Government Reform Democratic staff who conducted this study, not only in my district, but all over the country, and all three of the studies, and particularly this last one, the price differences between humans and animals. That third study the committee conducted on prescription drugs, it found that pharmaceutical companies were taking advantage of older Americans through price discrimination.

What we found out was that the third study showed if you are furry and have four paws, you get a better deal. If you are a grandpa or grandma, you have to pay top dollar for these same drugs. The committee staff found, and again these were five pharmacies in our district that they checked the costs with, that in some cases the average cost was 106 to 151 percent higher than what humans pay. It shows that our Nation's seniors are paying not only more than the preferred providers, that we do, and I see our colleague here from Maine, we are cosponsors of his bill that would allow for seniors to take advantage of that group purchasing like anyone else, that is free enterprise. We get millions of seniors together and we can get better deals for them on the most commonly used drugs.

We found that not only that, but you can go to Mexico or Canada and get cheaper drugs. In fact, you can almost go anywhere in the world and get cheaper pharmaceuticals than in the United States. Now we found that even in the United States, our pets for the same prescriptions, can get it cheaper.

Let me pick out two particular drugs. If you need Lodine, it is a popular arthritis drug, it will cost you $38 if you are a pet for a month's supply, but if you are a human it costs you $109 in Houston, the average price in our pharmacies.

If you need Vasotec, the 14th most prescribed human drug in 1998, you can get a 1 month's supply for $78, but your pet can receive it for $52.

What we had, and we had really a fine looking animal at our prescription drug event, he was a dog that the owner got out of the pound, but he looked like he was part German shepherd and was very good. Lucky was the dog's name. Lucky had asthma, and, as we stand here on the floor tonight, it is tragic that Lucky, even though Lucky is a fine animal and a great pet and was very docile during our press conference, that Lucky gets asthma medicine cheaper than my seniors who were there watching. It is a tragedy. It should not happen in these United States.

That is what is so frustrating. I know that is what is frustrating about what we have been trying to do. We have been talking about this for 2 years now. What we need is some broad coverage. Whether it is a supplement to Medicare, we need current coverage.

But we have made the case that in 1965 and 1966 and 1967 there are certain illnesses today that you can have prescriptions for that back then required to you go to your doctor, and Medicare would have paid that doctor, and will still pay that doctor. But now you can keep from going to that doctor by taking that pill, whether it is blood pressure pill, whether it is heart medication, whether it is cholesterol control, whether it is depression medication, and we have checked all these prescriptions in our district, whether it be going to Mexico, whether it be going to preferred provider, and our seniors pay so much more than any of those cases.

In Houston, when the Houston Chronicle covered it and talked about it, in fact the gentleman from Texas (Mr. BENTSEN) did an event that afternoon in his district, the response to that by the pharmaceutical companies was, well, those drugs are first developed for humans, and that is why they were developed, and then it is maybe a different company we license to sell to pets.

That does not make sense. You are making humans pay for the research cost, and I understand these drugs are not developed for free, they are developed with NIH funding, and hopefully we will continue the increase as we have done for the last few years, but they are developed with private sector dollars. But why should pets not have to pay the same, if they are being benefited, why should not the rest of the people in the world, if these pharmaceuticals are developed with tax dollars from our country, along with private sector dollars, why should the rest of the world not have to pay some of the costs for the development, particularly our neighbors in Canada and Mexico.

I have to admit, I have bought prescriptions in Latin America. I used this at our press conference, I have allergies. I have had allergies for 25 years, and whether I am in Houston or Austin, Texas, where I served in the legislature, or Washington, I have allergies. I know what will solve my problem. If it is a small infection, I can take amoxicillin. Amoxicillin, by the way, was one of the few drugs we found that the cost for the pet and the human were close. But if I really have a bad allergy infection, I have to take Augmentin, which is a better antibiotic, much more broad coverage, and with Augmentin, the price discrimination was the same.

I have to admit, I have bought Augmentin and amoxicillin in Mexico, Costa Rica and a number of Latin America countries, where you do not have to have a prescription. My daughter, who is in medical school, tells me I should not self-diagnose, but I say no, I have been diagnosed that way for 25 years by doctors, so I know what will cure it. I realize how cheaper the pharmaceuticals are in other countries than in our own country.

Again, that is a tragedy, because as we stand here tonight we know we have seniors who say I cannot take that blood pressure medication as the doctor prescribed because I cannot afford it, so I am only going to take half the prescription now. Or they go in, and I heard it earlier, someone will go in and say, a senior will go in and get the bill for the pharmaceutical and say I cannot afford it, and they will walk out of that drugstore without getting that pharmaceutical filled. That happens to people in our own districts that are not seniors, but it is tragic that it happens to seniors who have paid their dues, who have built this country, who are the greatest generation, as we know, and yet they do not have the access to some of the greatest generation's accomplishments in the last 30 years in pharmaceuticals.

I want to thank the gentleman as the Chair of our Democratic Health Care Task Force and the effort he is doing. I enjoy serving on the task force, but also our Subcommittee on Health and the Committee on Commerce. I would like to have some hearings in our Committee on Commerce on this. That is what we are here for. We can have hearings on prescription drug benefits.

Now I know my Republican colleagues have a plan, and my concern about that plan is that they want us to provide where we could go down and buy health care coverage only for prescriptions. Well, it is kind of like what I heard the example was, it is kind of like health care for seniors, that is why we had to have Medicare. Every senior is going to have to have prescriptions. If you have insurance it works where you spread the risk. But if you do not have people to spread it to with seniors, the pharmaceutical costs, the insurance costs will be so high nobody can afford it.

So that solution is not a solution. It may get them through November, they hope, but it is not a solution. We need to address this issue this year. We need to provide pharmaceuticals at a reasonable cost for seniors. We can use the Tom Allen bill that the gentleman from Maine (Mr. ALLEN) has worked on, and a bill from the gentleman from Texas (Mr. TURNER). I think it was one of the first ones we cosponsored.

We have a plan that the gentleman and I are cosponsoring that is a Medicare addition that would be allowed. I have some questions about how that will be done still, and the broad coverage for it, but we need to address it and we need to address it by having hearings in the Committee on Commerce, having hearings in the Committee on Ways and Means, and saying okay, what can we do to solve this problem, instead of continuing to bury our head in the sand and hopefully the November elections will get here and get past.

I do not think the American people are going to allow that. I hope the seniors will not allow us to do that. We need to address it now and we need to have a bill here on the floor within the next 30 days. We have been signing a discharge petition, and we are still working on getting our magic number of 218. So I do not know how many are on there that are our Republican colleagues, but I can tell you it is probably 10 to 1, maybe 20 to 1, Democratic signatures. We need to have that bill on the floor.

I would like it to go through the process. We have a legislative hearing process. Let us have the hearings and put all the bills there and have testimony on them, and let us have the give and take, so that we have at the end of the day, at the end of this Congressional session, we need to have a prescription drug benefit for senior citizens that is fair, that is cost effective, and it will keep them from having to make those tough decisions on whether they are going to have heating in the winter or air conditioning in the summer in Houston, or whether they are going to take their prescription medication. That is wrong, and we need to address it.

Again, I thank the gentleman for his leadership on this.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I appreciate the fact that the gentleman and, of course, our other colleague, the gentleman from Maine (Mr. ALLEN), who I will yield to next, because you are from States that border in your case on Mexico and his case on Canada, that you have tonight made your constituents and really the Nation aware of this price discrimination that exists, in this case across the border, and, of course, the gentleman from Maine has been talking about it here in terms of most seniors not having access to these discounts that the larger groups provide.

□ 1830

But I think in particular, if I could say to my colleague from Texas, this contrast between price, between animals, dogs and cats versus people, is really dramatic. It really brings home, I think, what this is all about and how we have seniors suffering when, at the same time, we have to try to buy the drug for one's pet, the cost is less. I have a cat and she is older and I have had to go to the drugstore and buy a prescription for her, and I have to say, I have never really looked to see what the differential was for the same kind of drug. I am going to make it my business to check on it the next time. I am sure I am going to find the same thing would be the case.

So I thank the gentleman again.

Let me yield to the gentleman from Maine, but before doing so, I just have to say that he has really brought the whole issue of price discrimination to our attention. One of the things that I said earlier which I think is so crucial is that we do not see any evidence that the Republican leadership bill will address this issue of price discrimination, and it has to be a part of what we do in the House, and obviously it is part of the democratic principles that we put together as a party on the Democratic side. So I yield to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's leadership in pursuing this issue as long and as hard as he has. One of the things I am reflecting on today is I can no longer count the number of times that the gentleman from Texas, the gentlewoman from Michigan, the gentleman from New Jersey and I, and others on the Democratic side, have been down here pounding away on this issue trying to build enough support around the country and in this House to get some action.

I think back to the first study that was done in my district in Maine in July of 1998, which showed that seniors, on average, pay twice as much for their medication as the drug companies' best customers, the big hospitals, the HMOs and the Federal Government itself, through Medicaid or through the VA. We have been back over and over again. Most recently, on April 26, a number of us did another study, held events around the country, because we know that the only way we can break through the clutter of all the other news and all of the things that Americans have going on in their lives to get this message home is to do coordinated events and try to get the message home.

What I did in Maine was take another look at this problem of price discrimination. What I did was to do a breast cancer study, to look at the 5 drugs that are most commonly prescribed in Maine to deal with women, to help women who have breast cancer. We have done the study that shows seniors pay twice as much as the drug companies' best customers; we have done the study that shows that Mainers pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drug in the same quantity from the same manufacturer, and we did the animal study that the gentleman from Texas (Mr. GREEN) was referring to which shows that when drugs are sold to pharmacies for human use, the charge is 151 percent more than when the same drug is sold to veterinarians for animal use.

Why is this? Well, basically, it is simple. The pharmaceutical industry charges what the market will bear. They squeeze as much as they can out of the people that they are selling prescription drugs to, and the people in the largest health care plan in the country, which is called Medicare, those people, 37 percent of whom have no coverage for their prescription drugs, they pay the highest prices in the world.

So in short, basically, it is very simple: the most profitable industry in the country charges the highest prices in the world to Americans who can least afford to pay those prices, including many of our seniors; also, as the breast cancer study showed, including women who have breast cancer. What we found is that those women who do not have health insurance for their medication pay 102 percent to 106 percent more than the drug companies' best customers for those breast cancer medications.

For example, Tamoxifen, the most frequently prescribed breast cancer medication, costs uninsured Maine women 53 to 72 percent more than the drug companies' best customers. That comes to between $1,800 and $2,500 more each year. Bristol-Myers Squibb charges its favored customers $39.60 for a 1-month supply of its hormone therapy medication, Megase. The same 1-month supply costs an uninsured Maine woman $174.28. That is a 340 percent markup. It is also an additional $1,600 each year that she will have to pay out of her own pocket.

In 1960, 1 in 14 American women were at risk of developing breast cancer. Today, that same number is 1 in 8 American women. Breast cancer is the most common form of cancer for American women. In 1997, the National Breast Cancer Coalition estimated that 2.6 million American women were living with breast cancer: 1.6 million who had been diagnosed and 1 million who did not know they have the disease.

Now, what we found is that uninsured Maine women who do not have coverage for their breast cancer medication are basically facing a pharmaceutical industry which has enormous, enormous power. Our friend and colleague, the gentleman from Vermont (Mr. SANDERS) has found that a month's supply of Tamoxifen that costs an uninsured Maine woman between $88.50 a month and $99.50 a month can be purchased in Canada for $12.80. This is a national scandal, and it needs to end.

Now, we are going to enter into a period here where we have a debate over competing health care plans. But basically, there is a fundamental difference between what we Democrats are proposing and what the Republicans are proposing.

What we are saying is simple. We have to drive down the cost of prescription drugs for seniors who simply cannot afford to pay for their medication. There is no reason why Medicare should not do what United and Aetna and Cigna and the Blue Cross plans do. They negotiate, they negotiate lower prescription drug prices for their beneficiaries. Why should Medicare not do the same? That is basically what my legislation does, the Prescription Drug Fairness for Seniors Act. But a discount is not enough. We also need a benefit. A benefit under Medicare that will help people pay for their prescription drugs, because this will not help people who still cannot afford the high cost of their medication. So we need both approaches.

What we have seen from the Republican side is basically this: proposals that first protect the profits of the industry, and only second, try to help America's seniors. Why do I say that? The Republican plans emerging from the other body and, also here, basically involve a subsidy to seniors to buy private health insurance for prescription drugs.

Well, there are two problems with that. There is no way to hold down costs if we are going to rely on private prescription drug insurance. They are not able to do it internationally, and they are not going to be able to do it here.

But there is a second more fundamental problem. The Health Insurance Association of America has made it very clear that the industry will not provide stand-alone prescription drug insurance for seniors. Why? Because in the words of the executive director, it is like providing insurance for haircuts. Everybody is a claimant.

We have to have some pressure on price. Someone has to sit across the table from the pharmaceutical industry and negotiate lower prices. A plan that does not do that is a plan that is not going to make drugs affordable both for seniors and for the taxpayer. I mean, let us face it. If we are going to spend money, Federal money for a benefit, we want to make sure we are getting a good deal for the taxpayer. That is what Democrats are standing for, and that is not what would happen under the Republican proposals.

Let us step back and look at this other problem. If the private health insurance industry is not going to provide stand-alone prescription drug coverage, what are we talking about? What we are talking about is an illusion, cover, a program that is never going to take effect in the real world. That is not what seniors need. Seniors need help; they need it now.

Mr. Speaker, spending on prescription drugs goes up 15 to 18 percent every year. If you think this problem is bad today, it is going to be much worse in just one year. And so we need to enact legislation this year that provides a discount, that provides a benefit, that allows the Federal Government to negotiate lower prices, to make sure we have some control over some pressure on price of the pharmaceutical industry.

If we do not do that, basically we will have one of those proposals that in the real world will not work, that is designed to help the pharmaceutical industry before it really helps seniors. And I think it is the wrong way to go.

Clearly, the Democrats, the folks on this side of the aisle, believe that as well.

Mr. Speaker, I notice our friend and colleague, the gentleman from Arkansas (Mr. BERRY), has come here; and I can say no one in this caucus has done more for the cause of reducing prescription drug prices for seniors than the gentleman from Arkansas, and I just want this chance to thank him for that.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague, the gentleman from Maine (Mr. ALLEN). And one of the things that you stress, and I think it is so important, because we did have our Republican colleagues on the other side precede us this evening, and what they said sounded wonderful, and I am convinced, of course, that they are well-intentioned, but the bottom line is that the Republican leadership proposal is illusionary. It is not going to really help the average senior citizen. That kind of hoax, if you will, even if it is not intentional, I do not believe that it is, is not fair.

They are crying out for relief. They need attention. They are having problems buying prescription drugs, and they tell us about it every day. This is real. We just cannot stay here in the Congress, in the well here and say that we are going to do something when we are not, or certainly something that is not going to be meaningful for them, because this is such an important issue.

I did want to yield to my colleague, the gentleman from Arkansas (Mr. BERRY). He also is one of the cochairs of our Health Care Task Force; and we, of course, have put forth this statement of Democratic principles about what we think a prescription drug plan should consist of, and he has been tremendously helpful in putting that together as we proceed to try to get legislation passed in this Congress over the next few months while we are still here. I yield to gentleman.

Mr. BERRY. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from New Jersey, (Mr. PALLONE) for his leadership in all health care matters, Patients' Bill of Rights, prescription drugs, all other health care issues that we have dealt with since I have been in the United States Congress. He has done a great job and I appreciate him; and I also say that to my colleagues, the gentleman from Maine (Mr. ALLEN), who has also provided great leadership on this prescription drug issue, along with the gentleman from Texas (Mr. TURNER).

Mr. Speaker, I am on the floor this evening, because, quite simply, the prescription drug manufacturers in this country are ripping off the American people, and even worse, they are ripping off the senior citizens of this country. It is absolutely unbelievable that, as a Congress, we allow this to go on day after day after day.

In the district that I am fortunate enough to represent, I never stop and visit anyone that this issue does not come up, that we do not have to talk about the fact that we have senior citizens that have to make a decision on a daily basis whether or not to buy something to eat or to buy their medicine. This is a situation that we cannot allow to go on.

Mr. Speaker, I come from a small town. If we had someone in that small town going door to door, stealing from senior citizens, taking the money out of their pocket, throwing them into such economic circumstances that they were not able to buy food or stay alive because they did not have the money to buy their medicine, we would go find that person, and we would lock them up, I hope; but at the very least we would stop it from happening.

Yet we are allowing the prescription drug manufacturers in this country to continue to go into our citizens' homes on a daily basis and create this situation, and they are doing it legally.

Americans are just simply overcharged for these products, and it is not right. The taxpayers of this country pay for the research and development, most of it that takes place through grants, through tax credits, through various other mechanisms that we make possible. These same companies have the lowest taxes on their profits of any companies in the country.

Americans pay for this research that the whole world benefits from; and yet we are charged two to three times as much for these products as any other nation in the world. It is just simply not fair, and it is time the Congress does something about it.

When you have something that is this unfair, it is the job of the United States Congress to step in and do something about it.

Mr. Speaker, I beg my colleagues this evening to recognize this problem and do the right thing. We have just seen in the last few months a great uproar in this country over whether or not a young man from Cuba would be sent back to be with his father, or whether he would stay here.

□ 1845

We are all concerned about that situation. That situation pales in comparison to the hardship that our senior citizens are put in every day because of prescription drug companies in this country are charging them far more than they charge anyone else in the world, and they just simply cannot afford it. And we, as a Nation, cannot afford it anymore. Mr. Speaker, I beg my colleagues to take this opportunity to do something about it.

Mr. PALLONE. Mr. Speaker, I thank the gentleman, and I think that he really brings home this whole issue of price discrimination and that is really what goes on and the heart of what our constituents' concerns are. They say it to us every day.

We had 2 weeks back in the district the last 2 weeks, and I just heard it so many times over and over again. And I do not think it matters where we are, Arkansas, New Jersey. Wherever we are, we just hear so many seniors that tell us that the costs are just too exorbitant, that they cannot pay them.

Mr. Speaker, I thank the gentleman for all his help in helping us put together the Democratic principles in the plan that we have been developing.

Mr. Speaker, I know that I do not have a lot of time left; but I wanted to, if I could in the time that I do have, to basically outline what the Democratic position is.

Democrats believe that in order to develop a meaningful Medicare prescription drug benefit, two crucial characteristics of the prescription drug marketplace for seniors have to be recognized.

The first is that the high cost of prescription drugs is not a problem exclusive to low-income seniors. Millions of middle-class seniors are feeling the effects of excessive prescription drug costs as well.

And the second is the price discrimination that seniors without health insurance are subject to when purchasing pharmaceuticals. I think tonight my colleagues outlined the problems with the costs and the problems that so many seniors are having now in terms of their ability, or their inability, to purchase medicine or prescription drugs.

But the bottom line is that a Medicare drug benefit should be offered to every Medicare beneficiary, and it should be voluntary and affordable. Seniors who have coverage they like should be able to keep that coverage; Seniors who have no coverage at all, or inadequate coverage, should be able to get the coverage they need. Low-income seniors should receive subsidies for the cost of benefits, including complete subsidies for those with the least ability to pay.

In addition, Democrats say that the coverage should consist of a meaningful, defined benefits package, including guaranteed access to medically necessary drugs. It must provide so-called catastrophic coverage for seniors with excessive drug costs, and it must be administered through a purchasing mechanism that maximizes the purchasing power of Medicare beneficiaries. By doing so, the program can reduce the costs of drugs to seniors and make the benefit affordable to the taxpayers.

Finally, Mr. Speaker, I will say there is broad support for what I have outlined and what my colleagues have outlined tonight amongst Democrats in the House of Representatives and in the Senate. All of these criteria about what this prescription drug benefit should include have been incorporated into the Medicare drug benefit plan that President Clinton has proposed.

But Democrats are not in the majority in either House of the Congress. We need the support of Republicans on a bipartisan basis if we are to succeed. I heard my colleagues on the other side of the aisle say that they want to provide a meaningful benefit. And my goal really, and the goal of us collectively, is to convince the Republican leadership to buy into these same principles that the Democrats have put forward so that we can provide seniors with the care they need to live out their golden years with the dignity that they deserve. I do not want any more of my constituents coming up to me at any point and saying that they have to make a choice between drugs and food or drugs and other necessary services.

CONGRESS MUST CAREFULLY WEIGH TAX CUT PROPOSALS

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, times could hardly be better. We are in the longest business expansion in our Nation's history. The economy is booming. Companies are reporting solid profits. Orders for durable goods were up 2.6 percent in March, and the Commerce Department has reported first quarter GDP grew by 5.9 percent. Mr. Speaker, that is after growth in GDP at 7 percent the previous quarter.

Unemployment is at record lows. Welfare rolls are down 50 percent or more around the country, thanks to work requirements and job training and the welfare reform bill that Congress passed a few years ago, and, yes, also thanks to a very strong economy.

Last year, Congress paid down more than $130 billion in national privately held debt. And we did not use the Social Security Trust Fund to fund our appropriations.

Part of the economic boom is due to the consumer perception that Congress, despite all our battles with the President, has kept spending down. At the same time, the increased government revenues have allowed for significant increases in funding for education, health care research, and law enforcement. And despite a rash of rampage shootings at workplaces and schools, about which I will talk more in a little bit, better law enforcement has led to lower crime, including violent crimes like armed burglary.

But the good economy helps keep crime down too, if only because having a job helps reduce domestic tension. Indeed, we have almost an economic miracle going on. The wealth of the 50 percent or more of Americans who invest in the market has grown considerably. In testimony before my committee, Alan Greenspan, Chairman of the Fed, attributes this remarkable economic story to the fruits of increased efficiencies due to computer technology investment and also to Federal budgetary restraint.

It is true that the gap between the average wage earner and his boss has increased dramatically, primarily because of new wealth creation at the top. Bill Gates is just the prime example.

But new data also shows increases in average wages starting to rise. However, the average level of savings for wage earners in this country is very low. We need to do more to help all Americans become wealthier. It would be enlightened public policy, especially with baby boomer retirement starting in 2011, at which time a baby boomer will retire every 8 seconds, if the Government would facilitate personal investment accounts. But I digress.

The economy is great, and we can all be very thankful. The strength of the economy is going to determine how much Congress will be able to do in many areas, including a potential prescription drug benefit. I would argue not just for senior citizens, but something we ought to consider for all Americans.

However, Mr. Speaker, it is imperative that Congress not muck up this great economy. The Dow was down 250 points today. The Dow is off 1,500 points from its high this year. That is almost 13 percent, amid rumors that Mr. Greenspan is going to larger interest rate increases.

Mr. Speaker, since we just paid our income taxes, I want to talk for a minute about tax cuts. Last year, I was one of only four Republicans who voted against the congressional leadership's $785 billion tax cut. That was a very tough vote for me, because I fundamentally consider taxes to be my constituents' money and not Washington's money.

It was no secret the Chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), who I respect very much, originally wanted to introduce a much smaller and more focused tax cut. But, Mr. Speaker, the Senate got involved. Well, I will have more to say about that body a little later in this speech.

Now, on that vote I could have taken the easy way out, and I could have voted for a tax cut, knowing that President Clinton would veto it. But I will tell my colleagues something, the day I start voting on this floor politically rather than on the merits is the day I had better stay home.

I did not vote on President Clinton's impeachment because of partisan politics, and I will not vote on important economic matters that make a lot of difference to my constituents because of party positioning either.

So why did I vote for the $250 billion tax cut instead of the larger tax cut? By the way, Mr. Speaker, the tax cut I voted for made permanent the Research and Development Tax Credit which the larger tax cut neglected. So why did I make that vote?

Exactly, Mr. Speaker, because the economy is so superheated right now. Throwing a $785 billion tax cut, a tax cut of that size, on this economy would be like tossing gasoline on a bonfire. Chairman of the Fed, Alan Greenspan, in testimony before my committee made it clear that in the interest of sustained economic growth, he is going to raise interest rates. Can my colleagues imagine what the interest rates would be today had that larger tax cut become law last year? I think we would have seen interest rate increases twice as large.

Mr. Speaker, I do not need to tell my colleagues, I do not need to tell the people back in Iowa what a prime rate 1½ points or 2 points higher than it already is after Mr. Greenspan's quarter point increases, what that would be doing to the economy.

We are already starting to see the effect of those smaller interest rate hikes. Look at the volatility of the markets. Just the other day I asked a businessman in Des Moines, How are things going, Jim? Great, he replied, but the increased interest rates and reduced consumer confidence in the market are really starting to affect our home sales.

Mr. Speaker, I think we need to be very careful with congressional action that can affect the economy. We should be very careful not to rock this boat too much.

Yes, we can safely do a modest tax cut, as long as we keep some control of spending. And when we factor in cost of living increases and average emergency funding for things like droughts and hurricanes, that $2 trillion surplus that everyone talks about shrinks to about $600 billion over 10 years, and that is over if the economy continues to do well.

I believe the time for a really big tax cut is when the economy needs a stimulus, not when it may actually need a little Ritalin.

What should we do yet this year? Well, Congress passed and the President signed a $250 billion tax cut in 1997. I hope that by the end of this year, we could actually get signed into law about $250 billion in tax cuts that would increase health insurance deductibility and address the marriage tax penalty. Beyond that, Mr. Speaker, I think we should wait and see how the economy does in 2001.

There is nothing wrong with doing a responsible tax cut every few years. But we must be prudent and careful, and we should keep our fingers crossed that Congress and other fiscal policymakers can bring this big roaring jumbo jet of an economy to a safe and sustained landing.

Mr. Speaker, I also want to talk briefly about three health matters: violence in schools, children smoking tobacco, and HMO reform. Let us talk first about school violence.

SCHOOL VIOLENCE

Mr. Speaker, we are just past the 1-year anniversary of the Columbine High School shooting in which two high school students killed 12 fellow students, a teacher and themselves. Columbine, unfortunately, is not an anomaly. There have been school shootings in Moses Lake, Washington; Springfield, Oregon; Olivehurst, California; Bethel and Jonesboro, Arkansas; Edinboro, Pennsylvania; Grayson and West Paducah, Kentucky; Fayetteville, Tennessee; Conyers, Georgia; Pearl, Mississippi.

□ 1900

Well, Mr. Speaker, public action can make a difference. Increased cops on the beat, keeping guns out of the hands of felons, and longer jail terms for violent criminals have helped lower crime. Yet even though some types of criminal behavior such as burglary have decreased, the Littleton massacre was one of only 13 rampage attacks last year; and we have already seen several this year.

It is a sad fact that multiple murders at work and at school are becoming commonplace news stories that barely shock us. What can we do to prevent these rampage killings? Well, there is a tangle of cultural, psychological, and medical factors that I think leads to these events: higher divorce rates, parental abuse in some cases, poor impulse control stemming from violence on TV and the movies, lack of access to mental health services, and a general sense of isolation and alienation from other people.

The decline of the traditional family may be the most important factor. However, there is a common thread to the children and adults who commit multiple murders. They are almost invariably mentally ill. They may be schizophrenic, maybe they are just sociopathic; but they almost always are depressed and suicidal.

The two Columbine students carefully planned their own deaths for nearly a year. John Stone, the Jefferson County Colorado sheriff had it right. He said, "They wanted to do as much damage as they possibly could and then go out in flames."

Case studies of rampage killers have shown that they typically leave warnings of suicide and violence long before they shoot to kill. But they do not get the help they need. If we are going to address the growing incidents of rampage shootings, we must devote time and resources, both public and private, including personnel, including taking some responsibility ourselves back in our communities with individuals to identify and treat the mental health conditions that lead to that destructive murderous behavior.

It is also true that these isolated despondent people have more lethal means at their finger tips than ever before. In the largest survey on gun storage ever taken, the American Journal of Public Health recently reported that more than 22 million children in the United States live in homes with firearms. In 43 percent of those homes, the guns are not locked up with trigger locks. And this statistic is mind boggling because some 1.7 million children live in homes today where guns are kept unlocked and loaded.

In 1997, 4,207 children and teenagers were killed by guns. Guns are the medicine of choice for suicidal use. More than two-thirds of boys and more than one-half, more than 50 percent of girls who kill themselves use a gun. The rate of suicide deaths from guns for those 14 and under in the United States is nearly 11 times that of the next largest 25 industrialized countries combined.

Many, including Members of Congress, are trying to find solutions to this problem. Just this past month, I and 357 other Members of this House voted to spend $100 million in block grants to States that choose mandatory jail sentences for gun crimes.

Mr. Speaker, I expect Congress to increase appropriations to the Federal agencies that prosecute felons who buy guns. But this is what I really hope for: I hope that we increase funding to treat the mentally ill.

Mr. Speaker, it is noteworthy that the woman who helped the Columbine high school shooters obtain some of their guns had said it was too easy. She has urged closure of the loophole that allowed her to buy the guns at a gun show without a background check.

Congress should listen to the public this year. A recent poll shows that 88 percent of the public supports a change in the law to require a person attempting to purchase a handgun at a gun show to wait 3 business days. And this is the important proviso: if the instant background check on that person shows an arrest record. Let me repeat that. If an instant background check on a person who wants to buy a handgun shows an arrest record, 88 percent of the public supports a change in the law to require that person to wait 3 business days until they are fully checked out, to make sure that one is not selling a gun to a criminal who should not get it.

Mr. Speaker, more than two-thirds of the public think that a trigger lock should be attached to all stored guns.

Tragically, we are going to see more rampage shootings unless we reach out and help those mentally disturbed youths and adults, and unless we also address the easy availability of the guns they use to kill themselves and kill others.

Mr. Speaker, let us talk for a minute about the number one public health issue facing Americans today, the use of tobacco.

Mr. Speaker, each day 3,000 kids start smoking in this country. One thousand of those kids, those under the age of 18, 1,000 of that 3,000 that started smoking today will die of a disease related to smoking tobacco. Each year in this country, over 400,000 people die of smoking-related disease.

Prior to coming to Congress as a surgeon, I took care of many of these people. I have held in my hands lungs filled with lung cancer from somebody who smoked. As a reconstructive surgeon, I have had to remove portions of people's tongue and lips and jaws and neck because they either smoked or chewed tobacco. Then I have had to try to put them back together.

Heart attacks. Smoking is the leading preventable cause of heart attacks or strokes in this country. The list goes on and on. There are like 20 different types of cancers that are caused by smoking.

Peripheral vascular disease. I am also board certified in general surgery. In my training I have taken care of many people who no longer have any circulation left in their legs because of atherosclerosis caused by smoking.

In Des Moines, we are starting to see now billboards that are like these. Here is one, the Marlboro Man. At the top, this one is on Fleur Drive on the way in from the Des Moines Airport. It says, "Bob, I have got emphysema."

This billboard is on I–235 coming into Des Moines from the east side. Two cowboys riding along there, and one says, "I miss my lung, Bob."

Here we have got the Marlboro Man, who by the way, did my colleagues know that the Marlboro Man died of lung cancer. Before he died of lung cancer, he came out and made commercials against smoking tobacco. This one says, the cowboy is talking to his horse, "Chemotherapy scares me, Scout."

Well, I introduced a bill about 2 weeks ago that would give the FDA authority to regulate tobacco and nicotine. The gentleman from Michigan (Mr. DINGELL) is my Democratic cosponsor on that bill. It is not a tax bill. It would not increase the price of a pack of cigarettes. It is not a liability bill. It does not deal with the right to sue. It does not have anything to do with the State settlements. It is a real simple bill.

It would give the FDA the authority to regulate nicotine, which, according to the tobacco companies' own documents, show that it is an addicting substance with nicotine being as addictive, if not more addictive, than morphine and cocaine.

I mean, why is it so hard for people, especially when they start smoking young, to quit smoking? It is because nicotine is really addicting. Just this week, I rented a movie. It is a movie with Al Pacino in it; it is called The Insider. I would highly recommend that everyone watch this movie. It is about how Jeffrey Wigand, who was the chief tobacco scientific investigator for Brown & Williamson, decided to give his story to 60 Minutes. It is a riveting story. It will tell my colleagues just how the tobacco companies play to keep. I would highly recommend it to all my colleagues.

Well, what did those internal tobacco documents show? It showed that they knew that the earlier one can get somebody hooked on tobacco, the harder it is for them to quit. That is why they targeted kids. They wanted to get those 11-, 12-, 13-, 14-years-olds hooked on tobacco, so they came up with Joe Camel. They came up with things like, remember all those inducements to products that one could get with Marlboro on it, or Joe Camel on it.

Well, here is a chart that maybe has a little different spin on the type of product that maybe a tobacco company should really be offering. It says the more one smokes, the more cool gear one will earn. Then it has an all-expense paid trip to the cancer clinic of one's choice. It has got here a deluxe carrying case, which is a coffin. I really like this one. A sport defibrillator for one's smoking. Or how about when one goes on one's hikes, with all those points from purchasing those cigarettes, one can get a portable respirator.

We need to talk about the truth. There are over 1 million high school boys who are chewing tobacco today. What did those tobacco companies do? Well, first of all, they reduce the nicotine because they do not want to make those boys sick and green from too much nicotine. So they reduce it. They flavor it in just the flavors the research that they do that makes it taste great to get those kids hooked. Once they get them hooked, they increase the nicotine to really get them hooked.

Well, here is a chart. As I said, what happens when one chews tobacco? We have not had spittoons around here for a long time. Well, one keeps that wad right there next to one's gum, and pretty soon one is going to have mucosal lesions, and those mucosal ulcers and sores turn into cancer, and then one loses one's lip and one loses one's jaw.

So this is how to ask for some chew after the doctors remove one's tongue. If one chews tobacco, one can get oral cancer, one can lose one's lip, one's tongue, one's cheek, one's throat. So for somebody who wants to keep smoking and chewing, they better learn sign language. This shows us how to ask for chewing tobacco. It says, "chewing tobacco, please."

□ 1915

And if that is not enough to bother my colleagues on both sides of the aisle, remember I mentioned how tobacco causes atherosclerosis? This is a photo of a billboard that is in California. Why am I not surprised it is California? It probably is especially effective in California because what it says is, and here we have a gentleman with a droopy cigarette, it says "recent medical studies indicate cigarettes are one of the leading causes of impotence." I can hardly wait. Maybe the tobacco companies are going to combine Viagra now with nicotine.

Mr. Speaker, I now have about 65 bipartisan cosponsors to the FDA Tobacco Authorities Act. I encourage all my colleagues to join on to that. This is a bill that, as I said before, is not a tax increase, it is not a litigation bill, it is a real simple bill. It would allow the Food and Drug Administration to implement those 1996 regulations which were directed specifically to preventing tobacco companies from marketing and targeting children to get them smoking. That is what it is about. Let us pass this. Let us do not get bogged down like they did a couple of years ago.

The Supreme Court just ruled 5 to 4 that Congress needs to give the FDA explicitly that authority. But if we read Sandra Day O'Connor's final paragraphs in her opinion, she practically begs Congress to give the FDA that authority. We should do that.

Mr. Speaker, I want to finally speak for just a few minutes about HMO reform. Mr. Speaker, it has been 6 months since this House passed, 275 to 151, in a bipartisan vote, a bipartisan managed care consensus, the Managed Care Reform Act, the Norwood-Dingell-Ganske bill. Six months. The Senate had already passed their bill and they have been in conference. And where are they going? Nowhere. That is why today President Clinton invited the conferees down to the White House to see if they could get something moving on this very important issue.

Why is this issue important? This issue is important because, for instance, the HMOs are able to, under Federal law, deny repair of this baby with a cleft lip and palate as medically unnecessary. More than 50 percent of the reconstructive surgeons in this country within the last 2 years have had cases like this or related to this birth defect denied by HMOs. These are real people that are affected.

We are all familiar with the young lady who about 70 miles west of here fell off a 40-foot cliff, broke her skull, broke her arm, fractured her pelvis, had to be air flighted in to the emergency room and then her company refused to pay because she had not phoned ahead for prior authorization. I mean, like she was supposed to know ahead of time she was going to fall? Or maybe when she was on a morphine drip in the ICU she was supposed to make the phone call? Come on.

At least that young lady got better. This woman did not. This woman had care inappropriately denied by her HMO and she died. Her children and her husband are now without their mother and wife. This story was profiled on the front page of Time magazine, if my colleagues want details. Talk about HMO abuse.

Now let us talk about this little boy. This little boy, 6 months old, tugging at his sister's arm, was sick one night, a temperature of about 104, 105 at about three in the morning. His mother phoned the HMO's 1-800 number saying I have to take Jimmy to the emergency room. Fine, they said, but we will only authorize one hospital, and that was 70 miles away. And little Jimmy had an arrest in the car before he got there. Somehow they managed to save his life, but they did not save all of him. And because that HMO made a medical decision, because they did not say just take him to the nearest emergency room but said they would only authorize her to go to their emergency room, which was a long, long ways away, they contributed to his cardiac arrest by that decision. That was a medical decision. And it resulted in this little boy losing both hands and both feet.

We have been working on patient protection legislation now, my colleagues, for 5 years. It is time that we come together and get something to the President's desk that he will sign. Now, in light of the fact that very little progress is being made in the conference, and I should point out that of the Republican conferees that were appointed to this conference from the House, 13 or 14, only 1 actually voted for the bill that passed the House. And the two Republican authors, the gentleman from Georgia (Mr. NORWOOD) and myself, the authors of the bill, were not even named as conferees. We are not on the conference. We wrote the bill which passed the House 275 to 151, but we were not named to the conference.

Well, I would refer my colleagues to a timely new investigative report that documents how campaign cash, particularly unlimited soft money contributions, has cemented an alliance between pro managed care interests and Senate leaders that has thwarted strong new patient rights protection that is supported by the majority of Americans. This is in a report on the Internet, so I will give the address: http://www.citizen.org/congress/reform/hmo-senate.htm.

My colleagues need to read this report. Drawing on interviews, according to this report, with key lobbyists, Capitol Hill staff and written sources, the report details the intimate working relationships between two top managed care trade associations that are major contributors to the majority party in the Senate.

We are talking about the Blue Cross/Blue Shield association and the National Federation of Independent Businesses. Now, I want to hasten to say that my voting record with the NFIB has always been good and we share many goals. But on this issue the NFIB lobbyists here in Washington are wrong and, in my opinion, are not representing the desires of their own NFIB members back home.

I have met with NFIB members back in my State, and overwhelmingly they tell me they support our patient protection legislation. And that is borne out by this: According to a Kaiser Family Foundation and Health Research and Educational Trust study done last year, there is overwhelming employer support for patient protections. We are talking about payment for emergency department visits. Eighty-five percent of small firms think that Congress ought to pass a law that does that. Large firms, 69 percent; the general public, 76 percent. So employers support that even higher than the general public.

How about on the issue of a denial of care, where an individual goes to an independent appeals process? Small firms, according to this Kaiser Family Foundation study, supported that provision for Federal law to the tune of 94 percent; large firms, 79 percent; the general public, 83 percent.

Now, on the issue of enforcement, on the right to sue, small firms, the employers who own these small firms, 61 percent support that provision. Why? Because they have got the same policy as their employees and they have seen their employees abused by HMOs and then have no recourse. They do not think that is right. That is almost two-thirds. That is almost two out of three employers of small businesses. And the general public feels even stronger about that; 70 percent on that.

That is why I think that some of the Washington lobbyists are not even representing the wishes of their own constituents back home.

This report reveals the extraordinary range of pressures that Senate leadership has deployed to keep reluctant Republican Senators in line. And based on this new analysis of political contributions that is in this report, the report lays bare the financial ties that bind the iron triangle of pro managed care contributors, their lobbyists, and Senate leadership that has worked in concert against strong patient rights legislation. Senate leadership represents the last bastion of HMO resistance to public regulation of HMOs, which most Americans blame for decreasing the quality of health care.

In 1998, Senate leadership prevented the Senate from even considering the Patient's Bill of Rights. In 1999, they steered a weak patient rights bill through the Senate by a narrow margin. Only 2 months later, the House of

Representatives, as I have said, passed a strong bill. But, today, one of those Senate leaders chairs the House-Senate conference, and he often makes pessimistic statements on the outlook. He recently told Congressional Quarterly magazine, "It's not a high probability to even have a successful conference." While his pro managed care allies fight to kill any legislation.

Here are some of the report's highlights. Let me repeat this again. This report is in http://www.citizen.org/congress/reform/hmo-senate.htm. Here are some of the highlights of this report:

Members of the pro managed care, this is the HMO organization, the health benefits coalition, have given more than $14 million in campaign contributions to the majority party and its candidates since 1995. That is about 80 percent of their total, according to new data analyzed by this report. Nearly 40 percent consisted of soft money donations to the majority party. Senate leaders have established an intimate iron triangle working relationship with two leading health benefits coalition donor lobbyists, Blue Cross/Blue Shield and, as I said, NFIB.

The Blues, which comprise the Nation's largest provider of managed care services have dispatched lobbyist Brenda Becker, their national PAC coordinator and key lobbyist, to serve as one of a small number of cochairs for the majority party fund-raising. She has responsibility for soliciting millions of dollars from the health care industry and other businesses. She has cochaired the annual GOP House-Senate fund-raising dinner for the last several years. She cochaired the majority fund in 1997 and again this year. She has personally orchestrated leadership PAC fund-raisers for Senate leaders, as well as golf tourney fund-raisers, including the upcoming Senate leader sponsored event in July.

There is an appendix to this report that my colleagues can look up on the Internet that details this. NFIB, sadly, chairs the health benefits coalition. As I said, I think they have worked on a daily basis with the Senate leadership and the Senate leadership staff to develop legislative strategy to kill strong patient protections.

According to interviews with congressional staff and lobbyists, Senate leaders have employed a variety of strong pressures, including social ostracism on majority Senators to create near unanimous Republican support on the Senate for a weak patient rights bill. Those Senate leaders pressured four independent-minded Senators.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The Chair must remind all Members that under the rules and precedents of the House it is not in order to cast reflections on the Senate or its members individually or collectively.

□ 1930

Mr. GANSKE. Mr. Speaker, I appreciate the advice.

Let me talk about a parable. There is a book down in the lobby. It is called House Mouse, Senate Mouse. It is a little book that I take to grade schools, usually about third-graders, and I read this story about the House mouse and the Senate mouse in the Congress. They have, for instance, the oldest mouse in the Senate is Senator Thurmouse.

Well, let us just talk about this mouse Senate. It seems to me that this report is very similar to what may be going on in the mouse Senate, where senior mouse senators from Rhode Island who tried to work in an independent manner, bipartisan fashion, were ostracized by those other mouse majority senators.

Or how about the senior mouse senator from Arizona who tried to work with the junior mouse senator from Illinois.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman will suspend. The Chair kindly reminds the gentleman from Iowa (Mr. GANSKE) that, under the rules and the precedents of the House, it is not in order to cast reflections on the Senate or its members, even by innuendo.

Mr. GANSKE. Mr. Speaker, I would ask a question.

Do you think that when I am referring to a mouse Senate that I am actually referring to the actual Senate?

The SPEAKER pro tempore. Would the gentleman just kindly refrain from casting reflections upon the Senate or Members of the Senate individually or collectively. The gentleman may proceed in order.

Mr. GANSKE. Well, I appreciate the discretion of the Speaker.

Mr. Speaker, and even though we are talking about some diminutive legislative activities, just what I think I will do is I will simply recommend again to my colleagues that they look up this report. It details connections between lobbyists and legislation related to patient protection legislation that is going on here in Washington, and I think it does establish an unsavory connection between campaign contributions and public policy. I highly recommend it.

Let me once again point out that on the Internet this is under http://www.citizen.org/Congress/reform/HMO-Senate.htm.

That report concludes that there is a strong body of evidence linking promanaged care industry campaign contributions with, in my opinion, what is going on in the conference.

We need to break that iron triangle. That is one of the reasons why the House passed the Shays-Meehan campaign finance bill. It needs to be dealt with, both campaign finance reform, and also getting real pro-consumer Patients' Bill of Rights in order to address the tragedies that occur due to HMOs making medical decisions that harm patients and a Federal law that prevents those HMOs from being responsible for those decisions and a lack of a Federal law that would set up a mechanism to prevent those tragedies from happening before they occur.

That is what we passed on the floor of the House, a strong bipartisan patient protection bill, the bipartisan consensus Managed Care Reform Act, the Norwood-Dingell-Ganske bill.

I would beg the conferees not to give up, to bring forward from the conference committee a real patients' protection bill so that we do not have to continue to deal with these tragedies.

Mr. Speaker, I appreciate your indulgence.

FEDERAL RAILROAD ADMINISTRATION PROPOSED RULE ON USE OF LOCOMOTIVE HORNS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, first of all, I want to congratulate the previous speaker in his special order. I thought he did a magnificent job in numerous areas. I am proud to have had the opportunity of sitting here and listening to him, and I certainly plan on supporting many of the pieces of legislation that he spoke about.

Now, Mr. Speaker, I rise tonight to highlight a serious problem that all of America will soon experience. As early as next January, thousands of cities, towns, villages and hamlets will be deafened by the wail of a train whistle.

That is right. If the Federal Railroad Administration's proposed rule on the sounding of locomotive horns at every highway rail crossing goes into effect, the ear-splitting sounds of train whistles will wake people at night and generally disrupt people's lives.

Unfortunately, few Members of Congress know about the problem that confronts us. As mandated by the Swift Rail Act of 1994, the FRA came up with rules on train horns; and in January, the FRA came out with their proposed rule.

While I understand that the rule is intended to save people's lives, the way in which the rule was written will severely impact millions of people in a very negative way.

At this point, I would like to suspend my remarks and yield to one of my colleagues, the gentlewoman from Illinois (Ms. SCHAKOWSKY), and then I will resume my comments in regards to this matter.

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. LIPINSKI) for the opportunity today to speak on this very important subject and raise my concerns about the Federal Railroad Administration's proposed rule on the use of locomotive horns.

All of us, the Federal Railroad Administration and the gentleman from Illinois (Mr. LIPINSKI) and I, are very concerned about safety at railroad crossings. No one wants to see any more accidents involving trains and school buses full of children. However, the rule as written will cause undue harm in Northeastern Illinois and may even undermine safety.

I had the opportunity to raise these concerns when the Federal Railroad Administration came to the Chicago land area to conduct four hearings, and I would like to reiterate some of the concerns that I raised and to point out that I think that there are other far less disruptive means to improve safety here.

We have a long history of dealing with rail crossing safety issues. Over the past 12 years, injuries and fatalities in Northeast Illinois have declined by over 60 percent. At the same time, the train traffic has increased by nearly 50 percent.

As a result of cooperation between advocates and transportation officials, safety at rail crossings has dramatically increased. While more must be done, we are clearly headed in the right direction.

The FRA's proposed rule would require mandatory whistleblowing at all grade-crossings unless significant upgrades are made. I believe there are several reasons why the FRA's proposed rule is not the appropriate approach for Northeast Illinois.

First, there is the question of safety. Because of technological and cost impediments to the specific upgrades, the FRA's proposed rule would require mandatory whistleblowing in many areas.

While it is clear that this would have a profound negative impact on quality of life in our area, there also remains serious questions as to whether whistleblowing actually reduces collisions.

Many experts have pointed to what is called the "Chicago anomaly" where the data shows that there are actually fewer collisions at gated crossings where whistles are banned than where whistles are blown.

The Chicago anomaly strongly suggests that at least there are alternatives that can better increase safety. Mandatory whistleblowing may actually undermine our efforts.

Illinois is focusing its efforts and resources on addressing the most dangerous rail crossings based on safety records. The FRA approach would require expensive and time-consuming technological enhancement at all at-grade rail crossings even if safety records demonstrate no problems at those crossings. This would divert resources from making safety improvements at extremely dangerous crossings.

I think we ought to take a very hard look at such a dramatic switch in strategies, particularly since the rules for upgrades may be unaffordable and unworkable.

While all are committed to rail safety, there are wide discrepancies in the cost estimates of complying with the proposed rule. These concerns are legitimate.

The FRA estimates that the cost of implementing this program nationwide would be $116 million. But the Chicago Area Transportation Study estimates that the true cost will be more than that in Illinois alone, a total in our State of $170 million to $234 million.

We need to increase spending on rail safety. I want to commend my colleague the gentleman from Illinois (Mr. LIPINSKI) for his leadership on rail safety and his commitment to finding additional Federal resources to achieve that goal.

I am proud to be a cosponsor of his legislation, H.R. 2060, the Railway Safety and Funding Equity Act of 1999, which would double Federal spending for State grade crossing programs. We will work hard to get the necessary funding, but we need to make sure that the resources are there.

Even if we succeed in providing the needed resources, there are serious technological barriers to compliance with the FRA proposal. The first is time. The proposed rule gives communities now operating with whistle bans 2 to 3 years to adopt supplemental or alternative safety measures in order to avoid mandatory whistleblowing.

We have nearly 1,000 at-grade rail crossings in Illinois that have whistle bans and would have to be physically ungraded within that very short time period in order to avoid lifting the bans. The Chicago Area Transportation Study, again, estimates that it would actually take about 10 years to accomplish this massive job.

Unfortunately, the proposed rule does not provide adequate time to begin with, let alone allow flexibility for logistical delays.

There is also a real suspicion that the required upgrades required in the proposed rule are impossible. For example, barriers along the side of roads that lead up to gated rail crossings would prevent cars from driving around the gates to cross the tracks, but they would also prevent snow blowing, a significant problem in an area like Chicago.

Another example is the requirement of photo enforcement, which just happens to be illegal under Illinois State law.

Quad gating is also illegal in the State because of the concern that otherwise law-abiding motorists may get trapped on the tracks by closing gates if we close all access to and from the tracks with quad gates.

Last, but by no means least, I want to discuss what happens if we do not adopt alternatives to mandatory whistleblowing because of safety, technological, or cost issues.

As I mentioned, 2.5 million people live within one quarter mile of rail crossings in Chicago, 75,000 in my own district. Children attend school near rail crossings. They would be subjected to repeated train whistleblowing at levels between 84 and 144 decibels at all hours of the day and night. Eighty-four decibels is well above the Illinois Department of Transportation's trigger for noise abatement procedures, and 144 decibels is above the pain threshold. Their lives would literally be disrupted.

Given the "Chicago anomaly" and given the strong argument that Illinois can pursue alternative means to accomplish the same or even higher safety goals and given the fact that millions of people would be harmed, I believe that we have to find alternatives to the current rule as it is proposed.

I think we need to revisit the rule, think of better solutions. And my sense from the Federal Railroad Administration is that there was some willingness to consider these alternatives.

Such action, in conjunction with the passage of H.R. 2060, is what is needed to truly provide for improved safety and quality of life in my district throughout the State and throughout the Nation.

Again, I thank the gentleman from Illinois (Mr. LIPINSKI) for his help on this important initiative.

□ 1945

Mr. LIPINSKI. Mr. Speaker, I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her superb statement. I have been working on this issue for a long time but there are several items that she made mention of in her statement that I was not aware of in regards to the four quadrant gates in Illinois and a couple of other things she made mention of. So I appreciate her contribution very much.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Mr. Speaker, the gentlewoman from Illinois (Ms. SCHAKOWSKY) made mention of the hearings that took place.

Let me interrupt myself for a moment once again. I see I have been joined here by my colleague, the gentleman from Illinois (Mr. RUSH), and I would now like to yield to him.

Mr. RUSH. Mr. Speaker, I certainly want to applaud commend and thank the gentleman from Illinois (Mr. LIPINSKI) for this special order. It is a very, very important special order and it is very timely.

Mr. Speaker, requiring trains to blow horns at railroad crossings is not a bad idea, in theory. This small action may prevent accidents and it may prevent deaths at railroad crossings, but in practice the train whistle rule does not apply to my State of Illinois where railroad crossing accidents have decreased by 52 percent since 1989.

Once enacted, the Railroad Administration rule requiring trains to sound their horns at all rail crossings will greatly reduce the quality of life for Illinois residents. We in Illinois have already succeeded in drastically reducing railroad crossing fatalities. In my district alone, nearly 200,000 residents will be affected by the whistle blowing rule and more than 66,000 of those residents, my residents, will be severely impacted. Of the approximately 2,000 crossings identified by the FRA, 899 are located in Illinois, putting my home State at a severe disadvantage when FRA finally enforces the whistle rule. Installing alternative safety measures that meet FRA requirements could cost Illinois an estimated $590 million, which will require right-away-acquisitions and other infrastructure improvements in order to put these, quote, quiet zones, end quote, measures into place.

In short, Mr. Speaker, to comply with the FRA rule, which is not needed in Illinois, our constituents must pay either with the loss of peace and quiet, sleep and rest, or with the loss of their tax dollars. Certainly we in Illinois want to save lives and we have saved lives. There is no question about this, but we must address this issue regionally. Illinois should be left to handle railroad crossing safety on its own.

The numbers clearly show what we are doing is working. Why fix it? It is not broke.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Illinois (Mr. RUSH) for his comments. I appreciate his contribution to our special order. He certainly was right on target. I hope that we will be joined later by a few more Members from Illinois and from other parts of the country but in light of the fact that I am the only other speaker I will start again.

As I mentioned, and the gentleman from Illinois (Mr. RUSH) mentioned and the gentlewoman from Illinois (Ms. SCHAKOWSKY), there were four hearings held in Chicago and to show how much this affects the City of Chicago and the Chicago-land area, there were 12 hearings held nationwide. Four of the 12 hearings were held within the Chicago-land area. The hearings were attended by the Federal Railroad administrator, Administrator Jolene Molitoris, and we certainly appreciate that but that once again shows how significant she thinks the Chicago-land area will be affected by this notice of proposed rulemaking.

The four hearings in Chicago were extremely well attended. Over 200 people testified in opposition to this rule as it is constituted at the present time. I do want to say that the Federal Railroad Administration, underneath the leadership of the administrator, has been very understanding, has been very cooperative, because they recognize the huge impact this rule has on the City of Chicago, the County of Cook, the surrounding counties and the State of Illinois.

I would like to mention this law, when it was passed back in 1992, it was a law that was not debated in the House. It was not passed in the House. It was not debated in the Senate. It was not passed in the Senate. It was placed in a conference report on another bill. It became known as the Swift Rail Act, but this was not a bill that went through the normal process that we have here on Capitol Hill. It was put in, as I say, in conference. It was under the jurisdiction of the Committee on Commerce at the time. Now it is under the jurisdiction of the Committee on Transportation and Infrastructure.

Now, as I say, this was passed back in 1992. In 1995, I did get an amendment put on an FRA bill that granted communities one year to implement this in the event this rule came down. Fortunately, the Federal Railroad Administration did extend that to 2 or 3 years, that would be 2 to 3 years from January of 2000 when this notice of proposed rulemaking was announced.

Now, Chicago, as I mentioned earlier, is very unique. It is unique because it is the center of the railroad industry in North America, has been probably since the time the first railroad train pulled in to Chicago. That is good and it is bad. It is very good because it creates a lot of jobs, it creates a lot of economic development in the City of Chicago. It is bad because it causes us to have an enormous number of grade crossings within the Chicago-land area.

Illinois has 899 whistle bans as allowed under the Illinois Commerce Commission, which is almost half of all the whistle bans in the United States of America. In fact, it comes down to being 46 percent of all the grade crossings in this country that will be affected by this rule are within the State of Illinois. Of those 899 grade crossings, 780 of those are located within the six counties that make up the Chicago-land area; 355 of those are within the City of Chicago itself. The new proposed rule will give these communities only, as I mentioned earlier, 2 to 3 years to come up with supplemental safety measures.

Now I believe that it is absolutely necessary that the Federal Railroad Administration grant us a minimum of 10 years to implement what they want this rule to implement. As the rule is presently constituted, we need at least 10 years to implement this rule because it is going to cost an enormous amount of money in the State of Illinois. On top of that, it is highly questionable whether or not the equipment can be manufactured quickly enough and it can be installed by railroad crews that have to install it in a 2 to 3 year period of time. All the estimates that I have received say it is going to take financially and equipment-wise and installation-wise at least 10 years to do it, underneath the present rule.

Now 64 percent of all Illinois population live within one mile of public highway crossings, 64 percent. Forty-six percent of all residents of Illinois will be severely negatively impacted by this rule. That comes directly from the Federal Railroad Administration.

Yet in Illinois, collisions at public grade crossings have declined by 52 percent since 1989. In northeastern Illinois, injuries have declined by 70 percent. In northeastern Illinois, fatalities have declined by 65 percent. So obviously Illinois is doing a great deal right when it comes to railroad safety.

The FRA states that 177,000 people in Illinois would be impacted by the rule, of which 74,000 would be severely impacted. The Chicago area transportation study estimates that 1,644,000 people in Illinois would be impacted, of which over 1 million people would be severely impacted by this rule.

The FRA estimates the cost at $116 million for whistle-ban communities, based on assumptions that every community will install the lowest cost alternatives to whistles. The Chicago area transportation study estimates the cost of a reality-based alternative to be between $440 million and $590 million for whistle-ban communities. That is an awful lot of money. Illinois will spend $95 million in the year 2000 making improvements at roughly 200 crossings. If the proposed rule goes into effect, the State of Illinois will be forced to spend money at an already safe crossing instead of at bad crossings in down-state Illinois which account for only 1.5 percent of daily traffic but 33 percent of the accidents and 40 percent of the fatalities in Illinois.

The FRA's analysis indicates that whistle-ban crossings, without gates, are the biggest danger to the public and are the primary targets for this proposed rule. Since 77 percent of the crossings in northeast Illinois have gates and all of the whistle bans in northeast Illinois have gates, why should northeastern Illinois be a target of this one-size-fits-all rule?

The FRA study admits to an anomaly in the Chicago area, as the gentlewoman from Illinois (Ms. SCHAKOWSKY) mentioned, where collisions were 16 percent less frequent. The FRA claims it was caused by an outdated inventory of crossings, but using a complete inventory of crossings and FRA methodology CAT still found, that is the Chicago area transportation study, they still found that the collisions are 4.5 percent less frequent at whistle-ban crossings.

Now we have made, I think, significant progress with the Federal Railroad Administration in modifying the rule they were originally going to propose a number of years ago. We cannot negotiate with the Federal Railroad Administration until the first part of next month because up until the close of the comment period they are prohibited by law from negotiating.

□ 2000

Administrator Molitoris, I believe, is open to further compromise. I think that this is going to be absolutely necessary, because there are a number of people here in the House who do not believe that this law is needed at all, particularly not in the State of Illinois, where the State of Illinois is doing such a significant job. If we do not get significant compromise out of the Federal Railroad Administration, I believe that there will be a move afoot to repeal this law entirely.

As I mentioned earlier, I believe it is imperative that we get at least 10 years to implement this rule, with further modifications, not where we have to put up four gates, but where two gates will definitely be acceptable to the Federal railroad administration.

Right now approximately $150 million is spent each year in this country by the Federal Government on upgrading railroad crossings. With this rule going into effect, there is going to be a much greater need for funds from the Federal Government, as well as funds from state governments and from local municipalities.

I have a bill at the present time that I have introduced that would bring in approximately $160 million more each year to the Federal Government for upgrading grade crossings. That bill takes the 4.3 cents that railroads now pay on their diesel fuel tax that goes to deficit reduction. Based upon all of the statements that I hear out here in Washington throughout the country, we no longer have a deficit in this country, we have a significant surplus in this country, so I do not believe that we should be taking the 4.3 cents that the railroads pay for deficit reduction any longer and putting it into the general revenue of this country.

I believe that we should take that 4.3 cents and put it into a trust fund to upgrade rail crossings in this country. As I say, it would increase the total amount available to over $300 million. We would certainly have to add a portion from the state and a portion from the local municipalities, something like 75 percent from the Federal Government, 15 percent from the state, or 20 percent from the state and 5 percent from the local municipalities. This money thereby would be helping out railroads, it would be helping out citizens, it would be helping out safety in this country.

I would also like to say that this rule, I understand, originally was passed into law because the railroads were interested in reducing their liability as much as possible. I can understand that, I can appreciate that, but, because of that, I think it would be wise for the railroads to join in supporting my bill that would utilize their 4.3 cents now routed for deficit reduction, which apparently we no longer need it for, to upgrade rail crossings. I would also say part of my bill would say that when we pass the next highway transportation bill in this Congress, which will be in 3 or 4 years, that the 4.3 cents would revert back to the railroads and they would no longer have to be paying it.

Mr. Speaker, in conclusion, I want to thank all the Members that have spoken here this evening. I want to thank the individuals who have submitted statements for the record, particularly the Speaker of the House. This is an enormous problem for the country, but it is a gigantic problem for the State of Illinois, and particularly for Northeastern Illinois. The money is not available, the time is not available, the resources are not available to do what the Federal Railroad Administration wants us to do underneath the existing rule.

On top of that, Northeastern Illinois probably has done more and the State of Illinois has probably done more than any state in the union to upgrade railroad safety. We simply must have this rule amended so that many of the very worthwhile things that have been done by the State of Illinois and Northeastern Illinois will suffice as far as the Federal railroad administration is concerned to bring us up to a superb safety standard.

Certainly we do not want to see anyone lose their life at a grade crossing, but I think that we in Illinois have done an outstanding job in resolving this problem, and if we can get some further help from the Federal Government in regard to funding, I think that we will even do a better job.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois (Mr. LIPINSKI) for arranging a special order today on the preservation of rail safety in the State of Illinois. I would also like to thank the gentleman for his continued work on rail safety throughout the nation, and his efforts over the last several years in making sure that any proposed rule on the use of locomotive horns does not adversely affect rail safety in Illinois.

Mr. Speaker, I rise today to speak on behalf of rail safety in the State of Illinois and the potentially adverse impacts of the recent Federal Railroad Administration's (FRA) Proposed Rulemaking on the Use of Locomotive Horns at Highway-Rail Grade Crossings.

As the Representative of the 14th District of Illinois, which covers portions of five counties and contains approximately 18% of all highway public-at-grade crossings in the state, I have intently followed this issue since I was first elected to Congress, and have witnessed firsthand Illinois' history with mandatory whistles. In fact, when the Illinois Legislature passed a mandatory whistle law in 1988, it met with such intense public backlash that it resulted in a court order to stop the whistles.

On January 12, 2000, the FRA published their Proposed Rule which will require all freight and passenger trains to sound the train's air horn when approaching and entering a public at-grade highway-rail crossing. According to the proposed rule, each train horn must be sounded with a series of two long, one short, and one long horn blasts to signify the locomotive's approach to a crossing. The timing is a combination of state laws with minimum federal requirements.

There is currently no federal law requiring horn sounding, however many states, including Illinois, currently require trains to sound their horns at all public at-grade crossings unless specifically exempted by the Illinois Commerce Commission (ICC). The grade crossings in Northeast Illinois that currently do not have air horns routinely sounded may have them sounded every time a train approaches a grade crossing if the new regulations are put into place. This occurs up to 140 times a day at the region's busiest grade crossings, and, at 66 of the crossings in Northeast Illinois, 101 or more trains per day pass through. Within my district, Auroa (50, Elgin (25) and West Chicago (22) rank #2, #11, and #14 respectively in the number of grade crossings per city in the state. In fact, should this rule go into effect as drafted, 80 of 148 crossings in DuPage County alone would have to change operating practices. Thus, the direct impact on Illinois, and the unique nature of the state with respect to this issue is clear.

In Illinois, rail safety is the responsibility of the ICC, which may exempt crossings from routine horn sounding if they have automatic flashing lights, bells and gates and have experienced less than three accidents in the past five years. The state of Illinois currently has 899 whistle ban rail crossings.

Mr. Speaker, the history of increased rail safety in Illinois is a proud one. Illinois has a proven program of substantially improving rail crossing safety at an annual average cost of approximately $40 million. In 1998 alone, the state of Illinois spent over $60 million on grade crossing improvements. In fact, between the ICC and Illinois Department of Transportation (IDOT), Illinois has invested hundreds of millions of dollars over the years to install modern safety devices at grade crossings throughout the state. Illinois is also well along in a program to install innovative remote monitoring devices at every active grade crossing (Illinois is the only state where this is happening).

I am pleased to report that these investments in safety have paid off. In Illinois, collisions at public grade crossings have declined by 52% since 1989. In Northeast Illinois, injuries have declined by 77% and fatalities have declined from 26 in 1988 to 9 in 1997, a 65% decrease. The large rate of decline is more impressive when you consider that between 1980 and 1999, train traffic and average vehicle miles traveled by motor vehicles, have both increased by approximately 45%. My primary concern with the FRA's proposed rule is that it would preempt the responsibility of the ICC, which has a demonstrated history of improving grade crossing safety. In fact, I am concerned that the proposed rule could have the unintended consequence of decreasing rail safety in the State of Illinois.

As you are well aware, Mr. Speaker, the State of Illinois is the hub of rail activity in North America. Nowhere is the issue of rail safety more important. Citizens of Illinois appreciate the need for, and support efforts to, increase rail safety. The question addressed by this proposed rule, therefore, is not whether we should try to decrease the number of rail collisions, we can all agree on that, but how this can be best accomplished.

People in Northeast Illinois are constantly reminded of the need for rail safety. In the last several years, Illinois has suffered several high profile accidents, most notably in Bradley-Bourbannais and Fox River Grove. Both of these tragic accidents resulted in significant loss of life, and the people of Illinois are committed to making these tragedies a thing of the past. It should be noted for the record, however, that none of these accidents can be attributed to the lack of a horn being sounded.

As I stated earlier, we can all agree that increasing rail safety is a laudable goal and that even one death on the nation's rail system is one death too many. Let me assure you that the ICC, IDOT and the people of Illinois work towards this goal every single day. I believe the data show that their efforts have paid off—rail crossings in Illinois are safer today than they were yesterday and will be safer tomorrow than they are today.

Unfortunately, the proposed rule offered by the FRA threatens the progress we have already made in Illinois. While offering little, if any, benefit in safety, this rule becomes an extraordinary unfunded mandate on local communities and the State, who will have to divert a large portion of their resources to upgrade already safe crossings in order to maintain their quiet zones; otherwise they will face the specter of incessant horn blasts at all hours of the day and night.

Thus, I believe this rule is fatally flawed in that it preempts already proven and effective State control. It is a "one size fits all solution" that does not fit Illinois. I believe that, at a minimum, this rule should not be finalized without recognizing Illinois is unique with respect to its rail crossing environment and that a more-tailored approach, which does not undermine state control, is developed.

In summary, I believe that after hearing all of the evidence delivered to the FRA at the public hearings held in the Chicagoland Area last week, they are essentially left with only two reasonable options: (1) The FRA can conclude that their study, upon which the proposed rule relies, is fatally flawed and, given the extraordinary costs and quality of life issues at stake, determine that additional studies need to be undertaken before publication of the final rule; or (2) The FRA can recognize that Illinois is unique with respect to its rail crossing environment and safety record, and alter the final rule in such a way as to preserve Illinois' authority over rail crossing safety.

Again, I thank the gentleman for the opportunity to address this issue. And I look forward to working with the FRA in the future to bring a solution to the state of Illinois that continues the strong safety record that has been demonstrated over the last 10 years and does not devote resources away from these efforts.

Mr. PETRI. Mr. Speaker, I wish to voice my concerns, and those of my constituents, about the current situation in many of our communities—as a result of the long-pending Federal Railroad Administration requirements for improved grade-crossing safety equipment as a condition of escaping 24-hour-a-day locomotive horn noise. When the law requiring these regulations was enacted in 1994, railroad jurisdiction resided in the Commerce Committee. According to the terms of the statute, FRA was to adopt regulations making universal sounding of horns the "default" rule—that is, the requirement in the absence of FRA-specified equipment. FRA was to issue the regulations specifying the horn requirements and the equipment requirements in two phases—one by November 1996, and the other by November 1998. In fact, FRA did not even propose regulations until January 2000. Meanwhile, many railroads—in an understandable attempt to minimize liability for grade-crossing accidents, have adopted policies of universal horn-blowing at grade crossings. This leaves cites and towns in a "Catch–22" situation: The horns are blowing, but the FRA has given no guidance on what it takes to avoid the noise.

I submit for the Record at this point a newspaper editorial about what this means in practical terms to the affected communities.

[From the Oshkosh Northwestern, Thurs. Apr. 13, 2000]

RAIL CROSSING RULES ONE MORE MANDATE

The Federal Railroad Administration is again showing how bureaucrats can twist sensible Congressional intentions into expensive new regulations that are shoved down the throats of local communities.

Oshkosh will be forced to spend $320,000 on median barriers at railroad crossings if the federal bureaucrats have their way. This is another example of federal funding that is not as freely flowing as the rules that are spawned.

If the city does not comply with the proposed rules, trains will blast their whistles almost continuously as they make their way through the city's 16 railroad crossings.

Fortunately, there still is time for the public to speak out against this mandate madness.

The Swift Rail Development Act was passed by Congress in 1994 and requires train whistles be sounded upon approaching every public grade crossing, unless there is no risk to persons, it is not practical or if safety measures have been taken to fully compensate for the absence of an audible warning.

Like many communities throughout the nation, Oshkosh has a ban on locomotives sounding their whistles within the city limits unless an emergency situation develops.

The ban recognizes that constant locomotive whistles would be a major irritation as trains rumble through 25 to 30 times a day (and night) through the city's most densely populated areas.

FRA officials drafted proposed regulations to comply with the law—regulations that still are under review and subject to a public comment period.

Our problem with the proposed regulations is they take railroad crossing safety measures to unnecessary extremes based on data that does not apply to Oshkosh.

Requiring trains to blow whistles at crossings without gates is not an unreasonable regulation. It stands to reason that the additional warning of a horn blast could help prevent accidents.

However, the FRA rules take the intention of the law to an unreasonable extreme because they say gates at crossings are not good enough to warrant honoring local whistle bans.

The rules allow the Transportation Secretary to determine what are acceptable safety measures at crossings. The secretary has determined that median barriers are essential because they prevent vehicles from getting around crossing gates lowered as trains pass through.

That's a barrier too far for two reasons.

First, the federal government wants to protect the public but has not provided any additional funding for the improvements apart from existing highway grants. Second, the FRA is relying on statistics in a misleading fashion. The agency concludes there is an average of 62 percent more collisions at gated crossings with whistle bans in place.

However convincing that figure may appear, it leaves out two important facts: of the crashes at intersections with gates in non-whistle communities, 55 percent of the collisions occurred because motorists deliberately drove around the lowered gates. Another 18 percent happened because motorists were stopped on the crossings.

So nearly three-quarters of the accidents happened because drivers chose to break the law or ignore basic safety precautions.

Concrete barriers and other extravagant measures are not going to protect people from themselves if they have a death wish.

Nor has Oshkosh seen increased carnage at its crossings. In fact, the addition of gates in 1998 has turned the city from one of the deadliest to one of the safest in the state.

Our accident totals are at zero and counting with a whistle ban in place. And Oshkosh meets all of the other criteria set by the agency to continue the whistle ban, including long-term law enforcement initiatives at crossings and targeted public education programs.

Rep. Tom Petri, R-Fond du Lac, should exercise his considerable rank on the House Transportation Committee to encourage the FRA to reconsider its barrier requirements before allowing for a quiet zone.

In addition, the public can send comments on the proposal to Docket Clerk, DOT Central Docket Management Facility, 400 Seventh Street, S.W., Plaza-401, Washington, DC 20590–0001. Comments will be accepted through May 26 and should include the reference "Docket Number FRA–1999–6439."

Let's hope it's not too late to get the FRA to change its mind.

Certainly, FRA's complete failure to adhere to the schedule in the statute has been a major contributing factor in this unfortunate situation. At the same time, it appears that there may be some overreaching by some railroads in adopting across-the-board horn-blowing requirements. I want to resolve this situation as rapidly as possible. To that end, I have sent to the FRA a letter requesting a formal legal opinion on the exact degree of federal pre-emption of state and local noise regulations, in the current situation—that is, where there are as yet no final and effective FRA regulations in place. No matter what policy decisions are to be made here, it is in the interest of all parties to know what the current legal situation really is.

At this point, I submit for the RECORD a copy of the April 28 letter sent by Mr. LIPINSKI of Illinois and myself to FRA Administrator Jolene Molitoris, requesting a formal legal opinion on the degree of legal pre-emption that obtains while the FRA rulemaking is still pending.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2000.
Hon. JOLENE MOLITORIS,
Administrator, Federal Railroad Administration, Washington, DC.

DEAR ADMINISTRATOR MOLITORIS: We are writing to request an official legal opinion from the Federal Railroad Administration on an important issue of rail safety regulation—the pre-emptive reach of the "whistle-ban" provision in current rail safety law, 49 U.S.C. 20153.

As you know, this provision was enacted as part of the 1994 FRA rail safety reauthorization. Section 20153 in general requires FRA to adopt rules requiring the sounding of horns or whistles at all grade crossings, except where safety measures specified in final FRA regulations have been applied to the individual crossing in question. Although final regulations were to be issued in two phases (one by November 2, 1996, and the other by November 2, 1998), FRA has thus far only issued proposed regulations, which were not promulgated until January 13, 2000. Section 20153 further provides that final regulations, when issued, may not take effect for 1 year after issuance.

Section 20153 does not in itself appear to address explicitly the pre-emptive effect of the statute in the current situation, where final regulations have not yet been issued or taken effect. However, the language in subsection (b) strongly implies that federal pre-emption of existing requirements occurs only when FRA has actually issued rules requiring the sounding of horns or whistles: "The Secretary of Transportation *shall prescribe regulations, requiring* that a locomotive horn or whistle shall be sounded while each train is approaching and entering upon each public highway-rail grade crossing" (emphasis added). Since no such regulations have been issued, it would seem that Section 20153 alone does not yet have any current pre-emptive effect.

The issue is further complicated, however, by the general pre-emption provision of the FRA rail safety statutes, 49 U.S.C. 20106, which antedates the whistle-ban provision by a number of years. Section 20106 provides in pertinent part that "[a] State may adopt or continue in force a law, regulation, or order related to railroad safety until the Secretary of Transportation prescribes a regulation or issues an order covering the subject matter of the State requirement." Since this limitation on federal regulatory pre-emption is limited by its terms to "state" rail safety requirements, it could be argued that it implicitly precludes rail safety requirements (including whistle-ban ordinances) adopted by local governmental authorities below the state level.

We understand that some railroads have taken one or two legal positions on this subject: either (1) the very enactment of Section 20153 immediately displaced all state and local authority to adopt and enforce grade-crossing whistle bans; or (2) that Section 20106 independently precludes locally enacted whistle bans, and allows only state-promulgated requirements in this area, prior to adoption and effectiveness of final FRA regulations.

This is an issue of immediate and pressing concern to our states. As FRA acknowledged in its proposed regulations [65 Fed. Reg. 2230, 2234 (Jan. 13, 2000)], well over half of all whistle-banned grade crossing in the United States are located in Wisconsin and Illinois. It is our understanding that many, if not most, of the bans now being ignored by some railroads were promulgated by local rather than state governmental units.

We are therefore requesting the formal legal opinion of the ERA on the following questions:

(1) Does Section 20153, Title 49, United States Code, pre-empt adoption and enforcement of state-issued or locally issued whistle bans prior to promulgation and legal effectiveness of final regulations issued by FRA under that section?

(2) Does Section 20106, Title 49, United States Code, pre-empt the adoption or enforcement of whistle bans issued by local governments prior to promulgation and legal effectiveness of final regulations issued by FRA under Section 20153 of that title?

Thank you for your prompt assistance on this important matter of rail safety policy.

Sincerely,

WILLIAM O. LIPINSKI,
Ranking Member, Aviation Subcommittee.
THOMAS E. PETRI,
Chairman, Ground Transportation Subcommittee.

Second, I have also prepared legislation which would spell out the ground rules governing local, state, and federal jurisdiction in this area, while the FRA rulemaking is still pending, and no fully effective regulations are in place. As with the request for the legal opinion, this legislation may prove to be an important option in clarifying the authority of state and local governments in the field of railroad noise abatement at grade crossings.

Finally, I want to commend the gentleman from Illinois, Mr. LIPINSKI, for arranging this evening's discussion of this important transportation safety issue. I look forward to working with him as we address this problem.

Mr. PORTER. Mr. Speaker, I rise today as one of the many Members of Congress opposed to the Federal Railroad Administration's proposed rule for trains to sound their horns at public crossings. Let me first state that I do not oppose efforts by the FRA or any other part of the Department of Transportation to improve safety. Each year there are over 35,000 transportation related deaths in America. We must reduce this terrible statistic. In fact, safer travel is the basis for my opposition to this proposed regulation.

In my opinion, the approach taken by the FRA to prevent train crossing accidents is extreme. I believe that the spending mandated by this regulation would be wasteful and ultimately not improve safety. These scarce dollars and resources can be used more effectively, saving more lives, if spent in other areas. Implementing this rule would draw funds away from other important safety measures for drivers, pedestrians, and other travelers on Americas roads in Illinois and elsewhere.

The main parts of the proposed rule are now well known: trains must blow their horns at all public grade crossings unless a new level of safety measures is installed. While there is flexibility in the types of safety measures and the time in which they must be installed, this sweeping regulation is flawed for several reasons.

First, the FRA data used to conclude that blowing horns at crossings reduces accidents fails to count a significant number of crossings and fails to properly classify and incorporate the nature of the accident. In fact, data has been compiled which indicates that in certain regions of the country, my district being one of them, there is a decrease in the number of accidents in places where train horns are prohibited from sounding. Further, the data does not account for the vast differences in vehicular traffic at the rail crossings where information was gathered.

Second, the majority of the data used by the FRA to formulate this proposal came from a multiyear study of areas in Florida that had implemented and then repealed bans on train horns at crossings. In my opinion, the specific data from the Florida crossings is neither applicable nor appropriate to determine the need for horn bans in the majority of the other states. In Cook County, Illinois there are more gate crossings than in the majority of states in the country.

Third, a recent Illinois study of detailed data compiled between 1988 and 1998 highlights several important facts that should be considered by the FRA. For example, train accidents involving vehicles remains a rare occurrence resulting in less than one percent of highway fatalities. Further, the study found that of train related vehicular accidents, over forty percent occurred because the driver circumvented the existing safety measures. Of the remaining accidents, a significant percentage occurred when a vehicle impacted against the side of a train, rather than the train striking a vehicle. From these facts, we can conclude that in many cases the safety measures currently in place are adequate for those citizens who chose to use them, and expenditures to further improve these safety measures would be better spent.

Mr. Speaker, little consensus exists on whether the data and analysis used by the FRA to support their position is correct, and whether the proposed rule is good public policy from any standpoint. Before forcing states and communities to pay for massive investments in rail crossing safety measures, this issue must be resolved. I ask the Federal Railroad Administration to consider the tens of thousands of citizens in Illinois and millions across the country that would be greatly impacted both financially and physically by this onerous proposal and to change the rule. At a minimum, the individual states should have much more flexibility to decide where they need to spend funds for transportation safety.

RECESS

The SPEAKER pro tempore (Mr. HAYES). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2253

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 53 minutes p.m.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–605) on the resolution (H. Res. 488) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WICKER) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, May 4.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of Ohio for 5 minutes today; and,

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STEARNS for 5 minutes today.

SENATE CONCURRENT RESOLUTION

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 81. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire; to the Committee on International Relations.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 452. An act for the relief of Belinda McGregor.

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Instituion.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, May 4, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7450. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–313, "Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000" received May 2, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7451. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–315, "Adoption and Safe Families Amendment Act of 2000" received May 2, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7452. A letter from the District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

7453. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 98–NM–262–AD] (RIN: 2120–AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7454. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 98–NM–354–AD; Amendment 39–11601; AD 2000–04–18] (RIN: 2120–AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7455. A communication from the President of the United States, transmitting His approval of the findings of the Secretary of Commerce in his report "The Effect on the National Security Imports of Crude Oil and Refined Petroleum Products," pursuant to 19 U.S.C. 1862(d)(2); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1523. A bill to establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decisionmaking process; with an amendment (Rept. 106–604 Pt. 1).

Mr. REYNOLDS: Committee on Rules. House Resolution 488. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–605). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Agriculture discharged. H.R. 1523 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1523. Referral to the Committee on Agriculture extended for a period ending not later than May 3, 2000.

H.R. 3244. Referral to the Committee on Ways and Means extended for a period ending not later than May 8, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILIRAKIS (for himself and Mr. BROWN of Ohio):

H.R. 4365. A bill to amend the Public Health Service Act with respect to children's health; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. WELDON of Pennsylvania, and Mr. ANDREWS):

H.R. 4366. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 4367. A bill to amend title 10, United States Code, to enhance the ability of States and local governments to participate in projects conducted under the alternative authority of the Department of Defense to acquire and improve military housing; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. WELDON of Pennsylvania, Mr. ANDREWS, and Mr. BOEHLERT):

H.R. 4368. A bill to amend the Consumer Product Safety Act to provide for the flammability testing and labeling of upholstered furniture which is sold in interstate commerce; to the Committee on Commerce.

By Mr. LUCAS of Kentucky:

H.R. 4369. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, Veterans' Affairs, Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 4370. A bill for the relief of the Philippine citizens collectively referred to as the "Marcos Entourage"; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 4371. A bill to amend the Immigration and Nationality Act to extend the retroactive period of provisions providing for the crediting of service with the Armed Forces of the United States toward the period of required United States residence of a citizen parent in order for a person born outside the United States of a alien parent and a citizen parent to acquire United States citizenship at birth; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 4372. A bill to amend the Convention on Cultural Property Implementation Act to improve the procedures for restricting imports of archaeological and ethnological material; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 4373. A bill to amend the Fair Credit Reporting Act to limit disclosure of consumer reports on an employee which are obtained in connection with allegations of illegal conduct; to the Committee on Banking and Financial Services.

By Mr. SMITH of Texas:

H.R. 4374. A bill to provide for the appointment of 2 additional Federal district judges for the Western District of Texas; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. WAXMAN, Mr. STARK, Mr. PALLONE, Mr. KLECZKA, Mrs. THURMAN, Mr. ALLEN, and Mr. MINGE):

H.R. 4375. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of self-administered drugs that, when used as a replacement for covered drugs, result in overall cost savings to the program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas (for himself and Mr. GREENWOOD):

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress with respect to increased funding for the immunizations program under the Public Health Service Act; to the Committee on Commerce.

By Mr. PAYNE (for himself and Mr. CAMPBELL):

H. Con. Res. 316. Concurrent resolution concerning efforts to avert drought and famine in Africa, particularly Ethiopia; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Ms. MILLENDER-MCDONALD.

H.R. 59: Mr. NORWOOD.

H.R. 207: Ms. NORTON and Mr. WOLF.

H.R. 252: Mr. GARY MILLER of California and Mr. MCKEON.

H.R. 372: Mr. GILMAN and Mr. STRICKLAND.

H.R. 488: Ms. LEE.

H.R. 632: Mr. BLUMENAUER, Mr. WYNN, Ms. ROS-LEHTINEN, and Mr. WEXLER.

H.R. 1044: Mr. WELLER, Mr. EHLERS, and Mr. BERRY.

H.R. 1053: Mr. BALDACCI.

H.R. 1070: Mr. GREEN of Wisconsin, Mr. SHIMKUS, and Mr. SMITH of Texas.

H.R. 1083: Mr. DOOLEY of California and Mr. THOMPSON of California.

H.R. 1102: Mr. HEFLEY and Mr. GIBBONS.

H.R. 1113: Mr. CONDIT and Mr. DOOLEY of California.

H.R. 1129: Mrs. LOWEY.

H.R. 1176: Mr. GILMAN.

H.R. 1196: Mrs. LOWEY and Ms. PRYCE of Ohio.

H.R. 1217: Mr. RAMSTAD, Mr. BECERRA, Mr. BACA, Mr. STUPAK, Ms. DANNER, and Mr. DOOLEY of California.

H.R. 1239: Mr. SAXTON.

H.R. 1271: Mr. LUTHER, Mr. HOEFFEL, and Mr. NEAL of Massachusetts.

H.R. 1303: Mrs. MYRICK.

H.R. 1325: Mr. HOEFFEL.

H.R. 1456: Mr. ROMERO-BARCELO, Mr. MEEHAN, Mr. MARKEY, Mr. PRICE of North Carolina, and Mr. SCOTT.

H.R. 1495: Mr. PAYNE.

H.R. 1523: Mr. HAYWORTH, Mr. CANNON, and Mr. PETERSON of Minnesota.

H.R. 1592: Mr. FRELINGHUYSEN.

H.R. 1647: Mrs. MINK of Hawaii and Mr. GILMAN.

H.R. 1686: Ms. BALDWIN and Ms. JACKSON-LEE of Texas.

H.R. 1708: Mr. COLLINS.

H.R. 1885: Mrs. THURMAN, Mr. RILEY, and Mr. MCNULTY.

H.R. 1899: Mr. EVANS and Mr. CONYERS.

H.R. 1935: Mr. OLVER.

H.R. 2002: Mr. WATT of North Carolina.

H.R. 2121: Ms. CARSON and Mr. MOORE.

H.R. 2175: Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, and Mr. ABERCROMBIE.

H.R. 2270: Mr. LEWIS of Kentucky and Mrs. JOHNSON of Connecticut.

H.R. 2288: Mr. BACA.

H.R. 2308: Mr. UDALL of Colorado, Mrs. CUBIN, Mr. MCHUGH, Mr. GREEN of Wisconsin, and Mr. TANCREDO.

H.R. 2321: Mr. KLINK, Mr. BATEMAN, and Mr. DOYLE.

H.R. 2409: Mr. CROWLEY and Mr. UDALL of Colorado.

H.R. 2451: Mr. LEWIS of Kentucky, Mr. EHRLICH, Mr. SHOWS, Mr. HAYWORTH, and Mr. EVERETT.

H.R. 2485: Mr. GARY MILLER of California.

H.R. 2498: Mr. PORTMAN, Mr. GILMAN, Mr. SANDERS, and Mr. HALL of Ohio.

H.R. 2505: Ms. RIVERS.

H.R. 2570: Mr. MASCARA.

H.R. 2624: Mr. DAVIS of Illinois.

H.R. 2640: Mr. SHIMKUS, Mr. GILLMOR, and Mr. HOBSON.

H.R. 2706: Mr. CROWLEY.

H.R. 2736: Mr. LEWIS of Georgia, Mr. BERMAN, Mr. RODRIGUEZ, Mr. WU, Mr. NEY, Mrs. EMERSON, Mr. HOLT, Mr. BRADY of Pennsylvania, Ms. MCKINNEY, Mr. EHRLICH, Mrs. MEEK of Florida, Mr. BLAGOJEVICH, Mrs. LOWEY, and Mr. TAYLOR of Mississippi.

H.R. 2738: Mr. WATT of North Carolina and Mr. DIXON.

H.R. 2790: Mr. OLVER, Mr. EHRLICH, and Mr. WELDON of Pennsylvania.

H.R. 2871: Mr. SANDERS.

H.R. 2880: Mr. UDALL of Colorado.

H.R. 2883: Mr. KING.

H.R. 2892: Mr. PICKERING and Mrs. BIGGERT.

H.R. 2899: Mr. MARKEY.

H.R. 2902: Mr. OBERSTAR and Mr. FALEOMAVAEGA.

H.R. 2911: Mr. BLUNT.

H.R. 2915: Mr. WEINER.

H.R. 2982: Mrs. LOWEY.

H.R. 3010: Mr. EVANS and Mr. SANDERS.

H.R. 3043: Mr. PETRI.

H.R. 3083: Mr. UNDERWOOD.

H.R. 3107: Mr. PHELPS.

H.R. 3136: Mr. BACA.

H.R. 3155: Mr. PETERSON of Pennsylvania.

H.R. 3235: Mr. CONDIT, Mr. ROGAN, and Mr. PALLONE.

H.R. 3315: Mr. HINCHEY, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, and Mr. LIPINSKI.

H.R. 3433: Mrs. MORELLA, Mr. ROMERO-BARCELO, Mr. BENTSEN, Mrs. CAPPS, Mr. OWENS, Mr. LANTOS, Mr. BROWN of Ohio, Ms. KILPATRICK, Mr. BISHOP, Mrs. MALONEY of New York, Mr. BALDACCI, Mr. GILMAN, Mr. KENNEDY of Rhode Island, Mr. KLINK, Mr. WYNN, Mr. GREEN of Texas, Mr. EVANS, Mr. ANDREWS, Mr. PASTOR, and Mr. WEINER.

H.R. 3500: Mr. DAVIS of Illinois and Mr. HINOJOSA.

H.R. 3518: Mr. GREEN of Wisconsin.

H.R. 3578: Mr. HILL of Montana, Mr. OSE, Mr. HILLEARY, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. TOOMEY, Mr. DOOLITTLE, and Mr. SHADEGG.

H.R. 3580: Mr. SUNUNU, Mr. GUTIERREZ, Mrs. EMERSON, Mrs. MORELLA, and Mr. BONILLA.

H.R. 3593: Mr. FOLEY, Mr. WELDON of Florida, Mr. JOHN, Ms. BROWN of Florida, Mr. GALLEGLY, and Mr. CHAMBLISS.

H.R. 3613: Mr. SABO.

H.R. 3625: Mr. STUPAK, Mr. STUMP, Mr. HAYES, Mr. JOHN, Mr. GOODE, Mrs. CLAYTON, Mrs. EMERSON, Mr. LEWIS of Kentucky, Mr. BURR of North Carolina, Mr. KNOLLENBERG, Mrs. NORTHUP, Mr. FOSSELLA, Mr. NORWOOD, Mr. SHADEGG, Mr. TAUZIN, Mr. SANDLIN, Mr. HOLDEN, Mr. MURTHA, Mr. MOLLOHAN, Mr. PICKETT, Mr. PETERSON of Minnesota, Mr. ADERHOLT, Mr. COBLE, Mr. CALLAHAN, Mr. BRADY of Texas, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. DEAL of Georgia, Mr. WATTS of Oklahoma, Mr. DEMINT, Mr. SMITH of Michigan, Mr. SCHAFFER, Mr. SAM JOHNSON of Texas, Mr. CAMP, Mr. PITTS, Mr. SUNUNU, Mr. TRAFICANT, Mr. GOODLING, Mr. BURTON of Indiana, Mr. SKEEN, Mr. REGULA, Mr. ARMEY, Mr. WATKINS, Mr. MCKEON, and Mr. SHOWS.

H.R. 3650: Mr. ENGEL, Mr. OLVER, and Mrs. TAUSCHER.

H.R. 3655: Mr. RAHALL, Mr. MEEHAN, Mr. OLVER, Mr. GONZALEZ, Mrs. MCCARTHY of New York, Ms. BERKLEY, Mr. MEEKS of New York, Mrs. THURMAN, and Mr. SNYDER.

H.R. 3663: Mr. ROMERO-BARCELO, Mr. FROST, Mr. CONYERS, and Mr. BAIRD.

H.R. 3682: Mr. DUNCAN.

H.R. 3694: Mrs. KELLY and Mr. KING.

H.R. 3698: Mr. GORDON, Ms. HOOLEY of Oregon, Mr. MURTHA, Mr. GONZALEZ, Ms. WATERS, Mr. ROGAN, Mr. BRADY of Pennsylvania, Mr. COYNE, Mr. MARTINEZ, and Mr. PETERSON of Pennsylvania.

H.R. 3732: Ms. McKinney, Mr. Clement, Mr. Farr of California, and Mr. Isakson.

H.R. 3816: Mr. Baca.

H.R. 3826: Mr. Porter.

H.R. 3841: Mr. Wolf.

H.R. 3842: Mr. Strickland, Mr. Shimkus, Mr. Abercrombie, Mr. Moore, Mr. Costello, Mr. Gillmor, Mr. Minge, Mr. Tierney, Mr. Mollohan, Mrs. Emerson, Ms. Woolsey, Mr. Ganske, Mr. Boucher, Ms. Kaptur, Mr. Skeen, and Mr. Isakson.

H.R. 3873: Ms. Jackson-Lee of Texas, Mr. Stupak, and Mr. Etheridge.

H.R. 3880: Ms. Schakowsky, Mrs. Lowey, and Ms. McKinney.

H.R. 3896: Mr. Evans.

H.R. 3900: Mr. Nethercutt.

H.R. 3901: Mr. Sanders.

H.R. 3916: Mr. Smith of New Jersey and Mr. Isakson.

H.R. 4013: Mr. Blumenauer and Mr. Sabo.

H.R. 4029: Mr. Wamp.

H.R. 4033: Ms. Lofgren, Mr. Wu, and Mr. Hutchinson.

H.R. 4035: Mr. Evans.

H.R. 4049: Mr. Weiner, Mr. Green of Wisconsin, and Mr. Dooley of California.

H.R. 4053: Mr. Gallegly and Mr. Ballenger.

H.R. 4064: Mr. Barcia and Mr. Evans.

H.R. 4073: Mr. Spence.

H.R. 4102: Mr. Pitts.

H.R. 4106: Mr. Jones of North Carolina.

H.R. 4118: Mr. Gillmor.

H.R. 4132: Mrs. Mink of Hawaii, Mr. Thornberry, Mr. Brady of Texas, Mr. Stupak, Mr. Baker, Mr. Ewing, Mr. Price of North Carolina, and Mr. Dickey.

H.R. 4144: Mr. Shimkus.

H.R. 4152: Mr. Hilleary, Mr. Jefferson, and Mr. Duncan.

H.R. 4157: Mrs. Bono, Mr. Cox, Mr. Radanovich, Mr. Thomas, Mr. Calvert, Mr. Cunningham, Mr. Dreier, Mr. Thompson of California, Mr. Herger, Mr. Gallegly, Mr. McKeon, Mr. Waxman, Ms. Berkley, and Mrs. Napolitano.

H.R. 4182: Mr. Green of Wisconsin.

H.R. 4210: Mr. Kuykendall, Mr. Horn, Mr. McGovern, Mr. Cox, and Mr. DeLay.

H.R. 4215: Mr. Tiahrt, Mr. Hall of Texas, Mr. McCollum, Mr. Chambliss, Mr. Gekas, and Mr. Norwood.

H.R. 4233: Mr. Gary Miller of California and Mr. Rogers.

H.R. 4239: Mr. Capuano and Mr. Frank of Massachusetts.

H.R. 4246: Mr. Nethercutt.

H.R. 4260: Mr. Boswell and Mr. Weller.

H.R. 4271: Mr. Spence, Mr. Davis of Virginia, Mr. English, and Mr. Ballenger.

H.R. 4272: Mr. Spence, Mr. Davis of Virginia, Mr. English, and Mr. Ballenger.

H.R. 4273: Mr. Spence, Mr. Davis of Virginia, Mr. English, and Mr. Ballenger.

H.R. 4279: Mr. Campbell.

H.R. 4306: Mr. Matsui, Mr. Davis of Florida, and Mr. Sherman.

H.R. 4315: Mr. Chabot, Mr. Portman, Mr. Gillmor, Mr. Boehner, Mr. Kasich, and Ms. Pryce of Ohio.

H.R. 4328: Mr. Gutknecht and Mr. Shows.

H.J. Res. 2: Mr. Vitter.

H.J. Res. 60: Mr. Leach and Mr. Rahall.

H.J. Res. 64: Mr. Weldon of Florida, Mr. Metcalf, and Mr. Gutknecht.

H. Con. Res. 170: Mr. Kingston.

H. Con. Res. 251: Mr. McDermott, Mr. Luther, and Mr. English.

H. Con. Res. 259: Mr. Brown of Ohio and Mr. Stark.

H. Con. Res. 266: Mr. Souder, Mr. Graham, Mrs. Maloney of New York, Mr. Capuano, Mr. Shimkus, Ms. Sanchez, Mr. English, and Mr. Stupak.

H. Con. Res. 285: Mr. Riley, Mr. Davis of Virginia, Mr. Rogan, Mr. Franks of New Jersey, and Mr. Bilbray.

H. Res. 147: Mr. Frost.

H. Res. 398: Mr. Moakley, Mr. Berman, Mr. Knollenberg, Mr. Farr of California, Mr. Neal of Massachusetts, Mr. McDermott, Mr. Ryan of Wisconsin, Mr. Ehrlich, Mrs. Johnson of Connecticut, and Mrs. Roukema.

H. Res. 420: Mr. Cunningham.

H. Res. 462: Ms. Schakowsky and Mr. Stark.

H. Res. 463: Mr. Hayworth, Mr. Metcalf, and Mr. Rahall.

EXTENSIONS OF REMARKS

WORLD ASTHMA DAY 2000

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. DELAURO. Mr. Speaker, May 3, 2000 is World Asthma Day. Many of my Colleagues and I are strong supporters of federal, state, and local efforts to create and enhance awareness of asthma and to improve asthma care throughout this country and indeed throughout the world. I would also like to extend sincere thanks to the many thousands of Americans and others who work day after day to try to improve the way asthma is diagnosed and treated.

In the last 15 years, the prevalence of asthma has doubled throughout the world. More than 10 percent of children have asthma symptoms, and in some countries, as many as 30 percent are affected. In this country, asthma ranks among the most common chronic conditions, affecting more than 15 million Americans, including 4 million children, and causing more than 1.5 million emergency department visits, approximately 500,000 hospitalizations, and more than 5,500 deaths. The estimated direct and indirect monetary costs for this disease totaled $11.3 billion in 1998, in the United States alone.

World Asthma Day 2000 is being marked by more than 80 countries throughout the world. It is a partnership between health care groups and asthma educators organized by the Global Initiative for Asthma (GINA), which is a collaboration between the National Heart, Lung, and Blood Institute (NHLBI) of the National Institutes of Health and the World Health Organization. On this day, thousands of people throughout the world will work together to create greater awareness of the need for every person with asthma to obtain a timely diagnosis, receive appropriate treatment, learn to manage their asthma in partnership with a health professional, and reduce exposure to environmental factors that make their asthma worse.

Among those participating in World Asthma Day, via a special World Asthma Day Internet site (www.Webvention.org), will be Dr. David Satcher, Surgeon General of the U.S., and Mr. Nelson Mandela, former President of the Republic of South Africa and currently Chairman of the South African National Asthma Campaign. Ministers of Health from Japan, Turkey, Malaysia and other countries will also be available on the Internet to answer questions about how the implementation of international asthma treatment guidelines can benefit patients and reduce health care costs.

In the U.S., local World Asthma Day activities are being coordinated by the NHLBI's National Asthma Education and Prevention Program (NAEPP) and are listed on its Web site (www.nhlbi.nih.gov). These activities range from local press conferences to school poster contests, and health fairs to science museum education programs.

The NAEPP, along with the National Library of Medicine (NLM), Howard University, the Office of the Mayor of the District of Columbia, the American Lung Association of the District of Columbia, and the D.C. public school system, will hold the official U.S. press conference to report on the state of asthma in the U.S. and what is being done to combat the problem. Invited guests include members of Congress; Olympians who have achieved their titles despite their asthma; Washington, D.C. elementary school students who have asthma; and representatives of selected community-based asthma coalitions from across the country. The press conference will be Webcast and shown on the World Asthma Day Web site.

Mr. Speaker, it is my hope that our colleagues will join in paying tribute to World Asthma Day and to those who suffer from this condition and those who are working to help them. It is hoped that with the continued support of the Congress, additional progress can be made in the efforts to prevent asthma, as well as to improve its diagnosis and treatment.

NATIONAL ASSOCIATION OF LETTER CARRIERS NATIONAL FOOD DRIVE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to publicly commend the National Association of Letter Carriers [NALC] for the good work they are doing nationwide and grant them well-deserved recognition and appreciation for their genuine humanitarian acts and for their good will.

As Americans, we enjoy one of the highest living standards in the world. Nevertheless, many people within our borders do not benefit from our Nation's great prosperity. In fact, many more Americans are hungry and malnourished than most people realize. Hunger is a serious problem that deserves national attention.

The NALC has undertaken a tremendous amount of initiative in solving this problem by planning their eighth annual national food drive day on May 13, 2000, which will be the largest one-day food drive in the country. Last year more than 1,500 NALC branches in all fifty states and U.S. jurisdictions collected 58.4 million pounds of food, and we are hopeful this record will be exceeded in the year 2000.

I considered it a privilege to have had the opportunity to participate in the "Stamp Out Hunger" food drive kickoff. The NALC branches in Westchester, Newburgh and Middletown honored me with the opportunity to assist them in their efforts to improve the lives of less fortunate individuals. Both NALC branches appear to be well on their way to another record-breaking food drive and I wish them success and the best of luck.

Mr. Speaker, I am honored to commend the NALC on their continued generosity and good will. Their kind spirit and genuine care for less privileged individuals embody the values of brotherhood upon which this great nation was founded. I urge them to stay motivated and my best wishes are with them in all of their future endeavors.

I urge my colleagues to encourage people and organizations within their respective districts to follow the lead of the NALC and support those people who take personal initiative in making America a better place in which to live.

TRIBUTE TO M. DAVID COHEN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHERMAN. Mr. Speaker, today I pay tribute to M. David Cohen, one of the most dedicated and committed individuals in our country for his humanitarian service throughout the world. Mr. Cohen's vision, expertise and active participation to serve those in need is legendary.

David's father, Hyman Louis Cohen, emigrated to the United States from Russia in 1923, settled in Chelsea, Massachusetts, and graduated from Northeastern University School of Law in 1936. His mother, Jean Goldberg Cohen, was born in Boston; his parents married in 1941. They were among the most active in their community, setting the example David was to emulate. At the age of 12, when David's mother suffered a massive heart attack and stroke, he stepped into her role and became chairperson of the Everett Leukemia Fund Drive. He organized youth groups, schools, churches, synagogues and public and private sector employees to raise the most money ever raised by that city in any charity drive.

David served in the United States Air Force as an Acting Jewish Chaplain in France, Spain, Morocco and Libya. He organized programs on and off base for the military and civilian population and served as a coordinator with the Joint Distribution Committee in Paris, resettling displaced persons from behind the Iron Curtain. He created a food service gathering and distribution program for the Little Sisters of the Poor which has continued successfully since 1962, and was a basis for what we now know as the "meals on wheels" programs. Upon being honorably discharged, he returned to Boston College to complete his studies.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Serving on many boards of directors of charitable and community organizations, Mr. Cohen's 44 years of volunteer work include International Special Olympics, Adam Walsh Child Resource Centers (missing and exploited children), American Youth Soccer (ATSO), Lokrantz School (M.O.V.E.), Presidents' Summit on America's Future, Jewish Home for the Aging and Elizabeth Kubler-Ross Foundation. Current service includes the University of Judaism, King Solomon Education Foundation (tuition reduction), Healing Hands Project (reconstructive surgery), Club SODA (after school safe haven for middle and high school students), Shomrei Torah Synagogue, Blue Eagle Foundation (community sports and education facility), St. Joseph Center and General Colin Powell's America's Promise. In addition, David is very proud of his many years of imaginative pro-bono support of and active participation with the Stephen S. Wise Temple and its Schools, the largest Reform Jewish Temple in the United States. He created and now chairs the first Stephen S. Wise Temple Corporate Resources Division.

David is frequently heard commenting, "My greatest accomplishment is my daughter, Danielle Elizabeth, who at 13 has learned, embraced and implements every day the very best of what concerned citizenship is all about. I know that as my parents set the example for me, Danielle will lead her generation and those who follow to make a significant difference in our community, our country and the world. As she always says, 'One can count' ".

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Mr. M. David Cohen as he continues his extraordinary commitment to the community and our country. He has earned and deserves our recognition, praise and respect.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Tuesday, May 2, 2000, and as a result, missed rollcall votes 131 and 132. Had I been present, I would have voted "yes" on rollcall vote 131 and "yes" on rollcall vote 132.

IN HONOR OF AYHAN HASSAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. ACKERMAN. Mr. Speaker, today I pay tribute to Ayhan Hassan who will be honored by the Residents For A More Beautiful Port Washington at its Annual Spring Gala on May 7th.

Ayhan Hassan truly exemplifies a person who has achieved the American dream. He was born in the Turkish portion of Cyprus, and became a citizen of the United States in 1982. During that year, Mr. Hassan opened Shish Kabab, one of the most successful restaurants in Port Washington and on Long Island. In 1995, Mr. Hassan's Fish Kebab restaurant debuted across the street and in 1995 he created a third successful business in downtown Port Washington, the Mediterranean Marketplace.

In addition to being a prominent restauranteur, Mr. Hassan has been a major contributor to the beautification of downtown Port Washington. Ayhan Hassan has incorporated the beauty of the natural environment within his restaurants by using the trees, shrubs and flowers of Port Washington into the decorum of these properties.

Mr. Hassan has invested his time and also has used his own money to restore many of the old buildings in downtown Port Washington to play host to his three businesses. He has consulted many times with the members of the Residents For A More Beautiful Port Washington to inquire about how they would effectively make Port Washington a more enjoyable place to shop, eat and live. Ayhan Hassan is indeed a man dedicated to improving the quality of life for his community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Ayhan Hassan for his many years of active service to Port Washington and in wishing him many more to come.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. MCINTYRE. Mr. Speaker, on Tuesday, May 2, 2000, I was in North Carolina participating in my state's primary election and was unavoidably absent for rollcall votes 131 and 132. Had I been present I would have voted "yes" on rollcall vote 131, and "yes" on rollcall vote 132.

HMONG VETERANS' NATURALIZATION ACT OF 2000

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 371, the Hmong Veterans Naturalization Act of 2000. I urge my colleagues to join in supporting this important legislation.

This legislation is long overdue. For too many years, the contributions made by our courageous Hmong allies during the Vietnam war went largely unrecognized. As we commemorate the 25th anniversary of the ignoble end to the Vietnam war, it is befitting that this bill has come to the House floor for consideration.

The Hmong veterans were an invaluable, staunch ally to the U.S. war effort in Southeast Asia. Throughout the Vietnam conflict, Hmong guerrilla units, operating out of their native Laos, collected vital intelligence, protected key American installations in remote mountain locations, and rescued downed American pilots. In a statement submitted to the Judiciary Subcommittee on Immigration and Claims in the 105th Congress, a former CIA intelligence officer estimated that Hmong operations out of Laos tied down 50,000 North Vietnamese troops in that country.

It is important to note that the Hmong veterans performed their invaluable guerrilla role at great peril to themselves and to their families. Moreover, many of them suffered dearly at the hands of the Communist North Vietnamese and Laotian forces after the U.S. withdrawal from Southeast Asia in 1972.

H.R. 371 provides special relief and consideration for those Hmong veterans who have sought to emigrate to the United States. It recognizes the fact that many of the Hmong face unique language problems that would normally disqualify them for U.S. citizenship. These problems stem from the Natural Cultural Barriers that exist between Asian and Western societies, as well as the distinct issue of an underdeveloped and underutilized Hmong written language.

H.R. 371 addresses this unique problem by waiving the English language requirement and provides special consideration for the civics requirement associated with naturalization. The bill was amended in subcommittee to address concerns over the potential for fraud by clearly outlining steps that needed to be taken to determine a veteran's eligibility, and limiting the total number of potential beneficiaries to 45,000.

Mr. Speaker, I reiterate that this legislation is long overdue. I visited Hmong Commanding General Vang-Pao at his field headquarters in Central Laos in 1973. At that time, I was deeply impressed at how these people were willing to place their own lives and welfare on the line to not only fight for their freedom, but also to assist our American war effort and to save American lives. To paraphrase the author of this legislation, their actions during the Vietnam war demonstrates that the Hmong have already passed the most important test of all, risking their lives to defend freedom and save American personnel.

Accordingly, for this, we owe them our gratitude. This legislation corrects a long overdue problem, and is a significant step on the road to repaying the debt we as a Nation owe the Hmong veterans.

TRIBUTE TO DR. DAVID RICHARD PRESTON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHERMAN. Mr. Speaker, today I pay tribute to Dr. David Richard Preston, an educator and management consultant who founded the Department of Organizational Behavior at Phillips Graduate Institute. In his capacity as Executive Director of this master's degree program, Dr. Preston teaches and guides the research of professional students who are learning how to make organizations more successful and humane.

Albert Einstein once wrote, "Try not to become a man of success, but rather a man of value." David Preston has spearheaded programs designed to promote personal, professional and organizational values for the past fifteen years. His efforts began as a high school student, when he developed and implemented events in which student leaders and public officials engaged in dialogue about policy, to the benefit of disabled students. Dr. Preston has maintained his ties to public education, through training teachers at UCLA and by volunteering in such programs as Students Run Los Angeles, in which he participated in the Los Angeles Marathon alongside students from Haddon Avenue Elementary School in Pacoima, California.

Dr. Preston's teaching expertise has been recognized locally and nationally. Over the past seven years, his courses at UCLA have received praise from students and colleagues. He is sought after by professional associations and corporations for his expertise on topics such as team building, time management, leadership and motivation. Dr. Preston's first book, Time for Success, has helped many of his students and clients achieve their goals.

Two years ago, Dr. Preston was asked to create an academic program that would help professionals deal with the human issues that create challenges in organizations.

Phillips Graduate Institute invited Dr. Preston to write the curriculum, hire adjunct faculty, recruit students and create business alliances for what would eventually become the Department of Organizational Behavior. Today, the department serves approximately twenty students in each class. In addition to the basic skills needed in the business environment, each student takes courses such as Ethics, Conflict Resolution, and Organizational Change. Students are taught adult learning styles, how satisfaction is linked to performance, and how organizational values can lead to success beyond mere profit.

Dr. Preston's students are as ethnically and professionally diverse as the organizations they serve. In a recent class, a workgroup included an entrepreneur, a financial planner, a human resources specialist, and the CEO of a hospital. The common thread that weaves students together is that they work with people and have the desire to create and maintain successful long-term working relationships. By teaching management strategies that emphasize values such as honesty, loyalty, and teamwork, Dr. Preston is giving these students the tools that can change the face of business.

Mr. Speaker, distinguished colleagues, please join me in honoring Dr. David Richard Preston for his service both as Executive Director at Phillips Graduate Institute, and for his continual efforts to foster action on behalf of education in the business community. He is a role model for educators and business leaders who want to improve performance within their organizations, and together improve cooperation and corporate citizenship as a society.

IN RECOGNITION OF MASON LANKFORD FIRE SERVICE LEADERSHIP AWARD RECIPIENT PAUL BOECKER

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. BIGGERT. Mr. Speaker, today I recognize and congratulate a true leader in fire safety and emergency preparedness with whom the people of the 13th District of Illinois have the distinct pleasure of living.

Tonight, that leadership will be honored at the National Fire and Emergency Services Dinner held by the Congressional Fire Services Institute. There, Paul Boecker, Fire Chief Emeritus of the Lisle-Woodridge Fire District, will receive the Mason Lankford Fire Service Leadership Award.

As my colleagues are no doubt aware, this award was established in 1998 in honor of the late Mason Lankford, who was a strong advocate of all first responders. Lankford was also instrumental in the formation of the Congressional Fire Services Caucus and the Congressional Fire Services Institutes.

Paul Boecker is a worthy successor to this legacy.

It's hard to know where to begin to list Paul's accomplishments. Perhaps it is simplest to say that, when he retired on July 2, 1994, he had made the Lisle-Woodridge Fire District one of the finest in the world.

But that might not fully capture what he did. During his 23 years as fire chief, he took a volunteer fire department of part-time firefighters and two stations that responded to 454 calls to one that now responds annually to more than 4,800 calls with 100 full-time firefighters at five stations.

In 1993, the district became the first fire protection district and one of only 15 fire departments in the nation to achieve the ISO Class 1 rating.

Paul's accomplishments aren't limited to the local level. For 14 years, he served as chairman of the Emergency Management Committee of the International Association of Fire Chiefs. He is the author of the "Common Sense Disaster Management—Think Big!" program that is presented at numerous state fire schools.

His list of awards is so long as to make a full accounting here impossible. However, anyone who has been named citizen of the year in so many different places has clearly had an impact.

Beyond his own personal accomplishments, Paul was instrumental in encouraging his personnel—from firefighters to administrators to fire chaplains—to contribute to the growth of the national fire service. From his staff came ideas, encouraged by Paul, that led to the Federation of Fire Chaplains and the Illinois Fire Chiefs' Secretary Association.

Paul is a man devoted to his profession, his family, and his friends. He exemplifies the spirit and dedication of the men and women in the fire service.

I congratulate Paul Boecker for winning the Mason Lankford Fire Service Leadership Award. It is an honor to represent him in Congress and an honor to recognize his achievements here today.

COMMENDING CALHOUN ELEMENTARY SCHOOL

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. WHITFIELD. Mr. Speaker, I rise to commend a school in my District—Calhoun Elementary School, located in McLean County, Kentucky. The school was honored on May 2 as a Distinguished Title I School by the U.S. Department of Education and the National Association of State Title I Directors (NASTID) at an awards luncheon in conjunction with the annual meeting of the International Reading Association. Each Distinguished School is nominated by its state.

The Title I program provides critical help to schools with students from low-income families. Title I funds are targeted at boosting poor achievement and improving basic skills. The purpose of the Distinguished Title I Schools award is to honor the successes of these schools and provide valuable information so other schools may learn what has made these schools so effective.

Calhoun Elementary School is made up of students in kindergarten through fifth grade. Programs at Calhoun Elementary include a computer lab which is incorporated into the science, social studies, reading, and math curriculums. Calhoun Elementary has increased parental involvement by over 100%. The Family Reading Night has tripled in size since its inception last year. Other activities involving parents include parent and child computer night, sweatshirt decorating, and speakers on topics of interest to parents, all of which are planned by the Title I Parent Liaison. Calhoun students participate in a keyboard lab to learn music, history, notes and background. This has enabled students to become more proficient in science and math. Calhoun students have improved achievement scores by at least 16 points.

Title I has enabled the school to adopt extensive programmatic and systematic changes to help ensure the success of their students. New teaching strategies have incorporated tasks which require higher order thinking skills used in critical problem solving. Teachers engage students in challenging activities which capture the students' interests. Teachers have also focused attention on addressing the needs of a student body with multiple intelligences and diverse learning capabilities.

The students, teachers, administrators, and parents at Calhoun Elementary School should be proud of their extraordinary achievement. Their determination and community-based solutions set an outstanding example for other schools to follow.

COMMENDING THE CITY OF MONTCLAIR IN THE WAR AGAINST HEART DISEASE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to celebrate the exciting work that is being done to combat heart disease in the City of Montclair, California.

Heart disease is the number one killer in this nation. To battle this deadly problem, the American Heart Association works with local cities to encourage education on the disease and to promote healthy lifestyles. This year, I am pleased to join the American Heart Association of the Inland Empire to recognize the City of Montclair in the war against heart disease.

You may be interested to know that the City of Montclair successfully competed for a grant from the California Department of Health Services Nutrition Network to promote healthy eating and lifestyles choices. This grant expands the city's Por La Vida program. This program trains Latino women to be health educators (consejeras) with a six-week series of ongoing cooking classes. In addition to healthy meal preparation, the classes include formal chef demonstrations and tours of a local farmer's market. To promote heart-healthy lifestyles throughout Montclair, the city council is also supportive of a cooking contest and a health promotion workshop that will be open to the entire community this summer.

I commend the City of Montclair for this innovative approach to educating and promoting heart-healthy lifestyles.

TRIBUTE TO VIRGINIA TUFARO

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to pay tribute to a real hero from my District, Virginia Tufaro. As a life long resident of Long Island, Virginia has dedicated her life to helping others. For over 27 years, as a registered nurse and through her volunteer work as a member of the Mineola Volunteer Ambulance Core, the New York Disaster Medical Assistance Team, and the Safe Kids Coalition—Virginia is truly one of our unsung heros on Long Island.

In addition, Virginia can be found teaching junior volunteers, working at the first station at the Olympic Swim Team Trials, and at the local county fair's first aid station.

Virginia's daily heroism came into the public's eye on December 30, 1999, when Virginia saved Michael Geier's life. Michael had been riding at the North Shore Equestrian Center in Brookville, New York. When Michael's horse returned to the barn without Michael, Virginia jumped off her horse and into her jeep in search of Michael. She found him face down in the dirt. He was flaccid and unresponsive. He had a pulse, but his breathing was agony and it was clear the situation was desperate.

Fortunately, Virginia's expertise is in critical care and trauma, thus she was able to quickly assess her patient's condition and intervene to save his life. She stabilized Michael's airway and cervical spine and administered artificial respiration. Virginia then mobilized a helicopter rescue and were both airlifted to Nassau County Medical Center, a level one trauma center, where he was immediately incubated and placed on a ventilator. Michael slipped into a coma for about a week, but thankfully today Michael has regained consciousness and is doing great at St. Charles Rehabilitation Hospital.

As we begin to celebrate National Nurses Week, I want to thank Virginia for going above and beyond the call of duty for the people of Long Island.

HONORING DR. LEE AND KATHY BERMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHERMAN. Mr. Speaker, today I pay tribute to two exceptional people, Dr. Lee and Kathy Berman, as they receive this year's Spirit of Life Award from Temple Bat Yahm. Their dedication and commitment to their temple and community serves as an example to us all.

A practicing optometrist for the past 25 years, Lee Berman has a long history of distinguished service to the Jewish community and the greater community. His religious leadership positions include Vice President of Membership and Treasurer at Temple Israel in Long Beach. At Temple Bat Yahm, Lee has also held various Vice Presidential positions, including Membership, Facilities, and Long Range Planning. Currently, he is serving his second term as President of the Temple Bat Yahm Board of Trustees. He has also served on the Board of Directors for the Jewish National Fund. Lee's ongoing commitment to the Boy Scouts of America is evidenced by his service as a Cub Master and as an Assistant Scoutmaster for the past four years. Kathy Berman has also long been active in scouting, having served as a Cub Scout leader, Girl Scout leader, and Troop Organizer for the Greater Long Beach Girl Scout Council. Along with her husband, Kathy has dedicated herself to Temple Bat Yahm, where she served as Sisterhood Co-President for three years. She has also served as Scrip Chair, Gala Reservation Chair, Campership Chair, and as a singer in the Temple choir.

Together, Dr. Lee and Kathy Berman worked diligently to create a new expanded campus and Torah learning center at Temple Bat Yahm. Their dedication to the realization of this goal has not gone unnoticed and, through their leadership, their dream will soon become a reality. In recognition of their invaluable service, Kathy and Lee will receive the distinguished Spirit of Life Award from Temple Bat Yahm at its annual Gala Dinner Dance, Vision 2000. This honor represents the exemplary dedication of Lee and Kathy to improve both Temple Bat Yahm and our community.

Mr. Speaker, may we ask our distinguished colleagues to join me in extending our gratitude and appreciation to Dr. Lee and Kathy Berman for their dedicated service to our community.

HONORING THE 2000 BEST OF RESTON AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor those residents of Reston, Virginia who have been awarded the Best of Reston Community Service Award, which is presented annually by the Greater Reston Chamber of Commerce and Reston Interfaith to honor businesses and individuals that have gone above the norm in their service to others in the Reston community.

Dan Amato and the Hyatt Regency Reston—for their strong work ethic, invaluable customer service and commitment to the community. Both Dan Amato and the staff of the Hyatt Regency Reston have taken enormous strides to host a quality facility in Reston. Throughout their years in the Reston Town Center, they have been more than willing to donate time, resources and money to the many organizations that patronize their hotel. Whether it has been hosting an event for the Reston 2000 Task Force, donating gift certificates for countless charities and community organizations, or supporting the Greater Reston Arts Center's (GRACE) gallery and the Greater Reston Chamber of Commerce, Dan Amato and the Hyatt have made continuous strides to be involved in every aspect of the community. Many charities and organizations have benefited from their generosity. Their services—whether it is as host for a meeting or sponsor of an event—are highlighted by their quality of work and impressive work ethic.

Willie Bush—for his desire to help the less fortunate. Willie Bush is a well known figure within the family of Reston's Martin Luther King Christian Church. As Chairman of the Church Outreach Center, he has spent 14 years providing holiday food baskets, serving as a member of Reston Interfaith, the Reston Jaycees and the Church Bible Study/Choir/Deacon Board, and serving as a member of the "Works Sunday Project," an outreach activity in support of the homeless, abused women and senior citizens. Throughout his long history of providing assistance to others, he has exemplified his Christian living by working for the poor, visiting the sick and feeding the hungry. Whether a member has needed food or clothing, money to pay utility bills or simply support, Willie Bush has given of himself and worked for the betterment of the Reston community.

Nancy Burke—for her tireless efforts and support of athletics in the community. Nancy Burke currently serves as a Health and Physical Education, Sports Medicine and Driver's Education teacher at South Lakes High

School. As the school's head athletic trainer, she oversees medical assistance to athletes and trains student assistants to administer help. As a teacher, she has gone above the call of duty by working to improve the school's athletic training facility and taking her students on numerous trips to learn about sports medicine. Outside of the classroom, she continues her role by volunteering with the Reston youth football and softball teams and donating her time and efforts to help students with counseling and advice. Nancy Burke has had a positive influence on the lives of the countless students she has known during her years at South Lakes, whether it is through athletics or her role as a teacher and friend.

Greater Reston Arts Center (GRACE)—for promoting the importance of arts and enriching individual and community life in Reston. For 25 years, GRACE has strived to foster and promote excellence in contemporary visual arts. GRACE has worked directly with the youth of

Michael Guthrie—for his inner drive to make Reston the best possible place to live and to raise a family. Michael Guthrie is an active member of the Reston community in every way. Whether as a representative on the Reston 2000 Task Force, a supporter of the American Cancer Society, a coach in the Reston Youth Athlete Association or a member of the Reston Rail Scope of Work, he has given his all to ensure success. Along with his work as office manager of the Long & Foster Wiehle Avenue Office, Michael Guthrie has wasted no time supporting many organizations in Reston. He has volunteered to serve on numerous committees and has always taken a leadership role. From spearheading the public relations campaign for the 2000 Martin Luther King Celebration, to arranging for motivational speakers for students at Langston Hughes Middle School and South Lakes High School, to creating an opportunity for realtors to donate to Reston Interfaith through a deduction on commission checks and many more, Michael has put his heart into support of all walks of life in Reston. His energy and enthusiasm for Reston has not gone unnoticed by his co-workers and fellow citizens, who are often inspired to serve along with him. Michael Guthrie has gone beyond what is expected of any citizen and continues to make a contribution to the community.

Joe and Marcia Stowers—for their continued work to improve transportation in Reston. Joe and Marcia Stowers have been involved in almost every land use and transportation projects in Reston. Through their service on the Reston Community Association Planning and Zoning Committee, Reston on Foot, Reston 2000 and more, the Stowers have shared their expertise to benefit every resident and transient, worker, bicyclist, and pedestrian. The Stowers have had a hand in countless transportation issues in Reston, including creating the Reston Transportation Committee, assisting in the formation of LINK, advocating for HOV lanes on the Dulles Toll Road, and more recently, supporting rail to Dulles. The Stowers arrived among the first settlers in Reston in 1965 and have both lived and worked—now at Sydec Inc., a transportation-consulting firm—around the Lake Anne Village Center. After 30 years of community service, they have succeeded in encouraging a new generation to become active in Reston civic affairs and to play roles as emerging community leaders.

Vicky Wingert—for her steadfast effort as a community volunteer. Vicky Wingert has gone well beyond her role as Executive Vice President of Reston Association (RA) in working for a better Reston, where her personal contributions go far beyond her job related duties. She uses her talent in firm-making to maximize the visual image of Reston for residents, visitors and employers. She has volunteered her services in the production of The Difference is Reston; Reston Interfaith's 25 Anniversary celebration, a presentation that stressed the importance of its program; and Pals, the Movie, a firm created for PALS, Reston's early learning center, to assist parents in selecting a quality care facility. Vicky also volunteers for countless other programs, including the Reston Festival, Character Counts! Coalition of Reston, the Northern Virginia Fine Arts Festival, the Martin Luther King Jr. Celebration and more. Throughout her 23 years of community service, her volunteer efforts have been to the advantage of the entire community and have affected thousands. She is a strong advocate for the community and seeks to provide the leadership necessary to further implement the goals on which Reston was founded. She is a wonderful steward and acts from the conviction that Reston, on her watch, will be an extraordinary community.

Mr. Speaker, I know my colleagues join me in honoring the Best of Reston award winners for all of their hard work in making their community a better place to live.

BUSINESS CHECKING MODERNIZATION ACT

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MYRICK. Mr. Speaker, the House of Representatives yesterday passed H.R. 4067, the "Business Checking Modernization Act" by voice vote. As this legislation goes to the Senate and possible to a conference, I would like to urge my House colleagues who will be conferees to insist on the inclusion of two important provisions in any conference report. One key provision currently not part of this legislation is language that would allow the Federal Reserve to pay interest on "sterile reserves." The last time the House of Representatives passed similar legislation on October 9, 1998, such language was included. This language is still needed. The measure that passed yesterday will impose new costs on banks, according to the Federal Reserve, without any provision for offsetting these costs. The Federal Reserve has expressed its support for the payment of interest on sterile reserves to offset these costs, and I understand that House Banking Committee Chairman Leach has indicated that he supports the provision as well. I would urge my colleagues to include that language in any conference report prepared on this bill.

One other provision that I would urge the House conferees to retain is language providing a three-year transition period before the payment of interest on commercial checking accounts becomes effective. This transition period is shorter by half than the transition period included in the legislation adopted by the House in 1998, and yet it is still the case that banks will be required to unwind and restructure long-standing relationships with their customers. Due to the current prohibition against the payment of interest on commercial checking accounts, many banks have developed a menu of other services that they provide to their customers. These will need to be restructured. With yesterday's vote the House has already reduced the transition period available to banks from the earlier 1998 legislation. It is very important that this transition period of three years not be reduced further. I would urge the House conferees to maintain the House position of a three-year transition period in any conference report on H.R. 4067.

TRIBUTE TO THE NORTHEAST REBELS CHEERLEADERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHAW. Mr. Speaker, today I honor and pay tribute to the Northeast Rebels Cheerleaders for their efforts and contributions in the USACF National Competition held at the Charlotte Coliseum, in Charlotte, North Carolina.

The Northeast Rebels is a self-supported league and has four cheerleading teams, averaging approximately 300 children, from the ages of 7–15 years of age. Cheerleaders try-out for the team based on their age group, with a maximum of 20 girls per squad. Each year all four divisions of cheerleading squads compete against other county leagues in the same classification for the NBFL Cheerleading Competition. They also compete in the Broward County Fair Competition and in 1999, all four teams won 1st place in their division.

In particular I would like to recognize their accomplishments of the A&B Team in the Junior Recreation Division and the C–Team in the Youth Recreation Division at the USACF National Competition held at the Charlotte Coliseum, Charlotte North Carolina on April 1 and 2. The A&B Team placed 2nd in the Junior Recreation Division and the C Team won the National Championship in the Youth Recreation Division.

To prepare for competition, the managers and coaches spend many hours making up dances, cheers, formations, stunts & choreography. They volunteer not only for community hours, but they also have the satisfaction that they have inspired and impacted the girls they coach. The admiration of the cheerleaders for their coaches, is evident in their performances.

I know the House will join me in paying tribute to this outstanding team of people and wish them continued success in their endeavors: Lori Thompson, Stacy Guy, Shannon Troyer, Amanda Nutter, Gina Mariatti, Katie Birge, Rachel Maggi, Paige Becerra, Angelina DiCandia, Melanie Dhaveloose, Stephanie Ely, Heidi Friedman, Samantha Gasperic, Melanie Gent, Joanne Maglorie, Julie McGaha, Jamie

McMillan, Lauren Mitchell, Elizabeth Montero, Lexy Spellacy, and Samantha Tomaro.

NATIONAL READING PANEL SUPPORTS PHONICS

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. MCINTOSH. Mr. Speaker, a parent in Indiana shared with me this touching story, "When my son was in first grade, he used to say, 'I hate school, how old do you have to be to quit.' He was so frustrated because he couldn't read. The school did not 'believe' in phonics. When my son learned the Direct Approach, he got the 'tools' he needed to read. The logical approach made sense to him. He started reading on his own instead of me reading to him. With only one year of the smart chart, in second grade, he scored 4th grade reading equivalency on the Stanford Achievement test. Pretty amazing!"

This success story could be repeated again and again if schools took the initiative this caring parent took to help her child learn to read by teaching him phonics. Unfortunately, many elementary schools do not teach phonics and more than a few teacher colleges do not teach teachers this instruction technique.

Recently, however, I became optimistic that many more schools will choose to adopt phonics. My optimism stems from the release of the National Reading Panel's report on successful reading strategies. On April 13, 2000, the Congressionally mandated National Reading Panel released its findings which support the teaching of phonics, word sounds, and giving feedback on oral reading as the most effective way to teach reading.

The Panel, selected by the Director of the National Institute of Child Health and Human Development in consultation with the U.S. Secretary of Education, was composed of 14 individuals including leading scientists in reading research, representatives of colleges of education, reading teachers, educational administrators, and parents. During the past two years, members reviewed thirty years of reading research studies.

The panel found that for children to read well, they must be taught phonemic awareness—the ability to manipulate the sounds that make up spoken language and phonics skills—an understanding of the relationship between words and sounds.

The panel concluded that research literature provides hard evidence that phonics provides significant benefits to children from kindergarten through the 6th grade and to children with learning difficulties. The panel recommends systematic phonics instruction which provides the greatest improvements. Systematic phonics consists of teaching a planned sequence of phonics elements, rather than highlighting elements as they happen to appear in a text.

The importance of these findings cannot be overstated. America suffers from a reading deficit. The 1998 National Assessment for Educational Progress (NAEP) has found that 69% of 4th grade students are reading below the proficient level. Minority children have been particularly hard hit by reading difficulties. According to NAEP, 90 percent of African American, 86 percent of Hispanic, 63 Percent of Asian students were reading below the proficient level.

The cost to those who never learn to read adequately is much higher than that. Job prospects for those who cannot read are few. Americans who cannot read are cut off from the rich opportunities this nation has to offer. And the tragedy is that students who can't read often end up in juvenile hall, or on the street susceptible to drugs, or school drop outs.

Many students will not get a second chance. Andrea Neal, the Chief Editorial Writer for the Indianapolis Star who has been closely following this issue puts it this way, "It is reasonable and necessary to require elementary teachers be trained in the most effective phonetic programs. To do otherwise is to commit educational malpractice on our children."

The National Reading Panel's report provides teachers and teacher colleges information to prevent instructional malpractice. As the most comprehensive evidenced-based review ever conducted of research on how children learn reading, this report can be a powerful tool in fight against ineffective reading instruction and illiteracy, if we choose to use it.

I urge my colleagues to read the report and disseminate its findings through their respective districts.

50TH ANNIVERSARY OF ADELPHI UNIVERSITY SCHOOL OF SOCIAL WORK

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, social workers are the people who translate their education and training into commitment to making a difference in all aspects of people's lives. They are everywhere: in the courts, healthcare settings, schools, public and private agencies, congressional offices and industry, just to name a few. Often the public decries social problems that they would like solved; these are the people who work on a daily basis with individuals affected by them.

In order for social workers to maintain their high standard of care, they need the knowledge and skills required to assess the biological, interpersonal, environmental, cultural, and organizational components of people's problems. Adelphi University's School of Social Work has spent the past five decades educating and training individuals for roles and careers in the social welfare system.

The School of Social Work first opened its doors in 1949 in response to the increased need for social and community services. Over the past 50 years, it has sent countless professional social workers into the world to facilitate social as well as individual change with families, groups communities, and individuals. Graduates of Adelphi's School of Social Work have become practitioners, executives, administrators, faculty members and deans of professional schools.

By recognizing the increased demand for social work education, Adelphi has created numerous programs over the 5 decades to accommodate the needs of its students. The list includes part-time study, weekend and evening classes. A curriculum continuum from undergraduate to graduate education was created in 1969, and a Doctorate of Social Welfare program was adopted in 1975.

The school's staff is widely published, and they continue to provide superior professional education to future generations of social workers. They have a history of concern for social policy and social welfare. This is reflected by the operation of Adelphi's social agency by faculty, students, community professionals and volunteers. Current programs include the Breast Cancer Support Program and Hotline, the Refugee Assistance Program (RAP), and the Long Island Coalition for Full Employment.

In 1949, the School of Social Work admitted 25 students, and in 1951 graduated 23. It now boasts four campuses with nearly 850 students enrolled in Bachelor, Master and Doctoral programs. As the Adelphi School of Social Work celebrates its 50th anniversary, I applaud its strong commitment to the ongoing enhancement of social work knowledge, values, and skills, and its successful preparation of countless professionals who continue to meet the needs of an ever-changing society.

TRIBUTE TO STAN SMITH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to my friend Stan Smith, who is retiring after 25 years of distinguished service for San Francisco's working families as the Secretary Treasurer/Business Representative of the San Francisco Building & Construction Trades Council.

Stan's lifelong commitment to organized labor began in 1955 when he entered the building trades as an apprentice glazier. He became a journeyman in 1958. His exceptional skills and devotion to assisting his fellow workers were recognized in his election as President of Glaziers Union Local #718 in 1958, an office he held until 1965. Stan's selfless dedication to the causes of organized labor was further demonstrated when he was elected Field Representative of Local #718 in 1965. In this position, he was tireless in the pursuit of justice, and he was masterful in settling grievances, bargaining, and resolving disputes arising during the collective bargaining process.

Mr. Speaker, Stan Smith's stellar career culminated in his election to the office of Secretary Treasurer/Business Representative of the San Francisco Building & Construction Trades Council, AFL-CIO. In this position, Stan has worked tirelessly to bring prosperity and security to Bay Area working families. He was an exceptionally able steward of all of San Francisco's construction unions, and in this position assured their full participation in the prosperity that we have enjoyed in the Bay Area.

Mr. Smith's credentials as a master tradesman are as stellar as his accomplishments in organized labor. He co-authored the first apprenticeship manual for the glazing trade, which is used throughout the United States and the world. His service on the Flat Glass Industry Joint Apprenticeship and Training Committee was exemplary. He serves as an Executive Committee member of the California State Building Trades Council, and he is the past Vice President of the San Francisco Labor Council, as well as a co-founder of Labor and Neighbor. Stan is also an honorary member of the Elevator Constructors Local Union #8.

Mr. Speaker, Stan Smith's commitment to helping others is typified by his outstanding service as a leader in numerous organizations seeking to provide opportunities for disadvantaged youth, minorities and women in apprenticeship programs in the construction industries, including Young Community Developers, Chinese for Affirmative Action, Ella Hill Hutch Community Center, Cal/OSHA Advisory Committee, Mission Bay Citizens Advisory Committee, Apprentice Opportunities Foundation, and the Youth Guidance Center Committee.

He has also held a number of leadership positions with community organizations, including service as a director of the Bayview Hunters Point Model Cities Program, and as a member of the community advisory group on the University of California at San Francisco's Long Range Development Plan, the San Francisco Open Space Committee, and the Booker T. Washington Community Center. Stan is also San Francisco Mayor Willie Brown's appointee to the Golden Gate Bridge District Board of Directors.

A graduate of George Washington High School, Stan Smith also served in the United States Marine Corps from 1951 to 1966, initially on active duty and later in the reserves. He is the loving husband of Kathy Maas and the proud father of six children, seven grandchildren and three great-grandchildren.

Mr. Speaker, I greatly admire Stan Smith's dedication and commitment to working people of San Francisco. I invite my colleagues to join me in expressing gratitude and esteem for his lifetime of service and in wishing him a rich and rewarding retirement.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

APRIL 13, 2000

Rollcall vote 123, on approving the journal, I would have voted yea.

Rollcall vote 124, on agreeing to H. Res. 474, the Rule to the Conference Report for the FY 2001 Budget Resolution, I would have voted yea.

Rollcall vote 125, on agreeing to the Conference Report to H. Con. Res. 290, the FY 2001 Budget Resolution, I would have voted yea.

Rollcall vote 126, on the motion to recommit H.R. 4199, the Date Certain Tax Code Replacement Act, I would have voted nay.

Rollcall vote 127, on passage of H.R. 4199, the Date Certain Tax Code Replacement Act, I would have voted yea.

Rollcall vote 128, on passage of the H.R. 3615, the Rural Local Broadcast Signal Act, I would have voted yea.

Rollcall vote 129, on agreeing to the Barrett amendment to H.R. 3439, the Radio Broadcasting Preservation Act, I would have voted nay.

Rollcall vote 130, on passage of the H.R. 3439, the Radio Broadcasting Preservation Act, I would have voted yea.

RECOGNIZING DOUGLAS WEAVER, NEW YORK STATE 4-H SHOOTING SPORTS PROGRAM LIFETIME ACHIEVEMENT AWARD RECIPIENT

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SWEENEY. Mr. Speaker, today I recognize the New York State 4–H Shooting Sports Programs' Lifetime Achievements Award recipient, Mr. Douglas Weaver of Hudson Falls, NY. Mr. Weaver received the award at the New York State Shooting Sports Recognition Banquet which was held at the 4–H Training Center in Ballston Spa, NY on April 28, 2000.

Mr. Weaver has been a 4–H leader in the 22nd Congressional District for the past 19 years. His leadership has been instrumental in starting and maintaining the popular Washington County Shooting Sports Program. Mr. Weaver's innovative approaches in the areas of youth development and environmental education distinguish the Washington County, NY program from all others. Local 4–H participants are fortunate to have a leader of his superior caliber.

Mr. Weaver actively participates in the New York State Shooting Sports program. He attended instructor classes at the national level and currently serves as an instructor for state and local level workshops. Mr. Weaver has held numerous leadership roles in the 4–H, including Chairperson of the 4–H Leaders Association. He is an excellent role model for youth and adults and always promotes teamwork and cooperation.

Mr. Speaker, please join me in congratulating Mr. Douglas Weaver on his receipt of the New York State 4–H Shooting Sports Program Lifetime Achievement Award. He is an inspiration to us all.

HONORING REVEREND WILLIAM HARGRAVE OF EBENEZER BAPTIST CHURCH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. ROTHMAN. Mr. Speaker, today I pay tribute to Reverend William H. Hargrave, who retired last year as the pastor of Ebenezer Baptist Church in Englewood, NJ.

As the former mayor of Englewood, NJ, I was witness to some of the many wonderful ways in which Reverend Hargrave lifted the spirit of his congregation and his community over a career that spanned three decades.

During his tenure as pastor of Ebenezer Baptist Church from 1973 to 1999, Reverend Hargrave led his congregation with faith and great distinction. As an eyewitness to his work as a pastor, I want to make several observations about the Reverend's remarkable career.

As a pastor, Reverend Hargrave had the great talent to bring people together-together in prayer and together to help build the spiritual foundation of his church. From his work with the youngest member of his congregation to the oldest, Reverend Hargrave had a gift that is the mark of any truly successful leader; he used his God-given power to unify people. Whether he was working with a member of his Board of Deacons or with the youngest member of the youth choir, Reverend Hargrave was able to unify people in pursuing a common goal. And for Reverend Hargrave, that goal was always in keeping with what was best for his congregation and what would most benefit the people of Englewood.

I also want to convey my deep appreciation for the Reverend's foresight in paving the way for the future of Ebenezer Baptist Church. By being an integral part of the "mortgage burning" by helping oversee the purchase of the Hall House, and by acquiring a new church organ, the Reverend was moving to ensure that his church would prosper well into the 21st century.

For the parishioners of his church, for the residents of Englewood, and for the people of the State of New Jersey, Reverend Hargrave's tenure at Ebenezer Baptist Church was indeed a fortunate and blessed time. A time of progress, a time of great faith, and an era where hope, spread by his good works, thrived.

I wish Reverend Hargrave every happiness on the occasion of his retirement.

RECOGNITION OF THE CONTRIBUTIONS OF ANTHONY F. SABILIA, JR.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. GEJDENSON. Mr. Speaker, today I commend Anthony F. Sabilia, Jr. of New London, CT for 35 illustrious years as an educator in the New London Public School System. Mr. Sabilia's commitment to the education in New London will remain an influence for years to come.

Mr. Sabilia was born on November 19, 1943, the oldest child of Rose and Anthony Sabilia, Sr. Growing up in New London under the watchful eye of his maternal grandparents, Mr. Sabilia graduated New London High School in 1961 and went on to Providence College where he graduated in 1965. Shortly thereafter, Mr. Sabilia began a long career as a teacher at New London High School. He married Cleo Shea in 1966 and they are the proud parents of Anthony and Elizabeth.

Through a career which spanned more than three decades, Mr. Sabilia taught English, English as a Second Language, Citizenship, Basic Skills among other courses in the Adult Education Program. As a leader in this field, Mr. Sabilia served as President of the Connecticut Association of Adult and Continuing Education from 1985 to 1991 and President of the National Commission on Adult Basic Education in 1992, 1993, 1999 and 2000.

Mr. Speaker, after 35 years of commitment to New London schools and to adult learners across our state, Mr. Sabilia will soon retire from the position of Director of New London Adult Education. His leadership and inspiration will have a lasting influence in New London and across Connecticut for years to come. Today, I join citizens from New London in honoring Mr. Sabilia's accomplishments and in wishing him all the best in the future.

PROTECTING THE INTERNET FROM EXCESSIVE AND DISCRIMINATORY TAXATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. NADLER. Mr. Speaker, I am pleased to join with my colleagues Chairman HYDE, Chairman GEKAS, and Ranking Member CONYERS in introducing legislation to follow up on the work of the Advisory Commission of Electronic Commerce.

This legislation is not intended to be a final proposal, but rather to stimulate debate on a very important subject. I have no doubt the sponsors would find portions of this bill over which they would disagree, but we believe it is necessary to initiate discussion, to have hearings during which all points of view can be considered, and determine what action might be appropriate.

It is in that spirit that I join my colleagues, and I look forward to working with my fellow members, the White House, state and local officials and the industry to form a fair rational approach to these complex but important issues.

FULL FUNDING FOR SPECIAL EDUCATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 4055, the IDEA Full Funding Act, which I'm proud to be a co-sponsor of.

This bill is a prudent investment in our children that will finally put us on track to fulfill the Federal government's share of special education. It sets a schedule to meet the 40% Federal commitment by FY 2010 by authorizing increases of $2 billion each year to reach the level of funding we should have been providing all along.

I'm proud to have supported House Concurrent Resolution 84 last year which urged the Congress and the President to fully fund special education. But we can do more and we should, by passing this important bill.

Everyone agrees that a good education is critical to our children's future and their success, yet we are not providing the financial resources to make this possible. It's hard for local school districts to reduce class sizes, build needed schools, or hire new teachers while still providing for special education services, especially when the Federal government doesn't pay its fair share.

School districts are struggling with how to provide the best education possible for all children within tightly constrained budgets. California has over 600,000 students who receive special education and related services at a reported cost of $3.4 billion. Without Federal assistance, local school districts are forced to use their general funds to the detriment of other programs.

In a speech I gave almost one year ago in support of House Concurrent Resolution 84, I called upon Congress to fulfill its pledge for full funding of IDEA. I'm pleased that the leadership of the House heard my call and that of my colleagues to make good on the Federal government's obligation to the school districts and our children across our country.

I thank the House leadership for bringing this important piece of legislation to the floor and I urge my colleagues to support H.R. 4055.

THE NATIONAL COALITION FOR ASIAN PACIFIC AMERICAN COMMUNITY DEVELOPMENT INAUGURAL CONVENTION: MAY 1–3, 2000

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. PELOSI. Mr. Speaker, on the occasion of its Inaugural Convention, The National Coalition for Asian Pacific American Community Development should be commended for its important work.

The National Coalition for Asian Pacific American Community Development [National CAPACD] was formed to address a significant issue. It is dedicated to meeting the housing and community development needs of the Asian Pacific American population.

For more than two decades, the founding member organizations of National CAPACD have been providing effective services to Asian Pacific Americans, immigrants, refugees, minority and impoverished populations. The formation of National CAPACD will help coordinate the diverse work of the non-profit organizations that serve the rapidly expanding Asian Pacific American (APA) population. National CAPACD's mission is to enhance the capacity and ability of community based organizations to conduct community development activities for the Asian and Pacific Islander communities.

National CAPACD seeks to accomplish this mission by: Creating an information sharing network to provide mutual support for established and emerging community development organizations, and to define advocacy issues; Establishing a presence and voice to raise awareness and impact community development policies on a local and national level; Increasing public and private resources to build community development capacity. Pursuing activities that promote unity, trust, support, mutual assistance, empowerment, and inclusion.

Through this important work, National CAPACD seeks to strengthen affordable housing development; economic development activities, such as workforce and business development; community empowerment and cultural preservation; and neighborhood revitalization.

National CAPACD will increase representation, participation, and resources in Asian Pacific American communities.

SUPPORT FOR CHARTER SCHOOLS

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. McINTOSH. Mr. Speaker, I rise today in support of National Charter Schools Week and the resolution which highlights the success of this important institution. National Charter Schools Week was declared to recognize the achievement of charter schools across America. It is supported by more than sixty grassroots organizations including the Indiana Charter School Association. Hundreds of schools, governors, and legislators are participating in activities to honor the involvement, dedication, and academic success of students, parents, teachers, and administrators.

Declared "one of the most promising education innovations in recent years." by the Indianapolis Star charter schools are an essential institution in a state which wants to bring the community together for education and give students greater opportunities to succeed academically.

Charter schools are an important step in engaging "edupreneurs"—people who care deeply about education, are able to replicate successful practice because of their knowledge of how results-oriented systems work, and have the potential to bring enormous financial resources to the table for the betterment of their students' education.

Charter schools create "social capital" by greatly expanding the opportunities for entire communities—particularly parents—to become involved with the life of the school. Parents tend to be involved more in charter schools, both because they are welcomed, and in some cases required to participate, but also because people tend to develop a vested interest in situations where they have made a deliberate choice. Choice leads to ownership and responsibility.

Choice also stimulates innovation. Charter schools tend to provide smaller and more "family-like" environments which some children need to succeed. Charter schools serve diverse groups of students including those of lower income and those with disabilities. These customized environments can provide extra attention, tailored curricula, new learning innovations, and other benefits.

As I said, charter schools are essential to building a successful education system. Thirty-six states, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools. It is my hope that Indiana will be the thirty-seventh. By adopting a strong charter school law, we will ensure that no child is left behind.

For these reasons, I am an original co-sponsor of this resolution and an enthusiastic supporter of National Charter Schools Week.

IN COMMEMORATION OF HOLOCAUST MEMORIAL DAY

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. WAXMAN. Mr. Speaker, I commend Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered during World War II.

This somber anniversary is a tribute to the memory of the victims of the Holocaust, the heroism of those who fought back, and the strength of those who survived. A national holiday in Israel, Yom Hashoah is also commemorated in communities across this country.

I strongly believe that we must act on our promise to "never forget" by acting on our responsibility to teach future generations about the lessons of the Holocaust. As we prepare our children for a new century, we must instill in them the tolerance and compassion to prevent the greatest terror of the past century from ever being repeated in the next. The legacy of the survivors of the Holocaust and of those who perished will only live on if we educate people about this history.

It was only last month that British Courts exonerated historian Deborah Lipstadt of the libel charges brought by a Holocaust denier. Although the decision reaffirmed that Holocaust denial is false history and Nazi sympathy, it is unfortunate that such attempts to distort and trivialize the Holocaust abound. The release of the Eichmann diaries as evidence used in the trial only further establishes the reality of the Holocaust and the dangers of those who seek to deny it.

Today is an opportunity to recommit ourselves to stand against anti-Semitism, discrimination, and intolerance in all forms, at home and abroad. We reflect upon the murder of 6 million innocent Jewish men, women and children, and the systematic destruction of families and vibrant communities. We reestablish our determination to confront the past, and our dedication to perpetuating the memory of those who suffered.

GREEN UP DAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SANDERS. Mr. Speaker, today I would like to salute the citizens of Vermont who are celebrating the 30th anniversary of Green Up Day.

In the 1960s and 70s, Vermont was on the cutting edge in environmental sensitivity. As U.S. Senator George Aiken's remarks revealed in the May 5, 1971 CONGRESSIONAL RECORD:

"Mr. President, several times recently, I have advised the Senate of things going on in Vermont which have lent and can lend encouragement and inspiration to the other States. I now have to report another event which could have far-reaching results. Last Saturday, May 1, a successful demonstration occurred in my State. This demonstration—called Green Up Day—was put on largely by our young people and extended into every community throughout the length and breadth of Vermont. About 75,000 people collected virtually every glass bottle, every metal can, every scrap of paper which had been cast onto the roadsides by careless and unthinking people. The result was that by Saturday evening, Vermont was undoubtedly the cleanest State in the Nation."

Mr. Speaker, this May Day ritual continues to be an expression in the finest American tradition. People—young, old and in between—businessmen, farmers, workers, students, families, all working together to clean up the state. Vermont's clean up, the Vermont way, continues to inspire others, and it should serve as a model for dealing with litter nationwide.

Though all other states address litter with "Adopt-A-Highway," and 21 states now designate a day for statewide cleaning, none matches Vermont's long-standing Green Up Day community tradition. I salute the citizens of Vermont for their commitment to the environment, to our state and to the tradition. Happy 30th anniversary Green Up Vermont.

A TRIBUTE TO WAYNE REED

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. PHELPS. Mr. Speaker, I pay tribute to Wayne Reed of Harrisburg, Illinois on his 80th birthday. Wayne's birthday was two weeks ago on April 23, 2000. He has born to Mr. and Mrs. Howard Reed in Harrisburg, and has lived there all of his life. He has three sisters and two brothers still living. Wayne and his wife Jeanne, who sadly passed away last year, raised three wonderful sons: Ray, a firefighter in Dallas, Texas; Ron, a letter carrier and ordained minister who resides in Harrisburg; and Randy, a mortician and owner of Reed Funeral Chapel in Harrisburg.

The Reed family has a long tradition of military service. Wayne is a United States Army veteran of World War Two. Two of his brothers are also veterans of the United States Army and his son Ray is a Vietnam-era veteran. His grandfather, Lewis Reed of Hardin County, Illinois was a Civil War veteran. Wayne was also a volunteer fire fighter with the Harrisburg Fire Department for over thirty years. He is a carpenter by occupation.

Mr. Speaker, I would like to encourage all of my colleagues here in the House of Representatives to congratulate Wayne Reed on a happy eightieth birthday. I do not know Wayne personally, but I have met with his son Ray, and from his biography I can tell that Wayne is a proud American and a good father to his family. I hope he enjoys his birthday and I wish him Godspeed.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. ORTIZ. Mr. Speaker, due to inclement weather and the inability to arrive in Washington DC yesterday, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 131—Yes; rollcall No. 132—Yes.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. VISCLOSKY. Mr. Speaker, I apologize for my absence from the House of Representatives on May 2, 2000. I was unavoidably detained in Indiana for my Primary election, and unfortunately missed two recorded votes. Had I been present, I would have voted "Aye" for both Rollcall votes 131 and 132.

LETTER CARRIERS WORK TO STAMP OUT HUNGER—A NATIONWIDE FOOD DRIVE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. KLECZKA. Mr. Speaker, on Saturday, May 13, 2000, the largest one-day food drive in the country will take place. Letter carriers from across the country will be collecting nonperishable food items from their customers and the food will then be taken to local food pantries for distribution. In Milwaukee, the Hunger Task Force feeds approximately 35,000 individuals each month through a network of more than 80 food pantries.

Sponsors of this worthwhile project are the National Association of Letter Carriers, in conjunction with the United States Postal Service, the AFL–CIO, United Way of Greater Milwaukee and Hunger Task Force of Milwaukee.

I rise today, Mr. Speaker, to ask that my colleagues lend their support to the letter carriers' food drives in their hometowns and districts. To my fellow residents in Milwaukee and Waukesha Counties, in order to meet the high demand for food over the summer, I ask that you consider buying a few extra canned goods and nonperishable items while doing the weekly grocery shopping. Let's make this year's food drive better than ever.

Our food pantries are counting on drives like this to help keep their shelves filled. Let's all try to do our part to stamp out hunger.

RECOGNIZING GUS McLEOD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MORELLA. Mr. Speaker, I rise today to honor a courageous explorer. On Monday, April 17, Gus McLeod, a former CIA agent, successfully flew his 1939 Boeing Stearman Biplane over the North Pole. Completing this journey, he became the first person to fly over the North Pole in an open-cockpit aircraft.

Mr. McLeod undertook this expedition for the sake of adventure. He wanted to help people truly appreciate the challenges that the earliest pioneers of aviation faced. And what challenges he faced!

Leaving Montgomery County Air Park in my district on April 5, Mr. McLeod flew his 60 year old aircraft, which has most recently been used as a crop duster, through freezing cold temperatures as low as 34 degrees below zero and winds as harsh as 100 miles per hour. At 6-foot-1, and 285 pounds, he had very little mobility in the cockpit of his old Army training plane. He wore a special electric suit to keep his body warm which left a burn the size of a silver dollar on his stomach which he didn't even notice at the time. He faced "white-outs" as he flew through snowy weather in Canada. At one point during the journey, the extreme cold caused the plastic engine gaskets to burst, causing his aircraft to leak oil and forcing a delay in his journey. But circling three times at the very top of the globe made him forget the cold and left only the feeling that all the hardships and challenges he endured were worthwhile.

This latest feat of the human spirit harkens to the accomplishments of the very earliest heroes of flight. Charles Lindberg crossing the Atlantic. Amelia Earhart crossing the Atlantic, the Pacific, and attempting to circumnavigate the globe at the equator. Richard Byrd and Floyd Bennett making the first flight over the North Pole. And Gus McLeod repeating their journey in an open-cockpit bi-plane.

LUBBOCK AVALANCHE JOURNAL CELEBRATES 100 YEARS IN PRINT

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. COMBEST. Mr. Speaker, today I recognize the Lubbock Avalanche-Journal newspaper in Lubbock, Texas in celebration of their 100 year anniversary of publication on the South Plains. The A–J has served the people of the South Plains for an entire century, longer even than the official town of Lubbock itself, which was incorporated in 1909.

Over the years, like its home, the paper has grown tremendously. The A–J now boasts an impressive number of over 64,000 subscriptions in Lubbock and the surrounding area. Without fail, the A–J has printed the latest news every day and has been instrumental in helping our town grow from a rural, rustic town into the thriving city it is today. The A–J has also helped shape the history on the South Plains by providing essential information to our community.

With the advent of the Internet and the World Wide Web, the A–J online is now able to connect people from all over the world. Current, former and future Lubbockites are just a mouse-click away from getting the latest information on what's happening on the South Plains.

The A–J has helped build a bridge of communication on the South Plains and has made a century's worth of friendships. I extend my gratitude to all involved in its successful production—from the publisher and editors to the printing press operators and paper couriers. Your hard work and dedication has made a significant contribution to our community. Best wishes for at least another century of continued and devoted services.

HONORING RICHARD A. WATSON, FROM THE 20TH DISTRICT OF ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHIMKUS. Mr. Speaker, as a former high school teacher, today I commend a retiring teacher from the 20th District of Illinois, Mr. Richard A. Watson. For 31 years, Mr. Watson taught agricultural education and served as the FFA advisor at Lincolnwood High School in Raymond, IL.

Some teachers think that education is a 9 to 5 job, but not Mr. Watson. Besides teaching in the classroom, he spent countless hours coaching judging teams, public speakers, and parliamentary procedure teams. Mr. Watson spent time after school assisting students with their Supervised Agricultural Experiences and other various community activities that the FFA Chapter set out to do.

Because of Mr. Watson's hard work, he was able to watch his students achieve their goals. Whether it was a State FFA Degree, Foundation Award or State FFA Office, he was an advocate and a motivator. More importantly, Mr. Watson was known for his famous phrase, "Keep your chin up," when things didn't go so well.

Mr. Watson has contributed to the betterment of the 20th District because he taught high school agricultural education to the person who advises me today on agricultural issues, Amy Matthews. I thank him for his 31 years of service and congratulate him for his outstanding teaching career.

But I also want to remind him, that our area won't let him slip away. Good teachers, good people are always needed and always welcome in our communities. While his official service may be ending, I know we can count on him to continue to make a difference in the lives of our children and therefore our collective futures.

INTRODUCTION OF THE FURNITURE FIRE SAFETY ACT OF 2000

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. DELAURO. Mr. Speaker, today I join with my colleagues, Representative ROB ANDREWS and Representative CURT WELDON, to introduce legislation that is long overdue. The United States has one of the highest fire death rates in the industrialized world. In the vast majority of home fire deaths, the killer is upholstered furniture, which is one of the most flammable items in the American home. Because of the seriousness of this problem, and the devastation it has caused countless American families (including those of Fire Fighters killed in the line of duty fighting home fires), we have introduced the Furniture Fire Safety Act of 2000.

This legislation would amend the Consumer Product Safety Act to require the Consumer Product Safety Commission (CPSC) to immediately establish a performance standard that is equal to the successful California state standard—the only one of its kind in the nation. California Technical Bulletin 117 (TB 117) is a mandatory standard for all residential upholstered furniture for sale in California that has been in effect since 1975. It is both an open flame test and a smoldering cigarette test for the component materials that make up the upholstered furniture. While the fire death rates for furniture fires have dropped for both California and the entire nation, death rates in California have dropped by a larger percentage than the nation as a whole. In 1994, for example, the theoretical number of California fire deaths due to upholstered furniture based on actual national figures, would be 65.2. However, the actual number of furniture fire deaths in California in that year was 10.

Mr. Speaker, two people die each day as a result of residential furniture fires. CPSC data report that, on average, 55 people die per month in fires where upholstered furniture is the first item ignited. Most of these fires are caused by cigarette ignitions, while a significant portion is caused by open-flames such as matches, lighters, and candles.

Upholstered furniture is one of the most flammable items in the American home. In just four short minutes, a sofa fire can engulf an entire living room in flames, filling the entire home with thick, dark smoke and toxic gases. Temperatures can exceed 1,400 degrees Fahrenheit in this short period of time, according to the National Fire Protection Association.

Since 1994, the National Association of State Fire Marshals, the International Association of Fire Fighters, and many other fire safety and consumer groups have urged the CPSC to develop national standards to deter residential furniture fires. To date, there has been no significant progress on the part of CPSC. In lieu of national standards, the upholstered furniture industry is being asked to adhere on a voluntary basis to lax safety standards for home furniture sold in all states except California. The result has been that approximately 4,500 Americans have lost their lives in residential furniture fires since 1994.

What is even more disturbing is the simple fact that for a small 3–5% add-on cost to the manufacturers for flame-retardant measures (on average, the cost of three pizzas, $20–$30) a sofa can be made safe and potentially save lives. Even more telling is the fact that price studies have revealed that flame-resistant sofas purchased at retail outlets in California were priced equal to, or in some cases less, than identical, non-flame-resistant products purchased from that same furniture retailer at a location outside of California.

This legislation would saves lives. The time has come to take action. We can not allow one more person to die unnecessarily from an upholstered furniture fire. I urge my colleagues to support this effort.

RETIREMENT OF McEACHERN HIGH SCHOOL PRINCIPAL RALPH WILLIAMS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. BARR of Georgia. Mr. Speaker, it is with great admiration—and some sadness—that I honor Principal Ralph Williams, as he plans for his announced retirement from the Cobb County School system and McEachern High School. Principal Ralph Williams came to Cobb County from Tennessee in 1972, to serve as administrative assistant for Pebblebrook High School. He later served as an administrator for Pebblebrook, Wheeler and North Cobb, before accepting his current position as principal of McEachern High School in 1982. For the past 18 years he has served the students of McEachern with honor and integrity; tirelessly devoting himself to the west Cobb community and this outstanding school.

McEachern High School has an extensive history in the community. It was founded in 1908 as an Agricultural and Mechanical School, with financial support and donated land from John Newton McEachern, co-founder of the Life of Georgia Insurance Company. In 1933, when A & M schools were abandoned, the community opened the Macland Consolidated School to continue to serve the educational needs of the community. In 1938 the school was renamed John McEachern Schools, providing educational opportunities to students from first through eleventh grade.

In 1980, McEachern became a comprehensive high school, and is widely recognized as one of the very top high schools in the entire state of Georgia. Enrollment now approaches 3,000 students. The presence of Principal Williams on campus of McEachern High School will be greatly missed. His dedication and commitment to educating the young people of his community has made a lasting impression on two decades of Cobb citizens. We will miss him greatly and wish him the best as he moves into this new phase of his life.

CONGRATULATING BRITTANY HEATH OF THE 19TH DISTRICT OF TEXAS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. COMBEST. Mr. Speaker, today, I congratulate a young lady from the 19th District of Texas who has earned national recognition for her outstanding volunteer service. Miss Brittany Heath, a 13-year-old student from Lubbock, has been named one of Texas' top two youth volunteers for the year 2000 in The Prudential Spirit of Community Awards program, a national initiative honoring young people for exemplary acts of service.

Brittany, an eighth grade student at Evans Junior High School, initiated a chapter of "Suitcase for Kids" which collects, cleans, and distributes used suitcases to children in foster care. During her program's first year, more than 400 suitcases were given to children within the community. The Lubbock Children's Protective Services program and the Community Partnership Program Sponsored Brittany by providing a storage facility for donations. Brittany set up a voice mailbox for donor calls, designed business cards, composed a brochure, and contacted the local newspaper. During the first two days of operation, more than 100 messages were received from individuals offering donations and assistance. Community support has been overwhelming, and Brittany plans to expand "Suitcases for Kids" to other counties around Luddock. She says as long as children are in foster care, there will be a need for this program.

The Prudential Spirit of Community Awards was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to encourage youth volunteers and emphasize the importance and value of their contributions. Brittany was nominated by Evans Junior High School and selected from more than 20,000 high school and middle school students. She has received $1,000, an engraved silver medallion, and an all-expense paid trip to Washington, D.C. This program is the nation's largest youth recognition effort based solely on community service.

At a time when our nation has seen a lack of community involvement from our youth and violence in our schools, it is good to be reminded that many young people are actively contributing to our society and working to make a difference where they live. We can learn a great deal from Brittany's exceptional act of volunteerism. We should all reflect upon how we, as individuals, can work together in our own communities to improve the lives of others and establish a brighter tomorrow.

IN RECOGNITION OF MS. DONNA OSBORN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. VISCLOSKY. Mr. Speaker, I rise today to recognize Ms. Donna Osborn, who has worked in my office as an Albert Einstein fellow since July 1999. The Albert Einstein Distinguished Educator Fellowship Program offers elementary and secondary teachers with demonstrated excellence in teaching an opportunity to serve in the national public policy arena.

Since Donna's arrival in my office, she has handled all education issues—elementary, secondary, and higher education—as well as children's issues. She researches legislation, updates me on changing information, and answers constituent mail on these topics. Donna has also been invaluable in other areas of my office. I can guarantee you that she now knows more about steel manufacturing and bulletproof vests than she ever imagined she would. She is the first person to volunteer for any task, and greets every visitor with a warm welcome. Her enthusiasm is contagious.

Donna has not been a passive member of my staff, rather she has taken initiative and vigorously pursued projects that she believed would be valuable to my constituents. First, she organized and planned a grants workshop for all of the schools in Indiana's First Congressional District. Several Einstein Fellows and other individuals from Washington and Indiana provided educators with information on obtaining grants and other educational opportunities for students. She also reached out to our community, working with local businesses and organizations to include them in the event, and securing their place as stakeholders in the education of our children. This workshop was a very successful event, and would not have been possible without Donna's initiative and hard work.

Donna was also integral to the implementation of the Missing Child Alert Plan in Indiana's First Congressional District. The Missing Child Alert Plan gives detailed information about a missing child and the suspected abductor utilizing a joint police-media effort to alert the public when a child has been abducted. Donna worked closely with my staff and local police departments and media outlets, to get this program off to a successful start. The Missing Child Alert Plan has been successful in recovering missing children in other areas of the country. Thanks to Donna's hard work, Northwest Indiana is one of only 11 areas of the country with such a program. Activating the alert often receives considerable press attention, which increases the reach of the emergency announcement—enlisting hundreds of thousands of people in their search parties. Leads usually pour into police departments within hours. In addition to the Missing Child Alert Program, Donna saw to it that a picture of a missing child from the First Congressional District appears on each of my office envelopes. The first set features five children, one each from Gary and Hebron, and three from Hammond.

The zeal that Donna brought to my office must be even more apparent to her classroom. Donna has taught mathematics in Lafayette School Corporation in Lafayette, Indiana since 1972, and is currently a mathematics teacher at Jefferson High School. She is a graduate from Anderson College, with a degree in mathematics. Her master's degree is from Purdue University. She was a Christa McAuliffe fellow in 1998 and a Tandy scholar in 1997. She won the Presidential Award for Excellence in Teaching of Mathematics in 1996. She taught school in Billericay, England on a Fulbright scholarship in 1979–1980; at the International School of Paris in Paris, France in 1991–1992; and at the Hong Kong International School in the summer of 1997.

She served as the President of the Lafayette Education Association Board of the Indiana Council for the Teaching of Mathematics in 1996–1997, and on the Mathematics Department Advisory Council (Purdue, West Lafayette). Donna has received the Golden Apple award from the Lafayette Chamber of Commerce, and was recognized as a Distinguished Alumnus by the Purdue University-School of Science.

Donna has been a wonderful addition to my office, and I want to express my appreciation and gratitude for all of her hard work. She has touched the lives of countless young people throughout Indiana, the United States, and the world. Donna's passion for education and children, along with her indescribable enthusiasm, will surely be missed in my office.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS—2000

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SANDERS. Mr. Speaker, today I would like to salute six outstanding young women who are being presented with the Girl Scout Gold Award by the Vermont Girl Scout Council. They are:

Kellie Miner, 619 Basin Harbor Road, Vergennes, VT 05491, Cassie Charlebois, PO Box 323, Vergennes, VT 05491, Catherine McEnerney, 39 Boothwoods, Vergennes, VT 05491, Linnea Oosterman, 1074 Slatterly Road, Vergennes, VT 05491, Stephanie Leonard, 201 Sunset Drive, Morrisville, VT 05661, Rebecca Robare, 6 Giorgetti Blvd., Rutland, VT 05701.

They are being honored on May 16, 2000 for earning the highest achievement in U.S. Girl Scouting.

The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by girls aged 14–17, or in grades 9–12. To receive the award, these Girl Scouts first earned four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Girl Scout Challenge as well as designing and implementing a Girl Scout Gold Award project to meet what they saw as a need in their community. A synopsis of Gold Award projects is provided here.

Kellie Miner, Vergennes, VT is a musician with a gift for teaching youth. Kellie developed an after school music program teaching guitar and keyboards at her local elementary school with another Senior Girl Scout from her community. Kellie knows that musical education enhances children's ability to focus, to practice numerical and language skills and to feel a sense of success. Kellie served children from Kindergarten through sixth grade. Though the age range was a bit broad, she enjoyed teaching something she loves. She believes that her Girl Scout Gold Award Project will influence her to decide about a future as a high school choral director.

Cassie Charlebois, Vergennes, VT was the song leader for the after school music program she developed with another Senior Girl Scout from her community. Cassie collaborated on the project with the hope of engaging children in the fun and sense of group cooperation that singing provides. Cassie taught music to younger children who had varying reading abilities through repetition and reinforcement with the words written out on a flip chart. She organized a closing concert and invited the community. Cassie feels her own personal growth was in discovering her success as a teacher and overcoming shyness. She knows that her project has reminded children of the importance of music in their lives.

Katie McEnerney of Vergennes, VT is an artist. Her Gold Award Project was to collaborate with a fellow Senior Girl Scout to restore a playground structure at a local preschool. Katie first had to communicate with the school's administration to explain how the playground area could be improved. She selected a colorful rainbow theme, created the plans, and sketched the designs over the entire wooden structure inside and out. Katie was also concerned about the structure's stability and the over all safety of the playground. Her involvement in this Gold Award Project has been one that required careful planning, negotiating skills and a sense of timing so that the project would not inhibit the school schedule. Katie hopes to continue her skills through a career in the arts.

Linnea Oosterman of Vergennes, VT is interested in art. Linnea chose to collaborate with a fellow Senior Girl Scout to restore a playground structure at a local preschool. Linnea contributed to the project by securing the necessary materials, painting the design created by her partner and helping to restore the safety of the playground by sanding and treating the wood before painting. She completed the project by building a sandbox around the base. Linnea was primarily concerned that the children have a fun, safe and colorful place to play. Linnea chose this project as a worthwhile activity that she hopes will improve the playspace and make her a better artist.

Stephanie Leonard of Marrisville, VT is a musician who plays several instruments. In her community it is sometimes challenging for families to find adequate after school child care that is fun, accessible and safe. Stephanie developed an after school arts program for the Bishop Marshall Catholic School as part of their ongoing after school offerings. Stephanie incorporated both her musical talents and her interest in arts and crafts in the activities for the children. Stephanie enjoyed working with the children and found the collaboration with the existing after school program goals to blend well with her own vision of a fun experience for youth.

Rebecca Robare of Rutland, VT is a multipl talented young woman. As a past member of our Board of Directors, Becky was personally involved in policy decisions at the Council. Becky chose her Gold Award Project to respond to what she felt was a lack of creative statewide offerings for older girls through the Vermont Girl Scout Council. This project was her attempt to create change on a programmatic level. Becky chose to host an event at the Fletcher Farm School for Arts and Crafts. She coordinated use of space for activities, meals, lodging and entertainment and collected her own registrations. Becky learned a great deal about her organizational abilities and how to effectively communicate with numerous players in hosting of this event. The success of the event was evident from the evaluations of girls in attendance.

IN SUPPORT OF WORKER ECONOMIC OPPORTUNITY ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. ESHOO. Mr. Speaker, I rise in support of Senate Bill 2323, the Worker Economic Opportunity Act. I am a proud cosponsor of this legislation that amends the Fair Labor Standards Act and allows hourly employees to take advantage of stock option plans offered by their companies.

Mr. Speaker, one of the reasons we call the New Economy the *New* Economy is because of the new opportunities and new wealth created by the groundkeeping technology industries. And in these technology industries, new opportunities for sharing in the wealth and success of companies are available to everyone.

In old business models, many junior employees were paid an hourly wage and if they gained some seniority they might be offered some type of stock purchase plan. In the new model used by technology companies, every employee gets to share in the wealth of it. When employees join the company, they have an opportunity to own a piece of the company. When the company goes public, they can exercise their options and share in the company's success.

In my District—which includes Silicon Valley—new companies are born every day. One reason people are attracted to this area and are willing to work at an hourly wage is because they can share in the dream of achieving the success and wealth created by these companies.

The Department of Labor took a short-sighted approach when it issued its opinion last year stating that stock option plans are not exempt from the regular rate of pay provisions. I'm pleased that the Labor Department now supports this bill which amends the current law, thereby voiding its earlier opinion.

Mr. Speaker, the Federal Reserve estimates that in the last two years approximately 17 percent of U.S. firms have introduced stock option programs. Additionally, another 37 percent have broadened the eligibility in their existing plans. This legislation is about expanding the winner's circle for employees. If the Labor Department's initial view on this issue were allowed to stand, it would have resulted in the exclusion of hourly workers participating in the financial success of the businesses they have had in shaping.

There are secretaries and other hourly wage workers in my Congressional District who have become millionaires because of the success of their stock option plans. This wouldn't have happened if their option plan had been calculated into their overtime pay table. This has happened because companies with vision created business plans that included a model where every employee benefits when the company succeeds.

We should exercise the same vision and pass this legislation.

Mr. Speaker, I urge a "yes" vote on this legislation.

IN TRIBUTE TO DAVID MERRICK

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. NADLER. Mr. Speaker, I rise today in memory of David Merrick, a legendary Broadway producer who passed away last Tuesday at the age of 88. The Broadway theater community, which I represent, owes a great debt to the talents of David Merrick. Merrick was responsible for bringing to audiences such great works as Gypsy, Hello Dolly, 42nd Street, and Oliver!, as well as dozens of other productions. His living legacy is proven every time one of his masterpieces returns to the "Great White Way."

Born to a poor family in St. Louis, Merrick grew up to become a major force in the Broadway theater. Producing a half-dozen or more plays and musicals in a typical season, it was estimated that at times he employed up to 20 percent of Broadway's workforce, while his shows amassed countless Tony Awards for excellence in the theater.

Feared as well as respected by those in the industry, he had a flair for showmanship and publicity that set him apart, stopping at nothing to gain recognition for his plays.

David Merrick could be ruthless, tyrannical, even downright nasty, and he reveled in his reputation as "the abominable showman," but he loved the Broadway theater and he spent his life bringing to the stage works that moved us and entertained us.

Today, the lights on Broadway shine a little less brightly with the passing of this great showman.

LETTER CARRIERS PARTICIPATE IN FOOD DRIVE FOR NATION'S NEEDY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. COMBEST. Mr. Speaker, today I commend the National Association of Letter Carriers for their outstanding efforts to help those who are hungry in communities across the nation. On May 13, 2000, local branches of the Letter Carriers, along with the United Way and the United States Postal Service, will kick off their annual food drive to collect non-perishable food and other essential items for families in need.

Residents of Amarillo, Canyon, Hereford, Dumas and Tulia, Texas will be asked to place non-perishable food items, paper products or hygiene items by their mailboxes. The letter carriers will pick these items up on May 13th and deliver them to the High Plains Food Bank. The donations received through this food drive will help fill the need for food distribution throughout the summer months.

This food drive is a worthwhile and important project, and has been extremely helpful to a large number of families over the years. In fact, 83,000 pounds of food were collected last year from postal routes across the Panhandle and sent to the High Plains Food Bank, currently serving over 5,200 families each month. The goal this year is to raise over 90,000 pounds of food. I am confident that our community will rise to meet this challenge.

The Amarillo branch of the National Association of Letter Carriers is deserving of our full support and I praise them for their work in the fight against hunger. Together, with such individual acts of generosity, we can help stop the growing problem of hunger on the High Plains.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained today, May 3, 2000.

If I had been present for rollcall No. 133, I would have voted "yes."

If I had been present for rollcall No. 134, I would have voted "yes."

If I had been present for rollcall No. 135, I would have voted "yes."

If I had been present for rollcall No. 136, I would have voted "yes."

If I had been present for rollcall No. 137, I would have voted "yes."

If I had been present for rollcall No. 138, I would have voted "yes."

If I had been present for rollcall No. 139, I would have voted "yes."

If I had been present for rollcall No. 140, I would have voted "yes."

If I had been present for rollcall No. 141, I would have voted "yes."

WILKES-BARRE LAW AND LIBRARY ASSOCIATION 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an organization of which I am proud to be a member, the Wilkes-Barre Law and Library Association. I am pleased and honored to have been asked to participate in the 150th anniversary of its founding.

Founded in 1850 by the leading attorneys of Luzerne County, Pennsylvania, the Association was first known as the Wilkes-Barre Law Association. As the bar association for all of Luzerne County, the association soon adopted the longer name of Wilkes-Barre Law and Library Association, which is how it is still known today.

Its original function was a law library for its membership. Because of the expense of older law books dating back to the Civil War era, it was an attempt to create a central law library as a less costly way for lawyers of the day to have an important resource in their practices. The original library contained around 2000 volumes. Throughout the years, the library has expanded and by 1968 contained over 21,000 volumes of law books including English law. Some of of the oldest volumes date back to the early 1700's and the library is one of the finest in the nation to this day.

The membership of the Association currently includes 649 members and has had a total of over 1,600 members in good standing in its 150-year history. Its first president was the Honorable Hendrick B. Wright, a member of the Pennsylvania Legislature, and Andrew McClintock and George B. Nicholson served as the first treasurer and secretary, respectively.

Many of the original names on the membership list are quite familiar to those of us in the Wyoming Valley—Welles, Dennison, Bidlack, Conyngham, Wright—as even to this day many of our streets and communities bear these distinguished names. Many served in the Pennsylvania Legislature and were icons of the era. At least 14 members of the Association were elected to the U.S. Congress, myself included. The Association also boasts three governors among its ranks: Henry Hoyt, Arthur James, and John S. Fine.

Mr. Speaker, the list of appellate and state supreme court justices from this bar association's membership list is too long to name all of them here, but that list includes some of the most distinguished jurists in the Commonwealth's history. One of its most famous was Chief Justice Gibson, whose case precedents were considered the most widely read in his era and were cited regularly by courts as far away as Westminster, England.

Currently in senior status, Third Circuit Court of Appeals Judge Max Rosenn is a highly respected member of the Wilkes-Barre Law and Library Association. With my strong support, the Congress recently renamed the Wilkes-Barre Federal Courthouse in his honor.

Mr. Speaker, the Wilkes-Barre Law and Library Association is the oldest and most distinguished legal institution in Northeastern Pennsylvania. It is the center of the legal community in Luzerne County and its library is a great resource to its membership. I am extremely proud to be a member and to have this opportunity to bring its history to the attention of my colleagues in the House of Representatives. I send my sincere best wishes on this milestone anniversary and for the future of the legal profession in Luzerne County.

GARY EVERHARDT: PUBLIC SERVANT

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, it is my honor to rise and commend a great public servant of Western North Carolina and the National Park Service, Gary Everhardt, Superintendent of the Blue Ridge Parkway. Gary has been devoted to making our National Parks cleaner, safer and more enjoyable for future generations. Today marks the beginning of Gary's well-earned retirement.

Gary is a native of Western North Carolina and is a product of the Lenoir North Carolina School System. He graduated in 1957 with a degree in Civil Engineering from North Carolina State University and immediately began work for the Park Service as a civil engineer for the Blue Ridge Parkway. He has served in engineering positions at the Park Service's Southeast and Southwest offices. Gary was also named the Superintendent of Grand Teton National Park in January 1972. While there he helped orchestrate and conduct the Second World Conference on National Parks. For his effort and hard work, Gary was awarded the Department of the Interior's Meritorious Service Award.

President Gerald Ford recognized Everhardt's dedication, professionalism, and hard work as he named Gary the ninth director of the National Park Service on January 13, 1975. It was under Gary's leadership that the Park Service saw a period of unbridled growth and success. The Park took great steps in the areas of visitor services and safety. Gary, with President Ford's approval, proposed doubling the park size with the purchase of nearly 32 million acres of land in Alaska.

Gary returned home to the Blue Ridge Parkway in 1977 to assume leadership as the fifth Superintendent of the Parkway and since that time Gary has worked diligently to improve relations with neighbors of the Parkway and government agency officials. Gary took a construction program that was near death and revived it. The final section of the Parkway motor road at Grandfather Mountain was completed in 1987. During Everhardt's tenure, the number of visitors to the park has risen to over 25 million.

I would like to add my tribute to Gary to the long list of honors that he has received in the past. In 1985 Everhardt received the Department of the Interior's highest honor, the Distinguished Service Award. In 1990 he received the Cornelius Amory Pugsley Medal from the National Park Foundation for stellar contributions to the advancement of parks and recreation. In September 1998 Gary received the Walter T. Cox award at the George B. Hertzog Lecture at Clemson University, this Award recognized Gary's sustained public achievement in wise management of natural and cultural resources.

Everhardt has a long list of involvement in other agencies and groups including his roles as Past President of the Asheville Federal Executive Association, a member of the Board of Directors of the Appalachian Consortium, and as a member of the North Carolina National Parks, Parkway & Forestry Development Council.

I am sure that Gary will enjoy this well deserved retirement from the National Park Service. But I believe that it will leave him more time for the jobs that he enjoys most; being a husband, father of two, and a grandfather of three. I know that my colleagues will join me in saluting this fine public servant and community leader and thanking him for nearly 45 years of service to the National Park Service.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF LAFAYETTE PARISH SHERIFF DONALD J. BREAUX

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. JOHN. Mr. Speaker, I rise today to recognize the outstanding law enforcement career of Lafayette Parish Sheriff Donald J. Breaux. Sheriff Breaux's over 30 years of distinguished service in Louisiana law enforcement are coming to a close on July 1, 2000, and I would like to take this opportunity to honor his accomplished service.

Sheriff Breaux began his career in law enforcement in 1958 at the age of twenty-one with the Lafayette Police Department. In 1964, he left local law enforcement to join the Louisiana State Police where he remained until his retirement in 1980. Shortly thereafter, he was appointed Lafayette City Marshall where he served until 1984 when he was elected Sheriff of Lafayette Parish. Today, fifteen years later, he is retiring from the law enforcement arena after what he calls a "blessed" life and career.

His years of distinguished service also includes leadership in numerous law enforcement organizations. He has served as: past president of the Louisiana State Troopers Association; past president of the Louisiana Sheriff's Association; Chairman of the National Sheriff's Drug Enforcement Committee; Director of the Louisiana Sheriff's Association Strike Force; member of the American Correctional Association Committee on Accreditation; member of Accreditation for Corrections; and member of the American Correctional Association's Committee on Correctional Standards.

In his four terms as Lafayette Parish Sheriff, Sheriff Breaux spearheaded construction and operation of the Lafayette Parish Sheriff's Training Academy, the opening of the Lafayette Parish Correctional Center, the computerization of the Sheriff's Department and consolidation of many city-parish services for Lafayette Parish residents. He has placed an emphasis on combating drugs in Lafayette Parish through the development of a comprehensive community drug education program. This program, combined with a strong enforcement initiative, equates to roughly 100 drug arrests each month by Metro Narcotics. Sheriff Breaux was also instrumental in bringing the Drug Awareness Resistance Education Program (D.A.R.E.) to school children in Lafayette Parish. Since, DARE has provided over 6,000 Lafayette Parish school children with the knowledge they need to resist and report drugs in their communities.

Sheriff Breaux has made a lasting impact, not only in Lafayette Parish but in Louisiana as a whole. He will long be remembered as a leader who constantly strove to meet the changing and expanding needs of his diverse community. His record of public service exemplifies the heights to which he has brought the Lafayette Parish Sheriff's Department, and is one that will be honored for years to come.

Congratulations Sheriff Breaux on your retirement.

THE BUTTERFLY PAVILION & INSECT CENTER OF WESTMINSTER, COLORADO: BRINGING WONDERS OF THE INSECT WORLD TO THE ROCKIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. UDALL of Colorado. Mr. Speaker, I think few people know that the Second Congressional District of Colorado is home to over 1,200 spectacular butterflies from 50 different species, over 100 different species of tropical and sub-tropical plants, and a variety of exotic arthropods that are normally found only in faraway lands. This may seem impossible given our dry climate at the foot of the Rocky Mountains, but thanks to the Butterfly Pavilion & Insect Center located in Westminster, Coloradans have the opportunity to see these fascinating creatures and plants first hand.

The Butterfly Pavilion & Insect Center is an educational facility for study of insects and other invertebrates. The facility exists to foster an appreciation of butterflies and other invertebrates while reminding the public about the need for conservation of threatened habitats in the tropics and around the world.

The Butterfly Pavilion & Insect Center is the only stand-alone nonprofit insect zoo in the nation. Visitors to the facility find themselves surrounded by free-flying butterflies while walking through the lush, tropical conservatory. A chrysalis viewing area allows visitors to watch the amazing process of metamorphosis as adult butterflies emerge from their gemlike chrysalides. In the insect center, visitors can watch, touch or take a closer look at some of the world's most fascinating insects and their relatives. They can discover what it feels like to hold a rose-haired tarantula from Chile, a Madagascar Hissing Cockroach or a giant mealworm.

The Butterfly Pavilion & Insect Center is a publicly supported scientific and educational facility and operates in collaboration with scientific advisors from zoos, universities and museums both locally and nationally. The facility is located at 6252 West 104th Avenue in Westminster, Colorado. It can also be found on the World Wide Web at *www.butterflies.org*. I encourage everyone to visit and learn more.

I would like to commend this organization for their steadfast commitment in educating the public about these living treasures. I thank them for bringing this source of amazement and beauty to our great state.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 4, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

SR–222

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the performance management in the District of Columbia.

SD–342

10 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings on the domestic consequences of heroin use.

SD–628

Judiciary

Criminal Justice Oversight Subcommittee

To hold hearings to examine Caribbean drug trafficking.

SD–226

2 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

2:30 p.m.

Energy and Natural Resources

To hold hearings on S. 1756, to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes; and S. 2336, to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005.

SD–366

MAY 10

9:30 a.m.

Indian Affairs

To hold hearings on proposed legislation authorizing funds for programs of the Indian Health Care Improvement Act.

SR–485

Commerce, Science, and Transportation

To hold hearings to examine retransmission consent issues.

SR–253

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

SR–222

Governmental Affairs

To hold hearings on the nomination of Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; the nomination of Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

10:30 a.m.

Foreign Relations

International Operations Subcommittee

To hold hearings to examine the United Nations state of efficacy and reform.

SD–419

2 p.m.

Foreign Relations

To hold hearings on pending nominations.

SD–419

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning.

SD–366

MAY 11

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine pipeline safety.

SR–253

10 a.m.

Foreign Relations

To hold hearings on the nomination of John R. Dinger, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia; the nomination of Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia; the nomination of Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic; the nomination of Susan S. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Soloman Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu; and the nomination of Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

SD–419

2 p.m.

Environment and Public Works

To hold hearings on the Administration's legislative proposal on the Comprehensive Everglades Restoration Plan.

SD–406

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; S. 1670, to revise the boundary of Fort Matanzas National Monument; S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi; S. 2478, to require the Secretary of the Interior to conduct a theme study on the peopling of America; and S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

SD–366

MAY 12

10 a.m.

Governmental Affairs

To hold hearings on the nomination of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics.

SD–342

MAY 16

9:30 a.m.

Armed Services

To hold hearings on the nomination of The following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033: Adm. Vernon E. Clark, to be Admiral.

SR–222

3 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed transportation policy.
SD–366

MAY 17

9:30 a.m.
Indian Affairs
To hold oversight hearings on Indian arts and crafts programs.
SR–485

Indian Affairs
To hold hearings on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota.
SR–485

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.
SD–366

MAY 23

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 740, to amend the Federal Power Act to improve the hydrcelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.
SD–366

MAY 24

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

2:30 p.m.
Indian Affairs
To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding , storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.
SD–366

JUNE 7

9:30 a.m.
Indian Affairs
To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.
SR–485

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SR–485

JUNE 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JULY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

9:30 a.m.
Indian Affairs
To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, May 4, 2000*

The House met at 10 a.m.

The Reverend Thomas A. Kuhn, Church of the Incarnation, Centerville, Ohio, offered the following prayer:

Father in heaven, we are amazed at the many blessings You have given to us as a people. You love us so much that we are moved to call ourselves "One Nation under God."

We know, however, that we are blessed so that we can be a reflection of Your love in this world. You made us a mighty Nation. May we always be gentle enough to lift up the fallen and ready always to protect those who are unable to defend themselves.

You made us a bountiful Nation. May we always share those blessings with the hungry, the homeless, those unable to care for themselves.

You gave all your children true freedom. May we always work to ensure that none of our brothers or sisters is enslaved by bigotry or prejudice.

We pray in a special way for those of your children who daily must face the terrors of war. Help those refugees of war that they may soon return to their homes in peace.

Much of what we are as a Nation has been entrusted to the Members of the People's House, the House of Representatives. Give them the vision and strength to work for the good of all people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE PASSING OF HIS EMINENCE, JOHN CARDINAL O'CONNOR

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, it is with deep regret that I rise to honor an outstanding American, one who I was especially pleased and honored to call a friend.

His Eminence John Cardinal O'Connor's accomplishments as a priest, as a chaplain, as a humanitarian made him one of the most respected Americans of our time.

In my congressional district in New York, Cardinal O'Connor was always on hand for school graduations, for cornerstone dedications, for religious services with his message of hope. He was known for promoting racial and religious harmony and for advocating the best education possible for the children, regardless of race, religion or financial status.

We must not forget that Cardinal O'Connor welcomed AIDS patients into the Catholic hospitals of New York back at a time when other institutions of medicine were turning them away. He ministered to the sick, to the disabled, and was a great friend of the poor.

All Americans join in expressing condolences to the residents of the New York Archdiocese, to Cardinal O'Connor's family and friends, and to all who were touched by this remarkable individual.

THE PASSING OF JOHN CARDINAL O'CONNOR

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I too rise with a heavy heart this morning to express my profound sorrow at the passing of John Cardinal O'Connor.

As the leader of the largest archdiocese in the Nation, Cardinal O'Connor was an active participant in the debate about the role of the church and the role of society in helping those who could not help themselves.

The Cardinal embodied the biblical passage of the Good Samaritan. In both his words and actions, Cardinal O'Connor demonstrated his devotion to the teachings of Christ and the spirit and principles of that passage.

He not only used his pulpit to teach the words of Christ, but also the true meaning of those words.

The Cardinal has stated recently that he would like his epitaph to simply say that he was "a good priest." What an understatement. He certainly was.

Mr. Speaker, may God bless him as he returns to the comforting arms of God for eternal salvation and peace.

CARDINAL O'CONNOR: EARTH'S LOSS, HEAVEN'S GAIN

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, Cardinal O'Connor of New York, a man after God's own heart and one of the greatest and most consistent moral and spiritual leaders of the 20th century, has passed away.

Cardinal O'Connor loved unconditionally and gave generously, expecting nothing in return. He proclaimed and demonstrated by his words, works, and actions the indescribable blessings of the gospel.

Cardinal O'Connor was a good and holy priest who radiated Christ and the healing power of God to believers and nonbelievers alike.

Over the years, there were some who mocked and rejected Cardinal O'Connor's clear Christian teaching on the sanctity of all human life and the duty of all men and women of goodwill, especially politicians, to protect the vulnerable from the violence of abortion. Yet he always treated the opponents of his message with respect and dignity.

Mr. Speaker, in the 25th chapter of Matthew's Gospel Jesus spoke of the last judgment and those, like Cardinal O'Connor, who would be blessed in eternity. Jesus said, "'For I was hungry and you gave me food; I was thirsty and you gave me drink; I was a stranger and you took me in; I was naked and you clothed me; I was in prison and you came to me.' And then the righteous will answer him, saying, 'Lord, when did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and take you in, or naked and clothe you? Or when did we see you sick, or in prison, and come to you?' And the Lord will answer and say to them, 'Assuredly, I say to you, inasmuch as you did it to the least of my brethren, you did it to Me.'"

Mr. Speaker, Cardinal O'Connor devoted his life and inspired countless others to do the same to help the "least," the disenfranchised, and the unwanted seeing Christ himself in the lives that nobody else cared about or wanted. Earth's loss of Cardinal O'Connor is heaven's gain.

THE PROBLEM OF SPAM E-MAIL

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. GREEN of Texas. Mr. Speaker, all of us share in the loss of Cardinal O'Connor, even though we are not from New York.

Mr. Speaker, last evening, the House of Representatives was spammed. Spam is unsolicited e-mail that can be sent in such a large volume that it disables the recipient's network. I am sure my colleagues have read recent news reports of companies like e-Bay and Amazon.com having their networks taken down by coordinated e-mail attacks.

This is a growing problem that Congress needs to quickly address. I have introduced H.R. 3113, along with the gentlewoman from New Mexico (Mrs. WILSON), that will provide consumers and businesses protection against these types of attacks.

Mr. Speaker, many of the messages the House received last night simply were titled "I love you." And I know that all of us in the House and our staff enjoy looking at our computers in the morning and seeing "I love you." Apart from the interesting title, there is nothing friendly in this message. If we opened this e-mail, our computer would be infected by a virus that we would then have to spend considerable time and effort removing from our network.

The Subcommittee on Telecommunications, Trade and Consumer Protection of the Committee on Commerce has held a markup on anti-spam legislation, and it passed the subcommittee by voice vote. I hope this incident will bring a quick full-committee mark-up.

Mr. Speaker, I remind my colleagues not to open any messages, even though they say "I love you." This may be the second time our House has been spammed, but I feel fairly certain that it will not be the last. Let us pass H.R. 3113.

FUGITIVE SLAVE LAW AND CUBA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Mason Dixon Line is the southern border of my district. For decades in the 19th century, the citizen of my district helped slaves escape to freedom aboard the Underground Railroad, and every person who did so, committed a Federal crime.

In 1793, Congress passed the Fugitive Slave Law, and any person who helped a slave escape was fined and jailed.

Mr. Speaker, Cuba is a slave state. It is not a Communist theme park. The people who live there have no freedoms. Parents have no rights. Children are the property of the government.

More than a decade after the fall of the Berlin Wall which brought elements of freedom to the rest of the Communist bloc, only the likes of North Korea and Cuba persist in persecuting their people, espousing revolution, and exporting terrorism.

In America we believe in freedom. Every war we have ever fought was fought for freedom, and no one knows the price or value of freedom better than ex-slaves, and no one can describe what a slave state is like better than ex-slaves, not tourists.

If Juan Miguel Gonzalez was not being guarded by dozens of Cuban officials and police, if his parents were not under house arrest and his 6-year-old son were not being held, he would probably say the same.

As the gentleman from Oklahoma (Mr. WATTS), the Republican Conference chairman, said, "If you and your child were enslaved, and there was only one ticket left on the Underground Railroad . . . wouldn't you want your child to have it?"

CONFERENCE REPORT ON H.R. 434, TRADE AND DEVELOPMENT ACT OF 2000

Mr. ROYCE submitted the following conference report and statement on the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa:

CONFERENCE REPORT (H. REPT. 106–606)

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 434), to authorize a new trade and investment policy for sub-Sahara Africa, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trade and Development Act of 2000".

(b) TABLE OF CONTENTS.—

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Statement of policy.
Sec. 104. Eligibility requirements.
Sec. 105. United States-Sub-Saharan Africa Trade and Economic Cooperation Forum.
Sec. 106. Reporting requirement.
Sec. 107. Sub-Saharan Africa defined.

Subtitle B—Trade Benefits

Sec. 111. Eligibility for certain benefits.
Sec. 112. Treatment of certain textiles and apparel.
Sec. 113. Protections against transshipment.
Sec. 114. Termination.
Sec. 115. Clerical amendments.
Sec. 116. Free trade agreements with sub-Saharan African countries.
Sec. 117. Assistant United States Trade Representative for African Affairs.

Subtitle C—Economic Development Related Issues

Sec. 121. Sense of Congress regarding comprehensive debt relief for the world's poorest countries.
Sec. 122. Executive branch initiatives.
Sec. 123. Overseas Private Investment Corporation initiatives.
Sec. 124. Export-Import Bank initiatives.
Sec. 125. Expansion of the United States and Foreign Commercial Service in sub-Saharan Africa.
Sec. 126. Donation of air traffic control equipment to eligible sub-Saharan African countries.
Sec. 127. Additional authorities and increased flexibility to provide assistance under the Development Fund for Africa.
Sec. 128. Assistance from United States private sector to prevent and reduce HIV/AIDS in sub-Saharan Africa.
Sec. 129. Sense of the Congress relating to HIV/AIDS crisis in sub-Saharan Africa.
Sec. 130. Study on improving African agricultural practices.
Sec. 131. Sense of the Congress regarding efforts to combat desertification in Africa and other countries.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

Sec. 201. Short title.
Sec. 202. Findings and policy.
Sec. 203. Definitions.

Subtitle B—Trade Benefits for Caribbean Basin Countries

Sec. 211. Temporary provisions to provide additional trade benefits to certain beneficiary countries.
Sec. 214. Duty-free treatment for certain beverages made with Caribbean rum.
Sec. 215. Meetings of trade ministers and USTR.

TITLE III—NORMAL TRADE RELATIONS

Sec. 301. Normal trade relations for Albania.
Sec. 302. Normal trade relations for Kyrgyzstan.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Report on employment and trade adjustment assistance.
Sec. 402. Trade adjustment assistance.
Sec. 403. Reliquidation of certain nuclear fuel assemblies.
Sec. 404. Reports to the Finance and Ways and Means committees.
Sec. 405. Clarification of section 334 of the Uruguay Round Agreements Act.
Sec. 406. Chief agricultural negotiator.
Sec. 407. Revision of retaliation list or other remedial action.
Sec. 408. Report on trade adjustment assistance for agricultural commodity producers.
Sec. 409. Agricultural trade negotiating objectives and consultations with Congress.
Sec. 410. Entry procedures for foreign trade zone operations.
Sec. 411. Goods made with forced or indentured child labor.
Sec. 412. Worst forms of child labor.

TITLE V—IMPORTS OF CERTAIN WOOL ARTICLES

Sec. 501. Temporary duty reductions.
Sec. 502. Temporary duty suspensions.
Sec. 503. Separate tariff line treatment for wool yarn and men's or boys' suits and suit-type jackets and trousers of worsted wool fabric.
Sec. 504. Monitoring of market conditions and authority to modify tariff reductions.
Sec. 505. Refund of duties paid on imports of certain wool articles.
Sec. 506. Wool research, development, and promotion trust fund.

TITLE VI—REVENUE PROVISIONS
Sec. 601. Application of denial of foreign tax credit regarding trade and investment with respect to certain foreign countries.
Sec. 602. Acceleration of cover over payments to Puerto Rico and Virgin Islands.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

SEC. 101. SHORT TITLE.

This title may be cited as the "African Growth and Opportunity Act".

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced the strengthening of democracy as countries in sub-Saharan Africa have taken steps to encourage broader participation in the political process;

(5) certain countries in sub-Saharan Africa have increased their economic growth rates, taken significant steps towards liberalizing their economies, and made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages approximately $500 annually;

(7) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for encouraging broader participation in a political process in which political freedom can flourish;

(8) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(9) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(10) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to the rule of law, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa, especially enterprises owned by women and small businesses;

(7) facilitating the development of civil societies and political freedom in sub-Saharan Africa;

(8) establishing a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum; and

(9) the accession of the countries in sub-Saharan Africa to the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

SEC. 104. ELIGIBILITY REQUIREMENTS.

(a) In General.—The President is authorized to designate a sub-Saharan African country as an eligible sub-Saharan African country if the President determines that the country—

(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) the elimination of barriers to United States trade and investment, including by—

(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

(ii) the protection of intellectual property; and

(iii) the resolution of bilateral trade and investment disputes;

(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through micro-credit or other programs;

(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(2) does not engage in activities that undermine United States national security or foreign policy interests; and

(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

(b) Continuing Compliance.—If the President determines that an eligible sub-Saharan African country is not making continual progress in meeting the requirements described in subsection (a)(1), the President shall terminate the designation of the country made pursuant to subsection (a).

SEC. 105. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) Declaration of Policy.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) Establishment.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (in this section referred to as the "Forum").

(c) Requirements.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with their counterparts from the governments of sub-Saharan African countries eligible under section 104, and those sub-Saharan African countries that the President determines are taking substantial positive steps towards meeting the eligibility requirements in section 104. The purpose of the meeting shall be to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this title including encouraging joint ventures between small and large businesses. The President shall also direct the Secretaries and the United States Trade Representative to invite to the meeting representatives from appropriate sub-Saharan African regional organizations and government officials from other appropriate countries in sub-Saharan Africa.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 104, and those sub-Saharan African countries that the President determines are taking substantial positive steps toward meeting the eligibility requirements in section 104, not less than once every 2 years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than 12 months after the date of the enactment of this Act.

(d) Dissemination of Information by USIS.—In order to assist in carrying out the purposes of the Forum, the United States Information Service shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this title.

(e) HIV/AIDS Effect on the Sub-Saharan African Workforce.—In selecting issues of common interest to the United States-Sub-Saharan Africa Trade and Economic Cooperation Forum, the President shall instruct the United States delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on economic development in each country.

SEC. 106. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and annually thereafter through 2008, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this title and the amendments made by this title.

SEC. 107. SUB-SAHARAN AFRICA DEFINED.

For purposes of this title, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following or any successor political entities:

Republic of Angola (Angola).
Republic of Benin (Benin).
Republic of Botswana (Botswana).
Burkina Faso (Burkina).
Republic of Burundi (Burundi).
Republic of Cameroon (Cameroon).
Republic of Cape Verde (Cape Verde).
Central African Republic.
Republic of Chad (Chad).
Federal Islamic Republic of the Comoros (Comoros).
Democratic Republic of Congo.
Republic of the Congo (Congo).
Republic of Côte d'Ivoire (Côte d'Ivoire).
Republic of Djibouti (Djibouti).
Republic of Equatorial Guinea (Equatorial Guinea).
State of Eritrea (Eritrea).
Ethiopia.
Gabonese Republic (Gabon).
Republic of the Gambia (Gambia).
Republic of Ghana (Ghana).
Republic of Guinea (Guinea).
Republic of Guinea-Bissau (Guinea-Bissau).
Republic of Kenya (Kenya).
Kingdom of Lesotho (Lesotho).
Republic of Liberia (Liberia).
Republic of Madagascar (Madagascar).
Republic of Malawi (Malawi).
Republic of Mali (Mali).
Islamic Republic of Mauritania (Mauritania).
Republic of Mauritius (Mauritius).
Republic of Mozambique (Mozambique).
Republic of Namibia (Namibia).
Republic of Niger (Niger).
Federal Republic of Nigeria (Nigeria).
Republic of Rwanda (Rwanda).
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe).
Republic of Senegal (Senegal).
Republic of Seychelles (Seychelles).
Republic of Sierra Leone (Sierra Leone).
Somalia.
Republic of South Africa (South Africa).
Republic of Sudan (Sudan).
Kingdom of Swaziland (Swaziland).
United Republic of Tanzania (Tanzania).
Republic of Togo (Togo).
Republic of Uganda (Uganda).
Republic of Zambia (Zambia).
Republic of Zimbabwe (Zimbabwe).

Subtitle B—Trade Benefits

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) In General.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

"SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

"(a) Authority To Designate.—

"(1) In general.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 107 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b)—

"(A) if the President determines that the country meets the eligibility requirements set forth in section 104 of that Act, as such requirements are in effect on the date of enactment of that Act; and

"(B) subject to the authority granted to the President under subsections (a), (d), and (e) of section 502, if the country otherwise meets the eligibility criteria set forth in section 502.

"(2) Monitoring and review of certain countries.—The President shall monitor, review, and report to Congress annually on the progress of each country listed in section 107 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of this section. The President's determinations, and explanations of such determinations, with specific analysis of the eligibility requirements described in paragraph (1)(A), shall be included in the annual report required by section 106 of the African Growth and Opportunity Act.

"(3) Continuing compliance.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

"(b) Preferential Tariff Treatment for Certain Articles.—

"(1) In general.—The President may provide duty-free treatment for any article described in section 503(b)(1)(B) through (G) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

"(2) Rules of origin.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

"(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

"(B) the cost or value of the materials included with respect to that article that are produced in 1 or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

"(c) Beneficiary Sub-Saharan African Countries, Etc.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 107 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.".

(b) Waiver of Competitive Need Limitation.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

"(D) Least-developed beneficiary developing countries and beneficiary sub-Saharan African countries.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.".

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) Preferential Treatment.—Textile and apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from a beneficiary sub-Saharan African country described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations in accordance with the provisions set forth in subsection (b), if the country has satisfied the requirements set forth in section 113.

(b) Products Covered.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) Apparel articles assembled in beneficiary sub-Saharan African countries.—Apparel articles assembled in 1 or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

(2) Apparel articles cut and assembled in beneficiary sub-Saharan African countries.—Apparel articles cut in 1 or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in 1 or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) Apparel articles assembled from regional and other fabric.—Apparel articles wholly assembled in 1 or more beneficiary sub-Saharan African countries from fabric wholly formed in 1 or more beneficiary sub-Saharan African countries from yarn originating either in the United States or 1 or more beneficiary sub-Saharan African countries, subject to the following:

(A) Limitations on benefits.—

(i) In general.—Preferential treatment under this paragraph shall be extended in the 1-year period beginning on October 1, 2000, and in each of the 7 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

(ii) Applicable percentage.—For purposes of this subparagraph, the term "applicable percentage" means 1.5 percent for the 1-year period beginning October 1, 2000, increased in each of the seven succeeding 1-year periods by equal increments, so that for the period beginning October 1, 2007, the applicable percentage does not exceed 3.5 percent.

(B) Special rule for lesser developed countries.—

(i) In general.—Subject to subparagraph (A), preferential treatment shall be extended through September 30, 2004, for apparel articles wholly assembled in 1 or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric used to make such articles.

(ii) Lesser developed beneficiary sub-Saharan African country.—For purposes of this subparagraph the term "lesser developed beneficiary sub-Saharan African country" means a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 a year in 1998, as measured by the World Bank.

(C) Surge mechanism.—

(i) Import monitoring.—The Secretary of Commerce shall monitor imports of articles described in this paragraph on a monthly basis to determine if there has been a surge in imports of

such articles. In order to permit public access to preliminary international trade data and to facilitate the early identification of potentially disruptive import surges, the Director of the Office of Management and Budget may grant an exception to the publication dates established for the release of data on United States international trade in covered articles, if the Director notifies Congress of the early release of the data.

(ii) DETERMINATION OF DAMAGE OR THREAT THEREOF.—Whenever the Secretary of Commerce determines, based on the data described in clause (i), or pursuant to a written request made by an interested party, that there has been a surge in imports of an article described in this paragraph from a beneficiary sub-Saharan African country, the Secretary shall determine whether such article from such country is being imported in such increased quantities as to cause serious damage, or threat thereof, to the domestic industry producing a like or directly competitive article. If the Secretary's determination is affirmative, the President shall suspend the duty-free treatment provided for such article under this paragraph. If the inquiry is initiated at the request of an interested party, the Secretary shall make the determination within 60 days after the date of the request.

(iii) FACTORS TO CONSIDER.—In determining whether a domestic industry has been seriously damaged, or is threatened with serious damage, the Secretary shall examine the effect of the imports on relevant economic indicators such as domestic production, sales, market share, capacity utilization, inventories, employment, profits, exports, prices, and investment.

(iv) PROCEDURE.—

(I) INITIATION.—The Secretary of Commerce shall initiate an inquiry within 10 days after receiving a written request and supporting information for an inquiry from an interested party. Notice of initiation of an inquiry shall be published in the Federal Register.

(II) PARTICIPATION BY INTERESTED PARTIES.—The Secretary of Commerce shall establish procedures to ensure participation in the inquiry by interested parties.

(III) NOTICE OF DETERMINATION.—The Secretary shall publish the determination described in clause (ii) in the Federal Register.

(IV) INFORMATION AVAILABLE.—If relevant information is not available on the record or any party withholds information that has been requested by the Secretary, the Secretary shall make the determination on the basis of the facts available. When the Secretary relies on information submitted in the inquiry as facts available, the Secretary shall, to the extent practicable, corroborate the information from independent sources that are reasonably available to the Secretary.

(v) INTERESTED PARTY.—For purposes of this subparagraph, the term "interested party" means any producer of a like or directly competitive article, a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or sale in the United States of a like or directly competitive article, a trade or business association representing producers or sellers of like or directly competitive articles, producers engaged in the production of essential inputs for like or directly competitive articles, a certified union or group of workers which is representative of an industry engaged in the manufacture, production, or sale of essential inputs for the like or directly competitive article, or a trade or business association representing companies engaged in the manufacture, production or sale of such essential inputs.

(4) SWEATERS KNIT-TO-SHAPE FROM CASHMERE OR MERINO WOOL.—

(A) CASHMERE.—Sweaters, in chief weight of cashmere, knit-to-shape in 1 or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the Harmonized Tariff Schedule of the United States.

(B) MERINO WOOL.—Sweaters, 50 percent or more by weight of wool measuring 18.5 microns in diameter or finer, knit-to-shape in 1 or more beneficiary sub-Saharan African countries.

(5) APPAREL ARTICLES WHOLLY ASSEMBLED FROM FABRIC OR YARN NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—

(A) IN GENERAL.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more beneficiary sub-Saharan African countries, from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, to the extent that such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under Annex 401 to the NAFTA.

(B) ADDITIONAL APPAREL ARTICLES.—At the request of any interested party and subject to the following requirements, the President is authorized to proclaim the treatment provided under subparagraph (A) for yarns or fabrics not described in subparagraph (A) if—

(i) the President determines that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner;

(ii) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

(iii) within 60 calendar days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(I) the action proposed to be proclaimed and the reasons for such action; and

(II) the advice obtained under clause (ii);

(iv) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclauses (I) and (II) of clause (iii), has expired; and

(v) the President has consulted with such committees regarding the proposed action during the period referred to in clause (iii).

(6) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore articles.

(c) TREATMENT OF QUOTAS ON TEXTILE AND APPAREL IMPORTS FROM KENYA AND MAURITIUS.—The President shall eliminate the existing quotas on textile and apparel articles imported into the United States—

(1) from Kenya within 30 days after that country adopts an effective visa system to prevent unlawful transshipment of textile and apparel articles and the use of counterfeit documents relating to the importation of the articles into the United States; and

(2) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of the visa systems.

(d) SPECIAL RULES.—

(1) FINDINGS AND TRIMMINGS.—

(A) GENERAL RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if the value of such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled article. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace trim, elastic strips, and zippers, including zipper tapes and labels. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and used in the production of brassieres.

(B) CERTAIN INTERLININGS.—

(i) GENERAL RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

(ii) INTERLININGS DESCRIBED.—Interlinings eligible for the treatment described in clause (i) include only a chest type plate, a "hymo" piece, or "sleeve header", of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

(iii) TERMINATION OF TREATMENT.—The treatment described in this subparagraph shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

(C) EXCEPTION.—In the case of an article described in subsection (b)(2), sewing thread shall not be treated as findings or trimmings under subparagraph (A).

(2) DE MINIMIS RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains fibers or yarns not wholly formed in the United States or 1 or more beneficiary sub-Saharan African countries if the total weight of all such fibers and yarns is not more than 7 percent of the total weight of the article.

(e) DEFINITIONS.—In this section and section 113:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY, ETC.—The terms "beneficiary sub-Saharan African country" and "beneficiary sub-Saharan African countries" have the same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(f) EFFECTIVE DATE.—This section takes effect on October 1, 2000, and shall remain in effect through September 30, 2008.

SEC. 113. PROTECTIONS AGAINST TRANSSHIPMENT.

(a) PREFERENTIAL TREATMENT CONDITIONED ON ENFORCEMENT MEASURES.—

(1) IN GENERAL.—The preferential treatment under section 112(a) shall not be provided to textile and apparel articles that are imported from a beneficiary sub-Saharan African country unless that country—

(A) has adopted an effective visa system, domestic laws, and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States;

(B) has enacted legislation or promulgated regulations that would permit United States Customs Service verification teams to have the

access necessary to investigate thoroughly allegations of transshipment through such country;

(C) agrees to report, on a timely basis, at the request of the United States Customs Service, on the total exports from and imports into that country of covered articles, consistent with the manner in which the records are kept by that country;

(D) will cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing;

(E) agrees to require all producers and exporters of covered articles in that country to maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 2 years after the production or export (as the case may be); and

(F) agrees to report, on a timely basis, at the request of the United States Customs Service, documentation establishing the country of origin of covered articles as used by that country in implementing an effective visa system.

(2) COUNTRY OF ORIGIN DOCUMENTATION.—For purposes of paragraph (1)(F), documentation regarding the country of origin of the covered articles includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the manufacturer and the exporter.

(b) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) IN GENERAL.—

(A) REGULATIONS.—Any importer that claims preferential treatment under section 112 shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

(B) DETERMINATION.—

(i) IN GENERAL.—In order to qualify for the preferential treatment under section 112 and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in clause (ii)—

(I) has implemented and follows, or

(II) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(ii) COUNTRY DESCRIBED.—A country is described in this clause if it is a beneficiary sub-Saharan African country—

(I) from which the article is exported, or

(II) in which materials used in the production of the article originate or in which the article or such materials, undergo production that contributes to a claim that the article is eligible for preferential treatment.

(2) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 112 if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

(3) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment as defined in paragraph (4), then the President shall deny for a period of 5 years all benefits under section 112 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(4) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under this Act has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under section 112.

(5) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems and the implementation of legislation and regulations described in subsection (a) and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(c) CUSTOMS SERVICE ENFORCEMENT.—The Customs Service shall—

(1) make available technical assistance to the beneficiary sub-Saharan African countries—

(A) in the development and implementation of visa systems, legislation, and regulations described in subsection (a)(1)(A); and

(B) to train their officials in anti-transshipment enforcement;

(2) send production verification teams to at least 4 beneficiary sub-Saharan African countries each year; and

(3) to the extent feasible, place beneficiary sub-Saharan African countries on the Electronic Visa (ELVIS) program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (c) the sum of $5,894,913.

SEC. 114. TERMINATION.

Title V of the Trade Act of 1974 is amended by inserting after section 506A the following new section:

"SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

"In the case of a beneficiary sub-Saharan African country, as defined in section 506A(c), duty-free treatment provided under this title shall remain in effect through September 30, 2008.".

SEC. 115. CLERICAL AMENDMENTS.

The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 506 the following new items:

"Sec. 506A. Designation of sub-Saharan African countries for certain benefits.
"Sec. 506B. Termination of benefits for sub-Saharan African countries.".

SEC. 116. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) DECLARATION OF POLICY.—Congress declares that free trade agreements should be negotiated, where feasible, with interested countries in sub-Saharan Africa, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector investment in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of negotiating and entering into 1 or more trade agreements with interested beneficiary sub-Saharan African countries.

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to negotiations described in paragraph (1) and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and the relevant sub-Saharan African countries with respect to the applicable free trade agreement or agreements.

(C) A mutually agreed-upon timetable for the negotiations.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to such free trade agreement or agreements.

(E) Subject matter anticipated to be covered by the negotiations and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiations.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 117. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR AFRICAN AFFAIRS.

It is the sense of the Congress that—

(1) the position of Assistant United States Trade Representative for African Affairs is integral to the United States commitment to increasing United States-sub-Saharan African trade and investment;

(2) the position of Assistant United States Trade Representative for African Affairs should be maintained within the Office of the United States Trade Representative to direct and coordinate interagency activities on United States-Africa trade policy and investment matters and serve as—

(A) a primary point of contact in the executive branch for those persons engaged in trade between the United States and sub-Saharan Africa; and

(B) the chief advisor to the United States Trade Representative on issues of trade and investment with Africa; and

(3) the United States Trade Representative should have adequate funding and staff to carry out the duties of the Assistant United States Trade Representative for African Affairs described in paragraph (2), subject to the availability of appropriations.

Subtitle C—Economic Development Related Issues

SEC. 121. SENSE OF CONGRESS REGARDING COMPREHENSIVE DEBT RELIEF FOR THE WORLD'S POOREST COUNTRIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1997, the Group of Seven, the World Bank, and the International Monetary Fund adopted the Heavily Indebted Poor Countries Initiative (HIPC), a commitment by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) The HIPC Initiative is currently undergoing reforms to address concerns raised about country conditionality, the amount of debt forgiven, and the allocation of savings realized through the debt forgiveness program to ensure that the Initiative accomplishes the goals of economic growth and poverty alleviation in the world's poorest countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the President should work together, without undue delay and in concert with the international community, to make comprehensive debt relief available to the world's poorest countries in a manner that promotes economic growth and poverty alleviation;

(2) this program of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) this program of debt relief should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these debt relief agreements should be designed and implemented in a transparent manner and with the broad participation of the citizenry of the debtor country and should ensure that country circumstances are adequately taken into account;

(5) no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in conflict or spends excessively on its military; and

(6) in order to prevent adverse impact on a key industry in many developing countries, the International Monetary Fund must mobilize its own resources for providing debt relief to eligible countries without allowing gold to reach the open market, or otherwise adversely affecting the market price of gold.

SEC. 122. EXECUTIVE BRANCH INITIATIVES.

(a) STATEMENT OF THE CONGRESS.—The Congress recognizes that the stated policy of the executive branch in 1997, the "Partnership for Growth and Opportunity in Africa" initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this title.

(b) TECHNICAL ASSISTANCE TO PROMOTE ECONOMIC REFORMS AND DEVELOPMENT.—In addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward—

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan African participation in future negotiations in the World Trade Organization on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

SEC. 123. OVERSEAS PRIVATE INVESTMENT CORPORATION INITIATIVES.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should exercise the authorities it has to initiate an equity fund or equity funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) INFRASTRUCTURE FUND.—1 or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) INVESTMENT ADVISORY COUNCIL.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e) INVESTMENT ADVISORY COUNCIL.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an investment advisory council to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the investment advisory council shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The investment advisory council shall terminate 4 years after the date of the enactment of this subsection.".

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the investment advisory council established pursuant to such section.

SEC. 124. EXPORT-IMPORT BANK INITIATIVES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Board of Directors of the Bank shall continue to take comprehensive measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee and insurance programs of the Bank.

(b) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—The sub-Saharan Africa Advisory Committee (SAAC) is to be commended for aiding the Bank in advancing the economic partnership between the United States and the nations of sub-Saharan Africa by doubling the number of sub-Saharan African countries in which the Bank is open for traditional financing and by increasing by tenfold the Bank's support for sales to sub-Saharan Africa from fiscal year 1998 to fiscal year 1999. The Board of Directors of the Bank and its staff shall continue to review carefully the sub-Saharan Africa Advisory Committee recommendations on the development and implementation of new and innovative policies and programs designed to promote the Bank's expansion in sub-Saharan Africa.

SEC. 125. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and Foreign Commercial Service (hereafter in this section referred to as the 'Commercial Service') plays an important role in helping U.S. businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(2) During the 1980s, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in 8 countries. By early 1997, that presence had been reduced by half to 7 professionals in only 4 countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding 5 full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of U.S. businesses attempting to do business in sub-Saharan Africa.

(5) The Congress has, on several occasions, encouraged the Commercial Service to focus its resources and efforts in countries or regions in Europe or Asia to promote greater United States export activity in those markets, and similar encouragement should be provided for countries in sub-Saharan Africa as well.

(6) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) APPOINTMENTS.—Subject to the availability of appropriations, by not later than December 31, 2001, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than 10 different sub-Saharan African countries.

(c) INITIATIVE FOR SUB-SAHARAN AFRICA.—In order to encourage the export of United States goods and services to sub-Saharan African countries, the International Trade Administration shall make a special effort to—

(1) identify United States goods and services which are the best prospects for export by United States companies to sub-Saharan Africa;

(2) identify, where appropriate, tariff and nontariff barriers that are preventing or hindering sales of United States goods and services to, or the operation of United States companies in, sub-Saharan Africa;

(3) hold discussions with appropriate authorities in sub-Saharan Africa on the matters described in paragraphs (1) and (2) with a view to securing increased market access for United States exporters of goods and services;

(4) identify current resource allocations and personnel levels in sub-Saharan Africa for the Commercial Service and consider plans for the deployment of additional resources or personnel to that region; and

(5) make available to the public, through printed and electronic means of communication, the information derived pursuant to paragraphs (1) through (4) for each of the 4 years after the date of enactment of this Act.

SEC. 126. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries determined to be eligible under section 104 air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

SEC. 127. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) Use of Sustainable Development Assistance To Support Further Economic Growth.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) Declarations of Policy.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this title and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Supporting democratization, good governance and civil society and conflict resolution efforts.

(D) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(E) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(F) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(G) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(H) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this title.

(c) Additional Authorities.—

(1) In general.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) Democratization and conflict resolution capabilities.—Assistance under this section may also include program assistance—

"(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

"(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.".

(2) Conforming amendment.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking "paragraphs (1) and (2)" in the first sentence and inserting "paragraphs (1), (2), and (3)".

SEC. 128. ASSISTANCE FROM UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA.

It is the sense of the Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

SEC. 129. SENSE OF THE CONGRESS RELATING TO HIV/AIDS CRISIS IN SUB-SAHARAN AFRICA.

(a) Findings.—The Congress finds the following:

(1) Sustained economic development in sub-Saharan Africa depends in large measure upon successful trade with and foreign assistance to the countries of sub-Saharan Africa.

(2) The HIV/AIDS crisis has reached epidemic proportions in sub-Saharan Africa, where more than 21,000,000 men, women, and children are infected with HIV.

(3) 83 percent of the estimated 11,700,000 deaths from HIV/AIDS worldwide have been in sub-Saharan Africa.

(4) The HIV/AIDS crisis in sub-Saharan Africa is weakening the structure of families and societies.

(5)(A) The HIV/AIDS crisis threatens the future of the workforce in sub-Saharan Africa.

(B) Studies show that HIV/AIDS in sub-Saharan Africa most severely affects individuals between the ages of 15 and 49—the age group that provides the most support for the economies of sub-Saharan African countries.

(6) Clear evidence demonstrates that HIV/AIDS is destructive to the economies of sub-Saharan African countries.

(7) Sustained economic development is critical to creating the public and private sector resources in sub-Saharan Africa necessary to fight the HIV/AIDS epidemic.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) addressing the HIV/AIDS crisis in sub-Saharan Africa should be a central component of United States foreign policy with respect to sub-Saharan Africa;

(2) significant progress needs to be made in preventing and treating HIV/AIDS in sub-Saharan Africa in order to sustain a mutually beneficial trade relationship between the United States and sub-Saharan African countries; and

(3) the HIV/AIDS crisis in sub-Saharan Africa is a global threat that merits further attention through greatly expanded public, private, and joint public-private efforts, and through appropriate United States legislation.

SEC. 130. STUDY ON IMPROVING AFRICAN AGRICULTURAL PRACTICES.

(a) In general.—The Secretary of Agriculture, in consultation with American Land Grant Colleges and Universities and not-for-profit international organizations, is authorized to conduct a 2-year study on ways to improve the flow of American farming techniques and practices to African farmers. The study shall include an examination of ways of improving or utilizing—

(1) knowledge of insect and sanitation procedures;

(2) modern farming and soil conservation techniques;

(3) modern farming equipment (including maintaining the equipment);

(4) marketing crop yields to prospective purchasers; and

(5) crop maximization practices.

The Secretary of Agriculture shall submit the study to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than September 30, 2001.

(b) Land Grant Colleges and Not-for-Profit Institutions.—In conducting the study under subsection (a), the Secretary of Agriculture is encouraged to consult with American Land Grant Colleges and not-for-profit international organizations that have firsthand knowledge of current African farming practices.

SEC. 131. SENSE OF THE CONGRESS REGARDING EFFORTS TO COMBAT DESERTIFICATION IN AFRICA AND OTHER COUNTRIES.

(a) Findings.—The Congress finds that—

(1) desertification affects approximately one-sixth of the world's population and one-quarter of the total land area;

(2) over 1,000,000 hectares of Africa are affected by desertification;

(3) dryland degradation is an underlying cause of recurrent famine in Africa;

(4) the United Nations Environment Programme estimates that desertification costs the world $42,000,000,000 a year, not including incalculable costs in human suffering; and

(5) the United States can strengthen its partnerships throughout Africa and other countries affected by desertification, help alleviate social

and economic crises caused by misuse of natural resources, and reduce dependence on foreign aid, by taking a leading role to combat desertification.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should expeditiously work with the international community, particularly Africa and other countries affected by desertification, to—

(1) strengthen international cooperation to combat desertification;

(2) promote the development of national and regional strategies to address desertification and increase public awareness of this serious problem and its effects;

(3) develop and implement national action programs that identify the causes of desertification and measures to address it; and

(4) recognize the essential role of local governments and nongovernmental organizations in developing and implementing measures to address desertification.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the "United States-Caribbean Basin Trade Partnership Act".

SEC. 202. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (in this title referred to as "CBERA") represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) In 1998, Hurricane Mitch and Hurricane Georges devastated areas in the Caribbean Basin region, killing more than 10,000 people and leaving 3,000,000 homeless.

(3) The total direct impact of Hurricanes Mitch and Georges on Honduras, Nicaragua, the Dominican Republic, El Salvador, and Guatemala amounts to $4,200,000,000, representing a severe loss to income levels in this underdeveloped region.

(4) In addition to short term disaster assistance, United States policy toward the region should focus on expanding international trade with the Caribbean Basin region as an enduring solution for successful economic growth and recovery.

(5) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (in this title referred to as "FTAA") by the year 2005.

(6) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(7) Offering temporary benefits to Caribbean Basin countries will preserve the United States commitment to Caribbean Basin beneficiary countries, promote the growth of free enterprise and economic opportunity in these neighboring countries, and thereby enhance the national security interests of the United States.

(8) Given the greater propensity of countries located in the Western Hemisphere to use United States components and to purchase United States products compared to other countries, increased trade and economic activity between the United States and countries in the Western Hemisphere will create new jobs in the United States as a result of expanding export opportunities.

(b) POLICY.—It is the policy of the United States—

(1) to offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or another free trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) to seek the participation of Caribbean Basin beneficiary countries in the FTAA or another free trade agreement at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 203. DEFINITIONS.

In this title:

(1) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(2) NAFTA COUNTRY.—The term "NAFTA country" means any country with respect to which the NAFTA is in force.

(3) WTO AND WTO MEMBER.—The terms "WTO" and "WTO member" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

"(b) IMPORT-SENSITIVE ARTICLES.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

"(F) articles to which reduced rates of duty apply under subsection (h).

"(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles:

"(i) APPAREL ARTICLES ASSEMBLED IN A CBTPA BENEFICIARY COUNTRY.—Apparel articles assembled in a CBTPA beneficiary country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

"(I) entered under subheading 9802.00.80 of the HTS; or

"(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

"(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States.

"(iii) CERTAIN KNIT APPAREL ARTICLES.—(I) Apparel articles knit to shape (other than socks provided for in heading 6115 of the HTS) in a CBTPA beneficiary country from yarns wholly formed in the United States, and knit apparel articles (other than t-shirts described in subclause (III)) cut and wholly assembled in 1 or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries or the United States from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (II).

"(II) The amount referred to in subclause (I) is—

"(aa) 250,000,000 square meter equivalents during the 1-year period beginning on October 1, 2000, increased by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004; and

"(bb) in each 1-year period thereafter through September 30, 2008, the amount in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law.

"(III) T-shirts, other than underwear, classifiable under subheadings 6109.10.00 and 6109.90.10 of the HTS, made in one or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (IV).

"(IV) The amount referred to in subclause (III) is—

"(aa) 4,200,000 dozen during the 1-year period beginning on October 1, 2000, increased by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004; and

"(bb) in each 1-year period thereafter, the amount in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law.

"(V) It is the sense of Congress that the Congress should determine, based on the record of expansion of exports from the United States as a result of the preferential treatment of articles under this clause, the percentage by which the amount provided in subclauses (II) and (IV) should be compounded for the 1-year periods occuring aftr the 1-year period ending on September 30, 2004.

"(iv) CERTAIN OTHER APPAREL ARTICLES.—(I) Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or 1 or more of the CBTPA beneficiary countries, or both.

"(II) During the 1-year period beginning on October 1, 2001, and during each of the 6 succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components formed in the United States that are used in the production of all such articles of that producer or entity during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(III) The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity in the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(v) APPAREL ARTICLES ASSEMBLED FROM FIBERS, FABRIC, OR YARN NOT WIDELY AVAILABLE IN COMMERCIAL QUANTITIES.—(I) Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more CBTPA beneficiary countries, from fibers, fabric, or yarn that is not formed in the United States or in 1 or more CBTPA beneficiary countries, to the extent that such fibers, fabric, or yarn would be eligible for preferential treatment, without regard to the source of the fibers, fabric, or yarn, under Annex 401 of the NAFTA.

"(II) At the request of any interested party, the President is authorized to proclaim additional fibers, fabric, and yarn as eligible for preferential treatment under subclause (I) if—

"(aa) the President determines that such fibers, fabric, or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner;

"(bb) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

"(cc) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such actions, and the advice obtained under division (bb);

"(dd) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of division (cc), has expired; and

"(ee) the President has consulted with such committees regarding the proposed action during the period referred to in division (cc).

"(vi) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTPA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

"(vii) SPECIAL RULES.—

"(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds,' decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

"(bb) In the case of an article described in clause (ii) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

"(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

"(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

"(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

"(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains fibers or yarns not wholly formed in the United States or in 1 or more CBTPA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

"(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) or (ii) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is entered under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

"(vii) TEXTILE LUGGAGE.—Textile luggage—

"(I) assembled in a CBTPA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

"(II) assembled from fabric cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States.

"(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles to which this subparagraph applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

"(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A)(vi), the President shall consult with representatives of the CBTPA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

"(D) PENALTIES FOR TRANSSHIPMENTS.—

"(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel articles from a CBTPA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

"(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTPA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

"(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (B) has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

"(E) BILATERAL EMERGENCY ACTIONS.—

"(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTPA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

"(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

"(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

"(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

"(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the CBTPA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

"(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

"(A) EQUIVALENT TARIFF TREATMENT.—

"(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that is a CBTPA originating good shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

"(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

"(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

"(4) CUSTOMS PROCEDURES.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

"(aa) has implemented and follows, or

"(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

"(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTPA beneficiary country—

"(aa) from which the article is exported, or

"(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (2) or (3).

"(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

"(C) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each CBTPA beneficiary country—

"(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

"(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

"(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to Congress, not later than October 1, 2001, a report on the study conducted under this subparagraph.

"(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

"(B) CBTPA BENEFICIARY COUNTRY.—The term 'CBTPA beneficiary country' means any 'beneficiary country', as defined in section 212(a)(1)(A) of this title, which the President designates as a CBTPA beneficiary country, taking into account the criteria contained in subsections (b) and (c) of section 212 and other appropriate criteria, including the following:

"(i) Whether the beneficiary country has demonstrated a commitment to—

"(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

"(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

"(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

"(iii) The extent to which the country provides internationally recognized worker rights, including—

"(I) the right of association,

"(II) the right to organize and bargain collectively,

"(III) a prohibition on the use of any form of forced or compulsory labor,

"(IV) a minimum age for the employment of children, and

"(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

"(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

"(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

"(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

"(vii) The extent to which the country—

"(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

"(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

"(C) CBTPA ORIGINATING GOOD.—

"(i) IN GENERAL.—The term 'CBTPA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

"(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 of the NAFTA with respect to a CBTPA beneficiary country for purposes of this subsection—

"(I) no country other than the United States and a CBTPA beneficiary country may be treated as being a party to the NAFTA;

"(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTPA beneficiary country;

"(III) any reference to a party shall be deemed to refer to a CBTPA beneficiary country or the United States; and

"(IV) any reference to parties shall be deemed to refer to any combination of CBTPA beneficiary countries or to the United States and 1 or more CBTPA beneficiary countries (or any combination thereof).

"(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTPA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

"(i) September 30, 2008, or

"(ii) the date on which the FTAA or another free trade agreement that makes substantial progress in achieving the negotiating objectives set forth in 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)) enters into force with respect to the United States and the CBTPA beneficiary country.

"(E) CBTPA.—The term 'CBTPA' means the United States-Caribbean Basin Trade Partnership Act.

"(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.".

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(1)"; and

(C) by adding at the end the following:

"(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

"(i) withdraw or suspend the designation of any country as a CBTPA beneficiary country, or

"(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b) (2) and (3) to any article of any country, if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B)."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) If preferential treatment under section 213(b) (2) and (3) is withdrawn, suspended, or limited with respect to a CBTPA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.".

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

"(f) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

"(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

"(B) the performance of each beneficiary country or CBTPA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B).

"(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B).".

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking "TRIENNIAL REPORT" in the heading and inserting "REPORT"; and

(B) by striking "On or before" and all that follows through "enactment of this title" and inserting "Not later than January 31, 2001".

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

"(a) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

"(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001.

"(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.".

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

"(a) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

"(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

"(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting "(or other preferential treatment)" after "treatment".

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting "and except as provided in subsection (b) (2) and (3)," after "Tax Reform Act of 1986,".

(2) DEFINITIONS.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraphs:

"(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).".

SEC. 214. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM.

Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(1) in paragraph (5), by striking "chapter" and inserting "title"; and

(2) by adding at the end the following new paragraph:

"(6) Notwithstanding paragraph (1), the duty-free treatment provided under this title shall apply to liqueurs and spirituous beverages produced in the territory of Canada from rum if—

"(A) such rum is the growth, product, or manufacture of a beneficiary country or of the Virgin Islands of the United States;

"(B) such rum is imported directly from a beneficiary country or the Virgin Islands of the United States into the territory of Canada, and such liqueurs and spirituous beverages are imported directly from the territory of Canada into the customs territory of the United States;

"(C) when imported into the customs territory of the United States, such liqueurs and spirituous beverages are classified in subheading 2208.90 or 2208.40 of the HTS; and

"(D) such rum accounts for at least 90 percent by volume of the alcoholic content of such liqueurs and spirituous beverages.".

SEC. 215. MEETINGS OF TRADE MINISTERS AND USTR.

(a) SCHEDULE OF MEETINGS.—The President shall take the necessary steps to convene a meeting with the trade ministers of the CBTPA beneficiary countries in order to establish a schedule of regular meetings, to commence as soon as is practicable, of the trade ministers and the Trade Representative, for the purpose set forth in subsection (b).

(b) PURPOSE.—The purpose of the meetings scheduled under subsection (a) is to reach agreement between the United States and CBTPA beneficiary countries on the likely timing and procedures for initiating negotiations for CBTPA beneficiary countries to enter into mutually advantageous free trade agreements with the United States that contain provisions comparable to those in the NAFTA and would make substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)).

(c) DEFINITION.—In this section, the term "CBTPA beneficiary country" has the meaning given that term in section 213(b)(5)(B) of the Caribbean Basin Economic Recovery Act.

TITLE III—NORMAL TRADE RELATIONS

SEC. 301. NORMAL TRADE RELATIONS FOR ALBANIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Albania; and

(B) after making a determination under subparagraph (A) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 302. NORMAL TRADE RELATIONS FOR KYRGYZSTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Kyrgyzstan has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its independence from the Soviet Union in 1991, Kyrgyzstan has made great progress toward democratic rule and toward creating a free-market economic system.

(3) Kyrgyzstan concluded a bilateral investment treaty with the United States in 1994.

(4) Kyrgyzstan has demonstrated a strong desire to build a friendly and cooperative relationship with the United States.

(5) The extension of unconditional normal trade relations treatment to the products of Kyrgyzstan will enable the United States to avail itself of all rights under the World Trade Organization with respect to Kyrgyzstan.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO KYRGYZSTAN.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kyrgyzstan; and

(B) after making a determination under subparagraph (A) with respect to Kyrgyzstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kyrgyzstan, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. REPORT ON EMPLOYMENT AND TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Comptroller General of the United States shall submit to Congress a report regarding the efficiency and effectiveness of Federal and State coordination of employment and retraining activities associated with the following programs and legislation:

(1) Trade adjustment assistance (including NAFTA trade adjustment assistance) provided for under title II of the Trade Act of 1974.

(2) The Job Training Partnership Act.

(3) The Workforce Investment Act of 1998.

(4) Unemployment insurance.

(b) PERIOD COVERED.—The report shall cover the activities involved in the programs and legislation listed in subsection (a) from January 1, 1994, to December 31, 1999.

(c) DATA AND RECOMMENDATIONS.—The report shall at a minimum include specific data and recommendations regarding—

(1) the compatibility of program requirements related to the employment and retraining of dislocated workers in the United States, with particular emphasis on the trade adjustment assistance programs provided for under title II of the Trade Act of 1974;

(2) the compatibility of application procedures related to the employment and retraining of dislocated workers in the United States;

(3) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on workers in the United States measured in terms of loss of employment and wages;

(4) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on secondary workers in the United States measured in terms of loss of employment and wages;

(5) how the impact of foreign trade and the transfer of production to other countries would have changed the number of beneficiaries covered under the trade adjustment assistance program if the trade adjustment assistance program covered secondary workers in the United States; and

(6) the effectiveness of the programs described in subsection (a) in achieving reemployment of United States workers and maintaining wage levels of United States workers who have been dislocated as a result of foreign trade and the transfer of production to other countries.

SEC. 402. TRADE ADJUSTMENT ASSISTANCE.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR DECOMMISSIONING OR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a "qualified worker" means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA–W–28,438; and

(B) was necessary for the decommissioning or closure of a nuclear power facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 403. RELIQUIDATION OF CERTAIN NUCLEAR FUEL ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Secretary of the Treasury not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) reliquidate as free of duty the entries listed in subsection (b); and

(2) refund any duties paid with respect to such entries as shown on Customs Service Collection Receipt Number 527006753.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
062-2320014-5	January 16, 1996
062-2320085-5	February 13, 1996
839-4030989-7	November 25, 1996
839-4031053-1	December 2, 1996
839-4031591-0	January 21, 1997.

SEC. 404. REPORTS TO THE FINANCE AND WAYS AND MEANS COMMITTEES.

(a) REPORTS REGARDING INITIATIVES TO UPDATE THE INTERNATIONAL MONETARY FUND.—Section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–224), relating to international financial programs and reform, is amended—

(1) by inserting "Finance," after "Foreign Relations,"; and

(2) by inserting ", Ways and Means," before "and Banking and Financial Services".

(b) REPORTS ON FINANCIAL STABILIZATION PROGRAMS.—Section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r–3(b)) is amended to read as follows:

"(b) TIMING.—Not later than March 15, 1999, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services, Ways and Means, and International Relations of the House of Representatives and the Committees on Finance, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).".

(c) ANNUAL REPORT ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.—Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–4(a)) is amended by striking "Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate" and inserting "Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate".

(d) AUDITS OF THE IMF.—Section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)) is amended by striking "Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate" and inserting "Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate".

(e) REPORT ON PROTECTION OF BORDERS AGAINST DRUG TRAFFIC.—Section 629 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–522), relating to general provisions, is amended by adding at the end the following new paragraph:

"(3) For purposes of paragraph (1), the term 'appropriate congressional committees' includes the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.".

SEC. 405. CLARIFICATION OF SECTION 334 OF THE URUGUAY ROUND AGREEMENTS ACT.

(a) IN GENERAL.—Section 334(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the matter preceding clause (i) (as redesignated), by striking "Notwithstanding paragraph (1)(D)" and inserting "(A) Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (B) and (C)"; and

(3) by adding at the end the following:

"(B) Notwithstanding paragraph (1)(C), fabric classified under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

"(C) Notwithstanding paragraph (1)(D), goods classified under HTS heading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95, except for goods classified under such headings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.".

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 406. CHIEF AGRICULTURAL NEGOTIATOR.

Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) by amending subsection (b)(2) to read as follows:

"(2) There shall be in the Office three Deputy United States Trade Representatives and one Chief Agricultural Negotiator who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative or the Chief Agricultural Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative and the Chief Agricultural Negotiator shall hold office at the pleasure of the President and shall have the rank of Ambassador."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) The principal function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of United States agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.".

SEC. 407. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION.

Section 306(b)(2) of the Trade Act of 1974 (19 U.S.C. 2416(b)(2)) is amended—

(1) by striking "If the" and inserting the following:

"(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the"; and

(2) by adding at the end the following:

"(B) REVISION OF RETALIATION LIST AND ACTION.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in section 301(c)(1) (A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

"(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

"(I) the Trade Representative determines that implementation of a recommendation made pursuant to a dispute settlement proceeding described in clause (i) by the country is imminent; or

"(II) the Trade Representative together with the petitioner involved in the initial investigation under this chapter (or if no petition was filed, the affected United States industry) agree that it is unnecessary to revise the retaliation list.

"(C) SCHEDULE FOR REVISING LIST OR ACTION.—The Trade Representative shall, 120 days after the date the retaliation list or other section 301(a) action is first taken, and every 180 days thereafter, review the list or action taken and revise, in whole or in part, the list or action to affect other goods of the subject country or countries.

"(D) STANDARDS FOR REVISING LIST OR ACTION.—In revising any list or action against a country or countries under this subsection, the Trade Representative shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding. The Trade Representative shall consult with the petitioner, if any, involved in the initial investigation under this chapter.

"(E) RETALIATION LIST.—The term 'retaliation list' means the list of products of a foreign country or countries that have failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the Trade Representative is imposing duties above the level *that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.*

"(F) REQUIREMENT TO INCLUDE RECIPROCAL GOODS ON RETALIATION LIST.—The Trade Representative shall include on the retaliation list, and on any revised lists, reciprocal goods of the industries affected by the failure of the foreign country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, except in cases where existing retaliation and its corresponding preliminary retaliation list do not already meet this requirement.".

SEC. 408. REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR AGRICULTURAL COMMODITY PRODUCERS.

(a) IN GENERAL.—Not later than 4 months after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) examines the applicability to agricultural commodity producers of trade adjustment assistance programs established under title II of the Trade Act of 1974; and

(2) sets forth recommendations to improve the operation of those programs as the programs apply to agricultural commodity producers or to establish a new trade adjustment assistance program for agricultural commodity producers.

(b) CONTENTS.—In preparing the report required by subsection (a), the Secretary of Labor shall—

(1) assess the degree to which the existing trade adjustment assistance programs address the adverse effects on agricultural commodity producers due to price suppression caused by increased imports of like or directly competitive agricultural commodities; and

(2) examine the effectiveness of the program benefits authorized under subchapter B of chapter 2 and chapter 3 of title II of the Trade Act of 1974 in remedying the adverse effects, including price suppression, caused by increased imports of like or directly competitive agricultural commodities.

(c) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" means any agricultural commodity, including livestock, fish or harvested seafood in its raw or natural state.

(2) AGRICULTURAL COMMODITY PRODUCER.—The term "agricultural commodity producer" means any person who is engaged in the production and sale of an agricultural commodity in the United States and who owns or shares the ownership and risk of loss of the agricultural commodity.

SEC. 409. AGRICULTURAL TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) United States agriculture contributes positively to the United States balance of trade and United States agricultural exports support in excess of 1,000,000 United States jobs;

(2) United States agriculture competes successfully worldwide despite the fact that United States producers are at a competitive disadvantage because of the trade distorting support and subsidy practices of other countries and despite the fact that significant tariff and nontariff barriers exist to United States exports; and

(3) a successful conclusion of the current World Trade Organization agricultural negotiations is critically important to the United States agricultural sector.

(b) OBJECTIVES.—The agricultural trade negotiating objectives of the United States with respect to the current World Trade Organization agricultural negotiations include as matters of the highest priority—

(1) the expeditious elimination of all export subsidies worldwide while maintaining bona fide food aid and preserving United States market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(2) leveling the playing field for United States producers of agricultural products by eliminating blue box subsidies and disciplining domestic supports in a way that forces producers to face world prices on all production in excess of domestic food security needs while allowing the preservation of nontrade distorting programs to support family farms and rural communities;

(3) the elimination of state trading enterprises or the adoption of rigorous disciplines that ensure operational transparency, competition, and the end of discriminatory pricing practices, including policies supporting cross-subsidization and price undercutting in export markets;

(4) affirming that the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures applies to new technologies, including biotechnology, and that labeling requirements to allow consumers to make choices regarding biotechnology products or other regulatory requirements may not be used as disguised barriers to trade;

(5) increasing opportunities for United States exports of agricultural products by reducing tariffs to the same levels that exist in the United States or to lower levels and by eliminating all nontariff barriers, including—

(A) restrictive or trade distorting practices, including those that adversely impact perishable or cyclical products;

(B) restrictive rules in the administration of tariff-rate quotas; and

(C) other barriers to agriculture trade, including unjustified restrictions or commercial requirements affecting new technologies, including biotechnology;

(6) eliminating government policies that create price-depressing surpluses; and

(7) strengthening dispute settlement procedures to ensure prompt compliance by foreign governments with their World Trade Organization obligations including commitments not to maintain unjustified restrictions on United States exports.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION BEFORE OFFER MADE.—In developing and before submitting an initial or revised negotiating proposal that would reduce United States tariffs on agricultural products or require a change in United States agricultural law, the United States Trade Representative shall consult with the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate and the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives.

(2) CONSULTATION WITH CONGRESSIONAL TRADE ADVISERS.—Prior to and during the course of current negotiations on agricultural trade, the United States Trade Representative shall consult closely with the congressional trade advisers.

(3) CONSULTATION BEFORE AGREEMENT INITIALED.—Not less than 48 hours before initialing an agreement reached as part of current World Trade Organization agricultural negotiations, the United States Trade Representative shall consult closely with the committees referred to in paragraph (1) regarding—

(A) the details of the agreement;

(B) the potential impact of the agreement on United States agricultural producers; and

(C) any changes in United States law necessary to implement the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding addressing agricultural trade with a foreign government or governments (whether oral or in writing) that relates to a trade agreement with respect to which Congress must enact implementing legislation and that is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) granting the President trade negotiating authority is essential to the successful conclusion of the new round of World Trade Organization agricultural negotiations;

(2) reaching a successful agreement on agriculture should be the top priority of United States negotiators; and

(3) if by the conclusion of the negotiations, the primary agricultural competitors of the United States do not agree to reduce their trade distorting domestic supports and eliminate export subsidies in accordance with the negotiating objectives expressed in this section, the United States should take steps to increase the leverage of United States negotiators and level the playing field for United States producers.

SEC. 410. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

"(2) OTHER REQUIREMENTS.— The Secretary of the Treasury may require that the operator or user of the zone—

"(A) use an electronic data interchange approved by the Customs Service—

"(i) to file the entries described in paragraph (1); and

"(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

"(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

"(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

"(4) FOREIGN TRADE ZONE; ZONE.—In this subsection, the terms 'foreign trade zone' and 'zone' mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 411. GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR.

(a) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new sentence: "For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 412. WORST FORMS OF CHILD LABOR.

(a) IN GENERAL.—Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2) is amended—

(1) by inserting after subparagraph (G) the following new subparagraph:

"(H) Such country has not implemented its commitments to eliminate the worst forms of child labor."; and

(2) in the flush paragraph at the end, by striking "and (G)" and inserting "(G), and (H) (to the extent described in section 507(6) (A), (B), and (C))".

(b) DEFINITION OF WORST FORMS OF CHILD LABOR.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following new paragraph:

"(6) WORST FORMS OF CHILD LABOR.—The term 'worst forms of child labor' means—

"(A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;

"(B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;

"(C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and

"(D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children. The work referred to in subparagraph (D) shall be determined by the laws, regulations, or competent authority of the beneficiary developing country involved.".

(c) ANNUAL REPORT.—Section 504 of the Trade Act of 1974 (19 U.S.C. 2464) is amended by inserting ", including the findings of the Secretary of Labor with respect to the beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor" before the end period.

TITLE V—IMPORTS OF CERTAIN WOOL ARTICLES

SEC. 501. TEMPORARY DUTY REDUCTIONS.

(a) CERTAIN WORSTED WOOL FABRICS WITH AVERAGE FIBER DIAMETERS GREATER THAN 18.5 MICRON.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	*9902.51.11*	*Fabrics, of worsted wool, with average fiber diameters greater than 18.5 micron, all the foregoing certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheadings 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90) ....*	*19.3%*	*No change*	*No change*	*On or before 12/31/2003*	".

(2) STAGED RATE REDUCTIONS.—Any staged rate reduction of a rate of duty set forth in subheading 6203.31.00 of the Harmonized Tariff Schedule of the United States that is proclaimed by the President shall also apply to the corresponding rate of duty set forth in heading 9902.51.11 of such Schedule, as added by paragraph (1).

(b) CERTAIN WORSTED WOOL FABRICS WITH AVERAGE FIBER DIAMETERS OF 18.5 MICRON OR LESS.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	*9902.51.12*	*Fabrics, of worsted wool, with average fiber diameters of 18.5 micron or less, all the foregoing certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheadings 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90) ....*	*6%*	*No change*	*No change*	*On or before 12/31/2003*	".

(2) EQUALIZATION WITH CANADIAN DUTY RATES.—The President is authorized to proclaim a reduction in the rate of duty applicable to imports of worsted wool fabrics classified under subheading 9902.51.12 of the Harmonized Tariff Schedule of the United States, as added by paragraph (1), that is necessary to equalize such rate of duty with the most favored nation rate of duty applicable to imports of worsted wool fabrics of the kind described in such subheading imported into Canada.

(c) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

"13. For purposes of headings 9902.51.11 and 9902.51.12, the term 'suit' has the meaning given such term under note 3(a) of chapter 62 for purposes of headings 6203 and 6204.

"14. For purposes of headings 9902.51.11 and 9902.51.12, the term 'making' means cut and sewn in the United States.".

(d) LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States, as amended by subsection (c), are further amended by adding at the end the following:

"15. The aggregate quantity of worsted wool fabrics entered under heading 9902.51.11 from January 1 to December 31 of each year, inclusive, shall be limited to 2,500,000 square meter equivalents, or such other quantity proclaimed by the President pursuant to section 504(b)(3) of the Trade and Development Act of 2000.

"16. The aggregate quantity of worsted wool fabrics entered under subheading 9902.51.12 from January 1 to December 31 of each year, inclusive, shall be limited to 1,500,000 square meter equivalents, or such other quantity proclaimed by the President pursuant to section 504(b)(3) of the Trade and Development Act of 2000.".

(e) ALLOCATION OF TARIFF-RATE QUOTAS.—In implementing the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States, as required by U.S. Notes 15 and 16 of subchapter II of chapter 99 of such Schedule, respectively, for the entry, or withdrawal from warehouse for consumption, the President, consistent with United States international obligations, shall take such action as determined appropriate by the President to ensure that such fabrics are fairly allocated to persons (including firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits and suit-like jackets and trousers in the United States and who apply for an allocation based on the amount of such suits cut and sewn during the prior calendar year.

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

SEC. 502. TEMPORARY DUTY SUSPENSIONS.

(a) WOOL YARN WITH AVERAGE FIBER DIAMETERS OF 18.5 MICRON OR LESS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	*9902.51.13*	*Yarn, of combed wool, not put up for retail sale, containing 85 percent or more by weight of wool, of 64's and linen worsted wool count wool yarn formed with wool fibers having diameters of 18.5 micron or less (provided for in subheading 5107.10.00) ....*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

(b) Wool Fiber and Wool Top With Average Diameters of 18.5 Micron or Less.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	*9902.51.14*	*Wool fiber, waste, garnetted stock, combed wool, or wool top, having average fiber diameters of 18.5 micron or less (provided for in subheadings 5101.11, 5101.19, 5101.21, 5101.29, 5101.30, 5103.10, 5103.20, 5104.00, 5105.21, or 5105.29) ....*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

(c) Effective Date.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

SEC. 503. SEPARATE TARIFF LINE TREATMENT FOR WOOL YARN AND MEN'S OR BOYS' SUITS AND SUIT-TYPE JACKETS AND TROUSERS OF WORSTED WOOL FABRIC.

(a) Separate Tariff Line Treatment.—The President shall proclaim 8-digit tariff categories, without changes in existing duty rates, in chapters 51 and 62 of the Harmonized Tariff Schedule of the United States in order to provide separate tariff treatment for—

(1) wool yarn made of wool fiber with an average fiber diameter of 18.5 micron or less, and wool fabrics made from yarns with an average fiber diameter of 18.5 micron or less; and

(2) men's or boys' suits, suit-type jackets and trousers of worsted wool fabric, made of wool yarn having an average diameter of 18.5 micron or less.

(b) Conforming Changes.—The President is authorized to make conforming changes in headings 9902.51.11, 9902.51.12, 9902.51.13, and 9902.51.14 of the Harmonized Tariff Schedule of the United States to take into account the new permanent tariff categories proclaimed under subsection (a).

SEC. 504. MONITORING OF MARKET CONDITIONS AND AUTHORITY TO MODIFY TARIFF REDUCTIONS.

(a) Monitoring of Market Conditions.—Beginning on the date of the enactment of this Act, the President shall monitor market conditions in the United States, including domestic demand, domestic supply, and increases in domestic production, of worsted wool fabrics and their components in the market for—

(1) men's or boys' worsted wool suits, suit-type jackets, and trousers;

(2) worsted wool fabric and yarn used in the manufacture of such suits, jackets and trousers; and

(3) wool used in the production of such fabrics and yarn.

(b) Authority to Modify Limitation on Quantity of Worsted Wool Fabrics Subject to Tariff Reduction.—

(1) In general.—The President shall, on an annual basis, consider requests made by United States manufacturers of apparel products made of worsted wool fabrics described in subsection (a) to modify the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51:12 of the Harmonized Tariff Schedule of the United States, as required by U.S. Notes 15 and 16 of subchapter II of chapter 99 of such Schedule, respectively.

(2) Consideration of certain market conditions.—In determining whether to modify the limitation on the quantity of imports of worsted wool fabrics described in paragraph (1), the President shall consider the following United States market conditions:

(A) Increases or decreases in sales of the domestically-produced worsted wool fabrics described in subsection (a).

(B) Increases or decreases in domestic production of such fabrics.

(C) Increases or decreases in domestic production and consumption of the apparel items described in subsection (a).

(D) The ability of domestic producers of worsted wool fabrics described in subsection (a) to meet the needs of domestic manufacturers of the apparel items described in subsection (a) in terms of quantity and ability to meet market demands for the apparel items.

(E) Evidence that domestic manufacturers of worsted wool fabrics have lost sales due to the temporary duty reductions on certain worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States (as added by subsections (a) and (b) of section 501).

(F) Evidence that domestic manufacturers of apparel items described in subsection (a) have lost sales due to the inability to purchase adequate supplies of worsted wool fabrics on a cost competitive basis.

(G) Price per square meter of imports and domestic sales of worsted wool fabrics.

(3) Modification of limitation on quantity of fabrics.—

(A) In general.—If the President determines that the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States should be modified, the President shall proclaim such changes to U.S. Note 15 or 16 to subchapter II of chapter 99 of such Schedule (as added by section 501(d)), as the President determines to be appropriate.

(B) Additional requirement.—In any calendar year, any modification of the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States shall not exceed—

(A) 1,000,000 square meter equivalents for worsted wool fabrics under heading 9902.51.11; and

(B) 1,000,000 square meter equivalents for worsted wool fabrics under heading 9902.51.12.

(c) Implementation.—The President shall issue regulations necessary to implement the provisions of this section.

SEC. 505. REFUND OF DUTIES PAID ON IMPORTS OF CERTAIN WOOL ARTICLES.

(a) Worsted Wool Fabrics.—In each of the calendar years 2000, 2001, and 2002, a manufacturer of men's or boys' suits, suit-type jackets, or trousers (not a broker or other individual acting on behalf of the manufacturer to process the import) of imported worsted wool fabrics of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such fabrics in each such calendar year in an amount equal to one-third of the amount of duties paid by the importer on such worsted wool fabrics (without regard to micron level) imported in calendar year 1999.

(b) Wool Yarn.—In each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such wool yarn in each such calendar year in an amount equal to one-third of the amount of duties paid by the manufacturer on such wool yarn (without regard to micron level) imported in calendar year 1999.

(c) Wool Fiber and Wool Top.—In each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such wool fiber in each such calendar year in an amount equal to one-third of the amount of duties paid by the manufacturer on such wool fiber (without regard to micron level) imported in calendar year 1999.

(d) Proper Identification and Appropriate Claim.—Any person applying for a rebate under this section shall properly identify and make appropriate claim for each entry involved.

SEC. 506. WOOL RESEARCH, DEVELOPMENT, AND PROMOTION TRUST FUND.

(a) Establishment.—There is hereby established within the Treasury of the United States a trust fund to be known as the Wool Research, Development, and Promotion Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts as may be credited to the Trust Fund under subsection (c)(2).

(b) Transfer of Amounts.—

(1) In general.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the duty received on articles under chapters 51 and 52 of the Harmonized Tariff Schedule of the United States, subject to the limitation in paragraph (2).

(2) Limitation.—The Secretary shall not transfer more than $2,250,000 to the Trust Fund in any fiscal year.

(3) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—From amounts available in the Trust Fund (including any amounts not obligated in previous fiscal years), the Secretary of Agriculture is authorized to provide grants to a nationally-recognized council established for the development of the United States wool market for the following purposes:

(1) Assist United States wool producers to improve the quality of wool produced in the United States, including to improve wool production methods.

(2) Disseminate information on improvements described in paragraph (1) to United States wool producers generally.

(3) Assist United States wool producers in the development and promotion of the wool market.

(e) REPORTS TO CONGRESS.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall prepare and submit to Congress an annual report on the financial condition and the results of the operations of the Trust Fund, including a description of the use of amounts of grants provided under subsection (d), during the preceding fiscal year and on its expected condition and operations during the next fiscal year.

(f) SUNSET PROVISION.—Effective January 1, 2004, the Trust Fund shall be abolished and all amounts in the Trust Fund on such date shall be transferred to the general fund of the Treasury of the United States.

TITLE VI—REVENUE PROVISIONS

SEC. 601. APPLICATION OF DENIAL OF FOREIGN TAX CREDIT REGARDING TRADE AND INVESTMENT WITH RESPECT TO CERTAIN FOREIGN COUNTRIES.

(a) IN GENERAL.—Section 901(j) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., regarding trade and investment with respect to certain foreign countries) is amended by adding at the end the following new paragraph:

"(5) WAIVER OF DENIAL.—

"(A) IN GENERAL.—Paragraph (1) shall not apply with respect to taxes paid or accrued to a country if the President—

"(i) determines that a waiver of the application of such paragraph is in the national interest of the United States and will expand trade and investment opportunities for United States companies in such country, and

"(ii) reports such waiver under subparagraph (B).

"(B) REPORT.—Not less than 30 days before the date on which a waiver is granted under this paragraph, the President shall report to Congress—

"(i) the intention to grant such waiver, and

"(ii) the reason for the determination under subparagraph (A)(i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on or after February 1, 2001.

SEC. 602. ACCELERATION OF COVER OVER PAYMENTS TO PUERTO RICO AND VIRGIN ISLANDS.

(a) INITIAL PAYMENT.—Section 512(b) of the Ticket to Work and Work Incentives Improvement Act of 1999 is amended—

(1) by striking "October 1, 2000," in the matter preceding paragraph (1) and inserting "the first day of the month within which the date of enactment of the Trade and Development Act of 2000 occurs,", and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) SECOND TRANSFER OF INCREMENTAL INCREASE IN COVER OVER ATTRIBUTABLE TO PERIODS BEFORE RESUMPTION OF REGULAR PAYMENTS.—The Secretary of the Treasury shall transfer on the first payment date after the date of enactment of the Trade and Development Act of 2000 an amount equal to the excess of—

"(A) the amount of such increase otherwise required to be covered over after June 30, 1999, and before the first day of the month within which such date of enactment occurs, over

"(B) the amount of the transfer described in paragraph (1).".

(b) CLARIFICATION OF DISPOSITION OF TAXES TO VIRGIN ISLANDS.—So much of paragraph (3) of section 7652(b) of the Internal Revenue Code of 1986 (relating to Virgin Islands) as precedes subparagraph (B) thereof is amended to read as follows:

"(3) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 percent and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(A) The payment of an estimated amount shall be made to the government of the Virgin Islands before the commencement of each fiscal year as set forth in section 4(c)(2) of the Act entitled 'An Act to authorize appropriations for certain insular areas of the United States, and for other purposes', approved August 18, 1978 (48 U.S.C. 1645), as in effect on the date of enactment of the Trade and Development Act of 2000. The payment so made shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine.".

(c) RESOLUTION OF STATUTORY CONFLICT.—Section 7652 of the Internal Revenue Code of 1986 (relating to shipments to the United States) is amended by adding at the end the following new subsection:

"(h) MANNER OF COVER OVER OF TAX MUST BE DERIVED FROM THIS TITLE.—No amount shall be covered into the treasury of Puerto Rico or the Virgin Islands with respect to taxes for which cover over is provided under this section unless made in the manner specified in this section without regard to—

"(1) any provision of law which is not contained in this title or in a revenue Act, and

"(2) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers or payments made after the date of enactment of this Act.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
EDWARD R. ROYCE,
SAM GEJDENSON,

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
CHARLES B. RANGEL,

As additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

AMO HOUGHTON,
JOE HOEFFEL,
Managers on the Part of the House.

W.V. ROTH, Jr.,
CHUCK GRASSLEY,
TRENT LOTT,
DANIEL P. MOYNIHAN,
MAX BAUCUS,
JOE BIDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 434), to authorize a new trade and investment policy for sub-Sahara Africa, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

SUBTITLE A—TRADE POLICY FOR SUB-SAHARAN AFRICA

SEC. 101. SHORT TITLE

Present law

No provision.

House bill

Section 1 of the House bill states that this Act may be cited as the "African Growth and Opportunity Act."

Senate amendment

Section 101 of the Senate amendment states that this title may be cited as the "African Growth and Opportunity Act."

Conference agreement

The conference agreement provides that title I of the bill may be referred to as the African Growth and Opportunity Act.

SEC. 102. FINDINGS

Present law

No provision.

House bill

In section 2 of the House bill, Congress finds that it is in the mutual economic interest of the United States and countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa and that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, countries in sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by:

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women owned businesses;

(2) encouraging increased trade and investment between the U.S. and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding U.S. assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for countries in sub-Saharan Africa attempting to build civil societies.

Senate amendment

In section 102 of the Senate amendment, Congress finds that:

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced a rise in both economic development and political freedom as countries in sub-Saharan Africa have taken steps toward liberalizing their economies and encouraged broader participation in the political process;

(5) the countries of sub-Saharan Africa have made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages less than $500 annually;

(7) U.S. foreign direct investment in the region has fallen in recent years and the sub-Saharan African region receives only minor inflows of direct investment from around the world;

(8) trade between the United States and sub-Saharan Africa remains, apart from the import of oil, an insignificant part of total U.S. trade;

(9) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for building a stable political environment in which political freedom can flourish;

(10) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(11) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(12) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

Conference agreement

The House recedes to the Senate except to delete certain findings related to the decline in foreign direct investment in sub-Saharan Africa and the low levels of U.S. trade with sub-Saharan Africa. In addition, the conference agreement clarifies the findings related to the political and economic development.

SEC. 103. STATEMENT OF POLICY

Present law

No provision.

House bill

In section 3 of the House bill, Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to economic and political reform; market incentives and private sector growth; the eradication of poverty; and the importance of women to economic growth and development.

Senate amendment

Section 103 of the Senate amendment states the support of the Congress for:

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and U.S. trade;

(3) expanding U.S. assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and countries in sub-Saharan Africa;

(5) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa;

(7) supporting the development of civil societies and political freedom in sub-Saharan Africa; and

(8) establishing a United States-Sub-Saharan African Economic Cooperation Forum.

In section 717 of the Senate amendment, Congress makes the following:

(1) Corruption and bribery of public officials is a major problem in many African countries and represents a serious threat to the development of a functioning domestic private sector, to United States business and trade interests, and to prospects for democracy and good governance in African countries.

(2) Of the 17 countries in sub-Saharan Africa rated by the international watchdog group, Transparency International, as part of the 1998 Corruption Perception Index, 13 ranked in the bottom half.

(3) The Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which has been signed by all 29 members of the OECD plus Argentina, Brazil, Bulgaria, Chile, and the Slovak Republic and which entered into force on February 15, 1999, represents a significant step in the elimination of bribery and corruption in international commerce.

(4) As a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the United States should encourage the highest standards possible with respect to bribery and corruption.

Section 717 of the Senate amendment expresses the sense of Congress that the United States should encourage at every opportunity the accession of sub-Saharan African countries, as defined in section 104, to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

Conference agreement

The House recedes to the Senate with the addition of language from the House bill related to the importance of small businesses and women owned enterprises in strengthening and expanding the private sector in sub-Saharan Africa. In addition, the conference agreement includes a new policy statement, based on section 717 of the Senate bill, expressing Congressional support for the accession of countries in sub-Saharan Africa to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development.

SEC. 104. ELIGIBILITY REQUIREMENTS

Present law

Title V of the Trade Act of 1974 grants authority to the President under the Generalized System of Preferences (GSP) program to provide duty-free treatment on imports of eligible articles from beneficiary developing countries (BDC), which meet specific eligibility criteria.

House bill

Section 4 of the House bill states that a sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market economy, such as the establishment and enforcement of appropriate policies relating to:

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for export through joint venture projects between African and foreign investors;

(3) trade issues, such as the protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) the protection of internationally recognized worker rights, including the right of

association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(6) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(7) foreign investment issues, such as the provision of national treatment for foreign investors, removing restrictions on investment, and other measures to create an environment conducive to domestic and foreign investment;

(8) supporting the growth of regional markets within a free trade area framework;

(9) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(10) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(11) encouraging the private ownership of government-controlled economic enterprises through divestiture programs; and

(12) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

In determining whether a sub-Saharan African country is eligible under this section, the President shall take into account the following factors:

(1) an expression by a country of its desire to be an eligible country;

(2) the extent to which a country has made substantial progress toward reducing tariff levels, binding its tariffs in the World Trade Organization (WTO) and assuming meaningful binding obligations in other sectors of trade, and eliminating nontariff barriers to trade;

(3) whether such country, if not already a member of the WTO, is actively pursuing membership in that organization;

(4) the extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises;

(5) whether or not such country engages in activities that undermine U.S. national security or foreign policy interests.

The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility to participate in this Act. Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report requested by section 15 of this Act.

A sub-Saharan African country that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

Senate amendment

Section 111 of the Senate amendment amends title V of the Trade Act of 1974 by inserting after section 506 a new section 506A on the "Designation of sub-Saharan African countries for certain benefits."

Notwithstanding any other provision of law, the President is authorized to designate a sub-Saharan African country eligible for the enhanced GSP benefits, if the President determines that the country:

(A) has established, or is making continual progress toward establishing:

(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes;

(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise; and

(v) a system to combat corruption and bribery, such as signing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities; and

(C) subject to the authority granted to the President under the GSP program, otherwise satisfies the GSP eligibility criteria.

The President shall monitor and review the progress of each sub-Saharan African country in meeting these eligibility requirements described in paragraph 1 in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country. The President shall include the reasons for the determinations in the annual report required by section 115 of this title.

If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective January 1 of the year following the year in which such determination is made.

Conference agreement

The conference agreement authorizes the President to designate a sub-Saharan African country that meets the eligibility criteria as eligible for the economic development related provisions in subtitle C. The eligibility criteria as in effect on the date of enactment apply to the trade benefits through an amendment to the Trade Act of 1974 included in subtitle B.

The eligibility criteria as contained in the conference report reflect the Senate provisions, with the addition of criteria from the House bill on the protection of internationally recognized worker rights and the prohibition on the designation of countries as eligible under this Act that engage in activities that undermine U.S. national security or foreign policy interests. In addition, the conference agreement incorporates elements from the House bill on the provision of national treatment and measures to create an environment conducive to domestic and foreign investment; minimizing government interference in the economy through price controls, subsidies, and government ownership of economic assets; the protection of intellectual property; and the importance of micro-credit to the formation of capital markets.

The section also stipulates that the President shall terminate the eligibility for preferential treatment under this Act for any sub-Saharan African country that is making continual progress in meeting the eligibility requirements.

The eligibility criteria are designed to identify sub-Saharan countries that are creating a climate conducive to greater levels of trade and investment, and with which the U.S. can build a growing economic partnership. While this section is designed to afford flexibility in this identification, and while the conferees have no target number of participants, it is clear that several sub-Saharan African countries unfortunately have in place policies that would not qualify them from accessing the benefits of the bill. These are sub-Saharan African countries that discourage trade and investment. The conferees note that the eligibility criteria are similar to those USAID uses to allocate development assistance among African countries.

The conferees urge the President to make determinations regarding country eligibility as soon as practicable.

SEC. 105. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM

Present law

No provision.

House bill

Section 5 of the House bill requires the President to convene annual high-level meetings between appropriate officials of the U.S. government and the governments of sub-Saharan African countries in order to foster closer economic ties. Not later than 12 months after enactment, the section requires the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum.

In creating the Forum, the President shall:

(1) direct the Secretaries of Commerce, the Treasury, State, and the United States Trade Representative (USTR) to host the first annual meeting with their counterparts from eligible sub-Saharan African countries, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act;

(2) in consultation with Congress, encourage U.S. non-governmental organizations (NGOs) and representatives of the private sector to host annual meetings with their respective counterparts from sub-Saharan Africa in conjunction with the annual meetings of the Forum; and

(3) to the extent practicable, meet with the heads of government of eligible sub-Saharan African countries no less than once every 2 years. The first meeting should take place not later than 12 months after enactment.

In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

The provision authorizes such sums as may be necessary to carry out this section. None of the funds authorized under this section may be used to create or support any NGO for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

Senate amendment

Section 113 of the Senate amendment requires the President to convene annual meetings between senior officials of the U.S. Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa. Not later than 12 months after the date of enactment, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum.

In creating the Forum, the President shall:

(1) direct the Secretaries of Commerce, the Treasury, State, and the USTR to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa;

(2) in consultation with Congress, invite U.S. NGOs and private sector representatives to host meetings with their respective counterparts from sub-Saharan Africa in conjunction with meetings of the Forum to discuss expanding trade and investment relations between the United States and sub-Saharan Africa;

(3) as soon as practicable after enactment, meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph 1.

In selecting issues of common interest to the United States-Sub-Saharan African Trade and Economic Cooperation Forum, section 706 of the Senate amendment requires the President to instruct the U.S. delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on human and social development in each country.

Conference agreement

In order to expand U.S. trade and investment relations with sub-Saharan Africa and achieve the goals of the Act, the conferees believe that it is important to foster a regular dialogue between U.S. government officials and their counterparts from sub-Saharan African countries. Therefore, the legislation establishes a yearly forum at the Ministerial level to facilitate these discussions. The conferees also believe that it would help to promote the goals of this Act if the President, to the extent practicable, met with the heads of state of sub-Saharan African governments not less than once every two years.

With respect to the countries eligible to participate in the Forum and the heads of state meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this title, the Senate recedes to the House with a modification to permit participation by countries that the President determines are taking substantial positive steps towards meeting the eligibility requirements set forth in section 104 of the Act (as well as countries that are found eligible under section 104). The conferees expect the Administration to interpret this provision narrowly to allow as Forum participants only those countries that are undertaking substantial, positive reforms, although they may not satisfy all of the eligibility requirements. In addition, the conference agreement directs the Administration to invite to the Forum appropriate representatives of sub-Saharan African regional organizations, and government officials from other appropriate countries in sub-Saharan Africa.

In addition, the conference agreement requires the President to encourage NGOs and representatives of the private sector to host annual meetings with their respective counterparts from sub-Saharan Africa in conjunction with the annual meetings of the Forum. The conferees observe that there is no precedent of using taxpayer funds to facilitate such meetings in conjunction with other multilateral fora and do not intend that taxpayer funds should be used in this instance.

The conference agreement updates the reference to the United States Information Agency from the House bill to the United States Information Service.

The conference agreement also includes the language from section 706 of the Senate amendment requiring the President to direct the U.S. delegates at the Forum to promote a review by the Forum on the HIV/AIDS epidemic in sub-Saharan Africa and the effect of the HIV/AIDS epidemic on the economic development of each country in sub-Saharan Africa.

SEC. 106. REPORTING REQUIREMENT

Present law

Section 134(b) of the Uruguay Round Agreements Act requires the President to submit five annual reports to Congress on his "Comprehensive Trade and Development Policy for Countries in Africa." The President's fifth and final report was submitted in January 2000.

House bill

Section 15 of the House bill requires the President to submit to Congress, not later than 1 year after enactment and for 6 years thereafter, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this Act. The last report required by section 134(b) of the Uruguay Round Agreements Act shall be consolidated and submitted with the first report required by this section.

Senate amendment

Section 115 of the Senate amendment requires the President to submit a report to Congress on the implementation of this title not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years.

Conference agreement

The conference agreement reflects House language requiring annual Presidential reports for 8 years on the trade and investment policy of the United States toward sub-Saharan Africa and on the implementation of this title, but strikes the language on the consolidation of the final report required by the Uruguay Round Agreements Act. This report was submitted to Congress in January 2000.

SEC. 107. SUB-SAHARAN AFRICA DEFINED

Present law

No provision.

House bill

Section 16 of the House bill defines the terms 'sub-Saharan Africa', 'sub-Saharan African country', 'country in sub-Saharan Africa', and 'countries in sub-Saharan Africa' for the purposes of this Act as referring to the following or any successor political entities:

Republic of Angola (Angola), Republic of Botswana (Botswana), Republic of Burundi (Burundi), Republic of Cape Verde (Cape Verde), Republic of Chad (Chad), Democratic Republic of Congo, Republic of the Congo (Congo), Republic of Djibouti (Djibouti), State of Eritrea (Eritrea), Gabonese Republic (Gabon), Republic of Ghana (Ghana), Republic of Guinea-Bissau (Guinea-Bissau), Kingdom of Lesotho (Lesotho), Republic of Madagascar (Madagascar), Republic of Mali (Mali), Republic of Mauritius (Mauritius), Republic of Namibia (Namibia), Federal Republic of Nigeria (Nigeria), Democratic Republic of Sao Tome and Principe (Sao Tome and Principe), Republic of Sierra Leone (Sierra Leone), Somalia, Kingdom of Swaziland (Swaziland), Republic of Togo (Togo), Republic of Zimbabwe (Zimbabwe), Republic of Benin (Benin), Burkina Faso (Burkina), Republic of Cameroon (Cameroon), Central African Republic, Federal Islamic Republic of the Comoros (Comoros), Republic of Cote d'Ivoire (Cote d'Ivoire), Republic of Equatorial Guinea (Equatorial Guinea), Ethiopia, Republic of the Gambia (Gambia), Republic of Guinea (Guinea), Republic of Kenya (Kenya), Republic of Liberia (Liberia), Republic of Malawi (Malawi), Islamic Republic of Mauritania (Mauritania), Republic of Mozambique (Mozambique), Republic of Niger (Niger), Republic of Rwanda (Rwanda), Republic of Senegal (Senegal), Republic of Seychelles (Seychelles), Republic of South Africa (South Africa), Republic of Sudan (Sudan), United Republic of Tanzania (Tanzania), Republic of Uganda (Uganda), Republic of Zambia (Zambia).

Senate amendment

Section 104 of the Senate amendment is identical to the House bill provision except for the exclusion of the language applying the definition to any successor political entities.

Conference agreement

The conference agreement includes the language from the House bill permitting the designation of successor political entities of the countries listed for benefits under this title. In addition, the conference agreement arranges the list of countries in alphabetical order.

SUBTITLE B—TRADE PROVISIONS

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS

Present law

Title V of the Trade Act of 1974, as amended, grants authority to the President to provide duty-free treatment on imports of eligible articles from beneficiary developing countries (BDC). Under section 503(a)(1), the President may not designate any article as GSP eligible within the following categories:

(1) textiles and apparel articles which were not eligible articles for purposes of this title on January 1, 1994;

(2) watches, except watches entered after June 30, 1989 that the President determines will not cause material injury to watch or watch band, strap, or bracelet manufacturing and assembly operations in the United States or U.S. insular possessions;

(3) import-sensitive electronic articles;

(4) import-sensitive steel articles;

(5) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not GSP eligible articles on January 1, 1995;

(6) import-sensitive semimanufactured and manufactured glass products; and,

(7) any other articles the President determines to be import-sensitive in the context of GSP.

Under section 502(a)(2), the President is authorized to designate any article that is the growth, product, or manufacture of a least developed developing country (LDDC) as an eligible article with respect to imports from LDDCs, if the President determines such article is not import-sensitive in the context of imports from LDDCs. This authority does not apply to statutorily exempt articles listed under paragraphs (1), (2), and (5) above.

Under section 503(b)(3), no quantity of an agricultural product subject to a tariff-rate quota that exceeds the in-quota quantity is eligible for duty-free treatment.

Under section 503(c)(2)(D), whenever the President determines that exports by any BDC to the United States of a GSP eligible article (1) exceed a dollar limit of $75 million a year (a number which was set in 1996 and is indexed to increase by $5 million annually), or (2) equal or exceed a 50 percent share of the total value of U.S. imports of the article, then, not later than July 1 of the next year, such country is not treated as a BDC with respect to such article.

Under section 503(c)(2)(A), GSP duty-free treatment applies to any eligible article which is the growth, product or manufacture of a BDC if: (1) that article is imported directly from a BDC into the U.S. customs territory; and, (2) the sum of (a) the cost or value of the materials produced in the BDC or member countries in an association which is treated as one BDC, plus (b) the direct costs of processing operations performed in such BDC or member countries is not less than 35 percent of the value of the article.

Under section 505, no duty-free treatment shall remain in effect after September 30, 2001.

House bill

In order to receive extended and enhanced GSP benefits under the House bill, sub-Saharan African countries must meet all of the criteria in current law regarding designation of beneficiary developing countries and also the eligibility requirements set forth in section 4 of H.R. 434. The existing statutory GSP designation criteria include internationally recognized worker rights, intellectual property rights, compensation for property expropriation, and market access. Section 8(a) of the House bill amends section 503(a)(1) of the Trade Act of 1974 to authorize the President to grant duty-free GSP treatment for products from eligible African GSP beneficiary countries that are currently excluded from the GSP program, if, after receiving advice from the International Trade Commission, he determines that imports of these products are not import sensitive in the context of imports from sub-Saharan African countries. Opportunities for public comment would be provided in making this determination.

The House bill does not change the rule of origin requirements under current law for GSP duty-free treatment on any currently eligible or any additional products, including textiles and apparel.

With respect to the second required test of value content, section 8(b) of the House bill amends section 503(a)(2) of the Trade Act of 1974 to allow up to 15 percent of the total value of the article from U.S.-made materials to count toward the 35 percent local value requirement for duty-free entry under the GSP program. In order to encourage regional economic integration in Africa, the bill provides that the minimum 35 percent local value content may be cumulated in any eligible sub-Saharan African country.

Section 8(c) amends section 503(c)(2)(D) of the Trade Act of 1974 to stipulate that the competitive need limits do not apply to imports from eligible countries in sub-Saharan Africa.

Section 8(d) amends section 505 of the Trade Act of 1974 to extend the GSP program until June 30, 2009, for eligible countries in sub-Saharan Africa.

Section 8(f) establishes July 1, 1999 as the effective date for the amendments made to the GSP program for sub-Saharan Africa.

Senate amendment

Section 111 of the Senate amendment creates a new section 506A in the Trade Act of 1974, authorizing the President to provide duty-free treatment for imports from beneficiary sub-Saharan African countries of any item, other than textiles or apparel products or textile luggage, that is designated as import sensitive under section 503(b)(1) of title V of the Trade Act of 1974. A beneficiary sub-Saharan African country is defined as those that meet the eligibility criteria under GSP and the criteria added under the new section 506A of the Trade Act of 1974. The general rules of origin governing duty-free entry under the GSP program would continue to apply, except that, in determining whether products are eligible for the enhanced benefits of the bill, up to 15 percent of the appraised value of the article at the time of importation may be derived from materials produced in the United States. In addition, under the new section 506A, the value of materials produced in any beneficiary sub-Saharan African country may be applied in determining whether the product meets the applicable rules of origin for purposes of determining the eligibility of an article to receive the duty-free treatment provided by this section. Section 111 also amends section 503(c)(2)(D) to waive permanently the competitive need limits that would otherwise apply to beneficiary sub-Saharan African countries.

The new section 506A established by section 111 of the Senate amendment also requires the President to monitor, and report annually to Congress, on the progress the sub-Saharan African countries have made in meeting the three categories of eligibility criteria set forth. The new section 506A requires the President to terminate the designation of a country as a beneficiary sub-Saharan African country if that country is not making continual progress in meeting the eligibility requirements. Any such termination would be effective on January 1 of the year following the year in which the determination is made that the eligibility criteria are no longer met.

Section 111 of the Senate amendment sets as a termination date for the duty-free treatment provided by this title as September 30, 2006. It further includes a clerical amendment to the table of contents in title V of the Trade Act of 1974 and sets the effective date for this title as October 1, 1999.

Conference agreement

The House recedes to the Senate on the creation of a new section 506A in the Trade Act of 1974 for the "Designation of Sub-Saharan African Countries for Certain Benefits." The provision incorporates the eligibility requirements in section 107 as in effect on the date of enactment, as well as the eligibility requirements in the GSP program, for countries to receive the enhanced trade benefits under subtitle B.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL

Present law

At present, textile and apparel articles are ineligible for duty-free treatment under the GSP program. Normal trade relations tariff rates apply to imports of textile and apparel articles into the United States from sub-Saharan Africa. Currently, only two countries in sub-Saharan Africa, Kenya and Mauritius, are subject to quantitative restrictions on the levels of textile and apparel articles that they can export to the United States.

House bill

Section 4 of the House bill provides duty-free treatment under the GSP program to textile and apparel articles from eligible sub-Saharan African countries. Textile and apparel products eligible for duty-free and quota-free treatment must be substantially transformed in sub-Saharan Africa as determined by the "Breaux-Cardin" rules of origin enacted into law in 1994 (section 334 of P.L. 103 465). The rule of origin remains that articles must be the growth, product, or manufacture of an eligible country and also contain a minimum 35 percent local value. As under present law, processes such as simple combining, packaging, or dilution would not constitute substantial transformation to qualify an article for trade benefits under this program. The article must also be directly imported from a beneficiary country.

Section 7(b) of the House bill expresses the sense of Congress that:

(1) It would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization are faithfully implemented in each of the member countries;

(2) Reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade can assist the countries of the region in achieving greater diversification of textile and apparel export commodities and products and export markets; and

(3) The President should support textile and apparel trade reform in sub-Saharan Africa by providing technical assistance and encouraging business-to-business contacts with the region.

Section 7(c)(1) provides that, pursuant to the WTO Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States from Kenya and Mauritius within 30 days after these countries adopt an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents. The provision requires the Customs Service to provide technical assistance to Kenya and Mauritius in the development and implementation of visa systems.

Section 7(c)(2) requires the President to continue the existing no quota policy for other countries in sub-Saharan Africa.

Section 7(d)(1) states that the President should ensure that any sub-Saharan African country that intends to export textile and apparel goods to the United States: 1) has in place an effective visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and 2) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the WTO Agreement on Textiles and Clothing.

Senate amendment

Section 112 of the Senate amendment provides beneficiary sub-Saharan African countries (as designated under the new section 506A of the Trade Act of 1974 created by the Senate amendment) with duty-free and quota-free access to the U.S. market for certain textiles and apparel products. In order to receive these benefits, a beneficiary sub-Saharan African country must (1) adopt an effective and efficient visa system to guard against unlawful transshipment of textile and apparel products and the use of counterfeit documents; and (2) enact legislation or regulations that would permit the U.S. Customs Service to investigate thoroughly allegations of transshipment through such country. Section 112 directs the U.S. Customs Service to provide technical assistance to the beneficiary sub-Saharan African countries in complying with these two requirements.

The benefits under section 112 of the Senate amendment are available only for the following textile and apparel products:

(1) Apparel articles assembled in beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States;

(2) Apparel articles cut and assembled in beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, and assembled with thread formed in the United States; and

(3) Handloomed, handmade and folklore articles, that have been certified as such by the competent authority in the beneficiary sub-Saharan African country.

The Senate intends that this new program of textile and apparel benefits will be administered in a manner consistent with the regulations that apply under the "Special Access Program" for textile and apparel articles from Caribbean and Andean Trade Preference Act countries, as described in 63 Fed. Reg. 16474–16476 (April 3, 1998). Thus, the requirement that products must be assembled from fabric formed in the United States applies to all textile components of the assembled products, including linings and pocketing, subject to the exceptions that currently apply under the "Special Access Program."

Section 112 also includes a safeguard measure, authorizing the President to impose appropriate remedies, including restrictions on or the removal of quota-free and duty-free treatment, in the event that imports of textile and apparel articles from a beneficiary sub-Saharan African country are being imported in such increased quantities as to cause serious damage, or actual threat of such damage, under the WTO Agreement on Textile and Clothing.

Conference agreement

The conference agreement provides preferential treatment to certain apparel articles imported from beneficiary sub-Saharan countries meeting the transhipment requirements set forth in section 113.

Duty-free and quota-free treatment is provided for the following apparel articles:

(1) apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States;

(2) apparel articles cut and assembled or knit-to-shape in one or more beneficiary sub-Saharan African countries from fabrics or yarns wholly formed and cut in the United States, from yarns wholly formed in the United States and assembled with thread formed in the United States;

(3) knit-to-shape sweaters made from cashmere and fine merino wool;

(4) apparel articles wholly assembled in one or more beneficiary sub-Saharan countries from fabrics not available in commercial quantities in the United States (e.g., those fabrics and yarns identified in Annex 401 of the NAFTA, which include fine count cotton knitted fabrics for certain apparel, linen, silk, cotton velveteen, fine wale corduroy, Harris Tweed, certain woven fabrics made with animal hairs, certain lightweight, high thread count poly-cotton woven fabrics, and certain lightweight, high thread count broadwoven fabrics used in the production of men's and boy's shirts); and

(5) certified handloomed, handmade and folklore articles.

Certain other apparel articles would be free of duties and of quantitative restrictions up to a specified level of imports. The cap on preferential treatment is 1.5% of total U.S. apparel imports (in square meter equivalents) for the first year of the bill, growing in equal increments in each of the seven succeeding one-year periods, to a maximum of 3.5% of U.S. apparel imports in the last year of the bill. The following apparel articles are eligible for preferential treatment under this cap:

(1) for the first four years of the bill, apparel articles wholly assembled in one or more lesser developed beneficiary sub-Saharan African countries (defined as beneficiary sub-Saharan African countries with a 1998 per capita GNP of less than $1500), without regard to the origin of the fabric; and

(2) apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary countries from yarn originating either in the United States or in one or more beneficiary sub-Saharan African countries (the country of origin of the yarn is to be determined by the rules of origin set forth in section 334 of the Uruguay Round Agreements Act).

The conferees intend that the Secretary of Commerce shall determine and publish in the Federal Register in a timely manner on an annual basis the level of apparel imports (in square meter equivalents) eligible for duty-free treatment under the cap described above for each one year period. The conferees recognize that special program indicators will be necessary to identify apparel articles qualifying for duty-free treatment under the cap. In addition, in order to evaluate the trade liberalizing benefits provided under section 112 of the bill, the conferees encourage special program indicators to be created for all apparel articles covered by the bill.

The bill also provides that import relief in the form of a tariff snapback shall be provided if the Secretary determines that an article qualifying for duty-free treatment under the cap from a single beneficiary sub-Saharan African country is being imported in such increased quantities and under such conditions as to cause "serious damage, or threat thereof" to the domestic industry producing the like or directly competitive article. The conference agreement directs the Secretary of Commerce to conduct inquiries under this section. Under authority delegated by Executive Order 11651, the Committee for the Implementation of Textile Agreements currently supervises the implementation of U.S. bilateral textile and apparel agreements, including making determinations of market disruption due to textile and apparel imports.

Under the bill, the Secretary of Commerce will initiate an inquiry to determine whether import relief is warranted if there has been a surge in imports under the cap from a single beneficiary sub-Saharan African country based on import data. The Secretary of Commerce shall initiate an inquiry upon written request by an interested party, when such request is supported by sufficient evidence. The conferees intend the inquiry into whether import relief is warranted to be open and transparent. Key elements for ensuring an open and transparent process include notice of initiation, opportunity for a hearing open to interested parties (if requested), opportunity for written submissions and responses, and a written, published determination setting forth the reasoning that justifies the determination. The conferees intend the Secretary of Commerce to consider all relevant information received from interested parties. Furthermore, the conferees intend that when the Secretary of Commerce relies on information that is not publicly available, that information should be, to the extent practicable, corroborated with reasonably available information.

For purposes of this section, the term "interested party" means any producer of a like or directly competitive article, a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production or sale in the United States of a like or directly competitive article, a trade or business association representing producers or sellers of like or directly competitive articles, producers engaged in the production of essential inputs for like or directly competitive articles, a certified union or group of workers which is representative of an industry engaged in the manufacture, production or sale of essential inputs for the like or directly competitive article, or a trade or business association representing companies engaged in the manufacture, production or sale of such essential inputs.

The conference agreement also authorizes the President to proclaim duty-free and quota-free treatment for fabrics and yarns not available in the United States, in addition to those fabrics and yarns already listed in Annex 401 of the NAFTA. Any interested party may request the President to consider such treatment for additional fabrics and yarns. The requesting party will bear the burden of demonstrating that a change is warranted by providing sufficient evidence. The President must make a determination within 60 calendar days of receiving a request from an interested party.

The Senate recedes to the House on the elimination of existing quotas on textile and apparel articles imported into the United States from Kenya and Mauritius.

With regards to findings and trimmings, the conference agreement states that an article eligible for preferential treatment under section 112 of the bill shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled article. For most apparel imports, findings and trimmings include sewing thread, hooks and eyes, snaps, buttons, "bow buds", decorative lace trim, elastic strips, and zippers, including zipper tapes, labels, and certain elastic strips. However, for apparel articles cut and assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, sewing thread is not included in the findings or trimmings exception.

The conference agreement also provides that certain interlinings are eligible for treatment as findings and trimmings. The treatment of interlinings above shall be terminated if the President determines that U.S. manufacturers are providing such interlinings in the United States in commercial quantities.

The conference agreement further provides that an article otherwise eligible for preferential treatment under section 112 shall not be ineligible for such treatment because the article contains fibers or yarns not wholly formed in the United States or 1 or more beneficiary sub-Saharan African countries if the total weight of all such fibers and yarns is not more than 7 percent of the total weight of the article.

SEC. 113. PROTECTIONS AGAINST TRANSSHIPMENT

Present law

The Tariff Act of 1930, as amended, provides for civil monetary penalties for unlawful transshipment. These include penalties under section 1592 for up to a maximum of the domestic value of the imported merchandise or eight times the loss of revenue, as well as denial of entry, redelivery or liquidated damages for failure to redeliver the merchandise determined to be inaccurately represented. In addition, an importer may be liable for criminal penalties, including imprisonment for up to five years, under section 1001 of title 18 of the United States Code for making false statements on import documentation.

House bill

Section 7(c)(1) provides that, pursuant to the WTO Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States from Kenya and Mauritius within 30 days after these countries adopt an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents. The provision requires the Customs Service to provide technical assistance to Kenya and Mauritius in the development and implementation of visa systems.

Section 7(c)(2) requires the President to: (1) continue the existing no quota policy for other countries in sub-Saharan Africa; and (2) submit a report to Congress by March 31 of each year concerning the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury due to the no quota policy.

Section 7(d)(1) states that the President should ensure that any sub-Saharan African country that intends to export textile and apparel goods to the United States: (1) has in place an effective visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and (2) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the WTO Agreement on Textiles and Clothing.

Section 7(d)(2) requires the President to impose penalties by denying an exporter, or any of its successors, duty-free treatment under this section for textile and apparel articles for a period of two years if the President determines, based on sufficient evidence, that the exporter has willfully falsified information regarding the country of origin, manufacture, processing, or assembly of a textile or apparel article for which duty-free treatment under the GSP program is claimed.

Section 7(d)(3) underscores that all provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws shall apply to imports from sub-Saharan countries.

In order to facilitate close monitoring by the Administration and expanded oversight by the Committee, section 7(d)(4) requires that the Customs Service submit to the Congress, by not later than March 31 of each year, a report on the effectiveness of visa systems required of Kenya and Mauritius and other countries that intend to export textiles and apparel products to the United States, and on measures taken by countries in sub-Saharan Africa to prevent circumvention as described in Article 5 of the WTO Agreement on Textiles and Clothing.

Senate amendment

Section 112(a) of the Senate amendment provides that the preferential treatment accorded to imports of textiles and apparel shall only be extended to beneficiary sub-Saharan African countries that adopt an efficient visa system to guard against transshipment and the use of counterfeit documents, and enact legislation or promulgate regulations to permit transshipment investigations by the U.S. Customs Service.

Section 112(d) directs the Customs Service to provide technical assistance to the beneficiary sub-Saharan African countries for the implementation of these requirements.

Section 112 of the Senate amendment also provides that if an exporter is found to have engaged in transshipment with respect to textile or apparel products from a beneficiary sub-Saharan African country, the President must deny all benefits under section 112 and 111 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter for a period of five years.

Conference agreement

The conference agreement includes provisions from both the House and Senate bills, as well as several additional elements intended to prevent the transshipment of textile and apparel articles from sub-Saharan Africa.

Section 113(a) sets forth the following requirements that beneficiary sub-Saharan countries must satisfy before preferential tariff treatment is extended to the covered textile and apparel articles pursuant to section 112(a):

The country has adopted an effective visa system, domestic laws, and enforcement procedures to prevent unlawful transshipment of the covered articles and the use of counterfeit documents relating to the entry of the articles into the United States. An effective visa system should require documentation supporting the country of origin such as production records, information relating to the place of production, the number and identification of the types of machinery used in the production, the number of employees employed in production, and certification from both the manufacturer and exporter. The conferees also expect that countries adopt and implement domestic laws and procedures consistent with Article 5 of the WTO Agreement on Textiles and Clothing, which obligates countries to establish the necessary legal provisions and/or administrative procedures to address and take action against circumvention.

The country has adopted legislation or regulations to permit verification of information by the U.S. Customs Service. Such laws or regulations should be clear and unambiguous.

The country agrees to report on a timely basis export and import information requested by U.S. Customs. This requirement is not intended to unnecessarily burden beneficiary countries and specifically requires that the requested information be consistent with the manner in which the country keeps those records.

The country cooperates fully with the Customs Service to prevent circumvention and transshipment as provided in Article 5 of the Agreement on Textiles and Clothing. Article 5 of that Agreement establishes that cooperation will include: (1) investigation of circumvention practices; (2) exchange of documents, correspondence, reports, and other relevant information to the extent available; and (3) facilitation of plant visits and contacts. The conferees also intend cooperation and action to include the following: suspending or denying export visas to manufacturers/exporters suspected of transshipping; sharing trade data with the U.S. Customs Service (including import data relating to textile and apparel); performing factory visits in order to verify production (including verification of the commodity produced, the quota category and volume); providing information to U.S. Customs on actions taken by the country relating to production verification, the identity of factories and/or companies suspected of illegal transshipment, further investigation or administrative action, the names of open and producing factories and the types of goods produced, and the names of closed factories; and executing a memorandum of understanding with the United States establishing the commitment of the beneficiary sub-Saharan country to self-policing and sharing enforcement results (including border searches, results of factory verification visits, and administrative penalties assessed against factories and exporters). The United States fully expects that beneficiary sub-Saharan countries will take action against circumvention and implement the cooperation principles in Article 5 of the Agreement, including denial of entry into the beneficiary sub-Saharan country of merchandise suspected of transshipment. The United States will vigorously enforce its rights to deny entry and/or adjust quota charges to reflect the true origin of the transshipped goods.

The country agrees to report on a timely basis, at the request of the Customs Service, documentation establishing the country of origin of covered articles.

Section 113(b)(1) also requires that importers comply with requirements similar in all material respects to the requirements regarding Certificates of Origin contained in Article 502.1 of the North American Free Trade Agreement (NAFTA) for a similar importation from Mexico, and section 113(b)(2) sets forth the exceptions where a certificate of origin is not required.

The conferees believe that transshipment is a serious violation of U.S. laws and undermines the benefits that would otherwise accrue to the beneficiary sub-Saharan African countries. Section 113(b)(3) of the conference agreement incorporates the penalty provisions from the Senate amendment denying for a period of five years all benefits provided under section 112 of this bill to the exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter if the President determines, based on sufficient evidence, that an exporter has engaged in transshipment as defined in paragraph 4 of this section.

Section 113(b)(4) incorporates the definition of transshipment from the Senate amendment. Transshipment is defined to have occurred when preferential treatment for a textile or apparel product has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. False information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment.

Section 113(b)(5) incorporates the House provision requiring the U.S. Customs Service to monitor and report to Congress (on an annual basis beginning no later than March 31) on the effectiveness of the visa systems and measures taken to deter circumvention as described in the Article 5 of the Agreement on Textiles and Clothing.

The conferees also believe that it is important for the U.S. Customs Service to make available technical assistance in preventing transshipment to interested sub-Saharan African countries. Section 113(c) directs U.S. Customs Service to provide technical assistance to beneficiary sub-Saharan countries for the implementation of an effective visa system and domestic laws. Section 113(c) also requires the Customs Service to provide assistance in training sub-Saharan African officials in anti-transshipment enforcement and to the extent feasible, assist such countries in developing and adopting an electronic visa system (ELVIS). The conferees expect that the U.S. Customs Service will provide model laws, regulations, and enforcement procedures and training seminars to beneficiary sub-Saharan countries requesting such assistance.

Finally, the conferees believe that it is critical to provide the Customs Service with additional resources in order to provide technical assistance to sub-Saharan countries as well as for increased transshipment enforcement. Section 113(d) of the conference agreement authorizes $5,894,913.00 for this purpose. The conferees expect the U.S. Customs Service to utilize these resources as follows:

hiring of import specialists to be assigned to selected U.S. ports, strategically placed teams, and the Headquarters textile program, to administer the program and provide oversight;

hiring of inspectors and investigators (Special Agents) to be assigned to selected ports, and to Headquarters textiles program to coordinate and ensure implementation of Textile Production Verification Team results;

hiring of international trade specialists to be assigned at Headquarters to work on illegal textile transshipment policy issues, and to the Strategic Trade Center in New York to work on targeting and risk assessment for illegal transshipment;

increased office space for additional personnel in Hong Kong;

hiring of auditors for internal control and document reviews to audit importers to ensure that they are not engaging in textile and apparel transshipment;

additional travel funds to be used for deployment of additional textile production verification teams ("jump teams") to sub-Saharan countries as required under the bill and as warranted, based on U.S. Customs risk analysis of suspected illegal textile transshipment;

internal training for Customs personnel; and

training of foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, including training in effective border examination, factory inspection techniques, audit reviews skills, and model laws and regulations; and for outreach to the U.S. Importing Community for voluntary compliance programs and troubleshooting.

The U.S. Customs Service has estimated that its current enforcement against textile and apparel transshipment from sub-Saharan Africa has resulted in over 90% compliance. The conferees believe that the additional resources of $5,594,913.00, used as described above, will enable the U.S. Customs Service to continue, and even increase, this compliance rate after passage of this bill because the U.S. Customs Service will have more resources to continually review, expand, and modify its current practice of transshipment enforcement. The current practices include the use of jump-teams, informants, collection of production information, monitoring and analyzing imports trends, and the use of lists designating persons and companies found to be engaged in transshipping ("592A," "592B," and the Administrative List containing the names of convicted foreign factories and foreign factories that have had administrative penalties assessed against them). The U.S. Customs Service will also use information available from private sector groups that monitor trade production activities in assessing risk factors and enforcing transshipment.

SEC. 114. TERMINATION

Present law

The Generalized System of Preferences (GSP) program is authorized through September 30, 2001.

House bill

Section 8 of the House bill establishes the effective dates of the GSP program and the amendments made by this Act as July 1, 1999 through June 30, 2009 for eligible countries in sub-Saharan Africa.

Senate amendment

Section 111 of the Senate amendment extends the regular GSP program for countries in sub-Saharan Africa through September 30, 2006 and establishes October 1, 1999, as the effective date for the enhanced GSP benefits set forth in this section with an expiration date of September 30, 2006.

Conference agreement

The Conference agreement creates a new section 506C in the Trade Act of 1974 extending the regular GSP and enhanced duty-free treatment provided to beneficiary sub-Saharan African countries through September 30, 2008.

SEC. 115. CLERICAL AMENDMENTS

Present law

Title V of the Trade Act of 1974 authorizes the President to extend duty-free treatment to eligible imports from beneficiary developing countries in accordance with the provisions of the title. The table of contents for the Trade Act of 1974 lists the sections contained in each title.

House bill

No provision.

Senate amendment

Section 111 of the Senate amendment amends the table of contents for title V of the Trade Act of 1974 by inserting after the item relating to section 505 the following new items:

506A. Designation of sub-Saharan African countries for certain benefits.

506B. Termination of benefits for sub-Saharan African countries.

Conference agreement

The House recedes to the Senate. The conference agreement also adds a listing for "Protections against transshipment" as a new section 506B in the table of contents and redesignating the section on "Termination of benefits for sub-Saharan African countries" as a new section 506C.

SEC. 116. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES

Present law

No provision.

House bill

In section 6 of the House bill, Congress declares that a United States-Sub-Saharan Africa Free Trade Area should be established, or free trade agreements entered into, to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa, and increasing private sector development in sub-Saharan Africa.

To this end, section 6 requires the President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations, to develop a plan for entering into one or more trade agreements with eligible sub-Saharan African countries in order to establish a United States-Sub-Saharan Africa Free Trade Area. The plan shall include the following:

(1) the specific objectives of the United States with respect to the establishment of the free trade area and a suggested timetable;

(2) the benefits to both the United States and sub-Saharan Africa with respect to the free trade area;

(3) a mutually agreed-upon timetable for establishing a free trade area;

(4) the implications for and the role of regional and sub-regional organizations in sub-Saharan Africa;

(5) subject matter anticipated to be covered and U.S. laws, programs, and policies, as well as the laws of participating eligible African countries and existing economic cooperation and trade agreements that may be affected; and

(6) procedures to ensure adequate consultation with Congress and the private sector during the negotiations, consultation with the Congress regarding all matters relating to implementing of the agreement(s), approval by the Congress of the agreement(s), and adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement(s).

Not later than 12 months after the date of enactment, the President shall prepare and transmit to Congress a report on the plan developed.

Senate amendment

Section 114 of the Senate amendment requires the President to examine the feasibility of negotiating a free trade agreement (or agreements) with interested sub-Saharan African countries.

Not later than 12 months after the date of enactment of this Act, the President shall submit a report to the Senate Finance Committee and the House Ways and Means Committee regarding the feasibility of negotiating such agreement (or agreements). If the President determines that the negotiation of any such free trade agreement is feasible, the President shall provide a detailed plan for such negotiation that outlines the objectives, timing, any potential benefits to the United States and sub-Saharan Africa, and the likely economic impact of any such agreement.

Conference agreement

By eliminating the barriers that currently exist to developing stronger, mutually beneficial trade and investment relations between the United States and sub-Saharan Africa, the conferees believe that the negotiation of one or more free trade agreements would serve an important catalyst in the economic development of sub-Saharan Africa.

The Senate recedes to the House, with a modification to state that the negotiation of free trade agreements, rather than the establishment of a Free Trade Area, with interested countries in sub-Saharan Africa, is an important catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

Consistent with this policy objective, the conference agreement requires the President to prepare and transmit to Congress a plan for the purpose of negotiating and entering into one or more trade agreements with interested eligible sub-Saharan African countries. The plan shall include the specific objectives of the United States with respect to the negotiations and a suggested timetable, the benefits to both the United States and the relevant sub-Saharan African countries, a mutually agreed upon timetable for the President's report should also include procedures to ensure adequate consultation with Congress and the private sector during the negotiations, consultation with Congress regarding all matters relating to implementation of the free trade agreements, approval by Congress of the agreements, and adequate consultation with the relevant African governments and regional and sub-regional intergovernmental organizations during the negotiations.

The conference agreement also clarifies that the President's report should include procedures to ensure adequate consultation with Congress and the private sector during the negotiations, consultation with Congress regarding all matters relating to implementation of free trade agreements, approval by Congress of the agreements, and adequate consultation with the relevant African governments, and regional and sub-regional intergovernmental organizations during the negotiations.

SEC. 117. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR AFRICAN AFFAIRS

Present law

Section 141 of the Trade Act of 1974 established within the Executive Office of the President the office of the United States Trade Representative (USTR). The President is directed to appoint a person to head the office and to serve as USTR.

House bill

Section 13 of the House bill expresses the sense of Congress that the position of Assistant United States Trade Representative (AUSTR) for African Affairs is integral to the U.S. commitment to increasing U.S.-sub-Saharan African trade and investment.

The provision requires the President to maintain a position of AUSTR for African Affairs within the Office of USTR to direct and coordinate interagency activities on U.S.-Africa trade policy and investment matters and serve as: (1) a primary point of contact in the executive branch for persons engaged in trade between the U.S. and sub-Saharan Africa; and (2) the chief advisor to the USTR on issues of trade with Africa.

The President shall ensure that the AUSTR for African Affairs has adequate funding and staff to carry out the duties described in this section.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House with a modification. The modification expresses the Sense of Congress that the position of AUSTR should be maintained and is integral to strengthening U.S.-sub-Saharan African trade and economic relations.

The conferees note that since the Office on African American Affairs was created in 1998, the United States has signed several significant trade agreements with sub-Saharan Africa, including a Bilateral Trade and Investment Treaty with Mozambique, and Trade and Investment Framework Agreements with South Africa and Ghana.

The conference agreement reflects the conferees' opinion that the AUSTR for African Affairs should: (1) act as a senior negotiator with sub-Saharan African countries; (2) take a lead role in designating participants in the U.S.-sub-Saharan African Economic and Cooperation Forum; (3) take a lead role in designating sub-Saharan African countries as beneficiary countries; and (4) take a lead role in administering and implementing the trade provisions of this Act.

SUBTITLE C—ECONOMIC DEVELOPMENT RELATED ISSUES

SEC. 121. SENSE OF CONGRESS REGARDING COMPREHENSIVE DEBT RELIEF FOR THE WORLD'S POOREST COUNTRIES

Present law

In FY2000, Congress supported U.S.-led efforts to enhance the Heavily Indebted Poor Countries (HIPC) Initiative by funding roughly one-third of the direct costs to the United States, as well as authorizing the use of IMF internal resources, including earnings on investments of profits of sales of IMF gold, for HIPC debt relief (Consolidated Appropriations Act for FY 2000 H.R. 3194; P.L. 106–113).

House bill

Section 9 of the House bill expresses the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the "Heavily Indebted Poor Countries" (HIPC) debt initiative.

It is the sense of the Congress that relief provided to countries in sub-Saharan Africa that qualify for the HIPC debt initiative should be made primarily through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

Senate amendment

In Section 714 of the Senate amendment, Congress makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1997, the Group of Seven, the World Bank, and the International Monetary Fund adopted the HIPC Initiative, a commitment by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) The HIPC Initiative is currently undergoing reforms to address concerns raised about country conditionality, the amount of debt forgiven, and the allocation of savings realized through the debt forgiveness program to ensure that the Initiative accomplishes the goals of economic growth and poverty alleviation in the world's poorest countries.

(6) Recently, the President requested Congress to provide additional resources for bilateral debt forgiveness and additional United States contributions to the HIPC Trust Fund.

Section 714 expresses the sense of Congress that:

(1) Congress and the President should work together, without undue delay and in concert with the international community, to make comprehensive debt relief available to the world's poorest countries in a manner that promotes economic growth and poverty alleviation;

(2) this program of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) this program of debt relief should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these debt relief agreements should be designed and implemented in a transparent manner and with the broad participation of the citizenry of the debtor country and should ensure that country circumstances are adequately taken into account;

(5) no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in conflict or spends excessively on its military; and

(6) in order to prevent adverse impact on a key industry in many developing countries, the International Monetary Fund must mobilize its own resources for providing debt relief to eligible countries without allowing gold to reach the open market, or otherwise adversely affecting the market price of gold.

Conference agreement

The House recedes to the Senate with minor technical modifications.

SEC. 122. EXECUTIVE BRANCH INITIATIVES

Present law

No provision.

House bill

In section 10 of the House bill Congress recognizes that the stated policy of the executive branch in 1997, the "Partnership for

Growth and Opportunity in Africa" initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this Act.

Section 10 provides that in addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward:

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to:

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the WTO in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan participation in future negotiations in the WTO on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 123. OVERSEAS PRIVATE INVESTMENT CORPORATION INITIATIVES

Present law

Title IV of Part I of the Foreign Assistance Act of 1961, as amended, (Public Law 87-195) established the Overseas Private Investment Corporation (OPIC), a Board of Directors for the Corporation, consisting of 15 members, and authorized the corporation to create equity funds.

House bill

Section 11 of the House bill expresses the sense of the Congress that OPIC should use its current authorities to initiate an equity fund or funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation. The provision specifies how each fund should be structured, capitalized and implemented.

Section 12 of the bill amends Section 233 of the Foreign Assistance Act of 1961 to direct the OPIC Board to form an advisory committee to develop and implement policies, programs and financial instruments with respect to sub-Saharan Africa. It directs the advisory committee to make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. And it also provides for the termination of the committee four years after the date of enactment and for a report on the steps that the Board has taken to implement the committee's recommendations six months after the date of enactment and annually thereafter for the next four years.

Senate bill

No provision.

Conference agreement

The Senate recedes to the House with a slightly modified provision changing the name of the advisory committee to the investment advisory council. In addition, the conference agreement specifies that the OPIC Board shall take measures to increase the loan, guarantee and insurance programs, and financial commitments of the corporation in sub-Saharan Africa, including through the use of an investment advisory council to assist the Board in developing and implementing programs and policies for sub-Saharan Africa.

SEC. 124. EXPORT-IMPORT BANK INITIATIVES

Present law

The Export-Import Bank is advised by a sub-Saharan Africa Advisory Committee (SAAC) on the expansion of its activities in sub-Saharan Africa.

House bill

Section 12(b) of the House bill would establish a SAAC for the Bank.

Senate amendment

No provision.

Conference agreement

The conference agreement strikes section 12(b) of the House bill in its entirety, since an advisory committee was created previously by the Export-Import Bank Reauthorization Act of 1997 (P.L. 105-121). Instead, the conference agreement expresses the sense of Congress that the Export-Import Bank should continue to take measures to promote the expansion of the Bank's commitments in sub-Saharan Africa. The conference provision also commends the SAAC for aiding the Bank in doubling the number of sub-Saharan African countries in which the Bank is open, and by increasing by tenfold the Bank's support for sales to sub-Saharan Africa from fiscal year 1998 to fiscal year 1999.

SEC. 125. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA

Present law

No provision.

House bill

Section 14 of the House bill would make a number of findings regarding the Service's presence in sub-Saharan Africa and direct the Service to expand its presence in that region. It also would require the Service to identify new market opportunities and barriers thereto, and to make efforts to facilitate U.S. entry into those markets, with an annual report on such efforts to Congress.

Senate amendment

No provision.

Conference agreement

The conference agreement adopts a modified version of the House provision that directs the International Trade Administration (ITA), rather than the Service, to carry out the market entry and barrier identifications and make those identifications publicly available. The ITA, which already undertakes trade-related research efforts, is better suited to carrying out this initiative.

SEC. 126. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES

Present law

No provision.

House bill

Section 16 of the House bill expresses the sense of the Congress that, to the extent appropriate, the U.S. Government should make every effort to donate to governments of sub-Saharan African countries (determined to be eligible under section 4 of this Act) air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 127. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA

Present law

Section 496 of Chapter 10 of the Foreign Assistance Act of 1961 established the Development Fund for Africa (DFA) to promote the participation of Africans in long term sustainable development. Title V of the International Security and Cooperation Act of 1981 established the African Development Foundation (ADF) in order to provide assistance aimed at promoting economic opportunities and community development in Africa.

House bill

Section 17 of the House bill expresses the sense of Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

In section 17 of the House bill, Congress makes the following declarations:

(1) The DFA established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The DFA will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Supporting democratization, good governance and civil society and conflict resolution efforts.

(D) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(E) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(F) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(G) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(H) Ensuring sustainable economic growth through environmental protection.

(4) The ADF has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The ADF has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The ADF should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

In addition, section 17 of the House bill amends section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) by:

(A) redesignating paragraph (3) as paragraph (4); and

(B) inserting after paragraph (2) the following:

(3) Democratization and conflict resolution capabilities.—Assistance under this section may also include program assistance—

(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.

Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking paragraphs (1) and (2) in the first sentence and inserting paragraphs (1), (2), and (3).

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 128. ASSISTANCE FROM UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA

Present law

No provision.

House bill

Section 18 of the House bill expresses the sense of Congress that U.S. businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, U.S. businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 129. SENSE OF THE CONGRESS RELATING TO HIV/AIDS CRISIS IN SUB-SAHARAN AFRICA

Present law

No provision.

House bill

In section 19 of the House bill, Congress finds that:

(1) Sustained economic development in sub-Saharan Africa depends in large measure upon successful trade with and foreign assistance to the countries of sub-Saharan Africa.

(2) The HIV/AIDS crisis has reached epidemic proportions in sub-Saharan Africa, where more than 21,000,000 men, women, and children are infected with HIV.

(3) 83 percent of the estimated 11,700,000 deaths from HIV/AIDS worldwide have been in sub-Saharan Africa.

(4) The HIV/AIDS crisis in sub-Saharan Africa is weakening the structure of families and societies.

(5)(A) The HIV/AIDS crisis threatens the future of the workforce in sub-Saharan Africa.

(B) Studies show that HIV/AIDS in sub-Saharan Africa most severely affects individuals between the ages of 15 and 49—the age group that provides the most support for the economies of sub-Saharan African countries.

(6) Clear evidence demonstrates the HIV/AIDS is destructive to the economies of sub-Saharan African countries.

(7) Sustained economic development is critical to creating the public and private sector resources in sub-Saharan Africa necessary to fight the HIV/AIDS epidemic.

Section 19 of the House bill expresses the sense of Congress that:

(1) addressing the HIV/AIDS crisis in sub-Saharan Africa should be a central component of U.S. foreign policy with respect to sub-Saharan Africa;

(2) significant progress needs to be made in preventing and treating HIV/AIDS in sub-Saharan Africa in order to sustain a mutually beneficial trade relationship between the United States and sub-Saharan African countries; and

(3) the HIV/AIDS crisis in sub-Saharan Africa is a global threat that merits further attention through greatly expanded public, private, and joint public-private efforts, and through appropriate U.S. legislation.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 130. STUDY ON IMPROVING AFRICAN AGRICULTURAL PRACTICES

Present law

No provision.

House bill

No provision.

Senate amendment

Section 716 of the Senate amendment authorizes the USDA, in consultation with the American Land Grant Colleges and Universities and not-for-profit international organization, to conduct a two-year study on ways to improve the flow of American farming techniques and practices to African farmers. The study conducted by the USDA shall include an examination of ways of improving or utilizing:

(1) knowledge of insect and sanitation procedures;

(2) modern farming and soil conservation techniques;

(3) modern farming equipment (including maintaining the equipment);

(4) marketing crop yields to prospective purchasers; and

(5) crop maximization practices.

The study shall be submitted to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than September 30, 2001.

The USDA is encouraged to consult with American Land Grant Colleges and not-for-profit international organizations that have firsthand knowledge of current African farming practices.

There is authorized to be appropriated $2,000,000 to conduct the study.

Conference agreement

The House recedes to the Senate, with a modification to delete the authorization of funds.

SEC. 131. SENSE OF THE CONGRESS REGARDING EFFORTS TO COMBAT DESERTIFICATION IN AFRICAN AND OTHER COUNTRIES

Present law

No provision.

House bill

No provision.

Senate amendment

In section 718 of the Senate amendment, Congress finds that:

(1) desertification affects approximately one-sixth of the world's population and one-quarter of total land area;

(2) over 1,000,000 hectacres of Africa are affected by desertification;

(3) dryland degradation is an underlying cause of recurrent famine in Africa;

(4) the United Nations Environmental Programme estimates that desertification costs the world $42,000,000,000 a year, not including incalculable costs in human suffering; and

(5) the United States can strengthen its partnership throughout Africa and other nations affected by desertification, help alleviate social economic crises caused by misuse of natural resources, and reduce dependence on foreign aid, by taking a leading role to combat desertification.

Section 718 of the Senate amendment expresses of the sense of the Senate that the United States should expeditiously work with the international community, particularly Africa and other nations affected by desertification to:

(1) strengthen international cooperation to combat desertification;

(2) promote the development of national and regional strategies to address desertification and increase public awareness of this serious problem and its effects;

(3) develop and implement national action programs that identify the causes of desertification and measures to address it; and

(4) recognize the essential role of local governments and nongovernmental organizations in developing and implementing measures to address desertification.

Conference agreement

The House recedes to the Senate with a technical modification to express the sense of the Congress instead of the sense of the Senate.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

SUBTITLE A—TRADE POLICY FOR CARIBBEAN BASIN COUNTRIES

SEC. 201. SHORT TITLE

Present law

No provision.

House bill

No provision, but Section 1 of H.R. 984, as approved by the Committee on Ways and Means, provides that the subtitle may be cited as the Caribbean and Central America Relief and Economic Stabilization Act (CCARES).

Senate amendment

Section 201 of the Senate bill provides that the subtitle may be cited as the Caribbean Basin Trade Enhancement Act (CBTEA)

Conference agreement

The Title of the Act is the Caribbean Basin Trade Partnership Act.

SEC. 202. FINDINGS AND POLICY

Present law

The Caribbean Basin Initiative (CBI) program was established by the Caribbean Basin Economic Recovery Act (CBERA), which was enacted on August 5, 1983. This legislation authorized the President to grant duty-free treatment to imports of eligible articles from designated Caribbean countries. The basic purpose of the CBI program, as originally proposed by President Ronald Reagan, was to respond to an economic crisis in the Caribbean by encouraging industrial development primarily through preferential access to the U.S. market. The goal was to promote political and social stability in a strategically important region. CBI trade benefits were made permanent in 1990.

House bill

No provision, however Section 2 of H.R. 984, as approved by the Committee on Ways and Means makes Congressional findings relating to the damage caused to the Caribbean Basin region by Hurricanes Mitch and George and states that United States assistance to the region should focus on, in addition to the short-term disaster assistance, long-term solutions for a successful economic recovery of Central America and the Caribbean. Finally the findings state that the Caribbean Basin Economic Recovery Act has represented a permanent and successful commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

Section 102 of H.R. 984, as approved by the Committee on Ways and Means, states that it is, therefore, the policy of the United States to: (1) offer Caribbean Basin beneficiary countries tariff and quota treatment equivalent to that accorded to products of NAFTA countries, and to seek the accession of these partnership countries to NAFTA or a free trade agreement comparable to NAFTA at the earliest possible date, with the goal of achieving full NAFTA participation by all Caribbean countries by January 1, 2005; and (2) assure that the domestic textile and apparel industry remains competitive in the global marketplace by encouraging the formation and expansion of "partnerships" between the textile and apparel industry of the United States and the textile and apparel industry of various countries located in the Western Hemisphere.

Senate amendment

The Senate bill contains similar Congressional findings.

Section 202(b) of the Senate bill states that it is the policy of the United States to: (1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and (2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such an agreement not later than 2005.

Conference agreement

The findings contained in section 2 of the conference agreement set out the underlying rationale for expansion of the CBI program. This section describes the conferees' agreement that the U.S. response to the devastation caused by Hurricanes Mitch and Georges should include, in addition to short-term disaster assistance, a long-term mechanism to promote economic recovery in Central America and the Caribbean. Based on the successful record of the Caribbean Basin Initiative, the Conferees believe that economic recovery will be achieved most effectively by enhancing the region's opportunities to expand its international trade with important trading partners such as the United States.

The success of the CBI program indicates that increasing international trade with the CBI region will also promote the growth of United States exports, decrease illegal immigration, and improve regional cooperation in efforts to fight drug trafficking. Finally, the conferees intend that this bill foster increased opportunities for U.S. companies in the textile and apparel sector to expand coproduction arrangements with countries in the CBI region, thereby sustaining and preserving manufacturing operations in the United States that would otherwise be relocated to the Far East.

SEC. 203. DEFINITIONS

Section 3 defines several terms used in the bill.

SUBTITLE B—TRADE BENEFITS FOR CARIBBEAN BASIN COUNTRIES

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES

Present law

Under the CBERA, imports from CBI beneficiary countries, except for certain products that are statutorily excluded, are granted duty-free treatment, subject to specific eligibility requirements. Statutorily excluded articles are ineligible for duty-free treatment under the CBI. These excluded products are: textile and apparel articles that are subject to textile agreements, canned tuna, petroleum and petroleum products, footwear, handbags, luggage, flat goods, work gloves, and leather-wearing apparel. Also excluded are certain watches and watch products.

Under NAFTA, imports of these products from Mexico (excluded from CBI and listed above) receive either declining tariff or duty-free and quota-free treatment. Chapter Four of NAFTA establishes rules of origin for identifying goods that are to be treated as "originating in the territories of NAFTA parties" and are therefore eligible for preferential treatment accorded to originating goods under NAFTA, including reduced duties and duty-free and quota-free treatment.

House bill

No provision, however section 104 of the H.R. 984 amends section 213(b) of the CBERA to provide tariff and quota treatment on imports from CBI beneficiary countries of excluded articles that is identical to tariff and quota treatment accorded like articles imported from Mexico under NAFTA during a temporary period ending on the date that either NAFTA accession or a reciprocal free trade agreement enters into force with the partnership country, or on the fifth anniversary of the temporary treatment, whichever is earlier.

Section 104 of the bill provides that NAFTA tariff and quota treatment would apply to CBI articles that meet NAFTA rules of origin (treating the United States and CBI beneficiary countries as "parties" under the agreement for this purpose). Customs procedures applicable to exporters under NAFTA also must be met for partnership countries to qualify for parity treatment. Imports of articles currently excluded under CBI, which do not meet the conditions of NAFTA parity, would continue to be excluded from the CBI program.

Senate amendment

The Senate bill applies NAFTA tariff treatment to all excluded products, with the exception of textiles and apparel which are treated separately as described below.

Conference agreement

NAFTA tariff treatment applies to goods excluded from CBI, except to textiles and apparel. More specifically, for imports of canned tuna, petroleum and petroleum products, footwear, handbags, luggage, flat goods, work gloves, and leather-wearing apparel, the conference agreement provides an immediate reduction in tariffs equal to the preference Mexican products enjoy under NAFTA. The applicable duty paid by importers on such goods would be equal to the duty applicable to the same goods if entered from Mexico. In order for their products to qualify for the preferences afforded under this Act, whether applied to textiles and apparel or other products, the beneficiary country must comply with customs procedures equivalent to those required under the NAFTA.

TREATMENT OF TEXTILE AND APPAREL IMPORTS FROM CARIBBEAN COUNTRIES AND MEXICO

A. GAL PROGRAM AND "807" TARIFF TREATMENT

Present law

The "Special Access Program for Textiles," established by regulation in February 1986, provides flexible Guaranteed Access Levels (GALs) to the United States market for textile or apparel and "made up" textile product categories (not fabric, yarn, or other textile products) assembled in CBI countries from fabrics wholly formed and cut in the United States, under bilateral agreements. GALs (also known as "807A") are separate limits from (and usually significantly higher than) standard quota levels, and are generally increased upon request of the exporting country.

Imports under item 9802.00.80 of the U.S. Harmonized Tariff Schedule (HTS) (previously item 807), which are assembled abroad from U.S.-fabricated components, including apparel assembled in Caribbean countries from fabric cut in the United States, are assessed duty only on the value-added abroad. Under NAFTA, Mexico receives duty-free and quota-free treatment on articles assembled from U.S.-formed and cut fabric.

Certain textile and apparel articles from major supplying CBI countries are subject to import quotas under bilateral agreements negotiated on a product-category basis under authority of section 204 of the Agricultural Act of 1956 and in accordance with the Uruguay Round Agreement on Textiles and Clothing. Articles under quota may be assembled from U.S. and/or foreign components.

House bill

No provision, but under section 104 of H.R. 984, as approved by the Committee on Ways and Means, imports of textile and apparel articles from CBI partnership countries that meet NAFTA rules of origin would receive tariff treatment equivalent to such goods originating in Mexico and would enter quota-free. Under H.R. 984, there would be no change in the treatment of non-originating textile products currently subject to import quotas under bilateral and multilateral textile agreements.

Section 104 of H.R. 984 eliminates import restraint levels and duties on textile and apparel articles: 1) assembled in a partnership country from fabrics wholly formed and cut in the United States from yarns formed in the United States; 2) cut and assembled in a partnership country from fabrics wholly formed in the United States, from yarns wholly formed in the United States; 3) knit-to-shape in a partnership country from yarns wholly formed in the United States; or 4) made in a partnership country from fabric knit in a partnership country from yarn wholly formed in the United States. Hand-made, hand-loomed and folklore articles of the region also qualify for duty-free and quota-free treatment.

Senate amendment

The Senate bill provides no preferential treatment for textile products, with the exception of certain hand-made, hand-loomed and folklore articles and certain textile luggage. With respect to apparel products, duty-free, quota-free treatment applies to those products listed below. Section 101 of the Senate bill would extend immediate duty-free and quota-free treatment to the following apparel products:

(1) apparel articles assembled in an eligible CBI beneficiary country from U.S. fabrics wholly formed from U.S. yarns and cut in the United States that would enter the United States under Harmonized Tariff Schedule (HTS) item number 9802.00.80 (a provision that otherwise allows an importer to pay duty solely on the value-added abroad when U.S. components are shipped abroad for assembly and re-imported into the United States);

(2) apparel articles entered under chapters 61 and 62 of the HTS where they would have qualified for HTS 9802.00.80 treatment but for the fact that the articles were subjected to certain types of washing and finishing;

(3) apparel articles cut and assembled in the eligible CBI country from U.S. fabric formed from U.S. yarn and sewn in the Caribbean with U.S. thread;

(4) handloomed, handmade and folklore articles originating in the CBI beneficiary country;

(5) textile luggage assembled in an eligible CBI beneficiary country from U.S. fabrics wholly formed from U.S. yarns and cut in the United States that would enter the United States under Harmonized Tariff Schedule (HTS) item number 9802.00.80; and

(6) textile luggage cut and assembled in the eligible CBI country from U.S. fabric formed from U.S. yarn and sewn in the Caribbean with U.S. thread.

The Senate intends that this new program of textile and apparel benefits will be administered in a manner consistent with the regulations that apply under the "Special Access Program" for textile and apparel articles from Caribbean and Andean Trade Preference Act countries, as described in 63 Fed. Reg. 16474–16476 (April 3, 1998). Thus, the requirement that products must be assembled from fabric formed in the United States applies to all textile components of the assembled products, including linings and pocketing, subject to the exceptions that currently apply under the "Special Access Program."

Conference agreement

The House recedes with an amendment that provides duty-free, quota-free treatment to the following apparel products:

(1) apparel articles assembled in a CBTPA country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are (I) entered under subheading 9802.00.80 of the HTS or (II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes;

(2) apparel articles cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States;

(3) certain apparel articles knit-to-shape (other than socks provided for in heading 6115 of the HTS) in a CBTPA beneficiary country from yarns wholly formed in the United States, and knit apparel articles (other than certain T-shirts, as described below) cut and wholly assembled in one or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries or the United States from yarns wholly formed in the United States, in an amount not to exceed 250 million square meter equivalents (SMEs) during the 1-year period beginning on October 1, 2000. That amount will increase by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004. In each 1-year period thereafter through September 30, 2008, the amount will be the amount that was in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law. For T-shirts, other then underwear T-shirts, the amount eligible for duty-free, quota-free treatment is 4.2 million dozen during the 1-year period beginning on October 1, 2000. That amount will be increased by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004 and thereafter will be the amount in effect for the period ending on September 30, 2004, or such other amount as may be provided by law. The conference agreement provides that it is the sense of Congress that the Congress should determine, based on the record of expansion of exports from the United States as a result of the preferential treatment of articles under this provision, the percentage by which the amounts referred to above with respect to knit-to-shape articles and T-shirts should be compounded for the one-year periods occurring after the period ending on September 30, 2004;

(4) certain brassieres, subject to the requirements set forth in the Act;

(5) certain articles assembled from fibers, yarns or fabric not widely available in commercial quantities, with reference to the relevant provisions of the NAFTA; the conference agreement also authorizes the President to extend duty-free and quota-free treatment to certain other fibers, fabrics and yarns. Any interested party may submit to the President a request for extension of benefits to fibers, fabrics and yarns not available. The requesting party will bear the burden of demonstrating that a change is warranted by providing sufficient evidence. The President must make a determination within 60 calendar days of receiving a request from an interested party;

(6) certain handloomed, handmade and folklore articles; and

(7) certain textile luggage, as described in the legislation.

The conference agreement establishes certain special rules:

(1) Findings and trimmings.—Articles otherwise eligible for preferential treatment shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. However, sewing thread shall not be treated as a finding or trimming for purposes of apparel articles cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, where preferential treatment is contingent upon assembly with thread formed in the United States

(2) Interlinings.—Articles otherwise eligible for preferential treatment shall not be ineligible for such treatment because the articles contain certain interlinings, as described in the legislation, of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled articles. This rule will not apply if the President determines that United States manufacturers are producing such interlinings in the United States in commercial quantities;

(3) De Minimis.—An article otherwise ineligible for preferential treatment because the article contains fibers or yarns not wholly formed in the United States or in 1 or more beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good. However, in order for an apparel article containing elastomeric yarns to be eligible for preferential treatment, such yarns must be wholly formed in the United States.

The conferees agree that offering trade benefits to CBI countries for certain apparel products would be a valuable mechanism to promote long-term economic growth by enhancing the region's opportunities to expand trade with the United States. At the same time, the conferees believe these provisions would promote growth of U.S. exports and the use of U.S. fabric, yarn and cotton.

(4) Special Origin Rule.—An article otherwise eligible for preferential treatment shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn), if entered under certain tariff headings from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995. The House position would have encompassed these articles. The Senate rule of origin would have precluded eligibility. The Senate recedes.

B. TRADE PREFERENCE LEVELS (TPLS)

Present law

Appendix 6(B) of NAFTA provides a limited exception to NAFTA rules of origin for textile and apparel goods. The exception takes the form of Tariff Preference Levels (TPLs), under which specific quantities of goods from each NAFTA country that do not meet NAFTA "yarn-forward" rules of origin will nonetheless be accorded NAFTA preferential tariff rates. Imports of such goods that exceed these quantities will be subject to Normal Trade Relations (NTR) duty rates. Under NAFTA, TPLs are available for three broad categories of products: (1) cotton or man-made apparel; (2) wool apparel; and, (3) goods entered under subheading 9802.00.80 of the HTS.

House bill

No provision. But Section 104(2)(B)(i) of H.R. 984, as passed by the Committee on

Ways and Means authorizes USTR to establish TPLs for Caribbean textile and apparel products which are similar to those established for Mexican textile and apparel products in NAFTA. After consulting with the domestic industry and other interested parties, USTR is authorized to establish TPLs in the following categories at specified levels: not more than 45,000,000 square meter equivalents of cotton or man-made fiber apparel; not more 1,500,000 square meter equivalents of wool apparel; and, not more than 25,000,000 square meter equivalents of goods entered under subheading 9802.00.80 of the HTS.

Senate amendment

No provision.

Conference agreement

No provision.

2. EFFECTIVE DATE AND TERMINATION OF TEMPORARY TREATMENT

Present law

CBI trade benefits were made permanent in 1990.

House bill

No provision, however under section 104, of H.R. 984 a temporary transitional period would begin upon date of enactment and end on the date that either NAFTA accession or a reciprocal free trade agreement enters into force with the partnership country, or on December 31, 2004, whichever is earlier.

Senate amendment

The Senate bill establishes a temporary transitional period of 51 months beginning on October 1, 2000, and ending on December 31, 2004.

Conference agreement

The Conference agreement establishes a transition period that begins on October 1, 2000 and ends on the earlier of September 30, 2008, or the date on which the Free Trade Area of the Americas or another free trade agreement as described in the legislation enters into force with respect to the United States and the CBTPA beneficiary country.

3. DESIGNATION CRITERIA

Present law

In determining whether to designate any country as a CBI beneficiary country, the President must take into account 7 mandatory and 11 discretionary criteria, which are listed in section 212 of the CBERA:

(1) whether the country is a Communist country;

(2) whether the country has nationalized, expropriated, or otherwise seized ownership or control of U.S. property (including intellectual property), unless he determines that prompt, adequate, and effective compensation has been or is being made, or good faith negotiations to provide such compensation are in progress, or the country is otherwise taking steps to discharge its international obligations, or a dispute over compensation has been submitted to arbitration;

(3) whether the country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of U.S. citizens;

(4) whether the country affords "reverse" preferences to developed countries and whether such treatment has or is likely to have a significant adverse effect on U.S. commerce;

(5) whether a government-owned entity in the country engages in the broadcast of copyrighted material belonging to U.S. copyright owners without their express consent or the country fails to work toward the provision of adequate and effective intellectual property rights;

(6) whether the country is a signatory to an agreement regarding the extradition of U.S. citizens;

(7) whether the country has or is taking steps to afford internationally recognized worker rights to workers in the country;

(8) an expression by the country of its desire to be designated;

(9) the economic conditions in the country, its living standards, and any other appropriate economic factors;

(10) the extent to which the country has assured the United States it will provide equitable and reasonable access to its markets and basic commodity resources;

(11) the degree to which the country follows accepted rules of international trade under the World Trade Organization;

(12) the degree to which the country uses export subsidies or imposes export performance or local content requirements which distort international trade;

(13) the degree to which the trade policies of the country are contributing to the revitalization of the region;

(14) the degree to which the country is undertaking self-help measures to protect its own economic development;

(15) the extent to which the country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive intellectual property rights;

(16) the extent to which the country prohibits its nationals from engaging in the broadcast of copyrighted material belonging to U.S. copyright owners without their express consent; and

(17) the extent to which the country is prepared to cooperate with the United States in the administration of the Act.

Under the CBERA, the President is prohibited from designating a country a beneficiary country if any of criteria (1)–(7) apply to that country, subject to waiver, if the President determines that country designation will be in the U.S. national economic or security interest. The waiver does not apply to criteria (4) and (6). Criteria (8)–(18) are discretionary. Under the CBERA, criteria on (7) is included as both mandatory and discretionary.

House bill

No provision, however H.R. 984, as approved by the Committee on Ways and Means, makes no change in country designation criteria established in the CBERA.

Senate amendment

Under the Senate bill, eligibility for the new trade benefits is left to the discretion of the President, but the proposal would provide specific guidance as to the criteria the President should apply in making that determination. The starting point under the Senate bill is compliance with the eligibility criteria set out in the original CBERA. The Senate bill would add certain trade-related criteria, such as the extent to which the beneficiary country fully implements the various Uruguay Round agreements, whether the beneficiary country affords adequate intellectual property protection and protection to U.S. investors, and the extent to which the country applies internationally accepted rules on government procurement and customs valuation.

This section of the Senate bill also adds other criteria that reflect important U.S. initiatives. They include, among others, the extent to which the country has become a party to and implements the Inter-American Convention Against Corruption, is or becomes a party to a convention regarding the extradition of its nationals, satisfies the criteria for counter-narcotics certification under section 490 of the Foreign Assistance Act of 1961, and provides internationally recognized worker rights.

Conference agreement

The conference agreement provides that the President, in designating a country as eligible for the enhanced CBTPA benefits, shall take into account the existing eligibility criteria established under CBERA, as well as other appropriate criteria, including whether a country has demonstrated a commitment to undertake its WTO obligations and participate in negotiations toward the completion of the FTAA or comparable trade agreement, the extent to which the country provides intellectual property protection consistent with or greater than that afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights, the extent to which the country provides internationally recognized worker rights, whether the country has implemented its commitments to eliminate the worst forms of child labor, the extent to which a country has taken steps to become a party to and implement the Inter-American Convention Against Corruption, and the extent to which the country applies transparent, nondiscriminatory and competitive procedures in government procurement equivalent to those included in the WTO Agreement on Government Procurement and otherwise contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

In evaluating a potential beneficiary's compliance with its WTO obligations, the conferees expect the President to take account of the extent to which the country follows the rules on customs valuation set forth in the WTO Customs Valuation Agreement. With respect to intellectual property protection, it is the intention of the conferees that the President will also take into account the extent to which potential beneficiary countries are providing or taking steps to provide protection of intellectual property rights comparable to the protections provided to the United States in bilateral intellectual property agreements.

In evaluating a potential beneficiary's performance with respect to the existing eligibility criteria under CBERA, the conferees expect that the President will take into account, in evaluating a potential beneficiary's performance with respect to subsections (b)(2) and (c)(5) of section 212 of CBERA, the extent that beneficiary countries are providing or taking steps to provide protection of investment and investors comparable to the protection provided to the United States in bilateral investment treaties. And with respect to evaluating a potential beneficiary's performance with respect to subsection (c)(3) of CBERA relating to market access, the conferees intend that the President shall take into account the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products that will receive the enhanced benefits provided under the CBTPA.

4. GENERAL REVIEW OF COUNTRIES

Present law

Section 212(f) of the CBERA requires the President to submit to the Congress every three years a complete report regarding the operation of the CBI program, including the results of a general review of beneficiary countries.

House bill

No provision, however section 104 of H.R. 984 amends section 212(f) of the CBERA to provide that the next review take place one year after the effective date of H.R. 984 and subsequent reviews occur at three year intervals thereafter. The bill requires the President to report to Congress on a triennial basis regarding the benefits accorded under the terms of H.R. 984. The review will be based on the 18 eligibility criteria listed in section 212 of the CBERA, as further interpreted by the bill. These criteria address such issues as intellectual property protection, investment protection, market access, worker rights, cooperation in administering the program, and the degree to which the country follows accepted rules of international trade provided for under the World Trade Organization. The President may determine, based on the review, whether to withdraw, suspend, or limit new parity benefits. Existing authority in the CBERA would continue to withdraw, suspend, or limit current benefits at any time based on the criteria under existing laws.

Senate amendment

No provision.

Conference Agreement

No provision.

5. SAFEGUARDS

Present law

The import relief procedures and authorities under sections 201–204 of the Trade Act of 1974 apply to imports from CBI beneficiary countries, as they do to imports from other countries. If CBI imports cause serious injury, or threat of such injury, to the domestic industry producing a like or directly competitive article, section 213(e) of the CBERA authorizes the President to suspend CBI duty-free treatment and proclaim a rate of duty or other relief measures.

Under NAFTA, the United States may invoke a special safeguard provision at any time during the tariff phase-out period if a NAFTA-origin textile or apparel good is being imported in such increased quantities and under such conditions as to cause "serious damage, or actual threat thereof," to a domestic industry producing a like or directly competitive good. The President is authorized to either suspend further duty reductions or increase the rate of duty to the NTR rate for up to three years. The NAFTA also provides for a "quantitative restriction" safeguard, which the United States or Mexico may invoke against "non-originating" textile or apparel goods, using the standard of "serious damage, or actual threat thereof."

House bill

Under H.R. 984, normal safeguard authorities under CBERA would apply to imports of all products except textiles and apparel. The NAFTA equivalent safeguard authorities would apply to imports of textile and apparel products from CBI countries, except that, under the bill, the United States, if it applied a safeguard action, would not be obligated to provide equivalent trade liberalizing compensation to the exporting country.

Senate amendment

Identical provision except that the Senate bill does not contain provide a "quantitative restriction" safeguard.

Conference agreement

Senate provision.

6. TERMINATION OR WITHDRAWAL OF BENEFITS

Present law

The President may withdraw or suspend designation of any beneficiary country or withdraw, suspend, or limit the application of duty-free treatment to any article from any country if he determines that, as a result of changed circumstances, the country is not meeting criteria set forth in the statute for beneficiary country designation. The President must publish at least 30-days advance notice of the proposed action. The U.S. Trade Representative shall accept written public comments and hold a public hearing on the proposed action.

House bill

No provision. But under H.R. 984, all country designation criteria apply as under the CBERA. The President may withdraw, suspend, or limit the application of duty-free or preferential quota treatment to any article if he determines the country or the product, based on changed circumstances, should be barred from eligibility. The bill makes no change in the President's authority to withdraw, suspend, or limit current benefits under the CBERA at any time.

Senate amendment

The Senate bill provides that the President may withdraw or suspend the designation of a CBERA beneficiary country or withdraw, suspend, or limit duty-free treatment if, as a result of changed circumstances, the country no longer satisfies the mandatory eligibility criteria or fails adequately to meet one or more of the discriminatory criteria.

The Senate bill also provides that the President may withdraw or suspend the designation of CBTEA beneficiary country or CBTEA benefits if the President determines that, as result of changed circumstances, the country's performance is not satisfactory under the CBTEA eligibility criteria.

Conference agreement

The Conference Agreement merges the House and Senate provisions. The Conferees believes that it is appropriate to retain broad authority for the President to withdraw, suspend, or limit benefits under the CBERA and to provide similar authority for the President with respect to the new trade benefits under the bill.

D. CUSTOMS PROCEDURES AND PENALTIES FOR TRANSSHIPMENT

Present law

Under the NAFTA, Parties to the Agreement must observe Customs procedures and documentation requirements, which are established in Chapter 5 of NAFTA. Requirements regarding Certificates of Origin for imports receiving preferential tariffs are detailed in Article 502.1 of NAFTA.

House bill

No provision, but H.R. 984, as approved by the Committee on Ways and Means, requires the Secretary of the Treasury to prescribe regulations that require, as a condition of entry, that any importer of record claiming preferential tariff treatment for textile and apparel products under the bill must comply with requirements similar in all material respects to the requirements regarding Certificates of Origin contained in Article 502.1 of NAFTA, for a similar importation from Mexico. In addition, if an exporter is determined under the laws of the United States to have engaged in illegal transshipment of textile or apparel products from a partnership country, then the President shall deny all benefits under the bill to such exporter, and to any successors of such exporter, for a period of 2 years.

No provision. H.R. 984 requires the Commissioner of Customs to conduct a study analyzing the extent to which each partnership country has: (1) cooperated with the United States in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel products; and (2) has taken appropriate measures consistent with its laws and domestic procedures to prevent transshipment and circumvention from taking place.

Senate amendment

The Senate bill provides that if the President determines that an exporter has engaged in transshipment with respect to textile and apparel products from a beneficiary country, the President shall deny all enhanced benefits to such exporter and any successor for a period of 2 years. In cases where the President has requested a beneficiary country to take action to prevent transshipment and the country has failed to do so, the President shall reduce the quantities of textile and apparel articles that may be imported into the U.S. from that country by three times the quantity of articles transshipped.

Conference agreement

The Conference Agreement merges the House and Senate provisions, but clarifies that the President may only "triple-charge" quotas to the extent that such action is consistent with WTO rules. The conferees believe these transshipment provisions will address concerns that increasing trade with the Caribbean Basin region could result in illegal transshipment of textile and apparel products through the region.

F. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM

Present law

Rum and beverages made with rum are eligible for duty-free entry into the United States both under the CBI program and NAFTA, provided that they meet the CBI or NAFTA rules of origin and other requirements. When Caribbean rum is processed in Canada into a rum beverage and the beverage is exported from Canada into the United States, it is not eligible for duty-free treatment under either the CBI or NAFTA. Specifically, the beverage is ineligible for duty-free treatment under CBI, because it is not shipped directly from a beneficiary country to the United States as the CBI rules require. The beverage does not qualify for NAFTA duty-free treatment, because the processing in Canada is not sufficient to qualify it as a NAFTA "originating good."

House bill

No provision, however section 106 of H.R. 984, as approved by the Committee on Ways and Means, amends the CBERA to accord duty-free treatment to certain beverages imported from Canada if: 1) the rum is the growth, product, or manufacture of a beneficiary country or the U.S. Virgin Islands; 2) the rum is imported directly into Canada, and the beverages made from it are imported directly from Canada into the United States; and 3) the rum accounts for at least 90 percent by volume of the alcoholic content of the beverages. This provision would ensure that certain rum beverages that originate in the CBI, but which are processed in Canada, are not denied duty-free treatment under the CBERA.

Senate amendment

No provision.

Conference agreement

Adopt provisions from H.R. 984.

G. MEETING OF CARIBBEAN TRADE MINISTERS AND USTR

Present law

No provision.

House bill

No provision, however section 107 of H.R. 984, as approved by the Committee on Ways and Means directs the President to convene a meeting with the trade ministers of CBI partnership countries in order to establish a schedule of regular meetings, to commence as soon as practicable, of the trade ministers and USTR. The purpose of the meetings is to advance consultations between the United States and partnership countries concerning the likely timing and procedures for initiating negotiations for partnership countries to: (1) accede to NAFTA; or (2) enter into comprehensive, mutually advantageous trade agreements with the United States that contain comparable provisions to NAFTA, and would make substantial progress in achieving the negotiation objectives listed in Section 108(b)(5) of Public Law 103–182. This provision is intended to encourage the United States Trade Representative to expand efforts to increase trade with countries in the Caribbean Basin region.

Senate amendment

No provision.

Conference agreement

Adopt provision of H.R. 984, with minor amendments.

TITLE III—NORMAL TRADE RELATIONS

SEC. 301. PERMANENT NORMAL TRADE RELATIONS FOR ALBANIA

Present law

Albania's trade status is currently governed by title IV of the Trade Act of 1974, as amended by the Customs and Trade Act of 1990 (title IV). Section 402 of title IV (also known as the Jackson-Vanik amendment) sets forth requirements relating to freedom of emigration, which must be met or waived by the President in order for the President to grant nondiscriminatory normal trade relations (NTR) status to non-market economy countries. Title IV also requires that a trade agreement remain in force between the United States and a non-market economy country receiving NTR status and sets forth minimum provisions which must be included in such agreement.

Albania, which was first granted NTR status in 1992, was found to be in full compliance with the Jackson-Vanik freedom of emigration requirements on December 5, 1997. Since then, NTR has been granted to Albania subject to semiannual review and disapproval by a Joint Resolution of Congress.

House bill

No provision.

Senate amendment

Section 701 of the Senate amendment authorizes the President to determine that title IV should no longer apply to Albania and to proclaim permanent normal trade relations (PNTR) for Albania. Application of title IV shall terminate with respect to Albania on the effective date of the President's extension of PNTR.

Conference agreement

The House recedes to the Senate.

The conferees note that Albania has concluded a bilateral investment treaty with the United States and been very cooperative with NATO and the international community during and after the Kosova crisis. Albania is also currently negotiating to join the World Trade Organization.

SEC. 302. PERMANENT NORMAL TRADING RELATIONS FOR KYRGYZSTAN

Present law

Kyrgyzstan's NTR status is currently governed by title IV of the Trade Act of 1974, as amended by the Customs and Trade Act of 1990 (title IV). Section 402 of title IV (also known as the Jackson-Vanik amendment) sets forth requirements relating to freedom of emigration, which must be met or waived by the President in order for the President to grant nondiscriminatory normal trade relations (NTR) status to non-market economy countries. Title IV also requires that a trade agreement remain in force between the United States and a non-market-economy country receiving NTR status and sets forth minimum provisions which must be included in such agreement.

Kyrgyzstan, which was granted NTR in 1992, was found to be in full compliance with the Jackson-Vanik freedom of emigration requirements on December 5, 1997. Since then, NTR has been granted to Kyrgyzstan subject to semiannual review, and disapproval by a Joint Resolution of Congress.

Kyrgyzstan joined the World Trade Organization (WTO) on December 20, 1998, and the United States was forced to invoke Article XIII of the Agreement Establishing the World Trade Organization, which allows the United States to withhold application of the WTO Agreements with respect to Kyrgyzstan until the United States extends it permanent normal trade relations status.

House bill

No provision.

Senate amendment

Section 702 of the Senate amendment authorizes the President to determine that title IV should no longer apply to Kyrgyzstan and to proclaim PNTR for Kyrgyzstan. Application of title IV shall terminate with respect to Kyrgyzstan on the effective date of the President's extension of PNTR.

Conference agreement

The House recedes to the Senate.

The conferees recognize that title IV of the Trade Act of 1974 has promoted the right to emigrate. Since the dissolution of the Soviet Union, minority groups have secured the return of communal properties confiscated during the Soviet period, thereby facilitating the reemergence of communal organizations and participation in domestic affairs. Based upon the report on compliance with title IV, the conferees conclude that Kyrgyzstan is in compliance with the emigration provisions of title IV and should be graduated from title IV, thereby permitting the extension of permanent normal trade relations to Kyrgyzstan.

With respect to national minorities, the conferees note that the member states of the Organization for Security and Cooperation in Europe (OSCE), including the former USSR and its successor states, have committed to "adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality . . . individually as well as in community with other members of their group."

The conferees note that Kyrgyzstan is the first former Soviet state to be graduated from Jackson-Vanik and expect that the graduation of other successor states to the former Soviet Union will be contingent upon a thorough public assessment of their laws and policies regarding emigration.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. REPORT ON EMPLOYMENT AND TAA

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from or production shifts to Canada and/or Mexico.

House bill

No provision.

Senate amendment

Section 703 of the Senate amendment requires GAO to submit a report to Congress within 9 months after the date of enactment offering specific data and recommendations concerning the effectiveness and efficiency of inter-agency and federal-state coordination of a number of worker training programs, including the general TAA program for workers, the NAFTA Transitional Adjustment Assistance program, the Workforce Investment Act of 1998 and the federal unemployment insurance program. GAO would be required to examine the compatibility of the existing worker retraining/compensation programs, the effects of foreign trade and shifts in production on workers in the United States and the impact that the trade effects and production shifts have had on "secondary" workers, i.e., those whose jobs are affected indirectly by import competition because their customers were adversely affected by imports or production shifts. The amendment responds to the concern that there are conflicting requirements in the worker retraining programs, including eligibility requirements and the benefits available. It also aims at establishing an objective assessment of the impact of imports and production shifts on job loss in the United States.

Conference agreement

The House recedes to the Senate.

SEC. 402. TRADE ADJUSTMENT ASSISTANCE

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from or production shifts to Canada and/or Mexico. Under the general TAA program for workers, a worker must be certified by the Secretary of Labor as eligible for benefits before applying for the assistance. A worker is not eligible for benefits, however, if they have applied for such assistance after the expiration of the 2-year period beginning with the worker's initial certification for benefits by the Secretary of Labor.

House bill

No provision.

Senate amendment

Section 704 of the Senate amendment provides that a group of workers who will lose their jobs at a nuclear power plant in Oregon that is closing would be eligible for TAA benefits, notwithstanding the fact that their original eligibility for TAA benefits, as determined by the Labor Department, expired more than two years ago. In 1993, the Department of Labor certified workers at a nuclear power plant near Portland, Oregon, as eligible for TAA benefits as a result of increased competition from imports of electricity from British Columbia. The plant was slated to be shut down and has been going through the decommissioning process since that time. Because of the length of time it takes to decommission a nuclear power plant, a number of workers kept their jobs for several years and would otherwise be ineligible for TAA benefits because of the expiration of the initial certification. This provision would reinstate their eligibility for TAA.

Conference agreement

The House recedes to the Senate.

SEC. 403. RELIQUIDATION OF CERTAIN NUCLEAR FUEL ASSEMBLIES

Present law

Nuclear fuel rods containing fuel elements are classifiable under Harmonized Tariff System (HTS) subheading 8401.30.00, which provides for "fuel elements (cartridges), non-irradiated, and parts thereof." Prior to the adoption of the HTS in 1989, these fuel elements were classifiable in a separate duty free provision under the Tariff Schedules of the United States Annotated (TSUSA).

House bill

No provision.

Senate amendment

Section 708 authorizes the Secretary of the Treasury, upon a proper request filed no later than 90 days after the enactment of the Act, to reliquidate as free of duty five identified entries of nuclear fuel assemblies, and refund duties paid on each identified entry, including duties paid on October 4, 1994, referenced in Customs Service Collection Receipt Number 527006753.

Conference agreement

The House recedes to the Senate, with an amendment to correct a date of entry.

SEC. 404. REPORTS TO THE FINANCE AND WAYS AND MEANS COMMITTEES

Present law

Section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (112 Stat. 2681–224) directs the Administration to report to certain Congressional Committees on various issues. Among these were a certification by the Treasury Secretary and the Chairman of the Federal Reserve Board that the International Monetary Fund is requiring borrowers to liberalize restrictions on trade in goods and services, consistent with the terms of all international trade agreements of which the borrowing country is a signatory. The Secretary of the Treasury is also directed to periodically report on the progress of efforts to reform the architecture of the international monetary system, with a focus on minimizing disruptions in patterns of trade.

Section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r–3(b)) requires the Secretary of the Treasury to report to certain Congressional Committees semiannually on financial stabilization programs led by the IMF in connection with financing from the Exchange Stabilization Fund. The reports are to include a description of the degree to which recipient countries are ensuring that no government subsidies or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries. Also, the report is to include a description of the trade policies of the countries involved, including any unfair trade practices or adverse effects of the trade policies on the U.S.

Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)) requires the Secretary of the Treasury to report to certain Congressional committees annually on the state of the international financial system.

Section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)) requires the Comptroller General to report to certain Congressional committees on the trade policies of IMF borrower countries.

Section 629 of the Treasury and General Government Appropriations Act, 1999 requires the Administration to report to certain Congressional committees on the protection of United States borders against drug traffic.

Although each of these reports is required to address international trade issues, none are specifically directed to the Senate Finance or House Ways and Means Committees.

House bill

No provision.

Senate amendment

Sec. 710 of the Senate amendment includes the Finance and Ways and Means Committees among those Congressional Committees receiving the certifications and reports on international trade and international economic issues which are otherwise mandated by section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (Pub. L. 105–277; 112 Stat. 2681–224); section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r–3(b)); section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)); section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)); section 629 of the Treasury and General Government Appropriations Act, 1999.

Conference agreement

The House recedes to the Senate.

SEC. 405. CLARIFICATION OF SECTION 334 OF THE URUGUAY ROUND AGREEMENTS ACT

Present law

Section 334 of the Uruguay Round Agreements Act (URAA) (P.L. 103–465) (1994), commonly referred to as the Breaux-Cardin rules of origin for textile and apparel, directed the Secretary of the Treasury to prescribe rules for determining the origin of textile and apparel products. Under those new rules, fabrics and certain products (such as scarves and handkerchiefs) derive their origin in the country where the fabric is woven or knitted (notwithstanding any further processing such as dyeing and printing). In addition, the country of origin of any other textile or apparel product is the country in which the textile or apparel product is wholly assembled. Under the multicountry rule, origin is conferred in the country in which the most important assembly or manufacturing process occurs, or if origin cannot be determined in this manner, origin is conferred in the last country in which important assembly or manufacturing occurs.

House bill

No provision.

Senate amendment

Section 711 would reinstate the rules of origin that existed prior to URAA for certain products. Specifically, the amendment would confer origin as the country in which dyeing, printing, and two or more finishing operations were done on fabrics classified under the HTS as of silk, cotton, man-made, and vegetable fibers. This rule would also apply to various products classified in 18 identified HTS subheadings (mostly flat products) except for goods made from cotton, wool, or fiber blends containing 16 percent or more of cotton.

Conference agreement

The House recedes to the Senate.

Prior to the Breaux-Cardin enactment, the rules of origin permitted the processes of dyeing and printing to confer origin when accompanied by two or more finishing operations for certain products. Under the new regulations prescribed by the Secretary of the Treasury, certain fabrics, silk handkerchiefs and scarves were considered to originate where the base fabric was knit and woven, notwithstanding any further processing.

In May 1997, the European Union (EU) requested consultations in the World Trade Organization (WTO) with the United States, charging that the changes to the rules of origin made by URAA violated United States obligations under a number of agreements: the Agreement on Textiles and Clothing, the Agreement on Rules of Origin, the Agreement on Technical Barriers to Trade, and the General Agreement on Tariffs and Trade. A number of countries requested third-party participation in the dispute. A "process-verbal" was concluded between the two countries in July 1997, which was later amended. Formal consultations were held in January 1999.

In August 1999, the United States and the EU agreed to settle the dispute. A second "process-verbal" concluded between the two countries obligates the U.S. Administration to submit legislation which, as described above, amends the rule-of-origin requirements in section 334 of the URAA in order to allow dyeing, printing, and two or more finishing operations to confer origin on certain fabrics and goods. In particular, this dyeing and printing rule would apply to fabrics classified under the Harmonized Tariff Schedule (HTS) as silk, cotton, man-made, and vegetable fibers. The rule would also apply to the various products classified in 18 specific subheadings of the HTS listed in the bill, except for goods made from cotton, wool, or fiber blends containing 16 percent or more of cotton.

SEC. 406. CHIEF AGRICULTURAL NEGOTIATOR

Present law

Currently, a special Trade Negotiator with the rank of Ambassador serves as the Chief Negotiator for agricultural trade in the Office of the United States Trade Representative. The position is not established in statute.

House bill

No provision.

Senate amendment

Section 712 amends section 141 of the Trade Act of 1974 ((19 U.S.C.) 2171) to establish in statute within the Office of the United States Trade Representative a Chief Agricultural Negotiator with the rank of Ambassador who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative or the Chief Agricultural Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance.

The principal function of the Chief Agricultural Negotiator shall be to conduct trade negotiations, enforce trade agreements relating to United States agricultural products and service, and be a vigorous advocate on behalf of United States agricultural interests.

Conference agreement

The House recedes to the Senate.

SEC. 407. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION

Present law

No provision.

House bill

No provision.

Senate amendment

Section 713 of the Senate amendment amends the Trade Act of 1974 to require the United States Trade Representative (USTR) to make periodic revisions of retaliation lists 120 days from the date the retaliation list is made and every 180 days thereafter. The purpose of this provision is to facilitate efforts by the USTR to enforce the rights of the United States in instances where another World Trade Organization (WTO) member fails to comply with the results of a dispute settlement proceeding.

Conference agreement

The House recedes to the Senate. The conferees added language that requires the USTR to include on any retaliation list reciprocal goods of the industries affected by the failure of the World Trade Organization member to implement the decision of the WTO. This new provision does not apply when the preliminary or initial retaliation list does not include any reciprocal goods of the industries affected.

The conferees are of the view that compliance with dispute settlement panel and Appellate Body decisions is essential to the successful operation of the WTO. This objective has been threatened by non-compliance in some recent cases brought by the United States—particularly in disputes with the European Union involving beef and bananas.

It is the view of the Conferees that this provision affirms authority already available to the U.S. Trade Representative under the Trade Act of 1974. It is further the view of the conferees that this provision is consistent with the United States international obligations under the Dispute Settlement Understanding of the WTO, and that the USTR would retain ample discretion and authority to ensure that retaliation implemented by the United States remained within the levels authorized by the WTO. As the provision makes clear, actions taken by the USTR are intended to be structured carefully and to effectuate substantial changes that will maximize the likelihood of compliance by the losing member. The Ways and Means and Finance Committees will monitor those actions to ensure that changes are made consistent with that intention.

With regard to pending cases in which the United States has taken retaliatory measures, and in which the initial timetable for action laid out in the provision has already passed, the conferees expect that the USTR will undertake the initial action required by the provision no later than 30 days after the enactment of the law, and will undertake any subsequently required action every 180 days thereafter. It is also the sense of the conferees that USTR should vigorously defend the authority granted under the statute with its trading partners.

SEC. 408. REPORT ON TAA FOR AGRICULTURAL COMMODITY PRODUCERS

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from or production shifts to Canada and/or Mexico.

House bill

No provision.

Senate amendment

Section 715 of the Senate amendment requires that the Secretary of Labor, not later than 4 months after enactment of the provision and in consultation with the Secretary of Agriculture and Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that examines the applicability to farmers of trade adjustment assistance programs under title II of the Trade Act of 1974. The report will also set forth recommendations to improve the operation of those programs as they apply to farmers or to establish a new trade adjustment assistance program for farmers.

Conference agreement

The House recedes to the Senate.

SEC. 409 AGRICULTURE TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS

Present law

No provision.

House bill

No provision.

Senate amendment

Section 723 of the Senate amendment consists of three sections. The first section lists findings of the Congress. The second section contains the specific agricultural negotiating objectives of the United States for the World Trade Organization's agriculture negotiations mandated by the Uruguay Round. The third section mandates consultations with Congress at specific points during the negotiations.

Conference Agreement

The House recedes to the Senate.

SEC. 410. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS

Present law

Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) sets forth the procedures for the entry of merchandise imported into the United States. Under section 484, the Customs Service has permitted a limited weekly entry procedure for foreign trade zones (FTZ) since May 12, 1986 (as authorized by T.D. 86-16, 51 Fed. Reg. 5040). This procedure has been limited to merchandise which is manufactured or changed into its final form just prior to its transfer from the zone. Section 637 of the Customs Modernization Act (included as title VI of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057) provided the Customs Service with additional statutory support for the weekly entry procedure.

House bill

No provision.

Senate amendment

Sec. 302 of the Senate amendment amends Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) to allow merchandise withdrawn from a foreign-trade zone during a week (i.e., any 7 calendar day period) to be the subject of a single entry, at the option of the zone operator or user. Such an entry is treated under the new provision as a single entry or release of merchandise for purposes of assessment of the merchandise processing fee of 19 U.S.C. 8c(a)(9)(A) and thus may not be assessed such fee in excess of the fee limitations provided for under 19 U.S.C. 58c(b)(8)(A)(i). All other pertinent exceptions and exclusions from the merchandise processing fee would also apply, as appropriate. The amendment establishes a new section 19 U.S.C. 1484(a)(3). The provision is self executing and accordingly does not require the issuance of implementing regulations by the Secretary of the Treasury in order for it to go into effect.

The net effect of the provision is to require Customs to expand the weekly entry system (which currently is only available to certain manufactured goods) to permit FTZ operators and users to use a weekly entry system, under certain limitations, if they so choose. This expanded procedure allows for goods stored in a FTZ for the purpose of warehouse and distribution to be removed from the zone under a weekly Customs entry process. This provision would also mean that the merchandise processing fee (MPF) that Customs collects would be collected on the basis of that single weekly entry at the same rate applicable to any other single entry of such merchandise into the Customs territory of the United States.

Conference agreement

The House recedes to the Senate.

While the Customs Service issued proposed regulations to expand the weekly entry system (62 Fed. Reg. 12129 (March 14, 1997) consistent with Congress' intent as set out in the Customs Modernization Act, those regulations were never finalized. The conferees intend the new provision to remedy that failure by requiring such treatment as a matter of law.

The new provision is not intended to qualify, limit or restrict any foreign-trade zone weekly entry procedures now in effect. Rather, it is intended to broaden the availability of weekly entry procedures to all zones, including general purpose zones and special purpose subzones, and to all zone operations and processes authorized by law. Consistent with the Foreign Trade Zones Act, the new procedure is available for merchandise of every description, except such as is prohibited by law, regardless of whether such merchandise is of the same class, type or category or of different classes, types, and categories.

The conferees are mindful of the revenue impact of this expanded procedure, but the conferees also believe that, consistent with the notion of a user fee, the MPF is not a revenue raiser for Customs expenses, but instead is intended to cover the cost of the service U.S. Customs provides.

The conferees also believe that the Customs Service pilot procedure to expand the weekly entry filing procedures to activities other than manufacturing operations is consistent with Congress' intent relating to periodic entry for weekly entries for merchandise from general purpose foreign trade zones, as set out in the Mod Act. Section 637 of the Mod Act, which amended 19 U.S.C. 1484 concerning the entry of merchandise generally, among other things, provides further statutory support for the weekly entry procedure. Part 1, page 136 of the Ways and Means NAFTA Implementation Act Report (103-361) reflects the intent of Congress. The report states, "in developing the regulations for periodic entry, the Committee intends that Customs will allow for weekly and monthly entries for merchandise shipments from general purpose foreign trade zones and subzones."

SEC. 411. GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR

Present law

Section 307 of the Tariff Act of 1930 prohibits the importation of articles made by convict labor or/and forced labor or/and indentured labor under penal sanctions.

House bill

No provision.

Senate amendment

Section 707 of the Senate bill amends section 307 of the Tariff Act of 1930 to clarify that the ban on articles made with forced or/and indentured labor includes those articles made with forced or/and indentured child labor.

Conference agreement

The House recedes to Senate.

SEC. 412. WORST FORMS OF CHILD LABOR

Present law

No provision.

House bill

No provision.

Senate amendment

Section 722 provides that no benefits under the Act (with respect to the provisions covering sub-Saharan Africa, CBI, or GSP) shall be granted to countries that fail to meet and effectively enforce the standards established by ILO Convention No. 182 on the Worst Forms of Child Labor.

Conference agreement

The conference agreement adds a new eligibility criterion to the Generalized System of Preferences so that the President shall not designate a country for benefits if it has not implemented its obligations to eliminate the worst forms of child labor. The conference agreement adopts the GSP program's standard for purposes of the eligibility criteria applicable to the additional trade benefits extended to African beneficiary countries. The conferees intend that the GSP standard, including the provision with respect to implementation of obligations to eliminate the worst forms of child labor, apply to eligibility for those additional benefits.

The conferees note the tremendous progress on the elimination of the worst forms of child labor accomplished in the International Labor Organization through the unanimous approval of ILO Convention No. 182. The conferees believe that the practices described in the Convention, as agreed by all ILO members, represent heinous activities that should not be tolerated. For this reason the conferees are willing for the first time to include an eligibility criterion relating to whether a country has implemented its obligations to eliminate the worst forms of child labor. The conferees recognize that the convention represents the international standard on the worst forms of child labor and have accordingly defined the worst forms of child labor using the definition in ILO Convention No. 182.

It is the expectation of the conferees that the beneficiaries of the Africa, CBI and GSP programs will join the United States in ratifying ILO Convention No. 182 as soon as possible and promptly come into compliance with the procedural requirements of that convention including the submission to the ILO of the National Action Plans required by the convention, the designation of a competent authority responsible for the implementation of the convention and the submission of annual reports to the ILO identifying steps taken to implement the provisions of the convention.

In determining whether a country is complying with the terms of section 502(b)(2)(G) with respect to GSP (and related provisions with respect to benefits for sub-Saharan Africa), the conferees intend that the President consider (1) whether the country has adequate laws and regulations proscribing the worst forms of child labor; (2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures; (3) whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor; (4) whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and to assist with the removal of children engaged in the worst forms of child labor; (5) whether the country has a comprehensive policy for the elimination of the worst forms of child labor; and (6) whether the country is making continual progress toward eliminating the worst forms of child labor.

The conferees intend that the phrase "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children" be defined as provided in Article II of Recommendation No. 190, which accompanies ILO Convention No. 182. Accordingly, work that is "likely to harm the health, safety or morals of children" includes work that exposes children to physical, psychological, or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment or tools, or work under circumstances which involve the manual handling or transport of heavy loads; work in an unhealthy environment that exposes children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and work under particularly difficult conditions such as for long hours, during the night or under conditions where children are unreasonably confined to the premises of the employer.

The conferees further intend that the phrase "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children" be interpreted in a manner consistent with the intent of Article 4 of ILO Convention No. 182, which states that such work shall be determined by national laws or regulations or by the competent authority in the country involved. In addition, the conferees intend that the phrase generally not apply to situations in which children work for their parents on bona fide family farms or holdings.

The conferees expect that the Secretary of Labor, in preparing the report required under section 504, will invite public comment to assist in the preparation of his or her findings to be incorporated in each annual report. The conferees expect that the President, in making determinations under section 504(d) with respect to the withdrawal, suspension or limitation of benefits, will take into account the findings of the Secretary of Labor.

TITLE V—IMPORTS OF CERTAIN WOOL ARTICLES

Present law

Under current law, worsted wool fabric imported into the United States is subject to tariffs of 29.4 percent, whereas apparel articles made from such fabric, such as men's suits, may be imported at a tariff rate of 19.3 percent. By applying a higher tariff to the input product, the tariff schedule provides an incentive for the importation of the more-labor intensive and higher-value-added apparel item. That inversion has been compounded by the reduction of tariffs applicable to men's wool suits under U.S. free trade agreements, with the effect that U.S. suitmakers face a still more considerable competitive disadvantage relative to imports of suits from Canada and Mexico because the difference in tariffs applicable to worsted wool fabric relative to the zero rate of duty paid on imports of suits is the full 19.3 percent of the tariff applicable to fabric imported by such manufacturers.

House bill

No provision.

Senate amendment

Section 721 of the Senate amendment expresses the sense of the Senate that United States trade policy should, taking into account the conditions among U.S. producers, place a priority on the elimination of tariff inversions that undermine the competitiveness of United States consuming industries.

Conference agreement

The conferees agree to reduce tariffs on worsted wool fabric intended for use in the manufacture of men's suits, suit-type jackets, and trousers in order to limit the tariff inversion U.S. suit-makers face in the purchase of such fabric. For worsted wool fabric containing greater than or equal to 85 percent wool intended for use in the suit market made from fiber averaging 18.5 micron or less in diameter, the applicable tariff would be reduced from the current U.S. rate on such fabric to a level equivalent to the current Canadian "most favored nation" ("MFN") rate applicable to imports of such fabric, to a quantity equaling 1.5 million square meter equivalents each year. For worsted wool fabric of the type used in the manufacture of men's suits made from fiber greater than 18.5 micron, the applicable tariff would be reduced from the current U.S. rate on such fabric to the current U.S. rate on worsted wool suit-type jackets, up to a quantity equaling 2.5 million square meter equivalents each year. The conference agreement suspends the current U.S. tariff on worsted wool yarn containing greater than or equal to 85 percent wool of average fiber diameter of 18.5 micron or finer and on wool fiber and wool top made from wool fiber of an average diameter of 18.5 micron and finer from the current U.S. normal trade relations (NTR) rate to zero.

The conference agreement also authorizes the President to grant additional tariff relief on wool fabric of up to 1 million square meter equivalents per year for worsted wool fabric from fiber of 18.5 micron and finer and up to 1 million square meter equivalents per year for worsted wool fabric from fiber greater than 18.5 micron. Expanding the quantity of fabric to which the tariff reductions would apply would depend each year on the President's determination with respect to then-current market conditions in the United

States markets for suits, fabric, yarn and fiber. In particular, the President should focus on growth in production and the relative competitiveness and health of both the suit-making and fabric manufacturing industries in the United States.

Under the conference agreement, the President is obliged to monitor market conditions in the United States and, toward that end, establish statistical suffixes in the Harmonized Tariff Schedule sufficient for the collection of certain data on imports of worsted wool fabric and apparel. The President has residual authority to reduce the applicable tariffs on imports of worsted wool fabric in order to take into account any staged reductions in the U.S. tariff rate applicable to worsted wool suits and the Canadian tariff rate applicable to worsted wool fabric that serve as benchmark rates under the conference report.

The conference report requires the President or his or her designee to allocate the available tariff relief on worsted wool fabric among manufacturers of the apparel items identified in the agreement based on historical production. The same principle would apply to the President's allocation of other tariff relief provided under these provisions of the conference agreement.

The conference agreement also provides for the refund of certain duties in each of three succeeding years on imports of worsted wool fabric used in men's and boys' suits, suit-type jackets and trousers, worsted wool yarn, wool fiber and wool top. In each instance, a U.S. manufacturer of a downstream product would be eligible for a refund of duties currently paid on certain inputs up to an amount that is one-third of the duties actually paid by such importing U.S. manufacturer on such items in calendar year 1999. In the case of worsted wool fabric, for example, a U.S. suit-maker would be eligible to claim a refund during calendar year 2000 for one-third of the duties paid on such fabric during calendar year 1999. The same refund schedule applies to a fabric-maker's importation of wool yarn, wool fiber, and wool top.

The conference agreement creates a fund for research and market development for American wool-growers that would assist in disseminating information that would help the industry improve the quality of the fiber provided and its production methods. The conference report sets aside duties collected under the HTS chapter relating to the products covered by these provisions—wool fiber and top and worsted wool yarn and fabric up to an amount of $2.25 million per year in each fiscal year from 2000–2003. It is the intent of the conferees that the United States Department of Agriculture shall designate an experienced cooperator such as the American Wool Council as the trust fund's representative for the purposes of this provision.

The conferees direct the President to determine what mechanisms are available under the North American Free Trade Agreement (NAFTA), the World Trade Organization and U.S. domestic law to alleviate the serious injury to the U.S. wool suit and fabric industries as a result of the Canadian wool tariff preference level under the NAFTA. The President shall recommend that the U.S. Trade Representative undertake the appropriate steps necessary to help remedy the adverse effect on this sector's competitiveness, and shall report his recommendations to the Committee on Ways and Means of the House of Representatives and the Senate Committee on Finance by January 1, 2001.

TITLE VI—REVENUE PROVISIONS

A. LIMITATION ON THE USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING

(SEC. 21 OF THE HOUSE BILL, SEC. 504 OF THE SENATE AMENDMENT, AND SEC. 448 OF THE CODE)

Present law

An accrual method taxpayer generally must recognize income when all the events have occurred that fix the right to receive the income and the amount of the income can be determined with reasonable accuracy. An accrual method taxpayer may deduct the amount of any receivable that was previously included in income that becomes worthless during the year.

Accrual method taxpayers are not required to include in income amounts to be received for the performance of services which, on the basis of experience, will not be collected (the "non-accrual experience method"). The availability of this method is conditioned on the taxpayer not charging interest or a penalty for failure to timely pay the amount charged. The Secretary of the Treasury has published temporary regulations[1] requiring the use of a formula comparing receivables not collected to total receivables earned during the testing period in determining the portion of the amount which, on the basis of experience, will not be collected. The temporary regulations provide that no other method or formula may be used by a taxpayer in determining the uncollectible amounts under this subsection.

A cash method taxpayer is not required to include an amount in income until it is received. A taxpayer generally may not use the cash method if purchase, production, or sale of merchandise is an income producing factor. Such taxpayers generally are required to keep inventories and use an accrual method of accounting. In addition, corporations (and partnerships with corporate partners) generally may not use the cash method of accounting if their average annual gross receipts exceed $5 million. An exception to this $5 million rule is provided for qualified personal service corporations. A qualified personal service corporation is a corporation (1) substantially all of whose activities involve the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts or consulting and (2) substantially all of the stock of which is owned by current or former employees performing such services, their estates or heirs. Qualified personal service corporations are allowed to use the cash method without regard to whether their average annual gross receipts exceed $5 million.

House bill

The House bill provides that the non-accrual experience method will be available only for amounts to be received for the performance of qualified personal services. Amounts to be received for the performance of all other services will be subject to the general rule regarding inclusion in income. Qualified personal services are personal services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts or consulting. As under present law, the availability of the method is conditioned on the taxpayer not charging interest or a penalty for failure to timely pay the amount.

Effective date.—The provision of the House bill is effective for taxable years ending after the date of enactment. Any change in the taxpayer's method of accounting necessitated as a result of the proposal will be treated as a voluntary change initiated by the taxpayer with the consent of the Secretary of the Treasury. Any required section 481(a) adjustment is to be taken into account over a period not to exceed four years under principles consistent with those in Rev. Proc. 99–49.[2]

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement does not include the House bill or the Senate amendment provision.

B. ADD CERTAIN VACCINES AGAINST STREPTOCOCCUS PNEUMONIAE TO THE LIST OF TAXABLE VACCINES

(SEC. 22 OF THE HOUSE BILL AND SECS. 4131 AND 4132 OF THE CODE)

Present law

A manufacturer's excise tax is imposed at the rate of 75 cents per dose (sec. 4131) on the following vaccines recommended for routine administration to children: diphtheria, pertussis, tetanus, measles, mumps, rubella, polio, HIB (haemophilus influenza type B), hepatitis B, varicella (chicken pox), and rotavirus gastroenteritis. In addition, the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106–170, December 17, 1999) added any conjugate vaccine against streptococcus pneumoniae to the list of taxable vaccines. The tax applied to any vaccine that is a combination of vaccine components equals 75 cents times the number of components in the combined vaccine.

Amounts equal to net revenues from this excise tax are deposited in the Vaccine Injury Compensation Trust Fund ("Vaccine Trust Fund") to finance compensation awards under the Federal Vaccine Injury Compensation Program for individuals who suffer certain injuries following administration of the taxable vaccines. This program provides a substitute Federal, "no fault" insurance system for the State-law tort and private liability insurance systems otherwise applicable to vaccine manufacturers and physicians. All persons immunized after September 30, 1988, with covered vaccines must pursue compensation under this Federal program before bringing civil tort actions under State law.

House bill

The House bill would add any conjugate vaccine against streptococcus pneumoniae to the list of taxable vaccines.

Senate amendment

No provision.

Conference agreement

No provision. However, the provision was enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

C. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS

(SEC. 501 OF THE SENATE AMENDMENT AND SECS. 453 AND 453A OF THE CODE)

Present law

The installment method of accounting allows a taxpayer to defer the recognition of income from the disposition of certain property until payment is received. Sales to customers in the ordinary course of business are not eligible for the installment method, except for sales of property that is used or produced in the trade or business of farming and sales of timeshares and residential lots if an election to pay interest under section 453(l)(2)(B)) is made. The Ticket to Work and Work Incentives Improvement Act of 1999 prohibits the use of the installment method for a transaction that would otherwise be required to be reported using the accrual method of accounting, effective for dispositions occurring on or after December 17, 1999.

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[1] Treas. Reg. sec. 1.448-2T.

[2] 1999-52 I.R.B. 725.

A pledge rule provides that if an installment obligation is pledged as security for any indebtedness, the net proceeds[3] of such indebtedness are treated as a payment on the obligation, triggering the recognition of income. Actual payments received on the installment obligation subsequent to the receipt of the loan proceeds are not taken into account until such subsequent payments exceed the loan proceeds that were treated as payments. The pledge rule does not apply to sales of property used or produced in the trade or business of farming, to sales of timeshares and residential lots where the taxpayer elects to pay interest under section 453(l)(2)(B), or to dispositions where the sales price does not exceed $150,000. The Ticket to Work and Work Incentives Improvement Act of 1999 provides that the right to satisfy a loan with an installment obligation will be treated as a pledge of the installment obligation, effective for dispositions occurring on or after December 17, 1999.

House bill

No provision.

Senate amendment

The Senate amendment contains provisions prohibiting the use of the installment method for a transaction that would otherwise be required to be reported using the accrual method of accounting and expanding the pledge rule.

Conference agreement

No provision. The provisions in the Senate amendment were enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

D. Impose Limitation on Prefunding of Certain Employee Benefits

(SEC. 502 OF THE SENATE AMENDMENT AND SECS. 419A AND 4976 OF THE CODE)

Present law

Under present law, contributions to a welfare benefit fund generally are deductible when paid, but only to the extent permitted under the rules of sections 419 and 419A. The amount of an employer's deduction in any year for contributions to a welfare benefit fund cannot exceed the fund's qualified cost for the year minus the fund's after-tax income for the year. With certain exceptions, the term qualified cost means the sum of (1) the amount that would be deductible for benefits provided during the year if the employer paid them directly and was on the cash method of accounting, and (2) within limits, the amount of any account consisting of assets set aside for the payment of disability benefits, medical benefits, supplemental unemployment compensation or severance pay benefits, or life insurance benefits. The account limit for a qualified asset account for a taxable year is generally the amount reasonably and actuarially necessary to fund claims incurred but unpaid (as of the close of the taxable year) for benefits with respect to which the account is maintained and the administrative costs incurred with respect to those claims. Specific additional reserves are allowed for future provisions of post-retirement medical and life insurance benefits.

The deduction limits of sections 419 and 419A for contributions to welfare benefit funds do not apply in the case of certain 10-or-more employer plans. A plan is a 10-or-more employer plan if (1) more than one employer contributes to it, and (2) no employer is normally required to contribute more than 10 percent of the total contributions contributed under the plan by all employers. The exception is not available if the plan maintains experience-rating arrangements with respect to individual employers.

If any portion of a welfare benefit fund reverts to the benefit of an employer, an excise tax equal to 100 percent of the reversion is imposed on the employer.

House bill

No provision.

Senate amendment.

The Senate amendment limits the present-law exception to the deduction limit for 10-or-more employer plans to plans that provide only medical benefits, disability benefits, and qualifying group-term life insurance benefits to plan beneficiaries. The legislative history provides that it is intended that a plan will not be treated as failing to provide only medical benefits, disability benefits, and qualifying group-term life insurance benefits to plan beneficiaries merely because the plan provides certain de minimis ancillary benefits addition to medical, disability, and qualifying group-term life insurance benefits (e.g., accidental death and dismemberment insurance, group-term life insurance coverage for dependents and directors, business travel insurance, and 24-hour accident insurance). Such ancillary benefits are considered de minimis only if the total premiums for all such insurance coverages for the year do not exceed 2 percent of the total contributions to the plan for the year for all employers. Of course, any benefits provided are includable in income unless expressly excluded under a specific provision under the Code.

The legislative history also provides that, for purposes of this provision, qualifying group-term life insurance benefits do not include any arrangements that permit a plan beneficiary to directly or indirectly access all or part of the account value of any life insurance contract, whether through a policy loan, a partial or complete surrender of the policy, or otherwise. The legislative history provides that it is intended that qualifying group-term life insurance benefits do not include any arrangement whereby a plan beneficiary may receive a policy without a stated account value that has the potential to give rise to an account value whether the exchange of such policy for another policy that would have an account value or otherwise.

Under the Senate amendment, the 10-or-more employer plan exception is no longer available with respect to plans that provide supplemental unemployment compensation, severance pay, or life insurance (other than qualifying group-term life insurance) benefits. Thus, the generally applicable deduction limits (sections 419 and 419A) apply to plans providing these benefits.

In addition, if any portion of a welfare benefit fund attributable to contributions that are deductible pursuant to the 10-or-more employer exception (and earnings thereon) is used for a purpose other than for providing medical benefits, disability benefits, or qualifying group-term life insurance benefits to plan beneficiaries such portion is treated as reverting to the benefit of the employers maintaining the fund and is subject to the imposition of the 100-percent excise tax.[4] Thus, for example, cash payments to employees upon termination of the fund, and loans or other distributions to the employee or employer, would be treated as giving rise to a reversion that is subject to the excise tax.

The legislative history indicates that no inference is intended with respect to the validity of any 10-or-more employer arrangement under the provisions of present law.

Effective date.—The Senate amendment is effective with respect to contributions paid or accrued on or after June 9, 1999, in taxable years ending after such date.

Conference agreement

No provision.

E. Treatment of Gain From Constructive Ownership Transactions

(SEC. 503 OF THE SENATE AMENDMENT AND SEC. 1260 OF THE CODE)

Present law

The maximum individual income tax rate on ordinary income and short-term capital gain is 39.6 percent, while the maximum individual income tax rate on long-term capital gain generally is 20 percent. Long-term capital gain means gain from the sale or exchange of a capital asset held more than one year. For this purpose, gain from the termination of a right with respect to property which would be a capital asset in the hands of the taxpayer is treated as capital gain.[5]

A pass-thru entity (such as a partnership) generally is not subject to Federal income tax. Rather, each owner includes its share of a pass-thru entity's income, gain, loss, deduction or credit in its taxable income. Generally, the character of the item is determined at the entity level and flows through to the owners.

Investors may enter into forward contracts, notional principal contracts, and other similar arrangements with respect to property that provides the investor with the same or similar economic benefits as owning the property directly but with potentially different tax consequences as to the character and timing of any gain. The Ticket to Work and Work Incentives Improvement Act of 1999 limits the amount of long-term capital gain a taxpayer can recognize from certain "constructive ownership transactions;" any excess gain is treated as ordinary income.

House bill

No provision.

Senate amendment

The Senate amendment provision limits the amount of long-term capital gain a taxpayer can recognize from certain constructive ownership transactions with respect to certain financial assets. This provision was enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

Conference agreement

No provision. However, the provision was enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

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[3] The net proceeds equal the gross loan proceeds less the direct expenses of obtaining the loan.

[4] For purposes of the provision, medical benefits, disability benefits, and qualifying group-term life insurance benefits include de minimis ancillary benefits as described above.

[5] Section 1234A, as amended by the Taxpayer Relief Act of 1997.

F. REQUIRE CONSISTENT TREATMENT AND PROVIDE BASIS ALLOCATION RULES FOR TRANSFER OF INTANGIBLES IN CERTAIN NONRECOGNITION TRANSACTIONS

(SEC. 505 OF THE SENATE AMENDMENT AND SECS. 351 AND 721 OF THE CODE)

Present law

Generally, no gain or loss is recognized if one or more persons transfer property to a corporation solely in exchange for stock in the corporation and, immediately after the exchange such person or persons are in control of the corporation. Similarly, no gain or loss is recognized in the case of a contribution of property in exchange for a partnership interest. Neither the Internal Revenue Code nor the regulations provide the meaning of the requirement that a person "transfer property" in exchange for stock (or a partnership interest). The Internal Revenue Service interprets the requirement consistent with the "sale or other disposition of property" language in the context of a taxable disposition of property. See, e.g., Rev. Rul. 69–156, 1969–1 C.B. 101. Thus, a transfer of less than "all substantial rights" to use property will not qualify as a tax-free exchange and stock received will be treated as payments for the use of property rather than for the property itself. These amounts are characterized as ordinary income. However, the Claims Court has rejected the Service's position and held that the transfer of a non-exclusive license to use a patent (or any transfer of "something of value") could be a "transfer" of "property" for purposes of the nonrecognition provision. See *E.I. DuPont de Nemours & Co.* v. *U.S.*, 471 F.2d 1211 (Ct. Cl. 1973).

House bill

No provision.

Senate amendment

The Senate amendment treats a transfer of an interest in intangible property constituting less than all of the substantial rights of the transferor in the property as a transfer of property for purposes of the nonrecognition provisions regarding transfers of property to controlled corporations and partnerships. In the case of a transfer of less than all of the substantial rights, the transferor is required to allocate the basis of the intangible between the retained rights and the transferred rights based upon their respective fair market values.

No inference is intended as to the treatment of these or similar transactions prior to the effective date.

Effective date.—The provision is effective for transfers on or after the date of enactment.

Conference agreement

No provision.

G. INCREASE ELECTIVE WITHHOLDING RATE FOR NONPERIODIC DISTRIBUTIONS FROM DEFERRED COMPENSATION PLANS

(SEC. 506 OF THE SENATE AMENDMENT AND SEC. 3405 OF THE CODE)

Present law

Present law provides that income tax withholding is required on designated distributions from employer deferred compensation plans (whether or not such plans are tax qualified), individual retirement arrangements ("IRAs"), and commercial annuities unless the payee elects not to have withholding apply. A designated distribution does not include any payment (1) that is wages, (2) the portion of which it is reasonable to believe is not includible in gross income, (3) that is subject to withholding of tax on nonresident aliens and foreign corporations (or would be subject to such withholding but for a tax treaty), or (4) that is a dividend paid on certain employer securities (as defined in sec. 404(k)(2)).

Tax is generally withheld on the taxable portion of any periodic payment as if the payment is wages to the payee. A periodic payment is a designated distribution that is an annuity or similar periodic payment.

In the case of a nonperiodic distribution, tax generally is withheld at a flat 10-percent rate unless the payee makes an election not to have withholding apply. A nonperiodic distribution is any distribution that is not a periodic distribution. Under current administrative rules, an individual receiving an nonperiodic distribution can designate an amount to be withheld in addition to the 10-percent otherwise required to be withheld.

Under present law, in the case of a nonperiodic distribution that is an eligible rollover distribution, tax is withheld at a 20-percent rate unless the payee elects to have the distribution rolled directly over to an eligible retirement plan (i.e., an IRA, a qualified plan (sec. 401(a)) that is a defined contribution plan permitting direct deposits of rollover contributions, or a qualified annuity plan (sec. 403(a)). In general, an eligible rollover distribution includes any distribution to an employee of all or any portion of the balance to the credit of the employee in a qualified plan or qualified annuity plan. An eligible rollover distribution does not include any distribution that is part of a series of substantially equal periodic payments made (1) for the life (or life expectancy) of the employee or for the joint lives (or joint life expectancies) of the employee and the employee's designated beneficiary, or (2) over a specified period of 10 years or more. An eligible rollover distribution also does not include any distribution required under the minimum distribution rules of section 401(a)(9), hardship distributions from section 401(k) plans, or the portion of a distribution that is not includible in income. The payee of an eligible rollover distribution can only elect not to have withholding apply by making the direct rollover election.

House bill

H. PROVISIONS RELATING TO REAL ESTATE INVESTMENT TRUSTS ("REITS")

(SECS. 610–622 OF THE SENATE AMENDMENT AND SECS. 852, 856, AND 857 OF THE CODE)

Present law

In general, a real estate investment trust ("REIT") is an entity that receives most of its income from passive real estate related investments and that receives pass-through treatment for income that is distributed to shareholders. If an electing entity meets the qualifications for REIT status, the portion of its income that is distributed to the investors each year generally is taxed to the investors without being subjected to tax at the REIT level.

A REIT must satisfy a number of tests on a year-by-year basis that relate to the entity's: (1) organizational structure; (2) source of income; (3) nature of assets; and (4) distribution of income.

Under the organizational structure test, except for the first taxable year for which an entity elects to be a REIT, the beneficial ownership of the entity must be held by 100 or more persons. Generally, no more than 50 percent of the value of the REIT's stock can be owned by five or fewer individuals during the last half of the taxable year. Certain attribution rules apply in making this determination. No similar rule applies to corporate ownership of a REIT.

House bill

No provision.

Senate amendment

The Senate amendment contains a number of provisions relating to REITS. These include a provision generally limiting the level of investment a REIT can have in another entity to 10 percent of value (or vote), except in the case of taxable REIT subsidiaries, for which specific rules are provided. The provisions also permit REITs to own and operate health care facilities under certain circumstances, modify the definition of independent contractor and of real estate rental income, modify the earnings and profits rules for REITs and for regulated investment companies ("RICS"), and modify the estimated tax rules for investors in certain closely held REITs.

The Senate amendment also imposes an additional requirement for REIT qualification that makes certain controlled entities ineligible for REIT status and imposes a number of related rules. Under that provision, except for the first taxable year for which an entity elects to be a REIT, no one person can own stock of a REIT possessing 50 percent or more of the combined voting power of all classes of voting stock or 50 percent or more of the total value of shares of all classes of stock of the REIT. For purposes of determining a person's stock ownership, rules similar to attribution rules for REIT qualification under present law apply (secs. 856(d)(5) and 856(h)(3)). the provision does not apply to ownership by a REIT of 50 percent or more of the stock (vote or value) of another REIT.

An exception applies for a limited period to certain "incubator REIT". An incubator REIT is a corporation that elects to be treated as an incubator REIT and that meets all the following other requirements. (1) it has only voting common stock outstanding, (2) not more than 50 percent of the corporation's real estate assets consist of mortgages, (3) from not later than the beginning of the last half of the second taxable year, at least 10 percent of the corporation's capital is provided by lenders or equity investors who are unrelated to the corporation's largest shareholder, (4), the corporation must annually increase the value of real estate assets by at least 10 percent, (5) the directors of the corporation must adopt a resolution setting forth an intent to engage in a going public transaction, and (6) no predecessor entity (including any entity from which the electing incubator REIT acquired assets in a transaction in which gain or loss was not recognized in whole or in part) had elected incubator REIT status.

The new ownership requirement does not apply to an electing incubator REIT until the end of the REIT's third taxable year; and can be extended for an additional two taxable years if the REIT so elects. However, a REIT cannot elect the additional two-year extension unless the REIT agrees that if it does not engage in a going public transaction by the end of the extended eligibility period, it shall pay Federal income taxes for the two years of the extended period as if it had not made an incubator REIT election and had ceased to qualify as a REIT for those two taxable years. In such case, the corporation shall file appropriate amended returns within 3 months of the close of the extended eligibility period. Interest would be payable, but no substantial underpayment penalties would apply except in cases where there is a finding that incubator REIT status was elected for a principal purpose other than as part of a reasonable plan to engage in a going public transaction. Notification of shareholders and any other person whose tax position would reasonably be expected to be affected is also required.

If an electing incubator REIT does not elect to extend its initial 2-year extended eligibility period and has not engaged in a going public transaction by the end of such period, it must satisfy the new control requirements as of the beginning of its fourth taxable year (i.e., immediately after the close of the last taxable year of the two-year initial extension period) or it will be required to notify its shareholderss and other persons that may be affected by its tax status, and pay Federal income tax as a corporation that has ceased to qualify as a REIT at that time.

If the Secretary of the Treasury determines that an incubator REIT election was filed for a principal purpose other than as part of a reasonable plan to undertake a going public transaction, an excise tax of $20,000 is imposed on each of the corporation's directors for each taxable year for which the election was in effect.

For purposes of determining whether a corporation has met the requirement that it annually increase the value of its real estate assets by 10 percent, the following rules shall apply. First, values shall be based on cost and properly capitalizable expenditures with no adjustment for depreciation. Second, the test shall be applied by comparing the value of assets at the end of the first taxable year with those at the end of the second taxable year and by similar successive taxable year comparisons during the eligibility period. Third, if a corporation fails the 10 percent comparison tests for one taxable year, it may remedy the failure by increasing the value of real estate assets by 25 percent in the following taxable year, provided it meets all the other eligibility period requirements in that following taxable year.

A going public transaction is defined as either (1) a public offering of shares of stock of the incubator REIT, (2) a transaction, or series of transactions, that result in the incubator REIT stock being regularly traded on an established securities market (as defined in section 897) and being held by shareholders unrelated to persons who held such stock before it began to be so regularly traded, or (3) any transaction resulting in ownership of the REIT by 200 or more persons (excluding the largest single shareholder) who in the aggregate own least 50 percent of the stock of the REIT. Attribution rules apply in determining ownership of stock.

Effective date.—Under the Senate amendment, the provision denying REIT status to certain controlled entities is effective for taxable years ending after July 14, 1999. Any entity that elects (or has elected) REIT status for a taxable year including July 14, 1999, and which is both a controlled entity and has significant business assets or activities on such date, will not be subject to the proposal. Under this rule, a controlled entity with significant business assets or activities on July 14, 1999, can be grandfathered even if it makes its first REIT election after that date with its return for the taxable year including that date.

For purposes of the transition rules, the significant business assets or activities in place on July 14, 1999, must be real estate assets and activities of a type that would be qualified real estate assets and would produce qualified real estate related income for a REIT.

Conference agreement

No provision. However, the Senate amendment provisions, except for the provision what would have denied REIT status to certain controlled entities, were enacted in the ticket to Work and Work Incentives Improvement Act of 1999.

I. Modification of Individual Estimated Tax Safe Harbor

(SEC. 623 OF THE SENATE AMENDMENT AND SEC. 6654 OF THE CODE)

Present law

Under present law, an individual taxpayer generally is subject to an addition to tax for any underpayment of estimated tax. An individual generally does not have an underpayment of estimated tax if he or she makes timely estimated tax payments at least equal to: (1) 90 percent of the tax shown on the current year's return of (2) 100 percent of the prior year's tax. For taxpayers with a prior year's AGI above $195,000,[6] however the rule that allows payment of 100 percent of prior year's tax is modified. Those taxpayers with AGI above $150,000 generally must make estimated payments based on either (1) 90 percent of the tax shown on the current year's return or (2) 110 percent of the prior year's tax.

For taxpayers with a prior year's AGI above $150,000, the prior year's tax safe harbor is modified for estimated tax payments made for taxable years 2000 and 2002. For such taxpayers making estimated tax payments based on prior year's tax payments must be made based on 108.6 percent of prior year's tax for taxable year 2000[7] and 112 percent of prior year's tax for taxable year 2002.

House bill

No provision.

Senate amendment

The Senate amendment further modifies the safe harbor rule by providing that taxpayers with prior year's AGI above $150,000 who make estimated tax payments based on prior year's tax must do so based on 106.5 percent of prior year's tax for estimated tax payments made for taxable year 2000. Taxpayers with prior year's AGI above $150,000 who made estimated tax payments based on prior year's tax must do so based on 106 percent of prior year's tax for estimated tax payments made for taxable year 2001. All other years remain as under present law.

Effective date.—The provision is effective for estimated payments made for taxable year beginning after December 31, 1999.

Conference agreement

No provision.

J. Provide Waiver From Denial of Foreign Tax Credits

(SEC. 724 OF THE SENATE AMENDMENT AND SEC. 901(J) OF THE CODE)

Present law

In general, U.S. persons may credit foreign taxes against U.S. tax on foreign-source income. The amount of foreign tax credits that can be claimed in a year is subject to a limitation that prevents taxpayers from using foreign tax credits to offset U.S. tax on U.S.-source income. Separate limitations are applied to specific categories of income.

Pursuant to special rules applicable to taxes paid to certain foreign countries, no foreign tax credit is allowed for income. war profits, or excess profits taxed paid, accrued, or deemed paid to a country which satisfies specified criteria, to the extent that the taxes are with respect to income attributable to a period during which such criteria were satisfied (sec. 901(j)). Section 901(j) applies with respect to any foreign country: (1) the government of which the United States does not recognize, unless such government is otherwise eligible to purchase defense articles or services under the Arms Export Control Act, (2) with respect to which the United States has severed diplomatic relations, (3) with respect to which the United States has not severed diplomatic relations but does not conduct such relations, or (4) which the Secretary of State has, pursuant to section 6(j) of the Export Administration Act of 1979, as amended, designated as a foreign country which repeatedly provides support for acts of international terrorisms (a "section 901(j) foreign country"). The denial of credits applies to any foreign country during the period beginning on the later of January 1, 1987, or six months after such country becomes a section 901(j) country, and ending on the date the Secretary of State certifies to the Secretary of the Treasury that such country is no longer a section 901(j) country.

Taxes treated as noncreditable under section 901(j) generally are permitted to be deducted notwithstanding the fact that the taxpayer elects use of the foreign tax credit for the taxable year with respect to other taxes. In addition, income for which foreign tax credits are denied generally cannot be sheltered from U.S. tax by other creditable foreign taxes.

Under the rules of subpart F, U.S. 10-percent shareholders of a controlled foreign corporation ("CFC") are required to include in income currently certain types of income of the CFC, whether or not such income is actually distributed currently to the shareholders (referred to as "subpart F income"). Subpart F income includes income derived from any foreign country during a period in which the taxes imposed by that country are denied eligibility for the foreign tax credit under section 901(j).[8]

House bill

No provision.

Senate amendment

The Senate amendment provides that section 901(j) no longer applies with respect to a foreign country if: (1) the President determines that a waiver of the application of section 901(j) to such foreign country is in the national interest of the United States and will expand trade opportunities for U.S. companies in such foreign country, and (2) the President reports to the Congress, not less than 30 days before the waiver is granted, the intention to grant such a waiver and the reason for such waiver.

Effective date.—The provision is effective on or after February 1, 2001.

Conference agreement

The conference agreement follows the Senate amendment.

K. Accelerate Rum Excise Tax Coverover Payments to Puerto Rico and the U.S. Virgin Islands

(SEC. 221 OF THE SENATE AMENDMENT AND SEC. 7652 OF THE CODE)

Present law

A $13.50 per proof gallon[9] excise tax is imposed on distilled spirits produced in or imported (or brought) into the United States. The excise tax does not apply to distilled spirits that are exported from the United

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[6] The threshold is $75,000 for married taxpayers filing separately.

[7] This percentage was enacted in sec. 531 of P.L. 106–170, the Ticket to Work and Work Incentives Improvement Act of 1999 (December 17, 1999).

[8] Sec. 952(a)(5).

[9] A proof gallon is a liquid gallon consisting of 50 percent alcohol.

States or to distilled spirits that are consumed in U.S. possessions (e.g., Puerto Rico and the Virgin Islands).

The Code provides for coverover (payment) of $13.25 per proof gallon of the excise tax imposed on rum imported (or brought) into the United States (without regard to the country of origin) to Puerto Rico and the Virgin Islands during the period July 1, 1999 through December 31, 2001. Effective on January 1, 2002, the coverover rate is scheduled to return to its permanent level of $10.50 per proof gallon. The maximum amount attributable to the increased coverover rate over the permanent rate of $10.50 per proof gallon that can be paid to Puerto Rico and the Virgin Islands before October 1, 2000 is $20 million. Payment of this amount was made on January 3, 2000.[10] any remaining amounts attributable to the increased coverover rate are to be paid on October 1, 2000.

Amounts covered over to Puerto Rico and the Virgin Islands are deposited into the treasuries of the two possessions for use as those possessions determine.

House bill

No provision, but H.R. 984, as reported by the Committee on Ways and Means, would have provided an increase in the coverover amount to $13.50 per proof gallon for the period June 30, 1999, and before October 1, 1999. (The conference report on the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106-170, December 17, 1999) subsequently increased the coverover rate from $10.50 per proof gallon to $13.25 per proof gallon, and enacted the $20 million limit on transfer of the increased amount before October 1, 2000. The conference report further indicated that the special payment rule would be reviewed during consideration of H.R. 434.)

Senate amendment

The Senate amendment is the same as the Ways and Means Committee-reported provisions of H.R. 984.

Conference agreement

The conference agreement provides that unpaid amounts attributable to the increase in the coverover rate to $13.25 per proof gallon for the period from July 1, 1999 through the last day of the month prior to the date of enactment will be paid on the first monthly payment date following the date of enactment.[11] With respect to amounts attributable to the period beginning with the month of the conference agreement's enactment, payments will be based on the full $13.25 per proof gallon rate.

The conference agreement further includes two clarifications to the rules governing coverover payments. First, clarification is provided that payments to the Virgin Islands with respect to rum imported from that possession are to be made annually in advance (based on estimates) as is the current administrative practice. Second, the conference agreement clarifies that the Internal Revenue Code provisions governing coverover payments are the exclusive authorize authority for making those payments.

Effective date.—The provision is effective on the date of enactment.

TRADE PROVISIONS NOT INCLUDED IN EITHER THE HOUSE OR SENATE BILL—ACCESS TO HIV/AIDS PHARMACEUTICALS AND MEDICAL TECHNOLOGIES

Present law

The Special 301 provisions of the Trade Act of 1974 require the President to identify, within 30 days after submission of the annual National Trade Estimates report to Congress, those foreign countries that deny adequate and effective protection of intellectual property rights or fair and equitable market access to U.S. persons that rely upon intellectual property protection, and those countries determined by USTR to be "priority foreign countries." The President is to identify as priority countries only those that have the most onerous or egregious acts, policies, or practices with the greatest adverse impact on the relevant U.S. products, and that are not entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations to provide adequate and effective intellectual property rights protection.

House bill

No provision.

Senate amendment

Section 116 of the Senate bill seeks to address the issue of access to HIV/AIDS pharmaceuticals and medical technologies in the beneficiary countries of sub-Saharan Africa. In subsection (a), Congress finds that since the onset of the worldwide HIV/AIDS epidemic, approximately 34,000,000 people living in sub-Saharan Africa have been infected with the disease. Of those infected, approximately 11,500,000 have died, representing 83 percent of the total HIV/AIDS-related deaths worldwide. Subsection (b) expresses the sense of Congress that:

It is in the interest of the United States to take all necessary steps to prevent further spread of infectious disease, particularly HIV/AIDS;

There is critical need for effective incentives to develop new pharmaceuticals, vaccines, and therapies to combat the HIV/AIDS crisis, especially effective global standards for protecting pharmaceutical and medical innovation;

The overriding priority for responding to the crisis on HIV/AIDS in sub-Saharan Africa should be the development of the infrastructure necessary to deliver adequate health care services, and of public education to prevent transmission and infection, rather than legal standards issues;

Individual countries should have the ability to determine the availability of pharmaceuticals and health care for their citizens in general, and particularly with respect to the HIV/AIDS epidemic.

Subsection (c) prohibits the Administration from seeking, through negotiation or otherwise, the revocation or revision of any intellectual property or competition law or policy that regulates HIV/AIDS pharmaceuticals or medical technologies of a beneficiary sub-Saharan African country if the law or policy promotes access to HIV/AIDS pharmaceuticals or medical technologies and the law or policy of the country provides adequate and effective intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

Conference agreement

The Senate recedes to the House.

TRADE ADJUSTMENT ASSISTANCE

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: (1) the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; (2) the TAA program for firms, which provides technical assistance to qualifying firms; and (3) the North American Free Trade Agreement (NAFTA) Transitional Adjustment Assistance (NAFTA-TAA) program for workers (established by the North American Free Trade Agreement Implementation Act of 1993), which provides training and income support for workers adversely affected by imports from or production shifts to Canada and/or Mexico.

The authorizations for all three programs expire on September 30, 2001. At the time of the passage of the Senate bill, the authorization for these programs had expired on June 30, 1999.

House bill

No provision.

Senate amendment

Section 401 of the Senate bill reauthorizes each of the three TAA programs through September 30, 2001. It also caps the amount of money appropriated for any fiscal year from October 1, 1998 to September 30, 2001 at $30,000,000.

Section 402 of the Senate bill requires the Secretary of Labor to certify as eligible for benefits under the general TAA program workers in textile and apparel firms who lose their jobs as a result of either (1) a decrease in the firm's sales or production; or (2) a firm's plant or facility closure or relocation.

Conference agreement

The Senate recedes to the House.

TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from or production shifts to Canada and/or Mexico.

House bill

No provision.

Senate amendment

The Trade Adjustment Assistance for Farmers provision would create a new TAA program for farmers as Chapter 6 of title II of the Trade Act of 1974. Under this new program, farmers would be eligible for cash assistance when commodity prices drop by more than 20 percent below the average for the previous five year period and imports contributed importantly to this price drop. When a commodity meets these criteria, individual farmers would be eligible to receive cash assistance equal to half the difference between the actual national average price for the year and 80 percent of the average price in the previous five years (the price trigger level), provided that the farmer's income had declined from the previous year. This assistance was capped at $10,000 per farmer. The program is authorized at $100 million annually and is to be administered by the Department of Agriculture.

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[10] The Department of the Interior, which administers the coverover payments for rum imported into the United States from the U.S. Virgin Islands, erroneously authorized full payment to the Virgin Islands of the increased coverover rate on that rum notwithstanding the statutory limit on these transfers for periods before October 1, 2000. The Bureau of Alcohol, Tobacco, and Firearms, which administers the coverover payments for the Virgin Islands' portion of tax collected on rum imported from other countries, complied with the statutory limit.

[11] Thus, this provision of the conference agreement applies only to payments to Puerto Rico and to payments of the Virgin Islands' portion of tax on rum imported from other countries because the Interior Department erroneously has already paid in full amounts attributable to rum imported from the Virgin Islands.

REPORT ON DEBT RELIEF

Present law

No provision.

House bill

No provision.

Senate amendment

Section 705 of the Senate amendment requires the President to submit a report to Congress on the President's recommendations for: bilateral debt relief for sub-Saharan African countries; new loan, credit and guarantee programs for these countries; and the President's assessment of how debt relief will affect the ability of each country to participate fully in the international trading system.

Conference agreement

The Senate recedes to the House. Section 714 of the Senate bill, expressing Congress' support for comprehensive debt relief for the world's poorest countries, is included in Title I of the conference agreement.

SENSE OF SENATE REGARDING FAIR ACCESS TO JAPANESE TELECOMMUNICATIONS FACILITIES AND SERVICES

Present law

No provision.

House bill

No provision.

Senate amendment

Section 709 of the Senate amendment expresses the Sense of the Senate that the Administration should pursue efforts to open the Japanese telecommunications market, particularly to internet services. This provision notes that despite several bilateral agreements with Japan regarding its telecommunications market, the Senate remains concerned about Japan's excessive regulation and anti-competitive activity in the telecommunications sector. The provision urges the Administration to continue to pursue aggressively further market opening with Japan as part of the multilateral negotiations that were to be launched at the WTO Ministerial in Seattle (November 30-December 3).

Conference agreement

The Senate recedes to the House.

REPORT ON WTO MINISTERIAL

Present law

No provision.

House bill

No provision.

Senate amendment

Section 709 of the Senate amendment expresses the Sense of Congress on the importance of the new round of international trade negotiations that was to be launched at the World Trade Organization (WTO) Ministerial Conference in Seattle, Washington from November 30 to December 3, 1999. Subsection (b) requires that the United States Trade Representative shall submit a report to Congress regarding any discussions on the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Antidumping Agreement) and the Agreement on Subsidies and Countervailing Measures during the Seattle Ministerial Conference.

Conference agreement

The Senate recedes to the House.

MARKING OF IMPORTED JEWELRY

Present law

Section 304 of the Tariff Act of 1930 (19 U.S.C. §1304) requires that all articles of foreign origin imported into the United States "shall be marked in a conspicuous place as legibly, indelibly and permanently as the nature of the article (or container) will permit a manner to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article." The provision authorizes several exceptions to this standard including where "such article is incapable of being marked" and "such article cannot be marked prior to shipment to the United States, except at an expense economically prohibitive of its importation." 19 U.S.C. §1304(3)(A), (C). Part 134, Customs Regulations (19 C.F.R. part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

The Customs Service has not implemented any specific regulation with respect to costume jewelry. In practice, however, the Customs Service has interpreted the statute and its exceptions to permit articles of costume jewelry to be marked with a hang tag, applied tag, or similar labeling where the article is incapable of being marked in a more permanent manner or where it is economically prohibitive to indelibly mark the article.

House bill

No provision.

Senate amendment

Section 720 of the Senate bill directs the U.S. Department of Treasury to implement regulations, consistent with the existing statutory framework, with respect to the marking of costume jewelry of foreign origin within one year of the date of enactment of this bill. These regulations are intended to clarify the existing statutory standard and are to be modeled after the Customs Service's regulation with respect to Native American jewelry, codified in 19 C.F.R. §134.43(c).

The U.S. jewelry industry continues to report, however, that hang tags and labels on imported costume jewelry that are in place upon entry into the United States often disappear or are removed prior to the jewelry's display or sale. When country-of-origin markings do not appear on imported jewelry or other items offered to the consumer, it constitutes a violation of federal marking law and prevents purchasers from being informed about the origin of such products.

Conference agreement

The Senate recedes to the House.

UNREASONABLE ACTS, POLICIES AND PRACTICES.

Present law

Sections 301–310 of the Trade Act of 1974 provides authority to the United States Trade Representative to enforce U.S. rights under international trade agreements. Section 301(a) authorizes the Trade Representative to take action to enforce such rights if the Trade Representative determines that an act, policy, or practice of a foreign country is unreasonable or discriminatory and burdens or restricts United States commerce. Section 301(d)(3)(B)(i) defines unreasonable acts, policies, and practices to include acts which deny fair and equitable market opportunities, including the toleration by a foreign government of systematic anticompetitive activities by enterprises in the foreign country that have the effect of restricting access of U.S. goods or services in that foreign market or a third country market.

House bill

No provision.

Senate amendment

Section 725 of the Senate amendment adds language to section 301(d)(3)(B)(i) to define unreasonable acts, policies, and practices which deny fair and equitable market opportunities as including predatory pricing, discriminatory pricing, or pricing below the cost of production if such acts, policies or practices are inconsistent with commercial practices. This provision also deletes the existing reference to systematic anticompetitive activities.

Conference agreement

The House recedes to the Senate.

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Benjamin A. Gilman,
Edward R. Royce,
Sam Gejdenson,

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Bill Archer,
Phil Crane,
Charles B. Rangel,

As additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Amo Houghton,
Joe Hoeffel,
Managers on the Part of the House.

W.V. Roth, Jr.,
Chuck Grassley,
Trent Lott,
Daniel P. Moynihan,
Max Baucus,
Joe Biden,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 434 AVAILABLE ON INTERNET

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, I want to bring to the attention of the House that the conference report just filed for the Trade and Development Act of 2000, which contains the provisions of the Africa CBI legislation, is now available on the Internet at www.waysandmeans.com.

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DEBATE ABOUT CHINA IS NATIONAL SECURITY, NOT TRADE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China is methodically developing a powerful military presence. China is building and buying missiles, tanks, aircrafts, and submarines. What China has not built, China has stolen from Uncle Sam, no less. To boot, China is doing all of this with our money. Beam me up.

The debate about China is not about trade, Mr. Speaker, it is about national security. I honestly believe our national security has been compromised by turning the Lincoln Bedroom into the Red Roof Inn. Think about that statement.

I yield back over 90 witnesses who took the Fifth Amendment when questioned about Chinese bribe money.

DEPARTMENT OF EDUCATION'S GROSS MISMANAGEMENT OF MONEY NO LONGER TOLERATED

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, earlier this year, the Department of Education notified 39 very fortunate students they had won the prestigious Jacob Javits Fellowship Award, a rather high honor for these students. But, unfortunately, a few days later, the Department called these very same students back to say, "Whoops, sorry, we were wrong. You actually did not win this award."

Well, not surprisingly, Mr. Speaker, this will cost the American taxpayers nearly $4 million since, by law, the Department of Education now must provide these students with the promised scholarships even if awarded in error.

This mistake is not the first and probably will not be the last costly mistake for the Department of Education. Such mistakes simply highlight the agency's lack of responsibility in managing the Federal dollars appropriated for our children's education.

Gross mismanagement of the American taxpayer dollars can no longer be tolerated.

I yield back the failing and obvious delinquency of the Department of Education.

EDUCATION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, last September, I toured Daniel Boone School in Chicago to see firsthand its overcrowded conditions. Boone School has an enrollment of 1,100 students, 300 more than the school can reasonably accommodate.

Classes were being held in hallways, and students were learning in makeshift classrooms like the teachers' lounge and cafeteria. Three different classes were being taught in the same room at the same time.

Last week, I returned to Boone School; and I am sad to report that nothing has changed. Classes are still being held in hallways and teachers' lounges. But what moved me most was the seventh grade girl who stood up and looked me in the eye and said, "You came last September, how come nothing is changed; and when will we see improvements in our school." That is a legitimate and tough question.

Boone School, however, is not alone. Eighty-nine percent of Illinois schools are in need of repair, rebuilding, or upgrade. How can we expect to deliver the best quality education to our students when they are learning about gravity from falling ceiling tiles. It is just unacceptable to send our children to 19th century schools when we go into the 21st century.

Yesterday, a study released by the NEA shows that it costs $322 billion to repair and modernize American schools. I urge my colleagues to support H.R. 4094, America's Better Classroom Act of 2000.

BREAST AND CERVICAL CANCER TREATMENT ACT

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I want to thank the leadership for agreeing to bring the Breast and Cervical Cancer Treatment Act to the House floor before Mother's Day. This legislation is vital to provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer. Giving States the option to provide Medicaid coverage for these women if they are found to have cancer through the Center for Disease Control's early detection program will help save thousands of lives.

The program currently provides screening for breast cancer, but it does not provide funding for treatment options for these women. The harsh reality is they will die because they have no options. This must change.

The funding for H.R. 1070 was included in the budget resolution and has overwhelming support from my friends on both sides of the aisle with nearly 300 cosponsors.

Again, I want to thank the leadership for bringing this critical piece of legislation to the House floor before Mother's Day.

INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to address the House and talk about an intolerable situation, that is, the abduction of 10,000 American children to foreign countries. I am asking my colleagues to focus on these children and to help pass legislation that will bring them home. Today I will tell the story of an American parent, Kenneth Roche, to illustrate the problem.

In 1991, a U.S. court granted Kenneth a divorce from his German wife, and granted both parents joint legal custody, with physical custody going to the mother and generous access rights for Kenneth. The court also ordered that the child must not be removed from Massachusetts unless authorized by the court.

In 1993, Kenneth's ex-wife took the child to Germany, and the United States issued an arrest warrant, granted him temporary custody, and ordered the immediate return of the child. Both a lower court and a higher court in Germany has ordered the return of the child, but the mother has refused to comply and the courts refused to enforce their own orders.

Kenneth Roche has not seen his child since 1993 and does not know where he is. Mr. Speaker, American parents and children should not be separated like this. The effects on both are painful and devastating. I ask this House to join me and help bring our children home.

HAPPY 50TH ANNIVERSARY TO JACK AND NORMA QUINN

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I rise this morning to take a personal prerogative of the House and ask the indulgence of my colleagues. I want to join other Quinn clan members from Buffalo and Hamburg and Blasdell, New York in honoring and wishing my parents, Jack and Norma Quinn, happy 50th anniversary this Saturday, May 6.

I have to be clear that I represent only five sons, five great daughter-in-laws, 13 grandchildren, and one great granddaughter, but I have a chance to do it here that they might not have. We offer congratulations of course and thanks.

Mr. Speaker, if I could quote the Chaplain this morning who said, "that we are a reflection of Your love in this world." I think I would want our parents to know that we, too, are a reflection of their love in this world.

We congratulate them on 50 years of wedded bliss and thank them for all the sacrifices they made for us.

CONGRESS MUST PASS SCHOOL CONSTRUCTION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I would also like to acknowledge and congratulate the Quinns.

Mr. Speaker, I rise today on behalf of the more than 53 million children across this country that right now are attending school in our Nation's classrooms. That is more students than at the height of the Baby Boom and there will be more next year.

Unfortunately, too many of our children are stuffed into trailers, closets, cramped bathrooms, overcrowded and substandard facilities. Our schools are literally bursting at the seams.

For more than 2 years, I tried to pass my school construction bill to provide tax credits to help local communities build quality schools for our children. But the Republican leadership has refused to allow this essential legislation to pass. The same Republican leadership that has tried to eliminate the Department of Education, slash school lunches, refuses to pass this modest bill to build just a few schools for our children.

This same leadership has constantly pushed private school vouchers, block grants, and even antipublic school bills that have suffered from time to time.

Fortunately, Mr. Speaker, a bipartisan group of Members have come together to support a common sense compromise to school construction legislation. The Johnson-Rangel bill will pay the interest on about $24.8 billion worth of school construction bonds across this country. I urge my colleagues to support it.

EDUCATION HAS ALWAYS BEEN A STATE AND LOCAL PRIORITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, I wanted to talk about education a little bit, because if one looks at the record on education, Republican versus Democrat leadership, it is not even close.

Republicans have put far more resources into education, far more flexibility for local teachers, far more money into the special Individuals with Disability Education Act, far more money into school lunch program.

I hope that some of these Democrats will actually read the bill. They will see if they want to measure their money. They have lost.

Now, this proposal to construct new schools is great if one is in Chicago or New York City where one has not kept up with one's education or here in Washington, D.C. where one's roofs are leaking. Do my colleagues know why? Because the cities and States have not made the investment into education.

Why should my South Georgia school districts be penalized? They have raised taxes locally. They have done the right thing. They have been responsible. They built new school systems. Why should they be penalized to subsidize Chicago and New York City school systems. It is ridiculous.

Education has always been a State and local priority. We do not need to federalize it and have Uncle Sam in the Department of Education knowing best.

EDUCATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, this education problem is not only a big city problem in spite of the comments of the previous speaker. Yesterday, the National Education Association estimated the country's construction needs at over $300 billion. This includes basic necessities, a desk in a classroom rather than in a broom closet, plumbing that works, computers capable of reaching the Internet.

My State, the State of Ohio, rural, urban, suburban, is home to one of the greatest needs, ranked 49th in the country for infrastructure, in spite of local effort and State effort. Ohio faces a $25 billion bill to provide children a safe and healthy learning environment.

The State recently committed to spending $10 billion over 26 years to do just that. Unfortunately, that is just not enough. In my district, Elyria High School is over 70 years old and does not qualify for any State funds. The children of Elyria, as are other places across the country, simply cannot wait any longer. If we work together, they will not have to.

I am cosponsor of the America's Better Classroom Act by providing zero-interest bonds, it would leverage local and Federal resources to begin to take care of this national disgrace.

Only a unified front can fix this problems. I urge my colleagues to support it.

TAX FREEDOM DAY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, Americans love to celebrate landmarks and anniversaries: Christmas day, Independence Day, New Year's Day. But yesterday was one of my personal favorites, Tax Freedom Day. That is the day when hard-working Americans have finally paid their tax burdens and can begin earning for themselves and their families.

This chart illustrates when that day is over the years. I invite Members to use this opportunity to reflect on the problems with our current tax system. First, it is cumbersome. Our Tax Code exceeds 2.8 million words, more than War and Peace and the Bible combined.

It is unfair. It discriminates against married couples, the elderly, even the dead. It is discouraging. It punishes investing and saving and steals profits from healthy businesses and confuses a large majority of Americans trying to decipher its complicated forms.

Today, I encourage my colleagues to support reform and tax reduction measures that will truly provide tax freedom for hard-working Americans.

EDUCATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, education must be our Nation's number one priority. Our children are 25 percent of the population, but they are 100 percent of our future. If we act now to strengthen our education system, our children and our country will be prepared for the economic and growth challenges of the future.

The Democrats' Safe and Successful Schools Act of 2000 would give teachers, parents, and students the tools they need for success.

As Democratic legislation proposes, investing in modernizing schools; hiring new, qualified teachers; and providing safe after-school programs for children will, indeed, take us into the new millennium and truly help our children and their future.

Let us not play politics with our children's future. Let us work together to support the Safe Schools Act and show our children that they are our number one priority.

The Republicans have proposed what they would call reforms, but, Mr. Speaker, closing troubled schools, doling out vouchers is not the answer. Investing in our education system is.

PERMANENT NORMAL TRADE RELATIONS TO CHINA

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, later this month, Members of the House will be casting their votes on one of the most important trade issues that we have faced in recent years. I am referring, of course, to extend permanent normal trade relations to China.

The United States and the international community have been working together with China for decades to bring China into the WTO. For the first time in history, the doors of China's economy will be opened up to international commerce and competition.

Congress will be faced with a simple choice then. If Congress passes PNTR, we will allow U.S. companies to freely participate in the nearly $4 billion Chinese economy. However, if we do not pass PNTR, American products and American workers will be denied this opportunity.

Faced with these options, I think the choice is clear. I urge my colleagues to avoid the temptation to give in to the protectionist forces inside our country and instead support free trade and progress in China.

HONORING MERITORIOUS SERVICE OF VIETNAM VETERANS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, the Vietnam conflict began from 1964 and ended 25 years ago on April 30, 1975. During that time, over 3.4 million U.S. American military personnel served in southeastern Asia.

□ 1030

Our veterans served in the rice paddies of the Delta, in the jungle of the Central Highlands, on river patrols of the Mekong River, and from air bases in the Pacific. Brave Americans went halfway around the world to help an embattled country and to perform the duty that we asked of them.

Many Vietnam veterans were not sufficiently acknowledged for their service to the country in those contentious times. For some, the war is still not over; some of our veterans have not recovered from their wounds, and families will not forget their loss. The war ended 25 years ago, but the event of those days remain deep in our collective memory.

It is never too late to express our appreciation. Recently, Congress passed House Concurrent Resolution 228 honoring members of the armed forces and Federal civilian employees who served during the Vietnam era. This resolution acknowledges the significance of the fall of South Vietnam and the importance of the events of April 30, 1975, as a benchmark in American history and an indelible memory for those who so honorably served.

I am pleased that Congress has so recognized and commended the meritorious service of our Vietnam veterans. Let there be no doubt that this country does indeed respect, appreciate, and honor the personal commitment and sacrifice of our Vietnam veterans for their service to this Nation.

ELIAN AND RELIGIOUS VALUES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, for those persons who say that Elian must be returned to his biological father at all cost, I submit these other arguments.

Let us point out that his real father, if he goes back to Cuba, will be Castro. In a Communist state, the government controls the state and controls the lives of the people. Those are the facts.

Returning Elian to Cuba after so long in America will doom him to psychological abuse by the Communist regime.

Ancient religious tradition from the Talmud, back 5,000 years, cites examples that, under Jewish law, a child must honor a person who teaches his moral and religious values above, above, a parent who does not.

Since there are no religious values in Cuba, it follows that Elian could just as well honor his relatives in the United States, here, where they will teach him moral and religious values.

EDUCATION

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, the time has come for Congress to reauthorize the Elementary and Secondary Education Act. With this act we have the opportunity to make significant progress towards repairing and modernizing schools, reducing class size, and ensuring that our classrooms are healthy and safe learning environments.

Too many schools are stressed by population growth and crumbling infrastructure. Our average school is 42 years old. While money cannot solve problems in all of our schools, I believe matching our talk about the importance of education with an appropriate level of funding would go a long way towards improving classroom resources, reducing class size, and giving kids the space and tools they need to learn well.

Yesterday, the House passed the IDEA Full Funding Act. This bill is an important step towards honoring the commitment that we have made at the Federal level to share an important part of the resources needed at the local level.

Mr. Speaker, time is running short for Congress to complete its work. The stage is set for Congress to make meaningful improvements in the area of class size reduction and school facilities repair and modernization. We should not let this opportunity pass us by. We need to act soon.

HIGH TECH'S QUIET REVOLUTION EMPOWERING CHINA'S CITIZENS

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, the growth of high tech and the openness of the Internet are spreading democratic ideals throughout China, enlightening their people with ideas of freedom and opportunity.

In Nanjing, young Chinese men and women are being exposed to a quiet revolution led by the growth of the Internet. A Times of London article, entitled "China Embraces Its Last Revolution," underscores high tech's role in opening up Chinese society. The article says China's older generation now recognizes that the economic development on which China's future depends requires a new openness to the world, the encouragement of the Internet, entry into the World Trade Organization, and concentration on education and globalization. They know this will change the political and social balance of China.

We can encourage this change. PNTR for China will maintain America's technological leadership in the world and provide high-tech jobs for Americans. It will also provide the Chinese people with access to Western influence and ideas. The open technology of the Internet will force China to open their society to bring about positive economic and social changes.

Mr. Speaker, China PNTR is in the best interest of both the American and the Chinese people.

CARDINAL JOHN O'CONNOR

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, after 16 years as the head of the New York Archdiocese and a life of devotion, faith, and of love for the Catholic Church and all of its parishioners, Cardinal John O'Connor passed on last night. And as we say in the Catholic faith, entered eternal life. He was the voice of all of God's people. He never forgot those in need.

Soon after the Cardinal was ordained, he began an illustrious career in the Navy. Entering the Navy as a chaplain, he rose to the rank of a rear admiral after 27 years of service. He traveled the globe celebrating mass in foxholes and on aircraft carriers, spreading the word of God.

He was a passionate defender of the rights of all workers. In fact, his father was a skilled interior painter and a union man. His father passed these views on to his son. And at a Catholic charities event not too long ago, the cardinal, who was a man of great humor, said jokingly, I told the Pope that there was only two requirements for the guy who replaces me. One is that he be Catholic and the other that he be a union guy. Cardinal O'Connor's working-class roots remained with him throughout his career until the very end.

His relations with people of all faiths were strengthened. He was a champion of the Jewish faith and helped the Vatican as it began to recognize Israel. His lifelong devotion to all those less fortunate and sick will not be forgotten. We will miss him terribly.

RECOGNIZING CINCO DE MAYO AND WELCOMING THE INLAND EMPIRE MARIACHI YOUTH GROUP TO WASHINGTON

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, this week is Cinco de Mayo week, a time to celebrate the tremendous courage and bravery of Mexican Americans. I have introduced House Concurrent Resolution 313. This resolution calls for a presidential proclamation to recognize the struggle of Mexican American people as we celebrate this holiday.

The Mexican American people have fought against great odds for their freedom. Cinco de Mayo is indeed a great day to be filled with celebration, symbolism, and remembrance. It is about culture, tradition, heritage, and pride. It marks the victory of the Mexican Army over the French at the Battle of Pueblo. Many of us come from different places, but we share a common bond: we are united and proud Mexican Americans.

I would also like to salute the students from the Inland Empire Mariachi Youth Education Foundation of Southern California, who have been performing this week in our Nation's capital. My daughter, Jennifer Baca, is one of those performing and exposing individuals to this culture, tradition and heritage as we celebrate Cinco de Mayo. It represents a dream come true for many of these students.

This Friday we will remember Cinco de Mayo. It is an important day in the history of Mexico and California.

PROVIDING FOR CONSIDERATION OF H.R. 673, FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 483

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys. The first reading of the bill will be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 483 is an open rule, providing for the consideration of H.R. 673, the Florida Keys Water Quality Improvements Act of 2000. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives clause 4(a) of Rule XIII, requiring a 3-day layover of the committee report against consideration of the bill. The rule also makes in order the committee amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open for amendment at any point.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

In addition, Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendment if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I am pleased to support this open rule which provides for the full and fair consideration of the Florida Keys Water Quality Improvements Act. I am pleased to be a cosponsor of this very important legislation, which authorizes grants for wastewater and storm water management projects to address the need for infrastructure improvements in the beautiful Florida Keys.

I am extremely proud of the Florida Keys, a unique marine environment which includes the only living coral reef barrier ecosystem in North America. This chain of over 800 individual islands, or keys, provides significant recreational and commercial opportunities and are a favorite among scuba divers, anglers, bird watchers, and tourists of all kinds.

In 1990, Congress passed the Florida Keys National Marine Sanctuary and Protection Act, which directed the EPA and the State of Florida to establish a water quality steering committee for the sanctuary and develop a comprehensive water quality protection program.

That steering committee identified inadequate wastewater and storm water management systems as the largest man-made sources of pollution in the near shore waters off the Florida Keys. The cost of needed wastewater improvements is between $184 to $418 million, and the cost of necessary storm water management proposals is between $370 and $680 million.

This legislation, which will help preserve our national treasure, authorizes $212 million in EPA grants to the Florida Keys Aqueduct Authority, or other agencies of the State of Florida or of Monroe County, for projects to replace inadequate wastewater treatment systems and establish, replace, or improve storm water systems in Monroe County, Florida; and it requires that the non-Federal cost share for projects carried out under this bill shall be not less than 25 percent of the total.

I believe it is entirely appropriate for there to be a Federal role in cleaning up and preserving the delicate ecosystem in the Florida Keys National Marine Sanctuary so that our children and their children, as well as generations of visitors from throughout the world, may be able to enjoy this extraordinary living coral reef barrier ecosystem, the only one in North America.

Mr. Speaker, I urge adoption of both this open rule and the underlying legislation, H.R. 673, the Florida Keys Water Quality Improvements Act of 2000.

Mr. Speaker, I reserve the balance of my time.

□ 1045

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the customary 30 minutes.

Mr. Speaker, I support this rule that allows Members to offer all germane amendments to the underlying bill, the Florida Keys Water Improvements Act, H.R. 673.

The underlying bill is completely noncontroversial and goes a long way toward protecting the Florida Keys. As many in this body already know, the Florida Keys are a spectacular chain of 800 independent islands located southeast of Florida.

The Keys are a unique and nationally significant marine environment and include North America's only living coral barrier reef ecosystem. But with rapid population growth, the Keys have begun to experience significant water quality problems.

In 1990, Congress passed the Florida Keys National Marine Sanctuary and Protection Act designating the Florida Keys National Marine Sanctuary. That Act directed EPA and the State of Florida to develop a comprehensive water quality protection program for the Sanctuary.

Since that time, the EPA and other Federal and State and local agencies have identified wastewater infrastructure improvements as the single most important investment to improve the water quality around the Florida Keys.

Improvement of storm water management in the area of the Florida Keys is also needed to reduce pollutant loadings from largely uncontrolled storm water runoff from existing development.

This Act provides the Federal share of funds for projects to replace these inadequate wastewater treatment systems that are damaging the Keys. These funds will supplement commitment by the State of Florida and Monroe County, Florida, for planning and construction of wastewater and storm water projects.

H.R. 673 would authorize appropriations of $213 million over the 2001-2005 period for this new grant program.

Mr. Speaker, I do not oppose this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), my distinguished colleague, the vice-chairman of the Committee on Rules, a fighter for the environment, and one of the leading advocates for environmental causes in this Congress and especially in Florida.

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Florida (Mr. DIAZ-BALART) for his kind words and for his action on this rule.

Mr. Speaker, I remember very well back in the old days when we had a merchant marine and fisheries committee and Dante Fascell came forward with this. And in the tradition of Mr. Fascell and the delegation working together, it has come to fruition.

I congratulate the gentleman from Florida (Mr. DEUTSCH) and all the rest of the delegation and, of course, the gentleman from Pennsylvania (Chairman SHUSTER) and his committee for bringing us forward to this date.

This is a continuum of efforts to protect one of the most unique, captivating, spectacular resources we have in the United States of America, the Florida Keys.

This is complementary to the efforts that this body has taken with regard to the Everglades and protection of Florida Bay. This is an investment. That is well worthwhile.

If my colleagues have not visited the Florida Keys, they should. If they have visited the Florida Keys, they will understand why this is necessary legislation.

I urge support of this rule and support of the legislation.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), a distinguished leader, who, in the short period of time he has been in Congress, has already left quite a mark on a number of critical issues to South Florida.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules, for his leadership as well. He is from South Florida and has undertaken to represent that community and the entirety of the State and the Nation in a very competent fashion.

I first want to thank the chairman and also thank especially our colleague from Florida (Mr. DEUTSCH) who has spearheaded this legislation which is vital, obviously, to the Florida Keys and to thank, as well, the gentleman from New York (Mr. BOEHLERT), the chairman of the committee, for endeavoring to bring this bill to the floor.

Mr. Speaker, we have heard quite a bit today about the importance of this bill and the positive impact it will have on the delicate marine ecosystem of the Florida Keys.

I appreciate the comments made by the gentleman from Florida (Mr. GOSS) and urge people to please make their vacation plans to visit this pristine, wonderful part of Florida. I know they will not be disappointed. As my colleague clearly stated, those who have been there fully understand the magnitude and magnificence not only of the region but of the necessity for the bill.

The Federal Government has recognized the importance of this system by naming it the National Marine Sanctuary. But it currently is in jeopardy. For too long, inadequate storm water management systems and wastewater treatment systems have allowed pollutants to mar this national treasure.

I might also add, we have a similar experience around Lake Okeechobee because of septic tanks and other things that were causing and are causing the degradation of the environment.

While we are here today to talk about the Keys, I also want to call to the attention of Members of Congress other waterways and other water bodies which would clearly have a significance and could actually use the model that the gentleman from Florida (Mr. DEUTSCH) has established today to help deal with other areas and other consequences.

But what impact will this problem have if left unchecked on the rest of us? Over 2 million people visit this beautiful area each year. But because of the inadequate infrastructure, what was once clear and beautiful water is now discolored. Beaches are often closed and public health officials warn against swimming near the shores. This poses a public health threat and a threat to the livelihood of many of the Keys' full-time residents.

The Florida Keys marine ecosystem is intrinsically linked with the Greater South Florida ecosystem, including our national park, the Florida Everglades. In devoting resources towards the restoration of this important ecosystem, we must ensure that a coordinated effort is undertaken so that the best environmental and fiscal outcome can be achieved for all concerned.

We have agreed that there is a problem by establishing the Water Quality Protection Program Steering Committee. This committee has proposed, as directed by the Congress, a comprehensive program to ensure water quality and protection embodied in this resolution, H.R. 673.

The State of Florida and the Monroe County Commission have demonstrated their commitment to this solution.

Let us pass this legislation and demonstrate the commitment of this Congress to preserving the beauty of the Florida Keys National Marine Sanctuary for all Americans.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too wish to add my voice of congratulations to the distinguished gentleman from the Florida Keys (Mr. DEUTSCH) who has worked so hard on this critical issue, as well as all the other colleagues who have worked on this matter, which is of such importance to that extraordinary treasure, national treasure, which is the Florida Keys.

I urge my colleagues to support this open rule, to support the underlying very important legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1106, ALTERNATIVE WATER SOURCES ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 485 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 485

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources. The first reading of the bill will be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), my friend and colleague, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this issue only.

Mr. Speaker, this is a very fair, simple rule, as we have just heard described to us. It provides for adequate and appropriate consideration of H.R. 1106, the Alternative Water Sources Act. It is a wide open rule that will accommodate any Member's interest in the amendment process who wishes to come forward on it.

H.R. 1102 would provide Federal grants to State and local governments so that they can move forward on developing alternative water sources. This is a critically important issue for my home State of Florida and for States across the country. We have always had water wars in America, but with an ever-increasing population and the accompanying heightened demand for water that we see in our communities, we are sure, I am afraid, we are going to see more of these disputes.

So H.R. 1102 aims to spur the development of alternate water sources which will help meet the increased demand. It is proactive. It is forward thinking. I thank my colleagues, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from New York (Chairman BOEHLERT) and the gentleman from Pennsylvania (Chairman SHUSTER) of the committee for their work to bring this forward at this time.

I certainly encourage my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me the customary time.

Mr. Speaker, this is an open rule. As my colleague from Florida has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill authorizes the Environmental Protection Agency to provide grants for water reclamation, reuse, and conservation projects.

America's growing population has created an increased demand for water, and this legislation will help States, local governments, private utilities, and nonprofit groups develop new water resources to meet these critical needs.

The bill was approved by a voice vote of the Committee on Transportation and Infrastructure with bipartisan support. It is an open rule.

I urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. FOLEY) who has the adjoining district and shares the same interest I do in South Florida.

□ 1100

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS), a member of the Committee on Rules, the champion of the Everglades, for giving me the opportunity to once again to speak under another rule, to talk about an issue again critical to the State of Florida and again dealing with the importance of water. And if anyone has traveled to Florida, whether it be the Keys or to Okeechobee County or to Palatka or Jacksonville or the Panhandle, they recognize with some 45 million annual visitors a year and a population in excess of 14 million people we clearly have water on our mind. It is everywhere. It is bountiful. It is plentiful, but it is diminishing. Obviously, it is not all available for consumption. We are surrounded by both the Gulf and the Atlanta Ocean which is, of course, saltwater incapable of being used for nourishment or thirst-quenching, unless it has been desalinated and that, of course, is an expensive proposal.

I want to first thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. SHUSTER) and others who have allowed this bill to come to the floor today, and I want to thank my colleagues, the gentlewoman from Florida (Mrs. THURMAN), the gentlewoman from Florida (Mrs. FOWLER), the gentleman from Florida (Mr. MICA), and the gentlewoman from Florida (Ms. BROWN) for their hard work on H.R. 1106.

Many States, especially my home State of Florida, currently face a water supply crisis. Our populations continue to grow but our water levels continue to decrease. If nothing is done, it is estimated that water demand will exceed supply as early as 2020. Congress must act now before this problem escalates to that dangerous level leading to potential economic and environmental crises.

I will stop there for just a moment to recognize the actions on the floor of the legislature in unanimously passing the bill provided to them by Governor Jeb Bush regarding the Florida Everglades which, of course, is a key part and component of the long-term solutions of saving Florida and obviously providing an abundant supply of water. That bill provides $123 million over the course of the next several years in order to accomplish environmental restoration. That is critical to be acknowledged on the floor today because we will ultimately take up the restudy bill, which is a bill that has been strongly championed by the Florida delegation in order to get money necessary to complete the important replumbing of the Florida Everglades and surrounding environments.

Congress has recognized a similar problem before in Western States and in the United States territories. A limited number of State governments are now eligible for funding to develop alternative water resources through the Bureau of Reclamation. We need to answer the call of high-population growth States such as Florida now with a comparable plan. Florida has taken aggressive steps through conservation and identification of alternative water sources. Unfortunately, these steps are clearly not enough.

High-population growth States need action by Congress now to prevent disastrous consequences later. So I urge my colleagues both to vote for the rule and vote for the underlying legislation, H.R. 1106, the Alternative Water Resources Act of 1999.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I urge support of the rule. I yield back the balance of the time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 483 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 673.

□ 1103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would urge strong support for H.R. 673, the Florida Keys Water Quality Improvements Act, because it is going to help improve and maintain one of our Nation's real treasures, the Florida Keys National Marine Sanctuary.

The water quality experts have found that the inadequate wastewater treatment and storm water management systems are major contributors of pollution in the nearby waters of the Florida Keys. This pollution is threatening the ecosystem's health and viability. However, the costs to make the necessary wastewater and storm water improvements represent an enormous burden to the 85,000 permanent residents of Monroe County, Florida. So that is why I would urge all Members of Congress to support passage of this bill.

It provides Federal assistance to help Monroe County afford the necessary improvements to protect the Florida Keys National Marine Sanctuary.

Mr. Chairman, I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join with our distinguished chairman in strong support of H.R. 673, the Florida Keys Water Quality Improvements Act.

The Florida Keys are a spectacular natural resource of international significance. Home to North America's only living coral barrier reef, the Florida Keys are located in a unique and fragile marine environment requiring special attention. We must ensure that these resources are protected for future generations.

The Florida Keys marine ecosystem is dependent upon clean, clear water with low nutrient levels for its survival. However, as population and tourism within the Keys have increased over the years, improvements in wastewater and storm water management have not kept pace. The result is an increased discharge of pollutants into the near-shore waters of the Florida Keys. This increased pollution has had devastating effects on the marine environment, and is threatening the reefs of the Florida Keys National Marine Sanctuary.

The legislation on the floor today will assist greatly in improving the water quality of the Florida Keys region. H.R. 673, as amended by the Committee on Transportation and Infrastructure, would establish a grant program under the Environmental Protection Agency for the construction of treatment works projects aimed at improving the water quality of the Florida Keys National Marine Sanctuary.

The administrator of EPA, after consultation with State and local officials, would be authorized to fund treatment works projects that comply or are consistent with local growth ordinances, plans and agreements, as well as current water quality standards. Projects funded under this program would be cost-shared, with local sponsors providing a minimum of 25 percent of the project costs.

Monies authorized by this bill will be utilized to replace the dated, inefficient methods of sewage and storm water treatment currently being used in the Keys with modern waste and storm water treatment works.

By ensuring that the nutrients associated with such wastes are not discharged or released into the surrounding waters, we can prevent further damage to the marine environment and achieve dramatic improvement to the water quality in the National Marine Sanctuary.

Mr. Chairman, I want to congratulate the sponsor of this legislation, the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Florida (Mr. SHAW) for their hard work in bringing this matter to the consideration of the committee. I support this legislation and urge its approval.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MILLER), for a colloquy.

Mr. MILLER of Florida. Mr. Chairman, I rise in strong support of this legislation; and I commend my colleague, the gentleman from Florida (Mr. DEUTSCH), who represents the Keys, in bringing this forward. I also commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. BOEHLERT), who is chairman of the subcommittee, as they go through this process of evaluating the restoration of the Florida Keys.

It is going to be one of the largest single, as we know, public works projects in history; and we are excited about the future of being able to restore the Everglades to that river of grasses that was so eloquently written about over 50 years ago.

I proposed an amendment, which I will not be making, because of some concerns I had about issues within the Everglades, because when we talk about the quality of water, and that is what we are talking about is the quality of the water in the Everglades, and the gentleman was talking about the runoff in the Keys and also the issue of septic tanks, we need to talk about agricultural runoff that flows from the

Keys. And there is no question it has a negative impact on the Keys and Florida Bay, which everybody has used great superlatives to describe this delicate marine ecosystem, as was used earlier that we need to make sure that we are allowed and the EPA is allowed to continue to address the issue of agricultural runoff and that there is nothing in this bill that would preclude the EPA from addressing that particular issue.

So that is essentially what my concern is, that the EPA can continue to address any of the concerns about agricultural runoff, and this does not prevent that from happening.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the gentleman is absolutely correct, this bill focuses solely on the role of financial assistance.

Mr. MILLER of Florida. Great. The sugar program is one that encourages overproduction of sugar, and it has that negative impact because of the pollutants of fertilizer and such so I think we need to address that issue; and it will come up at other times during the year, and we will address it at that time.

So I appreciate the chairman's assurance.

Mr. BORSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. DEUTSCH), the prime sponsor of the legislation.

Mr. DEUTSCH. Mr. Chairman, this is really in many ways one of, I would not even say proudest but happiest days that I have served in the United States Congress just listening to the debate over the last half hour or so in terms of the Florida Keys, because for anyone who has been listening for the last half hour or so we have Members from around the country speaking as eloquently, if not better, about the beauty and the significance of the Florida Keys as I could myself.

I think that is the statement that this is not a resource just of Monroe County, and the truth is it is not even just a resource of the United States of America, but it truly is an international resource. There is only one Everglades in the world. There is only one Florida Bay. There is only one living coral reef in North America which is basically outside or part of the Florida Keys, part of Monroe County. So this has really been a very heartwarming last half hour or so, but more than that it has been a heartwarming process that we are here today with this bill on the floor.

I really want to thank my colleagues from the Florida delegation, specifically the gentleman from Florida (Mr. SHAW), who is the prime sponsor with me, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from Florida (Mr. GOSS) as well, who have worked so hard throughout the process but also the Members in the leadership of the Committee on Transportation and Infrastructure for their commitment to this critical national priority.

Mr. Chairman, today Congress advances America's commitment to the Florida Keys. An American treasure is at risk and the Florida Keys Water Quality Improvements Act will help save North America's only living coral reef.

A 150-mile chain of islands which rose from ancient coral rock, the Florida Keys comprise the southern end of the Everglades ecosystem. While the spectacular coral reef is the Keys' most popular feature, they are also known for native seagrass beds, lush tropical hardwood hammocks, mangrove forests, rocky pinelands, the endangered key deer, and a wide array of aquatic life.

Only about 80,000 people live in the Keys community of Monroe County, but the mystery of this tropical paradise attracts over 2 million visitors every year.

The Keys are a tropical paradise, but they are at risk of becoming a paradise lost. Mr. Chairman, pollution is the number one problem. Pristine water which was once crystal clear in many places now is turning pea green. The living reef tract is becoming infected with disease and many parts are dying off completely. Last summer, unchecked pollution closed beaches throughout the county, including most beaches in Key West. Up and down the Keys, health officials warn against swimming close to shore.

Unless decisive action is taken to stop the flow of pollution, scientists warn the ecosystem will continue its decline towards total collapse. The source of the problem is clear. The Keys have almost no water quality infrastructure. Lacking adequate technology, untreated wastewater now travels easily through porous limestone rock into the near-shore waters. Polluted storm water also flows from developed land into the same near-shore waters.

Mr. Chairman, the Christian Science Monitor clearly described the problem in an article which appeared exactly one year ago today: "One of the most treasured marine ecosystems in the United States is literally being flushed down the toilet."

H.R. 673 addresses this problem by authorizing $213 million for the deployment of water quality technology throughout the Keys. The legislation is a natural extension of the Federal commitment to the Florida Keys under the Florida Keys National Marine Sanctuary Protection Act approved by Congress in 1990.

□ 1115

The Sanctuary Act established a Federal role in research and protection of the Keys marine ecosystem. It directed the Environmental Protection Agency and the State of Florida to establish a Water Quality Steering Committee which was charged with developing a comprehensive water quality protection program. In fulfilling this directive, the steering committee worked closely with dedicated citizens, scientists, and technical experts. In the final analysis, it found that inadequate waste water and storm water systems are the largest source of pollution in the Keys.

H.R. 673 also authorizes grants under the Clean Water Act for the construction of water quality improvements according to Monroe County's waste water master plan and plans of incorporated municipalities. Projects will be funded on a 75 percent Federal, 25 percent non-Federal base.

One point is important to stress: Even with appropriate Federal support, the people of the Keys will still pay more than twice the national average in monthly sewer bills. I think my constituents will agree that it is a price worth paying.

Let me just add also a word of thanks to everyone in Monroe County. It has been an incredibly supportive effort at every level, environmentalists, the Chamber of Commerce groups, it has been totally a success story I think in policy in terms of the Congress as well over a number of years.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Subcommittee on Water Resources of the Committee on Transportation and Infrastructure.

Mr. BOEHLERT. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, the Florida Keys are a unique marine environment and include the only living coral reef barrier system in North America. So this is not something that is just about Florida, it is about America.

In 1990, Congress recognized the importance of the Florida Keys and created the Florida Keys National Marine Sanctuary. A Water Quality Steering Committee created under the sanctuary's implementing act has identified inadequate waste water and storm water controls in Monroe County, Florida, as the largest source of man-made pollution into the waters of the Florida Keys.

To make the necessary waste water improvements, the estimated cost to improve near shore water quality in the Florida Keys is between $184 million and $418 million. To make the necessary storm water management improvements, the estimated cost is between $370 million and $680 million. We are not going to bear the entire cost, even though this is a national resource. The State of Florida is obligated to come up with 25 percent cost share.

H.R. 673 authorizes the U.S. Environmental Protection Agency to provide grants to public agencies in Florida to replace inadequate waste water and treatment systems and to establish, replace, or improve storm water management systems in Monroe County, Florida.

Let me say that I want to thank the stars of the Committee on Transportation and Infrastructure, and I am talking about our distinguished chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and my colleague, the distinguished ranking member, the gentleman from Pennsylvania (Mr. BORSKI).

I say they are "stars" because this committee, week after week, comes to the floor with meaningful legislation that builds our Nation's infrastructure and that protects our Nation's precious natural resources. We have a track record that is the envy of all other committees of this Congress and that is a tribute to our leadership, that is a tribute to the bipartisanship and the determination of our committee to work constructively and positively for responsible public policy that affects all Americans. I am privileged to be associated with the committee.

Ms. ROS-LEHTINEN. Mr. Chairman, I join with over half of the Florida delegation to support H.R. 673, the Florida Keys Water Quality Improvements Act of 2000, that will provide $213 million to help preserve one of this nation's crown jewels.

Within the Florida Keys lies the only living coral reef bed in the United States and the third largest in the world.

The coral reef is also home to plants and animals unique to this area that make up a rare and sensitive ecosystem.

The Keys are being threatened with disease and even death if the raw wastewater flowing through the porous limestone of the Key is not treated and cleaned up.

Inadequate wastewater and stormwater infrastructure have caused the once pure waters to become polluted and dirty, threatening not only the viability of the living reef tract, but the plants and animals that are dependent upon it.

Throughout the Keys, antiquated septic tanks leak and outdated sewage systems leak refuse into these waters, flowing directly through the permeable limestone.

H.R. 673 authorizes a 75/25 split between federal grants and non-federal monies to construct the necessary infrastructure.

The communities of the Keys lack the tax base to provide an adequate solution without federal help, and even with passage of H.R. 673, residents will pay twice the national average in sewer bills.

The chain of islands runs 150 miles and are home to 80,000 residents, but each year, they receive over two million visitors which adds more stress to the fragility of the ecosystem.

The popularity of these islands has actually exacerbated the problems facing the Keys.

I urge my colleagues to support this important legislation to ensure that one of our nation's gems is restored to its previous pristine condition.

Mr. BORSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time and urge adoption of the bill.

Mr. SHUSTER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Florida Keys Water Quality Improvements Act of 2000".

SEC. 2. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. FLORIDA KEYS.

"(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority and other appropriate public agencies of the State of Florida or Monroe County, Florida, for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

"(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

"(1) the applicant has completed adequate planning and design activities for the project;

"(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

"(3) the project complies with—

"(A) applicable growth management ordinances of Monroe County, Florida;

"(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

"(C) applicable water quality standards; and

"(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

"(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

"(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

"(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

"(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

"(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

"(4) other appropriate State and local government officials.

"(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

"(1) $32,000,000 for fiscal year 2001;

"(2) $31,000,000 for fiscal year 2002; and

"(3) $50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH:

Page 2, line 13, strike "and other appropriate" and all that follows through the end of line 14 and insert the following:

, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County

Mr. DEUTSCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we support this amendment. It is a technical amendment. It makes a change to clarify the intent of the bill to ensure that appropriate public agencies in Monroe County are eligible to receive assistance. We support the gentleman's amendment.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from Pennsylvania.

Mr. BORSKI. Mr. Chairman, we have reviewed this amendment and agree that it is a clarifying amendment, and will be happy to support the gentleman.

Mr. DEUTSCH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTSCH).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. 3. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the American taxpayer is going to pay to clean up the Keys. I would like to see that it be possible that American taxpayer dollars be spent to buy American goods and services.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I support the gentleman's amendment. It is a buy-America amendment, it is a good amendment, and I urge its adoption.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. BORSKI. Mr. Chairman, I want to say we would be happy to support this as well. The gentleman is a champion of American workers, and this is a good amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I ask for an aye vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The commitment amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys, pursuant to House Resolution 483, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the rule, further proceedings on this question are postponed.

ALTERNATIVE WATER SOURCES ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 485 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1106.

□ 1124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation was introduced by the gentlewoman from Florida (Mrs. FOWLER) and the gentlewoman from Florida (Mrs. THURMAN) and authorizes EPA grants for alternative water source projects to meet critical water supply needs.

Water supply needs in many parts of our country are under increasing pressure. We simply do not have a nationwide program that is focusing on reclaiming and reusing water. This legislation addresses that gap by authorizing EPA grants for alternative water source projects.

This bill has broad bipartisan support. It passed the Committee on Transportation and Infrastructure by unanimous voice vote. It is a very sound environmental bill, and I urge its support.

Mr. Chairman, I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first congratulate the chairman of the committee for his leadership in bringing this bill to the floor. I also want to thank our distinguished subcommittee chairman for his great leadership and, of course, acknowledge our ranking member, the gentleman from Minnesota (Mr. OBERSTAR) once again for providing great leadership. As our subcommittee chairman noted on the previous bill, this is a committee that works and it works in a bipartisan fashion and we are very pleased with that.

Mr. Chairman, I rise in strong support of H.R. 1106, the Alternative Water Sources Act of 2000. This legislation would establish a new program within EPA to provide financial assistance for alternative water source projects under the Clean Water Act. These projects would enhance water supplies by conserving, managing, reclaiming or reusing water or wastewater, or by treating wastewater in areas where there is a critical water supply need.

As stated in the committee report, all the problems eligible for funding under this program are within the Clean Water Act definition of treatment works, and subject to the requirements of Section 513 of the Act relating to grants.

H.R. 1106, as amended by the Committee on Transportation and Infrastructure, has a number of safeguards to ensure that water source projects supported by this program will receive appropriate scrutiny.

First, entities are eligible for financial assistance only if they are authorized by State law to develop or provide water for municipal, industrial, or agricultural use in areas with critical water supply needs.

Second, the entities are required to contribute at least 50 percent of the project cost. Finally, projects greater than $3 million in Federal costs must be approved by resolutions adopted by either the Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works.

Mr. Chairman, eligibility for this new program would be open to all 50 States. However, language is included in this legislation to prohibit projects that have received funding under existing programs of the Bureau of Reclamation from also being funded under this program.

In addition, this legislation would require the administrator of EPA to take into account the eligibility of a project for funding under the existing bureau programs when selecting projects for funding under this new program. This will assist in achieving regional fairness in funding these critical needs.

Mr. Chairman, I want to congratulate the gentlewoman from Florida (Mrs. THURMAN) for her great leadership on this bill and the gentlewoman from Florida (Mrs. FOWLER) for her hard work in assisting the committee in bringing this measure to the floor. I support this legislation and urge an aye vote.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Subcommittee on Water Resources of the Committee on Transportation and Infrastructure.

Mr. BOEHLERT. Mr. Chairman, traditionally our Clean Water Act programs have appropriately focused on how to keep water from getting polluted, and that makes a lot of sense. That is a matter of the highest priority.

□ 1130

It is still a national objective to have all of our Nation's waters fishable and swimmable. However, less attention has been paid to opportunities to reclaim or reuse water. However, to meet critical water supply needs in some parts of the country, existing sources of water will not be sufficient. That is a sad commentary, but it is true. We are going to have to reclaim and reuse water.

Water shortages are nothing new in the arid West. The Bureau of Reclamation has a water reclamation and reuse program for the 17 Western States and 4 U.S. territories pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, and that is very appropriate.

Some areas of the eastern half of the United States are now beginning to have water shortages as well. But due to the limited assistance available to water reclamation or reuse projects in the East, we are failing to preserve existing supplies of fresh water through water conservation and reuse.

To address this issue, our distinguished colleagues, the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from Florida (Mrs. FOWLER), introduced H.R. 1106 to authorize EPA grants for alternative water source projects to meet critical water supply needs. For all of those people who say, they never work together in Congress, they are too partisan, I say baloney. This is a good example of a Democrat and a Republican working together with a very productive committee, the Committee on Transportation and Infrastructure, to address a legitimate problem in a responsible way.

As amended by the committee, this new program will help all States meet these needs. However, projects that have received funding from the Bureau of Reclamation are not eligible for assistance under the new authorization, and that makes sense. We do not want double-dipping around here.

The bill also instructs the EPA administrator to take into account the eligibility of a project for funding under the Bureau of Reclamation program when selecting projects for funding under the EPA program. Given the existence of this other program, we expect the administrator to recognize the importance of selecting and funding projects that are not eligible for the Bureau of Reclamation program. Once again, we do not want to duplicate something.

I want to commend the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from Florida (Mrs. FOWLER) for their fine work on this legislation. I thank the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the committee; and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; and the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of our Subcommittee on Water Resources and the Environment. I am so pleased to see the chairman give emphasis to that "environment" section of the title of our subcommittee. We not only are environmentally responsible on the Committee on Transportation and Infrastructure, we also are responsible for the majority of legislation considered in this, the people's House.

Mr. BORSKI. Mr. Chairman, I yield 6 minutes to the prime sponsor of the bill, the gentlewoman from Florida (Mrs. THURMAN), who has spent years of her life dedicating herself to this particular issue.

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I too need to make some thank-yous here, and as the gentleman from Pennsylvania (Mr. BORSKI) said, we have been working on this piece of legislation for quite a long time. But had it not been for the work of the chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from New York (Mr. BOEHLERT) who have been so helpful on this measure; I have not left out the gentleman from Pennsylvania (Mr. BORSKI), because I want to tell my colleagues that not only has he been the kind of person that has helped me on the floor to figure out where we were having pitfalls, he actually came to the district and looked at the problems that we were facing in Florida, and I thought that that was just an extra touch for him to do that. I just want to say how much I appreciate his leadership on these issues, and certainly to everybody else that has helped me.

I also need to finally salute my colleague and the gentlewoman also from Florida (Mrs. FOWLER) for her leadership, and for the member on the committee who has taken a lead on this issue as well.

Mr. Chairman, we need to recognize that in H.R. 1106, there have been a total of 33 sponsors, from Florida, Georgia, Mississippi, Louisiana, Arkansas, New York, Illinois, and Ohio. I am just pleased that Members from other States who also recognize the problem that this bill addresses, and that problem is increased pressure on water supply, both at home and, quite frankly, abroad as well.

In fact, some experts believe that the major international conflict, the next one, will not be about oil, but will be about water. Former Senator Paul Simon has written a book entitled, Tapped Out, and its subtitle, The Coming World Crisis in Water and What We Can Do About It.

Population and economic growth are straining water resources. Florida, for instance, adds about 600 people per day. In many areas, the high demand for water has led to over-pumping the aquifers, giving us salt water intrusion, the drying up of wetlands, and again pointing out other environmental crises. Just yesterday, as many of my colleagues saw, a television network noted the drought in the Midwest. The time is really now to act.

Florida's water management districts are working to preserve water supply. In the Tampa Bay area, water-conserving devices have saved 8.8 million gallons a day. Similar initiatives have been undertaken in other parts of the State. In 1998, EPA Administrator Carol Browner noted the extraordinary and innovative efforts that Floridians have undertaken to meet the water conservation challenge.

I believe that this bill will help many States meet water supply needs and start a discussion on how to meet water supply needs for the next 100 years. Without alternative water sources, many States may find themselves hurting for water for drinking, agriculture, industry, and commercial uses.

No single solution works everywhere. That is why I believe H.R. 1106 offers a flexible approach. It is not a one-size-fits-all attempt to impose a Federal solution on State or local agencies. Therefore, a long-term, sustained effort is needed to meet our future water needs. Over the years, Congress has adopted many water programs, some to deal with quality and others to deal with quantity. But since entering Congress, I have worked to close a gap in these programs of water reuse. H.R. 1106 closes that gap.

The Alternative Water Sources Act will help States meet ever-expanding demands for water. The bill establishes a 5-year, $75 million a year program to fund the engineering, design, and construction of water projects to conserve, reclaim and reuse precious water resources in an environmentally sustainable manner.

Under the program, water agencies in eligible States would submit grant proposals to the EPA. Fifty percent of the total project cost would come from local funding sources. Perspective grantees must demonstrate that proposed projects meet a State's detailed water plan.

This is what I envision in the future. Farmers or businesses will make better use of runoff or storm water. We are already doing some of that in Florida. And for every gallon they reuse, one less gallon of drinking water will be used. In the winter of 1998, to give my colleagues an example, the greater Tampa area received 23 inches of rain that washed into the Gulf of Mexico. A few months later, the area suffered a drought. If even some of that rainfall had been channeled and saved for future use, people's lives would have been much easier.

As a result of innovative technologies such as deep well injection, new methods of reusing and enhancing area water supplies can be applied today. If we use or improve this technology in one part of the country, it will help other parts of the country, because it will reduce pressure to move water from one region to another.

In commenting on a global study by the World Water Commission, which is supported by the U.N. and World Bank, the Christian Science Monitor in an April 14 editorial concluded, "Aquifers in Florida, and in numerous other parts of the globe, cannot sustain unlimited pumping. Whether it is desalinization, capturing rain water, water-saving farming methods, or water pricing structures that impel greater conservation, humanity should use every tool available to safeguard this most basic natural recourse."

Water reuse projects provide an important tool to safeguard this basic research.

Mr. Chairman, I realize that water reuse alone will not solve coming water problems. Today, many parts of Florida have water restrictions. Tomorrow, your State may have similar. A real national water policy also must include conservation programs. The efficient use of water must go hand in hand with energy efficiency. These are just some of the reasons why I feel the House should pass H.R. 1106, and I ask the cooperation of my colleagues.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, this is an important piece of legislation that is long overdue. We must address the critical water resource needs of our expanding communities. I want to especially thank the gentlewoman from Florida (Mrs. THURMAN), the gentleman from Florida (Mr. GOSS), and 32 cosponsors for taking the lead in getting the measure to the floor for consideration today.

Mr. Chairman, the Water Infrastructure Network released a comprehensive report at the Conference of Mayors' press conference here on Capitol Hill last month on the crisis facing the Nation's wastewater and drinking water system. The report concluded that there is an "increasing gap in our Nation's water infrastructure needs and the Federal Government's financial commitment to safety and clean water." This is unfortunate.

In my home State of Florida, Orlando, Jacksonville and other metropolitan areas are faced with a fast-growing population and are very concerned, and rightly so, about their ability to adequately finance the programs needed to meet projected water demands. Water supply is one of the most important issues facing Florida and our Nation, and it is critical to our future. I urge support for H.R. 1106.

Mr. BORSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished and great leader of the Democrats on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I thank the ranking member for yielding me this time.

Over 35 years ago this very year, a book with a very thought-provoking title prodded Congress and the then administration into thinking anew about our precious resources of fresh water. The title of that book, The Coming Water Famine, was written by a then junior member of the Committee on Public Works, the predecessor name of this committee. That junior member went on to become Speaker of the House, none other than Jim Wright, who, after considerable research into available and predictable uses of ground water, and population growth, and the availability of water in the Nation's major aquifers and other ground water resources, drew a curve in that book. It showed that here is this constant supply of water and use is climbing at an accelerating rate. He predicted that some time in the mid-1980s, not a specific date, the two would intersect. We passed that point well before the time Jim Wright predicted. He was on track. Congress and the administration, several administrations, have not been. We have not done enough to provide for the water resource needs of our country.

All the water there ever was, and all the water there ever will be, is available today on the earth. We cannot create new water. We can only conserve that which we have and manage it well. On any given day, there are 160 trillion gallons of moisture in the atmosphere over the Earth. After it comes in the form of snow or rain, and after runoff, there is only about 160 billion gallons that actually penetrate into the Nation's aquifers. We are using it at a faster rate than it is coming down, or that is being conserved by the earth. The Ogalala aquifer has been depleted to a dangerous point, such that if we stopped all use, all withdrawals from the Ogalala today, it would take the next 3 decades to replenish the water to where it should have been 30 years ago. So, too, for many other basins throughout the United States.

This legislation is not going to cure or correct that problem.

□ 1145

It is going to take a much broader, thoughtful consideration by the Congress, by future administrations, by the public on wise use and conservation of our resources. As we paved over America, our streets, cities, housing shopping centers, that water runs off. We are not giving it an opportunity to penetrate into and restore the aquifers from which we are drawing this precious source of life.

I commend the authors of the legislation, the two gentlewomen from Florida, who have advocated and brought it thus far; and I pay my great respect to the gentleman from Pennsylvania (Mr. SHUSTER), our chairman, who has long been an advocate of wise use and conservation of our water resources, as well as the gentleman from Pennsylvania (Mr. BORSKI), who has been a student of the subject and who has applied himself diligently.

Mr. Chairman, it is going to take more, much more than what we are doing in this legislation. We are going to provide financing to conserve, manage, reclaim, reuse water, wastewater, and treat it. We have provided language in this legislation to assure that we are not duplicating in this bill what is already available through the Bureau of Reclamation.

But the water needs go far beyond this halting step that we take here, a good step and an important one and very targeted, one that we must do; but we have to consider far greater concerns. The loss of the prairie pothole region. The loss of wetlands in America. We have half of what we had at the turn of the century and less than a third of what we had when America was formed as a nation.

If we continue to allow the destruction of the water-conserving forces that nature created and continue to draw water from basins that cannot be restored. We will indeed have shortchanged future generations.

So let us move with this legislation, but keep in mind that the coming water famine is with us and that it is up to us to address it for future generations.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Mrs. FOWLER), one of the prime sponsors of this legislation.

Mrs. FOWLER. Mr. Chairman, I do rise in strong support of H.R. 1106, the Alternative Water Sources Act. The gentlewoman from Florida (Mrs. THURMAN) and I introduced this legislation in the last Congress, and we are extremely pleased to see this important legislation being debated today on the floor and acted on.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Pennsylvania (Mr. BORSKI) for working so closely with us on this important legislation.

Mr. Chairman, H.R. 1106 will establish a Federal matching-grants program under the Clean Water Act to assist eligible and qualified States with the development of alternative water sources projects to meet the projected water supply demand for urban development, industrial, agriculture, and environmental needs.

Many will say that our existing water supply is sufficient. Well, for now that is true in some areas. But as our population grows, our water supply dwindles. We need to encourage States to be forward thinking when it comes to water supply and alternative sources.

There are many States, including Florida and New York, where the increase in population growth has already put a significant strain on their water supply. There is no dedicated source of funding to provide for partnerships between States not eligible for funding through the Bureau of Reclamation. This bill will provide for that.

We need this legislation to avoid a potential water supply crisis. A new Federal partnership is needed, one which will ensure that water supply will keep pace with population growth and protect our precious natural resources. Let us make sure that future generations do not have to grab an expensive bottle of water in order to quench their thirst.

Mr. Chairman, I encourage my colleagues to support this important legislation.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to express my strong support for H.R. 1106, the Alternative Water Sources Act of 2000.

This bill will provide federal matching funds for the design and construction of water reclamation, reuse, and conservation projects for states, local government agencies, private utilities, and nonprofit entities to develop alternative water sources to meet critical water supply needs to the 33 states—including my State of Hawaii—currently not covered under the Reclamation Projects Authorization and Adjustment Act of 1992.

I am delighted to support this bill, which will help provide much-needed assistance to the State of Hawaii. The rural sectors of my state, especially the Big Island of Hawaii, have suffered from serious droughts over the past few years. Sugarcane, which was previously the most important crop on the island of Hawaii, is no longer cultivated there. The sugar plantations that used to take much of the responsibility for developing and maintaining irrigation systems are gone and much of the agricultural land is vacant. The recovery of agriculture and the livelihood of farmers in rural Hawaii will depend on improved water resource development.

I welcome this valuable new program, which will support development of projects designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

Mr. McCOLLUM. Mr. Speaker, I rise today in support of the Alternative Water Sources Act, H.R. 1106, Water supply has become a primary concern for many of my colleagues. State and local governments are trying to resolve the issue of a growing demand for water with a limited water supply.

Water supply is an essential resource for all states, but it is particularly important to my home state of Florida. Water is the essence of Florida—it is part of our identity and the cornerstone of many individuals' livelihoods. But, as with many states, water supply has become a critical issue for my state. Between 1995 and 1996, the population of Florida increased by 260,000 residents. Year after year, this population growth pattern continues. Groundwater pumping from Florida's aquifers provides most of its public and agricultural water supply, but this strain on the aquifers is of critical concern.

A water supply shortage is projected in the coming years due to this population growth. Not only does the shortage affect Florida, but there are already 17 western states which are receiving federal assistance in creating and implementing alternative water supply sources. Intense planning has been in effect in many states to determine alternative ways to supplement the natural water supply. With so many uses of water—drinking, agriculture, environmental restoration, recreation, just to name a few—the strain on the current water supply will soon surpass the ability of the state to provide adequate drinking water along with providing enough water for agricultural and other uses. This shortage has become more apparent in Florida in the last few years. Degradation of water quality, dehydration of wetlands, saltwater intrusion and many other symptoms have resulted from extensive groundwater pumping.

Water management districts in Florida and the Army Corps of Engineers are working on plans involving an infrastructure to capture, store, and timely use river water. This will require a state/federal partnership to build and Florida will need other innovative ways to assure long-term water availability.

Recycling and reusing wastewater is one way to help address water shortage. Treating wastewater allows states to increase their water supply for agricultural, environmental, industrial, and recreational purposes and leave the potable water for human consumption. The Alternative Water Sources Act would authorize the Environmental Protection Agency to provide $75 million in grants to states who have scientifically and environmentally sound alternative water source plans. The grants would be provided at a non-federal cost share of 50 percent. Additionally, the bill would require the approval by the House Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works for any project where the federal cost share would exceed $3 million.

I enthusiastically support H.R. 1106, the alternative Water Source Act, and encourage my colleagues to vote in support of it. I thank Congresswomen FOWLER and THURMAN for their efforts to being this to the floor.

Mr. BORSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Water Sources Act of 2000".

SEC. 2. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

"(a) IN GENERAL.—The Administrator may make grants to State, interstate, and intrastate water resource development agencies (including

water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

"(b) ELIGIBLE ENTITY.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

"(c) SELECTION OF PROJECTS.—

"(1) LIMITATION.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

"(2) ADDITIONAL CONSIDERATION.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

"(d) COMMITTEE RESOLUTION PROCEDURE.—

"(1) IN GENERAL.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds $3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

"(2) REQUIREMENTS FOR SECURING CONSIDERATION.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

"(e) USES OF GRANTS.—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

"(f) COST SHARING.—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

"(g) REPORTS.—

"(1) REPORTS TO ADMINISTRATOR.—Each recipient of a grant under this section shall submit to the Administrator, not later than 18 months after the date of receipt of the grant and biennially thereafter until completion of the alternative water source project funded by the grant, a report on eligible activities carried out by the grant recipient using amounts from the grant.

"(2) REPORT TO CONGRESS.—On or before September 30, 2005, the Administrator shall transmit to Congress a report on the progress made toward meeting the critical water supply needs of the grant recipients under this section.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ALTERNATIVE WATER SOURCE PROJECT.—The term 'alternative water source project' means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

"(2) CRITICAL WATER SUPPLY NEEDS.—The term 'critical water supply needs' means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2000 through 2004. Such sums shall remain available until expended.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. 3. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Minnesota (Mr. OBERSTAR), and I too want to commend Jim Wright for the many great things he has done while in the House. This is certainly one of them.

This will be taxpayers' dollars expended in America. My amendment would at least encourage that it be expended on American-made goods and products, not products from overseas.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this amendment can properly be called the "Traficant Buy American Amendment," and we support it.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. BORSKI. Mr. Chairman, we would also be very pleased to support this amendment, the "Traficant Buy American Amendment."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. Barrett of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources, pursuant to House Resolution 485, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 1106 will be followed by a 5-minute vote on passage of H.R. 673.

The vote was taken by electronic device, and there were—yeas 416, nays 5, not voting 13, as follows:

[Roll No. 142]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—5

Duncan
Hostettler
Paul
Royce
Sanford

NOT VOTING—13

Chenoweth-Hage
Coburn
Cook
Engel
Fossella
Gutierrez
LaTourette
Lucas (OK)
Serrano
Velázquez
Vento
Wise
Young (AK)

☐ 1217

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 142 I was absent due to illness. Had I been present, I would have voted "yea."

FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of the passage of the bill, H.R. 673, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 7, not voting 16, as follows:

[Roll No. 143]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
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Johnson, Sam
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Chenoweth-Hage
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Andrews
Clay
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Cook
Engel
Fossella
Gutierrez
Hall (OH)
LaTourette
Lucas (OK)
Metcalf
Serrano
Velázquez
Vento
Wise
Young (AK)

□ 1229

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 143 I was absent due to illness. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. BASS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 673 and H.R. 1106.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 434, TRADE AND DEVELOPMENT ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–607) on the resolution (H. Res. 489) waiving points of order against the conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of May 4, 2000, providing for consideration or disposition of a conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Mr. Speaker, this rule waives the provisions of clause 6(a) of rule 13, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against resolutions reported from the Committee on Rules.

Additionally, the rule applies the waiver of a special rule reported on or before May 4, 2000, providing for consideration or disposition of a conference report to accompany the bill, H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa, or any amendment reported in disagreement from a conference thereon.

Mr. Speaker, this is a straightforward rule to allow the House to move forward with consideration of the conference report on H.R. 434.

This measure contains no surprises and was crafted with full consultation with the minority and the appropriate chairman and ranking members of the committees involved. This procedure actually provided the committees more of an opportunity to complete important provisions in the underlying legislation by allowing them to finish their work this morning.

Mr. Speaker, both sides of the aisle would like to complete this legislation today, and we have worked closely with all parties involved to do just that.

By passing this rule today, we will allow the House to complete this very important legislation. I hope we can move expeditiously to pass this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague the gentleman from New York (Mr. REYNOLDS), my dear friend, for yielding me the customary half hour.

Mr. Speaker, the way the Africa/Caribbean trade bill is being brought to the floor has been far from perfect, and this martial law rule only makes it worse.

This bill, Mr. Speaker, was put together so quickly my colleagues would think it was relatively unimportant. But the bill for which this rule provides martial law is a very important piece of legislation. That bill will affect 54 countries in Africa, 24 countries in the Caribbean, not to mention hundreds of thousands of American workers. It should be examined very closely, Mr. Speaker, before it is considered for a vote.

But it will not be examined, Mr. Speaker. It is barely off the printer.

Some of my Republican colleagues all but admitted that they are worried that once people see how badly this bill is put together, they will run the other way.

Meanwhile, the rule will enable my Republican colleagues to bring up immediately a bill that is so hastily written, if it is exposed to the light of day for too long, it will shrivel up and die.

Mr. Speaker, no one has had time to read this bill, including the conferees. So I am basing my assumption on rumors which are all I have to go by.

As I understand it, this bill will hurt American workers, it will hurt African workers, as well as the African environment. And like so many Republican bills that have come before, it benefits the very rich, the very powerful to the exclusion of just about everyone else.

The last Caribbean-Basin-NAFTA bill lost by a two-thirds margin. The Africa bill is being called a conference report, but it did not come from a conference.

Nonetheless, today, in the wee hours of the morning, these two bills were lumped together and, with this rule, will soon be rammed down the Congress' throat.

Even the AIDS prevention provisions of the House-passed bill were dropped out of this bill.

So I urge my colleagues to oppose this martial law rule.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to my distinguished colleague, the gentleman from Massachusetts (Mr. MOAKLEY), I would point out that, first of all, I believe that the conference report was made available on the Web at 10 o'clock on sunshine this morning.

Number two, he and I both know that there are many times that this rule would be completed after the negotiations were done by the conference committees at some 4:30 in the morning, a little longer drive for me coming in from Arlington as my colleague coming from the city.

But the fact is that, in an orderly fashion, our colleagues on the Committee on Rules came together, as being summoned by the chairman, at 10 o'clock to say they are actively in negotiations, Republicans and Democrats, both houses, to bring about a solution that will come back to the Committee on Rules and that we could convene at 10:30 in the morning upon the agreement being brought to the light of day and ample time for us to review it. And certainly my staff has brought it to me. The Committee on Rules staff brought it to us as Rules members.

We also, in completing the rule to expedite this piece of legislation today, we have taken an opportunity to give our colleagues the ability to get our work done by late today and have Friday to go back to our districts if we so desire.

And so, this is in the light of day. We have had it. It is in sunshine. And we also got a nice sleep on the Committee on Rules, which is an unusual feat here.

As the gentleman from California (Mr. DREIER), the chairman, sits to my right, I know that he will address again the procedure which we were under as we postponed the consideration while the negotiations went through until about 4:30 this morning.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT) the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, before voting today on the two rules for this so-called conference agreement, I urge my colleagues to think carefully about the way this legislation has been brought to the floor.

It is a stretch to call this a conference report. Conferees were not even appointed until yesterday, and their only job was to bless an agreement that had already been worked out behind closed doors and dropped on our doorstep this morning. Little information has been released to Members and staff. The only source of information available to most of us has been leaks in the press.

Now, after that process, it takes two rules, not one, two rules to bring this conference report to the floor. Why? Because, under normal House rules, a two-thirds vote is necessary to consider a rule on the same day that the Committee on Rules reports it.

To get around this sensible, longstanding, vitally important rule of the House, the Committee on Rules met late last night again and passed a rule to waive its own rules. That is the first vote. This chicanery clears the way for a second rule that allows consideration of the so-called conference report.

Now, regardless of where my colleagues stand on this bill, and it has merits and demerits and pluses and minuses, regardless of where they stand, I do not think anybody, for the sake of this institution, should vote to condone this abusive process regardless of where they stand on the bill.

A significant part of this bill is CBI-NAFTA Parity, or CBI Parity for short. That means duty-free, quota-free access to the U.S. market for apparel and textiles assembled in 25 countries in Central America and the Caribbean. They are already the second largest exporter of textiles to this country, taken as a group.

The last time CBI Parity was on the floor was in 1997. It came to the floor under suspension of the rules. We argued then that it deserved a full, fair, and open debate. And we prevailed. It went down 182–234. And, for the same reason, it ought to go down today. The easiest way to defeat it is to vote against this rule and make it come up at a later time when we have had a better chance to look at it.

This CBI Parity was bobtailed onto this conference report even though there has been no conference on it. As such, there has been no vote on it in committee not recently, certainly not on the floor, no full and open debate. And we will not have a full and open debate today because it is a conference report, we cannot amend it.

The more I learn about this agreement, the more I think there are some pluses and things in it I can be able to support. But why we are we being able to vote on major trade legislation without any language to examine, without even 24 hours to see and expect a conference report? I cannot believe this is a way we treat any legislation let alone major trade legislation that is bound to speed up job losses in the textile and apparel sector where the job losses are severe already.

These industries are suffering under a flood tide of imports, $65 billion in textile and apparel imports last year, yet they still employ hundreds of thousands of Americans.

I think we owe these folks at least a fair hearing. I think we owe these employees, these workers, a full examination of this bill that is going to have far-reaching effects on their livelihood.

Let me just say that there are three things we ought to ask when we look at this bill.

First of all, will it work? Will it do what it purports to do? Secondly, whom will it help? And thirdly, whom will it hurt?

I would urge my colleagues to consider the consequences. The complicated provisions of this bill, such as I have been able to read, in my opinion, will not be possible to enforce.

As it is, Customs is hard pressed to track whole goods in the apparel sector. This agreement will require that Customs track knit apparel formed in the Caribbean of U.S. yarn subject to a cap on the total level of square meter equivalent imports.

For Africa the agreement would require verification of the amount of regional and nonregional fabric used in the production of apparel in qualifying African countries.

How do we tell the difference?

Does anybody believe that these rules are going to be enforceable? I do not. And I have worked on textile apparel trade issues for the 18 years that I have been in Congress.

As subcommittee chairman, I have held hearings, I have visited the major ports of entry, I have talked to the Customs inspectors, I have drafted legislation dealing with labeling and transshipping. And I can tell my colleagues, the complex and arcane rules in this bill cannot be enforced.

The second question, who is it going to hurt? I will tell my colleagues who it is going to hurt. It is going to hurt about a million textile and apparel workers. They are already, as I said, suffering on an onslaught of $65 billion of imports last year. They are going to be hit even harder by imports coming in duty-free and quota-free from Africa and the Caribbean.

But these imports will not be made in Africa. They will be made in Asia, I am convinced, and shipped through Africa. They will be relabeled maybe in Africa, but they will be made in Asia.

So who gets hurt? Sixty percent of U.S. apparel workers are women. Thirty-five to 40 percent are minorities, mostly African American. That is who it will hurt.

And finally, who will it help? It is not going to help anybody. It is not going to help the Africans because of transshipment.

Read the bill, to the extent that my colleague can. Consider the process. And vote against this rule.

☐ 1245

Mr. REYNOLDS. Mr. Speaker, we have had an opportunity to hear from a few speakers on the debate that do not favor this legislation. I would now like to introduce and yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, so he might comment on both the merits of the legislation but more importantly the merits of this rule as it comes before the House today.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. REYNOLDS), for yielding me this time and for ably taking on what obviously is a challenging situation.

This was not our first choice to be here under what is considered an expedited procedures rule, but we are here because negotiations were not going on into the night; it was staff paperwork that was really being completed well into the night. And while the gentleman from Massachusetts (Mr. MOAKLEY) prides himself on working the Committee on Rules at 1:00, 2:00, 3:00 in the morning, the fact of the matter is that some of the rest of us like to sleep at that hour, but the gentleman from Massachusetts (Mr. MOAKLEY), we let him have that chance to sleep last night and obviously it ruffled his feathers so he came down to oppose this expedited procedures rule.

We are doing the right thing. As my friend, the gentleman from New York (Mr. RANGEL), knows very well, we have spent years working on this legislation. My very good friend from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, and the chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Illinois (Mr. CRANE), have worked long and hard on this.

This is a very important piece of legislation. We have 700 million people in sub-Saharan Africa who are going to be impacted by this. We have a chance to improve the quality of life for the American people, and I believe that we have done the right thing in proceeding with this rule.

The reason is that last night at 10:30 when we found that we were going to be doing this and we were assured that we could first thing in the morning make available on the World Wide Web a copy of the conference report, we did just that. If we had met at 5:00 this morning, the difference would have been just a few hours, and while the gentleman from Massachusetts (Mr. MOAKLEY) would have, of course, after his morning run been at his desk at 6:00 to carefully scrutinize the conference report, most of the rest of our colleagues would most likely have waited until 10:00, which is exactly when it was filed.

So this is really a question of whether or not we are going to proceed with important legislation that my friend, the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. ROYCE) and the gentleman from Illinois (Mr. CRANE) and many of the rest of us have strongly supported for years and years and years, or are we going to try and block it because, guess what, Mr. Speaker, this is the one chance that we had to do it. This is our opportunity to do this. Why? Because we have lots of important legislation that we need to consider in the coming weeks. We have scheduled it for this week; and unfortunately, it took a little more staff time than we would have liked overnight to get the work completed.

We have this procedure so that we can move ahead in an expeditious manner on very important legislation. So I encourage my colleagues to support both rules that we have and then to vote in favor of the conference report so that we can finally lay the groundwork for a win/win/win issue, which is going to improve the quality of life for the American people and our friends in Africa, and I believe make great strides in blazing the trail for an even more important trade vote that we are going to be having the week of May 22.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, who is the author of the underlying bill.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for giving me this time to speak.

Mr. Speaker, certainly on most occasions if we had an expedited rule I would be on the side of having as much time for the Members to review not only the rule but the underlying legislation as possible, but when there is a situation where it is either an expedited rule or no rule at all, clearly we have to take a closer look at the legislation that we are about to consider and ask why should it be expedited, if at all?

First of all, when we talk about the Caribbean Basin parity bill, the word "parity" means that we already had an agreement with these countries in the Caribbean. We already reached out to our neighbors in the area and said that we are living now in a decade where we do not want to talk about just aid. We want to talk about commerce. We want to talk about trade. We want to talk about support for democracies.

So when we went into an agreement with the North American Free Trade Agreement, what happened was that they got an edge on these little countries in the Caribbean and the President and the Congress said, hey, we promised to give them parity. So we are not talking about something new. We are talking about something we have been waiting for for years and that is to bring some equity in our relationship and our trade agreements with these countries in the Caribbean so that they would not be adversely affected by NAFTA.

Then, of course, when one talks about the historic legislation that we have where for the first time we are opening up our commercial doors to 48 countries in sub-Saharan Africa, this is the first time that we are really treating countries in this continent the way we treated the rest of the world. For those people who just want to scream that we are talking about Chinese goods and Asian goods and transshipment through the Caribbean, that is so unfair to say and so untrue. There are no tighter rules that could be written than those that are in the bill to stop transshipment. In addition to that, it is almost insulting to the countries that are involved that are so in need of jobs, to believe that they would give those jobs to Asia and not to the people in their country.

I am suggesting as well, and as has been said by the chairman of the Committee on Rules, we know that the mother of all trade bills will be coming to the floor, and that is normal trade relations with China. It would be sad, it would be painful, it would be disgraceful for these smaller countries, these developing countries, to get caught up into that type of debate.

I am asking not to like the rule but to vote for these rules because it is necessary that not only we expedite the rule but we expedite the passage of this legislation so that it does not get caught up with the debate that is going to come on whether or not we should give normal trade relations to China.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa.

Mr. ROYCE. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I stand in strong support of the rules for H.R. 434, the Africa Growth and Opportunity Act.

Last summer, the House understood the importance of doing what we can to encourage greater trade between the United States and Africa. We acted by passing this historic bill. We now have a chance to send this bill to the President's desk for a signature and open a long overdue era of new relations between the United States and Africa, one that recognizes the strong economic potential of a continent of some hundreds of millions of people.

I wanted to address for just a moment the issue of transshipments. Textile and apparel imports from sub-Saharan Africa do not present increased transshipment concerns. In fact, Customs estimates its current enforcement rate as one of the highest.

I should just share that the U.S. Trade Representative tells us there are no cases, to her knowledge. The Customs publishes a list of foreign factories involved in transshipment. Its current transshipper list does not include any African countries. The reason for this substantial compliance rate on the part of the African continent for textile and apparel imports from sub-Sarahan Africa is because Africa has a small number of factories which makes it easy for the U.S. Customs to monitor transshipment, and African countries are starting from a low production base; and U.S. Customs would be able to immediately detect any sudden increases in production and determine whether transshipment is occurring.

Now, this bill provides $5.9 million for additional resources for Customs enforcement efforts that have proven the most effective, which is stationing Customs personnel in sub-Sarahan countries, use of jump teams, informants, collection of production information, monitoring and analyzing import trends; and in addition the legislation also requires beneficiary countries to cooperate with U.S. Customs in enforcement against transshipment and to enact laws to prevent circumvention.

Now, what would happen if a country did not cooperate? The answer to that is very clear. They lose the benefits under the bill, so they have a very real incentive to cooperate.

What this bill does is to build a partnership between America and those African nations which are committed to reforming their economies in a way that allows for America to sell more goods and services.

In short, this legislation treats trade as a two-way street. Already the United States exports some $6 billion worth of goods and services to Africa each year.

Now, in my opinion this is not as powerful a bill as was passed by the House last July. The U.S. Trade Representative, she argues otherwise. Rosa Whitaker feels that in some way the bill is strengthened and is as good as the bill passed.

In conference, the Senate demanded additional restrictions on trade with Africa, and in my view this is unfortunate. We would have liked trade with Africa to be regulated more by markets and less by bureaucrats, especially when we are dealing with the world's poorest continent; but this conference report clearly is an important step in the right direction toward greater trade between the United States and Africa.

Many Members of Congress have worked on this legislation to develop a new trade relationship with Africa for several years. It is the result of years of hearings in the Committee on International Relations and in the Committee on Ways and Means. We have debated this bill on the floor twice. We have passed this bill twice. This bill is a solid and well-reasoned, bipartisan effort. We have done this work in our relations with Africa with, frankly, a sense of urgency, urgency because Africa could be on the brink of permanent economic marginalization. Unless we help bring Africa into the world economy and do it now, Africa will never develop; and Americans are fooling themselves if we think we could ignore an undeveloped Africa in which war and disease become commonplace.

Let us do something to help Africa help itself, and let us do something to help America. This bill is a win/win.

Let me say the Caribbean Basin Initiative Enhancement offers similar benefits to American businesses while promoting economic development and political stability in the Caribbean region. These countries are close neighbors to America, and we have a stake in their well-being. This Congress has the opportunity to make a firm step towards greater engagement with these regions, and I look forward to bringing this conference report to the floor. I appreciate the efforts of the Committee on Rules and look forward to passage of this important legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding the time.

Mr. Speaker, I rise to oppose this particular procedural method to try and rush this matter to the floor, and I take a bit of issue with the chairman of the Committee on Rules who stated that there was a need to bring this matter to the floor today because otherwise we would not be able to get to it with our absolutely busy schedule here in the House. For those of us that have languished these last few days as we were waiting around for any of the business of the House to come forward, we know that that is a little bit of an overstatement. In fact, it is a gross overstatement. The majority has set so much time for Members to be back in their districts. We might as well try to move the Capitol elsewhere to catch up with where the Members are in accordance with the schedule.

The fact of the matter is that what they are asking the Members to do here is to set aside their right under the rules to have time to scrutinize the bill so we can deliberate it. It might have gone up on the Internet at 10:00 this morning; but if all people needed was two hours before we debated a bill and deliberated it, then that is what our rules would call for. But our rules call for these matters to sit for a day so people can have time to look through these bills.

Regardless of what the Members on both sides of the aisle have said, some agree and some disagree with what they think may be in this bill. That is exactly the point. People need time to scrutinize the bill to see what might have been slipped in from time to time.

We understand that there was language on AIDS medical relief in here that may have been taken out, put back in with some changes, taken out again. People need to know this and debate this important issue through its final resolution.

We need to talk about whether or not the child labor language stays in the bill or is taken out and what the content of it is if, in fact, it is in.

We need to know so much more. When we are talking essentially of increasing NAFTA to 65 more countries, we need to know what about labor protections, what about the environment; and in fact, there are any number of labor groups and environmental groups who wish that there were issues to be brought up and debated, and people should have the time to look at this bill and be able to do just that.

The last speaker mentioned the fact of how favorable this bill was and the fact that we had debated this bill previous times and voted upon it and passed it twice.

□ 1300

That is only part of the bill. In the course of last evening, also put into this bill was the Caribbean Basin Initiative, and that, in fact, was never passed by this House; that was defeated by this House by almost a ⅔ margin, because it was, in fact, an extension of NAFTA without any protections for labor and environmental concerns, in fact, without any language even in side agreements that would do that.

Mr. Speaker, I just suggest that these rules that we have here in the House to allow people 24 hours to look at these matters are there for a reason, and that there was no countervailing reason why we should set aside that rule and set aside the opportunity of Members to have the deliberative time, the time to scrutinize these provisions, so that we can all be certain that when it finally does come for debate, each and every important matter and aspect is talked about, is reviewed and has the sunlight of daytime shining on it, so when people finally come to a vote, we can talk about all the issues that are important: The number of jobs that may be lost, the number of special favors being done for some people who are going to be very wealthy off of this bill, and all of those points are important, important enough for us not to rush this through prematurely or unnecessarily.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I listened to the gentleman from Massachusetts (Mr. TIERNEY) talk about being back in our district on Friday, one of my great heros of this great House is the former speaker of Massachusetts, I am reminded every day that all politics is local. I am looking forward to being back in my community on Friday because we have the opportunity to debate this today.

I think it is important, as I share with my father, that when we debate this, it is not a Republican or a Democrat or a majority or a minority issue; this is you are either a free trader and opening up those countries, as my colleague from New York (Mr. RANGEL) pointed out, or you are a protectionist, and that is fine, and that debate should be in this hall and it will be.

And I just want to remind my colleagues how much time today we are going to have to debate this issue. We are going to debate it for an hour now on the rules to suspend and waive the rules, so we can have immediate consideration. Right after this legislation passes or is defeated, we will have a debate on the rule itself, and that will be another hour. And then we will have an hour debate on the conference report as the merits of the legislation by those who negotiated it through the wee hours of this morning had the opportunity to bring to the floor for all of our colleagues to participate in that debate, a rather lengthy debate on the issue.

And when we conclude today, we have actually had more debate on this issue, no matter where you come down on the issue, than we would have on any other normal circumstances, and we have done it in the light of day. And the chairman of the Committee on Rules has given us a night's sleep, which is an unusual occurrence if you are a Member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 114, not voting 19, as follows:

[Roll No. 144]

YEAS—301

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kasich
Kelly
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manzullo
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (FL)

NAYS—114

Allen
Andrews
Baldacci
Baldwin
Barcia
Barrett (WI)
Blumenauer
Bonior
Boswell
Boucher
Boyd
Capuano
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hinchey
Holden
Hooley
Hunter
Jackson (IL)
John
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klink
Kucinich
Lantos
Lee
Lewis (GA)
Lucas (KY)
Maloney (NY)
Markey
Mascara
McDermott
McGovern
McIntyre
McKinney
Miller, George
Mink
Moakley
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Shows
Skelton
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOT VOTING—19

Baca
Clay
Coburn
Cook
DeLay
Engel
Goodling
Gutierrez
Gutknecht
Lucas (OK)
Millender-McDonald
Serrano
Smith (MI)
Spence
Thomas
Velázquez
Vento
Wise
Young (AK)

□ 1325

Mr. HASTINGS of Florida, Ms. KAPTUR and Mr. RUSH changed their vote from "yea" to "nay."

Mr. ROTHMAN, Ms. LOFGREN and Mr. FORD changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BACA. Mr. Speaker, I was not able to be here, but had I been here I would have voted "nay" on rollcall No. 144.

CONFERENCE REPORT ON H.R. 434, TRADE AND DEVELOPMENT ACT OF 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 489 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 489

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 489 provides for consideration of the conference report to accompany H.R. 434, the Trade and Development Act of 2000. The rule waives all points of order against the conference report and its consideration. Additionally, the rule provides that the conference report shall be considered as read.

The Trade and Development Act of 2000 conference report offers opportunities for the United States to enhance trade with diverse nations in both sub-Saharan Africa and Caribbean Basin countries.

Mr. Speaker, the end of the Cold War has opened up sub-Saharan Africa to the world as never before. Only now are so many African nations able to start making the necessary reforms to become part of the global economy.

The new economic realities of sub-Saharan Africa must be met and encouraged by the United States. Indeed, improving the lives of the people in sub-Saharan Africa can best be accomplished by advancing the development of free market economies and representative democracies.

□ 1330

H.R. 434 is a vehicle for that economic and social progression.

The Trade and Development Act of 2000 will provide sub-Saharan countries with the tools needed to raise the standard of living in African nations, while simultaneously benefiting the United States by opening new trade and investment opportunities for U.S. firms and workers.

Additionally, the bill preserves the United States' commitment to the Caribbean Basin beneficiary countries by promoting growth and free enterprise and economic opportunity in these neighboring countries. By promoting economic opportunity in the Caribbean countries, the United States enhances our own national security interests.

The bill includes strict and effective customs procedures to guard against transshipment. Under a "one strike and you are out" provision, if an exporter is determined to have engaged in illegal transshipment of textile and apparel products from a CBI country, the President is required to deny all benefits under the bill to that exporter for a period of 2 years.

The conference report also focuses on eliminating certain human rights abuses by requiring all countries participating in trade with the United States under this bill to implement commitments to eliminate the worst forms of child labor in order to receive benefits.

There is no question that the creation of an investment-friendly environment in Africa and enhancing the Caribbean Basin will benefit all countries involved by attracting the capital needed to provide and promote the needed job creation and economic growth.

I would like to commend the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations; the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; along with the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means; the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade; the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means; and the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my colleague and my dear friend, for yielding me the this time; and I yield myself such time as I may consume.

Mr. Speaker, this rule was only reported out of the Committee on Rules less than 3 hours ago. But because my Republican colleagues just enacted martial law, we are considering this rule the same day it was reported, without the typical two-thirds vote that is required for the same-day consideration.

It is not as if there is much activity on the House floor these days, Mr. Speaker. It is not as if we are working late into the night 6 days a week and we have to rush to finish. The real reason for the quick consideration is that this bill was so quickly put together that my Republican colleagues are worried that close analysis will prove fatal, and they are probably right.

Although this bill is hot off the presses, we have some idea what is in it; and, Mr. Speaker, so far it does not look too good. This bill includes an African trade bill that will neither help African workers nor American workers. It will allow the transfer of goods from China through Africa, goods that are made in unsafe conditions by workers who are drastically underpaid.

It will hurt the African environment by failing to put protections in the proper place. And it does nothing to provide serious debt relief to African countries, debt relief we have already granted to countries on other continents.

Mr. Speaker, this bill removes, removes some very strong provisions designed to stop the spread of AIDS in Africa, provisions that would have saved many, many lives.

But, Mr. Speaker, this bill does not stop at Africa. It includes a NAFTA expansion to the Caribbean countries, despite the problems that we are having with NAFTA in Mexico. And despite this devastating job loss and the environmental degradation that we have seen under NAFTA, this bill creates duty-free, quota-free access to American markets for textile and apparel assembled in Central America and also in the Caribbean islands. That is 24 countries which will be given unparalleled access to American markets and asked to provide nothing in return.

Mr. Speaker, by creating this access, we will be violating our agreement to treat all World Trade Organization countries the same. The last time this idea came up, it lost resoundingly. This time it is being shoved into a conference report along with a lot of other unrelated proposals that will put American garment workers at further risk of losing their jobs.

This bill contains trade favors for Albania. It offers normal trade relations to Kyrgyzstan, a country that did not even exist 10 years ago. The bill restores trade benefits for Israeli yarn. And another section of this bill, known as the "carousel provision," was really written to please the banana growers and beef producers in their disputes with the European Union.

So, Mr. Speaker, in short, this bill is like a dozen other Republican bills before it. It is a grab bag of benefits for the very rich, for the very powerful; and it hurts everyone else.

So I urge my colleagues to oppose this rule and oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I would like to congratulate the House for its perspicacity in casting an overwhelming vote, 300 Members supported the last rule. And I suspect we will have a similar vote on this rule and I hope on the conference report itself. It is a very good and important piece of legislation.

We as a Nation have stood for promoting economic reform and global prosperity and leadership. And leadership is a very important quality that we need to make sure we do not in any way jeopardize. People who vote against this conference report will be undermining our future economic prosperity and undermining the very important role that we play as global leader.

When we think about the issue of trade, it is obviously a very tough one. It is tough because protectionism is an easy thing to engage in. In fact, protectionism thrives on anxiety. I find that the moment people become anxious about any issue, the response is to pull up the draw bridge and say: Oh, no, we cannot proceed with this.

The other thing that I often find when we engage in these debates is that the most strident protectionists always stand up here in the well and say: I am a free trader, but not this agreement.

Mr. Speaker, I will tell my colleagues there are things in this package about which I am not absolutely ecstatic, but I do know that when we think about those 48 nations in sub-Saharan Africa; when we think about the millions of people in the Caribbean; the 700 million people in sub-Saharan Africa; and what obviously is our top priority, when we think about that single mother here in the United States of America who is struggling to make ends meet and is going to a store to buy clothing for her children, we want to make sure that the quality of life for that single mother is enhanced. That is what this is all about.

It is a win/win/win all the way around. A win for the United States of America. It is a win for those people struggling to emerge in developing nations in sub-Saharan Africa to the economic prosperity about which they dream. And it is a win for the people in the Caribbean.

So I believe, again, that we today are going to be laying the groundwork with this vote for an even more important vote that will take place the week of May 22 when we decide whether or not the United States of America is going to maintain its role as the paramount global leader, or whether or not we are going to cede that to other countries throughout the world.

So, I compliment, again, the gentleman from California (Mr. ROYCE), the gentleman from New York (Mr. RANGEL), the gentleman from Illinois (Mr. CRANE), and so many others who have been involved in fashioning this very important piece of legislation; and I urge support of the rule and the conference report itself.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and the author of this African trade bill.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, for those that have problems with how the bill is being expedited or the process in which the conference was held, I sure can understand those criticisms. The reason that I support the rule and support the underlying bills is because of the long wait it has taken even for this country to recognize that we should have equity in dealing with people of color in the Caribbean, in Africa. And in Africa, we never had any open agreement at all.

For those who are against trade, for those who said I feel the same way about NAFTA and will vote against China, and feel the same way about the Caribbean and Africa, I can understand that. But for those people who say that we did not do enough for Africa, I ask why do you not ask the 48 African leaders and trade ministers that have been begging for these types of encouragement for investment so that they can get out of poverty and have disposable income and can become truly partners with the United States of America.

For those who say that outsiders and rich people are the ones that are going to benefit, while they are there looking at the sand and enjoying the sun in the Caribbean, they should also see the poverty. Those people want to have more than just tourism. They want to be anchored in commerce. We can do it. We promised. We got agreements with the people in the Caribbean. They were undercut when we gave a better deal to Mexico. It is called the Caribbean Basin Initiative Parity Bill. Just make it equal with what we have given to Mexico so that we do not take away what is given to them.

So my colleagues may not like the procedure. We waited a long time. I do not know when this would come back if we did not have the bill here now. I know one thing, I feel more secure in arguing the merits of these two bills now than I would if we mixed it up with arguing the bill as to whether or not we should give permanent trade recognition to China.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the chair of the Subcommittee on Africa of the Committee on International Relations, and an integral part of making this legislation the crafted conference report that is before us.

Mr. ROYCE. Mr. Speaker, I am one of the cosponsors of this legislation, along with the gentleman from New York (Mr. RANGEL) and the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. CRANE).

Let me just say that I think that this bipartisan legislation, frankly, will not solve all of Africa's problems, but it is a big step in the right direction. It will help Africa. It will help the United States.

Mr. Speaker, what this bill will do is to grant greater access to the U.S. market to those African countries that are lowering barriers to American goods and investment, that are lowering their tariffs, that are reducing their red tape, that are promoting private property rights.

This legislation, in other words, treats trade as a two-way street between the African subcontinent and the United States. And this is why the African Growth and Opportunity Act has received such strong support from American exporters, particularly those already in Africa and aware of the many opportunities.

America's exports to Africa total some $6 billion per year, but we at this point are less than 5 percent of that market. U.S. trade with Africa, which is greater than our trade with Eastern Europe, which is greater than our trade with Russia, supports 100,000 American jobs now. Passage of this bill would likely shift to Africa textile and apparel orders currently being filled by China and other Asian producers. This means that the African Growth and Opportunity Act bears no threat to American jobs.

While modest from the American perspective, this bill promises tangible benefits as well as a psychological boost to African countries wanting to become economic partners with the United States. Realistically, the U.S. could not isolate itself from a 21st-century Africa suffering from war or environmental degradation or terrorism and drug trafficking.

□ 1345

Increasing economic opportunities for Africans is an antidote to this scenario, translating into improved educational and health services, better environmental protections, and greater social stability. I recall President Museveni saying the only way we are going to increase the tax base here is by moving toward free enterprise. That is what they are doing in Uganda and Botswana and other countries in Africa.

Africa, much of Africa, frankly, is in dire economic straits. But, fortunately, a number of African countries have changed course. They have liberalized their economies by lifting restrictions and reducing taxes on commercial activity, permitting private ownership of assets, and becoming more welcoming of foreign investment.

This bill's passage and that of the Caribbean Basin Initiative that is now part of this bill would demonstrate that the world's most powerful economy has serious interests in Africa's economic development. This is a win for the United States. It is a win for Africa. I urge an "aye" vote on this rule and on final passage of the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise today to support the underlying bill. I, like many of my colleagues, am not exactly enamored by the procedural pass that brought us to this point, but I think the underlying bill has tremendous merit; and, therefore, we should move forward.

This is an opportunity for us to chart a transition path from providing economic assistance to providing trade assistance to Africa, to help Africa move from economic dependence to economic self-reliance by providing a modest, and it is not a big step, but it is the right step, a modest improvement in our trade relations, modest trade opportunities for Africa.

We are going to enable them to add many of their own concerns. It goes without saying this is a regional world that has been struck by both tremendous droughts and economic hardships as well as the health problems associated with the AIDS epidemic. They need help. This bill will help them help themselves.

This is also an opportunity for the United States because we are not talking about international welfare. We are talking about benefiting the United States as well. This is a market of 700 million people in sub-Saharan Africa. To the extent that they are able to generate an engine of economic growth on their own soil, it creates opportunities and jobs for Americans. We need to pursue this specific course.

Now, my colleagues will hear people talk about transshipment and the fact that Asian countries will merely use this as a means to evade existing trade regulations and restrictions. Not true. This bill contains very tough and stringent protections against transshipment. It is movement in a right direction in another front, and that has to do with workers' rights.

In fact, unlike the China bill that we will be spending a lot of time on, this bill puts a lot of emphasis on the importance of workers' rights: The right of association, the right to organize and bargain, the right to be free of compulsory and forced labor, and minimum wage standards, things that we believe in this country, workers' rights, are an integral part of this bill. So it is a good bill on that ground.

Finally, I would like to comment on the Caribbean Basin Initiative parity because it is a question of parity. It seems to me that the Caribbean nations ought to have the same parity, be on the same economic footing as Mexico. It is not a perfect arrangement, but certainly if it is an imperfect arrangement that works for Mexico, it ought to be an imperfect arrangement that works for the Caribbean countries.

Again, we are in a situation where we are trying to help countries who are poor, considered "Third World countries" move forward in a noble economy. Certainly the Caribbean initiative provisions of this bill makes sense on those grounds.

So at the end of the day what we have is a bill that is not a giant step, but is a correct step that we ought to take to improve conditions in poor Third World countries by providing them trade opportunities. I believe we ought to vote for this bill, and I strongly support it.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, this is an historic day. Today we are sending a message to the nations of sub-Saharan Africa and to our partners in Central America and the Caribbean. Today we open our arms and embrace those nations in a new partnership, the hallmarks of which are economic freedom, growth, and opportunity.

By passing this legislation, we renew the hope of prosperity for millions of impoverished souls throughout the world. Under the leadership of the gentleman from Illinois (Mr. CRANE), the gentleman from Texas (Mr. ARCHER), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. ROYCE), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Louisiana (Mr. JEFFERSON) among many, we have successfully sailed through some dangerous holes to bring forth a balanced bill with substantial benefits for some of the poorest Nations in the world.

The people of these Nations have been wracked by civil war, by ethnic conflict, by economic stagnation, every type of natural disaster that is known. We all know this is true. When tragedy occurs, we know that Americans respond generously.

But today, for the first time, we are doing something more. We are knocking down quotas to the poor. We are taking active steps to help build the strong economies and vibrant civil societies needed to overcome instability, poverty, repression.

As we enter the 21st century, we must do all we can to bring stability and growth to those parts of the world too often left behind in the economic miracle that free markets and globalism have brought elsewhere.

By passing this legislation, we are opening the door to the future. We are giving hope to those who seek jobs, those who seek a better life, those who seek freedom. In my mind, there can be no greater gift we can give.

I urge my colleagues to join with us today, help these Nations and these people to help themselves, and vote "yes" on H.R. 434. Let us keep the light of hope alive.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules for yielding me this time, and I thank those who have had the vision to bring this series of legislative initiatives to the floor.

It was 1997 that I had the pleasure of joining the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, and I thank his committee and the leadership of the committee, to go to Africa and look leaders of respective African Nations in the eye and tell them distinctly and directly that we, too, in America are friends of Africa. We, too, in America recognize that Africa supports the rule of law, that Africa recognizes the importance of appropriations and foreign assistance, but they also recognize the value and importance of what they have to offer on the international trade stage.

Africa is a Nation or a continent with 53 Nations of 700 million plus consumers and as well exporters. They are friends. I believe this bill, which offers to America and the continent of Africa a reasoned opportunity and a stage upon which to posture itself for the 21st century, that we can begin to exchange and interchange. We can begin to promote the very great cultural aspects of the continent as well as what we have done before with as many, many resources.

I am gratified that an amendment that I had that included the promotion of small and women-owned businesses to interact between the United States and the continent has been included. I am delighted that we also have challenged those businesses that will be doing trade with the continent to as well develop a fund that will help in the devastation of HIV/AIDS.

Am I disappointed that we did not get the vaccine language in that would have helped us? Yes. Am I disappointed that we, in fact, have not dealt with the issue of prescription drugs or HIV/AIDS? Yes.

I ask the Speaker of the House to help us move legislation dealing with the devastation of AIDS in the continent and in India and China along. But this bill is about trade with people who want to do trade.

This bill has been long in coming, not like some bills that we are getting ready to do in the month of May that has just popped up on us. This bill has been worked by the corporate community, the African continent, the nations, the presidents, the ambassadors, small businesses, medium-size businesses.

Mr. Speaker, let me say it compliments the concept of the Caribbean Basin Initiative which also includes friends of ours who have worked to bring down the devastation of drugs.

These two bills give equal footing and equal standing to friends who have long been our supporters and who have a strong nexus to this country. Why not do business with friends? Why not say to our small businesses that the culture of the Caribbean, the culture of the African continent is to do business with small- and medium-sized businesses? Why not say to the large corporations who have been benefitting through diamonds and through gold and oil and gas, why not say to them be a stakeholder in the continent and provide them with a true trade relation and real investment to help them build schools and hospitals and improve their quality of life.

This is a good bill. I ask my colleagues to support the rule, and I thank those who have been in the leadership role on this bill. Let us move forward and ensure that we develop and submit, Mr. Speaker, the friendship that is long, long overdue. I ask support for the underlying bill and the rule.

Mr. Speaker, I rise in support of the passage of the Africa Growth and Opportunity Act Conference Report. The time has come for this historic legislation to become a reality. The legislation is good for America and it is good for Africa.

For the first time in this country's history, this Congress will have a structured framework for America to use trade and investment as an economic development tool throughout Africa and the Caribbean.

Through this legislation, the United States seeks to facilitate market-led economics in order to stimulate significant social and economic development within the countries of sub-Saharan Africa. The governments of Africa have articulated their eagerness to become fully integrated into the global marketplace, as a means of economic empowerment toward wealth creation.

I am pleased the House-Senate conference report includes amendments which I offered during last year's consideration of the House bill. The first provision encourages the development of small businesses in sub-Saharan Africa, including the promotion of trade between the small businesses in the United States and sub-Saharan Africa. This is an important victory for small business enterprises in America that are looking to expand remarkable trade opportunities in Africa.

Sixty percent of those that have died from AIDS are in sub-Saharan Africa. It is staggering number. An estimated 16 million have died since the 1980s. For these reasons, I am pleased that an additional amendment I offered was incorporated included into the conference report. The provision encourages U.S. businesses to provide assistance to sub-Saharan African nations to reduce the incidence of HIV/AIDS and consider the establishment of a Response Fund to coordinate such efforts.

This is important because HIV/AIDS has now been declared a national security threat. This provision reflects a national and international consensus that we must do everything we can to eliminate the HIV/AIDS disease.

Simply put, the bill changes how America does business with Africa. It seeks to enhance U.S.-Africa policy to increase trade, investment and economic independence. It seeks to move away from antiquated trade policies between the United States and African nations.

The passage of this bill will usher in a new era of cooperation between Americans and Africans working together as business partners. Indeed, it will provide Africa a platform to integrate more fully into the global economy.

Although this is the first such bill to specifically target the sub-Saharan Africa, the market access provisions of this bill are sensible and reasonable. The Africa trade initiative limits U.S. imports of African apparel for eight years, starting the cap at 1.5 percent of total U.S. imports and rising to 3.5 percent. This agreement is the product of meaningful negotiations over a considerable period of time. We should support this bipartisan effort.

Mr. Speaker, none of us can deny that trade and investment helped rebuild Europe after World War II. Similarly, by opening U.S. markets and encouraging receptive conditions for U.S. investments and exporters abroad, we were able to assist Asia in diversifying their export bases. As a result, they became prosperous consumers of American products. We have trade relationships with many regions of the world. The time has come to include Africa.

Elected leaders govern more than half of the sub-Saharan nations. Many sub-Saharan countries have fully embraced open government and open markets. Many are recording strong economic growth. This truly provides a wonderful opportunity to have a true trade partnership with the United States. Africa is seeking global recognition of its potential as a trading power and welcomes our cooperative role in this process.

In addition, the Caribbean portion of the trade bill provides duty-free and quota-free treatment to imports of apparel made from U.S. fabric. The 25 Caribbean Basin nations will be permitted to send a limited amount of apparel made from U.S. fabric produced in the region. This aspect of the bill will allow the countries of Central America and the Caribbean to compete effectively in the global economy. I should not hasten to add that this is an important part of the conference report that is also noteworthy in its own regard.

I salute my colleagues for their efforts in helping bring this reasonable compromise to fruition. With an estimated 700 million people—and consumers—the African market simply cannot be ignored. The Africa Growth and Opportunity Act Conference Report will provide the incentives for U.S. companies to create new infrastructures, projects, power plants.

I thank my colleagues and I urge them to support the conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The gentleman will suspend. The Chair notes the disturbance in the gallery in contravention of the laws and the rules of the House.

The Sergeant At Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. REYNOLDS. Mr. Speaker, I reserve my time.

The SPEAKER pro tempore. The Chair would note that both sides have 18 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I rise today, not as a free trader, but as a fair trader in support of this agreement for the United States, for Africa, and for the Caribbean nations. I did so for three simple reasons. First of all, because, with the 48 Nations of sub-Saharan Africa, all united behind this, we now do more trade with those 48 Nations in sub-Saharan Africa than we do with all the former Soviet Union block nations combined. So it benefits the United States.

Secondly, as a fair trader, I am concerned about trade deficits and trying to get trade surpluses. Before 1984, we had a trade deficit with the Caribbean nations. Today in the year 2000, the United States of America has a $2 billion trade surplus with the Caribbean nations, and this will further benefit that surplus with fair trade.

Thirdly, I support this because there are 700 million to 800 million people in sub-Saharan Africa that can buy U.S.-made products. That means this agreement will support our goods made in our factories by our workers and support our jobs.

So I think, Mr. Speaker, this is a good fair trade agreement, opening up trade opportunities, doing more to increase our trade surplus and providing American jobs.

Finally, the principal architect, a hero of mine, the Reverend Leon Sullivan, the architect of the Sullivan Principles in South Africa supports this trade agreement. He said in the speech at the University of Notre Dame, let us give, and I paraphrase, give a hand. Let us give a hand, not with a hammer, but for a carrot, to help other nations. But primarily let us help our jobs right here in America support free trade, support fair trade, support this agreement.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentleman from Massachusetts.

Mr. Speaker, as an American and a Member of Congress, I am troubled by our lack of support too often on the issues and problems of Africa. Rising today to support the conference report for H.R. 434, the African Growth and Opportunity Act, is a small but important step toward strengthening the economies of Africa, the world's poorest continent, and the Caribbean Basin.

I commend the leadership of the gentleman from New York (Mr. RANGEL), the gentleman from Texas (Mr. ARCHER), the gentleman from Illinois (Mr. CRANE), the gentleman from Washington (Mr. MCDERMOTT), and the gentleman from Louisiana (Mr. JEFFERSON). There are a number of heroes on both sides of the aisle moving this legislation forward. They are concerned and have focused, not on the areas of the greatest wealth, but on the areas of the greatest need.

□ 1400

This bill will have negligible effect on American industries, as trade with sub-Saharan Africa represents only 1 percent of total United States exports and imports; and most of these were oil and natural resources. However, this bill holds a huge potential upside for American involvement, opportunity and engagement in countries that have struggled for decades to overcome poverty.

The African Growth and Opportunity Act directs the creation of the United States sub-Saharan Africa Free Trade Area, which will increase trade between the United States and African countries. It also carries with it powerful incentives for countries to fully comply with international labor and transshipment standards.

Mr. Speaker, Africa is at a critical turning point in its social and economic development. More than half the countries in sub-Saharan Africa today are now governed by elected leaders.

This bill will provide much-needed economic growth and help all African countries to raise their living standards. This bill will aid those democratic governments by providing a solid foundation on which they can build for the future.

Our Nation's ability or perhaps our will to provide direct economic aide to Africa is limited; and this bill, however, in the long run is a better alternative to those options. There is no real short cut to prosperity and democratic society. Free markets and economic activity are the key.

This bill allows us to directly participate with and help strengthen these African and Caribbean Basin countries through global trade.

I believe it will ultimately be the best long-term investment for the American taxpayer. I urge my colleagues to support the rule and the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, today is a great day. As my colleagues will remember in the 105th Congress, this House did pass this bill. The Senate did not. I am happy that in the 106th Congress the Senate and the House has now acted on the African Growth bill, and I commend the gentleman from Illinois (Chairman CRANE), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. RANGEL), and the other leaders for making sure that this is brought to the House floor.

We all are a bit disturbed about the process that it did move quickly; but if my colleagues will remember, it has been on the House calendar in some form over the last couple of years. I was a cosponsor then, and I am a cosponsor today of both the African Growth bill and the Caribbean Initiative bill.

It is time. And I applaud this Congress and its leadership for making it a reality and bringing it to the House floor. I visited Africa on several occasions, as many of my Members know, many of us have. It is trade that our countries need so the children can prosper in those countries, so that the families can take care of themselves, and so that, again, we grow American's jobs on this side of the Atlantic.

Mr. Speaker, over 300,000 jobs will be created with the signing of this law in our country. Many more children in Africa and in the Caribbean nations will find housing, health care, education services that they do not now have because of the stimulation of the business opportunities that this bill will provide.

It is a wonderful opportunity to grow not only in this country, not only to satisfy and fortify our own communities and grow businesses, but to do the same across the Atlantic and in the Caribbean.

I applaud the leadership. It is the right step to take. The bill, the underlying bill must be passed. I urge my colleagues to pass the rule. Yes, we could have spent more time on it, but pass the rule and then vote for the underlying bill.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), a member from the Committee on Appropriations.

Mr. OLVER. Mr. Speaker, everyone here recognizes that sustained economic development in sub-Saharan Africa depends upon successful trade with and foreign assistance to sub-Saharan Africa, but there is a crisis in sub-Saharan Africa. The HIV/AIDS epidemic in sub-Saharan Africa now has close to 30 million men, women and children testing positive with HIV/AIDS.

Mr. Speaker, the HIV/AIDS crisis threatens the whole workforce in sub-Saharan Africa. Mr. Speaker, to have a successful trading relationship with sub-Saharan Africa, it requires urgent and expedited action to meet the HIV/AIDS crisis.

Less than 10 months ago when we debated this bill, the House added language, which I am very pleased that was added, to place emphasis on that, that addressing the HIV/AIDS crisis must be a major component of our foreign policy in all of Africa; that significant progress in preventing and treating HIV/AIDS is necessary to sustain a mutually-beneficial trade arrangement there; and that that HIV/AIDS crisis is a global threat that merits further attention through expanded public, private, and joint efforts and through appropriate American legislation. And, as I say, I am very pleased that that language was retained.

When the bill went to the other side of the Capitol, language that strengthened the capacity for individual countries to have the ability to negotiate and determine the availability of pharmaceuticals and health care for their citizens and, particularly, with respect to the HIV/AIDS epidemic was added, and that language unfortunately has been lost from the legislation.

Mr. Speaker, some 50 Members of the House supported that language and asked that it be retained. I am very disappointed that the language is not there, because it would have greatly expanded our capacity to deal with AIDS in Africa, which dealing with that is critical if there is to be a beneficial trading relationship.

Mr. Speaker, I do intend, in spite of the disappointment that we have lost that strengthening language, the weakening of the bill in the conference, to support the bill and the conference report today. I simply want to remind my colleagues that as a sense of Congress we did recognize a year ago that the HIV/AIDS crisis in sub-Sahara Africa is a global threat and that we must greatly expand public, private, and joint public-private efforts through and beyond legislation passed by this House.

Mr. MOAKLEY. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining, and the gentleman from New York (Mr. REYNOLDS) has 18 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in support of this conference report.

For the past decade, the United States has been an island of economic prosperity. We have seen the greatest amount of job creation, the greatest growth in our GDP, and we have seen real wages growing twice the rate of inflation. Times do not get much better than this.

When we are in this time of economic prosperity, it is important for this country to reach out with a policy of economic engagement with many countries throughout the world who are struggling. The bill we are voting on today is clearly that policy.

We are reaching out to our neighbors in the Caribbean Basin, we are reaching out to some countries and citizens of the world who are being left behind in sub-Sahara Africa. It is this policy of economic engagement which offers them some hope.

I had the chance to visit Africa late last year, and it was distressing to see the human conditions in Africa and sub-Sahara Africa. In almost every country in Africa and sub-Sahara Africa, with the exception of one, their average life expectancy is declining because of the ravages of AIDS.

When we see average per capita GDP, annual per capita GDP that is only a few hundred dollars a year, we can understand the quality of life these folks are being denied. The policy we are voting on today is one which is going to be an improvement in that. We are going to be engaging economically, which is going to help to accelerate and enhance the development of their economy and improve their standard of living.

I would say, though, I think we came up short. We should have done more in terms of Africa, and I would also even say in the Caribbean nation initiative. It is time for us to set aside a failed policy of isolating Cuba for the last 40 years and welcome them in as we do every other Caribbean basin. It is time for us to embrace a policy of economic engagement with Cuba, as we are doing in Africa, as we are doing in China, as we are doing in Vietnam; and we will make greater progress in all those areas with advancing not only the economic interests of the working men and women in this country but advancing the cause of human rights and democracy throughout the world.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise this afternoon in support of H.R. 434.

I come from the State of Ohio, the great State of Ohio, the city of Cleveland; and I am proud to rise in support of this piece of legislation. It is time that we allow the African countries, sub-Saharan, and Caribbean countries the opportunity to engage in trade with our own country.

Now is the time, when our country enjoys a strong economy. Now is the time, as we open our global markets to others that we open it to Africa and the Caribbean. Now is the time, when our children travel across the world, and I think about my son Mervyn, who is 16 years old, who has been to South Africa and had a chance to ride along the Zambezi River, to visit Victoria Falls, for us to engage in a trade opportunity for Africa. Now is the time, because our children, as we think about our country and we say we are diverse and the color of the faces are black and brown and yellow and red and white, that our children have the opportunity to engage in business with those who are black and brown and yellow and white as well.

But, more importantly, now is the time, since we have had the opportunity to vacation in the Caribbean, to go on safaris in Africa, to enjoy the fruits of all of their labor, that we give them an opportunity to enjoy the trade that can come about as a result of trade agreements with Africa and this country and the Caribbean and this country. Now is the time. We cannot wait.

As our economy is strong, and everyone is willing to open their doors, let us say to Africa, let us say to the Caribbean, we are ready. We have been doing all these other things together, but now is the time to engage in a real trade agreement.

I thank the gentleman for the opportunity to be heard, and I ask my colleagues to support the rule and the underlying bill.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume to close.

We have had an opportunity to bring before this House two rules that really bring the bottom line, and that is that the will of the House in its last vote said, at 301 to 114, let us move through consideration of the rule today and, ultimately, let us get under way with the debate of this legislation.

So as we look at where we are, we have Republicans and Democrats, liberals and conservatives, rural and urban America coming together in this House to put together legislation that has taken a great deal of time. All of the authors deserve a great deal of credit. The next hour of debate will finalize the debate on this legislation, and I urge passage of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1415

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 489, I call up the conference report on the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 489, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the time for debate on this conference report be equally divided among and controlled by the chairman and ranking minority members of the Committee on International Relations and the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report now pending.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that at the close of my remarks the balance of my time be yielded to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, and that he be permitted to yield that time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on the Trade and Development Act of 2000, H.R. 434, which expands trade and investment with the countries of sub-Saharan Africa and the Caribbean.

First reported out of the Committee on International Relations in February of last year, it was then approved by the House on July 16 on a vote of 234–163.

I take pleasure in joining the gentleman from Connecticut (Mr. GEJDENSON); the gentleman from California (Mr. ROYCE), the subcommittee chairman; the gentleman from Texas (Chairman ARCHER) of the Committee on Ways and Means; and the gentleman from New York (Mr. RANGEL), the ranking member of that committee, in supporting this measure, the first major trade bill that we will be sending to the President since Congress approved U.S. participation in the World Trade Organization.

While I would have preferred more public debate and a slower, more orderly process than the one being used to bring this legislation to the House floor today, it is important to our national interests that this measure be enacted to meet the long-term development needs of the sub-Saharan African region and to put our overall relationship with those countries on a solid, long-term foundation.

The Committee on International Relations has taken a leading role regarding the investment and development aspects of this bill. I am pleased that agreement has now been reached with the Senate on how we can best promote the activities of the Overseas Private Investment Corporation and the Export-Import Bank in sub-Saharan Africa and that we can ensure the full participation of all of those nations which have taken steps to reform their economies and to promote private sector activities.

The trade provisions in this measure, Mr. Speaker, have only recently been finalized, and I will let the gentleman from Texas (Chairman ARCHER) and the gentleman from Illinois (Mr. CRANE), the subcommittee chairman, fully explain those provisions.

I would only observe that very careful monitoring and oversight will be needed by the Congress to make certain that preferential trade treatment for apparel imports from the Caribbean does not further displace our American workers.

And toward this same goal, I will work with my colleagues on the Committee on Ways and Means to make certain that before any benefit is granted under this act a beneficiary country is enforcing all the relevant standards of the International Labor Organization's Convention for the Elimination of the Worst Forms of Child Labor.

This conference report is, however, worthy of the support of my colleagues insofar as it provides essential support to many African nations who are only now starting to make the economic reforms that are so sorely needed for them to become part of the global economy. Barriers to foreign investment are coming down, and investor-friendly laws are being written.

It is my understanding that two-thirds of the African nations have adopted significant macroeconomic policy reforms. Enactment of this measure will make certain that trade and investment will grow between us and that these reforms can be enhanced and protected.

In brief, this measure encourages trade, not aid. It will bolster American economies. It will minimize the need for humanitarian and disaster assistance and will stimulate the private sector throughout sub-Saharan Africa.

In the final hours of the conference proceedings, a number of Senate amendments were dropped, including an AIDS drugs provision, trade adjustment assistance for farmers, and the provision regarding sugar imports.

On the other hand, I am pleased that a number of issues in contention between the two bodies were retained, including a provision regarding the so-called carousel retaliation trade provision, a special agriculture negotiator in the Office of the U.S. Trade Representative, as well as a provision that retains the preferential trade rights of firms in Israel to ship their products into the U.S. through CBI eligible countries.

In sum, Mr. Speaker, this bill is good for us, for our neighbors, and for our friends in Africa. Our Nation is the largest recipient of Africa's exports but is only the fifth largest exporter to Africa. Enactment of this measure will help to make certain that the new economic realities of Africa are going to be reflected in a new U.S. Government approach to that continent.

In the words of the dean of the African diplomatic community, "This legislation is designed to help African countries gradually shift from dependence on foreign assistance to an approach based more on the private sector and market initiatives. The vast majority of African countries have undertaken political and economic reforms on their own in recent years. As such," the dean stated, "this bill merely continues an approach that has been initiated by Africans themselves."

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that my time be controlled by the gentleman from New Jersey (Mr. PAYNE), who has done so much in this area and so many others in our committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I would also like to commend the gentleman from New York (Mr. GILMAN), the chairman of my committee; the gentleman from California (Mr. ROYCE), the subcommittee chairman; the gentleman from Texas (Mr. ARCHER); the gentleman from Illinois (Mr. CRANE); the gentleman from Louisiana (Mr. JEFFERSON); the gentleman from Michigan (Mr. LEVIN); and the gentleman from Washington (Mr. MCDERMOTT), but particularly the gentleman from New York (Mr. RANGEL) who has played such an enormous rôle in this effort and has been particularly, I think, focused on the needs of every Member.

We all represent districts with our own issues before us. The gentleman from New York (Mr. RANGEL) has done an incredible job pulling this bill through. He has also paid attention to the rank and file Members on both sides of the aisle, and I want to express publicly my appreciation for him and for what his staff has done.

America has led the world in so many areas, but for lots of reasons historically we have failed to do what we have to do in Africa.

America responded proudly in Kosovo and other places, in former Yugoslavia. But in Africa, 600,000 to 800,000 people in almost a blink of an eye were annihilated in Africa without any response.

Maybe we were waiting for the colonial powers to take the lead as they have claimed they would take for so long. And maybe it was because we did not have a NATO and other assets to respond to. But we are running out of excuses. And this is a very important, maybe not as large a step as many of us had hoped for, but this is a very important step of America for fulfilling its leadership globally.

The almost half a billion people who live in sub-Saharan Africa live in some of the most difficult circumstances on our planet. It is irresponsible for us to spend so much time on almost every other continent and not face up to the realities from health care, from war, from economic deprivation that occur in Africa.

Today we take one small step. Because we all live on this planet, we all share the same inner-human responsibilities. I am proud to have played a very small role in this effort.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House today is considering the conference agreement on H.R. 434, the Trade and Development Act of 2000.

This legislation represents the culmination of better than 5 years of bipartisan work to strengthen U.S. trade relations with the sub-Saharan African countries and with our Caribbean Basin neighbors.

Sub-Saharan Africa is home to more than 10 percent of the world's population, and yet it has undergone, while a quiet and persistent evolution towards democracy and free markets, it is still de minimus virtually in terms of its access to our market and our exports to South Africa.

It provides a whale of an opportunity, over 700 million population in 48 countries. Twenty-six of those 48 countries, incidentally, have held democratic elections, and 31 of them have embarked on significant economic reforms.

Our conference agreement encourages the development of an African textile and apparel industry and regional integration through the provision of duty-free and quota-free treatment of up to 3.5 percent of the U.S. apparel imports over the 8 years of the bill for apparel articles wholly assembled in Africa and from regional fabric or fabric from any country in the case of lesser developed countries.

As the sponsor of the African Growth and Opportunity Act in the House, I believe that its enactment will establish sub-Saharan Africa as a priority in U.S. trade policy but, more importantly, will encourage countries in that region to redouble their economic and political reforms.

The first piece of legislation that I introduced when I became chairman of the trade subcommittee back in 1995 was the Caribbean Basin Trade Partnership Act, and that is an essential component of this package, too.

I think we are all aware now that when we passed NAFTA, while it was a decided positive initiative in the right direction, one of the unforeseen consequences was handicapping our Caribbean trading partners.

In 1983, Ronald Reagan was the one that provided the initiative to try to give those Caribbean countries the opportunity for economic access here, and it was with the objective that if we promote that kind of economic growth and development, it helps to advance democratic institutions. And it worked. It was absolutely correct.

But we did, with NAFTA, we did handicap our Caribbean trading partners. Purchasing about 70 percent of their imports from the U.S., or roughly $18.5 billion annually, the Caribbean Basin countries already represent a larger export market for U.S. goods than all of China, with one-fifth of the world's population.

We are following through on our commitment to CBI region to make up for the disruptions those countries have experienced under NAFTA and also as a result of the devastating hurricanes that they suffered.

In the end, we are going to be successful in moving forward on trade when we hit this good, solid, bipartisan stride. And it is so pleasing, because Republicans cannot claim the highest priority with regard to the commitment of free trade, it was Democrats that historically were the free traders until after World War II, and Republicans were the protectionists who started lifting the blinders after World War II.

But we do have good bipartisan support and it is advancing American interests and it is in the interest of Republicans, Democrats, Independents, all of us combined.

I cannot thank my good colleagues on both sides of the aisle enough. I am talking specifically of my distinguished ranking minority member on the committee, the gentleman from New York (Mr. RANGEL); but the gentleman from Washington (Mr. MCDERMOTT); the gentleman from Louisiana (Mr. JEFFERSON); and on our side, the gentleman from California (Mr. ROYCE); the gentleman from New York (Mr. GILMAN); the gentleman from Arizona (Mr. KOLBE); the gentleman from Texas (Mr. ARCHER); and especially the gentleman from Illinois (Mr. HASTERT), our Speaker.

We have moved our country forward into a new, more peaceful and secure relationship with neighboring countries in this hemisphere and with nations in Africa, and many of whom are facing enormous obstacles to a better life. But they are headed in the right direction with the advancement of this legislation.

I urge all of my colleagues to cast an aye vote.

The first piece of legislation I introduced when I became Chairman of the Trade Subcommittee in 1995, the Caribbean Basin Trade Partnership Act, is an essential element of this package. This bill is aimed at promoting sustainable, trade solutions to the problems facing poor nations on our hemisphere.

When Congress implemented NAFTA in 1994, there was the totally unintentional result that the CBI region was put at a disadvantage with respect to Mexico, particularly in the all-important textile and apparel sector, where Mexico began siphoning off business and investment from our CBI neighbors.

Purchasing about 70 percent of their imports from the United States, or about $18.5 billion annually, Caribbean Basin countries already represent a larger export market for U.S. goods and services than China! H.R. 984 will accelerate the growth in U.S. exports to CBI countries by building on the highly successful Caribbean Basin Initiative, which has tripled exports to the region since it was passed in 1983.

Economic dislocation and distress in these small countries on our borders means only one thing for U.S. cities and towns—declining export markets, mounting illegal immigration and intensified drug trafficking. The United States has poured $19 billion in foreign assistance into the Caribbean Basin region since 1980, in order to stem the forces of Civil War and political instability in our own backyard.

We are following through on our commitment to CBI region to make up for the disruptions these countries experienced under NAFTA and as a result of devastating hurricanes.

In the end House conferees came to a meeting of minds with our Senate colleagues who had pushed for years for a protectionist, U.S. fabric only bill. While the House would have favored uniform rules for trade in North America, consistent with the NAFTA agreement, the bill does vary from this model. But our core objective of promoting trade expansion and helping to create a dynamic market in the CBI for U.S. exports was preserved. The bill looks toward the day when we can embark on mutually advantageous free trade agreements with these countries.

It is my firm belief that the couple of isolated, protectionist rules insisted on by my Senate colleagues in order to have a bill will not stand the test of time. When the initial success of this bill begins to be felt, and the large scale export opportunities for U.S. industry and workers become obvious, we will be back asking for your support to go further. But this is a good start and at the same time Members can be assured we're not opening up any flood gates.

I am convinced this bill will lay the ground work for returning to an ambitious trade policy under a new President who can help us bridge our differences in the House on trade negotiating authority.

For in the end, we are only successful moving forward on trade when we hit a bipartisan stride. And as I look across the aisle at my good friends CHARLIE RANGEL, BILL JEFFERSON, and JIM MCDERMOTT, and on this side to ED ROYCE and JIM KOLBE, I want to say we put together a historic coalition on this one. Speaker HASTERT played a key role.

We've moved our country forward, into a new, more peaceful and secure relationship with neighboring countries in this hemisphere and with nations in Africa, many of whom are facing enormous obstacles to a better life.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was listening to my friend, the gentleman from Illinois (Mr. CRANE), and I am reminded that not only was this a bipartisan issue in this session of the Congress, but at first hearings that we had, Speaker Newt Gingrich testified with Jack Kemp and Andrew Young and Leon Sullivan and so many people came, fine Americans, Republicans and Democrats and liberals and conservatives, in support of opening up trade relationships with Africa.

It must make all of us feel proud today, as Members of the Congress, to be able to say that we were part of this initiative so that these smaller countries that are striving for better democracies, for improvement in the quality of health and education of their children, that have met with famine and drought, that know and see and face poverty and disease, that America is not treating them just as a basket case but reaching out and trying to transfer technology, create an atmosphere for investment, and to be able to say, commercially speaking, that we treat each other with the mutual respect that is so necessary for great nations, big or small, to work together for their constituencies and, indeed, for a better world.

□ 1430

To have this coupled with the Caribbean Basin bill, that it was Ronald Reagan, as the gentleman from Illinois (Mr. CRANE) pointed out, that worked with Democrats to fashion a package so that we would not just consider the Caribbean as a bunch of just exciting songs but that we could see that these were people with struggling democracies that were throwing off the yoke of colonialism, that they wanted so badly to be treated with respect from their giant sister nation, the United States of America, and as a result of this to be able to see the industry that was starting there and the tremendous setbacks that they had as a result of us going into the North American Free Trade Agreement.

So President Clinton made a commitment that we would give them parity and Republicans and Democrats on the Committee on Ways and Means, the Committee on International Relations, working together and having Speaker HASTERT to come across the other side of the Capitol and meeting with the leader on that side, and coming together to keep this fragile package together, like most Members I wish we did not have to expedite this. I wish we had had more time with the rule. I wish we had had more time in the conference and certainly more time for

Members to truly understand that they are playing a very, very important role, a historic role, in cementing the relationship that this country will have with these developing countries. I am proud to be an American, so proud to be a Member of this Congress, and proud to be working with Members on both sides of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this conference report. Last summer, in July, the House understood the importance of doing what we can to encourage greater trade between the United States and Africa. We acted by passing this historic Africa Growth and Opportunity Act. We now have a chance to send this bill to the President's desk for his signature and open a long overdue era of new relations between the United States and Africa, one that recognizes the strong economic potential of a continent of 800 million people.

What this bill does is to build a partnership between America and those African nations which are committed to reforming their economies in a way that allows for America to sell more goods and services. In short, this legislation treats trade as a two-way street. Already the United States exports some $6 billion of goods and services to Africa each year. Some 100,000 American jobs depend on this trade, which should grow under this legislation.

Few Americans probably realize that West Africa is approaching the Persian Gulf as a source of oil for the United States. This is but one example of Africa's growing economic significance to the U.S. Fortunately, many African countries have been moving toward greater economic openness over the last decade, ditching the African socialism that wreaked economic havoc. With this bill we will be encouraging this trend and trade. The trade that occurs with America should expand and should expand significantly.

I think if we can get beyond the headlines, Africa has the potential. I have seen dynamic entrepreneurs in Africa. I have seen vibrant and prosperous African businesses, businesses which want to do business with America. That is their message. They say we are tired of doing business with the Europeans. We want to do business with Americans.

Let us take advantage of that. Let us get America into the African economic game. This legislation is good for America, and it is good for Africa.

This is not as powerful a bill in some ways as we passed through the House last July. In conference, the Senate demanded additional restrictions on trade with Africa; and in my view, this is unfortunate. We would have liked trade with Africa to be regulated more by markets and less by bureaucrats, especially when we are dealing with the world's poorest continent. That would have been better for American consumers. American exporters would have been advantaged more by that and Africa would have been advantaged more by that.

This conference report is a clear and important step in the right direction toward greater trade between the United States and Africa, and it moves us away from the odd policy of giving aid to Africa with one hand and shutting out what it manages to produce with the other. Let us move Africa away from aid to economic self-sufficiency. That is the spirit of this bill.

We need to be frank. There are many Members of Congress who have worked on this legislation, and I want to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN); as well as the Speaker of the House, the gentleman from Illinois (Mr. HASTERT); the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER). I want to also thank my cosponsors of this legislation, the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL), and the gentleman from Washington (Mr. MCDERMOTT). We want to thank the ranking member on the Subcommittee on Africa, the gentleman from New Jersey, (Mr. PAYNE) as well. We have done this work frankly with a sense of urgency, urgency because Africa is on the brink of permanent economic marginalization.

The global economy is changing in dizzying ways. Unless we help bring Africa into the world economy and do it now, Africa will never develop. It will be hopelessly left behind, and Americans are fooling themselves if we think we could ignore an undeveloped Africa in which war and disease were commonplace.

These problems have come to America already. Let us do something to help Africa help itself and help America.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 434, the Africa Growth and Opportunity Act. I join with the rest of my colleagues who are original cosponsors of this bill and appreciate their support, the persons involved from the Committee on International Relations and the Committee on Ways and Means.

We have been dealing with this bill for some time. Last summer it was passed as H.R. 1432. We have been talking about this issue.

Finally, I am pleased that this initiative is finally moving through the House. As the ranking member of the Subcommittee on Africa and as a member of the Committee on Education and the Workforce, let me first assure the colleagues of mine who are concerned about labor that this bill will cause no American worker to lose their jobs. This is a bipartisan bill which the conferees have been meeting with and discussing on a regular basis.

I am pleased also to mention that certain labor standards which our committee dealt with, including the right to organize and the right to bargain collectively, the right to set minimum wages and the minimum work hour requirements, are in this bill; and so many people who felt that there would be an open end we have put in safeguards for those folks in the region.

This is a stark and exciting occasion. Today, I stand before Members to say that the Africa trade bill will improve the lives of many of the African people on the continent. Imagine that as we approach the new millennium a partnership has been forged, a partnership that is not based on dependency; but it is a partnership that possesses great opportunities for both the United States and for Africa.

I must also applaud the Africa diplomatic corps for their constant and unwavering faith, that they kept coming and standing together united as a real force. I think that they have now become an effective force here on Capitol Hill to hear the problems of sub-Sarahan Africa discussed here, and I would like to compliment them.

This bill will make improvements in the telecommunications sector, providing enhanced satellite and educational and scientific opportunities. Currently it takes an average of 4.6 years to get a phone in Africa, and almost double that time in some parts of sub-Sarahan Africa. This bill, H.R. 434, will help sub-Sarahan African countries by reinforcing the positive development taking place in Africa. Among other things, it will enhance market access for African goods and services. It will provide duty-free, quota-free benefits to apparel made in Africa from U.S. yarn; duty-free benefits to apparel made in Africa; promote multilateral debt relief for the poorest of the poor countries in Africa, the HIPC countries; open free markets which would otherwise be closed in Africa. It also directs the Overseas Private Investment Corporation, OPIC, to create a $150 million equity fund to assist in overseas private investment and also a $500 million infrastructure fund which will assist these countries in developing their infrastructure.

It increases authority and flexibility to provide assistance under the Development Fund for Africa, the DFA bill. So there are so many benefits that this bill has in it. It will continually go on, and it will move countries ahead. It also will establish a U.S.-African economic forum to facilitate annual high-level discussions about bilateral and multilateral trade opportunities. So this bill is very important.

President Clinton mentioned it in his State of the Union address in his partnership for growth and opportunity as he talked about a new era for Africa.

So as I conclude my remarks, let me just say that I become disturbed when we say that there are no national interests of the U.S. in Africa. A foreign trade policy that ignores a sub-Sarahan Africa with its many countries is really a distorted policy. This bill recognizes that U.S. trade, aid, and investment are all important foreign policy goals. The countries in sub-Sarahan Africa have joined the new World Trade Organization, and we are helping them to share its benefits and to meet their requirements. So, therefore, once again, I ask for unanimous support for this.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I want today to support H.R. 434. The Caribbean Basin Initiative was proposed in 1982 by President Reagan as a way of promoting economic revitalization and trade expansion opportunities for countries in the Caribbean Basin after peace had arrived. Now, more so than ever, economic revitalization is needed, and this is particularly true of the many countries that were ravaged by Hurricanes Mitch and George a little more than a year ago.

As many of my colleagues know, my wife and I have been involved with various humanitarian and charitable activities in Central America and the Caribbean for the better part of 30 years; and during this time it has become increasingly clear to me that what these countries need most in the way of economic stabilization is investment in free trading opportunities. Providing more open trade access to our markets would not only aid the ailing economies of these countries but would help ensure greater political stability as well.

Mr. Speaker, the most controversial aspect of H.R. 434 has revolved around textiles and apparel. Being from North Carolina, these industries are particularly important to me, as are the jobs that make up these industries. My particular concern regarding this legislation has been to ensure that textiles and apparel produced in countries in Africa and the Caribbean Basin region are made of U.S. materials, if they are to receive favorable trade benefits. Without these protections, I voted against this bill last summer.

According to most textile and fiber manufacturers that I have heard from, the conference report on H.R. 434 takes necessary steps to ensure that U.S. fiber, yarn, and cotton manufacturing industries are sufficiently protected.

Mr. Speaker, I believe this bill would greatly benefit the economies of the Caribbean Basin and Africa while protecting domestic jobs, and I urge its passage.

Mr. RANGEL. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), the ranking member of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time and for being unyielding when it comes to this legislation, with many other colleagues, and I look at all of them.

There are core labor standards in this new preferential trade program. They are built into the structure of the generalized system of preferences, GSP. The present provisions of GSP are strengthened in the language as it applies to African nations. In order for them to receive the benefits under this bill, the U.S. executive must assess in providing benefits for any African country whether it, and I quote, "has established or is making considerable progress towards establishing," end of quotes, protection of core labor standards, including the right to organize and bargain collectively, as the gentleman from New Jersey (Mr. PAYNE) has mentioned.

□ 1445

As to the enhanced benefits granted under CBI, the GSP provisions are strengthened still further. As a result of an amendment in the Senate, our executive must use, in deciding whether to grant enhanced benefits to any CBI country, the same standard as applied, for example, to intellectual property rights, that is, the extent to which a nation is adhering to internationally recognized core worker rights.

Further, as not provided in the original House bill, the enhanced benefits may be eliminated or revoked in the event a country retreats in these vital areas. It is also noteworthy that added to the GSP system is the Harkin amendment, requiring that countries implement their commitments to eliminate the worst forms of child labor.

The present GSP system, and it is not well understood, I am afraid, has been used, suspending GSP benefits due to worker rights violations in Burma, Liberia, Maldives, Mauritania, Sudan, Syria and Pakistan. The benefits of four other nations have been suspended, then reinstated once labor reforms have been made. GSP has been used in the CBI region to bring about improvements in protection of core labor standards.

Some will argue, and they do most sincerely, that these provisions are not strong enough because compliance should be immediate and it should be complete. I believe that a reasonable transition period makes good sense, and there is no way to mathematically define what is complete. The executive in our country will always have some discretion, and it is up to those of us who care about this issue in the public and the private sector to vigorously pursue efforts to implement these provisions.

Today, the administration has sent a letter to several of us indicating "a series of steps to ensure effective implementation of existing labor-related provisions of CBI, as well as of the enhanced provisions." Included is an important step of directing the USTR to create a new Office of Trade and Labor headed by an assistant trade representative. Mr. Speaker, I will include for the RECORD that letter.

Building labor provisions into rules of trade and competition between nations is something that I believe in passionately. It is necessarily a step-by-step activist process, tailoring those efforts to the particular circumstances at hand.

In NAFTA there were no enforcement provisions covering the commitments on core labor standards. I opposed it. In this case, importantly, as to Africa and as to CBI, there is enforcement, the power of unilateral action by the United States, whether to grant these benefits, and, if granted, whether to suspend enhanced benefits.

These are important steps forward on this vital issue, as part, and I deeply share the beliefs of the sponsors, of a necessary effort to increase trade, and, yes, competition, with African and Caribbean nations in the U.S., and to trying, and this is so important, to increase the partnership between the U.S. and these nations, always keeping in sharp focus the best interests of American workers and producers.

There has been indeed a long and diligent effort to follow that path in this legislation. It strives to expand trade and to pay attention to the expanded issues of trade. As a result, I rise in support.

THE WHITE HOUSE,
Washington, May 3, 2000.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LEVIN: Thank you for your recent letter to the President regarding the African Growth and Opportunity Act and Caribbean Basin Initiative (CBI) Enhancement legislation, H.R. 434. The Administration strongly supports enactment of this bill, which will strengthen our partnership with these two important regions and provide mutual economic benefits for years to come. We appreciate your efforts to expedite agreement on the remaining outstanding issues in the legislation, and hope Congress will conclude its work and pass a final version of the bill soon.

A closer relationship with the CBI countries should be accompanied by progress in other trade-related areas. In particular, we hope to see CBI countries make continued progress in implementing internationally-recognized worker rights, and we are prepared to undertake a series of steps to ensure effective implementation of existing labor-related provisions of CBI as well as the enhanced provisions of H.R. 434.

First, to underscore the importance of trade and labor issues and to improve policy formation and coordination with respect to them, the President is directing the United States Trade Representative (USTR), contingent upon necessary appropriations, to create a new Office of Trade and Labor. Headed by the newly-created position of Assistant United States Trade Representative for Trade and Labor, the office will be responsible for aspects of trade policy-making that involve core labor standards considerations. It will endeavor to handle these complex, interdisciplinary issues in an integrated fashion.

Second, we will work to increase the resources available to this office to fulfill its mission. In the President's FY 2001 Budget, funds were requested to hire a Labor Specialist in the Office of the U.S. Trade Representative to work on issues involving the relationship between trade and labor. A major responsibility of this staff member would be to analyze information on worker rights developed in connection with the expanded reporting described below. This information would help to form the basis, under various trade statutes, for the development of recommendations to continue, suspend, or withdraw benefits in response to the labor rights situation in particular industries and countries.

Third, also as part of the FY 2001 Budget, the President requested additional resources to strengthen our capacity to monitor worker rights and working conditions overseas as well as provide capacity building assistance to countries seeking to implement and enforce core labor standards. We anticipate assigning additional labor attaches to the CBI region and Africa as part of this broader initiative to assess the institutional capacity of countries to implement core labor standards and provide them with technical assistance suited to their needs. These officers would also serve as a point of contact for the Office of the U.S. Trade Representative for the purpose of assessing compliance with the standards required to receive and maintain benefits under our trade laws.

Fourth, the President is instructing that reporting on compliance with the worker rights provisions of the GSP program be expanded. Section 504 of the Trade Act of 1974 requires the President to submit an annual report to Congress on the status of internationally-recognized worker rights within GSP beneficiary countries. It has been our practice to include this report in the State Department's annual human rights report. To give this reporting greater emphasis, the President is directing the State Department, in collaboration with the Office of the U.S. Trade Representative and the Department of Labor, to undertake an expanded analysis of the legal framework and implementation in GSP beneficiary countries of internationally-recognized worker rights, including the right of association, the right to organize and bargain collectively, the prohibition against any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable working conditions.

The FY 2001 Budget includes a request for additional staff members for the Department of State and the Department of Labor for the purpose of improving reporting on worker rights conditions and, in particular, institutional capacity problems for which additional technical assistance might be appropriate. Among the issues the expanded reports could address are; whether the rights are recognized in the country's constitution laws, or regulations; whether the union registration procedures are fair and expeditious; whether there is a minimum wage law and laws or regulations governing occupational health and safety (with regard to workers generally or minors specifically), whether any persons or industries are excluded from any of these rights; whether child labor exists and what is being done to eliminate it; and what means exist for implementation and enforcement. Other issues relating to implementation that could be addressed include: the procedures for obtaining authorization to organize; the number of unions and unionized workers; whether and how workers are informed of their rights and employers of their obligations; whether and how the government assists workers to exercise their rights; whether and how the government investigates allegations of infringement of worker rights and penalizes violators; whether the government can prohibit strikes under certain conditions; and whether there are government inspections of workplaces to ensure compliance with labor laws such as those related to health and safety, minimum wages, and child labor.

Fifth, the Administration has used its authority to partially withdraw a country's GSP benefits in instances in which the country does not meet the criteria set out in 19 USC §§2461 and 2462, but a complete withdrawal of benefits is not deemed appropriate. This approach has two benefits: (1) it enables the U.S. Trade Representative to focus on sectors in which there are particularly serious enforcement problems; and (2) it serves to encourage the country involved to improve its compliance by not unduly penalizing the country for its problems. The Administration intends to continue to use this approach when necessary to enforce the GSP program and promote compliance. Partial revocation can penalize sectors that have failed to meet their obligations while recognizing a government's good faith attempts to meet its commitments in general. It should also be emphasized that flexibility in this matter makes it possible to avoid unnecessarily penalizing firms that meet or exceed the standards set out for extension and maintenance of benefits. It is our expectation that with the additional reporting requirements and personnel available to handle these issues, we will have more information and greater flexibility to respond even more effectively to any problems that arise in a particular workplace, sector or country. At this time, any interested party may submit a request to the GSP Subcommittee of the Trade Policy Staff Committee that additional articles be granted GSP benefits or that GSP benefits be withdrawn, suspended or limited. Under USTR regulations, any person may request to have a country's GSP status reviewed. The information required by federal regulations will be amended specifically to include compliance with labor rights in the beneficiary country.

Finally, we stand prepared to expand our assistance to countries wishing to improve their institutional capacity to implement core labor standards. Last year, in response to the Administration's request, Congress approved $20 million for the creation of a new arm of the International Labor Organization (ILO) to provide technical assistance to countries seeking to implement the ILO's landmark Declaration of Fundamental Principles and Rights at Work. In addition, the President's $10 million request for the Department of Labor to provide technical assistance on the design and implementation of labor standards and social safety net programs in developing countries. These activities are an essential component of a larger strategy to ensure that the benefits of expanded international trade and investment are shared as broadly as possible within and among nations. We are prepared to apply a share of these resources to the development of cooperative programs with our Caribbean and African partners as a means of helping them to comply with the requirements of our trade preference programs and their ILO commitments. This year, in addition to requesting a continuation of funding for the ILO's new arm, we have proposed doubling the Department of Labor's technical assistance program from $10 million to $20 million and increasing by $100 million our efforts to eliminate abusive child labor through the ILO and direct bilateral assistance. We urge you and your colleagues to support these requests as a key part of our efforts to expand trade and investment while improving respect for worker rights around the world.

And, thank you for your letter. I hope that these thoughts are responsive to the issues you raised.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished vice chairman of the Committee on International Relations, who also serves as the Chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of this legislation. It consists of four core bills, all of which are incorporated here, and I am pleased and proud to be an original sponsor of those four bills.

Mr. Speaker, with regard to Africa, this Member believes that expanding trade and foreign investment in Africa is the most effective way to promote sustainable economic development on that continent. By providing African nations incentives and opportunities to compete in the global economy, and by reinforcing African nations' own efforts to institute market-oriented economic reforms, this legislation will help African countries create jobs, opportunities, and futures for their citizens. Only through trade and investment will Africans fully develop the skills, institutions, and infrastructure to successfully participate in the global marketplace and significantly raise their standard of living.

However, it is true that trade liberalization alone cannot remedy all of Africa's woes. That is why our overall strategy for sub-Saharan Africa is a combination of trade and aid working together. It those who in the past have criticized the Africa Growth and Development Act, charging it does not provide sufficient and immediate aid to Africa's poor or for protecting Africa's environment, this Member would remind those colleagues that just over a year and a half ago the Congress enacted and the President signed into law the bill entitled The Africa: Seeds of Hope bill.

This food security initiative, which this Member introduced, refocused U.S. resources on African agriculture and rural development, and is aimed at helping the 76 percent of sub-Saharan African people who are small farmers. This law, along with other current U.S. aid programs, such as the Development Fund for Africa, are the aid components of our African development strategy. With the passage of this conference report, which includes the provisions of the Africa Growth and Opportunity Act, the needed complimentary trade components of our Africa development strategy, then we will indeed have a balanced trade and aid program.

The Trade and Development Act of 2000 also includes another important trade measure promoting further sustainable economic development for America's neighbors to the south in the Caribbean Basin. The impact of the first Caribbean Basin initiative enacted in the 1980s has, indeed, been very positive. However, this earlier initiative is just the first step. Its success naturally warrants the further investment and trade expansion included in the CBI II to ensure the continuation of responsible economic growth and stability in this region so close to our southern borders.

This conference report also authorizes the use of carousel or rotating retaliatory tariffs as a means of increasing the pressure on trade competitors and partners, like the European Union, which failed to comply with World Trade Organization rules and discriminate against American products and services. This is an important tool for the U.S. Trade Representative when addressing trade disputes involving American agriculture in particular, given that of nearly 50 complaints filed by the U.S. in the WTO, almost 30 percent involve agriculture.

This Member also supports the inclusion of H.R. 3173, the legislation that would establish the permanent position of Chief Agriculture Negotiator in the Office of the U.S. Trade Representative into this comprehensive bill. In 1997, a temporary position of U.S. Special Trade Ambassador for Agriculture was created, and it has proven to be an effective representative of America's agriculture interests in bilateral and multilateral trade negotiations. But this is a step forward, and that is important, given the impact agriculture has on our economy.

Mr. Speaker, the Trade and Development Act of 2000 is a balanced and responsible bipartisan trade initiative. I want to thank all of my colleagues on both sides of the aisle, certainly the Committee on Ways and Means people, for their contributions. In my own committee, I want to particularly focus appreciation on the gentleman from California (Mr. ROYCE), who has been unfailing, unrelenting, in moving this bill to its passage. I thank the gentleman for that special effort.

What this bill opens is a new mutually beneficial opportunity for trade and investment in Africa and in the Caribbean Basin. It also strengthens our ability to more effectively resolve unfair trade disputes. Accordingly, this Member urges his colleagues to support the conference report.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of the Africa Growth and Opportunity Act, H.R. 434, and its conference report.

First let me begin by acknowledging the men who made this bill possible. Certainly this is a bill that was born of sheer determination on the part of a number of individuals. Principally those that I know of, the gentleman from New York (Mr. RANGEL), who did not allow this bill to ever see anything but light; and certainly the chairman, the gentleman from Illinois (Mr. CRANE); the gentleman from Texas (Mr. ARCHER); and, of course, the gentleman from Michigan (Mr. LEVIN), who I know worked tremendously on this bill as well. I would like to applaud their effort, because for many moments many did not believe this bill would ever get to the President's desk. Certainly here we see that sheer will can get you there.

H.R. 434 left the House in a troubled state. There were legitimate concerns raised over the rights of workers, the misuse of African nations as mere stopping points in the transshipment of textiles from other countries trying to dump their products in America.

But I am very pleased to say that H.R. 434 has come to this floor prepared for signature by the President of the of the United States. The transshipment language is the best we have seen to date, the textile provisions are improved from what came out of committee, and the labor provisions certainly face us in the direction we need to be heading with all of our trade agreements.

Our partners in Africa and the Caribbean deserve to know we are serious about our partnerships with them and that we are serious about building relationships that are meaningful and that they will work in the future. They are ready in Africa and the Caribbean, they are willing, and now they are simply waiting.

Mr. Speaker, I will support this legislation because it recognizes that it is time for us to treat the African nations and the Caribbean the way we would treat some of our partners we have negotiated with for many years, and let them know we are with them in partnership, to have them advance and become solid, meaningful trading partners with America. It is time for this bill to become law. I am pleased to be able to support this legislation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. PAYNE. I yield 30 seconds to the gentleman from Virginia.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Virginia is recognized for 1½ minutes.

Mr. MORAN of Virginia. Mr. Speaker, I thank my friends for yielding me time.

Mr. Speaker, the United States has always had a very special relationship with the continent of Africa, and, with few exceptions, it has been a relationship of exploitation. The African people, with few exceptions, were the only people who were brought to this country, who did not come to this country of their own volition. Most people did. They were brought here to be used, and, in fact, much of our agricultural economy was built on the backs of black people.

Many of the most menial jobs that the middle and upper classes in America wanted performed were performed by people that were brought here from Africa. But, despite the obstacles, many people of African descent have risen to positions of prominence and stature and leadership. Two such people are the floor managers today, the gentleman from New York (Mr. RANGEL) and the gentleman from New Jersey (Mr. PAYNE), and many of our most respected colleagues. But if you listen to them, and they will tell you that what the continent of Africa needs and deserves is mutual respect. Mutual respect. They do not need paternalism and direct aid as much as they need the ability to sit down at the table with us as peers in an atmosphere of equanimity, to deal with Africa as a people and as a continent that we need as much as they need us, and that is what this bill does.

This bill establishes a trade policy with Africa that will be, yes, in our best interests, but will also enable the continent of Africa to develop its human and natural resources. This is a bill we need as a country. This is in our national interests. It should be a unanimous vote in favor of this bill.

□ 1500

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, I rise to speak in support of H.R. 434, the African Growth and Opportunity Act. This is a great day for America; this is a great day for Africa. I am honored to say that today the vast majority of American civic, religious, and business leaders strongly support this bill. More important, all

43 nations of sub-Saharan Africa have voiced unanimous support for this bold step towards stronger economic ties between the United States and Africa.

As we speak this afternoon, Mr. Speaker, trade ministers from 13 African countries and 3 regional cooperative communities are visiting Washington to press the urgency of this bill. They are the new African leaders who will lead that continent into the global economy as equal partners with other world regions.

I am proud to say that the United States is poised not only to support them, but to build enduring partnerships between our businesses and commercial enterprises.

Africa is rich with natural resources, but its most important resource is the ingenuity and inventiveness of its people. Africa and American entrepreneurs can now partner to strengthen businesses on both sides of the Atlantic Ocean. While trade barriers have prevented Africa from strengthening its imports to the United States, American consumers purchase Kenya bags and Kente cloth from competing world regions. The African growth and Opportunity Act now will let American businesses travel to Africa to build infrastructure, expand access to technology, and make good use of its natural resources. In return, Mr. Speaker, African businesses will have access to this vast market where the sky is the limit on consumer goods.

Mr. Speaker, I would like to thank all of my colleagues who have supported this bill every mile of the way, but a special kudos to my friend, the gentleman from New York (Mr. RANGEL), and my colleague, the gentleman from Los Angeles, California (Mr. ROYCE).

We have never suggested that this bill would be a panacea for Africa; however, it will put Africa on the road to economic growth and prosperity for its people.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I want to thank and commend the gentleman from Illinois (Mr. CRANE), my friend, the chairman of the Subcommittee on Trade for his good work and for yielding me some time. I also want to commend the chairman of the full committee, the gentleman from Texas (Mr. ARCHER), and the ranking Democrat, the gentleman from New York (Mr. RANGEL), for their leadership on this legislation, this bipartisan effort.

If we believe in free enterprise, if we believe in democracy, we should support this legislation. This legislation is good for America, it is good for Africa, it is good for the Caribbean, for our friends in those nations as well as our friends here at home. It is a win/win for all of us. It is an agreement between the House and Senate; it is an agreement that will increase investment in Africa and in the Caribbean, as well as increase investment here in the United States.

I would note that these statistics I think really illustrate why this initiative is so important.

Let me note that 1998, the Caribbean Basin, the nations of the Caribbean Basin represent our 6th largest export market for American goods. The United States maintains a large and growing surplus in its trade with this region. In fact, in 1998, just 2 years ago, this trade surplus was almost $3 billion, up 73 percent from the previous year. Exports to the Caribbean Basin region alone support over 400,000 American export-related jobs, creating great opportunities for businesses as well as workers in Chicago as well as the south suburbs.

I would also note that trade with Africa supports 200,000 American jobs. In 1998, U.S. exports to Africa totaled over $6.7 billion supporting those 200,000 American workers. That same year, 15 States in our Union reported exports over $100 million each to sub-Saharan African nations.

This initiative is good for Africa, it is good for the Caribbean, but most of all, it is good for American workers and American business. It deserves an aye vote; it deserves a strong bipartisan show of support.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong support of this legislation today.

From an agricultural perspective, the Carousel Retaliation provision will strengthen the enforcement mechanisms in the WTO dispute resolutions, such as the recent beef hormone and banana disputes. The achievement of permanent status for the U.S. Trade Representative agricultural ambassador so that agriculture will remain high on USTR's agenda is a very positive aspect of this legislation.

From a textile standpoint, one of the controversies that has been worked out, it is now supported by the National Cotton Council, the American Apparel Manufacturers Association, the National Retailers Association, the U.S. Chamber of Commerce, the Central American and Caribbean Textiles and Apparel Council, and the countries of the affected region.

The CBI parity portion of the conference report will increase demand for U.S. cotton and textile competitiveness. It enables the U.S. cotton industry to partner with Caribbean countries to produce more competitive apparel products, thus increasing demand for U.S. cotton fabric and yarn. This partnership will allow the U.S. cotton industry to compete with imports from Asia as import quotas are phased out over the next 5 years, and it is truly a partnership between Africa and the Caribbean nations, which is one of the strengths of this bill. Only apparel products that contain fabric formed with U.S.-manufactured yarn or are knit in the region using U.S. yarn are eligible for the treatment under the CBI provision.

The Africa portion under the conference report caps trade preferences on apparel from Africa and protects against import surges and transshipment, one of the strengths of the upcoming PNTR agreement with China.

In general, this promotes economic and political stability in Africa and the Caribbean nations through trade instead of aid, making the most of scarce Federal resources. It is a good bill.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

I rise again, first of all, Mr. Speaker, to indicate that this is a historic day, and I have advocated for this bill in an earlier statement on the floor of the House. But I thought it was appropriate to come this time to particularly thank those who had an enormous impact on where we are today. I would like to thank the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL), the ranking member, for putting their heads and hearts together and not allowing the road of divisiveness to keep us from this day. I would like to thank the gentleman from California (Mr. ROYCE), who has put many miles in front of him and behind him in visiting the heads of state of African nations and understanding what this legislation would mean. And then the gentleman from New Jersey (Mr. PAYNE) for his long years of steadfastness and independence on the question of Africa and its importance in our foreign policy and his leadership on this legislation. I thank him.

Mr. Speaker, we have come to this day primarily because this bill has had a long journey, very distinctive from many of the trade bills that we have brought to this floor. I think it is important for the American people to understand that this is a bill that helps our large businesses, our friends in corporate America; but it is a bill that makes a very profound statement for the poorest countries in the continent of Africa. Countries that earn less than $1,500 per capita are included in participating in this particular legislation. They are given particular incentives to be involved in a trade relationship with the United States.

Mr. Speaker, do my colleagues know what that means? It means the market women in Nigeria and Botswana, in Cote-d'Ivoire, in Ghana, in Benin can be engaged in this concept of trade. It means that the Caribbean Basin initiative gives our friends parity. It means that we answer the question of dumping and transshipment.

So for all of those who think we have fastly gotten to this floor or that we have undercut others, Mr. Speaker, let me say it has been a long journey. We can thank many people, but this does help the people of the continent of Africa; and it does help the people of the Caribbean Basin. I would hope that my colleagues will see the value of it, and I hope that they will vote for this legislation enthusiastically.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI), a senior member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

There are a number of Members here in this room in the House today that have played a significant role. Obviously, the gentleman from California (Mr. ROYCE) and the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from Washington (Mr. MCDERMOTT), but two people should be really singled out for their outstanding role and their tenaciousness and their leadership in making sure this bill came to the floor of the House and soon to be sent to the President, and that is the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade of the Committee on Ways and Means, and certainly my leader on the Democratic side, the gentleman from New York (Mr. RANGEL). Without their singular leadership and without their inspiration in terms of sub-Saharan Africa, we would not have this bill before us today.

Mr. Speaker, I am going to be very brief. I just want to make a couple of observations. One, there is 600 million people in 48 countries in sub-Saharan Africa. This is one of the areas of the world in which we have so much poverty, so much disease, AIDS; and we need to do much as a Nation, as people of the world to help these 600 million people to become consumers of the world as well as people that are living in poverty.

Just 3 weeks ago, there were many people, thousands of people that were at the steps of the Capitol demonstrating against the International Monetary Fund and the World Bank. They were saying that we should give debt relief; we should actually help these 600 million people and other people that live in poverty throughout the world.

The way to do that is to pass this legislation, to make sure that we give these 600 million people a marketplace-based type economy, so that over time they are going to want to get up like we get up as American citizens and say we want to work to earn a workable wage.

So the way to do that is to pass this bill. Those that refuse to look at this really are not sincere when they go to the steps of the Capitol and talk about debt relief. Handouts internationally do not work. It is creating a marketplace economy to give people an opportunity and a vision to be part of the world economy as we know it today.

So I thank the gentleman from New York (Mr. RANGEL), and I thank the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today in opposition to the Trade and Development Act of 2000. This bill will imperil the livelihood of thousands of U.S. textile workers. I support policies and appreciate what is attempting to be done here today, to expand trade and open new markets for our goods. But this bill will not be considered fair.

NAFTA and other free-trade measures were pitched to us as something good for the textile industry. Last year alone, the domestic textile apparel industry lost over 180,000 jobs. This agreement represents the willingness to trade away American textile jobs for cheap goods. It creates the opportunity for massive customs fraud, turning sub-Saharan Africa into a transshipment superhighway. Customs personnel are not equipped to enforce existing rules, and there is no reason to believe that Customs has the resources to endorse the provisions in the agreement.

The agreement provides quota- and duty-free access to imports from Africa and the Caribbean. Combine this with the fact that our textile industry faced record imports last year, and we can see that our industry will be further crippled by imports.

Mr. Speaker, I ask that my colleagues look closely at this bill and vote for our workers and not for others.

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. OWENS.)

Mr. OWENS. Mr. Speaker, today is a very important day. The leaders of the Caribbean nation as well as leaders of the African nations are welcoming this first step forward. It is a small step; but it is the first step, where Africa moves from almost point zero to significant participation in world trade. The Caribbean countries, we are going to have some adjustments which we hope are positive. But I would like to make a plea for the Caribbean countries in the Caribbean Basin that are smallest, the islands of Trinidad, Guiana, Barbados, Grenada, Dominica, Saint Lucia, and even Jamaica, which has a population of only about 3 million people.

□ 1515

They are relatively small; they deserve special targeted treatment. Consider the fact that they are buying far more from the United States, consistently, than we are buying from them. The balance of trade is not a problem there as it is with China and Taiwan and Hong Kong.

How did China, Taiwan, and Hong Kong get such a large portion of our textile market? They are so far away. Why can we not look at the problems that the small islands in the Caribbean have? We should have priority for our friends in this hemisphere who have always been loyal to us; priority for our friends in the hemisphere who purchase our goods and end up with a balance of trade that is in our favor, not in someone else's favor; priority to our friends in this hemisphere who will help us to control the drug trade.

Mr. Speaker, if we do not take care of their exports, if we are not more sensitive to their needs, then we are going to have more problems like the problem of Colombia. It is going to mushroom, because they have no choice except to seek some form of income and to become victims of the prey of drug lords.

Let us look at these nations being special to the United States and give them special sensitive preference.

Mr. Speaker, this long overdue trade legislation is filled with inadequacies and shortcomings; however, it is the consensus of the African and Caribbean leaders that this act constitutes a vital beginning. The African nations will move from a zero point to a point of significant participation. Most Caribbean nations will benefit from new arrangements which prevent the unfair trade advantages of Mexico from becoming worse. The majority of the changes and adjustments have been approved by the Caribbean leaders; however, there are some disappointing background movements.

Mr. Speaker, along with the majority of my Democratic colleagues, I rise to protest the procedure which finalized this important legislation. It must be noted that the Caribbean Basin Initiative [CBI] section of the Senate Conference report that we are voting on today was never presented on the floor of the House of Representatives. This Congress only had the opportunity to vote on the Africa Trade and Growth portion of the bill.

Behind closed doors with minimum participation of Democrats, the Republican Majority developed this "take it or leave it" measure. There are some reviews of the bill which state that certain countries have lost ground. According to a representative of one of the Unions: "To the extent that it is not good for anybody and without the actual bill for close review, Latin America profits from the bill, with the Dominican Republic the only Caribbean country that gets good benefits. Jamaica, which has good laws, has lost [a portion of] its share every year from 1995 to 1998. It is no good for Caribbean countries and no good for U.S. workers."

We look forward to the election of a democratically controlled Congress where all of the shortcomings and deficiencies that we uncover may be revised. But as of this date, the nations of Africa and the Caribbean Basin are celebrating this important first step. President Clinton has stated that he will sign this legislation into law.

BENEFITS FOR THE CARIBBEAN BASIN

Preserves the United States commitment to Caribbean Basin beneficiary countries by promoting the growth of free enterprise and economic opportunity in these neighboring countries and thereby enhances the national security interests of the U.S.

Builds on the Caribbean Basin Economic Recovery Act enacted in 1984 and extends additional trade benefits through 2008.

Extends duty-free benefits to apparel made in the Caribbean Basin from U.S. yarn and fabric.

Extends duty-free benefits to knit apparel made in the CBI from regional fabric made with U.S. yarn and knit-to-shape apparel (except socks), up to a cap of 250 million square meter equivalents, with a growth rate of 16 percent per year for the first three years; extends benefits for an additional category of regional knit apparel products up to a cap of 4.2 million dozen, growing 16 percent per year for the first three years.

Includes provisions specifically designed to promote U.S. exports and the use of U.S. fabric, yarn, and cotton.

Extends benefits to certain products from countries which are signatories to free trade agreements with the United States.

Benefits under Caribbean Basin Trade Partnership Act are conditioned on countries continuing to meet conditions including intellectual property protection, investment protection, improved market access for U.S. exports, and whether the country is taking steps to afford internationally recognized worker rights.

The bill requires that eligible countries implement strict and effective Customs procedures to guard against transshipment. Under a "one strike and you are out" provision, if an exporter is determined to have engaged in illegal transshipment of textile and apparel products from a CBI country, the President is required to deny all benefits under the bill to that exporter for a period of two years. Transshippers are subject to treble charges to existing textile and apparel quotas.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I first applaud the gentleman from Illinois (Mr. CRANE) for his fine leadership on many of the trade issues our committee considers.

As a Floridian, I want to underscore the importance of trade with our Caribbean Basin neighbors and also trade with Africa. I applaud it when Members of this Congress can come together in a reasonable fashion to talk about the economic realities and opportunities that are presented through these bills. I think this is the hallmark of this Congress where we can come together and discuss with some differences, yet support for the underlying measure.

This will enhance trade with Africa, which is vitally important. We also have to underscore, while we are talking about Africa, some of the most serious considerations relative to AIDS that are afflicting that region. I have worked with our former colleague, Mr. Dellums, on that issue; and I will continue to do so. But one way that we can help in Africa today is inspiring and working towards increased trade with that region.

So I again thank the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade of the Committee on Ways and Means, for his leadership on this issue, and I urge Members to vote affirmatively for the package today.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from California (Mr. ROYCE), who has the right to close, has 1 minute remaining; the gentleman from New Jersey (Mr. PAYNE) has 1½ minutes remaining; the gentleman from Illinois (Mr. CRANE) has 4½ minutes remaining; and the gentleman from New York (Mr. RANGEL) has 1 minute remaining.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any further requests for time. I just would like to once again thank the Members of the Committee on Ways and Means and the Committee on International Relations for the bipartisan way in which they approached not only both bills, but approached the differences that we have had with the other body.

I would like to thank the leadership on both sides of the aisle, and I certainly want to thank the staffs of the Committee on Ways and Means, more specifically of the Subcommittee on Trade, that worked well into the morning hours in order to make certain that we did have a conference report.

I want to thank the gentleman from Illinois (Mr. CRANE) for not only the courageous way he handles his personal problems but the courageous way he handled this bill and the political implications that we felt. It is indeed an honor working with him and the chairman of the committee.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE) for yielding me this time, and I take the time only to compliment everyone. Having served on the Subcommittee on Trade over these years and watching how we have tried to put a product together, especially on a bilateral basis, and the difficulty in dealing with regions that cry out most for need like the Caribbean Basin and Sub-Saharan Africa, I think all of us agree that this piece of legislation is overdue.

But having said that, it still took an enormous amount of work to put together, and I compliment the gentleman from New York (Mr. RANGEL) and most especially the gentleman from Illinois (Mr. CRANE), chairman of the subcommittee, and everybody who put in their hard work.

Mr. Speaker, this is a promising beginning. But as we all pat ourselves on the back, we have to underscore the fact that this is the beginning.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express appreciation to all present and those who are not here on the floor right at this moment but who have been actively involved in this bipartisan effort. I cannot stress that enough. It has been such a real comfort when we have an opportunity for an overwhelming majority of us to come together on issues where we share common views and values and we are trying to advance an agenda that works to the interest of people less fortunate than ourselves.

We are doing good work here. And I want to express particular appreciation to the gentleman from New York (Mr. RANGEL), our ranking minority member on the committee. I have had the pleasure of working closely with the gentleman not just on this issue, but a number of issues; and we do have remarkable things in common. I have always viewed him as potentially salvageable.

Mr. Speaker, I am kidding. I do so much appreciate him. And I want to just thank everybody else and urge them all to cast their votes in support of this strong bipartisan effort.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the distinguished gentleman from California (Mr. ROYCE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me also echo what has been said here before. Let me certainly commend the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL) for the tremendous work that they have done on this bill. Of course, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), our Chairs, also worked very hard.

Mr. Speaker, I would like to compliment the gentleman from California (Mr. ROYCE) for his interest and his dedication to this bill and to issues about Africa in general, as well as the gentleman from New York (Mr. HOUGHTON) and the gentleman from Louisiana (Mr. JEFFERSON). But let me make special tribute to the gentleman from

Washington (Mr. MCDERMOTT), a classmate of mine, who came in and is the one who came up with the idea and said something had to happen and moved it forward. So I would like to make special acknowledgment to the gentleman from Washington who has done an outstanding job in bringing this idea forth.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. ROYCE) has 3 minutes remaining.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join the gentleman from New Jersey (Mr. PAYNE) in recognizing the work that the gentleman from Washington (Mr. MCDERMOTT) over the last 6 years has put in conceptually to this effort. We have thanked the ranking members, but let me also thank the staff of the Committee on International Relations and the staff of the Committee on Ways and Means for their work on this bill.

Mr. Speaker, let me say as chairman of the Subcommittee on Africa, I think we are on the verge of making a very significant achievement for this Congress and for the future of America's relationship with Africa. I think the African and Caribbean bills are going to play a critical role in helping to bring Africa and the Caribbean nations further into the world economy, which I believe is good not only for those countries, but good for the United States.

I believe that this bill will not cure all of the ills that we have heard about today, some of the problems in Africa; but I think it will help spur economic growth in Africa. And unless African economies grow, then all our concerns about Africa, whether it is poverty or environmental degradation or disease, those are guaranteed to grow.

I think the Caribbean Basin initiative in this bill offers benefits to American businesses. I think it builds on the $19 billion in exports that the U.S. sent to Caribbean countries last year. And as we have heard, U.S. exports to that region have tripled as a result of the enactment of CBI in 1984.

With both Africa and the Caribbean, this bill reduces duties, which is a benefit to the American consumer. And because it helps build political and economic stability, the Caribbean Basin Initiative enhancement in this report will contribute to U.S. national security. The Caribbean countries are close neighbors to America, and we have a big stake in their well-being.

Mr. Speaker, let me say the African Growth and Opportunity Act will help build critical and economic stability in Africa, and that is in our strategic national interest.

We need to pass this conference report. We need to do what is good for Africa, do what is good for the Caribbean nations, and what is good for America. I urge a "yes" vote from my colleagues.

Ms. PELOSI. Mr. Speaker, in recent months, the HIV/AIDS epidemic in Africa has finally begun to receive the international attention that a crisis of this magnitude deserves. Over 23 million Africans are infected wtih HIV, and it is projected that a quarter of southern Africa's population will die of AIDS. These staggering numbers, and the political and economic instability that they are creating, have prompted the National Security Council to designate HIV/AIDS in Africa as a security threat to the United States.

Although I am supporting the African Growth and Caribbean Initiative Act, my enthusiasm is mixed with disappointment that we have missed this important opportunity to take substantive steps to address this disease. Two HIV/AIDS provisions were excluded from the conference report by the majority. The inclusion of these two provisions in this legislation would have improved access to affordable AIDS drugs and strengthened the international effort to develop an AIDS vaccine. Efforts to treat and eventually eradicate HIV/AIDS are vital to Africa's economic future. It is no exaggeration to say that HIV/AIDS is decimating the African work force, and the African economic progress that this legislation is designed to support is being placed in jeopardy.

Economic ties between the U.S. and Africa have been growing steadily this decade. African economic development creates new markets for U.S. products and provides resources that this country needs. However, the African economic development that we benefit from in this country is directly threatened by the AIDS eidemic. Professor Jeffrey Sachs, Director of the Harvard Institute for International Development, has stated that "a frontal attack on AIDS in Africa may now be the single most important strategy for economic development." It is estimated that over the next 20 years AIDS will reduce by a fourth the economies of sub-Saharan Africa.

AIDS undermines economic development in several ways. HIV strikes individuals during their most productive years. The disease erodes productivity by increasing absenteeism, and it raises the cost of business through increased need for health benefits and increased costs of recruiting and training new employees as current employees die or become disabled. A 1999 South African study found that the total costs of benefits in that country will increase from 7 percent of salaries in 1995 to 19 percent by 2005 due to AIDS. Some companies are already hiring two employees for every one skilled job because of the likelihood that one will die from AIDS.

I had hoped that two HIV/AIDS provisions would be included in the conference report. First, Senator KERRY and I have proposed a tax credit for qualified research and development costs associated with research on vaccines for malaria, tuberculosis, or HIV. The tax credit equals 30 percent of total annual qualified R&D investments. In addition, smaller companies could choose to waive the credit and pass it on to their equity investors who finance R&D on one of the priority vaccines. A vaccine is our best hope to bring this epidemic under control and we must accelerate research efforts in order to have any realistic chance of successfully developing a faccines in the near future.

Second, Senators FEINSTEIN and FEINGOLD proposed a provision designed to improve the access of African nations to generic equivalents of expensive HIV/AIDS drugs. Many years of work and significant federal research dollars have gone into the development of the combination drug therapies that are extending the lives and improving the quality of life for so many people living with HIV/AIDS in this country. We have a moral responsibility to ensure the widest possible access to these treatments and new therapies as they are developed. The benefits that come from our federal investments in scientific and medical research are not meant to be restricted to the wealthy.

The inclusion of these HIV/AIDS provisions would have contributed significently to vital efforts to treat and evenually halt HIV/AIDS, thereby ensuring a healthier and more prosperous future for the African continent. I hope that the Congress will move swiftly to address this crisis by doing everything we can to treat, educate, prevent, and eventually eradicate HIV/AIDS in both the development and the developing world.

Mr. HASTERT. Mr. Speaker, I rise in support of this conference report and I urge my colleagues to support it as well.

The American people often look to Congress in the hope that we can accomplish things in a bi-partisan fashion. With this bill, we have.

My colleagues on both sides of the aisle, especially Mr. ARCHER, Mr. RANGEL, Mr. CRANE, and Mr. ROYCE, worked very hard on this legislation and should be commended for their efforts.

Today's conference report gets to the very heart of compassionate conservatism. By promoting expanded trade, the United States will be minimizing the need for foreign aid and disaster relief. We will be helping other nations become more self-sufficient.

This Africa-CBI bill is great news for all parties involved. For our friends in Africa and the Caribbean, this bill will help increase the stability of their nations, and help their economies grow.

For the United States, this bill means an expanded market for American manufactured goods and agricultural products.

It was over 200 years ago that our founding father Ben Franklin said that, "No nation was ever ruined by trade." Ben Franklin was right.

Nations aren't ruined by trade; they are strengthened by trade.

With this bill, we will be exporting more than just our products, we will be exporting our ideals of freedom and democracy. That means a stronger, more stable Africa. And safer, stronger Caribbean nations.

By promoting trade and investment in other nations, we are making the world a more secure place.

There are 700 million people living in Subsaharan Africa and 58 million people living in the Caribbean. We must engage these citizens of the world, and help them participate in the new economy.

The new economy is based on world-wide trade and the free flow of ideas. By passing this conference report, we will take another crucial step down the road to an integrated society and world.

I hope my colleagues will join me in supporting this important bi-partisan, legislation. It is in the best interest of our nation and our world.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H.R. 434, the Africa Growth and Opportunity Act. Today, in the Africa and Caribbean Trade Bills, this body has the potential to make a great contribution not only to the people and the countries of Africa and the Caribbean, but for those of us right here in our own country.

These bills have been a long time coming, but I am pleased to join my colleagues in strongly supporting them.

As you know, I am not only a proud person of African descent, but my district is a part of the English speaking Caribbean. Although the Virgin Islands is part of the United States, and some of the issues we hoped to have addressed within the body of this legislation are not included, the benefits that the increased trade will bring to the region will benefit us as well.

I want to take this opportunity to applaud Congressman RANGEL and Congressman CRANE for their hard work, persistence and diligence in bringing these bills to the floor today.

I ask all of my colleagues to fully support H.R. 434 and vote yes.

Mr. MANZULLO. Mr. Speaker, this legislation will for the first time focus the attention of the U.S. government on a comprehensive trade strategy towards Africa. We have neglected this continent too long only to the benefit of their former European colonial powers. With the anemic growth in our exports, the U.S. needs to look at every possible market opportunity to improve trade relations.

Many may be surprised to learn that U.S. exports to Africa have been growing at a steady rate. Exports from Illinois to South Africa grew from $269 million in 1995 to $413 million in 1998—a 54 percent increase! Illinois exports more to South Africa than it does to Spain or India.

The specific African trade picture for Rockford is even better. Exports from Rockford to all of Africa almost doubled, going from $2.9 million in 1995 to $5.1 million in 1998. Some of these exports came from companies like Etnyre of Oregon, which sold asphalt making equipment to the Ivory Coast and Kenya; Newell's International Division in Rockford, which sold office and home products to Zimbabwe and South Africa; Wahl Clipper of Sterling, which sold barbershop hair clippers to South Africa and Nigeria; and Taylor of Rockton, which sold soft serve ice cream machines to South Africa and Nigeria.

African trade also extends to McHenry County—RITA Chemical of Woodstock sold industrial inorganic chemicals for the cosmetic industry in South Africa and Motorola of Harvard, a manufacturer of cellular phones that are used even in the remotest parts of Africa.

This legislation will further increase export opportunities from companies like these all across America by re-orienting the trade programs and policies of the U.S. government towards Africa.

Jane Dauffenbach, President of Aquarius Systems, located in North Prairie, Wisconsin, testified before my Small Business Exports Subcommittee last year about the cut-throat behavior of other foreign governments in trying to win export opportunities in Africa for their local companies. Aquarius Systems manufacturers aquatic weed harvesters. Ms. Dauffenbach testified how the Japanese and the Israeli governments almost snatched a huge export sale to Kenya from her company. It was only because she had a World Bank contract, backed by political risk insurance purchased from the Overseas Private Investment Corporation (OPIC), that she was able to win and complete the sale. She said, "(s)imply put, Aquarius systems is not competing with foreign companies. We are competing with foreign governments * * * It is imperative that the financing and insurance programs from OPIC exist so that we have the necessary tools available to accomplish our goals." H.R. 434 formalizes an investment fund for Africa within OPIC to further enhance export opportunities for companies all across America like Aquarius Systems.

This bill represents the tip of the iceberg of what can happen if we build better trade relationships with the 48 countries of sub-Saharan Africa. All these companies agree that if there is a more active effort on the part of the U.S. government to help develop and open the markets in Africa, they would benefit through increased sales.

While this bill is not a cure-all for our trade deficit or for solving all of Africa's problems, it represents one beginning step in the right direction. It has the support of our exporting community. It has the support of all—I repeat—all of the sub-Saharan African countries. It's a win-win for all sides. I urge you to join them in supporting this legislation.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of the conference report for H.R. 434, the African Growth and Opportunity Act and Caribbean Basin Initiative. This much-needed legislation is a first and necessary step to initiate a new era of trade and investment relations between the United States and the 48 nations of Sub-Saharan Africa and the 25 countries of the Caribbean.

Mr. Speaker, for decades we have funded a variety of foreign aid programs to assist lesser- and under-developed countries like those in Sub-Saharan Africa and the Caribbean, where far too many people continue to live in deep and unrelenting poverty. This aid has failed to provide the necessary catalyst to create jobs and provide a higher standard of living for the people in these regions.

Just as in helping poor communities in the United States, I firmly believe that in the long run private sector investment will lead to jobs, economic development and prosperity. As long as economic opportunity is denied, self-sufficiency is impossible. H.R. 434 provides that missing spark of opportunity that is so essential to building economic independence. And, without this bill, the people of Sub-Saharan Africa and the Caribbean will continue to lack the necessary tools to provide a better future for themselves and their children.

Mr. Speaker, this bill is a win-win situation for Americans. Increased economic prosperity will help support and strengthen the democratic institutions emerging in Sub-Saharan Africa, and a stronger, more stable region will lead to increased international security and peace. And, through H.R. 434, economic opportunity will be available to people whose governments are committed to establishing and moving toward market-based economies.

At the same time, this bill also creates new trade and investment opportunities for American exporters and workers. Developing economies in Africa and the Caribbean are natural markets for U.S. products and services, and until now those markets did not have the means to develop and mature into thriving economies with consumers clamoring for American-made products.

Mr. Speaker, H.R. 434 is the first step to creating American trade partners who can develop into allies to combat terrorism, international crime and drug trafficking, as well as help fight the spread of disease that continues to plague far too many in the under-developed world. I urge my colleagues to join me in enthusiastic support of this important legislation.

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of H.R. 434—the African Growth and Opportunity Conference Report. The constituents in my district support efforts by this Congress to ease the burden of poverty in the Caribbean by solidifying a strong growing market for U.S. exports to the Caribbean Basin Initiative (CBI) region.

This bill encourages African and Caribbean countries to continue economic reforms while providing essential opportunities for their citizens. This legislation provides duty free, quota free treatment for apparel made in 24 countries of the Caribbean Basin Initiative. This will allow the countries of Central America and the Caribbean to compete on an equal basis with Mexico under NAFTA.

Passage of this bill will help raise the standard of living for people in the Caribbean and Africa and help create new economic ties between the United States, the Caribbean and Africa. Private sector trade and investment will create new markets for U.S. exports of goods and services. Fostering economic growth in Africa and the Caribbean is critical to raising the standard of living of the people living in Africa and the Caribbean. By assisting U.S. exporters in expanding their access to the African and Caribbean markets, we are opening up a market for 800 million potential new consumers for American goods and services.

The United States has moral, political, strategic, and economic interests in supporting and helping to facilitate the economic transformation of African and Caribbean countries.

Most of the Caribbean and sub-Saharan Africa's economies are small and fragile and lag behind the rest of the world in almost everything.

However, sub-Saharan Africa holds tremendous importance to the United States on a number of fronts. On the most basic level, its 48 nations encompass tremendous natural resources and a land area and population approximately three times that of the United States. Africa is also important to the United States because we have 33 million people of African descent and more than one million first and second generation Africans now living in the United States.

Strategically, the United States has a strong interest in helping to build a strong, stable, and prosperous Africa. The continent of Africa is one of the world's great emerging economic opportunities. Already, in 1998, the United States exported $6.5 billion in goods to sub-Saharan Africa, supporting more than 100,000 jobs in the United States. Figures on export services reached $3.6 billion in 1997. There is no doubt that Africa is important to the United States.

In order to be attractive to foreign investors, Africa must expand trade and continue to deepen reform. We must not allow this great continent to lag behind the rest of the world. There is no doubt that this bill will aid in our efforts to ensure a strong Africa and help our African brothers and sisters. I urge my colleagues to support this bill.

Mr. BENTSEN. Mr. Speaker, I rise in support of the conference report for H.R. 434, the African Growth and Opportunity Act. This bipartisan legislation includes important provisions expanding trade opportunities with the nations of sub-Saharan Africa and the Caribbean Basin.

Enactment of the Africa Growth and Opportunity Act and the Caribbean Basin Initiative is crucial to both the development of U.S. trade to U.S. foreign policy goals in both regions. The provisions in the Africa-CBI conference report will provide significant benefits for sub-Saharan Africa and will help create incentives for new business and partnerships between Africa and the United States. Passage of this legislation will open up a market of 800 million potential new consumers for American goods and services. Perhaps most importantly, the Africa-CBI legislation will establish a solid foundation on which we can build a closer U.S.-African trading relationship and solidify trade ties with the CBI region.

The Caribbean portion of the Conference Report provides duty-free and quota-free treatments to imports of apparel made from U.S. fabric. The 25 nations in the Caribbean Basin will also be permitted to send a limited amount of apparel made from fabric produced in the region. These provisions will allow substantial growth in the Caribbean Basin's exports to the U.S. and has been carefully crafted to avoid threatening U.S. jobs or abusing basic labor standards.

This legislation would also provide the 48 sub-Saharan African nations with the necessary tools to sustain long-term economic growth and to compete in global markets. Passage of this legislation is important to strengthen the capacity of U.S. programs so that American business can compete in Africa's expanding market. The Africa-CBI bill would institute a comprehensive trade and investment policy for the U.S. and sub-Saharan Africa, and establish a transition path from development assistance to economic self-reliance for African countries committed to economic and political reform. The Africa-CBI bill also provides for an annual high-level forum to discuss economic and political reform. The Africa-CBI bill also provides for an annual high-level forum to discuss economic and trade issues, including the promotion of OPIC and EXIM efforts in the region, reforms to the Development Fund for Africa and the need for effective debt relief.

The current trade relationship between the U.S. and the African continent is relatively small. Last year, two way trade of goods totaled $19.6 billion and the U.S. market share was less than 8 percent. On a continent with over 10 percent of the world's population, the U.S. business community will have new opportunities to develop infrastructure projects, bringing the benefits of improved transportation systems, new power plants and modern telecommunication installations. To that end, H.R. 434 facilitates $650 million in critical investments opportunities for Americans and Africans interested in modernizing Africa's infrastructure.

I am also pleased that the Africa-CBI bill includes language establishing tough new standards to prevent illegal apparel transshipments. To discourage other nations from illegally funneling their textiles and apparel through Africa into the U.S., this legislation would suspend an exporter's trade privileges if it is found guilty of engaging in illegal transshipments. Further, the agreement includes a provision that would require the Office of the U.S. Trade Representative to rotate the goods sanctioned during trade disputes. Known as carousel retaliation, this important measure will increase U.S. leverage in trade disputes by spreading the impact of sanctions over several markets. These measures will ensure that the trade between African nations, the CBI and the United States will be held to a fair standard, and not be to the detriment of American jobs and workers.

Mr. Speaker, this conference report is not a perfect piece of legislation. I wish the conferees had done more within this bill to provide needed debt relief and deliver immediate assistance to Africa in its battle against the AIDS epidemic. But this bill represents an important first step in creating a new and mutually benefiting trade and investment relationship between the U.S. and Africa.

With enactment of the Africa-CBI bill, a sound trade and investment policy foundation for expanding economic partnership between the U.S. and sub-Saharan Africa will be created. I strongly support this Conference Report and urge my colleagues to support this important legislation.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 309, nays 110, not voting 16, as follows:

[Roll No. 145]

YEAS—309

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Cooksey
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Ewing
Farr
Fattah
Foley
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kasich
Kelly
Kilpatrick
Kind (WI)
King (NY)
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Northup
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers

Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Turner
Upton
Vitter
Walden
Walsh
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (FL)

NAYS—110

Abercrombie
Andrews
Baca
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Bilirakis
Bonior
Boucher
Brady (PA)
Brown (OH)
Burr
Buyer
Capuano
Chenoweth-Hage
Coble
Condit
Conyers
Costello
Coyne
Crowley
Deal
DeFazio
Delahunt
DeLauro
Dingell
Doyle
Duncan
Etheridge
Evans
Filner
Fletcher
Forbes
Frank (MA)
Gephardt
Goode
Green (TX)
Hayes
Hilleary
Holden
Holt
Hostettler
Hunter
Jackson (IL)
Jenkins
Jones (NC)
Kanjorski
Kaptur
Kennedy
Kildee
Kingston
Kleczka
Klink
Kucinich
Lantos
Lee
Lipinski
LoBiondo
Maloney (CT)
Markey
Mascara
McGovern
McIntyre
McKinney
Metcalf
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Ney
Norwood
Oberstar
Pallone
Pascrell
Paul
Peterson (MN)
Phelps
Rahall
Rogers
Rohrabacher
Roybal-Allard
Sanders
Sanford
Saxton
Schakowsky
Sherman
Shows
Smith (NJ)
Souder
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Tierney
Traficant
Udall (CO)
Udall (NM)
Visclosky
Wamp
Watt (NC)
Weygand
Woolsey

NOT VOTING—16

Coburn
Cook
Everett
Franks (NJ)
Gutierrez
Gutknecht
Hastings (FL)
Lucas (OK)
McHugh
Obey
Spence
Thompson (MS)
Velázquez
Vento
Wise
Young (AK)

☐ 1535

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON) (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

☐ 1546

Mr. SOUDER, Mrs. MINK of Hawaii, and Mr. FLETCHER changed their vote from "yea" to "nay."

Messrs. HINOJOSA, TOWNS and LEWIS of Georgia changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained today, May 4, 2000.

If I had been present for rollcall No. 142, I would have voted "yes."

If I had been present for rollcall No. 143, I would have voted "yes."

If I had been present for rollcall No. 144, I would have voted "yes."

If I had been present for rollcall No. 145, I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I have taken this time to inquire about next week's schedule.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding, and I am pleased to announce that the House has completed its legislative business for the week. There will be no votes in the House tomorrow, Mr. Speaker.

On Monday, May 8, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 p.m. On Tuesday, May 9, through Thursday, May 11, the House will consider the following measures, all of which will be subject to rules:

H.R. 3709, the Internet and Nondiscrimination Act;

H.R. 701, the Conservation and Reinvestment Act of 1999; and

H.R. 853, the Comprehensive Budget Process Reform Act of 1999.

Mr. Speaker, on Friday, May 12, no votes are expected in the House; and I thank the gentleman for yielding.

Mr. FROST. Mr. Speaker, if I may inquire further of the majority leader, do we anticipate any late night sessions next week?

Mr. ARMEY. I thank the gentleman for the question, Mr. Speaker, and if the gentleman will continue to yield, we do not know yet exactly how many amendments will be offered to the Conservation Reinvestment Act of 1999. The Committee on Rules has asked Members to preprint their requests by Monday at 5 p.m. Only after the Committee on Rules has a chance to assess that can we say anything for certain. But I think we ought to be prepared for the possibility of a late evening on Wednesday evening.

Mr. CONDIT. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. CONDIT. Mr. Speaker, I would like to ask the majority leader if there has been any consideration given, or would it be possible to roll the Monday votes over to Tuesday, therefore giving the full day for people who travel from the West?

Mr. ARMEY. If the gentleman from Texas will continue to yield, I thank the gentleman for his inquiry; and I do appreciate the concerns that he has in traveling to Washington. We have done everything we can, working with particularly the West Coast delegation for the 6 p.m. return, which we know saves those Members pretty much a day. I think at this point this is the best we can do.

We do need to be prepared to be back here and work on Monday evening, and I thank the gentleman for yielding.

Mr. CONDIT. Mr. Speaker, if the gentleman from Texas will continue to yield, may I ask the majority leader how many votes we are supposed to have on Monday evening?

Mr. ARMEY. Again, if the gentleman will continue to yield, this is always an uncertain matter. We have a number of bills under suspension. It is always a question of how many bills on which votes will be ordered. And of course one would anticipate one needs to be prepared for votes to be ordered, which would be within the province of any Member on each of the suspension bills that are scheduled. So one can just not know until one sees the way the day plays out.

TRIBUTE TO JOHN CARDINAL O'CONNOR

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, all of us here as a Nation are aware and grieve over the loss of Cardinal O'Connor. We know there are a large number of our Members that will want to be in New York for services on Monday, and in just a few minutes the gentleman from New York (Mr. FOSSELLA) will be addressing that.

I would like to encourage Members to understand that we will be working with the office of the gentleman from New York (Mr. FOSSELLA) to arrange transportation, so that those Members who do want to attend services will be able to be back here in time for votes. We will be attentive, of course, to those Members traveling for that purpose.

In a few moments the Members may hear more from the gentleman from New York (Mr. FOSSELLA) and others.

ADJOURNMENT TO MONDAY, MAY 8, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12.30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Texas.

There was no objection.

CALENDAR WEDNESDAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPRESSING SENSE OF CONGRESS ON DEATH OF JOHN CARDINAL O'CONNOR, ARCHBISHOP OF NEW YORK

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 317) expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 317

Whereas His Eminence John Cardinal O'Connor was born John Joseph O'Connor on January 15, 1920, in southwest Philadelphia, the son of Thomas and Mary O'Connor;

Whereas his duty to God and country led him to serve loyally as a chaplain in the United States Navy, counseling thousands of brave young men and women during his tenure, which included tours of duty during the Vietnam War;

Whereas John Cardinal O'Connor served the people of the Archdiocese of New York with honor and distinction for over 15 years;

Whereas John Cardinal O'Connor became an internationally recognized leader in the field of human rights, working for peace and justice;

Whereas John Cardinal O'Connor was a champion of Catholic schools, particularly in inner-city communities;

Whereas John Cardinal O'Connor has always spoken out and acted to aid the elderly, homeless, working people, the mentally disabled, and the poor;

Whereas John Cardinal O'Connor has provided compassion through his words and actions and made it known that everyone was a child of God and was deserving of love, compassion, and respect;

Whereas John Cardinal O'Connor led the Catholic Church in recognizing the terrible toll of AIDS and opened New York State's first AIDS-only unit, at St. Claire's Hospital;

Whereas John Cardinal O'Connor worked tirelessly to strengthen relations between Catholics and followers of the Jewish faith, recognizing the power of the interfaith alliance and leading the Vatican to recognize the State of Israel; and

Whereas John Cardinal O'Connor was guided in his actions by the Spirit of the Lord: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) has learned with profound sorrow of the death of His Eminence John Cardinal O'Connor on May 3, 2000, and extends condolences to his family and to the Archdiocese of New York;

(2) expresses its profound gratitude to John Cardinal O'Connor and his family for the service that he rendered to his country and his faith; and

(3) recognizes with appreciation and respect John Cardinal O'Connor's commitment to and example of faith, love, respect, and dignity for all mankind.

The SPEAKER pro tempore. The gentleman from New York (Mr. FOSSELLA) is recognized for 1 hour.

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that the time be divided, 30 minutes on each side, with the 30 minutes on the other side being controlled by the gentleman from New York (Mr. CROWLEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to echo the words of the majority leader, the gentleman from Texas (Mr. ARMEY), and also to express our appreciation to him and the Speaker as well in allowing Members to pay our respects to the great Cardinal O'Connor, who we bury on Monday in New York.

Mr. Speaker, it is a sad day for New Yorkers and the Nation. America has lost a good priest and a great leader, John Cardinal O'Connor. Normally, resolutions such as this are tinged with regret. For often, when someone passes away, we worry that we may have missed the opportunity for not having said something to one that we loved or respected; for not expressing something that we felt. But I am pleased that this is not the case today. I am pleased because this House expressed the gratitude of the Nation for the work of John Cardinal O'Connor while he was still alive.

Just a few weeks ago, the House voted to recognize Cardinal O'Connor with a Congressional Gold Medal, the highest award that this Nation bestows upon a civilian. And sadly, while he will never have the opportunity to see or to hold that medal, I know that he was deeply touched by being recognized by Congress. Just to have his name placed up for the Congressional Gold Medal was an honor to him, and I would like to thank each and every Member of this House for voting to award Cardinal O'Connor that great honor.

He considered his work that of a simple priest. We here today know that his modesty cannot obscure his greatness. John Cardinal O'Connor touched the hearts and lives of millions of people. He was a man of deep compassion, great intellect, and tireless devotion. His words transcended religion, and his actions reminded us that American heroes still exist. The cardinal was a guiding light for Catholics and non-Catholics alike. He was and is truly loved, truly admired; and he will truly be missed.

Cardinal O'Connor served this Nation for 27 years in his military career. He had a tour of duty in Korea, where he volunteered to become a chaplain; two tours of duty in Vietnam, often giving mass and celebrating mass in a foxhole, and giving the last rites to so many young men who gave their lives for their country. He was there in the heat of battle. And when he came back, I think above all he had the fondest memories of being a chaplain in the United States military. I am sure there are people around the country who remember Cardinal O'Connor as that chaplain, and I am sure they share the grief that we all have today.

In his responsibilities as Archbishop of New York, as a great spiritual leader, perhaps one of the most influential in this country, he was truly committed to those who needed help the most, the poor and the homeless. And when it came to education, he was steadfast in his commitment to ensure that Catholics and non-Catholics alike have the greatest opportunity to receive a quality education.

But for the strength, the guidance, and the principal positions that he often took, and that sometimes were referred to as controversial, his commitment to the church, his commitment to his people, his commitment to parishioners was a force that could never be forgotten. So his legacy will live on in many ways, and I thank the House for giving us this opportunity to honor his life and his legacy.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume, and I want to thank my colleague and my good friend, the gentleman from Staten Island, New York (Mr. FOSSELLA), for joining me in offering this resolution today and for his outstanding work in recognizing the life of our friend, Cardinal O'Connor.

I would also like to thank the other original cosponsors on this side of the aisle: the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Michigan (Mr. BONIOR), the gentleman from New York (Mr. MEEKS), the gentleman from New

York (Mr. WEINER), the gentleman from New York (Mr. TOWNS), the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. OWENS), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentlewoman from New York (Mrs. MALONEY), the gentlewoman from New York (Mrs. MCCARTHY), the gentleman from New York (Mr. FORBES), the gentleman from New York (Mr. MCNULTY), the gentleman from Pennsylvania (Mr. BRADY), the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mr. ACKERMAN), the gentleman from New York (Mr. SERRANO), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New Jersey (Mr. PALLONE), the gentleman from Pennsylvania (Mr. BORSKI), and the gentlewoman from New York (Mrs. LOWEY).

All of these Members are also original cosponsors of this resolution.

Mr. Speaker, I rise with a heavy heart to express my profound sorrow at the passing of John Cardinal O'Connor. As a spiritual leader of over 2 million Catholics in one of the most diverse archdioceses in our Nation. Cardinal O'Connor was an active participant in the debate of the role of the church and the role of society in helping those who could not care for themselves, those least fortunate amongst us.

□ 1600

The Cardinal has always embodied the biblical passage of the Good Samaritan. In both his words and actions, Cardinal O'Connor clearly demonstrated his devotions to the teachings of Christ and his spirit of the principles of that passage.

I can daresay that no individual whoever came before Cardinal O'Connor was ever left on the side of the road. He used not only his pulpit to teach the word of Christ but also the true meaning of those words as he saw them.

He was one of the first Church officials to recognize the horrible toll of the AIDS epidemic and used his moral authority to open New York State's first only unit to treat AIDS at St. Clare's Hospital in New York City.

Additionally, he also provided compassion through words and actions and made it known that every one of us was a child of God and was deserving of love, compassion, and respect.

He strove to strengthen relations between his flock and those of other faiths, recognizing the value of all people and the power of the interfaith alliance. He was a man who has dedicated his life to helping lift others up, all the while never seeking out worldly possessions or public accolade.

These are just some of the reasons I rise today. But there are others, more personal reasons. In my own family, three of my relatives received the devine calling to dedicate themselves to do the work of the Lord.

My uncle, Father John Crowley, is currently the pastor of St. John of the Cross Church in Vero Beach, Florida.

My other uncle, Father Paul Murphy, is a Catholic priest in Philadelphia, a member of the Vincesian order. He, like Father John Crowley, has been inspired by Cardinal O'Connor and viewed him as a personal figure of inspiration.

My aunt, Sister Mary Rose Crowley, is a member of the Sisters of Notre Dame and is based in West Palm Beach, Florida, as well. She, too, has reflected upon the grace, the power, and the compassion of Cardinal O'Connor.

These people, all dedicated to the teachings of Christ, have received both encouragement and guidance from Cardinal O'Connor. The Cardinal has always served as a role model of conduct and solid Christian behavior for my relatives and for millions of other Catholics not only in New York but throughout the Nation and throughout the world.

As the leader of New York's Catholics, he has also been influential in establishing and maintaining a series of high quality, Catholic schools throughout the Archdiocese.

In fact, I attended Power Memorial High School in Manhattan and, as a graduate of parochial schools, I have been brought up with the values of the Cardinal, and I hope that I at some point will be able to instill those same values of my family that I was taught, values of family and faith, into my son, Cullen, who was baptized recently into the Catholic faith.

No other person, I do not think, in the city of New York did more for relations, especially between the people of the Catholic faith and the Jewish faith. In fact, I think Cardinal O'Connor can be credited with much of the movement we saw recently out of the Vatican toward revisiting World War II and the Holocaust and the role of the Church during that time.

I think the gentleman from New York (Mr. FOSSELLA) would remember the great warmth between Cardinal O'Connor and the former mayor of New York Ed Koch. I think that said an awful lot about how New Yorkers felt about Cardinal O'Connor from all persuasions.

On behalf of all my constituents in the Bronx, which is part of the Archdiocese in New York, and my constituents in Queens, a part of the Brooklyn/Queens Archdiocese, I urge all my colleagues to support this resolution in honor of this great man, Cardinal O'Connor.

May God bless his soul.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I rise to support this resolution in honor of Cardinal O'Connor, particularly for his effort in racial and spiritual harmony.

I thank the gentleman from New York (Mr. CROWLEY) and I thank those who have cosponsored this resolution, as I have.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this time to commend the gentleman from New York (Mr. CROWLEY) for all of his efforts and support, especially in garnering support for the Congressional Gold Medal. He was very instrumental in that effort.

Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I welcome this opportunity to join the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY) and my other colleagues in expressing our sadness on the death of a great human being, his Eminence Cardinal John O'Connor, a man who I was honored to consider a friend.

Cardinal O'Connor was a humble man, and one of his final requests was to have his epitaph simply read, "He was a good priest."

Since the Cardinal was a good friend, I comply with his wish and say, Your Eminence, you were a good priest.

His Eminence Cardinal O'Connor dedicated his life to the Catholic Church. His allegiance to God and to his religion is well known throughout our Nation, throughout the world.

For all or most of our colleagues in this chamber, Cardinal O'Connor was and will remain an outstanding example of virtue, of honor and moral fortitude.

For me and my colleagues who represent congressional districts within the New York Archdiocese, the news of Cardinal O'Connor's passing came with even greater sorrow. He was a living personification of love for one another, for peace, and for living up to the ideals of our Judeo-Christian heritage.

Cardinal O'Connor was known for promoting racial and religion harmony. On Yom Kippur last year, the day of atonement, the Cardinal sent a letter to Jewish leaders expressing his sorrow for any member of his church who committed any acts of violence or prejudice against members of the Jewish faith. The work that he did in advancing good relations among all faiths of this land will never be forgotten.

The Cardinal was known for advocating the best education possible for all children regardless of their race, religion, or financial status. He welcomed AIDS patients into the Catholic hospitals of New York at a time when other medical institutions were turning them away. The Cardinal always administered to the sick and to the disabled and remained a staunch friend of the poor.

It was unfortunate that Cardinal O'Connor was a victim of abuse from certain elements in our society who feel comfortable attacking those institutions who continue to uphold our ancient moral standards. His Eminence, however, knew the value of his words and deeds and never flinched at dissent, for he knew he was doing God's work on Earth.

Perhaps the motto on Cardinal O'Connor's personal coat of arms sums up the philosophy of this outstanding leader: "There can be no love without justice."

Earlier this year, several of my colleagues and I supported the legislation to award Cardinal O'Connor with this country's highest civilian honor, the Congressional Gold Medal. God works in mysterious ways, and he allowed the Cardinal to live long enough to see our appreciation for his good works.

The Cardinal always said that he would have been satisfied with being just a teacher or parish priest without all of the media attention of his valiant works. Thank God people like him exist on this planet, for they serve as models for our younger generations in how to live meaningful and successful lives.

My heart and prayers go out to the Cardinal's family, and I hope that the Archdiocese of New York will be blessed with another archbishop as honorable and dedicated as our good friend, his Eminence Cardinal O'Connor.

Mr. CROWLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Manhattan, New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, let me thank the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. FOSSELLA) for being thoughtful enough to give some of us in the Congress an opportunity to express the appreciation that we have in having from our city, and indeed from our country, someone like Cardinal O'Connor.

I knew and respected and admired him and worked with him on so many different occasions. And because of the splendor of his vestments and the manner in which he carried himself, it is impossible for me, even now, to think of him as being gone.

But I would suspect that, with all of the spirituality, that he would want us to not think of him as being gone but, rather, to carry out some of the things that he would want us to do and some of the things that he has just built such a wonderful reputation on.

We pride ourselves in New York for our parades. The older we get, the longer it seems like the parade lasts in terms of marching. But one of the brightest spots that we all looked forward to, no matter what ethnic group it was, was reaching St. Patrick's Cathedral and knowing that, no matter what the weather was like, the Cardinal would be there with a smile on his face.

And it was just unbelievable to see how, no matter what the religion or the faith or the background was of the sponsors of the marchers in the parade, Cardinal O'Connor was their spiritual leader.

When the Haitians were trying so desperately hard to reach our shores and the Coast Guard was meeting them halfway and turning them back, the Haitian community was so frustrated that they did not know what to do. And I went to the Cardinal and reminded him that so many of the Haitians that were being persecuted were Catholics. And time after time and mass after mass, he would hold for Haitians to come into St. Patrick's Cathedral and, believe it or not, the mass, which I knew as an altar boy in Latin, he would say patios so that the Haitians would feel not only a part of being loved but a part of the spirituality.

How would he be remembered? In Harlem, we have a church called the Convent Avenue Baptist Church. For over 20 years, we celebrate Martin Luther King's birthday and Baptist ministers and ministers from all over the country come to speak.

We can rest assured that one person would be there early and stay late with all of his beautiful vestments in the middle of Harlem, and that would be Cardinal O'Connor.

The things that he allowed Catholic charities to do, and Catholic charities took care of the needs of the poor, and not all of the poor are minorities but, unfortunately, too many are, and if we took a look and found out where the resources were being spent, we would find it would be in the south Bronx, south Jamaica, and in Harlem.

The Cardinal was not satisfied to allow lay people to do it, but if a building had to be open or a ribbon had to be cut, he would cause excitement of the people in the community to know something was happening because he would be there smiling and blessing the opening of those things.

Yes, I do not know how we all are going to get along without remembering our great Cardinal. But again, in closing, I would say that he would want us to remember him for all the good he tried to do. And I think that all of us would be better people if we recognized that, whether we are Jewish or gentile or Muslim or Hindu or Catholic or Protestant, that somehow this great person was able not just to preach to Catholic catechism but to give a sense to all of us that we were loved by God and that we have a responsibility to love our fellow man.

He will be missed, but there will be enough of us that could try to fill the gap and I do hope that the spiritual community will never forget that we were not made to compete with each other but we were made to be like the Cardinal, to bring each other together.

I thank my friends and colleagues, the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY), for giving us this opportunity to thank God for having a chance to have known and to have worked with his Eminence.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his beautiful words. He truly was a friend of the Cardinal, and I thank him for his leadership and eloquence on this.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

□ 1615

Mrs. KELLY. Mr. Speaker, today all of New York grieves for the passing of his eminence John Cardinal O'Connor, the archbishop of New York. Cardinal O'Connor was a tireless advocate for the disadvantaged, the poor, the working class. His passing is a tremendous loss to the Nation.

I was privileged to have had the opportunity to meet with the cardinal on more than one occasion, and to say that I was impressed is really a vast understatement. I have to say he was a wonderful man to work with when we had common cause with which we were trying to achieve a goal. He was there, he was present, and he was always working very hard for all of us.

His presence commanded attention and respect. His awareness of individuals, their hopes, aspirations and desires brought him an empathy that very few can duplicate.

His humor was gentle, sometimes trenchant, and always amusing. John Cardinal O'Connor built bridges of understanding among the most diverse communities of New York and won the respect of the leaders of many faiths in the city. Today, we mourn the loss of a true leader, a visionary and a peacemaker whose moral convictions continue to stand as a great example for all of us. Even when he was suffering from the ravages of brain cancer, his humor was irrepressible and his advocacy undiminished. As Cardinal O'Connor is in our prayers, we must now also pray for the Archdiocese of New York that his successor can fill his tremendous shadow with the same qualities that made him such a great man.

We all pray for you, John Cardinal O'Connor, as we do for the Archdiocese of New York.

Mr. CROWLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from upstate New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I am very grateful to my friends and colleagues for providing us with the opportunity to reflect for a moment on the life of this great and wonderful man, and to join with millions of other New Yorkers, others across this country and indeed in many places around the world who are feeling a deep sense of loss and a deep sense of sorrow at the death of John Cardinal O'Connor.

He was, in many ways, a very unique man. At the same time he prided himself on his own simplicity and his own sense of simple relationships with others. He was the classic parish priest, the classic pastor, peacemaker, working with others in the community wherever he found himself, whatever that community might be, helping people meet their obligations and helping them to get over the more difficult parts of their life.

He was a volunteer in the service of his country. He was a chaplain in the United States Navy. He spent a good part of his life ministering to servicemen, and the ministering that priests and other religious people do to servicemen is often some of the most difficult ministering because these are people away from home, away from their families and often under difficult and troubling circumstances.

He rose in that order to become chief of chaplains in the United States Navy. He was also, of course, a great leader in New York, in Pennsylvania, and other places where his ministry took him.

Among other things that I recall about him was his great advocacy on behalf of working people. He was a great believer in the right of working people to organize, to bargain collectively, to work in unions; and he was a great fighter against those who would impede that right. He went out of his way many times to make it clear that he was a strong believer in the right of people to organize collectively to try to improve their lives and the lot of their families.

This, among other things, stands out among this great and wonderful religious leader, great and wonderful American. We are all saddened by his passing. We are all saddened by our loss as a result of that passing, but we do have this opportunity, thanks to the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. FOSSELLA), to reflect in this way on his life to pay tribute to the contributions that he made and to the great example that he has set for all of the rest of us.

Mr. FOSSELLA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING), a good friend of the cardinal, the man from Nassau County.

Mr. KING. Mr. Speaker, I thank the gentleman from New York (Mr. FOSSELLA) for yielding me this time.

At the very outset, I want to commend the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY) for the great leadership they have shown in bringing this to the floor so all of us today can have the opportunity to reflect on the great contributions that were made by John Cardinal O'Connor.

I was very proud to call Cardinal O'Connor a friend. He was a man of great vision, a man of great dignity, a man of great moral capacity; and certainly he was a giant of the church. In many ways, too, he was also the ultimate New Yorker. He had a fighting spirit. He had a sense of self-deprecating humor. He took issues very seriously but never took himself seriously.

At a time of moral relativism, Cardinal O'Connor had the courage to stand for lasting truths and immutable principles. He spoke out on behalf of the unborn. He spoke out on behalf of working men and women. He spoke out on behalf of the impoverished, those suffering with AIDS, and he always made it clear to all men and women, no matter what their religious faith, that they had an obligation to look beyond themselves, to look for those who have been left behind and take care of them.

I had many personal experiences with Cardinal O'Connor. He was very, very active in bringing the Irish peace process forward. Certainly, from the time he came to New York in 1984, the St. Patrick's Day parade in 1985 where he stood up to pressure from the British and Irish governments to review the St. Patrick's Day parade. In 1994, when Jerry Adams received his first visa to reach this country, Cardinal O'Connor insisted on meeting with him to send a signal that this was important to the peace process to go forward.

In 1996, when there was a break in the peace process, it was Cardinal O'Connor who publicly met with leaders at St. Patrick's Cathedral from Ireland, including Jerry Adams, and there are so many others. As the gentleman from New York (Mr. RANGEL) said, he spoke out on behalf of Haitians. So it was not just one particular ethnic group or one particular religion. It was all people that were oppressed that Cardinal O'Connor identified with.

I think at this time when again there are few real heroes in our country, it is important to look to someone who did stand for what was right and was not afraid to say so. Also I think it is very important to note that during this past 8 or 9 months when he was suffering from brain cancer, he showed the same class, the same courage, the same sense of dignity that he displayed throughout his life. He certainly displayed grace under pressure, and that is the ultimate definition of class. It is also the ultimate definition of a man who has a true faith and a true belief in God.

Again, I am proud to stand here today with all of my colleagues in honoring John Cardinal O'Connor. I was proud to call him a friend. He certainly will always be in my prayers and the prayers of my family. May he rest in peace.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we thank the gentleman from New York (Mr. KING) for his words, especially bringing light and attention to the fact that Cardinal O'Connor had played such a major role in the Irish peace process and in many, many different ways. He had a tremendous amount of pride in his Irish heritage, and I probably dare say that one of his greatest days was March 17 every year. When the gentleman from New York (Mr. RANGEL) talked before about all the parades, I have to say that March 17 was probably his favorite day of all the parades, and he had the biggest smile on that particular day.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I would like to thank my very able colleague, the gentleman from New York (Mr. CROWLEY), and also the gentleman from New York (Mr. FOSSELLA) for sponsoring this resolution and my dear friend and our leader, the gentleman from New York (Mr. RANGEL), for sponsoring this resolution this evening.

I, as an Ohioan and a daughter of the Buckeye State, rise with a heavy heart along with our colleagues from New York to extend deepest sympathy to the family, the friends and the colleagues, both in public life, in private life, in church life, for the unselfish life of John Cardinal O'Connor. We mourn with all the loss of this truly great spiritual leader and world figure of enormous proportion.

It is amazing. I guess one could say there are cardinals and then there are cardinals, and without question those of us who hail west of Long Island and New York City kind of viewed Cardinal O'Connor and the New York archdiocese as our connection to the world, and his role stretched beyond the diocese of New York.

I have to think back to a wonderful invitation that was extended to us by the gentleman from New York (Mr. RANGEL) to meet with Cardinal O'Connor about 2 years ago when many of us who are very concerned about rebuilding in the former Soviet Union had brought visitors from, in that instance, the Ukraine to New York, people who had never traveled to the United States before, and Cardinal O'Connor agreed to hold mass to introduce these individuals in front of his magnificent congregation in New York City and then afterwards to privately meet with these individuals who could not even imagine that they would have had that set of experiences.

I can remember the cardinal afterwards hosting them in his private residence, something he did not have to do.

I can recall during the mass, when it began, how he as a great moral leader but also an individual with great discipline and dispatch walked down the middle aisle of St. Patrick's Cathedral. I will never forget that. He had such a long gait because he was so tall, and he had so much energy you just felt like he lifted New York up; and he lifted all of us by the way he carried himself, and then to listen to his homily, the great humor, the keen mind that he displayed.

And every moment during that very, very special day for us is something I shall never forget and even then more importantly for the people who were our guests from the former Soviet Union, he, through the Catholic Near East Welfare Fund, began to work with them. Again, the branches of America's free society, with all of our institutions, including those of our religious institutions, began to build back and began to plant seeds that will bloom in generations to come.

I will always remember the fact that he was able to host us and he did that. We were not from New York. We were not from that archdiocese. In fact, some of our visitors were from around the world, and I really gained a much deeper appreciation of the importance of the New York diocese, the importance of that particular cardinal, and his own commitment to those who were not of his congregation there inside of New York City.

So tonight we mourn his passing from this life, but I want to again acknowledge the gentleman from New York (Mr. RANGEL) for bringing us together and also the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. FOSSELLA) for placing in the RECORD the life story and the contributions of this truly world spiritual leader who has made such a difference in the lives of Americans but also people around the world whose lives he touched. We extend our deepest condolences to his family, to his friends, to the people of New York, and people of spiritual conviction around the world.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for again her thoughtful words and words of praise for the cardinal.

While New York claimed him as our own, he was born in Philadelphia and immediately before coming to New York he was the Bishop of Scranton, a great town in Pennsylvania, for one year.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), who is here to speak for those great folks of Scranton and who represents Scranton.

Mr. SHERWOOD. Mr. Speaker, I would like to thank the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY) for the opportunity to speak today as we mourn the passing of a great American, John Joseph Cardinal O'Connor, the archbishop of New York. I rise this afternoon to join my colleagues in expressing our condolences to Catholics throughout the Nation and around the world. From Cardinal O'Connor's home in Philadelphia, where he was ordained, across the globe with the United States Navy Chaplain Corps, to the Scranton diocese where he served as our Bishop, to the diocese of New York, he ministered with grace, love, compassion and humility.

I first knew the cardinal as the bishop of Scranton, and even though that is almost 2 decades ago, he is still revered in Scranton as a man of great compassion and wisdom and, most of all, his relationship with people.

□ 1630

Several months ago, I stood in this well as an original cosponsor of legislation to award the Congressional Gold Medal to Cardinal O'Connor in recognition of his devotion to faith, service, and country. Americans of all faiths owe a debt of thanks to the Cardinal. He worked tirelessly to encourage respect and cooperation among secular leaders and believers of Christian and non-Christian religions. He was a spiritual humanist who believed in the fundamental value of every human life.

Mr. Speaker, it has been spoken today of his great friendship with Mayor Koch of New York, and I think it has been said that if he had not devoted his life to the Church, he could have easily been the mayor of Philadelphia. He had those kinds of talents.

We would all do well to strive to emulate his commitment to love and service.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania. He reminds us all that although Cardinal O'Connor spent the last years of his life in New York, he really was not a New Yorker by birth, and he never really belonged just to New York, he belonged not only to the United States, but to this world. I think the next speaker would like to expand upon that as well.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from San Francisco, California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank our colleague for his leadership in bringing this to the floor, along with the gentleman from New York (Mr. FOSSELLA) and Mr. RANGEL, both of whom spoke earlier. I thank my colleagues for giving us the opportunity to mourn publicly and in this Chamber the death of John Cardinal O'Connor.

I was raised in Baltimore, Maryland. We have the oldest archdiocese in the country, but everyone in the country thinks of New York in terms of the greatest, because of size and because of St. Patrick's Cathedral.

I want to address both the national and international aspects of this great Cardinal. Both Baltimore and New York have wonderful basilicas and cathedrals and wonderful, wonderful religious leadership, and that leadership was not only there to guide us in our inner spiritual lives about religion, but also about the dignity and worth of every person.

When we talk about human rights throughout the world, a guiding message among Catholics is the message of Pope Paul VI who said if you want peace, work for justice. John Cardinal O'Connor was the living embodiment of that statement. He became an internationally recognized leader in the field of human rights working for peace and justice. He recognized the dignity and worth of every person, no matter how humble, no matter living in how remote an area of the world. He was not only a leader, but an inspiration, and, again, a disciple of the words of Pope Paul VI, and he brought that home. He brought that home. He not only promoted justice, economic and social justice, throughout the world, but he did so at home.

He had always spoken out and acted to aid the elderly, the homeless, working people, the mentally disabled and the poor. He was, again, the living embodiment of the corporeal works of mercy, the Sermon on the Mount, the gospel, the Gospel of Matthew. When I was hungry, you gave me to eat; when I was naked, you clothed me; when I was homeless, you sheltered me; when I was in prison, you visited me. Not just for those who were poor, but those who were disadvantaged in other respects as well.

His illness was a tragedy for our whole country, and we viewed it, many of us, as his purgatory, so we know he went directly to heaven. He would have anyway, probably, but God chose to give him this suffering to atone not for his sins, but for others. So we know he is in heaven.

So as we pray for the people of New York and on behalf of my own constituents extend condolences to the people of New York, and recognize his role as a national leader, and a special claim that all people in America have on St. Patrick's Cathedral and its Cardinal, and, in this case, John Cardinal O'Connor, we have all been diminished by his death. So in extending sympathy to the people of New York and to our country and to the family of John Cardinal O'Connor, I do so in prayer, prayer for his family, prayer for his constituents, but knowing that he is in heaven, beseech him to pray for us. He knows how badly we need his prayers.

Again, I thank our colleagues for giving us this opportunity to recognize the life and works of John Cardinal

O'Connor and to extend sympathy to the people he served in his state, in this country, and throughout the world.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing on our side, I just want to say that I do not think anything more can be said about this great man that has not been said already here on the floor.

All of New York will miss Cardinal O'Connor. I speak for all my constituents, both Catholic and non-Catholic alike. He was a man who touched the heart and soul of every person in this country and in this world, and the world is lesser for not having him anymore.

Before I came to the floor this evening to manage debate on this, I called my mother to let her know that we would be doing this, and to maybe give my aunt and uncles a call in the religious community, that they might want to tune in to hear a few words about Cardinal O'Connor. She said, "You know, I loved him;" and my mother means she really loved him.

I think that is really representative of so many people. My mother was not even in his diocese, but she loved Cardinal O'Connor, and she was not ashamed to say it, and there are millions and millions of people who feel the very, very same way.

Mr. Speaker, I thank my good friend from Staten Island once again for his work on this effort.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my good friend the gentleman from New York (Mr. CROWLEY) for his leadership on this issue, and also again for helping us out so much with getting a Congressional Gold Medal to be bestowed upon Cardinal O'Connor, and the gentlewoman from California (Ms. PELOSI) for coming in and offering her thoughtful words as well.

As the gentleman from New York (Mr. CROWLEY) said, Mr. Speaker, it has all been said. As Catholics, as Christians, we are taught to believe in eternal life, and the Cardinal through his daily mass celebrated the Eucharist and celebrated not only life here on Earth, but what he thought would be entering into the Kingdom of God, where he will rest forever in peace and love.

I am very fortunate to represent the people of Staten Island, Bay Ridge, Brooklyn, Dykker Heights, Bensonhurst and Grave's End. While those folks are not in the diocese that the Cardinal controlled, like Mr. CROWLEY's mother, they loved the Cardinal as well.

If anything, New York, this country, the Catholic Church, has lost a bit of its soul with the passing of Cardinal O'Connor, but it has not lost the legacy that he has left for all of us to emulate.

A true leader, Mr. Speaker, does not say do as I say; he says do as I do, come follow me. Whether it was at the alter at St. Patrick's Cathedral or on the 5th Avenue on the St. Patrick's Day parade, or just touching the hand of a young child in a Catholic school who might not otherwise get a good education but for his steadfast commitment to ensuring that he gets one, or that person suffering from AIDS who had but a few moments left on this Earth, he was there to lend a helping hand and prayers, or for the homeless or the poor, the working men and women who were just looking for a better life when they land on these shores. Cardinal O'Connor, in my opinion, Mr. Speaker, will go down as a truly great American.

I thank and applaud my colleagues, especially the gentleman from New York (Mr. CROWLEY), the gentleman from New York (Mr. KING), the gentleman from Pennsylvania (Mr. SHERWOOD), the gentleman from New York (Mr. RANGEL) and others who have spoken for taking the time to acknowledge his greatness, his contributions to this country and his church, and, above all, Mr. Speaker, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. ARMEY) for allowing us to bring this to the floor in such an expeditious manner, and all my colleagues here, both Democrats and Republicans, for paying tribute to a great man.

Mr. WOLF. Mr. Speaker, I rise today to remember a truly great man—John Cardinal O'Connor, Archbishop of New York. Cardinal O'Connor's death is a tremendous loss not only for the people of New York, but for the country and for the world.

I have always admired Cardinal O'Connor. I understand that he was from southwest Philadelphia. I was from the same neighborhood, right around the corner from the parish he grew up in, St. Clement Parish, which is at 71st Street and Woodland Avenue. I'm from 70th and Reedland Streets, and I went to Patterson Elementary School and Tilden Junior High, which I understand is where Cardinal O'Connor also went to school.

Cardinal O'Connor lived a long and full life, and it was one which was marked by service to others. He was a voice for the voiceless and a champion of human rights, both here in this country and for all people everywhere.

He delivered a homily on January 30 of this year which I think epitomizes the values for which he stood, and I'd like to quote a few closing remarks that he made that day:

> Perhaps the time has come for a new and deeper reflection on the nature of the economy and its purposes. What seems to be urgently needed is a reconsideration of the concept of prosperity itself, to prevent it from being enclosed in a narrow utilitarian perspective which leaves very little space for values such as solidarity and altruism . . .
>
> We are not simply looking for economic benefits. We are looking for human benefits. When we recognize that the human person comes before all else under God, then the economy will be measured, will be truly rooted in helping every human person become everything that God intended him to be.

In the book of Isaiah, the first chapter, it says, "Learn to do right! Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow."

That is a command that the Lord tells those who seek to follow Him. Cardinal O'Connor was a true man of God who will be deeply missed, but hopefully we can follow the example of his life in our lives as well.

Mr. BLILEY. Mr. Speaker, I am deeply saddened to hear about the death of His Eminence John Cardinal O'Connor and wish to announce my support for the resolution sponsored by Representative VITO FOSSELLA to express the condolences of the House of Representatives on His Eminence's death. His Eminence was a man of compassion and devotion to people of all faiths and will be forever remembered for his service to the Catholic Church and his country. His Eminence was, and will always be, an inspiration to me and Catholics around the world for his leadership. As an adoptive father, I want to take this time to recognize His Eminence's devotion to protecting the life of the unborn by promoting adoption as an alternative to abortion.

On October 15, 1984, His Eminence announced for the first time that, "any women, of any color, of any religion, of any ethnic background, of any place, who is pregnant and in need, under pressure to have an abortion, can come to us in the Archdiocese of New York, can come personally to me. If she is in need, we will see that she is given free medical care and free hospitalization. If she wants to have her baby adopted we will provide free legal assistance. If she wants to keep her baby we will provide free assistance.

His Eminence expanded on this by saying during his January 17, 1999 Respect Life Sunday Homily, "Since the 15th day of October in 1984, many thousands of women have come to us and many thousands of babies have been saved. Equally important, the lives of their mothers have been made whole. The infants in their wombs have leaped for joy at the news that they would be brought safely into this world, as the infant in the womb of Elizabeth leaped for joy when Mary came bearing within her womb the Lord of Life Himself. Every human being in this Church, every human being that any one of us will meet this day or on any day of our lives is a sacred human being."

This country owes debt of gratitude for His Eminence's leadership on important issues of the day, and I want to personally single out his efforts to protect the sanctity of life and promote adoption.

Mr. HASTERT. Mr. Speaker, Cardinal O'Connor will be missed by our entire nation. He was quietly courageous—unafraid to take positions that might not be popular, while always approaching people with dignity and humility. Earlier this year, Congress had the privilege of bestowing on Cardinal O'Connor the Congressional Gold Medal, our highest civilian honor.

When asked how he would like to be remembered, Cardinal O'Connor said he wanted to be remembered simply as a "good priest." Cardinal O'Connor was more than a good priest, he was a great man. He was an example to people of all faiths about how to live a truly God-filled life. Whether it was his work with AIDS patients or his commitment to education, Cardinal O'Connor kept himself immersed in helping others.

Cardinal O'Connor loved God. He loved the Church. He loved his family, and he loved his friends. But he also loved and was committed to the less fortunate. His life serves as an example to us all.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to express my deepest sorrow to the people of New York and to pay tribute to a great man. We all are much poorer today, because during the night, His Eminence, John Cardinal O'Connor died.

Cardinal O'Connor was a spiritual leader to 2.3 million Catholics. Despite this challenge, he did not limit his advocacy to strictly Catholic matters. Rather, he spoke out on a variety of issues. For example, Cardinal O'Connor has condemned racism in any and all forms. Cardinal O'Connor has also reached out to New York's Jewish community. He has issued condemnations of anti-semitism and spearheaded the effort to establish diplomatic ties between the Vatican and Israel. An endowed chair of Jewish Studies is named in his honor at the Catholic Seminary in Dunwoodie, New York.

But more importantly, the Cardinal was not only a man of words, but of action. During the early and most frightening stages of the AIDS epidemic in the 1980s, he opened New York State's first AIDS-only unit at St. Clare's Hospital. He remained a frequent visitor and volunteer at this unit, spending untold hours with those in pain and suffering, and counseling patients in their last moments on this earth. Catholic parishioners in America knew well of Cardinal O'Connor's contributions for the betterment of our society, most especially his many humanitarian endeavors such as his work on behalf of disabled persons and the people who care for them.

Cardinal John O'Connor was a great man, who has finally found peace from a devastating illness and we are all better people for having known him.

Mr. PAUL. Mr. Speaker, I want to join my colleagues who spoke today about the death of Cardinal O'Connor. In the passing of this tremendous spiritual beacon, millions of American worshipers have lost a great shepherd of the faithful.

Cardinal O'Connor was an unabashed champion for human life and human dignity. His presence will be missed. Throughout his illness he showed us how to face death with dignity as well.

John Cardinal O'Connor was a giant. He lived his life as a true pillar of faith. In a time when our nation and our world has witnessed a general move toward the devaluation of our common humanity, this man stood firm against the grain. There has never been a time when it has been as difficult as it is now for people to stand against the worst traits of modernity. Cardinal O'Connor's example shows beyond the shadow of a doubt that humans can continue to stand firm for noble goals even in this most difficult of times.

Having had the opportunity to correspond with him recently, I can attest that he remained a gentle and principled man until the very end of his earthly life. May God continue to bless the Cardinal and reveal Himself in all of His majesty to this great man in the place he has now been welcomed.

Mr. FOSSELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 317.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, appointed on February 14, 2000:

Mr. BALLENGER of North Carolina, Vice Chairman;

Mr. DREIER of California;

Mr. BARTON of Texas;

Mr. EWING of Illinois;

Mr. MANZULLO of Illinois;

Mr. BILBRAY of California;

Mr. STENHOLM of Texas;

Mr. PASTOR of Arizona;

Mr. FILNER of California;

Ms. ROYBAL-ALLARD of California; and

Mr. FALEOMAVAEGA of American Samoa.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE TRUTH ABOUT SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, in yesterday's Washington Post and also in today's Washington Post there were two articles in which Vice President GORE is scolding Governor Bush, candidate for president, on Social Security. In today's article, Vice President GORE in a speech yesterday to labor union members in Atlantic City said that Governor Bush had a secret plan to gut the Social Security program.

Now, the vice president is quite effective in being an advocate for the politics of fear, and it is a shame that he would be using this opportunity to scare those most vulnerable in our society, and particularly those senior citizens who depend upon Social Security for their livelihood. So today I just wanted to take a few minutes to talk about Social Security.

The Social Security program began in 1936, and between 1936 and 1998, a period of 62 years, in about 47 of those 62 years there was a surplus in the Social Security account. In other words, there was more money coming in through the payroll tax than was being paid out to beneficiaries.

During those 47 years of surpluses, the Democratic leadership controlled the Congress for about 95 percent of that time, and during that time in excess of $800 billion was spent by the government from that fund.

Now, the sad thing about it was not only was the Congress during that period of time spending all of the income tax, both personal and corporate, but they were also spending all of the Social Security surplus, and they still were creating deficits, annual deficits, in excess of $200 billion a year in many of those years.

□ 1645

So I went back and I wanted to look at Vice President GORE's record while he was in Congress. Now, he served in the U.S. Congress and in the U.S. Senate from 1977 to 1992. During that time, Congress spent $269 billion of the surplus of Social Security. At least from the research that I looked at, I did not see anywhere that Vice President GORE expressed any opposition to spending that surplus money. Then, during that period, from 1977 to 1992, the Federal debt increased by $2.4 trillion. I did not find any record where Vice President GORE objected to that kind of addition to our Federal debt.

So I read this article about the Vice President using the politics of fear to scare senior citizens about the future of Social Security, and I said, what is the real issue here? When we have people come to Congress to lobby on Social Security, we obviously have senior citizens who depend upon it for their livelihood. But we also are having more and more young married couples with children coming, and they are paying frequently more in payroll tax than they are in income tax, many of them do not have any health insurance, they do not qualify for Medicaid, their employer does not provide health insurance, and they cannot afford it, and many of them do not believe that Social Security will even be there for their benefit when they retire. So Candidate Bush simply elevated for discussion the possibility which many of these young people want of allowing them the opportunity to direct up to 2 percent of their payroll tax into the equity markets.

Now, he did not say that he advocated that, he said that he wanted to explore it, because all of us know that by the year 2032, Social Security will be bankrupt. There is a surplus now and there will be until the year 2013, but at that time, the Federal Government is going to have to start repaying some of the $800 billion that it owes Social Security.

So Candidate Bush is looking for some long-term solutions for Social Security and its solvency. Of all of the articles that I have read about Vice President Gore, I do not see that he has ever advocated any solution, but he has been effective in advocating the politics of fear.

Now, we know from his record that this Vice President has no objection to the government spending every dime of the Social Security surplus. But, it appears from what he said yesterday and the day before that he does not want to even discuss giving young people just entering the workplace the opportunity to invest up to 2 percent of their payroll tax into the equity markets. We know that historically the Federal Government on the $800 billion of the Social Security money that it has borrowed is paying on the average of 5 percent a year. That is about what it averages out to. We know that historically the equity markets have increased over that period of time by about 14 or 15 percent a year.

So I would simply say, it is time for us to stop using the politics of fear as advocated by the Vice President and start looking for real solutions and having real discussions about how can we solve the long-term solvency of Social Security so that not only will it be available for senior citizens today, but it will also be available for those young men and women just entering the workplace today.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DOOLEY of California. Mr. Speaker, I ask unanimous consent, in order to accommodate the gentleman from Washington (Mr. INSLEE) catching his airplane, that he could take the first 5 minutes, and then I could immediately follow with 5 minutes.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

NO MORE I LOVE YOU'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I rise this evening to warn my colleagues and the Nation of a computer virus that as we speak is really sweeping the world. This is a computer virus that is going to be shortly called the "I Love You" virus, and believe me, there is nothing romantic about it, because this may be one of the most insidiously destructive viruses we have seen in several years. It has already destroyed 600 files in my office, and I am afraid that in many, many other of my colleagues' offices this afternoon we will have incurred substantial damage. I wanted to alert anyone who may be listening to this of a couple of things about this virus.

First, anyone who receives an e-mail where the subject is "I Love You" should immediately delete the e-mail. That is the modus operandi of this e-mail, and no one should open up an e-mail with that subject matter now or perhaps forever, considering this virus. The reason is, there is a second aspect of this virus that is very damaging, and that is we have learned this afternoon that this particular virus will also damage common files that are on a shared server of anyone who opens up that e-mail. What has already happened this afternoon in my office is that we had someone open up that e-mail and it then destroyed other common files on our shared server system. In our system, it happened to destroy our graphic files under the JPEG type files and there may be others that are subject to damage. So I hope that everyone can spread the gospel with their friends not to open up any "I Love You" e-mail messages.

I have another message that is important for those who are responsible for this destructive act. That is, you will be hunted down; you will not be able to hide. There will be nowhere you can hide to escape the impact of your actions. You will be hunted down like dogs, and you will be prosecuted. The reason is, that these juvenile vandal efforts are enormously destructive, and I can assure the perpetrators of this: that the U.S. Congress, beginning next Tuesday, is going to do what we can to make sure that the investigatory authorities have the technological tools at their disposal to find those who are responsible for this and make sure that they are prosecuted.

Mr. Speaker, I think this points up an important point that we in Congress have to understand. In the West, when the technology of the stagecoach was invented, Congress responded by creating, if you will, a Marshals Service to respond to the stage coast heists. We now have to be additionally attentive to give our law enforcement officials the statutory authority and the resources and the technological resources that are necessary to track these folks down and make sure that they are prosecuted.

Mr. Speaker, we are going to suffer significant damage nationally as a result of this. The person power hours that are going to be required to respond to this is going to be a major national problem. I think that we should commit ourselves when we return to our offices next Tuesday or Monday to be very diligent in making sure that we adopt the technology necessary to respond to this new threat.

PERMANENT NORMAL TRADE RELATIONS FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DOOLEY) is recognized for 5 minutes.

Mr. DOOLEY of California. Mr. Speaker, I rise today to speak out in support of the United States Congress granting permanent normal trade relations to China. I rise as a Democrat, one who believes that this policy of economic engagement is in the best interest of the United States on a number of issues.

When we look at the history of Congress and all of the trade agreements that we have had to vote on, seldom, if ever, have we had the opportunity to gain increased access to a market and not have to have given anything in return.

This administration was able to negotiate an agreement that resulted in the United States not reducing their tariffs 1 percent, not reducing their quotas 1 percent, not giving up anything, and in return, we achieved significant across-the-board reductions in tariffs. We received increased market access into China. We received the opportunity to have direct investment to China to over the 50 percent-ownership level in most sectors of their industry.

This is an agreement that is good for American workers, it is an agreement that is good for American businesses, it is an agreement that is good for American farmers.

One has to understand what is going to be the repercussions of the United States Congress failing to support PNTR for China. If we fail to vote for this measure, we are going to ensure that there are U.S. workers that are not going to benefit from the significant reductions in tariffs.

Just to put this in kind of graphic terms, if my colleagues can really think if the United States is still facing the same tariff schedule with China as we are today, and maybe it is in the exportation of auto parts, and if we are in competition with Canadian factories and Canadian workers who have supported the China PNTR who could experience a significant reduction in tariffs, it is clearly going to give that Canadian company the ability to gain that contract that will result in those products flowing into that China market. It will be U.S. workers that are on the outside.

The other thing that is going to result in tremendous benefit to U.S. workers and businesses are the provisions of this agreement that provide for even added protection against import surges coming from China. This agreement will ensure that the United States even has greater protection than it currently does today with import surges. So if we are faced with a situation as we were in years past with a significant increase in the exportation from China of apple juice concentrate, which had a significant impact in any Pacific Coast apple-producing States, or even if we were looking at the importation of large amounts of steel, we would now have the ability to take action specifically against China in order to deal with the import surges that might have resulted in having adverse economic consequences in this country.

Mr. Speaker, there have been a lot of my colleagues that have brought up an issue which is one that we have to address, and that is the issue of human rights and religious freedoms in China. All of us would like to see greater progress in China. But many of us I think agree that the best way to influence the internal affairs in China is by embracing this policy of economic engagement.

I was very honored and pleased to have the chance to visit with Martin Lee who is recognized internationally as one of the leading human rights activists in China, the leader of the Hong Kong Democracy Party. It was his commentary in terms of how we can make the greatest progress on human rights in China that I think resonated more effectively and with greater credibility than anybody I have heard address this issue. He is one who believes very strongly that if we do support this policy of economic engagement and supporting PNTR for China, that we will empower the reformers in China. We will empower the people that are trying to do away from the State-run enterprises. We will ensure that it is the people that are trying to carry out the reforms and bring China into a rule of law regime that their stature will be enhanced by our actions here.

He went on to further state that if the U.S. Congress failed to support PNTR, what we would in effect be doing would be undermining some of the progress that we have seen over the past decades in human rights and religious freedom, that in fact we would be empowering the hard-liners there, the people that want to maintain some of the centralized control of their economy and their society. He cautioned us and actually implored Congress not to take action that would result in China's stepping back and not moving forward.

Another gentleman from the Hong Kong Democratic Party also spoke, and he talked about what is happening with the introduction of the Internet into China. Just in the last year alone, we have seen Internet usage in China increase from 2 million people to 10 million people. It is expected that it is going to increase in this year alone to 20 million people. In the next 4 or 5 years, it is conceivable and quite likely that we will have 100 million people in China with access to the Internet. Why is this important?

I think it is important because I believe the Internet is probably greatest tool for the advancement of democracy that we have seen in the history of mankind. It will be this increased Internet usage in China that will result in more people getting access to information that is not controlled by the Chinese government. Support China PNTR.

□ 1700

DARYLE BLACK: A DEFENDER OF THE PEOPLE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today the City of Long Beach, California, mourns the loss of a fine young police officer who was brutally murdered last Saturday night in a gang attack that also wounded his partner. Officer Daryle Black was 33 years of age when he died in the sudden and unprovoked attack that also wounded his colleague, Officer Rick Delfin. The murder of Officer Black reminds all of us that law and order are not automatic.

Safe streets and peaceful neighborhoods are created by those willing to risk their own safety, even their lives, for our community.

Officer Black cared deeply about serving others, and he served with a quiet courage and a steady professionalism. His loss is one we will all feel for many years from now.

Officer Black was a former United States Marine, a 6-year veteran of the Long Beach Police Department. He was assigned to a special gang enforcement unit. Officer Black was a very soft spoken person. Some of his colleagues said he was a gentle giant whose love for police work gave him the drive to risk his life on the streets every day.

He will be remembered by his many friends and colleagues for his professional dedication and commitment to protecting his community.

At the time of the shooting, Officer Black and his partner had just finished part of a police sweep of a neighborhood where gangs and drugs have been a serious problem for the city. Officer Delfin was wounded in the assault and is now recovering from an attack that most of us could never imagine, let alone face on a daily basis.

Daryle Black and Rick Delfin could imagine such an attack. Like every other police officer in America; however, they regularly faced personal danger, frequent physical and verbal assaults, and a host of other uncertainties each day as an unavoidable part of their job.

Mr. Speaker, too often we take for granted the thousands of men and women who patrol our neighborhoods, walk our streets, and guard our lives and property. The death of Officer Black brings home to us the very real and very constant risks that others accept on our behalf. All of our Nation's law enforcement officers face those risks every single day.

Each time they leave their homes and families and go to work, there is no guarantee that they will return. They accept the risk of death to protect our freedom and our ability to live in a peaceful society, and they do this without hesitation or complaint.

We struggle to express feelings of grief, sorrow, and appreciation for this fine and humane man who lost his life protecting our freedom and our safety. As we mourn, we must remind ourselves that civilization comes with a cost; but we can take solace in knowing that police officers, like Daryle Black, defend our society every day.

Mr. Speaker, all of us owe a great debt of gratitude to the brave men and women who have dedicated law enforcement as their career. They provide us with peace of mind. Thank you, Daryle Black. Thank you, Rick Delfin. Condolences to the family of Officer Black and the hope that there will be a rapid recovery for Rick Delfin.

TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH of Washington) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, trade has become an issue that is very divisive in this country, and I rise today as a Democrat and a member of the New Democratic Coalition to urge this body to remember the importance of expanding access to overseas market, the importance of trade to the growth of this Nation.

I do that mindful of some of the protests that have been out there about our global trade policy and even somewhat in support of some of the complaints that people have said about trade policy.

I think it is absolutely correct to look around the world and say what can we do to help improve human rights, to help improve labor standards, to help make sure that the entire globe protects the environment. And I think these issues need to be brought up more often in international discussions, not just involving trade, but in all discussions with other countries.

Mr. Speaker, what can we do to help improve those things? I rise today just to remind people that even though those issues are important, we cannot forget the importance of open markets. It starts with the simple fact that 96 percent of the people in the world live someplace other than the United States of America, while at the same time, here in the U.S., we manage to account for 20 percent of the world's consumption.

If we are going to grow economically, if we are going to create more jobs, those statistics make it abundantly clear that we are going to have to get access to some of those other 96 percent of the people in the world.

We need to get access to their markets. We need to reduce barriers, open access to trade to help grow the economy. And I do not think people understand completely the benefits that trade have brought and the role they have played in the strong economy that we now enjoy.

I just think that while we are working to improve labor conditions, working to improve human rights and environment, we can also open up other markets to our trade. And the best example of this, and I support the comments of the gentleman from California (Mr. DOOLEY), my colleague who came before me, is the China PNTR trade agreement.

All of the concerns we have heard about trade in previous agreements, a lot of them focus on the fact that it is a one-sided trade agreement. We open our markets, but other countries do not open theirs. This is actually the first trade agreement that goes the other way. China opens their markets by reducing their barriers across the board in a wide variety of goods and services that will increase our access to the single largest market in the world, 1.3 billion people.

This is a great trade agreement that actually will help us here in the U.S., and we need to recognize it for that. We also need to recognize how engagement helps move us forward.

Mr. Speaker, turning down PNTR for China will not do one thing to improve human rights, labor conditions or environmental standards in China. In fact, if you listen to the human rights activists over there, and if you listened to people over in that corner of the world, isolating China will send them in exactly the opposite direction.

Taiwan, in particular, we have heard a lot about how we cannot support this agreement, because of how bad China has treated Taiwan; and I agree that there have been many bad actions by China towards Taiwan. The Taiwanese, the recently elected president, an outspoken advocate for independence for Taiwan, someone who has run against China many, many times strongly supports the U.S. favoring PNTR for China, because he understands that engagement is the policy that will best protect him from Chinese aggression if they choose to go that route.

He wants China to be connected to the rest of the world so that they cannot afford to act in a way that forces the rest of the world to back away from them. So you can have a good trade agreement and also improve human rights, labor conditions, and the environment; but this argument goes beyond the specifics of the China Trade Agreement, even though I think it will be a watershed moment in this country to see whether or not we are going to go forward and embrace engagement and embrace overseas markets or drift back into a dangerous isolation that could push us into a bipolar world.

It is a basic philosophy of whether or not opening markets is open and beneficial. I think there is a lot of statistics out there that show that access to trade helps improve the economy across the board. This is not an isolated few who benefit from it. When we have an economy with 4 percent unemployment, 2 percent inflation, and growth as high as 6 or 7 percent, that benefits everybody in this country.

Mr. Speaker, we cannot lose sight of the importance of opening overseas markets to our goods. And it goes beyond economics. It is also a matter of national security. We should be concerned about the rest of the world, whether or not countries like Vietnam, Sub-Saharan Africa, other countries in the Third World grow and prosper. If they do not have access to our markets, their people will never be able to rise out of poverty. They will never be able to generate the type of economy that they need in order to have any level of prosperity whatsoever.

This is important for two reasons. One, if we can grow a vibrant middle class in places like Sub-Saharan Africa and beyond, they are in a position to buy our stuff and help our economy grow as well. If they are in poverty, we cannot get access to those markets because there is no one to buy.

Beyond economics, it is also important to keep the peace. If countries are impoverished, that is what leads to revolution and war. We have to help them grow up so that we can keep peace and stability in the world. Trade is important. Labor, human rights, environment, absolutely important. But let us not forget the importance of opening our markets for global stability and for a strong economy in the U.S.

INTRODUCTION OF THE HIGGINS GOLD MEDAL RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today to announce that I have introduced a resolution on behalf of the entire Louisiana delegation that will honor some long-forgotten and overlooked heroes of World War II.

These heroes were not soldiers or sailors or aviators. These silent heroes were hard-working men and women from Louisiana. However, according to President Dwight Eisenhower who served as Supreme Commander of the Allied Forces, the ingenuity and hard work of these unsung heroes played an enormous role in winning World War II.

Mr. Speaker, this legislation will award a Congressional Gold Medal to the late Andrew Jackson Higgins and another Congressional Gold Medal to his workforce of 20,000 at Higgins Industries in New Orleans, Louisiana. These medals will recognize their contribution to the Nation, to the Allied victory in World War II and to world peace.

Let me briefly explain why the late Mr. Higgins and the employees of Higgins Industries deserve this long-overdue recognition.

Andrew Jackson Higgins designed and engineered high-speed boats and various types of military landing craft, later to be known as "Higgins boats."

Higgins boats were constructed of wood and steel and transported fully armed troops, light tanks and other mechanized equipment essential to all Allied amphibious landing operations, including the decisive D-Day attack at Normandy, France.

Mr. Higgins also designed, engineered, and constructed four major assembly plants in New Orleans for mass production of Higgins landing craft and other vessels vital to the Allied forces' conduct of World War II.

Higgins Industries employed more than 20,000 workers at his eight plants in New Orleans. They worked around the clock over 4 years. At peak production, they built 700 boats per month. By the end of the war, they had built 20,094 landing craft of all types, and trained 30,000 Navy, Marine, and Coast Guard personnel on the proper operation of these boats.

The slogan at Higgins Industries was: "The guy who relaxes is helping the Axis."

Beyond his genius in the design and engineering of the "Higgins boats," Andrew Jackson Higgins possessed a foresight and a social conscience unheard of more than half a century ago.

Long before the United States had entered World War II, the late Mr. Higgins began to stockpile the materials needed to produce the thousands of landing craft and PT boats. His foresight contributed greatly to America's readiness when it finally did enter the war.

For example, Higgins bought the entire 1940 Philippine mahogany crop, anticipating a need for a stockpile of wood to build landing craft when American entered the war.

Besides his foresight and ingenuity, Higgins instituted a progressive social policy at Higgins Industries, where he employed a fully integrated assembly workforce of black and white men and women. His policy was equal pay for equal work decades before integration and racial and gender equality became the law of our land.

Mr. Speaker, after review of Mr. Higgins' contributions and the output of Higgins Industries during the early years of World War II, it is easy to understand Eisenhower's admiration and praise. On Thanksgiving, 1944, then General Eisenhower reported home, "Let us thank God for Higgins Industries' management and labor which has given us the landing boats with which to conduct our campaign."

Then again in 1964, President Eisenhower said of Andrew Higgins: "He is the man who won the war for us. If Higgins had not produced and developed those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war."

Mr. Speaker, the time has come for our Nation and this Congress to recognize Andrew Jackson Higgins and his employees for their unparalleled contributions to our country, to victory in World War II, and to world peace.

Indeed, this tribute is just in time for June 6, 2000, the 55th anniversary of the Allied landing at Normandy, when the National D-Day Museum will be dedicated and opened in New Orleans.

There are not adequate words to describe the vision and patriotism of Andrew Jackson Higgins and his employees. He understood what is needed to win World War II long before America was a participant, and he went beyond the call of duty to be prepared to serve his country. Then, his employees undertook the Herculean task of building the boats that won the war.

Mr. Speaker, I ask all of our colleagues to join me and award a Congressional Gold Medal to the late Andrew Jackson Higgins and a second Congressional Gold Medal to the employees of Higgins Industries. These forgotten heroes of World War II provided a decisive and essential contribution to the United States and the Allied victory in World War II, blacks and whites, men and women, working side by side, equal pay for equal work, building the boats that won the war.

Mr. Speaker, these silent heroes must be honored and should always be remembered and the award of a Congressional Gold Medal to them is highly in order at this time.

CONGRATULATING THE CHICAGO DAILY DEFENDER ON ITS 95TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to extend congratulations to the Chicago Daily Defender newspaper on the celebration of its 95th year. The Chicago Defender was founded as a weekly newspaper on May 5, 1905 by Robert Sengstacke Abbott. His goal was to use the power of the press to address concerns of blacks worldwide, with special emphasis on the United States.

During Mr. Abbott's lifetime, the Chicago Defender amassed impressive achievements. Some examples are the Great Migration, the mass exodus of blacks from the South to the so-called promised land of the North; the first black publication to reach a circulation of 100,000; initiation of the Bud Billiken Parade, and much more.

Mr. Abbott formulated the following nine-point platform for his paper in 1905:

Racial prejudice worldwide must be destroyed;

Racially unrestricted membership in all unions;

Equal Employment Opportunities on all jobs, public and private;

True representation in all United States police forces;

Complete cessation of all school segregation;

Establishment of open occupancy in all American housing;

Federal intervention to protect civil rights in all instances where civil rights compliance at the State level breaks down;

Representation in the President's Cabinet;

Federal legislation to abolish lynching.

□ 1715

Mr. Abbott passed in 1940. Upon his death, John Sengstacke, his nephew, took over operations of the newspaper. Despite the change, the achievements continued.

Under Mr. Sengstacke's leadership, the National Newspaper Publisher's Association, an organization of black newspaper publishers, was formed. This occurred despite skepticism about uniting the Black publishers into one organization.

Another accomplishment, despite belief that it would not work, was the conversion of the Chicago Defender from a weekly to a daily newspaper in 1956. Mr. Sengstacke was also instrumental in integrating the armed forces through several presidential administrations, integrating major league baseball, construction of the new Provident Hospital, and continuation of the Bud Billiken parade. Today the parade is sponsored by the Chicago Defender Charities and is second in size only to the Tournament of Roses Parade.

In 1997, John Sengstacke passed, leaving behind Sengstacke Enterprises, which includes the Chicago Defender, the Michigan Chronicle in Detroit, the Pittsburgh Courier, and the Tri-State Defender in Memphis.

Today the Chicago Defender remains a significant force in journalism. Its importance is noted by the fact that only two points of the original nine-point platform have been removed. They are representation in the President's cabinet and Federal legislation to abolish lynching. The presence of the remaining seven points and their existence since 1905 is the principal guiding force of this publication as it moves forward.

This paper, Madam Speaker, was an inspiration to many, even to myself as I was a young boy growing up in rural Arkansas, where we used to wait for the pullman porters to bring copies of the Defender to our town. As a result of reading the Defender, it gave us contact with the outside world.

The Defender has been most fortunate to have outstanding journalists like Lou Palmer, Vernon Jarrett, Faith Christmas, Jennifer Strasburg, and countless others.

So as they celebrate their 95th year anniversary, I simply want to say to the Defender and all of its staff persons, continue the great legacy, continue the great work. They have been an inspiration, and they continue to be a bright star that shines.

CHICAGO DAILY DEFENDER COMMEMORATION

The SPEAKER pro tempore (Mrs. MORELLA). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Madam Speaker, this evening I rise to pay special tribute to a publication of historic proportions in the city of Chicago.

Five years into the last century, the Chicago Defender created for itself a permanent place in the history of American journalism by becoming Chicago's most influential African American newspaper. Without fail, since 1905, the Daily Defender has provided news and information regarding African Americans and the Black Diaspora. In doing so, this newspaper fills an important void in Chicago's media because it tells the stories that much too often are not covered by other mainstream publications.

In the Defender's early years, its founder, Robert Sengstacke Abbott, realized several impressive achievements, including orchestrating the "Great Migration" campaign. This campaign brought about the mass exodus of African Americans from the racist South to the "promised land" of the north.

The continued visionary leadership of Mr. Abbott's nephew, Robert Sengstacke, has led to Sengstacke Enterprises which includes, not only the Chicago Defender, but also the Michigan Chronicle in Detroit, the Pittsburgh Courier in Pittsburgh, and the Tri-State Defender in Memphis, Tennessee.

The Defender family has become a responsive and generous corporate citizen over the many years. Their philanthropic arm, the Chicago Daily Defender Charities, has created, developed, and sponsored various community events, including the largest parade in the city of Chicago, the beloved Bud Billiken Parade. Each charitable effort has enriched the lives of our people, our city, and our Nation.

The Defender has provided a medium for several talented award-winning African American journalists, including Dr. Metz T.P. Lochard, W.E. DeBois, Langston Hughes, and Vernon Jarrett. Their outstanding work provided the foundation for the journalistic standard that the newspaper continues to meet today.

So on this day, I rise to congratulate the Chicago Defender on 95 years of consistent, vital, exemplary work. It is my hope and my express desire that the Defender will continue to publish into the next century and beyond.

OCCASION OF THE INTRODUCTION OF THE FARMERS FOR AFRICA ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Madam Speaker, in this era of global economies, nations are becoming more interconnected and interdependent on one another. It is critical, therefore, that the economies of the developing nations are not left behind. It is critical that these nations have stable and efficient economies.

It is vitally important, therefore, that we assist in integrating Africa into the global economy. Boosting economic development and self-sufficiency for Africa are keys to achieving this end.

It is for these reasons and others that I was pleased to vote for the African Trade Development Act of 2000.

Generally we only hear about Africa when issues of hunger, welfare, and natural disaster emerge. It is true that hunger estimates in Africa range in upward of 215 million chronically undernourished persons. Yes, we need to be concerned and provide as much assistance as possible. However, there is an old cliche that says, "Give a man a fish, and he will eat for a day. Teach a man to fish, and he will eat forever." At no other time is this cliche more are appropriate for African countries.

As a Nation we have the resources, the capacity, and the capability to teach the tools needed to ensure that their economies grow in strength and prosperity. One of the tools we can teach involve agribusiness. Agriculture is a primary sector in the economy for many African nations. It is here that we can provide the tools necessary to technologically upgrade the agriculture methods and processes. The proposed legislation, Farmers for African Act of 2000, provide these tools.

Farmers from the United States can help. Our farmers have the tools and skills to help. They have the ability to train African farmers to use and adopt state-of-the-art farming techniques and agribusiness skills.

In African countries like Mozambique, farmers need our help. Ravaging flood waters have left the lands devastated and thousands homeless and hungry. Their farmers need help. Our farmers can help. We ought to help.

Farmers in Zimbabwe need help. In that country, thousands of persons have received parcels of land to farm but do not have the agriculture skills or training to be successful. These farmers, too, need our help. Our farmers can help. We ought to help.

In Ghana, one of the most stable and productive countries in Africa, farmers there, too, need our help. American farmers, through their efficiency in using the most modern technologically sound agriculture and agribusiness techniques, can help African farmers.

This will not only help boost African crop yield and efficiency so that these Nations can produce enough goods to feed themselves, but it will also improve the competitiveness of African farmers in the rural market.

In addition, through the establishment of partnerships between Africa and American farmers, we can also create new avenues for delivering goods and services to African countries in need.

I urge my colleagues to join me in supporting farmers. Join me in supporting farmers in Africa and America. The legislation I and others have introduced today is designed to establish a bilateral exchange program between Africa and America, one that benefits both continents.

Madam Speaker, the legislation is budget neutral. Let me repeat that. The legislation is budget neutral, because it is funded through the existing product purchasing programs.

The nations that will be helped by this program will purchase products from the United States, and part of the revenue from those purchases can be used to fund the activities contemplated by this bill. It will not cost American taxpayers anything.

It will help 45 agriculture and African nations as well as highlight the importance of increasing trade and exchange opportunities with Africa.

This is timely legislation. It is necessary legislation. Please join us in supporting this measure. With this legislation, America will assist in providing the tools that would enable African countries to be competitive in the global economy. The legislation provides the tools in helping African nations eat forever.

THE WORLD TRADE ORGANIZATION, THE END OF GEOGRAPHY?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 60 minutes as the designee of the majority leader.

Mr. METCALF. Madam Speaker, during 1969, C.P. Kindleberger wrote that the "nation-state is just about through as an economic unit." He added that the U.S. Congress and right-wing-know-nothings in all countries were unaware of this. He added, "The world is too small. Two-hundred-thousand ton tank and ore carriers and airbuses and the like will not permit sovereign independence of the nation-state in economic affairs."

Before that, Emile Durkheim stated, "The corporations are to become the elementary division of the state, the fundamental political unit. They will efface the distinction between public and private, dissect the democratic citizenry into discrete functional groupings, which are no longer capable of joint political action."

Durkheim went so far as to proclaim that through corporations' scientific rationality it "will achieve its rightful standing as the creator of collective reality."

There is little question that part of these statements are accurate. America has seen its national sovereignty slowly diffused over a growing number of International Governing Organizations. The WTO, the World Trade Organization, is just the latest in a long line of such developments that began right after World War II. I am old enough to remember that time.

But as the protest in Seattle against the WTO Ministerial Meeting made clear, the democratic citizenry seemed well prepared for joint political action. Though it has been pointed out that many, if not the majority, of protesters did not know what the WTO was and much of the protest itself entirely missed the mark regarding WTO culpability in many areas proclaimed, this remains but a question of education. It is the responsibility of the citizens' representatives to begin that process.

We may not entirely agree with the former head of the Antitrust Division of the U.S. Department of Justice, Thurman Arnold when he stated that the United States had "developed two coordinate governing classes: the one, called 'business', building cities, manufacturing and distributing goods, and holding complete and autocratic power over the livelihood of millions; the other, called 'government', concerned with preaching and exemplification of spiritual ideals, so caught in a mass of theory that when it wished to move in a practical world, it had to do so by means of a sub rosa political machine."

□ 1730

But surely the advocate of corporate governments today, housed quietly inefficiency within the corridors of power at WTO, OECD, IMF and the World Bank, clearly believe.

Corporatism as ideology, and it is an ideology; as John Ralston Saul recently referred to it as a highjacking of first our terms, such as individualism, and then a highjacking of Western civilization, the result being "the portrait of a society addicted to ideologies, a civilization tightly held at this moment in the embrace of a dominant ideology: Corporatism."

As we find our citizenry affected by this ideology and its consequences, consumerism, "the overall effects on the individual are passivity and conformity in those areas that matter, and nonconformity in those which do don't." We do know more than ever before just how we got here. The WTO is a creature of the General Agreement on Tariffs and Trade, GATT, which began, in 1948, its quest for a global regime of economic interdependence.

But by 1972, some Members of Congress saw the handwriting on the wall, and it was a forgery. Senator Long, while chairman of the Senate Committee on Finance, made these comments to Dr. Henry Kissinger regarding the completion and prepared signing of the Kennedy round of the GATT accords. Here is what he said: "If we trade away American jobs and farmers' incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own, which puts their jobs, their security and their incomes above the priorities of those who have dealt them a bad deal."

But we know that few listened, and 20 years later the former chairman of the International Trade Commission argued that it was the Kennedy round that began the slow decline in American's living standards. Citing statistics in his point regarding the loss of manufacturing jobs and the like, he concluded with what must be seen as a warning:

"The Uruguay Round and the promise of the North American Trade Agreement all may mesmerize and motivate Washington policymakers, but in the American heartland those initiatives translate as further efforts to promote international order at the expense of existing American jobs."

We are still not listening. Certainly the ideologists of corporatism cannot hear us. They are, in fact, pressing the same ideological stratagem in the journals that matter, like "Foreign Affairs" and the books coming out of the elite think tanks and nongovernmental organizations. One such author, Anne-Marie Slaughter, proclaimed her rather self-important opinion that State sovereignty was little more than a status symbol and something to be attained now through "transgovernmental" participation. That would presumably be achieved through the WTO for instance?

Stephan Krasner in the volume "International Rules" goes into more detail by explaining global regimes as functional attributes of world order environmental regimes, financial regimes and, of course, trade regimes. I quote: "In a world of sovereign states, the basic function of regimes is to coordinate state behavior to achieve desired outcomes in particular issue areas. If, as many have argued, there is a general movement toward a world of complex interdependence, then the number of areas in which regimes can matter is growing."

But we are not here speaking of changes within an existing regime whereby elected representatives of free people make adjustments to new technologies, new ideas, and further betterment for their people. The first duty of elected representatives is to look out for their constituency. The WTO is not changes within the existing regime, but an entirely new regime. It has assumed an unprecedented degree of American sovereignty over the economic regime of the Nation and the world.

Then who are the sovereigns? Is it the people, the "nation" in nation-state? I do not believe so. I would argue that who governs, rules; and who rules is sovereign. And the people of America and their elected representatives do not rule nor govern at the WTO but corporate diplomats, a word decidedly oxymoronic.

Who are these new sovereigns? Maybe we can get a clearer picture by looking at what the WTO is in place to accomplish. I took interest in an article in "Foreign Affairs," the name of which is "A New Trader Order," volume 72, number 1, by Cowhey and Aronson. Quoting their article: "Foreign investment flows are only about 10 percent the size of the world trade flows each year, but intra-firm trade, for example, sales by Ford Europe to Ford USA, now accounts for up to an astonishing 40 percent of all U.S. trade."

This complex interdependence we hear of every day inside the beltway is nothing short of miraculous according to the policymakers who are mesmerized by all of this. But, clearly, the interdependence is less between the people of the "nation" states than between the "corporations" of the corporate-states.

Richard O'Brien, in his book entitled "Global Financial Integration: The End of Geography," states the case this way: "The firm is far less whetted to the idea of geography. Ownership is more and more international and global, divorced from national definitions. If one marketplace can no longer provide a service or an attractive location to carry out transactions, then the firm will actively seek another home. At the level of the firm, therefore, there are plenty of choices of geography."

O'Brien seems unduly excited when he adds, "The glorious end of geography prospect for the close of this century is the emergence of a seamless global financial market. Barriers will be gone, service will be global, the world economy will benefit and so too, presumably, the consumer." Presumably?

Counter to this ideological slant, and it is ideological, O'Brien notes the "fact that governments are the very embodiment of geography, representing the nation-state. The end of geography is, in many respects, about the end or diminution of sovereignty."

In a rare find, a French author published a book titled "The End of Democracy." John-Marie Guehenno has served in a number of posts for the French government, including their ambassador to the European Union. He suggests this period we live in is an imperial age. Let me quote him: "The imperial age is an age of diffuse and continuous violence. There will no longer be any territory to defend, but only order, operating methods, to protect. And this abstract security is infinitely more difficult to ensure than that of a world in which geography commanded history. Neither rivers nor oceans protect the delicate mechanisms of the imperial age from a menace as multiform as the empire itself."

The empire itself? Whose empire? In whose interests? Political analyst Craig B. Hulet, in his book titled "Global Triage: Imperium in Imperio" refers to this new global regime as Imperium in Imperio, or power within a power: a state within a state. His theory proposes that these new sovereigns are nothing short of this, and I quote him: "They represent the power not of the natural persons which make up the nations' peoples, nor of their elected representatives, but the power of the legal paper-person recognized in law. The corporations themselves are, then, the new sovereigns.

And in their efforts to be treated in law as equals to the citizens of each separate state, they call this "National Treatment," they would travel the sea; and wherever they land ashore, they would be citizens here and there. Not even the privateers of old would have dared to impose this will upon nation-states.

Can we claim to know today what this rapid progress of global transformation will portend for democracy here at home? We understand the great benefits of past progress. We are not Luddites here. We know what refrigeration can do for a child in a poor country; what clean water means to everyone everywhere; what free communications has already achieved. But are we going to unwittingly sacrifice our sovereignty on the altar of this new god, "Progress"? Is it progress if a cannibal uses a knife and fork?

Can we claim to know today what this rapid progress of global transformation will portend for national sovereignty here at home? We protect our way of life, our children's future, our workers' jobs, our security at home by measures often not unlike our airports are protected from pistols on planes. But self-interested ideologies, private greed, and private powers' bad ideas escape our mental detectors.

We seem to be radically short of leadership where this active participation in the process of diffusing America's power over to and into the private global monopoly capitalist regime is today pursued without questioning its basis at all. An empire represented by not just the WTO, but clearly this new regime is the core ideological success for corporatism.

□ 1745

The only remaining step, according to Harvard Professor Paul Krugman, is the finalization of a completed Multilateral Agreement on Investments, which failed at OECD.

According to OECD, the agreement's actual success may come through, not a treaty this time, but arrangements within corporate governance itself, quietly being hashed out at the IMF and World Bank as well as OECD. We are not yet the United Corporations of America. Or are we?

The WTO needs to be scrutinized carefully, debated, hearings, and public participation where possible. I would say absolutely indispensable, full hearings.

We can, of course, as author Christopher Lasch notes, peer inward at ourselves as well when he argued, "The history of the twentieth century suggests that totalitarian regimes are highly unstable, evolving toward some type of bureaucracy that fits near the classic fascist nor the socialist model.

None of this means that the future will be safe for democracy, only that the threat to democracy comes less from totalitarian or collective movements abroad than from the erosion of psychological, cultural, and spiritual foundations from within."

Are we not witness to, though, the growth of a global bureaucracy being created not out of totalitarian or collectivist movements, but from the autocratic corporations which hold so many lives in their balance? And where shall we redress our grievances when the regime completes its global transformation? When the people of each Nation and their State find they can no longer identify their rulers, their true rulers? When it is no longer their State which rules?

The most recent U.N. Development Report documents how globalization has increased inequality between and within nations while bringing them together as never before.

Some are referring to this, Globalization's Dark Side, like Jay Mazur recently in Foreign Affairs. He said, "A world in which the assets of the 200 richest people are greater than the combined income of the more than 2 billion people at the other end of the economic ladder should give everyone pause. Such islands of concentrated wealth in the sea of misery have historically been a prelude to upheaval. The vast majority of trade and investment takes place between industrial nations, dominated by global corporations that control a third of the world exports. Of the 100 largest economies of the world, 51 are corporations," just over half.

With further mergers and acquisitions in the future, with no end in sight, those of us that are awake must speak up now.

Or is it that we just cannot see at all, believing in our current speculative bubble, which nobody credible believes can be sustained for much longer, we missed the growing anger, fear and frustration of our people; believing in the myths our policy priests pass on, we missed the dissatisfaction of our workers; believing in the god "progress," we have lost our vision.

Another warning, this time from Ethan Kapstein in his article "Workers and the World Economy" in Foreign Affairs, Vol. 75, No. 3:

"While the world stands at a critical time in post war history, it has a group of leaders who appear unwilling, like their predecessors in the 1930's, to provide the international leadership to meet economic dislocations. Worse, many of them and their economic advisors do not seem to recognize the profound troubles affecting their societies.

"Like the German elite in Weimar, they dismiss mounting worker dissatisfaction, fringe political movements, and the plight of the unemployed and working poor as marginal concerns compared with the unquestioned importance of a sound currency and a balanced budget. Leaders need to recognize their policy failures of the last 20 years and respond accordingly. If they do not, there are others waiting in the wings who will, perhaps on less pleasant terms."

We ought to be looking very closely at where the new sovereigns intend to take us. We need to discuss the end they have in sight. It is our responsibility and our duty.

Most everyone today agrees that socialism is not a threat. Many feel communism, even in China, is not a threat, indeed, that there are few real security threats to America that could compare to even our recent past.

Be that as it may, when we speak of the global market economy, free enterprise, massage the terms to merge with managed competition and planning authorities, all the while suggesting that we have met the hidden hand and it is good, we need to also recall what Adam Smith said but is rarely quoted upon.

He said, "Masters are always and everywhere in a sort of tacit, but constant and uniform, combination, not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action, and a sort of reproach to a master among his neighbors and equals. We seldom, indeed, hear of this combination, because it is usual, and, one may say, the natural state of affairs. Masters too sometimes enter into particular combinations to sink wages of labor even below this rate. These are always conducted with the utmost silence and secrecy, till the moment of execution."

And now precisely, whose responsibility is it to keep an eye on the masters?

I urge my colleagues, Republicans and Democrats, left and right on the political spectrum, to boldly restore the oversight role of the Congress with one stroke and join my colleagues in supporting H.J. Res. 90 in restoring the constitutional sovereignty of these United States.

STATE DEPARTMENT CITES PAKISTANI LINK TO TERRORIST GROUPS

The SPEAKER pro tempore (Mrs. MORELLA). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, yesterday the U.S. State Department released its annual report on terrorism worldwide called "Patterns of Global Terrorism, 1999 Report."

The report provides some very interesting and very troubling findings about where the threats to U.S. interests, U.S. citizens, and international stability have been coming from during the past year.

One of the most dramatic findings of the report is that Pakistan, traditionally an ally of the United States, is guilty of providing safe haven and support to international terrorist groups.

Unfortunately, Madam Speaker, the State Department stopped short of adding Pakistan to the list of seven nations that are described as state sponsors of terrorism.

Madam Speaker, at the beginning of this year, I introduced legislation calling on the State Department to declare Pakistan a terrorist state. I believe that the information made public this week gives added urgency to that effort.

To quote, if I may, Madam Speaker, from the section of the State Department's report dealing with South Asia, it says, "In 1999, the locus of terrorism directed against the United States continued to shift from the Middle East to South Asia." The report goes on to cite the Taliban, which controls significant areas of Afghanistan, for providing safe haven for international terrorists, particularly Usama Bin Ladin and his network.

As the report points out, "Pakistan is one of only three countries that maintains formal diplomatic relations with and one of several that supported Afghanistan's Taliban."

The report goes on to say, "The United States made repeated requests to Islamabad," the Pakistan capital, "to end support for elements harboring and training terrorists in Afghanistan and urged the Government of Pakistan to close certain Pakistani religious schools that serve as conduits for terrorism. Credible reports also continue to indicate official Pakistani support for Kashmiri militant groups, such as the Harakat ul-Mujahedin, or HUM, that engaged in terrorism." This organization has been linked to the hijacking late last year of the Air India flight, and one of the hijackers' demands was that a leader of the HUM be freed from prison in India in exchange for the innocent hostages on the aircraft. That leader has since returned to Pakistan, according to the State Department.

I might also add, Madam Speaker, that this organization, the HUM, under a previous name has been linked to the kidnapping of Western tourists in Kashmir. Two of those Westerners have been murdered; and several others, including an American, remain unaccounted for.

The region of Kashmir has been ground zero for much of the Pakistani-supported terrorist activity. The State Department report notes that, "Kashmiri extremist groups continue to operate in Pakistan, raising funds and recruiting new cadre." It blames these groups for numerous terrorist attacks against civilian targets in India's State of Jammu and Kashmir.

After last summer's U.S. diplomatic intervention to end Pakistan's incursion onto India's side of the Line of Control in Kashmir, Pakistani and Kashmiri extremist groups worked to stir up anti-American sentiment.

As my colleagues can imagine, Madam Speaker, at yesterday's briefing on the release of the report, Michael Sheehan, the State Department's Coordinator for counterterrorism, was put on the defensive as to why Pakistan was not designated as a state sponsor of terrorism when the report contained such damning information.

The agency's response is that Pakistan has sent mixed messages, on the one hand cooperating on extradition and embassy security, while, on the other hand, having relationships with the Kashmiri groups and the Taliban.

But, Madam Speaker, Ambassador Sheehan warned, "for state sponsorship or the designation of foreign terrorist organizations, you can do it any time of the year."

Madam Speaker, the U.S. Counterterrorism Policy is very simple: First, make no concessions to terrorists and strike no deals; second, bring terrorists to justice for their crimes; third, isolate and apply pressure on states that sponsor terrorism to force them to change their behavior; and fourth, bolster the counter-terrorism capabilities of those countries that work with the United States and require assistance.

Madam Speaker, I hope that the State Department will pay particular attention to the third and fourth points with regard to Pakistan and South Asia.

President Clinton, during his recent trip to South Asia, tried to appeal to the Pakistani military junta to cease support for terrorist organizations and activities. The pressure on Pakistan must be maintained and strengthened. Pakistani leaders should be reminded that the threat that their country could be designated as a terrorist state is a real one that could be invoked at any time.

India has been the prime victim of terrorism emanating from or supported by Pakistan. Thus, in keeping with the fourth point of the State Department's stated policy, we should strive to work much more closely with India, a democracy, on counter-terrorism efforts.

We can only hope that reason will prevail in Islamabad and that the Pakistani Government will see that the result of its present course will be increased isolation from the world community. If not, then we must be prepared to follow through and declare Pakistan a state that sponsors terrorism, with all of the stigma and isolation that goes with such a declaration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 2:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

ADJOURNMENT

Mr. PALLONE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, May 8, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7456. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Arkansas [Docket No. 97–108–2] received March 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7457. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Franklin, PA, Nonappropriated Fund Wage Area (RIN: 3206–AJ00) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7458. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Lebanon, PA, Nonappropriated Fund Wage Area (RIN: 3206–AJ01) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7459. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka MACKerel in the Central Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands [Docket No. 000211040–0040–01; I.D. 022500B] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7460. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marshalltown, IA

[Airspace Docket No. 99-ACE-52]—received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7461. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Iowa City, LA [Airspace Docket No. 99-ACE-50] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7462. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fredericktown, MO; Correction [Airspace Docket No. 99-ACE-47] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7463. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations; Atlantic Intracoastal Waterway, FL [CGD07-00-008] (RIN: 2115-AE47) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9, Model MD-90-30, Model 717-200, and Model MD-88 airplanes [Docket No. 2000-NM-58-AD; Amendment 39-11595; AD 2000-03-51] (RIN: 2120-AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters [Docket No. 99-SW-77-AD; Amendment 39-11598; AD 2000-04-15] (RIN: 2120-AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes [Docket No. 98-NM-240-AD; Amendment 39-11596; AD 2000-04-13] (RIN: 2120-AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, -200, and -300 Series Airplanes [Docket No. 99-NM-366-AD; Amendment 39-11600; AD 2000-04-17] (RIN: 2120-AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Esterville, IA [Airspace Docket No. 99-ACE-54] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7469. A letter from the Program Analyst, FAA, Department Of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 560 Series Airplanes [Docket No. 98-NM-312-AD; Amendment 39-11568; AD 2000-03-09] (RIN: 2120-AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7470. A letter from the Director, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule— Criteria for Approving Flight Courses for Educational Assistance Programs (RIN: 2900-AI76) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7471. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes [Rev. Rul. 2000-14] received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee of Conference. Conference report on H.R. 434. A bill to authorize a new trade and investment policy for sub-Sahara Africa (Rept. 106-606). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 489. Resolution waiving points of order against the conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa (Rept. 106-607). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STUMP (for himself, Mr. Evans, Mr. Quinn, and Mr. Filner):

H.R. 4376. A bill to amend title 38, United States Code, to permit certain members of the Individual Ready Reserve to participate in the Servicemembers' Group Life Insurance program; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 4377. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CLAYTON (for herself, Mr. Clay, Ms. Kilpatrick, Ms. McKinney, Mrs. Meek of Florida, Mr. Hilliard, Mr. Jefferson, Mr. Davis of Illinois, Mr. Clyburn, Mr. Rush, Mr. McDermott, Mr. Rangel, Mr. Hastings of Florida, Mr. Payne, Mr. Thompson of Mississippi, Ms. Carson, Mr. Towns, Mr. Owens, Mr. Wynn, Ms. Brown of Florida, Mr. Scott, and Mrs. Christensen):

H.R. 4378. A bill to establish a grant program in the Department of Agriculture to support bilateral exchange programs whereby African-American farmers and other agricultural farming specialist share technical knowledge with African farmers regarding maximization of crop yields, expansion of trade in agricultural products, and ways to improve farming in Africa, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN:

H.R. 4379. A bill to amend the Internal Revenue Code of 1986 to allow non-itemizers a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mr. Dingell, Mr. Markey, Mr. Frank of Massachusetts, Mr. Kanjorski, Ms. Waters, Mrs. Maloney of New York, Mr. Gutierrez, Mr. Meeks of New York, Ms. Lee, Mr. Inslee, Ms. Schakowsky, Mrs. Jones of Ohio, Mr. Sanders, Mr. Kennedy of Rhode Island, Mr. Waxman, Ms. Eshoo, Mr. Barrett of Wisconsin, Mr. Luther, Mr. Stark, Mr. Hinchey, and Mr. Rush):

H.R. 4380. A bill to strengthen consumers' control over the use and disclosure of their personal financial and health information by financial institutions, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself and Mr. Nussle):

H.R. 4381. A bill to amend the Internal Revenue Code of 1986 to provide that income averaging for farmers shall be applied by taking into account negative taxable income during the base period years; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself and Mr. Hobson):

H.R. 4382. A bill to amend title 5, United States Code, to provide temporary authority to offer voluntary separation incentives and early retirement to civilian employees of the Department of the Air Force and to provide experimental hiring and personnel management authority for the Department for the purpose of maintaining continuity in the skill level of employees and adapting workforce skills to emerging technologies critical to the needs of the Department; to the Committee on Government Reform.

By Mr. HERGER:

H.R. 4383. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. Tauzin, Mr. McCrery, Mr. Baker, Mr. John, Mr. Cooksey, and Mr. Vitter):

H.R. 4384. A bill to authorize the President to award gold medals on behalf of the Congress to the family of Andrew Jackson Higgins and the wartime employees of Higgins Industries, in recognition of their contributions to the Nation and to the Allied victory in World War II; to the Committee on Banking and Financial Services.

By Mr. METCALF:

H.R. 4385. A bill to amend title 46, United States Code, with respect to the Federal preemption of State law concerning the regulation of marine and ocean navigation, safety, and transportation by States; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK (for herself, Ms. DANNER, and Mr. LAZIO):

H.R. 4386. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes; to the Committee on Commerce.

By Ms. NORTON (for herself and Mr. DAVIS of Virginia):

H.R. 4387. A bill to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia; to the Committee on Government Reform.

By Ms. SANCHEZ (for herself, Mr. BARTLETT of Maryland, Mr. ANDREWS, and Ms. MCKINNEY):

H.R. 4388. A bill to amend title 10, United States Code, to provide improved benefits training to members of the Armed Forces to enhance retention, and for other purposes; to the Committee on Armed Services.

By Mr. SCHAFFER:

H.R. 4389. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Resources.

By Mr. STARK (for himself, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. CONYERS, and Mrs. MEEK of Florida):

H.R. 4390. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. CROWLEY, Mr. SHERWOOD, Mr. KING, Mr. LAZIO, Mrs. KELLY, Mr. GILMAN, Mr. SWEENEY, Mr. WALSH, Mr. REYNOLDS, Mr. SMITH of New Jersey, Mrs. ROUKEMA, Mr. FRANKS of New Jersey, and Mr. QUINN):

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York; to the Committee on Government Reform.

By Mr. ABERCROMBIE (for himself, Mrs. MORELLA, Ms. CARSON, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. CROWLEY, Mrs. CLAYTON, Mr. SANDERS, Mrs. TAUSCHER, Mr. MALONEY of Connecticut, Mr. CONYERS, Ms. BALDWIN, Ms. NORTON, Mr. PAYNE, Ms. DELAURO, Mr. MCNULTY, Mr. MCINTYRE, Mr. EVANS, Mr. SABO, Mr. ACKERMAN, Mr. STUPAK, and Mr. KENNEDY of Rhode Island):

H. Con. Res. 318. Concurrent resolution recognizing the significance of Equal Pay Day to demonstrate the disparity between wages paid to men and women; to the Committee on Government Reform.

By Mr. SHIMKUS (for himself, Mr. COX, Mr. CALVERT, Mr. ROHRABACHER, and Mr. KUCINICH):

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union; to the Committee on International Relations.

By Mr. WELDON of Florida (for himself, Mr. ARMEY, Mr. DELAY, Mr. LARGENT, Mr. COBURN, and Mr. STEARNS):

H. Res. 490. A resolution to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly-held debt and provide tax relief to American taxpayers; to the Committee on Ways and Means.

By Mr. PEASE (for himself, Mr. WAMP, Mr. STUPAK, and Mr. LAHOOD):

H. Res. 491. A resolution naming a room in the House of Representatives wing of the Capitol in honor of former Representative G.V. "Sonny" Montgomery; to the Committee on Transportation and Infrastructure.

By Ms. GRANGER (for herself, Mr. BLUNT, Mr. CLEMENT, Mr. DEMINT, Mr. TANCREDO, Mr. BURR of North Carolina, Mr. ROGAN, Mr. PHELPS, Mr. PAUL, Mr. GIBBONS, Mr. DEAL of Georgia, Mr. SWEENEY, Mr. JENKINS, Ms. SANCHEZ, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. BACA, Mr. HINOJOSA, Mr. DEUTSCH, and Mr. HILLEARY):

H. Res. 492. A resolution expressing the sense of the House of Representatives in support of America's teachers; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Res. 493. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued honoring the Fisk Jubilee Singers, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. OXLEY (for himself, Mr. HALL of Ohio, Mr. PORTMAN, Mr. GILLMOR, Mr. NEY, Mr. LATOURETTE, Mr. REGULA, Mr. TRAFICANT, Mr. KUCINICH, Mr. CHABOT, Ms. PRYCE of Ohio, Mr. SAWYER, Ms. KAPTUR, Mr. BOEHNER, Mr. HOBSON, and Mr. KASICH):

H. Res. 494. A resolution expressing the sense of the House of Representatives that the Ohio State motto is constitutional and urging the courts to uphold its constitutionality; to the Committee on the Judiciary.

By Mrs. ROUKEMA (for herself, Mr. BEREUTER, Mr. BLILEY, Mr. BORSKI, Mr. MCINNIS, Mr. GOSS, Mr. PICKETT, and Mr. MCCOLLUM):

H. Res. 495. A resolution expressing the sense of the House regarding support for the Financial Action Task Force on Money Laundering, and the timely and public identification of noncooperative jurisdictions in the fight against international money laundering; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 48: Mr. STEARNS.

H.R. 49: Mrs. CLAYTON.

H.R. 175: Mr. GRAHAM.

H.R. 252: Mr. COX.

H.R. 303: Mr. WAMP.

H.R. 353: Mr. DEAL of Georgia and Mr. ROGAN.

H.R. 443: Mr. MOORE.

H.R. 460: Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Mr. SAXTON, and Mr. BARTLETT of Maryland.

H.R. 531: Mr. COBLE, Mr. ROGERS, Mr. LINDER, Mr. LAZIO, Mr. GIBBONS, Mrs. BIGGERT, and Mrs. JONES of Ohio.

H.R. 534: Mr. CUNNINGHAM, Mr. CAPUANO, and Ms. HOOLEY of Oregon.

H.R. 583: Ms. JACKSON-LEE of Texas and Mr. LAMPSON.

H.R. 612: Mr. EVANS.

H.R. 721: Mr. BONILLA.

H.R. 732: Mr. ANDREWS.

H.R. 797: Mr. WELDON of Florida.

H.R. 816: Mr. CALVERT.

H.R. 827: Mr. GEJDENSON and Mr. EVANS.

H.R. 864: Mr. KINGSTON and Mr. THOMPSON of Mississippi.

H.R. 896: Mr. SCHAFFER.

H.R. 920: Ms. CARSON and Mr. TOWNS.

H.R. 1044: Mr. MANZULLO and Mr. THORNBERRY.

H.R. 1053: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1055: Mr. METCALF and Ms. MCKINNEY.

H.R. 1070: Mr. MCCRERY, Mr. HILLEARY, Mr. PACKARD, Mr. REYNOLDS, Mr. MOLLOHAN, Mr. BACA, Mr. BOYD, Mr. RYAN of Wisconsin, Mr. GUTKNECHT, Mr. WAMP, Mr. LATHAM, Mr. PETERSON of Minnesota, and Mr. MANZULLO.

H.R. 1130: Ms. RIVERS and Mr. KILDEE.

H.R. 1144: Mr. ENGLISH.

H.R. 1159: Ms. CARSON.

H.R. 1168: Mr. BECERRA, Mr. NORWOOD, Mr. SAWYER, and Mr. SPRATT.

H.R. 1187: Mr. DOOLEY of California, Mr. MCINTYRE, and Mr. GEKAS.

H.R. 1188: Mrs. MCCARTHY of New York.

H.R. 1227: Mr. STUPAK.

H.R. 1248: Ms. HOOLEY of Oregon, Mr. TIERNEY, Mr. BACA, Mr. SMITH of Texas, and Mr. MEEHAN.

H.R. 1322: Mr. SHADEGG, Mr. TIAHRT, Mr. MCCOLLUM, Mr. LUCAS of Kentucky, Mr. NETHERCUTT, Mr. JENKINS, Mr. MALONEY of Connecticut, Mr. VITTER, Mr. HEFLEY, Mr. UDALL of Colorado, Mr. GIBBONS, Mr. DEMINT, Mr. LEWIS of Kentucky, Mr. SPRATT, Mr. LARGENT, Mr. LAHOOD, Mr. SIMPSON, Mr. WALDEN of Oregon, Mr. BILIRAKIS, Mr. HOSTETTLER, and Mr. HERGER.

H.R. 1366: Mr. SKELTON, Mr. COOKSEY, and Mr. HUNTER.

H.R. 1387: Mr. HILL of Indiana and Mr. LARSON.

H.R. 1388: Mr. COOK, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Ms. KILPATRICK, and Mr. KLINK.

H.R. 1414: Mr. SAXTON.

H.R. 1459: Mr. ISAKSON.

H.R. 1592: Mr. PETERSON of Pennsylvania.

H.R. 1634: Mr. TALENT and Mr. NETHERCUTT.

H.R. 1644: Mr. PETERSON of Minnesota.

H.R. 1771: Mr. STEARNS.

H.R. 1890: Mr. FRANK of Massachusetts.

H.R. 1914: Mr. ENGLISH.

H.R. 2263: Mr. GREENWOOD and Mr. UDALL of Colorado.

H.R. 2308: Mr. THUNE and Mrs. NORTHUP.

H.R. 2321: Mr. CONDIT and Mr. EVANS.

H.R. 2339: Mr. WYNN.

H.R. 2397: Mr. BOSWELL and Mr. HINOJOSA.

H.R. 2451: Mr. PETERSON of Minnesota, Mr. STUMP, and Mr. NETHERCUTT.

H.R. 2457: Mr. BALDACCI, Mr. GILMAN, Mr. ANDREWS, Mr. KLINK, Mr. GEORGE MILLER of California, and Mr. STARK.

H.R. 2498: Mr. Bass.

H.R. 2596: Mr. Toomey and Mr. Hall of Ohio.

H.R. 2640: Mr. Strickland.

H.R. 2655: Mrs. Emerson.

H.R. 2696: Ms. Lofgren.

H.R. 2697: Mr. Talent.

H.R. 2720: Mrs. Mink of Hawaii and Ms. DeLauro.

H.R. 2749: Mr. Lewis of Kentucky, Mr. Chambliss, and Mr. Bilirakis.

H.R. 2776: Mrs. Lowey.

H.R. 2858: Mr. LaHood.

H.R. 2870: Mr. Goodling.

H.R. 2894: Mr. Stearns, Mr. McCollum, and Mrs. Thurman.

H.R. 2900: Ms. Waters, Mr. Wu, and Mrs. Kelly.

H.R. 2906: Mr. Weldon of Florida.

H.R. 2907: Mr. Engel and Mr. Sabo.

H.R. 2915: Mrs. Clayton.

H.R. 2945: Mr. Abercrombie, Mr. Holt, Mr. Hinchey, and Ms. Ros-Lehtinen.

H.R. 2953: Mr. Condit, and Mr. John.

H.R. 2991: Mrs. Mink of Hawaii and Mr. Tiahrt.

H.R. 3004: Mrs. Maloney of New York, Ms. DeGette, Mr. Forbes, Mr. Markey and Mr. Moran of Kansas.

H.R. 3032: Mr. Evans, Mr. Rangel, and Mr. Blumenauer.

H.R. 3113: Mr. Gejdenson and Mr. Kildee.,

H.R. 3161: Ms. Lee and Ms. DeGette.

H.R. 3193: Ms. Woolsey, Mr. Sununu, and Mr. Ose.

H.R. 3208: Mr. Markey, Mr. Sandlin, and Ms. Carson.

H.R. 3219: Mr. Hilleary, Mr. McHugh, Mr. Hunter, Mr. Istook, Mr. Skelton, Mr. Isakson, Mr. Peterson of Pennsylvania, Mrs. Emerson, Mr. Cox, Mrs. Myrick, and Mr. Netehrcutt.

H.R. 3224: Ms. Berkley.

H.R. 3240: Mrs. Chenoweth-Hage, Mr. Wicker, Mr. smith of Michigan, Mr. Hill of Montana, Mr. Duncan, Mr. Baca, Mr. Hefley, and Mr. Bass.

H.R. 3244: Mr. Price of North Carolina.

H.R. 3249: Mr. Sanders and Ms. Ros-Lehtinen.

H.R. 3308: Mr. Luther.

H.R. 3408: Mrs. Kelly and Mr. Paul.

H.R. 3413: Mr. Crowley, Mrs. Jones of Ohio, Ms. Millender-McDonald, and Mr. Isakson.

H.R. 3466: Mr. Ehlers.

H.R. 3489: Mr. Wynn, Mr. Deal of Georgia, and Mr. McHugh.

H.R. 3518: Mr. Cunningham.

H.R. 3544: Mr. Upton, Mr. Snyder, Mr. Burton of Indiana, Mr. Becerra, Ms. Kaptur, Ms. Velázquez, Mr. Kildee, Mr. Terry, Mr. Calvert, Mr. Meeks of New York, Mrs. Northup, Mr. Reyes, Mr. Waxman, and Mr. Goodlatte.

H.R. 3573: Mr. Gillmor.

H.R. 3575: Mr. Hinchey and Mr. Lewis of Kentucky.

H.R. 3576: Mr. Watts of Oklahoma and Mr. Lazio.

H.R. 3583: Mr. Deal of Georgia.

H.R. 3584: Mr. Stupak.

H.R. 3594: Mr. Baldacci and Mr. Bilirakis.

H.R. 3625: Mr. Nethercutt, Mr. Sweeney, Mr. Houghton, Mr. Archer, Mr. Rogers, Mr. Duncan, Mr. Hilleary, Mr. Sensenbrenner, Mr. Taylor of North Carolina, Mr. Hayworth, and Mr. Bryant.

H.R. 3633: Mr. Upton, Mr. Snyder, Mr. Burton of Indiana, Ms. Jackson-Lee of Texas, Mr. Moran of Virginia, Mr. Ackerman, Mr. Becerra, Ms. Kaptur, Ms. Velázquez, Mr. Borski, Mr. Kildee, Mr. Faleomavaega, Mr. Green of Wisconsin, and Mr. Calvert.

H.R. 3634: Mr. Brady of Pennsylvania.

H.R. 3670: Mr. Kucinich, Mr. Dingell, and Mr. LaFalce.

H.R. 3680: Mr. Holt, Mr. Sandlin, Mr. Kleczka, Mr. Bartlett of Maryland, Mr. Udall of Colorado, Mrs. Morella, Ms. Eshoo, Mr. Reynolds, Mr. Ballenger, Ms. Lee, Mr. Martinez, Mr. Etheridge, Mr. Farr of California, Mr. Smith of Texas, and Mr. Ewing.

H.R. 3694: Mr. Calvert.

H.R. 3700: Ms. Schakowsky, Mr. Sanders, Ms. Lee, Mr. McIntosh, Mr. Bonior, Mr. Evans, Ms. Hooley of Oregon, and Mr. Pastor.

H.R. 3710: Mr. Wexler, Ms. Waters, Ms. Hooley of Oregon, Mr. Hall of Texas, Mr. Brady of Pennsylvania, Mr. Rogan, Mr. Coyne, Mr. Turner, Ms. Carson, Ms. Roybal-Allard, Mr. Meeks of New York, Mr. Meehan, Mr. Tierney, Mr. Martinez, and Mr. Gutierrez.

H.R. 3766: Mrs. Thurman, Mr. Rothman, Mr. Clyburn, Mr. Scott, Mr. Lipinski, Mr. Boswell, Mr. Delahunt, Mr. Petri, Mr. McHugh, Mr. Stark, Mr. Wise, Mr. Mollohan, Mr. Markey, Mr. Murtha, and Mr. Berry.

H.R. 3809: Mr. Rangel and Mr. Matsui.

H.R. 3836: Mr. Kanjorski and Mr. Camp.

H.R. 3840: Mr. Foley and Mr. Kennedy of Rhode Island.

H.R. 3841: Ms. Norton.

H.R. 3842: Mr. McNulty, Mr. Oxley, Mr. Turner, Mr. Wu, Mr. LoBiondo, Mr. Ryun of Kansas, Mr. Bartlett of Maryland, Mr. Schaffer, Mr. Gutknecht, and Mr. Latham.

H.R. 3871: Mr. Schaffer.

H.R. 3872: Mr. Foley, Mr. Traficant, Mr. Norwood, Mr. Goodlatte, and Mr. Cook.

H.R. 3873: Ms. Eddie Bernice Johnson of Texas.

H.R. 3889: Mr. Ackerman and Mr. Engel.

H.R. 3891: Mr. Fattah and Mrs. Lowey.

H.R. 3905: Mr. Levin and Mr. Lewis of Georgia.

H.R. 3916: Mr. Menendez, Mr. Largent, Mr. McHugh, Mr. Tancredo, Mr. Sweeney, Mrs. Tauscher, Mrs. Thurman, and Mr. Gonzalez.

H.R. 3993: Mr. King and Mr. Forbes.

H.R. 4033: Mr. Pastor, Mr. Jackson of Illinois, Mr. Barrett of Wisconsin, and Mr. Larson.

H.R. 4040: Mr. Calvert.

H.R. 4066; Mr. Allen, Mr. Coyne, Mr. Jackson of Illinois, Mr. Porter, Mr. George Miller of California, Ms. Lofgren, and Mr. Rothman.

H.R. 4076: Mr. Schaffer.

H.R. 4090: Ms. Millender-McDonald.

H.R. 4094: Mr. Rush, Mr. DeFazio, Mr. Olver, Mr. Gordon, Mr. Klink, and Mr. Ford.

H.R. 4106: Mr. Ehlers and Mr. Calvert.

H.R. 4131: Mr. Rodriquez, Mr. Reyes, and Mr. Baca.

H.R. 4141: Mr. Burr of North Carolina, Mr. Ehrlich, Mr. Ehlers, Mr. Graham, Mr. Aderholt, and Mr. Thune.

H.R. 4143: Ms. DeLauro, Mr. Stupak, and Ms. Eddie Bernice Johnson of Texas.

H.R. 4152: Mr. Shays.

H.R. 4154: Mr. Calvert.

H.R. 4167: Mrs. Myrick, Mr. Evans, Mr. Petri, Ms. McKinney, Mrs. Morella, Mr. Baldacci, Mr. Shays, Mr. Waxman, Mr. Smith of Washington, Mr. Sanders, Mr. Gutierrez, Ms. Rivers, Mr. Engel, Mr. Abercrombie, and Ms. Baldwin.

H.R. 4168: Mr. Gordon, Mr. Vento, Mr. Sherman, Mr. Cummings, Mr. Kennedy of Rhode Island, Mr. Sanford, Mr. Borski, Mr. Holden, and Mr. Skelton.

H.R. 4184: Mr. Calvert and Mr. Rohrabacher.

H.R. 4191: Mr. English and Mr. McHugh.

H.R. 4192: Mrs. Thurman Mr. DeFazio, and Mr. Stark.

H.R. 4198: Mr. Norwood and Mr. Manzullo.

H.R. 4201: Mr. DeLay, Mr. Fossella, Mr. Deal of Georgia, Mr. Cox, Mr. Baker, Mr. Jones of North Carolina, Mr. Callahan, Mr. Ramstad, Mr. Whitfield, Mr. Burr of North Carolina, Mr. Dickey, Mr. Tancredo, Mr. Goodlatte, Mr. Rogan, and Mr. Bilirakis.

H.R. 4213: Ms. Berkley, Mr. English, Mr. Nethercutt, and Mr. Davis of Illinois.

H.R. 4214: Ms. Carson, Mr. Towns, Mr. McCrery, Mr. Ehrlich Mr. Pastor, Mr. Calvert, Mr. Bilirakis, Ms. Sanchez, Mr. Pickett, and Mr. Clyburn.

H.R. 4215: Mr. Deal of Georgia, Mr. Cunningham, Mr. Thornberry, Mr. Kingston, and Mr. Weldon of Florida.

H.R. 4218: Mr. Ose.

H.R. 4219: Mr. Norwood, Mr. Kanjorski, Mr. Gonzalez, Mr. Kennedy of Rhode Island, Mr. Pomeroy, Mr. Ney, Mr. Coyne, Mr. Mollohan, Mr. Sawyer, Mr. Oberstar, Mr. Sununu, Mr. Sanders, Mr. Wise, Mr. Gekas, Ms. Hooley of Oregan, Mr. Toomey, and Ms. Berkley.

H.R. 4245: Mr. Towns, Mr. Rahall, Mr. McCrery, Mr. English, Mr. Ehrlich, Mr. Calvert, Mr. Bilirakis, Mr. Pickett, and Mr. McGovern.

H.R. 4246: Mr. Calvert.

H.R. 4260: Mr. Manzullo and Mrs. Thurman.

H.R. 4268: Mr. Ney and Mr. Camp.

H.R. 4274: Mr. McCollum and Mr. Cunningham.

H.R. 4277: Mr. Petri.

H.R. 4289: Mr. Watts of Oklahoma, Mr. Porter, Mr. Shimkus, Mr. Lantos, Mr. Kildee, Mr. Moran of Virginia, Mr. Underwood, Mr. Lipinski, Mr. Costello, and Ms. DeLauro.

H.R. 4299: Mr. Barr of Georgia, Mr. Chambliss, Mr. Collins, Mr. Linder, Mr. Isakson, and Mr. Norwood.

H.R. 4308: Mr. Pombo.

H.R. 4313: Mr. Baca and Mr. Pastor.

H.R. 4334: Mr. Rahall, Ms. Carson, and Mr. Allen.

H.R. 4356: Mrs. Kelly.

H.J. Res. 1: Mr. Vitter.

H. Con. Res. 62: Mr. Baldacci.

H. Con. Res. 177: Ms. Roybal-Allard and Mr. Baird.

H. Con. Res. 220: Mr. Pastor.

H. Con. Res. 252: Mr. Lewis of Kentucky, Mr. Duncan, Mr. Thornberry, Ms. Jackson-Lee of Texas, Mr. Greenwood, Mr. McCollum, Mr. Petri, Mr. Fletcher, Mr. Tanner, and Mrs. Morella.

H. Con. Res. 271: Mr. DeFazio, Mr. Meehan, Mr. Wexler, Mr. Wynn, Ms Carson, Mr. Gonzalez, Mr. Baldacci, and Mr. Payne.

H. Con. Res. 297: Mr. Sawyer and Mr. Waxman.

H. Res. 107: Mr. Luther, Mr. Campbell, and Mr. Hastings of Florida.

H. Res. 458: Mr. Rahall and Ms. Hooley of Oregon.

H. Res. 459: Ms. Pryce of Ohio and Mr. Ryun of Kansas.

H. Res. 463: Mr. Schaffer.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 701

Offered By: Mr. Young of Alaska

Amendment No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation and Reinvestment Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Annual reports.
Sec. 5. Conservation and Reinvestment Act Fund.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Budgetary treatment of receipts and disbursements.
Sec. 8. Recordkeeping requirements.
Sec. 9. Maintenance of effort and matching funding.
Sec. 10. Sunset.
Sec. 11. Protection of private property rights.
Sec. 12. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

Sec. 101. Impact assistance formula and payments.
Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 203. Availability of amounts.
Sec. 204. Allocation of Fund.
Sec. 205. Use of Federal portion.
Sec. 206. Allocation of amounts available for State purposes.
Sec. 207. State planning.
Sec. 208. Assistance to States for other projects.
Sec. 209. Conversion of property to other use.
Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

Sec. 301. Purposes.
Sec. 302. Definitions.
Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 305. Education.
Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 402. Purpose.
Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 404. Authority to develop new areas and facilities.
Sec. 405. Definitions.
Sec. 406. Eligibility.
Sec. 407. Grants.
Sec. 408. Recovery action programs.
Sec. 409. State action incentives.
Sec. 410. Conversion of recreation property.
Sec. 411. Repeal.

TITLE V—HISTORIC PRESERVATION FUND

Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

Sec. 601. Purpose.
Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
Sec. 603. Authorized uses of transferred amounts.
Sec. 604. Indian tribe defined.

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

SUBTITLE A—FARMLAND PROTECTION PROGRAM

Sec. 701. Additional funding and additional authorities under farmland protection program.

Subtitle B—Endangered and Threatened Species Recovery

Sec. 711. Purposes.
Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 713. Endangered and threatened species recovery assistance.
Sec. 714. Endangered and Threatened Species Recovery Agreements.
Sec. 715. Definitions.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term "coastal political subdivision" means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term "coastal State" has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term "coastline" has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term "distance" means minimum great circle distance, measured in statute miles.

(6) The term "fiscal year" means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term "Governor" means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 16 U.S.C. 3830 note).

(8) The term "leased tract" means a tract, leased under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term "political subdivision" means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term "producing State" means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term "qualified Outer Continental Shelf revenues" means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term "Secretary" means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term "Fund" means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) Report to Congress.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) Establishment of Fund.—There is established in the Treasury of the United States a fund which shall be known as the "Conservation and Reinvestment Act Fund". In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS revenues.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) Amounts not disbursed.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) Interest.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) Transfer for Expenditure.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $100,000,000 to the Secretary of Agriculture to carry out the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 16 U.S.C. 3830 note) and the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(8) $50,000,000 to the Secretary of the Interior to develop and implement Endangered and Threatened Species Recovery Agreements under subtitle B of title VII of this Act.

(c) Shortfall.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (8) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) Interest.—

(1) In general.—The Secretary of the Treasury shall invest moneys in the Fund (including interest), and in any fund or account to which moneys are transferred pursuant to subsection (b) of this section, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement for the programs financed under this Act.

(2) Use of interest.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraphs (A) and (B) in proportion to the amounts appropriated for that fiscal year under other provisions of law for purposes of such programs. To the extent that the total amount available for a fiscal year under this paragraph and such other provisions of law for one of such programs exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be allocated to the other such program, but not in excess of its authorized limit. To the extent that for both such programs such total amount for each program exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be deposited into the Fund and shall be considered interest for purposes of subsection (a)(3). Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (A) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $100,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (B), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (B) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $15,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (A), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of this paragraph if the annual appropriation for that fiscal year under other provisions of law for each of the program referred to in subparagraph (A) and the program referred to in subparagraph (B) is less than $100,000,000 and $15,000,000, respectively, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be deposited into the Fund and be considered interest for purposes of subsection (a)(3).

(3) Ceiling on expenditures of interest.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) Title III interest.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) Refunds.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund to the extent that such refunds are attributable to Qualified Outer Continental Shelf Revenues deposited in the fund under this Act.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) In General.—It is the intent of thE Congress in this Act that States not use this Act as an opportunity to reduce State or local resources for the programs funded by this Act. Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its average annual expenditure was for such programs during the preceding 3 fiscal years. No State or local government shall receive funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program.

(b) Exception.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures—

(1) is attributable to a nonselective reduction in expenditures for the programs of all executive branch agencies of the State or local government;

(2) is a result of reductions in State or local revenue as a result in a downturn in the economy or because of reduced sales or user fees; or

(3) is within the range of historical fluctuations of State appropriations.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 9. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 11. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract with qualified Outer Continental Shelf revenues, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be based on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each such leased tract or portion, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs.

The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 8, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows.

"(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 2000.".

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 4601-6) is amended to read as follows:

"APPROPRIATIONS

"SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

"(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act,".

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601-7) is amended to read as follows:

"ALLOCATION OF FUNDS

"SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

"(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

"(2) 50 percent shall be available for grants to States.".

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601-9) is amended by adding at the end the following:

"(d) USE OF FEDERAL PORTION.—

"(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

"(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

"(A) the owner of the property concurs in the acquisition; or

"(B) acquisition of that property is specifically approved by an Act of Congress.

"(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

"(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress.

"(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

"(B) In preparing each list under suparagraph (A), the Secretary shall—

"(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

"(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

"(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

"(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

"(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

"(C) The Secretary of the Interior and the Secretary of Agriculture shall each—

"(i) transmit, with the list transmitted under subparagraph (A), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided for by law; and

"(ii) update and resubmit to the Congress each list transmitted under clause (i), as land management plans are amended or revised.

"(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list under paragraph (2)(A) shall include, for each proposed acquisition included in the list—

"(A) citation of the statutory authority for the acquisition, if such authority exists; and

"(B) an explanation of why the particular interest proposed to be acquired was selected.

"(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e)(2)(A) for the fiscal year, provides notice of the proposed acquisition—

"(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

"(A) the land; or

"(B) any part of any federally designated unit that includes the land;

"(2) in writing to the Governor of the State in which the land is located;

"(3) in writing to each State political subdivision having jurisdiction over the land; and

"(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

"(g) Compliance With Requirements Under Federal Laws.—

"(1) In general.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

"(A) All actions required under Federal law with respect to the acquisition have been complied with.

"(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

"(C) A notice of the availability of such statement or assessment and of such summary is provided to—

"(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

"(ii) the Governor of the State in which the land is located; and

"(iii) each State political subdivision having jurisdiction over the land.

"(2) Limitation on application.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.".

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) In General.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended to read as follows:

"(b) Distribution Among the States.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

"(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

"(A) 30 percent shall be apportioned equally among the several States; and

"(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

"(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

"(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

"(5)(A) For the purposes of paragraph (2)(A)—

"(i) the District of Columbia shall be treated as a State; and

"(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

"(I) shall be treated collectively as one State; and

"(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

"(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.".

(b) Tribes and Alaska Native Corporations.—Section 6(b)(5) (16 U.S.C. 4601–8(b)(5)) is further amended by adding at the end the following new subparagraph:

"(C) For the purposes of paragraph (1), all federally recognized Indian tribes, or in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes, or in the case of Alaska, Native Corporations shall be equivalent to the amount available to a single State. No single tribe, nor in the case of Alaska, Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe, or in the case of Alaska, Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).".

(c) Local Allocation.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended by adding at the end the following:

"(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.".

SEC. 207. STATE PLANNING.

(a) State Action Agenda Required.—

(1) In general.—Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

"(d) State Action Agenda Required.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, so long as the priorities and criteria defined by the State are consistent with the pruposes of this Act, the State provides for public involvement in this process, and the State publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 2000, a State Action Agenda that meets the following requirements:

"(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 5 years.

"(B) The agenda must be updated at least once every 5 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

"(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.".

(2) Existing state plans.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) Miscellaneous.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking "State comprehensive plan" and inserting "State Action Agenda".

(2) In paragraph (1) by striking "comprehensive plan" and inserting "State Action Agenda".

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

(1) in subsection (e)(1) by striking ", but not including incidental costs relating to acquisition"; and

(2) in subsection (e)(2) by inserting before the period at the end the following: "or to enhance public safety within a designated park or recreation area".

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)(3)) is amended—

(1) by inserting "(A)" before "No property"; and

(2) by striking the second sentence and inserting the following:

"(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

"WATER RIGHTS

"SEC. 14. Nothing in this title—

"(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

"(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

"(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

"(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.".

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.".

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting "(1)" after "(a)", and by adding at the end the following:

"(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 2000 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs."; and

(2) by adding at the end the following:

"(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

"(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 2000; or

"(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

"(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.".

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

"(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

"(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

"(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

"(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

"(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

"(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

"(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

"(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

"(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

"(B) provisions for the development and implementation of—

"(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

"(ii) wildlife-associated recreation projects; and

"(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

"(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

"(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

"(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

"(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

"(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

"(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: "Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.".

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

"TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

"SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

"(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

"(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

"(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

"(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

"(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.".

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting "development of new recreation areas and facilities, including the acquisition of lands for such development," after "rehabilitation of critically needed recreation areas, facilities,".

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking "and" after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

"(l) 'development grants'—

"(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

"(2) does not include routine maintenance, and upkeep activities; and

"(m) 'Secretary' means the Secretary of the Interior.".

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

"(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

"(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

"(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.".

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

"GRANTS

"SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, acquisition, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

"(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

"(A) such transfer is consistent with the approved application for the grant; and

"(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities in accordance with section 1010.

"(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting "development," after "commitments to ongoing planning,"; and

(2) in subsection (a)(2) by inserting "development and" after "adequate planning for".

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

"(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The

Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

"(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.".

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

"CONVERSION OF RECREATION PROPERTY

"SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

"(2) Paragraph (1) shall apply to—

"(A) property developed with amounts provided under this title; and

"(B) the park, recreation, or conservation area of which the property is a part.

"(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

"(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

"(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

"(1) of at least equal fair market value, and reasonably equivalent usefulness and location; and

"(2) in accord with the current recreation recovery action program of the grantee.".

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

"(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation to carry out this Act.

"(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.".

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

"SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

"In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.".

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Farmland Protection Program

SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AUTHORITIES UNDER FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 16 U.S.C. 3830 note) is amended to read as follows:

"SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall carry out a farmland protection program for the purpose of protecting farm, ranch, and forest lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

"(1) permanent conservation easements in such lands; or

"(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

"(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

"(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

"(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

"(1) An agency of a State or local government.

"(2) A federally recognized Indian tribe.

"(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

"(A) is described in section 501(c)(3) of the Code;

"(B) is exempt from taxation under section 501(a) of the Code; and

"(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

"(e) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

"(f) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

"(g) TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary of Agriculture may not use more than 10 percent of the amount made available for any fiscal year under section 702 of the Conservation and Reinvestment Act of 2000.".

SEC. 702. FUNDING.

(a) AVAILABILITY.—Amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be available to the Secretary of Agriculture, without further appropriation, to carry out—

(1) the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), and

(2) the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(b) MINIMUM ALLOCATION.—Not less than 10 percent of the amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be used for each of the programs referred to in paragraphs (1) and (2) of subsection (a).

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(8) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance on land owned by a small landowner.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term "endangered or threatened species" means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) SMALL LANDOWNER.—The term "small landowner" means an individual who owns 50 acres or fewer of land.

(4) SPECIES RECOVERY AGREEMENT.—The term "species recovery agreement" means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

SENATE—*Thursday, May 4, 2000*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, ultimate ruler of this Nation, the one to whom we are joined with millions of Americans across the land in humble repentance on this National Day of Prayer, we know that repentance is confessing our needs and returning to You. In so many ways we have drifted from You, Holy Father. Forgive us when we neglect our spiritual heritage as a Nation. Help us when we become dulled in our accountability to You and the moral absolutes of Your commandments. Without absolute righteousness, morality, honesty, integrity, and faithfulness, our society operates in frivolous situational ethics while the prosperity of our times camouflages the poverty of the soul of our Nation.

May this day of prayer be the beginning of a great spiritual awakening. Wake us up to the realization that all we have and are is Your gift. Draw us back into a relationship of graceful trust in You that will make our motto "In God We Trust" not just a slogan but a profound expression of our dependence on You to guide and bless this Nation. We confess our false pride and express our full praise. Today we renew our commitment to You as Lord of this land and of our personal lives. Hear the urgent prayers of Your people and bring us back home to Your heart where we belong.

Today, gracious God, we join the Nation in mourning the death of John Cardinal O'Connor. We thank You for his leadership, for his prophetic powers, and for his obedience to follow You in social justice.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Indiana, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will immediately begin consideration of the Abraham-Mack amendment regarding merit pay for teachers. Following that debate, Senator MURRAY will be recognized to offer her amendment regarding class size. No time agreements have been made with regard to these amendments, and therefore votes will occur at a time to be determined in the future. Senators will be notified as votes are scheduled.

The Senate will not be in session tomorrow. However, it is expected that debate on the Elementary and Secondary Education Act will continue next week.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3117

Mr. ABRAHAM. Mr. President, I send an amendment to the desk on behalf of Senator MACK, myself, and Senator COVERDELL, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. MACK, and Mr. COVERDELL, proposes amendment numbered 3117.

Mr. ABRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WELLSTONE. Mr. President, I have a unanimous-consent request regarding debate on this amendment. I think we will probably go back and forth, but on the Democratic side, after Senator KENNEDY and Senator MURRAY speak, I ask unanimous consent I follow them in sequence as we alternate back and forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, my assumption is that the unanimous-consent agreement that was entered into and envisioned, we would alternate between sides if there are speakers on each side, but that it would govern the order in which the Democratic side speakers would address the Senate.

The PRESIDING OFFICER. That is the Chair's understanding. The Chair, under the unanimous-consent request, will alternate between sides. The speakers on the Democratic side are Senator KENNEDY, Senator MURRAY, and Senator WELLSTONE, in that order.

Mr. ABRAHAM. Mr. President, title II of the bill before the Senate today includes a provision called the Teacher Employment Act—or TEA. This provision combines the current ESEA, title II, Eisenhower Professional Development Program and the class-size reduction program, for a total of $2 billion, which is then made available to states and local education agencies for teacher development programs.

Our amendment would amend the TEA provision—and expand the scope of allowable uses of title II professional development funds to allow states and local education agencies to use these funds for the development and implementation of teacher testing, merit-based pay, and tenure reform programs.

Mr. President, I believe that a qualified, highly trained, and highly motivated teacher is the key to a quality education for America's children. Most of our colleagues would agree.

Teachers play a special and indispensable role in our children's education. Nothing can replace the positive and long-lasting impact a dedicated, knowledgeable teacher has on a child's learning process.

The National Commission on Teaching and America's Future found that while class size reduction has the least impact on increasing student achievement and that teacher-education—teacher quality—has the most impact on student achievement.

Our amendment is designed to improve the quality of our teachers. It puts into practice the common sense we all share—the sense that teachers should be trained in the area they teach, that outstanding teachers should be rewarded, and that a teacher's promotion should be based not just on longevity but on performance.

Let me explain why I believe this amendment is important. First, I believe that teachers should know the subject matter they teach. Unfortunately, this is not always the case in many classrooms around the country. According to the Department of Education, one-third of high school math teachers, nearly 25 percent of high school English teachers and 20 percent of science teachers, are teaching without a college major or minor in their subjects. Teacher testing allows school districts to better target those teachers in need of additional professional development. By pinpointing the strengths and weaknesses of teachers, schools will be able to place teachers in their area of specialty and help those teachers in need of additional professional development.

A recent study, using student math scores on the Tennessee Comprehensive Assessment Program for two large Tennessee metropolitan area school systems, at the University of Tennessee at Knoxville ranked teachers based on five objective rankings of effectiveness. By the fifth grade, students who had studied under "highly ineffective" teachers averaged 54 to 60 points lower on achievement tests than students who had spent the 3 years with "highly effective" teachers.

I believe that States and local districts should be allowed to use Federal funds for teacher testing programs to determine which teachers are effective, and for which teachers additional professional development would be of assistance.

Second, I believe that outstanding teachers should be rewarded with merit-based pay increases. Teachers who motivate and inspire their students and put forth the extra effort to improve and expand their own skills should be rewarded. In the business world, employees who go the extra mile and exceed expectations are financially rewarded for their dedication and hard work. Are teachers, tasked with educating and shaping our children lives and futures, any less deserving of merit-based pay rewards?

Merit-based pay would reward teachers for exceptional teaching—providing added incentive to excel at a demanding and challenging profession. A senior associate at the Educational Trust, an advocacy group for the poor, once referred to high-poverty schools as boot camps for teachers.

Shouldn't there be the option of rewarding teachers who choose to take the more difficult path or who inspire less advantaged students to perform at a level well above that of their peers? I believe every one of us understands that teachers do, indeed, deserve these rewards. And, what is more, our kids deserve the improved educational experience such rewards will produce. Finally, I believe that teachers should be promoted to higher positions based on performance and subject expertise, not just on the longevity of their tenure.

Tenure reform ensures teachers will be held accountable for their overall performance in the classroom. According to U.S. News and World Report, the presiding officer's own State of Kentucky's tenure reforms—which includes exhaustive performance evaluations of teachers and schools and accountability for poorly performing teachers and administrators—have dramatically improved many of that State's worst performing schools. All of these reforms can vastly improve the quality of instruction in the classroom, which will provide students with the educational tools necessary to succeed in this new demanding economy they confront. I believe we ought to permit the States and local districts to use federal funds to design, develop, and implement these reforms—should they decide to do so.

Now let me now explain what this amendment does and does not do. It permits—and I stress word "permits"—states and localities to use these funds for teacher testing, merit pay, or tenure reform programs. It does not mandate or require them to set up these programs—nor does it penalize them if they choose not to. It gives States and localities the freedom to decide precisely how these programs should be designed and how they should be administered. It does not require the States and local districts to do anything with the information gathered from testing or which tests to be used. Nor would they be required to base merit pay decisions on the outcome of the teacher tests. This amendment does not dictate that Federal funds must be used for tenure reform or establish criteria for such reform. Again, it only permits States and local districts to use funds for those purposes if they choose, based on how they choose.

While it could be argued that teacher testing, tenure reform, and merit-pay programs are already permissible uses under the Teachers Empowerment Act provision, we believe that explicitly listing these programs would eliminate any uncertainty among the states and local districts, granting them the freedom to full develop and implement the programs which will best target their specific needs in teacher professional development. This amendment is based in the same principles as the legislation that passed the Senate last Congress with bipartisan support by a vote of 63–35.

In conclusion, I would like to recognize a very simple fact. We in Washington too often focus on these issues from simply a national perspective. I think this debate we have had over the last few days clearly focuses on the important, critical role States and especially local school districts must play in the development of quality education in our Nation.

This amendment is designed to give even more flexibility to the States and the local districts to use these Federal funds for programs that we believe can help to improve their quality. There are no mandates. This is simply a permissible use that we would be providing.

In summary, we think this legislation can be improved by the amendment. We look forward to hearing discussion on it today. We believe it is important to reward quality teachers of this country for their commitment to ensure our children will be taught by the most qualified and knowledgeable individuals available.

I will have more to say on this as we go forward. I know there are other Senators wishing to address the issue. I note the presence of Senators MACK, WELLSTONE, and KENNEDY, so I yield the floor and I will speak again at a later point.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, generally around here if there is someone who is proposing the amendment, they are recognized to make opening comments. I understand there is a cosponsor on that. I think they should be entitled to also make opening comments. We will be glad to hear from the other cosponsor of the amendment if he would like to speak first.

Mr. MACK. I am glad to let my colleague go first.

Mr. KENNEDY. Mr. President, I will just make a brief opening comment. I want to start off by mentioning where we are on the issue of teacher training and teacher enhancement that is being addressed by my good friend from Michigan. Under the Republican bill, there is $2 billion for teacher quality and class size—that is a total of $2 billion. Included in that, is $1.3 billion which is presently allocated for the class size reduction program that has been implemented for 2 years in a row. Therefore, the 29,000 teachers teaching today in grades 1, 2, and 3, who are getting paid out of class size reduction program funds, will effectively be receiving pink slips because the Republicans are taking that program's money and putting it into the Republican bill.

Second, part of that $2 billion is the $350 million that is currently being used in math and science professional development across the country. The $350 million program, named after President Eisenhower, helps local schools to develop the capability of math and science teachers. It has been a good program and is working effectively around the country.

So, the Republicans want to wipe out the new teachers who have been hired for the first, second, and third grade; they want to end the Eisenhower math and science professional development program.

On the other hand, our total proposal on the Democrat side is $3.75 billion. We have $2 billion which is for professional development, mentoring and recruitment, and $1.75 billion for class size reduction. We had, as part of our debate yesterday, included our $3.75 billion in the democratic substitute. Last evening, I reviewed what we did in our particular proposal and the guarantees we provided for teacher quality and education. We made sure in our amendment that there was going to be a guarantee of funds for professional development. The other side only mentions "a portion of funds for professional development". It is ironic to hear my friends talk about the importance of professional development, when they barely target any funds in their existing bill for professional development. "A portion can be spent."

Furthermore, their bill does not guarantee any funds for mentoring programs, which we all know are so important and effective for retaining teachers.

We find the turnover of teachers serving in title I underserved areas averages 50 to 60 percent in 4 years as compared to those who have mentoring, which can make a great deal of difference to teachers. Their amendment does not address the issue of how to resolve the high turnover rate issue. It does not guarantee that teachers are going to get special skills to help students with disabilities or limited English proficiency. It does not give priority to developing math and science training programs.

When all is said and done, our Republican friends have come up with nothing to ensure that a certain amount of these funds go for professional development, mentoring programs, recruitment programs—activities we know are proven to improve teacher quality and retention.

We were anticipating, maybe unreasonably so, that in the areas that are tried, tested, and true, such as enhanced teacher training in the classroom, that our friends were going to come up with something. Basically, what they came up with is merit pay and testing of teachers. We have listened carefully to what the Senator stated. We are, as I mentioned, somewhat interested in the fact that these are the two areas.

In looking through the studies and reports of incentives for teachers to advance their capability of academic achievement and results, the cumulative studies are very compelling and are rather common sense.

Obviously, the academic background of the teacher's expertise is enormously important. But, we still are finding out that of the more than 50,000 teachers who were hired this past year, the majority of those serving in high-poverty areas are not fully qualified. We need to do something about this. We find there is a higher turnover rate in high-poverty schools. We know that if the schools want to hold on to new teachers, mentoring by experienced teachers, is effective. Studies have shown this.

Also, it is very evident that there ought to be continuing education and professional development for all teachers. As the information comes in and more studies are conducted, it is clear that professional development ought to take place not outside the school but in the classrooms and schools.

These are the models which have had the greatest success in ensuring all of our teachers are of the highest quality. For those who are not going to measure up, after evaluations and professional development, they ought to be given their fair due in terms of a hearing, but then moved out of the educational system.

That is what we believe, that is for what we stand, and that is included in our educational provisions. Those are the issues that we feel are important.

I ask the Senator whether he knows of any States that have embarked on a merit pay program.

Mr. ABRAHAM. My understanding is States have experimented with merit pay programs since the 1960s. I can recall in the late 1960s when I was an intern working in the education office of the Governor of Michigan, we were looking at various experimental programs, learning from models from places such as North Carolina and other States that were experimenting with those programs.

It seems to me this is not a new proposal at all. It is one with which various States have experimented and employed in different ways for a long time. That was my first experience with it, I think in 1969, 1970.

Mr. KENNEDY. I asked the question because last night I tried to find out which States have merit pay programs, and I was unable to find any.

Currently, there is nothing prohibiting States from implementing merit pay programs. If it is so successful, I would have thought we would have had several States already doing it and demonstrated that it has improved student achievement.

I can give the Senator a number of places where it has been tried and dropped. In Fairfax County, VA, they developed a merit pay program in the last few years, but the program was dropped.

I am all for incentives for teachers who move ahead in their academic achievements and accomplishments. We ought to provide incentives to encourage professional development and more advanced degrees. I am all for schools that are able to move ahead, and for giving flexibility to the States and the educational districts to provide financial incentives to do that. But in the areas where we are talking about rifleshot programs, which this amendment does, for particular individuals—I can, probably like the good Senator from Washington, Mrs. MURRAY, think of teachers who are teaching in some of the toughest schools in Boston, in Holyoke, MA, and in a number of other communities, who are showing up every day, working hard, facing extraordinary challenges where almost a third of all the children attending those schools are coming from homes where there is either physical abuse or substance abuse. They deserve combat pay.

But that isn't what this is really about. This is about individuals and principals giving individual financial incentives. What we want to try to do is to make available—at least on our side—the kinds of financial resources available to local communities, for whole school reform.

I know the other side believes that States should have block grants—blank checks—but we want to support tried and tested programs that have worked.

I have a very interesting study here that was just completed by the National Commission on Teaching & America's Future, the Consortium for Policy Research in Education. A review of 65 studies of science teaching concluded that teachers' effectiveness in teaching science depends on the amount and kind of teacher education, disciplinary training, and the professional development opportunities they experience later in their careers.

That is what we should have, the continuing, ongoing availability and requirement that there is going to be a continuing upgrading of the skills of teachers. That is what they want.

What we have seen to be a strong determinant of teacher effectiveness stems from the quality of the teacher's initial teaching education and certification, and, second, later, professional development. Studies done over the last few years have shown this to be true.

In listening to our colleague speak, I was just trying to find out where his programs have been effective.

I yield at this time and then will come back to the issue. There are others who want to speak.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, let me make just a couple of comments before I give my prepared remarks.

It is interesting how this debate is being engaged rather vigorously so quickly and so early this morning. I remind my colleagues that this is basically this same amendment that was adopted by the Senate 63–35 in the last Congress.

I imagine the reason for it is that all of my colleagues received a letter from the National Education Association, the teachers union, in opposition to this amendment. This letter from the National Education Association on behalf of its 2.5 million members strongly urges opposition to the amendment offered by Senator ABRAHAM and myself. They are opposed to it because it authorizes "federal funds for [the purpose of] testing of current teachers, tenure reform, and merit pay."

I find it interesting that the NEA previously came out in support of testing—NEA President Bob Chase has said the NEA:

> . . . wholeheartedly supports and endorses the recommendations of the National Commission on Teaching and America's Future's new report, "Doing What Matters Most: Investing in Quality Teaching."

The report recommends: Teachers should be licensed based on demonstrated performance, including tests of subject matter knowledge, teaching knowledge, and teaching skill.

The report recommends: To encourage and reward teacher knowledge and skill, we should develop a career continuum for teaching linked to assessments and compensation systems that reward knowledge and skill.

That sounds to me like a broad endorsement of the concept of testing teachers to understand where they are with respect to the knowledge they have in the courses they are going to be teaching. I think it clearly indicates the idea of moving away from pay being based on someone's seniority to one based on merit—pay should be based on the ability to teach, the ability to be able to show, in testing, that they have the knowledge in the areas in which they are teaching.

So I make that comment to begin.

Further, with respect to questions about merit pay, again, my colleague already referred to the fact there have been States experimenting with this idea since the late 1960s. But Denver, CO, has a merit pay system. Interestingly enough, the Secretary of Education, Secretary Riley, when he was Governor of South Carolina, endorsed merit pay.

In Florida, we encourage teachers to participate in what I believe is the National Board for Professional Teaching Standards. If a teacher in the State of Florida successfully completes that process and becomes certified by this board, they are going to receive a bonus. I think that is merit pay.

So this idea that I think the Senator from Massachusetts tried to imply, that this is something no one is pursuing and there is no value to it, I would say, is not accurate.

Mr. President, I rise today with my friend and colleague, Senator ABRAHAM, to offer this critically important amendment. It focuses on the single most important, yet most overlooked, aspect of education—the quality of America's teachers.

Education is the engine of social and economic progress, and the ladder of opportunity. The rungs of that ladder must be supported by exceptional teachers. I have little doubt that the American spirit of ingenuity and innovation will continue to lead the world in providing new economic opportunities, expanding medical research and improving the quality of life for everyone. But there is a catch. For our children and grandchildren to achieve the high standards we expect of them, we must provide them with the tools they need to help them excel. The economic security of our children depends upon the quality of their education.

Each time we debate education reform in America, there is a growing sentiment that continued viability of the American dream could slip away simply because our children are unprepared to face tomorrow's challenges. The academic performance of America's students in international exams can hardly be considered world class. In fact, the longer our students attend American schools, the further behind they fall in performance. Consider these statistics:

While America's 4th graders score above the international average in math tests, they continue to trail students in countries like Austria, the Czech Republic, Hong Kong, Japan, Korea, the Netherlands, and Singapore. By the 8th grade, American students barely meet the international average, and by the 12th grade, American students lag far behind their international peers.

In science, U.S. students score above the international average in both 4th and 8th grades. But, in 4th grade, U.S. students are outranked by only one country—Korea. By the 8th grade, thirteen countries outrank U.S. students.

Again, that is an indication that the longer they are in school, the further behind they fall with other countries in the world.

In international physics tests, American 12th graders ranked sixteenth, and far behind countries like Russia, Slovenia, Latvia and the Czech Republic.

In both math and science, the performance of U.S. 12th graders is among the lowest in the industrialized world. Of the 21 countries that participate, the United States placed 16th in science and 19th in math skills.

Our students will be denied basic opportunities because they have not been adequately equipped to face a new, competitive, and global economy. We can and must do better.

Without qualified teachers in America's classrooms, all other attempts at reform are meaningless. We have long focused on the need to hire more teachers—as many as two million over the next decade. Our focus shouldn't be on the number of teachers, but rather, on the quality of those teachers.

As long as students are compelled to attend school, we should be compelled to staff those schools with the best and brightest teachers. Parents all over the state of Florida, and I imagine the same is true around the country, are concerned that the success—or failure—of their child's entire academic year will be determined by the quality and expertise of their child's teacher. Studies show that the most important factor in determining student success on standardized tests is the teacher's ability to present the material. As States are taking important steps to challenge their students with high-stakes tests for promotion and graduation, we must encourage states to step up to the plate and provide students with teachers who are better prepared than ever before.

Further complicating the situation is the shortage of teachers nationwide, which has led many school districts to assign teachers to subjects for which they have no formal training. Four million American students are currently being taught English, Math, or History by teachers who have neither a college major or minor in the subject they are teaching. Four million kids!

Mr. President, maybe I have a slightly different perspective in looking at these numbers today than I would have, say, 5 or 6 weeks ago. Priscilla and I were just blessed with our first granddaughter. We already have three grandsons, but this is our first granddaughter. While all of us in the family are engaged in the early days of raising that little baby and trying to get through the night, we are also concerned about the future for little Addison. Is she going to be among the one out of five students in America being taught English by a teacher who doesn't have a major or minor in English?

Think about that for a moment. I think one out of four math students are being taught by teachers who do not have a minor or major in that subject. So when I think about little Addison's future, and I realize the competitive world in which we live today, and how much more competitive it is going to be in the future, I know she is not going to be able to compete and have the same opportunities we all have enjoyed if she doesn't have an education second to none. Frankly, that can only come about as a result of having high-quality teachers in the classroom—teachers who my son and his wife, Ann, can be comfortable in knowing have the knowledge and expertise to provide that education.

Requiring secondary school teachers to earn a major or minor in their subjects might make sense if there were not a clearly superior policy that could be adopted instead, such as requiring teachers to pass a subject knowledge test for the subject areas they teach.

Teacher testing is an important first step toward upgrading the quality of instruction in the classroom. Testing provides a valuable opportunity for teachers to demonstrate knowledge of subjects for which they do not hold a major or minor degree. It will also enable principals to evaluate their staffing needs and to staff classrooms with the most qualified teachers. You simply can not teach what you don't know.

Common sense also dictates that we should not focus solely on under-performing teachers. We must also recognize that there are many great teachers who are successfully challenging their students on a daily basis. Teaching is one of the most important and challenging professions. While many excellent, enthusiastic, and well prepared teachers already work in America's schools, their work often goes unrecognized and unrewarded. Salaries for teachers lag far behind other professions for which a college degree is expected or required, and as a result, many exceptional teachers leave the profession and others who would be exceptional teachers never even consider teaching.

We have created a system of clear incentives for our best teachers to leave the classroom. Instead, we should be enacting policies to keep the best and brightest teachers in the classroom. To do this, we need to evaluate and reward teachers with a compensation system that supports and encourages them to strengthen their skills and demonstrate high levels of performance. That, in turn, will enhance learning for all children.

Today, schools compensate teachers based almost solely on seniority, not on their performance inside the classroom. It rewards underperforming teachers and penalizes exceptional ones by grouping them together in a single pay scale based primarily upon length of service. Merit-pay would differentiate between teachers who are hard-working and inspiring, and those who fall short. It is true that good teachers cost money. But the fact is, bad teachers can cost more because they limit the education of a child and his or her ability to contribute to society.

We hear quite often that merit pay won't work in public schools because it is too difficult to compare the accomplishments between teachers teaching smart, wealthy, well-disciplined, well-fed children versus those teaching poor, inattentive, hungry and unruly children. These conditions are no different than the differences faced by other professionals like doctors or lawyers who face both unwinnable cases or deadly diseases. Teachers should also be rewarded proportionately to their accomplishments in enhancing student learning, attitudes, and behavior.

This is not to suggest that simply throwing more money at schools and teachers will rescue schools from mediocrity. Some suggest we try throwing more money at the problem, although I would point out that we have already tried that. The United States spends more money per pupil than any other industrialized nation, and as I mentioned earlier, our children are not achieving high levels of performance on international standardized exams. The reality is that no amount of money will save mismanaged, bureaucratic, red-tape ridden schools from failure. And no amount of money will rescue a student who is placed in a classroom led by an unprepared, unenthusiastic, and uninspiring teacher. This debate is less about money and more about giving teachers a greater stake in the education they provide. We can do this by offering them real incentives to do their best so that their dedication and expertise will be recognized and rewarded. This will benefit all students.

Our amendment, known as the MERIT Act, will enable states to use their limited federal dollars on a number of initiatives to enhance teacher quality. First, this amendment provides funding for states to develop rigorous exams to periodically test elementary and secondary school teachers on their knowledge of the subjects they are teaching. Secondly, this amendment provides funding to states to establish compensation systems for teachers based upon merit and proven performance. Finally, this amendment provides states with resources to reform current tenure programs.

This broad approach will enable states to staff their schools with the best and most qualified teachers, thereby enhancing learning for all students. In turn, teachers can be certain that all of their energy, dedication and expertise will be rewarded. And it will be done without placing new mandates on states or increasing the federal bureaucracy.

Last Congress, the Senate passed a similar amendment with bipartisan support by a vote of 63–35 during debate on the Education Savings Account legislation. Unfortunately, the President vetoed that bill, despite his previous support for teacher testing.

I look forward to working with my colleagues as we continue the fight to give dedicated professionals, who teach our children, a personal stake in the quality of the instruction they provide. I hope there will again be broad, bipartisan support for this amendment. I thank the chair and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mr. COVERDELL. Mr. President, I was going to ask a question of the Senator from Florida. I am not trying to speak. Will the Senator yield for that?

Mrs. MURRAY. I will yield for a quick question.

Mr. COVERDELL. When the Senator from Florida brought this amendment to the floor, he was talking about an experience in Los Angeles at a school. In deference to the Senator from Washington, I want to keep it brief, but I wonder if he could allude to that briefly.

Mr. MACK. Mr. President, that is a story I remember very well. To cut it short takes away, I think, the strength of its message. So maybe a little bit later on in the debate we can discuss it, but I would be glad to yield the time back to the Senator so she can continue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, on our side, I ask unanimous consent that Senator WELLSTONE be followed by Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I congratulate the Senators from Michigan and Florida for addressing an issue I think all of us really need to address; that is, how do we recruit and retain good teachers in our classrooms today?

I think all of us whose kids are in public schools want to know our child will go to school and get the best teacher in that school. The question before us is, How do we make that happen? How do we ensure every one of our kids gets a really good teacher?

I have to say I am disappointed in the proposal our colleagues on the other side of the aisle came up with on merit pay. We have heard a lot of slogans in this debate. So far, from the other side, we have heard about private school vouchers, block grants, and now we are getting merit pay and testing for teachers. They all sound really good.

But I assure my colleagues, as someone who has been a teacher, someone who has been a school board member, someone who served in the State legislature, slogans don't teach kids; they don't keep good teachers in our classrooms; they don't improve test scores.

We are right in looking at the question of how we assure that we have good teachers. I was on a school board. I have debated the issue of merit pay, which, by the way, school districts can now do and which State legislatures can now do.

As a Senator, I ask you to give us an example of a current school district that has merit pay in place that is working. We have not heard of any. I will tell you why. Because when you get down to the question of what does merit pay really do and you start to look at it, you realize that merit pay doesn't accomplish what we really want in ensuring that all of our kids get a good education.

Good current educational policy and curriculum standards are what we want to teach our kids today. It is not how to sit at a desk, listen to an adult, do everything right all day long, and not move but, rather, how to work together in teams and how to work together with other students because that is what is required of them when they get into the workforce. Very few jobs today have a single person sitting at a desk doing the same task all day long.

Merit rewards an individual teacher pitted against another teacher rather than encouraging teachers to work together in their building to improve the education of all of our children.

That is what we are trying to teach our children. The best way to do that is by example—encouraging teachers in a building to work together. Certainly different teachers in every building have different skills. Certainly some of them do better with one child, or another child, or another curriculum piece.

We must encourage everyone to work together rather than saying we are going to pick the best three or four of you and give you an extra incentive; we encourage a teacher to come and be the principal's pet, or to be there to work the longest, or to try to show that they are somehow better than the other teachers. You start getting teachers pitted against each other. That is not what we want in a good school building. We want all the teachers supporting each other.

The best schools I have been in are ones where all of the first grade teachers get together after school, or support each other throughout the day, or share their curriculum. Who is going to share their curriculum, or share the good things that work in their classroom, if that means they may not be the teacher who gets the merit pay? That is why school boards and States have not enacted merit pay. It is simply another slogan we put out here.

I think we really need to concentrate on what works. How can we ensure that we recruit the best and brightest? How can we ensure that people want to go into the teaching profession, that we keep the best and brightest, and help those who need additional skills to be the best and the brightest?

Think back through your own education. I don't know how many Senators have gone to public schools all their lives. I have, my kids have, and I have been in them. I know. When I look back at my education, or my children's education, and I think about all the teachers I had—think about this: Which one would you pick to get merit pay? It is difficult to do because all of us have had really good teachers. Our kids have had good teachers, and all of us have had good teachers.

I will tell you something. I remember well when my kids were in elementary school and my son had a teacher for whom I didn't particularly care. I was at a meeting with some friends. I complained about the teacher. And, surprisingly, another one of my friends said: You do not like that teacher? That is the best teacher my child has ever had. Why? Because that teacher didn't connect with my son but did connect with her son. Different kids learn different ways. Different kids connect with different adults. A teacher may do really well with one child and not well with another.

Tell me, how are we going to pick which teacher gets the merit pay? By the parents who like the teacher the best? By the teacher who is the toughest, who may do well for some kids but not well for others? By the teacher who does the most testing in their classrooms? By the teacher who passes a test, maybe?

I can tell you this. I have had teachers in my own life and in my kids' lives who were brilliant but who had no way of communicating with the kids they were teaching or how to teach what they held in their own head.

I ask my colleagues, and I ask those who are listening, how would you pick which one of your very own teachers or which one of your kids' teachers should receive merit pay? Do you think you can do a fair job?

That is what we are doing in this amendment we are debating today. Somebody is going to have to pick. Somebody is going to have to choose that curriculum. Instead of encouraging teachers to work together, whatever that criterion is which some principal decides is going to be how they choose a teacher to get merit pay is going to create disincentives in their own building and antagonism in their own building. I don't think that is what we need to be encouraging.

I think we need to address the issue of getting the best and brightest teachers in our classrooms. We do not pay any teacher enough, I am here to tell you, particularly those teachers who are in our toughest schools, who have the kids with 99-percent-free and reduced lunches in their elementary schools. I have been in those schools—kids who come and hear 70 different languages in one school district, kids who come to school who have not even lived in a home, or in the same home for more than several weeks, kids who come to school whose parents may not have come home last night, who may not have eaten last night, who have seen tremendous difficulties in their own lives.

We need to make sure those kids get a good teacher. But those are incredibly difficult challenges, and those are the incredibly difficult classrooms.

If we are going to provide extra pay for a couple of teachers only, I say let's give it to those teachers who are teaching in the most difficult circumstances. We should be giving them combat pay for their difficult circumstances. Certainly, I will tell you that those teachers who are in those classrooms are not likely to be the ones who get merit pay if it is based on any kind of teacher testing, or testing of their students, because they have the toughest kids in their classrooms.

Merit pay, if you do it on testing, rewards those teachers whose kids come to school ready to learn, whose parents are there helping them, and who come from the communities that have the resources in those schools.

Let's be very careful about what we are promoting. Let's be sure that we tell kids in our high schools and colleges that we want them to teach; we need them to teach. We know we need the best and the brightest in our classrooms, we know we need teachers who are professionals, and we know we must reward them.

I know that doesn't address the question my colleagues brought out about: What about those poor teachers? What about those teachers who aren't qualified?

I can tell you what we are asking teachers to do today is tremendously different from what we asked teachers to do 10, 20, or 30 years ago.

If you got your teaching degree back in 1972 and you are teaching in a classroom today, I assure you that no one in your college taught you how to use a computer. No one taught you how to develop your curriculum to use technology. No one thought you would need the math skills our students need today. No one thought you would be teaching in a classroom with many different languages or cultures. No one thought you would have the discipline problems you have.

Let's take those teachers who got their degree back in 1970, 1975, or 1980 and give them the professional development to get the skills they need in today's classrooms.

I have talked to teachers who feel extremely frustrated. They tell me if I were in a private business and the requirements had changed as dramatically as our public schools had in the last 30 years, they would have sent me to professional development.

We lack the resources and haven't provided the resources in our public education system to give our teachers the professional development they need. Let's not condemn them for that now. Let's do what is right and help provide professional development for our teachers in a way that is constructive so we can keep people who want to be in the classroom but have not been able to keep up.

I think we can revise some of the systems of tenure; many districts have done that. I think that is a good way to proceed.

It is pretty darn frustrating to be a teacher today. They listen to the debate on the Senate floor and they hear about all the horrible teachers who cannot pass tests. These are people with college degrees who chose to be in our classrooms with our young kids. These are people who we should be supporting. We should be supporting them with incentives to be in the teaching profession. We should support them with quality pay. When teachers work for $23,000 a year and are told they have to go back and pay for a test to stay in this profession, or pay to go back to school, how do they do that? I don't know how they do that. I don't know how a single mom with a couple of kids who is teaching and earning $23,000 or $25,000 a year would ever be able to continue to be in our classroom, even if she were in the best classroom, if we required her to go back to school to take tests.

There is one problem with this underlying amendment I have not mentioned, and I don't think anybody has. There is no money here. It requires testing, and there is no money. That money will have to come from somewhere in the districts. The districts will not have the money, and likely they will require the teachers themselves to pay for it. That has been the practice in the past.

I understand the motive behind the slogan. I understand the desire to tell the good teachers in our classrooms that we appreciate the work they are doing. However, I think we should reward all teachers with better salaries. I think we should provide better training for teachers, more professional development for our teachers, give them the skills they need. If we want to come back and say we have done everything for these teachers to give them the best skills and they still don't make the grade, then there is something to say about this underlying amendment. We haven't done that yet. We have left our teachers behind. As a result, we have left our students behind.

In closing, there are tremendously good people in our schools today who are trying their best and working very hard. I think they deserve the most accolades we can give them. We should not be denigrating them.

We do have some excellent ways of rewarding good teachers today. On my staff, I have a woman named Ann Ifekwunigwe, an Albert Einstein Distinguished Educator. She has been with me on my staff as a fellow for the last year and has done an outstanding job. She is actually an elementary schoolteacher from the Los Angeles Unified School District. She is a great example of what we are already doing. Ann worked very hard and received her national board teacher certificate in California. Once you have done that in California, teachers then get a 15-percent salary increase and a $10,000 bonus.

There are ways under current law to encourage and help pave the way for teachers who want to get additional training which benefits all of our students. We should encourage those. I don't think we should be just using a slogan of merit pay, saying we will pick a couple of teachers out of our schools and tell them they are better than the rest of the teachers, without understanding the consequences of what may happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the Senator from Washington has asked the wrong question. She is looking for examples as to where merit pay is being used successfully and she just cited California. I am not familiar with that program, but it is a certification that led to a bonus and merit pay.

I remind the Senator of the remarks of the Senator from Florida. In Denver, CO, teachers earn additional bonuses if they show student improvement. Secretary Riley, of this administration, previously endorsed merit pay when he served as Governor of South Carolina. Florida law provides bonuses to teachers who are nationally certified by the National Board for Professional Teaching Standards, and can earn additional bonuses if they mentor another teacher in getting nationally certified as an additional bonus.

The superintendent of education from the State of Arizona was recently in our Capitol and lauded the concept of merit pay for teachers who have outstanding capabilities, pointing out this concept is important in order to retain people who are getting better and better. You need to be able to reward that teacher and keep that teacher in the system; otherwise, the individual is likely to leave.

Let me simply say I am quite taken with the argument given by the Senator from Washington which, in theory, runs against everything we do in this country—that there should be no reward for achievement; everybody has to be treated identically or they won't be able to work together.

That message is taught from elementary to high school to college to professional sports, where everybody has to work as a team—but is everybody treated the same way? What corporation in America could function that way? You would pay the salesman who sold 2 vacuum cleaners the same salary as one who sold 10. The American way is one of honest, fair competition and reward. We do not have a system where everybody is dumbed down. Yet this is an argument that people won't be able to get along if one is more successful than the other. The way it has always worked in this country is that person was a role model that made everybody else try to reach that standard to be as successful, to do as well.

Competition makes better products, better performers. The competition of ideas in our democracy makes ideas truer and more honest. Competition is healthy, not detrimental. The whole country is built on the back of it.

I appreciate the remarks of the Senator from Florida. I think he is probably somewhat stunned someone remembered something that was said months ago, but it was such a compelling story about the role of teachers in education, and he has been kind enough to stay.

As part of my remarks, I ask the Senator if he might relate to those in the center of this debate that great story of what he found in a very special school when he went to Los Angeles.

Mr. MACK. I thank the Senator for the opportunity to do this. A number of years ago, my wife and I visited a school called the Marcus Garvey School in Los Angeles. I went there because I was trying to learn more about the different types of schools in America—what works, what does not work. While I am going to be talking about the Marcus Garvey School, I am not endorsing or embracing everything the school does. But the thing that stood out to me was the role of the teacher in this school. So this is what happened.

I went to the Marcus Garvey School and met the administrator, the principal, the owner of the school—all one person, Anyim Palmer, who was in a room probably no bigger than 10 by 10, filled with furniture that was probably 35 or 40 years old. The phone was on a stack of papers. There was no secretary. When the phone rang, he answered it. The point I am making is there were not a lot of amenities. This is basic stuff. This is a building with rooms in it, an administrator, teachers, and students.

He said: I want to take you down and show you what some of our students are doing. Unfortunately, the school is not filled today because of the time of the year it is.

Priscilla and I went down to a room where there were three different groups of children being taught in the same room. The first group of students we saw were 2-year-old children. Again, I emphasize 2-year-olds, not second graders; 2-year-old children. There were eight of them sitting at a little table. The teacher said to the children: Show the Senator and Mrs. Mack how you can say your ABCs. You can imagine the cute little voices of those children as they recited their ABCs. When they finished that, the teacher said: Now that you have done it in English, do it in Spanish. So then these little 2-year-old children went through their alphabet in Spanish. When they finished that, the teacher then said to them: Now do the alphabet in Swahili, and they did that as well—2 years old.

We went across the room to where 3-year-old children were doing math problems. The teacher said to me: Give one of the students a math problem. As I would suspect most people would have done, I gave a problem such as 5 plus 8—you know, pretty straightforward. But, again, 3 years old. She said: No, no, no, give them a tough problem. So I said something like 325 plus 182. And this 3-year-old child, standing at the board, put down little dots, wrote down a number, another series of dots, wrote down a number and got the right answer at 3-years-old.

We went across the room where 4-year-old children were reading. We were told that these children were reading at the second, third, and fourth grade level. They were 4 years old.

We went into another room in this facility where there were 5-year-old children. A little boy was asked to stand up and recite for me, in the proper chronological order, every President of the United States. That little fellow stood up, looked me right in the eyes, and he rattled right through every President of the United States in the proper order. I must admit I knew he did that because they gave me a cheat sheet to look at. He was 5 years old.

Every time we went to a different area and saw these students, these children at work, Priscilla and I would say to this person who was taking us around: How can this be? How can this possibly be? What makes this work? Every single time we asked the question, the answer was: It is the teacher. It is the teacher. It is the teacher.

Anyim Palmer challenged what was then considered the best private school in Los Angeles County, their sixth grade against his third grade students. I think it was in math and English. You know who won—Anyim Palmer's third grade beat the sixth graders. How did he do it? What he said to me was: It was the teacher.

What I found out later is Anyim Palmer was a public school teacher in California who became so frustrated and angry that the system was failing to teach children in his community that he quit the public schools and started his own school. Do you know what he did? He also trained his own teachers. He said: Forget everything you have learned. I am going to train you. I am going to teach you how to teach.

Again, I thank the Senator for asking me to restate that story. It made a major impression on me. We can talk about all these other things, but we must focus on how to make sure that the teacher standing up in front of our children and grandchildren has the knowledge in the subject they are teaching—this is not fancy. We are not asking for special degrees. I am asking a very simple question. If a teacher is standing in front of my little granddaughter, Addison, a few years from now, I want my son and his wife to know the person who is teaching their little daughter has the knowledge in the subject they are teaching. That does not seem to be an unreasonable request to make.

I thank the Senator for asking the question. I yield.

Mr. COVERDELL. I thank the Senator from Florida. He has been at this some time. But let me just ask him, he is a principal coauthor of the measure. Is there anything about this measure that is a mandate?

Mr. MACK. I say to the Senator he is exactly right, there is no mandate. As strongly as I feel about it, I would like to, but I do not think that is our role. I think we can make some serious mistakes by mandating certain things, to say to a particular school district or a particular State they have to do what I say. They might say, what if we put this kind of testing program into effect but our concern is we need more computers. We need more books. We need—whatever.

This is not a mandate. It never has been a mandate. It never will be a mandate, at least as far as the Senator from Michigan and I are concerned. It is merely a statement of importance and it says to the schools if they want to, these dollars can be used for the purpose of developing the concepts for creating tests, developing some merit pay program, or in reforming tenure, all three of which we think can in fact go to the heart of the matter about what is necessary to improve the ability of the teacher.

The inference was made earlier that somehow or another those of us who are talking about this are out to degrade the teachers in this country. That is absolutely a false challenge. Most of us can remember those teachers who made a difference in our lives, who challenged us, who demanded from us that we do better. Each of us responded in a little bit different way. But we understand the importance of having good, quality teachers, and there are a lot of them. That is why we put the merit pay in, to recognize that.

Again, as to this notion that somehow or another if we were to put in place a merit pay system that, highlights teachers who are doing well, and encourages those who are not teaching our children to do better and somehow or another people would know and there would be divisions that would take place, let me tell you something. There is probably not a school in America where every teacher doesn't know who is carrying the load and who is not. You do not need a merit pay program for students and teachers alike to know who the good teachers are. You can just hear the kids talking about it: Boy, I hope I don't get in so-and-so's class.

It doesn't take a merit program. Merit pay is not going to do that. Children and parents already know the good ones and those who are not carrying their load.

What we are trying to do is the right thing.

Mr. COVERDELL. My colleague would agree, would he not, that the merit pay might keep that good teacher in that system longer than otherwise? At some point, we know we are losing good teachers because outside interests are seeking that kind of talent.

Mr. MACK. I certainly hope it would do that. I believe it would. As both of us have indicated, the State of Florida has developed a program that provides an incentive for teachers to get certification by a national board. If they receive that certification, they get a bonus.

They also get a bonus if they encourage another teacher to do the same thing.

What we are saying is, we are recognizing, not only through the dollars but through our interest, the importance of that individual teacher and the importance of the quality of that individual teacher. I believe it would encourage them to stay in the system longer. Most of the teachers love the children they are teaching. They want them to do better. We just need to give more encouragement to those teachers.

Mr. COVERDELL. I thank the Senator from Florida and the Senator from Michigan. I see the Senator from Minnesota is prepared to speak. He has been very accommodating. I have a few other things to say, but I am going to yield so he can proceed with his remarks. A little later today, I will have another opportunity, I am sure, to speak again. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague. I reserve my right to the floor and yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3118 TO AMENDMENT 3117

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk on behalf of myself and the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mrs. MURRAY, proposes an amendment numbered 3118 to amendment No. 3117.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1 of the amendment in line 4, strike all after "Reforming" through the end of the amendment and insert the following: "and implementing merit schools programs for rewarding all teachers in schools that improve student achievement for all students, including the lowest achieving students;

"(B) Providing incentives and subsidies for helping teachers gain advanced degrees in the academic fields in which the teachers teach;

"(C) Implementing rigorous peer review, evaluation, and recertification programs for teachers; and

"(D) Providing incentives for highly qualified teachers to teach in the neediest schools."

Mr. MACK. I suggest the absence of a quorum.

Mr. WELLSTONE addressed the Chair.

Mr. MACK. I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, the Senator from Minnesota yielded without losing his right to the floor and is entitled to recognition.

Mr. WELLSTONE. I believe I have the floor.

The PRESIDING OFFICER. I already recognized the Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. Mr. President, I will first respond, to make this a debate format, to some of the points I heard raised. I also will speak to the second-degree amendment.

One of the points that was made is that the focus on teacher merit is important because it leads to retention of teachers. I want to cite the National Commission on Teaching & America's Future, a report that came out in 1996 in which they spelled out the key elements for effective teacher retention: A, organize professional development around standards for teachers and students; B, provide a yearlong inservice internship; C, include mentoring and strong evaluation of teacher skills; and D, offer stable, high-quality professional development.

The second-degree amendment is about implementing merit schools programs for rewarding all teachers in schools that improve student achievement for all students, including the lowest achieving students.

Over and over, we have been here making sure those students who come from difficult circumstances and do not do as well are the students to whom we pay special attention.

B, providing incentives and subsidies for helping teachers gain advanced degrees in academic fields in which the teachers teach;

C, implementing rigorous peer review, evaluation, and recertification programs for teachers;

And D, providing incentives for highly qualified teachers to teach in the neediest schools.

In many ways, what is in the second-degree amendment mirrors what the National Commission on Teaching & America's Future tells us we need to do to have the very best teachers and retain those teachers as well.

I speak on behalf of the second-degree amendment. I want to talk about where I strongly dissent from the amendment my colleagues from Michigan and Florida have laid out: the emphasis on reforming teacher tenure systems and the emphasis on establishing teacher compensation systems based on merit and proven performance. Then I will talk about testing teachers periodically in the academic subjects in which they teach. I will talk about each one.

I am the first to admit that the tenure system does not always work the way we want it. I am the first to admit there are some teachers, unfortunately, in our schools who do not add to children but subtract. Sometimes they are tenured teachers, and that is when it gets tough. There is a reason for tenure, and the reason for tenure is to make sure teachers are free to express their ideas.

Albeit, I taught at the college level, but I am a perfect example of someone who benefited from tenure. First, I had to fight to get it. That is a 20-hour speech. The point is, there is no doubt in my mind that tenure was what gave me the protection to freely express my ideas on campus.

When we talk about education, we want students introduced to a variety of ideas, and we do not want teachers put in a position where they do not feel free to express their viewpoint, where they do not feel free to teach the way they believe they should teach, to teach students the way they think they should teach students because they worry about capricious, arbitrary decisions that might be made.

I now will talk about compensation based upon merit and then talk about teachers being tested periodically, and to give the example of Denver, CO, I think, raises yet another question. That has to do with this path we are barreling down with all the emphasis on standardized tests.

It is unbelievable. We have a trend in the country—and thank goodness people are now starting to look at it—where we are going to measure a student's academic performance on the basis of a single standardized test when all the people who have developed those tests tell us we should never use a single standardized test, and when we have not done what we should do to make sure every student has the same opportunity to do well on those tests. Let me do that parallel with teachers.

Let me give an example. I can see how this could very well happen given this proposal. If, for example, how well teachers are doing is based on how well students are doing, which is, in turn, based upon standardized tests given to students at as young an age as 8, if one is teaching in a school in an inner city, if one is teaching in a school in rural America, if one is teaching in a school where these kids come to kindergarten way behind, where they come from poverty homes, where they come from pretty difficult circumstances, and they do not have the resources they need, it could be your students are not going to do as well. Do we then argue the teachers do not show merit?

In addition, what kind of tests are we talking about using? The people who have done the professional work on having the very best teachers have said that in addition to having the decent salaries, in addition to putting an end to the bashing of public school teachers, in addition to making sure teachers have the resources with which to work, in addition to making sure we invest in the infrastructure of the schools, that we have the technology programs, that we have a manageable class size, in addition to all that, we want to have good peer evaluation, we want to have mentors, we want to have good programs during the summer, such as the Eisenhower program which has been eliminated in this block grant program which enables teachers of math and science to come together to compare notes and become revitalized and renewed. We want to do all of that. None of that is in this proposal. None of it is in the Republican bill, S. 2.

I say to my colleagues, not only does this amendment out here on the floor reflecting S. 2 do precious little to, No. 1, attract the very best into teaching, and, No. 2, to retain the very best in teaching—by the way, we have some of the very best teachers right now in public schools.

You know what, colleagues. Here is my challenge. I will tell you one of the ways we can retain good teachers is to stop bashing public school teachers. Some of the harshest critics of public school teachers on the floor of the Senate could not last 1 hour, I say to Senator SCHUMER, in the classrooms they condemn.

When I go into schools and talk to the students—and I am in a school every 2 weeks—I ask them: What do you think makes for good education? The first thing they say is: Good teachers. That is the first thing, even before, I say to Senator MURRAY, lower class size.

Then I ask: What makes for good teachers? And then we get into this discussion about what makes for good teachers.

By the way, I never hear students say the really good teachers are the teachers who engage in drill teaching, worksheet learning.

They hate it. They say the good teachers are the teachers who fire their imaginations, get them to connect themselves personally to the material they are talking about—none of which is ever reflected in these standardized tests.

Then, later on in the discussion—let's say there is an assembly of 600 students—I ask: How many of you are interested in going into public school teaching? I will tell you, I am lucky if it is 5 percent—maybe it is 10 percent—who say they are. This occurs at the very same time we are talking about over the next 10 years needing 2 million more people to go into education to become teachers, at the very same time we all say we care so much about education.

Then I ask the students: Why not? I want to tell you, colleagues, when these young people talk about whether or not they are going to go into public school teaching, and why they do not want to go into public school teaching, I guarantee you, they never say the reason they are not going to go into public school teaching to become public school teachers is because they are not going to have these merit tests.

They do not say: If there were merit tests, and we would have standardized tests to determine how we are doing to see if we are qualified to teach, then we would be really interested in becoming public school teachers.

They say two things discourage them from becoming public school teachers. No. 1 is that salaries are too low. By the way, a lot of women say—they are very honest about it—there was a time when maybe they would have had to go into teaching. They don't have to any longer in terms of opportunities for them.

The second thing they say—I think this needs to be said to some of our colleagues—is that they would be disrespected. I say to Senator MURRAY, who has probably had this discussion in Washington State, they have put more of an emphasis on being disrespected than the salary. They say there is just very little respect.

Then I say to them: Wait a minute. You are the students. Are you disrespecting your teachers?

They say: Well, you know, on our part, we do not give the teachers the respect they deserve. But it is a problem in the community as well.

So I say to my colleagues on the other side, rather than bringing amendments to the floor of the Senate that do not speak to what it is we should do to attract the very best teachers into public school education, what we should do—some of which is in the second-degree amendment that we now present—is put an emphasis on rewarding schools for doing well with the students and providing subsidies to help teachers gain advanced degrees in academic fields—who could argue with that?—and implementing good peer review. That really matters.

I say to Senator MURRAY, we were both teachers. Senator MURRAY, I think, would agree to having good evaluation and also providing incentives for highly qualified teachers to teach in the neediest schools. I thank my colleagues, Senator KENNEDY and Senator MURRAY, for having that provision in the amendment. That makes a great deal of sense.

The Abraham amendment which basically talks about maybe trying to figure out ways of "reforming" tenure systems, which I think means getting rid of tenure—let's be clear about what we are talking—and then talks about the teacher compensation systems based upon merit and proven performance, and then right away goes to periodic testing of teachers, is ridiculous. What kind of test are you going to use?

Now we are going to have standardized tests of students all over the country. Now we are going to have a single, standardized test for teachers all over the country. It is all going to become educational deadening. It is all going to discourage really talented people from wanting to teach. It is going to lead to drill education. It is going to focus attention away from what we all should be doing to make sure kids do well in school. It does not represent a step forward.

So I say to colleagues, I come here as someone who views education as the most important issue—that has been my adult life, education—to speak strongly in support of our second-degree amendment and to speak strongly in opposition to the Abraham-Mack amendment.

One final time I have to say this. I want to issue a warning. Albeit, the language is "may," but there is Federal money involved here. I want to, one more time, say that we are, in the name of "reform," talking about standardized testing everywhere.

I tell you, we should just listen to the students. I ask every Senator—Democrat and Republican alike—over the next 6 months, to try to spend a good deal of time in the schools in your States. Maybe many of you do. I am not implying the Senator from Michigan does not.

I find very little interest in standardized tests as representing a real indication of reform. I find the interest is in the discussion of smaller class size, the discussion of how to get really good teachers, the discussion of really good child care, prekindergarten, and the discussion of the decaying physical infrastructure of schools. I find a lot of the discussion, frankly, about what happens to kids when they go home and what happens to kids before they go to school. I find a lot of the discussion, in the best schools, about how teachers feel free to teach. They team teach. I heard Senator MURRAY talk about that. It is really very exciting. I would say that is the direction in which we should go, not in this other direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to have the opportunity to speak because I believe the right participation by the U.S. Government in the educational process of our children is fundamental to our success as a nation in the next century. It is important for us to understand that we have a limited role in this area.

Mr. President, 93 percent of all the funding for education—93 percent; that is basically $13 out of $14 spent in education—comes from State and local governments. Frankly, I think that is a positive, not a negative. I think when people invest their own resources, when they invest the resources they have control over, they are likely to do so very effectively.

But it is appropriate, and as a matter of fact beneficial, when the Federal Government decides to be of assistance in the area of education. When we are involved, I think there ought to be some principles that we should follow in order to make sure we maximize the positive impact we can have in terms of the achievement standing of children. I use a term such as "achievement standing" or the "capacity to achieve" because I think that is what we are interested in, in education.

The question is, What do we want out of education? I think we want children whose capacity to do things, whose capacity to learn, and the things that they have learned, have been enhanced substantially.

It is nice to have school buildings. It is nice to have teachers. It is nice to have education programs. But ultimately, the purpose for which we develop resources and to which we devote the resources, is to elevate the capacity of children to learn.

How do we improve what happens to children?

I have had some opportunity to be aggressive and active in this area at the State and local level in government. Having spent 8 years as the Governor of my State, and visiting many of Missouri's 550 or so school districts, I know it is the focal point of the community in almost every setting. It is the objective of that community to elevate the standing of students, asking how do we help students do more?

Different communities have found different ways of inspiring students, preparing students, building students, and elevating what happens in the classroom. I think that is what we should be involved in.

During my time as Governor of the State of Missouri, the State board of education was so convinced about getting parents and teachers involved in the education of children, because it motivates children to be achievers, that we had a slogan that said: "Success in school is homemade."

Talking about localizing what we do in education, if you take it all the way to the home, you have localized it about as much as possible.

As a matter of fact, during my time as the president, or chairman—I forget the designation I carried—for the Education Commission of the States, it was an emphasis we agreed upon nationally that energizing parents and energizing the local community was the way in which we get the most return for our school dollars, as study after study has shown. And the anecdotal evidence is incredibly strong that cultures that involve parents and local officials in making decisions for what can and will work are the cultures where education succeeds.

So the ingredients of public school success include the very important point of getting students motivated as a result of the active participation of their families.

The House Committee on Education and the Workforce Subcommittee on Oversight and Investigations answered this question about what are the ingredients of educational success in a report released in July of 1998. The report was called "Education at a Crossroads: What Works and What's Wasted in Education Today." The subcommittee found that successful schools and school systems were not the product of Federal funding and directives but instead were characterized by—here are the ingredients—parental involvement in the education of their children; two, local control; three, emphasis on basic academics; four, dollars spent in the classroom, not on distant bureaucracy and ineffective programs.

I believe these are the ingredients that are necessary for all of us to understand if we are going to talk about elevating the performance of students, which is why we speak about this issue today, because there are noble objectives and there are programs that may sound novel and noble, but if they don't elevate the status of students, we will have failed miserably.

I am concerned that too often the Federal program which finds its first consumption of resources in the administration of the program and the bureaucracy at the Federal level very frequently then goes to the State bureaucracy at the State level, but it doesn't get all the way to the student.

But there is more to my concern that the proposal just doesn't get all the way to the student. Frequently, when it gets all the way to the student, it directs an activity or a devotion of the resource which is not called for in the circumstance of the student.

So there are two principles that are operative here: First, that we get the resource all the way to the student so that the resource is spent in the classroom and not in the bureaucracy. The second principle is, let the resource be spent, once it is at the level of the student, on things that make a difference in terms of performance and student achievement in the classroom.

It would be appropriate, I think, to have some sense of satisfaction of getting a resource all the way to the classroom and not having the shrinkage of the bureaucracy that takes the resource away. But if the resource gets to the classroom and the expenditure can only be for things that aren't needed or directly pertinent to student achievement, we will have lost the battle anyhow.

Yesterday, I had the opportunity of addressing this body, and I had the unhappy task of detailing the fact that for tens of thousands of individuals at the State level in our educational effort their entire existence is consumed with filling out Federal forms; that we are serving the bureaucracy with paperwork perhaps more effectively than we are serving the students with education.

If the active participation by parents, community leaders, teachers, and boards of education at the local level is what really energizes schools to elevate the level of student achievement, maybe we should not have so much direction from the Federal level about how much and where the money should be spent.

I think that is pretty clear as a part of this bill which has been offered by our side; that we want to get the resources to individuals in the classroom, and not only deliver the resources to the classroom but to make sure that the best use for those resources can be determined by those who know the names of the students and the needs of the school rather than some hypothetical best use being developed a thousand miles away by bureaucrats who know, in theory, that generally the country needs X or Y but do not have very much awareness of specific needs in specific classrooms, in specific districts, in particular towns, counties, or communities all across America.

So this principle is, one, to get resources to the classroom and, two, to let the people who know the names of the students and the needs of the schools make the decisions. That is of fundamental importance.

When you gather at the Federal level the character of the programs and say we will make all the decisions about what is done, and we may want to get the resources to you but we will tell you what you have to do, that is the equivalent of hanging a sign on the schoolhouse door: "Parents need not apply." It is the equivalent of saying to them, as much as we think you are an important part of education, you won't get to help make a decision about the way the resources are devoted, about the kind of program that is conducted, because, as a matter of fact, we will make those decisions for you in some remote bureaucracy.

I think the key to what we want to do is to empower those individuals at the local level by, first, sharing the resources with them as efficiently as possible, not shrinking it by running it through bureaucracy after bureaucracy and, second, empowering them by saying, once you have the resources, you have the right and opportunity to spend it in ways you know will benefit the students in a specific setting.

We have watched as we have lived with the sort of status quo in education, with the Federal Government trying to impose its ideas on the country, and we aren't showing the desired results. When you are not getting the right results, if you keep doing the same things, you are asking for difficulty. The industrialist puts it this way: Your system is perfectly designed to give you what you are getting.

If we like what we are getting in education, we should just keep doing what we are doing. But if we think we can do better —as a matter of fact, if we think we must do better for the next generation of Americans, if we recognize that the world is exploding in a technological, developmental sense, and that for people to be at the top of the list, they are going to have to be able to deal with technology and they will have to have high levels of achievement and capacity in terms of education, I think we are going to have to confess that we must do better. And in order to do better, we have to change what we are doing.

It is virtually impossible to do better if we just do the same thing over and over. I think State and local governments need the kind of flexibility that we provide, and I think when we try to restrict that flexibility, when we try to restrain the capacity of the people who know best what their own children need, who witness what will motivate, on occasion, success in those students, we tell them they can't use that judgment, awareness, and knowledge, they can't use their proximity to the problem as a basis for developing a solution, as a matter of fact, we are hindering the process.

I stand to speak in favor of this measure which will not only move resources to the local and State level but will provide the authority and flexibility so those resources can be devoted to students in classrooms in ways that are known by the individuals who know—teachers and students—and to the needs of the institution to improve performance. I believe that is the key.

For us to persist in doing what we have done with the status quo, to persist with a system that finds more and more people disenchanted because they find their hands tied, and they want to do one thing they believe will help their students but the government says, no, they have to do something else, which isn't that helpful, or, even in order to do something else, they have to file a stack of papers that will take people out of the classroom, moves people away from education.

For the Federal Government, according to a study in Florida, to administer Federal dollars, it is about six times as expensive as it is to administer a State dollar. That is six times the paperwork volume that is basically involved.

We ought to begin to wonder whether those individuals who actually have the stake in the circumstances, their child in the school, why we should distrust them and impose this sort of not only rigid set of requirements but this rigid audit trail which requires six times as much administration as a State or local dollar does to deliver educational capacity to children. That is something we ought to be leery of. We ought to say, wait a second. Why would we want to spend all of that money in administration and second-guessing those who know best about their own children, their own future, and who have a stake in this issue, which is the important stake, and that is the achievement of the students?

I think we ought to ask ourselves what happens in education when there is more nonteachers in the education system than there is teachers in the education system? When the administration of education and the tens of thousands of full-time equivalents across the country mandated by the Federal Government consume the resources instead of the resources getting to the classroom, we ought to ask ourselves: Is this the way for us to really be achievers?

We know when people have the right opportunity to succeed and the right resources, they can get the job done—my colleagues and I have talked about it over and over again—when they have the right opportunity in terms of resources and the right authority in terms of flexibility.

I think those are the two keys we have offered to the American people by this measure on our side as a way of allowing them to use the money they have paid in taxes to elevate the capacity of the students who will chart the course of America in the next century.

We want for our children high levels of achievement. The children are the focus. The classroom is the focus. It is the place where it happens to those on whom we focus—the children. The ingredients of success are not great bureaucracies. They are great teachers, great classrooms, and great students. And it involves parents. When we tell parents the bureaucracy will make the decisions, we shunt them aside. We tell them they need not apply. That is a dangerous strategy and damaging to our students.

Our Federal programs haven't worked, and just doing more of it won't improve our performance.

My grandfather's admonition was, "I sawed this board off more times, and it is still too short." If you keep sawing it will still be too short. You have to change your conduct.

We should change the focus at the local level; States and local governments need the ability as it relates to teachers. As Senator ABRAHAM said, we are not going to mandate that the States and local communities deal with teachers in any specific way. We want to authorize them to be able—with the resources they earned and paid in taxes—to devote those resources in such a way that they believe it will result in elevated performance for the students.

That is the long and the short of what we ought to be doing. The status quo is unacceptable. America will not survive on a continuing basis in the long term with our students being last on the list of those among industrialized nations. It doesn't matter if we are first on the list of expenditures. It doesn't matter if we have more resources devoted to the process that is eventually sucked into the bureaucracy or devoted to things that do not pay off. What matters is that students achieve. We cannot long endure as the leader of the free world if our students are the last on the list. Being the leader and being last doesn't fit.

It is time for us to focus our energies, resources, and authority to make good decisions for the elevation of student capacity. That will make a difference at the local level. That is why this measure is such an important measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in order to try to inform the membership, we are attempting to establish a time situation so Members will know. We wanted to have a very brief comment on this second degree to the underlying amendment, and then to move ahead with an announcement which will be agreed to by leaders that would spell out how we would proceed from that time. That is in the process of being worked out, as I understand it. But we are reasonably hopeful that in a very short period of time we will either have a vote on this, or perhaps we could set it aside and start considering other amendments. We are prepared to do it. I will see what the mood is after I address the Senate for just a few minutes at this time.

Mr. President, I will speak briefly about the second-degree amendment that Senator MURRAY and I have offered. I think there has been a good debate and discussion about the importance of well-trained teachers, continuing and ongoing professional development, and also incentives for teachers who want to try to have a continued academic degree and who go through various certification processes.

Our amendment, as Senator WELLSTONE pointed out, seeks to do the merit program on a whole school level that rewards all teachers in the schools; improve achievement for all students, including the lowest achieving students; provide incentives and subsidies for helping teachers with advanced degrees; and implements a rigorous peer review evaluation recertification that takes in many considerations during the course of a year. It is a very rigorous program where teachers are evaluated by master teachers, where there is a video sample of their work evaluated. We believe that is consistent with other provisions of the Democratic alternative.

We are saying to the parents of this country that we are including in our educational program, recommendations that work—that have been tried and tested.

We differ with our Republican friends who say let's have a blank check and send it to the State capitals. Let's have block grants and let the Governors make the decisions and judgments about what they are going to do.

We differ with that. That is why we offered this second-degree amendment.

You could say: What is your evidence in terms of these particulars schoolwide? I want to correct the Record of my good friend from Georgia who said Secretary Riley tried merit pay in North Carolina. It is true. He did try it. It is also true he also decided that it failed after the State spent $100 million. They changed their program to the merit schools program, which is working, which is exactly what we are doing today. You now have probably the most successful school district in the country, which is in North Carolina, which is using just the kind of program that we are talking about. We are seeing the development of the same kind of program in the State of Kentucky.

In North Carolina, the State focuses on whole school achievement and overall student achievement for reward. The State doesn't believe that individual activities can be isolated to determine what produced the improvements in student achievement—it's a whole school effort. Therefore, the focus is rewarding the whole school. Rewards are given to the school, and all teachers and the principal benefit.

If any State wants to use their 93 cents out of any dollar for the objectives that the Senator from Michigan points out, they are free to do so. We don't prohibit it. If they want to do it, they can do it. We are saying with our 7 cents of the money that is going out in the local community, we are going to support tried and tested programs that have been successful.

I asked earlier in the day what States permit individual merit pay, and we still do not have an answer. What we know on our side, for example, is supported by a CRS Report dated June 3, 1999, "Performance-Based Pay for Teachers." It states that many individual merit-pay plans were adopted as a means to increase teacher accountability and improve classroom performance. But, these plans not only failed to improve student achievement, but also destroyed teachers' collaboration with each other and teachers' trust in the administrators.

Instead, the more recent shift toward group-based, whole school incentive pay plans, allows teachers to focus on fostering overall student learning. These plans encourage teachers to work together within a school in a noncompetitive environment.

We support States that have merit pay with regard to whole school programs, merit pay for enhanced academic accomplishment, merit pay for evaluations and the recertifications. All of those are very worthy and are permitted and encouraged in our amendment.

We listened earlier about an excellent school in New Haven, CA, one of the poorer districts in California. Classroom teachers, while still working with children, have opportunities to have their knowledge and skills rewarded both financially and by returning something to the profession.

In New Haven, classroom teachers carry out internship programs, develop curriculum, design technological supports, and create student standards, assessments, and indicators of student learning.

Using a combination of release time, afterschool workshops, and extensive summer institutes, the district involved more than 100 teachers—nearly two-fifths of K through 4— on the language arts and math standards committee during 1996–1997 year.

During the summer of 1997, nearly 500 teachers, approximately 65 percent of the certified teachers, participated in district-sponsored staff development activities. The district had 24 different workshops in technology alone, offering a wide variety of different areas, including math and science instruction, bilingual programs, and many others.

The district pays the teachers for the courses leading to the additional certification in the hard-to-staff areas, such as special education, math, science, and bilingual. If the district does not pay the teachers for their time directly, the work counts toward increments on their salary scale.

The district provides free courses that reap ongoing financial benefits for teachers.

The district is bringing the salary incentives for those who have successfully passed the National Board for Professional Training Standards. The NBPTS for teachers was instituted in 1987. Achieving the national board certification involves completing a year-long portfolio that illustrates teacher practices through the lesson plan, with samples of student work over time and analyses of teaching.

They found that this school district—one of the poorest and neediest in all of California, the New Haven Unified School District, in a low-wealth district—now has an excellent reputation in education. Twenty years ago, it was one of the poorest in education, as well as financially. Today, they have closed their doors to out-of-district transfers and moved up into one of the highest achieving schools in California.

This is how it was done with regard to the teachers. There are other elements necessary in terms of classrooms.

Finally, I mention in Charlotte, NC, Mecklenburg, they ran an annual achievement goals-bonus cycle. This is how they consider their school district. Based on the degree to which the schools attained a set of goals, including improvement in academic performance, advanced course enrollment, dropout rates, and student attendance, there were two levels of bonus awards—100 percent and 75 percent. Schools that earned 75 to 100 percent of the possible goal points were designated exemplary, and bonuses of $1,000 and $400 were awarded to teachers and classified staff. Schools earning 60 to 74 percent of the possible goal points were designated as outstanding, and the bonus amounts were $700 and $300 for teachers and staff, respectively.

We are for it. But we ought to do it in ways that work. That is what our amendment does. That is why it deserves to be accepted by this body.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to commend my friend from Michigan for his amendment. I endorse the amendment. I think it is only common sense that we deal with this issue. I will make some comments about the underlying bill and what I have heard in this debate and try to put it in some kind of context.

First let me outline what credentials I have to comment on this. About a dozen years ago, I was approached by the chair of the Utah State School Board and asked to chair the Strategic Planning Commission that was being followed by that school board to create a strategic plan for Utah schools.

Frankly, that was the experience that got me back into public life. I was very comfortably ensconced as CEO of a profitable company and thinking that would be my career for the rest of my life. Getting involved in educational issues, becoming chairman of that planning commission, and laying out a strategic vision for Utah schools got me immersed in the whole education issue.

What I discovered 12 years ago—a depressing thing, by the way, and nothing has changed in the intervening 12 years—was that the school system was focusing on the wrong issue. Indeed, we named our report "A shift in focus" because we said that was what was going to be necessary to solve the educational problem in this country.

All of the focus of the professional educators and people involved in education was on the system: How can we tweak, fine-tune, fund, change, somehow manipulate the system?

As we got into it, we said no, the shift should be from focusing on the system and how it works, to focusing on the student and what he needs.

I offered this analogy going back again to my business roots. In the automobile world, at one time General Motors focused entirely on the way they made automobiles. They said: These are the automobiles we make. Now, sales department, you go out and sell the automobiles to the public.

Toyota came along, a very small company, and said: We are going to ask the drivers what they want in a car, and we are going to focus on drivers rather than cars. As a result, Toyota came up with an entirely different kind of car from those General Motors was producing. The focus was on the driver and not the car. The focus was on the customer and not the company. The company that focused on the customer and on the driver did exceedingly well. Toyota grew from a tiny company to the second largest in the world making automobiles and became, for a time, more profitable than General Motors, until General Motors discovered they had to shift their focus.

Instead of saying, this is what we produce, you go buy it; like Toyota, they started asking the question: What do you want? We will go make it. Saturn, a General Motors venture, came out entirely of that activity.

That is the analogy I used when I wrote that strategic plan for Utah schools: Instead of focusing on the school system and how it works, focus on the students and what they need. We were asked to come up with a mission statement for education as we did that commission. The mission statement we came up with terrified the superintendent of schools in the State of Utah. He said: You can't say that because if you say that, we will get sued.

We went ahead and said it anyway. What we said was: The mission of public education is to empower students to function effectively in society. That is what we are here for, to empower students to function effectively in society.

No, no, no, say the professionals; the mission of education is to construct a system that does the following things.

We do not measure the system. We measure the ability of the students to function in society. If they cannot function effectively in society, they are not getting a decent education. That was a radical notion 12 years ago. As I say, 12 years have passed and very little has changed.

Those are my credentials. That is the background I had coming in and listening to this debate. As I listen to this debate, I have some very, for me, interesting reactions.

First, from our friends on the Democratic side of the aisle, we have had an eloquent, continuing, and unrelenting defense of the status quo. Any suggestion that we try to do anything different is met with a stonewall of criticism and fear that somehow something will change. There is an unrelenting defense of the status quo that has been the underlying theme of this entire debate, as far as my friends on the other side of the aisle are concerned.

Interestingly enough, an overwhelming defense of the status quo is not what the American people want to hear. So if we go out on the campaign trail for just a moment, we find the Vice President saying we need revolutionary changes in education. There is an article that ran in this morning's Washington Post, which I ask unanimous consent to have printed at the end of my remarks, written by George Will.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BENNETT. He is talking about the Vice President's recent talk on education, and he quotes the Vice President as saying:

> Today, I am proposing a new national commitment to bring revolutionary improvements to our schools—built on three basis principles. First, I am proposing a major national investment to bring revolutionary improvements to our schools. Second, I am proposing a national revolution—

And so on. According to Mr. Will, the Vice President used "revolution," "revolutionary," or "revolutionize" 8 times in his speech, and "invest," a word we know means spending, 14 times.

As Mr. Will concludes in his article:

> The basic Gore position is that the public schools are splendid, and at the same time desperately in need of revolutionary investments.

I find a disconnect between the Vice President's rhetoric out on the campaign trail and what we are hearing on the floor today because any attempt on the part of the Republicans to produce something that is different is attacked. Anything we say let's experiment with is attacked. The overwhelming defense of the status quo is underlying everything our friends on the other side of the aisle are saying.

From the prospect of the position I had as chairman of that strategic planning commission, I want to look at this fearsome, frightening, Republican proposal that would go into such new ground as to somehow threaten the status quo. It is the most timid, it is the most small, tiny, incremental kind of revolution I have ever seen.

The bill the Republicans are putting forward is, to put a number on it, something like 98-percent status quo. It funds the programs we have now, and it funds them generously. It supports the programs we have now, and it supports them solidly. But it says, putting the smallest toe at the very edge of the smallest possible body of water: Couldn't we just try a couple of things? Couldn't we give 10 States the chance, if they want to—no mandates, no requirements—just 10 States the chance, if they might want to, to try something out? In another area, couldn't we just try 15 States? Boy, that is bold and revolutionary and going to upset the whole world—15 States, if they decide they want to, might be able to try a few things a little differently.

These are the threatening kinds of Republican proposals that are coming along that are causing our friends to be so excited about anything that might in any way upset the status quo. If a State finds the Republican proposal is so revolutionary and threatening that it will destroy the State's ability to deliver education to its children, the State does not have to accept it. There is no mandate in this bill at all that says any State has to do any of the things we are giving them the opportunity to do. This is just the first tiny step. From my position as chairman of that strategic planning commission, I would look at the Republican proposal and say: This is timid. This is not nearly what is needed.

But I come here and discover it is denounced as somehow so threatening that it is going to bring down the entire educational edifice of the United States. But I repeat, at the same time, there is that kind of attack on Republican willingness to innovate and to even allow States to try a few things. At the same time that kind of attack is going on, the Vice President is going up and down the country demanding revolutionary improvement with major investments. I would like to know what those revolutionary improvements are. I would like to know, in the context of this bill, what changes in the status quo in revolutionary fashion the Vice President has in mind. If you get to the details, the only revolution he is calling for is spending more money on programs that already exist.

Let's take a look for just a minute at some past history. I want to read an excerpt from the Washington Post, talking about schools in the District of Columbia. It says:

> Alarmed by the crises confronting Washington youth, a group of community leaders is urging sweeping changes in D.C. public schools.

That does not sound like the status quo is so wonderful.

And another:

> A new consumer guide to the nation's public school system ranks only two urban school systems lower than the D.C. schools.

Again, the status quo is not so wonderful. The interesting thing about these quotes from the Washington Post is that they appeared there in 1988, 12 years ago. For 12 years, Republicans have been trying to bring about some changes in the D.C. public schools. I have stood on this floor and debated this issue in the context of the D.C. appropriations bill. Every time we try to try something different in D.C., we are told no, we cannot upset the status quo.

Here is another quote from the Washington Post:

> The malaise that infects the District of Columbia public schools runs deep. . . . There are problems in every phase of the educational process. There are school system employees who display no interest in the advancement of students, while excellent teachers and administrators are smothered by confusing and contradictory directives. . . . Instruction is inconsistent. At many schools, the audit said, test results have not been shared with parents and teachers. . . . The teacher appraisal process has been a joke. In the 1988–1989 school year, not one teacher received a conditional or unsatisfactory rating. On average, 22 percent of the teachers received no evaluation at all. While some excellent teaching was observed, the audit said, the predominant classroom activity involved students copying exercises and directions from books while teachers graded papers at their desks.

This appeared in the Washington Post in 1992, some 4 years after the first articles appeared in the Washington Post.

What revolutionary changes are we talking about? Every time the Republicans come to the floor and ask for an incremental change, we are told, no, you are undermining the confidence in public schools.

For over a dozen years now, in at least the Nation's school district where we have some degree of influence, the public school system has failed the children of the public schools.

As I listen to this debate and relive my experiences from memory as being chairman of the Strategic Planning Commission for the Utah State board of education, I realize how timid public policymakers really are, how anxious they are to talk about revolutionary improvements when they are running for office, and how anxious they are to stifle any attempt to bring to pass any sort of revolution when they have the opportunity to make a policy decision.

We must recognize, as I said before, this bill as what it is. The underlying bill is not a revolutionary bold attack on the status quo. I wish it were. There are many things that can and should be done. This is just the most timid kind of probing into possibilities, and yet even that is too much, even that is too fearful for those defenders of the status quo.

I go back to my original analogy. When it was first suggested to General Motors that they might produce some smaller cars, that they might try to go after the market that Toyota was beginning to discover, there was a mantra that ran through General Motors and Ford and the big three generally, and it was: Small cars mean small profits. It was repeated over and over.

By repeating that mantra to themselves, these auto executives convinced themselves that the status quo was just fine, and they watched the Japanese come into this country and take market share away from them to a degree that, to some extent, threatened their existence.

It was only after the marketplace told them they should be focusing on the driver and what the driver wanted rather than on their own systems and what they were comfortable producing that they finally began to compete in the world marketplace for automobiles and began to produce the kinds of cars Americans wanted to drive.

Now American manufacturers are competitive, and we drive American cars with the understanding that they are well built, they have good fuel economy, and they give us the value for the money, an understanding that, frankly, 15 or 20 years ago, Americans did not have.

Why can't we have that same understanding with respect to education instead of being so overwhelmingly concerned with the system and how do we tweak the system and how do way defend the system and this is the way we teach and, by George, the students have to sit there and take it.

Why can't we say: What do the students need to function effectively in society? Why can't we assess the student needs, the student challenges in the future, and the student responsibilities and then say, OK, if that is what the student needs, we will provide it? If the student needs skill in the English language, to a degree that he or she does not have it now, we better figure out a way to get it to them.

The main problem with our school system is this: Our school system is built on the industrial model. Indeed, it was created as we went through the Industrial Revolution. Stop and think about it for a moment.

Our schools are factories. That is, the model on which they are built is the factory model, with the student as product and the teacher as worker. Indeed, we organize the workers into unions, which is just the same thing that happens in a factory.

Here is the product. The product is wheeled into the English room where the English worker pours English into the product for 45 minutes. The factory whistle blows, and the product is wheeled into the math room, where the math worker pours math into the product for 45 minutes. The factory whistle blows, and the product is wheeled into the social sciences room where the social science worker pours social science into the product for 45 minutes, and so on.

It is organized along the industrial model, student as product, teacher as worker.

After the product has gone through enough class time exposures, we stamp a certificate on it, which we call a diploma, and send the product out into the world saying: You are now educated, and the certificate we have put upon you proves it. We spend more attention to seat time than we do to the ability of the student to perform.

If I may digress for a moment and give you an example of how pervasive this whole mentality is from my own State, I want to talk about one of the members of our commission. We had a professor in educational psychology at Brigham Young University who was a member of the Strategic Planning Commission, which I chaired. I will not give you all of this history, except to tell you he made a commitment early in his life that he would return some day to the tiny rural community in Utah where he grew up and give something back to that community. It was an emotional kind of commitment made as a teenager when the people in that community raised enough money to send him to the University of Utah to get a college education, something he never could have afforded on his own.

As I say, he is a professor, graduated Ph.D. from Stanford, one of the Nation's leading authorities on small school problems. The position of superintendent of the school district in which his old hometown was located became vacant. He said to his wife: I am going to apply for that position.

She said: Come on, that's so far below what you do and what you are qualified for professionally.

He said: No, I made a commitment years ago that I would someday return to my hometown and give back to that community, and here is a way I can do it. I can go there, be the superintendent of schools, try a whole bunch of innovative things, and make a major difference. I can fulfill that age-old commitment I made as a teenager to go back to my community.

He applied for the position. He was told that he was not qualified for the position because there were certain gaps in his academic record that were required for that particular assignment. All right, he said, I will fill those gaps.

He went around to his colleagues in the School of Education at Brigham Young University and said: Give me the test. I have to have this particular class on my transcript. Even though I am a Ph.D. from Stanford, I have to have this particular class. Give me the test. I will take the test and demonstrate proficiency.

They said: No, no, no, no, no, no. You have to take the class. We can't give you an examination to find out whether you are proficient. You have to take the class.

He said: Some of these classes I teach.

They said: It doesn't matter. You have to sit in the classroom for the prescribed number of hours or we will not certify you as being educated.

He did not become the superintendent of schools in that particular rural district. This demonstrates the commitment that runs through the entire educational community, to seat time as the ultimate measure of educational ability.

What we are saying in this bill is, let's take a tiny, incremental, very tentative step towards looking at the needs of the student instead of focusing on the structure of the system, toward saying if somebody teaches a class, let's just assume that he knows what is in that curriculum and does not have to sit through it in order to acquire the requirements of the system.

Let's move from the industrial model paradigm that has the student as product and teacher as worker to a system with the student as worker—student, you are responsible for your own education—and teacher as coach. Teacher, help the worker understand where to go to get this information, to look for that skill, and so on.

In the process that means, ultimately, we will have a system that funds the student rather than the system. We will have a funding system where the money follows the student wherever the student, as worker, decides he or she needs to go, with the teacher, as coach, saying: You may have made a wrong decision. Look at the options. Look what you could do over there. Let me help you. Let me coach you. Let me support you. But understand, the ultimate responsibility for your education is yours, not mine.

That kind of a paradigm shift in thinking throughout the entire educational system would be truly a revolutionary improvement rather than the kind of changes or improvements that the Vice President has in mind when he uses those phrases.

I thank the Chair and the other Members of the Senate for your indulgence. As I have gone on this trip down memory lane of my own involvement with schools, I close with this one last anecdote.

When we were laying out, for an employee of the Utah board of education, some of the things we wanted to do and wanted to see happen in Utah's schools, he looked at me with great horror and said: We can't do that overnight. He said: Understand, we are trying to make these sorts of improvements. We are trying to make this a better situation for kids. But we can't do it overnight. You are too impatient. You come out of the business world where you can make a decision and then have it implemented. We can't do that. He said: But give us credit for moving. We will move in this direction, but we won't get there for 15 years.

I said to him: Now, wait a minute. Fifteen years?

Think of that in terms of the life of the student. That means the students who are entering this system as kindergartners, this year, will not see any improvement in their entire career because they will graduate before 15 years as seniors from high school.

If you think it is salutary that we can get changes moving slowly, and they will be effective in 15 years, you are just saying that a kindergartner entering school today is doomed to stay in the status quo his or her entire career through elementary and secondary education.

As the quotes I have read indicate, I was right. Students who entered as kindergartners, at least in the District of Columbia, are now graduating as seniors with no improvements, no changes. That is tragic.

To condemn a youngster as a kindergartner to no changes, no improvements, no experimentation at all, just to defend the status quo, and say, we are moving towards these changes, and they will come 15 or 20 years from now, is not something with which I want to be associated.

The Republican bill is not threatening. The Republican bill is not revolutionary. The Republican bill is the tiniest kind of incremental opportunity for States to experiment. We ought to pass it.

I yield the floor.

EXHIBIT 1

A LESSON PLAN FOR GORE

(George F. Will)

If AL GORE keeps talking incessantly about education, someday he may slip and say something interesting. But he avoided that pitfall—anything novel would offend his leash-holders, the teachers' unions—in his Dallas speech last Friday, unless you find interesting this unintended lesson, drawn from his speech, about how schools are failing to teach future speech-writers how to write:

"Today, I am proposing a new national commitment to bring revolutionary improvements to our schools—built on three basic principles. First, I am proposing a major national investment to bring revolutionary improvements to our schools. Second, I am proposing a national revolution in . . . "

By November the salient issue may be not education but: Can Americans bear a president who talks to them as though they are dim fourth-graders? Whoever writes GORE's stuff knows his style, the bludgeoning repetition of cant, as in his almost comic incantations about Republicans' "risky tax schemes." In Dallas, GORE used "revolution," "revolutionary" or "revolutionize" eight times and "invest" (a weasel word to avoid "spending") or some permutation of it 14 times. And—it is as reflexive as a sneeze—he used "tax scheme" three times, "risky tax cut" once and threw in another "scheme," referring to vouchers, for good measure.

GORE's grating style in Dallas suited his banal substance, which was Lyndon Johnson redux. The crux of GORE's plan is more spending of the kinds that are pleasing to teachers' unions. Such as: "My education plan invests in smaller schools and smaller classes—because we know that is one of the most effective ways to improve student performance."

Actually, we know no such thing. Pupil-teacher ratios have been shrinking for a century. In 1955 pupil-teacher ratios in public elementary and secondary schools were 30.2-to-one and 20.9-to-one respectively. In 1998 they were 18.9-to-one and 14.7-to-one. We now know it is possible to have, simultaneously, declining pupil-teacher ratios and declining scores on tests measuring schools' cognitive results. If making classes smaller is such an effective route to educational improvement, why, after 45 years of declining pupil-teacher ratios, are schools so unsatisfactory they need to be "revolutionized" by GORE's "investments"?

GORE's Dallas speech proves the need for remedial classes not only in prose composition but in elementary arithmetic, too. He says that George W. Bush's "tax scheme, if enacted, would guarantee big cuts in spending for public schools." Well.

Bush's proposed tax cut over 10 years would involve just 5 percent of projected federal revenues. And federal money amounts to just 7 percent of all spending on public elementary and secondary education. Tonight's homework assignment, boys and girls, is to calculate how trimming 5 percent of federal revenues could necessitate "big cuts" in education, 93 percent of which is paid for with nonfederal funds.

GORE's vow that every new teacher hired under his program would be "fully qualified" probably is an encoded promise that all new teachers would be herded through the often petty, irrelevant and ideologically poisoning education schools that issue credentials to teachers. Education schools feed their graduates into, and feed off, the teachers' unions. Those unions sometimes push for state legislation that keeps the education schools in business by requiring teachers to pass through them.

"There are," says GORE, "too many school districts in America where less than half the students graduate, and where those who do graduate aren't ready for college or good jobs." Washington has lots of public schools that fit that description, which is why none of GORE's children attended one.

Most failing schools serve (if that is the word) poor and minority children, whose parents increasingly favor meaningful school choice programs—programs that give parents resources to choose between public and private schools, thereby making the public school system compete. GORE is vehemently opposed to that. The "dramatic expansion of public school choice" he promises would enable students to choose only among public schools, thereby keeping students from low-income families confined to the public education plantation.

What would be "revolutionary" would be a GORE education proposal that seriously offended the teachers' unions. But he is utterly orthodox in his belief that public schools are splendid—and desperately in need of revolutionizing investments.

"Fundamental decisions about education have to be made at the local level," said GORE at the beginning of last week's litany of proposals for using federal money, and the threat of withdrawing it, to turn the federal government into the nation's school board. To the classes GORE needs in remedial composition and arithmetic, add one on elementary logic.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, to alert the membership of what we are trying to do, we have been in touch, of course, with the majority. We would like to finish the pending amendments the Abraham and Kennedy amendments, in the near future. Then what is anticipated by the leadership, as I understand it, is to go to the Murray amendment.

Senator MURRAY has graciously agreed to the time agreement of an hour and a half, evenly divided. Then we would go to the LIEBERMAN amendment. I have spoken to Senator Lieberman. He agrees to 2 hours on his side, and the majority could take whatever time they believe appropriate on that amendment. Then we would go to the Gregg amendment.

The only thing we are waiting on is a copy of the Gregg amendment. We have not seen that. As soon as that is done, with the concurrence of the majority—which we have kept advised during the entire morning—we would be able to enter into an agreement. It is up to the majority leader, of course, as to when the votes would take place.

I see the majority leader on the floor. What we would like to do, prior to an agreement—we have had Senators waiting here most of the morning. They would like to speak. Senator DORGAN would like a half hour; the two Senators from New York would use 10 minutes of Senator DORGAN's time to speak about the death of Cardinal O'Connor. Senator FEINGOLD wants 12 minutes to speak on some matter. I really don't know what that is.

I did not know the majority leader was on the floor. I was just trying to alert everyone as to what we are trying to do.

Mr. LOTT. Mr. President, if the Senator would yield, I did not hear all of what he said. I was back in the Cloakroom preparing to come to the floor.

Mr. REID. If the Senator would yield, what we would like to do when we finish this, which should be momentarily—either having a vote now or setting it aside—is to go to the other amendments after Abraham, Kennedy. Senator MURRAY, who has the next amendment in order on our side, will agree to an hour and a half on her class size amendment. Following that would be Senator LIEBERMAN. There has been agreement his would be the next amendment. He has agreed to 2 hours on his side on that. He indicated he did not know if the majority would need that much time. But whatever the majority wants, that would be the case.

Then it is my understanding we would go to the Gregg amendment, with no time agreement as far as we are concerned. We have not seen the Gregg amendment. We have been waiting for some time now. It is on its way. But the route sometimes is circuitous to get here. I did indicate, I think we have some Members who have been wanting to speak all morning.

Mr. LOTT. Mr. President, if Senator REID would yield, I understand that you are waiting to see the Gregg amendment. Of course, we would like to see the Lieberman alternative also. Do we have that?

Mr. REID. Yes. It is my understanding that Senator LIEBERMAN has been in touch with members of the majority for the last several days.

Mr. LOTT. But I do not know that we have seen the language. That is what I have to make sure of, just like you need to see——

Mr. REID. I think you have. But if you haven't, that is certainly available.

Mr. LOTT. Of course, as far as the timing, we have Senators that are very interested in speaking on the pending matter, in addition to the ones you have mentioned.

I must confess, I was a little surprised that there was a second-degree amendment offered to Abraham-Mack. I thought when we entered that earlier agreement we would have the four that were agreed to. While there was language in there that said that, I guess, relevant second degrees would be in order—or perfecting amendments—I had the impression we were kind of not going to do that.

So the fact that there is now an amendment to the Abraham-Mack amendment I think puts a different spin on things. Our people need to be able to review that and speak on the second-degree amendment.

In addition, I see Senator ABRAHAM, who is the sponsor of the underlying amendment. Basically, what I am saying is, I think it is going to take more time than we had earlier thought that it might take. And then we would want to look at, are we going to have a second-degree amendment or second-degree amendments on the Murray amendment? That would certainly change the mix once again.

We need to make sure we have enough time on both sides for people to speak on Lieberman and Gregg once we have seen those. Everybody is working in good faith, and it is a little complicated. We could have objections on either side about what might be offered as second-degree amendments. We have some people on both sides who are now saying they want to offer noneducation, nonrelevant amendments, and we have been trying to stay on the education issue. It has been a very healthy debate, and everybody has stayed in close touch. We would like to continue that.

I have to work with some people on our side who want to offer some amendments sort of out of line. I think people not even on the committee who want to offer amendments at this point would be pushing the envelope. We ought to at least give the chairman and ranking member and people with education amendments a chance to make their pitch.

So rather than take up a lot of time, I would like to talk with the Senator from Nevada about the amendments and the time that might be needed. We will try to get something worked out and come to the floor soon to get something agreed to. In the meantime, continue with the debate and we won't be losing time—valuable time, as a matter of fact.

Mr. REID. If the leader will yield, the purpose of this was to try to move a number of amendments along. From what the leader has said, it is going to be very difficult today to go beyond the Murray amendment. We will certainly try to cooperate, but it may be difficult.

Mr. LOTT. It may be difficult, but we can see what might be able to be done.

Mr. REID. The one thing I would like to do is make sure that the—we have had Senators over here waiting literally all morning to speak for a short period of time. I know Senator ABRAHAM wants to speak on his amendment and that of Senator KENNEDY. I would like to propound a unanimous consent agreement that Senator DORGAN be recognized for a half hour, that 10 minutes of that time be allotted to Senators SCHUMER and MOYNIHAN to speak about the death of the New York Cardinal, and that Senator FEINGOLD be allowed to speak for 12 minutes.

Mr. DURBIN. I would like to ask the majority leader if he would yield for a question.

Mr. LOTT. Yes.

Mr. DURBIN. I am relatively new to the Senate. The House rule used to say committee members could offer only germane amendments. Do I understand the majority leader is suggesting that as a standard in the Senate?

Mr. LOTT. No, I didn't suggest that. I am saying that members of the committee have education amendments and would like to have them offered. We have some members on both sides of the aisle now who are saying, "I want my amendment to be next," and I am not inclined to be impressed with that suggestion. We need to go forward with the way we have been trying to proceed and get our work done. But, no; the way it works around here is, if you can horn your way into a debate that is underway, then that is the way it is.

Mr. DURBIN. I thank the majority leader.

Mr. REID. Mr. President, how about my request?

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, just to facilitate the flow here, let me make sure we have some sort of a sharing of time, alternating back and forth. The Senator's proposal was 30 minutes for Senator DURBIN, 10 minutes for Senators SCHUMER and MOYNIHAN, and 12 minutes for Senator FEINGOLD.

The PRESIDING OFFICER. Will the Senator repeat the unanimous consent request.

Mr. REID. What I proposed is that Senator DORGAN be recognized for 30 minutes, with 10 minutes of his time being allotted to the Senators from New York, and that 12 minutes be allotted to Senator FEINGOLD. They have been here literally all morning.

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the block of time for those speakers, an equal amount of time be allocated to Senator ABRAHAM and to myself, or my designee. I know the Senators from New York are going to talk about the Cardinal's death.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

Mr. SESSIONS. Mr. President, I would like to speak after Senator ABRAHAM.

Mr. LOTT. Mr. President, I amend my request that Senator ABRAHAM be recognized first, and then Senator SESSIONS, and any remaining time will be used by myself or my designee.

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. Reserving the right to object, although I would like to speak on the amendment, as well as the second degree, because of a ceremony taking place in the Capitol rotunda now, of which I am to be a part, I may not be in a position to immediately follow the final speaker. I suggest that perhaps we might slightly modify the Senator's proposed unanimous consent agreement to allow for the fact that I may be unable to be here right at that time.

Mr. LOTT. Mr. President, we will make it simple. I ask unanimous consent that when this block of time is completed, as outlined by Senator REID, there be an equal amount of time on this side for me or my designee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I yield to the two Senators from New York to use their 10 minutes of time now to speak about the death of Cardinal O'Connor.

The PRESIDING OFFICER. The Senator from New York, Mr. SCHUMER, is recognized.

TRIBUTE TO JOHN CARDINAL O'CONNOR

Mr. SCHUMER. Mr. President, I will use 5 minutes and then yield to my senior colleague from New York for 5 minutes.

It is with a heavy heart that I rise today to honor the memory of His Eminence, John Cardinal O'Connor. As you know, His Eminence was a man of immense honor and conviction, a man who dedicated his entire life in service to our Nation and the betterment of humanity. He was completely loyal to Catholic doctrine but was able to reach out to New Yorkers of all races, religions, and ethnic and economic backgrounds. His loss is New York's loss, America's loss, and humankind's loss.

Today, all New Yorkers mourn this profound loss. And while today will be one filled with great sorrow, I believe that during this period of grief, many will find moments of joyous reflection in thinking about the innumerable ways this servant of God was able to touch the lives of millions.

Earlier this year, I rose alongside a number of my colleagues in the Senate and called upon this body to support legislation to honor the enormous contributions made by the Cardinal to religion, humanity, and service to America, by bestowing upon him the Congressional Gold Medal.

The measure passed unanimously, and I had the honor to personally present His Eminence with a framed copy of that legislation, and although he was weakened, you could see a man of peace. He believed he had accomplished much of his life's goal and was proud of what he had done, although in his own modest way. It is my prayer that all of us, when our time comes, may feel just that way.

The Cardinal cared about the poor, the sick, and the elderly. He would be giving a speech on Catholic doctrine at the cathedral one hour and the next hour would quietly slip off and minister to an AIDS victim in a hospice. He was a man of great intelligence and of great passion. He was a man who believed and didn't flinch from those beliefs but at the same time had a unique ability to reach out to others who might not believe what he did. He served, of course, as a military chaplain and at the same time was a voice for the poor. He cared about working people and spoke up for the union movement repeatedly.

He loved all of God's children, and he will be forever cherished and remembered by people of the Jewish community for bringing Jews and Catholics closer together. I truly believe that much of the Vatican's rapprochement with the Jewish community worldwide started with His Eminence Cardinal O'Connor. He served as an international ambassador, traveling the world over, to: Israel, Jordan, Haiti, Bosnia-Herzegovina, and Russia, as a messenger of peace, humanity, and freedom. Wherever war, oppression, and poverty have threatened to weaken the human spirit, he has been there—a tireless servant of the Roman Catholic Church and as an American citizen.

John Cardinal O'Connor was an institution in New York, a beacon of hope and inspiration who, from our cherished St. Patrick's Cathedral championed the simplest of causes—the betterment of humanity. He was a man that I respected a great deal because of his unwavering commitment to his convictions, even when we disagreed.

So, last night, Mr. President, New York, America, and the entire world lost one of our greatest treasures. This morning, the earthly world is a bit poorer for the passing of this great man and the heavenly world a bit richer. I thank you and my colleagues for allowing me to express, on behalf of all New Yorkers, the profound sense of sorrow we feel today with the loss of Cardinal O'Connor.

I yield the remainder of my time to the senior Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, on February 22, my beloved colleague, the junior Senator from New York, introduced legislation to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

Congress finds that His Eminence, John Cardinal O'Connor, was a man of deep compassion, great intellect, and tireless devotion to spiritual guidance and humanitarianism.

I think it is a special note that the Cardinal joined the Navy Chaplain's Corps in June of 1952 during the Korean conflict. He served with elements of both the Navy and the Marine Corps and saw combat action in Vietnam.

He later served as chaplain of the United States Naval Academy and was appointed Chief of Chaplains of the Navy with the grade of rear admiral, from which position he retired 4 years later.

In May 1979, he was ordained a bishop by Pope John Paul II. He then served as Victor General of Military Ordnance—now the Archdiocese for Military Services—until 1984.

This son of a working-class laborer, a union man from Pennsylvania, found himself, on the one extreme, in the jungles of Vietnam saying mass in foxholes and asking himself, as he saw the deaths on all sides of all the combatants, why?

He came back with that same courage to the Archdiocese of New York. There are 2.37 million of us, and we have been rancorous from the first, and continue so. He quickly adapted to that environment and adopted some of those characteristics.

But he was a wonderful priest. As my friend, Senator SCHUMER, said, he was a healer and a man who reached out to others.

He is in his heaven now. As we mourn his passing, we celebrate his life.

Mr. President, I yield the floor.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this has been an interesting and certainly a thoughtful debate about education. This is exactly the topic we ought to be discussing in the Senate. We have a lot of folks in this country who care about the state of education and the condition of America's schools. They say America's schools are failing its children. What shall we do about that?

Before us is the reauthorization of the Elementary and Secondary Education Act. We debate this law every 6 years, and at that time we talk about what kind of policies we believe will work for America's schools and what kind of policies will give us the kind of education system we can have pride in. Are our children walking through classroom doors that give them the best opportunity for a good education?

Let me also say that I am a little tired—not only in Congress but in politics and in discussions generally—of the notion in this country of blaming America's teachers first.

I visit a lot of classrooms. I see a lot of teachers and a lot of students. In most cases, the teachers I see in America's classrooms are extraordinary men and women who do a wonderful job with our children in America's schools. They have a very tough job. Their students come to schools all over this country with problems that affect how well they will learn. There are children who are hungry, without a caring parent, who are regularly faced with violence, guns, behavior issues. All sorts of issues come to school with children. We have to respond to those and deal with those issues. But this notion of somehow blaming America's teachers is wrong.

Let me talk for a moment about who has new ideas. I was listening a while ago to a speech that I thought was interesting. But the notion was that only the majority party had new ideas, and somehow the Democratic caucus in the Senate was offering proposals that are just the same old thing.

The majority party offers, as its version of how to fix our education system, to provide block grants. Is there anything new about block grants? Block grants aren't new. In fact, this is the oldest idea in politics, and it is an idea that doesn't work.

We have very serious problems with our schools that we need to help solve. A lot of schools are in radical disrepair.

I was at a school Monday in North Dakota. It is a school whose student population is almost exclusively Native American. These young Indian children are attending a school that is not in good repair. They know it. I know it. The teachers know it. The school board knows it. This is a school that doesn't have much of a tax base because it is on an Indian reservation. It is a public school district, but does not have much of a tax base.

This is a school that doesn't even have an athletic field. Is there a place for these children to go out and run? Is there a place for them to play football or to practice soccer? No. This is a school without an athletic field.

As we were going through the classrooms in this school, the principal said to me: Senator, is there any chance you could help us try to get an athletic field for these kids? They have too much energy. They have so much energy and want the opportunity to go out on an athletic field to play football, or play soccer, or perhaps run track. But we don't have the money.

Again, this is a school without a tax base so they don't have the money.

As I was touring the school, the teacher said: Now, children, are there any questions you would like to ask the Senator?

One little kid in the third grade raised his hand real high, and he said: Yes. Mr. Senator, I would like to know how many bathrooms there are in the White House.

I thought: Gosh, that is a funny question. How many bathrooms are there in the White House?

One little kid on the other side of the room said: I think there are 18.

Another little boy said: I think there are 46.

I said: You are both probably right. It is probably between 18 and 46.

Do you know in that school, with 150 kids, they have only two bathrooms, a boy's bathroom and a girl's bathroom? I guess he was thinking it would be a luxury to have a lot of bathrooms.

That is the sort of question that comes from a third grader. But it relates to the condition of the school. The third grader knows that he is not walking into the same kind of school that other kids are. This school needs repair.

One of the new ideas we proposed—that has been opposed, incidentally, by the majority party—is to provide the opportunity to repair, renovate, and rebuild America's schools that are in disrepair all around this country. But there is not much interest in that. Instead, the response is, let's send them block grants, and then pray that someone will use it for the right thing.

We have some experience with block grants. In fact, title I started out as a block grant a long time ago. However, Congress quickly learned that the funding was not helping the poor children who were intended to be the beneficiaries.

Let me give just a couple of examples of what title I was used for: They bought three tubas in one school. Another one used it for band uniforms. Another bought 18 portable swimming pools. That is block grants.

Of course, these block grants won't go directly to the schools. The block grant funds will go to the Governors. Then the school districts are going to have to go begging to the States asking: Can we get some of that Federal money you have back there in block grants?

We think maybe a new idea would be to say, let's renovate, remodel, and rebuild those schools that are in disrepair around this country, and let's help the local governments that do not have the resources to accomplish that task. We think a new idea might be to say, let's help those schools that are radically overcrowded, with kids sitting with an inch between their desks in a classroom, with 35 students taught by 1 teacher. We know better teaching goes on in the classroom when you have 1 teacher and 15 students or 1 teacher and 20 students, so let's decide to help schools reduce the size of their classes.

When someone says there are no new ideas, it is just that they have not heard them. We have talked about them. They have not heard them. They have not been willing to vote for them.

There are a lot of things we can do to improve education. I agree that we cannot throw money at problems, but I also believe we cannot withhold the resources necessary to fix this country's schools. We cannot send kids to inferior schools and ask why we didn't get a good student out of that school. We cannot send kids into crowded classrooms and wonder why test scores are not higher.

As I said before, some of the most wonderful, dedicated people I have met are the teachers in classrooms, spending their days with our children. We can and should make some changes on the question of the teacher certification process. We ought to have alternative certification programs for people who later in life want to go back into a classroom and teach kids. They shouldn't have to go through a teacher's college or a curriculum that is long and difficult.

Let me give an example. There was a rather wonderful major league outfielder who played ball for the Baltimore Orioles who was going to teach physical education at a school in New York. Wouldn't you want your kid being taught how to hit by a major league outfielder? But he didn't have the proper teacher certificate so he wasn't kept in the school system.

What if Bill Gates decided he wanted to come into your school and teach a class on computers? He doesn't have the certification. What if Michael Jordan was willing to teach your child to play basketball in a physical education program? Do you think Michael Jordan and Bill Gates are not qualified? Of course they are.

We can find mechanisms by which we provide alternative certification for professionals and others who want to go into the classroom to help in this country. We can and should do that.

But to those people who spend all of their time beating up on America's schools, I wonder how they think we got to where we are in this world with our education system? How on Earth did we do that? Is there a place in the world anyone wants to trade places with? I don't think so. Do we want to trade our education system for the one in Haiti, Zambia, or Bangladesh? I don't think so. How about Germany? How about France or Italy? Do we want to trade it? I don't think so.

This country has invested a substantial amount of money in something called universal education. We did it because we don't believe in segregating kids and deciding some kids have talent to go here and other kids have the talent to go there. We decided all kids ought to have the opportunity to make the most of their education.

I have two children in school this morning. They are both the most wonderful children in the whole world. I love them to death. I want them to have the best education possible. I don't know what they will be when they grow up. My son, when he was 10 years old and we were going over an English lesson together, that he didn't need to study English because he was going to be a miner. I said: A miner? He said: I'm going to mine gold and I don't need to read and spell. I said: When mining gold, you have to be able to read and sign contracts. Over time, he changed his occupation choice, and he has had several other choices since then. We spend time every night with our children doing homework because we believe education is a priority for them. I want them to go through a classroom door I am proud of. I want them to go into a school I am proud of. I want them to have teachers I am proud of.

Dating back to my great-grandmother who homesteaded on the prairies of North Dakota and raised children who raised children who raised me, this education system has been a wonderful boon to most Americans, including our family. My father had to quit school in the sixth grade because his mother died and his father was in an institution for tuberculosis. In sixth grade, he quit school in order to go to work to help his uncles raise his sisters. The proudest day of his life, it seems to me, is one day when, without ever having given us a hint, he told us at the supper table that he had, at age 55, just passed the GED test. Then he gave us a big smile. He didn't even tell us he was taking it. This meant a lot to him.

Education has enormous value. Every American family who cares about its kids understands that. This debate is not about two sides, one of which has new ideas and the other which has no ideas. It is a discussion about a range of approaches with respect to the education system and how we make it better.

I don't think our public school system is awful. I disagree with those who do. Go to school. I have been to schools that are awful schools, but do you know why? Because of all the other influences from which those kids come. I have been to schools with metal detectors at the front door. Shortly after I visited one of those schools, a kid was shot at the water fountain because another kid bumped him. The student who shot him got a gun through the metal detector, even though a security guard was sitting there.

That school has a crowd control problem as much as it has education problems. It is not because they are bad people running the school. It is because that school inherits all of the other problems of its surroundings. I think we need to understand that and help change it.

We can do better in education. I am not suggesting everything is great. We can do better in education. But I know my kids do more homework than I did. I graduated from a tiny high school class of nine in Regent, North Dakota. I am enormously proud of the education I received in that school. Are the kids there getting a better education today than I did? Yes, of course they are—more homework, more opportunities, bigger libraries, the Internet. They have access to any library in the world through the Internet.

As we look at what we do to improve our schools, I think the most important thing is to improve those crumbling facilities, reduce class size, and then require accountability. I am all for accountability.

There is a provision in Senator DASCHLE's substitute, which I will also offer as a separate amendment, to provide parents with a school report card. I get a report card about how my son and daughter are performing. I want a report card for the public school they attend, a report card that every parent and every taxpayer in this country should get, comparing their school to other schools in their district, in their state, and in other States. How is that school doing? Is it passing or failing based on a series of criteria—student performance, graduation and retention rates, professional certification of teachers, average class size, school safety, parental involvement—which is critically important—student dropout rates and student access to technology. How is that school doing? We deserve a school report card as parents and as taxpayers.

That ultimately will provide the accountability we should get. Yes, we ought to hold our education system accountable. We will have an opportunity to vote on school report cards as part of the Bingaman amendment, and if the Bingaman amendment fails, on an amendment I will offer separately.

The secret to education is not such a secret. Successful education comes from teachers who know how to teach, students who want to learn, and parents who are involved in their child's education. When all three of these elements are present, education works and works well.

Evaluate this country—where it has been, where it is now, and where it is going—and ask yourself if we have accomplished things through our education system of which we are proud? You bet we have. We have spliced genes, we have invented plastic silicone and radar, built rockets, and developed vaccines to prevent polio and small pox. Have we done something significant, all of it coming from our education system? You bet your life we have. Can we improve it? Sure. But we will improve it with new ideas—not tired old ideas called block grants.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

AIDS AS A SECURITY ISSUE

Mr. FEINGOLD. Mr. President, I rise today to express my deep disappointment in the failure of the conferees to the African Growth and Opportunity Act to accept the Feinstein-Feingold amendment regarding HIV/AIDS drugs in Africa. When the Senate was debating that legislation last year, Senator FEINSTEIN and I offered our amendment, which was accepted by the bill's managers, Senators ROTH and MOYNIHAN, to address a critically important issue—an issue relating to Africa's devastating AIDS crisis; an issue that has cast a dark shadow on U.S.-African relations in the past.

Our amendment was simple. It prohibited the United States Government or any agent of the United States Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to existing international regulations governing trade. Quite simply, our amendment told the executive branch to stop twisting arms of African countries that are using legal means to improve access to HIV/AIDS pharmaceuticals for their people.

The Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPS, allows for compulsory licensing in cases of national emergency. Approximately 13 million African lives have been lost since the onset of the crisis. According to the Rockefeller Foundation's recent report, "on statistics alone, young people from the most affected countries in Africa are more likely than not to perish of AIDS." Consider that: more likely than not to perish. If these do not constitute emergency conditions, then I don't know what does.

This was a very modest amendment to begin with, but the final version of the amendment discussed by the conferees was a true compromise. It was not as strong as I would have liked it to be. But it did push our policy closer to the right thing. I want to take this opportunity to thank Senator FEINSTEIN, Senator MOYNIHAN, Senator ROTH, and their staffs for working so hard on this amendment. Senator FEINSTEIN was a tireless advocate on this issue, and I have no doubt that she will continue to fight, as will I, for the right thing when it comes to access to HIV/AIDS pharmaceuticals. And Senator ROTH, in particular, made it a priority to hammer out this issue, and I thank him for that.

But despite these efforts, despite the concessions that Senator FEINSTEIN and I made, despite the fact that this is the right thing to do, the Feinstein-Feingold amendment was stripped in conference. The opposition to our amendment is baffling. How do the conferees who killed this provision justify pressuring these countries, where in some cases life expectancies have dropped by more than 15 years, not to use all legal means at their disposal to care for their citizens? Without broader access to these drugs in Africa, more people will suffer, more people will die—that is a simple fact.

As I said on this floor not long ago, I cannot imagine that ordinary Americans are urging their representatives to oppose the Feinstein-Feingold amendment. I cannot imagine that anyone would try to prevail upon my colleagues to oppose this measure—except perhaps for pharmaceutical companies. The pharmaceutical industry does not fear losing customers in Africa, because they know that Africans simply cannot afford their prices. But they do fear that taking this modest step in this time of crisis could somehow, in some ill-defined scenario in the future, cut into their bottom line. This is the same pharmaceutical and medical supplies industry that gave more than $4 million in PAC money contributions and more than $6.5 million in soft money contributions in 1997 and 1998.

How could this irresponsible and callous decision to strip the Feinstein-Feingold amendment from the conference have been made? I have some idea. Some may have bowed to the pressure of the pharmaceutical industry. And some members just don't get it.

In particular, some of the public comments about this issue made over the weekend by a leading Member of this body demonstrated such a misunderstanding of the problem that they cannot go unanswered.

Over the weekend, some troubling remarks were made about the administration's recognition that HIV/AIDS, an infectious disease that currently affects 34 million people worldwide, is a security issue.

First, a leader of this body disputed the fact that AIDS is a security issue. He is wrong. Anyone who believes that a dramatic drop in population, a massive reversal in economic growth, a societal disruption of unprecedented proportions, an entire generation of orphans growing up on the streets—anyone who believes that those things are not destabilizing is terribly misguided. Anyone who does not understand that the U.S. will be profoundly affected by the terrible consequences of AIDS in the developing world had better think again.

But it didn't stop there. It went further. It was suggested that the administration is using the issue cynically to appeal to "certain groups" who were not identified.

Is it pandering to "certain groups" to stand up and say that a disease that infects more than 15,000 young people each day is an issue of grave concern? Is it political posturing to get serious about the massive destabilization that can occur when the most productive segment of a society is wiped out by disease? Is it only some mysterious narrow constituency that is concerned about the prospect of millions of orphans growing up on the streets, without any guidance or education? After witnessing the shocking violence that resulted, in large part, from the masterful manipulation of disenfranchised youth in West Africa over the last decade, I think we all have to take this threat seriously, and acknowledge that the threat is fueled each day by the withering scourge of AIDS that today is galloping through so much of the developing world.

Let me just paint a portrait of the region most affected by AIDS—sub-Saharan Africa. As the ranking member of the Subcommittee on Africa, I have always felt very strongly about the issue of AIDS in Africa. I have raised it in meetings with African heads of state. I applauded the U.N. Security Council's decision to address the crisis earlier this year. I support the administration's call to increase the resources directed at the crisis, and I am glad that the U.S. is finally getting serious about this threat.

Thirteen million Africans have been killed by AIDS since the onset of the crisis, and according to World Bank President James Wolfensohn, the disease has left 10 million orphaned African children in its wake.

In Botswana, Namibia, Zambia, and Zimbabwe, 25 percent of the people between the ages of 15 and 19 are HIV positive.

By 2010, sub-Saharan Africa will have 71 million fewer people than it would have had if there had been no AIDS epidemic. That is why we must acknowledge that the AIDS epidemic is becoming a crucial part of the context for all that happens in Africa and for all of our policy decisions about Africa.

Until this week this Senate has been moving in the right direction on these issues. I have been pleased to work with many of my colleagues in a bipartisan effort to raise the profile of the epidemic and to work toward a comprehensive package aimed at addressing this crisis. It disturbs me a great deal to think that Members of this body have somehow failed to hear us, or perhaps refused to listen.

This is not a partisan issue. It is deadly serious. I plead with all of my colleagues to look again at the AIDS epidemic in Africa and to consider its global implications.

Those implications are fast becoming strategic and economic realities that will kill millions and drag down all of our efforts on international development and the promotion of freedom and stability around the world. We need to get our heads out of the sand right now, resist the impulse to gain partisan advantage, and join together to seek solutions to the AIDS crisis before we reap global disaster.

U.S. policy on access to HIV/AIDS drugs will come up again in this body. All of the complex issues relating to this crisis—prevention strategies, care for orphans, mother to child transmission—none of these issues is going away. And while this Congress fails to do the right thing, while some fail to grasp the magnitude of the epidemic and its consequences, AIDS will continue to take its terrible toll on families and communities, on economies, and on stability around the world.

I yield the floor.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

The Senator from Georgia.

Mr. COVERDELL. Mr. President, as I understand it, our leader, or his designee, has balancing time to that which is used on the other side. I believe Senator SESSIONS' name was even evoked, that he would utilize some portion of that. How much time does the leader have?

The PRESIDING OFFICER. The leader has 32 minutes.

Mr. COVERDELL. Mr. President, I yield from the leader's time to the Senator from Alabama 15 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. SESSIONS. Mr. President, I am excited and pleased about the direction this Senate is attempting to go in reforming Federal involvement and participation in education today.

I have been traveling my State since January. I have been in 15 different schools. I have been impressed with what the teachers and principals are trying to do. There are a lot of good things happening in a lot of schools all over America. But I hear more and more frustration from those people who are dealing with our children in our classrooms, who know our children's names, who are answerable to our people in our communities to run education. They are very frustrated that what we are doing in Washington complicates their lives, makes them more difficult, and frustrates their ability to actually teach children.

I know some of my friends on the other side of the aisle so frequently use the word "accountability." They say "we need accountability—accountability." I have been listening to that. Not too long ago it finally dawned on me—I have been in this body for just over 3 years, on the Education Committee just over 1 year—what they define as accountability. They define accountability as a Federal program that mandates precisely how the money is spent.

That is not accountability. Accountability is, when money is coming from the Federal Government, the State government, the city government, and the county government: Is learning occurring? Are children learning? We need to determine in America if children are learning. In some schools they are and in other schools they are not, or there is so little learning as to be, in effect, a waste of our money. To pour more money, even with targeted rules from the Federal Government, into a school system in Alabama, Texas, Pennsylvania, or New York is not the way to improve learning. That is not accountability.

We need to ask ourselves, after 35 years of this basic Elementary and Secondary Education Act—and it is a primary Federal act; there are some 700 programs for education. ESEA is the biggest. We have been growing it for 35 years. It is now up to 1,000 pages of rules and regulations and paperwork that fall on our teachers and principals.

I have been talking intensely to those people. They do not believe it is necessary. They believe many of the things we are doing complicate their lives, make it more difficult for them to teach, and frustrate them. In fact, we are, as many people know, losing a lot of good teachers. Discipline problems, paperwork problems, lack of appreciation for the work they are doing, no difference between a great teacher who works at night, does his homework, meets with students after school, prepares carefully written tests—there is no difference in what they get paid from a teacher who has no interest in their work, just comes to class, presides over it, does not do a lesson plan, gives weak or almost insignificant tests, and does not worry about whether the children are learning or not.

I was in Selma, AL, last Friday, visiting the Selma City School System. Selma has 45,000 people. They created a sixth grade school. They call it the Discovery School. The teachers and principals got together and developed a program on how to improve learning for the city of Selma. All the sixth grades were there. Every student has to be involved in an artistic endeavor. I saw their ballet performance. I saw their tap dance performance. They have music, art, and other forms of artistic endeavor. They believe, as national statistics show, that music and art can enhance learning in other courses. That is their decision, and they have teachers who are committed to it and excited about it. They were very proud of the performance of those kids.

I went into a class called sports math. Sports is big in Alabama and in a lot of States. Kids are interested in sports. When one talks about batting average, that includes people's weight, height—all these factors. This is a good way to take children's natural interest in an event such as sports and convert that to a learning process of math. It is an extra class they can do.

I met a teacher who had gone to Russia with our NASA program. She taught a special class on space, and they were excited about that.

They had some great teachers there. I met the mother of Doc Robinson. Doc Robinson—of course, sports fans might know him—is the senior graduating guard from Auburn University, one of the top teams in the country this year. He will probably go in the first, second, or third round of the NBA draft. His mother teaches in Selma. She is a wonderful lady and excited about education in that school.

What is it that makes us think we can develop some plan for teaching sixth graders in Selma, AL, better than those people? That is a question we need to ask ourselves. What is it that makes us think we can mandate more effectively than they can? They care about their children. They are their own children. Doc Robinson graduated from that Selma school system, just as other children did.

That is an important factor for us to consider. I know there has been a lot of thought about how we are going to handle other issues people think are important. One of the issues that has been talked about a lot is class size. They say class size is the most important thing. Numbers do not show that to be the most important thing. They do not show that. There is a lot of debate about that. Maybe it is extremely important under certain circumstances. It may not be so important in other circumstances.

Maybe the Selma school system would rather create this new Discovery School and work on funding it for the next 2 or 3 years, get it straightened out, and then add a new teacher to reduce class size the third year down the road. I am not prepared to say what it is.

Why do we not think we ought to trust the people who elected us to run the school system? They elected the school system. There is a lot that has been said about this.

There has been a study by Michigan Professor Linda Lim who did comparative studies of U.S. and Asian schools and found that class sizes of 50—and we are down around 20 or fewer now—50 plus in places such as Taiwan have not kept those schools from performing better than ours. The basics of Professor Lim's findings are that nothing—not spending per student, not class size, not computer access—makes the critical difference in the end. Rather, motivation is what matters. We need parental involvement, plus teachers who want to teach and are skilled and children who are prepared to learn. They must all work together to achieve results.

We talk a lot in our State about improving textbooks. I think we ought to improve textbooks. I am very concerned about the quality of our textbooks. A year or so ago, Senator ROBERT BYRD delivered one of the most-impressive speeches I ever heard on education. He called the modern textbooks "touchy-feely twaddle."

Regardless, what difference does it make if we have a $500 textbook for every child in the classroom and those students will not read it? That is what I ask students when I talk with them. Alabama has a tough graduation exam. If a student does not meet this exam, they will not get their diploma. It is considered to be the toughest exam in America. The children are worried about it. A substantial number may not pass.

When I talked with these students, they expressed their concerns to me, to which I enjoyed listening. I asked them: Do you come to school in the morning, and do you get a good night's rest? Do you pay attention in class? Do you do the homework your teacher assigns? Do you read your lesson at night? Oh, you don't? Do you know students who do not do that? And they all agreed that they do. I said: Why do you think you should get a diploma from high school if you do not at least put in your part?

What we are finding, and what a lot of experts believe, is that a teacher who can motivate a child is more important than whether he is teaching 18 people or 25 people. That is a key factor.

There is a study by the University of Rochester economist Eric Hanushek. He studied 277 separate published studies on the effect of teacher-pupil ratios and class-size averages on student achievement.

We ought to get a pretty good result from this. They published this all over America. He found this: That only 15 percent of those studies suggested there is a statistically significant improvement in achievement as a result of smaller classes; 72 percent of the studies found no effect at all. That is surprising to me. I would not have thought that. But that is what he found. And he found that 13 percent found reducing class size had a negative impact on achieving. That was reported in the Education Week, a journal of professional educators.

The Department of Education, under President Clinton, reports that although American students lag behind other students in international testing, American classrooms have an average size of 23 students. That is very few students compared with the averages of 49 in South Korea, 44 in Taiwan, and 36 in Japan.

I am not saying we ought to increase our class sizes. I think having a small class size is fine. But for this Congress to mandate to professional educators, Governors, State superintendents, county superintendents, and principals all over America that we are going to give you money only for reducing class size is not wise. I am telling you, America, that is not a good thing for us to require, to mandate. In a particular community, that may not be the most important thing. There are some real numbers that question that policy.

Washington, DC, this city of which we are a part, has an average class size below the national average. Yet it ranks near the bottom in academic achievement. Furthermore, we should not forget that class size in American schools dropped from 30 in 1961 to 23 in 1998 without any improvement in standardized test scores.

So I would suggest maybe having superior teachers and motivating schools are the things we need to be looking for. That is not going to come from some Senator in Washington or the President of the United States but from actual teachers in classrooms who know our children's names, who care about them as human beings.

Indeed, in 1988, the U.S. Department of Education concluded that reducing class size would be expensive and probably "a waste of money and effort." I do not know if it is a waste of effort. I just say this. It may not be the most important part of our budget dollar.

We are trying to do that in Alabama. We are working hard to reduce class sizes. We are actually getting down within this national goal range already. But it does come at great cost.

What if you have 18 classrooms in a school, and they are averaging 25 students per classroom, and you want to bring it down to 20 students per class or 18 students per class? How many more classrooms do you have to build? How many more teachers do you have to hire? How much more air-conditioning and structure and upkeep is required? I am just saying, we do not know enough to mandate that. That is all.

I know the polling numbers look good. You go out and ask the American people: What would you like to do about schools? You give them a bunch of choices, one being: Reduce class size. They say: Yes, I would like to reduce class size.

Before I looked at these numbers, I would have thought there would be a much greater correlation between smaller class size and learning in a classroom than there apparently is shown by all the statistical data.

I am just saying, we do not need to be reacting to polling data. We do not need to run a poll and ask what is the No. 1 idea somebody might have to improve education, and then do only that, after looking at the numbers and finding out that might not be the best approach.

Of course, teacher quality is something about which Senator MACK and others have been talking. How can we nurture that? I taught 1 year in a sixth grade class in the public schools of Alabama. My wife taught a number of years. Our kids have gone through schools in the State and had a good experience. My two daughters graduated from a major public high school in the city of Mobile. We have been to the PTA meetings at Murphy High School. We named our dog Murphy. We loved our high school and participated in it. My daughters were editors of The Annual. They also attended other schools in the city. We were involved in that.

We want to see the quality of education improve, but it is not always what somebody might say in response to a polling question.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. SESSIONS. I ask unanimous consent to speak for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, with regard to the quality of teachers, that is where we need to focus. Senator MACK has offered this amendment as a breakthrough to try to have some merit pay. I am telling you, I have taught. My wife has taught. We have been active in schools. Everybody who knows anything about education, who has had children in school, knows that some teachers give so much more and are so much more valuable than others who have maybe lost their enthusiasm or just do not have the capability. That is quite clear.

To say to those exceptional teachers, who are being sought by high-tech computer companies and chemical firms, that we cannot pay them any more money, that they have to receive the exact same pay as somebody who does not perform as well, is not good policy, not if we care about learning.

But if we care about bureaucracy, if we care about the educational establishment in Washington—if we care about that —if that is who is jerking our chain, then we do not give more pay to people who do better, then we do not give more pay to people who give their heart and soul to it, as I know they do.

I have been a member of a supper club in the city of Mobile for a long time, over 25 years. Three of those people are full-time career teachers. I know how hard they work. I know how concerned they are for their children. Some teachers are just not that way.

So why is that proposal so threatening? It would not be mandated. It would allow a certain amount of this money to be used for special merit pay. What is wrong with allowing a school system to do that? I think that is an important matter. I am delighted that amendment has been offered. It will be adopted and become law. We need to do that.

According to a Fordham Foundation study called "Better Teachers: Better Schools," we know that if students have teachers who have college degrees and have been specifically certified to teach math, those students score significantly higher on standardized tests than if the teacher did not have those credentials.

Why shouldn't we pay more? Do you know what we do for the military? We are finding we need pilots, so we give them special bonuses to reenlist. We find we need special skills in certain computer areas, so we are allowing the military to pay more money for that.

How are we going to keep math teachers who are in such demand in the private sector today, if they are exceptionally well trained and capable? How can we deny them any additional pay when we need them so desperately in the schools?

I think we ought to look at that and improve on that.

The Fordham study also points out that approaches focusing on inputs, courses taken, time requirements met, time spent, and activities engaged in, rather than on outputs, student achievement, how they are learning, and what their scores are on tests, are counterproductive.

Do you see what that is saying? That is saying we should not put our money just on going through the motions of education. We should not invest our money in that. What we need to do is identify the kind of education in which learning occurs, where students are improving in their knowledge and support that—output, not input, issues.

So if our bill were to pass and become Federal law, we would begin to focus on the outputs of academic achievement by poor students because ESEA is primarily focused on the poor, low-income schools and low-income students instead of focusing on inputs.

The Teacher Empowerment Act—and Senator GREGG will speak about that—is so important in that regard. I will mention one more point, and I see the Senator from Oklahoma is prepared to speak.

Let me mention this. I have been in, as I said, 15 schools, and I am familiar with public schools in this country. I will tell you, one of the most significant problems we face is the ability of teachers to discipline children. They have been denied that by lawyers—Federal rules and regulations—and it is disrupting the classrooms and making it difficult to teach.

I have a stack of probably 40 letters here, some of which would break your heart, from teachers who tell me stories. I intend to read some of them before the debate is over, perhaps a lot of them. I want people to hear what is happening in schools in America today. You may say it is the teacher's fault. What we will find out is that a lot of the reasons they can't maintain discipline in school is because of Federal law, what we do here under the Disability Act. We were supposed to fund 40 percent of the cost of that when the law was mandated; we were supposed to pay 40 percent. The truth is that the Federal Government now is paying 11 percent of the cost. Yet it is a full mandate on our schools in America.

Schools have met the challenge. They are doing what we tell them to do, at a great cost. We had the superintendent of a school system in Vermont testify at an education hearing that 20 percent of his school system costs—20 percent at least—was focused on disability students. We have gone beyond what we meant by that.

Originally, our goal was to make sure that children who were deaf, blind, or in a wheelchair would be allowed to participate fully, mainstreaming them in the classrooms in America. I certainly support that.

What has happened now is under the Federal regulation, children declared disabled are not allowed to be disciplined, and the children are learning this; they know it. It is really a problem, which these letters will show.

Unfortunately, it has now been twisted beyond its original intent. Teachers and principals are faced with regulations and laws that must be utilized before a disruptive or even violent child may be removed from a classroom—even for a short period. We should not continue these kinds of rules and regulations that keep schools from dealing with disruptive, aggressive, violent, gun-toting students.

I have continually received complaints about the problem in every school I go to. They say it is the No. 1 problem with the Federal Government. My friend, David Whetstone, in Baldwin County—and I have known Dave for a long time from when I was a former U.S. Attorney and State attorney general. He came to Washington personally to talk to me about this story. We discussed a case which received national attention in both Time Magazine and on "60 Minutes," in which a student was described as the "meanest kid in Alabama."

My friend, Dave Whetstone, told me of the circumstances in which this violent, disruptive young man was kept in the classroom under these Federal laws. I want to tell you what happened to this young man and see if you don't understand why teachers and principals are concerned about what we do here.

The school had to assign an aide to this young man because he was declared emotionally conflicting. That is a disability, apparently. He had to stay with him all day long throughout the school day. The aide would get on the schoolbus with him in the morning, sit with him in class all day, and go home on the schoolbus at the end of the day because of his disruptive behavior. The aide had to be paid by the school board, of course, and the taxpayers of the community. Can you imagine what it was like being a teacher in that situation? The student used curse words in class on a regular basis and to the principal on a regular basis and was continuously disruptive. But our Federal law said, basically, he had to stay in the classroom.

Eventually, the young man was going home one afternoon on the schoolbus and reportedly attacked the bus driver. When the aide tried to restrain him, he attacked the aide.

My friend, the prosecutor, brought a creative legal action against the student to try to stop it. He was shocked to find out that was a law in the public schools of America. He found that there were at least six other students in that one school system with the same type problems.

I have received letters from experienced educators all over the State of Alabama expressing their concern about this Federal regulation.

Let me mention a few other experiences. None of these come from the same school. This is a quote from a letter:

> We have a student who is classified emotionally conflicted, learning disabled, and who has Attention Deficit Disorder. While this student has been enrolled, students, teachers and staff have been verbally threatened with physical harm. Fits of anger, fighting, and outbursts of verbal abuse have been commonplace. Parents and students have expressed concern over the safety of their children due to the behavior of the young man. Teachers have also become extremely apprehensive toward the presence of the student due to his explosive behavior. His misbehavior has escalated to the point that the instructional process of the entire school has been jeopardized.

Another one:

> I have taught for 25 years. I plan to continue teaching, but the problems with discipline are getting out of hand. We are not allowed to discipline certain students. Any student labeled as "special needs" must be accommodated, not disciplined. A student recently brought a gun to my school. He made threats to students and teachers, which he claimed were jokes. I was one of the teachers.

The teacher was threatened with a gun.

> This student has been disruptive and belligerent since I first encountered him in the ninth grade. Now he is a senior. After bringing a gun to school, he was given another "second chance." He should have been expelled. What was his handicap? He has had problems with mathematics. While this may be an extreme situation, it is not isolated. Teachers are told to handle discipline in the classroom. The Government has taken most of the teachers' rights away, our hands are tied.

Talk to teachers. Many special education teachers have told me that the discipline proceedings are going to drive them out of the profession. I believe it will be a tragedy if we lose proven, dedicated teachers because of shortcomings of a Federal law that is not fulfilling its purpose.

That is not the purpose of the Disabilities Act—to keep violent, disruptive kids in the classroom when they are disrupting the teacher's ability to teach and learning isn't occurring. This is not restricted to any State; it is all over the country. That is why in the past, Senators ASHCROFT, FRIST, GORTON, and others have worked hard to end this problem. We must continue to do so.

Mr. President, I know others would like to speak at this time. There is so much that we need to talk about. I would like to, and will, share in a few minutes, perhaps, a letter from a young teacher in an elementary school class who talks about the day she walked out of that classroom, walked through the parking lot, got in her car, never to return—because of this kind of stuff. It is happening. We need to put an end to it, and we can do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me address something that the Senator from Alabama was talking about. He gave so many good, concrete examples of the discipline problem we have in our public school system. It is a very real thing. I appreciate him bringing this up and the fact that we know why we are having this, with all the mandates and requirements.

I want to tell you a story. You talk about the discipline problems. I want to give a concrete example of how one ended up in doing a great disservice to the children of Oklahoma and other places.

I have kind of a unique situation at home. I have a wife and two daughters, all three of whom teach or have taught. My wife taught back in the fifties, when we were first married. As our four children were growing up, I remember so well the youngest one—I call her the runt of my litter—Katie, always wanted to be a schoolteacher just like her mom, and her mom's discipline was accelerated math.

So Katie was in school. She got her degree and got her master's in math education. She is really an accomplished teacher, because she loves the kids. She was active in Young Life because she liked to be around troubled kids and help them with their problems. When someone is a dedicated person like that, that means they are a much better educator.

To make a very long story short, little Katie had wanted to teach the same thing her mother did. When she finally got all of her degrees, she came to the school where her mother taught and where Katie and her brothers and sisters all went to school. After she got the job, it wasn't only that she got a job in the same school as her mother, but she taught the same course in the same school in the same classroom that her mother had taught in 30 years before. She was rejoicing. It had just been a few years before that that she had gone through that school.

She taught there for 4 years, and she came to me one day literally in tears. She said, "Daddy, I feel like a traitor because I have to leave to go to another school district." I said, "Why? This is where your mother taught. This is where you went to school. Our whole family went to school there. It is a tradition." She said, "I teach math, and the kids are so disruptive and not listening. There is no discipline. When you send them to the principal's office, the principal says, 'Our hands are tied. We can't do anything about it.'" So it continues. Consequently, these kids are not getting an education.

This is in the fourth week of the beginning of the school term. She said, "I told the kids, 'If you do not get the basics right now at the beginning of the school term, you are going to fail the class.' They all shrugged their shoulders in unison, and said, 'We don't care.'" And the parents didn't care. There is no way that the school was going to discipline those children.

Katie quit. She went to a private school. She is now involved in teaching and is an accomplished teacher. The public school system lost. I am a prejudiced daddy. I admit that. But they lost one who is considered by the parents and fellow teachers and certainly students as one of the best math teachers that taught, including my wife, in that school. It is all for one reason: There is no discipline.

That is what local emphasis is all about. I think we can untie the hands of the local school districts and let them do it. On the bill we are considering today, I would like to go further with vouchers in getting into more choice. But this is certainly a good personal first step.

I would like to mention one other thing before the Senator from Alabama leaves the room because I want to make one comment about a program that works and one that we are going to try to change and get fully implemented. That is called impact aid.

I know the Senator from Alabama is interested in this because Alabama would qualify for $12 million of impact aid. Last year they got $2.4 million. They are at 20 percent of where they should be.

Impact aid is a Federal program that really works. By and large, it is not something that is giving something to somebody. It says to go the Federal Government, you have come in here with your military installations, with your Indian reservations, or any other Federal type of program, and because of that those lands on which you are working are off the tax rolls. So there is no property tax coming in. Yet while you are doing that you have brought in with you a large number of children. Those children have to be educated in our educational system. Yet there is no funding there to offset the cost of not being able to collect revenues from those lands that are on various installations. This as one of the rare programs we can talk about that is not just something good for students, but it is an obligation that we have to these students. Oklahoma, I might add, is in a very similar situation.

What we are proposing in a letter that we encourage people to sign, and which the Senator from Alabama has already signed, is that we need to phase in full funding for impact aid. Over a 4-year period of time, we start with 6 percent. Then we move on up until we have 100 percent.

This is a program that I think of as a moral responsibility to keep our word with local school districts because when we don't do that the amount of money they have to spend to educate that child is taken away from other programs such as computers and teacher-pupil ratios. This is something I think is an obligation and something that we should strive for. Hopefully, we can get the language in here.

I don't care if it ends up being an entitlement, as much as I hate to say that. This is a responsibility that we have.

Mr. SESSIONS. Mr. President, as the Senator knows and as I understand, the Government said it desires to fully fund this. It is not meeting the commitment that it made. Is that correct?

Mr. INHOFE. That is correct.

Mr. SESSIONS. In terms of the overall education budget, it is small in cost. But for those schools impacted, it is a very big deal for them.

I thank the Senator for his leadership. I think this is an important issue.

Mr. INHOFE. It is a big deal, because in my State of Oklahoma there our five major military installations. I hear from people all the time in Lawton, OK, and Fort Sill. Of course, we have a very large number of children who are being educated in the public school system, but there is no money coming from the tax base. This is a Government installation.

The local districts sometimes have ideas that are better than those ideas emanating from Washington. I will share one personal experience. I can remember many years ago when I was in the State legislature; I made it a practice to always come back to Tulsa from where we met when the kids had some kind of a function, a school play or something. I remember coming in one time and seeing my oldest son, Jimmy. At that time he was in the fourth grade. He was beaming. He said, "Dad, guess what?" He said, "You know I am in the fourth grade." I said, "Yes. I know that, son." He said, "Guess what. In reading I am in the fifth grade." I said, "How in the world did that work?" He said, "It is a brand new, something that has never been tried before. But they are taking me at the level where I am because I am better than the rest of the fourth graders. So I am in the fifth grade."

I thought back to when I was in grade school. I went to a little country schoolhouse where they had a wood-burning stove in the middle of the room. There were eight rows of seats and eight grades. I was in the first row because I was in the first grade. My brother was in the second row because he was in the second grade. My sister was in the eighth row because she was in the eighth grade. We had one school teacher. I think back now and wonder if he was really the giant that I remember.

When you needed discipline, as the Senator from Alabama was talking about—at that time they had a great big board. If you messed up, you were disciplined the right way. Anyway, when they would teach the classes, they would line you up. I would go with the first graders. In spelling, for example, when you missed a spelling word, you had to go up there and get a swat on the rear with this great big paddle. I have to tell you that I was a very good speller. I was in the third row. That taught me a lesson.

So I thought about that program that Jimmy talked about. This probably happened 30 years before then. It was a brandnew and innovative program. Programs that emanate from the Federal Government are not always the right ones.

We need to unshackle the hands of the teachers, the parents, and the local school districts to give them greater flexibility and greater opportunity to do a better job of teaching our children.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, from our side we have had a good discussion of the Abraham amendment. We had a brief discussion, but I think a good exchange, on the second-degree amendment with regard to the best way to provide incentives that will have a direct result in enhancing academic achievement and accomplishment for students. We are under the strong impression, based upon the best experience and the record to date, that is the best way to go.

Of course, as we all know, the 93 cents out of every dollar spent locally is within the domain of the State. If the Governors want to go ahead with a program outlined by the Senator from Michigan, they will still be able to do it. While the legislation represents a small percentage of the dollars that will be expended, at least on our side, we feel very strongly we want included in the legislation, programs that are tried, true, and tested and have had a sound record of performance. That is expressed by our second-degree amendment.

We are prepared to move toward the consideration of the Murray amendment that dealt with the class size. I think it is appropriate following this discussion on teachers. As I mentioned earlier today, of the $2 billion from S. 2, the Republican teacher proposal, $1.3 billion of that comes from the class size program which they effectively eliminated. Mr. President, $300 million is from the Eisenhower math and science program which is in existence now, which I think is a pretty good program. They are ending that program. They are only adding some $300 million to do all of the things they talked about in terms of enhancement of academic achievement for teachers and teacher support. This is in contrast to the amount we are proposing on the Democrat side, $3.75 billion, that we have outlined in the debate and discussion yesterday.

We hoped we would be able to go ahead with the Murray class amendment. We are prepared after that to move to the Lieberman proposal. There aren't any real surprises in the Lieberman proposal. Senator LIEBERMAN and others have outlined that in considerable detail. The language has been passed over to the other side. We wanted to go on giving the Senate the option to be able to consider the alternatives in S. 2 just on the teacher programs, both the recruitment and mentoring, and the academic enhancement and achievement for teachers. We wanted also to have a good debate on the proposal of Senator HARKIN on modernization of our schools. We wanted to debate the after-school programs. We wanted to debate the excellent proposal of Senator MIKULSKI on the digital divide. We wanted to debate our strong accountability proposal of Senator BINGAMAN.

There are no real mysteries about where we are. I imagine we will get an opportunity to talk about safety and security in schools. There is very little surprise about the programs and our amendments.

We understand we want to go back and forth, but we are quite prepared to move ahead. We have been virtually free of any quorum calls since this legislation was laid down. That is rare. On Monday, we had seven speakers from our side, seven speakers from the other side. We went until almost quarter to 7, starting debate at 1 o'clock, and free from any quorum calls. That was true Tuesday evening and yesterday as well and has been true up until now. We are getting close to 2 o'clock. We are not in tomorrow. On this side we are prepared to get into debates and discussions on these items. They are at the heart of education reform. They have been demonstrably effective in helping and assisting the schoolchildren of this country.

I listened to my colleagues before 1 o'clock talking about all of the challenges we are facing educating children in underserved areas—all of which is true. What I didn't hear is how they believe they felt their bill would solve it. That is the question. Everyone can come to the floor and talk about the challenges we are facing with children in underserved areas. We all understand that. But when I hear time after time, speech after speech, we have a problem out there and we have to do something about it, I think it is beginning to sound empty.

Generally speaking, we identify a problem and we try to identify the solution to the problem. That is not being done here. The reason it is not being done is because the Republican proposal is basically a blank check, a block grant to the Governors.

When we find out we don't have well-qualified teachers, what is the answer? Blank check to the Governor. We have trouble and difficulty in overcrowded classrooms and we have dilapidated schools. What is the answer? Blank check to the Governor. We have new technologies that are coming down the pipe, and we want to make sure we will have a balance, that we are not going to get into a digital divide using technologies that will separate the haves and the have-nots in our schools. What is their answer? Give it to the Governor.

We have tried that before and we have not gotten very satisfactory answers. We have not gotten satisfactory answers in the time from 1965 from 1970 when we had block grants. We found how the money was diverted for football uniforms and band uniforms and swimming pools, for a wide range of different kinds of activities that were distant and remote and unrelated to children who had very important needs.

We had the other side, with all due respect, that took the position, as we started off in the 1990s, that the best answer in solving these problems is to close down the Department of Education. That was their position: We do not want any Federal participation. We do not want any partnership. Close it down. That was their position in the early 1990s. That, and the rescission of funding that had been appropriated and signed into law by the President of the United States during that time.

I, for one, as I have said a number of times on the floor, I think most parents would agree, that at every single meeting the President of the United States has with his Cabinet, there is going to be someone there who is going to say to the President: What about education for the children of this country? When they are going to be meeting at the Cabinet table and deciding priorities in the expenditure of our $1.8 trillion, you want someone there who says: What about education, Mr. President?

The Republicans do not want that voice in the room because they do not want any Federal participation on that. That has been their historic position.

Now we have the time to have this debate. As others reminded us, we do not do it every year. We do it every 5 or every 6 years. We are having this debate now, just after the turn of the century. What is their answer? Instead of no more Department of Education, instead of cutting back even more in terms of the education budget, they say let's give it all to the States. Let's give it all to the States and let them make a judgment about it, virtually free from much accountability. All States have to do to get the money is to have an application and general outline of what the State intends to do to enhance educational quality. Then there is a long list of things that can be included in that effort. But also included are the words "for any educational purpose." Who decides that? The Governor decides that.

This is their "Uses of Funds Under the Agreement."—Funds that may be available to a State under this part shall be used for educational purposes.

Every Governor can just make a decision that this is for educational purposes and then they are not accountable until after 5 years. Then there has to be a finding by the Secretary of Education that they have not made substantial progress in the area of education.

So their position is: Blank check, block grant, give it to the States, let the Governors do whatever they do. That in spite of the extraordinary record of the efforts of serious Governors, Republicans and Democrats alike, in the period of the 1980s and the 1990s, who said what we have a responsibility for is for the underserved schools in our States. There were eloquent calls for action by the Governors themselves. The National Governors' Conference, time in and time out, we found were asking for it, going back to 1986.

Governors Alexander and Clinton and Keene and Riley, urging they give greater focus and attention to underperforming schools and districts, and that States take over the academically bankrupt districts. Those were speeches being made in 1986. I am glad to hear they are being made by our Republican friends now.

Then, in 1987, 9 States had authority to take over, annex educationally deficient schools—only 9 out of 50. The call went out again in 1990, and again in 1998. The National Governors' Association policy: Support the State focus on schools, reiterating the position first taken in 1988 in the National Governors' policy:

> The States should have the responsibility for enforcing accountability and including clear penalties in cases of sustained failure to improve student performance.

Now we find there are 20 States that provide assistance to low-performing schools; 18 States apply some type of schoolwide sanction out of those 20. Now we have 20 States. It will take another 50 years, if we were going to get all the States to do what 20 States are doing now. But that is not good enough. Our Republican friends say give the money to the States, in spite of the facts. You have the record about what the deficiency has been at the gubernatorial level.

There are some notable exceptions, Republicans and Democrats alike. We are glad to recognize it. We pointed some of those out during the debate. But that has been the record. They have not measured up, done the job; they have not taken that responsibility.

We are not prepared, with the scarce resources here, to try to turn that over to the Governors one more time and expect they are going to do the job. No. We are going to insist that there will be incentives and disincentives for performance. That is what we do.

As I mentioned, whether you are talking about dedicating resources to turning around schools—in our particular program we have the resources to be able to do that. We make sure we are going to allocate scarce funds that each year are going to be set aside that can be utilized and will be effective in turning around failing schools. The schools are going to have to show annual gains for student performance.

We are to the point where we are going to insist there will be a report card that is given to every parent in this country about how their child's school is doing, every year. I think parents would like to know how their child's school is doing. We are guaranteeing that.

We asked our good friends on the other side how their bill is going to solve the issue of accountability. They cannot do it. We have been challenging them since the beginning of the debate. They cannot do it. We can. We are glad to go through these various provisions we have outlined about the assurance of real accountability of failing schools. If they fail, there are real consequences. After a period of time they are closed down. There is a whole new leadership for those schools if they are going to be reopened. Otherwise there is support for the children to go to other schools.

We also have a strong commitment to try to reach out to those children who are so often left out and left behind. We are talking about the homeless children. We have over a million homeless children in this country. We have over 700,000 children who are migrant children, who travel through this Nation at the various harvest times. There is a similar number of immigrant children who eventually are going to be American citizens. It is in our interest that they get educated. It is in our interest that they get educated, not cast aside.

Now, what does this Republican bill do? What it does is eliminate all those kinds of protections which have been out there now, guaranteeing those needy students are going to have their interests addressed. It sends the money back to the States, which prior to 1987 had not given those populations their attention.

I see the majority leader on the floor. If he wishes to address the Senate, I will be glad to withhold.

Mr. LOTT. I will be glad to wait until the Senator completes his remarks. I was going to try to bring the Chamber up to date on our hope of how to proceed. Senator DASCHLE is here.

Mr. KENNEDY. I will withhold.

Mr. LOTT. We are not ready to do that at this moment because we have to be sure everybody accedes, and so I will be glad to withhold.

Mr. KENNEDY. At any time the majority leader wants to propound the consent request, I will be glad to yield.

I wanted to read the 1987 report. In March of 1987, the Center for Law and Education sent a questionnaire regarding State practices and policies for homeless students to the chief State offices in the 50 States and the District of Columbia, and received 23 responses. The majority of the respondents, however, had no statewide data, so out of the 50, you got 23, and out of the 23, the majority had no statewide data on the number of homeless children within their jurisdiction, or whether these children were able to obtain an education.

The majority of States had no uniform plan for ensuring homeless students received an education—the poorest of the poor. Can those who want to give this money directly to the States tell us about programs that had been developed by the States prior to 1987? I have searched. I have looked. I cannot find them. Why? Because they were not a priority because they did not vote. Children do not vote, and the parents did not vote. We know the reasons, and that has been true with migrant and immigrant students as well.

As for the homeless children, we made marginal increases in the enhancement of those programs annually during the appropriations process, but we maintain our commitment. I wish we could be out here in a bipartisan way trying to find ways to strengthen these programs, to help those kids, to find out how we can be more effective. But oh, no, do my colleagues know what we are going to do? We are going to take those three programs, which is millions of dollars, and instead of continuing to target the homeless and neediest children, we are going to send that money to the Governors, to the State capitals to let them decide whether they want to be bothered by this.

The record is very clear: They have not historically, and there is little indication that they will today. If one looks over what is being allocated at the State level versus what the Federal Government is doing with programs in these areas, one will find they are begrudging support for these programs. There are certain exceptions, and we are always glad for that.

We enable students in failing schools to transfer to higher-quality schools. We say you cannot use more than 10 percent of the title I money for transportation. We let the local communities make the judgment of what they will do. Under the Republican bill, there is absolutely no cap. They can use the whole title I program for transportation.

On accountability, we find there continues to be a deficiency.

I will take a couple of minutes to go through the merit pay issue again and our particular proposal. Since we knew this was coming up, we tried to find out what different States have done and what has been successful.

We were reminded by the Senator from Georgia about a merit pay program that Secretary Riley instituted. It cost the State of South Carolina $100 million, and it was abandoned. I am sure my friend from Georgia does not realize it was abandoned. Probably those last words or last couple of sentences were missing in his presentation. They have switched to more of a school-based program.

In looking over the use of merit pay incentives for teachers across the country, one of the most successful has been in Dallas, TX. In 1991-1992, they implemented one of the most sophisticated accountability systems in the Nation. The centerpiece of it was that all staff in schools which increased student achievement received monetary awards. A 1996 study found when the scores were evaluated against the comparable school districts, the Dallas program had a very positive impact on test results. That is our amendment—schoolwide, with regard to that aspect.

In North Carolina, a State in which great progress has been made in education—I do not know why, but when we find out that some things work, as in the State of North Carolina, we do not try to share that with other parts of the country. We have tried to do that in this legislation.

North Carolina, in 1997, implemented its incentive program for whole school merit programs, and the legislature recently budgeted $75 million for the awards. More schools met their performance goals than expected. The second year required $125 million rather than scale back the level of the award. The legislature increased the budget to increase this successful program. It is working. We have no problem with our friend from Michigan on this type of merit pay program, but let's get it correct.

Mr. DODD. Mr. President, will my colleague yield?

Mr. KENNEDY. Yes.

Mr. DODD. First, I commend Senator KENNEDY for his comments. The alternative of rewarding schools as opposed to individual teachers is a very sound way of approaching this—the team environment, the team effort.

I find it somewhat ironic that the authors of S. 2 want to have the Federal Government stop dictating to the States and communities how the 7 cents on the dollar the Federal government provides for education is going to be used, yet in this amendment they have offered, they ask that this body to decide what certification or merit pay will be provided for teachers across the country. What works best is a decision that ought to be left to the States or the local communities. For the Senate to go on record to decide what will work best in the 50 States is in direct contradiction to the arguments I hear being made in support of the underlying bill, and that is: We do not know what we are doing here; we ought to leave this up to the local governments. Now we are going to decide, apparently, that teachers ought to get a pay increase rather than leaving that decision to the local level. It seems they have it backwards. Those decisions are best left at the local level.

As the Senator from Massachusetts has accurately pointed out, in State after State where it has been tried—it is not as if it has not been tried—it has not worked very well.

Instead of disregarding what is occurring at the local level, why not give them the chance in this area to decide what works best instead of trying to micromanage the pay or compensation of teachers based on some test that, as the Senator from Massachusetts said, would pit one against the other.

As he pointed out, there was an effort in Fairfax County, VA, to try this scheme. Maybe the Senator from Massachusetts can tell me again what was the experience in Fairfax, VA. They tried merit pay as a way to improve student performance, and what were the results of that experiment?

Mr. KENNEDY. The Senator is quite correct. They dropped that after a very short period of time because it was so ineffective in the outcomes for the students.

Mr. DODD. When they dealt with teacher merit pay for the whole school in New Haven—I gather it was New Haven, California, not New Haven, Connecticut——

Mr. KENNEDY. That is correct.

Mr. DODD. What was the experience there? Did the entire school benefit?

Mr. KENNEDY. There was a dramatic outcome in one of the poorest communities in California where they had schoolwide summer programs and they took all of the teachers—500 teachers—and gave bonuses to the whole school as the academic achievement went up. They also supported teachers if they wanted to obtain professional development or work towards advanced degrees. Finally, they gave encouragement for recertification, which is a very rigorous program of examination by senior teachers and review of the skills and talents of these teachers. But most of all, they gave support for the classes and the schools that were increasing academic achievement. It went from one of the poorest schools, in terms of academic achievement, to one of the best in California in a period of 7 years.

Mr. DODD. Lastly, I ask my colleague, does he know of any example, in his tenure in the Senate, where we have ever required merit pay for physicians, attorneys, architects, or any other profession you can think of? Has the Senate of the United States ever gone on record and said that as a condition of receiving Federal support, such as for health care plans or for legal issues, that we, as a matter of Federal policy, would require, in those professions, that they be required to be certified midcareer?

Mr. KENNEDY. Quickly, my answer would be no. Secondly, I think that—perhaps the Senator would agree with me—if we are going to give some extra pay, perhaps those teachers who are working in these combat conditions in underserved areas, whether they are rural or urban areas, might seem to be ones who could be deserving of it. That could be a decision that is made by the State.

But what I want to mention to the Senator, is that the States can do what the Senator from Michigan is proposing today, out of their 93 cents.

Mr. DODD. Correct.

Mr. KENNEDY. I have challenged the proponents of this to give us one State that is doing an effective merit pay for individual teachers program. We have not heard one. It would be nice if they said, oh, we have 15 States doing it and these are the results of it in academic achievement. They cannot give us one example.

Mr. DODD. If my colleague would yield, we have a number of former Governors here, some of whom support this amendment. I wonder if when they were Governors they supported this.

I see the majority leader on the floor. The minority leader and I certainly yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I thank the Senator from Connecticut for allowing us to proceed with what I think is a fair agreement on how to proceed for the remainder of the afternoon.

We have had good debate this week on both sides of the aisle. There is a difference of opinion. When we get our unanimous consent agreement, or when we get it propounded and hopefully get an agreement, I do want to comment on some of the things I have heard over the past hour during debate and on the pending Abraham-Mack amendment.

But I think, first, it is important we get an understanding and agreement on how to proceed. Basically, the consent we would like to propound would be that the pending second-degree amendment be laid aside, and that Senator MURRAY be recognized to offer her amendment relative to class size, with no second-degree amendments in order, that we would ask consent for the votes to occur at 5 p.m. on the pending amendments, and the time between now and that hour be equally divided, and the votes would occur on or in relation to the amendments in the order they would be offered or have been offered. That sequence, of course, is the Kennedy second-degree amendment, the Abraham-Mack amendment, as amended, if amended, and then the Murray amendment.

Then we would ask consent that the next amendments in the sequence be basically in the following order: Lieberman, as an alternative; Gregg, with regard to Teachers' Bill of Rights; and McCain, regarding sports gambling.

We will see if we can get an agreement on that. If we cannot, then we will modify it in a way we hope we can get an agreement.

That is basically how we would like to proceed this afternoon. I think it is a fair way to proceed. We will be able to have another 2½ hours, hopefully, of good debate. Then we can have some votes.

Then we will have things lined up for debate on Monday. I hope that we can get in several hours of debate on the amendments that would be pending at that point—the Lieberman amendment, the Gregg Teachers' Bill of Rights, and other education-related issues about which Senators may want to talk. Then we would move toward votes on Tuesday and/or Wednesday and Thursday, if necessary. That is basically the outline of how we would like to proceed.

As soon as I hear further from Senator DASCHLE, we will propound that UC.

Mr. President, I ask unanimous consent, then, that the pending second-degree amendment be laid aside and that Senator MURRAY be recognized to offer her amendment relative to class size, and no second-degree amendments be in order. I further ask consent that votes occur at 5 p.m., with the time between now and then to be equally divided, and that the votes occur on or in relation to the amendments in the order in which they were offered, with no second-degree amendments in order.

The voting sequence is as follows: Kennedy, second-degree amendment; Abraham amendment, as amended, if amended; and then the Murray amendment.

I further ask consent that following these votes, the next amendments in the sequence be the following, in the following order, with no second-degree amendments in order prior to a vote on or in relation to the amendments. They are as follows: The Lieberman amendment, which is an alternative; the Gregg amendment, dealing with Teachers' Bill of Rights; and the McCain sports-related gambling issue.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. Mr. President, Senator McCAIN and I have discussed this matter. I understand he will be here momentarily. But I indicated to him that there might be an objection. We have now heard an objection. Therefore, I modify my consent to reflect the next two amendments be limited to the Lieberman and Gregg amendments as outlined above.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like to ask the Senator from Missouri to withhold his objection, and in order for one other Senator to arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to say again, if I didn't say it sufficiently a moment ago, that I appreciate Senator McCAIN's cooperation in agreeing for us to proceed even without an amendment he had hoped to get in the next sequence. But there was objection to that. He has agreed for us to proceed without an objection.

The same thing is true with Senator ASHCROFT. He has had a chance to review the situation. And our colleagues on both sides of the aisle have had an opportunity to look at the substance of the amendment. There are a number of Senators who have amendments they want to have considered. We hope as we go forward they will be in the lineup at some point.

For now, we are just trying to get the rest of the afternoon agreed to and debate amendments that we will also be debating on Monday. Then we will take it from there.

Mr. President, let me propound the unanimous consent request again and see if we can get it cleared at this point.

I ask unanimous consent that the pending second-degree amendment be laid aside, that Senator MURRAY be recognized to offer her amendment relative to class size, and that no second-degree amendments be in order.

I further ask unanimous consent that votes occur at 5 p.m. with the time between now and then to be equally divided, and the votes occur on or in relation to the amendments in the order in which they were offered, with no second-degree amendments in order.

The voting sequence is as follows:

Kennedy second-degree amendment;

Abraham amendment, as amended, if amended;

Then the Murray amendment.

I further ask unanimous consent that following those votes the next amendments in the sequence be the following, in the following order, with no second-degree amendments in order prior to a vote on or in relation to the amendments and the second-degree amendments must be relevant to the first degree they propose to amend. They are as follows:

Lieberman, which is an alternative;

Gregg, Teachers' Bill of Rights.

I believe that would be the request.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not, provided it is all right with the distinguished Senator from Washington State, would the leader be willing to amend that so I would be allowed to proceed for 5 minutes just prior to the distinguished Senator from Washington State on an entirely unrelated matter not requiring a vote or an amendment?

Mr. LOTT. I am not sure exactly when that would come.

Mr. President, we always try to accommodate Senators on both sides. But let me just say I would like to amend the request beyond what we have already asked to the effect that I be recognized to speak for 5 minutes to be followed by 5 minutes by Senator LEAHY. I had been waiting to try to respond to some of the things that had been said on the debate before we reached this point. If I could just get 5 minutes followed by Senator LEAHY, then we would go on with the regular order, if that is all right with Senator DASCHLE.

Mr. DASCHLE. Mr. President, I will not ask for time. As the majority leader has indicated, this does not in any way reflect what we have attempted to do beyond this agreement. We have some amendments on either side. Senator DODD has a very important afterschool amendment that will come shortly after this lineup.

We also have Senator BINGAMAN, dealing with accountability; Senator HARKIN on construction; Senator MIKULSKI on digital divide; and Senator DODD's amendment will likely come up after this agreement. I know there are Senators on the other side who will be in the mix as well. No one should think this limits their ability to be heard and to offer their amendments.

I appreciate very much the cooperation of everybody.

I will not object.

Mr. REID. Mr. President, reserving the right to object, I want to say I objected to the McCain amendment not because of the content of his amendment, per se. He wants to bring up the NCAA college amendment at some subsequent time. That is his privilege. That is part of the Senate business.

One of the things I have tried to do, following the direction of the minority leader in consultation with the majority leader, is to keep this debate on this education bill on education. We worked very hard on our side to keep other matters off this bill—Patients' Bill of Rights, prescription drugs, minimum wage, and all kinds of other things. I don't want Senator McCAIN or anyone supporting Senator McCAIN's amendment to think I am doing this simply because it deals with the NCAA. It is because we are trying to move this education bill along. At some subsequent time on this bill or at some other time, if he offers that, I will be prepared to do whatever is necessary to put my views forward. But I just want the RECORD to reflect that it is not because of the content of this amendment. It is just an attempt to move education matters along with this bill.

I withdraw any objection I have.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

Mr. LOTT. Thank you, Mr. President. I thank Senator DASCHLE, Senator REID, Senator KENNEDY, Senator JEFFORDS, Senator ASHCROFT, and Senator McCAIN for their cooperation.

Mr. REID. Will the leader yield for a second? I want to make sure the RECORD reflects that I withdraw my objection as to this unanimous consent and not the other ones propounded regarding Senator McCAIN.

Mr. LOTT. Mr. President, along the lines of what Senator REID just said, both sides have been working to try to keep our amendments and our debate on the underlying bill, the Elementary and Secondary Education Act. This is a very important bill. Of course, its title is Educational Opportunities Act.

There is a lot that needs to be said. There is a lot that needs to be done to make sure our education and elementary and secondary schools are improved, that it is quality education, that it is safe and drug free.

We don't have to be out looking for amendments involving China, agriculture, or higher education, guns, prescription drugs, tax cuts, or anything of that nature, all of which may be or may not be meritorious. We have plenty to do and plenty we need to think about to improve, hopefully, elementary and secondary education.

I agree to an extent with what Senator REID was saying. I appreciate his cooperation and that of Senator McCAIN, who agreed to go along with this request.

Let me respond in the broader sense to some of the things that have been said on this bill this afternoon. I have listened to the discussion by Senators. I think it is very important to note once and for all that this is education opportunity—not for 1965, not for 1985 or 1987, because I have heard that date used in some of the debate earlier, and not even for 1995. This is about education in the new millennium. This is about how we improve the quality of education and how we improve the learning of our children for the remainder of this century.

We know there are many indicators that show our children's education is not safe, that it is not drug free, that it is not improving in many areas. In fact, many test scores are static or declining.

We have to do something different. We are not debating 1956, we are not debating what happened in 1985, and we certainly are not debating what happened in the early 1990s.

It has been alleged that all Republicans want to do is eliminate the Department of Education. Let me just make the RECORD clear why there are many of my colleagues who do not agree with me on this.

I am the son of a schoolteacher. I worked for a university, and I am not for, nor have I ever been for, eliminating that Department. I stood in the

House of Representatives and voted for its creation. The majority leader and the Republican leader in the Senate certainly do not have that position. Let's not talk about the past. It is prolog. There have been good efforts. Some of them helped. Some of them didn't work.

It is time we think a little differently. Education is in this box because there are certain groups in this country that say this is the way it is going to be, this is the way it has been, failed or succeeded, and it is going to stay.

I don't agree with that. We have to start using some innovative concepts. We have to have more flexibility. We must have more accountability. We must have results. It has to be child centered, as we have been saying.

Some people say we must have mandates from Washington, DC: We know best in Washington, DC, in the Senate and the bureaucrats at the Department of Education, many well-intentioned and good people.

I don't accept that. I have faith in the parents at the local level. I have faith in the teachers and the administrators, yes, in the State governments. So it happens that more Governors right now are Republican than Democrat, but in the past the reverse has been true and test scores were not any better then. We have to try to find some solutions.

By the way, many of the good solutions in America for creating jobs, improving education, charter schools, improving health care, are happening in the States because we have given them a little more flexibility from the Washington level. My own State of Mississippi, poor though it is, just voted 2 weeks ago, and the Governor signed into law, a 5-year teacher pay increase to bring Mississippi up to the southeastern average. That is monumental legislation. It is a big financial commitment from a small, poor State. But they are doing the job. They are trying to make some progress with teacher pay raises. I know certainly they deserve it.

It is time for a change in education. We have to do better. Our scores as parents and leaders are not what they should be for improving education. If you want the status quo, go ahead and vote for title I, title II, all the programs as they are. Leave them as they are. I don't believe they are working the way they can; we don't give enough discretion as to how best to use them at the local level. If our districts and States are using them for pools, Heaven forbid, we should make sure that does not happen.

We have thoughtful ideas and I think this Abraham-Mack amendment is a good amendment. First of all, this amendment is optional. Shouldn't we encourage good teachers? Shouldn't we have merit pay for the really good teachers? Shouldn't we encourage them? The alternative is, if the overall school does good and improves, give all teachers a pay raise. That means that the worst of the worst get the pay raise along with everybody else, in spite of the job that he or she has done. That is not the solution.

It is not a mandate. Again, it is a choice for the States and the local education agencies to pursue quality teaching, a very important component in learning. It is optional.

Let me reframe the debate a little bit. I think there is fundamental disagreement. However, I think the American people agree with the approach we are taking, an approach of more flexibility, more choice at the State and local levels, accountability, encouraging quality teachers so that they won't leave teaching as my mother did after 19 years. She didn't get rewarded when she did a good job or spent extra time. She couldn't make a decent wage in that job.

I believe we have a good package. I commend the work. Let's continue to have debate on the amendments. I certainly hope the Kennedy amendment is defeated and the Abraham-Mack amendment is passed.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). WHO YIELDS TIME? THE SENATOR FROM WASHINGTON.

Mrs. MURRAY. Mr. President, for my clarification, I understand my amendment is in order and the time between now and 5 o'clock is equally divided, is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 3122

(Purpose: To provide for class reduction programs)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

> The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3122.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. MURRAY. Mr. President, classrooms across America are less crowded today than they were a year ago, because this Congress made a commitment to hiring new teachers to reduce classroom overcrowding.

The progress has been overwhelming. Today, 1.7 million students are in less crowded classrooms—where they can learn the basics in a disciplined environment.

That is the type of progress we should continue. Unfortunately, this Republican bill abandons our commitment to helping students learn in less crowded classrooms.

At a time when we should be ensuring that every student can benefit from an uncrowded classroom, this Republican bill makes no guarantee that smaller classes will become a reality.

That is why I am on the floor today—to make sure that no student is stuck in an overcrowded classroom in grades 1–3.

I am offering an amendment which would authorize the class size reduction program in the Elementary and Secondary Education Act.

As a former teacher, I can tell you, it really makes a difference if you have 18 kids in a classroom instead of 35—parents know it, teachers know it, and students know it. By working together over the past 2 years, we have been able to bring real results to students.

With the first year of class size reduction funding, we have been able to hire 29,000 teachers across the country. Approximately 1.7 million students across the country are learning in classrooms that are less crowded than they were the year before. The average class size has been reduced by more than five students in the grades where these funds have been concentrated.

Forty-two percent of the teachers hired are teaching first grade. In these schools, the average class size fell from approximately 23 to 17 students, 23 percent of the teachers are in 2nd grade, and 24 percent are in third grade. In both of these grades, the average class size, where these funds were used, dropped from 23 to 18 students. In addition, districts are using approximately 8 percent of this money to support professional development so we can have teachers of the highest quality.

Let me take a moment to share a list of some of the benefits of class size reduction. Class size reduction produces better student achievement, something every Senator has been out here to say they support. It brings about fewer discipline problems. When there are fewer kids in your classroom you can maintain discipline; there is more individual attention, better parent-teacher communication—an essential to a child's education—and dramatic results for poor and minority students.

Those are some of the ways smaller classes help students reach their potential. Those are the results we should be giving all students in the early grades. But today, there are still too many students in overcrowded classrooms.

Today, the average classroom in grades 1–3 has 22 students in it, students who are fighting for the time and attention of just one teacher, students who might not get their questions answered because their classmates are creating disruptions, students who aren't learning the basics.

Those students would be helped dramatically if we gave them a less crowded classroom with a fully-qualified, caring teacher.

Go out into your local school districts and talk to any teachers, and I believe they will tell you classes are overcrowded. It is not easy for local school districts to hire teachers on their own.

Believe me—I served on a local school board. This is one area where the Federal partnership really makes a dramatic difference for students.

I understand, as a former school board member, the pressure the school boards and others involved with the budget face in allocating scarce resources.

The pressure on how to spend these funds are immense, and in most district budgets, there is not money to reduce class size.

The Federal funds for the purpose of reducing class size are incredibly important for supplementing district budget to address the class size.

Let me share an example of how one of the districts in my State is using these funds. The Tacoma School District in Washington State received a class size reduction grant of a little over $1 million, and the district started a program called "Great Start." That's one of the best things about this program. School districts can use this money to meet the unique challenges their students face. We know that not every school district is the same. We know that some schools need more help hiring teachers, and others need more help training teachers. That is why this program that we created 2 years ago is flexible.

So the educators in Tacoma decided they would focus the money on first grade. And, they decided that—in addition to reducing over-crowded classrooms—they were going to make sure that those new teachers had the best strategies for helping students. They set clear goals. For example, they set the goal that every student be able to read and write by the spring of their first grade year. They hired an additional 20 fully-qualified new teachers. And the difference has been dramatic.

Today, as a result of this program, those classrooms have an average of just 16 students. Those students are now better able to learn the basics with fewer discipline problems.

I am proud to say I have visited schools in Tacoma. I have seen the great strides those dedicated educators are making. But do not take my word for it. Listen to what one of the teachers wrote to me.

I received this letter from Rachel Lovejoy, a first grade teacher at Whittier Elementary School in Tacoma.

She writes:

> I knew first graders could make great gains, and this year they are.

Rachel is the type of teacher who goes out and visits every child's home in August before the school year begins. She meets their family and learns about that student's unique needs and challenges.

As Rachel told me:

> With 16 families, I can fit the visits into my room preparation with greater ease. What a great start to building that family atmosphere in my class.

Rachel tells me that because she has fewer students in each class she is better able to keep track of how each student is progressing.

Rachel also says there are fewer discipline problems in her classroom today:

> It is much easier to build a familial, caring community in the classroom with fewer children.

Rachel knows what makes a difference in the classroom, and she has a message for all of us about reducing class size:

> The research is there. Accept no excuses. Gives us lower class size and training, and let us do what we do best . . . teach.

That is what we should be doing and that is what the amendment I am offering today does. It shows teachers like Rachel that we will stand with them and help them create effective classrooms.

I was fortunate to receive a letter from Lori Wegner—the parent of one of the students in Rachel Lovejoy's classroom. She writes:

> With 16 children, Rachel is able to interact with each child on an individual basis throughout each day. Rachel is able to go above and beyond the basic requirements for testing the students' achievements and focus on each child's development in a way that is appropriate to the individual child.

Lori closes her letter to me by saying:

> Please give our teachers the opportunity to facilitate the development of each individual student to their fullest potential during these critical years of learning.

Not only do the parents and teachers in my community tell me it works, but national research proves smaller class size helps students learn the basics in a disciplined environment.

A study conducted in Tennessee in 1989, known as the STAR Study, compared the performance of students in grades K–3 in small and regular-sized classes. This important study found that students in small classes—those with 13 to 17 students—significantly outperformed other students in math and reading. The STAR study found that students benefitted from smaller classes at all grade levels and across all geographic areas.

The study found that students in small classes have better high school graduation rates, higher grade point averages, and they are more inclined to pursue higher education.

I repeat, students who are in smaller class sizes in first, second, and third grade have higher graduation rates, higher grade point averages, and are more inclined to go on to higher education. Isn't that what all of us want?

According to research conducted by Princeton University economist, Dr. Alan Kruger, students who attended small classes were more likely to take ACT or SAT college entrance exams, and that was particularly true for African American students.

According to Dr. Kruger:

> Attendance in small classes appears to have cut the black-white gap in the probability of taking a college-entrance exam by more than half.

Three other researchers at two different institutions of higher education found that STAR students who attended small classes in grades K–3 were between 6 and 13 months ahead of their regular class peers in math, reading, and science in each of grades 4, 6, and 8.

In yet another part of the country, a different class-size reduction study reached similar conclusions. The Wisconsin SAGE Study—Student Achievement Guarantee in Education—findings from 1996 thru 1999 consistently proved that smaller classes result in significantly greater student achievement.

Class-size reduction programs in the SAGE study resulted in increased attention to individual students. This produced three main benefits:

No. 1, fewer discipline problems and more instruction,

No. 2, more knowledge of students, and No. 3, more teacher enthusiasm for teaching.

The Wisconsin study also found that in smaller classes, teachers were able to identify the learning problems of individual students more quickly.

As one teacher participant in the SAGE class-size reduction study said:

> If a child is having problems, you can see it right away. You can take care of it then. It works a lot better for the children.

Parents of children in smaller classes notice the difference as well. The mother of a child who moved from a class of 23 students to a class of 15 students discovered that—she wrote this to me:

> The smaller class makes it possible for the teacher to get to know the kids a lot faster, so they can assess their strengths and weaknesses right away and start working from those points right away.

Discipline problems were also greatly reduced in smaller classes. One teacher said:

> In a class of thirty students, you're always redirecting, redirecting—spending most of your time redirecting and disciplining kids where you're not getting as much instructional time in.

Those are not my words, they are hers.

By contrast, another teacher said:

> Having 15 [students], I'm so close to them. Generally, I don't have to say a thing; I just look at them and they shape up and get back to work . . . So I don't spend a lot of time with discipline anymore.

The empirical support for smaller class size is compelling. Smaller classes in SAGE schools produced high levels of classroom efficiency; a positive classroom atmosphere; expansive learning opportunities; and enthusiasm and achievement among both students and teachers. The SAGE study concluded that the main effect of smaller class size was greater student success in school.

Today we have the opportunity to authorize the class-size reduction program in this bill and ensure we do not abandon our school districts in their efforts to reduce class size, which have been so successful.

It is our opportunity to make a commitment to improving America's public schools.

I am offering this class-size reduction amendment to give Members of the Senate the opportunity to show parents, teachers and students that we understand that it's important to reduce the class size.

My class size amendment will continue the progress we have made over the past 2 years in dedicating funding to class-size reduction. It will bring us to a total of more than 43,000 fully qualified teachers nationwide.

Here are the specifics of my amendment:

This amendment would use $1.75 billion to reduce class size, particularly in the early grades, grades 1 through 3, using fully qualified teachers to improve educational achievement for regular and special needs children.

It targets the money where it is needed within states.

Within States, 99 percent of the funds will be disbursed directly to local school districts on a formula which is 80 percent need-based, and 20 percent enrollment-based.

Small school districts that alone may not generate enough Federal funding to pay for a starting teacher's salary may combine funds with other dollars to pay the salary of a full or part-time teacher or use the funds on professional development related to class size.

This amendment ensures local decision-making.

Each school district board makes all decisions about hiring and training new teachers. They decide what their needs are. They decide how many teachers they want to hire. They decide which classrooms to focus their efforts on. They decide what goals they want those students to reach. It is local decision making.

This amendment promotes teacher quality.

Up to 25 percent of the funds may be used to test new teachers, or to provide professional development to new and current teachers of regular and special needs children.

The program ensures that all teachers are fully qualified.

School districts hire State certified teachers so students learn from fully trained professionals.

This amendment is flexible.

Any school district that has already reduced class size in the early grades to 18 or fewer children may use funds to further reduce class sizes in the early grades; reduce class size in kindergarten or other grades; or carry out activities to improve teacher quality, including professional development.

The flexibility for these funds is seen throughout my State.

In Washington, the North Thurston school district is using all of their funds to hire teachers to reduce class size. At the same time, the Pomeroy school district, which is a rural district in eastern Washington, was able to use 100% of their funds to improve teacher quality through professional development. The Seattle school district even used a portion of their funding to recruit new teachers.

The Class-Size Program is simple and efficient. School districts fill out a one-page form, which is available online. Here is a copy of the one-page form from my State.

This is a copy. We hear from the other side about bureaucracy and paperwork. This is an example of how targeted Federal funding for a program really works. This is a one-page form. School districts fill it out, and they get the money. It is at their request. They do not have to ask for the money, but if they do, they fill out a one-page form and the money is available to them.

Teachers have told me, by the way, they have never seen money move so quickly from Congress to the classroom as they have seen with these class-size reduction funds.

Linda McGeachy in the Vancouver school district, recently commented, "The language if very clear, applying was very easy, and there funds really work to support classroom teachers."

Finally, this amendment ensures accountability. In Addition, the language clarifies that the funds are supplementary, and cannot replace current spending on teachers or teacher salaries. Accountability is assured by requiring school districts to send a "report card" in understandable language to their local community—including information about how achievement has improved as a result of reducing class size.

Before I close, I just want to make one final point. This class size program was a great idea when we passed it 2 years ago, and I was especially pleased that we had the support of so many of my colleagues from the other side of the aisle.

In fact, I have a press release from the Republican Policy Committee which was put out on October 20, 1998. It listed class size as one of the accomplishments the Republican Party had at that time. It says, "Teacher quality initiative cleared by the President," and it lists class-size reduction funding as one of the major accomplishments during the 105th Congress. So this was a bipartisan proposal.

Throughout the last 2 years, we have worked together to make sure the language works for everyone involved.

We have seen the results come in. Mr. President, 1.7 million students have benefited from this policy. That really is why I find it so surprising that in this underlying Republican bill we back away from that commitment that 2 years ago we were touting as the way to go and as an accomplishment for both sides.

I am offering this amendment today to give both the Democrats and the Republicans an opportunity to show that they care about the students in America's classrooms and to keep that commitment we made 2 years ago.

Parents, teachers, and students across America want students to be in classes that are not crowded. Working together over the past 2 years, we have been able to help 1.7 million students learn the basics with fewer discipline problems. The results are in. Smaller classes are making a positive difference. The research proves it. Parents, teachers, and students have seen the results. We should be committed to continuing that effort and not abandoning it in the underlying bill.

That is why I am offering this amendment today, to make sure we continue the progress in reducing class size. Our children deserve the best. America deserves the best. This amendment gives it to them. I urge my colleagues to support it.

Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, I think my colleague from Ohio is going to go next.

I am only going to take 5 minutes. I ask unanimous consent that I follow the Senator from Ohio.

Mrs. MURRAY. I am happy to yield the time to the Senator from Minnesota after the Senator from Ohio speaks.

Mr. WELLSTONE. I ask the Senator from Ohio, how long does he intend to speak? However long is fine with me.

Mr. VOINOVICH. I am sorry, I can't hear the Senator.

Mr. WELLSTONE. I ask my colleague how long he may be speaking on the floor. It is fine with me however much time he uses.

Mr. VOINOVICH. I think I will probably be finished in 10 minutes.

Mr. WELLSTONE. I thank my colleague.

Mr. JEFFORDS. Mr. President, I am not sure what happened in that last colloquy.

The PRESIDING OFFICER. Simply, the Senator from Washington said she would yield to the Senator from Minnesota after the comments by the Senator from Ohio.

Mr. JEFFORDS. However, that time would be from the minority's time? I believe we are allocated time.

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. Half the time to one side, half the time to the other side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, in the last couple of days I have had an opportunity to preside over the Senate. I feel compelled to make some overall comments about what I have heard and the difference between the Republican approach and the Democratic approach on this education reauthorization bill.

First of all, I think it is important everyone understand that the Federal Government only provides about 7 percent of the money for education in the United States of America. Sometimes when I listen to my colleagues, I think they think they are members of the "School Board of America" and do not understand that the overwhelming majority of contributions for education come from State and local government.

I have also listened to Senators depicting the Republican approach as a "revolution" that will change the way the Federal Government is going to be dealing with our schools. In fact, it was depicted by one Member of the Senate as giving "a blank check to the States to conduct business as usual."

I want to let you know that the States are not conducting "business as usual." As the former chairman of the National Governors' Association, I worked with my colleagues—Democrats and Republicans—to reform education in this country. I think it would be wonderful if the Members of the Senate would really become familiar with what is going on throughout this country as State and local government change the way they deliver education and recognize the improvements that have been made.

The Republican approach that has been titled as "revolutionary" is the Straight A's Program. So that everyone understands, it basically says: Straight A's, of which I am a cosponsor, builds on Ed-Flex and allows up to 15 States to enter into a 5-year agreement with the Secretary of Education where the State can consolidate their formula grant programs, including title I, and use them for the educational priorities set by the State. In return for this flexibility, States will be held accountable for academic results. States that reduce the achievement gap will receive additional funds.

In effect, this is a waiver, given by the Department of Education, to 15 States that want it, for 5 years, to use education money differently from what is provided in the current categorical programs.

Now, another issue is title I portability. It applies to 10 States plus 20 school districts. The States and districts will apply if their education communities desire it. No district will be required by the Federal Government to have this portability. In other words, these are voluntary programs where States would come to the Department of Education and say: We would like to use this money differently from how it is now allocated under the categorical titles.

This is not what I would refer to as "revolutionary." This sounds to me like the waiver program we had many years ago where the States could go to the Department of Health and Human Services and say: We want a waiver to do welfare a little differently in our State.

What I am hearing on the floor of the Senate is "block grants are awful." I will tell you something. As a former mayor, I fought for the CDBG Program, Community Development Block Grant Program, which is one of the most successful block grants in the United States of America.

I hear some of my colleagues on the other side of the aisle say some of the same things I heard when I was Governor and I was down here with six or seven other Governors to reform the welfare system. I heard "it's going to be a race to the bottom. The Governors do not care. The local government doesn't care. We in Washington, we in the Senate, care more about the people than the Governors and the local government officials."

I would like to remind this body that on October 4, 1998, the President of the United States said:

> This great new experiment that we launched 2 years ago has already shown remarkable signs of success. Two years ago, we said welfare reform would spark a race to independence, not a race to the bottom. And this prediction is coming true.

Many Members of this Senate said it would be a race to the bottom, that this was not the right thing to do.

Again, on December 4, 1999, the President said:

> Seven years ago, I asked the American people to join me in ending welfare as we know it. In 1996, with bipartisan support, we passed a landmark welfare reform bill. Today, I am pleased to announce we have cut the rolls by more than half. Fewer Americans are on welfare today than at any other time since 1969. We are moving more than a million people a year from the welfare rolls to payrolls, 1.3 million in 1998.

He goes on to say what a great program it is.

How did it come about? It came about because we gave the people closest to the problem the opportunity to use money in a different way. We ended the entitlement, and we had a block grant for the States and said: You use the money the best way you can to make a difference in the lives of our welfare recipients.

That is fundamentally what we are asking for in our approach to education reform. We want to try something different.

We have had Title I for years and in the title I schools, we are not getting the job done. That is one of the reasons we passed Ed-Flex early this year. We want to build on that, give the schools the flexibility to use those dollars in the way they can make the most difference for our boys and girls.

I have heard: "Build new schools, hire more teachers." We are building more schools. We are providing more teachers on the local level. I heard about "a digital divide." In almost every State in the Union, the States have put fiber optics out to the schools, and put computers in the schools that the States have paid for. In my State, we have wired classrooms for voice, video, and data.

Parents ought to know how their child's school is doing. Most States have report cards now, so people can compare their kids' performance in their school versus another school down the block.

Let's take the National Board of Professional Teaching Standards. We are talking about rewarding teachers. I am a former member of the National Board of Professional Teaching Standards. In our State, people who apply and receive their certificate from the National Board of Professional Teaching Standards receive another $3,000 a year from the State of Ohio to recognize their extra professional competence. In the State of North Carolina, Governor Jim Hunt gives them $5,000.

We've talked about all kinds of new things Members of this Senate would like to see happening at the local level. I am saying most of it is happening on the local level. We talk about building new schools. Let me say that once you get started with building new schools, it is a never ending process.

The American public ought to understand that the backdrop of what we are doing here is shown on this chart. We are paying 13 percent of each federal dollar on interest; we are paying 16 percent on national defense; nondiscretionary is 18 percent; mandatory spending is 53 percent.

We have some real problems in this country. We have to take care of Social Security and Medicare. We have a problem with readiness in our Defense Department. And we have people saying: Let's get into new programs. Let's get into areas that are not the responsibility of the Federal Government. I am saying that the States have more of a capacity to deal with it. I went through the numbers. The National Governors' Association says there isn't one State in debt like we are—not one. Most of them have surpluses. If you talk about capacity to get the job done, they have more capacity to get it done than we have.

It is hard for me to believe that when you are in debt this much, when you are paying out 13 cents in interest on every dollar, you are saying we are going to get involved in some programs that fundamentally are the State's responsibility, and where the States have more capacity to deal with the problems. So what I am saying today is that we must change our approach to education. All we are saying is give the States an opportunity to apply for a waiver, to use the money differently than what is in the categorical programs. They can use it for teachers. In my State, we have reduced class size in urban districts down to 15 students per class, and we have done a lot of the things in the states that we are talking about here. Let's just fund IDEA and make the money available so States can do that on their own.

We need to understand we have a role to play in education, but fundamentally it is a State and local responsibility. Our job is to become a better partner to the State and local governments, give them the flexibility to get the job done and then hold them accountable. That is what this is all about. I think that should be the debate. I hope that maybe by the time we get through with this bill, we can come together on a bipartisan basis and do something so we walk out of here and say to the American people that we have done something this year in education.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield 7 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will try to respond to the comments of my colleague from Ohio because I like it better when we go back and forth. He is a Senator I certainly respect.

I have two points. I want to get back to Senator MURRAY's point. On the whole general question of the Federal role, let me say to my colleague from Ohio that it is absolutely true that much of K through 12 is at the State level, no question about it. But going back to the history of the Elementary and Secondary Education Act—and I have said this three or four times—there is a reason why we have certain streams of money and targeting of programs, especially toward the most vulnerable children, because whereas the Senator from Ohio—and I have no doubt about the Senator's commitment to children, but the fact is, in too many parts of the country the verdict was very harsh at the State and local level. We decided, look, as a national community—and we reflected that—we are going to make sure we make a commitment to the poorest and most vulnerable children. I don't want to see us abandon that commitment. That is what this debate is about.

On welfare, with all due respect to the President—and my colleagues quoted the President—we have reduced the rolls by half. Anybody can do that. You just tell people they are off. The question is whether or not we met the goal of the bill, which was to move families from welfare to economic self-sufficiency. Guess what. Just about every single study I know of—and maybe you know of another one—has pointed out that in the vast majority of cases these mothers barely make above minimum wage, and many families have no health care coverage.

Families U.S.A. pointed out that we have 675,000 citizens who don't receive any health care coverage any longer because of the welfare reform bill. We had a study from Harvard-Berkeley that in all too many cases—they looked at a million children —because of this welfare bill, children were getting dangerous to inadequate, at best, child care. These are small children. Guess what. We have not made sure that there is good child care. We haven't made sure these families have health care coverage, and the States are sitting on $7 billion. Some States are supplanting that and using it to replace existing State programs and using that money for tax cuts. So we have some reasons to be concerned about how poor children will fare without some kind of Federal Government national commitment to them. That is my first point.

My second point has to do with this amendment. I thank Senator MURRAY from Washington for introducing this amendment. She pointed it out—and I will say it again—that across the country this year—and we did this in a bipartisan way—1.7 million first through third graders now attend classes with an average of 18 students because we were able to provide funding for 29,000 new teachers; 519 of them are in my State of Minnesota.

Now, the President's request for 2001 will bring Minnesota over $23 million more. I will say this again. I can give many examples. I will forget all the statistics. My daughter, Marcia, is a Spanish teacher. Hey, I am a Jewish father, so I think she is the greatest teacher in the country; and she is a darn good teacher from what I hear. She told me what it was like when she had 40 students. She teaches at the high school level.

Every time I am in a school, which is every 2 weeks in Minnesota, I talk to the students about education. They always talk about good teachers and about respecting teachers. They think teachers are disrespected. We talked about that this morning. They also talk about smaller class sizes. I tell you, it makes all the sense in the world. Talk to people in our States. They know it. With a smaller class size, they know that a teacher can give students the individual attention they need.

When you ask students: Who are the teachers you like, they say: They are not just the teachers who teach us the formal material; they are the teachers who get to know us; they are the teachers who relate to us; they are the teachers who we can come and talk to; they are the teachers who can give us special help; they are the teachers who can give us special attention; they are the teachers who know something about what we hope for in our lives.

Do you want to know something? There are a lot of young people who cry out for that kind of teacher and cry out for that kind of education. Do you want to know something else? One of the best ways we can get there is through smaller class sizes.

Yes, we have said through this amendment, as Democrats who represent people in our States, but I think it should be a bipartisan amendment. We believe it should be a decisive priority for the Senate to say that we are going to make a commitment—most of the funding is at the State level, but with the money we have and what we do to support school districts and to support principals and parents and teachers and students, let's make the best use of the money, and that is exactly what this amendment does.

I think this is a great amendment. I think it should receive 99 to 100 votes. Before it is all over, for all I know, it will.

I yield the floor.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I have listened with great interest to the debate over the days and the hours of this week. It has been particularly interesting to me to listen to my colleagues on the other side of the aisle who have, in glowing terms, defended the status quo and have spoken in very rosy descriptions of the status of American education.

I will not recite once again all the very gloomy statistics and the very real statistics and the very undeniable reality of where we stand in American education and how we compare internationally with our competing young people around the world.

I believe one statement from the Vice President of the United States, AL GORE. His plans for education basically say enough about the status of American education. Vice President Gore, in unveiling his education plans, said:

> I am proposing a major national investment to bring revolutionary improvements to our schools. I am proposing a national revolution in education.

Now, the question I ask is, If you have to propose a "revolution" in education, does that not imply that there is a problem? If the status quo is as good as the Democratic side has said during the debate this week, then why is it necessary to say we are going to have a revolution in education?

The reality is that it is not good. The picture is not good, and that "a nation in crisis," as it was called a few years ago, is still the truth when you look at American education, and a defense of the status quo is not satisfactory. The American people deserve more and deserve better.

Now, what we have from time to time are fads in education. We have the fad of the day or the fad of the year. That is what we are facing right now with the whole idea of class size reduction. Let me clarify. I think class size reduction is a wonderful thing. I think if teachers have fewer papers to grade and smaller classes, they have a lot of advantages. My sister is a fourth grade teacher. I know she would love fewer students at times in that classroom. But I want to challenge the basic premise of what the Senator from Washington laid out before us in this amendment. I don't question her sentiment, her goals, her objectives, or her sincerity. But I think the research that is out there is far less conclusive than what we have been led to believe.

Class-size reduction is not the magic elixir that its proponents would like us to believe. The fact is pupil-teacher ratios have been shrinking for half a century in this country.

In 1955, pupil-teacher ratios in public elementary and secondary schools were: Elementary, 30.2; secondary, 20.9 to 1 respectively.

In 1998, they were 18.9 in elementary, and 14.6 in secondary.

That is a dramatic drop in the size of classes in this country.

Yet the fact is test scores went down for many years, and have leveled over to some extent. But they have leveled off at an absolutely unacceptable level.

Eric Hanushek of the University of Rochester has been one of the outstanding scholars in looking at the effects of class-size reduction. He concluded—and I think we should conclude that:

> A wave of enthusiasm for reducing class size is sweeping across the country. This move appears misguided. Existing evidence indicates that achievement for the typical student will be unaffected by instituting the types of class size reductions that have been recently proposed or undertaken. The most noticeable feature of policies to reduce overall class sizes will be a dramatic increase in the costs of schooling, an increase unaccompanied by achievement gains.

That is the sad reality.

Between 1950 and 1995, pupil-teacher ratios fell by a dramatic 35 percent.

We are trying to cure a problem with this amendment. That is being cured already in the States.

We have seen a dramatic 35-percent decrease. While we don't have all of the information for the last 50 years that we would like to have on student achievement, we have enough to conclude that the performance has been at best stagnant.

According to the National Assessment of Education Progress, our 17-year-olds are performing roughly the same in 1996 as they did in 1970. While we have seen this dramatic drop in class size, we continue to see a stagnant student performance.

The article "The Elixir of Class Size" concludes:

> There's no credible evidence that across-the-board reductions in class size boost pupil achievement. On this central point, the conventional wisdom is simply wrong.

Look at the Asian nations today that trounce us on international assessments. Those Asian countries have, on average, vastly larger classes with many times 40 and 50 youngsters per teacher. Yet in every evaluation, they are leading us on international comparisons of scores.

If lowering class size were the elixir that its proponents claim, we would be seeing a dramatic increase. We would be seeing an improvement in these academic scores.

If this were health care, and if this were a new tonic being brought before the Food and Drug Administration, I assure you additional experiments would be warranted; additional experiments would be required. But no scientist would say that efficacy has been proven. It simply has not.

There is a simple reason why smaller classes rarely learn more than big classes. Their teachers don't really do anything much different. The same lessons, textbooks, and instructional methods are typically employed, whether the class size is in the teens or whether the class size is 25. It is just that the teacher has fewer papers to grade and fewer parents with whom to confer, but getting any real achievement bounce from class shrinking hinges on teachers who know their stuff and use proven methods of instruction.

Of course, knowledgeable and highly effective teachers would also fare well with classes of 30 or 35. Jaime Escalante, renowned worldwide as the "best teacher in America," packs his classroom every year with 30-plus "disadvantaged" teenagers and consistently produces scholars who pass the tough advanced placement calculus exam. But such teaching is not the norm in U.S. schools, and adding more teachers to the rolls won't cause it to be.

Much of the current enthusiasm for reduction in class size is supported by references to the experimental program in the State of Tennessee that Senator MURRAY made reference to in her comments. The common reference to this program, Project STAR, is an assertion that the positive results there justify a variety of overall reductions in class size.

By the way, this report is cited so frequently because there are so few studies on the academic impacts of smaller classes.

The study is conceptually simple, even if some questions about its actual implementation remain. Students in the STAR experiment were randomly assigned to small classes of 13 to 17 students, or large classes of 21 to 25 students with or without aides. They were kept in these small or large classes from kindergarten through third grade. Their achievement was measured at the end of each year.

If smaller classes were valuable in each grade, the achievement gap would widen. But that was not the fact in the STAR study. In fact, the gap remains essentially unchanged through the sixth grade.

While there may be some evidence that in kindergarten the smaller class sizes improved academic performance, as you go through grades 2, 3, 4, 5, or 6, the gap between the advantaged and disadvantaged students did not narrow. It remained the same.

Apart from all of that, I think we should be concerned about the Murray amendment because of the unintended consequences. I know what Senator MURRAY wants to accomplish. She wants to see improved schooling. She wants to see improved academic performance. She believes smaller classes will inevitably result in that, and that her amendment will achieve that.

So often is the case as we pass amendments for legislation in the Senate that they end up being consequences that we never imagined.

I want to share with you four of them which I believe will occur if the Murray amendment is adopted.

Teachers will leave the worst schools in the State to fill the newly created affluent slots.

That is what happened in many States where they have implemented these kind of programs.

There will be the unintended consequence of exacerbating the problem of less-qualified teachers being hired.

In California, Governor Wilson shrank California's primary classes. What happened was the veteran teachers fled the inner-city schools in droves lured by the higher paid, cushier working conditions of suburban systems that suddenly had openings. This exodus forced city schools to hire less qualified teachers, threatening the one ingredient that researchers agree is the most important to good education—teacher quality. In fact, in California they sacrificed teacher quality in hiring more teachers, and the schools that were hurt the most were those with disadvantaged students.

The West Education Policy Brief is the regional education lab for Arizona, California, Nevada, and Utah. This is what they said about class-size reduction. This is funded by the U.S. Department of Education.

> A fundamental condition for the success of the Class Size Reduction is good teaching. Class size reduction can exacerbate teaching shortages and lead to the hiring of unqualified teachers. In California, for example,

> since the implementation of the state's class size reduction program, the percentage of teachers without full credentials has jumped from 1% to over 12%, while the proportion of teachers with three or fewer years of experience rose by 9% and the proportion of teachers who had the least education, a bachelor's or no degree, increased by nearly 6% statewide.

Those are unintended consequence.

A second unintended consequence is driving us, if we adopt such an amendment, toward nationalizing education.

I didn't want to interrupt Senator MURRAY when she was making her presentation. But what I wanted to ask is, What does she anticipate happening when this authorization expires?

I am not sure whether it is 5 years or 7 years. Originally it was a 7-year proposal. At some point the authorization ended. Does the Senator anticipate the Federal Government will reauthorize and make this a permanent entitlement that the Federal Government will be funding teachers at the local level? Or does Senator MURRAY anticipate that the States, the local governments, and the local school districts will be required to pick up the tab for the teachers hired during this 7-year authorization? It is one or the other. We will continue to fund them or they have to pick up the tab.

We had an experiment in the COPS Program, which has done a lot of good, by the way. When we funded the 100,000 policemen on the street, we funded it from Washington, DC. The State police and local law enforcement were calling me saying the money had run out on the COPS Program, the Government had to fund it again. We can't pay for the policemen we hired under the COPS Program.

My friends, that is exactly what will happen on the Federal teaching program. When the authorization ends, when the spending ends, somebody has to pick up the tab or we will exacerbate the condition we have now in the schools. I think this is an unintended consequence and a very serious consequence.

I have a serious problem with the idea of handing this over to the U.S. Department of Education. I see Senator KENNEDY on the floor. I am not among those who want to eliminate the Department of Education. I believe we are going to talk about accountability, making certain the Department of Education is accountable.

The most recent 1999 audit of the Department of Education showed the following: The Department's financial stewardship remains in the bottom quarter of all major Federal agencies. The Department sent duplicate payments to 52 schools in 1999 at a cost of more than $6.5 million. None of the material weaknesses cited in the 1998 audit had been corrected in the 1999 audit. Yet we want to turn over to the Department of Education the hiring of thousands of teachers? That ought to be done and funded at the local level.

A 1,150-student district in East Helena, MT, hired 2 teachers with the $33,000 Federal grant. The educators make about $16,000. The superintendent said: We have tremendous fear about whether this is going to be funded on an annual basis. But we have learned if you don't take advantage of whatever is available at the time, somebody else gets those dollars.

That is the attitude we are promoting. I don't blame that superintendent for wondering what will happen. Will the Federal Government pick this up as an entitlement or will they have to pick up the tab? What will be the long-term and the unintended consequences of such a program?

Bringing 100,000 teachers onto direct Federal support creates another permanent program of virtual entitlement. We are going to create a permanent entitlement if we go down this route.

The third unintended consequence in passing this amendment is moving education away from flexibility toward rigidity. I know Senator MURRAY insisted this preserves flexibility at the local level and local decisionmaking. We heard a lot of anecdotes in Senator MURRAY's presentation, and I will relate an anecdote heard this week.

An anonymous principal—I don't want to get her in trouble with the Department of Education or title I police, but she encouraged me to share this—is working on her Ph.D. She is very bright. She made a grant application with the Department of Education. Her title I supervisor suggested it be changed, and the title I supervisor wrote the application to apply for the classroom reduction program. And, as Senator MURRAY suggested, it was quickly approved. So much for local flexibility.

The title I supervisor said: You must take this teacher you have hired and move that teacher from one class to another class to another class to another class—90 minutes in each classroom with about 24 students in each classroom. The teacher who was hired would go into the classroom for 90 minutes. They would divide the class of 24 into 2 classes of 12. The new hire was supposed to keep separate grade books, separate grade reports. Every 90 minutes, they moved on to the next class.

The principal said to the title I supervisor: That is not what I need. We have 24 students, which is not a problem for us. Our teachers would prefer to do remediation: Rather than postponing remediation until summer school, have that teacher they hired do the remediation at the point of time the problem developed. The title I supervisor said: You can't do that. We will audit you. You will be turned in and lose your funding and lose that teacher.

That is not flexibility. That is the typical kind of prescriptive rigidity you expect from any kind of Federal education program. That is the unintended consequence. We move exactly away from what we intend to do with this legislation, which is to provide greater flexibility.

The fourth unintended consequence is to increase the inequality between rich and poor school districts. I will return to the example of California. A one-size-fits-all allotment per student, from the WestEd Policy Brief of January 2000 and a rigid 20:1 ratio cap on class size led to uneven implementation. Early evaluation findings support the concern that the very students who stand to benefit from class size reduction, poor and minority students, are least likely to have the opportunity to do so.

Schools serving high concentrations of low-income, minority English language students learned more slowly due to lack of facilities. They get the teacher and there is no place to put the teacher. Teachers are going into poor school districts with poor facilities. They have the classroom reduction personnel. They hire the teacher and they have no place for the teacher. The schools that need the help the most are those least likely to benefit. That is the WestEd Policy Brief conclusion funded by the U.S. Department of Education.

Let me reiterate. It will increase the number of less qualified teachers in the classroom. It will drive us toward a national control of education by creating a permanent entity. It will move education away from flexibility, which ought to be exactly the direction we are moving. It will increase the inequities between the wealthy and the poor school district.

Our bill allows true classroom reduction by providing flexibility and allowing funds to flow between programs. In so doing, the school can do what is most needed, whether it is classroom reduction, buying computers, hiring tutors, finishing that building if they need to, or whatever that local need is. If there is an elixir, that is a far better elixir than the illusionary classroom reduction magic potion.

I yield the floor.

Mrs. MURRAY. Mr. President, the example that was given was entertaining to listen to, but this amendment we are offering is incredibly flexible. It appears the example he is using is reflective of local ineptness, not Federal inflexibility in this amendment.

I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support Senator MURRAY's amendment and commend her.

I begin by talking about this issue of status quo that has been bandied about. Let me suggest what the status quo is in America. The status quo is that Governors and mayors and school committees fundamentally decide educational policy in this country. In fact, the Senator from Arkansas gave a good example of how a Governor really screwed it up. He decided he wanted smaller class size, but he didn't understand or recognize that you also had control for the quality of the teachers, so the result is in poor districts there are lots of unqualified teachers.

Is that an example of a Federal program run amok? No, it is an example of a Governor who got it wrong. What is the Republican proposal? Let's give Governors, including Governor Wilson, carte blanche to do what they will with educational policy. I can't think of any example that more closely undercuts this Straight A approach to education than the example of what was done in California.

It is much different than what Senator MURRAY is advocating. One of the reasons why there were problems in California, I suspect, is they did not have the extra resources necessary to ensure both smaller class size and teacher quality. That is why this program is adding Federal dollars to State resources and local resources, so we control both size of the class and the quality of teachers.

I also think it is interesting to note when talking about the collapse and decline of American education, people point to international experiences. Frankly, most international systems are nationally based educational programs. Japan is one which has strong national standards which do not give money away to the head of the prefecture or the head of the province. They have national curricula. They have national teacher certification. So if you are going to have a comparison between why we are failing vis-a-vis other nations, recognize the approach the Republicans are proposing is diametrically opposed to what is done in most of the leading industrialized nations of the world. They are not talking about national anything. They are talking about vesting in every little State, every little community, the authority.

Sometimes, frankly, I guess this has been a useful debate. The Senator from Arkansas recognizes that Governors really mess it up sometimes. So I do not think we have to take that approach.

I think we can rely, not only on statistics and studies—and the Tennessee example has not been refuted—but just common sense. Ask any teacher. Ask any parent. Would you prefer to teach 30 children or 18? I suspect anyone in the Senate with children of school age, when asked whether they would prefer to have their child in a class of 30 or a class of 18, would say, unhesitatingly, 18. That is common sense.

That is what we are about here and that is what this amendment is doing. For the last 2 years we have actually embarked on this program. We are providing assistance and it is flexible, not in the abstract but in the particular. The Providence, RI, Superintendent of Schools wanted to engage in this approach, using extra resources to augment her teaching staff and reduce class size. She received from the Department of Education a waiver which allowed these resources to fund literacy coaches to co-teach in elementary schools 50 percent of the time and to deliver school-based professional development for the balance of the time. It was a flexible approach meeting local needs under the context of the existing legislation. So these theoretical concerns about a lack of flexibility are disproved when you actually look at what systems are doing and what they can do.

All of this goes to the real, fundamental issue. Are we going to continue our commitment to lower class size supported both by common sense and by the statistical reviews done already, particularly in Tennessee, or are we going to embark on a carte blanche check to Governors?

We have a good example in the previous discussion about a Governor who really got it badly wrong. It illustrates the status quo. The status quo is that Governors and local communities control the quality of teachers. They control fundamental policies. They get it wrong sometimes. Yet the whole Republican approach is give them more resources, give them a list of things they can do, as the menu in a Chinese restaurant, and then that is it.

There is also before us now an amendment by Senators ABRAHAM and MACK which would add to this list and diffuse even further our focus on disadvantaged children; programs and policies we know, based upon listening to teachers and parents and looking at research, could work to improve performance of schools. They want to add to the list merit pay and tenure reform and others, which I presume is their approach to professional development. But that is not going to directly improve the quality of teaching in the United States.

We know from research, from listening to witnesses at our hearings, that professional development today, in the States, is generally recognized by teachers as inadequate. They feel unprepared to deal with these issues. Is that a Federal problem? No. That is because of State policies, local policies. But we can help. In fact, if you look at most professional development across the United States, it is ad hoc, one-shot lectures or seminars or sessions. In fact, in 1998, participation in professional development programs in the United States typically lasted from only 1 to 8 hours during the course of a school year. That is absolutely insufficient.

We know from research and analysis that good professional development has to be in the school, embedded in the program. It has to be content based. It has to give teachers facility and mastery of the topic and the ability to relate with their children. That is not done with 1 to 8 hours. It is done constantly, persistently throughout the school year. That is what is done by an amendment that Senator KENNEDY and myself will be offering later. It provides support for that type of professional development which we know works, which will deepen teachers' knowledge of content, which will allow teachers to work collaboratively.

That is another failing in our system of professional development. Teachers come in in the morning; they rush from class to class. They might see the other teachers in the lunchroom for 20 minutes. They rush from class to class, go back in, and then they have to go home and take care of their families just as the rest of us. We need more collaboration. That is not in this bill, not even a hint of it.

We have to also provide the kind of opportunities for mentoring and review and coaching which we know work—not just rhetorically but actually give resources to the States if they want to do it, and to local communities if they want to do it. That is the approach I think will work. That is the approach that was a large part of the legislation I submitted, the Professional Development Reform Act.

I hope we can go ahead and not only support Senator MURRAY's well-thought-out, well-crafted proposal to reduce class size, but also to reject the Mack-Abraham approach and support, later in our debate, after deliberation, Senator KENNEDY's approach and my approach, which is for professional development that has been proven by practitioners to work to the benefit of children. I hope we can do that.

I think we have seen, perhaps inadvertently, what could go wrong. Talk about unintended consequences. I add, these are probably predictable consequences. There will be Governors who did what Governor Wilson did because of political pressures and other pressures: Embark on a program—maybe it is class size or maybe something else—that results in poor policy, poor results, and poor education for children.

Why do we assume, as the Republicans do, that it is all right to put those forces in train, in motion, by giving them money without accountability? I suspect what we have to do, and what we should do, is concentrate on those areas where we know we make a difference—particularly supporting disadvantaged children—and also supporting those efforts that have a basis in research and a basis in common sense: Lowering class size, improving the quality of professional development in teaching in America so you do not have the situation that they had in California. Smaller class size, perhaps, but poor teaching.

If we support the Democratic approach, we would help have both, smaller class size and better teachers, which I believe will result in better education.

I commend Senator MURRAY for her efforts. I hope in the course of this debate we can support the approach for professional development that Senator KENNEDY and I are promoting and in such a way make a real contribution to educational policy in the United States.

I yield back to Senator MURRAY such time as I have not consumed.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 15 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Washington has brought forward her amendment on class size on a number of occasions, and it has been well debated already. My colleagues on both sides of the aisle have expressed their view on it. But I do think there are still some points that need to be made.

Of course, the fundamental problem is one of philosophy. The essential theme of the proposal is that Washington knows best. It is a top-down proposal, a straitjacket to the local school districts and to the States. It is a demand. If you, the States, want to have education dollars coming to you from Washington, then you, the States, must do exactly as we tell you here in Washington. Flexibility or ideas which you may want to pursue at the State level are stifled.

This, of course, is different than the philosophy which we have proposed in our bill. Our bill, relative to teachers, says: Yes, if the local community feels it needs more teachers to reduce class size, it can hire teachers with the money to do that. But if the local community feels it needs to educate its teachers to do a better job, it can use the money to do that also. Or if it feels it has some teachers who are uniquely capable and need to be kept in the school system because there is a private sector demand for them that maybe will attract them out of the school system as a result of higher compensation in the private sector, then they can use the money to pay bonuses to assist keeping the teachers in the school system.

It is an attempt to say to that local school district: Here is the money you can have available to you from the Federal Government to assist you with making classrooms work better relative to the teachers' involvement in the classroom. You make the decision—you, the local school district—as to whether you need a smaller student-teacher ratio, whether you need better teachers, better trained teachers, or whether you need to keep your best teachers in your school system. We in Washington do not know the answer to that question. That is the opposite view.

I note, however, the problem we confront as a society is not necessarily that our classroom ratios are fundamentally out of skew. As some of my fellow colleagues have said, maybe it polls well to say, "Class size, class size, class size, that's what improves education." But study after study has shown us that is not necessarily the case. Class size is not necessarily the driver of a quality education. In fact, if you look at it in historical perspective—people who look back on the old days as education working better in this country say in the 1960s or 1950s, you will see the class size ratio was really rather dramatically worse than it is today. In 1960, the class size ratio was 26 to 1 average in the nation. Today, for most States it is around 18 to 1.

Or if you look at our fellow competitors in the international community such as Japan or Germany or China or Singapore, where their students are performing much better than our students in the area of math and science, those class size ratios are in the 50-to-1 regime.

It is not necessarily the number of students in the classroom relative to the number of teachers. In fact, the study by the gentleman from Rochester which has been recited a number of times, Mr. Eric Hanushek, an economist at the University of Rochester, who looked at almost 300 different studies of the effect of class size on the academic achievement of students concluded it really was not class size that affected the students' achievement. It was—and this should not come as too big a surprise—it was the quality of the teacher.

If one looks around the country today, one will notice, especially in our low-income school districts, that teaching quality is in question because many of the teachers are teaching out of their discipline. For example, we know that in the area of math, almost a third of our secondary teachers did not major in math and yet they are teaching math. They did not even minor in math.

In the area of English, almost a fourth of our teachers did not major or minor in English, reading education, literature, speech, or journalism.

The same statistics hold true for science and languages, in many instances. The fact is that our teachers have not been trained in the subjects which they are teaching. If a local school district knows that, then they are going to try to improve the teacher's ability to teach that subject. They do not think there has to be more teachers in the classroom; they think the teacher in the classroom has to know the subject better in the discipline they are teaching.

Our bill gives that option to the local school district. It says they can improve the teacher's ability in that area of activity the teacher is teaching. That makes much more sense.

We also know that a poor teacher teaching in a class does tremendous damage to students. In fact, arguably, a poor teacher in a class can do more damage to students than a good teacher in a class does good. Bill Saunders, who headed the Tennessee study, determined that 3 years of high-quality teaching versus 3 years of poor-quality teaching can mean the difference between a student being enrolled in remedial classes versus a student making it in honor classes.

We know from a Dallas study that a low-quality teacher actually stunts the academic performance of the students in that classroom.

So it is the quality of the teacher we should be stressing, as well as the ratio of teacher to student. The only thing that is stressed in the President's proposal, as brought forward by the Senator from Washington, is teacher-student ratio. There is no emphasis on quality at the level that gives the schools the flexibility they need to address quality.

In fact, the whole program is a little skewed because, even relative to school districts, the program is designed not to reflect class size; it is designed more to reflect the level of income of the school system as to whether or not they qualify for the funds. There is a problem there.

We also know in our high schools, where 40 percent of the students qualify for free lunches, that 40 percent of the classes are taught by unqualified math teachers. That is even a higher statistic than we see here.

It means essentially that when one is in a low-income school district—and this chart shows that—they have even a higher likelihood of getting an unqualified teacher or at least a teacher who is not experienced or has not been trained in the area they are teaching.

The green bar reflects school districts where more than 49 percent of the kids receive free lunches, and in those school districts 40 percent of the teachers do not have math as their primary area of qualification. Yet they are teaching math. Thirty-one percent of the teachers in English fall into that category; 20 percent of the science teachers fall into that category.

We know from looking at what has been happening in the educational community, therefore, if we are concerned about low-income kids, we should not be so focused on class size as we should be on getting somebody teaching the math who actually understands math.

Today, unfortunately, that is not the case. In the low-income high schools across this country, many of the teachers simply do not have the math background they need.

What are we suggesting in our bill? Rather than saying to that high school, you must put the money into hiring a new teacher, we are suggesting the teachers they have maybe are not trained well enough in math, and if that is their decision, they can send them out to get better training or bring in people to help them get better training in that area.

We also know putting in place a compulsory class size ratio can create significant negative, unintended consequences because that is exactly what happened in California. When California went down this route, they ended up getting a large number of unqualified teachers and teacher assistants teaching students. This was especially true in the rural and low-income school districts in California.

As a result, we saw in California that they may have gotten better ratios, but they got poorer teachers. The only advantage to a poor teacher teaching a smaller class size is that fewer kids are subjected to that teacher. That is the only advantage of a reduced class size if a school has a poor teacher. It makes much more sense to follow the proposal we put forward, which is to give flexibility to the States as they address this issue.

Another point that needs to be made is that almost 42 States today meet the ratios which the President is requesting, an 18-to-1 ratio. Forty-two States already have that ratio as an average across their school districts. Of course, the President's proposal, as brought forward by the Senator from Washington, will not allow an average to get out from underneath the requirements in their bill. Every school district must have an 18-to-1 ratio before they can get out from underneath using the money for the purposes of hiring a teacher to reduce the class size ratio.

Even though the State, as a whole, may have reached 18 to 1, it does not matter. The fact is that most States in this country have reached the 18-to-1 ratio and, therefore, they probably have other things they would rather do with this money to assist the teachers they already have in place. Those other things include giving the teachers more opportunity to be better at the job they are doing, which should be our goal.

In addition to allowing teachers to be better at the job they are doing, our bill allows the school districts to do other things with this money. This chart reflects that. Under current law, which this amendment is essentially an attempt to expand, we have $1.6 billion committed to basically two purposes: professional development for math and science teachers. That is the Eisenhower grant which is not actually involved in this amendment. Class size is this amendment.

Under our bill, we take the Eisenhower grant and class size and we end up with $2 billion. We allow it to be used for a variety of areas where local school systems are in need of improving their educational and professional development for science, for math, for history, for English, and for reading; technology training for teachers; teacher mentoring, which is something that has worked very well, getting a high-quality teacher into a community of teachers and having that teacher pass on his or her knowledge; alternative certification, teacher recruitment, which is also critical in our society today, getting quality teachers into the profession; teacher retention, as I mentioned is important because of competition today; hiring special education teachers; or class size reduction.

If the local school district comes to the conclusion that it needs more teachers to reduce the ratio of teachers to students, then there is absolutely no limitation in our bill on them. They can do exactly that.

They can take all the money they receive under the TEA Act, Teacher Empowerment Act—which the amendment of the Senator from Washington would basically replace—they can take all the money, and they can use it for the purpose of reducing the student-teacher ratio.

If they decide, as many school districts will—because you saw the statistics. It is not necessarily ratio relationships which develop quality teaching; it is more likely to be a quality teacher who delivers quality teaching. So many school districts are going to choose to make their teachers better. We are going to give them that opportunity, that flexibility to do that.

Regrettably, the amendment of the Senator from Washington, which is essentially a restatement of the President's proposal, does not do that. I ask, How can there be resistance to a proposal which says, essentially: All right, school districts, if you want to reduce class size, you can use the money to do that. That is your choice. But, if, on the other hand, you have some other concerns that you, the principal, that you, the parent, that you, the teacher, that you, the community, believe is important to make that school work better relative to the teachers' ability to deliver a better education to the kids, then, in certain limited areas, you can pursue those opportunities. You can train teachers. You can make them better. You can keep teachers who are of high quality.

How can you resist an idea which gives those options to the State? The only way you can resist that idea is if you do not have any confidence in the local schools and the people who are running those local schools.

We have heard it again and again from the other side of the aisle that they do not trust the Governors—the Senator from Rhode Island essentially said that—that they do not trust the local school districts, that they do not trust the local teaching community, and that they do not trust the parents in those communities. Why? Because, according to the other side of the aisle, those folks failed with 93 percent of the money, and we in Washington had better tell them how to use the 7 percent we send them and manage the life of the local school district for them because they certainly cannot do it themselves, because there is some bureaucrat down here in downtown Washington, sitting in a building on the third floor in a room you cannot find, and I cannot find, who knows a heck of a lot better how to run Johnny Jones' educational opportunities up in New Hampshire than his parents in Epping, NH, his teacher, his principal, the school board in Epping, NH, or the Governor of New Hampshire.

It is an attitude of complete arrogance, an attitude that says, we know so much more about education in Washington than the people who have dedicated their lives to this issue and more than the Governors, who, by the way, have the primary responsibility for education. They are not going to turn to the African trade bill tomorrow. They are going to be turning to education tomorrow. They work on it every day, not just one week out of every year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I ask for an additional minute.

Mr. JEFFORDS. I yield the Senator an additional 2 minutes.

Mr. GREGG. I thank the Senator for his generosity.

They say they know so much more than the Governors, the boards of education, the principals, the superintendents, the teachers, and, most importantly, the parents. They say they can run the school systems from here in Washington.

As I have said before, it is as if the folks on that side of the aisle want a string. They want to run a string out to every school system in America, every classroom in America, from the desks on the other side of the aisle. They want to have hundreds of thousands of strings running out, and they are going to pull the strings and tell America how to run their classrooms.

It is an attitude which I cannot accept. It is an attitude which we have tried to avoid in this bill, by giving flexibility—subject to achievement, subject to accountability—to the local school districts.

Mr. President, I yield the floor and yield back my time to the Senator from Vermont.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Democratic side has 22 minutes; the Republican side has 14 minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank Senator MURRAY for yielding me this time on the debate of this most important issue, of whether or not our kids are going to learn in a better environment by reducing class size, or whether we are going to go into some opposite direction.

I must say this debate on class size sort of reminds me of the movie "Ground Hog Day." We keep having this debate over and over and over again, even though we know what the reality is.

We have already had 2 years of funding, and 1 year of the money has gone out. All you have to do is go out and ask the teachers. Just go out to your schools, where they have used the money for class size reduction, and simply ask them: Do you like it? Is it working? That is all you have to do. It is very simple. If you do that, you will find that teachers and principals and superintendents like this. They want our assistance to reduce class sizes.

What we did is we set a goal of no more than 18 students in grades 1 through 3. We have already provided funding for the first 2 years. Are we going to stop now and turn the clock back? That is what the Republicans want to do.

I must say that I listened to the remarks made by the Senator from Arkansas, Mr. HUTCHINSON, when he was talking about this issue. Quite frankly, the more I listened to him, the more I came to realize his argument is not against what we are doing, his argument is against local control because, obviously, it was either the principal or the superintendent who made the decision to float a teacher from class to class to class at 90-minute periods of time. That is certainly not in our legislation. They have the flexibility to do that.

I have visited many schools in my State and have talked about reducing class sizes. The teachers, parents, and students are thrilled with the results they are seeing after just 1 year. But instead of my talking about it, let me read what some of my constituents had to say.

I visited Starry Elementary School in Marion, IA. I spoke with Reggie Long, a first grade teacher for 30 years. She told me she appreciated the smaller classes. She said:

> It's nice because I can give individual attention to the kids. We just give them so much academically now. If you don't give them individual help, they can't succeed and we can't succeed as teachers.

The superintendent of this school district said:

> The key to effective teaching is getting to know the students and parents.

William Jacobson said that it is easier when teachers have fewer students in their classes.

Last year, Angie Borgmeyer, a teacher in Indianola had 27 students in her second grade class. This year she has 21. She said 27 was too many. She said:

> It's very difficult with that many students. When you're trying to teach them to read and give them basic arithmetic, you need to be able to do it in a small group and give them individual attention.

So this program is simple. It is eminently flexible. It is very popular. It is time to stop playing politics with it. We heard about there being problems with applying for it, and the burdensome paperwork.

I have here in my hand an application from the Des Moines Independent Community School District, for an application they sent in for class size reduction. It has 1 page, 2 pages, a signature page and a letter. That is burdensome? For that they got $854,693.56 to reduce class sizes.

In closing, I will share some comments from students. I thought this was illustrative. I visited the McKinley Elementary School in Des Moines and Mrs. Kloppenborg's second grade class. These kids already know what is going on. I thought I would bring these. I will leave them on my desk. These are pretty pictures. Last year there were 34 students in each second grade classroom. This year, they have about 23. So this is what the second grade kids were saying about how they felt about their new class size. I am going to read just some of the letters they wrote. They drew these wonderful pictures.

This one by Alicia says:

> I can spend more time with the teacher.

Leydy says:

> I can learn more about reading in a small group.

Daniel says:

> We learn more and get better grades.

He has a great picture. There is a kid in a desk saying, "Hi, Senator HARKIN." I guess that is me saying hi because I have a necktie on. There is a kid in front of the teacher's desk and he is kneeling—it looks like with a report card. If I could, I would tell him it didn't work for me in the old days, and it is not going to work for him today, either.

Here is another one, but there is no name on this. It says:

> I can make friends.

Another one says:

> We have more space to do things like reading.

It is a nice picture of the bookshelves with all the books on there.

This one by Jessica says:

> I can learn more because the teacher can help me.

This next one says:

> I can learn more because I get more help.

He drew a picture of his hand on here.

If you look at all these, every kid they draw is smiling. Every kid is smiling. So, you see, these kids—and I visited this class—they know it. They can sense it. They feel it. They have more space and more time with the teacher. They get more individual help, and the kids love it.

When I was there, a few parents came over to the school. What they said to me was amazing. "The difference between my child this year and last year is incredible," they said. "They are getting more work done and learning better and they are happier; they come home happier."

So, for the life of me, I can't understand what the argument is on the other side against our involvement in sending money out, no strings attached, with a lot of flexibility for teacher training. We have districts in Iowa that got the waiver because they already had class size reduction; they had reduced classes down to about 20, close to 18. They applied and got a waiver for teacher training. That is precisely what the Murray amendment does.

So it seems to me all of the arguments on the other side just boils down to politics. For some reason—perhaps because this was started under a Democratic administration, or perhaps because the amendments were offered by a Democrat—they are opposed to it. That should not be the way it is around here. It should be judged on the merits. We know from experience in the field that the merits justify this amendment to reduce class size and make sure our kids get the attention and education they need.

I commend Senator MURRAY, especially, for her long and stalwart support in class size reduction. I must say, Mr. President, around here a lot of times we defer to those who are experts. A lot of times when we have medical issue that come up, we defer to BILL FRIST because he is a doctor. I say to my friends, let's defer to a teacher. Senator PATTY MURRAY is a teacher. She was a teacher before she came here. Quite frankly, I think she knows a lot about what we need in public education. So I commend Senator MURRAY for her leadership on this issue.

The PRESIDING OFFICER (Mr. COVERDELL). Who yields time?

Mr. KENNEDY. How much time remains on the Murray amendment for the proponents?

The PRESIDING OFFICER. Eleven minutes remain under the control of the Senator from Washington.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Fourteen minutes remain under the control of the majority.

Mr. JEFFORDS. I yield 7 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, here we go again. Fourteen pages of the statute set out precise and detailed requirements to be imposed on 17,000 school districts around the country, the bottom line of which is that we know what they need better than any of them do. Fourteen pages of statute that, if the precedent has any value, will turn into 114 pages of regulations from the U.S. Department of Education, all under the mantra of smaller class sizes.

Well, in spite of conflicting views on the precise impact of smaller class sizes in various parts of the country, one may even start by admitting that in many cases this is a good idea. But this amendment says not only is it a good idea, it is the only idea; it is the only way to spend a very considerable amount of money in every single school district around the country, no matter what its own priorities. No matter what its own parents, teachers, superintendents, and elected school board members think, we are telling you right here—100 of us in this national school board—this is what you need.

Will it naturally put any more money into the schools? I doubt it. It is a large authorization, but we have already passed the budget resolution, and we pretty much know how much money there is going to be available for education. So, essentially, if it is passed and if it is appropriated for, it will come out of other educational priorities.

Let's just take one. Thirty years ago, and again 3 or 4 years ago, we passed 150 pages of a law for special education. Most of the Members who are voting today were Members of the Senate then. We promised we would pay 40 percent of those costs. Due primarily to efforts on this side of the aisle, we have gone from 8 percent to 11 percent. In another 30 or 40 years, we might get to the promise that we made with respect to education for the disabled. But that was a priority of 3 years ago. What we need now are another bunch of new programs which have one thing, one feature alone, in common. They say school board members, superintendents, principals, teachers, and parents all across the United States are not the best judges of what they need to provide a better education for our children.

The Senator from Arkansas, who is on the floor, has pointed it out, and the Senator from New Hampshire has pointed out that the bill before us, which will end up supplying as much money as the other bills will, certainly allows any school district with a primary goal of more teachers to use much more money for hiring new teachers. It differs in the fact that it doesn't mandate that as the No. 1 priority for every school district. Maybe most will want to hire new teachers, and some will want to keep their best teachers in place by paying them more money. Some may want to use the money for physical infrastructure. Some may want to use it for specialized teachers and specialized courses that are not allowed under this amendment. Some may want to train their teachers better. Some may wish for more computers. But the most difficult virtue to practice in this body is the practice of letting go, saying we don't know it all; we can't set the absolute priorities for every school district in the United States.

Let's stick with what we have on the table at the present time. Let's stick with the bill that dramatically says the present system of more and more statutes and more and more requirements has not been a striking success over the last 35 years. Let's try, at least in a few places in this country, to let our schools' own people, our professional educators, those who care most, those who know our children, make the decisions that will affect their lives and their education.

Mr. BIDEN. Mr. President, I rise today in support of the amendment being offered by the Senator from Washington. A recent study by the University of Wisconsin-Milwaukee confirms what common sense should have been telling us all along—our children learn better when they are taught in smaller classes.

With enrollment at the nation's schools continuing to increase, and many of those currently in the teaching profession nearing retirement age, the fact of the matter is simple—we need more teachers. Under Senator MURRAY's leadership, we in the Senate began the class size reduction initiative a little over two years ago with the goal of hiring 100,000 teachers over a seven-year period and reducing class sizes in the early grades to a nationwide average of 18 students. Yet here we are today, faced with a bill which abandons this goal.

In 1998, my home state of Delaware recognized the need for more teachers and smaller class sizes. In July of that year, our governor, Tom Carper, signed legislation requiring all school districts in the state of Delaware to cap class sizes in kindergarten through third grades at no more than 22 students. That same legislation included a provision which increased state funding to help pay for one teacher for every 18 students. And with the help of the federal funding provided under the class size reduction initiative, Delaware was able to hire over 100 new teachers in 1999.

These teachers are in the classroom today. That means roughly 1,800 children are likely to get far more out of the hours they spend in school, and that they will move into the higher grades far better prepared. For these children in Delaware, and all the other children who are in smaller classrooms because of this initiative, this is literally a once-in-a-lifetime opportunity to get started on the right path. Yet this bill, without the Murray amendment, makes no promise of small classrooms.

We can fund all the education programs we want, but without enough quality teachers in every classroom to teach our children the basic skills necessary to succeed, these programs means nothing. We need to continue to promote smaller classrooms in grade school by continuing to help schools hire up to 100,000 additional qualified teachers to reduce class sizes.

The more individual contact our children have with their teachers, the more they are able to learn, and the better they perform on tests. Those are the facts. At a time when we are just beginning to make progress, now is not the time to abandon our children's future.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield 8 minutes?

Mrs. MURRAY. I would be happy to yield 8 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 7 minutes of that 8 minutes at the present time.

Mr. President, just to review very quickly, there has been some suggestion about the fact that in so many different underserved communities teachers are unqualified. We recognize that. That is why we have a very vigorous program in terms of recruitment and training and enhanced professional development. Everyone ought to know that in the Murray amendment there are requirements to carry out effective approaches to reduce that through the use of fully qualified teachers who are certified or licensed within the States. The comments about the Murray amendment earlier about qualifications and being unqualified just are not relevant to this debate and discussion.

I will not take the time to review the obvious, but studies have been done. The Tennessee study of some 7,000 children in 80 different schools says it all. It was done recently. In grade 4, students who attended small classes K through 3 were 6 to 9 months ahead of the regular class students in math, reading, and science. By grade 8 these advantages grew to over 1 year.

In Wisconsin, a similar study called the Sage Study had similar kinds of results. Their report had the analysis that suggests the teachers in Sage classrooms have greater knowledge of each of their students, spend less time managing their classes, and have more time for individualized instruction, utilizing a primary teacher incentive approach. It is unquestioned. It is unchallenged.

We have been waiting to hear from the other side a challenge of the basic and fundamental results of the smaller class size with good teachers. That is out there.

We are strongly committed. Senator MURRAY, who has been fighting this fight for the past year, is committed to make sure we are going to have that availability to school districts across the country.

That is No. 1.

No. 2, I can understand the anguish that our Republican friends are having about teacher quality, and also about the expenditures. Under the Republican bill, there is $2 billion. They effectively wipe out the current class size. That is 30,000 teachers they take out of K through 6th grades. They take them out. Those are lost. They get pink slips in a program that is supposedly providing quality teachers. These are quality teachers. They get the pink slips because they are using $1.3 billion of the President's program. They wipe out the $350 million in current Eisenhower math and science. They only have $300 million new money.

I can understand their frustration as compared to our program which is $3.75 billion.

Finally, I would like to remind our Republican friends that when this amendment was first passed here, we had BILL GOODLING on this the first time we had the negotiations. Senator MURRAY was there during the early parts of the negotiation and was our leader.

This is what BILL GOODLING, who is the chairman of the House committee, said the first time we had the smaller class size.

> This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington's mandate, red tape, and regulation.

GOODLING said:

> We agree with the President's desire to help classroom teachers, but our proposal does not include a big, new, Federal education program. Rather, our proposal will drive dollars directly to the classroom and give local educators options to spend Federal funds to help disadvantaged children.

Interesting.

Here is the Republican Policy Committee, a dictionary of major accomplishments during the 105th Congress. Here is the Republican Policy Committee. They list 14.

Number 9: Teacher quality, initiative—cleared, cleared for the President.

> The omnibus FY99 funding bill provides $1.2 billion in additional education funds—funds controlled 100-percent at the local level—to school districts to recruit, hire, train and test teachers. This provision is a major step toward returning to local school officials the ability to make educational decisions for our children.

Here they are taking credit for the same proposal, the Murray proposal. Three years ago it was the Republican proposal. They are the ones issuing the press releases. They are the ones taking credit for it. All Senator MURRAY is doing is continuing that program. It is the same program. The President is putting up the money. It is the same program. It was good enough at that time for Mr. GOODLING, and it was good enough for the Republican leadership to take credit.

Here is what former Speaker Newt Gingrich said about it at that time. He called it "a victory for the American people. There will be more teachers, and that is good for all Americans."

Here is what DICK ARMEY said.

> Well, I think, quite frankly, I'm very proud of what we did and the timeliness of it. We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so that we could let the state and local communities take this money, make these decisions, manage the money, spend the money on teachers as they saw the need, whether it be for special education or for regular teaching, with a freedom of choice and management and control at the local level, we thought this was good for America and food for the schoolchildren.

The same program today, the same program that we are going to be voting on, the same one, endorsed by ARMEY and endorsed by Gingrich and GOODLING.

What is it with our Republican friends that they were so enthusiastic for this program 3 years ago, taking credit for it, putting it on the list of major achievements of the Congress? Now we hear out here: No, no; we can't; Oh, Lord, we cannot have this new program. We can't have it. It has all kinds of problems. Oh, Lord. It has problems. It has problems.

Come on. We have been making an attempt in this area. You ought not be out taking credit for it if that is what you are interested in. And I am sure Senator MURRAY would be glad to offer you cosponsorship on this program and go with you up to the gallery when we have the celebration. I will go with Senator HUTCHINSON, with Senator GORTON, and the rest of our friends.

This is something that is basic and fundamental and successful. We have heard more speeches around here about the problems that we are facing at the local level. This program is tried and tested with good results and excellent outcomes for children. Teachers themselves embrace it. It was endorsed by Republicans 3 years ago. It is the same program. It was good enough for them then; it ought to be good enough for them now because mostly all of it is good for the children of this country.

We hope this amendment will be successful.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President. I thank Senator JEFFORDS.

I say to Senator KENNEDY that I never shared the enthusiasm that some did. But, fortunately, there is a better way for class size reduction. It is in this underlying bill.

Earlier in my remarks, I made a reference to an example in Arkansas in which a class size reduction grant was given. The title I supervisor said to the principal that against her wishes the hired teacher would have to be rotated among classes for 90 minutes in each class, even though the principal thought that was not the best use. She wanted to use that person for a point of time for remediation to help these who needed remediation in their school work.

After I spoke, Senator MURRAY and Senator HARKIN both said that it sounded to them as if my beef was with local control. I simply want to clarify that my beef is not with local control. My beef is title I police. My beef is with a rigid, inflexible Federal program that overrules what is best for the children so as to comply with the prescriptions of the Federal U.S. Department of Education. That is why we have a better way.

I want to clarify for Senator MURRAY and Senator HARKIN. It was not the principal's decision, not the superintendent's decision, not the classroom teacher's decision. It was the decision of the title I supervisor in what she said was compliance with the Class Size Reduction Program. My beef is not with local control. My beef is with the program that has that kind of rigidity built into it.

I thank the chairman for yielding me 2 minutes of the remaining time.

I yield the floor.

Mrs. MURRAY. Mr. President, I yield 15 seconds to Senator HARKIN.

Mr. HARKIN. I want to respond to the Senator from Arkansas. This amendment has nothing to do with title I, but this amendment has to do with class size reduction.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will speak about my amendment and the second-degree amendment to it which I did not address earlier.

The amendment Senator MACK and I have offered today essentially allows title II funds to be used for three purposes not specified in the underlying bill: First, for teacher testing programs, to ensure that teachers teaching our kids have the skills and knowledge about the subject matter they are teaching; second, for merit pay programs that could identify and reward teachers who perform exceptionally; third, tenure reform programs that shift the focus on teacher advancement and promotion to a broader subject of categories beyond mere longevity.

We believe these will make a difference in terms of improving the quality of teaching. As I speak to parents in my State, there is no question they want teachers conversant with the subject matter they are teaching their kids. They want to reward and acknowledge exceptional teachers and make sure the process employed with respect to the schools and their communities is based on ability and merit.

We were criticized during the debate on only one of these, the merit pay proposal. That was the extent of the criticism leveled at this amendment earlier today. There then was a second-degree amendment offered. Interestingly, the second-degree amendment wiped away the two areas that were not subjected to any criticism—the teacher testing and the tenure reform proposals—in their entirety. It then replaced our merit proposal with a different one, one that rewards all teachers in schools that showed an increase in achievement by students.

Interestingly, I find it odd that the two areas that were not criticized earlier were eliminated from the secondary amendment, and I question the approach taken in the second amendment with respect to merit pay programs.

Our approach is a permissive approach we are offering as an option for the possible use of title II funds. No school will be mandated to do this. No school will be forced to do it. Under no circumstance will the Federal Government outline, identify, design, or in any way dictate the types of programs that would be used.

In the second-degree amendment, however, only one type of program of merit pay is proposed, and it has an odd component to it. It says all teachers in any school that shows certain types of improvement, to be a presumably later identified, would benefit from enhanced salaries or bonuses.

That means the worst teacher, in a school that showed overall achievement, would receive some sort of merit award. Meanwhile, the very best teacher who might be producing tremendous increases in achievement among his or her students in another school would not qualify. I see an inconsistency. I also question why the two sections of our amendment that were not criticized or even commented on earlier today have been entirely eliminated by the second-degree amendment.

The choice is simple. Our approach permits districts and State education agencies to use title II funds for programs they would design with respect to teacher testing, merit pay, and tenure reform. I believe that is a wise course to follow if our goal is to increase the quality of the teaching of our children in America today. I sincerely hope our colleagues will choose to follow that course by rejecting the second-degree amendment and supporting the Abraham-Mack proposal.

Mr. KENNEDY. Mr. President, our amendment focuses funds on what works. If the States want to use their 93 cents out of the dollar for purposes that Senator ABRAHAM has mentioned, they can do it. We are focused on what works: School-based merit programs for improving the achievement of all students in a school, incentives and subsidies for helping teachers earn advanced degrees, implementing and funding vigorous peer review evaluation and recertification programs for teachers, and providing incentives to help the most fully qualified teachers to teach in the lowest achieving schools.

These are the programs that are tried, tested, and that work. That is the second degree to the proposal of the Senator from Michigan. I hope it will be accepted.

Mr. JEFFORDS. How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. JEFFORDS. I yield 1 minute to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, in response, I don't know how anyone can say that a program proven to work is one that rewards the worst teacher in a school that may, in fact, be producing a decrease in the achievement level of their students. I don't think that could possibly be argued to be an effective way to use Federal dollars. Yet that is what would happen under the proposed second-degree amendment.

Our amendment, on the other hand, opens the way for school districts and State education agencies to use these funds in the most effective way they deem possible to improve the quality of teaching. I look forward to the vote on this.

I thank Senator KENNEDY for his debate today.

Mr. JEFFORDS. I yield myself the remaining time.

I back up the statements of the Senator from Michigan. What we are dealing with on the first vote is whether or not to make more flexible the options with respect to the schools. The Abraham-Mack amendment does that. The second-degree is a strike of that and puts one option in and does not add but detracts from what we would have without that amendment.

The Murray amendment, again, restricts the availability of the class size money to one option—class size. In my State and many other States, that is not the problem. The problem is the quality of the teaching. We would rather spend that money to enhance the qualities of the teachers we have rather than to have it available for things we don't need.

I urge a "no" vote on the second degree, a "yes" vote on the Abraham amendment, and a "no" vote on the Murray amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. We are about to have three very important votes. One will be on the class size amendment. First, the Senator from Arkansas mentioned in his remarks the WestEd Policy Briefing and spoke eloquently about the challenges, but he failed to talk about the tremendous benefits that were also in the report, including achievement gains and greater individual attention. The list goes on.

I ask unanimous consent to have the entire study printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLICY BRIEF

GREAT HOPES, GREAT CHALLENGES

Numerous states have enacted or are considering measures to reduce class size. Additionally, as part of a seven-year program to ensure an average class size of 18 for grades one through three, the federal government has committed more than $2.5 billion to a national class size reduction (CSR) initiative. These efforts stem from research findings on CSR's achievement benefits, as well as from its enormous popularity with parents, administrators, and teachers.

However, not all efforts have proven equally successful. In designing CSR programs, careful assessment of specific state circumstances should help states adopting or modifying CSR efforts avoid the unintended consequences that some programs have experienced and ensure greatest benefit from what is usually a considerable financial investment.

Benefits

Research in the primary grades shows that as class size shrinks, opportunities grow. Successful implementation of CSR has led to numerous benefits, which appear to last into the high school years, including:

Achievement gains, especially for poor and minority students.

Greater individual attention and teacher knowledge of each student's progress.

Improved identification of special needs, allowing earlier intervention and less need later for remediation.

Fewer classroom discipline disruptions.

Faster and more in-depth coverage of content; more student-centered classroom strategies, such as special-interest learning centers; more enrichment activities.

Greater teacher-parent contact and parent satisfaction.

Reduced classroom stress and greater enjoyment of teaching.

Challenges

Challenges for policy design arise in three major areas:

Teaching supply and teacher quality

A fundamental condition for the success of CSR is good teaching. CSR can exacerbate teaching shortages and lead to the hiring of underqualified teachers. In California, for example, since the implementation of the state's CSR program, the percentage of teachers without full credentials has jumped from 1% to over 12%, while the proportion of teachers with three or fewer years of experience rose by 9% and the proportion of teachers who had the least education, a bachelor's or no degree, increased by nearly 6% statewide.

Facilities

Inadequate facilities can impede schools' ability to implement CSR and/or compromise CSR's benefits. Whole schools or programs may also suffer if, for example, libraries, music rooms, special education rooms, or computer rooms are converted into classrooms, as has happened in some places. Many space-strapped schools have combined two "smaller" classes into one large one with two teachers. Wisconsin reports positive results from such team teaching; in Nevada, however, concern exists that team teaching has compromised CSR's success.

Equity

CSR policies can inadvertently worsen inequities. In California, for example, a one-size-fits-all allotment per student and a rigid 20:1 cap on class size led to uneven implementation. Early evaluation findings support the concern that the very students who stand to benefit most from CSR—poor and minority students—are least likely to have full opportunity to do so. Schools serving high concentrations of low-income, minority, and English language learner (ELL) students implemented more slowly due to lack of facilities. These same schools have the hardest time attracting prepared, experienced teachers and, thus, suffered a far greater decline in teacher qualifications than other schools. Finally, for many of these schools, the cost of creating smaller classes exceeded their CSR revenues, and to make up the deficit they diverted resources from other activities.

Recommendations

Crafting a successful CSR program is no simple matter. As knowledge from state and local experience continues to evolve, lessons are emerging that suggest important design elements for policymakers to consider, including:

Targeting

Since research shows that children in the primary grades and, especially, poor and minority children benefit most from smaller classes, it makes sense to direct CSR monies toward these children. Such targeting can also offset some of the difficulties inner-city and poor, rural schools face in attracting well qualified teachers and finding sufficient classroom space.

Teacher support

Schools will need to hire a number of new and, possibly inexperienced teachers to enact CSR policies. If the teachers are unprepared, resources for support, such as mentorship and training programs, will need to be considered. Research, experience, and a policy climate of higher expectations also suggest that novices and veterans alike will need support to learn new teaching strategies that capitalize on the opportunities smaller classes present.

Facility support

CSR initiatives require adequate facilities. If facility issues are not attended to at all levels, expensive investments in smaller classes are likely to be compromised.

Flexibility

CSR policies that allow flexibility in the use of funds help keep the focus on improving learning, teaching, and student achievement. In exchange for accountability, policymakers may consider options that allow schools and districts latitude to tailor decisions to the needs of their own circumstances and students—for example, allowing a class-size average rather than mandating a cap or encouraging creative scheduling.

Program evaluation

CSR programs should build in evaluation and research components, particularly focused on unanswered questions, such as the outcomes of creative approaches to CSR.

Mrs. MURRAY. Mr. President, we came together several years ago in a bipartisan manner, both sides of the Senate, Republican and Democrat, and said we have made a great accomplishment, we have targeted Federal funds to a program that we know will work, reducing class size. Studies show it, from the Educational Testing Service in 1997 to the Star study in 1989, to the Wisconsin State study, to the New York study which I will read to you very quickly. A teacher said:

> Now that I have seen the difference a small class makes, I don't want to go back to being a policeman.

I think that says it for all of us. We know in first, second, and third grades, if we reduce the class sizes, our kids will learn the basics—math, reading, and science—that they will go on to college, there will be fewer discipline problems, and we will have accomplished something great.

Senator HARKIN has been out in his State, as many of us have, in the classrooms that are a direct recipient of our class size money. I challenge my colleagues to do the same because when you do, you can then walk away and say: I did something realistic and I can see it in the faces of these kids.

We have the opportunity now to continue that program, and I urge this amendment's adoption.

Mr. JEFFORDS. I yield the remainder of my time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the Kennedy substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Murray amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ABRAHAM. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on all three amendments.

VOTE ON AMENDMENT NO. 3118

The PRESIDING OFFICER. The question before the Senate is on agreeing to the Kennedy second-degree amendment, No. 3118. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. BREAUX) would vote "aye."

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Breaux
Kohl
Roth

The amendment (No. 3118) was rejected.

Mr. LOTT. Mr. President Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 3117

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3117. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from Louisiana (Mr. BREAUX) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. BREAUX) would vote "no."

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—4

Breaux
Bunning
Kohl
Roth

The amendment (No. 3117) was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3122

The PRESIDING OFFICER. The question is agreeing to amendment No. 3122. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING), would vote "no."

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.—

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Bunning
Kohl
Roth

The amendment (No. 3122) was rejected.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I hope we can continue to work in a bipartisan way and agree to an orderly process. We have had good debate and good amendments. I hope we can continue to do that.

I ask unanimous consent that with respect to the next sequence of amendments in order to S. 2, the offering of the amendment by Senator LIEBERMAN be temporarily postponed and that I be recognized to offer the Lott-Gregg amendment on Monday beginning at 3 p.m. I further ask consent that the Lott-Gregg amendment be temporarily laid aside when the Senate reconvenes on Tuesday in order for Senator LIEBERMAN to offer his amendment. I finally ask unanimous consent that when the Senate conducts the votes with respect to the two first-degree amendments, the votes occur in the original order as outlined in the consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, we will be voting on Tuesday. On our side—and the leader can correct me—there are probably seven substantive amendments. As the leader knows, having talked with all of us, we are willing to enter into time agreements on this so we can move the process forward. We want to try to do that in the early part of the week.

I know the leader has other matters for consideration by the Senate. Tonight we cannot make that request, but I hope both Senator DASCHLE and the majority leader can, at least in the first part of the week, see if we can enter into a time sequence.

We had good discussions and debate today. I believe with the debate we had on the substitute, plus on S. 2, we have covered the ground pretty well. There are some areas we perhaps need to give additional focus. There was no time indicated by the majority leader for disposition of those two amendments. I am trying to find out the intention of the leader so we can at least tell our people when they can expect some followup.

Mr. LOTT. If Senator KENNEDY will yield under his reservation so I may respond, Senator DASCHLE and I have been talking about this and other issues. We do not have votes scheduled on Monday because we have some Senators who have commitments they cannot change. That is the reason we rearranged the order. Plus, we do have some Senators who want to attend the services for Cardinal O'Connor in New York City on Monday.

Next week, we need to take up and consider, if possible, the Africa free trade and CBI enhancement conference report, which the House passed today by an overwhelming vote. We have to figure that into the mix during the day Tuesday, Wednesday, and Thursday.

Having said that, I believe we do have some additional amendments to which we can agree. I hope Monday during the day—I assume the managers will be here—Monday afternoon we can work on those amendments, and Monday morning, if we work toward having the vote or votes, if necessary, by noon on Tuesday, then we will have the next tranche of amendments worked out.

Let me say on Senator DASCHLE's behalf and mine, it is not easy because there are a lot of Senators on both sides who are anxious to participate, so we have to come up with some order. I got into that a little bit today with a couple of my colleagues on this side, and I know the Senator from Massachusetts was doing it on his side. We need to work with those Senators and get the next two, four—whatever we can get—agreed to and look forward to doing some of those Tuesday afternoon, and then we may have to look at moving Tuesday afternoon, perhaps, to the Africa-CBI conference report. We are going to make a good-faith effort on both sides, I am sure, to get the next tranche of amendments and look to have a vote Tuesday morning if at all possible, and I think it will be.

Mr. KENNEDY. I thank the leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

SECTION 5-YEAR 302(a) ALLOCATIONS

Mr. DOMENICI. Mr. President, section 302(a) of the Congressional Budget and Impoundment Control Act of 1974 provides that the statement of managers accompanying a conference report on a concurrent resolution on the budget contain allocations, consistent with the resolution, of total new budget authority and total outlays among each committee of the House and Senate.

Allocations must cover the first year covered by the resolution and the sum of all years covered by the resolution. Unfortunately when we were preparing the statement of managers to accompany the fiscal year 2001 budget resolution, (H. Con. Res. 290, H. Rpt. 106–577) the table indicating the five-year allocation to the committees of the Senate was inadvertently omitted. The table indicating the first year allocation was included as well as both the first and five-year allocation for the House committees.

I have discussed this matter with the ranking member of the Committee on the Budget, Senator LAUTENBERG, and we have agreed that we would insert the appropriate table here in the RECORD and ask unanimous consent that this table serve as the 5-year allocation under section 302 of the Budget Act as if it had been included in the statement of managers at the time the conference report was filed in the House of Representatives. I therefore make that request now of the Presiding Officer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT; 5-YEAR TOTAL: 2001–2005

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	61,372	43,745	114,319	67,436
Armed Services	267,298	266,974	0	0
Banking, Housing, and Urban Affairs	32,946	−10,841	0	0
Commerce, Science, and Transportation	58,896	38,339	4,061	4,040
Energy and Natural Resources	11,570	11,364	200	232
Environment and Public Works	178,735	8,662	0	0
Finance	3,750,519	3,746,218	968,539	969,101
Foreign Relations	58,705	52,862	0	0
Governmental Affairs	324,981	318,539	0	0
Judiciary	26,693	25,704	1,265	1,265
Health, Education, Labor, and Pensions	49,020	46,534	6,985	7,007
Rules and Administration	462	451	0	0
Veterans' Affairs	6,705	6,665	133,540	133,181
Indian Affairs	921	941	0	0
Small Business	0	−745	0	0

FOR CONTINUED U.S. ENGAGEMENT IN THE BALKANS

Mr. BIDEN. Mr. President, next week the Appropriations Committee is expected to mark up several bills that will incorporate the Administration's supplemental request for this fiscal year. Included in this request is two point six billion dollars for peacekeeping and reconstruction in Kosovo and the surrounding region.

In that context, I rise to examine the rapidly changing conditions in the Balkans and to argue for continued vigorous American involvement in the region, including meeting the Administration's supplemental request.

Mr. President, since the end of the Cold War few, if any other parts of the world have commanded as much of our attention as the Balkans, particularly the area of the former Yugoslavia. This is no accident. The Balkans were the crucible for the First World War, played a pivotal role in the outcome of the Second World War, and persist as the only remaining major area of instability in Europe.

As every thoughtful political leader in London, Paris, Berlin, Rome, Madrid or other capitals will attest, if the movements in the countries of the Balkans toward political democracy, ethnic and religious coexistence, and free market capitalism do not succeed, the resulting turmoil will endanger the remarkable peace and prosperity laboriously created over the past half-century in the countries of the European Union and in other Western democracies.

Moreover, Mr. President, for Americans warning of this possibility is not merely an academic exercise. In political, security, and economic terms, the United States is a European power. We are tied to the continent through a web of trade, investment, human contacts, and culture to a degree unequaled by relations with any other part of the world. Instability that spread to Western Europe would directly and adversely affect the United States of America in a major way.

In other words, Mr. President, we do not have the luxury of being able to distance ourselves from the Balkans, no matter how emotionally appealing such a policy may appear at times.

As someone who visits Southeastern Europe on a regular basis, I fully understand how frustrating dealing with Balkan issues can be. Much of this stunningly beautiful area, with its jumble of ancient peoples, has seemingly intractable problems. Americans accustomed to quick solutions naturally become frustrated, especially since we have built up a large presence on the ground in several Balkan countries in the last few years and, therefore, know first-hand the complexities involved.

But the very diversity of the Balkans means that even if human history moved in a linear fashion—which it certainly does not—progress toward democracy, human rights, and free markets in Southeastern Europe would necessarily be uneven, moving forward in some countries, stagnating in some, and even regressing in a few.

Mr. President, this is precisely what has been happening; the region is experiencing "ups and downs." Contrary to popular belief, undoubtedly influenced by the proclivity of the mass media to emphasize the negative, there have been several positive developments in the Balkans.

Slovenia, the northernmost country of the Balkans, is the region's success story. It has already established a solid democracy, and its transition to a free-market economy has been so successful that its per capita gross domestic product now exceeds that of a few members of the European Union. Slovenia seems certain to be in the next round of NATO enlargement, and it is one of the strongest candidates for EU membership.

Croatia, which suffered for a decade under the authoritarian rule of Franjo Tudjman, elected a new parliament this past January with a moderate, democratic coalition gaining a solid majority. The winner of the February presidential election, Mr. Mesic, is also a democratic reformer.

Already there has been signs of positive movement from the new regime in Zagreb, both domestically and in foreign policy. For example, the government has begun investigating corruption from the Tudjman era in the banking and communications sectors. In the international realm, the Croatian government has signed an agreement on cooperation with the International War Crimes Tribunal in the Hague. Moreover, the new government has closed down illegal television transmission towers in Bosnia and Herzegovina, which had spread ultra-nationalist programming from Croatia.

In fact, the hard-line obstructionist nationalist Croat leadership in Bosnia and Herzegovina is running scared, knowing that it has lost its patron, the former HDZ regime, in Croatia. It appears that the new government in Zagreb has pledged itself to full Dayton implementation, including a commitment to the integrity of Bosnia and Herzegovina as a state.

It is debatable whether the "good example" set by Zagreb will soon influence the situation in Serbia; but it is already clear that the change of government in Zagreb is causing Bosnian Croat leaders to re-think their strategy.

The local elections in Bosnia last month provided mixed results. In the Republika Srpska, Prime Minister Dodik's coalition lost ground, but there is still hope that the new government being formed will accelerate the pace of implementation of the Dayton Accords.

In the Federation, reformist Bosnian Croats did not have sufficient time to organize strong opposition to the entrenched HDZ nationalists. As the withdrawal of subsidies from Zagreb to the Bosnian Croat HDZ takes effect, however, the moderate Bosnian Croats may be able to increase their strength in the upcoming national elections.

The most heartening developments concern the Bosnian Muslims, the largest of the three major communities in the country. The Muslims have demonstrated an accelerating move away from the nationalist SDA party to nonnationalist alternatives, as demonstrated by their electoral victories in several of Bosnia's largest cities.

Mr. President, the southern Balkans also show several positive trends, some of them quite remarkable. At the Helsinki Summit of the European Union in December 1999, Turkey for the first time was granted the status of candidate for membership. To be sure, any realistic analysis of Turkey's chances would make them long-term, but the development in Helsinki is nonetheless a real breakthrough and is being received as such by the majority of Turkey's population.

Moreover, the devastating earthquakes that rocked both Turkey and Greece last summer elicited mutual expressions of popular sympathy from both peoples and have led to a significant warming of relations between these two long-time rivals.

Both Bulgaria and Romania are governed by Western-looking, democratic free-marketeers. The closing of the Danube by the NATO bombing in the air war last year has had an extremely damaging effect on their already shaky economies. Both countries, though, have embarked upon painful, but necessary reforms. The reformers will be sorely tested in upcoming national elections.

Macedonia, perhaps the most fragile country in the region, has survived the trauma of the Kosovo war, with its massive influx of hundreds of thousands of refugees, without the violent destabilization expected by many observers, and certainly intended by Milosevic. A newly elected conservative government includes an ethnic Albanian party, but the raw material for an ethnic conflagration persists.

The "downs" in the Balkan picture, which have been getting the lion's share of the publicity, are Serbia proper, Montenegro, and Kosovo.

Certainly the principal negative fact of life in the region is the continuing presence in power in Serbia of Slobodan Milosevic. My colleagues know well my feelings about this man. In 1993, six years before the Hague Tribunal made public its indictment, I called Milosevic a war criminal to his face at a meeting in his office in Belgrade.

Milosevic, quite simply, has been a disaster for the Serbian people. He has destroyed Serbia's economy, eviscerated its body politic, and debased its reputation internationally. It is not easy to start—and lose—four wars in eight years, but Milosevic has managed to do it. He is a man of only one ideological conviction: that he must hold onto power in Serbia. To retain power he is ready to use any means, including ruining the lives of the people he theoretically represents.

Unfortunately, Milosevic clings to power through a combination of ruthlessness, tactical cunning, and the inability until now of the Serbian opposition to forge a permanent anti-Milosevic coalition that could be compelling for the Serbian electorate. There is some basis for cautious optimism that the political opposition in Serbia may be unifying in its opposition to Milosevic. Last month the opposition was able to bring out to the streets of Belgrade a massive crowd of more than two hundred thousand demonstrators against Milosevic.

The gangland quality of life in contemporary Serbia is demonstrated by the recent public machine-gun slayings of "Arkan," the Yugoslav defense minister, and other ultra-nationalist figures. Most recently independent journalists in Serbia have been given implicit death threats—from no less a personage than Mr. Seselj, the deputy prime minister! These moves, however, bespeak the increasing weakness and fear of the Milosevic regime, not any strength.

I should add that another reason that Milosevic has been able to survive this cold winter is assistance from like-minded dictators. Over the past few months, China made a gift of three hundred million dollars, and Iraq contributed much needed oil. It is also extremely likely that Russia and Belarus have funneled assistance to Milosevic.

The United States Government is actively supporting the creation of a civil society in Serbia through targeted grants to a variety of independent media, citizens' groups, independent trade unions, and towns controlled by the democratic opposition.

Despite Milosevic's malevolent and unscrupulous behavior, I remain convinced that ultimately the pressure from below—and from within his government, party, and armed forces—will result in his fall from power. What is key is that we not lose our patience or our nerve. I will not put a date on Milosevic's fall, but fall he will, and the long-suffering Serbian people will begin to regain their dignity.

Montenegro, the junior partner in the Yugoslav Federation, is governed by a multi-ethnic, democratic coalition led by President Milo Djukanovic. The reformist government of this little republic of less than seven hundred thousand citizens is struggling to avoid being overthrown by Yugoslav President Slobodan Milosevic, who is currently scheming about how to undermine Montenegro's democratically elected government. His tools are the Yugoslav army and shadowy paramilitary forces loyal to him, plus economic pressures applied to its vastly smaller neighbor.

We have seen Milosevic starring in this movie before— in Slovenia, in Croatia, in Bosnia and Herzegovina, and in Kosovo. Milosevic lost each time, in the process sacrificing hundreds of thousands of lives and causing untold material damage. I can only hope that he has learned his lesson.

Kosovo is another ongoing challenge for American policy and fortitude. Eleven months after the withdrawal of Yugoslav troops, Serbian police, and paramilitaries, the province is still struggling to regain a semblance of normalcy. The task is enormous: by the estimate of the U.N., some eight hundred ten thousand residents who fled during last year's war have returned to a province in which approximately two-thirds of the housing stock was destroyed or damaged beyond repair. Not an appealing base on which to rebuild a traumatized society.

In that context, the herculean efforts of the international civilian and military authorities have had a good measure of success. Despite the understandable headlines detailing revenge killings of Serbs and Roma by ethnic Albanians, and of Kosovar Albanians by other Kosovar Albanians, the fact is that the incidence of homicide has dropped dramatically over the last several months.

The serious upsurge in ethnic violence in the town of Mitrovica earlier this year shows that universal security in the province has yet to be achieved. The response of KFOR to Mitrovica was to send in additional troops, from different sectors. Also a special prosecutor was appointed by the United Nations to handle Mitrovica. Things boiled over there; now the flame has been doused and the lid is back on. We will have to keep an eye on Mitrovica and northern Kosovo.

Similarly, the Presevo Valley in southeastern corner of Serbia proper, which has a strong ethnic Albanian majority population, is a potential flashpoint. Radical elements have been training in the demilitarized zone between Kosovo and Serbia proper, occasionally staging hit-and-run raids on Serbian police. Their motive is clearly to provoke a larger conflict, and then to appeal to KFOR to bail them out. We should not fall for this trap. I am pleased that the Administration has made clear to the radicals that they are on their own, and has enlisted the help of responsible Kosovar Albanians to rein them in.

With respect to security in Kosovo, however, the overall trend is in the right direction. The drop in the murder rate is due largely to the excellent work of the forty-two thousand, five hundred KFOR troops in Kosovo, and increasingly to the more than three thousand, one hundred international police deployed by the U.N. Interim Administration Mission in Kosovo—known as UNMIK. Eventually four thousand, four hundred UNMIK police are to be deployed.

Our government must be sure to make its pledged payments to UNMIK on time and to pressure other donor countries to do the same. Cooperation between UNMIK's chief, Dr. Bernard Kouchner, and KFOR's commander has been superb. If Dr. Kouchner is given all the tools the way KFOR has been, then I believe he will be able to do his job successfully.

Incidentally, Mr. President, KFOR's commanders have been, in order, an Englishman, a German, and now a Spaniard—all under NATO's Supreme Commander in Europe, an American.

While profound mistrust of KFOR and UNMIK exists among much of the Serbian community in Kosovo, a hopeful sign is that observers from the Serb community recently joined the power-sharing system UNMIK has set up with a broad spectrum of Kosovar Albanian leaders.

Much of the Serbs' mistrust—and of widespread unease among the Kosovar Albanians—stems from the fact that although the homicide rate in the province has dropped, other forms of criminality are increasing. Particularly worrisome is the influx of organized crime elements from Albania across the porous, mountainous border into Kosovo.

We must not allow Kosovo to descend into gang-infested semi-anarchy. This is the principal reason that the promised international funding for UNMIK simply must be delivered promptly. I cannot stress this requirement enough. Our government must pressure the Europeans—who have assumed the primary responsibility for KFOR, UNMIK, and the Stability Pact for Southeast Europe—immediately to live up to their pledges.

Because of excellent work by the U.S. Agency for International Development and other national and international organizations, there are high expectations all over Kosovo that this spring and summer there will be reconstruction on a mass scale all over the province. We must be certain that the international funding is delivered in time, so as not to deflate the Kosovars' and the Kosovo Serbs' hopes and damage our credibility and that of our allies and other cooperating nations.

Mr. President, the more I delve into the details of the American and other international efforts to rebuild the Balkans—in Kosovo, in Bosnia and Herzegovina, in Albania, and elsewhere—the more respect I have for our outstanding men and women serving in often difficult and dangerous circumstances in our diplomatic service, our armed forces, and our aid missions. They are bright, they are dedicated, and they are getting tangible results. This is a side of the story that the American public should hear more about.

It is also important that the American public understands that the overwhelming majority of KFOR troops, the overwhelming majority of UNMIK personnel, and the overwhelming majority of development assistance are all being provided by our European allies and other friendly governments. Mr. President, one bright spot of the Kosovo story is that it shows that burdensharing not only can work, but is working.

In Kosovo, perhaps more than anywhere else in the Balkans, however, even as we analyze serious current problems, we must never lose sight of what the situation would be if we had not acted militarily last year. Milosevic would have gotten away with vile ethnic cleansing on a scale unprecedented in Europe for decades, causing untold human misery, destabilizing Macedonia and Albania, irreparably harming the credibility of NATO, and possibly even fracturing the alliance.

No, the situation in Kosovo is far from good, but it is incalculably better than it would have been, had NATO, under President Clinton's leadership, not intervened.

In early February, at the Munich Conference on Security Policy, the U.S. Congressional delegation had breakfast with Lord Robertson, the Secretary General of NATO. As he so aptly put it, "no one should expect a Balkan Switzerland to be created in a few short years." But that should not blind us, either to the significant progress already achieved, or to the continuing importance to the United States and to the rest of Europe of the struggle for lasting security in the Balkans.

We must keep our eye on the prize and redouble our efforts to rebuild and stabilize Southeastern Europe. So, once again, I urge my colleagues on the Appropriations Committee to fully fund, without conditions, the Administration's supplemental request for peacekeeping and reconstruction in Kosovo. The stakes are simply too high to do otherwise.

I thank the Chair and yield the floor.

PARK SERVICE SNOWMOBILE BAN

Mr. GRAMS. Mr. President, I want to take a few minutes today to talk about the Department of Interior's recent decision to ban snowmobiling in most units of the National Park System.

While the Interior Department's recent decision will not ban snowmobiling in Minnesota's Voyageurs National Park, it will impact snowmobiling in at least two units of the Park System in my home State—Grand Portage National Monument and the St. Croix National Scenic Riverway. In addition, this decision will greatly impact Minnesotans who enjoy snowmobiling, not only in Minnesota, but in many of our National Parks, particularly in the western part of our country.

When I think of snowmobiling in Minnesota, I think of families and friends. I think of people who come together on their free time to enjoy the wonders of Minnesota in a way no other form of transportation allows them. I also think of the fact that in many instances snowmobiles in Minnesota are used for much more than just recreation. For some, they're a mode of transportation when snow blankets our state. For others, snowmobiles provide a mode of search and rescue activity. Whatever the reason, snowmobiles are an extremely important aspect of commerce, travel, recreation, and safety in my home state.

Minnesota, right now, is home to over 280,000 registered snowmobiles and 20,000 miles of snowmobile trails. According to the Minnesota United Snowmobilers Association, an association with over 51,000 individual members, Minnesota's 311 snowmobile riding clubs raised $264,000 for charity in 1998 alone. Snowmobiling creates over 6,600 jobs and $645 million of economic activity in Minnesota. Minnesota is home to two major snowmobile manufacturers—Arctic Cat and Polaris. And yes, I enjoy my own snowmobiles.

People who enjoy snowmobiling come from all walks of life. They are farmers, lawyers, nurses, construction workers, loggers, and miners. They are men, women, and young adults. They are people who enjoy the outdoors, time with their families, and the recreational opportunities our diverse climate offers. These are people who not only enjoy the natural resources through which they ride, but understand the important balance between enjoying and conserving our natural resources.

Just 3 years ago, I took part in a snowmobile ride through a number of cities and trails in northern Minnesota. While our ride didn't take us through a unit of the National Park Service, it did take us through parks, forests, and trails that sustain a diverse amount of plant and animal species. I talked with my fellow riders and I learned a great deal about the work their snowmobile clubs undertake to conserve natural resources, respect the integrity of the land upon which they ride, and educate their members about the need to ride responsibly.

The time I spent with these individuals and the time I have spent on my own snowmobiles have given me a great respect for both the quality and enjoyment of the recreational experience and the need to ride responsibly and safely. They have also given me reason to strongly disagree with the approach the Park Service has chosen in banning snowmobiles from our National Parks.

I was stunned to read of the severity of the Park Service's ban and the rhetoric used by Assistant Secretary Donald J. Barry in announcing the ban. In the announcement, Assistant Secretary Barry said, "The time has come for the National Park Service to pull in its welcome mat for recreational snowmobiling." He went on to say that snowmobiles were, "machines that are no longer welcome in our national parks." These are not the words of someone who is approaching a sensitive issue in a thoughtful way. These are the words of a bureaucrat whose agenda has been handwritten for him by those opposed to snowmobiling.

The last time I checked, Congress is supposed to be setting the agenda of the Federal agencies. The last time I checked, Congress should be determining who is and is not welcome on our Federal lands. And the last time I checked, the American people own our public-lands—not the Clinton administration and certainly not Donald J. Barry.

In light of such brazenness, it's amazing to me that this administration, and some of my colleagues in Congress, question our objections to efforts that would allow the Federal Government to purchase even larger tracts of private land. If we were dealing with Federal land managers who considered the intent of Congress, who worked with local officials, or who listened to the concerns of those most impacted by Federal land-use decisions, we might be more inclined to consider their efforts. But when this administration, time and again, thumbs its nose at Congress and acts repeatedly against the will of local officials and American citizens, it is little wonder the some in Congress might not want to turn over more private land to this administration.

I cannot begin to count the rules, regulations, and executive orders this administration has undertaken without even the most minimal consideration for Congress or local officials. It has happened in state after state, to Democrats and Republicans, and with little or no regard for the rule or the intent of law. I want to quote Interior Secretary Bruce Babbitt from an article in the National Journal, dated May 22, 1999. In the article, Secretary Babbitt was quoted as saying:

> When I got to town, what I didn't know was that we didn't need more legislation. But we looked around and saw we had authority to regulate grazing policies. It took 18 months to draft new grazing regulations. On mining, we have also found that we already had authority over, well, probably two-thirds of the issues in contention. We've switched the rules of the game. We are not trying to do anything legislatively.

That is a remarkable statement by an extremely candid man, and his intent to work around Congress is clearly reflected in this most recent decision. Clearly, Secretary Babbit and his staff felt the rules that they've created allow them to "pull the welcome mat for recreational users" to our national parks.

As further evidence of this administration's abuse of Congress—and therefore of the American people—Environmental Protection Agency Administrator Carol Browner was quoted in the same article as saying:

> We completely understand all of the executive tools that are available to us—And boy do we use them.

While Ms. Browner's words strongly imply an intent to work around Congress, at least she did not join Secretary Babbit in coming right out and admitting it.

Mr. President, I for one am getting a little sick and tired of watching this administration force park users out of their parks, steal land from our States and counties, impose costly new regulations on farmers and businesses without scientific justification, and force Congress to become a spectator on many of the most controversial and important issues before the American people.

It is getting to the point where I am not sure what to tell my constituents. I have been on the phone with snowmobilers in Minnesota and they ask what can be done. I start to explain that because of the filibuster in the Senate and the President's ability to veto, it will be difficult for Congress to take any action. I have found myself saying that a lot lately. Whether it is regulations on Total Maximum Daily Loads, efforts to put 50 million acres of forests in wilderness, or new rules to regulate a worker's house should they choose to work at home, this aAdministration just doesn't respect the legislative process or the role of Congress. Nor does this administration respect the jobs, traditions, cultures, of lifestyles of millions of Americans. If you are an American who has yet to be negatively impacted by the actions of this administration, just wait your turn because you were evidently at the end of the list. Sooner or later, if they get their way in the next few months, they're going to kill your job, render your private property unusable, and ban you from accessing public lands that have been accessible for generations.Regrettably, many of us in Congress are now left with the proposition of telling our constituents that we must wait for a new administration. I have to tell them that this administration is on its way out the door and they're employing a scorched earth exit strategy. And I have to warn them that the situation could get worse if a certain Vice President finds himself residing at 1600 Pennsylvania Avenue next year.

I have to admit, there is nothing pleasurable about telling your constituents to wait until next year. I think it is important to remember that, as Senators, we are the representatives of every one of our constituents. When I have to tell a constituent that Congress has lost its power to act on this matter, I am actually telling that constituent that he or she has lost their power on this matter. When I have to tell a snowmobiler that the administration doesn't care what Congress has to say about snowmobile in national parks, I am really telling him or her that the administration doesn't care what the American people have to say about snowmobiling in national parks. Well, I doubt any of us could've said that any better than Donald J. Barry said it himself.

When forging public policy, those of us in Congress often have to consider the opinions of the state and local officials who are most impacted. If I'm going to support an action on public land, I usually contact the state and local officials who represent the area to see what they have to say. I know that if I don't get their perspective, I might miss a detail that could improve my efforts. I also know that the local officials can tell me if my efforts are necessary or if they're misplaced. They can alert me to areas where I need to forge a broader consensus and of ways in which my efforts might actually hurt the people I represent. I think that is a prudent way to forge public policy and a fair way to deal with state and local officials.

I know, however, that no one from the Park Service ever contacted me to see how I felt about banning snowmobiling in Park Service units in

Minnesota. I was never consulted on snowmobiling usage in Minnesota or on any complaints that I might have received from my constituents. While I've not checked with every local official in Minnesota, not one local official has called me to say that the Park Service contacted them. In fact, while I knew the Park Service was considering taking action to curb snowmobile usage in some Parks, I had no idea the Park Service was considering an action so broad, and so extreme, nor did I think they would issue it this quickly.

This quick, overreaching action by the Park Service, I believe, was unwarranted. It did not allow time for federal, state, or local officials to work together on the issue. It didn't bring snowmobile users to the table to discuss the impact of the decision. It didn't allow time for Congress and the Administration to look at all of the available options or to differentiate between parks with heavy snowmobile usage and those with occasional usage. This decision stands as a dramatic example of how not to conduct policy formulation and is an affront to the consideration American citizens deserve from their elected officials.

I hope we take a hard look at this decision and call the administration before Senate Committees for hearings. I have long believed that we can have an impact on these matters by holding strong oversight hearings and by forcing the Administration to account for its actions. We cannot, however, simply stand by and watch as the Administration continues its quest for even greater power at the expense of the deliberative legislative processes envisioned by the founders of our country. Secretary Babbit, Administrator Browner, and Donald J. Barry may believe they're above working with Congress, but only we can make sure they're reminded, in the strongest possible terms, that when they neglect Congress they're neglecting the American people.

I thank the Chair.

CONTINUING SENATE STALL ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I, again, urge the Senate to take the responsible action necessary to fill the 80 judicial vacancies around the country. The Senate has confirmed only seven judges all year. We are in our fifth month and have only confirmed seven judges. We have 80 vacancies. There are six nominations on the Senate Executive Calendar, including Tim Dyk, who has twice been reported by the Judiciary Committee. Mr. Dyk's nomination has been pending over 2 years. Does this all sound familiar? It is because the Senate continues to fail in its responsibility to the American people and the Federal courts to take action on judicial nominations.

The stall has been going on since 1996, with a few brief burst of activity when the editorial writers and public attention has focused attention of these shortcomings. When there is scrutiny, then the majority puts through a few more.

The Judiciary Committee is not doing any better. It has held the equivalent of two hearings all year. In 5 months, it has held the equivalent of just two hearings on judicial nominations. We heard from only two nominees to the courts of appeal and only nine to the district courts. The committee has reported only six nominees all year, just six.

I know the Senate has built in to the schedule a lot of vacation and a number of recesses. Maybe we ought to take a day or two out of one of those vacations and have some hearings and some votes on the confirmations of the scores of judges that are needed.

We have seen the majority announce with great fanfare that the Senate would have more hearings in the Judiciary Committee on Elian Gonzalez this year. The American public responded so loudly and correctly to that proposal for senatorial child abuse that the majority quickly backed off, trying to find some face-saving way to cancel the hearings. Well, without those hearings we had a whole day this week available. Instead of senatorial child abuse, why not have hearings on judges? We could have done that.

The committee markup scheduled for this morning was canceled. We could have used that time for a Judiciary hearing or proceeded and reported a few judicial nominees.

Most afternoons are free around here this year. We could have hearings a few afternoons a week and start to catch up on our responsibilities.

Over the last weekend, the President again called upon us to do our job and complete consideration of these nominations without additional delay. The Chief Justice of the Supreme Court, a Republican, has scolded the Senate in this regard.

I have urged the Senate time and time again to fulfill our responsibilities. I wish we would do this, take a couple days less vacation time, work a few afternoons, and confirm the judges that we need around the country.

A couple of years ago, I compared the Senate pace of confirming judges with the home run pace of such players as Mark McGwire, Sammy Sosa, and Ken Griffey, Jr. Over the past couple of years when I have used this example of how much better they do hitting home runs than we do at confirming judges, my friend from Utah and I have gone back and forth with regard to this kind of comparison. He has said I should not be comparing the Senate to some of the greatest home run hitters of all time. I understand his reluctance since this Senate certainly has not been a home run hitter as far as confirming judges.

But when I looked at the sports pages today I was struck by how poorly we are doing. Keep in mind, that the Senate has been in session a couple of months longer than the baseball season, that we had a 2-month head start. Nonetheless, as of today, there are 27 baseball players who have hit more home runs than the Senate has confirmed judges. These are not just the stars. The Senate does not fail in comparison to just McGwire and Sosa, but in comparison to—I know these are names you will not all recognize and I see the pages coming to attention and see how many they know—the White Sox' Paul Konerko; the Cubs' Shane Andrews; the Rockies' Todd Helton; the Brewers' Geoff Jenkins; the Angels' Troy Glaus; the Royals' Mike Sweeney. Not legends yet, but fine people and players who have all hit more home runs than the Senate—even with a 2-month head start.

In fact, I may be doing a disservice to these major-leaguers by comparing them to the Senate. Why? Because these ballplayers are acting professionally and doing what they are paid to do. We are not acting professionally. We are not fulfilling our constitutional responsibilities. We are not doing what we are paid to do. We are refusing to vote yes or no on these judges.

The vacancies on the courts of appeals around the country are particularly acute. Vacancies on the courts of appeals are continuing to rob these courts of approximately 12.3 percent of their authorized active strength, as they have for the last several years. The Ninth Circuit continues to be plagued by multiple vacancies. We should be making progress on the nominations of Barry Goode, Judge Johnnie B. Rawlinson and James E. Duffy, Jr., as well as that of Richard Tallman.

I am acutely aware that there is no one on the Ninth Circuit from the State of Hawaii. I know that federal law requires that "there be at least one circuit judge in regular active service appointed from the residents of each state in that circuit," 28 U.S.C. 44(c), and I would like to see us proceed to comply with the law and confirm Mr. Duffy, as well as the other well-qualified nominees to that Court of Appeals without further delay.

The Fifth Circuit continues to labor under a circuit emergency declared last year by its Chief Judge Carolyn Dineen King. We should be moving the nominations of Alston Johnson and Enrique Moreno to that Circuit to help it meet its responsibilities.

Earlier this year I received a copy of a letter from Judge Gilbert Merritt, formerly Chief Judge of the Sixth Circuit, concerning the multiple vacancies plaguing that Circuit. Judge Merritt was disturbed by a report that the Judiciary Committee would not be moving any nominees for the Sixth Circuit this year. We should be moving on the nominations of Kathleen McCree Lewis, Kent Markus, and Helene White. Judge Merritt wrote to us two months ago, stating:

> The Sixth Circuit Court of Appeals now has four vacancies. Twenty-five per cent of the seats on the Sixth Circuit are vacant. The Court is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court. One of the vacancies is five years old and no vote has ever been taken. One is two years old. We have lost many years of judge time because of the vacancies.
>
> By the time the next President is inaugurated, there will be six vacancies on the Court of Appeals. Almost half of the Court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process. Although the President has nominated candidates, the Senate has refused to take a vote on any of them.
>
> Our Court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the federal courts should not be treated this way. The remaining judges on a court should not be treated this way. The situation in our Court is rapidly deteriorating due to the fact that 25% of the judgeships are vacant. Each active judge of our Court is now participating in deciding more than 550 cases a year—a case load that is excessive by any standard.
>
> In addition, we have almost 200 death penalty cases that will be facing us before the end of next year. I presently have six pending before me right now and many more in the pipeline. Although the death cases are very time consuming (the records often run to 5000 pages), we are under very short deadlines imposed by Congress for acting on these cases. Under present circumstances, we will be unable to meet these deadlines. Unlike the Supreme Court, we have no discretionary jurisdiction and must hear every case.
>
> The Founding Fathers certainly intended that the Senate "advise" as to judicial nomination, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for years.

Likewise, the Fourth Circuit, the Tenth Circuit and the District of Columbia Circuit continue to have multiple vacancies. Shame on the Senate for perpetuating these crises in so many Courts of Appeals around the country.

By this time in 1992, the Senate had confirmed 25 judges and the Committee had held 6 confirmation hearings for judicial nominees. By this date in 1988, the Senate had confirmed 21 judges and the Committee had held 7 hearings. By this time in 1998, the Senate had confirmed 17 judges and the Committee had held 5 hearings. This year we remain leagues behind any responsible pace.

Unfortunately, the Senate has not built upon the progress we had made filling judicial vacancies following Chief Justice Rehnquist's remarks in his 1997 report on the state of the federal judiciary. Last year, faced with 100 federal judicial vacancies, the Senate confirmed only 34 new judges. This year we will again be facing 100 vacancies. Already we have seen 87 vacancies and have so far responded with the confirmation of only 7 judges.

I have challenged the Judiciary Committee and the full Senate to return to the pace it met in 1998 when we held 13 confirmation hearings and confirmed 65 judges. That approximates the pace in 1992, when a Democratic majority in the Senate acted to confirm 66 judges during President Bush's final year in office.

There is a myth that judges are not traditionally confirmed in Presidential election years. That is not true. Recall that 64 judges were confirmed in 1980, 44 in 1984, 42 in 1988 when a Democratic majority in the Senate confirmed Reagan nominees and, as I have noted, 66 in 1992 when a Democratic majority in the Senate confirmed 66 Bush nominees.

Our federal judiciary cannot afford another unproductive election-year session like 1996 when a Republican majority in the Senate confirmed only 17 judges. These 17 confirmations in 1996 were an anomaly that should not be repeated. Since then we have had years of slower and lower confirmations and heavy backlogs in many federal courts.

Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the federal courts across the country. I urge the Republican leadership to join us in making the federal administration of justice a top priority for the Senate for the rest of the year.

NATIONAL DAY OF PRAYER

Mr. GRAMS. Mr. President, I rise today in recognition of the National Day of Prayer, Thursday, May 4. Today is a special and exceptional opportunity for all citizens of our country to join together in prayer.

Days of prayer have been a fundamental part of our American heritage since 1775, when the Continental Congress, recognizing the need for guidance as it undertook the enormous challenge of forming a new Nation, designated a time for prayer. President Abraham Lincoln continued this tradition. In 1863, in the midst of the Civil War, he proclaimed a day of "humiliation, fasting, and prayer."

The National Day of Prayer has been celebrated formally since its enactment by Congress in 1952. In 1988, President Reagan signed a bill setting the National Day of Prayer on the first Thursday of every May. Now, each year, the President signs a proclamation encouraging all Americans to pray on this day.

The theme for this year's National Day of Prayer is "PRAY2K: America's Hope for the New Millennium." During the times of both triumph and adversity that surely lie ahead, I know prayer will help America's leaders and citizens to direct our country on the right path for the new millennium.

In the 1st Century A.D., the apostle Paul wrote to the Philippians, telling them, "Be anxious for nothing, but in everything by prayer and supplication with thanksgiving let your requests be made known to God."

It is my hope the citizens of my home state of Minnesota, and people across this Nation, will take that advice and present the concerns of the country in prayer not only on May 4, but every day of the year. I know many thousands of students will gather today at the State Capitol in Minnesota, to pray for their leaders and their peers in an event entitled "Share the Light 2000." I applaud their efforts and commend them in their commitment to this important day.

I thank everyone involved in making this day possible year after year and all those who will take part in the National Day of Prayer. May the spirit that fills our hearts this day remain strong always.

Mr. SANTORUM. Mr. President, today we celebrate the National Day of Prayer, set aside as a day to humbly come before God, seeking His guidance for our leaders and His grace upon us as a people. I would like to take this occasion to implore my fellow Americans to remember why it is that prayer is so important for our nation.

Since the earliest days of America's heritage, we have been richly blessed by God. We have been granted liberty, prosperity, and a measure of peace unknown to most nations throughout history. Even during periods of hardship, God has given us strength to endure, and has used our tribulations to mold us into a better nation.

While we daily enjoy God's bountiful provisions, we need only look at our nation's history to realize that His blessing has not been granted to us by accident. America has been blessed as a result of our historic reliance upon Him. From the moment that Christopher Columbus first set foot in the New World until today, Americans have trusted God and sought to follow His direction. Columbus prayed to God for strength and guidance to help his companions endure the difficult voyage to the New World. Our founding fathers looked to God in prayer for wisdom to create a government that would ensure freedom and liberty. Through war and depression, America called out to God for strength and courage. In times of prosperity, we praised God for his many blessings.

God's blessing does not come without expectations, however. God commands us to obey Him and follow His laws. When calling for a day of national humiliation, fasting and prayer in 1863, President Abraham Lincoln admonished our nation in the following statement:

> We have been the recipients of the choicest bounties of Heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown.
>
> But we have forgotten God. We have forgotten the gracious Hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own.
>
> Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us!
>
> It behooves us then to humble ourselves before the offended Power, to confess our national sins and to pray for clemency and forgiveness.

Those words are as true today as they were when spoken by Abraham Lincoln many years ago. God has given us commands to follow so that we might be able to fully enjoy His creation and receive the benefit of His blessing. When our nation has turned our back on God's commands, we have been plagued by such tragedies as slavery, crime, drug abuse, and abortion. If our nation is to continue to be blessed by God, we must renew our commitment to God daily through prayer.

President Ronald Reagan designated the first Thursday in May to celebrate the National Day of Prayer. My challenge is to make every day a day of prayer, so that we might follow God's will and continue to receive His blessing into the 21st century and beyond.

SAFE SCHOOLS AND SENSIBLE GUN LAWS

Mr. LEVIN. Mr. President, the year that has passed since the tragic events at Columbine High School has been a time of soul searching for many Americans. We have had to ask ourselves some troubling questions. How did we let this happen? Why have we failed to pass sensible gun safety measures? Why doesn't the safety of our children count as much in Congress as the lobbying muscle of the National Rifle Association, NRA? Why did it take 15 deaths at Columbine to get us to take notice? Why wasn't a single death of a school child enough to make us realize the danger to which we have exposed our children in schools across the land?

Speeches alone will not turn the tide in the battle over sensible gun laws. But those of us who believe we must do more to close the loopholes in the law which give minors access to guns have to match the single-mindedness of a single issue group like the NRA with our own focused determination.

Just a few weeks ago, knowing that Congress was about to recess after again failing to take action on gun safety legislation, I offered these words:

> For the students of Columbine, every day is a struggle, every day takes another act of courage. There is nothing we can do in Congress to change that, but there is something we can do to protect other students from the nightmares, the anger, and the pain, as told by these students. Congress owes it to Columbine and to the American people to try to end school shootings and reduce access to guns among young people. As of the one-year anniversary, Congress has failed to do so.

Over the last year, many Americans have decided to speak out on this issue. They are fed up with the intolerable level of gun violence in this country. They are outraged by the sight of a chain of preschoolers fleeing hand-in-hand from a deranged gunman. And, they are disheartened by the thought of a first grader shooting another first grader.

On Mothers' Day, May 14, they will bring a powerful message to Washington and to 30 communities across the Nation, including Lansing: it is time for Congress to pass commonsense gun legislation. What began 9 months ago, with two mothers and unparalleled dedication, has become the Million Mom March, the first-ever national march for gun safety. As a Dad who supports this march, I plan to walk along side Michigan mothers, future mothers, and all those willing to be "honorary mothers" calling for sensible gun laws and safe kids.

In a few weeks, another school year will come to an end, but the push to enact sensible gun legislation will continue during this Congress, and every one thereafter, until we get it done. And, because of the efforts of the Million Mom Marchers and other Americans who are speaking out on this issue, I believe we will prevail.

INCREASING FEDERAL INVESTMENTS IN RESEARCH AND TECHNOLOGY

Mr. LIEBERMAN. Mr. President, I wanted to bring to the attention of my colleagues an important letter dated March 22, 2000 sent to our Senate leadership by forty-seven leaders of our high technology companies, universities and labor organizations who are members of the highly-respected Council on Competitiveness. The letter argues for a significant increase in federal Research and Development funding as key to our economic future. It also points out that much of the current technology talent shortage Congress has been spending so much time on could be alleviated through increased R&D support, since that funding supports our technology education and training system. It is frankly unique in my Senate experience to see a letter signed by such a significant segment of our nation's technology leaders and I hope the Senate will heed its counsel.

This letter comes to us in the context of the recently passed Budget Resolution which calls for a small increase in federal investments in science and technology over last year's levels. I believe that a strong bipartisan majority of the Senate would agree that more is needed. Past investments in research, made in all scientific disciplines and supporting work performed in universities, industry, and government labs, have been the driving force for creating the technologies that have driven our high tech economic boom, preserved our national security, and created fantastic new advances in medical care. The Senate has recognized this, and last year passed the Federal Research Investment Act (S. 296) unanimously—legislation which had 42 bipartisan cosponsors and which calls for a doubling of funding for civilian science and technology over the next decade.

I note that this year the Administration has submitted an aggressive program for civilian science investments for many key agencies, consistent with both the spirit and text of the Senate's legislation, and with the points made in the letter. In particular, I want to call attention to the Administration's efforts to restore balance to the federal research portfolio by aggressively funding work in the physical sciences and engineering, through programs at the National Science Foundation and Department of Energy. Consistent with the March 22nd message sent to us by our country's technology leadership, I hope the Congressional Appropriations Committees will be able to support critical civilian federal Research and Development programs at least at the levels called for in the FY01 Administration Budget Request. This investment, administered by the National Science Foundation, National Institutes of Health, Department of Energy, National Aeronautics and Space Administration, and other agencies, funds university, government lab, and industrial efforts to develop the technologies that energize our economy and protect our health.

I also hope the Congress will increase funding for the Department of Defense's Science and Technology program—whose products are critical to our security. Defense science and technology has in the past given us the technologies—including stealth, advanced computing, the Global Positioning System, and precision munitions—that have provided our defense technology edge and led to our victories in the Gulf and Kosovo. These investments have been drastically reduced over the years—risking both our national security and our technological leadership in a variety of key physical sciences and engineering disciplines.

On April 5th, I and the other members of the Senate Science and Technology Caucus had the opportunity to learn about an example of excellent federally-funded science—the fantastic new world of nanotechnology—from a group of world renowned academics and industrial researchers. Investments in nanotechnology will help create the systems that will shrink microelectronics down to the scale of atoms and molecules and create entire chemistry labs on a single computer chip, potentially leading to a technology revolution along the lines of those generated by the transistor and the Internet. One of my constituents, Professor Mark Reed of Yale University, is already taking steps to turn federal investments in fundamental nanotechnology research into technologies that will enhance our nation's productivity. He recently announced the creation of a single molecule electronic switch, using a chemical process called "self-assembly." A nano-scale switch is a breakthrough that may lead to huge performance improvements in digital electronics. Professor Reed has just established a new company aiming to move the integrated electronics world into the era of molecular manufacturing, by making the building blocks of computer circuits out of single molecules.

But these kinds of commercial ventures and the resulting gains in productivity and economic growth that result will only occur if the federal government maintains and increases its investments in science and technology. The Internet, the Human Genome Project, the Space Shuttle, miracle drugs, and global telecommunications networks are but a few examples of what previous investments by the federal government in science and technology have generated. Current work in nanotechnology and other fields supported by sufficient and stable federal investments can also lead to developments that will affect and improve our lives in ways we cannot imagine today. Congress will soon enter the annual Appropriations cycle and I hope that our Appropriations Committee and Subcommittee leaders over the course of this session can work together in a bipartisan fashion to insure that we adequately invest in our nation's technological future.

I ask unanimous consent that the March 22nd letter from the Council on Competitiveness members be printed in the RECORD in full immediately following my remarks. The letter demonstrates to the Congress that our constituents and the leaders of our high-tech industries and institutions are calling for more far aggressive action in increasing Federal support for science and technology research.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL ON COMPETITIVENESS,
Washington, DC, March 22, 2000.

Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: As you and your colleagues shape America's budget priorities for 2001, the undersigned members of the Council on Competitiveness urges you to strengthen America's science and technology enterprise.

Decades of bipartisan congressional investments have contributed decisively to the current U.S. economic boom. These investments created the advances in knowledge as well as the pool of technical talent that underpin America's competitive advantage in information technology, biotechnology, health science, new materials, and many other critical enablers.

Nevertheless, public-sector investments in frontier research have declined sharply relative to the size of the economy. An additional $100 billion would have been invested if the federal share of such research had been maintained at its 1980 level. Physical sciences, math, and engineering have been particularly affected. The recent ramp up of private sector investment in R&D, while vitally important, is no substitute for the federal role in creating next generation knowledge and technology.

We are also training fewer and fewer American scientists, engineers, and mathematicians despite soaring demand for these skills. Education and training of scientists and engineers are tied to federally sponsored research performed in the nation's laboratories and universities. When federal R&D commitments shrink, so too does the pool of technically trained talent, forcing industry and academia to look abroad for skilled knowledge workers.

In this time of prosperity, we ask that you use this year's budget resolution, authorization and appropriations process to start America down the path toward significantly higher long-term investments in our national science and technology enterprise. Your commitment to continued U.S. technological leadership will generate high-wage jobs, economic growth, and a better quality of life for all Americans for decades to come.

Raymond V. Gilmartin, Chairman, Council on Competitiveness, Chairman, President & CEO, Merck & Co., Inc.; Jack Sheinkman, Labor Vice Chairman, Council on Competitiveness, Vice Chairman, Amalgamated Bank of New York; Richard C. Atkinson, President, University of California; Craig R. Barrett, President and CEO, Intel Corporation; William R. Brody, President, Johns Hopkins University; Vance D. Coffman, Chairman and CEO, Lockhead Martin Corporation; L.D. DeSimone, Chairman of the Board & CEO, 3M Company; F. Duane Ackerman, Industry Vice Chairman, Council on Competitiveness, Chairman & CEO, BellSouth Corporation; Roger Ackerman, Chairman and CEO, Corning Incorporated; David Baltimore, President, California Institute of Technology; Alfred R. Berkeley, III, President, The Nasdaq Stock Market Inc.

Richard H. Brown, Chairman and CEO, Electronic Data Systems Corporation; Jared Cohon, President, Carnegie Mellon University; Gary T. DiCamillo, Chairman and CEO, Polaroid Corporation; Charles M. Vest, University Vice Chairman, Council on Competitiveness, President, Massachusetts Inst. of Technology; Paul A. Allaire, Chairman, Xerox Corporation; Edward W. Barnholt, President and CEO, Agilent Technologies, Inc.; Molly Corbett Broad, President, University of North Carolina; G. Wayne Clough, President, Georgia Institute of Technology; Philip M. Condit, Chairman and CEO, The Boeing Company; Sandra Feldman, President, American Federation of Teachers, AFL–CIO.

Carleton S. Fiorina President and CEO, Hewlett-Packard Company; Joseph T. Gorman, Chairman and CEO, TRW Inc.; Shirley Ann Jackson, President, Rensselaer Polytechnic Institute; Jerry J. Jasinowski, President, National Association of Manufacturers; Patrick J. McGovern, Chairman of the Board, International Data Group Inc.; Michael E. Porter, Professor, Harvard University; David E. Shaw, Chairman, D.E. Shaw & Co., LP; George M.C. Fisher, Chairman of the Board, Eastman Kodak Company; William R. Hambrecht, President, W.R. Hambrecht & Co., LLC; Irwin M. Jacobs, Chairman & CEO, QUALCOMM, Inc.; Peter Likins, President, University of Arizona.

Henry A. McKinnell, President and COO, Pfizer Inc.; Heinz C. Prechter, Chairman, ASC Incorporated; Frederick W. Smith, Chairman, President & CEO, FDX Corporation; Louis V. Gerstner, Jr., Chairman and CEO, IBM Corporation; Charles O. Holliday, Jr., President & CEO, E.I. du Pont de Nemours & Company; Durk I. Jager, Chairman, President & CEO, The Procter & Gamble Company; Richard A. McGinn, Chairman and CEO, Lucent Technologies, Inc.; Mario Morino, Chairman and CEO, Morino Group; Eric Schmidt, Chairman and CEO, Novell; Michael T. Smith, Chairman and CEO, Hughes Electronic Corporation.

Ray Stata, Chairman of the Board, Analog Devices, Inc.; Mark Wrighton, Chancellor, Washington University; Gary L. Tooker, Vice Chairman of the Board, Motorola Inc.; John Young, Founder, Council on Competitiveness; G. Richard Wagoner, Jr., President & COO, General Motors Corporation.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues in highlighting a powerful call to action on science and technology funding issued by our nation's high technology, academic, and labor leaders.

On March 22, 2000, forty-seven CEOs of high technology companies, Presidents of our leading universities, and representatives of labor organizations came together in an unprecedented Council on Competitiveness letter petitioning Congress for "significantly higher long-term investments in our national science and technology enterprise." This investment, they stated, should come in the form of increased "public-sector investments in frontier research" such as research in the "[p]hysical sciences, math, and engineering." This letter also includes a clear warning—Congressional failure to appropriate more funding for science and technology research will threaten America's competitive advantage in information technology, biotechnology, health science, new materials, and other critical technology-intensive fields. As we all know, many economists, including Alan Greenspan, have asserted that our country's leadership in these areas is an important reason for our current economic success. A refusal to support America's dominant position with adequate appropriations today threatens our economic success tomorrow.

The Council on Competitiveness letter also reveals that increased federal funding to science and technology will positively affect another key policy issue—the scarcity of technologically skilled workers. The debate over whether to raise the number of H1-B visas has alerted all of us to the technology industry's critical need for more highly skilled workers. In the New Economy large numbers of "knowledge-based" workers are essential to economic growth. Because we are not training enough American knowledge-based workers, high-tech companies have asked Congress to increase the number of H1-B visas granted to skilled workers who are willing to immigrate from other countries.

Appropriating more funding for science and technology research will increase the number of technologically trained Americans, thus addressing the current scarcity of knowledge-based workers. The letter explains that: "Education and training of scientists and engineers are tied to federally sponsored research performed in the nation's laboratories and universities. When federal R&D commitments shrink, so too does the pool of technically trained talent, forcing industry and academia to look abroad for skilled knowledge workers." I therefore urge all my colleagues who support increasing the H1-B cap to support increased federal science and technology funding—we must develop more American technology workers.

It is important to understand that this letter's signatories are not alone in their recommendation for more substantial funding for science and technology research. The House Science Committee wisely wrote in a 1998 study titled "Unlocking Our Future: Toward a New National Science Policy" that "[t]he federal investment in science has yielded stunning payoffs. It has spawned not only new products, but also entire industries. To build upon the strength of the research enterprise, we must make federal research funding stable and substantial, maintaining diversity in the federal research portfolio, and promoting creative, ground breaking research."

Similarly, a Business Week editorial on July 26, 1999 stated that "[b]ecause of productivity gains, the economy can now operate at a higher speed without inflation. . . . [P]romoting the New Economy also requires wise policy from Washington. We need to support basic research and education at all levels, the seed corn of innovation."

These arguments are supported by noted MIT economist Lester Thurow in a June, 1999 Atlantic Monthly article, where he comments that: "[a] successful knowledge based economy requires large public investments in education, infrastructure, and research and development. . . . Private rates of return on R&D spending (the financial benefits that accrue to the firm doing the spending) average about 24 percent. But societal rates of return on R&D spending (the economic benefits that accrue to the entire society) are about 66 percent. . . . This result, never contradicted in the economic literature, provides powerful evidence that there are huge positive social spillovers from research and development . . . Because the government doesn't care exactly which Americans reap the benefits, it has a very important role to play in R&D. Rates of return on R&D spending are far above those found elsewhere in the economy. Government now pays for about 30 percent of total R&D, but with a 66 percent rate of return it should be spending much more."

In recognition of this need for greater public support of science and technology research, last year the Senate unanimously passed the Federal Research Investment Act (S. 296). This bill would double our investment in civilian science and technology over the next decade. The Administration also understands how critical publicly funded R&D is to the country's vitality. Its budget includes a strong and balanced program which will begin to recharge our sagging R&D portfolio. The administration's program is consistent with the spirit and the text of the Federal Research Investment Act and the Council on Competitiveness letter.

Unfortunately, our Congressional Budget Resolution calls only for a small increase in federal investments in science and technology. We have a chance to make an important investment in our country's future and to lay the groundwork for continued American high-tech leadership. I urge my colleagues to heed our high-tech, academic, and labor leaders' call to action on federal R&D support and work together to achieve more substantial appropriations for science and technology.

Mr. BAYH. Mr. President, I am very pleased today to join with a number of my colleagues on both sides of the aisle to call attention to the remarkable letter sent to our Senate leadership by the nearly fifty members of the Council on Competitiveness. The letter points out the importance of basic scientific research to our economy, and shows how such public-sector investments have been on the decline. When so many prominent leaders agree on an issue of public policy, it is incumbent upon us to pay attention to their views.

I believe that the recent increases in private-sector research are no substitute for the government's traditional role in funding the most basic research that may or may not yield important discoveries. It is this so-called "market failure" in basic research—those making the investments are not assured of positive outcomes, and cannot realistically capture all of the economic gains from new discoveries—that makes the government's role so vitally important. What's more, the private sector's new investments have been increasingly focused on biotechnology and product development, while investment in basic sciences such as math, chemistry, and physics has experienced sharp declines. This has important implications for today's workforce, as well as the rate of innovation that will drive future increases in living standards.

While advances in the health sciences, such as the Human Genome Project, are extremely exciting, there are areas in the physical sciences that are on the verge of generating important discoveries, and where government ought to be focusing additional resources. One area in which I am keenly interested is the area of nanotechnology. This groundbreaking area—which examines structures atom-by-atom and molecule-by-molecule, on the scale of just a few billionths of a meter—may lead to discoveries that will change the way almost everything, from building materials to vaccines to computers, are designed and made. Neil Lane, the President's science advisor, says that this area of science and engineering will most likely lead to tomorrow's breakthroughs. It's a very important new area, but one where the practical applications are a few years away. Basic research is the key to pushing the envelope forward.

Yet despite the potential applications of these and other discoveries—and President Clinton's half-billion-dollar National Nanotechnology Initiative—recent trends do not bode well for the physical sciences. The Senate voted last year to double our investment in basic scientific research over the next decade, but the budget recently passed by this Congress places a higher priority on tax cuts and therefore will make such increases very difficult without forcing important cuts in other areas. Nevertheless, I hope that my colleagues understand that basic research is an appropriate role for government, and that such investment is clearly in the national interest.

To be sure, the R&D picture as a whole—public and private sectors combined—has been improving. R&D had reached a peak of nearly three percent of GDP in the early 1960s, and the number has recently risen close to its 1960s peak. But the overall federal investment in R&D is still relatively flat, because much of the recent gains have come from private industry. And as I already mentioned, much of that is in product development, rather than the most basic research.

If we look exclusively at the federal role in basic research, the numbers show the trend even more clearly. The federal R&D budget as a percent of GDP was nearly two percent in the mid 1960s, and it is less than eight-tenths of one percent today. These declines have not been shared equally. Funding for the National Institutes of Health is much higher, and funding for the National Science Foundation is up slightly. But the other traditional big science agencies are significantly lower, with defense R&D cuts playing a central role. Defense R&D is down thirty percent over the past six years.

Again, some claim that this problem is overstated, because the private sector has picked up the slack. But there are two problems. First, with such a short time horizon for corporations, the private sector often looks to short-term projects like product development, rather than long-term projects with unsure real-world applications. This makes basic research more dependent on the federal government.

Second, public and private investment is only increasing in two areas, information technology and biotech/pharmaceuticals. Math, chemistry, geology, physics, and chemical, mechanical, and electrical engineering are all declining. The United States risks falling behind in the area of innovation, as other nations such as South Korea, Taiwan, Singapore, Israel, and even Japan increase their investments in new ideas and new technologies.

The shift in federal R&D resources to health and biotech is a major reason we see so many talented people in the life sciences, but fewer and fewer mathematicians, chemists, physicists, and engineers. You could make a very strong argument that the stagnation in U.S. degrees in physical sciences and engineering is related to the decline of federal research dollars in these areas, because R&D funds not only science projects, but also the graduate students and researchers who will be tomorrow's scientists, technical workers, and teachers.

Consider the upcoming debate over increasing the number of H-1B visas, a special visa that allows foreign workers with special skills to work in the United States. Our national talent pool is being raided so heavily by the life sciences—in large part because the research money is there, meaning more opportunities for students—that the high tech industry desperately needs workers. By some estimates, hundreds of thousands of well-paying high-tech jobs remain unfilled because the U.S. talent pool is stretched so thin. While some in Congress—including myself—are willing to allow more H-1B workers if there is additional money for job training and science scholarships, we also know that job training alone is not the answer to the high-tech labor shortage. We must put more research money into the physical sciences so that more young people are attracted to these fields of work.

Another problem that we must deal with is entitlement reform. The constant growth of entitlement programs like Social Security and Medicare squeezes other areas of the budget and puts every program on the discretionary side in direct competition with each other. All discretionary programs, including research, are coming out of a smaller and smaller share of the pie.

The numbers here are telling. In the early 1960s, discretionary spending—where all of the research money comes from—was two-thirds of the budget, while mandatory spending and entitlements accounted for only one-third. Today, this is completely reversed, with discretionary spending now accounting for only one-third of all spending. Some estimates show that if we don't make changes soon, the entire budget could go to entitlements just a few decades from now. We must all recognize that future increases in science and research will suffer if entitlements are not reformed.

Michael Porter of Harvard University has done a great deal of research on what makes countries competitive in the global economy. He writes that continuous innovation is the key—but innovation requires research. For example, where will tomorrow's Internet come from? No one could have known that government's investment in this area would have such a huge impact on all of our lives. If we fail to shift our budgetary priorities to make investments in the future, we cannot promise our children an ever-growing economy.

In closing, I am encouraged that the Council on Competitiveness has recognized the importance of basic science research to our economic well-being. I hope that the Senate, in a bipartisan fashion, will recognize that such investment is an appropriate role for government and is without question in the national interest, and that we will find ways to make the "doubling bill" a reality.

Mr. FRIST. Mr. President, I would like to make a few brief remarks about an usual letter I received on behalf of forty-seven leaders of the nation's premier high technology companies, universities, and labor organizations. This is the first time in its history that the Council on Competitiveness, a non-profit organization dedicated to strengthening U.S. innovation, has sent such a letter to Congress on behalf of its outstanding membership. The message is loud and clear: substantially increased funding for R&D is necessary to continue our national economic success and our international leadership.

Michael Porter, noted professor at the Harvard School of Business stated, "the key to U.S. competitiveness is innovation—the ability to deliver products, processes, and services that cannot be easily or inexpensively produced elsewhere. Data shows that the U.S. is strong, but that a number of other countries are successfully making the transition from imitator to innovator." Economists argue that such an investment in innovation, through its impact on economic growth, will not drain our resources, but will actually improve our country's fiscal standing.

Current economic expansion and growth, however, cannot be maintained if we do not provide the necessary funds and incentives to perform critical R&D throughout the scientific disciplines. During the 1990s, the funding for math has declined 20 percent, physics has declined 20 percent, chemistry has dropped by 10 percent and engineering has dropped 30–40 percent. These reductions have the combined effect of eroding the base from which new technologies can be derived.

The Government plays a critical role in driving the innovation process in the United States. The majority of the federal government's basic R&D is directed toward critical missions to serve the public interest in areas including health, environmental pollution control, space exploration, and national defense. Federal funds support nearly 60 percent of the nation's basic research, with a similar share performed in colleges and universities. It is this fundamental research, combined with a strong talent pool, that ultimately drives the innovation process.

Throughout my career in the Senate, I have spent a considerable amount of time advocating for greater funding levels for civilian R&D. Together with many of my colleagues from both sides of the aisle, I have been trying to educate others on the value of the federal government's role in funding merit-based and peer-reviewed programs. One only has to look at lasers, mechanical cardiac assist devices, and automatic internal defibrillators to find an examples of prudent federal investments in R&D.

The Federal Research Investment Act, which I authored with Senators ROCKEFELLER, DOMENICI, and LIEBERMAN, passed the Senate last July for the second year in a row. Yet it has unfortunately languished in the House. The bill would double the amount of federally-funded civilian R&D over an eleven year period, while at the same time, establishing strong accountability mechanisms. I believe that a balanced portfolio of research across all scientific disciplines will enable our national economy to continue to grow and to raise our standard of living.

We rally around increased federal funding for basic R&D, yet we are faced with daunting prospects each year of drastic cuts in the federal investment. Somehow, we are stuck in the same position each year of trying to convince Congress of R&D's necessity to the well-being of our nation, as we confront very real budgetary limitations. We must set priorities. While I strongly believe that Congress must strive to stay within the budget caps, I also firmly believe that funding for R&D should be allowed to grow in fiscal year 2001 and beyond.

As a result of the current fiscal environment in Congress and the desire to utilize the surplus prudently, I am confident that investing in basic R&D, and in turn the technological innovation of the future, is a proper use of the federal taxpayers dollars. This pivotal need for a resurgence in basic R&D investments is evident when we further consider our nation's increased dependency on technology and the global competition that threatens our sustained leadership position. R&D drives the innovation process, which in turn drives the U.S. economy. Now is not the time to turn our backs on the nation's future prosperity.

Mr. President, I want to thank the Council on Competitiveness again for it poignant statement and strongly encourage each of my colleagues to consider its message as we continue to make budgeting decisions this year.

PUBLIC SERVICE RECOGNITION WEEK 2000

Mr. AKAKA. Mr. President, I rise today during Public Service Recognition Week 2000 to encourage my colleagues to take a moment to honor the many selfless actions and outstanding accomplishments of our nation's state, local, and Federal public servants. As the ranking member on the Senate Subcommittee on International Security, Proliferation, and Federal Services, with direct jurisdiction over the Federal civil service, I take particular pride in honoring the millions of dedicated men and women who work around the clock on our behalf.

Their responsibilities are as varied as the challenges presented by their jobs. Our armed forces and civilian defense workers keep us out of harms's way—both domestically and abroad—our public school teachers instruct our children, and the U.S. Postal Service provides delivery to every address in the nation. Our public servants safeguard our food supplies; support our social services infrastructure, oversee and protect our economy; and so much more. These men and women are the backbone of what makes America great. We often take them for granted and in certain instances subject them to scorn and ridicule. With little recognition from the public they serve, these employees are unwavering in their dedication, honor, purpose, and ability to serve their cities, counties, states, and Federal Government.

I am heartened that so many school districts are fostering public service by requiring their students to serve as volunteers prior to graduating high school. As a former school teacher and administrator, I believe that voluntary service is useful and appropriate in developing a sense of community and fellowship, and I am hopeful that as each generation matures it will see the value of continuing their public service by working in state, local, or Federal Government. However, I am aware that Congress must play a role in supporting public service.

At a Governmental Affairs Committee hearing this week on the effectiveness of Federal employee incentive programs it became evident that the lack of sufficient funds to support viable and much-needed compensation, recognition, and incentives program for Federal employees was hampering efforts to recruit, retain, and relocate Federal workers.

Federal agencies, if given adequate funding, would be better positioned to utilize incentive programs that are already available. Flattened budgets and the pressure to reallocate limited resources do not benefit Federal employees or the ultimate end-user: the American taxpayer.

Our Nation's Federal civil servants have given much to their country, especially when Congress was balancing the budget during times of crunching deficits. Now that the country is enjoying record-breaking surpluses, I believe Federal employees should be rewarded for their contributions, and I will continue to push for realistic budgets and salaries for Federal agencies and their employees.

I proudly join all public service workers in observance of the 16th annual Public Service Recognition Week, and I heartily salute the past accomplishments, outstanding service, and future contribution that these outstanding men and women make to our Nation's greatness.

Mr. SARBANES. Mr. President, I rise today to spotlight the significant achievements of all those who make up our Nation's public workforce.

This week, from May 1st to the 7th, is Public Service Recognition Week, organized by the Public Employees Roundtable. The Public Employees Roundtable was formed in 1982 as a nonpartisan coalition of management and professional associations representing approximately one million public employees and retirees. The mission of the Roundtable is to educate the American people about the numerous ways public employees enrich the quality of life throughout our Nation and advance the country's national interests around the world.

I am indeed proud to join the Public Employees Roundtable in their ongoing efforts to bring special attention to the dedicated individuals who have chosen public service as a career. While we should all appreciate the efforts of public employees throughout the year, this week-long celebration is an invaluable opportunity to honor their contributions and learn about the vast array of programs and services public employees provide every day. For four days, starting today, a wide variety of organizations will sponsor exhibits on the Mall to spotlight the work public employees perform. This year, among the numerous agencies represented, will be the Animal and Plant Health Inspection Service; the National Highway Traffic Safety Administration; the Army, Navy, Air Force, and Marine Corps; and the Social Security Administration.

These exhibits sponsored by civilian and Department of Defense agencies will showcase the amazing variety of public employees that make ours the greatest Nation in the world—at the Federal, state, and local government levels. This year, I was also pleased to join with several of my House and Senate colleagues in circulating to every Congressional office a videotape entitled "Salute to Excellence," produced by the Public Employees Roundtable. In a brief 10 minutes, the video clearly demonstrates that our Nation's public servants are hard-working individuals who perform vital work for the country each and every day.

The total impact of the work of public employees is impossible to measure. Without them, senior citizens would wait in vain for Social Security checks, cities would not have the funds and assistance to improve their highways, and our entrepreneurs could not protect their new inventions. In short, all of our citizens would suffer.

Initiatives to improve government services have encouraged the development of creative solutions and programs to better serve our citizens. Several of these innovative ideas were recognized at the "Breakfast of Champions" held this Monday honoring winners of the 2000 Public Service Excellence Awards. These honorees—and public employees everywhere—are finding ways to do their work better, more professionally, and in a way that meets the community's needs.

As I have said on many occasions, I believe very much that the United States will only continue to be a first-rate country if we have first-class public servants. Our Nation is experiencing unprecedented growth and unemployment rates, and has unquestionably benefited from the many achievements of Federal employees. In setting aside this week to acknowledge our Nation's public servants, we all have an opportunity to give these employees the thanks and recognition they so greatly deserve. I am very pleased to extend my appreciation to such a worthy and committed group of men and women and encourage them to continue in their efforts on behalf of all Americans.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 3, 2000, the Federal debt stood at $5,658,066,936,728.56 (Five trillion, six hundred fifty-eight billion, sixty-six million, nine hundred thirty-six thousand, seven hundred twenty-eight dollars and fifty-six cents).

One year ago, May 3, 1999, the Federal debt stood at $5,562,741,000,000.00 (Five trillion, five hundred sixty-two billion, seven hundred forty-one million).

Five years ago, May 3, 1995, the Federal debt stood at $4,855,155,000,000 (Four trillion, eight hundred fifty-five billion, one hundred fifty-five million).

Ten years ago, May 3, 1990, the Federal debt stood at $3,078,032,000,000 (Three trillion, seventy-eight billion, thirty-two million).

Fifteen years ago, May 3, 1985, the Federal debt stood at $1,741,069,000,000 (One trillion, seven hundred forty-one billion, sixty-nine million) which reflects a debt increase of more than $3 trillion—$3,916,997,936,728.56 (Three trillion, nine hundred sixteen billion, nine hundred ninety-seven million, nine hundred thirty-six thousand, seven hundred twenty-eight dollars and fifty-six cents) during the past 15 years.

ADDITIONAL STATEMENTS

THE RETIREMENT OF DR. RICHARD J. HALIK

• Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Richard J. Halik, who is retiring after 34 years of dedicated service to the Lansing, Michigan, School District. A graduate of Eastern High School in Lansing himself, Dr. Halik has enjoyed a successful career as a student, teacher, and administrator in the Lansing School District, and his efforts as Superintendent have played a large role in bringing the Lansing Public School system into the new millennium on a successful note.

After receiving his Bachelor of Arts Degree from Western Michigan University in 1966, Dr. Halik took a position as a seventh grade science teacher at Otto Middle School. In 1970, he was named Supervisor of federally funded Title I programs operating in the district at the time, and in 1972 he became Director of Federal and State Programs for the Lansing School System. After serving as Principal of Gardner Junior High School in 1979–80, Dr. Halik was promoted to the position of Elementary Education Director in 1981, and the following year became Assistant Superintendent for Instruction. On July 1, 1985, he was named Superintendent of the Lansing School District, and he has held this post ever since.

Dr. Halik has been an active member of the Lansing community his entire life. He currently serves as Vice Chair of the Sparrow Health System Board of Directors, and as Vice President of the Hinman Endowment Fund Board of Directors. In addition, he sits on the Board of Directors of several other local organizations, including the Greater Lansing Area Advisory Council, the Lansing Area Safety Council, the Estes Palmer Foundation, the Urban Education Alliance, and Junior Achievement. He is also on the Advisory Board of the Lansing Area Safety Council, the Corporate Board of the Boys and Girls Club of Lansing, and is a member of the Board of Trustees of the Lansing Educational Advancement Foundation.

Dr. Halik is a member of Mt. Hope Presbyterian Church and the Lansing Host Lions Club, and has served as President of the latter group. He has also served as President of the Middle Cities Education Association and the Lansing Association of School Administrators. In 1978, he represented the State of Michigan at the National Institute of Education as advisor on the relationship of the Michigan Compensatory Education Program to ESEA Title I, and in 1993 he was a recipient of the National Leadership Award from the Institute for Education Leadership.

Dr. Halik's contributions to the Lansing School District, and to Michigan's education community in general, are truly immeasurable. I would like to thank him for his dedication and many efforts over the last thirty-four years. His leadership during this time has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate Dr. Richard J. Halik on a wonderful and successful career, and wish him the best of luck in retirement.•

TRIBUTE TO EDWARD J. LISTON

• Mr. REED. Mr. President, it is with great honor that I rise today to acknowledge a truly distinguished Rhode Islander, Edward J. Liston, who after having diligently served for 22 years will be retiring as the President of the Community College of Rhode Island on May 7th, 2000. President Liston currently resides in the town of Warwick, Rhode Island, with his wife Judith, where he is a proud father to six wonderful children: Christina, Edward, Jennifer, Judith, Mark, and Nancy.

Throughout his tenure as President, Edward Liston worked hard to provide both educational and job training opportunities for Rhode Islanders of all walks of life. Upon his arrival on campus in 1978, to more accurately reflect his mission for the institution, President Liston immediately set out to change the name of what was then known as the Junior College of Rhode Island, to its present name of the Community College of Rhode Island (CCRI). In order to further expand CCRI's programs into the community, President Liston established a system of satellite campuses in various local high schools that would offer evening courses in such towns as Woonsocket, Westerly, and Middletown. In addition, he successfully made inroads to provide educational courses at the Adult Correctional Institution in Cranston.

President Liston strongly believes that CCRI should have a presence in Rhode Island's inner city communities. In 1990, he opened a downtown Providence Campus which started with a total enrollment of 650 students. Today, over 2,000 students are taking classes at that campus, and plans are underway for an expansion funded by a 1998 bond issue. To acknowledge this achievement, the state has renamed the Providence campus the Edward J. Liston Campus.

Immediately after opening the Providence campus, President Liston worked to make CCRI the first higher education institution in Rhode Island to offer television courses through the public broadcasting system on Channel 36. To no surprise, this initiative also flourished, and has led to an increase in viewer enrollment from 100 students, to 1,200 students per semester. In 1989, PBS ranked CCRI the number one school in the country for deliverance of telecourses. Still pushing forward, President Liston then worked to establish a series of partnerships with business and industry leaders to improve the Rhode Island workforce through customized training designed for a particular company. One of the first partnerships was with General Dynamics' Electric Boat Division. This initiative involved a combination of on the job apprenticeship training, and classroom instruction that resulted in an associate degree. This first step led to the creation of the Center for Business and Industrial Training, now a part of the college's Office of Workforce Development. This center was also directly responsible for the creation of the successful Dental Hygiene program at the college, due to its partnership with the Rhode Island Dental Association.

On behalf of all Rhode Islanders, I would like to take this opportunity to personally extend my deepest thanks and gratitude to Edward Liston for his continued hard work and dedication over the years to improving the lives of so many Rhode Islanders and their families.•

TRIBUTE TO YEOMAN (SS) SECOND CLASS MATTHEW C. HAWES, UNITED STATES NAVY

• Mr. WARNER. Mr. President, I rise today to recognize Yeoman Second Class Matthew C. Hawes, United States Navy, for his unsurpassed dedication to duty, professionalism, and public service. As Petty Officer Hawes transitions from the active duty Navy to the civilian work force and the Naval Reserve, I am privileged to recognize his achievements and to commend him for the exemplary service he has provided to the Senate, the Navy and our great nation.

Petty Officer Hawes enlisted in the Navy in January 1991 and was assigned to the U.S.S. *Cincinnati* (SSN 693) after completing Yeoman "A" school and Basic Enlisted Submarine School. While aboard the *Cincinnati*, he made several overseas deployments which contributed to the security of our nation and earned his "Silver Dolphins," the enlisted submarine warfare qualification insignia. He was then assigned to Joint Task Force 160 in Guantanamo Bay, Cuba, as the Non-Commissioned Officer-in-Charge of the J1 Division.

After his six-month deployment to Cuba, Petty Officer Hawes was assigned to the Bureau of Naval Personal as the Administrative Assistant to the Enlisted Nuclear Power Programs Manager. He served in this position until he was selected for assignment to the Navy's Office of Legislative Affairs. Petty Officer Hawes reported to the Navy's Senate Liaison Office in April 1996 as a Liaison Officer and Administrative Assistant. In this capacity he has been a major asset to the Navy and to the United States Senate. He has been key to the smooth coordination of all Navy leadership visits to the Senate, as well as for the accurate and prompt management of a wide variety of Navy-related Senate constituent casework. Petty Officer Matthew Hawes has been extremely helpful to me and to my staff in numerous actions, as I know he has been for many of you.

The Department of the Navy, Congress, and the American people were well served by this dedicated Navy Petty Officer. Members of this Congress will not soon forget the service and dedication of Petty Officer Hawes. He will be missed. We wish Matthew, his lovely wife Blairlee, and their daughter Kathryn, Fair Winds and Following Seas.●

2000 NATIONAL FINALS

● Mr. REID. Mr. President, on May 6–8, 2000, more than 1,200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Basic High School from Henderson will represent the State of Nevada in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are; Katie Bair, Joshua Bitsko, Ryan Black, Daniel Croy, Scott Devoge, Danielle Dodgen, Courtney England, Starlyn Hackney, Jill Hales, Alia Holm, Janae Jeffrey, Ryan Johnson, Aimee Lucero, Nathan Lund, Jessica Magro, Jasmine Miller, Holli Mitchell, Gary Nelson, Krystaly Nielsen, Mark Niewinski, Amanda Reed, Jeni Riddle, Leslie Roland, Landin Ryan, Alena Sivertson, Ashley Stolworthy, Sarah Strohm, Tyler Watson, Kara Williams, and Ricky Zeedyk. I would also like to recognize their teacher, John Wallace, who deserves much of the credit for the success of the class.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored."

Administered by the Center for civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The class from Basic High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I wish these young "constitutional experts" the best of luck at the We the People . . . national finals and my staff and I look forward to greeting them when they visit Capitol Hill.●

TRIBUTE TO MS. JULIA TOBIAS AND MR. GUSTAV OWEN ON BEING NAMED NEW HAMSHIRE'S TOP TWO YOUTH VOLUNTEERS FOR THE YEAR 2000

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate and honor two young New Hampshire students who have achieved national recognition for exemplary volunteer service in their communities. Julia Tobias, 17 of Exeter and Gustav Owen, 14 of Barlett have been named State honorees in the 2000 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each state.

Ms. Tobias is being recognized for founding "Youth Across Borders" a nonprofit fund to benefit a youth center in Bosnia and to raise awareness in her own community about issues of prejudice, tolerance and the Bosnia cause. Though thousands of miles away, Julia felt she could make a difference for these young people by providing money for school supplies, teachers and other materials needed to support the center's ethnic reconciliation programs. She then expanded her mission to promote racial harmony among youth in her city. So far, she has raised $2,500 through various school and community fund-raising for her project.

Mr. Owen is being recognized for conceiving and organizing a school-wide assembly on bus safety and emergency procedures. During his school's semiannual bus evacuation drills, Gustav noticed that his fellow students did not fully understand what to do or why the drills were necessary. He felt that if the students were more aware, they would be better prepared for a true emergency. So Gustav approached his principal with the idea of conducting a school assembly on the subject, and began researching the bus driver's handbook for more information on emergency procedures. He then called a meeting with the bus drivers, the fire chief, and a police officer to discuss how to involve the students. Finally, he wrote a plan for assembly, recruited volunteers to help, and hosted the actual event, which was followed by bus evacuation demonstrations for the entire school.

Mr. President, in light of numerous statistics that indicate Americans today are less involved in their communities then they once were, it's vital that we encourage and support the kind of selfless contributions these young People have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Tobias and Mr. Owen are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

I applaud Ms. Tobias and Mr. Owen for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. It is an honor to serve both Ms. Tobias and Mr. Owen in the United States Senate.●

TRIBUTE TO MYRA LENARD

● Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life of Myra

Lenard. She was a daughter of Polonia who played an important role in the life of America.

Myra Lenard was born in Poland and immigrated to America as a young girl. Like so many new Americans—she embraced her new country while never forgetting her homeland.

Myra had a long career as a successful business woman and community volunteer. I got to know her because of our shared commitment to our proud Polish heritage. As the executive director of the Polish American Congress, she was one of our strongest voices for the people of Poland who were forced behind the Iron Curtain. We worked together to provide humanitarian relief and to support the growing democracy movement. She was one of Solidarity's best friends in America.

During the darkest days of martial law in Poland, Myra led the Polish American Congress' "Solidarity Convoy," in which 32 container trucks provided $10 million worth of supplies for the suffering people of Poland. This showed the Polish people that they were not alone.

When Poland became free, Myra began her tireless efforts to rebuild Poland and to enable it to take its rightful place among Western democratic nations. This effort didn't begin in 1998—when the issue started to make headlines. It began in 1989, when Congress passed legislation to provide assistance to the new democracies of central Europe. It was a long process of educating Congress and the American people on how Poland's membership in NATO would contribute to America's security. Myra was there every step of the way. She was gentle but extremely persuasive. She was creative in tapping into the energy of the Polish American community who understand the history, and cared so deeply.

Myra Lenard's life was a triumph. Her legacy is her family, as well as the deep friendship and alliance between the United States and a free, democratic Poland. I will miss her friendship and her counsel. Her beloved husband Cas and their children are in my thoughts and prayers.•

TEEN PREGNANCY PREVENTION AWARENESS MONTH

• Mr. HOLLINGS. Mr. President, teen pregnancy is an alarming health, social and economic problem for our country and we must all work together to address it. Every year, more than a million girls under the age of 20 become pregnant at an estimated cost of $6.9 billion to American taxpayers. In South Carolina, teen pregnancy is of particular concern. Our state has the 10th highest teen pregnancy rate in the nation, spending more than a billion dollars a year to cover direct and indirect costs for children born to teen mothers. The efforts of organizations such as the Greenville Council for the Prevention of Teen Pregnancy have made a difference—teen pregnancy in Greenville County, SC has decreased 44% since 1988 for girls aged 14–17. Community awareness and education are the key and I would like bring to my colleagues' attention that May has been designated Teen Pregnancy Prevention Awareness Month. It is our duty to ensure that America's youth have a bright, healthy and secure future.•

MASSACHUSETTS STATE LETTER CARRIERS' ASSOCIATION

• Mr. KERRY. Mr. President, today I would like to honor the efforts of my long time friends at the Massachusetts State Letter Carriers' Association (MSLCA) as they continue to fight for job security, fair pensions, health care, and reforms to the national postal system. I would also like to applaud Massachusetts president, Frederick Celeste, and the National Association of Letter Carriers as they continually seek to improve and develop a mail service that efficiently delivers both in Massachusetts and nationwide.

Soon Massachusetts' proud 11,000 Letter Carriers will be gathering in Washington, D.C. for their annual convention. These hardworking men and women provide the Bay State with a vital service each day. Letter Carriers have been the backbone of the communications and commercial infrastructure of our nation since its inception. On behalf of all Massachusetts residents, I would like to thank the Letter Carriers Association for remaining vigilant in the fight to further improve the postal system.

The Letter Carriers' Association has always fought for decent wages, cost of living adjustments, job security, and benefits for its brothers and sisters, while constantly striving to forge a more effective partnership with the United States Postal Service and the federal government. Throughout my career, I have always been grateful for the tremendous help I have received from the Letter carriers.

This year, The Letter Carriers of New England are rallying around an agenda to secure fair benefits to provide security for their families and their future. They are fighting for adequate social security benefits through the Windfall Elimination Provision and the Social Security Benefits Restoration Act. The Carriers are working to secure long-term care insurance for federal employees, and are guarding against rate hikes in the Federal Employee Health Benefits Plan by opposing inserting medical savings accounts. I look forward to continuing to join with the Letter Carriers in opposing the privatization of the Postal Service.

Mr. President, The American public has an overwhelmingly favorable view of their letter carriers. In fact, 89 percent of the American public gives the Postal Service a favorable rating, higher than any other federal agency. In addition, 75 percent of Americans identify that the Postal Service is doing an excellent or good job. I think that it is time that we say, if it is not broke, don't fix it.

The Letter Carriers have recently won some victories for their brother and sisters. In September, 1999, an Arbitration Board, in conjunction with an agreement between the Postal Service and the NALC, upgraded all letter carriers from Grade 5 to Grade 6 federal employees. The recent pay raise and cost of living adjustments reflect the concerted lobbying and negotiating efforts of the Letter carriers' leadership, including National President Vincent Sombrotto.

Mr. President, I would like to thank the Letter Carriers for their service to the public. There is much to celebrate. As we focus on the fights that lay ahead, I look forward to joining with the Letter Carriers to protect our families and our future.•

MESSAGES FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that it has passed the following bills, without amendment:

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1405. An act to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building."

H.R. 1509. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall."

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall."

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station."

H.R. 2957. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes.

H.R. 3879. An act to support the Government of the Republic of Sierra Leone in its peace-building efforts, and for other purposes.

H.R. 4055. An act to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces.

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

H. Con. Res. 310. Concurrent resolution supporting a National Charter Schools Week.

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit.

The message also announced that the House has disagreed to the amendments of the Senate to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. ROYCE, and Mr. GEJDENSON.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, and Mr. RANGEL.

As additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. HOUGHTON and Mr. HOEFFEL.

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1405. An act to designate the Federal building at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building"; to the Committee on Environment and Public Works.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Energy and Natural Resources.

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall"; to the Committee on Environment and Public Works.

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station"; to the Committee on Environment and Public Works.

H.R. 2957. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3879. An act to support the Government of the Republic of Sierra Leone in its peace-building efforts, and for other purposes; to the Committee on Foreign Relations.

H.R. 4055. An act to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 295. Concurrent resolution relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces; to the Committee on Foreign Relations.

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus; to the Committee on Foreign Relations.

H. Con. Res. 310. Concurrent resolution supporting a National Charter Schools Week; to the Committee on the Judiciary.

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Rules and Administration.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on May 4, 2000, he had presented to the President of the United States, the following enrolled bill and joint resolutions:

S. 452. An act for the relief of Belinda McGregor.

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8796. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robinson Helicopter Company Model R22 Helicopters; Docket No. 99-SW-69 (4-20/4-27)" (RIN2120-AA64) (2000-0231), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8797. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model As-350B, BA, B1, B2, C, D, and D1, ans AS-355E, F, F1, F2, and N Helicopters; Docket No. 98-SW-82 (4-18/4-24)" (RIN2120-AA64) (2000-0211), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8798. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA-366G1 Helicopters; Docket No. 99-SW-14 (4-19/4-24)" (RIN2120-AA64) (2000-0231), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8799. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robinson Helicopter Company Model R44 Helicopters; Docket No. 99-SW-70 (4-20/4-27)" (RIN2120-AA64) (2000-0218), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8800. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GMBH Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters; Docket No. 99-SW-73 (4-28/5-1)" (RIN2120-AA64) (2000-0237), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8801. A communication from the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation relative to appropriations for NASA; to the Committee on Commerce, Science, and Transportation.

EC-8802. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; McMinnville, TN; Docket No. 99-ASO-5 (4-13/4-24)" (RIN2120-AA66) (2000-0091), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8803. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Orange City, IA; Docket No. 00-ACE-9 (4-18/4-24)" (RIN2120-AA66) (2000-0086), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8804. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Sheldon, IA; Docket No. 00-ACE-8 (4-18/4-24)" (RIN2120-AA66)

(2000–0087), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8805. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Dayton, TN; Docket No. 99–ASO–6 (4–13/4–24)" (RIN2120–AA66) (2000–0092), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8806. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; O'Neill, NE; Docket No. 99–ACE–55 (4–11/4–24)" (RIN2120–AA66) (2000–0097), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8807. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Creston, IA; Docket No. 00–ACE–1 (4–11/4–24)" (RIN2120–AA66) (2000–0095), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8808. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ord, NE; Docket No. 00–ACE–2 (4–11/4–24)" (RIN2120–AA66) (2000–0096), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8809. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Scammon Bay, AK; Docket No. 99–AAL–19 (4–21/5–1)" (RIN2120–AA66) (2000–0108), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8810. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kipnuk, AK; Docket No. 99–AAL–20 (4–21/5–1)" (RIN2120–AA66) (2000–0107), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8811. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Holy Cross, AK; Docket No. 99–AAL–22 (4–21/5–1)" (RIN2120–AA66) (2000–0106), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8812. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Uvalde, TX; Docket No. 2000–ASW–04 (4–21/5–1)" (RIN2120–AA66) (2000–0103), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8813. A communication from the, Federal Aviation Administration, Department of Transportation,, transmitting, pursuant to law, the report of a rule entitled "Revision of the Legal Description of the Houston Class B Airspace Area, TX; Docket No. 00–AWA–1 (4–13/4–24)" (RIN2120–AA66) (2000–0094), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8814. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Unalaska, AK; Docket No. 99–AAl–13 (4–21/5–1)" (RIN2120–AA66) (2000–0100), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8815. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Port Lavaca, TX; Docket No. 2000–ASW–03 (4–21/5–1)" (RIN2120–AA66) (2000–0105), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8816. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Carrizo Springs, Glass Ranch, TX; Docket No. 2000–ASW–12 (4–21/5–1)" (RIN2120–AA66) (2000–0101), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8817. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Saginaw, MI; Docket No. 98–AGL–58 (4–17/4–24)" (RIN2120–AA66) (2000–0088), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8818. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Coldwater, MI; Docket No. 98–AGL–59 (4–17/4–24)" (RIN2120–AA66) (2000–0089), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8819. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Watertown, SD, and Britton, SD; Docket No. 99–AGL–60 (4–17/4–24)" (RIN2120–AA66) (2000–0090), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8820. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Freeport, TX; Docket No. 2000–ASW–11 (4–21/5–1)" (RIN2120–AA66) (2000–0102), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8821. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (120); Amdt. No. 1986 (4–19/4–24)" (RIN2120–AA65) (2000–0025), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8822. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (65); Amdt. No. 1987 (4–19/4–24)" (RIN2120–AA65) (2000–0024), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8823. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (36); Amdt. No. 1988 (4–19/4–24)" (RIN2120–AA65) (2000–0023), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8824. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Areas R–5117, R–5119, R–5121 and R–5123; Docket No. 95–ASW–6 (4–21/4–27)" (RIN2120–AA66) (2000–0099), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8825. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Repair Assessment for Pressurized Fuselages; Docket No. 29104 (4–25/4–27)" (RIN2120–AF81), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8826. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Area" (Docket # 99–076–2), received May 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8827. A communication from the Agricultural Marketing Service, Cotton Program, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "2000 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports" (Docket Number CN–00–002), received May 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8828. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Release of the Reserve Established for the 1999–2000 Crop Year" (Docket Number FV00–981–IFR), received May 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8829. A communication from the Commodity Futures Trading Commission transmitting, pursuant to law, the report of a rule entitled "Commodity Pool Operators; Exclusion for Certain Otherwise Regulated Persons from the Definition of the Term 'Commodity Pool Operator'" (RIN3038–AB34), received April 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8830. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated March 13, 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; Banking, Housing, and Urban Affairs; Energy and Natural Resources; and Foreign Relations.

EC–8831. A communication from the Corporate Policy and Research Department, Pension Benefit Corporation transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocations of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits", received April 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8832. A communication from the Office of Public and Indian Affairs, Department of

Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Allocation of Funds Under the Capital Fund; Capital Fund Formula; Amendment" (RIN2577–AB87) (FR–4423–C–08), received May 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8833. A communication from the Office of Public and Indian Affairs, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Moderate Rehabilitation Program; Executing or Terminating Leases on Moderate Rehabilitation Units When the Remaining Terms of the Housing Assistance Payments (HAP) Contract is for Less Than One Year" (RIN2577–AB98) (FR–4472–F–02), received May 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8834. A communication from the General Services Administration, Department of Defense, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Circular 97–17" (FAC 97–17), received April 27, 2000; to the Committee on Governmental Affairs.

EC–8835. A communication from the National Archives and Records Administration transmitting, pursuant to law, the report of a rule entitled "Elimination of Requirement to Rewind Computer Tapes" (RIN3095–AA94), received April 26, 2000; to the Committee on Governmental Affairs.

EC–8836. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–315, "Adoption and Safe Families Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8837. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–313, "Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8838. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8839. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8840. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to operations and management; to the Committee on Armed Services.

EC–8841. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "Consolidation of Authorities Relating to Department of Defense Regional Centers for Security Studies"; to the Committee on Armed Services.

EC–8842. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "Institute for Professional Military Education and Training"; to the Committee on Armed Services.

EC–8843. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Compliance and Enforcement Strategy Addressing Combined Sewer Overflows and Sanitary Overflows"; to the Committee on Environment and Public Works.

EC–8844. A communication from the Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "1999–2000 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018–AF52), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8845. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana" (FRL #6601–5), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8846. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6601–4), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8847. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Montana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6601–3), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8848. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins; and National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins" (FRL #6585–7), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8849. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California" (FRL #6587–9), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8850. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "West Virginia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6600–4), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8851. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two" (FRL #6561–5), received April 26, 2000; to the Committee on Environment and Public Works.

EC–8852. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances" (FRL #6585–5), received April 24, 2000; to the Committee on Environment and Public Works.

EC–8853. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production; Synthetic Organic Chemical Manufacturing Industry; Epoxy Resins Production and Non-Nylon Polamides Production; and Petroleum Refineries" (FRL #6585–5), received April 24, 2000; to the Committee on Environment and Public Works.

EC–8854. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Allocation of Fiscal Year 2000 Operator Training Grants", received April 24, 2000; to the Committee on Environment and Public Works.

EC–8855. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New York" (FRL #6583–8), received April 25, 2000; to the Committee on Environment and Public Works.

EC–8856. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma" (FRL #6582–1), received April 25, 2000; to the Committee on Environment and Public Works.

EC–8857. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Hospital/Medical/Infectious Waste Incinerators; State Plan for Designated Facilities and Pollutants: Idaho" (FRL #6580–6), received April 13, 2000; to the Committee on Environment and Public Works.

EC–8858. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Lake County Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District" (FRL #6580–3), received April 13, 2000; to the Committee on Environment and Public Works.

EC–8859. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Plan, Columbia Falls, Butte and Missoula Particulate Matter State Implementation Plans, Missoula Carbon Monoxide State Implementation Plan; Correction" (FRL #6582–4), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8860. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oregon; Negative Declaration" (FRL #6580–9), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8861. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL #6583–6), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8862. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories" (FRL #6582–3), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8863. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutainl; Pesticide Tolerance" (FRL #6555–5), received May 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–487. A petition from a citizen of the State of New Mexico relative to the State of New Mexico participating in a "joint lead" capacity with the Bureau of Reclamation in developing an environmental impact statement for the Fort Summer Dam and Pecos River; to the Committee on Energy and Natural Resources.

POM–488. A joint resolution adopted by the Legislature of the State of Washington relative to public recognition programs commemorating the 50th anniversary of the Korean War; to the Committee on the Judiciary.

SUBSTITUTE SENATE JOINT MEMORIAL 8026

Whereas, On Sunday, June 25, 1950, seven North Korean Army Divisions supported by tanks and aircraft, conducted an attack and invaded the Southern Republic of Korea; and

Whereas, Three years and over five million casualties later, a cease fire was secured ending the fighting only miles from where it began; and

Whereas, The Korean War has only become a footnote in history to most Americans, but was no less of a war to the one and one-half million fighting men and women from this nation who served in that short "Police Action" and struggled to contain Communist aggression; and

Whereas, The memories of endless hostile hills, gritty pudding-like mud, snow, choking dust, frozen reservoirs, long periods of boredom, and the violent death of friends will forever linger in the minds of those who fought under these inhospitable conditions; and

Whereas, Twenty-two nations joined forces with the courageous people of South Korea, cherishing freedom and democracy under the United Nations Command, and eventually secured a cease fire for the preservation of peace and a democratic way of life for the citizens of South Korea; and

Whereas, More than five hundred sons and daughters of Washington state stood in the unbroken line of patriots who dared to die in order that freedom might live and grow. Freedom lives and through it, these courageous men and women live in a way that would humble the undertakings of most people; and

Whereas, The families and loved ones of these men and women sacrificed just as much, by enduring the pain of their absence, the uncertainty of their whereabouts, and the agony of their deaths; and

Whereas, This millennium commemorates the 50th anniversary of that holocaust, known as "the Forgotten War" and veterans' service organizations are involved in honoring those gallant veterans who fought the battles for the preservation of freedom, and the members of the armed forces who even to this day guard the gates of freedom in Korea; and

Whereas, As a nation, we should educate every generation of Americans on the history of the Korean War in preserving our nation's liberty, freedom, and prosperity, and commemorating this event will provide Americans with a clear understanding of, and appreciation for, the sacrifices of these veterans and their families;

Now, therefore, Your Memorialists respectfully encourage communities nation-wide to hold public recognition programs commemorating the 50th anniversary of the Korean War; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the United States Department of Defense, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–489. A resolution adopted by the National Conference of Insurance Legislators relative to the practice of rebating or the sale of crop insurance by non-licensed agents; to the Committee on Agriculture, Nutrition, and Forestry.

POM–490. A joint resolution adopted by the Legislature of the State of Arizona relative to the establishment of new national monuments in Arizona; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 2001

Whereas, the establishment of two national monuments in Arizona by the President of the United States represents a misuse of the Antiquities Act of 1906 to set aside enormous parcels of real property. The Antiquities Act (16 United States Code sections 431, 432 and 433) grants authority to the President of the United States to establish national monuments, but the Act was intended to preserve only historical landmarks, historic and prehistoric structures and other objects of historic or scientific significance; and

Whereas, the proposed designation of two national monuments in Arizona clearly violates the spirit and letter of the Antiquities Act, which requires monument lands to "be confined to the smallest area" necessary to preserve and protect historical areas or objects; and

Whereas, the people of Arizona, the Arizona Legislature, the Governor of Arizona and the Congress of the United States have not consented or approved this designation, yet the creation of two new national monuments in Arizona could potentially have a significant economic impact on this state. Instead of working as a partner to help local committees and states define and achieve their conservation goals, the federal government dictates unilateral actions that would affect this state and exclude citizens and local governments from determining land management decisions in their communities; and

Whereas, the land management and conservation efforts are best administered and managed at the local levels of government. The failure of the federal government to recognize and respect this basic tenet represents an arrogant usurpation by federal powers and a violation of states' rights. Therefore be it

Resolved by the Legislature of the State of Arizona:

1. That the Legislature denounces the designation of two national monuments in the State of Arizona without full public participation, consent and approval of local governments, the Arizona Legislature, the Governor and the Congress of the United States.

2. That the Congress of the United States take action to prevent the designation of any national monuments in this state without full public participation, consent and approval of local governments, the Arizona Legislature, the Governor and the Congress of the United States.

3. That the Secretary of State of the State of Arizona transmit a copy of this Resolution to the President of the United States, the United States Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. SHELBY, from the Select Committee on Intelligence, without amendment:

S. 2507: An original bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 106–279).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 2503. A bill to amend the Clean Air Act to authorize States to regulate harmful fuel additives and to require fuel to contain fuel made from renewable sources, to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. Roberts):

S. 2504. A bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. Rockefeller, Mr. Grassley, Mr. Breaux, Mr. Murkowski, Mr. Stevens, Mr. Bond, Mr. Inouye, Mr. Harkin, Mr. Roberts, Mr. Thomas, Mr. Bingaman, Mr. Edwards, Mr. Conrad, and Mr. Kerrey):

S. 2505. A bill to amend title X VIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine; to the Committee on Finance.

By Mr. GORTON:

S. 2506. A bill to amend title 46, United States Code, with respect to the Federal preemption of State law concerning the regulation of marine and ocean navigation, safety, and transportation by States; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY:

S. 2507. An original bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; placed on the calendar.

By Mr. CAMPBELL (for himself and Mr. Allard):

S. 2508. A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN:

S. 2509. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. Moynihan, and Mr. Kerrey):

S. 2510. A bill to establish the Social Security Protection, Preservation, and Reform Commission; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 2511. A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. Schumer):

S. 2512. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. Sarbanes, Mr. Robb, Mr. Dodd, Mr. Kerry, Mr. Bryan, Mr. Edwards, Mr. Durbin, Mr. Harkin, and Mrs. Feinstein):

S. 2513. A bill to strengthen control by consumers over the use and disclosure of their personal financial and health information by financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAMS (for himself, Mr. Sessions, and Mr. Allard):

S. 2514. A bill to improve benefits for members of the reserve components of the Armed Forces and their dependants; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 2515. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. Leahy, and Mr. Grams):

S. Res. 303. A resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. Gregg, and Mr. Kerry):

S. Con. Res. 108. A concurrent resolution designating the week beginning on April 30, 2000, and ending on May 6, 2000 as "National Charter Schools Week"; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. Brownback, Mr. Lieberman, Mr. Smith of Oregon, and Mr. Dodd):

S. Con. Res. 109. A concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community; considered and agreed to.

By Mr. DURBIN (for himself, Mr. Helms, Mr. Robb, and Mr. Abraham):

S. Con. Res. 110. A concurrent resolution congratulating the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. Lugar):

S. 2503. A bill to amend the Clean Air Act to authorize States to regulate harmful fuel additives and to require fuel to contain fuel made from renewable sources, to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that act, and for other purposes; to the Committee on Environment and Public Works.

RENEWABLE FUELS ACT OF 2000

Mr. DASCHLE. Mr. President, ten years ago I joined with two distinguished colleagues, then-Senate Majority Leader Bob Dole and Senator Tom Harkin, to introduce the reformulated gasoline (RFG) provision of the 1990 Clean Air Act Amendments. The RFG provision, with its minimum oxygen standard, was adopted in the Senate by the overwhelming vote of 69 to 30 and eventually signed into law by President George Bush.

I am proud to say that this program has resulted in substantial improvement in air quality around the country. It also has stimulated increased production and use of renewable ethanol and other oxygenates needed to meet the minimum oxygen standard.

Unfortunately, an unanticipated development involving the petroleum-based oxygenate MTBE requires us to re-examine the many benefits of the RFG program. The detection of MTBE in ground water around the country has generated considerable debate in recent months over how to deal with this fuel additive and the oxygen requirement of the reformulated gasoline program. The resolution of this debate will have significant consequences for the environment, for farmers and for the rural economy.

The pace of activity to resolve the MTBE issue is accelerating rapidly. Battlelines are being drawn as the state of California and its allies focus on scrapping the oxygen requirement.

It is clear that Congress and/or the Clinton administration will respond to the MTBE problem. My focus is on ensuring that that response not only serves the environment, but also retains a prominent place for ethanol—a place that assures long-term, predictable growth of the industry.

I believe a comprehensive legislative solution is necessary in this case—one that recognizes and preserves the important air quality benefits of the RFG program, protects water supplies and leads the nation away from greater dependence on imported oil.

I have worked for the last year with the ethanol industry, Republican and Democratic colleagues in the Senate, the Governor's Ethanol Coalition, environmental organizations and the administration in search of a solution that gives states the tools they need to address MTBE contamination, ensures the future growth of domestic renewable fuels, and prevents supply shortages and price spikes in the nation's fuels supply.

This process has led me to two basic conclusions.

First, the MTBE crisis has left the RFG oxygen requirement vulnerable to legislative attack. Those who doubt this conclusion should reflect on the following facts.

California refiners have shown that clean-burning gasoline can be produced without oxygen.

EPA's Blue Ribbon Panel has recommended that the oxygen requirement be repealed.

The RFG oxygen requirement is opposed by a diverse coalition that includes the American Lung Association, the American Petroleum Institute, the New England States Coordinated Air Use Management agency, the State of California and the Natural Resources Defense Council (NRDC).

Second, support for the oxygen requirement will weaken over time. Improvements in auto emissions control technology will cause the air quality benefits of oxygen in gasoline to decline and the justification for the RFG oxygen requirement to diminish.

As one of the original authors of the reformulated gasoline provisions of the Clean Air Act, I feel something of a proprietary interest in the oxygen requirement. As a legislator, I recognize that circumstances change, and obstinacy should not be allowed to become a barrier to the achievement of important policy goals.

Ethanol advocates face a choice between defending the oxygen requirement in the near term, realizing that its days ultimately are numbered, or using the current MTBE debate to guarantee the future growth of the ethanol industry based on important public policy goals, such as energy security, greenhouse gas emissions reductions, and domestic economic growth.

In my judgment, providing states with the flexibility to waive the RFG oxygen requirement is a fair tradeoff for the establishment of a renewable fuels standard. It represents the most effective way to achieve the environmental and economic goals of governors and consumers, while putting the ethanol industry on a steady growth path well into the future and promoting ethanol production in new regions of the nation.

Therefore, today, with Senator RICHARD LUGAR, I am introducing the Renewable Fuels Act of 2000. Under our legislation, EPA is directed to reduce the use of MTBE to safe levels, and states can obtain waivers from the RFG oxygen requirement and further regulate MTBE if they desire. This will allow the nation to deal with the MTBE contamination issue responsibly and avoid gasoline supply disruptions. The bill also includes provisions protecting the air quality gains that have resulted from the use of oxygenated fuels.

To protect market opportunities for renewable fuels, the bill establishes a renewable fuels standard for the nation's gasoline, which begins in 2000 at 1.3 percent—roughly where renewable fuels production stands today—and gradually increases over the next decade to 3.3 percent of the nation's gasoline in 2010. Considering the fact that overall gasoline use is expected to increase over the next decade, this standard will more than triple ethanol use over that period.

In meeting that requirement, our legislation stipulates that a gallon of biomass ethanol counts as much as 1.5 gallons of starch-based ethanol, thereby providing a strong incentive for the development of biomass-based ethanol plans throughout the country. It also established a renewable fuels standard for diesel fuels to promote the use of biodiesel. These renewable fuels standards can be met through nationwide credit trading, to allow for the most economomical use of ethanol and biodiesel.

For those who are concerned about the potential impact of a drought or other natural disaster on the ability of the renewable fuels industry to supply this market, the legislation allows the EPA Administrator, in consultation with the Secretary of Agriculture, to waive the renewable requirement in any given year upon determination that there is indequate domestic supply or distribution capacity, or that the requirement would severely harm the economic or environment of a State, a region, or the United States.

I also intend to work with my colleagues on both sides of the aisle to establish a strategic corn reserve as a complement to the renewable fuel standard. A properly managed strategic corn reserve could serve as the equivalent of the strategic petroleum reserve and ensure stable feedstocks for domestic ethanol producers in the event of weather induced supply interruptions. Taxpayers would benefit as farmers could receive fair market prices, thereby reducing the need for emergency assistance each year.

It is important to recognize that under Senator LUGAR's and my approach, the oxygen requirement is not waived entirely. States can decide for themselves whether to apply for a waiver from the RFG oxygen requirement. We fully expect that RFG programs that currently are using ethanol and have not experienced MTBE contamination, such as Chicago and Milwaukee, will stay in the program. Moreover, the bill allows any governor to apply to EPA to opt into the RFG program, thus expanding its air quality benefits to new regions of the country. Those areas that remain in the program or opt into it, and use ethanol, will generate credits that can be sold to other regions of the country.

Finally, the bill prevents adverse effects on states' highway trust fund tax allocations, with "hold harmless" language ensuring that states reporting Federal excise tax receipts on gasoline are not penalized for their ethanol blend sales.

Again, my goal in introducing this legislation is both to support states that want to get MTBE out of gasoline and to ensure that this effort does not adversely affect ethanol production. It is also to put into place a program that will grow the ethanol industry steadily over the next decade, thereby assuring the market stability necessary to attract investment in the construction of new plants and significantly increasing the market for corn and biomass. This approach not only will get MTBE out of groundwater; it will do so without backsliding on the air quality improvements generated by the RFG program while increasing corn demand by 600 million bushels per year.

Mr. President, since first floating this concept in May of last year, I have heard from numerous stakeholders in this complex debate. The legislative concept that Senator LUGAR and I unveil today has been endorsed by diverse interests ranging from the American Coalition for Ethanol (ACE) in Sioux Falls, South Dakota, to the 24-state Governors' Ethanol Coalition, to the Northeast States for Coordinated Air Use Management (NESCAUM) to Mr. Leo Leibowitz, chairman of Getty Petroleum. I believe that we have struck a delicate balance between the interests of farmers, consumers, state regulatory officials, refiners and those concerned about the environment. This plan is a worthy successor to the original 1990 RFG provision, preserving all of the good things it has achieved and rectifying those elements that need fixing.

I look forward to working with Senators SMITH and BAUCUS, the chairman and ranking member of the Senate Environment and Public Works Committee, to enact legislation resolving the MTBE issue. I hope that other colleagues will join Senator LUGAR and me in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Fuels Act of 2000".

SEC. 2. STATE PETITIONS FOR AUTHORITY TO CONTROL OR PROHIBIT USE OF MTBE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A), by striking "any emission product of such fuel or fuel additive causes, or contributes, to air pollution which may reasonably be anticipated to endanger the public health or welfare," and inserting "the fuel or fuel additive, or an emission product of the fuel or fuel additive, causes or contributes to air, water, or soil pollution that may reasonably be anticipated to endanger the public health or welfare or the environment,";

(2) in paragraph (2)(C), by inserting "or have other environmental impacts" after "emissions";

(3) in paragraph (4)—

(A) in subparagraph (A), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately to reflect the amendments made by this paragraph;

(B) by striking "(4)(A) Except as otherwise provided in subparagraph (B) or (C)," and inserting the following:

"(4) LIMITATION ON STATE AUTHORITY WITH RESPECT TO FUELS AND FUEL ADDITIVES.—

"(A) IN GENERAL.—

"(i) FUELS AND FUEL ADDITIVES.—Except as otherwise provided in subparagraph (B) or (C) or paragraph (5),";

(C) in subparagraph (A)—

(i) in clause (i) (as designated by subparagraph (B)), by inserting "or water or soil quality protection" after "emission control"; and

(ii) by adding at the end the following:

"(ii) MTBE.—Notwithstanding clause (i), except as otherwise provided in subparagraph (B) or (C) or paragraph (5), no State (or political subdivision of a State) may prescribe or attempt to enforce, for the purpose of motor vehicle emission control or water or soil quality protection, any control or prohibition on methyl tertiary butyl ether as a fuel additive in a motor vehicle or motor vehicle engine.";

(D) in subparagraph (B), by inserting "or water or soil quality protection" after "emission control"; and

(E) in subparagraph (C)—

(i) in the first sentence—

(I) by inserting "or water or soil quality protection" after "emission control"; and

(II) by inserting before the period at the end the following: "or, if the Administrator grants a petition of the State under paragraph (5)"; and

(ii) in the second sentence, by striking "only if he" and inserting "if the Administrator"; and

(4) by adding at the end the following:

"(5) STATE PETITIONS FOR AUTHORITY TO CONTROL OR PROHIBIT USE OF FUELS OR FUEL ADDITIVES FOR NON-AIR QUALITY PURPOSES.—

"(A) IN GENERAL.—A State seeking to prescribe and enforce a control or prohibition on a fuel or fuel additive for the purpose of water or soil quality protection under paragraph (4)(C) shall submit a petition to the Administrator for authority to take such action.

"(B) REQUIRED ELEMENTS OF PETITION.—A petition submitted under subparagraph (A) shall—

"(i) include information on—

"(I) the likely effects of the control or prohibition on fuel availability and price in the affected supply area or region; and

"(II) the improvements in environmental quality or public health or welfare expected to result from the control or prohibition; and

"(ii) demonstrate that the authority is necessary to protect the environment or public health or welfare.

"(C) ACTION BY THE ADMINISTRATOR.—Not later than 180 days after the date of receipt of a petition submitted under subparagraph (A), the Administrator shall grant or deny the petition.

"(D) CRITERIA FOR GRANTING OF PETITIONS.—The Administrator shall grant a petition submitted by a State under subparagraph (A) unless the Administrator finds that—

"(i) the petition fails to reasonably demonstrate that the authority is necessary to protect the environment or public health or welfare;

"(ii) the control or prohibition is likely to have a substantial and significant adverse effect on fuel availability or price (including a State or regional effect) that clearly outweighs any benefits associated with the control or prohibition; or

"(iii) in the case of a petition submitted by a State seeking the authority primarily to protect water resources, the State has failed to take other appropriate and reasonable actions to prevent contamination of water resources by fuels or fuel additives, such as—

"(I) adoption of a prohibition on the delivery of gasoline to noncompliant facilities with underground storage tanks; or

"(II) operation of a statewide monitoring and compliance assurance system.

"(E) EFFECT OF FAILURE OF ADMINISTRATOR TO ACT.—If, by the date that is 180 days after the date of receipt of a petition submitted under subparagraph (A), the Administrator has not proposed to grant or deny the petition under subparagraph (C), the petition shall be deemed to be granted.

"(F) PROCEDURAL REQUIREMENTS.—

"(i) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 307(d) of this Act and sections 553 through 557 of title 5, United States Code, shall not apply to actions on a petition submitted under subparagraph (A).

"(ii) PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT.—The Administrator shall provide public notice and opportunity for comment with respect to a petition submitted under subparagraph (A).

"(6) LIMITATION ON MTBE CONTENT.—The Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline to ensure that gasoline sold or introduced into commerce by the refiner, blender, or importer on or after January 1, 2004, in an area has a content of methyl tertiary butyl ether that is at a level that—

"(A) the Administrator determines may not reasonably be anticipated to endanger natural resources and the public health; and

"(B) does not exceed the annual average volume of methyl tertiary butyl ether per gallon of gasoline used in the area before 1995.".

SEC. 3. WAIVER OF OXYGEN CONTENT REQUIREMENT.

(a) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(1) in paragraph (1)—

(A) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) IN GENERAL.—Not later than November 15, 1991,";

(B) in the first sentence, by inserting before the period at the end the following: "and opt-in areas under paragraph (6)"; and

(C) by adding at the end the following:

"(B) ADJUSTMENT OF VOC PERFORMANCE STANDARD.—

"(i) IN GENERAL.—The Administrator may adjust the volatile organic compounds performance standard promulgated under subparagraph (A) in the case of a fuel formulation that achieves reductions in the quantity of mass emissions of carbon monoxide that are greater than or less than the reductions associated with a reformulated gasoline that contains 2.0 percent oxygen by weight and otherwise meets the requirements of this subsection.

"(ii) AMOUNT OF ADJUSTMENT.—The amount of an adjustment under clause (i) shall be based on the effect on ozone concentrations of the combined reductions in emissions of volatile organic compounds and reductions in emissions of carbon monoxide.";

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking "The oxygen" and inserting the following:

"(i) IN GENERAL.—The oxygen"; and

(ii) by adding at the end the following:

"(ii) WAIVER FOR CERTAIN STATES.—The Administrator shall waive the application of clause (i) for any ozone nonattainment area in a State if the Governor of the State submits for such a waiver an application that—

"(I) demonstrates that the State is in full compliance with Federal regulations concerning the control and prevention of leaking underground storage tanks; or

"(II) provides a plan that outlines the measures the State will take to fully comply with the underground storage tank regulations by a date not later than 2 years after the receipt of the application of the Governor.

"(iii) EFFECTIVE DATE.—A waiver under clause (ii) shall become effective on the later of—

"(I) January 1 of the calendar year immediately following the calendar year during which the application for the waiver is received; or

"(II) the date that is 180 days after the date on which the application for the waiver is received."; and

(B) by adding at the end the following:

"(E) AROMATICS.—The aromatic hydrocarbon content of the gasoline shall not exceed 22 percent by volume.";

(3) in paragraph (3)—

(A) in subparagraph (A)(ii), by striking "25 percent" and inserting "22 percent"; and

(B) in subparagraph (B)—

(i) by striking "Any reduction" and inserting the following:

"(iii) TREATMENT OF GREATER REDUCTIONS.—Any reduction"; and

(ii) by adding at the end the following:

"(iv) ANTI-BACKSLIDING PROVISION.—

"(I) IN GENERAL.—Not later than June 1, 2000, the Administrator shall revise performance standards under this subparagraph as necessary to ensure that—

"(aa) the ozone-forming potential, taking into account all ozone precursors (including volatile organic compounds, oxides of nitrogen, and carbon monoxide), of the aggregate emissions during the high ozone season (as determined by the Administrator) from baseline vehicles when using reformulated gasoline does not exceed the ozone-forming potential of the aggregate emissions during the high ozone season from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasoline sold in calendar year 2000 and subsequent calendar years; and

"(bb) the aggregate emissions of the pollutants specified in subclause (II) from baseline vehicles when using reformulated gasoline do not exceed the aggregate emissions of those pollutants from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasolines sold in calendar year 2000 and subsequent calendar years.

"(II) SPECIFIED POLLUTANTS.—The pollutants specified in this subclause are—

"(aa) toxics, categorized by degrees of toxicity; and

"(bb) such other pollutants, including pollutants regulated under section 108, and such precursors to those pollutants, as the Administrator determines by regulation should be controlled to prevent the deterioration of air quality and to achieve attainment of a national ambient air quality standard in 1 or more areas."; and

(4) in paragraph (4)(B)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately to reflect the amendments made by this paragraph;

(B) by striking "The Administrator" and inserting the following:

"(i) IN GENERAL.—The Administrator";

(C) in clause (i) (as designated by subparagraph (B))—

(i) in subclause (I) (as redesignated by subparagraph (A)), by striking ", and" and inserting a semicolon;

(ii) in subclause (II) (as redesignated by subparagraph (A))—

(I) by striking "achieve equivalent" and inserting the following: "achieve—

"(aa) equivalent";

(II) by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

“(bb) combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide that result in a reduction in ozone concentration, as provided in clause (ii)(I), that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3); and”; and

(iii) by adding at the end the following:

“(III) achieve equivalent or greater reductions in emissions of toxic air pollutants than are achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3).”; and

(D) by adding at the end the following:

“(ii) CARBON MONOXIDE CREDIT.—

“(I) IN GENERAL.—In determining whether a fuel formulation or slate of fuel formulations achieves combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide that result in a reduction in ozone concentration that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3), the Administrator—

“(aa) shall consider, to the extent appropriate, the change in carbon monoxide emissions from baseline vehicles attributable to an oxygen content in the fuel formulation or slate of fuel formulations that exceeds 2.0 percent by weight; and

“(bb) may consider, to the extent appropriate, the change in carbon monoxide emissions described in item (aa) from vehicles other than baseline vehicles.

“(II) OXYGEN CREDITS.—Any excess oxygen content that is taken into consideration in making a determination under subclause (I) may not be used to generate credits under paragraph (7)(A).

“(III) RELATION TO TITLE I.—Any fuel formulation or slate of fuel formulations that is certified as equivalent or greater under this subparagraph, taking into consideration the combined reductions in emissions of volatile organic compounds and carbon monoxide, shall receive the same volatile organic compounds reduction credit for the purposes of subsections (b)(1) and (c)(2)(B) of section 182 as a fuel meeting the applicable requirements of paragraph (3).”.

(b) REFORMULATED GASOLINE CARBON MONOXIDE REDUCTION CREDIT.—Section 182(c)(2)(B) of the Clean Air Act (42 U.S.C. 7511a(c)(2)(B)) is amended by adding at the end the following: “An adjustment to the volatile organic compound emission reduction requirements under section 211(k)(3)(B)(iv) shall be credited toward the requirement for VOC emissions reductions under this subparagraph.”.

SEC. 4. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking “(6) OPT-IN AREAS.—(A) Upon” and inserting the following:

“(6) OPT-IN AREAS.—

“(A) CLASSIFIED AREAS.—

“(i) IN GENERAL.—Upon”;

(2) in subparagraph (B), by striking “(B) If” and inserting the following:

“(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If”;

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking “subparagraph (A)” and inserting “clause (i)”; and

(B) in the second sentence, by striking “this paragraph” and inserting “this subparagraph”; and

(4) by adding at the end the following:

“(B) NONCLASSIFIED AREAS.—

“(i) IN GENERAL.—Upon the application of the Governor of a State, the Administrator shall apply the prohibition specified in paragraph (5) in any area in the State that is not a covered area or an area referred to in subparagraph (A)(i).

“(ii) PUBLICATION OF APPLICATION.—As soon as practicable after receipt of an application under clause (i), the Administrator shall publish the application in the Federal Register.”.

SEC. 5. RENEWABLE CONTENT OF GASOLINE AND OTHER MOTOR FUELS.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

“(o) RENEWABLE CONTENT OF GASOLINE.—

“(1) IN GENERAL.—

“(A) REGULATIONS.—Not later than September 1, 2000, the Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline to ensure that gasoline sold or introduced into commerce in the United States by the refiner, blender, or importer complies with the renewable content requirements of this subsection.

“(B) RENEWABLE CONTENT REQUIREMENTS.—

“(i) IN GENERAL.—All gasoline sold or introduced into commerce in the United States by a refiner, blender, or importer shall contain, on a quarterly average basis, a quantity of fuel derived from a renewable source (including biomass ethanol) that is not less than the applicable percentage by volume for the quarter.

“(ii) BIOMASS ETHANOL.—For the purposes of clause (i), 1 gallon of biomass ethanol shall be considered to be the equivalent of 1.5 gallons of fuel derived from a renewable source.

“(iii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a quarter of a calendar year shall be determined in accordance with the following table:

Calendar year:	**Applicable percentage of fuel derived from a renewable source:**
2000	1.3
2001	1.5
2002	1.7
2003	1.9
2004	2.1
2005	2.3
2006	2.5
2007	2.7
2008	2.9
2009	3.1
2010 and thereafter	3.3.

“(C) FUEL DERIVED FROM A RENEWABLE SOURCE.—For the purposes of this subsection, a fuel shall be considered to be derived from a renewable source if the fuel—

“(i) is produced from grain, starch, oilseeds, or other biomass; and

“(ii) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

“(D) BIOMASS ETHANOL.—For the purposes of this subsection, a fuel shall be considered to be biomass ethanol if the fuel is ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

“(i) dedicated energy crops and trees;

“(ii) wood and wood residues;

“(iii) plants;

“(iv) grasses;

“(v) agricultural commodities and residues;

“(vi) fibers;

“(vii) animal wastes and other waste materials; and

“(viii) municipal solid waste.

“(E) CREDIT PROGRAM.—

“(i) IN GENERAL.—The regulations promulgated under this subsection shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports gasoline that contains, on a quarterly average basis, a quantity of fuel derived from a renewable source or a quantity of biomass ethanol that is greater than the quantity required under subparagraph (B).

“(ii) USE OF CREDITS.—The regulations shall provide that a person that generates the credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with subparagraph (B).

“(2) WAIVERS.—

“(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture, may waive the requirements of paragraph (1)(B) in whole or in part on petition by a State—

“(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirements would severely harm the economy or environment of a State, a region, or the United States; or

“(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirements of paragraph (1)(B).

“(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture—

“(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (1)(B) within 180 days after the date on which the petition is received; but

“(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

“(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture.

“(D) OXYGEN CONTENT WAIVERS.—The grant or denial of a waiver under subsection (k)(2)(B) shall not affect the requirements of this subsection.

“(3) SMALL REFINERS.—The regulations promulgated by the Administrator under paragraph (1) may provide an exemption, in whole or in part, for small refiners (as defined by the Administrator).

“(4) GUIDANCE FOR LABELING.—After consultation with the Secretary of Agriculture, the Administrator shall issue guidance to the States for labeling, at the point of retail sale—

“(A) the fuel derived from a renewable source that is contained in the fuel sold; and

“(B) the major fuel additive components of the fuel sold.

“(5) REPORTS TO CONGRESS.—Not less often than every 3 years, the Administrator shall submit to Congress a report on—

“(A) reductions in emissions of criteria air pollutants listed under section 108 that result from implementation of this subsection; and

"(B) in consultation with the Secretary of Energy, greenhouse gas emission reductions that result from implementation of this subsection.

"(p) RENEWABLE CONTENT OF DIESEL FUEL.—

"(1) IN GENERAL.—Not later than September 1, 2000, the Administrator, after consideration of applicable economic and environmental factors, shall promulgate regulations applicable to each refiner, blender, or importer of diesel fuel to ensure that the diesel fuel sold or introduced into commerce in the United States by the refiner, blender, or importer complies with the renewable content requirements established by the Administrator under this subsection.

"(2) ELEMENTS OF PROGRAM.—To the extent that the Administrator determines it to be appropriate, the Administrator shall by regulation establish a program for diesel fuel that has renewable content requirements similar to the requirements of the program for gasoline under subsection (o) in order to ensure the use of biodiesel fuel.".

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

(c) PREVENTION OF EFFECTS ON HIGHWAY APPORTIONMENTS.—

(1) SURFACE TRANSPORTATION PROGRAM.—Section 104(b)(3) of title 23, United States Code, is amended by adding at the end the following:

"(C) DETERMINATION OF ESTIMATED TAX PAYMENTS.—For the purpose of determining under subparagraph (A)(iii) the estimated tax payments attributable to highway users in a State paid into the Highway Trust Fund (other than the Mass Transit Account) in a fiscal year, the amount paid into the Highway Trust Fund with respect to the sale of gasohol or other fuels containing alcohol by reason of the tax imposed by section 4041 (relating to special fuels) or 4081 (relating to gasoline) of the Internal Revenue Code of 1986 shall be treated as being equal to the amount that would have been so imposed with respect to that sale without regard to the reduction in revenues resulting from the application of the regulations promulgated under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) and the following provisions of the Internal Revenue Code of 1986:

"(i) Section 4041(b)(2) (relating to exemption for qualified methanol and ethanol fuel).

"(ii) Section 4041(k) (relating to fuels containing alcohol).

"(iii) Section 4041(m) (relating to certain alcohol fuels).

"(iv) Section 4081(c) (relating to reduced rate on gasoline mixed with alcohol).".

(2) MINIMUM GUARANTEE.—Section 105(f)(1) of title 23, United States Code, is amended—

(A) by striking "(1) IN GENERAL.—Before" and inserting the following: "(1) IN GENERAL.—

"(A) ADJUSTMENT.—Before"; and

(B) by adding at the end the following:

"(B) DETERMINATION OF ESTIMATED TAX PAYMENTS.—For the purpose of determining under this subsection the estimated tax payments attributable to highway users in a State paid into the Highway Trust Fund (other than the Mass Transit Account) in a fiscal year, the amount paid into the Highway Trust Fund with respect to the sale of gasohol or other fuels containing alcohol by reason of the tax imposed by section 4041 (relating to special fuels) or 4081 (relating to gasoline) of the Internal Revenue Code of 1986 shall be treated as being equal to the amount that would have been so imposed with respect to that sale without regard to the reduction in revenues resulting from the application of the regulations promulgated under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) and the following provisions of the Internal Revenue Code of 1986:

"(i) Section 4041(b)(2) (relating to exemption for qualified methanol and ethanol fuel).

"(ii) Section 4041(k) (relating to fuels containing alcohol).

"(iii) Section 4041(m) (relating to certain alcohol fuels).

"(iv) Section 4081(c) (relating to reduced rate on gasoline mixed with alcohol).".

SEC. 6. UPDATING OF BASELINE YEAR.

(a) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(1) in paragraph (8)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990, the" and inserting "The"; and

(ii) by striking the second sentence;

(B) by striking "calendar year 1990" each place it appears and inserting "calendar year 1999"; and

(C) in subparagraph (E), by striking "such 1990 gasoline" and inserting "such 1999 gasoline"; and

(2) in subparagraphs (A) and (B)(ii) of paragraph (10), by striking "1990" each place it appears and inserting "1999".

(b) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the regulations promulgated under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) to reflect the amendments made by subsection (a).

SEC. 7. LEAKING UNDERGROUND STORAGE TANKS.

(a) TRUST FUND DISTRIBUTION.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

"(f) TRUST FUND DISTRIBUTION.—

"(1) IN GENERAL.—

"(A) AMOUNT AND PERMITTED USE OF DISTRIBUTION.—The Administrator shall distribute to States at least 85 percent of the funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986 (referred to in this subsection as the 'Trust Fund') for each fiscal year for use in paying the reasonable costs, incurred under cooperative agreements with States, of—

"(i) actions taken by a State under section 9003(h)(7)(A);

"(ii) necessary administrative expenses directly related to corrective action and compensation programs under subsection (c)(1);

"(iii) enforcement by a State or local government of a State program approved under this section or of State or local requirements regulating underground storage tanks that are similar or identical to this subtitle;

"(iv) State or local corrective actions pursuant to regulations promulgated under section 9003(c)(4); or

"(v) corrective action and compensation programs under subsection (c)(1) for releases from underground storage tanks regulated under this subtitle if, as determined by the State in accordance with guidelines developed between the Environmental Protection Agency and the States, the financial resources of an owner or operator (including resources provided by programs under subsection (c)(1)) are not adequate to pay for the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business.

"(B) NONPERMITTED USES.—Funds provided by the Administrator under subparagraph (A) shall not be used by a State to provide financial assistance to an owner or operator to meet the requirements concerning underground storage tanks contained in part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection), except as provided in subparagraph (A)(v), or similar requirements in State programs approved under this section or similar State or local provisions.

"(C) TANKS WITHIN TRIBAL JURISDICTION.—The Administrator, in coordination with Indian tribes, shall—

"(i) expeditiously develop and implement a strategy to—

"(I) take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the exterior boundaries of an Indian reservation or other area within the jurisdiction of an Indian tribe, giving priority to releases that present the greatest threat to human health or the environment; and

"(II) implement and enforce requirements regulating underground storage tanks located wholly within the exterior boundaries of an Indian reservation or other area within the jurisdiction of an Indian tribe; and

"(ii) not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, submit to Congress a report summarizing the status of implementation of the leaking underground storage tank program located wholly within the exterior boundaries of an Indian reservation or other area within the jurisdiction of an Indian tribe.

"(2) ALLOCATION.—

"(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator for such cooperative agreements.

"(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process only after—

"(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks and with representatives of owners and operators; and

"(ii) taking into consideration, at a minimum—

"(I) the total revenue received from each State into the Trust Fund;

"(II) the number of confirmed releases from leaking underground storage tanks in each State;

"(III) the number of notified petroleum storage tanks in each State;

"(IV) the percentage of the population of each State using ground water for any beneficial purpose;

"(V) the evaluation of the program performance of each State;

"(VI) the evaluation of the financial needs of each State; and

"(VII) the evaluation of the ability of each State to use the funds in any year.

"(3) DISTRIBUTIONS TO STATE AGENCIES.—

"(A) IN GENERAL.—Distributions from the Trust Fund under this subsection shall be made directly to the State agency entering into a cooperative agreement or enforcing the State program.

"(B) ADMINISTRATIVE EXPENSES.—A State agency that receives funds under this subsection shall limit the proportion of those funds that are used to pay administrative expenses to a percentage that the State may establish by law.

"(4) COST RECOVERY PROHIBITION.—Funds provided to States from the Trust Fund to owners or operators for programs under section 9004(c)(1) for releases from underground storage tanks are not subject to cost recovery by the Administrator under section 9003(h)(6).

"(5) PERMITTED USES.—In addition to uses authorized by other provisions of this subtitle, the Administrator may use funds appropriated to the Environmental Protection Agency from the Trust Fund for enforcement of any regulation promulgated by the Administrator under this subtitle.".

(b) ADDITION TO TRUST FUND PURPOSES.—Section 9508(c)(1) of the Internal Revenue Code of 1986 (relating to expenditures) is amended by striking "to carry out section 9003(h)" and all that follows and inserting "to carry out—

"(A) section 9003(h) of the Solid Waste Disposal Act (as in effect on the date of enactment of the Superfund Amendments and Reauthorization Act of 1986); and

"(B) section 9004(f) of the Solid Waste Disposal Act (as in effect on the date of enactment of the Renewable Fuels Act of 2000).".

(c) STUDIES.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct—

(1) a study to determine the corrosive effects of methyl tertiary butyl ether and other widely used fuels and fuel additives on underground storage tanks; and

(2) a study to assess the potential public health and environmental risks associated with the use of aboveground storage tanks and the effectiveness of State and Federal regulations or voluntary standards, in existence as of the time of the study, to provide adequate protection of public health and the environment.

(d) TECHNICAL AMENDMENTS.—

(1) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(2) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(3) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the first sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(4) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. 8. PRIVATE WELL PROTECTION PILOT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency may enter into cooperative agreements with the United States Geological Survey, the Department of Agriculture, States, local governments, private landowners, and other interested parties to establish voluntary pilot projects to protect the water quality of private wells and to provide technical assistance to users of water from private wells.

(b) LIMITATION.—This section does not authorize the issuance of guidance or regulations regarding the use or protection of private wells.

Mr. LUGAR. Mr. President, I am pleased to join Senator DASCHLE in introducing the Renewable Fuels Act of 2000.

In July 1999, an independent Blue Ribbon Panel on Oxygenates in Gasoline called for major reductions in the use of MTBE as an additive in gasoline. They did so because of growing evidence and public concerns regarding pollution of drinking water supplies by MTBE. These trends are particularly acute in areas of the country using Reformulated Gasoline.

The Reformulated Gasoline Program (RFG) has proven to be a success in reducing smog and has exceeded expectations in reducing dangerous and carcinogenic air toxics in gasoline. The second stage of the Reformulated Gasoline Program (RFG) will commence this summer and will have an even greater effect in reducing ozone pollution and air toxics.

Because of concerns regarding water pollution, it is clear that the existing situation regarding MTBE is not tenable. The Governor of California has called for a three year phase out of MTBE in California and the California Air Resources Board has adopted regulations to that effect. Environmental officials from eight Northeastern States have proposed a phase down and a capping of the use of MTBE in gasoline in their states. MTBE is being found in wells in the Midwest even in areas that do not use reformulated gasoline.

The Renewable Fuels Act of 2000 will lead to about five billion gallons of ethanol being produced in 2010 compared to one billion, six hundred million gallons today. Under the Act, one gallon of cellulosic ethanol will count for one and one-half gallons of regular ethanol in determining whether a refiner has met the Renewable Fuels Standard in a particular year.

We are going to have spikes in oil that will disrupt our economy. It may or may not be able to be controlled. It will happen before 2010. It may happen again next week. Our problem in terms of national security and the security of our whole economy revolves around our dependence on petroleum-based fuels. We must be able to address this challenge. Finding an environmentally sensitive way to resolve the MTBE crisis is an important part of this challenge.

It is clear that MTBE is on its way out. The question is what kind of legislation is needed to facilitate its departure and whether that legislation will be based on consideration of all of the environmental and energy and national security issues involved.

The Renewable Fuels Act of 2000 will establish a nationwide Renewable Fuels Standard (RFS) that would increase the current use of renewable fuels from 1.3% in 2000 to 3.3% by 2010. Refiners who produced renewable fuels beyond the standard could sell credits to other refiners who chose to under comply with the RFS.

This bill would give the EPA Administrator authority to limit or eliminate the use of MTBE in order to protect the public health and the environment. It also gives states the ability to further regulate or eliminate MTBE use if the EPA does not choose to eliminate it. It would also establish strict "anti backsliding provisions" to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down or phased out.

The Renewable Fuels Act of 2000 will be good for our economy and our environment. Most important of all, it will facilitate the development of renewable fuels, a development critical to ensuring U.S. national and economic security and stabilizing gas prices.

I hope that my colleagues will examine this bill as well as other legislative approaches that would spur the development of renewable fuels such as ethanol, whether derived from corn or other agricultural or plant materials.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. BREAUX, Mr. MURKOWSKI, Mr. STEVENS, Mr. BOND, Mr. INOUYE, Mr. HARKIN, Mr. ROBERTS, Mr. THOMAS, Mr. BINGAMAN, Mr. EDWARDS, Mr. CONRAD, and Mr. KERREY):

S. 2505. A bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine; to the Committee on Finance.

TELEHEALTH IMPROVEMENT AND MODERNIZATION ACT OF 2000

Mr. JEFFORDS. Mr. President, today I am pleased to join with my good friend Senator ROCKEFELLER in introducing legislation that will improve upon the federal rules for reimbursement for telemedicine and help to ensure that all of our citizens have access to our great health care system. We are joined by a broad, bipartisan group of senators in this effort.

In many ways we have the best health care system in the world. But increasingly fewer and fewer Americans actually have access to it.

I recently introduced a tax-credit bill that will help some of these Americans and I anticipate supporting future measures aimed at increasing access to health care services.

One important area that demands our attention is the problem of access for rural Americans. More than 25 percent of our Nation's senior citizens live in areas underserved for modern health care services. At the same time, telemedicine has come of age. We have moved beyond the feasibility stage and proven that this technology can provide real benefits to people in rural and underserved regions of our country.

In my own State of Vermont, nearly 70 per cent live in rural areas. This is the highest percentage rural population of any state in the nation. In Vermont, specialists in more than twenty-five disciplines from Fletcher Allen Health Care in Burlington are made readily available to patients even in the most rural areas. I want to see this level of service expand and be made available to all Americans.

We in Washington have made some good faith attempts to allow for the development of telehealth technologies but we have fallen short. In an effort to restrain the expansion of these programs, the Health Care Financing Administration's interpretation of the laws and its cumbersome rules for reimbursement have all but guaranteed the demise of current programs.

Federally-funded telemedicine projects exist in almost every State in the Nation. These projects have proven that cost-effective, high-quality care can be delivered using this technology. The provisions in this bill will help to ensure that this care will be continued when the federal grants end.

Why is this legislation needed now? Because current HCFA regulations concerning payment are unworkable in the real world. Less than 6 percent of all telemedicine doctor-patient visits last year provided to Medicare beneficiaries would qualify for reimbursement under HCFA's current guidelines.

Now that we have more experience and understand better how telemedicine can be used, it is time to enact several changes to the law so that these programs can thrive and deliver on their promise of providing cost-effective, high-quality healthcare where it is needed the most.

Rural healthcare providers and patients are eager for this legislation. Norman Wright, President of the Vermont Association of Hospitals and Health Systems, recognized the potential of Fletcher Allen's telemedicine program by describing it as one that "provides incredible opportunities for rural providers and their patients because it links them to a network with access to the region's best authorities for any given condition."

I have indeed heard an outpouring of support from healthcare providers across my own State on this issue. Gerry Davis, Professor of Pulmonary and Critical Care Medicine at Fletcher Allen Health Care, described "appropriate and fair third party payment for telemedicine" as "essential in order to move this process beyond education, and to make the service truly useful for patients in remote locations."

Telemedicine can be used in so many ways. It can be vital to a pediatrician from a rural area with a sick baby who needs to consult with a neonatologist from a tertiary care hospital in the dead of winter and the middle of the night. It can be also be crucial for a depressed senior citizen who desperately needs mental health services available in their own rural county. And it can be much needed help for a frustrated isolated primary care provider who longs to be able to provide for access to specialty services for her patients in their own community. All of these people need our help.

While the changes included in this bill are relatively minor in the context of the Medicare program, the effect will be far-reaching. This legislation will allow us to avoid arbitrarily denying access to health care for our senior citizens and persons with disabilities just because of where they live. It will allow for fair and reasonable reimbursement for services that can be delivered appropriately in this way. It will also encourage the incorporation of telehealth technology in the care plans of home health agencies, an area that has already shown great promise for the future in terms of cost-effective disease management. In summary, it will allow us to begin to release the incredible potential of telemedicine.

Mr. President, I urge my colleagues to join us in bringing HCFA's approach to the delivery of health care into the 21st Century. Any Medicare reform must include progress on telemedicine for our Nation's rural areas.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased to be here today to introduce the Telemedicine Improvement and Modernization Act with Senator JEFFORDS and many other of my Senate colleagues. This bill incorporates two issues that I care about passionately—health care and technology.

Telemedicine has the potential to bridge the gap that currently exists between patients and providers. More than 25% of our Nation's senior citizens live in areas where speciality care may not be available. In states like my own where there are very few primary care or specialty care resources and travel is difficult, telemedicine is critical to ensuring that people in remote areas are getting health care they need. By expanding access to health care through telemedicine, we also improve the quality of care available to people living in underserved areas. Personally, I believe that we are just beginning to tap the enormous potential of technology to advance quality health care, especially in rural areas.

Yet, Medicare's telemedicine program is inefficient in its current form. These inefficiencies threaten the future of telemedicine services. When we first created this program, our knowledge of the potential of this new technology, or its practical applications was very limited. Today we have a much better understanding of how telemedicine actually works. With this new knowledge, we can repair the inefficiencies of the current system and encourage the use of this highly effective health practice. By accomplishing this goal, we can ensure that quality health care is available to all seniors and disabled Americans regardless of where they live.

There are 8 main elements of the bill:

(1) Eliminating the provider "fee sharing" requirement;

(2) Eliminating the requirement for a "telepresenter";

(3) Allowing limited reimbursement for referring clinics to recover the cost of their services;

(4) Expanding telemedicine services to all non-MSAs;

(5) Expanding telemedicine services to direct patient care, not just professional consultations;

(6) Making all providers eligible for HCFA reimbursement for services delivered via telemedicine;

(7) Creating a federal demonstration project that permits telemedicine reimbursement for "store and forward" consultations (i.e., x-rays that are sent to another facility for consultation); and

(8) Permitting telehomecare.

While these changes are relatively minor in the context of the Medicare program, the affect will be far-reaching. The modernizations we are proposing will dramatically improve access to quality health care in rural areas. This legislation will allow us to begin to release the incredible potential of telemedicine.

On a final note, I'd like to thank Karen Edison for her expertise and determination in working on this bill. Because Karen is a practicing telemedicine physician, she has been invaluable in developing and advancing this cause.

Thank you, Mr. President for your time today. I hope all of my colleagues will join with me in passing this important piece of legislation.

By Mr. GORTON:

S. 2506. A bill to amend title 46, United States Code, with respect to the Federal preemption of State law concerning the regulation of marine and ocean navigation, safety, and transportation by States; to the Committee on Commerce, Science, and Transportation.

LEGISLATION REGARDING MARINE AND OCEAN NAVIGATION, SAFETY, AND TRANSPORTATION

Mr. GORTON. Mr. President, environmental protection and states' rights were dealt a blow on March 6th, when the U.S. Supreme Court decided the case of United States vs. Locke. The Court, noting that even though federal and international laws "may be insufficient protection," invalidated Washington laws, and potentially laws in eleven other states, that provide protections against spills by oil tankers. I disagree with the Court's decision, because I believe that Washington state should be allowed to protect its shores as it sees fit.

That is why, today I am pleased to introduce the "States Prevention of Oil Tanker Spills Act" (SPOTS)-legislation that will reinstate the right of all states to adopt additional standards beyond existing federal requirements governing the operation, maintenance, equipment, personnel and manning of oil tankers. While this legislation will apply to all shoreline states, it is particularly important to Washington.

Washington has always taken seriously its duty to protect the health and safety of its citizens, and has historically supported aggressive protections of its treasured natural resources, including Washington shorelines and waterways. Oil refineries and product terminals located in Cherry Point, Ferndale, Tacoma, Anacortes, and nearby Vancouver, British Columbia make Washington an international destination and shipping point for millions of tons of oil annually. A large volume of crude oil is transported to and from the state near heavily populated Puget Sound.

The frequent traffic of large vessels carrying vast amounts of oil increases the risks to the environment and public safety, and unfortunately, has resulted in devastating spills. The 1989 *Exxon Valdez* disaster was one of the most environmentally devastating in United States history. The huge oil tanker ran aground in Prince William Sound, Alaska, dumping 11 million gallons of crude oil into the Pacific Ocean, and damaging more than 1,000 miles of coastline in south-central Alaska. The massive spill resulted in billions of dollars in damage claims by over 40,000 people, including some 6,500 Washington fishermen who have yet to be compensated for their loss.

Incidents such as the *Valdez* disaster served as a catalyst for Washington and many other ocean shoreline states—as well as Congress—to enact laws to prevent similar catastrophic events. Congress passed the Oil Pollution Act of 1990. Washington passed its own legislation in 1994, which created the state Office of Marine Safety and directed the establishment of prevention plans for "the best achievable protection" from the damage caused by oil spills.

Washington's law enhanced, or added a number of requirements to, the federal law. For example, instead of merely requiring tanker crews to "clearly understand English," as federal law prescribes, the state regulation required tanker crews to be proficient in English in order to prevent miscommunication between American navigators and foreign crews. To heighten safety protection in times of limited visibility due to fog or other inclement weather conditions common to the Puget Sound, the state also added a requirement that a tanker have on its bridge at least three licensed officers, a helmsman, and a lookout. Among other requirements adopted by Washington are prescriptions regarding training, location plotting, pre-arrival tests, and drug testing for tanker crews.

While federal law governs the design and construction of tankers, as well as issues affecting Coast Guard and national security, I believe that states should have the right to enact additional regulations that they believe will enhance the safety of their citizens and natural resources. Twenty states' Attorneys General signed an amicus brief in United States vs. Locke, agreeing with Washington on this point.

Unfortunately, the International Association of Independent Tanker Owners, ("INTERTANKO"), a group of companies that own or operate more than 2,000 tankers in the United States and foreign nations, does not agree with this common sense proposition. Shortly after Washington's oil tanker law was enacted, INTERTANKO filed a lawsuit to overturn it. A federal district court ruled in Washington's favor, but the Administration voluntarily intervened in the oil tanker companies' appeal, and the U.S. Supreme Court held that the Coast Guard's weaker regulations superseded the state's requirements on oil tankers.

Some have suggested that additional state regulation would interfere with the federal government's relations with foreign governments. In my view, allowing states to add common sense safety measures would have little, if any, impact on foreign relations. It would, however, enhance environmental protection.

This legislation won't eliminate all oil spills. I believe, however, that it will help to prevent some. Laws protecting our shores from dangerous oil spills should not be brought to the lowest common denominator. Rather, allowing states to enhance federal laws where appropriate, will ensure an even greater level of protection for our citizens and resources in the future. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANDARDS.

Section 3703 of title 46, United States Code, is amended by adding at the end thereof the following:

"(d) PRESERVATION OF STATE AUTHORITY.—Nothing in this chapter, or any other provision of law, preempts the authority of a State to adopt additional standards regarding maintenance, operation, equipping, personnel qualification, or manning of vessels to which the regulations under subsection (a) apply.".

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 2508. A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

Mr. CAMPBELL. Mr. President, today I introduce The Colorado Ute Settlement Act Amendment of 2000, and take this opportunity to address promises broken, and the opportunity for this nation to finally keep the promises it made to the Southern and Ute Mountain Ute Indian tribes of Southern Colorado (Ute tribes). If we can find the resolve to get this done, we will have—for the first time—honored a treaty with an Indian tribe.

I am pleased to have my friend and colleague from Colorado, Senator WAYNE ALLARD, join me as an original cosponsor of this bill.

In the 1860's the United States promised the Ute tribes it would provide a permanent homeland for their people in the southwest. The water rights for that homeland remain senior over all others. Over a hundred years later, the tribes' water is being used by their neighbors. Our promise to the tribes gave them, the state, local water users, and the United States the choice of fighting for the water in court or negotiating and producing an enforceable agreement that all the parties can live with.

I am proud to have been a part of the effort over the past 12 years that resulted in an agreement to finally settle the tribal water rights claims, and provide water—not promises or financial compensation—for all involved. But, this fight is not a new one. The legal wrangling over the Ute Indian water rights was already over a decade old when the settlement was reached in 1986. Two years later Congress enacted the Colorado Ute Indian Water Rights Settlement Act of 1988. The Settlement Act promised the Ute tribes an adequate water supply to fulfill all of the promises made to them in the 1860's for a homeland and an adequate water supply. The Settlement Act promised; if the Ute tribes would give up their claims to the water under their treaties, we would provide them with an adequate alternative water supply.

As the chairman of the Senate Committee on Indian Affairs and as one who has Indian blood coursing through my veins, I am reminded almost every day of the promises and treaties that have been broken by the United States. While we in the United States Congress are sometimes unable to undo the results of this chain of shattered promises, we should at least agree that we will not continue to ignore treaties with any more American Indian tribes. The dismal truth is for the last ten years I have watched those opposed to the Animas-La Plata project work to prevent the federal government from fulfilling its commitment to the Ute Indian tribes manipulating facts and the law in an effort to deny our responsibilities as a nation. As a result we have squandered decades of time and millions of taxpayers dollars in an effort to not fulfill the promises made to the Ute tribes. I urge my colleagues to bring this sorry trail of broken promises to an end.

I remain committed to keeping our word to the Tribes of Colorado. Since the tribes have urged me to introduce this further A–LP compromise legislation, I am persuaded that this proposal will not violate the promises made to the tribes in 1988. However, if this bill is not enacted, or the permanent opponents of the project are able to further frustrate and delay the construction of the project, then this bill will be another broken promise to another Indian tribe and I refuse to be a part of that. Therefore, I have only introduced this bill with the understanding that it will include provisions that prevent needless delays.

I know there are people who will oppose any version of the Animas-La Plata project. In fact some groups had already signed letters rejecting the results of the draft supplemental environmental impact statement before it was made public. In part, they criticized the Department of Interior for prejudging the results of its analysis. I ask you, who is doing the prejudging? There are those who will oppose the project even if the final supplemental EIS reaches the same conclusion as the draft EIS: that constructing the facilities described by this bill is the least damaging way of fulfilling the federal government's promises to the Ute tribes.

It is absurd to continue to negotiate with those prepared to oppose any version of this project or to support efforts to continue to delay our moral and legal obligation to the Tribes.

First, my bill recognizes that a great deal of environmental review has already occurred, and that the facts have not changed, no matter what version of this project is discussed. The Interior Secretary is to continue his effort to produce a final supplemental EIS for the project. However, this bill makes clear that if the Secretary ultimately selects "alternative #4," it will reflect that the Congress will also have had the opportunity to review the same record, and we concur with this judgment.

Similarly, the bill makes clear that if the U.S. Fish and Wildlife Service determines that an annual diversion of 57,100 acre feet of water can occur without jeopardizing the habitat of endangered fish not known to be there, Congress concurs and believes that the project should move forward, and allocate quantities of water in the manner provided for in this bill. In short, this bill is the last, best chance to keep the Tribes from suing the federal government and, in all likelihood, prevail at an unknown cost to taxpayers.

For those who hope to wait even longer before proceeding with this project, I will point out that as of January 1, 2000, federal law authorized the Ute tribes to return to court to assert their claims for the water already being used in southwestern Colorado. Perhaps they should. In a demonstration of their good faith, the tribes have not yet returned to court to assert their claims. But we only have a small window of opportunity before the tribes must either assert their claims or allow them to lapse.

At any time, the tribes could now choose to return to court. I am determined to bring this matter before the Senate, one last time. We cannot allow this bill to become another step in the long trail of broken promises. We are a nation based on the respect for the law. Our compassion, our limitless dedication to defending the truth, and our history of preserving the dignity of even the least of us is well documented. So, too, is our atrocious record of respect for the rights and the most basic tenets of human dignity when it comes to the first Americans on this continent.

I urge my colleagues to support this important legislation and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Ute Settlement Act Amendments of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) In order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes on the Animas and La Plata Rivers, the Tribes, the State of Colorado, and certain of the non-Indian parties to the Agreement have proposed certain modifications to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) The claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) The Indian and non-Indian communities of southwest Colorado and northwest New Mexico will be benefited by a settlement of the tribal claims on the Animas and La Plata Rivers that provides the Tribes with a firm water supply without taking water away from existing uses.

(4) The Agreement contemplated a specific timetable for the delivery of irrigation and municipal and industrial water and other benefits to the Tribes from the Animas-La Plata Project, which timetable has not been met. The provision of irrigation water can not presently be satisfied under the current implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) In order to meet the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in particular the various biological opinions issued by the Fish and Wildlife Service, the amendments made by this Act are needed to provide for a significant reduction in the facilities and water supply contemplated under the Agreement.

(6) The substitute benefits provided to the Tribes under the amendments made by this Act, including the waiver of capital costs and the provisions of funds for natural resource enhancement, result in a settlement that provides the Tribes with benefits that are equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(7) The requirement that the Secretary of the Interior comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other national environmental laws before implementing the proposed settlement will ensure that the satisfaction of the tribal water rights is accomplished in an environmentally responsible fashion.

(8) Federal courts have considered the nature and the extent of Congressional participation when reviewing Federal compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(9) In considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:

(A) The Final EIS No. INT–FES–80–18, dated July 1, 1980.

(B) The Draft Supplement to the FES No. INT–DES–92–41, dated October 13, 1992.

(C) The Final Supplemental to the FES No. 96–23, dated April 26, 1996;

(D) The Draft Supplemental EIS, dated January 14, 2000.

(c) DEFINITIONS.—In this Act:

(1) AGREEMENT.—The term "Agreement" has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) DOLORES PROJECT.—The term "Dolores Project" has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

(4) TRIBE; TRIBES.—The term "tribe" or "tribes" has the meaning given that term in

section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

SEC. 2. AMENDMENTS TO SECTION 6 OF THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended to read as follows:

"(a) Reservoir; Municipal and Industrial Water.—

"(1) Facilities.—

"(A) In general.—After the date of enactment of this subsection, but prior to January 1, 2005, the Secretary, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers, acting through the Bureau of Reclamation, is specifically authorized to—

"(i) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply, which facilities shall—

"(I) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the San Juan River Recovery Implementation Program;

"(II) include an inactive pool of an appropriate size to be determined by the Secretary following the completion of required environmental compliance activities; and

"(III) include those recreation facilities determined to be appropriate by agreement between the State of Colorado and the Secretary that shall address the payment of any of the costs of such facilities by the State of Colorado in addition to the costs described in paragraph (3); and

"(ii) deliver, through the use of the project components referred to in clause (i), municipal and industrial water allocations—

"(I) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs;

"(II) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs;

"(III) with an average annual depletion not to exceed 2,340 acre-feet of water, to the Navajo Nation for its present and future needs;

"(IV) with an average annual depletion not to exceed 10,400 acre-feet of water, to the San Juan Water Commission for its present and future needs;

"(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs;

"(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the State of Colorado for its present and future needs; and

"(VII) with an average annual depletion of an amount not to exceed 780 acre-feet of water, to the La Plata Conservancy District of New Mexico for its present and future needs.

"(B) Applicability of other federal law.—The responsibilities of the Secretary described in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the construction of the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

"(C) Limitation.—

"(i) In general.—If constructed, the facilities described in subparagraph (A) shall not be used in conjunction with any other facility authorized as part of the Animas-La Plata Project without express authorization from Congress.

"(ii) Contingency in application.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

"(2) Tribal construction costs.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subclauses (I), (II) and (III) of paragraph (1)(A)(ii) shall be nonreimbursable to the United States.

"(3) Nontribal water capital obligations.—Under the provisions of section 9 of the Act of August 4, 1939 (43 U.S.C. 485h), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied upon the payment in full of the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursable share of the construction costs allocated to that entity's municipal water supply. Such agreement shall take into account the fact that the construction of facilities to provide irrigation water supplies from the Animas-La Plata Project is not authorized under paragraph (1)(A)(i) and no costs associated with the design or development of such facilities, including costs associated with environmental compliance, shall be allocable to the municipal and industrial users of the facilities authorized under such paragraph.

"(4) Tribal water allocations.—

"(A) In general.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or used pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

"(B) Treatment of costs.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

"(5) Repayment of pro rata share.—Upon a Tribe's first use of an increment of a municipal and industrial water allocation described in paragraph (4), or the Tribe's first use of such water pursuant to the terms of a water use contract—

"(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall be made by the Tribe; and

"(B) the Tribe shall bear a pro rata share of the allocable annual operation, maintenance, and replacement costs of the increment as referred to in paragraph (4).".

SEC. 3. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.

Section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended by adding at the end the following:

"(i) Compliance with the National Environmental Policy Act of 1969.—

"(1) Authority.—Nothing in this Act shall be construed to alter, amend, or modify the authority or discretion of the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal law.

"(2) Determination of congress.—Subject to paragraph (3), in any defense to a challenge of the Final Environmental Impact Statement prepared pursuant to the Notice of Intent to Prepare a Draft Environmental Impact Statement, as published in the Federal Register on January 4, 1999 (64 Fed Reg 176–179), or the compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and in addition to the Record of Decision and any other documents or materials submitted in defense of its decision, the United States may assert in its defense that Congress, based upon the deliberations and review described in paragraph (9) of section 1(b) of the Colorado Ute Settlement Act Amendments of 2000, has determined that the alternative described in such Final Statement meets the Federal government's water supply obligations to the Ute tribes under this Act in a manner that provides the most benefits to, and has the least impact on, the quality of the human environment.

"(3) Application of provision.—This subsection shall only apply if Alternative #4, as presented in the Draft Supplemental Environmental Impact Statement dated January 14, 2000, or an alternative substantially similar to Alternative #4, is selected by the Secretary.

"(4) No effect of modification of facilities.—The application of this section shall not be affected by a modification of the facilities described in subsection (a)(1)(A)(i) to address the provisions in the San Juan River Recovery Implementation Program.".

SEC. 4. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973.

Section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975), as amended by section 3, is amended by adding at the end the following:

"(j) Compliance With the Endangered Species Act of 1973.—

"(1) Authority.—Nothing in this section shall be construed to alter, amend, or modify the authority or discretion of the Secretary or any other Federal official under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other Federal law.

"(2) Determination of congress.—Subject to paragraph (3), in any defense to a challenge of the Biological Opinion resulting from the Bureau of Reclamation Biological Assessment, January 14, 2000, or the compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in addition to the Record of Decision and any other documents or materials submitted in defense of its decision, the United States may assert in its defense that Congress, based on the deliberations and review described in paragraph (9) of section 1(b) of the Colorado Ute Settlement Act Amendments of 2000, has determined that constructing and operating the facilities described in subsection (a)(1)(A)(i) meets the Federal government's water supply obligation to the Ute tribes under that Act without violating the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(3) Application of provision.—This subsection shall only apply if the Biological

Opinion referred to in paragraph (2) or any reasonable and prudent alternative suggested by the Secretary pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) authorizes an average annual depletion of at least 57,100 acre feet of water.

"(4) NO EFFECT OF MODIFICATION OF FACILITIES.—The application of this subsection shall not be affected by a modification of the facilities described in subsection (a)(1)(A)(i) to address the provisions in the San Juan River Recovery Implementation Program.".

SEC. 5. MISCELLANEOUS.

The Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) is amended by adding at the end the following:

"SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MATTERS.

"(a) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, in a manner consistent with applicable State law, assign, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or the New Mexico Interstate Stream Commission any portion of the Department of the Interior's interest in New Mexico Engineer Permit Number 2883, dated May 1, 1956, in order to fulfill the New Mexico purposes of the Animas-La Plata Project, so long as the permit assignment does not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to the use of the water involved.

"(b) NAVAJO NATION MUNICIPAL PIPELINE.—The Secretary may construct a water line to augment the existing system that conveys the municipal water supplies, in an amount not less than 4,680 acre-feet per year, of the Navajo Nation to the Navajo Indian Reservation at Shiprock, New Mexico. The Secretary shall comply with all applicable environmental laws with respect to such water line. Construction costs allocated to the Navajo Nation for such water line shall be nonreimbursable to the United States.

"(c) PROTECTION OF NAVAJO WATER CLAIMS.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the water rights and the claims of entitlement to water of the Navajo Nation.

"SEC. 16. TRIBAL RESOURCE FUNDS.

"(a) ESTABLISHMENT.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001 and $20,000,000 for fiscal year 2002. Not later than 60 days after amounts are appropriated and available to the Secretary for a fiscal year under this paragraph, the Secretary shall make a payment to each of the Tribal Resource Funds established under paragraph (2). Each such payment shall be equal to 50 percent of the amount appropriated for the fiscal year involved.

"(2) FUNDS.—The Secretary shall establish a—

"(A) Southern Ute Tribal Resource Fund; and

"(B) Ute Mountain Ute Tribal Resource Fund.

A separate account shall be maintained for each such Fund.

"(b) ADJUSTMENT.—To the extent that the amount appropriated under subsection (a)(1) in any fiscal year is less than the amount authorized for such fiscal year under such subsection, the Secretary shall, subject to the availability of appropriations, pay to each of the Tribal Reserve Funds an adjustment amount equal to the interest income, as determined by the Secretary in his or her sole discretion, that would have been earned on the amount authorized but not appropriated under such subsection had that amount been placed in the Fund as required under such subsection.

"(c) TRIBAL DEVELOPMENT.—

"(1) INVESTMENT.—The Secretary shall, in the absence of an approved tribal investment plan provided for under paragraph (2), invest the amount in each Tribal Resource Fund in accordance with the Act entitled, 'An Act to authorize the deposit and investment of Indian funds' approved June 24, 1938 (25 U.S.C. 162a). The Secretary shall disburse, at the request of a Tribe, the principal and income in its Resource Fund, or any part thereof, in accordance with a resource acquisition and enhancement plan approved under paragraph (3).

"(2) INVESTMENT PLAN.—

"(A) IN GENERAL.—In lieu of the investment provided for in paragraph (1), a Tribe may submit a tribal investment plan applicable to all or part of the Tribe's Tribal Resource Fund.

"(B) APPROVAL.—Not later than 60 days after the date on which an investment plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonable and sound. If the Secretary does not approve such investment plan, the Secretary shall set forth in writing and with particularity the reasons for such disapproval. If such investment plan is approved by the Secretary, the Tribal Resource Fund involved shall be disbursed to the Tribe to be invested by the Tribe in accordance with the approved investment plan.

"(C) COMPLIANCE.—The Secretary may take such steps as the Secretary determines to be necessary to monitor the compliance of a Tribe with an investment plan approved under subparagraph (B). The United States shall not be responsible for the review, approval, or audit of any individual investment under the plan. The United States shall not be directly or indirectly liable with respect to any such investment, including any act or omission of the Tribe in managing or investing such funds.

"(D) ECONOMIC DEVELOPMENT PLAN.—The principal and income derived from tribal investments under an investment plan approved under subparagraph (B) shall be subject to the provisions of this section and shall be expended only in accordance with an economic development plan approved under paragraph (3).

"(3) ECONOMIC DEVELOPMENT PLAN.—

"(A) IN GENERAL.—Each Tribe shall submit to the Secretary a resource acquisition and enhancement plan for all or any portion of its Tribal Resource Fund.

"(B) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonably related to the protection, acquisition, enhancement, or development of natural resources for the benefit of the Tribe and its members. If the Secretary does not approve such plan, the Secretary shall, at the time of such determination, set forth in writing and with particularity the reasons for such disapproval.

"(C) MODIFICATION.—Subject to the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

"(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

"(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water use contract, shall be distributed to any member of either Tribe on a per capita basis.

"(e) LIMITATION ON SETTING ASIDE FINAL CONSENT DECREE.—Neither the Tribes nor the United States shall have the right to set aside the final consent decree solely because the requirements of subsection (c) are not complied with or implemented.

"SEC. 17. COLORADO UTE SETTLEMENT FUND.

"(a) ESTABLISHMENT OF FUND.—There is hereby established within the Treasury of the United States a fund to be known as the 'Colorado Ute Settlement Fund.'

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in section 6(a)(1)(A) within 6 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the first full fiscal year following the date of enactment of this section.

"(c) INTEREST.—Amounts appropriated under subsection (b) shall accrue interest, to be paid on the dates that are 1, 2, 3, 4, and 5 years after the date of enactment of this section, at a rate to be determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, except that no such interest shall be paid during any period where a binding final court order prevents construction of the facilities described in section 6(a)(1)(A).

"SEC. 18. FINAL SETTLEMENT.

"(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of the water supply from those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with sections 16 and 17 shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

"(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

"(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court, Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this Act under the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000.

"SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

"(a) IN GENERAL.—Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

"(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the State of Colorado after the date on which payment is made of the amount specified in that section.".

By Mr. WYDEN:

S. 2509. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

FOR THE RELIEF OF ROSE-MARIE BARBEAU-QUINN

• Mr. WYDEN. Mr. President, I am here today to introduce legislation that will allow a valuable member of the Portland, Oregon, community to become a permanent resident of the United States of America. Rose-Marie Barbeau-Quinn, a native of Canada, has lived in Portland since 1976. Together with her husband, Michael Quinn, she ran the Vat and Tonsure Tavern, a unique and popular restaurant that was a favorite of many of my constituents.

While Ms. Barbeau-Quinn and her husband, an American citizen, were together for over 16 years, their marriage did not take place until shortly before Michael's death in 1991. Since Rose-Marie and Michael were not formally married for the two years required by immigration law, and despite their 16 years together living as husband and wife, Rose-Marie has not been able to file for permanent residency in this country.

This legislation will correct their injustice, and allow Rose-Marie to be a permanent resident of the country she loves and has called home for over 20 years. I first learned of Ms. Barbeau-Quinn's situation from Senator Hatfield when I joined the Senate in 1996. Senator Hatfield championed her cause in the 104th Congress, and, as his request and the request of many of my constituents, I am attempting to complete the work that Senator Hatfield started. We both firmly believe that Rose-Marie would be a model United States resident.

I urge my colleagues to support this legislation, so that Rose-Marie Barbeau-Quinn can continue her place as a valuable member of our community for many years to come.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Rose-Marie Barbeau-Quinn, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Rose-Marie Barbeau-Quinn, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).•

By Mr. McCAIN (for himself, Mr. MOYNIHAN, and Mr. KERREY):

S. 2510. A bill to establish the Social Security Protection, Preservation, and Reform Commission; to the Committee on Finance.

SOCIAL SECURITY PROTECTION, PRESERVATION, AND REFORM COMMISSION ACT OF 2000

• Mr. McCAIN. Mr. President, today I join with my friends and colleagues, Senators BOB KERREY and PAT MOYNIHAN, to introduce a very important bill that will serve as the catalyst for putting aside partisan politics and beginning the process of protecting, preserving and reforming the Social Security system.

Our bill establishes principles and a process for Social Security reform. The bill sets forth broadly stated objectives for comprehensive reform of the Social Security system that should be supported by every one of us. It establishes a bipartisan Congressional Commission charged with developing a reform plan consistent with those objectives. The Commission is required to submit a detailed legislative proposal to Congress by September 2001, and the bill includes a process for expedited Congressional action on the Commission's recommendations by the end of next year.

Mr. President, for far too long, Social Security has been used by politicians on both sides of the aisle to polarize, manipulate and scare American voters. The mere mention of "Social Security reform" has become a lightning rod for the fears of retirees and workers alike about their financial futures.

Seniors, particularly low-income seniors, are vulnerable to exaggerations and hyperbolic rhetoric about their retirement benefits. They are often frightened into believing they will be homeless, penniless and starving if Congress reforms Social Security. We all know that is simply not true. The benefits seniors receive today are not the issue—nobody wants to take them away. And it is disgraceful that some would stoop so low as to play on the fears of older Americans.

The real issue driving Social Security reform—an issue that is only frightening when left unresolved—is how to strengthen and protect the system so that it is available for future retirees, without putting an unfair financial burden on current and future workers. We have wasted too much time on partisan politics when we should have been working together to find a solution to the financial problems facing our nation's retirement system. We can no longer afford to just spout rhetoric about the need for reform, then deliberately avoid taking any concrete action because of fears about how it may affect us in our next election.

Social Security reform is not just a political problem; it is a serious economic problem for millions of Americans who are counting on a retirement system that is in dire financial straits. It's time to step up to our common responsibilities, not as Republicans or Democrats, but as servants of the American people.

That is why I have joined with Senator KERREY and Senator MOYNIHAN to introduce this bill to require the Congress to act, and act soon, on legislation to preserve, protect, and reform Social Security. As my colleagues know, Bob KERREY and Pat MOYNIHAN have worked tirelessly for many years to highlight the urgent need for reform of the Social Security system, and they have succeeded in making the American people, if not the Congress, recognize that reforming our nation's retirement system must be a national priority.

Our bill sets out a timetable for action on Social Security reform by the end of next year—November 2001.

First, the bipartisan, bicameral Social Security Protection, Preservation, and Reform Commission must be appointed by February 1, 2001, and begin work within a month. The Commission will be made up of 12 Members of Congress, selected in equal numbers by the Party Leaders in both Houses. In addition, the Commission of Social Security will serve as an ex-officio, non-voting member.

The Commission is given a reasonable period of time—six months—to conduct hearings, review the myriad of reform proposals already in the public domain, and research new ideas to put together a comprehensive reform plan that meets the objectives set out in this bill.

Those broadly stated objectives represent the most basic requirements of meaningful Social Security reform:

Guaranteed 75-year solvency of the system:

Payment of all benefits to which retirees or workers are entitled;

A reasonable rate of return on payroll tax contributions for all generations;

An opportunity to participate in private investment accounts;

A "lockbox" for the Social Security Trust Funds to protect from spending raids; and

Use of non-Social Security surplus revenues to shore up the system while implementing reform.

The Commission is required to submit its recommendations to Congress in the form of a detailed legislative proposal by September 1, 2001, and the bill's expedited procedures are designed to ensure a final vote on Social Security reform by mid-November 2001. The strict time lines in the bill are designed to ensure that this vitally important issue is dealt with promptly—

not pushed aside yet again, to be solved later.

Too often, election year politics stand as an obstacle to any meaningful action in Congress. This proposal is carefully crafted to avoid this. The bill is designed to ensure that Congress can complete action on Social Security reform by the end of 2001, before being consumed by the political sparring of an election year.

Mr. President, each year that reform of the Social Security system is postponed, restoring solvency to the trust funds becomes more expensive and places a greater financial burden on current and future workers. This "principles and process" legislation is, we believe, the only way to force Congress to pass a Social Security reform proposal that will protect and preserve our nation's retirement system and also allow more Americans to share in our nation's prosperity.

Mr. President, let me take a moment to comment on the objectives, or principles, included in this bill. The objectives are intended as minimum guidelines for the Commission's work, not as a comprehensive blueprint for Social Security reform. We intentionally stated these objectives as broadly as possible in order to give the Commission the opportunity to develop a comprehensive plan without micro-managing their every decision.

I believe very strongly that all promised benefits must be guaranteed under any reform proposal, both for those currently receiving Social Security benefits and those who are working and paying into Social Security today. In addition, I will work to ensure that Social Security reform does not unfairly burden today's workers by increasing payroll taxes from their current levels. And I do not believe it would be fair to further increase the eligibility age for receiving Social Security benefits.

I am a strong proponent of allowing workers to invest a portion of their payroll taxes in personal retirement accounts that will provide a much greater return than the current Social Security system. This will afford all Americans the opportunity to have greater personal wealth creation in addition to a minimum Social Security benefit.

Mr. President, I was very disappointed that Vice President GORE is continuing to use scare tactics about Social Security reform. Instead of putting the retirement needs of all Americans ahead of politics, the Vice President seems content to exacerbate the financial burden facing our children and grandchildren by ignoring the real structural problems of the program. By using politically intimidating rhetoric, the Vice President is seriously harming bipartisan efforts in Congress to put the needs of working Americans ahead of partisan politics.

Let's look at the facts. The savings rate in America today is appallingly low. Many low-income families have no savings at all, and a large number of middle-income Americans have less than $2,000 in the bank.

Because of this low savings rate, many Americans rely heavily on Social Security benefits for their retirement income. But economists agree that the rate of return on Social Security payroll tax contributions is abysmal—somewhere between 1 and 2 percent. Most workers today are unaware that the payroll taxes they contribute to Social Security may not provide anywhere near the income they expect when they retire. In fact, if nothing is done to reform the Social Security system, younger workers will receive nothing at all in return for paying more than 6 percent of their earnings every pay day into the Social Security system.

Allowing every worker to invest a portion of the payroll taxes they already pay in a higher-yielding private account would make it possible for families on very tight budgets to save more for their futures.

Even the most anemic savings account today realizes almost 3 percent, and secure short-term certificates of deposit return almost 6 percent. Over the past 50 years, the stock market has gained an average of more than 6 percent per year, with 20 to 30 percent gains in several recent years.

Proposals to allow every American to choose to invest a portion of their Social Security payroll taxes in a low- to moderate-risk private investment account are designed to give even the lowest-income families the opportunity to share in our Nation's economic prosperity and create wealth for themselves and their children.

In the long run, diverting a portion of payroll taxes to personal retirement accounts will bring more money into the Social Security system. In the short run, it will cost money. Using a significant portion of the non-Social Security surplus revenues to shore up the Social Security system will ensure that current retirees receive their full benefits while reforms are implemented. At the same time, reducing the financial insolvency of the Social Security system through reform will also reduce our national debt.

Mr. President, we all have opinions about how the Social Security program should or could be reformed, and I will have more to say about specific aspects of Social Security reform when I introduce a comprehensive reform bill later this month. Every one of these ideas deserves fair and full consideration as we work together to restore solvency to our Nation's retirement system. It is clear that we need a formal process and effective deadlines to review these ideas and develop and pass a real, meaningful plan to reform Social Security. That is exactly what this bill will achieve.

Mr. President, Social Security is a sacred compact with workers and retirees that must be honored. The Congress has an obligation to develop a real, meaningful reform plan that strengthens and protects the Social Security program for our Nation's seniors without placing an unfair burden on America's workers. And we must do it sooner rather than later.

I urge my colleagues to put aside partisan politics and work with us to get this process legislation passed and begin the business of reforming Social Security now.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Protection, Preservation, and Reform Commission Act of 2000".

TITLE I—FINDINGS AND OBJECTIVES OF REFORM

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) Two-thirds of Americans depend on social security for half or more of their income and 47 percent of beneficiaries would be in poverty without their social security benefits.

(2) Social security is an unbreakable compact between workers and retirees across generations that must be honored and needs to be sustained.

(3) The social security trust funds will begin to run a cash-flow deficit in 2015 and trust fund assets are expected to be exhausted by 2037.

(4) Americans covered by the social security program are required to pay into a system from which they can expect lower rates of return than earlier generations.

(5) Each year that comprehensive reform of the social security system is postponed, restoring actuarial solvency to the trust funds becomes more expensive and places a greater financial burden on current and future workers.

SEC. 102. OBJECTIVES OF REFORM.

Congress must act to reform the social security system so that—

(1) beneficiaries receive the benefits to which they are entitled based on a fair and equitable reform of that system;

(2) the long-term solvency of the social security system is guaranteed for at least 75 years without any foreseeable funding shortfall immediately following that period and cash-flow deficits and pressure on future general revenues to pay benefits is significantly reduced;

(3) every generation of workers is guaranteed a reasonable comparable rate of return on all tax contributions;

(4) all Americans, particularly low-income workers, are provided the opportunity to share in our Nation's economic prosperity and create wealth for themselves and future generations through a private investment account under that system;

(5) revenues flowing into the Federal Old-Age, Survivors, and Disability Trust Funds are protected from congressional or other efforts to spend on nonsocial security related purposes; and

(6) resources are made available from surplus non-social security revenues to preserve and protect the social security system while implementing reform.

TITLE II—SOCIAL SECURITY REFORM COMMISSION

SEC. 201. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Social Security Protection, Preservation, and Reform Commission (in this title referred to as the "Commission").

SEC. 202. DUTIES.

(a) Recommendations for Reform.—Not later than September 1, 2001, the Commission shall make specific recommendations to Congress for reform of the social security system established under title II of the Social Security Act (42 U.S.C. 401 et seq.) in a manner that incorporates the objectives of reform set forth in section 102.

(b) Legislative Language.—The recommendations required under subsection (a) shall include legislative language necessary for carrying out such recommendations. The Commission shall develop such legislative language after conducting such public hearings and consulting with such public or private entities as the Commission considers necessary and appropriate to make the recommendations required under subsection (a).

SEC. 203. MEMBERSHIP.

(a) In General.—The Commission shall be composed of 13 members as follows:

(1) Two congressional Members shall be appointed by the Speaker of the House of Representatives.

(2) Two congressional Members shall be appointed by the Minority Leader of the House of Representatives.

(3) Two congressional Members shall be appointed by the Majority Leader of the Senate.

(4) Two congressional Members shall be appointed by the Minority Leader of the Senate.

(5) The Chairman of the Committee on Finance of the Senate.

(6) The Ranking Member of the Committee on Finance of the Senate.

(7) The Chairman of the Committee on Ways and Means of the House of Representatives.

(8) The Ranking Member of the Committee on Ways and Means of the House of Representatives.

(10) The Commissioner of Social Security, who shall be an ex officio member of the Commission.

(b) Deadline for Appointments.—The members of the Commission shall be appointed not later than February 1, 2001.

(c) Co-Chairmen.—The Commission shall designate 2 members of the Commission to serve as Co-chairmen of the Commission.

(d) Terms.—Each member of the Commission shall serve on the Commission and, with respect to the Co-chairmen, in such capacity, until the earlier of the date the Commission terminates or September 16, 2001.

(e) Vacancies.—Any vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made and shall not affect the power of the remaining members to execute the duties of the Commission.

SEC. 204. QUORUM.

A quorum shall consist of 7 voting members of the Commission.

SEC. 205. MEETINGS.

(a) In General.—The Commission shall meet at the call of the Co-chairmen or a majority of its members.

(b) Initial Meeting.—The Commission shall conduct its first meeting not later than March 1, 2001.

(c) Open Meetings.—Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

SEC. 206. POLICIES AND PROCEDURES.

The Commission shall establish policies and procedures for carrying out the functions of the Commission under this Act.

SEC. 207. STAFF DIRECTOR AND STAFF.

(a) Staff Director.—The Co-chairmen, with the advice and consent of the members of the Commission, shall appoint a Staff Director who is not otherwise, and has not during the 1-year period preceding the date of such appointment served as, an officer or employee in the executive branch and who is not and has not been a Member of Congress. The Staff Director shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) Staff.—

(1) In general.—The Staff Director, with the approval of the Commission, may appoint and fix pay of additional personnel. The Staff Director may take such appointments without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(2) Detailees.—

(A) In general.—Upon request of the Staff Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act. Not more than ⅓ of the personnel employed by or detailed to the Commission may be on detail from any Federal agency.

(B) Additional restrictions.—

(i) Personnel.—Not more than ⅓ of the personnel detailed to the Commission may be on detail from any Federal agency that deals directly or indirectly with the administration of the social security system.

(ii) Analysts.—Not more than ⅕ of the professional analysts of the Commission may be individuals detailed from a Federal agency that deals directly or indirectly with the administration of the social security system.

(3) Experts and consultants.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(4) Federal officer or employee.—No member of a Federal agency, and no officer or employee of a Federal agency may—

(A) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any individual detailed from a Federal agency to that staff;

(B) review the preparation of such report; or

(C) approve or disapprove such a report.

(5) Limitation on staff size.—Not more than 25 individuals (including any detailees) may serve on the staff of the Commission at any time.

SEC. 208. POWERS.

(a) Hearings and Other Activities.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(b) Studies by General Accounting Office.—Upon the request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

(c) Cost Estimates by Congressional Budget Office.—Upon the request of the Commission, the Director of the Congressional Budget Office shall provide to the Commission such cost estimates as the Commission determines to be necessary to carry out its duties.

(d) Technical Assistance.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(e) Use of Mails.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies, and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(f) Obtaining Information.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Co-chairmen of the Commission, the head of such agency shall furnish such information to the Commission.

(g) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) Acceptance of Donations.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(i) Printing.—For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 209. TERMINATION.

The Commission shall terminate 15 days after the date of submission of the recommendations for reform required under section 202.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, such sums as may be necessary for the Commission to carry out its duties under this title.

TITLE III—CONGRESSIONAL CONSIDERATION OF RECOMMENDATIONS

SEC. 301. CONGRESSIONAL CONSIDERATION OF RECOMMENDATIONS.

(a) Introduction of Recommendations and Committee Consideration.—

(1) Introduction.—The legislative language transmitted pursuant to section 202(b) with the recommendations for reform of the Commission shall be in the form of a bill (in this title referred to as the "reform bill"). Such reform bill shall be introduced in the House of Representatives by the Speaker, and in the Senate, by the Majority Leader, immediately upon receipt of the language and such reform bill shall be referred to the appropriate committee of Congress under paragraph (2). If the reform bill is not introduced in accordance with the preceding sentence, the reform bill may be introduced in

either House of Congress by any member thereof.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A reform bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A reform bill introduced in the Senate shall be referred to the Committee on Finance of the Senate.

(B) REPORTING.—Not later than 30 days after the introduction of the reform bill, the committee of Congress to which the reform bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If the committee to which is referred a reform bill has not reported such reform bill (or an identical reform bill) at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a reform bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such reform bill and such reform bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 2 days after the date on which a committee has been discharged from consideration of a reform bill, the Speaker of the House of Representatives, or the Speaker's designee, or the Majority Leader of the Senate, or the Leader's designee, shall move to proceed to the consideration of the committee amendment to the reform bill, and if there is no such amendment, to the reform bill. It shall also be in order for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the reform bill at any time after the conclusion of such 2-day period.

(B) POINTS OF ORDER WAIVED.—All points of order against the reform bill (and against consideration of the reform bill) are waived.

(C) MOTION TO PROCEED.—A motion to proceed to the consideration of the reform bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the reform bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the reform bill without intervening motion, order, or other business, and the reform bill shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(D) LIMITED DEBATE.—Debate on the reform bill and on all debatable motions and appeals in connection therewith shall be limited to not more than the lesser of 100 hours or 14 days, which shall be divided equally between those favoring and those opposing the reform bill. A motion further to limit debate on the reform bill is in order and not debatable.

(E) AMENDMENTS.—

(i) IN GENERAL.—Subject to clause (ii), amendments to the reform bill—

(I) during consideration in the House of Representatives shall be limited in accordance with a rule adopted by the Committee on Rules of the House of Representatives; and

(II) during consideration in the Senate shall be limited to—

(aa) one first degree amendment per member or that member's designee with 1 hour of debate equally divided; and

(bb) germane second degree amendments (without limit) with 30 minutes of debate equally divided.

(ii) LEADERSHIP AMENDMENTS.—The Speaker of the House of Representatives and the Minority Leader of the House of Representatives and the Majority Leader of the Senate and the Minority Leader of the Senate may each offer 1 first degree amendment (in addition to the amendments afforded such members under clause (i)), with 4 hours of debate equally divided on each such amendment offered. No second degree amendments may be offered by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, or the Minority Leader of the Senate in their leadership capacities.

(F) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the reform bill, and on all amendments offered to the reform bill, and all votes required on amendments offered to the reform bill, the vote on final passage of the reform bill shall occur.

(G) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the reform bill, a motion to proceed to the consideration of other business, or a motion to recommit the reform bill is not in order. A motion to reconsider the vote by which the reform bill is agreed to or not agreed to is not in order.

(H) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or of the Senate, as the case may be, to the procedure relating to the reform bill shall be decided without debate.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the reform bill that was introduced in such House, such House receives from the other House a reform bill as passed by such other House—

(A) the reform bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the reform bill of the other House, with respect to the reform bill that was introduced in the House in receipt of the reform bill of the other House, shall be the same as if no reform bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the reform bill of the other House.

Upon disposition of a reform bill that is received by one House from the other House, it shall no longer be in order to consider the reform bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—

(i) IN GENERAL.—Immediately upon a final passage of the reform bill that results in a disagreement between the two Houses of Congress with respect to the bill, the conferees described in clause (ii) shall be appointed and a conference convened.

(ii) CONFEREES DESCRIBED.—The conferees described in this clause are the following:

(I) The Speaker of the House of Representatives.

(II) The Minority Leader of the House of Representatives.

(III) The Majority Leader of the Senate.

(IV) The Minority Leader of the Senate.

(V) Each member of the Committee on Ways and Means of the House of Representatives.

(VI) Each member of the Committee on Finance of the Senate.

(B) DEADLINE FOR REPORT.—Not later than 14 days after the date on which conferees are appointed, the conferees shall file a report with the House of Representatives and the Senate resolving the differences between the Houses on the reform bill.

(C) LIMITATION ON SCOPE.—A report filed under subparagraph (B) shall be limited to resolution of the differences between the Houses on the reform bill and shall not include any other matter.

(D) HOUSE CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding any other rule of the House of Representatives, it shall be in order to immediately consider a report of a committee of conference on the reform bill filed in accordance with subparagraph (B).

(ii) DEBATE.—Debate in the House of Representatives on the conference report shall be limited to the lesser of 50 hours or 7 days, equally divided and controlled by the Speaker of the House of Representative and the Minority Leader of the House of Representatives or their designees.

(iii) LIMITATION ON MOTIONS.—A motion to further limit debate on the conference report is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(iv) VOTE ON FINAL PASSAGE.—A vote on final passage of the conference report shall occur immediately at the conclusion or yielding back of all time for debate on the conference report.

(E) SENATE CONSIDERATION.—

(i) IN GENERAL.—The motion to proceed to consideration in the Senate of the conference report shall not be debatable and the reading of such conference report shall be deemed to have been waived.

(ii) DEBATE.—Consideration in the Senate of the conference report on a reform bill shall be limited to the lesser of 50 hours or 7 days, equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

(iii) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(4) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.●

Mr. KERREY. Mr. President, I am joined by my esteemed colleagues Senator MCCAIN and Senator MOYNIHAN in introducing the Social Security Protection, Preservation, and Reform Commission Act of 1990''. I am honored to join these two distinguished colleagues in an effort to create a bipartisan and bicameral Congressional Commission to reform Social Security.

I am pleased to join Senator McCAIN in a serious effort to provoke this body to move beyond demagoguery and toward action on the subject of Social Security reform. Senator McCAIN has had the unique benefit of spending the earlier part of this year talking to thousands of constituents from across America about their hopes and concerns during the course of his Presidential campaign. As Senator McCAIN has noted to me, a great majority of these people expressed particular concern for the future state of the Social Security program. Americans have intense feelings of patriotism where Social Security is concerned—and strongly support reworking and preserving this program for generations to come.

My friend's commitment to an honest debate and a reform agenda has sparked the continued interest and attention of millions of Americans—and his support of the Social Security reform cause makes the program's eventual reform all the more likely.

I am also honored to be joining my dear friend Senator DANIEL PATRICK MOYNIHAN in introducing this legislation. Senator MOYNIHAN has perhaps the most distinguished record of accomplishment where Social Security is concerned of anyone in this body—perhaps even in this country. As a former member of the Greenspan Commission, which restored solvency to the Trust Funds in 1983, Senator MOYNIHAN is a seasoned veteran of reform commissions—and we welcome his counsel on, and support of, this legislation. My dear friend's participation in the Greenspan Commission also reminds us of what can happen when Congress waits until the last possible moment to restore solvency to this important program. As my colleagues may remember, the 1983 Commission met to discuss reforms at a time when the program was in severe jeopardy—Social Security checks were at risk of not being sent out. Since the 1983 reforms were enacted, future insolvency has again plagued the program. Senator MOYNIHAN has been leading the charge to ensure that Congress does not make the same mistake in waiting until 2037 to reform the program—he knows too well that fixing it now will alleviate great financial pain on future generations. I have been honored to co-sponsor two reform bills with Senator MOYNIHAN—and I am honored to call him a friend. His wise leadership on this and other issues will be dearly missed when he retires at the close of this 106th Congress.

I was skeptical at first about an effort to create a Congressional Commission to reform the Social Security program. But upon further consideration, I have reached the conclusion that a bicameral, bipartisan Congressional Commission is the only way to move beyond the polarizing partisanship and inflammatory rhetoric that stalls action on this important program.

The Commission envisioned in our bill will include equal numbers of Republicans and Democrats, including the Chairs and Ranking Members of the Ways and Means and Finance Committees, and the Commissioner of Social Security as a non-voting, ex-officio member. Our bill also creates an expedited process for consideration of the Commission's reform bill in the House and Senate. The process is similar to reconciliation protections for budget and tax measures—and will prevent Members from exercising delaying tactics.

Our bill also sets out a number of reform objectives for the Commission to meet, such as maintaining benefits for current beneficiaries, restoring Trust Fund solvency for at least 75-years, and including some form of wealth creation component as part of the Social Security program.

I am particularly interested in encouraging this Commission to include some form of individual account provision—with special attention given to making the accounts and the program itself more progressive for low and moderate income individuals.

As a Democrat, one of my greatest concerns is the growing wealth gap between the rich and poor. The latest Statistics of Income Bulletin from the IRS shows that the combined net worth of the top 4,400,000 Americans was $6.7 trillion in 1995. In other words, the top 2.5% of our population held 27.4% of the nation's wealth in the mid-1990s. These statistics highlight why we should be concerned about the growing wealth gap. The ownership of wealth brings security to people's lives. The ownership of wealth opens up new opportunities. And the ownership of wealth transforms the way people view their futures.

An individual with no financial assets—and no means to accumulate financial assets—cannot count on a secure retirement or ensure that his or her future health care needs will be met.

Ownership of wealth is a much more reliable way of becoming financially secure in old age than promises by politicians to tax and transfer income. Ownership of wealth produces greater independence and happiness. The maldistribution of wealth (the rich getting richer and the poor getting poorer) is not healthy for a liberal democracy and a free market economy such as ours. Wealth ownership is the only path to true security—and we must work to enact laws that provide low and moderate income families the opportunities and the tools to acquire wealth.

We will never reach a stage in which all Americans are full participants in the growth of the American economy, unless we enact comprehensive pension reforms that will improve savings opportunities for low income workers, and modernize and improve the Social Security program so that it becomes more than just a mechanism for transferring income.

I look forward to a spirited and substantive debate on the subject of Social Security in the upcoming Presidential election. And I am hopeful that our Congressional Commission proposal can become the vehicle by which the next President can work with Congress to create a bipartisan consensus on Social Security reform.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2511. A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE CORRIDOR AREA ACT OF 2000

• Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in my State of Alaska.

The Heritage Area, when enacted, will include the first leg of the Iditarod National Historic Trail and most of the Seward Highway National Scenic Byway. Through National Heritage designation these routes will be portrayed and interpreted as part of the whole picture of human history in the wider transportation corridor through the mountains, which includes early Native trade routes, connections by waterway, the railroad, and other trails and roadways.

This proposal differs from the 16 existing National Heritage Areas. The fact that it would be one of a kind strengthens the case for designation.

Unlike any of the existing National Heritage Areas, the Kenai Mountains-Turnagain Arm National Historic Corridor will highlight the experience of the western frontier—of transportation and settlement in a difficult landscape—of the gold rush and resource development in a remote area. These are the themes of the proposal—themes that formed our perception of ourselves as a nation. The proposed Heritage Area wonderfully expresses these themes.

Within the proposed Heritage Area there are a number of small historic communities that developed around transportation and the gold rush. They are dwarfed by the sweeping landscapes of the region, by the magnificence of the mountains, and the dominance and strength of nature.

Turnagain Arm, once a critical transportation link, has the world's second largest tidal range. Visitors can stand along the shore lines and actually watch 30-foot tides move in and out of the arm. On occasion, the low roar of an oncoming bore tide can be heard as a wall of water sweeps up the Turnagain.

A traveler through the alpine valleys and mountain passes of the Heritage Area can see evidence of retreating glaciers, earthquake subsidence, and avalanches. Dall sheep, beluga whales, moose, bald eagles, trumpeter swans, and Artic terns give glimpses of their presence.

Through this rugged terrain humans have developed transportation routes into South-central and Interior Alaska. Travel was channeled through the valleys and on the rivers and fjord-like lakes. First came Alaska Natives, establishing trading paths. Later the Russians, gold rush stampeders, and all types of people arrived seeking access into the resource-rich land. The famous Iditarod Trail to Nome, which was used to haul mail in and gold out, started at Seward.

A series of starts and stops by railroad entrepreneurs eventually culminated in the completion of the railroad from Seward to Fairbanks by the federal government. President Harding boarded the train in Seward in 1923 to drive the golden spike at Nenana (and died on the boat returning to Seattle). It was only in the last half of this century that the highway from Seward to Anchorage was opened. Before then the small communities of the area were linked to the rest of Alaska by wagon trail, rail, and by boat across Turnagain Arm and the Kenai River.

The Heritage Area contains one of the earliest mining regions in Alaska. Russians left evidence of their search for gold at Bear Creek near Hope. In 1895, discovery of a rich deposit at Canyon Creek precipitated the Turnagain Arm Gold Rush, predating the stampede to the Klondike.

The early settlements and communities of the area are still very much as they were in the past. But, as in the early days, this is a region where "nature is boss," and historic trails and evidence of mining history are often embedded and nearly hidden in the landscape. What can be seen stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the Alaskan frontier.

People living in the Kenai Mountains—Turnagain Arm areas share a sense that it is a special place. In part, this is simply because of the sheer natural beauty; but it is also because the Alaska frontier is relative recent. Memories of the times when the inhabitants were dependent on their own resources, and on each other, are still very much alive.

Communities are small, but they are alive with volunteerism. All have active historical societies. Groups in Seward and Girdwood have organized to rebuild the Iditarod Trail. In the town of Hope citizens constructed a museum of mining history, building it themselves out of logs and donated materials. Local people have conducted historic building surveys, written books and short histories, collected and published old diaries, and created web pages to record and share the history of their communities. Seward, the corridor's gateway, has created a delightful array of visitor opportunities that display and interpret the region's natural setting, Native culture, and history. National Heritage Area designation would greatly encourage and expand these good efforts.

Mr. President, it is important to note that this National Heritage Area is a local grass roots effort and it will remain a locally driven grass roots effort. Decisions will be made by locals, not by Federal bureaucrats. The only role of the Federal Government is to provide technical expertise, mostly in the areas of the interpretation of the many historic sites and tremendous natural resource features that are found throughout the entire region. There will be no additional land ownership by the Federal Government or by the local management entity that is charged with putting together a coordinated plan to interpret the Heritage Area. The Heritage Area is about local people working together.

Mr. President, I ask unanimous consent the bill be printed in the RECORD and I urge my colleagues to support this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2511

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kenai Mountains-Turnagain Arm National Heritage Corridor Area Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historic routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes and fjords;,

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for "grass roots" regional coordination and partnerships with each other and with borough, State and federal agencies; and

(9) resolution and letters of support have been received from the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Girdwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains—Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, state and federal government entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Kenai Mountains—Turnagain Arm National Heritage Area establish by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term "management entity" means the 11 member Board of Directors of the Kenai Mountains—Turnagain Arm National Area Commission.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. KENAI MOUNTAINS—TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains—Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled "Kenai Peninsula/Turnagain Arm National Heritage Corridor", numbered "Map #KMTA—1, and dated "August 1999". The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 5. MANAGEMENT ENTITY.

(a) The management entity shall consist of 7 representatives, appointed by the Secretary from a list of recommendations submitted by the Governor of Alaska, from the communities of Seward, Lawing, Moose Pass, Cooper Landing, Hope, Girdwood, Bird-Indian and 4 at-large representatives, from such organizations as Native Associations, the Iditarod Trail Committee, historical societies, visitor associations and private or business entities. Upon appointment, the Commission shall establish itself as a nonprofit corporation under laws of the State of Alaska.

(1) Terms.—Members of the management entity appointed under section 5(a) shall each serve for a term of 5 years, except that of the members first appointed 3 shall serve for a term of 4 years and 2 shall serve for a term of 3 years; however, upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.

(2) Vacancies.—Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(b) Non-voting Ex-officio representatives, invited by the non-profit corporation from such organizations as the State Division of Parks and Outdoor Recreation, State Division Mining, Land and Water, Forest Service, State Historic Preservation Office, Kenai Peninsula Borough, Municipality of Anchorage, Alaska Railroad, Alaska Department of Transportation and the National Park Service.

(c) Representation of ex-officio members in the non-profit corporation shall be established under the by-laws of the management entity.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) Management Plan.—

(1) In general.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing federal, State, borough, and local plans.

(2) Contents.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage and develop the Heritage Area;

(D) an inventory of the resources contained in the Heritage Area: and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) Priorities.—The management entity shall given priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the heritage corridor;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the heritage corridor; and

(7) ensuring that clear, consistent and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area

(c) Consideration of Interest of Local Groups.—Projects incorporated in the heritage plan by the management entity shall be initiated by local groups and developed with the participation and support of the affected local communities. Other organizations may submit projects or proposals to the local groups for consideration.

(d) Public Meetings.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 7. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, subject to the availability of funds, the Secretary shall provide administrative, technical, financial, design, development and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) Regulatory Authority.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) Effect on Authority of Governments.—Nothing in this Act shall be construed to modify, enlarge or diminish any authority of the Federal, State or local governments to regulate any use of land as provided for by law or regulation.

(c) Effect on Business.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROPERTY.

(a) The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) First Year.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this Act, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) In General.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) Matching Funds.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) Sunset Provision.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.•

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 2512. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

GOVERNORS ISLAND PRESERVATION ACT OF 2000

• Mr. MOYNIHAN. Mr. President, I rise with my distinguished colleague and fellow New Yorker, Senator SCHUMER, to introduce the "Governors Island Preservation Act of 2000." This bill will establish the Governors Island National Monument preserving two of New York Harbor's earliest fortifications, Fort Jay and Castle Williams. The balance of the property will be conveyed to the State of New York. New York City Mayor Rudolph W. Giuliani and New York State Governor George E. Pataki have developed a plan for the reuse of Governors Island. Their agreement has helped to make this bill possible, and both deserve much credit.

Congress stipulated in the Balanced Budget Act of 1997 that Governors Island be sold "at fair market value" no sooner than Fiscal Year 2002. Without the benefit of an appraisal, the Congressional Budget Office determined its value to be somewhere between $250 million and $1 billion. As Congress continued its work on the Balanced Budget Act of 1997, $500 million of Federal revenue was identified in Fiscal Year 2002 through the sale of Governors Island. A fantasy perhaps, but no matter, the money had been found.

Governors Island has played a significant role in every major military conflict from the American Revolution through World War II. In April of 1776, General Israel Putnam and 1,000 officers arrived on Governors Island and began erecting fortifications. Three months later, the guns at Governors Island prevented Admiral Howe's 400 ships and Lord Cornwallis' army—32,000 men strong—from crushing General George Washington's badly overwhelmed forces during the Battle of Long Island. Outflanked in Brooklyn, Washington's men retreated to the island of Manhattan across the East River under the cover of the Governors Island's guns. At the risk of falling into what historians term a "teleological trap," I would suggest that the Revolution could well have ended right then and there.

During the War of 1812, the guns at the "cheese-box" shaped Castle Williams—and those at the Southwest Battery—dissuaded the British from mounting a direct attack on New York City, then the Nation's principal seaport.

During the Civil War, Governors Island served as the primary Eastern Seaboard recruiting depot for Union soldiers. Nearly 5,000 Union draftees and volunteers were stationed there. Its inaccessibility proved useful for garrisoning the most recalcitrant of Confederate soldiers, who were confined both in Castle Williams and Fort Jay. Only one, Captain William Robert Webb, managed to escape. It will give my colleagues some measure of satisfaction to learn that this artful rebel was later appointed U.S. Senator from Tennessee.

After the U.S. Congress declared war with Germany and Austria-Hungary on April 6, 1917, Governors Island became an embarkation point for the war effort. Several years earlier, the Island was expanded to its current 172-acre size by the excavation of the Lexington Avenue Subway line, which generated over 4.7 million tons of fill. The additional space permitted the construction of over 70 buildings providing a combined total of 30 million square feet of storage space. As the War escalated, estimates place the value of goods transported from Governors Island to the European theater at over $1 million per day—in 1917 dollars.

More than 20 years later, the famed General Hugh Drum commanded the First Army from Governors Island as the United States prepared for the Second World War. Once war was declared, Governors Island served as the headquarters for the Eastern Defense Command, which was tasked with protecting the Eastern Seaboard from Nazi attack.

In 1966, the Coast Guard assumed control of Governors Island, and remained there for 30 years. After lighting the refurbished Statue of Liberty from Governors Island on July 4, 1986, President Reagan grew fond of Governors Island. On December 7, 1988, he chose the Admiral's House on Governors Island to meet Soviet Premier Mikhail S. Gorbachev to present each other with the Articles of Ratification of the Intermediate Nuclear Forces Treaty.

It is inconceivable that Congress would permit this site, so rich in history, to be recklessly sold to the highest bidder.

In January of this year, Governor Pataki and Mayor Giuliani announced an agreement on a preservation plan for Governors Island. The Governors Island Preservation Act is based upon that plan and calls for the establishment of the Governors Island National Monument to be comprised of Fort Jay and Castle Williams (so named after Lt. Col. Jonathan Williams, the first superintendent of West Point). Once the Monument is established, all of the historic New York Harbor forts—Fort Wood (the base of the Statue of Liberty), the Southwest Battery (now Castle Clinton National Monument), and Fort Gibson (partially demolished to provide for the construction of Ellis Island)—will be within the National Park Service inventory.

The remaining portions of the Island will be conveyed to the Empire State Development Corporation, as agreed to by Mayor Giuliani and Governor Pataki. Their plan will incorporate a public park, athletic fields, a museum dedicated to the history and ecology of the Hudson River and New York Harbor, a family center modeled after Colonial Williamsburg, a conference center, and a hotel. After 200 years of Federal occupation, Governors Island will at last be open to the public.

I thank the chair and I urge my colleagues to support this important legislation.●

Mr. SCHUMER. Mr. President, I would like to offer a few brief remarks to underscore several of the points that my colleague, Senator MOYNIHAN, made when he introduced the "Governors Island Preservation Act of 2000," a bill I gladly cosponsored.

The first point is that Governors Island is truly a national treasure. It has played a significant role in nearly every American battle from the Revolution through World War II. During the War of 1812, it is credited with preventing a direct British attack on the City of New York—then the Nation's principal seaport. It served as the Union's foremost recruiting depot and as a Confederate prison during the Civil War.

The second point, Mr. President, is that its historical structures have been placed in no small degree of danger by the statutorily mandated Fiscal Year 2002 sale date. If the Island should be sold then "at fair market value," there simply is no guarantee the Castle Williams, Fort Jay, Building 400—a McKim, Meade & White masterpiece thought to be the largest single Army barrack ever constructed, the 1708 Governor's house, and the entire Governors Island National Historic Landmark District will be protected. When the Balanced Budget Act of 1997 was being negotiated, Congress faced seemingly intractable, structural deficits. We had to make a great many difficult and, if I may, extreme choices to bring the Federal budget into balance. Three years later, our circumstances are quite different. Fiscal austerity has paid its dividends and we are approaching an era of surpluses much sooner that we might have otherwise imagined. Should we still be proposing to sell off such an important piece of American history?

Finally, Mr. President, my colleague mentioned the issue of fairness. New York gave Governors Island to the national government in 1800. No complaints. The British and the French were then poised to attack our young nation. Now the Federal government has no use for Governors Island—the Coast Guard found it too expensive to maintain—it is only right that the people of New York get their property back. The Governors Island Preservation Act of 2000 will do just that. In addition, it will establish the Governors Island National Monument which will provide all Americans—for the first time—with the opportunity to learn of the Island's rich contributions to American history while experiencing the spectacular views of New York Harbor from this idyllic setting.

Mr. President, I urge my colleagues to support this bill.

By Mr. LEAHY (for himself, Mr. SARBANES, Mr. ROBB, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. EDWARDS, Mr. DURBIN, Mr. HARKIN, and Mrs. FEINSTEIN):

S. 2513. A bill to strengthen control by consumers over the use and disclosure of their personal financial and health information by financial institutions, and for other purposes to the committee on Banking Housing, and Urban Affairs.

FINANCIAL INFORMATION PRIVACY PROTECTION ACT

Mr. LEAHY. Mr. President, I am pleased today to introduce the Financial Information Privacy Protection Act of 2000, which was crafted by President Clinton and Vice President GORE. I am delighted to be joined by Senator SARBANES, the Ranking Member of the Senate Banking Committee, who is a real leader in the Senate on protecting personal financial information. I am also pleased that Senators ROBB, DODD, KERRY, BRYAN, EDWARDS, DURBIN, HARKIN and FEINSTEIN are original cosponsors of this legislation to protect the financial privacy of all Americans.

Last November, President Clinton signed into law the landmark Financial Modernization Act of 1999, which updates our financial laws and opens up the financial services industry to become more competitive, both at home and abroad. Many of my colleagues and I supported that legislation because we believe it will benefit businesses and consumers. It will make it easier for banking, securities, and insurance firms to consolidate their services, cut expenses and offer more products at a lower cost to all. But it also raises new concerns about our financial privacy.

New conglomerates in the financial services industry may now offer a widening variety of services, each of which may require a customer to provide financial, medical or other personal information. Nothing in the new law prevents these new subsidiaries or affiliates of financial conglomerates from sharing this information for uses beyond those the customer thought he or she was providing it. For example, the new law has no requirement for the consumer to control whether these new financial subsidiaries or affiliates sell, share, or publish information on savings account balances, certificates of deposit maturity dates and balances, stock and mutual fund purchases and sales, life insurance payouts or health insurance claims. That is wrong.

When President Clinton signed the financial modernization bill last year, he directed the National Economic Council to work with the Treasury Department and Office of Management and Budget to craft a legislative proposal to protect financial privacy in the new financial services marketplace. The result of that process is the bill we are introducing today.

I believe the Financial Information Privacy Protection Act of 2000 should serve as the foundation for model financial privacy legislation that Congress enacts into law this year. This bill is a common sense approach that can attract both consumers and the industry. It sands off the extremes at both ends of the issue. We need a catalyst to bring both sides together, and this bill can do it.

Privacy is one of our most vulnerable rights in the information age. Digitalization of information offers tremendous benefits but also new threats. Some in Congress are content to punt the privacy issue down the field for another year. The public disagrees. People know that the longer we dawdle, the harder it will be to halt the erosion of privacy. A year is an eternity in the digital age.

The right of privacy is a personal and fundamental right protected by the Constitution of the United States. But today, the American people are growing more and more concerned over encroachments on their personal privacy. To return personal financial privacy to the control of the consumer, the Administration's financial privacy legislation would create the following enforceable rights in Federal law.

New Right To Opt-out of Information Sharing By Affiliates. The new financial modernization law permits consumers to say no to information sharing, selling or publishing among third parties in many cases, but not among affiliated firms. The Financial Information Privacy Protection Act of 2000 would require financial conglomerates, which will only grow under the new modernization law, to expand this protection to give consumers the right to notify it (opt-out) to stop all information sharing, selling or publishing of personal financial information among all third parties and affiliates.

New Right For Consumers To Opt-In For Sharing of Medical Information and Personal Spending Habits. The Financial Information Privacy Protection Act of 2000 would require financial firms to get the affirmative consent (opt-in) of consumers before a firm could gain access to medical information within a financial conglomerate or share detailed information about a consumer's personal spending habits.

New Right To Access and Correct Financial Information. The Financial Information Privacy Protection Act of 2000 would give consumers the right to review and correct their financial records, just like consumers today may review and correct their credit reports.

New Right To Privacy Policy Up Front. The Financial Information Privacy Protection Act of 2000 would require financial firms to provide their privacy policies to consumers before committing to a customer relationship, not after. In addition, the bill's new rights would be enforced by federal banking regulators, the Federal Trade Commission and state attorney generals.

As President Clinton warned all Americans: "Although consumers put a great value on privacy of their financial records, our laws have not caught up to technological developments that make it possible and potentially profitable for companies to share financial data in new ways. Consumers who undergo physical exams to obtain insurance, for example, should not have to fear the information will be used to lower their credit card limits or deny them mortgages." I strongly agree.

Unfortunately, if you have a checking account, you may have a financial privacy problem. Your bank may sell or share with business allies information about who you are writing checks to, when, and for how much. And even if you tell your bank to stop, it can ignore you under current law. This legislation returns to consumers the power to stop the selling or sharing of personal financial information.

Americans ought to be able to enjoy the exciting innovations of this burgeoning information era without losing control over the use of their financial information. The Financial Information Privacy Protection Act of 2000 updates United States privacy laws to provide these fundamental protections of personal financial information in the evolving financial services industry. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the full text of the Financial Information Privacy Protection Act of 2000 and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Information Privacy Protection Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Opt-out requirement for disclosure to affiliates and nonaffiliated third parties.
Sec. 3. Restricting the transfer of information about personal spending habits.
Sec. 4. Restricting the use of health information in making credit and other financial decisions.
Sec. 5. Limits on redisclosure and reuse of information.
Sec. 6. Consumer rights to access and correct information.
Sec. 7. Improved enforcement authority.
Sec. 8. Enhanced disclosure of privacy policies.
Sec. 9. Limit on disclosure of account numbers.
Sec. 10. General exceptions.
Sec. 11. Definitions.
Sec. 12. Issuance of implementing regulations.
Sec. 13. FTC rulemaking authority under the Fair Credit Reporting Act.

SEC. 2. OPT-OUT REQUIREMENT FOR DISCLOSURE TO AFFILIATES AND NONAFFILIATED THIRD PARTIES.

Section 502(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(a)) is amended to read as follows:

"(a) DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.—Except as otherwise provided in this subtitle, a financial institution may not disclose any nonpublic personal information to an affiliate or a nonaffiliated third party unless such financial institution—

"(1) has provided to the consumer a clear and conspicuous notice, in writing or electronic form or other form permitted by the regulations implementing this subtitle, of the categories of information that may be disclosed to the—

"(A) affiliate; or

"(B) nonaffiliated third party;

"(2) has given the consumer an opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such—

"(A) affiliate; or

"(B) nonaffiliated third party; and

"(3) has given the consumer the ability to exercise that nondisclosure option through the same method of communication by which the consumer received the notice described in paragraph (1) or another method at least as convenient to the consumer, and an explanation of how the consumer can exercise such option.".

SEC. 3. RESTRICTING THE TRANSFER OF INFORMATION ABOUT PERSONAL SPENDING HABITS.

Section 502(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(b)) is amended to read as follows:

"(b) RESTRICTION ON THE TRANSFER OF INFORMATION ABOUT PERSONAL SPENDING HABITS.—

"(1) IN GENERAL.—Notwithstanding subsection (a), if a financial institution provides a service to a consumer through which the consumer makes or receives payments or transfers by check, debit card, credit card, or other similar instrument, the financial institution shall not transfer to an affiliate or a nonaffiliated third party—

"(A) an individualized list of that consumer's transactions or an individualized description of that consumer's interests, preferences, or other characteristics; or

"(B) any such list or description constructed in response to an inquiry about a specific, named individual;

if the list or description is derived from information collected in the course of providing that service.

"(2) RESTRICTION ON TRANSFER OF AGGREGATE LISTS CONTAINING CERTAIN HEALTH INFORMATION.—Notwithstanding subsection (a), a financial institution shall not transfer to an affiliate or a nonaffiliated third party any aggregate list of consumers containing or derived from individually identifiable health information.

"(3) EXCEPTIONS.—

"(A) IN GENERAL.—The financial institution may disclose the information described in paragraph (1) or (2) to an affiliate or a nonaffiliated third party if such financial institution—

"(i) has clearly and conspicuously requested in writing or in electronic form or other form permitted by the regulations implementing this subtitle, that the consumer affirmatively consent to such disclosure; and

"(ii) has obtained from the consumer such affirmative consent and such consent has not been withdrawn.

"(B) RULE OF CONSTRUCTION.—This subsection shall not be construed as preventing a financial institution from transferring the information described in paragraph (1) or (2) to an affiliate or a nonaffiliated third party for the purposes described in paragraph (1), (2), (3), (5), (7), (8), (9), or (10) of subsection (f).

"(C) SCOPE OF APPLICATION.—Paragraph (1) shall not apply to the transfer of aggregate lists of consumers.".

SEC. 4. RESTRICTING THE USE OF HEALTH INFORMATION IN MAKING CREDIT AND OTHER FINANCIAL DECISIONS.

(a) RESTRICTION ON USE OF CONSUMER HEALTH INFORMATION.—Section 502(c) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(c)) is amended to read as follows:

"(c) USE OF CONSUMER HEALTH INFORMATION AVAILABLE FROM AFFILIATES AND NONAFFILIATED THIRD PARTIES.—In deciding whether, or on what terms, to offer, provide, or continue to provide a financial product or service to a consumer, a financial institution shall not obtain or receive individually identifiable health information about the consumer from an affiliate or nonaffiliated third party, or evaluate or otherwise consider any such information, unless the financial institution—

"(1) has clearly and conspicuously requested in writing or in electronic form or other form permitted by the regulations implementing this subtitle, that the consumer affirmatively consent to the transfer and use of that information with respect to a particular financial product or service;

"(2) has obtained from the consumer such affirmative consent and such consent has not been withdrawn; and

"(3) requires the same health information about all consumers as a condition for receiving the financial product or service.".

(b) EXISTING PROTECTIONS FOR HEALTH INFORMATION NOT AFFECTED.—Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended by adding after section 510 the following new section:

"SEC. 511. RELATION TO STANDARDS ESTABLISHED UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

"Nothing in this subtitle shall be construed as—

"(1) modifying, limiting, or superseding standards governing the privacy and security of individually identifiable health information promulgated by the Secretary of Health and Human Services under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996; or

"(2) authorizing the use or disclosure of individually identifiable health information in a manner other than as permitted by other applicable law.".

(c) DEFINITION OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended by adding at the end the following new paragraph:

"(12) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' means any information, including demographic information obtained from or about an individual, that is described in section 1171(6)(B) of the Social Security Act.".

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 505(a)(6) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)(6)) is amended by inserting before the period at the end "to the extent the provisions of such section are not inconsistent with the provisions of this subtitle".

SEC. 5. LIMITS ON REDISCLOSURE AND REUSE OF INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) LIMITS ON REDISCLOSURE AND REUSE OF INFORMATION.—

"(1) IN GENERAL.—An affiliate or a nonaffiliated third party that receives nonpublic personal information from a financial institution shall not disclose such information to any other person unless such disclosure would be lawful if made directly to such other person by the financial institution.

"(2) DISCLOSURE UNDER A GENERAL EXCEPTION.—Notwithstanding paragraph (1), any person that receives nonpublic personal information from a financial institution in accordance with one of the general exceptions in subsection (f) may use or disclose such information only—

"(A) as permitted under that general exception; or

"(B) under another general exception in subsection (f), if necessary to carry out the purpose for which the information was disclosed by the financial institution.".

SEC. 6. CONSUMER RIGHTS TO ACCESS AND CORRECT INFORMATION.

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended by adding after section 511 (as added by section 4(b) of this Act), the following new section:

"SEC. 512. ACCESS TO AND CORRECTION OF INFORMATION.

"(a) ACCESS.—

(1) IN GENERAL.—Upon the request of a consumer, a financial institution shall make available to the consumer information about the consumer that is under the control of, and reasonably available to, the financial institution.

"(2) EXCEPTIONS.—Notwithstanding paragraph (1), a financial institution—

"(A) shall not be required to disclose to a consumer any confidential commercial information, such as an algorithm used to derive credit scores or other risk scores or predictors;

"(B) shall not be required to create new records in order to comply with the consumer's request;

"(C) shall not be required to disclose to a consumer any information assembled by the financial institution, in a particular matter, as part of the financial institution's efforts to comply with laws preventing fraud, money laundering, or other unlawful conduct; and

"(D) shall not disclose any information required to be kept confidential by any other Federal law.

"(b) CORRECTION.—A financial institution shall provide a consumer the opportunity to dispute the accuracy of any information disclosed to the consumer pursuant to subsection (a), and to present evidence thereon. A financial institution shall correct or delete material information identified by a consumer that is materially incomplete or inaccurate.

"(c) COORDINATION AND CONSULTATION.—In prescribing regulations implementing this section, the Federal agencies specified in section 504(a) shall consult with one another to ensure that the rules—

"(1) impose consistent requirements on the financial institutions under their respective jurisdictions;

"(2) take into account conditions under which financial institutions do business both in the United States and in other countries; and

"(3) are consistent with the principle of technology neutrality.

"(d) CHARGES FOR DISCLOSURES.—A financial institution may impose a reasonable charge for making a disclosure under this section, which charge must be disclosed to the consumer before making the disclosure. ".

SEC. 7. IMPROVED ENFORCEMENT AUTHORITY.

(a) COMPLIANCE WITH PRIVACY POLICY.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following new subsection:

"(c) COMPLIANCE WITH PRIVACY POLICY.—A financial institution's failure to comply with any of its policies or practices disclosed to a consumer under this section constitutes a violation of the requirements of this section.".

(b) UNFAIR AND DECEPTIVE TRADE PRACTICE.—Section 505(a)(7) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)(7)) is amended by adding at the end the following new sentence: "A violation of any requirement of this subtitle, or the regulations of the Federal Trade Commission prescribed under this subtitle, by a financial institution or other person described in this paragraph shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.".

(c) SUPPLEMENTAL STATE ENFORCEMENT FOR FTC REGULATED ENTITIES.—Section 505 of the Gramm-Leach-Bliley Act (15 U.S.C. 6805) is amended by adding at the end the following new subsection:

"(e) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF THE STATES.—In addition to such other remedies as are provided under State law, if the attorney general of a State, or an officer authorized by the State, has reason to believe that any financial institution or other person described in section 505(a)(7) has violated or is violating this subtitle or the regulations prescribed thereunder by the Federal Trade Commission, the State may—

"(A) bring an action on behalf of the residents of the State to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction; and

"(B) bring an action on behalf of the residents of the State to enforce compliance with this subtitle and the regulations prescribed thereunder by the Federal Trade Commission, to obtain damages, restitution, or other compensation on behalf of the residents of such State, or to obtain such further and other relief as the court may deem appropriate.

"(2) RIGHTS OF THE FEDERAL TRADE COMMISSION.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission and shall provide the Commission with a copy of its complaint; provided that, if such prior notice is not feasible, the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission shall have the right—

"(A) to move to stay the action, pending the final disposition of a pending Federal matter as described in paragraph (4);

"(B) to intervene in an action under paragraph (1);

"(C) upon so intervening, to be heard on all matters arising therein;

"(D) to remove the action to the appropriate United States district court; and

"(E) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the attorney general, or officers of such State who are authorized by such State to bring such actions, from exercising the powers conferred on the attorney general or such officers by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted an action for a violation of this subtitle, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this subtitle that is alleged in that complaint.".

(d) STATE ACTION FOR VIOLATIONS OF BAN ON PRETEXT CALLING.—Section 522 of the Gramm-Leach-Bliley Act (15 U.S.C. 6822) is amended by adding at the end the following new subsection:

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF THE STATES.—In addition to such other remedies as are provided under State law, if the attorney general of a State, or an officer authorized by the State, has reason to believe that any person (other than a person described in subsection (b)(1)) has violated or is violating this subtitle, the State may—

"(A) bring an action on behalf of the residents of the State to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction; and

"(B) bring an action on behalf of the residents of the State to enforce compliance with this subtitle, to obtain damages, restitution, or other compensation on behalf of the residents of such State, or to obtain such further and other relief as the court may deem appropriate.

"(2) RIGHTS OF FEDERAL AGENCIES.—The State shall serve prior written notice of any action commenced under paragraph (1) upon the Attorney General and the Federal Trade Commission, and shall provide the Attorney General and the Commission with a copy of the complaint; provided that, if such prior notice is not feasible, the State shall serve such notice immediately upon instituting such action. The Attorney General and the Federal Trade Commission shall have the right—

"(A) to move to stay the action, pending the final disposition of a pending Federal matter as described in paragraph (4);

"(B) to intervene in an action under paragraph (1);

"(C) upon so intervening, to be heard on all matters arising therein;

"(D) to remove the action to the appropriate United States district court; and

"(E) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the attorney general, or officers of such State who are authorized by such State to bring such actions, from exercising the powers conferred on the attorney general or such officers by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Attorney General has instituted a criminal proceeding or the Federal Trade Commission has instituted a civil action for a violation of this subtitle, no State may, during the pendency of such proceeding or action, bring an action under this section against any defendant named in the criminal proceeding or civil action for any violation of this subtitle that is alleged in that proceeding or action.".

SEC. 8. ENHANCED DISCLOSURE OF PRIVACY POLICIES.

(a) TIMING OF NOTICE TO CONSUMERS.—Section 503(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(a)) is amended to read as follows:

"(a) DISCLOSURE REQUIRED.—

"(1) TIME OF DISCLOSURE.—A financial institution shall provide a disclosure that complies with paragraph (2)—

"(A) to an individual upon the individual's request;

"(B) as part of an application for a financial product or service from the financial institution; and

"(C) to a consumer, prior to establishing a customer relationship with the consumer and not less frequently than annually during the continuation of such relationship.

"(2) DISCLOSURE FORMAT.—The disclosure required by paragraph (1) shall be a clear and conspicuous notice, in writing or in electronic form or other form permitted by the regulations implementing this subtitle, of such financial institution's policies and practices with respect to—

"(A) disclosing nonpublic personal information to affiliates and nonaffiliated third parties, consistent with section 502, including the categories of information that may be disclosed;

"(B) disclosing nonpublic personal information of persons who have ceased to be customers of the financial institution; and

"(C) protecting the nonpublic personal information of consumers.

Such disclosure shall be made in accordance with the regulations implementing this subtitle.".

(b) NOTICE OF RIGHTS TO ACCESS AND CORRECT INFORMATION.—Section 503(b)(2) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(b)(2)) is amended by inserting ", and a statement of the consumer's right to access and correct such information, consistent with section 512" after "institution".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 503(b)(1)(A) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(b)(1)(A)) is amended by striking "502(e)" and inserting "502(f)".

SEC. 9. LIMIT ON DISCLOSURE OF ACCOUNT NUMBERS.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended in subsection (e) (as so redesignated by section 5) by inserting "affiliate or" before "nonaffiliated third party".

SEC. 10. GENERAL EXCEPTIONS.

Section 502(f) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802)) (as so redesignated by section 5 of this Act) is amended—

(1) in the matter preceding paragraph (1), by striking "Subsections (a) and (b)" and inserting "Subsection (a)";

(2) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" after the semicolon at the end of subparagraph (C); and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) performing services for or functions solely on behalf of the financial institution with respect to the financial institution's own customers, including marketing of the financial institution's own products or services to the financial institution's customers;";

(3) in paragraph (4), by striking ", and the institution's attorneys, accountants, and auditors";

(4) in paragraph (5), by inserting "section 21 of the Federal Deposit Insurance Act," after "title 31, United States Code,";

(5) in paragraph (7), by striking "or" at the end;

(6) in paragraph (8), by striking the period and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

"(9) in order to facilitate customer service, such as maintenance and operation of consolidated customer call centers or the use of consolidated customer account statements; or

"(10) to the institution's attorneys, accountants, and auditors.".

SEC. 11. DEFINITIONS.

Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended—

(1) in paragraph (3)—

(A) by striking "(3) FINANCIAL INSTITUTION" and all that follows through "The term 'financial institution" and inserting "(3) FINANCIAL INSTITUTION.—The term 'financial institution"; and

(B) by striking subparagraphs (B), (C), and (D);

(2) by amending paragraph (4) to read as follows:

"(4) NONPUBLIC PERSONAL INFORMATION.—The term "nonpublic personal information" means—

"(A) any personally identifiable information, including a Social Security number—

"(i) provided by a consumer to a financial institution, in an application or otherwise, to obtain a financial product or service from the financial institution;

"(ii) resulting from any transaction between a financial institution and a consumer involving a financial product or service; or

"(iii) obtained by the financial institution about a consumer in connection with providing a financial product or service to that consumer, other than publicly available information, as such term is defined by the regulations prescribed under section 504; and

"(B) any list, description or other grouping of one or more consumers of the financial institution and publicly available information pertaining to them."; and

(3) in paragraph (9), by inserting "applies for or" before ";obtains".

SEC. 12. ISSUANCE OF IMPLEMENTING REGULATIONS.

(a) IN GENERAL.—The Federal agencies specified in section 504(a) of the Gramm-

Leach-Bliley Act (15 U.S.C. 6804(a)) shall prescribe regulations implementing the amendments to subtitle A of title V of the Gramm-Leach-Bliley Act made by this Act, and shall include such requirements determined to be appropriate to prevent their circumvention or evasion.

(b) COORDINATION, CONSISTENCY, AND COMPARABILITY.—The regulations issued under subsection (a) shall be issued in accordance with the requirements of section 504(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6804(a)), except that the deadline in section 504(a)(3) shall not apply.

SEC. 13. FTC RULEMAKING AUTHORITY UNDER THE FAIR CREDIT REPORTING ACT.

Section 621(e) of the Fair Credit Reporting Act (15 U.S.C. 1681s(e)) is amended by adding at the end the following new paragraph:

"(3) REGULATIONS.—The Federal Trade Commission shall prescribe such regulations as necessary to carry out the provisions of this title with respect to any persons identified under paragraph (1) of subsection (a). Prior to prescribing such regulations, the Federal Trade Commission shall consult with the Federal banking agencies referred to in paragraph (1) of this subsection in order to ensure, to the extent possible, comparability and consistency with the regulations issued by the Federal banking agencies under that paragraph.".

FINANCIAL INFORMATION PRIVACY PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Short Title; table of Contents

Section 101: Opt-out Requirement for Disclosure to Affiliates and Nonaffiliated Third Parties

The Gramm-Leach-Bliley Act (GLBA) requires a financial institution to give consumers notice of, and an opportunity to prevent (opt out of), sharing of their nonpublic personal information with companies that are not affiliated with the financial institution (nonaffiliated third parties). Section 101 of the bill strengthens consumers' control over their personal financial information by expanding this opt-out right to cover information sharing between financial institutions and their affiliates.

Section 101 also requires that when a financial institution notifies a consumer of its intent to share the consumer's information and gives the consumer the opportunity to opt-out, the consumer must be able to exercise the opt-out choice through the same method of communication by which the financial institution communicated the opt-out notice to the consumer, or by another method at least as convenient to the consumer. For example, if a financial institution gives a consumer an opt-out notice by electronic mail, the consumer would have to be able to exercise the opt-out by a method at least as convenient, such as by electronic mail or by telephone, but could not be required to opt-out via an individual letter.

The GLBA currently includes general exceptions to the notice and opt-out requirement—for example, to allow processing a consumer's transaction, to prevent fraud, or to control institutional risk. The bill would also apply these exceptions to information sharing with affiliates.

Section 102: Limitation on Transfer of Information About Personal Spending Habits

Section 102 of the bill strengthens consumers' control over the detailed information that financial firms can learn about their personal spending habits and sources of income. In the course of providing a payment mechanism for consumers, financial institutions such as credit card companies, banks and brokers—when they provide checking or money market accounts—learn to whom a consumer makes payments, from whom the consumer receives payments, and what the payments are for.

The bill recognizes the special sensitivity of this information. It requires that where a financial institution is providing payment services for a consumer, the institution cannot disclose the consumer's spending habits—whether in the form of a list of the consumer's transactions or as a description of the consumer's interests, preferences, or other characteristics derived from payment information—unless the institution clearly and conspicuously requests permission from the consumer, and the consumer affirmatively consents (opts in). This applies for transfers to both nonaffiliated third parties and affiliates.

Section 102 includes the exceptions for transaction processing, servicing of customer accounts, and other necessary activities such as law enforcement.

Section 103: Restricting the Use of Health Information in Making Credit and Other Financial Decisions

Limitation on Receipt of Consumer Health Information from Affiliates

Section 103(a) of the bill prevents financial institutions from using a consumer's health information held at an affiliate in order to discriminate in the provision of credit and financial services. Section 103(a) provides that in deciding whether, and on what terms, to offer, provide, or continue to provide a particular financial product or service to a consumer, a financial institution may not obtain, receive, evaluate, or otherwise consider individually identifiable health information about the consumer from an affiliate unless the financial institution: (1) clearly and conspicuously requests permission from the consumer; (2) obtains the consumer's affirmative consent; and (3) requires the same information about all consumers as a condition for receiving the financial product or service.

Relation to the Health Insurance Portability and Accountability Act

Section 103(b) of the bill clarifies that the provisions of subtitle A of title V of the GLBA, which create protections for the privacy of consumers' financial information, do not in any way modify or override the requirements of the regulations issued by the Secretary of Health and Human Services implementing the privacy and security protections for consumers' individually identifiable health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Nor do the requirements of the GLBA governing protection of consumers' financial information authorize any use of individually identifiable health information that would be inconsistent with other laws that apply to such information. Section 103(c) makes clear that for purposes of this provision, the term "individually identifiable health information" has the same meaning as under the HIPAA.

Section 104: Limits on Redisclosure and Reuse of Information

The GLBA imposes certain limits on a nonaffiliated third party's ability to redisclose nonpublic personal information received from a financial institution. The GLBA does not prohibit a third party from redisclosing this information to its own affiliates or to affiliates of the financial institution from whom it received the information. In addition, the third party may disclose the information to another company if that disclosure would be lawful if made directly by the financial institution.

Section 104 of the bill tightens the limits on redisclosure and extends them to a financial institution's affiliates, in order to parallel the new opt-out requirement for disclosure of information to affiliates. Under section 104, when a financial institution discloses nonpublic personal information to either an affiliate or a nonaffiliated third party, the recipient of the information may not redisclose the information to any other person unless that disclosure would be lawful if made directly by the financial institution.

Section 104 also clarifies how the limits on redisclosure apply when a financial institution discloses a consumer's nonpublic personal information to another company pursuant to one of the general exceptions to the opt-out requirement. Section 104 provides that an affiliate or a nonaffiliated third party that receives nonpublic personal information from a financial institution under one of the general exceptions may use or disclose that information only: (1) as permitted under that general exception; or (2) under another general exception, if necessary to carry out the purpose for which the information was originally disclosed under a general exception.

Since the opt-in requirement for the disclosure of personal spending information by payment service providers is subject to some, but not all, of the general exceptions, only a subset of the general exceptions apply to reuse and redisclosure by recipients of such information.

Section 105: Consumer Rights to Access and Correct Information

Section 105 of the bill gives consumers the right to access and to correct information about them that is under the control of, and reasonably available to a financial institution. A financial institution would not, however, be required to give consumers access to confidential commercial information, to make disclosures that would interfere with law enforcement, or to create new records in order to comply with a consumer's request for information.

Section 105 also requires financial institutions to give consumers the opportunity to dispute the accuracy of information disclosed to the consumer and to present evidence of any inaccuracy. The financial institution must correct or delete material information identified by the consumer that is materially incomplete or inaccurate. In addition, a financial institution may impose a reasonable fee for making information available to consumers, as long as consumers receive prior notice of the fee.

In promulgating regulations to implement the new access and correction requirements, federal regulators must consult and coordinate with one another in order to ensure that the regulations: (1) impose consistent requirements across financial institutions; (2) take into account conditions under which the financial institutions do business in the U.S. and abroad; and (3) are technology neutral.

Section 106: Improved Enforcement Authority

Compliance with Privacy Policy

The GLBA does not clearly explain whether a financial institution is legally required to abide by commitments it makes to consumers in its privacy policy if those commitments are not required by law. Section 106(a) of the bill clarifies that a financial institution's failure to comply with any of the privacy policies or practices disclosed to a consumer constitutes a violation of law.

Clarification of Federal Trade Commission (FTC) Enforcement Authority

Section 106(b) of the bill makes clear that if a financial institution or other person under the FTC's enforcement jurisdiction under subtitle A of title V of the GLBA engages in an activity that violates subtitle A, that activity constitutes an unfair and deceptive trade practice under the Federal Trade Commission Act. Consequently, in addressing such a violation, the FTC could use all the enforcement tools it has with respect to unfair or deceptive acts or practices under the FTC Act.

State Enforcement Authority Concurrent with FTC

Section 106(c) of the bill gives States concurrent authority with the FTC to enforce the GLBA's privacy requirements with respect to FTC-regulated entities. Section 106(d) gives the States concurrent authority with the FTC to enforce the GLBA's prohibitions on "pretext calling," which involves obtaining customer information from a financial institution under false pretenses. Enforcement with regard to banking institutions would continue to be done solely by the federal banking agencies.

Section 107: Enhanced Disclosure of Privacy Policies

Timing of Disclosure of Privacy Policy

The GLBA requires financial institutions to provide their privacy policies to consumers at the time of establishing a customer relationship and at least annually during the continuation of the relationship. The phrase "at time of establishing a customer relationship" does not provide clear guidance regarding when a financial institution must provide its privacy policy to those individuals seeking to become its customers. Section 107(a) of the bill is intended to clarify the timing of notice delivery, and to ensure that individuals are able to receive copies of financial institutions' privacy policies before they commit time and resources to dealing with any one financial institution. The bill specifically clarifies that financial institutions must provide their privacy policies to individuals upon request and as part of an application for a financial product or service. Thus, consumers will be empowered to comparison shop based on privacy practices.

Content of Privacy Policy—Disclosure of Rights to Access and Correct Information

Section 107(b) requires a financial institution's privacy policy to include a statement of the consumer's rights to access and correct information held by the financial institution (see discussion of section 105 regarding consumers' rights to access and correct information).

Section 108: Prohibition on Sharing of Account Numbers

The GLBA prohibits financial institutions from disclosing consumers' account numbers or access codes to nonaffiliated third parties (other than consumer reporting agencies) for marketing purposes. Section 108 of the bill extends this prohibition to disclosures to affiliates.

Section 109: Exceptions to the Opt-out and Opt-in Requirements

Agency and Joint Marketing Exception

Section 502(c) of the GLBA creates an exception to the opt-out requirement where a financial institution discloses a consumer's nonpublic personal information to a nonaffiliated third party that is acting as the financial institution's agent. This exception permits a financial institution to disclose consumers' nonpublic personal information to third parties in connection with outsourcing certain functions, such as back-office operations or direct mailings to market the financial institution's own products, without giving consumers the option to prevent disclosure. The financial institution is, however, required to give consumers notice of such disclosures and to enter into agreements with the third parties to maintain the confidentiality of the consumers' information.

Among the services and functions covered by the principal-agent exception are certain joint marketing arrangements, where a third party markets financial products or services pursuant to a joint agreement between two or more financial institutions. The joint marketing agreement exception was enacted to allow financial institutions without affiliates, particularly small institutions, to be able to jointly market their products under the same rules that affiliates may do so—that is, free from any opt-out requirement.

As noted in the discussion of sections 101 and 102 above, the bill imposes the same restrictions on information sharing between affiliates that now apply to information sharing between financial institutions and nonaffiliated third parties. Therefore, because coverage of information sharing among affiliates and with third parties would be equivalent, the joint marketing exception is rendered unnecessary, and is eliminated. The bill also moves the remaining principal-agent exception from section 502(c) of the GLBA to the list of general exceptions in 502(e), which is redesignated as 502(f).

Customer Service and Consolidated Statements

Among the general exceptions to the notice and opt-out requirements in the GLBA are disclosures for servicing customer accounts and resolving customer disputes or inquires. These exceptions are intended to permit financial institutions to share information in response to customer service needs. Section 109(7) of the bill expands the general exceptions to include disclosures necessary to facilitate customer service such as maintenance and operation of consolidated customer call centers and the use of consolidated customer account statements.

Technical Amendments

Section 109 of the bill makes technical amendments to the list of general exceptions in section 502(e) of the GLBA, by splitting an existing exception that deals with disclosures to rating agencies and attorneys, and by adding a conforming statutory reference.

Section 110: Definitions

"Financial Institution"

The financial privacy requirements of subtitle A of title V of the GLBA apply to "financial institutions," which are defined as institutions the business of which is engaging in activities that have been specified as "financial activities" under certain statutes and regulations. The GLBA, however, specifically excludes three types of entities from the definition of "financial institution." They are: (1) any person or entity to the extent engaged in a financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission; (2) the institutions of the Farm Credit System; and 3) institutions chartered by Congress to engage in certain securitization or secondary market sale transactions, as long as such institutions do not sell or transfer nonpublic personal information to nonaffiliated third parties. Section 109(1) of the bill eliminates these exclusions in order to ensure consistency in the protection of consumers' nonpublic personal information under the GLBA. The bill preserves the existing general exception for disclosures in connection with securitization or secondary market sales transactions.

"Nonpublic Personal Information"

Section 110(2) of the bill revises the definition of "nonpublic personal information" in order to clarify that the term includes a consumer's Social Security number. This provision also clarifies that publicly available information about consumers also would be covered whether or not that information is disclosed as part of a larger list of consumers or as it pertains to an individual consumer. Under current law, this type of information is covered only if it is part of a list of more than one consumer.

"Consumer"

Under the GLBA, the term "consumer" is defined as an individual who obtains a financial product or service from a financial institution for personal, family, or household purposes, or such person's legal representative. Section 109(3) of the bill amends the definition of "consumer" to clarify that the term includes an individual who applies for, but does not necessarily obtain, such products or services from a financial institution.

Section 111: Implementing Regulations

Section 110(a) of the bill authorizes the federal regulators who have rulemaking authority under subtitle A of title V of the GLBA to issue regulations implementing the amendments made by the bill. The bill requires these agencies to include in their regulations requirements they determine are appropriate to prevent circumvention or evasion of any of the bill's requirements. Section 110(b) provides that in issuing their regulations, the agencies must follow the procedures and requirements set forth in section 504(a) of the GLBA that currently apply to their rulemaking authority. Specifically, the agencies must consult with each other and with representatives of state insurance authorities, and must issue consistent and comparable rules, to the extent possible. The statutory deadline in section 504(a)(3), which is set in relation to the date of the enactment of the GLBA, is obsolete for purposes of the regulations implementing this bill, and therefore does not apply.

Section 112: FTC Rulemaking Authority Under the Fair Credit Reporting Act (FCRA)

Section 112 of the bill amends section 621(e) of FCRA by establishing rulemaking authority for the Federal Trade Commission. This amendment creates parity with the federal banking agencies and the National Credit Union Administration, which each obtained rulemaking authority under the FCRA for their respective regulated entities pursuant to section 506 of the GLBA. Extending this authority to the FTC fills a gap in administrative enforcement under the FCRA.

Mr. SARBANES. Mr. President, I rise today to address a very important issue: the protection of every American's personal, sensitive, financial and medical information which is held by their financial institutions. I am pleased to join Senator LEAHY, the chairman of the Senate Democratic Privacy Task Force, and Senators DODD, KERRY, BRYAN, EDWARDS, ROBB, DURBIN, HARKIN, and FEINSTEIN in cosponsoring the Financial Information Privacy Protection Act.

This bill, submitted to us by the Clinton-Gore Administration, seeks to protect a fundamental right of privacy for every American who entrusts his or her highly sensitive and confidential financial and medical information to a financial institution.

Every American should at least have the opportunity to say 'no' if he or she does not want that nonpublic information disclosed. Every American should have the right to have especially sensitive information held by his or her financial institution kept confidential unless consent is given. Every American should be allowed to make certain that the information to be shared is accurate and, if not, to have it corrected. And these rights should be enforced.

Mr. President, the Financial Information Privacy Protection Act would accomplish these objectives.

Few Americans understand that, under current Federal law, a financial institution could take information it obtained about a customer through his or her transactions, and sell or transfer that information to an affiliated party without the customer being able to object. And that customer has no right to get access to or to correct that information.

The amount of information that could be disclosed is enormous. It includes, for example:

Savings and checking account balances;

Certificate of deposit maturity dates and balances;

Checks an individual writes;

Checks deposited into a customer's account;

Stock and mutual fund purchases and sales;

Life insurance payouts; and

Health insurance claims.

Today's technology makes it easier, faster, and less costly than ever for institutions to have immediate access to large amounts of customer information; to analyze that data; and to send that data to others. Banks, securities firms, and insurance companies are increasingly affiliating and cross-marketing and, in the process, they are selling the products of affiliates to existing customers. This can entail the warehousing of large amounts of highly sensitive customer information and selling it to or sharing it with other companies, for purposes unknown to the customer. While cross-marketing can bring new and beneficial products to receptive consumers, it can also result in unwanted invasions of personal privacy.

Surveys show that the public is widely concerned about privacy. Major corporations have bumped up against privacy concerns when expanding their marketing services. Citizen groups have expressed serious concerns about the privacy implications of financial institutions' sharing or selling the information they collect without the knowledge of the party involved.

Along with medical records, financial records rank among the kinds of personal data Americans most expect will be kept from prying eyes. As with medical data, though, the privacy of even highly sensitive financial data has been increasingly put at risk by mergers, electronic data-swapping and the move to an economy in which the selling of other people's personal information is highly profitable—and legal.

On January 19, 1999, I introduced the Financial Information Privacy Act of 1999 (S. 187) to provide consumers with important privacy protections for their financial information. Some of these protections are reflected in this bill, including a right for consumers to object, or opt out, of their financial institutions sharing with affiliates customer information, such as account transactions, balances and maturity dates, as well as rights for the consumer to have access to and to correct mistakes in information that would be shared.

The Gramm-Leach-Bliley Act, enacted last November, contained some limited federal financial privacy protections for consumers. While an important beginning, these protections failed to meet the expectations of Americans and did not contain the important protections that I have just referred to.

When the President signed the Gramm-Leach-Bliley Act, he observed that the privacy protections contained in the new legislation were inadequate. In his State of the Union Address this year, the President reiterated the need for stronger privacy legislation. Last Sunday, the President announced a proposal for improved financial privacy protections. He said, "We can't let breakthroughs in technology break down walls of privacy." I agree and applaud the Clinton-Gore Administration's proposal as an important step forward.

The Financial Privacy Protection Act reflects the Administration's proposal and contains important financial privacy protections.

The Act would provide an "opt out" for affiliate sharing, allowing customers to object to a financial institution's sharing customer financial data with any affiliated firms.

It also would provide an "opt in" for sharing some types of "sensitive information." A financial institution would need to have a consumer's affirmative consent before releasing his or her medical information or personal spending habits, reflected on checks written and credit card charges, to either an affiliate or an unaffiliated third party.

The Act also provides consumers with rights of access and correction. A consumer would be able to see the information to be released and correct material errors.

The Act also requires financial institutions to make privacy notices available to consumers who request them and makes other important improvements to the law.

As we proceed in an age of technological advances and cross-industry marketing of financial services, we need to be mindful of the privacy concerns of the American public. I ask myself the question, "Whose information is this, the individual's or the institution's?" I believe it is the individual's.

Consumers who wish to keep their sensitive financial and medical information private should be given a right to do so. The passage of the Financial Information Privacy Act would be a step toward that goal.

Mr. DODD. Mr. President, after numerous unsuccessful attempts, last year, Congress enacted legislation to modernize our nation's financial services laws. This important legislation will help to provide consumers greater choices for financial products and services and will also ensure that U.S. financial services companies are better equipped to handle the challenges of competing in a global marketplace.

As part of the financial services modernization legislation, limited provisions were included to help protect consumers' personal financial privacy. While these provisions were constructive, I believe that Congress must continue to press for the strongest possible privacy protections for financial services consumers.

I rise today in support of legislation, the Financial Information Privacy Protection Act of 2000, which affords additional privacy protections for financial services consumers.

Although it does not fully address my concerns with respect to the protection of financial and medical information, this legislation is a modest, but important step, in ensuring what I believe to be fundamental for all financial consumers, whether they execute their transactions in person, by mail or phone, or online. Consumers should have the ultimate control over the sharing of their personal financial information.

This legislation provides that among affiliates of financial institutions as well as to unaffiliated third parties, consumers would be afforded the opportunity to "op-out" of the sharing of their personal financial information.

Additionally, this legislation gives enhanced protection to consumers' medical records. Under this legislation, financial institutions would be required to obtain an affirmative consent from a consumer before the consumer's medical information could be shared among affiliates. Although I believe this is an important component in safeguarding the privacy of medical information, I continue to believe that it is critical we pass comprehensive medical privacy legislation this year so that consumers can be assured that their medical information is protected regardless of the context in which it generated or used.

As we continue to wrestle with finding the proper balance between the providing new financial products and services while at the same time providing consumers with the strongest possible protections for their personal financial and medical information, This legislation is a positive step in the right direction.

By Mr. GRAMS (for himself, Mr. Sessions, and Mr. Allard):

S. 2514. A bill to improve benefits for members of the reserve components of the Armed Forces and their dependents; to the Committee on Armed Services.

FAIRNESS FOR THE MILITARY RESERVE ACT OF 2000

• Mr. GRAMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for the Military Reserve Act of 2000".

SEC. 2. TRAVEL BY RESERVES ON MILITARY AIRCRAFT OUTSIDE CONTINENTAL UNITED STATES.

(a) Space-Required Travel for Travel to Duty Stations OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended—

(A) by inserting "annual training duty or" before "inactive-duty training" both places it appears; and

(B) by inserting "duty or" before "training if".

(2) The heading of such section is amended to read as follows:

"§ 18505. Space-required travel: Reserves traveling to annual training duty or inactive-duty training OCONUS".

(b) Space-Available Travel for Members of Selected Reserve and Gray Area Retirees.—(1) Chapter 1805 of such title is amended by adding at the end the following new section:

"§ 18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents

"(a) Eligibility for Space-Available Travel.—The Secretary of Defense shall prescribe regulations to provide persons described in subsection (b) with transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members and former members of the armed forces entitled to retired pay.

"(b) Eligible Persons.—Subsection (a) applies to the following persons:

"(1) A person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned).

"(2) A person who is a member or former member of a reserve component under age 60 who, but for age, would be entitled to retired pay under chapter 1223 of this title.

"(c) Dependents.—A dependent of a person described in subsection (b) shall be provided transportation under this section on the same basis as dependents of members and former members of the armed forces entitled to retired pay.

"(d) Limitation on Required Identification.—Neither the 'Authentication of Reserve Status for Travel Eligibility' form (DD Form 1853) nor any other form, other military identification and duty orders or other forms of identification required of active duty personnel, may be required to be presented by persons requesting space-available transportation within or outside the continental United States under this section.

"(e) Dependent Defined.—In this section, the term 'dependent' has the meanings given that term in subparagraphs (A), (B), (C), (D), and (I) of section 1074(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following:

"18505. Space-required travel: Reserves traveling to annual training duty or inactive-duty training OCONUS.

"18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents.".

(c) Effective Date.—The regulations required under section 18506 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 3. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) In General.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

"§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

"(a) Authority for Billeting on Same Basis as Active Duty Members Traveling Under Orders.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve's residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member's permanent duty station.

"(b) Proof of Reason for Travel.—The Secretary shall include in the regulations the means for confirming a Reserve's eligibility for billeting under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

"12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.

(b) Effective Date.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 4. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking "but not more than" and all that follows and inserting "but not more than—

"(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

"(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the Reserve Components Equity Act of 2000; and

"(C) 90 days in the year of service that includes the date of the enactment of the Reserve Components Equity Act of 2000 and in any subsequent year of service.".

SEC. 5. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) Legal Services.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Members of reserve components of the armed forces not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), but only during the period that begins on the date of the release and is equal to twice the length of the period served on active duty under such call or order to active duty.".

(b) Dependents.—Paragraph (5) of such section, as redesignated by subsection (a)(1), is amended by striking "and (3)" and inserting "(3), and (4)".

(c) Implementing Regulations.—Regulations to implement the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.•

By Mr. ROCKEFELLER:

S. 2515. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Finance.

MEDIKIDS HEALTH INSURANCE ACT OF 2000

• Mr. ROCKEFELLER. Mr. President, I am pleased and proud to introduce the MediKids Health Insurance Act of 2000. Congressman Stark is introducing a companion bill in the House.

This legislation is, without a doubt, ambitious. It is a deliberate effort to try to ignite a national commitment to the goal of insuring all of our children. For some, that is an idealistic proposition that does not seem achievable. With this bill, I want to call on the public and my colleagues to consider once again the clear and convincing case for investing the necessary resources in the health of our children—and therefore, in the well-being of their families and our entire country. I will continue to work hard on every possible step to achieve this ultimate goal, but with this legislation, I urge lawmakers, health care professionals, and citizens to recognize the imperative of reaching that goal sooner rather than later.

Our children are not only our future, they are also our present. What we do for them today will greatly affect what happens tomorrow. Yet even though we recognize these facts, we still have not found a way to guarantee health coverage for children. Without health insurance, many of these children go without health care all together.

Children are the least expensive segment of our population to insure. They are also the least able to have control over whether or not they have health insurance. Yet we now have over 11 million uninsured children in this country. And this number is steadily climbing higher and higher every year.

Our success in expanding Medicaid and passing the State Children's Health Insurance Program was a meaningful, significant start at closing the tragic gap represented by millions of uninsured children. However, Congress cannot point to these programs and declare that our work is done. We still have much more to do. The percent of children in low-income families without health insurance has not changed in recent years. Even with perfect enrollment in S-CHIP and Medicaid, there would still be a great number of children without health insurance.

This is partially due to our increasingly mobile society, where parents frequently change jobs and families often move from state to state. When this occurs there is often a lapse in health coverage. Also, families working their way out of welfare fluctuate between eligibility and ineligibility for means-tested assistance programs. Another reason for the number of uninsured children is that the cost of health insurance continues to increase, leaving many working parents unable to afford coverage for themselves or their families. All of this adds up to the fact that many of our children do not have the consistent and regular access to health care which they need to grow up healthy.

That is why I am introducing the MediKids Health Insurance Act of 2000. This bill would automatically enroll every child at birth into a new, comprehensive federal safety net health insurance program beginning in 2002. The benefits would be tailored to the needs of children and would be similar to those currently available to children under Medicaid. A small monthly premium would be collected from parents at tax filing, with discounts to low-income families phasing out at 300% of poverty. The children would remain enrolled in MediKids throughout childhood. When they are covered by another health insurance program, their parents would be exempt from the premium. The key to our program is that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. By the year 2020, every child in America would be able to grow up with consistent, continuous health insurance coverage. Like Medicare, MediKids would be independently financed, would cover benefits tailored to the needs of its target population, and would have the goal of achieving nearly 100% health insurance coverage for the children of this country—just as Medicare has done for our nation's seniors and disabled population. It's time we make this investment in the future of America by guaranteeing all children the health coverage they need to make a healthy start in life. The MediKids Health Insurance Act would offer guaranteed, automatic health coverage for every child with the simplest of enrollment procedures and no challenging outreach, paperwork, or re-determination hoops to jump through. It would be able to follow children across state lines, or tide them over in a new location until their parents can enroll them in a new insurance program. Between jobs or during family crises such as divorce or the death of a parent, it would offer extra security and ensure continuous health coverage to the nation's children. During that critical period when a family is just climbing out of poverty and out of the eligibility range for means-tested assistance programs, it would provide an extra boost with health insurance for the children until the parents can move into jobs that provide reliable health insurance coverage. And every child would automatically be enrolled upon birth, along with the issuance of the birth certificate or immigration card.

As we all know, an ounce of prevention is worth a pound of cure. Providing health care coverage to children affects much more than their health—it affects their ability to learn, their ability to thrive, and their ability to become a productive member of society. I look forward to working with my colleagues and supporting organizations for the passage of the MediKids Health Insurance Act of 2000 to guarantee every child in America the health coverage they need to grow up healthy.

Mr. President, I stand before you today to deliver a message. That is that it is time to rekindle the discussion about how we are going to provide health insurance for all Americans. The bill I am introducing today—the MediKids Health Insurance Act of 2000—is a step toward eliminating the irrational and tragic lack of health insurance for so many children and adults in our country.

Partial solutions to America's "uninsured crisis" lie before Congress, and I recognize the sense of realism and care that are the basis for proposing incremental steps towards universal coverage. As someone involved in the tough battles in years past to achieve universal coverage, I will continue to do all I can to make whatever progress can be made each and every year.

But I also believe it is important to not lose sight of the ideal—and our capacity to reach that ideal—of the United States of America joining every other industrialized nation by ensuring that its citizens have basic health insurance. Until we succeed, millions of children and adults will suffer human and financial costs that are preventable.

Therefore, Mr. President, I offer this legislation to both enlist my colleagues in an effort to insist that all of our nation's children are insured as quickly as possible and to lay out the steps that would achieve that goal. At a time when Congress seems stalled by politics and paralysis, and is therefore failing to make any tangible progress in dealing with rising number of uninsured Americans, I hope this bill will help to build the will and momentum so desperately needed by our children for action that will change their lives and strengthen our very nation. I ask my colleagues from both sides of the aisle to join as co-sponsors.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "MediKids Health Insurance Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; findings.
Sec. 2. Benefits for all children born after 2001.

"TITLE XXII—MEDIKIDS PROGRAM

"Sec. 2201. Eligibility.
"Sec. 2202. Benefits.
"Sec. 2203. Premiums.
"Sec. 2204. MediKids Trust Fund.
"Sec. 2205. Oversight and accountability.
"Sec. 2206. Addition of care coordination services.
"Sec. 2207. Administration and miscellaneous.
Sec. 3. MediKids premium.
Sec. 4. Refundable credit for cost-sharing expenses under MediKids program.
Sec. 5. Financing from tobacco liability payments.
Sec. 6. Report on long-term revenues.

(c) FINDINGS.—Congress finds the following:

(1) More than 11 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and have a poorer level of health, which result in lifetime costs to themselves and to the entire American economy.

(3) Although SCHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, we now see that they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, and variations in access to private insurance at all income levels.

(4) As all segments of our society continue to become more and more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The Medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and therefore provides a tested model for designing a program to reach out to America's children

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2001, in a program modeled after Medicare (and to be known as "MediKids"), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, SCHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for SCHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2001.

(a) In General.—The Social Security Act is amended by adding at the end the following new title:

"TITLE XXII—MEDIKIDS PROGRAM

"SEC. 2201. ELIGIBILITY.

"(a) Eligibility of Individuals Born After December 31, 2001.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

"(1) Age.—The individual is born after December 31, 2001, and has not attained 23 years of age.

"(2) Citizenship.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

"(b) Enrollment Process.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

"(1) individuals who are born in the United States after December 31, 2001, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

"(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

"(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

"(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII.

"(c) Date Coverage Begins.—

"(1) In general.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2002:

"(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

"(B) In the case of an another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

"(C) In the case of an another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

"(2) Authority to provide for partial months of coverage.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

"(3) Limitation on payments.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

"(d) Expiration of Eligibility.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

"(e) Entitlement to MediKids Benefits for Enrolled Individuals.—An individual enrolled under this section is entitled to the benefits described in section 2202.

"(f) Low-Income Information.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether or not the family income of the family that includes the child is less than 150 percent of the poverty line for a family of the size involved. If the family income is below such level, the Secretary shall encode in the identification card issued in connection with eligibility under this title a code indicating such fact. The Secretary also shall provide for a toll-free telephone line at which providers can verify whether or not such a child is in a family the income of which is below such level.

"(g) Construction.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this section from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

"SEC. 2202. BENEFITS.

"(a) Secretarial Specification of Benefit Package.—

"(1) In general.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of children.

"(2) Updating.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits as the enrollee population gets older.

"(3) Annual updating.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

"(4) Input.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

"(b) Inclusion of Certain Benefits.—

"(1) Medicare core benefits.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

"(2) All required medicaid benefits.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment services.

"(3) Inclusion of prescription drugs.—Such benefits also shall include (as specified by the Secretary) prescription drugs and biologicals.

"(4) Cost-sharing.—

"(A) In general.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) applicable under title XVIII with respect to comparable items and services, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

"(B) No cost-sharing for lowest income children.—Such benefits shall not include any cost-sharing for children in families the income of which (as determined for purposes of section 1905(p)) does not exceed 150 percent of the official income poverty line (referred to in such section) applicable to a family of the size involved.

"(C) Refundable credit for cost-sharing for other low-income children.—For a refundable credit for cost-sharing in the case of children in certain families, see section 35 of the Internal Revenue Code of 1986.

"(c) PAYMENT SCHEDULE.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

"(d) INPUT.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

"(e) ENROLLMENT IN HEALTH PLANS.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare+Choice plans under part C of title XVIII. In the case of individuals enrolled under this title in such a plan, the Medicare+Choice capitation rate described in section 1853(c) shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

"SEC. 2203. PREMIUMS.

"(a) AMOUNT OF MONTHLY PREMIUMS.—

"(1) IN GENERAL.—The Secretary shall, during September of each year (beginning with 2001), establish a monthly MediKids premium. Subject to paragraph (2), the monthly MediKids premium for a year is equal to 1/12 of the annual premium rate computed under subsection (b).

"(2) ELIMINATION OF MONTHLY PREMIUM FOR DEMONSTRATION OF EQUIVALENT COVERAGE (INCLUDING COVERAGE UNDER LOW-INCOME PROGRAMS).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month the actuarial value of which, as determined by the Secretary, is at least actuarially equivalent to the benefits available under this title. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

"(b) ANNUAL PREMIUM.—

"(1) NATIONAL, PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(2) ANNUAL PREMIUM.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to the average, annual per capita amount estimated under paragraph (1) for the year.

"(c) PAYMENT OF MONTHLY PREMIUM.—

"(1) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

"(2) COLLECTION THROUGH TAX RETURN.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

"(3) PROTECTIONS AGAINST FRAUD AND ABUSE.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

"(d) REDUCTION IN PREMIUM FOR CERTAIN LOW-INCOME FAMILIES.—For provisions reducing the premium under this section for certain low-income families, see section 59B(c) of the Internal Revenue Code of 1986.

"SEC. 2204. MEDIKIDS TRUST FUND.

"(a) ESTABLISHMENT OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'MediKids Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(2) PREMIUMS.—Premiums collected under section 2203 shall be transferred to the Trust Fund.

"(b) INCORPORATION OF PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

"(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

"(A) any reference in such section to 'this part' is construed to refer to title XXII;

"(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

"(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this title; and

"(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

"SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

"(a) THROUGH ANNUAL REPORTS OF TRUSTEES.—The Board of Trustees of the MediKids Trust Fund under section 2204(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this title to maintain financial solvency of the program under this title.

"(b) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this title. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this title.

"SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

"(a) IN GENERAL.—

"(1) PROGRAM AUTHORITY.—The Secretary, beginning in 2002, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

"(2) ADMINISTRATION BY CONTRACT.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

"(3) COVERAGE.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

"(b) ELIGIBILITY CRITERIA; IDENTIFICATION AND NOTIFICATION OF ELIGIBLE INDIVIDUALS.—

"(1) INDIVIDUAL ELIGIBILITY CRITERIA.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

"(2) PROCEDURES TO FACILITATE ENROLLMENT.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

"(c) ENROLLMENT OF INDIVIDUALS.—

"(1) SECRETARY'S DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

"(2) ENROLLMENT PERIOD.—

"(A) EFFECTIVE DATE AND DURATION.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual's application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

"(B) LIMITATION ON REENROLLMENT.—The Secretary may establish limits on an individual's eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

"(d) PROGRAM.—The care coordination services program under this section shall include the following elements:

"(1) BASIC CARE COORDINATION SERVICES.—

"(A) IN GENERAL.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

"(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual's circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

"(2) CARE COORDINATION REQUIREMENT.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

"(e) CARE COORDINATORS.—

"(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

"(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

"(B) have entered into a care coordination agreement; and

"(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

"(2) AGREEMENT TERM; PAYMENT.—

"(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

"(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish payment terms and rates for services described in subsection (d)(1).

"(C) LIABILITY.—Case coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator's decisions, failure or delay in making decisions, or other actions as a care coordinator.

"(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

"SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

"(a) IN GENERAL.—Except as otherwise provided in this title—

"(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

"(2) individuals enrolled under this title shall be treated for purposes of title XVIII as though the individual were entitled to benefits under part A and enrolled under part B of such title;

"(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII);

"(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII; and

"(5) individuals entitled to benefits under this title may elect to receive such benefits under health plans in a manner, specified by the Secretary, similar to the manner provided under part C of title XVIII.

"(b) COORDINATION WITH MEDICAID AND SCHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded program may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

"(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

"(2) benefits under this title shall be primary payor to benefits provided under such program or title, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a 'wrap-around' basis to the benefits under this title.".

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking "or the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund".

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII" and inserting ", the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII".

(3) Section 1853(c) of such Act (42 U.S.C. 1395w-23(c)) is amended—

(A) in paragraph (1), by striking "or (7)" and inserting ", (7), or (8)", and

(B) by adding at the end the following:

"(8) ADJUSTMENT FOR MEDIKIDS.—In applying this subsection with respect to individuals entitled to benefits under title XXII, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such title and the population under parts A and B.".

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicaid plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children from enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through increases in provider payment rates, expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) MEDIKIDS AS PRIMARY PAYOR.—In applying title XIX of the Social Security Act, the MediKids program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) EXPANSION OF MEDPAC MEMBERSHIP TO 19.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b-6(c)) is amended—

(A) in paragraph (1), by striking "17" and inserting "19"; and

(B) in paragraph (2)(B), by inserting "experts in children's health," after "other health professionals,".

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b-6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2001.

SEC. 3. MEDIKIDS PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

"PART VIII—MEDIKIDS PREMIUM

"Sec. 59B. MediKids premium.

"SEC. 59B. MEDIKIDS PREMIUM.

"(a) IMPOSITION OF TAX.—In the case of an individual to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKids premium for the taxable year.

"(b) INDIVIDUALS SUBJECT TO PREMIUM.—

"(1) IN GENERAL.—This section shall apply to an individual if the taxpayer has a MediKid at any time during the taxable year.

"(2) MEDIKID.—For purposes of this section, the term 'MediKid' means, with respect to a taxpayer, any individual with respect to whom the taxpayer is required to pay a premium under section 2203(c) of the Social Security Act for any month of the taxable year.

"(c) AMOUNT OF PREMIUM.—For purposes of this section, the MediKids premium for a taxable year is the sum of the monthly premiums under section 2203 of the Social Security Act for months in the taxable year.

"(d) EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.—

"(1) EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.—

"(A) IN GENERAL.—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

"(B) EXEMPTION AMOUNT.—For purposes of this paragraph, the exemption amount is—

"(i) $16,300 in the case of a taxpayer having 1 MediKid,

"(ii) $19,950 in the case of a taxpayer having 2 MediKids,

"(iii) $25,550 in the case of a taxpayer having 3 MediKids, and

"(iv) $30,150 in the case of a taxpayer having 4 or more MediKids.

"(C) PHASEOUT OF EXEMPTION.—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

"(D) INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.—In the case of any taxable year beginning in a calendar year after 2001, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1999' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

"(2) PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer's adjusted gross income.

"(e) COORDINATION WITH OTHER PROVISIONS.—

"(1) NOT TREATED AS MEDICAL EXPENSE.—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

"(2) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the minimum tax imposed by section 55.

"(3) TREATMENT UNDER SUBTITLE F.—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.".

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual liable for a premium under section 59B.".

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Part VIII. MediKids premium.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 2001, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to 50 percent of the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act.

"(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit which would (but for this subsection) be allowed under this section for the taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to such amount of credit as the excess of the taxpayer's adjusted gross income for such taxable year over the exemption amount (as defined in section 59B(d)) bears to such exemption amount.".

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Cost-sharing expenses under MediKids program.

"Sec. 36. Overpayments of tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. FINANCING FROM TOBACCO LIABILITY PAYMENTS.

Amounts that are recovered by the United States in the civil action brought on September 22, 1999, under the Medical Care Recovery Act, the Medicare Secondary Payer provisions, and section 1962 of title 18, United States Code, in the United States District Court for the District of Columbia against the industry engaged in the production and sale of tobacco products and persons engaged in public relations and lobbying for such industry and that are attributable to the expenditures of the Department of Health and Human Services for tobacco-related illnesses shall be deposited in the MediKids Trust Fund established under section 2204(a) of the Social Security Act, as added by section 2(a) of the MediKids Health Insurance Act of 2000.

SEC. 6. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the outyears.

MEDIKIDS HEALTH INSURANCE ACT OF 2000—SUMMARY AND DESCRIPTION OF THE BILL

There are still 11 million uninsured children in America. Children are the least expensive segment of our population to insure, they are the least able to have any control over whether or not they have health insurance, and maintaining their health is integral to their educational success and their futures in our society.

We will soon introduce the MediKids Health Insurance Act of 2000 to end the disgrace of allowing our children to survive without the basic health protections they need to thrive.

The MediKids Health Insurance Act of 2000 will create a new Medicare type program called MediKids, tailored to the health needs of children. The MediKids program will be separate from Medicare and will have no financial impact on the existing program.

The cornerstone of the new program will be automatic enrollment into MediKids at birth. Beginning in 2002, every child will be automatically enrolled in MediKids health insurance coverage at birth, and their parents will be assessed a small annual premium with their taxes. Parents who have another source of health insurance for their children are exempt from this premium. Babies initially enrolled in MediKids who are determined to be eligible for S-CHIP or Medicaid can be enrolled into the appropriate other program.

As each year brings a new cohort of babies into the program, the program will grow to ensure a source of health insurance to every child in America by the year 2020. (Future Congresses will be able to speed up the extension of coverage to children of all ages if they find it desirable to accelerate the process of the program.) There will be no means testing, no outreach problems, and the program will exist as a safety net of health insurance for children, regardless of income. It will cover their health needs through changes in their parents' employment, marital status, or access to private insurance.

DETAILS OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2000

Enrollment

Automatic enrollment into MediKids at birth for every child born after 12/31/2001.

At the time of enrollment, materials describing the coverage and a MediKids health insurance card will be issued to the parent(s) of legal guardian(s).

Once enrolled, children will remain enrolled in MediKids until they reach the age of 23.

During periods of equivalent coverage by other sources, whether private insurance, or government programs such as Medicaid or S-CHIP, there will be no premium charged for MediKids.

During any lapse in other insurance coverage, MediKids will automatically cover the child's health insurance needs (and premium will be owed for those months).

Benefits

Based on Medicare core benefits, plus the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefits for children.

Prescription drug benefit.

The Secretary of HHS shall further develop age-appropriate benefits as needed as the program matures, and as funding support allows.

The Secretary shall include provisions for annual reviews and updates to the benefits, with input from the pediatric community.

Premiums

Parents will be responsible for a small premium, one-fourth of the annual average cost per child, to be collected at income tax filing.

Parents will be exempt from the premium if their children are covered by comparable alternate health insurance. That coverage can be either private insurance or enrollment in other federal programs.

Families up to 150% of poverty will owe no premium. Families between 150% and 300% of poverty will receive a graduated discount in the premium. Each family's obligation will be capped at 5% of total income.

Cost-sharing (co-pays, deductibles)

No cost-sharing for preventive and well child care.

No obligations up to 150% of poverty.

From 150% to 300% of poverty, a graduated refundable credit for cost-sharing expenses.

Financing

During the first few years, costs can be fully covered by tobacco settlement monies, budget surplus, or other funds as agreed upon, such as a portion of the surplus in the child immunizations liability trust fund.

During this time, the Secretary of Treasury has time to develop a package of progressive, gradual tax changes to fund the program, as the number of enrollees grows in the out-years.

Miscellaneous

To the extent that the states save money from the enrollment of children into MediKids, they will be required to maintain those funding levels in other programs and services directed at the Medicaid population, which can include expanding eligibility for such services.

At the issuance of legal immigration papers for a child born after 12/31/01, that child will be automatically enrolled in the MediKids health insurance program.

If you would like to get more information about the legislation, or to join as an original cosponsor, please contact Deborah Veres with Senator Rockefeller at 4–7993.●

ADDITIONAL COSPONSORS

S. 764

At the request of Mr. THURMOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 808, a bill to amend The Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 1322

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1396

At the request of Mr. FITZGERALD, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1396, a bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes.

At the request of Mr. FITZGERALD, the name of the Senator from Rhode Island (Mr. REED) was withdrawn as a cosponsor of S. 1396, supra.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Missouri (Mr. BOND) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1539

At the request of Mr. DODD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1656

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1656, a bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1776

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

S. 1777

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1777, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development.

S. 1805

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Colorado (Mr. ALLARD), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1983

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1983, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 2044

At the request of Mr. INOUYE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2044, supra.

S. 2183

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2277

At the request of Mr. ROTH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2311

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2357

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home services.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from New York (Mr. SCHUMER), the Senator from Florida (Mr. GRAHAM), and the Senator New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2416

At the request of Mr. ASHCROFT, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the "Harry S. Truman Federal Building."

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2444

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2444, a bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization.

S. 2486

At the request of Mr. WARNER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 103

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. Con. Res. 103, a concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Montana (Mr. BURNS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

SENATE CONCURRENT RESOLUTION 108—DESIGNATING THE WEEK BEGINNING ON APRIL 30, 2000, AND ENDING ON MAY 6, 2000, AS "NATIONAL CHARTER SCHOOLS WEEK"

Mr. LIEBERMAN (for himself, Mr. GREGG, and Mr. KERRY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 108

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parent flexibility, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $350,000,000 in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 32 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 350,000 students in more than 1,700 charter schools during the 1999 to 2000 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefiting all public school students;

Whereas charter schools in many States serve significant numbers of students with lower income, students of color, and students with disabilities;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105–278) amended the Federal grant program for charter schools authorized by title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system;

(2) designates the week beginning on April 30, 2000, and ending on May 6, 2000, as "National Charter Schools Week"; and

(3) requests that the President issue a proclamation calling on the people of the United States to observe the week by conducting appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

SENATE CONCURRENT RESOLUTION 109—EXPRESSING THE SENSE OF CONGRESS REGARDING THE ONGOING PERSECUTION OF 13 MEMBERS OF IRAN'S JEWISH COMMUNITY

Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. SMITH of Oregon, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 109

Whereas on the eve of the Jewish holiday of Passover 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas three of 13 defendants were tried in the first week in May 2000, in trials that were closed to all independent journalists, outside media, international observers, and family members;

Whereas no evidence was brought forth at these trials other than taped "confessions", and no formal charges have yet been filed;

Whereas Jews in Iran are prohibited from holding any positions that would give them access to state secrets;

Whereas the judge in the case also serves as prosecutor, chief investigator, and arbiter of punishment;

Whereas United States Secretary of State Albright has identified the case of the 13 Jews in Shiraz as "one of the barometers of United States-Iran relations";

Whereas countless nations and leading international human rights organizations have expressed their concern for the 13 Iranian Jews and especially their human rights under the rule of law;

Whereas President Mohammad Khatami was elected on a platform of moderation and reform;

Whereas the United States has recently made goodwill overtures toward Iran, including lifting restrictions on the import of Iranian foodstuffs and crafts, promising steps toward the return of assets frozen since 1979, and easing travel restrictions, all in an attempt to improve relations between the two countries;

Whereas the World Bank is currently considering two Iranian projects, valued at more than $130,000,000, which have been on hold since 1993; and

Whereas Iran must show signs of respecting fundamental human rights as a prerequisite for improving its relationship with the United States and becoming a member in good standing of the world community: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should—

(1) condemn, in the strongest possible terms, the arrest of the 13 Iranian Jews and the unfair procedures employed against them leading up to, and during, their trials, and demand their immediate release; and

(2) make it clear that—

(A) Iran's treatment of the Jews on trial is a benchmark for determining the nature of current and future United States-Iran relations, and that concessions already made may be rescinded in light of Iran's conduct of these cases; and

(B) the outcome of these cases will help determine Iran's standing in the community of nations, and its eligibility for loans and other financial assistance from international financial institutions.

SENATE CONCURRENT RESOLUTION 110—CONGRATULATING THE REPUBLIC OF LATVIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF ITS INDEPENDENCE FROM THE RULE OF THE FORMER SOVIET UNION

Mr. DURBIN (for himself, Mr. HELMS, Mr. ROBB, and Mr. ABRAHAM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 110

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on May 4, 1990, of the reestablishment of full sovereignty and independence of the Republic of Latvia furthered the disintegration of the former Soviet Union;

Whereas Latvia since then has successfully built democracy, passed legislation on human and minority rights that conform to European and international norms, ensured the rule of law, developed a free market economy, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Latvia, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Latvia on the occasion of the tenth anniversary of the reestablishment of its independence and the role it played in the disintegration of the former Soviet Union; and

(2) commends Latvia for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

• Mr. DURBIN. Mr. President, today marks the 10th anniversary of the declaration of independence of Latvia from the domination of the Soviet Union. Latvia's resolution on May 4th, 1990 followed closely after Lithuania's declaration in March. These courageous Baltic countries led the way to throw off the yoke of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union.

The courage of the peaceful crowd that surrounded the parliament building in Riga to prevent a Soviet attack should be remembered and commended. The Latvians showed the power of peaceful resistance and risked their lives doing so.

Latvia has now become a vibrant democracy. It has established a free-market economy and the rule of law. Latvia wants to be fully integrated into Europe, and is seeking membership in the European Union and the North Atlantic Treaty Organization (NATO).

This year we also celebrate the 60th anniversary of the refusal of the United States to recognize Soviet domination of the Baltic states. The logic then and the logic now is that the United States will only recognize free and independent Baltic states. What we celebrate this year is what we must help preserve next year and the year after that. We must carry on that principle today by being sure that Latvia, Lithuania and Estonia are admitted into NATO as an unequivocal statement that we will never tolerate domination of the Baltic states again.

I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all my colleagues can agree on the importance of the Baltic states' contribution to the freedom and independence of the former Soviet Republics and will join me in congratulating Latvia in celebrating 10 years of that precious freedom and independence.•

SENATE RESOLUTION 303—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TREATMENT BY THE RUSSIAN FEDERATION OF ANDREI BABITSKY, A RUSSIAN JOURNALIST WORKING FOR RADIO FREE EUROPE/RADIO LIBERTY

Mr. KENNEDY (for himself, Mr. LEAHY, and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a "filtration camp" for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in The Moscow Times entitled "Should Liberty Leave?", which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would "be better to close down the branches of Radio Liberty on Russian territory";

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as "designed to intimidate us and others";

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress; and

(6) urges the President of the United States to place these issues high on the agenda for his June 4–5 summit meeting with President Vladimir Putin of the Russian Federation.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAMS and Senator LEAHY in offering this Senate resolution expressing our deep concern about the continuing plight of the Russian journalist Andrei Babitsky.

Mr. Babitsky, an accomplished journalist working for Radio Free Europe/Radio Liberty, still faces serious charges in Russia after being held captive by Russian authorities, beaten, and kept in a "filtration camp" for suspected Chechen collaborators.

For 10 years, Mr. Babitsky has helped fulfill the mission of RFE/RL to provide Russian listeners with objective and uncensored reporting. But Russian authorities, displeased with Mr. Babitsky's courageous reporting on the war in Chechnya, accused him of assisting the Chechen forces and had him arrested in the battle zone last January.

After six weeks in captivity, Mr. Babitsky was released, and then jailed again by Russian officials for carrying false identity papers. He says the papers were forced upon him. After an international outcry arose over his case, he was again released. But he still is not allowed to leave Moscow, and he still faces charges for carrying false papers and aiding the Chechens.

In addition, Russian authorities have continued to condemn Radio Liberty's coverage of the Chechen conflict, and have suggested that Radio Liberty should be forced to abandon its facilities in Moscow and throughout the Russian Republic. The authorities have taken steps to censor Radio Liberty and to intimidate its correspondents and others.

The United States should respond vigorously to this harassment and intimidation of Radio Free Europe/Radio Liberty. The Russian government should drop its trumped-up charges against Mr. Babitsky.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

ABRAHAM (AND OTHERS) AMENDMENT NO. 3117

Mr. ABRAHAM (for himself, Mr. MACK, Mr. COVERDELL, and Mr. FITZGERALD) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

Beginning on page 203, line 8, strike all through the period on page 213, line 15 and insert the following:

"(11)(A) Reforming teacher tenure systems.

"(B) Establishing teacher compensation systems based on merit and proven performance.

"(C) Testing teachers periodically in the academic subjects in which the teachers teach.

"(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

"SEC. 2014. APPLICATIONS BY STATES.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall include the following:

"(1) A description of how the State will ensure that a local educational agency receiving a subgrant to carry out subpart 3 will comply with the requirements of such subpart.

"(2)(A) An assurance that the State will measure the annual progress of the local educational agencies and schools in the State with respect to—

"(i) improving student academic achievement and student performance, in accordance with content standards and student performance standards established under part A of title I;

"(ii) closing academic achievement gaps, reflected in disaggregated data described in section 1111(b)(3)(I), between minority and non-minority groups and low-income and non-low-income groups; and

"(iii) improving performance on other specific indicators for professional development, such as increasing the percentage of classes in core academic subjects that are taught by highly qualified teachers.

"(B) An assurance that the State will require each local educational agency and school in the State receiving funds under this part to publicly report information on the agency's or school's annual progress, measured as described in subparagraph (A).

"(3) A description of how the State will hold the local educational agencies and schools accountable for making annual progress as described in paragraph (2), subject to part A of title I.

"(4)(A) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under—

"(i) titles I and IV, part A of title V, and part A of title VII; and

"(ii) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

"(B) A description of the comprehensive strategy that the State will use as part of the effort to carry out the coordination, to ensure that teachers, paraprofessionals, and principals are trained in the utilization of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in all curriculum areas and academic subjects, as appropriate.

"(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

"(6) A description of how the activities to be carried out by the State under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

"(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

"Subpart 2—Subgrants to Eligible Partnerships

"SEC. 2021. PARTNERSHIP GRANTS.

"(a) IN GENERAL.—From the portion described in section 2012(c)(2)(A), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award subgrants on a competitive basis under section 2012(c) to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). The State agency for higher education shall ensure that such subgrants shall be equitably distributed by geographic area within the State, or ensure that eligible partnerships in all geographic areas within the State are served through the grants.

"(b) USE OF FUNDS.—An eligible partnership that receives funds under section 2012 shall use the funds for—

"(1) professional development activities in core academic subjects to ensure that teachers, paraprofessionals, and, if appropriate, principals have content knowledge in the academic subjects that the teachers teach; and

"(2) developing and providing assistance to local educational agencies and individuals who are teachers, paraprofessionals or principals of public and private schools served by each such agency, for sustained, high-quality professional development activities that—

"(A) ensure that the agencies and individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student academic achievement and student performance; and

"(B) may include intensive programs designed to prepare such individuals who will return to a school to provide such instruction to other such individuals within such school.

"(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under section 2012.

"(d) COORDINATION.—An eligible partnership that receives a grant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 203.

"(e) ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means an entity that—

"(1) shall include—

"(A) a private or State institution of higher education and the division of the institution that prepares teachers;

"(B) a school of arts and sciences; and

"(C) a high need local educational agency; and

"(2) may include other local educational agencies, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, other institutions of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, or a business.

"Subpart 3—Subgrants to Local Educational Agencies

"SEC. 2031. LOCAL USE OF FUNDS.

"(a) REQUIRED ACTIVITIES.—

"(1) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use the subgrant to carry out the activities described in this subsection.

"(2) REQUIRED PROFESSIONAL DEVELOPMENT ACTIVITIES.—

"(A) MATHEMATICS AND SCIENCE.—

"(i) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities in mathematics and science in accordance with section 2032.

"(ii) GRANDFATHER OF OLD WAIVERS.—A waiver provided to a local educational agency under part D of title XIV prior to the date of enactment of the Educational Opportunities Act shall be deemed to be in effect until such time as the waiver otherwise would have ceased to be effective.

"(B) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities that give teachers, paraprofessionals, and principals the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards. Such activities shall be consistent with section 2032.

"(b) ALLOWABLE ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart may use the funds made available through the subgrant to carry out the following activities:

"(1) Recruiting and hiring certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size, or hiring special education teachers.

"(2) Initiatives to assist in recruitment of highly qualified teachers who will be assigned teaching positions within their fields, including—

"(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subjects in which there exists a shortage of such teachers within a school or the area served by the local educational agency;

"(B) establishing programs that—

"(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

"(ii) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession; and

"(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool of teachers, such as identifying teachers certified through alternative routes, and by implementing a system of intensive screening designed to hire the most qualified applicants.

"(3) Initiatives to promote retention of highly qualified teachers and principals, including—

"(A) programs that provide mentoring to newly hired teachers, such as mentoring from master teachers, and to newly hired principals; and

"(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

"(4) Programs and activities that are designed to improve the quality of the teacher force, and the abilities of paraprofessionals and principals, such as—

"(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers, paraprofessionals, and principals to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2032;

"(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

"(C) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented); and

"(D) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (C) to learn.

"(5) Activities that provide teacher opportunity payments, consistent with section 2033.

"(6) Programs and activities related to—

"(A) reforming teacher tenure systems;

"(B) establishing teacher compensation systems based on merit and proven performance; and

"(C) testing teacher periodically in the academic subjects in which the teachers teach."

KENNEDY (AND MURRAY) AMENDMENT NO. 3118

Mr. KENNEDY (for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 2, supra; as follows:

On page 1 of the amendment in line 4, strike all after "Reforming" through the end of the amendment and insert the following:

"and implementing merit schools programs for rewarding all teachers in schools that improve student achievement for all students, including the lowest achieving students;

"(B) Providing incentives and subsidies for helping teachers gain advanced degrees in the academic fields in which the teachers teach;

"(C) Implementing rigorous peer review, evaluation, and recertification programs for teachers; and

"(D) Providing incentives for highly qualified teachers to teach in the neediest schools."

CAMPBELL (AND OTHERS) AMENDMENT NO. 3119

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Ms. COVERDELL, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 252, line 12, strike "and" after the semicolon.

On page 252, line 18, strike the period and insert "; and".

On page 252, insert between lines 18 and 19 the following:

"(F) a description of how the school or consortium will encourage and use appropriately qualified seniors as volunteers in activities identified under section 3105.".

On page 286, line 17, insert "and appropriately qualified senior volunteers" after "personnel".

On page 342, line 25, strike "and" after the semicolon.

On page 343, line 3, strike the period and insert "; and".

On page 343, between lines 3 and 4, insert the following:

"(15) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.".

On page 351, lines 6 and 7, insert "(including mentoring by appropriately qualified seniors)" after "mentoring".

On page 351, line 22, strike "and" after the semicolon.

On page 352, line 2, insert "and" after the semicolon.

On page 352, between lines 2 and 3, insert the following:

"(iii) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;".

On page 353, line 7, insert "(including mentoring by appropriately qualified seniors) after "mentoring programs".

On page 354, line 12, insert "and which may involve appropriately qualified seniors working with students" after "settings".

On page 364, line 15, insert ", including projects and activities that promote the interaction of youth and appropriately qualified seniors" after "responsibility".

On page 365, line 4, insert ", including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering" after "title".

On page 756, line 12, strike "and" after the semicolon.

On page 756, line 13, strike the period and insert "; and".

On page 756, between lines 13 and 14, insert the following:

"(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.".

On page 778, line 7, strike "or" after the semicolon.

On page 778, between lines 7 and 8, insert the following:

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or".

On page 778, line 8, strike "(L)" and insert "(M)".

On page 782, line 21, strike the period and insert ", and may include programs designed to train tribal elders and seniors.".

On page 830, line 22, strike "and" after the semicolon.

On page 830, line 24, insert "and" after the semicolon.

On page 830, after line 24, insert the following:

"(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;".

On page 840, line 17, strike "and" after the semicolon.

On page 840, line 21, insert "and" after the semicolon.

On page 840, between lines 21 and 22, insert the following:

"(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;".

WYDEN AMENDMENTS NOS. 3120–3121

(Ordered to lie on the table.)

Mr. WYDEN submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

Amendment No. 3120

At the appropriate place, insert the following:

SEC. . DETENTION OF JUVENILES WHO UNLAWFULLY POSSESS FIREARMS IN SCHOOLS.

Section 4112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) contains an assurance that the State has in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile community-based placement or in an appropriate juvenile justice facility, for not less than 24 hours, any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself or to the community; and".

Amendment No. 3121

On page 489, strike lines 1 and 2 and insert the following:

"PART G—FUND FOR THE IMPROVEMENT OF EDUCATION AND RELATED PROGRAMS

"Subpart 1—Fund for the Improvement of Education

On page 515, between lines 9 and 10, insert the following:

"SEC. 5711. SHORT TITLE.

"This subpart may be cited as the 'Student Education Enrichment Demonstration Act'.

"SEC. 5712. FINDINGS.

"Congress finds that—

"(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

"(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

"(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

"(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

"(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

"(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

"(7) nineteen States currently require students to pass State accountability tests to graduate from high school;

"(8) six States currently link student promotion to results on State accountability tests;

"(9) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

"(10) while the Chicago Public School District implemented the Summer Bridge Program to help remediate their students in 1997, no State has yet created and implemented a similar program to complement the education accountability programs of the State.

"SEC. 5713. PURPOSE.

"The purpose of this subpart is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and agencies to develop models for high quality summer academic enrichment programs that are specifically designed to help public school students who are not meeting State-determined performance standards.

"SEC. 5714. DEFINITIONS.

"In this subpart:

"(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'elementary school', 'secondary school', 'local educational agency', and 'State educational agency' have the meanings given the terms in section 3.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(3) STUDENT.—The term 'student' means an elementary school or secondary school student.

"SEC. 5715. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the agencies to assist local educational agencies in carrying out high quality summer academic enrichment programs as part of statewide education accountability programs.

"(b) ELIGIBILITY AND SELECTION.—

"(1) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

"(A) have in effect all standards and assessments required under section 1111; and

"(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111.

"(2) SELECTION.—In selecting States to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this subpart.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—Such application shall include—

"(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this subpart, which may include specific measurable annual educational goals and objectives relating to—

"(i) increased student academic achievement;

"(ii) decreased student dropout rates; or

"(iii) such other factors as the State educational agency may choose to measure; and

"(B) information on criteria, established or adopted by the State, that—

"(i) the State will use to select local educational agencies for participation in the summer academic enrichment programs carried out under this subpart; and

"(ii) at a minimum, will assure that grants provided under this subpart are provided to—

"(I) the local educational agencies in the State that have the highest percentage of students not meeting basic or minimum required standards for State assessments required under section 1111;

"(II) local educational agencies that submit grant applications under section 5716 describing programs that the State determines would be both highly successful and replicable; and

"(III) an assortment of local educational agencies serving urban, suburban, and rural areas.

"SEC. 5716. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—

"(1) FIRST YEAR.—

"(A) IN GENERAL.—For the first year that a State educational agency receives a grant under this subpart, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in planning activities to be carried out under this subpart.

"(2) SUCCEEDING YEARS.—

"(A) IN GENERAL.—For the second and third year that a State educational agency receives a grant under this subpart, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in evaluating activities carried out under this subpart.

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing by such information as the Secretary or the State may require.

"(2) CONTENTS.—The State shall require that such an application shall include, to the greatest extent practicable—

"(A) information that—

"(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section—

"(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

"(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111;

"(III) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

"(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

"(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

"(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

"(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

"(ii) may include—

"(I) the proposed curriculum for the summer academic enrichment program;

"(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

"(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 5715(c)(2)(A);

"(B) an outline indicating how the local educational agency will utilize other applicable Federal, State, local, or other funds, other than funds made available through the grant, to support the program;

"(C) an explanation of how the local educational agency will ensure that only highly qualified personnel who volunteer to work with the type of student targeted for the program will work with the program and that the instruction provided through the program will be provided by qualified teachers;

"(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

"(E) an explanation of the facilities to be used for the program;

"(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

"(G) an explanation of the proposed student/teacher ratio for the program, analyzed by grade level;

"(H) an explanation of the grade levels that will be served by the program;

"(I) an explanation of the approximate cost per student for the program;

"(J) an explanation of the salary costs for teachers in the program;

"(K) a description of a method for evaluating the effectiveness of the program at the local level;

"(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111;

"(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement; and

"(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum.

"(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to applicants who demonstrate a high level of need for the summer academic enrichment programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

"SEC. 5717. SUPPLEMENT NOT SUPPLANT.

"Funds appropriated pursuant to the authority of this subpart shall be used to supplement and not supplant other Federal, State, and local public or private funds expended to provide academic enrichment programs.

"SEC. 5718. REPORTS.

"(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall annually prepare and submit to the Secretary a report. The report shall describe—

"(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this subpart;

"(2) the specific measurable goals and objectives described in section 5715(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

"(3) the specific measurable goals and objectives described in section 5716(b)(2)(L) for each of the local educational agencies receiving a grant under this subpart in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

"(4) the steps that the State will take to ensure that any such local educational agency who did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report or the plan that the State has for revoking the grant of such an agency and redistributing the grant funds to existing or new programs;

"(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this subpart; and

"(6) the degree to which progress has been made toward meeting the goals and objectives described in section 5715(c)(2)(A).

"(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

"(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this subpart;

"(2) how eligible local educational agencies and schools used funds provided under this subpart; and

"(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 5715(c)(2)(A) and 5716(b)(2)(L).

"(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this subpart and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

"SEC. 5719. ADMINISTRATION.

"The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this subpart.

"SEC. 5720. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—The Secretary shall make available to carry out this subpart, $25,000,000 for each of fiscal years 2001 through 2003 from funds appropriated under section 3107.

"(b) AVAILABILITY.—Any amounts made available pursuant to the authority of subsection (a) shall remain available until expended.

"SEC. 5721. TERMINATION.

"The authority provided by this subpart terminates 3 years after the date of enactment of the Student Education Enrichment Demonstration Act.

MURRAY AMENDMENT NO. 3122

Mrs. MURRAY proposed an amendment to the bill, S. 2, supra; as follows:

Beginning on page 182, strike line 20 and all that follows through page 183, line 6 and insert the following:

"Subpart 5—Class Size Reduction

"SEC. 2051. GRANT PROGRAM.

"(a) PURPOSE.—The purposes of this section are—

"(1) to reduce class size through the use of fully qualified teachers;

"(2) to assist States and local educational agencies in recruiting, hiring, and training 100,000 teachers in order to reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and

"(3) to improve teaching in those grades so that all students can learn to read independently and well by the end of the 3rd grade.

"(b) ALLOTMENT TO STATES.—

"(1) RESERVATION.—From the amount made available to carry out this subpart for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year under this section or section 310 of the Department of Education Appropriations Act, 2000, as the case may be.

"(ii) RATABLE REDUCTION.—If the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(B) ALLOTMENT OF ADDITIONAL FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

"(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

"(II) the percentage so received of the total amount made available to the States under section 2202(b), as in effect on the day before the date of enactment of the Educational Opportunities Act, or the corresponding provision of this title, as the case may be.

"(ii) RATABLE REDUCTIONS.—If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(c) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—

"(1) ALLOCATION.—Each State that receives funds under this section shall allocate a portion equal to not less than 99 percent of those funds to local educational agencies, of which—

"(A) 80 percent of the portion shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

"(B) 20 percent of the portion shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

"(2) EXCEPTION.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

"(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

"(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

"(3) STATE ADMINISTRATIVE EXPENSES.—The State educational agency for a State that receives funds under this section may use not more than 1 percent of the funds for State administrative expenses.

"(d) USE OF FUNDS.—

"(1) MANDATORY USES.—Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

"(2) PERMISSIBLE USES.—

"(A) IN GENERAL.—Each such local educational agency may use funds made available under this section for—

"(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

"(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

"(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

"(B) Limitation on testing and professional development.—

"(i) In general.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

"(ii) Waivers.—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

"(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

"(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or the State educational agency has waived those requirements for 10 percent or more of the teachers.

"(iii) Use of funds under waiver.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

"(C) Use of funds by agencies that have reduced class size.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on November 28, 1999 if that goal is 20 or fewer children) may use funds received under this section—

"(i) to make further class size reductions in kindergarten through third grade;

"(ii) to reduce class size in other grades; or

"(iii) to carry out activities to improve teacher quality, including professional development.

"(3) Supplement, not supplant.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

"(4) Limitation on use for salaries and benefits.—

"(A) In general.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

"(B) Exception.—Funds made available under this section may be used to pay the salaries of teachers hired under section 310 of the Department of Education Appropriations Act, 2000.

"(e) Reports.—

"(1) State activities.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6122(a)(2) with respect to the activities.

"(2) Progress concerning class size and qualified teachers.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

"(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

"(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

"(3) Professional qualifications.—Each school receiving funds under this section shall provide to parents, on request, information about the professional qualifications of their child's teacher.

"(f) Private Schools.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6142. Section 6142 shall not apply to other activities carried out under this section.

"(g) Local Administrative Expenses.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

"(h) Request for Funds.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2034 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

"(i) Certification, Licensing, and Competency.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available under section 310 of the Department of Education Appropriations Act, 2000, unless, by the start of the 2000–2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

"(j) Definition.—In this section:

"(1) Certified.—The term 'certified' includes certification through State or local alternative routes.

"(2) State.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"Subpart 6—Funding

"SEC. 2061. AUTHORIZATION OF APPROPRIATIONS.

"(a) Fiscal Year 2001.—There are authorized to be appropriated to carry out this part $2,000,000,000 for fiscal year 2001, of which—

"(1) $40,000,000 shall be available to carry out subpart 4; and

"(2) $1,750,000,000 shall be available to carry out subpart 5.

"(b) Other Fiscal Years.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 through 2005, of which $1,750,000,000 shall be available to carry out subpart 5.

"Subpart 7—General Provisions

"SEC. 2071. DEFINITIONS.

HUTCHISON (AND COLLINS) AMENDMENT NO. 3123

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Ms. Collins) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 545, strike lines 5 through 9, and insert the following:

"(L) education reform projects that provide single gender schools and classrooms as long as comparable educational opportunities are offered for students of both sexes;".

MANUFACTURED HOUSING IMPROVEMENT ACT

GRAMM (AND SARBANES) AMENDMENT NO. 3124

Mr. GORTON (for Mr. Gramm (for himself and Mr. Sarbanes)) proposed an amendment to the bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; as follows:

On page 41, line 20, strike "appoint" and insert "recommend".

On page 44, beginning on line 14, strike ", subject to the approval of the Secretary, by the administering organization" and insert "by the Secretary, after consideration of the recommendations of the administering organization under paragraph (2)(A)(ii)(I),".

On page 44, line 23, strike "may" and all that follows through page 45, line 2, and insert "shall state, in writing, the reasons for failing to appoint under subparagraph (B)(i) of this paragraph any individual recommended by the administering organization under paragraph (2)(A)(ii)(I)".

On page 46, strike lines 3 through 5 and insert the following:

sensus committee, the Secretary, in appointing the members of the consensus committee—

"(I) shall ensure

On page 46, line 11, strike "the Secretary".

On page 48, strike lines 17 through 22, and insert the following:

"(iii) Ethics in Government Act of 1978.—

"(I) In general.—Subject to subclause (II), the Ethics in Government Act of 1978 (5 U.S.C. App.) shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

"(II) Financial disclosure.—The Secretary shall collect from each member of the consensus committee the financial information required to be disclosed under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Notwithstanding section 552 of title 5, United States Code, such information shall be confidential and shall not be disclosed to any person, unless such disclosure is determined to be necessary by—

"(aa) the Secretary;

"(bb) the Chairman or Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate; or

"(cc) the Chairman or Ranking Member of the Committee on Banking and Financial Services of the House of Representatives.

"(III) PROHIBITION ON GIFTS FROM OUTSIDE SOURCES.—

"(aa) IN GENERAL.—Subject to item (bb), an individual who is a member of the consensus committee may not solicit or accept a gift of services or property (including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value), if the gift is solicited or given because of the status of that individual as a member of the consensus committee.

"(bb) EXCEPTIONS.—The Secretary shall by regulation establish such exceptions to item (aa) as the Secretary determines to be appropriate, which shall include an exception for de minimus gifts.

On page 55, line 2, insert "with respect to a proposed revised standard submitted by the consensus committee under paragraph (4)(A)" after "paragraph (5)".

On page 55, line 5, strike "proposed standard or regulation" and insert "proposed revised standard".

On page 55, strike lines 7 and 8, and insert the following:

"(A) the proposed revised standard—

On page 55, line 18, strike "or regulation".

On page 55, line 19, strike "or regulation".

On page 55, lines 21 and 22, strike "standards or regulations proposed by the consensus committee" and insert "standard".

On page 71, strike line 3 and insert the following:

Act.

"(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the legislative hearing regarding S. 1756, the National Laboratories Partnership Improvement Act of 1999; and S. 2336, the Networking and Information Technology Research and Development for Department of Energy Missions Act, which had been previously scheduled for Tuesday, May 9, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C. has been cancelled.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7875.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1584, a bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685 and H.R. 2932, a bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; S. 1998, a bill to establish the Yuma Crossing National Heritage Area; S. 2247, a bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; S. 2421, a bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley Heritage Area in Connecticut and Massachusetts; and S. 2511, a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

The hearing will take place on Thursday, May 18, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.

The hearing will take place on Thursday, May 25 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, May 4, 2000, in executive session, to mark up the FY 2001 defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, May 4, 2000, in executive session, to mark up the FY 2001 defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 4, 2000, at 9:30 a.m. on the nominations of members of the Federal Aviation Management Advisory Council (8 nominees).

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON TAXATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Joint Committee on Taxation by authorized to meet during the session of the Senate on Thursday, May 4, 2000 to hear testimony on Medicare Governance: The Health Care Financing Administration's Role and Readiness in Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 4, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Immigration be authorized to meet to conduct a hearing on

Thursday, May 4, 2000, at 2 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 4, 2000, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Thursday, May 4, 2000, at 10 a.m. for a hearing entitled "Has Government Been 'Reinvented'?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Production and Price Competitiveness of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, May 4, 2000, at 2 p.m., in SR-332, to conduct a subcommittee hearing on carbon cycle research and agriculture's role in reducing climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED "REMEDIES" IN THE MICROSOFT ANTITRUST CASE

Mr. GORTON. Mr. President, I would like to take a few minutes to talk about the proposed remedies submitted last Friday by the U.S. Department of Justice and 17 States in the antitrust suit against Microsoft. As my colleagues know, the Department of Justice and the States have asked the court to break Microsoft into two separate companies, and to require significant Government regulation of the two companies.

Let's begin by reviewing the charges in the case. First, the Government has alleged that Microsoft entered into a series of agreements with software developers, Internet Service Providers, Internet content providers, and online services like AOL, that foreclosed Netscape's ability to distribute its Web browsing software. Despite claims by Government lawyers and outside commentators that this was the strongest part of the Government's case, the trial court—even Judge Jackson—disagreed. The court ruled that Microsoft's agreements did not deprive Netscape of the ability to reach PC users. Indeed, the trial court pointed out the many ways in which Netscape could, and did, distribute Navigator. Direct evidence of this broad distribution can be found in the fact that the installed base of Navigator users increased from 15 million in 1996 to 33 million in late 1998—the very period in which the Government contends that Microsoft foreclosed Netscape's distribution.

The second charge involves what the Government alleged was the unlawful "tying" of Internet Explorer to Windows. The Government argued that this "tying" was one of the primary means by which Microsoft foreclosed Netscape's ability to distribute Navigator. The trial court agreed with the Government, finding that Microsoft violated Section 1 of the Sherman Act in its design of Windows 95 and 98. The court's conclusion is astounding in two respects. First, as I mentioned, the trial court determined that Microsoft had not deprived Netscape of distribution opportunities. Second, and even more important, the trial court's conclusion is in direct contradiction to that of the District of Columbia Circuit Court of Appeals. In June, 1998—before the antitrust trial even began—that court of appeals rejected the charge that the inclusion of Internet Explorer in Windows 95 was wrongful. In its June, 1998 decision, the appeals court stated that "new products integrating functionalities in a useful way should be considered single products regardless of market structure." Despite the fact that trial courts are obliged to follow the rulings of appellate courts, the trial court in the Microsoft case has singularly failed to do so.

In its third charge, the Government alleged that Microsoft held a monopoly in Intel-compatible PC operating systems, and maintained that monopoly through anticompetitive tactics. The trial court agreed, and determined that there were three anticompetitive tools employed by Microsoft: (1) the series of agreements that the trial court itself held did not violate antitrust law; (2) the inclusion of Internet Explorer in Windows, which the Appellate Court already determined was not illegal; and (3) a random assortment of acts involving Microsoft's discussions with other firms, such as Apple and Intel—none of which led to agreements. In relying on these three factors, the trial court seems to have concluded that, while Microsoft's actions, taken individually, might not constitute violations of antitrust law, the combination of these lawful acts constitutes a violation of law. This approach to antitrust liability has generally been rejected by courts, in part because it fails to provide guidance allowing businesses to understand their legal obligations. Such a rule effectively chills desirable competitive conduct.

Finally, the trial court agreed with the Government's allegation that Microsoft unlawfully attempted to monopolize the market for Web browsing software. This conclusion is directly at odds with the court's own previous finding. In the findings of fact released in November of last year, the trial court found that Microsoft's conduct with respect to Netscape was aimed at preventing Netscape from dominating Web browsing software—not at gaining a monopoly for Microsoft. Under antitrust law, a firm cannot be found liable for attempted monopolization unless it specifically intends to monopolize the market. Seeking to prevent somebody else from acquiring a monopoly is not attempted monopolization.

To summarize, one of the Government's charges was dismissed by the trial court; another flouts a specific decision of the appellate court; and the remaining two simply provide no legal basis as antitrust violations. I am highly confident that the appeals court will once again recognize the fundamental flaws in the trial court's decision and find in favor of Microsoft.

In the meantime, however, let's examine the "remedy" proposed by the Department of Justice and 17 States for these fictional violations. First, and most obvious, is the Government's proposal to break Microsoft into two separate companies. Under the Government plan, Windows would be retained by the new "Operating Systems Business," while the remainder of Microsoft, including its office family of products on its Internet properties, would be moved into a new "Application Business." The Department of Justice plan effectively prohibits these two companies from working together for a period of 10 years and effectively freezes fundamental components of the operating system from improvement, thereby crippling in this fast-moving world of technology the very technology which is one of the principal bases of our present prosperity.

As outrageous as the proposal to break up Microsoft is, the heavyhanded regulations the Government proposes to impose on Microsoft are at least as outrageous.

Mr. President, at this point I ask unanimous consent that an article by Declan McCullagh, published in the April 29, 2000, edition of Wired News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNMENT WANTS CONTROL OF MS

(By Declan McCullagh)

Bellevue, WA—If Bill Gates was unhappy with early reports of the government's antitrust punishments, he's going to be plenty steamed when he reads the fine print this weekend.

In two lengthy filings on Friday, government attorneys said they eventually hope to carve up Microsoft into two huge chunks. But until that happens, their 40KB proposal

> would impose extraordinarily strict government regulations on what the world's largest software company may and may not do.
>
> For instance: Microsoft wouldn't be able to sell computer makers discounted copies of Windows, except for foreign language translations, but would be ordered to open a "secure" lab where other firms may examine the previously internal Windows specifications. Microsoft wouldn't be able to give discounts to hardware or software developers in exchange for promoting or distributing other company products. For instance, Microsoft would be banned from inking a discount deal with CompUSA to bundle a copy of Microsoft Flight Simulator with a Microsoft joystick.
>
> Microsoft would have to create a new executive position and a new committee on its board of directors. The "chief compliance officer" would report to the chief executive officer and oversee a staff devoted to ensuring compliance with the new government rules. If Microsoft hoped to start discarding old emails after its bad experiences during the trial, it wouldn't be able to do so. "Microsoft shall, with the supervision of the chief compliance officer, maintain for a period of at least four years the email of all Microsoft officers, directors and managers engaged in software development, marketing, sales, and developer relations related to platform software," the government's proposed regulations say.
>
> Microsoft would have to monitor all changes it makes to all versions of Windows and track any alternations that would slow down or "degrade the performance of" any third-party application such as Internet browsers, email client software, multimedia viewing software, instant messaging software, and voice recognition software. If it does not notify the third-party developer, criminal sanctions would apply.
>
> State and federal government lawyers could come onto Microsoft's campus here "during office hours" to "inspect and copy" any relevant document, email message, collection of source code or other related information.
>
> The same state and federal government lawyers would be allowed to question any Microsoft employee "without restraint or interference."

Mr. GORTON. Mr. President, Mr. McCullagh did an excellent job of outlining these extraordinary regulations. I will highlight a few.

Under the Department of Justice proposal, the Government would require Microsoft to create an entirely new executive position, as well as a new committee on its corporate board of directors, the function of which would be to ensure the company's compliance with the Government's new regulations.

The Department of Justice would require Microsoft to "maintain for a period of at least 4 years the e-mail of all Microsoft officers, directors, and managers engaged in software development, marketing, sales, and developer relations related to Platform Software."

Under the proposed remedy, Microsoft would also be required to give the Government "access during office hours" to inspect and demand copies of all "books, ledgers, accounts, correspondence, memoranda, source code, and other records and documents in the possession or under the control of Microsoft" relating to the matters contained in the final judgment. Not only that, the Government, "without restraint or interference" from Microsoft, could demand to question any officers, employees, or agents of the company.

Together with the other sanctions, these proposals would guarantee that every Microsoft competitor would know everything the two Microsofts plan long before the plans became reality. Mr. President, that is a death sentence.

The function of relief in an antitrust case is to enjoin the conduct found to be anticompetitive and to enhance competition. Any objective review of the "remedies" proposed by the Department of Justice and States, however, can only lead to the conclusion that the Government is not seeking relief from anticompetitive behavior but to punish Microsoft with unwarranted sanctions for allegations by threatening its very existence.

There is no question that the Department of Justice initiated this antitrust action at the behest of Microsoft's competitors. Those competitors have said they sought Government intervention because it would be "too expensive" to pursue private litigation. This unjustified case has been too expensive—way too expensive—but not in the way the competitors envisioned. In the 10 days following the breakdown of settlement talks, there was a $1.7 trillion loss in market capitalization. The damages from that huge loss were not limited to Microsoft—a broad range of companies, including many of Microsoft's competitors, were affected. More importantly, so, too, were millions of American investors.

As one would expect, the millions of Americans who hold Microsoft shares have taken a bath in recent weeks. The day after the trial court issued its "Findings of Law" on April 3, Microsoft stockholders lost $80 billion in assets. The decline in Microsoft stock helped fuel a 349-point slide in the NASDAQ, the biggest 1-day drop in the history of the exchange. The pain wasn't limited to individual Microsoft shareholders, however. At least 2,000 mutual funds and countless pension funds include Microsoft shares.

I find it curious that the Vice President of the United States criticizes as the "risky scheme" tax proposals in this body that would reduce taxes by $12 billion in 1 year and $150 billion in 5 years. Yet the very administration that he supports has caused a loss in the pockets of very real American citizens of far in excess of that amount.

The "risky scheme" is the Microsoft lawsuit and we have now suffered damages from that risk. It is unfortunate that those who were so anxious to bring the heavy hand of Government into this incredibly innovative and successful industry didn't listen to some of the more cautious voices, such as that of Dr. Milton Friedman, who warned early on to be careful what you wish. Dr. Friedman recently reinforced that sentiment in a statement to the National Taxpayers' Union:

> Recent events dealing with the Microsoft suit certainly support the view I expressed a year ago—that Silicon Valley is suicidal in calling Government in to mediate in the disputes among some of the big companies in the area of Microsoft. The money that has been spent on legal maneuvers would have been much more usefully spent on research in technology. The loss of the time spent in the courts by highly trained and skilled lawyers could certainly have been spent more fruitfully. Overall, the major effect has been a decline in the capital value of the computer industry, Microsoft in particular, but its competitors as well. They must rue the day they set this incredible episode in operation.

One of the biggest tragedies of this case is that it has all been done in the name of consumer benefit. So far, the only real harm to consumers I have seen has come from the resources wasted on the case itself and from the market convulsions that resulted from the mere specter of the Government's punitive relief proposal.

DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 504, S. 2370.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2370) to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, as chairman of the Environment and Public Works Committee, I was very proud to report out just a couple weeks ago a bill to designate the federal building at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse." When I first joined this committee, the chairman's seat was occupied by the Senator from New York. His generosity and kindness in helping me, a freshman Senator from the other side of the aisle, is something I will always remember and for which I will be forever grateful. I have since come to rely on his advice, counsel and wisdom on issues ranging from transportation to Superfund, as have so many of my colleagues.

Our friend, Senator DANIEL PATRICK MOYNIHAN, is someone who has served this nation with great integrity and true patriotism. He is the only person in our nation's history to serve in four successive administrations as a member of the Cabinet or sub-Cabinet. He served two Republicans and two Democrats—but he would rather tell you that he simply served four Presidents of the United States. He was Ambassador to India, as well as the President of the United Nations Security Council. And since 1977, he has been the cerebral center of the United States Senate.

He is among the most intelligent Senators ever to serve in this body. He has taught at MIT, Harvard, Syracuse, and Cornell, and has been the recipient of over 60 honorary degrees. Few can match his résumé and none can surpass his commitment to this nation. He will be sorely missed.

The building to be named for DANIEL PATRICK MOYNIHAN is a magnificent structure in New York City that will be a fitting tribute to the distinguished Senator. Completed in 1994 and built to last 200 years, the courthouse is an extraordinary work of art inside and out. It will serve as an enduring monument to our good friend Senator MOYNIHAN and his 47-year career in public service.

Mr. WARNER. Mr. President, I rise today to lend my support for the naming of the Pearl Street courthouse in New York City as humble tribute to our colleague, the distinguished senior Senator from New York, DANIEL PATRICK MOYNIHAN, who regrettably announced his retirement from this body at the conclusion of the 106th Congress.

It is only fitting that any recognition of the senior Senator from New York's achievements should first underscore his limitless passion in reflecting the highest ideals befitting the dignity, enterprise, vigor and stability of the American government. His singular vision of the role of a United States Senator and his deep desire to live up to that lofty image is only part of what makes my friend and colleague the paragon of public service which he has been for this body, his constituents and the American people for nearly a quarter century.

Since his election to the United States Senate in 1976, Senator MOYNIHAN has imprinted an indelible impression upon our Nation's Capital in so many estimable ways. His virtues extend far beyond my capabilities of statesmanship but, given that the pending matter is the naming of a federal building in his honor, I will limit myself to simply discussing his unique role in shepherding the physical transformation of the federal landscape in Washington, D.C.

During his tenure in Congress, Senator MOYNIHAN has made a consistent commitment to build government buildings well and help achieve the potential L'Enfant envisioned here 200 years ago.

There's a fitting symmetry to Senator MOYNIHAN's career in Washington. He started out nearly four decades ago in the Kennedy Administration, and his service at the White House end of Pennsylvania Avenue continued in the Johnson and Nixon years. Since 1977, he's served on this end in the U.S. Capitol as the Senator from New York.

It fell to him, as one of Kennedy's cadre of New Frontiersman, to write a prescription for then-failing Pennsylvania Avenue, whose shabbiness had caught the President's eye during the inaugural parade. True to his scholar's training, Senator MOYNIHAN went back to basics to prepare an eloquent appreciation of L'Enfant's conception of Pennsylvania Avenue, "the grand axis of the city, as of the Nation . . . leading from the Capitol to the White House, symbolizing at once the separation of powers and the fundamental unity in the American government."

Little wonder, then, that Senator MOYNIHAN today can look back with satisfaction at what has happened to the avenue. He was there at the beginning.

When news came that President Kennedy had been shot, Senator MOYNIHAN was having lunch with fellow White House aides to arrange a briefing for congressional leaders concerning the new plan for Pennsylvania Avenue.

Senator MOYNIHAN started out, as he once wrote, "at a time of the near-disappearance of the impulse to art" in public building, witnessing a "steady deteriorating in the quality of public buildings and public spaces, and with it a decline in the symbols of public unity and common purpose with which the citizen can identify, of which he can be proud, and by which he can know what he shares with his fellow citizens." He called the new Rayburn House Office Building "perhaps the most alarming and unavoidable sign of the declining vitality of American government that we have yet witnessed."

In his 1962 report which he drafted for President Kennedy, "Guiding Principles for Federal Architecture," Senator MOYNIHAN outlined three broad principles which still affect federal architecture today: (1) An official style must be avoided; (2) Government projects should embody the finest contemporary American architectural thought; and (3) Federal buildings should reflect the regional architectural traditions of their specific locations.

Senator MOYNIHAN's deep rooted passion for public architecture has abated not an iota in the years since he wrote that document. In an interview he gave as a freshman Senator newly assigned to the Environment and Public Works Committee, he was quoted as saying, "I like buildings, I like things," he explained simply, "and the government builds things." Later as chairman, he used his vantage point to become one of the capital's most persuasive, powerful voices for rationality and beauty in the things our government builds.

Recently, he was asked about the capital's esthetic transformation, to which he asked a rhetorical question: "Do we realize we look up and we have the most beautiful capital on earth?"

I thank Senator MOYNIHAN. I have been privileged to serve with you to help transform Pennsylvania Avenue into the great thoroughfare of the city of Washington, DC.

His 1962 vision is Y2K's reality. I sincerely hope that the courthouse we name in his honor reflects the legacy of federal architecture he leaves and the great vision of this Nation he always espoused.

Mr. BAUCUS. Mr. President, I rise to speak in favor of S. 2370. S. 2370 names the new Foley Square Courthouse at 500 Pearl Street, New York City, after Senator DANIEL PATRICK MOYNIHAN. But even more, I wish to pay tribute to a colleague, a mentor, and a friend.

When Senator MOYNIHAN retires from the Senate at the end of this year, he will be deeply and perhaps uniquely missed because he has contributed so much to our debates and, in fact, to our lives. There will be plenty of time for extended tributes later.

Each Senator will stand up and explain in his own words the work and wonder of Senator MOYNIHAN, particularly as the session draws to a close, and I hope to participate in those tributes at that time.

The bill we are considering today is also a fitting tribute for two reasons: First, one of the many special contributions that PAT MOYNIHAN has made to our Nation is the contribution to our public architecture.

Thomas Jefferson said:

> Design activity and political thought are indivisible.

In keeping with this, PAT MOYNIHAN has sought to improve our public places so they reflect and uplift our civic culture.

Senator MOYNIHAN, himself, said it well back in 1961. We all know he has held many important positions in Government, in fact, so many I don't think any of us can remember them all. But only recently did I learn that he once was the staff director of something called the Ad Hoc Committee on Federal Office Space.

That is right. He was. In addition to everything else, he once wrote a document called the "Guiding Principles for Federal Architecture" back in 1961. And that remains in effect today. It is one page long. It says that public buildings should not only be efficient and economical but also should "provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government."

For many years, he has worked with energy and vision to put the goals expressed in the guidelines into practice.

As an assistant to President Kennedy, he was one of the driving forces behind the effort to renovate Pennsylvania Avenue, to finally achieve Pierre L'Enfant's vision.

He followed through. There is the Navy Memorial, Pershing Park, the Ronald Reagan Building, and Ariel Rios. And there are other projects. Along with John Chafee, he had the vision to restore Union Station—a magnificent building—and then to complement it with the beautiful Thurgood Marshall Judiciary Building.

It is absolutely remarkable, leaving a lasting mark on our public places that bring us together as American citizens.

In fact, it is no exaggeration to say that DANIEL PATRICK MOYNIHAN has had a greater positive impact on American public architecture than any statesman since Thomas Jefferson.

That brings me to my second point. The new courthouse in Foley Square bears PAT MOYNIHAN's mark. It is the Nation's largest courthouse, for the Nation's oldest Federal court.

Senator MOYNIHAN was the principal sponsor of the bill authorizing its construction back in 1987. And characteristically, he followed through, paying close attention to details.

At times, the courthouse has been controversial. But no one can deny its grandeur. It preserves history, uses space to great effect, and it features a graceful sculpture in the form of a fountain designed by Maya Lin, who also designed the Vietnam War Memorial.

The building itself is designed by a very distinguished American firm, Kohn Pederson Fox, and it was designed, as Senator MOYNIHAN himself has said, "with dignity and presence."

I am sure Senator MOYNIHAN will correct me later if I am wrong, but I believe in St. Paul's Cathedral in London there is an inscription memorializing the architect of the cathedral, Sir Christopher Wren. It reads:

> If you would see his memorial, look about you.

If, years from now, you stand outside the Capitol and look west, down Pennsylvania Avenue, or you stand on the steps of the Jacob Javits Federal Building in New York City and look east at the courthouse that will bear his name, you can say the same about Senator DANIEL PATRICK MOYNIHAN:

> If you would see his memorial, look about you.

Mr. President, this bill is a fitting tribute to a distinguished scholar, an outstanding Senator, and a great American. I urge its adoption.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I rise just to say I have no words at this moment for what my beloved colleague said. We have been 22 years together on the Committee on the Environment and Public Works and on the Finance Committee. He will succeed me soon, I hope, as chairman of the Finance Committee. He has my profound and lasting gratitude for what he has just said. I am sure he will continue in that mode. I thank my dear colleague.

Mr. SCHUMER. Mr. President, I rise today to applaud my colleagues for their unanimous support of S. 2370, a bill to name the stunning Federal Courthouse at 500 Pearl Street in Manhattan after Senator DANIEL PATRICK MOYNIHAN, the champion of this project and an esteemed Member of this body. I also rise to honor Senator MOYNIHAN, who against the wishes of his fellow New Yorkers, myself included, plans to retire at the end of this year. I honor PAT MOYNIHAN for all he has accomplished throughout his 47-year career in public service as legislator, scholar, reformer, teacher, and last, but definitely not least, builder.

It is especially for his role as builder that we honor him today. The Federal Courthouse at 500 Pearl Street embodies the same spirit as Senator MOYNIHAN's previous architectural endeavors—an extraordinary work of art, inside and out. Completed in 1994, the Courthouse was designed by the distinguished architectural firm of Kohn Pederson Fox with a dignity worthy of the weighty judicial matters considered within its walls. It is a magnificent structure of solid granite, marble, and sturdy oak, built to last 200 years, adorned with public art from notable contemporary artists Ray Kaskey and Maya Lin.

Senator MOYNIHAN has always been an important force for architecture in New York. He was responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green in Lower Manhattan and beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis H. Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. MOYNIHAN has also spurred a powerful popular movement in Buffalo to build a new signature Peace Bridge over the Niagara River.

But the project for which he is best known is his beloved Pennsylvania Station. In 1963, PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Penn Station—a glorious public building designed by the nation's premier architectural firm of the time, McKim, Mead & White.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a dingy basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects, in much the same grand design, as the old Penn Station. MOYNIHAN recognized that we could use the Farley Building to once again create a train station worthy of our great City. I had offered a bill last year to name that new train station after him, but Senator MOYNIHAN, with characteristic modesty, asked that the station keep the Farley name. And I, with characteristic persistence, introduced another bill to name the new Federal Courthouse at 500 Pearl Street after him.

Not coincidentally, the Courthouse's presence and elegance befit Senator MOYNIHAN, who was most responsible for its creation. Senator MOYNIHAN toiled for nearly a decade prodding the Congress, General Services Administration, three New York City mayors, and anyone else he needed, to see this spectacular Courthouse built. The Courthouse at 500 Pearl Street will serve as a fitting tribute and provide an enduring monument in the heart of the City that PAT MOYNIHAN and I both love so dearly, a monument for the millions of New Yorkers and their fellow Americans who love and admire Senator DANIEL PATRICK MOYNIHAN.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any additional statements relating to the bill be printed the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2370) was read the third time and passed, as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE.

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the "Daniel Patrick Moynihan United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Daniel Patrick Moynihan United States Courthouse.

E. ROSS ADAIR FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 505, H.R. 2412.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2412) to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2412) was read a third time and passed.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. GORTON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 248, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 248) to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 248

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 7, 2000, as "National Correctional Officers and Employees Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

HONORING MEMBERS OF THE ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES

Mr. GORTON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 103, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 103) honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States security interests.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements in relation to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 103) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 103

Whereas the United States Armed Forces conducted military operations in Southeast Asia during the period (known as the "Vietnam era") from February 28, 1961, to May 7, 1975;

Whereas during the Vietnam era more than 3,403,000 American military personnel served in the Republic of Vietnam and elsewhere in Southeast Asia in support of United States military operations in Vietnam, while millions more provided for the Nation's defense in other parts of the world;

Whereas during the Vietnam era untold numbers of civilian personnel of the United States Government also served in support of United States operations in Southeast Asia and elsewhere in the world;

Whereas May 7, 2000, marks the 25th anniversary of the closing of the period known as the Vietnam era; and

Whereas that date would be an appropriate occasion to recognize and express appreciation for the individuals who served the Nation in Southeast Asia and elsewhere in the world during the Vietnam era: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of the members of the Armed Forces and Federal civilian employees who during the Vietnam era served the Nation in the Republic of Vietnam and elsewhere in Southeast Asia or otherwise served in support of United States operations in Vietnam and in support of United States national security interests throughout the world;

(2) recognizes and honors the sacrifice of the families of those individuals referred to in paragraph (1) who lost their lives or remain unaccounted for or were injured during that era, in Southeast Asia or elsewhere in the world, in defense of United States national security interests; and

(3) encourages the American people, through appropriate ceremonies and activities, to recognize the service and sacrifice of those individuals.

NATIONAL CHARTER SCHOOLS WEEK

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 108 submitted earlier by Senators LIEBERMAN and GREGG.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 108) designating the week beginning on April 30, 2000, and ending on May 6, 2000, as "National Charter Schools Week."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The concurrent resolution (S. Con. Res. 108) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 108

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parent flexibility, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $350,000,000 in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 32 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 350,000 students in more than 1,700 charter schools during the 1999 to 2000 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefiting all public school students;

Whereas charter schools in many States serve significant numbers of students with lower income, students of color, and students with disabilities;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105–278) amended the Federal grant program for charter schools authorized by title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system;

(2) designates the week beginning on April 30, 2000, and ending on May 6, 2000, as "National Charter Schools Week"; and

(3) requests that the President issue a proclamation calling on the people of the United States to observe the week by conducting appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

PERSECUTION OF 13 IN IRAN'S JEWISH COMMUNITY

Mr. GORTON. I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 109 introduced earlier today by Senators SCHUMER, BROWNBACK, and others.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 109) expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. Mr. President, I rise today to denounce—in the strongest terms possible—the sham trial of 13 Jews in Iran accused of espionage. And I want to thank my colleagues for voting unanimously for a Concurrent Resolution urging President Clinton to condemn this mockery of justice and violation of fundamental human rights, and make clear to Iran that the United States and the world is watching the fate of these men very closely.

Leaders in Tehran must know that the treatment of the Jews on trial will go far in determining the nature of Iran's relations with the U.S., and its standing in the community of nations.

The 13 Iranian Jews, mostly community and religious leaders in the cities of Shiraz and Isfahan, were arrested more than a year ago by the Iranian authorities and accused of spying for the U.S. and Israel. These espionage charges are, of course, preposterous.

Indeed, how could they be true? Jews in Iran are prohibited from holding any positions that would grant them access to state secrets or sensitive materials. And most of these men live hundreds of miles from Tehran.

This mockery of truth and justice reached new lows this week. After a year in prison—isolated, no contact with family or friends, no contact with even a lawyer—three of these men were dragged from the darkness of one of Iran's harshest prisons and stuck in front of cameras to publicly "confess" to their charges.

No-one is fooled. In fact, the world is appalled.

These men were presumed guilty before their trials even began. That's because they are in the hands of the hard-line Clerics in Iran, who run the Revolutionary Courts. And, as we know, in Iran, the Clerics are never wrong.

This is an Inquisition, not a trial.

What we are really witnessing is a high-stakes attempt at a bait and switch. After forcing confessions to capital crimes, the Revolutionary Court judge—who, by the way, also serves as prosecutor, chief investigator, and jury—may dole out "light" sentences on the 13 men, to show how "forgiving" the Clerics are.

Our Resolution makes it perfectly clear that these innocent men should not be used as pawns in a shifty battle of egos in Iran. They should be released immediately.

The case of the 13 Jews is showing the world how far Iran needs to go before they may even begin to expect to be welcomed into the community of nations.

That is why countless nations and all leading international human rights organizations have expressed their concern for the 13 Iranian Jews, and have denounced the abuse of their fundamental human rights.

The United States recently presented Iran with goodwill overtures, such as lifting restrictions on many Iranian imports and easing travel restrictions between our two countries. We learned this week that goodwill gestures are meaningless.

Truth be told, Iran has continued to display nothing but hostility and contempt for the United States and everything for which we stand.

At a minimum, Iran must show signs of respecting human rights as a prerequisite for our improving relations with them. I am pleased that Secretary of State Albright has identified the case of the 13 Jews in Iran as "one of the barometers of United States-Iran relations."

The same standards should hold true for international financial institutions. Iran's quest for $130 million from the World Bank must not be taken seriously unless and until Iran begins to show a basic understanding of basic rules of justice.

Much has been made of President Mohammad Khatami's popular reform movement, and there is significant optimism that a kinder, gentler Iran is slowly emerging from the darkness of a 20-year hardline clerical dictatorship. Indeed, Khatami has received a huge mandate from the people of Iran over the past four years.

However, Iran must fully understand that normalized relations with the United States is only a pipedream if persecution such as that enacted upon the 13 Jews accused of spying goes unchallenged. If it does not, then what kind of reform movement are we really witnessing?

Colleagues, I thank you for supporting this Resolution urging the President to use all his resources to convince President Khatami that this farcical trial leading to a pre-ordained outcome will send US-Iran relations back to ground zero. Three of these men have already been tried and convicted without a shred of evidence. There are 10 more left to go. They should not spend one more day in prison. They should be released right now.

Today, the voice of the United States Senate has spoken. And we have said unanimously: "Iran, the world is watching."

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The concurrent resolution (S. Con. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 109

Whereas on the eve of the Jewish holiday of Passover 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas three of 13 defendants were tried in the first week in May 2000, in trials that were closed to all independent journalists, outside media, international observers, and family members;

Whereas no evidence was brought forth at these trials other than taped "confessions", and no formal charges have yet been filed;

Whereas Jews in Iran are prohibited from holding any positions that would give them access to state secrets;

Whereas the judge in the case also serves as prosecutor, chief investigator, and arbiter of punishment;

Whereas United States Secretary of State Albright has identified the case of the 13 Jews in Shiraz as "one of the barometers of United States-Iran relations";

Whereas countless nations and leading international human rights organizations have expressed their concern for the 13 Iranian Jews and especially their human rights under the rule of law;

Whereas President Mohammad Khatami was elected on a platform of moderation and reform;

Whereas the United States has recently made goodwill overtures toward Iran, including lifting restrictions on the import of Iranian foodstuffs and crafts, promising steps toward the return of assets frozen since 1979, and easing travel restrictions, all in an attempt to improve relations between the two countries;

Whereas the World Bank is currently considering two Iranian projects, valued at more than $130,000,000, which have been on hold since 1993; and

Whereas Iran must show signs of respecting fundamental human rights as a prerequisite for improving its relationship with the United States and becoming a member in good standing of the world community: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should—

(1) condemn, in the strongest possible terms, the arrest of the 13 Iranian Jews and the unfair procedures employed against them leading up to, and during, their trials, and demand their immediate release; and

(2) make it clear that—

(A) Iran's treatment of the Jews on trial is a benchmark for determining the nature of current and future United States-Iran relations, and that concessions already made may be rescinded in light of Iran's conduct of these cases; and

(B) the outcome of these cases will help determine Iran's standing in the community of nations, and its eligibility for loans and other financial assistance from international financial institutions.

MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. GORTON. I ask unanimous consent the Senate proceed to consideration of Calendar No. 517, S. 1452.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A Senate bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety for manufactured homes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Manufactured Housing Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Federal manufactured home construction and safety standards.
Sec. 5. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 6. Public information.
Sec. 7. Research, testing, development, and training.
Sec. 8. Fees.
Sec. 9. Dispute resolution.
Sec. 10. Elimination of annual reporting requirement.
Sec. 11. Effective date.
Sec. 12. Savings provisions.

(c) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

"SEC. 602. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

"(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

"(b) PURPOSES.—The purposes of this title are—

"(1) to facilitate the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department of Housing and Urban Development;

"(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

"(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

"(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

"(5) to protect owners of manufactured homes from unreasonable risk of personal injury and property damage;

"(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

"(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

"(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.".

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking "dealer" and inserting "retailer";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

"(15) 'consensus committee' means the committee established under section 604(a)(3);

"(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

"(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

"(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

"(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

"(20) 'monitoring'—

"(A) means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations recommended by the consensus committee and promulgated in accordance with section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

"(B) may include the periodic inspection of retail locations for transit damage, label tampering, and retailer compliance with this title; and

"(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated under this title.".

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking "dealer" each place it appears and inserting "retailer";

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking "dealer" each place it appears and inserting "retailer";

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking "dealer" and inserting "retailer";

(B) in subsection (b)(3), by striking "dealer or dealers" and inserting "retailer or retailers"; and

(C) in subsections (d) and (f), by striking "dealers" each place it appears and inserting "retailers";

(4) in section 616 (42 U.S.C. 5415), by striking "dealer" and inserting "retailer"; and

(5) in section 623(c)(9), by striking "dealers" and inserting "retailers".

SEC. 4. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

"(A) shall—

"(i) be reasonable and practical;

"(ii) meet high standards of protection consistent with the purposes of this title; and

"(iii) be performance-based and objectively stated, unless clearly inappropriate; and

"(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

"(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

"(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

"(i) terminate on the date on which a contract is entered into under subparagraph (B); and

"(ii) require the administering organization to—

"(I) appoint the initial members of the consensus committee under paragraph (3);

"(II) administer the consensus standards development process until the termination of that agreement; and

"(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

"(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

"(C) PERFORMANCE REVIEW.—The Secretary—

"(i) shall periodically review the performance of the administering organization; and

"(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

"(3) CONSENSUS COMMITTEE.—

"(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall function as a single committee, and which shall, in accordance with this title—

"(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

"(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with this subsection; and

"(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

"(B) MEMBERSHIP.—The consensus committee shall be composed of—

"(i) 21 voting members appointed, subject to approval by the Secretary, by the administering organization from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

"(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

"(C) DISAPPROVAL.—The Secretary may disapprove, in writing with the reasons set forth, the appointment of an individual under subparagraph (B)(i).

"(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

"(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

"(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

"(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

"(E) BALANCING OF INTERESTS.—

"(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee—

"(I) the administering organization in its appointments shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

"(II) the Secretary may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

"(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

"(F) ADDITIONAL QUALIFICATIONS.—

"(i) FINANCIAL INDEPENDENCE.—An individual appointed under subparagraph (D)(ii) may not have—

"(I) a significant financial interest in any segment of the manufactured housing industry; or

"(II) a significant relationship to any person engaged in the manufactured housing industry.

"(ii) POST-EMPLOYMENT BAN.—An individual appointed under clause (ii) or (iii) of subparagraph (D) shall be subject to a ban disallowing compensation from the manufactured housing industry during the 1-year period beginning on the last day of membership of that individual on the consensus committee.

"(G) MEETINGS.—

"(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

"(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

"(H) INAPPLICABILITY OF OTHER LAWS.—

"(i) ADVISORY COMMITTEE ACT.—The consensus committee shall not be considered to be an advisory committee for purposes of the Federal Advisory Committee Act.

"(ii) TITLE 18.—The members of the consensus committee shall not be subject to section 203, 205, 207, or 208 of title 18, United States Code, to the extent of their proper participation as members of the consensus committee.

"(iii) ETHICS IN GOVERNMENT ACT OF 1978.—The Ethics in Government Act of 1978 shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

"(I) ADMINISTRATION.—The consensus committee and the administering organization shall—

"(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

"(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

"(J) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

"(i) provide reasonable staff resources to the consensus committee; and

"(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

"(I) the support is necessary to ensure the informed participation of the consensus committee members; and

"(II) the costs of providing the support are reasonable.

"(K) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which an administration agreement under paragraph (2)(A) is completed with the administering organization.

"(4) REVISIONS OF STANDARDS AND REGULATIONS.—

"(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

"(i) consider revisions to the Federal manufactured home construction and safety standards and regulations; and

"(ii) submit to the Secretary in the form of a proposed rule (including an economic analysis), any proposed revised standard or regulation approved by a ⅔ majority vote of the consensus committee.

"(B) PUBLICATION OF PROPOSED REVISED STANDARDS AND REGULATIONS.—

"(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard or regulation under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, publish such proposed revised standard or regulation in the Federal Register for notice and comment. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard or regulation and any such comments shall be submitted directly to the consensus committee, without delay.

"(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

"(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

"(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard or regulation published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

"(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revisions proposed by the consensus committee, which the Secretary shall, not later than 7 calendar days after receipt, publish in the Federal Register a notice of the recommended revisions of the consensus committee to the standards or regulations, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards or regulations could become effective.

“(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

“(5) REVIEW BY THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard or regulation, as submitted by the consensus committee under paragraph (4)(A).

“(B) TIMING.—Not later than 12 months after the date on which a standard or regulation is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard or regulation under subparagraph (C).

“(C) PROCEDURES.—If the Secretary—

“(i) adopts a standard or regulation recommended by the consensus committee, the Secretary shall—

“(I) issue a final order without further rulemaking; and

“(II) publish the final order in the Federal Register;

“(ii) determines that any standard or regulation should be rejected, the Secretary shall—

“(I) reject the standard or regulation; and

“(II) publish in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard or regulation; or

“(iii) determines that a standard or regulation recommended by the consensus committee should be modified, the Secretary shall—

“(I) publish in the Federal Register the proposed modified standard or regulation, together with an explanation of the reason or reasons for the determination of the Secretary; and

“(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(D) FINAL ORDER.—Any final standard or regulation under this paragraph shall become effective pursuant to subsection (c).

“(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to publish notice of the action in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed standard or regulation is submitted to the Secretary under paragraph (4)(A)—

“(A) the recommendations of the consensus committee—

“(i) shall be considered to have been adopted by the Secretary; and

“(ii) shall take effect upon the expiration of the 180-day period that begins upon the conclusion of such 12-month period; and

“(B) not later than 10 days after the expiration of such 12-month period, the Secretary publish in the Federal Register a notice of the failure of the Secretary to act, the revised standard or regulation, and the effective date of the revised standard or regulation, which notice shall be deemed to be an order of the Secretary approving the revised standards or regulations proposed by the consensus committee.

“(b) OTHER ORDERS.—

“(1) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

“(2) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

“(A) the Secretary shall—

“(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

“(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin;

“(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

“(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

“(i) publish in the Federal Register the proposed regulation or interpretative bulletin and the written comments of the consensus committee, along with the response of the Secretary to those comments; and

“(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(3) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

“(A) approve the proposal and publish the proposed regulation or interpretative bulletin for public comment in accordance with section 553 of title 5, United States Code; or

“(B) reject the proposed regulation or interpretative bulletin and—

“(i) provide to the consensus committee a written explanation of the reasons for rejection; and

“(ii) publish in the Federal Register the proposed regulation and the written explanation for the rejection.

“(4) EMERGENCY ORDERS.—If the Secretary determines, in writing, that such action is necessary in order to respond to an emergency that jeopardizes the public health or safety, or to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation, following a request by the Secretary, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

“(A) provides to the consensus committee a written description and sets forth the reasons why emergency action is necessary and all supporting documentation; and

“(B) issues the order and publishes the order in the Federal Register.

“(5) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.”;

(2) in subsection (d), by adding at the end the following: “Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards.”;

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

“(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—”;

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking “subsection (f)” and inserting “subsection (e)”; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

“SEC. 605. MANUFACTURED HOME INSTALLATION.

“(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency.

“(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

“(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall be consistent with—

“(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

“(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

“(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall be consistent with—

“(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

“(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

“(3) FACTOR FOR CONSIDERATION.—

“(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factor described in section 604(e)(4).

“(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factor described in section 604(e)(4).

“(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

“(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

“(2) ENFORCEMENT OF INSTALLATION STANDARDS.—

"(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

"(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

"(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

"(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

"(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

"(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

"(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

"(B) the training and licensing of manufactured home installers; and

"(C) inspection of the installation of manufactured homes.".

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

"(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);".

SEC. 6. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting "to the Secretary" after "submit"; and

(B) by adding at the end the following: "The Secretary shall submit such cost and other information to the consensus committee for evaluation.";

(2) in subsection (d), by inserting ", the consensus committee," after "public"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 7. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

"(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.".

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

"(c) DEFINITIONS.—In this section:

"(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

"(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

"(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

"(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.".

SEC. 8. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

"SEC. 620. AUTHORITY TO COLLECT FEE.

"(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

"(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

"(A) conducting inspections and monitoring;

"(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

"(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

"(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

"(E) administering the consensus committee as set forth in section 604; and

"(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

"(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

"(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

"(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

"(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

"(1) as specifically authorized in advance in an annual appropriations Act; and

"(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

"(e) APPROPRIATION AND DEPOSIT OF FEES.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

"(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.".

SEC. 9. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by section 5(b) of this Act) the following:

"(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and"; and

(2) by adding at the end the following:

"(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

"(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection.

"(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

"(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than *a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.*

SEC. 10. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 12. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this Act.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

AMENDMENT NO. 3124

Mr. GORTON. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRAMM and Mr. SARBANES, proposes an amendment numbered 3124.

On page 41, line 20, strike ''appoint'' and insert ''recommend''.

On page 44, beginning on line 14, strike '', subject to the approval of the Secretary, by the administering organization'' and insert ''by the Secretary, after consideration of the recommendations of the administering organization under paragraph (2)(A)(ii)(I),''.

On page 44, line 23, strike ''may'' and all that follows through page 45, line 2, and insert ''shall state, in writing, the reasons for failing to appoint under subparagraph (B)(i) of this paragraph any individual recommended by the administering organization under paragraph (2)(A)(ii)(I)''.

On page 46, strike lines 3 through 5 and insert the following:

sensus committee, the Secretary, in appointing the members of the consensus committee—

''(I) shall ensure

On page 46, line 11, strike ''the Secretary''.

On page 48, strike lines 17 through 22, and insert the following:

''(iii) ETHICS IN GOVERNMENT ACT OF 1978.—

''(I) IN GENERAL.—Subject to subclause (II), the Ethics in Government Act of 1978 (5 U.S.C. App.) shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

''(II) FINANCIAL DISCLOSURE.—The Secretary shall collect from each member of the consensus committee the financial information required to be disclosed under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Notwithstanding section 552 of title 5, United States Code, such information shall be confidential and shall not be disclosed to any person, unless such disclosure is determined to be necessary by—

''(aa) the Secretary;

''(bb) the Chairman or Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate; or

''(cc) the Chairman or Ranking Member of the Committee on Banking and Financial Services of the House of Representatives.

''(III) PROHIBITION ON GIFTS FROM OUTSIDE SOURCES.—

''(aa) IN GENERAL.—Subject to item (bb), an individual who is a member of the consensus committee may not solicit or accept a gift of services or property (including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value), if the gift is solicited or given because of the status of that individual as a member of the consensus committee.

''(bb) EXCEPTIONS.—The Secretary shall by regulation establish such exceptions to item (aa) as the Secretary determines to be appropriate, which shall include an exception for de minimus gifts.

On page 55, line 2, insert ''with respect to a proposed revised standard submitted by the consensus committee under paragraph (4)(A)'' after ''paragraph (5)''.

On page 55, line 5, strike ''proposed standard or regulation'' and insert ''proposed revised standard''.

On page 55, strike lines 7 and 8, and insert the following:

''(A) the proposed revised standard—

On page 55, line 18, strike ''or regulation''.

On page 55, line 19, strike ''or regulation''.

On page 55, lines 21 and 22, strike ''standards or regulations proposed by the consensus committee'' and insert ''standard''.

On page 71, strike line 3 and insert the following:

Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

Mr. GORTON. I ask unanimous consent the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3124) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1452), as amended, was read the third time and passed, as follows:

S. 1452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Manufactured Housing Improvement Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Federal manufactured home construction and safety standards.
Sec. 5. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 6. Public information.
Sec. 7. Research, testing, development, and training.
Sec. 8. Fees.
Sec. 9. Dispute resolution.
Sec. 10. Elimination of annual reporting requirement.
Sec. 11. Effective date.
Sec. 12. Savings provisions.

(c) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''SEC. 602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to facilitate the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department of Housing and Urban Development;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

''(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

''(5) to protect owners of manufactured homes from unreasonable risk of personal injury and property damage;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking "dealer" and inserting "retailer";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

"(15) 'consensus committee' means the committee established under section 604(a)(3);

"(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

"(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

"(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

"(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

"(20) 'monitoring'—

"(A) means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations recommended by the consensus committee and promulgated in accordance with section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

"(B) may include the periodic inspection of retail locations for transit damage, label tampering, and retailer compliance with this title; and

"(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated under this title.".

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking "dealer" each place it appears and inserting "retailer";

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking "dealer" each place it appears and inserting "retailer";

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking "dealer" and inserting "retailer";

(B) in subsection (b)(3), by striking "dealer or dealers" and inserting "retailer or retailers"; and

(C) in subsections (d) and (f), by striking "dealers" each place it appears and inserting "retailers";

(4) in section 616 (42 U.S.C. 5415), by striking "dealer" and inserting "retailer"; and

(5) in section 623(c)(9), by striking "dealers" and inserting "retailers".

SEC. 4. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

"(A) shall—

"(i) be reasonable and practical;

"(ii) meet high standards of protection consistent with the purposes of this title; and

"(iii) be performance-based and objectively stated, unless clearly inappropriate; and

"(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

"(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

"(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

"(i) terminate on the date on which a contract is entered into under subparagraph (B); and

"(ii) require the administering organization to—

"(I) recommend the initial members of the consensus committee under paragraph (3);

"(II) administer the consensus standards development process until the termination of that agreement; and

"(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

"(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

"(C) PERFORMANCE REVIEW.—The Secretary—

"(i) shall periodically review the performance of the administering organization; and

"(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

"(3) CONSENSUS COMMITTEE.—

"(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall function as a single committee, and which shall, in accordance with this title—

"(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

"(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with this subsection; and

"(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

"(B) MEMBERSHIP.—The consensus committee shall be composed of—

"(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization under paragraph (2)(A)(ii)(I), from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

"(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

"(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint under subparagraph (B)(i) of this paragraph any individual recommended by the administering organization under paragraph (2)(A)(ii)(I).

"(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

"(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

"(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

"(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

"(E) BALANCING OF INTERESTS.—

"(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

"(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

"(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

"(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

“(F) ADDITIONAL QUALIFICATIONS.—

“(i) FINANCIAL INDEPENDENCE.—An individual appointed under subparagraph (D)(ii) may not have—

“(I) a significant financial interest in any segment of the manufactured housing industry; or

“(II) a significant relationship to any person engaged in the manufactured housing industry.

“(ii) POST-EMPLOYMENT BAN.—An individual appointed under clause (ii) or (iii) of subparagraph (D) shall be subject to a ban disallowing compensation from the manufactured housing industry during the 1-year period beginning on the last day of membership of that individual on the consensus committee.

“(G) MEETINGS.—

“(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

“(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

“(H) INAPPLICABILITY OF OTHER LAWS.—

“(i) ADVISORY COMMITTEE ACT.—The consensus committee shall not be considered to be an advisory committee for purposes of the Federal Advisory Committee Act.

“(ii) TITLE 18.—The members of the consensus committee shall not be subject to section 203, 205, 207, or 208 of title 18, United States Code, to the extent of their proper participation as members of the consensus committee.

“(iii) ETHICS IN GOVERNMENT ACT OF 1978.—

“(I) IN GENERAL.—Subject to subclause (II), the Ethics in Government Act of 1978 (5 U.S.C. App.) shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

“(II) FINANCIAL DISCLOSURE.—The Secretary shall collect from each member of the consensus committee the financial information required to be disclosed under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Notwithstanding section 552 of title 5, United States Code, such information shall be confidential and shall not be disclosed to any person, unless such disclosure is determined to be necessary by—

“(aa) the Secretary;

“(bb) the Chairman or Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate; or

“(cc) the Chairman or Ranking Member of the Committee on Banking and Financial Services of the House of Representatives.

“(III) PROHIBITION ON GIFTS FROM OUTSIDE SOURCES.—

“(aa) IN GENERAL.—Subject to item (bb), an individual who is a member of the consensus committee may not solicit or accept a gift of services or property (including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value), if the gift is solicited or given because of the status of that individual as a member of the consensus committee.

“(bb) EXCEPTIONS.—The Secretary shall by regulation establish such exceptions to item (aa) as the Secretary determines to be appropriate, which shall include an exception for de minimus gifts.

“(I) ADMINISTRATION.—The consensus committee and the administering organization shall—

“(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

“(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

“(J) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

“(i) provide reasonable staff resources to the consensus committee; and

“(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

“(I) the support is necessary to ensure the informed participation of the consensus committee members; and

“(II) the costs of providing the support are reasonable.

“(K) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which an administration agreement under paragraph (2)(A) is completed with the administering organization.

“(4) REVISIONS OF STANDARDS AND REGULATIONS.—

“(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

“(i) consider revisions to the Federal manufactured home construction and safety standards and regulations; and

“(ii) submit to the Secretary in the form of a proposed rule (including an economic analysis), any proposed revised standard or regulation approved by a ⅔ majority vote of the consensus committee.

“(B) PUBLICATION OF PROPOSED REVISED STANDARDS AND REGULATIONS.—

“(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard or regulation under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, publish such proposed revised standard or regulation in the Federal Register for notice and comment. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard or regulation and any such comments shall be submitted directly to the consensus committee, without delay.

“(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

“(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

“(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard or regulation published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

“(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revisions proposed by the consensus committee, which the Secretary shall, not later than 7 calendar days after receipt, publish in the Federal Register a notice of the recommended revisions of the consensus committee to the standards or regulations, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards or regulations could become effective.

“(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

“(5) REVIEW BY THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard or regulation, as submitted by the consensus committee under paragraph (4)(A).

“(B) TIMING.—Not later than 12 months after the date on which a standard or regulation is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard or regulation under subparagraph (C).

“(C) PROCEDURES.—If the Secretary—

“(i) adopts a standard or regulation recommended by the consensus committee, the Secretary shall—

“(I) issue a final order without further rulemaking; and

“(II) publish the final order in the Federal Register;

“(ii) determines that any standard or regulation should be rejected, the Secretary shall—

“(I) reject the standard or regulation; and

“(II) publish in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard or regulation; or

“(iii) determines that a standard or regulation recommended by the consensus committee should be modified, the Secretary shall—

“(I) publish in the Federal Register the proposed modified standard or regulation, together with an explanation of the reason or reasons for the determination of the Secretary; and

“(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(D) FINAL ORDER.—Any final standard or regulation under this paragraph shall become effective pursuant to subsection (c).

“(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) with respect to a proposed revised standard submitted by the consensus committee under paragraph (4)(A) and to publish notice of the action in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

“(A) the proposed revised standard—

“(i) shall be considered to have been adopted by the Secretary; and

“(ii) shall take effect upon the expiration of the 180-day period that begins upon the conclusion of such 12-month period; and

“(B) not later than 10 days after the expiration of such 12-month period, the Secretary publish in the Federal Register a notice of the failure of the Secretary to act, the revised standard, and the effective date of the revised standard, which notice shall be deemed to be an order of the Secretary approving the revised standard.

"(b) OTHER ORDERS.—

"(1) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

"(2) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

"(A) the Secretary shall—

"(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

"(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin;

"(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

"(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

"(i) publish in the Federal Register the proposed regulation or interpretative bulletin and the written comments of the consensus committee, along with the response of the Secretary to those comments; and

"(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(3) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

"(A) approve the proposal and publish the proposed regulation or interpretative bulletin for public comment in accordance with section 553 of title 5, United States Code; or

"(B) reject the proposed regulation or interpretative bulletin and—

"(i) provide to the consensus committee a written explanation of the reasons for rejection; and

"(ii) publish in the Federal Register the proposed regulation and the written explanation for the rejection.

"(4) EMERGENCY ORDERS.—If the Secretary determines, in writing, that such action is necessary in order to respond to an emergency that jeopardizes the public health or safety, or to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation, following a request by the Secretary, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

"(A) provides to the consensus committee a written description and sets forth the reasons why emergency action is necessary and all supporting documentation; and

"(B) issues the order and publishes the order in the Federal Register.

"(5) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.";

(2) in subsection (d), by adding at the end the following: "Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards.";

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

"(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—";

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking "subsection (f)" and inserting "subsection (e)"; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

"SEC. 605. MANUFACTURED HOME INSTALLATION.

"(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency.

"(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

"(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(3) FACTOR FOR CONSIDERATION.—

"(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factor described in section 604(e)(4).

"(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factor described in section 604(e)(4).

"(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

"(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

"(2) ENFORCEMENT OF INSTALLATION STANDARDS.—

"(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

"(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

"(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

"(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

"(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

"(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

"(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

"(B) the training and licensing of manufactured home installers; and

"(C) inspection of the installation of manufactured homes.".

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

"(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);".

SEC. 6. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting "to the Secretary" after "submit"; and

(B) by adding at the end the following: "The Secretary shall submit such cost and other information to the consensus committee for evaluation.";

(2) in subsection (d), by inserting ", the consensus committee," after "public"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 7. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) In General.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

"(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.".

(b) Definitions.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

"(c) Definitions.—In this section:

"(1) Government-sponsored housing entities.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

"(2) FHA manufactured home loan.—The term 'FHA manufactured home loan' means a loan that—

"(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

"(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.".

SEC. 8. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

"SEC. 620. AUTHORITY TO COLLECT FEE.

"(a) In General.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

"(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

"(A) conducting inspections and monitoring;

"(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

"(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

"(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

"(E) administering the consensus committee as set forth in section 604; and

"(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

"(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

"(b) Contractors.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

"(c) Prohibited Use.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

"(d) Modification.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

"(1) as specifically authorized in advance in an annual appropriations Act; and

"(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

"(e) Appropriation and Deposit of Fees.—

"(1) In general.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

"(2) Appropriation.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

"(3) Payments to states.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.".

SEC. 9. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by section 5(b) of this Act) the following:

"(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and"; and

(2) by adding at the end the following:

"(g) Enforcement of Dispute Resolution Standards.—

"(1) Establishment of dispute resolution program.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection.

"(2) Implementation of dispute resolution program.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

"(3) Contracting out of implementation.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.".

SEC. 10. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 12. SAVINGS PROVISIONS.

(a) Standards and Regulations.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this Act.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

ORDERS FOR MONDAY, MAY 8, 2000

Mr. GORTON. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 1 p.m. on Monday, May 8. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 3 p.m., with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 1 to 2 p.m.; Senator THOMAS or his designee, 2 to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, the Senate will convene at 1 p.m. on Monday. It will be in a period of morning business until 3 p.m. Following the morning business, Senator LOTT will be recognized to offer the Lott-Gregg amendment to the Elementary and Secondary Education Act. Debate on that teacher quality amendment is expected to consume the remainder of Monday's session. By previous consent, Senator LIEBERMAN will offer his substitute amendment on Tuesday morning. Any votes in relation to the Lott-Gregg amendment will not occur until Tuesday, at a time to be determined.

ADJOURNMENT UNTIL 1 P.M. MONDAY, MAY 8, 2000

Mr. GORTON. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Monday, May 8, 2000, at 1 p.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE NEIGHBOR TO NEIGHBOR ACT, MAY 4, 2000

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. DUNN. Mr. Speaker, the generous hearts of Americans know no income or class boundaries. Tens of millions of people give annually to support charities such as their local churches, youth and family organizations, and medical research programs. It is a testament to the willingness of families to give back to the community on which they rely on for so much.

Yet, under current law, only a small portion of individuals who contribute to charities receive a tax benefit for their gifts. This is because the deduction that is provided for a gift to charity is only available to taxpayers who itemize on their returns. These filers represent only 30 percent of all taxpayers.

Today, along with Senator PAUL COVERDELL, I rise to introduce the Neighbor to Neighbor Act. This important proposal will extend the charitable deduction to non-itemizers and will grant them tax relief on the first dollar of their gift. Under the bill, joint filers will receive dollar-for-dollar deduction on their donations up to $1,000 and individuals will receive a deduction on their donations up to $500. The Neighbor to Neighbor Act will benefit 67 million charitable givers and will for the first time encourage and reward contributions made by all taxpayers. According to the Joint Committee on Taxation, this bill will provide $52 billion in tax relief over the next 10 years. Most importantly, since the overwhelming majority of non-itemizers are low- and middle-income Americans, this is genuinely broad-based tax relief.

One important element of charitable giving is being able to plan a contribution with the tax deduction in mind. For most taxpayers who now receive the deduction, however, this means performing an estimate of future tax liability and making contributions accordingly. This can be an inefficient and imprecise method.

The Neighbor to Neighbor Act will eliminate the complexities of this current system by allowing both itemizers and non-itemizers the ability to contribute to charities through April 15th and deduct that contribution from the previous year's taxes. As a result, taxpayers will have the ability to contribute after they receive their tax information at the beginning of the year and can precisely calculate their liability and give back accordingly.

The Neighbor to Neighbor Act acknowledges the important role that all Americans play in building strong communities through private charities. By every measure, these groups are more effective at instilling strong values in our youth and transforming society from the ground up. I urge my colleagues in both the House and Senate to support this important bill.

RECOGNITION OF EQUAL PAY DAY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize California's Equal Pay Day, May 11, 2000. This day allows us to fully recognize the value of women's skills and significant contributions to the labor force.

It has been over 35 years since the passage of the Equal Pay Act and title VII of the Civil Rights Act, but women in America still suffer the consequences of inequitable pay differentials.

The Institute for Women's Policy Research has reported that, the average 25-year-old woman will earn $523,000 less than the average 25-year-old man will over the next 40 years, if current wage patterns continue. In 1998, women earned 73 cents, to every dollar earned by men. This is an overwhelming difference of 27 percent less.

Today, working women constitute a large segment of this Nation's work force, and a vast majority of households are dependent on the wages of working mothers. These women deserve fair and equal pay. Often, working families are just one paycheck away from economic hardships. Fair and equal pay for women would go a long way toward strengthening the security of families today and enhancing the prospects of retirement tomorrow.

May 11, 2000, will symbolize the day on which the wages paid to American women this year, when added to their incomes in 1999, will finally equal the 1999 earnings of American men.

Mr. Speaker, I move that we recognize women for their lasting contributions to the American work force and urge my colleagues to continue their work to bring fair and equal pay to all U.S. citizens.

REBELS IN SIERRA LEONE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HALL of Ohio. Mr. Speaker, today I am outraged at the news that rebels in Sierra Leone murdered seven United Nations peacekeepers on May 3, and that more than 40 others remain hostages.

By coincidence, on that same date this House approved the thoughtful legislation proposed by our colleague, Mr. GEJDENSON. His bill, which I was honored to co-sponsor, is an investment in Sierra Leone's peace process that is overdue and one which, I hope, will help end the violence there. It funds the effort other nations have joined to disarm and rehabilitate the soldiers—many of them young children—who battled each other for eight long years until the July 1999 peace agreement. It funds a truth and reconciliation commission that aims to heal the wounds of civilians who have been caught up in the war but have no hope for justice under the peace agreement. And it takes other needed steps.

Mr. Speaker, I visited Sierra Leone last year with Congressman FRANK WOLF. We were both horrified by the butchery of innocent people who had lost their hands, legs, ears and noses to machete-wielding rebels. Neither of us will ever forget what we saw in the capital's amputation camp; I am particularly haunted by one charming toddler who will struggle all her life because one of the rebels chopped off her hand. "Give us a hand," the country's president had said in his election campaign. Rebels, driven by greed for the nation's tremendous diamond wealth and for power, twisted President Kabbah's campaign slogan around, telling their victims as they dismembered them, "go and ask Kabbah for your hand."

We also were dismayed to learn of the United States' role in pressing Sierra Leone's elected government to sign a peace agreement that indemnified the rebels who had committed these atrocities. Not only would no one be prosecuted for war crimes, the leader of the rebels would be put in charge of the nation's considerable wealth—wealth he had diverted into the coffers of his rebel forces.

No one, save a regional coalition led nobly by Nigeria, had come to Sierra Leone's aid in any significant way during this war. We sent bandages and food, of course, but our country failed to expend the effort needed to stop this war. We had lots of excuses—"we were busy in Kosovo," a country no less middle-class than Sierra Leone. Or, "it was Africa, and we still feel the loss of our men and our prestige in Somalia." It may have been clever political calculus for our government to figure this peace agreement was the best Sierra Leone's people could get, but the day we made that decision was a dark one for America's honor.

Most observers have been awed by Sierra Leoneans' willingness to accept peace without justice. I too was persuaded by the people I heard there and in this country. Perhaps Sierra Leoneans knew best that this was their best hope for peace if they could live with this shameful agreement, our country should not stand in their way.

But now Sierra Leoneans have neither justice nor peace. Atrocities against civilians continue, with well-documented instances of girls being kidnaped to serve as sex slaves and domestic servants; of villages being attacked and looted; of random murders. U.N. peacekeeping troops have not been immune from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the on-going violence: they have been stripped of their weapons—of armored personnel carriers, helicopters, and rocket-propelled grenades, as well as rifles and ammunition. In fact, the Kenyans who died yesterday were trying to resist rebels' attempt to grab still more weapons.

It is clear to me, Mr. Speaker, that as long as rebles can continue stealing Sierra Leone's natural resources—its diamonds—they will continue their attacks. Diamonds transformed this band of 400 ruffians into a well-equipped fighting force 25,000 strong, a force that one retired Green Beret told me was one of the best in the world. Diamonds still drive rebel troops and commanders and despite the 10-month-old peace agreement that bans continue mining, diamonds are still being mined today. And, despite all they know about how rebels are using their profits, diamond traders still look the other way and buy the rebels' stones—and they still transform them into symbols of love and commitment for unsuspecting Americans to treasure.

When we returned in December, Mr. WOLF and I called for the United Nations to sanction these bloody diamonds—as it did when rebels in Angola broke the peace agreement they had signed. This step is needed not only to punish the rebels; it is also essential to protecting the U.N. peacekeepers who are the victims of this diamond wealth.

While the United States contributes no troops to this U.N. effort, we are paying tens of millions of dollars for it and we have an obligation to insist that it be well equipped, adequately manned, and protected to the full extent of the United Nations' ability. However, although we got kind words from the Secretary General and Ambassador Holbrooke and don't doubt their efforts to bring lasting peace to Sierra Leone, the United Nations has not yet seriously considered this step.

Next week, in honor of the peacekeepers who have died in Sierra Leone, and in hope of protecting more from meeting that fate, I plan to introduce a Sense of the Congress resolution:

It will condemn rebels for murdering the Kenyan troops serving as U.N. peacekeepers, and the countless Sierra Leonean civilians who continue to suffer death and gross human rights violations at rebels' hands.

It will call on our country's diplomats to remind the rebels' leaders that last year's peace agreement does not provide them amnesty for war crimes committed since it was signed.

And it will call the United States to bring before the United Nations Security Council a resolution sanctioning the sale of diamonds by Sierra Leone's rebels.

Sierra Leone is a country blessed by its natural resources, by its fertile land, and by its hard-working people. Until there is real peace, though, its diamonds will be a curse—and Sierra Leone will be a ward of the international community, dependent on the charity of Americans and others. In a country as rich as Sierra Leone, there should be no need for the charity of outsiders.

In the past decade, more than $10 billion in diamond wealth has fallen into the hands of rebel forces in Sierra Leone and three other African nations. At the same time, these same forces were using their money to inflict suffering that our country spent $2 billion to ease. Clearly, we cannot stop Sierrra Leone's suffering with food and medicine alone. We have to end the deadly trade in conflict diamonds if we don't want to see this "genocide" continue. As the consumer of 65 percent of the world's diamonds, we owe it to Africans to help them break this terrible link. As stewards of our own government's funds, we owe it to Amrican taxpayers to cut off the funding for the weapons that have inflicted Sierra Leoneans' wounds—and the death blows to seven U.N. peacekeepers.

I urge our colleagues to join me today in my outrage, and to join me next week in supporting this Sense of the Congress resolution.

IDEA FULL FUNDING ACT OF 2000

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my opposition to H.R. 4055, which authorizes over $160 billion in new federal spending for programs imposed on local school districts by the Individuals with Disabilities Education Act (IDEA). While I share the goal of devoting more resources to educating children with learning disabilities, I believe that there is a better way to achieve this laudable goal than increasing spending on an unconstitutional, failed program that thrusts children, parents, and schools into an administrative quagmire. Under the system set up by IDEA, parents and schools often become advisories and important decisions regarding a child's future are made via litigation. I have received compliments from a special education administrator in my district that unscrupulous trial lawyers are manipulating the IDEA process to line their pockets at the expenses of local school districts. Of course, every dollar a local school district has to spend on litigation is a dollar the district cannot spend educating children.

IDEA may also force local schools to deny children access to the education that best suits their unique needs in order to fulfill the federal command that disabled children be educated "in the least restrictive setting," which in practice means mainstreaming. Many children may thrive in a mainstream classroom environment, however, some children may be mainstreamed solely because school officials believe it is required by federal law, even though the mainstream environment is not the most appropriate for that child.

On May 10, 1994, Dr. Mary Wagner testified before the Education Committee that disabled children who are not placed in a mainstream classroom graduate from high school at a much higher rate than disabled children who are mainstreamed. Dr. Wagner quite properly accused Congress of sacrificing children to ideology.

Increasing IDEA spending also provides incentives to over-identify children as learning disabled, thus unfairly stigmatizing many children and, in a vicious cycle, leading to more demands for increased federal spending on IDEA. Instead of increasing spending on a federal program that may actually damage the children it claims to help, Congress should return control over education to those who best know the child's needs: parents. In order to restore parental control to education, I have introduced the Family Education Freedom Act (H.R. 935), which provides parents with a $3,000 per child tax credit to pay for K–12 education expenses. My tax credit would be of greatest benefit to parents of children with learning disabilities because it would allow them to devote more of their resources to ensure their children get an education that meets the child's unique needs.

In conclusion, I would remind my colleagues that parents and local communities know their children so much better than any federal bureaucrat, and they can do a better job of meeting a child's needs than we in Washington. There is no way that the unique needs of my grandchildren, and some young boy or girl in Los Angeles, CA or New York City can be educated by some sort of 'Cookie Cutter' approach. Thus, the best means of helping disabled children is to empower their parents with the resources to make sure their children receive an education suited to their child's special needs, instead of an education that scarifies that child's best interest on the altar of the "Washington-knows-best" ideology.

I therefore urge my colleagues to join with me in helping parents of special needs children to provide their children with an education by repealing federal mandates that divert resources away from helping children and, instead, embrace my Family Education Freedom Act.

SUPPORT SPECIAL EDUCATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TANCREDO. Mr. Speaker, yesterday, the House overwhelmingly approved H.R. 4055, the IDEA Full Funding Act, which will allow the federal government to fully fund their share of special education. The bill provides a $2 billion yearly increase in special education spending, beginning with $7 billion for fiscal year 2001 and ending with $25 billion for fiscal year 2010.

In 1975, Congress promised every child in America a quality education, and it has failed to fulfill that promise.

Special education should be a top priority of America and this Congress as we prepare our children for the next century. No child in Colorado or America should be left behind simply because of their disability.

Currently, the state of Colorado receives $28.4 million to educate special education students—even though the federal government promised to pay $145.7 million. If the federal government met its 40 percent commitment to IDEA, the state would receive $117 million more a year.

This is money that could go to pay for more computers, increased pay for teachers or smaller classrooms.

It is time for promises made to be promises kept. With millions of dollars being wasted on unauthorized or inefficient government programs, there is no excuse for failing to fulfill the promise to fund 40 percent of special education programs.

With better accountability of programs within the budget process, we would already have the funds available for special education.

Instead, we are on the path of underfunding and depriving special education students the quality education they deserve.

Again, I would like to thank my colleagues for their support of H.R. 4055 and thank Chairman GOODLING for his hard and dedicated work on this bill.

HONORING THE SOUTH BAY NATIONAL DAY OF PRAYER BREAKFAST

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today in recognition of the second annual South Bay National Day of Prayer Breakfast. This Judeo-Christian event was created to recognize the value of prayer and reflection in our daily lives.

This important occasion is patterned after the National Day of Prayer Breakfast in Washington, DC. Congress established the National Day of Prayer Breakfast in 1952 as a time for personal reflection and rededication of individuals, communities, and the nation to God.

I commend the business, religious, and community leaders who are responsible for organizing this event in the South Bay. This is a meaningful event for individuals of all backgrounds and faiths to come together as a community and reflect.

Although this is only the second year that the South Bay National Day of Prayer Breakfast is being held, it has quickly become a tradition. I look forward to its continued success.

HONORING JULIE JOHNSON-WILLIAMS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, this week, Julie Johnson-Williams will be honored as the founding President and Member-Emeritus at Women for WineSense 10th Anniversary Conference in Sonoma County, California.

In 1981, Julie Johnson-Williams co-founded Frog's Leap Winery, one of the finest wineries in Napa Valley and its third California-Certified Organic Vineyard. Julie has been an active member in the Napa Valley Vintners Association, the California Wine Institute and the Winemaking Families and Grapegrowers' Appreciation Day. As an avid gardener, Julie creatively nurtures the vines, orchards and vegetable plots that delight the visitors of Frog's Leap.

As a Public Health nurse with a Nursing Award for Academic Excellence from Columbia University School of Nursing, Julie brings a commitment to healthy lifestyles to the world of wine. She now reaches beyond illness to the territory of the "well" in her Women for WineSense efforts. In particular, Julie has focused her activities to educate and empower women to make responsible lifestyle decisions, and to take a proactive stance in community and occupational arenas.

Julie's civic and philanthropic activities are built on her educational and career endeavors. As a parent, she is an on-going classroom volunteer in the St. Helena Unified School District. She has been a volunteer fund-raiser for the Shasta-Diablo Planned Parenthood group. As a health professional, Julie has a particular concern for the prevention of alcohol and drug abuse and has been an active member of numerous boards that address this issue.

Julie can truly be called a "Renaissance Woman." She has endless energy for her family, community and the vineyard she loves. Julie accomplishes so much and with great aplomb. Her generosity and talent greatly benefit the varied communities she serves.

Ten years ago, Julie founded the premier worldwide grassroots organization for women interested in wine. Women for WineSense continues to serve as a moderate, non-biased, non-profit educational and promotional organization to ensure all women and men have accurate information on the cultural, social and health effects of moderate wine consumption.

Mr. Speaker, I join the other Women for WineSense members in honoring Julie Johnson-Williams as their Founding President and Woman of the Year 2000.

TRIBUTE TO MR. AND MRS. JACK QUINN, SR.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute and officially recognize a very special Golden Anniversary occurring in my Congressional District this weekend. In fact, this very well may be the speech I am most proud to give, because today I rise to honor my parents, Jack and Norma Quinn.

On May 6, 1950, Jack Quinn married Norma Ide at the Holy Family Church in South Buffalo. My father then went to work with the South Buffalo Railroad, where he spent over 32 years. Never one to shy away from hard work, he then took a new job with the Erie County Library System, where he spent an additional 16 years.

For the pass 44 years, Jack and Norma Quinn have made their home on East Frontier in the Village of Blasdell.

While Jack worked at the Railroad and later with the Library system, Norma maintained part-time work, but focused intently on her role as a full-time Mother. Mr. Speaker, believe me, it must not have been easy raising the five Quinn boys.

As a community, we pause to honor and recognize those couples whose dedication, commitment and love for each other has carried them through fifty years of marriage. These couples serve as a positive example to our entire community that strong marriages based on love, mutual respect, and caring devotion will stand the test of time.

Throughout these past fifty years, their steadfast commitment to one another, strength, and devotion to our family has never faltered.

To commemorate this momentous occasion, our family will have a small, private ceremony where our parents will renew their vows.

Mr. Speaker, today I join with my four brothers, Kevin, Jeff, Tom and Mike, our wives and children, and our entire Quinn Family in special recognition and loving tribute to my parents on this Golden Anniversary. I thank them for their example of commitment to God, family, and to one another.

TRIBUTE TO CYNTHIA G. ROTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CALVERT. Mr. Speaker, I take the floor today to honor Cynthia G. Roth, the recipient of the 2000 ATHENA Award.

The ATHENA Foundation Award Programs originated in 1980 by Martha Mayhood Mertz, who realized that in the 75 years of presenting community awards, her Lansing Regional Chamber of Commerce, of Michigan, had only once honored a woman. Mertz recognized that focus had to be given to the incredible professional women in our communities and they had to be incorporated into leadership positions in the local Chambers of Commerce.

Cynthia G. Roth, of my own district of Western Riverside, California, has worked with Greater Riverside Chambers of Commerce for 23 years. She started with the Chamber as a receptionist and is now the President and Chief Executive Officer, where she oversees a budget of $1.1 million, supervises a staff of 15 and promotes the Riverside region. Cynthia's 23 years with the Greater Riverside Chambers of Commerce epitomizes the ATHENA philosophy of leadership that celebrates relationships and services to the community.

Mr. Speaker, my district is fortunate to have the dynamic and dedicated community leader in Cynthia. She has given her time and talents to promote the businesses, schools and community organizations of Riverside. Moreover, she has been an exceptional motivator and inspiration to all young women around her.

Cynthia's outstanding work makes me proud to call her a community member and fellow American. I know that all of Riverside, including myself, are grateful for her contribution to the betterment of our community and salute her on May 10th with the 2000 ATHENA Award.

I look forward to continuing to work with her and the many professional women of Riverside County for the good of our community. I would like to close with the ATHENA Foundation motto by Plato: "What is honored in a country will be cultivated there."

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. HOYER. Mr. Speaker, I rise in support of H. Con. Res. 310, supporting a National Charter Schools Week. I commend my distinguished colleague from Indiana, Mr. ROEMER, for highlighting the charter school movement and urging the Congress and the Administration to demonstrate support for our nation's charter schools.

Mr. Speaker, from 1989 to 1999, the number of students enrolled in public schools increased by 6.7 million, and the U.S. Census projects that our nation's school-age population will continue to grow throughout the century. In fact, many states have seen double-digit increases in school-age population. As this population continues to grow, our commitment to finding new and innovative ways to meet the changing needs of educating our youth needs to grow as well.

Charter schools offer our communities the ability to enroll their children in schools that enjoy autonomy over its operation and freedom from regulations that other public schools must follow, but also are held accountable for improving student achievement. Nearly two-thirds of newly created charter schools seek to realize an alternative vision of schooling, and one-fourth were founded primarily to serve a special target population. Many charter schools also serve a large number of lower income students, minority populations and students with disabilities.

Not only does this resolution acknowledge the charter school movement's progress and future promise, but it also encourages the President to issue a proclamation to demonstrate support for charter schools and establishes a National Charter Schools Week. Our nation's 1700 charter schools and the 350,000 students who attend them deserve our support and recognition. I want to thank Mr. ROEMER for his continued leadership on this important education issue and your dedication to providing flexibility to our nation's schools.

HONORING EUGENE BRUNS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the wonderful men and women of the Michigan State Police. Day after day, these brave people work to maintain safe streets for our children to live and play. On April 10, the Michigan State Police will recognize one of their own, as they gather to celebrate the retirement of Sergeant Eugene Herbert Bruns from State Police Lapeer Post #38.

Eugene Bruns was born in 1940 in Frankenmuth, Michigan, and graduated from Frankenmuth High in 1958. On March 9, 1964, Eugene enlisted in the Michigan State Police. He completed his requirements within 8 weeks and began his career at Warren Post #24. He was reassigned to East Lansing Post #11 in 1966, where he served as 1st District Recruiter. In March of 1972, Eugene was promoted to Detective Sergeant of Lapeer Post #38, serving the entire Thumb area of the state. He remained at the Post, accepting an assignment as Desk Sergeant in 1981, and has served there ever since.

During his 35-year tenure with the State Police, Eugene was the well-deserving recipient of numerous honors and citations, and his actions have benefited law enforcement officials from all over the country. In 1968, he was awarded for Meritorious Service for his work on a check fraud complaint that resulted in several arrests in Texas. A 1974 narcotics case recovered thousands of dollars of property, firearms, and drugs. And in 1978, a simple discovery of a stolen snowmobile led to the uncovering of a three state criminal ring. For his diligent work over the course of several decades, Lapper Post #38 recognized Eugene in 1994 as Trooper of the Year.

In addition to being a member of the Michigan State Police Troopers Association, Eugene has become a vital part of the Lapeer community, as shown by his work with the Lions Club and Kiwanis Club of Lapeer. He has also expressed his dedication to his fellow Troopers by serving three two-year terms on the State Police Hardship Fund Committee.

Mr. Speaker, as a Member of Congress, I consider it my duty and my privilege to protect and defend human dignity and the quality of life for our citizens. I am extremely grateful to have a person like Eugene Bruns who shares these beliefs, and has made it his life's work to see this task achieved. I ask my colleagues in the 106th Congress to please join me in congratulating Eugene, and wishing him the very best in his retirement.

TEXAS HOME SCHOOL APPRECIATION WEEK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. PAUL. Mr. Speaker, as this is Texas Home School Appreciation week, I am pleased to take this opportunity to salute those Texas parents who have chosen to educate their children at home. While serving in Congress, I have had the opportunity to get to know many of the home schooling parents in my district. I am very impressed by the job these parents are doing in providing their children with a quality education. I have also found that home schooling parents are among the most committed activists in the cause of advancing individual liberty, constitutional government, and traditional values. I am sure my colleagues on the Education Committee would agree that the support of home schoolers was crucial in defeating the scheme to implement a national student test.

Home schooling is becoming a popular option for parents across the country. In Texas alone, there are approximately seventy five thousand home schooling families educating an average of three children per household. Home schooling is producing some outstanding results. For example, according to a 1997 study the average home schooled student scores near the ninetieth percentile on standardized academic achievement tests in reading, mathematics, social studies, and science! Further proof of the success of home schooling is the fact that in recent years, self-identified home schoolers have scored well above the national average on both the Scholastic Aptitude Test (SAT) and the American College Test (ACT). These high scores are achieved by home schooling children, regardless of race, income-level, or gender.

Contrary to media-generated stereotypes portraying home schooled children as isolated from their peers, home schooled children participate in a wide variety of social, athletic, and extra-curricular activities. Home schooling parents have formed numerous organizations designed to provide their children ample opportunity to interact with other children. In fact, recent data indicates that almost 50% of home schooled children engage in extra-curricular activities such as group sports and music classes, while a third of home schooled children perform volunteer work in their communities.

Mr. Speaker, to be a home schooling parent takes a unique dedication to family and education. In many cases, home school families must forgo the second income of one parent, as well as incurring the costs of paying for textbooks, computers, and other school supplies. Home schooling parents must pay these expenses while, like all American families, struggling to pay state, local, and federal taxes.

In order to help home schoolers, and all parents, devote more of their resources to their children's education, I have introduced the Family Education Freedom Act (H.R. 935). This bill provides all parents a $3,000 per child tax credit for K–12 education expenses. This bill would help home school parents to provide their children a first-class education in a loving home environment.

The Family Education Freedom Act will also benefit those parents who choose to send their children to public or private schools. Parents who choose to send their children to private school may use their tax credit to help cover the cost of tuition. Parents who choose to send their children to public schools may use their tax credit to help finance the purchase of educational tools such as computers or extracurricular activities like music programs. Parents may also use the credit to pay for tutoring and other special services for their children.

Mr. Speaker, the best way to improve education is to return control over education resources to the people who best know their children's unique needs: those children's parents. Congress should empower all parents, whether they choose to home school or send their child to a public or private school, with the means to control their child's education. That is why I believe the most important education bill introduced in this Congress is the Family Education Freedom Act.

In conclusion, I wish to once again commend the accomplishments of those parents who have chosen to educate their children at home. I also urge my colleagues to help home schoolers, and all parents, ensure their children get a quality education by cosponsoring the Family Education Freedom Act.

IN TRIBUTE TO ROBBI AND RICKEY GELB

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Robbi and Rickey Gelb, who were recently honored by Haven Hills Inc. for their service on behalf of domestic violence victims.

A National Crime Victimization Survey indicated that in 1996 there were about 1 million rapes, sexual assaults, robberies, aggravated assaults and simple assaults committed by someone in an intimate relationship with the victim. Eight of 10 of the victims were women.

Despite that frightening statistic, a 1998 report by the U.S. Department of Justice indicates that the rate of domestic violence in many categories has been declining over the past decade. I believe the downward trend is directly attributable to the outreach efforts by such organizations as Haven Hills and supporters such as Robbi and Rickey Gelb, in conjunction with stronger laws to deal with the problem and greater community awareness.

Haven Hills has helped more than 80,000 women and their children confront domestic violence during the past 22 years. When its phenomenal success required new facilities, the Gelbs stepped forward. The new building the Gelbs helped acquire will house administrative offices and support and services to many more victims of domestic violence.

Robbi and Rickey Gelb are successful business people in the California's San Fernando Valley and have a long record of community involvement. They have donated community facilities; generously support the Mid-Valley Jeopardy Foundation, which provides services and facilities for at-risk youth; and have provided wheelchairs to needy students in the Los Angeles Unified School District.

Rickey Gelb serves on numerous committees and organizations dedicated to making the community better, including a committee to build a memorial and monument to honor police officers and firefighters. In addition, Rickey Gelb is a Commissioner for the City of Los Angeles, and a member of the Encino Chamber of Commerce, the L.A. Department of Transportation Mobile Action Committee and the Mayor's Job Recovery Corporation.

The Gelbs have been married for 34 years and have two grown children, Geoffrey and Lisa.

Mr. Speaker, I know my colleagues will join me in congratulating Robbi and Rickey Gelb for a lifetime of dedication to their community and for their deserved recognition from Haven Hills Inc.

IN HONOR OF THE 88TH BIRTHDAY OF PERRY COMO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUCINICH. Mr. Speaker, today I celebrate the 88th birthday of Perry Como, a great entertainer and Grammy Award winner.

Perry Como was born the seventh son in a family of thirteen children on May 18, 1912 in Canonsburg, Pennsylvania. He began working at the age of ten in a barbershop, sweeping and sharpening. By age fourteen, he had his own shop with two barbers working for him.

In 1933, Perry Como was encouraged by a friend to audition for a vocalist part with Freddy Carlone's Dance Band. Although he would earn less than a quarter of the income he made as a barber, Como accepted the job when he was offered the position. When he left Canonsburg to tour with the band, his girlfriend, Roselle Belline, went with him. The couple married on July 31, 1933.

Throughout the next years, Perry toured the country, first with Freddy Carlone's Band, and later with the Ted Weems Band. While performing with the Ted Weems Band in Chicago, Perry left the stage in the middle of a performance to be with his wife as she gave birth to their first child, a son named Ronnie. The Como's later adopted another son, David, and a daughter, Terri.

In 1941, Ted Weems joined the Armed Forces and his orchestra disbanded. Perry Como was offered his own nightly 15-minute radio show for CBS in New York. This break led to a contract with RCA Victor that would begin Perry Como's recording career. Two years after signing with RCA Victor, Perry had his first major hit with Till the End of Time.

Perry Como had a series of popular hits in the forties and fifties. In 1958, he won the first Best Male Vocal Grammy award for the song *Catch a Falling Star*. His radio show, which had transferred to television in the late forties, was also successful, running from 1948–1950 as the Chesterfield Supper Club, then from 1950–59 as the Perry Como Show. From 1960 through 1963, Perry Como hosted the Kraft Music Hall.

My fellow colleagues, join with me in celebrating the notable and inspiring career of Perry Como on the momentous occasion of his 88th birthday.

TRIBUTE TO ELIAS KARMON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute to and wish a happy 90th birthday to Mr. Elias Karmon, an outstanding individual who has devoted his life to his family and to serving the community.

Mr. Karmon served as President of the Bronx Chamber of Commerce for four consecutive terms after serving on its Boards since 1953 and holding the positions of Treasurer, Second Vice President and First Vice President. His dinner attendance record of 930 people at the Chamber's annual dinner in 1979, with David Rockefeller as the guest of honor, has never been equaled.

Mr. Speaker, along with Dr. Ramon S. Velez and Michael Munoz, Mr. Karmon created the South Bronx Board of Trade, an organization aiding the businesses of the borough, particularly minority-owned enterprises. Today, as honorary Chairman, he still continues his activities with the organization. As Chairman of the Building Fund Committee of the Bronx Board of Realtors, Karmon was instrumental in negotiating the purchase of its present building in 1992. Karmon is also the Chairman of the Annual Essay Contest, a contest he initiated in 1975 among students of the public and private high schools in the Bronx and in Manhattan, for the Bronx-Manhattan Association of Realtors.

A civic leader in the Bronx for 60 years, Karmon has been active in many business, civic, health, service and humanitarian organizations. To name a few, in 1949 he founded the Prospect Avenue and Neighborhood Businessmen's Association, Inc. and served as its president for 12 years. In 1954 Karmon served as Chairman of the Bronx Urban League Advisory Board, being a founding member of the Bronx Branch. His involvement with Einstein College began around 1955 with the organizational committee that brought about this College of Medicine. Karmon and his late wife, Sylvia, are members of the Albert Einstein College of Medicine. One of the founders of the Ponce de Leon Federal Bank in 1959, he stills serves on the board and is presently its Treasurer.

Mr. Speaker, Karmon is currently President of EMK Enterprises, Inc., a real estate firm located on Prospect Avenue Since 1904. He takes pride in never having left our beloved South Bronx. He is listed in Who's Who in American Jewry.

The business, professional, religious and civic organizations to which he has belonged and continues to belong, like the honors and awards he has received, are almost beyond counting. Few men of business of the 20th century have been so honored for so many things. Mr. Karmon is a talented leader who will continue to show us dedication, leadership, and wisdom. He is truly a source of inspiration to all who know him.

Mr. Speaker, I ask my colleagues to join me in wishing a happy 90th birthday to Elias Karmon.

HONORING MICHAELA K. RODENO, WOMEN FOR WINESENSE WOMAN OF THE YEAR—2000

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, this week, Michaela Rodeno will be honored as a co-founder at the Women for WineSense 10th Anniversary Conference in Sonoma County, CA.

As a leader in the California wine industry, Michaela used her organizing and business acumen to found Women for WineSense, a national organization promoting wine as a part of a healthy, balanced lifestyle. Michaela has a long history of involvement in wine industry issues. She has served on the boards of the California Wine Institute and the Napa Valley Vintners Association. She is currently on the board of the American Vintners Association and in 1999 was elected chair of their Meritage Association.

Michaela is chief executive officer for St. Supéry Vineyards and Winery in Rutherford, CA. Michaela dedicates her personal and professional talents to local charities, the arts and women's support organizations. In 1998, she chaired the Napa Valley Wine Auction, the largest grossing wine auction in the United States, raising a record $3.8 million. She speaks at professional conferences around the world to promote the wine and tourism industries of the Napa Valley as well as conferences that promote and foster women's success in the business sector.

Ten years ago, Michaela founded the premier worldwide grassroots organization for women interested in wine. Women for WineSense continues to serve as a moderate, non-biased, non-profit educational and promotional organization to ensure all women and men have accurate information on the cultural, social, and health effects of moderate wine consumption.

Mr. Speaker, today we honor an industry visionary and community leader. Michaela Rodeno's professional and civic dedication has encouraged and supported many individuals in our community and beyond. I join the other members of Women for WineSense in honoring Michaela K. Rodeno as co-founder and Woman of the Year 2000.

TRIBUTE TO LAYLA WILLIS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TANCREDO. Mr. Speaker, "We have a lot of fun. We don't sweat the small stuff." That is the message of Layla Willis, a resident of Evergreen, CO, who was recently named "Mother of the Year" by Working Mother magazine.

By balancing her full time job, which requires frequent travel, with the daily tasks of raising three children, Layla has set an example for all working mothers to follow.

The message she brings forth rings true in all our lives. Many times we have to stop and dwell on issues or problems that will have a minimal impact in the grand scheme of our lives. But the growth and development of our children and grandchildren is significant and deserves our utmost attention.

Today, it is imperative in most homes that both parents work. My wife and I both worked full time jobs, as did my mother, but we can all stop and take steps to ensure that, regardless of this, our children never feel neglected. Layla has shown us all that it can be done in today's hectic lifestyles.

I would also like to commend Layla for her commitment in providing all children with a well rounded after school curriculum. With working parents, many children have a void in their lives when they leave school. Layla realizes that students need tutoring for school subjects, and other extra curricular activities that develop skills such as arts and crafts, sports and reading.

I urge all parents in Colorado and America who must work, to follow Layla's example, make your family the number one priority and stop sweating the small stuff.

HONORING CALIFORNIA DISTINGUISHED SCHOOLS

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize several exceptional elementary schools within my district. The California Distinguished Schools Program will honor Robinson Elementary of Manhattan Beach Unified, Rancho Vista Elementary of Palos Verdes Peninsula Unified, Tulita Elementary of Redondo Beach Unified, and Edison Elementary of Torrance Unified in an awards ceremony tomorrow. Started in 1985, the California Department of Education program recognizes a school's commitment to providing a superior education.

A total of 233 California grade schools were chosen for the annual awards. These schools were recognized with having the most up to date technology, balanced and rigorous curricula, and qualified, talented faculty. Most importantly, they are schools with the utmost student-teacher interaction as well as school-community interaction.

These schools value the cultural diversity of the local communities and make it a priority in their classes. They pay close attention to the needs of each student, emphasizing the importance of academics and the community.

I commend these schools for providing local children a quality education. Their commitment to parental participation, professional development, community involvement, and academic achievement is exemplary. Education is important to the future of our nation. I wish these schools continued success.

IDEA FULL FUNDING ACT OF 2000

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. QUINN. Mr. Speaker, I rise in strong support of H.R. 4055, the IDEA Full Funding Act. Since the Individuals With Disabilities Education Act became law in 1975, the federal government has not lived up to its promise of providing 40 percent of the extra cost for state and local governments to educate these children.

I am proud to have participated in the effort over the past four years to increase IDEA funding by $2.6 billion, or 115 percent. These important increases have only brought the federal contribution to 12.6 percent of the average per pupil expenditure to educate children with disabilities. We must do better. This legislation will authorize increases in special education spending by $2 billion a year until we reach the federal commitment of 40 percent by the year 2010.

As a former schoolteacher in Orchard Park, New York, I am acutely aware of the burdens placed upon local school systems to educate special needs students. We owe it to these children to live up to our financial commitment. If the federal government lives up to its commitment to fund IDEA, the state and local school districts are then free to spend their money on classroom modernization, technology initiatives, hiring more teachers and buying new textbooks for students. This legislation ensures that special education students are given the proper resources, while at the same time, releases funding to help all students.

Mr. Speaker, I urge my colleagues to support H.R. 4055, the IDEA Full Funding Act.

TRIBUTE TO RAYMOND L. ORBACH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CALVERT. Mr. Speaker, I rise today to join with the California Inland Empire Council Boy Scouts of America in saluting Dr. Raymond L. Orbach as their Distinguished Citizen of the Year—2000.

Dr. Raymond L. Orbach has been Chancellor at the University of California, Riverside for eight years, where he is also Distinguished Professor of Physics. At UCR, Chancellor Orbach has made community service and partnerships the focal point of his administration. The major part of that focal point is the students themselves. In fact, to remain in touch with the student population, he teaches the calculus-based freshman Physics course at UCR every winter quarter.

Chancellor Orbach has been and continues to be a shining example of a person with passion and principles, who has strived to change the cultural and political direction of our nation. His approach and policy has been a simple one, that a community's strength comes from just that—the community. We must first start close to home and then radiate out if we hope to have fulfilling lives and impact others.

We have a vast system of public higher education in this country; a network of great state universities and colleges. Today we enjoy academic excellence in America as it is enjoyed nowhere else in the world. Chancellor Orbach is responsible for that part of America's incredible educational experiment known as UCR.

Every student at UC Riverside is the beneficiary of this man, who is deeply committed to educating our nation's young people and ensuring that they have a bright future. In fact, a New York Times Magazine article, in May of 1999, lauded Chancellor Orbach for his passion and principles. He is one person, making a difference. Chancellor Orbach reminds us what we, as Americans, ought to be. What we, as Americans, are capable of achieving.

Since 1910, the Boy Scout has been the epitome of the good American citizen. He has been instilled with the drive to "help other people at all times," and to keep himself "physically strong, mentally awake, and morally straight." To do this he must be: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Chancellor Orbach has gone above and beyond the Boy Scout protocol. I ask all of my colleagues in Congress to please join me in honoring the Chancellor for his courage, innovation, and commitment to the youth of tomorrow as he is recognized on May 8th.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. HOYER. Mr. Speaker, each year on the 24th of April we commemorate the anniversary of the Armenian Genocide. As we begin a new century, it is critical that we redouble our efforts to battle the forces of hatred and intolerance that perpetuate the persecution of people because of their ethnic, racial or religious identity. The massacre of Armenians in Turkey during and after the World War One is recorded as the first state-ordered genocide against a minority group in the 20th Century. Tragically, Mr. Speaker, it was not the last. In the 85 years since this unspeakable tragedy, the world has witnessed decades of genocide and ethnic cleansing, wholesale persecution of people simply because of who they are—European Jews, Bosnian Muslims, the Tutsis of Rwanda, Kosovar Albanians.

Mr. Speaker, as we reflect on the magnitude of the Armenian genocide and those that followed in the past century, the words of Helen Keller ring true. "No loss by flood and lightening, no destruction of cities and temples by the hostile forces of nature has deprived man of so many noble lives and impulses as those which his intolerance has destroyed," she said.

Mr. Speaker, we honor the memory of the Armenian people who perished and express our condolences to their descendants. We stand with them and together reflect upon the meaning and lessons of their suffering and sacrifice. We must reflect, we must learn, but we must also be prepared to act. Let us vow in this century and for all future generations to make the words "never again" ring true.

Mr. Speaker, while we remember their tragic history we also marvel at the strength and determination of the Armenian people. Independent Armenian statehood has been restored to guarantee the security and future of the nation and serves as an inspiration to Armenian people everywhere. Since gaining its independence Armenia has made great strides in fortifying democratic institutions and promoting a market economy, but the road has not been easily traveled and the way ahead will not be without challenge. Mr. Speaker, we also honor the memory of Armenia's leaders who were killed by a shameless band of assassins last year. We express our condolences to their families and to the people of Armenia.

Mr. Speaker, I am confident that the Armenian people will continue to strengthen their democracy and prosper. It is my fervent hope that the parties to the conflict in Nagorno-Karabakh will renew and redouble their efforts to reach a negotiated settlement and to help bring peace and prosperity to the entire region—now and for generations to come.

HONORING BISHOP WALTER EMILE BOGAN, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KILDEE. Mr. Speaker, today I honor one of Flint, Michigan's top citizens. On April 14, The Great Lakes Ecclesiastical Jurisdiction of Michigan will perform a sacred and heartfelt ceremony, as they consecrate and install Bishop Walter Emile Bogan, Sr. as their Jurisdictional Bishop. Bishop Bogan, who pastors the Harris Memorial Church of God in Christ in Burton, Michigan, succeeds another great man, Bishop C.L. Anderson, Jr., who was called back to the Lord on September 15, 1999.

Walter Emile Bogan has long been considered one of Flint's favorite sons. He was born in the city in 1948, the eldest sibling of William and Norma Bogan. During a youth revival conducted by his grandfather, Walter heard his first calling, and received baptism on August 27, 1967. Two months later, he accepted his call to the ministry and became ordained in August 1969 by his late father-in-law and mentor, Bishop C.J. Johnson, Sr. He continued his studies at such institutions as Moody Bible Institute, Morehouse College, Charles Stewart Mott Community College, and the University of Michigan. He also began a career with the General Motors Corporation, becoming the first African-American Journeyman Pipefitter for Chevrolet Metal Fabrication.

In July of 1970, Bishop Bogan was appointed by Bishop J.O. Patterson, Sr. as International Assistant Chief Adjutant and Vice President of the International Youth Department for the Church of God in Christ. He has also served as District Superintendent of the Progressive District and Special Administrative Assistant to Bishop Anderson. The insight and guidance Bishop Bogan received from his experiences and from the associations with the elder Bishops that prepared him for the tasks that were to come. They also allowed him to become a stronger leader and role model, able to create as tremendous an impact as he had received.

As Jurisdictional Bishop, Bishop Bogan will oversee approximately 50 churches throughout Flint, Pontiac, Detroit, and other Michigan cities. Through this, he will affect thousands of people both inside and outside the churches under his care. He has already taken steps to further his agenda, which includes the development and nurturing of smaller congregations, assistance in creating new churches, an educational fund to help youth pursue higher education, and a support network for windows. In addition, Bishop Bogan plans to spread the Lord's message by feeding the hungry, provide shelter for the homeless, counsel the misguided, and much more.

Mr. Speaker, our community would not be the same without the presence of Bishop Walter Emile Bogan, Sr. Just as I consider it an honor and a pleasure to serve here as a Member of Congress, he reaffirms that the church owes him nothing, for he also considers it a pleasure to serve. I know that our community, and now our extended community will become a better place to live in because of Bishop Bogan's spiritual mission. I am pleased to ask my colleagues in the 106th Congress to join me in congratulating him on his new endeavor.

IDEA FULL FUNDING ACT OF 2000

SPEECH OF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. GALLEGLY. Mr. Speaker, I rise today in support of H.R. 4055, the (IDEA) Full Funding Act, which sets the federal government on a course to reach full funding of the Individual with Disabilities Education Act (IDEA). I am a cosponsor of this bipartisan legislation and I want to thank the House Leadership or bringing it to the floor for consideration.

Simply put, IDEA has the honorable intent of providing a quality public education for children with special needs. It requires school districts to provide programs and related services for special needs student and commits the federal government to provide 40 percent of the cost of those programs. However, since IDEA was implemented in 1975, the federal government hasn't been come close to the 40 percent if promised. The federal government currently pays only about 12.6 percent of the program's costs.

Because of the financial burden the under funded IDEA program places on school districts, the Ventura County Superintendent of Schools and other members of my local Education Advisory Council identified IDEA as their number one federal education issue. The federal government's failure to keep its promises to fund its share of IDEA is putting a back breaking strain on local school districts. This shortfall is hurting the students the act was designed to help, and every other public school student as well.

H.R. 4055 sets a schedule to meet the 40 percent commitment by fiscal year 2010. This bill will authorize increases of $2 billion each year to ensure the federal government's commitment becomes reality in 10 years.

I am pleased that we are already working toward this goal by committing to an additional $2 billion for IDA in the Fiscal Year 2001 Budget Resolution. However, the IDEA Full Funding Act will ensure we meet this goal. I hope we can pass this bill on a bipartisan basis to fully fund IDEA and finally make good on our promises.

I urge my colleagues to support this Bill.

WELCOME HOME MEMBERS OF THE 69TH PRESS CAMP HEADQUARTERS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, I am pleased to join family, friends and neighbors in welcoming home the returning members of the 69th Press Camp Headquarters from their deployment to Bosnia-Herzegovina and Hungary.

Comprised of 25 members of the California Army National Guard and the Nevada National Guard, the unit, headquartered in Fairfield, was mobilized and deployed overseas in September 1999 in support of Operation Joint Forge.

Operating the Coalition Press Information Center at The Eagle Base in Tuzla, Bosnia-Herzegovina, as well as the Media Center in Taszar, Hungary, the 69th Press Camp Headquarters performed an invaluable role keeping the world informed about NATO's military and peacekeeping operations..

Each day, they held press briefings to the international press who, in turn, kept citizens everywhere alert to the ongoing operations in Bosnia-Herzegovina. They were also responsible for publishing two publications, The American Endeavor and The Talon for the benefit of both U.S. and NATO forces.

Mr. Speaker, I note the record that the 69th Press Camp Headquarters received the Armed Forces Expeditionary Medal, the NATO Medal and the Armed Forces Reserve Medal with "M" Device (denoting mobilization). But these awards cannot fully convey the heartfelt thanks Americans have for the dedication and sacrifice of these Guard members.

For more than 9 months, these individuals were away from family and friends. For more than 9 months, they performed a key role in answering questions from skeptics and critics and supplying information about NATO's operations—balancing accuracy with operational security needs. They did an admirable job.

But nothing compares to the homecoming they will receive this weekend. I am pleased to join family, friends and neighbors in welcoming the members of the 69th Press Camp Headquarters and in saying "thank you" and "job well done."

TRIBUTE TO THE 4TH ANNUAL FAMILY DAY MILLENNIUM CELEBRATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SERRANO. Mr. Speaker, it is with joy that I pay tribute to the "4th Annual Family Day Millennium Celebration" on Saturday, June 3, 2000.

Family Day in the 21st Century at Crotona Park is a celebration that will take place near the lake at Crotona Park from 12 pm to 6 pm. Family Day provides an opportunity for the residents of this community to claim Crotona Park as a playground and entertainment place for the family, free of crime and vandalism.

Mr. Speaker, the Family Day celebration is an event that gives Crotona Park and the neighboring communities an opportunity to embrace and recognize the importance of their families. It also gives them the opportunity to claim ownership of Crotona Park.

The CES 4x and CS110 marching band with their cheerleaders and baton twirlers, will walk through the park demonstrating family pride and unity, accompanied by parents, teachers, and classmates.

This event is sponsored by Phipps Community Development Corporation—Crotona Park West, Friends of Crotona Park, Mount Hope Housing Corp., Mid Bronx Desperados, Aquinas Housing, New York City Department of Parks and Recreation, Partnership for Parks, Bronx Lebanon Hospital, The Bronx Healthplan, 42nd and 48th Precinct Community Affairs Dept., CES 4x, Goodwill Baptist Church, Councilman Jose Rivera, Assemblywoman Gloria Davis, Morrisania Revitalization Corp., Community Board #3 & Community Board #6, Community Action for Human Services, 105.9 Caliente Radio Station, and the GAP.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are working to make the "4th Annual Family Day Millennium Celebration" not just possible but successful and fun.

IN HONOR OF SEAN BOLAND, PRESIDENT OF THE CLEVELAND FEIS SOCIETY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Sean Boland, President of the Cleveland Feis Society, who helped to develop the Cleveland Feis into one on the largest traditional Irish dance competitions in the country.

Mr. Boland lived an exceptionally full life. In addition to his first job, purchasing supervisor for the Ohio Lottery Commission, he also served on the board of directors of the Michael Coleman Heritage Center, a museum in Ireland that honors internationally known Irish musicians. He was also a member of the Irish Northern Aid Society, the East and West Side Irish American clubs and has volunteered his time at events like the Irish Cultural Festival. Mr. Boland's most recent accomplishments were working with the Cleveland Memorial to the Great Hunger Committee to erect a monument in the Flats in memory of those who died in the Potato Famine and being named 1994's Irish person of the year.

America is known for being a melting pot society. Mr. Boland selflessly volunteered his time to help others feel the same pride and honor he did when looking back at the glorious Irish heritage. Mr. Boland's inspirational life has left a lasting legacy. He will be missed. He is survived by his wife of 33 years, two sons, a daughter, and many loving relatives and friends.

I ask you, fellow colleagues, to join me today in honoring, Mr. Sean Boland, a deeply dedicated, committed man who was an inspiration to us all.

MS. ARACELY GURROLA, A PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. PASTOR. Mr. Speaker, I would like to congratulate and honor a young Arizona student from my district who has achieved national recognition for outstanding volunteer service in her community. Ms. Aracely Gurrola of Phoenix has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico. An eighth grader at Lowell Elementary School, Aracely is being recognized for having initiated "Line Up to Help," a fund-raising project at her school to benefit victims of Hurricane Mitch. An active community volunteer on projects such as clean-ups, food drives, and car-wash fundraisers, she felt compelled to do something special after watching news reports of the devastation Hurricane Mitch had left behind. She approached her principal and received approval to collect change from fellow students for two days as school let out. Aracely coordinated her efforts with the local St. Vincent DePaul Society, which made arrangements to get the donations into the right hands. Then she recruited several student volunteers to help her with flyers promoting the fund-raiser and to collect the money. In just two days, she collected $250 in loose change from fellow students, money that most students would usually spend on candy. Aracely should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud her for her initiative in seeking to make a positive impact on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN HONOR OF DEBORAH KAPLAN, ESQ., ON THE OCCASION OF HER INAUGURATION AS PRESIDENT OF THE WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mrs. MALONEY of New York. Mr. Speaker, today I pay special tribute to Deborah Kaplan, Esq. Ms. Kaplan is a dedicated lawyer who has worked tirelessly for a more just and humane society and an improved quality of life for countless New Yorkers.

Ms. Kaplan contributes greatly to the New York justice system in her current position as a Principal Court Attorney in the office of the Honorable Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives. Ms. Kaplan has also guided many litigants toward fair and just resolutions of grievances as an arbitrator for the Small Claims Court of the City of New York.

As a Senior Trial Attorney for the Criminal Defense Division of The Legal Aid Society, Ms. Kaplan is committed to helping those with the greatest need for knowledgeable legal representation. As a former president of the Brooklyn Women's Bar Association and a committee member for the First Department Committee on Character and Fitness of Applicants for Admission to the Bar, Ms. Kaplan has further dedicated herself to enhancing the quality and character of the legal profession.

Ms. Kaplan consistently displays displays a deep concern for the New York community. She serves as vice chair of the Community Advisory Council at Beth Israel Medical Center, serves as chair of the Health, Human Services Committee of Community Planning Board Six, and participates with the New York City Board of Education as a Statewide Mock Trial Coach.

In recognition of her outstanding contributions to the New York community and to the legal profession, Ms. Kaplan has received, among many, the Orion S. Maraden Award and the Honorable Sybil Hart Keeper Award. On May 5–7, 2000, Ms. Kaplan will be installed as the President of the Women's Bar Association of the State of New York.

Mr. Speaker, I salute the life and work of Ms. Deborah Kaplan, Esq., and I ask my fellow Members of Congress to join me in recognizing her contribution to the legal profession and the New York community.

HMONG VETERANS' NATURALIZATION ACT OF 2000

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. WEYGAND. Mr. Speaker, Tuesday the House passed H.R. 371, the Hmong Veterans' Naturalization Act of 2000. As a cosponsor of this legislation, I was pleased to support its passage. Many of these brave men have settled in Rhode Island where they make great contributions to their communities. It is time that we recognize the contribution of the Hmong and pass this legislation.

From 1961 to 1975, the Hmong were a significant factor in the U.S. war efforts in Laos and Vietnam. Throughout the conflict in Vietnam the United States recruited the Hmong to fight alongside U.S. soldiers, gather data, conduct reconnaissance, and participate in clandestine missions. During that time, tens of thousands of Hmong were killed or wounded fighting for American interests.

As part of the agreement between the U.S. and the Hmong soldiers, certain promises were made. Among those was the possibility of U.S. citizenship for those who served on behalf of the U.S. However, because they did not have a written language, it is nearly impossible for many of these Hmong to pass the language section of Immigration test. This bill provides the necessary relief for these courageous men.

The time has come to recognize the Hmong and honor our commitment to them.

TRIBUTE TO ZENY C. CUSTODIO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. UNDERWOOD. Mr. Speaker, the island of Guam bids farewell to an esteemed community leader. Zeny C. Custodio, a colleague in the field of public administration, was recently called to her eternal rest.

Born on April 18, 1938, in the Republic of the Philippines, Zeny eventually raised her family in Guam and made the island her home. She attended, the oldest pontifical university in the Philippines, the University of Santa Tomas, where she received a Bachelor of Arts degree and a Bachelor of Laws degree. In addition, she took special courses on International Banking laws at the University of the Philippines and the Institute of Finance and Management at Ateneo de Manila University.

Although a lawyer by profession, Zeny's legacy lies in the field of community and public service. Aside from being the first woman to be appointed as director of the Guam Department of Labor, Zeny also served the Government of Guam in a variety of capacities and positions. On separate occasions worked as a special assistant to the Chief of Customs and to former Guam Senator Elizabeth Arriola. She also served as executive director for the State Advisory Council on Vocational Education and as Segundo Suruhano at the Guam Suruhano's office. She was a board member for the Guam Visitor's Bureau and, until her retirement in 1998, the executive director of the Bureau of Women's Affairs.

Her civic activities and affiliation include leadership and membership posts with the Guam Lytico and Bodig Association, the Soroptimist International of Guam, the Guam Women's Club, the Filipino Ladies Association of Guam, the Guam Council of Women's Club, the Filipino Community of Guam, the Federation of Asian Women, the Metro Manila Association of Guam, the UST Alumni Association, the International Women's Club, the Women's Lawyer Association of the Philippines, the Kundrirana Association of the Philippines, the Cavite Association of Guam, the Batangas Association of Guam, and Beauty World Guam Limited. For her efforts on behalf of the community, she has garnered a host of honors and awards—the most prestigious of which are the Banaog Award presented other by former Philippine President Fidel Ramos and the Ancient Order of the Chamorri presented to her by the lieutenant governor of Guam, Madeleine Z. Bordallo.

On behalf of the people of Guam, I join her husband, Narcisco, and her children, Roland, Yvonne, Raymond, and Maria in celebrating her life and mourning the loss of a wife, mother, community leader, and fellow public servant. Adios, Zeny.

TRIBUTE TO THE RETIREMENT OF STANLEY SMITH AS SECRETARY-TREASURER OF THE SAN FRANCISCO BUILDING AND CONSTRUCTION TRADES COUNCIL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. PELOSI. Mr. Speaker, today I pay tribute to Stan Smith who is retiring after twenty-five years of distinguished service as Secretary-Treasurer of the San Francisco Building and Construction Trades Council.

Stan was elected president of Glaziers Union Local #718 in 1958 after only five years in the glazing trade. He was then elected Field Representative of Local #718 in 1965. In 1975, his peers elected him to his current post as Secretary-Treasurer. In this position, he has overseen all of the construction unions in San Francisco for the past quarter century and has done so with a skill that belies the complexity of the task. In addition, Stan has been an active member of the community and has served on countless boards and committees whose collective theme has been to give less fortunate members of the community new opportunities in life through the construction trades.

Stan Smith is a fighter for America's working families. Throughout his tenure with the San Francisco Building and Construction Trades Council he has made a significant contribution to organized labor and to the greater San Francisco community. I commend him for his outstanding leadership and wish him all the best in his retirement.

TRIAL OF IRANIAN JEWS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to denounce the treatment of the 13 Iranian Jews who have been charged with espionage on behalf of Israel and the United

States. To begin, the legitimacy of these charges is highly questionable. The Iranian government, run by the Ayatollah and his Islamic fundamentalist regime, has historically garnered domestic support for their anti-Israel policies by making similar dubious accusations against members of their own Jewish population. The judgments handed down from these "trials" over the past 20 years has meant the execution of 17 Iranian Jews. Such atrocities are reminiscent of Nazi Germany and it is America's duty as a leader of the free world to condemn such acts and ensure the fair treatment of these individuals.

The evidence provided thus far has proven to me the impossibility for these individuals to receive a fair trial in their home country. Aside from the charges being apparently baseless (it seems as though they were singled out for teaching classes on Judaism and the practice of Jewish rituals), there have been pre-trial events that have effectively denied these suspects the right to counsel, the right to a speedy and fair trial, and the right against self-incrimination. Last month, the accused were brought before a judge in a closed-door session. It was then announced that the trial would be postponed with no explanation. In spite of reports to the contrary, 10 of the 13 are still being denied the right to select their own lawyers. Several of the attorneys have allegedly stated that their clients have confessed while the families consistently state this is not so. The denials of the families of the victims have led most to believe that these confessions were either coerced or never happened. To further illustrate the prejudicial nature of this legal process, it should be mentioned that one court appointed lawyer reportedly has objected to being forced to represent a Jew.

The international human rights community has advocated the release of these individuals in order to protect their most basic liberties, and I give my utmost support of this effort. Iran is struggling in the face of revolution and will continue violating the basic rights of their people in order to gag the voice of democracy that is spreading throughout the nation. The West must utterly condemn such guerrilla tactics. We must send the message that the newfound relationship between Iran and the United States will not compromise our values. Such a message is not only significant out of concern for these 13 men, but is vital to our own national security. What kind of message does it send to the Ayatollah that we are willing to bend some of our core democratic beliefs in order to placate the Iranian government? Such weakness is not what has made us a world leader. Blatant human rights violations must have a zero-tolerance level and must be confronted head on. Therefore, I strongly urge Secretary Madeline Albright and the Department of State to do all they can in order to save these innocent men.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BACA. Mr. Speaker, due to a speaking engagement outside the Capitol I was unable to cast a vote today on H. Res. 488, the rule to waive the two-thirds requirement for same day consideration of H.R. 434.

Had I been present, I would have voted "no."

I share the concern of America's workers that the Caribbean Basin Initiative contained in H.R. 434 will jeopardize American jobs.

HILLSBORO HIGH SCHOOL TO COMPETE IN WE THE PEOPLE . . . NATIONAL COMPETITION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CLEMENT. Mr. Speaker, today I honor the more than 1,200 students from across the United States in Washington, DC, May 6–8, 2000, to compete in the national finals of We the People . . . The Citizen and the Constitution program. It gives me great honor to announce that a fine class of young people from my alma mater, Hillsboro High School in Nashville, will represent the state of Tennessee in this national event. These young scholars have distinguished themselves, their school, their teachers and the city of Nashville. Their knowledge, diligence and hard work have taught them the fundamental tenets of our constitutional democracy. For this they deserve both our commendation and encouragement.

The names of the students are: Chris Adams, Chira Bamarni, Aleshia Beene, Kristin Bird, Richard Brannon, Allen Brooks, Ashley Brown, Matt Burch, Vanessa Caruso, Andy Dimond, Hillary Gilmore, Alex Guth, Sarah Hatridge, Libby Herbert, Clark Herndon, Laurie Hibbett, Mary High, Kate Hilbert, Lindsey Hill, Seth Hillis, Zoe Jarman, Rachel Lee, Sam Lingo, Heather Oakley, Ben Palmquist, Stuart Parlier, Hemin Qazi, Sam Schulz, Jessica Self, Mariem Shohadaee, Hannah Skelly, Tommy Sterritt, Jessica Summers, Lauren Taub, Rebecca Tylor, Thomas Upchurch, Deborah Weinberger, and Lauren Woods.

I would also like to recognize their dedicated teacher, Mary Catherine Bradshaw, who is deserving of much of the credit for the class' achievement.

Having studied the legislative process and congressional procedure, these young people now have the opportunity to visit our nation's capitol and see for themselves the work of the people's representatives. These young scholars will now have the opportunity to carry their observations of government at work back to their homes in Nashville.

Mr. Speaker, these students deserve our support and encouragement to continue their pursuit of knowledge. I applaud their commitment to excellence and encourage them to enjoy themselves and celebrate their accomplishments. I look forward to meeting with them and encouraging them in the national competition.

FATHER JOHN TERRY CELEBRATES 25TH ANNIVERSARY OF ORDINATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to Father John Terry, V.F., of the Diocese of Scranton, Pennsylvania, who is celebrating the 25th anniversary of his ordination to the priesthood this week.

Father Terry currently serves two parishes, St. Charles Borromeo and Holy Family, located in the Sugar Notch area of my district.

He was born in Scranton and raised in Jessup. After being ordained a deacon in 1974, he served for a time at St. Mary's Church of the Immaculate Conception in Wilkes-Barre, and he returned there upon his ordination to the priesthood.

Father Terry's career is notable for his interest in youth and youth programs. His passion for sports has helped him to connect with young people. In 1979, he took on the difficult assignment of serving as director of the Catholic Youth Center in Wilkes-Barre. At that time, several factors worked against the center, including a dependence on government and outside funding, a facility that needed expansion and development, and the loss of staff for budget reasons.

With goals established—and hard work day by day, week by week, year by year—the center was reborn under the leadership of Father Terry and Tony English, the executive director, to face the challenges of service to the needs of the youth in the community.

Father Terry thrived on that assignment, which introduced him to high school sports at G.A.R. High School and working with teenage youth. At one football championship game, the students hung up a huge banner portraying Father Terry with wings, and it read, "Our Angel in the Backfield."

At the same he directed the youth center, Father Terry served as an assistant pastor at St. Patrick's Parish in Wilkes-Barre, and was later assigned to Holy Savior and St. Christopher's Churches, followed by the parishes of Sugar Notch, where he has been for more than nine years now.

The two churches where he now serves have been completely restored and updated. The emergence of a pastoral council, with representatives from both churches, began to develop more ministries, such as a pastoral outreach to shut-ins, youth ministries, liturgy—especially addressing children, adult education and the Rite of Christian Initiation for Adults, involvement of Eucharistic ministers, readers, altar servers and ministers of hospitality. Father Terry has worked with Deacon Phil Harris to make these things possible.

Mr. Speaker, Father Terry has given his life in devotion to God and the people of the Wyoming Valley, and I am proud to join in honoring him on the 25th anniversary of his ordination. I send him my very best wishes for continued success.

HONORING CHARLES M. MONROE ON OCCASION OF HIS RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Mr. Charles L. Monroe for his 38 years of dedicated service to the California Department of Fish and Game. Mr. Monroe is retiring this year from his distinguished 14-year career as the regional patrol chief for the Central Coast Region of the California Department of Fish and Game.

Charles Monroe was born on January 12, 1939 in Montrose, CO. He moved to Southern California as a child in 1947, where he resided until 1956. He later attended Lassen and Stockton Colleges in Northern California, and graduated with an A.S. degree in criminal justice from College of the Redwoods in Humbolt County, CA.

Charles Monroe's career with the Department of Fish and Game began 38 years ago when he became a seasonal aid for the Department. His first job was working on the Honey Lake Refuge in 1958. Over the years he worked his way up within the department. From 1962 through 1964 Charles worked as a Fish and Wildlife assistant in Bishop, CA and at the inland fisheries hatchery at Mt. Whitney. In 1964, he became a fish and game warden, working the Marine Patrol in Eureka, CA and the land patrol in Williams, CA. He soon became the patrol captain of Hunter Education for the Central Coast Region in 1972. Later, in 1975, Charles became patrol captain of the Northern Squad of the Central Coast Region, a post he held for 11 years. In 1986, Charles Monroe was named as regional patrol chief for the Central Coast Region of California, a distinguished title which he held for 14 years, until his recent retirement on March 31, of this year.

In addition to his career with the Department of Fish and Game, Mr. Monroe has dedicated himself to helping his community. He served for 3 years with the U.S. Coast Guard reserve and assisted in the development of the first comprehensive pollution response plan for the 12th Coast Guard District. He also served as a police officer in Susanville and Needles, CA for 4 years. He also dedicated three summers to U.S. Forest Service and the U.S. Bureau of Land Management.

Mr. Monroe's life has been one of great public service and participation. In 1973, he established the Fish and Wildlife Law Enforcement curriculum at Napa Valley College and has taught there ever since. He has regularly been an instructor at the California Department of Fish and Game Academy, as well. For the past 8 years he has served as chairman of the Napa County Criminal Justice Advisory Committee. From 1980 to 1995, Charles also served on the Napa County Chamber of Commerce Law and Fire Committee. He is known for his various committee work for Ducks Unlimited and the California Waterfowl Association, where he had numerous stints as chairman and co-chairman.

Charles Monroe is a dedicated family man. He has been married to his wife Sonia for 39 years. Together they have three children: Michelle, Chuck and Shari, as well as five grandchildren.

In his spare time, Mr. Monroe enjoys hunting, fly fishing, wildlife art, and the study of U.S. history.

Perhaps the best example of Charles Monroe's dedication to his community came in 1965 when he was awarded the California State Medal of Honor for his rescue activities during the 1964 floods in Humbolt County, CA. Obviously, Mr. Monroe is a man of great courage as well as dedication.

Mr. Speaker, it has been my great honor to represent Mr. Charles L. Monroe, first as his State Senator and now as his Congressman. Clearly, his life has been one of great public service, dedication, and commitment. For these reasons, it is necessary that we honor this man for his great work for the wildlife, people and State of California.

IN TRIBUTE TO SIMI VALLEY HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the Simi Valley High School Academic Decathlon Team—champions this year in Ventura County and the State of California, and silver medalists in the national competition.

After winning the Ventura County and State of California titles, the Simi Valley team last month traveled to San Antonio, Texas, for the U.S. Academic Decathlon competition, competing against 37 other schools from across the United States. The rivalry was fierce. Simi Valley lost to the team from Katy, Texas, by a mere 460 points. Each team scored more than 52,000 points in the match-up.

The nine-student Simi Valley High School team is representative of the best and brightest our country has to offer. They have been accepted to such universities as Harvard and Stanford. Seniors David Bartlett, Steve Mihalovitz, Cary Opal, Jeff Robertson, Jennifer Tran, Michael Truex, Justin Underhill and Randy Xu, and junior Kevin White, are truly America's future leaders. Their coaches, Ken and Sally Hibbitts, are dedicated educators who deserve equal praise for a phenomenal job of preparing their students.

Last year, Moorpark High School became the first Ventura County team to win the national title. By winning the silver medal this year, Simi Valley High School has proven that Ventura County is an educational powerhouse. They have also proven that Ventura County students and teachers have the dedication and perseverance to be the best they can possibly be. It takes months of studying from early morning to late at night to prepare for these competitions. Jobs, friends and family are place on the back burner.

If they had won no medals, their dedication to a common goal alone would have made them champions.

Mr. Speaker, I know my colleagues will join me in congratulating the National Silver Medalists, California State Champion and Ventura County Champion Simi Valley High School Academic Decathlon Team for its impressive wins, and in wishing team members great success in their future endeavors.

TRIBUTE TO BRONX COMMUNITY COLLEGE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SERRANO. Mr. Speaker, it is with joy that I once again pay tribute to Bronx Community College, which will hold its 22nd Anniversary Hall of Frame 10K Run on Saturday, May 6, 2000.

The Hall of Frame 10K Run was founded in 1978 by Bronx Community College's third President, Dr. Roscoe C. Brown. Its mission is to highlight the Hall of Frame for Great Americans, a national institute dedicated to those who have helped make America great.

The tradition continues under the stewardship of Dr. Carolyn G. Williams, the first female President of Bronx Community College. Dr. Williams has endorsed the race and will continue the tradition initiated by Dr. Brown to promote the physical fitness as well as to highlight higher educational opportunities.

As one who has run the Hall of Frame 10K race, I can attest to the excitement it generates. The race brings the entire city together. It is a celebration and an affirmation of life. It is a wonderful way to enable over 400 people to run in the Bronx. It is an honor for me to join once again the hundreds of racers who will run along the Grand Concourse, University Avenue, and West 181 Street, and to savor the variety of their victories. There"s no better way to see the Bronx Community.

For most of the past 22 years, Professor Henry A. Skinner has coordinated the Hall of Fame 10K race, a healthy competition which brings together runners of all ages from the greater Metropolitan area. This year he has passed the mantle to Robert Hill, assistant track and field coach at Bronx Community College.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community Colleges"s 22nd Annual Hall of Fame 10K run possible.

10TH ANNIVERSARY TRIBUTE TO 100 WOMEN FOR MAJOR OWENS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. OWENS. Mr. Speaker, I pay special tribute to a group of dedicated community activists in my 11th Congressional District of Brooklyn, NY.

Founded in March, 1990, by Council Member Annette Robinson, Margaret Wiseman, Mary Eccles, Linda Breakenridge, Celeste Green, Sylvia Whiteside and Lorrelle Henry, 100 Women for Major Owens was organized in order to provide an opportunity for women of diverse backgrounds and cultures to work together in order to improve the quality of life for their community.

On May 5, 2000, 100 Women for Major Owens will formally celebrate its 10th Anniversary with a dinner and a special viewing of "Grace In The Light" at the famous Billie Holiday Theater in Brooklyn, New York. This milestone highlights the many years of service this organization has given Central Brooklyn by serving as mentors and role models for young women and their families. Through programs that range from educational seminars focusing on health care, teen pregnancy prevention, HIV–AIDS awareness, public education reform and a number of other important initiatives, the leadership has guided its members to becoming a powerful force for the residents of our community. In addition to also providing scholarships to deserving students in Brooklyn, Ms. Alice Spratley and Ms. Audrei Boyce have skillfully, since the beginning of the program administered the Congressional Awards Program which will, this year nominate several candidates for the Gold Medal.

Mr. Speaker, in celebration of their 10th Anniversary, I am honored to salute this prestigious and spirited group of leaders, their past Presidents, Ms. Celeste Green one of the founding members and first President, Ms. Bernice Carter and their current President, an outstanding educator, Ms. Verdeen Gaddy and wish them continued success.

Finally, I would like to acknowledge with deep gratitude, the officers and members of this stellar organization: Verdeen Gaddy, President; Audrei Boyce, 1st Vice President; Bernice Carter, 2nd Vice President, Norva Butler, Recording Secretary; Edena Gill, Corresponding Secretary; Eileen Graham, Financial Secretary; Theopia Green Treasurer; Evy Papillon-Juste, Chaplain; Adelaide Wyllie, Parliamentarian; Celeste Green, Historian.

Ms. Mattie Pusey, another dedicated public servant is serving as this year's Anniversary Committee Chairperson. She is being assisted by Ms. Margaret Wiseman, Ms. Annie Nicholson and Mr. Garry Tilzer of my Brooklyn Staff. Her committee consists of Ms. Ann Munroe, Ms. Adelaide Wyllie, Eddye Elijah, Erma McEachine, Martha Greene, Sylvia Whiteside, Alice Spratley, Audrei Boyce, Edena Gill, Lorraine Smith, Orette Spence and Mart Blake.

THE ANNIVERSARY OF THE REESTABLISHMENT OF LATVIAN INDEPENDENCE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SHIMKUS. Mr. Speaker, today I commemorate the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the former Soviet Union.

On May 4th 1990, the people of Latvia solidified their full sovereignty which served to further the disintegration of the Soviet Union.

Latvia has since successfully pursued policies to build democracy, protect human rights, expand the rule of law, develop a free market system and pursue a course of integration into the community of free and democratic nations, including the seeking of membership in the European Union and the North Atlantic Treaty Organization (NATO).

Latvia, together with the Republics of Estonia and Lithuania, continues to make a significant contribution toward maintaining peace and stability in the surrounding region, especially in peacekeeping operations in Bosnia and Kosovo.

In honor of Latvian Independence Day, I am introducing a concurrent resolution to commemorate this special occasion. I hope you will join me today in supporting this legislation.

Once again, I congratulate the people of Latvia on their anniversary of independence. I look forward to witnessing all of the future successes from this prosperous emerging democracy.

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25 GRAND RAPIDS GIRL SCOUTS HONORED WITH ORGANIZATION'S HIGHEST AWARD

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. EHLERS. Mr. Speaker, I rise today to honor 25 young women, ages 14 through 17, from my home city of Grand Rapids, Michigan who are being honored by the Girl Scouts with the organization's highest honor during a ceremony today in Grand Rapids. The young women will receive the Girl Scout Gold Award symbolizing outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

These future leaders have dedicated the last two years to achieving this award. To be considered for the Girl Scout Gold Award, candidates must earn four interest project patches: the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as designing and implementing a Girl Scout Gold Award project. The latter is accomplished by working closely with an adult Girl Scout volunteer. It should also be noted that these Girl Scouts accomplish all of this in addition to their school work, chores at home, and extracurricular activities.

The 25 young women receiving the Girl Scout's highest honor are: Rachel Voorhees, Carla Kaiser, Rachael Goodstein, Anne Clocklin, Nora Hauk, Holly Morris, Theresa Whitaker, Barbie Gatchel, Jennifer Bryant, Jennifer Kelly, Kelly Slezak, Elizabeth Gillis, Kim Farrell, Eda Koning, Jamie Wakely, Kate Chisholm, Jeannette Durham, Melissa Springvloed, Abby Caldwell, Katherine Muszkiewicz, Cristin McNamara, Andrea Tenkel, Nicole Flanagan, Mindy Peterson, and Libby Bode.

Mr. Speaker, it is with great delight that I honor these young women for their outstanding contributions to the Girl Scouts and our community. Their accomplishments and dedication should serve as a model for their peers and future Girl Scouts. To be the best, one must give it their all, and that is what these leaders have done. I ask my colleagues to join me in congratulating each of these young ladies in reaching this milestone. I wish each of them continued success in their future endeavors.

TRIBUTE TO OFFICER WILLIAM "BILL" BURGSTINER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KINGSTON. Mr. Speaker, today I rise to recognize Officer William "Bill" Burgstiner, United Nations police officer, of Savannah, Georgia. Officer Burgstiner is serving as a U.N. police officer in Kosovo, he is a hero by any other name. In late March, 2000, in a war torn Kosovo, an abandon baby lay by the side of a road wrapped in a bloodied blanket and bleeding from its umbilical cord. The baby's good fortune began when Officer Bill Burgstiner was returning from a meeting and driving through the village of Prilep, about 50 miles southwest of the provincial capital of Pristina.

A villager flagged him down and took Officer Burgstiner to the baby, who was lying on a step, wrapped in a blood soaked blanket. Bill used a table cloth to stop the bleeding. He then whisked the child to the Italian military hospital, rushed through the front gate and delivered Fortunato (the baby's new name) into the arms of Roberto Bramati, a doctor. Doctor Bramati credited Officer Burgstiner with saving the precious life of little Fortunato.

A Savannah native, Bill joined the Brunswick Police Department after graduating from the police academy. He served from 1990 to 1993, and helped organize the department's K–9 unit. A role model in the local community he has again shown that his compassion and strength of character crosses international borders. It is with great pleasure that I recognize Officer William "Bill" Burgstiner for his kind humanitarian and heroic act.

IN TRIBUTE TO CLAIRE HOPE, SBA VETERAN ADVOCATE OF THE YEAR

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Claire Hope, who has been recognized by the U.S. Small Business Administration as the 2000 Veteran Advocate of the Year.

Claire Hope is the founder and president of Claire Hope Enterprises in Camarillo, California, in my district. She has more than 30 years experience in human resources management, and has offered that experience pro-bono to many veterans. Since 1992, she has served on the California Employer Advisory Council Veteran Committee. She specializes in assisting veterans to become small business owners.

Claire Hope is also President and Founder of the Industry Education Council of Eastern Ventura County, implementing strategic plans that included the employment of veterans. Other avenues she has used to promote employment of veterans and small business ownership by veterans include: Regional Vice President of the California Employer Advisory for six years, Committee Member of the Conejo Valley Chamber of Commerce Education Committee, and Task Force Member for Workforce Development for the Conejo Valley Community Foundation.

Claire also served as President of the Simi/Conejo Valley Employer Advisory Council (SCVEAC). In 1997, SCVEAC was chosen as the outstanding EAC in the State of California and outstanding EAC in the United States for encouraging veteran business ownership.

Claire Hope is a very capable and dedicated advocate for veterans and is very deserving of this honor.

I have the pleasure of working with Claire on Ventura County Stand Down 2000, which she founded and chairs and for which I serve as honorary co-chairman. A Stand Down is where homeless veterans gain rest for a weekend from the daily battle for survival, by sleeping in comfortable tents and taking advantage of services that could lead to jobs and housing.

Mr. Speaker, I know my colleagues will join me in congratulating Claire Hope for her recognition as the U.S. Small Business Administration Veteran Advocate of the Year and in thanking her for all her hard work and dedication on behalf of our veterans.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. WOOLSEY. Mr. Speaker, yesterday I unfortunately missed two recorded votes on suspension bills, H. Con. Res. 295, and H. Con. Res. 304. Had I been present, I would have voted "yea" on both resolutions.

However, I would like to share that my absence from the House floor was because I was hosting a press conference with three women from Afghanistan, Nigeria, Iran on global discrimination against women. These brave women shared their stories of discrimination and suffering living under the restrictive regimes in Iran and the Taliban government, and of being genitally mutilated as a young child in Nigeria. Their horrifying stories were true anecdotes of why the Senate must ratify CEDAW, the United Nations Convention in the Elimination of Discrimination Against Women.

CEDAW, which was first adopted by the United Nations twenty years ago, formally codifies women's equality and promotes women's inclusion in business, government and other economic and social sectors. While I am very pleased that the House International Relations Committee held a hearing on my bill that urges the Senate to ratify CEDAW (House Resolution 107) I am outraged that it is being held up by one person in the Senate. The Senate Foreign Relations Chair, Jesse Helms, had outright refused to hold a hearing on CEDAW and continues to block its consideration on the Senate floor. This means that the chamber's 99 other Senators cannot express their views on this important treaty. It is unacceptable that the democratic process is being held captive by one person. I am hopeful that today's hearing in the House International Relations Committee is a first step in reversing Congress' inaction on CEDAW and will ignite a true dialogue in the Senate on CEDAW's ability to help empower women around the world. Until then, I will continue to push Chairman HELMS and the Senate to ratify it.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

MAY 2, 2000

Rollcall vote 131, on the motion to Suspend the Rules and agree to H. Con. Res. 300, commending the successful preparation of our Nation to withstand the Y2K computer problems, I would have voted "yea."

Rollcall vote 132, on the motion to Suspend the Rules and pass H.R. 2932, the Golden Spike/Crossroads of the West National Heritage Area, I would have voted "yea."

MAY 3, 2000

Rollcall vote 133, on the motion to Suspend the Rules and agree to H. Con. Res. 295, relating to human rights violations in the Socialist Republic of Vietnam, I would have voted "yea."

Rollcall vote 134, on the motion to Suspend the Rules and agree to H. Con. Res. 304, expressing condemnation of the continued egregious violations of human rights in the Republic of Belarus, I would have voted "yea."

Rollcall vote 135, on the motion to Suspend the Rules and pass S. 1744, continued submission of certain species conservation reports, I would have voted "yea."

Rollcall vote 136, on the motion to Suspend the Rules and pass H.R. 1509, the Disabled Veterans' LIFE Memorial Foundation, I would have voted "yea."

Rollcall vote 137, on the motion to Suspend the Rules and agree to H. Con. Res. 310, supporting a National Charter Schools Week, I would have voted "yea."

Rollcall vote 138, on passage of H.R. 2957, the Lake Pontchartrain Basin Restoration Act, I would have voted "yea."

Rollcall vote 139, the motion to Suspend the Rules and pass S. 2323, the Worker Economic Opportunity Act, I would have voted "yea."

Rollcall vote 140, on the motion to Suspend the Rules and pass H.R. 4055, the IDEA Full Funding Act, I would have voted "yea."

Rollcall vote 141, on the motion to Suspend the Rules and pass H.R. 1901, the Kika de la Garza United States Border Station, I would have voted "yea."

IN HONOR OF THE PHILIPPINE NURSES ASSOCIATION OF OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize the Philippine Nurses Association of America, which is holding its 21st annual convention on June 21–23, 2000 in Indianapolis, Indiana. The Philippine Nurses Association of Ohio will co-host the event along with the chapters from Michigan and Indiana. This year's convention, titled Nursing Odyssey: New Realities, New Vision, will reflect the dynamic role of nurses in a changing health care delivery system.

The Philippine Nurses Association of America was established in 1979 in response to the growing need to address the concerns and issues important to Filipino nurses within this country. The Ohio Chapter was formally established in 1992. The PNA of Ohio is a voluntary, non-profit organization encompassing the areas of Cleveland, Akron, Medina in Ohio. There are over one hundred paid members in the chapter.

The objectives of the Philippine Nurses Association reflect their commitment to community service and the promotion of activities and programs that unify the Filipino nurses of the United States and advance health care of Filipinos throughout the nation. Their contributions to the betterment of their community is noteworthy. Their dedication, caring, and love for others is most evident; and I am grateful for their service to others.

My fellow colleagues, I ask you to join with me in recognizing the important accomplishments and essential contributions of the Philippine Nurses Association of America.

RECOGNIZING AND CONGRATULATING THE BULGARIAN GOVERNMENT

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BRADY of Texas. Mr. Speaker, on behalf of myself and my colleague from Louisiana, JOHN COOKSEY, who also serves with me on the House International Relations Committee, I would like to take a moment to recognize and congratulate the Bulgarian Government—particularly Prime Minister Ivan Kostov and Deputy Prime Minister Peter Zhotev—for the significant efforts that the Government has made over the last two years to strengthen Bulgaria's economy, and in particular, Bulgaria's energy sector.

After years of economic decline and mismanagement under socialist rule, we are pleased to see that the country's economic picture is now showing solid signs of improvement. In 1999, inflation dropped to 6.2 percent and the country's economy grew by 2.5 percent. In 2000, a 4% level of growth has been targeted and appears to be achievable.

There is no doubt, that Prime Minister Kostov and his team have played a key role in making this improved picture possible through a variety of accomplishments, including turning over 70 percent of the country's economic assets to private hands, restoring 95 percent of the country's nationalized farmland to its original owners and, completing nearly 1100 privatization deals in 1999 alone (representing nearly $587 million dollars in proceeds for the Bulgarian treasury).

Additionally, the Government recently pledged, over the course of the coming year, to continue progress on a variety of tough anti-corruption, anti-crime, and judicial reform programs and to find new ways to help alleviate poverty and unemployment in the country.

The ongoing reforms and the restructuring process that are taking place in the country's energy sector are also impressive and lead to attractive foreign investment opportunities. In this sector, over the coming year, the Government plans to: continue its efforts to eliminate state subsidies; close inefficient production facilities; begin the separation of generation, transmission and distribution assets; and take actions to encourage further foreign investment in the sector.

Each of these steps/actions represent an important part of the Governments ongoing efforts to comply with IMF targets and meet the deregulation and environmental standards that will be necessary precursors to eventual European Union membership.

We would like to highlight one particularly promising project that the Government is undertaking in the country's energy sector. In conjunction with a well-known U.S. company—Entergy Corporation, this project will modernize one of Bulgaria's important energy facilities: the lignite-fired, Martiza East III plant (located in the town of Stara Zagora, approximately thirty-seven miles from the Turkish border).

Once the planned improvements and upgrades are completed at this facility, the plant will meet stringent environmental standards, which will lead to a reduction in levels of sulfur dioxide emissions by at least 90%. In addition, the implementation of the Maritza East III project will also help to ensure that Bulgaria has a sufficient reliable capacity of electricity as it moves to close down a Soviet designed nuclear power plant deemed unsafe by E.U. standards. It is our understanding that Entergy also plans to support the community around the power plant through worker training programs, environmental improvement programs and the identification of a variety of projects for social investment. The Maritza East III project will bolster the Bulgarian economy by the purchase of more than $75 million dollars worth of local goods and services and the creation of 600 construction jobs. In short, we believe this partnership between Bulgaria and Entergy is a win-win situation.

We look forward to seeing additional progress in Bulgaria over the coming year and to the country becoming an important, reliable and efficient energy hub in the Balkan region. We also look forward to a growing level of involvement in the country's energy sector by American companies.

Congratulations again to the Bulgarian Government for a job well done and to continued progress for a prosperous and peaceful future.

SALUTE TO DISTRICT OF COLUMBIA YOUTH VOLUNTEERS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. NORTON. Mr. Speaker, today I congratulate two young District of Columbia students who have achieved national recognition for exemplary volunteer service in their communities. Milton Boyd and Lakeshia Wallace have just been named honorees in the 2000 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school and one middle school student in each state, the District of Columbia and Puerto Rico.

Milton Boyd, a junior at Grant School Without Walls, developed a theatrical presentation to educate teenagers in the District about the importance of making healthy life decisions. As a result of his work, Milton was recruited to join Planned Parenthood's youth outreach campaign, which promotes non-violence, sexual awareness and abstinence, and self control.

Lakeshia Wallace, a junior at Hugh Browne Junior High School, initiated a project to deliver home cooked meals to the homeless in her community during the cold fall and winter months. As president of her local Boys and Girls Club, Lakeshia helped establish "Project GRATE," which delivers food to homeless people who live and sleep on subway grates.

I ask my colleagues to join me today and applaud Milton Boyd and Lakeshia Wallace for their initiative in seeking to make their communities better places to live and for the positive impact they have had on the lives of others. Congratulations to both for their commitment and dedication to the people of the District of Columbia.

TRIBUTE TO ROBERT F. SCHUELER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. PORTMAN. Mr. Speaker, today I honor Robert F. Schueler, a dear friend and community leader who recently passed away. Bob was a faithful member of St. Saviour Church in Rossmoyne, and is survived by Virginia (Ginny), his wife of over 29 years.

Bob dedicated much of his life to public service. Since December 1, 1973, he served tirelessly as Blue Ash's Ward 4 council representative. He also served as Blue Ash's mayor from 1987 to 1991 and as vice mayor from 1985 to 1987. He was a council representative for the city of Reading for several years prior to 1973, an active member and past president of the Blue Ash Civil League, and president of the Blue Ash Republican Club. Bob was also active with the St. Patrick Council Knights of Columbus, as the president of the Hamilton County Republican Party, and as the ward chairman for Blue Ash.

Bob lived in, served, and represented Blue Ash for nearly 30 years. All of us in the Greater Cincinnati Area will remember his full devotion and service to our community.

SPACE DAY AND ITS IMPORTANCE TO COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. UDALL of Colorado. Mr. Speaker, I want to call attention to two important causes for celebration and reflection. First, today is Space Day. Here in Washington, Senator John Glenn, Sally Ride, NASA director Daniel Goldin, and others will gather to celebrate the achievements and opportunities that we have all realized through the exploration of space. The celebration also includes Space Day's third annual Webcast devoted to space, science, math, and technology, in which children all over the world will be able to participate. Space Day activities will also take place in Colorado and other states throughout the country.

This week is also the tenth anniversary of the launch of NASA's Hubble Space Telescope. Although its early life was marked by controversy, the Hubble has become one of the most important astronomical study missions ever attempted. In 1993, shuttle astronauts installed lenses—made by Ball Aerospace, in my district in Colorado—to correct the telescope's near-sighted vision. Since that time, Hubble's images have been nothing less than remarkable. Hubble itself has circled the Earth 58,000 times, made 271,000 observations, and generated 2,651 scientific papers. It has fulfilled its scientific missions to determine the age of the universe within a certain range, provide proof that massive black holes exist, and detect the farthest objects in the universe.

Not only has the Hubble telescope made these extraordinary discoveries, but its images have also helped to broaden the appeal of space to all Americans. Pictures of exploding stars and a comet hitting Jupiter are just some that have engaged our imaginations and changed the way we think about the universe.

I'm proud to note that Colorado and its 2d Congressional District in particular has played a significant role in this nation's space endeavor. But it has truly been a national endeavor, one that has benefited all Americans. I hope we will all take a moment today—Space Day—to reflect on how the advancement of science and space concerns us all.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. MOORE. Mr. Speaker, due to the failure of my pager to operate properly, I inadvertently was absent from three rollcall votes on May 2, 2000.

Had I been present, I would have voted "aye" on the following three roll calls: Rollcall No. 133: H. Con. Res. 295, regarding human rights and oppression in Vietnam; rollcall No. 134: H. Con. Res. 304, condemning Belarus; rollcall No. 135: requiring continued Endangered Species Act reports.

COAST GUARD GETS AN A

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BILIRAKIS. Mr. Speaker, the Government Performance Project (GPP) is aimed at expanding the public's understanding of management challenges facing the government. The GPP rates federal agencies on five areas: managing for results, financial management, human resources, information technology and, where appropriate, capital management. The grades are assigned by a team of scholars and journalists and are based on a survey and interviews with agency officials.

The GPP issued its second annual report earlier this year, and twenty federal agencies received an average grade of B-minus. In the two years that the project has been underway, only two agencies have received A's for their performance: the Coast Guard and the Social Security Administration. I want to commend these agencies, particularly the Coast Guard, for their outstanding performance.

No agency has more whole-heartedly committed itself to results-based government than has the Coast Guard. It has been working to improve its quality management for over ten years and has overhauled its strategic planning and capital asset management. Today, the Coast Guard represents one of the taxpayers' best investments, and as a result of its efforts, it has received numerous Hammer Awards.

I want to take this opportunity to salute the hardworking men and women of the United States Coast Guard.

INTRODUCTION OF THE "QUALIFIED PERSONAL SERVICE CORPORATIONS CLARIFICATION ACT OF 2000"

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HERGER. Mr. Speaker, during consideration of the 1986 Tax Act, Congress made a decision that enabled certain Qualified Professional Service Corporations to retain use of the cash accounting method for tax purposes.

I am introducing legislation today that is intended to ensure that companies currently eligible to use cash accounting are able to continue doing so. This is required due to state of the art changes in the type and delivery of those professional services required for developing and implementing the vital water, transportation, infrastructure, communications, and environmental projects upon which our citizens and our economy depend.

RECOGNIZING CAMP SUNSHINE DURING THEIR ANNUAL VISIT TO WASHINGTON

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CHAMBLISS. Mr. Speaker, I would like to recognize a very special group of young people visiting our Nation's Capital today, Camp Sunshine. Camp Sunshine is an organization in Georgia dedicated to children with cancer from all over the State. Julianne and I have been blessed to know this fine group over the years.

I would like to thank you, Mr. Speaker, and each of my colleagues who take the time each year to visit with these special kids. It is always a treat for me to host their visit to Washington each year and visit with them in Georgia each summer. They are indeed a very special group of bright, well-rounded young people. It is truly an honor for me to be involved with a special organization like Camp Sunshine.

My friends visiting this year include Russell Conover, Sarah Corbitt, Brad Doty, Anthony Grant, Jamaal Grayson, Tony Jones, Adam Kessler, Stephanie Kruse, Barbara Little, Joseph McConnell, Wesley Robbins, Job Steffins, Holli Tanner, Shanna Thomson, Joey Tripp, Michelle Winn, Matthew Winslow, Casimiro Ybarra, Jennifer Johnson, Ashley Palmer, Keenan Duron, and Camp Sunshine's Executive Director, Sally Hale. I would also like to send my best to Wesley Robbins and Barbara Little, who were unable to make the trip.

We had an exciting day at the Capitol, and I look forward to many more visits in the future from Camp Sunshine.

HONORING THE 70TH ANNIVERSARY OF WSJS–AM RADIO

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BURR of North Carolina. Mr. Speaker, I would like to take this opportunity to recognize WSJS–AM radio on its 70th anniversary. Since the first broadcast on Easter weekend of 1930, WSJS remains a treasured source of information and entertainment to the Winston-Salem community.

Over the years the station has changed format, its broadcast hours, its transmitter power, its frequency and even its owners. But, the trusted service and the call letters have remained the same.

Getting their start without a network affiliation, WSJS filled its air time with local programming, treating listeners to a variety of community talent—from the Winston-Salem Concert Orchestra to Jack Hawkins playing old favorites on his musical saw. Now a member of a national network conglomerate, WSJS communicates national issues with a local flavor.

Preserving 70 years of tradition, local personalities like Mike Fenley and Glenn Scott have upheld their community reputation as a classy operation. The all-talk format is supported by an enthusiastic staff that continues to attract thousands in the Piedmont Triad to the medium of news radio. On behalf of the citizens of the 5th District of North Carolina, I honor the WSJS radio station for 70 years of quality radio programming.

TRIBUTE TO MEREDITH ARENSMAN

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mrs. NORTHUP. Mr. Speaker, I rise today to congratulate and honor a young Kentucky student from my district who has achieved national recognition for exemplary volunteer service in her community. Meredith Arensman of Louisville, has been named one of my state's top honorees for The 2000 Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism.

Meredith, a senior at Louisville Collegiate School, has organized the annual Louisville Girls Leadership Conference for the past three years, and is now the event chairwoman. Meredith was approached by women in the Louisville area who were concerned about the lack of leadership programs for girls. They wanted Meredith's help in putting together a conference that would help girls choose careers and make life choices with confidence and enthusiasm. Meredith started by creating a planning committee of fellow students who shared her passion for women's rights. They selected workshop topics on mental and physical self-defense, the negative connotation surrounding feminism, and the movement of women into non-traditional careers. Meredith handled public relations, secured an event location, identified speakers and sponsors, and organized volunteers. More than 500 girls and 400 adults, including Gloria Steinem and Geraldine Ferraro, have participated in the conference. As Meredith said, "We must work to make sure that no one is inhibited by their race, religion, or gender."

It is my honor to pay tribute to someone who has made a difference to so many other young women. In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions this young citizen has made. Young volunteers like Meredith are inspiring examples to all of us and are among our brightest hopes for a better tomorrow.

Meredith should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Meredith for her initiative in seeking to make her community a better place to live and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world and deserves our sincere respect and admiration. Her actions show that young Americans can, and do, play an important role in our communities and that America's community spirit continues to hold tremendous promise for the future. Again, I offer my congratulations to Meredith for this outstanding achievement.

HONORING ARNOLD D. ANDERSON OF ONTARIO, CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to celebrate the contributions that Mr. Arnold D. Anderson, of Ontario, California, has made to his community.

Over the last 62 years, Mr. Anderson has dedicated much of his time to the needs of Ontario. He has served as president of numerous civic organizations, including the Ontario Host Lion's Club, the Ontario Chamber of Commerce, and the Ontario Junior Chamber of Commerce. From 1959 to 1963, Mr. Anderson served as a Member of the Board of Trustees of the Chaffey High School Trust. For the past 34 years, Mr. Anderson has served on the Chaffey College Trust Board.

As a result of his extensive community service, Mr. Anderson has received numerous awards and honors. In the 1940's, he received several awards from the U.S. Department of Treasury and the U.S. Department of War for selling war bonds. His contributions have been commended by his Lion's Club, the California Department of Corrections, the West End YMCA, members of the California State Legislature, the San Bernardino County Board of Supervisors, and the City of Ontario.

Although recently confined to a wheelchair, Mr. Anderson has continued to make valuable contributions to those in need, placing his needs second to those of others. It is with great honor that I join the community of Ontario as the Ontario Host Lion's Club celebrates Mr. Anderson's 62 years of perfect attendance with an Honorary Lifetime Membership.

By constantly striving to improve his community, Mr. Anderson has become a true American hero, worthy of our praise and gratitude.

EXPERIMENTAL PROGRAM TO RESHAPE AIR FORCE WORKFORCE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HALL of Ohio. Mr. Speaker, I join my colleague from Ohio, Mr. HOBSON, in introducing the Air Force Workforce Renewal Act, a bill to stabilize employment within the Air Force and bring more current technical skills into the Air Force workforce. The measure will give Air Force managers expanded use of voluntary early retirement incentives to create job openings to be filled by new employees with cutting edge technological skills.

The rapid pace of technology development and its importance to our economy and national defense is well recognized. At the same time, the Defense Department is faced with a rapidly changing and uncertain threat. The convergence of these trends means that the technical challenges faced by defense personnel will be greater than at any other time in our history. Defense employees must be capable of meeting these challenges if our armed services are to remain the most superior fighting force in the world.

Unfortunately, existing personnel laws do not give Defense Department managers the flexibility they need to keep up with rapidly changing personnel needs, especially in the scientific and technical fields. After more than ten years of much needed draw down and virtually no new hiring, the military services have been stymied in their efforts to acquire such personnel.

Since 1989, the Defense Department has reduced the size of its workforce by more than 400,000 positions, or 36 percent. To make this astounding reduction possible, only a small number of new employees have been hired in the last decade. Thus, there has been an alarmingly disproportionate reduction in younger employees. The number of employees below the age of 31 has dropped 76 percent since 1989 and more than a third of the workforce will be eligible for retirement over the next 4 years.

A crisis is looming in the Defense Department. Unless personnel practices are changed, the Pentagon will lurch from a predominantly senior workforce to one that is largely inexperienced. Without a smooth transition, vital institutional knowledge will not be passed on.

This problem is particularly acute for the Air Force because of its historically heavy reliance on science and technology. The preservation and advancement of our Air Force's high tech advantage is more important than ever as new and uncertain threats to the country develop. The Air Force's dominant role in recent operations in Iraq and Kosovo also makes the case for continued improvement of our technological edge.

To prevent a sudden workforce vacuum and allow for the orderly transfer of corporate knowledge to the next workforce, Mr. HOBSON and I have crafted a temporary, experimental program. The measure makes a simple modification to the Voluntary Early Retirement Authority [VERA] and Voluntary Separation Incentive Pay [VSIP] programs that are already in existing law for Defense Department employees. Because of our special concern for the Air Force and the Air Force's strong support for personnel system reforms, this demonstration program would be conducted by that service.

Under the measure, for a limited time period, Air Force leaders would have the power to offer financial incentives without having to eliminate workforce numbers. The amount of the incentive that an employee could be offered will be determined by the same formula that the current VERA/VSIP law uses, which could be as much as $25,000. Under this measure, work

The test program is limited to no more than 1,000 employees annually and terminates after five years.

In addition to permitting the Air Force to reshape and stabilize its workforce, it will also save substantial amounts of money because the salary of a retirement-eligible employee averages almost twice that of a replacement hire. Therefore, despite the initial outlays required for retirement incentives, the Air Force estimates the Hall-Hobson bill will save about $68,000 over a 5-year period for each senior slot opened for an entry level worker and over a seven year period, the cumulative savings could be as much as $120 million.

The measure also includes a provision that allows the Air Force to hire entry level personnel more quickly provided that they have strong academic records. It is not enough for us to create positions for new high tech employees. If we are going to get the best, we also have to make the Air Force competitive with high tech industry in hiring them. The hiring process takes too long to attract new college graduates in scientific and technical fields who can get jobs in the private sector in only a fraction of the time it takes in the military services. I am familiar with attempts by the Air Force Research Laboratory to hire new graduates that took more than a year. In many of these cases, the job prospects gave up and took other jobs.

To further strengthen the workforce, the bill also gives the Air Force the authority to hire a small number of eminent scientists from the private sector for periods of 4 years or less. These experts will bring unique cutting-edge skills into the research laboratory that will jump start new efforts in critical technology areas. The temporary nature of these positions gives the Air Force the agility to move at the pace of technology development, rotating experts through as they are needed. This provision is modeled after existing legislation for the Defense Advanced Research Project Agency [DARPA] which has been successful in infusing this defense agency with creative new scientific ideas.

This legislation is a win-win situation for everyone. The Air Force will get the skills it wants and those people considering retirement are given the financial boost that allows them to retire early. The Air Force also saves money in the long term and our country will be better positioned to maintain our national security.

Moreover, this experimental pilot program will provide valuable information that can be used to address similar workforce problems in the other services and non-defense Federal agencies.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Force Work Force Renewal Act".

SEC. 2. TEMPORARY AUTHORITY REGARDING VOLUNTARY SEPARATION INCENTIVES AND EARLY RETIREMENT FOR EMPLOYEES OF THE DEPARTMENT OF THE AIR FORCE.

(a) SEPARATION PAY.—Section 5597(b) of title 5, United States Code, is amended by adding at the end the following: "Under such program separation pay may also be offered for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of such Department to emerging technologies critical to the needs and goals of such Department.".

(b) Retirement Under Civil Service Retirement System.—Section 8336 of such title is amended by adding at the end the following new subsection:

"(o)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

"(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.".

(c) Retirement Under Federal Employees' Retirement System.—Section 8414 of such title is amended by adding at the end the following new subsection:

"(d)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

"(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.".

(d) Limitation of Applicability.—The authority to provide separation pay and retirement benefits under the amendments made by this section—

(1) may be exercised with respect to not more than 1000 civilian employees of the Department of the Air Force during each calendar year; and

(2) shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 3. AIR FORCE EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL.

(a) Program Authorized.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of the Air Force may carry out a program of experimental use of the special personnel management authority provided in subsection (b) in order to facilitate recruitment of civilian personnel to perform the following:

(1) Research and exploratory or advanced development.

(2) Acquisition of major weapons systems, excluding sustainment activities.

(b) Special Personnel Management Authority.—(1) Under the program, the Secretary may—

(A) appoint eminent scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5, United States Code) to not more than 62 positions in the Department of the Air Force without regard to the provisions of such title governing the appointment of employees in the civil service, except that the Secretary shall—

(i) provide for consideration of veterans' preference eligibility as described in section 2108 of such title; and

(ii) follow merit system principles, as established in chapter 23 of such title;

(B) prescribe the rates of basic pay for positions to which employees are appointed under subparagraph (A) at rates not in excess of the rate payable for positions at level I of the Executive Schedule under section 5312 of such title; and

(C) make payments to any employee appointed under subparagraph (A) in addition to basic pay within the limitation applicable to the employee under subsection (d)(1).

(2) Of the 62 positions described in paragraph (1)—

(A) 50 of such positions shall be allocated to organizations performing research and exploratory or advanced development; and

(B) 12 of such positions shall be allocated to organizations whose primary mission is the development and acquisition of major weapons systems, excluding sustainment activities.

(c) Limitation on Term of Appointment.—(1) Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed 4 years.

(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by not more than 2 years if the Secretary determines that such action is necessary to promote the efficiency of the Department of the Air Force.

(d) Limitations on Additional Payments.—(1) The total amount of additional payments paid to an employee under subsection (b)(1)(C) for any 12-month period may not exceed the lesser of the following amounts:

(A) $25,000.

(B) The amount equal to 25 percent of the employee's annual rate of basic pay.

(2) An employee appointed under subsection (b)(1) is not eligible for a bonus, monetary award, or other monetary incentive for service other than payments authorized under subsection (b)(1)(C).

(e) Period of Program.—(1) The program authorized under this section shall terminate at the end of the 5-year period referred to in subsection (a).

(2) After the termination of the program—

(A) no appointment may be made under subsection (b)(1);

(B) a rate of basic pay prescribed under subsection (b)(1)(B) may not take effect for a position; and

(C) no period of service may be extended under subsection (c).

(f) Savings Provisions.—In the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under subsection (b)(1)—

(1) the termination of the program shall not terminate the employee's employment in that position before the expiration of the lesser of—

(A) the period for which the employee was appointed; or

(B) the period to which the employee's service is limited under subsection (c), including any extension made under paragraph (2) of

(2) the rate of basic pay prescribed for the position under subsection (b)(1)(B) may not be reduced for so long (within the period applicable to the employee under paragraph (1)) as the employee continues to serve in the position without a break in service.

(g) Annual Report.—(1) Not later than October 15 of each of years 2001 through 2006, the Secretary shall submit a report on the program to the Committees on Armed Services of the Senate and the House of Representatives.

(2) The annual report shall contain, for the period covered by the report, the following:

(A) A detailed discussion of the exercise of authority under this section.

(B) The sources from which individuals appointed under subsection (b)(1) were recruited.

(C) The methodology used for identifying and selecting such individuals.

(D) Any additional information that the Secretary considers helpful for assessing the utility of the authority under this section.

SEC. 4. AIR FORCE EXPERIMENTAL HIRING PROGRAM.

(a) Program Authorized.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of the Air Force may carry out a program of experimental use of the authority provided in subsections (b), (c), and (d) in order to facilitate recruitment of civilian personnel to carry out the following:

(1) Research and exploratory or advanced development.

(2) Acquisition of major weapons systems, excluding sustainment activities.

(b) Category Ranking.—(1) Notwithstanding sections 3309, 3313 3317(a), and 3318(a) of title 5, United States Code, the Secretary may provide that applicants for positions in the Department of the Air Force be evaluated according to a quality category rating system based on relative degrees of merit, rather than according to numerical ratings.

(2) Under the system described in paragraph (1), each applicant who meets the minimum qualification requirements shall be assigned to the appropriate category based on an evaluation of the quality of the applicant's knowledge, skills, and abilities relative to successful performance in the position to be filled.

(3) Within each such quality category, applicants who are eligible for veterans' preference under section 2108 of such title shall have priority over applicants who are not eligible for such preference.

(4)(A) Each applicant, other than applicants for scientific and professional positions at the GS–9 level or above, or the equivalent, who meets the minimum qualifications requirements and who is eligible for veterans' preference under section 2108(3)(C) of such title and who has a compensable service-connected disability of 10 percent or more shall have the highest priority in the quality category.

(B) Applicants for scientific or professional positions at the GS–9 level or above, or the equivalent, shall be listed within their category grouping, except that applicants who are eligible for veterans' preference under such section 2108 shall have priority over applicants who are not eligible for preference. Among preference eligibles, preference shall be given without regard to the type of preference.

Under the system described in paragraph (1), an appointing official may select any qualified applicant within the highest category, except that such an official may not pass over a preference eligible for an individual who is not a preference eligible in the same category unless the requirements of section 3312(b) or 3318(b) of title 5, United States Code, are satisfied. If fewer than 3 applicants

(c) SHORTAGE AND CRITICAL NEED HIRING AUTHORITY.—(1) Notwithstanding section 3304(b) of title 5, United States Code, the Secretary of the Air Force may appoint individuals into the competitive service to fill civilian positions in the Department of the Air Force without competition, provided public notice has been given and the positions meet one of the following criteria:

(A) There is a severe shortage of qualified candidates for the position.

(B) There is a need for expedited hiring for the position.

(C) The position is unique and has special qualifications.

(D) The position has a historically high turnover rate.

(2) The Secretary may appoint individuals with exceptional academic qualifications or special experience to positions described in paragraph (1). Individuals who qualify on the basis of education must possess a cumulative grade point average of 3.5 or higher on a 4.0 scale (or the equivalent grade point average on a different scale).

(3) Applicants who are eligible for veterans' preference under section 2108 of title 5, United States Code, shall have priority over applicants who are not eligible for such preference. Among preference eligibles, a preference eligible applicant under subparagraphs (C) through (G) of section 2108(3) of such title shall have priority over an applicant who is eligible for preference under subparagraph (A) or (B) of such section. An appointing official may not pass over a preference eligible applicant to select a nonpreference eligible applicant unless the requirements of section 3312(b) or 3318(b) of such title are satisfied.

AIR FORCE WORK FORCE RENEWAL ACT

SECTION-BY-SECTION DESCRIPTION

Section 1. Designates the legislation as "Air Force Work Force Renewal Act"

Section 2. Temporary Authority Regarding Voluntary Separation Incentives and Early Retirement for Employees of the Department of the Air Force

2(a). Permits the Air Force to offer incentive bonuses of up to $25,000 for maintaining continuity of skills among employees of the Air Force and for adapting the skills of the work force to critical emerging technologies. This is an extension of the existing Department of Defense separation pay program.

2(b). Establishes that a retiring employee of the Air Force who is under the Civil Service Retirement System (CSRS) may become eligible for an annuity after completing 25 year of service or after becoming 50 years of age and completing 20 years of service; and if the Air Force Secretary determines that the separation is necessary for the purpose of maintaining continuity of skills in the Air Force and for adapting the skills of the work force to critical emerging technologies.

2(c) Establishes the same early retirement authority as paragraph 1(b) for Air Force employees under the Federal Employees' Retirement System (FERS).

2(d) Limits the separation pay and retirement benefits established in this section to 1000 positions per calendar year for a period of five years after the date of the enactment of this Act.

Section 3. Air Force Experimental Personnel Management Program for Technical Personnel

3(a) On an experimental basis for a five-year period, to facilitate recruitment of civilian personnel, authorizes the Air Force to fill positions for 1) research and exploratory or advanced development, and 2) acquisition of major weapons systems.

3(b) Limits the hiring authority under this section to a total of 62 eminent scientists and engineers from outside the civil service and uniformed services. Of his number, 50 shall be allocated to organizations performing research and exploratory or advanced development, and 12 shall be allocated to organizations whose primary mission is the development and acquisition of major weapon systems, excluding sustainment activities. Certain civil service rules are waived. Veterans' preference is preserved.

3(c) In general, limits appointments under this section to no more than four years; however, the Secretary of the Air Force may extend an appointment an additional two years.

3(d) Limits the total annual amount of additional payments (such as bonuses or monetary awards), paid to an employee hired under this section to $25,000 or an amount equal to 25 percent of the employee's annual salary, which ever is less.

3(e) Provides that no employee may be hired under this section (or appointment extended) after the five-year experimental program expires.

3(f) Allows employees appointed under this section to finish their existing term, (without extension), following the expiration of the authority under this section.

3(g) Requires the Air Force to provide an annual report on the experimental program to the Committees on Armed Services of the Senate and the House of Representatives.

Section 4. Air Force Experimental Hiring Program

4(a) On an experimental basis for a five-year period, to facilitate recruitment of civilian personnel, authorizes the Air Force to fill positions for 1) research and exploratory or advanced development, and 2) acquisition of major weapons systems.

4(b) Provides for a system to rate candidates for employment positions under this section. Veterans' preference is preserved.

4(c) Under specific conditions, authorizes the hiring with expedited competition of individuals with exceptional academic qualifications or unique experience under this section.

PHILIP ANSCHUTZ IS AN HONOREE AT THE HORATIO ALGER ASSOCIATION OF DISTINGUISHED AMERICANS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize an exceptional man who I am honored to call my friend. Philip Anschutz is being honored by the Horatio Alger Association of Distinguished Americans on Friday, May 5, 2000. For over 50 years, the Horatio Alger Association has honored people who have positively contributed to our society. These awardees are the top ten Americans who have made outstanding contributions in their chosen field. They are honest, hardworking, self reliant and committed to excellence.

Mr. Anschutz exemplifies everything that the Association represents. Mr. Anschutz is recognized as Colorado's number one businessman and enjoys an admired professional reputation. In 1965 he started The Anschutz Corporation. He now serves as Chairman of the Board of Qwest Communications International, Vice Chairman of the Board of Union Pacific Corporation and he also sits on the boards of Forest Oil Company, the American Petroleum Institute and the National Petroleum Council. He also is the alternate governor of the National Hockey League and the owner of the Chicago Fire and Colorado Rapids Major League Soccer teams. Mr. Anschutz also serves on boards and committees of various organizations such as, The John F. Kennedy Center for the Performing Arts, as well as, the Smithsonian Institution's National Board. Mr Anschutz has earned a strong reputation for his character and integrity. Philip and his wife Nancy are well known for civic contributions and their focus on family values. It is obvious why Mr. Anschutz was chosen as one of this year's Horatio Alger Association of Distinguished Americans. I think we all owe him a great debt of gratitude for his service and dedication to our society.

REMEMBERING THE HOLOCAUST

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. SCHAKOWSKY. Mr. Speaker, today I declare solidarity with Jews across this nation and around the world to mourn and to pay tribute to those who perished at the hands of the Nazis during the Holocaust. On Tuesday, in Israel and around the world, ceremonies were conducted, as they are annually. Today in the nation's capitol, we hold our traditional Days of Remembrance ceremony.

This year, I am keenly aware of the need to not only remember and honor the lives that were lost, but to continue to educate others about the Holocaust and the dangers of hate. For the Jewish community, Yom Ha-shoah holds a symbolic value. Through prayer and education the community remembers those who were lost, and who continue to be lost because, unfortunately, hate acts continue to occur.

The last year has been a trying one for the Jewish community and people of color in my district. Over the Fourth of July holiday last summer, Ricky Birdsong, an African American man beloved by his family and community, was shot by a white supremacist criminal on a cowardly shooting rampage. Jewish constituents of mine were shot on their way to synagogue, targeted because of their religious beliefs. Not only did these tragic occurrences scar my community emotionally, they served as a bitter reminder that hate is a dangerous reality that still persists.

Around the world this year, we have been reminded of the need to continue the battle against hate. In Iran, 13 Jews stand trial today on arbitrary and falacious charges of espionage. In China, thousands of Falun Gong are persecuted because of their spiritual beliefs. In Austria, a political leader who praised Hitler was elected to the dismay of the international community. In Africa, violence and ethnic conflict are raging. Nazi war criminals remain at large throughout the world. In Russia and elsewhere, anti-Semitic rhetoric is echoed by elected officials. People of color in this country are often unfairly targeted by law enforcement officials. Immigration policies of our country continue to neglect the human rights and needs of those with the misfortune of being born in oppressive or poor nations. The media in several nations is pervaded by anti-Semitic sentiments. Those unfortunate facts and many others, remind us of the need to adhere to our vow that never again will we tolerate the kind of abuse we witnessed. I am proud that this nation has made a practice of refusing to look the other way when hate rears its ugly face.

The Holocaust was the most horrific human atrocity the world saw during the last century and perhaps in the history of the planet. Millions of Jews and others were brutalized, raped, beaten, dehumanized, enslaved, robbed, and murdered. Men, women, children, babies, and families were ravaged by the hateful acts of the Nazi regime. There is no way for me to put into words the unspeakable horrors experienced. We can only listen to the recollections of those few remaining survivors of the Holocaust.

The Holocaust was not only the worst murder case in history, but it was also the biggest exploitation and theft. Jews and others were enslaved—worked literally to death for various companies. Millions of insurance policies were liquidated by the Nazis with the assistance of insurance companies, and millions of bank accounts were seized. I am sad to say that, to this date, there has been no restitution for the bulk of those crimes. Every year we observe Yom Ha-shoah, we are also reminded of those survivors of the Holocaust who have passed away during the previous year. Negotiations to repay stolen assets are ongoing. But, unfortunately, the process is slow and many have been deprived of at least some measure of justice after enduring so much. I hope that before this time next year we will at least be able to say that we have made real progress on this front. That will require the complete cooperation of foreign governments, and multinational corporations, who have yet to own up to their role in the crime of the last century. The fact that some still deny responsibility or refuse full compliance with negotiations only adds to the suffering and prolongs the justice that survivors deserve.

The theme of hope is strong among Jews this year. Negotiations continue in efforts toward peace between Israel and her neighbors. This year, we may see some real results and a chance for life without fear for our allies in the Middle East. I was reminded of the power of hope and the importance of celebrating life along with honoring the dead this week. Thousands participated in the "march of the living" at Auschwitz, where over a million Jews met their fate. I am proud to carry on the traditions of Judaism in my every day life and I am proud of the Jewish community and all of its success, despite all of the suffering. today we honor and mourn those who perished. We vow to live our lives in a way that pays tribute to their memory and ensures their fate will not be suffered by others.

CONGRATULATING STUDENTS FROM WYNDMERE HIGH SCHOOL

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. POMEROY. Mr. Speaker, on May 6th through 8th of this year, high school students from across the country will compete in the national finals of the "We the People * * * The Citizen and the Constitution" program. I would like to take this opportunity to congratulate the students of Wyndmere High School of Wyndmere, North Dakota, who will represent my home state in this event. These students have worked hard to reach this stage of the competition and have demonstrated a thorough understanding of the principals underlying our constitutional democracy.

We the People is the most extensive program in the country designed to teach students the history and philosophy of the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings held in the United States Congress. These mock hearings consist of oral presentations by the student participants before a panel of adult judges. The students testify as constitutional experts before a "congressional committee" of judges representing various regions of the country and appropriate professional fields. The students' testimony is followed by a question and answer period during which the judges test students on their depth of understanding and ability to apply their constitutional knowledge. The knowledge these students have acquired to reach the national level of this competition is truly impressive.

Mr. Speaker, I would like to recognize by name our talented representatives from Wyndmere High School, of Wyndmere, North Dakota: Brian Boyer, Mandy David, Julie Dotzenrod, Elisabeth Foertsch, Alissa Haberman, Lindsey Heitcamp, Daniel Hodgson, Jesse Nelson, Kari Schultz, Amy Score, John Totenhagen, and Bobbi Ann Ulvestad.

I would also like to recognize and thank their teacher, David Hodgson, for his critical role in these students' success and their interest in American government.

Again, Mr. Speaker, I would like to welcome the student team from Wyndmere High School to Washington, and wish them the very best of luck. They have made all of us in North Dakota very proud.

THE SAFE AND SUCCESSFUL SCHOOLS ACT OF 2000

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, Democrats want to ensure that all American children receive a quality 21st century education in public schools with up-to-date facilities and safe classrooms. That is why Democrats support The Safe and Successful Schools Act of 2000. This act would provide our schools with $1.3 billion annually for emergency school renovations.

As one of the most powerful nations in the world, Mr. Speaker, it is a tragedy that America's schools are in such desperate need of repair. The schools in my district are indicative of what is happening nationwide. For example, the roof in the gymnasium at Belmont High School in Los Angeles has multiple leaks. Garbage cans must be scattered throughout the gym to catch the rain. Two other high schools in my district, Venice and Lincoln, have extensive water damage that has left dangerous wiring and piping exposed to the children.

Americans value their children, Mr. Speaker, and they are the future of our nation. We must not abandon them and sit idly by while our schools fall apart, hampering our children's ability to learn. We must pass The Safe and Successful Schools Act and invest in the future of America.

CHERYL MILLS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. NORTON. Mr. Speaker, hearings on the White House e-mails being conducted by the Committee on Government Reform have provoked serious questions as officials and former officials with impeccable reputations have had their integrity questioned without evidence of wrongdoing traceable to them. Cheryl Mills, the young White House lawyer who spoke so memorably during the Senate Impeachment hearings, did it again during the Committee's hearings today. Her words concerning what inquisitional hearings do to young people and others considering public service deserve consideration by Members of the House who, after all, serve here because of the value they themselves attach to serving the public and their country.

I submit her full statement for inclusion in the RECORD.

OPENING STATEMENT BY CHERYL MILLS, COMMITTEE ON GOVERNMENT REFORM, U.S. HOUSE OF REPRESENTATIVES, MAY 4, 2000

Mr. Chairman, Representative Waxman, Members of the Committee on Government Reform:

My name is Cheryl Mills. For almost seven years, I served in the White House Counsel's Office under President Clinton. During my tenure, I served first as Associate Counsel and later as Deputy Counsel. When I arrived on January 20, 1993, I was 27 years old; I was 34 when I left last October.

I came into government because I believed that the opportunity to serve this country was a valuable one. I believed that giving of my time, my energy, and even my soul, to try to make a difference was important. I believed that the gift of one's labor and one's love for this country was one of the purer things I, like other young people, had to give.

When I left, it had become hard for me to believe anymore. I left increasingly cynical about Congress' commitment to improving the lives of Americans. I left deeply troubled by the culture of partisanship in Washington that with each passing day was threatening the very essence of what is good, and what is right, and what is joyful about public service. When I left, it was no longer obvious to me that serving in government, with a Congress committed to oversight by investigation, was worth the high toll it exacted.

And the greatness of that injustice, is not in its harm to me. I am but one person. Rather, it is the damage that it does to the ideals of all the young people who decide never to serve. The young people who decide that no one should have to love their country enough, to have their integrity, their service and their commitment to doing the best they can, impugned by some who sit in this body. The young people who decide that their desire to serve their country and a President, is not outweighed by the risks to their reputation, their livelihood and their family. The young people who decide that too many who toil in this body have forgotten that their exalted positions are but loaned to them by the young—on the understanding that they will seek what is best for our country, not what is least.

I left because I knew that only distance and time would allow me to see again the many Members who serve honorably in Congress every day. Members who choose to work hard for their constituents on the issues that will enrich their lives. Men and women who get up each morning not thinking about how they can bring someone down, but about how they can lift us all up.

Mr. Chairman, I left because I was tired of playing a role in dramas like today, when so many issues that mattered to me that were not being addressed. You have held four days of hearings, and spent countless more dollars on depositions and document productions, but yet you have not chosen to use your oversight authority to hold one day's worth of hearings about: a man who was shot dead by an undercover New York police officer while he was getting into a cab, after refusing to buy drugs from that officer; any of the 67 cases and counting that have been overturned because officers in Los Angeles Police Department planted guns and drugs to frame people, shot an unarmed man, and quite possibly shot another man, with no criminal record, 10 times—killing him; why African American youths charged with drug offenses are 48 times more likely than white youths to be sentenced to prison.

Not to mention all the other ways in which you could spend your time making the lives of the individuals you serve better, as opposed to tearing down the staff of a President with whose vision and policies you disagree. You could choose from a myriad of issues—health care, prescription drug benefits, family medical leave, education reform, social security, judicial reform. Nothing you discover here today, will feed one person, give shelter to someone who is homeless, educate one child, provide health care for one family, or offer justice to one African American or Hispanic juvenile. You could do so much to transform our country—but instead you are compelled to use your great authority and resources to address . . . e-mails.

The energy your staff will spend poring over hearing transcripts to create a perjury referral for you to send to the Justice Department could be spent poring over the latest statistics in the Justice Department's report on the unequal treatment African American and Hispanic juveniles receive before the law. And the resources that the Justice Department will expend reviewing your allegations—causing those public servants and their families considerable pain—could instead be spent investigating why America's justice system unfortunately is still not blind.

I know I say all this at some personal peril, as my words here today will no doubt make me an even greater target of your ire. But when I got your letter last week about attending this hearing—despite having advised you of my long scheduled commitments—a letter in which you simply dismissed my prior engagement, stating that you would not "indulge my schedule,"I got tired and mad all over again.

And if I had not had the chance to attend a dinner that night in honor of the Robert F. Kennedy Memorial Foundation, I probably would still be mad. Because, I would not have had the chance to have my faith renewed by the example of what other men with your power have chosen to do throughout history to enhance the lives of others. I would not have been reminded of how Robert Kennedy's work on behalf of issues like race, and justice, and poverty, embodied the true spirit of his greatest words: "It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others,or strikes out against injustice, he sends forth a tiny ripple of hope; and crossing each other from a million different centers of energy and daring, those ripples build a current, which can sweep down the mightiest walls of oppression and resistance."

Had I not gone to that dinner, I would not have been reminded that the smallness of any person, can never overshadow the greatness of those whose acts are bigger than life. I would not have been reminded that today, too, will pass. And, that we who love our government are strong enough, and not too weary. We can outlast a culture of investigation and intimidation and idleness on behalf of issues that can truly improve the lives of Americans.

Mr. Chairman, I believe in your humanity, and in that of those who serve on your staff. That each of you has good and bad days; make good and bad judgments, render good and bad decisions. Won't you believe in the humanity of others with whom you disagree? Won't you believe that as with your mistakes, they too can make mistakes that are not conspiratorial? That they too can make a bad judgment, without that judgment being pernicious? That they too can do their best each day and expect more than a biased shake or a perjury referral from this Committee? That they too can be human, without this body using its awesome power to exploit their humanity for political gain? Can Tony Barry, a man who has served his government since 1992, expect that?

I give my last quotation to Robert Kennedy because to me, it is particularly fitting today. He said: "The Constitution protects wisdom and ignorance, compassion and selfishness alike. But that dissent which consists simply of sporadic and dramatic acts sustained by neither continuing labor or research—that dissent which seeks to demolish while lacking both the desire and direction for rebuilding, that dissent which, contemptuously or out of laziness, casts aside the practical weapons and instruments of change and progress—that kind of dissent is merely self-indulgence. It is satisfying, perhaps, only those who make it."

I decided that smallness government cannot win. And that it will note the weapon to defeat my ideals. That it is not powerful enough to alter my belief in the good that so many Members who serve in this body do.

I decided, that in the final analysis, I am not too tired to stand up for all of those who believe, even through the drama, that public service is worth the price.

CONGRATULATING "WE THE PEOPLE" FINALISTS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BLILEY. Mr. Speaker, on May 6–8, 2000 more than 1200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from The Governor's School for Government & International Studies from Richmond will represent the state of Virginia in this national event. Through dedication and hard work, these young scholars have earned the right to compete in the national finals where they will demonstrate their through understanding of the fundamental principles and values of our constitutional democracy.

The name of the students are: Loren Bushkar, Zachary Carwile, Joshua Chiancone, John Cluverius, Madeleine de Blois, Charles Dixon, Meredith Gaglio Matthew Gayle, Mathew George, Allen Hatzis, Emily Hulburt, Maryann James, Jason Karmes, Frankie Keller, Sarah Kiesler, Lindsey Lane, Kerin Lanyi, Theresa McCulla, Andi Monson, Daniel Myers, Benjamin Neale, George Nuckolls, Jonathan Phillips, Susannah Powell, John Sells, Kelly Stover, Alex Walthall, Milo Wical

I would also like to recognize their teacher, Phillip Sorrentino, who motivated his students to strive for excellence.

The We the People . . . The Citizen and the Constitution program is designed to ensure that young people understand the history and philosophy of the Constitution and Bill of Rights. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democractic government by challenging them to apply their constitutional knowledge to everyday situations. Studying these historically significant documents has undoubtedly given the students at the Governor's School in Richmond a greater appreciation for the freedoms enjoyed by the citizens of this great nation. I applaud their diligence in exploring the meaning and significance of the very documents which serve as the foundation of our government.

I also share in their goal of fostering a greater awareness and understanding of our rights and responsiblities as Americans. I am the proud holder of the seat first held by James Madison, commonly referred to as the Father of our Constitution. Inspired by both the honor of holding this seat, as well as the enthusiasm of young students as the Liberty Middle School in Ashland, Virginia, I introduced the Liberty Dollar Bill Act, H.R. 903. This legislation, if enacted, will redesign the one dollar bill to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Articles of Amendment. I feel certain that passage of the Liberty Dollar Bill Act will make more Americans familiar with their constitutionally protected rights while also rekindling the patriotic spirit of our Founding Fathers.

The class from The Governor's School for Government & International Studies is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I wish these budding constitutional experts the best of luck at the We the people . . . national finals!

THE CONSUMER FINANCIAL PRIVACY ACT—H.R. 4380

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to enhance the financial privacy rights of all Americans. This legislation, the "Consumer Financial Privacy Act," implements the privacy protections that were announced by President Clinton earlier this week. I am pleased to be joined in sponsoring this legislation by Mr. DINGELL, ranking member of the Committee on Commerce, Mr. MARKEY, Mr. FRANK, Mr. KANJORSKI, and many other of my House colleagues.

Individual privacy is one of the most important issues before the Congress and an issue of urgent concern for the American people. Clearly everyone should have the right to be left alone if they choose, or to be confident that their financial, medical and other personal information will not be disclosed, sold, or used without their consent.

We live in a world of electronic communications in which intimate details of every individual's financial and private life can be instantaneously transmitted anywhere around the world. This imposes a far greater responsibility on government to protect individual privacy more than ever before. And it is a responsibility that I believe government must fully exercise.

Last year the House enacted significant financial privacy protections as part of broader financial modernization legislation. While these privacy proposals were given little chance for passage a year earlier when I first introduced them, they were adopted by the House with an overwhelming 427-to-1 vote. These financial privacy protections were significant, going well beyond the limited protections in existing law for financial transactions, and well beyond the protections available for most other consumer transactions.

But we never intended last year's legislation to be the ultimate solution on financial privacy, it was only a first step. While it provided important notice and opt-out protections to prevent the selling or sharing of private information among unaffiliated companies, it failed to extend the same protection for information shared between a financial institution and its affiliates. While it prohibited the selling of credit card and account information for marketing, it did not provide a higher level of protection for other sensitive information such as medical or health records or information about payments and transactions. Democrats were united in attempting to add these additional protections to the legislation on the House floor and again in conference. Unfortunately, we were not successful.

The legislation outlined by President Clinton on April 30, 2000, which we are introducing today, completes the promise of that previous effort, and takes another gigantic step toward achieving an absolute right of financial privacy for all Americans. It extends the principles of notice and opt-out for all information shared between a financial institution and all affiliated companies. It provides a higher level of protection, an "opt in" requirement, for sensitive medical and health-related information that could affect financial decisions, as well as for individualized information describing spending habits or transactions.

The bill creates new rights for consumers to find out what information is being collected about them by their financial institution and to correct or delete inaccurate or outdated information. It requires timely disclosure of an institution's privacy policies to permit consumers to comparison shop among financial service providers that offer the best protections. And it makes these private protections fully enforceable by augmenting the enforcement authority of the Federal Trade Commission and by permitting State Attorneys General to bring legal actions on behalf of state residents to prevent violations.

Mr. Speaker, I believe this is balanced and reasonable legislation that is the product of months of careful consideration. It is legislation that the American people clearly want and deserve. I invite my colleagues on both sides of the aisle who believe that every American has a right to their personal privacy to join with me in supporting this important and much needed legislation.

TRIBUTE TO THE FREE THAI

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GOSS. Mr. Speaker, on May 8, 2000, the Director of Central Intelligence will present Agency Medallions to five members of the Free Thai Movement at the George Bush Center for Intelligence. In addition Agency Medallions will be awarded to thirty-eight Free Thai members or their survivors.

In December, 1941, following the bombing of Pearl Harbor, Tokyo turned its attention to Southeast Asia. After a token resistance, Thailand's leader, Field Marshal Phibun Songkhram, signed an alliance with Japan which sanctioned a Japanese military presence throughout the country. In January, 1942, under pressure from Japan, Bangkok sent a diplomatic note to the Thai minister in Washington, M.R. Seni Pramoj, directing him formally to declare war on the United States.

Instead, Seni pocketed Bangkok's diplomatic instructions and launched a bold plan to aid the Allies in the liberation of Thailand. Under his guiding hand, and the leadership of General William Donovan's fledgling intelligence and clandestine warfare organization (the Organization of Strategic Services—OSS) the Free Thai movement was born. Seni brought young Thai student volunteeres from universities across the United States together into a "Free Thai" command which was to serve under Donovan's OSS.

The Free Thai were among Thailand's best and brightest. They risked their lives in abandoning scholars' robes at Cornell, Caltech and MIT in favor of jungle fatigues and rifles. Trained by the OSS, they were dispatched into Thailand by submarine, seaplane and airdrop. Some walked overland from China to make contact with a nascent resistance and prepare the way for Thailand's liberation. The first volunteers dispatched were captured or killed, but on October 5, 1944, the OSS Detachment in Szemao, China, received a radio message from Free Thai agents who had successfully made contact with the resistance. For the remainder of the war, intelligence flowed out of Bangkok. The Free Thai volunteers, working hand-in-hand with the OSS, provided accurate information on Japanese military deployments, rescued captured Allied soldiers, and prepared the ground for the eventual Japanese surrender. We would like to recognize and commemorate their bravery.

INTRODUCTION OF CONSUMER FINANCIAL PRIVACY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. MARKEY. Mr. Speaker, I am pleased to join today with the gentleman from New York (Mr. LAFALCE), the gentleman from Michigan (Mr. DINGELL), the gentleman from Missouri (Mr. GEPHARDT) and others to introduce the Clinton-Gore financial privacy proposal.

The American public wants stronger privacy protections. The public wants, at minimum, the right to block a financial institution from transferring information it has gathered about them to both affiliates and third parties—an across-the-board "opt out." And they want a stronger level of protection for medical information and information about personal spending habits—an "opt-in." The legislation we are introducing today would provide these protections.

As Chairman of the bipartisan, bicameral Congressional Privacy Caucus, I can also say that there are many Republican members in both the House and Senate who are willing to work with Democrats to enact the type of strong financial privacy protections that are contained in the President's bill. I look forward to working with them towards that end.

But the real question is: will the House and Senate Republican leadership continue to stand with the big banks, brokerage houses, and insurance companies in opposing meaningful privacy protections, or will they allow a debate out on the floor of the House and the Senate on the President's proposal to give the people some measure of control over who gets access to the most sensitive details of their personal lives? I hope that we can have early hearings and action on this bill, so that we can close down the gaps left in last year's banking bill—as the President pledged last year.

Here's what our bill would do:

First, with respect to affiliate sharing under last year's banking bill, consumers have no right to block a financial institution from transferring nonpublic personal information about them to an affiliate. The bill we are introducing today would change that by giving consumers an "opt out" right for both affiliates and nonaffiliated third parties.

Second, under last year's banking bill, consumers were given the right to "opt out" of having a financial institution transfer their personal information to nonaffiliated third parties. However, there was a giant loophole in this provision that allowed financial institutions to transfer such information with no consumer "opt out" if they were transferring it to another financial institution with whom they had a joint marketing agreement. This provision was put in at the behest of small banks who argued that since the large banks were allowed to do affiliate sharing with no opt out, that they should be able to contract with insurance companies or securities firms to cross-market to the

Third, under last year's bill, there were no protections for health care information or for especially sensitive detailed information about a consumer's spending habits. Under the President's proposal, a financial institution would have to obtain the consumers' prior consent ("opt-in") before it could obtain, receive, evaluate or consider medical information from an affiliate or third party. An opt-in would also have to be obtained before a financial institution could transfer information about a consumer's personal spending habits (i.e., every check you've ever written and to whom, every charge on your credit or debit card and for what) or any individualized description of a consumer's interests, preferences, or other characteristics.

Fourth, last year's banking bill failed to give consumers any right whatsoever to obtain access to or to correct the nonpublic personal information that a financial institution had collected about them and was disclosing to its affiliates or to nonaffiliated parties. The President's proposal would assure that consumers would have the right to obtain such access and that a financial institution would have to correct any material inaccuracies. Institutions would be permitted to charge a reasonable fee for providing a copy of such information to the consumer.

Fifth, last year's banking bill failed to give the State Attorneys General any power to enforce compliance with the Act, in contrast to many other consumer protection statutes (i.e., the Telephone Consumer Protection Act) that provide for such concurrent enforcement. The President's proposal would make financial institutions that are subject to the jurisdiction of the Federal Trade Commission (i.e., anyone who is not a bank, an insurance company, or a securities firm; someone like a check cashing service), also subject to enforcement by the state attorneys general. In addition, last year's banking bill failed to specify whether a violation of a financial institution's privacy policies would be considered to be a violation of the Act. The President's proposal would make an action a violation of the Act, and would clarify that a violation of any requirement of the Act would be considered to be an unfair or deceptive trade practice.

Sixth, last year's bill required financial institutions to give a consumer a copy of their privacy policy at the time of the establishment of a customer relationship with the consumer. The President's proposal would require that financial institutions provide a copy of their privacy policies to any consumer upon request and as part of an application for a financial product or service from the institution. This will help consumers compare the privacy policies offered by various institutions.

While this bill does not go quite as far as the legislation I introduced last year, H.R. 3320 in adopting an across-the-board opt-in requirement, it is otherwise largely patterned after that proposal, including the provisions to close the affiliate sharing and joint marketing loopholes, provide access and correction rights, and strengthen enforcement. Moreover, I believe that the Administration's proposal to adopt and across-the-board opt-out, but then establish a higher level of protection for medical information and information about personal spending habits is an equitable compromise that gets to the most sensitive information. This is a good proposal. It deserves to become law, and I urge all of my colleagues to give it their support.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. MOORE. Mr. Speaker, many Americans have lost faith in our political system. Routinely, half of those eligible to vote don't. People feel our political system is at best irrelevant, and at worst shot full of corruption. Our country is better than that and deserves congressional leadership that takes responsibility for finding solutions to this problem.

Last September the House of Representatives overwhelmingly passed Shays-Meehan, which would have drastically reformed the campaign finance system. It would have gotten rid of soft money and severely limited independent expenditures, but similar efforts died in the Senate due to the actions of a very small minority.

Though Shays-Meehan remains a necessary reform, a new type of political organization threatens the integrity of our electoral process. Known as "527s," and named after the provision of the tax law under which they are created, these organizations contend they can accept unlimited funds and never disclose the names of donors, the amount of contributions, or how the money is spent. This is possible because while these groups qualify as political committees under the tax code, they are not subject to the jurisdiction of the Federal Election Commission (FEC). These organizations have caught the eye of many observers, not the least of which is the Joint Committee on Taxation, which made note in a recent report of this disturbing trend in nonprofit disclosure.

When I was running for Congress, people told he how fed up they were with "the system." Though the term meant different things to different people, for most it was campaign finance laws that allow precisely this type of anonymous political activity. The consequences are a public cynicism and apathy that eat away at voter participation, and cause citizens to tune out discussions of very serious issues. It has turned a whole generation of young people away from politics as a means of government and social change.

Simply put, the current campaign finance law alienates voters. I am hoping new legislation I've written will not only begin to restore the public trust, but will also take congressional seats off the 527 auction block.

The Campaign Integrity Act of 2000 (H.R. 3688), cosponsored by 51 of my House colleagues—including my good friend, LLOYD DOGGETT—would require 527s to meet the disclosure and reporting requirements of the Federal Election Campaign Act. This proposal would rewrite the Internal Revenue Code's section 527 definition of "political organizations" to require public disclosure of the name, address, and other identifying information about the group; a summary of cash on hand and disbursements; an itemized list of contributors, showing name, address, occupation, employer, and amount of contribution; other receipts; and disbursements (including independent expenditures, operating expenditures, refunds, and transfers).

Violations would have stiff consequences—nothing less than loss of the organization's tax-exempt status would be at stake.

This bill will not cure the ills of the campaign finance system, but instead represents two very important and necessary goals. First of all, this act closes the 527 loophole and re-establishes in this country the principle that campaigns will be transparent and subject to scrutiny. Secondly, this bill represents a reasonable political compromise that, in the absence of more comprehensive reform, gives Congress the opportunity to make upcoming elections more open, fair, and honest.

To those who cling to "free speech" as an argument against reform: This legislation would not impose limitations on contributions to 527s, and therefore will not in any way interfere with the First Amendment. It would simply require full disclosure, forcing those who wish to exercise this type of expression to show their face, just like everyone else has to do.

It is high time Congress shine light on 527s and tell special interest groups that the American people are our special interest. For the sake of our democracy, Congress needs to end the era of anonymous attack ads. Congress can—and should—rise to meet that challenge.

TRIBUTE TO MRS. LIN STORY AND THE NATIONAL CHILDREN'S PRAYER CONGRESS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TRAFICANT. Mr. Speaker, today I pay tribute to a wonderful woman, Mrs. Lin Story, and the organization she has created and fostered over the past decade, the National Children's Prayer Congress.

Last night, I had the privilege and the honor to speak to over one hundred delegates, including children of all ages, to close this year's

National Prayer Congress. I was touched by all I heard and saw last night as children from all over the country came together to celebrate their fellowship and oneness under God. These children worked very hard to write their own words to live by and I am submitting several of them today for the record.

Mrs. Lin Story and her husband, Reverend Roger Story, who are dear friends of mine, deserve to be commended for the effort they put forth to make this such a special week for these children. I am also submitting a beautiful passages that Lin wrote for this event. My congratulations go out to Lin on another successful National Children's Prayer Congress.

I submit the following passages for the RECORD:

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1-3, 2000

SPEECH BY RUTH BRANAM, PRAYER SERVICE AT ST. JOHN'S CHURCH

Hi! My name is Ruth Branam and I am ten years old and in 5th Grade.

The day I found out I was going to Washington, D.C., I was filled with joy and excitement. The only thing I felt bad about was those who weren't chosen. Two of them were my sister, Sarah and my friend, Leilani. They ended up being two of the most helpful people along with the Lord in preparing me to go. I prayed a lot that our trip would be poured out with God's blessings and so far, God has been incredible to my team. He has provided the money and everything else we needed. My family has been so great to me about this. I can't say how much I'm thankful.

At first the only ones I really knew were Autumn and some of the grown-ups. Then I got to know everyone else. Through our preparation meetings, we have grown together as a team. We not only learned about God but also about history. We even went on a field trip to the Ronald Reagan Library, which I really enjoyed.

I have the privilege of being home schooled by my mother and every day, we take time to pray for our leaders. God has prepared me to be able to come here and share God's love with the leaders of our country. I hope I will accomplish the mission that He sent me for.

My favorite scripture is Psalm 96, verse 6. "Splendor and majesty are before Him. Strength and glory are in His sanctuary." I can't tell you how many times God has been graceful, because I lost count in the hundreds. If I could count all of them, it would go up to millions.

One of my heroes in American history would be Dr. Martin Luther King. He stood up for Christian principles and fought for his people so there would be peace between all people. We as Christians should also try to share God's love with every non-Christian and learn to be peacemakers.

Don't give up on God because He will never give up on you. He will always love you and be with you. God bless you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1-3, 2000

SPEECH BY JILLIAN MCCANN, CAPITOL HILL PRAYER BRIEFING

Hello, my name is Jillian McCann and I am 11 years old. It is a very big honor to be here in Washington, D.C.

I would like to tell you how I came to know the Lord. When I was eight years old, I started going to a Kid's Camp in San Diego, California with my school. One day, I was at a church service and heard the pastor talking about how wonderful our Lord

There are many leaders having to make all sorts of decisions ranging from war and health care of seniors. They need to know the Lord and ask for guidance throughout every day. Also, we need to pray for our leaders and government, and for their loved ones to give them 100 percent encouragement.

In preparing for Washington, D.C., I learned how many people work for different committees and agencies in the U.S. government. With all these people, it's impossible for us to know all the things we need to pray for. But we have a great hope in the Lord who knows each person by name. When we pray, He meets every need no matter how big.

There are some needs in America that we can pray for such as feeding the hungry children and the organizations that help to feed the children. There are also many homeless people throughout our nation and even right here in our nation's capital. Jesus said the greatest commandment is to love the Lord your God with all your heart, and your neighbor as yourself. We not only need to pray, but we need to love others around us.

While we are here in Washington, D.C., our greatest accomplishment would be to bring a leader's heart to God. I would like to take what I learned here and use it to impact my family, friends, and community. Thank you for allowing me to have this opportunity to share my faith and beliefs with all of you today. God bless you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1-3, 2000

SPEECH BY STEVEN KNOTT, CAPITOL HILL PRAYER BRIEFING

Hello. My name is Steven Knott and I am eleven years old. I am happy to be here in Washington, D.C. to pray for our leaders. I feel the Lord has guided me to be here.

I am blessed to live in a Christian home and attend a Christian school. My mom told me about Jesus when I was a little child. It's an unbelievable feeling that you'll never forget. Once you accept Jesus, everything will change. He will give you guidance in your life.

Right now, our country's leaders need to know the power of prayer. They need to make the right decisions to lead the country. The power of prayer is very effective. All we need to do is use it the right way. If you were a Congressman, a Senator, or a Vice President, you would need comfort or peace to make the right decisions. That's why I feel I am here, right now, to be involved in the power of prayer.

While I am here in Washington, D.C., I hope to be a good example of my Christian faith. I also want to change our nation's leaders by praying for them. I also would like to see the Washington Monument because I have always felt George Washington was a great leader and President in this country. He has always stood out to me in the way that he acted, his leadership, and his responsibility.

I have learned in my preparation meetings for Washington, D.C. that prayer can change other people's lives. I have also learned that in other countries, some people don't live as good as the life we have. Some live on the streets, some are very poor, and some are barely surviving right now.

I feel the Lord has blessed me to be here in Washington, D.C., our nation's capital, to be here in this very important event. Keep on praying. God bless you all.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1-3, 2000

SPEECH BY AUTUMN BRIM, DIPLOMATIC BANQUET

Good evening. My name is Autumn Brim and I am twelve years old. I am very pleased to be here in Washington, D.C. to pray for the leaders of our nation in person. I am very glad to have this opportunity to, in prayer, make a difference in our nation and a difference in our leaders.

I was born into a Christian family and since I can remember, I have always known Jesus was there and that we prayed to him and read the Bible. I began to take a step forward in my walk with Christ. One night while I was in bed, I felt peace and I know it was from God. It's much better to have peace like one I felt than be caught up in what the world does. As I'm getting older, I want more and more for God to be the center of my life. He wants to be my best friend and to help me through all my struggles. This is my testimony and I hope it may encourage you in your own Christian walk and even if you find yourself struggling, just remember God will be there to help you. He wants to help everyone, including the leaders of our nation.

It is important to pray for everyone, but it is especially important to pray for our leaders because they make the choices that affect all of us. Our prayer is that the leaders will seek God's help and guidance. Our leaders need our prayers because they have the pressure of running this nation and may not always seek God's will. We need to pray that they will see that if they humble themselves before God, they will find guidance and the answers they need. They can have the peace and happiness of knowing they can share their burden with someone who will never betray them or hurt them. God loves the leaders and we need to pray that they will love God.

Some things we need to pray for the leaders are protection, health, and family. We need to pray that God will shelter them from destruction and shield them from harm. We also need to pray for their health. The leaders need to be strong and healthy so that they might call on God and guide our nation where it needs to go. Another thing to pray for is their families. That God would keep them happy and strong and give the leaders time to be with them and that their families would support them as much as they can.

The reason we came to Washington, DC is to show that we believe that God will make a difference in our nation. I once read a scripture in James that said that if we pray, we must believe God will answer us. I encourage you to believe that God will make a change in the leader's lives and in the lives of others you pray for. Christian leaders in the past such as George Washington and Abraham Lincoln who had Christian values led our nation through some hard times successfully. As we are here in Washington, DC, I encourage you to keep praying that our leaders will answer to God, for that is why we came here; to pray and listen for God's call. Listen to God and He will lead you. Have a wonderful evening and God bless you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1-3, 2000

SPEECH BY AMANDA STEVENS, "AMERICA'S CHILDREN PRAY"

Hi! Good evening everybody. My name is Amanda Stevens and I am very happy to be here today. I am eleven years old and I was born on July 20, 1988. I love the Lord with all my heart and that is what I am here today to talk with you about. I found the Lord at nine years old at Gateway Christian School, but the school that I go to now has brought me closer and closer to God. I told the Lord that I knew that He was there and I wanted Him to be with me always. It's amazing the different ways that people come to find Him. I have learned that God knows every action, every thought, and every move I make. He has done so much for me and I am very grateful for that. I know in my heart that no matter where I go, He will always be with me.

I started attending Harbor Church Schools halfway through the school year, just four months ago, and within the first week of attending the school, I heard about this trip to Washington, DC. I was really excited but most everyone I talked to told me not to expect to be able to go because I was new and other kids would be chosen. But I applied anyway and as I was going through the process, a voice in my heart told me "You're going, so get ready!" I really believe that I have been called to this and God has something great in store.

I really hope to accomplish a lot while I'm here and that people will learn from something I've done. I would be happy if I could just minister to someone and tell them about the Lord. I would like to show people that it doesn't matter if you're just a kid when God calls you to do something. You don't have to be an adult to go out and minister and make a difference. If you simply live a life pleasing to the Lord and shine His light wherever you go, people will listen to you and their lives will be changed. We are all part of the huge world wide family of God and hopefully, if we all work together, we can make a difference. Just as a farmer plants seed, we are all planting the seeds of salvation in everyone we meet, and then someone else will come along and water the seeds until it grows into something beautiful.

Unfortunately, some of our leaders today are not Christians and so we especially need to pray for them. But even Christians need prayer. Sometimes, we fall short and feel like we can't even pray for ourselves. We need to be there for our leaders when they feel like that.

I want to thank you for listening to me tonight. Each one in our group was given the assignment of writing a speech. However, I'm not here because I have to. I'm here because I want to and God has called me. I pray that you will hear the call that He is giving to you today also and that together, He will use us to change our nation. Thank you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1–3, 2000

SPEECH BY DRAKE MUNOZ, DIPLOMATIC BANQUET

Good evening ladies and gentlemen, I am Drake Munoz and I am happy to be a part of the National Children's Prayer Network. I am here to pray for the leaders of this country.

When I was five years of age, I received the Lord. His Word became my manual for life. If you have a question, God will answer that question. He has also helped me through bad times. For example, one of my pets died and I got very sad, so I went to the Lord and He helped me with my problem. As you can see, once you accept the Lord Jesus Christ, your whole life will change. You will also want to go deeper into His Word. I believe that if you receive the Lord Jesus Christ, all of your sins that you have done will be washed away by His blood. If you do not know the Lord, I would encourage you today to accept Jesus as your personal Savior.

I think we do not only need to pray for the leaders of our country, but for other countries which have problems just like ours. We need to pray that their country would stay strong, and that they would keep their eyes on God. Tonight, our prayer focus has been on the nation of India. There are many differences between our two nations, yet we are a lot alike. Our lifestyle and our food may be different, but we also have something in common. We both have houses, but not made of the same material. Most important, they want to have a normal life just like us.

Right now, I would like to give a message to our current leaders in office. Remember that God gave you a great gift to lead a country as big as the United States of America. I believe that you should treat this responsibility carefully. Also that you would listen to God's direction to lead such a big country. If you have a question, ask God. He will direct you what decision you need to make. The President has a big job which a lot of people could not handle, so all us should be praying for him. I think we should all pray for his health and that his family would be okay. Also that he listens to God to run this country because without God no one can run this country or any other country.

I would like to thank you for your time and patience. I would like to end in a word of prayer.

Dear Jesus, I would like to thank you for such a wonderful day that you have given us. I would like to ask you Lord that you would put your hand over the current leaders of this country. We all know how hard they are working to run this country. It is a tough job that people think is easy, but they do not know what they have to do everyday. I would like to ask you to put your hands over the families of these leaders, that the job they are doing is not affecting their family time. We ask that you would give them the strength to continue to work hard. I ask that you put your hand over India, that they would be a better country, that they would keep strong in faith, and they would put their eyes on You. In your Precious Son's name, Amen.

WRITE IT ON THE GATE

(By Lin Story)

The gate is a place of entry. It's the door through which provision for the household enters. It is a gathering place and at times a place where businesses transactions occur. In Bible times it was a place where counsel was given and disputes were judged. The gate is also a place of exit. What happens at the gate makes a difference to those who are inside. As you stand at the gate of the White House, remember it is just like the gate of your own heart. What you allow to enter and what you allow to exit will make a great difference in the life you will lead. The Ten Commandments were given to us as an act of God's mercy. He knew we needed to be told and reminded of the way in which we were to relate to God and to our fellow man. In his mercy, he told us the truth. The Ten Commandments are not unreasonable laws given to hold us in bondage. Jesus came as a fulfillment of God's law. That means he gave the law a clear purpose. Because of Jesus our salvation comes through faith and repentance but our quality of life is found in obedience to God's law. If we will obey His law with grateful hearts then we will rejoice in the blessing of obedience. Today at the gate of this most important house we celebrate the gift of God's law. And we thank Him for the freedom that His law brings into our lives and our nation.

TRIBUTE TO MARGARET MARTIN COLE OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CRAMER. Mr. Speaker, today I pay tribute to Margaret Martin Cole of Madison County, AL. Margaret is a dear friend of mine and a friend of my entire community. Today she is being awarded the Madison County Democratic Women's Division's Lifetime Achievement Award. Today's recognition sheds light on the years of good deeds Margaret has accomplished.

She has been a vital leader in the Madison County Democratic Women since she helped form the group in 1961. She has seen it all and has led the women in several capacities. In the past 39 years, she has promoted good citizenship by encouraging Alabamians to exercise their right to vote. She has done everything from serving as a poll worker to organizing Jimmy Carter's presidential campaign for Madison County. Presently, she serves as the Chair of the John F. Kennedy Scholarship Committee.

Margaret's commitment to her community is not limited to the political arena. As founder of the Gothic Guild, she has served as their President and on their Board of Directors. She has also contributed her time and manifold talents to the Historic Huntsville Foundation, the Huntsville Press Club and Trinity United Methodist Church.

I believe this is a fitting honor for one who has given so much to the betterment of our community and our nation. I commend Margaret for her lifetime of achievement and I want to express my sincere gratitude for her bold work for the Democratic party and the patriotic ideals she believes in.

A TRIBUTE TO PETTY OFFICER SYLVESTER MICHAEL SIKON

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. MASCARA. Mr. Speaker, today I pay tribute to one of our unsung heroes, Petty Officer Sylvester Michael Sikon. On February 16, 1945, Petty Officer Sikon made the ultimate sacrifice in defense of his country during World War II—he gave his life.

On Friday, May 5, 2000, a long overdue tribute will be given to this distinguished individual—a Memorial service will be held at the Arlington National Cemetery. Petty Officer Sikon will finally take his rightful place among the other heroes of this great nation.

This day would not be possible without the dedication of one person—Mr. Leo Sikon, Sylvester's cousin. Leo's tireless determination to make sure this country does not forget his cousin's sacrifice will not go unnoticed.

Leo said that a tear would come to his eye every Memorial Day because, on that day, tribute was paid to all our fallen soldiers, except his cousin. This Memorial Day, he will again shed a tear, but his tears will be for the pride he feels for a cousin who lost his life to protect freedom.

2000 NATIONAL FINALS FOR THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. OXLEY. Mr. Speaker, today I rise to honor the outstanding achievements of a group of student scholars from my hometown high school in Findlay, Ohio.

On May 6–8, 2000 more than 1200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Findlay High School will represent the state of Ohio in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national final as "the place to have your faith in the younger generation restored."

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

Findlay High is currently researching and preparing for the upcoming national competition in Washington, D.C. I wish these young "constitutional experts" the best of luck at the We the People . . . national finals. It is always my pleasure meeting with these students and their instructors. Their quest for knowledge coupled with their interest in our government is to be applauded.

HONORING THE CARRAWAY METHODIST HEALTH SYSTEMS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. ADERHOLT. Mr. Speaker, today I commend the Carraway Methodist Health Systems for their leadership and vision in providing rural health care for residents of Alabama. Today I am especially mindful of the tremendous contribution of Carraway to the high quality of life enjoyed by the citizens of Winfield, Alabama. The dedication and vision begun by Doctor Ben Carraway is continued by his son Doctor Robert Carraway and the staff of the Carraway Methodist Health Care System. By investing time and money to provide health care services to Winfield beginning in 1981, Carraway has been a pillar of stability and a witness to the importance of community. Winfield Hospital, established in 1949, became Rankin Fite Memorial Hospital in 1964. Rankin Fite became part of the Carraway system in 1981 and under their leadership has enjoyed steady progress in the range of health care services available to the citizens of Winfield. The facility was renamed Winfield Carraway Hospital in 1985, and then Carraway Northwest Medical Center in 1993, and is currently serving Winfield with the help of a multi-million dollar expansion in 1998. What began as a facility of four doctors and one surgeon is now a campus of state-of-the-art care centers, including the Northwest Regional Cancer Center, and employs over three hundred fifty persons, including nineteen doctors. I thank the Carraway family and their staff for recognizing the importance of providing the highest quality health care not just for those who live in large cities but for smaller communities as well.

IN HONOR OF PRIVATE FIRST CLASS GEORGE SANTOS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HORN. Mr. Speaker, next week committees in Congress will continue crafting the defense authorization and appropriation bills that will fund our national security needs for another year and set policies that will determine longer-term defense priorities.

Much of the attention these bills receive will focus on weapons programs and the budgetary minutiae necessary to provide for our national defense. These issues are critically important to ensure our common defense. Our men and women in uniform need the best equipment to do their jobs.

However, we must not lose sight of the personal risks and sacrifices the men and women behind this equipment face every day. The technical advances present in today's military have done much to reduce these risks, but Americans still put their lives on the line every day around the world. These brave individuals choose to serve our country for many reasons, but all share the risk and sacrifice this service brings.

Recently, the district I represent lost a young man who made the ultimate sacrifice for all of us. Private First Class George Santos was one of 19 Marines who were killed on April 8th in an accident on a routine training mission in Arizona.

Private Santos dreamed of becoming a Long Beach police officer, but first joined the Marines because it represented both a challenge and an adventure. Santos and 18 other Marines died when their Osprey aircraft crashed near Yuma, Arizona. At age 19, George Santos gave his life in service to our country. We will remember and honor that sacrifice.

Each year is filled with memorials of battles recent and not so recent. We tend to focus on particular numbers, such as the 25th anniversary of the fall of Saigon or the 50th anniversary of our victory in the Second World War. Apart from these memorials are the private ones shared by families across this land who remember children, siblings, grandparents, or friends lost in service for every one of us. As we reflect on these heroic individuals, we must remind ourselves that freedom comes with a cost. But we can take solace in knowing that people like George Santos defend our freedom every day. All of us owe a great debt of gratitude to the brave members of our armed forces who purchase our peace of mind with their sacrifice.

LEGENDARY DRUG FIGHTING GENERAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GILMAN. Mr. Speaker, the Los Angeles Times in a front page story of Wednesday May 3, 2000 profiled the legendary drug fighting General, and our good friend General Rosso Jose Serrano of the Colombian National Police (CNP), America's long, courageous ally in our war on drugs.

The LA Times informative article outlines General Serrano's fight a against the drug cartels in Colombia and how he brought down both the powerful and violent Cali and Medillin drug cartels in his nation and fought successfully to rid the CNP of corruption, and develop a record of respect for human right at the same time. General Serrano is a worldwide legend in the fight against illicit drugs in Colombia, a leading drug producing nation in the world today.

Most recently through two successful Operation Millenniums with our own DEA, General Serrano has continued the struggle of bringing the drug kingpins to justice and helping stem the flow of illicit drugs into our nation. On the eradication front with 6 new high performance Black Hawk utility helicopters to help eradicate opium poppy in the high Andes of Colombia the CNP under General Serrano's courageous leadership is making great strides in eliminating the source of the heroin flooding our nation. Since the first of the year the CNP with this new capacity have eradicated more than 3000 hectares of opium, source for more than 2½ tons of heroin that could have entered our nation.

Mr. Speaker, I ask that the Los Angeles Times article be printed here in its entirety so that my colleagues and our fellow Americans could learn more about the accomplishments of a cop's cop and America's good friend and ally.

[From the Los Angeles Times, May 3, 2000]

To Colombians, He Is the War on Drugs

(By Juanita Darling)

GUAYMARAL AIR BASE, Colombia—Dressed in a pale blue sport coat instead of his usual olive green uniform, Gen. Rosso Jose Serrano, Colombia's top police officer, stepped out of his helicopter a few yards from the hangar where three U.S.—donated Black Hawks were undergoing the manufacturer's final inspection.

They were the last of six helicopters promised in 1998, when the Colombian National Police became the first law enforcement agency in the world to fly the military helicopters. Serrano was here to thank the U.S. congressional aides who had delivered them.

He was especially grateful because, as the helicopters were flying here, two more Black Hawks were pledged to police as part of a $1.3-billion aid package before Congress to help fight drugs in Colombia.

For the general's congressional supporters, as for many people in the United States and Colombia, Serrano and the police are this nation's fight against drugs.

Here, polls consistently rank the gray-haired general as the nation's most popular public figure. Serrano kept U.S. anti-drug money flowing in ever greater quantities even after Colombia's previous president had his U.S. visa revoked because of suspected ties to narcotics traffickers, and even while a horrendous human rights record prevented the army from receiving aid.

At a time when U.S. officials

But now, thanks in part to the effectiveness of the police, the nature of the drug war in Colombia is changing. The fight has spread from the cities to the countryside. The big cartels have atomized into smaller, more flexible networks that are believed to be run largely from Mexico and Miami.

The success of eradication programs in Bolivia and Peru has forced traffickers to move production of coca—the plant used to make cocaine—into the Colombian jungles. That brings the traffickers into partnerships with the brutal, heavily armed leftist rebels and right-wing counterinsurgents who have been fighting the Colombian government and each other for 36 years.

Police, even with Black Hawks, do not have the equipment or training to fight a drug war that is blurring into a guerrilla war. The proposed U.S. aid package, which emphasizes military hardware for the armed forces, reflects those changes, as well as U.S. confidence in Colombia's current president, Andres Pastrana.

Serrano and the police are no longer the only representatives of their country's fight against drugs. At age 57, the general must guide the police into a new role of cooperation with the armed forces and explain that role to his supporters on Capitol Hill, who fear that he is being discarded.

"Now we have to operate more on an international level, to share more information and teach others from our experience," Serrano said during an interview on his way to the airport and an anti-narcotics seminar in Argentina. In the same week, he had already met with the congressional aides, visited a remote village where guerrillas had killed 21 police officers, attended their funerals and cut the chains of a young kidnapping victim after police rescued her.

Serrano's ability to anticipate change and respond has allowed him to survive four defense ministers and two presidents during his more than five years as police director. That's impressive for a kid from the little town of Velez who admits that he joined the police at age 17 because he liked the uniform.

"Serrano is more than a great policeman," said Myles Frechette, former U.S. ambassador to Colombia. "He also has a natural political instinct and he is patriotic."

Serrano has demonstrated those qualities by walking a tightrope held on one end by his friends in the U.S. government and on the other by sometimes jealous Colombian politicians. The only safety net is his tremendous popularity.

In his 1999 autobiography, "Checkmate," Serrano writes that he has no idea why former President Ernesto Samper chose him for director in 1994, skipping over half a dozen more senior officers. He was not Samper's first choice, or even his second, according to sources close to the decision-making.

However, those sources said, U.S. officials made it clear that anti-narcotics aid hinged on Serrano's heading the police. Convinced that Samper's 1994 presidential campaign had accepted $6 million from drug traffickers, the Americans dealt directly with Serrano, ignoring the president and even revoking his U.S. visa.

Their anger with Samper overshadowed what Serrano said is the police chief's greatest triumph: a two-year effort, ended in 1996, to capture leaders of the Cali cartel. Even then, the United States refused to certify Colombia as a fully cooperative partner in the war against drugs.

Nevertheless, anti-narcotics aid to Colombia—mainly for the police—kept growing, from $85.6 million in 1997 to $289 million last year. And Serrano's popularity grew with it.

When he visited an army base in Tolemaida last year with the military high command, soldiers politely stepped past the defense minister and armed forces commander to shake hands with the top cop. After lunch, the kitchen staff shyly emerged to ask Serrano to pose for a picture with them.

"It is difficult to provide him with security because people rush toward him to touch him, to take a picture of him," said Capt. Herman Bustamante, his chief of security and the son of his close friend Herman Bustamante.

Serrano's approval ratings come in close to 94% in most recent surveys—which paradoxically, also show that Colombians' biggest worry is safety in a country that averages eight kidnappings a day.

"Everybody loves Gen. Serrano, but nobody loves the police," said Maria Victoria Llorente, a crime researcher at the prestigious Los Andes University. "It's something I cannot understand."

Her only explanation is that Colombians do not blame Serrano for the lack of public safety because common crime cannot be separated from the violence of this country's long-standing guerrilla war and drug trafficking.

Serrano said he worries about public safety: "I wish that there were no narcotics and that we could concentrate on crime."

Colombians appear to accept that reasoning and to respect Serrano's reputation in a nation crippled by corruption. "The police are riding on the coattails of his prestige," Llorente said. "It is a cult of personality."

And Serrano undeniably has a magnetic personality.

"Everyone sees him as their father," said Jorge Serrano, 23, the youngest of his three children. "He looks like a teddy bear."

He is open about his humble origins as the son of a seamstress and a meat salesman. Frechette recalled that Serrano asked him to arrange for a used firetruck to be delivered to Velez, about 100 miles north of the capital, Bogota, through a U.S. program that allows the U.S. military to transport the trucks when there is space on ships or planes.

Serrano is an avid tennis player, known for his ability to put a spin on a ball so that it drops just past the net. A well-publicized tennis game was used to hush rumors of a rift between Serrano and Pastrana last year. "The president chooses him as his doubles partner," said the younger Bustamante. "It's better to have him on your side."

The general is never more human than at the all-too-frequent funerals for officers who have died in the line of duty. Serrano visits the murder scene, often a remote village that taken with the officers to raise their spirits. He always serves as a pallbearer.

"He takes the loss of his boys seriously," said a European diplomat. Because the government provides pensions only for the windows and orphans of officers who have more than 15 years of service, Serrano's wife, Hilde, runs a private charity to benefit other families.

"He never abandons a subordinate in trouble, neither those who have been attacked in battle or those who have faced accusations," said Gen. Luis Enrique Montengro, his second in command. "People are confident that if they are loyal to him, he will be loyal to them."

The most public example of that loyalty has been Serrano's staunch defense of Maj. Oscar Pimienta, a hero of the Cali cartel capture who was accused last May of skimming U.S. aid. American officials are still trying to work out how to conduct an audit that will not compromise police security.

When Judge Diego Coley ruled that there was enough evidence to hold Pimienta for trial, he said, he was called to Serrano's office. He surreptitiously recorded the upbraiding that Serrano gave him, accusing the judge of trying to destroy a brilliant police career and besmirch Serrano's reputation.

Coley filed a complaint with the attorney general over Serrano's conduct. When newspapers published the story, radio talk show hosts immediately sprang to Serrano's defense. Callers to the shows disparaged Coley.

"Instead of hurting Serrano, this incident has increased his popularity," Coley said. "People think, "Yes, the general should put that judge in his place.'"

Coley, who was transferred a few days after the ruling, has become disillusioned. "I met him when he was a colonel and he was friendly. Now he is arrogant—all he cares about is his image."

Serrano does not discuss the incident, but his supporters say he has good reason to suspect attempts to undermine his reputation. In the midst of their operations against the Cali cartel, Montenegro recalled, intelligence agents discovered that drug traffickers had set up bank accounts in the Cayman Islands in the names of Serrano and

Montenegro in an attempt to make it appear that the police officials had taken bribes.

Further, corruption is a sensitive issue for Serrano, who has dismissed more than 6,500 officers suspected of ineffectiveness or dishonesty. The campaign began five years ago, when half the Cali force was on the drug traffickers' payroll.

"Dishonesty makes him angry," Herman Bustamante said. "He takes drastic measures when corruption is involved."

Serrano's anti-corruption campaign has made him enemies among the dismissed officers, who Bustamante said are as much a threat to the general and his family as the criminals he has captured. As a result, the Serranos must travel with escorts at all times.

All have apartments in the same building—the general's is the penthouse—with police security in the lobby and a roadblock at the end of the street. They have lived this way for a more than a decade.

"Our life changed," Jorge Serrano said. "I had few friends—only those who dared to be my friends. I had to go everywhere in an armored car. With five bodyguards around all the time, a person feels inhibited."

Even so, they do not feel safe. Jorge Serrano and his family recently joined his brother and sister in exile.

"We understood that we had to make sacrifices," said the younger Serrano during an interview on his last day in Colombia. "All that he had done for the country is reflected in us. He is a dedicated person who believes that the more he sacrifices, the harder he works, the better things will turn out."

THE DANGERS IN THE CAUCASUS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. McCOLLUM. Mr. Speaker, rarely has the situation in a strategically crucial area been so tenuous and fraught with dangers as the situation in the Caucasus presently is. These dynamics are of immense importance for the United States because the Caucasus is the gateway to "the Persian Gulf of the 21st Century"—the energy resources of the Caspian Sea Basin and Central Asia. As well, the Caucasus constitutes the natural barrier between Asia Minor and Russia—an area increasingly contested by a close ally, Turkey, and a global power, Russia. Both Turkey and Russia are reclaiming traditional spheres of influence and, in the process, reviving their historic conflict.

At the core of the brewing crisis in the Caucasus are two increasingly conflicting dynamics that are on a collision course. On the one hand, there is an intensified effort, spearheaded by the Clinton Administration, to find a negotiated political solution to the Nagorno-Karabakh issue in order to clear the way to an oil pipeline across the Caucasus. While no negotiated solution is in sight, the U.S. involvement has already created expectations for panaceas and economic boom among all local powers. Now that these expectations are not materializing, there is a rebounding spread of radicalism and militancy—from Armenia (where political violence is on the increase) to Azerbaijan and Georgia, where military activities reinforce the hardening of political positions. On the other hand, there looms an escalation in and beyond Chechnya. Spearheaded by Islamist forces, including terrorists from several Middle Eastern countries, Pakistan and Afghanistan, the new cycle of fighting is expected to spread into the entire region for geo-strategic reasons. The surge of Islamist terrorism is likely to serve as a catalyst for the eruption of the tension and acrimony building throughout the entire Caucasus.

Having just returned from a trip to Russia, including Chechnya, German BND Chief August Hanning reported to the Bundestag that the situation in the Caucasus has "escalated dangerously". Once the weather improves in the early Summer, the fighting in Chechnya will not only escalate, but also spread to the fringes of the Russian Federation and to the rest of the Caucasus. Hanning is most alarmed by these prospects because the Islamist forces in Chechnya are supported and guided by "the Afghan Taliban and globally operating terrorist bin Laden as well as by groups of Islamist mercenaries." Through these channels, Hanning found out, the Chechen forces have been provided with large quantities of modern weapons including "Stinger-type" anti-aircraft missiles. Hanning warned the Bundestag of the dire strategic and economic ramifications for the West if the Chechnya war spread to Georgia, Dagestan, Ingushetia, and the rest of the Caucasus.

Russian experts also warn that the Mujahedin and other Islamist forces in Chechnya are preparing for a major escalation and expansion in the fighting. Oleg Odnokolenko of the Moscow newspaper Segodnya is right in calling the forthcoming escalation "the start of a fundamentally new war—a fullscale third Chechen war." As was the case with the previous Chechen wars, the

However, the declared major objective of the Chechen Islamists is the incitement of a regional flare-up. Ali Ulukhayev, Chechnya's ambassador to Baku, recently stressed the regional context of the unfolding was against Russia. Ulukhayev stated that "Chechens will not be satisfied with the liberation of their own territory." Only a regional solution is a viable solution for the Chechen Islamist leadership. Ulukhayev explained that "the freedom of Chechens is impossible until all the Caucasian people are liberated. We will drive the occupation army up to the Don. We should liberate the territory from the Don to the Volga, from sea to sea [from the Black Sea to the Caspian Sea] and up to Iran and Turkey from Russia and set up a confederative Caucasian state. If we are liberated from the empire, the Abakhazian, Ossetian and Nagornyy-Nagornyy-Karabakh conflicts will be resolved by themselves peacefully." Ulukhayev highlighted the urgent imperative to resolve the latter conflict because "Nagornyy-Karabakh always was an inalienable part of Azerbaijan." According to Ulukhayev, the Chechen Islamist leadership and its allies have already earned the right to determine the fate of all other nations and peoples in the Caucasus. "Today, Chechens carry the burden of the Caucaus Russian war on their shoulders," he noted. However, the war must be expanded to other fronts as well in order to be able to defeat Russia. "If the Caucasian peoples divide this burden equally, then it will be easy to deal with Moscow. The matter is that if, God forbid, Chechens are defeated, Georgia and Azerbaijan will be the Kremlin's next target," Ulukhayev explained. "The Caucasian peoples have no possibility of resolving their problems independently," and therefore must unite behind the Chechen Islamist leaders in order to take on Russia.

Among these crisis points, Nagorno-Karabakh is uniquely volatile because of internal pressures in Baku. The growing militancy in Azerbaijan not only closely fit Ulukhayev's message and logic, but is also driven by indigenous strategic and economic interests. To be economically viable, the anticipated oil and gas pipelines will have to cross areas currently held by he Nagorno-Karabakh Armenians. Since late March, there have been strong indications that Baku is contemplating the resumption of hostilities against both Armenia and Nagorno-Karabakh. For example, the military elite of Azerbaijan (both on active service and recenlty retired) led by General Zaur Rzayev, and former Defense Minister Tacaddin Mehdiyev just met and briefed President Haidar Aliyev about the urgent imperative to resolve Nagorno-Karabakh issue by force. The delegation argued that everyday that passes increases the world's acceptance of the "Nagorno-Karabakh entity", thus reducing the likelihood that Azerbaijan will be able to recover this important region. The delegation stated that "the military are confident that it is possible to resolve the conflict and liberate the land only in a military way." Indeed, since late March, there has been a worrisome escalation in the military clashes along the Azeri-Karabakh cease-fire line. These clashes should be considered probing of the Armenian defense lines and readiness by the Azerbaijani Armed Forces.

This threat is most dangerous because interested third parties can flare-up the southern Caucasus on their own. Given the growing tension, militancy and hostility, and localized eruption is bound to escalate into a wider conflagration. For example, an anti-Armenian clash instigated by any one of the numerous Chechen and foreign Mujahedin detachments currently in Azerbaijan can serve as a spark for this regional eruption. The Azerbaijani forces will be drawn into the conflagration once the Karabakhi forces attempt retaliation or active defense. The Armed Forces of Armenia and the Russian forces deployed in Armenia, will intervene to prevent the collapse of Nagorno-Karabakh. Ultimately, and herein the danger lies, such a war will serve the interests of the Chechen leadership because this war will divert Russian resources from Chechnya and Georgia, where the local Russian forces attempt to block the Chechens' supply lines, to saving the Armenians. Consequently, the Chechen forces will be able to resume their offensive operations against smaller and weaker Russian forces.

Many experts share the apprehension about the Chechen war spreading to the Armenia-Azerbaijan region. In her recent "Open Letter to the Armenian People," Baroness Cox, the Deputy Speaker of the House of Lords, elucidated the mounting threat to Armenia. "A decade after regaining its independence, Armenia might be in such great danger that its independence and very existence may be threatened. The hope created by negotiations with Azerbaijan currently being pursued by the Armenian government is deceptive. The Islamist forces in the Caucasus are determined decisively to 'resolve' the 'problems' of Armenia and Karabakh by force. Nobody, least of all Azerbaijan and Turkey, will stand in their way." Baroness Cox rightly stressed that the situation in the Caucasus is far from having been already decided. "My aim is not to sow despair," she wrote. "On the contrary, I firmly believe that an independent Armenia and Artsakh are destined to flourish and to emerge as bulwarks of stability and prosperity in the Caucasus. However, this destiny will not be achieved, and the worst will happen, if the current political dynamics are allowed to continue." I share both the apprehension and hope expressed by Baroness Cox.

Indeed, the main challenge facing us is to prevent this scenario from materializing. Widespread hostilities have not yet begun. However, with intentions and preferences clearly declared, all sides are now posturing—trying to read the situation in order to make their fateful decisions about escalating and expanding the fighting. Therefore, it is high time to take preventive steps in order to contain and stifle the brewing crisis. The American policy toward Nagorno-Karabakh, because of the important Armenian community in the US, is looked upon by all the regional powers as a test case and a measure of the West's resolve to save what is both a cradle of Judeo-Christian civilization and a contemporary strategic asset in a crucial though most volatile region.

Ultimately, the fate of the Caucasus will be determined by the resistance, defiance, resolve and bravery of the local people. The proud ancient peoples who have retained their heritage and religion through centuries of Islamic onslaught and pressure will not surrender now. The Armenians' defense of their homes and heritage against overwhelming odds—as they have done for centuries—is indeed a cornerstone of the retention of Western presence and interests in the Caucasus. However, the Armenians may succumb to an Islamist onslaught. Such a development will be detrimental to the US national interest in the Caucasus.

Therefore, the United States should live up to the challenge and make a concentrated effort to prevent the war in Chechnya from spreading and escalating to the point of endangering the regional stability, let alone the very existence of the Armenians. Our own vital interests are served by these undertakings. Hence, striving to retain access to the energy resources of the Caspian Sea Basin and Central Asia—the Persian Gulf of the 21st Century—the United States must both buttress the Armenians' ability to withstand the building pressure, prevail in the trials ahead, and ultimately project stability into this strategically and economically crucial region; as well as support the Russian endeavor to contain the Islamist upsurge in the Caucasus before terrorism gets out of control.

TAIWANESE AMERICAN HERITAGE WEEK 2000

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SCHAFFER. Mr. Speaker, this month I join people throughout Colorado and across the nation in celebrating Pacific American Heritage Month. The Pacific American community represents an important foundation of America's future and I commend their proud celebration of heritage and community.

Taiwanese American Heritage Week—held from May 7 to May 14,—celebrates the unique and diverse contributions of the more than 500,000 Taiwanese Americans in the United States. This portion of the population has made countless significant achievements in this country and their accomplishments can be found in every facet of American life. For instance, Taiwanese Americans have succeeded as successful and notable artists, Nobel Laureate scientists, researchers, human rights activists, and business leaders.

In addition to recognizing these contributions, this is an excellent opportunity to celebrate the success of democracy on the island of Taiwan. Sine 1987, the Taiwanese people have possessed the rights to select their own leaders, practice the religion of their choice, and express their thoughts openly and freely. Taiwan is a vibrant and democratic participant in the family of nations. The election last March of opposition leader Mr. Chen Shui-bian as the new president, and my friend Ms. Annette Lu as the new vice-president of Taiwan, should be considered the crowning achievement of this drive by the people of Taiwan toward full-fledged democracy and freedom.

While Taiwan has established a model democracy, there remain political challenges. Gaining worldwide recognition of the legitimacy of Taiwan's government is paramount. With all that Taiwanese and Taiwanese-Americans have accomplished, there can be no complete satisfaction until Taiwan's status and global contributions are respected and appreciated.

Mr. Speaker, Taiwanese American Heritage Week recognizes the long-standing friendship between the United States and Taiwan. I commend the great accomplishments and contributions of the Taiwanese American community.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. YOUNG of Alaska. Mr. Speaker, on May 6–8, 2000, more than 1,200 students from across the United States will be in Washington, DC, to compete in this national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from West Anchorage High School from Anchorage will represent the state of Alaska in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are Brandi Backus, Jennifer Chen, Kaithyn Clark, Karen Elano, Meghan Holtan, Marlssa Johannes, Alyson Merrill, Colin Moran, Stephanie Painter, Brandon Reiley, Neeraj Satyal, Isaac Schapira, Nathan Senner, Stephanie Shanklin, Eric Sjoden, David Street, Ryan Tans, Carisa Verdola, Robby Wayerski

I would also like to recognize their teacher, Richard Goldstein, who deserves much of the credit for the success of the class.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored."

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles a of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with the students and teachers and by participating in other educational activities.

The class from West Anchorage High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young "constitutional experts" the best of luck at the We the People . . . national finals and my staff and I look forward to greeting them when they visit Capitol Hill.

KERMIT EDNEY: BROADCASTER AND CIVIC LEADER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, today I mourn the passing of a good friend and a great citizen of western North Carolina. Kermit Edney of Hendersonville, NC, passed away on Sunday, April 30, at the age of 75.

Kermit was a marvelous broadcaster. His morning program on WHKP, "The Old Good

Morning Man," in Hendersonville was a perennial favorite. Four generations of Henderson County residents dressed, ate their breakfast, and drove to work listening to him. He began his career in radio broadcasting with WHKP in 1946 and through hard work he eventually purchased the station. Kermit also built and operated WWIT Radio in Canton and WKIT in Greenville, SC. He served on the board of the North Carolina Association of Broadcasters and the board of the Protestant Radio and Television Commission based in Atlanta. Kermit's diligence and dedication to broadcasting was recognized in 1996 as he was named to North Carolina Broadcasters Hall of Fame.

Broadcasting was Kermit's career, but his passion was community service. The list of community and nonprofit organizations that he served is almost endless. He served as chairman of the Western North Carolina Planning Commission and the Upper French Broad Economic Development Commission as well as the board of the Governor's Western Residence in Asheville. Kermit also was a member of the board of the YMCA and the president of the board of the Pardee Hospital for 12 years. As the president of the Hendersonville Chamber of Commerce and Merchants Association, he was instrumental in leading the effort to revitalize downtown Hendersonville. North Carolina Governor Jim Martin had the wisdom to appoint Kermit to serve on the North Carolina Board of Transportation.

Kermit's devotion to charity in Hendersonville is an example for all; he founded the local chapter of the United Way and the Community Foundation. His dedication to excellence in education is unparalleled. He served on the boards of Brevard College and UNCA and pushed for UNCA to be included in the North Carolina System.

I know that my colleagues in the House will join me in remembering this great man and the dedication that he had in making Hendersonville and western North Carolina a much better place.

RECOGNIZING LEO J. KIMMEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TOWNS. Mr. Speaker, today I congratulate Leo J. Kimmel on the occasion of his being the honoree at the 22nd Anniversary Dinner of the Young Israel of Avenue J, in Brooklyn, New York.

Mr. Kimmel has been a distinguished member of our community for many years, and has served us in a variety of capacities. Mr. Kimmel is the founder of the Court Street Synagogue which has provided an opportunity for the Jewish community in downtown Brooklyn a place to both pray and fulfill their religious duties with a convenience never before possible. This synagogue has provided unity for downtown Jewish professionals, from which Mr. Kimmel has proven time and time again his ability as an unparalleled civic leader for this community.

Mr. Kimmel is a practicing attorney in downtown Brooklyn, who has dedicated his pro bono legal expertise for such worthy organizations as the Council of Jewish Organizations and the American Arbitration Committee. Mr. Kimmel has contributed endless hours of community service through his membership on the boards of both the United Lubavich Yeshivah, and the Young Israel of Avenue J. Mr. Kimmel is also an active member of Community Board 14.

I wish to recognize the lifelong efforts of Mr. Leo J. Kimmel, and wish him continued success in his future endeavors.

INTRODUCTION OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. STARK. Mr. Speaker, I join today with my colleagues Representatives CHARLIE RANGEL, GEORGE MILLER, JIM MCDERMOTT, STEPHANIE TUBBS JONES, BARNEY FRANK, JOHN CONYERS, and CARRIE MEEK to introduce the MediKids Health Insurance Act of 2000. Senator ROCKEFELLER is introducing a companion bill in the Senate. Our legislation has been endorsed by the American Academy of Pediatrics; the National Association of Community Health Centers; and NETWORK: a Catholic Social Justice Lobby.

Children are the least expensive segment of our population to insure, they are the least able to have any control over whether or not they have health insurance, and maintaining their health is integral to their educational success and their futures in our society. Even though we all recognize those facts, we still have over 11 million uninsured children in this country.

Despite our success in reaching out to low-income children through Medicaid expansions and the passage of the State Children's Health Insurance Program, a study released last week showed that the percent of children in low-income families without health insurance has not changed in recent years. The most recent available census figures confirm that the number of children without health insurance continues to creep slightly upward.

In addition, increasing health insurance costs are causing many small businesses to drop coverage altogether or are increasing the employee contribution to the point of being unaffordable for many working parents.

Our society continues to become increasingly mobile, with parents frequently changing jobs and moving between states. Families working their way out of welfare fluctuate between eligibility and ineligibility for means-tested assistance programs. Even with perfect enrollment in S–CHIP and Medicaid, our children are not going to have the consistent and regular access to health care which they need to grow up healthy.

That is why we are introducing the MediKids Health Insurance Act of 2000. This bill would automatically enroll every child at birth into a new, comprehensive federal safety net health insurance program beginning in 2002. The benefits would be tailored to the needs of children and would be similar to those currently available to children under Medicaid. A small monthly premium would be collected from parents at tax filing, with discounts to low-income families phasing out at 300 percent of poverty. The children would remain enrolled in MediKids throughout childhood. When they are covered by another health insurance program, their parents would be exempt from the premium. The key to our program is that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. By the year 2000, every child in America would be able to grow up with consistent, continuous health insurance coverage.

Like Medicare, MediKids would be independently financed, would cover benefits tailored to the needs of its target population, and would have the goal of achieving nearly 100 percent health insurance coverage for the children of this country—just as Medicare has done for our nation's seniors and disabled population. It's time we make this investment in the future of America by guaranteeing to all children the health coverage they need to make a healthy start in life.

The MediKids Health Insurance Act would offer guaranteed, automatic health coverage for every child with the simplest of enrollment procedures and no challenging outreach, paperwork, or re-determination hoops to jump through. It would be able to follow children across state lines, or tide them over in a new location until their parents can enroll them in a new insurance program. Between jobs or during family crises such as divorce or the death of a parent, it would offer extra security and ensure continuous health coverage to the nation's children. During that critical period when a family is just climbing out of poverty and out of the eligibility range for means-tested assistance programs, it would provide an extra boost with health insurance for the children until the parents can move into jobs that provide reliable health insurance coverage. And every child would automatically be enrolled upon birth, along with the issuance of the birth certificate or immigration card.

As we all know, an ounce of prevention is worth a pound of cure. Providing health care coverage to children impacts much more than their health—it impacts their ability to learn, their ability to thrive, and their ability to become productive members of society. I look forward to working with my colleagues and supporting organizations for the passage of the MediKids Health Insurance Act of 2000 to guarantee every child in America the health coverage they need to grow up healthy.

A summary of the legislation follows.

DETAILS OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2000

ENROLLMENT

Automatic enrollment into MediKids at birth for every child born after 12/31/2001.

At the time of enrollment, materials describing the coverage and a MediKids health insurance card be issued to the parent(s) or legal guardian(s).

Once enrolled, children will remain enrolled in MediKids until they reach the age of 23.

During periods of equivalent coverage by other sources; whether private insurance, or government programs such as medicaid of S-CHIP, there will be no premium charged for MediKids.

During any lapse in other insurance coverage, MediKids will automatically cover the children's health insurance needs (and premium will be owed for those months).

BENEFITS

Based on Medicare and the Medicaid Early and Periodic Screening, Diagnosis and Treatment (EPSDT) benefits for children.

Prescription drug benefit.

The Secretary of HHS shall further develop age-appropriate benefits as needed as the program matures, and as funding support allows.

The Secretary shall include provisions for annual reviews and updates to the benefits, with input from the pediatric community.

PREMIUMS

Parents will be responsible for a small premium, one-fourth of the annual average cost per child, to be collected at income tax filing.

Parents will be exempt from the premium if their children are covered by comparable alternate health insurance. That coverage can be either private insurance or enrollment in other federal programs.

Families up to 150% of poverty will owe no premium. Families between 150% and 300% of poverty will receive a graduated discount in the premium. Each family's obligation will be capped at 5% of total income.

COST—SHARING (CO-PAYS, DEDUCTIBLES)

No cost-sharing for preventive and well child care.

No obligations up to 150% of poverty.

From 150% to 300% of poverty, a graduated refundable credit for cost-sharing expenses.

FINANCING

During the first few years, costs can be fully covered by tobacco settlement monies, budget surplus, or other funds as agreed upon.

During this time, the Secretary of Treasury has time to develop a package of progressive, gradual tax changes to fund the program, as the number of enrollees grows in the out-years.

MISCELLANEOUS

To the extent that the states save money from the enrollment of children into MediKids, they will be required to maintain those funding levels in other programs and services directed at the Medicaid population, which can include expanding eligibility for such services.

At the issuance of legal immigration papers for a child born after 12/31/01, that child will be automatically enrolled in the MediKids health insurance program.

CONGRATULATING THE UNIVERSITY OF ILLINOIS AND THE CENTURY COUNCIL FOR THEIR WORK ON ALCOHOL 101

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. EWING. Mr. Speaker, today I congratulate the Century Council for their dedication to the fight against drunk driving and underage drinking. The Century Council, in conjunction with the University of Illinois at Champaign-Urbana, created Alcohol 101, an interactive CD-ROM program, which debuted on more than 1000 college campuses during the 1998–1999 school year.

This virtual reality program is geared towards college age students and hopes to prevent and reduce the harm caused by abusive drinking habits. Students at the University of Illinois at Champaign-Urbana, under the guidance of Professor Janet Reis, assisted in the development of this program by participating in focus groups and extensive surveys.

Thanks to the input of these students, thousands of college students across the country will be able to witness the negative consequences of abusive drinking. As a result, the students will be better prepared when confronting these situations in their daily lives.

Alcohol 101 has received high recognition from many health, education and communications competitions. Most recently, the program received the prestigious FREDDIE award in the area of Health and Medical Film Competition.

Mr. Speaker, this program is a great asset to universities across the country and I offer my sincerest congratulations to the Century Council and the University of Illinois.

HONORING BERNARD HARRIS, JR., M.D., M.B.A.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BENTSEN. Mr. Speaker, today I honor Dr. Bernard Harris, Jr., who on May 5, 2000 will receive the 2000 Horatio Alger Award.

Throughout his life Dr. Harris has shown that the simple principles of hard work, integrity, and perseverance can transform a young person's dreams into reality. When he was a child growing up on the Navajo nation reservation near Temple, Texas, Dr. Harris dreamed of becoming an astronaut. As Dr. Harris himself once said, "Dreams are simply the reality of the future."

That can-do spirit propelled Dr. Harris to become the first African-American to walk in space when *Discovery* hooked up with Russia's space station Mir. During the mission in 1995, as a NASA Payload Commander, he used his expertise to evaluate spacesuit improvements and space station assembly techniques.

In the years following his historic spacewalks, Dr. Harris has made it a point to encourage and inspire young people to reach for the stars. The foundation for his success, Dr. Harris always maintains, is education. I have had the opportunity to visit a school in my District with Dr. Harris as he explained flying the Shuttle, walking in space, and his determination to succeed. He is truly an inspiration to us all, but particularly to the children he addresses.

Dr. Harris worked hard in high school, then attended the University of Houston, earning his tuition by working as a research assistant. With a degree in biology, Harris went on to earn a doctorate in medicine from Texas Tech University's School of Medicine. He completed his residency in internal medicine at the Mayo Clinic and then a fellowship at the NASA Ames Research Center. He joined NASA as a clinical scientist and flight surgeon.

Dr. Harris was accepted to train as an astronaut for the space program. His first space mission was in 1993 aboard space shuttle *Columbia.* On that flight Dr. Harris carried into space the first Navajo item, a flag blessed by a Navajo medicine man. Dr. Harris left the space program in 1996, and continued his passion for higher learning and achievement. He earned two master's degrees in biomedical science and business administration, and now is vice president for Science and Health Services, SPACEHAB Inc. of Houston.

A true role model, Dr. Harris continues to take part in activities in Houston that positively impact children's lives. He has spoken to several school groups through Urban League and Black History Month activities. His message of inspiration is that "you can do and be anything." Dr. Harris is certainly living proof of that.

Mr. Speaker, it is a fitting that Dr. Harris has been chosen as a Horatio Alger Award winner. As an excellent role model for young people, he embodies the criteria of a modern-day hero who has shown that the American Dream is alive and achievable for those willing to work for it.

SENATE—*Monday, May 8, 2000*

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, before us is a brand new week filled with opportunities to serve as servant leaders. We trust You to guide us so that all that we do and say today will be for Your glory.

Since we will pass through this day only once, if there is any kindness we can express, any affirmation we can communicate, any help we can give, free us to do it today. Help us to be sensitive to what is happening to the people around us. We know there are unmet needs beneath the surface of the most successful and the most self-assured people. Today, some are enduring hidden physical or emotional pain; others are fearful of uncertain futures; and still others carry burdens of worry for families or friends. May we take no one for granted but, instead, be communicators of Your love and encouragement.

We pause to ask Your special blessing and healing on the members of the family of Officer Robert Lebron III, who were involved in an automobile accident this morning.

And now, Lord, we express gratitude for all of the people who make this Senate function effectively: Each Senator's staff, the Senate officers and staff, the Official Reporters of Debates, the Capitol Police and Secret Service, the maintenance crews, and the people who work so faithfully in hundreds of other crucial tasks. We also thank You for the outstanding young men and women who serve as Senate pages. We praise You for each one of these future leaders of our Nation. Lord, You have richly blessed this Senate so that You may bless this Nation through its inspired leadership. In Your holy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Arizona is recognized.

Mr. KYL. I thank the Chair.

SCHEDULE

Mr. KYL. On behalf of the leader, let me announce that today the Senate will be in a period of morning business until 3 p.m. with Senators THOMAS and DURBIN in control of the time.

Following morning business, the Senate will resume consideration of the elementary and secondary education bill. The Senate will then begin consideration of the Lott-Gregg amendment regarding teacher quality. By previous consent, Senator LIEBERMAN will offer his alternative to S. 2 on Tuesday morning.

On Thursday, the Senate received the African Trade CBI conference report. It is expected that the Senate will consider that important legislation during this week's session of the Senate.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL assumed the chair.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

The Senator from South Carolina is recognized.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 2516 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Under the previous order, the time until 3 shall be under the control of the distinguished Senator from Wyoming, Mr. THOMAS, or his designee.

EDUCATION

Mr. KYL. Mr. President, let me begin by thanking Senator THOMAS, again, for allowing the time to be devoted to this important subject which we began discussing last week and hopefully will be able to continue this week, namely, the Elementary and Secondary Education Act and specifically the bill the Republican majority in the Senate has put forth called the Educational Opportunities Act, S. 2.

It is my hope that by the end of this week we will have an opportunity to vote on this legislation, to finally conclude our work and move this bill forward so we can present it to the President for his signature and actually achieve a historic reform opportunity this year. As I said, I hope we will have that result. The reason, however, I have some doubt is that we have seen what I fear is a trend, on the part of the Democratic minority, to continue to talk about education but in the end not allow the Senate to vote on any meaningful piece of legislation. I think the debate so far has vividly portrayed two very different views of how the Federal Government should proceed with educational reform in our country.

On the one hand, you have the majority arguing for flexibility combined with accountability: Flexibility, so the local entities, the school districts, the States, the schools, and the parents can have the ability to direct the dollars from the Federal Government to do those things they know work best in their particular area, and to have some accountability for that by ensuring that at the end of the year they demonstrate what they have done with this money has actually produced results. We are talking here about academic achievement, we are talking about meaningful results, not simply more students in a particular program or more teachers hired or more school buildings built. We are talking about some tangible results of those particular actions. So it is flexibility with accountability.

Part of the way we achieve that is through greater competition, which is driven by more parental choice, parents having the ability to decide what is best for their kids; after all, they are the ones we presume care the most about them, know the most about their needs, and understand how best, therefore, to deal with those kids' needs.

On the other hand, you have the minority that has been arguing for the same system of Federal mandates and regulations that, frankly, after 35 years have proven to be a failure. It is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the same system with a new layer of mandates and poll-tested, Washington-run spending programs added onto what we have right now. One of our colleagues from the other side put it this way. He said:

> The Senate has a choice. Will it pass the Republican Educational Opportunities Act or, on the other hand, are we going to follow the tried and tested programs that have demonstrated results for children at the local level?

They vote for the tried and tested programs that have demonstrated results. They have demonstrated results, all right. The problem is, not many people I know are very happy about those results. An old farmer friend of mine once said: If you want to get out of a hole, the first thing you do is stop digging. We just want to keep digging the hole deeper and deeper, it appears some of our colleagues are saying. That is not producing the right kind of results, good results: Enhanced achievement on test scores, enhanced ability to compete, and a real achievement-based accountability, which is what the Republican plan is asking for.

I have to say I am disappointed by this debate. I am disappointed with the direction in which the legislation itself appears to be heading because the American people have told us they want results. They would like to see reform now. Every poll says this is the No. 1 issue of concern of the American people—to improve our educational system.

As our colleague on the other side said, yes, the current system has produced tried and tested results. But over 80 percent of the American people do not like those results. They are not happy with those results. They think we can do better. We can do better. We are spending an awful lot of money, and we ought to get something for that money. But more important than that, more important than the accountability to the taxpayers, is the accountability to our children, our future.

These kids have one opportunity to get their education—right now. We are not talking about 20 years from now. We are talking about the children who are in our educational system today. Each year we delay is another year our children are involved in a school system that is less than adequate by most standards.

The American people who are demanding accountability are going to be very disappointed if we conclude this debate with yet another year failing to enact fundamental reforms. That is what has me concerned because there seems to be a rather cynical strategy developing on the other side to talk this thing to death, to set up a whole lot of amendments on which we have to vote, some of which have nothing to do with education, and then, in effect, put the blame on the Republican majority until, finally, when we have to move on to other business, the majority leader has to say: If you are not going to let us get to a final conclusion on this, if we cannot vote for these reforms, we have to move on. However, the blame would not be on the majority but on the minority for its refusal to let us move on and get this legislation passed.

I do not think it is too late to put politics aside and put our children first, but time is running out. I call upon my colleagues: Let's keep talking about education. Let's put the political gamesmanship aside for just a few hours. Is it just possible, for example, that we can conclude debate on one bill without getting bogged down on gun control?

Yet I predict, before this week is out, we will have colleagues from the other side say: We cannot really deal with S. 2 unless we deal with issues relating to gun control.

Let's talk about what is in this education bill, what is in our proposal. It may be that some of our colleagues on the other side are actually uncomfortable focusing the debate on education because of this notion that the current system is working just fine. I think they are reluctant to talk about reform, but the American people want reform. As I said, they know we can do better.

We heard last week from members of the minority that we cannot trust parents to do what is right for children. One of our colleagues said: Where are the guarantees that the parents will make the right decisions? There are no guarantees that parents will make the right decisions, but I suppose one can ask: Who is more likely to make right decisions for their children, the parents or some bureaucrat in Washington, DC, or some Senator in Washington, DC?

My heart is in the right place when it comes to taking care of the schoolkids in this country, but I certainly would not presume to set all the policies in Washington that would fit the needs of every single schoolchild in this country. We in Washington just do not have that capability. There are no guarantees that every parent will make every decision correctly, but it is a lot more likely that parents making the decisions will result in good decisions for the most number of kids than if those decisions are relegated to Washington, DC.

Another thing we heard was that the leaders in our States and communities cannot be trusted to do what is right for America's young people; again, we need guarantees. By guarantees they mean Federal enforcement that these local officials will do the right thing and, of course, the right thing is defined by the bureaucrats in Washington, DC: You have to do it the way Washington wants to do it or you are not going to get the money.

One of the things we heard was that it would be a better approach to the Republican reform ideas to simply fine-tune the Federal regulations that impose 50 percent of the paperwork requirements on the local schools, and that is in exchange for only 7 percent of their funding. In other words, the 7 percent of funding that primary and secondary education receives from the Federal Government accounts for 50 percent of the paperwork. It is a pretty expensive proposition, in other words, to get the Federal funding. Schools go after that Federal funding even though it is a very inefficient way for them to fund the education of the children.

The point is this: How can you expect to get different results if you keep doing things the same way? The answer is, of course, you cannot. That is where the reforms in S. 2 come into play. One of the things which exemplifies this debate is the issue of class size or class size reduction.

Members of the minority have said we have to use this money for the purpose of hiring more teachers so we can achieve a class size reduction. The majority has said we need to let the local schools decide if that is their top priority. If it is, then they have the ability to use the funds for that purpose. If they have a higher priority, who should make that judgment of how to spend the money? Should it be those of us in Washington or should it be the people who understand what their priorities are?

Almost everyone would like to see smaller class sizes. We intuitively believe that would be better for education, but with every other area of this debate, we do have to look at the track record. The fact is that class sizes have fallen over the period that the Elementary and Secondary Education Act has been in existence, but performance has not tracked. George Will, with his wonderful characteristic dry wit, looked at the data, and this is what he said:

> Pupil-teacher ratios have been shrinking for a century. In 1955 pupil-teacher ratios in the public elementary and secondary schools were 30.2-to-one and 20.9-to-one respectively. In 1998 they were 18.9-to-one and 14.7-to-one. We now know it is possible to have, simultaneously, declining pupil-teacher ratios and declining scores on tests measuring schools' cognitive results.

The truth is, we have declining class sizes and with it declining test scores. We still think it would be a good idea to reduce the size of classes; that there are other reasons why those test scores have not improved. But under the proposal from the President, they have to spend the money strictly on hiring teachers. They cannot use it for anything else, as I will get to in a moment.

One of the things this money can be used for is to create more charter schools, something that has improved the education in my own State of Arizona. Our State superintendent of education, Lisa Graham Keegan, has pointed out under the President's proposal, the $17 million Arizona would receive to hire new teachers could actually start 425 new charter schools across the State, more than enough schools to keep class sizes relatively small, but they would not have that flexibility under the President's plan, under the Democrats' plan. No, they have to do it their way or no way. The only way they get the money is if they follow precisely their guidelines. That is the way it has been all these years. We can see the results. Again, the American people are asking for something different.

One of the ideas embodied in our legislation is something we call the Straight A's approach. The idea behind it is to actually look at where the Federal Government has been successful in making major reforms and applying that same technique to education.

There are few successes more dramatic than our success in welfare reform. It cannot be done, we were told, but we did it, and the results have been dramatic. The idea was pretty simple. The Federal Government said: We will repeal the regulations that have historically defined this program, and we will give unprecedented flexibility to the reformers in State government, as well as unprecedented accountability for them. Go out and pursue reforms, we said, and if you are successful, you will be rewarded. If you fail, then you will lose some of your latitude.

As with welfare reform, we need to put aside the certainty that Washington knows best and all wisdom that is formulated comes from Washington.

I know there is no such monopoly because I have the good fortune of coming from a State where education policy is made by people who really have been innovative, people such as our State superintendent of education, Lisa Graham Keegan.

I want to present some of the things she has had to say. When we consider how to provide this flexibility to education just as we did with welfare reform, I think we will see the same results. This is some of what Ms. Keegan had to say:

> Federal programs have tied dollars to bureaucracies and institutions, not to students.

What that illustrates is the disorientation from Washington. We believe if you send the money to the institution, to the organization, automatically good things will happen. The fact is, we ought to be focused on what some call child-centered education. We ought to figure out how to get the money we want to educate these children as close to those children as possible because the sad fact is, when we send it to an institution or a bureaucracy, a significant amount of that money gets stuck at that bureaucracy.

As with many Federal programs, it costs a lot of money to administer the program, to comply with all of the Federal redtape and paperwork. That is why we say that, while the Federal Government only supplies 7 percent of the primary and secondary education dollars the States spend, the States have to spend 50 percent of their administration costs just administering that 7 percent at the Federal level. That is why if we can get over this business of tying dollars to the bureaucracies and the institutions and tie it more to the students, it will be a much more efficient expenditure of the money.

Ms. Keegan also says:

> But before we ask Washington to get involved with the education of our children, we need to think about exactly what we're asking for. Sometimes, when we ask Washington for help, we run a very real risk of getting it. . . . More often than not, the government's preferred method for alleviating a perceived problem is to create a federally funded program with federally authored strings and federally enforced regulations. This approach may work fine when it comes to matters that have clearly defined federal responsibilities, such as highways or post offices. When it comes to education, which has always been largely a state and local matter with no clear federal role, such an approach tends not to work so well. . . .
>
> . . . we still let Washington drive state and local decision making through the lure of federal dollars tied to programs with hazily-defined goals and well-defined regulations.

Then here is how she concludes this point:

> The problem with this approach is that the federal government has tied its dollar to a program rather than to a student. An at-risk student who succeeds will, more often than not, find him or herself ineligible for more at-risk services. When the student moves on, the federal dollar dries up—and it won't come back until that child again slips into the at-risk group and becomes eligible for the federal program once more. These kinds of programs thrive on student stagnation, even failure.

We had that same situation with the welfare program. We tended to measure the success of the welfare program by how many people we had on the welfare rolls, by how much money we were spending on that. Then one day it dawned on someone that we ought to be measuring the success of the welfare program by how few people were on the welfare rolls and by how little we had to spend.

As a result, by giving flexibility to the local governments with regard to welfare, we have cut the welfare rolls in half. We are not spending near as much money on welfare. We have only half as many people involved in the welfare program. Is that failure? No. It is a success. And so it is with education.

If we are going to devote Federal dollars to the education of the students, then we ought to provide those dollars to the students so that wherever they think they can get their best education, whatever their needs are in terms of priorities, the money will be spent for that, not because the Federal Government makes a judgment that a particular expenditure is necessarily the right thing.

I think it is important to reiterate our responsibility to those who will pay the highest price if we fail to take advantage of the opportunities that are here presented. As I said, it is not necessarily the American taxpayer, even though we have, as stewards of those taxpayer dollars, an obligation to see that they are efficiently spent.

No. Those that will pay the highest price, if we fail, are the schoolchildren, the children who, this year, will not receive an improved education because, perhaps, we will not get these reforms passed this year. They will have to go yet one more year stuck with the kind of bureaucratic redtape and regulations that have failed them thus far in their careers.

Last week, we also learned that there are those on the other side who do not agree that choice should be available to children in failing or unsafe schools. I always find this interesting because very frequently people who make this argument have sent their kids to private schools.

I am a product of the public schools. That is where I received my education, including my college and law school education. It was from the public schools. Both of my parents were public school graduates and public school teachers. And others in my family are or have been teachers in public schools. So I fully appreciate the need to improve our public schools.

I think one does that by enabling some competition between these schools, and also with the private schools. What we find is that when that competition is allowed to work, everyone benefits. To use a crude example, it is similar to the automobile manufacturers. If one of them finds a new way to improve the way a car operates, it isn't long before the others find a way to incorporate that same technique or technology into their cars. If they do not, they are going to lose sales.

By the same token, when a school finds that something really works well—if we give parents a choice to send their kids to that school—the other schools are soon going to find that they will want to incorporate that same kind of technique to keep the kids there.

That is especially the case because so much of our Federal and State funding goes to the institutions, as we have said. If they want to continue to get that funding, under the Republican proposal, they would have to be able to continue to attract the kids.

In my State of Arizona, we have, in effect, open enrollment so there can be some degree of competition among the public schools. We also have more charter schools—almost 350 at last count—than any other State. I think it is a third of the charter schools in the country. These charter schools promote a lot of competition. A lot of them have learned to attract students by doing things a little differently. Some of the larger public schools have picked up on these techniques and have incorporated them into their curricula, into their procedures. As a result, they can be quite competitive with those charter schools. It does not hurt one at the expense of another.

It is not a zero sum game. Competition is like invention. What it does is lift all of the boats. When one begins to do something better, the others soon follow behind and copy it in order to keep up with the first one. When you have that kind of competition, therefore you can have innovation. If you have flexibility, you have the ability to experiment, and the net result is a better opportunity for more kids. That is what we want to promote in this Federal legislation.

As I say, in my own State of Arizona we already have a significant element of this in our public schools. But what we found last week from those on the other side of the debate was that there is a real desire to keep students and parents from having this additional flexibility, this additional choice. It seems to me there is a fear of it. There is a fear that not everyone will be able to do as well as those who do the innovation, and somebody might actually fail or fall behind, which would be bad.

Who is the somebody they are talking about? They are not focused on the student. They are talking about the school, that it would not be fair if a particular school failed. Why wouldn't it be fair if a particular school failed if the students all had the opportunity to go to the successful school? What is not fair is that failing schools keep ahold of failing students. We are failing in the education of these kids, and they will never be able to go back and get it.

Yes, we have some remedial education. But that is a very hard way to reeducate people in our society. So it is not the schools that we ought to be concerned about; it is the students in those schools. I remain convinced that no American child should be trapped in a school that cannot guarantee a good education. We have an obligation to those students.

So whatever happens with this bill, I believe we will continue to pursue this idea of choice, of competition, of flexibility, because it will work. Sooner or later, this approach will provide the basis for reform that will characterize the Federal program that provides the Federal funding to primary and secondary education. I still believe we can make a difference in this area.

So while it may become a disappointment that we are not able to conclude work this year on this important bill, that we may not be able to pass a bill that we can send to the President for his signature, I think, in the end, the power of this idea of flexibility and accountability and more choice—the power of that idea—will end up defining the Federal program.

It would be better if we could do it this year because that would mean we would not allow another year to pass with the same devastating results for the kids who are in school right now where far too many of them are failing. That is my hope.

I urge my colleagues this week to take this debate seriously, to try to move on beyond extraneous issues, and in the end, to bring it to a close so we can actually have a vote on S. 2 and get this important reform measure to the American people where it can begin to work.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Senator from Arizona. He obviously believes very strongly in this issue and has defined very clearly where we are with two very definite points of view. One is that the Federal Government ought to make the rules, ought to set up the redtape, ought to make the decisions here to be implemented in the country; the other is to send the assistance from here to local schools so they can make the kinds of decisions that are necessary to make their schools successful.

So I say to the Senator, thank you very much.

I yield to the Senator from Alabama.

The PRESIDING OFFICER. The distinguished Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share some additional thoughts with the Members of the Senate and those watching what we can do to improve education in America.

I believe in public education. I have taught and my wife has taught in public schools. I say that to express how deeply I care about it. We have been active in PTA as our kids have gone forward. We want to improve the system. We want to make learning occur more regularly. We want to help teachers. I believe in American teachers. They are some of the finest in the world. They are well trained. They give their hearts and souls to it, only to be frustrated by regulations, paperwork, and discipline problems resulting from mandated rules passed by this Congress.

I am going to share some thoughts today, and those in education in any State of America will know what I am saying is true. They will have heard these kinds of examples time and time again. But the vast majority of Americans will not believe it; they will not believe these things occur.

Over 25 years ago, for example, we passed a federal disabilities act. It was designed to mandate to school systems and require that they not shut out disabled kids from the classroom and that they be involved in the classroom. If they have a hearing loss, or a sight loss, or if they have difficulty moving around, in a wheelchair, or whatever, the school system must make accommodations for them. They would be mainstreamed. They would not be treated separately.

That was a good goal, a goal from which we should not retreat. I hope no one interprets what I say today as a retreat from that goal. But in the course of that time, we have created a complex system of Federal regulations and laws that have created lawsuit after lawsuit, special treatment for certain children, and that are a big factor in accelerating the decline in civility and discipline in classrooms all over America. I say that very sincerely.

Teachers I have been talking to have shared stories with me. I have been in 15 schools around Alabama this year. I have talked to them about a lot of subjects. I ask them about this subject in every school I go to, and I am told in every school that this is a major problem for them. In fact, it may be the single most irritating problem for teachers throughout America today.

It was really brought to my attention a little over a year ago when a longtime friend, District Attorney David Whetstone, in Baldwin County, AL, called me about a youngster in the school system classified as having a disability. It is called "emotional conflict." He was emotionally conflicted. He could not, or would not, behave. An aide would meet him in the morning at his home, get on the bus with him, and go to school, sit through the class all day, and ride home on the school bus with him. This student was known to curse principals and teachers openly in the classroom. Because he was a disabled student, he could not be disciplined in the normal way. The maximum 10-day suspension rule—and 45 days is the maximum a child can be disciplined under this Federal law and then they are back in the classroom. One day, he attacked the school bus driver on the way home. The aide tried to restrain him. He then attacked the aide. District Attorney Whetstone told me, "I was never more stunned when I talked to school officials and they told me this is common in our county."

We have children we cannot control because of this Federal law. He came to Washington, and we sat up in the gallery and talked about it. I respect David Whetstone and his views. He said this cannot be. I began to ask around, is this true? As a matter of fact, this very incident was focused on in Time magazine. There was a full-page story about it called "The Meanest Kid in Alabama," and "60 Minutes" did a story about it because it is, unfortunately, so common around the country.

What can we do about it? I began to ask leaders in education around the

State. The State superintendent: "Absolutely, it is one of the biggest problems we have." I talked to Paul Hubbard, head of the teachers union in Alabama: "Absolutely, it is a big problem." "I am tired," he said in the newspaper recently, "of children cursing my teachers in the classroom and nothing being done about it."

Then we began to talk to teachers, principals, and school board superintendents. They talked about the lawyers and the complicated regulations with which they deal. It is really unacceptable. Teachers who have been trained with masters' degrees in special education to deal with these children have also overwhelmingly told me this is not a healthy thing, that we are telling special children with physical disabilities, or disabilities as defined by the Federal law, that they don't have to adhere to the same standards other children do. Right in the classroom, we create, by Federal law, two separate standards for American citizens. You can say to one child: You can't do this, you are out of school. But we can say to another children: You can do it, and you are only out 10 days, or maybe 45 days, and then you are back in the classroom. That is not defensible.

I want to share some of the letters I began to receive from teachers who care about this problem and want me and you and the Members of this Congress to do something about it. I believe we can. I hope it will be part of the debate this year in our political arena. Maybe we can make some progress with it.

First, I want to mention that when Congress passed the IDEA—Individuals with Disabilities Education Act—in 1975, we committed to pay the States, whom we were requiring to do it—we require these States to meet these standards. We agreed to pay 40 percent of the cost. We have never paid more than 15 percent of the cost. It has been below 10 percent in most years. We had testimony in the Health, Education, and Labor Committee, of which I am a member, from a superintendent in Vermont who testified to our committee that 20 percent of the cost of the school system in his county is for special education children. This is a major factor in education today. Let me share some stories with you about this.

An experienced educator in Alabama shared these thoughts with me in a letter:

> We have a student who is classified emotionally conflicted, learning disabled, and who has attention deficit disorder. While this student has been enrolled, students, teachers, and staff have been verbally threatened with physical harm. Fits of anger, fighting, and outbursts of verbal abuse have been commonplace. Parents and students have expressed concern over the safety of their children due to the behavior of this young man. Teachers have also become extremely apprehensive toward the presence of the student due to his explosive behavior. His misbehavior has escalated to the point that the instructional process of the entire school has been jeopardized.

Here is another one:

> I have taught for 25 years. I plan to continue teaching, but the problems with discipline are getting out of hand. We are not allowed to discipline certain students. Any student labeled as "special needs" must be accommodated, not disciplined. A student recently brought a gun to my school. He made threats to students and teachers which he claims were jokes. I was one of those teachers. This student has been disruptive and belligerent since I first encountered him in the ninth grade. Now, he is a senior. After bringing a gun to school, he was given another "second chance." He should have been expelled. What is his handicap? He has a problem with mathematics. While this may be an extreme situation, it is not isolated.

Still reading from the letter:

> Teachers are told to handle discipline in the classroom. The Government has taken most of the teachers' rights away; our hands are tied.

This is a letter from a young teacher in a small town of about 25,000 in Alabama. This is a story by which I think anybody would be moved:

> As a special educator of six years, I consider myself "on the front lines" of the ongoing battles that take place on a daily basis in our Nation's schools. I strongly believe that part of the "ammunition" that fuels these struggles are the "right" guaranteed to certain individuals by IDEA '97. The law, though well intentioned, has become one of the single greatest obstacles that educators face in our fight to provide all of our children with a quality education delivered in a safe environment. There are many examples that I can offer first hand. However, let me reiterate that I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology, a masters degree in special education and a Ph.D. in good old common sense. No where in my educational process have I been taught a certain few "disabled" students should have a "right" to endanger the right to an education of all other disabled and non-disabled children. It's nonsense; it's wrong; it's dangerous; and it must be stopped.
>
> There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly competitive global society it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced.
>
> There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals there is no doubt we would have a better educated students.
>
> It is even more frustrating when it is a special education child who knows and boasts "they can't do anything to me" and he is placed back in the classroom to disrupt it day after day, week after week.
>
> It is clear that IDEA '97 not only undermines the educational process it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources our credibility is being stripped from us.
>
> I am sure you have heard the saying: The teachers are scared of the principals, the principals are scared of the superintendents, the superintendents are scared of the parents, the parents are scared of the children, and the children are scared of no one. And why should they be?
>
> I have experienced the ramifications of the "new and improved" law first hand. I had one child attempt to assault me—he had been successful with two other teachers. He was suspended for one day. I had another child make sexual gestures to me in front of the entire class. Despite the fact that every child in my class and a majority of the children in the school knew of it, I was told by my assistant principal that nothing could be done because "these special ed kids have rights."
>
> I literally got in my car to leave that day, but my financial obligations to my family and my moral responsibilities to the children I had in my class kept me there.
>
> The particular child I spoke about frequently made vulgar comments and threats to my girls in my class on every opportunity he had when there was no adult present. Fortunately, the girls, also special ed, could talk to me about it. Unfortunately, they had to put up with it because "nothing could be done."
>
> I know of a learning disabled child who cut a girl in a fight. The learning disabled child and her parents then attempted to sue the school system because the child was burned when she grabbed a coffee pot to break it over the other child's head. I know of another specific incident where three children brought firearms to school. The two "regular" children where expelled. The special education student was back to school the following week.
>
> I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in school. As my grandmother said, "right is right and wrong is wrong" and to enable this to continue is just wrong.

She does have a right to expect Members of this Congress to confront this issue and not allow it to continue.

This is a letter from a town in Alabama with a population of 20,000, or so, from another special education teacher.

> As a special educator teacher for 27 years, may I applaud your efforts to make special education students as accountable as any other student for any behavior they exhibit while in school. I fully support the idea that just because they are students in need of special education services that it in no way diminishes their ability to tell right from wrong. When teachers and administrators cannot provide some type of appropriate punishment, then the students are taught that their behavior has no consequences. Just the other day, we had a student, who had been offered detention to avoid mission school time, he responded that they could just go ahead and suspend him because he was not going to come to school on Saturday and that it was not going to hurt his grades because "he" was allowed to make up all the work. When students find out about this "loophole" then they often feel they have free reign to do or say whatever they feel

> and that there is nothing that anyone can do.

He is correct about that. This is a Federal law. We provide 7 percent of the cost of education in America. But we don't hesitate to mandate these kinds of rules in every school system in the country.

> There federal rules often make teaching very difficult and it penalizes the students who come to school to try and improve themselves.

He is teaching a class of special education students, and wants all of them to learn. Many of them are there trying to learn, and they find it more difficult because of these rules.

> I feel that for the best interest of the students and of the entire education population, changes in this policy must take place.

Mr. President. I don't want to disrupt the system. But I have some more comments that I am prepared to make.

This is a letter from a small town in Alabama.

> Due to the federal rules and the situation they create, I cannot spend time in my class discussing a lesson. I do not do something to tantalize the students, they become disruptive. I can no longer simply explain a concept. I now must spend over half my time disciplining the disruptive students. I am no longer a teacher, I am a threatened and battered baby-sitter who is not allowed to do her job. Give us back our classrooms and our schools. Give the teacher the right to have these disruptive students removed. Please help us.

This is a letter from an assistant principal.

> I am an assistant principal in Alabama. I taught middle school before taking this administrative position. As a teacher I saw a "small picture" of the problem, as an administrator I see a much "larger picture". You have chosen a much needed, but difficult battle. Most of the special education students are *wonderful* (emphasis added) unfortunately, a few are literally destroying the public education process in our country. We are teaching them that they have excuses not to follow rules or obey laws, then we act shocked when violence occurs. Now, perhaps more than ever in our history, we need to teach our children right from wrong and that there will be consequences for their actions. Instead we develop more and more excuses for unacceptable, sometimes criminal behavior. Thank you for anything you can do to help save our children, as well as our country's future.

I have a letter from a student in a good school system in Alabama.

> I would like to let you know I agree with changing the section on IDEA law. I am in high school and I know how difficult it is for you to learn if there is disruption in the classroom. I think if there is a student who does not want to learn, they should be put in an alternative school or separate class.

Amen, young student. I agree.

Another student from an average town in Alabama.

> I'm seeing more and more teachers getting out of education because of the ridiculous lawsuits by special education students.

We are losing good teachers today in America. If you check around, one of the biggest reasons is frustration over their inability to maintain discipline in the classroom. Talk to them about it. In most schools, that is a real problem. It is hurting public education. These laws don't apply to private schools. Teachers in private schools don't have these problems and are able to be more effective in creating a learning atmosphere. In a way, it hurts our ability to maintain public education as a competitive enterprise. We need to make sure what we do in Congress does not make it more difficult for our teachers to teach. First, do no harm.

The letter continues,

> We have been told to give the parents whatever they want.

They have individual education plans for each student. A lot of times, that is very helpful. But they have become almost contracts with the parents, and schools have to obey them to the letter of the law. There are frequently lawsuits over whether the school is following the IEP, the individual education plan. It is sad.

> We have been told if they sue us we are going to lose. Because of this, special education students are suffering and so are those students around them. They can disrupt class at will and take away from the education of the majority of the students. Often they do less, and even no work, and we are told to pass them anyway.

Then he makes an interesting point:

> When these students leave school and enter the real world, they will not have things given to them as they do in school. They will not be prepared to function as a regular citizen should be. As a parent, I fear for my son's safety in school. He has already had one confrontation with a special needs child. The disabled student assaulted my child. In self-defense, my son hit the student back. The student was known to get into fights. My son was hauled off to the police station. His grades suffered. The special ed student could go on repeatedly assaulting, with very little consequence. As you can see, this is both an emotional and professional issue for me. I am glad you are aware of the large problem our educational system is having. I hope something can be done before it gets worse. We will see the repercussions for years to come if we don't change this system.

Another letter from a teacher:

> I have over 30 years experience as a teacher, principal, Federal program coordinator, and school superintendent. I am greatly concerned about the future of public education in this country. IDEA has given local superintendents grief beyond description. First, in 1975, the law was first passed, Congress promised to pick up 40 percent of the cost to operate the program, and according to figures I have seen, 10 percent has been the norm since then. Second, this has made every system fair game, with litigation costs consuming more than education dollars. While our system is small, we have had to deal with a number of weapons cases in the last few years. Two of the cases students were caught with weapons they admit they accidentally left in their vehicles coming to school grounds from target shooting. The first boy was expelled 1 year. He never returned to school to graduate. According to him, the situation was just too embarrassing. Although the second boy was in the exact same position as the first, having accidentally left the weapon in his car, instantly we were told he was a special education student and has an IEP. He was then assigned to an alternative school for 45 days and is now back in our school. Both of these young men were not troublemakers at school. Senator, it is impossible to explain to the family of the first student that their son was deserving of more punishment. Think about that.
>
> This family is now bitter toward me and toward the American system because they, in grave error, believe that all Americans have the same legal right and they were unaware that Congress now decides what rights we are entitled to hold as American citizens. As said in "Animal Farm": All are equal, but some are more equal than others.
>
> The second student's handicap does not prevent him from knowing right from wrong. I'm sorry that I'm old fashioned and believe we should be teaching all students to be responsible for their behavior. We should be helping them develop good decisionmaking skills, not telling them that you are not responsible for your behavior and that there will be no consequences, or minimal consequences, regardless of your behavior.
>
> I became a teacher in 1965 and I do not remember hearing of gun shootings prior to 1975 when Congress began telling ten percent of our students you are not responsible.

I think these teachers make a point. It is a matter we need to give careful consideration to, not overreact, not undermine the great principles of the Disabilities Act Program. But at the same time, we need to say that a child is not allowed to commit crimes, to disrupt classroom, to curse teachers, principals and students, and abuse them and do so with impunity.

I thank the Chair for the time and yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. THOMAS. How much time is left?

The PRESIDING OFFICER. The Senator has until 3 o'clock.

Mr. THOMAS. Madam President, I thank the Senator from Alabama for the great job of expressing the feelings the teachers and students have with respect to what we are doing.

We have had an interesting week of debate. A number of things, of course, have helped define where we are and the direction we will take. One of the quotes from the other side of the aisle is the reason we have title I is because we decided in 1965 the needs of disadvantaged children were not being addressed.

Madam President, 35 years later, we find once again, the needs of poor kids are not being addressed—this time, by those who defend the status quo, the means of trapping another generation.

A Wall Street Journal editorial indicates that this is an effort to restrict the States from making the decisions. Again, one of the comments made about it was the GOP plan allows a blank check for Governors who will see to it that the neediest and the poorest children will not benefit from the money.

This defines rather well where we are in this debate. Some of the facts seem to be different than what is being talked about. So $120 billion later, poor kids still lag behind in reading. The percentage of those reading below basic level at the 12th grade is still 40 percent. The percentage of those writing below basic level in title I is 38 percent in the 12th grade after $120 billion and 35 years of expenditures under this program.

We are talking about returning some of the decisionmaking to parents, to local leaders, sending dollars to the classroom rather than having them spent here, giving families greater educational choices, supporting and encouraging exceptional teachers, focusing on basic academics.

I think, if nothing more, we have defined very clearly where our priorities lie in terms of this body. I think we have a great opportunity to make some changes to bring about the results in education that all Members seek.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I ask unanimous consent I might have 4 minutes to speak about Mike Epstein, who passed away on Saturday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Without objection, it is so ordered.

IN MEMORY OF MIKE EPSTEIN

Mr. WELLSTONE. Madam President, first I want colleagues to know, and of course this is for Democrats and Republicans, and with Mike it is for staff and support staff and just about everybody who works here, pages and others, there will be a service for Mike in the Mansfield Room. It will be at 3 tomorrow. That is room S–207.

Many Senators came to the floor and spoke about Mike last week, on Thursday. It was wonderful. I thank you. About 70 people came to our office and did videos. All of this was sent to his family. Mike heard it. It was read to Mike. It meant a great deal to him. Letters have come in. It has really been wonderful to recognize such a great, great person.

Mike passed away on Saturday. We had a very small service for him today. He was buried in the Congressional Cemetery. Rabbi David Saperstein was there, Mike's family was there, and a few friends of many years were there. Then tomorrow we will have a service here. I look forward to that because it is wonderful, I say as a friend of Mike, the unbelievable impact he made.

I could go on forever. I will not because if I try to, the truth is I probably will not be able to go on at all. I just would not be able to do it here on the floor. I will say one unimportant thing because it is about me, and then I will say one important thing, and then I will be finished.

The unimportant thing is in some ways I will just be lost without him. It is not like Mike was my assistant; it was like he was my teacher. But I will talk to him every day.

The second thing I want to say, which is much more important, is if I had to summarize a life, I would say the reason there has been such an outpouring of love is because Mike loved his family; he loved his work. And do you know what else? This is the best thing of all. He really loved and believed in public service. He loved his country. He was just steady. It was just who he was. He never changed.

The world is going to miss him. The Senate is going to miss him. Most important of all, his family is going to miss him. Sheila and I are going to miss him.

EVAN BAYH, who went through a real tragedy in his own family and lost his mother at an early age, was kind enough, last week, to say to me: PAUL, it's not how long you live your life; it's how you live your life.

I think Mike is one of the five greatest individuals I have ever met in my life. He lived a wonderful life.

I yield the floor.

Mr. JEFFORDS. Madam President, I know all of us share in Senator WELLSTONE's grief. I know I have lost, in the past, one of my chief staff persons. You never know how important they are until they are not with you. I know the Senator's chief of staff was an outstanding person whom we all appreciated for his ability.

I am sure I speak for all Members on this side of the aisle: We share in the Senator's grief. We want him to know that.

I yield to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, we all reach out again to Mike's family. I think all of us in the Senate, just a few days ago, were very grateful of our good friend and colleague, Senator WELLSTONE, for giving us the opportunity to add a word to the comments on the extraordinary life of Mike Epstein.

As PAUL—Senator WELLSTONE—had pointed out last week, the hours were passing along and there was very little time left. But I think the challenge for all of us is to live a productive and useful life. That is the criterion the great philosophers have defined as the purpose in life, and Mike lived that. We all are the beneficiaries of it.

Our hearts reach out to PAUL at this time, and to all the members of the family. I think Mike would feel right at home here this afternoon, where we are debating the education act. He had strong views about these issues, as well as many others.

He made life better for people in this country. We will think of him during the course of this debate, too.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 3 p.m. having arrived, morning business is closed.

EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, we are awaiting the arrival of the Senator from New Hampshire. I would like to say, in the interim, we would like to proceed today with other amendments. I hope by the end of the day we will be able to establish a program for the coming week, which will put us in a position where we can move the education bill forward.

At this time, I am happy to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will speak briefly. As soon as the Senator from New Hampshire is on the floor, I will be glad to yield so he will be able to make a presentation on his amendment. I have had the chance, over the weekend, to study it closely. I will reserve my comments on it until we have had an opportunity to hear his presentation in the Senate this afternoon.

Just to review very briefly, we have had, now, as I understand it, probably 4 days of discussion of the Elementary and Secondary Education Act. Of those 4 days, 1 day was a general kind of presentation, although that was a good presentation by the speakers who had different views on the Elementary and Secondary Education Act. We had five votes: on Senator GORTON's amendment, what they call Straight A's; our Democratic alternative, which was introduced by Senator DASCHLE and a number of us; Senator ABRAHAM's merit pay amendment—I offered a second-degree on the Abraham amendment; and then on the Murray class size amendment.

We had indicated there would be a number of others, although a relatively small number. Actually, the total number that would be offered by this side would be somewhat less than has been usually offered in past considerations of the Elementary and Secondary Education Act.

We were going to have proposed an amendment that would address the whole issue of the quality of our teachers, to guarantee we would have a well-trained teacher in every classroom at the expiration of the authorization bill. I will come back to that, how we are going to do it, and the importance of it for strengthening the quality of education and what the results are if you do have an excellent teacher, and what the academic results are, from various examinations of whether having a well-trained teacher, who is competent and knowledgeable about the content of the subject matter, and a good teacher. The difference that makes to children's ability to learn is intuitively obvious. Nonetheless, we will have an opportunity to present some very important and powerful evidence about why the way we have approached this will result in more favorable results.

Secondly, we have the whole issue about assisting many of the schools in this country that are older and are in great need of repair and modernization. We want an opportunity to make a presentation to make. The Senator from Iowa, Mr. HARKIN, has a powerful presentation to make. We need over $112 billion a year to bring our schools up to standard. There is much work that needs to be done, again, through a partnership among the Federal Government, States, and local communities.

We want to address the important issue of afterschool programs. Senator DODD, Senator BOXER, and others have been involved in the development of that program. We have important results as to how that program is working and has worked in advancing the cause of teachers.

We want to have a good debate on accountability. We believe the most knowledgeable member is on our side, Senator BINGAMAN of New Mexico, who has, going back to the time of the Governors' conference a number of years ago, made that a speciality of his. Most of the pieces of legislation that are before us reflect a good deal of what he has developed and has broad support. That has been very important.

Senator MIKULSKI has reminded us a number of times about the importance of addressing the digital divide. In a time of new technology, it is important we not look back 10 years from now and find that the new technology has been used in such a way it further divides our children who are attending schools, but instead that we have been creative enough to use technologies in ways that have reduced the divide that exists in our schools rather than exacerbate it. That is very important. Senator MIKULSKI wants an opportunity to talk about this issue.

Senator REED has made a very important contribution to our legislation. He was a member of the Education Committee in the House of Representatives prior to coming to the Senate, following Senator Pell. He wants to talk about the importance of the involvement of parents in decisionmaking in the local communities. That is very important.

Senator WELLSTONE will be bringing up the issue of fair testing of children. He has spoken about that issue a number of times. We have voted on some aspects of it in the past.

Those are the principal education issues. There are some on our side who feel safety and security in our schools is an important issue, and we will be addressing that issue.

We have a limited number of amendments. In my conversations with most of our colleagues, we are prepared to enter into very reasonable time limits. I know on six or eight of those subject matters, we are prepared to enter into time agreements of an hour or so evenly divided so we can move this process forward. These are not subjects the Senate has not addressed. We have addressed these issues in the full committee in our markups. We have spoken about these issues during the debate. I intend to speak on the issue of the quality of our teachers because that is relevant to the Gregg amendment.

I have talked with our leader, Senator DASCHLE, who will be talking with the majority leader and hopefully will work out a program so we can reach a determination on these issues in the next few days. There is no reason why we should not do that.

There are amendments on the other side as well. We have had an opportunity to look at some of those. There is no reason we cannot pick up the pace and resolve some of these issues in a timely way. We had hoped to do more of these amendments at the end of last week, and we are in the situation today, with the funeral of His Eminence Cardinal O'Connor, of being unable to reach a conclusion on some of these debates this afternoon.

Hopefully, we can, by the end of the day, give an indication of how the Senate wants to proceed. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the Senator from Massachusetts for fulfilling the commitment he made during a discussion we had on Thursday night. I advise the Senator in Massachusetts that five of the seven amendments he talked about did arrive at our office Friday. I thank him and his staff for that. We are going to try to accommodate him this afternoon in return.

At the moment, by previous agreement, we were prepared to move to an amendment by Senator GREGG of New Hampshire. His arrival has been delayed somewhat—I do not think very long. I had a chance to talk with the chairman, and I thought we might accommodate Senator INHOFE, if the Senator from Massachusetts concurs, for some 5 to 10 minutes on an unrelated matter while we are locating Senator GREGG.

I ask unanimous consent that Senator INHOFE of Oklahoma be given up to 10 minutes to conduct his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I thank both managers of the bill for giving me some time.

UPDATE ON LINDA TRIPP FILE CASE

Mr. INHOFE. Madam President, I want to update my colleagues and the American people on the latest developments in the Linda Tripp file case. As my colleagues will recall, this is a matter concerning how information from the confidential personnel file of a Pentagon civil servant was leaked to the media in March of 1998, more than 2 years ago, by the Pentagon spokesman Kenneth Bacon and a colleague in violation of the Privacy Act.

As my questions at an Armed Services Committee hearing revealed for the first time on April 6, the Pentagon's Office of Inspector General essentially completed its investigation of this matter within 4 months of the incident. In July of 1998, it referred its report to the Justice Department, having found sufficient evidence that a crime had been committed.

From July 1998 until March of 2000, the Justice Department sat on the report, taking no action, making us believe the IG report was not completed and not given to them—essentially engaging in a coverup, in its typical stonewalling, delaying tactics. Then finally, on March 28, 2000, they quietly returned the report to the Pentagon, informing them it would not criminally prosecute anyone in the case.

I reported all of this to the Senate in a floor statement I made on April 11. At that time, I pointed out that the offense in this case—disseminating to the media information from a Government employee's confidential personnel file—was the same offense Chuck Colson pleaded guilty to during Watergate. It was the same offense for which Colson served in the Federal penitentiary.

Since all of this was revealed last month, three principal defenses—I would call them excuses—have emerged as to why Mr. Bacon should not be prosecuted. These have been put forth to the media by Mr. Bacon's lawyer and by the Justice Department in its decision to take a pass on prosecution. Let me state these three defenses and what they are:

No. 1, defense by Kenneth Bacon is that Bacon only leaked a part of a confidential file, not the whole file;

No. 2, that the Freedom of Information Act "trumps" the Privacy Act; and

No. 3, that Bacon "didn't intend to break the law."

Today, I want to report to the Senate that all of these arguments have been refuted and exposed as having no merit in this case. This leaves us facing the stark truth: The law was violated, and those who violated it should be prosecuted.

In testimony on April 26 before the Senate Armed Services Subcommittee on Readiness, which is the Committee I chair, I asked Pentagon Deputy Inspector General Donald Mancuso about these issues. He confirmed these points:

No. 1, that criminal violations of the Privacy Act are not contingent on whether a whole file or just a part of a file is compromised.

Common sense would lead us to this conclusion anyway, but this was confirmed by the inspector general in our committee meeting.

Either one constitutes a violation. There is no distinction between leaking part of a file or leaking the entire file.

Secondly, that there was no formal written Freedom of Information Act request made prior to the Tripp file leak; that, in any event, the Freedom of Information Act does not trump the Privacy Act; and that, indeed, the Freedom of Information Act includes specific exemptions directly related to the Privacy Act.

So we are saying two things really. We are saying, first of all, when they said they used the Freedom of Information Act request as an excuse, they were lying, because there was no request under the Freedom of Information Act. Secondly, if that had happened, there is specific exemptions within our law to the Freedom of Information Act, one of which is the Privacy Act.

Finally, in its March 2000 decision not to prosecute, the Justice Department stated that Bacon and his colleague "didn't intend to break the law when they released information from Linda Tripp's personnel file."

What this tells me is that the Justice Department knows the law was broken. It is all the more reason why their decision not to prosecute is so outrageous. The next time I am stopped by a policeman for speeding, I am going to tell him, "I didn't intend to break the law." I suppose then everything will be all right.

Recently, I received a letter from Mr. Bacon's lawyer taking exception to a couple of points I made it my previous remarks on the floor. I would like to respond to each of those points here:

First, Bacon's lawyer claims that comparing Kenneth Bacon's offense to Chuck Colson's offense in Watergate is "inaccurate" and "unfair" because the two cases, he says, are not "remotely comparable."

But he is wrong. They are directly comparable.

He goes into a lengthy description of the charges against Colson which were dropped by the court. All of this is interesting, but it is irrelevant to the current case.

Colson released information from Daniel Elsberg's confidential file, violating Elsberg's privacy.

Bacon released information from Linda Tripp's confidential file, violating Tripp's privacy.

What could be more "comparable" than this?

Second, Mr. Bacon's lawyer notes that the court said Colson implemented "a scheme to defame and destroy the public image of Daniel Elsberg, with the intent to influence, obstruct, and impede the conduct and outcome" of pending investigations and prosecutions.

Similarly, Bacon's action can easily be seen as part of "a scheme to defame and destroy the public image of Linda Tripp, with the intent to influence, obstruct, and impede the conduct and outcome" of pending investigations and possible prosecutions of the President and of Linda Tripp herself.

Let's not forget that Linda Tripp has testified that she was told by a top White House aide that she would be "destroyed" if she came forward and exposed illegal activities she witnessed in the Clinton White House, including matters related to the Filegate scandal. Tripp's FBI file was one of over 900 FBI files improperly obtained by the Clinton White House. Tripp remains a material witness in continuing legal proceedings on the Filegate matter.

In addition, let's not forget that Tripp has also been the target of a politically motivated prosecution in Maryland concerning the taping of Monica Lewinski's phone calls.

All of this provides ample evidence of possible motivations "to defame or destroy" her "public image."

Third, Mr. Bacon's lawyer claims that Bacon did not violate any law in releasing the information on Tripp.

Again, he is simply wrong. Bacon clearly violated the Privacy Act, the law which was enacted in 1974 as a direct result of the Colson case. It isn't even a close call.

The contention that the media inquiry constituted a FOIA request that somehow superseded the Privacy Act will simply not stand up to scrutiny.

Finally, Mr. Bacon's lawyer makes a legitimate point with which I am prepared to agree; and that is, that Mr. Bacon is a dedicated public official who has served the Department of Defense with distinction for 6 years.

Similarly, Linda Tripp is a dedicated public official who has served in the Pentagon and the White House with distinction for many years.

The problem is that there must be equal application of the law if the law is to have any meaning.

Mr. Bacon simply cannot be permitted to escape responsibility for an act that so clearly violated the law—a law which is designed to protect the rights of all government employees.

The news media, I think, has created a particular problem in this case. It is a travesty that the major news media have not covered this story and informed the American people about why this is important.

What a contract with how the news media acted during the Watergate era. At that time, the news media led the charge to uncover wrongdoing by high government officials, explaining why adherence to the rule of law was so vital to the protection of liberty.

In the aftermath of Chuck Colson's pleading guilty in June 1974, along with other Watergate figures, newspapers across the country expressed appropriate outrage. They covered the story. They commented on it forcefully. They didn't sweep it under the rug. They did not say they were bored. They did not argue that the country should "move on" to other things.

They knew that lawbreaking by high officials was one of the most important things they could report to the American people, because, as they kept telling us, an informed public is essential to the protection of liberty in a democracy.

Here are a few examples of editorials during the Watergate years. Where are the similar editorials today?

On June 12, 1974, the Philadelphia Evening Bulletin was upset that another Watergate figure got off too lightly with a 30-day suspended sentence for his Watergate crime. They said.

> The circumstances [in this case] did not call for a tap on the wrist. [The judge's] praise for [the defendant's] integrity in this setting seems inappropriate. If [the defendant] is to be so excused for failing to do his duty . . . then how are others to be held accountable for placing personal loyalty above their duty and the requirements of the law?

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. INHOFE. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Then, speaking of Chuck Colson, on June 4, 1974, the Dayton, OH, Daily News wrote:

> In this tawdry matter, Mr. Nixon's White House again has been exposed—this time by an aide who was high in its deliberations and was an intimate of the President's—as acting against the political and judicial process of this country as if they were enemies.

Finally, in commenting on Chuck Colson, in the home state of the Presiding Officer, the Portland, ME, Evening Express wrote on June 30, 1974:

> Yet another close aide or high appointee of President Nixon has been brought to justice . . . He had attempted to defame Elsberg and destroy his credibility . . . Daily, it becomes abundantly clearer that [the Nixon Administration is] the most morally reprehensible administration in the history of the nation.

So who is at fault? Of course, Ken Bacon is at fault for violating the law. But I suppose it is human nature to cover up to save oneself. Who is really at fault is the press—the media—who are covering up this crime. No one can look at the way the press assailed Chuck Colson for his crime and now covers up the crime of Ken Bacon without asking, "Why? Why are they so defensive of Ken Bacon when they so aggressively went after Chuck Colson?" Unequal application of the law is no worse then inequality in reporting. The consequences of both serve to diminish our liberty.

Unfortunately, Ken Bacon, who should have been prosecuted, is now in the hands of Secretary of Defense William Cohen. Cohen is charged with reviewing the IG report and issuing any administrative discipline, short of criminal punishment. I urge him to act swiftly and in accord with the seriousness of this matter.

Federal employees throughout government are watching this case. What will it say to them if someone who has so clearly violated the Privacy Act is not held accountable?

It will say that no one's privacy can ultimately be protected, that the law is largely meaningless, and that ideal of public service in support of the Constitution and the laws is forever diminished.

Madam President, I am not trying to single out Kenneth Bacon. I don't even know him. But I do know Chuck Colson, and he admits he was properly prosecuted, and Kenneth Bacon has committed the same crime and gets off free. This is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

EDUCATIONAL OPPORTUNITIES ACT—Continued

AMENDMENT NO. 3126

(Purpose: To improve the provisions relating to teachers)

Mr. COVERDELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Georgia [Mr. COVERDELL], for Mr. LOTT and Mr. GREGG, proposes an amendment numbered 3126.

Mr. COVERDELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COVERDELL. Madam President, I rise to speak on behalf of this amendment and, in particular, a core provision of it, which is teacher liability.

As schools have become more violent, it is increasingly necessary for teachers to use reasonable means to maintain order and discipline in their classrooms. In order to provide a safe and positive learning environment, teachers and principals must not be afraid to remove disruptive students for fear of becoming the subject of frivolous lawsuits.

I forget the exact timing of this, but sometime within the last 2 years, the Senate and House passed the Volunteer Liability Protection Act. I want to use that as a backdrop in preparation for what the provisions of this amendment do.

At a time when the Nation was calling on more and more people to step forward and be charitable and be volunteers, we had a huge summit. The President and all the former Presidents were there, as was Gen. Colin Powell. They outlined a call to the Nation to step forward and volunteer. Several days after that summit, I, along with several others, introduced this Volunteer Liability Protection Act.

It was based on this premise that voluntarism in the country was declining, even though voluntarism is like a national monument in the United States, but it was declining. And when you looked into why—or among the reasons why—it was the fact that volunteers, such as sports figures, role models who were consistently asked to step forward and volunteer, and major figures in the community, people of substance, or a family who sold a business and, in effect, retired and had the time and the resources to step forward and help the local YMCA or a charitable group, were targeted for frivolous lawsuits. I will give an example of one and then I will get back to the teacher side of it.

Picture a YMCA gym. This woman, in particular, who I talked about over and over throughout that debate, was a volunteer receptionist; she was answering the phone. She had nothing to do with the actual rigors of what was going on in the gym. Well, a young man broke either an arm or a leg in some activity in the gym. So you would have thought, well, if there were grounds for a lawsuit—and it wasn't just an accident and it involved no willful neglect—you would go after whoever was supervising the young man. I think that sounds reasonable to most Americans. But, no, the person who was sued was the woman answering the phone because they knew she had assets. Needless to say, people such as that didn't want to volunteer anymore. It is kind of hard to be a phone receptionist for the YMCA and put your whole family on the line, where you might be subject to a lawsuit and you might inadvertently lose it, and everything the family had worked for could be gone.

So we introduced the Volunteer Liability Protection Act. After a rigorous debate, it passed here, it passed the House, and the President signed it. It has been welcomed throughout the entire country as a relief that allows Americans, whether athletes or people who have assets, or somebody else to step forward and be a volunteer.

It is directly analogous to the situation that we have in schools. Again, I say in order to provide a safe and positive learning environment, teachers and principals must not be afraid to remove a disruptive student for fear of being subject to a frivolous lawsuit. You can picture it. There is a scuffle going on in the hallway. A teacher has to make a decision. I remember that in the near disaster in Rockdale County, after Columbine, a young man entered the school. He had a weapon and he threatened several students with it, and he fired several shots. No one, gratefully, was either killed or permanently wounded. But the assistant principal appeared and moved directly to the student who had the firearm and pointed the firearm at him. Courageously—in my judgment, he had unbelievable courage—he walked up, calmed the student and took the weapon and held the student, who had become very emotional, until law enforcement officers could arrive.

That is an exaggerated incident, but we all know that scuffles such as this occur between students, or a verbal attack might occur in a classroom. A teacher can't be sitting there computing whether or not she or her family is at risk if she does her job. As the Volunteer Protection Act, this legislation does not allow for any willful misconduct. If this teacher were involved in willful misconduct, aggravated conduct, she would be subject to a lawsuit. But what it would end is just picking her out and harassing her or him into a settlement.

Listen to these statistics. The percentage of public school teachers in the United States who say they have been verbally abused is 51 percent. Fifty-one percent of all of our teachers threatened with injury, which is perhaps an even more significant percentage, is down. But 16 percent have been threatened they would be harmed; physically attacked, just under 1 in 10. It is 7 percent.

In 1992, 33 percent of 12th grade public school students felt disruptions by other students interfered with their learning. In other words, a third of the school population is talking about the disruption another student is conducting that interrupts the schoolday sufficiently to interfere with that student's learning.

In my State of Georgia, in 1997, there were 38,000 violent incidents and 2,600 weapons violations.

My colleague from Massachusetts cited a survey of teachers which found that 43 percent of high school teachers felt their personal safety was in jeopardy in a 2-year period. A seventh grade student at Lincoln Academy in New York was arrested on June 2, 1999, for setting a fire to his teacher's hair.

Two Irving Middle School seventh graders in Lorain, OH, were charged in January of 1999 of plotting to kill their teacher with a 12-inch fillet knife. As 15 students placed bets on the girl's plot, another teacher found out and intervened—in moments. She overrode this situation before the stabbing occurred.

In Columbus, GA, my home State, seven students were sent to summer community service after planning to poison a teacher's iced tea and trip her on the stairs because the students thought she was too strict.

Recently, I met with a large number of school superintendents. They talked about the multitude of issues that are affecting them and their ability to do the job. But when you mention teacher liability, the threat to them of a lawsuit—whether it is the principal, the administrator, or teacher—is very high on their agenda; that we are creating an environment where prudent decisions might be missed. A circumstance where a teacher's intervention would be useful doesn't occur because the teacher is intimidated by the threat of being sued for having made that decision.

Again, I reiterate that in the Volunteer Liability Protection Act, this language does not excuse any willful conduct or any aggravated conduct. The person is still liable for that kind of behavior. It is the frivolous activity that would apply, just as in the Volunteer Liability Protection Act.

I am going to describe for a minute or two the language of this section. The teacher liability protection provisions provide limited civil litigation immunity for teachers, principals, and other educational professionals who engage in reasonable—I repeat "reasonable"—actions to maintain order, discipline, and a positive educational environment in America's schools and classrooms. It protects teachers from lawsuits when using reasonable means to maintain order, control, or discipline in the school or classroom.

What does "reasonable" mean? It does not include wanton and willful misconduct. It does not mean a criminal act. It does not mean the violation of State law. It does not mean the violation of Federal civil rights laws. And it does not mean inappropriate use of drugs or alcohol on the teacher's behalf. As I said a little earlier, it is modeled on the Volunteer Protection Act of 1997 and various State laws that seek to provide teachers limited civil liability immunity, including my own State of Georgia.

It is narrowly crafted to protect teachers from lawsuits when they are attempting to maintain order, control, or discipline in the school and classroom. It protects teachers from frivolous lawsuits.

I always use the word "teachers." But I think I should reiterate that it is teachers, principals, and administrators in the system. It is not only teachers, such as the person I just talked about who interceded to try to contain a student who brought loaded weapons to the school and threatened not only other students of being shot but his own life and the life of the assistant principal. All had been threatened. There is no telling what the outcome might have been without the courage of this administrator to intercede.

It protects teachers from frivolous lawsuits when they remove a disruptive or belligerent and possibly dangerous child from the classroom. That ought to be expanded. It is not necessarily from the classroom but from an environment on the school property that is potentially dangerous; a fight in the cafeteria. What do you do? Do you just sit there and watch the fight because you are saying to yourself, if I go over there and interrupt, the parents of one, or two, or three of those children are going to sue us. In this case, that would be considered frivolous. It would be the person doing their job. On the other hand, if the teacher was involved with starting or aggravating a fight, it would be wanton behavior, and that teacher or that administrator would be liable because they did something wrong; something outside the parameter of their job.

It would allow principals and administrators to take charge of circumstances in the school and the classroom. It would prevent the overactive trial lawyer community—and I believe by anybody's standard this is one of the great issues of our time with enormous utilization. We have become a society that is ready to sue—your neighbor or the guy who is packing your food at the grocery store. We are just suing everybody. Some of it is very appropriate, but a lot of it is not. It probably has to be dealt with in a lot more places than volunteers in the schoolroom.

But it certainly needed to happen. It has to protect volunteers, and it certainly needs to happen on these school properties. It does not, I repeat, override any State law that provides teachers with greater immunity—as I said, some do, including Georgia—of liability protections.

This is important: States can affirmatively opt out of Federal coverage by passing State legislation. They have their own view of it. If they want to expand it, they can. But they can opt out.

The provision does not address the rights of individual States to prohibit or allow use of corporal punishment by teachers and administrators to discipline unruly and possibly dangerous students.

Recently, parents brought a suit against a history teacher at a high school for damages the parents claim their son suffered when the teacher removed him from the classroom after the student refused to go to the vice principal's office.

We have a classroom. We have an unruly student. In this case, the teacher steps forward and says, You need to go to the vice principal's office. The student refuses to do so. The teacher removes that student from the classroom—this is not an appropriate interaction going on in the classroom—and gets sued for doing that.

That is an individual doing their job.

Matt Grimes, a student, went to a teacher's tutorial class. The gentleman's name was Mr. Stringer. Mr. Stringer told him to go to the tutorial he was scheduled to attend. In other words, the student was in the wrong place and needed to be somewhere else. Matt said his teacher would not let him into that class because he was late. That teacher did, indeed, refuse Matt's admittance because of a late arrival. Something was said to the teacher that was disrespectful, and the teacher pointed or touched his chest with his index finger. In other words, he touched him and was sued. The teacher ended up being sued as a result of that incident.

Madam President, I ask unanimous consent that a full article be printed into the RECORD from the Wall Street Journal on Tuesday, May 4, 1999, by Kay Hymowitz.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 4, 1999.]

HOW THE COURTS UNDERMINED SCHOOL DISCIPLINE

(By Kay S. Hymowitz)

In the wake of the Littleton school shootings, we've heard a lot about educators' need to pay attention to the "warning signs" of potentially violent youngsters. In this case such signs were plain to see: Eric Harris and Dylan Klebold produced videos and wrote essays for their classes depicting their murderous fantasies. But the legal culture produced by a pair of Supreme Court rulings makes it difficult for educators to do anything when confronted with such warning signs—or indeed even to enforce the ordinary discipline that our kids need in order to be molded into citizens.

In Tinker v. Des Moines School District (1969), the justices sided with students who had been threatened with suspension for wearing black armbands to protest the Vietnam War. Tinker protected young people who expressed opinions at odds with the government and reduced the possibility that educators could simply indoctrinate children with their own beliefs. "It can hardly be argued," wrote Justice Abe Fortas, "that either students or teachers shed their constitutional rights . . . at the schoolhouse gate. . . . Students in school as well as out of school are 'persons' under our Constitution."

Six years later, in Goss v. Lopez, the court granted students the right to due process when threatened with a suspension of more than 10 days. Careful to insist that schools need only provide informal hearings, not elaborate judicial procedures, the justices believed that they could help guard against feared abuses of power without seriously disrupting principals' authority.

On first sight, these decisions seem balanced and sensible. But their unintended consequence was to help create the world Gerald Grant described in his 1988 book, "The World We Created at Hamilton High." "Assemblies often degenerated into catcalls and semiobscene behavior while teachers watched silently," Mr. Grant writes. "Trash littered the hallway outside the cafeteria, but it was a rare teacher who suggested a student pick up a milk carton he or she had thrown on the floor."

Cheating was sidespread, but "few adults seemed to care." No wonder. Teachers who accused kids of cheating were required to produce documentation and witnesses to counter the "other side of the story." One teacher who had failed a boy for plagiarizing a paper had to defend herself repeatedly before a supervisor after being harrassed by daily phone calls from the student's parents and the lawyer they had hired on their son's behalf. Another teacher was asked why she didn't report several students who were making sexually degrading remarks about her in the hallway. "Well, it wouldn't have done any good," she shrugged. "I didn't have any witnesses." The phrase "You can't suspend me" became the taunt of many a disruptive student.

Surely the justices who decided Tinker and Goss did not anticipate this. Indeed, subsequent decisions have made clear that students don't enjoy the same legal rights as adults. In Bethel School District v. Fraser (1986), the Supreme Court ruled in favor of a principal who suspended a student for making an obscene speech, and in Hazelwood v. Kuhlmeier (1988), it allowed principals to censor high-school newspapers. And lower courts often decide in favor of school administrators who take a strong stand against provocative student speech and behavior.

But the mere threat of a lawsuit is often enough to have a chilling effect on teachers and administrators. Educators are understandably wary of students backed by litigious parents, not to mention numerous rights manuals with titles like "Up Against the Law," "A High School Student's Bill of Rights", and "Ask Sybil Liberty." These guidebooks enumerate for already-disaffected kids all the impermissible things teachers are going to try to make them do. You don't have to answer a school official if he questions you; a teacher can't make you do anything that violates your conscience; if you don't like the way the school makes you dress, you can go to court; you can demand to see your school records.

In his dissent in Tinker, Justice Hugo Black, one of the court's strongest defenders of the First Amendment, wrote that the decision "subject all the public schools in the country to the whims and caprices of their loudest-mouthed, but maybe not their brightest, students." Justice Black was right. A few years ago a Colorado high school principal took no action as one of his students strutted into school wearing Ku Klux Klan insignia. That is, until a black student punched the would-be Klansman. Only then, when the Klansman's "speech" could be construed as an incitement to violence, did the principal forbid it.

In another case, a high-school senior in New York state distributed articles urging students to urinate in hallways, scrawl graffiti on the walls and riot when the police arrived. In 1997 the school district suspended the boy, but only after the case had dragged on for two years, including an appeal to the state's highest court. Last year a 14-year-old eighth-grader in Half Moon Bay, Calif., wrote a pair of English compositions, one about torching the school library and beating up the principal and another, charmingly entitled "Goin' Postal," about pumping seven bullets into the principal. When the boy was suspended for five days, his parents sued the school district. The district and the parents reached a settlement under which the suspension was reduced to two days and the grounds were changed from "terroristic threats" to "habitual use of profanity in school assignments."

Rights-empowered students are not merely a discipline problem; they have also helped dumb down the curriculum. Mr Grant found that as administrators and teachers became fearful of restless, back-talking adolescents, they resorted to keeping classes amiable and nonthreatening—in other words, unchallenging. All but a handful of charismatic teachers studiously avoided giving low grades, demanding homework or administering rigorous tests. This same dynamic is at work in the many schools today where students choose their courses from a number of faddish, "creative" options. After all, "Music as Expression" is much less likely to make a kid testy than "19th-Century American History."

Thus instead of enriching children's minds and challenging their media-fed fantasies, adults stand by and condone the worst forms of adolescent acting-out, sometimes with deadly results. Kip Kinkel, a 15-year-old Springfield, Ore., boy, reported in science class on how to build a bomb and read in literature class from his journal about his dreams of murder. Last May the teenager allegedly shot and killed his parents, then went to school, where he allegedly murdered two classmates and injured two dozen more; he is now on trial. The adults' response to his classroom rantings? "He was a typical 15-year-old," the Springfield superintendent of schools said. Other school officials said classroom talk of murder and violence is nothing unusual.

The Supreme Court undoubtedly thought that Tinker and Goss would free students from oppressive adult power. Yet today, 30 years later, resentful students must march through metal detectors, get sniffed for guns by trained dogs, watch police and security guards patrolling the hallways—and fear for their lives.

Mr. COVERDELL. It says:

> In the wake of the Littleton school shootings, we've heard a lot about educators' need to pay attention to the "warning signs" of potentially violent youngsters. In this case such signs were plain to see. Eric Harris and Dylan Klebold produced videos and wrote essays for their classes depicting murderous fantasies.

I make a point about the legal culture. A pair of Supreme Court rulings makes it difficult for educators to do anything at all when confronted with such warning signs. The warning sign in the case of the teacher in Georgia was a pistol pointed right at him. That is a little late. But he made a decision and he executed the decision, saved the child, and was not harmed himself.

It is difficult for educators to do anything when confronted with the warning signs or, indeed, to even enforce ordinary discipline that kids need in order to be molded into citizens.

That goes back to the point I was making a bit ago. Unfortunately, this happens in a lot of walks of life. It happens with employers. It happens with store owners. People stop making prudent decisions or become so overly cautious about the legal costs, which are passed on to the consumer, that they start doing things that do not make sense for society.

We pay a price when it occurs in the school, when a teacher sees a disorderly event or something that potentially is dangerous, wrong, or disruptive to the education in the school, and in that teacher's mind they decide not to do anything, not to act; they walk away because they are intimidated for fear of ultimate consequences. Maybe somebody else in the school system was involved in a frivolous lawsuit. We are producing an environment where persons in charge on school property are stopped from doing things we expect them to do.

In Tinker v. Des Moines School District, the justices sided with students who had been threatened with suspension for wearing black armbands to protest the Vietnam war. The court believed it was a form of expression. Now we hear about all these articles, one after other, condemning the school for not doing anything because students showed up dressed in a threatening manner in the school. They condemned them for not doing anything. On the one hand, if you do anything, you get sued. It is a Catch-22 situation.

This article says:

> On first sight, these decisions seem balanced and sensible. But their unintended consequence was to help create the world Gerald Grant described in his 1988 book, "The World We Created at Hamilton High." Assemblies often degenerated into catcalls and semiobscene behavior while teachers watched silently.

Mr. Grant writes, "Trash littered the hallway outside the cafeteria, but it was a rare teacher who suggested a student pick up a milk carton he or she had thrown on the floor."

> Cheating was widespread, but "few adults seemed to care." Teachers who accused kids of cheating were required to produce documentation and witnesses to counter the other side of the story. One teacher who had failed a boy for plagiarizing a paper had to defend herself repeatedly before a supervisor after being harassed by daily phone calls from the student's parents and the lawyer they had hired on their son's behalf.

This is different from the place I went to school. There was no "chill" on those teachers. If something this egregious was going on, there was somebody who was going to do something about it. I know I am better off for it and so are all my classmates. This is not the kind of environment—we are talking reform in education—you want going on in schools.

Gratefully, it doesn't go on in all schools. But there is a teacher or principal or administrator in every school who has had it register: I am at legal risk here, even if I'm just doing my job. Everybody knows they are at legal risk if they engage in some wanton behavior that is obstructive or damaging. They cannot tell a student to pick up trash off the floor or do something about cheating going on in a classroom without getting sued. The mere threat of a lawsuit is often enough to have a chilling effect on teachers and administrators. Educators are understandably weary of students backed by litigious parents, not to mention the numerous rights manuals with titles like "Up Against The Law," "A High School Student's Bill of Rights," and "Ask Sybil Liberty"—that is S-y-b-i-l Liberty.

> These guidebooks enumerate for already disaffected kids, all the impermissible things teachers are going to try to make them do.

That is actually published literature out there, that somebody who is disaffected for some reason or other can seize onto to protect themselves from the environment of a stable school.

> You do not have to answer a school official, if he questions you.

This is the advice from all these great documents I have just enumerated.

> A teacher can't make you do anything that violates your conscience.

You know, like the other fellow a little bit ago who was asked to go to the vice principal's office.

> If you don't like the way the school makes you dress you can go to the court.
>
> You can demand to see your school records.

In another case, a high school senior in New York State distributed articles urging students to urinate in the hallways, scrawl graffiti on the walls, and riot when the police arrived.

In 1997 the school district suspended the boy but only after the legal case had dragged on for 2 years, including an appeal to the State's highest court.

Rights-empowered students are not merely a discipline problem; they have also helped dumb down the curriculum. Mr. Grant found that as administrators and teachers became fearful of restless, back-talking adolescents, they resorted to keeping classes amiable and unthreatening; in other words, unchallenging. All but a handful of charismatic teachers studiously avoided giving low grades, demanding homework, or administering tests.

We all came down here last week. We preached. We had different views about what we ought to do.

We know there is something badly wrong in K–12 today. We know it. Everybody knows it. The data is just beyond description—the number of students who cannot read, who do not have quality math skills.

With this activity going on, it is going to be pretty hard, no matter what we do, to get things reversed. We want quality teachers. We want to recruit quality teachers. How many Senators have come down here talking about wanting a quality teacher? I think just about everybody. How are we going to get a quality teacher with this stuff going on where they work?

Over the 5-year period, just 5 years, from 1993 to 1997, teachers were the victims of 1,771,000 nonfatal crimes at school, including 1,114,000 thefts, and 657,000 violent crimes. On the average this would be about 350,000-plus crimes per year.

Madam President, I made my point. I want to give the other side some time. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we have the Gregg-Lott amendment before us. The Senator has spoken about the liability provisions that have been included. There are four other provisions that are included in the amendment.

At the appropriate time, I am going to urge the Senate to accept the Gregg amendment.

It seems to me the case ought to be made within the States, since the States have the power to take action on the matter discussed here during the course of this afternoon. The liability provision the Senator has mentioned would say if the States have weaker provisions, then these standards would stand. If they have stronger standards in order to deal with the problems of protecting those who are involved in education, than those would stand.

A number of States have taken it. It always seemed we were focused on what was going to happen in the classroom. If the States wanted to take that action, they should take it. A number of them have. The Senator has offered an amendment which includes these provisions. We are going to recommend they move ahead and they be accepted.

There were other provisions that were included in the Gregg amendment. It makes some small adjustments to what they call the TOPS Program by requiring every local district to take advantage of what the TOPS Program would be. They change the requirements to say that every local district has to do it, instead of just failing ones. I think that is an improvement.

It adds a part of our Democratic teacher quality accountability provision, so after 3 years, if the local district is not improving, the district cannot get the fourth and fifth year funds. We do that plus provide additional kinds of protections. Theirs is a modest change, but a useful one.

As I said, it provides teacher liability, which is acceptable. Then, as I understand it—I read it—there is, in addition, a small pot of money for financial incentives for certifications of teachers. That is not objectionable. It is a very modest program. It might provide some value for teachers.

But I want to come back to the underlying themes of where we are in this legislation. The amendment itself can be easily wiped out by the Governors of the States; the teacher quality program is blockgranted under Straight A's in S. 2.

So in effect, if the Governor wanted to block grant the whole TOPS Program—their basis for recruitment, mentoring, and upgrading skills for teachers in classrooms, which is their teacher education program, they could do it. It disappears. The teacher quality program can be block granted in the 50-State block grant and the 15-State block grant.

So we are effectively eliminating—or under the Republican program we are giving the Governor, at his own whim, the ability to eliminate all the teacher enhancement programs.

We are not there. Democrats are not there. We believe in having a strong emphasis in our program, a $2 billion program, that recognizes high quality recruitment, mentoring, and professional development.

Just on page 630, there is the treatment of the eligible programs, those which can be block granted. Here we have subparts 1, 2, and 3 of part (A) of title II, that is teacher empowerment. That is true on page 656, which is the 15-State block grant.

Why do we have this debate on a Monday afternoon? We say OK, we will accept it. If we are going to eventually pass S. 2, it will not be in effect in any event. So let's get on to other issues.

This is what has bothered many of us during the course of this whole debate. There is this fundamental commitment of our Republican friends to block grant these programs and issue a blank check for these programs. But, on the other hand, they say that they are really serious about these programs.

How can we accept the fact that they are serious about putting a well-qualified teacher in every classroom when they give an opportunity to the Governors to wipe out that entire program? We do not do that. We say it is essential, as part of the program to which we are committed, that you are going to have an effective program in recruiting and also in professional development.

Let's take another look at page 632 under the block grant program. We call it the blank check—block grant program. On page 632 it says:

> (d) Uses of funds under agreement.—Funds made available to a State under this part shall be used for educational purposes . . .

Educational purposes. Do my colleagues know what qualifies for educational purposes? State administrators and their offices. That qualifies for State educational purposes.

We have heard a great deal of rhetoric about how they want to get the money where it ought to be, with needy students, and, under their own definitions, they say it can be used for any educational purpose. It can be used by local administrators for their needs, it can be used for sports facilities, it can be used for band uniforms, because States spend their educational money for those purposes.

What the Republicans say is that they can use the money we are going to provide to them on whatever the States want to use it. The States use it for band uniforms. They use it for administrative funds. They use it for State departments of education. Not our program, but theirs does.

On the one hand, we have an amendment to the TOPS Program that effectively can be wiped out by the Governors and the block grant, and then we look at how they define what are educational purposes under this legislation. They create a loophole for the Governors to drive a truck through. The Governors will make those decisions, not the local educators. It is not going to be the parents. It is not going to be the local school boards. It is the Governors.

One asks: Why, Senator, is it the Governors? Because the Governors are the only ones who, at the end of 5 years, are held accountable. They are the ones held accountable. All they need is to have substantial compliance, and then they can reapply for 5 more years. If this goes on—and I do not believe it will because I do not think they are going to get the results under this program.

I want to take a few minutes of the Senate's time to come back to why we feel so strongly about targeting these programs. I am going to speak about the importance of recruitment and professional development and the importance of mentoring.

As I have said at other times during this debate, we are committed to having a well-qualified teacher in every classroom in this country by the time this legislation has expired.

What is happening at the present time? This is the most recent report from 1999, using statistics from 1994. We see that about two-thirds of individuals who went into teaching had a regular or advanced license. "No license," "substandard license," or "probationary license" are terms used by the States to describe those who have not met certification. They use them interchangeably for the most part. Basically, a third have not met the rigorous standards. We are setting rigorous standards to make sure we have good teachers.

Let's see what is happening. This legislation was developed to meet the challenges of the neediest students in the country. We know approximately 25 percent of the teachers do not have competency in the subject matter or in training skills. Let's see where those teachers are going and what students they are teaching.

Let's look at "by income." Where are these unqualified teachers teaching? 4.4 percent are in low-income communities, and 17.6 percent are in communities with more than 50 percent poverty. As this chart shows, they are not teaching in the wealthy suburbs of this country. They are not teaching where there are middle-income and high-income families in this country. They are teaching basically the lower-income students in this country. This is the very group on which this program and the ESEA is supposed to focus. That is what this whole program is about. That is why in 1965 we had a national concern about the poorest of the poor children in our country, and we decided to focus attention on their needs.

Now, when we are talking about one aspect of education, and that is the quality of our teachers, we are finding in excess of 17 percent are teaching low-income students. If we take this by race, this column shows in schools with 1 to 10 percent minority students, 3.2 percent of these unqualified teachers are teaching in those areas which have the wealthier schools. Again, 17 percent are teaching in schools with a higher percentage of minority students.

This clearly indicates that if we are going to provide the funds, let's try to make some difference. When we give it to the Governors—the Governors are the ones who are giving these numbers to us now. They are the ones responsible for this. They have 93 cents out of every dollar. We are saying that we want to have better qualified teachers.

Let's look at this next chart. This is another way of looking at the teachers in this country. This is the better prepared and the poorly prepared. This is alternative certification program, B.A., and summer training. Designated in red, of those who enter training, 80 percent went into teaching, and about a third remained after 3 years.

Seventy percent went into teaching with a 4-year program, B.A., and a major in a subject field or in education. They are better trained, 70 percent; 53 percent remain after 3 years.

The 5-year program: They get a B.A. and a major in a subject and master's in education. Of the 90 percent who went in after 3 years, 84 percent stayed. What does this say? If we develop the teachers professionally in their competency and skills and additional certification, they will remain in teaching.

And they will make a difference to the underserved in our communities. That is what these charts are all about. This is another feature, the mentoring.

The three provisions are professional development, recruitment, and mentoring. When you have mentors for new teachers, they stay in the profession. This chart shows the percentage of teachers who leave the profession after the first 3 years without mentoring, which is 23 percent; but with mentors, it is 7 percent. Teachers will stay in teaching when they have mentors. Those teachers who have better opportunities for continuing their education will remain in teaching.

We know how to help retain teachers. We can ask ourselves: What does all this mean in terms of academic achievement? This is from the Teacher Quality and Student Achievement, of December 1999:

> Increasingly, the States that repeatedly lead the Nation in mathematics and reading achievement have among the Nation's most highly qualified teachers and have made the longstanding investment in the quality of teaching. Top scoring States—Minnesota, North Dakota, and Iowa; recently joined by Wisconsin, Maine, and Montana—all have rigorous standards for teaching that include requiring the extensive study of education plus a major in the field to be taught. Case studies of States that undertook the most comprehensive teaching policy initiatives during the 1980s, especially Connecticut, North Carolina, and other States, such as Arkansas, Kentucky, and West Virginia, that pursued comprehensive reform initiatives in which teacher quality figured prominently showed evidence of steep gains in student performance.

We are not doing this as an academic exercise. We are trying to say what works for children. What is happening now can make a difference in terms of children:

> There have been steep gains in student performance from the early to mid-1990s for those States that have given a high priority to recruitment, mentoring, and professional development.

Listen to this. The study continues:

> By contrast, States, such as Georgia and South Carolina, where reform initiatives across a comparable period focused on curriculum and testing, but where they invested less in teacher learning, showed less success in raising student achievement within this timeframe.

Can we not learn, in terms of using scarce resources, what works and what does not work? This is only one aspect. This is one aspect of our effort here on the floor of the Senate.

We know what works, based upon the kinds of reports and evaluations that have been done.

Here is the study: "What Matters Most: Teaching for America's Future, report of the National Commission on Teaching & America's Future. This was done by Republicans and Democrats alike. What do they point out in this area? They say:

> Some problems, however, are national in scope and require special attention: There is no coordinated system for helping colleges decide how many teachers in which fields should be prepared or where they will be needed. Neither is there regular support of the kind long provided in medicine to recruit teachers for high-need fields and locations. Critical areas like mathematics and science have long had shortages of qualified teachers that were only temporarily solved by federal recruitment incentives during the post-Sputnik years. Currently, more than 40% of math teachers and 40% of science teachers are not fully qualified for their assignments.

Since the successful recruitment programs of the 1970s ended (Teacher Corps), only a few States have created support in the form of scholarships or loans to prepare teachers for high-need areas and fields. In addition, investing once again in the targeted recruitment and preparation of teachers for high-need fields and location is a national need.

That is just with regard to the recruitment. They say it is a national need, a national responsibility.

On the issue of mentoring:

> The weight of accumulated evidence clearly shows that traditional sink-or-swim induction contributes to high attrition and to lower levels of teacher effectiveness.

That is just what the chart showed.

Further:

> The kinds of supervised internships or residencies regularly provided for new entrants in other professions—architects, psychologists, nurses, doctors, engineers—are rare in teaching, but they have proven to be quite effective where they do exist. Beginning teachers who receive mentoring focus on student learning much sooner; they become more effective as teachers because they are learning from guided practice rather than trial-and-error; and they leave teaching at much lower rates.

Then it continues:

> Although some states have created programs for new teacher induction, few have maintained the commitment required. With a few exceptions, initiatives during the 1980s focused on evaluation and failed to fund mentoring. Others provided mentoring that reached only a few eligible teachers or withered as funds evaporated. Again, the problem is not that we don't know how to support beginning teachers; it is that we have not yet developed the commitment to do so routinely.

This isn't only Democrats who are saying this. This is the most comprehensive report on how to get high-quality teachers, mentoring programs, professional development, and what it means in terms of academic achievement. That is what we stand for.

Further, on the issues of professional development, let me mention this:

> (Pg. 41) Most U.S. teachers have almost no regular time to consult together or learn about new teaching strategies, unlike their peers in many European and Asian countries.

Remember all the debate we heard last week about: Look what is happening in these European countries. Look what is happening there. One of the things they are doing in many of the European countries, where teachers have substantial time to plan and study with one another—

> In Germany, Japan, and China, for example, teachers spend between 15 and 20 hours per week working with colleagues on developing curriculum, counseling students, and pursuing their own learning. . . .
>
> The result is a rich environment for continuous learning about teaching and the needs of students.
>
> Instead of these ongoing learning opportunities, U.S. teachers get a few brief workshops offering packaged prescriptions from outside consultants on "in-service days" that contribute little to deepening their subject knowledge or teaching skills.

We challenge our Republican colleagues to point out in their bill where they are going to do these kinds of things and meet these kinds of challenges that have been outlined for our students. We ask them: Where is it? It is nonexistent. It just isn't there. I will show you why it isn't there.

Let us compare the various provisions under our amendment to S. 2.

This is where we say: Well, let's see where your program is. Let's take the issue of professional development and mentoring.

The allocation of funds goes to States by formula based on 60 percent poverty and 40 percent population. At the State level, funds go to districts by formula based on 80 percent poverty and 20 percent population. Funds are targeted and focused on the neediest areas. We guarantee funds for these two purposes.

In terms of recruitment, we provide that 30 percent of the State's allocation shall be used by the State agency to provide grants to recruitment partnerships under the sections that we have for recruitment activities. We guarantee funds in terms of the recruitment.

Pass this bill, and it is $2 billion for high quality professional development, mentoring, and recruitment. We are guaranteeing the funds for these activities. We spell it out in the bill.

They haven't done it yet in their bill. And they can't do it because it is just not there.

When it comes to the professional development, under the basic Republican bill, they say it doesn't guarantee substantial funds for professional development. They say a portion of the funds can be used. This could be as little as one dollar. It is an allowable use for professional development. It is an allowable use in terms of mentoring. It is an allowable use in terms of recruitment. There is no guarantee of any funds for these two activities. Also, there are no assurances to parents that they are going to have qualified teachers in the classroom.

On our side, we say if you are going to end up on the back end of this legislation with results, you have to invest in quality in the front end. You have to set criteria at the beginning of this legislation about what you are going to do in these particular areas.

That is what we have done because that is what is overwhelmingly called for.

Our amendment also guarantees that teachers are going to be prepared to teach children with disabilities along with other students with special needs. We have accountability not only at the State level in terms of teachers but also for every class at the local level.

Our amendment says if you do not make progress in student achievement after 3 years, you cannot continue in terms of the funds.

There is a dramatic contrast in the two different proposals on issues which are so incredibly important in terms of the children of this country.

We have tried in other areas as well: Afterschool programs, construction programs, accountability programs, and parental involvement.

Also, we have tried to find out the importance of those particular programs and what their impact has been on children to advance their academic achievement, accomplishment, enhance their sense of self-confidence, and advance their interests in learning. These are all extremely important. We have tried to include those various programs in the legislation we have advanced. We believe this is a much more valuable way of proceeding than just giving a blank check to the Governors.

How can we in good conscience vote for legislation that is going to send the money back to the States when the States are absolutely failing to do their job today?

We hear: Well, we want something different. We want something that is new. We want something revolutionary. We want something that will sound like it is something completely different from the past.

We are saying we have tried revenue sharing and block grants in the past. That is what we had from 1956 to 1969, and it didn't work. The studies and statistics demonstrate that it didn't work. But this is a very different approach. We didn't have the technology concepts and legislation 6 or 10 years ago. We have a new effort in the way we are going to use that technology; ways that will reduce the division in terms of the digital divide. Years ago, we didn't understand the importance of well-qualified teachers and the relationship between well-qualified teachers and the academic achievement of students. But, we have the statistics, the information, and the studies now, and we want to do something to make a difference.

We didn't really have afterschool programs years ago, because quite frankly, children went home, and more often than not, one of their parents was home working with the child and helping and assisting the child with their homework. That is entirely different today. We didn't know the importance of trying to develop afterschool programs. When you look at the demand for those afterschool programs in communities across the country, we know the importance and significance of giving help and assistance to those children with afterschool programs, which means they are going to continue to make progress academically in these afterschool programs. That is enormously important.

These are matters which are enormously important. They are tried and tested. They are different from where we were before. But there is compelling evidence that these kinds of efforts result in enhanced academic achievement and accomplishment.

The alternative just baffles me. I have been listening and have been on the floor for just about the whole time through: Monday of last week and during the brief time on Tuesday, Wednesday, and Thursday. We continue to hear that we are having a lot of trouble with children in underserved and disadvantaged areas, and what we have tried in the past doesn't work. Therefore, we have to try something else. What is "something else"? What is "something new"? Block grants. They call that something new? That is an old word for revenue sharing. That has been a discarded and discredited program. If the Governors want to do all these things, there is no reason they cannot do them.

Debating merit pay. They said let's have merit pay. Well, the Governors can do that if they want to. If they don't want to, they don't. We are waiting to hear from any State that wants to develop the merit pay program for individual teachers rather than doing it on a schoolwide basis, which, as Governor Riley learned, is the way to go. Governors can go ahead and do it.

As we spelled out last week, different Governors made statements that they were committed to trying to do something about underserved schools. They made those commitments over a long period of time. There are notable exceptions, and I mentioned those States earlier today. They are Republican and Democrat Governors.

In the Governors' Association report of 1986, "Time for Results," the task force was chaired by Governors Alexander, Riley, Clinton, and Keene. Intervene in low-performing schools and school districts and take over or close down academically bankrupt school districts—they urged the Governor to do that in 1986.

By 1997, there were nine States that moved ahead. In 1998, the support for the State focused on schools reiterating a position first taken in 1988 by the National Governors Policy. They say States should have the responsibility for enforcing accountability, including establishing clear penalties in cases of sustained failure to improve student performance. By the year 2000, we will have 20 States providing assistance to low-performing schools.

Some have not done it. Some Governors have not shaped up. Some have, and those Governors ought to be commended.

If we go at this rate from 1986 to the year 2000, from 9 States to 20, it will take 50 more years to get these programs active in the local community. Who wants to wait?

If you were able to demonstrate you had 10 States out of 50 with Governors who had turned that around, you would have some legitimacy on the floor of the Senate in desiring to try it in the other 40. But we haven't seen it.

Our Republican friends want to give them another chance to take all of this money and use it in the capitals of their States, use it for educational purposes which include bureaucracies, and permit them to use it for a wide range of different activities outside of the needs of underserved children. It is absolutely wrong.

I will discuss another offensive part of this legislation. That is the provision that eliminates our national commitment to help and assist the three categories of children which are the most vulnerable in our society: The homeless, migrant children, and immigrant children.

The immigrant children come from families impacted by federal immigration law and will eventually be eligible to become American citizens. Nonetheless, they have some very special needs. By and large, the States have never paid any attention to them.

We have the homeless children. As recently as 1987, the Center for Law and Education sent out a questionnaire regarding the State practices and policies for homeless students to the chief State officials in the 50 States and the District of Columbia. The majority of the respondents had no statewide data on the number of homeless children in their jurisdictions or whether those children were able to obtain an education. The majority of States had no uniform plan for ensuring homeless students receive an education.

I asked over the weekend, outside of Federal funds, what are the States doing for homeless children. We have been unable to get any indication from any State. Madam President, there were 625,000 homeless children in 1997 and 1998, and only 231,000 of those children were getting some additional help and assistance for educational services.

I hope our friends on the other side will tell us the things States are doing for homeless kids at the present time. I think we will wait a long time. They have not done it in the past, and they are not doing it today. That is true with regard to the migrant children, 718,000 children. They live in poverty, and only 40 percent have completed eighth grade. The instance of sickness among these children—not only physical, but also in terms of mental needs—is overwhelming.

We are saying we will not continue that program as we know it. We are going to send the money targeted for that program back to the States. The reason we created the program is because States were not doing anything for those students.

We have had 4 days of debate on this bill. I hope the other side will tell us—if not tonight, then tomorrow—what all the States are doing with regard to homeless children. We are not taking care of these children in the way we should, even with the funds being provided under the Elementary and Secondary Education Act. We are still reaching perhaps half of those children who need help and assistance. Is any person going to tell us, Senator, when we send these funds back to the States, the Governor will look out after the homeless children, the migrant children, and the immigrant children? Can any person demonstrate any history where the States have been willing to do it?

That is our challenge. We want to hear it. We have not been able to find that. To block grant all of these funds, send them back to the States, and say they will be able to deal with them, rather than at least have coordinated programs that help track the children as they move down from Florida, through Georgia, through the Carolinas, some all the way into New England and the west coast—they have worked with different communities knowing when the crops change—try to coordinate this.

There has been a positive response from some of the States to work in a coordinated way. We have had some leadership from the Department of Education. Why are going to leave that out? That does not make sense.

I hope when the time comes, there will be an acceptance of the Gregg amendment and then we will look forward to having a good discussion on some of the other matters as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I have really enjoyed listening to my colleague from Massachusetts. He seems to think the only answer to education, public education in this country, happens to be the Federal Government. Of course, those of us who really have watched it and observed it over all these years realize that is not the answer.

The Federal Government spent, over the last 30 years, I guess, $120 billion. And in almost every category in title I, poor kids do a lot worse. We had over 700 Federal programs—over 700—300 of them just in the Department of Education alone. Yet we still have the same age old arguments that the Federal Government is the last answer to everything and really parents and families just don't know what to do for their kids.

I know there is a legitimate feeling on the part of those on the left that that is true, but there is more than a legitimate feeling on the part of us on the right who know that that is not true and literally the Federal Government is not the last answer. My good friends talks about block grants just being another name for revenue sharing—no, block grants are a way of letting the State and local people take care of their educational processes and to find out how and then to use the money in the best interests of the State and local educational processes. It is a pretty pivotal, basic Federalist principle, it seems to me.

I rise today to talk about the education bill pending before the Senate today. S. 2, the Educational Opportunities Act, if enacted would make a number of improvements to education. This bill that is on the floor would really help education. S. 2 allows up to 15 states to shake off federal restrictions in exchange for increased accountability. It allows eligible parents to choose the provider of Title I services for their children.

This bill also gives parents the right to move their children out of schools that are failing them.

Why would we not want to do this? why would we not want to allow parents more control over the education of their children? I am sincerely baffled as to why this bill has attracted such opposition—I cannot believe that my colleagues are more interested in protecting bureaucracy instead of supporting teachers and students. Why should my colleagues be more concerned with filling out forms than in getting needed funds into classrooms?

I commend the Chairman and the hard working members of the HELP Committee. This is one of the most difficult committees to chair and to work on. I should know. I think the committee has put together a commonsense piece of legislation that, while not as sweeping as some would prefer, moves us along in the right direction. I would like the opportunity to vote for this bill.

I listened with interest to the comments of my fellow Utahn, Senator BENNETT last week. I thought he made some excellent points, especially about the voluntary nature of some of more controversial elements of the bill. These really are very modest reforms, and this Congress and this President should move ahead with them.

It may come as a shock to some here in the Emerald City, but the Federal Government did not invent the public schools. Education in our country is never going to get better if we do not stop spinning our wheels here in Washington and start supporting the innovative reforms being implemented at state and local levels.

There is a role for the Federal Government, but it is a supportive one. And, many of those supportive programs are being reauthorized in this bill.

Today, however, I would like to speak about my amendment to the Title I funding formula for economically and educationally disadvantaged authorized in the Elementary and Secondary Education Act—ESEA.

Before I get into that, though, I would like to note the Federal Government pays about 7 percent of the cost of education. Yet it requires 50 percent of the paperwork. That is the equivalent of 267,500 full-time teachers. We could go a long way towards solving some of the teacher problems in this country if we would get off the kick that the Federal Government is the last resort to everything. I think the Federal Government muddles in education where it should not. And many of the things it has done have not been fruitful or beneficial, even though I admit that the Federal Government can have a supportive role, if it is truly supportive and not destructive.

My amendment would make the Education Finance Incentive Grant Program, EFIG, a permanent statutory factor in the allocation of resources in the Title I formula. The EFIG program is currently authorized as a separate part of the Title I formula, which has never been funded. I believe that including it as a permanent factor in the Title I formula has merit. The Education Finance Incentive Grant Program distributes resources to states based on two important factors: effort and equity.

The effort factor measures a State's own fiscal commitment to education. The equity factor is determined by a state's commitment to equitably distributing resources among its school districts. Unlike demographic factors, both effort and equity can be controlled to a substantial degree by states as a matter of policy.

The equity factor is a crucial element of the EFIG program. It measures the "coefficient of variation" of funding among a state's school district; i.e., the equity factor measures how well a state endeavors to even out education assistance between districts which have high property tax revenues and those which do not.

Let me reiterate my support and appreciation for the hard work done by the HELP Committee on this bill, which I support. But, I wish the Committee had looked a little harder at the Title I formula. S. 2, as reported, does not change the fundamental problem of using State-per-pupil-expenditure as a proxy for determining a state's financial commitment to education.

What this expenditure proxy does is place a higher value on a child who lives in a rich State than it places on a child from a poor state, which cannot spend a large amount. If a State can afford to spend more money per-pupil, it gets more money from the Federal Government. If a State has less capacity and cannot spend as much per-pupil, it gets less money under Title I. This seems backwards to me.

Second, use of per-pupil spending as the sole proxy for a State's commitment to education ignores other important factors—such as tax effort. Thus "effort" is also a component of the EFIG formula, which my amendment would finally incorporate into the Title I formula.

In my home State of Utah, education consistently ranks as one of the highest priorities for Utahns. During this year's session of the Utah legislature, Utah reaffirmed its commitment to improving education, reducing class size, and increasing salaries for teachers.

Utah takes its commitment to education funding very seriously. During the 1995–96 school year, education expenditures in Utah amounted to $92 per $1000 of personal income. The national average was $62 per $1000. In other words, Utah's education expenditure relative to total personal income is 50 percent more than the national average. It is the third highest in the nation.

In terms of education expenditures as a percent of total direct State and local government expenditures, Utah ranks 2nd in the Nation. Utah's expenditure for education was 41.5 percent of the total amount spent for government. The national average is 33.5 percent.

No one can tell me that Utahns are not serious about funding education. And these efforts have garnered results. Utah's scores on ACT tests are equal to or better than the National average in English, math, reading and science. Utah ranks 1st in the nation in Advanced Placement tests taken and passed.

Still, even with these efforts, Utah remains 1st in the Nation in terms of class size and last in per-pupil expenditure. This is due to Utah's unique demographic. Utah families are, on average, larger than any other state. Utah has the highest birth rate in the Nation.

But I am realist. While I would like to completely eliminate per-pupil expenditure from the Title I formula, I understand that this is not going to happen.

However, I do believe it is appropriate and very sound policy to include in the Title I formula a small measure of diversity, that is, other ways of measuring a state's commitment to education—namely, effort and equity.

Including the EFIG program as a permanent factor in the allocation of Title I makes sense from this perspective.

Equity in education financing is receiving considerable attention both in the media and in the courts. States are being compelled by the courts to equalize resources. Most experts agree that the courts are tending towards equalization. To the extent reluctant states are having to equalize education funding to comply with court decisions, my amendment provides these States with some measure of relief because greater equity will increase their allocations under Title I. David Goodman in "Mother Jones" noted:

> Since 1971, when the California Supreme Court declared in Serrano v. Priest that

> using property taxes to finance public education was a violation of the state constitution's equal protection clause, all but six states have been sued over educational equity. To date, school financing systems in 19 states have been deemed unconstitutional, and the courts have ordered these states to restructure their systems to improve the quality of education for all.
>
> The implication is clear: School funding and student performance are believed to be directly and inextricably linked and wide variances in school funding are thought to both promote and maintain inequality of educational opportunity.

Indeed, some States are increasingly compelled to demonstrate that not only are they equalizing resources, but are providing an equal quality of education to all students.

I understand that these initiatives are causing some community concerns. I know that the distinguished Chairman of the HELP committee is all too aware of the controversies associated with the legal ruling in his home State of Vermont. However, the increasing reliance on resolving these issues through the courts and the fact that the courts are tending to favor equalization as a means of mitigating educational disparities lead me to conclude that legally requiring States to equalize resources among districts will continue to be a strategy employed by those concerned about education equity.

I also conclude that it is an appropriate use of federal resources to provide incentives for states to implement equalization programs as well as to assist those implementing court-ordered policies.

Resource equity has been identified as an effective strategy to accelerate education reform, which was the theme of the 2000 education conference sponsored by the Aspen Institute. Included in the rapporteur's summary was the following:

> In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparities in resources for education across districts and states, It is not unusual for the per-student expenditure to be three times greater in affluent districts than in poorer districts of the same state. Although qualified, effective teachers and principals are key to student achievement—even more so for at-risk students—districts where salaries are low continually lose teachers and principals to districts that are able to pay more.
>
> . . . Equally important is crafting finance equalization strategies, such as allowing federal funds to go only to those states that demonstrate equitable and adequate state education funding.

A Rand report summarized that,

> A . . . promising strategy would offer federal incentives to states to equalize spending among their own districts. A crude form of incentive would make a state's eligibility for Chapter 1 funds contingent on a certain degree of interdistrict fiscal equality.

The Rand report concludes, however, that

> Potentially the most effective incentive-based approach would build rewards for intrastate equalization into a new program of general-purpose federal education aid to the states. The size of each state's general grant would depend on one of more indicators of school finance equity."

This amendment that I will offer later in this debate is consistent with the Rand report recommendation.

Let me make it clear that my amendment does not call for equalization among States. In essence, that is what Title I itself is supposed to do—assist States and local education agencies to fund low-income districts and schools. My amendment is not even mandatory on the states. Those states who wish to retain their current within-state distribution plans, assuming the court has not compelled them to change those plans, may do so.

I am not asserting the equalization of resources among school districts is the answer to every education dilemma faced in our county. Indeed, like most reform efforts, the data on its effectiveness are contradictory.

Moreover, I have always been a firm believer that states and school districts must be able to adopt school policies—including school reforms—that work for them. Whether or not we happen to like a particular reform idea here at the national level should not matter. We should not be drawn into the "reform du jour" mentality. Just because something is the latest idea flowing from academia doesn't mean it will work for the Granite School District or any of the 41 local districts in my State or any other school district.

Equalization is not a silver bullet, and I am not claiming that it is. It is a very small modification. But, when equalization is combined with other education reform efforts, such as in Texas, there is improvement in education. The following from the National Journal illuminates the success Texas has had when the equalization of resources became the catalyst for other systemic education reforms.

> Poor districts received substantially increased funds, but no one in Texas got a lot of money for education, especially compared with states such as New Jersey and Connecticut.
>
> . . . Texas officials say the additional funds were crucial for low-income schools. "If you went to poor communities that are doing well, they will point to programs they've implemented, issues they've addressed, that they would not have been able to address without the funding that's become available to them in recent years," said Joseph Johnson, director of the Collaborative for School Improvement at the Charles A. Dana Center at the University of Texas (Austin) . . . The crucial difference, he maintains, is focus, especially on the "academic success of every student and making sure resources in those schools are very clearly, deliberately focused on instruction." The moral of this story: Money matters—but only if schools make it work for them.

I believe that an equalization factor is consistent with the intent of this Elementary and Secondary Education Act reauthorization to assist students at risk. I believe that the unequal distribution of resources among school districts disproportionately affects poor and minority students. A strong equalization factor will provide an incentive for States to address this.

A report prepared by the Policy Information Center of the Educational Testing Service, titled The State of Inequality, concludes that:

> Thus, it can be established with national data that educational resources are unevenly distributed. It is also clear that, on average, students in poorer areas are likely to have fewer educational resources than those in wealthy areas. There are also wide variations in the effectiveness of schooling, after differences in socioeconomic status are considered.

Further studies have also determined that high poverty and minority students have fewer opportunities to take "critical gatekeeping" courses in math and the hard sciences, thus preventing access to institutions of higher learning.

A report prepared for the House Committee on Education and Labor, titled, Shortchanging Children: The Impact of Fiscal Inequity on the Education of Students At Risk found that, "Inequitable systems of school finance inflict disproportionate harm on minority and economically disadvantaged students."

Additionally, as I have discussed, the EFIG program has been modified to include a poverty factor in the effort portion of this formula.

This continues to be a pressing issue. I was particularly moved by a recent article I read in the Charleston, South Carolina, Post and Courier, that highlights once again, the glaring disparities between what poor children can except from schools and what rich children can expect from school.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston (SC) Post and Courier, Jan. 9, 2000]

LACK OF RESOURCES HAMPERS STUDENTS IN POORER DISTRICTS

(By Sybil Fix)

Every morning, as the sun rises above the fields, students in Marion County School District 3 journey to Centenary to attend Terrells Bay School.

There, they could hope to find what other students in South Carolina have—experienced teachers, a rich array of classes and a chance for a good education. In their part of the world, where 85 percent of the students are on free lunch and few make it to college, that could change lives. But students in Marion 3 will get something less. At Terrells Bay, students learn physics, statistics, anatomy and biology via interactive television because the district can't afford to hire teachers for those subjects.

They study Spanish via television, too, and that is their only foreign language choice.

They have no teacher for math above Algebra II. They have no choir, no performing arts, no visual arts. They have no debate team, no clubs of any kind. Boys can choose only between basketball and football. The school has a successful girls basketball program.

They have a tiny library, with stained ceilings and half empty shelves, and bathrooms barely fit for use.

Principal Al Bradley gives thanks for a nucleus of good teachers he says save the school.

But his is a constant struggle to make do.

"The reality is that given the facilities and the money and the programs, we cannot provide an education that is equal in quality to what they get in Irmo or other schools," said Bradley, 36, a soft-spoken man whose office looks like a refurbished cubbyhole.

Outside, stray dogs wander between humble houses and rundown shacks surrounding the red brick, flat-roofed building a stone's throw from the town off S.C. Highway 41. Cows and mowed fields are steps away and continue for miles.

Bradley's two sons attend Terrells Bay.

"There is no way they are getting an equal education here," he says, shaking his head. "It seems to make no sense. How do you explain it?"

In district after district across the state, educators face the constraints of a school system that fixes haves and have-nots in a pattern of inequity.

It is not only that less is spent on educating children who, mostly poor and mostly black, live in poor school districts. It is also that less is spent on addressing the greater educational needs of children in concentrations of poverty in districts with scant local revenues.

Poor districts have less to spend on teachers, materials, building maintenance and capital projects.

Their academic programs lag behind; they have fewer and less-experienced teachers; their schools are old and decrepit; and most often, their performance is lower.

While per pupil expenditure doesn't tell the whole story, few seem to believe that the spending levels in South Carolina's poorest school districts can ensure an adequate education.

"My kids deserve the opportunity to consider Harvard, Yale or Duke just like everyone else," said John Kirby, superintendent of the Dillon 3 School District. "But we are like a poor country family. We have the good morals, we love our children and we want the best for our children, but we can only take them so far and they deserve so much more."

He shrugs.

"All of us here in South Carolina were invited to the Kentucky Derby, but some of us were given thoroughbreds and some of us were given mules. We might all get to the end . . . but some of us might be cleaning up the track."

INEQUITY IN THE MAKING

The inequities in South Carolina's school system were cast with the birth of the state's free schools in the early 1800s.

"A lot of the difficulties from the beginning are ones that occurred throughout the South and throughout the United States," said Dr. Craig Kridell, curator of the Museum of Education at the University of South Carolina and a professor of history of education.

Efforts were made to place a free school in each county, but in rural areas the schools were too distant for many to attend. Because they were labeled pauper schools, many shunned them. And many of the families they targeted preferred to keep their children at home to work.

The state provided money for free schools, but local need wasn't considered. There were great differences in competence among teachers and among local school commissioners, Kridell said.

"The History of South Carolina Schools," published in part by the Department of Education, quotes governors and superintendents throughout the 1800s remarking on the scarcity of efforts made to educate the middle—and poorer—classes, particularly in rural areas.

By the mid-1800s, when it became clear that funding schools was too costly, the state shifted most of the burden to the counties, through local property taxes.

The state did guarantee a minimum amount of state funds per pupil per district, but the funds often were withheld, Kridell said, and local funds were not shared equally between black and white schools.

By 1900, education superintendent John McMahan reported to the Legislature that "each county supports its own schools with practically no help from the state. Each district has as poor schools as its people will tolerate, and in some districts anything will be tolerated."

At that time, school attendance was not mandatory, and nearly 75 percent of children never went beyond fifth grade.

In the early 1950s, under Gov. James Byrnes and facing the threat of integration, the state passed its first sales tax to try to equalize conditions among school districts—generating $100 million to build 200 black schools and 70 white schools.

The number of official school districts, some without schools, went from more than 1,700 to 109—now 86—and a new bus system offered transportation to black students for the first time.

But the quality of education was inconsistent, and teacher quality was abysmal, Kridell said.

Between 1940 and 1970, because of the sales tax and increases in federal Title I funding for disadvantaged children, school funds went from $178 million to more than $300 million.

But the gap between tax-poor and tax-rich districts remained.

EFFORTS TO CHANGE

In 1977, under the leadership of Gov. James Edwards, South Carolina passed the Education Finance Act, specifically to address underfunding of schools in rural and black areas.

The law guaranteed a base amount for a minimum education per student, and required that the state allocate a certain portion of funds based on children's needs and the districts' ability to raise local revenues.

The districts with the least property wealth and the highest number of at-risk children were to receive more money.

And they do.

The effort pumped $100 million into the school system over the next five years. In 1983, an audit praised it for bringing more equity to the system.

But a 1989 audit concluded that the money allocated for the minimum education per student wasn't enough. Entire categories of funding—transportation and teacher benefits, for example—were exempt from equity formulas.

The poorest districts had 35 percent of the wealth of the richer districts. To compensate fully for the difference, the state would have had to give an average 39 percent increase in funding to the poorer districts and a 33 percent decrease in funding to the richer districts.

Passage under the leadership of Gov. Dick Riley of the Education Improvement Act in 1984 provided an additional $217 million to the schools, primarily aimed at increasing student performance. The law called for stiffer graduation requirements, teacher evaluations and salary increases, grants for good schools and for gifted and talented students.

But the quality-based act included no equity formula, and through the years it gave much more money to the better-performing, wealthier districts, state data shows.

"While poorer districts receive more total state funds per pupil than wealthier districts, state funding does not fully compensate for wealth disparity," the audit concluded. "There is less assurance that students from poor districts are receiving comparable educational programs to those in wealthy districts."

FUNDING NOW

The local ability to raise taxes still drives education funding, and it is the prime source of inequity.

Operating expenditures per pupil vary from $8,062 to $4,769 across the state. The amount per district is mostly determined by the local tax rate plus the state allocation.

On average, the state pays about 52 percent of the cost per district and the federal government about 8 percent. The districts are expected to come up with the rest, said John Cooley, the Department of Education's director of budget in the Office of Governmental Affairs.

The problem is that many districts can't raise the remaining 40 percent, and the state doesn't make up the difference.

About 55 percent of all state school funding—or about $1.3 billion—is distributed according to some consideration of equity, Cooley said.

But here, as in most states, said Georgia State University school finance expert Ross Rubenstein, there is no consideration of simple poverty.

Education improvement money, which accounts for about a fourth of all state education funding, is distributed without any consideration of a district's finances.

In addition, revenue-hungry districts often have to compete with wealthy districts to receive state grants for necessities such as computers and software and computer training for teachers. While priority sometimes is given to poorer districts, wealthy districts often receive the same amount.

Funds raised locally, meanwhile, are vastly different.

Districts with high assessed property values can collect more money with low tax rates—and spend more money on schools—than can school districts with low assessed property values.

The value of the mill—the unit of taxation—ranges from less than $10,000 in Clarendon 3 and Marion 3 and 4 to $1 million in larger counties such as Greenville and Charleston. Charleston has a legislatively imposed cap on the amount of tax dollars that can be raised for schools.

Over the years, development in the wealthier districts has brought in higher tax revenue than equity funding formulas have been able to compensate for, Cooley said.

State data show that, over the past 10 years, the increase in total revenue per student for the poorer districts is barely comparable to and in some cases lower than the increases in revenue per student for the richer districts.

For example, Spartanburg 7 school district has seen a $3,082 per pupil revenue increase since 1988, while the districts in Dillon, Marion and Clarendon counties have seen increases ranging from $2,000 to $2,500.

While Lee County school district receives $3,469 more per pupil from the state than the York 2 school district, York 2 still receives more in local taxes per pupil—$4,426. In total per pupil revenue, York 2 comes out ahead by $1,291.

What difference can $1,291 make per pupil?

In Lee, that amounts to $4.5 million that the district could spend on everything from music and art rooms to science labs and lighting, said superintendent Bill Townes.

"Four and a half million would not address all of our needs in this district, but it would go a long way," he said.

TEACHER SAINTS

In the evening, when the sun sets below the fields of Orangeburg County, teachers at Elloree Elementary School wrap up classroom activities and pack up their cars to take their students home.

Were it not for the teachers, the students couldn't stay at school to play, to work on reading, to get extra attention.

In countless poor schools around the state, from Memminger Elementary School in downtown Charleston to Anderson Primary School in Kingstree, teachers spend an inordinate amount of their time and money to make up for what school systems don't fund and what home lives don't offer.

"You have to put forth a lot of effort to provide experiences that they would otherwise not get," said Debora Brunson, principal of Elloree Elementary School, which sits on a sun-beaten field at the northeasternmost corner of Orangeburg County.

Teachers in poorer districts have double duty, said Holly Hill-Roberts High School Principal Patricia Lott.

"You are supposed to teach them what you are supposed to teach them at that particular time of their lives, and make up for what they are not bringing with them when they come to you."

Schools in wealthy areas can rely on fees, fundraisers and donations.

In poor districts, stories abound of teachers who spend their earnings to buy children materials, clothes, food.

Yet teachers in those districts are paid much less than those who teach less needy populations of students.

"You find schools with the greatest needs, children with the greatest needs and staff with the greatest needs all together," Brunson said. "What does a poor school do?"

Dillon 3 spends 69 percent of what is spent in Spartanburg 7 on instruction per student—$2,779 to $4,029.

The beginning teacher there makes $21,925. Teachers in Horry County make $10,000 a year more because local money covers hiring bonuses, Kirby said.

This year, for the first time, Kirby can offer an $1,000 incentive to teachers with perfect attendance. But the average contracted salary for longtime teachers there remains at $30,858, compared to $36,816 in Lexington 5. Marion 3 ranks last with $27,848.

The Dillon 3 district has cut all teacher aides except for special education and kindergarten. So teachers are even more burdened.

If, under those circumstances, teachers are actually good at what they do, said University of New Hampshire sociology professor Cynthia Duncan, "they are missionaries. We should not require people who teach in bad circumstances to be saints."

Attracting experienced teachers to poor and poor-performing rural areas is nearly impossible. Marion 3 and other such districts become training grounds for young, inexperienced teachers who commute long distances.

Who wants to live there, asks Everett Dean, superintendent of Marion 3, opening his palms to the countryside outside his window.

"People with master's degrees from prestigious universities have the luxury of going to teach at really good schools, and the kids who most need them are least likely to have high quality teachers," said urban education professor Gloria Ladson-Billings of the University of Wisconsin.

Ladson-Billings said children in poor schools are five times as likely to have teachers who are not certified in math and science—subjects that might help them break free from lives of low expectations.

Terrells Bay School, which has abysmal student performance, is allowed to use uncertified teachers because it is considered a critical needs school that can't attract teachers.

ACADEMIC PROGRAMS

In Marion 3, students who want to take anatomy sit in a small room cramped with old equipment and stare at a television screen.

There are simply not enough interested students to justify offering certain courses, says Dean. Even if they had the students, the district doesn't pay enough to attract teachers for advanced courses.

Students who most need interactive classroom work get distance learning. And students who wouldn't otherwise be exposed to foreign cultures are offered only Spanish while students in Lexington and Spartanburg, in addition to French and Spanish, can study Japanese.

Dillon 3 has only two advanced placement courses. There is no dance, no theater, no performing choir.

"We have great singers and talented students here," Kirby said. "But I can't provide an environment where they can use their skills."

While his students perform at average level, "I feel like we are still handicapping them. The differences show up in the real world. They simply don't have the same opportunities," Kirby said.

At nearby Rains-Centenary Elementary School in Marion 3, there is no performing arts program, no arts or music program, said Principal Linda Bell.

"We don't have enough books. We are nowhere near where we need to be," she said.

Patty Schaffer, principal of North Charleston's Ron McNair Elementary School, another school with a high ratio of students living in poverty, points out inequities in the availability of arts and music teachers.

Her school has a music teacher and an arts teacher only two days a week.

"It is a huge equity issue," she said. "We know that this population should have more exposure to art and music and it shows on the tests, but we give more art and music to children who have piano lessons at home. We need to look at what children already have, and that should drive the horse as to what we give them."

Because of the inequities in the system, those who have to rely on schools for all their learning are at a huge disadvantage, said University of Wisconsin literacy scholar James Paul Gee.

"Upper middle class families give their children tremendous social and cultural and educational capital outside of school, and many families are able to buy more and more outside of school," he said.

THE SOCIAL WORK

In a small room at Latta Middle School, six profoundly mentally disabled students amble around, one practicing walking steps, another wandering in circles, another sitting idly.

Down the hallway, between the middle school and the high school, there are four classes of learning disabled children.

Kirby calls it a disproportionate number of special needs children—nearly 15 percent of his school population.

"Our health problems are off the chart," Kirby said. School districts with high concentrations of poverty and high births to teens face the fallout of poor health services, prenatal care and nutrition.

While they receive some federal and state funding for special education, often it's not enough.

"I have some students that cost me $20,000 a year to educate," Kirby said.

"When you are in a poor small rural district, often you are the richest agency," he said. "They see us as the hub for services and they bring their needs to us."

To care for them, the Latta school system has one social worker per school and two shared mental health counselors. Other schools have comparable numbers of people but fewer students in need.

Ron McNair has 13 mentally disabled students and a full class of emotionally disabled ones. Because of low pay, the school is unable to attract a teacher for them. So they are taught by non-certified substitutes with no training.

"To put students who a regular teacher cannot handle in a class with a non-certified teacher . . . it is a real disservice to the child," Schaffer said.

North Charleston Elementary School has a comparable number of students in special programs, said Principal Bill Hayes.

"Most people have no idea of what we deal with these days. We dispense enough medicine at lunchtime from this school to run a drug store," Hayes said.

BUILDINGS

Dean takes a visitor around the Rains-Centenary Elementary School, seeming almost ashamed.

"I could tell you some facilities horror stories," he said.

This year his district spent $494 in facilities per student. But the buildings have not been renovated since their construction in the 1930s and the 1950s. The need is much greater than the spending.

"The fact that we are educating our students in an old dilapidated building affects everyone, even the recruitment of teachers," said Bradley. "It's a negative feeling when you walk into a restroom and the commodes are 40 years old."

For the first time in decades, South Carolina this year begins distribution of $750 million in bonds for school construction and renovation. The money is distributed among districts based on need, on the number of students—with more money going to children with greater educational needs—and on past effort made to upkeep buildings. It also has an equity component, and it appears that poorer districts will receive more than wealthier ones.

But it is unclear if that will make up for the inequities in conditions.

Marion 3 this year spent 71 percent of what was spent on facilities per pupil in York 2. It spent $3 per pupil on capital projects. Terrells Bay spent $70; Latta High, $24.

By contrast, Clover High School in York spent $2,270 per student on capital projects last year.

Clover High has 17 empty classrooms for growth, a state-of-the art library, a new

2,500-seat gym, a new cafeteria with heated outside areas, a security system with 64 cameras, a $7.5 million auditorium, and a lab for every science teacher, said Principal Wayne Flowers.

To attract good teachers, in addition to considerably higher salaries, Clover High offers an early childhood day-care program for employees.

Clover High is in a district that receives high local tax revenues—nearly $5,400 per student a year.

Not so in Dillon 3, with local revenues at $1,037 per pupil.

Latta Middle and Latta High schools share the library, gym and cafeteria. The library triples as a computer lab and a tech prep construction site of sorts, and is cluttered with piles of old books.

The cafeteria is bare, the hallways dismal. The window treatments are yellowing and warped.

"We have a lot of makeshift here," Kirby said, showing a visitor an arts lab with tables from the old cafeteria.

STEPCHILDREN

When Dean gathers with other educators to talk about the schools, he sometimes feels like an ugly stepchild.

"You are not sure that people understand that you can't change some of the things that are not providing opportunities for our children.

"Money alone does not solve the problem," Dean said, "but when you can't employ the best teachers because of your location and your low salaries, yes, that is going to impact the quality of the education you can offer."

Since 40 of the state's school districts filed suit seeking equitable funding, the General Assembly has been trying to be more sensitive to wealth differences, Cooley said.

But South Carolina continues to contend with its history.

"It has not been real important that all children be educated. While it is changing slowly," Dean said, "we are still dealing with the economics of a system of the past. Particularly when it comes to race, we have not understood that it benefits everyone to be better educated."

Mr. HATCH. The purpose of title I is to give educationally and economically disadvantaged students additional assistance: teachers, textbooks, and additional education resources. These resources were never intended to comprise the entirety of aid to an educationally or economically disadvantaged student.

Unless there is an equity factor used in their distribution so that poorer districts within a state can be brought closer to even, those title I funds that are provided will merely be a thin coat of paint covering up the cracks. The layering of resources where resources are already inadequate will not meet the needs of disadvantaged children. Title I was meant to provide additional resources, not to compensate for an inadequate financial commitment to poorer LEAs on the part of States.

By directing resources to states where this is not the case, we are being true to the underlying intent of title I.

Indeed, as the following excerpts from the debate over the final conference report reveal, the addition of the effort and equity factor in the title I formula it was the reason why many Members of the Senate may have voted for the conference report. However, title I funds have yet to be distributed using this factor.

I refer my colleagues to excerpts from the debate over the conference report to ESEA and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX II

Mr. GRASSLEY . . . I am also concerned, Mr. President, with the chapter one formula that came out of the conference committee. I supported the Senate language added by Senator Hatch, which removed the restrictions on the equity bonus. Under the change made by Senator Hatch's language, each State received the full benefit of its equalization effort.

Under the Hatch chapter one formula which passed the Senate, 38 States would have received increased chapter one allocations. Iowa would have received $2.5 million more than the original formula in S. 1513.

Unfortunately, according to the Congressional Research Service, Iowa is among 31 States to lose funds from 1996 to 1999 under this conference passed formula. Iowa loses almost $10 million in funds from 1996 to 1999. The big winners under the formula changes are New York, California, Texas, and Illinois.

Mr. HARKIN. Mr. President, as a member of the Labor and Education Committee and also as chair of the Senate Appropriations Committee that appropriates money for the Department of Education, including title I, I would like to correct the record. I have the greatest respect and friendship for my colleague from Iowa. However, sitting here listening to his remarks and comments, I certainly wish the Senator, my colleague, had talked to me before he made those comments. Maybe I would not have to stand up to correct them. Because, frankly, what my colleague just said simply does not comport with the facts.

The chart that Senator Coats sent out this morning, and used this morning, it is like that old saying: In the Bible it says 'There is no God.' It says that in the Bible.

But the sentence before it says, 'The fool hath said in his heart, There is no God.'

So, if you take things out of context you can prove the Bible says 'There is no God.' That is what Senator Coats did this morning.

Senator COATS sent this notice around to our offices this morning, "Urgent, Members Attention Only," and it says, "Senator Harkin: Reasons to Vote No on Elementary-Secondary Act; Iowa Would Lose $9.95 a million." I assume that is where my colleague got that figure.

Senator COATS is only telling half the story. He is sort of saying it says, in the Bible, "There is no God," but he does not tell you what the sentence before it says.

I tried to get the floor this morning to correct it. We were under a time agreement, the time ran out and I could not get the floor. Fortunately, I was able to talk to Senators as they came to the well to let them know that the figures that Senator Coats was putting out were wrong.

Let me correct that record now. Iowa does not lose $10 million. I happen to chair the Appropriations Committee that funds the money. There is no way this would have gotten through if my State was going to lose $10 million, I can tell you that, Mr. President. No, what we did and what is not being said here and what is not understood—and I say this to my friend from Iowa, my colleague—there are two parts to this formula on title I. There is the targeted grant formula. That is what Senator Coats is using. If you only look at the targeted grant money, yes, Iowa and a lot of other States lose money. But what we added in conference was another portion of the formula called effort and equity, something I feel very strongly about. I debated it on the Senate floor. So when we went to conference, in trying to strike a deal with the House, they only wanted targeted grants, but I insisted that we also have a second formula for effort and equity, and that is what we did.

So under the bill itself, there is money that goes for targeted or for effort and equity. New moneys that we will appropriate can be split by the Appropriations Committee. Some can go to targeted, some can go to effort and equity. The Appropriations Subcommittees will decide. First of all, next year we have already appropriated the money for fiscal year 1995. That is already done. For fiscal year 1996, there is a hold-harmless clause. So no States are going to lose money in 1996, not Iowa nor any other State can lose money in 1996. So, again, Senator Coats used this from fiscal year 1996 to 1999. You cannot use 1996 because there is a hold-harmless clause.

Beginning in fiscal year 1996, the Appropriations Committee, under the authorization of this bill, is allowed to use whatever new moneys we appropriate, up to $200 million in 1996, for effort and equity. Beyond that, such sums as are necessary.

Senator Coats used a figure from CRS of $400 million. I can show you the record in conference. They were talking about $400 million increases in title I. I said, I don't know what you are talking about. The average over the last 5 years has been $275,000, and under the budget caps and the ceilings we have, there is no way over the next 5 or 6 years that we are going to have a $400 million increase in title I. I would like to see it. If you are asking me if we can get the money, would I like to put $400 million in title I, absolutely; but we are not going to have that kind of money.

So in title I then, assuming we can get a $200 million increase, the Appropriations Committee can put all of it into effort and equity, 75 percent of it into effort and equity, half of it into effort and equity—whatever we want to do.

So what we did is we prepared a chart showing what would happen to the States if just half of the money went into the effort and equity or if all of it went into effort and equity.

Under either one of those scenarios, Iowa, instead of losing money, makes money. In fact, I do not have the runs for anything other than $400 million, but even under $400 million, Iowa would gain about $400,000 a year; and if we put the whole thing into effort and equity, Iowa would gain about $1.8 million a year.

Mr. GRASSLEY. Will the Senator yield?

Mr. HARKIN. I will be delighted to yield.

Mr. GRASSLEY. Will the Senator yield for a question?

Mr. HARKIN. I will be delighted to yield.

Mr. GRASSLEY. Prior to the question, if I can just say, first of all, I compliment the Senator because I know when it came out of committee the first time, that he got the formula that was in the original bill introduced improved dramatically. So our State would be helped and probably a lot of other States would be helped. So I compliment him on that.

I do not know anything about his activity in conference or any other process, but I did notice his work in that area, and he did improve it and I compliment him for it.

My question is only this: Senator Coats and I are both relying upon the work of the Congressional Research Service. I have not found the Congressional Research Service to be wrong very often, if at all, that I can recall. Has my colleague from Iowa discussed this with the people in the Congressional Research Service to see if they made a mistake and how they made a mistake? Can you tell me how they made a mistake?

Mr. HARKIN. I appreciate the question. I will try to respond to it. The figures I am using come from the Congressional Research Service. What I am saying is that Senator Coats only took one column.

Mr. GRASSLEY. I think I have that chart here.

Mr. HARKIN. If you look at the chart, what he did was he took the second column over, which just says $400 million under targeted formula. Senator Coats used that column. He did not take the other two columns. The other two columns add effort and equity; the third column over showing what would happen if we split it in half; the last column showing if we put it all into effort and equity.

I cannot in any way tell my colleague how much we will put in. I can assure him it will be a minimum of 50 percent. I suggest, knowing the members of the Appropriations Committee and that 33 States will be helped by effort and equity, it stands to reason that the bulk of the money will go into effort and equity. So I would say we are probably close to the column on the right-hand side, which shows Iowa getting $54 million.

Keep in mind, that is based on $400 million. There is no way we are going to get $400 million, but it gives you an idea of what happens under this thing.

So what Senator Coats did is he simply took out of context what CRS came up with. He took one column, and that is why I tried to get the floor this morning to explain that is not so. That is just not the way the Appropriations Subcommittee is going to operate, and that is why we put the effort and equity thing in there.

In no way is Iowa going to have their moneys reduced under this effort and equity formula. That is the point I tried to make this morning and I tried to make it in the well to the Senators. As I said about my Biblical example, about taking something out of context, sure you can take one column, but that is not what we are operating under.

I hope that clears it up. Does my colleague have any further questions on that?

Mr. GRASSLEY. I do not have any further questions, Mr. President. I will say, I hope it clears it up because I would like to think we are passing legislation that will be more fair to more States than that original chart that I saw. But I also suggest that I have been informed that Senator Coats is going to come over and try to discuss what interests my colleague from Iowa in some further depth, and I think I will defer to his discussion of that.

Mr. HARKIN. I will be glad to. I talked about this with Senator Coats in private. I will discuss it with him on the floor and have him respond as to what CRS put in the other columns because he just used one column, he did not use the other two.

Mr. GRASSLEY. Mr. President, if my colleague wanted to make the point that what we came back with from conference was not quite as good for certain States, including my own, as was in the bill passed by the Senate, he is absolutely right. But the reality is that the House would not accept that. So we had to work it out with the House, and I think we worked it out in a reasonably fair manner, I must say.

The original formula that came out of the Clinton administration, what they had advocated, was devastating for Iowa and for a number of other States.

But we worked with Senator Pell, Senator Kennedy, Senator Hatch, Senator Kassebaum and Senator Jeffords. We worked this whole thing out in committee on a bipartisan basis to come up with a better formula. We did that. We had votes on it. We had debates. We even had a debate here on the Senate floor. We had a vote. But in going to conference it was clear that the House Members were not going to accept in totality what we had done in the Senate. And thus we came up with this new formula. And, quite frankly, I must say I think the new formula is fair.

I just want to say the Congressional Research Service, again, will do any run that Senators ask for. If you ask for a run on $500 million a year, they will do that. You can do a run on $1 billion a year. They will do that. But just because these tables are prepared does not mean that is actually what is going to happen. As I said, they ran these tables based upon a $400-million-a-year increase in title I. As the chairman of the Appropriations Subcommittee that funds this program, I can tell you right now, unless somebody comes up with some magic money someplace, we are not going to have that kind of money. We will be lucky to get the average of the $275 million that we have gotten over the last 5 years.

So we tried to do two things with title I: target our scarce resources to areas where they have a high concentration of eligible children, but then also to be fair to rural States such as Iowa where we may not have high concentrations but we certainly do have needy children, children in poverty, title I eligible children, but they may be in small towns and communities scattered around the States and thus the formula does address that.

Mr. HARKIN. I thank the Chairman, and I commend him again for his work on this important legislation, and in particular this provision. The problems of youth violence and drug abuse are no longer contained within urban school districts, and are rapidly spreading to suburban and rural communities. By making a program available for statewide distribution, we can better ensure that each student in a State will be reached by a program, and that students throughout the State will receive the same messages.

I was extremely impressed by Jonathan Kozol's "Savage Inequalities," and I know the Senator from Utah has also done considerable research on school equalization. Is it his view that the concept of equalizing resources among school districts as public policy is supported by experts in the field?

Mr. HATCH. The Senator from Iowa is correct. The literature in the education field is loaded with recent articles suggesting that equalization is an important means of addressing inequalities. In a statement I gave on July 28, 1994, I outlined the reasons, which are supported by the literature in the education field, why I support equalization as a sound policy.

Mr. HARKIN. Does the Senator from Utah therefore support effort and equity as factors in determining the allocation of title I money?

Mr. HATCH. Yes, I do, provided that it is not mandatory. If effort and equity were factors driving education dollars, states would be encouraged to take steps toward equity on their own. Education is primarily a state and local responsibility to begin with. The equity factor included in this authorization, unlike the State per pupil expenditure—which I believe is an extremely poor and terribly unfair measure of effort—can benefit a State even if its needs are great and its tax base is small. This is because an equalization incentive is based not on how much a State has, but on how it distributes what it has. I confess that in many areas of public policy I do not favor such an approach. In many areas, I believe this type of allocation destroys incentives to work hard and to do more that contributes to our economy overall.

But, education is a legitimate function of State and local governments. We do not need to be concerned with hindering private sector incentives. Educational equalization—based on a plan developed by the State itself—should be encouraged.

Some of our colleagues have expressed concern regarding the equity factor. Does the Senator from Iowa believe that the equalization of resources within a State is inherently consistent with the premise of the title I program?

Mr. HARKIN. I would respond to the Senator from Utah that yes, I believe the equalization of resources is consistent with the premise of the title I program which is to give disadvantaged students additional help by directing supplemental resources to them. If federal resources are not supplementary, then States have absolutely no incentive to deal effectively with education financing problems in their own States. The Federal Government should not subsidize this kind of inaction.

Mr. HATCH. I agree with the distinguished Senator from Iowa. Many States have recognized the need to more fairly redistribute their resources. I am very proud that Utah has been a leader in just about every aspect of education—achievement, graduation rates, school finance. Utahans long ago developed a workable plan for school equalization. It is working in our State.

I believe the title I formula should reward real effort and real progress toward serving every child in a State equally.

I obviously would have preferred that the effort and equity provisions that were included as an integral part of the Senate-passed title I formula. However, it was the final decision of this conference to include these factors in the title I formula but to include them as a separate authorization that is, based on the Senate-passed version of the bill. This, I believe, is a step in the right direction.

I hope that this will not be a hollow authorization, that is, one with no money. While I do not want to put my colleague from Iowa on the spot because I know he is as committed to this idea as I am, I wonder if he would comment on this last point? He is in a position of some influence on that subcommittee.

Mr. HARKIN. The Senator from Utah is correct. I share his commitment to education finance reform and I favor the establishment of this effort and equity incentive in title I of ESEA.

The Senator from Utah mentioned that he was proud of the efforts his State has made to equalize resources among schools. The

State of Iowa revamped its State aid formula to equalize funding in the 1970's. I am equally proud of efforts in my State to provide a quality education for all students.

I will do what I can as chairman of the Labor, Health, and Human Services Appropriations Subcommittee to support this new authorization.

Mr. HATCH. I thank my colleague from Iowa for his analysis and support.

Mr. HATCH. I am pleased to point out that 30 States, plus Puerto Rico, would increase their title I allocations under my amendment relative to their allocations under the formula in S. 2. A number of these beneficiaries are States with high poverty districts.

Moreover, as my colleagues will note, my amendment holds states harmless for funds going out under the remaining title I part A formula. Additionally, my amendment allows school districts affected by census changes to retain 95 percent of their FY 98 funds.

One of my priorities in crafting this amendment was to improve title I while preventing huge shifts in the allocation amounts. Of those States which would currently stand to lose under my amendment, only one state loses 7 percent of their allocation, 4 States lose an average of about 5 percent of their allocation, 7 States lose about 3 percent of their allocation and 8 States lose under 1.3 percent of their allocation.

I reiterate that I have worked to adjust my proposal so that it not only captures the benefits of including effort and equity in the formula but also so that the minority of states who would currently lose under these factors would lose as little as possible.

Again, I hasten to add that States can change their own circumstances under my amendment. If States wish to access more Federal title I money, they can take steps to increase their effort and their equity. My amendment provides a degree of control for States.

States can, and many have already, adopted financing systems to equalize resources among districts. States have chosen a variety of equalization systems of their own design. A fair equalization factor will promote "bottom up" education reform that will help all kids make progress towards achieving the national goals.

Real education reform must take place at the grassroots level. A series of edicts issued from Washington, D.C. is not going to improve education for Americans. State and local education agencies must take on this challenge. But, the Federal Government should help—and at least not plant obstacles in the way which cannot be overcome.

The degree to which a State equalizes funding for education is a factor that a State can control. A State that equalizes is a state that will benefit under a this improved title I formula.

Also, equalization is a factor that can be quantified. So much of what the Congress is asking the State and local education agencies to do requires a judgment based a series of qualitative analyses. An equalization factor does not rely on subjective determinations.

An equalization factor does not rely on mandates or guidelines for how a State should achieve equalization. I, for one, would oppose a measure that specified how a state was to engage in equalization. On the contrary, I believe States are perfectly capable of figuring this out for themselves.

S. 2 is a good bill. It was thoughtfully prepared, appropriately amended, and now after many days, is being thoroughly debated. I think my amendment improves this bill. I sincerely believe that this amendment will help needy schools make important improvements in education for all children. I urge the Senate to support my amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before the Senator from Utah leaves the floor, I thank him for his discussion of his amendment. I was listening carefully to his discussion, and his focus on providing States incentives for moving toward equity and his focus on what Jonathan Kozol calls savage inequalities and the tremendous disparity of resources, depending on the wealth of the community in which a child lives, is right on the mark.

I thank the Senator from Utah for his words.

Mr. HATCH. Mr. President, I notice probably one of the wealthiest States in the Union, Connecticut, gets more money per pupil than any other State, and it does not even need the money. What about these States that do? I hate to call it a stupid formula because it is in an education bill, but it is really a dumb, stupid formula, and it ought to be changed. I thank my colleague for his kind remarks.

Mr. KENNEDY. Will the Senator yield for the purpose of a question?

Mr. HATCH. I will be glad to.

Mr. WELLSTONE. Senator KENNEDY wants to ask the Senator from Utah a question, and then I will regain the floor after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. As I understand it, the Senator from Utah said 48 percent of the paperwork done by teachers and principals is mandated by the Federal Government.

Mr. HATCH. That is correct. That is in the neighborhood. That is what I have been led to believe.

Mr. KENNEDY. This was a 1990 study done by the Ohio General Assembly Legislative Office, Education Oversight of Public Schools reporting requirements. That study attributed only 20 percent of paperwork requirements to the Federal Government. If the Senator will be good enough to put in the RECORD the authority for that, I am going to put in the RECORD the authority rebutting that, and we will let the Members look at it.

Mr. HATCH. I will be happy to do that, and also it may be more than 50 percent. All I can say is, all I get is complaints from the State and local people that they are being overrun with paperwork that seems silly and nonproductive.

Mr. KENNEDY. I think it is worthwhile to know the authority for these allegations. I think it is important. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Since part of the remarks by the Senator from Utah dealt with the equity question, I just want to add to the RECORD a quote from John Powell, who is director of the Institute on Race and Poverty in Minnesota:

> When low-income children are segregated into schools that are predominantly poor, the students confront not only their own individual poverty, but the effects of concentrated poverty on the school system itself. This combination often results in more drop-outs and teenage pregnancies, lack of parental involvement, inability to pay for books, lack of role models, and inability to afford college.

It goes on to say:

> Teachers and staff in racially segregated and high poverty schools are too often overwhelmed by student needs.

Let me take my remarks in a couple of different directions.

I want to first talk about a meeting I had with the National Alliance of Black School Educators who were here last week. I had a chance to drop by and not talk at them but talk with them.

Since the Senator from Utah was talking about the whole question of equity, or lack of equity, let me, right away, say to colleagues that I really hope we go forward with this debate. Sometime later on in the debate, I am going to come out on the floor and talk about it and have some amendments speaking to this question. It is the question of the reliance on high-stakes testing—the single measurement of standardized tests to determine whether or not children go from third grade to fourth grade, from eighth grade to ninth grade, whether they graduate, what grouping they are in.

I just want to point something out since Senator HATCH talked about this. We ought to make sure we meet the opportunity-to-learn standard if we are going to be implementing these tests. In other words, we had better make sure we do not hold children responsible for our failure to adequately invest in their achievement and in their future.

If we just focus on tests and then flunk students who do not pass the tests, and we do not do what we should do both at the Federal level and, I say to my colleague from Arkansas, the

State and school district level combined, to get the resources so that each one of these children has the same chance to pass these tests, and to succeed, then, frankly, I think reliance on these tests alone is punitive. So you need to do it both ways. Yes, you need to have standards, but you also need to make sure every child has the same opportunity to meet those standards.

I will say one other thing about the tests. I will have an amendment that says these tests ought to meet professional standards. We want to make sure they are implemented in the right way. I will have an amendment that says we need to take into account especially learning disabilities, which I think is the law of the land. I think we ought to make that clear in this bill. We ought to speak to those students who have a limited proficiency in English as well.

More than anything, I want to talk a little bit about this opportunity-to-learn standard that I do not think we are meeting. I think it is so key to the whole discussion. I think it is key to what John Powell has said. I think it is key to what other Senators have said as well. I think it is key, actually, to at least part of what the Senator from Utah, Mr. HATCH, was saying as well.

We are out here debating this bill, and we should. In a moment I am about to, one more time, say where I think the Republican bill is deeply flawed and why I am so disappointed in it. But for a moment I would like to just talk about the budget implications.

I do not know whether we are spending 1 percent of the Federal budget—someone can help me—or thereabouts on education altogether. Does that sound right? Is it 1 percent of the overall Federal budget on education? It is 2 percent.

I argue that key to our national security is whether or not we are going to adequately invest in the skills and character of the children. I argue that key to our national security is not so many more bombs and missiles and more money spent on the Pentagon; the key to our national security is the security of local communities. I think that is what matters first and foremost.

The key to security for local communities is good housing, reducing violence, and having decent health care. But I think most importantly, the key to our national security is the security of local communities. And the security of local communities means we have a commitment to education second to no other nation in the world so that every child—every single child—is full of hope, and every child has dreams, and every child can do well.

I tell you, I think 2 percent of the Federal budget spent on education is pathetic. I know the Senator from Vermont agrees because he has been one of the Senators who has been most vocal in saying we ought to get our priorities straight and we ought to be allocating more resources.

We are going to debate how we allocate those resources to States and local school districts. That is the debate on this bill. I will speak just for a few minutes. I said to my colleague from Arkansas I would not take more than 20 minutes altogether, and I will not.

But I think the larger question is, Why in the world are we not allocating more of our Federal budget to education? Why aren't we getting more of the resources back to the school districts, whether it be for the IDEA program, kids with special needs—boy, that would help our school districts—whether it be moving beyond just 30 percent funding for title I; whether it be a real investment in affordable child care, prekindergarten, so kids come to school ready to learn; whether it be some money we can leverage. Senator HARKIN has that amendment that will enable school districts to have more funding to put into rebuilding crumbling schools, you name it.

I am just amazed that with a booming economy and the country doing so well economically, we in the Congress, in the Senate, cannot invest more than 2 percent of our overall budget in our children's education. They are 100 percent of our future. I do not know how in the world any Senator believes, on a tin cup budget, we are going to be able to make the kind of investment we should be making. That is my first point.

My second point is—Senator KENNEDY spoke about this. My guess is we will get a different point of view from some other Senators in just a moment—I think the fundamental flaw of S. 2 is the abandonment of a commitment we made over 30 years ago as a nation that we would have some basic national standards, some basic protection, to make sure the poorest children in this country, the most vulnerable children in this country, would be well served or at least would be served. We do not serve them well, but at least to make sure that for the homeless children and the migrant children there would be programs that would speak to the needs and circumstances of their lives, that we would target title I money to the neediest and poorest and most vulnerable children.

Do you know what. I sometimes think Senators are taking this too personally because it is not necessarily an attack on my State or an attack on the State of Arkansas or an attack on the State of Vermont; it is just a matter of philosophy.

Over three decades ago, we made a commitment that the Federal Government, representing the national community, with certain core values, would make sure we provide some programs that really speak to the most vulnerable children, that we are not going to abandon those children.

I said it last week; I will say it one more time. My colleagues keep talking about change, change, change. I do not think it is a great step forward. I think it is a great leap backward. That is why many of us oppose it. That is why I think the President opposes it. That is why I think we have started out on the wrong foot.

Going further than that—and this will be the last part of what I want to say; I will just divide it in two quick parts—one, I say to Senator LOTT and others, I look forward to having a chance to bring amendments out here. I want to have some amendments that speak to the discriminatory effect of the standardized testing. I want to have some amendments that provide support for children who witness violence at home and, therefore, cannot do well in school.

I want to have an amendment that provides for more counselors in our schools. In some ways, I cannot think of a more important amendment. Right now, we have a ratio of 1 counselor for every 1,000 students, or thereabouts, in the country.

I want to have an amendment that speaks directly to the challenges of urban education. Some of my colleagues have put back language that deals with the special challenges of rural education, which I also think is a real challenge, but I also want to put a focus on urban education as well.

As someone who was a teacher at the college level—but, boy, I will tell you, I came to respect teaching at the high school and middle school level; I think sometimes even more at the elementary level, and the pre-K level even more so, as well—I am interested in anything and everything that leads to better teacher quality, with the proviso that we understand there are many really fine teachers right now in the country.

I said this last week, but I will say it again, too.

I don't mind holding everybody accountable if we do it in the right way. But I also think that some of the people who bash public school teachers couldn't last an hour in the classrooms which they condemn. I think we have to be very careful in how we do it.

The other thing I want to mention beyond my amendment is to say one more time to other Senators that I think there are some amendments we have introduced and we will be introducing that certainly speak to many of the meetings I have had with people in Minnesota.

I have been ready for this bill to come to the floor for almost 2 years.

I think all together in our State of Minnesota—between myself and staff—we had meetings with close to 100 different school districts. It is incredible. We have been all over the State. People were genuinely excited about this bill. They know that most of the money for K through 12 is at the State level. They know that. But people have been very interested in how we can provide more incentives for more teachers. They are very interested in the whole question of what we can do about the needs of physical infrastructure. They are very interested in trying to get more counselors in our schools. They are very interested in the sense of getting more young people interested in education. They are very interested in what we did do in prekindergarten. They think that would make a huge difference. They are very interested in afterschool programs. They are very interested in reducing class size.

Frankly, the Republican bill on the floor speaks to very little of that—not directly. It assumes with sort of a blank check that it will all happen.

I say to my colleagues in the majority that you have not invested nearly enough money in your budget, nor will it be in the appropriations bill. We have too many speeches given about the importance of children, but we are not matching the rhetoric with the resources.

The second thing I say to my colleagues is in terms of how you allocate the money. I think it is not a big step forward. I think it is a great leap backward from the kind of commitment we have made to all of the children in the country, including the most vulnerable children and the poorest children in this country.

Third, and finally, there should be some decisive priorities in this bill. I have tried to outline some of those priorities. I don't see it.

We will move forward this week, next week, and I hope the next week as well. Maybe in 2 more weeks we will have amendments, votes, and see where we wind up.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as we continue to debate the Elementary and Secondary Education Act, and the Educational Opportunities Act, there are fundamental fault lines and differences between the Democrats and the Republicans on this very critical and very important issue for this country and for our children.

I noticed when Senator WELLSTONE spoke that he said the Republicans just keep saying change, change, change. I plead guilty to that. We are saying change. That is one of the very clear lines in this debate between those who are defending the status quo—defending the old system, defending the old model, who are saying create more programs, who are saying pour more money into the old programs and the same models—and those of us who say, yes, let's fund education adequately. Yes, let's increase our appropriations for education. But let's make certain that we are using that money efficiently and effectively. If the old model isn't working, it is time that we try something new.

That is the fundamental fault line in the debate that has gone on in the Senate for the last week and will continue for the next few days.

I have to say that I believe there has been a lot of misinformation about the Educational Opportunities Act that has been put forth on the floor of the Senate. I understand that change is difficult and change is discomforting. There are those who are going to recoil at the thought that we might try something different. But there have been, in the arguments put forward by the other side, several themes that have recurred.

They said title I has enhanced academic achievement. That has been one of the things they have argued consistently.

They said the status quo somehow guarantees student achievement.

They said parental control is something to be feared.

They said the contents of the Educational Opportunities Act contain no accountability safeguards.

I would like to, in their own words, go through those arguments and rebut them one by one in the few minutes that I have on the floor.

First of all, Senator KENNEDY made, I think, one of the clear statements last week when he said, "We want to support tried and tested programs that have worked."

The question that I have raised over and over again is, How has title I worked? How has title I been so successful that we want to continue it as it has been, and as Senator KENNEDY suggests we should continue it?

After 35 years and $120 billion has been expended, we have seen no closing of the achievement gap.

The original purpose of title I was that we would see those disadvantaged students improve, we would see their academic performance elevated, and we would see the gap between the advantaged and the disadvantaged closed. After 35 years, any objective assessment of what we have done would have to say we have failed.

That is why it is so amazing to me to hear my colleagues and friends on the other side of the aisle stand and say: We want to support tried and tested programs that have worked.

If they had worked, this debate wouldn't be going on. We would be delighted to be supporting the status quo. But the status quo has failed America's children.

Instead of letting States have flexibility under Straight A's, requiring improvements in student achievement, the Democrats would rather leave disadvantaged children the same programs they have had for the last 35 years.

Senator KENNEDY speaks movingly, and I know sincerely, about the homeless, the migrant children, and the immigrant children, saying that they are the ones who are going to be hurt most under the Educational Opportunities Act—the homeless, the migrants, and the immigrant children are the big losers.

I would suggest just the opposite is the case; that they have been the big losers in a system that continues to fund a broken system, a broken program; that for the first time under Straight A's we will require test scores to be disaggregated and broken down on the basis of those who are disadvantaged and those who are advantaged based upon their backgrounds and economic backgrounds so that we will be able to see clearly whether or not the educational curriculum, the textbooks, and the programs being utilized in a local school district are working for the least advantaged and the most vulnerable in our society. These homeless children, migrants, and immigrant children, to whom all of our hearts go out, are the ones who have been left behind under the status quo.

Of course, Senator KENNEDY said, "We want to support tried and tested programs that have worked," even though 35 years of these programs has demonstrated they have not worked.

He said that block grants—he always likes to use that loaded term, "block grants"—have no accountability.

And then he uses the term "blank check." This is a "blank check."

I suggest that trying to compare the Educational Opportunities Act with any of the old block grant experiments of the past is as if to compare apples and oranges. It is a total mismatch. It is an unfair comparison.

These are exactly and precisely, word for word, the same arguments we heard against welfare reform. Welfare reform was block grants with no accountability. Welfare reform was a blank check to the Governors: You can't trust the Governors—the same rhetoric that we heard for the last week.

If you compare block grants, the Educational Opportunities Act has more accountability than any of the existing title I programs or any of the existing Elementary and Secondary Education Act programs because we require the testing. We require the States to say what they are going to do and how they are going to do it and then demonstrate that they, in fact, have done it. That is what has been lacking under the existing program.

As Senator KENNEDY said, "We are not prepared, with the scarce resources here, to try to turn that over to the Governors one more time and expect they are going to do the job. No."

I can't reach his volume level when he said, "No."

But he said, "We are going to insist that there will be incentives and disincentives for performance. That is what we do."

Throughout this debate we have heard, "We don't trust the Governors. You can't trust the Governors."

I remind my distinguished colleagues that the same people who elected us to the Senate elected those Governors to serve the same people. They are every bit as accountable to their constituents as we are accountable to our constituents. Yet it has been a recurring theme: Do not trust the State: Do not trust the Governors; They won't have the most vulnerable in their States in their concerns and in the programs that they put forward.

I reject that. Then he said, "We are going to downsize." He said, "We are going to insist that there will be incentives and disincentives for performance."

Where in the Democratic proposal are there incentives and disincentives? Their proposals are for new teachers and for school construction and contain no requirements that student achievement must increase—none.

If we want to talk about incentives for performance, and if we want to talk about disincentives, look at what the Republicans have proposed in our Straight A's plan and in our performance contracts and agreements because in that you find real requirements concerning student achievements and student elevation in academic performance.

Then Senator **KENNEDY** said, "Under Straight A's, the State could demonstrate statewide overall progress based on progress being made by wealthier communities, while a lack of progress in disadvantaged communities remains statistically hidden."

The irony of that criticism of the Republican bill is that is what can happen under the current system where the performance of the disadvantaged is hidden by aggregating the scores and concealing those who are supposed to be targeted—those children we are supposed to be helping the most—concealing those in the overall scores.

I think this is a very misleading charge against the Republican proposal.

Straight A's requires each participating State and local school to report data by each major racial and ethnic group, gender, English proficiency, status, migrant status, and by economically disadvantaged student as compared to students who are not economically disadvantaged.

That language in our bill prevents what Senator **KENNEDY** expressed from ever taking place. In fact, we are going to know much more about whether we are really helping the disadvantaged under the Straight A's proposal.

Then Senator **KENNEDY** said this last week: "We are still finding out that of the more than 50,000 teachers who were hired this past year, the majority of those serving in high-poverty areas are not fully qualified."

I will accept Senator **KENNEDY**'s statement as being accurate. But it raises in my mind this question: Why then are Democrats proposing their Class Size Reduction Program if in fact it has led to the hiring of unqualified teachers?

The evidence is that as much as we would all like to see school class sizes reduced, and while that is a desirable goal, one of the unintended consequences in Class Size Reduction Programs around the Nation has been that it has resulted in unqualified teachers filling slots that have been opened up, and those who have been harmed the most are those who are in schools with a high percentage of disadvantaged students. That is the tragedy of it. That is acknowledged by Senator **KENNEDY**'s statement.

He has repeatedly said only 7 percent of the funds come from the Federal Government. Then he suggests, because it is a relatively small portion of the local school districts' funding base and their budget, we cannot expect whatever we do up here will have too much of an impact upon local school policy.

If, in fact, our influence over local schools and the States were proportionate to our funding about 7 percent, I would not be too concerned, either. The reality is, though, we provide only 7 percent of the funding; we provide a much higher level of the mandates under which the local schools are laboring. It has been estimated we provide 50 percent of the paperwork that is required of the local schoolteachers for the 7 percent of funding.

To diminish the importance of the debate because it is only 7 percent of the funding misses the point. The State of Florida takes six times as many personnel to implement a Federal education dollar as it takes to implement a State education dollar. I suspect that figure is typical across the Nation.

Senator **MURRAY** made this statement regarding the Abraham teacher testing and merit pay amendment:

> It requires testing, and there is no money. That money will have to come from somewhere in the districts. The districts will not have the money, and likely they will require the teachers themselves to pay for it. That has been the practice in the past.

First, the Abraham amendment only made teacher testing and merit pay an option. They are in no way required to implement it.

Speaking of unfunded mandates on the districts, what about the class size reduction mandate? What happens at the end of that program? I have raised that concern. When the authorization for the Class Size Reduction Program ends, don't the schools then have to pick up the tab for a program that they did not start?

Senator **DODD** made this comment last week about the Abraham teacher testing merit pay amendment which added teacher testing and merit pay to the list of optional uses of funds. Senator **DODD** said:

> What works best is a decision that ought to be left to the local communities. For the Senate to go on record to decide what will work best in the 50 States is in direct contradiction to the arguments I hear being made in support of the underlying bill, and that is: We do not know what we are doing here; we ought to leave this up to the local governments. Now we are going to decide, apparently, that teachers ought to get a pay increase rather than leaving that decision to the local level. It seems they have it backwards. Those decisions are best left at the local level.

It takes my breath away. Amazing. Since the Democrats' proposal for teachers mandates separate funding streams, they mandate separate funding streams for professional development, alternative certification, teacher recruitment, and mentoring, separate funding for all of those, school districts must do each of these or they don't get any of their funding. Our proposal only adds teacher testing and merit pay to a list of allowable uses of funds. It is absolutely consistent with our belief in local control. It is an option. If we ought to leave this up to the local government, as Senator **DODD** says, then why does the Democratic proposal provide repeated mandates on how to spend the money?

Senator **KENNEDY** also said in the debate last week in his continual theme that the Republican bill lacks accountability:

> We asked our good friends on the other side how their bill is going to solve the issue of accountability. They cannot do it. We have been challenging them since the beginning of the debate. They cannot do it. We can.

I remind my colleagues of the one single example I left before the Senate that I think is illustrative of the problem and the current system and lack of accountability in the current system: Holly Grove. Or think in your mind's eye of the pictures of treadmills, Nautilus equipment, StairMasters, and $239,000 in a Federal grant that could not be spent for computers, for textbooks, for renovating a falling down building, a dilapidated school building, could not be spent in those ways, but could be spent on expensive exercise equipment when what was needed was improving the school facility.

Senator **KENNEDY** would dare to say that the current system provides accountability. I suggest when we tell the Governors they have to sign a contract with the Federal Department of Education to state what they are going to do, how they are going to do it, how they will accomplish it, when they will achieve it, require testing the students, require breaking down the test scores and show how every subgroup is performing and whether, in fact, the gap is being closed, I suggest that is far greater accountability than the current system of categorical agreements that can be misused and used in inappropriate ways.

Senator KENNEDY said last week:

> I hope our friends on the other side of the aisle are going to spare us a lot of discussion about local control and parental involvement because it just isn't there, it just isn't there.

We are not going to spare you; we are going to continue to talk about local control. We will continue to talk about parental involvement. That is the key to education in the country and the key to making significant and meaningful education reforms.

When Senator KENNEDY says it just isn't there, first of all, there have been a number of speakers, and I will allude to their statements later, who acknowledged parental control is at the core of the Republican bill. Aside from that, I simply point out two things. The portability provisions provide the ultimate in parental control. If parents are unhappy with the services the school is providing their child with Federal money, they can use that Federal money to improve their child's education in the way they best see fit. That is very consistent with parental control.

I also point out the provisional public school choice where a failing school that has been deemed failing, failing and failing, given years of opportunity to improve and they still don't improve, there is an exit, a way out. No disadvantaged child ought to be locked to a failing school and consigned forever throughout their educational experience to a school that is failing them. They shouldn't be required to do that. We show them a way out.

I quote Senator MURRAY from last week:

> I am looking at language of the bill. It says . . . that a parent directs that the services be provided through a tutorial assistance provider. It is not directed by the school but is directed by the parent. I think that is one of the underlying flaws and concerns that we have . . . frankly, the parent is in control.

I wish I had another chart showing Senator KENNEDY saying that the parental involvement is not there. Senator MURRAY said, ". . . frankly, the parent is in control," under the Republican plan.

Senator MURRAY is right. That is not bad. That is not something to fear, the fact that we increase parental involvement. Since when did parental control become a bad thing? It is part of the problem, that parents have too few choices when their child is forced to remain in a failing school.

I have heard repeatedly, and I am paraphrasing, but this has been the message from the other side: We don't trust the Governors; we don't trust the local educators; we don't trust the parents. We just trust ourselves. We can make the decisions. We are the 100 Members of Senate, the super school board for America. Let us make the decisions; let us prescribe the formulas.

That is what we have done for 35 years. If we want to stick with that formula, that failed formula, then the status quo is the way to go on and the Democratic counterproposal is the way to go. I think America says no. Our children deserve better, American families deserve better, and we can do better by American education under the Educational Opportunities Act.

I commend Senator REID last week with one last quote from the other side of the aisle. Senator REID, the assistant minority leader, said:

> One of the things I have tried to do following the direction of the minority leader, in consultation with the majority leader, is to keep this debate on this education bill on education. We have worked very hard to keep other matters off this bill, Patient's Bill of Rights, prescription drug and minimum wage.

I commend Senator REID. I think that is the right approach. I am pleased we went through the first week of this debate without having extraneous amendments, nongermane amendments. I hope that will continue to be the case as we go through this second week of the most important debate we will have in the Senate during this Congress.

Rather than kill the pending education bill by offering irrelevant amendments, I ask my colleagues to complete the work we have been so successful debating for the past week. We have the chance to help millions of American students overcome illiteracy, to cite U.S. history, to master basic mathematical skills. Let's do our jobs and not fail these kids. Let's not put politics above American education and student achievement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that all pending amendments be temporarily laid aside, and it be in order for Senator Collins to call up her amendment, re: Straight A's, which is filed, amendment No. 3104.

I further ask unanimous consent that there be up to 10 minutes for debate on the Collins amendment, to be equally divided in the usual form, and following the use or yielding back of time, the amendment be agreed to and the motion to reconsider be laid upon the table, and the Senate resume the pending question, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 3104

(Purpose: To modify the list of eligible programs that may be subject to a performance partnership agreement)

Ms. COLLINS. Mr. President, I call up amendment No. 3104, which is pending at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 3104.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 657, strike lines 6 through 8.

Ms. COLLINS. Mr. President, let me express my very sincere appreciation to the chairman of the committee and the ranking minority member for their cooperation in accommodating my amendment this evening. I am very grateful for their efforts.

My amendment is very straightforward. It simply removes the Perkins Act from the programs listed under the Straight A's proposal that is in this legislation.

I am a strong supporter of the Straight A's approach, but the Perkins Act simply does not belong in Straight A's, and I believe it was probably included as an oversight. There are three reasons why the Perkins Act should be separated from Straight A's.

First of all, the Perkins Act, which funds vocational education, is simply not part of the Elementary and Secondary Education Act. It is not part of the programs that we are reauthorizing. In Maine, and in many other States, secondary vocational education is operated on a parallel, independent system. In Maine, there are even restrictions on the ability of an academic high school to offer vocational education. Moreover, the Perkins Act and the ESEA have very different specific objectives, and they are not easily merged together.

The second reason is the Perkins Act authorizes programs at both the secondary and the postsecondary levels. Each State decides how to allocate its Perkins grant. In fact, 56 percent of Perkins funds go for postsecondary education, and in at least one State, all of the Perkins funds are used for postsecondary education.

In my State, the funds are allocated equally to secondary and postsecondary education, with the requirement that vocational high schools and technical colleges allocate 30 percent of their funding to training programs operated by the Maine adult education system.

The third reason is the Perkins Act was written to be part of the national workforce development efforts and is designed to coordinate it with provisions of the Workforce Investment Act, which the Senate successfully passed in 1998. If we pull out the Perkins Act funding, we will allow the intentions of Congress in redesigning the Workforce Investment Act to go forward.

In short, the Perkins Act does not belong in this legislation. It makes sense for us to take out the Perkins Act from the list of programs under Straight A's. It is not part of the ESEA, and as it is used, at least 56 percent of the funds under the Perkins Act do not go to secondary schools but, rather, to postsecondary schools.

I thank the chairman and ranking minority member for their cooperation in this effort and particularly for accommodating this amendment this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the good Senator from Maine and our chairman of the committee for urging the Senate to accept this amendment. I join with her in making that recommendation.

In 1998, with the reauthorization of the Perkins Act, we made improvements in the coordination of vocational education, adult education and job training. We did this in a bipartisan way with Senator JEFFORDS and Senator DEWINE. We took valuable lessons that we learned from the school-to-work program, emphasizing the importance of partnerships between education and business.

Unfortunately, the school-to-work legislation is not being considered for reauthorization. I hope that my colleague will work with me to make sure this important program finds a way to exist in ESEA.

What we have found is the importance of integrating academic skills with state of the art career and technical skills. Every child should graduate from high school with the academic credentials necessary to give him or her a wide variety of career choices within a given industry. Children should be able to choose to go on to post-secondary education or directly enter the workforce, with a competitive edge. So there have been, as she pointed out, very important and significant changes in these vocational and professional schools. I think we are at a place where they are offering great opportunities for young people in an economic climate of higher academic challenge and higher skill challenge. I think the value of her amendment is it is going to complete the process rather than undermine it, which I think was one of the principal dangers of having it as a block grant.

I thank the Senator. We in Massachusetts, as in Maine, as in other States in New England, place a very high value on these training programs and academic programs. They have been a lifeline to many of our communities and to our economy over a very long period of time. Nothing is more dramatic of an example than the ability to channel our career and vocational education students directly into high skill, high wage jobs in industry. They are enormously important and they do good work and their work will be enhanced because of the Senator.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join in commending the Senator from Maine for this amendment. It certainly removes a serious problem I had in the bill. We have removed that from the bill, and it will be very helpful in making sure our vocational education programs can do the best possible for our young people. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my two colleagues for their kind comments and for agreeing to accept this amendment. I think it is very important to the future of vocational education, which, as the Senator from Massachusetts points out, is so important to so many students and so many adults in this country, and particularly in our section of the country, in New England.

With that, I yield the remainder of my time and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield the remainder of our time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3104) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I think we are close to concluding this evening's presentation. I just told the Senator from Massachusetts I think Senator GORTON has a comment or two to make. He should be here shortly.

There is some effort underway to have a vote on the Gregg amendment tomorrow between, say, noon and 2:15, if this is ultimately agreed to on both sides. The Lieberman amendment, it is hoped, could be voted on in the same timeframe, but we do not know that yet. There are some negotiations on the other side. This should clarify itself in the early evening here.

I thought I would take just a moment, while we are waiting for Senator GORTON, to talk about the amendment for which we are next going to vote, and that is the Lott-Gregg amendment, the Teachers Bill of Rights, and of which the ranking member on the committee, Senator KENNEDY of Massachusetts, has indicated there will be broad acceptance, even though it will be a rollcall vote.

The amendment amends title II of S. 2 to ensure that States and local communities are able to use their portion of the $2 billion to hire highly qualified teachers to address the teacher quality shortage facing this country. It adds a strong accountability component. School districts must show they have increased student achievement with the percentage of classes in core academic subjects that are taught by highly qualified teachers. It authorizes a new, up to $350 million recruitment program. This language was inserted by Senator KAY BAILEY HUTCHISON of Texas, Senator FRIST of Tennessee, and Senator CRAPO of Idaho. It encourages midcareer professionals and outstanding college graduates to take teaching positions in tiny public schools and rural schools.

It includes the language I discussed at some length earlier this afternoon to protect teachers from frivolous lawsuits so they are not inhibited from doing the job they are supposed to do in school, that is, if they see a problem they avoid it or are silent about it because they are afraid they are going to be the subject, as I said, of a frivolous lawsuit.

This is a brief overview of the Teachers' Bill of Rights, the Teacher Empowerment Act as it has been referred to in the past. It authorizes $2 billion a year for States and local districts to enable them to develop a rigorous, professional development program. Federal dollars can only be used on professional development programs that increase teacher knowledge and are directly related to the curriculum and subject area in which the teacher provides instruction.

It enables them to retain, recruit, train, and hire highly qualified teachers and to hire teachers to reduce class size, which has, of course, been a goal of the other side of the aisle, and the President. It enables them to assist innovative teacher reforms aimed at increasing teacher quality, including mentoring and master teachers. The Senator from Massachusetts talked about mentoring earlier today. Studies and teacher polls have found that hiring master teachers who mentor new teachers improves both teacher quality and the likelihood that new teachers will stay and thrive at the school.

It enables them to provide merit pay and teacher testing and alternative certification programs. These are programs that provide opportunities for experienced professionals from other fields to enter teaching. It enables them to provide teacher opportunity payments, funds that go directly to teachers so they can choose their own professional development. Teachers could select to use their payment at a university that has a reputation for intensive professional development programs in math and science.

It incorporates the language of Senator GREGG of New Hampshire dealing with teacher quality provisions that are included in this amendment, including addressing teacher shortages.

Due to rising enrollments, many school districts are having difficulty filling hundreds of teacher slots, and of those teachers already in the classroom, many lack the skills and knowledge to be effective teachers. Earlier, Senator KENNEDY had very interesting data that demonstrates this problem. The amendment clarifies that States and school districts are permitted to not only use the money to hire teachers to reduce class size but to also use the money to hire teachers to address the shortage of high-quality teachers. If a school district wishes to use these dollars to hire a teacher, they should have the freedom to hire teachers to reduce their class size or to address the shortage of high-quality teachers.

It includes compulsory language relating to class size, which exacerbates the shortage of high-quality teachers, in our view.

Requiring smaller class sizes would only exacerbate the teacher shortage because it forces school districts to hire more teachers when they are already having enough trouble hiring teachers for the classes they already offer.

During the next decade, enrollment growth and higher teacher attrition rates mean many districts will have the need for more teachers, obviously. Yet the real shortage in our country is not so much in the number of teachers as it is in getting qualified teachers to work in the classroom, especially in hard-to-serve areas, such as inner cities and rural schools.

That reminds me, during the debate on the education savings account, which was a tool this Congress passed at least two or three times and is yet to get past the President—but during that debate, Senator BYRD of West Virginia came to the floor. He ultimately supported the education savings account. He said—and I am paraphrasing it; I hope I am correct; Senator BYRD is pretty much a stickler for being correct—but he indicated he voted historically for all the funding measures over the last 30 years and he was not all that happy with what has happened and he was ready to try some new ideas.

The telling thing about his commentary to the Senate that day, in my judgment, was to describe where he went to school. I do not believe anybody would argue Senator BYRD is among the most capable, intellectual in the Senate. When he took us back to his schoolroom, it was a remarkable story.

He was educated in a one-room school for much of his early training. It had no heat and no air-conditioning. The plumbing was outside. It had a bucket of water which was the potable water—that was the drinking water—and a ladle. Yet that environment produced one of the most competent, intellectual Members of the Senate. It is something we should all remember. He obviously had a quality teacher. He was educated in those circumstances and went on to become one of our more famous Members of the Senate.

I repeat that during the next decade enrollment growth and higher teacher attrition rates mean many districts will have the need for more teachers. Yet the real shortage in our country is not so much in the number of teachers as it is in getting qualified teachers to work in the classroom, especially in hard-to-serve areas, such as inner cities and rural schools.

Many teachers lack the necessary skills and knowledge to be a high-quality teacher. More than 25 percent of new teachers in our Nation's schools are poorly qualified to teach. Studies have shown the mastery of the subject is the most tangible measure of teacher quality. Many teachers lack either a major or minor in the subject in which they are teaching.

One-third of all secondary school teachers, grades 7 through 12, who teach math have neither a major nor a minor in math or a related field; 25 percent of all secondary school teachers who teach English lack a major or minor in English or a related field; more than half of all physical science teachers did not major or minor in any physical science; and more than half of all history teachers neither majored nor minored in history.

The shortages are even more troubling in inner-city schools where students only have a 50–50 chance of being taught by a quality teacher. In high schools where more than 49 percent of the students qualify for free lunch, which are classified as high-poverty schools, 40 percent of all classes in those high-poverty schools are taught by underqualified math teachers. In more affluent schools, only 28 percent of the math classes are taught by unqualified math teachers.

I do not think either number is very impressive—the fact that nearly one out of three math classes taught in our more affluent schools can only muster two-thirds of the teachers who have the qualifications to teach the subject and that rises to nearly half in inner-city schools.

Nearly one-third of all English classes in high-poverty schools are taught by underqualified teachers.

The sad fact is that this amendment actually worsens the shortage of high-quality teachers.

I will move on to accountability. The second half of the Gregg provision in this amendment adds a strong accountability piece. The amendment stipulates that States are to monitor the progress of school districts in increasing both student achievement and the number of classes taught by high-quality teachers. If the school district fails to make progress after 3 years, the State is authorized to take control of the teacher dollars and use those funds on rigorous professional development, teacher reforms, such as merit pay, or other teacher initiatives to ensure student achievement increases and the number of high-quality teachers increases.

We do not prescribe a Federal ratio as to how much school districts must spend on recruitment versus how much to spend on professional development. We let States and districts set their own priorities. We do not focus on input measures—how much money is spent on what. Rather, we focus on outcomes and outcomes alone—student achievement and teacher quality. This accountability amendment ensures States and school districts will be held accountable for increasing student achievement and the number of high-quality teachers.

The recruitment provisions include in this amendment a section developed by Senators HUTCHISON of Texas, FRIST of Tennessee, and CRAPO of Idaho, which focuses on the need to recruit excellent teachers from other professions and from among our outstanding college graduates. Recruiting qualified people from other walks of life to enter the teaching profession will dramatically improve the quality of our teaching pool.

I outlined earlier the significant number of teachers teaching outside their subject area in schools throughout our country. The recruitment provisions in this amendment address the serious problem of underqualified teachers by attracting qualified teachers to step in and meet the needs. This amendment gives teacher quality the attention we believe it deserves.

I am pleased the other side of the aisle is amenable to the amendment.

I yield the floor so the Senator from Massachusetts can make his closing remarks, and then I believe we are getting close to coming to an end.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we took a valuable and useful step a few moments ago when we preserved the vocational education legislation outside of the block grant, the basic Perkins program, which affects some 6 million children in the K–12 and some 3 million students in post-secondary programs.

I intend to offer an amendment on teacher quality tomorrow. I have spoken on it this afternoon.

Before this legislation is finished, there will be efforts made by members of our committee to also exclude the block granting of the Migrant Education Program and the homeless programs. I will take a moment to mention what the current situation is with regard to the Migrant Education Program.

The Migrant Education Program provides financial assistance to State educational agencies to establish and improve programs of education for children of migratory farm workers that enable them to meet the same academic standards as other children. To help achieve this objective, program services help migrant children overcome the educational disruption and other problems that result from repeated moves. Program funds also promote coordination of needed services across the States. The most recent data reported by States indicate more than 750,000 migrant children are eligible for services.

The Federal Migrant Education Program is the only ongoing source of support for these highly mobile migrant children. The poverty and mobility, and often limited English proficiency, characteristics of the migrant student population combine to make demands for educational services go well beyond the services traditionally supported under State and local education budgets.

No State currently provides ongoing funding for migrant programs to help these children. We are wiping out the Federal commitment. For example, the Migrant Education Program supports supplementary instruction in core academic subjects, beyond which title I typically provides, often provided outside the regular schoolday and in the summer designed to address the special educational needs of children who move and are out of school frequently.

Without these funds, many highly mobile migrant children may attend school sporadically throughout the year or not attend school at all. Without the funds, the local education groups are unlikely to provide the normal range of services to children who attend their schools for brief periods of time, or go out to find and enroll migrant children outside of normal school enrollment procedures, or grapple with either the school interruption problems faced by migrant children or their needs for special summer programs.

Without this program, States and the local educational authorities would have little incentive to identify and serve migrant children, who cross school districts and/or State boundaries.

No single local educational agency, and, in many cases, no single State, is responsible for the education of a migrant child. No single local educational agency, and, in many cases, no single State, provides educational services to a migrant child during a single year.

The Migrant Education Program encourages and supports collaborative efforts and interventions across State lines to accommodate the needs of migrant children.

The Migrant Education Program provides support services that link migrant children and their families to community services. For example, during the regular school year, almost half of migrant students receive social work/outreach services, about 30 percent receive guidance and counseling, and almost a fourth receive health services under the Migrant Education Program.

Effectively, the point is that certainly at the national level we are dropping the commitment to try to do something about all of these children.

With regard to the homeless children, nationally there were 625,000 school age children identified as homeless during the 1997–1998 school year. Without separate funding for this national program, it is unlikely that significant numbers of these children and their unique problems will be addressed. They have higher than average rates of poor health, anxiety, depression, withdrawal, delinquency, aggressive behavior, learning disabilities, and suicides. Those problems will not be addressed. Through participation in the existing program, the States are focusing on reducing the barriers homeless children face in enrolling in and attending school on a regular basis.

Because of national leadership, almost all the States have revised their laws. Almost all the States revised their laws, regulations, and policies to improve the access to education for homeless students. Twenty-seven States changed their residency laws or regulations. Otherwise, the children would not be able to be eligible. Almost all State coordinators report either that all the students can enroll without school records—that previously stopped children from being able to participate in the schools—or that they have made special allowances to expedite their record transfers. Thirty-five States eliminated the barriers of immunization and guardianship requirements, otherwise some homeless children would be prohibited from participating in services.

These are enormously vulnerable children. There is absolutely no reason or justification to eliminate these programs, block grant them, and send them to the States. The States have not responded to this population's unique needs.

In the absence of the homeless program, I think States would not have the resources to employ a State coordinator for homeless children and youth, a position that is responsible for ensuring that homeless children and youth have access to a free, appropriate public education.

Without the homeless program, the local educational authorities that rely on Federal funds to provide services to homeless children would have to find funds in their own operating budgets, which are already overextended, or stop providing supplemental services to these children, who are among the neediest.

Last year, we provided $29 million for the education of homeless children. That is going to be eliminated. These funds most likely will not be made up by the States. These children are going to be ill served. It is basically and fundamentally wrong. I think we are going to be abdicating our responsibilities if we do not target some resources to what I think has been an effective program.

We have had some hearings on this problem in the past. People have just been extraordinary in how committed and dedicated they have been and how they have stretched scarce resources to make a real difference in children's lives.

We in this body rarely go a day when someone isn't talking about our future being our children and our responsibility to them. We ought to understand what we are doing to the most vulnerable children in our society, the poorest children, the homeless children, the migrant children, the immigrant children, and others in failing to guarantee their protection. I take strong exception. And I will offer an amendment, with others. Others have offered an amendment to restore those programs. I look forward to that. Hopefully, we will have an opportunity to address that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the subject before the Senate this afternoon, and until the vote is taken on it tomorrow, is the Lott-Gregg amendment to the Teacher Empowerment Act section of this bill.

The Teacher Empowerment Act itself is quite significant in a number of ways, primarily in focusing on increased teacher quality across the United States of America but, at the same time, allowing a maximum degree of flexibility in local choices with respect to how that teacher quality is, in fact, enhanced.

It provides a significant amount of money for teacher training that can also be used for increasing the number of teachers, for increasing the competition of those teachers most prized by our school districts across the country. For with the amendment that is added today—with the recruiting of people in midcareer from other professions, who will be quality teachers of particular subjects—it will provide a degree of protection against frivolous lawsuits when teachers or administrators or school authorities have taken actions that will protect the safety and security of students in classrooms and of the faculty and administration of the schools themselves. We literally have faced the situation in which actions taken in good faith, and for valid reasons, have subjected teachers and administrators to frivolous lawsuits brought by lawyers for highly disruptive and destructive students.

It does seem to me that the specific amendment on which we are going to vote will be effective in providing that kind of protection, providing a modest program to recruit quality people in midcareers into teaching, and to assure that the $2 billion authorization for teacher quality can be used in a widely significant fashion for increasing the quality of teaching, not only the quantity, though that is there, but the quality of teaching in our public schools.

The accountability, in this case, again, is going to be a student accountability. Are the results positive, from the perspective of student achievement in our schools? In that respect, of course, both the amendment that is before us at the present time and the portion of the bill to which the amendment applies are consistent with the overall philosophy of the bill, a philosophy that is perhaps summarized best by saying that after 35 years of procedural accountability—that is to say, proving that money was used for the precise purposes for which the authorization was directed, with a seeming total indifference to whether or not student achievement improved, a procedural accountability which was satisfied by filling out forms correctly and by having clean audits—now it is to be succeeded by a performance accountability, accountability that says, after all, that we aim our assistance to public education across the United States of America to see to it that our students themselves are better educated; that their test results in the multitude of achievement tests being developed across the United States show actual progress; that this is the accountability we wish; that this is the accountability that is found in Straight A's; that this is the kind of accountability that is found in the Teacher Enhancement Act in this bill; and that this is the goal of these amendments today.

We have a curious debate on the other side, one speaking about the successes of title I, a title with which all the goodwill in the world has not reduced the disparity between its beneficiaries and other students in the extended period of time; a position that says the status quo is to be protected at all costs; and a position that says parental control and influence over public education is something to be feared.

We on this side of the aisle have every hope that the rather dramatic change from procedural accountability to performance accountability will result in a true improvement in the quality of education being given to our schoolchildren as measured by their actual achievement. That is, in fact, our goal.

Having said that, I should also say there are at least some signs during this second week of debate over the Elementary and Secondary Education Act that we may be able to reach across the political divide and find a way to satisfy a substantial number of members of both parties in a way consistent with the precise goals I have outlined here with the proposition that we need to encourage innovation, that we need to encourage parental involvement, and that we need to provide a degree of trust and confidence in those men and women across the United States who have devoted their lives and their professional careers to the education of our children, together with those who volunteer for the slings and arrows of political campaigns and run for office as school board members—that perhaps all wisdom with respect to education policy does not preside in this body and in the Department of Education down the street; that perhaps those who know our children's names may very well know best what priorities should be funded in 17,000 different school districts with 17,000 different types of challenges across the United States.

The amendment before us at the present time leads us in that direction. The Teachers Enhancement Act that is a part of this bill leads us in that direction. Straight A's leads us in that direction. I hope we will soon have a proposal involving some reason from both sides of the political aisle in this body that will lead us in that direction as well.

At the present time, however, I commend to my colleagues the Lott-Gregg amendment. I think it improves an already very first-rate bill—the product of a tremendous amount of work on the part of the Committee on Health, Education, Labor, and Pensions, one of the best pieces of working proposals in this body and by one of its committees in an extended period of time.

I have a far greater hope today than I did 2 or 3 weeks ago that this body may actually not only begin a debate on education but may conclude a debate on education with a successful vote, and at the very least send this thoughtful bill, slightly amended, to a conference committee, and one hopes from that conference committee to the President of the United States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Washington for his usual eloquence, as well as for his understanding and perception of the education problems in this country.

I would like to speak about other areas I think are important. We must look closely at these two areas during consideration of this legislation.

We are talking today about the need for improving the quality of teacher education and further improvements in the legislation before us for that purpose. I think we will find that we have reached agreement on that. One of the most critical parts of the equation in improving education is ensuring classrooms are led by quality teachers.

I am a member of the Goals 2000 panel. Here we are already in 2000 and we haven't reached these important education goals. I want to share with you some of the concerns about some of the areas in education where we need improvement, and what we intend to do through amendments to try to move us forward in these most critical education areas.

We received notice in 1983. President Ronald Reagan called on the Secretary of Education to convene a panel to examine the quality of education in our Nation. It was very tersely stated in a phrase that says it all, if a foreign nation had imposed upon us the educational system that we had in the country especially our elementary and secondary education, it would be considered an act of war.

Since 1983, we have seen measurable improvement across this Nation in reaching the goals that we set at that time. This bill provides us with an opportunity to reevaluate where we are. It is the year 2000 and we have not achieved many of our most important and pressing educational goals.

Still, we have learned a great deal since that time about the area of huge need in this Nation involving preschool children—the 0 to 3, or 0 to 5 age group, depending on what you want to talk about. These are problems that are created when the parents do not take a leadership role in educating the children. Often times, sadly, it is because they don't have a strong educational backgroud themselves. Some are illiterate and do not have the tools to help their children as they grow up to enter school ready to learn.

The amendment that will be offered by Senator STEVENS and myself, and others will, on a voluntary basis—I want to emphasize over and over again that it is a voluntary basis—to provide information for parents, information for child care providers, and information to schools to ensure that as a child grows, they all have the basic educational opportunities to learn to read and achieve academically. The successful passage of this amendment will make sure that we take care of those children who currently do not have that kind of assistance and educational support in a variety of ways. It is a critical issue that must be addressed.

Some years ago, studies were done on the impact to the growth and development of a child's brain. A comparison was done between the brain of a child who received attention, support, nurturing and good care, and one who unfortunately, like too many, had little or no real nurturing as children. The brain of the well-developed child who had all the nurturing necessary was what we would like to see—a large healthy brain. For comparison, they showed you one of an old man in his eighties or nineties which was shriveled up and shrunk. The other picture was the brain of a child that was not nurtured and did not receive the care that a normal child should receive from a parent. That child's brain was just as shriveled up as the old man's. That is what can happen to a baby, a very young person that does not receive the care, attention and nurturing at home that it should.

We will have an amendment which will assist us in understanding that, and which will make sure that throughout that period of time, in a voluntary way, the information will be available.

I ask unanimous consent that the document explaining the Early Learning Opportunities Act amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARLY LEARNING OPPORTUNITIES ACT AMENDMENT

PURPOSE

The purpose of this amendment is to increase the availability of voluntary programs, services, and activities that support early childhood education and promote school readiness of young children (age birth to 6) by helping parents, caretakers, child care providers, and educators who desire to incorporate appropriate developmental activities into the daily lives of pre-school age children, and to facilitate broader involvement of the community to develop a cohesive network of early learning opportunities. The Secretary of HHS is responsible for administering this initiative in collaboration with the Secretary of Education.

COORDINATION OF FEDERAL PROGRAMS

The legislation requires and provides the authority to the Secretaries of the Department of Health and Human Services and Education to develop effective mechanisms to resolve conflicts between early learning programs and remove barriers to the creation of a community-driven, unified system of services, activities, and programs for young children and their families.

PRESERVING PARENTAL RIGHTS AND ROLES

While the legislation focuses on providing more opportunities for parents to participate in activities designed to promote early learning, it is essential that participation be voluntary. The bill clearly states that parents are not required to participate in any programs, services or activities funded under this part and reinforces that parents are their child's first and most effective teacher.

FEDERAL FUNDING

$3.25 billion over three years for a discretionary grant program to the states; $750,000,000 in the first year, increasing to $1 billion in the second year and $1.5 billion in year 3.

GRANTS TO STATES

The federal share is 85% for the first two years of the grant, decreasing to 80% in the second and third years, and to 75% for the remainder of the initiative. There is a broad definition of how states can meet the match requirements including cash or in-kind facilities, equipment or services. The funds are allocated to the states based equally on the population of children aged 4 or under and the number of children aged 4 or under who are living in poverty. There is a small state minimum of .4% and a 1% set-aside for Indian Tribes, Native Alaskans, Hawaii Natives, and the Outlying areas. States are not permitted to use the funds to supplant existing funding for child care, Head Start, and other early learning programs.

LIMIT ON ADMINISTRATIVE COSTS

Administrative costs are limited for both the Department of Health and Human Services (3%) and the States (2% for state-level coordination of services, 2% for administrative costs, and 3% for training/technical assistance/wage incentives).

STATE ELIGIBILITY

To receive a grant allotment, States must submit an application, designate a lead entity, ensure that funds are distributed on a competitive basis throughout the state, ensure that a broad array/variety of early learning programs, activities, and services receive funds and develop mechanisms to ensure compliance with the requirement of the initiative. States also are required to develop performance goals based on an assessment of needs and available resources and annually report the State's progress towards meeting those goals.

AWARDING GRANT TO LOCALITIES

States must award grants consistent with the performance goals set by the State. To the maximum extent possible, states will ensure that a broad variety of early learning programs which provide a continuity of services across the age spectrum will be funded. The state must fund programs that help increase parenting skills, that provide direct activities for young children, as well as improve the skills of child care providers. Local Councils receiving funds will work with local educational agencies to identify cognitive, social, and developmental abilities which are expected to be mastered prior to a child entering school. Programs, services and activities funded under this initiative will represent developmentally appropriate steps to mastery of those abilities. Preference is given to grants which include services to areas of greatest need (as defined by the state), and to grants which increase local collaboration to maximize the use of existing resources. There is no definition of entities eligible to receive grants, in order to facilitate the broadest possible participation among local community resources.

USE OF FUNDS

Local Councils receiving funds from the State grant allotment will distribute the funds to community resources to:

(1) Help parents, care givers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotion, and motor skills and promote learning readiness in their young children;

(2) Promote effective parenting

(3) Enhance early childhood literacy

(4) Develop linkages among early learning programs within a community and between early learning programs and health care services for young children

(5) Increase access to early learning opportunities for young children with special needs, by facilitating coordination with other programs serving this population

(6) Increase access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of children served, or improving the affordability of the programs for low-income children; and

(7) Improve the quality of early learning programs through professional development and training activities, increase compensation, and recruitment and retention incentives, for early learning providers.

(8) Remove ancillary barriers to early learning, including transportation difficulties and absence of programs during non-traditional work times.

ACCOUNTABILITY

The State is primarily responsible for monitoring the use of funds by state grantees. If the State determines that the grantee is not complying with the requirements of the grant, the state must inform the grantee of the problems, provide training and technical assistance to help them correct the problems, and if that fails, terminate the grant.

AVAILABILITY OF FUNDS

The State has 3 years to expand the funds received under the State's allotment. Any unexpended funds will be used by HHS to fund research-based early learning demonstration projects.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote in relation to the Gregg amendment occur at 2:15 p.m. on Tuesday, May 9.

In addition, it would be my hope that by late morning tomorrow the Senate would be in a position to conduct a second vote to be scheduled following the 2:15 vote which will be relative to the Lieberman amendment. However, while that consent is being worked out, I ask unanimous consent that the next two first-degree amendments in order to S. 2 be the following, limited to relevant second degrees following a vote in relationship to the amendment.

The amendments are the Stevens-Jeffords amendment on early childhood investment, and the Kentucky amendment on teacher quality.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I have just been discussing the amendment which we just got unanimous consent to consider.

I would like to briefly discuss another amendment that I am hopeful that I will have an opportunity to offer this week. It addresses another significant educational problem we face in this nation.

As I said, on the goals panel we studied what is happening with our young people. It is telling when one considers those young people who end up incarcerated.

Eighty percent of the individuals incarcerated in jail in this country are school dropouts.

Consider those students that don't drop out. Far too many of our students who stay in high school are not receiving the kind of education they need to prepare them to enter the workforce.

Therefore, I will have an amendment that tackles these critically important problems. We must do what we can to make sure that young people stay in school and we must do what we can to ensure that students receive a relevant education in high school. Students graduating from high school must be literate. At the same time, we have got to strive for improvement in our high schools so that our nation's young people will have the skills they need to graduate and get a job.

Since 80 percent of people incarcerated in our institutions are school dropouts, it is essential we pay more attention to those young people as well. Those institutions must have the capacity to provide those completing their sentences with literacy skills and are job skills so that they can enter the workforce and not return to crime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I once again come before the Senate to discuss an often-overlooked population in our schools, talented and gifted students. It's time that we recognized the nearly three million students who are talented and gifted and provide them with the assistance they need.

For the past three years, I've been working to change the way people think about talented and gifted students. In order to do this, several destructive myths must be dispelled.

Currently, many schools operate under the false assumption that these students are just "extra-smart" and can fend for themselves with a little help. One such example of this faulty thinking is giving a talented and gifted third grader a fifth grade math textbook.

Students who display gifted qualities look at the world and think in a very different way from other pupils. Instead of thinking in a sequential or linear fashion like most students, they jump from one concept or idea to another. Specialized teaching and activities, designed for their thought process, will help these students excel.

In addition, these students often have problems fitting in socially because they are 'different' and suffer emotionally from peer rejection and stigmatization. Tragically, as a result, some talented and gifted students experience depression, eating disorders and high levels of anxiety. Some are also vulnerable to violence and antisocial behavior.

Another myth is that gifted and talented programs only help middle and upper-class white students. Talented and gifted students cover the entire spectrum in terms of race, background, geographical region, and economic status. In other words, gifted students can be found in every classroom.

Along with getting rid of false notions and stereotypes about gifted and talented students, we need to direct resources to these kids to ensure that they will have an educational program that fits their needs.

I would like to thank Senator JEFFORDS for his leadership and for including provisions to help talented and gifted students in the Educational Opportunities Act, S. 2. The provisions found in S. 2 are based on a bill I introduced as the Gifted and Talented Education Act, S. 505.

These provisions establish a program through which states can apply for grants in order to fashion their own talented and gifted programs. States can use the money for a number of activities such as teacher training, equipment, materials, and technology. Under this program, states have a great deal of leeway in determining how best to meet the needs of their students. It also ensures that 88 percent of these funds will go toward enhancing student learning, not administrative costs.

These talented and gifted student provisions fill a gap in current education policy. There is no federal directive to serve this student population. The only federal program dealing directly with talented and gifted education is the Jacob Javits Program. However, that program is directed toward research, not the students themselves.

Furthermore, there is a great deal of disparity between the programs available to meet the needs and quality teacher preparedness of talented and gifted students. While most states do have some kind of talented and gifted program, the programs are not uniform across school districts and grade levels.

I think all of us, regardless of party affiliation, agree that all students should get the education they need. While all students have the potential to make great contributions to society, the reality, Mr. President, is that talented and gifted students have the greatest potential to be either the leaders of tomorrow or a burden to society. These students will either put their talents to good use or they will direct their energy and gifts toward destructive, wasteful activities. It's important that we help to direct these students in a positive way.

As a fiscal conservative, I have always fought for the wise and efficient use of the public's money. Investing in our future leaders, artists, scientists, and law enforcement officials, among others, is the most sound investment we can make. Again, I applaud Senator JEFFORDS for including this important provision in the bill and I urge you to join us in making a commitment to our nation's talented and gifted students.

Mr. JEFFORDS. Will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. JEFFORDS. I thank the Senator for those pertinent and eloquent remarks.

I deeply appreciate the effort the Senator has gone to, making sure the talented and gifted program is improved to meet the goals for which it was intended. We have a tremendous opportunity now with modern technology to be able to link people up and broaden the availability of gifted and talented programs through the State and the country.

If we fail to do that, we will not be maximizing the opportunities we have to give these young people who are the best hope—in many cases, for leadership in the future—to be able to reach the goals they choose.

I thank the Senator for the excellent words and what he has given to this bill.

Mr. GRASSLEY. The Senator has expressed a perception that is very important. It is because of that perception that the Senator was able to include this in the bill.

Mr. LUGAR. Mr. President, I have an amendment to the Elementary and Secondary Education Act Reauthorization bill. My amendment would increase the authorization for the Comprehensive School Reform Program from $200 million to $500 million. I believe that there are few areas of this bill that can have a more positive impact on education in American than the Comprehensive School Reform Program.

Educators in this country are trying hard to improve the success of their schools. Teachers, administrators, and parents routinely organize and staff tutorial programs, remedial classes, after-school programs, and innumerable other initiatives designed to bolster school performance. But in most cases, achieving breakthrough results requires research-based reform that embraces innovation and instills discipline in both the children and the methods of the schools.

School-wide reform programs effectively implemented through the hard work of administrators, teachers, and parents have transformed many struggling schools. Unfortunately, some schools—especially poorer Title I schools—lack the means to pay for these programs. The Comprehensive School Reform Program, CSRP, was established three years ago to help public elementary or secondary schools pay for the initial costs of implementing comprehensive strategies for educational reform. Under CSRP, grants to individual schools are to be at least $50,000 per year (renewable up to three years), in addition to all other federal aid for which they may be eligible.

Schools that adopt comprehensive reform plans generally have searched the education landscape for effective methods. They have studied intensively the reform programs that have been developed by educators around the country. And they have chosen the program that they believe will produce the best results in their school.

Most schools that adopt a comprehensive reform plan do so based on two premises: first, that significantly improving the performance of their school demands a complete reorientation of its resources, methods, and culture; and second, that the reform plan should be based on a body of sound research and should have a proven record of success.

Many reform plans focus on reading, because it is the critical foundation for success in other subjects and in later grades. In most cases, the problems of a student who fails begin early. So must the solutions. We should start by ensuring that all students are able to read by the end of the third grade. Educators widely proclaim that this is a crucial goal. If students have not achieved this standard, they have a very hard time catching up in later grades. The inability to read well handicaps the rest of their studies, and their employment prospects later in life are greatly diminished. In Indiana, as many as a third of all students fall behind by the end of the third grade. Indiana's performance is not unusual—the entire country is failing to meet the challenge of educating all our children.

Mr. President, my first elective office was as a member of the Indianapolis Board of School Commissioners in the mid-1960s. At that time, our school board struggled with basic questions of improvements in educational standards, desegregation of schools, and getting children proper nutrition and immunizations. Since that time, as a mayor and as a Senator, I have followed closely the development of education in America. In some areas we have done well. In other areas, our progress has been disappointing.

But during that time, few developments have encouraged me as much as the advances in comprehensive school reform. There are many reform programs achieving positive results. But to illustrate the concept, I would like to describe one in particular. This is "Success for All," which was developed by Dr. Robert Slavin at Johns Hopkins University in Baltimore. Success for All is a great idea that has proven its value in many schools across the country, including 13 in Indiana.

Reading is serious business at a Success for All school. For 90 minutes each day, students are grouped by their reading ability rather than their grade level. This allows students who excel at reading to progress at their own rate, while ensuring that students who fall behind will receive intensive attention to stimulate their progress. To set the tone and importance of the reading period, students proceed silently and purposefully through the hall to their reading group classroom.

Once the period begins, there is a rapid-fire of sequential lessons. Each segment is short enough to maintain the interest and attention of even the most distracted student. The lessons are fun but rigorously structured. Teachers read a story. Then students are involved in reading the words to the story in unison, discussing the story with a partner, then answering questions to test comprehension. At the completion of a successful lesson segment, students choose one of many group cheers. This positive reinforcement both encourages children, and fosters group cooperation.

During the reading period, every staff person in the school is involved in reading. The art teacher or gym teacher may be tutors, for example. Parents also agree to have their children read to them for 20 minutes each night. If this doesn't happen, adults are available to work with the students during the morning school breakfast period.

Because Success for All depends on the commitment of the entire faculty and because it requires such a fundamental change in the way a school operates, Dr. Slavin requires that at least 80 percent of the faculty must approve Success for All by secret ballot.

The discipline and accountability of the program greatly reduce the possibility that students will fail. If a student falls behind, tutoring sessions are set up to get the student caught up. By teaching children to read in the early grades, our schools can avoid holding students back, promoting them with insufficient ability or transferring them out of the normal curriculum to special education courses. Referrals to special education in Success for All schools have been shown to decrease by approximately 50 percent. In schools where Success for All is taught, students learn to read by the third grade. By the fifth grade, students in these schools are testing a full grade level ahead of students in other schools.

I would strongly encourage each of my colleagues to visit a Success for All school, if they have not already done so. I have had the pleasure of visiting Maplewood Elementary School in Wayne Township, Marion County, Washington Elementary in Gary, and Fairfield Elementary in Fort Wayne, which has had Success for All since 1995. In my judgment, anyone who sees Success for All in action will become a believer. I have contacted every school district in my state to suggest that they take a look at Success for All or another comprehensive school reform program based on rigorous research.

Mr. President, the amendment I am offering today would allow more struggling schools to adopt comprehensive school reform programs. These programs are a comparative bargain for our schools and our children when one considers their success at preventing the enormous costs of retention, special education and illiteracy. But many schools need help paying for the start-up costs and the reading materials associated with comprehensive reform programs.

Most of the more than 1,500 schools nationwide that use Success for All fund it with the Federal Title I program. Others have tapped private sources. But increasing funding for the Comprehensive School Reform Program is the most direct way to give more local schools the chance to embrace school-wide reform and transform the lives of their students. The program deserves more support because its positive impact on literacy and the ultimate success of students is so demonstrable.

Each child must learn to read. The quality of life for that child depends upon that single achievement, as does the economic future of our country. I ask my colleagues to support this amendment.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSITY OF NORTHERN IOWA'S TONY DAVIS

Mr. GRASSLEY. Mr. President, I am here to discuss the achievements of an outstanding student athlete at an outstanding institution.

Tony Davis, a secondary education major at the University of Northern Iowa—my alma mater—was recently named the NCAA Champion for wrestling in the 149-pound division.

Tony was born and raised in Chicago.

Before coming to UNI, he wrestled at Mount Carmel High School in Chicago and Iowa Central Community College, where he received two national junior college championships.

Tony chose to come to UNI for two reasons: to wrestle at a Division I school and to study to be a teacher and coach.

Before the 1999–2000 season, Tony was ranked first in the nation in his weight division. And, he maintained that ranking and came to the NCAA finals with a 26–1 record.

Tony's life philosophy is this: focus and dedication lead to success at all levels.

Looking at the road Tony has traveled to reach this point, it is evident focus and dedication played a large role in his success.

And, to quote Tony:

> God played a big role in . . . getting on the right track of life. I have a lot of people to thank along the way. It was a long way to come. The most important thing is I got here.

This past week was finals week at UNI. And, I want to commend Tony Davis for his commitment and dedication—not only to sports but also to academics.

Next year, Tony Davis will return to UNI—again for two reasons. Tony will be finishing up his academic degree while also serving as an assistant wrestling coach.

UNI has a long tradition of excellence in training teachers.

This legacy of excellence in education will be continued as Tony has an opportunity to train wrestlers to succeed—both on and off the mat.

And so, I salute Tony Davis, his teammates, Coach Mark Manning, and the University of Northern Iowa for supporting each student on and off the mat.

Go Panthers!

SHOOTINGS IN PITTSBURGH, PENNSYLVANIA

Mr. SPECTER. Mr. President, I seek recognition today to speak about an incident that has sent shock waves throughout the conscience of our Nation. On April 28th, in Pittsburgh, Pennsylvania, five of my constituents were brutally murdered and one critically injured in what seems to be a hate crime. Reports indicate that the perpetrator actively and methodically sought out his minority victims during the 72-minute rampage. The victims of this brutal rampage were a 63-year-old Jewish woman, a 31-year-old man of Indian descent, a 22-year-old African-American student, a 27-year-old Vietnamese man, and a 34-year-old Chinese-American man. In addition to the five people killed, another 25-year-old man of Indian descent was shot in the neck and critically injured. The alleged killer also fired rounds at two synagogues and spray-painted the word "Jew" and two swastikas on the wall of one of them.

The alleged murderer was arraigned on five counts of homicide, seven counts of ethnic intimidation, three counts of criminal mischief, two counts each of arson and institutional vandalism and one count each of attempted homicide, firearms violations, reckless endangerment and aggravated assault. This senseless rampage that left five people dead and one in critical condition poses some of the most important and vexing law enforcement challenges currently facing our Nation. Such heinous hate-filled acts of violence divide our communities, intimidate our citizens, and poison our collective spirit. While our hearts are grieving for those who have lost loved ones, we must try and find some consolation by using this atrocity to send a strong message that hate crimes will not be tolerated.

Such vicious attacks are a form of terrorism that threaten the entire Nation and undermine the ideals on which we were founded. I am a principal sponsor of S. 622, the Hate Crimes Prevention Act of 1999. I was the District Attorney in Philadelphia for eight years and I did not like Federal encroachment on State jurisdiction—but there are some instances when Federal intervention is necessary. Some of the ugliest instances of violence in our nation have been motivated by hatred based on race, color, religion, national origin, sexual orientation, and disability. It is in the case where it is plain that it was a hate crime situation—in these extremely usual situations, the I believe Federal authority ought to be present where it is necessary.

I know that there are those that are concerned about the expansion of Federal jurisdiction, which is something that we should be very careful about. It is with this very concern in mind that this legislation has been narrowly tailored to target a very, very important area—it has been done with a scalpel and not a meat axe. We need to let people out there know that if the crime is bad enough and the local prosecutors won't act that there is a Federal authority to come in where absolutely necessary. Current law, 18 United States Code, Section 245, permits federal prosecution of a hate crime only if the crime was motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a "federally protected right." These activities are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation. The statute's dual requirement that the government has to prove that the defendant committed an offense not only because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined "federally protected activities" substantially limits the potential for federal prosecution of hate crimes, even when the crime is particularly heinous. The Hate Crime Prevention Act will make it easier for the Federal government to successfully prosecute ate crimes by amending current law to eliminate the dual requirement and by expanding the list groups entitled to protection under Federal law to include women, homosexuals and the disabled. Under this bill, hate crimes that cause death or bodily injury can be investigated federally, regardless of whether the victim was exercising a federally protected right. In cases involving violent hate crimes based on the victims gender, sexual orientation, or disability, the bill would make it a Federal crime to willfully cause bodily injury to any person, or attempt to do so through use of a firearm or explosive device, whenever the incident affected or involved interstate commerce. No longer would Federal criminal civil rights jurisdiction hinge upon whether a racial murder occurs on a public sidewalk versus a private parking lot. No longer would the Federal government be without the power to work with State and local officials in the investigation and prosecution of a racist who targets and assaults an African American. Criminals will no longer be able to evade Federal prosecution simply because their victims were not enrolling in a public school, using a place of public accommodation, or participating in any of the six federally protected activities at the time they were assaulted.

Mr. President, this is a bill that is narrowly tailored to reach only the most egregious forms of hate crimes. It is important to note that this bill does not impact issues such as job discrimination, political speech or graffiti.

America is the great melting pot. People of different races, religion, and creed join together from all around the globe seeking freedom—religious freedom, political freedom and economic freedom. But unfortunately in our society today there are those who harbor animus towards others because of the color of their skin or the church they attend. Few crimes tear more deeply at the fabric of our Nation than crimes motivated by such hatred. We must continue to work towards freeing our Nation from such violence, discrimination, hatred, and bigotry through education and public awareness. However, while we work towards this goal we must ensure that each and every American is protected from crimes based on race, color, religion, national origin, gender, sexual orientation, or disability.

ADDITIONAL STATEMENTS

RICHARD B. HARVEY

• Mrs. FEINSTEIN. Mr. President, today I honor Dr. Richard B. Harvey, Distinguished Service Professor of Political Science on the occasion of his retirement from Whittier College. Over the span of four decades, Dr. Harvey has also served as Assistant Dean, Dean of Academic Affairs and Chair of the Political Science Department of Whittier College.

In addition to his academic pursuits, Dr. Harvey is the accomplished author of The Dynamics of California Government and Politics, a well known textbook in its sixth edition, Earl Warren, Governor of California, and a number of articles and book reviews. He is also a radio commentator, delivering political analysis of election results.

His educational leadership has inspired countless young students to pursue civic opportunities. Dr. Harvey's

Politics Outside the Classroom course exposed students various powerhouses in the Los Angeles and Sacramento areas. Students met and discussed California politics with some of the state's most influential political officials, learning more about the practical world of politics than a textbook or lecture can offer.

Dr. Harvey's dedication to educating students and his belief in the significance of the political process are worthy of recognition. He earned a B.A. degree from Occidental College, and M.A. and Ph.D. degrees from the University of California, Los Angeles.

Mr. President, I ask my colleagues to join me in wishing Dr. Richard Harvey best wishes on his retirement and in all of his future endeavors. His dedication and commitment to teaching California politics for over forty years has set an example that will be emulated for years to come.•

TRIBUTE TO NATIONAL LIFE

• Mr. JEFFORDS. Mr. President, I rise today to honor an organization that has served the state of Vermont, and the nation, for 150 years. National Life has served the needs of millions of Americans during this time, starting with its first policy, issued in 1850, and continuing into the contemporary insurance business. As Chairman of the Senate Health, Education, Labor and Pension Committee, I can personally attest to how valuable their services have been and continue to be. However, National Life is more than just a business, it is an archetype of community relations and a leader in the promotion of ethical market conduct.

National Life was founded in 1848 by Dr. Julius Dewey as a mutual life insurance company. The first claim was paid to a policy owner who had traveled to California for the Gold Rush. From this beginning, National Life has expanded to include 800 career and general agents, and over 3,000 independent brokers. National Life has also grown to include some of the most prestigious services in America, including the Sentinel Fund—established in 1968, the American Guaranty and Trust—chartered in Delaware in 1914, and the national Retirement plan Advisors—founded in 1940.

In 1998, National Life joined the Insurance Marketplace Standards Association. This group promotes ethics in market conduct of the life insurance industry. Among the criteria that National Life had to meet were high standards of honesty in fairness to customers, fair competition, quick resolution of customer disputes and complaints, and customer-focused sales and service. Needless to say, National Life met the criteria in 1998, as they have throughout their long and prestigious history.

This 150th Anniversary also marks a rare meeting of past, present, and future, in 1960, the National Life building was opened. At the dedication ceremony, a time capsule was interred in the floor of the lobby. This time capsule will be opened on May 12, 2000, and we will be able to compare where we are today with where we thought we would be. The hopes and wishes of yesterday have evolved into today's reality, and the year 2000, once an incomprehensible milestone, is no longer the distant future.

While the past and present will merge at this ceremony, the anniversary also provides an opportunity to look forward. True to form, National Life again initiates a bond with the community; among the entries in the Year 2000 time capsule will be the predictions of children of Central Vermont. The hopes and wishes of these children for the future are significant, as they will be the ones living it. Recognizing this, National Life is also contributing money to each participating public elementary school. The students' whose predictions will be included in the time capsule, along with their respective schools, will receive an additional contribution.

On this occasion of celebrating the venerable and storied past of National Life, let us pay tribute to their Vermont roots and their contributions to the Vermont economy during the past century and a half. Far from simply administering to their community, National Life is a part of it. National Life has realized from the start that the investment we make in the children of today will pay dividends in the leaders of tomorrow. For their continued commitment to the community and their customers, they should be commended.•

A TRIBUTE TO THE SOUTH DAKOTA STATE MEDICAL ASSOCIATION ALLIANCE

• Mr. JOHNSON. Mr. President, I rise today to recognize the South Dakota State Medical Association (SDSMA) Alliance. This year the SDSMA Alliance will celebrate its 90th anniversary, making it the oldest continuous medical Alliance in the United States. For ninety years, this physicians' spouses organization has proudly been the volunteer hands and voices of the South Dakota State Medical Association.

Though their accomplishments may not be always easily enumerated or quantified, their impact has been felt across every mile of the state of South Dakota. The SDSMA Alliance has led or united with other organizations in an effort to insure that our communities are healthier and safer. Members of the SDSMA Alliance have always reached out to feed the hungry, give warmth to those who were cold, provide shelter and safety to the abused, and bring smiles and joy to children in need of books or toys. Health promotion and community projects are, indeed, the cornerstone of the Alliance.

Oftentimes, the mission statement of an organization tells us all we need to know about the character of the individuals who have joined together. In the case of the SDSMA Alliance, this statement holds true once again. Their mission to promote public health, create safer communities, protect the patient-physician relationship, and generate funds to help educate future physicians is a testament to their desire to positively impact every South Dakota community in which their work is done.

As just one example of the Alliance's hard work and dedication, last June they declared-not-war-but peace on all school campuses throughout out state. Their focus was not just on guns and grenades, but bullying and fist fights, taunting and threats, intolerance and isolation, because that, as we all know, is where the problems usually begin.

To emphasize the need to provide our children and educators with a safe school environment, the SDSMA Alliance launched a campaign to provide K–3rd grade students with conflict resolution and self-esteem building activities. Thousands of "I Can Choose," "I Can Be Safe," "Hands Are Not For Hitting," and "Be A Winner" workbooks were distributed to schools and shelters throughout our state. Their goal was to arm children with self-esteem and to teach them how to make healthier and safer choices. It is efforts such as these that weave the fabric of our communities closer together and promote safe, learning environments for South Dakota's children.

Mr. President, it is with great honor that I rise today to recognize the South Dakota State Medical Association Alliance for ninety years of hard work and dedication to the health and safety of the people of South Dakota. I applaud the SDSMA Alliance's efforts to combat those forces in our society which would jeopardize the mental and physical wellness of any citizen. I sincerely thank the Alliance for their positive contributions to South Dakota's communities, and I hope that one day we can stand together and say, "Mission accomplished."•

TRIBUTE TO STERLING EDWARDS RIVES, JR.

• Mr. WARNER. Mr. President, I rise to pay tribute to a friend and patriot Sterling Edwards Rives, Jr. of Petersburg, Virginia who died on February 13, 2000, at the age of 78 years.

A native of Surry County, sterling served in the Army at the close of World War II and then spent a year building airfields in the Philippines. He returned to a position as an inspector with the U.S. Department of Agriculture traveling with his wife Virginia

Anne and newborn son Sterling III throughout the Southeast grading peanuts, potatoes and produce. Two more sons Andrew II an Bailey were born as they moved to Petersburg where he began his 35-year career where he held leadership positions in the Christ and Grace Episcopal Church.

Sterling Rives served on the Virginia Republican State Central Committee, as a delegate to four national conventions, vice-chairman of the Petersburg Electoral Board, and as a delegate to the White House Council on Aging.

President Ronald Reagan once told me that "Politics is not a spectator sport."

No one took that more to heart than Sterling Rives who believed that it was his civic responsibility and patriotic duty to contribute freely his time and talents to elect those he supported to public office. I was privileged to be one of those public servants whom Sterling took by the hand and guided towards election day after election day.

Sterling Rives drove the original footings for the foundation of the Republican Party of Virginia. He and his family gave tirelessly in election after election.

Just last year Virginians elected a Republican Governor, Lt. Governor, Attorney General and a new Republican majority in the House of Delegates and the Senate for the first time in our state's history. That impressive victory was a most appropriate tribute to Sterling Rives' long public service encouraging people to be active in politics.

We have far too few citizens who recognize the importance of the political process in preserving our democracy and our freedom. The life of Sterling Rives will stand as a model for patriots who seek to preserve our liberty. I know my colleagues join me in paying tribute to Sterling Rives and extending to his family our deepest sympathy.•

RECOGNITION OF MOUNTAIN HOME JUNIOR HIGH SCHOOL STUDENTS

• Mrs. LINCOLN. Mr. President, I am honored to rise today to pay tribute to an exceptional group of students from Mountain Home Junior High School in my home state of Arkansas. These students won first place in the state competition of the "We the People . . . The Citizen and the Constitution" program. I am proud to report that the following students will represent my home state at the national competition this May 6–8 in Washington, DC:

Matthew Brinza, T.C. Burnett, Patrick Carter, Cody Garrison, Meredith Griffin, Kayla Hawthorne, Delia Lee, Megan Matty, Zachary Milholland, Stacy Miller, Jennifer Nassimbene, Rebeca Neis, Patty Schwartz, Carrie Toole, and Kris Zibert.

I also want to say a special word of thanks to their teacher, Patsy Ramsey, who deserves much of the credit for the success of the class.

The We the People . . . program is an outstanding educational initiative developed specifically to educate young people about the Constitution and the Bill of Rights. Students who compete at the three-day national competition, which is modeled after hearings in the U.S. Congress, testify as constitutional experts before a panel of judges representing various regions of the country. The students are then asked a series of challenging questions to test their depth of understanding and ability to apply their constitutional knowledge.

Teaching students about the benefits of public service and the value of representative government is essential to the long-term viability of our nation's democracy. Since its inception in 1987, more than 26 million students and 75,000 educators nationwide have participated in this worthwhile program designed to encourage civic awareness and understanding. I am extremely proud of the Mountain Home students who have earned the opportunity to compete in the We the People . . . finals in Washington, DC. I wish them well in their endeavor and know they will provide an excellent example for others in my state and the nation to follow.•

GOODWILL INDUSTRIES WEEK

• Mr. GRAMS. Mr. President, I rise today to commemorate Goodwill Industries Week and call attention to a leader in job training and employment services for people with disabilities and other barriers to employment.

Nearly a century ago, Reverend Edgar Helms, a Methodist minister from Boston, founded Goodwill on the premise of reusing household goods and clothing from wealthy neighborhood homes to create a system that provides the poor with training, jobs, and self-esteem. The Goodwill philosophy of "a hand up, not a hand out" was born, and has blossomed into a $1.5 billion nonprofit organization. Dr. Helms' own words described Goodwill Industries as both an "Industrial program as well as a social service enterprise . . . a provider of employment, training and rehabilitation for people of limited employability, and a source of temporary assistance for individuals whose resources were depleted."

Just a few of the programs offered include retail skills training through a partnership with Target stores, service technician training on-site at Valvoline Instant Oil Change locations, and construction skills training at Habitat for Humanity building sites. These programs, matched with Goodwill employment services, prepare people to enter the workforce in high-demand fields.

Goodwill Stores funnel nearly 84 cents of every dollar spent at Goodwill towards employment and training programs for people faced with barriers to employment. This includes individuals with disabilities, people with limited work history, those who have experienced corporate downsizing, and recipients of government support programs. By operating autonomously, each of the 182 Goodwill member organizations adapts its services to meet the needs of its local community. This allows them to design specific programs and services that give Goodwill graduates the appropriate skills they need to find work close to home.

Goodwill programs may not be for everyone, but Goodwill Industries International, through its employment and training efforts, provided necessary services for nearly 321,000 people worldwide in 1998, people who now have the tools to accomplish the goals in life that were once beyond their grasp.

For this week of May 7–13, I commend those who have made a difference in someone's life through the services of Goodwill Industries and those who accomplish new heights in their careers thanks to these much-needed programs.•

SISTER CITIES OF NORTH ADAMS, MASSACHUSETTS AND NOISIEL, FRANCE

• Mr. KENNEDY. Mr. President, it's a privilege for me to commend the new sister cities of North Adams, Massachusetts and Noisiel, France. They will officially establish a sister-city relationship on May 20. I extend my warmest congratulations to both cities as they embark on this excellent opportunity.

North Adams and Noisiel have a great deal in common. They have similar population sizes, and they are communities that worked effectively to overcome economic difficulties during the 1980's. Both cities have revitalized former manufacturing plants to create contemporary arts facilities that will attract visitors from many other nations. These two cities have shared remarkably similar experiences, and I commend them both for their impressive success.

Last year, the City of North Adams welcomed Deputy Mayor Daniel Vachez of Noisiel. He visited the many cultural and historic treasures that make North Adams a wonderful example of New England's history and heritage. Mayor John Barrett III has done an outstanding job of supporting impressive development initiatives for the city, and I commend him for his leadership.

I'm sure that the new sister city relationship will be a successful initiative. The relationship is a tribute to the vision and dedication of Mayor Barrett, Deputy Mayor Vachez and the many others in both cities whose enthusiasm and energy have made this project possible. I'm confident that both North

Adams and Noisiel will benefit significantly from this relationship, and that their program will be an outstanding example to cities worldwide. I congratulate them for their achievement, and I look forward to a very productive sister city relationship.•

THE 70TH ANNIVERSARY OF ANTHONY WAYNE ELEMENTARY SCHOOL

• Mr. ABRAHAM. Mr. President, I rise today to recognize Anthony Wayne Elementary School in Detroit, Michigan, which on May 12, 2000, will officially celebrate its 70th Anniversary. Events have been scheduled throughout this week, providing administrators, teachers, students and parents an opportunity to reflect upon the history of their elementary school, and at the same time witness how far it has come in seventy years.

The roots of Wayne Elementary School lie in a two room portable building near the heart of Detroit, where Mrs. Jessie Baum and Ms. Etta Coetzer, under the guidance of Principal Ms. Florence Kessler, began teaching kindergarten through fifth grade students in March of 1928. Their efforts led to the construction of a six-room building at 10633 Courville Street in February of 1930, officially marking the birth of Wayne Elementary School.

Though the face and shape of the building have been forced to change often to accomodate a growing number of students, the teachers and administrators of Wayne Elementary School still instill the same values into their students as did Ms. Kessler, Mrs. Coetzer, and Mrs. Baum: learning two different sets of three R's, not only the traditional writing, reading, and arithmetic, but also rights, responsibility, and respect.

To this end, Wayne Elementary School encourages parents and other members of the community to become involved with the education of their children. In 1998, working in cooperation with the Greening of Detroit and the Ford Motor company volunteers, the children planted trees, bushes and wild flowers during the month of May. The habitat area now serves as an outdoor classroom and each spring the students intend to plant more trees, bushes and flowers.

Two other important programs have recently been developed at Wayne Elementary School. Academic Games, started by Ms. Nicole Stewart, encourages learning achievement while at the same time demonstrating to students that learning can indeed be fun. And in 1995, two chess teams were formed by Mr. Carter and Mr. Cook, a primary team (K–3) and an upper elementary team of fourth and fifth graders. On May 11, these teams will send ten students to Dallas, Texas, to compete against the nation's best elementary school chess players. I would like to wish them the best of luck in that competition.

Mr. President, I applaud all of the teachers, parents, students and administrators whose hard work over the years has made this anniversary possible. On behalf of the entire United States Senate, I wish Anthony Wayne Elementary School a happy 70th birthday, and continued success in the coming years.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

THE FISCAL YEAR 2000 BUDGET REQUEST FOR THE DISTRICT OF COLUMBIA COURTS—A MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Government Affairs.

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the FY 2001 Budget Request of the District of Columbia Courts.

The District of Columbia Courts have submitted a FY 2001 budget request for $104.5 million for operating expenses, $18.3 million for capital improvements to courthouse facilities, and $41.8 for Defender Services in the District of Columbia Courts. My FY 2001 budget includes recommended funding levels of $98.0 million for operations, $5.0 million for capital improvements, and $38.4 million for Defender Services. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

This transmittal also includes information on grants and reimbursements forwarded by the Courts in response to the request in Conference Report H. Rept. 106–479.

I look forward to working with the Congress throughout the FY 2001 appropriations process.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 8, 2000.*

MESSAGES FROM THE HOUSE

At 1:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 673. An act to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys.

H.R. 1106. An act to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York.

The message further announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker has appointed the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, appointed on February 14, 2000: Mr. BALLENGER of North Carolina, Vice Chairman, Mr. DREIER of California, Mr. BARTON of Texas, Mr. EWING of Illinois, Mr. BILBRAY of California, Mr. STENHOLM of Texas, Mr. PASTOR of Arizona, Mr. FILNER of California, Ms. ROYBAL-ALLARD of California, and Mr. FALEOMAVAEGA of American Samoa.

At 3:34 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted.

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 673. An act to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys; to the Committee on Environment and Public Works.

H.R. 1106. An act to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources; to the Committee on Environment and Public Works.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 8, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the act.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–491. A joint resolution adopted by the Legislation of the State of Idaho relative to the Northern Rockies Protection Act; to the Committee on Energy and Natural Resources.

House Joint Memorial No. 6

Whereas, on February 2, 1999, H.R. 488, known as the "Northern Rockies Ecosystem Protection Act," was introduced in the U.S. House of Representatives;

Whereas, the Act is far reaching and would designate wilderness, wild and scenic rivers, national park and preserve study areas, wildland recovery areas, and biological connecting corridors in five northwest states: Idaho, Montana, Oregon, Washington and Wyoming;

Whereas, the Act would create over eighteen million acres of new wilderness alone, approximately five million acres of which would be in Idaho, more than in any other state;

Whereas, the Act also designates over a million acres along the Idaho-Oregon border as the Hells Canyon/Chief Joseph National Preserve;

Whereas, the Act, a concept presented by the Montana-based environmental group, the Alliance for the Wild Rockies, was first introduced in 1992 to oppose a bill designating wilderness areas only in the state of Montana;

Whereas, the members of the Idaho congressional delegation opposed the Act in 1992 and continue to oppose it now;

Whereas, the Act is also opposed by the majority of representatives in the Congress from the other affected states: Montana, Oregon, Washington and Wyoming;

Whereas, the lands addressed by the Act closely resemble those at issue in President Clinton's current roadless lands initiative, which is also opposed by the state of Idaho and the Idaho congressional delegation;

Whereas, setting aside so much acreage in Idaho as wilderness, wild and scenic rivers, national park and preserve study areas, wildland recovery areas, and biological connecting corridors would severely reduce employment and income in many areas of the state in which it is difficult to replace the lost money by other means, and would landlock thousands of acres of state endowment land, thereby reducing funds for public education in Idaho. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress of the United States to oppose H.R. 488, known as the "Northern Rockies Ecosystem Protection Act." Be it further

Resolved, that the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress of the United States to oppose H.R. 488, known as the "Northern Rockies Ecosystem Protection Act." Be it further

Resolved, that the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, support natural resource planning and environmental management featuring site-specific management decisions made by local decision-makers, local citizens and parties directly and personally affected by land and resource management decisions. Be it further

Resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM–492. A joint resolution adopted by the Legislature of the State of Idaho relative to additional de facto wilderness in Idaho; to the Committee on Energy and Natural Resources.

House Joint Memorial No. 7

Whereas, Idaho is a state which has sixty-six percent of its landmass controlled by the federal government; and

Whereas, access to Idaho's public lands is a vital part of Idaho's natural resource economy as well as an important part of our citizens heritage, recreation and enjoyment; and

Whereas, Idaho currently has 4,081,315 acres of wilderness which is sufficient; and

Whereas, President Clinton has proposed to establish another nine million acres of defacto wilderness in Idaho by declaring certain public lands in the state to be roadless; and

Whereas, Idaho Governor Dirk Kempthorne requested a longer comment period for Idaho citizens to study and comment on the roadless plan and his request was summarily denied by the United States Forest Service; and

Whereas, the state of Idaho has been compelled to initiate a lawsuit to protect its interests in Idaho land designated as public; and

Whereas, roadless areas prevent access to the forests of Idaho and negatively affect forest health by preventing intervention in disease, insect infestations and fire suppression. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States is urged to pass legislation negating any Presidential Executive Order President Clinton may issue regarding additional defacto wilderness and instructing the United States Forest Service and the Bureau of Land Management to maintain roads and access into the public lands in Idaho. Be it further

Resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–493. A joint resolution adopted by the Legislature of the State of Idaho relative to extending the deadline on the notice of intent to solicit comments on two draft environmental impact statements, one set of draft rules and a draft environmental assessment; to the Committee on Energy and Natural Resources.

Senate Joint Memorial No. 105

Whereas, on October 19, 1999, the United States Forest Service announced a vast "rulemaking process to propose the protection of the remaining roadless areas within the National Forest System." 64 FR 56306. This rulemaking purportedly includes two draft environmental impact statements, at least one set of draft rules, and a draft environmental assessment; and

Whereas, the Notice of Intent (NOI) solicits comments "on the scope of the analysis that should be conducted" and "on the identification of alternatives to the proposal" that will be set out in this multitude of documents. The NOI then provides prospective commentators with slightly more than sixty days to comment on this enormous and poorly defined proposal. The NOI is an unacceptable affront to the promise of meaningful public participation that is the centerpiece of the National Environmental Policy Act (NEPA); and

Whereas, more than forty million acres of land in the West could be affected by the actions contemplated in the NOI. A permanent moratorium on Forest Service road development will have a devastating impact on timber communities in the West. The proposed moratorium will destroy attempts to develop recreational economies in the West and deny access to huge areas of the West to all but the able-bodied. The sum, the moratorium will deny thousands of citizens the opportunity to use, enjoy and benefit from the land; and

Whereas, the process used by the Forest Service to consider such a potentially severe decision must reflect absolute fairness and deliberation. The NOI demonstrates neither of those traits. No specific proposals are identified. No preliminary findings are referenced; and

Whereas, these failures violate one of NEPA's primary objectives of encouraging and facilitating "public involvement in decisions which affect the quality of the human environment." 40 CFR 1500.2(d); and

Whereas, the NOI states that it "initiates the scoping process." 64 FR 56307. However, the NOI does not identify "the significant issues related to [the] proposed action," as is required by federal regulations. 40 CFR 1501.7. The NOI does does not encourage "the participation of affected federal, state and local agencies" and the regulations implementing NEPA anticipate. 40 CFR 1501.7(a)(1); and

Whereas, the ambiguity and confusion that characterize the NOI are compounded by the fact that the comment period is so brief. Title II 40 CFR 1501.8(b)(1)(i)–(viii) specifically set out considerations that the Forest Service should be using in determining the time limits for soliciting comments on the NOI.

"(b) The agency may:

(1) Consider the following factors in determining time limits:

(i) Potential for environmental harm.

(ii) Size of the proposed action.

(iii) State of the art of analytic techniques.

(iv) Degree of public need for the proposed action, including the consequences of delay.

(v) Number of persons and agencies affected.

(vi) Degree to which relevant information is known and if not known the time required for obtaining it.

(vii) Degree to which the action is controversial.

(viii) Other time limits imposed on the agency by law, regulations or executive order."; and

Whereas, it should be obvious that all of these factors support a careful, deliberate, consideration of the environmental impacts of the proposed permanent moratorium. The expedited deadline in the NOI is completely inconsistent with 40 CFR 1501.8(b); and

Whereas, in an October 28, 1999, letter to forest service managers, Mike Dombeck, Chief of the U.S. Forest Service suggested that the Forest Service is attempting to complete the environmental analysis of a permanent moratorium in a "short time frame." The U.S. Forest Service should not be trying to ramrod a decision that will shut down forty million acres of western lands into "a short time frame." You should be honoring the spirit, not to mention the clear mandate, of NEPA by providing meaningful opportunity for public participation and careful, principled, environmental analysis; and

Whereas, the closing date for public comments was set for December 20, 1999. With decisions on the management of over forty million acres of land in the West at stake, the time is clearly not adequate time for officials to thoroughly review and analyze the proposal, and to provide the Forest Service with informed and substantive comment. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that the U.S. Forest Service extend the deadline to submit comments on the NOI by one hundred twenty days. An expedited consideration of this request is appreciated. Be it further

Resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Chief of the United States Forest Service, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–494. A joint resolution adopted by the Legislature of the State of Idaho relative to a United States Forest Service proposed rule regarding forest service land and resource management planning; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL NO. 106

Whereas, the United States Forest Service (USFS) published in the Federal Register on October 5, 1999, a proposed rule regarding forest service land and resource management planning; and

Whereas, the Legislature of the State of Idaho advocates improvements to the forest planning regulations; and

Whereas, the USFS needs to simplify, clarify and otherwise improve the planning process as well as reduce the burdensome and costly procedural requirements, and strengthen collaborative relationships with the public and other governmental entities; and

Whereas, the USFS organic act calls for multiple use in managing the national forests with meaningful public input; and

Whereas, the proposed rules are inconsistent with the legislative direction for multiple uses and high-level sustained yield outputs of the renewable timber resource; and

Whereas, timber production must remain a primary use in the National Forest System; and

Whereas, the proposed rules would alter the multiple use and sustained yield mandate prescribed by Congress. Moreover, they reverse the multiple use priorities set by Congress by subordinating timber production to achievement of biological diversity and similar ecosystem goals; and

Whereas, no other law provides authority for the Forest Service to alter the course of management and primary purposes set by Congress for management of the National Forest System; and

Whereas, the proposed rules lack commitment to carrying out economic multiple uses; and

Whereas, the proposed rules fail to provide direction on which plan revisions and amendments require environmental impact statements. Procedures and standards should be revised for significant plan amendments; and

Whereas, the proposed rules provide no effective date for the adoption of an amendment or plan revision. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the United States Forest Service not move forward with final rule based on the October 5, 1999, proposal. Ecological sustainability must start looking at current conditions of the national forests and determining the desired future conditions, which should be healthy forests for the American people to use and enjoy. There should be aggressive, active management, rather than passive management, to restore the health of all land identified as being high risk to insect and disease infestation and/or catastrophic wildfire. Prohibiting management puts our forests at risk to insects, diseases and fire. These proposed rules will cause greater damage to our forests in the long run. Be it further

Resolved, that the Legislature of the State of Idaho encourages the agency to readdress its entire approach to ecosystem management. The agency needs to streamline and clarify the forest planning and decision-making processes, strengthen relationships with the public, ensure long-term sustainability of forest ecosystems, and promote adaptive management. The proposed rules cannot accomplish these critical goals in its current form. Ecosystem management and forest planning cannot be successful if the process becomes the goal. Ecosystem management must instead be considered a tool to accomplish the goals which are set in law and through the development of forest plans. Be it further

Resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–495. A joint resolution adopted by the Legislature of the State of Idaho relative to the Bureau of Land Management actions relating to grazing in Owyhee County; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL NO. 107

Whereas, a developing scenario in Owyhee County has been brought to the attention of the Legislature, and it is appropriate that public attention be drawn to this situation as representative of other similar events occurring in Idaho; and

Whereas, the Bureau of Land Management is charged with management of lands in Owyhee County known as the Cliffs Allotment; and

Whereas, the BLM has notified holders of grazing permits in the Cliffs Allotment that the grazing season will be reduced by two and one-half months which is a 53% reduction in the grazing allotment; and

Whereas, the area is managed to meet a requirement of six inch stubble height at the end of the grazing season, a goal which the BLM says has not been met despite photographic evidence and independent monitoring to the contrary; and

Whereas, federal law requires one year's notice before any significant reduction in grazing is ordered, a requirement which has clearly not been met in this case; and

Whereas, a reduction of the size now contemplated would effectively put five ranching families, with a long history in the Cliffs Allotment and evidence of management efforts which have actually improved the conditions of the allotment, out of business; and

Whereas, the BLM is acting with callous disregard of the local economy, the law, and the best interests of the land and the people of Idaho; and

Whereas, the BLM must be brought to recognize and consider all of the interests which are indigenous to the locale including the legitimate goals of citizens who make their living off the land. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we join together with the citizens of Owyhee County in their grievance against the untenable action of the Bureau of Land Management in limiting grazing permits with a reduction of the grazing season by two and one-half months. Further, we urge thoughtful reconsideration not only of this decision, but the accumulating body of management decisions made by the Bureau of Land Management which are resulting in further reductions in the resources available to Idahoans who live off the land. Be it further

Resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Director of the Idaho Office of the Bureau of Land Management, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–496. A joint resolution adopted by the Legislature of the State of Idaho relative to agreements made at the Idaho-Canada Summit regarding agriculture; to the Committee on Finance.

HOUSE JOINT MEMORIAL NO. 9

Whereas, on January 19 and 20, 2000, an agricultural summit was held in Boise, Idaho, involving representatives from the governments of the United States and Canada, the provinces of Alberta, Manitoba, and Saskatchewan, and the states of Idaho, Oregon, Washington and Montana, and representatives from the beef and potato industries of those provinces and states; and

Whereas, through discussions, and the exchange of information and briefings from government and industry, a dialogue was initiated and consensus reached in certain areas of mutual concern; and

Whereas, both the Alberta and Idaho conference attendees agreed that they would communicate points of agreement to their national governments through a formal communication, which this memorial embodies and constitutes. Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the agreements made at the Idaho-Canada Summit, and urge the United States Congress and the United States trade representative to meet with the Canadian government to review and reconcile their statistics concerning the cattle and beef industry, so that the industries on both sides of the border have access to accurate, comparable and timely data. Be it further

Resolved, That the states and provinces involved in the Pacific Northwest Cattle Project meet and develop a consistent set of cattle statistics and a single methodology for gathering and reporting these statistics, and also improve communication through regional meetings, tours and exchanges. Be it further

Resolved, That the United States Department of Agriculture and Agriculture Canada work towards the removal of federal certificates and federal endorsement requirements for the movement of cattle between Canada and the United States within the Northwest region. Be it further

Resolved, That the states and provinces involved should be encouraged to expand the Pacific Northwest Cattle Project for feeder cattle from six months to twelve months access and expand the project to include other classes of cattle. Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-497. A joint resolution adopted by the Legislature of the State of Idaho relative to shipments of potatoes between the United States and Canada; to the Committee on Finance.

HOUSE JOINT MEMORIAL NO. 8

Whereas, on January 19 and 20, 2000, an agricultural summit was held in Boise, Idaho, involving representatives from the governments of the United States and Canada, the provinces of Alberta, Manitoba and Saskatchewan, and the states of Idaho, Oregon, Washington and Montana, and representatives from the beef and potato industries of those provinces and states;

Whereas, through discussions, the exchange of information and briefings from government, industry and university personnel, a dialogue was initiated and consensus reached in certain areas of mutual concern;

Whereas, both the Alberta and Idaho conference attendees agreed that they would communicate points of agreement to their national governments through a formal communication, which this memorial embodies and constitutes. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we support the agreements made at the Idaho-Canada Summit, and urge the United States Congress and the United States trade representative to urge the government of Canada to remove the prohibition on bulk shipment of potatoes between the United States and Canada; and to recognize that United States Department of Agriculture marketing orders should be considered as a quality assurance measure and not as a technical trade barrier. Be it further

Resolved, That the United States government should make every effort to quickly harmonize and equalize laboratory testing of potatoes so that there is mutual acceptance of each country's respective test results. Be it further

Resolved, That the dialogue initiated during these meetings should be continued through further meetings of smaller working groups comprised of industry, state and provincial representatives and that their recommendations should be given great weight by their respective national governments. Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM-498. A joint resolution adopted by the Legislature of the State of Idaho relative to full deductibility from federal income taxes of health insurance premiums for individuals, the self-employed small groups; to the Committee on Finance.

SENATE JOINT MEMORIAL NO. 108

Whereas, the Health Insurance Premiums Task Force was established to identify, explore and address causes of the alarming increase in the costs of health insurance; and

Whereas, in the course of its examination the task force received extensive information, data and testimony from consumers, employers and representation of the health care industry, including carriers, agents, pharmaceutical manufacturers, pharmacists, hospitals, physicians and other health care providers; and

Whereas, the task force found that federal and state reforms and mandates, including those requiring guaranteed issue of insurance policies in the individual and small group insurance markets, have created a segment of high risk individuals who must be insured, causing the entire population, and particularly the healthy, to pay much more for health insurance; and

Whereas, the task force further found that the dramatic increase in premium rates has driven expanding numbers of healthy individuals into the ranks of the uninsured, resulting in even greater costs to insurers to provide required coverage for the high risk unhealthy population, and greater costs to the remaining insured population; and

Whereas, the task force also determined that costs to provide health care and treatment for uninsured individuals is another significant factor in the high cost of health insurance; and

Whereas, the task force concluded that among other possible solutions, providing full deductibility from federal income taxes of health insurance premiums for individuals, the self-employed and small employers would bring the healthy back into the insured market, lower costs to employers who must provide coverage, reduce the uninsured population, and restore a balance of risk in the market that will make health insurance more affordable and accessible. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, That federal legislation be enacted providing full deductibility from federal income taxes of health insurance premiums for individuals, the self-employed and small groups. Be it further

Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this memorial to the President and Vice President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the state of Idaho in the Congress of the United States, the President of the Senate and the Speaker of the House of Representatives of each State Legislature, and to the presidential candidates.

POM-499. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to Social Security; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 32

Whereas, Social Security provides American workers and their families with universal, contributory, wage-related, inflation-adjusted benefits in the event of the retirement, disability or death of a wage earner; and

Whereas, Social Security is more than a retirement program, it is a family program; without Social Security, about 54 percent of the population aged 65 and over, and more than 15 million beneficiaries overall, would be living in poverty; about 98 percent of children under age 18 can count on monthly cash benefits if a working parent dies; seven and a half million Americans with disabilities currently benefit from the program; and

Whereas, throughout its existence as a federal program, Social Security's trustees and administrators have carefully modified the benefit and financing structure to ensure the program's viability in light of demographic and economic developments; and

Whereas, congressional leaders and the President are seeking to engage the American people in a dialogue about Social Security that could lead toward enactment of bipartisan legislation ensuring Social Security's long-term solvency; and

Whereas, Social Security is not in crisis and, without any changes, could pay full benefits until 2032 and 75 percent of benefits thereafter based on the most recent projections of the Social Security Board of Trustees; and

Whereas, the long-term solvency of Social Security can be ensured for future generations with measured and timely adjustments to the program made by Congress; and

Whereas, the federal Medicare program provides health care for the nation's citizens who qualify for Medicare benefits; and

Whereas, Medicare benefits are the subject of reform discussions in the United States Congress; and

Whereas, participants in the federal Medicare program do not currently enjoy full coverage for prescription medication; therefore, be it

Resolved, by the Senate of the ninety-first general assembly of the State of Illinois, the House of Representatives concurring herein, That the Congress of the United States of America is hereby petitioned to preserve Social Security as a contributory social insurance system where risk is pooled among all workers and participation is mandatory within a covered group; and be it further

Resolved, That the Congress of the United States of America be urged to ensure the long-term financial viability of Social Security, as described above, and restore public confidence in the future of the program; and be it further

Resolved, That Social Security must continue as a federal program, having a unified program allows for the portability of benefits, disability and family support protections, and maximum retirement security for low and moderate wage earners; and be it further

Resolved, That we urge the Congress of the United States of America to provide full benefit coverage for prescription medication under the federal Medicare program; and be it further

Resolved, That suitable copies of this resolution be delivered to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Illinois congressional delegation.

POM–500. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to the Internal Revenue Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, The State of West Virginia has an aggregate unfunded liability in its pension programs of some four billion dollars; and

Whereas, The Governor of West Virginia has proposed to the West Virginia Legislature and the West Virginia Legislature has enacted Senate Bill 175 providing for the issuance of pension bonds to fund the retirement plans of the State of West Virginia and to fix the amortization of the current, unfunded liability; and

Whereas, If all of the bonds to be issued pursuant to this legislation could be issued as "tax-exempt" bonds, so that the income received therefrom by the holders of said bonds were exempt from federal income taxes, then the bonds could be issued at substantially lower interest rates than they will pay as taxable bonds, resulting in the savings of tens of millions of dollars to the citizens of West Virginia; and

Whereas, In this area of large federal budgetary surpluses, it seems reasonable that the United States of America could take this modest action to assist West Virginia, whose citizens, while being patriotic Americans, still enjoy lower per capita incomes than do the citizens of most other sister states; therefore, be it

Resolved by the Legislature of West Virginia: That the West Virginia Legislature does hereby respectfully request that the United States Congress will enact appropriate legislation to amend the Internal Revenue Code to permit the pension bonds to be issued and sold as "tax-exempt" bonds, so that the income received from said bonds by the holders thereof would be exempt from federal income taxes; and, be it

Further Resolved, That the Clerk of the West Virginia House of Delegates is directed to forward copies of this resolution to the Clerk of the United States Senate and the Clerk of the United States House of Representatives and to the members of the West Virginia Congressional Delegation including The Honorable Robert C. Byrd, The Honorable John D. Rockefeller, IV, The Honorable Alan B. Mollohan, The Honorable Robert E. Wise, Jr. and The Honorable Nick Joe Rahall, II.

POM–501. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Mortgage Revenue Bonds; to the Committee on Finance.

SENATE RESOLUTION NO. 139

Whereas, State and local governments sell tax-exempt Mortgage Revenue Bonds (MRBs) and pass on the interest savings in discount mortgages to low income first-time home buyers for rehabilitation and energy improvements for existing homes, and to older home owners to use to draw on their home equity for living costs; and

Whereas, Each state's annual supply of MRBs is grouped under a more than 12-year-old limit with tax-exempt bonds for industrial development, public-private partnerships for municipal services, redevelopment of blighted areas, and student loans. This limit is $50 per state resident and has never been adjusted for inflation. Last session, the federal Omnibus Appropriations Act contained partial, phased-in cap relief, but it does not take full effect until 2007; and

Whereas, Since 1986, when the limit was enacted, the economy has doubled in size, home prices for first-time buyers have nearly doubled, and inflation has increased by 50 percent. As a result, MRBs have lost nearly 50 percent of their purchasing power. Moreover, the bond limit is curtailing Michigan's ability to meet its housing needs; and

Whereas, More than 67 percent of low and moderate income renters desperately want to own their own homes. Yet, millions of teachers, fire fighters, police officers, and industrial, service, and agriculture workers are denied the opportunity of home ownership because their incomes are insufficient; and

Whereas, MRBs have made first-time home ownership possible for 2 million low-income families, about 125,000 every year. A typical MRB mortgage saves as much as $100 a month in comparison to a conventional mortgage. MRBs also provide low-income workers with down payment and closing cost assistance; and

Whereas, Raising the bond limit would cost just over $1 billion of the $143 billion budget surplus the Congressional Budget Office projects over the next 5 years. These additional bonds will create thousands of jobs and generate billions in wages and tax revenues, paying back a significant portion of their cost to the United States Department of Treasury; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to increase the state ceiling on Mortgage Revenue Bonds and index it in accordance with the Consumer Price Index; and be it further

Resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Michigan congressional delegation.

POM–502. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to protecting senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 163

Whereas, throughout our nation's history, older generations of Americans have contributed greatly to the prosperity of the United States; and

Whereas, older Americans have always recognized the value of the economic freedoms that our forefathers fought to ensure; and

Whereas, older Americans have always been leaders in the realms of business and industry, serving as mentors and teachers to ensure that younger generations would have the knowledge and skills to carry on; and

Whereas, throughout their toil and enduring commitment to the principles of freedom, older Americans have laid the foundation for the economic prosperity and financial security of all Americans; and

Whereas, during the early years of the twentieth century, the current generation of older Americans have worked hard to ensure that their families and communities could continue to enjoy this financial security for generations to come; and

Whereas, they endured the struggle of the Great Depression, undergoing countless hardships as they rebuilt this nation, by the sweat of their brows, both economically and spiritually; and

Whereas, they fought in wars to preserve the liberties that have enabled our nation to earn its place as the economic leader in the world; and

Whereas, throughout those hardships, the current generation of older Americans learned to appreciate the importance of preserving assets—the homes, land, durable goods, and "nest eggs" they had managed to hold onto despite the economic challenges they had faced; and

Whereas, today, these personal assets help them maintain the dignity, independence, and health they so cherish as Americans; and

Whereas, with nursing home care now costing an average of $40,000 to $50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings; and

Whereas, steps need to be taken to inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need for families to plan for their long-term care; and

Whereas, the federal laws governing the rules of qualification for federal medical and long-term care benefits force many older Americans to liquidate their assets, including their homes and life savings; and

Whereas, these confiscatory policies impose unjust and inequitable burdens on older Americans who have contributed so much to our economic security; and

Whereas, widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on the federal government to provide medical and long-term care benefits; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; and be it

Resolved further, That the Congress of the United States be urged to ensure that persons who purchase long-term care insurance policies will be able to protect their assets equal in value to the policy purchased; and be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-503. A joint resolution adopted by the Legislature of the State of Idaho relative to increased Medicare reimbursements; to the Committee on Finance.

SENATE JOINT MEMORIAL NO. 109

Whereas, alarming increases in the costs of health care and health insurance have caused a health care crisis of epidemic proportions;

Whereas, the Idaho Health Insurance Premiums Task Force was established to identify, explore and address the causes of this crisis; and

Whereas, in the course of its examination the task force received extensive information, data and testimony from consumers, employers, and representatives of the health care industry, including carriers, agents, pharmaceutical manufacturers, pharmacists, hospitals, physicians and other health care providers; and

Whereas, the task force found that among the factors contributing to inflated health care and insurance costs are an aging population, new and more expensive technologies, advancements in drug therapy and greater reliance upon costly designer pharmaceuticals, as well as increasing consumer demand, utilization and expectations with respect to health care services; and

Whereas, the task force further determined that reimbursements to providers for health care services furnished to patients receiving Medicare are significantly below the actual costs to the provider to furnish these health care services; and

Whereas, providers are finding it necessary to recoup losses incurred to serve Medicare patients from other sources, including shifting costs to non-Medicare patients, which leads to higher claims expenses to insurers and increased premium rates to the insured; and

Whereas, some providers are no longer taking Medicare patients because of the providers' inability to recover their costs, thus reducing provider availability and limiting access to health care for many who are most in need of health care services. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, That federal legislation be enacted to increase Medicare reimbursements to levels allowing providers to fully recover the actual costs of providing necessary health care services to Medicare eligible patients. Be it further

Resolved, That the members of the Idaho Legislature respectfully suggest that if the President and Congress are sincere in their resolve to find solutions to the health care crisis they should start by funding Medicare at appropriate levels. Be it further

Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the state of Idaho in the Congress of the United States, to the President of the Senate and the Speaker of the House of Representatives of each State Legislature, and to the presidential candidates.

POM-504. A joint resolution adopted by the Legislature of the State of Idaho relative to the Coeur d'Alene Basin; to the Committee on Environment and Public Works.

SENATE JOINT MEMORIAL NO. 111

Whereas, the United States Environmental Protection Agency (EPA) continues to engage in unilateral actions regarding efforts to expand the existing twenty-one square mile Superfund site to include the entire 1,500 square mile Coeur d'Alene River Basin; and

Whereas, the EPA staff members working on Coeur d'Alene Basin issues continue to disregard the views of Idaho's citizens and elected officials; and

Whereas, the EPA has already spent many millions of dollars in the Coeur d'Alene Basin outside the existing Superfund site without any meaningful cleanup to date; and

Whereas, the EPA has undertaken the steps to complete a Remedial Investigation/Feasibility Study (RI/FS) even though the basin is not listed on the national priorities list; and

Whereas, the state of Idaho has been previously granted the leadership role in the Human Health Risk Assessment portion of the RI/FS; and

Whereas, the EPA efforts to bifurcate the RI/FS process appear detrimental to current settlement discussions among all of the parties; and

Whereas, the state of Idaho, the Governor and the Director of the Department of Environmental Quality, have taken the leadership role in development of a plan to remediate the problems in the basin and have actively gained support of local units of government, local citizens, tribal members and responsible parties. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, That we strongly support efforts by the Idaho Department of Environmental Quality to assert and maintain the leadership role in designing and implementing a solution to the multiple dilemmas in the Coeur d' Alene Basin. Be it further

Resolved, That we request the Environmental Protection Agency to use its authority to support efforts by the Idaho Department of Environmental Quality to resolve this problem and to refrain from any strategic delays, unilateral decisions or media manipulation. Be it further

Resolved, That we request a letter be sent from the Administrator of the Environmental Protection Agency to the Region 10 office of the EPA instructing the region to fully support and cooperate with the Governor of the State of Idaho and the Director of the Idaho Department of Environmental Quality in reaching a settlement in these matters. Be it further

Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the Administrator of the United States Environmental Protection Agency, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-505. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Southern Dairy Compact and the Federal Clean Water Act; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 255

Whereas, the dairy industry is an essential agricultural activity of the South, and dairy farms and associated suppliers, marketers, processors, and retailers are an integral component of the region's economy; and

Whereas, the ability of dairy producers to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the Commonwealth and region; and

Whereas, milk is Virginia's number two livestock commodity in terms of cash receipts, and dairy farms are an integral part of the Commonwealth's rural communities; and

Whereas, the United States has lost two-thirds of its dairy farms since 1975; and

Whereas, because of the perishable nature of milk and the fact that milk production is capital intensive and generates a low profit margin based on equity, dairy farmers are uniquely vulnerable to fluctuations in market prices; and

Whereas, the price of milk dropped forty percent on one month during the spring of 1999; and

Whereas, recognizing the interstate character of the southern dairy industry, Virginia and several other southern states have enacted the Southern Dairy Compact, for the purpose of taking such steps as are necessary to ensure the continued viability of dairy farming in the South, and to assure consumers of an adequate, local supply of pure and wholesome milk; and

Whereas, Congress has not yet approved the Southern Dairy Compact; and

Whereas, the federal Clean Water Act requires states to develop Total Maximum Daily Loads (TMDLs), which must be approved by the United States Environmental Protection Agency (EPA); and

Whereas, TMDLs are written plans and analyses established to ensure that a particular impaired water body will attain and maintain water quality standards; and

Whereas, the EPA may require that Virginia's TMDLs impose requirements on farmers to control nonpoint source pollution; and

Whereas, both the failure of Congress to approve the Southern Dairy Compact and the threat of environmental regulation of farms add to the uncertain future of dairy farming in Virginia; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to protect Virginia's dairy industry by approving the Southern Dairy Compact and ensuring that the federal Clean Water Act is implemented in a way that does not place an undue burden on farmers; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-506. A joint resolution adopted by the Legislature of the State of Idaho relative to water quality goals; to the Committee on Environment and Public Works.

HOUSE JOINT MEMORIAL NO. 10

Whereas, the state of Idaho is fully committed to achieving and maintaining water quality for public use and recreation and the protection and aquatic ecosystem; and

Whereas, substantial progress has already been made toward this objective nationwide through the investment of almost one trillion dollars by the municipal and industrial sectors of the economy and an effective federal, state and local partnership with the private sector, in which the states have primary and lead authority; and

Whereas, the state's direct experience demonstrates that achievement of water quality goals depends upon the use of sound science and quality of data, an interative approach to water quality management, a commitment to accommodating economic development, and careful investment of limited resources to maximize environmental benefits, and broad-based public support; and

Whereas, the state's direct experience also demonstrates that the remaining water quality challenges are complex, difficult and site-specific, requiring tailored solutions, better science and monitoring data; and

Whereas, the state has many effective regulatory and cooperative programs underway that are achieving better and greater protection of water quality that can be achieved with a prescriptive federal approach; and

Whereas, Section 303(d) of the Clean Water Act, pertaining to total maximum daily loads (TMDLs), is but one of the many tools that the state and local government have to assure effective water quality management and is not always the most efficient and effective; and

Whereas, the U.S. Environmental Protection Agency's recently proposed TMDL regulations exceed their authority; impose upon the states many new prescriptive, costly, unattainable and often unnecessary requirements; position the U.S. Environmental Protection Agency to arbitrarily take over state program activities; and halt economic development in many waters far into the future; and

Whereas, the proposed regulations impose "unfunded mandates" on the state agencies; and

Whereas, the proposed regulations circumvent the state-based best management practices approach under Section 319 of the Clean Water Act to managing nonpoint source runoff from land-based activities, such as forestry, and superimpose a federal regulatory program on millions of landowners, reversing more than two decades of precedent under the Clean Water Act; and

Whereas, the proposed regulations contain inconsistent and vague terminology that will lead to more state and federal litigation and misallocation of resources while stifling creativity and development of more cost-effective approaches at the state level. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the United States Environmental Protection Agency should, in partnership with the states, reconsider and significantly revise its TMDL proposed regulations and guidance, while taking a more reasonable approach that:

1. Recognizes the limits of the TMDL statutory tool and relies on the many effective approaches states have undertaken under the Clean Water Act and other statutory authorities in partnership with local government, federal agencies and the private sector;

2. Uses Section 303(e) rather than Section 303(d) to inventory water quality generally and establishes a more focused basis for listing of waters under Section 303(d);

3. Provides states the ability to deal, in the most reasonable, cost-effective manner possible, with complex or difficult water quality situations, such as where legacy pollutants, air deposition and nonpoint sources contribute to impairment;

4. Provides fair and workable procedures for issuing new or renewed permits, which allow flexibility in making reasonable progress in reducing loadings, without imposing unnecessary restrictions stifling economic growth;

5. Postpones the April 2000 listing of 303(d) waters for which TMDLs will be required until two years after promulgation of changes to the existing regulations;

6. Is performance based, enabling states to take alternative "functionally equivalent" approaches through regulatory and other means states deem appropriate so long as their water quality standards will be achieved; and

7. Focuses the federal government on the priority need for better funding of state monitoring and watershed technical assistance. Be it further

Resolved That we request the congressional authorizing committees and other interested committees to conduct comprehensive hearings on the proposed rules and the Section 303(d) program in general, and ensure that a comprehensive analysis of the economic and program impacts of the entire TMDL program is completed; and be it further

Resolved That due to the continued proliferation of lawsuits, court orders and consent decrees that are placing an onerous burden on many states, the U.S. Environmental Protection Agency should support state efforts to renegotiate those requirements based on improvements made to the national program. Be it further

Resolved That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM–507. A joint resolution adopted by the Legislature of the State of Idaho relative to the establishment of an Idaho State Veterans Cemetery; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 46

Whereas, Idaho is the only state in the nation without a state or federally-supported cemetery for its wartime veterans; and

Whereas, Thirty-two states currently have, or are planning, the construction of a state cemetery; and

Whereas, Idaho World War II veterans are dying at an alarming rate and deserve to be laid to rest in a field of honor befitting their sacrifices; and

Whereas, the federal government will commit funding for one hundred percent of planning, construction and support equipment costs for the establishment of a state veterans cemetery for Idaho; and

Whereas, the state of Idaho is obligated to provide the land and perpetual funding for operation and maintenance of the cemetery; and

Whereas, a land donor has committed sufficient acreage in the Hidden Hollow subdivision of Boise, Idaho, located north of Dry Creek Cemetery, west of old Highway 55; and for the purposes of applicable taxes, the real property, when accepted by the state of Idaho, shall be considered a gift with the understanding that the property shall revert to the donor if a veterans cemetery is not constructed on such property; and

Whereas, funding for the continued operation and maintenance of the state veterans cemetery shall be derived from veterans motor vehicle license plates; and

Whereas, preliminary estimates gained through proposed bids for operation and maintenance of the cemetery are less than one hundred thousand dollars annually. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we support the establishment and perpetual maintenance and operation of an Idaho state veterans cemetery. Be it further

Resolved That it is the intent of the Legislature that two hundred thousand dollars be appropriated for fiscal year 2001 for cemetery design, and that such amount be reimbursed to the state of Idaho by the federal Veterans Administration. Be it further

Resolved That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this resolution to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

POM–508. A joint resolution adopted by the Legislature of the State of Washington relative to the National World War II Veterans' Memorial; to the Committee on Veterans' Affairs.

Whereas, The people of the State of Washington, have dedicated a wonderful World War II memorial to honor our committed citizens who lived and died through this period of history to ensure freedom and prosperity to future generations; and

Whereas, The people of the State of Washington wish to participate with the Congress at the national level to add their sincere thanks to all American veterans of World War II for their courage, patriotism, and sacrifice;

Now, therefore, Your Memorialists respectfully pray that the Congress accept the support of the people of the State of Washington for the National World War II Veterans' Memorial, a most well-deserved and worthy project.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–509. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to redefinition of Federal Aviation Administration district boundaries; to the Committee on Commerce, Science, and Transportation.

POM–510. A resolution adopted by the Counsel of the City of Cincinnati, Ohio relative to implementation of voluntary noise mitigation measures at the Kenton County Airport; to the Committee on Commerce, Science, and Transportation.

POM–511. A resolution adopted by the Counsel of the City of Cincinnati, Ohio relative to implementation of noise mitigation measures in historic structures, places of worship, education and public accommodation in the Ohio/Kentucky/Indiana region; to the Committee on Commerce, Science, and Transportation.

POM–512. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to submission to the states for their ratification an amendment to the Constitution to restrict the ability of the Supreme Court to mandate any state or political subdivision of the state to levy or increase taxes; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 216

Whereas, Unfunded mandates by the United States Congress and the executive branch of the federal government increasingly strain already tight state government budgets if the states are to comply; and

Whereas, To further compound this assault on state revenues, federal district courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

Whereas, The court's actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

Whereas, The Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

Whereas, This usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

Whereas, Fifteen states, including Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah, have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America that reads as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes."; therefore, be it

Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois, That this legislative body respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state to levy or increase taxes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and the members of the Illinois Congressional delegation.

POM–513. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to the 2000 Census; to the Committee on Government Affairs.

SENATE RESOLUTION NO. 39

Whereas, The U.S. Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration; and

Whereas, The sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

Whereas, An accurate and legal decennial census is necessary to properly apportion U.S. House of Representatives seats among the 50 states and to create legislative districts within the states; and

Whereas, An accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas, Article 1, Section 2 of the U.S. Constitution, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population; and

Whereas, Title 13, Section 195 of the U.S. Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the U.S. population for the purpose of reapportioning the U.S. House of Representatives; and

Whereas, Legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

Whereas, The United States Supreme Court, in No. 98–404, Department of Commerce, et al. v. United States House of Representatives, et al., together with No. 98–564, Clinton, President of the United States, et al. v. Glavin, et al. ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

Whereas, In reaching its findings, the United States Supreme Court found the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one-person, one-vote"; and

Whereas, Consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the U.S. House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one-person, one-vote" legal protections, thus exposing the State of Illinois to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Illinois, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

Whereas, Consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

Whereas, Consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post census local review; therefore; be it

Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois, That we call on the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United Supreme Court ruling and constitution mandate, which require a physical headcount of the population and bars the use of statistical sampling to create or in any way adjust the count; and be it further

Resolved, That the Illinois Senate opposes the use of P.L. 94–171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and be it further

Resolved, That the Illinois Senate demands that it receive P.L. 94–171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent to the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create or in any way adjust the count; and be it further

Resolved, That the Illinois Senate urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further

Resolved, That a copy of this resolution be presented to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the Vice President of the United States, and the President of the United States.

POM–514. A resolution adopted by the Council of Bar Harbor Village, Florida relative to the redevelopment of Homestead Air Force Base as Homestead Regional Airport; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 2516. A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2517. A bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to allow school personnel to apply appropriate discipline measures to all students in cases involving weapons, illegal drugs, and assaults upon teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 2518. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 2516. A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service; to the Committee on the Judiciary.

FUGITIVE APPREHENSION ACT OF 2000

Mr. THURMOND. Mr. President, I rise today to introduce legislation on behalf of myself and Senator Biden that will help address the growing problem of fugitives by giving the U.S. Marshals Service tools they need to apprehend fugitives from justice. Senator Biden and I have worked together many times over the years in support of Federal law enforcement.

Fugitives are those who the courts have found warrant prosecution or have already been found guilty, but are attempting to beat the system. These are individuals who, by their conduct, have indicated a complete lack of respect for our Nation's criminal justice system. This situation represents not only an outrage to the rule of law but also a threat to the safety and security of Americans. Fugitives from justice often continue to commit additional crimes while running free on the streets.

According to some estimates, there are approximately 45,000 fugitives from justice in Federal felony cases. The number of serious Federal offense warrants received by the U.S. Marshals Service has increased each year for the past 4 years. Also, over one-half million fugitives in State and local felony cases have been entered into the database of the National Crime Information Center or NCIC. This number is up from 340,000 reported in 1990. Also, the NCIC receives only about 20 percent of all outstanding State and local felony warrants in the country. If the NCIC estimates are correct, then there could be over 2.5 million State local fugitive warrants in felony cases alone. This does not even include misdemeanor warrants.

Mr. President, this is a serious problem. We must do more to address the growing threat of fugitives on the State and Federal level. It is critical to our fight against crime.

Task forces have been shown to be successful in tracking fugitives. This legislation would create more multiagency task forces around the country to locate and apprehend the enormous number of fugitives nationwide. The marshals involved would be directed by headquarters, so they would not be diverted to tasks such as courtroom security. Also, the task forces would be a joint effort, staffed by U.S. Marshals and State and local law enforcement authorities. These task forces would share case workload and intelligence to locate and apprehend fugitives wanted in their jurisdictions.

Fugitives are the one investigative priority of the U.S. Marshals Service. Because of this expertise, the marshals have been able to specialize their personnel and investigative techniques to deal with this one critical mission. Conducting an investigation to make a criminal case against someone is nothing like trying to find a person who does not want to be found. The same techniques used to conduct criminal investigations cannot be used successfully in fugitive investigations. This puts the majority of law enforcement agencies at a disadvantage, especially State and local law enforcement, who are forced to put their resources into a wide variety of normal police duties. These task forces can help State and local law enforcement develop greater expertise in this area so they can be more efficient and successful in tracking fugitives.

Fugitive investigations are very fluid and time sensitive. The difference between locating and apprehending a fugitive or missing the individual can be merely a matter of minutes.

The time-sensitive nature of these investigations often creates problems under current Federal law. As a general matter, if there is no intent to indict the fugitive for escape, which is true in most fugitive cases, investigators may not use a grand jury subpoena to obtain information on the fugitive. Although investigators can get information through application to the court, the time necessary in seeking Federal court orders can make the difference between apprehension and further flight of the fugitive.

This bill would remedy this deficiency in the law by providing the U.S. Marshals Service administrative subpoena authority in fugitive investigations. This subpoena authority is based on the same authority current law already provides to the Drug Enforcement Administration in drug investigations.

In summary, this bill would help bring to justice dangerous fugitives that are roaming the streets of America. I hope my colleagues will support this important initiative.

I ask unanimous consent to print into the Record a copy of the bill and a section-by-section explanation of its provisions.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fugitive Apprehension Act of 2000".

SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) In General.—The Director of the United States Marshal Service shall establish permanent Fugitive Apprehension Task Forces in areas of the United States as determined by the Director to locate and apprehend fugitives.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the United States Marshal Service to carry out the provisions of this section $32,100,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003.

SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) In General.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Administrative subpoenas to apprehend fugitives

"(a) In this section—

"(1) the term 'fugitive' means a person who—

"(A) having been indicted under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been indicted under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been indicted or having been convicted of committing a felony under Federal or State law; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

"(2) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075;

"(3) the term 'State' means a State of the United States, the District of Colombia, and any commonwealth, territory, or possession of the United States; and

"(4) the term 'relevant or material' means there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought.

"(b) In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds relevant or material in the investigation. The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(c) A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

"(d) In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered. Any failure to obey the order of the court may be punishable by the court as contempt thereof. All process in any such case may be served in any judicial district in which the person may be found.

"(e) This section shall be construed and applied in a manner consistent with section 2703 and with section 1102 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3402).

"(f) The United States Marshals Service shall report to the Attorney General on a quarterly basis regarding administrative subpoenas issued pursuant to this section. The Attorney General shall transmit the report to Congress.

"(g) The Attorney General shall issue guidelines governing the issuance of administrative subpoenas by the United States Marshals Service. Such guidelines shall mandate that administrative subpoenas shall issue only after review and approval of the Director of the Marshals Service or his designee in a position of Assistant Director or higher.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"1075. Administrative subpoenas to apprehend fugitives.".

SECTION-BY-SECTION ANALYSIS—FUGITIVE APPREHENSION ACT OF 2000

Section 1. Short title

The title is the "Fugitive Apprehension Act of 2000."

Section 2. Fugitive apprehension task forces

The purpose of this provision is to assist Federal, state and local law enforcement authorities by forming several multiagency task forces around the country to locate and apprehend fugitives wanted by their jurisdictions.

The bill would authorize to be appropriated to the U.S. Marshal Service funds to establish new permanent Fugitive Apprehension Task Forces and supplement task forces already operating in areas throughout the United States. The task forces would be totally dedicated to locating and apprehending fugitives under the direction of a National Director and not under a specific District to insure that they are not utilized for other USMS missions.

Section 3. Administrative subpoena authority

As a general matter, under Federal law, if there is no intent to seek Federal indictment—as is true in a great majority of fugitive apprehension investigations—law enforcement officers may not use a grand jury subpoena to obtain information relevant to a fugitive investigation. Indeed, to do so would constitute abuse of the grand jury process. Although there are some mechanisms to obtain this information through application to the court, time spent by law enforcement seeking state and federal court orders to obtain the release of information can make the difference between apprehension or further flight of a fugitive.

This provision would remedy the current deficiency in the law by providing for administrative subpoena authority in fugitive investigations. The provision is based on the administrative subpoena authority provided in title 21, United States Code, Section 876, which authorizes the Attorney General to issue administrative subpoenas in controlled substance related criminal investigations and administrative proceedings. However, this provision incorporates significant restrictions on its use in order to satisfy concerns over an expansion in the use of administrative subpoenas.

First, this is more narrowly tailored than Title 21, United States Code, Section 876. The proposed section 1075 authorizes the Attorney General to obtain only documents in response to the subpoena, not testimony.

Second, the statute is limited in its application to fugitives in Federal and state felony cases, not just those suspected of committing crimes. The authority would only apply to those who had been indicted.

Third, the statute strictly controls any delegation of the Attorney General's authority to issue such subpoenas, by requiring that any such delegation be accomplished only through formal Attorney General guidelines that would be subject to scrutiny. These guidelines would require that an official at the level of Assistant Director in the Marshals Service must approve any such subpoena.

Fourth, the statute requires that before a subpoena can be issued, the Attorney General must find that the records sought are "relevant or material," i.e., there are "articulable facts" that show the fugitive's whereabouts may be discerned from the records sought.

Fifth, the statute makes clear that an administrative subpoena issued under this section does not "trump" protections accorded records under existing statutes, such as electronic records whose production is covered by section 2703 of Title 18 and financial records whose production is covered by section 3402 of Title 12. Rather, this statute is to be construed and applied consistent with such existing statutes.

Sixth, the statute requires the Marshals Service to report to the Attorney General quarterly regarding the number of administrative subpoenas issued, and this report will be submitted to the Congress.

This provision would help bring to justice the larger number of federal fugitives whom the government has already decided merit prosecution insofar as they have been charged with and or convicted of a Federal felony offense or have escaped after having been convicted of such an offense. By their conduct, these individuals have indicated a complete lack of respect for our nation's criminal justice system. As to these fugitives, the government does not need proof that they have moved in interstate commerce prior to issuing a subpoena.

The provision also would allow Federal law enforcement officials to issue an administrative subpoena to assist state law enforcement officials in apprehending state fugitives when they affect interstate commerce or when there is a request for assistance from the appropriate state official, and the Attorney General finds that the request gives rise to a Federal interest sufficient to warrant the exercise of Federal jurisdiction under section 1705. This portion of the statute is modeled on similar provisions in Title 28 U.S.C. sections 540 and 540a. It responds to the need of state officials to use the unique, nationwide detection and enforcement capabilities of Federal law enforcement agencies in apprehending fugitives, many of whom cross state lines to avoid capture. It also recognizes the importance of, and provides additional support for, ongoing cooperation between state and Federal officials in capturing fugitives, particularly in joint Federal/state task forces.

Under Title 28 U.S.C. Section 566(e)(1)(B), the U.S. Marshal Service has authority to investigate fugitive matters "as directed by the Attorney General." The FBI has authority to investigate fugitive matters (in violation of Title 18 U.S.C. section 1073) under Title 28 U.S.C. section 533(1). This bill would neither increase nor decrease the Attorney General's authority under those statutory provisions to direct the activities of the Marshal Service and the FBI.

Finally, it would provide investigators a mechanism to obtain documentary information in cases alleging a violation under the Unlawful Flight to Avoid Prosecution (UFAP) statute for fugitives fleeing from the testimonial responsibilities or to avoid lawful process, 18 U.S.C. section 1073(2) and (3). For this lower priority category of fugitives, it incorporates by reference the UFAP interstate movement requirement.

By Mr. ASHCROFT:

S. 2517. A bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to allow school personnel to apply appropriate discipline measures to all students in cases involving weapons, illegal drugs, and assaults upon teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL SAFETY ACT OF 2000

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Safety Act of 2000".

SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PROCEDURAL SAFEGUARDS.— Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) DISCIPLINE BY LOCAL AUTHORITY WITH RESPECT TO WEAPONS, DRUGS, AND TEACHER ASSAULTS.—

"(1) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO WEAPONS, DRUGS, AND TEACHER ASSAULTS.—Notwithstanding any other provision of this title, school personnel may discipline (including expel or suspend) a child with a disability in the same manner in which such personnel may discipline a child without a disability if the child with a disability—

"(A) carries or possesses a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

"(B) threatens to carry, possess, or use a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

"(C) possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or

"(D) assaults or threatens to assault a teacher, teacher's aid, principal, school counselor, or other school personnel, including independent contractors and volunteers.

"(2) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary action described in paragraph (1), school personnel have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(3) DEFENSE.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the alleged act was unintentional or innocent.

"(4) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), or any other provision of this title, a child expelled or suspended under paragraph (1) shall not be entitled to continued educational services, including a free appropriate public education, under this subsection, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(i) nothing in this subsection shall be construed to require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(5) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(A) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this subsection.

"(B) PROCEDURE.—None of the procedural safeguards or disciplinary procedures of this Act shall apply to this subsection, and the relevant procedural safeguards and disciplinary procedures applicable to children without disabilities may be applied to the child with a disability in the same manner in which such safeguards and procedures would be applied to children without disabilities.

"(6) DEFINITIONS.—In this subsection:

"(A) THREATEN TO CARRY, POSSESS, OR USE A WEAPON.—The term 'threaten to carry, possess, or use a weapon' includes behavior in which a child verbally threatens to kill another person.

"(B) WEAPON, ILLEGAL DRUG, CONTROLLED SUBSTANCE, AND ASSAULT.—The terms 'weapon', 'illegal drug', 'controlled substance', 'assault', 'unintentional', and 'innocent' have the meanings given such terms under State law.".

(b) CONFORMING AMENDMENTS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) in subsection (f)(1), by striking "Whenever" and inserting the following: "Except as provided in section 615(n), whenever"; and

(2) in subsection (k)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) In any disciplinary situation except for such situations as described in subsection (n), school personnel under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would apply to children without disabilities).";

(B) by striking paragraph (3) and inserting the following:

"(3) Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

"(A) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

"(B) include services and modifications designed to address the behavior described in paragraphs (1) or (2) so that it does not recur.";

(C) in paragraph (6)(B)—

(i) in clause (i), by striking "(i) In reviewing" and inserting "In reviewing"; and

(ii) by striking clause (ii);

(D) in paragraph (7)—

(i) in subparagraph (A), by striking "paragraph (1)(A)(ii) or" each place it appears; and

(ii) in subparagraph (B), by striking "paragraph (1)(A)(ii) or"; and

(E) by striking paragraph (10) and inserting the following:

"(10) SUBSTANTIAL EVIDENCE.—The term 'substantial evidence' means beyond a preponderance of the evidence.".

SEC. 3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

"(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(n) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(n)).".

SEC. 4. APPLICATION.

The amendments made by sections 2 and 3 shall not apply to conduct occurring prior to the date of enactment of this Act.

By Mr. MCCAIN:

S. 2518. A bill to provide for the technical integrity of hte FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FM RADIO ACT OF 2000

• Mr. MCCAIN: Mr. President, I rise today to introduce a bill to resolve the controversy that has erupted over the Federal Communications Commission's creation of a new, noncommercial low-power FM radio service.

As you undoubtedly known, the FCC's low-power FM rules will allow the creation of thousands of new noncommercial FM radio stations with coverage of about a mile or so. Although these new stations will give churches and community groups new outlets for expression of their views, commercial FM broadcasters as well as National Public Radio oppose the new service. They argue that the FCC ignored studies showing that the new low-power stations would cause harmful interference to the reception of existing full-power FM stations.

Mr. President, legislation before the House of Representatives would call a halt to the institution of low-power FM service by requiring further independent study of its potential for causing harmful interference to full-power stations, and Senator GREGG has introduced the same legislation in the Senate. While this would undoubtedly please existing FM radio broadcasters, it understandably angers the many parties who are anxious to apply for the new low-power licenses. Most importantly, it would delay the availability of whatever new programming these new low-power licensees might provide, even where the station would have caused no actual interference at all had it been allowed to operate.

With all due respect to Senator GREGG and to the supporters of the House bill, I think we can reach a fairer result, and the bill I am introducing, the FM Radio Act of 2000, is intended to do just that.

Unlike Senator GREGG's bill, the FM Radio Act would allow the FCC to license low-power FM radio stations. the only low-power FM stations that would be affected would be those whose transmissions are actually causing harmful interference to a full-power radio station. The National Academy of Sciences—an expert body independent of the FCC—would determine which stations are causing such interference and what the low-power station must do to alleviate it.

It gives full-power broadcasters the right to sue any low-power FM licensee for causing harmful interference, and stipulates that the costs of the suit shall be borne by the losing party. Finally, to make sure that the FCC does not relegate the interests of full-power radio broadcasters to secondary importance in its eagerness to launch the new lower-power FM service, the bill requires the FCC to complete all rulemakings necessary to implement full-power stations' transition to digital broadcasters no later than June 1, 2001.

Mr. President, this legislation strikes a fair balance by allowing non-interfering low-power FM stations to operate without further delay, while affecting only those low-power stations that an independent scientific body finds to be causing harmful interference in their actual, everyday operations. This is totally consistent with the fact that low-power FM is a secondary service which, by law, must cure any interference caused to any primary, full-power service. This legislation will provide an efficient and impartial means to detect and resolve harmful interference. By providing a judicial remedy with costs assigned to the losing party, the bill will discourage the creation of low-power stations most likely to cause harmful interference even as it discourages full-power broadcasters from making unwarranted interference claims. And for these reasons it will provide a more definitive resolution of opposing interference claims than any number of further studies ever could.

Mr. President, in the interests of would-be new broadcasters, existing broadcasters, but, most of all, the listening public, I urge the enactment of the FM Radio Act of 2000.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 577

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to interstate transportation of intoxicating liquor.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1921

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. CRAPO), and the Senator from Maryland (Mr. SARBANES) were added as a cosponsors of S. 1921, supra

S. 1988

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1988, a bill reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention servicers and activities among the elderly, to amend the XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2241

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG), the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. ROBERTS), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2241, a bill to amend title XVIII of the Social Security Act to adjust wages and wage-related costs for certain items and services furnished in geographically reclassified hospitals.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2277

At the request of Mr. ROTH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2330

At the request of Mr. BREAUX, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2334

At the request of Mr. L. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2334, a bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from North Carolina (Mr. HELMS), the Senator from Wyoming (Mr. THOMAS), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2387

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2387, a bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2478

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2478, a bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes.

S. 2494

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2494, a bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes.

S. CON. RES. 109

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. LEVIN), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Con. Res. 109, a concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of the Iran Jewish community.

S. CON. RES 110

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Oregon (Mr. SMITH), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Colorado (Mr. CAMPBELL), were added as cosponsors of S. Con. Res. 110, a concurrenct resolution congratulating the Republic of Latvia on the tenth of anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

LUGAR AMENDMENT NO. 3125

(Ordered to lie on the table.)

Mr. LUGAR submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 23, line 3, strike "$200,000,000" and insert "$500,000,000".

LOTT AMENDMENT NO. 3126

Mr. COVERDELL (for Mr. LOTT) proposed an amendment to the bill, S. 2, supra; as follows:

On page 210, strike lines 18 through 21 and insert the following:

"(1) Recruiting and hiring highly qualified certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size or address the shortage of highly qualified teachers in specific academic subjects or grades, or hiring special education teachers.

On page 215, strike line 13 and all that follows through page 217, line 13, and insert the following:

"(c) ACCOUNTABILITY.—

"(1) IN GENERAL.—At the end of each fiscal year, a State shall determine whether a local educational agency in the State, in carrying out activities under subpart 2 or this subpart during the fiscal year, has failed to achieve—

"(A) improved student performance, as determined by the State; or

"(B) an increased percentage of classes in core academic subjects that are taught by highly qualified teachers.

"(2) TECHNICAL ASSISTANCE.—If the State determines, under paragraph (1), that a local educational agency has failed to achieve the improved performance or increased percentage described in subparagraph (A) or (B) of paragraph (1), the State may provide technical assistance in order to provide the opportunity for the agency to make progress in achieving the improved performance or increased percentage.

"(3) ELIGIBILITY FOR FUNDS IN 4TH YEAR.—If a local educational agency applies for funds under this part for a 4th year (including applying for funds under subpart 2 as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency, in carrying out activities under subpart 2 or this subpart, as appropriate, during the past 3 fiscal years, has achieved the improved student performance or increased percentage described in subparagraph (A) or (B) of paragraph (1).

"(4) STATE CONTROL OF FUNDS.—If the State determines, under paragraph (3), that a local educational agency has failed to achieve the improved performance or increased percentage described in subparagraph (A) or (B) of paragraph (1), the State shall receive the funds for which the agency is eligible under section 2012(c) and shall expend the funds in accordance with subpart 2 or this subpart, as appropriate.

On page 217, strike lines 18 through 24 and insert the following:

"(a) PAYMENTS.—

"(1) IN GENERAL.—A local educational agency receiving funds to carry out this subpart may provide payments directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice that meets the criteria set forth in subsections (a) and (b) of section 2032.

"(2) REQUESTS.—On request by a group of teachers in schools served by the local educational agency, the agency shall use a portion of the funds provided to the agency to carry out this subpart, to provide payments in accordance with this section.

On page 221, between lines 2 and 3, insert the following:

"(7) A description of the manner in which the local educational agency will collaborate with (as applicable) institutions of higher education or other entities in providing high quality professional development activities under this subpart.

On page 242, line 3, strike "part G" and insert "part I".

On page 248, strike line 9 and insert the following: "years.

"PART G—CAREERS TO CLASSROOMS

"SEC. 2521. CAREERS TO CLASSROOMS.

"(a) DEFINITIONS.—In this section:

"(1) ALTERNATIVE CERTIFICATION PROGRAM.—The term 'alternative certification program' means a State-approved program that—

"(A) provides the education and training necessary to enable an individual to be eligible for teacher certification in the State within a reduced period of time, compared to the time typically required to receive such certification; and

"(B) relies upon an individual's experience, expertise, academic qualifications, or other factors in lieu of traditional course work for eligibility to receive a degree in the field of education.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual—

"(A) who has submitted an application described in subsection (d) to be a certified teacher through a State-approved alternative certification program in an elementary or secondary school;

"(B) who has an associate, baccalaureate, or advanced degree from an accredited institution of higher education;

"(C) who—

"(i) has substantial, demonstrable career experience and competence in math, natural science, computer science, engineering, foreign language or another field of expertise determined by the State to be a field for which there is a significant shortage of qualified teachers and teacher applicants in that State; or

"(ii) within 5 years of the date on which the individual submits an application described in subparagraph (A)—

"(I) has received a baccalaureate or advanced degree from an accredited institution of higher education in a field of expertise described in clause (i); and

"(II)(aa) has graduated with at least a 3.0 grade point average (or equivalent average on a different scale) in the major or graduate program for which the individual obtained the degree;

"(bb) has graduated at least in the top 50 percent of the individual's undergraduate or graduate class;

"(cc) can demonstrate a high level of competence through a high level of academic performance in core academic coursework and through successful passage of academic subject tests required by the State under its alternative certification program; and “(dd) meets any additional academic or other standards or qualifications established by the State;

“(D) in the case of an individual receiving a stipend under this section, who agrees to, in good faith, seek employment and to consider offers of employment in the individual's subject matter of expertise in a high need elementary or secondary school within that State; and

“(E) who meets any additional teacher certification or other requirements that may be established by the State.

“(3) High need elementary or secondary school.—The term ‘high need elementary or secondary school’ means a school—

“(A)(i) in which the percentage of students from families below the Federal poverty level (as determined by the Secretary) is 20 percent or more; and

“(ii) that the State determines has experienced a significant period in which teacher vacancies have remained unfilled due to greater than normal difficulty in recruiting or retaining qualified teachers;

“(B) is within the top quartile of schools statewide with regard to the number of unfilled, available teacher positions; or

“(C) is located in an area, other than a metropolitan statistical area, that the State determines has a high percentage of students from low-income families or is one that has experienced greater than normal difficulty in recruiting or retaining teachers.

“(b) Program Authorized.—The Secretary may award, on a competitive basis, grants to States to enable such States to carry out the following activities:

“(1) Teacher recruitment, education, training, referral, placement, and retention activities to place eligible individuals as certified teachers in public schools through State-approved alternative certification programs.

“(2) To award stipends (in an amount not to exceed the lesser of $5,000 per person or an amount equal to the total costs of the types described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 incurred by the eligible individual in obtaining alternative certification under this section) to eligible individuals who—

“(A) are enrolled in a State authorized alternative certification program; and

“(B) agree to—

“(i) seek certification through teacher certification programs in that State; and

“(ii) teach in a high need school in that State;

with a preference being given to individuals who are deemed financially in need of such assistance by the State.

“(3) To provide grants, in a manner prescribed by the State, in an amount not to exceed $5,000 per eligible individual, per year, to high need elementary and secondary schools to offset the teacher mentoring, alternative certification, and other direct costs associated with accepting eligible individuals under this section.

“(4) To develop, or to award grants to accredited institutions of higher education for the development of, alternative certification programs, with preference given to programs tailored to eligible individuals under this section.

“(5) Other activities determined by the State to be reasonably necessary to carry-out the purposes of this section.

“(c) Criteria for Awarding of Grants.—

“(1) In general.—To be eligible to receive a grant under this section a State shall—

“(A) submit to the Secretary an application that contains—

“(i) a description of the manner in which the State will carry out activities under this section; and

“(ii) a description of the alternative certification program of the State or a description of the manner in which the State is attempting to implement an alternative certification program;

“(B) provide assurances to the Secretary that the State will submit to the Secretary, at the end of the grant period, a report on how the activities carried out with funds made available under the grant were utilized, including a description of—

“(i) the manner in which the funds were used to increase the number of qualified teachers hired in the State;

“(ii) the manner in which the funds improved teacher quality;

“(iii) the number of teachers hired under the grant;

“(iv) the professional experience and field of expertise of each teacher hired under the grant; and

“(v) the manner in which the funds were used to meet other objectives of this section or other objectives of the State with regard to teacher hiring, quality, retention, and student performance;

“(C) provide assurances that amounts received under the grant will be used to supplement and not supplant other Federal, State, and local funds expended to provide services for individuals and entities eligible to receive funds under this section; and

“(D) provide assurances to the Secretary that amounts received under the grants will be expended within 3 years of the receipt of such funds and agree to return unused funds to the Secretary.

“(2) Preference.—The Secretary shall give preference in the awarding of grants under this section to States that have developed, or that are developing, alternative certification programs that—

“(A) rapidly place quality certified teachers into the classroom;

“(B) emphasize subject matter content; and

“(C) lead to the certification and placement of a large number of teachers in relation to the number of public elementary school and secondary school teachers in the State.

“(3) Limitations.—A grant under this section may be made for a period of up to 3 years, and may not exceed $10,000,000 per year.

“(4) Geographic diversity.—To the extent practicable, the Secretary shall award grants under this section to support programs in different geographic regions of the United States.

“(d) Application by Eligible Individuals.—To be eligible to participate as an eligible individual under this section, an individual shall submit an application to the State, or to an entity or individual designated by the State to receive such applications. Such application shall include—

“(1) a description of the academic, professional, and other qualifications of the individual, including the academic or professional subject matter expertise of the individual;

“(2) a description of the subject matter area, and, if applicable, the grade level, in which the individual desires to teach;

“(3)(A) a description of whether the individual is seeking a stipend under this section (if offered by the State); and

“(B) if the individual is seeking such a stipend, a description of the willingness of the individual to teach in a high need school for at least 2 years under this section; and

“(4) any other information or documentation that may be required by the State.

“(e) Stipends.—

“(1) Counted for eligibility purposes.—A stipend received by an eligible individual under this section shall be taken into account in determining the eligibility of the individual for Federal student-based financial assistance.

“(2) Repayment.—The recipient of a stipend under this section shall repay amounts received under such stipend to the State from which the stipend was received if—

“(A) the recipient fails to complete the applicable alternative certification program;

“(B) the recipient rejects a bona fide offer of employment during the 1-year period beginning on the date on which the individual completes the applicable alternative certification program; or

“(C) the recipient fails to teach for at least 2 years in a public elementary or secondary school within that State during the 5-year period beginning on the date on which the individual completes the applicable alternative certification program.

“(3) Additional procedures.—A State that receives a grant under this section may establish additional procedures and rules with respect to the reimbursement of the State of any stipend funds under paragraph (2), and shall retain such reimbursed funds to carry out activities under this section.

“(4) Exceptions.—Paragraphs (2) and (3) shall not apply during the period of time in which an eligible individual is—

“(A) pursuing a full-time course of study;

“(B) serving on active duty as a member of the Armed Forces;

“(C) temporarily totally disabled for a period of time not to exceed 3 years;

“(D) not able to secure employment for a period of not more than 12 months by reason of the care required by a spouse who is disabled; or

“(E) otherwise exempted from the requirements of such paragraphs as may be provided by the Secretary.

“(f) Public Awareness.—The Secretary shall disseminate and otherwise make available information concerning the program under this section, including—

“(1) through the posting of a website on the Internet to enable interested persons to easily find information and application material for participation in activities under this section, that contains a nationwide, publicly searchable data bank of all State programs and all available public elementary and secondary teaching positions the Secretary is able to practicably ascertain, and a means by which individuals may apply to, or inquire of, multiple States' alternative certification programs under this section;

“(2) providing information to every State about the program under this section, including the criteria for State and individual eligibility; and

“(3) conducting other activities, either directly or through contract with other appropriate entities, to broaden awareness and participation in the program under this section.

“(g) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 in fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2006.

“PART H—TEACHER LIABILITY PROTECTION

“SEC. 2531. SHORT TITLE.

“This part may be cited as the ‘Teacher Liability Protection Act of 2000’.

“SEC. 2532. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress makes the following findings:

“(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

“(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

“(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

“(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

“(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

“(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

“(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

“(b) PURPOSE.—The purpose of this part is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

“SEC. 2533. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

“(a) PREEMPTION.—This part preempts the laws of any State to the extent that such laws are inconsistent with this part, except that this part shall not preempt any State law that provides additional protection from liability relating to teachers.

“(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

“(1) citing the authority of this subsection;

“(2) declaring the election of such State that this part shall not apply, as of a date certain, to such civil action in the State; and

“(3) containing no other provisions.

“SEC. 2534. LIMITATION ON LIABILITY FOR TEACHERS.

“(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

“(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

“(2) the actions of the teacher were carried out in conformity with local, State, or Federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

“(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

“(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

“(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

“(A) possess an operator's license; or

“(B) maintain insurance.

“(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

“(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

“(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

“(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

“(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

“(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

“(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

“(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

“(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

“(1) IN GENERAL.—The limitations on the liability of a teacher under this part shall not apply to any misconduct that—

“(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

“(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

“(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

“(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect subsection (a)(3) or (d).

“SEC. 2535. LIABILITY FOR NONECONOMIC LOSS.

“(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

“(b) AMOUNT OF LIABILITY.—

“(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

“(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

“SEC. 2536. DEFINITIONS.

“For purposes of this part:

“(1) ECONOMIC LOSS.—The term ‘economic loss’ means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

“(2) HARM.—The term ‘harm’ includes physical, nonphysical, economic, and noneconomic losses.

“(3) NONECONOMIC LOSSES.—The term ‘noneconomic losses’ means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

“(4) SCHOOL.—The term ‘school’ means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965), or a home school.

“(5) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

“(6) TEACHER.—The term ‘teacher’ means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

“SEC. 2537. EFFECTIVE DATE.

“(a) IN GENERAL.—This part shall take effect 90 days after the date of enactment of the Teacher Opportunities Act.

“(b) APPLICATION.—This part applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this part, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 7, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2300, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, a bill to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Kathleen Elder or Mike Menge (202) 224–6170.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Thailand	Dollar				3,420.86				3,420.86
Senator Gordon Smith:									
Austria	Dollar						428.76		428.76
Frank Jannuzi:									
Singapore	Dollar		1,182.75						1,182.75
Indonesia	Dollar		741.00						741.00
Australia	Dollar		636.00						636.00
United States	Dollar				8,466.69				8,466.69
James Jones:									
India	Dollar						276.63		276.63
Roger Noriega:									
Nicaragua	Dollar		262.50						262.50
Mexico	Dollar		1,866,75						1,866.75
United States	Dollar				1,602.27				1,602.27
Nancy Stetson:									
India	Dollar						276.62		276.62
Elizabeth Stewart:									
Austria	Dollar						428.75		428.75
Senator Christopher Dodd:									
Colombia	Dollar		50.00						50.00
Venezuela	Dollar		50.00						50.00
Ecuador	Dollar		225.00						225.00
Senator Russell Feingold:									
South Africa	Dollar		95.00						95.00
Zimbabwe	Dollar		21.00						21.00
Zambia	Dollar		20.00						20.00
Rwanda	Dollar		31.00						31.00
Uganda	Dollar		22.00						22.00
United States	Dollar				1,478.49				1,478.49
Senator John Kerry:									
Burma	Dollar		164.00						164.00
Thailand	Dollar		344.00						344.00
United States	Dollar				5,144.00				5,144.00
Senator Gordon Smith:									
United Kingdom	Dollar		1,524.00						1,524.00
Luxembourg	Dollar		139.00						139.00
Slovenia	Dollar		220.00						220.00
Austria	Dollar		132.00						132.00
United States	Dollar				6,072.29				6,072.29
Stephen Biegun:									
United Kingdom	Dollar		1,524.00						1,524.00
United States	Dollar				4,784.69				4,784.69
Michele DeKonty:									
Switzerland	Dollar		1,060.55						1,060.55
United States	Dollar				2,905.03				2,905.03
Heather Flynn:									
France	Dollar		283.00						283.00
Ivory Coast	Dollar		1,027.00						1,027.00
United States	Dollar				5,540.50				5,540.50
Michelle Gavin:									
South Africa	Dollar		86.00						86.00
Zimbabwe	Dollar		21.00						21.00
Zambia	Dollar		20.00						20.00
Rwanda	Dollar		20.00						20.00
Uganda	Dollar		22.00						22.00
United States	Dollar				1,478.49				1,478.49
Sherry Grandjean:									
Georgia	Dollar		2,950.00						2,950.00
United States	Dollar				5,888.45				5,888.45
Garrett Grigsby:									
Argentina	Dollar		850.00						850.00
Haiti	Dollar		528.00						528.00
United States	Dollar				4,307.00				4,307.00
Michael Haltzel:									
Germany	Dollar		512.00						512.00
Russia	Dollar		950.00						950.00
Ukraine	Dollar		30.00						30.00
United States	Dollar				5,936.48				5,936.48
James Jones:									
United Kingdom	Dollar		400.00						400.00

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
India	Dollar		500.00						500.00
Burma	Dollar		167.00						167.00
Thailand	Dollar		498.00						498.00
United States	Dollar				8,321.25				8,321.25
Kirsten Madison:									
Mexico	Dollar		1,144.50						1,144.50
United States	Dollar				964.27				964.27
Janice O'Connell:									
Colombia	Dollar		50.00						50.00
Venezuela	Dollar		50.00						50.00
Ecuador	Dollar		75.00						75.00
United States	Dollar				378.35				378.35
Nancy Stetson:									
United Kingdom	Dollar		309.00						309.00
India	Dollar		75.00						75.00
Burma	Dollar		65.00						65.00
Thailand	Dollar		498.00						498.00
Indonesia	Dollar		619.00						619.00
Singapore	Dollar		292.00						292.00
Australia	Dollar		591.00						591.00
United States	Dollar				9,734.71				9,734.71
Elizabeth Stewart:									
United States	Dollar				3,695.00				3,695.00
United Kingdom	Dollar		1,474.00						1,474.00
Luxembourg	Dollar		200.00						200.00
Slovenia	Dollar		200.00						200.00
Austria	Dollar		75.00						75.00
United States	Dollar				5,449.29				5,449.29
Natasha Watson:									
Hong Kong	Dollar		257.00						257.00
Vietnam	Dollar		366.00						366.00
Japan	Dollar		250.00						250.00
United States	Dollar				4,045.19				4,045.19
Michael Westphal:									
Georgia	Dollar		2,950.00						2,950.00
United States	Dollar				5,888.45				5,888.45
Total			24,026.05		82,011.93				106,037.98

JESSE HELMS,
Chairman, Committee on Foreign Relations, Feb. 10, 2000.

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus			621.00		5,109.45				5,730.45
Lorenzo Goco			621.00		5,129.19				5,750.19
Ira Wolfe			621.00		4,690.45				5,311.45
Senator Mike DeWine			144.13						144.13
James Barnett			371.00						371.00
Barbara Schenck			371.00						371.00
Senator Richard Shelby			957.98		5,302.32				6,260.30
Kathleen Casey			1,764.00		5,302.32				7,066.32
C. Nicholas Rostow			1,587.12		5,877.57				7,464.69
Peter Dorn			2,649.00		9,942.00				12,591.00
Peter Cleveland			2,338.00		11,054.73				13,392.73
Linda Taylor			2,338.00		11,054.73				13,392.73
James Wolfe			2,649.00		9,942.00				12,591.00
Total			17,032.23		73,404.76				90,436.99

RICHARD SHELBY,
Chairman, Committee on Intelligence, Apr. 12, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles R. Ross, Jr.:									
United States	Dollar				1,529.30				1,529.30
Argentina	Dollar		1,563.00						1,563.00
Uruguay	Dollar		873.00						873.00
Total			2,436.00			1,529.30			3,965.30

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition and Forestry, Apr. 11, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Senator Thad Cochran:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Senator Fritz Hollings:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Jennifer Chartrand:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Charlie Houy:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Lila Helms:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Senator Ben N. Campbell:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Steve Cortese:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Sid Ashworth:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	2,691,397	1,434.00					2,691,397	1,434.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Senator Patrick Leahy:									
Canada	Dollar				584.05				584.05
Tim Rieser:									
Canada	Dollar				584.05				584.05
Jonathan Kamarck:									
Costa Rica	Colon		675.00		3,928.90				4,603.90
Chile	Pesos		675.00						675.00
Cheh Kim:									
Costa Rica	Colon		675.00		3,928.90				4,603.90
Chile	Pesos		675.00						675.00
Senator Kay B. Hutchison:									
Portugal	Escudo	48,960	255.00					48,960	255.00
Spain	Peseta	196,989	1,213.00					196,989	1,213.00
Tunisia	Dinar	470.79	374.00					470.79	374.00
Morocco	Dirham	5,940	595.00					5,940	595.00
Total			31,102		9,025.90				40,127.90

TED STEVENS,
Chairman, Committee on Appropriations, Apr. 13, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pat Roberts:									
Morocco	Dirham	3,720.00	372.00						372.00
Italy	Lira	354,942	189.00						189.00
Tunisia	Dinar	342	274.00						274.00
Senator James M. Inhofe:									
Denmark	Dollar		239.00						239.00
Switzerland	Dollar		616.00						616.00
United Kingdom	Dollar		762.00						762.00
Italy	Dollar		660.00						660.00
Germany	Dollar		386.00						386.00
Spain	Dollar		259.00						259.00
Senator Tim Hutchinson:									
Japan	Dollar		147.85						147.85
South Korea	Dollar		235.44						235.44
Taiwan	Dollar		126.63						126.63
Michael P. Ralsky:									
Japan	Dollar		113.92						113.92
South Korea	Dollar		239.33						239.33
Taiwan	Dollar		126.63						126.63
Senator Joseph I. Lieberman:									
Russia	Dollar		177.89						177.89
Germany	Dollar		371.95						371.95
Senator Jack Reed:									
Russia	Dollar		364.94						364.94

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Germany	Dollar		454.00						454.00
Frederick M. Downey:									
Russia	Dollar		167.36						167.36
Germany	Dollar		312.83						312.83
Total			6,577.77						6,577.77

JOHN WARNER,
Chairman, Committee on Armed Services, Mar. 31, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Portugal	Escudo	48,960	255.00						255.00
Spain	Peseta	196,989	1,213.00						1,213.00
Tunisia	Dinar	470.79	374.00						374.00
Morocco	Dirham	4,318	341.80						341.80
Ruth Cymber:									
Portugal	Escudo	48,960	255.00						255.00
Spain	Peseta	196,989	1,213.00						1,213.00
Tunisia	Dinar	470.79	374.00						374.00
Morocco	Dirham	2,100	210.00						210.00
Senator Mike Enzi:									
Japan	Dollar		318.00						318.00
South Korea	Dollar		271.00						271.00
Taiwan	Dollar		265.00						265.00
Total			5,089.80						5,089.80

PHIL GRAMM,
Chairman, Committee on Banking, Housing and Urban Affairs, Apr. 14, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EXPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert W. Corbisier:									
Canada	Dollar		359.94		695.29				1,055.23
William B. Woolf:									
Russia	Dollar		1,140.37		4,686.20				5,826.57
Canada	Dollar		309.19		793.75				1,102.94
Total			1,809.50		6,175.24				7,984.74

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Apr. 10, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel Bob:									
Australia	Dollar	2,074.65	1,364.00		1,670.73				2,927.65
Senator William V. Roth:									
Australia	Dollar	2,467.00	1,622.00		7,267.01				8,333.72
Richard Chriss:									
Switzerland	Swiss Franc	1,961.16	1,180.00		1,901.00				2,782.59
Total			4,166.00		10,838.74				14,043.96

WILLIAM V. ROTH,
Chairman, Committee on Finance, Apr. 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Germany	Dollar		454.00						454.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Dollar		333.00						333.00
United States	Dollar				5,442.03				5,442.03
Senator Sam Brownback:									
India	Dollar		375.00				509.32		884.32
Pakistan	Dollar		250.00				682.31		932.31
Nepal	Dollar		236.00				225.08		461.08
United States	Dollar				7,115.25				7,115.25
Senator Christopher Dodd:									
United States	Dollar				3,214.08				3,214.08
Senator Chuck Hagel:									
Russia	Dollar		188.28						188.28
Germany	Dollar		323.23						323.23
Marshall Billingslea:									
Malta	Dollar		452.00						452.00
Greece	Dollar		404.00						404.00
Turkey	Dollar		729.00						729.00
Azerbaijan	Dollar		754.00						754.00
United States	Dollar				6,644.61				6,644.61
Michael Coulter:									
Russia	Dollar		380.00						380.00
Germany	Dollar		303.33						303.33
James Doran:									
China	Dollar		1,446.00						1,446.00
Taiwan	Dollar		255.00						255.00
United States	Dollar				5,102.36				5,102.36
Richard Fontaine:									
Lebanon	Dollar		225.00						225.00
Israel	Dollar		990.00						990.00
Syria	Dollar		630.00						630.00
United States	Dollar				5,250.35				5,250.35
Michael Haltzel:									
Russia	Dollar		365.00						365.00
Germany	Dollar		259.00						259.00
Slovenia	Dollar		650.00						650.00
U.S.A.	Dollar				5,253.39				5,253.39
James Jones:									
Switzerland	Dollar		1,550.00						1,550.00
United States	Dollar				5,643.50				5,643.50
Mark Lagon:									
China	Dollar		1,446.00						1,446.00
Taiwan	Dollar		255.00						255.00
United States	Dollar				5,102.36				5,102.36
Marcia Lee:									
Colombia	Dollar		522.00						522.00
United States	Dollar				667.80				667.80
LouAnn Linehan:									
Russia	Dollar		216.97						216.97
Germany	Dollar		347.97						347.97
Brian McKeon:									
Colombia	Dollar		571.00						571.00
United States	Dollar				667.80				667.80
Patricia McNerney:									
Namibia	Dollar		306.00						306.00
Botswana	Dollar		521.00						521.00
United States	Dollar				8,106.00				8,106.00
Canada	Dollar		705.00						705.00
United States	Dollar				358.00				358.00
Michael Miller:									
Namibia	Dollar		506.24						506.24
Botswana	Dollar		521.00						521.00
Zimbabwe	Dollar		990.00						990.00
United States	Dollar				7,853.11				7,853.11
Sean Moore:									
Colombia	Dollar		600.00						600.00
United States	Dollar				667.80				667.80
Kenneth Peel:									
Canada	Dollar		1,410.00						1,410.00
United States	Dollar				368.50				368.50
Danielle Pletka:									
Lebanon	Dollar		225.00						225.00
Israel	Dollar		990.00						990.00
Syria	Dollar		630.00						630.00
United States	Dollar				5,250.35				5,250.00
Christina Rocca:									
India	Dollar		375.00				509.31		884.31
Pakistan	Dollar		250.00				682.31		932.31
Nepal	Dollar		236.00				225.07		461.31
United States	Dollar				7,115.25				7,115.25
Elizabeth Stewart:									
Russia	Dollar		225.48						225.48
Germany	Dollar		454.00						454.00
Marc Thiessen:									
China	Dollar		1,446.00						1,446.00
Taiwan	Dollar		225.00						225.00
United States	Dollar				5,102.36				5,102.36
Total			25,556.50		84,924.90		2,833.40		113,314.80

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 10, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Susan Collins:									
Japan	Yen	33,501	318.00					33,501	318.00
Korea	Won	310,840	271.00					310,840	271.00
Taiwan	Dollar	32,648	265.00					32,648	265.00
Richard Kessler:									
United States	Dollar				1,188.52				1,188.52
United Kingdom	Pound	232.50	381.00					232.50	381.00
Austria	Schilling	5,952.27	436.00					5,952.27	436.00
Senator Fred Thompson:									
Russia	Ruble		203.56						203.56
Germany	Mark		425.83						425.83
Senator Susan Collins:									
Russia	Ruble		167.36						167.36
Germany	Mark		339.53						339.53
Mark Esper:									
Russia	Ruble		178.30						178.30
Germany	Mark		454.00						454.00
Senator George Voinovich:									
United States	Dollar				5,247.79				5,247.79
Croatia	Dollar		167.00						167.00
Macedonia	Dollar		485.00						485.00
Belgium	Franc		228.00						228.00
Aric Newhouse:									
United States	Dollar				5,247.79				5,247.79
Croatia	Dollar		150.00						150.00
Macedonia	Dollar		347.00						347.00
Belgium	Franc	8,112	197.00						197.00
Total			5,013.58		11,684.10				16,697.68

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Apr. 7, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			4,177.00		645.91		9,274.93		1,4097.84
Senator Richard Bryan			3,598.00						3,598.00
Kathleen Casey			4,002.00						4,002.00
C. Nicholas Rostow			4,027.00						4,027.00
Alfred Cumming			3,881.00						3,881.00
Thomas Young			2,798.00						2,798.00
Senator Frank Lautenberg			1,284.00		7,613.03				8,897.03
Lorenzo Goco			678.00		7,655.60				8,333.60
Frederic Baron			1,507.00		7,608.03				9,115.03
Senator Jon Kyl			350.14						350.14
Total			26,302.14		23,522.57				59,099.64

RICHARD SHELBY,
Chairman, Committee on Intelligence, Apr. 12, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM JAN 1, TO MAR. 31 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Leah Belaire:									
Colombia			757.00						757.00
Peru			679.00						679.00
United States					661.80				661.80
Total			1,436.00		661.80				2,097.00

ORRIN HATCH,
Chairman, Committee of Judiciary, Apr. 3, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1, TO MAR 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scott A Giles:									
United States	Dollar		600.00		2,072.80				2,672.80
Jennifer M. Luray:									
United States	Dollar		696.50		1,853.01				2,549.51
Senator Barbara A. Mikulski:									
United States	Dollar		696.50		1,853.01				2,549.51

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1, TO MAR 31, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,993.00		5,778.82				7,771.82

JIM JEFFORDS,
Chairman, Committee on Health, Education, Labor and Pensions, Apr. 13, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David J. Urban:									
Morocco	Dollar		372.00						372.00
Italy	Dollar		189.00						189.00
Tunisia	Dollar		273.60						273.60
Israel	Dollar		805.00						805.00
Total	Dollar		1,639.60						1,639.60

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Mar. 31, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL DASCHLE FOR TRAVEL FROM JAN. 6, TO JAN. 17, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Italy	Lire	443,208	236.00					443,208	236.00
Bahrain	Dinar	107.45	285.00					107.45	285.00
India	Rupee	37,845	872.00					37,845	872.00
Nepal	Rupee	16,154	236.00					16,154	236.00
Pakistan	Rupee	20,641	412.00					20,641	412.00
Egypt	Pound	1,131	327.00					1,131	327.00
United States	Dollar				9,011.50				9,011.50
Senator Christopher Dodd:									
Italy	Lire	443,208	236.00					443,208	236.00
Bahrain	Dinar	107.45	285.00					107.45	285.00
India	Rupee	37,845	872.00					37,845	872.00
Nepal	Rupee	16,154	236.00					16,154	236.00
Pakistsan	Rupee	20,641	412.00					20,641	412.00
Egypt	Pound	1,131	327.00					1,131	327.00
United States	Dollar				8,812.00				8,812.00
Senator Harry Reid:									
Italy	Lire	443,208	236.00					443,208	236.00
Bahrain	Dinar	107.45	285.00					107.45	285.00
India	Rupee	37,845	872.00					37,845	872.00
Nepal	Rupee	16,154	236.00					16,154	236.00
Pakistan	Rupee	20,641	412.00					20,641	412.00
Egypt	Pound	1,131	327.00					1,131	327.00
United States	Dollar				9,011.50				9,011.50
Senator Daniel Akaka:									
Italy	Lire	443,208	236.00					443,208	236.00
Bahrain	Dinar	107.45	285.00					107.45	285.00
India	Rupee	37,845	872.00					37,845	872.00
Nepal	Rupee	16,154	236.00					16,154	236.00
Pakistan	Rupee	20,641	412.00					20,641	412.00
Egypt	Pound	1,131	327.00					1,131	327.00
United States	Dollar				9,011.50				9,011.50
Randy DeValk:									
Italy	Lire	400,014	213.00					400,014	213.00
Bahrain	Dinar	75.15	223.00					75.15	223.00
India	Rupee	34,806	802.00					34,806	802.00
Nepal	Rupee	12,047	176.00					12,047	176.00
Pakistan	Rupee	15,581	311.00					15,581	311.00
Egypt	Pound	1,021	273.00					1,021	273.00
United States	Dollar				6,277.50				6,277.50
Ranit Schmelzer:									
Italy	Lire	400,014	213.00					400,014	213.00
Bahrain	Dinar	88.22	234.00					88.22	234.00
India	Rupee	34,806	802.00					34,806	802.00
Nepal	Rupee	12,047	176.00					12,047	176.00
Pakistan	Rupee	15,581	311.00					15,581	311.00
Egypt	Pound	1,021	273.00					1,021	273.00
United States	Dollar				6,277.50				6,277.50
Sally Walsh:									
Italy	Lire	443,208	236.00					443,208	236.00
Bahrain	Dinar	107.45	285.00					107.45	285.00
India	Rupee	33,504	772.00					33,504	772.00
Nepal	Rupee	16,154	236.00					16,154	236.00
Pakistan	Rupee	15,631	312.00					15,631	312.00
Egypt	Pound	1,131	327.00					1,131	327.00
United States	Dollar				6,277.50				6,277.50
Delegation expenses: [1]									
Italy							1,329.58		1,329.58
Bahrain							1,301.90		1,301.90
India							8,697.64		8,697.64
Nepal							2,395.83		2,395.83
Pakistan							4,073.62		4,073.62

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL DASCHLE FOR TRAVEL FROM JAN. 6, TO JAN. 17, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Egypt							1,552.28		1,552.28
Total			15,647.00		54,679.00		19,350.85		89,676.85

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Mar. 20, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Letchworth:									
Morocco	Dirham	3,720	372.00					3,720	372.00
Italy	Lire	354,942	189.00					354,942	189.00
Tunisia	Dinar	342	274.00					342	274.00
Israel	Shekels		805.00						805.00
Total			1,640.00						1,640.00

TRENT LOTT,
Majority Leader, Apr. 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest F. Hollings:									
Syria	Dollar		500.00						500.00
Lebanon	Dollar		300.00						300.00
Jordan	Dinar	328.51	464.00					328.51	464.00
Israel	Dollar		571.00						571.00
Israel	Shekels	1738.39	437.00					1738.39	437.00
United Kingdom	Pound	841.00	1,404.00					841.00	1,404.00
Joab M. Lesesne:									
Syria	Dollar		455.00						455.00
Lebanon	Dollar		300.00						300.00
Jordan	Dinar	328.51	464.00					328.51	464.00
Israel	Dollar		571.00						571.00
Israel	Shekel	1738.39	437.00					1738.39	437.00
United Kingdom	Pound	823.00	1,374.00					823.00	1,374.00
Senator Robert Kerrey:									
Syria	Dollar		390.98						390.98
Lebanon	Dollar		150.00						150.00
Jordan	Dinar	227.55	321.40					227.55	321.40
Israel	Dollar		466.53						466.53
United Kingdom	Pound	305.94	510.93	1,536	2,430.33			1,841.94	2,941.26
Christopher Straub:									
Syria	Dollar		365.00						365.00
Lebanon	Dollar		150.00						150.00
Jordan	Dinar	231.51	327.54					231.51	327.54
Israel	Dollar		494.97						494.97
United Kingdom	Pound	298.00	498.97	1,536	2,430.33			1,834.78	2,929.30
Total			10,953.32		4,860.66				15,813.98

THOMAS DASCHLE,
Democratic Leader, Apr. 25, 2000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. For the leader, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 470 and 471. I ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named officer for appointment as Commander, Pacific Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Ernest R. Riutta, 2216

The following named officer for appointment as Vice Commandant, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. Thomas H. Collins, 9096

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

EXPRESSING THE SENSE OF THE CONGRESS ON THE DEATH OF JOHN CARDINAL O'CONNOR, ARCHBISHOP OF NEW YORK

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con Res. 317, just received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 317) expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 317) was agreed to.

The preamble was agreed to.

ORDERS FOR TUESDAY, MAY 9, 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, May 9. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin debate on the Lieberman amendment to S. 2, the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Further, I ask consent that the Senate stand in recess from the hour of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Tomorrow morning the Senate will begin debate on the Lieberman alternative amendment to the Elementary and Secondary Education Act at 10 o'clock. By previous consent, the vote on the Gregg amendment regarding teacher quality will occur at 2:15 p.m., immediately following the weekly party luncheons. It is hoped that a vote on the Lieberman amendment can be scheduled to immediately follow the vote on the Gregg amendment. Therefore, Senators can expect votes tomorrow afternoon and possibly into the evening.

For the information of all Senators, it is expected the Senate will begin consideration of the conference report to accompany H.R. 434, the African trade legislation, prior to tomorrow's adjournment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Tuesday, May 9, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 2000:

DEPARTMENT OF STATE

OWEN JAMES SHEAKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE). (NEW POSITION)

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MAY 8, 2000:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. ERNEST R. RIUTTA, 2216

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. THOMAS H. COLLINS, 9096

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Monday, May 8, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills and concurrent resolutions of the following titles in which concurrence of the House is requested:

S. 1452. An act to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse".

S. Con. Res. 103. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

S. Con. Res. 108. Concurrent resolution designating the week beginning on April 30, 2000, and ending on May 6, 2000, as "National Charter Schools Week".

S. Con. Res. 109. Concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community.

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

QUESTIONING THE DEPARTMENT OF JUSTICE ON ELIAN'S ABDUCTION

Mr. STEARNS. Madam Speaker, I come to the House floor to not talk about the debate whether Elian should be reunited with his father or not. I think the majority of Americans say he should. What I am here to talk about is the constitutionality of what was done by the Justice Department, and to pose some questions and urge our leadership on this side to hold hearings.

Regrettably, the American people, the Miami relatives of Elian Gonzalez and the Congress still do not have all of the answers which led up to the events that transpired on that Easter recess by the Justice Department and the Immigration and Naturalization Service.

Madam Speaker, of course, the world has seen that famous photograph by now of an INS SWAT officer pointing an assault rifle at Elian, that assault rifle was a Heckler & Koch MP5 submachine gun.

The Attorney General during Easter weekend, ordered armed forces into the house of Mr. Lazaro Gonzalez in order to free Elian and reunite him with his father.

What the world, Americans and Congress do not know are the events that led up to activities that transpired during and after the government's raid on a private citizen's home, just as the Congress did in the case of the Waco and Ruby Ridge. I think it is the responsibility of this legislative branch to seek the truth and have government justify its actions in instances in which the sacred constitutional liberties of Americans have been jeopardized.

Madam Speaker, I submit this afternoon that there are many questions that still need to be answered, and we are not here to debate whether Elian should be reunited with his father. Those are answers that ultimately will be left up to the courts.

While the court struggles with the issue of immigration and family law, the Congress has the duty and responsibility to seek answers to the policies of the Justice Department that led up to the heavily armed Federal agents breaking into the house of peaceful American citizens, with agents pointing machine guns at American citizens in their own home and trashing their own home, too.

Just as important, oversight is needed to determine whether the judicial process was circumvented by the administration. Reports indicate that the nature by which the search warrants were issued were made under false pretenses. How many different judges did the administration go to before having the search warrant accepted? Did any of the judges refuse to issue a search warrant, and if so, on what grounds?

During the early days of Elian's arrival in the United States, the Justice Department and the INS were quick to point out that asylum and custody questions could only be answered in the courts.

What is the policy of the Department of Justice and INS when State courts do not agree with Federal agencies? Does the Attorney General have the power to overrule the decisions of State courts such as ones which decide custody measures?

In addition, Madam Speaker, why was the Justice Department not willing to await the outcome of Elian's claim for asylum before the 11th U.S. Circuit Court of Appeals? What does that say about how much weight the administration gives to our judicial branch of the government?

How will the Attorney General justify her actions if the 11th Circuit decides Elian's asylum claims are true in manners which contradict the Department's actions?

What constitutional authority does the Federal Government have in executing search warrants in cases that are not criminal? In how many other cases has the INS broken down doors and used armed agents in custody cases?

Additionally, why did the Attorney General feel compelled or pressured to use overwhelming armed force when Elian's life was not in danger?

The negotiations were still taking place at the time the INS broke down the door and trashed the Gonzalez house. Should it be the policy of the INS to present the possibilities of deadly force when confronting situations which are not criminal? Additionally, Gregory Craig, the attorney for Juan Miguel, also happened to be the attorney for the President during the impeachment trials.

Elian's Miami relatives and the American people have a right to know what role Gregory Craig played during

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the shaping of the Department's actions. Furthermore, what contact did the administration have with the Communist dictator Fidel Castro?

Was the President influenced by another Cuban boat lift? These are some of the questions I have, Madam Speaker. I call on Congress to hold hearings because the people across this Nation have a right to know. As Americans, we have inalienable rights to certain freedoms and protections. When government officials threaten or encroach on those rights, it is our duty to hold them responsible.

LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, focusing on livable communities is an opportunity for the major Presidential candidates to give citizens relief from the standard political fare by embracing a positive message: how to make our families safe, healthy, and economically secure.

One of the reasons this message has such potential for elevating the political discussion is because this is truly a national movement that is being driven at the grassroots level.

Every year it seems more State and local ballot initiatives are passed protecting open space, giving more transportation choices to our communities and controlling unplanned growth. One grassroots effort was dealt with this morning in the Washington Post describing the efforts to protect the Chesapeake Bay, one of our Nation's most cherished waterway and, sadly, Governor Gilmore of Virginia's reluctance for Virginia to provide true leadership.

For 15 years, citizens and communities across a six-State area and Federal partners and private citizens are developing solutions not necessarily to eliminate sprawl in this Chesapeake Bay watershed, but to cut it by one-third by the year 2012. The political leadership in Virginia, however, has been slow to respond and only recently provided its support for a new agreement, assuming that Virginians care less about the environment and protecting the Bay than their neighbors in the surrounding States. I think that is a sad commentary and a misreading of the citizens of Virginia.

In sharp contrast, one of the most exciting stories of regional cooperation and addressing unplanned growth is unfolding now in the Speaker's home State of Illinois. Metropolitan Chicago has a long tradition of being a leader in the heartland; its importance as a national transportation hub with the transcontinental railroads, so it is today with O'Hare Airport, the busiest in the Nation; and the important role that Chicago has played in the City Beautiful Movement at the turn of the century with the magnificent Burnham plan, one of the most influential city plans in world history, illustrating the power of planning for growth in a fashion that balanced downtown interests with open space and access to that city's majestic waterfront.

Chicago was unfortunately a leader in the consequence of unplanned growth. From 1970 to 1990, when metropolitan Chicago increased only 4 percent in population, it increased 46 percent in the urbanized area, 10 times faster than the rate of population increase and, clearly, a development pattern that is not sustainable. It has resulted in Chicago having the second longest average commute in the country, with 11 percent of its commuters traveling an hour or more each way each day.

But in keeping with the tradition of leadership, Chicago is now providing important direction on livability. I have had a chance to review the Metropolitan 2020 plan, a visionary document preparing metropolitan Chicago for the 21st century. It recalls the history and provides a vision for the future. This fascinating study is one of the best that I have seen, providing a framework for developing a regional vision of growth over the next 20 years while it recognizes the realities and challenges facing the region. It addresses the reality of the present system's inability to pave its way out of traffic congestion; the importance of the productivity of the region's growing minority population, which will supply the majority of its future work force; the need on focusing the entire region's pool of talent to meet the specialized needs of a growing economy; and, most important, the symbiotic relationship between the suburbanites, who actually earn twice as much from their income from downtown as Chicagoans earn from suburban areas, $14 billion versus $21 billion.

With over 1300 units of local government and almost 70 percent of the State's population living in the metropolitan Chicago area, the Metropolitan 2020 effort is a powerful example of the potential for business and civic leaders, community leadership, and the planning profession to come together to develop solutions to guide governmental investments. I strongly urge my colleagues to join me today at 2 p.m. in SC–10 of the Capitol for a joint briefing of the Senate's Smart Growth Task Force and the Livable Communities Task Force, hearing from a group from Chicago who will give a comprehensive overview of their initiatives. They will also focus on the important role of the Federal Government in assisting the regional effort to create more livable communities.

Chicago is as good a model as we will find in an area of the country that a lot of us spend a lot of time in. It is a solution to make our communities more livable and our families safe, healthy and more economically secure.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Blessed be the God and Father of us all, Who in great mercy has given us a new birth and made us a living hope for the world.

As a nation, we have inherited great natural resources and unfailing principles to guide our destiny. By Your power, O God, You have safeguarded faith in Your people. You have made us ready to reveal in our time Your creativity and goodness active in us, but for the common good of all.

We rejoice in Your blessings upon this Congress and the people they represent. Even during times of various trials and moments of suffering, our gaze is fixed on You, as the source of all goodness and foundation of peace.

May genuine faith which is more precious than gold tested by fire be proven in us. Then the great tasks we undertake in Your Name may truly give You praise, glory and honor now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PAST AND FUTURE SUCCESSES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last Friday marked the 39th anniversary of the first United States space exploration mission.

On May 5, 1961 Alan B. Shepard, Jr., became the first American space explorer when he was rocketed 115 miles above the Earth's surface into space.

This feat proved to the world that the United States had the potential to become the winner in this space race.

Mr. Speaker, I urge all of us to take a moment to reflect on our past accomplishments and to celebrate how far we have come since that historic flight in 1961. There are enormous possibilities for future progress and for our progress still lying ahead of us.

The continued advancement of our space program, as well as the overall development of new and innovative technologies, demand and require our support.

With the assistance of this Congress, the United States can and will remain a world leader in technological development.

A NATION BANNING GOD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the courts started their assault on God by banning school prayer. The courts then banned the public display of the Christmas nativity scene. The courts then banned students from writing papers about Jesus.

Now, if that is not enough to say the devil perhaps made them do it, check this out, the Ohio Supreme Court ruled that Ohio's motto with God all things are possible is unconstitutional.

Unbelievable Congress, what is next? Will "In God We Trust" be taken from the House Chamber? "In God We Trust" be removed from our currency? Beam me up, I say these judges make decisions while sitting on their brains.

I yield back the fact that a nation that bans God I believe promotes the devil.

PRESCRIPTION DRUGS FOR SENIORS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, too many seniors and disabled people in this country cannot afford the prescription drugs their doctors say they need.

Seniors should never have to choose between food and medicine. This is an important issue that needs a meaningful solution, not the empty rhetoric that we are hearing from the other side.

House Republicans are proposing a plan to offer a fair and responsible drug plan that is affordable, available and voluntary to all seniors and disabled Americans.

Mr. Speaker, it will help folks to get prescription drug coverage at lower costs by creating group buying power without Washington interference or big government-style price controls.

We will reduce the runaway costs of medicine, but not with a Washington-based one-size-fits-all program that kills research and innovation of lifesaving cures.

Mr. Speaker, it is time to modernize prescription drug coverage. We should all be working together on this important issue. Let us stop the partisan rhetoric and do the right thing for our seniors.

LET US WORK TO KEEP FRAUD OUT OF THE MEDICARE PROGRAM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, there are few things more important than taking care of our Nation's seniors. That means keeping the Medicare program healthy and solvent for the 39 million older Americans who depend on it.

Unfortunately, our efforts to improve Medicare will not work if we do not eliminate the waste and abuse that festers in the current programs. In FY 1998, Medicare's fee-for-service program made $12.6 billion in improper payments. Part of the reason this waste, fraud, and abuse occurred was that the Clinton-Gore administration was careless in monitoring and oversight of Medicare payments. This neglect has created a troughful of Medicare money, and crooks are glad to have it, to eat to their fill.

For example, a New York medical equipment company robbed Medicare of more than $6 million. A Florida home health agency fraudulently billed Medicare for $2.2 million.

Let us keep our seniors healthy. Let us work to keep fraud out of the Medicare program.

APPOINTMENT OF MEMBERS TO JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore. Without objection and pursuant to Senate Concurrent Resolution 89, 106th Congress, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies:

Mr. HASTERT of Illinois.

Mr. ARMEY of Texas.

Mr. GEPHARDT of Missouri.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 2000.

Hon. J. DENNIS HASTERT
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 5, 2000 at 11:15 a.m.

That the Senate passed without amendment H.R. 2412.

With best wishes, I am
Sincerely,
MARTHA C. MORRISON,
Deputy Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that it will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

NORTH SIDE PUMPING DIVISION OF MINIDOKA RECLAMATION PROJECT, IDAHO, AUTHORIZATION INCREASE

Mr. SIMPSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3577) to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

The Clerk read as follows:

H.R. 3577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED AUTHORIZATION FOR MINIDOKA PROJECT, IDAHO.

Section 5 of the Act of September 30, 1950 (chapter 1114; 64 Stat. 1085), authorizing appropriations for the north side pumping division of the Minidoka reclamation project, Idaho, is amended by striking "$11,395,000" and inserting "$14,200,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R 3577.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3577 is a bill to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project in Idaho.

A&B Irrigation is the contracting entity for the north side pumping division of the Minidoka project. The division, located on the southern portion of the State of Idaho, consists of some 80,000 acres. Construction of the division was completed in 1959 and control was transferred to the district in 1966.

Due to the lack of natural surface drainage outlets to the Snake River and constraints associated with the drainage onto the lower-lying Minidoka Irrigation District, most irrigation return flows and stormwater runoffs are injected into drain wells which are part of the original project design.

The drain wells pass the water directly into the underlying aquifer. In 1991, the United States Environmental Protection Agency designated the eastern Snake River plain aquifer a sole source of drinking water.

Under provisions of the Federal Safe Drinking Water Act, if a sole source of drinking water is contaminated it could result in a significant public health hazard. In an effort to comply with the Act, the district and the U.S. Bureau of Reclamation developed a plan to dispose of this runoff.

The remaining work consists of constructing passive treatment and reuse systems at an estimated cost of $2.8 million, of which up to $1.3 million would be reimbursable to the district under a cost-sharing arrangement, 60 percent U.S. Federal Government, 40 percent irrigation, A&B irrigation.

As of now, 42 of the original 78 drain wells have been closed or abandoned, but 36 wells are still active. This legislation would amend the original language to increase the authorization by $2.8 million from $11,395,000 to $14,200,000.

In the energy and water appropriations bill for the fiscal year 2000, money was appropriated for the district to continue capping these wells in order to comply with the Federal Safe Drinking Water Act. Unfortunately, the ceiling was hit and no further funding could be used. By increasing the ceiling, the district will be able to complete its project, which in turn will help prevent the main source of drinking water from south central Idaho from being contaminated.

Mr. Speaker, I ask that all colleagues support H.R. 3577.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Idaho (Mr. SIMPSON) has quite properly explained this legislation to increase the spending ceiling for the north side pumping division of the Minidoka project in Idaho by $2,805,000. This increase would allow work already begun under the Minidoka north side drain water management plan to be completed.

We need to protect the underground drinking water supplies in this area of the Snake River plain because they are threatened by contaminated irrigation drain water. I would urge all members of the committee to support this legislation. The administration has testified in support of this legislation and it is not controversial.

Mr. Speaker, I yield back the balance of my time.

Mr. SIMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 3577.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA, AS A NATIONAL SYMBOL OF THE CONTRIBUTIONS OF AMERICANS OF GERMAN HERITAGE

Mr. SIMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 89) recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The Clerk read as follows:

H. CON. RES. 89

Whereas there are currently more than 57,900,000 individuals of German heritage residing in the United States, who comprise nearly 25 percent of the population of the United States and are therefore the largest ethnic group in the United States;

Whereas those of German heritage are not merely descendants of one political entity, but of all German speaking areas;

Whereas numerous Americans of German heritage have made countless contributions to American culture, arts, and industry, the American military, and American government;

Whereas there is no recognized tangible, national symbol dedicated to German Americans and their positive contributions to the United States;

Whereas the story of Hermann the Cheruscan parallels that of the American Founding Fathers, because he was a freedom fighter who united ancient German tribes in order to shed the yoke of Roman tyranny and preserve freedom for the territory of present-day Germany;

Whereas the Hermann Monument located in Hermann Heights Park in New Ulm, Minnesota, was dedicated in 1897 in honor of the spirit of freedom and later dedicated to all German immigrants who settled in New Ulm and elsewhere in the United States; and

Whereas the Hermann Monument has been recognized as a site of special historical significance by the United States Government, by placement on the National Register of Historic Places: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, are recognized by the Congress to be a national symbol for the contributions of Americans of German heritage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 89.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 89 introduced by the gentleman from Minnesota (Mr. MINGE) assures that Congress recognizes the Hermann Monument and Hermann Heighs Park in New Ulm, Minnesota, as a national symbol of German heritage.

Although there are currently almost 60 million individuals of German heritage residing in the United States, there is no recognized, tangible national symbol dedicated to German Americans and their positive contributions to American culture, arts, industry, military, and government.

☐ 1415

The Hermann Monument was erected in 1897 in honor of the spirit of freedom and later dedicated to all German immigrants and has been placed on the National Register of Historical Places. House Concurrent Resolution 89 would recognize the achievements and contributions of Americans of German heritage at the Hermann Monument. I ask my colleagues to support H. Con. Res. 89.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution sponsored by the gentleman from

Minnesota (Mr. MINGE) would recognize the monument in New Ulm, Minnesota as a "national symbol for the contributions of Americans of German heritage." As the legislation points out, Americans of German heritage represent with one-quarter of the U.S. population, and yet there is no national symbol recognizing the contributions that have been made to this Nation.

The recognition provided by this measure is appropriate and I would like to commend the gentleman from Minnesota (Mr. MINGE) for his very diligent work on this legislation.

Mr. Speaker, it should be noted that this concurrent resolution does not alter the status of the monument in any way, nor does it create any new Federal obligation.

Mr. Speaker, I urge all of my colleagues to support it. I would again say that the effort on behalf of this legislation by the gentleman from Minnesota has really been outstanding, as many of us who serve on the committee know. He has, I think, talked to all of us individually, and to so many other Members on the floor, to bring this to the attention of the full House of Representatives. I also want to thank the gentleman from Minnesota (Mr. VENTO), his colleague, for his work in lobbying on behalf of this legislation to give due recognition to the contributions of Americans of German heritage. Mr. Speaker, I urge its strong support.

Mr. MINGE. Mr. Speaker, I rise to urge my colleagues to support House Concurrent Resolution 89, which commemorates the many valuable contributions of German Americans to our society and culture through recognition of the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota.

House Concurrent Resolution 89 designates a national symbol for the contributions of Americans of German heritage. German-Americans make up the largest ethnic group in the United States, yet we have no tangible symbols recognizing their contributions to our society. My resolution establishes the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota as such a national symbol.

The story behind the historical figure Hermann is one of intrigue, valor and treachery that surpass any Hollywood script. Hermann was born into the nobility of the Germanic group called the Cherusker. He was sent to Rome for his formal education and military training. Hermann, then known as Arminius, was soon noticed as a natural leader and became a general in the Roman army. So highly regarded was he that Arminius was to help lead a campaign to conquer the Germanic peoples.

Despite his years in the Roman army, Arminius still cherished the independence of the Germanic peoples. Roman occupation of modern day Germany would surely have crushed the independent tribes. Arminius returned to his Germanic heritage and persuaded the tribes to unite in order to fend off the Roman invasion. They were successful and the German people retained their freedom. The autonomy of these various regions formed the foundation of the current federal system of government in Germany. In Germany, he is still remembered as "the acknowledged liberator of the German race from Roman tyranny . . ." He symbolizes the independence of the German people.

That sense of freedom and independence stayed with the Germans for centuries. Millions of Germans came to America for opportunity, to escape economic or political oppression in their homeland and to lead a life with the freedoms guaranteed in our Constitution. As the immigrants settled throughout the country, they looked for a symbol of their heritage.

In 1885, at the Sons of Hermann Convention in Philadelphia, it was decided that a monument should be erected to honor Germans who came and helped build America. Hermann seemed the perfect symbol. Hermann was recast as a German-American symbol, representing the bravery, hard work, and unity they strived for in the New World. These immigrants found themselves in a new land, yet they remained true to their heritage. They felt pride that they had reached America, and in having established opportunity for the future.

The Hermann Monument stands at a crest of a hill overlooking the city of New Ulm and the Minnesota River Valley. To the residents of the heavily German-American New Ulm, the monument symbolizes the pride they take in their German heritage. To German-Americans scattered across the country, the Hermann Monument represents unity of the German people. The monument was built in Salem, Ohio and erected in New Ulm in 1897. This is truly a national symbol.

I would like to thank Representative JAMES HANSEN, Chairman of the House Subcommittee on National Parks and Public Lands, for his assistance in moving this legislation. I would also like to thank Representatives GEORGE MILLER, DON YOUNG, and CARLOS ROMERO-BARCELÓ of the Resources Committee, for their support on this initiative.

Mr. Speaker, I ask that all my colleagues support House Concurrent Resolution 89 and show their support for the contributions of German-Americans.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. SIMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 89.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS AND TO REAUTHORIZATION

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1237) to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL ESTUARY PROGRAM.

(a) ADDITIONS TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Lake Ponchartrain Basin, Louisiana and Mississippi; Mississippi Sound, Mississippi;" before "and Peconic Bay, New York.".

(b) GRANTS.—Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

"(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

"(A) shall not exceed—

"(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

"(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

"(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991" and inserting "$50,000,000 for each of fiscal years 2000 through 2004".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1237, introduced by the gentleman from New Jersey (Mr. SAXTON), reauthorizes and improves the National Estuary Program, a broadly supported, nonregulatory approach to estuary conservation and management.

Under the current National Estuary Program, the Environmental Protection Agency, EPA, provides assistance to States, local governments, and other interested parties to form a management conference for an estuary of national significance and to develop a long-term management plan for that estuary.

A total of 28 estuaries are currently in the National Estuary Program, known as NEP, and an estimated $50 billion will be needed to restore and to protect them. The majority of the estuaries in the program have already developed their long-term management plans and are now trying to implement them.

Unfortunately, the Clean Water Act, section 320, only allows Federal assistance for development of these plans and not for implementation. Passage of H.R. 1237 would authorize the Environmental Protection Agency to provide assistance for management plan implementation as well as development.

This bill is important for taking the next step to restore and protect our Nation's estuaries which provide important environmental and economic benefits to the entire Nation.

I thank the Committee on Transportation and Infrastructure and the Subcommittee on Water Resources and Environment, on which I serve, and their bipartisan leadership on both the full committee and the subcommittee. They deserve our thanks for their assistance in bringing this bill to the floor for action.

Mr. Speaker, I strongly support the passage of H.R. 1237, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1237, to amend and reauthorize the Environmental Protection Agency's National Estuary Program.

Estuaries and coastal environments are precious natural resources that need to be restored and protected. They provide essential habitat for numerous fish and wildlife especially suited for life at the shore. In addition, estuaries provide important recreation areas, transportation linkages, and sources of residential and industrial water supplies vital to the needs of this country.

Recognizing the importance of estuary areas, in 1987 Congress amended the Clean Water Act to establish the National Estuary Program to promote comprehensive planning for long-term protection of our Nation's estuaries. This program authorized funding for the development of Comprehensive Conservation and Management Plans for estuaries of national significance.

Currently, 28 estuaries have been incorporated into the National Estuary Program. Of this number, 21 have completed the developments of their CCMPs and have begun implementation of the conservation plans. Funding for implementation has been provided predominantly by State and local organizations. Only limited Federal funds have been provided through the annual appropriation process since 1998.

Mr. Speaker, the legislation under consideration today would amend the National Estuary Program to specifically authorize Federal funds for use in implementation of the CCMPs. H.R. 1237 would reauthorize the NEP through fiscal year 2004, and raise the authorization level to $50 million per year to ensure that greater funding is available for implementation of the management plans.

In addition, H.R. 1237, as amended by the Committee on Transportation and Infrastructure, would authorize two additions to the list of estuaries eligible for priority consideration under the NEP. This would permit the Administrator of the Environmental Protection Agency to begin the process of developing CCMPs for the Mississippi Sound and the Lake Pontchartrain Basin. I want to commend our committee colleagues, the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Louisiana (Mr. VITTER) and the gentleman from Louisiana (Mr. JEFFERSON) for their work on this issue.

Finally, Mr. Speaker, I thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from New York (Chairman BOEHLERT) for their willingness to address the issue of treatment works as defined by the Clean Water Act and the application of section 513.

Mr. Speaker, I support the bill and urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. BORSKI). He has always been constructive and he has done a great job as the ranking member on the Subcommittee on Water Resources and Environment. And I certainly thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee, and I think we all thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. BOEHLERT) for their very precise and hard-fought efforts for this very worthwhile legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WU. Mr. Speaker, I rise today as a cosponsor of H.R. 1237. This bipartisan bill has great benefits to the people in my home State and I urge my colleagues to support it. H.R. 1237 reauthorizes the National Estuary Program, or NEP, which in turn provides desperately needed grants to improve the habitat, water quality and diverse plant and wildlife that depend on our Nation's estuaries.

In Oregon, the NEP has included the Lower Columbia River Estuary. Because of the NEP; the citizens businesses and governments of Oregon have been able to focus on the 146 miles of tidally influenced waters below the Bonneville Dam. The NEP requires the estuaries to create a management plan. The Columbia River plan defines specific actions for habitat, land use, and conventional and toxic pollutants. This common sense measure will serve fish and wildlife habitat and water quality in three important ways: prevention of further loss, protection and enhancement of existing resources, and restoration where damage has already occurred.

Mr. Speaker, one-in-six jobs in Oregon depends on the Columbia River. This magnificent river is home to many diverse animals and plants. In the Northwest we are faced with the challenge in ensuring that several of these species of plants and animals do not go extinct. Furthermore, in many of these resource-based communities, it is additionally challenging to ensure that the economies are developed and have a voice in the protection of their estuary.

With participation in the NEP, the Lower Columbia River Estuary Program has analyzed the problems with the estuary and has developed recommendations for dealing with them. Whether it is preserving the biological integrity of the estuary, mitigating the impacts of human activity and growth, controlling the entrance of conventional and toxic pollutants or engaging in public awareness, the NEP assists Oregon and other communities like it around the Nation.

I urge my colleagues to join me in supporting H.R. 1237.

Mr. SAXTON. Mr. Speaker, I would like to thank Chairman SHUSTER and the Committee on Transportation and Infrastructure for their hard work and dedication to the National Estuary Program (NEP) and their support of reauthorization of H.R. 1237 with the requested amount of funding. H.R. 1237, which I introduced, will reauthorize the NEP at $50 million annually for FY 2000 through FY 2004 and allow Federal funds to be used for implementation, in addition to development of Comprehensive Conservation and Management Plans (CCMPs.)

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program, as section 320 of the Clean Water Act Amendments of 1987. This popular program has not been authorized since 1991, but appropriately continues to be funded. The NEP's purpose is to facilitate state and local governments' preparation of "Comprehensive Conservation and Management Plans" (CCMPs) for threatened and impaired estuaries.

In support of this effort, section 320 authorizes the EPA to make grants to States to develop CCMPs for 30 designated estuaries across the country. While the NEP has been successful in developing these CCMPs (20 of which have been completed), the law does not authorize appropriations for implementation of the CCMPs—a deficiency which threatens to slow our progress in restoring these estuaries.

My own State of New Jersey has three approved sites in the NEP, one of which, Barnegat Bay, lies primarily within my District. The Barnegat Bay watershed drains from a land area of approximately 550 square miles.

Over 450,000 people live within the Barnegat Bay watershed. That population doubles in the summer as people flock to the shore. The continued economic health of the Barnegat Bay watershed is dependent on the continued health and natural beauty of its waters. The Barnegat Bay Estuary is not only a vital component of New Jersey's tourist industry, but is an important natural resource that supports populations of commercially and recreationally significant fish and rare and endangered species.

Non-point source pollution, while diffuse, is cumulatively the most important issue in addressing adverse impacts on water quality and the health of living resources in the Bay. The contaminants found in rain and snowmelt, as well as groundwater, contribute to non-point source pollution. The Final Comprehensive and Conservation Management Plan for Barnegat Bay will be available to the public in May 2000 for public review. But without the additional funding for this program, as well as explicitly permitting the NEPs to use Federal funds for implementation of their programs, the Federal government would have absolved itself of responsibility as a partner with the states in protecting and enhancing the Nation's most endangered habitats.

Therefore, I would like to thank my colleagues for supporting this important bill and protecting our Nation's natural resources for future generations.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 1237, the National Estuary Program (NEP) Reauthorization. In 1987, the National Estuary Program was established to promote protection and restoration of the health of estuaries and their living resources. This program has made a profound difference nationally. This program has been tremendously important to the restoration of Galveston Bay which borders my district in Texas.

In 1995, the Galveston Bay Estuary Program (GBEP) received approval for its Comprehensive Conservation and Management Plan (CCMP) to improve water quality and enhance living resources. Galveston Bay's watershed lies in one of the most heavily industrialized and most heavily populated regions in the United States. Wastewater discharges from communities and industries in Galveston Bay account fully for half of Texas' total wastewater discharges every year. Since some pollution entering the Houston Ship Channel comes from industrial businesses located along or near the Channel, GBEP worked with the Texas Natural Resource Conservation Commission to decrease the amount of pollution through source reduction and waste minimization techniques. Together they developed one of the largest voluntary prevention programs in the country. Under this program, businesses located along or near the Channel are selected to voluntarily participate in environmental training and to submit to pollution prevention audits. Lessons learned from GBEP's voluntary program have been incorporated into the State's Clean Texas 2000 program.

GBEP has funded the Galveston Bay Foundation (GBF) Volunteer Water Quality Monitoring Program to not only monitor water quality but also recruit and train volunteers, obtain and distribute monitoring supplies and equipment. GBEP has also developed the Galveston Bay Information Center Project, a vital project to preserve long-term access to Galveston Bay research and information to prevent losses of data and information had occurred in the Bay's history.

Additionally, Mr. Speaker, the National Estuary Program has been instrumental in preserving and protecting America's treasured bays and estuaries including Galveston Bay. This legislation should be adopted.

I challenge my colleagues who support reauthorization of this vital program to take the next step to protect the almost 40 percent of our Nation's estuary waters under threat. I urge you to sign on as sponsors of H.R. 1775, the Estuary Habitat Restoration Act of 1999. To date, this legislation, which Representative GILCHREST of Maryland introduced last May along with myself and many others now has 121 cosponsors. The legislation would provide dedicated Federal funds to habitat restoration for estuaries like Galveston Bay. Moreover, H.R. 1775 would enhance the work of the National Estuary Program by developing new ways to optimize the numerous existing Federal restoration programs. It also promotes voluntary community estuary restoration efforts and the establishment of public-private partnerships to work with community-based organizations and local governments to protect estuaries.

I urge my colleagues to support H.R. 1237 and reauthorize this vital national program for another five years. We must strive to promote efforts on the local level to develop and implement long-term estuary conservation and management plans.

Mr. BOEHLERT. Mr. Speaker, H.R. 1237, introduced by Representative JIM SAXTON, would reauthorize and improve the National Estuary Program, a broadly supported, comprehensive approach to estuary conservation and management.

I want to thank the Transportation and Infrastructure Committee Chairman BUD SHUSTER, Ranking Democratic Members Representative JIM OBERSTAR, and BOB BORSKI, the Water Resources and Environment Subcommittee Ranking Democratic Member, for their leadership and assistance.

Under the current National Estuary Program, EPA provides assistance to State, local governments, and other interested parties to form a management conference for an estuary of national significance, and develop a comprehensive conservation and management plan for that estuary.

Of the 28 estuaries currently in the National Estuary Program, 21 have finished this planning process and are now trying to implement their management plans.

Unfortunately, section 320 only allows Federal assistance for development of these plans, and not for implementation.

Passage of H.R. 1237 would authorize EPA to provide assistance for management plan implementation, as well as development.

This bill will help protect and restore our Nation's estuaries—those natural resource treasures that are constantly under siege, yet continue to provide invaluable environmental and economic benefits to the entire Nation.

I strongly support passage of H.R. 1237 and urge my colleagues to do the same.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 1237, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1237, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SENSE OF CONGRESS REGARDING NECESSITY TO EXPEDITE SETTLEMENT PROCESS FOR DISCRIMINATION CLAIMS AGAINST DEPARTMENT OF AGRICULTURE BROUGHT BY AFRICAN-AMERICAN FARMERS

Mr. SIMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 296) expressing the sense of the Congress regarding the necessity to expedite the settlement process for discrimination claims against the Department of Agriculture brought by African-American farmers.

The Clerk read as follows:

H. CON. RES. 296

Whereas the Secretary of Agriculture has conceded that the Department of Agriculture and agents of the Department discriminated against certain African-American farmers during the period from 1981 through 1996 in the delivery of Commodity Credit Corporation and disaster assistance programs;

Whereas, to permit the resolution of complaints that were filed by these farmers before July 1, 1997, but not responded to by the Department of Agriculture in a timely manner, section 741 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–30; 7 U.S.C. 2279 note; as contained in section 101(a) of division A of Public Law 105–277), waived relevant statutes of limitation that prevented the adjudication of these complaints;

Whereas, on April 14, 1999, United States District Judge Paul Friedman issued a final opinion and order that finalized class action lawsuits filed by African-American farmers;

Whereas the farmers were ordered to file claims to determine their eligibility for the settlement ordered by the court;

Whereas the court has set and the Secretary of Agriculture has entered into a final settlement consent decree that has become the order of the court;

Whereas, once a claimant is deemed to be a member of the class and has proven discrimination, the claimant is entitled to the settlement set forth by the consent decree; and

Whereas the large volume of claims filed as ordered by the court have severely delayed the settlement process as defined by the consent decree: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Secretary of Agriculture, the Attorney General, and the adjudicator and facilitator named in the consent decree should strictly follow the consent decree, commit the resources necessary to expedite the settlement process, and ensure that settlements are reached in an expeditious manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

□ 1430

GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 296.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas (Mr. Dickey) be allowed to control the time allotted to the majority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an issue involving the plight of the black farmers and their efforts to get reparations in their farming activities from the Department of Agriculture.

I started this project in 1993 when, at the time I started getting complaints, it was my first year in office, and I started getting complaints from black farmers to such a degree that I said we must have some type of public hearing for this. I asked then-Secretary of Agriculture Mike Espy to come to Pine Bluff, Arkansas and hold a black farmers seminar. That was held.

Mikes were set up all over the auditorium, and story after story after story came to us of the plight of the black farmers and how they had been discriminated against. It was such a big task at that time that we fell back to handling it case by case in what we call casework.

Since then, I had gone to five, six, seven different meetings of the black farmers in three different cities. I have listened to what they have had to say, and I have tried to bring their concerns up here to Washington.

It was not, though, until the lawsuit called Pigford versus Glickman that brought about progress. But then, in the meeting of January 8 of this year, a particular person stood up. We had another meeting. The mikes were still there. I was the only elected official present. One black farmer stood up. He was bawling. He was maybe 70 years old, 75, and he said, "Mr. Dickey, I want you to know something. I wanted you to know how difficult it is to even hold out hope." He said, "We have fought. We have tried to be in the farming industry for years and years and years. We have had our problems; there is no question about that. But we have also seen that we have been stopped from getting the full benefits from our government through the USDA.

"We then were told that we could bring this lawsuit, and we signed up, assigning some hope to it, only to find out that, once the lawsuit was won, that we are now facing the same people who used to discriminate against us in the first place to administer the lawsuit." He said, "It is just hard sometimes to get your hopes up."

I am seeing today that this concurrent resolution is answering the call of this man. It is saying that the legislative branch is coming out in agreement that the court decree needs to be followed, it needs to be followed quickly. We do not need to have any further reasons for a delay. Some of the reasons for delay now are that the USDA and the structure that is set in the administration, the structure that is set up to try to help the black farmers have, in fact, added another layer, and that is an investigation by the FBI.

What has occurred in response to this man who stood up and said it is hard to keep hope, what has occurred is the presumption has gone from all of the claims are proper, maybe some are not, to the presumption that all the claims were not proper and maybe some are. The delays are unbelievable.

I have been asked by the USDA to go over and talk to the people who are making the investigations to tell them how important it is. I got to stand before them and hear their stories. They had planned for some 3,000 petitions, and they got almost 20,000 petitions.

This is the sort of thing that was supposed to be handled by the court decree. Liquidated damages were given to each farmer who attempted or did farm and was discriminated against. It was supposed to be liquidated damages, which means there is not any proof needed except to prove the existence of the farming intent or the presence.

They have gone through delay after delay after delay after delay. Now we come to the concurrent resolution, which may not be the strongest thing that we could do, but, timewise, we thought it was the best. The gentleman from Oklahoma (Mr. WATTS) and I have looked at this thing and said this is probably the best.

Now, that man who stood there on January 8 and said what he had to say is, again, seeing a frustration, and that is that people who should be helping are now objecting to this concurrent resolution.

I have instructed my office to contact every member of the Black Caucus. We have the name, the telephone number, the time we called. Every office has been contacted, asking them, can you support this. If not, what do you have as an alternative?

I believe, as they have stated before, that they are going to object to this resolution because it has some political overtones, or because it might not be as strong as it could be. Well, I am going to have to go back to that gentleman who stood up and said we have got even further delays. Rather than having a stamp of approval on the actions of the court as directed to the administration, we are going to have a defeat, if it happens, of our effort to try to get support.

I want my colleagues to know that the black farmers at home are in complete agreement with what I am saying here today. There has been some controversy, but the controversy has been created outside of the black farmers. They know who has been there. They know who is assigned the staff. They know who has been trying to help.

This is a press release that they issued Saturday. "The Executive Director of the Arkansas Chapter of Black Farmers and Agriculturalists Association today are calling for all Members of the United States House of Representatives to support the black farmers resolution," H. Con. Res. 296, "introduced by Congressman J.C. WATTS and Congressman JAY DICKEY."

"Those of us who are affected by Pigford v. Glickman believe that the resolution will get us closer to our goal of getting all rightful claims approved and paid. 'Some may say that Congressman DICKEY is presenting this legislation to save himself, but for us, he has already proven himself to be willing to be a true representative for the people in his district,' said Fernando Burkett. 'We want to commend Congressman JAY DICKEY for this effort and we challenge Arkansas' other representatives to show their support by signing onto this legislation. This challenge is also extended to all other Members of Congress who say that they are concerned about the plight of the black farmer."

"The Arkansas Chapter will not allow our efforts to be politicized in this election year. We are asking for, and it is critical that we receive bipartisan sponsorship on this issue across America. Those who would object and condemn those who are trying to help us have not to this day offered an alternative to Congressman DICKEY's Concurrent Resolution. We have no choice but to support those who are trying to help us. Even though some may say the help is small, it is better than no help at all!" said Burkett. "To us the issue is not Democrat or Republican. The real issue is who is doing, who is helping, who is fighting for what is right!"

So we have placed before the black farmers another obstacle, and that is that there might be some political reasons for the efforts that are being done. But the black farmers know and they have asked me to concoct all the things that I have done.

They know what is on this list. They know I worked to get the statute of limitations extended so that the farmers would not be precluded from asking for their help. They know that I have aggressively sought after and sought after protecting their rights through casework and through solicitations up here. They know that I have supported an increase of $10 million for section 2501. It provides small farmers assistance in filing these claims.

They know that I have met with the Secretary of Agriculture, I have met with the monitor, I have met with the litigators, I have met with all of the people that are involved in this sort of thing. So they know that, and that is why this particular endorsement is so significant.

I would wish those people who want to curse the darkness and not light a candle would come talk to our farmers in Arkansas and find out how they feel. I think it is all over the Nation. We must pursue this. We must pass this so that they can keep going.

Now my colleagues may say, well, what difference does it make? I am on the Committee on Appropriations, and I have pledged to the black farmers that, if I can get the support of the Members of Congress up here, if I can, that I will go and try to get increased funds for the investigation of these claims so that we can hurry them up.

At one point, it was stated that there was not enough time, that the money was too scarce, and that the budget was in jeopardy; and that is the reason why they had to slow down.

I went over and said that I would pledge whatever I could to do that. This is how critical it is, if we had this vote, and this concurrent resolution in support of the black farmers is, in fact, defeated, then I do not know how we can go and ask for additional appropriations. All we can do then is just wait for the members of the Black Caucus to give us an alternative or the members of the Democratic Party.

Our farmers just this Saturday went to visit a representative of the Black Caucus who came to Arkansas. They thought he is going to come, we are going to have bipartisan support, which we have been trying to get all this time, and he is going to help. It turned out that that was not the case, that he came and asked them to do some political chores that they said they could not do at this time. So there is hope dashed again for the black farmers.

I just hope, Mr. Speaker, that today we would honor the intent of the court decree, we will honor the effort of these farmers who have, all these years, tried to stay in the profession, tried to stay in farming, and have been, by court order, found to be discriminated against.

We ask, through this resolution, the administration to please comply with the court order expeditiously so that we can, in fact, bring this to a close and solve the problems that have existed for all these years for the black farmers.

One other thought that I want to state, this is not the only discrimination that exists. If people think that we can just abandon this whole idea once we pay the $50,000 to those people who are worthy of it, abandon the idea that there is no more discrimination, that is not the case. There still is. These black farmers still need a listening ear. They need somebody who will listen and will react. That is another reason why I say vote for the concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the time allocated to the gentleman from Mississippi (Mr. THOMPSON) will be controlled by the gentlewoman from the District of Columbia (Ms. NORTON).

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the plane of the gentleman from Mississippi (Mr. THOMPSON) is late, and I am pleased to manage on my side and in his absence.

Mr. Speaker, I want to express some concerns regarding this resolution. H. Con. Res. 296 is offered by the gentleman from Arkansas (Mr. DICKEY) and the gentleman from Arkansas (Mr. WATTS), which attempts to express the sense of this Congress regarding their urgency to expedite the settlement process for the Pigford Black Farmer class action suit that has been filed against the Federal government. No one can disagree with the essential concept of this resolution when more than 9,000 claims remain unresolved.

In any event, Mr. Speaker, when all the claims are settled in accordance with the Pigford consent decree, an estimated $2 billion will be expended to redress past discrimination in agricultural lending and program benefits. But outreach and technical assistance funding for future needs will remain inadequate.

I do want to indicate that this consent decree is the result of a bill that was introduced by the gentlewoman from North Carolina (Mrs. CLAYTON), who also cannot be here; and that were it not for the Congressional Black Caucus, this consent decree could not have gotten through. It was the energy and the determination of the Congressional Black Caucus that made that consent decree possible. It was the Congressional Black Caucus that got the time extended so that these farmers could, indeed, file for these claims, if there is any dispute about what members of the Caucus have done.

Regardless of what we do or say in this resolution, it is questionable whether USDA, Justice or the monitor can legally expedite the settlement process where denials can be overturned due to rushed or inadequate decisions.

Although I do have some appreciation for the concept between H. Con. Res. 296, we question the sincerity of the efforts to help keep African American farmers on their land as well as to help them remain competitive in production agriculture.

Mr. Speaker, all of us who are familiar with production agriculture under the current economic conditions of low commodity prices recognize that farmers need to modernize operations in order to make a profit. Most of our farmers cannot afford to modernize without having an extension of credit.

The extension of credit was a major issue in the Pigford class action suit. Under the factual background section of the Pigford's court's opinion, Judge Freidman said, "It is of utmost importance that credit and benefit applications be processed quickly, or the farmers will lose all or most of the anticipated income for the entire year." Further, Judge Friedman said that "it does a farmer no good to receive a loan to buy seeds after the planting season is past."

In the Pigford class action, there was sufficient facts to support a finding that Federal employees discriminated against African American farmers when they denied, delayed, or otherwise frustrated the loan applications of those farmers.

□ 1445

Therefore, it is clear that the even-handed extension of agricultural credit is the main issue that this resolution should address.

Nevertheless, Mr. Speaker, none of the language in H. Con. Res. 296 makes a specific reference to discrimination in the agricultural lending process; therefore, it cannot express the sense of Congress regarding the expedited settlement of this class action suit.

The Commodity Credit Corporation and disaster assistance program language of paragraph two of this resolution should not be linked to credit in a meaningful way to adequately express Congress' resolve to alleviate lending discrimination that affects farmers.

Mr. Speaker, if this Congress really wants to help African American farmers stay on their land and be productive, we should fully fund section 2501, the outreach and technical assistance program for minority and limited resource farmers and ranchers. This program provides assistance with loan applications and farm implementation plans so that these African American farmers can effectively demonstrate their ability to handle cash flow if they receive a loan from USDA's Farm Service Agency.

My colleague, the gentleman from Arkansas (Mr. DICKEY), is a sponsor of this resolution. The gentleman from Arkansas is a member of the House Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations that funds the section 2501 program. It would be interesting to know whether the gentleman from Arkansas would support the full funding of this program in an effort to provide some real meaning to this resolution. I urge my colleagues to oppose this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, let me from the outset associate myself with my colleague's comments in opposition to this sense of Congress resolution.

This sense of Congress resolution produces a cruel hoax on African American farmers in this country. Those of us who have labored very diligently trying to get relief, to no avail under the last two Congresses, really got to the point of having to go to court rather than an administrative remedy. But as I look at House Concurrent Resolution 296, it provides no relief, no direction, nothing other than some comfort or cover for Members of Congress when they have not done the representative acts that they should in their respective districts.

The 2501 program, which was a program specifically designed for outreach for African American farmers, languishes in the administration's budget and it is constantly opposed by members of the other side on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations. I challenge the supporters of this amendment to provide the necessary monies so that outreach and other things can be complemented rather than curtailed.

If we look at the Department of Agriculture and its historic discrimination against African American farmers, this sense of Congress resolution addresses none of those past discriminations. The last plantation is still the last plantation. Employees of the Department of Agriculture continue to pose a problem for many borrowers of color. This resolution is a hollow effort to try to correct some political missteps made by my colleague from Arkansas. This is not the way to do it. The way to do it is to provide in appropriation language monies necessary to assist these black farmers who have proven the historic discrimination.

In addition to this, John Boyd, President of the National Black Farmers Union, said that should kill this resolution. It did not and will not do anything for African American farmers.

Mr. Speaker, the other issue that I want to bring before my colleagues today is the notion that the Congressional Black Caucus labored long and hard trying to get support from this body on behalf of African American farmers. It was only with the help of the President and some Members on the Republican side, not the sponsors of this sense of Congress resolution that we were able to get language inserted in the last two appropriation bills allowing for lawsuits to be brought on behalf of black farmers. It was only because we were able to get the language inserted that we were able to bring suit and the farmers, through the help of Judge Friedman, received some support.

But it is still very difficult, Mr. Speaker. Sure, there are problems associated with the lawsuit, but it is because of a cumbersome government, a government that continues to only work for those who have when it should work for those who have not. This sense of Congress resolution does not get at the heart of the problem at the Department of Agriculture. We still have 14,000 employees who work for the Department of Agriculture who are paid by Federal dollars yet they are not Federal employees.

We have three personnel systems operating within the Department of Agriculture. So, clearly, we have a problem with the Department of Agriculture that no sense of Congress resolution can correct. We need legislation making sure that all the employees who work for the Department of Agriculture are, in fact, in one personnel system, unlike the three personnel systems that we have now.

We also need legislation, Mr. Speaker, that will also look at the discrimination that has gone on historically. We need to fully fund the civil rights division of the Department of Agriculture. As my colleagues know, this division was dismantled for a number of years and it was only because the Congressional Black Caucus fought that we did put monies back into the Department of Civil Rights in the Department of Agriculture.

There are a number of other problems associated with this resolution, Mr. Speaker. It is called too little, too late. It cannot be decided, after people have lost their land, some have even, because of stress associated with land loss, died, now provide a sense of Congress resolution that is really a Band-Aid on a cancer. What we need is comprehensive legislation to address the black land loss issues in this country, to look at the systemic discrimination continuing to exist in the Department of Agriculture, and the full funding of the outreach programs necessary for African American farmers in this country to be viable.

So, Mr. Speaker, this is not in the best interest of African American farmers. All of us are interested in making sure that all Americans benefit from the goodness of this country, but to now decide at this late juncture, when the gates are open, when all the livestock has been gone, the land is sold, to decide to come here with a sense of Congress resolution is not where we should be.

I challenge my colleagues who are supporting this sense of Congress resolution to help join the Congressional Black Caucus in fashioning comprehensive legislation that will really provide long-term relief for the African American farmers in this country and not a Band-Aid just to get by this election cycle.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DICKEY. Mr. Speaker, I understand I have 8½ minutes remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman is correct.

Mr. DICKEY. Mr. Speaker, I yield myself such time as I may consume.

I want to say quickly that I agree with what the gentleman from Mississippi (Mr. THOMPSON) says to a very large degree. I have been involved in this, as I said, since 1993. I have heard the complaints straight on. I have not known how to handle them. It has been only since 1995 that I have been on the Committee on Appropriations.

I will say that I have voted for everything they have mentioned. I voted for 2501, I voted for the statute of limitations, I voted for every other measure in the appropriations subcommittee, every one, and not one time has any member of the Black Caucus come to my office and asked me to help in any way.

I want my colleagues all to know that I am available. If it is necessary for me to come to the Black Caucus, like I have tried to do on this resolution to ask my colleagues to help on this, I will come. We have to find a solution.

My problem is it looks like there is some kind of qualification as to who can help the black farmers in the minds of the opposition to this and who cannot. I understand that I am a Republican and I am a white person, but I am also concerned and I have been active, as this list shows, in trying to be an advocate for the black farmers in their dilemma.

I have said before, and I will say it again, that it is not something that we can say we are going to handle just with this lawsuit and settling it. We have to move forward and get complete cooperation. I want to find a way. I waited a long time before filing this resolution. I was waiting for the Black Caucus or anybody else who is interested, any Member of the Democrat or Republican Party to come forward with some kind of idea. No idea has come forward. So we are now cursing the darkness again and not lighting the candle.

I will pledge my time, my energy, and my position on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations to push as hard as I can, no matter what the results of this might be, for the black farmers.

I want to answer the question about political missteps. The gentleman from Mississippi (Mr. THOMPSON) said I have made political missteps. That is only in his eyes. I will read again from the Black Farmers and Agriculturalists Association release. These are the people I spoke before. I spoke for about 45 minutes. I stayed there after that and took casework and everything else. There was not a problem then. But, again, for some reason, somehow the fact I would make statements to the people who I was closest to, and who they were the closest to as far as an elected official, it has been called a political misstep.

"The Executive Director of the Arkansas Chapter Black Farmers & Agriculture Association today are calling for all Members of the United States House of Representatives to support the black farmers resolution introduced by Congressman J.C. WATTS and Congressman JAY DICKEY.

"Those of us who are affected by Pigford v. Glickman believe the resolution will get us closer to our goal of getting all rightful claims approved and paid. 'Some may say Congressman DICKEY is presenting this legislation to save himself, but for us, he has already proven himself to be willing to be a true representative for the people in his district,' said Fernando Burkett. 'We want to commend Congressman DICKEY for this effort and we challenge Arkansas' other representatives to show their support by signing onto this legislation. This challenge is also extended to all other Members of Congress who say that they are concerned about the plight of the black farmer."

"The Arkansas Chapter will not allow our efforts to be politicized in this election year. We are asking for and it is critical that we receive bipartisan sponsorship on this issue across America. Those who would object and condemn those who are trying to help us have not to this day offered an alternative to Congressman DICKEY's resolution. We have no choice but to support those who are trying to help us. 'Even though some may say the help is small, it is better than no help at all,' says Burkett. 'To us the issue is not Republican or Democrat. The real issue is who is doing, who is helping, who is fighting for what is right.'"

And what this statement says, I would say to the gentleman from Mississippi (Mr. THOMPSON), is that these people are recognizing that the person who is standing up for them is doing it for what is right, not because it is political. There is no political gain in this from the standpoint of trying to get help for the black farmers, for me or for anybody else at this point, because it is beyond politics. It is that serious a problem.

□ 1500

And I pledge, I ask for help. I would like for my colleague to communicate. I have asked him to support this. He said he did not know about the resolution. I tried to get a copy to him. When I talked to him at the airport, he said he had not read it yet.

As far as John Boyd is concerned, he is a member of another organization. He is not involved. He has never been to any of the five or six meetings that I have been to. He has never seen what it is like in Arkansas. He does not know what motivates me to try to help.

Even though John Boyd has been in my office, we have had our picture taken together, he asked me for a favor even, and I did it because we had something in common. John Boyd does not have a problem with me or he would not have come to my office, he would not have had his picture made with me. We have talked about it because we have something in common.

So what is the deal? Why are we going to let this become a public record where we have rejected the pleas of the black farmers? As stated by this letter, we rejected their plea for help that someone please and come and help them, no matter what it might be to support those who are trying to help us. It is better than no help at all.

All they see and all they hear in this effort on behalf of the Black Caucus and other people is that this is just one more reason for them to hear the word "no." "No." "No." "No."

What we can do is if we can work together, we can work through the appropriations process through the Committee on Agriculture and everybody else, we can work through all of those if we will just get together.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I ask unanimous consent to reclaim the time remaining and to yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentlewoman from the District of Columbia (Ms. NORTON) reclaims her time and yields to the gentlewoman from North Carolina.

There was no objection.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for yielding me the time.

Mr. Speaker, this resolution expresses the sense of Congress regarding it necessary to expedite the settlement process for discrimination claims against USDA brought by black farmers.

This resolution is well intended. However, much more needs to be done.

Mr. Speaker, in 1997, following four decades of systemic discrimination at USDA, black farmers from throughout the Nation consolidated their claims of discrimination into one class action lawsuit. In that lawsuit, Pigford v. Glickman, the lead plaintiff was from my congressional district.

On January 5, 1999, the plaintiff entered into a 5-year consent decree with USDA. The Court approved the settlement on April 14, 1999.

Since that time, we have had reason to be hopeful and reason to be fearful. We are hopeful because, after months and months of discussion and negotiations, the name plaintiff's case, Mr. Pigford's, has been settled.

Yet we are fearful, because more than a year after the Court approved the settlement, thousands of cases have not yet been adjudicated.

That fact alone makes this resolution somewhat useful. We are hopeful because more than 8,000 cases have been upheld by the adjudicator. Yet, we are fearful because almost 40 percent of the cases have been denied.

We are hopeful because more than $200 million has been paid to claimants. Yet, we are fearful because only a little more than 4,000 claimants have been paid thus far.

Indeed, USDA, in its April 2000 report, Commitment to Progress, acknowledged that there has been some difficulty in coordinating payments and that, in some cases, payments have been delayed.

We are hopeful because the adjudicator has identified more than 2,000 loans for cancellation. Yet, we are fearful because, to date, less than 150 of those loans have actually been canceled although promised. We are fearful because only three of Track B claims, the major claims, have been tried.

At this point, Mr. Speaker, I would have to say that our fear outweighs our hope. It greatly concerns me, and it should greatly concern each of us as well that in my home State of North Carolina, much like every State where farming is a way of life, there has been a 64 percent decline in minority farmers in just over 15 years, from 6,996 in 1978 to 2,498 farms in 1992.

Black farmers are declining at three times the rate of white farmers.

There are several reasons why the number of black farmers are declining so rapidly. But the one that has been documented time and time again is the discriminatory environment present in the Department of Agriculture, the very agent established to accommodate and assist the special needs of farmers.

The plight of the black farmer in America is a plight that has been fueled by the sting of discrimination. Once land is lost, it is very, very difficult to recover. And land has been lost by black farmers and black families.

Mr. Speaker, it is difficult enough for small farmers to eke out an existence in this time of inclement weather, economic downturns, and big farm takeovers. This difficult situation should not be made more difficult by discrimination rearing its ugly head.

When the history of this century is written, it is my hope that the year 2000 will be recorded as significant in the effort to change the course and the culture of the United States Department of Agriculture and the muddied legacy that it has left for black farmers.

This resolution is a step, perhaps, well-intended in the right direction, but it is a very, very limited step.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. DICKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her statements. And I think those are the reasons why I have gotten involved. It has taken me a longer time to learn that than she has. But since 1993, I have been listening, I have been meeting, I have been listening, I have been talking, I have been trying to find out. Now what we have is one last plea on my part on behalf of the black farmers.

My statement of January 8 was we cannot proceed any further without my colleagues in Congress being supportive of this effort. If we vote this concurrent resolution down, we are going to be changing it from legislative remedies to political, and I beg my colleagues not to do that.

These black farmers have not, in any way, done anything to deserve this, to be considered a political football, that someone has to be of a certain party or had to be a certain type of person to be able to bring something like this. It is a legislative matter. It is brought so that we can show concurrence. That is what it is.

I plead with my colleagues to let this pass so that we can, at least, say we are in unity with the black farmers. And then we can go forward from there. If we take it away from that, from being legislative, and we make it political and say, no, sir, we are not going to do this because somebody may get credit or can blame somebody else, then the black farmers are going to get a no in the same way that they have been getting noes for years and years and years. A no is a no, no matter what we say to it.

I think it would be a real disservice to their commitment and to their sacrifice for us to say no to them again. I plead with my colleagues to vote for this resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, today the House will be considering House Concurrent Resolution 296, a resolution expressing the sense of Congress that the settlement process for discrimination claims brought by African-American farmers against the Department of Agriculture be carried out in a timely and expeditious manner.

The Secretary of Agriculture has conceded that the Department of Agriculture discriminated against certain African-American farmers in the delivery of payments from the Commodity Credit Corporation and disaster assistance programs during the period from 1981 through 1996. This discrimination has had a significant impact on the lives and economic well-being of these African-American farmers and their families.

A Federal District Court Judge ruled in April, 1999, that these African-American farmers, as a result of this discrimination, are entitled to settlement from the Department of Agriculture. However, even a year later, these claims have not been addressed by the Department of Agriculture in a timely manner. These settlements are desperately needed and much-deserved. The Court-mandated funds will help these farmers recover their losses due to this discrimination and provide them with the financial means to get back on their feet.

I rise in strong support of this resolution and I would like to thank Representative DICKEY for his efforts to ensure that these claims are dealt with fairly and expeditiously. I ask my colleagues in the House to join me in urging the Department of Agriculture to expedite the settlement process and commit the necessary resources to assist these farmers.

Mr. DICKEY. Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that their remarks are to be directed to the Chair and not in the second person to other Members of the House.

The question is on the motion offered by the gentleman from Arkansas (Mr. DICKEY), that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 296.

The question was taken.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 296.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SOUTHEAST FEDERAL CENTER PUBLIC-PRIVATE DEVELOPMENT ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia, as amended.

The Clerk read as follows:

H.R. 3069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Federal Center Public-Private Development Act of 2000".

SEC. 2. SOUTHEAST FEDERAL CENTER DEFINED.

In this Act, the term "Southeast Federal Center" means the site in the southeast quadrant of the District of Columbia that is under the control and jurisdiction of the General Services Administration and extends from Issac Hull Avenue on the east to 1st Street on the west, and from M Street on the north to the Anacostia River on the south, excluding an area on the river at 1st Street owned by the District of Columbia and a building west of Issac Hull Avenue and south of Tingey Street under the control and jurisdiction of the Department of the Navy.

SEC. 3. SOUTHEAST FEDERAL CENTER DEVELOPMENT AUTHORITY.

(a) IN GENERAL.—The Administrator of General Services may enter into agreements (including leases, contracts, cooperative agreements, limited partnerships, joint ventures, trusts, and limited liability company agreements) with a private entity to provide for the acquisition, construction, rehabilitation, operation, maintenance, or use of the Southeast Federal Center, including improvements thereon, or such other activities related to the Southeast Federal Center as the Administrator considers appropriate.

(b) TERMS AND CONDITIONS.—An agreement entered into under this section—

(1) shall have as its primary purpose enhancing the value of the Southeast Federal Center to the United States;

(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office space in a facility covered under the agreement;

(4) shall not require, unless specifically determined otherwise by the Administrator, Federal

ownership of a facility covered under the agreement after the expiration of any lease of the facility to the United States;

(5) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(6) shall provide—

(A) that the United States will not be liable for any action, debt, or liability of any entity created by the agreement; and

(B) that such entity may not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(7) shall include such other terms and conditions as the Administrator considers appropriate.

(c) CONSIDERATION.—An agreement entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under such an agreement may be provided in whole or in part through in-kind consideration. In-kind consideration may include provision of space, goods, or services of benefit to the United States, including construction, repair, remodeling, or other physical improvements of Federal property, maintenance of Federal property, or the provision of office, storage, or other usable space.

(d) AUTHORITY TO CONVEY.—In carrying out an agreement entered into under this section, the Administrator is authorized to convey interests in real property, by lease, sale, or exchange, to a private entity.

(e) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods, or services by the General Services Administration on property that is subject to an agreement under this section may only be made to the extent that necessary funds have been made available, in advance, in an annual appropriations Act, to the Administrator from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(f) NATIONAL CAPITOL PLANNING COMMISSION.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the National Capital Planning Commission with respect to the Southeast Federal Center.

(2) VISION PLAN.—An agreement entered into under this section shall ensure that redevelopment of the Southeast Federal Center is consistent, to the extent practicable (as determined by the Administrator), with the objectives of the National Capital Planning Commission's vision plan entitled "Extending the Legacy: Planning America's Capital in the 21st Century", adopted by the Commission in November 1997.

(g) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The authority of the Administrator under this section shall not be subject to—

(A) section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(B) sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484);

(C) section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)); or

(D) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section.

(2) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any facility covered under an agreement entered into under this section may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Before entering into an agreement under section 3, the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the proposed agreement.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed agreement and a description of the provisions of the proposed agreement.

(c) REVIEW BY CONGRESS.—A proposed agreement under section 3 may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of a report on the agreement under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

SEC. 5. USE OF PROCEEDS.

(a) IN GENERAL.—Net proceeds from an agreement entered into under section 3 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). In this subsection, the term "net proceeds from an agreement entered into under section 3" means the proceeds from the agreement minus the expenses incurred by the Administrator with respect to the agreement.

(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of an agreement entered into under section 3 amounts necessary to recover the expenses incurred by the Administrator with respect to the agreement. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs expenses related to disposals of real property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I would like to thank the gentleman from Indiana (Chairman BURTON) of the House Committee on Government Reform and Oversight for his close cooperation in waiving jurisdiction over certain portions of this bill.

Mr. Speaker, I include for the RECORD the following exchange of letters between the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Indiana (Chairman BURTON) regarding this matter:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 13, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3069, the "Southeast Federal Center Public-Private Development Act of 2000." As you know, this bill contains certain provisions related to matters in the jurisdiction of the Committee on Government Reform. Specifically, Section 3 of the bill waives current law regarding the treatment of Federal property, which is under the Government Reform ,Committee's jurisdiction.

In the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over H.R. 3069. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature.

Thank you for your cooperation on this matter.

Sincerely,

DAN BURTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 13, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN, In the near future, the House will consider H.R. 3069, the "Southeast Federal Center Public-Private Development Act of 2000." While H.R. 3069 primarily contains provisions related to matters in the jurisdiction of the Committee on Transportation and Infrastructure, I recognize that certain provisions of Section 3 of the bill, which waive current law regarding the treatment of Federal property affect the jurisdiction of the Committee on Government Reform.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place this letter and any response you may have in the Report on this bill, In addition, if a conference is necessary on this bill, I would support your request to have the Committee on Government Reform be represented on the conference with respect to the matters in question.

I look forward to passing this bill on the Floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER,
Chairman.

Secondly, Mr. Speaker, I want to congratulate our colleague, the gentlewoman from the District of Columbia (Ms. NORTON), for her tireless efforts to move this bill forward. I know that this legislation means a great deal to the residents of the District of Columbia and will greatly improve the quality of life in the area of the Anacostia River, where the center is located.

H.R. 3069, as amended, the Southeast Federal Center Public-Private Development Act of 2000, authorizes the Administrator of the General Services Administration to enter into agreements, including leases, contracts, partnerships, joint venture trusts, and limited liability agreements with private entities to acquire, construct, rehabilitate, operate, maintain, or use land and make improvements at the Southeast Federal Center.

The Southeast Federal Center is a 55-acre parcel of land located on the Anacostia River in Southeast Washington, D.C., adjacent to the Navy Yard. The bill will also allow the GSA to leverage private capital and expertise to develop this site for use by the Government and private sector, including retail, commercial, and other uses.

This bill bars the Government from debt, obligation or liability in connection with development and allows GSA to prescribe terms and conditions for any lease by GSA for developed space as appropriate.

The Administrator is permitted to accept in-kind consideration of payment, including construction, repair or remodeling of physical improvements of Federal property. To ensure maximum development flexibility, any agreements shall not be subject to the Economy Act of 1932, which prohibits GSA from accepting in-kind contributions.

Further, certain provisions of the Property Act of 1949, the Public Buildings Act of 1959, the McKinney Homeless Act and other laws, not related to environmental law or historic preservation laws, are waived. These laws are waived to make an agreement with private-sector entities more attractive. GSA shall report to the committee prior to entering into any agreement, including master leases.

I support the bill and ask our colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to thank the gentleman from Ohio (Mr. LATOURETTE) for his kind words and for his generous support.

I want to express my deep appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their hard work in bringing H.R. 3069, the Southeast Federal Center Public-Private Redevelopment Act of 2000, to the floor today.

I also want to thank the gentleman from West Virginia (Mr. WISE), the subcommittee ranking member, for his strong support.

Mr. Speaker, I want to especially thank the gentleman from New Jersey (Mr. FRANKS), the subcommittee chairman, because, were it not for his leadership and attention to the Southeast Federal Center, we would not finally be on the path toward making this valuable Federal asset productive and beneficial to American taxpayers.

The Southeast Federal Center Public-Private Redevelopment Act of 2000 reflects the best and strongest bipartisan intents of the Congress. It arose out of a hearing in May 1999, where I was engaged in perennial questioning concerning the failure of the Federal Government since 1962 to develop its largest tract of land in the city while leasing massive amounts of office space here and throughout the region.

□ 1515

Over many years, consistent criticism from our subcommittee concerning the magnitude of the waste never brought results until the gentleman from New Jersey (Mr. FRANKS) at that hearing took a deep interest, suggested a tour and then worked with me in developing H.R. 3069, the Southeast Federal Center Public-Private Redevelopment Act of 2000 that is before us now.

H.R. 3069 would allow the GSA wide latitude to contract for arrangements to bring any appropriate development to the site, private, Federal, local or some combination. Our bill specifies that any agreement entered into between the GSA and the developing entity must: One, have as its primary purpose enhancing the value of the Southeast Federal Center; two, be negotiated pursuant to procedures that protect the Federal Government's interest and promote a competitive bidding process; three, provide an option for the Federal Government to lease and occupy any office space in the developed facilities; four, not require unless otherwise determined by the GSA Federal ownership of any developed facilities; and, five, describe the duties and consideration for which the government and the public and private entities involved are responsible. The bill also authorizes GSA to accept nonmonetary, in-kind consideration such as the provision of goods and services at the site.

A site centrally and strategically located just 5 minutes from the Capitol, the SEFC is considered one of the most valuable undeveloped parcels on the East Coast. Yet it has become a wasteland that also has triggered decay in the surrounding neighborhoods. The SEFC represents an astonishing denial of productive use to the Federal Government and of revenue to the taxpayers, particularly considering that the location is so close to the Mall and the Capitol.

Efforts by the Federal Government to develop the land exclusively for Federal uses have consistently failed. Most recently the Reagan and Bush administrations in a thoughtful innovation proposed a mall infrastructure to be built by the Federal Government with amenities to be provided by the private sector to attract Federal agencies, but regrettably this proposal had no effect on agency decisions and no relocation of Federal agencies to the SEFC occurred as a result. The Clinton administration also has encouraged Federal agencies to locate at the site, to no avail. The Washington Navy yard located next to the SEFC is being redeveloped successfully with civilian Navy personnel, but its very visible innovation has not reversed the fortunes of the SEFC. Nor has the Metro station which was located there in December 1991.

The subcommittee's analysis of the site and of the real estate industry makes clear that the reason that so attractive a site has not been developed after decades of trying by the Federal Government is that it is not developable as a traditional government-owned site today. Moreover, the limited set of tools available to the GSA do not enable the government to make productive use of the SEFC. The subcommittee's work demonstrates that without new tools, the Federal Government will not be able to capitalize on this valuable asset or to offer an economic incentive for private developers to develop the land. H.R. 3069 is applicable to this single parcel alone and its value to the government and to this city makes it important to proceed without further costly delay.

What are the government's realistic options? The land certainly is too valuable to sell in light of the scarcity of land in the District and the sale of federally owned land in any case would never be tolerated by Congress when the Federal Government is leasing space throughout the District and the region at a cost of billions of dollars to the taxpayers. Yet an OMB bureaucrat recently threw up his hands and was so anxious to get this embarrassment of unused land off the government's books that he did a pass-through to the District of Columbia until it was called back by higher authorities at the OMB. For years, the Congress has not allowed cost-free transfers of Federal land. Alternatively Congress, which has not appropriated funds for its own development of the SEFC, would clearly not fund a pass-through to another jurisdiction. Another alternative, leasing the land, is also unworkable and has at least two major drawbacks that would undercut the concept and purposes of the bill. First, the GSA is limited to supplying general purpose special office space and lacks mixed use authority through leasing. Second, leasing a government-owned site requires the sale of the site under the existing scoring rules. If leasing were the answer, GSA would have pursued it long ago, Mr. Speaker. The smart way to develop this property in today's climate is to combine the government's value in ownership with the private sector's ability to develop land.

H.R. 3069 not only represents the subcommittee's thinking, this bill is entirely in keeping with the reinventing government public-private partnership ideas and practices fostered by the present administration. Moreover, the Congress itself has long sanctioned the use of Federal land value in exchange for private development. The Veterans' Administration, the Department of Interior and the Department of Defense have this general authority not on a one-time basis as provided by H.R. 3069. The extensive experience from these agencies demonstrates conclusively that public-private partnerships involving the Federal Government not only are cost effective, these arrangements protect the government from risk because the scoring rules ensure that every GSA expenditure is accounted and appropriated for in a manner that insulates the Federal Government from financial risk. This bill allows the private sector to do the kind of development it does every day. At the same time, H.R. 3069 provides an option of locating Federal facilities as part of the mix and, therefore, of meeting Federal agency needs for which the SEFC has been unavailable for decades.

The Federal Government has been unable to commit financial resources for the development of the SEFC. Considering the competition with other resources, it is fair to say that the Federal Government is unwilling to develop the site notwithstanding the continuing loss in productivity and in revenue to the taxpayers. H.R. 3069, establishing a public-private partnership to develop the site, represents an important breakthrough in achieving the highest and best use of a wasted Federal asset, securing revenue for the Federal Government and providing enhanced opportunities for Federal agency occupancy while at the same time contributing to the local D.C. economy and revival of the surrounding neighborhood whose deterioration traces significantly to this large brownfield site. The approach is mutually beneficial. It is win-win. The Federal Government makes its property available for Federal and private development, including revenue-producing occupancy for the government, and the developer, selected competitively, receives a valuable opportunity to add value. Democrats, Republicans and the President, who have all said they will come together when government and private responsibilities are appropriately apportioned, have found a meeting place in H.R. 3069. I appreciate the bipartisan partnership we have achieved here in the House for the public-private partnership H.R. 3069 represents.

Mr. Speaker, I yield back the balance of my time.

Mr. LaTOURETTE. Mr. Speaker, H.R. 3069 is a great idea. It is a good bill. I urge its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LaTOURETTE) that the House suspend the rules and pass the bill, H.R. 3069, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LaTOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3069, as amended, the measure just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISTRICT OF COLUMBIA COURTS BUDGET REQUEST, FY 2001—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–233)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the FY 2001 Budget Request of the District of Columbia Courts.

The District of Columbia Courts have submitted a FY 2001 budget request for $104.5 million for operating expenses, $18.3 million for capital improvements to courthouse facilities, and $41.8 for Defender Services in the District of Columbia Courts. My FY 2001 budget includes recommended funding levels of $98.0 million for operations, $5.0 million for capital improvements, and $38.4 million for Defender Services. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

This transmittal also includes information on grants and reimbursements forwarded by the Courts in response to the request in Conference Report H. Rept. 106–479.

I look forward to working with the Congress throughout the FY 2001 appropriation process.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 8, 2000.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 7 p.m.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess until approximately 7 p.m.

☐ 1901

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 7 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H Con. Res. 296, by the yeas and nays;

H.R. 3577, by the yeas and nays;

H. Con. Res. 89, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

SENSE OF CONGRESS REGARDING NECESSITY TO EXPEDITE SETTLEMENT PROCESS FOR DISCRIMINATION CLAIMS AGAINST DEPARTMENT OF AGRICULTURE BROUGHT BY AFRICAN-AMERICAN FARMERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to concurrent resolution, H. Con. Res. 296.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 296, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 180, not voting 38, as follows:

[Roll No. 146]

YEAS—216

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cox
Crane
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly

Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Luther
Manzullo
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stabenow
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—180

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—38

Andrews
Buyer
Campbell
Chambliss
Clay
Clement
Coburn
Cooksey
Cubin
DeGette
Dooley
Doolittle
Ehrlich
Everett
Franks (NJ)
Hansen
Herger
Kasich
Kuykendall
Lipinski
Lucas (OK)
Martinez
McCollum
McIntosh
Moakley
Mollohan
Morella
Myrick
Owens
Pryce (OH)
Schaffer
Serrano
Sisisky
Souder
Stark
Sweeney
Wilson
Wise

□ 1926

Mr. BORSKI, Mrs. TAUSCHER, Mr. HOLDEN, Mrs. THURMAN, and Messrs. JACKSON of Illinois, DIXON, RODRIGUEZ, GEJDENSON, ORTIZ, STUPAK, HINOJOSA, DOGGETT, BERMAN, BECERRA and BOSWELL changed their vote from "yea" to "nay."

Mr. TURNER changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

NORTH SIDE PUMPING DIVISION OF MINIDOKA RECLAMATION PROJECT, IDAHO, AUTHORIZATION INCREASE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3577.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 3577, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 6, not voting 43, as follows:

[Roll No. 147]

YEAS—385

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth-Hage
Clayton
Clyburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sessions

Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Coble
Paul
Royce
Sanford
Sensenbrenner
Smith (MI)

NOT VOTING—43

Andrews
Buyer
Campbell
Chambliss
Clay
Clement
Coburn
Cooksey
Cubin
Davis (VA)
DeGette
Dooley
Doolittle
Ehrlich
Everett
Franks (NJ)
Hansen
Herger
Hill (IN)
Kasich
Kuykendall
Lipinski
Lucas (OK)
Martinez
McCollum
McIntosh
Moakley
Mollohan
Morella
Myrick
Owens
Payne
Pryce (OH)
Schaffer
Serrano
Sisisky
Souder
Stark
Sweeney
Udall (NM)
Wexler
Wilson
Wise

□ 1935

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA, AS A NATIONAL SYMBOL OF THE CONTRIBUTIONS OF AMERICANS OF GERMAN HERITAGE

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 89.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 89, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 45, as follows:

[Roll No. 148]

YEAS—389

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth-Hage
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—45

Andrews
Boucher
Buyer
Campbell
Chambliss
Clay
Clement
Coburn
Cooksey
Cubin
Davis (VA)
DeGette
Dooley
Doolittle
Ehrlich
Everett
Franks (NJ)
Hansen
Herger
Hill (IN)
Horn
Kasich
Kuykendall
Lipinski
Lucas (OK)
Martinez
McCollum
McIntosh
Moakley
Mollohan
Morella
Myrick
Owens
Payne
Pickering
Pryce (OH)
Schaffer
Serrano
Sisisky
Souder
Stark
Sweeney
Wexler
Wilson
Wise

□ 1945

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1945

DONALD YOUMANS' INTERNATIONAL CUSTODY BATTLE

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Madam Speaker, I rise today to tell the story of Donald Youmans, a father whose son was abducted to Germany in 1993. Donald filed a missing persons report with police, and a United States court granted him temporary sole custody and ordered immediate return of his son.

A German court issued an ex parte order granting the mother sole custody of the son, stating that the child would suffer severe psychological damage to be taken away from his new environment of 3 months. In 1994, a German lower court denied return of the child, and 4 months later granted sole custody to the mother. In 1996, a court confirmed sole final custody and gave Donald restrictive access rights to be exercised only in Germany.

Despite the court order for these restrictive access rights, Donald's ex-wife continues to deny him access to his son. He has not seen his son since 1994. His son was abducted when he was two, and he is now eight.

Madam Speaker, these daily 1 minutes are about families and reuniting children with their parents. We must show respect and concern for the most sacred of bonds, the bond between a parent and a child. The House must do all that it can to bring our children home.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CORPORATE INVESTMENT IN AUTHORITARIAN REGIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, the fall of the Berlin Wall and the end of the Cold War opened up a 10-year flood of new trade investment and economic growth in the world. But underneath this trend lies an unsettling pattern.

When it comes to competing for U.S. trade and private investment dollars, democratic countries in the developing world, countries like India and Taiwan and Bangladesh and South Korea, are losing ground to more authoritarian countries, like Indonesia, and especially the People's Republic of China.

In the post-Cold War decade, the share of developing country exports to the U.S. for democratic nations fell from 53 percent in 1989 to 34 percent in 1998, a decrease of 18 percentage points. Nondemocratic nations increased their share commensurately.

In manufacturing goods, developing democracies' share of developing country exports fell 21 percentage points, from 56 percent to 35 percent.

Regarding U.S. foreign investment in manufacturing, developing democratic countries gained 1 percent over the last 10 years. Nations that do not support democracy gained 5 percent of U.S. foreign investment over the last 10 years. China was responsible for 5 percent of foreign investment gained for nondemocratic countries.

Not only have the U.S. export market shares decreased for developing countries that have always been democracies, countries that have recently become democracies have also lost market share.

Understanding that basis for the vote that is coming in the next couple of weeks about giving permanent trade, Most Favored Nations status trading privileges to China should make the difference in this vote.

Western corporations want to invest in countries, like China, that have below-poverty wages, that have unenforced environmental laws or nonexistent environmental standards, and have no opportunities to unionize. As a result, they are turning to the authoritarian countries that can suppress labor rights and guarantee high profits for American companies.

China, for instance, is much more attractive to an American investigator than is India; China, a country which has a docile hierarchal workforce where workers cannot join unions, where workers cannot talk back, where workers often cannot switch jobs and go to a competing factory.

United States pretends to promote democratic ideals worldwide through foreign aid and through the rhetoric in this chamber. But as developing countries make progress towards democracy, the American business community rewards them by pulling its trade and investment and depositing their investments in money in other totalitarian countries.

Understand, where corporate CEOs walk the halls of Congress asking Members of Congress to support permanent trade advantages for China, understand where they say that we need to engage with China so China improves its human rights record, where China will quit persecuting Christians and China will quit allowing forced abortions in their country, understand that the three major economic players; in China are the Communist party of China, the People's Liberation Army of China, which runs many of the factories there, and Western investors.

Those Western investors, the Communist party, the People's Liberation Army, none of them want to change the rules. The rules work just fine for them. They like an authoritarian government structure that does not reward an ability to organize and bargain collectively, that does not tolerate any kind of dissent, that does not allow for any kind of worker rights.

That is why American investment is more and more likely to go to China instead of India, instead of Taiwan, instead of South Korea, instead of a country that really is a democracy. That is why China's permanent Most Favored Nations status trading privileges are such a bad idea.

Shame on this country, shame on this Congress if we give permanent Most Favored Nations status trading privileges to a country that violates every human rights standard, every value that we in this country hold dear.

SUPPORT $500 TAX CREDIT FOR SERVICE MEN AND WOMEN ON FOOD STAMPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, as my colleagues know, for several weeks, I have been coming down to the floor talking about our men and women in uniform that are on food stamps. Quite frankly, it has been a couple of weeks.

I brought tonight, as I have each and every night, the Marine who is getting ready to deploy for Bosnia. On his feet is his little girl named Magan. In his arms, he has a baby named Bridgette.

It so happens, on April 14, as my colleagues know, the Congress had closed for Easter. I was asked, along with the gentleman from North Carolina (Mr. MCINTYRE), to attend a memorial service at New River Marine Air Station, as four Marines were among 19 Marines that were killed in the V-22 helicopter accident in Arizona a few weeks ago.

Sitting in the sanctuary during the memorial, I started thinking, I was looking around at Marines in attendance and just how many times those of us in this Nation take for granted the men and women in uniform that are willing to be called upon at any time to go defend this country and to give their life for this Nation.

So I am back on the floor tonight because I have introduced H.R. 1055, which is a bill that would give each and every member in the military that qualifies for food stamps, it would give them a $500 tax credit. Quite frankly, it is not enough. At least it shows that we care, and it is a start.

I am pleased to tell my colleagues tonight, Madam Speaker, that we have 95 Members, both Democrats and Republicans, that are on this bill almost equally divided. Many on the Democratic side as well as the Republican side are in the leadership, and I am pleased they would join me in this effort to say to those who qualify for food stamps in uniform that we do care about them, we are trying to do something about it.

I have figures that are really kind of interesting, that the Defense Department says we have 6,500 men and women in uniform on food stamps, and the GAO says we have 13,000. Well, my point is, Madam Speaker, that one is one too many.

I think about the fact that we have already spent probably $9 billion or $10 billion in Bosnia, we have spent probably $11 billion in Yugoslavia, and yet we cannot find the money to take our men and women in uniform off food stamps. That is unacceptable.

I speak about this quite frequently in my district. I see a lot of people in civic clubs and sometimes at churches, like any Member here that serves the

United States House of Representatives. People come up to me afterwards and say, "I cannot believe that. I did not know that."

So I am hoping, by coming to the floor once a week, that I can encourage the leadership both, again, Republican and Democrat, to move this bill. There are other ideas that Members have, and they are good ideas. But I tell my colleagues that we have researched this thing for months going back a year ago, and what we found out, that if one really wants to make sure that those who qualify for food stamps are the ones that receive the assistance and no one drops through the cracks, then it has to be this bill that we have introduced that would give a $500 tax credit.

If there should be some movement on this bill, I hope, quite frankly, that, in a bipartisan way, we would raise that figure from $500 to $1,000.

So, Madam Speaker, I am going to close now. But, again, I want to remind the Members of the House that not only this Marine, this Marine represents everybody that is in uniform. We are sending our troops around this Nation just like a police force. I think between 1991 and 1999, they have been on 149 operations or deployments. I think about 60 percent of those in uniform are married.

So, again, I hope that we, in a bipartisan way, before we leave in October, will pass legislation that those that are on food stamps will know that we care about them. Because I know truthfully, Madam Speaker, that the American people are just outraged that anyone in uniform is on food stamps.

THIRTEEN JEWS HELD IN SHIRAZ, IRAN ON CHARGES OF ESPIONAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, I rise to address this House on the issue of the 13 Jews being held in the city of Shiraz in Iran and on trial on charges of espionage. Let me first provide a bit of background. The Jewish community of Iran has been there since the Babylonia captivity over 2,500 years ago. It is the oldest Jewish community anywhere in the world except for Israel itself. For 2,500 years, Jews have lived in peace and in loyalty to whichever regime has governed Persia, now Iran.

□ 2000

In 1979, the Iranian revolution created the Islamic Republic. Since then, that Islamic Republic has found it necessary or appropriate for some reason to oppress its religious minorities. Its treatment of those of the Bahai faith is known to many of us and is deplorable. And as to those who practice the Jewish faith, some 17 have been killed in the last 21 years, roughly one a year, always after some sort of show trial, always absurd charges followed by execution.

In February of 1979, the government of Iran, perhaps dissatisfied with the idea of only one trumped-up execution a year of the Jewish community, instead decided to arrest some 13 Jews on absurd charges. They were charged with spying for the United States and spying for Israel.

Now, why can I brand these charges so absurd? Well, Madam Speaker, here in the United States we live in a multiethnic, multicultural society. People of all races, religions, and ethnicities are found in the National Security Administration, the CIA, the FBI, and other positions of importance to our national security. And so no matter what a person's ethnic background, every boy and girl in America could find themselves in a position where they could be tempted to become a spy. And in fact we have Anglo American spies in our history and Chinese American spies. Perhaps there have even been Jewish American spies.

But Iran is a very different country. No one of the Jewish faith is allowed anywhere near anything of national security significance in Iran. And so to think that the CIA would reach out to this one small community and from there hire its spies is absolutely absurd. We could not be the world's only superpower if we hired as our spies those very few individuals in Iran absolutely precluded from getting the information that a spy might want.

These charges are not only absurd, but at the beginning of this month the trials began. The trials are modeled after those of Joseph Stalin; show trials in which there is no evidence except confession, and the confessions so devoid of information that they are evidence not of guilt but of the fear of the defendant. No information is given as to what the espionage sought to discover, what information was passed, to whom it was passed, or how it was passed. No information at all comes out in this trial except the fear of the defendants. Their confessions are evidence perhaps of torture, but not of guilt. Not since the days of Joseph Stalin have we seen such trials.

The question is what will the world do about it? The key is to have not only the American representative at the World Bank but the representatives of Germany and Japan stand up and say human rights does matter and to vote to delay any World Bank loan to this Islamic regime, the Islamic Republic of Iran. Until these 13 innocents are released, the World Bank should not hide behind profestations that somehow its loans are only being used for a particular purpose, because loans are money that is fungible and that money will go to construction companies in Iran selected by and authorized by the Iranian government.

We must stand up for human rights. The World Bank is where this trial will be on trial.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I want to talk tonight about prescription drugs and, most importantly, about prescription drug prices.

We have had some discussion. The good news is, I think here in Washington, that there is a growing bipartisan feeling that we need to do something particularly for senior citizens about prescription drugs this year. The bad news is, it appears to me that we are going to continue just to throw good money after bad.

I have a chart here that describes, I think, what is a big part of the problem we have with prescription drugs. These are some comparison prices for one of the most commonly prescribed drugs in the United States. It is a drug called Prilosec. They are currently running a pretty aggressive advertising campaign. It is the purple pill. If someone buys those purple pills in Minneapolis, Minnesota, and again these are not my numbers, these are from an HMO in my State called Health Partners, but they did some research and found if an individual buys a 30-day supply of Prilosec in Minneapolis, Minnesota, they pay $99.95. But if someone happens to be vacationing in Winnipeg, Manitoba, and they take the same prescription into a pharmaceutical drugstore, they will pay $50.88. And, if someone happened to be vacationing in Guadalajara, Mexico, for exactly the same drug, made in exactly the same plant, under the exact same FDA approval, they would pay only $17.50.

As a matter of fact, Health Partners claims that if they could recover just half of the savings between the United States and Canada, they could save their subscribers $30 million a year.

When we start applying numbers like that to how much the Federal Government spends on prescription drugs every year, last year, according to the Congressional Budget Office we, the Federal Government, spent over $15 billion on prescription drugs. Now, if we are paying 40 percent more than the folks on the north side and the south side of our borders, just imagine how much the Federal Government could save through Medicare and Medicaid, the VA, and other benefits.

Let me just run through some of the differences between what we pay in the United States for commonly prescribed brand name drugs and what they pay in Europe for exactly the same drugs. Premarin, $14.98 here, they pay $4.25 in Europe; Synthroid, $13.84 versus $2.95;

Coumadin, and this is a drug my dad takes, and a lot of senior citizens take this, it is a blood thinner, we pay, the average price is $30.25, they pay $2.85; Prozac, $36.12, $18.50 over in Europe. Here we get a pretty good price, in Minneapolis. They say the average price for Prilosec, for a 30-day supply, is $109, in Europe it is $39.25.

Madam Speaker, the answer to our prescription drug problem in some respects does not require a whole new Federal agency. A big part of the problem, and I would like to share with Members and anyone who would like a copy, we can get a copy of a newsletter that was done by the Life Extension Foundation. It is available by calling my office at the Capitol or just sending an e-mail. We are easy to get ahold of. But this is an interesting little brochure and it talks about the differentiation and it really gets down to what the real problem is.

The real problem is our own FDA. Our own Food and Drug Administration is keeping American citizens from bringing prescription drugs across the border. I think the best comparison that I can give, let us say, for example, that there are three drugstores, one downtown, one on the north side of town and one on the south side of town, but our own FDA says you can only shop at the one downtown. Even though they are charging, according to the Federal Government in the United States, the drug companies are charging 56 percent more than the prices in Canada, but our own FDA says we cannot shop at a store in Canada.

Now, the reason this is important is because we have what is called the North American Free Trade Agreement. That means the goods and services are supposed to go across the border freely. And just about all goods and services do, except prescription drugs. Madam Speaker, we need to make it easier for seniors and all Americans to get the prescriptions that they need and we need to get competitive prices. One way we can do that is open up our borders.

The FDA has overstepped its actual authority. In fact, if Members would like a copy, this is the actual language, which basically says it is the FDA's responsibility to prove that the drugs that are being brought into the United States are not safe. Unfortunately, the way they have interpreted this law is they have said, no, it is the responsibility of the consumer. We want to put that responsibility back on the FDA, where it belongs.

We should not allow our own FDA to stand between our consumers and lower drug prices.

WORKING FOR RESUMPTION OF INDIA-PAKISTAN DIALOGUE ON KASHMIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, recently we have seen some reason for hope about the resumption of a dialogue between Pakistan and India on resolving the Kashmir conflict. But we have also received a reminder of how difficult the path toward dying dialogue can be.

On the hopeful side, the United States has asked Pakistan to take concrete steps for the resumption of a productive dialogue with India and a return to what is known as the "Spirit of Lahore" so that there will be no more Kargils.

I should explain, Madam Speaker, that Lahore is a city in Pakistan near the border with India. It was the scene not much more than a year ago of a very amicable meeting between India's Prime Minister Vajpayee and the former Pakistani Prime Minister Sharif. Given the longstanding animosity between the two South Asian neighbors, the image of the two prime ministers embracing and pledging to work in a spirit of partnership and respect was heart-warming, promising a new era in bilateral relations.

But a short time later there was Kargil. Kargil is the name of a town in Kashmir under India's jurisdiction near the line of control that separates the areas controlled by India and Pakistan. In May of 1999, Pakistani-backed forces crossed that line and attacked India's defensive positions near Kargil. This bold gambit by Pakistan was not successful militarily. Ultimately, it proved to be even more of a disaster militarily for Pakistan, and the United States urged Pakistan to withdraw its forces back to its side of the line of control. Our government refused to go along with Pakistan's bid to strengthen its position by internationalizing the crisis by trying to get the United States to step in as a mediator in the bilateral dispute.

What little was left of the "Spirit of Lahore," Madam Speaker, was further eroded last October when a military coup in Pakistan removed the civilian government from power and threw Prime Minister Sharif in jail.

In a recent interview with an international news service, our Assistant Secretary of State for South Asian Affairs, Karl Inderfurth, said that a solution to the Kashmir project must be homegrown and not exploited from the outside. Mr. Inderfurth expressed that the State Department was trying to move away from the old days when there was typically a pro-Pakistan tilt in U.S. policy in the region, to a more even-handed approach for working with both of the major South Asian nations. But he stated, and I quote, "Right now we have more opportunities to pursue with India, and, frankly, right now we have many more concerns about the direction Pakistan is heading." He also expressed hope that Pakistan would take concrete steps that would allow a productive and serious dialogue to be resumed with India.

Madam Speaker, I would stress that the most helpful concrete step that Pakistan could take would be to do all in its power to end the cross-border terrorism that has caused so much suffering to the people of Kashmir, Hindu and Muslim alike. While India has made clear its willingness to negotiate in good faith with Pakistan, India also has to maintain a vigilant defensive posture for as long as the Pakistani-supported cross-border terrorism continues.

Madam Speaker, I believe that President Clinton's recent trip to South Asia, which I had the opportunity to take part in, has played a significant role in helping to reduce tensions and hostility between Pakistan and India. As Secretary Inderfurth said, "The President's visit has changed the terms of the relationship between the United States and India, the world's two largest democracies." The President made it clear to both India and Pakistani leaders that the U.S. would be happy to work with both countries as friends to try to encourage dialogue, but it is not our place to dictate the terms of the peace process in Kashmir much less the outcome.

The great thing about the Lahore process is that it rose as a bilateral initiative between India and Pakistan. The key for breathing life into the bilateral Lahore declarations is for Pakistan to accept India's outstretched hand. And so far, unfortunately, Pakistan has been sending somewhat mixed signals.

Meanwhile, Madam Speaker, we have seen how dangerous the Kashmiri militant movement, which is supported by Pakistan, has become. Over the weekend we heard from one of the militant leaders, Mushtaq Ahmed Zargar, who was one of the three militants freed last December by the Indian government in exchange for freeing the innocent hostages being held in the hijacked Indian Airlines plane. According to a news account from the AP, Mr. Zargar dismissed the idea of negotiations with India, promising to stay on the path of jehad, or holy war. He threatened punishment for any Kashmiri who opened talks with India. And this, unfortunately, is the true face of the so-called freedom movement in Kashmir.

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Mr. Speaker, by taking steps towards negotiation, Pakistan could help to isolate and undercut these terrorist groups operating in Kashmir. So far, Pakistan has done just the opposite, actively supporting the terrorists. But at some point, I hope that the Pakistani leadership will recognize that that strategy is increasingly turning Pakistan into a pariah state.

If and when Pakistan changes its course, and I hope it will soon, they will find a willing negotiating party in India and a supportive friend in the United States. I just hope that we can resume the India-Pakistan dialogue in the "spirit of Lahore" as soon as possible.

COMMEMORATING MEN AND WOMEN WHO FOUGHT IN VIETNAM WAR

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Georgia (Mr. ISAKSON) is recognized for 5 minutes.

Mr. ISAKSON. Mr. Speaker, yesterday, May 7, a celebration of sort, a commemoration of sort, took place in all 50 States in this country as we commemorated the 25th anniversary of the end of the Vietnam War.

Between 1958 and 1975, over 8 million Americans, 228,000 of whom were Georgians, fought in Southeast Asia on behalf of freedom against communism and totalitarianism. That was the war of my generation. It was the legacy that I remember.

America was divided throughout that war and remains, in some cases, divided today over whether we should have been there and our resolve was never what it should have been. But tonight, I rise not to debate that, but to commemorate the men and women who fought and died on behalf of the United States of America, 58,000 of them, 2,042 who remaining missing in action today.

While we debate the positive nature of issues we believe in and condemn others today in contemporary times, we must continue to pause and reflect on the sacrifice made on behalf of all of us.

To that end, I want to commend five individuals from Georgia, Susie Ragan, who founded the MIA/POW force in Georgia and now has moved to Maryland and is doing the same thing so we do not forget those 2,042; Tommy Clack, a triple amputee who returned to a divided America and has committed the rest of his life to see to it that Vietnam veterans get the attention and services that they deserve and their Government promised; Ron Miller, who served as the former executive director of the Georgian Veterans Leadership Program; and Colonel Ben Purcell of Georgia, a member of the Georgia legislature, but 25 years ago a man who ended more than 8 years as a prisoner of war, over 5 in solitary confinement.

We must never forget the sacrifice made by those men and women for our Nation and for our country and the duty and honor and commitment they made to this country and to their God.

And that fifth person to me is a person by the name of Jack Elliott Cox. Jack died in Vietnam in 1968. But Jack was a volunteer. He volunteered when we graduated from college to go to OSC. And like 70 percent of those who died in Vietnam, he was not drafted, he was a volunteer.

In fact, what is so often not talked about is that 25 percent of those who fought were drafted, 75 percent were people who volunteered for the service in a divided war and a divided time. But they were committed to their country.

Let us not forget the Jack Coxes, the Susie Ragans, the Tommy Clacks, the Ron Millers, and the Ben Purcells, those who fought and live today to fight on for the veterans of that war, and those who died for you and I.

As Members of this Congress, when we go to the 26th anniversary next year, may it be a time that we continue our commitment to the veterans of the United States of America and the men and women who, regardless of conflicts at home, fought and served and, in some cases, died for their country, for our Nation, and for those of us here tonight.

STATES SHOULD BE ALLOWED TO PROTECT THEIR OWN WATERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, on March 6, the United States Supreme Court invalidated Washington State's standards for oil tankers entering their waters. That is, it invalidated Washington State's effort to control the tankers in their waters and, in doing so, potentially invalidated laws in 11 other States.

Even while admitting that Federal and international laws may be insufficient protection, the court refused to allow States to protect their own waters. That is hard to believe, but that is what the United States Supreme Court did.

We all remember the *Exxon Valdez* disaster in Alaska in 1989. The huge oil tanker ran aground in Prince William Sound, Alaska, dumping 11 million gallons of crude oil into the Pacific Ocean and damaging more than 1,000 miles of coastline in south-central Alaska.

The massive spill resulted in billions of dollars in damage claims by over 40,000 people, including some 6,500 Washington State fishermen who have yet to be compensated for their loss.

In response to the Valdez spill, my home State of Washington and many other coastline States issued tougher laws to prevent another catastrophe. Washington's laws created the Office of Marine Safety and added a number of requirements to Federal law. I was in the legislature when we did that.

For example, the State regulation required tanker crews to be proficient in English in order to prevent miscommunication between American navigators and foreign crews. Does it not seem logical that the people who are running the tankers in American waters should be proficient in English?

Among other rules adopted by Washington are prescriptions regarding training, location plotting, pre-arrival tests, and drug testing for tanker crews.

Ultimately, the Supreme Court invalidated these common-sense regulations. And, again, I cannot imagine how the Supreme Court could come to that decision.

Of course, Federal law must supersede State law in Coast Guard and national security matters, but States should have the right to enact safety standards within their own State waters.

Last week I introduced H.R. 4385, which reinstates the rights of States to adopt additional standards regarding maintenance, operation, equipping, personnel qualifications, or manning of oil tankers. I hope that all of my colleagues who care about States' rights and environmental protection will join me to support this important legislation. We must allow our districts and our home States to protect themselves from another Valdez disaster.

NEW ECONOMY OF THE 21ST CENTURY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. WELLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, I appreciate the opportunity to address this House today on issues I believe are extremely important to our economy and to working families not only from my State in Illinois, but across this country.

Mr. Speaker, I represent a very diverse district. I represent the south suburbs of Chicago, as well as the southern part of the city of Chicago. I represent bedroom communities and farm communities, a very, very diverse district of city and suburbs and communities.

I often find as I travel throughout the district that I have the privilege of representing, whether I am at the Steelworkers Hall in Hegewisch, a neighborhood in Chicago, or at the Legion Post in Joliet, or a grain elevator in Tonica, Illinois, or a coffee shop in my hometown of Morris, I find that there is a pretty common message whether I am in the city, the suburbs, or country; and that is that the folks back home in Illinois and the land of Lincoln, they tell me that they want us to work to find solutions to the challenges that we face.

Those solutions sometimes require a bipartisan effort. In many cases they do. I am proud that our efforts over the last few years of working together to come up with solutions produced the first balanced budget in 28 years, the first middle class tax cut in 16 years, the first real welfare reform in a generation. We stopped the raid on Social Security, and we began paying down the national debt.

Those are real accomplishments, and they are producing results. We have seen unprecedented economic growth for 9 years, economic growth that started in 1991 and continues to this day; and clearly, the balanced budget contributes to its continued growth.

I am proud to say the balanced budget now is producing almost $3 trillion of extra money. And rather than arguing over how to eliminate the deficit, today we are arguing over what to do with that extra money.

Our welfare reform has resulted in an almost 50 percent reduction in our Nation welfare roles. Seven million former welfare recipients are now working and have joined employment roles, having economic opportunity and a chance to move up the economic ladder.

I am also proud to say that when we stopped the raid on Social Security and began the process of paying down the national debt that, in the last 3 years, we paid down $350 billion of the national debt. And we are on track with the budget we are going to pass this year to eliminate the national debt by the year 2013. That is progress. That is real results.

Tonight I wanted to take the opportunity to talk about an area of our economy, an area of American society and, frankly, a part of our global economy, an area that there is greater interest in, for a lot of reasons. And tonight I wanted to talk about the new economy and some of the challenges, as well as some of the solutions, to the new economy of the 21st century.

Let me start, in talking about the new economy, to talk about some facts, some statistics about the Internet and the new economy.

Over 100 million United States adults today are using the Internet, and seven new people are on the Internet for the first time every second. Seventy-eight percent of Internet users almost always vote in national, State and local elections, compared with only 64 percent of non-Internet users.

From a historical standpoint, the Internet began as the Advanced Research Project's Agency Network during the Cold War back in 1969 as a way of trying to determine how our military could communicate in time of nuclear war. Clearly, here is a peacetime conversion of military technology.

What is hard to believe is that it only took 5 years for the Internet to reach 50 million users, a much faster one compared to the traditional electronic media. It took television 13 years and it took radio 38 years to reach that same audience. In just 5 years, 50 million users were on the Internet.

The Internet economy today generates an estimated 301 billion U.S. dollars in revenue, and it is responsible for over 1.2 million jobs. And preliminary employment data shows that the technology industry in America employed 4.8 million workers in 1998, making it one of our Nation's largest industries.

The average high-tech average wage was 77 percent higher than the average U.S. private sector wage. It is also interesting to note that 63 percent of Americans believe that the Internet will be equally or more important than traditional sources of information in the future.

When it comes to all of our pocketbooks, the Federal Reserve Chairman, Alan Greenspan, points out and says that in the last few years, one third of all the economic growth, one third of all the new jobs that have been created in our economy, result from technology, much of it generated from the Internet.

I am proud to come from a great State, the great State of Illinois. Illinois, of course, is nicknamed in many cases, we think of it as an industrial State, we think of Illinois as an agricultural State. But Illinois is also a technology State. People often think of Silicon Valley, they think of the Silicon Corridor in Boston, they think of Seattle and Redmond, home to Microsoft and some of our bigger technology corporations; and they often overlook the fact that the Chicago land region ranks fourth today in technology employment, with well over 210,000 technology workers currently working in technology in Illinois.

I pointed out that the wages of technology jobs are 77 percent more than other jobs in today's economy. I would also point out that technology trade is extremely important to Illinois, my home State. Illinois exported over $16 billion just a couple years ago, making Illinois the third highest ranking State in our Union when it comes to technology exports. I am pretty proud of that.

And we think of the map here, which shows the top cyber States, the States which generate the most jobs from technology. As I pointed out earlier, Illinois ranks fourth today in technology employment.

Of course, Texas and California have grown the most in technology employment. In fact, just in the last few years, technology employment in Texas, home to Governor Bush, has seen the greatest growth in technology.

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As I mentioned earlier, technology employment not only in my State of Illinois but throughout this country is a major contributor to our economy, in jobs in millions, in technology. According to these statistics here, there were 4.8 million jobs in technology in 1998. That is more than the combined jobs in steel, chemicals, auto manufacturing and services.

Think about that. The traditional industries of steel and chemicals, which of course that is petroleum and, of course, auto, traditional basic jobs of our old economy of the 20th century, those jobs today are outnumbered by the jobs in technology. Clearly our economy is changing.

We often have to ask, how can we harness that change to benefit the average working American? How can we harness that growth in the new economy so that every American has the opportunity to participate in that economic growth as well as to contribute with their ideas and entrepreneurship? I have listened to many of those who work in technology, many of those who have created; that is, the companies that have done so well, those who have created that new technology, created those jobs and opportunity. It is all about creativity. That is something I have learned when it comes to technology. But the message is clear. If we want to harness the new economy to continue to provide growth and opportunity for the American people, if we want to ensure that, there are some three basic rules that we want to, I think, adopt.

Some say, what can Congress, what can government do to get involved in the new economy? Of course the government likes to regulate and tax as well as to stick its nose into a lot of things. But clearly this success of the new economy, the fact that high tech job wages are 77 percent higher than other sectors of the economy, the fact that one-third of all these new jobs have been created by the technology economy, the fact that our economy is growing so rapidly because of technology resulted basically because government was not in the way.

Clearly as we work to build our new economy, the best approach for government basically is to stay out of the way and let the private sector innovate and create with a goal of a tax-free, trade-barrier-free and regulation-free new economy. I am proud to say that House Republicans continue to lead in the effort to build and promote opportunity in the new economy.

We of course are working to honor what we call the e-contract 2000, a contract that we are committed to, to grow the new economy and to provide digital opportunity for all Americans. Of course, the central tenets, the central goals of our e-contract are to grow the new economy by reducing taxes, limiting regulation, reducing unnecessary lawsuits, promoting free trade and e-commerce and building a high tech future. Those are lofty goals. But if we all work together in Congress and we all work together in the same way that we succeeded in balancing the budget for the first time in 28 years, the way that we cut taxes for the middle class for the first time in 16 years, take the same approach that we succeeded in cutting our welfare rolls in half with the implementation of welfare reform and it all resulted in a growing economy that has seen unprecedented economic growth and the lowest unemployment in 30 years.

I am proud to say our approach to lowering taxation, minimizing regulation and promoting trade-barrier-free commerce has produced some real accomplishments in this Congress. I am proud that thanks to Republican leadership, we put in place a moratorium on new taxes on Internet sales so that we do not double-tax and increase taxation of the new economy. My hope is that will be extended and we can have a vote on that fairly soon.

I am proud to say as a Republican Congress that rewarded investment and the creation of new technology and research with what is the longest ever extension of the research and development tax credit, to make it easier to attract new investment in research and development technology, the R&D tax credit, that was one of those that every year was extended maybe for 9 months or 12 months. When you are a private employer considering investing your resources, your dollars in R&D, you always think about the tax consequences. By extending it for 5 years, we made sure that when they invest, they can be confident that that investment will be recognized and treated fairly under our tax code.

I am also proud to say that this Republican Congress recognizes the importance of protecting intellectual property rights, ensuring those who innovate and create and come up with new ideas get the credit as well as benefit from their hard work and their labors when we passed the Intellectual Property Rights Protection Act in 1998. Soon we are going to be passing the e-sign legislation, legislation that establishes a uniform and legally binding standard for electronic signatures in e-commerce. You often think of legal documents being a piece of paper. Today, so much of the business, so many transactions today are done over the Internet. We have to ensure that we can come up with a way to ensure that those business transactions are legally binding even though it is a virtual transaction and that e-sign legislation which has passed the House and Senate, we are now in conference working out differences in our legislation between the House and Senate, moves quickly so that we can continue to grow the new economy.

I am proud of those accomplishments. We have also passed out of the House more legislation protecting intellectual property rights; the American Inventors Protection Act addressed the issue of cyber-squatting, those folks who would steal names. I am also proud to say that under the leadership of those who want to promote research, which is the Republican majority, that we passed out of the House the Network and Information Technology Research and Development Act, legislation that boosts Federal investment in new technology, in new ideas helping grow the new economy. Those are accomplishments. We have moved that out of the House.

I have said that one of our other goals of the Republican majority is also to promote barrier-free trade. Coming up in less than 2 weeks is probably going to be the most important technology vote of the year, a vote that will determine what kind of access Americans would like to give themselves into what is the world's largest market. It will be a decision over whether Americans want to sell products to over 1.3 billion customers. That is the issue of whether or not we grant permanent normal trade relations with China.

China, of course, is the world's most populous nation. China has made a commitment to join the World Trade Organization and live by the rules, to honor intellectual property agreements, to honor trade agreements. As we know right now, they have access to our markets. All we have to do is go to the discount store and shop for some T-shirts to see that China has access to our markets. The question really is, do we want access, to China's market? That is why the vote on permanent normal trade relations, the same trade status we give to almost everyone else, if we are going to give ourselves access to that market. To me it is the normal thing to do, to want to be able to sell our products that we make in Illinois in China.

Now, China is pretty important in technology. I would point out of the top five U.S. exports to China, the top five are electrical machinery as well as office machines, particularly computers. Of course it is expected that by the end of this year, within the next couple of years, by the end of 2001, that China will become the world's second largest personal computer market. I would note that over the last 10 years, U.S. technology exports to China have increased by 500 percent. Think about that. If technology is the fastest growing sector of our economy, if technology is the part of our economy that is creating the biggest chunk of new jobs, one-third of all new jobs being created by technology, would we not want to sell those products in the world's largest market? And, of course, that is China.

Illinois, of course, is a major exporting State. As I pointed out earlier, Illinois ranks fourth in technology jobs. But Illinois ranks third in export and trade of our technology. It is important to us. We exported over a billion dollars from Illinois to China last year. I think we need more opportunity in that market. That is why I support normal trade relations with China, because it is good for American workers and it is going to create more jobs for American workers. Clearly if we want to grow our technology economy, which I certainly want to do for the State I am proud to represent, Illinois, we need to increase our market.

I also wanted to talk a little bit as we talk about technology not only about trade but about another challenge that we face. That is something that some people call the digital divide, what I call the challenge to provide digital opportunity. What really hit home about the issue of the need to provide digital opportunity is when I talk to educators, teachers, school board members, school administrators, and they tell me that they are beginning to notice a difference in the classroom between the children who have a computer at home and those who do not. That the school kids who have a computer at home to work on their schoolwork, their homework seem to be doing a little better in school than those who do not. That is an issue of concern to our educators.

Clearly education has been a priority in this Congress. In fact in our budget this year, we increased funding for elementary and secondary education by 10 percent while balancing the budget. So at the same time we are making education a priority, maybe we need to think about what we can do to help those kids who do not have a computer at home so that they can compete in the classroom. That is a big issue here, creating digital opportunity for our kids and for the future. Because those young people, those children that do not have a computer at home, if they are behind in school because they do not have a computer and trying to compete with their classmates, think about what that means for them long-term in competing for jobs and, of course, competing in the new economy of the 21st century.

There are some interesting statistics out there. People say the digital divide. What really is the digital divide? We hear about it. If the digital divide is out there, is there something that we can do to make that digital divide really something called digital opportunity? If we think about it here, it is interesting that when we look at the digital divide, it is interesting that many cases it is the income level of the family that creates the digital divide. It says here, some statistics I have with me today, that urban households earning more than $75,000 annually are more than 20 times likely to have home Internet access compared to urban families at the lowest income levels. Think about that. In many communities in this State of Illinois as well as in this country, $75,000 is middle class or upper middle class. But they are 20 times as likely to have computers and Internet access as low-income families. I would also point out that those families with persons making less than $25,000 annually generally cite cost as the primary reason for not using the Internet at home, while those making more cite do not want it as the reason.

Let me repeat that again. Low-income families say the reason they do not have computer at home, the reason they do not have access to the Internet is because of the cost, whereas higher income families just because they do not want to have it. So clearly there is a recognition by those families in many cases who do not have computers and Internet access that if they had a little more money or somehow Internet access could be more affordable that they would want their children to have computers at home, too.

How can we create digital opportunity recognizing that income disparity on the so-called digital divide? I have also learned that if you look at statistics, that education level creates a digital divide. Those with the higher level of education, higher level of education degrees tend to have computers and Internet access. In fact, those with college degrees are 10 times more likely to have Internet access at work than persons with only some high school education. And that 62 percent of those with college degrees now use the Internet, while those with only a grade school education, only about 7 percent of them use the Internet. And also in rural areas it is interesting that those with college degrees are more likely to have access to the Internet than those without. So how can we ensure that those who are from families where there is not a college degree have computers and Internet access?

Some say we should be just talking about that digital divide. I believe that we should be looking for ways to create digital opportunity, because if we create digital opportunity, we can harness the new economy to ensure that every child has access to computers and the Internet, not only at school but at home. We are of course working in the Republican majority to find ways to provide digital opportunity, to eliminate the so-called digital divide. We want to pass tax incentives to encourage computers at home as well as in the school.

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We want to encourage donation of computers to schools by the private sector. We want to bring down the costs of Internet access, and we pointed out earlier lower-income families identify the costs of Internet access and the costs of having that computer as their chief barrier to having a home computer for their child to be able to do their school work on.

Clearly, we have to work on an agenda, which will provide digital opportunity, digital opportunity for families, digital opportunities for e-commerce, both at home as well as at work. There are several ways we can do that.

Clearly, the ways we can do that is to give educational priority so that as we raise the education level, people tend to have a computer and Internet access, but also when it comes to education, should we not also ensure that families know how to use a computer; that teachers understand how to train students on how to use that computer for homework and classes, as well as research on school papers and preparing for a test?

I am proud to say that this House continues to lead the way in boosting education. As I mentioned earlier, we increased funding in this year's balanced budget by 10 percent for public education, a 10 percent increase while even balancing the budget, but we also worked to make sure those dollars reach the classroom, and that those dollars have distributed back to our local schools in a way that those schools can take advantage of those programs to train teachers, as well as to ensure that there is technology in the wire, in the fiber and the hardwares installed in the classroom.

We are ready soon to vote on here in the House the Education Options Act, legislation which will provide training for teachers, to integrate technology into the classroom, that has passed committee, and it is waiting for a vote here in the House.

I am also proud to say that the House Committee on Ways and Means which I serve on has improved the Education Savings in School Excellence Act, a program that would increase the amount of money you can set aside in Education Savings Account from $500 to $2,000 allowing families to save more for their child's education, but I would also point out that those dollars we would allow families to use to buy computer equipment and also the software they need to run those computers, and they would also be able to use those dollars to hire a tutor, if necessary, to help their child catch up in the classroom.

That legislation has passed committee. It is waiting a vote here in the full House of Representatives. The House of Representatives just this past year passed the Teacher Empowerment Act which allows local schools to spend Federal dollars to teach educators how to integrate technology into the classroom, to ensure that technology is in the classroom, but also to ensure that teachers understand how to use that technology and better educate the children.

Mr. Speaker, I would also point out that there is a number of initiatives in the Committee on Ways and Means that I serve on which would also help provide computers in the school. I am proud to say that the House Committee on Ways and Means is now considering the New Millennium Classrooms Act, legislation that would increase the amount of the charitable deduction that a business would receive if they donate their surplus computers to schools.

Those are good ideas, good ideas to help in the classroom, good ideas to ensure that our children have an opportunity at school in how to use a computer, that teachers know how to use those computers, that teachers also know how to train them, but the other solution I believe to helping eliminate so-called digital divide, providing greater digital opportunity, is to find ways so that families could have computers and Internet access at home, so that when school children bring their homework home, they have got a computer at home to work on it, a computer they can use to solve their problems and to access the Internet for research, so that they can contact the Library of Congress, the greatest library in the world, via the Internet, and, of course, have that literally at home as a research tool to prepare their schools paper. And that is a challenge.

As I mentioned earlier in the statistics, many of these low-income families that do not have computers identify the costs of Internet access as being the barrier that prevents them from having computer and Internet access. So how can we solve that challenge?

I am proud to say a major employer in our country, but also a major in the District that I represent, and I have two Ford auto plants in Hegewisch and Chicago Heights, that I represent would point out that companies have stepped forward, major corporations have stepped forward in our country, Ford Motor Company, Intel, American Airlines, Delta Airlines and have stepped forward in that effort to help ensure that their workers have computers at home so their workers children have those computers for their school work. Think about that.

American Airlines has 100,000 employees, between Ford Motor Company, American Airlines, Intel and Delta Airlines, 600,000 workers, every one from the guy who sweeps the assembly line floor, to the CEO, every one of those families, universal access to Ford Motor Company's families, to the Internet in computers, as a result of a program they are now offering, which will provide as an employee benefit computers and Internet access.

It would be an employee benefit the same as a pension or as your health care coverage, having a computer at home and subsidize reduced rate Internet access. Think about that. American Airlines, 100,000 employees, Intel, American Ford Motor Company and Delta Airlines, a total of 600,000 families that will benefit from this type of program.

I believe we should find more companies willing to step forward to provide digital opportunity on a universal basis for their employees. There is a consequence. We discovered that when Ford and Intel and American and Delta stepped forward to provide this benefit for their employees, computers and Internet access to help their children learn at home that there is a tax consequence.

The consequence was that this new benefit for employees having a computer and Internet access was taxable, which meant the worker would have to pay higher taxes in order to have that computer and that Internet access, and that is a question; is that right? I don't believe so.

To me, it is just good government policy to encourage private employees to help eliminate the digital divide, to provide greater digital opportunity. That is why I am proud that just prior to the Passover on Easter break, before Congress took a 2-week break to be back home in our districts, that I was joined by my colleague the gentleman from Georgia (Mr. LEWIS) in introducing what we call the DDATA Act, the Digital Divide Access Technology Act, legislation that treats this computer and Internet access benefit that is provided by private employer to employees as a tax-free benefit.

It treats it the same as an employee contribution to a worker's pension, as an employer's contribution to a worker's health care benefits. It just make sense.

My hope is this legislation will receive bipartisan support and move quickly through the House. Ladies and gentlemen, we want to eliminate the digital divide. We want to eliminate the digital divide by creating digital opportunity at school, as well as in the home. I am proud of that. It is important initiative. Both initiatives deserve bipartisan support.

We also want to provide greater digital opportunity in the workplace. One of the ways we need to do a better job here in the Congress, where we can stay out of the way, but also bring fairness to the Tax Code, is to recognize the need, the need to modernize and update the tax treatment of technology in the workplace. Technology changes pretty rapidly.

Mr. Speaker, today, private employers are replacing the computers in their office every 14 to 16 months, but under our current Tax Code, our employers and private businesses, whether it is the realtor or the insurance agent, as well as the big corporation, they have to carry those computers on their books for 5 years. They are depreciated over a 5-year period, even though that computer is replaced every 14 months.

Essentially, our Tax Code is discouraging private employers and business from taking advantage of the latest technology, because the Tax Code says if we are going to depreciate that you have got to keep it on the books for 5 years; that really delays the decision to upgrade the technology.

Now that we are in the global economy, do we not want the business community and our employers and those who use computers in the workplace to have the latest technology to compete? I think we do, and that is why I introduced legislation called the Computer Depreciation Reform Act of 2000, legislation which will eliminate that 5-year depreciation schedule and recognize reality here in the 21st century, and, that is, the need to reform depreciation and essentially what we call expensing in government jargon which means you can fully deduct the cost of that computer in the first year; 1 year, rather than 5, that recognizes the 14 to 16 months that you replace your computer.

Before I close, I am going to mention the last tax initiative that I believe deserves support that is now before the Committee on Ways and Means. Many poor families, as I noted earlier in the statistics that I share, have stated that the costs of Internet access in computers at home is a chief barrier to having those computers and having Internet access for children and their families in order to help them to do their schoolwork and do their research for school papers at home.

I have talked about solutions that Republicans are offering to ensure that computers are available at school and Republicans solutions to ensuring that computers are available at home, but I am also proud to say that there is legislation which I hope we bring before this House also early this summer, which will again help reduce the costs of those computers.

Frankly, what we are doing under this proposal is to eliminate what was once a temporary tax on your telephone, that was put in place during the Spanish-American war to pay off the Spanish-American war debt, probably the best example of one of those taxes that never ends, because when that tax was enacted 100 years ago, it was a luxury tax, because not many people had telephone. They figured they stick it to rich people and, of course, over time we now have telephones. And we are all paying this tax, and it was conveniently forgotten to end it. Three cents on every dollar of your telephone service is now collected and goes to Uncle Sam.

Mr. Speaker, if we want to reduce access costs to the Internet, we have to recognize that the majority of people who access the Internet obtain their access through the telephone lines. And, of course, if you charge 3 cents on the dollar in taxes for every dollar of telephone use, that means every time you access your computer, access the Internet, it is costly.

Let us end that Spanish-American war tax. Let us repeal the telephone excise tax, and think about it if it is 3 percent, that means that your grandmother, who is on a limited income, who uses the telephone to call her grandchildren across this country is paying that 3 percent the same as the millionaire who may live across the street.

Ladies and gentlemen, it is a regressive tax as well, so we can reduce the costs for lower-income families, the Internet access by repealing the telephone excise tax.

Ladies and gentlemen, we have some big challenges before us and the new economy is contributing so much to the America's future, an economy that is driven by technology and an economy that has grown because government stayed out of the way. If we continue to want to see the new economy grow and technology provide greater opportunity for the American people, then I believe we need to continue that approach of a tax-free, regulation-free, trade barrier-free new economy.

We have some solutions. Solutions that promote education. Solutions that promote education as a way of contributing to the new economy. We also have solutions to address the so-called digital divide. I believe we need to provide digital opportunity in school, at home, and in the workplace, and that means we need to pursue a tax-free, trade barrier-free and regulation-free new economy, because that is what it is all about, digital opportunity for our kids and for our future.

Mr. Speaker, I appreciate the opportunity to address this House this evening.

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SOCIAL SECURITY

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Dakota (Mr. POMEROY) is recognized for 60 minutes as the designee of the minority leader.

Mr. POMEROY. Mr. Speaker, I do not think I will take 60 minutes this evening.

Mr. Speaker, I want to commend my colleague, the gentleman from Illinois (Mr. WELLER) for a very interesting and thoughtful presentation preceding mine.

Mr. Speaker, I intend tonight to address the issue of social security. I am pleased to see that the candidates for president are each speaking to this vital issue, and I want in the next several minutes to present some background in terms of what is encompassed within the social security program, what are the strains on the program that need to be addressed in the future, and how the parties differ on the early proposals for change they are advancing, things that we need to look at very closely to make certain that we have a strong social security program going forward.

Let me begin by talking about social security. First of all, the program passed in 1935. Someone suggested that of the many initiatives of Franklin Delano Roosevelt, social security remains in place as perhaps his most significant contribution to this country.

I like to think of social security as a program designed to respond to the unavoidable, completely inescapable risks each of us have as Americans: dying at a time when we have dependents; becoming disabled and unable to make a living; or outliving one's assets in retirement years, each a very serious right-to-the-core financial threat to us and our families.

Social security was built as a system whereby all of us as Americans insure each of us against these perils.

I think it is vitally important that we remember social security is more than a retirement program. There is going to be a lot of discussion, I guarantee Members, over the next many months, a lot of discussion about whether a person is making enough return on their social security payments, the taxes withheld from our paycheck for social security; is the return on that what we might make if we just had that money and could go and invest it in the market?

Most of that discussion does not acknowledge at all that in addition to the retirement benefit there is an insurance policy, essentially, that covers workers in the workplace if they die prematurely leaving dependents at home.

More than one in seven Americans today will die before their 67th birthday. It is very foreseeable that they would have dependents at home depending on them, depending upon the income that no longer comes in.

I know something about this particular coverage. When my father died with a sudden and unanticipated heart attack, just struck down, a complete shock to all of us, he had dependents. I was one of them, a teenager; my younger brother was another; my mother, a displaced homemaker without employment skills; all of us absolutely not just in an emotional state of shock, but without the resources to make it.

The social security checks came. I have been a social security beneficiary. This vital support from social security helped us stabilize and allowed my brother and myself to get an education, to go out and get careers; allowed my mother that period of time she needed to get a job skill, get into the work force so she could make it on her own.

That was what that social security survivors' benefit meant to my family, and that is a very, very common story. I would challenge anyone who really does not know about this survivors' benefit in the social security program to ask around. They will not have to ask far to find out someone who has benefited when a loved one has died leaving them with dependents, and depending upon, therefore, social security.

Ninety-eight percent of the children in this country are covered under the survivors' benefit under social security, 98 percent.

As we look at issues like uninsured children for health and other issues, we design programs anymore that if they get half of that, we think it would be a smashing success. We literally have all but universal coverage of our children in this country if their dad or mom die while they are still in dependent years. That is something we do not talk about. Remember that survivors' benefit. It is a vital part of the protection social security provides.

Of course, we also have the disability coverage. Someone is working, becomes disabled, and can no longer make a living. What are they going to do? This is one of those core risks that social security responds to with its disability payment.

This was designed in the thirties. I had a grandpa who was smashed against a barn driving a team of horses. Members can well imagine the kind of disability threats that accompanied the hard physical labor in the thirties. But believe me, it is still very much part of the work force, very much with men and women going to work today.

In fact, if we just take 20-year-olds at a time in their lives where they are the strongest, healthiest, and have their career years right in front of them, it is pretty sobering to think that three out of 10 will at sometime in their lives become disabled and unable to work before retirement, three out of ten 20-year-olds today. That is the kind of risk that is associated with disability.

If you are in the work force, working for a living, getting by on your own, you become disabled and unable to pull down that paycheck, that is a very important coverage of social security.

There is private disability coverage available. It is expensive. It is medically underwritten. Most do not have it. In fact, three of four workers in the work force today, 75 percent of men and women going to work today, only have social security if they become disabled. But that is another thing we really do not talk about as being wrapped into social security.

Next time we hear somebody at the work force talking about, well, I am just not making on that social security money what I could make in the stock market, just ask them what they think the value of having coverage for their kids is if they get killed on the way home from work in an auto accident; or if tomorrow they have a stroke and they cannot work anymore, what the values of those coverages are like. Let me tell the Members, it improves the return on that social security investment very, very significantly immediately.

Of course, the hallmark, the feature that social security is best known for, is its survivors' benefit. On average, social security pays $800 a month for individuals in retirement, $800 a month. It is not enough to live comfortably on at the margin one can get by on if that is all they have, so there is a tremendous pressure to do more, with social security as the foundation for retirement income and more, retirement savings; even earnings, and we have lifted the earnings cap so people can earn whatever they can earn once they get 65 and their social security starts, because we want to help people get a comfortable income in retirement.

The reality is that $800 a month, that is more than 50 percent of the income for more than two-thirds, more than 66 percent, two-thirds of Americans receiving social security retirement payments. For one-third, the millions that represent one-third of social security retirement retirees, that social security check is all they have got. More than half of the income for two-thirds, that is all they got, for one-third.

Let us face it, that $800 a month average payment, it may not seem like a lot to some, but to some it is everything. That is why, when it comes to social security, we have to be very, very serious and careful because it is the retirement foundation. I do not believe it is one place where we should add risk, more risk, to Americans than we already have about our retirement savings earnings.

Social security at its formation was never intended to be a retirement plan, a stand-alone, this is all you need, live happy, plan. That is not what it was supposed to be. It was supposed to be the foundation. It continues to be just the foundation. No one aspiring to living on $800 a month in retirement years is looking at a standard of living that they might more fully aspire to. We need retirement savings in addition to achieve that. Let us just talk about how that one is coming along.

We know that Americans' savings rate, their household savings rate as measured by the Department of Commerce is at its lowest point since the Depression. The February statistic of .8 percent was the lowest retirement savings rate since the Depression. Between World War II and 1980, it averaged 8 percent. Now it is .8 percent.

We are on a spending binge. I worry a lot about it. I think we need to try and encourage more savings in this country so people can live comfortably in retirement.

If personal savings is not getting the job done, let us take a look at, are people saving in the work force, do they have their 401(k)s or whatever they have at the workplace that will help them save for retirement?

Here the news is also very, very disturbing. One-half of the workers in the work force have no retirement savings plan at work, even a 401(k) where the boss does not kick in anything. They do not even have that. They have nothing, nothing at work, so no personal savings and no savings plan at work for 75 million. Fifty million Americans have no retirement savings whatsoever, another statistic that we know.

We know that more than half of all Americans have never calculated whether the savings that they have is going to match their expected need in retirement years. That can be pretty sobering. Maybe they stick a couple of hundred in now and then, maybe they get $1,000 in the tax return that people manage not to spend and put that in and they figure, well, we are working away at it.

For the average man reaching the age of 65 today, he has 15 more years that he has to figure out how he is going to finance. For the average woman, it is even more telling, 19 additional years. They can expect 19 additional years once they have reached the age of 65. Yet, more than half of all Americans have not calculated whether they are saving enough with their workplace retirement plan and other savings to meet those needs in retirement.

There is another evolution going on. Even within those places where there are retirement plans at work, we are going to a new design of plans. We are going away from the old pension plan where, no matter how long you live, you had that guaranteed pension payment. We are going more to what is called a defined contribution model, where what you will have to sustain you in retirement is dependent upon what you have saved and how well you invested.

Unlike the old days when you did not have an investment responsibility, you now do have an investment responsibility under those 401(k) plans. We know some use it well and some do not use it well.

We also know that for the millions that are depending upon their 401(k) plans to sustain them in retirement years, those amounts may not be up to the test. Remember, there are literally lots and lots of years to account for once a person reaches the age of 65. Yet, a February year 2000 study by the Employment Benefits Research Institute shows that 47 percent, 47 percent of the 401(k) plans have less than $10,000 in them. The average account balance on average is $47,000. Now try to sustain a comfortable living for 19 years if your balance is somewhere between $10,000 and $47,000. It is one mean trick, let me say.

That is why we keep circling back to social security. It is the foundation. It must remain. We cannot have additional risk jeopardizing even that payment because we know we have all kinds of trouble on the private retirement savings side.

I think the conclusion we can draw from all of this is that Congress has to pay attention to private retirement savings. We have to make it easier for people to save individually for retirement savings. We have to help modest income households even under tight discretionary income circumstances save for retirement.

We also have to do more to help employers across this country offer retirement savings plans for their work force. Sometimes Congress has been guilty of putting in place way too much rigmarole and regulation. We have actually discouraged the very retirement savings that we want to encourage. We need to address that. That has to happen on the private retirement savings side.

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But now we get to Social Security. Where are we standing on this one? Well, I am pleased to say that over the years I have been in Congress working on Social Security, the solvency outlook for Social Security has improved significantly. I do not claim full credit for that. It is a feature of our robust economy. It is a feature of more people in the workforce paying payroll taxes. And as a result, the solvency of this program has improved almost 10 years from only 2 or 3 years ago.

The strain, of course, on Social Security is that we do not have an evenly allocated age range across the population of the United States. We have got this bulge, the much-discussed baby boomers. And while we are in the workforce today, and I am one of them, we are going to move into retirement in disproportionate numbers. The number of active workers today is three to one. And by the time all the baby boomers retire, it is going to be two workers per retiree. That is what causes the strain on this Social Security program.

The earlier projections were that the surplus that has been generated will be completely exhausted by the year 2029, just when the baby boomers really are fully into retirement. Again, because of the increased participation in the workforce, low unemployment, a sustained record-setting economy in the history of this country, we have generated significant contribution to Social Security beyond what was anticipated by the actuaries even 3 years ago, and the most recent projection is that the Social Security Trust Fund will not be exhausted until the year 2037, and that is if nothing whatsoever is done with it.

At the time, 2037, benefits fall 30 percent. It is not as if Social Security payments stop, but they are funded only by the payroll tax coming in. That is not enough to fully make those payments, so benefits collapse 30 percent. Therefore, we need to take action. And anyone that knows something about this is going to say: The earlier we take action, the less painful it needs to be to make the fixes to sustain Social Security for the long haul.

So that is the backdrop to the presidential debate on Social Security that we will have in this upcoming election year. It is an absolutely vital program for Americans. It pays not just retirement, but survivors benefits and disability benefits. Its solvency has improved, and improved quite significantly, in recent years in light of the very healthy economy that we have had. But we have a shortfall and we have to address it.

Let us take a look at the competing proposals to address Social Security. Vice President Al Gore has advanced a proposal that basically captures the strengths of our existing economy. He holds absolutely secure all of the surplus being generated by Social Security. And, again, that surplus is because we have got a three-to-one ratio, three workers per retiree. So as we generate the Social Security withholding taxes, we are generating a lot more surplus than required to pay the benefit.

The Vice President would first of all hold that surplus secure for Social Security. He would use the surplus dollars to retire and eliminate completely the Federal debt owed by this country. He would save the money that the Federal Government now pays in interest on the debt, and commit it to the Social Security program.

Let me go through this again. Here is the Vice President's plan: Hold Social Security surplus secure; eliminate the Federal debt; calculate the amount of money that the Federal Government has been paying in interest and, because there is no debt and that money is not owed in interest anymore, take that amount and pay it into the Social Security program to sustain it well through the middle of the 21st century.

Some might say, wait a minute, we have Social Security taxes for Social Security and now we are going to take general fund revenues for Social Security? Absolutely appropriate. It is the Social Security surplus that is retiring the national debt, and this debt payment out of taxpayer dollars is staggering. To think that nearly 15 cents out of every dollar, just 15 cents of every dollar, take the first $15 in taxes out of $100, goes to pay interest on the debt. We are going to eliminate the debt. Eliminate it and then take that surplus, commit it to Social Security, take that savings, commit it into Social Security so that while preserving the full benefit structure, Social Security is with us through the life span of the baby boomers.

Mr. Speaker, I was born in 1952. A Social Security solvency program that gets us through the year 2050 takes care of me, believe me, and most of my peers in the baby boomer age group.

In the event there continued to be solvency issues past the middle of this century, we can address them. But I think making this strong commitment, given the sound economy of this country, to paying down the debt, capture the interest savings, invest in Social Security so it is there through the middle of the century and beyond, these are the hallmark of the Vice President's plan. I think they are solid principles for Social Security. They absolutely preserve it as the income bedrock for Americans and that is what we have to do.

Against that backdrop, the Bush plan, quite frankly, has caused me a great deal of concern. Although it is very sketchy and we hear that there may or may not be greater detail provided about the Bush plan, we know that he would basically carve up the program and create for each Social Security recipient an amount they could voluntarily elect as a private account.

Now, who would not like additional private account on top of our individual retirement assets? If someone would say to me, "You want an additional 2 percent in retirement savings to play around with invest and make some return?" Sure, what do I have to give up? And this is the critical thing.

To the extent that we invest our resources in an individual account, we subtract from the guarantee to the program. Now, there are those that advocate this private account business that say: No problem. We are going to make it a heads-you-win-tails-I-lose situation. If the individual account does not perform spectacularly, giving you more money that you know would otherwise have, the Federal Government is going to pony up the difference. So we have literally a no-lose situation. That sounds great.

But, Mr. Speaker, sometimes things that sound so great need a little closer inspection. I used to be an insurance commissioner. My colleagues would not believe some of the sales pitches that I have seen behind complex financial instruments. The fact is I disallowed a lot of them because they were not fundamentally honest. I do not think that promises of that nature that are not based on sound economics, I do not think those promises are fundamentally honest either.

Let us talk about the totality of the Bush economic plan and see whether this could possibly work. First of all, we know that instead of tackling that debt and eliminating it, the foundation of the Bush economic plan is a massive tax cut, even larger than the House passed and the President vetoed last fall. A tax cut that would basically take all of the non-Social Security surplus and eliminate it from the Federal budget.

Then he would create these individual accounts. And if we are doing our math, at this point we are thinking, let us see. The general fund revenue is gone. And then there is the individual account, and that has got to carve into the Social Security guarantee, but they say it will not. So how do we fund that part?

Well, Mr. Speaker, it really has not been made clear. Some of the options, frankly, if we do not have the revenue, would have to include benefit reduction, expanding the retirement age, not actually funding that backstop, that guarantee that we cannot do worse under this program. All of those are really core questions I think that have to come into the proposals advanced by George W. Bush.

I give him credit for talking about these issues. These are complicated, controversial issues and I think it is good that he has advanced them as part of his campaign for President. But then it is our responsibility to look at it and ask the questions.

Quite frankly, we do not have the dollars. We do not have the dollars with the tax cut he proposes to take the general fund revenue and the additional 2 percent commitment that he makes out of the Social Security revenue. We do not have the dollars to continue that base guarantee.

The bottom line is at a time when we have inadequate savings for retirement on the private side, we have individual workers in the workforce taking more and more risk for their retirement by whatever employer program they are covering, at a time when Social Security checks average $800 a month, and we know that Americans have more and more life expectancy to try and make on that kind of income, we know that the Bush plan adds uncertainty into the Social Security picture.

The investment counselors would say investors should allocate risk. There is a spectrum of risk in investment strategies, from the high-tech on the risky side down to the bonds on the low end side and that way we kind of protect ourselves. We protect our investment picture. I think we need to look at retirement income similarly.

Mr. Speaker, with retirement, we are going to have the high-risk stuff, and that is going to be including the private savings that we might have on a tech stock. It will include the kind of risky stuff that might be an aggressive portfolio of our 401(k). And then it has to include the bedrock, absolutely safe stuff, and that has to be the Social Security program.

So this is not a place and we do not add risk on top of risk. We backstop more risk by maintaining the foundation, and that means keeping Social Security, keeping the commitment, keeping the retirement age, keeping the defined benefit guarantee that there is a payment there every month that we cannot outlive. And it is up to us not just to see this program, I think, for retirement needs of those now in retirement or those of us in the baby boom generation about to come on to retirement, but for our children and grandchildren as well.

Mr. Speaker, for that reason this Social Security issue teed up in the presidential debate will be generating a great deal more discussion, and I thank you for giving me this time to advance these ideas tonight.

TRIBUTE TO D.C. FIRE CHIEF TOM TIPPETT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, a terrible tragedy occurred on Friday of last week. The District of Columbia fire chief resigned his position. I have known Tom Tippett for a number of years. I have come to respect him and admire him, as do all of those firefighters, men and women, who serve in local 36 of the D.C. Fire Department Union.

Tom Tippett is a true firefighter. I first met him about 12 years ago, shortly after I first came to Congress and decided to try to work the issues involving fire and life safety in this country. To create a better awareness among our colleagues about the role of the firefighter in our inner-city areas, I started a tradition that each year would take our colleagues on a volunteer basis and have them run with one of the busiest D.C. fire stations.

Mr. Speaker, one of those nights we assigned a group of Members to run with Tom Tippett's station, a truck company and a rescue company that was at that time the busiest station in D.C. As Members of Congress in their jeans and shirts, with their running gear assigned by the Department, sat in the station talking to firefighters and responded throughout the evening to drug dealings, shootings, emergency trauma situations, fires, accidents, HAZMAT disasters, every kind of incident we could think of, all of us were in awe, Democrats and Republicans, of the job these people do every day.

Since that time, I have worked with Tom in a number of capacities. He became the President of the local here in the District of Columbia. And then when an opening occurred last year, he was offered the temporary assignment of serving as the District of Columbia Fire Chief.

He did an outstanding job, Mr. Speaker. When he took over the role of the chief, he said he would do it, but would have as his ultimate goal the objective of improving the life safety for the firefighters who he now had responsibility for.

□ 2130

The safety and well-being of fire fighters and EMS personnel across America is a major issue, Mr. Speaker. In fact, each year, we lose over 100 fire and EMS personnel, most of them volunteers, because the bulk of our Nation's fire fighters are volunteers, in the course of their doing their job. Over 100.

In fact, the D.C. Fire Department has lost three fire fighters within the last 3 years. In fact, Mr. Speaker, following a fire several years ago that took the life of one of D.C.'s finest, a fire where that life probably should have been able to be saved, a series of recommendations were made, recommendations following the death of fire fighter and Sergeant John Carter.

John Carter's widow was at the press conference today where we called for action to restore these cuts that were made to the D.C. fire department. John Carter was a dedicated professional. He left behind a widow and a 10-year-old son. He died in an unfortunate circumstance that probably could have been avoided, as did two of his colleagues who died almost 1 year ago in May of last year.

Following the death of John Carter, the Committee on Appropriations of this body in its legislative language in last year's bill put in the following item, and I will quote from this bill which is actually District of Columbia Appropriations bill for the year 2000 passed in this body on July 22, 1999. This is what it says, "The Committee encourages the District to provide funding for two critically important safety measures that were developed by the fire department internal committee following the death of Fire Fighter John Carter 2 years ago. These safety measures include restoring the aide to the battalion chief within the fire fighting division and increasing staffing levels to at least five fire fighters on ladder companies.

"The mission of the fire and emergency medical services department is to improve the quality of life to those who choose to live, work, visit, and do business in the District of Columbia by preventing fires before they occur, extinguish those fires that do occur, and providing emergency medical and ambulance service."

This was in the law that we passed last year in response to the death of Fire Fighter Carter.

Unfortunately, Mr. Speaker, last year we saw two additional deaths of D.C. fire fighters. In fact, in a fire that occurred on May 30, 1999 at 3146 Cherry Road in Northeast, two fire fighters paid the ultimate price, and they left their families behind.

In fact, Mr. Speaker, I came down to Washington at the request of the local fire department along with the gentleman from Maryland (Mr. HOYER), and we joined the thousands of fire fighters, both locally and nationally, who came to pay their respects to these two brave individuals.

There was a second study done, Mr. Speaker, following this fire. I will enter into the RECORD the report of that fire from the Reconstruction Committee, as follows:

DISTRICT OF COLUMBIA FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT—REPORT FROM THE RECONSTRUCTION COMMITTEE

REGARDING FIRE AT 3146 CHERRY ROAD, NE, WASHINGTON, DC, ON MAY 30, 1999

Incident Commanders need to follow the Incident Command System and sector every incident immediately upon arrival. This will reduce fireground confusion and allow the Incident Commander to quickly contact sector leaders to determine the locations of companies in their sectors.

The Safety Officer should not conduct roll calls. Instead, a member of the Incident Command Staff (e.g., a battalion chief aide) should conduct roll calls.

The Training Academy must conduct ongoing training and evaluation of fire fighters and fire officers to ensure that all Department personnel respond properly to roll calls. Roll call training must be part of recruit training, company level drills and training academy refresher courses.

FIREGROUND COMMAND

Problem—Command Post Location.—Battalion Fire Chief 1's vehicle was not in a position to allow him an adequate view of the incident. Battalion Fire Chief 1 unsuccessfully attempted to relocate the vehicle to obtain a better view, then left his vehicle and proceeded to the front of the building. Battalion Fire Chief 1 never established a fixed command post.

By leaving his vehicle, BFC-1 abandoned the stronger car-mounted mobile radio and was forced to communicate using a weaker portable radio. The use of a single portable radio also caused missed messages, due to switching back and forth between fireground and dispatch channels. In addition, it was impossible to maintain the command chart from a roving position.

Recommendation.—Incident Commanders must establish fixed command posts. A fixed position allows for better communication, tracking of companies and a better environment for decision making. The Incident Commander should use either his/her vehicle or another emergency vehicle that is more suitably located for this task. The command post should allow a view of the building that includes at least one, and preferably two, sides. The use of a fixed command post allows the Incidence Commander to simultaneously monitor multiple radio channels at greater signal strength as well as access to both mobile and portable radios.

Problem—Changing Tactics.—Extinguishing this fire involved a change in tactics from a front to a rear oriented attack. This change in tactics required close coordination and communication between BFC-1 and the front and rear fire suppression teams. Battalion Fire Chief 1 was unable to coordinate front and rear teams because he lacked information, particularly the location of engine company crews.

Recommendation.—Proper management of the fireground requires the assistance of a battalion chief's aide. This position was restored on December 19, 1999. Department should continue the position of battalion chief's aide and their role includes the following: Assist in the coordination of fireground activities; gather critical information for the Incident Commander; allow the Incident Commander to sector the incident sooner; handle specific tasks, such as accountability, as directed by the Incident Commander; improving fireground communications.

The position of battalion chief's aide is important to fireground safety. All personnel should understand the function of this and other command staff positions through training in the Department's Incident Command System.

Problem—Sectoring.—Battalion Fire Chief 1 never sectored the fire or properly used a tactical worksheet. He was quickly overwhelmed trying to manage this escalating incident. BFC-2 was assigned to the rear, however, he was never assigned any companies nor were specific companies directed to report to him.

Recommendation—Incident Commanders must follow the Department's Incident Command System procedures on sectoring an incident and use command charts at all incidents. Sectors must be established in the early stages of all emergency incidents. Sector leaders must be assigned companies for which they are responsible. Sector leaders must give progress reports to the Incident Commander every five minutes or more frequently, as necessary. The Department must ensure that all officers are trained to serve as sector leaders.

Mandatory use of sector assignments will reduce the risk of exceeding the span-of-control and increase the Incident Commander's effectiveness. Command Staff should also be increased to facilitate the sectoring process. Restoration of the battalion chief's aide will also help alleviate this problem.

Problem—EMS Command.—The EMS Supervisor established a separate EMS command structure at this incident.

Recommendation—EMS operations must be incorporated into the overall fireground operational plan as a sector that reports to the Incident Commander.

Problem—Mobile Command Unit.—It was too long into the incident before the Mobile Command Unit arrived on the scene. Consequently, the command process was hindered because the additional resources afforded by the Mobile Command Unit were not available.

Recommendation—The Mobile Command Unit should respond automatically to any incident that the DFC responds or if requested by the Incident Commander.

COMMUNICATIONS

Problem—Relaying Important Information.—After the Box Alarm was dispatched, Communications Division received an additional phone call, correcting the incident address and reporting that the fire was in the basement. This information was announced on the Fire Channel 1 at the end of a long transmission. Few companies heard this message and the information was not properly acknowledged. Acknowledgment was only received from E-26 on the address change information.

Recommendation—Communications must follow the established SOPs for relaying pertinent information. Communications Division must require that all responding units acknowledge all pertinent information.

The Department should also conduct a thorough evaluation of the Communications

Division to ensure that its operations meet the Department's needs. Such an evaluation must also include recommendations to improve the Communications Division's performance during emergency incidents.

Problem—Size-up Reports.—There was no size-up report from the rear. As a result, personnel did not have a description of the building and the conditions found. Also, BFC–1 and company officers did not request important information, which caused them to act without sufficient information.

Recommendation—Company officers must be trained to give immediate and accurate size-up reports at every incident. Company officers must receive ongoing training in effective fireground communication and SOPs. In addition, Incident Commanders and company officers must be trained to request information, such as size-up progress reports, in the absence of this information. The use of Battalion Chief's Aides greatly improves size-up information.

Problem—Progress Reports.—The officers from E–26 and E–10 made no radio transmissions during their initial attack, nor did they give progress reports. These companies did not respond to repeated attempts by BFC–1 to contact them by radio. As a result, BFC–1 was not fully aware of the interior conditions or the location of these companies in the building. Accordingly, Battalion Fire Chief 1 delayed a rear fire attack out of concern for the safety of these interior crews.

Company officers were unable to hear all radio transmissions at all times. It is likely that the inability of some officers to hear radio transmissions was due in part to the position of the portable radios of the officers. This contributed to the poor communications at this incident.

Recommendation—The Incident Commander must be aware of the location, activities and conditions encountered by the companies at an incident. Department SOPs for the Incident Command System requires that companies provide regular progress reports to the Incident Commander. The Department must train personnel through in-service drills and annual training and enforce the existing SOPs for communications at all emergency incidents.

Speaker microphones should be used or radio pockets should be added to the Department's turnout clothing specification to improve effectiveness of radio transmissions.

Problem—Deteriorating Conditions.—During rescue operations, personnel noticed that the living room floor was deteriorating, becoming spongy and sloping. This critical information was not relayed to BFC–1.

Recommendation—Personnel must be trained to immediately relay any information about deteriorating structural integrity of fire buildings to the Incident Commander.

Problem—Radio Interference.—Fire Channel 1 (154.190MHz) and Fire Channel 4 (154.205MHz) are too close in frequency, creating interference when either channel is operated simultaneously. The Channel 4 radio transcript shows many unintelligible transmissions and microphone clicks that could not be identified. Fireground personnel may have missed important Channel 4 transmissions when Channel 1 was active. Identical problems were documented during the Kennedy Street reconstruction.

Recommendation—As a short term solution, the Department should replace Fire Channel 4 with Fire Channel 2 as the fireground channel. There should be a minimum bandwidth separation of at least 25 MHz between fire channels. There is an insufficient bandwidth separation between Fire Channels 1 and 4 to ensure clear communications capability. Fire Channel 2 is a significantly stronger frequency compared to Fire Channel 4 due to greater bandwidth separation. Fire Channel 2 is currently used by fire units responding on medical calls.

Replacing Fire Channel 4 with Fire Channel 2 will not eliminate the problem of insufficient bandwidth separation. Rather, it will shift the communication problems from fire units responding on fire calls to fire units responding on medical calls. EMS units will not be affected by this change because they use a different communications system.

Problem—Truck Company Staffing.—Current staffing of the Department's truck companies is inadequate. Working fires require truck company members to perform more work tasks then can be accomplished by four fire fighters in a timely manner. At this incident, improper and insufficient ventilation by truck companies was a critical factor contributing to the deaths and injuries. Other operational deficiencies include the following: Aerial ladders were not raised to the roof of the townhouses, even though it was possible to do so. An insufficient number of ground ladders were placed on both the front and rear of the structure. Truck companies did not turn off the gas or electric utilities at the fire building. Although not a factor in this incident, this certainly could have been catastrophic.

In part, the failure of truck companies in completing assigned operations resulted from truck company officers performing fire fighter tasks as well as the role of officer. Management of their companies was, necessarily, a secondary consideration to the primary task of carrying out vital fire fighter operations, such as placing ladders, ventilation, and forcible entry.

Recommendation—The Department must properly staff and train truck companies to ensure that vital fireground operations are accomplished in a timely manner. Truck companies must be staffed with a minimum of 5 or 6 fire fighters. Such a staffing level is nationally recognized by NFPA 1710, Standard for the Organization and Deployment of Fire Suppression, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments (scheduled for adoption May 2001), for all jurisdictions with tactical hazards, high-hazard occupancies, high incident frequencies, or geographical restrictions. This applies to all fire responses in the District of Columbia. Restoration of such staffing levels on truck companies will allow truck company officers to properly manage the overall operation of their company and ensure that critical tasks are accomplished. Note: December 1999, the Department restored truck company staffing to 4 fire fighters and an officer.

SAFETY

Problem—Integrated PASS Devices.—Fire Fighter Phillips wore an SCBA with an integrated PASS device that was automatically activated. Fire Fighter Matthews wore a manually activated PASS device, which he did not activate. Department personnel who entered the building in search of a missing fire fighter reported that they were able to rapidly locate F/F Phillips because they heard his PASS alarm. They were not able to locate F/F Matthews as quickly because his PASS device was not activated. In later interviews, the majority of fire fighters with manually activated PASS devices reported that they had not activated their devices before entering the building.

Recommendation—The Department must maintain SCBA units with integrated PASS devices for all fire fighters. Note: In December 1999, the Department provided every on duty fire fighter and officer with an SCBA with integrated PASS device.

Mr. Speaker, I will again quote from this report, although the text of it as I provided will be entered into the RECORD. But these are the recommendations that were made following two additional deaths of D.C. fire fighters. "Proper management of the fireground requires the assistance of a battalion chief's aid. This position was restored on December 19, 1999" at Chief Tippett's request. The "Department should continue the position of battalion chief's aide and their role includes the following: Assist in the coordination of fireground activities, gather critical information for the incident commander, allow the incident commander to sector the incident sooner, handle specific tasks, such as accountability, as directed by the incident commander, improving fireground communications.

"The position of battalion chief's aide is important to fireground safety."

Now, that was an internal recommendation of the D.C. Fire Department over the past year following the investigation of the cause of the death of these two fire fighters.

The report goes on to say, "The use of battalion chief's aides greatly improves size-up information."

On the staffing issue, this same report says the following, "Current staffing of the Department's truck companies is inadequate. Working fires require truck company members to perform more work tasks than can be accomplished by four fire fighters in a timely manner." It goes on to say, "Recommendation", "Truck companies must be staffed with a minimum of 5 or 6 fire fighters. Such a staffing level is nationally recognized by" the National Fire Protection Association 1710. It goes on to say, "This applies to all fire responses in the District of Columbia."

Now, Mr. Speaker, here we have the Congress and the internal investigative arm of the District of Columbia on the record within the last year saying that we should increase the number of fire fighters on truck companies to five and that we should reinstate these aides to the battalion chief incident commander on the scene of a disaster in the District of Columbia.

The new fire chief put into a temporary position last year, Chief Tom Tippett, when he was sworn in said that he would protect the lives of those who he was charged to lead. The mayor supported Chief Tippett in that declaration, as did this Congress. That is exactly what Chief Tippett did.

Because there was not enough funding in the District of Columbia budget, he used money from the reserve account for overtime and excess dollars that he could find within the D.C. Fire Department budget to increase the staffing level and bring in these aides. So over the past several months, the District of Columbia has had better protection.

Unfortunately, it came to a showdown that ended in a very unfortunate decision last Friday. See, Mr. Speaker, the oversight authority for the District of Columbia, the Financial Responsibility and Management Assistance Authority, headed by former Clinton OMB director Alice Rivlin, told the mayor that they could not continue to fund these positions. Even though Chief Tippett found the money within his own budget allocation when he went back in for a reprogramming to complete this fiscal year, which amounted to over a million dollars, the oversight commission said no.

The mayor supported the chief; and to his credit, Mayor Williams said the chief is correct. D.C. fire fighters do not deserve to be treated as second-class citizens. They protect the Congress. They protect the American people. They protect the White House. They will be out there on the streets this coming Sunday when hundreds of thousands of moms march on Washington. They were there a few short weeks ago when thousands demonstrated in support of gay rights. They are here every week when thousands and tens of thousands of citizens from all over this country come to our city.

The fire department responds to medical emergencies, fires, disasters, and other problems that confront this city every day.

Chief Tippett did what he said he would do. He increased the funding to allow that support to take place for the D.C. Fire Department. Alice Rivlin and her oversight board laid down an ultimatum and told the mayor and the chief, "We will not support your increased funding." Even though the proposed budget for the District of Columbia for the next fiscal year contained an additional $6 million to fund these initiatives, the oversight board said it would not provide the emergency funding to complete the rest of this fiscal year, which would have totaled somewhere less than $4 million.

When Chief Tippett was backed into a corner after having given his word, which unfortunately many in politics do not abide by, but that members of the fire service do abide by their word, Chief Tippett did what he felt was the honorable thing. On Friday afternoon of last week, he resigned. He stepped down from his office because he felt that he could not justify nor guarantee the safety of the D.C. fire fighters.

Mr. Speaker, I can tell my colleagues that there are at least three other next in line officers who were approached about taking the interim position of D.C. fire chief, and they refused. They refused because of this common bond of honor between all the fire fighters in this city and nationwide.

In fact, Mr. Speaker, the irony of this whole incident is that last Wednesday evening in Washington, for the 12th time, we had over 2,000 leaders of the American fire and EMS community come to Washington for a celebration of our domestic defenders, our American heroes, our fire and emergency service providers, volunteers and paid.

Yet 2 days later, Chief Tippett has to resign because of a short-sighted decision made by a pencil-pushing budget cutter overseeing a budget in excess of $2 billion that could not find $4 million to help this city to be properly protected.

Mr. Speaker, within the last 3 years, three D.C. Fire fighters have given their lives. These fire fighters were burned. In fact, there were a couple at the fire station today on New Jersey Avenue when we had a press conference who did live who were burned. These are not pencil pushers. These are men and women who every day in this city, as their brothers and sisters do across America, respond to every type of disaster that one can think of: bomb threats, explosions, stabbings, drug dealings, because the emergency response community in this city is the D.C. Fire and Emergency Services Department. Yet tonight, Mr. Speaker, those in D.C. are less protected. Those who protect the people of D.C., the brave fire fighters and EMS personnel, are more at risk.

Mr. Speaker, today, at a press conference in front of the fire station on New Jersey Avenue and in this room tonight, I call for the resignation of Alice Rivlin. Anyone who is as short-sighted as she must be, to deny a $4 million request, which I, as a Republican, will aggressively support in this body, out of a budget in excess of $2 billion to help guarantee the safety of fire fighters and EMS personnel in this city, in my opinion, is not fit to be the director of the oversight management authority for this the District of Columbia.

Either she restores the funding or she herself should resign. As I said today, Mr. Speaker, let her take the money that she makes and the staff that supports her and give that to the D.C. Fire Department. The people of D.C. would be safer if that money were being used to protect them and the people who visit this city.

But, Mr. Speaker, I want to go one step further, because Alice Rivlin is the hand-picked choice of this administration. Now, President Clinton and Vice President AL GORE talk a good game when it comes to supporting the Nation's fire fighters. In fact, AL GORE should talk a good game because it was the International Association of Fire Fighters who endorsed the candidacy of the Vice President before any other union in America.

Mr. Speaker, I ask myself where is the voice of the Vice President calling for the safety of these fire fighters? Where is his outrage that a former hand-picked senior manager of this administration would make such a disastrous decision? Yet, no word would come out of this administration about the impending problems for the safety and well-being of both the fire fighters, the emergency medical personnel, and the people who work and live in D.C.

Besides calling for the resignation of Alice Rivlin, I have today and I am again asking and requesting and demanding that the Vice President of the United States say something about the absolutely outrageous action that was taken by the oversight board to deny Chief Tippett's recommendations. If he does not respond, then I hope every union IAFF member in D.C. and around the country understands that that silence speaks louder than any words. We are talking about the safety of the men and women who protect this city.

Mr. Speaker, 5 years ago, under a different administration, the New Jersey Avenue fire station was closed down, the station that protects this Capitol. The gentleman from Maryland (Mr. HOYER) and I fought that decision and got on this floor and tried to pass legislation to restore the funding to keep that station operational. We were unsuccessful.

Five years later, a few short months ago, that New Jersey Avenue station was reopened. I could not make the reopening, but the gentleman from Maryland (Mr. HOYER) did, and he deserves much credit for his support in helping that station be reopened.

Within the first 30 days of their operation, they responded to 325 calls on Capitol Hill, 325 calls in 1 month, 30 days. Prior to that, those calls had to be answered by distance stations traveling much further to reach this Hill to take care of the citizens of America who visit and work here.

□ 2145

Today we have to respond to a different call. Chief Tippett, a brave and honorable man, gave up his profession on Friday based on principle. Now it is time for this Congress, Members from both sides of the aisle, to stand with Chief Tippett on principle.

Now, there are many of our colleagues, Mr. Speaker, who are railing about support for the fire service, about whether or not one is for this bill or for that bill; whether or not one is for this amendment or that amendment. Well, here is the chance for all our colleagues to join together this week and demand that the D.C. Oversight Board do the right thing and provide the additional $4 million for these brave men and women to protect this city and the people who live and work here, but more importantly to protect the lives of the fire and EMS personnel themselves.

It would be absolutely tragic, Mr. Speaker, if another incident like 3146 Cherry Road, Northeast, took place and additional D.C. firefighters were put at risk or, heaven forbid, lost their lives. All of us, Democrats and Republicans, must speak out and speak out loud and in a very clear and coherent voice.

Mr. Speaker, just a few short weeks ago tens of thousands of firefighters were joined by the President of the United States and the Vice President as they traveled to Worcester, Massachusetts, to join with all of us as we mourned the loss of six firefighters who were killed during the course of their assignment. They made the supreme sacrifice, just as the three D.C. firefighters did in the last 3 years.

Mr. Speaker, words are critical to console the families of those when a loved one is lost, as we all did when those six Worcester firefighters were killed. Where is the voice of those people today, before an additional D.C. firefighter is killed? Where is the voice of the President today? Where is the voice of the Vice President today? And where is the support for Alice Rivlin and the Oversight Board for the additional risks that are being put on those firefighters because they are not being adequately staffed and not being supported to respond to the incidences they have to face in this city?

Mr. Speaker, I hold those officials accountable. And I encourage all of our colleagues to join with me and to join with the gentleman from Maryland (Mr. HOYER), who went to the New Jersey fire station today, before I did, to state unequivocally that we will support the funding, but we want a decision made now. Not next week, not next month, not next year, but now, to restore the full support that Chief Tippett asked for. And we also want Chief Tippett back in that job.

Because, as I told the mayor 3 months ago when he began his search for his chief, when I called him on the telephone, I said, "Mayor, you know you have a good man there. Your interim chief." He said, "Congressman, I agree with you." I said, "He deserves to be the chief." And he said, "I agree with you." As I sat next to the mayor last June, as we had this memorial ceremony for those two firefighters that were killed here in D.C., he said, "You know, Congressman, my top priority as the mayor is to guarantee the safety of our emergency service workers."

The mayor is then on our side. The chief is on our side. The director of public safety for the city is on our side. Where is Alice Rivlin? Where is the oversight board? Where is the White House? And where is Mr. GORE with his IAFF endorsement? What is he doing to help protect the lives of these D.C. firefighters?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS of Oklahoma (at the request of Mr. ARMEY) for today and the balance of the week, on account of illness of the family.

Mrs. WILSON (at the request of Mr. ARMEY) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes each day, on today, May 9, 10, and 11.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. ISAKSON, for 5 minutes, today.

Mr. BARTON of Texas, for 5 minutes each day, on May 9 and 10.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse"; to the Committee on Transportation and Infrastructure.

S. Con. Res. 109. Concurrent resolution expressing the sense of Congress regarding the on-going persecution of 13 members of Iran's Jewish community; to the Committee on International Relations.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 9, 2000, at 9:30 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1999 and the first quarter of 2000 by Committees of the U.S. House of Representatives, and for miscellaneous groups in connection with official foreign travel during the calendar year 1999 are as follows:

AMENDMENT TO REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter King	12/1	12/3	Ireland		539.83		1,627.55				2,167.38
Hon. Earl Pomeroy	12/8	12/9	Italy		247.36						247.36
	12/9	12/10	Macedonia		207.00						207.00
	12/10	12/13	Kosovo		117.00						117.00
	12/13	12/14	Macedonia		189.00						189.00
Commercial airfare							5,169.87				5,169.87

AMENDMENT TO REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					1,300.19		6,797.42				8,097.61

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BENJAMIN A. GILMAN, Chairman, May 1, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles O. Flicker	1/4	1/6	Honduras		713.00						713.00
	1/6	1/9	Nicaragua		727.50						727.50
	1/9	1/10	El Salvador		0.00						0.00
Commercial airfare							1,713.45				1,713.45
Christopher J. Walker	1/4	1/6	Honduras		713.00						713.00
	1/6	1/9	Nicaragua		727.00						727.00
	1/9	1/11	Colombia		632.00						632.00
Commercial airfare							1,558.45				1,558.45
Hon. Joe Knollenberg	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
							(3)				
Hon. James Moran	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
							(3)				
Hon. Jerry Lewis	1/9	1/10	Italy		75.00						75.00
	1/10	1/11	Macedonia/Kosovo		222.00						222.00
	1/11	1/13	Turkey		420.00						420.00
	1/13	1/14	Germany		242.00						242.00
							(3)				
Kevin Roper	1/9	1/10	Italy		75.00						75.00
	1/10	1/11	Macedonia/Kosovo		222.00						222.00
	1/11	1/13	Turkey		420.00						420.00
	1/13	1/14	Germany		242.00						242.00
							(3)				
Douglas Gregory	1/9	1/10	Italy		75.00						75.00
	1/10	1/11	Macedonia/Kosovo		222.00						222.00
	1/11	1/13	Turkey		420.00						420.00
	1/13	1/14	Germany		242.00						242.00
							(3)				
Frank Cushing	1/9	1/10	Italy		75.00						75.00
	1/10	1/11	Macedonia/Kosovo		222.00						222.00
	1/11	1/13	Turkey		420.00						420.00
	1/13	1/14	Germany		242.00						242.00
							(3)				
Hon. Bud Cramer	1/7	1/10	Colombia		785.00						785.00
	1/10	1/12	Peru		526.00						526.00
	1/12	1/14	Chile		540.00						540.00
	1/14	1/17	Argentina		1,466.00						1,466.00
	1/17	1/19	Paraguay		185.00						185.00
	1/19	1/21	Brazil		643.00						643.00
Commercial airfare							220.60				220.60
							(3)				
Hon. Sam Farr	1/16	1/18	Venezuela		525.40						525.40
	1/18	1/19	Colombia		193.00						193.00
	1/19	1/20	Guatemala		140.00						140.00
	1/20	1/22	Mexico		442.00						442.00
							(3)				
Scott Lilly	1/12	1/14	New Zealand		400.00						400.00
	1/14	1/18	Antarctica		0.00						0.00
	1/18	1/19	New Zealand		200.00						200.00
	1/19	1/25	Australia		1,365.00						1,365.00
							(3)				
Commercial airfare							8,631.00				8,631.00
Sally Chadbourne	1/12	1/14	New Zealand		400.00						400.00
	1/14	1/18	Antarctica		0.00						0.00
	1/18	1/19	New Zealand		200.00						200.00
	1/19	1/25	Australia		1,296.00						1,296.00
							(3)				
Commercial airfare							8,166.00				8,166.00
Hon. Sonny Callahan	2/18	2/19	Venezuela		384.00						384.00
	2/19	2/20	Colombia		271.00						271.00
	2/20	2/21	Ecuador		287.50						287.50
							(3)				
Hon. Nancy Pelosi	2/18	2/19	Venezuela		384.00						384.00
	2/19	2/21	Colombia		514.00						514.00
							(3)				
Commercial airfare							1,327.78				1,327.78
Charles O. Flickner	2/18	2/19	Venezuela		384.00						384.00
	2/19	2/20	Colombia		271.00						271.00
	2/20	2/21	Ecuador		287.50						287.50
							(3)				
Christopher J. Walker	2/18	2/19	Venezuela		384.00						384.00
	2/19	2/20	Colombia		271.00						271.00
	2/20	2/21	Ecuador		287.50						287.50
							(3)				
Mark Murray	2/18	2/19	Venezuela		384.00						384.00
	2/19	2/22	Colombia		1,000.00						1,000.00
							(3)				
Commercial airfare							824.70				824.70

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Elizabeth Dawson	2/18	2/24	Italy		1,650.00						1,650.00
	2/21	2/21	Kosovo		0.00						0.00
							(3)				
Commercial airfare							5,538.72				5,538.72
									53.00		53.00
John Blazey	2/19	2/23	Italy		1,650.00						1,650.00
	2/21	2/21	Kosovo		0.00						0.00
							(3)				
Commercial airfare							5,508.00				5,508.00
									54.00		54.00
Douglas Gregory	2/22	2/24	Colombia		486.00						486.00
Commercial airfare							2,055.80				2,055.80
Hon. John P. Murtha	3/17	3/18	Colombia		243.00						243.00
							(3)				
Gregory R. Dahlberg	3/17	3/18	Colombia		243.00						243.00
							(3)				
Committee total					31,436.40		35,544.50		107.00		67,087.90

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Frederick A. Brugger	3/26	4/1	Mexico		1,276.50		2,474.49		45.40		3,796.39
Bertram F. Dunn	2/18	2/22	India		949.50		7,326.51		124.62		8,400.63
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		260.00						260.00
James W. Dyer	2/18	2/22	India		949.50		7,326.51		35.44		8,311.45
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		260.00						260.00
Norman H. Gardner	2/18	2/22	India		949.50		7,326.51		45.83		8,321.84
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		260.00						260.00
Carroll L. Hauver	3/26	4/1	Mexico		1,304.75		2,474.49		185.23		3,964.47
James A. Higham	2/18	2/22	India		949.50		7,326.51		49.23		8,325.24
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		260.00						260.00
Dennis K. Lutz	3/26	4/1	Mexico		1,304.75		2,495.00		88.49		3,888.24
John R. Mikel	2/18	2/22	India		949.00		7,326.51		70.74		8,346.75
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		260.00						260.00
Margaret R. Owens	3/26	4/1	Mexico		1,276.50		2,474.49		24.00		3,774.99
R.J. Reitwiesner	2/18	2/22	India		949.50		7,326.51		239.14		8,515.15
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		260.00						260.00
R.W. Vandergrift, Jr.	2/18	2/22	India		949.50		7,326.51		754.46		9,030.47
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		325.00						325.00
T. Peter Wyman	2/18	2/22	India		949.50		7,326.51		66.23		8,342.24
	2/22	2/25	Pakistan		429.00						429.00
	2/25	2/26	India		260.00						260.00
	3/26	4/1	Mexico		1,276.50		2,474.49		104.17		3,855.16
Committee total					19,612.00		71,005.04		1,832.98		92,450.02

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

C.W. BILL YOUNG, Chairman, Apr. 17, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rick Hill	1/9	1/13	China		1,120.00		(3)				
	1/13	1/15	Hong Kong		694.00		(3)				
	1/15	1/18	Taiwan		530.00		(3)				
Patrick Toomey	1/9	1/11	Beijing		207.00		(3)				
	1/11	1/13	Shanghai		253.00		(3)				
	1/13	1/15	Hong Kong		297.00		(3)				
	1/15	1/17	Taiwan		215.00		(3)				
Bruce Vento	1/9	1/10	Denmark		358.00		(3)				
	1/10	1/12	Switzerland		616.00		(3)				
	1/12	1/15	Belgium		790.00		(3)				
	1/15	1/17	Portugal		418.00		(3)				
	1/17	1/19	Spain		518.00		(3)				
Committee total					6,016.00						6,016.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JAMES A. LEACH, Chairman, Apr. 28, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Shadegg	1/9	1/13	China		1,120.00						1,120.00
	1/13	1/15	Hong Kong		694.00						694.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/15	1/18	Taiwan		530.00						530.00
Hon. Nathan Deal	2/19	2/22	New Zealand		400.00						400.00
	2/22	2/27	Australia		1,162.00						1,162.00
Hon. Chip Pickering	2/19	2/22	England		1,143.00		2,420.00				3,563.00
Alison Taylor	2/15	2/16	Canada		184.00		584.69				768.69
Joseph Stanko	2/15	2/16	Canada		184.00		584.69				768.69
Hon. Tom Sawyer	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00		2,235.25				3,025.15
Amit Sachdev	3/22	3/25	Germany		654.50		3,109.43				3,763.93
Richard Frandsen	3/20	3/23	Germany		654.50		1,963.93				2,618.43
Hon. Cliff Stearns	2/19	2/22	England		1,143.00						1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						616.00
	2/24	2/27	Germany		779.00						779.00
Hon. Bart Gordon	2/19	2/22	England		1,143.00						1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						661.00
	2/24	2/27	Germany		779.00						779.00
Committee total					13,566.00		10,897.89				24,463.89

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Apr. 20, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	1/5	1/7	Ecuador		301.00						301.00
	1/16	1/18	Venezuela		525.40						525.40
	1/18	1/19	Colombia		193.00						193.00
	1/19	1/20	Guatemala		140.00						140.00
	1/20	1/22	Mexico		442.00						442.00
Hon. Cass Ballenger	1/16	1/18	Venezuela		60.00						60.00
	1/18	1/19	Colombia		193.00						193.00
	1/19	1/20	Guatemala		93.35						93.35
	1/20	1/22	Mexico		100.00						100.00
Paul Berkowitz	1/3	1/7	India		1,263.00		173.00				1,436.00
	1/8	1/10	Phillippines		732.00						732.00
	1/11	1/14	New Zealand		644.00						644.00
Commercial airfare							8,914.03				8,914.03
Nancy S. Bloomer	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Kevin Brady	1/12	1/15	Belgium		909.00						909.00
Commercial airfare						6,597.26					6,597.26
Sean Carroll	1/15	1/18	Venezuela		765.85						765.85
	1/18	1/20	Colombia		386.00						386.00
	2/11	2/13	Haiti		369.00						369.00
Commercial airfare							1,166.80				1,166.80
Hon. William Delahunt	1/15	1/18	Venezuela		311.50						311.50
	1/18	1/20	Colombia		386.00						386.00
Commercial airfare							1,347.80				1,347.80
Nisha Desai	1/6	1/7	Holland		0.00						0.00
	1/7	1/15	India		2,238.00						2,238.00
Commercial airfare							7,052.63				7,052.63
Mike Ennis	1/8	1/13	Korea		772.00						772.00
	1/13	1/17	Vietnam		636.00						636.00
	1/17	1/20	Hong Kong		929.00						929.00
Commercial airfare							5,797.40				5,797.40
Hon. Eni F.H. Faleomavaega	2/11	2/13	Haiti		369.00						369.00
David Fite	1/8	1/13	Korea		934.00						934.00
Commercial airfare							3,814.80				3,814.80
Richard J. Garon	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Sam Gejdenson	1/6	1/7	Holland		0.00						0.00
	1/7	1/14	India		2,137.00				[3] 2,451.41		4,588.41
Commercial airfare							6,730.63				6,730.63
Hon. Benjamin A. Gilman	1/9	1/10	Denmark		358.00				[3] 12,785.48		13,143.48
	1/10	1/12	Switzerland		616.00				[3] 7,392.00		8,008.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Charisse Glassman	1/5	1/7	Papua New Guine		360.00						360.00
	1/7	1/8	Australia		387.00						387.00
	1/8	1/9	New Zealand		462.00						462.00
	1/9	1/13	Australia		796.00						796.00
Commercial airfare							10,938.42				10,938.42
Jason Gross	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		516.00						516.00
	1/12	1/15	Belgium		690.000						690.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Alcee Hastings	1/12	1/15	Austria		504.00						504.00
Commercial airfare							5,207.16				5,207.16
John Herzberg	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Earl F. Hilliard	2/11	2/13	Haiti		369.00						369.00
Amos Hochstein	1/6	1/7	Holland		0.00						0.00
	1/7	1/15	India		2,118.00						2,118.00
Commercial airfare							6,705.73				6,705.73
Hon. Amo Houghton	1/5	1/12	Australia		0.00						0.00
Charmaine Houseman	1/9	1/13	Korea		851.00						851.00
	1/13	1/17	Vietnam		715.00						715.00
	1/17	1/20	Hong Kong		1,007.00						1,007.00
Commercial airfare							4,603.24				4,603.24
Hon. Peter King	1/15	1/17	Portugal		118.00						118.00
	1/17	1/19	Spain		518.00						518.00
Commercial airfare							523.21				523.21
Robert R. King	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/19	1/20	Australia		436.00						436.00
	1/23	1/20	East/West Timor		640.00						640.00
	1/23	1/26	Indonesia		741.00						741.00
Commercial airfare							7,336.57				7,336.57
	2/19	2/21	Marshall Islands		450.00						450.00
	2/22	2/28	Micronesia		992.00						992.00
Commercial airfare							6,659.94				6,659.94
Hon. Tom Lantos	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/13	Belgium		303.00						303.00
	1/17	1/20	London		306.00						306.00
Commercial airfare							207.99				207.99
John Mackey	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Marc Mealy	1/6	1/7	Holland		0.00						0.00
	1/7	1/15	India		2,325.47						2,325.47
Commercial airfare							6,659.63				6,659.63
Kathleen Moazed	1/13	1/16	Vietnam		576.00						576.00
	1/16	1/20	Laos		600.00						600.00
	1/20	1/20	Thailand		199.00						199.00
Commercial airfare							7,786.41				7,786.41
Vincent L. Morelli	1/16	1/18	Venezuela		525.40						525.40
	1/18	1/19	Colombia		193.00						193.00
	1/19	1/20	Guatemala		140.00						140.00
	1/20	1/22	Mexico		442.00						442.00
Joan O'Donnell	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Donald Payne	1/5	1/7	Papua New Guinea		360.00						360.00
	1/7	1/8	Australia		387.00						387.00
	1/8	1/9	New Zealand		462.00						462.00
	1/9	1/13	Australia		796.00				[3]89.43		885.43
Commercial airfare							9,858.67				9,858.67
Stephen Rademaker	1/23	1/25	Austria		336.00				[3]41.93		377.93
Commercial airfare							4,026.15				4,026.15
Frank Record	1/9	1/10	Denmark		258.00						258.00
	1/10	1/12	Switzerland		416.00						416.00
	1/12	1/15	Belgium		690.00						690.00
Commercial airfare							2,205.15				2,205.15
Grover Joseph Rees	1/17	1/18	Singapore		149.25						149.25
	1/19	1/21	Australia		280.00						280.00
	1/21	1/24	East/West Timor		340.00						340.00
	1/24	1/27	Indonesia		840.00				[3]42.15		882.15
	1/27	1/28	Singapore		149.25						149.25
Commercial airfare							5,155.80				5,155.80
Matt Reynolds	2/19	2/21	Marshall Islands		450.00						450.00
	2/22	2/28	Micronesia		937.00				39.43		937.00
Commercial airfare							6,659.94				6,659.94
Hon. Dana Rohrabacher	1/7	1/11	Philippines		776.00				[3]356.37		1,132.37
	1/11	1/18	Thailand		1,393.00						1,393.00
	1/14	1/14	Cambodia		0.00						0.00
Commercial airfare							1,871.11				1,871.11
Laura Rush	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00				39.43		616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Matt Salmon	1/9	1/13	China		1,120.00				[3]7,564		8,684.48
	1/13	1/15	Hong Kong		694.00				[3]5,874.26		6,568.26
	1/15	1/18	Taiwan		530.00				[3]4,614.30		5,144.30
Tom Sheehy	1/9	1/13	Korea		851.00						851.00
	1/13	1/17	Vietnam		715.00						715.00
	1/17	1/20	Hong Kong		1007.00						1,007.00
Linda Solomon	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hillel Weinberg	1/9	1/10	Denmark		277.00						277.00
	1/10	1/12	Switzerland		516.00						516.00
	1/12	1/15	Belgium		690.00						690.00
	1/15	1/17	Portugal		318.00						318.00
	1/17	1/19	Spain		418.00						418.00
Committee total					75,955.47		127,999.47		41,211.81		245,166.75

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Delegation costs.

BENJAMIN A. GILMAN, Chairman, Apr. 30, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig		12/29	USA				4,220.66				4,220.66
	12/30	3/4	Austria		13,705.11						13,705.11
Marlene Kaufmann		1/12	USA				5,215.22				5,215.22
	1/13	1/15	Austria		336.00						336.00
Hon. Steny Hoyer		1/12	USA				5,215.22				5,215.22
	1/13	1/15	Austria		336.00						336.00
Michael Ochs		2/16	USA				8,210.87				8,210.87
	2/17	2/23	Kyrgyzstan		1,164.00						1,164.00
	2/23	2/24	Turkey		267.00						267.00
Karen Lord		2/20	USA				4,200.66				4,200.66
	2/23	3/6	Thailand		576.22						576.22
Ronald McNamara		2/29	USA				4,025.78				4,025.78
	3/1	3/4	Austria		504.00						504.00
John Finerty		3/21	USA				4,653.47				4,653.47
	3/22	3/27	Russia		1,308.00						1,308.00
Orest Deychakiwsky		3/21	USA				4,653.47				4,653.47
	3/22	3/27	Russia		1,373.26						1,373.26
Erika Schlager		3/25	USA				5,096.11				5,096.11
	3/26	3/27	Austria		335.82						335.82
	3/27	3/30	Czech Republic		808.20						808.20
Committee total					20,733.61		45,491.46				66,225.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BRITISH-AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Chairman, Mar. 21, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Amo Houghton, Chairman	5/20	5/24	Canada		588.17		(3)		1,421.14		2,009.31
Hon. Pat Danner	5/20	5/24	Canada		567.65		(3)				567.65
Hon. Phil English	5/20	5/24	Canada		573.63		(3)				573.63
Hon. Benjamin Gilman	5/20	5/24	Canada		550.15		(3)				550.15
Hon. Bill Lipinski	5/20	5/24	Canada		550.15		(3)				550.15
Hon. Don Manzullo	5/20	5/24	Canada		550.15		(3)				550.15
Hon. Jim Oberstar	5/20	5/24	Canada		617.09		(3)				617.09
Hon. Collin Peterson	5/20	5/24	Canada		557.65		(3)				557.65
Hon. Clay Shaw	5/20	5/24	Canada		552.65		(3)				552.65
Hon. Louise Slaughter	5/20	5/24	Canada		565.15		(3)				565.15
Hon. Cliff Stearns	5/20	5/24	Canada		581.92		(3)				581.92
Hon. Fred Upton	5/20	5/24	Canada		577.17		(3)				577.17
Carl Ek	5/20	5/24	Canada		558.96		(3)				558.96
Denis McDonough	5/20	5/24	Canada		414.28		574.44				988.72
Frank Record	5/20	5/24	Canada		699.75		(3)				699.75
Kim Roberts	5/20	5/24	Canada		559.50		(3)				559.50
Bob Van Wicklin	5/20	5/24	Canada		553.48		(3)				553.48
Jill Quinn	8/30	9/2	USVI		671.36		1,032.90		157.00		1,861.26
Delegation expenses:											
Representational									44,724.21		44,724.21
Committee total					10,288.86		1,607.34		46,302.35		58,198.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

AMO HOUGHTON, Chairman, Mar. 23, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, EUROPEAN COMMITTEE ON INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation expenses:											
Representational									2,319.35		2,319.35
Miscellaneous									78.00		78.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, EUROPEAN COMMITTEE ON INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total									2,397.35		2,397.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BENJAMIN A. GILMAN, Chairman, Mar. 21, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe, Chairman	6/25	6/27	United States		318.00		(3)		140.00		458.00
Hon. Benjamin A. Gilman, Vice Chairman	6/25	6/27	United States		318.00		(3)				318.00
Hon. Cass Ballenger	6/25	6/27	United States		329.00		(3)				329.00
Hon. Joe Barton	6/25	6/27	United States		333.00		(3)				333.00
Hon. David Dreier	6/25	6/27	United States		318.00		(3)				318.00
Hon. Bob Filner	6/25	6/27	United States		334.73		(3)				334.73
Hon. Grace F. Napolitano	6/25	6/27	United States		318.00		(3)				318.00
Hon. Silvestre Reyes	6/25	6/27	United States		327.08		(3)				327.08
Hon. Charles Stenholm	6/25	6/27	United States		339.84		(3)				339.84
Sean Carroll	6/25	6/27	United States		346.59		(3)				346.59
Everett Eissenstat	6/25	6/27	United States		318.00		(3)				318.00
Shelly Livingston	1/11	1/15	United States		575.64		372.00				947.64
	3/23	3/26	United States		516.14		626.00				1,142.14
	6/24	6/27	United States		378.66		(3)				378.66
John Mackey	6/25	6/27	United States		327.89		(3)				327.89
Caleb McCarry	6/25	6/27	United States		348.27		(3)				348.27
Jill Quinn	6/25	6/27	United States		318.00		(3)				318.00
Delegation expenses:											
Representational functions									58,571.70		58,571.70
Translation/Interpreting									3,839.88		3,839.88
Miscellaneous									457.86		457.86
Committee total					6,064.84				63,009.44		70,075.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, Chairman, Mar. 21, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ralph Regula	2/13	2/17	France				2,713.64				2,613.64
Hon. Roy Blunt	2/13	2/17	France				2,608.64				2,608.64
Susan Olson	3/26	3/29	Germay		800.00		5,877.49		111.00		6,788.49
	5/27	6/1	Poland				2,202.51				2,202.51
	11/11	11/17	Netherlands				2,590.20				2,590.20
Josephine Weber	5/27	6/1	Poland				2,202.51				2,202.51
	11/11	11/17	Netherlands				2,590.20				2,590.20
Delegation expenses:											
Representational Functions									18,861.10		18,861.10
Miscellaneous									4,098.52		4,098.52
Committee total					800.00		20,785.19		23,070.62		44,655.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Chairman, Mar. 22, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7472. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Housing Choice Voucher Program; Correction [Docket No. FR-4428-C-06] (RIN: 2577-AB91) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7473. A letter from the Assistant General Counsel for Regulations, Office of Multifamily Housing Assistance Restructuring, Department of Housing and Urban Development, transmitting the Department's final rule—Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market) [Docket No. FR-4298-F-07] (RIN: 2502-AH09) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7474. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs [Docket No. FR-4485-F-03] (RIN: 2501-AC59) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7475. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Allocation of Funds Under the Capital Fund; Capital Fund Formula; Final Rule [Docket No. FR-4423-F-07] (RIN: 2577-AB87) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7476. A letter from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and

Urban Development, transmitting the Department's final rule—Ophthalmic and Topical Dosage Form New Animal Drugs; Tricinolone Acetonide Cream—received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7477. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Trustees and Custodians of Pension Plans ; Share Insurance and Appendix—received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7478. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Service, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 93F-0132] received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7479. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 94F-0246] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7480. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 97F-0157] received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7481. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 98F-0567] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7482. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 99F-5523] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7483. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Regulation of Exchanges and Alternative Trading Systems; Technical Amendments [Release No. 34-40760B; File No. S7-12-98] (RIN: 3235-AH41) received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7484. A letter from the Deputy Chief Counsel, NHTSA, Department of Transportation, transmitting the Department's final rule—Light Truck Average Fuel Economy Standard, Model Year 2002 [Docket No. NHTSA-00-7033] (RIN: 2127-AH95) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7485. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 72.202(b), Table of Allotments, FM Broadcast Stations (Newell, South Dakota) [MM Docket No. 99-96 RM-9534] (Moville, Iowa) [MM Docket No. 99-193 RM-9561] (Rockford, Iowa) [MM Docket No. 99-194 RM-9562] (Watseka, Illinois) [MM Docket 99-308 RM-9693] (Keosauqua, Iowa) [MM Docket No. 99-309 RM-9694] (Box Elder, South Dakota) [MM Docket No. 99-310 RM-9742] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7486. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Littlefield, Wolfforth and Tahoka, Texas) [MM Docket No. 95-83 RM-8634] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7487. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Easton, Merced and North Fork, California) [MM Docket No. 99-181 RM-9584 RM-9700] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7488. A letter from the Secretary of Transportation, transmitting Annual report of progress in implementating requirements of the Superfund Amendments and Reauthorization Act, pursuant to 42 U.S.C. 9620; to the Committee on Commerce.

7489. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7490. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations and Removal and Supplementary Information on Specially Designated Narcotics Traffickers—received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7491. A letter from the Comptroller General of the United States, transmitting the Accountability Report for fiscal year 1999, pursuant to Public Law 94—59, title III (89 Stat. 283); to the Committee on Government Reform.

7492. A letter from the Administrator, Environmental Protection Agency, transmitting the 1999 Integrity Act Report to the President and Congress, pursuant to P.L. 97-255; to the Committee on Government Reform.

7493. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Opens Directed Fishing for Several Groundfish Species in the Central Regulatory Area in the Gulf of Alaska [Docket No. 991228352-0012; I.D. 032700E] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7494. A letter from the Program Analyst, FAA, Department of Transportaion, transmitting the Department's final rule—Revision of Class E Airspace; Fort Stockton, TX [Airspace Docket No. 2000-ASW-09] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7495. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bonham, TX [Airspace Docket No. 99-ASW-34] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7496. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Waco, TX [Airspace Docket No. 2000-ASW-08] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7497. A letter from the Deputy Executive Secretary, DHHS, Administration for Children and Families, transmitting the Administration's final rule—Individual Development Accounts (RIN: 0970-AC02) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on Judiciary. H.R. 3709. A bill to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet; with amendments (Rept. 106-609). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 4040. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; with an amendment (Rept. 106-610 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X Committee on Armed Services discharged. H.R. 4040 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3244. Referral to the Committee on Ways and Means extended for a period ending not later than May 9, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted from the Record of May 4, 2000]

By Mr. HYDE (for himself, Mr. CONYERS, Mr. GEKAS, and Mr. NADLER):

H.R. 4391. A bill to amend title 4 of the United States Code to establish nexus requirements for State and local taxation of mobile telecommunication services; to the Committee on the Judiciary.

[Submitted May 8, 2000]

By Mr. GOSS:

H.R. 4392. A bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BILBRAY (for himself, Ms. Dunn, Mr. McDermott, Ms. Stabenow, Mr. Sabo, Mr. Greenwood, and Ms. Eshoo):

H.R. 4393. A bill to provide that amounts allotted to a State under section 2104 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Commerce.

By Mr. BILBRAY:

H.R. 4394. A bill to suspend temporarily the duty on certain ceramic knives; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mrs. Thurman):

H.R. 4395. A bill to amend title XVIII of the Social Security Act to improve the manner in which new medical technologies are made available to Medicare beneficiaries under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

Mr. YOUNG of Alaska introduced a bill (H.R. 4396) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V WELLS GRAY; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mr. Cannon.

H.R. 453: Mr. Metcalf, Mr. Filner, and Ms. DeLauro.

H.R. 640: Ms. Carson.

H.R. 894: Ms. Eddie Bernice Johnson of Texas.

H.R. 979: Mr. Visclosky, Mr. Ackerman, Mr. Berman, and Mr. Menendez.

H.R. 1055: Mr. Linder.

H.R. 1093: Mr. Price of North Carolina.

H.R. 1217: Mr. Mollohan and Mr. Udall of Colorado.

H.R. 1248: Mr. Frank of Massachusetts and Mr. Bass.

H.R. 1465: Mr. Abercrombie.

H.R. 1485: Mr. Ackerman.

H.R. 1560: Mr. Udall of Colorado and Mr. Nussle.

H.R. 1997: Mr. Larson, Mr. Rodriguez, Mr. Becerra, and Mr. Matsui.

H.R. 2233: Mr. Paul, Mr. Coburn, and Mr. Sessions.

H.R. 2308: Mr. Meeks of New York.

H.R. 2446: Mrs. Tauscher.

H.R. 2573: Ms. Rivers.

H.R. 2594: Ms. Pryce of Ohio.

H.R. 2720: Mr. Matsui.

H.R. 2722: Ms. Sanchez and Ms. Millender-McDonald.

H.R. 3010: Ms. Kaptur.

H.R. 3044: Ms. Eddie Bernice Johnson of Texas.

H.R. 3174: Mr. Skeen.

H.R. 3193: Ms. Velázquez.

H.R. 3244: Mr. Armey, Mr. Bliley, Mr. Ballenger, Mrs. Myrick, Mr. Stearns, Mr. Pitts, Mr. McIntosh, Mr. Canady of Florida, Mr. Gilman, Mr. DeLay, Mr. Tancredo, Mr. Goodling, and Mr. English.

H.R. 3482: Mr. Minge, Mr. Owens, Ms. McKinney, and Mr. Smith of Washington.

H.R. 3558: Mr. Lewis of Georgia.

H.R. 3573: Mr. Pomeroy.

H.R. 3694: Mr. Fletcher.

H.R. 3826: Mrs. Jones of Ohio and Mr. Engel.

H.R. 3831: Mr. LaTourette.

H.R. 3850: Mr. Spratt, Mr. Ryan of Wisconsin, Mr. Clement, and Mr. Chabot.

H.R. 3915: Mr. Shimkus, Mr. English, Ms. Lofgren, Mr. Shows, Mr. Pastor, Mr. Spence, Ms. Carson, Ms. Sanchez, Mr. Calvert, Mr. Clyburn, Mr. Souder, Mrs. Bono, Mr. Chambliss, and Mr. Cooksey.

H.R. 3916: Mr. Dooley of California, Mr. Turner, Mr. Rogan, Mr. Meeks of New York, Mr. Ford, Mr. Knollenberg, Mr. Hutchinson, and Mr. Green of Texas.

H.R. 3981: Ms. Pelosi.

H.R. 4033: Mr. Lucas of Oklahoma, Mr. Reynolds, and Mr. Hinojosa.

H.R. 4040: Mr. McIntosh.

H.R. 4108: Mr. Nadler.

H.R. 4140: Ms. McKinney, Mr. Filner, Mr. Wynn, Mrs. Christensen, Mr. Olver, Mr. Conyers, Mr. Faleomavaega, Mrs. Mink of Hawaii, Ms. Lee, Mr. Hinchey, Mr. Towns, Ms. Norton, Mrs. Jones of Ohio, Ms. Berkley, and Ms. Eddie Bernice Johnson of Texas.

H.R. 4207: Mr. Bartlett of Maryland, Mr. Davis of Illinois, Mr. Wynn, Mr. Sanders, Ms. Roybal-Allard, Mr. Sawyer, and Mrs. Tauscher.

H.R. 4214: Mr. Underwood, Mr. George Miller of California, Mr. Cooksey, and Mr. Baca.

H.R. 4218: Mr. Condit.

H.R. 4245: Mr. Underwood, Mr. George Miller of California, Mr. Cooksey, and Mr. Baca.

H.R. 4249: Mr. Bereuter, Mr. Ackerman, Mr. Berman, Mr. Foley, Mr. Pallone, Mr. Petersen of Minnesota, Mr. Petri, Mr. Pomeroy, Mrs. Tauscher, and Mr. Udall of Colorado.

H.R. 4271: Mrs. Kelly, Mr. Frost, Mr. Isakson, Mr. Cooksey, and Mr. Petri.

H.R. 4272: Mrs. Kelly, Mr. frost, Mr. Isakson, Mr. Cooksey, and Mr. Petri.

H.R. 4273: Mrs. Kelly, Mr. Frost, Mr. Isakson, Mr. Cooksey, and Mr. Petri.

H.R. 4282: Mr. Cunningham.

H.R. 4292: Mr. DeMint, Mr. Herger, Mr. Ryan of Wisconsin, Mr. Bartlett of Maryland, Mr. Doolittle, Mr. Tancredo, Mrs. Chenoweth-Hage, Mr. Schaffer, Mr. Pitts, Mr. Ryun of Kansas, Mr. Dickey, Mr. Hilleary, Mr. Chabot, and Mr. Hostettler.

H.R. 4313: Mr. Pickett and Mr. Hefley.

H.R. 4329: Mr. Stupak and Mr. Calvert.

H.R. 4337: Mr. Kuykendall.

H.R. 4374: Mr. Bonilla.

H. Con. Res. 177: Mr. Wu.

H. Con. Res. 251: Mr. Visclosky and Mr. Mascara.

H. Con. Res. 293: Mr. Stearns, Mr. Sununu, Mr. Pomeroy, Mr. Wexler, and Mr. Matsui.

H. Con. Res. 297: Mr. Franks of New Jersey and Mr. Holt.

H. Res. 398: Mr. Hoeffel.

H. Res. 491: Mr. Skelton, Mr. Stenholm, Mr. Boswell, Mr. Peterson of Pennsylvania, Mr. Hill of Montana, Mr. Stump, Mr. Doyle, Mr. Bryant, Mr. Ballenger, Mr. Coble, Mr. Dickey, Mr. Hayes, Mr. Regula, Mr. Ewing, Mr. Camp, Mr. Phelps, Mr. DeMint, Mr. Goode, Mr. Price of North Carolina, Mr. Etheridge, Mr. Ehlers, Mr. Watkins, and Mrs. Emerson.

H. Res. 492: Mr. Metcalf, Mr. McHugh, Mrs. McCarthy of New York, Mr. Ryun of Kansas, Mr. Pascrell, Mr. Bryant, Mr. Moore, Ms. Pryce of Ohio, Mr. Kolbe,, Mr. Filner, Mr. Pitts, Mr. Etheridge, Mr. Snyder, Mr. Blagojevich, Mr. Wu, Ms. Jackson-Lee of Texas, Mr. Baker, Mrs. Capps, Mr. Cooksey, Mr. Lucas of Oklahoma, Mr. Frost, Mr. Shimkus, Mr. Stearns, Mr. Schaffer, Mrs. Tauscher, Mr. Horn, Mr. Lucas of Kentucky, Mr. Wamp, Mr. Cummings, Mr. Engel, Mr. Gutierrez, and Mr. Isakson.

EXTENSIONS OF REMARKS

REGARDING THE WRITINGS OF THE FORMER REPRESENTATIVE RON DELLUMS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Ms. LEE. Mr. Speaker, I am happy to present to the house a review by Don Hopkins of a book by my friend and mentor, Ron Dellums. It is a moving account of his rise in politics, and the major contribution he made to Congress, and indeed to the world as follows:

DELLUMS' "LYING DOWN WITH THE LIONS"

Former Berkeley/Oakland Congressman Ronald Dellums has recently written a book, co-authored by his long time colleague, H. Lee Halterman, entitled "Lying Down with the Lions."

Since I was also a staffer of the Congressman, one would expect that I would have laudatory things to say about his book. I will not disappoint such expectations. My interest is to urge people who are interested in the struggle for social, political and economic justice in America to read the book and enjoy what it says about us, as much as what it says about him and for the movement he came to symbolize, and to the best of his abilities, to lead.

My thought is that for Bay Area residents who take pride in the Niners, the Sharks, the Raider, the Warriors, the Stanford Cardinals and the Cal Bears et al., it does not seem a reach to suggest that they take pride in a home grown warrior on the political front, like Ron Dellums.

Ron, after all, grew up in West Oakland. West Oakland, it might be recalled, is that picturesque corner of Oakland that Leslie Stahl of 60 Minutes recently defamed as a "pocket of poverty" within an otherwise prosperous Northern California. What Ms. Stahl apparently did not know, and what one can discern by reading "Lions," is that their exists serious progeny from West Oakland that has contributed monumentally to the success of this nation.

For the purpose of this note, however, I would focus on Ronald V. Dellums. As we speak, there is a federal building named after him. There is a train station named after his uncle and mentor, a hero of the civil rights movement, the distinguished C.L. Dellums. There are countless public improvement projects and programs in the era, like the Chabot Science Center, the Federal Building, the Military Base projects, that are extant and flourish because of his work and sacrifice.

More than all of this, however, what should be known by Bay Area residents is the tremendous contribution Dellums made to the politics of this area, this nation, and most significantly, the world.

Ron Dellums' politics, which were grounded on the notion of "coalition", gave meaning, structure and guidance, across race, gender and class lines, to a set of politics that first led to the significant inclusion of minorities in elected positions in the Bay Area of Northern California. The same politics, grounded in the notion that all of the world's "Niggers" — the excluded and disenfranchised—working together, could "change the world."

This particular characterization of logic and integrity of a coalition of all the disenfranchised later became passé (Nigger could only be snickeringly referred to, as during the O.J. Simpson trial, as the "N" word, and what a crock, for a word so well worn) the fact is that the political activists of the Bay Area and other urban communities touched by the intractable logic of Dellums' "Nigger speech", was a critical ingredient in the development of the coalition, the struggle, that ended America's involvement in the war in Vietnam. It gave philosophical and emotional resonance to Lyndon Baines Johnson's call for a War on Poverty, and it laid the groundwork for a political movement that brought Blacks, Hispanics, Asians, Women, Handicapped people, Gays, etc., into the limelight of political recognition, respectability, and redress.

Dellums built upon the eloquence and commitment of the likes of John George and Bob Scheer to give the antiwar movement focus, legitimacy, credibility, multiethnic support and moral tonality. His passion for justice for the disenfranchised was responsible for the impact his presence made in the legislative agenda and the political culture of the United States Congress.

Upon his retirement from the Congress, members from both sides of the aisle, testified, that his efforts contributed significantly to the culmination of the cold war, the modification of military procurement policies that prolonged that war, and to a social agenda that promised a peace divided that would benefit the poor and less fortunate in American communities.

None of what Ron Dellums accomplished can be known without some effort. Books have been written about the Kennedys and Martin Luther King, about Whitney Young, Andrew Young, Jesse Jackson and other heroes of that struggle. Those of us, who believe in the importance of coalition politics, the politics that binds the interests of the disenfranchised American across ethnic, gender, age, and sex lines, could not be fulfilled by any chronicle of the era, without a book by and about Ron Dellums.

Dellums' book, which is a short but thoughtful recapitulation of the issues that first led him to Congres—the philosophical and political ideas that sustained his growth as a public person, and the impact these had on the political process, is therefore a "must" to read for anyone who seeks a handle on the flavor of what happened and why during the critical years of our national life when he served us as an activist, a local legislator, and a member of Congress.

I trust that those who lived through the tumultuous sixties, seventies, and eighties in the Bay Area, who lived through the saga of the Black Panther Party, the antiwar movement, the struggle for the liberation of South Africa, and the struggle to end the Cold War, will take time to read the Dellums tome.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. GUTIERREZ. Mr. Speaker, last week I traveled to Puerto Rico to show my support for the people of Puerto Rico and the peaceful demonstrators who are opposed to the resumption of Naval training on the island of Vieques.

As a result of my absence from this chamber during last week, I missed voting on the following recorded votes: rollcall vote Nos. 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142. and rollcall vote number 143. Had I been present in this chamber when these votes were cast, I would have voted "yes" on each of these rollcall votes.

I also missed voting on rollcall vote Nos. 144 and 145 and had I been present, I would have voted "no" on each of these two votes.

EXPRESSING SENSE OF CONGRESS ON DEATH OF JOHN CARDINAL O'CONNOR, ARCHBISHOP OF NEW YORK

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mrs. MALONEY of New York. Mr. Speaker, today, I celebrate John Cardinal O'Connor.

It is my deepest hope that Cardinal O'Connor's wise, charitable, and dynamic legacy of leadership becomes a standard for all future New York City Cardinals.

Cardinal O'Connor had an extraordinary capacity to speak to New York's many diverse communities—to both comfort and inspire.

The Cardinal cast light on our City's most pressing problems, and then showed us what needed to be done, particularly for homelessness, the AIDS crisis, and condition of the poor.

In the past months, many people learned that Cardinal O'Connor often anonymously volunteered in AIDS clinics.

We may never know the other people and place Cardinal O'Connor selflessly aided. We can only assume that his actions were innumerable and always compassionate.

Cardinal O'Connor was a great leader and a friend of all leaders in our city. More than one mayor told me they often consulted with him on how to handle their work and to respond to the challenges of leading the City. He received almost every award his Church and City could bestow on him.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Ms. LEE. Mr. Speaker, please submit the following article into the RECORD.

[From the Washington Post, Sun. Apr. 30, 2000]

AIDS IS DECLARED THREAT TO SECURITY—WHITE HOUSE FEARS EPIDEMIC COULD DESTABILIZE WORLD

(By Barton Gellman)

Convinced that the global spread of AIDS is reaching catastrophic dimensions, the Clinton administration has formally designated the disease for the first time as a threat to U.S. national security that could topple foreign governments, touch off ethnic wars and undo decades of work in building free-market democracies abroad.

The National Security Council, which has never before been involved in combating an infectious disease, is directing a rapid reassessment of the government's efforts. The new push is reflected in the doubling of budget requests—to $254 million—to combat AIDS overseas and in the creation on Feb. 8 of a White House interagency working group. The group has been instructed to "develop a series of expanded initiatives to drive the international efforts" to combat the disease.

Top officials and some members of Congress contemplate much higher spending levels. The urgency of addressing AIDS has also touched off internal disputes over long-settled positions on trade policy and on legal requirements that aid contractors buy only American supplies.

The new effort—described by its architects as tardy and not commensurate with the size of the crisis—was spurred last year by U.S. intelligence reports that looked at the pandemic's broadest consequences for foreign governments and societies, particularly in Africa. A National Intelligence Estimate prepared in January, representing consensus among government analysts, projected that a quarter of southern Africa's population is likely to die of AIDS and that the number of people dying of the disease will rise for a decade before there is much prospect of improvement. Based on current trends, that disastrous course could be repeated, perhaps exceeded, in south Asia and the former Soviet Union.

"At least some of the hardest-hit countries, initially in sub-Saharan Africa and later in other regions, will face a demographic catastrophe" over the next 20 years, the study said. "This will further impoverish the poor and often the middle class and produce a huge and impoverished orphan cohort unable to cope and vulnerable to exploitation and radicalization."

Dramatic declines in life expectancy, the study said, are the strongest risk factor for "revolutionary wars, ethnic wars, genocides and disruptive regime transitions" in the developing world. Based on historical analysis of 75 factors that tend to destabilize governments, the authors said the social consequences of AIDS appear to have "a particularly strong correlation with the likelihood of state failure in partial democracies."

Another mobilizing factor is American politics. African American leaders, such as former representative Ron Dellums (D-Calif.) and Rep. Jesse L. Jackson Jr. (D-Ill), have adopted the cause of AIDS in Africa. Their interest is converging with that of long-standing AIDS activists in the United States and Europe, where the course of the epidemic has been slowed by preventive efforts and life-saving combinations of anti-retroviral drugs. They are angry at policies that price those medicines beyond the reach of the developing world.

In June, those activists disrupted Vice President Gore's presidential campaign announcement in Carthage, Tenn., and two other speeches that week—"blindsiding us completely," as one senior adviser put it. The activists, and several senior Clinton administration officials, say that pressure accelerated the White House's response.

There is no recent precedent for treating disease as a security threat. So unfamiliar are public health agencies with the apparatus of national defense that one early task force meeting was delayed when co-chairwoman Sandra Thurman, whose Office of National AIDS Policy is across the street from the White House, could not find the Situation Room.

For all the stakes they now describe, Clinton administration officials do not contemplate addressing them on a scale associated with traditional security priorities. Gore's national security adviser, Leon Fuerth, freely acknowledged that the 2001 budget request of $254 million to combat AIDS abroad—a sum surpassed, for example, by drone aircraft in the Pentagon budget—provides "resources that are inadequate for the task." He called the work of the task force "an iterative process" aimed at slowing the plague's rate of increase and alleviating some of its effects. Before this year, federal spending on AIDS overseas remained relatively flat.

Other officials noted that the United States has endorsed U.N. Secretary General Kofi Annan's declared five-year goal of reducing the rate of new infections by 25 percent. That falls close to the CIA's best-case, and least probable, scenario. Because such a turn of events would demand resources from U.S. allies and multinational bodies, the new White House group has been instructed to "develop a series of expanded initiatives to drive the international efforts."

Fuerth, a member of the "principals committee" that takes up the most important foreign policy questions, told representatives from 16 agencies on Feb. 8 that the panel wanted a package of proposals for Clinton within several weeks. The working group is scheduled to finish drafting its proposals in May. Fuerth said the government is looking for "the kind of focus and coordination on this issue that we normally strive for on national security issues."

"The numbers of people who are dying, the impact on elites—like the army, the educated people, the teachers—is quite severe," he said. "In the end it was a kind of slow-motion destruction of everything we were trying, in our contact programs and our military-to-military programs, to build up, and would affect the viability of these societies, would affect the stability of the region. . . . In the world that we're facing, the destiny of the continent of Africa matters. And it isn't as if this disease is going to stay put in sub-Saharan Africa."

Twenty-three million people are infected in sub-Saharan Africa, with new infections coming at the rate of roughly 5,000 a day, according to World Health Organization figures. Of 13 million deaths to date, 11 million have been in sub-Saharan Africa. In the developing world, the disease spreads primarily through heterosexual contact.

The intelligence estimate portrays the pandemic as the bad side of globalization. Accelerating trade and travel—along with underlying conditions favorable to the disease—are pushing much of Asia, and particularly India, toward "a dramatic increase in infectious disease deaths, largely driven by the spread of HIV/AIDS," the intelligence report said. "By 2010, the region could surpass Africa in the number of HIV infections." The number of infections now is relatively low, but the growth rate is high and governments have been slow to respond.

Infections are also growing rapidly, and largely unchecked, in the former Soviet Union and Eastern Europe. The intelligence estimate said this growth will "challenge democratic development and transitions and possibly contribute to humaniarian emergencies and military conflicts to which the United States may need to respond." The report also anticipates that "infectious disease-related trade embargoes and restrictions on travel and immigration also will cause frictions among and with key trading partners and other selected states."

"The thing that's most staggering, and people are just begnning to grasp, is that Africa is the tip of the iceberg," Thurman said. "We are just at the beginning of a pandemic the likes of which we have not seen in this century, and in the end will probably never have seen in history."

Senior administration officials, some of them apparently frustrated, said that the government does not dispute estimates by the Joint United Nations Program on HIV/AIDS that it would take nearly $2 billion to fund adequate prevention in Africa, and a like sum for treatment. What the United States has been spending, by contrast, "is a rounding error for county budgets" in Fairfax and Montgomery counties, said one disgusted official.

"I don't have a fantasy that we're going to go to the Hill and get $5 billion to build Africa's health care infrastructure," said one senior Africa policymaker. "We're trying to determine effective steps that need to be taken, and can be taken, right now."

After initial resistance from U.S. Trade Representative Charlene Barshefsky, the government has agreed in principle to encourage cheaper access to life-saving drugs by relaxing hard-line positions that protect U.S. drugmakers' intellectual property. Gore has said publicly that the United States does not rule out the use by afflicted countries of locally made or imported generics of drugs under patent by American companies. Assistant Trade Representative Joseph Papovich has written to the governments of Thailand and South Africa with new formulas for resolving intellectual property disputes on such medicines.

But several participants in the government effort said the practical meaning of the change, if any, will have to be decided at the Cabinet level or by Clinton personally. An early test comes in May, when Barshefsky's office decides whether South Africa should be removed from the "watch list" of countries facing potential trade sanctions. South Africa is on that list because it passed a law the United States initially described as threatening to the intellectual property of American drug manufacturers.

With the prospect of substantial new spending, agencies ranging from the Centers for Disease Control and Prevention (CDC) and National Institutes of Health to the Labor Department are fighting over the allocation of funds. Undersecretary of State

Frank Loy, meanwhile, is said by participants to be resisting the emerging consensus that the international AIDS effort should be centered in Thurman's office.

The task force has also battled over proposals to amend the Foreign Assistance Act, which requires all taxpayer-funded aid to come from American suppliers. Public health agencies want exceptions for condoms and AIDS test kits, which can be acquired more cheaply overseas. Congress willing, the task force is likely to recommend that change.

The high-profile attention from the top is "raising this issue in ways that leaders [of afflicted nations] can't ignore it," one White House official said. Richard C. Holbrooke, the U.S. ambassador to the United Nations, used his rotation as Security Council president in January to declare a month on Africa. He made AIDS the subject of the first Security Council meeting of 2000 and invited Gore to speak. When Clinton traveled to India in March, he successfully pressed the government to issue a joint declaration on AIDS.

Pervading the recent U.S. effort is a strong sense among participants of time misspent. The virulence of the pandemic are accurately foreseen, and "the United States didn't exactly cover itself with glory," said one close adviser to Clinton.

"We saw it coming, and we didn't act as quickly as we could have," said Helene D. Gayle, a physician who directs AIDS prevention at the CDC. "I'm not sure what that says about how seriously we took it, how seriously we took lives in Africa."

Peter Piot, a virologist who heads the United Nations AIDS efforts in Geneva, said "the good news is that the U.S. government is mobilizing. The bad news is that it took so long. This is not a catastrophe that came out of the blue. It has been clearly coming for at least 10 years."

Asked about those comments, Thurman looked pained.

"Oh yeah," she said softly. "It's very late. But better late than never. You rarely ever get a second chance in an epidemic."

IN RECOGNITION OF JULIE DENT FOR SERVICE TO THE BUSHWICK COMMUNITY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Ms. VELÁZQUEZ. Mr. Speaker, today I recognize Ms. Julie Dent and honor her for her commitment and service to the children and families of the Audrey Johnson Day Care Center in Bushwick, New York.

President John F. Kennedy once said "Leadership and learning are indispensable to each other." Ms. Dent, who was recently honored by the Friends of Edward Norman with a Community Service award, has always worked to address the cognitive, social, physical and emotional needs of children.

Before becoming Educational Director at Audrey Johnson Day Care Center, Ms. Dent served as an Administrative Director and teacher at the Horace E. Green Day Care Center for a number of years.

Her community involvement includes serving as Second Vice Chair for Community Board #4, Chair of the Youth and Education Committee for the Board, is an active member of the Woodhull Hospital Comm. Advisory Board and Second Vice Chair of the Bushwick Geographic Targeting Task Force.

Ms. Dent's additional honors include, The Professional Association of Day Care Directors Inc., Service awards from Mayor Giuliani, Brooklyn Borough President Howard Golden, City Council, Honorable Victor Robles and Honorable Martin Dillan, State Legislature Honorable Vito Lopez, Honorable Darryl Towns and Honorable Ada Smith.

I honor Julie Dent today for her continued commitment to education and for her ongoing service to the families and children of our community.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. GUTIERREZ. Mr. Speaker, on March 21, 2000 I was unable to be present in this chamber when the following votes were called: rollcall vote 56, rollcall vote 57 and rollcall vote 58. Had I been present, I would have voted "yes" on each of these rollcall votes I missed. I also missed rollcall vote 61 and had I been present, I would have voted "no".

On the week of April 10, I was unable to be present in this chamber when the following votes were called: rollcall vote 111, rollcall vote 112, rollcall votes 113 and 114. Had I been present, I would have voted "yes" on each of these rollcall votes I missed. During the same week, I also missed rollcall vote 130 and had I been present, I would have voted "no".

IN HONOR OF THE LEXINGTON DEMOCRATIC CLUB OF MANHATTAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the Lexington Democratic Club, a very special and important democratic organization in the Upper East Side of Manhattan. Over the fifty-one years of the club's existence, Mr. Speaker, the members of the Lexington Democratic Club have forged a more democratic, more inclusive form of civic participation in New York City.

The "Lex Club" was the first Reform Club in Manhattan. Driven by the belief that openness and public deliberation are the key ingredients for a healthy democracy, the Lexington Democratic Club blazed a trail for opponents of top-down, closed-door decision making in the political process. Decisions at the Club are made at open meetings of the membership and patronage positions have been replaced with merit-based nomination systems.

Furthermore, Mr. Speaker, the Lexington Democratic Club led the way in reforming the system for judicial appointments in New York. The Club spearheaded the creation of a system where independent experts screen applicants and recommend three candidates to the club for every open judicial seat. The Club then endorses a final candidate through open meetings.

The Lexington Democratic Club has been graced with dynamic leaders since its inception. Jack Baltzell and Alice Sachs were the very first Reform District Leaders in the city and they helped make the reform movement a major political force in New York.

Ken Mills, the current President of the Lex Club, has increased membership in the club, tripled its financial resources, and managed the club's monthly newsletter. More importantly, Mr. Mills has led the club's major civic efforts—including the successful election of candidates and the mobilization of major tenant protests against plans to abolish the city's rent control laws. In short, Ken Mills, aided by Niki Stern, the club's Executive Vice President, and all the club's members, has revitalized the Lex Club and returned it to its place as one of the most prestigious civic organizations in the city.

Mr. Speaker, I salute the Lexington Democratic Club of Manhattan and I ask my fellow Members of Congress to join me in recognizing the great contributions of the club's membership to the New York community and to our democracy.

RECOGNIZING THE WINNERS OF THE SECOND NEW HAMPSHIRE INTERNET AWARDS, HELD APRIL 20, 2000

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. BASS. Mr. Speaker, whereas the Internet has and will continue to play an instrumental role in improving the quality of life for citizens of New Hampshire and the Nation generally;

Whereas educational opportunity abounds for New Hampshire students, formal and lifelong, due to the global nature of the medium;

Whereas New Hampshire's economy has grown substantially because of its attractiveness to high technology entrepreneurs and innovators;

Whereas the Internet has dramatically improved access to New Hampshire's government services and elected officials;

Whereas the Internet has provided individuals with an unparalleled resource for information, goods, and services;

Whereas New Hampshire residents are among the leaders nationally in rates of computer use and Internet access;

Therefore, be it proclaimed to my colleagues in the United States House of Representatives that the following were recognized and applauded at the Second New Hampshire Internet Awards, held April 20, 2000:

Best E-Commerce Site 1st place—Kitchen Etc. (www.kitchenetc.com) 2nd place—PC Connection (www.pcconnection.com) 3rd place—Navtronics (www.navtronics.com).

Best Site for Kids 1st place—The Amazing Adventure Series (www.amazingadventure.com) 2nd place—The NHPTV Knowledge Network (www.nhptv.org/kn).

Coolest School Web Site 1st place—Bristol Elementary School (www.newfound.k12.nh.us/bes/home.htm) 2nd place—Dover School District (www.dover.k12.nh.us) 3rd place—Bishop Guertin High School (www.bghs.org).

Webster Public Service Award 1st place—Moose Country Press (www.mtmoosilauke.com) 2nd place—Lane Memorial Library (www.hampton.lib.nh.us) 3rd place—New Hampshire Writers' Project (www.orbit.unh.edu/nhwp).

Best Weird Site 1st place—UFO Sightings Over New England (www.geocities.com/area51/nova/8874) 2nd place—Mind Mined (www.mindmined.com) 3rd place—Gypsy Mechanics (www.gypsymechanics.com).

Internet Achievement Award 1st place—David Mendelsohn (www.davidm.com) 2nd place—NH Birdsnest (www.geocities.com/nhbirdsnest) 3rd place—CU-SeeMe World (www.cuseemeworld.com).

Best Design 1st place—Flywire (www.flywire.com) 2nd place—Brown & Company (www.browndesign.com) 3rd place—Gypsy Mechanics (www.gypsymechanics.com).

Best Media Site 1st place—Keene Sentinel (www.sentinelsource.com) 2nd place—Concord Monitor (www.concordmonitor.com) 3rd place—Moose Country Press (www.mtmoosilauke.com).

Best Municipal Site 1st place—Town of Rindge (www.town.rindge.nh.us) 2nd place—Town of Peterborough (www.townofpeterborough.com) 3rd place—Peterborough Town Library (www.townofpeterborough.com)/library).

Best Site For Visitors 1st place—Sunapee Vacations (www.sunapeevacations.com) 2nd place—Seacoast NH.com (www.seacoastnh.com) 3rd place—Waterville Valley Region Chamber of Commerce (www.watervillevalleyregion.com).

Best Cyber-Entrepreneur 1st place—Advanced Lock Company (www.advancelockcompany.com) 2nd place—Crate Works (www.crateworks.com) 3rd place—Parent's Helper, Inc. (www.childsafety.com).

Best Corporate Site 1st place—Franklin Savings Bank (www.fsbnh.com) 2nd place—Brown & Company (www.browndesign.com) 3rd place—West Cheshire Medical Center (www.cheshire-med.com).

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. BATEMAN. Mr. Speaker, I was regrettably absent for two recorded votes on May 3, 2000. Both were conducted under suspension of the rules. Had I been present, I would have voted as follows:

H.R. 4055, Vote No. 140, "yea"; H.R. 1901, Vote No. 141, "yea".

RECOGNIZING THE LIFETIME ACHIEVEMENTS OF DR. ROBERT C. CORLEY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. THOMAS. Mr. Speaker, I hope the House will join me in recognizing and applauding the achievements of Dr. Robert C. Corley of the Air Force Research Laboratory as he prepares to retire June 2nd as Senior Scientist for rocket propulsion in the Propulsion Directorate, Air Force Research Laboratory at Edwards Air Force Base. As we assess the role the Air Force has played in this nation's security during the last 40 years, it is clear that Bob Corley's contributions to defense technologies have been significant.

Dr. Corley is recognized as one of the world's foremost experts on missile propulsion technologies. His research skills helped produce the extremely dependable solid fuel propellants that are used in almost all American tactical and ballistic weapons systems. His work also promoted our space program through booster systems development. The dependability of those systems is in large measure the result of his efforts.

In addition to research, Bob Corley has managed propulsion research projects. He coordinated international research projects involving university and government researchers across the globe. More recently, he has been the founder of the current Integrated High Payoff Rocket Propulsion Technology (IHPRPT) program. The latter program is a joint project coordinating efforts by the Department of Defense, NASA and private industry to develop new, dependable propulsion technologies for the 21st Century. They have already begun producing better launch systems for military and civilian programs, and the coordination of government and private efforts under the structure Dr. Corley established will continue to be of benefit well into this century.

From the time he arrived at Edwards Air Force Base in 1958 as a Second Lieutenant in the Air Force right through his retirement as one of the most senior research managers in federal service, Bob Corley has worked on tough projects vital to this nation's security and scientific advancement. The executive branch recognizes his contribution. He has been named as a recipient of the Outstanding Civilian Career Service Award. I join his colleagues in recognizing the value of his work and wish him a well deserved retirement.

IN RECOGNITION OF CHESTER A. SADOWSKI: SBA'S 2000 FINANCIAL ADVOCATE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to recognize Chet Sadowski for his appointment as the Small Business Administration's 2000 Financial Advocate.

President John F. Kennedy once said "Leadership and learning are indispensable to each other." Mr. Sadowski has exemplified great leadership and has had a life-long career assisting the small business community and aiding in its growth of 7A and 504 loans.

Mr. Sadowski's distinguished career began in 1972 as an SBA Loan Officer. By the time he left in early 1980, he held the position of Chief of Finance and was responsible for the overall processing and approval of all SBA lending for the New York District Office. In March of 1980, Mr. Sadowski joined Citibank, NA as Manager where he developed an SBA lending program based in Queens County. Within several years, he became Vice President and Team Leader.

In 1987, Mr. Sadowski joined the New York Business Development Corporation to establish and manage a New York City regional office. This office was part of NYBDC's program to increase lending activity throughout the State of New York. Within a few years, the New York regional office and the company grew dramatically.

This past fiscal year, the New York office was ranked high among lenders in both the 7A and 504 SBA lending programs.

Mr. Sadowski and I worked together traveling throughout the 12th Congressional District discussing economic development. His commitment to small businesses has provided financing for hundreds of jobs in our community.

I would like to honor Chet Sadowski today, congratulate him on his appointment as SBA's Financial Advocate and personally thank him for his hard work and dedication to the small business community.

THE ADLER PLANETARIUM CELEBRATES ITS 70TH BIRTHDAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. PORTER. Mr. Speaker, I am very pleased to recognize one of Chicago's premier cultural institutions, the Adler Planetarium and Astronomy Museum, as it celebrates its 70th birthday on May 12, 2000. I would also like to take this opportunity to recognize the outstanding contributions of J. Douglas Donenfeld, a member of the Adler Board of Trustees for nearly 21 years and Chairman of the Board for nine years, as he steps down as Chairman.

Located on Chicago's stunning lakefront, the Adler was founded in 1930 by Sears executive Max Adler to showcase leading planetarium technology and to serve as a center for the study of the evolving human conception of the Universe.

When the Adler opened its doors to the public on May 12, 1930, it was the first planetarium in the Western Hemisphere. Seventy years later, more than 20 million people have visited the Adler to see sky shows, enjoy exhibits, find answers and craft new questions. The Adler has fulfilled Max Adler's mission by becoming one of the world's premier planetaria and astronomy museums.

Today, the Adler continues to grow and remain on the cutting edge of technology. Last year, the Adler celebrated the completion of its new Sky Pavilion and the complete renovation of the original building, a project which doubled the Adler's exhibit space. The architecturally striking Sky Pavilion is a two-story, 60,000-square-foot addition on the east side of the Adler's existing 1930 landmark structure. This facility comprises four major exhibition galleries, including the world's first StarRider Theater, a 3–D interactive virtual reality experience that transports audiences to other planets, stars and distant galaxies.

Doug Donenfeld has been a leading force in the growth of numerous Chicago-area charitable, cultural and other not-for-profit organizations for more than 20 years. The Adler has been extremely fortunate to have him on their board. His contributions to the success of the Adler and its recent rejuvenation has been unparalleled. Mr. Donenfeld's dedication and efforts on behalf of the Adler have enhanced Max Adler's original vision of the Adler Planetarium & Astronomy Museum.

Mr. Speaker, 70 years have seen remarkable changes in astronomy and at the Adler Planetarium & Astronomy Museum. Yet, Max Adler's vision remains as vital as ever. Astronomical discovery will continue to push the boundaries of human knowledge, challenging our most basic understanding. The Adler will be there as an evolutionary educational resource and guide for all of us seeking to learn more about our Universe.

HONORING THE 257TH ORDNANCE COMPANY

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. BALDACCI. Mr. Speaker, on this day 55 years ago, the bells rang out for VE Day. World War II was finally over in Europe.

I want to pay tribute to members of the 257th Ordnance Company whose "behind the scenes" work was essential to making the Allies' victory over the Axis powers possible. One member of the Company, Harry Dixon, is from my district. Harry is hosting a reunion of fellow members of the Company in June.

The Company performed exceptionally in keeping the mighty military machine moving. The Instrument Section, in which Harry Dixon served, was responsible for maintaining military property from watches, to tanks, to artillery.

During their service, they won the admiration of all with whom they served for their technical proficiency, their Yankee ingenuity, and their grace under fire. No job was too large or too small.

Without the work of these brave American men, it is likely that other soldiers would have been unable to perform their duties. Well-maintained equipment is crucial to a successful campaign, and the men of the 257th took their work seriously.

Harry Dixon and his fellow members were among the countless unsung heroes of World War II. While the Company received many commendations and 5 were awarded the Bronze Star, few Americans know their names. What we do know, however, is that without these men, the War would have continued much longer and cost our world even more.

And so 55 years later, it is an honor to be able to say thank you to Harry Dixon and the rest of the 257th Ordnance Company. I offer them every best wish as they gather for their reunion this summer.

HONORING ETHEL BAMPFIELD DENMARK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. TOWNS. Mr. Speaker, today I honor Mrs. Ethel Bampfield Denmark, an educator, community leader, wife, parent, and a pillar of her community. Ethel Bampfield was born in Hampton, South Carolina, to Mr. and Mrs. James H. Bampfield. In 1958, she graduated from the Mathis School for Girls and enrolled in Florida A & M University. She was a proud graduate of FAMU in 1968, and joined her family, who had moved to Brooklyn, and made it her home for the past thirty-two years.

When Mrs. Denmark began her career in the field of Juvenile Justice, it never occurred to her that she was beginning an impressive, challenging, and extensive career that today holds for her many positive memories, and opportunities for meaningful moments of reflection. In 1969, Mrs. Denmark was hired as a caseworker at the Manida Juvenile Center For Girls. Had it not closed, this innovative center would have become part of the New York City Department of Juvenile Justice. After spending approximately two years with the Manida Juvenile Center For Girls, Mrs. Denmark decided to seek a graduate degree. In 1972, she began pursuing her Masters of Social Work Degree at Hunter College School of Social Work. In 1974, she earned her MSW degree, and shortly thereafter accepted a position as a Foster Care Worker and the New York State Division for Youth. In the years that followed, she also obtained her license as a New York State Certified Social Worker.

While pursuing the position with the Department of Youth, Mrs. Denmark met Thaila Carpenter-Paige and Beatrice A. Hudson, two women she came to know, respect and appreciate over the past 26 years. Throughout her career with OCFS, she feels fortunate and blessed to have had mentors who recognized her abilities, believed in her potential, and provided opportunities that contributed to her growth and development while she was with the Division for Youth.

Over the past three decades, Mrs. Denmark has remained very aware of all of the people who have contributed to her professional achievements. On behalf of Mrs. Denmark, I want to thank everyone who touched her life, and to convey to them her belief that her work in the Downstate area rang of success only because of the efforts of those with whom she worked—those who supported her and provided her with valuable opportunities.

Mr. Speaker, today Mrs. Denmark wants to pay homage to her family: her husband James Denmark, an outstanding contemporary artist; her mother, Mrs. Johnnie B. James, and; her children and grandchildren. She believes that, had it not been for her families' blessing, she would not have been able to devote the time and energy that she did to her very demanding career. Even as she prepares to retire, Mrs. Denmark continues to participate actively in the Brown Memorial Baptist Church in Brooklyn, as well as in a number of social and civic organizations, and also to serve on various Boards and Committees.

Mr. Speaker, Ethel Bampfield Denmark feels fulfilled for having had the opportunity to touch as many lives as she has through teaching, and learning, during her tenure with OCFS. Her travels brought her to us in Brooklyn, where she has stayed for three decades, always enjoying the experience of life to its fullest. She has earned this honor, and I hope that my colleagues will join me in wishing her peace and happiness as she continues her travels through this remarkable journey we call life.

CHINA AND THE ITC

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. MURTHA. Mr. Speaker, I rise today to address a serious rash of problems revolving around the enforcement of our trade laws. This body, in concurrence with the rules of the WTO, has enacted laws to ensure fair and equitable trade for American industry and its workers. Unfortunately, our own International Trade Commission appears to have decided to disregard these laws, as recently demonstrated in its decision regarding the dumping of cold-rolled steel into the United States and its seemingly rubber-stamp approach to Sunset determinations whereby foreign unfair traders can have the offsetting duties—which were applied only after they were found to be engaged in unfair trade—erased just by showing up at the ITC and asking.

As troubling as the situation is now, I'm afraid I can see far greater problems on the horizon—problems that quite possibly will accompany China's accession to the WTO. Congress has been asked to accept that China's entry into the WTO contains meaningful protections against unfair trade practices by Chinese companies. In light of the ITC's recent failure to correctly apply the U.S. Trade laws and to effectively respond to massive foreign unfair trade, I am losing confidence in our ability to counter unfair trade from China and other countries.

This matter is deeply troubling to me. The domestic steel industry has suffered through massive dumping of foreign steel in the U.S. market over the last two years. The Administration responded by declaring a policy of "zero tolerance" for unfair trade. The Congress provided the necessary funding to the Commerce Department to investigate this unfair trade and Commerce did its job. It found that, in the case of cold-rolled steel for example, that foreign producers were illegally dumping by as much as 80 percent.

The ITC, however, did not do its job. The ITC determined that dumped steel imports more than doubled during the period of investigation and consistently undersold domestic steel. It also found that, during a period of record demand, the U.S. steel industry experienced significant revenue losses, with several major steel producers even forced into bankruptcy. Nevertheless, the ITC inexplicably determined that this massive dumping of cold-rolled steel was not even a cause of this injury to the domestic industry. Without a determination of injury—which is irrefutable in these cases—U.S. industry and its workers have no form of relief and nowhere to turn. As legislators and appropriators, it is our responsibility to reevaluate the ITC and whether it is properly managing its resources and correctly adhering to Congressional intent.

Just last year the Administration committed to "zero tolerance" for unfair trade, yet this commitment apparently doesn't extend to the ITC. I'm tired of promises of "zero tolerance" and think it's time we insist on some action. Before we allow the Administration to sell us an agreement with China that promises to benefit America, let's insist on some proof that promises are sometimes answered.

IN MEMORY OF REVEREND RUDOLPH S. SHOULTZ

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. SHIMKUS. Mr. Speaker, I share an article from the March, 2000 issue of the Pure News, published in Springfield, Illinois, by T.C. Christian.

BUT HE TRIED TO HELP SOMEBODY

(By T.C. Christian, Jr.)

It would be wonderful if I could remember and name all the wonderful people who have made a difference in my life, but that just can not be done. Part of the problem is that there have been too many to count and no matter how good my intentions may be, somebody would undoubtedly be missed.

However, death has a way of refreshening our memory by placing yesterday's faces, deeds and conversations on a giant screen where we can all watch the previews at the same time.

Such was the case in hearing about the death of Reverend Rudolph S. Shoultz, pastor of the Union Baptist Church in Springfield, Illinois. His death refreshened my memory that life is but a book, sometimes a short story, sometimes several chapters, sometimes a happy beginning and sometimes a sad ending.

After reading and listening to all the different tributes paid to this man whom some even called the "Godfather," a stranger would have to conclude that "this preacher must have helped somebody." In one chapter of the "Life of Reverend Rudolph S. Shoultz," somebody called him a civil rights leader who fought in the trenches, another writer said he not only fed his members with religion but fed them with state jobs, one minister said the good Reverend adopted him as his son and just before we get to the final chapter, there was recognition of the awards he received and how he provided housing for senior citizens.

In reminiscing about yesterday, I decided to review another book yet to be published. This book's title is "The Life of T.C. Christian, Jr." This book contains several chapters about Reverend Shoultz.

In chapter one, the author (yours truly, of course) is introduced to the Reverend and a friendship develops.

In another chapter, which was written and dated November, 1983, Reverend Shoultz appears on the front page of the very first issue of The Pure News. Also in that chapter, the author describes how Reverend Shoultz provided personal assistance to help maintain the existence of the newspaper you're now reading.

The chapter in the middle of the book describes the wedding of the author which was also performed by Reverend Shoultz. And in "telling it like it is," in that same chapter (as a result of the Reverend's political connections) the author's newly wedded bride was soon to be employed in the Governor's office.

And incidentally, we did not agree on everything which gives credence to a statement made by one minister during the funeral when he said, "If two people think just alike, one of them is not necessary."

Reverend Rudolph S. Shoultz, who died on March 3, 2000 at the age of 81, was a living legend Perhaps his legacy can best be remembered as a preacher who was always trying to help somebody.

NATIONAL NURSES WEEK

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. WELLER. Mr. Speaker, I rise today in recognition of National Nurses Week, and to especially express gratitude and appreciation to the outstanding Nursing Staff at Edward Hine's Junior Veteran's Medical Center.

Throughout the year, these compassionate, hardworking nurses are entrusted with the care of our nation's veterans. The nursing staff at Edward Hine's Junior Veteran's Hospital is comprised of 518 Registered Nurses (RN), 144 Licensed Practical Nurses (LPN), 40 Nursing Assistants (NA), 56 Health Care Technicians (HCT), and 91 Clerks, all dedicated individuals whose diligent care is deeply appreciated. I recognize their commitment and endless efforts to offer exceptional patient care, while taking part in research, education, quality improvement, infection control, administration, and many other areas. Clearly these nurses make a tremendous contribution to the well-being of their patients.

We owe a tremendous debt of gratitude to those who served and sacrificed for our freedoms. It is only fitting they in turn receive the best quality care.

In closing, Mr. Speaker, I am proud and honored to offer to my colleagues in the United States House of Representatives an example of the American Spirit where traditional patriotic values of "Helping Sharing, Always Caring for Our Veterans" are practiced on a daily basis. The Nursing Staff at Edward Hine's Junior Medical Center is recognized for their professionalism, sensitivity and interpersonal skills as well as their altruistic dedication.

IN HONOR OF LEMONT'S MEGAN DOHERTY—ONE OF AMERICA'S TOP TEN YOUTH VOLUNTEERS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mrs. BIGGERT. Mr. Speaker, I rise to recognize Megan Doherty of Lemont, Illinois, for being named one of America's top ten youth volunteers by the Prudential Spirit of Community Awards.

As my colleagues are no doubt aware, the Prudential Spirit of Community Awards honor outstanding volunteer community service. The award was created five years ago by Prudential to encourage youth volunteerism and to identify and reward young role models.

And what a role model Megan is.

Though just a junior at Mt. Assisi Academy in Lemont, she has proven that one person can make a difference.

Over the past two years, Megan raised more than $56,000 to bring 29 young cancer victims of the 1986 Chernobyl nuclear disaster in Ukraine to Illinois for life-saving medical treatment and dental care that were not available to them in their own country.

Inspired by a speech by the executive director of "Camps for Children of Chernobyl," Megan first asked her parents only to be a host family for one of the sick children. However, upon learning that the children had to travel in groups of 10 or more to hold down costs, she set out to find enough host families and raise enough money to bring an entire group to Lemont.

She was more than successful.

In the summer of 1998, 13 cancer-stricken children traveled to Lemont, and 16 more came in 1999. Two of the children underwent major surgery and another is now in the process of being adopted by an American family.

Megan isn't finished either. She plans to bring another 16 Ukrainian children to Lemont this summer.

Being named as one of the top ten youth volunteers in the nation—out of more than 20,000 nominees—is a true achievement.

More importantly, though, at a time when we all too often hear only of the senseless or negative acts of our nation's youth, Megan proves again the enormous capacity for goodness that our children and youth possess.

It is an honor to represent this outstanding young woman in Congress and a privilege to recognize her achievements here today.

TRIBUTE TO WILLIAM AND CATHERINE UPCHURCH

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. HAYWORTH. Mr. Speaker, I rise today to pay tribute to a wonderful Arizona family on the very happy occasion of the 40th anniversary of William and Catherine Upchruch. From this marriage came two beautiful daughters who have always been a source of pride and joy to their parents. Susan Upchurch was born on May 1, 1962, and Sharon Upchurch was born on November 5, 1963,

The marriage of Sharon Upchurch to Michael Maita has been blessed with two children. William and Catherine are the proud grandparents of Alyssa Morgan Maita, born on January 5, 1998, and Andrew Jordan Maita, born on October 1, 1999.

I am pleased to help honor the Upchurches, their strong and enduring marriage, and the wonderful family they have raised. Mr. Speaker, I am sure the whole House will join me in wishing the Upchurches all the best in the years to come.

RECOGNITION OF FOOD ALLERGY AWARENESS WEEK

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise to bring to the attention of my colleagues the celebration of Food Allergy Awareness Week, which will be observed around the country this week, May 8–12. The Food Allergy Network, which is based in my district, is celebrating this week to increase the public's awareness of food allergies and anaphylaxis.

Scientists estimate that more than 6 million American children and adults have food allergies. A food allergy is the immune system's reaction to a certain food, which differs from food intolerance; a metabolic disorder. During an allergic reaction the immune system mistakenly believes that a harmless substance, in this case a food item, is harmful. In its attempt to protect itself, the body creates specific antibodies to that food. The next time the individual eats that food, the immune system releases massive amounts of chemicals and antihistamines. These chemicals trigger a cascade of allergic symptoms that can affect the respiratory system, gastrointestinal tract, skin, or cardiovascular system.

Any food can cause an allergic reaction, but eight foods cause 90 percent of all food allergies and they are: milk, egg, wheat, peanut, soy, tree nuts, fish, and shellfish. In most cases, children outgrow their food allergy with the exception of allergies to peanuts, tree nuts, fish, and shellfish, which are life-long allergies.

Presently, a cure does not exist for food allergies, only a strict avoidance of the problematic food will allow these individuals to lead a near-normal life. Therefore, accurate food labeling is vital to avoid life-threatening allergens.

If a problematic food is consumed, the individual will experience symptoms ranging from a tingling sensation in the mouth, swelling of the tongue and the throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, drop in blood pressure, loss of consciousness, to death. Symptoms will typically appear within minutes or up to two hours after the person has eaten the food to which he or she is allergic. The most severe reaction will cause anaphylactic shock or anaphylaxis. Anaphylaxis is a sudden, severe, potentially life-threatening allergic reaction. It typically involves two or more of the body's systems and can be fatal, sometimes within minutes. Peanuts, nuts, fish and shellfish commonly cause the most severe reactions.

Epinephrine also called adrenaline, is the medication of choice for treating a severe food allergy reaction. Epinephrine usually relieves anaphylactic symptoms for about 15 minutes, just long enough for the patient to get medical treatment. That is why it is so very important that ambulances and emergency health care providers, such as EMT's carry and be allowed to administer this life-saving drug. Unfortunately, only nine states currently allow EMT's to administer epinephrine, but the Food Allergy Network has been working hard to educate states about why this is so vitally needed.

Mr. Speaker, physicians are reporting an increase in the number of patients with food allergies across the country. It is estimated that between 100 and 200 people die each year from food allergy-related reactions. That is why the Food Allergy Network's mission of increasing public awareness about food allergies and anaphylaxis, to provide education, and to advance research on behalf of all those affected by food allergies is so important. I hope that all of my colleagues will join me in supporting Food Allergy Awareness Week and recognizing the valuable work of the Food Allergy Network.

SPECIAL RECOGNITION AND COMMENDATION FOR ALVIN R. BELL, ON HIS RETIREMENT FROM PUBLIC EDUCATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 8, 2000

Mr. OXLEY. Mr. Speaker, today I rise to spotlight a very special individual who has unselfishly given his time, energy, and spirit to others in the Fourth Congressional District of Ohio. The month of June will pose many challenges to Findlay High School since it will be losing a top notch teacher and educator to a well-deserved retirement. His shoes will be very difficult to fill.

Al Bell has taught at Findlay High, my alma mater, in Findlay, Ohio since 1964. It is not every high school that can boast of a teacher who has taught there for 36 years. Over the years I have witnessed how Al cares very deeply for his high school community family. For twelve years. Al has instructed and guided his students to state and national awards for their accomplishments in the We the People . . . competition. He has served eleven years as the History Department chair at FHS. Al sat on the Strategic Planning Committee for Technology and the Selection Committee for the Robert H. Hill Award for Findlay City Schools. Al has served in all aspects of academic life. He has been a teacher, advisor, scholar, international consultant and mentor. He knows inside and out how to guide a school to academic success and national recognition.

The Center for Civic Education has also recognized that Al's academic strength and professionalism can benefit those around the world. He has served in both consultative and editorial roles for the Center. The Center has twice selected Al to travel to war-torn Bosnia to help educate Bosnian teachers on the virtues and benefits of democracy and how to impart this knowledge to young Bosnians. Al Bell is a peacekeeper in his own right.

Though he will no longer work as a teacher for FHS, he will never be far from it in mind and spirit. The inspiration to "think" is perhaps one of his greatest legacies which lives on in those blessed enough to have known him. To Al and his wife, Judy, all the best as they approach this new adventure of retirement together.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 9, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 10

9:30 a.m.

Indian Affairs

To hold hearings on proposed legislation authorizing funds for programs of the Indian Health Care Improvement Act.

SR–485

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

SR–222

Appropriations

Labor, Health and Human Services, and Education Subcommittee

Business meeting to markup proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001.

SD–192

Governmental Affairs

To hold hearings on the nomination of Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; the nomination of Thomas J. Motley, of the District of

Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

10:30 a.m.

Foreign Relations

International Operations Subcommittee

To hold hearings to examine the United Nations state of efficacy and reform.

SD–419

11 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold oversight hearings on 1996 campaign finance investigations.

SD–226

2 p.m.

Foreign Relations

To hold hearings on pending nominations.

SD–419

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning.

SD–366

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

MAY 11

9:30 a.m.

Environment and Public Works

To hold hearings on the Administration's legislative proposal on the Comprehensive Everglades Restoration Plan.

SD–406

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for programs of the Pipeline Safety Act, focusing on the safety record of the natural gas and hazardous liquid pipeline transportation industry, the adequacy of existing federal pipeline transportation safety regulations and suggestions for additional pipeline safeguards.

SR–253

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Richard Court Houseworth, of Arizona, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring December 25, 2001; and the nomination of Nuria I. Fernandez, of Illinois, to be Federal Transit Administrator.

SD–538

10 a.m.

Foreign Relations

To hold hearings on the nomination of John R. Dinger, of Florida, to be Ambassador to Mongolia; the nomination of Edward William Gnehm, Jr., of Georgia, to be Ambassador to Australia; the nomination of Douglas Alan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic; the nomination of Susan S. Jacobs, of Virginia, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to Soloman Islands, and as Ambassador to the Republic of Vanuatu; and the nomination of Michael J. Senko, of the District of Columbia, to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati.

SD–419

Judiciary

Business meeting to markup S. 2089, to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes; H.R. 371, to expedite the naturalization of aliens who served with special guerrilla units in Laos; S. 484, to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; and S. Res. 247, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SD–226

2 p.m.

Environment and Public Works

To continue hearings on the Administration's legislative proposal on the Comprehensive Everglades Restoration Plan.

SD–406

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; S. 1670, to revise the boundary of Fort Matanzas National Monument; S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi; S. 2478, to require the Secretary of the Interior to conduct a theme study on the peopling of America; and S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

SD–366

MAY 12

10 a.m.

Governmental Affairs

To hold hearings on the nomination of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics.

SD–342

MAY 16

9:30 a.m.

Armed Services

To hold hearings on the nomination of The following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033: Adm. Vernon E. Clark, to be Admiral.

SR–222

3 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service's proposed transportation policy.

SD–366

MAY 17

9:30 a.m.

Indian Affairs

To hold oversight hearings on Indian arts and crafts programs.

SR–485

Indian Affairs

To hold hearings on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota.

SR–485

Energy and Natural Resources

Business meeting to consider pending calendar business.

SH–216

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

SD–366

MAY 18

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine mental health parity.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1584, to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685, to authorize the Golden Spike/Crossroads of the West National Heritage Area; H.R. 2932, to authorize the Golden Spike Crossroads of the West National Heritage Area; S. 1998, to establish the Yuma Crossing National Heritage Area; S. 2247, to establish the Wheeling National Heritage Area in the State of West Virginia; S. 2421, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts; and S. 2511, to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska.

SD–366

MAY 23

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine drug safety and pricing.

SD–430

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.
SD–366

3 p.m.
Foreign Relations
To hold hearings on the Meltzer Commission, focusing on the future of the International Monetary Fund and world.
SD–419

MAY 24

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

Energy and Natural Resources
Business meeting to consider pending calendar business.
SH–216

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding , storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.
SD–366

MAY 25

10 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine gene therapy issues.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.
SD–366

JUNE 7

9:30 a.m.
Indian Affairs
To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.
SR–485

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.
SD–366

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SR–485

JUNE 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JULY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

9:30 a.m.
Indian Affairs
To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine retransmission consent issues.
SR–253

SENATE—*Tuesday, May 9, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God of love, give us a fresh experience of Your love today. Help us to think about how much You love each of us with unqualified acceptance and forgiveness. May the tone and tenor of our words to the people in our lives be an expression of Your love. You have called us to love as You have loved us. May we know when to express not only tough love but also when to be tender in withholding judgment or condemnation. Help us to love those we find it difficult to bear and those who find it a challenge to bear with us. All around us are people with highly polished exteriors that hide their real need for esteem, affirmation, and encouragement from us. Show us practical ways to express love in creative ways. May we lift burdens rather than become one; may we add to people's strength rather than becoming a source of stress. Place on our agendas the particular people to whom You have called us to communicate Your love. And give us that resolve of which great days are made: If no one else does, Lord, I will! Place in our minds loving thoughts and feelings for the people in our lives. Show us caring things we can do to enact what's in our hearts. Direct specific acts of caring You have motivated in our hearts. Don't let us forget, Lord. Give us the will to act, to say what we feel. Through Him who is Your amazing Grace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from New Hampshire.

SCHEDULE

Mr. GREGG. Mr. President, on behalf of the leader, this morning Senator LIEBERMAN will be recognized to offer his alternative to S. 2, the Elementary and Secondary Education Act. Debate on this amendment is expected to consume the morning session.

At 12:30 p.m., the Senate will recess until 2:15 p.m. to accommodate the weekly party conference luncheons. When the Senate reconvenes, it will proceed to a vote on the Gregg amendment regarding teacher quality. It is hoped that an agreement regarding the Lieberman amendment can be reached so that votes can be stacked to occur at 2:15 p.m.

Following the disposition of the Lieberman amendment, the next two amendments in order are the Kennedy teacher quality amendment and the Jeffords-Stevens early childhood investment amendment.

Prior to today's adjournment, the Senate is expected to begin consideration of the African trade-CBI conference report.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

> Coverdell (for Lott/Gregg) amendment No. 3126, to improve certain provisions relating to teachers.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized to offer an amendment.

AMENDMENT NO. 3127

Mr. LIEBERMAN. Mr. President, I ask that amendment No. 3127, an amendment in the nature of a substitute to the bill, be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Connecticut [Mr. LIEBERMAN] for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, Mr. BREAUX, and Mr. BRYAN, proposes an amendment numbered 3127.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Is it necessary to set aside the pending amendment?

The PRESIDING OFFICER. It was done under the previous order.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am very proud to offer this amendment on behalf of the colleagues who have been mentioned, eight in number, and myself. We have worked for a very long time on the contents of this amendment. We have spent a lot of time in our home States and elsewhere observing what is happening in our public schools today, and this amendment is a response to what we have seen.

I would roughly categorize that in two ways, which I will describe in a little more detail.

The first is, there remains an unacceptable gap in achievement levels between children in America's public schools who are disadvantaged economically and those who are advantaged, and that is unfair and unacceptable.

Secondly, there is occurring, and has been occurring throughout our country over the last decade really, an extraordinary outburst of educational reform at the local level. Superior efforts are being made by teachers, by school administrators, by superintendents, by parents, by whole communities, to try to do everything possible to improve the status quo because when the status quo is not adequately educating our children, in this information age particularly, we are not achieving one of the great goals of our Government.

This proposal we make today is an attempt to respond to both of those observations and to use the 5-year reauthorization of the Elementary and Secondary Education Act as an opportunity to leverage Federal dollars, perhaps small in percentage in the overall cost of public education in our country but large in absolute terms, to do better at educating the poor and disadvantaged in our country and do much better at encouraging, facilitating, and financially supporting the extraordinary educational reform efforts going on around the country, I am pleased to say particularly in States such as my own State of Connecticut.

As we continue this debate on the ESEA, Congress itself is facing a major

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

test, one that will likely be far more important to the future of millions of America's children than any of the school exams or assessments they have to take this year.

Our challenge in Congress is to reform, and in some ways to reinvent in some fundamental ways, our Federal education policy to help States and school districts meet the demands of this new century and to help us fulfill our responsibility to provide a quality education for all of America's children.

That is why I join today with eight of my colleagues, and perhaps at least one more, in offering this amendment to the bill before us that calls for a totally new approach to Federal education policy, one that we who cosponsor this amendment believe could also serve as a bridge to a bipartisan solution to this problem, to a bipartisan reauthorization of the ESEA. Of course, that has to be the goal to which all of us aspire. It may be an interesting debate on Federal education policy, it may be stimulating, it may be fascinating, it may even be educational, but if it is only a debate without a result, it does nothing for the children of our country.

We hope this proposal we are making today can be a bridge to a bipartisan reauthorization of ESEA. Our approach will refocus our national policy on helping States and local school districts raise academic achievement for all children. That has to be our priority. It would put the priority, therefore, for Federal programs on performance instead of process, on delivering results instead of developing rules.

I am asking not just how much we are going to spend on education or what specific pipes it goes through to the State and local districts, but on what comes out of the other end, which is to say how are our children being educated.

Our approach calls on States and local districts to enter into a new compact with the Federal Government to work together to strengthen standards and to improve educational opportunities, particularly for America's poorest children. It would provide State and local educators with significantly more funding from the Federal Government and significantly more flexibility in using that funding to meet their specific local needs.

In exchange, our proposal would demand real accountability and, for the first time, impose consequences on schools that continue to fail to show progress. You cannot have a system of accountability that winks at those who fail to appropriately educate our children.

In order to implement effective education policy, I think we have to first acknowledge that there are serious problems with the performance of many of our schools and that public confidence in public education will erode seriously if we do not acknowledge and address those problems now.

While overall student achievement is up, we must face the alarming achievement gap that still separates poorer minority Americans from better off white Americans.

According to the State-by-State reading scores of fourth graders, in the National Assessment of Educational Progress, the achievement gap between African American and Caucasian American students actually grew larger in 16 States between 1992 and 1998, notwithstanding the billions of dollars we have sent back to the States and local districts to reduce that gap over the last 35 years. The gap between Hispanic American students and white American students became larger in nine States over the same period of time. Perhaps most alarming is the data that reveals that the average African American and Latino American 17-year-old has about the same reading and math skills as the average Caucasian American 13-year-old. That is an unfair and unacceptable outrage. We must do something about it.

One recent report states:

> Students are being unconsciously eliminated from the candidate pool of Information Technology workers by the knowledge and attitudes they acquire in their K-12 years. Many students do not learn the basic skills of reasoning, mathematics, and communication that provide the foundation for higher education or entry-level jobs in Information Technology work.

One cause of this, I am afraid, is that we have not done a very good job in recent years of providing more of our children with high-quality teachers, a critical component to higher student achievement. After all, what is education? Education is one person, the teacher, conveying knowledge and the ability to learn to another person, a younger person, a student. We are failing to deliver enough teachers to the classroom who truly know their subject matter.

One national survey found that one-fourth of all secondary school teachers did not major in their core area of instruction. And note this. In terms of the inequity in the current system, in the school districts with the highest concentration of minority students, those students have less than a 50-percent chance of getting a math or science teacher who has a license or degree in those fields. So we are putting them behind before they even get started.

While more money alone will not solve our problems, we cannot honestly expect to reform and reinvent our schools without more money either. The reality is, there is a tremendous need for the additional investment in our public schools, not just in urban areas but in every kind of community, including, of course, poorer rural communities.

Not only are thousands of crumbling and overcrowded schools in need of modernization, but a looming shortage of 2 million new teachers to train and hire faces our country. Add to this billions in spiraling special education costs the local school districts have to meet and we can see we cannot really uphold our responsibility without sending more money back to the States and local school districts.

Trying to raise standards at a time of profound social turbulence for our poorest families means we will need to expend new sums to reach and teach children who in the past, frankly, have never been asked to excel, whose failure was accepted—in some senses perhaps even encouraged—who in the present will have to overcome enormous hurdles to do better.

At the same time that schools are trying to cope with new and complex societal changes, we are demanding that they teach more than they ever have before. Parents and potential employers both want better teachers, stronger standards, and higher test scores for all our students as well as state-of-the-art technology and skills to match.

It is a tribute to the many dedicated men and women who are responsible for teaching our children every schoolday across America that the bulk of our schools are as good as they are today in light of these broader contextual and sociological pressures. I believe—and I believe it is a fundamental premise of our system of government in our education system—that any child can learn, any child. That has been proven over and over again in the best schools in my home State of Connecticut and in many of America's poorest cities and rural areas. There are, in fact, plenty of positives to highlight in public education today, which is something else we have to acknowledge, yet too often do not, as part of this debate.

I have made a real effort over the last few years to visit a broad range of public schools and programs in Connecticut. I can tell you that there is much happening in our schools we can be heartened by, proud of, and learn from.

There is the exemplary John Barry Elementary School in Meriden, CT, for instance, which has a very-high-poverty, high-mobility student population but, through intervention programs, has had remarkable success in improving the reading skills of many of its students.

There is the Side By Side Charter School in Norwalk—1 of 17 charters in Connecticut—which has created an exemplary multicultural, multiracial program in response to the challenges of a State court decision, Sheff versus O'Neill, to diminish racial isolation and segregation in our schools. Side By Side is experimenting with a different approach to classroom assignments, having students stay with teachers for

2 consecutive years to take advantage of the relationships that develop. By all indications, it is working quite well for those kids.

There is the Bridge Academy, which is a charter high school in Bridgeport, CT, formed, as so many of the most effective schools have been, by teachers from the public schools who wanted to go out and run their own schools to create the environment in which they believed they could best teach. It is a remarkable experience to visit this school in Bridgeport.

I remember when I went to the students a second time a couple months ago. Some people criticize charter schools and say they skim off the best students from the other schools. The kids laughed. One of the young women there, high school age, said, "I think you can say, Mr. Senator, that what you have before you is the worst students from the public high schools." She said, "I will go one step further. If I remained at the high school I was attending, I would not be in the high school; I would have dropped out by now. I was going nowhere." But there was something about this school, the Bridge Academy, which, she said to me, maybe was the smaller class size, interestingly. "Maybe it is the fact that we know the teachers here really care about us. We are like a family here. Whatever it is, I have worked very hard and I have done things I thought I was never able to do. I am going to college next year."

That is a remarkable story. I don't have the number with me, but a great majority of the students graduating there are going to college next year. They will probably have the acceptance letter on the central bulletin board in the school. But that is occurring. In Connecticut, we have the BEST program, which is building on previous efforts to raise teacher skills and salaries. It is now targeting additional State aid and training and, most importantly, mentoring support to help local school districts bring in new teachers and prepare them to excel. It is very exciting to see the more senior teachers—the mentors—committing time, with little or no extra compensation, to help the younger teachers learn how to be good teachers.

I think you have to say that is one of the reasons why Connecticut scores on the national tests have now gone to the top. It is one of the big reasons why they have, and it is why this BEST program of mentoring is cited by many groups, including the National Commission on Teaching in America's Future, as a model for us to follow.

A number of other States, including, by most accounts, North Carolina and Texas, have moved in the same direction, refocusing their education systems, not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are, in fact, adopting what might be called a reinvest, reinvent and responsibility strategy by, first, infusing new resources into their public education system; second, giving local districts more flexibility; and, third, demanding new measures and mechanisms of accountability to increase the chances that these investments will yield the intended return, meaning improved academic achievement by more students.

To ensure that more States and localities have the ability to build on these successes around the country and prepare every student to succeed in the classroom, which has to be our national objective, we must invest more resources. The amendment my colleagues and I are offering today would boost ESEA funding by $35 billion over the next 5 years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst performing schools and if it is not coupled with a demand for results. That is why we not only increase title I funding for disadvantaged kids by 50 percent, but we use the more targeted formula for distributing those dollars to schools with the highest concentrations of poverty. That is why we develop a new accountability system that strips Federal funding from States that continually fail to meet their performance goals.

I wish to highlight for a moment our formula changes in title I on the hope that they will draw some attention to an area I believe is very worthy of debate, which is how best to target funds to the poorest children, the disadvantaged, who are still being left behind in great numbers in our education system.

Our formula distributes more of the new funding through the targeted grant formula enacted into law by Congress in 1994, which has never been funded by congressional appropriators. It is progressive, but there is no money in it. It ensures that no State will lose funds while providing for better targeting of new funds with those States with the highest rates of poverty. In other words, it has a hold harmless in the current level of funding under title I, but it takes the new money and targets it to those who need it most. I am calling for this targeting to the school districts receiving the highest percentage of poor children.

We must face the fact that title I funds today are currently spread too thin to help the truly disadvantaged. According to a 1999 CRS report, title I grants are provided to approximately 90 percent of all local education agencies—way beyond what we would guess are the truly needy—and 58 percent of all public schools receive title I money.

Federal funds for poor children are currently distributed through two grants known as the basic grant and the concentration grant. In order to be eligible for the basic grants, through which 85 percent of title I money is now distributed, local school districts only need to have 10 school age children from low-income families, and these children must constitute only 2 percent of the total school age population. I want to repeat that because it is so stunning. When I first read it, I went back to my staff and the documents to see if I had read it right. This is the result of, frankly, a political formula. In order to be eligible for basic grants, through which 85 percent of title I funds are distributed—it is supposed to help disadvantaged kids—local districts only need to have 10 school age children from low-income families, and those children must constitute only 2 percent of the school age population. You can see how that money, therefore, is being spread so thin that a lot of poor kids are not getting help and a lot of kids who are not so poor, from schools in which there are few poor kids, are receiving that money.

Under the concentration grant, districts with a child poverty rate of 15 percent are eligible to receive funding. That is a little better but still minimal. With those low thresholds, we have to ask ourselves are we really living up to the original intent of the ESEA, which was to ensure that poor children have access to a quality education on the same level as more affluent children. I think the answer has to be, no, we are not. That is what the facts say. In fact, another number, which unsettled me even more, is one out of every five schools in America that has between 50 and 75 percent of its student body under the poverty level doesn't receive a dime of title I money. One out of every five schools in America that has half to three-quarters of its student population under the poverty level doesn't receive a dime of title I money, which is supposed to benefit exactly those children.

I think we have to acknowledge that the current formula is not doing what it should be doing. It is a starting point and a way to draw our attention and resources back to the original intent of this act and the primary function of the Federal Government in education stated in 1965, which we are not fulfilling now, and that is to better educate economically disadvantaged children.

In calling for a refocus of our Federal priorities, we who have sponsored this amendment agree with those concerned that the current system of Federal education grants are both too numerous and too bureaucratic, too prescriptive, and too strong on mandates from Washington. That is why this amendment eliminates dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core national mission of raising academic achievement. We also believe we have a great overriding national interest in promoting a few important education goals, and chief among them is delivering on the promise of equal opportunity. It is irresponsible, it seems to us, to hand out Federal dollars to the localities with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping local districts elevate the performance of their schools.

In other words, we consolidate almost 50 existing Federal categorical grant programs into the title I program for disadvantaged kids, the largest by far. And performance-based grant programs in which we state a national objective but give the local school district and the State the opportunity and the authority to work out their priorities are in meeting those objectives.

The first of these is title I with more money, $12 billion—a 50-percent increase in better targeting.

The second—a performance-based grant program—would combine various teacher training and professional development programs into a single teacher-quality grant, increase funding by 100 percent to $1.6 billion annually—the quality of our teachers is so important—and challenge each State to pursue the kind of bold, performance-based reforms, if it is their desire and choice, and higher salaries for teachers, as my own State of Connecticut has undertaken with great success and effect.

The third performance-based grant program would reform the Federal Bilingual Education Program and hopefully diffuse the ongoing controversy surrounding it by making it absolutely clear that our national mission is to help immigrant children learn and master English, as well, of course, as to achieve high levels of achievement on all subjects. We must be willing to back this commitment with more resources—the resources that are essential to help ensure that all limited English-proficient students are served better and are not left behind, and that the gap between their knowledge and that of the majority does not grow larger in the years ahead as it has in the years immediately past.

Under our approach, funding for limited English-proficient programs would be more than doubled to $1 billion a year and for the first time be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency. As a result, school districts serving large LEP—limited English-proficient—and high-poverty student populations would for the first time be guaranteed Federal funding and would not be penalized because of their inability to hire clever proposal writers for competitive grants.

The fourth performance-based grant title would provide greater choice within the public school framework by authorizing additional funding for charter school startups and new incentives for expanding local, intradistrict public school choice programs.

The fifth performance-based grant program in this amendment would establish and radically restructure the remaining ESEA and ensure that funds are much better targeted while giving local districts more flexibility.

In this new title VI, our amendment would consolidate more than 20 different programs into a single, high-performance initiatives title with a focus on supporting bold new ideas, such as expanding access to summer school and afterschool programs, improving school safety, and building technological literacy, which is to say to close the looming digital divide in our country for our children before it gets deep and unfixable.

We increase overall funding for these innovative programs by more than $200 million annually and distribute this aid through a formula that targets more resources for the highest poverty areas.

The boldest changes we are proposing are in the new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes on how schools ultimately perform in educating children. This amendment would reverse that imbalance by linking Federal funding to the progress State and local districts make in raising academic achievements. It would call on State and local leaders to set specific performance standards and adopt rigorous amendments for measuring how each district is faring and meeting these goals. In turn, States that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be penalized. In other words, for the first time there would be consequences for schools that perform poorly.

In discussing how exactly to impose those consequences, we have run into understandable concerns about whether we can penalize failing schools and school systems without also hurting the children.

The truth is we are hurting too many children right now, especially the most economically and sociologically vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one—a situation that is just not acceptable anymore. Our amendment minimizes the potential negative impact of these consequences on students.

It provides the States with 3 years to set their performance-based goals and put in place a monitoring system for gauging how local districts are progressing. It also provides additional resources for States to help school districts identify and then improve low-performing schools.

If after those 3 years the State is still failing to meet its goals, the State would be cut in its administrative funding by 50 percent. Only after 4 years of underperformance would dollars targeted for the classroom through the new title VI be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools honestly becomes more like punishing them.

I want to point out that at no point would our proposal cut title I funding, or the largest part of ESEA—the part focused on the needs of our poorest children.

Another concern that may be raised is that these performance-based grants are open-ended block grants in sheep's clothing. There are substantial differences between a straight block-grant approach and our performance-based grant proposal. First, in most block grant proposals, the accountability mechanisms are often nonexistent or, if they are, they are quite vague. Our bill would have tangible consequences pegged not just to raising test scores in the more affluent areas, but to closing the troubling achievement gap between them and students in the poor, largely minority districts.

We believe our amendment embraces a commonsense strategy—reinvest in our public schools, reinvent the way we run them, and restore a sense of responsibility in our schools to the children who we are supposed to be educating and to their parents. Hence the title of our bill, "The Public Education Reinvention, Reinvestment, and Responsibility Act," which we call RRR for short.

I guess you could say our approach in this amendment is modest enough to recognize that there are no easy answers, particularly not from the Federal Government, for turning around low-performing schools, to lifting teaching standards, to closing the debilitating achievement gap, and that most of those answers won't be found in Washington anyway. But our proposal is bold enough to try to harness our unique ability to set the national agenda and recast the Federal Government as an active catalyst for educational success instead of a passive enabler of failure.

Finally, this debate raises again for all of us in the Senate the basic question: Did we come here to produce or to posture? Are we going to be practical or are we going to be partisan?

At this moment, when our constituents seem to be telling us everywhere in the country that the deed they most want us to do is to help reform the public schools of this country, are we going to be content with a debate that does not produce a bill?

At this moment, the apparent answers to these questions are not encouraging. But there is still time. And we hope this amendment can be the path to bipartisan discussions, compromises, and ultimately educational reform.

I thank my colleagues who are cosponsors of this bill for the contributions that each and every one of them has made. I urge my fellow Members of the Senate in the time ahead to take the time to look at our proposal with an open mind—nobody will like every part of it—and to see if there is enough here to form the basis of a bridge that a significant majority of us can walk across to achieve a bipartisan reauthorization of the Elementary and Secondary Education Act.

I thank the Chair. I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Mr. President, is there a time allocation under this bill?

The PRESIDING OFFICER. There is a time allocation.

Mr. GREGG. Mr. President, let me begin by saying I congratulate the Senator from Connecticut for bringing forward an amendment that has a lot of interesting, creative ideas, ideas that are attractive to myself and other Members on the other side of the aisle that find attractive the proposals presented; and the accountability proposals and the idea we should allow local communities and States to have more flexibility in the management of the funds which come from the Federal Government, with an expectation they produce a better level of achievement for their students.

These are ideas which we think make sense. We have some reservations about some proposals within the amendment, but I hope we can work over time with the Senator from Connecticut and his cosponsors on his side of the aisle to evolve a bipartisan package. I think there is significant opportunity for that. I congratulate the Senator for his efforts.

The amendment that was set aside, offered by Senator LOTT, is called the Teachers' Bill of Rights. That amendment involves four items: First, a commitment that allows, under the underlying bill, S. 2, to make sure we use the dollars of the Teacher Empowerment Act, which is $2 billion, to hire high-quality teachers, teachers who have the qualifications to teach the subjects they are supposed to be teaching. In turn, it has accountability standards which we expect from the States for using the money to hire quality teachers, to show they have hired the quality teachers, and as a result student achievement has improved.

The thrust is not directed at institutions or school systems but is directed at children and making sure children's achievement improves in the context of giving States more flexibility but expecting more accountability. This amendment tracks that proposal. It gives more dollars to the local districts and the States to hire quality teachers, but it expects the quality teachers to be able to show results. It specifically requires accountability in showing either student achievement is increasing or that the teachers who are teaching in the core curriculums they are assigned to—math teachers teaching math, for example—actually know the subject and are capable of teaching the subject to the children.

In addition, the bill has an authorization of $50 million to encourage midcareer professionals to come into the teaching profession, a very important proposal that came forward with Senator HUTCHISON of Texas, Senator FRIST, and Senator CRAPO, a good idea that allows using dollars to attract folks who have gone through their professional career in the private sector and decided they wanted to give back a little bit to society and have decided to go into public education. This assists them in doing that. We are starting to attract a fair number of people from that career path. It is important to encourage.

The fourth element of the Teachers' Bill of Rights is the very important proposal from Senator COVERDELL limiting teacher liability as they pursue professional activities in teaching children. This is a problem for teachers. Most teachers say their big concern is they will get sued because a child is on the playground, gets injured, and they are held responsible. They are afraid of the impact on their family to have such a lawsuit occur. This is an attempt to try to mitigate that in a reasonable way. It is a good proposal.

These are the four elements of the Teachers' Bill of Rights amendment. I hope my colleagues can support that amendment which is not overly controversial. It is a good proposal.

Speaking about the general debate we have been involved in for the last week on the issue of ESEA, it has been an interesting and a very substantive debate. It has, however, involved clear distinctions on policy in how we approach the question of education in this country.

On our side of the aisle, we believe very strongly that we should have an approach to elementary education that stresses the child and stresses the need for the child to do better, especially the low-income child, which is where the bill focuses.

Third, it gives the State, the teachers, principals, and superintendents flexibility as they try to address that issue of how it gives low-income children a better education.

Fourth, it expects academic accountability. We give flexibility to States and they have to produce academic accountability. Low-income children have to do better than in the past. We have spent, as I mentioned a number of times, over $130 billion in title I over the last 35 years. Yet the academics of our low-income children have actually gone down over that time period. As a result, we are seeing the gap widen between the non-low-income child and the low-income child in the school systems. The statistics are stark. The Senator from Connecticut cited a number of them. The most stark is that the average low-income child reads at two grade levels below their peers by the fourth grade; that difference expands as they move into high school years.

We believe strongly there has to be a different approach. We have to allow the local school districts flexibility and expect academic achievement.

On the other side of the aisle, I have been interested by the tenor of the debate. A large percentage of the positions taken on the other side have been to attack the idea of giving flexibility and power to the States, subject to accountability standards in the area of achievement. There has been a clear and aggressive response and attack coming from the other side of the aisle on the leaders of our States and our school districts across this country. It has been focused to a large extent on the Governors. There seems to be a deep suspicion on the other side of the aisle about Governors, which I find discouraging, having been a former Governor. I think there are about 12 or 16 of us in this room. I see one other former Governor in the room right now on the other side of the aisle.

Here are some of the quotes from Members on the other side of the aisle about Governors or State leadership. Senator WELLSTONE:

> But honest-to-goodness, Washington, DC, and this Congress is the only place I've been where people say, "Let's hear from the grassroots, the Governors are here." I mean, Governors are not what I know to be grassroots. Could be good Governors, bad Governors, average Governors. But my colleagues have a bit of tunnel vision here thinking that decentralization and grassroots is the Governors.

Senator KENNEDY on the issue of local control:

> What priority do these children get in terms of the States? They didn't get any priority when this bill was passed in 1965, even with requirements that the funds go down to the local community. This legislation is going to effectively give it to all of the States, as I mentioned. I think that is basically and fundamentally in error. As I mentioned, what are we trying to do?

A little suspicious about what would happen if the money goes to the States. Senator SCHUMER:

> I understand the desire to keep schools locally controlled. But a block grant, a formula for waste, and much of it going to the Governors, so that money doesn't even trickle down.

As an editorial comment, the evil Governors will get their hands on it.

Senator KENNEDY:

> We need a guarantee. We don't need a blank check. We want to make sure the money's going to go to where it's needed and not go to the Governors' pet programs and pet projects and pet leaders in the local communities and their States.

Once again, the evil Governors strike.

Senator MURRAY:

> The Republican approach would take the things that are working and turn them into block grants, and their block grant does not go to the classroom. It goes to the State legislatures and—it goes to the State legislatures and adds a new layer of bureaucracy between the education dollars and the students that is so important.

There it is, the evil State legislatures.

Senator DODD:

> . . . What are we saying in this bill or trying to say is back in that community I won't be able to make it absolutely equal. But I would like to get some resources into that school. Now I've got to trust—trust your good Governors.

Said with a bit of sarcasm, the Governors, once again, are being pointed out as being inappropriate sources to be trusted in our institutions.

Senator REID:

> What Republicans are saying essentially is let's give the money to the Governors; if they want to concentrate more efforts on low-income students, they can, but if they don't, they don't have to.

The Governors are the force of evil, it appears, in the educational systems of America.

It is very surprising language. I am tempted to say it is the Governors who actually have been doing the original thinking in the area of education. In fact, ironically, if you look at what has happened in education, you will see in the issue of class size reduction, which is such an important question we have debated on this floor, 22 States have implemented major class size reductions. In fact, most of those States implemented those projects before there was any class size initiative adopted at the Federal level.

In the area of school accountability, 40 States have initiated report cards already. These have been initiated, I suspect, by the Governors in those States, as was the class size initiative, I suspect, initiated by the Governors in those States.

In the area of charter schools, before there was any idea of a Federal charter school initiative, 2,000 charter schools had been initiated at the local and State level. Once again, it would be the Governors who initiated those charter schools; 2,000 of them have been initiated across this country. In fact, the National Educational Goals Panel, which is probably the most objective reviewer of what is happening in education, looking at it from a national perspective—they don't have too much of an agenda. They have a little agenda, but they have not too much, and the NEPA test is something that comes out of that agenda—said States such as North Carolina and Texas, which were cited by the Senator from Texas as States very effective in raising the scores of low-income students—they said in their studies they cannot attribute any gains to Federal activity. They attribute the gains to the fact that in the States, the local communities, the local policy has been the force for educational excellence.

I am not here necessarily to defend, carte blanche, Governors, because I suspect Governors make mistakes. But Governors have as their primary responsibility the issue of education. A Governor is not going to stop halfway through the day, is not going to stop talking about education and suddenly go on to the African trade agreement and the Caribbean Basin agreement, which is exactly what we are going to do in a couple of hours. Then we are going to be on to an appropriations bill on military construction. Then we are going to be on to an appropriations bill on agriculture.

Governors, for the most part, think about education probably 40 to 50 percent of their time. Why? Because 40 to 50 percent of the dollars that are spent at the State level in most States—not New Hampshire, ironically, but in most States—are education dollars. That is the biggest item in their budget, so they spend almost all their time on that issue.

It is not as if they come to this issue as some sort of force for darkness. But if you listened to our colleagues on the other side of the aisle, you would think so. This bill gives more authority to the State Governors and to the local schools and to parents and to teachers—by the way, subject, however, to significant accountability—and you would think the Governors were part of the Evil Empire, that they came from the dark side. Maybe you would think they are related to Darth Vader, if you listened to Senator MURRAY, Senator REID, Senator DODD, Senator KENNEDY, Senator WELLSTONE, Senator SCHUMER.

So I decided to make up a chart. It is very obvious to me, as I listen to the debate, the other side of the aisle has met the enemy and the enemy is the Governors. That is the problem with education according to the other side of the aisle. So I got pictures of all our Governors, our good Governors. I am sure they are all good Governors. A few of them are Democratic Governors. Surprisingly, a majority are Republican Governors. That was not the case when I was a Governor, but I am glad to see that is the case today. I am thinking to myself: All these good people, they are the enemy. I did not know that.

Poor Governor Shaheen, she has some problems in New Hampshire, I have to admit. She is trying her best, but she has had some tough times. She got some tough cards dealt to her. But she is really interested in education. I know that. She is a Democratic Governor.

I know some of our Republican Governors—John Roland, from Connecticut, he has dedicated an immense amount of thought and creativity to being a leader on education. I will bet there is not a Governor here, not one of these enemy Governors, who has not got a very creative idea on education moving in their State, an extremely creative idea, something we have not thought about here in the Federal Government but something that is actually producing academic achievement by the kids in that State, something that is actually producing results.

That is an ironic concept for us in Washington. We don't necessarily work on results. We spent 35 years on title I, spending $130 billion. We did not care about results. We did not care if the kids did any better. We wanted to get them in the school systems, and that worked, but we didn't really care whether they did any better. So now we bring forward a bill which says we care about the kids and we want achievement, and how is it attacked? It is attacked on the grounds it is going to give more power to the Governors and the Governors are really not responsible people and should not be given that power.

I have to say, I find that extremely disingenuous, just on the face of it. But I also find it inappropriate on the grounds that Governors really do care. They are pretty close to the people. They are elected just as we are. Some of them are elected more often than we are—in fact, I think most of them—so they are answerable to the people a few more times than we are.

I do think this response, which is essentially: you can't do anything because it might be a block grant to the Governors, is inappropriate. By the way, nothing we have in here is really a block grant at all because there is tremendous accountability pressure. The fact is, we set this up as a cafeteria line so States can go through and pick out what program they think is going to work best for them. But that gives too much authority to the States, to choose something that might actually work, because the Governors cannot be trusted.

This attack on this bill, which is quite honestly the gravamen of the opposition, is that we are taking the power out of Washington. Although I put it in humorous terms, that really is the gravamen of the opposition. We are taking the power out of Washington; we are taking the strings away from Washington; we are returning the authority back to people actually giving the education in expectation, with accountability standards, that we expect achievement.

That is the difference here. There is a lobby in this city that wants to maintain control over these dollars at all costs, even if it means the dollars are not producing any results or any significant results that benefit the kids to whom they are directed. We have 35 years of record that show us these kids have lost out; we have lost generations of young children who were low-income, who were not able to pursue the American dream because they could not read and they could not write. We cannot tolerate that any longer.

I believe, very strongly, we should give authority back to these folks subject to the conditionality that they produce achievement. That is a reasonable approach, in my opinion. I am interested that the other side has rejected this approach and basically looks at the Governors as the opposition.

Another way you could look at this is, what do you get for Federal dollars that are controlled by the Federal Government versus what you get for State dollars controlled by State governments—these Governors, these people who do not know how to administer their programs and clearly are going to be inefficient?

Let's look at it at the State levels. It takes 25 people in the State government in Georgia to administer $1 billion of Georgia's State money. It takes 116 people to administer the $1 billion that comes from the Federal Government—more than four times the number of people it takes to administer State dollars. That is people sitting at desks, answering mail, doing forms, who are not teaching, who are not helping kids get a better education but who are simply pushing paper through the system.

It gets even worse for the State of Florida. For every $1 billion spent, it takes 46 State employees in Florida for Florida State dollars; for every $1 billion of Federal money spent, it takes 297 employees to manage that money—46 to 297.

So these terribly inefficient folks who really should not be given the authority to manage the money because they really do not know what they are doing, at least with their dollars they appear to know what they are doing. They are getting their dollars out to the kids. Their dollars go to the classrooms. They don't end up in some room in some big building in Tallahassee for filling out forms. Most of the people in the big room in Tallahassee filling out forms are doing it to fulfill Federal responsibilities.

You do not have to look at just Florida and Georgia. The commissioner of education in Colorado said the involvement of the Federal Government has served "only to confuse almost everyone." Actually, he used the words "nearly everyone."

Lisa Graham Keegan, the superintendent of public education in Arizona:

> Every minute we spend making sure we're in compliance with all those pages of Federal regulations means one less minute we can spend to help teachers with professional development, improving curriculum, developing our own testing standards and insuring all the children are getting the help they need to succeed.

That pretty much sums it up. I think there is a good case you could make, and I believe we have made it, that the States, local school districts, the principals, the teachers, and the parents are just as concerned about education as anybody in this room, and maybe even more so because they have actually got the kid in the school in which they have to invest.

The case can also be made—and I think we have made it—that these dollars will be effectively and efficiently handled because they are going to be subject to conditions which are reasonable, which basically require academic achievement to improve amongst our low-income children.

I believe the case can be made, looking at the statistics, that the States are already doing the job better than we are doing; that they are not absorbing huge amounts of the dollars in bureaucracy but, rather, are putting those dollars into the classroom, which is where they should end up.

When I hear the other side talk about the poor suffering Governors as being the problem, I shake my head and think, what can they be thinking, because clearly they are inaccurate. I believe our approach to this bill is the right approach. Let's give the Governors, the local schools, parents, and teachers some flexibility, and let's expect them to produce results.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take about 3 minutes because we do want to hear particularly from the cosponsors. Since I was mentioned in the remarks of my good friend from New Hampshire, I think I should respond.

I have been listening for the last 4 days in the Senate to how the schools that are serving underserved children and disadvantaged children are in crisis in America. We have heard that in speech after speech on the other side of the aisle and many on this side as well as from myself because of the challenges we are facing. The fact remains today the Governors have 96 cents out of every dollar. Do my colleagues understand that? The Federal Government has maybe 6 or 7 cents out of the dollar. They have 96 cents. If the schools are not working well, I believe perhaps we ought to have educational recommendations in programs that have been tried and tested and are working. The Governors have had their chance, and they have come up short on this issue. We have been making that case.

Finally, on title I funds, 98.5 cents out of every title I dollar goes to the local level; 1 percent is retained at the State level. I would like to hear from my friend from New Hampshire what the basis of his study is, but we have the GAO reports, studies, and allocations. I know, for example, with respect to the old block grants that used to go to the States in higher education, very little of that ever got out of the State offices because the Governors in those States, including my own State of Massachusetts, used that money to fund the departments of education for child and maternal care. I doubt a nickel of that ever—also in my own State of Massachusetts—helped people because it was all absorbed as a result of the flexibility. We are trying to get away from that.

I yield the floor. I thank the Senator from Indiana for his patience.

Mr. WELLSTONE. Mr. President, I ask the Senator for 10 seconds. My understanding is that following the Senator from Indiana, the Senator from North Carolina is going to speak. I ask unanimous consent that I follow the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. BAYH. Mr. President, I am somewhat disappointed that our colleague from New Hampshire has left the floor and taken with him the chart with the pictures of the 50 Governors of the States. For 8 years, my picture would have been on that chart, and, I must say, it is a much better looking group now that I am no longer there.

All joking aside, if we are going to make progress on this very important issue, it is necessary for us to stop pointing fingers and instead work together to make progress.

There was always a tendency, when we gathered as Governors, to point to Washington as the source of many of our problems. Now that I have the privilege of serving in this body, I see from time to time there is a tendency to look at the State and local levels in a similar spirit. The truth is, we need cooperation to make progress on this critical issue.

I begin my remarks by giving credit to those who helped us lay the foundation for progress on the Lieberman amendment, which I believe very strongly offers our best chance for a bipartisan compromise and progress to help improve the quality of education for our students.

I am pleased my colleague from Connecticut has returned to the floor. Without his courage, dedication, and devotion to this issue, we would not be here today, nor have the opportunity for the progress we now have. I publicly salute Senator LIEBERMAN for his commitment to this very important issue.

Secondly, I thank our colleague from Massachusetts, Senator KENNEDY, who is still with us on the floor, and Senator DASCHLE, our Democratic leader, for their cooperation in including our accountability provisions within the Democratic alternative that was voted on last week. Also, I thank them for their understanding of our commitment to the importance of targeting resources to those children who are most in need and making progress on that very critical issue in the days and years ahead.

I thank our colleagues on this side of the aisle, the moderate Democrats, the so-called new Democrats, cosponsors on this amendment with Senator LIEBERMAN and myself who have now constituted a critical mass which has moved the discussion beyond stale partisanship and instead into a realm of reconciliation and progress that will enable us to make advancement in the cause of improving the quality of our children's education.

Finally, to our colleagues on the other side of the aisle, I thank them for accepting our outstretched hands. We have had ongoing fruitful negotiations. They are not completed yet. There are still significant, outstanding issues that need to be resolved, but I hope we have helped clear the air around this place to create a climate in which real progress can be made and discussions can take place. We had cordial, substantive discussions on a bipartisan basis, leaving politics at the door and instead focusing on the challenge that concerns us all: providing a quality education for all of America's children, particularly those less fortunate.

I care deeply about this issue because I believe improving the quality of education for all of America's children, along with the cause of keeping our nuclear arms under control and addressing the disintegration of the American family, is one of the greatest challenges of our time. It is one of the greatest challenges of our time because it is intricately tied up, bound up with addressing the important factors that face the American people today.

First, the economy. In an information age, in a globalized world economy, premium upon knowledge, skills, and know-how is more critical to economic success than ever before. Money flows around the globe, technology flows around the globe, and information flows around the globe. People do move but not as much as those other factors I mentioned. If one looks at the long-term competitive advantage of nations, one of the very best things we can do to ensure the future economic vitality of our country is to guarantee that we have a workforce with the skills necessary to compete successfully with our competitors from abroad.

I once heard Alan Greenspan speaking to the 50 Governors saying the single most important factor in determining the long-term productivity growth rate which, more than anything else, determines whether we are going to be prosperous as a country or not, is the skill levels of our workers today and the education levels of our children, the workers of tomorrow. So improving the quality of education is critically important to our long-term economic well-being as a society.

What kind of society we will be will also be determined by whether we meet the education challenge today. The growing gap between haves and have-nots in our country is really an education gap, a knowledge gap, a skills gap, and if we are going to avoid, for the first time in our Nation's history, being divided into a country of haves and have-nots with an upper class and the lower class almost permanently shut out of opportunity, if we are going to avoid that, it will be because we give every child growing up in our country—even those from the wrong side of the tracks, even those growing up in homes less fortunate than others—the skills necessary to compete and succeed in the world in the 21st century.

Finally, the vitality of our democracy is at stake. I believe strongly in something Thomas Jefferson, one of the founders of the Democratic Party, once said. Thomas Jefferson happened to be our very first education President as well. He was the founder of the University of Virginia. Thomas Jefferson once said that a society that expects to be both ignorant and free is expecting something that never has been and never shall be.

Jefferson was right when he spoke those words in the early 1800s. If he were alive today, he would realize they resonate with more truth than even when he spoke them.

The complexity of the issues we face today, the critical decisions that face the American people require an even greater level of understanding and knowledge than in Thomas Jefferson's day.

Our economy, the nature of our society, and the very vibrancy of our democracy are all bound up in the way in which we resolve the educational challenges facing our Nation. This is why many of us have concluded we need to do better. The status quo is not good enough. The solutions of yesterday are inadequate to meet the challenges of tomorrow and the 21st century.

My colleague from Connecticut spoke eloquently to many of these factors. I have behind me a chart representing some of the NAEP scores. As you can see, we must do better. Sixty percent of America's children—at least 60 percent—are below proficient when it comes to reading, the very gateway to opportunity and literacy. Seventy-five percent of America's children are below proficient in mathematics, the gateway to sciences and the hard disciplines.

For America's less fortunate children, as the chart behind me demonstrates, the progress we need to make is even more significant if they, too, are to share in the fruits and the bounties that constitute the American dream.

I used to be amazed at the number of freshmen entering college, particularly in our 2-year institutions and those that are not the flagship sites for our State universities, who, of course, had received high school diplomas but who had to go back in their first year of college matriculation to do high school work. Something had broken down. Something wrong had taken place that they received a high school diploma and yet had to go back and do high school work upon entering college.

We are resolved we will do better. Our approach represents not only a significant break from business as usual when it comes to national education policy; it represents a significantly increased national commitment to the cause of improving America's education system for every child with a significantly stepped up Federal commitment.

It is woefully inadequate that only one-half of 1 percent of Federal investment today goes into our schools. We must do better. Yet we do not want Federal micromanagement or intrusive Federal control. It has to be a cooperative effort with State and local communities.

That is where our approach embodies what I would like to call the sensible center. Let's start with investment. We disagree with those who say no additional resources are necessary because we know we cannot expect our local schools to do the job unless we give them the tools with which to get that job done.

Resources. Dollars are an important part of those tools to ensure that they can meet the challenge of giving every child a quality education. But we also disagree with our colleagues who say just more money is the only thing that needs to be done to meet the challenges in education.

Instead, we combine significantly increased Federal investment in education with significant accountability and insistence upon results. We provide for a 50-percent increase every year in title I investment; a 90-percent increase in investment for professional development, to ensure that there are qualified, highly motivated teachers in every classroom; a 30-percent increase in investment for innovation, trying new ways to meet the challenges that confront us; and a 50-percent increase in investment for charter schools, magnet schools, and public school choice.

We have struck the sensible center: Increased investment, yes, not just throwing more dollars on the problem but insisting upon better education for all of America's children.

Accountability. We have also chosen the sensible center there between those who would have no additional accountability and those who would seek micromanagement from Washington, DC.

Our approach focuses upon outcomes rather than inputs. We focus upon how much our children can read and write, add and subtract, rather than just how Federal dollars happen to be spent. Accountability is one of the linchpins in educational progress. It is at the heart of our approach.

Streamlining. Some would call it consolidation. Again, we struck the sensible center between those who would seek no accountability for the expenditure of Federal dollars whatsoever—block grants; that is not something we support—and those, on the other hand, who would seek Federal micromanagement.

Ours is the solution for the information age. We get away from an industrial age model in which the Federal Government would seek to find one or two solutions that work and impose them upon everyone.

Instead, in an era of flexibility and speed, to meet the necessity of rapid change and innovation, we provide for dollars to be targeted at less advantaged students, spent in five broad categories keenly related to academic success but then allowing for the flexibility to tailor-make those investments in ways that will be most meaningful and most productive at the local level because every school district across America is not exactly alike, and, we, at the Federal level, need to recognize that.

Senator LIEBERMAN and I have spoken of the targeting. It is vitally important. Again, we need to target the additional investment at those children who are most in need. We provide a factor in our formula that will guarantee that no school district would see their title I funding cut. That, too, defines the sensible center.

Finally, let me touch upon a couple of other factors.

The importance of competition. We rejected the thinking of those who would go to a purely market-based system of vouchers because in a purely market-based system there are winners and losers. What of the losers? What of them? We have a national commitment to them to ensure that they, too, get the education they need because it would be a tragedy not only for them but for the rest of us if we allowed them to fall through the cracks of educational and lifetime opportunity. But at the same time, we embrace the forces of the marketplace in competition because we know that will provide for more parental choice, greater innovation, and, ultimately, more productivity within the public school system.

So we have provided for the forces of the marketplace while retaining the genius of the public education system, which is a commitment to a better education not just for the few, not just for those who would succeed competitively in a marketplace but for everyone.

Finally, let me say, once again, I am grateful for the progress that has been made. The seeds of progress have been firmly planted. We cannot yet tell whether they will bear fruit in this session of Congress or in the next. But I thank my colleagues who have brought us to this point, both within my own caucus and those on the other side of the aisle. If we are going to make progress on this important subject, it will be by working together, not pointing fingers or seeking to assign blame.

So I will conclude by citing some words spoken by Winston Churchill, in a moment more dramatic than this, when he said: We have surely not reached the end, nor perhaps have we reached the beginning of the end, but at least—at least—we have reached the end of the beginning.

So let us begin to make progress for America's schoolchildren. Let us agree, on a bipartisan basis, to increase our commitment to their academic future. Let us agree on the importance of accountability, the forces of competition within the public school system, and the need for professional development. Let us agree upon these things.

Let us begin to move forward. If we do, it will not only improve the future for our children and the institutions of academic success across our country, but we will also begin to reinstill the confidence and trust of the American people in their ability to govern themselves. And that, perhaps, is the most important beginning of all.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. I will take a second. While the Senator from Indiana and the Senator from Connecticut are here, I would like to state that there are ongoing discussions, on a bipartisan basis, to try to see if this can be brought together. While we do not know what the conclusion is, the beginning of the end is certainly here. They are fruitful, no matter what happens in the long-term nature of the debate.

I compliment both Senators for the effort they have extended to reach out, along with Senator GREGG, Senator GORTON, and others, who have been instrumental in this ongoing work. I commend you to keep at it and see if we cannot come to a resolution.

I thank the Senator from North Carolina for giving me a moment to compliment these two Senators.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

I ask unanimous consent that it be in order for me to deliver my remarks seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, may I inquire of the Chair if it is in order for me to offer an amendment to the bill under the existing unanimous consent agreement? I believe it is not.

The PRESIDING OFFICER. It would not be.

Mr. HELMS. That is my understanding. I thank the Chair.

Mr. President, I genuinely regret that it is not possible for me to offer an amendment at the present time, but I do wish to raise an issue that continues to cause confusion and frustration and hard feelings in the schools and in the courts at all levels. It involves an issue that deserves careful consideration by the Senate, and it seldom comes up; but I have made the decision that I am going to bring it up from time to time and have the Senate vote on it. All of us should be willing to stop pussyfooting and take a stand, unequivocally, clearly and honestly on the issue of school prayer.

There is no question about the absurdity of the Senate remaining silent while some judge somewhere says that a high school football team cannot even engage in a simple prayer before the whistle blows the start of the game.

Equally absurd is the denial of a valedictorian of a high school of the right to include a brief invocation in her remarks. But that sort of thing is going on all over the country.

I believe Benjamin Franklin and the other patriots, whom we refer to today as our Founding Fathers, made clear the power of—and the need for—prayer when they met at Philadelphia to set in motion this great land of freedom. It is very clear what Benjamin Franklin meant when he lectured his fellow colleagues. He said, "We should close the windows and the doors and get down on our knees and pray for guidance."

I have lived a large part of my life believing there should never be any limits on the right of public prayer. I never heard of a high school student being debased or deprived of his rights, or having any problem as a result of school prayer. We had prayer every day in every school I attended, and my recollection is that all of us got along pretty well. No student was ever shot, or raped, or found to have drugs on his or her person, let alone a gun, in any school that I attended. But then along came Madalyn O'Hair and her crusade against school prayer. That was in 1962 when she stirred up a few atheists and agnostics, and ultimately some judges, who contrived out of the whole cloth a fanciful argument that somebody's rights might be violated if a simple prayer were allowed in school. It was always allowed every day in the schools of America until Madalyn O'Hair came along. Since the systematic removal of nearly all aspects of religious expression from the schools, there have been repeated disasters of all kinds, cataclysmic things we never believed would happen.

From teen crime to teen pregnancy, so many young people are sinking in a quicksand of immorality. Would these heartbreaking events have occurred if prayer had not been banned from the schools? I don't think they would. When that question is raised, my response is that such things didn't happen before prayers and religion were banned from the schools.

There is still time to fix this problem. We can restore prayer in school. By the way, the distinguished occupant of the Chair this morning may have recalled that I offered this same amendment I am discussing right now to the Senate in 1994. It passed overwhelmingly, with 74 other Senators agreeing that a more sensible policy regarding prayer in schools is essential and necessary. But that amendment was gutted—gutted—at the eleventh hour for partisan reasons, which I am not going to get into now. On some occasion, I may describe exactly how that happened.

In any event, the amendment I would like to have offered this morning allows students to exercise their first amendment prerogative of prayer.

Under the amendment:

> No funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

I must say that once more my amendment clearly states that:

> No person shall be required to participate in prayer in a public school.

If a student doesn't want to pray, he or she, under no circumstances, will be required to do so. Therefore, I regret the parliamentary situation under which the Senate is operating this morning, which prevents my calling up this amendment for consideration.

Let me say this: I steadfastly believe that any education bill that does not protect the first amendment rights of students to engage in voluntary prayer is incomplete, and I intend to raise this issue subsequent to this morning as often as it takes until the right to voluntary school prayer is guaranteed once and for all.

I ask unanimous consent that the text of my amendment, No. 3128, now at the desk, be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 3128

At the end, add the following:

SEC. . FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONALLY PERMISSIBLE SCHOOL PRAYER.

(a) SHORT TITLE.—This section may be cited as the "Voluntary School Prayer Protection Act".

(b) PROHIBITION.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

(c) SPECIAL RULES.—No person shall be required to participate in prayer in a public school. No State, or local educational agency, shall influence the form or content of any prayer by a student that is permissible under the Constitution in a public school.

Mr. HELMS. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, without losing my right to the floor, I yield for a moment to my colleague from Florida.

Mr. GRAHAM. Mr. President, for the purposes of a unanimous consent request, I ask unanimous consent that after the Senator from Minnesota, the Senator from Louisiana be recognized next, and then an intervening Republican, and then myself to be the next Democrat, and then Senator LINCOLN be the next Democrat after that.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, I think I heard it correctly. The Senator from Florida said that following the next Republican he would be in order, and then Senator LINCOLN would be the next Democrat following the next Republican; is that correct?

Mr. GRAHAM. Senator LANDRIEU is the first, I will be the next, Senator LINCOLN would be after myself, with the intervening Republicans.

The PRESIDING OFFICER. The way the Chair understands the unanimous consent request, Senator WELLSTONE is the present Senator, and then Senator LANDRIEU, and then the Senator said there would be a Republican, and then there would be himself and Senator LINCOLN; is that correct?

Mr. GRAHAM. Mr. President, the idea would be that these would be the next three Democrats, and if there were Republicans, they would be intervening in order to maintain the alternating nature of the debate.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object—I will not object—historically, although we get away from the history, those who are the principal proponents are generally recognized to make the case before opposition speaks. So we have tried to go back and forth. We have done pretty well. Since there are a number on our side who are prime sponsors, generally, as a courtesy, we have followed that historically and traditionally. We have gotten away from that.

I think the proposal is eminently fair. If it is all right, we might let them go in order to make the presentation, and then I would be glad to hear from two or three on the other side. These are all prime sponsors. Generally, in order to be able to make the case, I think we ought to have a chance to hear from them, certainly before the noon hour. I ask that we extend the time a bit before going into recess because I think they ought to be heard in outlining the presentation on the agreement. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I shall be brief because a number of Senators are here who want to get the floor. I want to respond briefly to Senator GREGG. Then I want to raise one question for Senator LIEBERMAN. I wanted to speak to his amendment. I thought that was one way of being respectful. Then I want some Senators who are sponsoring this amendment, sometime after they make their presentation, to speak to the concerns I will raise in a moment.

First of all, however, I want to respond to the Senator from New Hampshire because all of this is a matter of record. The Senator brought out pictures of Governors and talked about when he was Governor. I think that is sort of beside the point. I don't remember anybody using such language, and I don't know that anybody implied such a thing. But I will say that when I talk about grassroots, I kid around about the Governors. People say: Let's hear from the grassroots.

Let me give you an example of what I consider grassroots—the National Campaign for Jobs and Income Support. This is a coalition of about 1,000 community groups, including faith-based and neighborhood organizations.

I had a chance to speak at their gathering in Chicago. Most of them are of color, and many are of low- to moderate-income.

They just released a study which I think speaks to one of the issues here. This is not, I say to Senator GRAHAM and others, responding to his amendment but in response to Senator GREGG's comments.

First of all, when we went through the debate on the welfare bill, I heard the discussion about this many times. Those who were for it said they didn't want the bill to be punitive. They talked about child care, food stamps, transportation, and health care. This study was just released this past weekend by this coalition. The problem, according to the study, is that many States are denying working poor families benefits to which they are legally entitled. That, of course, undermines the very incentives that Congress had in mind on behalf of the working poor.

Mr. President, I ask unanimous consent that this article entitled "Fair Deal for the Poor" by E.J. Dionne, Jr. be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May, 2000]

FAIR DEAL FOR THE POOR

(E.J. Dionne, Jr.)

It's fashionable to talk about poor Americans left out of the economic boom. It's not fashionable to do much about their problems.

In Congress and on the campaign trail, a favorite pastime for members of both parties is to brag about the welfare reform bill passed in 1996. The bragging is over the sharp drop in the welfare rolls brought about by a prosperity that has created so many new jobs, and also by the bill's tough welfare-to-work provisions.

George W. Bush regularly boasts about the decline in Texas's welfare rolls, while Al Gore trumpets his premier role in pushing welfare reform against the wishers of some of the leading voices in his own party.

It's hard to oppose the core principle behind the welfare bill: Public assistance should be temporary and the system should help the poor find jobs and pursue independence.

But supporters of the bill insisted they weren't just being punitive. They said they wanted benefits—Medicaid, food stamps, child care, transportation assistance and children's health insurance—to follow poor people off the rolls and help support them as they found their footing in the workplace. These benefits are especially important to the children of the poor, and no member of Congress likes to look mean to kids.

The problem, according to a new study released this past weekend, is that many states are denying the working poor benefits to which they are legally entitled. That undermines the incentives Congress pledged to put in place on behalf of the working poor.

"Even if you're a proponent of welfare reform, you'd be shocked at what's happening," says Lissa Bell, policy director of the Seattle-based Northwest Federation of Community Organizations. If the purpose of welfare reform is "self-sufficiency," that idea is "not being adequately reflected" in actual administration of the programs, she says.

What Bell and her co-author, Carson Strege-Flora, found were many cases of states and localities violating federal rules by imposing waiting periods for programs that are supposed to have none; creating cumbersome application rules to make it hard for eligible people to get benefits; and misinforming the working poor about what help was available to them.

Now, if there is good news in any of this, it is that community groups around the nation are organizing to put the cause of the working poor at the center of the national debate. Paradoxically, those who were most critical of the welfare bill when it passed may end up saving welfare reform by insisting that those willing to labor hard for low wages be lifted out of poverty.

"The people who are being denied access to these programs are people who work," says Deepak Bhargava, director of the National Campaign for Jobs and Income Support, which sponsored the study. The Campaign is a coalition of about 1,000 community groups, including faith-based and neighborhood organizations. "Its goal is to put poverty back on the national agenda," he says.

The devolution of power to the states, an idea associated with conservatives, is unleashing a wave of activism by the poor and their supporters. "The interesting thing about the devolution phenomenon," Bhargava says, "is that it's really put the ball in the court of the community organizations." They are demonstrating "a new level of sophistication about public policy politics."

But in the end, he says, these groups will also look to Washington to make sure states run programs for the working poor by the rules. And Washington will necessarily play a large role in any serious expansion of benefits for those who work but are still trapped in poverty. Universal health care would be a nice place to start.

"Poverty is the great invisible problem in the national discourse," Bhargava says. ". . .There hasn't been much political pressure from the people affected. And the problem is usually defined by the success of welfare reform in getting people off the rolls, as opposed to the failure to make much of a dent in the poverty rate."

This ought to be the most promising of times for programs to alleviate poverty. Public coffers at all levels are bulging, thanks to good economic times. The old welfare system is dead, and most government assistance is now flowing to those who work—meaning that the vast majority of voters approve of the values now embedded in the programs.

If we're not willing to do more to help the working poor what does that say about our much-advertised commitment to the value of work? And how devoted are we to that sentiment now roaringly popular on the campaign trail compassion?

Mr. WELLSTONE. Mr. President, I quote from the article:

"Even if you're a proponent of welfare reform, you'd be shocked at what's happening," says Lissa Bell, policy director of the Seattle-based Northwest Federation of Community Organizations. If the purpose of welfare reform is "self-sufficiency," that idea is "not being adequately reflected" in actual administration of the programs, she says.

What Bell and her co-author, Carson Strege-Flora, found were many cases of states and localities violating federal rules by imposing waiting periods for programs that are supposed to have none; creating cumbersome application rules to make it hard for eligible people to get benefits, and misinforming the working poor about what help was available to them.

Here is my point to my colleague, Senator GREGG, and to others. The point is this: There are many fine Governors, but there is a reason why over 30 years ago we said there are certain core standards. We used the word "accountability"—a certain core accountability when it comes to the poorest children in the country. And we are not about to support legislation that does away with a commitment to migrant children, a commitment to homeless children, a commitment on the part of the Federal Government that says to every State and school district there will be programs that will respond to the special and harsh circumstances of these children's lives. We are not going to leave this up to the States because even if there is some abuse and that is all there is, it is too much.

That is the point, I say to Senator GREGG.

Second, very briefly on the amendment that is before us, I thank my colleagues for their good work. I wanted to express the main concern I have. This is the one provision of this legislation which troubles me.

Could I ask my colleagues to shut that door at the top, please.

The PRESIDING OFFICER. The Sergeant at Arms will restore order.

Mr. WELLSTONE. Thank you, Mr. President.

One of the provisions in this amendment says if there has not been adequate progress on the part of title I children—there is a 4-year period that you look at, and then we do this assessment, and if there has not been adequate progress, then 30 percent of the funds which are title VI funds, as I understand it, are withheld from these school districts.

I just want to say to my colleagues that I think this is a mistake. I think we should have the assessment. I think we should know. But, as I see it, when you hold back the funds—and I think we can talk about how we may need to have different teachers; we may need to have different principals, but when we actually cut the funds in a variety of these different programs, I think the children are the ones who are paying the price.

This is near and dear to my heart. I think this is a mistake.

Here is the parallel that I would draw. I have been trying over the last month to come to the floor and say: Look, when we have these high-stakes tests for third graders and whether they go on to fourth grade, for God's sake, let's also make sure they have the resources to be able to pass these tests and that each of these children has the same opportunity to achieve. If we don't do that, I think this will be punitive.

I don't understand what some of my colleagues are doing. I think it is a big mistake to basically say to these schools and these school districts, especially when I see that they are the ones—I heard this debate this morning. I heard the Senator from Indiana. I thought it was kind of interesting. He said, you know, I heard the debate. Is it the Governors' fault or is it not the Governors fault?

I think in many ways we are at fault. I think it is pathetic how little of the National Government budget—I heard anywhere from one-half of 1 percent to 2 percent of our overall budget—goes to education. I still argue, look, we should be a player for prekindergarten, and we are not doing it. It is as if we forgot. It is as if we will jump on a bandwagon and get off of it quickly. A year ago all of us were talking about the development of the brain. You have to get it right by the age of 3. Some of these kids come to school way behind. They fall further behind. Let's get that right. Let's do that.

We know from all of the research that has been done—whether we like it or not—that probably the two most important variables above and beyond a good teacher are the educational attainment and the income attainment of families. We are doing precious little, even with all of these surpluses and a booming economy, to change any of these circumstances that would so crucially affect how well children do.

The assumption is, if you are not trying hard enough, we are going to cut off the money. I think it hurts the kids.

I don't mind where Senator BINGAMAN and others are going on accountability. I think there are ways in which we can make it clear that there may have to be some reconstitution in terms of some of the personnel, albeit even there I am a little wary because I don't accept the assumption that the big problem is the teachers aren't trying hard enough or the principals are not trying hard enough or there isn't enough commitment. But, in any case, I don't like the sanction part. I think that is a big mistake because the kids are the ones who pay the price on this, as I understand this provision.

That was one concern I wanted to raise. I want my colleagues to speak to it because that is the way this debate should take place.

The only other concern I want to register, because there are plenty others who want to speak—some have said don't even raise it because we don't want to get into a big debate about it. But on paraprofessionals, I like some of the changes that have been made with the language on this. There is language that I think says the only way you can hire paraprofessionals is to replace paraprofessionals.

I know what you are trying to get at, which is we don't want paraprofessionals actually doing the teaching. The teachers should be doing the teaching, and we don't want poor school districts to have the paraprofessionals who aren't certified and other school districts to have more.

On the other hand, it seems to me this may be a little bit too inflexible because as long as we make sure the teachers are doing the teaching, sometimes additional teaching assistants can make a huge difference in general above and beyond title I.

The second point I want to make is if we are going to talk about professional development for paraprofessionals—this happened, I say to Senator LIEBERMAN, about 3 weeks ago. I was back home. Sheila and I went to a gathering of cafeteria workers. We flew halfway across the State to be there. Sheila was a teaching assistant 19 years ago when we were married. She dropped out of school to put me through school. All the kids thought she was a librarian; she didn't have a college degree. She was a teaching assistant.

In addition, there were food service workers, teaching assistants, custodians, and the bus drivers. One of the things they said: We don't mind more professional development, and we don't mind saying go back and get an associate degree, but please remember, many of us who have these jobs don't have a lot of income. We can't just give up a job to go back to school. We can't just take a sabbatical.

We ought to be very careful, as we talk about this for these paraprofessionals. If we want them to receive more training, if we want them going back to school, make sure they are able to do so; many can't right now.

Those are the two questions I raise. I am prepared to yield the floor.

Mr. DODD. I know the sponsors are here. I know there is a limited amount of time. The sponsors of the amendment want to be heard.

I rise to commend Senator LIEBERMAN and the others—Senators BAYH, GRAHAM, LINCOLN, LANDRIEU, BRYAN, KOHL, ROBB, and BREAUX—who have offered this amendment. I want to commend them on their commitment and their ideas in working toward the goal before all of us today—accelerating the pace of reform in our schools.

We have worked hard together on this issue for months, and in some cases, for years. Senator LIEBERMAN and I are fortunate to come from the same state, Connecticut, which is a national leader in school reform and student achievement and a constant source of ideas for both of us—so we have worked together on this issue for some time.

And contrary to what some may have heard, there is significant agreement among all of us about the direction of federal education policy. As is always the case, we hear more about the planes that don't fly and the issues that divide us than the planes that do fly and the issues that unite us.

Our agreements are many and significant. First and foremost, we all agree the status quo is not good enough for our schools, our children, our nation, or for us. We agree that the federal government must be a leader, a partner and a supporter of local, public schools. We agree that federal dollars and efforts must be targeted on the neediest students and work to address the achievement gap that plagues too many of our schools and communities.

Beyond policy goals, we agree on many specifics of this proposal—a strengthened, reform-oriented Title I program; accountability for federal dollars and for progress in increasing student achievement; public school choice; a clear class size authorization; targeting of dollars to needy children; and a significant reinvestment in the public schools. These are the core issues of the debate before us—and core areas of agreement that unite all Democrats.

In particular, they unite us against the bill before us, S. 2. A bill which abandons the federal commitment to needy students, to high standards for all children, and to the goals and progress of school reform. We all stand against this vision for America's children.

I do, however, differ with my colleagues on the extent of consolidation they propose in their substitute—the other issues can and were worked out in our alternative. On consolidation, I believe it is appropriate to carefully examine programs and focus our federal programs on areas that demand a national response. I supported many of the provisions of S. 2 which eliminate a significant number of programs—Goals 2000, School to Work—but I cannot go quite as far as my good friends go in their proposal.

I think what is lost is that all-important support of local programs in areas like after-school, school safety, education technology, character education, school readiness, and literacy. The efforts that focus attention, attract dollars and produce results.

Let me give you one example that I know well—after-school programs. The 21st Century Community Learning Centers program was created in 1994 and was first funded at $750,000 in FY 1995; it has grown to $453 million in FY 2000. It grew because it is focused on after-school, which we know is desperately needed, so we funded it, and funded it substantially. Thousands of grants of significant size flow to needy school districts to support strong, comprehensive after-school programs.

The proposal before us would eliminate this strong program and instead have a small portion of the dollars that reach the local level go to support after-school programs. I believe this would not leverage change in this area; it would not attract the dollars needed and it would not meet our goals in as targeted a way. I believe we better leverage our dollars through our federal partnership directly with local schools in these areas than we would through a more generic funding approach such as offered in this bill.

So I cannot support this substitute today. I want to continue to work with my colleagues on these issues—their ideas have contributed a great deal to this debate. We made substantial progress putting together the Democratic Alternative, which we all supported. Our schools need many voices, many supporters and I welcome my colleagues to these issues, to this debate and ultimately to the effort to better serve our children.

We have had 25 or 30 hearings over the last year and a half or 2 years on the Elementary and Secondary Education Act, trying to get at the very issues and develop consensus. Participation is strongly welcomed. I look forward to an ongoing process.

This does not end today, tomorrow, or the next day but will take some time to reach the level of success we want accomplished in our public education environment in this country.

I thank my colleague for yielding, and my compliments to the authors.

Mr. WELLSTONE. I am pleased to yield.

Mr. LIEBERMAN. Mr. President, briefly, if I may respond to the two questions, and I appreciate the comments of my colleague from Connecticut.

It has been a pleasure, as always, to work with the Senator and others. We have made progress. I am grateful for his acknowledging that. I am also grateful for his long-time progressive leadership in this whole area of public education. I thank my friend from Minnesota for his kind words about the bill.

I respond briefly to the two good and fair questions. We struggled with both of them, particularly the question that if we set up a system where we give more money for education, and we want to reorient the program so we are not just arguing about how much money we will send or, when the auditors come from Washington, they do not just ask if we are spending the money in the particular paths we were told to spend it in, but that somebody asks: What is the result? Are the kids educated?

That is what we want to see happen, to put teeth into it. We believed we had to reward and punish. We have bonuses for schools and States that do well. How do we have answers without punishing the kids? That is a struggle. One answer is that the kids, particularly poor kids, are too often punished by the status quo because they do not get a good education and they are trapped by income. They have nowhere else to go even though their parents clearly want a better way.

We have set this out over a period of years and allowed the States themselves to set the standard of adequate, clear progress. We are not setting an absolute standard. We are saying: You set the standard for each school district, for each school. The standard is, how much do you want to improve each year from the base, where they are now—not where an idealized base might be but where they are now.

Our first sanction: When a school fails to achieve its adequate clear progress for 2 years, it goes on to a "troubled" list and extra money comes in to help the school. If after 4 years it does not get raised—the kids are the victims, they are being punished—at that point, the bill says the school system has a choice: Radically restructure the school into a charter school, perhaps, or something similar within the public school system, or close it and give every child and their parents the right to go to a higher performing public school in the district.

Beyond that, if the State continues not to make the adequate yearly progress, the Senator is right, after 3 years they get 50 percent taken from the State administrative budgets. That was our attempt to impose penalties without hitting the kids.

Finally, after 4 years, if there is no adequate yearly progress, something is really wrong, then we take 30 percent of title VI, the public school innovation title. Yes, that reduces some programs that could be enrichment and improvement programs, but at some point we have to put teeth in the system to make it work.

In no event, I stress to my friend from Minnesota, do we ever take any money away from title I for disadvantaged kids. That, we thought, would be unfair. We will not touch the basic program to help disadvantaged kids learn better.

I was surprised that in my State of Connecticut when we introduced the bill, the area of the bill that got the most concern was from the paraprofessionals themselves who feared we were going to force them to get a college degree or put them out of jobs. Our aims are exactly what the Senator has said. I was surprised to learn that 25 percent of title I money around the country is spent on paraprofessionals. Some of that is very well spent because they supplement what the teacher is doing or they provide nonteaching support for children which can be critical to the child's ability to learn.

Our basic aim is what the Senator from Minnesota said. Let's not shortchange poor kids by asking paraprofessionals who are not trained to be teachers to be their teachers. Suburban schools would not accept that. We shouldn't accept it for our poorest children. Let's try to help them upgrade themselves. Also, we provide State-adopted certification programs for the paraprofessionals.

I hope my answers have been responsive.

Mr. WELLSTONE. Mr. President, since the Senator was responding to my concerns, I have a couple of comments.

First, I absolutely meant to thank the Senator for his effort. I don't want this to be a deal where I love you on the floor and then vote against your amendment. I want to make it clear I am thinking it through before the final vote. I appreciate what the Senator said, but I still think it doesn't speak to the concern I am trying to register.

For example, if you don't get it right in terms of these kids, then you are going to be cut. The problem is, there are other kids in the schools who may not be title I kids but they also need the help. The reason for that is title I is funded at the 30-percent level. In Minnesota, in St. Paul, when you get to a school that has fewer than 65 percent low-income kids, they don't get any of the money. All other schools get some of the money. There are a lot of other kids affected by cuts in the programs.

I am all for putting "teeth" into this. Again, I think the Bingaman amendment goes in the direction of accountability, and he talks about reconstitution. There are some definite proposals that do have teeth that say, look, we have to be accountable. I think ultimately it is a mistake to have your sanctions and trigger the cuts in what little assistance we give. We will end up cutting some of the scant resources we do give to schools which help kids.

I do not believe we should do that. I am going to make that point again, especially since I do not think we have in the Congress done anywhere close to what we should do to live up to our national vow of equal opportunity for every child. I believe this is a mistake. We are hurting the wrong people on this.

On professional development, again I appreciate the sensitivity of my colleague's response, but I actually was saying one other point, which was I still think we can make it crystal clear. The Senator has the teachers doing the teaching when they should be doing the teaching, but I do not understand why we have such an inflexible requirement that the only additional paraprofessionals hired would be hired to replace paraprofessionals. Some school districts say they need additional assistants who can help them do more one-on-one work.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I commend my colleague from Connecticut for his leadership on this issue, and I also commend my colleague from Indiana, whose insights as a former governor have been invaluable. A group of us have joined with them to call for a change in the role the Federal government plays in its partnership with our States and local governments in the area of education.

Before I begin, I would also compliment our great colleague from the State of Massachusetts for his leadership over the years —actually over the decades and throughout his entire lifetime —for being a tireless champion for education, particularly the education of children who are poor, children out of the mainstream, and children who are disabled. I thank him for his leadership.

There is a growing number of us in Congress who feel the need to stand up and say no to maintaining the status quo; that the status quo, while there is some incremental progress across the board in education, is not enough, is not happening quickly enough, and is leaving behind millions and millions of children, many of whom are least equipped with resources and families to help to educate them.

As I said a few weeks ago, in 1965, when the Federal Government first stepped up to the plate, the Elementary and Secondary Education Act, as signed by President Johnson, was 32 pages long and contained 5 programs. Today, the current law is 1,000 pages long—1,000 pages of instructions, prescriptions, unfunded mandates and micromanagement from the Federal level. It contains over 50 programs, 10 of which are not even funded.

At that time, the world of education was much different. In 1930, there were 260,000 elementary and secondary schools. Today, there are 89,000. Schools were smaller. Children were given more individual attention. Despite the tremendous increase in population, one can see the numbers of schools have declined.

Years ago, there were qualified teachers in the classrooms, because, to be very honest, while teaching was and still is wonderful, the fact is, laws, customs, and traditions barred many exceptional women and exceptional minorities from any other line of work. So the profession of teaching was the great beneficiary.

Today, that is no longer the case. Women and minorities are moving into different fields. Our schools have become larger and the demands on teachers have become greater. As a result we have less qualified individuals attracted to the field of teaching when the need for high quality teachers is even greater than ever before.

Years ago—and not that long ago—school violence meant a fist fight on the school playground. Today, unfortunately, it means a loaded automatic weapon in a cafeteria. The use of drugs in schools is increasing. A lot has changed in education over the last 35 years.

People say the prize belongs to those who are the quickest, the swiftest, and the smartest. I think the prize belongs to people most able to adapt to change, and that is really the argument. It is about change. It is about the status quo not working for the vast majority of our children. It is about the fact the world has changed. The facts supporting public education have changed. Yet we find ourselves in Congress, at least too much to my mind, arguing for more of the same: more programs and more money, not recognizing these fundamental shifts that have occurred.

The prize belongs not always to the swiftest and the smartest, but those most able to change. The Lieberman-Bayh amendment is about changing these 1,000 pages to give more flexibility to local governments to make better decisions about how to reach the children who need to be reached. It is about targeting the money to needy kids. When the first bill was passed by this Congress and signed by President Johnson, the intention was excellent, to bridge the gap between the advantaged and the disadvantaged. The intention was to use Federal dollars to invest in the education of poor children. This intention has been lost in these 1,000 pages. Under the present title I formula, a school need only have 2% of their children in poverty to be eligible for title I funding. As a result, 1 in 5 schools with between 50% and 75% poverty receive no funding at all. Our formula would do what Title I funding was intended to do, serve poor children.

Our amendment, the Three R's proposal, is about increasing flexibility and accountability at the local level. If we try to provide more flexibility to the States, but we also do not provide, along with that accountability, increased investments, at best it is an unfunded mandate, at worst it is a hollow promise.

We are actually doubling the funding, as the Senator from Connecticut has pointed out, for title I and targeting the money to be sure the new money is getting to the poor children, the disadvantaged children, and the children for whom we need to close the educational gaps. Along with the increased funding comes real accountability. The taxpayers will appreciate the fact we are not just dumping more money into a growing problem, but we are securing our investment in education and rewarding states who make real strides in closing the achievement gaps are closed quickly and in a more appropriate fashion.

Senator BAYH made reference to these numbers but did not focus on the specifics of this chart. I believe it is important for the American people to know the reason some of us refuse to accept the status quo. Mr. President, I am sure you will agree that test scores are quite startling; they are quite troubling.

This chart shows, the performance scores of several minorities on the 1996 NAEP. One will notice that under the status quo, under these 1,000 pages, while there have been some improvements, only 26 percent of the white children are proficient level in math, only 8 percent of Native Americans, 7 percent of Latinos, and 5 percent of African American children.

If we are not satisfied with these numbers—which I am not, and I do not think there are many in this Chamber on the Republican or Democratic side who are satisfied with these numbers—we need to do something different. Funding more programs with more money is not going to work.

In response to something Senator KENNEDY said—and I think he is accurate on this one point—money from the Federal Government represents only 7 percent. If these test scores are what is happening with 92 percent of the funding, then let's not continue to do the same things or give it all to the Governors. He is absolutely correct.

Obviously, the money is not targeted to help these kids increase their student performance; the State dollars, the 92 percent, is not targeted, because if it was, these numbers would be improving significantly. The answer is not to sit by and do nothing; the answer is to lead by example. Let the Federal Government begin by taking its 7 percent and targeting the poor children so these test scores can improve, and we hope the States, the Governors, and the local education authorities will take their money and do the same thing so we can improve these test scores.

This next chart shows the eighth grade math scores: 23 percent of all children, at the eighth grade level, are scoring at the proficient level; only 4 percent of African Americans; 8 percent of Latinos; 14 percent of Native Americans; and 30 percent of the Caucasian children.

But I would like to do more than show you the numbers. Here is a chart showing an excerpt from the recent NAEP writing test. I have heard too much on this floor that you cannot test kids, that the tests are too high stakes. I want to share this with you so you can understand how dire this situation is. I am a strong believer in tests. I believe we have to have some objective measure to see how well our children are doing or how poorly they are doing.

Perhaps the tests should not serve as 100 percent of what we use to judge whether a child should be moved forward or not, but clearly, we have to have, as well as parents and taxpayers have to have, some way to judge if the children are doing well or not.

For those who say we cannot test them, let me just read from a real test. This is from a fourth grader whose writing is rated "unsatisfactory." I am going to read it for you because you can hardly interpret it. But this represents what the National Assessment of Educational Progress rates as "unsatisfactory." This was written by a fourth grader. He was asked to communicate a minimal description of his room. He writes:

> My room is very cool it white I got wester picture I got a king sides bed I have wester toys I got wester wall paper on my wall. I got wester t-shirt on my wall. I got

That is a writing sample of a fourth grader whose writing was rated "unsatisfactory."

Let me give you a sample of writing that is rated as "approaching basic" for a child in the fourth grade. This would be at a minimum. All States are different, but these are the kinds of tests we are talking about supporting in this amendment. This fourth grader is "approaching basic," is not at "basic" yet. But this fourth grader writes:

> there to the left is my jeep and my cat. there to the right is my swimming pool and my dog and my waterguns. And to my left of

my bed is my trampoline and maid. And by the wall is my roller blades and my nantendo—

spelled N-A-N-T-E-N-D-O—

60 four.

These two samples represent the writing skills of over 50% of those in public schools. 50% of these kids can't master spelling or formulating sentences. We have to do better than this in our public schools.

So I just want to argue that life is high stakes. We have to be supportive of tests—not a Federal test, not something mandated from Washington—but we have to be about accountability, about real testing, so we can tell whether our children are reading, whether they are able to compute. We have to be able to identify what schools are not performing, not so we can punish the children or punish the parents, but so we can help them.

In conclusion, let me say, again, times have changed. The status quo is not sufficient. The amendment we have outlined, the Three R's, gives greater investment, greater accountability, greater flexibility, and more choice. Hopefully, it will spur greater outcomes faster so that children do not lose the only opportunity they have—one life, one chance at education—so they can graduate with a diploma that means something and go on to have a job, a career, and build a life they can be proud of in the greatest democracy on the face of the Earth. To do any less is falling down on our job.

No system is perfect. I will only conclude by saying that perhaps the amendment we offer is not perfect, but it is offered with great sensitivity and great commitment and great dedication, to urge both sides to try to move away from the rhetoric and move to recognizing the failings of the current system.

We do not want to abandon public schools and move to total block grants or total vouchers, but we want to move to a bill that creates the right kind of partnership, where kids can learn, parents are happy, taxpayers are happy to give money because the system is working, teachers are feeling fulfilled—most importantly, children are learning. That is what our amendment attempts to do.

I urge my colleagues, on both sides of the aisle, with all due respect to the other issues that have been talked about, to adopt our amendment, to move us in a new direction, away from the status quo, to a chance where children can actually learn to read, to write, and to compute, and to take advantage of the tremendous, unprecedented, historic opportunities that exist in the world today.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Louisiana for her insightful remarks, and particularly with regard to what is too common, where our schools are not performing and our students are not performing at the level at which they need to perform.

We have a responsibility to make sure what we do in this body facilitates improvement in the system we have today—a system that has been in place for 35 years and is producing the kind of results that have been shown.

This is certainly a time for review and change, for altering and improving. To suggest we cannot do that is beyond credibility. We absolutely can improve what we are doing. We need to. We have to make sure that what the Federal Government does is a positive event with regard to actual learning in the classroom—which is what this is all about—and not a negative impact on learning in the classroom.

In a minute, I am going to share some examples of a Federal law that is absolutely undermining the ability of local school systems to educate, to create a learning environment where kids can reach their maximum potential. Wouldn't it be awful if we passed a law in Washington that actually made it more difficult to create a learning environment in the classrooms of America? The truth is, we have. We need to change that.

I appreciate what the Senator from Louisiana said about testing. There are limits to what testing can show, but when you test thousands and thousands of kids all over a State, you can know whether or not those kids are basically performing at the grade level at which they ought to be performing. We can learn that from a test.

I do not believe in a Federal test. That would be the Federal Government saying to the 50 States, that provide 94 percent of all the money for education in America: This is what your students must learn. If they don't pass this Federal test, they are not learning adequately, and therefore we have in Washington this school board of 100 Senators who would have to decide what is important and crucial in America.

I do not believe in that. I think that would be against our history. It would be against the policy of this Nation since its founding because schools have been a State and local instrumentality. The Federal Government has only been able to assist marginally. In some ways, we have contributed to its downfall in undermining education.

The test scores are important. Over a large number of people—not for every child—they give us very accurate indications of whether learning is occurring. I support that. In fact, I have been on the Education Committee a little over 1 year. We have many debates about accountability. Our friends on the other side of the aisle say: We need more accountability. Your plan, SESSIONS—this idea of turning more of the money over to the schools so they can use it as they see fit within their system—lacks accountability.

But I say to you, the present system totally lacks accountability. The system that has been proposed by the Members on this side has absolutely the kind of accountability that should be part of an education bill.

For example, we have approximately 700-plus education programs in America. Do you think that is not true? Would you dispute that with me? We have over 700 education programs in America, according to the General Accounting Office. Isn't that stunning? If a school system wants some money out of a program, they have to have a lawyer and a grant-writing expert just to find out where the money is and how it might be available to them. Many of these programs are ineffective and should not be continued.

We have all of these programs. What our friends on the other side of the aisle are saying, too often, is—I don't think my friend from Louisiana is saying this, perhaps—if you don't have strict rules about how this money is spent, and you can only spend it for a specific thing, you don't have accountability.

What do we have today in America? We have the Federal Government spending billions of dollars on education. We are pouring that money into schools right and left, and many of the school systems have a total inability to create a proper learning environment, and education and learning is not occurring.

Is that accountability? They may be following all the paperwork and spending the money just as they said, but the fundamental question of education is learning. If learning is not occurring, then we are not having accountability, are we?

What this program says to every school system in America—at least the 15 that choose it, and perhaps others in different ways, but 15 States in this country, if they choose it, would be able to have a substantial increase in their flexibility to use Federal money, with less paperwork, less rules, and less complaints about how they handle it. The only thing they would be asked to do is to create a testing system and an accountability system in their school system that can determine at the beginning of the year where children are academically, and go to the end of the year and see if they have improved.

What else are we here about? What is education about if not learning? That is the only thing that counts. That is the product of all of our efforts. It is not how many teachers, how many buildings, how many textbooks, or how many football fields they have. The question is, Is learning occurring? This way we would have that. The school systems would basically say to the Federal Government: Give us a chance. You give us this money and let us run with it. Let us create a learning environment we think is effective. Give us a chance and we will put our necks on the line. We tell you we are going to increase learning in the classroom and we are going to have an objective test to show whether or not we are doing it. If we don't do it, we will go back under all your rules and paperwork.

There is a myth here, and some have denigrated the role of Governors. But I don't know a Governor in America who isn't running for office and promising to lead and do better in education.

I see the Senator from Georgia. Do we have a time problem?

Mr. COVERDELL. We are under a little bit of a constraint.

Mr. SESSIONS. I will finish up soon. In Alabama, our general fund budget, where all the funds are appropriated, is $1.2 billion. The education budget in Alabama is almost $4 billion. Do you hear that? In Alabama, we spent almost $4 billion on education and $1 billion on everything else. Do you think the Governor isn't concerned about that? Do you think the State legislature is not concerned about that? The primary function of State government in Alabama, and in every State in America, is education. That is where the responsibility needs to be, and that is where we need to empower them to use creative ideas to improve the system.

I have offered an amendment on the subject of special education; IDEA regulations are disrupting our classrooms. We have examples in our State of two people bringing a gun to school and one being put back in the classroom because he is a special student. The other was kicked out for the year as is every other student. We have created a separate rule of law, a separate rule of discipline, by a Federal mandate from Washington, in every schoolroom in America.

I have been in 15 schools this year in Alabama. This is one of the top concerns I hear from teachers and principals everywhere. They are concerned about that. I think I will talk about that later. I talked about it previously. I will also talk about this regulation, this Federal mandate, that is clearly not a help to the States but a major detriment. It is bigger and stronger and more burdensome than most people in this country have any idea. I think we need to talk about it more.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, to clarify the sequence of events, we had a unanimous consent agreement that recognized Senators back and forth. We got off of it. I am going to suggest this. I have talked to the Senator from Florida, and we will hear from Senator COLLINS for a few minutes, then Senator GRAHAM, then a Republican, and then Senator LINCOLN. Then we will be back in order.

Mr. GRAHAM. Mr. President, are we going to break at 12:30?

Mr. COVERDELL. Mr. President, I think we will try to accommodate another 5 or 10 minutes so these Senators can be heard. I think the appropriate recognition would now be the Senator from Maine, briefly.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Florida. I rise to commend the Senator from Connecticut, the Senator from Florida, the Senator from Arkansas, the Senator from Louisiana, and all of those who have been involved in putting together the Lieberman amendment, for their efforts. It is a typical approach taken by the Senator from Connecticut to so many legislative issues, in that he is looking for a responsible and responsive approach that is innovative and attempts to bridge the partisan gap.

I don't support all of the provisions of the Lieberman amendment, but I commend the Senator and his cosponsors for recognizing that we do need to take a new approach, that we need to focus on whether or not our students are learning, rather than focusing on whether paperwork and regulations are complied with.

I commend the authors of this legislation for their efforts to focus the debate on giving States and local school boards more flexibility in using Federal funds to meet the greatest need in their communities. I also commend them for focusing on accountability, for making sure our Federal education efforts bear the fruit of increased student achievement, and help to narrow the gap that troubles all of us in the learning of poor children versus those from more affluent communities and affluent families.

One of the reasons we need more flexibility in using Federal funds can be found in Maine's experience under two Federal programs. Maine is fortunate in having small classes. In the classes in Maine, on average, the ratio is only 15 to 1.

So our problem and challenge is not class size. Yet Maine had to get a waiver to use the Federal class size reduction moneys for professional development which is, in many schools in Maine, a far greater need than the reduction of class size. One school board chair, from a small town in eastern Maine, wrote to me that they have received $6,000 under the Federal Class Size Reduction Program. Clearly, that is not enough to hire a teacher. They did receive permission from the Federal Government to use that effectively for professional development.

But my point is, why should this school system, or the State of Maine, have to get permission from the Federal Government to use those funds for the vital need of professional development?

The second example I have discussed previously, and it has to do with Maine's effort to narrow the achievement gap between poor and more wealthy students in high schools. Maine has done an outstanding job—and I am proud of this—in narrowing the achievement gap between disadvantaged and more advantaged children in the elementary schools. In fact, it has virtually disappeared. So that is not the need under title I funds for the State of Maine right now. We still, however, have a considerable gap when those title I children get to high school.

Maine came up with a very promising approach that was put out by the Maine Commission on Secondary Education that set forth a plan for narrowing the achievement gap among high school students. But, here again, it required a waiver from Federal regulations for Maine to use its funding for this purpose.

So, again, I do think we need more flexibility and accountability. I commend my friends on the other side of the aisle for their steps in that direction. I hope we can continue to work and see if it is possible for us to come up with a bipartisan package we could support that would help bridge the partisan gap and make a real difference in the futures of our students.

I yield the floor.

Mr. REID. Mr. President, with the consent of my friend, Senator COVERDELL, I ask unanimous consent that immediately following the scheduled vote at 2:15 there be 2½ hours remaining for debate on the Lieberman amendment, to be equally divided in the usual form, and that following the use or yielding back of time, the Senate proceed to vote in relation to the pending amendment without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I commend the Senator from Maine for her very thoughtful remarks. She focused on the large issues that are appropriate for the Senate, and she spoke in the spirit of the importance of what we are dealing with, the future of American children, and the necessity that we approach it with a level of seriousness and bipartisanship. I thank her for her very succinct, extremely valuable contribution to this debate.

In that same vein, I wish to share an observation that some of us heard recently by a prominent American historian, Steven Ambrose. He is best known for his numerous books on military history, particularly on World War II, but he has also written a Pulitzer prize-winning book on the Lewis and Clark Expedition—an expedition which opened up much of America to serious study and exploration. It was an expedition that took place between 1804 and 1806. It comprised traversing some 7,600 miles of the recently acquired Louisiana Purchase in the northwest corner of the United States. What Mr. Ambrose pointed out is that the average length of each day of the Lewis and Clark Expedition was 15 miles. But the techniques used by Lewis and Clark between 1804 and 1806 were exactly the techniques that Julius Caesar would have used if he had the same assignment, which is to say that for a period of over 2,000 years their had been virtually no progress in man's mastery of the field of transportation. Since Lewis and Clark, in less than 200 years, we have had an explosion of transportation advancement. We are now in the process of building in space an international space station which will become the platform for which we will explore the universe.

That is how much progress we have made in 200 years after 2,000 years or more of stagnation. What is the explanation? What has happened that last allowed us to make this much progress?

According to this eminent historian, the single most significant fact that has allowed the 200 years of progress has been the fact that we committed ourselves as a nation—and much of the world—to the proposition of universal education; that we are allowing, for the first time in the history of mankind and in the last 200 years of America, hopefully, every human to reach their full potential.

He used the example of the Wright brothers. If the Wright brothers had been born 100 years earlier—just four generations earlier than in fact they were born—by all accounts, given the nature of their family and its economic and social standing, both of the Wright brothers would have been illiterate, and therefore the world would have been denied the ingenuity which played such a critical part in all of these great advancements which now benefit all of us.

We are not talking about a trivial issue. We are talking about a fundamental issue that has reshaped America and reshaped the world in the last two centuries, and which will reshape us again in this new 21st century and the centuries beyond. We are dealing with one of the most basic issues facing the world and America.

I am pleased that the Senate's new Democrats, with much of the membership having spoken on the floor this morning, have taken on this issue as our first contribution to the policy today in the Senate. That is, I hope, illustrative of the seriousness of our group and its desire to be a constructive part of helping the Senate and the American people develop policy in basic areas such as education.

I think we would all agree that there are certain important principles that we should look at as we approach what the Federal role should be in education. Those would include words such as "accountability," "reward," "excellence," and "resources."

On February 5, I asked a group of Florida educators to meet together in Tampa to discuss what they believe, based on their professional experience, to be some of the priorities the Congress should look at as it reauthorizes the fundamental education act for our Nation, the Elementary and Secondary Education Act.

Here are some of the responses from this group of educators.

First, not necessarily in priority on their points, was the importance of additional resources; that if we are going to achieve our purposes, we must have a Federal commitment as well as a State and local commitment which is commensurate to the challenge that is before us.

The RRR response to this request: It will increase the Federal role in education by more than $30 billion over the next 5 years, the most significant increase in funding since the program was established in 1965.

To underscore the importance of this, we talked about the implications of this chart. This chart is an attempt to indicate what has happened in America over the last 150 years in terms of the requirements for self-sufficiency by an older adolescent or young adult in America.

In 1850, there was a relatively limited amount of knowledge required to be self-sufficient. Literacy was not such a requirement. Many Americans functioned very effectively at a high level of self-sufficiency without being able to read or write in 1850.

Today, there has been a four-time explosion in the requirements of knowledge for an American to be self-sufficient. That explosion has not been a straight line. It has been an explosion driven by technology. Note the major increase in the knowledge demands that occurred in the late and early 20th century commensurate with the movement of America from a rural economy to an industrial economy. But the big increase has come well within our lifetime.

Coincidentally, it almost starts at the time the first Elementary and Secondary Act was passed in the mid-sixties with an explosion of knowledge requirements as Americans entering the workforce had significantly greater expectations of what their skill level would be, particularly in areas of mathematics and communication skills.

Mr. President, the second aspect of this chart is an attempt to indicate that one of the fundamental relationships in the acquisition of knowledge by Americans has been the relationship between what the family can contribute to that knowledge and what is provided by a formal educational institution, which we typically refer to as a school.

In the 1850s, the family provided more than half of the knowledge of their children. Typically, they were doing so by educating the children to be able to read and write to achieve that level of literacy.

It was the development of science and technology that began to effect the relationship of what a family and what a school was expected to provide to children's education. As science and technology has become more pervasive and more complex, the relative proportion of knowledge provided by the school and that which could be provided by the typical family has altered.

Whereas, in 1850 the family was providing two-thirds of the education, today the school is providing about two-thirds of the education.

The significance to me of this chart is the challenge that we as a society have to assure that all American children have an opportunity to acquire this much greater level of education; that our schools which are being called upon to provide a larger and larger share have the necessary resources—human resources, financial resources, and resources of support by the community—in order to carry out their responsibility.

We are going to be voting shortly on some major trade agreements with Caribbean countries—Central American countries, African countries, and China. One of the recurring realities of all of those trade agreements is that we are opening our markets broader and broader to countries whose standard of living and whose per capita annual incomes are dramatically lower by factors of 20, 30, 40 times what they are in the United States.

The only way the United States is going to be able to compete and maintain our standard of living is to assure that all Americans are getting this level of knowledge so that they can be full participants in the most effective and most competitive economy in the world—the economy of the United States of America.

Again, this chart underscores the seriousness of the issue we are considering.

We spent a good deal of time at that Tampa meeting with educators discussing this chart and its implications. The educators told me in addition to resources, they wanted more flexibility, the opportunity to adapt to the specific needs of the communities and the children they serve. That is the approach taken in the RRR program. We focus on results more than process and, thus, allow more flexibility to achieve those results. The educators said they don't mind accountability if there are resources there to realistically achieve the goals that have been sought. RRR demands accountability but provides the resources needed to accomplish these goals.

Not only do we increase the total amount of resources by some $30 billion over 5 years, we also target these resources to the children who are most in need. When President Johnson talked about America's role in education, he was specifically talking about the chasm that existed between the abilities of poor children and more advantaged children to achieve what would be required to be competitive in the world.

The Federal role has been targeted at these at-risk children. We need to refocus our commitment. I am sorry to say there has been a tendency for the formulas that distribute Federal education money to succumb to the temptation to have everybody get some piece of the Federal dollar. The consequence of that is the funds have been so diluted we have been unable to focus a sufficient quantity on those children who need it the most and who are most dependent upon that additional Federal support in order to be able to achieve their educational needs.

Our very focused and stated position in the RRR legislation is that we believe, as a nation, this Congress needs to recommit ourselves to the proposition that the purpose of Federal assistance is to aid those children who are most at risk and that we should demonstrate that commitment by having a formula that targets the money to those children who are greatest in need. With that, we can then talk seriously about accountability.

The Senator from Alabama talked about what I call process or product accountability where we count the number of books in the library. There are other forms of accountability that assess overall student performance. The type of accountability we are advocating is an accountability that focuses on what the school and what the local educational agency can do to contribute to a student's educational attainment. It is what I describe as a value-added approach. How much did the school experience add to the educational development of the child?

I have been very critical of the educational assessment program which is currently being used by my State, by the State of Florida. The basis of my criticism is it does not assess the value added by schools; rather, it is an assessment of the total influences that have affected a student's performance. The most fundamental of those influences has nothing to do with what the school contributed but, rather, relates to the socioeconomic status of the family from which the child came.

I spoke on an earlier date and submitted for the CONGRESSIONAL RECORD a very thoughtful analysis of the Florida plan by a professor at Florida State University, Dr. Walter Tshinkel. In that assessment, Dr. Tshinkel took the schools in Leon County, FL, which is the county of which Tallahassee, the State capital, is the county seat, and observed that if you looked at the affluence and poverty statistics of the various neighborhoods in Tallahassee and Leon County and assigned a letter grade based on that data alone without testing a single student, that 26 of the 33 school districts in the Leon County School District would have received exactly the same grade as they did when student test scores were taken into account.

That says to me what we have been essentially testing in Florida is not what the school contributes, but the socioeconomic status of the children who come into that school.

Professor Tshinkel went on to say if, in fact, you did assess on value added, what the school had contributed, you had almost a reversal of results. Schools that got F's actually should have gotten A's because they did the most to advance the students for which they had responsibility, and the schools that got A's should have gotten F's because they started with a very advantaged group of students and did not make that great of a contribution to their educational advancement.

RRR provides accountability for what the schools can be held accountable for, what they can reasonably contribute to a student's development and hence a student's performance.

Another topic discussed at our Tampa roundtable was professional development. It was very helpful that most of those who participated were current classroom teachers. These teachers are yearning for new avenues for professional development, for the time to be able to take advantage of these opportunities. The RRR will allow this to happen with a major new national focus on seeing that all of our teachers—those who are entering the profession and those who are at an advanced position as professional educators—have an opportunity to continue their professional development and enhancement. We can only do this in a comprehensive manner.

We believe strongly these principles are a key to achieving the challenge that America faces to provide the knowledge necessary for all Americans to be able to compete effectively in this rapidly changing world in which we live.

If this line on the chart of the increased need for knowledge to be self-sufficient in the world as it exists today is a harbinger of where that line would go in the 21st century, the challenge for American education and the challenge for this Congress to be responsive to the Federal role in education is a stunningly great challenge that requires the most serious attention of the Senate.

I thank all of my colleagues who have contributed to this debate, who have worked to bring forward to the Senate a proposal I believe is worthy of our task. Every 6 years we have a chance to analyze the programs that affect American children, from kindergarten to the 12th grade. This should be an opportunity not just to tinker around the edges, not just to make minor course corrections, but to look at the challenge we face to assure all American children, particularly those who enter the classroom with the least advantages, will have an opportunity to be successful, and through their success to contribute to the success of America.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KYL].

EDUCATIONAL OPPORTUNITIES ACT—Continued

VOTE ON AMENDMENT NO. 3126

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will proceed to vote in relation to amendment No. 3126. The yeas and nays have not been ordered.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3126. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL), the Senator from Delaware (Mr. ROTH), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran

Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Hagel
Roth
Thompson

The amendment (No. 3126) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3127

Mr. KENNEDY. Mr. President, I believe we have an agreement on the time on our side. Am I correct?

The PRESIDING OFFICER. Two and a half hours on the Lieberman amendment equally divided.

Mr. KENNEDY. I think we had an understanding with our colleagues that the distinguished Senator from Arkansas was going to be recognized to speak at this time for up to 15 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Thank you, Mr. President. I also would like to thank all of my colleagues who have worked so diligently on these issues, and particularly Senator LIEBERMAN and Senator BAYH who I have been working alongside on the proposal that is before us right now. I also would like to compliment Senator KENNEDY's staff for all the work they have put in, as well as the wonderful bipartisan spirit that has been shown by Senators GREGG, COLLINS, GORTON, and HUTCHINSON in trying to bring about this issue of great importance on behalf of our Nation and on behalf of our children.

I am proud to join my colleagues on the floor today to talk about a bold, new education plan that we hope will provide a way out of the current stalemate over reauthorizing ESEA. I must admit that I am disappointed because so far we have turned one of the most important issues we will debate this year into yet another partisan standoff.

I can't tell you how frustrated I am that we face the real possibility that our children will be forced once again to the back of the bus while partisan politics drive the legislative process off a cliff.

I would like to focus on a comment that was made by one of my colleagues earlier in this debate. Senator LANDRIEU mentioned that we had one chance at reaching each of these individual children in our Nation who are the greatest blessings in this world.

Each year we fall behind in making the revolutionary changes to move our educational system to where it needs to be in order to provide our children with the source of education they need in order to meet the challenges of the coming century. Each year that we fail to do that—if that happens this year—is one year in a child's life that we cannot replace; one year in a child's life that cannot be reproduced or given back to them in terms of what they need to know to be competitive.

If I have learned one thing since my first campaign for Congress in 1992, it is that when voters send you to Washington to represent them they mean business. They expect leadership and they want results, and rightly so because they deserve it.

As parents, we certainly all understand one of the things that we will fight the hardest for, and that is benefits for our children.

The American people want us to get serious about educating our children in new and innovative ways that will allow them to learn and meet the challenges of the future.

I firmly believe we have a responsibility to pass a reauthorization bill this year that will improve public education for all children. That means working together until we reach an agreement a majority on both sides can support. Waiting to see what happens in the next election should not be an option.

Last week, I supported one alternative to S. 2 offered by Senator DASCHLE. It didn't contain everything I wanted, but after I and other Members expressed some initial concerns, we reached an agreement that reflected my key priorities on accountability, public school choice and teacher quality. Every Senator on this side of the aisle supported that proposal, but we didn't get one Republican vote.

At the same time, I don't know any Member on our side who is prepared to support the underlying bill that the President has indicated he will veto unless substantial changes are made. So it is clear that both sides have to give some ground in this debate if we have any chance of crafting a compromise proposal that the President will sign into law.

The Three R's amendment we proposed today helps bridge the gap on both sides of the debate over the role of the federal government in public education. Our bill synthesizes the best ideas of both parties, I believe, into a whole new approach to national education policy.

It contains three crucial elements to improve public education—tough accountability standards to ensure students are learning core academic subjects, a significant increase in federal resources to help schools meet new performance goals, and more flexibility at the local level to allow school districts to meet their most pressing needs.

Essentially, under our proposal, the federal government would concentrate less on rules and requirements and focus instead, on what I know every Member of this body can and will support—higher academic achievement for every student.

In addition to being smart national policy, the Three R's proposal would dramatically improve education in my home state of Arkansas.

As I noted earlier, the RRR bill significantly increases the Federal investment in our public schools and carefully targets those additional dollars where they are needed the most. We, as a moderate group, find ourselves in an unusual position of trying to change the law to actually enforce the original intent of that law—title I funds actually being targeted to the schools and to the students who need those resources the most. There is no doubt that we can only be as strong as our weakest link. That is why it is essential that in those poor school districts we make sure title I dollars actually get to where they were intended to go.

Statistics consistently demonstrate that, on average, children who attend low-income schools lag behind students from more affluent neighborhoods.

This is certainly true in Arkansas where the most recent test results indicate that students in the economically prosperous northwest region of the state outperform students in the impoverished Delta. These results also indicate that the disparity in student achievement between minority and non-minority students in Arkansas continues. It proves that in the past several decades we have not been eliminating the gap and disparity between haves and have nots.

I believe strongly that every child deserves a high-quality education and that the federal government has a right to expect more from our nation's schools. But we also have a responsibility to give public schools the resources they need to be successful.

The "Three R's" acronym can also apply to our efforts to improve teacher quality. In fact, this plan can best be summed up by Four R's: recruiting, retention, resources, and above all, respecting our teachers.

The difficulty schools experience today in recruiting and retaining quality teachers is one of the most enormous obstacles facing our education system.

In my State of Arkansas, somewhere around 30 percent or more of our teachers are under the age of 40. We are going to hit a brick wall eventually as our teachers begin to retire with no more younger teachers in our school systems.

If we do not provide the funds in order to make sure that teacher improvement and quality and retention are there, we will not have the teachers. We cannot expect students to be successful if they don't work with quality teachers. We can't expect quality teachers to stay in the profession if they don't get adequate training, resources, or respect.

In our bill, we include a 100-percent increase in funding for professional development for teachers. I think that is absolutely essential in supporting our educators for them to be able to provide for our students. That is why I believe we in Congress must do our best to help schools meet the challenges we are setting forth today.

Most experts agree teacher quality is as important as any other factor in raising student achievement. The amendment we are debating would consolidate several teacher training initiatives into a single formula grant program for improving the quality of public school teachers, principals, and administrators. This proposal would increase professional development funding by more than 100 percent, to $1.6 billion annually, and target that funding to the neediest school districts. In my home State of Arkansas, this will mean an additional $12 million for teacher quality initiatives. In my book, that is putting your money where your mouth is.

In addition, the RRR would give State and school districts more flexibility to design effective teacher recruitment and professional development initiatives to meet their specific needs. No two school districts are alike, and there is no one size fits all for the school districts of this country.

One overreaching goal we propose today is to require all teachers be fully qualified by 2005. Even the best teachers cannot teach what they don't know or haven't learned themselves. To be successful, we must work harder to reduce out-of-field teaching and require educators to pass rigorous, State-developed content assessments in the subject they teach, not a Federal test but those that are designed by the State.

I have the highest respect for the teachers, principals, and superintendents who dedicate their talent and skills every day to prepare our children for tomorrow. I think they have some of the hardest and most important jobs in the world. Our Nation's future, in large part, depends on the work they do. We should be reinforcing them. Our teacher quality proposal is an example of how, by combining the concept of increased funding, targeting flexibility, and accountability, we can join with States and local educators to give our children a high-quality education.

There is much more to say today about this approach of the amendment of Senator LIEBERMAN and Senator BAYH that Members such as myself have sponsored. I know there are others who want to speak.

Before I close, I truly think this is the question we must ask ourselves: What, honestly, is the best thing for our children in this country? I say to my colleagues, if you want accountability from local schools, our proposal has it. If you want more targeted, effective national investment, take a look at the amendment that was produced by Senator LIEBERMAN. Do we want more qualified, better trained teachers, investing in their professional development, with flexibility at the local level? Do you want higher minority student retention rates, which should be the objective of all Members? We have those answers in this amendment and in our bill.

We have one chance at producing something on behalf of our most treasured blessing in all this world, our children. Please, colleagues, let's don't lose that chance. Let's not disappoint our children in this country and, more importantly, the future of this country. Let's put party politics aside. I think the RRR in the LIEBERMAN-BAYH proposal is the right approach to improve student achievement in every classroom.

I thank my colleagues for their involvement in this amendment and certainly in this debate. More importantly, I encourage all Members to remember what it is we are here to do and who, more importantly, we are here to do it on behalf of, our children.

Mr. KENNEDY. Mr. President, I yield myself a moment.

I commend my friend from Arkansas. The Senator from Arkansas has a varied and wide agenda of public policy issues. I think all Members in the Senate know the issue of teacher quality and recruitment and also how to get quality teachers in rural areas and underserved areas. That has been an area of great specialization. Those who had the alternative have benefited from her knowledge, including Senator LIEBERMAN, as well from her energy in these particular needs and by the very sound judgment of her positive suggestions. I thank the Senator. She has placed the important aspect of education on her agenda and we have benefited from her interaction and her recommendations.

Mr. JEFFORDS. I yield 10 minutes to Senator BUNNING.

Mr. KENNEDY. I ask unanimous consent the principal author of the amendment be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from Massachusetts.

I thank my friend and colleague from Arkansas, Senator LINCOLN, not only for a superb statement on behalf of this amendment but for the work the Senator has done as we developed the proposal, for the practical experience and common sense she brought, specifically for her genuine advocacy for children, particularly rural poor children.

I thank the Senator for that and for her excellent statement.

I ask that Senator FEINSTEIN of California be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, this brings to double figures the cosponsors. We now have 10 cosponsors. We are proud to have the Senator from California with us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we have been debating the future of the Federal role in education. Specifically, we are looking at who will take the lead role in educating our children. Will it be the Federal bureaucrats in Washington, DC, or will it be the teachers and parents who are closer to the children and understand their needs better?

Last week, President Clinton went on an education tour that I think can answer those questions. His tour took him to four cities: Davenport, IA; St. Paul, MN; Columbus, OH; and Owensboro, in my home State of Kentucky.

That is, we think the President visited Owensboro. I am one Kentuckian who is not sure the President ever made it there. The President's web site has something of a travelogue on his trip, the supposed trip the President made, that says President Clinton's school reform tour started in Owensboro, KY. Look closer and one will notice something is wrong. Apparently, Owensboro is not in Kentucky anymore. In fact, it looks like Kentucky isn't Kentucky anymore; it has moved to Tennessee. I find this terribly interesting.

We Kentuckians have nothing against Tennessee except, of course, when the Wildcats are playing the Volunteers. We like Owensboro in Kentucky, right where it is.

While he was in Owensboro, if that is where he really was, the President spoke about his Federal programs that require States to spend Federal money on Washington's priorities. The President thinks this is a good approach. When I look at the President's map that approach troubles me, and it is not just because the White House cannot tell Kentucky from Tennessee. If you will notice, western Kentucky is no longer there; it has been annexed by Illinois: No more Paducah, no more Mayfield, no more Murray.

I have some good news for my friends down there, and I have some good friends down there who have sent me word that they want to stay in Kentucky. I wonder if they know this administration sold them off to Illinois. The truth is, some of us do not know where President Clinton was for sure. We know we have newspaper stories and video clips which report that he was seen in Owensboro plain as day.

But, on the other hand, we have the Federal Government, the source of all wisdom, which the President would have us entrust with the education of our children, telling us the President and the entire city of Owensboro, KY, is actually in Tennessee.

I trust the teachers and the parents in Owensboro, KY, with the education of their children. They know what is what.

When presented with a choice between handing over control of their children's education to the Federal bureaucracy in Washington, DC, or letting those decisions be made by someone who personally knows the names of those children, I trust they will make the right choice.

Mr. KENNEDY. Will the Senator yield?

Mr. BUNNING. I will, after I have finished.

This administration says they care for the children in Owensboro, KY, but they do not even know their names. Parents and teachers know their names and the needs of their children and students. I trust them. As the Senate continues this debate on this education bill, I urge my colleagues to support education policies that truly return power to the people and away from the Federal bureaucracy.

Of course, it is very obvious there is one new Federal program needed, a program that is desperately needed—a geography class for this White House—because, quite literally, this administration cannot quite find Owensboro, KY, on the map.

Now I will be glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague. I will take 2 minutes. I thank the Senator for yielding.

I had the pleasure of talking with the President of the United States on Wednesday evening after he came back from his trip. He told me about the school in Owensboro. I want to just give the assurance to the Senate that he told me it is one of the schools with the highest number of children receiving nutrition programs, which defines the disadvantaged children. They have a superb literacy program. They had small class size. They had a great emphasis on teacher training. It moved from one of the lower level schools, in terms of academic achievement, up to one of the top ones in Kentucky.

Is that correct?

Mr. BUNNING. That is very accurate. It is also accurate, there are very many other schools, not only in Owensboro but down along the border at Williamsburg and throughout many counties in Kentucky that have improved their educational facilities.

Mr. KENNEDY. Mr. President, on my time, I welcome that fact. I think it is worthwhile to take note about what has been happening in Owensboro and to try to share that kind of success story, which the President of the United States was extremely impressed with and quite willing to talk about. I have the notes back in my office about the percentage of progress that was made.

What he was talking about was well trained teachers, smaller class size, and support programs for children who are in need. Those are concepts we have tried to have in this program. I know we have some differences on that, but I wanted any reference to the President's trip to Owensboro also to relate the quality and very strong improvement in the education he witnessed down there. I think it is worthwhile taking note. We all ought to know what works and be encouraged by it.

I thank the Senator.

Mr. BUNNING. I would like to conclude by saying a former colleague of the Senator from Massachusetts is a little struck also, Senator Wendell Ford, because Owensboro happens to be his hometown. It is definitely in Kentucky.

I yield the floor.

Mr. JEFFORDS. Mr. President, if there are no supporters of the bill, I would like to yield 10 minutes to the Senator from Tennessee.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I understood we would go back and forth.

Mr. JEFFORDS. I think I represent those in opposition. If the Senator is in support of the amendment, then I believe he is right.

Mr. REED. I would like to speak about the amendment, not necessarily in support but speak about the amendment.

Mr. KENNEDY. I will yield 5 minutes.

Mr. JEFFORDS. I yield 10 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. KENNEDY. I want to object. I thought we might be going back and forth on this. If the Senator is on a particular schedule, I will ask the Senator from Rhode Island to withhold, but he indicated to me a preference.

Mr. FRIST. I will be glad to yield 5 minutes on the other side's time and be happy to follow that.

The PRESIDING OFFICER. Without objection, then, the Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. Mr. President, I thank Senator FRIST, Senator KENNEDY, and Senator JEFFORDS.

I commend Senator LIEBERMAN and his colleagues for presenting a very thoughtful and principled alternative to discuss today. There are elements in this legislation which I support enthusiastically, and then there are other elements I do not accept and have great questions about. But the proposal of Senator LIEBERMAN along with colleagues underscores some critical points.

First of all, they underscore that the approach of S. 2—simply transferring money with very limited and ambiguous accountability provisions of the State—is not the way to reform accountability. Also, they recognized there is a legitimate State and local partnership that could be maintained and should be maintained, particularly in the context of title I.

They are also advocating a greater investment in education. That is something I know I agree with and I know many, if not all, of my colleagues on the Democratic side passionately agree with. Also, they advocate greater targeting of these funds into those low-income schools that need more assistance and, in fact, represent probably the best example why unconstrained State and local policy sometimes leads to bad outcomes.

If you look at the funding and the performance of schools in urban areas and low-income rural areas, you will see the combination of the property tax and local policies will lead to results, to outcomes we do not want. We at the Federal level have the opportunity and the resources to help a bit, at least, to change that outcome. Also, it recognizes the importance of class size reduction and school choice. All of these are very important.

In addition, it recognizes very strongly the notion and the need for accountability. Senator BINGAMAN has offered an amendment. He worked on this measure, not just in this Congress but in the preceding reauthorization. I joined him in that work as a Member of the other body. This provision is an important one. It is not part of the Lieberman proposal. I think it is something we should emphasize.

I do, though, disagree with the approach they are taking to consolidate certain programs because one of the issues with consolidation is that you tend to lose both the focal point and also we typically design specific targeted programs to do those things which States are unwilling to do or are not doing at the same level of resources which are necessary to accomplish a national purpose.

We can see examples throughout our policies. School libraries, I use, inevitably, to point out the fact that back in 1965 we did have direct Federal resources going to help collections of school libraries. In 1981 we rolled them into a consolidated block grant approach, and, frankly, if you spoke to school librarians, they would point out the status of their collections, which are very poor, with out-of-date books, and they would also say how difficult it is to get any real resources from the localities or States. Frankly, that is the type of acquisition they can always put off until next year and next year, and before you know it, it is 5 and 10 years and these books are out of date.

I believe, too, the proposal the Senator from Connecticut and his colleagues are advancing does not recognize some of the other challenges facing our schools. The fact is, we do need to help the States and localities, apparently, to fix crumbling schools. One of the things I hear repeatedly from the other side is the wisdom of State and local Governors about public education. If that is the case, why are there so many decrepit school buildings throughout our country? Why are there so many children going to schools to which we would be, frankly, embarrassed to send children? It is not because people are either ignorant or evil at these local levels. It is because when you have a limited tax base, when you have many other priorities, when most of the local budgets are consumed by personnel costs, it is awfully difficult without some outside help—i.e., Federal help—to do certain things. One of them, apparently, is to ensure that school buildings are maintained at a level where we would not be embarrassed to send children.

There are schools in Rhode Island that are over 100 years old. They are crumbling. They need help. Every time I go into these communities, I do not have local school committee people and mayors saying: Go away; take your terrible, terrible Federal rules and regulations away from us. I have them imploring me: Can you help us get some resources from the Federal Government to fix up our schools? That is the reality, not the rhetoric and mumbo jumbo about big education bureaucrats and everything else. There is potential in the Lieberman amendment. Unfortunately, this aspect of putting all these programs together defeats the purpose.

I have two other quick points.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REED. Mr. President, I request 1 more minute.

Mr. JEFFORDS. I yield 1 minute.

Mr. REED. Mr. President, I thank the Senator from Vermont and the Senator from Tennessee for their graciousness.

I commend them particularly for bringing up the issue of increased resources and targeting. One of the ironies is, we who have been doing this over the last few years fought through the last reauthorization. Targeting of resources of title I programs is intensely divisive politically. Particularly Members of the other body do not want to see their allocation in title I funds decreased, even if they represent fairly affluent communities. It is one thing to talk about targeting, but it is something else to have the political will to engage in that. I tried it in 1994, along with others. We made moderate success. I would be happy to join the battle of targeting again, but I would be remiss if I did not point out the real challenges of getting a bill such as this through both Houses of the Congress.

Again, I thank the Senator from Tennessee for his graciousness, and I yield the floor.

Mr. JEFFORDS. I yield the Senator from Tennessee 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. FRIST. Mr. President, I rise in opposition to the Lieberman amendment, although let me say right up front that there are several principles that are underscored in the amendment in which I believe wholeheartedly and that are reflected in the underlying bill to reauthorize the Elementary and Secondary Education Act. The whole idea of being able to collapse programs into a manageable number and the emphasis on student achievement are two concepts which are very important as we look forward to how best to educate the current and future generations of children in areas in which we are failing.

I remain very concerned, though, with the specifics of the Lieberman amendment in terms of the formula, the impact it has on a number of districts in Tennessee. The focus on teachers, which I believe is appropriate, in terms of it being critical that we develop an opportunity for every child to be in a classroom with an excellent quality teacher is an important one, although maintaining this whole approach of 100,000 teachers and dictating that from above is something I simply cannot support.

We just voted on an amendment which I believe directs us in a much better, more optimistic, potentially more beneficial direction, and that is empowering teachers, attracting teachers, and recruiting teachers through the alternative certification process in that amendment. Careers to Classrooms is what it is called.

We have not had the opportunity to adequately explain the importance of this now-accepted amendment, but it is important to understand and for us to spend a few minutes on it because it does underscore the importance of having high-quality teachers, attracting teachers, keeping them in that position because of the demographics and the shift we are going to see in teachers and retiring teachers.

This careers-to-classrooms approach complements what is in the underlying bill, that part of the bill that applies to teachers and is called the Teacher Empowerment Act. I have worked carefully and closely with Senator KAY BAILEY HUTCHISON from Texas in crafting this careers-to-classroom aspect of the bill:

As we look forward, it is important to understand the importance of that high-quality person, not just a person at the head of the classroom, but that high-quality teacher.

This aspect of the bill expands the national activities section of the underlying bill to allow additional funds for States that want, that wish, that choose to attract new people into the teaching profession through what is called an alternative certification process.

We have all heard about the impending teacher shortage. It is something that has been discussed on the floor. It is something that Americans today do understand. The Department of Education estimates we will need about 2.2 million new teachers over the next decade. That 2.2 million is necessary for two reasons: No. 1, because of enrollment increases and, No. 2, to offset the large number of teachers, the so-called baby boomer teachers, who will be retiring over the next several years.

It is interesting to note that the severe shortages tend to be in areas that are either the most urban or the most rural. Even more interesting is if you look at the alternative certification processes that have been in effect, for example, in New Jersey, where there has been such a program for 15 years, it is in those most urban areas and those most rural areas that the alternative certification process has had the most beneficial and the most powerful impact. The underlying focus in the bill, made stronger by this amendment, is that it is not only numbers of teachers but, indeed, it is the quality of those teachers we have in the classrooms.

This amendment, and now the bill, directs resources to strengthen and improve teacher quality. There is a professor at the University of Tennessee whose name is William Sanders. He pioneered this concept of a value-added system of measuring the effectiveness of a teacher. His research clearly demonstrates that it is teacher quality more than any other variable that can be isolated, including class size, including demographics, that affects student achievement. He says the following:

> When kids have ineffective teachers, they never recover.

At the University of Rochester, Eric Hanushek has said, and I begin the quotation:

> The difference between a good and a bad teacher can be a full level of achievement in a single year.

The research of the importance of the quality of the teacher goes on and on. Again, as the statistics have shown, we have 12th grade students in the United States ranking near the bottom of international comparisons in math and science; where today most companies that are looking for future employees dismiss the value of a high school diploma; where we know that high school graduates are twice as likely to be unemployed as college graduates.

The statistics go on and on. No longer can we afford as a society to have this increasingly illiterate population continue.

It comes back to having a good quality teacher in the classroom, and today too many teachers in America lack proper preparation in the subjects they teach. Tennessee, my State, actually does a pretty good job overall, I believe, because they say a teacher has to have at least a major or a minor in the subject they are going to teach. Therefore, when we have these gradings of States on how well they do, we always get an A in this category of having a major or a minor.

Even in Tennessee, 64 percent of teachers teaching physical science do not have a minor in the subject. Among history teachers, nearly 50 percent did not major or minor in history. Other States do much worse.

Mr. President, 56 percent of those teaching physics and chemistry, 53 percent of those teaching history, 33 percent of those teaching math do not have a major or minor in the field they teach. We know this content is critically important to the quality of that teacher.

In closing, let me again say what this amendment does. It seeks to position a State, if they so wish, to have as good an opportunity as possible to recruit teachers. It actually helps States to recruit students and professionals into the teaching profession if they have not been in the teaching profession—both top-quality students who have majored in academic subjects as well as midcareer professionals who have special expertise in core subject areas. We want teachers teaching math to have majored or have an understanding of the content of math. We want teachers teaching science who have majored in and truly love science. It makes for a better teacher.

What this amendment does is help draw students and professionals into teaching, attracting a new group, a new pool of people into the field of teaching, different kinds of people, all through this alternative certification process.

We all know it is hard today, among our graduates, to attract the very best into teaching, given the barriers that are there, given the traditional certification process. Through this amendment Senator HUTCHISON and I have drafted, we provide resources to States that wish to offer these alternative certification programs to help them establish such new programs to recruit students, professionals, and others, into the teaching profession.

I am very excited that this amendment has strengthened the underlying bill. These alternative certification stipends will help provide a seamless transition for students and professionals who make that change, that movement from school or careers, and embark upon a new career in teaching.

Shortly, this afternoon, Senator HUTCHISON will come down and elaborate on this particular program. Again, I am very proud to be a part of helping this new generation of teachers and future teachers address the problems we all know exist in our education system today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, if we go into a quorum call, is the time equally divided?

The PRESIDING OFFICER. It would take unanimous consent to equally divide it. Is the Senator requesting unanimous consent?

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield myself 5 minutes under the time allotted to the manager of the bill on our side.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I am going to be opposing the amendment offered by my colleague, Senator LIEBERMAN. He, I know, has thought a great deal about education issues. I admire his commitment to education. But we come at this from slightly different perspectives.

I want to speak not so much about the amendment that is before us but a bit more about the underlying issue that brings us to this intersection of the debate on this bill.

We know that in this country the education system needs some repair and adjustment. I happen to think many schools in this country perform very well. As I have said before on the floor of this Senate, I go into a lot of classrooms, as do many of my colleagues. I challenge anyone to go into these classrooms and come out of that classroom and say: Gee, that was not a good teacher. I have deep respect and high regard for most of the teachers I have had the opportunity to watch in the classrooms in this country.

But there is almost a boast here in the Senate by some that we do not want to have any national aspirations or goals for our education system. I do not know why people do that. Our elementary and secondary education system is run by local school boards and the State legislatures. That is as it should be.

No one is proposing that we transfer control of school systems to the federal government. But we are saying that, as a country, as taxpayers, as parents, as a nation, we ought to have some basic goals of what we expect to get out of these schools. Yet there are people who almost brag that we have no aspirations at all as a country with respect to our education system.

I would like to aspire to certain goals of achievement by our schools and by our kids across this country, so I am going to later offer an amendment, part of which is embodied in the Bingaman amendment, dealing with accountability, saying that every parent, every taxpayer ought to get a report card on their local school. We get report cards on students, but we ought to get a report card on how our schools are doing. It is one thing to tell the parents the child is failing. We certainly ought to know that as parents. But what if the school is failing? Let's have a report card on schools, so parents, taxpayers, and people in every State around this country can understand how their school is doing compared to other schools, compared to other States.

The issue of block granting, with all due respect, I think is "block headed." Block granting is a way of deciding: Let's spend the money, but let's not choose. We know there are needs, for example, for school modernization.

I heard a speaker the other day at an issues retreat I attended who made an appropriate point that I know has been made here before. Not many years ago, we had a debate in the Senate about prisons and jails. Some of the same folks who stand up in this Chamber and say, we cannot commit any Federal money to improve America's schools, were saying, we want to commit Federal money to help State and local governments improve their jails.

Why is it the Federal Government's responsibility to help improve jails and prisons for local government, but when it comes to improving schools, we say that is not our responsibility? I do not understand that. Jails and prisons take priority over schools? I do not think so. It seems to me there is a contradiction here.

All of us have been to school districts all over this country. We have seen young children walk into classrooms we know are in desperate need of remodeling and repair. Some of them are 40, 50, 60, 80 years old. I was in one the other day that was 90 years old. The school is in desperate disrepair, and the school district has no money with which to repair it. What are we going to do about that?

Are we going to say those kids don't matter? Are we going to say that we are going to commit Federal dollars to education, but we don't want to know where those dollars are going? Are we going to say we don't want to direct funding to deal with the issues we know are important, such as school renovation and repair or decreasing class size by adding more teachers? Are we going to say we don't want to reach some sort of national goals because we are worried someone will mistake that for Federal control of local schools?

Hear it from me. I do not think we ought to try to have Federal control of local schools. The school boards and State legislatures do just fine, thank you; but there are areas where we can help, and school modernization is one of them. We were perfectly willing to jump in and renovate prisons and jails for State and local governments, but now it comes to schools and we say, no, that is not our job. It is our job.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DORGAN. Schools are certainly more important than prisons and jails when it comes to the subject of renovation.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes. We are awaiting Senators either on that side or on this side. I will withhold when they arrive. I yield myself 5 minutes.

I have heard the Senator from North Dakota speak to this issue about the General Accounting Office report that estimates we have about $110 billion worth of modernization or rehabilitation of schools. Is the Senator familiar with that report?

Mr. DORGAN. I sure am. The GAO reported about the disrepair of schools, on Indian reservations, in inner cities, all across the country. You go to poor school districts that don't have a large tax base, and you find that we are sending kids into classrooms in poor shape. We can do better than that. The GAO documents that very carefully in study after study. We must, as a nation, begin to make investments in our schools.

Mr. KENNEDY. Would the Senator not agree with me that we tell children every single day that education is important, a high priority, the future of our country depends upon it, your future is essential to the meaning of this country and what this country is going to be throughout the world? What kind of message does the Senator think a child gets who goes to a school that has windows open in the wintertime, an insufficient heating system, or a dilapidated electrical system so they can't plug in computers? What kind of subtle message does the Senator think that sends to the child where, on the one hand, we say it is important to get a good education, but on the other hand the child goes to a crumbling school, whether it is in the urban or rural areas, or Indian reservations?

Mr. DORGAN. The message is pretty clear. We talk about education, but then if the schools are in disrepair and adults do not seem to care about it, students feel that education and they themselves do not matter. I toured a school about a week ago with 150 kids. It had two bathrooms and one water fountain. It was in terrible disrepair.

The teacher said, "Children, is there anything you would like to ask Senator Dorgan?" One of the little kids who was in about the third grade raised his hand and said, "Yes. How many bathrooms does the White House have?" Do you know why he asked that? I think it was because that is an issue in their school. They have long lines to wait to go to the bathroom—150 kids and two bathrooms. Why is that the case? Because these kids are sent to an old school. The school district has no tax base. When we send them through the classroom door, we cannot, as Americans, be proud of that school. We must do better than that.

Mr. KENNEDY. I thank the Senator for his comments. I agree with them 100 percent. We will have an opportunity to consider this in amendment form. Senator HARKIN intends to address this issue in an amendment later in this debate—hopefully soon, if we can move along on some of our votes.

Again, as the good Senator has mentioned, what we are trying to do is target scarce resources on problems that we know exist, and with scarce resources we can make a difference that is going to enhance academic achievement. I thank the Senator and I yield the floor.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mrs. HUTCHISON. Mr. President, I rise to speak on the pending Lieberman amendment. Senator LIEBERMAN is a friend of mine, and I know he has spent a lot of time with many colleagues trying to put together a substitute that could have bipartisan agreement. I think the Senator's amendment does make some good attempts, but there are concerns that will also force me to vote against his amendment.

I think the amendment is overly prescriptive. The reason I feel so strongly about this is that the amendment we just passed—Senator LOTT's amendment—which included my and Senator FRIST's careers-to-classroom provision—the whole purpose of that is to give more flexibility. I think what we are doing is drawing the bright red line between the philosophy of what the Democrats are hoping to do and what the Republicans are hoping to do. The Republicans are trying to withdraw a lot of the redtape that we hear complained about by teachers everywhere we go in our States. When I go to a town hall meeting, in an urban or rural area, they complain about the redtape and the regulations that keep them from being able to do the job they want to do, which is to teach children in the classroom.

I think Senator LIEBERMAN's amendment fails to provide the flexibility and the accountability for our States and public schools, which really is the hallmark of the bill that is before us today. I am concerned about the revised formula for title I. I am concerned because title I will take millions of dollars from many of the rural and other schools in Texas and across America.

While I certainly understand the goal of providing money for low-income schools, I don't think it should come at the expense of our Nation's rural schools. They also have a great need, and oftentimes they lack the resources to give the quality education they need and want for their children.

I am also concerned about the provision in the Lieberman substitute that effectively requires certification for teachers' aides and other paraprofessionals. I think this is something best left to the States and the local districts. In fact, to go back to the amendment we just passed, Senator FRIST and I have been working, along with Senator GRAHAM from Florida, on a different concept that goes away from the overcertification issue and says we want professionals in the classroom, and we want to encourage school districts to put professionals in the classroom, even if they didn't major in education in college.

Now, I have to take a step back and say that I am very proud that my alma mater, the University of Texas, is actually beginning to do some testing on education degrees to see if we can focus more on the area of expertise that is going to be taught in the classroom and less on the "how to make lesson plans" part of the education degree. So far the tests have been very positive of the students who have gone more in the area of expertise for which they are going to be the teachers and less into the "how to be a teacher"—not that you do away with that because it is important; but you lessen the focus on that and go more for the actual expertise that is going to be transferred to the children in the classroom. That is the exact concept of the careers-to-classroom amendment, which is cosponsored by Senator FRIST and myself.

It is very similar to what Senator BOB GRAHAM and I had worked on as well. Basically, it says to the midlevel professional who may be looking for a career change or who may be retiring because they have done well in their field, we want you to come into the classroom and give the benefit of our knowledge and expertise to children who are in schools that have teacher shortages or are in rural areas.

Here is an example. A friend of mine majored in French in college and taught French in private schools. She moved to a small school district in Greenville, TX. They wanted to offer French in Greenville High School. She wanted to teach it, but she didn't have a teacher certification. So she was not able to be put into the classroom in Greenville High School, and the students in that high school were deprived of that option because she was not certified.

Now, what she did—because she wanted to do this so much—she commuted 30 miles to the nearest teacher college and she eventually got her certification; but it took her several years because she was also raising children. During that period, those children who wanted to take French could not have that option at Greenville High School.

I think that is wrong. I don't want her to have to jump through that many hoops in order to give a great opportunity to that school district that they otherwise would not have. So our careers-to-classroom provision takes rural schools and schools that have teacher shortages and matches them with people who have professional expertise—especially in the fields of math, science, and languages. We can enhance education to a greater degree if we have qualified teachers.

We give encouragement. We give authorization for funding for school districts that will give alternative certification, which is expedited certification to these teachers who want to go into the classroom and help enrich the experience that our children will have all over our country.

We hear a lot on the Senate floor about the need to hire more teachers and reduce class size. There is a growing problem in America.

It has been estimated by the National Council on Education Statistics that the United States will need an additional 2 million teachers in public schools over the next decade. During the 1970s and 1980s, the American school age population grew at a relatively slow rate. But increased immigration and the new baby boomers have turned these numbers around. In 1997, a record 52.2 million students entered our Nation's public schools. Between 1998 and 2008, the population of secondary schools is going to increase an additional 11 percent. This is most pressing in our inner cities and rural communities.

We are trying to address these concerns by giving more flexibility and taking away some of these disincentives to get good professionals into the classrooms. I think our amendment, which has been agreed to by the Senate, is a better concept than the Lieberman approach, or Senator KENNEDY's approach, which I think have the effect of putting more restrictions and more redtape in the system.

I think we have tried the other way. While I believe Senator KENNEDY and Senator LIEBERMAN are very sincere in wanting better public education, I think we diverge on how we get there. I think we have tried the "everything emanates from Washington" approach to get Federal funding. I think now we ought to try something new. Let's try giving States flexibility by putting the money into the classroom where it does the most good rather than building up the Federal bureaucracy that has the effect of retarding the ability to be creative. Let's have the capability to put more teachers in to fill the teacher shortage with qualified teachers as well.

I want to end by saying that I believe in public education. I am a total product of public education. I know that is what makes America different from other countries in the world because we don't say to certain people: you will get a good education but other people in society will not have the same opportunity.

We have said in America that we want every child to reach his or her full potential with a public education. We want every child to have a choice. Many children choose private education. I support that, too. But it is our responsibility to have public education for children who cannot afford a private education or who do not want that kind of experience to be able to succeed and be the best with that public education.

The underlying bill and the Lott-Gregg-Hutchison-Frist amendment gives the tools to our country to create the public education system of excellence that is required to keep America a meritocracy and not an aristocracy.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield myself such time as I may consume from the amendment. I thank the Chair. I thank my friend and colleague from Texas for her thoughtful statement. I would like to respond to it.

It is interesting in this debate how common the usage of terms is on both sides. You have to really get down into the details.

The Senator from Texas talked about her support of flexibility for school systems at the local level. That is a centerpiece of the amendment that is now before the Senate, which is to consolidate a whole series of current Federal categorical grant education programs and give the local school systems some flexibility in the use of that money. But I think the difference between our proposal, the proposal before the Senate now, and the underlying bill is the difference between flexibility with purpose and essentially a blank check.

In our proposal, we have taken a series of categorical grant programs and put them together into four broad titles. We call them performance-based partnership grants—not block grants. As I understand block grants, they are basically pooling money and sending it back to the States and localities to be spent for education as they would wish.

As others have pointed out before, and Senator KENNEDY particularly, at the outset of the ESEA program, the Federal Government essentially gave block grants to the communities and States. It was found that the money was being spent for what most in Congress at that time did not think were priority educational goals. They were not being spent for the focused purpose of the ESEA, which was to help disadvantaged children. Block grants don't target the disadvantaged children, and they don't have enough accountability for results that are ongoing. There is no guidance from the Federal Government. I think this is a broad category of how the money should be spent. This is the difference between the underlying bill and the amendment before us now.

Yes, we believe that Washington doesn't have all the answers. Yes, we think that some of the current categorical grant programs are too focused with too much micromanagement. So we fold them together. But we feel very strongly that if we in Congress and the Federal Government are authorizing and appropriating literally billions of dollars to be spent by the States and localities on education, it is not just our right but our responsibility to set overall standards, categories, and goals for how that money should be spent.

When we say we create performance-based partnership grants, that is what we mean. They are partnerships between the Federal, State, and local governments to achieve national educational goals.

I will get to that in a minute.

They are performance-based because there is an annual measurement of how students are doing. That is what this is all about. Is adequate yearly progress being made on these various proposals? If not, we ought to rush in with some extra help. If it continues to not be made, then we ought to impose some sanctions.

We have taken these four titles and asked that the localities spend in areas that we think enjoy broad support in the Nation as priority educational areas.

First and foremost, I think we granted title I for disadvantaged children. But of the other four, first and foremost, here is more money than the Federal Government has ever sent to the States and localities before for the purpose of improving teacher quality.

Second, here again, it is more money than the Federal Government has ever sent back before for the purpose of improving programs in limited-English proficiency, commonly known as bilingual education. It is a critical need. Too many children for whom English is not the first language are not getting the education they should get.

Third, public school choice—a great concept that is being adopted at the local level; again, a new funding stream to create new charter schools and to create new experiments in public school choice. Let parents and children have some choice within the public school setting by creating competition and forces that will improve the overall quality of education.

Finally, a broad category of what might be called public school innovation, including afterschool programs, summer school programs. Whatever the localities may decide is an innovative idea, we want them to be able to test.

There is a big difference between sending a blank check from Washington back to the States and localities, saying here is a substantially increased check but we are asking that localities spend it in one of these four priority areas and we are going to hold localities accountable every year for the results of that spending.

Ultimately, that is what matters. It is interesting and not unimportant to talk about performance-based partnership grants, but ultimately it is important to consolidate categorical grants. What is most important is, What is the result? Are our children being better educated? If not, we in Washington will set up a system that does not accept failure, that does not allow the Federal Government to sit back and accept failure, but pushes into the debate and the action to encourage success for our children.

The second broad point of response is on the question of teacher quality. As we all know, we have a rising need for new teachers—2 million over the next decade. We also want to make sure those teachers are the most able. There are a lot of ways to do this. In my State of Connecticut, the legislature adopted a program a decade or more ago that has worked. It begins with the State of Connecticut setting standards for paying teachers more money. It is true we get what we pay for. There are a certain number of people who have devoted themselves to teaching, regardless of salary, because they had a sense of mission. It is what gave them satisfaction. In an increasingly competitive economy, one of the ways we make it easier to attract the best people to teach is by paying more money.

The second is to create opportunities in midcareer for people to come into teaching. I point out to my friend from Texas, title II of our proposal on teacher quality specifically urges the States to open up alternative paths for people. In our proposal, title II encourages the localities to do exactly what Senator HUTCHISON advocates, which is to create alternative paths to teacher certification for people in midcareers so we can get the best people to better educate our children.

We think this is a balanced proposal. We ask our colleagues to consider it and hopefully support it as we come close to the time for voting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JEFFORDS. I yield the Senator from Washington 5 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I am delighted to be on the floor in the presence of my friend, the Senator from Connecticut, the primary sponsor of this proposal. For well over a year, the Senator has shared his thoughtful ideas with me and with other Members on this side of the aisle.

While this is certainly not my proposal—it is not Straight A's by any stretch of the imagination—it does represent, in the view of this Senator, a genuine and thoughtful approach to the proposition that we haven't been doing everything right for the last 10, 20, 30, 35 years and that there is a newer and better way to provide education services to our children directed at seeing they get a better education and their achievement improves.

The proposal the Senator from Connecticut has before the Senate is a thoughtful and imaginative approach to our innovation in education. There have been a number of comments during the course of the day and earlier that the Senator from Connecticut and some of his friends and allies have been working with this Senator and others to see if we could marry most or many of the propositions contained in the current amendment—relating to Straight A's, to the Teacher Empowerment Act, and to portability —in a way that would reach across the aisle not with a half a dozen Members on each side of the aisle supporting the proposition but perhaps with a majority of the Members of the Senate.

While I can't say I am a supporter of the proposition exactly as it appears before the Senate, it does offer very real possibilities not only for a constructive debate on education policy but for a constructive resolution to the better education that every Member in this body, whatever his or her philosophy, seeks. I hope there may this afternoon even be a symbol of the fact we are beginning to work together.

I must say, there are clear differences even in negotiations over a middle ground. It is certainly possible they will not be surmountable. This Senator, however, hopes they will be. I think the Senator from Connecticut does. At the same time, there may be Members who do not desire a partnership that has involved matters other than this from time to time in a way that has upset certain Members of this body.

I thank the Senator from Connecticut for his thoughtful and sincere efforts and express the hope publicly that they may lead to something which will unite, rather than divide, members of both parties.

Mr. LIEBERMAN. Mr. President, I thank my good friend and colleague from the State of Washington for his gracious words and for the discussions we have been having for almost 2 years about this particular reauthorization, in which I have learned a lot. I appreciate his openmindedness.

These discussions continue more broadly now. As he said, there are gaps remaining, but it has been a very good faith and worthwhile process. I look forward to continuing it with him and others in the days ahead toward the aim, which we hope is not going to elude us, of having a bipartisan reauthorization of ESEA.

I am grateful that the Senator from Virginia has come to the floor to speak on behalf of the amendment that is before the Senate. Senator ROBB is a cosponsor. He has been very active in our discussions of this proposal and, as always, he brings to these discussions the clear-headed vision based on experience— in this case, not only his experience as the Senator but valuable experience as the Governor of Virginia.

I yield whatever time Senator ROBB needs to discuss this proposal.

Mr. REID. Mr. President, so Members will know what is happening here, the minority and majority have agreed there will be a vote at 4:50, and on our side, the Senator from Virginia would have 20 minutes, Senator EDWARDS would have 10 minutes, Senator KENNEDY 5 minutes, and the majority would have 20 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

Mr. ROBB. Mr. President, we may not have any more important debate this session than the one we are having now on the reauthorization of the major piece of federal legislation affecting K-12 education, the Elementary and Secondary Education Act. I was pleased to support the Democratic alternative last Thursday because it contained many of my highest priorities for education. It continues our commitment to class size reduction, an initiative that will give our children more individualized attention with a qualified teacher. It provides substantially more money for professional development for teachers and administrators, so we can help build our teachers up, rather than tear them down. It contains more money for schools to make urgently needed safety-related repairs to their facilities, so our children are not in schools with leaky roofs or fire code violations. It contains increased investments in equipping our schools with modern technology, so our children can learn the language of the new economy—the information technology language. It contains increased funding for school safety initiatives, because we can't have good schools, unless we have safe schools. I am pleased that the New Democrats were able to work with our Democratic Caucus to significantly enhance and strengthen the accountability measures contained in the Democratic alternative. Although the amendment was defeated, I believe it contained a better approach, frankly, to the reauthorization of ESEA than that which has been offered by our distinguished colleagues on the other side of the aisle.

The Senate new Democrats under the leadership of the distinguished Senator from Connecticut, Senator LIEBERMAN, and the Senator from Indiana, Senator BAYH, and others, as has already been stated, have been working for many months on a proposal to reauthorize the Elementary and Secondary Education Act in a way that will truly help our Nation's students and improve our Nation's schools. We have offered this proposal as an alternative to the way we think about the Federal role in K-12 education. The goal of this alternative approach is the principle reason why we should have an Elementary and Secondary Education Act at all: to improve student academic performance and readiness. Two critical factors on the federal level in achieving this goal are investment and real accountability.

In 1994, Congress took a monumental step toward encouraging standards-based reform across the states—a movement which really began in 1989 when President Bush convened a summit in Charlottesville, VA with our Nation's Governors to explore ways to improve our public education system. When we considered the Goals 2000 legislation in 1994, we reiterated the principle of that summit: that education is primarily a State and local responsibility, but it is also a national priority. We recognized that if the Federal Government is to be a meaningful partner in education reform, we must give greater flexibility to States in the use of their funds in order to foster innovation and to help States design their own standards-based reform plans.

During the floor consideration of Goals 2000, I voiced my support for Goals 2000 funding and said:

> [w]ith this new funding States can, if they choose, work to establish tough academic standards, create a system of assessments to put real accountability into our schools, and expand efforts to better train teachers and give them the tools they need to teach our kids.

As a result a result of Goals 2000, 48 States have now developed standards and many are in the process of aligning their curricula and assessments to those standards. But we need to help even more than we are now, because only about half of the States this year will meet their student performance goals. And what is more troubling is that there continues to be a startling achievement gap between low-income students and more affluent students.

Now that the vast majority of our States have standards in place, we need to help them meet those standards. Our Three R's amendment emphasizes the need to reinvest in our schools, to reinvent the way that we partner with States and localities, and to recognize that we, as a Nation, have a responsibility to ensure that our children are receiving the very best education that all levels of government can collectively provide. For the first time, this amendment attempts to hold States accountable not for filling out the right forms or for writing good grant proposals, but for actual increases in student achievement.

The Three R's approach ensures that States are held accountable for yearly improvement in student academic performance. States will set their own yearly targets for improvement. Our hope is that these performance goals will help all children become proficient in reading, mathematics, and science. States will be required to take dramatic corrective action in the event that school districts in their States chronically fail to make the grade. Failing schools can be shut down. They can be reconstituted with new administrations. They can be turned into charter schools. There are a variety of options available, but the point is simple: failing schools are failing our children, and our children deserve more. States that meet or exceed their performance targets will be rewarded with even more flexibility in the use of their funds.

But a demand for more accountability must be accompanied by increased investment—increased investment in our students, increased investment in our teachers, increased investment in our administrators, and increased investment in our schools themselves. This amendment calls for an unprecedented $35 billion increase in elementary and secondary education funding over the next 5 years. Currently, the Federal Government only spends $14.4 billion per year on K-12 education. To put that in some perspective, last year we spent $230 billion to pay interest on the national debt. The fact that we pay 15 times more money on debt that is akin to bad credit card debt, when we could be building schools, or training teachers, or hiring school safety officers, is shameful.

Our amendment would increase our current spending by $7.2 billion next year alone. Instead of pumping this money into more programs, our amendment distributes most of the new Federal funds to States based upon a formula, rather than to those States and localities who can afford to hire savvy grant writers. The distribution of funds is targeted to where the funds are needed most—to our neediest schools and students, that are so often left behind.

The Three R's approach increases teacher quality funding to $1.6 billion, which is a $1 billion increase from our current spending. It substantially increases aid for economically disadvantaged students by 50 percent—from $8 billion to $12 billion. We continue our commitment to reducing class size by providing a guaranteed stream of funding for this important initiative which has so far provided States with enough funding to hire over 29,000 new teachers. And we get serious about helping Limited English Proficient students not only master English, but achieve high levels in core subjects as well. Our funding for LEP students is increased from $380 million to $1 billion. Finally, we provide $2.7 billion to expand after-school and summer-school opportunities, to enhance school safety, to improve the technological capabilities of our students, teachers, and schools, and to fund innovative school improvement initiatives designed at the local level.

We need to invest in our teachers so they are the best in the world. We need to invest in our schools so they are safe and modern. We need to invest in our students so they will develop the skills they need to succeed. The Federal Government can provide these resources and we believe that it should. At the same time that we do this, we need to ensure that the Federal role in K-12 education is one that actually promotes improvement in academic achievement.

That is accountability with real meaning.

This amendment is also meant to provide a starting point for a bipartisan effort. Our education debate has a tendency to devolve into partisan battles with the extremes on both sides drawing hard and fast lines that either abandon public schools by promoting vouchers or continue the status quo by funding myriad small programs—programs which, however well intentioned, often dilute the effectiveness of the limited Federal dollars we have to spend on education. We have to get beyond these differences to better serve our children.

There is more to the education debate than just these priorities. Last month, the Senate new Democrats held a hearing about the RRR approach. The panelists were former Reagan Education Secretary William Bennett; former Chief Domestic Policy Advisor to President Clinton, William Galston; Seattle Superintendent Joseph Olchefske; Amy Wilkins, principal partner of the Education Trust, an organization dedicated to the education of disadvantaged children; and Robert Schwartz, president of Achieve, Incorporated, an organization formed by the Nation's Governors and corporate leaders to improve public education.

Despite the philosophical diversity among the panelists in many areas, all of the panelists agreed that focus on increased investment in exchange for real accountability was necessary and prudent.

Perhaps William Bennett summed it up best by saying:

> The Three R's has the potential to bring about a new era for the Federal Government and education, an era that actively emphasizes results over process and favors success over failure.

I believe our RRR amendment combines the principles upon which so many of us can and do agree. It is perhaps more aptly described as the "III"—investment, innovation, and improvement. This really should be the model for the Federal role in elementary and secondary education in our country. I hope colleagues from both sides of the aisle will seriously consider this approach.

I yield the floor and reserve any time remaining.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina has 10 minutes.

Mr. EDWARDS. I thank the Chair.

Mr. President, I want to speak to three subjects today: first, to the subject of education in general; second, to some of the things we have done in North Carolina in the area of education of which we are very proud, particularly in our public schools; and, third, to talk specifically about the Lieberman-Bayh amendment.

First, the single test we should apply in determining what to do with our public school system is what is in the best interest of the kids—not what is in the best interest of either political party, not what is in the best interest for either candidate for the President of the United States, but what is in the best interest in improving the lives and education of our young people.

Anywhere one goes in North Carolina, if one were to ask folks what is the most important thing we do as a Government, they would tell you over and over: Educate our young people. If one were then to tell them the reality, which is that we spend less than 1 percent of the Federal budget on over 50 million school children in the United States, they would be absolutely flabbergasted. The single issue that the American people believe is the most important thing their Government does takes less than 1 percent of the Federal budget. They believe more needs to be done.

I believe strongly that our school systems should be run at the local level, that people at the State and local level know much better than people in Washington how our school systems should be run. That does not mean, however, there are not things we can do as the Federal Government to partner with State and local government officials in educating young people. That is what we need to be doing.

There is nothing in our Constitution that says we cannot devote more than 1 percent of the Federal budget to public education. We have to be willing to devote the resources to make education the priority it is for the American people, to put the resources into it, to put the effort into it, and to help State and local officials do the job they so desperately want to do.

I will say a word about some of the things we have done in North Carolina. We believe North Carolina is, in fact, the education State. For example, we started a program in early childhood development called Smart Start. The basic idea of Smart Start, which now exists in every county in North Carolina, was to get all kids into an early childhood development program and to get them on the right track so they later could be kept on the right track. Smart Start got them at a time when it had the most influence over them, which is before they reach the age of 6 or 7 and begin elementary school.

Smart Start has worked. It has had a dramatic effect in our State of North Carolina. Smart Start, most importantly, is an example of what happens when we are willing to think outside the box. We have to be willing to constantly examine whether what we are doing is working, whether there are new, innovative, more creative ways to educate our young people. Again, the test ought to always be the same: What is in the best interest of the kids? What is going to be most effective in giving our kids the best education we can possibly give them?

Smart Start is a perfect example of that. It is new. It was innovative when it came into play. It has worked. We have to be willing to continue to think about programs such as Smart Start.

The way we dealt with failing schools in North Carolina is another example. We went across the State and identified those schools that were failing; that is, they were not doing the job that needed to be done. Talk about accountability, this is accountability in its purest form. If a school was failing, we essentially replaced the administration of that school. In other words, we put people in charge of running the school for the purpose of turning it around.

The results have been absolutely phenomenal. Almost without exception, those schools have been turned around, the kids' grades have improved, and their performance has improved. Again, this is another example of being willing to think outside the box, to think creatively and innovatively.

Recently, I was in North Carolina meeting with some folks who were working on the cutting edge of public education. They showed an example of a computer program that can be used by kids in the early grades of elementary school.

They can take kids, particularly disadvantaged kids, and put them in front of a computer in an environment where they feel safe, where they do not have to perform in front of the other children so they do not feel as if they are a failure from the very beginning. It gets them engaged. The single most important thing with young kids is to get them engaged, to make them believe they have some control over their own destiny; that they can, in fact, compete; that they can effectively compete against all the kids; and, more important, it gives them self-esteem. It makes them feel as if they can actually do something about their lives.

This computer program had a phenomenal effect on the performance of disadvantaged kids. Once again, the test remains the same: What is in the best interest of the children? Are we willing to constantly challenge our approaches, how they can be better molded to fit the needs of the children? The computer program I just described does that; Smart Start does that; that is what our mechanism for dealing with disadvantaged and failing schools did in North Carolina.

That brings me to the Lieberman amendment, which is just another example on the national level of being willing to address issues creatively, innovatively, and to think outside the box, to think about what is in the best interest of the kids and what is the most effective way of addressing the needs of kids.

I will freely admit there are some provisions in the Lieberman amendment which caused me some concern when I first saw them, but it does many positive, creative things. First and foremost for me is the willingness to invest in title I, to provide more resources and more funding and to target those funds to the kids who most need the help.

If my colleagues do what I have done over the course of the last 2½, 3 years and go to schools across my State of North Carolina, the one thing that becomes immediately apparent is our kids do not compete on a level playing field. That was the original idea behind title I: trying to create a level playing field so no matter where a kid went to school, no matter where they were enrolled in school, whether it was in the country in rural North Carolina or Charlotte, Raleigh, or Greensboro, they had an equal opportunity to achieve and equal opportunity to learn.

I have to give tremendous credit to Senator LIEBERMAN, Senator BAYH, and all the moderate Democrats who worked so hard on this amendment. What they have done is identified the kids who most need the help—the place where the achievement gap exists—and gone about thinking creatively how we can make these kids achieve, how we can give them the best possible chance to be able to perform because we have to be willing to do something.

We have consistently underfunded title I in the past. There has been a lot of rhetoric about our willingness and interest in helping disadvantaged kids. Now we get a chance to step up to the plate. That is exactly what Senator LIEBERMAN and Senator BAYH have done. They have said: We are willing to put our money where our mouth is. We are willing to put the resources in place that need to be there to help these kids, these disadvantaged kids, to give them a chance to compete.

That is all they ask for. That is what the computer program is about. That is what reducing class size is about. We have to give these children, who have not been achieving, who have not been responding to the traditional ways of educating young people, a chance to compete. We have to be willing to think outside the box. We have to be willing to say to ourselves that maybe we have been wrong in the past, maybe there are new and better ways to do this.

That is exactly what the Lieberman amendment is aimed at doing. That is the reason the Lieberman amendment is supported by the moderate Democrats. The Lieberman amendment is just another in a long line of examples—except in this case it is at the national level—of new and creative ways of addressing the needs of our young people.

As we go forward with this debate, and as we go forward with addressing the needs in educating our young people, we have to be willing to do what has been done in my home State of North Carolina, what has worked so well—programs such as Smart Start, programs dealing with failing schools, these computer programs that have been so effective, and now, in this case, on a national level, the Lieberman amendment.

We have to be willing to question ourselves. We have to be willing to put the money in place that is needed to educate our young people, which is more than 1 percent of the national budget, and that, ultimately, we are committed to making the first decade of this century the education decade, and that we are committed to making our schools the envy of the world. We have the best economy, the best roads, the best technology in the world; it is high time we be able to say to the world, our schools are the envy of the world.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Arkansas 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I listened with great interest to my distinguished colleague from North Carolina. I applaud his willingness to look at new and innovative approaches. I think his embrace of the Lieberman amendment is reflective of that desire for change.

I note, as I listened to the Senator's comments, he spoke of the North Carolina experience and some of the things they have done in North Carolina—some of the innovative, creative, and constructive programs in North Carolina.

I applaud the State of North Carolina. And I think that makes our case for Straight A's. I think the idea of giving those kinds of States which are doing good and innovative things more flexibility in carrying out those programs is exactly the direction we ought to be moving.

I believe the Lieberman proposal moves us in that direction, that it is a constructive effort, that it has been a positive effort, that there has been, on the part of the moderate Democrats who have spoken on behalf of the Lieberman amendment, a recognition of the need for change. There has been a candid recognition of the failure of the top-down, one-size-fits-all approach that we have taken for 35 years to the Federal role in education.

I must say that I still have a number of concerns and reservations, and have opposition to some of the provisions in the Lieberman proposal. I still think there is too much regulatory effort from Washington. I think there is a failure to embrace the kind of bold steps we need that are in the underlying Educational Opportunities Act and that it would be a shame for us, while recognizing the need for change, recognizing the need for adequate funding, to only take a half step or a baby step in the direction of reform. That is why I believe the underlying bill is far preferable.

I am pleased, however, that there have been ongoing discussions among those who believe that we need change on both sides of the aisle, that we need to provide greater flexibility, that we need to consolidate programs, that we need to streamline programs, and that there has been an effort to accomplish that. But I am very concerned that we still centralize too much power in the name of accountability. We still give too much authority to the Department of Education.

Members have been talking about the importance of accountability all week and last week. If we are to have accountability for Federal education funds, we must first ensure that accountability is occurring not only at the local level but at the Federal level as well.

So when I heard Senator LIEBERMAN earlier say these are billions of American taxpayers' dollars that we are sending back to the States and to the schools; therefore, we have a right and a responsibility to require specifics on how that money is spent, that sounds very good, but I say that we should require the same kind of accountability from the Department of Education which oversees these programs that it administers.

For the second year in a row, the U.S. Department of Education has been unable to address its financial management problems. Those management problems are very serious. In its past two audits, the Department was unable to account for parts of its $32 billion program budget and the $175 billion owed in student loans. They were unable to account for parts of that budget. Before we entrust the Department with administering more funds and creating more new programs, we must ensure that they are properly accounting for the funding they already have.

The Lieberman amendment, though a step in the right direction, still leaves more power in the hands of the Federal Department of Education and provides a modicum of improvement for State flexibility that, in my opinion, is not enough.

The House Education Committee has been holding hearings on the financial problems at the Department of Education and has found instances of duplicate payments to grant winners and an $800 million college loan to a single student. That is rather amazing.

In its 1998 audit, the Department blamed its problems on a faulty new accounting system that cost $5.1 million, in addition to the cost of manpower to try to fix the system. A new accounting system will be the third new accounting system in 5 years.

The most recent 1999 audit showed the following: The Department's financial stewardship remains in the bottom quartile of all major Federal agencies. If you stack them all up, you find the Department of Education down toward the bottom in the job they are doing in fiscal responsibility. The Department sent duplicate payments to 52 schools in 1999, at a cost of more than $6.5 million. And perhaps most significant, none of the material weaknesses cited in the 1998 audit were corrected when the Department was reaudited in 1999.

So they have failed to take the kind of corrective measures that might reestablish confidence and faith in the Department of Education. These problems make the Department vulnerable to fraud, waste, and abuse. I have submitted an amendment to this bill that would require an investigative study by the GAO into the financial records of the Department of Education.

No one is suggesting we should eliminate the Department. No one is suggesting that having a voice for education at the Cabinet table is not critically important. But it is equally important that we require high standards of fiscal responsibility for the Department that oversees billions of dollars in taxpayer money. We entrust them with funding. We expect local schools to handle their funds properly. We should have the same kind of demand on the Department of Education.

In addition, I have an amendment to provide increased flexibility among Federal formula grant programs for States and local school districts. It is identical to language included in legislation in the House to reauthorize ESEA.

One of my concerns about the Lieberman amendment, although I do believe it is a step in the right direction and will provide expanded flexibility, is that it does not provide the kind of flexibility the States and local school districts are crying out for.

This amendment would give States and local school districts the authority to transfer funds among selected ESEA programs to address local needs as they see fit. Covered programs would include professional development for teachers, education technology, safe and drug-free schools, title VI innovative education block grants, and the Emergency Immigrant Education Program.

In addition, States may transfer funds into, but not away from, title I funding for disadvantaged students. So they would have the ability to take funds from these other programs and move them into title I for the benefit of disadvantaged students, but not the other way around.

It would not be only money flowing into the title I but would provide greater flexibility for the local school district to move money between programs—transferability. States may transfer all of the program funds for which they have authority, except for the administrative funds. Local school districts may transfer up to 35 percent of the funds they receive without obtaining State permission, and all other funds under these programs, if their State approves.

So this would provide for all of those States that are not fortunate enough to be included in the Straight A's Program, which the Presiding Officer has authored and expended so much energy and resources in promoting, but we still know that we have only 15 States in the underlying bill that are going to be able to participate in that program. So for those States not fortunate to be in the Straight A's Program, this would give them the ability to have some increased flexibility in devoting funds to arising needs in their schools. Local school boards know that needs often change from year to year. This gives them the authority to flexibly use their Federal funds to address those changing needs. As we all know, these local school boards are elected by the people just as we are in the Senate. I trust them to know the specific needs of their schools from year to year.

I believe that the debate for now more than a week has been very illuminating to the American people. The course of the debate has moved us a long way toward reaching, if not consensus, at least a strong majority of this body recognizes what we sought to do in the Health, Education, Labor, and Pensions Committee in producing the Educational Opportunities Act, which is supported by the American people and what we need to do—greater flexibility, greater local control, more child centered in our effort, high-performance expectations, a determination to see the achievement gap close between advantaged and disadvantaged students. And while initially we heard many on the other side simply defend the status quo in very plain terms, saying that we had to stick with the tried, true, and tested programs that have "worked so well" during the past 35 years, though with the expenditure of $120 billion, we cannot show that the achievement gap is closed.

I believe the debate has moved a long way, and I look forward to seeing the opportunity to pass the Educational Opportunities Act, including the Straight A's provision.

Mr. JEFFORDS. Mr. President, I yield myself such time as I have remaining.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in strong opposition to the Lieberman amendment. I want to be sure that all my colleagues understand that what the amendment would do is wipe out everything in S. 2—the bill we have been debating for the past week. The amendment would put in the provisions of S. 2254, a bill which was introduced about two weeks after the Committee on Health, Education, Labor, and Pensions completed its work on S. 2.

I believe that my colleagues should also understand that, if the Lieberman amendment is adopted, all amendments which were approved over the past week will be discarded along with S. 2. Moreover, no further amendments would be in order. I know that many members have prepared amendments which they wish to see considered. Should a substitute amendment be adopted, this will simply not be possible.

There may very well be ideas in the Lieberman amendment which are worth considering, but using it as the basis to scrap 18 months worth of hearings and other committee deliberations and to rewrite the Elementary and Secondary Education Act on the floor of the United States Senate is hardly the way to pursue those ideas.

A major function of the committee system in Congress is to assure that a bipartisan group of members have the opportunity to devote extra time and study to particular issues.

There may be disagreements among committee members and Members who do not serve on the committee may disagree with some of the conclusions reached by those who present a bill for the consideration of the full Senate. Nevertheless, there is a clear understanding of the issues at hand—so that a rational debate of differences can be held.

The danger in dismissing the work of a committee entirely in order to adopt something which may appear more appealing is that serious problems may well go unnoticed. I believe there are numerous aspects of the substitute amendment which illustrate this point.

For example, the amendment makes significant changes to the title I formula. Proposals to alter the formula by which title I funds are distributed are among the most difficult to analyze.

Changes which at first glance appear to represent sound policy often have unintended consequences that do not become evident until actual runs are performed.

Senator LIEBERMAN has proposed a significant change to the way that title I funds are to be distributed within states. Currently, the vast majority of funds are distributed through the Basic Grant Program 85%, and the Concentration Grant Program, 15%.

No funds have been made available for either the Targeted Grant Program or the Education Finance Incentive Grant Program. Importantly, the amount received by each state is determined by totaling amount that each eligible school district within the state is eligible to receive.

If the Lieberman amendment were adopted, the most dramatic changes would be experienced at the school district level. Under current law, the states distribute 85% the money to local educational agencies, LEAs, in accordance with the Basic grant formula and 15% of the money through the Concentration Grant formula. This structure is retained under the committee bill. Importantly, the amount of funding to each state is based upon the amount that eligible school districts within the state are entitled to receive.

Under the Lieberman proposal, money would be received by the state on the basis of one formula and then distributed to LEAs on the basis of a modified version of the Targeted Grant Program. This establishes a new precedent and raises basic questions of fairness. For the first time, the amount that a state receives will be based upon the eligibility of school districts which shall not be given the funds. Let me state this again. States will receive money on the basis of the eligibility of certain school districts. These school districts will not, however, receive the money. The money that the state received on the basis of their eligibility will be diverted to other school districts within the state.

It may be argued by some that this improves targeting by sending money to high-poverty school districts. An examination of the actual numbers reveals that the proposal would establish deep inequalities among school districts across the Nation. It turns out that not all poverty is treated equally. In fact, it depends upon which state you happen to be fortunate enough to reside in and even which school district governs your school.

Let me provide some examples. These examples were selected simply by going through the LEA lists in alphabetical order to select districts with comparable poverty rates.

In Alabama the Thomasville City School District has a poverty rate of 30.3% and would lose 21.6% of its title I funding. In California, Burnt Ranch with a poverty rate of 30.5% would only lose 16% of its funding. New London School District in Connecticut with a poverty rate of 30.6% would receive an increase of 11.9% while Bridgeport with a poverty rate of 35.5% would be cut by .5%. The disparity in the dollar amounts of the reductions is even greater.

My point is this. Many school districts which currently receive funding under the Basic and Concentration Grant Programs would receive steady annual cuts in their title I funds under this proposal. These would not be potential cuts—these would be real cuts. Cuts that would have to be made up by raising property taxes or cutting services.

The Congressional Research Service has done runs for each LEA in each state. These runs reflect annual projected increases or decreases for each of the next three years. There is nothing magic about three years. Districts which are gaining funds would presumably continue to gain them and districts which are losing funds would presumably continue to lose them until an equilibrium is established in the out years.

Our goal during this reauthorization should be to strengthen educational opportunities for all students. This proposal pits poor children in one school against poor children in another and should be soundly rejected.

Proponents of the Lieberman substitute have spoken to the need to increase accountability. I do not believe there is any disagreement at all in this body that recipients of federal education funds must be held accountable. As I noted in my opening remarks when we began floor consideration of this bill, through a bipartisanship effort in 1994, we in the Congress decided that title I should carry out its mission of improving learning by assisting state and local efforts in the development of standards and assessments.

Congress completely rewrote title I in 1994 and made the program more rigorous—requiring States to develop both content and student performance standards and assessments.

Congress gave the states seven years to complete this difficult task. We are mid-stream in this process.

In the name of accountability, the Lieberman substitute rewrites many of the standards, assessment, and school improvement provisions that were included in the 1994 law. I fear that rewriting these sections will not lead States down the path toward greater accountability, but rather will create detours for the states and school districts that have already spent several years going in the right direction. Developing and implementing standards-based reform and assessments is not a simple task. It requires sustained and consistent effort. Loading up States and school districts with new regulations, new reporting requirements, and more mandates is a distraction at best and a step backward at worst.

Finally, I believe it is important to point out that most of the individual programs authorized under the Elementary and Secondary Education Act outside of title I are repealed by the Lieberman substitute. A notable exception is that the amendment does authorize the President's class-size reduction program as a separate activity. Apparently, some merit is seen for that separate program which is not seen for programs such as the Reading Excellence Act, Gifted and Talented Education, Reading is Fundamental, or Character Education—to name just a few of the programs which are repeal by the substitute amendment.

It is my understanding that the funds from the various programs which are repealed are to be used within four general categories: school improvement, innovative reform, safe learning environments, and technology.

For example, the substitute amendment would repeal title IV of ESEA , the Safe and Drug Free Schools and Communities program. title IV funds would be pooled with the other funds allocated to repealed programs, and 15% of the funds in the pool are to be used for safe learning environments. The substitute amendment completely tosses overboard the title IV reforms in S. 2 which were developed by a bipartisan group of members—spearheaded by Senators DEWINE, DODD, and MURRAY. These reforms were designed to assure that drug-free schools funds are used for proven, effective programs—rather than being used in some of the frivolous ways we have seen in the past. The Lieberman amendment sets back the clock on these important revisions to the bill.

As I indicated at the outset, it is important that we take great care in crafting changes to the Elementary and Secondary Education Act. The programs in this Act represent virtually all the support provided by the Federal Government in support of elementary and secondary schools. Although the federal share is small relative to the contributions made by States and localities, it is a substantial investment—approaching $15 billion a year.

I believe that the Committee on Health, Education, Labor, and Pensions has taken its responsibilities seriously in developing S. 2 over the past 18 months. We held 25 hearings on all aspects of the Act and have spent considerable time discussing the issues it includes—with much of this work being done on a bipartisan basis. I am pleased to have heard so much today about bipartisan cooperation with respect elementary and secondary education. Although the final vote out of committee was on a party-line basis, the fact of the matter is that much of the bill was developed through bipartisan discussions.

I have spoken many times on this floor on behalf of bipartisan efforts to help our nation's school children, and I remain willing to engage in such efforts. I am not, however, willing to turn my back on the work the committee has put into S. 2 in order to embrace a proposal which reduces title I funding for many school districts throughout the country, imposes additional reporting burdens on States and localities, and repeals many programs which have been of value to our nation's schools and students.

I want to say again that I strongly oppose the Lieberman amendment.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Lieberman amendment, which is based on our bill "The Public Education Reinvestment, Reinvention, and Responsibility Act of 2000"—better known as "Three R's." I believe that this bill represents a realistic, effective approach to improving public education—where 90% of students are educated.

For the past 35 years, when the time has come for the Senate to reauthorize the Elementary and Secondary Education Act, it has done so with bipartisan support. However, over the past week, most of what we've seen on the Senate floor has been partisan wrangling—from both sides of the aisle—over how to reform education. I think that's tragic. Our nation's children deserve a serious debate and real reform—not partisan bickering and election-year gamesmanship.

Mr. President, addressing problems in education is going to take more than cosmetic reform. It will require some tough decisions and a willingness to work together. We need to let go of the tired partisan fighting over more spending versus block grants, and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

During the past several weeks, I am pleased to have been part of a bipartisan group of Senators who have put partisan politics aside and are seeking to find such a middle ground. Our group has been working to meld the best parts of all of our plans—in the hope that we can actually get a bill passed this year. In a short period of time, we have made tremendous progress and found more agreement between our two parties than the past week's floor debate has shown. I am hopeful that we will soon reach agreement on a bipartisan compromise, but even if we do not, we have laid the groundwork for the future. At some point, the entire Senate will have to put politics aside and deal with education reform. Our plan can serve as the foundation for that compromise—and I look forward to working with our group to make that happen.

Mr. President, I believe the Federal government must continue to be a partner with States, school districts, and educators to improve public education. But it is time to take a fresh look at the structure of Federal education programs—building upon past successes and putting an end to our past failures.

The amendment before us now—our "Three R's" bill—does just that. Three R's makes raising student achievement for all students—and closing the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must provide more funding for education—and that Federal dollars must be targeted to disadvantaged students. Federal funds make up only 7% of all money spent on education, so it is essential that we target those funds on the students who need them the most.

Second, we believe that States and local school districts are in the best position to know what their educational needs are. Three R's gives them more flexibility to determine how they will use Federal dollars to best meet those needs.

Finally—and I believe this is the lynchpin of our approach—we believe that in exchange for this increased flexibility, there must also be accountability for results. These principles are a pyramid, with accountability being the base that supports the federal government's grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educated their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we must stop subsidizing failure. Our highest priority must be educating children—not perpetuating broken systems.

Mr. President, the "Three R's bill takes a fresh look at public education. I believe it represents a real middle ground, building upon all the progress we've made and tackling the problems we still face. This bill—by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—demonstrates how we can work with our State and local partners to make sure every child receives the highest quality education—and a chance to live a successful, productive life. I urge my colleagues to support the Lieberman-Bayh amendment.

Mr. BRYAN. Mr. President, the quality of education in this country is of enormous concern to the American people, and is a defining issue in Congress this year. I believe that few priorities are more important than the future of our Nation's youth. When Americans lack education and skills, demands on Government support rise, and the long-term financial costs to the Nation are enormous. Our primary goal during this debate is to find the best way to bring every one of our students up to a high level of academic performance, in order that they may be successful, contributing members of the national and global economy.

As a former Governor of Nevada, I believe that education is first a State and local responsibility. Creative and innovative education programs have been initiated by many governors at the state level, and the local school districts who interact with students and families in their communities on a daily basis are better positioned than federal bureaucrats to identify their schools' specific needs, and to target the appropriate resources to meet these needs.

The primary purpose of the New Democrat amendment to the Elementary and Secondary Education Act, introduced by Senators LIEBERMAN and BAYH and of which I am a cosponsor, is to deliver better educational results by helping states and local school districts raise academic achievement for all children. The amendment recognizes that the Federal Government has an important role to play in working with states and localities on education. It also calls on the Federal Government to work with states to strengthen the standards by which states and local districts are held accountable for increased student achievement, and at the same time, to give states the flexibility to choose the programs that work best for their districts and schools.

The Federal Government has assumed the specific responsibility of ensuring that all students, especially those students who face significant disadvantages, receive a quality education, thereby preparing them to function as successful adults and to lead fulfilling lives. The Lieberman/Bayh amendment fulfills this responsibility by setting clear national goals. These goals are to increase targeting to schools with highest poverty concentrations; to consolidate professional development and teacher training initiatives to improve teacher, principal and administrator quality; to help immigrant students become proficient in English and achieve high levels of learning in all subjects; and to stimulate "High Performance Initiatives" by giving states money to choose what programs work best for raising the academic achievement of their students. States can use this "High Performance Initiatives" money to focus on priorities they deem necessary to the education of their students; priorities such as innovative school improvement strategies, expanding after-school and summer school opportunities, improving school safety and discipline, and developing technological literacy. These are all important goals.

More specifically, the Lieberman/Bayh amendment operates under the philosophy that getting money to those students who need it the most is crucial, and it strengthens our national commitment to targeting aid to disadvantaged students and schools. Under title I, the New Democrat alternative's formula sends 75 percent of new money to states and local districts with the highest concentrations of poverty. The amendment also distributes teacher quality money based on poverty and student population, and distributes money to help immigrant students become proficient in English and achieve high levels of learning by targeting aid to states with high concentrations of student with limited English proficiency.

Within the parameters of the Lieberman/Bayh amendment, states and localities get flexibility to choose what programs and strategies work best to raise their students' achievement. The amendment strengthens the decisionmaking authority of state and local officials by eliminating some of the strings that come attached to federal dollars. Under this new approach, states develop their own academic standards, their own assessments for measuring annual progress in student achievement, and their own goals for improving school performance. States also choose which initiatives and programs are of priority, and which will work best to raise academic achievement.

At the same time that states have this new flexibility, national interests and federal goals are protected and advanced, both fiscally and educationally. The new Democrat alternative does this by holding states accountable for meeting the standards they set. Money is not enough to raise student achievement. Along with the added money and flexibility in the amendment, states and districts are given the responsibility of setting performance goals for their students, and of demonstrating clear progress towards these goals.

Not all currently funded educational programs produce the great results we are looking for. The Lieberman/Bayh amendment sets measurable standards so that states and local districts can evaluate the programs they are using, and see what is and what is not raising their students' academic achievement. The states have the flexibility to choose the programs that work best for their student populations, but the Federal Government, under the Lieberman/Bayh amendment, holds them accountable for raising student achievement.

Under the new Democrat alternative, there are real consequences for chronic failure. For the first time ever, states that fail to meet the performance objectives under any title would be penalized. After 3 years of failure, a state's administrative funding would be cut by 50 percent, and after 4 years of failure, programming funds to the state under the "High Performance Initiatives" title would be cut by 30 percent. The Lieberman/Bayh amendment also requires states to impose sanctions on local school districts that fail to meet annual performance goals, and rewards states who exceed their goals by receiving even greater flexibility in using their program funding to meet their own specific priorities. In this way, Federal funding is directly linked to the performance of schools in meeting the goals the schools themselves have set.

In summary, the new Democrat alternative was written with the underlying philosophy that state and local officials are better positioned than Federal bureaucrats to identify their specific needs, and to target the appropriate resources to meet these needs. At the same time, the amendment sets clear national goals and holds states responsible for producing progress toward these goals. The current system is far less fiscally responsible than the Lieberman/Bayh approach because it does nothing to ensure that taxpayer dollars are getting a real return on their investment. In the Lieberman/Bayh amendment, the Federal Government maintains control and plays a role in setting national priorities in education. It also strengthens our national commitment to target aid to disadvantaged students and schools, and holds states accountable for producing results in exchange for the flexibility. In conclusion, I would like to express my support for the new Democrat alternative amendment, introduced by Senators LIEBERMAN and BAYH, because I believe it will significantly and positively reform the current education system, while successfully raising the academic achievement of all students.

Mr. KERRY. Mr. President, I rise to discuss the Lieberman amendment to ESEA. I am very supportive of the efforts of the Senator from Connecticut and my other colleagues who have worked so diligently on this amendment. This amendment is based upon a theory that I am very supportive of: increased flexibility in exchange for increased accountability. This means that States and school districts should have more flexibility in using Federal funds, but they must meet certain achievement measures, and most important, those achievement gains must hold true for children of all races, all ethnicities, and regardless of gender. Therefore, I am sorry that I am not rising in support of this amendment, because it includes many components of education reform that I firmly believe are necessary to improving the public education system for all students.

The Lieberman amendment would target the title I formula even more to the most highly disadvantaged students. This amendment would also dramatically increase our investment in the title I program. The Federal Government's number one priority should and must be to ensure that economically disadvantaged students are provided with supplementary educational resources, and I commend my colleagues for increasing this critical investment in this program.

The Lieberman amendment would also increase the accountability of Federal dollars, a component of education reform that I know is critical to improving the public education system. The Federal Government has an obligation to ensure that we are getting the most from our investment in public education, by holding our teachers, our schools, and our students accountable to the highest standards. This amendment would make a great step toward increasing the Federal Government's investment in accountability. Accountability is the third side of an education triangle that also includes standards and assessments. Now that many states have adopted high standards and tests to measure students' progress toward those benchmarks, they have turned their attention to making sure that performance matters. Achieving real accountability in our schools is a large part of what this amendment is all about and I believe increased accountability is critically important for the state of public education in this country. Again I commend my colleagues for focusing their amendment on this important element of public school reform.

The Lieberman approach focuses on public school choice, another element of public education reform that I support and know to be critical to improving educational attainment for all children. Public school choice is becoming more and more a part of the American educational system. In 1993, only 11% of students attended schools chosen by their parents. In 1999, 15% of students attended schools chosen by their parents. While still serving a relatively small percentage of students, charter schools and magnet schools are becoming an increasingly common tool to improve the education of our nation's children. In 1994, there were only 100 charter schools in this country. Today, there are 1,700. Currently there are over 5,200 magnet schools serving approximately 1.5 million students. Magnet schools foster diversity and promote academic excellence in math, science, performing arts and marketable vocational skills.

Parents deserve more choice in their children's public schools. Increasing parental choice will allow healthy competition between public schools. Choice, of course, necessarily implies that one thing is being chosen over another. As a result, choice means competition which is a force that often hastens change and improvement in any organization or system. All schools, district and charter, are forced by competition to examine why parents, students, or prospective teachers might be choose to go to other schools. Even teachers' unions and school board associations are signing on to the concept of publicly funded schools that operate outside most state and district regulations. In early 1996, the National Education Association promised $1.5 million to help its affiliates start charter schools in five States and to study their progress. I am pleased that my esteemed colleagues have made public school choice a primary component of this amendment.

This amendment also deals with an issue we have frequently discussed during this ESEA debate: the consolidation of many Federal programs. Let me say that I am not opposed to consolidating some Federal programs. I do believe that there are important programs that are not overly burdensome on states and schools and that have proven successful, and I believe that the success of these programs is due in part on the competitive grant process and Federal guidelines of the programs. I know the Federal Government does not have all the answers and that we cannot always anticipate the needs of states and local school districts throughout this country, and though I have some specific concerns about the level of consolidation in the Lieberman amendment, I support the streamlining of Federal programs and providing flexibility to states and school districts.

Despite my support for so many things in this amendment, I am ultimately unable to support the Lieberman approach. The Federal Government is the only entity that ensures funding is provided to the most disadvantaged populations in this country, like migrant children, homeless and runaway youth, and immigrant children. I am greatly concerned about the loss of Federal support for these vulnerable youth. Therefore, I cannot support the Lieberman approach despite my commitment to so many of its provisions. The Federal Government's involvement in education has always been to ensure that vulnerable populations are provided the additional funds that are necessary to their educational success. And I have heard from those people in Massachusetts who work with homeless young people and with troubled youth. And they have told me how incredibly important this Federal money is to these children. These children have so much going against their ability to succeed, I believe we must maintain our commitment to those children.

I am encouraged by the work my colleagues have done on this amendment. I am supportive of their new approach to public education reform and their attempt to draft legislation that would attract the support of both Republicans and Democrats. I am frustrated and saddened by the very partisan nature of this year's ESEA debate, and commend my colleagues for their fresh approach to ESEA reauthorization and their attempts to attract support from both sides of the aisle.

I regret that I cannot support this amendment, but I look forward to working with many my colleagues to address the concerns that I and other Senators have. I hope we can resolve these concerns and that we can bring this divided Senate together on the issue of public education. I look greatly forward to working with my colleagues in the future and deeply appreciate their hard work and new perspective on this critically important issue.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator controls 5 minutes before the vote.

Mr. KENNEDY. I yield myself 4½ minutes.

Mr. President, first of all, I thank Senator LIEBERMAN and his cosponsors for the focus and attention they have given to really the central priority for all families in this country in the area of education. The restlessness those Senators and others have with regard to making sure we are going to try to reach every needy child in this country is something we all should embrace and support.

I am not sure at this hour of the day, so to speak, in terms of the Elementary and Secondary Education Act, if it is possible to bring about the kind of change and focus that is desirable. But there are broad areas of support and agreement for that concept in terms of enhanced resources and enhanced accountability.

I certainly look forward to working with him in the future on this whole area of education.

I think the ideas that have been out there in terms of Safe and Drug-Free Schools, which has been basically a bipartisan effort in giving national focus and attention to that, and a sense of urgency, are still important to preserve. Senator DEWINE and Senator DODD worked out an effort in that area in our committee. I think it is important to preserve it. The progress we have made in technology I think is worth preserving. The afterschool programs are really the most heavily subscribed programs. They also have bipartisan support and are a matter of national urgency. I don't think they have gotten the kind of attention they should have in the Lieberman amendment.

Finally, there are several programs that are working very well in terms of being included in the consolidation program. One of them I have particular interest in is "Ready to Learn." There is $11 million on "Ready to Learn." It is done through the Public Broadcasting System. It reaches 94 percent of the country, 87 million homes, 37 million children, and received 57 Emmys. If you ask any public broadcaster in the 130 stations nationwide what the best children's program is, they will mention this one. I don't want to see that lost and sent back to any State thinking that could be recomposed.

The Star Schools Program works through nonprofits, again, led by strong bipartisan support, to try to reach out to schools that may not have a math and science teacher and up-to-date educational programs, and has been done through a number of States. It has been very effective through nonprofits. That is another program. It is a small program, but it has enormous educational values.

With reluctance, because I have great friendship and affection for my friend from Connecticut, I will not vote in support of it. But I want to certainly guarantee to him and to all of those who have been uniformly strong sponsors in our committee that I want to work closely with our colleagues on the other side to try to give greater focus and attention to the problems of the neediest students in the country.

I yield the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. All time has been yielded.

Do the Senators wish the vote to begin early?

Mr. COVERDELL. Mr. President, I ask unanimous consent that we proceed with the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3127. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—13

Bayh
Breaux
Bryan
Edwards
Feinstein
Graham
Johnson
Kohl
Landrieu
Lieberman
Lincoln
Moynihan
Robb

NAYS—84

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kyl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Hagel
Roth
Thompson

The amendment (No. 3127) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—AFRICA TRADE CONFERENCE BILL REPORT

Mr. LOTT. If I could get this unanimous consent request in, then we would understand what the procedure would be for today and tomorrow and even Thursday morning. So if my colleagues will bear with me one moment.

Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, the Senate proceed to the conference report to accompany the Africa trade bill, that the report be considered as having been read, and the vote occur on adoption of the motion to proceed immediately, and following the vote and the reporting by the clerk, I be immediately recognized to send a cloture motion to the desk. I also ask unanimous consent that the cloture vote occur on Thursday, May 11, at 10:30 a.m., with the mandatory quorum having been waived.

This has been discussed with the Democratic leadership.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I would like to see if we could give at least some assurances to the Members about when we would come back to deal with the education legislation.

As the Senator himself knows, this is our one chance every 5 or 6 years to try to deal with this issue. We have been making some progress during the course of these last few days. We do not have a whole long list of amendments, and we are prepared to deal with short time limits.

I am wondering now whether the leader could give us at least some idea when we are going to come back to it.

Mr. LOTT. Let me again emphasize, first, that this would provide for a vote at 9:30 in the morning on the motion to proceed to the Africa and CBI trade bill. If it is agreed to, then the cloture vote, by agreement, will be Thursday morning at 10:30.

With regard to the Elementary and Secondary Education Act, our colleagues probably are aware we have already agreed that there are two more amendments that, by unanimous consent, we would go to next—the Stevens-Jeffords and others amendment; to be followed by a Kennedy amendment. So we have the next group of two amendments that would be in order.

I have discussed this with Senator DASCHLE. It is our intent, now that we have appropriations bills that are becoming available, that, for probably now on into the summer, we are going to be dual-tracking bills wherever it is necessary, so we can get an appropriations bill done or an urgent bill such as the conference report on Africa trade and CBI. There is a belief we should go ahead and get that done and move to appropriations bills when they are available, and then come back to the authorizations, whether it is the elementary and secondary education bill or trade bill or whatever it may be.

So it is our intent to come back to ESEA and proceed with the amendments that it is already been agreed we will consider next while we work to see if we can get another grouping of two or more amendments to be considered.

I agree, there has been good debate. The amendments have been focused on elementary and secondary education, and we have amendments still pending on both sides that relate to that. As long as there is that kind of cooperation and progress being made, I think we should continue to pursue it.

So it is my intent to come back to elementary and secondary education, if not later on this week, then next week, when we have a window.

Mr. KENNEDY. Mr. President, I appreciate what the Senator has said. As I understand, he will make the best effort to come back to it this week, but we will have an opportunity to come back to it next week. Is that the leader's plan?

Mr. LOTT. That is my hope and intent. We should be able to do that and continue to move appropriations bills, also.

Again, it will take cooperation on the MILCON construction appropriations bill, which does have the military funding for Kosovo and for the fuel costs. We have the agriculture bill that is available that has, I believe, the disaster funding in it in addition to the regular agricultural appropriations programs. And the Foreign Operations bill has been reported.

But we will work with the leadership as to exactly when those will come up. We will try to move through those three as quickly as we can and try to move the Africa trade bill with the CBI provisions, and the ESEA. I think those three appropriations bills and these two—the conference report and this authorization bill—will take the remainder of the time probably for the next couple weeks. We are going to stay on it.

Mr. KENNEDY. Mr. President, just further reserving the right to object, and I will not object, I take the assurances of the leader that we will return to this in every expectation next week. I think there are many of us who believe this issue is of equal importance to a number of the appropriations bills, since we are talking about appropriations next fall, next October, and we are running late in terms of the ESEA. So there is a real sense of urgency about it. But I am grateful to the leader for giving us those assurances.

I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, if I could go further, I ask unanimous consent that the time between 9:30 a.m. and 10:30 a.m. on Thursday be equally divided in the usual form on the subject of the African and CBI trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Therefore, a rollcall vote will occur at 9:30 a.m. on Wednesday, and a vote is scheduled for 10:30 a.m. on Thursday. There may be additional votes after that.

I think Members should expect additional votes on Thursday, although we have not agreed to what they would be at this point.

I do want to note that I certainly believe the Elementary and Secondary Education Act is very important. That is why we have been on it the second week. We have given a lot of time to it. I think that is fine. This is a high priority in the minds of the American people and every State in the Nation, and with us.

However, the appropriations bills each have emergency provisions in them—an emergency for the Kosovo funding and the fuel costs for our military; the agriculture bill has the emergency disaster funding in it, though some of it for North Carolina, and expected disasters; and the Foreign Operations bill has funding in it for the very dangerous situation involving Colombian drugs. That is why we are going to be trying to move those as quickly as possible.

I thank my colleagues and announce there will be no further votes this evening.

EDUCATIONAL OPPORTUNITIES ACT—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3139

(Purpose: To provide for early learning programs, and for other purposes)

Mr. STEVENS. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DOMENICI, Mr. BOND, Mr. KERRY, Mr. VOINOVICH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. COCHRAN, Mr. BINGAMAN, Mr. SMITH of Oregon, Mr. DURBIN, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, Mr. SPECTER, and Mr. WARNER proposes an amendment numbered 3139.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I yield to the Senator from West Virginia to make a short statement.

The PRESIDING OFFICER. The Senator from West Virginia.

KOSOVO AMENDMENT

Mr. BYRD. Mr. President, the Senate Appropriations Committee today adopted, by a very strong bipartisan vote, an amendment authored by Senator WARNER and myself that addresses the ongoing role of United States participation in the Kosovo peacekeeping operation. Our amendment, which was attached to a Kosovo supplemental appropriations package, is cosponsored by Senator STEVENS and a number of other Senators on both the Appropriations and Armed Services Committees.

The Byrd-Warner amendment goes to the heart of the constitutional responsibility of Congress to address issues involving the deployment of U.S. military troops to politically unstable and potentially dangerous war-ravaged nations overseas.

I am troubled by the trend that has developed in recent years to de facto authorize military operations through appropriations bills without further congressional discussion or debate on the policy. Under this practice, the Executive Branch determines how and where it will spend the money, and how much money it will spend, and then presents the bill to Congress. We saw it happen in Bosnia, in Haiti, in Somalia, and now it is happening in Kosovo.

Mr. President, I do not believe that such a back-door authorization process is what the founding fathers had in mind when they delegated to Congress alone the power of the purse.

By continuing to allow the Executive Branch to deploy U.S. troops overseas and merely send the bill to Congress later, Congress is effectively abrogating its responsibility under the Constitution and to the American people.

The Byrd-Warner amendment restores congressional oversight to the calculation. Our amendment cuts off funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to continue such deployment. At the same time, the amendment requires the President to develop a plan to turn the Kosovo peacekeeping operation entirely over to our allies by July 1, 2001.

The amendment provides ample time and an orderly process for this President, and the next President, to either develop a plan to turn the ground troop element of the Kosovo peacekeeping operation entirely over to the Europeans, or to seek congressional authorization to keep United States ground troops in Kosovo.

As an interim step, the amendment withholds 25 percent of the Kosovo money included in the supplemental appropriations package pending certification by the President that America's allies are making adequate progress in meeting their monetary and personnel commitments to the Kosovo peacekeeping operation. The certification is due by July 15. If the President cannot make the certification, the funds held in reserve can only be used to withdraw United States troops from Kosovo unless Congress votes otherwise.

Mr. President, this is a reasoned and reasonable approach to dealing with foreign peacekeeping operations. Senator WARNER and I believe that it can be executed without major disruption to the NATO peacekeeping mission in Kosovo. We are not turning our backs on Kosovo. We are not attempting to micromanage the Pentagon. We are merely attempting to restore congressional oversight to the peacekeeping process.

When it comes to exercising its constitutional authority, Congress has been sleeping on its rights. This amendment is a long overdue wake-up call. I thank Senator WARNER for his work on the amendment, and for his unswerving dedication to the nation and to the Senate, and I look forward to continuing to work with him on this very important issue.

Mr. WARNER. Mr. President, I am pleased to join today with my distinguished colleague, the senior Senator from West Virginia, as his principal cosponsor on this important Kosovo amendment which was adopted this morning by the Appropriations Committee. We have worked together as partners on this endeavor for the past several weeks, and I have confidence that the outcome of our efforts is sound precedent for our Nation's security policy.

The amendment which will soon be before the full Senate is a true collaboration—a melding of the original Warner certification amendment and the long-standing efforts of Senator BYRD to ensure that Congress exercises its constitutional role in decisions to deploy U.S. troops into harm's way.

There are two main goals that we are seeking to accomplish: first, to ensure that our allies are shouldering their commitments, their fair share of the burden for implementing stability and peace in Kosovo; and, second, to require the Congress to fulfill its constitutional responsibility to vote on the continued deployment of U.S. ground combat troops in Kosovo.

I would like to address—up front—what we are not doing with this amendment. We are not doing a "cut and run" from Kosovo. We are not deserting our NATO allies. I want to be very clear on these points. We are simply saying that our allies must fulfill the commitments which they made—I repeat, which they made—to provide assistance and personnel to rebuild the civil society in Kosovo; and that the Congress must take action—vote—to specifically authorize the continued presence of United States ground combat troops in Kosovo after July 1, 2001.

These are not precipitous or ill-conceived measures. They are supported by a respected group of cosponsors who are all strong supporters of NATO and who are determined not to let the United States military simply drift into an endless presence in Kosovo. The vote in the Appropriations Committee was overwhelmingly in favor of the Byrd-Warner amendment—23 to 3.

I would like to address in detail the certification requirement contained in this amendment, as it is an updated version of an amendment I originally put before the Senate on March 9. Subsection (d) of the Byrd-Warner amendment would provide 75 percent of the over $2 billion contained in the Supplemental for military operations in Kosovo immediately—no strings attached. The expenditure of the remaining 25 percent of the funding would be dependent on a certification by the President that our allies had provided a certain percentage of their commitments of assistance and personnel to Kosovo. If the President is not able to make that certification by July 15, 2000, then the remaining 25 percent of the Kosovo funds contained in the fiscal year 2000 supplemental could be used only to conduct the safe, orderly and phased withdrawal of our troops from Kosovo. This limitation could be overcome by a vote of the Congress—under expedited procedures—to allow the money to be used for the continued deployment of our troops in Kosovo, despite the lack of the Presidential certification.

Why do I feel so strongly about our Allies meeting their commitments in Kosovo? Because of the sacrifices of our brave men and women in uniform who bore the major share of the burden for the air war in Kosovo, and the continuing sacrifices of our troops, today and for the future, on the ground in Kosovo. As my colleagues know, the United States flew almost 70 percent of the total number of strike and support sorties in Operation Allied Force, at great personal risk, particularly to our aviators, and at a cost of over $4 billion to the U.S. taxpayers.

In return, the Europeans have promised to pay the major share of the burdens to implement and secure the peace. So far, they have committed and pledged billions of dollars and thousands of personnel for this goal. The problem is that not enough of the money or the necessary personnel have made it to Kosovo.

Since I first signaled my intentions on this amendment several months ago, considerable progress has been made—I gratefully acknowledge this. There has been a positive response from our allies. But more needs to be done, particularly in the areas of police and reconstruction.

What is happening as approval of this assistance for Kosovo is slowly working its way slowly through the bureaucracies in Europe? Our troops, and the troops of other nations, are having to make up for the shortfall—by performing basic police functions, running towns and villages, guarding individual homes and historic sites, escorting ethnic minorities—all functions for which they were not specifically trained and which increase their level of personal risk. When will this end? Time is of the essence as our troops stand in harm's way until relieved, in large measure, by civilians specially trained.

General Klaus Reinhardt, the fine German general who recently relinquished command of KFOR, said that he expects military elements of KFOR to be in Kosovo for a decade. I find this unacceptable, but I can see how it is possible if we do not move quickly to establish the basic economic and security infrastructure in Kosovo that is essential for long-lasting stability in that troubled region. That is one of the main goals of this amendment—to spur our allies on to quickly fulfill their commitments.

What we cannot—must not—allow to happen is for the current situation in Kosovo to drift on. There are problems. They must be addressed and addressed in a timely manner.

The principal sponsor of this amendment, the distinguished senior Senator from West Virginia and noted historian has eloquently addressed the constitutional responsibility of the Congress in deploying U.S. military forces overseas. I would simply add that it is time—past time—for the Congress to fulfill its obligations regarding our deployment to Kosovo. Since last June, the United States has had thousands of troops engaged in a dangerous operation in Kosovo, and thus far Congress has taken no action, other than emergency supplemental appropriations, on this deployment.

This is disappointing, but not surprising. The last time the Congress exercised its constitutional responsibility to declare war was during World War II. Since that time, the United States military has been involved in over 100 military deployments—including the Korean conflict and the war in Vietnam. and where has the Congress been during all of that time? We occasionally pass resolutions authorizing the use of force—as we did for the Persian Gulf conflict—but more often than not, we simply fail to act. That must stop. We owe it to our brave men and women in uniform to act on their behalf. They are fulfilling their responsibilities; we must fulfill ours.

This amendment does not say we must leave Kosovo. This amendment does not mean that we are shirking our NATO responsibilities. This amendment simply says that Congress—as a co-equal branch on foreign policy matters—must exercise its constitutional responsibilities and authorize the continued deployment of United States ground combat troops in Kosovo.

I urge my colleagues to join us in our effort to prevent an open-ended United States military commitment in Kosovo.

Mr. President, in summary, the Byrd-Warner amendment was today adopted by an overwhelming majority of 23 to 3 in the Senate Appropriations Committee.

This is an amendment on which Senator BYRD and I have worked for the better part of 2 months. We have had extensive consultations with a number of our colleagues, and thus far we have, as cosponsors, Senators STEVENS, INOUYE, THURMOND, ROBERTS, SNOWE, INHOFE, GREGG, SMITH of New Hampshire, and SESSIONS. There are others who will be added in due course.

Senator BYRD and I are concerned about two things: The indefinite commitment of our troops into the Kosovo situation and that indefinite commitment not being backed up by an affirmative action of the Congress of the United States, which has a clear responsibility to act when we send young men and women into harm's way.

This is not a cut-and-run amendment. This is simply an assertion that the United States together with its allies is trying to bring about peace and stability in that region. We have succeeded after an extensive 78-day combat mission, 70 percent of which missions were flown by the U.S. airmen. It is time to address the future and to have our allies meet their commitments in a timely fashion, commitments they made prior to the combat action and shortly thereafter.

Secondly, we believe there should be some certainty as to how long our troops must remain in this commitment. It cannot be indefinite. We are, as a nation, now with troops all over the world. And we are stretched. We are having problems with retention, problems with recruiting because of the overextension of the U.S. military forces.

What Senator BYRD has emphasized—and many times on the floor of the Senate—is it is the duty of the Congress of the United States, through a vote, to affirm the policies of the executive branch as we deploy our troops into harm's way.

So those are the basic elements of this amendment.

I ask unanimous consent that a copy of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYRD-WARNER AMENDMENT

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES GROUND COMBAT TROOPS IN KOSOVO.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), none of the funds appropriated or otherwise made available under any provision of law (including unobligated balances of prior appropriations) shall be available for the continued deployment of United States ground combat troops in Kosovo after July 1, 2001, unless and until—

(A) the President submits a report to Congress—

(i) containing a request for specific authorization for the continued deployment of United States ground combat troops in Kosovo;

(ii) describing the progress made in implementing the plan required by subsection (b); and

(iii) containing the information described in subsection (c); and

(B) Congress enacts a joint resolution specifically authorizing the continued deployment of United States ground combat troops in Kosovo.

(2) EXCEPTIONS.—The limitation in paragraph (1) shall not apply to the continued deployment in Kosovo of such number of United States ground combat troops as are necessary—

(A) to conduct a safe, orderly, and phased withdrawal of United States ground forces from Kosovo in the event that the continued deployment of United States ground combat troops in Kosovo is not specifically authorized by statute; or

(B) to protect United States diplomatic facilities in Kosovo in existence as of the date of the enactment of this Act.

(3) WAIVER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), absent specific statutory authorization under paragraph (1)(B), the President may waive the limitation in paragraph (1) for a period or periods of up to 90 days each in the event that—

(i) the Armed Forces are involved in hostilities in Kosovo or that imminent involvement by the Armed Forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(ii) NATO, acting through the Supreme Allied Commander, Europe, requests the emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(B) EXCEPTION.—The authority of subparagraph (A) may not be exercised more than twice unless Congress enacts a law specifically authorizing the additional exercise of the authority.

(4) REPORT ON SUBSEQUENT DEPLOYMENTS.—Absent specific statutory authorization under paragraph (1)(B), whenever there is a deployment of 25 or more members of the United States Armed Forces to Kosovo after July 1, 2001 pursuant to a waiver exercised under paragraph (3), the President shall, not later than 96 hours after such deployment begins, submit a report to Congress regarding the deployment. In any such report, the President shall specify—

(A) the purpose of the deployment; and

(B) the date on which the deployment is expected to end.

(5) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the availability of funds for the deployment of United States noncombat troops in Kosovo to provide limited support to peacekeeping operations of the North Atlantic Treaty Organization (NATO) in Kosovo that do not involve the deployment of ground combat troops, such as support for NATO headquarters activities in Kosovo, intelligence support, air surveillance, and related activities.

(b) PLAN.—

(1) IN GENERAL.—The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.

(2) QUARTERLY TARGET DATES.—The plan shall establish a schedule of target dates set at 3-month intervals for achieving an orderly transition to a force in Kosovo that does not include United States ground combat troops.

(3) DEADLINES.—

(A) INTERIM PLAN.—An interim plan for the achievement of the plan's objectives shall be submitted to Congress not later than September 30, 2000.

(B) FINAL PLAN.—The final plan for the achievement of the plan's objectives shall be submitted to Congress not later than May 1, 2001.

(c) REPORTS.—

(1) MONTHLY REPORTS.—Beginning 30 days after the date of enactment of this joint resolution, and every 30 days thereafter, the President shall submit a report to Congress on the total number of troops involved in peacekeeping operations in Kosovo, the number of United States troops involved, and the percentage of the total troop burden that the United States is bearing.

(2) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this joint resolution, and every 3 months thereafter, the President shall submit to Congress a report on—

(A) the total amount of funds that the United States has expended on peacekeeping operations in Kosovo, and the percentage of the total contributions by all countries to peacekeeping operations in Kosovo that the United States is bearing; and

(B) the progress that each other country participating in peacekeeping operations in Kosovo is making on meeting—

(i) its financial commitments with respect to Kosovo;

(ii) its manpower commitments to the international civilian police force in Kosovo; and

(iii) its troop commitments to peacekeeping operations in Kosovo.

(d) CERTIFICATION.—

(1) IN GENERAL.—Of the amounts appropriated by this Act for fiscal year 2000 for military operations in Kosovo, not more than 75 percent may be obligated until the President certifies in writing to Congress that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 33 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 75 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(2) REPORT.—The President shall submit to Congress, together with any certification submitted by the President under paragraph (1), a report containing detailed information on—

(A) the commitments and pledges made by each organization and nation referred to in paragraph (1) for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(B) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(C) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(3) LIMITATION ON USE OF FUNDS.—If the President does not submit to Congress a certification and report under paragraphs (1) and (2) before July 15, 2000, then, beginning on July 15, 2000, the amount appropriated for military operations in Kosovo that remains unobligated under paragraph (1) shall be available only for the purpose of conducting a safe, orderly; and phased withdrawal of United States military personnel from Kosovo, unless Congress enacts a joint resolution allowing that amount to be used for other purposes. If Congress fails to enact such a joint resolution, no other amount appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President shall submit to Congress, not later than August 15, 2000, a report on the plan for the withdrawal of United States military personnel from Kosovo.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days after the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress authorizes the continued deployment of United States ground combat troops in Kosovo.".

(B) For purposes of subsection (d)(3), the term "joint resolution" means only a joint resolution introduced not later than July 20, 2000, the matter after the resolving clause of which is as follows: "That the availability of funds appropriated to the Department of Defense for military operations in Kosovo is not limited to the withdrawal of United States military personnel from Kosovo.".

(2) PROCEDURES.—A joint resolution described in paragraph (1) (A) or (B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936).

Mr. WARNER. I thank my distinguished colleague for yielding the time. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

EDUCATIONAL OPPORTUNITIES ACT—Continued

Mr. STEVENS. Mr. President, this is an amendment that I have introduced with 27 cosponsors, and we invite other Members to join us. It is an amendment to deal with early learning opportunities of our children.

Research shows that children's brains are wired—literally wired—between the ages of birth and 6 years of age. The number of synopses that the brain forms, that is, the connections in the brain, depends upon the level of brain stimulation. The capacity to learn and interact successfully in society is determined even before children begin school. Long-term studies looking at data over 30 years show that children who participate in early learning programs are less likely to require special education, less likely to suffer from mental illness and behavior disorders, less likely to become pregnant before they are married, more likely to graduate from high school and college, less likely to be arrested and incarcerated, have lower recidivism rates if they are incarcerated, less likely to be violent and engaged in child or spousal abuse, and they earn higher salaries when they become adults. Both the General Accounting Office and the Rand Corporation made studies which showed that for each dollar invested in early learning programs, taxpayers saved between $4 and $7 in later years.

This amendment provides for block grants to States. States will work with local governments, nonprofit corporations, and even faith-based institutions to determine what is needed most at their own local level. Local entities can use the funds to expand Even Start, the program for children from birth to 3 years of age; expand Head Start to more children, expand it to full day or year-round coverage; offer nursery and preschool programs; train parents and child care professionals in child development, and provide parent training and support programs for stay-at-home moms and dads.

The amendment provides set-asides for Indian tribes and Native groups and provides for a small State minimum of 0.4 percent. This amendment has been endorsed now by the Christian Schools International, by Parents United, United Way, some 1,400 local organizations, Fight Crime-Invest In Kids, 700 police chiefs, and the National Association for the Education of Young Children, Children's Defense Fund, Child Care Resource Center, National Black Child Development Institute, and the National Education Association.

As a father of six children, I come to this amendment late in my life. I only wish I had had the opportunity to have had this type of information available to me and my wife when we, as a very young, newly married couple, decided to have our family very quickly. We had five children in less than 5 years, and there is a lot we had to learn along the way.

This is a bill to try to make America think about what we want to be. We have invested heavily in science, and through the decade of the brain that was stimulated by our late departed friend, David Mahoney, and the group of scientists he put together with Dr. Jim Watson, who worked with him, we now know a lot more about the brain than we did a decade ago. Basically, we learned of the fantastic capability of young people to absorb knowledge and to be stimulated to develop the abilities to absorb even more knowledge as they grow older. I think this is one of the most important things I have been involved in during my life.

I believe it is a time for change, a time for us to recognize that young children—little babies—can be stimulated in a way that will assure their capability will be improved to learn and to be good citizens and, in particular, to be able to lead the kind of lives their parents dreamed they would lead. I thank every Member who has cosponsored this amendment, and I hope for its early adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I express my appreciation for the excellent statement that the Senator from Alaska has just given and thank him for his leadership on this issue. I also thank the chairman, Senator JEFFORDS, for his hard work on this issue as well. Both of them have helped us understand how parents and other caregivers can have a very positive impact on children and infants at very early ages. I thank colleagues on our side, including my colleague from Massachusetts, Senator JOHN KERRY, who has been particularly interested in this issue and has spent a great deal of time on it, and also the Senator from Connecticut, Senator CHRIS DODD, who has led our efforts on issues involving children for many, many years. Finally, I want to thank Stephanie Robinson of my staff, who is sitting here on my left, for her insight and diligence as we have worked through the details of this early learning proposal.

I think the Senator from Alaska has really outlined a compelling case for this issue. If we go back a little while and think of the first studies—the Perry Preschool Program, which Senator STEVENS mentioned—almost 30 years ago, where the results have been followed over a period of years and have documented how early interventions for children resulted in more positive academic and lifestyle outcomes for many children.

I think that the Perry Preschool study caught the attention of a lot of educators. Then we had the meeting in 1990 when the Governors were together—the Charlottesville meeting. Many of the issues we have been talking about these past few days recall the discussion surrounding early learning that the Governors initiated back in 1990. And there the Republican and Democratic Governors together announced that our first priority should be to have children ready to learn when they enter school. They understood what was happening in the States, and that early learning was a matter of enormous positive consequence for all educational and social service efforts. Even before brain research provided a clear medical basis, Governors sensed that "the earlier the better" in terms of early interventions.

Then we had the studies done by the Carnegie Commission in 1993, which focused on impacts of these early interventions. Later, when we had the Year of the Brain in 1996, I believe, we found further information as described by the Senator from Alaska, about the importance of proper stimulation to the formation of brain synapses in young children. Important work continued throughout the 1990's by Dr. Brazelton and Dr. Zigler, who are really the godparents of this concept of early intervention.

The bottom line is that quality early learning experiences help children develop self-confidence, curiosity, social skills, and motor skills. These are the building blocks that children use to expand their interest in learning when they get to school. They may also develop a sense of humor. They certainly learn consideration of others. These are basic benefits of early learning, and they last a lifetime. They are absolutely essential in terms of learning and academic achievement, but also essential in terms of interpersonal skills, their own personal happiness, and their own productivity and contributions as members of a society.

As we debate education policy, we must continue to find common ground that enables us to act effectively. One of the most important opportunities is in early learning. Last month's Senate Budget Resolution included a bipartisan amendment that reserved $8.5 billion to improve early learning services throughout the Nation. The Senate is clearly moving toward a commitment to ensure that each of the 23 million American children under age six is able to enter school ready to learn.

Senator STEVENS and I worked together to build a strong bipartisan coalition for this reserve fund in the Senate resolution, and now is the time to continue these efforts. As we consider the investments that are needed in education, we cannot ignore early childhood learning.

Education occurs over a continuum that begins at birth and extends throughout life. The need to do more to make greater educational opportunities available in a child's very early years is clear. Study after study proves that positive learning experiences very early in life significantly enhance a child's later ability to learn, to interact successfully with teachers and peers, and to master needed skills. It is long past time to put this research into practice.

Just last week Fight Crime: Invest in Kids, a 700-member bipartisan coalition of police chiefs, sheriffs, and crime victims, released yet another convincing report. It finds that children who receive quality early learning are half as likely to commit crimes and be arrested later in life.

Early learning programs are good for children, good for parents and good for society as a whole. Unfortunately, far too many parents lack access to quality early learning activities for their children while they work. Although two thirds of mothers work outside the home, only 58% of 3- and 4-year-olds living above the poverty level, and 41% of those living below the poverty level, are enrolled in center-based early learning programs.

A dramatic recent survey found that more parents are satisfied with Head Start than any other federal program. But only two in five eligible children are enrolled in Head Start - and only one in 100 eligible infants and toddlers are enrolled in Early Head Start. As a result, literally millions of young children never have the chance to reach their full potential. What a waste! We must do better. We can do better.

The Committee for Economic Development reports that we can save over five dollars in the future for every dollar we invest in early learning today, the investment significantly reduces the number of families on welfare, the number of children in special education, and the number of children in our juvenile justice system. Investment in early learning is not only morally right - it is economically right.

We must steadily expand access to Head Start and Early Head Start. We must make parenting assistance available to all who want it. We must support model state efforts that have already proved successful, such as Community Partnerships for Children in Massachusetts and Smart Start in North Carolina, which rely on local councils to identify the early learning needs in each community and allocate new resources to meet them. We must give higher priority to early childhood literacy. In ways such as these, we must take bolder action to strengthen early learning opportunities in communities across the Nation.

The Rand Corporation reports: "After critically reviewing the literature and discounting claims that are not rigorously demonstrated, we conclude that these [early learning] programs can provide significant benefits." Governors, state legislatures, local governments, and educators have all called for increased federal investments in early learning as the most effective way to promote healthy and constructive behavior by future adults. As we strengthen education policy, we cannot lose sight of the evidence that education begins at birth—and is not a process that occurs only in a school building during a school day.

We must examine children's experience during the five or six years before they walk through their first schoolhouse door. Our goal is to enable all children to enter school ready to learn, and maximize the impact of our investments in education.

It is especially important that low-income parents who accept the responsibility of work under welfare reform to have access to quality early learning opportunities for their children. The central idea of welfare reform is that families caught in a cycle of dependence can be shown that work pays. Today I am proud to stand with so many Senators who agree that children's development must not be sacrificed as we help families move from welfare to work.

A decade ago the Nation's Governors agreed that helping children enter school ready to learn should be America's number one priority. We have made some progress since then, but we are still falling far short of our goal.

In Massachusetts, the Community Partnerships for Children Program currently provides quality full-day early learning for 15,300 young children from low-income families. Yet today in Massachusetts over 14,000 additional eligible children are waiting for the early learning services they need—and some have been on the waiting list for 18 months. A 1999 report by the Congressional General Accounting Office on early learning services for low-income families was unequivocal—"infant toddler care [is] still difficult to obtain."

Even as the need to provide these opportunities increases, it is clear that many current facilities are unsafe. The average early learning provider is paid under seven dollars an hour—less than the average parking attendant or pet sitter. These low wages result in high turnover, poorer quality of care, and little trust and bonding with the children.

Here in the Senate, we have worked together for several months on a proposal to enable local communities to fill the gaps that impair current early learning efforts. Our amendment provides $3.25 billion for early learning programs over the next three years. Local councils will direct the funds to the most urgent needs in each community. The needs may include parenting support and education—improving quality through professional development and retention initiatives—expanding the times and the days children can obtain these services—enhancing childhood literacy—and greater early learning opportunities for children with special needs. These funding priorities are well-designed to strengthen early learning programs in all communities across the country, and give each community the opportunity to invest the funds in ways that will best address its most urgent needs.

I urge the Senate to approve it as a long overdue recognition of this important aspect of education reform.

Mr. President, I ask unanimous consent that several letters of support for this amendment be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, so ordered. (See Exhibit 1.)

Mr. KENNEDY. Mr. President, when the Senator brings this to the attention of the Senate, it is a matter of enormous importance and significance. I pay tribute to him and to our chairman, Senator JEFFORDS, who has been a strong supporter. I know there are others on that side, but they have been real giants in this area of concern and have been enormously constructive and helpful in moving us towards a legislative initiative in this area.

I am very grateful to my colleagues, Senator KERRY and Senator DODD, for the extraordinary work they have done.

I am very hopeful that at an early time we can have favorable consideration.

EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF EDUCATION,
Malden, MA, May 5, 2000.

Hon. EDWARD M. KENNEDY,
Russell Senate Building, U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I want to express my strong support for the Early Learning Opportunities Act as an amendment to the Elementary and Secondary Education Act. High quality early care and education programs are vital to children's development as well as to the national goal for all children to enter school ready to learn. It is also essential that the methods used to increase support for families and young children be flexible and responsive to the diverse needs and resources of communities and families across the country.

The program outlined in this proposal is quite consistent with our state preschool program, Community Partnerships for Children. For example, Massachusetts has many local councils working collaboratively to design comprehensive early care and education programs that ensure that funds are used in ways that are consistent with local needs. Our programs also conduct many family support and family literacy activities such as those described in your plan. Through our experience with Community Partnerships, we know that these elements as well as transportation and professional development are essential to helping early childhood programs achieve their potential to support young children and families.

With the in mind, I would like to express one concern. As is, the program is created within Health and Human Services and is "entirely independent of ESEA." Historically, child care has been administered through human services agencies and it is likely that the program would be passed on through the states' social services infrastructure. At the same time, many of the program's purposes are based on the potential of early childhood programs as educational for children and parents. Based on many years of watching how our local collaborations evolve, it is clear that state and local linkages among Head Start, private child care and public preschools and elementary schools are becoming increasingly important, but are not easy. I believe the separation from ESEA at the national and state levels would not encourage these linkages. Although the program should support the growth and improvement of private child care and Head Start programs, a close connection with ESEA at the national and state levels would model the educational intention of the program and would build on existing Title I preschool programs programs at the local level.

To reiterate—the plan that has been proposed is very promising and I strongly support this amendment.

Secerely,

DAVID H. DRISCOLL,
Commissioner of Education.

MAY 4, 2000.

DEAR SENATOR: I am writing to urge you to support the Early Learning Opportunities Act, sponsored by Senators Kennedy, Stevens, Jeffords and Dodd, as an amendment to the Elementary and Secondary Education Act. This Early Learning Amendment would help states to create and enhance the programs and services that infants and toddlers, and their parents, urgently need to ensure that young children will enter school ready to learn.

As you know, research clearly shows that the first few years of a child's life set the stage for a lifetime of learning. Time and again we see that healthy children who have formed secured and loving attachments to adults grow up to be hard working, productive members of society. But children cannot develop in a healthy manner without access to early learning programs, quality child care and health care, and special services for children and families at risk. Furthermore, a recent report issued by Fight Crime: Invest in Kids concludes that federal, state, and local governments could greatly reduce crime and violence by assuring families access to quality, educational child care program.

Equally important is parent education. All parents, but especially those in at-risk populations, need to know not only how to effectively bond with their young children, but how to access programs and services that help them to raise a healthy child.

The Early Learning Amendment is an important step toward improving the lives of America's youngest citizens. Not only does it provide and vital funding for early childhood programs and services, it gives states and localities the flexibility to creatively meet the needs of their populations.

Again, I urge you to support America's youngest children and their families by voting for the Early Learning Amendment.

Sincerely,

ROB REINER.

PARENTS UNITED FOR CHILD CARE,
Boston, MA, May 8, 2000.

DEAR SENATOR: On behalf of the membership of Parents United for Child Care (PUCC), I am writing to urge you to support the Early Learning Opportunities Act sponsored by Senators STEVENS, KENNEDY, JEFFORDS and DODD. This amendment would take important steps to ensuring the availability of high quality early care and education experiences for millions of American families.

PUCC is a grassroots membership organization of low- and moderate-income parents committed to increasing the supply of quality, affordable child care in Massachusetts. A small group of Boston parents founded PUCC in 1987 with the mission of creating and mobilizing a vocal constituency of parents to impact child care policy in their communities and on the state level. Since its founding PUCC has been working in neighborhoods through Massachusetts to provide a parent voice on public policy issues related to children families. A local and national model of successful parent empowerment and leadership, PUCC employs cutting edge organizing and leadership development strategies to provide parents with the necessary tools to take the lead in advocating for their own child care needs.

As you know, recent research about the impact of the first three years of life on children's brain development testifies to the importance of a high-quality early care and education experience, especially for children who are growing up in poverty. In addition, policy makers—at the state and national level—are increasingly acknowledging the importance of child care an essential tool for building the economic stability of working families. Finally, the implementation of Education Reform across the country has focused a spotlight on the importance of quality early learning opportunities in preparing children for school. Unfortunately, too many parents do not have access to the type of high quality early care services that will allow them to go to work and help their children to learn, play and thrive.

By supporting the Early Learning Amendment, you can make children and families a priority and help parents, providers and educators promote healthy physical and emotional development for our children. Please do not hesitate contact me for further information about Parents United for Child Care. Thank you in advance for your consideration of this request.

Sincerely yours,

ELAINE FERSH,
Director.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, May 8, 2000.

Hon. EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: We are writing to express our support for your Early Learning Amendment to be offered to the Elementary and Secondary Education Act.

Research on early brain development and school readiness demonstrates that the experiences children have and the attachments they form in the earliest years of life have a decisive, long-lasting impact on their later development and learning. Yet, despite the importance of early childhood learning, scarce resources limit the early childhood learning opportunities of many children. Your Early Learning Opportunities Amendment would provide grants to states and communities to help ensure that significantly more children across the country have positive early learning experiences. The added resources that your amendment offers will allow communities to improve and expand quality early childhood programs, and assist parents and early childhood providers meet the diverse developmental needs of young children.

We appreciate your efforts to increase the availability and quality of early childhood learning for children, and look forward to working with you on this critical issue.

Sincerely yours,

NANCY DUFF CAMPBELL,
Co-President.
JUDITH C. APPELBAUM,
Vice President and Director of Employment Opportunities.

NATIONAL BLACK CHILD DEVELOPMENT INSTITUTE, INC.,
Washington, DC, May 4, 2000.

DEAR SENATOR: I am writing to urge your support for the Stevens-Kennedy-Jeffords-Dodd Early Learning Amendment to ESEA.

Early care and education have been a leading tenet of the National Black Child Development Institute since its inception thirty years ago. Then, as now, we hold that there is no more effective way to prepare children to succeed in school and break the cycle of poverty than quality, accessible early care and education. Recent studies have shown that quality early education also reduces the likelihood that a child will later be involved in the juvenile justice system.

Despite its proven track record, Head Start is unable to serve all the eligible children. Less than 1 in 10 children eligible for the Child Development Block Grant are currently served. While Head Start has a comprehensive program with education and parental involvement, the programs funded under CCDBG could be greatly enhanced with community-based collaborations around parent training and developmentally appropriate learning programs.

The Early Learning Amendment provides support for communities to improve the quality of child care programs; to provide parent education and training independent of a child care setting; to provide training and professional development for providers of early care and education.

These are important goals that will improve the quality of life for our children and their communities for generations. When we strength a child, we shape the future of our nation.

I urge your support for the Early Learning Amendment to ESEA.

Sincerely,

ANDREA YOUNG,
Director of Public Policy.

CHILD CARE RESOURCE CENTER, INC.,
Cambridge, MA, May 4, 2000.

DEAR SENATORS: The Child Care Resource Center (CCRC) in Cambridge, MA, is one of 13 child care resource and referral agencies across the state of Massachusetts. Agencies like CCRC strive to strengthen the field of child care in four ways: 1) we work with child care providers to increase the quality of child care, 2) we work with parents to provide consumer education, information and referrals to local child care programs, 3) we work with low-income families to ensure that they have access to quality affordable care and 4) work with communities to utilize child care demand and supply data for community planning purposes.

Working for a child care resource and referral agency provides a unique perspective on the child care system as a whole because we have the opportunity to work and interact with all aspects of this system, including the administration, the child care industry and families of all incomes who are struggling to make ends meet and find a safe nurturing environment for their child. From this vantagepoint, we see first hand what is and is not working with our system and where there are gaps in the services that are offered.

Based on this knowledge and experience, I am writing today in support of the Stevens-Kennedy-Jeffords-Dodd "Early Learning Opportunities" amendment to ESEA. Recent research has highlighted the importance of providing adequate stimulation to children between the ages of 0 and 5 in order to ensure the optimal physical and emotional development of a young child's brain. This development can not be recaptured during later years. Brain synopses that are not developed are lost forever.

The Early Learning amendment is an important step towards ensuring the availability of high-quality educational child development programs to both child care providers and to parents, two equally important components of the lives of our children. As a country, we need to make a stronger investment into supporting the healthy development of our youngest resources. Children do not begin the learning process at the age of five when they enter kindergarten. We must lay the groundwork earlier to ensure that children not only develop appropriately, but more importantly, thrive.

If you need any information or other materials to help you in this important debate, please do not hesitate to contact me at (617) 547-1063 ext 217 or CCRC's Public Policy Manager Jennifer Murphy at (617) 547-1063 ext 234.

Sincerely,

MARTA T. ROSA,
Executive Director.

FIGHT CRIME: INVEST IN KIDS,
Washington, DC, May 3, 2000.

DEAR SENATOR: As an organization led by over 700 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime survivors, we write in strong support of the Stevens-Kennedy-Jeffords-Dodd "Early Learning Opportunities" amendment to ESEA.

The evidence is clear that well-designed early learning programs for kids can dramatically reduce crime and violence, and keep kids from becoming criminals. But these programs remain so under-funded they reach only a fraction of the youngsters who need them. For example:

A High/Scope Foundation study at the Perry Preschool in Michigan randomly chose half of a group of at-risk toddlers to receive a quality Head Start-style preschool program, supplemented by weekly in-home coaching for parents. Twenty-two years later, the toddlers left out of the program were five times more likely to have grown up to be chronic lawbreakers, with five or more arrests.

A new study of 1,000 at-risk children who attended the Chicago Child Parent Centers found that the children of a similar background who were left out of the program were almost twice as likely to have two or more juvenile arrests.

Yet inadequate funding for these high quality child development programs like these leaves millions of at-risk children without critical early childhood services. Making sure all children have access to educational childcare is one of the four points of our School and Youth Violence Prevention Plan, the key components of which have been endorsed not only by each of Fight Crime's 700 law enforcement leaders and victims of violence but also by the National Sheriffs Association; the Major Cities [Police] Chiefs Organizations; the Police Executive Research Forum; the National District Attorneys Association—and dozens of state law enforcement associations.

The Early Learning amendment is an important step towards ensuring the availability of high-quality educational child development programs. Those on the front lines of the battle against crime know these investments are among our most powerful weapons against crime.

For more information on the studies mentioned above, please see our new report

America's Child Care Crisis: A Crime Prevention Tradegy co-authored by Dr. Berry Brazelton, Edward Zigler, Lawrence Sherman, William Bratton, Jerry Sanders and other child development and crime prevention experts. The report is available on our website, http://www.fightcrime.org.

Sincerely,

SANFORD NEWMAN,
President.

UNITED WAY OF AMERICA,
Alexandria, VA, May 3, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of 1,400 United Ways across the country, United Way of America (UWA) urges you to support the Early Learning Amendment to the Elementary and Secondary Education Act (ESEA) sponsored by Senators Stevens, Kennedy, Jeffords, and Dodd. The amendment allots $6.25 billion over five years to create a new program within the Department of Health and Human Services (HHS) that will improve opportunities for early learning and school readiness among young children from birth through age six.

For the past ten years, United Ways have been committed to early care and education through Success By 6®, an initiative that convenes local leadership (corporate, government and nonprofit) to leverage resources, raise awareness and impact policy on behalf of our youngest citizens. In over 300 communities, Success By 6® helps ensure a safe and nurturing environment for our children. Early childhood development is critical to an effective future workforce. Recent brain research has confirmed that investing early has lifetime benefits and positive implications for a child's success. The early learning amendment will allow local communities to take to scale existing early childhood initiatives and stimulate the creation of new ones.

An investment in early learning and development is a critical investment in our future. United Way of America hopes that the Senate will make a renewed commitment to America's children by supporting this amendment. If you need more information, please contract Ilsa Flanagan, Senior Director of Public Policy, at (703) 683-7817.

With appreciation,

BETTY BEENE.

MAY 2, 2000.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We urge you to support the following amendments to S. 2, the Elementary and Secondary Education Act reauthorization that is currently being debated by the full Senate, to help ensure that young children have the strong start they need and older children the positive and safe after-school experiences and the comprehensive supports they need to succeed in school.

Stevens/Jeffords/Kennedy/Dodd Early Learning Opportunities Amendment. This amendment would provide grants to states and communities to improve and expand high-quality early learning programs serving children ages zero to five years old. This amendment would offer local communities much needed funds to help both parents and early childhood providers meet the varying needs of young children. Research is clear that children, particularly disadvantaged children, who have the opportunity to participate in high quality early childhood programs are more likely to succeed in school and in life.

Dodd Early Childhood Education Professional Development Amendment. This amendment would provide resources to local partnerships to provide professional development for early childhood educators with a focus on early literacy and violence prevention. Given the low salaries of child care providers across the country, providers must have access to resources from their communities in order to grow professionally and provide high quality care in their programs. It is exceedingly important to offer new opportunities to strengthen their ability to work with children. Gaining early literacy skills is essential to children's ability to start school ready to read. High quality early childhood programs have also demonstrated that they can be effective in reducing the violent behavior that can lead to delinquency.

Reed Child Opportunity Zone Family Centers Amendment. This amendment would provide resources to help schools coordinate with other local health and human services at or near the school site to support children's ability to come to school each day ready to learn. This will ensure that children have the health and other supports they need to be able to thrive and take full advantage of their education.

Dodd 21st Century Community Learning Centers Amendment. This amendment would strengthen the collaboration among schools and community-based organizations and bolster their ability to provide enriching and educational after-school and other community education programs.

These amendment would help provide critical support to both younger and older children and their families, helping to ensure that their school experience is a success. We urge you to support them.

Sincerely yours,

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GERESH AND SARAH LEMBERG
CHILDREN'S CENTER, INC.,
Waltham, MA.

From: Howard Baker, Executive Director.
To: Stephanie Robinson and Rachel Price, Staff of Senator Kennedy.
Subject: Amendments to Early Learning Part of ESEA.

COMMENTS: Thank you for sending me a copy of your proposed amendments ESEA. I support your addressing special educational needs (Part V,B,5), increased hours of care (Part V,B,6), and increases in compensation and recruitment incentives (Part V,B,7). I am glad to see the wording "grants supplemental not supplant existing early learning resources" (Part VII, G). As for the Funding total of $6.25 billion over 5 years, more is better.

Also, I spoke with Kimberly Barnes O'Connor, she said: "Bringing up rates and wages in the ESEA is the wrong place. These are issues for the Child Care and Development Block Grant." Is this your position as well? Thanks.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Massachusetts for his kind comments. I want to echo what he has said. Senator JEFFORDS has been a great leader in this area. As a matter of fact, he sort of encouraged me to get involved. I am happy to have been able to get involved. I told him it should have been the Jeffords-Stevens amendment. In his typical Vermont reticence—he is a Yankee as far as I am concerned—he said, no, that I should put in the amendment and be the sponsor. I am proud to do that. But the real voice of reason in this amendment has been Senator JEFFORDS.

I am pleased to yield to him, and I thank him for his cooperation.

Mr. JEFFORDS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have an engagement pending, so I will proceed now. I would love to be able to stay and listen to my friends.

I certainly thank the Senator from Alaska for his very fine words. He has been an inspiration to all of us in bringing this forward. Without his help and support, I am not so sure that we would be here today. I appreciate his efforts in making sure that our amendment be heard in a timely manner.

Mr. STEVENS. Mr. President, if the Senator will yield, the lady who is responsible for the cooperation is sitting to my right, our deputy chief of staff. She started on the mommy track about a year ago and taught me all I know. So thank you very much.

Mr. JEFFORDS. I thank the Senator very much. Mr. President, I am very happy to join a strong bi-partisan group of my colleagues in introducing the "Early Learning Opportunities Act" amendment. The twenty-eight cosponsors of the amendment are: Senators STEVENS, KENNEDY, JEFFORDS, DODD, DOMENICI, BOND, KERRY, VOINOVICH, LAUTENBERG, MURRAY, COCHRAN, BINGAMAN, SMITH of Oregon, DURBIN, CHAFEE, BAUCUS, MURKOWSKI, ROBB, ROCKEFELLER, ROBERTS, WELLSTONE, FEINSTEIN, MIKULSKI, SNOWE, BOXER, KERREY, SPECTER, and WARNER.

In 1989, President Bush met with Governors from across the nation and identified a set of educational goals for our nation's children. The first national educational goal was that "By the year 2000, all children in America will start school ready to learn," We have unfortunately failed to meet that critical goal.

Early childhood learning plays a key role in a child's future achievement and is the cornerstone of education reform. I am absolutely convinced that we must invest in early childhood learning programs if we are to have every child enter school ready to learn and succeed.

We know that from birth, the human brain is making the connections that are vital to future learning. We know that what we do as parents, care providers, educators, and as a society can either help or hurt a child's ability to gain the skills necessary for success in school— and in life.

Many of America's children enter school without the necessary abilities and maturity. Without successful remediation efforts, these children continue to lag behind for their entire academic career. We spend billions of dollars on efforts to help these children catch up. As we demand that students and schools meet higher academic standards, these efforts become much harder. An investment in early learning today will save money tomorrow. Research has demonstrated that for each dollar invested in quality early learning programs, the Federal Government can save over five dollars—spend one, save five.

These savings result from future reductions in the number of children and families who participate in Federal Government programs like Title I special education and welfare.

This amendment is designed to help parents and care givers integrate early childhood learning into the daily lives of their children.

Parents are the most important teachers of their children. If parents are actively engaged in their child's early learning, their children will see greater cognitive and non-cognitive benefits.

Parents want their children to grow up happy and healthy. But few are fully prepared for the demands of parenthood. Many parents have difficulty finding the information and support they need to help their children grow to their full potential. Making that information and support available and accessible to parents is a key component of this amendment.

For many families, it is not possible for a parent to remain home to care for their children. Their employment is not a choice, but an essential part of their family's economic survival.

And for most of these families, child care is not an option, but a requirement, as parents struggle to meet the competing demands of work and family.

Just as it is essential that we provide parents with the tools they need to help their children grow and develop, we also must help the people who care for our nation's children while parents are at work.

Today, more than 13 million young children—including half of all infants—spend at least part of their day being cared for by someone other than their parents.

In Vermont alone, there are about 22,000 children, under the age of six, in state-regulated child care.

This amendment will provide communities with the resources necessary to improve the quality of child care. Funds can be used for professional development, staff retention and recruitment incentives, and improved compensation. By improving local collaboration and coordination, child care providers— as well as parents— will be able to access more services, activities and programs for children in their care.

Our "Early Learning Opportunities" amendment will serve as a catalyst to engage all sectors of the community in increasing programs, services, and activities that promote the healthy development of our youngest citizens. The amendment ensures that funds will be locally controlled.

Funds are channeled through the states to local councils. The councils are charged with assessing the early learning needs of the community, and distributing the funds to a broad variety of local resources to meet those needs.

Local councils must work with schools in the community to identify the abilities which need to be mastered before children enter school. Funds must be used for programs, activities and services which represent developmentally appropriate steps towards acquiring those abilities.

This amendment will expand community resources, improve program collaboration, and engage our citizens in creating solutions. It will will help parents and care givers who are looking for better ways to include positive learning experiences into the daily lives of our youngest children.

When children enter school ready to learn, all of the advantages of their school experiences are opened to them—-their opportunities are unlimited.

I urge all my colleagues to vote for the "Early Learning Opportunities Act" amendment.

I urge you to give our Nation's children every opportunity to succeed in school and in life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair.

Mr. President, I rise today to lend my support to a critical component of our efforts to reform the public education system and ensure that all children can learn to high standards: a collaborative approach to increasing the availability of high-quality early learning initiatives for young children. The amendment before us today recognizes the importance that the early years of a child's life play in his or her future learning and development. This amendment acknowledges what we know to be to true: children who begin school lacking the ability to recognize letters, numbers, and shapes quickly fall behind their peers. Students who reach the first grade without having had the opportunity to develop cognitive or language comprehension skills begin school at a disadvantage. Children who have not had the chance to develop social and emotional skills do not begin school ready to learn. Mr. President, we have the opportunity here today in this bipartisan amendment to see to it that all of our young children have access to high-quality early learning initiatives and that all of our children begin school ready to learn.

The beauty of the approach that I am advocating for here today, is that it builds upon existing early learning and child care programs in each and every community in this country. Mr. President, this early learning amendment would provide support to families by minimizing government bureaucracy and maximizing local initiatives. This amendment would support the creation of local councils that will provide funding to communities to expand the thousands of successful early care and education efforts that already exist. It will establish an early learning infrastructure at the local level. This infrastructure will establish the necessary linkages between private, public, and non-profit organizations that seek to provide a healthy, safe, and supportive start in learning and in life for children of pre-school age. Mr. President, this amendment provides the Senate with a critically important bipartisan opportunity to support early learning collaboratives at the state level, in towns, in cities, and in communities throughout this country.

I can attest to the success and importance of this collaborative approach, because I have seen it work. I was so convinced by what I saw in Allegheny County, Pennsylvania, Mr. President, that I introduced legislation in the 105th and the 106th Congresses that is very similar to the amendment before us today. Let me tell you about the Early Childhood Initiative (ECI) in Allegheny County, Pennsylvania—an innovative program which helps low-income children from birth to age five become successful, productive adults by enrolling them in high quality, neighborhood-based early care and education programs, ranging from Head Start, center-based child care, home-based child care, and school readiness programs. ECI draws on everything that's right about Allegheny County—the strength of its communities—neighborhood decision-making, parent involvement, and quality measurement. Parents and community groups decide if they want to participate and they come together and develop a proposal tailored for the community. Regular review programs ensure quality programming and cost-effectiveness. We're talking about local control getting results locally: 19,000 pre-school aged children from low-income families, 10,000 of which were not enrolled in any childcare or education program. Evaluations have shown that enrolled children are achieving at rates equivalent to their middle income peers. And as we know, without this leveling of the playing field, low-income children are at a greater risk of encountering the juvenile justice system.

In the United States, child care, early learning, and school-age care result from partnerships among the public sector—federal state, and local governments; the private sector—businesses and charitable organizations; and parents. Both the public and the private sectors help children get a strong start in life by supporting and providing child care, by enhancing early learning opportunities, and by supplying school-age care. Attention to early childhood development by so many organizations and levels of government is important and appropriate. But oftentimes, early care and education is a hodgepodge of public and private programs, child-care centers, family day-care homes, and preschools and ironically the widespread concern for the provision and quality of such programs has led to what some experts in this field have called a non-system.

I'd like to tell you about one of the most ground-breaking studies in the effectiveness of early learning programs, called the Abecedarian Project, that is taking place at the University of North Carolina Chapel Hill. This highly-regarded study has found that low-income children who received comprehensive, quality early educational intervention had higher scores on cognitive, reading, math tests than a comparison group of children who did not receive the intervention. These effects persisted through age 21. The study also found that young people who had participated in the early education program were more likely to attend a four-year college and to delay parenthood. And the positive impact of the early learning program was not just limited to the children, Mr. President. Mothers whose children participated in the program achieved higher educational and employment status as well, with particularly strong results for teen mothers.

Community collaboration allows a vast array of people to assess what support children and families need, what resources are available in their own community, and what new resources are necessary. Collaboration is a way to meet the needs of parents who work full time. For example, children who attend a state-financed half-day preschool program in a child-care center are able to remain in the center after the formal preschool program has ended until a parent finishes working when linkages between disparate programs are made. This sort of continuity can eliminate transportation problems that often plague working families and stressful transitions for parents and children.

Child care and early learning are necessities for millions of American families. Children of all income levels are cared for by someone other than their parents. Each day, an estimated 13 million children under age six—including children with mothers who work outside the home and those with mothers who do not—spend some or all of their day being cared for by someone other than their parents. Many of these children enter non-parental care by 11 weeks of age, and often stay in some form of child care until they enter school.

I commend my esteemed colleagues, Senator STEVENS, Senator JEFFORDS, Senator BOND, Senator DODD, and the senior Senator from Massachusetts, Senator KENNEDY, who, as you all know, is a true leader in this area, for working so diligently on this amendment. And I'm pleased to have the opportunity to be here on the floor to discuss this bipartisan legislation. Indeed, supporting states and local early learning collaboratives is not a partisan issue. In fact, Mr. President, the legislation that I introduced in the 105th and 106th Congresses, the Early Childhood Development Act, would support a collaborative approach and sustain an early learning infrastructure. My legislation has been supported by Senators on both sides of the aisle. I commend my colleagues—Senator BOND, Senator GORDON SMITH, Senator SNOWE, Senator COLLINS, and the late Senator CHAFEE, for supporting this important, non-partisan educational priority and approach to improving early learning opportunities for all children. And I particularly commend the bipartisan group of leaders on this amendment.

Early childhood programs are cost effective and can result in significant savings in both the short- and the long-term. For example, the High/Scope Foundation's Perry Preschool Study examined the long-term impact of a good early childhood program for low-income children. Researches found that after 27 years, each $1.00 invested in the program saved over $7.00 by increasing the likelihood that children would be literate, employed, and enrolled in postsecondary education, and making them less likely to be school dropouts, dependent on welfare, or arrested for criminal activity or delinquency. A study of the short-term impact of a pre-kindergarten program in Colorado found that it resulted in cost savings of $4.7 million over just three years in reduced special education costs.

Child care and early learning are particularly important for low-income children and children with other risk factors. Good early care and education programs help children enter school ready to succeed in a number of ways, and have a particularly strong impact on low-income children who are at greater risk for school failure. Mr. President, reading difficulties in young children can be prevented if children arrive in the first grade with strong language and cognitive skills and the motivation to learn to read, which are needed to benefit from classroom instruction.

Law enforcement has attested to the importance of early learning programs. A poll of police chiefs from across the country found that nearly none out of ten (86 percent) said that "expanding after-school and child care programs like Head Start will greatly reduce youth crime and violence." Nine out of ten also agreed that a failure to invest in such programs to help children and youth now would result in greater expenses later in crime, welfare, and other costs. Police chiefs ranked providing "more after-school programs and educational child care" as the most effective strategy for reducing youth violence four times as often as "prosecuting more juveniles as adults" and five times as often as "hiring more police officers to investigate juvenile crime."

I urge my colleagues to think about what is at stake here. Poverty seriously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the millions children under the age of three in the U.S. today, 25 percent live in poverty. Three out of five mothers with children under three work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development. Literally the future of millions of young people is at stake here. Literally that's what we're talking about. But is it reflected in the investments we make here in the Senate? I would, respectfully, say no—not nearly enough, Mr. President. But today, during this debate on the Elementary and Secondary Education Act, we have a genuine opportunity to make a meaningful difference and contribution to the lives of poor children in this country.

I'd also like to discuss the results of a study conducted by the National Institute of Child Health and Human Development. This study has been following a group of children to compare the development of children in high quality child care with that of children in lower quality child care. Researchers have thus far tracked the children's progress from age three through the second grade. At the end of this most recent study period, children in high quality child care demonstrated greater mathematics ability, greater thinking and attention skills, and fewer behavioral problems. These differences held true for children from a range of family backgrounds, with particularly significant effects for children at risk.

Let me explain why this legislation is so fundamentally important and why it is clear we are not doing enough to ensure that our youngest children are exposed to meaningful learning opportunities:

A study in Massachusetts found that the supply of child care in communities with large numbers of welfare recipients was much lower than in higher-income communities. The 10 percent of zip code areas with the greatest share of welfare recipients had just 8.3

preschools operating per 1,000 children ages 3 to 5. This was one-third lower than in high-income communities.

Four out of five children already know what it means to be in the full-time care of someone other than one of their parents.

A study by the U.S. Department of Education found that public schools in low income communities were far less likely to offer pre-kindergarten programs (16 percent) than were schools in more affluent areas (33 percent).

Kindergarten teachers estimate that one in three children enters the classroom unprepared to meet the challenges of school.

Only 42 percent of low-income children between the ages of 3 and 5 are in pre-kindergarten programs compared with 65 percent of higher income children.

Our country has struggled, and this body has struggled, with ways to improve the lives of young, poor children in this country. The debate we are engaged in today centers around how to more effectively educate disadvantaged children, how to hold schools, administrators, and teachers accountable for providing a high-quality education, and ensuring that all children are given the opportunities to learn. Mr. President, early learning is a critical element of the fundamentally important goal of ensuring all children learn to high standards. We must go where the children are—in child care centers, in family-based care—and guarantee support of meaningful early learning services.

The intent of a collaborative approach to early education and child care is to create a system that supports children's development and is also responsive to the needs of working parents. We need to take action in order to make a difference in the lives of our children before they're put at risk, and this bipartisan approach is certainly a step in the right direction, I believe a step the Senate must take. We need to accept the truth, Mr. President, that we can do a lot more to help our kids grow up healthy with promising futures in an early childhood development center, in a classroom, and in a doctor's office than we can in a courtroom or in a jail cell.

I urge my colleagues to support this amendment.

I thank my colleague, the senior Senator from Massachusetts, for his extraordinary leadership in this arena, as well as in the entire area of education.

I think my colleagues will agree that there is no more forceful, eloquent, or committed voice on the subject of children and of education in the country. I am grateful for his leadership on their particular issue.

I also join in thanking the Senator from Alaska for his passionate and very firsthand commitment to this subject. He comes to this from a place of real understanding. And I hope his colleagues on his side of the aisle will recognize that this is not partisan. This is something that has the capacity to bring both sides together to the advantage of the children of America.

I also thank my colleague, Senator BOND, who joined me several years ago in what was then a ground-breaking effort in the Senate to try to recognize the capacity of collaboratives in the local communities to be able to pick up much of this burden. For a long time, we spent an awful lot of energy in the Senate reinventing the wheel. I think what we did was try to say how we solve the problem without necessarily creating a new Federal bureaucracy and without creating additional administrative overhead. How do we play to the strengths of our mayors, of our local charitable organizations, which do such an extraordinary job, and which in so many cases are simply overburdened by the demand?

I think there is not one Member who is not aware of a Boys Club, Girls Club, YMCA, YWCA, Big Brother-Big Sister, or any number of faith-based entities, whether the Jewish community centers, the Catholic charities, the Baptist Outreach—there are dozens upon dozens of efforts—that successfully intervene in the lives of at-risk or troubled young people and who succeed in turning those lives around.

This should not be categorized as a government program with all of the pejoratives that go with the concept of government program. This is, in effect, the leveraging of those efforts at the local level that already work. The best guarantee that comes out of this amendment is that it appeals to the capacity of the local communities to choose which entities work and which entities don't. There is none of the rhetoric that somehow attacks so easily the notions that seek to do good and changes lives of people for the better, none of that rhetoric that suggests that Washington is dictating this or there is a new bureaucracy, or this is the long reach of the government at the Federal level trying to tell the local level what to do. None of that applies here.

This is a grant to local collaboratives with the Governors' input and the input of those local charitable entities. They know best what is working; they know best where that money can have the greatest return on the investment. They will, therefore, decide what to do.

Let me address for a quick moment the common sense of this. Senator STEVENS talked about the science and brain development. Indeed, we have learned a great deal about brain development. In fact, we are learning even more each day.

Just this year, new evidence about brain development has been made public which suggests that not only is the early childhood period so critical for a particular kind of discipline, but we are now capable of learning about the brain's functioning at different stages of development through to the point of adulthood. A child in their early teens, for instance, may be particularly susceptible to language input and at a later stage of life to more analytical skills; at the earlier stage of life much more subject to the early socialization skills and the early recognition, cognitive skills such as recognizing shapes, forms, numbers.

The problem in America is—every single one of us knows this—certain communities don't have the tax base, don't have the income, and we will find parents have a greater struggle to provide for a safe, nonchaotic atmosphere within which their children can be brought up. Find a place where children get the proper kind of early input and it makes a difference in their capacity to go to school ready to learn. In an affluent community, almost by 2 to 1 we find many more children are in safe, competent, early childhood environments where they are well prepared to go to school.

The consequences of not preparing a child to go to school at the earliest stage ought to be obvious to everybody, but they are not. I have heard from countless first grade schoolteachers who tell me in a class of 25 to 30 kids, they might have 5 to 10 kids who do not have the early cognitive skills their peers have, so the teacher is then reduced in their capacity to be able to provide the accelerated effort to the rest of the class because they are spending so much time trying to help people catch up. Moreover, it takes longer for the children to catch up.

There are a host of other disadvantages that come with the lack of that early childhood education that often play out later in life, sometimes in very dramatic ways, when they get in trouble with the law, when they become violent, and when we spend countless billions of dollars, literally billions of dollars, trying to remediate things that could have been avoided altogether in the first place.

That is what this is all about. This is common sense. There are two former Governors who will speak on this. I know what the Senator from Ohio did because I followed what he did when he was a Governor. We used some of what he did, as well as some of what was done by Governor Hunt in North Carolina, as models for possibilities. There are Governors all across this country who currently support wonderful, homegrown, locally initiated, locally based efforts that save lives and change lives on an ongoing basis.

We need to augment the capacity of all of those entities to reach all of the children of America. If we did that, we could provide a tax cut in the end to the American people. For the dollar invested at the earliest stage, there is a back-end savings of anywhere from $6 to $7 per child, and sometimes much greater percentages in terms of the costs of the social structure that we put in place to either mitigate, and sometimes simply to isolate, people from society as a consequence of those early deprivations.

This is not "goo-goo" social work. This is not do-goodism. It doesn't fit into any kind of ideological label. This is something that has worked all across the country.

I close by pointing to one very successful initiative that I visited several years ago which became part of the basis of the collaboration in which Senator BOND and I engaged.

In Allegheny County, PA, there is a thing called the Early Childhood Initiative. This program helps low-income children from birth to age 5 to become successful, productive adults by enrolling them in high-quality, neighborhood-based early care and education programs ranging from Head Start to center-based child care, to home-based child care, to school readiness programs. It draws on all of the corporate community. The corporate community matches funds. The corporations become involved with the charitable entities. The public sector becomes involved. They join together to guarantee there are regular review programs ensuring quality programming and cost effectiveness.

We are now talking about 19,000 preschool age children from low-income families, 10,000 of which were not enrolled in any children's care or education program prior to the childhood education initiative being put in place.

May I add, this has been done to date with a small amalgamation of Federal money, principally with corporate and local match and State money.

This can be done. For a minimal amount of Federal dollars, you can leverage an extraordinary outpouring of local match, of corporate private sector involvement, all of which builds communities, all of which in the end would make this country stronger and significantly augment the capacity of our teachers, who are increasingly overburdened, to be able to teach our children adequately.

I really hope this will be one amendment that does not fall victim to partisanship or to predisposition. I think we ought to be able to come to common agreement and common ground on this. I really commend it to my colleagues on that basis.

I thank my colleagues for their forbearance.

Mr. DODD. Mr. President, I am pleased to join my colleagues, Senators STEVENS, KENNEDY and JEFFORDS and others in support of this amendment.

As we enter the new millenium, we have before us a unique opportunity to enact legislation that will give every child the chance for the right start in life.

Recent research on the brain has clearly demonstrated that the years from birth to school enrollment are a hotbed of neurological activity—an unparalleled opportunity for children to acquire the foundation for learning.

While this seems to be common sense—and something that parents have always know intuitively—in fact, it is only recently that parents' intuition has been backed by evidence.

Until only 15 years ago, scientists still assumed that at birth a baby's potential for learning was pretty firmly in place. We now know that to be untrue.

Now we know that just in the first few months of life, the connections between neurons, or synapses, in a child's brain will increase 20-fold, to more than 1,000 trillion—more than all the stars in the Milky Way.

In those months and years, the brain's circuitry is wired. With attention and stimulation from parents and other caregivers, we begin to see the permanent pathways for learning and caring forming in a child's brain.

The downside to the plasticity of the brain is that it can be as easily shaped by negative experiences as positive experiences. Fear and neglect are just as readily wired into the brain as caring and learning.

Scientists have also found that the brain's flexibility in those early years is not absolute. Some skills can only be acquired during defined windows of opportunity. Abilities, like sight and speech, that are not wired into place within a certain critical period may be unattainable—a "use it or lose it" phenomenon.

We see this phenomenon played out in the classroom. Kindergarten teachers across the country tell us that as many as one in three children begins the first day of school unprepared to learn. Because they have never been read to, basic literacy skills have not taken hold. Because they were never screened for health problems, they have undiagnosed hearing or vision impairments.

If we accept the science of brain development, it's clear that is where our investments should be.

The data is in and the facts are undisputable:

The experiences a child has in the years from birth to age 6 set the stage for that child's later academic success.

Investing in early learning saves us money in the long run.

It is very simple—if children enter kindergarten and first grade unprepared, they may never catch up. As a society, we pay dearly for that lack of readiness. We pay in the lost potential of that child. We pay in terms of higher special education costs. And we pay in terms of increased juvenile justice costs.

There is no more fitting place for this amendment to be considered than here as part of the Elementary and Secondary Education Act—a very appropriate place to formally recognize the fact that learning starts at birth.

This amendment has two main objectives: To provide parents and others who care for children with the skills and resources to support children's development and to engage communities in providing early learning opportunities for all children.

Because parents are children's first and best teachers, this legislation would support their efforts to create healthy and stimulating environments for their children.

But, knowing that more than 60 percent of children younger than age six—regardless of whether their mothers work—are in some form of non-parental care, this legislation would also support the efforts of child care centers and home-based child care providers to offer positive early learning experiences.

Importantly, the delivery system for all of these investments is the community. Under this legislation, local councils of parents, teachers and child care providers will assess the community's needs and determine how to allocate resources.

In addition to using funds to support parents and other caregivers, funds could be used:

To increase access to existing programs by expanding the days or times that children are served or by making services available to children in low-income families.

To enhance early childhood literacy.

To link early learning providers to one another and to health services.

To improve quality of existing early learning programs through recruitment, retention, and professional development incentives, and

To increase early learning opportunities for children with special needs.

If this model sounds familiar to you, it should. The strategy of investing in early learning has been embraced in some form by over 42 governors.

In the laboratory of the states, governors, business leaders, parents, and kindergarten teachers have decided that they are convinced enough by the science and the facts to forge ahead.

In Connecticut, we are entering our third year of a wildly popular school readiness initiative. As a result of this initiative, 41 cities and towns are now providing high quality preschool experiences to over 6,000 children.

The results of this initiative in terms of improvements in school readiness and reductions in special education costs have been so significant that the Governor and legislature have almost doubled funding in three years to $72 million.

Interestingly, perhaps the strongest backer of this initiative has been the business community. The people who like to crunch numbers, to see things in terms of costs and benefits looked at the facts and decided that early learning was a wise investment. That says a lot.

States are doing their part. Many businesses are doing their part. The federal government must do its part.

As we enter the 21st century, let's get our priorities straight.

We cannot and should not let this opportunity to make a real difference in the lives of children and families across America pass us by.

Our children are priceless—we shouldn't "nickel and dime" them when it comes to providing the best possible start in life.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank Senator KERRY for the work he and I have done over the years on early childhood education. This amendment by Senators STEVENS and JEFFORDS and others builds on that because we know that early in a child's development is the best time to begin the process of assuring that child is well educated, well prepared—the very earliest stages in life. This amendment recognizes if we do everything possible for our Nation's children in their overall education, we should begin at the earliest years.

While most of the debate on this bill will be about elementary and secondary education—the years of what we might call formal schooling—the education and mental development of a child begins long before that child enters kindergarten. In fact, the education and development of a child begins practically at birth and continues at an extremely rapid pace through the first several years of life.

This amendment recognizes this basic fact—that a child's education and mental development begins very early in life. Through this amendment, we are seeking to support families with the youngest children to find the early childhood education care programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

This amendment recognizes that if we want to do everything possible for our nation's children and their overall education, we need to focus on the earliest years as well as the years of formal schooling. We can do this—and this amendment proposes to do this—by supporting and expanding the successful early childhood programs and initiatives that are working right now on the local level. These programs help parents to stimulate and educate their young children in an effort to make sure every child enters kindergarten fully ready to learn.

I am pleased to say that this amendment is based on the basic ideas and principles I set forth in legislation that was first introduced several years ago with my good friend from Massachusetts, Senator KERRY.

Research shows that the first years of life are an absolutely crucial developmental period for each child with a significant bearing on future prospects. During this time, infant brain development occurs very rapidly, and the sensations and experiences of this time go a long way toward shaping that baby's mind in a way that has long-lasting effects on all aspects of the child's life.

And parents and family are really the key to this development. Early, positive interaction with parents, grandparents, aunts, uncle, and other adults plays a critical role.

Really we shouldn't be surprised that parents have known instinctively for generations some of these basic truths that science is just now figuring out. Most parents just know that babies need to be hugged, caressed, and spoken to.

Of course, the types of interaction that can most enhance a child's development change as the baby's body and mind grow. The best types of positive interaction—which are so instinctual to us for the youngest babies—may not be quite so obvious for two- and three-year-olds. Raising a child is perhaps the most important thing any of us will do, but it is also one of the most complicated.

And parents today also face a variety of stresses and problems that were unheard of a generation ago. In many families, both parents work. Whether by choice or by necessity, many parents may not be able to read mountains of books and articles about parenting and child development to keep perfectly up-to-date on what types of experiences are most appropriate for their child at his or her particular stage of development. They also must try to find good child care and good environments where their children can be stimulated and educated while they work. Simply put, most parents can probably use a little help to figure out how best to help a child's mind and imagination to grow as much as possible.

Many communities across the country have developed successful early childhood development programs to meet these needs. Most of the programs work with parents to help them understand their child's development and to discuss ways to help further develop the little baby's potential. Others simply provide basic child care and an exciting learning environment for children of parents who both have to work.

In a report released in 1998, the prestigious RAND Corporation reviewed early childhood programs like these and found that they provide children, particularly high-risk children, with both short- and long-run benefits. These benefits include enhanced development of both the mind and the child's ability to interact with others. They include improvement in educational outcomes. And they include a long-term increase in self-sufficiency through finding jobs and staying off government programs and staying out of the criminal justice system.

Of course, it's no mystery to people from my home state of Missouri that this type of program can be successful. Missouri is the "Show Me" state, an we have been shown first-hand the benefit of a top-notice early childhood program. In Missouri, we are both proud and lucky to be the home of Parents as Teachers. This tremendous organization is an early childhood parent education program designed to empower the parents to give their young child the best possible start in life. It provides education for the parent on a volunteer basis. Over 150,000 Missouri families are participating in it, with 200,000 children benefiting from it. It combines visits by the parent/educator in the home to see the progress of the child. It provides ideas and information to the parent to stimulate that child's learning curiosity. It brings parents and children together in group sessions to discuss common problems.

This program has been shown, by independent tests, to improve significantly the learning capacity of children when they reach formal schooling years. In addition, it hooks the parents into their child's education for the future years. I personally, from my visits to over 100 of these sites around my State, can tell you it is clear to the teachers, to the administrators, to the school board members, children who have been in Parents as Teachers have an excellent start and they are above and ahead of the other children who have not been so lucky.

This program is available through every school district in our State. I have talked to mothers coming off welfare who say it is the most important thing for their children. I have talked to farm families who are struggling to make a living off the farm, who say it is the best thing that can happen to their children. I have talked to economically successful suburban families; mom and dad both have good jobs, not enough time, but Parents as Teachers gives them the direction and the tools so they can be the best first teachers of their children.

That is why it is called Parents as Teachers.

With additional resources, programs such as Parents as Teachers could be expanded and enhanced to improve the opportunities for many more infants and young children. And we have found that all children can benefit from these programs. Economically successful, two-income families can benefit from early childhood programs just as much as a single-parent family with a mother seeking work opportunities.

This amendment will support families by building on local initiatives like Parents as Teachers that have already been proven successful in working with families as they raise their infants and toddlers. The bill will help improve and expand these successful programs, of which there are numerous other examples, such as programs sponsored by the United Way, Boys and Girls Clubs, as well as state initiatives such as "Success by Six" in Massachusetts and Vermont and the "Early Childhood Initiative" in Pennsylvania.

The amendment will provide Federal funds to states to begin or expand local initiatives to provide early childhood education, parent education, and family support. Best of all, we propose to do this with no Federal mandates, and few Federal guidelines.

Many of our society's problems, such as the high school dropout rate, drug and tobacco use, and juvenile crime can be traced in part to inadequate child care and early childhood development opportunities. Increasingly, research is showing us that a child's social and intellectual development as well as a child's likelihood to become involved in these types of difficulties is deeply rooted in the early interaction and nurturing a child receives in his or her early years.

Ultimately, it is important to remember that the likelihood of a child growing up in a healthy, nurturing environment is the primary responsibility of his or her parents and family. Government cannot and should not become a substitute for parents and families, but we can help them become stronger by equipping them with the resources to meet the everyday challenges of parenting.

I believe this amendment can accomplish this and dramatically improve the life and education of millions of the youngest Americans.

I invite any of my colleagues, or anyone else who wants to know more about this program, to let me know because we have seen this program copied in other States, in other countries. It really can make a difference for children. I believe the support this amendment will provide for early childhood education is one of the best things we can do to assure the highest quality educational achievement for all of our children.

The screening for young children that goes along with it helps avoid problems and more than pays for the cost of the education programs. I believe this amendment, if we adopt it, can be a tremendous boost for children of all walks of life throughout our country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I have been very impressed with the words of my colleagues, the two Senators from Massachusetts, the Senator from Alaska, the Senator from Vermont, and now the Senator from Missouri.

One of the things I decided on doing when I came to the Senate was to bring my passion for early childhood development to the Senate and to encourage my colleagues to give a much higher priority to children age prenatal to 3 than we have been giving in this country. Early childhood development, especially covering children age prenatal to 3, is fundamental if this Nation is to achieve the first of our eight national education goals, and that is, "all children in America will start school ready to learn."

There are great programs for children, such as Head Start, which Congress has supported for 35 years. I am proud that when I was Governor of Ohio, we increased spending for Head Start by 1,000 percent. So in our State today, every eligible child whose parent wants them in a Head Start Program has a slot for that child. Even though Head Start has made a tremendous impact on our children, we must recognize that the program is designed for 3- and 4-year-olds. The period in a child's life in which we have not invested enough in this country, and the period on which we need to start concentrating, is the period in a child's life from prenatal to age 3. It is the time in a child's life that has the most impact on their overall development.

Thanks to decades of research on brain chemistry, and through the utilization of sophisticated new technology, neuroscientists are now telling us that within the first 3 months in the womb, children start to develop the 100 billion neurons they will need as adults. By the time they reach the age of 3, children have all the necessary connections—what we call synapses—between brain cells that cause the brain to function properly.

What I am saying is almost frightening. If we do not create an appropriate environment for our children prenatal to age 3, they physically do not develop these synapses in their brains, and they are incapable of using what God has given them in the most efficient way possible.

In terms of priorities, the experiences that fill a child's first days, months, and years have a critical and decisive impact on the development of the brain and on the nature and extent of their adult capacities—in other words, who they are going to become. The window of opportunity can be impacted by things that are within our control.

We found, for example, children who lack proper nutrition, health care, and nurturing during their first years tend also to lack adequate social, motor, and language skills needed to perform well in school. That is why all young children, parents, and care givers of those children should have access to information and support services appropriate for promoting healthy early childhood development in the first years of life, including child care, early intervention services, parenting education, health care, and other child development services.

This new revelation requires that States streamline and coordinate healthy early childhood development systems. It also necessitates that the Federal Government reorder its education priorities to reflect the importance of a child's learning and growing experiences from prenatal to age 3.

This amendment responds to the obvious shortcomings of the Federal Government's partnership with State governments and encourages States to coordinate and galvanize all public and private assets on the State and local level.

The amendment authorizes the expenditure of some $3.2 billion over the next 3 years to make grants available to our States, and subsequently to the counties, in order to provide or improve early learning services for young children.

I want to underscore, this is not a new entitlement. I want to emphasize, what we are trying to do is prioritize money we are already spending for education and put more of it into early development programs where it is going to make the biggest difference for our children.

In order to receive this money, it does one other thing I think is very important. In too many communities in the United States, local social service, public, and private agencies do not cooperate and combine their resources. They do not collaborate enough to deliver services to children in their community. This amendment will require that:

> A State shall designate a lead State agency . . . to administer and monitor the grant and ensure State-level coordination of early learning programs.

For their part, localities must also follow guidelines to be eligible to receive funds. Again, from the bill, "a locality shall establish or designate a local council, which shall be composed of—representatives of local agencies directly affected by early learning programs; parents; other individuals concerned with early learning issues in the locality, such as individuals providing child care resource and referral services, early learning opportunities, child care, education and health services; and other key community leaders." This could also include faith-based community organizations.

We are saying that unless a State gets its act together and gets its agencies that deal with families and children into a lead state agency in order to coordinate activities, and unless local communities come together in collaboratives, the money will not flow to those collaboratives.

In a way, it is an inducement for local private-public agencies to get together to talk about how they can look at the early period in a child's life and make a difference and galvanize all the resources in the community.

It will help eliminate some of the turf problems throughout this country where agencies do their own thing without working with other agencies.

It will encourage agencies to understand they have a symbiotic relationship with each other, and by working together, they can make a difference on behalf of the children in their respective communities.

In Ohio, we established the Ohio Family and Children First Initiative which was driven by locally based providers and not bureaucrats. The initiative developed a plan to meet the health, education, and social service needs of disadvantaged children and families and develop an action plan to meet those needs by eliminating barriers, coordinating programs, and targeting dollars.

We started out in Ohio with only 9 programs in 13 of our 88 counties. We put out an RFP and said those counties that get their act together can participate in the program. It was such a success that today all 88 counties that have these collaboratives that are making a difference in the lives of our children.

In my own county, we have a wonderful example of what can happen when agencies work together. The Cuyahoga County Early Childhood Initiative has undertaken a 3-year $40 million pilot program to promote and improve effective parenting, healthy children, and quality child care in order to assure the well-being of all children in the county from birth through age 5.

Under this collaborative partnership, which began last July, $30 million comes from a combination of local, State, and Federal sources, and $8.5 million has thus far been committed by 18 local foundations. In other words, this is a program where we are combining local, State, and Federal resources and private resources to make an impact on these youngsters.

One of the more innovative aspects of this initiative is that it guarantees a visit by a registered nurse, if requested, to every first-time and teen mother in the county. These nurses help identify health and social service needs of both moms and babies, and link families with services that underscore and highlight the importance of a child's first 3 years.

I will never forget when I was Governor, for my 1998 State of the State Address, I invited people who were benefiting from some of the programs we instituted. One of the individuals I invited was a woman from one of our rural counties.

I asked her before the State of the State Address: What did this program do for you? This may sound elementary, but she said: I had my baby, I came home, I put the baby in the crib, and I watched television. When the nurse came out, she said that I should hold my baby, I should sing to my baby, I should read to my baby. She taught me how to use Ziploc bags to make picture books so that I could look at those pictures with my baby. I was told the more I stimulated and spent time with that baby, the more that baby would develop the brain power that God had given her.

Another program we put in place was Help Me Grow, which gives new mothers in Ohio a wellness guide, an informational video, and access to a telephone helpline so that, right from the beginning, new mothers can get the information they need and know where they can turn for help.

Again, it is a private sector initiative that came about as a result of the Family and Children First Initiative. In other words, a woman has a baby at the hospital. She gets a 30-minute video which tells her how to be a better mother. A nurse spends time with her. It is a "how to do it" initiative.

This may be hard to believe, but women all over this country are having babies and need help in what to do when that child is born. This program is going to help make that possible.

The amendment from the Senator from Alaska and the Senator from Vermont will expand the collaborative effort nationwide. This amendment conditions the Federal dollars that localities receive through the lead State agency on the ability of communities to come together and establish collaborative efforts. That means, as I said, putting aside the "turf battles" and galvanizing the resources.

I want to emphasize how important this is. These Federal dollars will be what I refer to as "the yeast that raises the dough." In other words, these funds will act as seed money generating additional local and State resources, and better use of Federal resources, as well as private sector and foundation funds, all to help our children. I know this program is going to work because of the way it has worked in the State of Ohio. Early childhood has been a passion of mine since my four children were enrolled in a storefront Montessori school when they were just out of diapers.

On the Federal level, the Governors understand how important this program is. In 1998, some 42 Governors chose to highlight early childhood development as a major portion of their State agendas. With this amendment, we will make the Federal Government become a more effective partner with State governments. It will kick start the local and State agencies to better coordinate and collaborate so we can maximize all the resources that are available in the community.

More important, this will give us the opportunity to take the God-given qualities of our most important resource in this country—our children—and provide them the environment they need to fully develop during their most crucial period in life.

Finally—and again I underscore for my colleagues—this is not a new entitlement. It is my hope that my colleagues on the Labor-HHS Appropriations Subcommittee will reprioritize some of the funds we currently spend on education and other health and social services toward early childhood development.

To track what happens with these Federal funds, the amendment requires that States report back on what they have been able to accomplish, ensuring there is accountability for these resources.

This amendment is about our children's future. It is about our country's future. I hope my colleagues will support this amendment on a bipartisan basis. Of all of the things we can do for children in this country, the most important thing we can do is impact on them during this most important period in their life, and what we do during this period in a child's life, in my opinion, is going to be the best investment we can make in our children. All the research shows that for every dollar we invest during a child's earliest years, we save $4 and $5 later on in their lives.

I thank the Chair.

Mr. HATCH. Mr. President, yesterday Senator KENNEDY asked me about the source of one of the statistics I quote during the debate on S. 2. I am pleased to provide the Senator from Massachusetts with the source for my statistics.

During the 105th Congress, the House Subcommittee on Oversight and Investigation of the Committee on Education and the Workforce prepared an excellent report, entitled, "Education at a Crossroads: What Works and What's Wasted in Education Today." I am pleased to share an excerpt from it with my colleagues. This report concludes that:

> One of the main problems with delivering federal education aid to states and communities through such a vast array of programs is the added cost of paperwork and personnel necessary to apply for an keep track of the operations of each of these programs. Many of the costs are hidden in the burdens placed on teachers and administrators in time and money to complete federal forms for this multitude of overlapping federal programs.
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> In 1996, Governor Voinovich of Ohio noted that local schools in his state had to submit as many as 170 federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school in Ohio is a result of federal programs—this despite the fact that the federal government accounts for only 6 percent of Ohio's educational spending.
>
> The Subcommittee has attempted to quantify the number of pages required by recipients of federal funds in order to qualify for assistance. Without fully accounting for all the attachments and supplemental submissions required with each application, the Subcommittee counted more than 20,000 pages of applications.

> So how much time is spent completing this paperwork? In the recently released strategic plan of the Department of Education, the administration highlights the success of the Department in reducing paperwork burdens by an estimated 10 percent—which according to their own estimates accounts for 5.4 million man hours in FY 97. If this statistic is accurate, it would mean that the Department of Education is still requiring nearly 50 million hours worth of paperwork each year—or the equivalent of 25,000 employees working full-time. [page 15]

Mr. President, this paper chase, as I suggested yesterday, has our nation's teachers and administrators spinning their wheels on the requirements of a federal education bureaucracy instead of concentrating on teaching and meeting the needs of students. Our educational system has been taken over by a federally driven emphasis on form rather than substance.

While I commend Secretary Riley's 10 percent reduction effort, we need to go much further in order to put our education emphasis where it needs to be—in classrooms, not on process requirements. I am committed to helping reduce the amount of paperwork teachers and administrators must fill out. S. 2 goes a long way to easing this burden.

REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. SARBANES. Mr. President, this is the ninth reauthorization of the Elementary and Secondary Education Act of 1965. Regrettably, the reauthorization, as reported by Committee, is not in my view in the best interest of our Nation's children. Established as part of President Lyndon Johnson's war on poverty, the original bill offered Federal support, for the first time, to schools in low-income communities. It underscored the importance of ensuring that all American children have access to quality education.

As the time has come to again reauthorize this important legislation that provides opportunity and hope to so many citizens, the negotiations have taken a drastically partisan turn. Members of the Majority have argued that, because states have paramount responsibilities for education, the role of the Federal Government should be diminished. However, that argument ignores our Nation's interest in ensuring an educated citizenry which is vital to the strength of our country, the continued health of our economy, and our ability to compete internationally.

On previous occasions, we have worked together to provide the Federal Government's 7 percent share of elementary and secondary education funding to the citizens of our country. We came together, despite our differences, to provide for the less fortunate in society. We came together to make progress on strengthening and improving public schools in every community, while ensuring that the Federal Government retained its mission of targeting the neediest communities.

The Congress and the President showed leadership in the last reauthorization of the Elementary and Secondary Education Act and with the passage of the GOALS 2000 legislation, which established a new benchmark in setting higher standards and moving our educational system in a new direction. Now, after years of tested programs and studies, the Majority wants to go back to the days of block grant funding to states and remove the Federal Government's ability to ensure that we have a targeted and responsible use of our citizens' tax dollars.

At a time when the Nation is enjoying remarkable economic prosperity, we should be working to increase the Federal investment in education to help states, communities, and schools meet the demands of higher standards of achievement, and address the challenges of diversity, poverty, and the lack of technology advancements in some communities. We need to do all we can to target resources to the neediest communities so that the most disadvantaged students get a good education.

During the last two years, we have been able to come together as a Congress and support the President's proposal to provide more teachers to the classrooms to lower class sizes. Over $2.5 billion has been provided for the purpose of recruiting, hiring, and training teachers. Now the Majority would have us retreat from this critical effort to provide more qualified teachers and reduced class sizes. And it is well settled that smaller class sizes enhances student achievement. Smaller classes enable teachers to provide greater individual attention and assistance to students in need. Smaller classes enable teachers to spend more time on instruction, and less time on discipline and behavior problems. In smaller classes, teachers cover material more effectively, and are able to work with parents more effectively to enhance their children's education.

Mr. President, the Majority's centerpiece for this legislation, the so-called "Straight A's program", whether in the 50-state or the 15-state form—abandons our commitment to help the Nation's most disadvantaged children receive a good education through proven and effective programs. The bill before us would give states a blank check for over $12 billion—and then turns its back on holding states accountable for results.

In addition, the Majority undermines the cornerstone of our education reform by making Title I funds "portable." Portability dilutes the impact that Title I funding has on individual public schools that serve all children. Supporters go to great lengths to avoid admitting that this funding could be used for private, religious, or for-profit services in the form of vouchers, but indeed, this is the case. Vouchers threaten to drain public schools of greatly needed public tax dollars and send the message that when public schools, which educate 90 percent of American children, do not work, they should be abandoned rather than fixed.

As we confront a world that is increasingly complex both technologically and economically, it is critical that we continue to meet the educational needs of our Nation's young people. It is in my view imperative that we maintain strong Federal support to ensure the successful continuation of education programs serving our country's young people. The legislation as submitted by the Majority diminishes the Federal role and does not provide accountability for education standards. This is an unfortunate departure from years of bipartisan support and movement towards higher achievement for all of our young people.

Mr. President, I have a longstanding and deep commitment to the goal of ensuring a quality education for all citizens. The bill before us would retreat from that goal by sharply reducing the Federal role in education—a role, that while narrow in scope, is critical to ensuring reform in our schools and real improvements in student performance, particularly among our neediest students and in our neediest communities.

Mrs. FEINSTEIN. Mr. President, the Senate's consideration of elementary and secondary education policy offers us an opportunity to begin to institute some fundamental reforms of American public education.

I fervently hope that the Senate does just that. I hope we will send to the President promptly a bill that brings about real change.

In the past week, we have debated several approaches and today we will debate another.

First, let me say that federal education funding is only 6 percent of total spending for elementary and secondary education. So in terms of dollars, the federal role is small. Public education spending and policy are largely set by local and state governments and that is the way it should be.

Nevertheless, federal dollars can and should leverage other dollars and in writing legislation to revamp federal education policy, we have the opportunity to stimulate some real reforms.

Why do we need reform? The numbers tell us a sad story.

American students lag behind their international counterparts in many ways. American twelfth grade math students are outperformed by students from 21 other countries, scoring higher than students from only two countries, Cyprus and South Africa.

Three-quarters of our school children cannot compose a well-organized, coherent essay.

U.S. eighth graders score below the international average of 41 other countries in math. U.S. twelfth graders score among the lowest of 21 countries in both math and science general knowledge.

Three-quarters of employers say that recent high school graduates do not have the skills they need to succeed on the job. Forty-six percent of college professors say entering students do not have the skills to succeed in college, according to a February Public Agenda poll.

These statistics speak for themselves. Our schools are failing many of our youngsters. It is not the students' fault. It is our fault.

We need major change.

Our changing economy, particularly in my state, poses huge challenges for public education. Our young people must be able to compete not just nationally, but in the world because the economy today is a global economy.

Here are a few examples:

Our state's economy has moved away from manufacturing toward more higher-skilled, service and technology jobs. Since 1980, employment has increased in California by nearly 28 percent, but growth in the traditional fields, such as manufacturing, has been only six percent. Jobs in the "new economy," fields such as services and trade, have jumped nearly 60 percent.

California employers say job applicants lack basic skills. High tech CEOs come to Washington and ask us to increase visas so they can bring in skilled employees from overseas because they cannot find qualified employees in our state.

Nationally, over the next 10 years, computer systems analyst jobs will grow by 94 percent; computer support specialists, by 102 percent; computer engineers, 108 percent. Jobs for the non-college educated are stagnating.

Our economic strength is in large part dependent on how well we prepare our youngsters. And today, sadly, we are not preparing them very well by most measures.

California's public schools have gone from being among the best to some of the worst. California has 5.8 million students, more students in public school than 36 states have in total population! California has 30 percent of the nation's school-age immigrant children. We have 41 percent (1.4 million) of the nation's students with limited English proficiency.

We've gone from near the top rank in per pupil spending (we were 5th in the nation in 1965) to near the bottom. California ranks 46th today. In the 1960s California invested 20 percent above the national average per student in K–12 education. Today, California averages 20 percent below the national average.

We have low test scores, crowded classrooms, uncredentialed teachers, teacher shortages, growing enrollments, decrepit buildings.

Let's look at how California's students perform academically:

In fourth grade math, 11 percent of students score at or above proficiency levels—11 percent In fourth grade reading, 20 percent.

California ranks 32nd out of 36 states in the percent of eighth graders scoring at or above "proficient" on reading. For fourth grade readers, we rank 36 out of 39 states in reading.

California ranks 34th out of 40 states in the percent of eighth graders scoring at or above "proficient" on science.

California ranks 37th among the states in the high school graduation rate.

Forty-eight percent of freshman students enrolling in the California's State University system need remedial math and English.

California's students lag behind students from other states. Only about 40 to 45 percent of the state's students score at or above the national median, on the Stanford 9 reading and math tests.

These are dismal, disappointing and disturbing statistics.

What does this mean for California's future, when our high school graduates cannot read, write, multiply, divide or add, find China on a map, fill out an employment application or read a bus schedule? These are not abstract facts. These are real examples of the weaknesses in our education system.

The Center for the Continuing Study of the California Economy—a highly respected think tank—put it quite bluntly: "Ranking in the bottom 20 percent of all states is simply not compatible with meeting the requirements of industries which will lead California in a world economy."

In addition to low academic performance, we have a virtual litany of other problems:

California has one of the highest student-teacher ratios in the nation, even though we are reducing class sizes in the early grades.

We will need 300,000 new teachers by 2010. Currently, 11 percent or 30,000 of our 285,000 teachers are on emergency credentials.

We're 50th in computers per child and 43rd in schools with Internet access.

We need to add about 327 new schools over the next 3 years just to keep pace with projected growth. We need $22 billion to build and repair schools and $10 billion to install instructional technology, according to the National Education Association report that just came out on May 3. Two million California children go to school today in 86,000 portable classrooms.

Our Head Start programs serve only 13 percent of eligible children.

We have 40 percent of the nation's immigrants. We have 41 percent of the nation's limited English proficient students. Some of our schools have 50 languages spoken.

These challenges will be exacerbated multi-fold. California has nearly 34 million people today, with schools, and roads, and other infrastructure that were built when the population was 16 million. And our population is projected to increase to almost 50 million over the next 25 years. California's school enrollment rate between now and 2007 will be triple the national rate.

But California's education system cannot be fixed with just bricks, mortar and electrical wiring. The problems are much, much deeper than that. The bottom line is this: tinkering around the edges of a failing system is not meaningful change. Nothing short of a major restructuring will turn around our schools.

The condition of public education in California troubles me greatly because this is an area of human endeavor that is critical to the future of our state. California's public school system can be turned around. It will be painful. It will not be easy. But it can be done. And we have to start.

So the question is, what should we do. In my view, we should base our efforts on two key principles: performance and accountability.

The success of our schools must be measured, not by what we put into our classrooms, but what comes out.

There several core elements of education reform:

That basic achievement levels be set for students for every grade in all core subjects. These standards should be phased in over a period of years, and measured at key levels, such as 4th, 6th, and 10th grades.

That social promotion of students be ended. Promotion from one grade level to the next should be based on measured levels of achievement—period. Intensive intervention programs must be provided for those who fall short and who need extra help. Extra, intervention or remedial programs must accompany the end of social promotion because clearly, retention should not replace the ending of social promotion.

That standards be set to measure a school's achievement.

That class size be reduced and phased in over 10 years.

That school size be reduced. Educators tell us that elementary schools should be limited to 450 students.

That the length of both the school day and the school year be increased, thereby increasing both instructional time for students as well as instructional development time for teachers.

In most states, the school year is 180 days. In other industrialized nations, students spend more time in the classroom, and teachers have more time for instructional development each year. For example, in Korea the school year is 220 days. In Japan it is 220. In Israel it is 216, and in Great Britain, 190.

That public school choice be increased.

And that teacher training and pay be improved, to elevate teaching to a respected and competitive position. I have proposed, for example, master teachers who mentor and coach other teachers, especially those in their first year in the classroom and who get salaries commensurate with that role.

Today, I intend to vote for Senator LIEBERMAN's reform proposal because I believe it takes a fresh approach to federal education policy and will bring us "more bang" for our education bucks by linking real reforms to federal dollars.

Here is what the Lieberman amendment does. It does three things.

First, it takes almost 50 current, disparate federal education programs and consolidates them into five performance-based grants:

educating disadvantaged children;

improving teacher quality;

teaching English to non-English-speaking children;

expanding pubic school choice; and

supporting high performance initiatives.

Second, the amendment increases authorized funding levels:

educating disadvantaged children (Title I), a 50 percent increase, from $7.9 billion to $12 billion;

teacher training, a 100 percent increase from $620 million to $1.6 billion;

teaching English to non-English-speaking children, a 250 percent increase, from $380 million to $1 billion;

public school choice, from $145 million to $300 million;

high performance initiatives, a new infusion of $2.7 billion.

Third, instead of the funds just going out the door without ever knowing any results, the Lieberman amendment requires for each of the five areas, that states demonstrate improvement. How does it do that? Accountability. The amendment has several important elements.

It requires states to have content and performance standards in at least English language arts, math and science. It requires states to define "adequate yearly progress" (AYP) and requires 90 percent of school districts to meet AYP, and within school districts, 90 percent of schools to meet AYP.

It requires school districts to identify failing schools and after two years and requires those schools to develop an improvement plan. Every school district must have a system of corrective action for failing schools.

The amendment gives states three years to implement their own accountability systems; requires states to sanction districts that do not meet their annual performance targets; cuts administrative funds if states do not meet objectives; authorizes funds to correct low-performing schools.

For Title I, each state must develop plans to ensure that all children are proficient in math and reading within 10 years. Each states must set performance goals for increasing overall academic achievement and for closing the gap between high- and low-income students, minority and non-minority students, limited English proficient children and non-LEP students.

On teachers, it requires that states have all teachers fully qualified by 2005. It preserves the class size reduction program.

For non- or limited English-speaking children, it requires states to develop standards for measuring English proficiency, to set performance goals and to require school districts to make adequate yearly progress in core academic subjects.

On public school choice, it requires states to hold charter and non-traditional schools accountable to the same content and performance standards as any other public school. It allows students in failing schools to transfer to another public school.

It requires states to have annual performance goals and a plan for holding local districts accountable. It rewards districts that meet or exceed their performance goals.

If states do not show improvement in three years, they lose administrative funding. States must also hold school districts accountable and have sanctions for low performance.

I believe that this amendment represents a comprehensive, constructive approach to real school reform.

In addition, the amendment increases authorized funding for elementary and secondary education by $35 billion. But it doesn't just add money, it better targets funds to those truly educationally disadvantaged children, such as poor students and limited English proficient students. According to tables prepared by the Congressional Research Service, California would see increases in Title I, in teacher training, in programs for limited English proficient children and innovative high performance grants.

Some may see it as tough. Some may see it as a too different. But we have gotten to the point where we need to look at different ways. As doctors say about an antibiotic, it must be (1) targeted; (2) of sufficient duration and (3) of sufficient dose. That is what this amendment is.

By clearly linking federal dollars to results, we can begin to put in place some real steps toward improving student achievement and making public education produce real results.

My goal is not to be harsh, to "dish out" requirements, sanctions and penalties. Our schools are overwhelmed. Our teachers are overwhelmed. They are often asked to do the impossible.

But our few federal dollars—6 percent of total education spending—can and should be used to produce results.

That is what this amendment does and that is why I support it.

I want to thank Senator LIEBERMAN for including in his amendment two of my initiatives: one is on master teachers and the other is on use of Title I funds.

In Title II of the bill, the title providing funds to strengthen teacher training, Senator LIEBERMAN has added a master teacher section so that school districts can use these funds to establish master teacher programs. Under the language, a master teacher would be an experienced teacher, one who has been teaching at least five years, and who assists other (particularly new) teachers in improving their skills.

I have proposed creating master teacher programs because I believe these "senior teachers" could enhance the profession of teaching and encourage people to stay in the classroom, as well as help the newer teachers "learn the ropes." School districts could use these funds to, for example, increase teachers' salaries and that too could keep them in the classroom instead of moving to an administrative job or to private industry.

In California, teachers' salaries average $44,585 which is $4,000 higher than the U.S. average. But the schools cannot compete with private industry without some help. I believe starting master teachers should earn at least $65,000 a year so that we can begin to reward excellence and dedication and keep our teachers in the classroom. These programs have proven to work in Rochester and Cincinnati and I believe other areas should be given the resources to try them too.

I am also grateful that Senator LIEBERMAN has included language I suggested to clarify and refine how Title I funds can be used. The goal of this amendment is to better focus Title I on improving students' academic achievement. Under current law, there is little direction and no restrictions on how Title I funds can be used. Under this amendment, Title I funds would have to be used for services directly related to instruction, including extending instruction beyond the normal school day and year; purchasing books and other materials; and instructional interventions to improve student achievement. Funds could not be used, for example, for paying utility bills, janitorial services, constructing facilities, and buying food and refreshments.

This amendment is needed because when my staff checked with a number of California schools, we learned that Title I funds have been used for virtually everything, from clerical assistants to payroll administration, from college counseling to coaching, from school yard duty personnel to school psychologists. Alan Bersin, Superintendent of the San Diego Public Schools, found that Title I funds have been used to pay for everything from playground supervisors and field trips to nurses and counselors.

Many of these are no doubt worthy expenditures. But we have to realize that Title I cannot do everything. With limited federal dollars, I believe we should focus those dollars on what counts—helping students learn and helping teachers teach. Activities unrelated to instruction will have to be funded from other sources.

This debate is about the future of our nation. We must ask some fundamental questions about our schools.

Seventeen years ago, the nation's attention was jolted by a report titled A Nation at Risk. In April 1983, the Reagan Administration's Education Secretary, Terrell Bell, told the nation that we faced a fundamental crisis in the quality of American elementary and secondary education. The report said:

> Our nation is at risk. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

The report cited declines in student achievement and called for strengthening graduation requirements, teacher preparation and establishing standards and accountability.

Today, we still face mediocrity in our schools. While there are always exceptions and clearly there are many excellent teachers and many outstanding schools, we can do better. To those who say we cannot afford to spend more on education, I say we cannot afford to fail our children. Our children do not choose to be illiterate or uneducated. It is our responsibility and we must face up to it.

If we have failed, it is because as a society we have become complacent and have had low expectations. So we do whatever it takes, no matter how painful, to fix a system that is not only failing our children, but hurting our children.

If we are not willing to make the commitment to provide our children a first-class education, we are failing as a society. What can be more important that giving our children a strong start, a knowledge base and a set of skills that make them happy, productive and fulfilled citizens?

I truly believe, if we expect our children to achieve, we must make it clear that we expect and support achievement in every way. That is why I support this amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business for the next 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL PARENTAL KIDNAPPING

Mr. DEWINE. Mr. President, I have come to the floor this evening because I want to draw my colleagues' attention to a very important editorial that appeared in this morning's Washington Post. This editorial concerns international parental kidnapping. I also call my colleagues' attention to a feature article that appeared on the same subject in Sunday's Washington Post.

Both Sunday's article and today's editorial are very critical of the way the Federal Government has been handling international parental abduction cases. In fact, the editorial today characterizes the Government's response to these cases as "incomprehensibly lackadaisical." I could not have said it better myself.

This is an issue that I have spoken on this floor about on several different occasions. It is a matter on which our committee has held several hearings. But despite those hearings and despite those speeches, I do not think there has been anything that has explained it in as great a detail and in as heartbreaking a way as the article that appeared in Sunday's Washington Post.

That story involves the heartbreaking story of Joseph Cooke, who, for the last 7 years, has been unable to retrieve his three children from a German foster home. In Mr. Cooke's case, his German-born wife had taken their three children on what was supposed to be a 3-week vacation to her homeland to visit her parents.

One day, though, during the trip, Mrs. Cooke took her children, boarded a German train, and essentially disappeared. She called her husband and only gave him a cryptic explanation as to where she was going and what she was doing with their children.

Joseph contacted his wife's parents in Germany, but they gave him little help or information. What Joseph eventually discovered was that his wife had checked into a German mental health facility and had placed their children in the care of the German Youth Authority, who, in turn, put the children in a foster family. And even though Mrs. Cooke eventually left the mental health clinic and returned to the United States, the children remained with the German foster family.

With very little information as to the whereabouts of his children, Mr. Cooke tried desperately to get his children back. But despite the fact that the children are U.S. citizens, and were living in the United States when they were taken—despite the fact that Joseph was awarded eventual custody of the children by a U.S. court, and despite the very plain terms of the Hague Convention, an international treaty setting forth a process for the timely return of children wrongly removed or retained from their home country—German courts, in spite of that, ruled that the children were to remain in Germany.

The Cooke case is a perfect example of how the Hague Convention, of which I point out Germany is a signatory, just isn't working. It isn't working because the nations that have agreed to it, including the United States, refuse to make it work.

The United States complies with the Hague Convention. When another country makes an order, the United States, in over 80 percent of the cases, complies. That is not what I am talking about. What I am talking about is we make no attempt to enforce it. It isn't working—let me repeat—because the nations that have agreed to it, including the United States, refuse to make it work.

Member countries are not complying, and, tragically, our State Department and our Justice Department are not doing anything about it. The State Department is too reluctant to use the appropriate diplomatic channels to encourage foreign nations to comply with the treaty.

As the Washington Post article pointed out on Sunday:

> The State Department says it cannot enforce the Hague convention or interfere in decisions overseas. "There are no consequences for noncompliance," said a U.S. official with the embassy in Germany. "I look at it as a voluntary compliance sort of thing."

"I look at it as a voluntary compliance sort of thing."

With that kind of attitude on behalf of our State Department, is it any wonder no country pays any attention to us?

". . . a voluntary compliance sort of thing."

As a Senator and as a parent and as a grandparent, I find that kind of approach to treaty enforcement appalling and unacceptable. The fact of the matter is, international parental abduction goes far beyond Joseph Cooke's tragic situation.

Currently, the State Department has on file at least 1,100 cases of international parental kidnapping, when one parent illegally takes his or her child out of the United States and right out of the life of the parent left behind.

These kidnappings and ensuing custody battles devastate families. They are devastating not only for the left behind parent but also for the child who is denied what every child should have: that is, the love of one of his or her parents.

Equally devastating is that during the media hype surrounding the Elian Gonzalez case, the State Department tried to use that case as a public relations opportunity to boost their own miserable record on getting our kids back from international parental abductions.

Amazingly, in one media account a State Department official actually said that in cases of international parental kidnappings: "We don't take no for an answer." That is simply not true. The sad reality is that both our State Department and our Justice Department are, in fact, taking no for an answer. Their actions or inactions are speaking a lot louder than their words.

For example, the Justice Department rarely pursues prosecution under the International Parental Kidnapping Act, and, in the last 5 years, just 62 indictments and only 13 convictions have resulted from thousands and thousands and thousands of cases of abductions.

Every parent who has been left behind when a spouse or former spouse has kidnapped their children knows that our Government is not making the return of those children a top and immediate priority. The message this Government—our Federal Government—continues to send to these parents is that once their children are abducted and taken out of the United States, they just don't matter anymore.

When I have asked the State and Justice Departments about this, when I have asked repeatedly about why they are not doing more to help these parents get their kids back, all I get are excuses.

Contrast that message and that inaction toward American children with the dramatic and very different message that those same officials sent by forcing, at gunpoint, the reunion of Elian Gonzalez with his dad. That, indeed, paints a very different picture.

The excuses are endless. State and Justice blame their inaction on complicated extradition laws. Other times, they say these cases are private disputes between parents so the Federal Government should be left out of such matters. They figure, too, that these children are really not being kidnapped by strangers —they are with a parent, after all, so what is the big deal?

Taken all together, these factors suggest that the State Department is more interested in maintaining positive relationships and diplomatic ties with foreign governments than in helping American parents. In essence, these agencies are saying: You may steal American kids and get away with it.

Quite frankly, when it comes to a stolen child, there should be no excuses. Our Federal agencies must make these abductions a top priority. They need to coordinate efforts to offer more assistance to distraught parents seeking a safe return of their children from abroad. They should begin a training program for U.S. attorneys and designate one attorney in each of their offices across our country to be responsible for these international abduction cases.

Additionally, I am writing to President Clinton about his upcoming meeting with the German Chancellor and am encouraging him to discuss Joseph Cooke's case, and the other cases that we have pending in Germany, as well as the overall pattern of German noncompliance with the Hague Convention.

Further, with regard to the Hague Convention, specifically, in March, I submitted a resolution which now has the support of 35 Senate cosponsors to encourage all of the countries that have signed the Hague Convention, particularly those countries that consistently violate the convention—namely, Austria, Germany, and Sweden—to comply fully with both the letter and the spirit of their obligations under the convention that they signed.

This resolution we have introduced urges countries to return children under that convention without reaching the underlying custody dispute and to remove barriers to parental visitation. I am pleased to report that the resolution has been approved by the Senate Foreign Relations Committee and is awaiting floor consideration.

Governance is about setting priorities. Policymaking is about setting priorities. Yes, our State Department has a lot to do and, yes, our Justice Department has a lot to do and, yes, there is no real teeth in the Hague Convention, other than international opinion, other than good, hard negotiations between countries. What I am asking the State Department and the Justice Department to do is begin to prioritize these cases.

The Attorney General of the United States should say to every U.S. attorney across this country that parental kidnapping cases should be at the top of the list of your priorities. Pay attention and deal with these cases. The Secretary of State should say to our embassies overseas, to our ambassadors, yes, trade is important; yes, immigration issues are important; yes, whatever is the topic of the day is important as you sit down and discuss these issues with the President of the country you are dealing with, or the Prime Minister; these are all important things; but also don't forget the children who have been stolen from their parents in the United States are important, also, and they should have a high priority.

So it is not an excuse that should be accepted by the parents of these children, nor by this Senate, by this Congress, nor by the American people, that we just don't have time to do this, or it just can't be enforced or other things are going on. This should be a priority.

I am calling on our Government today to make judgments and set priorities. Our children should always be our first priority. I think it is ironic that it is easier today to get our ambassadors and our State Department engaged on a trade matter than it is on a matter regarding the stealing of one of our children. The stealing of our children is important, and it is equally as important, I hope, and would be so considered by the Justice Department and by the State Department as a trade matter or the enforcement or the prosecution of any number of other types of cases.

In the end, we are succeeding in bringing parentally abducted children back to their homes in the U.S. Our Federal Government must take an active role in their return. Ultimately, our Government has an obligation to these parents and, more important, to the children who have been kidnapped. It is time our Government agencies put American parents and their children first.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 200TH ANNIVERSARY OF THE BIRTH OF JOHN BROWN

Mr. BROWNBACK. Mr. President, today, May 9, is the 200th anniversary of the birth of a famous American who remains probably the most controversial figure in U.S. history. On May 9, 1800, John Brown was born. It is his birth and his life and the institution of slavery that I will speak about this evening for a few minutes.

I grew up in eastern Kansas. As a child, I played on the ground where John Brown stayed most often while he was in Osawatomie, KS. He was known as Osawatomie Brown for his fighting during the early phases of what led to be the Civil War. He stayed at the Adaire cabin. His brother-in-law was a minister in Osawatomie. It was on property which my grandparents owned that the cabin was later moved, to the park where the Battle of Osawatomie took place. That park was dedicated by Teddy Roosevelt. Such was the importance of what took place there in the epic struggle in this country to end the institution of slavery.

John Brown, the renowned abolitionist, was hanged for his attempt to incite a slave rebellion at Harper's Ferry, VA. Yet even though everyone objects to his tactics, his death has become "the symbol of every element opposed to slavery." His contemporary, Frederick Douglass, the great African American abolitionist, acknowledged that "John Brown began the war that ended American slavery and made this a free Republic."

This 200th anniversary is a reminder of the heartache wrought by slavery in America. It is a humble tribute to the suffering of millions of African Americans who lived and died under dehumanizing bondage. John Brown is a part of that story.

He was born in Litchfield County, CT, on May 9, 1800, and absorbed a deep hatred of the pervasive institution of chattel slavery early in his life. Once, while herding his father's cattle to market a long distance, he watched as a slave boy his age, whom Brown had befriended, was violently beaten with an iron shovel. He was acquainted with the common forms of punishment wherein "slaves were stripped of their clothing, faced against a tree or wall, tied down or made to hang from a beam, their legs roped together with a rail or board between them, and severely beaten." Such things surely motivated his increasing disdain. He internalized a passage from the Bible, Hebrews 13:3, which says:

> Remember them that are in bonds, as bound with them; and them which suffer adversity, as being yourselves also in the body.

The English Parliamentarian, William Wilberforce, and other people of courage, had ended slavery in Great Britain by 1807. Yet in John Brown's America, slavery thrived and grew as the American cotton trade boomed from 1815 until 1860, aggressively capturing the European market. By 1860, there were 4 million slaves in America. No one knows the total number of slaves from the time of the first settlers in 1619 to the end of the Civil War in 1865, but the number is staggering—in the several millions.

Particularly during the 17th and 18th centuries, multitudes of people had been abducted from Africa to America. Their month-long passage epitomized the degradation to follow:

> Segregated by gender, the blacks were chained together and packed so tightly that they often were forced to lie on their sides in spoon fashion. Clearances and ships' holds often were only two to four feet high. In bad weather or because of some perceived threat, they had to remain below, chained to one another, lying in their own filth. "The floor of the rooms," one 18th-century ship observer wrote, "was so covered with blood and mucus which had proceeded from them in consequence of dysentery, that it resembled a slaughter house." Slave ships were smelled before they were seen, as they entered the harbor in heinous conditions.

It is said that slavery contemporary to this time was the largest manifestation of human bondage in the history of mankind. I ask, how could this great nation, birthed in freedom, systematically and shamelessly reap great fortunes, in part, on the backs of abducted, brutalized people? How could human beings be branded like cattle, bought and sold at will in the middle of a busy market place, ripped from their families, raped with impunity resulting in children who were then also enslaved, lashed with bullwhips, murdered without consequence, worked to death, their very humanity mocked in every possible way? One American commenting on our slave trade overseas remarked, "We are a byword among the nations." It was in this evil time that John Brown began to champion political and social equality for African-Americans, as did a growing number of abolitionist societies which mushroomed in the 1830's.

In 1850, the Fugitive Slave Act was passed by Congress whereby harboring people escaping from slavery, even to the free states, became a Federal crime. This crime carried a penalty of up to 6 months of incarceration and a $1,000 fine, which was a substantial sum considering that the average daily wage was $1.50. Moreover, the act provided that Federal agents would not be charged in tracking escapees, even in the North, forcing slaves back to their masters. Consider that American taxes were paying for this wretched service of slave catching, in a country whose revolution was synonymous worldwide with a renowned liberty.

In protest, John Brown, like many abolitionists of his day, provided assistance to fugitive slaves seeking freedom in the northern United States and Canada. Also, fugitive slaves lived with him and his family, despite the threatened penalties. At one point, he moved his family to North Elba, NY, to live with a community of escaped and redeemed slaves, to teach reading and faming.

Another blow occurred in 1854 when the Kansas and Nebraska Act was passed by Congress, repealing earlier legislation which had outlawed slavery in the territory from which Kansas was created. This new act allowed residents to vote on whether or not slavery would be adopted by the new state, making it an option for the first time. so Kansas and Nebraska could be slave States.

It was the common thinking of the time that actually what would happen was Nebraska would become a free State and Kansas a slave State; that Iowans would pour over into Nebraska, making it a free State; Missourians would pour over into Kansas, and Kansas would become a slave State; thus, the balance would be maintained.

In response, John Brown and family members moved to Kansas in 1855 to oppose the expansion of slavery into the western territories, as did a flood of Free Soilers, as free state advocates were called, from the East. The free state epicenter was the city of Lawrence, which attracted many Eastern anti-slavery people and became a target for destruction by the Border Ruffians.

During this time, pro-slavery forces terrorized Kansan free state settlers with beatings, shootings, looting, and ballot stuffing. An English traveler observed that "murder and cold-blooded assassination were of almost daily occurrence . . . Murderers, if only they have murdered in behalf of slavery, have gone unpunished; whilst hundreds have been made to suffer for no other crime than the suspicion of entertaining free-state sentiments." Numerous Kansas conflicts included the Wakarusa War, the sacking of Lawrence, and the battles of Black Jack, Osawatomie, and the Spurs. In this brutal period, Brown became a national symbol of "Bleeding Kansas" and the free state struggle. During his 3 years of activity in the Kansas Territory, he orchestrated offensives against the Border Ruffians, and helped to liberate dozens of enslaved African-Americans by force from Missouri farms. Sadly, he participated, tacitly or overtly, in the killing of 5 men at Pottawatomie Creek in a shameful incident which still haunts his legacy today. These were dangerous times generating extreme responses from both sides.

During the presidential elections of 1856, the conflict crescendoed, and the central debate was slavery in Kansas. That year, the new Republican party "emerged with a single plank in its platform: Stop the bloody struggle in Kansas; stop the spread of slavery in the territories." Finally, Kansas was birthed a free state in 1861. Her motto, Ad Astra Per Aspera—To the Stars Through Difficulty, is an historic truth, reflecting a people whose freedom had been won through unusual hardship and conflict. This is the extraordinary heritage of Kansas, and it is linked with John Brown.

His actions in Kansas, followed by his attempt to incite a slave insurrection at Harper's Ferry, Virginia on October 16, 1859 forced a renewed examination of the institution of slavery and strengthened the resolve of the North to resist further expansion. President Abraham Lincoln, condemned the tactics of John Brown at the time of his death as we all do now and did not object to his execution on December 2, 1859 for treason against the state. Nevertheless, Lincoln told an Atchison, Kansas audience that Brown had "shown great courage, rare unselfishness" and "agreed with us in thinking slavery wrong." On that December day of his execution, his words rang prophetically true, foretelling the coming Civil War, when he stated, "I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away but with blood. I had, as I now think, vainly flattered myself that without very much bloodshed it might be done."

Those were his words on the way to the gallows.

In this fight for which he had sacrificed everything, John Brown's excesses were as extreme as his hatred of slavery. His willingness to shed blood is wrong, should not be romanticized, nor justified, no matter the cruelty of the circumstances. Yet we should remember the sacrifices that he, and others like him, both black and white, made to procure the freedom of an entire people. A contemporary, Franklin Sanborn, summarized this best: "We saw this lonely and obscure old man choosing poverty before wealth, renouncing the ties of affection, throwing away his ease, his reputation, and his life for the sake of a despised race and for zeal in the defense of his country's ancient liberties."

Therefore, let us remember this 200th anniversary of John Brown and the crooked path we walked as a nation towards freedom for all.

TRIBUTE TO CAPTAIN WILLIAM H. LEWIS, CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, I take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Captain William H. Lewis, upon his retirement from the Navy at the conclusion of more than 27 years of commissioned service. Throughout his distinguished career, Captain Lewis has truly epitomized the Navy core values of honor, courage, and commitment. It is my privilege to commend him for a superb career of service he has provided the Navy and our great Nation.

Captain Lewis is a native of Newburgh, New York. He studied civil engineering at the Ohio State University on a Naval Reserve Officer Training Command scholarship. He also received his Master's degree in Civil Engineering at Ohio State on an Environmental Protection Agency Fellowship before being commissioned as a Navy Civil Engineer Corps officer in 1973. Captain Lewis later attended L'Universita di Perugia, Italy, and the Executive Program at the University of Michigan.

His first tour of duty was at Naval Station Treasure Island as the Assistant Public Works Officer. He became Treasure Island's first Staff Civil Engineer with the commissioning of Public Works Center San Francisco Bay. He also had tours as an Assistant Resident Officer in Charge of Construction (ROICC), ROICC San Francisco Bay Area, with Western Division (WESTDIV), Naval Facilities Engineering Command (NAVFAC), San Bruno, California; an instructor at the Civil Engineer Corps Officers School at Port Hueneme, California; and as the Flag Aide to the Commander, Naval Facilities Engineering Command and Chief of Civil Engineers.

In 1980, he served with the Seabees as the Alfa Company commander for U.S. Naval Mobile Construction Battalion (NMCB) SIXTY-TWO homeported in my great State of Mississippi. The MINUTEMEN were deployed to Rota, Spain where they won the Battle E and Peltier Award as the best Seabee battalion in the Atlantic Fleet and entire fleet respectively. NMCB-62 also served in Roosevelt Roads where they redeployed to build a Cuban-Haitian refugee camp at Fort Allen and was the last full battalion deployed to Diego Garcia. In 1982, he returned to WESTDIV as the Assistant Head of the Acquisition Department. In that capacity, he served as the Air Force Program Coordinator for the Space Shuttle facilities for the military Space Transportation System program and the design of the $220 million David Grant Medical Center at Travis Air Force Base, Fairfield, California. In 1985, he was selected to be the Deputy Officer in Charge of Construction at Travis AFB on the largest firm fixed price construction contract awarded by NAVFAC that year. In 1986, he became the Staff Civil Engineer for Commander, Fleet Air Mediterranean in Naples, Italy responsible for the Navy's NATO Infrastructure Program and Project PRONTO. In 1989, he returned to Navy Public Works Center San Francisco Bay as the Production Officer and participated in the disaster recovery operations from the Loma Prieta earthquake. In 1992, he became Vice Commander at the Western Division, Naval Facilities Engineering Command, San Bruno, California. In 1994 he became the Commanding Officer, Engineering Field Activity, Mediterranean, Naples, Italy in support of the Fifth and Sixth Fleets and the Department of Defense's largest overseas construction program, including the Naples Improvement initiative, the bed down of the 31Tactical Fighter Wing at Aviano, Italy, and the force protection efforts at Bahrain. In 1997, he reported onboard as the Executive Officer, Naval Facilities Engineering Command, Southern Division (SOUTHDIV), Charleston, South Carolina. On May 14, 1998, he became the 27th Commanding Officer at SOUTHDIV.

Captain Lewis' awards include the Legion of Merit, Meritorious Service Medal (third gold star), Navy Commendation Medal (second gold star), Air Force Commendation Medal and Navy Achievement Medal (gold star). He is a member of the Society of American Military Engineers and Tau Beta Pi and is a registered Professional Engineer in the state of California. Captain Lewis is Seabee Combat Warfare qualified, a member of the Acquisition Professional Community and holds a Level III (unlimited) NAVFAC Contracting warrant as well as a Level III (unlimited) Real Estate Contracting Warrant.

Captain Lewis' visionary leadership, exceptionally creative problem solving skills and uncommon dedication have created a legacy of achievement and excellence. The Great State of Mississippi has benefitted immensely from Captain Lewis' engineering leadership, both during his time as a junior officer serving with the Seabees in Gulfport, Mississippi and in his present capacity as commanding officer of SOUTHDIV. As Commander, Southern Division, Naval Facilities Engineering Command, Captain Lewis was instrumental in completing projects throughout the Great State of Mississippi, to include critical waterfront projects at Naval Station Pascagoula; planning and design of a future Warfighting Center at Stennis, Mississippi, and a major Navy Family Housing complex in Gulfport.

Captain Lewis will retire on May 12, 2000 after 27 years of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Captain Lewis fair winds and following seas. Congratulations on completion of an outstanding and successful career.

MYRA LEONARD—A LEGENDARY LADY

Mr. HELMS. Mr. President, this is an occasion when I wish to attempt, with a heavy heart, to pay my respects to a dear lady who last week passed away. Myra Leonard was a leader of the Polish-American community and the longtime Executive Director of the Washington Office of the Polish American Congress.

For nearly 20 years Myra was a respected and tireless advocate of the ties that bind the United States and Poland. During the 1980s, when Poland's Solidarity movement struggled under martial law, Myra generated great support for the movement by soliciting humanitarian support to Poland.

She coordinated the "Solidarity Express"—a train of some 22 railroad cars loaded with relief goods. At her suggestion, on the first-year anniversary of Solidarity, a Solidarity Convoy produced thirty-two container trucks bearing relief cargo.

Myra's initiatives contributed literally millions of dollars of humanitarian support to the Polish people during that difficult decade, but more recently, Myra played a pivotal role in the effort to transform the Polish-American relationship from one of partnership to that of allies. One cannot overestimate the energy and momentum she and her husband, Casimir, brought to the effort to bring Poland into the North Atlantic Treaty Organization. For her efforts, Myra and her husband were both honored by the Polish Government with the Commanders' Cross.

This year, Poland and the United States will, together, launch the Polish American Freedom Foundation. Myra's invaluable counsel and political judgment ensured that this initiative successfully navigated the difficult path of transforming a grand concept into a real foundation that will on a daily basis reaffirm the commitment of the United States and Poland to democracy and freedom.

So, we are deeply saddened by Myra's passing and we use this occasion to express to her husband, Casimir Leonard, and to the other members of her family, how much we will miss her. Our memory of Myra will be a lady of tireless energy and warmth who brought to Washington a genuine devotion to the ties binding Poland and America.

REUNITING AMERICAN CHILDREN AND THEIR PARENTS

Mr. LEAHY. Mr. President, throughout the dispute over Elian Gonzalez, I have argued that he should be reunited with his father Juan Miguel. I have made this argument because I believe that children belong with their parents, barring evidence of unfitness. I also made this argument because I was concerned about how American parents are being treated internationally.

At the Judiciary Committee hearing held on the Elian Gonzalez case on March 1, I also urged that we consider the potential impact of that case on those of U.S. parents fighting to gain custody of their children in other countries. In fact, at that hearing I made sure to invite a U.S. parent who has struggled for years just for the right to see his children in Japan, and who believes, as do other American parents in similar circumstances, that to preserve American credibility we must practice what we preach and reunite Elian Gonzalez and his father.

I worked for months on such a case of an American child who was taken abroad by an estranged parent. Had it not been for the active intervention of the Government of Egypt, the child would not have been reunited with his American mother. Reuniting Elian and his father was the best thing for Elian and also the best way to advance American interests—and the interests of American parents whose children have been taken abroad without their consent.

At the March 1 hearing, I quoted Mary Ryan, the Assistant Secretary of State for Consular Affairs, who had testified in the federal court case regarding Elian Gonzalez that a failure to enforce the INS' decision that Elian Gonzalez should be reunited with his father would "be inconsistent with the principles we advocate on behalf of the United States and could have potentially lasting negative implications for left-behind parents in the United States and for U.S. citizen children taken to foreign countries."

I believe that the American government should stand behind that principle and seek to bring children and their parents back together. I am proud that the government has reunited Elian and his father, and I think the pictures of the two of them together have proven beyond a doubt that this was the right result.

But I am deeply concerned that the energy and effectiveness that our government showed in reuniting Elian and his father does not always seem to apply to its attempts to reunite American children and their parents. Indeed, recent articles in the Washington Post indicate that our State Department should take a far more active role in helping American parents who—in violation of international law—are being deprived of custody of their children.

The Washington Post tells the story of Joseph Cooke, a New York man whose then-wife took their two young children to Germany and, without Mr. Cooke's consent, turned the children over to the state because she felt unable to care for them. For a year and a half, Mr. Cooke was unable to find out what had happened to his children, as his wife refused even to tell him where they were. When he finally was able to locate them, he sought custody of them in both American and German courts. Although he obtained a custody order from an American court, which under the Hague Convention is binding upon Germany since the children had resided in the United States for all of their young lives, the German courts have refused to grant him custody. Instead, they have ruled that the children should stay with their foster parents, in part because during the drawn-out German legal process, the children learned German, went to German schools, and grew attached to their foster parents. The court felt that reuniting these children with their father would result in "severe psychological loss."

The State Department's reaction to this case hardly befits the importance of the issue involved. Despite Germany's obligations under the Hague Convention, a State Department spokeswoman told the Washington Post, "We're not the courts. It's up to the courts to make those kinds of decisions." The very point of the Hague Convention is to provide countries with a diplomatic opportunity to question the rulings of courts outside the country were the children habitually reside. The Convention is rendered meaningless if our State Department is not willing to act as a strong advocate for American parents. As the Post reported, only 80 out of the 369 children—22 percent—who were the subject of Hague applications from American parents from 1990 to 1998 have come back to the United States, and that number includes those children who were voluntarily returned. Meanwhile, U.S. courts have returned 90 percent of children who were the subject of Hague applications in other countries.

In other words, while America obeys its treaty obligations, it has failed to enforce our own treaty rights. This is not a minor problem, either. The State Department says that it has 1,148 open international custody cases, and there are surely far more cases that have not been reported to the government. The State Department should be doing everything within its power to help American parents. I implore our government to pay more attention to this issue, and I ask our allies to abide by their own duties under the Hague Convention.

I ask unanimous consent to enter an editorial on this matter from today's Washington Post into the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 9, 2000]

STOLEN CHILDREN

When Congress was considering legislation that would have kept Elian Gonzalez in this country, State Department officials argued that such a precedent could disrupt their efforts to intervene in cases where American parents have had children abducted abroad. A sound argument, with one big problem: It turns out that in many of the 1,100 open cases in which American parents are fighting to get their children back from recalcitrant court systems in other countries, the State Department isn't making much effort on the parents' behalf. The heartwrenching story of Joseph Cooke and his children, told Sunday in this newspaper by Post reporters Cindy Loose and William Drozdiak, highlights an unusually egregious problem with German-American custody battles in particular: In at least 30 cases, advocates say, German judges have flouted basic tenets of the 1980 Hague treaty on international abductions, to which their country is a signatory, and kept children from parents who had overwhelming claims to them. But the Cooke story also reveals an almost incomprehensibly lackadaisical U.S. Government response to the human tragedies that arise when a parent cannot get his or her rights enforced.

The Hague Convention calls for quick resolution of custody disputes in the country where a child "habitually resides." The law lacks teeth: An official at the U.S. Embassy in Germany told a Post reporter that he viewed the Hague Convention as "a voluntary compliance sort of thing." Up the ladder, it's the same: U.S. ambassadors fail to raise individual cases or to make diplomatic noise over these cases. German officials say they cannot intervene in the court system. German Foreign Minister Joschka Fischer, meeting with Secretary of State Madeleine Albright this week, echoed that view when the secretary raised the Cooke case—though Mr. Fischer said he was touched by the Cookes' "personal tragedy."

American reluctance to apply diplomatic pressure makes no more sense than German excuses about "interfering" in the judiciary. Public and private pressure through diplomatic channels on behalf of sundered families can indeed have an effect; so could legislation to require judges to be trained in the applicable laws. When an ally such as Germany flouts good conduct in this regard, the issue should rise to the top of the diplomatic agenda, not be shunted aside.

SENATE QUARTERLY MAIL COSTS

Mr. McCONNELL. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of FY2000 to be printed in the RECORD. The second quarter of FY2000 covers the period of January 1, 2000 through March 31, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–57, the Legislative Branch Appropriations Act of 2000. I ask unanimous consent that material I referenced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/00

Senators	FY2000 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$114,766	0	0	0	0
Akaka	35,277	0	0	0	0
Allard	65,146	0	0	0	0
Ashcroft	79,102	0	0	0	0
Baucus	34,375	0	0	0	0
Bayh	80,377	0	0	0	0
Bennett	42,413	0	0	0	0
Biden	32,277	0	0	0	0
Bingaman	42,547	0	0	0	0
Bond	79,102	0	0	0	0
Boxer	305,476	0	0	0	0
Breaux	66,941	0	0	0	0
Brownback	50,118	0	0	0	0
Bryan	43,209	0	0	0	0
Bunning	63,969	0	0	0	0
Burns	34,375	0	0	0	0
Byrd	43,239	0	0	0	0
Campbell	65,146	0	0	0	0
Chafee, Lincoln	34,703	0	0	0	0
Cleland	97,682	0	0	0	0
Cochran	51,320	0	0	0	0
Collins	38,329	0	0	0	0
Conrad	31,320	24,399	0.03820	$4,860.16	$0.00761
Coverdell	97,682	0	0	0	0
Craig	36,491	5,291	0.00526	4,179.01	0.00415
Crapo	36,491	2,344	0.00233	2,135.37	0.00212
Daschle	32,185	0	0	0	0
DeWine	131,970	0	0	0	0
Dodd	56,424	0	0	0	0
Domenici	42,547	0	0	0	0
Dorgan	31,320	1,033	0.00162	824.74	0.00129
Durbin	130,125	0	0	0	0
Edwards	103,736	0	0	0	0
Enzi	30,044	0	0	0	0
Feingold	74,483	0	0	0	0
Feinstein	305,476	0	0	0	0
Fitzgerald	130,125	0	0	0	0
Frist	78,239	0	0	0	0
Gorton	81,115	0	0	0	0
Graham	185,464	0	0	0	0
Gramm	205,051	2,478	0.00015	1,953.07	0.00012
Grams	69,241	73,933	0.01690	39,859.74	0.00911
Grassley	52,904	0	0	0	0
Gregg	36,828	0	0	0	0
Hagel	40,964	147,000	0.09313	25,935.25	0.01643
Harkin	52,904	0	0	0	0
Hatch	42,413	0	0	0	0
Helms	103,736	0	0	0	0
Hollings	62,273	0	0	0	0
Hutchinson	51,203	0	0	0	0
Hutchison	205,051	0	0	0	0
Inhofe	58,884	0	0	0	0
Inouye	35,277	0	0	0	0
Jeffords	31,251	14,260	0.02534	3,874.66	0.00689
Johnson	32,185	646	0.00093	606.59	0.00087
Kennedy	82,915	0	0	0	0
Kerrey	40,964	0	0	0	0
Kerry	82,915	1,109	0.00018	261.74	0.00004
Kohl	74,483	0	0	0	0
Kyl	71,855	0	0	0	0
Landrieu	66,941	0	0	0	0
Lautenberg	97,508	0	0	0	0
Leahy	31,251	14,714	0.02615	5,939.97	0.01056
Levin	114,766	0	0	0	0
Lieberman	56,424	0	0	0	0
Lincoln	51,203	0	0	0	0
Lott	51,320	39,083	0.01518	6,428.68	0.00250
Lugar	80,377	0	0	0	0
Mack	185,464	0	0	0	0
McCain	71,855	0	0	0	0
McConnell	63,969	0	0	0	0
Mikulski	73,160	2,289	0.00048	496.12	0.00010
Moynihan	184,012	0	0	0	0
Murkowski	31,184	0	0	0	0
Murray	81,115	0	0	0	0
Nickles	58,884	0	0	0	0
Reed	34,703	16,164	0.01611	4,708.58	0.00469
Reid	43,209	0	0	0	0
Robb	89,627	0	0	0	0
Roberts	50,118	0	0	0	0
Rockefeller	43,239	39,900	0.02225	7,100.75	0.00396
Roth	32,277	0	0	0	0
Santorum	139,016	0	0	0	0
Sarbanes	73,160	0	0	0	0
Schumer	184,012	0	0	0	0
Sessions	68,176	0	0	0	0
Shelby	68,176	0	0	0	0
Smith, Gordon	58,557	0	0	0	0
Smith, Robert	36,828	0	0	0	0
Snowe	38,329	0	0	0	0
Specter	139,016	0	0	0	0
Stevens	31,184	0	0	0	0
Thomas	30,044	1,505	0.00332	1,218.04	0.00269
Thompson	78,239	0	0	0	0
Thurmond	62,273	0	0	0	0
Torricelli	97,508	1,304	0.00017	360.95	0.00005
Voinovich	131,970	800	0.00007	168.13	0.00002
Warner	89,627	0	0	0	0
Wellstone	69,241	707	0.00016	570.46	0.00013
Wyden	58,557	0	0	0	0
Totals	7,594,942	388,959	0.26790	111,482.01	0.07332

THE CLINTON-GORE ADMINISTRATION'S PROPOSALS TO INVEST SOCIAL SECURITY INTO PRIVATE MARKETS

Mr. ASHCROFT. Mr. President, I note with interest Vice President GORE's recent attacks on Governor Bush's comments regarding Governor Bush's thoughts on Social Security reform. In dismissing the Governor's suggestions regarding Social Security reform, Vice President GORE denied that the Clinton-Gore Administration ever proposed the dangerous idea of having the government invest Social Security surpluses in the stock market. According to the May 2, 2000 Washington Post, the Vice President claimed that the administration never made any such proposal, saying "We didn't really propose it."

I find it surprising that the Vice President made this denial, especially since the Clinton-Gore administration has indeed made this proposal, and done so a number of times. First, on January 19, 1999, with the Vice President right behind him, President Clinton said in his State of the Union Address, and I quote, "Specifically, I propose that we commit 60 percent of the budget surplus for the next 15 years to Social Security, investing a small portion in the private sector, just as any private or state government pension would do."

Just a few weeks later, the Clinton-Gore FY 2000 budget said quite clearly, on page 41, that "The Administration proposes tapping the power of private financial markets to increase the resources to pay for future Social Security benefits. Roughly one-fifth of the unified budget surplus set aside for Social Security would be invested in corporate equities or other private financial instruments."

When I read this proposal, I was extremely concerned and proposed an amendment to the FY 2000 Budget Resolution that would express the Sense of the Senate that the government should not invest Social Security funds in the stock market. My amendment passed the Senate unanimously. After this resounding statement by the Senate, I hoped that we had laid the risky scheme to have the government invest Social Security funds in the stock market to rest.

Despite the fact that we had sent the clearest possible signal on this issue, the Clinton-Gore administration apparently did not get the message. On page 37 of the Clinton-Gore administration's FY 2001 budget, they resurrected this risky scheme to have the government invest the Social Security dollars in the stock market, saying, "The President proposes to invest half the transferred amounts in corporate equities." The only concession that the Clinton-Gore administration appeared to make was writing this unpopular proposal in smaller type than last year.

In response to this repeated proposal, I once again submitted an amendment to the Budget Resolution expressing the Sense of the Senate that the federal government should not invest the Social Security trust fund in the stock market. Once again this amendment passed with no votes in opposition.

The Senate has twice unanimously passed an amendment rejecting the idea of having the government invest the trust fund in the stock market. I am pleased that the Vice President now agrees with us, but I find it curious that he has failed to notice that it is his administration that has repeatedly suggested this risky scheme.

The Clinton-Gore administration's repeated attempts to implement this plan violates U.S. law. For more than 60 years Social Security law has forbidden the trust funds from being invested in the stock market. This new scheme is directly contrary to six decades of U.S. policy on Social Security.

In addition to the Senate and longstanding U.S. government policy opposing government investment of the trust funds in the stock market, Federal Reserve Board Chairman Alan Greenspan opposes the idea as well. Chairman Greenspan says that investing Social Security funds in the market is bad for Social Security and bad for our economy.

When Alan Greenspan talks, the Clinton-Gore administration ought to listen. Chairman Greenspan has said this plan "will create a lower rate of return for Social Security recipients," and he "does not believe that it is politically feasible to insulate such huge funds from a governmental direction."

In addition to these other concerns, I am also listening to the concerns of Missourians. Last year I received a letter from Todd Lawrence of Greenwood, Missouri, who wrote: "It has been suggested that the government would invest in the stock market with my Social Security money. No offense, but there is not much that the Government touches that works well. Why would making MY investment decisions for me be any different. Looking at it from a business perspective, would the owner of a corporation feel comfortable if the government were the primary shareholder?"

Todd Lawrence understands what the Clinton-Gore administration does not. No corporation would want the government as a shareholder, and no investor should want the government handling their investment.

Even if the government were able to invest without adding new levels of inefficiency to the process, the government's putting Social Security taxes in the stock market adds an unacceptable level of risk to retirement. This risk is a gamble I am unwilling to make for the one million Missourians who get Social Security.

It is hard to overestimate how dangerous this scheme really is. While individuals properly manage their financial portfolios to control risk, the government has no business taking these gambles with the people's money.

Just recently, the Microsoft case gave us a chilling illustration of the potential conflicts of interest caused by the President's proposal. If the government had invested Social Security funds in the stock market, the antitrust suit against Microsoft would have put those funds at risk. Whatever one may think of the wisdom of the case, we do not want the federal government making law enforcement decisions based on government's stock portfolio.

While Americans should invest as much as they can afford in private equities to plan for their own retirements, the government should stay out of the stock market. I am glad that the Vice President has finally recognized that having the government invest the trust fund in the stock market, but I wish that he would remember that his administration has been the most vocal proponent of this bad idea. If the federal government tried to pick market winners and losers, all of us would end up as losers.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 8, 2000, the federal debt stood at $5,662,693,356,964.51 (Five trillion, six hundred sixty-two billion, six hundred ninety-three million, three hundred fifty-six thousand, nine hundred sixty-four dollars and fifty-one cents).

Five years ago, May 8, 1995, the federal debt stood at $4,856,503,000,000 (Four trillion, eight hundred fifty-six billion, five hundred three million).

Ten years ago, May 8, 1990, the federal debt stood at $3,080,170,000,000 (Three trillion, eighty billion, one hundred seventy million).

Fifteen years ago, May 8, 1985, the federal debt stood at $1,744,562,000,000 (One trillion, seven hundred forty-four billion, five hundred sixty-two million).

Twenty-five years ago, May 8, 1975, the federal debt stood at $512,942,000,000 (Five hundred twelve billion, nine hundred forty-two million) which reflects a debt increase of more than $5 trillion—$5,149,751,356,964.51 (Five trillion, one hundred forty-nine billion, seven hundred fifty-one million, three hundred fifty-six thousand, nine hundred sixty-four dollars and fifty-one cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO MARVIN FIFIELD

• Mr. HATCH. Mr. President, next month, friends, associates and colleagues will gather at Utah State University to honor Mr. Marvin G. Fifield, a remarkable man whose entire professional career has been devoted to improving the lives of those with learning or developmental disabilities. While I stand in tribute to my friend of many years, it is his body of work over the span of forty-four years that does him honor.

At his retirement on July 1, Dr. Fifield will have served as the founder and Director of the Center for Persons with Disabilities for thirty-three years. He wrote the grant application, saw it funded, and directed the creation of the center. But it is not the Center alone that owes its existence to Dr. Fifield. Over a thirty year period, he succeeded in writing, achieving the approval and funding for over fifty projects, with combined grants exceeding $60 million. Without his skilled direction, numerous regional mental health centers, rehabilitation and vocational services, studies and workshops would not now be available. The Navajo Initiative in the Developmental Disabilities program, the Indian Children's Program, and the Native American Initiative program all owe their start to this man.

Dr. Fifield's chairmanship and membership in professional and community service organizations bridges more than three decades and forty organizations. To this day he chairs or serves on eight boards, including serving as Chairman of the Hatch Utah Advisory Committee on Disability Policy. He also serves on the innovative Assistive Technology Work Group. Marv was the first to champion assistive technologies for people with disabilities—or at least I think he was the first because he was the first to tell me about this exciting field. Assistive technology comprises all devices that improve the functional capabilities of those individuals with disabilities.

Marv Fifield is so accomplished that his curriculum vitae is not so much measured in pages as in pounds.

In academe, an individual's worth is often measured by how widely they have been published. Dr. Fifield has published seventeen books, chapters in books, or monographs; he has published twelve refereed journal articles and seven non-referenced journal articles; he has published seven technical papers; he has submitted ten testimonies and reports to congressional and Senate subcommittees; published twenty-three final reports and research reports; authored eleven instructional products, and has authored ninety-one selected unpublished conference papers.

Dr. Fifield has been a consultant to both national and international organizations including the World Health Organization. Among the richly deserved honors bestowed upon him, he is the recipient of the Leone Leadership Award, the highest honor an administrator can receive. He was presented the Maurice Warshaw Outstanding Service Award by the Governor of the State of Utah and was twice called to serve as a staff member on the Labor and Human Resources Committee.

Since 1981, Marv Fifield has provided leadership for my Utah Advisory Committee on Disability Policy. The Disability Advisory Committee has become a model for encouraging constructive dialogue among diverse interests and points of view. The committee has often been able to develop consensus recommendations, which have helped me a great deal over the years. I am most grateful to Marv for all his efforts with the committee.

I want to wish him well as he enters the next chapter in his already full life. I hope he will find retirement rewarding. But, if he thinks he can escape consulting with me and those in Utah who rely on his quiet and good-natured leadership to achieve consensus on matters of importance in disability policy, he can forget it. I am here to announce that we are not letting him off the hook. We need the benefit of Marv's knowledge, his humor, and his diplomacy to help us continue moving forward.

So, Mr. President, I rise today to pay a well-deserved tribute to Dr. Marvin Fifield. But, I am not bidding him farewell. On the contrary, I will be calling on him often for the same solid advice and counsel he has given to us for so many years.

The lives of countless thousands of disabled and disadvantaged citizens have been enriched as a result of Marvin Fifield's work. As a result, our nation will benefit for generations to come. It is a privilege to honor him today. I am proud to call him a friend.•

SALUTE TO WE THE PEOPLE STUDENTS

• Mr. DORGAN. Mr. President, over the past several days, more than 1,200 students from across the United States are in Washington to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Wyndmere High School from Wyndmere, North Dakota represents my state in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of these students are: Brian Boyer, Mandy David, Julie Dotzenrod, Elizabeth Foertsch, Alissa Haberman, Lindsey Heitkamp, Lori Heitkamp, Daniel Hodgson, Jesse Nelson, Kari Schultz, Amy Score, John Totenhagen, and Bobbi Ann Ulvestad. I would also like to recognize their teacher, Dave Hodgson, who deserves much of the credit for the success of the class, Phil Harmeson, North Dakota's dedicated state coordinator, district coordinator Dan Vainonen, and Kirk Smith, who serves as a judge for this year's competition.

One of the most memorable experiences of my life was when I was one of 55 people chosen to represent all Americans at a ceremony in the Assembly Room in Constitution Hall in Philadelphia to commemorate the 200th anniversary of the writing of the Constitution. Our Constitution was written by 55 white men, including some of the most revered men in our nation's history. In the Assembly Room, George Washington's chair is still sitting at the front of the room where he presided over the Constitutional Convention, along with Ben Franklin and James Madison.

Two hundred years later, the gathering was noticeably different—this time it was 55 men, women, minorities. I got chills sitting in this room because I had studied in a very small school the history about Ben Franklin, Madison, Mason, George Washington—just like those students participating in the We the People . . . program are doing now—and there I was sitting in the very room where they wrote the Constitution of the United States.

I wish every American could have the same opportunity to visit Constitution Hall the way I did, but at the very least, every young American student should learn about the history and importance of our Constitution and the Bill of Rights. The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored."

The class from Wyndmere High School has worked hard to become "constitutional experts," and on behalf of my fellow North Dakotans and my colleagues in the Senate, I want them to know we are proud of their hard work and dedication.•

RECOGNIZING NATIONAL EMS WEEK

• Mr. GRAMS. Mr. President, almost one year ago today, I came to the floor of the Senate to recognize a very important group of individuals: Emergency Medical Services (EMS) personnel.

I would like to take some time again this year to applaud the selfless efforts of the men and women who dedicate themselves to such a worthy cause day in and day out. For most of us, it is hard to imagine going to work every day not having any idea what kind of tragic situations we may encounter or what kinds of dangers we might face. These dedicated individuals overlook these challenges every day and often imperil themselves to help those in need of medical attention.

Unfortunately, especially given the important work they do, this group often goes unrecognized. I rise today in support of National EMS Week and want to recognize EMS personnel by celebrating their selfless efforts with thanks and gratitude. My praise comes early; while National EMS Week is observed during the third week in May, I felt it necessary to make these remarks today, as many EMS personnel will be honored this evening at a special reception held here in Washington, DC.

Mr. President, this year's National EMS Week theme, "New Century, New Hope," encourages a forward-looking, optimistic approach to identifying and meeting newly emerging community challenges. EMS is a complex, integrated system of personnel in both ambulances and hospitals that provides excellent care in emergency medical situations by affecting safe and efficient transport and treatment until more advanced medical care can be delivered. Importantly, EMS also includes the person who recognizes an emergency and summons help through a phone call to 9-1-1. This is the beginning of a very important chain of communication and care, which results in saved lives.

During both the 105th and 106th Congresses, I have come to the floor of the Senate to introduce the Emergency Medical Services Efficiency Act, S. 911. This bill was a product of the Emergency Medical Services Advisory Committee that I formed in 1997 to evaluate some of the problems facing EMS providers. Because I believe there is an overriding public health interest in ensuring a viable and seamless EMS system, I continue to pursue passage of S. 911.

This legislation attempts to create acceptable government standards for EMS providers and allows expansion in the next century to enable providers to better serve their local communities. A first priority included in my bill is for "prudent layperson" language to accompany the approval of EMS services under many medical plans, especially Medicare. One of the most fiscally disruptive forces is the denial of emergency transport due to a physician's reevaluation of what "seemed" critical and is later labeled as being "medically unnecessary." Portions of this legislation have already been approved by the Senate. In addition, S. 911 calls for EMS providers to play a role in the process of providing recommendations on how federal regulatory policy is made. I think this makes sense, and most importantly, it gives EMS providers a clear voice in identifying and finding a solution to the most challenging aspects of critical care delivery.

On an annual basis, the American Ambulance Association recognizes EMS personnel from around the country for their selfless contributions to their profession, and presents them with the Star of Life Award. This year, 94 individuals were chosen by their peers to receive this prestigious award. I would like to personally thank those honorees for their service, and commend them on the respect they have generated for themselves and their profession amongst their peers and the public.

Again, I would like to applaud the efforts of all EMS personnel. They have the sometimes unenviable task of cleaning up the messes that life affords every community, but they do it with pride and they do it well. I plan to do everything in my power to provide these individuals with the additional tools and loud voice that they have earned through their devotion to our local communities.

Mr. President, I ask that the names of the year 2000 American Ambulance Association's Star of Life honorees be printed in the Record.

The list of honorees follows:

AMERICAN AMBULANCE ASSOCIATION—2000 STARS OF LIFE

Dub Morris, Columbia County Ambulance Service, AZ.

Barbara K. Clark, Rural/Metro—Southwest Ambulance, AZ.

David Stockton, Rural/Metro—Southwest Ambulance, AZ.

David Atkins, American Medical Response, CA.

Rachelle Byler, American Medical Response, CA.

Bert DeMello, American Medical Response, CA.

Dennis Flannery, American Medical Response, CA.

Darlene Heitman, American Medical Response, CA.

Noella Lelham, American Medical Response, CA.

Brian Pounds, American Medical Response, CA.

Dennis G. Smith, American Medical Response, CA.

Sheri Burcham, American Medical Response, CO.

Michael Harvey, American Medical Response, CO.

Jeffery Adams, American Medical Response, CT.

Brooke Liddle, American Medical Response, FL.

Pagona Pratt, American Medical Response, FL.

Terri L. Brown, American Medical Response, GA.

Bradley A. Melone, Mid Georgia Ambulance, GA.

Lisa D. Scott, Rural/Metro Ambulance, GA.

Danny Sagadraca, American Medical Response, HI.

David Cole, Iowa EMS Association, IA.

Wendy L. Hackett, MEDIC EMS, IA.

Christine A. Hartley, Lee County EMS Ambulance, Inc., IA.

Sandy Neyen, Iowa EMS Association, IA.

Jim B. Steffen, Henry County Health Center EMS, IA.

Andrew D. Stevens, MEDIC EMS, IA.

Dan R. Walderbach, Henry County Health Center EMS, IA.

Darin E. Longanecker, American Medical Response, IL.

Daren T. Pfeifer, American Medical Response, KS.

Michael Moree, Acadian Ambulance & Air Med Services, LA.

Annette V. Mouton, Med Express Ambulance Service, Inc., LA.

Jamie L. Richaud, Med Express Ambulance Service, Inc., LA.

Joan Savoy, Priority Mobile Health, LA.

Mary Williams, Priority Mobile Health, LA.

Jamie J. Crawford, Lyons Ambulance Service, MA.

Robert McDevitt, Action Ambulance, MA.

Donna L. Moore, Lyons Ambulance Service, MA.

James Scolforo, American Medical Response, MA.

Alfred Theirrien, American Medical Response, MA.

Gary Wright, Action Ambulance, MA.

David L. Janey, Rural Metro Corporation, MD.

Cindy Walker, American Medical Response, ME.

Mandy Argue, American Medical Response, MI.

Bryan A. Fuller, American Medical Response, MI.

Steve Hazucka, Medstar Ambulance, MI.

Scott Hicks, Medstar Ambulance, MI.

Joseph Horvath, Huron Valley Ambulance, MI.

Robert Martin, American Medical Response, MI.

Wayne H. Mervau, North Flight, Inc., MI.

Judy Pearson, American Medical Response, MI.

Jack Taylor, Life EMS, MI.

Robert Atzenhoefer, Gold Cross Ambulance, MN.

Richard P. Humble, Metropolital Ambulance Service Trust, MD.

Scott Wolf, Metropolitan Ambulance Service Trust, MD.

Jimmy H. Gill, American Medical Response, MS.

Martha A. Branden, Mecklenburg EMS Agency, NC.

Rolanda L. Collins, American Medical Response, NC.

Littlejohn Goodwin, Mecklenburg EMS Agency, NC.

Patricia Graham, Medical Transportation Specialists, Inc., NC.

John R. Tompkins, Mecklenburg EMS Agency, NC.

Lee M. Van Vleet, FirstHealth of the Carolinas, NC.

James G. White, FirstHealth of the Carolinas, NC.

Darin B. Haverland, F–M Ambulance Service, ND.

David Lacaillade, Rockingham Regional Ambulance, Inc., NH.

Sylvia Riley, Rockingham Regional Ambulance, Inc., NH.

Earl F. Gardner Jr., Med Alert Ambulance, Inc., NJ.

John E. Romano, Rural/Metro Ambulance, NJ.

Charlene Ortega, Living Cross Ambulance Service, Inc., NM.

Patricia Beckwith, American Medical Response, NV.

Robert E. Mann, Rural/Metro, NY.

James Poole, Mohawk Ambulance Service, NY.

Gaye Buckingham, Stofcheck Ambulance Service, OH.

Roger Meir, Rural metro Ambulance, OH.

Randy W. Benetti, Sr., Rural/Metro Fire Department, OR.

Brett Gnau, Pacific West Ambulance, OR.

Joseph D. Hyatt, Rural/Metrol Fire Department, OR.

Kevin Lambert, Metro West Ambulance, OR.

Paul Martin, American Medical Response, OR.

Zane McKnight, Oregon State Ambulance Assn. & Medix Ambulance, OR.

Timothy Blackston, Cetronia Ambulance Corps., PA

James Ralston, Rural/Metro Medical Services, PA.

Wonda C. Pickler, Rural/Metro—Mid South, TN.

Cheryl Barrett, Life Ambulance Services, Inc., TX.

Michael DeBerry, LifeNet EMS, TX.

Ben Kruse, American Medical Response, TX.

Paul M. Rogers, Rural/Metro—MedStar, TX.

Daniel L. Evans, Gold Cross Service, UT.

Ryan D. Pyle, Gold Cross Service, UT.

James D. Stevens, Gold Cross Service, UT.

Lauren C. Challis, American Medical Response, VA.

Colleen Gilman, Regional Ambulance Service, Inc., VT.

Bradley C. Derting, American Medical Response, WA.

Ron Stewart, Rural/Metro Ambulance, WA.

Laurie Whitfield, American Medical Response—Pathways, WI.●

RETIRING CLARK COUNTY SUPERINTENDENT OF SCHOOLS

● Mr. REID. Mr. President, on Friday, May 12, 2000, Nevadans will pause to honor the outstanding achievements and retirement of Clark County Superintendent of Schools, Dr. Brian Cram. Throughout his 34 years as an educator, Dr. Cram has touched the lives of hundreds of thousands of youth in the Las Vegas Valley as a teacher, assistant principal, principal, assistant superintendent and superintendent, all within the Clark County School District. He is retiring after serving more than eleven years as superintendent. The fact that his tenure has been approximately nine years longer than the average for a superintendent demonstrates his excellence and commitment to our community Southern Nevada.

Dr. Cram can be appreciated most for his outstanding management of the fastest growing school district in the country. During his tenure, the district has grown from 111,000 to more than 215,000 students, and is currently the eighth largest school district in the country. Dr. Cram is a self-proclaimed "poster boy for school bonds," having successfully secured billions of dollars for the construction of more than 100 new schools for the students, teachers and staff of the Clark County School District. He recently was successful in obtaining voter approval of school construction funding for the next ten years, a legacy that will carry on well beyond his tenure. This achievement takes on added significance when one considers that Nevada, as my Senate colleagues have heard me state on numerous occasions, must build approximately one school a month just to keep up with the unprecedented growth in the Silver State.

Although he spent many years in administration, Dr. Cram has always been happiest when working with children. He has never been one to sit behind a desk, preferring instead to be out working with children, families and staff. His tenure as superintendent will be characterized by strong personal relationships with the students, teachers, families and employees of the school district and the entire community.

Above all, Dr. Cram is a true believer in the value of education. He hails from a home which stressed the importance of sound learning and lifelong education, and he has been driven by a fundamental belief that education is the great equalizer and provider in life.

It is my distinct pleasure and honor to join all Nevadans in wishing Dr. Brian Cram all the best upon his retirement. His genuine commitment of the youth of Nevada will be appreciated for many generations to come.●

TRIBUTE TO DANIEL AZZIZE SAMUEL

● Mr. WARNER. Mr. President, I rise today to recognize an outstanding young Virginian, Daniel Azzize Samuel, who has been selected to receive the 2000 American Automobile Association Lifesaving Medal. This award is the highest honor given to members of the school safety patrol.

Daniel is a member of the Kent Gardens School Safety Patrol in McLean, Virginia. On January 12th of this year, he was on his way to his post when he saw an eight-year-old student running back toward his departing bus. Quickly sizing up the danger, Daniel yelled at the student to stop. The bus driver also heard Daniel's yells and stopped the bus, a mere three feet from the oncoming student who was approaching in the driver's blind spot.

I salute Daniel and the other young recipients of this year's award, Daniel Rogers of Maryland and Greg Lawson and Tasha Tanner of Ohio, for their lifesaving contributions to the safety of their fellow students. As members of their school safety patrols, these young people have made invaluable contributions to their schools and communities. I also commend the American Automobile Association for their sponsorship of this valuable program to keep our nation's young people safe on their trips to and from school.●

REBIRTH FOR RUTLAND'S PARAMOUNT THEATER

● Mr. LEAHY. Mr. President, on Saturday, March 18, the Paramount Theater opened its doors to the Rutland community for the first public performance on its stage in nearly 20 years. This was a memorable night for Vermonters who had the opportunity to see Arlo Guthrie perform with the Vermont Symphony Orchestra. This grand reopening also marked the successful completion of an important and historic restoration project.

The Paramount Theater is a Vermont treasure that was an icon of downtown Rutland from the time it first opened its doors in 1914 to the day those doors closed in 1981. Founded by Rutland businessman George T. Chaffee, the Chaffee Playhouse served as a venue for the entertainers of the day, allowing Rutland area residents the opportunity to see the likes of Will Rogers, the Marx Brothers and Harry Houdini, among many others. As motion pictures moved into the spotlight in the 1930s, Chaffee's Playhouse was taken over by Paramount and became known as the Paramount Movie House.

Then times changed, and after years of screening movies for fewer and fewer patrons, the Paramount closed its doors to the public in 1981. The ornate theater that had once served as a centerpiece for the Rutland arts and social scenes had become only a fond memory for those whose lives it had affected.

Now times have changed again, and over the past several years, downtown Rutland has undergone remarkable growth and revitalization. As the downtown community began to bustle with more and more visitors, local residents and merchants felt the time had come to reopen the doors of the old Center Street theater.

Coming up with a good idea is often the easy part of a project. Finding a way to turn that idea into reality can be a much larger task. That was the case with the project to reopen the Paramount Theater, which required significant renovation and restoration. Through the tireless efforts of community leaders, a major fund raising effort was launched with contributions from individuals and local businesses, with grants also from the state and federal governments. More than 1500 people made personal contributions toward the renovation project. My colleague, Senator JEFFORDS, took the lead in making the case for the federal contribution, and I was pleased to support that effort.

Nearly 20 years after it closed, and after more than $3.5 million in construction and renovation, the Paramount Theater has been restored to the beauty and splendor enjoyed by those Vermonters who attended its original opening night on January 15, 1914. The reopening of the Paramount Theater now will serve the Rutland community's need for an arts center, and, for new generations of Vermonters, it will once again be a focal point for the social life of a vibrant community.●

TAIWANESE-AMERICAN HERITAGE WEEK

● Mr. TORRICELLI. Mr. President, this month I join people in New Jersey and throughout the nation in celebrating Pacific-American Heritage Month. The Pacific-American community represents an important part of America's future and I applaud their proud celebration of heritage and community.

Taiwanese-American Heritage Week, from May 7 to May 14, celebrates the unique and diverse contributions of the more than 500,000 Taiwanese-Americans in the United States. These Americans have played a significant role in our nation's life and their countless accomplishments can be found in every facet of American society. For instance, Taiwanese-Americans have succeeded as notable artists, Nobel Laureate scientists, researchers, human rights activists, and business leaders.

In addition to recognizing these contributions, this is an excellent opportunity to celebrate the success of democracy on the island of Taiwan. Since 1987, the Taiwanese people have possessed the rights to select their own leaders, practice the religion of their choice, and express their thoughts openly and freely. Taiwan is a vibrant and democratic participant in the family of nations.

The election on March 18 of opposition leader Chen Shui-bian as president, and my friend Annette Lu as vice-president, represents the crowning achievement of the struggle of the people of Taiwan for full-fledged democracy and freedom. While Taiwan has established a model democracy, there remain political challenges. Gaining worldwide recognition of the legitimacy of Taiwan's government is paramount. With all that Taiwanese and Taiwanese-Americans have accomplished there is still more work to be done before Taiwan's status and global contributions are properly respected and appreciated.

Mr. President, Taiwanese-American Heritage Week recognizes the longstanding friendship between the United States and Taiwan. I commend the great accomplishments and contributions of the Taiwanese-American community.●

RECOGNIZING NATIONAL HOSPITAL WEEK

● Mr. GRAMS. Mr. President, I rise today to praise the work of Minnesota's hospitals and those across America as we recognize National Hospital Week. This year's theme, "Touching The Future With Care," focuses on the heart of the hospital system: its people. For those Minnesota doctors, nurses, administrators, and volunteers who consistently provide the highest level of quality health care in America, I commend your selfless efforts. You are very deserving of our recognition here today.

Hospitals are open 24 hours a day, 365 days a year, providing their communities with around-the-clock health care services. In my own state of Minnesota, 142 hospitals and 22 different health care systems provide Minnesotans with one of the most efficient and effective health care systems in the United States. This is not a result of mere chance. Rather, it is the combined efforts of our health care professionals—those men and women who devote themselves to the delivery of timely, quality health care, when and where it is needed.

As we all know, American hospitals have faced severe challenges over the last several years due to rapidly declining reimbursement rates under Medicare. The Balanced Budget Act of 1997 made dramatic changes to the payment rates to hospitals, clinics, nursing homes, and individual providers. In fact, Medpac, Congress' Medicare Payment Advisory Commission, reported that profit margins for hospitals across the country dropped nearly 40 percent between 1998 and 1999. This is the lowest level in 20 years. And to add insult to injury, the Congressional Budget Office reported that Medicare payments, which serve as one of the largest revenue sources to hospitals, would realize a 62% decrease over the next five years. Clearly, in an industry that is already running on fumes, we cannot afford to cut deeper into the margins of hospitals and simply hope that they will be able to absorb the added losses and continue to provide the quality health care that we expect.

Last year, in an effort to reduce some of this burden, Congress attempted to address the problem with the 1999 Balanced Budget Refinement Act. This legislation restored some of the drastic cuts called for in 1997, and provided relief in payments for outpatient services. This effort has already made a measurable difference and has enabled many hospitals and other providers to remain in business. Yet, this is only half the problem.

The Balanced Budget Refinement Act addressed outpatient care provided by hospitals, and now, through legislation I cosponsored earlier this year called the American Hospital Preservation Act, we are addressing inpatient services. This is the other half of the equation. The American Hospital Preservation Act will help restore the scheduled 1.1 percent reduction in the inflation rate adjustment for in-patient services for years 2001 and 2002. Most importantly, this legislation will allow hospitals to better keep up with rapid increases in health-related costs.

Mr. President, we in Congress have a big task ahead of us. We need to remain steadfast in our commitment to these institutions and complement the efforts of the people who devote so much of themselves to saving and preserving the lives of others. National Hospital Week exists so that we may remember and recognize the efforts of these organizations, and more importantly, the people who work within them. I am proud of the level of quality health care that is provided through our city and rural hospitals in Minnesota, and I am going to continue to do all I can to help preserve the integrity of these institutions on which we all rely.●

IN RECOGNITION OF SAUL B. KATZ

● Mr. SCHUMER. Mr. President, I rise today in recognition of Saul B. Katz; an outstanding member of the New York health care community.

Mr. Katz has the distinction of serving as the first Chairman of the Board of Trustees of the North Shore—Long Island Jewish Health System. After serving in various leadership capacities within the health system for over a decade, Mr. Katz lead the development of a system that now includes 13 hospitals, 2 skilled nursing centers and numerous ambulatory programs which span across the New York Metropolitan area.

As Co-founder, President and Chief Operating Officer of Sterling Equities, Inc., a diversified investment and operating company, Mr. Katz was a member of the governing Board of the Community Hospital of Glen Cove, which became North Shore University Hospital at Glen Cove in 1989. Mr. Katz served as the First Vice President of the Board of Trustees, as well as a member of the Finance, Planning, Development and Building committees.

In addition, Mr. Katz serves as a Director, Trustee and Member of numerous trade and charitable organizations including the Jewish Association for Services for the Aging, the Brooklyn College Foundation and the Federation of Jewish Philanthropies of New York.

The Katz family is a close-knit one. Saul and his wife Iris have enjoyed 40 years of marriage and spend as much time as they can with their grown children and their spouses: Heather Katz Knopf and Dan Knopf, Natalie Katz D'Amore and Al D'Amore and David Katz. Iris and Saul recently celebrated the arrival of their first grandchild Carly Frances Knopf.

The North Shore—Long Island Health System will certainly miss the exemplary leadership that Mr. Katz provided all these years and I applaud the significant improvements he has made to the state of health care in the New York Metropolitan area.

Finally, I would like to congratulate Mr. Katz on his retirement from the Board and wish him and his family well in his golden years.●

RETIREMENT OF DIANE RODEKOHR

● Mr. ENZI. Mr. President, I wanted to take this opportunity to express the heartfelt appreciation and gratitude I feel, along with my staff and my wife Diana, for the hard work and determined effort Diane Rodekohr has given the Senate and my office over these past few years. If not for Diane, or Dee as she is known to her friends, we just could not have accomplished as much for the people of Wyoming as we have been able to do since my election to the Senate four years ago.

When Diana and I arrived in Washington ready to take on this new adventure in our lives, knowing we already had staff in place with experience who were committed to me and to Wyoming made all the difference. The continuity that I benefitted from having a seasoned staff helped to make a transition that was better than smooth—it was almost seamless.

I'll always be grateful to Dee for staying on as State Director when she could have ridden off into the sunset to enjoy her well deserved retirement. Instead she stayed with me and with Wyoming and continued to make a difference for me, for my constituents, and for her fellow staff members who continued to look to her for her sage advice, counsel and support.

Now she has made a decision to turn her attention to tending different areas of the garden of her life. I hope she fully enjoys whatever challenges await her. The Bible tells us that "to everything there is a season"—and this is the season for Dee to enjoy her life to the fullest! May God continue to bless and watch over her. My wife, Diana, my staff and the people of Wyoming join in sending our best wishes to her for a life full of continued joy and happiness. Dee, you have truly earned that and so much more!●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1237. An act to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The message further announced that pursuant to Senate concurrent resolution 89, 106th Congress, the Speaker has appointed the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies: Mr. HASTERT of Illinois, Mr. ARMEY of Texas, and Mr. GEPHARDT of Missouri.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1237. An act to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia; to the Committee on Governmental Affairs.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8864. A communication from the Comptroller General, transmitting an updated compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress through October 1, 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget.

EC-8865. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of unit cost breaches for two Air Force Major Defense Programs; to the Committee on Armed Services.

EC-8866. A communication from the Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report entitled "Military Child Care: Meeting Extended and Irregular Duty Requirements"; to the Committee on Armed Services.

EC-8867. A communication from the Office for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-8868. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $14,000,000 or more to Greece; to the Committee on Foreign Relations.

EC-8869. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Separation from Service and Same Desk Rule" (Rev. Rul. 2000-27), received May 5; to the Committee on Finance.

EC-8870. A communication from the President of the United States of America, transmitting, pursuant to law, a report concurring with the findings of the Secretary of Commerce in his report entitled "The Effect on the National Security of Imports of Crude Oil and Refined Petroleum Products"; to the Committee on Finance.

EC-8871. A communication from the Financial Management Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Regulations Governing FedSelect Checks, 31 CFR Part 247" (RIN1510-AA44), received April 18, 2000; to the Committee on Finance.

EC-8872. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Community Nursing Organization Demonstration—Final Report", dated April 13, 2000; to the Committee on Finance.

EC-8873. A communication from the United States Sentencing Commission transmitting, pursuant to law, the report of amendments to the sentencing guidelines, policy statements, and official commentary; to the Committee on the Judiciary.

EC-8874. A communication from the Assistant Secretary for Communications and Information, Department of Commerce and the Register of Copyrights, Library of Congress transmitting, pursuant to law, a report entitled "Joint Study of Section 1201(g) of The Digital Millennium Copyright Act"; to the Committee on the Judiciary.

EC-8875. A communication from the Office of Justice Programs, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations", received April 28, 2000; to the Committee on the Judiciary.

EC-8876. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-8877. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Annual Report for the Strategic Petroleum Reserve" for calendar year 1999; to the Committee on Energy and Natural Resources.

EC-8878. A communication from the Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "State Energy Program" (RIN1904-AB01), received May 4, 2000; to the Committee on Energy and Natural Resources.

EC-8879. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (SPATS No. KY-218-FOR), received May 5, 2000; to the Committee on Energy and Natural Resources.

EC-8880. A communication from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received May 4, 2000; to the Committee on Governmental Affairs.

EC-8881. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate System; Redefinition of the Southern and Western Colorado Appropriated Fund Wage Area" (RIN3206-AI95), received May 4, 2000; to the Committee on Governmental Affairs.

EC-8882. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate System; Definition of Napa County, CA to a Nonappropriated Fund Wage Area" (RIN3206-AI86), received May 4, 2000; to the Committee on Governmental Affairs.

EC-8883. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Reduction in Force Notices" (RIN3206-AI99), received May 4, 2000; to the Committee on Governmental Affairs.

EC-8884. A communication from the Federal Labor Relations Authority, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-8885. A communication from the United States Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-8886. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Perishable Agricultural Commodities Act: Recognizing Limited Liability Companies" (Docket Number FV99-361), received May 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8887. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations" (Docket Number FV00-945-1-IFR), received May 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8888. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation relative to protecting agricultural producers from short-term market and production fluctuations and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8889. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerance" (FRL # 6554-9), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8890. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyromazine; Pesticide Tolerance" (FRL # 6556-3), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8891. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions" (FRL # 6554-9), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8892. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Harpin Protein Exemption from the

Requirement of a Tolerance" (FRL # 6497-4), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8893. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prohexadione Calcium; Pesticide Tolerance" (FRL # 6555-2), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8894. A communication from the Office of Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" (RIN1291-AA30), received April 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8895. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Internet Prescription Drug Sales Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-8896. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Gasoline Sulfur Rule Questions and Answers"; to the Committee on Environment and Public Works.

EC-8897. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "NESHAP: Pulp and Paper Questions and Answers, 2nd Vol., dated March 31, 2000"; to the Committee on Environment and Public Works.

EC-8898. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Determination of Threatened Status for the Koala" (RIN1018-AE43), received May 4, 2000; to the Committee on Environment and Public Works.

EC-8899. A communication from the Nuclear Regulatory Commission transmitting, pursuant to law, a quarterly report on the denial of safeguards information for the period of January 1, 2000 through March 31, 2000; to the Committee on Environment and Public Works.

EC-8900. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL # 6579-3), received April 13, 2000; to the Committee on Environment and Public Works.

EC-8901. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement" (FRL # 6605-8), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8902. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Oregon RACT Rule" (FRL # 6582-9), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8903. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 30, 1994" (FRL # 6603-5), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8904. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL # 6603-3), received May 4, 2000; to the Committee on Environment and Public Works.

EC-8905. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Mojave Desert Air Quality Management District" (FRL # 6587-1), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8906. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL # 6604-3), received May 4, 2000; to the Committee on Environment and Public Works.

EC-8907. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Emergency Relief Program—$500,000 Disaster Eligibility Threshold" (RIN2125-AE27), received May 8, 2000; to the Committee on Energy and Natural Resources.

EC-8908. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification relative to shrimp harvested with technology that may adversely affect certain sea turtles; to the Committee on Commerce, Science, and Transportation.

EC-8909. A communication from the National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Advanced Air Bags" (RIN2127-AG70), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8910. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Safety Assistance Program (MCSAP)" (RIN2125-AE46), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8911. A communication from the Federal Motor Carrier Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Federal Motor Carrier Safety Regulations; Technical Amendments" (RIN2126-AA45), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8912. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Redoubt Shoal, Cook Inlet, AK (COTP Western Alaska 00-004)" (RIN2115-AA97) (2000-0010), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8913. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea (CGD07-00-080)" (RIN2115-AA97) (2000-0012), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8914. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port Graham, Cook Inlet, AK (COTP Western Alaska 00-002)" (RIN2115-AA97) (2000-0011), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8915. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Kachemak Bay, AK (COTP Western Alaska 00-001)" (RIN2115-AA97) (2000-0009), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8916. A communication from the, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Chef Menteur Pass, LA (CGD08-00-005)" (RIN2115-AE47) (2000-0026), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8917. A communication from the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule, 16 CFR Part 305" (RIN3084-AA74), received May 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8918. A communication from the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "DotCom Disclosures: Information About Online Advertising", received May 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8919. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications" (RIN0648-AN53), received May 4, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

H.R. 2614: A bill to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes (Rept. No. 106-280).

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 2521: An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. Mr. McCONNELL, from the Committee on Appropriations, without amendment:

S. 2522: An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself, Mr. Reid, Mr. DeWine, Mr. Kennedy, Mr. Bryan, Mr. McConnell, Mr. Harkin, Mr. Thompson, Mr. Frist, and Mr. Bunning):

S. 2519. A bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself, Mr. Wellstone, Ms. Snowe, and Ms. Collins):

S. 2520. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of certain covered products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 2521. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. McCONNELL:

S. 2522. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CONRAD (for himself and Mr. Murkowski):

S. 2523. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services, to provide for more equitable reimbursement rates for certified nurse-midwife services, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 2524. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Lautenberg, Mrs. Boxer, and Mr. Schumer):

S. 2525. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself and Mr. Inouye):

S. 2526. A bill to amend the Indian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 2527. A bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 304. A resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. Kyl, Mr. Lieberman, Mr. Graham, Mr. Grassley, and Mr. Lugar):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. Reid, Mr. DeWine, Mr. Kennedy, Mr. Bryan, Mr. McConnell, Mr. Harkin, Mr. Thompson, Mr. Frist, and Mr. Bunning):

S. 2519. A bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes; to the Committee on Health, Education, Labor, and Pension.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT OF 2000

Mr. VOINOVICH. Mr. President, over the last half century, and at facilities all across America, tens of thousands of dedicated men and women in our civilian federal workforce helped keep our military fully supplied and our nation fully prepared to meet any potential threat. Their success is measured in part with the end of the Cold War and the collapse of the Soviet Union. However, for many of these workers, their success came at a high price; the sacrifice of their health, and even their lives, for our liberty. I believe we have a federal obligation to live up to our responsibilities with these Cold War veterans.

The bill I am introducing today, along with Senators Reid, DeWine, Kennedy, McConnell, Bryan, Harkin, Thompson, Frist, and Bunning is titled the "Energy Employees Occupational Illness Compensation Act of 2000." This bill will provide financial compensation to Department of Energy workers whose impaired health has been caused by exposure to beryllium, radiation or other hazardous substances while working for the defense of the United States. The bill will also provide compensation to survivors of workers who have died while suffering from an illness resulting from exposure to these substances.

Many will express concern that it will be hard to prove if someone was made chronically ill by their work environment, however, such concerns can be refuted. For example, beryllium disease is a "fingerprint" disease, in that it leaves no doubt as to what caused the illness of the sufferer. Additionally, the only processing of the materials that cause Chronic Beryllium Disease is unique to our nuclear weapons facilities. Skepticism is understandable in many cases of radiation exposure at DoE facilities because the records may not generally reflect employee exposure to radioactive materials. However, concerns have been raised that the DoE destroyed or altered workers' records. Additionally, dosimeter badges, which record radiation exposure, were not always required to be worn by workers. When they were required to be worn, they were not always done so properly or consistently. DoE plant management would even "zero" dose badges. Therefore, many records do not exist, and where they do exist, there is adequate reason to doubt their accuracy. That is why this bill places the burden of proof on the government to prove that an employee's illness was not caused by workplace hazards.

As one who believes we should rely on sound science, I would certainly support a method for compensation based on this principle if it was available. Unfortunately in this case, sound science either does not exist in DoE facility records, or it cannot be relied upon for accuracy. That's precisely what happened in my state of Ohio.

In a series of newspaper articles from the Columbus Dispatch, it was shown that for decades, some workers at the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio—a plant which processes high-quality nuclear material—did not know they had been exposed to dangerous levels of radioactive material. That's because until recently, proper safety precautions were rarely taken to adequately protect workers' safety. Even when precautions were taken, the application of protective standards was inconsistent. In addition, workers at the Piketon plant have stated that plant management not only did not keep adequate dosimetry records, in some cases, they changed the dosimetry records to show lower levels of radiation exposure. If consistent, reliable and factual data is not available, then it will be quite difficult to utilize sound science.

Similar occurrences have been reported at the Fernald Feed Materials Production Center in Fernald, Ohio and the Mound Facility in Miamisburg, Ohio as well as other facilities nationwide.

The DoE has admitted that at some facilities, workers were not told the nature of the substances with which they were working, nor the ramifications that these materials may have on their future health and quality of life. It is unconscionable that DoE managers and other individuals in positions of responsibility could be so insensitive and uncaring about their fellow man.

Last year, the Toledo Blade published an award-winning series of articles outlining the plight of workers suffering from Chronic Beryllium Disease (CBD). While government standards were met in protecting the workers from exposure to the beryllium dust, many workers still were diagnosed with CBD. The stories of these workers who are suffering from this often debilitating disease are heart-wrenching. It is estimated that 1,200 people have contracted CBD, and hundreds have died from it, making CBD the number one disease directly caused by our Cold War effort.

Title one of this bill provides compensation to individuals suffering from Chronic Beryllium Disease (CBD). Beryllium, which is a toxic substance, can cause major health problems if proper precautions are not taken while it is being handled. Individuals who suffer from Chronic Beryllium Disease experience a loss of lung function, and in many cases face a painful death. While there is a blood test that can detect CBD, and there are treatments for it, there is no cure. Under this bill, if the disease is confirmed, it is presumed work-related and workers compensation at benefit levels established under the Federal Employees Compensation Act (FECA) is paid—roughly two-thirds of six years worth of wages and health care coverage. Alternatively, a claimant can elect a one-time lump sum payment of $200,000 (with healthcare benefits related to their disease) in lieu of wage replacement payments. Employees at DoE sites and DoE beryllium vendors would be covered under the bill.

Title two of this bill covers illnesses related to radiation and other hazardous substances. The first part of this title covers workers at all DoE sites who contract cancer that has been potentially caused by exposure to radiation (radiogenic cancer), worked at the site for at least one year and wore a radiation dosimeter badge or should have worn one. Causation is presumed if the covered cancer is a primary cancer. Again, benefits are paid at FECA levels, or in the alternative, a claimant can elect a one-time lump sum payment of $200,000 (with healthcare benefits) in lieu of wage replacement payments. The presumption is modeled after the Radiation Exposure Compensation Act. This proposal incorporates all DoE sites across the nation, plus four vendor facilities.

The second part of this title covers workers at DoE sites for illness, impairment, disease or death, using a FECA level of benefits. The Secretary of Health and Human Services is required to create a panel of occupational doctors to review the claims for the Department of Labor, and the threshold for eligibility is whether exposure was a significant contributing factor to a worker's illness. The bill allows claimants to seek a second medical opinion. Further, the bill directs the HHS to empanel occupational physicians to develop additional presumptions for use in guiding future HHS and Labor Department decisions.

To obtain restitution under the bill, claimants would file with the Department of Labor's Office of Worker Compensation Programs under a FECA-like program but not FECA itself. The claims reviewer, after obtaining all the necessary information, would have 120 days to render a decision. If a denial is issued, the claimant can appeal to an administrative law judge (ALJ). The ALJ has 180 days to render an opinion. If an opinion is not rendered, the appeal can be brought to the federal Benefits Review Board (BRB). The BRB has 240 days to render an opinion, after which appeals can be brought to the U.S. Court of Appeals. Failure to meet deadlines by the DoL results in a default in favor of the claimant. This approach is intended to remedy the major defects in FECA, which excludes any rights to the Courts and results in years of delay in many cases.

Mr. President, there may be some who will say that this bill costs too much, or we can't afford it so we shouldn't do it. I strongly disagree.

Congress appropriates billions of dollars annually on things that are not the responsibility of the federal government. And here we have a clear instance where our federal government is responsible for the actions it has taken and the negligence it has shown against its own people. This is an issue where peoples' health has been compromised and lives have been lost. In many instances, these workers didn't even know that their health and safety was in jeopardy. It is not only a responsibility of this government to provide for these individuals, it is a moral obligation.

Mr. President, it is unfortunate that a bill establishing this type of compensation program is necessary; it is little consolation for the pain, health problems and diminished quality of life that these individuals have suffered. These men and women who won the Cold War have only asked that the United States government—the government of the nation that they spent their lives defending—acknowledge that they were made ill in the course of doing their job and recognize that the government must take care of them.

Sadly, because of the government's stonewalling and denial of responsibility, the only way many of these employees believe they will ever receive proper restitution for what the government has done is to file a lawsuit against the Department of Energy or its contractors. That should not have to happen and it is my hope that this legislation will preclude any perceived need for such lawsuits.

I believe that all those who have served our nation fighting the Cold War deserve to know if the federal government was responsible for causing them illness or harm, and if so, to provide them the care that they need. I encourage my colleagues to join us in cosponsoring this legislation and I urge the Senate to consider this bill during this session of Congress.

By Mr. JEFFORDS (for himself, Mr. WELLSTONE, Ms. SNOWE, and Ms. COLLINS):

S. 2520. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of certain covered products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEDICINE EQUITY AND DRUG SAFETY ACT OF 2000

Mr. JEFFORDS. Mr. President, as we work to address the problems of health care in the new millennium, we are blessed and we are cursed: blessed with the promise of new research capabilities and the knowledge gleaned from the human genome, and cursed with the high costs of all medicines, new and old. Today, I come to the floor to introduce a bill that will help address the curse of out-of-control drug prices, the Medicine Equity and Drug Safety Act of 2000, or MEDS Act.

There is no question that prescription drugs cost too much in this nation.

During a time when we are experiencing unprecedented economic growth, it is not uncommon to hear of patients who cut pills in half, or skip dosages in order to make prescriptions last longer, because they can't afford the refill. The question that we should ask is, can we put politics aside and work in a bipartisan manner to deal with this national crisis? I say we must. And I am hopeful we can.

Prescription medicines have revolutionized the treatment of certain diseases, but they are only effective if patients have access to the medicines that their doctors prescribe.

The best medicines in the world will not help a person who cannot afford them. And they can actually do more harm than good if taken with the improper dosage.

Mr. President, it is well documented that the average price of prescription medicines is much lower in Canada than in the United States, with the price of some drugs in Vermont being twice that of the same drug available only a few miles away in a Canadian pharmacy. This is true even though many of the drugs sold in Canada are actually manufactured, packed, and distributed by American companies that sell the same FDA-approved products in both markets, but at drastically different prices.

This pricing disparity unfairly places the heaviest burden on the most vulnerable Americans—hardworking, but uninsured Americans who make too much money to qualify for Medicaid, yet still cannot afford the high cost of lifesaving drugs.

The legislation I am introducing today will allow pharmacists and wholesalers to get the same FDA-approved drugs sold at lower prices in other countries, and pass the savings on to consumers in the U.S.

This bipartisan proposal builds on legislation I introduced last year, S. 1462, that would allow imports from Canada for personal use, and borrows from another bill cosponsored by Senator WELLSTONE, S. 1191, that would allow reimportation of prescription drugs that were made in U.S. facilities.

The most important aspect of this bill, Mr. President, is safety. We all want to find ways to bring drug costs down for all Americans, but the concept of reimportation has been criticized as compromising the Food and Drug Administration's (FDA) world-renowned gold standard for safety by opening the American market to foreign counterfeiters who will attempt to flood the market with fake drugs.

This bill is simple in its approach. It would empower pharmacists and wholesalers to purchase FDA-approved medicines in Canada and pass the discounts along to American patients, and would let the experts at Health and Human Services (HHS) determine the best mechanism for allowing such imports while preserving the gold standard for safety.

The discretionary authority granted to the Secretary of HHS would be subject to a few important requirements, such as identification of the importer and the product, but would require the Secretary to promulgate regulations setting up a safe system for allowing the reimportation of prescription drugs as long as the importer has demonstrated, to the satisfaction of HHS, that the product being reimported is safe, and is the same product that is being sold in the United States at a higher price.

Mr. President, I have said before and I will say again, this is not the only solution, and it may not be the best solution to this problem.

I strongly believe we need to enact a broad prescription drug benefit, and I believe we need to find ways to encourage more insurance coverage for more Americans that covers the cost of drugs. But this is a positive, bipartisan measure that we can implement now that will bring prescription drug prices down for all Americans, and I encourage your support.

Mr. WELLSTONE. Mr. President, I am very pleased to join Senator JEFFORDS, Senator COLLINS, and Senator SNOWE as a cosponsor of the Medicine Equity and Drug Safety Act of 2000. As this bill demonstrates, concern about the high price of prescription drugs in this country is a bipartisan issue. Republicans, Democrats, and independents alike suffer from the unconscionable behavior of American drug companies who overcharge American consumers day in and day out, compared to prices they charge in every other country of the world. Americans regardless of party have a fundamental belief in fairness—and know a rip-off when they see one. This bill aims to end the rip-off, to end the choke hold that the pharmaceutical industry has on America's seniors.

The Jeffords-Wellstone Medicine Equity and Drug Safety Act will make prescription drugs affordable for millions of Americans by applying the principles of free trade and competition to the prescription drug industry—without sacrificing safety. Senator JEFFORDS, Senator SNOWE, Senator COLLINS and I have heard the first-hand stories from our constituents—in Minnesota, in Maine and in Vermont—constituents who are justifiably frustrated and discouraged when they can't afford to buy prescription drugs that are made in the United States—unless they go across the border to Canada where those same drugs, manufactured in the same facilities here in the U.S. are available for about half the price.

This legislation provides relief from the price gouging of American consumers by our own pharmaceutical industry. This price gouging affects all Americans, but especially our senior citizens who feel the brunt of this problem more than any other age group because of the increasing number of prescription drugs we all will take as the years pass. Senior citizens have lost their patience in waiting for answers—-and so have I. That is why I have joined Senator JEFFORDS in this bipartisan effort to allow all Americans to have access to prescription drugs at prices they can afford.

While we can be proud of both American scientific research that produces new miracle cures and the high standards of safety and efficacy that we expect to be followed at the FDA, it is shameful that America's most vulnerable citizens—the chronically ill and the elderly—are being asked to pay the highest prices in the world here in the U.S. for the exact same medications manufactured here but sold more cheaply overseas.

Pharmacists could sell prescription drugs for less here in the United States, if they could buy and import these same drugs from Canada or Europe. Now, however, Federal law allows only the manufacturer of a drug to import it into the U.S. Thus American pharmacists and wholesalers must pay the exorbitant prices charged by the pharmaceutical industry in the U.S. market and pass along those high prices to consumers.

The legislative solution is simple. The bipartisan Medicine Equity and Drug Safety Act does two things: first, it allows Americans to legally import prescription drugs for personal use (which currently is allowed by FDA discretion), and more importantly, in the long run, it allows American pharmacists and wholesalers to import FDA approved prescription drugs into the United States for resale. Only drugs which have already been approved by the FDA for use in the United States could be imported for resale. Thus, the existing strict safety standards of the FDA will be maintained.

Pharmacists and wholesalers will be able to purchase drugs at lower prices and then pass the savings along to American consumers. To assure safety, the bill requires the FDA to develop regulations to precisely track imported drugs and to issue any other safety requirements the FDA deems necessary. It is time to tell the pharmaceutical industry: Enough! It is an industry that controls competition to keep prices so high that prescription drugs become unaffordable for the average American. It is an industry that puts profits first and leaves patients to fend for themselves.

What this bill does is to address the absurd situation by which American consumers are paying substantially higher prices for their prescription drugs than are the citizens of Canada, Mexico, and other countries. This bill does not create any new federal programs. Instead it uses principles of free trade and competition to help make it possible for American consumers to purchase the prescription drugs they need.

In summary, this bill brings competition into the price of pharmaceuticals and extends the promise of America's medical and pharmaceutical research to every American. It deserves bipartisan support, and I am glad to say it has it.

Ms. SNOWE. Mr. President, I am pleased to join Senators JEFFORDS, WELLSTONE, and COLLINS today as an original cosponsor of the Medicine Equity and Drug Safety Act of 2000.

There is no doubt that providing access to affordable prescription drugs for American consumers is a very important policy issue. It seems that everywhere we turn—from "60 Minutes" to Newsweek—we are hearing stories that our nation's patients face dramatically higher prices for their prescription medication than do our neighbors to the North.

In my view, a solution to the pressing problem of prescription drug coverage can't come soon enough. In 1998, drug costs grew more than any other category of health care—skyrocketing by 15.4 percent in a single year. And that's a special burden for seniors, who pay half the cost associated with their prescriptions as opposed to those under 65 who pay just a third.

Seniors are reeling from the burden of their prescription drug expenses. The March/April 2000 edition of Health Affairs reports that the average senior now spends $1,100 every year on medications. And with the latest HCFA estimates putting the number of seniors without drug coverage at around 31 percent of all Medicare beneficiaries—or about 13 out of nearly 40 million Americans—it's not hard to see why we can no longer wait to provide a solution. In fact, nearly 86 percent of Medicare beneficiaries must use at least one prescription drug every day.

Who are these seniors who don't have prescription drug coverage? Who are the ones traveling by the busload to Canada to buy their prescription drugs? They are people caught in the middle—most of whom are neither wealthy enough to afford their own coverage nor poor enough to qualify for Medicaid. In fact, we know that seniors between 100 percent and 200 percent of the federal poverty have the lowest levels of prescription drug coverage. And these seniors who are just over the poverty level are the least likely to have access to either employer-based coverage or Medicaid.

But even Medicaid is not the answer. According to the Urban Institute, in 1996, 63 percent of beneficiaries eligible for QMB (Qualified Medicare Beneficiary) protections—that is, those under the federal poverty level—actually receive those protections, while only 10 percent of those between 100 and 120 percent of the poverty level—those eligible for SLMB (Specified Low-Income Medicare Beneficiary) protections—are receiving that coverage. And only 16 states—including my home state of Maine—have their own drug assistance programs.

The high cost of prescription medications in the United States is forcing many of our nation's seniors to make unthinkable decisions that are harmful to their health and well-being. It is simply unacceptable that any person should have to choose between filling a prescription or buying groceries.

It is fundamentally unfair that a senior in Maine, Vermont, or Minnesota must drive across the Canadian border to be able to afford to buy his or her prescription medications. And while it is illegal for Americans to go to Canada and purchase drugs to be brought back to the United States, we know that this happens on a daily basis.

Mr. President, we are in a time of unparalleled prosperity. Almost daily, it seems, we learn of astounding new breakthroughs in biomedical research and in new prescription medications. And there is no question in anyone's mind that we have the best—the very best—health care in the entire world. But yet what does it say when our seniors are forced to go to Canada to purchase their prescription medications?

Mr. President, the legislation introduced today by Senator JEFFORDS will allow Americans to legally purchase in Canada a limited amount of their medication for personal use. This will enable American patients to purchase their medications at the lower prices. In addition, pharmacists and wholesalers will be allowed to reimport prescription drugs that were made in the U.S. or in FDA-approved facilities.

Mr. President, I support this bill and believe that Senator JEFFORDS has written a sound piece of legislation. But the fact of the matter is that addressing the issue of seniors crossing the border to purchase drugs is really only an interim approach—the real issue for America's seniors is the lack of comprehensive prescription drug coverage for Medicare beneficiaries.

This is why last August I introduced the Seniors Prescription Insurance Coverage Equity (SPICE) Act, S. 1480, with Senator RON WYDEN of Oregon. Our plan will give seniors coverage options similar to those enjoyed by Members of Congress and other federal employees, through a choice of competing comprehensive drug plans. SPICE will prescribe prescription drug coverage for all Medicare-eligible seniors, with the federal government covering all or part of the premiums on a sliding scale.

SPICE has the advantage of working with or without Medicare reform—something I've heard time and again is important to seniors, because it means that they don't have to wait for meaningful prescription drug coverage. The SPICE gives us the best of all possible worlds—a system that can exist outside of Medicare reform, co-exist with a new Medicare regime when it comes, and actually serve as a downpayment on comprehensive reform.

Mr. President, I am pleased to join Senator JEFFORDS as an original cosponsor of this bill. He has written a bill with the needs of American consumers in mind, and he is ensuring that Americans will have access to safe and affordable prescription medications while Congress works to devise a long-term solution to this very serious problem.

Thank you, I yield the floor.

By Ms. SNOWE:

S. 2524. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Finance.

MEDICARE OSTEOPOROSIS MEASUREMENT ACT OF 2000

• Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Osteoporosis Measurement Act.

Three years ago Congress passed the Balanced Budget Act of 1997. In doing so, we dramatically expanded coverage of osteoporosis screening through bone mass measurements for Medicare beneficiaries. Since we passed this law, we have learned that under the current Medicare law, it is very difficult for a man to be reimbursed for a bone mass measurement test. The bill I am introducing today, the Medicare Osteoporosis Measurement Act, would help all individuals enrolled in Medicare to receive the necessary tests if they are at risk for osteoporosis.

Currently, Medicare guidelines allow for testing in five categories of individuals—and most "at risk" men do not fall into any of them. The first category in the guidelines is for "an estrogen-deficient woman at clinical risk for osteoporosis." The bill I am introducing today changes this guideline to say that "an individual, including an estrogen-deficient woman, at clinical risk for osteoporosis" will be eligible for bone mass measurement. This change—of just a few words—will vastly increase the opportunities for men to be covered for the important test.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass. Today, two million American men have osteoporosis, and another three million are at risk of this disease. Osteoporosis causes 1.5 million fractures annually at a cost of $13.8 billion—$38 million per day—in direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. Each year, men suffer one-third of all the hip fractures that occur, and one-third of these men will not survive more than a year. In addition to hip fracture, men also experience painful and debilitating fractures of the spine, wrist, and other bones due to osteoporosis.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. Though we now have drugs that promise to reduce fractures by 50 percent and new drugs have been proven to actually rebuild bone mass, a bone mass measurement is needed to diagnose osteoporosis and determine one's risk for future fractures. And we have learned that there are some prominent risk facts: age, gender, race, a family history of bone fractures, early menopause, risky health behaviors such as smoking and excessive alcohol consumption, and some medications all have been identified as contributing factors to bone loss. But identification of risk factors alone cannot predict how much bone a person has and how strong bone is.

Mr. President, we know that osteoporosis is highly preventable, but only if it is discovered in time. There is simply no substitute for early detection. My legislation will ensure that all Medicare beneficiaries at risk for osteoporosis will be able to be tested for osteoporosis.•

By Mrs. FEINSTEIN (for herself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. SCHUMER):

S. 2525. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

FIREARM LICENSING AND RECORD OF SALE ACT OF 2000

• Mrs. FEINSTEIN. Mr. President, on any given day in the United States 80 people are killed by gun violence, 12 of them children. Seeking to bring an end to this senseless violence, supporters of sensible gun laws are coming together this Mothers' Day from all over the country to participate in the Million Mom March and say to Congress: "Enough is Enough."

We share a common purpose: The passage of sensible gun laws that will hopefully help save lives.

This common goal includes moving forward with the four, common-sense gun measures passed by this body almost a full year ago—trigger locks, closing the gun show loophole, banning the importation of large capacity ammunition magazines, and banning juvenile possession of assault weapons.

And beyond those four common sense measures, the mothers flooding into Washington are calling for legislation to license gun owners and keep track of guns.

Earlier today, I stood with some of those moms, with Donna Dees-Thomases, the head of the Million Mom March, with Chief Ramsey of the District of Columbia Police Department, with representatives of Handgun Control and the Coalition to Stop Gun Violence, and with several of my colleagues to announce the introduction of a bill to take the next step in the fight to keep guns out of the hands of criminals and juveniles.

And so I now rise to introduce the "Firearm Licensing and Record of Sale Act of 2000," which I believe represents a common-sense approach to guns and gun violence in America.

I am pleased to be joined in this effort by Senators FRANK LAUTENBERG, BARBARA BOXER and CHARLES SCHUMER. And I am pleased that Representative MARTY MEEHAN from Massachusetts will soon be introducing this legislation in the House. I know that this will be an uphill battle, and I don't expect this bill to pass overnight. But it is my hope that in the coming months, more of our colleagues in both Houses will join us and help us to move this bill forward until we succeed.

Mr. President, in this country, when you want to hunt, you get a hunting license; when you want to fish, you get a fishing license. But when you want to buy a gun, no license is necessary. That makes no sense.

We register cars and license drivers. We register pesticides and license exterminators. We register animal carriers and researchers, we register gambling devices. And we register a whole host of other goods and activities—even "international expositions," believe it or not, must be registered with the Bureau of International Expositions!

But when it comes to guns and gun owners—no license and no registration, despite the loss of more than 32,000 lives a year from gun violence.

To this end, I have worked with law enforcement officials and other experts in drafting the bill we are introducing today.

Upon enactment of this legislation, anyone purchasing a handgun or semiautomatic weapon that takes detachable ammunition magazines will be required to have a license. Shotguns and a large number of common hunting guns are not covered by the requirements of this bill.

Current owners of these weapons will have up to 10 years to obtain a license.

The bill sets up a federal system, but allows states to opt out if they adopt a system at least as effective as the federal program.

Under this bill, anyone wishing to obtain a firearm license will need to go to a federally licensed firearms dealer. There are currently more than 100,000 such dealers across the country—to put that in some perspective, there are four times more gun dealers in America than there are McDonald's restaurants in the entire world. Operating the federal licensing system through these licensed dealers will minimize the burden on those wishing to obtain a license.

If a state opts-out of the federal program, an individual will go to a State-designated entity, like a local sheriff, local police department, or even Department of Motor Vehicles. It will all depend on where the state feels is best.

Either way, the purchaser will then need to:

Provide information as to date and place of birth and name and address;

Submit a thumb print;

Submit a current photograph;

Sign, under penalty of perjury, that all of the submitted information is true and that the applicant is qualified under federal law to possess a firearm;

Pass a written firearms safety test, requiring knowledge of the safe storage and handling of firearms, the legal responsibilities of firearm ownership, and other factors as determined by the state or federal authority;

Sign a pledge to keep any firearm safely stored and out of the hands of juveniles (this pledge will be backed up by criminal penalties of up to three years in jail for anyone failing to do so);

Undergo state and federal background checks.

Licenses will be renewable every five years, and can be revoked at any time if the licensee becomes disqualified under federal law from owning or possessing a gun.

And the fee for a license cannot exceed $25.

Once the bill takes effect, all future sales and transfers of firearms falling within the scope of the bill will have to be recorded through a federally licensed firearms dealer, with an accompanying NICS background check. That way, law enforcement agencies will have easier access to information leading to the arrest of persons who use guns in crime.

The bill covers both handguns and other guns that are semi-automatic and can accept detachable magazines.

The legislation covers handguns because statistically, these guns are used in more crimes than any other. In fact, approximately 85 percent of all firearm homicides involve a handgun.

And the legislation also covers semiautomatic firearms that can accept detachable magazines, because these are the kind of assault weapons that have the potential to destroy the largest number of lives in the shortest period of time.

A gun that can take a detachable magazine can also take a large capacity magazine. Combine that with semiautomatic, rapid fire, and you have a deadly combination—as we have seen time and again in recent years.

Put simply, this legislation will cover those firearms that represent the greatest threat to the safety of innocent men, women and children in this nation.

Common hunting rifles, shotguns and other firearms that cannot accept detachable magazines will remain exempt.

This represents a compromise between those who would rather not have this bill at all, and those of us who believe that universal coverage of all firearms would be appropriate.

Penalties will vary depending on the severity of the violation. But in no case will gun owners face jail time simply because they forgot to get a license:

Those who fail to get a license will face fines of between $500 (for a first offense) and $5,000 for subsequent offenses.

Failing to report a change of address or the loss of a firearm will also result in penalties between $500 and $5,000, because this system works best for law enforcement when the perpetrators of gun crime can be quickly traced and arrested;

Dealers who fail to maintain adequate records will face up to 2 years in prison—dealers know their responsibilities, and this will give law enforcement the tools necessary to root out bad dealers and prevent the straw purchases and other violations of law that allow criminals easy access to a continuing flow of guns;

And adults who recklessly or knowingly allow a child access to a firearm face up to three years in prison if the child uses the gun to kill or seriously injure another person. In this way, the bill truly puts a new sense of responsibility onto gun owners in America.

Mr. President, law enforcement in California tells me that a licensing and record of sale system like the one I am introducing today will help law enforcement, upon recovery of a firearm used in crime, to track the gun down to the person who sold it, and then to the person who bought it.

And this legislation also sets in place a method through which we can better attempt to ensure that gun owners are responsible and trained in the use and care of their dangerous possessions.

We have tried to minimize the burden of this bill at every turn:

The licensing process will take place through federally licensed firearms dealers—as I mentioned earlier, there are currently more than 100,000 in this country;

The fee for a license will be only $25;

Current gun owners will have ten years to get a license, and guns now in homes will not have to be registered.

Future gun transfers will simply be recorded by licensed dealers—as they are now—and a system will be put in place to allow the quick tracing of guns used in crime. Gun owners themselves will not have to register their old guns or send any paperwork to the government.

Mr. President, this nation is awash in guns—there are more than 200 million of them in the United States. The problem of gun violence is not going away, and accidental deaths from firearms rob us of countless innocents each year.

Too many lives are lost every year simply because gun owners do not know how to use or store their firearms—particularly around children. In fact, according to a study released early last year, in 1996 alone there were more than 1,100 unintentional shooting deaths and more than 18,000 firearm suicides—many of which might have been prevented if the person intent on suicide did not have easy access to a gun owned by somebody else. It is my hope that the provisions of this bill, particularly with regard to child access prevention, will begin the process of making it harder for children and others to gain easy access to firearms.

I know that this bill will not pass overnight. We have a long process of education ahead of us. But the American people are with us. The facts are with us. And common sense is with us.

I thank the Senate for its consideration of this measure, and I look forward to working with each of my colleagues to move this bill forward in the coming months.●

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 2526. A bill to amend the Indian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION OF 2000

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senator INOUYE today in introducing a bill to reauthorize the Indian Health Care Improvement Act (the "IHCIA" or the "Act").

The United States first began to provide health services to Indians in 1824 as part of the War Department's handling of Indian affairs. In 1849 this responsibility went to the newly-created Interior Department where it rested until 1955 when it was transferred to the Public Health Service's Indian Health Agency.

In 1970, President Nixon issued his now-famous "Special Message to Congress on Indian Affairs" laying out the rationale for a more enlightened Indian Policy—Indian Self Determination.

The Indian Self-Determination and Education Assistance Act of 1975, the Indian Health Care Improvement Act of 1976, and the amendments to each over the years can be traced directly to the fundamental change proposed in 1970.

I am happy to say that legislation I proposed earlier this session, the Indian Self Governance Amendments of 1999, have passed the House and the Senate and awaits final action.

With the introduction of this bill, we re-affirm the core principles that were part of the 1976 legislation: (1) that federal health services are consistent with the unique federal-tribal relationship; (2) that a goal of the U.S. is to provide the quantity and quality of services to raise the health status of Indians; and (3) that Indian participation in the planning and management of health services should be maximized.

First enacted in 1976, this IHCIA provides the authorization for programs run by the Indian Health Service and is the legislation most responsible for raising the health status of Indian people to a level that, while still alarming, is not nearly as serious as it was just twenty-five years ago.

Before the passage of the Act in 1976 the mortality rate for Indian infants was 25% higher than that of non-Indian babies. The death rates for mothers was 82% higher and the mortality rates from infectious disease caused diarrhea and dehydration was 138% greater.

Today we can see marked improvements. Infant mortality rates have been reduced by 54%, maternal mortality rates have been reduced by 65%, tuberculosis mortality by 80% and overall mortality rates have been reduced by 42%.

While encouraging, these statistics mask the fact that the health status of Native people in America is still poor and below that of all other groups.

There are 3 issues in particular that need to be raised: urban Indians; Indian health facilities construction needs; and the booming problem of diabetes.

As past censuses have shown, the 2000 decennial census is likely to show that more than one-half of the 2.3 million American Indians and Alaska Natives reside off-reservation and are what commonly called "urban Indians." Though the health services framework that now exists has slowly begun to acknowledge this trend, I am concerned that urban Indian health care needs require a more focused approach.

An ongoing problem that continues to confront the tribes, the IHS, and the Congress is the growing backlog in health care facilities construction. Recent estimates show that these needs top $900 million and federal appropriations simply will not satisfy these needs. I strongly believe that innovative proposals need to be made, refined and perfected in order to accomplish our common goal. I am heartened by the success of the Joint Venture Program and want to explore other proposals to get these facilities built.

Ailments of affluence continue to seep into native communities and erode the quality of life and very social fabric that holds these communities together. Alcohol and substance abuse continue to take a heavy toll and diabetes rates are reaching alarmingly high rates. Most troubling is the increasing obesity and diabetes that is showing up with alarming frequency in Native youngsters.

It is now time to take that extra step an to look at the positive things we have accomplished and build upon them.

This bill is a step in the right direction. It is the product of months-long consultations by a group of very dedicated individuals consisting of Indian tribal leaders, legal professionals and representatives of the private and public health care sectors.

The group reviewed existing law and has proposed changes to improve the current system by stressing local flexibility and choice, and making it more responsive to the health needs of Indian people.

The Committee on Indian Affairs has already had one hearing on the bill and will continue to review it in the months ahead.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Improvement Act Reauthorization of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—REAUTHORIZATION AND REVISIONS OF THE INDIAN HEALTH CARE IMPROVEMENT ACT

Sec. 101. Amendment to the Indian Health Care Improvement Act.

TITLE II—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT

Subtitle A—Medicare

Sec. 201. Limitations on charges.
Sec. 202. Indian health programs.
Sec. 203. Qualified Indian health program.

Subtitle B—Medicaid

Sec. 211. Payments to Federally-qualified health centers.
Sec. 212. State consultation with Indian health programs.
Sec. 213. Fmap for services provided by Indian health programs.
Sec. 214. Indian Health Service programs.

Subtitle C—State Children's Health Insurance Program

Sec. 221. Enhanced fmap for State children's health insurance program.
Sec. 222. Direct funding of State children's health insurance program.
"Sec. 2111. Direct funding of Indian health programs.

Subtitle D—Authorization of Appropriations

Sec. 231. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Repeals.
Sec. 302. Severability provisions.

TITLE I—REAUTHORIZATION AND REVISIONS OF THE INDIAN HEALTH CARE IMPROVEMENT ACT

SEC. 101. AMENDMENT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT.

The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Declaration of health objectives.
"Sec. 4. Definitions.

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES AND DEVELOPMENT

"Sec. 101. Purpose.
"Sec. 102. General requirements.
"Sec. 103. Health professions recruitment program for Indians.
"Sec. 104. Health professions preparatory scholarship program for Indians.
"Sec. 105. Indian health professions scholarships.
"Sec. 106. American Indians into psychology program.
"Sec. 107. Indian Health Service extern programs.
"Sec. 108. Continuing education allowances.
"Sec. 109. Community health representative program.
"Sec. 110. Indian Health Service loan repayment program.
"Sec. 111. Scholarship and loan repayment recovery fund.
"Sec. 112. Recruitment activities.
"Sec. 113. Tribal recruitment and retention program.
"Sec. 114. Advanced training and research.
"Sec. 115. Nursing programs; Quentin N. Burdick American Indians into Nursing Program.
"Sec. 116. Tribal culture and history.
"Sec. 117. INMED program.
"Sec. 118. Health training programs of community colleges.
"Sec. 119. Retention bonus.
"Sec. 120. Nursing residency program.
"Sec. 121. Community health aide program for Alaska.
"Sec. 122. Tribal health program administration.
"Sec. 123. Health professional chronic shortage demonstration project.
"Sec. 124. Scholarships.
"Sec. 125. National Health Service Corps.
"Sec. 126. Substance abuse counselor education demonstration project.
"Sec. 127. Mental health training and community education.
"Sec. 128. Authorization of appropriations.

"TITLE II—HEALTH SERVICES

"Sec. 201. Indian Health Care Improvement Fund.
"Sec. 202. Catastrophic Health Emergency Fund.
"Sec. 203. Health promotion and disease prevention services.
"Sec. 204. Diabetes prevention, treatment, and control.
"Sec. 205. Shared services.
"Sec. 206. Health services research.
"Sec. 207. Mammography and other cancer screening.
"Sec. 208. Patient travel costs.
"Sec. 209. Epidemiology centers.
"Sec. 210. Comprehensive school health education programs.
"Sec. 211. Indian youth program.
"Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
"Sec. 213. Authority for provision of other services.
"Sec. 214. Indian women's health care.
"Sec. 215. Environmental and nuclear health hazards.
"Sec. 216. Arizona as a contract health service delivery area.
"Sec. 217. California contract health services demonstration program.
"Sec. 218. California as a contract health service delivery area.
"Sec. 219. Contract health services for the Trenton service area.
"Sec. 220. Programs operated by Indian tribes and tribal organizations.
"Sec. 221.-licensing.
"Sec. 222. Authorization for emergency contract health services.
"Sec. 223. Prompt action on payment of claims.
"Sec. 224. Liability for payment.
"Sec. 225. Authorization of appropriations.

"TITLE III—FACILITIES

"Sec. 301. Consultation, construction and renovation of facilities; reports.
"Sec. 302. Safe water and sanitary waste disposal facilities.
"Sec. 303. Preference to Indians and Indian firms.
"Sec. 304. Soboba sanitation facilities.
"Sec. 305. Expenditure of nonservice funds for renovation.
"Sec. 306. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
"Sec. 307. Indian health care delivery demonstration project.
"Sec. 308. Land transfer.
"Sec. 309. Leases.
"Sec. 310. Loans, loan guarantees and loan repayment.
"Sec. 311. Tribal leasing.
"Sec. 312. Indian Health Service/tribal facilities joint venture program.
"Sec. 313. Location of facilities.
"Sec. 314. Maintenance and improvement of health care facilities.
"Sec. 315. Tribal management of Federally-owned quarters.
"Sec. 316. Applicability of buy American requirement.
"Sec. 317. Other funding for facilities.
"Sec. 318. Authorization of appropriations.

"TITLE IV—ACCESS TO HEALTH SERVICES

"Sec. 401. Treatment of payments under medicare program.
"Sec. 402.-Treatment of payments under medicaid program.
"Sec. 403. Report.
"Sec. 404. Grants to and funding agreements with the service, Indian tribes or tribal organizations, and urban Indian organizations.
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"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) Federal delivery of health services and funding of tribal and urban Indian health programs to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with the American Indian people, as reflected in the Constitution, treaties, Federal laws, and the course of dealings of the United States with Indian Tribes, and the United States' resulting government to government and trust responsibility and obligations to the American Indian people.

"(2) From the time of European occupation and colonization through the 20th century, the policies and practices of the United States caused or contributed to the severe health conditions of Indians.

"(3) Indian Tribes have, through the cession of over 400,000,000 acres of land to the United States in exchange for promises, often reflected in treaties, of health care secured a *de facto* contract that entitles Indians to health care in perpetuity, based on the moral, legal, and historic obligation of the United States.

"(4) The population growth of the Indian people that began in the later part of the 20th century increases the need for Federal health care services.

"(5) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians, regardless of where they live, to be raised to the highest possible level, a level that is not less than that of the general population, and to provide for the maximum participation of Indian Tribes, tribal organizations, and urban Indian organizations in the planning, delivery, and management of those services.

"(6) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of illnesses among, and unnecessary and premature deaths of, Indians.

"(7) Despite such services, the unmet health needs of the American Indian people remain alarmingly severe, and even continue to increase, and the health status of the Indians is far below the health status of the general population of the United States.

"(8) The disparity in health status that is to be addresses is formidable. In death rates for example, Indian people suffer a death rate for diabetes mellitus that is 249 percent higher than the death rate for all races in the United States, a pneumonia and influenza death rate that is 71 percent higher, a tuberculosis death rate that is 533 percent higher, and a death rate from alcoholism that is 627 percent higher.

"SEC. 3. DECLARATION OF HEALTH OBJECTIVES.

"Congress hereby declares that it is the policy of the United States, in fulfillment of its special trust responsibilities and legal obligations to the American Indian people—

"(1) to assure the highest possible health status for Indians and to provide all resources necessary to effect that policy;

"(2) to raise the health status of Indians by the year 2010 to at least the levels set forth in the goals contained within the Healthy People 2000, or any successor standards thereto;

"(3) in order to raise the health status of Indian people to at least the levels set forth in the goals contained within the Healthy People 2000, or any successor standards thereto, to permit Indian Tribes and tribal organizations to set their own health care priorities and establish goals that reflect their unmet needs;

"(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each geographic service area is raised to at least the level of that of the general population;

"(5) to require meaningful, active consultation with Indian Tribes, Indian organizations, and urban Indian organizations to implement this Act and the national policy of Indian self-determination; and

"(6) that funds for health care programs and facilities operated by Tribes and tribal organizations be provided in amounts that are not less than the funds that are provided to programs and facilities operated directly by the Service.

"SEC. 4. DEFINITIONS.

"In this Act:

"(1) ACCREDITED AND ACCESSIBLE.—The term 'accredited and accessible', with respect to an entity, means a community college or other appropriate entity that is on or near a reservation and accredited by a national or regional organization with accrediting authority.

"(2) AREA OFFICE.—The term 'area office' mean an administrative entity including a program office, within the Indian Health Service through which services and funds are provided to the service units within a defined geographic area.

"(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Indian Health as established under section 601.

"(4) CONTRACT HEALTH SERVICE.—The term 'contract health service' means a health service that is provided at the expense of the Service, Indian Tribe, or tribal organization by a public or private medical provider or hospital, other than a service funded under the Indian Self-Determination and Education Assistance Act or under this Act.

"(5) Department.—The term 'Department', unless specifically provided otherwise, means the Department of Health and Human Services.

"(6) Fund.—The terms 'fund' or 'funding' mean the transfer of monies from the Department to any eligible entity or individual under this Act by any legal means, including funding agreements, contracts, memoranda of understanding, Buy Indian Act contracts, or otherwise.

"(7) Funding agreement.—The term 'funding agreement' means any agreement to transfer funds for the planning, conduct, and administration of programs, functions, services and activities to Tribes and tribal organizations from the Secretary under the authority of the Indian Self-Determination and Education Assistance Act.

"(8) Health profession.—The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, and allied health professions, or any other health profession.

"(9) Health promotion; disease prevention.—The terms 'health promotion' and 'disease prevention' shall have the meanings given such terms in paragraphs (1) and (2) of section 203(c).

"(10) Indian.—The term 'Indian' and 'Indians' shall have meanings given such terms for purposes of the Indian Self-Determination and Education Assistance Act.

"(11) Indian health program.—The term 'Indian health program' shall have the meaning given such term in section 110(a)(2)(A).

"(12) Indian tribe.—The term 'Indian tribe' shall have the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act.

"(13) Reservation.—The term 'reservation' means any Federally recognized Indian tribe's reservation, Pueblo or colony, including former reservations in Oklahoma, Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act, and Indian allotments.

"(14) Secretary.—The term 'Secretary', unless specifically provided otherwise, means the Secretary of Health and Human Services.

"(15) Service.—The term 'Service' means the Indian Health Service.

"(16) Service area.—The term 'service area' means the geographical area served by each area office.

"(17) Service unit.—The term 'service unit' means—

"(A) an administrative entity within the Indian Health Service; or

"(B) a tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination and Education Assistance Act, through which services are provided, directly or by contract, to the eligible Indian population within a defined geographic area.

"(18) Traditional health care practices.—The term 'traditional health care practices' means the application by Native healing practitioners of the Native healing sciences (as opposed or in contradistinction to western healing sciences) which embodies the influences or forces of innate tribal discovery, history, description, explanation and knowledge of the states of wellness and illness and which calls upon these influences or forces, including physical, mental, and spiritual forces in the promotion, restoration, preservation and maintenance of health, well-being, and life's harmony.

"(19) Tribal organization.—The term 'tribal organization' shall have the meaning given such term in section 4(l) of the Indian Self Determination and Education Assistance Act.

"(20) Tribally controlled community college.—The term 'tribally controlled community college' shall have the meaning given such term in section 126 (g)(2).

"(21) Urban center.—The term 'urban center', means any community that has a sufficient urban Indian population with unmet health needs to warrant assistance under title V, as determined by the Secretary.

"(22) Urban Indian.—The term 'urban Indian' means any individual who resides in an urban center and who—

"(A) regardless of whether such individual lives on or near a reservation, is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940;

"(B) is an Eskimo or Aleut or other Alaskan Native;

"(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) is determined to be an Indian under regulations promulgated by the Secretary.

"(23) Urban Indian organization.—The term 'urban Indian organization' means a nonprofit corporate body situated in an urban center, governed by an urban Indian controlled board of directors, and providing for the participation of all interested Indian groups and individuals, and which is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES AND DEVELOPMENT

"SEC. 101. PURPOSE.

"The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Service, Indian tribes, tribal organizations, and urban Indian organizations involved in the provision of health services to Indian people.

"SEC. 102. GENERAL REQUIREMENTS.

"(a) Service Area Priorities.—Unless specifically provided otherwise, amounts appropriated for each fiscal year to carry out each program authorized under this title shall be allocated by the Secretary to the area office of each service area using a formula—

"(1) to be developed in consultation with Indian Tribes, tribal organizations and urban Indian organizations; and

"(2) that takes into account the human resource and development needs in each such service area.

"(b) Consultation.—Each area office receiving funds under this title shall actively and continuously consult with representatives of Indian tribes, tribal organizations, and urban Indian organizations to prioritize the utilization of funds provided under this title within the service area.

"(c) Reallocation.—Unless specifically prohibited, an area office may reallocate funds provided to the office under this title among the programs authorized by this title, except that scholarship and loan repayment funds shall not be used for administrative functions or expenses.

"(d) Limitation.—This section shall not apply with respect to individual recipients of scholarships, loans or other funds provided under this title (as this title existed 1 day prior to the date of enactment of this Act) until such time as the individual completes the course of study that is supported through the use of such funds.

"SEC. 103. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

"(a) In General.—The Secretary, acting through the Service, shall make funds available through the area office to public or nonprofit private health entities, or Indian tribes or tribal organizations to assist such entities in meeting the costs of—

"(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

"(A) to enroll in courses of study in such health professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

"(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

"(3) establishing other programs which the area office determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

"(b) Administrative Provisions.—

"(1) Application.—To be eligible to receive funds under this section an entity described in subsection (a) shall submit to the Secretary, through the appropriate area office, and have approved, an application in such form, submitted in such manner, and containing such information as the Secretary shall by regulation prescribe.

"(2) Preference.—In awarding funds under this section, the area office shall give a preference to applications submitted by Indian tribes, tribal organizations, or urban Indian organizations.

"(3) Amount.—The amount of funds to be provided to an eligible entity under this section shall be determined by the area office. Payments under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations promulgated pursuant to this Act.

"(4) Terms.—A funding commitment under this section shall, to the extent not otherwise prohibited by law, be for a term of 3 years, as provided for in regulations promulgated pursuant to this Act.

"(c) Definition.—For purposes of this section and sections 104 and 105, the terms 'Indian' and 'Indians' shall, in addition to the definition provided for in section 4, mean any individual who—

"(1) irrespective of whether such individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those Tribes, bands, or groups terminated since 1940;

"(2) is an Eskimo or Aleut or other Alaska Native;

"(3) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(4) is determined to be an Indian under regulations promulgated by the Secretary.

"SEC. 104. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

"(a) In General.—The Secretary, acting through the Service, shall provide scholarships through the area offices to Indians who—

"(1) have successfully completed their high school education or high school equivalency; and

"(2) have demonstrated the capability to successfully complete courses of study in the health professions.

"(b) Purpose.—Scholarships provided under this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any recipient. Such scholarship shall not exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the area office pursuant to regulations promulgated under this Act).

"(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years (or the part-time equivalent thereof, as determined by the area office pursuant to regulations promulgated under this Act) except that an extension of up to 2 years may be approved by the Secretary.

"(c) Use of Scholarship.—Scholarships made under this section may be used to cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school.

"(d) Limitations.—Scholarship assistance to an eligible applicant under this section shall not be denied solely on the basis of—

"(1) the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; or

"(2) the applicant's eligibility for assistance or benefits under any other Federal program.

"SEC. 105. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

"(a) Scholarships.—

"(1) In general.—In order to meet the needs of Indians, Indian tribes, tribal organizations, and urban Indian organizations for health professionals, the Secretary, acting through the Service and in accordance with this section, shall provide scholarships through the area offices to Indians who are enrolled full or part time in accredited schools and pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall, except as provided in subsection (b), be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 2541).

"(2) No delegation.—The Director of the Service shall administer this section and shall not delegate any administrative functions under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act.

"(b) Eligibility.—

"(1) Enrollment.—An Indian shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full or part time in a course of study referred to in subsection (a)(1).

"(2) Service obligation.—

"(A) Public health service act.—The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 2541) that an Indian has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice on an equivalent year for year obligation, by service—

"(i) in the Indian Health Service;

"(ii) in a program conducted under a funding agreement entered into under the Indian Self-Determination and Education Assistance Act;

"(iii) in a program assisted under title V; or

"(iv) in the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(B) Deferring active service.—At the request of any Indian who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

"(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (iv) of subparagraph (A).

"(C) New scholarship recipients.—A recipient of an Indian Health Scholarship that is awarded after December 31, 2001, shall meet the active duty service obligation under such scholarship by providing service within the service area from which the scholarship was awarded. In placing the recipient for active duty the area office shall give priority to the program that funded the recipient, except that in cases of special circumstances, a recipient may be placed in a different service area pursuant to an agreement between the areas or programs involved.

"(D) Priority in assignment.—Subject to subparagraph (C), the area office, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in subparagraph (A), shall give priority to assigning individuals to service in those programs specified in subparagraph (A) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(3) Part time enrollment.—In the case of an Indian receiving a scholarship under this section who is enrolled part time in an approved course of study—

"(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the appropriate area office;

"(B) the period of obligated service described in paragraph (2)(A) shall be equal to the greater of—

"(i) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the area office); or

"(ii) two years; and

"(C) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254l(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

"(4) Breach of contract.—

"(A) In general.—An Indian who has, on or after the date of the enactment of this paragraph, entered into a written contract with the area office pursuant to a scholarship under this section and who—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(ii) is dismissed from such educational institution for disciplinary reasons;

"(iii) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(iv) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract;

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to him or her, or on his or her behalf, under the contract.

"(B) Failure to perform service obligation.—If for any reason not specified in subparagraph (A) an individual breaches his or her written contract by failing either to begin such individual's service obligation under this section or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(C) Death.—Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(D) Waiver.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary, in consultation with the appropriate area office, Indian tribe, tribal organization, and urban Indian organization, determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(E) Hardship or good cause.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(F) Bankruptcy.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

“(c) Funding for Tribes for Scholarship Programs.—

“(1) Provision of funds.—

“(A) In general.—The Secretary shall make funds available, through area offices, to Indian Tribes and tribal organizations for the purpose of assisting such Tribes and tribal organizations in educating Indians to serve as health professionals in Indian communities.

“(B) Limitation.—The Secretary shall ensure that amounts available for grants under subparagraph (A) for any fiscal year shall not exceed an amount equal to 5 percent of the amount available for each fiscal year for Indian Health Scholarships under this section.

“(C) Application.—An application for funds under subparagraph (A) shall be in such form and contain such agreements, assurances and information as consistent with this section.

“(2) Requirements.—

“(A) In general.—An Indian Tribe or tribal organization receiving funds under paragraph (1) shall agree to provide scholarships to Indians in accordance with the requirements of this subsection.

“(B) Matching requirement.—With respect to the costs of providing any scholarship pursuant to subparagraph (A)—

“(i) 80 percent of the costs of the scholarship shall be paid from the funds provided under paragraph (1) to the Indian Tribe or tribal organization; and

“(ii) 20 percent of such costs shall be paid from any other source of funds.

“(3) Eligibility.—An Indian Tribe or tribal organization shall provide scholarships under this subsection only to Indians who are enrolled or accepted for enrollment in a course of study (approved by the Secretary) in one of the health professions described in this Act.

“(4) Contracts.—In providing scholarships under paragraph (1), the Secretary and the Indian Tribe or tribal organization shall enter into a written contract with each recipient of such scholarship. Such contract shall—

“(A) obligate such recipient to provide service in an Indian health program (as defined in section 110(a)(2)(A)) in the same service area where the Indian Tribe or tribal organization providing the scholarship is located, for—

“(i) a number of years equal to the number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

“(ii) such greater period of time as the recipient and the Indian Tribe or tribal organization may agree;

“(B) provide that the scholarship—

“(i) may only be expended for—

“(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

“(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B), such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and may not exceed, for any year of attendance which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

“(ii) may not exceed, for any year of attendance which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

“(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

“(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to the health profession involved.

“(5) Breach of contract.—

“(A) In general.—An individual who has entered into a written contract with the Secretary and an Indian Tribe or tribal organization under this subsection and who—

“(i) fails to maintain an acceptable level of academic standing in the education institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(ii) is dismissed from such education for disciplinary reasons;

“(iii) voluntarily terminates the training in such an educational institution for which he or she has been provided a scholarship under such contract before the completion of such training; or

“(iv) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract;

shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract.

“(B) Failure to perform service obligation.—If for any reason not specified in subparagraph (A), an individual breaches his or her written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(C) Information.—The Secretary may carry out this subsection on the basis of information received from Indian Tribes or tribal organizations involved, or on the basis of information collected through such other means as the Secretary deems appropriate.

“(6) Required agreements.—The recipient of a scholarship under paragraph (1) shall agree, in providing health care pursuant to the requirements of this subsection—

“(A) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX of such Act; and

“(B) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX of such Act to provide service to individuals entitled to medical assistance under the plan.

“(7) Payments.—The Secretary, through the area office, shall make payments under this subsection to an Indian Tribe or tribal organization for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary or area office determines that, for the immediately preceding fiscal year, the Indian Tribe or tribal organization has not complied with the requirements of this subsection.

“SEC. 106. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

“(a) In General.—Notwithstanding section 102, the Secretary shall provide funds to at least 3 colleges and universities for the purpose of developing and maintaining American Indian psychology career recruitment programs as a means of encouraging Indians to enter the mental health field. These programs shall be located at various colleges and universities throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

“(b) Quentin N. Burdick American Indians Into Psychology Program.—The Secretary shall provide funds under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the ‘Quentin N. Burdick American Indians Into Psychology Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115, the Quentin N. Burdick Indians into Health Program authorized under section 117, and existing university research and communications networks.

“(c) Requirements.—

“(1) Regulations.—The Secretary shall promulgate regulations pursuant to this Act for the competitive awarding of funds under this section.

“(2) Program.—Applicants for funds under this section shall agree to provide a program which, at a minimum—

“(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and accredited and accessible community colleges that will be served by the program;

“(B) incorporates a program advisory board comprised of representatives from the Tribes and communities that will be served by the program;

“(C) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

“(D) provides stipends to undergraduate and graduate students to pursue a career in psychology;

“(E) develops affiliation agreements with tribal community colleges, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

“(F) utilizes, to the maximum extent feasible, existing university tutoring, counseling and student support services; and

“(G) employs, to the maximum extent feasible, qualified Indians in the program.

“(d) Active Duty Obligation.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (c)(2)(C) that is funded under this section. Such obligation shall be met by service—

“(1) in the Indian Health Service;

“(2) in a program conducted under a funding agreement contract entered into under the Indian Self-Determination and Education Assistance Act;

“(3) in a program assisted under title V; or

“(4) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the

Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

“(a) In General.—Any individual who receives a scholarship pursuant to section 105 shall be entitled to employment in the Service, or may be employed by a program of an Indian tribe, tribal organization, or urban Indian organization, or other agency of the Department as may be appropriate and available, during any nonacademic period of the year. Periods of employment pursuant to this subsection shall not be counted in determining the fulfillment of the service obligation incurred as a condition of the scholarship.

“(b) Enrollees in Course of Study.—Any individual who is enrolled in a course of study in the health professions may be employed by the Service or by an Indian tribe, tribal organization, or urban Indian organization, during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

“(c) High School Programs.—Any individual who is in a high school program authorized under section 103(a) may be employed by the Service, or by a Indian Tribe, tribal organization, or urban Indian organization, during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

“(d) Administrative Provisions.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

“SEC. 108. CONTINUING EDUCATION ALLOWANCES.

“In order to encourage health professionals, including for purposes of this section, community health representatives and emergency medical technicians, to join or continue in the Service or in any program of an Indian tribe, tribal organization, or urban Indian organization and to provide their services in the rural and remote areas where a significant portion of the Indian people reside, the Secretary, acting through the area offices, may provide allowances to health professionals employed in the Service or such a program to enable such professionals to take leave of their duty stations for a period of time each year (as prescribed by regulations of the Secretary) for professional consultation and refresher training courses.

“SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

“(a) In General.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary shall maintain a Community Health Representative Program under which the Service, Indian tribes and tribal organizations—

“(1) provide for the training of Indians as community health representatives; and

“(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

“(b) Activities.—The Secretary, acting through the Community Health Representative Program, shall—

“(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by such Program;

“(2) in order to provide such training, develop and maintain a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

“(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

“(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and maintain programs that meet the needs for such continuing education;

“(4) maintain a system that provides close supervision of community health representatives;

“(5) maintain a system under which the work of community health representatives is reviewed and evaluated; and

“(6) promote traditional health care practices of the Indian tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

“SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

“(a) Establishment.—

“(1) In general.—The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (referred to in this Act as the ‘Loan Repayment Program’) in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

“(2) Definitions.—In this section:

“(A) Indian health program.—The term ‘Indian health program’ means any health program or facility funded, in whole or part, by the Service for the benefit of Indians and administered—

“(i) directly by the Service;

“(ii) by any Indian tribe or tribal or Indian organization pursuant to a funding agreement under—

“(I) the Indian Self-Determination and Educational Assistance Act; or

“(II) section 23 of the Act of April 30, 1908 (25 U.S.C. 47) (commonly known as the ‘Buy-Indian Act’); or

“(iii) by an urban Indian organization pursuant to title V.

“(B) State.—The term ‘State’ has the same meaning given such term in section 331(i)(4) of the Public Health Service Act.

“(b) Eligibility.—To be eligible to participate in the Loan Repayment Program, an individual must—

“(1)(A) be enrolled—

“(i) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

“(ii) in an approved graduate training program in a health profession; or

“(B) have—

“(i) a degree in a health profession; and

“(ii) a license to practice a health profession in a State;

“(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

“(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

“(C) meet the professional standards for civil service employment in the Indian Health Service; or

“(D) be employed in an Indian health program without a service obligation; and

“(3) submit to the Secretary an application for a contract described in subsection (f).

“(c) Forms.—

“(1) In general.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of the contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Indian Health Service to enable the individual to make a decision on an informed basis.

“(2) Forms to be understandable.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

“(3) Availability.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

“(d) Priority.—

“(1) Annual determinations.—The Secretary, acting through the Service and in accordance with subsection (k), shall annually—

“(A) identify the positions in each Indian health program for which there is a need or a vacancy; and

“(B) rank those positions in order of priority.

“(2) Priority in approval.—Consistent with the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall give priority to applications made by—

“(A) Indians; and

“(B) individuals recruited through the efforts an Indian tribe, tribal organization, or urban Indian organization.

“(e) Contracts.—

“(1) In general.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).

“(2) Notice.—Not later than 21 days after considering an individual for participation in the Loan Repayment Program under paragraph (1), the Secretary shall provide written notice to the individual of—

"(A) the Secretary's approving of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

"(B) the Secretary's disapproving an individual's participation in such Program.

"(f) WRITTEN CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

"(1) an agreement under which—

"(A) subject to paragraph (3), the Secretary agrees—

"(i) to pay loans on behalf of the individual in accordance with the provisions of this section; and

"(ii) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a tribe, tribal organization, or urban Indian organization as provided in subparagraph (B)(iii); and

"(B) subject to paragraph (3), the individual agrees—

"(i) to accept loan payments on behalf of the individual;

"(ii) in the case of an individual described in subsection (b)(1)—

"(I) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

"(II) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training);

"(iii) to serve for a time period (referred to in this section as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian health program to which the individual may be assigned by the Secretary;

"(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iii);

"(3) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

"(4) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

"(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(g) LOAN REPAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

"(C) reasonable living expenses as determined by the Secretary.

"(2) AMOUNT OF PAYMENT.—

"(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $35,000 (or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act) on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(ii) provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

"(iii) provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

"(B) TIME FOR PAYMENT.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made not later than the end of the fiscal year in which the individual completes such year of service.

"(3) SCHEDULE FOR PAYMENTS.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) COUNTING OF INDIVIDUALS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic training, shall not be counted against any employment ceiling affecting the Department.

"(i) RECRUITING PROGRAMS.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other health professional programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

"(j) NONAPPLICATION OF CERTAIN PROVISION.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

"(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian health programs pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Indian health programs administered by an Indian tribe or tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(l) BREACH OF CONTRACT.—

"(1) IN GENERAL.—An individual who has entered into a written contract with the Secretary under this section and who—

"(A) is enrolled in the final year of a course of study and who—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(ii) voluntarily terminates such enrollment; or

"(iii) is dismissed from such educational institution before completion of such course of study; or

"(B) is enrolled in a graduate training program, and who fails to complete such training program, and does not receive a waiver from the Secretary under subsection (b)(1)(B)(ii),
shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract.

"(2) AMOUNT OF RECOVERY.—If, for any reason not specified in paragraph (1), an individual breaches his written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (f), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula:

$$A=3Z(t-s/t)$$

in which—

"(A) 'A' is the amount the United States is entitled to recover;

"(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

"(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

"(D) 's' is the number of months of such period served by such individual in accordance with this section.
Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

"(3) DAMAGES.—

"(A) TIME FOR PAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach of contract or such longer period beginning on such date as shall be specified by the Secretary.

"(B) DELINQUENCIES.—If damages described in subparagraph (A) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

"(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

"(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

"(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

"(m) CANCELLATION, WAIVER OR RELEASE.—

"(1) CANCELLATION.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

"(2) WAIVER OF SERVICE OBLIGATION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(3) WAIVER OF RIGHTS OF UNITED STATES.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

"(4) RELEASE.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

"(n) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to the Congress under section 801, a report concerning the previous fiscal year which sets forth—

"(1) the health professional positions maintained by the Service or by tribal or Indian organizations for which recruitment or retention is difficult;

"(2) the number of Loan Repayment Program applications filed with respect to each type of health profession;

"(3) the number of contracts described in subsection (f) that are entered into with respect to each health profession;

"(4) the amount of loan payments made under this section, in total and by health profession;

"(5) the number of scholarship grants that are provided under section 105 with respect to each health profession;

"(6) the amount of scholarship grants provided under section 105, in total and by health profession;

"(7) the number of providers of health care that will be needed by Indian health programs, by location and profession, during the 3 fiscal years beginning after the date the report is filed; and

"(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes, tribal organizations, or urban Indian organizations for which recruitment or retention is difficult.

"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

"(a) ESTABLISHMENT.—Notwithstanding section 102, there is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (referred to in this section as the 'LRRF'). The LRRF Fund shall consist of—

"(1) such amounts as may be collected from individuals under subparagraphs (A) and (B) of section 105(b)(4) and section 110(l) for breach of contract;

"(2) such funds as may be appropriated to the LRRF;

"(3) such interest earned on amounts in the LRRF; and

"(4) such additional amounts as may be collected, appropriated, or earned relative to the LRRF.

Amounts appropriated to the LRRF shall remain available until expended.

"(b) USE OF LRRF.—

"(1) IN GENERAL.—Amounts in the LRRF may be expended by the Secretary, subject to section 102, acting through the Service, to make payments to the Service or to an Indian tribe or tribal organization administering a health care program pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act—

"(A) to which a scholarship recipient under section 105 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 105 or section 110.

"(2) SCHOLARSHIPS AND RECRUITING.—An Indian tribe or tribal organization receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or to recruit and employ, directly or by contract, health professionals to provide health care services.

"(c) INVESTING OF FUND.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(2) SALE PRICE.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"SEC. 112. RECRUITMENT ACTIVITIES.

"(a) REIMBURSEMENT OF EXPENSES.—The Secretary may reimburse health professionals seeking positions in the Service, Indian tribes, tribal organizations, or urban Indian organizations, including unpaid student volunteers and individuals considering entering into a contract under section 110, and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

(b) ASSIGNMENT OF PERSONNEL.—The Secretary, acting through the Service, shall assign one individual in each area office to be responsible on a full-time basis for recruitment activities.

"SEC. 113. TRIBAL RECRUITMENT AND RETENTION PROGRAM.

"(a) FUNDING OF PROJECTS.—The Secretary, acting through the Service, shall fund innovative projects for a period not to exceed 3 years to enable Indian tribes, tribal organizations, and urban Indian organizations to recruit, place, and retain health professionals to meet the staffing needs of Indian health programs (as defined in section 110(a)(2)(A)).

"(b) ELIGIBILITY.—Any Indian tribe, tribal organization, or urban Indian organization may submit an application for funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

"(a) DEMONSTRATION PROJECT.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian health program (as defined in section 110) for a substantial period of time to pursue advanced training or research in areas of study for which the Secretary determines a need exists.

"(b) SERVICE OBLIGATION.—

"(1) IN GENERAL.—An individual who participates in the project under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least the period of time during which the individual participates in such project.

"(2) FAILURE TO COMPLETE SERVICE.—In the event that an individual fails to complete a period of obligated service under paragraph (1), the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the project after the date of the enactment of this Act, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(c) OPPORTUNITY TO PARTICIPATE.—Health professionals from Indian tribes, tribal organizations, and urban Indian organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to participate in the program under subsection (a).

"SEC. 115. NURSING PROGRAMS; QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

"(a) GRANTS.—Notwithstanding section 102, the Secretary, acting through the Service, shall provide funds to—

"(1) public or private schools of nursing;

"(2) tribally controlled community colleges and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)); and

"(3) nurse midwife programs, and advance practice nurse programs, that are provided by any tribal college accredited nursing program, or in the absence of such, any other public or private institution,

for the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians.

"(b) USE OF GRANTS.—Funds provided under subsection (a) may be used to—

"(1) recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses;

"(2) provide scholarships to Indian individuals enrolled in such programs that may be used to pay the tuition charged for such program and for other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses;

"(3) provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians;

"(4) provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses; or

"(5) provide any program that is designed to achieve the purpose described in subsection (a).

"(c) APPLICATIONS.—Each application for funds under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

“(d) PREFERENCES.—In providing funds under subsection (a), the Secretary shall extend a preference to—

“(1) programs that provide a preference to Indians;

“(2) programs that train nurse midwives or advanced practice nurses;

“(3) programs that are interdisciplinary; and

“(4) programs that are conducted in cooperation with a center for gifted and talented Indian students established under section 5324(a) of the Indian Education Act of 1988.

“(e) QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.—The Secretary shall ensure that a portion of the funds authorized under subsection (a) is made available to establish and maintain a program at the University of North Dakota to be known as the ‘Quentin N. Burdick American Indians Into Nursing Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick Indian Health Programs established under section 117(b).

“(f) SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded under subsection (a). Such obligation shall be met by service—

“(1) in the Indian Health Service;

“(2) in a program conducted under a contract entered into under the Indian Self-Determination and Education assistance Act;

“(3) in a program assisted under title V; or

“(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“SEC. 116. TRIBAL CULTURE AND HISTORY.

“(a) IN GENERAL.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian tribes in each service area receive educational instruction in the history and culture of such tribes and their relationship to the Service.

“(b) REQUIREMENTS.—To the extent feasible, the educational instruction to be provided under subsection (a) shall—

“(1) be provided in consultation with the affected tribal governments, tribal organizations, and urban Indian organizations;

“(2) be provided through tribally-controlled community colleges (within the meaning of section 2(4) of the Tribally Controlled Community College Assistance Act of 1978) and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)); and

“(3) include instruction in Native American studies.

“SEC. 117. INMED PROGRAM.

“(a) GRANTS.—The Secretary may provide grants to 3 colleges and universities for the purpose of maintaining and expanding the Native American health careers recruitment program known as the ‘Indians into Medicine Program’ (referred to in this section as ‘INMED’) as a means of encouraging Indians to enter the health professions.

“(b) QUENTIN N. BURDICK INDIAN HEALTH PROGRAM.—The Secretary shall provide 1 of the grants under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the ‘Quentin N. Burdick Indian Health Program’, unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall develop regulations to govern grants under to this section.

“(2) PROGRAM REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program that—

“(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations which will be served by the program;

“(B) incorporates a program advisory board comprised of representatives from the tribes and communities which will be served by the program;

“(C) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

“(D) provides tutoring, counseling and support to students who are enrolled in a health career program of study at the respective college or university; and

“(E) to the maximum extent feasible, employs qualified Indians in the program.

“SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

“(a) ESTABLISHMENT GRANTS.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on an Indian reservation, in the Service, or in a tribal health program.

“(2) AMOUNT.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $100,000.

“(b) CONTINUATION GRANTS.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

“(2) ELIGIBILITY.—Grants may only be made under this subsection to a community college that—

“(A) is accredited;

“(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

“(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

“(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs which train health professionals; and

“(ii) stipulate certifications necessary to approve internship and field placement opportunities at health programs of the Service or at tribal health programs;

“(D) has a qualified staff which has the appropriate certifications;

“(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

“(F) agrees to provide for Indian preference for applicants for programs under this section.

“(c) SERVICE PERSONNEL AND TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

“(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs, and

“(2) providing technical assistance and support to such colleges.

“(d) SPECIFIED COURSES OF STUDY.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

“(1) has already received a degree or diploma in such health profession; and

“(2) provides clinical services on an Indian reservation, at a Service facility, or at a tribal clinic.

Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

“(e) PRIORITY.—Priority shall be provided under this section to tribally controlled colleges in service areas that meet the requirements of subsection (b).

“(f) DEFINITIONS.—In this section:

“(1) COMMUNITY COLLEGE.—The term ‘community college’ means—

“(A) a tribally controlled community college; or

“(B) a junior or community college.

“(2) JUNIOR OR COMMUNITY COLLEGE.—The term ‘junior or community college’’ has the meaning given such term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

“(3) TRIBALLY CONTROLLED COLLEGE.—The term ‘tribally controlled college’ has the meaning given the term ‘tribally controlled community college’ by section 2(4) of the Tribally Controlled Community College Assistance Act of 1978.

“SEC. 119. RETENTION BONUS.

“(a) IN GENERAL.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, the Service, an Indian tribe, a tribal organization, or an urban Indian organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

“(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

“(2) the Secretary determines is needed by the Service, tribe, tribal organization, or urban organization;

“(3) has—

“(A) completed 3 years of employment with the Service; tribe, tribal organization, or urban organization; or

“(B) completed any service obligations incurred as a requirement of—

“(i) any Federal scholarship program; or

“(ii) any Federal education loan repayment program; and

“(4) enters into an agreement with the Service, Indian tribe, tribal organization, or urban Indian organization for continued employment for a period of not less than 1 year.

“(b) Rates.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

“(c) Failure to Complete Term of Service.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

“(d) Funding Agreement.—The Secretary may pay a retention bonus to any health professional employed by an organization providing health care services to Indians pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act if such health professional is serving in a position which the Secretary determines is—

“(1) a position for which recruitment or retention is difficult; and

“(2) necessary for providing health care services to Indians.

“SEC. 120. NURSING RESIDENCY PROGRAM.

“(a) Establishment.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian health program (as defined in section 110(a)(2)(A)), and have done so for a period of not less than 1 year, to pursue advanced training.

“(b) Requirement.—The program established under subsection (a) shall include a combination of education and work study in an Indian health program (as defined in section 110(a)(2)(A)) leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse) or a bachelor's degree (in the case of a registered nurse) or an advanced degrees in nursing and public health.

“(c) Service Obligation.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to the amount of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“SEC. 121. COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA.

“(a) In General.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the Snyder Act), the Secretary shall maintain a Community Health Aide Program in Alaska under which the Service—

“(1) provides for the training of Alaska Natives as health aides or community health practitioners;

“(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

“(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

“(b) Activities.—The Secretary, acting through the Community Health Aide Program under subsection (a), shall—

“(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

“(2) in order to provide such training, develop a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

“(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

“(C) promotes the achievement of the health status objective specified in section 3(b);

“(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or who can demonstrate equivalent experience;

“(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

“(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners; and

“(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.

“SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

“Subject to Section 102, the Secretary, acting through the Service, shall, through a funding agreement or otherwise, provide training for Indians in the administration and planning of tribal health programs.

“SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROJECT.

“(a) Pilot Programs.—The Secretary may, through area offices, fund pilot programs for tribes and tribal organizations to address chronic shortages of health professionals.

“(b) Purpose.—It is the purpose of the health professions demonstration project under this section to—

“(1) provide direct clinical and practical experience in a service area to health professions students and residents from medical schools;

“(2) improve the quality of health care for Indians by assuring access to qualified health care professionals; and

“(3) provide academic and scholarly opportunities for health professionals serving Indian people by identifying and utilizing all academic and scholarly resources of the region.

“(c) Advisory Board.—A pilot program established under subsection (a) shall incorporate a program advisory board that shall be composed of representatives from the tribes and communities in the service area that will be served by the program.

“SEC. 124. SCHOLARSHIPS.

“Scholarships and loan reimbursements provided to individuals pursuant to this title shall be treated as ‘qualified scholarships’ for purposes of section 117 of the Internal Revenue Code of 1986.

“SEC. 125. NATIONAL HEALTH SERVICE CORPS.

“(a) Limitations.—The Secretary shall not—

“(1) remove a member of the National Health Services Corps from a health program operated by Indian Health Service or by a tribe or tribal organization under a funding agreement with the Service under the Indian Self-Determination and Education Assistance Act, or by urban Indian organizations; or

“(2) withdraw the funding used to support such a member;

unless the Secretary, acting through the Service, tribes or tribal organization, has ensured that the Indians receiving services from such member will experience no reduction in services.

“(b) Designation of Service Areas as Health Professional Shortage Areas.—All service areas served by programs operated by the Service or by a tribe or tribal organization sunder the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization, shall be designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) as Health Professional Shortage Areas.

“(c) Full Time Equivalent.—National Health Service Corps scholars that qualify for the commissioned corps in the Public Health Service shall be exempt from the full time equivalent limitations of the National Health Service Corps and the Service when such scholars serve as commissioned corps officers in a health program operated by an Indian tribe or tribal organization under the Indian Self-Determination and Education Assistance Act or by an urban Indian organization.

“SEC. 126. SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT.

“(a) Demonstration Projects.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, and eligible accredited and accessible community colleges to establish demonstration projects to develop educational curricula for substance abuse counseling.

“(b) Use of Funds.—Funds provided under this section shall be used only for developing and providing educational curricula for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

“(c) Term of Grant.—A contract entered into or a grant provided under this section shall be for a period of 1 year. Such contract or grant may be renewed for an additional 1 year period upon the approval of the Secretary.

“(d) Review of Applications.—Not later than 180 days after the date of the enactment of this Act, the Secretary, after consultation with Indian tribes and administrators of accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

“(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

“(f) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section.

“(g) DEFINITIONS.—In this section:

“(1) EDUCATIONAL CURRICULUM.—The term ‘educational curriculum’ means 1 or more of the following:

“(A) Classroom education.

“(B) Clinical work experience.

“(C) Continuing education workshops.

“(2) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term ‘tribally controlled community college’ has the meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

“(3) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTION.—The term ‘tribally controlled postsecondary vocational institution’ has the meaning given such term in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)).

“SEC. 127. MENTAL HEALTH TRAINING AND COMMUNITY EDUCATION.

“(a) STUDY AND LIST.—

“(1) IN GENERAL.—The Secretary and the Secretary of the Interior in consultation with Indian tribes and tribal organizations shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include or should include, training in the identification, prevention, education, referral or treatment of mental illness, dysfunctional or self-destructive behavior.

“(2) POSITIONS.—The positions referred to in paragraph (1) are—

“(A) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

“(i) elementary and secondary education;

“(ii) social services, family and child welfare;

“(iii) law enforcement and judicial services; and

“(iv) alcohol and substance abuse;

“(B) staff positions within the Service; and

“(C) staff positions similar to those specified in subsection (b) and established and maintained by Indian tribes, tribal organizations, and urban Indian organizations, including positions established pursuant to funding agreements under the Indian Self-determination and Education Assistance Act, and this Act.

“(3) TRAINING CRITERIA.—

“(A) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position specified in subsection (b)(1) and ensure that appropriate training has been or will be provided to any individual in any such position.

“(B) TRAINING.—With respect to any such individual in a position specified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training or provide funds to an Indian tribe, tribal organization, or urban Indian organization for the training of appropriate individuals. In the case of a funding agreement, the appropriate Secretary shall ensure that such training costs are included in the funding agreement, if necessary.

“(4) CULTURAL RELEVANCY.—Position specific training criteria shall be culturally relevant to Indians and Indian tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

“(5) COMMUNITY EDUCATION.—

“(A) DEVELOPMENT.—The Service shall develop and implement, or on request of an Indian tribe or tribal organization, assist an Indian tribe or tribal organization, in developing and implementing a program of community education on mental illness.

“(B) TECHNICAL ASSISTANCE.—In carrying out this paragraph, the Service shall, upon the request of an Indian tribe or tribal organization, provide technical assistance to the Indian tribe or tribal organization to obtain and develop community educational materials on the identification, prevention, referral and treatment of mental illness, dysfunctional and self-destructive behavior.

“(b) STAFFING.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Act, the Director of the Service shall develop a plan under which the Service will increase the number of health care staff that are providing mental health services by at least 500 positions within 5 years after such date of enactment, with at least 200 of such positions devoted to child, adolescent, and family services. The allocation of such positions shall be subject to the provisions of section 102(a).

“(2) IMPLEMENTATION.—The plan developed under paragraph (1) shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly know as the ‘Snyder Act’).

“SEC. 128. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

“TITLE II—HEALTH SERVICES

“SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

“(a) IN GENERAL.—The Secretary may expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act, that are appropriated under the authority of this section, for the purposes of—

“(1) eliminating the deficiencies in the health status and resources of all Indian tribes;

“(2) eliminating backlogs in the provision of health care services to Indians;

“(3) meeting the health needs of Indians in an efficient and equitable manner;

“(4) eliminating inequities in funding for both direct care and contract health service programs; and

“(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian tribes with the highest levels of health status and resource deficiencies:

“(A) clinical care, including inpatient care, outpatient care (including audiology, clinical eye and vision care), primary care, secondary and tertiary care, and long term care;

“(B) preventive health, including mammography and other cancer screening in accordance with section 207;

“(C) dental care;

“(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners;

“(E) emergency medical services;

“(F) treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians;

“(G) accident prevention programs;

“(H) home health care;

“(I) community health representatives;

“(J) maintenance and repair; and

“(K) traditional health care practices.

“(b) USE OF FUNDS.—

“(1) LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act, the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), or any other provision of law.

“(2) ALLOCATION.—

“(A) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to service units or Indian tribes or tribal organizations. The funds allocated to each tribe, tribal organization, or service unit under this subparagraph shall be used to improve the health status and reduce the resource deficiency of each tribe served by such service unit, tribe or tribal organization.

“(B) APPORTIONMENT.—The apportionment of funds allocated to a service unit, tribe or tribal organization under subparagraph (A) among the health service responsibilities described in subsection (a)(4) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian tribes in accordance with this section and such rules as may be established under title VIII.

“(c) HEALTH STATUS AND RESOURCE DEFICIENCY.—In this section:

“(1) DEFINITION.—The term ‘health status and resource deficiency’ means the extent to which—

“(A) the health status objective set forth in section 3(2) is not being achieved; and

“(B) the Indian tribe or tribal organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

“(2) RESOURCES.—The health resources available to an Indian tribe or tribal organization shall include health resources provided by the Service as well as health resources used by the Indian Tribe or tribal organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

“(3) REVIEW OF DETERMINATION.—The Secretary shall establish procedures which allow any Indian tribe or tribal organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such tribe or tribal organization.

“(d) ELIGIBILITY.—Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

“(e) REPORT.—Not later than the date that is 3 years after the date of enactment of this

Act, the Secretary shall submit to the Congress the current health status and resource deficiency report of the Service for each Indian tribe or service unit, including newly recognized or acknowledged tribes. Such report shall set out—

"(1) the methodology then in use by the Service for determining tribal health status and resource deficiencies, as well as the most recent application of that methodology;

"(2) the extent of the health status and resource deficiency of each Indian tribe served by the Service;

"(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian tribes served by the Service; and

"(4) an estimate of—

"(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service, for the preceding fiscal year which is allocated to each service unit, Indian tribe, or comparable entity;

"(B) the number of Indians eligible for health services in each service unit or Indian tribe or tribal organization; and

"(C) the number of Indians using the Service resources made available to each service unit or Indian tribe or tribal organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

"(f) BUDGETARY RULE.—Funds appropriated under the authority of this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

"(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs or to discourage the Service from undertaking additional efforts to achieve equity among Indian tribes and tribal organizations.

"(h) DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

"SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is hereby established an Indian Catastrophic Health Emergency Fund (referred to in this section as the 'CHEF') consisting of—

"(A) the amounts deposited under subsection (d); and

"(B) any amounts appropriated to the CHEF under this Act.

"(2) ADMINISTRATION.—The CHEF shall be administered by the Secretary solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

"(3) EQUITABLE ALLOCATION.—The CHEF shall be equitably allocated, apportioned or delegated on a service unit or area office basis, based upon a formula to be developed by the Secretary in consultation with the Indian tribes and tribal organizations through negotiated rulemaking under title VIII. Such formula shall take into account the added needs of service areas which are contract health service dependent.

"(4) NOT SUBJECT TO CONTRACT OR GRANT.—No part of the CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act.

"(5) ADMINISTRATION.—Amounts provided from the CHEF shall be administered by the area offices based upon priorities determined by the Indian tribes and tribal organizations within each service area, including a consideration of the needs of Indian tribes and tribal organizations which are contract health service-dependent.

"(b) REQUIREMENTS.—The Secretary shall, through the negotiated rulemaking process under title VIII, promulgate regulations consistent with the provisions of this section—

"(1) establish a definition of disasters and catastrophic illnesses for which the cost of treatment provided under contract would qualify for payment from the CHEF;

"(2) provide that a service unit, Indian tribe, or tribal organization shall not be eligible for reimbursement for the cost of treatment from the CHEF until its cost of treatment for any victim of such a catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

"(A) for 1999, not less than $19,000; and

"(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

"(3) establish a procedure for the reimbursement of the portion of the costs incurred by—

"(A) service units, Indian tribes, or tribal organizations, or facilities of the Service; or

"(B) non-Service facilities or providers whenever otherwise authorized by the Service;

in rendering treatment that exceeds threshold cost described in paragraph (2);

"(4) establish a procedure for payment from the CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

"(5) establish a procedure that will ensure that no payment shall be made from the CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

"(c) LIMITATION.—Amounts appropriated to the CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act) or any other law.

"(d) DEPOSITS.—There shall be deposited into the CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from the CHEF.

"SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

"(a) FINDINGS.—Congress finds that health promotion and disease prevention activities will—

"(1) improve the health and well-being of Indians; and

"(2) reduce the expenses for health care of Indians.

"(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and through Indian tribes and tribal organizations, shall provide health promotion and disease prevention services to Indians so as to achieve the health status objective set forth in section 3(b).

"(c) DISEASE PREVENTION AND HEALTH PROMOTION.—In this section:

"(1) DISEASE PREVENTION.—The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications, and the reduction in the consequences of such diseases, including—

"(A) controlling—

"(i) diabetes;

"(ii) high blood pressure;

"(iii) infectious agents;

"(iv) injuries;

"(v) occupational hazards and disabilities;

"(vi) sexually transmittable diseases; and

"(vii) toxic agents; and

"(B) providing—

"(i) for the fluoridation of water; and

"(ii) immunizations.

"(2) HEALTH PROMOTION.—The term 'health promotion' means fostering social, economic, environmental, and personal factors conducive to health, including—

"(A) raising people's awareness about health matters and enabling them to cope with health problems by increasing their knowledge and providing them with valid information;

"(B) encouraging adequate and appropriate diet, exercise, and sleep;

"(C) promoting education and work in conformity with physical and mental capacity;

"(E) making available suitable housing, safe water, and sanitary facilities;

"(F) improving the physical economic, cultural, psychological, and social environment;

"(G) promoting adequate opportunity for spiritual, religious, and traditional practices; and

"(H) adequate and appropriate programs including—

"(i) abuse prevention (mental and physical);

"(iii) community health;

"(iv) community safety;

"(v) consumer health education;

"(vi) diet and nutrition;

"(vii) disease prevention (communicable, immunizations, HIV/AIDS);

"(viii) environmental health;

"(ix) exercise and physical fitness;

"(x) fetal alcohol disorders;

"(xi) first aid and CPR education;

"(xii) human growth and development;

"(xiii) injury prevention and personal safety;

"(xiv) mental health (emotional, self-worth);

"(xv) personal health and wellness practices;

"(xvi) personal capacity building;

"(xvii) prenatal, pregnancy, and infant care;

"(xviii) psychological well being;

"(xix) reproductive health (family planning);

"(xx) safe and adequate water;

"(xxi) safe housing;

"(xxii) safe work environments;

"(xxiii) stress control;

"(xxiv) substance abuse;

"(xxv) sanitary facilities;

"(xxvi) tobacco use cessation and reduction;

"(xxvii) violence prevention; and

"(xxviii) such other activities identified by the Service, an Indian tribe or tribal organization, to promote the achievement of the objective described in section 3(b).

"(d) EVALUATION.—The Secretary, after obtaining input from affected Indian tribes and tribal organizations, shall submit to the President for inclusion in each statement which is required to be submitted to Congress under section 801 an evaluation of—

“(1) the health promotion and disease prevention needs of Indians;

“(2) the health promotion and disease prevention activities which would best meet such needs;

“(3) the internal capacity of the Service to meet such needs; and

“(4) the resources which would be required to enable the Service to undertake the health promotion and disease prevention activities necessary to meet such needs.

“SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

“(a) DETERMINATION.—The Secretary, in consultation with Indian tribes and tribal organizations, shall determine—

“(1) by tribe, tribal organization, and service unit of the Service, the prevalence of, and the types of complications resulting from, diabetes among Indians; and

“(2) based on paragraph (1), the measures (including patient education) each service unit should take to reduce the prevalence of, and prevent, treat, and control the complications resulting from, diabetes among Indian tribes within that service unit.

“(b) SCREENING.—The Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic. Such screening may be done by an Indian tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination and Education Assistance Act.

“(c) CONTINUED FUNDING.—The Secretary shall continue to fund, through fiscal year 2012, each effective model diabetes project in existence on the date of the enactment of this Act and such other diabetes programs operated by the Secretary or by Indian tribes and tribal organizations and any additional programs added to meet existing diabetes needs. Indian tribes and tribal organizations shall receive recurring funding for the diabetes programs which they operate pursuant to this section. Model diabetes projects shall consult, on a regular basis, with tribes and tribal organizations in their regions regarding diabetes needs and provide technical expertise as needed.

“(d) DIALYSIS PROGRAMS.—The Secretary shall provide funding through the Service, Indian tribes and tribal organizations to establish dialysis programs, including funds to purchase dialysis equipment and provide necessary staffing.

“(e) OTHER ACTIVITIES.—The Secretary shall, to the extent funding is available—

“(1) in each area office of the Service, consult with Indian tribes and tribal organizations regarding programs for the prevention, treatment, and control of diabetes;

“(2) establish in each area office of the Service a registry of patients with diabetes to track the prevalence of diabetes and the complications from diabetes in that area; and

“(3) ensure that data collected in each area office regarding diabetes and related complications among Indians is disseminated to tribes, tribal organizations, and all other area offices.

“SEC. 205. SHARED SERVICES.

“(a) IN GENERAL.—The Secretary, acting through the Service and notwithstanding any other provision of law, is authorized to enter into funding agreements or other arrangements with Indian tribes or tribal organizations for the delivery of long-term care and similar services to Indians. Such projects shall provide for the sharing of staff or other services between a Service or tribal facility and a long-term care or other similar facility owned and operated (directly or through a funding agreement) by such Indian tribe or tribal organization.

“(b) REQUIREMENTS.—A funding agreement or other arrangement entered into pursuant to subsection (a)—

“(1) may, at the request of the Indian tribe or tribal organization, delegate to such tribe or tribal organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

“(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the tribal facility be allocated proportionately between the Service and the tribe or tribal organization; and

“(3) may authorize such tribe or tribal organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

“(c) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(d) USE OF EXISTING FACILITIES.—The Secretary shall encourage the use for long-term or similar care of existing facilities that are under-utilized or allow the use of swing beds for such purposes.

“SEC. 206. HEALTH SERVICES RESEARCH.

“(a) FUNDING.—The Secretary shall make funding available for research to further the performance of the health service responsibilities of the Service, Indian tribes, and tribal organizations and shall coordinate the activities of other Agencies within the Department to address these research needs.

“(b) ALLOCATION.—Funding under subsection (a) shall be allocated equitably among the area offices. Each area office shall award such funds competitively within that area.

“(c) ELIGIBILITY FOR FUNDS.—Indian tribes and tribal organizations receiving funding from the Service under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to compete for, and receive, research funds under this section.

“(d) USE.—Funds received under this section may be used for both clinical and nonclinical research by Indian tribes and tribal organizations and shall be distributed to the area offices. Such area offices may make grants using such funds within each area.

“SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

“The Secretary, through the Service or through Indian tribes or tribal organizations, shall provide for the following screening:

“(1) Mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under national standards, and under such terms and conditions as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act.

“(2) Other cancer screening meeting national standards.

“SEC. 208. PATIENT TRAVEL COSTS.

“The Secretary, acting through the Service, Indian tribes and tribal organizations shall provide funds for the following patient travel costs, including appropriate and necessary qualified escorts, associated with receiving health care services provided (either through direct or contract care or through funding agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act) under this Act:

“(1) Emergency air transportation and nonemergency air transportation where ground transportation is infeasible.

“(2) Transportation by private vehicle, specially equipped vehicle and ambulance.

“(3) Transportation by such other means as may be available and required when air or motor vehicle transportation is not available. .

“SEC. 209. EPIDEMIOLOGY CENTERS.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In addition to those centers operating 1 day prior to the date of enactment of this Act, (including those centers for which funding is currently being provided through funding agreements under the Indian Self-Determination and Education Assistance Act), the Secretary shall, not later than 180 days after such date of enactment, establish and fund an epidemiology center in each service area which does not have such a center to carry out the functions described in paragraph (2). Any centers established under the preceding sentence may be operated by Indian tribes or tribal organizations pursuant to funding agreements under the Indian Self-Determination and Education Assistance Act, but funding under such agreements may not be divisible.

“(2) FUNCTIONS.—In consultation with and upon the request of Indian tribes, tribal organizations and urban Indian organizations, each area epidemiology center established under this subsection shall, with respect to such area shall—

“(A) collect data related to the health status objective described in section 3(b), and monitor the progress that the Service, Indian tribes, tribal organizations, and urban Indian organizations have made in meeting such health status objective;

“(B) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

“(C) assist Indian tribes, tribal organizations, and urban Indian organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

“(D) make recommendations for the targeting of services needed by tribal, urban, and other Indian communities;

“(E) make recommendations to improve health care delivery systems for Indians and urban Indians;

“(F) provide requested technical assistance to Indian Tribes and urban Indian organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

“(G) provide disease surveillance and assist Indian tribes, tribal organizations, and urban Indian organizations to promote public health.

“(3) TECHNICAL ASSISTANCE.—The director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this subsection.

“(b) FUNDING.—The Secretary may make funding available to Indian tribes, tribal organizations, and eligible intertribal consortia or urban Indian organizations to conduct epidemiological studies of Indian communities.

"SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) In General.—The Secretary, acting through the Service, shall provide funding to Indian tribes, tribal organizations, and urban Indian organizations to develop comprehensive school health education programs for children from preschool through grade 12 in schools for the benefit of Indian and urban Indian children.

"(b) Use of Funds.—Funds awarded under this section may be used to—

"(1) develop and implement health education curricula both for regular school programs and after school programs;

"(2) train teachers in comprehensive school health education curricula;

"(3) integrate school-based, community-based, and other public and private health promotion efforts;

"(4) encourage healthy, tobacco-free school environments;

"(5) coordinate school-based health programs with existing services and programs available in the community;

"(6) develop school programs on nutrition education, personal health, oral health, and fitness;

"(7) develop mental health wellness programs;

"(8) develop chronic disease prevention programs;

"(9) develop substance abuse prevention programs;

"(10) develop injury prevention and safety education programs;

"(11) develop activities for the prevention and control of communicable diseases;

"(12) develop community and environmental health education programs that include traditional health care practitioners;

"(13) carry out violence prevention activities; and

"(14) carry out activities relating to such other health issues as are appropriate.

"(c) Technical Assistance.—The Secretary shall, upon request, provide technical assistance to Indian tribes, tribal organization and urban Indian organizations in the development of comprehensive health education plans, and the dissemination of comprehensive health education materials and information on existing health programs and resources.

"(d) Criteria.—The Secretary, in consultation with Indian tribes tribal organizations, and urban Indian organizations shall establish criteria for the review and approval of applications for funding under this section.

"(e) Comprehensive School Health Education Program.—

"(1) Development.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary and affected Indian tribes and tribal organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 for use in schools operated by the Bureau of Indian Affairs.

"(2) Requirements.—The program developed under paragraph (1) shall include—

"(A) school programs on nutrition education, personal health, oral health, and fitness;

"(B) mental health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) injury prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) Training and coordination.—The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education curricula;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

"SEC. 211. INDIAN YOUTH PROGRAM.

"(a) In General.—The Secretary, acting through the Service, is authorized to provide funding to Indian tribes, tribal organizations, and urban Indian organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and urban Indian preadolescent and adolescent youths.

"(b) Use of Funds.—

"(1) In general.—Funds made available under this section may be used to—

"(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

"(B) develop and provide community training and education.

"(2) Limitation.—Funds made available under this section may not be used to provide services described in section 707(c).

"(c) Requirements.—The Secretary shall—

"(1) disseminate to Indian tribes, tribal organizations, and urban Indian organizations information regarding models for the delivery of comprehensive health care services to Indian and urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian tribe, tribal organization, or urban Indian organization, provide technical assistance in the implementation of such models.

"(d) Criteria.—The Secretary, in consultation with Indian tribes, tribal organization, and urban Indian organizations, shall establish criteria for the review and approval of applications under this section.

"SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

"(a) In General.—The Secretary, acting through the Service after consultation with Indian tribes, tribal organizations, urban Indian organizations, and the Centers for Disease Control and Prevention, may make funding available to Indian tribes and tribal organizations for—

"(1) projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncitial virus, hanta virus, sexually transmitted diseases, and H. Pylori;

"(2) public information and education programs for the prevention, control, and elimination of communicable and infectious diseases; and

"(3) education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

"(b) Requirement of Application.—The Secretary may provide funds under subsection (a) only if an application or proposal for such funds is submitted.

"(c) Technical Assistance and Report.—In carrying out this section, the Secretary—

"(1) may, at the request of an Indian tribe or tribal organization, provide technical assistance; and

"(2) shall prepare and submit, biennially, a report to Congress on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and urban Indians.

"SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERVICES.

"(a) In General.—The Secretary, acting through the Service, Indian tribes, and tribal organizations, may provide funding under this Act to meet the objective set forth in section 3 through health care related services and programs not otherwise described in this Act. Such services and programs shall include services and programs related to—

"(1) hospice care and assisted living;

"(2) long-term health care;

"(3) home- and community-based services;

"(4) public health functions; and

"(5) traditional health care practices.

"(b) Availability of Services for Certain Individuals.—At the discretion of the Service, Indian tribe, or tribal organization, services hospice care, home health care (under section 201), home- and community-based care, assisted living, and long term care may be provided (on a cost basis) to individuals otherwise ineligible for the health care benefits of the Service. Any funds received under this subsection shall not be used to offset or limit the funding allocated to a tribe or tribal organization.

"(c) Definitions.—In this section:

"(1) Home- and community-based services.—The term 'home- and community-based services' means 1 or more of the following:

"(A) Homemaker/home health aide services.

"(B) Chore services.

"(C) Personal care services.

"(D) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

"(E) Training for family members.

"(F) Adult day care.

"(G) Such other home- and community-based services as the Secretary or a tribe or tribal organization may approve.

"(2) Hospice care.—The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian tribe or tribal organization determines are necessary and appropriate to provide in furtherance of such care.

"(3) Public health functions.—The term 'public health functions' means public health related programs, functions, and services including assessments, assurances, and policy development that Indian tribes and tribal organizations are authorized and encouraged, in those circumstances where it meets their needs, to carry out by forming collaborative relationships with all levels of local, State, and Federal governments.

"SEC. 214. INDIAN WOMEN'S HEALTH CARE.

"The Secretary acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall provide funding to monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

"SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

"(a) Study and Monitoring Programs.—The Secretary and the Service shall, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian tribes and tribal organizations, conduct a study and carry out ongoing monitoring programs to determine the trends that exist in the health hazards posed to Indian miners and to Indians on or near Indian reservations and in Indian communities as a result of environmental hazards that may result in chronic or life-threatening health problems. Such hazards include nuclear resource development, petroleum contamination, and contamination of the water source or of the food chain. Such study (and any reports with respect to such study) shall include—

"(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future environmental resource development on or near Indian reservations and communities including the cumulative effect of such development over time on health;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal, oil and gas production or transportation on or near Indian reservations or communities, and other development that could affect the health of Indians and their water supply and food chain;

"(4) a summary of any findings or recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of the enactment of this Act that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) a description of the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

"(b) DEVELOPMENT OF HEALTH CARE PLANS.—Upon the completion of the study under subsection (a), the Secretary and the Service shall take into account the results of such study and, in consultation with Indian tribes and tribal organizations, develop a health care plan to address the health problems that were the subject of such study. The plans shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

"(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

"(c) SUBMISSION TO CONGRESS.—

"(1) GENERAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Service shall submit to Congress a report concerning the study conducted under subsection (a).

"(2) HEALTH CARE PLAN REPORT.—Not later than 1 year after the date on which the report under paragraph (1) is submitted to Congress, the Secretary and the Service shall submit to Congress the health care plan prepared under subsection (b). Such plan shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address the health problems involved.

"(d) TASK FORCE.—

"(1) ESTABLISHED.—There is hereby established an Intergovernmental Task Force (referred to in this section as the 'task force') that shall be composed of the following individuals (or their designees):

"(A) The Secretary of Energy.

"(B) The Administrator of the Environmental Protection Agency.

"(C) The Director of the Bureau of Mines.

"(D) The Assistant Secretary for Occupational Safety and Health.

"(E) The Secretary of the Interior.

"(2) DUTIES.—The Task Force shall identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near an Indian reservation or in an Indian community, and enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

"(3) ADMINISTRATIVE PROVISIONS.—The Secretary shall serve as the chairperson of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

"(e) PROVISION OF APPROPRIATE MEDICAL CARE.—In the case of any Indian who—

"(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from a Service facility; and

"(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard;

the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the Service from the employer for such illness or condition.

"SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2012, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

"(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on Federal reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

"SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Secretary may fund a program that utilizes the California Rural Indian Health Board as a contract care intermediary to improve the accessibility of health services to California Indians.

"(b) REIMBURSEMENT OF BOARD.—

"(1) AGREEMENT.—The Secretary shall enter into an agreement with the California Rural Indian Health Board to reimburse the Board for costs (including reasonable administrative costs) incurred pursuant to this section in providing medical treatment under contract to California Indians described in section 809(b) throughout the California contract health services delivery area described in section 218 with respect to high-cost contract care cases.

"(2) ADMINISTRATION.—Not more than 5 percent of the amounts provided to the Board under this section for any fiscal year may be used for reimbursement for administrative expenses incurred by the Board during such fiscal year.

"(3) LIMITATION.—No payment may be made for treatment provided under this section to the extent that payment may be made for such treatment under the Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

"(c) ADVISORY BOARD.—There is hereby established an advisory board that shall advise the California Rural Indian Health Board in carrying out this section. The advisory board shall be composed of representatives, selected by the California Rural Indian Health Board, from not less than 8 tribal health programs serving California Indians covered under this section, at least 50 percent of whom are not affiliated with the California Rural Indian Health Board.

"SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to Indians in such State, except that any of the counties described in this section may be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

"SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

"The Service shall provide funds for health care programs and facilities operated by Indian tribes and tribal organizations under funding agreements with the Service entered into under the Indian Self-Determination and Education Assistance Act on the same basis as such funds are provided to programs and facilities operated directly by the Service.

“SEC. 221.-LICENSING.

“Health care professionals employed by Indian Tribes and tribal organizations to carry out agreements under the Indian Self-Determination and Education Assistance Act, shall, if licensed in any State, be exempt from the licensing requirements of the State in which the agreement is performed.

“SEC. 222. AUTHORIZATION FOR EMERGENCY CONTRACT HEALTH SERVICES.

“With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

“SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

“(a) REQUIREMENT.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

“(b) FAILURE TO RESPOND.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

“(c) PAYMENT.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

“SEC. 224. LIABILITY FOR PAYMENT.

“(a) NO LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

“(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services.

“(c) LIMITATION.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services involved.

“SEC. 225. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

“TITLE III—FACILITIES

“SEC. 301. CONSULTATION, CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

“(a) CONSULTATION.—Prior to the expenditure of, or the making of any firm commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, shall—

“(1) consult with any Indian tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

“(2) ensure, whenever practicable, that such facility meets the construction standards of any nationally recognized accrediting body by not later than 1 year after the date on which the construction or renovation of such facility is completed.

“(b) CLOSURE OF FACILITIES.—

“(1) IN GENERAL.—Notwithstanding any provision of law other than this subsection, no Service hospital or outpatient health care facility or any inpatient service or special care facility operated by the Service, may be closed if the Secretary has not submitted to the Congress at least 1 year prior to the date such proposed closure an evaluation of the impact of such proposed closure which specifies, in addition to other considerations—

“(A) the accessibility of alternative health care resources for the population served by such hospital or facility;

“(B) the cost effectiveness of such closure;

“(C) the quality of health care to be provided to the population served by such hospital or facility after such closure;

“(D) the availability of contract health care funds to maintain existing levels of service;

“(E) the views of the Indian tribes served by such hospital or facility concerning such closure;

“(F) the level of utilization of such hospital or facility by all eligible Indians; and

“(G) the distance between such hospital or facility and the nearest operating Service hospital.

“(2) TEMPORARY CLOSURE.—Paragraph (1) shall not apply to any temporary closure of a facility or of any portion of a facility if such closure is necessary for medical, environmental, or safety reasons.

“(c) PRIORITY SYSTEM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a health care facility priority system, that shall—

“(A) be developed with Indian tribes and tribal organizations through negotiated rulemaking under section 802;

“(B) give the needs of Indian tribes' the highest priority; and

“(C) at a minimum, include the lists required in paragraph (2)(B) and the methodology required in paragraph (2)(E);

except that the priority of any project established under the construction priority system in effect on the date of this Act shall not be affected by any change in the construction priority system taking place thereafter if the project was identified as one of the top 10 priority inpatient projects or one of the top 10 outpatient projects in the Indian Health Service budget justification for fiscal year 2000, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

“(2) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report that includes—

“(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

“(B) health care facility lists, including—

“(i) the total health care facility planning, design, construction and renovation needs for Indians;

“(ii) the 10 top-priority inpatient care facilities;

“(iii) the 10 top-priority outpatient care facilities;

“(iv) the 10 top-priority specialized care facilities (such as long-term care and alcohol and drug abuse treatment); and

“(v) any staff quarters associated with such prioritized facilities;

“(C) the justification for the order of priority among facilities;

“(D) the projected cost of the projects involved; and

“(E) the methodology adopted by the Service in establishing priorities under its health care facility priority system.

“(3) CONSULTATION.—In preparing each report required under paragraph (2) (other than the initial report) the Secretary shall annually—

“(A) consult with, and obtain information on all health care facilities needs from, Indian tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act; and

“(B) review the total unmet needs of all tribes and tribal organizations for health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities.

“(4) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

“(5) EQUITABLE INTEGRATION.—The Secretary shall ensure that the planning, design, construction, and renovation needs of Service and non-Service facilities, operated under funding agreements in accordance with the Indian Self-Determination and Education Assistance Act are fully and equitably integrated into the health care facility priority system.

“(d) REVIEW OF NEED FOR FACILITIES.—

“(1) REPORT.—Beginning in 2001, the Secretary shall annually submit to the President, for inclusion in the report required to be transmitted to Congress under section 801 of this Act, a report which sets forth the needs of the Service and all Indian tribes and tribal organizations, including urban Indian organizations, for inpatient, outpatient and specialized care facilities, including the needs for renovation and expansion of existing facilities .

“(2) CONSULTATION.—In preparing each report required under paragraph (1) (other than the initial report), the Secretary shall consult with Indian tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations.

“(3) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

“(4) EQUITABLE INTEGRATION.—The Secretary shall ensure that the planning, design, construction, and renovation needs of facilities operated under funding agreements, in accordance with the Indian Self-Determination and Education Assistance Act, are fully and equitably integrated into the development of the health facility priority system.–

“(5) ANNUAL NOMINATIONS.—Each year the Secretary shall provide an opportunity for the nomination of planning, design, and construction projects by the Service and all Indian tribes and tribal organizations for consideration under the health care facility priority system.

"(e) INCLUSION OF CERTAIN PROGRAMS.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13), for the planning, design, construction, or renovation of health facilities for the benefit of an Indian tribe or tribes shall be subject to the provisions of section 102 of the Indian Self-Determination and Education Assistance Act.

"(f) INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian tribes, tribal organizations and urban Indian organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

"SEC. 302. SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES.

"(a) FINDINGS.—Congress finds and declares that—

"(1) the provision of safe water supply facilities and sanitary sewage and solid waste disposal facilities is primarily a health consideration and function;

"(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of such facilities;

"(3) the long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing such facilities and other preventive health measures;

"(4) many Indian homes and communities still lack safe water supply facilities and sanitary sewage and solid waste disposal facilities; and

"(5) it is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply facilities and sanitary sewage waste disposal facilities as soon as possible.

"(b) PROVISION OF FACILITIES AND SERVICES.—

"(1) IN GENERAL.—In furtherance of the findings and declarations made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(2) ASSISTANCE.—The Secretary, acting through the Service, is authorized to provide under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a)—

"(A) financial and technical assistance to Indian tribes, tribal organizations and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain Indian sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the tribe or tribal organization;

"(B) ongoing technical assistance and training in the management of utility organizations which operate and maintain sanitation facilities; and

"(C) priority funding for the operation, and maintenance assistance for, and emergency repairs to, tribal sanitation facilities when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

"(3) PROVISIONS RELATING TO FUNDING.—Notwithstanding any other provision of law—

"(A) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 to the Secretary of Health and Human Services;

"(B) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

"(C) unless specifically authorized when funds are appropriated, the Secretary of Health and Human Services shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

"(D) the Secretary of Health and Human Services is authorized to accept all Federal funds that are available for the purpose of providing sanitation facilities and related services and place those funds into funding agreements, authorized under the Indian Self Determination and Education Assistance Act, between the Secretary and Indian tribes and tribal organizations;

"(E) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to fund up to 100 percent of the amount of a tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

"(F) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

"(G) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned or appropriated and thereafter the Department's applicable policies, rules, regulations shall apply in the implementation of such projects;

"(H) the Secretary of Health and Human Services shall enter into inter-agency agreements with the Bureau of Indian Affairs, the Department of Housing and Urban Development, the Department of Agriculture, the Environmental Protection Agency and other appropriate Federal agencies, for the purpose of providing financial assistance for safe water supply and sanitary sewage disposal facilities under this Act; and

"(I) the Secretary of Health and Human Services shall, by regulation developed through rulemaking under section 802, establish standards applicable to the planning, design and construction of water supply and sanitary sewage and solid waste disposal facilities funded under this Act.

"(c) 10-YEAR FUNDING PLAN.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organizations, shall develop and implement a 10-year funding plan to provide safe water supply and sanitary sewage and solid waste disposal facilities serving existing Indian homes and communities, and to new and renovated Indian homes.

"(d) CAPABILITY OF TRIBE OR COMMUNITY.—The financial and technical capability of an Indian tribe or community to safely operate and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

"(e) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to Indian tribes, tribal organizations and communities for the operation, management, and maintenance of their sanitation facilities.

"(f) RESPONSIBILITY FOR FEES FOR OPERATION AND MAINTENANCE.—The Indian family, community or tribe involved shall have the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating and maintaining sanitation facilities. If a community facility is threatened with imminent failure and there is a lack of tribal capacity to maintain the integrity or the health benefit of the facility, the Secretary may assist the Tribe in the resolution of the problem on a short term basis through cooperation with the emergency coordinator or by providing operation and maintenance service.

"(g) ELIGIBILITY OF CERTAIN TRIBES OR ORGANIZATIONS.—Programs administered by Indian tribes or tribal organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for—

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing water supply, sewage disposal, or solid waste facilities;

on an equal basis with programs that are administered directly by the Service.

"(h) REPORT.—

"(1) IN GENERAL.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report which sets forth—

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies;

"(C) the level of initial and final sanitation deficiency for each type sanitation facility for each project of each Indian tribe or community; and

"(D) the amount of funds necessary to reduce the identified sanitation deficiency levels of all Indian tribes and communities to a level I sanitation deficiency as described in paragraph (4)(A).

"(2) CONSULTATION.—In preparing each report required under paragraph (1), the Secretary shall consult with Indian tribes and tribal organizations (including those tribes or tribal organizations operating health care programs or facilities under any funding agreements entered into with the Service under the Indian Self-Determination and Education Assistance Act) to determine the sanitation needs of each tribe and in developing the criteria on which the needs will be evaluated through a process of negotiated rulemaking.

"(3) METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian tribes and communities.

"(4) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual or community sanitation facility serving Indian homes are as follows:

"(A) A level I deficiency is a sanitation facility serving and individual or community—

"(i) which complies with all applicable water supply, pollution control and solid waste disposal laws; and

"(ii) in which the deficiencies relate to routine replacement, repair, or maintenance needs.

"(B) A level II deficiency is a sanitation facility serving and individual or community—

"(i) which substantially or recently complied with all applicable water supply, pollution control and solid waste laws, in which the deficiencies relate to small or minor capital improvements needed to bring the facility back into compliance;

"(ii) in which the deficiencies relate to capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

"(iii) in which the deficiencies relate to the lack of equipment or training by an Indian Tribe or community to properly operate and maintain the sanitation facilities.

"(C) A level III deficiency is an individual or community facility with water or sewer service in the home, piped services or a haul system with holding tanks and interior plumbing, or where major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies. There is no access to or no approved or permitted solid waste facility available.

"(D) A level IV deficiency is an individual or community facility where there are no piped water or sewer facilities in the home or the facility has become inoperable due to major component failure or where only a washeteria or central facility exists.

"(E) A level V deficiency is the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater disposal.

"(i) DEFINITIONS.—In this section:

"(1) FACILITY.—The terms 'facility' or 'facilities' shall have the same meaning as the terms 'system' or 'systems' unless the context requires otherwise.

"(2) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

"SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

"(a) IN GENERAL.—The Secretary, acting through the Service, may utilize the negotiating authority of the Act of June 25, 1910 (25 U.S.C. 47), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of safe water and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to rules and regulations promulgated by the Secretary, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;

"(5) adequately trained personnel; or

"(6) other necessary components of contract performance.

"(b) EXEMPTION FROM DAVIS-BACON.—For the purpose of implementing the provisions of this title, construction or renovation of facilities constructed or renovated in whole or in part by funds made available pursuant to this title are exempt from the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act). For all health facilities, staff quarters and sanitation facilities, construction and renovation subcontractors shall be paid wages at rates that are not less than the prevailing wage rates for similar construction in the locality involved, as determined by the Indian tribe, Tribes, or tribal organizations served by such facilities.

"SEC. 304. SOBOBA SANITATION FACILITIES.

"Nothing in the Act of December 17, 1970 (84 Stat. 1465) shall be construed to preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat 674), as amended by the Act of July 31, 1959 (73 Stat. 267).

"SEC. 305. EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION.

"(a) PERMISSIBILITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to accept any major expansion, renovation or modernization by any Indian tribe of any Service facility, or of any other Indian health facility operated pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act, including—

"(A) any plans or designs for such expansion, renovation or modernization; and

"(B) any expansion, renovation or modernization for which funds appropriated under any Federal law were lawfully expended;

but only if the requirements of subsection (b) are met.

"(2) PRIORITY LIST.—The Secretary shall maintain a separate priority list to address the need for increased operating expenses, personnel or equipment for such facilities described in paragraph (1). The methodology for establishing priorities shall be developed by negotiated rulemaking under section 802. The list of priority facilities will be revised annually in consultation with Indian tribes and tribal organizations.

"(3) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, the priority list maintained pursuant to paragraph (2).

"(b) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation or modernization if—

"(1) the tribe or tribal organization—

"(A) provides notice to the Secretary of its intent to expand, renovate or modernize; and

"(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel or equipment; and

"(2) the expansion renovation or modernization—

"(A) is approved by the appropriate area director of the Service for Federal facilities; and

"(B) is administered by the Indian tribe or tribal organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(c) RIGHT OF TRIBE IN CASE OF FAILURE OF FACILITY TO BE USED AS A SERVICE FACILITY.—If any Service facility which has been expanded, renovated or modernized by an Indian tribe under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation or modernization is completed, such Indian tribe shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation or modernization.

"SEC. 306. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

"(a) AVAILABILITY OF FUNDING.—

"(1) IN GENERAL.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organization, shall make funding available to tribes and tribal organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons as provided for in subsections (b)(2) and (c)(1)(C)). Funding under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) REQUIREMENT.—Funding under paragraph (1) may only be made available to an Indian tribe or tribal organization operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian tribe or tribal organization) pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Funds provided under this section may be used only for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 307; and

"(C) which, upon completion of such construction, expansion, or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) provide annually not less than 500 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B); and

"(iii) provide ambulatory care in a service area (specified in the funding agreement entered into under the Indian Self-Determination and Education Assistance Act) with a population of not less than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B).

"(2) LIMITATION.—Funding provided under this section may be used only for the cost of that portion of a construction, expansion or modernization project that benefits the service population described in clauses (ii) and (iii) of paragraph (1)(C). The requirements of such clauses (ii) and (iii) shall not apply to a tribe or tribal organization applying for funding under this section whose principal office for health care administration is located on an island or where such office is not located on a road system providing direct access to an inpatient hospital where care is available to the service population.

"(c) APPLICATION AND PRIORITY.—

"(1) APPLICATION.—No funding may be made available under this section unless an application for such funding has been submitted to and approved by the Secretary. An application or proposal for funding under this section shall be submitted in accordance with applicable regulations and shall set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out pursuant to funding received under this section—

"(A) adequate financial support will be available for the provision of services at such facility;

"(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

"(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

"(2) PRIORITY.—In awarding funds under this section, the Secretary shall give priority to tribes and tribal organizations that demonstrate—

"A) a need for increased ambulatory care services; and

"(B) insufficient capacity to deliver such services.

"(d) FAILURE TO USE FACILITY AS HEALTH FACILITY.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, within 5 years after completion of the construction, expansion, or modernization carried out with such funds, to be utilized for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian tribe or tribal organization.

"(e) NO INCLUSION IN TRIBAL SHARE.—Funding provided to Indian tribes and tribal organizations under this section shall be non-recurring and shall not be available for inclusion in any individual tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act or for reallocation or redesign thereunder.

"SEC. 307. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.

"(a) HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organizations, may enter into funding agreements with, or make grants or loan guarantees to, Indian tribes or tribal organizations for the purpose of carrying out a health care delivery demonstration project to test alternative means of delivering health care and services through health facilities, including hospice, traditional Indian health and child care facilities, to Indians.

"(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize funding for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

"(1) waive any leasing prohibition;

"(2) permit carryover of funds appropriated for the provision of health care services;

"(3) permit the use of other available funds;

"(4) permit the use of funds or property donated from any source for project purposes;

"(5) provide for the reversion of donated real or personal property to the donor; and

"(6) permit the use of Service funds to match other funds, including Federal funds.

"(c) CRITERIA.—

"(1) IN GENERAL.—The Secretary shall develop and publish regulations through rulemaking under section 802 for the review and approval of applications submitted under this section. The Secretary may enter into a contract, funding agreement or award a grant under this section for projects which meet the following criteria:

"(A) There is a need for a new facility or program or the reorientation of an existing facility or program.

"(B) A significant number of Indians, including those with low health status, will be served by the project.

"(C) The project has the potential to address the health needs of Indians in an innovative manner.

"(D) The project has the potential to deliver services in an efficient and effective manner.

"(E) The project is economically viable.

"(F) The Indian tribe or tribal organization has the administrative and financial capability to administer the project.

"(G) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services.

"(2) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and to advise the Secretary regarding such applications using the criteria developed pursuant to paragraph (1).

"(3) PRIORITY.—The Secretary shall give priority to applications for demonstration projects under this section in each of the following service units to the extent that such applications are filed in a timely manner and otherwise meet the criteria specified in paragraph (1):

"(A) Cass Lake, Minnesota.

"(B) Clinton, Oklahoma.

"(C) Harlem, Montana.

"(D) Mescalero, New Mexico.

"(E) Owyhee, Nevada.

"(F) Parker, Arizona.

"(G) Schurz, Nevada.

"(H) Winnebago, Nebraska.

"(I) Ft. Yuma, California

"(d) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(e) SERVICE TO INELIGIBLE PERSONS.—The authority to provide services to persons otherwise ineligible for the health care benefits of the Service and the authority to extend hospital privileges in Service facilities to non-Service health care practitioners as provided in section 807 may be included, subject to the terms of such section, in any demonstration project approved pursuant to this section.

"(f) EQUITABLE TREATMENT.—For purposes of subsection (c)(1)(A), the Secretary shall, in evaluating facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

(g) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation and expansion needs of Service and non-Service facilities which are the subject of a funding agreement for health services entered into with the Service under the Indian Self-Determination and Education Assistance Act, are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

"SEC. 308. LAND TRANSFER.

"(a) GENERAL AUTHORITY FOR TRANSFERS.—Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

"(b) CHEMAWA INDIAN SCHOOL.—The Bureau of Indian Affairs is authorized to transfer, at no cost, up to 5 acres of land at the Chemawa Indian School, Salem, Oregon, to the Service for the provision of health care services. The land authorized to be transferred by this section is that land adjacent to land under the jurisdiction of the Service and occupied by the Chemawa Indian Health Center.

"SEC. 309. LEASES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized, in carrying out the purposes of this Act, to enter into leases with Indian tribes and tribal organizations for periods not in excess of 20 years. Property leased by the Secretary from an Indian tribe or tribal organization may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe or tribal organization.

"(b) FACILITIES FOR THE ADMINISTRATION AND DELIVERY OF HEALTH SERVICES.—The Secretary may enter into leases, contracts, and other legal agreements with Indian tribes or tribal organizations which hold—

"(1) title to;

"(2) a leasehold interest in; or

"(3) a beneficial interest in (where title is held by the United States in trust for the benefit of a tribe);

facilities used for the administration and delivery of health services by the Service or by programs operated by Indian tribes or tribal organizations to compensate such Indian tribes or tribal organizations for costs associated with the use of such facilities for such purposes, and such leases shall be considered as operating leases for the purposes of scoring under the Budget Enforcement Act, notwithstanding any other provision of law. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable pursuant to regulations under section 105(l) of the Indian Self-Determination and Education Assistance Act.

"SEC. 310. LOANS, LOAN GUARANTEES AND LOAN REPAYMENT.

"(a) HEALTH CARE FACILITIES LOAN FUND.—There is established in the Treasury of the United States a fund to be known as the 'Health Care Facilities Loan Fund' (referred to in this Act as the 'HCFLF') to provide to Indian Tribes and tribal organizations direct loans, or guarantees for loans, for the construction of health care facilities (including inpatient facilities, outpatient facilities, associated staff quarters and specialized care facilities such as behavioral health and elder care facilities).

"(b) STANDARDS AND PROCEDURES.—The Secretary may promulgate regulations, developed through rulemaking as provided for in section 802, to establish standards and procedures for governing loans and loan guarantees under this section, subject to the following conditions:

“(1) The principal amount of a loan or loan guarantee may cover up to 100 percent of eligible costs, including costs for the planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, other facility related costs and capital purchase (but excluding staffing).

“(2) The cumulative total of the principal of direct loans and loan guarantees, respectively, outstanding at any one time shall not exceed such limitations as may be specified in appropriation Acts.

“(3) In the discretion of the Secretary, the program under this section may be administered by the Service or the Health Resources and Services Administration (which shall be specified by regulation).

“(4) The Secretary may make or guarantee a loan with a term of the useful estimated life of the facility, or 25 years, whichever is less.

“(5) The Secretary may allocate up to 100 percent of the funds available for loans or loan guarantees in any year for the purpose of planning and applying for a loan or loan guarantee.

“(6) The Secretary may accept an assignment of the revenue of an Indian tribe or tribal organization as security for any direct loan or loan guarantee under this section.

“(7) In the planning and design of health facilities under this section, users eligible under section 807(b) may be included in any projection of patient population.

“(8) The Secretary shall not collect loan application, processing or other similar fees from Indian tribes or tribal organizations applying for direct loans or loan guarantees under this section.

“(9) Service funds authorized under loans or loan guarantees under this section may be used in matching other Federal funds.

“(c) FUNDING.—

“(1) IN GENERAL.—The HCFLF shall consist of—

“(A) such sums as may be initially appropriated to the HCFLF and as may be subsequently appropriated under paragraph (2);

“(B) such amounts as may be collected from borrowers; and

“(C) all interest earned on amounts in the HCFLF.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to initiate the HCFLF. For each fiscal year after the initial year in which funds are appropriated to the HCFLF, there is authorized to be appropriated an amount equal to the sum of the amount collected by the HCFLF during the preceding fiscal year, and all accrued interest on such amounts.

“(3) AVAILABILITY OF FUNDS.—Amounts appropriated, collected or earned relative to the HCFLF shall remain available until expended.

“(d) FUNDING AGREEMENTS.—Amounts in the HCFLF and available pursuant to appropriation Acts may be expended by the Secretary, acting through the Service, to make loans under this section to an Indian tribe or tribal organization pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.

“(e) INVESTMENTS.—The Secretary of the Treasury shall invest such amounts of the HCFLF as such Secretary determines are not required to meet current withdrawals from the HCFLF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price. Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

“(f) GRANTS.—The Secretary is authorized to establish a program to provide grants to Indian tribes and tribal organizations for the purpose of repaying all or part of any loan obtained by an Indian tribe or tribal organization for construction and renovation of health care facilities (including inpatient facilities, outpatient facilities, associated staff quarters and specialized care facilities). Loans eligible for such repayment grants shall include loans that have been obtained under this section or otherwise.

“SEC. 311. TRIBAL LEASING.

“Indian Tribes and tribal organizations providing health care services pursuant to a funding agreement contract entered into under the Indian Self- Determination and Education Assistance Act may lease permanent structures for the purpose of providing such health care services without obtaining advance approval in appropriation Acts.

“SEC. 312. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian tribes and tribal organizations to establish joint venture demonstration projects under which an Indian tribe or tribal organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility.

“(2) USE OF RESOURCES.—A tribe or tribal organization may utilize tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under this subsection.

“(3) ELIGIBILITY OF CERTAIN ENTITIES.—A tribe that has begun and substantially completed the process of acquisition or construction of a health facility shall be eligible to establish a joint venture project with the Service using such health facility.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall enter into an arrangement under subsection (a)(1) with an Indian tribe or tribal organization only if—

“(A) the Secretary first determines that the Indian tribe or tribal organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the health facility described in subsection (a)(1); and

“(B) the Indian tribe or tribal organization meets the needs criteria that shall be developed through the negotiated rulemaking process provided for under section 802.

“(2) CONTINUED OPERATION OF FACILITY.—The Secretary shall negotiate an agreement with the Indian tribe or tribal organization regarding the continued operation of a facility under this section at the end of the initial 10 year no-cost lease period.

“(3) BREACH OR TERMINATION OF AGREEMENT.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the tribe or tribal organization, or paid to a third party on the tribe's or tribal organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies), and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence shall not apply to any funds expended for the delivery of health care services, or for personnel or staffing.

“(d) RECOVERY FOR NON-USE.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section shall be entitled to recover from the United States an amount that is proportional to the value of such facility should at any time within 10 years the Service ceases to use the facility or otherwise breaches the agreement.

“(e) DEFINITION.—In this section, the terms ‘health facility’ or ‘health facilities’ include staff quarters needed to provide housing for the staff of the tribal health program.

“SEC. 313. LOCATION OF FACILITIES.

“(a) PRIORITY.—The Bureau of Indian Affairs and the Service shall, in all matters involving the reorganization or development of Service facilities, or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, give priority to locating such facilities and projects on Indian lands if requested by the Indian owner and the Indian tribe with jurisdiction over such lands or other lands owned or leased by the Indian tribe or tribal organization so long as priority is given to Indian land owned by an Indian tribe or tribes.

“(b) DEFINITION.—In this section, the term ‘Indian lands’ means—

“(1) all lands within the exterior boundaries of any Indian reservation;

“(2) any lands title to which is held in trust by the United States for the benefit of any Indian tribe or individual Indian, or held by any Indian tribe or individual Indian subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power; and

“(3) all lands in Alaska owned by any Alaska Native village, or any village or regional corporation under the Alaska Native Claims Settlement Act, or any land allotted to any Alaska Native.

“SEC. 314. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

“(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report that identifies the backlog of maintenance and repair work required at both Service and tribal facilities, including new facilities expected to be in operation in the fiscal year after the year for which the report is being prepared. The report shall identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

“(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—

“(1) IN GENERAL.—The Secretary may expend maintenance and improvement funds to support the maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian tribe or tribal organization.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘supportable space allocation’ shall be defined through the negotiated rulemaking process provided for under section 802.

“(c) CONSTRUCTION OF REPLACEMENT FACILITIES.—

“(1) IN GENERAL.—In addition to using maintenance and improvement funds for the maintenance of facilities under subsection (b)(1), an Indian tribe or tribal organization may use such funds for the construction of a replacement facility if the costs of the renovation of such facility would exceed a maximum renovation cost threshold.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘maximum renovation cost threshold’ shall be defined through the negotiated rulemaking process provided for under section 802.

“SEC. 315. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

“(a) ESTABLISHMENT OF RENTAL RATES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe or tribal organization which operates a hospital or other health facility and the Federally-owned quarters associated therewith, pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act, may establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

“(2) OBJECTIVES.—In establishing rental rates under paragraph (1), an Indian tribe or tribal organization shall attempt to achieve the following objectives:

“(A) The rental rates should be based on the reasonable value of the quarters to the occupants thereof.

“(B) The rental rates should generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and, subject to the discretion of the Indian tribe or tribal organization, to supply reserve funds for capital repairs and replacement of the quarters.

“(3) ELIGIBILITY FOR QUARTERS IMPROVEMENT AND REPAIR.—Any quarters whose rental rates are established by an Indian tribe or tribal organization under this subsection shall continue to be eligible for quarters improvement and repair funds to the same extent as other Federally-owned quarters that are used to house personnel in Service-supported programs.

“(4) NOTICE OF CHANGE IN RATES.—An Indian tribe or tribal organization that exercises the authority provided under this subsection shall provide occupants with not less than 60 days notice of any change in rental rates.

“(b) COLLECTION OF RENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), an Indian tribe or a tribal organization that operates Federally-owned quarters pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

“(A) The Indian tribe or tribal organization shall notify the Secretary and the Federal employees involved of its election to exercise its authority to collect rents directly from such Federal employees.

“(B) Upon the receipt of a notice described in subparagraph (A), the Federal employees involved shall pay rents for the occupancy of such quarters directly to the Indian tribe or tribal organization and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

“(C) Such rent payments shall be retained by the Indian tribe or tribal organization and shall not be made payable to or otherwise be deposited with the United States.

“(D) Such rent payments shall be deposited into a separate account which shall be used by the Indian tribe or tribal organization for the maintenance (including capital repairs and replacement expenses) and operation of the quarters and facilities as the Indian tribe or tribal organization shall determine appropriate.

“(2) RETROCESSION.—If an Indian tribe or tribal organization which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying Federally-owned quarters, such retrocession shall become effective on the earlier of—

“(A) the first day of the month that begins not less than 180 days after the Indian tribe or tribal organization notifies the Secretary of its desire to retrocede; or

“(B) such other date as may be mutually agreed upon by the Secretary and the Indian tribe or tribal organization.

“(c) RATES.—To the extent that an Indian tribe or tribal organization, pursuant to authority granted in subsection (a), establishes rental rates for Federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

“SEC. 316. APPLICABILITY OF BUY AMERICAN REQUIREMENT.

“(a) IN GENERAL.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in section 318, except that Indian tribes and tribal organizations shall be exempt from such requirements.

“(b) FALSE OR MISLEADING LABELING.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to the authorization contained in section 318, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

“(c) DEFINITION.—In this section, the term ‘Buy American Act’ means title III of the Act entitled ‘An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes’, approved March 3, 1933 (41 U.S.C. 10a et seq.).

“SEC. 317. OTHER FUNDING FOR FACILITIES.

“Notwithstanding any other provision of law—

“(1) the Secretary may accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design and construct health care facilities for Indians and to place such funds into funding agreements authorized under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f et seq.) between the Secretary and an Indian tribe or tribal organization, except that the receipt of such funds shall not have an effect on the priorities established pursuant to section 301;

“(2) the Secretary may enter into interagency agreements with other Federal or State agencies and other entities and to accept funds from such Federal or State agencies or other entities to provide for the planning, design and construction of health care facilities to be administered by the Service or by Indian tribes or tribal organizations under the Indian Self-Determination and Education Assistance Act in order to carry out the purposes of this Act, together with the purposes for which such funds are appropriated to such other Federal or State agency or for which the funds were otherwise provided;

“(3) any Federal agency to which funds for the construction of health care facilities are appropriated is authorized to transfer such funds to the Secretary for the construction of health care facilities to carry out the purposes of this Act as well as the purposes for which such funds are appropriated to such other Federal agency; and

“(4) the Secretary, acting through the Service, shall establish standards under regulations developed through rulemaking under section 802, for the planning, design and construction of health care facilities serving Indians under this Act.

“SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

“TITLE IV—ACCESS TO HEALTH SERVICES

“SEC. 401. TREATMENT OF PAYMENTS UNDER MEDICARE PROGRAM.

“(a) IN GENERAL.—Any payments received by the Service, by an Indian tribe or tribal organization pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization pursuant to title V of this Act for services provided to Indians eligible for benefits under title XVIII of the Social Security Act shall not be considered in determining appropriations for health care and services to Indians.

“(b) EQUAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian beneficiary with coverage under title XVIII of the Social Security Act in preference to an Indian beneficiary without such coverage.

“(c) SPECIAL FUND.—

“(1) USE OF FUNDS.—Notwithstanding any other provision of this title or of title XVIII of the Social Security Act, payments to which any facility of the Service is entitled by reason of this section shall be placed in a special fund to be held by the Secretary and first used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of this title and of title XVIII of the Social Security Act. Any funds to be reimbursed which are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to the consultation with tribes being served by the service unit, be used for reducing the health resource deficiencies of the Indian tribes.

“(2) NONAPPLICATION IN CASE OF ELECTION FOR DIRECT BILLING.—Paragraph (1) shall not apply upon the election of an Indian tribe or tribal organization under section 405 to receive direct payments for services provided to Indians eligible for benefits under title XVIII of the Social Security Act.

“SEC. 402. TREATMENT OF PAYMENTS UNDER MEDICAID PROGRAM.

“(a) SPECIAL FUND.—

“(1) USE OF FUNDS.—Notwithstanding any other provision of law, payments to which any facility of the Service (including a hospital, nursing facility, intermediate care facility for the mentally retarded, or any other type of facility which provides services for which payment is available under title XIX of the Social Security Act) is entitled under a State plan by reason of section 1911 of such Act shall be placed in a special fund to be held by the Secretary and first used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of such title. Any payments which are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to the consultation with tribes being served by the service unit, be used for reducing the health resource deficiencies of the Indian tribes. In making payments from such fund, the Secretary shall ensure that each service unit of the Service receives 100 percent of the amounts to which the facilities of the Service, for which such service unit makes collections, are entitled by reason of section 1911 of the Social Security Act.

"(2) Nonapplication in case of election for direct billing.—Paragraph (1) shall not apply upon the election of an Indian tribe or tribal organization under section 405 to receive direct payments for services provided to Indians eligible for medical assistance under title XIX of the Social Security Act.

"(b) Payments Disregarded for Appropriations.—Any payments received under section 1911 of the Social Security Act for services provided to Indians eligible for benefits under title XIX of the Social Security Act shall not be considered in determining appropriations for the provision of health care and services to Indians.

"(c) Direct Billing.—For provisions relating to the authority of certain Indian tribes and tribal organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or tribal organizations and for which payment may be made under this title, see section 405.

"SEC. 403. REPORT.

"(a) Inclusion in Annual Report.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to the Congress under section 801, an accounting on the amount and use of funds made available to the Service pursuant to this title as a result of reimbursements under titles XVIII and XIX of the Social Security Act.

"(b) Identification of Source of Payments.—If an Indian tribe or tribal organization receives funding from the Service under the Indian Self-Determination and Education Assistance Act or an urban Indian organization receives funding from the Service under Title V of this Act and receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, such Indian tribe or tribal organization, or urban Indian organization, shall provide to the Service a list of each provider enrollment number (or other identifier) under which it receives such reimbursements or payments.

"SEC. 404. GRANTS TO AND FUNDING AGREEMENTS WITH THE SERVICE, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.

"(a) In General.—The Secretary shall make grants to or enter into funding agreements with Indian tribes and tribal organizations to assist such organizations in establishing and administering programs on or near Federal Indian reservations and trust areas and in or near Alaska Native villages to assist individual Indians to—

"(1) enroll under sections 1818, 1836, and 1837 of the Social Security Act;

"(2) pay premiums for health insurance coverage; and

"(3) apply for medical assistance provided pursuant to titles XIX and XXI of the Social Security Act.

"(b) Conditions.—The Secretary shall place conditions as deemed necessary to effect the purpose of this section in any funding agreement or grant which the Secretary makes with any Indian tribe or tribal organization pursuant to this section. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of Indians to be served that are or could be recipients of benefits or assistance under titles XVIII, XIX, and XXI of the Social Security Act;

"(2) assist individual Indians in becoming familiar with and utilizing such benefits and assistance;

"(3) provide transportation to such individual Indians to the appropriate offices for enrollment or applications for such benefits and assistance;

"(4) develop and implement—

"(A) a schedule of income levels to determine the extent of payments of premiums by such organizations for health insurance coverage of needy individuals; and

"(B) methods of improving the participation of Indians in receiving the benefits and assistance provided under titles XVIII, XIX, and XXI of the Social Security Act.

"(c) Agreements For Receipt and Processing of Applications.—The Secretary may enter into an agreement with an Indian tribe or tribal organization, or an urban Indian organization, which provides for the receipt and processing of applications for medical assistance under title XIX of the Social Security Act, child health assistance under title XXI of such Act and benefits under title XVIII of such Act by a Service facility or a health care program administered by such Indian tribe or tribal organization, or urban Indian organization, pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act or a grant or contract entered into with an urban Indian organization under title V of this Act. Notwithstanding any other provision of law, such agreements shall provide for reimbursement of the cost of outreach, education regarding eligibility and benefits, and translation when such services are provided. The reimbursement may be included in an encounter rate or be made on a fee-for-service basis as appropriate for the provider. When necessary to carry out the terms of this section, the Secretary, acting through the Health Care Financing Administration or the Service, may enter into agreements with a State (or political subdivision thereof) to facilitate cooperation between the State and the Service, an Indian tribe or tribal organization, and an urban Indian organization.

"(d) Grants.—

"(1) In general.—The Secretary shall make grants or enter into contracts with urban Indian organizations to assist such organizations in establishing and administering programs to assist individual urban Indians to—

"(A) enroll under sections 1818, 1836, and 1837 of the Social Security Act;

"(B) pay premiums on behalf of such individuals for coverage under title XVIII of such Act; and

"(C) apply for medical assistance provided under title XIX of such Act and for child health assistance under title XXI of such Act.

"(2) Requirements.—The Secretary shall include in the grants or contracts made or entered into under paragraph (1) requirements that are—

"(A) consistent with the conditions imposed by the Secretary under subsection (b);

"(B) appropriate to urban Indian organizations and urban Indians; and

"(C) necessary to carry out the purposes of this section.

"SEC. 405. DIRECT BILLING AND REIMBURSEMENT OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

"(a) Direct Billing.—

"(1) In general.—An Indian tribe or tribal organization may directly bill for, and receive payment for, health care services provided by such tribe or organization for which payment is made under title XVIII of the Social Security Act, under a State plan for medical assistance approved under title XIX of such Act, under a State child health plan approved under title XXI of such Act, or from any other third party payor.

"(2) Application of 100 percent FMAP.—The third sentence of section 1905(b) of the Social Security Act and section 2101(c) of such Act shall apply for purposes of reimbursement under the medicaid or State children's health insurance program for health care services directly billed under the program established under this section.

"(b) Direct Reimbursement.—

"(1) Use of Funds.—Each Indian tribe or tribal organization exercising the option described in subsection (a) of this section shall be reimbursed directly under the medicare, medicaid, and State children's health insurance programs for services furnished, without regard to the provisions of sections 1880(c) of the Social Security Act and section 402(a) of this Act, but all funds so reimbursed shall first be used by the health program for the purpose of making any improvements in the facility or health programs that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such health services under the medicare, medicaid, or State children's health insurance program. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions or requirements shall be used to provide additional health services, improvements in its health care facilities, or otherwise to achieve the health objectives provided for under section 3 of this Act.

"(2) Audits.—The amounts paid to the health programs exercising the option described in subsection (a) shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare, medicaid, and State children's health insurance programs.

"(3) No Payments from Special Funds.—Notwithstanding section 401(c) or section 402(a), no payment may be made out of the special fund described in section 401(c) or 402(a), for the benefit of any health program exercising the option described in subsection (a) of this section during the period of such participation.

"(c) Examination and Implementation of Changes.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid or State children's health insurance program.

"(d) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that an Indian tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination and Education Assistance Act. All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

"(e) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), neither the United States through the Service, nor an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, nor an urban Indian organization funded under title V, shall have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization, or urban Indian organization. Where such tribal authorization is provided, the Service may receive and expend such funds for the provision of additional health services.

"SEC. 406. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

"(a) RIGHT OF RECOVERY.—Except as provided in subsection (g), the United States, an Indian tribe or tribal organization shall have the right to recover the reasonable charges billed or expenses incurred by the Secretary or an Indian tribe or tribal organization in providing health services, through the Service or an Indian tribe or tribal organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if—

"(1) such services had been provided by a nongovernmental provider; and

"(2) such individual had been required to pay such charges or expenses and did pay such expenses.

"(b) URBAN INDIAN ORGANIZATIONS.—Except as provided in subsection (g), an urban Indian organization shall have the right to recover the reasonable charges billed or expenses incurred by the organization in providing health services to any individual to the same extent that such individual, or any other nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if such individual had been required to pay such charges or expenses and did pay such charges or expenses.

"(c) LIMITATIONS ON RECOVERIES FROM STATES.—Subsections (a) and (b) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

"(1) workers' compensation laws; or

"(2) a no-fault automobile accident insurance plan or program.

"(d) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract entered into or renewed after the date of enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States or an Indian tribe or tribal organization under subsection (a), or an urban Indian organization under subsection (b).

"(e) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States or an Indian tribe or tribal organization to enforce the right of recovery provided under subsection (a), or by an urban Indian organization to enforce the right of recovery provided under subsection (b), shall affect the right of any person to any damages (other than damages for the cost of health services provided by the Secretary through the Service).

"(f) METHODS OF ENFORCEMENT.—

"(1) IN GENERAL.—The United States or an Indian tribe or tribal organization may enforce the right of recovery provided under subsection (a), and an urban Indian organization may enforce the right of recovery provided under subsection (b), by—

"(A) intervening or joining in any civil action or proceeding brought—

"(i) by the individual for whom health services were provided by the Secretary, an Indian tribe or tribal organization, or urban Indian organization; or

"(ii) by any representative or heirs of such individual; or

"(B) instituting a civil action.

"(2) NOTICE.—All reasonable efforts shall be made to provide notice of an action instituted in accordance with paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

"(g) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), neither the United States through the Service, nor an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, nor an urban Indian organization funded under title V, shall have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization, or urban Indian organization. Where such tribal authorization is provided, the Service may receive and expend such funds for the provision of additional health services.

"(h) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded reasonable attorneys' fees and costs of litigation.

"(i) RIGHT OF ACTION AGAINST INSURERS AND EMPLOYEE BENEFIT PLANS.—

"(1) IN GENERAL.—Where an insurance company or employee benefit plan fails or refuses to pay the amount due under subsection (a) for services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the United States or an Indian tribe or tribal organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries of such company or plan, that the individual could assert or pursue under applicable Federal, State or tribal law.

"(2) URBAN INDIAN ORGANIZATIONS.—Where an insurance company or employee benefit plan fails or refuses to pay the amounts due under subsection (b) for health services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the urban Indian organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries of such company or plan, that the individual could assert or pursue under applicable Federal or State law.

"(j) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—Notwithstanding any other provision in law, the Service, an Indian tribe or tribal organization, or an urban Indian organization shall have a right of recovery for any otherwise reimbursable claim filed on a current HCFA-1500 or UB-92 form, or the current NSF electronic format, or their successors. No health plan shall deny payment because a claim has not been submitted in a unique format that differs from such forms.

"SEC. 407. CREDITING OF REIMBURSEMENTS.

"(a) RETENTION OF FUNDS.—Except as provided in section 202(d), this title, and section 807, all reimbursements received or recovered under the authority of this Act, Public Law 87-693, or any other provision of law, by reason of the provision of health services by the Service or by an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization funded under title V, shall be retained by the Service or that tribe or tribal organization and shall be available for the facilities, and to carry out the programs, of the Service or that tribe or tribal organization to provide health care services to Indians.

"(b) NO OFFSET OF FUNDS.—The Service may not offset or limit the amount of funds obligated to any service unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

"SEC. 408. PURCHASING HEALTH CARE COVERAGE.

"An Indian tribe or tribal organization, and an urban Indian organization may utilize funding from the Secretary under this Act to purchase managed care coverage for Service beneficiaries (including insurance to limit the financial risks of managed care entities) from—

"(1) a tribally owned and operated managed care plan;

"(2) a State or locally-authorized or licensed managed care plan; or

"(3) a health insurance provider.

"SEC. 409. INDIAN HEALTH SERVICE, DEPARTMENT OF VETERAN'S AFFAIRS, AND OTHER FEDERAL AGENCY HEALTH FACILITIES AND SERVICES SHARING.

"(a) EXAMINATION OF FEASIBILITY OF ARRANGEMENTS.—

"(1) IN GENERAL.—The Secretary shall examine the feasibility of entering into arrangements or expanding existing arrangements for the sharing of medical facilities and services between the Service and the Veterans' Administration, and other appropriate Federal agencies, including those within the Department, and shall, in accordance with subsection (b), prepare a report on the feasibility of such arrangements.

"(2) SUBMISSION OF REPORT.—Not later than September 30, 2000, the Secretary shall submit the report required under paragraph (1) to Congress.

"(3) CONSULTATION REQUIRED.—The Secretary may not finalize any arrangement described in paragraph (1) without first consulting with the affected Indian tribes.

“(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

“(1) the priority access of any Indian to health care services provided through the Service;

“(2) the quality of health care services provided to any Indian through the Service;

“(3) the priority access of any veteran to health care services provided by the Veterans' Administration;

“(4) the quality of health care services provided to any veteran by the Veteran's Administration;

“(5) the eligibility of any Indian to receive health services through the Service; or

“(6) the eligibility of any Indian who is a veteran to receive health services through the Veterans' Administration provided, however, the Service or the Indian tribe or tribal organization shall be reimbursed by the Veterans' Administration where services are provided through the Service or Indian tribes or tribal organizations to beneficiaries eligible for services from the Veterans' Administration, notwithstanding any other provision of law.

“(c) AGREEMENTS FOR PARITY IN SERVICES.—The Service may enter into agreements with other Federal agencies to assist in achieving parity in services for Indians. Nothing in this section may be construed as creating any right of a veteran to obtain health services from the Service.

“SEC. 410. PAYOR OF LAST RESORT.

“The Service, and programs operated by Indian tribes or tribal organizations, or urban Indian organizations shall be the payor of last resort for services provided to individuals eligible for services from the Service and such programs, notwithstanding any Federal, State or local law to the contrary, unless such law explicitly provides otherwise.

“SEC. 411. RIGHT TO RECOVER FROM FEDERAL HEALTH CARE PROGRAMS .

“Notwithstanding any other provision of law, the Service, Indian tribes or tribal organizations, and urban Indian organizations (notwithstanding limitations on who is eligible to receive services from such entities) shall be entitled to receive payment or reimbursement for services provided by such entities from any Federally funded health care program, unless there is an explicit prohibition on such payments in the applicable authorizing statute.

“SEC. 412. TUBA CITY DEMONSTRATION PROJECT.

“(a) IN GENERAL.—Notwithstanding any other provision of law, including the Anti-Deficiency Act, provided the Indian tribes to be served approve, the Service in the Tuba City Service Unit may—

“(1) enter into a demonstration project with the State of Arizona under which the Service would provide certain specified medicaid services to individuals dually eligible for services from the Service and for medical assistance under title XIX of the Social Security Act in return for payment on a capitated basis from the State of Arizona; and

“(2) purchase insurance to limit the financial risks under the project.

“(b) EXTENSION OF PROJECT.—The demonstration project authorized under subsection (a) may be extended to other service units in Arizona, subject to the approval of the Indian tribes to be served in such service units, the Service, and the State of Arizona.

“SEC. 413. ACCESS TO FEDERAL INSURANCE.

“Notwithstanding the provisions of title 5, United States Code, Executive Order, or administrative regulation, an Indian tribe or tribal organization carrying out programs under the Indian Self-Determination and Education Assistance Act or an urban Indian organization carrying out programs under title V of this Act shall be entitled to purchase coverage, rights and benefits for the employees of such Indian tribe or tribal organization, or urban Indian organization, under chapter 89 of title 5, United States Code, and chapter 87 of such title if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with such Indian tribe or tribal organization, or urban Indian organization, are currently deposited in the applicable Employee's Fund under such title.

“SEC. 414. CONSULTATION AND RULEMAKING.

“(a) CONSULTATION.—Prior to the adoption of any policy or regulation by the Health Care Financing Administration, the Secretary shall require the Administrator of that Administration to—

“(1) identify the impact such policy or regulation may have on the Service, Indian tribes or tribal organizations, and urban Indian organizations;

“(2) provide to the Service, Indian tribes or tribal organizations, and urban Indian organizations the information described in paragraph (1);

“(3) engage in consultation, consistent with the requirements of Executive Order 13084 of May 14, 1998, with the Service, Indian tribes or tribal organizations, and urban Indian organizations prior to enacting any such policy or regulation.

“(b) RULEMAKING.—The Administrator of the Health Care Financing Administration shall participate in the negotiated rulemaking provided for under title VIII with regard to any regulations necessary to implement the provisions of this title that relate to the Social Security Act.

“SEC. 415. LIMITATIONS ON CHARGES.

“No provider of health services that is eligible to receive payments or reimbursements under titles XVIII, XIX, or XXI of the Social Security Act or from any Federally funded (whether in whole or part) health care program may seek to recover payment for services—

“(1) that are covered under and furnished to an individual eligible for the contract health services program operated by the Service, by an Indian tribe or tribal organization, or furnished to an urban Indian eligible for health services purchased by an urban Indian organization, in an amount in excess of the lowest amount paid by any other payor for comparable services; or

“(2) for examinations or other diagnostic procedures that are not medically necessary if such procedures have already been performed by the referring Indian health program and reported to the provider.

“SEC. 416. LIMITATION ON SECRETARY'S WAIVER AUTHORITY.

“Notwithstanding any other provision of law, the Secretary may not waive the application of section 1902(a)(13)(D) of the Social Security Act to any State plan under title XIX of the Social Security Act.

“SEC. 417. WAIVER OF MEDICARE AND MEDICAID SANCTIONS.

“Notwithstanding any other provision of law, the Service or an Indian tribe or tribal organization or an urban Indian organization operating a health program under the Indian Self-Determination and Education Assistance Act shall be entitled to seek a waiver of sanctions imposed under title XVIII, XIX, or XXI of the Social Security Act as if such entity were directly responsible for administering the State health care program.

“SEC. 418. MEANING OF ‘REMUNERATION’ FOR PURPOSES OF SAFE HARBOR PROVISIONS; ANTITRUST IMMUNITY.

“(a) MEANING OF REMUNERATION.—Notwithstanding any other provision of law, the term ‘remuneration’ as used in sections 1128A and 1128B of the Social Security Act shall not include any exchange of anything of value between or among—

“(1) any Indian tribe or tribal organization or an urban Indian organization that administers health programs under the authority of the Indian Self-Determination and Education Assistance Act;

“(2) any such Indian tribe or tribal organization or urban Indian organization and the Service;

“(3) any such Indian tribe or tribal organization or urban Indian organization and any patient served or eligible for service under such programs, including patients served or eligible for service pursuant to section 813 of this Act (as in effect on the day before the date of enactment of the Indian Health Care Improvement Act Reauthorization of 2000); or

“(4) any such Indian tribe or tribal organization or urban Indian organization and any third party required by contract, section 206 or 207 of this Act (as so in effect), or other applicable law, to pay or reimburse the reasonable health care costs incurred by the United States or any such Indian tribe or tribal organization or urban Indian organization;

provided the exchange arises from or relates to such health programs.

“(b) ANTITRUST IMMUNITY.—An Indian tribe or tribal organization or an urban Indian organization that administers health programs under the authority of the Indian Self-Determination and Education Assistance Act or title V shall be deemed to be an agency of the United States and immune from liability under the Acts commonly known as the Sherman Act, the Clayton Act, the Robinson-Patman Anti-Discrimination Act, the Federal Trade Commission Act, and any other Federal, State, or local antitrust laws, with regard to any transaction, agreement, or conduct that relates to such programs.

“SEC. 419. CO-INSURANCE, CO-PAYMENTS, DEDUCTIBLES AND PREMIUMS.

“(a) EXEMPTION FROM COST-SHARING REQUIREMENTS.—Notwithstanding any other provision of Federal or State law, no Indian who is eligible for services under title XVIII, XIX, or XXI of the Social Security Act, or under any other Federally funded health care programs, may be charged a deductible, co-payment, or co-insurance for any service provided by or through the Service, an Indian tribe or tribal organization or urban Indian organization, nor may the payment or reimbursement due to the Service or an Indian tribe or tribal organization or urban Indian organization be reduced by the amount of the deductible, co-payment, or co-insurance that would be due from the Indian but for the operation of this section. For the purposes of this section, the term ‘through’ shall include services provided directly, by referral, or under contracts or other arrangements between the Service, an Indian tribe or tribal organization or an urban Indian organization and another health provider.

“(b) EXEMPTION FROM PREMIUMS.—

“(1) MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM.—Notwithstanding any other provision of Federal or State law, no Indian who is otherwise eligible for medical assistance under title XIX of the Social Security Act or child health assistance under title XXI of such Act may be charged a premium as a condition of receiving such assistance under title XIX of XXI of such Act.

"(2) MEDICARE ENROLLMENT PREMIUM PENALTIES.—Notwithstanding section 1839(b) of the Social Security Act or any other provision of Federal or State law, no Indian who is eligible for benefits under part B of title XVIII of the Social Security Act, but for the payment of premiums, shall be charged a penalty for enrolling in such part at a time later than the Indian might otherwise have been first eligible to do so. The preceding sentence applies whether an Indian pays for premiums under such part directly or such premiums are paid by another person or entity, including a State, the Service, an Indian Tribe or tribal organization, or an urban Indian organization.

"SEC. 420. INCLUSION OF INCOME AND RESOURCES FOR PURPOSES OF MEDICALLY NEEDY MEDICAID ELIGIBILITY.

"For the purpose of determining the eligibility under section 1902(a)(10)(A)(ii)(IV) of the Social Security Act of an Indian for medical assistance under a State plan under title XIX of such Act, the cost of providing services to an Indian in a health program of the Service, an Indian Tribe or tribal organization, or an urban Indian organization shall be deemed to have been an expenditure for health care by the Indian.

"SEC. 421. ESTATE RECOVERY PROVISIONS.

"Notwithstanding any other provision of Federal or State law, the following property may not be included when determining eligibility for services or implementing estate recovery rights under title XVIII, XIX, or XXI of the Social Security Act, or any other health care programs funded in whole or part with Federal funds:

"(1) Income derived from rents, leases, or royalties of property held in trust for individuals by the Federal Government.

"(2) Income derived from rents, leases, royalties, or natural resources (including timber and fishing activities) resulting from the exercise of Federally protected rights, whether collected by an individual or a tribal group and distributed to individuals.

"(3) Property, including interests in real property currently or formerly held in trust by the Federal Government which is protected under applicable Federal, State or tribal law or custom from recourse, including public domain allotments.

"(4) Property that has unique religious or cultural significance or that supports subsistence or traditional life style according to applicable tribal law or custom.

"SEC. 422. MEDICAL CHILD SUPPORT.

"Notwithstanding any other provision of law, a parent shall not be responsible for reimbursing the Federal Government or a State for the cost of medical services provided to a child by or through the Service, an Indian tribe or tribal organization or an urban Indian organization. For the purposes of this subsection, the term 'through' includes services provided directly, by referral, or under contracts or other arrangements between the Service, an Indian Tribe or tribal organization or an urban Indian organization and another health provider.

"SEC. 423. PROVISIONS RELATING TO MANAGED CARE.

"(a) RECOVERY FROM MANAGED CARE PLANS.—Notwithstanding any other provision in law, the Service, an Indian Tribe or tribal organization or an urban Indian organization shall have a right of recovery under section 408 from all private and public health plans or programs, including the medicare, medicaid, and State children's health insurance programs under titles XVIII, XIX, and XXI of the Social Security Act, for the reasonable costs of delivering health services to Indians entitled to receive services from the Service, an Indian Tribe or tribal organization or an urban Indian organization.

"(b) LIMITATION.—No provision of law or regulation, or of any contract, may be relied upon or interpreted to deny or reduce payments otherwise due under subsection (a), except to the extent the Service, an Indian tribe or tribal organization, or an urban Indian organization has entered into an agreement with a managed care entity regarding services to be provided to Indians or rates to be paid for such services, provided that such an agreement may not be made a prerequisite for such payments to be made.

"(c) PARITY.—Payments due under subsection (a) from a managed care entity may not be paid at a rate that is less than the rate paid to a 'preferred provider' by the entity or, in the event there is no such rate, the usual and customary fee for equivalent services.

"(d) NO CLAIM REQUIREMENT.—A managed care entity may not deny payment under subsection (a) because an enrollee with the entity has not submitted a claim.

"(e) DIRECT BILLING.—Notwithstanding the preceding subsections of this section, the Service, an Indian tribe or tribal organization, or an urban Indian organization that provides a health service to an Indian entitled to medical assistance under the State plan under title XIX of the Social Security Act or enrolled in a child health plan under title XXI of such Act shall have the right to be paid directly by the State agency administering such plans notwithstanding any agreements the State may have entered into with managed care organizations or providers.

"(f) REQUIREMENT FOR MEDICAID MANAGED CARE ENTITIES.—A managed care entity (as defined in section 1932(a)(1)(B) of the Social Security Act shall, as a condition of participation in the State plan under title XIX of such Act, offer a contract to health programs administered by the Service, an Indian tribe or tribal organization or an urban Indian organization that provides health services in the geographic area served by the managed care entity and such contract (or other provider participation agreement) shall contain terms and conditions of participation and payment no more restrictive or onerous than those provided for in this section.

"(g) PROHIBITION.—Notwithstanding any other provision of law or any waiver granted by the Secretary no Indian may be assigned automatically or by default under any managed care entity participating in a State plan under title XIX or XXI of the Social Security Act unless the Indian had the option of enrolling in a managed care plan or health program administered by the Service, an Indian tribe or tribal organization, or an urban Indian organization.

"(h) INDIAN MANAGED CARE PLANS.—Notwithstanding any other provision of law, any State entering into agreements with one or more managed care organizations to provide services under title XIX or XXI of the Social Security Act shall enter into such an agreement with the Service, an Indian tribe or tribal organization or an urban Indian organization under which such an entity may provide services to Indians who may be eligible or required to enroll with a managed care organization through enrollment in an Indian managed care organization that provides services similar to those offered by other managed care organizations in the State. The Secretary and the State are hereby authorized to waive requirements regarding discrimination, capitalization, and other matters that might otherwise prevent an Indian managed care organization or health program from meeting Federal or State standards applicable to such organizations, provided such Indian managed care organization or health program offers Indian enrollees services of an equivalent quality to that required of other managed care organizations.

"(i) ADVERTISING.—A managed care organization entering into a contract to provide services to Indians on or near an Indian reservation shall provide a certificate of coverage or similar type of document that is written in the Indian language of the majority of the Indian population residing on such reservation.

"SEC. 424. NAVAJO NATION MEDICAID AGENCY.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may treat the Navajo Nation as a State under title XIX of the Social Security Act for purposes of providing medical assistance to Indians living within the boundaries of the Navajo Nation.

"(b) ASSIGNMENT AND PAYMENT.—Notwithstanding any other provision of law, the Secretary may assign and pay all expenditures related to the provision of services to Indians living within the boundaries of the Navajo Nation under title XIX of the Social Security Act (including administrative expenditures) that are currently paid to or would otherwise be paid to the States of Arizona, New Mexico, and Utah, to an entity established by the Navajo Nation and approved by the Secretary, which shall be denominated the Navajo Nation Medicaid Agency.

"(c) AUTHORITY.—The Navajo Nation Medicaid Agency shall serve Indians living within the boundaries of the Navajo Nation and shall have the same authority and perform the same functions as other State agency responsible for the administration of the State plan under title XIX of the Social Security Act.

"(d) TECHNICAL ASSISTANCE.—The Secretary may directly assist the Navajo Nation in the development and implementation of a Navajo Nation Medicaid Agency for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act (which shall, for purposes of reimbursement to such Nation, include Western and traditional Navajo healing services) within the Navajo Nation. Such assistance may include providing funds for demonstration projects conducted with such Nation.

"(e) FMAP.—Notwithstanding section 1905(b) of the Social Security Act, the Federal medical assistance percentage shall be 100 per cent with respect to amounts the Navajo Nation Medicaid agency expends for medical assistance and related administrative costs.

"(f) WAIVER AUTHORITY.—The Secretary shall have the authority to waive applicable provisions of Title XIX of the Social Security Act to establish, develop and implement the Navajo Nation Medicaid Agency.

"(g) SCHIP.—At the option of the Navajo Nation, the Secretary may treat the Navajo Nation as a State for purposes of title XXI of the Social Security Act under terms equivalent to those described in the preceding subsections of this section.

“SEC. 425. INDIAN ADVISORY COMMITTEES.

“(a) National Indian Technical Advisory Group.—The Administrator of the Health Care Financing Administration shall establish and fund the expenses of a National Indian Technical Advisory Group which shall have no fewer than 14 members, including at least 1 member designated by the Indian tribes and tribal organizations in each service area, 1 urban Indian organization representative, and 1 member representing the Service. The scope of the activities of such group shall be established under section 802 provided that such scope shall include providing comment on and advice regarding the programs funded under titles XVIII, XIX, and XXI of the Social Security Act or regarding any other health care program funded (in whole or part) by the Health Care Financing Administration.

“(b) Indian Medicaid Advisory Committees.—The Administrator of the Health Care Financing Administration shall establish and provide funding for a Indian Medicaid Advisory Committee made up of designees of the Service, Indian tribes and tribal organizations and urban Indian organizations in each State in which the Service directly operates a health program or in which there is one or more Indian tribe or tribal organization or urban Indian organization.

“SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2012 to carry out this title.”.

“TITLE V—HEALTH SERVICES FOR URBAN INDIANS

“SEC. 501. PURPOSE.

“The purpose of this title is to establish programs in urban centers to make health services more accessible and available to urban Indians.

“SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

“Under the authority of the Act of November 2, 1921 (25 U.S.C. 13)(commonly known as the Snyder Act), the Secretary, through the Service, shall enter into contracts with, or make grants to, urban Indian organizations to assist such organizations in the establishment and administration, within urban centers, of programs which meet the requirements set forth in this title. The Secretary, through the Service, subject to section 506, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract which the Secretary enters into with, or in any grant the Secretary makes to, any urban Indian organization pursuant to this title.

“SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

“(a) Authority.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, urban Indian organizations for the provision of health care and referral services for urban Indians. Any such contract or grant shall include requirements that the urban Indian organization successfully undertake to—

“(1) estimate the population of urban Indians residing in the urban center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

“(2) estimate the current health status of urban Indians residing in such urban center or centers;

“(3) estimate the current health care needs of urban Indians residing in such urban center or centers;

“(4) provide basic health education, including health promotion and disease prevention education, to urban Indians;

“(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

“(6) where necessary, provide, or enter into contracts for the provision of, health care services for urban Indians.

“(b) Criteria.—The Secretary, acting through the Service, shall by regulation adopted pursuant to section 520 prescribe the criteria for selecting urban Indian organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

“(1) the extent of unmet health care needs of urban Indians in the urban center or centers involved;

“(2) the size of the urban Indian population in the urban center or centers involved;

“(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title;

“(4) the capability of an urban Indian organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

“(5) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

“(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an urban center or centers; and

“(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

“(c) Health Promotion and Disease Prevention.—The Secretary, acting through the Service, shall facilitate access to, or provide, health promotion and disease prevention services for urban Indians through grants made to urban Indian organizations administering contracts entered into pursuant to this section or receiving grants under subsection (a).

“(d) Immunization Services.—

“(1) In general.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for urban Indians through grants made to urban Indian organizations administering contracts entered into, or receiving grants, under this section.

“(3) Definition.—In this section, the term ‘immunization services’ means services to provide without charge immunizations against vaccine-preventable diseases.

“(e) Mental Health Services.—

“(1) In general.—The Secretary, acting through the Service, shall facilitate access to, or provide, mental health services for urban Indians through grants made to urban Indian organizations administering contracts entered into, or receiving grants, under this section.

“(2) Assessment.—A grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment of the mental health needs of the urban Indian population concerned, the mental health services and other related resources available to that population, the barriers to obtaining those services and resources, and the needs that are unmet by such services and resources.

“(3) Use of funds.—Grants may be made under this subsection—

“(A) to prepare assessments required under paragraph (2);

“(B) to provide outreach, educational, and referral services to urban Indians regarding the availability of direct behavioral health services, to educate urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to urban Indians;

“(C) to provide outpatient behavioral health services to urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment; and

“(D) to develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

“(f) Child Abuse.—

“(1) In general.—The Secretary, acting through the Service, shall facilitate access to, or provide, services for urban Indians through grants to urban Indian organizations administering contracts entered into pursuant to this section or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among urban Indians.

“(2) Assessment.—A grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

“(3) Use of funds.—Grants may be made under this subsection—

“(A) to prepare assessments required under paragraph (2);

“(B) for the development of prevention, training, and education programs for urban Indian populations, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection; and

“(C) to provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to urban Indian perpetrators of child abuse (including sexual abuse).

“(4) Considerations.—In making grants to carry out this subsection, the Secretary shall take into consideration—

“(A) the support for the urban Indian organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

“(B) the capability and expertise demonstrated by the urban Indian organization to address the complex problem of child sexual abuse in the community; and

“(C) the assessment required under paragraph (2).

“(g) Multiple Urban Centers.—The Secretary, acting through the Service, may enter into a contract with, or make grants to, an urban Indian organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to urban Indians in more than one urban center.

“SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

“(a) Authority.—

“(1) In General.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, may enter into contracts with, or make grants to, urban Indian organizations situated in urban centers for which contracts have not been entered into, or grants have not been made, under section 503.

“(2) Purpose.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the urban Indian organization which the Secretary has entered into a contract with, or made a grant to, under this section.

“(b) Requirements.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

“(1) the urban Indian organization successfully undertake to—

“(A) document the health care status and unmet health care needs of urban Indians in the urban center involved; and

“(B) with respect to urban Indians in the urban center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

“(2) the urban Indian organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

“(c) Limitation on Renewal.—The Secretary may not renew any contract entered into, or grant made, under this section.

“SEC. 505. EVALUATIONS; RENEWALS.

“(a) Procedures.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements under this title and compliance with, and performance of contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

“(b) Compliance With Terms.—The Secretary, acting through the Service, shall evaluate the compliance of each urban Indian organization which has entered into a contract or received a grant under section 503 with the terms of such contract of grant. For purposes of an evaluation under this subsection, the Secretary, in determining the capacity of an urban Indian organization to deliver quality patient care shall, at the option of the organization—

“(1) conduct, through the Service, an annual onsite evaluation of the organization; or

“(2) accept, in lieu of an onsite evaluation, evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the medicare program under Title XVIII of the Social Security Act.

“(c) Noncompliance.—

“(1) In General.—If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract or grant to prevent future occurrences of such noncompliance or unsatisfactory performance.

“(2) Nonrenewal.—If the Secretary determines, under an evaluation under this section, that noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract or grant with such organization and is authorized to enter into a contract or make a grant under section 503 with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract or grant is not renewed under this section.

“(d) Determination of Renewal.—In determining whether to renew a contract or grant with an urban Indian organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 507, and, in the case of a renewal of a contract or grant under section 503, shall consider the results of the onsite evaluations or accreditation under subsection (b).

“SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

“(a) Application of Federal Law.—Contracts with urban Indian organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (40 U.S.C. 270a, et seq.).

“(b) Payments.—Payments under any contracts or grants pursuant to this title shall, notwithstanding any term or condition of such contract or grant—

“(1) be made in their entirety by the Secretary to the urban Indian organization by not later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such payments in their entirety; and

“(2) if unexpended by the urban Indian organization during the funding period with respect to which the payments initially apply, be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the expenditure of such funds.

“(c) Revising or Amending Contract.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

“(d) Fair and Uniform Provision of Services.—Contracts with, or grants to, urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts or grants by such organizations.

“(e) Eligibility of Urban Indians.—Urban Indians, as defined in section 4(f), shall be eligible for health care or referral services provided pursuant to this title.

“SEC. 507. REPORTS AND RECORDS.

“(a) Report.—For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract entered into, or a grant received, pursuant to this title, such organization shall submit to the Secretary, on a basis no more frequent than every 6 months, a report including—

“(1) in the case of a contract or grant under section 503, information gathered pursuant to paragraph (5) of subsection (a) of such section;

“(2) information on activities conducted by the organization pursuant to the contract or grant;

“(3) an accounting of the amounts and purposes for which Federal funds were expended; and

“(4) a minimum set of data, using uniformly defined elements, that is specified by the Secretary, after consultations consistent with section 514, with urban Indian organizations.

“(b) Audits.—The reports and records of the urban Indian organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

“(c) Cost of Audit.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

“(1) a certified public accountant; or

“(2) a certified public accounting firm qualified to conduct Federal compliance audits.

“SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

“The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

“SEC. 509. FACILITIES.

“(a) Grants.—The Secretary may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

“(b) Loans or Loan Guarantees.—The Secretary, acting through the Service or through the Health Resources and Services Administration, may provide loans to contractors or grant recipients under this title from the Urban Indian Health Care Facilities Revolving Loan Fund (referred to in this section as the ‘URLF’) described in subsection (c), or guarantees for loans, for the construction, renovation, expansion, or purchase of health care facilities, subject to the following requirements:

“(1) The principal amount of a loan or loan guarantee may cover 100 percent of the costs (other than staffing) relating to the facility, including planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, medical equipment, furnishings, and capital purchase.

"(2) The total amount of the principal of loans and loan guarantees, respectively, outstanding at any one time shall not exceed such limitations as may be specified in appropriations Acts.

"(3) The loan or loan guarantee may have a term of the shorter of the estimated useful life of the facility, or 25 years.

"(4) An urban Indian organization may assign, and the Secretary may accept assignment of, the revenue of the organization as security for a loan or loan guarantee under this subsection.

"(5) The Secretary shall not collect application, processing, or similar fees from urban Indian organizations applying for loans or loan guarantees under this subsection.

"(c) Urban Indian Health Care Facilities Revolving Loan Fund.—

"(1) Establishment.—There is established in the Treasury of the United States a fund to be known as the Urban Indian Health Care Facilities Revolving Loan Fund. The URLF shall consist of—

"(A) such amounts as may be appropriated to the URLF;

"(B) amounts received from urban Indian organizations in repayment of loans made to such organizations under paragraph (2); and

"(C) interest earned on amounts in the URLF under paragraph (3).

"(2) Use of URLF.—Amounts in the URLF may be expended by the Secretary, acting through the Service or the Health Resources and Services Administration, to make loans available to urban Indian organizations receiving grants or contracts under this title for the purposes, and subject to the requirements, described in subsection (b). Amounts appropriated to the URLF, amounts received from urban Indian organizations in repayment of loans, and interest on amounts in the URLF shall remain available until expended.

"(3) Investments.—The Secretary of the Treasury shall invest such amounts of the URLF as such Secretary determines are not required to meet current withdrawals from the URLF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price. Any obligation acquired by the URLF may be sold by the Secretary of the Treasury at the market price.

"SEC. 510. OFFICE OF URBAN INDIAN HEALTH.

"There is hereby established within the Service an Office of Urban Indian Health which shall be responsible for—

"(1) carrying out the provisions of this title;

"(2) providing central oversight of the programs and services authorized under this title; and

"(3) providing technical assistance to urban Indian organizations.

"SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE RELATED SERVICES.

"(a) Grants.—The Secretary may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in, alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under this title or under section 201.

"(b) Goals of Grant.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) Criteria.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

"(1) size of the urban Indian population;

"(2) capability of the organization to adequately perform the activities required under the grant;

"(3) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

"(4) identification of need for services.

The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

"(d) Treatment of Funds Received by Urban Indian Organizations.—Any funds received by an urban Indian organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

"SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

"(a) Oklahoma City Clinic.—

"(1) In general.—Notwithstanding any other provision of law, the Oklahoma City Clinic demonstration project shall be treated as a service unit in the allocation of resources and coordination of care and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act for the term of such projects. The Secretary shall provide assistance to such projects in the development of resources and equipment and facility needs.

"(2) Report.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to the Congress under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration project specified in paragraph (1).

"(b) Tulsa Clinic.—Notwithstanding any other provision of law, the Tulsa Clinic demonstration project shall become a permanent program within the Service's direct care program and continue to be treated as a service unit in the allocation of resources and coordination of care, and shall continue to meet the requirements and definitions of an urban Indian organization in this title, and as such will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act.

"SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

"(a) Grants and Contracts.—The Secretary, acting through the Office of Urban Indian Health of the Service, shall make grants or enter into contracts, effective not later than September 30, 2001, with urban Indian organizations for the administration of urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (referred to in this section to as 'NIAAA') and transferred to the Service.

"(b) Use of Funds.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

"(c) Eligibility.—Urban Indian organizations that operate Indian alcohol programs originally funded under NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

"(d) Evaluation and Report.—The Secretary shall evaluate and report to the Congress on the activities of programs funded under this section at least every 5 years.

"SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.

"(a) In General.—The Secretary shall ensure that the Service, the Health Care Financing Administration, and other operating divisions and staff divisions of the Department consult, to the maximum extent practicable, with urban Indian organizations (as defined in section 4) prior to taking any action, or approving Federal financial assistance for any action of a State, that may affect urban Indians or urban Indian organizations.

"(b) Requirement.—In subsection (a), the term 'consultation' means the open and free exchange of information and opinion among urban Indian organizations and the operating and staff divisions of the Department which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

"SEC. 515. FEDERAL TORT CLAIMS ACT COVERAGE.

"For purposes of section 224 of the Public Health Service Act (42 U.S.C. 233), with respect to claims by any person, initially filed on or after October 1, 1999, whether or not such person is an Indian or Alaska Native or is served on a fee basis or under other circumstances as permitted by Federal law or regulations, for personal injury (including death) resulting from the performance prior to, including, or after October 1, 1999, of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, or for purposes of section 2679 of title 28, United States Code, with respect to claims by any such person, on or after October 1, 1999, for personal injury (including death) resulting from the operation of an emergency motor vehicle, an urban Indian organization that has entered into a contract or received a grant pursuant to this title is deemed to be part of the Public Health Service while carrying out any such contract or grant and its employees (including those acting on behalf of the organization as provided for in section 2671 of title 28, United States Code, and including an individual who provides health care services pursuant to a personal services contract with an urban Indian organization for the provision of services in any facility owned, operated, or constructed under the jurisdiction of the Indian Health Service) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or grant, except that such employees shall be deemed to be acting within the scope of their employment in carrying out the contract or grant when they are required, by reason of their employment, to perform medical, surgical, dental or related functions at a facility other than a facility operated by the urban Indian organization pursuant to such contract or grant, but only if such employees are not compensated for the performance of such functions by a person or entity other than the urban Indian organization.

"SEC. 516. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

"(a) Construction and Operation.—The Secretary, acting through the Service, shall, through grants or contracts, make payment for the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to urban Indian youth in a culturally competent residential setting.

“(b) STATES.—A State described in this subsection is a State in which—

“(1) there reside urban Indian youth with a need for alcohol and substance abuse treatment services in a residential setting; and

“(2) there is a significant shortage of culturally competent residential treatment services for urban Indian youth.

“SEC. 517. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

“(a) IN GENERAL.—The Secretary shall permit an urban Indian organization that has entered into a contract or received a grant pursuant to this title, in carrying out such contract or grant, to use existing facilities and all equipment therein or pertaining thereto and other personal property owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

“(b) DONATION OF PROPERTY.—Subject to subsection (d), the Secretary may donate to an urban Indian organization that has entered into a contract or received a grant pursuant to this title any personal or real property determined to be excess to the needs of the Service or the General Services Administration for purposes of carrying out the contract or grant.

“(c) ACQUISITION OF PROPERTY.—The Secretary may acquire excess or surplus government personal or real property for donation, subject to subsection (d), to an urban Indian organization that has entered into a contract or received a grant pursuant to this title if the Secretary determines that the property is appropriate for use by the urban Indian organization for a purpose for which a contract or grant is authorized under this title.

“(d) PRIORITY.—In the event that the Secretary receives a request for a specific item of personal or real property described in subsections (b) or (c) from an urban Indian organization and from an Indian tribe or tribal organization, the Secretary shall give priority to the request for donation to the Indian tribe or tribal organization if the Secretary receives the request from the Indian tribe or tribal organization before the date on which the Secretary transfers title to the property or, if earlier, the date on which the Secretary transfers the property physically, to the urban Indian organization.

“(e) RELATION TO FEDERAL SOURCES OF SUPPLY.—For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)) (relating to Federal sources of supply, including lodging providers, airlines, and other transportation providers), an urban Indian organization that has entered into a contract or received a grant pursuant to this title shall be deemed an executive agency when carrying out such contract or grant, and the employees of the urban Indian organization shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

“SEC. 518. GRANTS FOR DIABETES PREVENTION, TREATMENT AND CONTROL.

“(a) AUTHORITY.—The Secretary may make grants to those urban Indian organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention, treatment, and control of the complications resulting from, diabetes among urban Indians.

“(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed upon between the Secretary and the grantee.

“(c) CRITERIA.—The Secretary shall establish criteria for the awarding of grants made under subsection (a) relating to—

“(1) the size and location of the urban Indian population to be served;

“(2) the need for the prevention of, treatment of, and control of the complications resulting from diabetes among the urban Indian population to be served;

“(3) performance standards for the urban Indian organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

“(4) the capability of the urban Indian organization to adequately perform the activities required under the grant; and

“(5) the willingness of the urban Indian organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the area office of the Service in which the organization is located.

“(d) APPLICATION OF CRITERIA.—Any funds received by an urban Indian organization under this Act for the prevention, treatment, and control of diabetes among urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

“SEC. 519. COMMUNITY HEALTH REPRESENTATIVES.

“The Secretary, acting through the Service, may enter into contracts with, and make grants to, urban Indian organizations for the use of Indians trained as health service providers through the Community Health Representatives Program under section 107(b) in the provision of health care, health promotion, and disease prevention services to urban Indians.

“SEC. 520. REGULATIONS.

“(a) EFFECT OF TITLE.—This title shall be effective on the date of enactment of this Act regardless of whether the Secretary has promulgated regulations implementing this title.

“(b) PROMULGATION.—

“(1) IN GENERAL.—The Secretary may promulgate regulations to implement the provisions of this title.

“(2) PUBLICATION.—Proposed regulations to implement this title shall be published by the Secretary in the Federal Register not later than 270 days after the date of enactment of this Act and shall have a comment period of not less than 120 days.

“(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under this title shall expire on the date that is 18 months after the date of enactment of this Act.

“(c) NEGOTIATED RULEMAKING COMMITTEE.—A negotiated rulemaking committee shall be established pursuant to section 565 of Title 5, United States Code, to carry out this section and shall, in addition to Federal representatives, have as the majority of its members representatives of urban Indian organizations from each service area.

“(d) ADAPTION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of this Act.

“SEC. 521. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

“TITLE VI—ORGANIZATIONAL IMPROVEMENTS

“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

“(2) ASSISTANT SECRETARY OF INDIAN HEALTH.—The Service shall be administered by an Assistance Secretary of Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 1993, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

“(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

“(c) FUNCTIONS AND DUTIES.—The Secretary shall carry out through the Assistant Secretary of the Service—

“(1) all functions which were, on the day before the date of enactment of the Indian Health Care Amendments of 1988, carried out by or under the direction of the individual serving as Director of the Service on such day;

“(2) all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

“(3) all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

“(A) this Act;

“(B) the Act of November 2, 1921 (25 U.S.C. 13);

“(C) the Act of August 5, 1954 (42 U.S.C. 2001, et seq.);

“(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

“(E) the Indian Self-Determination Act (25 U.S.C. 450f, et seq.); and

“(4) all scholarship and loan functions carried out under title I.

“(d) AUTHORITY.—

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

“(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

“(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

“(C) to manage, expend, and obligate all funds appropriated for the Service.

“(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

"SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, in consultation with tribes, tribal organizations, and urban Indian organizations, shall establish an automated management information system for the Service.

"(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

"(A) a financial management system;

"(B) a patient care information system;

"(C) a privacy component that protects the privacy of patient information;

"(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each area office of the Service;

"(E) an interface mechanism for patient billing and accounts receivable system; and

"(F) a training component.

"(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Indian tribe and tribal organization that provides health services under a contract entered into with the Service under the Indian Self-Determination Act automated management information systems which—

"(1) meet the management information needs of such Indian tribe or tribal organization with respect to the treatment by the Indian tribe or tribal organization of patients of the Service; and

"(2) meet the management information needs of the Service.

"(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

"(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian health programs and facilities.

"SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

"(a) PURPOSES.—It is the purpose of this section to—

"(1) authorize and direct the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs;

"(2) provide information, direction and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement and judicial services;

"(3) assist Indian tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior;

"(4) provide authority and opportunities for Indian tribes to develop and implement, and coordinate with, community-based programs which include identification, prevention, education, referral, and treatment services, including through multi-disciplinary resource teams;

"(5) ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access; and

"(6) modify or supplement existing programs and authorities in the areas identified in paragraph (2).

"(b) BEHAVIORAL HEALTH PLANNING.—

"(1) AREA-WIDE PLANS.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall encourage Indian tribes and tribal organizations to develop tribal plans, encourage urban Indian organizations to develop local plans, and encourage all such groups to participate in developing area-wide plans for Indian Behavioral Health Services. The plans shall, to the extent feasible, include—

"(A) an assessment of the scope of the problem of alcohol or other substance abuse, mental illness, dysfunctional and self-destructive behavior, including suicide, child abuse and family violence, among Indians, including—

"(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; and

"(ii) an estimate of the financial and human cost attributable to such illness or behavior;

"(B) an assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c); and

"(C) an estimate of the additional funding needed by the Service, Indian tribes, tribal organizations and urban Indian organizations to meet their responsibilities under the plans.

"(2) NATIONAL CLEARINGHOUSE.—The Secretary shall establish a national clearinghouse of plans and reports on the outcomes of such plans developed under this section by Indian tribes, tribal organizations and by areas relating to behavioral health. The Secretary shall ensure access to such plans and outcomes by any Indian tribe, tribal organization, urban Indian organization or the Service.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations in preparation of plans under this section and in developing standards of care that may be utilized and adopted locally.

"(c) CONTINUUM OF CARE.—The Secretary, acting through the Service, Indian tribes and tribal organizations, shall provide, to the extent feasible and to the extent that funding is available, for the implementation of programs including—

"(1) a comprehensive continuum of behavioral health care that provides for—

"(A) community based prevention, intervention, outpatient and behavioral health aftercare;

"(B) detoxification (social and medical);

"(C) acute hospitalization;

"(D) intensive outpatient or day treatment;

"(E) residential treatment;

"(F) transitional living for those needing a temporary stable living environment that is supportive of treatment or recovery goals;

"(G) emergency shelter;

"(H) intensive case management; and

"(I) traditional health care practices; and

"(2) behavioral health services for particular populations, including—

"(A) for persons from birth through age 17, child behavioral health services, that include—

"(i) pre-school and school age fetal alcohol disorder services, including assessment and behavioral intervention);

"(ii) mental health or substance abuse services (emotional, organic, alcohol, drug, inhalant and tobacco);

"(iii) services for co-occurring disorders (multiple diagnosis);

"(iv) prevention services that are focused on individuals ages 5 years through 10 years (alcohol, drug, inhalant and tobacco);

"(v) early intervention, treatment and aftercare services that are focused on individuals ages 11 years through 17 years;

"(vi) healthy choices or life style services (related to STD's, domestic violence, sexual abuse, suicide, teen pregnancy, obesity, and other risk or safety issues);

"(vii) co-morbidity services;

"(B) for persons ages 18 years through 55 years, adult behavioral health services that include—

"(i) early intervention, treatment and aftercare services;

"(ii) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco);

"(iii) services for co-occurring disorders (dual diagnosis) and co-morbidity;

"(iv) healthy choices and life style services (related to parenting, partners, domestic violence, sexual abuse, suicide, obesity, and other risk related behavior);

"(v) female specific treatment services for—

"(I) women at risk of giving birth to a child with a fetal alcohol disorder;

"(II) substance abuse requiring gender specific services;

"(III) sexual assault and domestic violence; and

"(IV) healthy choices and life style (parenting, partners, obesity, suicide and other related behavioral risk); and

"(vi) male specific treatment services for—

"(I) substance abuse requiring gender specific services;

"(II) sexual assault and domestic violence; and

"(III) healthy choices and life style (parenting, partners, obesity, suicide and other risk related behavior);

"(C) family behavioral health services, including—

"(i) early intervention, treatment and aftercare for affected families;

"(ii) treatment for sexual assault and domestic violence; and

"(iii) healthy choices and life style (related to parenting, partners, domestic violence and other abuse issues);

"(D) for persons age 56 years and older, elder behavioral health services including—

"(i) early intervention, treatment and aftercare services that include—

"(I) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco);

"(II) services for co-occurring disorders (dual diagnosis) and co-morbidity; and

"(III) healthy choices and life style services (managing conditions related to aging);

"(ii) elder women specific services that include—

"(I) treatment for substance abuse requiring gender specific services and

"(II) treatment for sexual assault, domestic violence and neglect;

"(iii) elder men specific services that include—

"(I) treatment for substance abuse requiring gender specific services; and

"(II) treatment for sexual assault, domestic violence and neglect; and

"(iv) services for dementia regardless of cause.

"(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

"(1) IN GENERAL.—The governing body of any Indian tribe or tribal organization or urban Indian organization may, at its discretion, adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat alcohol and other substance abuse, mental illness or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. Such plan should include behavioral health services, social services, intensive outpatient services, and continuing after care.

"(2) TECHNICAL ASSISTANCE.—In furtherance of a plan established pursuant to paragraph (1) and at the request of a tribe, the appropriate agency, service unit, or other officials of the Bureau of Indian Affairs and the Service shall cooperate with, and provide technical assistance to, the Indian tribe or tribal organization in the development of a plan under paragraph (1). Upon the establishment of such a plan and at the request of the Indian tribe or tribal organization, such officials shall cooperate with the Indian tribe or tribal organization in the implementation of such plan.

"(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian tribes and tribal organizations adopting a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

"(e) COORDINATED PLANNING.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall coordinate behavioral health planning, to the extent feasible, with other Federal and State agencies, to ensure that comprehensive behavioral health services are available to Indians without regard to their place of residence.

"(f) FACILITIES ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, under-utilized service hospital beds into psychiatric units to meet such need.

"SEC. 702. MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall develop and enter into a memorandum of agreement, or review and update any existing memoranda of agreement as required under section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411), and under which the Secretaries address—

"(1) the scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians;

"(2) the existing Federal, tribal, State, local, and private services, resources, and programs available to provide mental health services for Indians;

"(3) the unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1);

"(4)(A) the right of Indians, as citizens of the United States and of the States in which they reside, to have access to mental health services to which all citizens have access;

"(B) the right of Indians to participate in, and receive the benefit of, such services; and

"(C) the actions necessary to protect the exercise of such right;

"(5) the responsibilities of the Bureau of Indian Affairs and the Service, including mental health identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and service unit levels to address the problems identified in paragraph (1);

"(6) a strategy for the comprehensive coordination of the mental health services provided by the Bureau of Indian Affairs and the Service to meet the needs identified pursuant to paragraph (1), including—

"(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and the various Indian tribes (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986) with the mental health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually-diagnosed individuals requiring mental health and substance abuse treatment; and

"(B) ensuring that Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services;

"(7) direct appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and service unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412); and

"(8) provide for an annual review of such agreement by the 2 Secretaries and a report which shall be submitted to Congress and made available to the Indian tribes.

"(b) SPECIFIC PROVISIONS.—The memorandum of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"(c) CONSULTATION.—The Secretary and the Secretary of the Interior shall, in developing the memorandum of agreement under subsection (a), consult with and solicit the comments of—

"(1) Indian tribes and tribal organizations;

"(2) Indian individuals;

"(3) urban Indian organizations and other Indian organizations;

"(4) behavioral health service providers.

"(d) PUBLICATION.—The memorandum of agreement under subsection (a) shall be published in the Federal Register. At the same time as the publication of such agreement in the Federal Register, the Secretary shall provide a copy of such memorandum to each Indian tribe, tribal organization, and urban Indian organization.

"SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian tribes and tribal organizations consistent with section 701, shall provide a program of comprehensive behavioral health prevention and treatment and aftercare, including traditional health care practices, which shall include—

"(A) prevention, through educational intervention, in Indian communities;

"(B) acute detoxification or psychiatric hospitalization and treatment (residential and intensive outpatient);

"(C) community-based rehabilitation and aftercare;

"(D) community education and involvement, including extensive training of health care, educational, and community-based personnel; and

"(E) specialized residential treatment programs for high risk populations including pregnant and post partum women and their children.

"(2) TARGET POPULATIONS.—The target population of the program under paragraph (1) shall be members of Indian tribes. Efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b) CONTRACT HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service (with the consent of the Indian tribe to be served), Indian tribes and tribal organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

"(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian tribes and tribal organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

"SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary shall establish and maintain a Mental Health Technician program within the Service which—

"(1) provides for the training of Indians as mental health technicians; and

"(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

"(b) TRAINING.—In carrying out subsection (a)(1), the Secretary shall provide high standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

"(c) SUPERVISION AND EVALUATION.—The Secretary shall supervise and evaluate the mental health technicians in the training program under this section.

"(d) TRADITIONAL CARE.—The Secretary shall ensure that the program established pursuant to this section involves the utilization and promotion of the traditional Indian health care and treatment practices of the Indian tribes to be served.-

"SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

"Subject to section 220, any person employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under the authority of this Act or through a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act shall—

"(1) in the case of a person employed as a psychologist to provide health care services, be licensed as a clinical or counseling psychologist, or working under the direct supervision of a clinical or counseling psychologist;

"(2) in the case of a person employed as a social worker, be licensed as a social worker or working under the direct supervision of a licensed social worker; or

"(3) in the case of a person employed as a marriage and family therapist, be licensed as a marriage and family therapist or working under the direct supervision of a licensed marriage and family therapist.

"SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

"(a) FUNDING.—The Secretary, consistent with section 701, shall make funding available to Indian tribes, tribal organizations and urban Indian organization to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the spiritual, cultural, historical, social, and child care needs of Indian women, regardless of age.

"(b) USE OF FUNDS.—Funding provided pursuant to this section may be used to—

"(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

"(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

"(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

"(c) CRITERIA.—The Secretary, in consultation with Indian tribes and tribal organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

"(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the amounts appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

"SEC. 707. INDIAN YOUTH PROGRAM.

"(a) DETOXIFICATION AND REHABILITATION.—The Secretary shall, consistent with section 701, develop and implement a program for acute detoxification and treatment for Indian youth that includes behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian tribes or tribal organizations at the local level under the Indian Self-Determination and Education Assistance Act. Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary, acting through the Service, Indian tribes, or tribal organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an area office.

"(B) AREA OFFICE IN CALIFORNIA.—For purposes of this subsection, the area office in California shall be considered to be 2 area offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

"(2) FUNDING.—For the purpose of staffing and operating centers or facilities under this subsection, funding shall be made available pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act).

"(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) that is agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

"(4) SPECIFIC PROVISION OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

"(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska;

"(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l));

"(iii) the Southern Indian Health Council, for the purpose of staffing, operating, and maintaining a residential youth treatment facility in San Diego County, California; and

"(iv) the Navajo Nation, for the staffing, operation, and maintenance of the Four Corners Regional Adolescent Treatment Center, a residential youth treatment facility in New Mexico.

"(B) PROVISION OF SERVICES TO ELIGIBLE YOUTH.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youth residing in such State.

"(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes and tribal organizations, may provide intermediate behavioral health services, which may incorporate traditional health care practices, to Indian children and adolescents, including—

"(A) pre-treatment assistance;

"(B) inpatient, outpatient, and after-care services;

"(C) emergency care;

"(D) suicide prevention and crisis intervention; and

"(E) prevention and treatment of mental illness, and dysfunctional and -self-destructive behavior, including child abuse and family violence.

"(2) USE OF FUNDS.—Funds provided under this subsection may be used—

"(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

"(B) to hire behavioral health professionals;

"(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided; and

"(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

"(E) intensive home and community based services.

"(3) CRITERIA.—The Secretary shall, in consultation with Indian tribes and tribal organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

"(d) FEDERALLY OWNED STRUCTURES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall, in consultation with Indian tribes and tribal organizations—

"(A) identify and use, where appropriate, federally owned structures suitable for local residential or regional behavioral health treatment for Indian youth; and

"(B) establish guidelines, in consultation with Indian tribes and tribal organizations, for determining the suitability of any such Federally owned structure to be used for local residential or regional behavioral health treatment for Indian youth.

"(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian tribe or tribal organization operating the program.

"(e) REHABILITATION AND AFTERCARE SERVICES.—

"(1) IN GENERAL.—The Secretary, an Indian tribe or tribal organization, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit, community-based rehabilitation and follow-up services for Indian youth who have significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youth after their return to their home community.

"(2) ADMINISTRATION.—Services under paragraph (1) shall be administered within each service unit or tribal program by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

“(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youth authorized by this section, the Secretary, an Indian tribe or tribal organization shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

“(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian tribes, tribal organizations and urban Indian organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youth residing in Indian communities, on Indian reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youth.

“SEC. 708. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION AND STAFFING ASSESSMENT. —

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Service, Indian tribes and tribal organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems.

“(b) TREATMENT OF CALIFORNIA.—For purposes of this section, California shall be considered to be 2 areas of the Service, 1 area whose location shall be considered to encompass the northern area of the State of California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

“(c) CONVERSION OF CERTAIN HOSPITAL BEDS.—The Secretary shall consider the possible conversion of existing, under-utilized Service hospital beds into psychiatric units to meet needs under this section.-

“SEC. 709. TRAINING AND COMMUNITY EDUCATION.

“(a) COMMUNITY EDUCATION.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement, or provide funding to enable Indian tribes and tribal organization to develop and implement, within each service unit or tribal program a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community.

“(2) EDUCATION.—A program under paragraph (1) shall include education concerning behavioral health for political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical members of each tribal community.

“(3) TRAINING.—Community-based training (oriented toward local capacity development) under a program under paragraph (1) shall include tribal community provider training (designed for adult learners from the communities receiving services for prevention, intervention, treatment and aftercare).

“(b) TRAINING.—The Secretary shall, either directly or through Indian tribes or tribal organization, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders, to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

“(c) COMMUNITY-BASED TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, acting through the Service and in consultation with Indian tribes, tribal organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

“(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

“(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

“(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

“SEC. 710. BEHAVIORAL HEALTH PROGRAM.

“(a) PROGRAMS FOR INNOVATIVE SERVICES.—The Secretary, acting through the Service, Indian Tribes or tribal organizations, consistent with Section 701, may develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

“(b) CRITERIA.—The Secretary may award funding for a project under subsection (a) to an Indian tribe or tribal organization and may consider the following criteria:

“(1) Whether the project will address significant unmet behavioral health needs among Indians.

“(2) Whether the project will serve a significant number of Indians.

“(3) Whether the project has the potential to deliver services in an efficient and effective manner.

“(4) Whether the tribe or tribal organization has the administrative and financial capability to administer the project.

“(5) Whether the project will deliver services in a manner consistent with traditional health care.

“(6) Whether the project is coordinated with, and avoids duplication of, existing services.

“(c) FUNDING AGREEMENTS.—For purposes of this subsection, the Secretary shall, in evaluating applications or proposals for funding for projects to be operated under any funding agreement entered into with the Service under the Indian Self-Determination Act and Education Assistance Act, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

“SEC. 711. FETAL ALCOHOL DISORDER FUNDING.

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—The Secretary, consistent with Section 701, acting through Indian tribes, tribal organizations, and urban Indian organizations, shall establish and operate fetal alcohol disorders programs as provided for in this section for the purposes of meeting the health status objective specified in section 3(b).

“(2) USE OF FUNDS.—Funding provided pursuant to this section shall be used to—

“(A) develop and provide community and in-school training, education, and prevention programs relating to fetal alcohol disorders;

“(B) identify and provide behavioral health treatment to high-risk women;

“(C) identify and provide appropriate educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected persons and their families or caretakers;

“(D) develop and implement counseling and support programs in schools for fetal alcohol disorder affected children;

“(E) develop prevention and intervention models which incorporate traditional practitioners, cultural and spiritual values and community involvement;

“(F) develop, print, and disseminate education and prevention materials on fetal alcohol disorders;

“(G) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in tribal and urban Indian communities;

“(H) develop early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorders; and

“(I) develop and fund community-based adult fetal alcohol disorder housing and support services.

“(3) CRITERIA.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

“(b) PROVISION OF SERVICES.—The Secretary, acting through the Service, Indian tribes, tribal organizations and urban Indian organizations, shall—

“(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorders in Indian communities; and

“(2) provide supportive services, directly or through an Indian tribe, tribal organization or urban Indian organization, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorders.

“(c) TASK FORCE.—

“(1) IN GENERAL.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorders Task Force to advise the Secretary in carrying out subsection (b).

“(2) COMPOSITION.—The task force under paragraph (1) shall be composed of representatives from the National Institute on Drug Abuse, the National Institute on Alcohol and Alcoholism, the Office of Substance Abuse Prevention, the National Institute of Mental Health, the Service, the Office of Minority Health of the Department of Health and Human Services, the Administration for Native Americans, the National Institute of Child Health & Human Development, the Centers for Disease Control and Prevention, the Bureau of Indian Affairs, Indian tribes, tribal organizations, urban Indian communities, and Indian fetal alcohol disorders experts.

“(d) APPLIED RESEARCH.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make funding available to Indian Tribes, tribal organizations and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and urban Indians affected by fetal alcohol disorders.

"(e) Urban Indian Organizations.—The Secretary shall ensure that 10 percent of the amounts appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

"SEC. 712. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

"(a) Establishment.—The Secretary and the Secretary of the Interior, acting through the Service, Indian tribes and tribal organizations, shall establish, consistent with section 701, in each service area, programs involving treatment for—

"(1) victims of child sexual abuse; and

"(2) perpetrators of child sexual abuse.

"(b) Use of Funds.—Funds provided under this section shall be used to—

"(1) develop and provide community education and prevention programs related to child sexual abuse;

"(2) identify and provide behavioral health treatment to children who are victims of sexual abuse and to their families who are affected by sexual abuse;

"(3) develop prevention and intervention models which incorporate traditional health care practitioners, cultural and spiritual values, and community involvement;

"(4) develop and implement, though the tribal consultation process, culturally sensitive assessment and diagnostic tools for use in tribal and urban Indian communities.

"(5) identify and provide behavioral health treatment to perpetrators of child sexual abuse with efforts being made to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the peirpetrator is not incarcerated, and to provide treatment after release to the community until it is determined that the perpetrator is not a threat to children.

"SEC. 713. BEHAVIORAL MENTAL HEALTH RESEARCH.

"(a) In General.—The Secretary, acting through the Service and in consultation with appropriate Federal agencies, shall provide funding to Indian Tribes, tribal organizations and urban Indian organizations or, enter into contracts with, or make grants to appropriate institutions, for the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes or tribal organizations and among Indians in urban areas. Research priorities under this section shall include—

"(1) the inter-relationship and interdependance of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

"(2) the development of models of prevention techniques.

"(b) Special Emphasis.—The effect of the inter-relationships and interdependencies referred to in subsection (a)(1) on children, and the development of prevention techniques under subsection (a)(2) applicable to children, shall be emphasized.

"SEC. 714. DEFINITIONS.

"In this title:

"(1) Assessment.—The term 'assessment' means the systematic collection, analysis and dissemination of information on health status, health needs and health problems.

"(2) Alcohol related neurodevelopmental disorders.—The term 'alcohol related neurodevelopmental disorders' or 'ARND' with respect to an individual means the individual has a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities, that behaviorally, there may be problems with irritability, and failure to thrive as infants, and that as children become older there will likely be hyperactivity, attention deficit, language dysfunction and perceptual and judgment problems.

"(3) Behavioral health.—The term 'behavioral health' means the blending of substances (alcohol, drugs, inhalants and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services. Such term includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

"(4) Behavioral health aftercare.—

"(A) In general.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse or mental health outpatient or outpatient treatment, to help prevent or treat relapse, including the development of an aftercare plan.

"(B) Aftercare plan.—Prior to the time at which an individual is discharged from a level of care, such as outpatient treatment, an aftercare plan shall have been developed for the individual. Such plan may use such resources as community base therapeutic group care, transitional living, a 12-step sponsor, a local 12-step or other related support group, or other community based providers (such as mental health professionals, traditional health care practitioners, community health aides, community health representatives, mental health technicians, or ministers).

"(5) Dual diagnosis.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. In individual with a dual diagnosis may be referred to as a mentally ill chemical abuser.-

"(6) Fetal alcohol disorders.—The term 'fetal alcohol disorders' means fetal alcohol syndrome, partial fetal alcohol syndrome, or alcohol related neural developmental disorder.

"(7) Fetal alcohol syndrome.—The term 'fetal alcohol syndrome' or 'FAS' with respect to an individual means a syndrome in which the individual has a history of maternal alcohol consumption during pregnancy, and with respect to which the following criteria should be met:

"(A) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

"(B) Craniofacial abnormalities with at least 2 of the following: microphthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

"(C) Prenatal or postnatal growth delay.

"(8) Partial FAS.—The term 'partial FAS' with respect to an individual means a history of maternal alcohol consumption during pregnancy having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: micro-ophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, short upturned nose.

"(9) Rehabilitation.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.-

"(10) Substance abuse.—The term 'substance abuse' includes inhalant abuse. —

"SEC. 715. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

"TITLE VIII—MISCELLANEOUS

"SEC. 801. REPORTS.

"The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress a report containing—

"(1) a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians, and ensure a health status for Indians, which are at a parity with the health services available to and the health status of, the general population, including specific comparisons of appropriations provided and those required for such parity;

"(2) a report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian tribes to address such impact, including a report on proposed changes in the allocation of funding pursuant to section 808;

"(3) a report on the use of health services by Indians—

"(A) on a national and area or other relevant geographical basis;

"(B) by gender and age;

"(C) by source of payment and type of service;

"(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

"(E) on the services provided under funding agreements pursuant to the Indian Self-Determination and Education Assistance Act;

"(4) a report of contractors concerning health care educational loan repayments under section 110;

"(5) a general audit report on the health care educational loan repayment program as required under section 110(n);

"(6) a separate statement that specifies the amount of funds requested to carry out the provisions of section 201;

"(7) a report on infectious diseases as required under section 212;

"(8) a report on environmental and nuclear health hazards as required under section 214;

"(9) a report on the status of all health care facilities needs as required under sections 301(c)(2) and 301(d);

"(10) a report on safe water and sanitary waste disposal facilities as required under section 302(h)(1);

"(11) a report on the expenditure of non-service funds for renovation as required under sections 305(a)(2) and 305(a)(3);

"(12) a report identifying the backlog of maintenance and repair required at Service and tribal facilities as required under section 314(a);

"(13) a report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII and XIX of the Social Security Act as required under section 403(a);

"(14) a report on services sharing of the Service, the Department of Veteran's Affairs, and other Federal agency health programs as required under section 412(c)(2);

"(15) a report on the evaluation and renewal of urban Indian programs as required under section 505;

"(16) a report on the findings and conclusions derived from the demonstration project as required under section 512(a)(2);

"(17) a report on the evaluation of programs as required under section 513; and

"(18) a report on alcohol and substance abuse as required under section 701(f).

"SEC. 802. REGULATIONS.

"(a) INITIATION OF RULEMAKING PROCEDURES.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out this Act.

"(2) PUBLICATION.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary not later than 270 days after the date of enactment of this Act and shall have not less than a 120 day comment period.

"(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under this Act shall expire 18 months from the date of enactment of this Act.

"(b) RULEMAKING COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of Title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian tribes, and tribal organizations, a majority of whom shall be nominated by and be representatives of Indian tribes, tribal organizations, and urban Indian organizations from each service area.

"(c) ADAPTION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

"(d) FAILURE TO PROMULGATE REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

"(e) SUPREMACY OF PROVISIONS.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of the Indian Self-Determination Contract Reform Act of 1994, and the Secretary is authorized to repeal any regulation that is inconsistent with the provisions of this Act.

"SEC. 803. PLAN OF IMPLEMENTATION.

"Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with Indian tribes, tribal organizations, and urban Indian organizations, shall prepare and submit to Congress a plan that shall explain the manner and schedule (including a schedule of appropriate requests), by title and section, by which the Secretary will implement the provisions of this Act.

"SEC. 804. AVAILABILITY OF FUNDS.

"Amounts appropriated under this Act shall remain available until expended.

"SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED TO THE INDIAN HEALTH SERVICE.

"Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

"SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—Until such time as any subsequent law may otherwise provide, the following California Indians shall be eligible for health services provided by the Service:

"(1) Any member of a Federally recognized Indian tribe.

"(2) Any descendant of an Indian who was residing in California on June 1, 1852, but only if such descendant—

"(A) is a member of the Indian community served by a local program of the Service; and

"(B) is regarded as an Indian by the community in which such descendant lives.

"(3) Any Indian who holds trust interests in public domain, national forest, or Indian reservation allotments in California.

"(4) Any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

"(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

"(a) INELIGIBLE PERSONS.—

"(1) IN GENERAL.—Any individual who—

"(A) has not attained 19 years of age;

"(B) is the natural or adopted child, stepchild, foster-child, legal ward, or orphan of an eligible Indian; and

"(C) is not otherwise eligible for the health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until one year after the date such disability has been removed.

"(2) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all of such spouses or spouses who are married to members of the Indian tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian tribe or tribal organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

"(b) PROGRAMS AND SERVICES.—

"(1) PROGRAMS.—

"(A) IN GENERAL.—The Secretary may provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the service area of a service unit and who are not eligible for such health services under any other subsection of this section or under any other provision of law if—

"(i) the Indian tribe (or, in the case of a multi-tribal service area, all the Indian tribes) served by such service unit requests such provision of health services to such individuals; and

"(ii) the Secretary and the Indian tribe or tribes have jointly determined that—

"(I) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

"(II) there is no reasonable alternative health program or services, within or without the service area of such service unit, available to meet the health needs of such individuals.

"(B) FUNDING AGREEMENTS.—In the case of health programs operated under a funding agreement entered into under the Indian Self-Determination and Educational Assistance Act, the governing body of the Indian tribe or tribal organization providing health services under such funding agreement is authorized to determine whether health services should be provided under such funding agreement to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian tribe or tribal organization shall take into account the considerations described in subparagraph (A)(ii).

"(2) LIABILITY FOR PAYMENT.—

"(A) IN GENERAL.—Persons receiving health services provided by the Service by reason of this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 1880(c) of the Social Security Act, section 402(a) of this Act, or any other provision of law, amounts collected under this subsection, including medicare or medicaid reimbursements under titles XVIII and XIX of the Social Security Act, shall be credited to the account of the program providing the service and shall be used solely for the provision of health services within that program. Amounts collected under this subsection shall be available for expenditure within such program for not to exceed 1 fiscal year after the fiscal year in which collected.

"(B) SERVICES FOR INDIGENT PERSONS.—Health services may be provided by the Secretary through the Service under this subsection to an indigent person who would not be eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent person.

"(3) SERVICE AREAS.—

"(A) SERVICE TO ONLY ONE TRIBE.—In the case of a service area which serves only one Indian tribe, the authority of the Secretary to provide health services under paragraph (1)(A) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian tribe revokes its concurrence to the provision of such health services.

"(B) MULTI-TRIBAL AREAS.—In the case of a multi-tribal service area, the authority of the Secretary to provide health services under paragraph (1)(A) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian tribes in the service area revoke their concurrence to the provision of such health services.

"(c) PURPOSE FOR PROVIDING SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other subsection of this section or under any other provision of law in order to—

‘‘(1) achieve stability in a medical emergency;

‘‘(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

‘‘(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through post partum; or

‘‘(4) provide care to immediate family members of an eligible person if such care is directly related to the treatment of the eligible person.

‘‘(d) HOSPITAL PRIVILEGES.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract entered into under the Indian Self-Determination Education Assistance Act may be extended to non-Service health care practitioners who provide services to persons described in subsection (a) or (b). Such non-Service health care practitioners may be regarded as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible persons as a part of the conditions under which such hospital privileges are extended.

‘‘(e) DEFINITION.—In this section, the term ‘eligible Indian’ means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

‘‘SEC. 808. REALLOCATION OF BASE RESOURCES.

‘‘(a) REQUIREMENT OF REPORT.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a service unit may be implemented only after the Secretary has submitted to the President, for inclusion in the report required to be transmitted to the Congress under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

‘‘(b) NONAPPLICATION OF SECTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is less than the amount appropriated to the Service for previous fiscal year.

‘‘SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

‘‘The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.

‘‘SEC. 810. PROVISION OF SERVICES IN MONTANA.

‘‘(a) IN GENERAL.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cr. 1987).

‘‘(b) RULE OF CONSTRUCTION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of the Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

‘‘SEC. 811. MORATORIUM.

‘‘During the period of the moratorium imposed by Public Law 100-446 on implementation of the final rule published in the Federal Register on September 16, 1987, by the Health Resources and Services Administration, relating to eligibility for the health care services of the Service, the Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807 until such time as new criteria governing eligibility for services are developed in accordance with section 802.

‘‘SEC. 812. TRIBAL EMPLOYMENT.

‘‘For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, Chapter 372), an Indian tribe or tribal organization carrying out a funding agreement under the Self-Determination and Education Assistance Act shall not be considered an employer.

‘‘SEC. 813. PRIME VENDOR.

‘‘For purposes of section 4 of Public Law 102–585 (38 U.S.C. 812) Indian tribes and tribal organizations carrying out a grant, cooperative agreement, or funding agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. seq.) shall be deemed to be an executive agency and part of the Service in the and, as such, may act as an ordering agent of the Service and the employees of the tribe or tribal organization may order supplies on behalf thereof on the same basis as employees of the Service.

‘‘SEC. 814. NATIONAL BI-PARTISAN COMMISSION ON INDIAN HEALTH CARE ENTITLEMENT.

‘‘(a) ESTABLISHMENT.—There is hereby established the National Bi-Partisan Indian Health Care Entitlement Commission (referred to in this Act as the ‘Commission’).

‘‘(b) MEMBERSHIP.—The Commission shall be composed of 25 members, to be appointed as follows:

‘‘(1) Ten members of Congress, of which—

‘‘(A) three members shall be from the House of Representatives and shall be appointed by the majority leader;

‘‘(B) three members shall be from the House of Representatives and shall be appointed by the minority leader;

‘‘(C) two members shall be from the Senate and shall be appointed by the majority leader; and

‘‘(D) two members shall be from the Senate and shall be appointed by the minority leader;

who shall each be members of the committees of Congress that consider legislation affecting the provision of health care to Indians and who shall elect the chairperson and vice-chairperson of the Commission.

‘‘(2) Twelve individuals to be appointed by the members of the Commission appointed under paragraph (1), of which at least 1 shall be from each service area as currently designated by the Director of the Service, to be chosen from among 3 nominees from each such area as selected by the Indian tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and with due regard being given to a reasonable representation on the Commission of members who are familiar with various health care delivery modes and who represent tribes of various size populations.

‘‘(3) Three individuals shall be appointed by the Director of the Service from among individual who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees from each program that is funded in whole or in part by the Service primarily or exclusively for the benefit of urban Indians.

All those persons appointed under paragraphs (2) and (3) shall be members of Federally recognized Indian Tribes.

‘‘(c) TERMS.—

‘‘(1) IN GENERAL.—Members of the Commission shall serve for the life of the Commission.

‘‘(2) APPOINTMENT OF MEMBERS.—Members of the Commission shall be appointed under subsection (b)(1) not later than 90 days after the date of enactment of this Act, and the remaining members of the Commission shall be appointed not later than 60 days after the date on which the members are appointed under such subsection.

‘‘(3) VACANCY.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

‘‘(d) DUTIES OF THE COMMISSION.—The Commission shall carry out the following duties and functions:

‘‘(1) Review and analyze the recommendations of the report of the study committee established under paragraph (3) to the Commission.

‘‘(2) Make recommendations to Congress for providing health services for Indian persons as an entitlement, giving due regard to the effects of such a programs on existing health care delivery systems for Indian persons and the effect of such programs on the sovereign status of Indian Tribes;

‘‘(3) Establish a study committee to be composed of those members of the Commission appointed by the Director of the Service and at least 4 additional members of Congress from among the members of the Commission which shall—

‘‘(A) to the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian tribes, tribal organizations and urban Indian organizations, and which may include authorizing and funding feasibility studies of various models for providing and funding health services for all Indian beneficiaries including those who live outside of a reservation, temporarily or permanently;

‘‘(B) make recommendations to the Commission for legislation that will provide for the delivery of health services for Indians as an entitlement, which shall, at a minimum, address issues of eligibility, benefits to be provided, including recommendations regarding from whom such health services are to be provide.d and the cost, including mechanisms for funding of the health services to be provided;

‘‘(C) determine the effect of the enactment of such recommendations on the existing system of the delivery of health services for Indians;

‘‘(D) determine the effect of a health services entitlement program for Indian persons on the sovereign status of Indian tribes;

‘‘(E) not later than 12 months after the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to each Federally recognized Indian tribe, tribal organization and urban Indian organization for comment to the Commission; and

‘‘(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section.

‘‘(4) Not later than 18 months after the date of appointment of all members of the

Commission, submit a written report to Congress containing a recommendation of policies and legislation to implement a policy that would establish a health care system for Indians based on the delivery of health services as an entitlement, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Indians and on the sovereign status of Indian tribes.

"(e) ADMINISTRATIVE PROVISIONS.—

"(1) COMPENSATION AND EXPENSES.—

"(A) CONGRESSIONAL MEMBERS.—Each member of the Commission appointed under subsection (b)(1) shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

"(B) OTHER MEMBERS.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b), while serving on the business of the Commission (including travel time) shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, be allowed travel expenses, as authorized by the chairperson of the Commission. For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

"(2) MEETINGS AND QUORUM.—

"(A) MEETINGS.—The Commission shall meet at the call of the chairperson.

"(B) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, of which not less than 6 of such members shall be appointees under subsection (b)(1) and not less than 9 of such members shall be Indians.

"(3) DIRECTOR AND STAFF.—

"(A) EXECUTIVE DIRECTOR.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay equal to that for level V of the Executive Schedule.

"(B) STAFF.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

"(C) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(D) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(E) FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

"(f) POWERS.—

"(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 6 regional hearings shall be held in different areas of the United States in which large numbers of Indians are present. Such hearings shall be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this paragraph, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under this section may be counted towards the number of regional hearings required by this paragraph.

"(2) STUDIES BY GAO.—Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

"(3) COST ESTIMATES.—

"(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

"(B) REIMBURSEMENTS.—The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

"(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any federal Agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the federal employee.

"(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal Agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

"(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal Agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

"(7) OBTAINING INFORMATION.—The Commission may secure directly from the any Federal Agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

"(8) SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out this section. The amount appropriated under this subsection shall not be deducted from or affect any other appropriation for health care for Indian persons.

"SEC. 815. APPROPRIATIONS; AVAILABILITY.

"Any new spending authority (described in subsection (c)(2)(A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.".

TITLE II—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT

Subtitle A—Medicare

SEC. 201. LIMITATIONS ON CHARGES.

Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by adding a semicolon at the end;

(2) in subparagraph (S), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(T) in the case of hospitals and critical access hospitals which provide inpatient hospital services for which payment may be made under this title, to accept as payment in full for services that are covered under and furnished to an individual eligible for the contract health services program operated by the Indian Health Service, by an Indian tribe or tribal organization, or furnished to an urban Indian eligible for health services purchased by an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), in accordance with such admission practices and such payment methodology and amounts as are prescribed under regulations issued by the Secretary.".

SEC. 202. INDIAN HEALTH PROGRAMS.

Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended to read as follows:

"INDIAN HEALTH PROGRAMS

"SEC. 1880. (a) ELIGIBILITY FOR PAYMENTS.—The Indian Health Service (referred to in this section as the 'Service') and an Indian tribe or tribal organization, or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall be eligible for payments under this title, notwithstanding sections 1814(c) and 1835(d), if and for so long as the Service, Indian tribe or tribal organization, or urban Indian organization meets the conditions and requirements for such payments which are applicable generally to the service or provider type for which the Service, Indian tribe or tribal organization, or urban Indian organization seeks payment under this title and for services and provider types provided by a qualified Indian health program under section 1880A.

"(b) PERIOD FOR BILLING.—Notwithstanding subsection (a), if the Service, an Indian tribe or tribal organization, or urban Indian organization, does not meet all of the conditions and requirements of this title which are applicable generally to the service or provider type for which payment is sought, but submits to the Secretary within 6 months after the date on which such reimbursement is first sought an acceptable plan for achieving compliance with such conditions and requirements, the Service, an Indian tribe or tribal organization, or urban Indian organization shall be deemed to meet such conditions and requirements (and to be eligible for reimbursement under this title), without regard to the extent of actual compliance with such conditions and requirements during the first 12 months after the month in which such plan is submitted.

"(c) Direct Billing.—For provisions relating to the authority of certain Indian tribes and tribal organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or tribal organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act.

"(d) Community Health Aides.—The Service or an Indian Tribe or tribal organization providing a service otherwise eligible for payment under this section through the use of a community health aide or practitioner certified under the provisions of section 121 of the Indian Health Care Improvement Act shall be paid for such services on the same basis that such services are reimbursed under State plans approved under title XIX.

"(e) Treatment of Certain Programs.—Notwithstanding any other provision of law, a health program operated by the Service or an Indian tribe or tribal organization, which collaborates with a hospital operated by the Service or an Indian tribe or tribal organization, shall, at the option of the Indian tribe or tribal organization, be paid for services for which it would otherwise be eligible for under this as if the health program were an outpatient department of the hospital. In situations where the health program is on a separate campus from the hospital, billing as an outpatient department of the hospital shall not subject such a health program to the requirements of section 1867.

"(f) Payment for Certain Nursing Services.—The Service or an Indian tribe or tribal organization providing visiting nurse services in a home health agency shortage area shall be paid for such services on the same basis that such services are reimbursed under this title for other primary care providers.

"(g) Alternative Methods of Reimbursement.—Notwithstanding any other provision of law, the Secretary may identify and implement alternative methods of reimbursing Indian health programs for services reimbursable under this title that are provided to Indians, so long as such methods—

"(1) allow an Indian tribe or tribal organization or urban Indian organization to opt to receive reimbursement under reimbursement methodologies applicable to other providers of similar services; and

"(2) provide that the amount of reimbursement resulting under any such methodology shall not be less than 100 percent of the reasonable cost of the service to which the methodology applies under section 1861(v).".

SEC. 203. QUALIFIED INDIAN HEALTH PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1880 the following:

"QUALIFIED INDIAN HEALTH PROGRAM

"Sec. 1880A. (a) Definition of Qualified Indian Health Program.—In this section:

"(1) In general.—The term 'qualified Indian health program' means a health program operated by-

"(A) the Indian Health Service;

"(B) an Indian tribe or tribal organization or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act) and which is funded in whole or part by the Indian Health Service under the Indian Self Determination and Education Assistance Act; and

"(C) an urban Indian organization (as so defined) and which is funded in whole or in part under title V of the Indian Health Care Improvement Act.

"(2) Included programs and entities.—Such term may include 1 or more hospital, nursing home, home health program, clinic, ambulance service or other health program that provides a service for which payments may be made under this title and which is covered in the cost report submitted under this title or title XIX for the qualified Indian health program.

"(b) Eligibility for Payments.—A qualified Indian health program shall be eligible for payments under this title, notwithstanding sections 1814(c) and 1835(d), if and for so long as the program meets all the conditions and requirements set forth in this section.

"(c) Determination of Payments.—

"(1) In general.—Notwithstanding any other provision in the law, a qualified Indian health program shall be entitled to receive payment based on an all-inclusive rate which shall be calculated to provide full cost recovery for the cost of furnishing services provided under this section.

"(2) Definition of full cost recovery.—

"(A) In general.—Subject to subparagraph (B), in this section, the term 'full cost recovery' means the sum of—

"(i) the direct costs, which are reasonable, adequate and related to the cost of furnishing such services, taking into account the unique nature, location, and service population of the qualified Indian health program, and which shall include direct program, administrative, and overhead costs, without regard to the customary or other charge or any fee schedule that would otherwise be applicable; and

"(ii) indirect costs which, in the case of a qualified Indian health program—

"(I) for which an indirect cost rate (as that term is defined in section 4(g) of the Indian Self-Determination and Education Assistance Act) has been established, shall be not less than an amount determined on the basis of the indirect cost rate; or

"(II) for which no such rate has been established, shall be not less than the administrative costs specifically associated with the delivery of the services being provided.

"(B) Limitation.—Notwithstanding any other provision of law, the amount determined to be payable as full cost recovery may not be reduced for co-insurance, co-payments, or deductibles when the service was provided to an Indian entitled under Federal law to receive the service from the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization or because of any limitations on payment provided for in any managed care plan.

"(3) Outstationing Costs.—In addition to full cost recovery, a qualified Indian health program shall be entitled to reasonable outstationing costs, which shall include all administrative costs associated with outreach and acceptance of eligibility applications for any Federal or State health program including the programs established under this title, title XIX, and XXI.

"(4) Determination of all-inclusive encounter or per diem amount.—

"(A) In general.—Costs identified for services addressed in a cost report submitted by a qualified Indian health program shall be used to determine an all-inclusive encounter or per diem payment amount for such services.

"(B) No single report requirement.—Not all health programs provided or administered by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization need be combined into a single cost report.

"(C) Payment for items not covered by a cost report.—A full cost recovery payment for services not covered by a cost report shall be made on a fee-for-service, encounter, or per diem basis.

"(5) Optional determination.—The full cost recovery rate provided for in paragraphs (1) through (3) may be determined, at the election of the qualified Indian health program, by the Health Care Financing Administration or by the State agency responsible for administering the State plan under title XIX and shall be valid for reimbursements made under this title, title XIX, and title XXI. The costs described in paragraph (2)(A) shall be calculated under whatever methodology yields the greatest aggregate payment for the cost reporting period, provided that such methodology shall be adjusted to include adjustments to such payment to take into account for those qualified Indian health programs that include hospitals—

"(A) a significant decreases in discharges;

"(B) costs for graduate medical education programs;

"(C) additional payment as a disproportionate share hospital with a payment adjustment factor of 10; and

"(D) payment for outlier cases.

"(6) Election of payment.—A qualified Indian health program may elect to receive payment for services provided under this section—

"(A) on the full cost recovery basis provided in paragraphs (1) through (5);

"(B) on the basis of the inpatient or outpatient encounter rates established for Indian Health Service facilities and published annually in the Federal Register;

"(C) on the same basis as other providers are reimbursed under this title, provided that the amounts determined under paragraph (c)(2)(B) shall be added to any such amount;

"(D) on the basis of any other rate or methodology applicable to the Indian Health Service or an Indian Tribe or tribal organization; or

"(E) on the basis of any rate or methodology negotiated with the agency responsible for making payment.

"(d) Election of Reimbursement for Other Services.—

"(1) In general.—A qualified Indian health program may elect to be reimbursed for any service the Indian Health Service, an Indian tribe or tribal organization or an urban Indian organization may be reimbursed for under section 1880 and section 1911.

"(2) Option to include additional services.—An election under paragraph (1) may include, at the election of the qualified Indian health program—

"(A) any service when furnished by an employee of the qualified Indian health program who is licensed or certified to perform such a service to the same extent that such service would be reimbursable if performed by a physician and any service or supplies furnished as incident to a physician's service as would otherwise be covered if furnished by a physician or as an incident to a physician's service;

"(B) screening, diagnostic, and therapeutic outpatient services including part-time or intermittent screening, diagnostic, and therapeutic skilled nursing care and related medical supplies (other than drugs and biologicals), furnished by an employee of the qualified Indian health program who is licensed or certified to perform such a service for an individual in the individual's home or in a community health setting under a written plan of treatment established and periodically reviewed by a physician, when furnished to an individual as an outpatient of a qualified Indian health program;

"(C) preventive primary health services as described under sections 329, 330, and 340 of the Public Health Service Act, when provided by an employee of the qualified Indian health program who is licensed or certified to perform such a service, regardless of the location in which the service is provided;

"(D) with respect to services for children, all services specified as part of the State plan under title XIX, the State child health plan under title XXI, and early and periodic screening, diagnostic, and treatment services as described in section 1905(r);

"(E) influenza and pneumococccal immunizations;

"(F) other immunizations for prevention of communicable diseases when targeted; and

"(G) the cost of transportation for providers or patients necessary to facilitate access for patients.".

Subtitle B—Medicaid

SEC. 211. PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.

Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D)(i) for payment for services described in section 1905(a)(2)(C) under the plan furnished by an Indian tribe or tribal organization or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) of 100 percent of costs which are reasonable and related to the cost of furnishing such services or based on other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which those regulations do not apply, the same methodology used under section 1833(a)(3), and

"(ii) in the case of such services furnished pursuant to a contract between the a Federally-qualified health center and a medicaid managed care organization under section 1903(m), for payment to the Federally-qualified health center at least quarterly by the State of a supplemental payment equal to the amount (if any) by which the amount determined under clause (i) exceeds the amount of the payments provided under such contract.".

SEC. 212. STATE CONSULTATION WITH INDIAN HEALTH PROGRAMS.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (65), by striking the period; and

(2) by inserting after (65), the following:

"(66) if the Indian Health Service operates or funds health programs in the State or if there are Indian tribes or tribal organizations or urban Indian organizations (as those terms are defined in Section 4 of the Indian Health Care Improvement Act) present in the State, provide for meaningful consultation with such entities prior to the submission of, and as a precondition of approval of, any proposed amendment, waiver, demonstration project, or other request that would have the effect of changing any aspect of the State's administration of the State plan under this title, so long as—

"(A) the term 'meaningful consultation' is defined through the negotiated rulemaking process provided for under section 802 of the Indian Health Care Improvement Act; and

"(B) such consultation is carried out in collaboration with the Indian Medicaid Advisory Committee established under section 415(a)(3) of that Act.".

SEC. 213. FMAP FOR SERVICES PROVIDED BY INDIAN HEALTH PROGRAMS.

The third sentence of Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended to read as follows:

"Notwithstanding the first sentence of this section, the Federal medical assistance percentage shall be 100 per cent with respect to amounts expended as medical assistance for services which are received through the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) under section 1911, whether directly, by referral, or under contracts or other arrangements between the Indian Health Service, Indian tribe or tribal organization, or urban Indian organization and another health provider.".

SEC. 214. INDIAN HEALTH SERVICE PROGRAMS.

Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended to read as follows:

"INDIAN HEALTH SERVICE PROGRAMS

"SEC. 1911. (a) IN GENERAL.—The Indian Health Service and an Indian tribe or tribal organization or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall be eligible for reimbursement for medical assistance provided under a State plan if and for so long as such Service, Indian tribe or tribal organization, or urban Indian organization provides services or provider types of a type otherwise covered under the State plan and meets the conditions and requirements which are applicable generally to the service for which it seeks reimbursement under this title and for services provided by a qualified Indian health program under section 1880A.

"(b) PERIOD FOR BILLING.—Notwithstanding subsection (a), if the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization which provides services of a type otherwise covered under the State plan does not meet all of the conditions and requirements of this title which are applicable generally to such services submits to the Secretary within 6 months after the date on which such reimbursement is first sought an acceptable plan for achieving compliance with such conditions and requirements, the Service, an Indian tribe or tribal organization, or urban Indian organization shall be deemed to meet such conditions and requirements (and to be eligible for reimbursement under this title), without regard to the extent of actual compliance with such conditions and requirements during the first 12 months after the month in which such plan is submitted.

"(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into agreements with the State agency for the purpose of reimbursing such agency for health care and services provided by the Indian Health Service, Indian tribes or tribal organizations and urban Indian organizations, directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization and another health care provider to Indians who are eligible for medical assistance under the State plan.

Subtitle C—State Children's Health Insurance Program

SEC. 221. ENHANCED FMAP FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) IN GENERAL.—Section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) is amended—

(1) by striking "For purposes" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), for purposes"; and

(2) by adding at the end the following:

"(2) SERVICES PROVIDED BY INDIAN PROGRAMS.—Without regard to which option a State chooses under section 2101(a), the 'enhanced FMAP' for a State for a fiscal year shall be 100 per cent with respect to expenditures for child health assistance for services provided through a health program operated by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act).".

(b) CONFORMING AMENDMENT.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by inserting "an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act)" after "Service".

SEC. 222. DIRECT FUNDING OF STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

Title XXI of Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. DIRECT FUNDING OF INDIAN HEALTH PROGRAMS.

"(a) IN GENERAL.—The Secretary may enter into agreements directly with the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act) for such entities to provide child health assistance to Indians who reside in a service area on or near an Indian reservation. Such agreements may provide for funding under a block grant or such other mechanism as is agreed upon by the Secretary and the Indian Health Service, Indian tribe or tribal organization, or urban Indian organization. Such agreements may not be made contingent on the approval of the State in which the Indians to be served reside.

"(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, a State may transfer funds to which it is, or would otherwise be, entitled to under this title to the Indian Health Service, an Indian tribe or tribal organization or an urban Indian organization—

"(1) to be administered by such entity to achieve the purposes and objectives of this title under an agreement between the State and the entity; or

"(2) under an agreement entered into under subsection (a) between the entity and the Secretary.".

Subtitle D—Authorization of Appropriations

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2012 to carry out this title and the amendments by this title.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPEALS.

The following are repealed:

(1) Section 506 of Public Law 101-630 (25 U.S.C. 1653 note) is repealed.

(2) Section 712 of the Indian Health Care Amendments of 1988 is repealed.

SEC. 302. SEVERABILITY PROVISIONS.

If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. INOUYE. Mr. President, I rise today to join my Chairman, Senator BEN NIGHTHORSE CAMPBELL, in the introduction of a bill to reauthorize the Indian Health Care Improvement Act of 1976, Public Law 94-437.

Mr. President, for the past two years, the leaders of Indian country have been engaged in a consultation process with the Indian Health Service in an effort to address changes to the Act which would hold the potential of improving and enhancing the ability of tribal health programs, urban Indian health care programs, and the Indian Health Service to provide comprehensive primary health care and public health services to all eligible American Indian and Alaska Native patients citizens.

The goal of the consultation process was to build a consensus on the best means of addressing the health care challenges that confront Native America, so that the reauthorization bill could reflect a unified vision of the Indian Health Service, tribal governments and urban Indian health care programs. The tribal participants in this process appropriately named this comprehensive consultation process "Speaking with One Voice".

Mr. President, this tribally-developed reauthorization bill is the most comprehensive to date. The first step in the consultation process was the convening of a roundtable discussion with tribal leaders, urban Indian health care providers, Indian Health Service health care professionals, national Indian health organizations, researchers, and other policy makers. Specific recommendations regarding the manner in which tribal consultation meetings would be carried out were developed at this Roundtable. From these recommendations, the Roundtable participants developed a consultation approach that included the pursuit of consensus on what amendments to the Act were necessary and the identification of opportunities for change, the identification of area and regional differences, the promotion of a partnership environment for tribes, urban Indians, and the Indian Health Service, and the establishment of a core group to review materials.

Beginning in the fall of 1998, tribal representatives participated in twelve Area meetings to begin discussing concerns and recommendations related to the Act. Each of the twelve geographic Areas facilitated a consultation process with health care providers in their respective Areas, and this process was completed in January 1999.

Four regional consultation meetings were held across the country from January to April, 1999. Regional meetings were intended to provide a forum for tribes to provide input, to share the recommendations from each Area, and to build consensus among participants for a unified position from each regional meeting. From these four meetings, a matrix of 135 recommendations for each of the sections in the Indian Health Care Improvement Act was developed, as well as proposals for new provisions. Over 900 health care providers participated in the four regional meetings.

Upon the completion of the four regional meetings, the Indian Health Service convened a National Steering committee composed of elected tribal representatives and urban Indian health care program directors. Many of the members of the steering committee had participated in the Area and regional consultation meetings. The National Steering Committee developed a draft consensus bill based on the Area and regional consultation meetings. The draft bill was mailed to every tribal government and urban Indian health care program in the nation with a 30-day period for additional comments. The draft bill was then presented at a national meeting in Washington, D.C. in late July of last year. Participants in this national meeting included tribal government leaders, urban Indian health care providers, members of Congress and their staff, as well as several Administration and departmental officials.

The National Steering Committee has completed a monumental task with the broad support of Indian Tribes and communities across the United States.

With this in mind, I urge my colleagues to support this legislation.

By Mr. GRASSLEY:

S. 2527. A bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DRUG TREATMENT AND RESEARCH ENHANCEMENT ACT

Mr. GRASSLEY. Mr. President, I am sending a bill to the desk to help reinforce our national drug control effort. I held a hearing earlier today on the domestic consequences of a new wave of heroin use. This is a flesh and blood problem that touches all of us. What we see in our homes and schools across the nation is the emergence of a new threat to our young people. A purer form of heroin is making its presence felt. In rich neighborhoods and poor. In our cities and rural areas. In the lives of our young people and their families.

No heroin consumed in this country is made here. Every gram of it is grown in some foreign field, processed in a distant, illegal lab, and smuggled into this country. Yet, this heroin makes its way here by every means possible. It walks, floats, flies, and sneaks across our borders.

While the heroin used here comes from overseas, the consequences of its coming are felt in our homes, in our schools, in our neighborhoods. It is our young people who die. It is American families who bear the burden and pay the price. Heroin is an equal opportunity destroyer. It blights inner city streets, suburban neighborhoods, and rural communities alike. I fear that the problem is getting worse. And I am concerned that our current policies are simply not up to the challenge.

Somewhere along the way, we lost the clear, consistent message that the only proper response to drugs is to say an emphatic "NO". We're supposed to be more sophisticated. More tolerant. More willing to listen to notions of making dangerous drugs more available. What all of this "more" has meant is that we have more young people using more drugs at younger ages. Today's heroin is cheaper and purer and more widely available. It is more aggressively marketed and it is presented as being safer, as "user friendly".

In the late 1980s and early 1990s, heroin had a bad rap. All drugs did. That is less true today. In the last several years, heroin use among young people has doubled and attitudes about the dangers of the drug have shifted. While it is true that most of our 12 to 20 year olds still believe it bad, the new heroin that we see on our streets and in our schools is marketed to avoid this stigma. The chief reason that the old heroin was seen as bad was because you needed a needle to use it. With the new heroin you can get high from smoking or inhaling, at least at first. And we now have well-moneyed think tank talking heads who preach that the only consequence of heroin addiction is a mild case of constipation. That it is our drug laws that are dangerous not the drugs. In such an environment, we should not be too surprised that an increasing number of young people should be persuaded that heroin is okay.

Communities in Plano, Texas and Orlando, Florida learned this to their dismay when dozens of high school kids died from heroin overdoses. I can think of no pain greater than that of a parent who must bid farewell forever to a child. It is somehow contrary to the natural order for a parent to precede a child in death. But the pain of addiction is a spreading circle of hurt. The hearing I held today on this problem brought this point home in the voices of those most affected: addicts and their families.

The legislation that I offer today will help us address this new problem before it gets any worse. I am proposing that we look at the means to improve our prevention message to stop drug use before it starts. I hope to revitalize community and parent involvement.

I am also proposing increased resources for addiction research and ways to get the best information and best practices into the hands of the professionals who must deal with addiction problems.

In addition, I am calling for a new initiative to support juvenile residential treatment programs that work. Current research shows that we need more focused, long-term critical intervention for young addicts to break the cycle of addiction today before it becomes a worse problem tomorrow. Investment now means better chances for young people and for all of us later.

It's not just a new heroin that plagues us. Designer drugs like methamphetamine and now Ecstasy are flooding this country. Along with heroin, these are marketed to our young people as safe and friendly. Left unanswered, we will see another generation of young lives blighted. We will see families torn up by a widening circle of hurt from drug use. We saw what a similar wave of drug use did to us and to a generaton of young people in the 1960s and 1970s. We cannot afford to go through this again. I hope we can begin today to renew our commitment to a drug free future for our young people. I ask my colleagues to join me in supporting the Drug Treatment and Research Enhancement Act.

ADDITIONAL COSPONSORS

S. 512

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coodination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Idaho (Mr. CRAPO), was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 882

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. GRAMS) were added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1668

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1989

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1989, a bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2069

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2069, a bill to permit the conveyance of certain land in Powell, Wyoming.

S. 2107

At the request of Mr. GRAMM, the names of the Senator from Utah (Mr. BENNETT), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS), was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV diseases, and for other purposes.

S. 2333

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2333, a bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents, and for other purposes.

S. 2357

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2416

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the "Harry S. Truman Federal Building."

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2477

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2492

At the request of Mr. DOMENICI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2492, a bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes.

S. CON. RES. 107

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 107, a concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

AMENDMENT NO. 3126

At the request of Ms. LANDRIEU, her name was added as a cosponsor of Amendment No. 3126 proposed to S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE CONGRESS REGARDING ENSURING A COMPETITIVE NORTH AMERICAN MARKET FOR SOFTWOOD LUMBER

Mr. NICKLES (for himself, Mr. KYL, Mr. LIEBERMAN, Mr. GRAHAM, Mr. GRASSLEY, and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 111

Whereas the United States and Canada have, since 1989, worked to reduce tariff and nontariff barriers to trade;

Whereas free trade has greatly benefited the United States and Canadian economies;

Whereas the United States and Canada have been engaged in an ongoing dispute over trade in soft-wood lumber for 18 years;

Whereas on May, 29, 1996, the United States and Canada entered into an agreement to temporarily resolve the dispute;

Whereas the United States-Canada Softwood Lumber Agreement of 1996 does not promote open trade;

Whereas the scope of the United States-Canada Softwood Lumber Agreement of 1996 has been expanded, leading to uncertainty for importers, distributors, retailers, and purchasers of softwood lumber products;

Whereas the availability of affordable housing is important to the American homebuyer;

Whereas lumber price volatility jeopardizes housing affordability; and

Whereas the United States-Canada Softwood Lumber Agreement of 1996 will expire on April 1, 2001: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States-Canada Softwood Lumber Agreement of 1996 should terminate on April 1, 2001, with no extension or further quota agreement;

(2) the President should continue discussions with the Government of Canada to promote open and Competitive trade between the United States and Canada of softwood lumber; and

(3) the President should consult with all stakeholders, including consumers of softwood lumber products, in future discussions regarding the open trade of softwood lumber between the United States and Canada.

SENATE RESOLUTION 304—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEVELOPMENT OF EDUCATIONAL PROGRAMS ON VETERANS' CONTRIBUTIONS TO THE COUNTRY AND THE DESIGNATION OF THE WEEK THAT INCLUDES VETERANS DAY, AS "NATIONAL VETERANS WEEK" FOR THE PRESENTATION OF SUCH EDUCATIONAL PROGRAMS

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 304

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

Whereas our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing

awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as "National Veterans Awareness Week" for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of submitting a resolution expressing the sense of the Senate that the Department of Education develop and disseminate educational materials and programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. The resolution also designates the week that includes Veterans Day as "National Veterans Awareness Week" to serve as a focus for these educational activities.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our Armed Forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current Armed Forces now operate effectively with a personnel roster that is one-third less in size than just 10 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was a place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. As a consequence of this lack of opportunity for contacts with veterans, many of our young people have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the Armed Forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the Armed Forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the Armed Forces and even throughout the population at large.

Among today's young people, a generation that has grown up largely during times of peace and extraordinary prosperity and has embraced a "me first" attitude, it is perhaps even more important to make sure that there is solid understanding of what it has taken to attain this level of comfort and freedom. The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contribution of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was recently brought home to me by Samuel I. Cashdollar, a 13-year-old seventh grader at Lewes Middle School in Lewes, Delaware, who recently won the Delaware VFW's Youth Essay Contest with a powerful presentation titled "How Should We Honor America's Veterans?" Samuel's essay points out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked and many businesses remain open on Veterans Day. In a time when, for some, Veterans Day has simply become an excuse for another department store sale, we need to make sure that we don't become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

Now, it is appropriate to ask, "We already have Veterans Day, why do we need National Veterans Awareness Week?" Historically Veterans Day was established to honor those who served in uniform during wartime. Although we now customarily honor all veterans on Veterans Day, I see it as a holiday that is focused on honoring individuals, the courageous and selfless men and women without whose actions our country would not exist as it does. National Veterans Awareness Week would complement Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week would also present an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Mr. President, I ask my colleagues to support this resolution; our children and our childrens' children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future. I ask unanimous consent that the text of Samuel Cashdollar's essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HOW SHOULD WE HONOR AMERICA'S VETERANS?

(By Samuel I. Cashdollar)

The 11th of November each year is designated as Veterans Day and is a Federal holiday. Employees of the U.S. Government get the day off and post offices and most banks are closed. The President visits Arlington National Cemetery and lays a wreath at the Tomb of the Unknown Soldier. Parades are held in some places. This isn't adequate recognition of the contribution veterans have made to America.

Each State is free to decide which Federal Holidays it wants to recognize. In many States, government offices, schools, and businesses remain open on Veterans Day. Even where it's officially observed, Veterans Day comes and goes with most people not even thinking about the tremendous sacrifices made by the men and women who served in Armed Forces and fought for America's freedom.

Today, people celebrate numerous weeks, such as Nurses Week, Secretaries Week, Teachers Week, etc. These are important events, but are they any more important than honoring brave men and women who gave so much for their country? America is free because of these courageous individuals who should be honored with their own week.

The U.S. Congress should pass a law establishing a "Veterans Week". All schools should be required to spend a portion of each day reminding students that it was ordinary people who fought, were wounded, and even killed in defense of America. This could be done in each grade level so that every student would learn something about the wars that our nation has fought. It could be part of a history class as well as a lesson about the responsibility of each person to protect our country. Teachers could easily find stories to share with students who have no idea what war is like. If teachers needed help, I'm sure organizations like the VFW would be glad to participate and even speak to the students.

Veterans Week should be given special attention on television, too, just like Black History Month. I've learned a lot about the history of Black Americans from the stories they feature on television. Movies about heroic battles should be broadcast all week long. Veterans could talk about their experiences in those wars.

In conclusion, it's very sad that many Americans know little or nothing about the great wars our country has fought in. I believe Veterans Week would do a lot to change that.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3127

Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, Mr. BREAUX, Mr. BRYAN, and Mrs. FEINSTEIN) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

Beginning on page 1, line 3, strike "1." and all that follows through line 18 on page 922, and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Public Education Reinvestment, Reinvention, and Responsibility Act (Three R's)".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Declaration of priorities.

TITLE I—STUDENT PERFORMANCE

Sec. 101. Heading.
Sec. 102. Findings, policy, and purpose.
Sec. 103. Authorization of appropriations.
Sec. 104. Reservation for school improvement.

Part A—Improving Basic Programs Operated by Local Educational Agencies

Sec. 105. State plans.
Sec. 106. Local educational agency plans.
Sec. 107. Schoolwide programs.
Sec. 108. School choice.
Sec. 109. Assessment and local educational agency and school improvement.
Sec. 110. State assistance for school support and improvement.
Sec. 111. Parental involvement changes.
Sec. 112. Qualifications for teachers and paraprofessionals.
Sec. 113. Professional development.
Sec. 114. Fiscal requirements.
Sec. 115. Coordination requirements.
Sec. 116. Grants for the outlying areas and the Secretary of the Interior.
Sec. 117. Amounts for grants.
Sec. 118. Basic grants to local educational agencies.
Sec. 119. Concentration grants.
Sec. 120. Targeted grants.
Sec. 121. Special allocation procedures.

Part B—Even Start Family Literacy Programs

Sec. 131. Program authorized.
Sec. 132. Applications.
Sec. 133. Research.

Part C—Education of Migratory Children

Sec. 141. Comprehensive needs assessment and service-delivery plan; authorized activities.

Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

Sec. 151. State plan and State agency applications.
Sec. 152. Use of funds.

Part E—Federal Evaluations, Demonstrations, and Transition Projects

Sec. 161. Evaluations.
Sec. 162. Demonstrations of innovative practices.

Part F—Rural Education Development Initiative

Sec. 171. Rural education development initiative.

Part G—General Provisions

Sec. 181. Federal regulations.
Sec. 182. State administration.

TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

Sec. 201. Teacher and principal quality, professional development, and class size.

TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 301. Language minority students.
Sec. 302. Emergency immigrant education program.
Sec. 303. Indian, Native Hawaiian, and Alaska Native education.

TITLE IV—PUBLIC SCHOOL CHOICE

Sec. 401. Public school choice.
Sec. 402. Development of public school choice programs; report cards.

TITLE V—IMPACT AID

Sec. 501. Impact aid.

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

Sec. 601. High performance and quality education initiatives.

TITLE VII—ACCOUNTABILITY

Sec. 701. Accountability.

TITLE VIII—GENERAL PROVISIONS AND REPEALS

Sec. 801. Repeals, transfers, and redesignations regarding titles VIII and XIV.
Sec. 802. Other repeals.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. DECLARATION OF PRIORITIES.

Congress declares that our national educational priorities are to—

(1) introduce real accountability by making public elementary school and secondary school education funding performance-based rather than a guaranteed source of revenue for States and local educational agencies;

(2) require State educational agencies and local educational agencies to establish high student performance objectives, and to provide the State educational agencies and local educational agencies with flexibility in using Federal resources to ensure that the performance objectives are met;

(3) concentrate Federal funding around a small number of central education goals, including compensatory education for disadvantaged children and youth, teacher quality and professional development, programs for limited English proficient students, public school choice programs, innovative educational programs, student safety, and the incorporation of educational technology;

(4) concentrate Federal education funding on impoverished areas where elementary schools and secondary schools are most likely to be in distress;

(5) sanction State educational agencies and local educational agencies that consistently fail to meet established benchmarks; and

(6) reward State educational agencies, local educational agencies, and elementary schools and secondary schools that demonstrate high performance.

TITLE I—STUDENT PERFORMANCE

SEC. 101. HEADING.

The heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:

"TITLE I—STUDENT PERFORMANCE".

SEC. 102. FINDINGS, POLICY, AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1001. FINDINGS, POLICY AND PURPOSE.

"(a) Findings.—Congress makes the following findings:

"(1) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between low-income and middle-class students.

"(2) The 1994 reauthorization of the Elementary and Secondary Education Act of 1965 was an important step in focusing our Nation's priorities on closing the achievement gap between poor and affluent students in the United States. The Federal Government must continue to build on these improvements made in 1994 by holding States and local educational agencies accountable for student achievement.

"(3) States can help close this achievement gap by developing challenging curriculum content and student performance standards so that all elementary school and secondary school students perform at an advanced level. States should implement vigorous and comprehensive student performance assessments, such as the National Assessment of Educational Progress (NAEP) so as to measure fully the progress of our Nation's students.

"(4) In order to ensure that no child is left behind in the new economy, the Federal Government must better target Federal resources on those children who are most at-risk for falling behind academically.

"(5)(A) Title I funds have been targeted on high-poverty areas, but not to the degree they should be as demonstrated by the following:

"(B) Although 95 percent of schools with poverty levels of 75 percent to 100 percent receive title I funding, 20 percent of schools with poverty levels of 50 to 74 percent do not receive any title I funding.

"(C) Only 64 percent of schools with poverty levels in the 35 percent to 49 percent range receive title I funding.

"(6) Title I funding should be significantly increased and more effectively targeted to ensure that all low-income students have an opportunity to excel academically.

"(7) The Federal Government should provide greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance. Federal, State, and local efforts should be focused on raising the academic achievement of all students. Our Nation's children deserve nothing less than holding accountable those responsible for shaping our childrens' future and our country's future.

"(b) POLICY.—Congress declares that it is the policy of the United States to ensure that all students receive a high-quality education by holding States, local educational agencies, and elementary schools and secondary schools accountable for increased student academic performance results, and by facilitating improved classroom instruction.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To eliminate the existing 2-tiered educational system, which set lower academic expectations for impoverished students than for affluent students.

"(2) To require all States to have challenging content and student performance standards and assessment measures in place.

"(3) To require all States to ensure adequate yearly progress for all students by establishing annual, numerical performance objectives.

"(4) To ensure that all title I students receive educational instruction from a fully qualified teacher.

"(5) To support State and local educational agencies in identifying, assisting, and correcting low-performing schools.

"(6) To increase Federal funding for part A programs for disadvantaged students in return for increased academic performance of all students.

"(7) To target Federal funding to local educational agencies serving the highest percentages of low-income students.".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated $12,000,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) EVEN START.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

"(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $12,000,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002.

"(f) FEDERAL ACTIVITIES.—For the purpose of carrying out sections 1501 and 1502, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.".

SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.

"(a) STATE RESERVATIONS.—

"(1) IN GENERAL.—Each State educational agency shall reserve 2.5 percent of the amount the State educational agency receives under part A for fiscal years 2001 and 2002, and 3.5 percent of that amount for fiscal years 2003 through 2005, to carry out paragraph (2) and to carry out the State educational agency's responsibilities under sections 1116 and 1117, including the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency shall make available at least 80 percent of such amount directly to local educational agencies.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

SEC. 105. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State educational agency desiring a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators (including administrators of programs described in other parts of this title), local school boards, other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(b) STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY.—

"(1) CHALLENGING STANDARDS.—

"(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, and the local educational agencies, and elementary schools and secondary schools, within the State to carry out this part.

"(B) UNIFORMITY.—The standards required by subparagraph (A) shall be the same standards that the State applies to all elementary schools and secondary schools within the State and all children attending such schools.

"(C) SUBJECTS.—The State shall have such standards for elementary school and secondary school children served under this part in subjects determined by the State, but including at least mathematics, science, and English language arts, and which shall include the same knowledge, skills, and levels of performance expected of all children.

"(D) STANDARDS.—Standards under this paragraph shall include—

"(i) challenging content standards in academic subjects that—

"(I) specify what children are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills; and

"(ii) challenging student performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe 2 levels of high performance, proficient and advanced levels of performance, that determine how well children are mastering the material in the State content standards; and

"(III) describe a third level of performance, a basic level of performance, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) ADDITIONAL SUBJECTS.—For the subjects in which students will be served under this part, but for which a State is not required under subparagraphs (A), (B), and (C) to develop, and has not otherwise developed, challenging content and student performance standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

"(F) SPECIAL RULE.—In the case of a State that allows local educational agencies to adopt more rigorous standards than those set by the State, local educational agencies shall be allowed to implement such standards.

"(2) ADEQUATE YEARLY PROGRESS.—

"(A) IN GENERAL.—Each State plan shall demonstrate, based on assessments described under paragraph (4), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling all children to meet the State's challenging student performance standards;

"(ii) any local educational agency that receives funds under this part toward enabling all children in schools served by the local educational agency and receiving assistance under this part to meet the State's challenging student performance standards; and

"(iii) the State in enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards.

"(B) DEFINITION.—Adequate yearly progress shall be defined by the State in a manner that—

"(i) applies the same high standards of academic performance to all students in the State;

"(ii) takes into account the progress of all students in the State and in each local educational agency and school served under section 1114 or 1115;

"(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);

"(iv) compares separately, within each State, local educational agency, and school, the performance and progress of students, by each major ethnic and racial group, by gender, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

"(v) compares the proportions of students at the basic, proficient, and advanced levels of performance with the proportions of students at each of the 3 performance levels in the same grade in the previous school year;

"(vi) endeavors to include other academic measures such as promotion, attendance, drop-out rates, completion of college preparatory courses, college admission tests taken, and secondary school completion, except that failure to meet another academic measure, other than student performance on State assessments aligned with State standards, shall not provide the sole basis for designating a district or school as in need of improvement;

"(vii) includes annual numerical objectives for improving the performance of all groups described in clause (iv) and narrowing gaps in performance between these groups in, at least, the areas of mathematics and English language arts; and

"(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment used for the purposes of this section and section 1116 not later than 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(C) ACCOUNTABILITY.—Each State plan shall demonstrate that the State has developed and is implementing a statewide accountability system that has been or will be effective in ensuring that all local educational agencies, elementary schools, and secondary schools are making adequate yearly progress as defined in section 1111(b)(2)(B). Each State accountability system shall—

"(i) be based on the standards and assessments adopted under paragraphs (1) and (4) and take into account the performance of all students required by law to be included in such assessments;

"(ii) be the same accountability system the State uses for all schools or all local educational agencies, if the State has an accountability system for all schools or all local educational agencies;

"(iii) provide for the identification of schools or local educational agencies receiving funds under this part that for 2 consecutive years have exceeded such schools' or agencies' adequate yearly progress goals so that information about the practices and strategies of such schools or agencies can be disseminated to other schools in the local educational agency and in the State and such schools can be considered for rewards provided under title VII of this Act;

"(iv) provide for the identification of schools and local educational agencies in need of improvement, as required by section 1116, and for the provision of technical assistance, professional development, and other capacity-building as needed, including those measures specified in sections 1116(d)(9) and 1117, to ensure that schools and local educational agencies so identified have the resources, skills, and knowledge needed to carry out their obligations under sections 1114 and 1115 and to meet the requirements for annual improvement described in paragraph (2); and

"(v) provide for the identification of schools and local educational agencies for corrective action or actions as required by section 1116, and for the implementation of corrective actions against school and school districts when such actions are required under such section.

"(D) ANNUAL IMPROVEMENT FOR STATES.—For a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within the State shall meet the State's criteria for adequate yearly progress.

"(E) ANNUAL IMPROVEMENT FOR LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools served by the local educational agency shall meet the State's criteria for adequate yearly progress.

"(F) ANNUAL IMPROVEMENT FOR SCHOOLS.—For an elementary school or a secondary school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (B)(iv) who are enrolled in such school shall take the assessments described in paragraph (4)(D) and in section 612(a)(17)(A) of the Individuals with Disabilities Education Act.

"(G) PUBLIC NOTICE AND COMMENT.—

"(i) IN GENERAL.—Each State shall submit information in the State plan demonstrating that in developing such plan—

"(I) the State diligently sought public comment from a range of institutions and individuals in the State with an interest in improved student achievement; and

"(II) the State made and will continue to make a substantial effort to ensure that information regarding content standards, performance standards, assessments, and the State accountability system is widely known and understood by the public, parents, teachers, and school administrators throughout the State.

"(ii) EFFORTS.—The efforts described in clause (i), at a minimum, shall include annual publication of such information and explanatory text to the public through such means as the Internet, the media, and public agencies. Non-English language shall be used to communicate with parents where appropriate.

"(H) REVIEW.—The Secretary shall review information from each State on the adequate yearly progress of schools and local educational agencies within the State required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.

"(3) STATE AUTHORITY.—If a State educational agency provides evidence that is satisfactory to the Secretary that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority under State law to adopt curriculum content and student performance standards, and assessments aligned with such standards, that will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

"(A) adopting curriculum content and student performance standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of such standards and assessments to students served under this part; or

"(B) adopting and implementing policies that ensure that each local educational agency within a State receiving a grant under this part will adopt curriculum content and student performance standards and assessments—

"(i) that are aligned with the standards described in subparagraph (A); and

"(ii) that meet the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish and that are applicable to all students served by each such local educational agency.

"(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high quality, yearly student assessments that include, at a minimum, assessments in mathematics, science, and English language arts, that will be used, starting not later than the 2000-2001 school year as the primary means of determining the yearly performance of each local educational agency and school served by the State under this title in enabling all children to meet the State's challenging content and student performance standards. Such assessments shall—

"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

"(B) be aligned with the State's challenging content and student performance standards, and provide coherent information about the local educational agency's contribution to the student attainment of such standards;

"(C) be used only for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

"(D) measure the performance of students against the challenging State content and student performance standards, and be administered not less than once during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;

"(E) include multiple, up-to-date measures of student performance and the local educational agency's contribution to student performance, including measures that assess higher order thinking skills and understanding;

"(F) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for students with disabilities as defined in 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and student performance standards;

"(iii) in the case of a student with limited English proficiency, the assessment of such student in the student's native language if such a native language assessment is more likely than an English language assessment to yield accurate and reliable information on what that student knows and is able to do; and

"(iv) notwithstanding clause (iii), the assessment (using tests written in English) of English language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional consecutive year beyond the third consecutive year; and

"(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

“(H) provide individual student reports to be submitted to parents, including assessment scores or other information on the attainment of student performance standards; and

“(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

“(5) RIGOROUS CRITERIA.—States are encouraged to use rigorous criteria assessment measures.

“(6) FIRST GRADE LITERACY ASSESSMENT.—In addition to those assessments described in paragraph (4),. each State receiving funds under this part shall describe in its State plan what reasonable steps it is taking to assist and encourage local educational agencies—

“(A) to measure literacy skills of first graders in schools receiving funds under this part by providing assessments of first graders that are—

“(i) developmentally appropriate;

“(ii) aligned with State content and student performance standards; and

“(iii) scientifically research-based; and

“(B) to assist and encourage local educational agencies receiving funds under this part in identifying and taking developmentally appropriate and effective interventions in any school served under this part in which a substantial number of first graders have not demonstrated grade-level literacy proficiency by the end of the school year.

“(7) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English and Spanish that are present in the participating student populations in the State, and indicate the languages for which yearly student assessments are not available and are needed. The State may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.

“(8) ASSESSMENT DEVELOPMENT.—A State shall develop and implement the State assessments, including, at a minimum, mathematics and English language arts, by the 2000–2001 school year.

“(9) REQUIREMENT.—Each State plan shall describe—

“(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1114(b), 1115(c), and 1116 that are applicable to such agency or school;

“(B) how the State educational agency will—

“(i) hold each local educational agency affected by the State plan accountable for improved student performance, including a procedure for—

“(I) identifying local educational agencies and schools in need of improvement; and

“(II) assisting local educational agencies and schools identified under subclause (I) to address achievement problems, including thorough descriptions of the amounts and types of professional development to be provided instructional staff, the amount of any financial assistance to be provided by the State under section 1003, and the amount of any funds to be provided by other sources and the activities to be provided by those sources; and

“(ii) implementing corrective action if assistance is not effective;

“(C) how the State educational agency is providing low-performing students additional academic instruction, such as before- and after-school programs and summer academic programs;

“(D) such other factors the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the State's challenging content standards;

“(E) the specific steps the State educational agency will take or the specific strategies the State educational agency will use to ensure that—

“(i) all teachers in both schoolwide programs and targeted assistance programs are fully qualified not later than December 31, 2005; and

“(ii) low-income students and minority students are not taught at higher rates than other students by unexperienced, uncertified, or out-of-field teachers; and

“(F) the measures the State educational agency will use to evaluate and publicly report the State's progress in improving the quality of instruction in the schools served by the State educational agency and local educational agencies receiving funding under this Act.

“(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

“(1) the State educational agency will work with other agencies, including educational service agencies or other local consortia and institutions to provide technical assistance to local educational agencies and elementary schools and secondary schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119(A) and technical assistance under section 1117; and

“(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

“(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements, such as through a consortium of local educational agencies;

“(3) the State educational agency will use the disaggregated results of the student assessments required under subsection (b)(4), and other measures or indicators available to the State, to review annually the progress of each local educational agency and school served under this part to determine whether each such agency and school is making the annual progress necessary to ensure that all students will meet the proficient level of performance on the assessments described in subsection (b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual elementary schools and secondary schools participating in a program assisted under this part;

“(5) the State educational agency will regularly inform the Secretary and the public in the State of how Federal laws, if any, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

“(6) the State educational agency will encourage elementary schools and secondary schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

“(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that elementary schools and secondary schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

“(8) the State educational agency has involved the committee of practitioners established under section 1703(b) (as redesignated by section 161(2)) in developing and monitoring the implementation of the State plan; and

“(9) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under title VIII and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999.

“(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

“(1) establish a peer review process to assist in the review of State plans;

“(2) only approve a State plan meeting each of the requirements of this section;

“(3) if the Secretary determines that the State plan does not meet each of the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

“(4) not disapprove a State plan before—

“(A) notifying the State educational agency in writing of the specific deficiencies of the State plan;

“(B) offering the State an opportunity to revise the State plan;

“(C) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

“(D) providing a hearing;

“(5) have the authority to disapprove a State plan for not meeting the requirements of this section, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the challenging State content standards or to use specific assessment instruments or items; and

“(6) require a State to submit a revised State plan that meets the requirements of this section to the Secretary for approval not later than 1 year after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(e) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan shall—

“(A) remain in effect for the duration of the State's participation under this part; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

“(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its State plan, such as the adoption of new challenging State content standards and State student performance standards, new assessments, or a new definition of adequate yearly progress, the State shall submit such information to the Secretary.

“(f) LIMITATION ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, or elementary school's or secondary school's specific challenging content or student performance standards, assessments, curricula, or program of instruction, as a condition of eligibility to receive funds under this part.

"(g) PENALTIES.—

"(1) IN GENERAL.—If a State fails to meet the statutory deadlines for demonstrating that the State has in place challenging content standards and student performance standards, assessments, a system for measuring and monitoring adequate yearly progress, and a statewide system for holding schools and local educational agencies accountable for making adequate yearly progress with each group of students specified in subsection (b)(2)(B)(iv), the State shall be ineligible to receive any administrative funds under section 1703(c) that exceed the amount received by the State for such purposes in the previous year.

"(2) ADDITIONAL FUNDS.—Based on the extent to which challenging content standards and student performance standards, assessments, systems for measuring and monitoring adequate yearly progress, and a statewide system for holding schools and local educational agencies accountable for making adequate yearly progress with each group of students specified in subsection (b)(2)(B)(iv), are not in place, the Secretary shall withhold additional administrative funds in such amount as the Secretary determines appropriate, except that for each additional year that the State fails to comply with such requirements, the Secretary shall withhold not less than ⅕ of the amount the State receives for administrative expenses under section 1703(c).

"(3) WAIVER.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding part D of title VIII, the Education Flexibility Partnership Act of 1999, or any other provision of law, a waiver of this section shall not be granted, except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.

"(B) EXCEPTION.—A waiver granted pursuant to subparagraph (A) shall not apply to the requirements described under subsection (h).

"(h) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsection (b) and part D of title IV, no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005–2006 school year.".

SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.

(a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C. 6312(a)(1)) is amended by striking "" and all that follows and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.".

(b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C. 6312(b)) is amended—

(1) by striking "Each" and inserting "In order to help low-achieving children achieve high standards, each";

(2) in paragraph (1)—

(A) by striking "part" each place it appears and inserting "title"; and

(B) in subparagraph (B), by inserting "low-achieving" before "children";

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking "program," and inserting "programs and"; and

(ii) by striking ", and school-to-work transition programs"; and

(B) in subparagraph (B), by striking "under part C" and all that follows through "dropping out" and inserting "under part C, neglected or delinquent youth,";

(4) in paragraph (7), by striking "eligible";

(5) in paragraph (9), by striking the period and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

"(10) a description of the actions the local educational agency will take to assist the low-performing schools served by the local educational agency, including schools identified under section 1116 as in need of improvement; and

"(11) a description of how the local educational agency will promote the use of alternative instructional methods, and extended learning time, such as an extended school year, before- and after-school programs, and summer programs.".

(c) ASSURANCES.—Section 1112(c) (20 U.S.C. 6312(c)) is amended to read as follows:

"(c) ASSURANCES.—

"(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(A) specify the steps the local educational agency will take to ensure that all teachers in both schoolwide programs and targeted assistance are fully qualified not later than December 31, 2005 and the strategies the local educational agency will use to ensure that low-income students and minority students are not taught at higher rates than other children by inexperienced, uncertified, or out-cf-field teachers, and the measures the agency will use to evaluate and publicly report progress in improving the quality of instruction in schools served by the local educational agency and receiving funding under this Act;

"(B) reserve not less than 10 percent of the funds the agency receives under this part for high quality professional development, as defined in section 1119, for professional instruction staff;

"(C) provide eligible schools and parents with information regarding schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

"(D) provide technical assistance and support to schoolwide programs;

"(E) work in consultation with schools as the schools develop a school plan pursuant to section 1114(b)(2), and assist schools in implementing such plans or undertaking activities pursuant to section 1115(c), so that each school can make adequate yearly progress toward meeting the challenging State student performance standards;

"(F) use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this title to determine whether or not all schools are making the annual progress necessary to ensure that all students will meet the proficient level of performance on the assessments described in section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

"(G) set and hold schools served by the local educational agency accountable for meeting annual numerical goals for improving the performance of all groups of students based on the performance standards set by the State under section 1111(b)(1)(D)(ii);

"(H) fulfill the local educational agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(9);

"(I) provide the State educational agency with—

"(i) an annual, up-to-date, and accurate list of all schools served by the local educational agency that are eligible for school improvement and corrective action;

"(ii) the reasons why each school described in clause (i) was identified for school improvement or corrective action; and

"(iii) the specific plans for improving student performance in each of the schools described in clause (i), including the specific numerical achievement goals for the succeeding 2 school years, for each group of students specified in section 1111(b)(2)(B)(iv) enrolled in each such school;

"(J) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and provide timely and meaningful consultation with private school officials regarding such services;

"(K) take into account the experience of model programs for the educationally disadvantaged and the findings of relevant scientifically based research when developing technical assistance plans for, and delivering technical assistance to, schools served by the local educational agency that are receiving funds under this part and are in school improvement or corrective action;

"(L) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

"(M) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

"(N) inform eligible schools served by the local educational agency of the agency's authority to obtain waivers on such school's behalf under title VIII, and if the State is an Ed-Flex Partnership State, under the Education Flexibility Partnership Act of 1999; and

"(O) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and their families.

"(2) MODEL PROGRAMS; SCIENTIFICALLY BASED RESEARCH.—In carrying out paragraph (1)(K)—

"(A) the Secretary shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph, and shall establish procedures (taking into consideration existing State and local laws and local teacher contracts) to assist local educational agencies to comply with such subparagraph;

"(B) the Secretary shall disseminate to local educational agencies the Head Start performance standards under section 641A(a) of the Head Start Act upon such standard's publication; and

"(C) local educational agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

"(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs.".

(d) PLAN DEVELOPMENT AND DURATION.—Section 1112(d) (20 U.S.C. 6312(d)) is amended to read as follows:

"(d) PLAN DEVELOPMENT AND DURATION.—

"(1) Consultation.—Each local educational agency plan shall be developed in consultation with teachers, principals, local school boards, administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and parents of children in elementary schools and secondary schools served under this part.

"(2) Duration.—Each plan described in paragraph (1) shall remain in effect for the duration of the local educational agency's participation under this part.

"(3) Review.—Each local educational agency shall periodically review, and as necessary, revise its plan.".

(e) State Approval.—Section 1112(e) (20 U.S.C. 6312(e)) is amended to read as follows:

"(e) Peer Review and State Approval.—

"(1) In general.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

"(2) Approval.—The State educational agency shall establish a peer review process to assist in the review of local educational agency plans. The State educational agency shall approve a local educational agency plan only if the State educational agency determines that the local educational agency plan—

"(A) will enable elementary schools and secondary schools served by the local educational agency and under this part to help all groups of students specified in section 1111(b)(1) meet or exceed the proficient level of performance on the assessments required under section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

"(B) meets each of the requirements of this section.

"(3) State review.—Each State educational agency shall at least annually review each local agency plan approved under this subsection against the results of the disaggregated assessments required under section 1111(b)(4) for each local educational agency to ensure that the progress of all students in schools served by each local educational agency under this part is adequate to ensure that all students in the State will meet or exceed the proficient standard level of performance on assessments within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(4) Public review.—Each State educational agency will make publicly available each local educational agency plan.".

(f) Parental Notification for English Language Instruction.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

"(g) Parental Notification for English Language Instruction.—

"(1) Notification.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient students, the local educational agency shall inform a parent or the parents of a child participating in an English language assistance educational program assisted under this part of—

"(A) the reasons for the identification of the child as being in need of English language instruction;

"(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

"(C) how the English language assistance educational program will specifically help the child learn English and meet age-appropriate standards for grade promotion and graduation;

"(D) the specific exit requirements of the English language assistance educational program;

"(E) the expected rate of graduation from the English language assistance educational program into mainstream classes; and

"(F) the expected rate of graduation from secondary school if funds under this part are used for children in secondary schools.

"(2) Parental rights.—

"(A) In general.—A parent or the parents of a child participating in an English language assistance educational program under this part shall—

"(i) have the option of selecting among methods of instruction, if more than one method is offered in the program; and

"(ii) have the right to have their child immediately removed from the program upon their request.

"(B) Receipt of information.—A parent or the parents of a child identified for participation in an English language assistance educational program under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(i) timely information about English language assistance educational programs for limited English proficient children assisted under this part; and

"(ii) if a parent of a participating child so desires, notice of opportunities for regular meetings of parents of limited English proficient children participating in English language assistance educational programs under this part for the purpose of formulating and responding to recommendations from such parents.

"(3) Basis for admission or exclusion.—No student shall be admitted to or excluded from any federally assisted education program solely on the basis of a surname or language minority status.".

SEC. 107. SCHOOLWIDE PROGRAMS.

(a) Use of Funds for Schoolwide Programs.—Section 1114(a) (20 U.S.C. 6314(a)) is amended—

(1) in paragraph (1), by striking "school described in subparagraph (A)" and all that follows through "such families." the second place it appears and inserting "school that serves an eligible school attendance area in which—

"(A) not less than 40 percent of the children are from low-income families; or

"(B) not less than 40 percent of the children enrolled in the school are from such families."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "subsections (c)(1) and (e) of"; and

(B) in subparagraph (B), by striking "subsections (c)(1) and (e) of".

(b) Components of a Schoolwide Program.—Section 1114(b) (20 U.S.C. 6314(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "section 1111(b)(1)" and inserting "section 1111(b)";

(B) in subparagraph (B)—

(i) in clause (i), by striking "section 1111(b)(1)(D)" and inserting "1111(b)";

(ii) in clause (iii)(II), by inserting "and" after the semicolon;

(iii) in clause (iv)(II), by striking "; and" and inserting a period; and

(iv) by striking clause (vii); and

(C) in subparagraph (G), by striking "section 1112(b)(1)" and inserting "section 1112"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(ii) by striking "subsections (c)(1) and (e) of"; and

(iii) in clause (iv), by striking "section 1111(b)(3)" and inserting "section 1111(b)(4)";

(B) in subparagraph (B), by striking "paragraphs (1) and (3) of section 1111(b)" and inserting "paragraphs (1) and (4) of section 1111(b)"; and

(C) in subparagraph (C)(i)—

(i) in subclause (I), by striking "subsections (c) and (e) of"; and

(ii) in subclause (II), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act".

SEC. 108. SCHOOL CHOICE.

Section 1115A (20 U.S.C. 6316) is amended to read as follows:

"SEC. 1115A. SCHOOL CHOICE.

"(a) Choice Programs.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, that permit parents to select the public school that their child will attend and are consistent with State and local law, policy, and practice related to public school choice and local pupil transfer.

"(b) Choice Plan.—A local educational agency that chooses to implement a public school choice program under this section shall first develop a plan that—

"(1) contains an assurance that all eligible students across grade levels served under this part will have equal access to the program;

"(2) contains an assurance that the program does not include elementary schools or secondary schools that follow a racially discriminatory policy;

"(3) describes how elementary schools or secondary schools will use resources under this part, and from other sources, to implement the plan;

"(4) contains an assurance that the plan will be developed with the involvement of parents and others in the community to be served, and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

"(5) contains an assurance that parents of eligible students served by the local educational agency will be given prompt notice of the existence of the public school choice program, the program's availability to such parents, and a clear explanation of how the program will operate;

"(6) contains an assurance that the public school choice program—

"(A) shall include charter schools and any other public elementary school and secondary school; and

"(B) shall not include as a 'receiving school' an elementary school or a secondary school that—

"(i) is or has been identified as a school in, or eligible for, school improvement or corrective action;

"(ii) has been in school improvement or corrective action within the last 2 consecutive academic years; or

"(iii) is at risk of being eligible for school improvement within the next school year;

"(7) contains an assurance that transportation services or the costs of transportation to and from the public school choice program—

"(A) may be provided by the local educational agency with funds under this part and from other sources; and

"(B) shall not be provided from funds made available under this part to the local educational agency that exceed 10 percent of such funds; and

"(8) contains an assurance that such local educational agency will comply with the other requirements of this part.".

SEC. 109. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C. 6317(a)) is amended—

(1) in paragraph (2), by striking "1111(b)(2)(A)(i)" and inserting "1111(b)(2)(B)";

(2) in paragraph (3)—

(A) by striking "individual school performance profiles" and inserting "school report cards";

(B) by striking "1111(b)(3)(I)" and inserting "1111(b)(4)(I)"; and

(C) by striking "and" after the semicolon;

(3) in paragraph (4), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.".

(b) SCHOOL IMPROVEMENT.—Section 1116(c) (20 U.S.C. 6317(c)) is amended to read as follows:

"(c) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—A local educational agency shall identify for school improvement any elementary school or secondary school served under this part that—

"(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(B) was in, or was eligible for, school improvement status under this section on the day preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which an elementary school or a secondary school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention and Responsibility Act.

"(3) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified as in need of improvement under this subsection, a local educational agency may choose to review the progress of only those students in such school who are served, or are eligible for services, under this part.

"(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school level data, including assessment data, on which the proposed identification is based.

"(B) If the principal of a school proposed for identification as in need of school improvement believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which the agency shall consider before making a final determination.

"(5) TIME LIMITS.—Not later than 30 days after a local educational agency makes its initial determination that a school served by the agency and receiving assistance under this part is eligible for school improvement, the local educational agency shall make public a final determination on the status of the school.

"(6) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, and in the 3 languages, other than English, spoken by the greatest number of individuals in the area served by the local educational agency, provide in writing to parents of each student in an elementary school or a secondary school identified for school improvement—

"(A) an explanation of what the school improvement identification means, and how the school identified for improvement compares in terms of academic performance to other elementary schools or secondary schools served by the local educational agency and the State educational agency;

"(B) the reasons for such identification;

"(C) the data on which such identification was based;

"(D) an explanation of what the school identified for improvement is doing to address the problem of low achievement;

"(E) an explanation of what the local educational agency or State educational agency is doing to help the school address its achievement problems, including the amounts and types of professional development being provided to the instructional staff in such school, the amount of any financial assistance being provided by the State educational agency under section 1003, and the activities that are being provided with such financial assistance;

"(F) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified as in need of improvement; and

"(G) an explanation of the right of parents, pursuant to paragraph (7), to transfer their child to a higher performing public school, including a public charter school or magnet school, that is not in school improvement, and how such transfer shall operate.

"(7) PUBLIC SCHOOL CHOICE OPTION.—

"(A) SCHOOLS IN CORRECTIVE ACTION.—

"(i) SCHOOLS IN CORRECTIVE ACTION ON OR BEFORE DATE OF ENACTMENT.—In the case of a school identified for corrective action on or before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency shall not later than 18 months after such date of enactment provide all students enrolled in the school an option to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to any other higher performing public school, including a public charter or magnet school, that—

"(I) has not been identified for school improvement or corrective action;

"(II) is not at risk of being identified for school improvement or corrective action within the succeeding academic year; and

"(III) has not been in corrective action at any time during the 2 preceding academic years.

"(ii) SCHOOLS IDENTIFIED AFTER DATE OF ENACTMENT.—In the case of a school identified for corrective action after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency shall not later than 12 months after the date on which a local educational agency identifies the school for corrective action provide all students enrolled in the school with the transfer option described in clause (i).

"(B) COOPERATIVE AGREEMENT.—If all public schools served by the local educational agency to which a child may transfer under clause (i) are identified for corrective action, or, if public schools in the agency's jurisdiction that are not in corrective action cannot accommodate all of the students who are eligible to transfer because of capacity, or State or local law, policy, and practices related to public school choice and local pupil transfer, the local educational agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies that serve geographic areas in proximity to the geographic area served by the local educational agency, to enable a child to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to a school served by such other local educational agencies that meets the requirements described in subparagraph (A)(i).

"(C) TRANSPORTATION.—A local educational agency that serves a school that has been identified for corrective action shall provide transportation services or the costs of such services for children of parents who choose to transfer their children pursuant to this paragraph to a different school. Not more than 10 percent of the funds allocated to a local educational agency under this part may be used to provide such transportation services or costs of such services.

"(D) CONTINUATION OPTION.—Once a school is no longer identified for or in corrective action, the local educational agency shall continue to provide public school choice as an option to students in such schools for a period of not less than 2 years.

"(8) SCHOOL PLAN.—(A) Each school identified under paragraph (1) for school improvement shall, after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall—

"(i) incorporate scientifically based research strategies that strengthen the core academic programs in the school and address the specific academic issues that caused the school to be identified for school improvement;

"(ii) adopt policies and practices in the school's core academic program that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(B)(iv) enrolled in the school will meet or exceed the State's proficient level of performance on the assessment required in section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

"(iii) assure that the school will reserve not less than 10 percent of the funds made available to it under this part for each fiscal year that the school is in school improvement for the purpose of providing the school's teachers and principal high quality professional development that—

"(I) directly addresses the academic achievement problem that caused the school to be identified for school improvement; and

"(II) meets the requirements for professional development activities under section 1119;

"(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

"(v) establish specific annual, numerical progress goals for each group of students specified in section 1111(b)(2)(B)(iv) enrolled in the school that will ensure that all such groups of students meet or exceed the State's proficient standard level of performance within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

"(vi) identify how the school will provide written notification to parents of each child enrolled in such school, in a format and, to the extent practicable, in a language such parents can understand; and

"(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving such school under the plan.

"(B) The local educational agency described in subparagraph (A)(vi) may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (10)(C).

"(C) A school shall implement the school plan or revised plan expeditiously, but not later than the beginning of the school year following the school year in which the school was identified for improvement.

"(D) The local educational agency described in subparagraph (A)(vi) shall establish a peer review process to assist with review of a school improvement plan prepared by the school served by the local educational agency, promptly review the school plan, work with the school as necessary, and approve the school plan if the school plan meets the requirements of this paragraph.

"(9) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements its school plan.

"(B) Such technical assistance—

"(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(4), and other samples of student work, to identify and address instructional problems and solutions;

"(ii) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

"(iii) shall include assistance in analyzing and revising the school's budget such that the school resources are more effectively focused on those activities most likely to increase student achievement and to remove the school from school improvement status;

"(iv) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by the State educational agency, an institution of higher education in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965, a private not-for-profit organization or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7005, or other entity with experience in helping schools improve achievement.

"(C) Technical assistance provided under this section by a local educational agency or an entity authorized by such agency shall be based upon scientifically based research.

"(10) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

"(A) After providing technical assistance under paragraph (9) and subject to subparagraph (F), the local educational agency—

"(i) may take corrective action at any time with respect to a school served by the local educational agency that has been identified under paragraph (1);

"(ii) shall take corrective action with respect to any school served by the local educational agency that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2)(B), after the end of the second year following the school year in which the school was identified under paragraph (1); and

"(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

"(B) As used in this paragraph, the term 'corrective action' means action, consistent with State and local law, that—

"(i) substantially and directly responds to—

"(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

"(II) any underlying staffing, curricula, or other problem in the school; and

"(ii) is designed to increase substantially the likelihood that students enrolled in the school subject to corrective action will perform at the proficient and advanced performance levels.

"(C) In the case of a school described in subparagraph (A)(ii), the local educational agency shall take not less than 1 of the following corrective actions:

"(i) Withhold funds from the school.

"(ii) Make alternative governance arrangements, including reopening the school as a public charter school.

"(iii) Reconstitute the relevant school staff.

"(iv)(I) Authorize students to transfer to other higher performing public schools served by the local educational agency, including public charter and magnet schools.

"(II) Provide such students transportation services, or the costs of transportation, to such schools (except that such funds used to provide transportation services or costs of transportation shall not exceed 10 percent of the amount authorized under section 1122(a)(2)).

"(III) Take not less than 1 additional action described under this subparagraph.

"(v) Institute and fully implement a new curriculum, including appropriate professional development for all relevant staff, that is based upon scientifically based research and offers substantial promise of improving educational achievement for low-performing students.

"(D) A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(E) The local educational agency shall publish and disseminate to the public and to the parents of each student enrolled in a school subject to corrective action, in a format and, to the extent practicable, in a language that the parents can understand, information regarding any corrective action the local educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

"(F)(i) Before taking corrective action with respect to any school under this paragraph, a local educational agency shall provide the school an opportunity to review the school level data, including assessment data, on which the proposed determination is made.

"(ii) If the school believes that the proposed determination is in error for statistical or other substantive reasons, the school principal may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

"(G) TIME LIMITS.—Not later than 30 days after the local educational agency makes its initial determination that a school served by the local educational agency and receiving assistance under this part is eligible for corrective action, the local educational agency shall make a final and public determination on the status of the school.

"(11) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, or determines that, after 1 year of implementation of the corrective action, such action has not resulted in sufficient progress in increased student performance, the State educational agency shall take such action as the agency finds necessary, including designating a course of corrective action described in paragraph (10)(C), consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency's responsibilities under this section.

"(12) SPECIAL RULES.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement.".

(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d)) is amended to read as follows:

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall annually review the progress of each local educational agency within the State receiving funds under this part to determine whether schools served by such agencies and receiving assistance under this part are making adequate yearly progress, as defined in section 1111(b)(2), toward meeting the State's student performance standards and to determine whether each local educational agency is carrying out its responsibilities under sections 1116 and 1117.

"(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—

"(A) for 2 consecutive years fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(B) had been identified for, or was eligible for, improvement under this section as this section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(4) TARGETED ASSISTANCE SCHOOLS.—For purposes of targeted assistance schools within a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served under this part.

"(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which the proposed identification is based.

"(B) If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the State educational agency, which the State educational agency shall consider before making a final determination.

"(6) TIME LIMITS.—Not later than 45 days after the State educational agency makes its initial determination that a local educational agency within the State and receiving assistance under this part is eligible for improvement, the State educational agency shall make public a final determination on the status of the local educational agency.

"(7) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents of each student enrolled in a school served by a local educational agency identified for improvement, in a format, and to the extent practicable, in a language the parents can understand, of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.

"(8) LOCAL EDUCATIONAL AGENCY REVISIONS.—

"(A) IN GENERAL.—Each local educational agency identified under paragraph (2) shall, after being so identified, develop or revise a local educational agency plan, in consultation with the local school board, parents, teachers, school staff, and others, for approval by the State educational agency. Such plan shall—

"(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

"(ii) identify specific annual numerical academic achievement objectives in at least the areas of mathematics and English language arts that the local educational agency will meet, with such objectives being calculated in a manner such that their achievement will ensure that each group of students enrolled in each school served by the local educational agency will meet or exceed the proficient standard level of performance in assessments required under section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

"(iii) assure that the local educational agency will—

"(I) reserve not less than 10 percent of the funds made available to the local educational agency under this part for each fiscal year that the agency is in improvement for the purpose of providing high quality professional development to teachers and principals at schools served by the agency and receiving funds under this part that directly address the academic achievement problem that caused the local educational agency to be identified for improvement and shall be in keeping with the definition of professional development provided in section 1119; and

"(II) the improvement plan shall specify how these funds will be used to remove the local educational agency from improvement status;

"(iv) identify how the local educational agency will provide written notification to parents described in paragraph (7) in a format, and to the extent practicable in a language, that the parents can understand, pursuant to paragraph (7);

"(v) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

"(vi) include a review of the local educational agency budget to ensure that resources are focused on those activities that are most likely to improve student achievement and to remove the agency from improvement status.

"(B) PEER REVIEW.—The State educational agency shall establish a peer review process to assist with the review of the local educational agency improvement plan, promptly review the plan, work with the local educational agency as necessary, and approve the plan if the plan meets the requirements of this paragraph.

"(C) DEADLINE FOR IMPLEMENTATION.—The local educational agency shall implement the local educational agency plan or revised plan expeditiously, but not later than the beginning of the school year following the school year in which the agency was identified for improvement.

"(D) RESOURCES REALLOCATION.—If the local educational agency budget fails to allocate resources, consistent with, subparagraph (A)(iv), the State educational agency may direct the local educational agency to reallocate resources to more effective activities.

"(9) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

"(A) to develop and implement the local educational agency plan or revised plan as approved by the State educational agency consistent with the requirements of this section; and

"(B) to work with schools served by the local educational agency that are identified for improvement.

"(10) TECHNICAL ASSISTANCE.—Technical assistance provided by the State educational agency—

"(A) shall include assistance in analyzing data from the assessments required under section 1111(b)(4) to identify and address instructional problems and solutions;

"(B) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional issues that caused the local educational agency to be identified for improvement;

"(C) shall include assistance in analyzing and revising the local educational agency's budget such that the agency's resources are more effectively focused on those activities most likely to increase student achievement and to remove the agency from improvement status; and

"(D) may be provided by—

"(i) the State educational agency; or

"(ii) with the local educational agency's approval, by an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7005, or any other entity with experience in helping schools improve achievement.

"(11) RESOURCES REALLOCATION.—The State educational agency may, as a condition of providing the local educational agency with technical assistance and financial support in developing and carrying out an improvement plan, require that the local educational agency reallocate resources away from ineffective or inefficient activities to activities that, through scientific research, have proven to have the greatest impact on increasing student achievement and closing the achievement gap between groups of students.

"(12) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:

"(A) After providing technical assistance under paragraph (10), and subject to subparagraph (D), the State educational agency—

"(i) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and

"(ii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

"(B) As used in this paragraph, the term 'corrective action' means action, consistent with State law, that—

"(i) substantially and directly responds to—

"(I) the consistent academic failure of schools served by a local educational agency that caused the State educational agency to take such action with respect to the local educational agency; and

"(II) any underlying staffing, curricular, or other problem in the schools served by the local educational agency; and

"(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

"(C) In the case of a local educational agency described in subparagraph (A)(ii), the State educational agency shall take not less than 1 of the following corrective actions:

"(i) Withhold funds from the local educational agency.

"(ii) Reconstitute the relevant local educational agency personnel.

"(iii) Remove particular schools from the area served by the local educational agency, and establish alternative arrangements for public governance and supervision of such schools.

"(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the local educational agency's superintendent and school board.

"(v) Abolish or restructure the local educational agency.

"(vi)(I) Authorize students to transfer from a school operated by the local educational agency to a higher performing public school, including a public charter or magnet school, operated by another local educational agency.

“(II) Provide students described in subclause (I) transportation services, or the costs of transportation, not to exceed 10 percent of the funds allocated to a local educational agency under this part, to such higher performing schools or public charter schools.

“(III) Take not less than 1 additional action described under this subparagraph.

“(D) Prior to implementing any corrective action, the State educational agency shall provide notice and a opportunity for a hearing to the affected local educational agency, if State law provides for such notice and opportunity.

“(E) Not later than 45 days after the State educational agency makes its initial determination that a local educational agency in the State and receiving assistance under this part is eligible for improvement, the State educational agency shall make public a final determination on the status of the local educational agency.

“(F) The State educational agency shall publish and disseminate to parents described in paragraph (7) and the public information regarding any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

“(G) The State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the local educational agency's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or schools served by the local educational agency.”.

SEC. 110. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended to read as follows:

“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

“(a) SYSTEM FOR SUPPORT.—Using funds allocated under section 1003(a)(1), each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies, elementary schools, and secondary schools receiving funds under this part, in order to ensure that all groups of students specified in section 1111 and attending such schools meet or exceed the proficient standard level performance on the assessments required by section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(b) PRIORITIES.—In carrying out this section, a State educational agency shall—

“(1) first, provide support and assistance to local educational agencies and schools identified as in need of improvement under section 1116;

“(2) second, provide support and assistance to local educational agencies subject to corrective action under section 1116, and assist elementary schools and secondary schools, in accordance with section 1116(c)(11), for which a local educational agency has failed to carry out its responsibilities under section 1116(c) (9) and (10); and

“(3) third, provide support and assistance to local educational agencies and schools that are at risk of being identified as being in need of improvement within the next academic year, participating under this part.

“(c) APPROACHES.—In order to achieve the purpose described in subsection (a), each statewide system shall provide technical assistance and support through approaches such as—

“(1) school support teams, composed of individuals who are knowledgeable about scientifically based research, teaching and learning practices, and particularly about strategies for improving educational results for low-achieving children; and

“(2) designating and using Distinguished Educators, who are chosen from schools served under this part that have been especially successful in improving academic achievement.

“(d) FUNDS.—Each State educational agency—

“(1) shall use funds reserved under section 1003(a)(1), but not used under section 1003(a)(2), to carry out this section; and

“(2) may use State administrative funds authorized under section 1703(c) to carry out this section.

“(e) ALTERNATIVES.—The State educational agency may—

“(1) devise additional approaches to providing the technical assistance and support described in subsection (c), such as providing assistance through institutions of higher education, educational service agencies, or other local consortia; and

“(2) seek approval from the Secretary to use funds under section 1003(a)(2) for such approaches as part of the State plan.”.

SEC. 111. PARENTAL INVOLVEMENT CHANGES.

(a) LOCAL EDUCATIONAL AGENCY POLICY.—Section 1118(a) (20 U.S.C. 6319(a)) is amended—

(1) in paragraph (1), by striking “programs, activities, and procedures” and inserting “activities and procedures”;

(2) in paragraph (2), by striking subparagraphs (E) and (F) and inserting the following:

“(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part;

“(F) involve parents in the activities of the schools served under this part; and

“(G) promote consumer friendly environments within the local educational agency and schools served under this part.”;

(3) in paragraph (3), by adding at the end the following new subparagraph:

“(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.”.

(b) NOTICE.—Section 1118(b)(1) (20 U.S.C. 6319(b)(1)) is amended by inserting after the first sentence “Parents shall be notified of the policy in a format, and to the extent practicable in a language, that the parents can understand.”.

(c) PARENTAL INVOLVEMENT.—Section 1118(c)(4) (20 U.S.C. 6319(c)(4)) is amended—

(1) in subparagraph (B), by striking “school performance profiles required under section 1116(a)(3)” and inserting “school reports described under section 4401”;

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (C) the following:

“(D) notice of the school's designation as a school in need of improvement under section 1116(b), if applicable, and a clear explanation of what such designation means;

“(E) notice of corrective action taken against the school under section 1116(c)(9) and 1116(d)(12), if applicable, and a clear explanation of what such action means;”; and

(4) in subparagraph (G) (as redesignated by paragraph (2)), by striking “subparagraph (D)” and inserting “subparagraph (F)”.

(d) BUILDING CAPACITY FOR INVOLVEMENT.—Section 1118(e) (20 U.S.C 6319(e)) is amended—

(1) in paragraph (1), by striking “National Educational Goals,”;

(2) by redesignating paragraphs (14) and (15) as paragraphs (16) and (17), respectively;

(3) by inserting after paragraph (13) the following:

“(14) may establish a district wide parent advisory council to advise on all matters related to parental involvement in programs supported under this part;”; and

(4) by redesignating paragraph (5) as paragraph (15) and transferring such paragraph to follow paragraph 14 (as redesignated by paragraph (3));

(5) by inserting after paragraph (4) the following:

“(5) shall expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications;”;

(6) in paragraph (8), by inserting “, to the extent practicable, in a language and format the parent can understand” before the semicolon; and

(7) in paragraph (15) (as redesignated by paragraph (4)), by striking “shall” and inserting “may”.

(e) ACCESSIBILITY.—Section 1118(f) (20 U.S.C. 6319(f)) is amended by striking “, including” and all that follows through the period and inserting “and of parents of migratory children, including providing information and school reports required under section 1111 and described in section 4401 in a language and form such parents understand.”.

SEC. 112. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

Title I of the Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating section 1119 (20 U.S.C. 6320) as section 1119A; and

(2) by inserting after section 1118 the following:

“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

“(a) IN GENERAL.—

“(1) PLAN.—Each State educational agency receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified, as defined in section 2001(1), not later than December 31, 2005. Such plan shall include an assurance that the State educational agency will require each local educational agency and school receiving funds under this part publicly to report the annual progress with respect to the local educational agency's and school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

“(2) SPECIAL RULE.—Notwithstanding any other provision of law, the provisions of this section governing teacher qualifications shall not supersede State laws governing public charter schools.

“(b) NEW PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional hired after December 31, 2002, and working in a program assisted under this part—

“(1) has completed at least the number of courses at an institution of higher education in the area of elementary education, or in the related subject area in which the paraprofessional is working, for a minor degree at such institution;

"(2) has obtained an associate's (or higher) degree; or

"(3) has met a rigorous standard of quality that demonstrates, through formal State certification (as established in subsection (h)),—

"(A) knowledge of, and the ability to provide tutorial assistance in, reading, writing, and mathematics; or

"(B) knowledge of, and the ability to provide tutorial assistance in, reading readiness, writing readiness, and mathematics readiness, as appropriate.

"(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part shall, not later than 4 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, satisfy the requirements of subsection (b).

"(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

"(1) who is proficient in English and a language other than English, and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

"(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118 or other school readiness activities that are noninstructional.

"(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part, regardless of the paraprofessional's hiring date, possesses a secondary school diploma or its recognized equivalent.

"(f) DUTIES OF PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program assisted under this part is not assigned a duty inconsistent with this subsection.

"(2) AUTHORIZED RESPONSIBILITIES.—A paraprofessional described in paragraph (1) may be assigned—

"(A) to provide 1-on-1 tutoring for eligible students under this part, if the tutoring is scheduled at a time when the student would not otherwise receive instruction from a teacher;

"(B) to assist with classroom management, such as organizing instructional and other materials;

"(C) to provide assistance in a computer laboratory;

"(D) to conduct parental involvement activities or school readiness activities that are noninstructional;

"(E) to provide support in a library or media center;

"(F) to act as a translator; or

"(G) to provide assistance with extra curricular activities which are noninstructional.

"(3) LIMITATIONS.—A paraprofessional described in paragraph (1)—

"(A) shall not perform the duties of a certified teacher or a substitute; and

"(B) shall not perform any duty assigned under paragraph (2) unless under the direct supervision of a fully qualified teacher or other appropriate professional.

"(g) USES OF FUNDS.—

"(1) PROFESSIONAL DEVELOPMENT.—Notwithstanding subsection (h)(2), a local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

"(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—

"(A) IN GENERAL.—Beginning on the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless—

"(i) the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part; or

"(ii) the local educational agency can demonstrate that a significant influx of population has substantially increased student enrollment, or demonstrate an increased need for translators or assistance with parent involvement activities.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a local educational agency that can demonstrate to the State that all core classes taught in the schools served by the local educational agency are taught by fully qualified teachers.

"(h) STATE CERTIFICATION.—Each State educational agency receiving assistance under this part shall—

"(1) ensure that the State educational agency has in place State criteria for the certification of paraprofessionals by December 31, 2002; and

"(2) ensure that paraprofessionals hired before December 31, 2002, are in high-quality professional development activities that ensure that the paraprofessional has the ability to provide tutorial assistance in—

"(A) reading, writing, and mathematics; or

"(B) reading readiness, writing readiness, and mathematics readiness, as appropriate.

"(i) VERIFICATION OF COMPLIANCE.—

"(1) IN GENERAL.—In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each elementary school and secondary school operating a program under section 1114 or 1115 annually attest in writing as to whether each such school is in compliance with the requirements of this section.

"(2) AVAILABILITY OF INFORMATION.—Copies of the annual certification described in paragraph (1)—

"(A) shall be maintained at each elementary school and secondary school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

"(B) shall be available to any member of the general public upon request.".

SEC. 113. PROFESSIONAL DEVELOPMENT.

Section 1119A (as redesignated by section 112(a)) is amended—

(1) by amending subsection (a) to read as follows:

"(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of eligible children (as identified under section 1115(b)(1)(B)) (in this section referred to as eligible children) through improved teacher quality.";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) REQUIRED ACTIVITIES.—Each local educational agency receiving assistance under this part shall provide professional development activities under this section that shall—

"(A) give teachers, principals, and administrators the knowledge and skills to provide eligible children with the opportunity to meet challenging State or local content standards and student performance standards;

"(B) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

"(C) advance teacher understanding of effective instructional strategies, based on scientifically based research, for improving eligible children achievement, at a minimum, in mathematics, science, and English language arts;

"(D) be directly related to the curricula and content areas in which the teacher provides instruction;

"(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;

"(F) be tied to scientifically based research that demonstrates the effectiveness of such professional development activities or programs in increasing eligible children achievement or substantially increasing the knowledge and teaching skills of teachers;

"(G) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their eligible children's needs, and the needs of the local educational agency;

"(H) be developed with extensive participation of teachers, principals, parents, administrators of schools, and local school boards of schools to be served under this part;

"(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curricula and academic content areas in which the teachers provide instruction;

"(J) as a whole, be regularly evaluated for such activities' impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development; and

"(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.";

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "and data to inform and instruct classroom practice" before the semicolon;

(ii) by striking subparagraphs (D) and (G);

(iii) by redesignating subparagraphs (E), (F), (H), and (I), as subparagraphs (D), (E), (F) and (G), respectively; and

(iv) by inserting after subparagraph (G) (as redesignated by clause (iii)) the following new subparagraph:

"(H) instruction in the ways that teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities, that are underrepresented in careers in mathematics, science, engineering, and technology, to encourage and maintain the interest of such students in those careers.";

(3) by striking subsections (f) through (i); and

(4) by adding after subsection (e) the following:

"(f) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.

"(g) DEFINITION.—The term 'fully qualified' has the same meaning given such term in section 2001(1).

"(h) SPECIAL RULE.—

"(1) IN GENERAL.—No State educational agency shall require a local educational agency or elementary school or secondary school to expend a specific amount of funds for professional development activities under this part.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to requirements under section 1116(d)(9).".

SEC. 114. FISCAL REQUIREMENTS.

Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking "section 14501" and inserting "section 8501".

SEC. 115. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6323) is amended—

(1) in subsection (a), by striking "to the extent feasible" and all that follows through the period and inserting "in coordination with local Head Start agencies, and if feasible, other early childhood development programs.";

(2) in subsection (b)—

(A) in paragraph (3) by striking "and" after the semicolon;

(B) in paragraph (4) by striking the period and inserting "; and"; and

(C) by adding at the end, the following:

"(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies.".

SEC. 115A. LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6321) the following:

"SEC. 1120C. LIMITATIONS ON FUNDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only to provide instruction to students, and for services directly related to instruction, in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State.

"(b) PERMISSIBLE AND PROHIBITED ACTIVITIES.—In this subpart, the term 'academic instruction'—

"(1) includes—

"(A) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

"(B) the extension of academic instruction beyond the normal school day and year, including summer school;

"(C) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

"(D) the purchase of instructional resources, such as books, materials, computers, and other instructional equipment and wiring to support instructional equipment;

"(E) the development and administration of curriculum, educational materials, and assessments;

"(F) the implementation of—

"(i) instructional interventions in schools in need of improvement; and

"(ii) corrective actions to improve student achievement; and

"(G) the transportation of students to assist them in improving academic achievement, except that not more than 10 percent of the funds made available under this subpart to a local educational agency shall be used to carry out this subparagraph;

"(2) but does not include—

"(A) the purchase or provision of janitorial services and utility costs;

"(B) the construction or operation of facilities;

"(C) the acquisition of real property;

"(D) costs for food and refreshments; or

"(E) the purchase or lease of vehicles.".

SEC. 116. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended to read as follows:

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas in the amount determined in accordance with subsection (b); and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

"(b) ASSISTANCE TO OUTLYING AREAS.—

"(1) GRANTS AUTHORIZED.—From the amount made available for a fiscal year under subsection (a), the Secretary shall award grants to the outlying areas and freely associated States to carry out the purposes of this part.

"(2) COMPETITIVE GRANTS.—For each of fiscal years 2000 and 2001, the Secretary shall ensure that grants are awarded under this subsection on a competitive basis in accordance with paragraph (3).

"(3) REQUIREMENTS AND LIMITATION FOR COMPETITIVE GRANTS.—

"(A) RECOMMENDATIONS.—The Secretary shall award grants under this subsection on the basis of the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(B) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated States shall not be eligible to receive funds under this part after September 30, 2001.

"(C) ADMINISTRATIVE COSTS.—The Secretary may provide that not more than 5 percent of the amount reserved for grants under this subsection will be used to pay the administrative costs of the Pacific Region Educational Laboratory for services provided under subparagraph (A).

"(4) SPECIAL RULE.—The provisions of Public Law 95–134 (91 Stat. 1159) that permit the consolidation of grants by the outlying areas shall not apply to funds provided to the freely associated States under this subsection.

"(5) FUNDING.—The amount reserved by the Secretary to award grants under this subsection shall not exceed the amount reserved under this section (as this section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the freely associated States for fiscal year 1999.

"(6) DEFINITIONS.—In this subsection and subsection (a):

"(A) FREELY ASSOCIATED STATES.—The term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.".

SEC. 117. AMOUNTS FOR GRANTS.

Section 1122 (20 U.S.C. 6332) is amended to read as follows:

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) ALLOCATION FORMULA.—

"(1) ALLOCATION TO STATES.—Of the amount appropriated to carry out this part for each of fiscal years 2001 through 2005 (each such year, as appropriate, shall be referred to in this subsection as the 'current fiscal year'), the amount to be allocated to States for a fiscal year based on population data for local educational agencies in such States, shall be equal to the sum of—

"(A) an amount equal to the sum of—

"(i) the amount made available to carry out section 1124 (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999; and

"(ii) 21.25 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1124;

"(B) an amount equal to the sum of—

"(i) the amount made available to carry out section 1124A (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999; and

"(ii) 3.75 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1124A; and

“(C) an amount equal to 75 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1125.

“(2) Allocation to local educational agencies.—Of the total amounts allocated to a State under this part for each of fiscal years 2001 and 2002, 96.5 percent shall be allocated by the State educational agency to local educational agencies, and for each of fiscal years 2003 through 2005, 95.5 percent shall be allocated to local educational agencies, of which—

“(A) 75 percent shall be allocated in accordance with section 1125;

“(B) 21.25 percent shall be allocated in accordance with section 1124; and

“(C) 3.75 percent shall be allocated in accordance with section 1124A.

“(b) Adjustments Where Necessitated by Appropriations.—

“(1) In general.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all States and local educational agencies are eligible to receive under sections 1124, 1124A, and 1125 for such fiscal year, the Secretary shall ratably reduce the allocations to such States and local educational agencies, subject to subsections (c) and (d).

“(2) Additional funds.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

“(c) Hold-Harmless Amounts.—

“(1) Grants to states.—The total amount allocated to each State under this part in each fiscal year shall not be less than the amount allocated to each State in the preceding fiscal year.

“(2) Grants to local educational agencies.—The total amount allocated to each local educational agency under this part in each fiscal year shall not be less than an amount equal to 85 percent of the amount allocated to each local educational agency in the preceding fiscal year.

“(d) Ratable Reductions.—

“(1) In general.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

“(2) Additional funds.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

“(e) Definition.—For the purpose of this section and sections 1124, 1124A, and 1125, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

SEC. 118. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1124 (20 U.S.C. 6333) is amended to read as follows:

“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) Amount of Grants.—

“(1) Grants for local educational agencies and puerto rico.—Except as provided in paragraph (3) and in section 1126, the amount of a grant that a local educational agency is eligible to receive under this section for a fiscal year shall be determined by multiplying—

“(A) the number of children counted under subsection (c); and

“(B) 40 percent of the average per-pupil expenditure in the State involved, except that the amount determined under this subparagraph shall not be less than 32 percent or more than 48 percent, of the average per-pupil expenditure in the United States.

“(2) Calculation of grants.—

“(A) Allocations to local educational agencies.—The Secretary shall calculate the amount of grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies. For purposes of this subparagraph, the Secretary and the Secretary of Commerce shall publicly disclose the reasoning for their determinations under subsection (c) in detail.

“(B) Allocations to large and small local educational agencies.—

“(i) Application of provision.—The Secretary shall determine the amount of grant awards under this section for each large or small local educational agency.

“(ii) Large agencies.—The amount of a grant awarded under this section for each large local educational agency shall be the amount determined by the Secretary under clause (i).

“(iii) Small agencies.—With respect to the amount of a grant awarded under this section to a small local educational agency, the State educational agency may—

“(I) provide such grant in an amount determined by the Secretary under clause (i); or

“(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on the number of small local educational agencies.

“(iv) Alternative method.—An alternative method approved under clause (iii)(II) shall be based on population data that the State educational agency determines best reflects the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).

“(v) Appeals.—A small local educational agency that is dissatisfied with the determination of its grant amount by the State educational agency under clause (iii)(II), may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

“(vi) Definition.—In this subparagraph:

“(I) large local educational agency.—The term ‘large local educational agency’ means a local educational agency serving an area with a total population of 20,000 or more.

“(II) Small local educational agency.—The term ‘small local educational agency’ means a local educational agency serving an area with a total population of less than 20,000.

“(3) Puerto rico.—

“(A) In general.—For each fiscal year, the amount of the grant that the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

“(i) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

“(ii) 32 percent of the average per pupil expenditure in the United States.

“(B) Minimum percentage.—The percentage in subparagraph (A)(i) shall not be less than—

“(i) for fiscal year 2000, 75.0 percent;

“(ii) for fiscal year 2001, 77.5 percent;

“(iii) for fiscal year 2002, 80.0 percent;

“(iv) for fiscal year 2003, 82.5 percent; and

“(v) for fiscal year 2004, and succeeding fiscal years, 85.0 percent.

“(C) Limitation.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than the State or District received under this part for the preceding fiscal year, the percentage shall be the greater of the percentage described in subparagraph (A)(i) or the percentage used for the preceding fiscal year.

“(4) Definition.—In this subsection, the term ‘State’ does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

“(b) Minimum Number of Children To Qualify.—A local educational agency shall be eligible for a basic grant under this section for any fiscal year only if—

“(1) there are 10 or more children counted under subsection (c) with respect to that agency; and

“(2) such children make up more than 2 percent of the total school-age population in the agency's jurisdiction.

“(c) Children to be Counted.—

“(1) Categories of children.—The number of children to be counted for purposes of this section is the aggregate of—

“(A) the number of children ages 5 to 17, inclusive, in the school district of the local educational agency involved from families below the poverty level as determined under paragraph (2); and

“(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) ages 5 to 17, inclusive, in the school district of the local educational agency involved in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

“(2) Determination of number of children.—

“(A) Number of children below the poverty level.—For purposes of this subsection, the Secretary shall determine the number of children ages 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), that is available from the Department of Commerce.

“(B) Special rules.—

“(i) District of columbia and puerto rico.—The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies for purposes of this paragraph.

“(ii) Multiple counties.—If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such local educational agency and the local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant in an amount that is not less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—

"(A) IN GENERAL.—In fiscal year 2001, and every 2 years thereafter, the Secretary shall use updated data on the number of children, ages 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that the use of the updated population data would be inappropriate or unreliable.

"(B) CRITERIA OF POVERTY.—In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(C) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in subparagraph (A) are inappropriate or unreliable, the Secretaries shall publicly disclose the reasons for such determination.

"(4) OTHER CHILDREN TO BE COUNTED.—

"(A) IN GENERAL.—For the purposes of this section, the Secretary shall—

"(i) determine the number of children ages 5 to 17, inclusive, from families above the poverty line on the basis of the number of such children from families receiving an annual income in excess of the annual income current criteria of poverty for payments under a State program funded under part A of title IV of the Social Security Act; and

"(ii) in making a determination under clause (i), utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(B) CASELOAD DATA.—The Secretary shall determine the number of children described in subparagraph (A) and the number of children ages 5 to 17, inclusive, living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the year preceding the fiscal year for which the determination is being made (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(C) COLLECTION AND TRANSMISSION OF DATA.—The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

"(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level in each school district, and the Secretary may pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

"(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of total amount of grants awarded under this section; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.".

SEC. 119. CONCENTRATION GRANTS.

Section 1124A (20 U.S.C. 6334.) is amended to read as follows:

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, that is eligible for a grant under section 1124 for any fiscal year shall be eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) with respect to the agency exceeds—

"(i) 6,500; or

"(ii) 15 percent of the total number of children ages 5 through 17, inclusive, in the agency.

"(B) MINIMUM AMOUNT.—Notwithstanding section 1122, no State described in subparagraph (A) shall receive an amount under this section that is less than the lesser of—

"(i) 0.25 percent of the total amount of grants awarded under this section; or

"(ii) the average of—

"(I) one-quarter of 1 percent of the amounts made available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) SPECIAL RULE.—For each local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.

"(3) AMOUNT.—The amount of an additional grant for which an eligible local educational agency is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such product for all local educational agencies in the United States for that fiscal year.

"(4) LOCAL ALLOCATIONS.—Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).

"(b) STATES RECEIVING MINIMUM GRANTS.—With respect to a State that receives a grant for the minimum amount under subsection (a)(1)(B), the State educational agency shall allocate such amount among the local educational agencies in each State either—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.".

SEC. 120. TARGETED GRANTS.

Section 1125 (20 U.S.C 6335) is amended to read as follows:

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State shall be eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before the application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population age 5 to 17 years, inclusive, in the local educational agency.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

"(1) IN GENERAL.—The amount of a grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be equal to the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount determined under section 1124(a)(1)(B).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined under section 1124(a)(4).

"(c) WEIGHTED CHILD COUNT.—

"(1) IN GENERAL.—For each fiscal year, the weighted child count used to determine a local educational agency's grant under this section shall be equal to the sum of—

"(A) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population ages 5 to 17, inclusive, multiplied by 1.0;

"(B) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

"(C) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

"(D) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(E) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

"(2) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a)(2) and (3).

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount made available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) 0.25 percent of the total amount of grants awarded under this section; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available for such fiscal year to carry out this section; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.".

SEC. 121. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6337) is amended to read as follows:

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

"(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) SPECIAL RULE.—If the State educational agency does not assume the responsibility described in paragraph (1), any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

"(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

"(c) REALLOCATION.—If a State educational agency determines that the amount of a grant that a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.".

PART B—EVEN START FAMILY LITERACY PROGRAMS

SEC. 131. PROGRAM AUTHORIZED.

Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(1) in paragraph (1), by striking "section 2260(b)(3)" and inserting "section 7004(c)";

(2) by striking paragraph (2)(C); and

(3) in paragraph (3)—

(A) by striking "is defined" and inserting "was defined"; and

(B) by inserting "as such section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act" after "2252".

SEC. 132. APPLICATIONS.

Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended by striking "the Goals 2000" and all that follows through the period and inserting "or other Acts, as appropriate, consistent with section 8305.".

SEC. 133. RESEARCH.

Section 1211(b) (20 U.S.C. 6396b(b)) is amended to read as follows:

"(b) DISSEMINATION.—The Secretary shall disseminate, or designate another entity to disseminate, the results of the research described in subsection (a) to States and recipients of subgrants under this part.".

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 141. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

Section 1306(a)(1) (20 U.S.C. 6369(a)(1)) is amended—

(1) in subparagraph (A), by striking "the Goals 2000" and all that follows through the period and inserting "or other Acts, as appropriate, consistent with section 8305;";

(2) in subparagraph (B), by striking "section 14302" and inserting "section 8302"; and

(3) in subparagraph (F), by striking "bilingual education" and all that follows and inserting "language instruction programs under title III; and".

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT

SEC. 151. STATE PLAN AND STATE AGENCY APPLICATIONS.

Section 1414 (20 U.S.C. 6434) is amended—

(1) in subsection (a)(1), by striking "the Goals 2000" and all that follows through the period and inserting "or other Acts, as appropriate, consistent with section 8305."; and

(2) in subsection (c)—

(A) in paragraph (6), by striking "section 14701" and inserting "section 8701"; and

(B) in paragraph (7), by striking "section 14501" and inserting "section 8501".

SEC. 152. USE OF FUNDS.

Section 1415(a)(2)(D) (20 U.S.C. 6435(a)(2)(D)) is amended by striking "section 14701" and inserting "section 8701".

PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

SEC. 161. EVALUATIONS.

Section 1501 (20 U.S.C. 6491) is amended—

(1) in subsection (a)(4)—

(A) by striking "January 1, 1996" and inserting "January 1, 2002"; and

(B) by striking "January 1, 1999" and inserting "January 1, 2005";

(2) in subsection (b)(1), by striking "December 31, 1997" and inserting "December 31, 2003"; and

(3) in subsection (e)(2), by striking "December 31, 1996" and inserting "December 31, 2002".

SEC. 162. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

Section 1502 (20 U.S.C. 6492) is amended to read as follows:

"SEC. 1502. COMPREHENSIVE SCHOOL REFORM.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—Congress finds the following:

"(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

"(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.

"(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.

"(2) PURPOSE.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

"(2) ALLOCATION.—

"(A) RESERVATION.—Of the amount appropriated under this section, the Secretary may reserve—

"(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

"(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e).

"(B) IN GENERAL.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the amount appropriated for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.

"(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).

"(c) STATE AWARDS.—

"(1) STATE APPLICATION.—

"(A) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such other information as the Secretary may reasonably require.

"(B) CONTENTS.—Each State application shall also describe—

"(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

"(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically based research receive funds under this section;

“(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically based research;

“(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

“(v) how the agency will provide, upon request, technical assistance to the local educational agency in evaluating, developing, and implementing comprehensive school reform.

“(2) Uses of funds.—

“(A) In general.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies receiving funds under part A.

“(B) Grant requirements.—A grant to a local educational agency shall be—

“(i) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;

“(ii) in an amount not less than $50,000 to each participating school; and

“(iii) renewable for two additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.

“(C) Priority.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—

“(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and.

“(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

“(D) Grant consideration.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

“(E) Administrative costs.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of such award for administrative, evaluation, and technical assistance expenses.

“(F) Supplement.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.

“(3) Reporting.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this section, the amount of such award, and a description of the comprehensive school reform model selected and in use.

“(d) Local Awards.—

“(1) In general.—Each local educational agency that applies for a subgrant under this section shall—

“(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;

“(B) describe the scientifically based comprehensive school reforms that such schools will implement;

“(C) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically based school reforms selected by such schools; and

“(D) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

“(2) Components of the program.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—

“(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically-based research and effective practices and have been replicated successfully in schools with diverse characteristics;

“(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;

“(C) provides high-quality and continuous teacher and staff professional development;

“(D) includes measurable goals for student performance and benchmarks for meeting such goals;

“(E) is supported by teachers, principals, administrators, and other professional staff;

“(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

“(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

“(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and

“(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.

“(3) Special rule.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop its own comprehensive school reform programs for schoolwide change that comply with paragraph (2).

“(e) Evaluation and Report.—

“(1) In general.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.

“(2) Evaluation.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(3) Reports.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

“(f) Definition.—The term ‘scientifically based research’—

“(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and

“(2) shall include research that—

“(A) employs systematic, empirical methods that draw on observation or experiment;

“(B) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

“(D) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

“(g) Authorization of Appropriations.—Funds appropriated for any fiscal year under section 1002(f) shall be used for carrying out the activities under this section.”.

PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE

SEC. 171. RURAL EDUCATION DEVELOPMENT INITIATIVE.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating part F (20 U.S.C. 6511 et seq.) as part G;

(2) by redesignating sections 1601 through 1604 (20 U.S.C. 6511, 6514) as sections 1701 through 1704, respectively, and by redesignating accordingly the references to such sections in part G (as so redesignated); and

(3) by inserting after part E (20 U.S.C. 6491 et seq.) the following:

“PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE

“SEC. 1601. FINDINGS.

“Congress makes the following findings:

“(1) The National Center for Educational Statistics reports that 46 percent of our Nation's public elementary schools and secondary schools serve rural areas.

“(2) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools, especially those that serve poor students.

“(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers, especially in science and mathematics. Consequently, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

“(4) Data from the National Assessment of Educational Progress (NAEP) consistently shows large gaps between the achievement of students in high poverty schools and those in other schools. High-poverty schools will face special challenges in preparing their students to reach high standards of performance on State and national assessments.

“SEC. 1602. DEFINITIONS.

“In this part:

“(1) Eligible local educational agency.—The term ‘eligible local educational agency’ means a local educational agency that serves—

“(A) a school-age population, not less than 15 percent of which consists of students from families with incomes below the poverty line; and

“(B)(i) a rural locality; or

“(ii) a school-age population of not more than 800 students.

“(2) METROPOLITAN AREA.—The term ‘metropolitan area’ means an area defined as such by the Secretary of Commerce.

“(3) POVERTY LINE.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(4) RURAL LOCALITY.—The term ‘rural locality’ means a locality that is not within a metropolitan area.

“(5) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(6) SCHOOL AGE POPULATION.—The term ‘school age population’ means the number of students aged 5 through 17.

“SEC. 1603. PROGRAM AUTHORIZED.

“(a) GRANTS AUTHORIZED.—The Secretary shall award grants, from allotments under subsection (b)(2), to each State having an application approved under section 1604 to enable the State educational agency to award grants to eligible local educational agencies to carry out local authorized activities described in section 1605(b).

“(b) RESERVATION AND ALLOTMENTS.—

“(1) RESERVATION.—From amounts appropriated under section 1608 for each fiscal year, the Secretary shall reserve ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this subpart, in elementary schools and secondary schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part.

“(2) ALLOTMENTS.—

“(A) IN GENERAL.—From the amounts appropriated under section 1608 for each fiscal year that remain after making the reservation under paragraph (1), the Secretary shall allot to each State having an application approved under section 1604 an amount that bears the same relationship to the remainder as the school age population served by eligible local educational agencies in the State bears to the school age population served by eligible local educational agencies in all States.

“(B) DATA.—In determining the school age population under subparagraph (A), the Secretary shall use the most recent data available from the Bureau of the Census.

“(c) DIRECT AWARDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

“(1) NONPARTICIPATING STATE.—If a State educational agency for a fiscal year elects not to participate in a program under this section, or does not have an application approved under section 1604, an eligible local educational agency in such State desiring a grant under this part for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

“(2) DIRECT AWARDS.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to eligible local educational agencies in the State desiring a grant under paragraph (1).

“(3) ADMINISTRATIVE FUNDS.—An eligible local educational agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for the administrative costs of carrying out this part in the first year the agency receives a grant under this subsection and 0.5 percent for such costs in the second and each succeeding such year.

“(d) MATCHING REQUIREMENT.—Each eligible local educational agency receiving a grant under subsection (c) or section 1605(a) shall contribute resources with respect to the local authorized activities to be assisted under this part in cash or in-kind, from non-Federal sources, in an amount equal to the Federal funds awarded under the grant.

“(e) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this part by a State educational agency or an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to such agencies.

“SEC. 1604. APPLICATIONS.

“(a) IN GENERAL.—Each State educational agency desiring a grant under section 1603 and eligible local educational agency desiring a grant under section 1603(c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) CONTENTS.—Each application submitted under subsection (a) shall—

“(1) specify annual, measurable performance goals and objectives, at a minimum, with respect to—

“(A) increased student academic achievement;

“(B) decreased gaps in achievement between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students; and

“(C) other factors that the State educational agency or eligible local educational agency may choose to measure;

“(2) describe how the State educational agency or eligible local educational agency will hold local educational agencies and elementary schools or secondary schools receiving funds under this part accountable for meeting the annual, measurable goals and objectives;

“(3) describe how the State educational agency or eligible local educational agency will provide technical assistance for a local educational agency, an elementary school, or a secondary school that does not meet the annual, measurable goals and objectives; and

“(4) describe how the State educational agency or eligible local educational agency will take action against a local educational agency, an elementary school, or a secondary school, if the local educational agency or school fails, over 2 consecutive years, to meet the annual, measurable goals and objectives.

“SEC. 1605. WITHIN-STATE ALLOCATIONS.

“(a) ALLOCATIONS.—A State educational agency shall award grants under this part to eligible local educational agencies within the State according to a formula developed by the State educational agency and approved by the Secretary.

“(b) USES OF FUNDS.—Grant funds awarded to eligible local educational agencies or made available to elementary schools and secondary schools under this section shall be used for—

“(1) educational technology, including software and hardware;

“(2) professional development;

“(3) technical assistance;

“(4) recruitment and retention of fully qualified teachers, as defined in title II, and highly qualified principals;

“(5) parental involvement activities; or

“(6) academic enrichment or other education programs.

“(c) RESERVATION OF ADMINISTRATIVE FUNDS.—

“(1) FIRST YEAR.—For the first year that a State educational agency receives a grant under this part, the agency—

“(A) shall use not less than 99 percent of the grant funds to award grants to eligible local educational agencies in the State; and

“(B) may use not more than 1 percent for State activities and the administrative costs of carrying out this part.

“(2) SUCCEEDING YEARS.—For the second and each succeeding year that a State educational agency receives a grant under this part, the agency—

“(A) shall use not less than 99.5 percent of the grant funds to award grants to eligible local educational agencies in the State; and

“(B) may use not more than 0.5 percent of the grant funds for State activities and the administrative costs of carrying out this part.

“SEC. 1606. ACCOUNTABILITY.

The Secretary, at the end of the third year that a State educational agency or an eligible local educational agency receiving a direct award under section 1603(c) participates in the program under this part, shall permit only those State educational agencies and eligible local educational agencies that meet their annual, measurable goals and objectives for 2 consecutive years to receive grant funds for the fourth or fifth fiscal years of the program under this part.

“SEC. 1607. REPORTS.

“(a) STATE REPORTS.—Each State educational agency that receives a grant under this part shall provide an annual report to the Secretary. The report shall describe—

“(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to elementary schools and secondary schools under this part;

“(2) how eligible local educational agencies and elementary schools and secondary schools within the State used the grant funds provided under this part; and

“(3) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the State application.

“(b) REPORTS FROM ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each eligible local educational agency receiving a grant under section 1603(c) shall provide an annual report to the Secretary. Such report shall describe—

“(1) how such agency used the grant funds provided under this part;

“(2) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the eligible local educational agency’s application; and

“(3) how the local educational agency coordinated funds received under this part with other Federal, State, and local funds.

“(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress an annual report setting forth the information provided to the Secretary pursuant to subsections (a) and (b).

“(d) STUDY.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this part on student achievement, and shall submit such study to Congress.

“SEC. 1608. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

PART G—GENERAL PROVISIONS

SEC. 181. FEDERAL REGULATIONS.

Section 1701(b)(4) (20 U.S.C. 6511(b)(4)) (as redesignated by section 161(2)) is amended by striking ''July 1, 1995'' and inserting ''May 1, 2000''.

SEC. 182. STATE ADMINISTRATION.

Section 1703 (20 U.S.C. 6513) (as redesignated by section 161(2)) is amended by striking subsection (c).

TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

SEC. 201. TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

"SEC. 2001. PURPOSE.

''The purpose of this title is to provide grants to State educational agencies and local educational agencies in order to assist their efforts to increase student academic achievement through such strategies as improving teacher and principal quality, increasing professional development, and decreasing class size.

"SEC. 2002. DEFINITIONS.

''In this title:

''(1) FULLY QUALIFIED.—The term 'fully qualified' means—

''(A) in the case of an elementary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

''(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

''(ii) holds a bachelor's degree from an institution of higher education; and

''(iii) demonstrates subject matter knowledge, teaching knowledge, and the teaching skills required to teach effectively reading, writing, mathematics, science, social studies, and other elements of a liberal arts education; and

''(B) in the case of a middle school or secondary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

''(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

''(ii) holds a bachelor's degree from an institution of higher education; and

''(iii) demonstrates a high level of competence in all subject areas in which the teacher teaches through—

''(I) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the subject areas in which the teacher provides instruction;

''(II) in the case of other mid-career professionals entering the teaching profession, achievement of—

''(aa) a high level of performance in other professional employment experience in subject areas relevant to the subject areas in which instruction will be provided; and

''(bb) a requirement described in subclause (III); or

''(III) achievement of a high level of performance on rigorous academic subject area tests administered by the State in which the teacher teaches.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that—

''(A) has not been identified as low performing under section 208 of the Higher Education Act of 1965; and

''(B) is in full compliance with the public reporting requirements described in section 207 of the Higher Education Act of 1965.

''(3) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(4) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved, for the most recent year.

''(5) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population aged 5 through 17, as determined on the basis of the most recent satisfactory data.

''(6) STATE.—The term 'State' means each of the several States in the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"PART A—TEACHER AND PRINCIPAL QUALITY AND PROFESSIONAL DEVELOPMENT

"SEC. 2011. PROGRAM AUTHORIZED.

''(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments made under subsection (b), to each State having a State plan approved under section 2013, to enable the State to raise the quality of, and provide professional development opportunities for, public elementary school and secondary school teachers, principals, and administrators.

''(b) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount appropriated under section 2023 to carry out this part for each fiscal year, the Secretary shall reserve—

''(A) ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this part;

''(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs as determined by the Secretary, for activities, approved by the Secretary, consistent with this part; and

''(C) such sums as may be necessary to continue to support any multiyear partnership program award made under parts A, C, and D (as such parts were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the termination of the multiyear award.

''(2) STATE ALLOTMENTS.—From the amount appropriated under section 2023 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 2013 the sum of—

''(A) an amount that bears the same relationship to 50 percent of the remainder as the school-age population from families with incomes below the poverty line in the State bears to the school-age population from families with incomes below the poverty line in all States; and

''(B) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

''(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than ½ of 1 percent of the total amount allotted to all States under subsection (b)(2).

''(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (b)(2), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted under part B (as such part was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the preceding fiscal year.

''(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (d) for such year, the Secretary shall ratably reduce such amounts for such year.

"SEC. 2012. WITHIN STATE ALLOCATION.

''(a) IN GENERAL.—Each State educational agency for a State receiving a grant under section 2011(a) shall—

''(1) set aside 10 percent of the grant funds to award educator partnership grants under section 2021;

''(2) set aside not more than 5 percent of the grant funds to carry out activities described the State plan submitted under section 2013; and

''(3) using the remaining 85 percent of the grant funds, make subgrants by allocating to each local educational agency in the State the sum of—

''(A) an amount that bears the same relationship to 60 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families with incomes below the poverty line in the area served by all local educational agencies in the State; and

''(B) an amount that bears the same relationship to 40 percent of the remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

''(b) HOLD-HARMLESS AMOUNTS.—

''(1) FISCAL YEAR 2001.—For fiscal year 2001, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 100 percent of the total amount the local educational agency was allocated under this title (as in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2000.

''(2) FISCAL YEAR 2002.—For fiscal year 2002, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 85 percent of the amount allocated to the local educational agency under this section for fiscal year 2001.

''(3) FISCAL YEARS 2003–2005.—For each of fiscal years 2003 through 2005, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 70 percent of the amount allocated to the local educational agency under this section for the previous fiscal year.

''(c) RATABLE REDUCTIONS.—If the sums made available under subsection (a)(3) for any fiscal year are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for such year, the State educational agency shall ratably reduce such amounts for such year.

"SEC. 2013. STATE PLANS.

"(a) PLAN REQUIRED.—

"(1) COMPREHENSIVE STATE PLAN.—The entity or agency responsible for teacher certification or licensing under the laws of the State desiring a grant under this part shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. If the State educational agency is not the entity or agency designated under the laws of the State as responsible for teacher certification or licensing in the State, then the plan shall be developed in consultation with the State educational agency. The entity or agency shall provide annual evidence of such consultation to the Secretary.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(b) CONTENTS.—Each plan submitted under subsection (a) shall—

"(1) describe how the State is taking reasonable steps to—

"(A) reform teacher certification, recertification, or licensure requirements to ensure that—

"(i) teachers have the necessary teaching skills and academic content knowledge in the academic subjects in which the teachers are assigned to teach;

"(ii) such requirements are aligned with the challenging State content standards;

"(iii) teachers have the knowledge and skills necessary to help students meet the challenging State student performance standards;

"(iv) such requirements take into account the need, as determined by the State, for greater access to, and participation in, the teaching profession by individuals from historically underrepresented groups; and

"(v) teachers have the necessary technological skills to integrate more effectively technology in the teaching of content required by State and local standards in all academic subjects in which the teachers provide instruction;

"(B) develop and implement rigorous testing procedures for teachers, as required in section 2002(1)(A), to ensure that the teachers have teaching skills and academic content knowledge necessary to teach effectively the content called for by State and local standards in all academic subjects in which the teachers provide instruction;

"(C) establish, expand, or improve alternative routes to State certification of teachers, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate degree, including midcareer professionals form other occupations, paraprofessionals, former military personnel, and recent college or university graduates who have records of academic distinction and who demonstrate the potential to become highly effective teachers;

"(D) reduce emergency teacher certification;

"(E) develop and implement effective programs, and provide financial assistance, to assist local educational agencies, elementary schools, and secondary schools in effectively recruiting and retaining fully qualified teachers and principals, particularly in schools that have the lowest proportion of fully qualified teachers or the highest proportion of low-performing students;

"(F) provide professional development programs that meet the requirements described in section 2019;

"(G) provide programs that are designed to assist new teachers during their first 3 years of teaching, such as mentoring programs that—

"(i) provide mentoring to new teachers from veteran teachers with expertise in the same subject matter as the new teachers are teaching;

"(ii) provide mentors time for activities such as coaching, observing, and assisting teachers who are being mentored; and

"(iii) use standards or assessments that are consistent with the State's student performance standards and the requirements for professional development activities described in section 2019 in order to guide the new teachers;

"(H) provide technical assistance to local educational agencies in developing and implementing activities described in section 2018; and

"(I) ensure that programs in core academic subjects, particularly in mathematics and science, will take into account the need for greater access to, and participation in, such core academic subjects by students from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques that meet such students' educational needs;

"(2) describe the activities for which assistance is sought under the grant, and how such activities will improve students' academic achievement and close academic achievement gaps of low-income, minority, and limited English proficient students;

"(3) describe how the State will establish annual numerical performance objectives under section 2014 for improving the qualifications of teachers and the professional development of teachers, principals, administrators, and mental health professionals;

"(4) contain an assurance that the State consulted with local educational agencies, education-related community groups, nonprofit organizations, parents, teachers, school administrators, local school boards, institutions of higher education in the State, and content specialists in establishing the performance objectives described in section 2014;

"(5) describe how the State will hold local educational agencies, elementary schools, and secondary schools accountable for meeting the performance objectives described in section 2014 and for reporting annually on the local educational agencies' and schools' progress in meeting the performance objectives;

"(6) describe how the State will ensure that a local educational agency receiving a subgrant under section 2012 will comply with the requirements of this part;

"(7) provide an assurance that the State will require each local educational agency, elementary school, or secondary school receiving funds under this part to report publicly the local educational agency's or school's annual progress with respect to the performance objectives described in section 2014; and

"(8) describe how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including programs authorized under titles I and III and, where appropriate, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998.

"(c) SECRETARY APPROVAL.—The Secretary shall, using a peer review process, approve a State plan if the plan meets the requirements of this section.

"(d) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes to the State's strategies and programs carried out under this part.

"(2) ADDITIONAL INFORMATION.—If a State receiving a grant under this part makes significant changes to the State plan, such as the adoption of new performance objectives, the State shall submit information regarding the significant changes to the Secretary.

"SEC. 2014. PERFORMANCE OBJECTIVES.

"(a) IN GENERAL.—Each State receiving a grant under this part shall establish annual numerical performance objectives with respect to progress in improving the qualifications of teachers and the professional development of teachers, principals, administrators and mental health professionals. For each annual numerical performance objective established, the State shall specify an incremental percentage increase for the objective to be attained for each of the fiscal years for which the State receives a grant under this part, relative to the preceding fiscal year.

"(b) REQUIRED OBJECTIVES.—At a minimum, the annual numerical performance objectives described in subsection (a) shall include an incremental increase in the percentage of—

"(1) classes in core academic subjects that are being taught by fully qualified teachers;

"(2) new teachers and principals receiving professional development support, including mentoring for teachers, during the teachers' first 3 years of teaching;

"(3) teachers, principals, and administrators participating in high quality professional development programs that are consistent with section 2019; and

"(4) fully qualified teachers teaching in the State, to ensure that all teachers teaching in such State are fully qualified by December 31, 2005.

"(c) REQUIREMENT FOR FULLY QUALIFIED TEACHERS.—Each State receiving a grant under this part shall ensure that all public elementary school and secondary school teachers in the State are fully qualified not later than December 31, 2005.

"(d) ACCOUNTABILITY.—

"(1) IN GENERAL.—Each State receiving a grant under this part shall be held accountable for—

"(A) meeting the State's annual numerical performance objectives; and

"(B) meeting the reporting requirements described in section 4401.

"(2) SANCTIONS.—Any State that fails to meet the requirement described in paragraph (1)(A) shall be subject to sanctions under section 7001.

"(e) SPECIAL RULE.—Notwithstanding any other provision of law, the provisions of subsection (c) shall not supersede State laws governing public charter schools.

"(f) COORDINATION.—Each State that receives a grant under this part and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities the State carries out under such section 202 with the activities the State carries out under this section.

"SEC. 2015. OPTIONAL ACTIVITIES.

"Each State receiving a grant under section 2011(a) may use the grant funds—

"(1) to develop and implement a system to measure the effectiveness of specific professional development programs and strategies;

"(2) to increase the portability of teacher pensions and reciprocity of teaching certification or licensure among States, except that no reciprocity agreement developed under this section may lead to the weakening of any State teacher certification or licensing requirement;

"(3) to develop or assist local educational agencies in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are cost effective and easily accessible, such as programs offered through the use of technology and distance learning;

"(4) to provide assistance to local educational agencies for the development and implementation of innovative professional development programs that train teachers to use technology to improve teaching and learning and that are consistent with the requirements of section 2019;

"(5) to provide professional development to enable teachers to ensure that female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students have the full opportunity to achieve challenging State content and performance standards in the core academic subjects;

"(6) to increase the number of women, minorities, and individuals with disabilities who teach in the State and who are fully qualified and provide instruction in core academic subjects in which such individuals are underrepresented; and

"(7) to increase the number of highly qualified women, minorities, and individuals from other underrepresented groups who are involved in the administration of elementary schools and secondary schools within the State.

"SEC. 2016. STATE ADMINISTRATIVE EXPENSES.

"Each State receiving a grant under section 2011(a) may use not more than 5 percent of the amount set aside in section 2012(a)(2) for the cost of—

"(1) planning and administering the activities described in section 2013(b); and

"(2) making subgrants to local educational agencies under section 2012.

"SEC. 2017. LOCAL PLANS.

"(a) IN GENERAL.—Each local educational agency desiring a grant from the State under section 2012(a)(3) shall submit a local plan to the State educational agency—

"(1) at such time, in such manner, and accompanied by such information as the State educational agency may require; and

"(2) that describes how the local educational agency will coordinate the activities for which assistance is sought under this part with other programs carried out under this Act, or other Acts, as appropriate.

"(b) LOCAL PLAN CONTENTS.—The local plan described in subsection (a) shall, at a minimum—

"(1) describe how the local educational agency will use the grant funds to meet the State performance objectives for teacher qualifications and professional development described in section 2014;

"(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the requirements described in this part;

"(3) contain an assurance that the local educational agency will target funds to elementary schools and secondary schools served by the local educational agency that—

"(A) have the lowest proportion of fully qualified teachers; and

"(B) are identified for school improvement under section 1116;

"(4) describe how the local educational agency will coordinate professional development activities authorized under section 2018(a) with professional development activities provided through other Federal, State, and local programs, including those authorized under titles I and III and, where applicable, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998; and

"(5) describe how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the local plan.

"SEC. 2018. LOCAL ACTIVITIES.

"(a) IN GENERAL.—Each local educational agency receiving a grant under section 2012(a)(3) shall use the grant funds to—

"(1) support professional development activities, consistent with section 2019, for—

"(A) teachers, in at least the areas of reading, mathematics, and science; and

"(B) teachers, principals, administrators and mental health professionals in order to provide such individuals with the knowledge and skills to provide all students, including female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students, with the opportunity to meet challenging State content and student performance standards;

"(2) provide professional development to teachers, principals, and administrators to enhance the use of technology within elementary schools and secondary schools in order to deliver more effective curricula instruction;

"(3) recruit and retain fully qualified teachers and highly qualified principals, particularly for elementary schools and secondary schools located in areas with high percentages of low-performing students and students from families below the poverty line;

"(4) recruit and retain fully qualified teachers and high quality principals to serve in the elementary schools and secondary schools with the highest proportion of low-performing students, such as through—

"(A) mentoring programs for newly hired teachers, including programs provided by master teachers, and for newly hired principals; and

"(B) programs that provide other incentives, including financial incentives, to retain—

"(i) teachers who have a record of success in helping low-performing students improve those students' academic success; and

"(ii) principals who have a record of improving the performance of all students, or significantly narrowing the gaps between minority students and nonminority students, and economically disadvantaged students and noneconomically disadvantaged students, within the elementary schools or secondary schools served by the principals;

"(5) provide professional development that incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including female students, minority students, students with disabilities, limited English proficient students, and economically disadvantaged students; and

"(6) provide professional development for mental health professionals, including school psychologists, school counselors, and school social workers, that is focused on enhancing the skills and knowledge of such individuals so that they may help students exhibiting distress (such as substance abuse, disruptive behavior, and suicidal behavior) meet the challenging State student performance standards.

"(b) OPTIONAL ACTIVITIES.—Each local educational agency receiving a grant under section 2012(a)(3) may use the subgrant funds—

"(1) to provide a signing bonus or other financial incentive, such as differential pay for—

"(A) a teacher to teach in an academic subject for which there exists a shortage of fully qualified teachers within the elementary school or secondary school in which the teacher teaches or within the elementary schools and secondary schools served by the local educational agency; or

"(B) a highly qualified principal in a school in which there is a large percentage of children—

"(i) from low-income families; or

"(ii) with high percentages of low-performance scores on State assessments;

"(2) to establish programs that—

"(A) recruit professionals into teaching from other fields and provide such professionals with alternative routes to teacher certification, especially in the areas of mathematics, science, and English language arts; and

"(B) provide increased teaching and administration opportunities for fully qualified females, minorities, individuals with disabilities, and other individuals underrepresented in the teaching or school administration professions;

"(3) to establish programs and activities that are designed to improve the quality of the teacher and principal force, such as innovative professional development programs (which may be provided through partnerships, including partnerships with institutions of higher education), and including programs that—

"(A) train teachers and principals to utilize technology to improve teaching and learning; and

"(B) are consistent with the requirements of section 2019;

"(4) to provide collaboratively designed performance pay systems for teachers and principals that encourage teachers and principals to work together to raise student performance;

"(5) to establish professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented);

"(6) to establish professional development programs that provide instruction in how best to discipline children in the classroom, and to identify early and appropriate interventions to help children described in paragraph (5) learn;

"(7) to provide professional development programs that provide instruction in how to teach character education in a manner that—

"(A) reflects the values of parents, teachers, and local communities; and

"(B) incorporates elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

"(8) to provide scholarships or other incentives to assist teachers in attaining national board certification;

"(9) to support activities designed to provide effective professional development for teachers of limited English proficient students;

"(10) to establish other activities designed—

"(A) to improve professional development for teachers, principals, and administrators that are consistent with section 2019; and

"(B) to recruit and retain fully qualified teachers and highly qualified principals; and

"(11) to establish master teacher programs to increase teacher salaries and employee benefits for teachers who enter into contracts with the local educational agency to serve as master teachers, in accordance with the requirements of subsection (c).

"(c) Requirements for Master Teacher Programs.—

"(1) Definitions.—In this subsection:

"(A) Low-performing students.—The term 'low-performing students' means students who, based on multiple measures, perform below a basic level of proficiency for their grade level, as determined by the State.

"(B) Master teacher.—The term 'master teacher' means a teacher who—

"(i) is fully qualified;

"(ii) has been teaching for at least 5 years in a public or private school or institution of higher education;

"(iii) is selected upon application and recommendation by administrators and other teachers;

"(iv) at the time of submission of such application, is teaching and based in a public school;

"(v) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

"(vi) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 years.

"(2) Requirements for master teacher contracts.—A local educational agency that establishes a master teacher program under subsection (b)(11) shall negotiate the terms of contracts of master teachers with the local labor organizations that represent teachers in the school districts served by that agency. A contract with a master teacher entered into in accordance with this paragraph shall specify that a breach of the contract shall be deemed to have occurred if the master teacher voluntarily withdraws or terminates the contract or is dismissed by the local educational agency or school district (as applicable) for nonperformance of duties, subject to any statutory or negotiated due process procedures that may apply. The contract shall require in the event of a breach of contract that a teacher repay the local educational agency all funds provided to the teacher under the contract.

"SEC. 2019. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

"(a) Limitation Relating to Curriculum and Content Areas.—

"(1) In general.—Except as provided in paragraph (2), a local educational agency may not use grant funds allocated under section 2012(a)(3) to support a professional development activity for a teacher that is not—

"(A) directly related to the curriculum for which and content areas in which the teacher provides instruction; or

"(B) designed to enhance the ability of the teacher to understand and use the State's challenging content standards for the academic subject in which the teacher provides instruction.

"(2) Exception.—Paragraph (1) shall not apply to professional development activities that provide instruction in methods of disciplining children.

"(b) Professional Development Activity.—A professional development activity carried out under this part shall—

"(1) be measured, in terms of progress described in section 2014(a), using the specific performance indicators established by the State in accordance with section 2014;

"(2) be tied to challenging State or local content standards and student performance standards;

"(3) be tied to scientifically based research demonstrating the effectiveness of such activities in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

"(4) be of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component described in a long-term comprehensive professional development plan established by a teacher and the teacher's supervisor, and based upon an assessment of the needs of the teacher, the teacher's students, and the local educational agency;

"(5) be developed with extensive participation of teachers, principals, parents, administrators, and local school boards of elementary schools and secondary schools to be served under this part, and institutions of higher education in the State, and, with respect to any professional development program described in paragraph (6) or (7) of section 2018(b), shall, if applicable, be developed with extensive coordination with, and participation of, professionals with expertise in such type of professional development;

"(6) to the extent appropriate, provide training for teachers regarding using technology and applying technology effectively in the classroom to improve teaching and learning concerning the curriculum and academic content areas, in which those teachers provide instruction; and

"(7) be directly related to the content areas in which the teachers provide instruction and the State content standards.

"(c) Accountability.—

"(1) In general.—A State shall notify a local educational agency that the agency may be subject to the action described in paragraph (3) if, after any fiscal year, the State determines that the programs or activities funded by the agency under this part fail to meet the requirements of subsections (a) and (b).

"(2) Technical assistance.—A local educational agency that has received notification pursuant to paragraph (1) may request technical assistance from the State and an opportunity for such local educational agency to comply with the requirements of subsections (a) and (b).

"(3) State educational agency action.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under this section, the State educational agency shall take such action as the agency determines to be necessary, consistent with this section, to provide, or direct the local educational agency to provide, high-quality professional development for teachers, principals, and administrators.

"SEC. 2020. PARENTS' RIGHT TO KNOW.

"Each local educational agency receiving a grant under section 2012(a)(3) shall meet the reporting requirements with respect to teacher qualifications described in section 4401(h).

"SEC. 2021. STATE REPORTS AND GAO STUDY.

"(a) State Reports.—Each State educational agency receiving a grant under this part shall annually provide a report to the Secretary describing—

"(1) the progress the State is making in increasing the percentages of fully qualified teachers in the State to ensure that all teachers are fully qualified not later than December 31, 2005, including information regarding—

"(A) the percentage increase over the previous fiscal year in the number of fully qualified teachers teaching in elementary schools and secondary schools served by local educational agencies receiving funds under title I; and

"(B) the percentage increase over the previous fiscal year in the number of core classes being taught by fully qualified teachers in elementary schools and secondary schools being served under title I;

"(2) the activities undertaken by the State educational agency and local educational agencies in the State to attract and retain fully qualified teachers, especially in geographic areas and content subject areas in which a shortage of such teachers exist; and

"(3) the approximate percentage of Federal, State, local, and nongovernmental resources being expended to carry out activities described in paragraph (2).

"(b) GAO Study.—Not later than September 30, 2004, the Comptroller General of the United States shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a study setting forth information regarding the progress of States' compliance in increasing the percentage of fully qualified teachers, as defined in section 2002(1), for fiscal years 2000 through 2003.

"SEC. 2021. EDUCATOR PARTNERSHIP GRANTS.

"(a) Subgrants.—

"(1) In general.—A State receiving a grant under section 2011(a) shall award subgrants, on a competitive basis, from amounts made available under section 2012(a)(1), to local educational agencies, elementary schools, or secondary schools that have formed educator partnerships, for the design and implementation of programs that will enhance professional development opportunities for teachers, principals, and administrators, and will increase the number of fully qualified teachers.

"(2) Allocations.—A State awarding subgrants under this subsection shall allocate the subgrant funds on a competitive basis and in a manner that results in an equitable distribution of the subgrant funds by geographic areas within the State.

"(3) Administrative expenses.—Each educator partnership receiving a subgrant under this subsection may use not more than 5 percent of the subgrant funds for any fiscal year for the cost of planning and administering programs under this section.

"(b) Educator Partnerships.—An educator partnership described in subsection (a) includes a cooperative arrangement between—

"(1) a public elementary school or secondary school (including a charter school), or a local educational agency; and

"(2) 1 or more of the following:

"(A) An institution of higher education.

"(B) An educational service agency.

"(C) A public or private not-for-profit education organization.

"(D) A for-profit education organization.

“(E) An entity from outside the traditional education arena, including a corporation or consulting firm.

“(c) USE OF FUNDS.—An educator partnership receiving a subgrant under this section shall use the subgrant funds for—

“(1) developing and enhancing of professional development activities for teachers in core academic subjects to ensure that the teachers have content knowledge in the academic subjects in which the teachers provide instruction;

“(2) developing and providing assistance to local educational agencies and elementary schools and secondary schools for sustained, high-quality professional development activities for teachers, principals, and administrators, that—

“(A) ensure that teachers, principals, and administrators are able to use State content standards, performance standards, and assessments to improve instructional practices and student achievement; and

“(B) may include intensive programs designed to prepare a teacher who participates in such a program to provide professional development instruction to other teachers within the participating teacher's school;

“(3) increasing the number of fully qualified teachers available to provide high-quality education to limited English proficient students by—

“(A) working with institutions of higher education that offer degree programs, to attract more people into such programs, and to prepare better new, English language teachers to provide effective language instruction to limited English proficient students; and

“(B) supporting development and implementation of professional development programs for language instruction teachers to improve the language proficiency of limited English proficient students;

“(4) developing and implementing professional development activities for principals and administrators to enable the principals and administrators to be effective school leaders and to improve student achievement on challenging State content and student performance standards, including professional development relating to—

“(A) leadership skills;

“(B) recruitment, assignment, retention, and evaluation of teachers and other staff;

“(C) effective instructional practices, including the use of technology; and

“(D) parental and community involvement; and

“(5) providing activities that enhance professional development opportunities for teachers, principals, and administrators or will increase the number of fully qualified teachers.

“(d) APPLICATION REQUIRED.—Each educator partnership desiring a subgrant under this section shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

“(e) COORDINATION.—Each educator partnership that receives a subgrant under this section and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under such section 203 with any related activities carried out under this section.

“SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $1,600,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“PART B—CLASS SIZE REDUCTION

“SEC. 2031. FINDINGS.

“Congress makes the following findings:

“(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational gains than students in larger classes, and that those gains persist through at least the eighth grade.

“(2) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children, as demonstrated by a study that found that urban fourth graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

“(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less time on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education, than teachers in large classes.

“(4) Smaller classes allow teachers to identify and work with students who have learning disabilities sooner than is possible with larger classes, potentially reducing those students' needs for special education services in the later grades.

“(5) The National Research Council report, ‘Preventing Reading Difficulties in Young Children’, recommends reducing class sizes, accompanied by providing high-quality professional development for teachers, as a strategy for improving student achievement in reading.

“(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions, and if teachers receive intensive, ongoing professional development.

“(7) Several States and school districts have begun serious efforts to reduce class sizes in the early elementary school grades, but those efforts may be impeded by financial limitations or difficulties in hiring highly qualified teachers.

“(8) The Federal Government can assist in those efforts by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that both new and current teachers who are moving into smaller classrooms are well prepared.

“SEC. 2032. PURPOSE.

“The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers in order to—

“(1) reduce nationally class size in grades 1 through 3 to an average of 18 students per regular classroom; and

“(2) improve teaching in the early elementary school grades so that all students can learn to read independently and well by the end of the third grade.

“SEC. 2033. ALLOTMENTS TO STATES.

“(a) RESERVATIONS FOR THE OUTLYING AREAS AND THE BUREAU OF INDIAN AFFAIRS.—From the amount appropriated under section 2042 for any fiscal year, the Secretary shall reserve a total of not more than 1 percent to make payments to—

“(1) outlying areas, on the basis of their respective needs, for activities, approved by the Secretary, consistent with this part; and

“(2) the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs.

“(b) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—From the amount appropriated under section 2042 for a fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall make grants by allotting to each State having a State application approved under section 2034(c) an amount that bears the same relationship to the remainder as the greater of the amounts that the State received in the preceding fiscal year under sections 1122 and 2202(b) (as such sections were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Rededication Act) bears to the total of the greater amounts that all States received under such sections for the preceding fiscal year.

“(2) RATABLE REDUCTION.—If the sums made available under paragraph (1) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

“(3) REALLOTMENT.—If any State chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the Secretary shall reallot the amount that such State would have received under paragraphs (1) and (2) to States having applications approved under section 2034(c), in accordance with paragraphs (1) and (2).

“SEC. 2034. APPLICATIONS.

“(a) APPLICATIONS REQUIRED.—The State educational agency for each State desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(b) CONTENTS.—The application shall include—

“(1) a description of the State's goals for using funds under this part to reduce average class sizes in regular classrooms in grades 1 through 3, including a description of class sizes in those classrooms, for each local educational agency in the State (as of the date of submission of the application);

“(2) a description of how the State educational agency will allocate program funds made available through the grant within the State;

“(3) a description of how the State will use other funds, including other Federal funds, to reduce class sizes and to improve teacher quality and reading achievement within the State; and

“(4) an assurance that the State educational agency will submit to the Secretary such reports and information as the Secretary may reasonably require.

“(c) APPROVAL OF APPLICATIONS.—The Secretary shall approve a State application submitted under this section if the application meets the requirements of this section and holds reasonable promise of achieving the purpose of this part.

“SEC. 2035. WITHIN-STATE ALLOCATIONS.

“(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—Each State receiving a grant under this part for any fiscal year may reserve not more than 1 percent of the grant funds for the cost of administering this part and, using the remaining funds, shall make subgrants by allocating to each local educational agency in the State the sum of—

“(1) an amount that bears the same relationship to 80 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families with incomes below the poverty line in the area served by all local educational agencies in the State; and

"(2) an amount that bears the same relationship to 20 percent of the remainder as the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by the local educational agency bears to the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by all local educational agencies in the State.

"(b) REALLOCATION.—If any local educational agency chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the State educational agency shall reallocate the amount such local educational agency would have received under subsection (a) to local educational agencies having applications approved under section 2036(b), in accordance with subsection (a).

"SEC. 2036. LOCAL APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency desiring a subgrant under section 2035(a) shall submit an application to the appropriate State educational agency at such time, in such form, and containing such information as the State educational agency may require, including a description of the local educational agency's program to reduce class sizes by hiring additional highly qualified teachers.

"(b) APPROVAL OF APPLICATIONS.—The State educational agency shall approve a local agency application submitted under subsection (a) if the application meets the requirements of subsection (a) and holds reasonable promise of achieving the purpose of this part.

"SEC. 2037. USES OF FUNDS.

"(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a subgrant under section 2035(a) may use not more than 3 percent of the subgrant funds for any fiscal year for the cost of administering this part.

"(b) RECRUITMENT, TEACHER TESTING, AND PROFESSIONAL DEVELOPMENT.—

"(1) IN GENERAL.—Each local educational agency receiving subgrant funds under this section shall use such subgrant funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified within the State (including teachers certified through State or local alternative routes) and who demonstrate competency in the areas in which the teachers provide instruction, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades.

"(2) LOCAL ACTIVITIES.—

"(A) IN GENERAL.—Each local educational agency receiving subgrant funds under this section may use such subgrant funds for—

"(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special-needs children, who are certified within the State, including teachers who are certified through State or local alternative routes, have a bachelor's degree, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers provide instruction;

"(ii) testing new teachers for academic content knowledge and satisfaction of State certification requirements consistent with title II of the Higher Education Act of 1965; and

"(iii) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special-needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction, consistent with title II of the Higher Education Act of 1965.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the award received under this section for activities described in subparagraph (A)(ii) and (iii).

"(ii) ED-FLEX.—

"(I) WAIVER.—A local educational agency located in a State designated as an Ed-Flex Partnership State under section 4(a)(1)(B) of the Education Flexibility Partnership Act of 1999, and in which 10 percent or more of teachers in elementary schools, as defined by section 8101(14), have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds it receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers to become certified.

"(II) APPROVAL.—If the State educational agency approves the local educational agency's application for a waiver under subclause (I), the local educational agency may use the funds subject to the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in elementary schools within the State are certified.

"(C) ADDITIONAL USES.—

"(i) IN GENERAL.—A local educational agency that has already reduced class size in the early grades to 18 or less children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children) may use funds received under this section—

"(I) to make further class size reductions in grades kindergarten through 3;

"(II) to reduce class size in other grades; or

"(III) to carry out activities to improve teacher quality, including professional development.

"(ii) PROFESSIONAL DEVELOPMENT.—If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this Part to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under section 2035 to the local educational agency.

"(c) SPECIAL RULE.—Notwithstanding subsection (b), if the award to a local educational agency under section 2035 is less than the starting salary for a new fully qualified teacher teaching in a school served by that agency, and such teacher is certified within the State (which may include certification through State or local alternative routes), has a bachelor's degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas the teacher is assigned to provide instruction, then the agency may use grant funds under this part to—

"(1) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

"(2) pay for activities described in subsection (b), which may be related to teaching in smaller classes.

"SEC. 2038. PRIVATE SCHOOLS.

"If a local educational agency uses funds made available under this Part for professional development activities, the local educational agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities.

"SEC. 2039. TEACHER SALARIES AND BENEFITS.

"A local educational agency may use grant funds provided under this part—

"(1) except as provided in paragraph (2), to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers only if such teachers were hired under this part; and

"(2) to pay the salaries of teachers hired under section 307 of the Department of Education Appropriations Act of 1999 who, not later than the beginning of the 2001-2002 school year, are fully qualified, as defined in section 2002(1).

"SEC. 2040. STATE REPORT REQUIREMENTS.

"(a) REPORT ON ACTIVITIES.—A State educational agency receiving funds under this part shall submit a report to the Secretary providing information about the activities in the State assisted under this part.

"(b) REPORT TO PARENTS.—Each State educational agency and local educational agency receiving funds under this part shall publicly issue a report to parents of children who attend schools assisted under this part describing—

"(1) the agency's progress in reducing class size;

"(2) the agency's progress in increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which the teachers provide instruction; and

"(3) the impact, if any, that hiring additional highly qualified teachers and reducing class size has had on increasing student academic achievement in schools served by the agency.

"(c) PROFESSIONAL QUALIFICATIONS REPORT.—Upon the request of a parent of a child attending a school receiving assistance under this part, such school shall provide the parent with information regarding the professional qualifications of their child's teacher.

"SEC. 2041. SUPPLEMENT NOT SUPPLANT.

"Each local educational agency receiving grant funds under this part shall use such funds only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

"SEC. 2042. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated

$1,400,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 301. LANGUAGE MINORITY STUDENTS.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) by amending the heading for title III to read as follows:

"TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION";

(2) by repealing section 3101 (20 U.S.C. 6801) and part A (20 U.S.C. 6811 et seq.); and

(3) by inserting after the heading for title III (as amended by paragraph (1)) the following:

"Subtitle A—Language Minority Students

"SEC. 3101. FINDINGS, POLICY, AND PURPOSE.

"(a) Findings.—Congress makes the following findings:

"(1)(A) Educating limited English proficient students is an urgent goal for many local educational agencies, but that goal is not being achieved.

"(B) Each year, 640,000 limited English proficient students are not served by any sort of program targeted to the students' unique needs.

"(C) In 1998, only 15 percent of local educational agencies that applied for funding under enhancement grants and comprehensive school grants received such funding.

"(2)(A) The school dropout rate for Hispanic students, the largest group of limited English proficient students, is approximately 25 percent, and is approximately 46 percent for Hispanic students born outside of the United States.

"(B) A United States Department of Education report regarding school dropout rates states that language difficulty 'may be a barrier to participation in United States schools'.

"(C) Reading ability is a key predictor of graduation and academic success.

"(3) Through fiscal year 1999, bilingual education capacity and demonstration grants—

"(A) have spread funding too broadly to make an impact on language instruction educational programs implemented by State educational agencies and local educational agencies; and

"(B) have lacked concrete performance measures.

"(4)(A) Since 1979, the number of limited English proficient children in schools in the United States has doubled to more than 3,000,000, and demographic trends indicate the population of limited English proficient children will continue to increase.

"(B) Language-minority Americans speak virtually all world languages plus many that are indigenous to the United States.

"(C) The rich linguistic diversity language-minority students bring to America's classrooms enhances the learning environment for all students and should be valued for the significant, positive impact such diversity has on the entire school environment.

"(D) Parent and community participation in educational language programs for limited English proficient students contributes to program effectiveness.

"(E) The Federal Government, as reflected in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and section 204(f) of the Equal Education Opportunities Act of 1974 (20 U.S.C. 1703), has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to limited English proficient children and youth.

"(F) The Federal Government also, as exemplified by programs authorized under this title, has a special and continuing obligation to assist States and local educational agencies to develop the capacity to provide programs of instruction that offer limited English proficient children and youth equal educational opportunities.

"(5) Limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including—

"(A) disproportionate attendance in high-poverty schools, as demonstrated by the fact that, in 1994, 75 percent of limited English proficient students attended schools in which as least half of all students were eligible for free or reduced-price meals;

"(B) the limited ability of parents of such children and youth to participate fully in the education of their children because of the parents' own limited English proficiency;

"(C) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth; and

"(D) lack of appropriate performance and assessment standards that distinguish between language and academic achievement so that there is equal accountability on the part of State educational agencies and local educational agencies for the achievement of limited English proficient students in academic content while acquiring English language skills.

"(b) Policy.—Congress declares it to be the policy of the United States that in order to ensure equal educational opportunity for all children and youth, and to promote educational excellence, the Federal Government should—

"(1) assist State educational agencies, local educational agencies, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction and English language development for children and youth of limited English proficiency;

"(2) hold State educational agencies and local educational agencies accountable for increases in English proficiency and core content knowledge among limited English proficient students; and

"(3) promote parental and community participation in limited English proficiency programs.

"(c) Purpose.—The purpose of this subtitle is to assist all limited English proficient students so that those students can meet or exceed the State proficient standard level for academic performance in core subject areas expected of all elementary school and secondary school students, and succeed in our Nation's society, by—

"(1) streamlining existing language instruction programs into a performance-based grant for State and local educational agencies to help limited English proficient students become proficient in English;

"(2) increasing significantly the amount of Federal assistance to local educational agencies serving such students while requiring that State educational agencies and local educational agencies demonstrate annual improvements in the English proficiency of such students from the preceding fiscal year; and

"(3) providing State educational agencies and local educational agencies with the flexibility to implement instructional programs based on scientific research that the agencies believe to be the most effective for teaching English.

"SEC. 3102. DEFINITIONS.

"Except as otherwise provided, for purposes of this subtitle:

"(1) Limited English proficient student.—The term 'limited English proficient student' means an individual aged 5 through 17 enrolled in an elementary school or secondary school—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English; or

"(ii) is a Native American or Alaska Native, or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory and whose native language is other than English, and who comes from an environment where a language other than English is dominant; and

"(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(2) Language instruction educational program.—The term 'language instruction educational program' means an instructional course in which a limited English proficient student is placed for the purpose of becoming proficient in the English language.

"(3) Specially qualified agency.—The term 'specially qualified agency' means a local educational agency in a State that does not participate in a program under this subtitle for a fiscal year.

"(4) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 3103. PROGRAM AUTHORIZED.

"(a) Grants Authorized.—The Secretary shall award grants, from allotments under subsection (b), to each State having a State plan approved under section 3105(c), to enable the State to help limited English proficient students become proficient in English.

"(b) Reservations and Allotments.—

"(1) Reservations.—From the amount appropriated under section 3110 to carry out this subtitle for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this subtitle, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this subtitle; and

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs as determined by the Secretary, for activities, approved by the Secretary, consistent with this subtitle.

"(2) State allotments.—From the amount appropriated under section 3110 for any of the fiscal years 2001 through 2005 that remains after making reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 3105(c) an amount that bears the same relationship to the remainder as the number of limited English proficient students in the State bears to the number of limited English proficient students in all States.

“(3) DATA.—For the purpose of determining the number of limited English proficient students in a State and in all States for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date, numbers of such students, including—

“(A) data available from the Bureau of the Census; or

“(B) data submitted to the Secretary by the States to determine the number of limited English proficient students in a State and in all States.

“(4) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, and for each of the 4 succeeding fiscal years, notwithstanding paragraph (2), the total amount allotted to each State under this subsection shall be not less than 85 percent of the total amount the State was allotted under parts A and B of title VII (as such title was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act).

“(c) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

“(1) NONPARTICIPATING STATE.—If a State educational agency for a fiscal year elects not to participate in a program under this subtitle, or does not have an application approved under section 3105(c), a specially qualified agency in such State desiring a grant under this subtitle for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

“(2) DIRECT AWARDS.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to specially qualified agencies in the State desiring a grant under paragraph (1) and having an application approved under section 3105(c).

“(3) ADMINISTRATIVE FUNDS.—A specially qualified agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for the administrative costs of carrying out this subtitle in the first year the agency receives a grant under this subsection and 0.5 percent for such costs in the second and each succeeding such year.

“SEC. 3104. WITHIN-STATE ALLOCATIONS.

“(a) GRANT AWARDS.—Each State educational agency receiving a grant under section 3103(a) shall use 95 percent of the grant funds to award subgrants, from allotments under subsection (b), to local educational agencies in the State to carry out the activities described in section 3107.

“(b) ALLOTMENT FORMULA.—Each State educational agency receiving a grant under this subtitle shall award a grant to each local educational agency in the State having a plan approved under section 3106 in an amount that bears the same relationship to the amount of funds appropriated under section 3110 as the school-age population of limited English proficient students in schools served by the local educational agency bears to the school-age population of limited English proficient students in schools served by all local educational agencies in the State.

“(c) RESERVATIONS.—

“(1) STATE ACTIVITIES.—Each State educational agency receiving a grant under this subtitle may reserve not more than 5 percent of the grant funds to carry out activities described in the State plan submitted under section 3105.

“(2) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (1), a State educational agency may use not more than 2 percent for the planning costs and administrative costs of carrying out the activities described in the State plan and providing grants to local educational agencies.

“SEC. 3105. STATE AND SPECIALLY QUALIFIED AGENCY PLAN.

“(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this subtitle shall submit a plan to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

“(b) CONTENTS.—Each State plan submitted under subsection (a) shall—

“(1) describe how the State or specially qualified agency will—

“(A) establish standards and benchmarks for English language development that are aligned with the State content and student performance standards described in section 1111;

“(B) develop high-quality, annual assessments to measure English language proficiency, including proficiency in the 4 recognized domains of speaking, listening, reading, and writing; and

“(C) develop annual performance objectives, based on the English language development standards described in subparagraph (A), to raise the level of English proficiency of each limited English proficient student;

“(2) contain an assurance that the State educational agency or specially qualified agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and English language instruction specialists, in the setting of the performance objectives;

“(3) describe how—

“(A) in the case of a State educational agency, the State educational agency will hold local educational agencies and elementary schools and secondary schools accountable for—

“(i) meeting the English proficiency performance objectives described in section 3109; and

“(ii) making adequate yearly progress with limited English proficient students in the subject areas of core content knowledge as described in section 1111; and

“(B) in the case of a specially qualified agency, the agency will hold elementary schools and secondary schools accountable for meeting the English proficiency performance objectives described in section 3109, and making adequate yearly progress, including annual numerical goals for improving the performance of limited English proficient students on performance standards described in section 1111(b)(1)(D)(ii);

“(4) describe the activities for which assistance is sought, and how the activities will increase the speed and effectiveness with which students learn English;

“(5) in the case of a State educational agency, describe how local educational agencies in the State will be given the flexibility to teach English—

“(A) using language instruction curriculum that is scientifically research based; and

“(B) in the manner the local educational agencies determine to be the most effective; and

“(6) describe how—

“(A) in the case of a State educational agency, the State educational agency will provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of identifying and implementing English language instruction educational programs and curricula that are scientifically research based; and

“(B) in the case of a specially qualified agency, the specially qualified agency will provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes of identifying and implementing English language instruction educational programs and curricula that are scientifically research based.

“(c) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan or a specially qualified agency plan if the plan meets the requirements of this section, and holds reasonable promise of achieving the purpose described in section 3101(c).

“(d) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan or specially qualified agency plan shall—

“(A) remain in effect for the duration of the State's or specially qualified agency's participation under this subtitle; and;

“(B) be periodically reviewed and revised by the State or specially qualified agency, as necessary, to reflect changes in the State's or specially qualified agency's strategies and programs under this subtitle.

“(2) ADDITIONAL INFORMATION.—If the State educational agency or specially qualified agency makes significant changes in its plan, such as the adoption of new performance objectives or assessment measures, the State educational agency or specially qualified agency shall submit such information to the Secretary.

“(e) CONSOLIDATED PLAN.—A State plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 8302.

“(f) SECRETARY ASSISTANCE.—Pursuant to section 7004(a)(3), the Secretary shall provide assistance, if required, in the development of English language development standards and English language proficiency assessments.

“SEC. 3106. LOCAL PLANS.

“(a) PLAN REQUIRED.—Each local educational agency desiring a grant from the State educational agency under section 3104(a) shall submit a plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(b) CONTENTS.—Each local educational agency plan submitted under subsection (a) shall—

“(1) describe how the local educational agency shall use the grant funds to meet the English proficiency performance objective described in section 3109;

“(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the performance objectives;

“(3) contain an assurance that the local educational agency consulted with elementary schools and secondary schools, education-related community groups and nonprofit organizations, institutions of higher education, parents, language instruction teachers, school administrators, and English language instruction specialists, in developing the local educational agency plan; and

“(4) contain an assurance that the local educational agency will use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency under this part and under title I to determine whether the schools are making the annual progress necessary to ensure that limited English proficient students attending the schools will meet the proficient State content and student performance standard within 10 years of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"SEC. 3107. USES OF FUNDS.

"(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant under section 3104 may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this subtitle.

"(b) ACTIVITIES.—Each local educational agency receiving grant funds under section 3104 shall use the grant funds that are not used under subsection (a)—

"(1) to increase limited English proficient students' proficiency in English by providing high-quality English language instruction programs, such as bilingual education programs and transitional education or English immersion education programs, that are—

"(A) tied to scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency; and

"(B) approved by the State educational agency;

"(2) to provide high-quality professional development activities for teachers of limited English proficient students that are—

"(A) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instructional strategies for limited English proficient students;

"(B) tied to scientifically based research demonstrating the effectiveness of such programs in increasing students' English proficiency or substantially increasing the knowledge and teaching skills of such teachers; and

"(C) of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based upon an assessment of the teacher's and supervisor's needs, the student's needs, and the needs of the local educational agency;

"(3) to identify, acquire, and upgrade curricula, instructional materials, educational software, and assessment procedures; and

"(4) to provide parent and community participation programs to improve English language instruction programs for limited English proficient students.

"SEC. 3108. PROGRAM REQUIREMENTS.

"(a) PROHIBITION.—In carrying out this subtitle the Secretary shall neither mandate nor preclude a particular curricular or pedagogical approach to educating limited English proficient students.

"(b) TEACHER ENGLISH FLUENCY.—Each local educational agency receiving grant funds under section 3104 shall certify to the State educational agency that all teachers in any language instruction program for limited English proficient students funded under this subtitle are fluent in English.

"SEC. 3109. PERFORMANCE OBJECTIVES.

"(a) IN GENERAL.—Each State educational agency or specifically qualified agency receiving a grant under this subtitle shall develop annual numerical performance objectives with respect to helping limited English proficient students become proficient in English. The objectives shall include incremental percentage increases for each fiscal year a State receives a grant under this subtitle, including increases in the number of limited English proficient students demonstrating an increase in performance on annual assessments in reading, writing, speaking, and listening comprehension, from the preceding fiscal year.

"(b) ACCOUNTABILITY.—Each State educational agency or specially qualified agency receiving a grant under this subtitle shall be held accountable for meeting the annual numerical performance objectives under this subtitle and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B)(iv) and (vii). Any State educational agency or specially qualified agency that fails to meet the annual performance objectives shall be subject to sanctions under section 7001.

"SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle **$1,000,000,000** for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 3111. REGULATIONS AND NOTIFICATION.

"(a) REGULATION RULE.—In developing regulations under this subtitle, the Secretary shall consult with State educational agencies, local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient students.

"(b) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Each local educational agency shall notify parents of a student participating in a language instruction educational program under this subtitle of—

"(A) the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, and the implications of the student's educational strengths and needs for age- and grade-appropriate academic attainment, promotion, and graduation;

"(B) what programs are available to meet the student's educational strengths and needs, and how such programs differ in content and instructional goals from other language instruction educational programs and, in the case of a student with a disability, how such program meets the objectives of the individualized education program of such a student; and

"(C) the instructional goals of the language instruction educational program, and how the program will specifically help the limited English proficient student learn English and meet age-appropriate standards for grade promotion and graduation, including—

"(i) the characteristics, benefits, and past academic results of the language instruction educational program and of instructional alternatives; and

"(ii) the reasons the student was identified as being in need of a language instruction educational program.

"(2) OPTION TO DECLINE.—

"(A) IN GENERAL.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of their children or youth in a language instruction educational program, and shall be given an opportunity to decline such enrollment if the parent so chooses.

"(B) OBLIGATIONS.—A local educational agency shall not be relieved of any of the agency's obligations under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) if a parent chooses not to enroll their child in a language instruction educational program.

"(3) RECEIPT OF INFORMATION.—A parent described in paragraph (1) shall receive, in a manner and form understandable to the parent including, if necessary and to the extent feasible, in the native language of the parent, the information required by this subsection. At a minimum, the parent shall receive—

"(A) timely information about projects funded under this subtitle; and

"(B) if the parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of children assisted under this subtitle.

"(4) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any Federally assisted language instruction educational program solely on the basis of a surname or language-minority status.

"(5) LIMITATIONS ON CONDITIONS.—Nothing in this subtitle shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, elementary school's, or secondary school's specific challenging English language development standards or assessments, curricula, or program of instruction, as a condition of eligibility to receive grant funds under this subtitle.".

SEC. 302. EMERGENCY IMMIGRANT EDUCATION PROGRAM.

(a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—Title III (20 U.S.C. 6801 et seq.) is further amended—

(1) by repealing part B (20 U.S.C. 6891 et seq.), part C (20 U.S.C. 6921 et seq.), part D (20 U.S.C. 6951 et seq.), and part E (20 U.S.C. 6971 et seq.);

(2) by transferring part C of title VII (20 U.S.C. 7541 et seq.) to title III and inserting such part after subtitle A (as inserted by section 301(3));

(3) by redesignating the heading for part C of title VII (as transferred by paragraph (2)) as the heading for subtitle B, and redesignating accordingly the references to such part as the references to such subtitle; and

(4) by redesignating section 7301 through 7309 (20 U.S.C. 7541, 7549) (as transferred by paragraph (2)) as sections 3201 through 3209, respectively, and redesignating accordingly the references to such sections.

(b) AMENDMENTS.—Subtitle B of title III (as so transferred and redesignated) is amended—

(1) in section 3205(a)(2) (as redesignated by subsection (a)(4)), by striking "the Goals 2000: Educate America Act,"; and

(2) in section 3209 (as redesignated by subsection (a)(4)), by striking "$100,000,000" and all that follows through "necessary for" and inserting "such sums as may be necessary for fiscal year 2001 and".

SEC. 303. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION.

(a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—Title III (20 U.S.C 6801 et seq.) is further amended—

(1) by transferring title IX (20 U.S.C. 7801 et seq.) to title III and inserting such title after subtitle B (as inserted by section 302(a)(2));

(2) by redesignating the heading for title IX (as transferred by paragraph (1)) as the heading for subtitle C, and redesignating accordingly the references to such title as the references to such subtitle;

(3) by redesignating sections 9101 and 9102 (20 U.S.C. 7801, 7802) (as transferred by paragraph (1)) as sections 3301 and 3302, respectively, and redesignating accordingly the references to such sections;

(4) by redesignating sections 9111 through 9118 (20 U.S.C. 7811, 7818) (as transferred by paragraph (1)) as sections 3311 through 3318, respectively, and redesignating accordingly the references to such sections;

(5) by redesignating sections 9121 through 9125 (20 U.S.C. 7831, 7835) (as transferred by paragraph (1)) as sections 3321 through 3325, and redesignating accordingly the references to such section;

(6) by redesignating sections 9131 and 9141 (20 U.S.C. 7851, 7861) (as transferred by paragraph (1)) as sections 3331 and 3341, respectively, and redesignating accordingly the references to such sections;

(7) by redesignating sections 9151 through 9154 (20 U.S.C. 7871, 7874) (as transferred by paragraph (1)) as sections 3351 through 3354, respectively, and redesignating accordingly the references to such sections;

(8) by redesignating sections 9161 and 9162 (20 U.S.C. 7881, 7882) (as transferred by paragraph (1)) as sections 3361 and 3362, respectively, and redesignating accordingly the references to such sections;

(9) by redesignating sections 9201 through 9212 (20 U.S.C. 7901, 7912) (as transferred by paragraph (1)) as sections 3401 through 3412, respectively, and redesignating accordingly the references to such sections; and

(10) by redesignating sections 9301 through 9308 (20 U.S.C. 7931, 7938) (as transferred by paragraph (1)) as sections 3501 through 3508, and redesignating accordingly the references to such sections.

(b) AMENDMENTS.—Subtitle C of title III (as so transferred and redesignated) is amended—

(1) by amending section 3314(b)(2)(A) (as redesignated by subsection (a)(4)) to read as follows:

"(2)(A) is consistent with, and promotes the goals in, the State and local improvement plans under sections 1111 and 1112";

(2) by amending section 3325(e) (as redesignated by subsection (a)(5)) to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2001 and each of the 4 succeeding years.";

(3) in section 3361(4)(E) (as redesignated by subsection (a)(8)), by striking "the Act entitled the 'Improving America's Schools Act of 1994'" and inserting "the Public Education Reinvestment, Reinvention, and Responsibility Act";

(4) by amending section 3362 (as redesignated by subsection (a)(8)) to read as follows:

"SEC. 3262. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out subparts 1 through 5 of this part, there are authorized to be appropriated to the Department of Education such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding years.";

(5) in section 3404 (as redesignated by subsection (a)(9))—

(A) in subsection (i), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(B) in subsection (j), by striking "$500,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(6) in section 3405(c) (as redesignated by subsection (a)(9)), by striking "$6,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(7) in section 3406(e) (as redesignated by subsection (a)(9)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(8) in section 3407(e) (as redesignated by subsection (a)(9)), by striking "$1,500,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(9) in section 3408(c) (as redesignated by subsection (a)(9)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(10) in section 3409(d) (as redesignated by subsection (a)(9)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(11) in section 3410(d) (as redesignated by subsection (a)(9)), by striking "$1,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(12) in section 3504(c) (as redesignated by subsection (a)(10)), by striking "$5,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(13) in section 3505(e) (as redesignated by subsection (a)(10)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and"; and

(14) in section 3506(d) (as redesignated by subsection (a)(10)), by striking "$1,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and".

TITLE IV—PUBLIC SCHOOL CHOICE

SEC. 401. PUBLIC SCHOOL CHOICE.

(a) MAGNET SCHOOLS AMENDMENTS.—Section 5113(a) (20 U.S.C. 7213(a)) is amended—

(1) by striking "$120,000,000" and inserting "$130,000,000"; and

(2) by striking "1995" and inserting "2001".

(b) CHARTER SCHOOLS AMENDMENTS.—

(1) PARALLEL ACCOUNTABILITY.—Section 10302 (20 U.S.C. 8062) is amended by adding at the end the following:

"(g) PARALLEL ACCOUNTABILITY.—Each State educational agency receiving a grant under this part shall hold charter schools assisted under this part accountable for adequate yearly progress for improving student performance under title I and as established in the school's charter, including the use of the same standards and assessments as established under title I.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 10311 (20 U.S.C. 8067) is amended.—

(A) by striking "$100,000,000" and inserting "$200,000,000"; and

(B) by striking "1999" and inserting "2001".

(c) REPEALS, TRANSFERS AND REDESIGNATIONS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for title IV (20 U.S.C. 7101 et seq.) to read as follows:

"TITLE IV—PUBLIC SCHOOL CHOICE";

(2) by amending section 4001 to read as follows:

"SEC. 4001. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1)(A) Charter schools and magnet schools are an integral part of the educational system in the United States.

"(1)(B) Thirty-four States and the District of Columbia have established charter schools.

"(1)(C) Magnet schools have been established throughout the United States.

"(1)(D) A Department of Education evaluation of charter schools shows that 59 percent of charter schools reported that lack of start-up funds posed a difficult or very difficult challenge for the school.

"(2) State educational agencies and local educational agencies should hold all schools accountable for the improved performance of all students, including students attending charter schools and magnet schools, under State standards and student assessment measures.

"(3) School report cards constitute the key informational component used by parents for effective public school choice.

"(b) POLICY.—Congress declares it to be the policy of the United States—

"(1) to support and stimulate improved public school performance through increased public elementary school and secondary school competition and increased Federal financial assistance; and

"(2) to provide parents with more choices among public school options.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To consolidate public school choice programs into 1 title.

"(2) To increase Federal assistance for magnet schools and charter schools.

"(3) To help parents make better and more informed choices by—

"(A) providing continued support and financial assistance for magnet schools;

"(B) providing continued support and expansion of charter schools and charter school districts; and

"(C) providing financial assistance to States and local educational agencies for the development of local educational agency and school report cards.";

(3) by repealing sections 4002 through 4004 (20 U.S.C. 7102, 7104), and part A (20 U.S.C. 7111 et seq.), of title IV;

(4) by transferring part A of title V (20 U.S.C. 7201 et seq.) (as amended by subsection (a)) to title IV and inserting such part A after section 4001;

(5) by redesignating sections 5101 through 5113 (20 U.S.C. 7201, 7213) (as transferred by paragraph (4)) as sections 4101 through 4113, respectively, and by redesignating accordingly the references to such sections in part A of title IV (as so transferred);

(6) by transferring part C of title X (20 U.S.C. 8061 et seq.) (as amended by subsection (b)) to title IV and inserting such part C after part A of title IV (as transferred by paragraph (4));

(7) by redesignating part C of title IV (as transferred by paragraph (6)) as part B of title IV; and

(8) by redesignating sections 10301 through 10311 (20 U.S.C. 8061, 8067) (as transferred by paragraph (6)) as sections 4201 through 4211, respectively, and by redesignating accordingly the references to such sections in such part B of title IV (as so transferred and redesignated).

SEC. 402. DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS; REPORT CARDS.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART C—DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS

"SEC. 4301. GRANTS AUTHORIZED.

"(a) IN GENERAL.—From amounts made available to carry out this part for a fiscal year under section 4305, and not reserved under subsection (b), the Secretary is authorized to award grants, on a competitive basis, to local educational agencies to enable the local educational agencies to develop local public school choice programs.

"(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under section 4305 for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

"(c) EVALUATIONS.—The Secretary may use funds reserved under subsection (b) to carry out 1 or more evaluations of programs assisted under this part, which shall, at a minimum, address—

"(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

"(2) the extent to which public schools of choice supported with funds under this part are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.

"(b) DURATION.—Grants under this part may be awarded for a period not to exceed 3 years.

"SEC. 4302. DEFINITION OF HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.

"In this part, the term 'high-poverty local educational agency' means a local educational agency in which the percentage of children, ages 5 to 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available is 20 percent or greater.

"SEC. 4303. USES OF FUNDS.

"(a) IN GENERAL.—

"(1) PUBLIC SCHOOL CHOICE.—Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

"(2) INNOVATIVE APPROACHES.—Such approaches at the school, local educational agency, and State levels may include—

"(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

"(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions;

"(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

"(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

"(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

"(b) LIMITATIONS.—Funds under this part—

"(1) shall supplement, and not supplant, non-Federal funds expended for existing public school choice programs; and

"(2) may be used for providing transportation services or costs, except that not more than 10 percent of the funds received under this part shall be used by the local educational agency to provide such services or costs.

"SEC. 4304. GRANT APPLICATION; PRIORITIES.

"(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary.

"(b) APPLICATION CONTENTS.—Each application shall include—

"(1) a description of the program for which funds are sought and the goals for such program;

"(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal projects;

"(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities;

"(4) a description of the policies and procedures the applicant will use to ensure—

"(A) its accountability for results, including its goals and performance indicators; and

"(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

"(5) such other information as the Secretary may require.

"(c) PRIORITIES.—

"(1) HIGH-POVERTY AGENCIES.—The Secretary shall give a priority to applications for projects that would serve high-poverty local educational agencies.

"(2) PARTNERSHIPS.—The Secretary may give a priority to applications demonstrating that the applicant will carry out the applicant's project in partnership with 1 or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

"SEC. 4305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART D—REPORT CARDS

"SEC. 4401. REPORT CARDS.

"(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments under subsection (b), to each State having a State report card meeting the requirements described in subsection (g), to enable the State annually to publish report cards for each elementary school and secondary school that receives funding under this Act and is served by the State.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under subsection (e) to carry out this part for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part; and

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, for activities, approved by the Secretary, consistent with this part.

"(2) STATE ALLOTMENTS.—From the amount appropriated under subsection (e) for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State report card meeting the requirements described in subsection (g) an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools in the State bears to the number of such students so enrolled in all States.

"(c) WITHIN-STATE ALLOCATIONS.—Each State educational agency receiving a grant under subsection (a) shall allocate the grant funds that remain after making the reservation described in subsection (d) to each local educational agency in the State in an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools served by the local educational agency bears to the number of such students so enrolled in all local educational agencies within the State.

"(d) STATE RESERVATION OF FUNDS.—Each State educational agency receiving a grant under subsection (a) may reserve—

"(1) not more than 10 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2001; and

"(2) not more than 5 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2002 and each of the 3 succeeding fiscal years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) ANNUAL STATE REPORT.—

"(1) REPORTS REQUIRED.—

"(A) IN GENERAL.—Except as provided in paragraph (3), not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report on all public elementary schools and secondary schools within the State that receive funds under this Act.

"(B) STATE REPORT CARDS ON EDUCATION.—In the case of a State that publishes State report cards on education, the State shall include in such report cards the information described in subsection (g).

"(C) REPORT CARDS ON ALL PUBLIC SCHOOLS.—In the case of a State that publishes a report card on all public elementary schools and secondary schools in the State, the State shall include, at a minimum, the information described in subsection (g) for all public schools that receive funds under this Act.

"(2) IMPLEMENTATION; REQUIREMENTS.—

"(A) IMPLEMENTATION.—The State shall ensure implementation at all levels of the report cards described in paragraph (1).

"(B) REQUIREMENTS.—Annual report cards under this part shall be—

"(i) concise; and

"(ii) presented in a format and manner that parents can understand including, to the extent practicable, in a language the parents can understand.

"(3) PUBLICATION THROUGH OTHER MEANS.—In the event that the State provides no such report card, the State shall, not later than the beginning of the 2001–2002 school year, publicly report the information described in subsection (g) for all public schools that receive funds under this Act.

"(g) CONTENT OF ANNUAL STATE REPORTS.—

"(1) REQUIRED INFORMATION.—Each State described in subsection (f)(1)(A), at a minimum, shall include in the annual State report information on each local educational agency and public school that receives funds under this Act, including information regarding—

"(A) student performance on statewide assessments for the year for which the annual

State report is made, and the preceding year, in at least English language arts and mathematics, including—

"(i) a comparison of the proportions of students who performed at the basic, proficient, and advanced levels in each subject area, for each grade level at which assessments are required under title I, with proportions in each of the same 4 levels at the same grade levels in the previous school year;

"(ii) a statement on the 3-year trend in the percentage of students performing at the basic, proficient, and advanced levels in each subject area, for each grade level for which assessments are required under title I; and

"(iii) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested;

"(B) student retention rates in grades, the number of students completing advanced placement courses, and 4-year graduation rates;

"(C) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of class sections not taught by fully qualified teachers, and the percentage of teachers who are fully qualified; and

"(D) the professional qualifications of paraprofessionals in the aggregate, the number of paraprofessionals in the aggregate, and the ratio of paraprofessionals to teachers in the classroom.

"(2) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

"(A) Racial and ethnic groups.

"(B) Gender.

"(C) Economically disadvantaged students, as compared to students who are not economically disadvantaged.

"(D) Students with limited English proficiency, as compared to students who are proficient in English.

"(3) OPTIONAL INFORMATION.—A State may include in the State annual report any other information the State determines appropriate to reflect school quality and school achievement, including by grade level information on average class size and information on school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.

"(4) WAIVER.—The Secretary may grant a waiver to a State seeking a waiver of the requirements of this subsection if the State demonstrates to the Secretary that—

"(A) the content of existing State report cards meets the goals of this part; and

"(B) the State is taking identifiable steps to meet the requirements of this subsection.

"(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL REPORT CARDS.—

"(1) REPORT REQUIRED.—

"(A) IN GENERAL.—The State shall ensure that each local educational agency, public elementary school, or public secondary school that receives funds under this Act, collects appropriate data and publishes an annual report card consistent with this subsection.

"(B) REQUIRED INFORMATION.—Each local educational agency, elementary school, and secondary school described in subparagraph (A), at a minimum, shall include in its annual report card—

"(i) the information described in subsections (g)(1) and (2) for each local educational agency and school;

"(ii) in the case of a local educational agency—

"(I) information regarding the number and percentage of schools identified for school improvement, including schools identified under section 1116 of this Act, served by the local educational agency;

"(II) information on the 3-year trend in the number and percentage of elementary schools and secondary schools identified for school improvement; and

"(III) information that shows how students in the schools served by the local educational agency perform on the statewide assessment compared to students in the State as a whole;

"(iii) in the case of an elementary school or a secondary school—

"(I) information regarding whether the school has been identified for school improvement; and

"(II) information that shows how the school's students performed on the statewide assessment compared to students in schools served by the same local educational agency and to all students in the State; and

"(iii) other appropriate information, whether or not the information is included in the annual State report.

"(2) SPECIAL RULE.—A local educational agency that issues report cards for all public elementary schools and secondary schools served by the agency shall include, at a minimum, the information described in subsection (g) for all public schools that receive funds under this Act.

"(i) DISSEMINATION AND ACCESSIBILITY OF REPORTS AND REPORT CARDS.—

"(1) STATE REPORTS.—State annual reports under subsection (g) shall be disseminated to all elementary schools, secondary schools, and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

"(2) LOCAL REPORT CARDS.—Local educational agency report cards under subsection (h) shall be disseminated to all elementary schools and secondary schools served by the local educational agency and to all parents of students attending such schools, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

"(3) SCHOOL REPORT CARDS.—Elementary school and secondary school report cards under subsection (h) shall be disseminated to all parents of students attending that school, and made broadly available to the public, through means such as posting on the Internet and distribution to the media, and through public agencies.

"(j) PARENTS RIGHT-TO-KNOW.—

"(1) QUALIFICATIONS.—A local educational agency that receives funds part A of title I or part A of title II shall provide, upon request, in an understandable and uniform format, to any parent of a student attending any school receiving funds under part A of title I or part A of title II, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum—

"(A) whether the teacher has met State certification or licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

"(B) whether the teacher is teaching under emergency or other provisional status through which State certification or licensing criteria are waived;

"(C) the baccalaureate degree major of the teacher, any other graduate certification or degree held by the teacher, and the field of discipline of each such certification or degree; and

"(D) whether the student is provided services by paraprofessionals, and the qualifications of any such paraprofessional.

"(2) ADDITIONAL INFORMATION.—In addition to the information that parents may request under paragraph (1), and the information provided in report cards under this part, a school that receives funds under part A of title I or part A of title II shall provide, to the extent practicable, to each individual parent or guardian—

"(A) information on the level of performance of the individual student, for whom they are the parent or guardian, in each of the State assessments as required under part A of title I; and

"(B) timely notice that the student, for whom they are the parent or guardian, was assigned or taught for 2 or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

"(k) COORDINATION OF STATE PLAN CONTENT.—A State shall include in its plan under part A of title I or part A of title II, an assurance that the State has in effect a policy that meets the requirements of this section.

"(l) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

"(m) DEFINITION.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE V—IMPACT AID

SEC. 501. IMPACT AID.

(a) Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a)—

(A) by striking "$16,750,000 for fiscal year 1995 and"; and

(B) by inserting "fiscal year 2001 and" after "necessary for";

(2) in subsection (b)—

(A) by striking "$775,000,000 for fiscal year 1995 and"; and

(B) by inserting "fiscal year 2001 and" after "necessary for";

(3) in subsection (c)—

(A) by striking "$45,000,000 for fiscal year 1995 and"; and

(B) by inserting "fiscal year 2001 and" after "necessary for";

(4) in subsection (d)—

(A) by striking "$2,000,000 for fiscal year 1995 and"; and

(B) by inserting "fiscal year 2001 and" after "necessary for";

(5) in subsection (e)—

(A) by striking "$25,000,000 for fiscal year 1995 and"; and

(B) by inserting "fiscal year 2001 and" after "necessary for";

(6) in subsection (f)—

(A) by striking "$2,000,000 for fiscal year 1995 and"; and

(B) by inserting "fiscal year 2001 and" after "necessary for"; and

(7) in subsection (g), by striking "1998" and inserting "2001".

(b) REPEALS, TRANSFERS, AND REDESIGNATIONS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by repealing title V (20 U.S.C. 7201 et seq.);

(2) by redesignating title VIII (20 U.S.C. 7701 et seq.) (as amended by subsection (a)) as title V, and transferring the title to follow title IV (as amended by section 402);

(3) by redesignating references to title VIII as references to title V (as redesignated and transferred by paragraph (2)); and

(4) by redesignating sections 8001 through 8014 (20 U.S.C. 7701, 7714) (as transferred by paragraph (2)) as sections 5001 through 5014, respectively, and redesignating accordingly the references to such sections.

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

"SEC. 6001. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1)(A) Congress embraces the view that educators most familiar with schools, including school superintendents, principals, teachers, and school support personnel, have a critical role in knowing what is needed and how best to meet the educational needs of students.

"(B) Local educational agencies should therefore have primary responsibility for deciding how to implement funds.

"(2)(A) Since the Elementary and Secondary Education Act was first authorized in 1965, the Federal Government has created numerous grant programs, each of which was created to address 1 among the myriad challenges and problems facing education.

"(B) Only a few of the Federal grant programs established before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act can be tied to significant quantitative results.

"(C) Because Federal education dollars are distributed through a patchwork of programs, with each program having its own set of requirements and restrictions, local educational agencies and schools have found it difficult to leverage funds for maximum impact.

"(D) In many cases, Federal education dollars distributed through competitive grant programs are too diffused to provide a true impact at the school level.

"(E) As a result of the Federal elementary and secondary education policies in place before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, the focus of Federal, State, and local educational agencies has been diverted from comprehensive student achievement to administrative compliance.

"(3)(A) Every elementary school and secondary school should provide a drug- and violence-free learning environment.

"(B) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly among elementary school students, constitutes a grave threat to students' physical and mental well-being, and significantly impedes the learning process.

"(C) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, and positive school outcomes, and reduce the demand for and illegal use of alcohol, tobacco, and drugs throughout the Nation.

"(D) Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use, and should measure the success of programs established to address this epidemic against clearly defined goals and objectives.

"(E) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

"(F) Substance abuse and violence are intricately related, and must be dealt with in a holistic manner.

"(4)(A) Technology can produce far greater opportunities for all students to meet high learning standards, promote efficiency and effectiveness in education, and help immediately and dramatically reform our Nation's educational system.

"(B) Because most Federal and State educational technology programs have focused on acquiring educational technologies, rather than emphasizing the utilization of those technologies in the classroom and the training and infrastructure required efficiently to support the technologies, the full potential of educational technology has rarely been realized.

"(C) The effective use of technology in education has been inhibited by the inability of many State educational agencies and local educational agencies to invest in and support needed technologies, and to obtain sufficient resources to seek expert technical assistance in developing high-quality professional development activities for teachers and keeping pace with the rapid technological advances.

"(D) To remain competitive in the global economy, which is increasingly reliant on a workforce that is comfortable with technology and able to integrate rapid technological changes into production processes, it is imperative that our Nation maintain a work-ready labor force.

"(b) POLICY.—Congress declares it to be the policy of the United States—

"(1) to facilitate significant innovation in elementary school and secondary school education programs;

"(2) to enrich the learning environment of students;

"(3) to provide a safe learning environment for all students;

"(3) to ensure that all students are technologically literate; and

"(4) to assist State educational agencies and local educational agencies in building the agencies' capacity to establish, implement, and sustain innovative programs for public elementary and secondary school students.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To provide supplementary assistance for school improvement to elementary schools, secondary schools, and local educational agencies—

"(A) that have been or are at risk of being identified as being in need of improvement, as defined in section 1116 (c) and (d), to carry out activities (as described in such schools' or agencies' improvement plans developed under such section) that are designed to remedy the circumstances that caused such schools or agencies to be identified as in need of improvement; or

"(B) to improve core content curriculum and instructional practices and materials in core subject areas to ensure that all students are at the proficient standard level within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(2) To provide assistance to local educational agencies and schools for innovative programs and activities that will transform schools into 21st century opportunities for students by—

"(A) creating a challenging learning environment and facilitating academic enrichment through innovative academic programs; or

"(B) providing extra learning, time, and opportunities for students.

"(3) To provide assistance to local educational agencies, schools, and communities to strengthen existing programs or develop and implement new programs based on proven researched-based strategies that create safe learning environments by—

"(A) preventing violence and other high-risk behavior from occurring in and around schools; and

"(B) preventing the illegal use of alcohol, tobacco, and drugs among students.

"(4) To create New Economy Technology Schools (NETs) by providing assistance to local educational agencies and schools for—

"(A) the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure;

"(B) the acquisition and maintenance of technology equipment and the provision of training in the use of such equipment for teachers, school library and media personnel, and administrators;

"(C) the acquisition or development of technology-enhanced curricula and instructional materials that are aligned with challenging State content and student performance standards; and

"(D) the acquisition or development and implementation of high-quality professional development for teachers in the use of technology and its integration with challenging State content and student performance standards.

"SEC. 6002. DEFINITIONS OF STATE.

"In this title:

"(1) AUTHENTIC TASK.—The term 'authentic task' means a real world task that—

"(A) is challenging, meaningful, multidisciplinary, and interactive;

"(B) involves reasoning, problem solving, and composition; and

"(C) is not a discrete component skill that has no obvious connection with students' activities outside of school.

"(2) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 6003. PROGRAMS AUTHORIZED.

"(a) GRANTS AUTHORIZED.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall award a grant to each State educational agency having a State plan approved under section 6005(a)(4) to enable the State educational agency to award grants to local educational agencies in the State.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall reserve—

"(A) not more than ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this title;

"(B) not more than ½ of 1 percent of such amounts for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this title as determined by the Secretary, for activities, approved by the Secretary, consistent with this title; and

"(C) such sums as may be necessary to continue to support any multiyear award made under titles III, IV, V (part B), or X (as such titles were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the completion of the multiyear award.

"(2) STATE ALLOTMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 6009 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 6005(a)(4) the sum of—

"(i) an amount that bears the same relationship to 50 percent of the remainder as the amount the State received under part A of title I bears to the amount all States received under such part; and

"(ii) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

"(B) DATA.—For the purposes of determining the school-age population in a State and in all States, the Secretary shall use the latest available Bureau of the Census data.

"(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than 0.4 percent of the total amount allotted to all States under subsection (b)(2).

"(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (e), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted in formula grants under titles III, IV, and VI (as such titles were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the preceding fiscal year.

"(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2)(A) for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under that subsection for such year, the Secretary shall ratably reduce such amounts for such year.

"SEC. 6004. WITHIN STATE ALLOCATION.

"(a) SHORT TITLE.—Each State educational agency for a State receiving a grant award under section 6003(b)(2) shall—

"(1) set aside not more than 1 percent of the grant funds for the cost of administering the activities under this title;

"(2) set aside not more than 4 percent of the grant funds to—

"(A) provide for the establishment of high-quality, internationally competitive content and student performance standards and strategies that all students will be expected to meet;

"(B) provide for the establishment of high-quality, rigorous assessments that include multiple measures and demonstrate comprehensive knowledge;

"(C) encourage and enable all State educational agencies and local educational agencies to develop, implement, and strengthen comprehensive education improvement plans that address student achievement, teacher quality, parent involvement, and reliable measurement and evaluation methods; and

"(D) encourage and enable all States to develop and implement value-added assessments, including model value-added assessments identified by the Secretary under section 7004(a)(6); and

"(3) using the remaining 95 percent of the grant funds, make grants by allocating to each local educational agency in the State having a local educational agency plan approved under section 6005(b)(3) the sum of—

"(A) an amount that bears the same relationship to 50 percent of such remainder as the amount the local educational agency received under part A of title I bears to the amount all local educational agencies in the State received under such part; and

"(B) an amount that bears the same relationship to 50 percent of such remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

"(b) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Each eligible local educational agency receiving a grant under subsection (a) shall contribute resources with respect to the local authorized activities to be assisted under this title in case or in-kind from non-Federal sources in an amount equal to 25 percent of the Federal funds awarded under the grant.

"(2) WAIVER.—A local educational agency may apply to the State educational agency may grant a waiver of the requirements of paragraph (1) to a local educational agency that—

"(A) applies for such a waiver; and

"(B) demonstrates extreme circumstances for being unable to meet such requirements.

"SEC. 6005. PLANS.

"(a) STATE PLANS.—

"(1) IN GENERAL.—The State educational agency for each State desiring a grant under this title shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(3) CONTENTS.—Each plan submitted under paragraph (1) shall—

"(A) describe how the State educational agency will assist each local educational agency and school served under this title to comply with the requirements described in section 6006 that are applicable to the local educational agency or school;

"(B) certify that the State has in place the standards and assessments required under section 1111;

"(C) certify that the State educational agency has a system, as required under section 1111, for—

"(i) holding each local educational agency and school accountable for adequate yearly progress (as defined in section 1111(b)(2)(B));

"(ii) identifying local educational agencies and schools that are in need of improvement and corrective action (as required in sections 1116 and 1117);

"(iii) assisting local educational agencies and schools that are identified for improvement with the development of improvement plans; and

"(iv) providing technical assistance, professional development, and other capacity building as needed to get such agencies and schools out of improvement status;

"(D) certify that the State educational agency shall use the disaggregated results of student assessments required under section 1111(b)(4), and other measures or indicators available, to review annually the progress of each local educational agency and school served under this title to determine whether or not each such agency and school is making adequate yearly progress as required under section 1111;

"(E) certify that the State educational agency will take action against a local educational agency that is in corrective action and receiving funds under this title as described in section 6006(d)(1);

"(F) describe what, if any, State and other resources will be provided to local educational agencies and schools served under this title to carry out activities consisted with this title; and

"(G) certify that the State educational agency has a system to hold local educational agencies accountable for meeting the annual performance objectives required under subsection (b)(2)(C).

"(4) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan if the State plan meets the requirements of this subsection.

"(5) DURATION OF THE PLAN.—Each State plan shall remain in effect for the duration of the State's participation under this title.

"(6) REQUIREMENT.—A State shall not be eligible to receive funds under this title unless the State has established the standards and assessments required under section 1111.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency shall annually submit a local educational agency plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) CONTENTS.—Each local educational agency shall—

"(A) describe the programs for which funds allocated under section 6004(3) will be used and the reasons for the selection of such programs;

"(B) describe the methods the local educational agency will use to measure the annual impact of programs described under subparagraph (A) and the extent to which such programs will increase student academic performance;

"(C) describe the annual, quantifiable, and measurable performance goals and objectives for each program described under subparagraph (A) and the extent to which such goals and objectives are aligned with State content and student performance standards;

"(D) describe how the local educational agency will hold schools accountable for meeting the intended performance objectives for each program described under subparagraph (C);

"(E) provide an assurance that the local educational agency has met the local plan requirements described in section 1112 for—

"(i) holding schools accountable for adequate yearly progress, including meeting annual numerical goals for improving the performance of all groups of students based on the student performance standards set by the State under section 1111(b)(1)(D)(ii);

"(ii) identifying schools for school improvement or corrective action;

"(iii) fulfilling the local educational agency's school improvement responsibilities described in section 1116, including taking corrective actions under section 1116(c)(10); and

"(iv) providing technical assistance, professional development, or other capacity building to schools served by the agency;

"(F) certify that the local educational agency will take action against a school that is in corrective action and receiving funds under this title as described under section 6006(d)(2);

"(G) describe what State and local resources will be contributed to carrying out programs described under subparagraph (A);

"(H) provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the local educational plan and select the programs to be assisted under this title; and

"(J) provide assurances that the local educational agency will continue such consultation on a regular basis and will provide the

State with annual evidence of such consultation.

"(3) Approval.—The State, using a peer review process, shall approve a local educational agency plan if the plan meets the requirements of this subsection.

"(4) Duration of the plan.—Each local educational agency plan shall remain in effect for the duration of the local educational agency's participation under this title.

"(5) Public review.—Each State educational agency will make publicly available each local educational agency plan approved under paragraph (3).

"SEC. 6006. LOCAL USES OF FUNDS AND ACCOUNTABILITY.

"(a) Administrative Expenses.—Each local educational agency receiving a grant award under section 6004(3) may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this title.

"(b) Required Activities.—Each local educational agency receiving a grant award under section 6004(3) shall use the grant funds pursuant to this subsection to establish and carry out programs that are designed to achieve, separately or cumulatively, each of the goals described in the category areas described in paragraphs (1) through (4).

"(1) School improvement.—Each local educational agency shall use 30 percent of the grant funds—

"(A) in the case of a school that has been identified as being in need of improvement under section 1116(c), for activities or strategies that are described in section 1116(c) that focus on removing such school from improvement status; or

"(B) for programs that seek to raise the academic achievement levels of all elementary school and secondary school students based on challenging State content and student performance standards and, to the greatest extent possible,—

"(i) incorporate the best practices developed from research-based methods and practices;

"(ii) are aligned with challenging State content and performance standards and focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by State assessments under section 1111(b)(4) and local evaluations;

"(iii) focus on accelerated learning rather than remediation, so that students will master the high level of skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments;

"(iv) offer teachers, principals, and administrators professional development and technical assistance that are aligned with the content of such programs; and

"(v) address local needs, as determined by the local educational agency's evaluation of school and districtwide data.

"(2) 21st century opportunities.—Each local educational agency shall use 25 percent of the grant funds for—

"(A) programs that provide for extra learning, time, and opportunities for students so that all students may achieve high levels of learning and meet the State proficient standard level within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

"(B) programs to improve higher order thinking skills of all students, especially disadvantaged students;

"(C) promising innovative education reform projects that are consistent with challenging State content and student performance standards; or

"(D) programs that focus on ensuring that disadvantaged students enter elementary school with the basic skills needed to meet the highest State content and student performance standards.

"(3) Safe learning environments.—Each local educational agency shall use 15 percent of the grant funds for programs that help ensure that all elementary school and secondary school students learn in a safe and supportive environment by—

"(A) reducing drugs, violence, and other high-risk behavior in schools;

"(B) providing safe, extended-day opportunities for students;

"(C) providing professional development activities for teachers, principals, mental health professionals, and guidance counselors in dealing with students exhibiting distress (such as substance abuse, disruptive behavior, and suicidal behavior);

"(D) recruiting or retaining high-quality mental health professionals;

"(E) providing character education for students; or

"(F) meeting other objectives that are established under State standards regarding safety or that address local community concerns.

"(4) New economy technology schools.—

"(A) In general.—Each local educational agency shall use 30 percent of the grant funds to establish technology programs that will transform schools into New Economy Technology Schools (NETs) and, to the greatest extent possible, will—

"(i) increase student performance related to an authentic task;

"(ii) integrate the use of technology into activities that are a core part of classroom curricula and are available to all students;

"(iii) emphasize how to use technology to accomplish authentic tasks;

"(iv) provide professional development and technical assistance to teachers so that teachers may integrate technology into daily teaching activities that are directly aligned with State content and student performance standards; and

"(v) enable the local educational agency annually to increase the percentage of classrooms with access to technology, particularly in schools in which not less than 50 percent of the school-age population comes from families with incomes below the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(B) Limitation.—Each local educational agency shall use not more than 50 percent of the grant funds described in subparagraph (A) to purchase, upgrade, or retrofit computer hardware in schools in which not less than 50 percent of the school-age population comes from families at or below the poverty line, as defined in subparagraph (A)(v).

"(c) Transfer of Funds.—Notwithstanding subsection (b)—

"(1) a local educational agency that meets adequate yearly progress requirements for student performance, as established by the State educational agency under section 1111, may allocate, at the local educational agency's discretion, not more than 30 percent of the grant funds received under section 6004(3) among the 4 funding categories described in subsection (b);

"(2) a local educational agency that exceeds the adequate yearly progress requirements described in paragraph (1) by a significant amount, as determined by the State educational agency, may allocate, at the local educational agency's discretion, not more than 50 percent of the grant funds received under section 6004(3) among the 4 funding categories described in subsection (b); and

"(3) a local educational agency that is identified as in need of improvement, as defined under section 1117, may apply not more than 25 percent of the grant funds described in subsection (b) (2), (3), or (4) to school improvement activities described in subsection (b)(1).

"(d) Limitations for Schools and Local Educational Agencies in Corrective Action.—

"(1) Local educational agencies in corrective action.—If a local educational agency is identified for corrective action under section 1116(d), the State educational agency shall—

"(A) notwithstanding any other provision of law, specify how the local educational agency shall spend the grant funds in order to focus the local educational agency on activities that will be the most effective in raising student performance levels; and

"(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(d).

"(2) Schools in corrective action.—If a school is identified for corrective action under section 1116(c), the local educational agency shall—

"(A) specify how the school shall spend grant funds received under this section in order to focus on activities that will be the most effective in raising student performance levels; and

"(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(c)(10).

"(3) Duration.—Limitations imposed on schools and local educational agencies in corrective action under paragraphs (1) and (2) shall remain in effect until such time as the school or local educational agency has made sufficient improvement, as determined by the State educational agency, and is no longer in corrective action.

"SEC. 6007. STATE AND LOCAL RESPONSIBILITIES.

"(a) Data Review.—

"(1) State and local review.—A State educational agency shall jointly review with a local educational agency described in section 6006(d)(1) the local educational agency's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine how the local educational agency shall spend the grant funds pursuant to section 6006(d)(1)(A) in order to substantially increase student performance levels.

"(1) School and local review.—A local educational agency shall jointly review with a school described in section 6006(d)(2) the school's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine how the school shall spend grant funds pursuant to section 6006(d)(2) in order to substantially increase student performance levels.

"(b) Technical Assistance.—

"(1) State assistance.—

"(A) A State educational agency shall provide, upon request by a local educational agency receiving grant funds under this title, technical assistance to the local educational agency and schools served by the local educational agency, including assistance in analyzing student performance and the impact of programs assisted under this title and identifying the best instructional strategies and methods for carrying out such programs.

"(B) State assistance may be provided by—

"(i) the State educational agency; or

"(ii) with the local educational agency's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described in section 7005, a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

"(2) Local assistance.—

"(A) A local educational agency shall provide, upon request by an elementary school or secondary school served by the agency, technical assistance to such school, including assistance in analyzing student performance and the impact of programs assisted under this title, and identifying the best instructional strategies and methods for carrying out such programs.

"(B) Local assistance may be provided by—

"(i) the State educational agency or local educational agency; or

"(ii) with the school's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described in section 7005, a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

"SEC. 6008. LOCAL REPORTS.

"Each local educational agency receiving funds under this title shall annually publish and disseminate to the public in a format and, to the extent practicable, in a language that parents can understand, a report on—

"(1) information describing the use of funds in the 4 category areas described in section 6006(b);

"(2) the impact of such programs and an assessment of such programs' effectiveness; and

"(3) the local educational agency's progress toward attaining the goals and objectives described under section 6005(b), and the extent to which programs assisted under this title have increased student achievement.

"SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $2,700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

TITLE VII—ACCOUNTABILITY

SEC. 701. ACCOUNTABILITY.

Title VII of the Act (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—ACCOUNTABILITY

"SEC. 7001. SANCTIONS.

"(a) Third Fiscal Year.—If performance objectives established under a covered provision have not been met by a State receiving grant funds under such provision by the end of the third fiscal year for which the State receives such grant funds, the Secretary shall reduce by 50 percent the amount the State is entitled to receive for administrative expenses under such provision.

"(b) Fourth Fiscal Year.—If the State fails to meet the performance objectives established under a covered provision by the end of the fourth fiscal year for which the State receives grant funds under the covered provision, the Secretary shall reduce the total amount the State receives under title VI by 30 percent.

"(c) Duration.—If the Secretary determines, under subsection (a) or (b), that a State failed to meet the performance objectives established under a covered provision for a fiscal year, the Secretary shall reduce grant funds in accordance with subsection (a) or (b) for the State for each subsequent fiscal year until the State demonstrates that the State met the performance objectives for the fiscal year preceding the demonstration.

"(d) Technical Assistance.—The Secretary shall provide technical assistance, if sought, to a State subjected to sanctions under subsection (a) or (b).

"(e) Local Sanctions.—

"(1) In general.—Each State receiving assistance under title I, II, III, or VI shall develop a system to hold local educational agencies accountable for meeting—

"(A) the performance objectives established under part A of title II, part A of title III, and title VI; and

"(B) the adequate yearly progress requirements established under part A of title I, and required under part A of title III and title VI.

"(2) Sanctions.—A system developed under paragraph (c) shall include a mechanism for sanctioning local educational agencies for low performance with regard to failure to meet such performance objectives and adequate yearly progress levels.

"(f) Definitions.—In this section:

"(1) Covered provision.—The term 'covered provision' means part A of title I, part A of title II, part A of title III, and section 6005(b)(2)(C).

"(2) Performance objectives.—The term 'performance objectives' means in the case of—

"(A) part A of title I, the adequate yearly progress levels established under subsections (b)(2)(A)(iii) and (b)(2)(B) of section 1111;

"(B) part A of title II, the set of performance objectives established in section 2014;

"(C) part A of title III, the set of performance objectives established in section 3109; and

"(D) title VI, the set of performance objectives set by each local educational agency in section 6005(b)(2)(C).

"SEC. 7002. REWARDING HIGH PERFORMANCE.

"(a) State Rewards.—

"(1) In general.—From amounts appropriated under subsection (d), and from amounts made available as a result of reductions under section 7001, the Secretary shall make awards to States that—

"(A) for 3 consecutive years have—

"(i) exceeded the States' performance objectives established for any title under this Act;

"(ii) exceeded their adequate yearly progress levels established in section 1111(b);

"(iii) significantly narrowed the gaps between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students;

"(iv) raised all students to the proficient standard level prior to 10 years from the date of enactment of the Public Education Reinvention, Reinvestment, and Responsibility Act; or

"(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

"(B) by not later than fiscal year 2003, ensure that all teachers teaching in the States' public elementary schools and secondary schools are fully qualified.

"(2) State use of funds.—

"(A) Demonstration sites.—Each State receiving an award under paragraph (1) shall use a portion of the award that is not distributed under subsection (b) to establish demonstration sites with respect to high-performing schools (based on achievement or performance levels) objectives and adequate yearly progress in order to help low-performing schools.

"(B) Improvement of performance.—Each State receiving an award under paragraph (1) shall use the portion of the award that is not used pursuant to subparagraph (A) or (C) and is not distributed under subsection (b) for the purpose of improving the level of performance of all elementary and secondary school students in the State, based on State content and performance standards.

"(C) Reservation for administrative expenses.—Each State receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to local educational agencies.

"(b) Local Educational Agency Awards.—

"(1) In general.—Each State receiving an award under subsection (a)(1) shall distribute 80 percent of the award funds to local educational agencies in the State that—

"(A) for 3 consecutive years have—

"(i) exceeded the State-established local educational agency performance objectives established for any title under this Act;

"(ii) exceeded the adequate yearly progress level established under section 1111(b)(2);

"(iii) significantly narrowed the gaps between minority and nonminority students, and between economically disadvantaged and noneconomically disadvantaged students;

"(iv) raised all students enrolled in schools within the local educational agency to the proficient standard level prior to 10 years from the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; or

"(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

"(B) not later than December 31, 2003, ensured that all teachers teaching in the elementary schools and secondary schools served by the local educational agencies are fully qualified; or

"(C) have attained consistently high achievement in another area that the State deems appropriate to reward.

"(2) School-based performance awards.—A local educational agency may use funds made available under paragraph (1) for activities such as school-based performance awards.

"(3) Reservation for administrative expenses.—Each local educational agency receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to eligible elementary schools and secondary schools, teachers, and principals.

"(c) School Rewards.—Each local educational agency receiving an award under subsection (b) shall consult with teachers and principals to develop a reward system, and shall use the award funds—

"(1) to reward individual schools that demonstrate high performance with respect to—

"(A) increasing the academic achievement of all students;

"(B) narrowing the academic achievement gap described in section 1111(b)(2)(B)(vii);

"(C) improving teacher quality;

"(D) increasing high-quality professional development for teachers, principals, and administrators; or

"(E) improving the English proficiency of limited English proficient students;

"(2) to reward collaborative teams of teachers, or teams of teachers and principals, that—

"(A) significantly increase the annual performance of low-performing students; or

"(B) significantly improve in a fiscal year the English proficiency of limited English proficient students;

"(3) to reward principals who successfully raise the performance of a substantial number of low-performing students to high academic levels;

"(4) to develop or implement school district-wide programs or policies to increase the level of student performance on State assessments that are aligned with State content standards; and

"(5) to reward schools for consistently high achievement in another area that the local educational agency deems appropriate to reward.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) DEFINITION.—The term 'low-performing student' means students who are below the basic State standard level.

"SEC. 7003. SUPPLEMENT NOT SUPPLANT.

"A State educational agency and local educational agency shall use funds under this title to supplement, and, not supplant, Federal, State, and local funds that, in the absence of funds under this title, would otherwise be spent for activities of the type described in section 7002.

"SEC. 7004. SECRETARY'S ACTIVITIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, from amounts appropriated under subsection (b) and not reserved under subsection (c), the Secretary may—

"(1) support activities of the National Board for Professional Teaching Standards;

"(2) study and disseminate information regarding model programs assisted under this Act;

"(3) provide training and technical assistance to States, local educational agencies, elementary schools and secondary schools, Indian tribes, and other recipients of grant funds under this Act that are carrying out activities assisted under this Act, including entering into contracts or cooperative agreements with public or private nonprofit entities or consortia of such entities, in order to provide comprehensive training and technical assistance related to the administration and implementation of activities assisted under this Act;

"(4) support activities that will promote systemic education reform at the State and local levels;

"(5) award grants or contracts to public or private nonprofit entities to enable the entities—

"(A) to develop and disseminate exemplary reading, mathematics, science, and technology educational practices, and instructional materials to States, local educational agencies, and elementary schools and secondary schools; and

"(B) to provide technical assistance for the implementation of teaching methods and assessment tools for use by elementary schools and secondary school students, teachers, and administrators;

"(6) disseminate information on models of value-added assessments;

"(7) award a grant or contract to a public or private nonprofit entity or consortium of such entities for the development and dissemination of exemplary programs and curricula for accelerated and advanced learning for all students, including gifted and talented students;

"(8) award a grant or contract with Reading Is Fundamental, Inc. and other public or private nonprofit entities to support and promote programs which include the distribution of inexpensive books to students and literacy activities that motivate children to read; and

"(9) provide assistance to States—

"(A) by assisting in the development of English language development standards and high-quality assessments, if requested by a State participating in activities under subtitle A of title III; and

"(B) by developing native language tests for limited English proficient students that a State may administer to such students to assess student achievement in at least reading, science, and mathematics, consistent with section 1111.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) RESERVATION.—From the amounts appropriated under subsection (b) the Secretary shall reserve $10,000,000 for the purposes of carrying out activities under section 1202(c).

"(d) SPECIAL RULE FOR SECRETARY AWARDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, a recipient of funds provided under a direct award made by the Secretary, or a contract or cooperative agreement entered into with the Secretary, shall include the following in any application or plan required under such programs:

"(A) How funds provided under the program will be used and how such use will increase student academic achievement.

"(B) The goals and objectives to be met, including goals for dissemination and use of the information or materials produced.

"(C) How the recipient will track and report annually to the Secretary—

"(i) the successful dissemination of information or materials produced;

"(ii) where information or materials produced are being used; and

"(iii) what is the impact of such use and, if applicable, the extent to which such use increased student academic achievement.

"(2) REQUIREMENT.—If no application or plan is required under a program, contract, or cooperative agreement described in paragraph (1), the Secretary shall require the recipient of funds to submit a plan containing the information required under paragraph (1).

"(3) FAILURE TO ACHIEVE GOALS AND OBJECTIVES.—

"(A) IN GENERAL.—The Secretary shall evaluate the information submitted under this subsection to determine whether the recipient has met the goals and objectives described in paragraph (1)(B), assess the magnitude of dissemination, and assess the effectiveness of the activity funded in raising student academic achievement in places where information or materials produced with such funds are used.

"(B) INELIGIBILITY.—The Secretary shall consider the recipient ineligible for future grants under the program, contract, or cooperative agreement described in paragraph (1) if—

"(i) the goals and objectives described in paragraph (1)(B) have not been met;

"(ii) dissemination has not been of a magnitude to ensure national goals are being addressed; and

"(iii) the information or materials produced have not made a significant impact on raising student achievement in places where such information or materials are used.".

TITLE VIII—GENERAL PROVISIONS AND REPEALS

SEC. 801. REPEALS, TRANSFERS, AND REDESIGNATIONS REGARDING TITLES VIII AND XIV.

(a) IN GENERAL.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after title VII the following:

"TITLE VIII—GENERAL PROVISIONS";

(2) by repealing sections 14514 and 14603 (20 U.S.C. 8904, 8923);

(3)(A) by transferring title XIV (20 U.S.C. 8801 et seq.) to title VIII and inserting such title after the title heading for title VIII; and

(B) by striking the title heading for title XIV;

(4)(A) by redesignating part H of title VIII (as redesignated by paragraph (3)) as part I of title VIII; and

(B) by redesignating the references to part H of title VIII as references to part I of title VIII;

(5) by inserting after part G of title VIII the following:

"PART H—SUPPLEMENT, NOT SUPPLANT

"SEC. 8801. SUPPLEMENT, NOT SUPPLANT.

"A State educational agency or local educational agency shall use funds received under the Act to supplement, and not supplant, State and local funds that, in the absence of funds under this Act, would otherwise be spent for activities under this Act.";

(6) by redesignating the references to title XIV as references to title VIII;

(7)(A) by redesignating sections 14101 through 14103 (20 U.S.C. 8801, 8803) (as transferred by paragraph (3)) as sections 8101 through 8103, respectively; and

(B) by redesignating the references to such sections 14101 through 14103 as references to sections 8101 through 8103, respectively;

(8)(A) by redesignating sections 14201 through 14206 (20 U.S.C. 8821, 8826) (as transferred by paragraph (3)) as sections 8201 through 8206, respectively; and

(B) by redesignating the references to such sections 14201 through 14206 as references to sections 8201 through 8206, respectively;

(9)(A) by redesignating sections 14301 through 14307 (20 U.S.C. 8851, 8857) (as transferred by paragraph (3)) as sections 8301 through 8307, respectively; and

(B) by redesignating the references to such sections 14301 through 14307 as references to sections 8301 through 8307, respectively;

(10)(A) by redesignating section 14401 (20 U.S.C. 8881) (as transferred by paragraph (3)) as section 8401; and

(B) by redesignating the references to such section 14401 as references to section 8401;

(11)(A) by redesignating sections 14501 through 14513 (20 U.S.C. 8891, 8903) (as transferred by paragraph (3)) as sections 8501 through 8513, respectively; and

(B) by redesignating the references to such sections 14501 through 14513 as references to sections 8501 through 8513, respectively;

(12)(A) by redesignating sections 14601 and 14602 (20 U.S.C. 8921, 8922) (as transferred by paragraph (3)) as sections 8601 and 8602, respectively; and

(B) by redesignating the references to such sections 14601 and 14602 as references to sections 8601 and 8602, respectively;

(13)(A) by redesignating section 14701 (20 U.S.C. 8941) (as transferred by paragraph (3)) as section 8701; and

(B) by redesignating the references to such section 14701 as references to section 8701; and

(14)(A) by redesignating sections 14801 and 14802 (20 U.S.C. 8961, 8962) (as transferred by paragraph (3)) as sections 8901 and 8902, respectively; and

(B) by redesignating the references to such sections 14801 and 14802 as references to sections 8901 and 8902, respectively.

(b) AMENDMENTS.—Title VIII (as so transferred and redesignated) is amended—

(1) in section 8101(10) (as redesignated by subsection (a)(7))—

(A) by striking subparagraphs (C) through (F); and

(B) by adding after subparagraph (B) the following:

"(C) part A of title II;

"(D) part A of title III; and

"(E) title IV.";

(2) in section 8102 (as redesignated by subsection (a)(7)), by striking "VIII" and inserting "V";

(3) in section 8201 (as redesignated by subsection (a)(8))—

(A) in subsection (a)(2), by striking ", and administrative funds under section 308(c) of the Goals 2000: Educate America Act"; and

(B) by striking subsection (f);

(4) in section 8203(b) (as redesignated by subsection (a)(8)), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(5) in section 8204 (as redesignated by subsection (a)(8))—

(A) by striking subsection (b); and

(B) in subsection (a)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "1995" and inserting "2001";

(II) in subparagraph (B), by inserting "professional development," after "curriculum development,"; and

(ii) in paragraph (4)—

(I) by striking "and section 410(b) of the Improving America's Schools Act of 1994"; and

(II) by striking "paragraph (2)" and inserting "subsection (a)(2)";

(III) by striking the following:

"(4) RESULTS.—" and inserting the following:

"(b) RESULTS.—";

(IV) by striking the following:

"(A) develop" and inserting the following:

"(1) develop"; and

(V) by striking the following:

"(B) within" and inserting the following:

"(2) within";

(6) in section 8205(a)(1) (as redesignated by subsection (a)(8)), by striking "part A of title IX" and inserting "part B of title III";

(7) in section 8206 (as redesignated by subsection (a)(8))—

(A) by striking "(a) UNNEEDED PROGRAM FUNDS.—"; and

(B) by striking subsection (b);

(8) in section 8302(a)(2) (as redesignated by subsection (a)(9))—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(9) in section 8304(b) (as redesignated by subsection (a)(9)), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(10) in section 8401 (as redesignated by subsection (a)(10))—

(A) in subsection (a), by striking "Except as provided in subsection (c)," and inserting "Notwithstanding any other provision regarding waivers in this Act and except as provided in subsection (c),"; and

(B) in subsection (c)(8), by striking "part C of title X" and inserting "part B of title IV";

(11) in section 8502 (as redesignated by subsection (a)(11)), by striking "VIII" and inserting "V";

(12) in section 8503(b)(1) (as redesignated by subsection (a)(11))—

(A) by striking subparagraphs (B) through (E);

(B) by redesignating subparagraph (A) as subparagraph (B);

(C) by inserting before subparagraph (B) the following:

"(A) part A of title I;"; and

(D) by adding at the end the following:

"(C) title II;

"(D) title III;

"(E) title VI."; and

(13) in section 8506(d) (as redesignated by subsection (a)(11)), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(14) in section 8513 (as redesignated by subsection (a)(11)), by striking "Improving America's Schools Act of 1994" each place it appears and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(15) in section 8601 (as redesignated by subsection (a)(12))—

(A) in subsection (b)(3)—

(i) in subparagraph (A), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(ii) in subparagraph (B), by striking "Improving America's Schools Act" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(B) in subsection (f), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(16) in section 8701(b) (as redesignated by subsection (a)(13))—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (i), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(II) in clause (ii), by striking "such as the initiatives under the Goals 2000: Educate America Act, and" and inserting "under"; and

(III) in clause (v), by striking ", the Advisory Council on Education Statistics, and the National Education Goals Panel" and inserting "and the Advisory Council on Education Statistics"; and

(ii) in subparagraph (C)(ii), by striking "the School-to-Work Opportunities Act of 1994, and the Goals 2000: Educate America Act" and inserting "and the School-to-Work Opportunities Act of 1994"; and

(B) in paragraph (3), by striking "1998" and inserting "2004".

SEC. 802. OTHER REPEALS.

Titles V, X, XI, XII, and XIII (20 U.S.C. 7201 et seq., 8001 et seq., 8401 et seq., 8501 et seq., 8601 et seq.) and the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) are repealed.

HELMS AMENDMENT NO. 3128

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the end, add the following:

SEC. . FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONALLY PERMISSIBLE SCHOOL PRAYER.

(a) SHORT TITLE.—This section may be cited as the "Voluntary School Prayer Protection Act".

(b) PROHIBITION.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

(c) SPECIAL RULES.—No person shall be required to participate in prayer in a public school. No State, or local educational agency, shall influence the form or content of any prayer by a student that is permissible under the Constitution in a public school.

BIDEN AMENDMENT NO. 3129

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the appropriate place, insert the following:

(a) The Senate finds that:

tens of millions of Americans have served in the Armed Forces of the United States during the past century;

hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions.

(b) It is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as "National Veterans Awareness Week" for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United

States to observe such week with appropriate educational activities.

GRAMS AMENDMENT NO. 3130

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 31, between lines 3 and 4, insert the following:

(E) by adding at the end the following:

"(9) Notwithstanding the preceding paragraphs of this subsection—

"(A) a State may develop or adopt alternative sets of standards and assessments; and

"(B) a State plan shall be considered as satisfying the requirements of this subsection if the plan allows local educational agencies to conduct assessments with—

"(i) a national norm-referenced standardized achievement examination; and

"(ii) assessments developed—

"(I) by such agencies; or

"(II) with respect to individual local classrooms.";

SESSIONS AMENDMENT NO. 3131

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 922, strike line 18 and insert the following:

"be necessary for each of the 4 succeeding fiscal years.".

SEC. 11302. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) Uniform Policies.—Notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children in the jurisdiction of such agency to ensure the safety and appropriate educational atmosphere in schools in the jurisdiction of such agency.".

ASHCROFT (AND OTHERS) AMENDMENT NO. 3132

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. Sessions, Mr. Bond, and Mr. Helms) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 922, strike line 18 and insert the following:

be necessary for each of the 4 succeeding fiscal years.

PART — AMENDMENTS

SEC. . AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) Procedural Safeguards.— Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) Discipline by Local Authority with Respect to Illegal or Unlawful Items or Substances and Teacher Assaults.—

"(1) Authority of school personnel with respect to illegal or unlawful items or substances and teacher assaults.—Notwithstanding any other provision of this title, school personnel may discipline (including expel or suspend) a child with a disability in the same manner in which such personnel may discipline a child without a disability if the child with a disability—

"(A) carries, possesses, or distributes any illegal or unlawful item or substance, in violation of a Federal or State law, to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

"(B) threatens to carry, possess, or distribute any illegal or unlawful item or substance, in violation of a Federal or State law, to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or

"(C) assaults or threatens to assault a teacher, teacher's aid, principal, school counselor, or other school personnel, including independent contractors and volunteers.

"(2) Individual determinations.—In carrying out any disciplinary action described in paragraph (1), school personnel have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(3) Defense.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the alleged act was unintentional or innocent.

"(4) Free appropriate public education.—

"(A) Ceasing to provide education.—Notwithstanding section 612(a)(1)(A), or any other provision of this title, a child expelled or suspended under paragraph (1) shall not be entitled to continued educational services, including a free appropriate public education, under this subsection, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(B) Providing education.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(i) nothing in this subsection shall be construed to require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(5) Relationship to other requirements.—

"(A) Plan requirements.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this subsection.

"(B) Procedure.—None of the procedural safeguards or disciplinary procedures of this Act shall apply to this subsection, and the relevant procedural safeguards and disciplinary procedures applicable to children without disabilities may be applied to the child with a disability in the same manner in which such safeguards and procedures would be applied to children without disabilities.

"(6) Definitions.—In this subsection, the terms 'assault', 'unintentional', and 'innocent' have the meanings given such terms under State law.".

(b) Conforming Amendments.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) in subsection (f)(1), by striking "Whenever" and inserting the following: "Except as provided in section 615(n), whenever"; and

(2) in subsection (k)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) In any disciplinary situation except for such situations as described in subsection (n), school personnel under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would apply to children without disabilities).";

(B) by striking paragraph (3) and inserting the following:

"(3) Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

"(A) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

"(B) include services and modifications designed to address the behavior described in paragraphs (1) or (2) so that it does not recur.";

(C) in paragraph (6)(B)—

(i) in clause (i), by striking "(i) In reviewing" and inserting "In reviewing"; and

(ii) by striking clause (ii);

(D) in paragraph (7)—

(i) in subparagraph (A), by striking "paragraph (1)(A)(ii) or" each place it appears; and

(ii) in subparagraph (B), by striking "paragraph (1)(A)(ii) or"; and

(E) by striking paragraph (10) and inserting the following:

"(10) Substantial evidence.—The term 'substantial evidence' means beyond a preponderance of the evidence.".

(c) Application.—The amendments made by this section shall not apply to conduct occurring prior to the date of enactment of this section.

SEC. . AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 6131(b)(1) (as amended by section 601) is amended—

(1) in subparagraph (M), by striking "and";

(2) in subparagraph (N), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(O) alternative education programs for those students who have been expelled or suspended from their regular educational setting.".

ASHCROFT AMENDMENTS NOS. 3133–3135

(Ordered to lie on the table.)

Mr. ASHCROFT submitted three amendments intended to be proposed by him to the bill, S. 2, supra, as follows:

Amendment No. 3133

On page 667, line 3, strike the end quotation marks and the second period.

On page 667, between lines 3 and 4, insert the following:

"PART I—FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

"SEC. 6901. SHORT TITLE.

"This part may be cited as the 'Excellent Schools for All Our Children Act'.

"SEC. 6902. FINDINGS; PURPOSES.

"(a) Findings.—Congress finds that—

"(1) flexibility when merited and accountability when warranted should be the Federal Government's approach to the use of Federal education resources; and

"(2) the Federal Government should encourage better, smarter uses of Federal funds where the need is greatest, specifically, in failing school districts, so that children in those school districts will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

"(b) Purposes.—The purposes of this part are—

"(1) to promote excellence in elementary and secondary education programs in the Nation;

"(2) to increase parental involvement in the education of their children;

"(3) to boost student achievement in academic subjects to high levels;

"(4) to improve basic skills instruction, and to increase teacher performance and accountability; and

"(5) to improve the academic achievement of students in failing school districts by focusing the resources of the Federal Government upon such achievement.

"SEC. 6903. DEFINITION OF FAILING LOCAL EDUCATIONAL AGENCY.

"In this part, the term 'failing local educational agency' means a local educational agency that has been classified as unaccredited or failing (or would be so classified if not for a court order or pending court settlement agreement involving the local educational agency) under its State's performance-based accreditation or categorization standards.

"SEC. 6904. REQUIREMENTS FOR FAILING LOCAL EDUCATIONAL AGENCIES.

"(a) Funding.—

"(1) In general.—Notwithstanding any other provision of law—

"(A) a failing local educational agency shall use Federal funds made available under the provisions of law described in paragraph (2) only for purposes directly related to improving elementary school and secondary school students' academic performance consistent with subsection (c);

"(B) the requirements of the provisions of law described in paragraph (2) shall not apply to a failing local educational agency, except as provided in subparagraph (C);

"(C) the allocations of funds to failing local educational agencies under the provisions of law described in paragraph (2) (other than title VI) shall remain in effect; and

"(D) in the case of allocation of funds under title VI to a failing local educational agency for a fiscal year, the failing local educational agency shall receive from the State under title VI for the fiscal year an amount that bears the same relation to the amount made available to the State under title VI for the fiscal year as the amount the local educational agency received from the State under title VI for the fiscal year preceding the fiscal year for which the determination is made bears to the amount made available to the State under title VI for such preceding fiscal year.

"(2) Provisions of law.—The provisions of law referred to in paragraph (1) are the following:

"(A) Parts A, B, and C of title I.

"(B) Part B of title III.

"(C) Section 5132.

"(D) Title VI.

"(E) Part C of title VII.

"(F) Comprehensive school reform programs as authorized under section 1502 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

"(G) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

"(b) Failing Local Agency Plan.—

"(1) Plan required.—Each failing local educational agency shall submit a plan to the Secretary at such time and in such manner as the Secretary may require. A plan submitted under this subsection—

"(A) shall describe the activities to be funded by the failing local educational agency under subsection (a) consistent with subsection (c); and

"(B) may request an exemption from the uses of funds restrictions under subsection (c) for elementary schools and secondary schools served by the failing local educational agency that met the State's performance-based accreditation or categorization standards for the previous fiscal year.

"(2) Plan approval.—The Secretary shall approve a plan submitted under paragraph (1) if the plan meets the requirements described in paragraph (1).

"(3) Plan dissemination.—Each failing local educational agency having a plan approved under paragraph (2) shall widely disseminate such plan, throughout the area served by such agency, and post the plan on the Internet.

"(c) Uses of Funds.—Each failing local educational agency having a plan approved under subsection (b)(2) for a fiscal year shall use the funds awarded under the provisions of law described in subsection (a)(2) for such fiscal year only for the following activities:

"(1) To recruit, retain, and reward high-quality teachers.

"(2) To focus on teaching basic educational skills.

"(3) To provide remedial instruction in core academic subjects that are assessed by standards set by the State educational agency or local educational agency.

"(4) To fund mentoring programs for elementary school and secondary school students who need assistance in reading, writing, or arithmetic.

"(5) To use proven methods of instruction, such as phonics, that are based upon reliable research.

"(6) To provide for extended day learning.

"(7) To ensure that parents of elementary school and secondary school students realize that parents play a significant role in their child's educational success, and to encourage parents to become active in their child's education.

"(8) To provide any other activity that a local educational agency proposes, and the Secretary approves, as an activity that relates directly to improving students' academic performance.

"(e) Annual Report.—

"(1) Report.—A failing local educational agency shall annually submit a report to the Secretary describing—

"(A) the use of funds under this section; and

"(B) the annual performance of all children served by the failing local educational agency as measured by its State's performance-based accreditation or categorization standards.

"(2) Privacy.—The report required under this section shall not contain any information, such as names, addresses, or grades, that might be used to identify the children whose performance is described in the report.

"(3) Dissemination.—A failing local educational agency shall widely disseminate the report submitted under paragraph (1) throughout the area served by such agency, and post the report on the Internet, so that parents and others in the community can account for Federal education funding under this part.

"(f) Meeting Standards.—

"(1) In general.—If, for 2 consecutive fiscal years after a failing local educational agency is required to use funds in accordance with subsection (a), such local educational agency succeeds in meeting its State's performance-based accreditation or categorization standards, then the local educational agency may—

"(A) continue to use Federal funding under subsection (a) in accordance with this part;

"(B) use funding under the provisions of law described in subsection (a)(2) in accordance with such provisions; or

"(C) participate in the program under part H in the same manner as a local educational agency participates in such program pursuant to section 6806.

"(2) Bonus awards.—

"(A) In general.—A local educational agency that meets the standards described in paragraph (1) may receive a bonus award from amounts appropriated under subparagraph (C), to use for purposes such as rewarding elementary school and secondary school teachers and principals who improved student performance, and for professional development opportunities for such teachers and principals.

"(B) Distribution.—A local educational agency receiving a bonus award under this paragraph shall determine how to distribute the award to individual elementary schools and secondary schools. An elementary school or a secondary school receiving such an award shall determine how such award shall be spent.

"(C) Authorization of appropriations.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2003 through 2007.

"(g) Penalty.—If a failing local educational agency spends funds subject to the use of funds restrictions described in subsection (c) in a manner inconsistent with subsection (c) for a fiscal year, then the State shall reduce the funds such agency receives under this part for the succeeding fiscal year by an amount equal to the amount spent improperly by such agency.".

Amendment No. 3134

On page 490, strike lines 16 and 17, and insert the following: "$125,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, except that the Secretary shall make available not less than $25,000,000 of the amount appropriated under this subsection in each fiscal year to carry out activities under subsection (b)(1).".

Amendment No. 3135

At the end of title XI, insert the following:

PART—HIGHER EDUCATION ACT OF 1965

SEC. . GOOD STUDENT SCHOLARSHIPS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"Subpart 9—Good Student Scholarships

"SEC. 420N. GOOD STUDENT SCHOLARSHIPS.

"(a) SHORT TITLE.—This section may be cited as the "Good Student Scholarship Act".

"(b) PURPOSE.—The purpose of this section is to provide achievement-based scholarships for undergraduate education to eligible students graduating from schools or school districts that are failing or unaccredited.

"(c) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a secondary school student—

"(1) who graduates from a public secondary school, or a public or private secondary school in a school district, that is failing or unaccredited, as determined by the State educational agency serving the State in which the secondary school or school district is located;

"(2) who has been in attendance at the school referred to in paragraph (1) for not less than 2 years;

"(3) who ranks in the top 10 percent academically in such student's class;

"(4) who has an average ACT or SAT score that is equal to or greater than the national average such score; and

"(5) whose family income is not more than $100,000.

"(d) DESIGNATION.—Scholarships made under this section shall be referred to as 'Good Student Scholarships'.

"(e) SCHOLARSHIPS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary shall award scholarships to each eligible student submitting an application consistent with paragraph (2) to enable the eligible student to pay the cost of attendance at an institution of higher education during the eligible student's first 4 academic years of undergraduate education.

"(2) APPLICATION REQUIRED.—Each eligible student desiring a scholarship under this section shall submit, for each year of the scholarship award, an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) AMOUNT OF AWARD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a scholarship awarded under this section for an academic year shall be equal to the maximum appropriated Federal Pell Grant for such year.

"(B) ADJUSTMENT FOR INSUFFICIENT APPROPRIATIONS.—If, after the Secretary determines the total number of eligible applicants for an academic year, funds available to carry out this section are insufficient to fully fund all scholarship awards under subparagraph (A) for such academic year, the amount of the scholarship paid to each eligible student shall be reduced proportionately.

"(C) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—The amount of a scholarship awarded under this paragraph to an eligible student, in combination with Federal Pell Grant assistance and any other student financial assistance the eligible student receives, may not exceed the eligible student's cost of attendance.

"(f) LISTS FROM STATE EDUCATIONAL AGENCIES.—Each State educational agency shall annually provide a list to the Secretary identifying each public secondary school and each school district within the State that the State educational agency determines is failing or unaccredited.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $ for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

HUTCHINSON AMENDMENTS NOS. 3136-3137

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3136

At the end of title VI, insert the following:

SEC. . TRANSFERABILITY.

Title VI (20 U.S.C. 6701 et seq.) is amended by adding at the end the following:

"PART I—TRANSFERABILITY

"SEC. 6901. SHORT TITLE.

"This part may be cited as the 'State and Local Transferability Act'.

"SEC. 6902. PURPOSE.

"The purpose of this part is to grant flexibility to States and school districts to target—

"(1) Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

"(2) additional Federal funds to title I programs.

"SEC. 6903. TRANSFERABILITY.

"(a) STATE TRANSFER AUTHORITY.—

"(1) IN GENERAL.—A State may transfer up to 100 percent of nonadministrative State funds allocated to such State which are authorized to be used for State-level activities under any of the following provisions to the allocation of the State under any other of such provisions:

"(A) Title II (excluding national activities).

"(B) Part A of title IV.

"(C) Subpart 2 of part A of title V.

"(D) This title.

"(E) Part C of title VII.

"(F) Comprehensive school reform programs as authorized under section 1502 as described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report No. 105–390 (Conference Report on the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

"(2) SUPPLEMENTAL FUNDS FOR TITLE I.—A State may transfer any funds allocated to the State under a provision listed in paragraph (1) to its allocation under title I.

"(b) LOCAL EDUCATIONAL AGENCY TRANSFER AUTHORITY.—

"(1) TRANSFER OF FUNDS.—

"(A) IN GENERAL.—Subject to subparagraphs (C) and (D), a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2) to any other such provision.

"(B) SUPPLEMENTAL FUNDS FOR TITLE I.—Subject to subparagraphs (C) and (D), a local educational agency may transfer funds allocated to such agency under a provision listed in paragraph (2) to its allocation under title I.

"(C) UNDER 30 PERCENT.—A transfer under subparagraph (A) or (B) of up to 30 percent of the funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year may be made without State approval.

"(D) OVER 30 PERCENT.—Subject to paragraph (3), a transfer under subparagraph (A) or (B) in a fiscal year of funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year the amount of which, when added to the amount of other transfers by the agency of such funds in such fiscal year, is more than 30 percent of such funds may be made only with the approval of the State.

"(2) APPLICABLE PROVISIONS.—The provisions from which a local educational agency may transfer funds under this subsection are as follows:

"(A) Title II (excluding national activities).

"(B) Part A of title IV.

"(C) Subpart 2 of part A of title V.

"(D) This title.

"(E) Part C of title VII.

"(F) Section 310 of the Department of Education Act, 2000, included in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113).

"(3) SPECIAL APPROVAL.—If a local educational agency submits to its State a written request to make a transfer under this subsection that requires State approval, such transfer shall be deemed approved by the State unless the State, within 60 days after receipt of such transfer request, disapproves such request or promptly notifies the agency in writing of such revisions as may be necessary before the State will approve the transfer.

"(c) LIMITATION.—A State or a local educational agency may not transfer any funds allocated to it under title I to any other program pursuant to this part.

"(d) STATE PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each State transferring funds under this section shall—

"(1) modify any plan or application of the State that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the Department; and

"(2) notify the Department not less than 30 days before the effective date of such transfer.

"(e) LOCAL PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each local educational agency transferring funds under this section shall—

"(1) modify any plan or application of the agency that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the State; and

"(2) notify the State not less than 30 days before the effective date of such transfer.

"(f) APPLICABLE RULES.—Except as otherwise provided in this subsection, when funds are transferred to an allocation under this section, the funds become funds of the allocation to which the funds are transferred and subject to all the requirements that are applicable to that allocation.".

AMENDMENT NO. 3137

At the end of title X, insert the following:

SEC. . INVESTIGATION.

Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct and complete a comprehensive investigation for fraud at the Department of Education, including any audits the Comptroller determines necessary. The Comptroller General shall submit a report setting forth the results of the investigation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

BROWNBACK AMENDMENT NO. 3138

(Ordered to lie on the table.)

Mr. BROWNBACK (for himself, Mr. GREGG, and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 532, line 3, strike the end quotation marks and the second period.

On page 532, between lines 3 and 4, insert the following:

"PART G—DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIPS

"SEC. 5961. SHORT TITLE; FINDINGS; PRECEDENTS.

"(a) Short Title.—This part may be cited as the "District of Columbia Student Opportunity Scholarship Act of 2000".

"(b) Findings.—Congress makes the following findings:

"(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

"(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

"(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

"(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

"(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

"(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

"(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

"(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

"(H) According to the Department of Education, 85 percent of all District of Columbia schools participating in the program under part A of title I are in school improvement under section 1116.

"(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

"(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

"(B) fostering diversity and competition among school programs for the children;

"(C) providing the families of the children more of the educational choices already available to affluent families; and

"(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

"(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than District of Columbia public schools in school improvement under section 1116.

"(4) Costs are often much lower in private schools than corresponding costs in public schools.

"(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

"(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

"(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

"(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

"(c) Precedents.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

"(1) Wisconsin v. Yoder, 406 U.S. 205 (1972); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Meyer v. Nebraska, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

"(2) Mueller v. Allen, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

"(3) Witters v. Department of Services for the Blind, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

"(4) Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

"SEC. 5962. DEFINITIONS.

"As used in this part—

"(1) the term 'Board' means the Board of Directors of the Corporation established under section 5963(b)(1);

"(2) the term 'Corporation' means the District of Columbia Scholarship Corporation established under section 5963(a);

"(3) the term 'eligible institution'—

"(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 5964(d)(1), means a public, private, or independent elementary or secondary school; and

"(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 5964(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 5964(d)(2); and

"(4) the term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"SEC. 5963. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

"(a) General Requirements.—

"(1) In general.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

"(2) Duties.—

"(A) In general.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this part.

"(B) Eligibility determination.—The Corporation—

"(i) shall make the determination of whether a student is eligible for participation in the scholarship program;

"(ii) shall identify the public kindergartens, elementary schools, and secondary schools in the District of Columbia that are in school improvement under section 1116; and

"(iii) shall identify any other school the Corporation determines, based on performance standards chosen by the Corporation, eligible for participation under this part.

"(3) Consultation.—The Corporation shall exercise its authority—

"(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

"(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

"(4) Application of provisions.—The Corporation shall be subject to the provisions of this part, and, to the extent consistent with this part, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

"(5) Residence.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

"(6) Fund.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

"(7) Disbursement.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

"(8) Availability.—Funds authorized to be appropriated under this part shall remain available until expended.

"(9) Uses.—Funds authorized to be appropriated under this part shall be used by the

Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

“(10) AUTHORIZATION.—

“(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

“(i) $7,000,000 for fiscal year 2001;

“(ii) $8,000,000 for fiscal year 2002; and

“(iii) $10,000,000 for each of fiscal years 2003 through 2005.

“(B) LIMITATION.—Not more than $500,000 of the amount appropriated to carry out this part for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

“(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

“(1) BOARD OF DIRECTORS; MEMBERSHIP.—

“(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this part as the ‘Board’), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

“(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

“(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

“(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this part.

“(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this part.

“(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this part, until the President makes the appointments as described in this subsection.

“(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

“(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

“(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

“(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

“(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

“(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

“(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this part.

“(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

“(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

“(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

“(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this part, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

“(c) OFFICERS AND STAFF.—

“(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

“(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

“(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

“(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

“(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

“(d) POWERS OF THE CORPORATION.—

“(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

“(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this part.

“(e) FINANCIAL MANAGEMENT AND RECORDS.—

“(1) AUDITS.—The financial statements of the Corporation shall be—

“(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

“(B) audited annually by independent certified public accountants.

“(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 5973(c).

“SEC. 5964. SCHOLARSHIPS AUTHORIZED.

“(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to kindergarten through grade 12 students—

“(1) who are residents of the District of Columbia;

“(2) whose family income does not exceed 185 percent of the poverty line; and

“(3) who attended, prior to receipt of the scholarship, a public kindergarten, elementary school, or secondary school that is in school improvement under section 1116 or identified under clause (ii) or (iii) of section 5963(a)(2)(B), except that this paragraph shall not apply with respect to a student who is seeking a scholarship under this part after the first year such student receives a scholarship under this part.

“(b) SCHOLARSHIP PRIORITY.—

“(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

“(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

“(c) SPECIAL RULE.—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

“(d) USE OF SCHOLARSHIP.—

“(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees at a public, private, or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition and mandatory fees at a public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia.

“(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

“(e) NOT SCHOOL AID.—A scholarship under this part shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

“SEC. 5965. SCHOLARSHIP PAYMENTS AND AMOUNTS.

“(a) AWARDS.—From the funds made available under this part, the Corporation shall award a scholarship to a student and make payments in accordance with section 5970 on behalf of such student to a participating eligible institution chosen by the parent of the student.

“(b) NOTIFICATION.—Each eligible institution that desires to receive a payment under subsection (a) shall notify the Corporation not later than 10 days after—

"(1) the date that a student receiving a scholarship under this part is enrolled, of the name, address, and grade level of such student;

"(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this part, of the withdrawal or expulsion; and

"(3) the date that a student receiving a scholarship under this part is refused admission, of the reasons for such a refusal.

"(c) Tuition Scholarship.—

"(1) Equal to or below poverty line.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

"(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

"(B) $3,200 for fiscal year 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

"(2) Above poverty line.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

"(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

"(B) $2,400 for fiscal year 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

"(d) Enhanced Achievement Scholarship.—An enhanced achievement scholarship may not exceed the lesser of—

"(1) the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction at an eligible institution; or

"(2) $500 for 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

"SEC. 5966. CERTIFICATION OF ELIGIBLE INSTITUTIONS.

"(a) Application.—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this part shall file an application with the Corporation for certification for participation in the scholarship program under this part. Each such application shall—

"(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

"(2) contain an assurance that the eligible institution will comply with all applicable requirements of this part;

"(3) contain an annual statement of the eligible institution's budget; and

"(4) describe the eligible institution's proposed program, including personnel qualifications and fees.

"(b) Certification.—

"(1) In general.—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this part.

"(2) Continuation.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

"(c) New Eligible Institution.—

"(1) In general.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this part for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

"(A) a list of the eligible institution's board of directors;

"(B) letters of support from not less than 10 members of the community served by such eligible institution;

"(C) a business plan;

"(D) an intended course of study;

"(E) assurances that the eligible institution will begin operations with not less than 25 students;

"(F) assurances that the eligible institution will comply with all applicable requirements of this part; and

"(G) a statement that satisfies the requirements of paragraphs (2) and (4) of subsection (a).

"(2) Certification.—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this part unless the Corporation determines that good cause exists to deny certification.

"(3) Renewal of provisional certification.—After receipt of an application under paragraph (1) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this part unless the Corporation finds—

"(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 5967(a); or

"(B) consistent failure of 25 percent or more of the students receiving scholarships under this part and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

"(4) Denial of certification.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

"(d) Revocation of Eligibility.—

"(1) In general.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this part for a year succeeding the year for which the determination is made for—

"(A) good cause, including a finding of a pattern of violation of program requirements described in section 5967(a); or

"(B) consistent failure of 25 percent or more of the students receiving scholarships under this part and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

"(2) Explanation.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this part.

"SEC. 5967. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.

"(a) Requirements.—Each eligible institution participating in the scholarship program under this part shall—

"(1) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

"(2) charge a student that receives a scholarship under this part not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

"(b) Compliance.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this part.

"SEC. 5968. CIVIL RIGHTS.

"(a) In General.—An eligible institution participating in the scholarship program under this part shall comply with title IV of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

"(b) Revocation.—Notwithstanding section 5967(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this part is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

"SEC. 5969. CHILDREN WITH DISABILITIES.

"Nothing in this part shall be construed to affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"SEC. 5970. SCHOLARSHIP PAYMENTS.

"(a) In General.—

"(1) Proportional payment.—The Corporation shall make scholarship payments to participating eligible institutions for an academic year in 2 installments. The Corporation shall make the first payment not later than October 15 of the academic year in an amount equal to one-half the total amount of the scholarship assistance awarded to students enrolled at such institution for the academic year. The Corporation shall make the second payment not later than January 15 of the academic year in an amount equal to one-half of such total amount.

"(2) Pro rata amounts for student withdrawal.—

"(A) Before payment.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

"(B) After payment.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

"(b) FUND TRANSFERS.—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

"SEC. 5971. APPLICATION SCHEDULE AND PROCEDURES.

"The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this part that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

"SEC. 5972. REPORTING REQUIREMENTS.

"(a) IN GENERAL.—An eligible institution participating in the scholarship program under this part shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

"(1) Student achievement in the eligible institution's programs.

"(2) Grade advancement for scholarship students.

"(3) Disciplinary actions taken with respect to scholarship students.

"(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

"(5) Types and amounts of parental involvement required for all families of scholarship students.

"(6) Student attendance for scholarship and nonscholarship students.

"(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

"(8) Number of scholarship students enrolled.

"(9) Such other information as may be required by the Corporation for program appraisal.

"(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

"SEC. 5973. PROGRAM APPRAISAL.

"(a) STUDY.—Not later than 4 years after the date of enactment of this part, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this part, including—

"(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

"(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

"(3) the satisfaction of parents of scholarship students with the scholarship program; and

"(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

"(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

"(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

"(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

"SEC. 5974. JUDICIAL REVIEW.

"(a) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the scholarship program under this part and shall provide expedited review.

"(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.".

STEVENS (AND OTHERS) AMENDMENT NO. 3139

Mr. STEVENS (for himself, Mr. KENNEDY, and Mr. JEFFORDS, Mr. DODD, Mr. DOMENICI, Mr. BOND, Mr. KERRY, Mr. VOINOVICH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. COCHRAN, Mr. BINGAMAN, Mr. SMITH of Oregon, Mr. DURBIN, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, Mr. SPECTER, and Mr. WARNER) proposed an amendment to the bill, S. 2, supra, as follows:

On page 922, after line 18, insert the following:

PART D—EARLY LEARNING OPPORTUNITIES

SEC. 11401. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This part may be cited as the "Early Learning Opportunities Act".

(b) FINDINGS.—Congress finds that—

(1) medical research demonstrates that adequate stimulation of a young child's brain between birth and age 5 is critical to the physical development of the young child's brain;

(2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;

(3) parent education and parent involvement are critical to the success of any early learning program or activity;

(4) the more intensively parents are involved in their child's early learning, the greater the cognitive and noncognitive benefits to their children;

(5) many parents have difficulty finding the information and support the parents seek to help their children grow to their full potential;

(6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;

(7) quality early learning programs, including those designed to promote effective parenting, can increase the literacy rate, the secondary school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;

(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

(10) several cost-benefit analysis studies indicate that for each $1 invested in quality early learning programs, the Federal Government can save over $5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

(11) for children placed in the care of others during the workday, the low salaries paid to the child care staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, and these programs—

(A) serve far fewer than half of all eligible children;

(B) are not primarily designed to provide support for parents who care for their young children in the home; and

(C) lack a means of coordinating early learning opportunities in each community; and

(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and the Nation will be prepared for continued leadership in the 21st century.

SEC. 11402. PURPOSES.

The purposes of this part are—

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

SEC. 11403. DEFINITIONS.

In this part:

(1) CAREGIVER.—The term "caregiver" means an individual, including a relative,

neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

(2) CHILD CARE PROVIDER.—The term "child care provider" means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and complies with applicable State and local requirements for the provision of child care services.

(3) EARLY LEARNING.—The term "early learning", used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

(4) EARLY LEARNING PROGRAM.—The term "early learning program" means—

(A) a program of services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or

(B) a program that directly provides early learning to young children.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) LOCAL COUNCIL.—The term "Local Council" means a Local Council established or designated under section 11414(a) that serves one or more localities.

(7) LOCALITY.—The term "locality" means a city, county, borough, township, or area served by another general purpose unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

(8) PARENT.—The term "parent" means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

(9) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(10) REGIONAL CORPORATION.—The term "Regional Corporation" has the meaning given the term in section 3 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1602).

(11) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(12) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(13) TRAINING.—The term "training" means instruction in early learning that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

(14) YOUNG CHILD.—The term "young child" means any child from birth to the age of mandatory school attendance in the State where the child resides.

SEC. 11404. PROHIBITIONS.

(a) PARTICIPATION NOT REQUIRED.—No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this part.

(b) RIGHTS OF PARENTS.—Nothing in this part shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

(c) PARTICULAR METHODS OR SETTINGS.—No entity that receives funds under this part shall be required to provide services under this part through a particular instructional method or in a particular instructional setting to comply with this part.

SEC. 11405. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this part—

(1) $750,000,000 for fiscal year 2001;

(2) $1,000,000,000 for fiscal year 2002; and

(3) $1,500,000,000 for fiscal year 2003.

SEC. 11406. COORDINATION OF FEDERAL PROGRAMS.

(a) COORDINATION.—The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) USE OF EQUIPMENT AND SUPPLIES.—In the case of a collaborative activity funded under this part and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this part or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this part or such provision, during a period in which the activity is predominately funded under this part or such provision.

SEC. 11407. PROGRAM AUTHORIZED.

(a) GRANTS.—From amounts appropriated under section 11405 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost described in subsection (a) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph, the term "facilities" includes the use of facilities, but the term "equipment" means donated equipment and not the use of equipment.

(c) MAINTENANCE OF EFFORT.—The Secretary shall not award a grant under this part to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts received under this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

SEC. 11408. USES OF FUNDS.

(a) IN GENERAL.—Subject to section 11410, grant funds under this part shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

(b) LIMITED USES.—Subject to section 11410, Lead State Agencies and Local Councils shall ensure that funds made available under this part to the agencies and Local Councils are used for 3 or more of the following activities:

(1) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotional, and motor skills, and promote learning readiness.

(2) Promoting effective parenting.

(3) Enhancing early childhood literacy.

(4) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children.

(5) Increasing access to early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

(6) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families.

(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers.

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times.

(c) REQUIREMENTS.—Each Lead State Agency designated under section 11410(c) and Local Councils receiving a grant under this part shall ensure—

(1) that Local Councils described in section 11414 work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities which are necessary to support children's readiness for school;

(2) that the programs, services, and activities assisted under this part will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this part collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) SLIDING SCALE PAYMENTS.—States and Local Councils receiving assistance under this part shall ensure that programs, services, and activities assisted under this part which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

SEC. 11409. RESERVATIONS AND ALLOTMENTS.

(a) RESERVATION FOR INDIAN TRIBES, ALASKA NATIVES, AND NATIVE HAWAIIANS.—The Secretary shall reserve 1 percent of the total amount appropriated under section 11405 for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which—

(1) 0.5 percent shall be available to Indian tribes; and

(2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) ALLOTMENTS.—From the funds appropriated under this part for each fiscal year that are not reserved under subsection (a), the Secretary shall allot to each State the sum of—

(1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and

(2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) MINIMUM ALLOTMENT.—No State shall receive an allotment under subsection (b) for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this part.

(d) AVAILABILITY OF FUNDS.—Any portion of the allotment to a State that is not expended for activities under this part in the fiscal year for which the allotment is made shall remain available to the State for 2 additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) DATA.—The Secretary shall make allotments under this part on the basis of the most recent data available to the Secretary.

SEC. 11410. GRANT ADMINISTRATION.

(a) FEDERAL ADMINISTRATIVE COSTS.—The Secretary may use not more than 3 percent of the amount appropriated under section 11405 for a fiscal year to pay for the administrative costs of carrying out this part, including the monitoring and evaluation of State and local efforts.

(b) STATE ADMINISTRATIVE COSTS.—A State that receives a grant under this part may use—

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835 (a)(5));

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) LEAD STATE AGENCY.—

(1) IN GENERAL.—To be eligible to receive an allotment under this part, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) LEAD STATE AGENCY.—

(A) ALLOCATION OF FUNDS.—The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 11412.

(B) FUNCTIONS OF AGENCY.—In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall—

(i) advise and assist Local Councils in the performance of their duties under this part;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 11413;

(iv) ensure collaboration with respect to assistance provided under this part between the State agency responsible for education and the State agency responsible for children and family services;

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this part, which shall include a statement describing how all funds received under this part are expended and documentation of the effects that resources under this part have had on—

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

SEC. 11411. STATE REQUIREMENTS.

(a) ELIGIBILITY.—To be eligible for a grant under this part, a State shall—

(1) ensure that funds received by the State under this part shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 11410(c) to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this part are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this part comply with the requirements of this part.

(b) STATE PREFERENCE.—In awarding grants to Local Councils under this part, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this part are funded under this part, and shall give preference to supporting—

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 11413, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this part with other resources available for early learning programs.

(c) LOCAL PREFERENCE.—In awarding grants under this part, Local Councils shall give preference to supporting—

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this part with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

(d) PERFORMANCE GOALS.—

(1) ASSESSMENTS.—Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) PERFORMANCE GOALS.—Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this part.

(3) REQUIREMENT.—The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

(4) REPORT.—The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

SEC. 11412. LOCAL ALLOCATIONS.

(a) IN GENERAL.—The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this part for a fiscal year.

(b) LIMITATION.—The Lead State Agency shall allocate funds provided under this part on the basis of the population of the locality served by the Local Council.

SEC. 11413. LOCAL APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive assistance under this part, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 11414, and the Local Council has developed a local plan for carrying out early learning programs under this part that includes—

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this part; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

SEC. 11414. LOCAL ADMINISTRATION.

(a) LOCAL COUNCIL.—

(1) IN GENERAL.—To be eligible to receive funds under this part, a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of—

(A) representatives of local agencies directly affected by early learning programs assisted under this part;

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

(2) DESIGNATING EXISTING ENTITY.—If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunities Act, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe or corporation may designate the council or entity as a Local Council under this part, and shall be considered to have established a Local Council in compliance with this subsection.

(3) FUNCTIONS.—The Local Council shall be responsible for preparing and submitting the application described in section 11413.

(b) ADMINISTRATION.—

(1) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds received by a Local Council under this part shall be used to pay for the administrative costs of the Local Council in carrying out this part.

(2) FISCAL AGENT.—A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this part.

USE OF CAPITOL GROUNDS FOR BIKE RODEO

McCONNELL AMENDMENT NO. 3140

Mr. BROWNBACK (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 314) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; as follows:

On page 3, line 9, after "sales," insert "advertisements,".

USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

McCONNELL AMENDMENT NO. 3141

Mr. BROWNBACK (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; as follows:

On page 3, line 10, after "sales," insert "advertisements,".

CONGRESSIONAL ACCOUNTABILITY FOR REGULATORY INFORMATION ACT OF 1999

LEVIN AMENDMENT NO. 3142

Mr. BROWNBACK (for Mr. LEVIN) proposed an amendment to the bill (S. 1198) to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; as follows:

On page 7, strike lines 15 through 19 and insert the following:

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

EDUCATIONAL OPPORTUNITIES ACT

DOMENICI AMENDMENT NO. 3143

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 478, between lines 2 and 3, insert the following:

SEC. 542. CHARTER SCHOOL DISTRICTS.

Section 5402 (as transferred and so redesignated by section 541) is amended by adding at the end the following

"(g) ELIGIBILITY OF CHARTER SCHOOL DISTRICTS.—

"(1) IN GENERAL.—For purposes of this part, a charter school district—

"(A) in the case of a State that elects not to participate in the program under this part or does not have an application approved under section 5403, may be an eligible applicant under subsection (b); or

"(A) shall be eligible to receive a subgrant under section 5404(f)(1).

"(2) DEFINITION.—In this subsection, the term 'charter school district' means a school district that—

"(A) has been designated under a specific State statute as a charter school district; and

"(B) meets other requirements determined appropriate by the Secretary to further the purposes of this part.".

DOMENICI (AND OTHERS) AMENDMENT NO. 3144

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. CLELAND, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 490, strike lines 14 through 17 and insert the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.—There are authorized to be appropriated to carry out programs described in section 5702 with funds provided under this section, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) OTHER PROGRAMS, PROJECTS, AND ACTIVITIES.—There are authorized to be appropriated to carry out other programs, projects, and activities described in this part (other than programs described in section 5702) with funds provided under this section, $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

On page 501, between lines 2 and 3, insert the following:

"(h) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the Secretary shall make grants under this section in amounts of not less than $500,000 to State educational agencies in partnerships described in subsection (a)(2) that submit applications under subsection (b) that meet such requirements as the Secretary may establish under this section.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a meeting to mark up S. 1594, Community Development and Venture Capital Act of 1999, and other pending matters. The markup will be held on Tuesday, May 16, 2000, beginning at 9:30 a.m. in room 428A Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "IRS Restructuring: A New Era for Small Business." The hearing will be held on Tuesday, May 23, 2000, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Mark Warren at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 9, 2000, to conduct a hearing on "The China-WTO Agreement and Financial Services."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Tuesday, May 9, 2000, at 10:00 a.m., in Dirksen 266.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 9, 2000, at 9:30 a.m. for a hearing entitled "Performance Management in the District of Columbia: A Progress Report".

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Dianne Lenz, a fellow of my staff, be granted floor privileges while S. 2 is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH FORCE YOUTH BIKE SUMMIT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 314, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 314) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by Earth Force Youth Bike Summit.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3140

Mr. BROWNBACK. Mr. President, Senator MCCONNELL has a technical amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MCCONNELL, proposes an amendment numbered 3140.

On page 3, line 9, after "sales," insert "advertisements,".

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3140) was agreed to.

The concurrent resolution (S. Con. Res. 314), as amended, was agreed to.

GREATER WASHINGTON SOAP BOX DERBY

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 277, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3141

Mr. BROWNBACK. Mr. President, Senator MCCONNELL has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MCCONNELL, proposes an amendment numbered 3141.

On page 3, line 10, after "sales," insert "advertisements,".

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3141) was agreed to.

The concurrent resolution (H. Con. Res. 277), as amended, was agreed to.

TRUTH IN REGULATING ACT OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar 424, S. 1198.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1198) to amend chapter 8 of Title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Regulating Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;

(2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST OF REVIEW.—When an agency publishes an economically significant rule, the Comptroller General of the United States may review the rule at the request of a committee of jurisdiction of either House of Congress.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any

beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

AMENDMENT NO. 3142

(Purpose: To provide that the chairman or ranking member of a congressional committee with legislative or oversight jurisdiction may request review of an economically significant rule.)

Mr. BROWNBACK. Senator LEVIN has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. LEVIN, proposes an amendment numbered 3142.

Mr. BROWNBACK. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, strike lines 15 through 19 and insert the following:

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United states to review the rule.

Mr. THOMPSON. Mr. President, I am pleased that today the Senate has passed by unanimous consent the "Truth in Regulating Act." This legislation would support Congressional oversight to ensure that important regulatory decisions are efficient, effective, and fair.

The foundation of the "Truth in Regulating Act" is the right of Congress and the people we serve to know about important regulatory decisions. Through the General Accounting Office, which serves as Congress' eyes and ears, this legislation will help us get access to the cost-benefit analysis, risk assessment, and other key information underlying important regulatory proposals. So, in a real sense, this legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or doesn't. GAO will be responsible for providing an evaluation of the analysis underlying a proposed regulation, which will enable us to communicate better with the agency up front. It will help us to ensure that the proposed regulation ultimately is sensible and consistent with Congress' intent. It will help improve the quality of important regulations. This will contribute to the success of programs the public values and improve public confidence in the Federal Government, which is a real concern today.

Under the 3-year pilot project established by this legislation, a chairman or ranking member of a committee with legislative or general oversight jurisdiction, such as Governmental Affairs, may request the GAO to provide an independent evaluation of the agency regulatory analysis for any proposed economically significant rule. The Comptroller General shall submit a report no later than 180 calendar days after a committee request is received. The Comptroller General's evaluation of the rule shall include the following: an evaluation of the agency's analysis of the potential benefits of the rule; an evaluation of the agency's analysis of the potential costs of the rule; an evaluation of the agency's analysis of alternative approaches as well as of any cost-benefit analysis, risk assessment, federalism assessment, or other analysis prepared by the agency or required for the rule; and a summary of the results of the evaluation and the implications of those results.

Mr. President, it is my hope that the "Truth in Regulating Act" will encourage Federal agencies to make better use of modern decisionmaking tools, such as benefit-cost analysis and risk assessment. Currently, these important tools often are viewed simply as options—options that aren't used as much or as well as they should be. Over the years, the Governmental Affairs Committee has reviewed and developed a voluminous record showing that our regulatory process is not working as well as intended and is missing important opportunities to achieve more cost-effective regulation. In April 1999, I chaired a hearing in which we heard testimony on the need for this proposal. The General Accounting Office has done important studies for Governmental Affairs and other committees showing that agency practices—in cost-benefit analysis, risk assessment, federalism assessments, and in meeting transparency and disclosure requirements of laws and executive orders—need significant improvement. Many other authorities support these findings. All of us benefit when government performs well and meets the needs of the people it serves.

A lot of effort and collaboration went into this legislation, which I think is why the Senate can now approve it unanimously. S. 1198 was originally the "Congressional Accountability for Regulatory Information Act of 1999," sponsored by Senator Richard SHELBY with Senators LOTT and BOND. I sponsored S. 1244, the "Truth in Regulating Act of 1999," with Senators LINCOLN, VOINOVICH, KERREY, BREAUX, LANDRIEU, INHOFE, STEVENS, BENNETT, ROBB, HAGEL, and ROTH. We synthesized these two similar bills, and I negotiated certain changes and clarifications with JOE LIEBERMAN, the Ranking Member of the Governmental Affairs Committee. On November 3, 1999, the negotiated changes were offered as a Thompson/Lieberman substitute amendment to S. 1198, and the bill was reported by the Governmental Affairs Committee by voice vote. Afterwards, I worked on clarifications with Senator LEVIN. I thank my colleagues for pulling together to get the job done.

Mr. LEVIN. Mr. President, today I am supporting Senate passage of S. 1198, a bill to provide a three year pilot program for GAO review of certain agency rule makings. These are rule makings where the Chairman or Ranking Member of a committee of jurisdiction in the House or the Senate has requested such a review after the rule has been published as proposed.

As first introduced and considered in the Governmental Affairs Committee, I was opposed to this bill. I was concerned that it created a two track rule making process, putting GAO in the shoes of the rule making agency and having GAO carry out its own interpretation of the public comments, scientific studies and economic analyses involved in the development of the rule. But through the work of Senator THOMPSON and Senator LIEBERMAN, the bill has been reworked and refined to a point where it may provide the agencies, Congress and the public with helpful information in evaluating the work of a rule making in progress without jeopardizing the separate and distinct roles played by the Executive and Legislative branches in the regulatory process.

As most of my colleagues know, I, along with Senator THOMPSON, have been fighting for years for a regulatory reform bill that would establish clear cost-benefit analysis standards for federal rule making agencies. I believe it is very important that federal agencies do a reasonable and proficient job of assessing the potential costs and the potential benefits of a proposed regulatory option and that they inform the public and Congress of those costs and benefits and tell us whether it's likely that the benefits of a proposed rule justify the costs. If an agency can't make that determination or if an agency concludes that the benefits of a rule don't justify the costs, then it should have the obligation to tell us why it is going ahead with the regulation. That, to me, is common sense. And it's particularly important in light of recent studies which show that numerous rules issued by federal agencies don't have benefits that justify the costs. We need to know why and in the future, with that information, we can decide whether we want to regulate under those circumstances. But Senator THOMPSON and I, despite a wide ranging group of supporters and the commitment of the Administration to sign the bill, have been frustrated in our efforts to get such a bill passed.

I think passing The Regulatory Improvement Act, S. 746, should be our first priority—getting the basic systems in place—and then once passed, consider an evaluative role for GAO in reviewing what agencies are doing in response to the requirements of that new law. But in the face of entrenched opposition to the Regulatory Improvement Act, the Governmental Affairs Committee has pushed ahead with the GAO bill, and given the significant amendments made to the bill during the Committee's markup and the amendment we are adopting here, on the Senate floor, today, I am willing to help advance this legislation now. The amendments to which I refer did several important things, including: specifying that GAO's role is to review the work of the agency and not the substance of the rule; beginning GAO's review after the rule has been published as proposed; and ensuring the existing discretion and authority of both the rule making agencies and the GAO.

Mr. President, I would like to confirm with the chairman and ranking member of the Governmental Affairs Committee, if they would, my understanding of certain provisions of this bill. First, I understand from this legislation that the rule making agencies retain their authority and discretion with respect to the issuance of rules. Nothing in this bill is intended to alter an agency's authority or discretion with respect to a rule making. Is that right?

Mr. LIEBERMAN. The Senator from Michigan is correct.

Mr. LEVIN. It is also my understanding that this legislation is not intended to authorize any delay in the issuance of a rule.

Mr. THOMPSON. That's right.

Mr. LEVIN. And finally, it is my understanding that when GAO issues its report on a rule pursuant to this legislation, that report, like the audit reports GAO issues now, will allow for the subject agency to respond to the findings and comments of GAO and will embody the agency's response in the GAO report. Is that right?

Mr. THOMPSON. That is correct.

Mr. LEVIN. In short, then, this legislation neither expands or contracts the authority of GAO in reviewing an agency's rule making nor does it expand or contract a rule making agency's authority to develop or issue a rule. The legislation establishes a process by which a chairman or ranking member of a committee of jurisdiction can request GAO after a proposed rule is published, to review the rule and report to Congress within 180 days, and it gives GAO the staff resources to carry those reviews out. Is that right?

Mr. LIEBERMAN. The Senator is correct.

Mr. LEVIN. I thank the Senator from Tennessee and the Senator from Connecticut for their clarifications.

Mr. BROWNBACK. I ask unanimous consent the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3142) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1198), as amended, was read the third time and passed, as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Regulating Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;

(2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The title was amended to read: "A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.".

ORDERS FOR WEDNESDAY, MAY 10, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 10. I further ask consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately proceed to a vote on the motion to proceed to the conference report to accompany H.R. 434, the African Trade-Caribbean Basin Initiative, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will vote on the motion to proceed to the African trade conference report at 9:30 a.m. If the motion to proceed is adopted, cloture will be filed on the conference report, with that cloture vote to occur on Thursday at 10:30 a.m. Debate on the measure is expectd to take up most of tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, May 10, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 9, 2000:

DEPARTMENT OF STATE

MARJORIE RANSOM, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

THE JUDICIARY

PAUL C. HUCK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE KENNETH L. RYSKAMP, RETIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, May 9, 2000*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *May 9, 2000.*
>
> I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

> H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH) for 5 minutes.

ON SOCIAL SECURITY

Mr. SMITH of Michigan. Mr. Speaker, I would like to make a couple of comments on Social Security.

If the American people insist that it be an issue in this presidential campaign, it will receive the kind of discussion and debate that is needed and very appropriate.

Social Security is one of our most important government programs. Spendingwise it is our largest government program. Social Security benefits takes a larger percentage of the Federal budget than the Department of Defense, more than we spend on the other 12 appropriation bills.

The interest on the total debt is about 20 percent of our total budget. Social Security payments represent approximately 22 percent of the total Federal budget.

It has been suggested by some that Social Security is not that big a problem; that if we are able to have the kind of economic growth that we have had in the past, then the economy will take care of the problems. Two facts need to be considered: One, that the official estimate of increase in GDP, (gross domestic product), is not going to be as great in the next 30 years as it has been in the last 30 years, simply because, even with the increase in productivity, we have fewer workers trying to produce the gidgets, the gadgets, the goods and services that represent the GDP. GDP ultimately represents productivity times the number of people involved in trying to utilize that productivity. So the growth in GDP is slowing down.

Secondly, because of the fact that Social Security's benefits are based on earnings, the greater the earnings, the higher the eventual benefits are going to be. So even if we were to have an exceptionally strong increase in the economy, GDP, the cost of benefits would grow proportionally.

Existing retirees have a cost of living or inflation index to adjust their benefits. Future retirees, as they retire, have their Social Security benefits increased based on wage inflation that is higher than standard inflation. So, again, as the economy expands, with lower unemployment and higher wages, so will the cost of eventual benefits.

So over the short run, we see an increase in Social Security taxes coming in that makes the situation look somewhat better than it is because, ultimately, eventually, when those workers retire, they are going to receive that much higher Social Security benefit.

Now, some have said let us do nothing. We do not want to disrupt this great program where we are guaranteed a monthly payment for the rest of our lives. The problem is that we are running out of money in the Social Security system. It is, in effect, going broke.

Some people have said, well, look, somehow government is going to keep those promises. But in that regard, let me just bring to the attention of those interested, what happened in the past when Social Security had problems. The Congress and the President in 1977, reduced benefits and increased taxes. In 1983, again short of money. What happened? Again, benefits were reduced and taxes were increased.

Seventy-five percent of Americans, Mr. Speaker, now pay more in Social Security tax than they do their income tax. It is important we face up to this problem this election; that we do not put it aside, that we do not demagogue it; that we do not start criticizing some of the solutions. Because if we start criticizing particular parts of the solutions, it will be that much tougher, when Democrats and Republicans ultimately get together, hopefully under the leadership of a President that is willing to move ahead on this issue, to save Social Security, to keep it solvent.

MOTHER'S DAY AND GUN SAFETY RECOGNITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, one of the most cherished holidays is pending this week, when so many families will gather to honor mothers, those that live and those who have gone on. This is a special time to recognize the value of an important component of our family.

Many mothers will take this opportunity this week to show their complete horror and great concern for the number of children that we have lost to gun violence. They will take this challenge and take this cause not in a political manner but in a manner of compassion and belief. We expect millions of mothers to come to Washington, D.C. to express to the world, not only this Nation, that America is, indeed, a civilized country that values life and recognizes that it does not have to have this macho holding of guns to be able to show itself a Nation of dignity and laws and humanity.

I would hope that Americans will take a moment as they honor mothers to reflect upon the importance of this message; that Americans will also put aside politics and ask themselves the same question: Do we need to arm ourselves with the numbers of guns that we have so that the guns in America now almost outnumber the population?

Even though we would imagine and hope that our children go to schools that are safe, we pray every day that that is the case, and I applaud the Nation's school districts, urban and rural

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

alike, in their efforts that they have made to be safe and to have our children safe, there is no refusing to acknowledge that the world knows America through the eyes of Jonesboro, and Pennsylvania and Columbine, and it knows this Nation of laws and of dignity and of respect for the Constitution as a somewhat violent Nation.

It seems appalling that we cannot listen to the majority of Americans who are willing to accept reasonable gun safety laws, such as the legislation that many of us have put forward, in particular I have put forward legislation, that asks for adults to be held responsible if guns get in the hands of children; to support trigger locks; to, in fact, provide a nationwide educational effort that reasonably stays away from politics and begins to tell children about the dangers of guns.

But lo and behold, here we go again, to take a moment when mothers are coming forward as mothers, organized by mothers and organized by respective communities, using the resources of their own, not being propelled by any emotion other than there is too much bloodshed with respect to our children, because more of our children die from homicide and die from guns than any other civilized nation or any other nation, yet the National Rifle Association takes this week, I guess this is their counterproposal, to promote advertisement to suggest that they are prepared to give $1 million to provide for gun safety in America's schools or to deal with America's children.

Really, what I say to the National Rifle Association and Charlton Heston, and all of those who would propose that they are sincere, is to join the mothers in their march; stand up and actually be seen not as antagonists but a sincere person who believes in gun safety, not the hypocrisy and the outrage of putting on advertisements and to suggest that they have one iota of the slightest concern about passing real gun safety legislation.

For if they did, then they would see the ridiculousness of the gun show loopholes; that anyone, no matter what their background, can walk into the thousands of gun shows unrestricted across America and buy guns. They would understand that that does not violate the second amendment if we simply ask that there be regulations and restrictions on those purchases. It does not interfere with law-abiding citizens who buy guns, it does not interfere with sports enthusiasts, gun collectors, no one who is seriously interested in abiding by the law and holding their guns safely in their homes. And, yes, it does not prohibit anyone from protecting themselves against that intruder, although the statistics show that most gun violence in homes is family to family because the guns are there.

So we are quick to be able to prosecute an 11-year-old boy that tragically shot another human being, but we do not look to the systemic problem of that little boy's condition and the exposure to guns. And we are appalled when a 6-year-old shoots a 6-year-old, but we do not address the question of the systemic problem of guns in America.

So I applaud the mothers and will be supporting them as a mother myself, and I hope that we will mourn over no more lost and dying babies and children because of guns. And to the National Rifle Association I say, take the ads off and stand up and be counted for something that is real; real gun safety, real support for the stopping of the killing of our babies.

SELF-DEFENSE AND RIGHT-TO-CARRY LAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, after the speech by my colleague, I think it is useful to perhaps tone down the rhetoric and bring some statistics and some information from Dr. John Lott, a distinguished scholar at the Yale University Law School, and talk about experts on crime and what they have to say.

Mr. Speaker, I have an article from the Washington Times that is dated April 26 that I will make a part of the RECORD wherein Dr. Lott highlights a number of cases in his article detailing how anti-gun advocates routinely admit facts, figures, and they change statistics to generally develop a misinterpretation of gun ownership in America.

Along with Dr. Lott, a Professor Bill Landes from the University of Chicago has done extensive research on waiting periods, sentencing laws, background checks, and other current gun control laws and they compare those with the effect on deterring so-called "rampage killings." As to their conclusions, Mr. Speaker, I will quote directly from their article:

"While higher arrests and conviction rates, longer prison sentences and the death penalty reduce murders generally, neither these measures nor restrictive gun laws had a discernible impact on mass public shootings. We found only one policy that effectively reduces these attacks: The passage of right-to-carry laws."

Both these professors confirm that law-abiding citizens, possessing a legal right to carry concealed hand guns, had a dramatic impact on multiple victim shootings.

☐ 0945

Indeed, these laws, on average, decreased multiple-victim shootings by one-fifth.

Now, in my home State of Florida, they recognized this fact. In 1987, they passed a law to allow law-abiding citizens to carry a licensed, concealed weapon.

What were the results? Florida's homicide rate dropped from 37 percent above the national average to 3 percent below the national average. The decrease in violent offenses involving firearms in Florida continues to decline.

Now, according to the Florida Department of Law Enforcement Uniform Crime Report, in 1989, firearms accounted for 30 percent of all violent offenses. Last year, firearms only accounted for 20 percent of all violent offenses.

Mr. Speaker, 31 States today now have right-to-carry laws and have experienced similar results like Florida.

Dr. Lott's article further highlights the need for individual Americans to be able to defend themselves outside their home.

To address this issue, I developed and introduced legislation, H.R. 492, which is identical to my bill in the 105th Congress which was debated in the House Committee on the Judiciary. My bill establishes a national standard providing for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms into the State.

Now, in order to carry a concealed firearm across State lines, a person would have to be properly licensed for carrying a concealed weapon in his home State and would have to obey the concealed weapon laws of that State they are entering.

If the State they are entering does not have a concealed weapons law, the national standard provision in this legislation would dictate the rules in which a concealed weapon would have to be maintained. For instance, the national standard would disallow the carrying of a concealed weapon in a school, police station, or a bar serving alcoholic beverages.

My bill also exempts qualified former and current law enforcement officers from State laws prohibiting the carrying of concealed handguns. Now, this language was adopted during debate on the juvenile justice bill last year.

Mr. Speaker, right-to-carry laws are an effective deterrent to these mass killings and random murders. States which have adopted such laws, on the average, have 24 percent less violent crime, 19 percent less homicides, and 39 percent less robberies. These are precisely the type of statistics which gun control supporters refuse to acknowledge.

Yesterday, the President stated that he is "subdued, frustrated, and very saddened" as he reflected on the lack of pending gun control legislation in Congress.

Mr. President, we, too, are frustrated, frustrated that those who seek to curb gun violence refuse to acknowledge the one effective deterrent, the right to carry.

So, as I stated earlier, the right-to-carry defense should not be confined to State boundaries. A law-abiding citizen legally carrying a concealed firearm in his or her State should be entitled to the same protection in any State.

I urge my colleagues to support my bill.

CORPORATE INVESTMENT IN AUTHORITARIAN REGIMES

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, it is an interesting time to be in our Nation's capital. There are more chief executive officers, more CEOs, of the country's largest corporations roaming the halls this week and next week than perhaps anytime in recent American political history.

The reason? The United States Congress is considering giving Permanent Most Favored Nation status trading privileges to the People's Republic of China.

When it comes to competing for U.S. trade and investment dollars, democratic countries in the developing world are losing ground to more authoritarian countries in the developing world, like China.

The CEOs that come to our offices and implore us to support permanent trade advantages for the People's Republic of China and its communist regime tell us that China is a lucrative market, with 1.2 billion potential consumers.

What they do not tell us, but what is the most important to them, is that China is a nation of 1.2 billion potential workers, workers who are paid 30 cents an hour, workers who do not talk back, workers who cannot form unions, workers who do not benefit from any worker safety legislation or environmental laws or food safety standards.

In the post-Cold War decade, the share of developing country exports to the U.S. for democratic nations fell from 53 percent to 34 percent, a decrease of 18 percentage points.

American CEOs prefer doing business in totalitarian countries like China because western investors enjoy the benefits of child labor and slave labor and 25-cent-an-hour wages.

In manufacturing goods, developing democracies' share of developing country exports fell 21 percentage points, from 56 to 35 percent. American CEOs prefer doing business in countries like China, authoritarian countries like China, where workers can never speak up, where human rights are dismissed, where worker rights are simply nonexistent.

Nations that do not support democracy have gained five percent of U.S. investment over the last 10 years. China was responsible for 95 percent of foreign investment gained for nondemocratic countries.

American CEOs prefer doing business in authoritarian nations like China with an obedient, docile workforce that has no ability to organize unions. Western corporations have shown they want to invest in countries that have below poverty wages, poor environmental standards, no opportunities for unions. They love to invest in authoritarian countries that suppress labor rights, allow slave labor, allow child labor, pay 25 cents an hour.

The United States talks a good game about democratic ideals worldwide through all of our trade programs. But, as developing nations make progress toward democracy, something we say we applaud in this institution, the American business community penalizes those countries that are becoming more democratic by pulling its trade and investment in favor of totalitarian countries like China.

CEOs tell us that engaging with China will bring more democracy to that country and more freedom and more enterprise and all of that. But who are the real decision-makers in China? Who gains from the system the way it is in China? Who is in charge in the People's Republic of China?

First, the Chinese Communist Party makes most decisions in that country; second, the People's Liberation Army, which owns many of the export businesses in China, the big manufacturing concerns; and third, the western investors are very influential that have businesses set up in China.

Which of those groups wants to see change? Which of those groups wants China to democratize? Which of those groups wants workers in that country to have more rights, to have more ability to speak up, to be able to form unions and bargain collectively and bring their wages up? The Chinese Communist Party? I do not think so. The People's Liberation Army? I do not think so. Western investors in China? I do not think so.

Those three groups, the Chinese Communist Party, the People's Liberation Army, western investors, lump them all together and they are all aiming for the same thing. They like doing business. They like the synergism that results when the three of them work together. They like the way things are in the People's Republic of China.

That is why we should vote "no" on Permanent Most Favored Nation status for China.

Shame on us, shame on this Congress if we give Permanent Most Favored Nation status trading privileges to the People's Republic of China, a communist government that flies in the face of all human rights, that cares nothing about its workers, that exploits child labor, slave labor, that persecutes Christians, allows and encourages forced abortion. Shame on us in this Congress if we give Permanent Most Favored Nation status to that country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 54 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Prophets of old longed to see Your Salvation, O God. They investigated the times You revealed Yourself in history.

They searched for words to describe Your encounter. It was Your Spirit who gave meaning to suffering and brought forth rejoicing in the glories of humanity.

For decades historians have been unwinding the story of this Nation as the wisdom of its founders is taken to heart.

Immigrants and natives have toiled to fulfill its secret promise; parents still dream and plant hopes in their children.

Help us, ever-revealing God, to see with prophetic vision; to realize in our own day America's promise; and to bring to the rest of the world, respect for law, the sanctity of life, and the joy of freedom.

For You live in our midst now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the coming vote to expand our trade with China is a vote for the new economy. It is a vote that will clearly show whether the Members in this Congress are in favor of advancing America's high-tech economy or whether they want to flee from that future into the failed protectionist policies of the past.

Mr. Speaker, China is a key market for America's high-tech industry. It is now the second largest information technology market in Asia, second only to Japan.

It is an information technology market that is growing at 20 to 40 percent annually. Next year, China will be the third largest semiconductor market in the world, and by 2010 it will be the number two largest.

This is a boon for America and for the Chinese people. As information technology spreads in China, it will help the Chinese learn about their government and, more importantly, the world beyond. It will encourage democratic reform in China and help make China a more free and open society.

Mr. Speaker, our high-tech industry got everything it needed in the trade agreement with China. We must not throw that away.

Mr. Speaker, I urge my colleagues to approve PNTR. A vote for permanent normal trade relations is a vote for the new economy.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today in hopes that my colleagues will be moved by the stories that I tell and help bring our children home. Since February 16, I have been coming down to the floor and talking about American children who have been abducted to foreign countries, asking my colleagues, the media, and the American people to focus their attention on these kids, and the message is starting to get out.

Mr. Speaker, just this Sunday, The Washington Post ran a two-page article on Joseph Cooke and his two children, Danny and Michelle. I spoke about Joseph and his children on April 5, and this article details their tragic story of abduction to Germany.

Mr. Speaker, there are 10,000 American children out there whose stories are similar, 10,000 American children and their parents who experience the same kind of pain and devastation every day of their separation. These daily 1-minutes, events and the resolution I introduced along with the gentleman from Ohio (Mr. CHABOT) are just the tip of the iceberg. This Congress must take action to solve this problem and help reunite parents with their children.

Mr. Speaker, we must bring our children home.

AMERICA'S NATIONAL SECURITY

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise today because of my deep concern for America's national security. A recent Associated Press which ran on May 5 reported that the U.S. Air Force readiness to fight is now at a 15-year low, representing a 28 percent decline since the Cold War. Roughly 115 of it 329 combat units were not fully capable of performing their mission.

In the article, a senior military official blamed the budgets that did not allow enough for spare parts and did not offer service members salaries competitive in today's booming economy.

That is why I find it ironic that I also came across an article in the May issue of National Defense magazine which quoted Vice President AL GORE as saying the Pentagon's budget is currently in the "right zone" to meet today's national security needs.

Mr. Speaker, current White House advisers, as well as the Vice President, have publicly stated while ample financial resources to increase defense are available, they are not needed. It is this lackadaisical attitude that has contributed to the monumental problems that we now face.

As a Member of Congress, I am becoming more and more concerned about our national leaders' attitude and how they impact our ability to, as our Constitution states, "provide for the common defense" of this country.

This trend must be reversed. We must have strong leadership and redefine our national security policy. Resources must be provided to replace our aging ships, helicopters, tanks, artillery and other equipment.

Most importantly, we must begin to treat our servicemen and women and their families with the respect they deserve.

NATIONAL HOSPITAL WEEK

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, this is National Hospital Week, when communities all across America honor the individuals that make hospitals the foundations of our community.

This year's theme sums it up very nicely: "Touching the Future With Care." It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days a year, curing and caring.

An example of this dedication is the Caritas Connection at St. Mary's Hospital in Passaic, New Jersey. The program won the American Hospital Association's prestigious NOVA Award, which recognizes hospitals' innovative and collaborative efforts to improve the health of their communities.

The Caritas Connection is a collaborative project created by St. Mary's Hospital and the Sisters of Charity to focus on the needs of a large urban immigrant population. The majority of the resident workers are in factories with low pay, long hours, and no benefits of job security.

It is this type of partnership that lifts us, and I felt it fitting during National Hospital Week to bring this success to the attention of my colleagues.

CONGRATULATIONS TO STUDENTS FROM HEMPFIELD HIGH SCHOOL ON PARTICIPATION IN "WE THE PEOPLE" COMPETITION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to congratulate the students of Hempfield High School, who are here in Washington again this year. They are representing Pennsylvania in the national "We the People" competition. Elaine Savukas' AP government class is competing with other schools showing their knowledge about the U.S. Constitution and the Bill of Rights. There are more than 1,200 students here from all over America.

The format is a simulated congressional hearing before a panel of scholars, lawyers, journalists, and government leaders. I have met with these bright young Pennsylvanians and was impressed with their knowledge and interest in our unique form of government.

These students from Hempfield High School are to be congratulated for studying so hard and taking such a serious interest in our Constitution. They are tomorrow's leaders, and I am proud to have them representing the 16th Congressional District of Pennsylvania here today.

CALLING FOR A FULL INVESTIGATION INTO THE DEATH OF CARL GHIGLIOTTI

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Carl Ghigliotti, the 42-year-old scientist who investigated the Waco massacre, whose body has been missing for 2 weeks, was found dead. Ghigliotti is the man who flat out said, "The FBI is lying about Waco. The FBI did fire automatic weapons into the burning building."

Something is wrong here, Mr. Speaker. Records now show the FBI lodged an alleged or false child abuse charge against the Davidians. The FBI denied, then admitted, using tear gas. The FBI confiscated, then supposedly lost, vital autopsy evidence that would prove what happened in Waco.

Beam me up. We have developed a stone cold police state in America, believe me, from Waco, Ruby Ridge, to Miami, Florida. Every American knows it, no one is doing anything about it. There must be a full investigation into the death of Carl Ghigliotti.

I yield back the need to pass some oversight on this Justice Department and pass my bill, H.R. 4105.

URGING SUPPORT FOR H.R. 4386, BREAST AND CERVICAL CANCER TREATMENT ACT

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I rise today to urge my colleagues to support the Breast and Cervical Cancer Treatment Act when it comes to the floor later today. This bill will literally save the lives of thousands of women.

In 1990, Congress recognized the importance of screening for breast and cervical cancer, and authorized the CDC to provide such services to uninsured, low-income women. The program has been very successful, screening more than 1 million women. But once these women have been diagnosed, many cannot afford the necessary treatment.

It is time we allowed States to offer treatment to these women through their Medicaid programs. I do not want us to look another one of these women in the eye and say, you do have cancer, but we cannot help you.

I appreciate the commitment of the Speaker, the gentleman from Illinois (Mr. HASTERT), to bring this bill to the floor by Mothers Day, out of respect to all women who face these serious health threats. I urge my colleagues' support.

NATIONAL TEACHER DAY AND ANNUAL TEACHER APPRECIATION WEEK

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, May 7 through the 13th is annual Teacher Appreciation Week. Today is National Teacher Day. It is a day to honor and recognize the best of our Nation's teachers.

I would like to congratulate Mr. Dennis Digenan of Elko, Nevada, who has been named Nevada's Teacher of the Year. I think it is wonderful that we take this opportunity to recognize and thank teachers like Mr. Digenan, who dedicate their lives to educating our children. Their job is very difficult, and their responsibility is great.

Teachers literally hold the future of our Nation in their hands. The education of our children, the education they receive today will lead to their success later in life. Today's teachers not only teach, they serve as mentors, role models, and confidantes for our children.

Mr. Speaker, our teachers deserve our gratitude and praise. It is my hope that we continue to support and honor our teachers, not only day but all year long.

NATIONAL TEACHER DAY

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, as my colleague, the gentleman from Nevada, just indicated, today is National Teacher Day. Every day of every week in the school year our children are influenced by their teachers. In my district back in Minnesota, we have a number of excellent professional teachers who every day give their all to the students that they work with.

I want to especially call attention to two teachers. I have had the opportunity to visit a number of the schools in my district. Recently I visited Missy Nelson's second grade class at Kasson-Mantorville Elementary School in Kasson, Minnesota. Teaching second grade is a challenge. She does a fabulous job of keeping those kids excited and motivated about learning.

I also want to say a special congratulations to another teacher who is sort of at the other end of her teaching career. That is Eunice Swenson, a Business Ed teacher at John Marshall High School. She is all-world when it comes to business education. She has influenced so many students over the years, including my oldest daughter.

I want to say a special thank you and congratulations to teachers like Missy Nelson and Eunice Swenson, because every day they are having a powerful influence on the students that they work with. Today is National Teacher Day, but every day is a good day to thank and congratulate the people who work with our children every day.

PROTECTING CONSUMERS' PRIVACY IN BANKING

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I rise to advise my colleagues of a disturbing blow against our efforts to protect consumers' privacy in banking. Last November, this Chamber passed and the President signed into law a bill that would allow consumers for the first time to advise their banks not to violate their privacy, to tell their banks not to give away their credit card numbers to telemarketing agencies.

In that bill, the regulations were to be adopted and they were to be enforced this November by a Federal law signed by the President, passed by this House and the other Chamber. Yet, we are now told that the regulatory officers whose constitutional duty it is to follow the law we passed are going to unilaterally delay implementation of those rules, not for a week, not for a month, not for 2 months, but for another 231 days before they are going to enforce the law of this country.

This delay is inexcusable. It is unprecedented. It defies the constitutional obligation of the executive authority. We have to move forward in privacy, and do it on a timely basis.

CONDEMNING IRAN FOR ITS TRIAL OF 13 IRANIAN JEWS

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, a trial is underway in Iran where the judge serves as investigator, prosecutor, and judge. There is no jury. In fact, this court operates outside the control of the Iranian president. I am referring to the trial of the revolutionary courts of 13 Iranian Jews held in an Iranian prison for over a year.

These men are accused of spying for Israel and the United States. After a year, charges have yet to be filed. Both Israel and the United States deny that these men, who include a rabbi, three Hebrew teachers, and a shoe store clerk, were conducting espionage on their behalf. Yet, they are still held.

Mr. Speaker, recent election victories by reformers in Iran have shown that the country is attempting to reject the old ways of the hard-liners.

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This trial is a step in the wrong direction. Iran's mock justice is outrageous and should not be tolerated. The world is watching.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

THE AK-CHIN WATER USE AMENDMENTS ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2647) to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

The Clerk read as follows:

H.R. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this Act rests in article I, section 8, authorizing Congress to "regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes".

SEC. 2. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) SHORT TITLE.—This section may be cited as the "Ak-Chin Water Use Amendments Act of 1999".

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98–530; 98 Stat. 2698), as amended by section 10 of the Act of October 24, 1992 (Public Law 102–497; 106 Stat. 3258), is amended to read as follows:

"(j)(1) The Ak-Chin Indian Community (hereafter in this Act referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational, or other beneficial use, in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into options to lease, to renew options to lease, to extend the initial terms of leases for the same or a lesser term as the initial term of the lease, to renew leases for the same or a lesser term as the initial term of the lease, to exchange or temporarily dispose of water to which it is entitled for the beneficial use in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

"(2) Notwithstanding paragraph (1), the initial term of any lease entered into under this subsection shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, enters into an option to lease, renews an option to lease, extends a lease, renews a lease, or exchanges or temporarily disposes of water, such action shall only be valid pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.".

(c) APPROVAL OF LEASE AND AMENDMENT OF LEASE.—The option and lease agreement among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of December 14, 1996, and the Amendment Number One thereto among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of January 7, 1999, are hereby ratified and approved. The Secretary of the Interior is hereby authorized and directed to execute Amendment Number One, and the restated agreement as provided in Amendment Number One, not later than 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress passed the Ak-Chin water settlement in 1978. It was amended subsequently in 1984. And then in the 1992 amendment, off-reservation leasing of the Indian community's water entitlement was allowed, but the period of the lease was limited to 100 years. The amendment in 1992 did not allow for an extension of the lease after the 100-year period had been completed.

This legislation would provide a legal avenue for the Ak-Chin tribe to extend or renew their existing lease with an Arizona development company that must obtain a State of Arizona Assured Water Supply certificate for municipal water use.

The administration, I understand, has indicated that it is still opposed to the bill. However, it is my understanding that the minority does not object to this legislation, and I would urge Members to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2647 is an amendment to the 1984 Ak-Chin Water Use Act. The 1984 act confirms the Ak-Chin Indian Community's rights to receive water from the Central Arizona Project, but it did not include the authority for the community to lease its Central Arizona Project water for use off reservation. Congress granted leasing authority to the Ak-Chin in 1992.

The community now desires to lease these 10,000 acre-feet of water annually to the Del Webb Corporation for use in a new planned community. The Ak-Chin Community and Del Webb entered into a 100-year lease agreement in 1996. It was believed at the time this would meet the State's requirement for an "assured water supply" of at least 100 years. However, since several years have passed and since the lease agreement was signed, it is now apparent that the availability of an "assured water supply" under this lease would, in fact, be for less than 100 years.

Mr. Speaker, this legislation will extend to the Ak-Chin leasing authority for longer term, making the lease consistent with the requirements of the Arizona state law.

The administration has expressed some concerns about the legislation; however, at this time we do support it and ask that the House support moving this bill forward.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG) for his statement on the bill.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Mr. Speaker, I want to begin by commending both the gentleman from Alaska (Mr. YOUNG), chairman of the committee, and the gentleman from California (Mr. DOOLITTLE), chairman of the subcommittee, for their assistance with this legislation. I also commend the gentleman from California (Mr. GEORGE MILLER), ranking member, who has spoken on this legislation, for their assistance with H.R. 2647, the Ak-Chin Water Use Amendment Act of 1999.

As both of my colleagues have indicated, this legislation is critically important for the Ak-Chin Indian Community. The history has already been recited. The United States Congress in 1984 established the Ak-Chin Indian Community's right to 75,000 acre-feet per year of CAP water. In 1992, the tribe sought the authority to lease this water for off-reservation use. That is a critically important issue in Arizona, because there is tremendous demand for this water for off-reservation uses.

The Congress extended the tribe that authority, but it placed a 100-year maximum term on the lease, and this is where the issue comes, it failed to allow the tribe to extend into options to renew such leases or to extend such leases in any way, shape or form, setting a maximum period of 100 years.

Mr. Speaker, this legislation corrects that defect by providing that the tribe may enter into either options to renew a lease or renewals of a lease for no more than the original term. And, importantly, it provides that the tribe may not permanently alienate the water at issue. What this legislation does is that it enables the Indian tribe to get the highest value for its Indian water rights and for its CAP water. Without this legislation, the tribe is restricted to only being able to alienate the water, or lease the water, for 100 years. As the gentleman from California (Mr. GEORGE MILLER) explained, that simply does not meet the requirements of Arizona law, which requires a 100-year assured water supply.

This legislation has the support of Governor Hull of Arizona, it has the support of the Arizona Department of Water Resources, and most importantly it is sought and has the active support of the Ak-Chin Indian Community. It will enable them to lease this water, or enter into a renewal or option to extend the lease of the water, for an additional period of up to 100 years. That is critically important to making the water valuable. It is also critically important to the development of the water supply for Arizona and for the community affected by this existing lease.

Mr. Speaker, I commend my colleagues for their support of the legislation on the committee, again, and I call for its passage.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time. I urge support of the legislation, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2647.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PLAQUE TO HONOR VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3293) to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, as amended.

The Clerk read as follows:

H.R. 3293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF COMMEMORATIVE PLAQUE, VIETNAM VETERANS MEMORIAL.

Public Law 96–297 (94 Stat. 827; 16 U.S.C. 431 note), which authorized the Vietnam Veterans Memorial in the District of Columbia, is amended by adding at the end the following new section:

"SEC. 5. PLAQUE TO HONOR OTHER VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR.

"(a) PLAQUE AUTHORIZED.—Notwithstanding section 3(c) of the Commemorative Works Act (40 U.S.C. 1003(c)), the American Battle Monuments Commission is authorized to place within the Vietnam Veterans Memorial a suitable plaque containing an inscription intended to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall.

"(b) SPECIFICATIONS.—The plaque shall be at least 6 square feet in size and not larger than 18 square feet in size, and of whatever shape as the American Battle Monuments Commission determines to be appropriate for the site. The plaque shall bear an inscription prepared by the American Battle Monuments Commission.

"(c) RELATION TO COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), the Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the site of the Vietnam Veterans Memorial.

"(d) CONSULTATION.—In designing the plaque, preparing the inscription, and selecting the specific location for the plaque within the Vietnam Veterans Memorial, the American Battle Monuments Commission shall consult with the architects of the Vietnam Veterans Memorial Fund, Inc., and the Vietnam Women's Memorial, Inc.

"(e) FUNDS FOR PLAQUE.—

"(1) PROHIBITION ON USE OF FEDERAL FUNDS.—Federal funds may not be used to design, procure, or install the plaque. However, the preceding sentence does not apply to the payment of the salaries, expenses, and other benefits otherwise authorized by law for members of the American Battle Monuments Commission or other personnel (including detailees) of the American Battle Monuments Commission who carry out this section.

"(2) PRIVATE FUNDRAISING AUTHORITY.—The American Battle Monuments Commission shall solicit and accept private contributions for the design, procurement, and installation of the plaque. The American Battle Monuments Commission shall establish an account into which the contributions will be deposited and shall maintain documentation of the contributions. Contributions in excess of the amounts necessary for the design, procurement, and installation of the plaque shall be deposited in the United States Treasury.

"(f) VIETNAM VETERANS MEMORIAL DEFINED.—In this section, the term 'Vietnam Veterans Memorial' means the structures and adjacent areas extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue 200 feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting pool walkway). This is the same definition used by the National Park Service as of the date of the enactment of this section, as contained in section 7.96(g)(1)(x) of title 36, Code of Federal Regulations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself 3 minutes and 15 seconds.

Mr. Speaker, I would like to thank the leadership for scheduling this bill between Memorial Day and the 25th anniversary of the end of the Vietnam War. This timing reminds us that there are many who fought in Vietnam and died because of their service there, but whose sacrifices have still gone unrecognized.

Mr. Speaker, H.R. 3293 will remedy this situation. It will create a plaque honoring those Vietnam veterans who died as a result of the war, but who are not eligible to have their names placed on the Vietnam Veterans Memorial Wall. The wall is opened to some veterans who died after the conflict, but the criteria for eligibility does not include all veterans whose post-war deaths were a direct result of the war, including those who died from such factors as Agent Orange and post traumatic stress syndrome.

Families of these veterans deserve a place to mourn the loss of loved ones who served honorably and who died years later as a result of that service.

Mr. Speaker, we had a hearing on this bill in the subcommittee on March 22. The often emotional testimony by Ed Croucher, the Director of Vietnam Veterans of America, Captain Mike Fluke, board member of In Memory, and Lieutenant Colonel Jim Zumwalt demonstrated the strong feelings of veterans and their families on this issue.

Among the groups who have endorsed the plaque are the Vietnam Veterans of America, Veterans of Foreign Wars, AMVETS, Vietnam Women's Memorial, Inc., Rolling Thunder, the Korean War Veterans Association, the National Congress of American Indians, the National Conference of Vietnam Veteran Ministers, In Memory Inc., the American Gold Star Mothers, the Agent Orange Widows Awareness Coalition, and the Society of 173rd Airborne Brigade. In addition, the bill has 290 bipartisan cosponsors.

H.R. 3293 is simple and straightforward, Mr. Speaker. This bill will honor the sacrifices of these veterans by creating a small plaque that will be placed in a suitable location within the 13-acre Vietnam Veterans Memorial. On the plaque will be a short, fitting inscription that honors these fallen heroes.

The plaque will not be placed on the "Wall" or directly in front of the

"Wall." This will ensure the plaque does not impact the integrity and solemn nature of the Vietnam Memorial.

Mr. Speaker, H.R. 3293 was passed by voice vote in both the Subcommittee on National Parks and Public Lands and the full Committee on Resources. No amendments were offered by anyone who may have opposed the bill. However, in response to some concerns raised by H.R. 3293, we have modified it in two ways.

First, the bill now clarifies the mechanism in which the ABMC can receive funds. Second, the bill now adds the Vietnam Women's Memorial, Inc., as a consultant to the design and placement of the plaque.

Mr. Speaker, it is vital to us as a Nation to have hallowed ground to honor these men and women, and I would ask that the Members would support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3293 is the most recent in a series of legislative proposals to add memorials to the National Mall. This particular measure would authorize a plaque to be placed within sight of the Vietnam Veterans Memorial intended to honor soldiers who died as a result of their service in Vietnam, but who were ineligible for inclusion in the Wall because their deaths occurred after the war ended.

While I am a cosponsor of H.R. 3293, it has been my hope all along that one particular aspect of this legislation might be improved upon. The legislation identifies a governmental agency, the American Battle Monuments Commission, as the organization which will oversee the placement of the plaque. Selection of the Battle Monuments Commission for this task is inappropriate for several important reasons.

First, this project is inconsistent with the Battle Monument Commission's mission. The Battle Monument Commission is an independent, executive branch agency which operates 24 cemeteries and 27 monuments, the vast majority of which are located on foreign soil. The ABMC has had no involvement in the creation and administration of the Vietnam Veterans Memorial, as most of its responsibilities lie overseas. The major exception of this overseas focus, responsibility for the proposed World War II Memorial, is likely to occupy most of their domestic efforts.

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What is more, the ABMC does not want the job. In testimony before the National Capitol Monument Commission, the Battle Monuments Commission stated that the responsibility for the design, procurement and installation of the plaque should rest with either the proponent or the Vietnam Veterans Memorial Fund.

In addition, the Commission has had no mechanism to pay for this proposed plaque. The legislation specifies that no Federal funds are to be used to design, procure, and install the plaque. Since the Battle Monuments Commission is a federally-funded agency, the bill had to be amended to exempt salaries, expenses and other benefits for ABMC personnel. Now the bill is being amended further to create a fund-raising program for the monument. While we realize that we are talking about a fairly small amount of money, it is troubling to think that any amount of time or attention might be diverted from the ABMC's efforts on behalf of the World War II Memorial.

All of these complications could have been avoided by replacing the Battle Monument Commission with the Vietnam Veterans Memorial Fund as the organization responsible for placing this plaque at the Vietnam Veterans Memorial. This organization conceived the idea for the Memorial, raised more than $8 million needed for its construction, conducted the design contest, oversaw the construction, organized the dedicated ceremonies and continues to raise funds for educational programs and maintenance. No memorial in Washington is more closely associated with one organization. We continue to believe that they should be involved.

As it stands, we support the intent of H.R. 3293, but continue to feel that it has an obvious flaw. Fortunately, an obvious solution exists, and we hope that working with the bill's sponsor, our colleagues in the other body, the administration, this change will be adopted.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise today in support of H.R. 3293, a bill to honor our Nation's Vietnam veterans. In my home State of Nevada, we have over 65,000 Vietnam veterans. In my district alone, there are 41,000.

These courageous men and women sacrificed their lives to defend our country during a time that their efforts were not always appreciated by their fellow countrymen. They deserved our praise and admiration then, and they deserve our praise and admiration now.

Today, the Vietnam Memorial Wall stands as a vivid reminder of those who gave their lives to fight in the Vietnam War. I recently had the opportunity to take my 14-year-old son to see the Vietnam Memorial. It was a moving experience for us both. However, there are many veterans whose lives were also cut tragically short by the war in Vietnam who are not listed on the wall.

My colleague has introduced legislation which will honor this special group of Vietnam veterans. These fallen heroes deserve recognition for their sacrifice, and I urge my colleagues to support this legislation. Join with me and my colleague who introduced it, and I thank him very much for doing so.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me the time, and the gentlemen from California (Mr. GALLEGLY) for bringing this bill to the floor.

I, too, rise in support of H.R. 3293, which creates a plaque to honor Vietnam veterans who died as a result of the Vietnam War, but who are just not eligible under the rules to have their names placed directly on the Vietnam War Memorial.

Like my own bill, H. Con. Res. 134, this will honor the many individuals who served in the armed forces in Vietnam and who later died as a result of illnesses and conditions associated with service in that war. Many Vietnam veterans, for example, have died from exposure to Agent Orange or from posttraumatic stress syndrome.

A small plaque will be placed on the 13-acre parcel that surrounds the Vietnam Veterans Memorial, but not on the Wall or in front of the Wall. In this way, the plaque will not interfere with the integrity of the Memorial, but will add a place for families to mourn and remember their loved ones who served honorably and who died years after the war because of their service.

This bill has been endorsed by many veterans groups, including but not limited to the Vietnam Veterans of America, the VFW, AMVETS, Vietnam Women's Memorial, the Korean War Veterans Association, American Gold Star Mothers, and the Agent Orange Widows Awareness Coalition.

I join the 290 cosponsors of this bill from a bipartisan call for passage of this bill, and I thank, again, the gentleman from California (Mr. GALLEGLY) for his leadership.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. MCKEON), a member of the Committee on Veterans' Affairs.

Mr. MCKEON. Mr. Speaker, I rise today in strong support of H.R. 3293, and I want to commend the gentleman from California (Mr. GALLEGLY) for his leadership in bringing this bill to the floor. This important legislation recognizes a group of veterans that are all too often forgotten, but are nonetheless heroes. The American Vietnam veteran faced adversity that few can ever imagine in order to keep this Nation free.

Unfortunately, these veterans are the victims of a technicality that keeps them from being honored with their fallen soldiers. The Vietnam Wall, while open to some veterans who died following the war, is not open to veterans who passed away due to complications from Agent Orange or posttraumatic stress syndrome. These veterans died as a result of their service for this Nation. The least that our Nation can do is honor them near their fellow servicemen and women.

This important legislation would allow us to do so without diminishing, in any way, the service of these men and women who died in the field of battle in Vietnam. Instead, this measure would provide a plaque for those fallen heroes to be placed in the vicinity of the current Vietnam Memorial.

So I ask my colleagues to join me and the many veteran service organizations in supporting H.R. 3293.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from California for yielding me the time. I also want to thank the gentleman from California (Mr. GALLEGLY) for his leadership on this, the gentleman from Alaska (Chairman YOUNG), and also the gentleman from California (Mr. GEORGE MILLER), our very able ranking member.

This bill honors those who have died after their service in the Vietnam War but as a direct result of that service.

I would like to share one example of a Vietnam war veteran who many of my colleagues may have heard of and who exemplifies why we are acting today. His name is Lewis B. Puller, Jr. who took his own life as a result of posttraumatic stress disorder. Lew, as he was called, was a seriously wounded Vietnam War Veteran, Pulitzer Prize winning author of "Fortunate Son", and son of the most decorated U.S. Marine in history, "Chesty" Puller.

Although Lew's book was an inspiration to many, he ultimately took his own life because of his inability to deal with his wounds, his dependence on drugs and alcohol, and because of posttraumatic stress disorder.

While Lew Puller's case has been a higher profile than others have, there have been thousands of Vietnam War veterans who have suffered the same casualty.

This bill sends a clear message that our Nation has not, nor will it ever, forget the Vietnam veterans who have fallen as a result of these unfortunate and often invisible traumas.

I urge my colleagues to support this very worthy bill.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. QUINN), who serves on the Committee on Veterans' Affairs.

Mr. QUINN. Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for yielding me this time.

I also want to associate myself with the remarks of the gentleman from California (Mr. FILNER), my ranking member on our Subcommittee on Benefits of the Committee on Veterans' Affairs.

As I rise in support of H.R. 3293, as we have said, a bill that will create a place honoring those Vietnam veterans who died as a result of the war but, through some technicality, are ineligible to be placed on the Vietnam Veterans Memorial here in Washington, D.C.

Mr. Speaker, this is a very straightforward bill. In no way will it affect the current Memorial, which has become a place for Americans to solemnly remember those veterans who gave their lives in Vietnam. It requires a small plaque to be honored and placed somewhere on the 13 acres.

I want to add my support to the bill and urge all our colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3293, authorizing the placement of a plaque to memorialize those who died as a direct result from service in the Vietnam War, but who perished after war's end.

Thousands of individuals put their life on the line to protect the freedoms that we hold dear and to save a Nation desperately trying to hold on to those freedoms.

We have recognized the sacrifice of those who died on the battlefield, but we have yet to realize those who perished afterwards.

This bill would honor those who died after the war as a direct result of serving in the war by placing a small plaque somewhere near the Vietnam Memorial. The plaque, funded by private donations, would recognize the entire group of courageous individuals for their service to our country.

After 25 years since the fall of Saigon, is it not time that we finally recognize everyone who has made the ultimate sacrifice by serving our country in Southeast Asia?

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, the casualty list states that over 58,000 Americans lost their lives in the conflict we know as the Vietnam War. The lists contain the names of another 300,000 Americans sailors, soldiers, and airmen who were wounded. Half of these wounds were very serious. Many of our soldiers recovered fully while others were permanently wounded.

But there is a third class of wounded soldiers whose wounds did not kill immediately but ultimately caused death. In some cases, posttraumatic stress syndrome or exposure to Agent Orange may have led to the death years, perhaps decades, after the wound was first suffered.

Despite the delay, the veteran's death is linked with his or her service to this Nation by participating in the Vietnam War.

H.R. 3293 seeks to honor these veterans with a plaque located within the 13 acres set aside for the Vietnam War Veterans Memorial. The plaque will be located near the Wall to preserve the memory of those veterans whose service on behalf of their fellow citizens, in the end, cost them their lives.

Mr. Speaker, I urge our colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise today to support H.R. 3293, the establishment of a Vietnam Veterans Plaque at the Vietnam Veterans Memorial. I support this measure because we have a responsibility to honor those who made the ultimate sacrifice for their country.

We can never forget the travesties of war. We can never get our fighting forces who marched on battlefields, roamed the oceans, and flew the skies. We can never forget the family shattered by the loss of fallen children. My own family, my sister's brother-in-law, John H. Walker's name, appears on that Wall along with the names of many of my childhood friends. With the Vietnam Veterans Plaque, we will never forget the names of those who lost their lives in service of their Nation.

The effects of Vietnam live with many Americans today. We must include the heroes whose post-war deaths were a direct result of conditions such as Agent Orange. We must forever etch in the annals of time the names of those fallen heroes so that future generations may see the names and celebrate their fellow countrymen who believed in duty, honor, and service. What a small token to be established relative to the loss due to war.

Mr. Speaker, I am proud to rise and be a cosponsor of H.R. 3293 and urge the passage of the Vietnam Veterans Plaque.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, we have been there either in person or witnessed it on television, people silently and slowly walking by the Vietnam Veterans Memorial in contemplation of the sacrifices made for this Nation, some tracing on paper names embedded in stone, some leaving flowers or little gifts at the foot of that Wall.

But there is something missing, men and women whose deaths are related to the war and caused by the war who died after that conflict and whose names are not otherwise eligible to be inscribed on the wall.

Today we fill in that which is missing. Today, by passing H.R. 3293, as to which I am a cosponsor, we authorize a plaque, demonstrating the love of this Nation for the men and women who gave the supreme sacrifice and whose names are not on the Wall.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

☐ 1145

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California for yielding me this time. I rise in strong support of H.R. 3293, the Vietnam Veterans Memorial Authorization, and I congratulate the gentleman from California (Mr. GALLEGLY), the sponsor of this important legislation to commemorate those brave men and women who fought in Vietnam.

I signed onto this legislation because I believe the time has come to commemorate those brave veterans of the Vietnam War who gave up their lives for their country but have yet to receive any public tribute. But this legislation should only be a starting point here in Congress. We should all work together to advance the priorities of all of our Nation's veterans', including providing a fair distribution of health care resources to veterans regardless of where they reside in our Nation.

We should make the term "homeless veteran" an oxymoron. We must keep letting our Nation's veterans know that the people who fought to allow us to come to this floor every day and debate issues both large and small that we do and did value their services. Our veterans have provided so much while requesting so little.

In my opinion, this memorial should be constructed in the honor of these brave men and women, and I am pleased the House of Representatives is debating this legislation today. Again, I would like to thank my colleague, the gentleman from California (Mr. GALLEGLY), for bringing this legislation to the floor. This is a good bill. It is long overdue. I urge all of my colleagues to support this legislation today.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time.

Andy Rooney, a number of years ago, wrote a book about war, and he revealed in that book a little known phenomenon that is very rarely, if ever, discussed about war. That phenomenon is in essence this: The combat soldier in combat is dependent and dependable. He is loved and he loves others. He deals with those who are dying. He deals with those who are sick. He deals with those who are afraid. He deals with those who cannot rise up to the difficult challenge, emotional challenge, of viewing the slaughter on a daily basis.

Many of those men who were afraid, or who may not have been wounded in the body, their spirit was wounded. Their mind was wounded. Some of them picked up disease. Those young men deserve some recognition along this magnificent wall that represents that conflict so that their families may come and have some resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for this very important legislation. This is an important gesture on the part of the United States Congress because I think it is going to go a long way towards closing one of the festering wounds from our national history.

I worked very closely with a family, the Fitzgibbon family, over a 2-year period, to deal with an inequity that had affected their family. Sergeant Richard Fitzgibbon died in Vietnam in 1956. But because the United States Government did not in fact admit that we controlled the war in Vietnam after the French pulled out earlier that year, no one who had died in Vietnam from 1956 through 1961 was eligible for inscription on the Vietnam Wall. He was the first casualty of the war in Vietnam, and yet he received no recognition and his family received no recognition.

In fact, so strongly did his family believe that he had died in the war in Vietnam that his own son went to Vietnam, and his son was killed in 1965, Richard, Junior, the only father and son in the Vietnam War. But the son was allowed to have his name inscribed on the Wall, but the father not. And it took a long battle to finally change the rules and regulations of the Defense Department 2 years ago to have the father join the son.

The son obviously believed he was on the same mission, the mission to bring freedom to the people in Vietnam, a mission that had been engaged in by the United States Government. So that inequity has been dealt with.

What the gentleman from California is doing here today is trying to deal with another inequity. It is one that will ensure that those Vietnam veterans who died after service in the Vietnam War, but as a direct result of such service; and whose names are not otherwise eligible for placement on the memorial wall, will continue the healing of their pain as well.

I think that this is a very important gesture to every single family in America who has suffered this most horrible of all fates that can befall a family, and I think that this is one of the most fitting things that we can do as a Nation in order to continue to heal the wounds of every family that made the sacrifice. I congratulate the gentleman and I hope it passes unanimously here today.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from California for yielding me this time, and I too would like to join other Members who thanked him for stepping forward and bringing forth this very important resolution.

I could not help but hear the previous gentleman from Massachusetts. A couple of words he said really rang true in my mind, where he talked about these gentlemen, these men and women that went over to Vietnam because they believed they were fighting for freedom. They fought, unfortunately, under a cloud throughout most of the 1960s and the early 1970s, with people protesting on college campuses and protesting in the streets. But they really went over there and so many of them really did believe they were fighting for freedom.

Thirty years later, looking back after all the divisiveness of the Vietnam War and all the debates about whether it was a noble cause or not, all we have to do is look at the repression that people in Vietnam still live under to recognize that they were fighting a noble cause.

I think this is an absolutely fantastic thing to do for those men and women that were willing to go over there and risk their lives to fight for freedom.

One other final closing thought, though unrelated to this matter. I think we should go the next step forward this year and we should give those men and women that were willing to give their all in World War II and in the Korean War the health care that they were promised. We made them a promise and we have broken that promise. And just as the resolution of the gentleman from California helps to recognize the service of those Vietnam veterans today, we need to go another step forward. I thank the gentleman for this fantastic resolution.

Mr. GALLEGLY. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore (Mr. LaTourette). The gentleman from California (Mr. Gallegly) has 7½ minutes remaining.

Mr. GALLEGLY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I would like to recognize the years of hard work and dedication by Vietnam veterans and their families in turning this idea of building a simple plaque to honor those who died after their service due to war-related causes into a reality.

I would like to particularly recognize and mention the efforts of Ruth Coder Fitzgerald, who began working on this memorial within weeks of the death of her brother John in 1992. John Coder died from non-Hodgkins lymphoma, a cancer linked to exposure to Agent Orange in Vietnam. It is Ms. Fitzgerald's dedication to our Vietnam veterans and their families that is the reason we are here today in the House of Representatives considering this legislation.

Mr. Speaker, a creation of this plaque will not in any way diminish the impact of the Vietnam Veterans Memorial area. On the contrary, it will fill a void by honoring those whose names were not found on the Wall. As Ed Croucher of the Vietnam Veterans of America testified before the Subcommittee on National Parks and Public Lands of the Committee on Resources: "It meets a clear need. It is a very significant and appropriate project. It adds to the collective history of the Vietnam War."

Mr. Speaker, the building of this small but powerful plaque is the right thing to do to honor those who died for our country because of their service to Vietnam, and I ask for the support of the Members of the House in passing this legislation.

Mr. CROWLEY. Mr. Speaker, I strongly support H.R. 3293, the Vietnam Veterans Memorial Authorization.

I congratulate Congressman ELTON GALLEGLY, the sponsor of this important legislation to commemorate those brave men and women who fought in Vietnam.

I signed on to this legislation because I believe the time has come to commemorate those brave veterans of the Vietnam War who gave up their lives for their country but have yet to receive any public tribute.

But this legislation should only be a starting point in this Congress.

We should all work together to advance the priorities of all our nation's veterans, including providing a fair distribution of health care resources to veterans regardless of where they reside in our nation.

We should make the term "homeless veteran" an oxymoron.

And we must keep letting our nation's veterans know—the people who fought to allow us to come to the floor every day and debate issues both large and small—that we do value their service.

Our veterans have provided so much while requesting so little.

In my opinion, a memorial should be constructed in honor of these brave men and women.

I am pleased the House of Representatives is debating this legislation today and would again like to thank my friend and colleague Representative ELTON GALLEGLY for bringing this legislation to the floor today.

This is a good bill.

It is long overdue and I urge all of my colleagues to support this legislation today.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 3293, I am in strong support of its passage today.

This legislation, introduced by Representative GALLEGLY of California, authorizes placement of a plaque near the Vietnam Veterans Memorial to honor those Vietnam veterans who died as a direct result of their service after leaving Vietnam, including those who died of post traumatic stress disorder and of the effects of Agent Orange.

The men and women who serve our country to defend freedom deserve to be treated with nothing less than the highest level of dignity and respect. All of those who died following their service in the Vietnam War—including those who died of post traumatic stress disorder and of the effects of Agent Orange—should be honored alongside those who died in combat.

In the years since Viétnam, we've learned a great deal about the lingering effects of modern combat. Unfortunately, too many of those we thought were survivors had already been afflicted with conditions or exposed to chemical agents that would tragically cut short their lives.

Passage of H.R. 3293 will go a long way toward honoring the men and women who lost their lives as a direct result of service to our great nation, and I urge my colleagues on both sides of the aisle to support this important piece of legislation.

Mr. REYES. Mr. Speaker, I am in strong support of this bill.

With over 60,000 military retirees and veterans in my district including thousands of Vietnam veterans, I am proud to be a cosponsor of this bill and support its passage today on the House floor.

The 25th anniversary of the end of the Vietnam War is a time for all Americans to reflect on the incredible sacrifices made by our men and women in preserving liberty in Southeast Asia.

All of our Vietnam veterans are heroes for their incredible courage and bravery.

They fought for freedom in a far away land, inserting themselves in the name of liberty in a conflict which had already raged for decades. They withstood the ravages of jungle warfare, and endured the onslaught of extremely deadly and indiscriminate weaponry.

Furthermore, those who returned back home faced a nation which was divided over our involvement in Vietnam, and for too many, the injuries they sustained and the sacrifices they made were taken for granted.

While we have an extremely meaningful and powerful memorial to our nation's veterans who perished in Vietnam here in Washington, D.C. with the Vietnam Wall, there has been a significant absence of a symbol of recognition of those Vietnam veterans who died after the war as a direct result of their service.

These men and women deserve to be recognized for their service, and I am proud that this bill authorizes the placement of a plaque within the site of the Vietnam Veterans Memorial wall to honor those veterans who died after their service in the Vietnam War as a direct result of that service.

These American soldiers left their families, friends, and lives to defend another people in another land and their service should never be forgotten.

As someone who serves on the House Veterans Affairs Committee, I salute all of our Vietnam Veterans and am proud to co-sponsor this legislation.

Mr. GILMAN. Mr. Speaker, I am in strong support of H.R. 3293, a bill to make an important modification to the Vietnam Veterans Memorial. I urge my colleagues to support this worthy measure.

H.R. 3293 amends the law that established the Vietnam Veterans Memorial by authorizing the placement within the grounds of the memorial of a plaque honoring those Vietnam veterans who died after the war from a direct result of injuries sustained in the conflict. These veterans were not eligible for placement on the memorial wall at the time of its construction.

This legislation directs the American Battle Monuments Commission to consult with the Veterans of the Vietnam Veterans Memorial Fund in deciding where to locate the plaque and further requires that the design, acquiring and placement of the plaque will be completed with private funds.

Mr. Speaker, H.R. 3293 makes a worthy addition to one of the most visited monuments in our Nation's Capital. It is also a fitting tribute to those veterans who served in Vietnam but due to the timing of their deaths, were not eligible for inclusion in the original memorial.

Accordingly, I urge my colleagues to give their support to this worthwhile piece of legislation.

Mr. BILIRAKIS. Mr. Speaker, I am in strong support of H.R. 3293, which authorizes the placement within the site of the Vietnam Veterans Memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam War, but as a direct result of that service. Establishing a plaque to recognize the efforts of this group of Vietnam veterans is a fitting tribute to the men and women who have sacrificed for their country.

Each year, the Department of Defense adds some names to the Vietnam Veterans Memorial. However, the Department does not recognize many conditions as being service-related, such as Agent Orange exposure and post traumatic stress syndrome. The plaque authorized by H.R. 3293 would honor those whose deaths are not otherwise recognized by the monument.

This year marks the 25th anniversary of the end of the Vietnam War. A plaque honoring those who continued to suffer and die years after the war ended—and their families—is a proper way to mark this anniversary.

I am proud to be an original cosponsor of H.R. 3293 and I urge my colleagues to support this important legislation.

Mr. GARY MILLER of California. Mr. Speaker, I rise on behalf of the families of California's 41st district which continue to grieve over the loss of a loved one who died as a result of serving our Nation in Vietnam.

While the Vietnam Memorial is a commanding monument which demands its observers' attention in a compelling and somber way, it does not recognize the ultimate sacrifice made by many of our soldiers. Although numerous men and women returned home, for some, the battle did not end. Many lives were destroyed by cancer as a result of exposure to Agent Orange. For others, the battles raged on nightly in the form of terrible, extremely stressful dreams that were inescapable.

These service men and women should be remembered alongside their colleagues on the mall. With Memorial Day quickly approaching, I urge you to support this measure. While it is simple in nature—just a plaque—it speaks volumes about our respect for these soldiers.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 3293, as amended.

The question was taken.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LONG-TERM CARE SECURITY ACT

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4040) to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care Security Act".

SEC. 2. LONG-TERM CARE INSURANCE.

(a) In General.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—LONG-TERM CARE INSURANCE

"Sec.
"9001. Definitions.
"9002. Availability of insurance.
"9003. Contracting authority.
"9004. Financing.
"9005. Preemption.
"9006. Studies, reports, and audits.
"9007. Jurisdiction of courts.
"9008. Administrative functions.
"9009. Cost accounting standards.

"§9001. Definitions

For purposes of this chapter:

"(1) Employee.—The term 'employee' means—

"(A) an employee as defined by section 8901(1); and

"(B) an individual described in section 2105(e);

but does not include an individual employed by the government of the District of Columbia.

"(2) Annuitant.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

"(3) Member of the uniformed services.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services, who is—

"(A) on active duty or full-time National Guard duty for a period of more than 30 days; and

"(B) a member of the Selected Reserve.

"(4) Retired member of the uniformed services.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay, including a member or former member retired under chapter 1223 of title 10 who has attained the age of 60 and who satisfies such eligibility requirements as the Office of Personnel Management prescribes under section 9008.

"(5) Qualified relative.—The term 'qualified relative' means each of the following:

"(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

"(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

"(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

"(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

"(6) Eligible individual.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

"(7) Qualified carrier.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(8) State.—The term 'State' includes the District of Columbia.

"(9) Qualified long-term care insurance contract.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

"(10) Appropriate secretary.—The term 'appropriate Secretary' means—

"(A) except as otherwise provided in this paragraph, the Secretary of Defense;

"(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

"(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

"(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

"§9002. Availability of insurance

"(a) In General.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

"(b) General Requirements.—Long-term care insurance may not be offered under this chapter unless—

"(1) the only coverage provided is under qualified long-term care insurance contracts; and

"(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

"(c) Documentation Requirement.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

"(d) Underwriting Standards.—

"(1) Disqualifying condition.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

"(2) Spousal parity.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

"(3) Guaranteed issue.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

"(4) Requirement that contract be fully insured.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

"(5) Higher standards allowable.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

"(e) Guaranteed Renewability.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

"§9003. Contracting authority

"(a) In General.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with 1 or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereinafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

"(b) Terms and Conditions.—

"(1) In general.—Each master contract under this chapter shall contain—

"(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

"(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

“(C) the terms of the enrollment period; and

“(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

“(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

“(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

“(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

“(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

“(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

“(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

“(i) to establish internal procedures designed to expeditiously resolve such disputes; and

“(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

“(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

“(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

“(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

“(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

“(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

“(d) DURATION.—

“(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

“(2) EXCEPTION.—

“(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting ‘ending on the last day of the 7-year period described in paragraph (2)(B)’ for ‘of 7 years’.

“(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

“(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

“(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

“§ 9004. Financing

“(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) WITHHOLDINGS.—

“(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

“(A) in the case of an employee, be withheld from the pay of such employee;

“(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

“(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the pay of such member; and

“(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

“(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

“(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

“(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

“(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

“(f) REIMBURSEMENTS.—

“(1) REASONABLE INITIAL COSTS.—

“(A) IN GENERAL.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

“(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

“(2) SUBSEQUENT COSTS.—

“(A) IN GENERAL.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

“(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

“§ 9005. Preemption

“The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

“§ 9006. Studies, reports, and audits

“(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

“(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

“(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

"(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

"§ 9007. Jurisdiction of courts

"The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

"§ 9008. Administrative functions

"(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

"(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

"(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

"(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

"(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

"(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

"(A) the projected effect of inflation on the value of those benefits; and

"(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

"(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

"(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

"(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

"(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

"(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

"(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

"§ 9009. Cost accounting standards

"The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

"90. Long-Term Care Insurance ... 9001.".

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

GENERAL LEAVE

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 4040.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Long-Term Care Security Act that we are considering today is a consensus bill. It is reflective of the hard work and dedication of Members on both sides of the aisle.

I want to begin by thanking my distinguished ranking member, the gentleman from Maryland (Mr. CUMMINGS), for his continued hard work and cooperation through this process. I also appreciate the leadership of my predecessor as chairman of this subcommittee, the gentleman from Florida (Mr. MICA). The gentleman from Florida (Mr. MICA) initiated the subcommittee's examination of long-term care, introducing the first long-term care bill during last Congress.

The gentlewoman from Maryland (Mrs. MORELLA) has also worked hard to create a long-term care insurance program for Federal employees and retirees. And I would also like to thank the chairman of the committee, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), for their support and hard work on this bill, and so many others, Mr. Speaker, including just everybody on the subcommittee, who really have done so much to make this work.

As chairman of the subcommittee, long-term care insurance has been my top priority. During this Congress the subcommittee held three hearings on long-term care which demonstrated the importance of long-term care insurance. Longer life spans are leading to a rise in the number of Americans who are likely to need some form of long-term care, which today can cost as much as $50,000 a year. By 2030, the American Council of Life Insurers estimates that a year in a nursing home will cost as much as $190,000. Mr. Speaker, few Federal employees would be able to bear these costs without liquidating everything that they have worked so long for.

Long-term care insurance will help Federal workers plan for this risk while protecting themselves and their loved ones of the indignities of the Medicaid spend-down process that so many have to go through right now. Under the Long-Term Care Security Act, Federal employees, members of the uniformed services, and both civilian and military retirees may purchase long-term care insurance sponsored by their employer.

As one of the Nation's largest employers, the success of our program will undoubtedly influence other employers across this land. Just as we are following the lead of many private employers who offer this benefit to their workforces today, I really believe that other companies are likely to follow the government's lead and offer their own employees this very important protection.

□ 1200

This legislation will allow insurance carriers and the Office of Personnel Management to design flexible benefit packages to satisfy the widely varying needs of our diverse population. Employees, members of the uniformed services, and retirees will also have the opportunity to obtain long-term care insurance for their spouses, their children, and other close relatives.

We expect competition between the carriers in the bidding process to keep premiums affordable for the entire Federal community. And that is important.

Coupled with less stringent underwriting requirements for those who enroll at their first opportunity, reasonable premiums should encourage many employees to purchase long-term care insurance.

Ultimately, the success of our collective efforts will be measured by the number of employees who buy insurance under this program. That is why this bill provides for close Congressional scrutiny as the program develops. Congress will receive periodic reports from the General Accounting Office and the Office of Personnel Management. The subcommittee will carefully monitor the implementation of this program to ensure that it offers high quality coverage at very competitive premiums.

Mr. Speaker, I encourage all Members to support this very, very important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Florida (Chairman SCARBOROUGH) and the gentleman from California (Mr. WAXMAN), the gentleman from Maine (Mr. ALLEN), the gentleman from Florida (Mr. MICA) and the gentlewoman from Maryland (Mrs. MORELLA) for working diligently to bring this bipartisan bill to fruition.

And another one of our Members, the gentlewoman from the District of Columbia (Ms. NORTON), has worked so hard on this legislation.

Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Washington, D.C. (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for his kindness in yielding to me. I have an appointment off campus, and I appreciate his interrupting his opening remarks to yield to me.

Mr. Speaker, I want to thank the gentleman from Florida (Chairman SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS), the ranking member, because we have been working on this bill for 3 years, but this chairman and ranking member have brought this to fruition. There will be millions of Americans not only who work for the Federal workforce, but who see this leadership by example who will benefit by their leadership here.

I want to thank the gentleman from Indiana (Chairman BURTON) and the gentleman from California (Mr. WAXMAN) for coming together. This is a true bipartisan effort because the administration has been struggling for this, as well. What happened was that the three parties got together, the administration, the majority and minority, and we have an important breakthrough bill here.

Mr. Speaker, there has been lots of concern on both sides of the aisle about prescription drugs. And while there might be, long-term care is the real sleeper. It is the nuclear bomb of health care because of the baby boom generation and what they are going to bring to the health care system.

To be sure, 40 million Americans are without health care at all. And if that many do not have basic health care, imagine where the average American stands on long-term health care. People are living longer. The need for long-term health care is as plain as the nose on our faces. This bill is, therefore, major for its implications for the entire country.

In providing no Federal contribution, this bill breaks with precedent. And I do regret that, because the Federal workforce has indeed always made some contribution. But given the cost and what it would mean to get that contribution and the importance of this bill, I believe we have done the right thing in coming forward, particularly since the group coverage means that employees will get a 15- to 20-percent discount and, therefore, will be able very often to afford this health care.

Mr. Speaker, we have a huge workforce. What this bill does is to use the size of that workforce to advantage in the marketplace to bring long-term health care to the largest workforce in the United States.

The effect on the largest population in the United States, the baby boomers, is going to be especially dramatic because their health care presents the greatest challenge to us all.

What this bill does, very simply, is to prevent the spend-down of resources so that people then go on Medicaid. That is what happens now to middle-class Americans, they spend down everything they have; and then we end up picking up the cost.

That is not what the average American wants to do. Affordable access to long-term health care will keep that from happening.

Mr. Speaker, finally, I point to a series in The Washington Post this week. Every Member should read that series, because what it talks about is the depletion of the workforce with no replacements of any numbers coming in.

The glamor of the private sector today, it used to be the public sector that was glamorous, but it is the private sector now, not to mention the high-tech sector, means that they are going everywhere, but the Federal sector, this is the kind of benefit that can help us draw badly needed workers to the Federal workforce.

I am particularly grateful to the chairman and the ranking member for their work together that brought this moment to the House.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman for her kind remarks. The hard work, really, that she and her staff contributed to this process made a huge difference.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA) who, as I said previously, had a huge impact on this debate, along with the gentleman from Florida (Mr. MICA) and others that have been fighting for it for some time.

Mrs. MORELLA. Mr. Speaker, I certainly thank the gentleman for yielding me the time.

Mr. Speaker, I must say I am thrilled that this bill is on the floor of the House of Representatives. I think it is a very important issue. I join my colleagues in supporting this legislation to provide group long-term care insurance for Federal employees and annuitants, active and retired military personnel, and their families. That means a policy of, like, 20 million people.

It is critical that we pass this legislation. It takes an important step in helping our Nation's families cope with the enormous financial burden of long-term care. This bill, in its inception, has had long-term care because we have been working on it for some time, and it was for more than a year and a half that I led Congressional efforts to make long-term care group insurance more accessible and more affordable.

The legislation we are considering today, I am pleased to say, is really pretty much a template of the bill I introduced, H.R. 1111, the Federal Civilian and Uniformed Services Long-Term Care Insurance Act of 1999.

I do want to thank the 152 bipartisan cosponsors of that bill that was introduced on March 16, 1999, and ask that they support H.R. 4040.

I also want to extend my gratitude and thanks to the many organizations who played an essential role in devising the framework for this legislation.

First of all, Dan Adcock of the National Association of Retired Federal Employees was instrumental in guiding us every step of the way, as was Allen Lopatin, Frank Rohrbough of the Retired Officers Association, Cynthia Brock-Smith, Frank Titus, and Abby Block at the Office of Personnel Management also contributed; and the Alzheimer's Association, the Committee to Preserve Social Security and Medicare, the American Health Care Association, and the National Association of Uniformed Services. They all helped in developing this legislation before us.

Until recently, my legislation was the only bill in the House that would make long-term care insurance available at group rates to active and retired Federal and military personnel, foreign service officers and their families at no cost to the Government.

Indeed, now more than ever, Americans must take a long hard look at the way we finance the future health care needs of the Nation's seniors. The average senior turning 65 today can expect to live nearly 20 more years, maybe even more; and nearly one-fourth of them will require nursing facility care at some point.

Simply put, longer lives increase the likelihood of long-term care. This bill provides consumer protections. It also offers a series of choices. So it is good legislation.

When the need for long-term care occurs, the financial and emotional impact can be devastating. Promoting this coverage will help to ease the pressure on Federal entitlement spending while protecting the assets of our Federal families. I also see this as a national model that the private sector may tend to look at and emulate.

So I urge my colleagues to support this very important legislation.

I also want to thank the staff who have been involved in putting this legislation together.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to debate consensus legislation that would provide long-term care insurance as a benefit package for Federal employees.

I do pause again to thank the gentleman from Indiana (Mr. BURTON), the chairman of our committee, and the gentleman from California (Mr. WAXMAN), our ranking member, and certainly the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the subcommittee, and all the members of our committee for making this happen.

During the 105th Congress, several bills were introduced in the House and Senate that would establish a long-term care insurance benefit for Federal employees.

A little over a year ago on, January 6, 1999, I introduced H.R. 110, the Federal Employees Group Long-term Care Insurance Act of 1999. H.R. 110 is the Federal employee portion of the administration's four-pronged initiative to help families who need long-term care insurance.

It provided a framework for implementing a long-term care program. It authorized the Office of Personnel Management to purchase group insurance policies from qualified private sector contractors, thereby making long-term care insurance more available to Federal employees, Federal retirees, and family families at more affordable group rates.

The gentlewoman from Maryland (Mrs. MORELLA) introduced long-term care legislation which provided a framework similar to that proposed in H.R. 110, but extended coverage to active military personnel retirees and their families.

The gentleman from Florida (Chairman SCARBOROUGH) introduced H.R. 602, which was previously introduced by the gentleman from Florida (Mr. MICA), the former chairman in the 105th Congress.

Though H.R. 602 provided a framework which allowed numerous insurance companies to sell long-term insurance policies to Federal employees, it further extended coverage to children, including adopted children, stepchildren, and stepparents.

To his credit, the gentleman from Florida (Chairman SCARBOROUGH) introduced a true bipartisan consensus long-term care bill that reflects the hard work of this subcommittee over the past year and a half on this issue.

Hours of research and collaboration with the administration, the insurance industry, and employee organizations have resulted in the introduction of H.R. 4040, the Long-Term Care Security Act.

H.R. 4040 includes elements of all of the previously mentioned bills and adds a provision for spousal parity negotiated by ranking minority member, the gentleman from California (Mr. WAXMAN).

I am pleased that the framework proposed in H.R. 110, allowing OPM to contract with a single carrier or consortia to provide long-term care insurance to Federal employees and permitting OPM to negotiate premiums and benefits on behalf of Federal employees, is adopted in H.R. 4040.

This employer group model will allow Federal employees to realize from 15- to 20-percent in premium savings. And I emphasize that, 15 to 20 percent.

Due to the gentlewoman from Maryland (Mrs. MORELLA), coverage has been extended to the uniformed services in the bill. Blended families can thank the gentleman from Florida (Chairman SCARBOROUGH) for having the foresight to extend coverage to adopted children, stepchildren and stepparents.

To ensure the financial solvency of the marital unit, the gentleman from California (Mr. WAXMAN), the ranking member, negotiated a provision in the act that would provide the spouses of Federal employees with the same, if not very similar, underwriting standards as at-work Federal employees.

The enhanced underwriting for spouses would protect the assets of the couple by making it easier for spouses to qualify for participation in the program.

During the Subcommittee on Civil Service markup, the gentleman from California (Mr. WAXMAN) offered an amendment that further improved the bill by including a section that provides that OPM furnish employees information on the average cost of nursing home care to the percentage of individuals who failed to maintain their coverage, the need for inflation protection and a summary of how long-term care premiums can be raised.

I was pleased to support his amendment, which was unanimously agreed to.

Private long-term care insurance provides one of the few available mechanisms for individuals to protect themselves against the catastrophic costs of long-term care. In addition, it provides alternatives to the type of care we receive when we need assistance with our personal care and other activities of daily living.

□ 1215

Whether enrollees choose the type of care that will allow them to "age in place," which will allow them to stay at home with their loved ones, community-based care, or nursing home care, they will be protected when they need it the most.

I am pleased to be a part of this effort to bring long-term care insurance to Federal employees. Again I commend all the Members for their contribution to this bipartisan effort. In the end, civil servants who work diligently for the citizenry of this great country will benefit. As we take this action today, I am reminded of the discussion that took place in a hearing in Jacksonville, Florida, when we saw numerous people come forward and talk about the problems that they were experiencing not only taking care of their children but taking care of their parents. I know that their hearts must be glad today.

At the minimum, the implementation of a long-term care benefit program by the Federal Government will challenge Federal employees to think about how they are going to finance and live out their elder years, something we should all be thinking about.

Mr. Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Maryland again for his hard work at our field hearings up in Baltimore, for his hard work in Jacksonville, and for the kind words that both he and the gentlewoman from the District of Columbia (Ms. NORTON) have said today. He is right, this is a consensus bill. We have brought the best of all bills together. I thank him. We could not have done it without him.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, as a proponent and author of legislation designed to encourage the purchase of private long-term care insurance in general, I commend the Subcommittee on Civil Service chairman, the gentleman from Florida, for his hard work on this issue and also the gentleman from Maryland, the ranking member. I would also like to recognize the third part of that triumvirate, the gentlewoman from Maryland (Mrs. MORELLA), for her longstanding commitment to providing access to private long-term care for Federal employees.

The Federal Employees Health Benefits Plan has long been held up as a model of health care delivery. It is really the best in the country. By providing all Federal employees access to private long-term care insurance, we are taking an important step toward recognizing the financial risks posed by long-term care and the need to plan for it.

The Long Term Care Security Act that we are debating today, sets an example and encourages non-governmental employers to offer similar benefit options to their employees.

Medicare does not pay for long-term care and seniors are forced, as we all know, to spend down their assets to qualify for Medicaid, which provides $33 billion in long-term care services each year for those who have few resources. This has serious financial repercussions for retirees and taxpayers who ultimately pay for long-term care assistance through public programs. As the baby boom generation retires, the purchase of private long-term care insurance is crucial to ease the financial strain on public resources.

Mr. Speaker, I strongly support the Long Term Care Security Act, and thank all of those who were involved in bringing this important legislation to the floor. I would naturally urge all my colleagues on both sides of the aisle to support it.

Again I thank the gentleman from Florida (Mr. SCARBOROUGH), the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform and one who has really played a very instrumental role in bringing us to where we are today. In introducing him, I also thank him for all that he has done to put this on the front burner and to bring us to where we are today.

Mr. WAXMAN. I thank the gentleman very much for yielding time to me. I also am grateful for the kind words that he has said about me.

Mr. Speaker, I rise in support of H.R. 4040, the Long Term Care Security Act, and I want to commend the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) for their work in producing a truly bipartisan bill.

The need for long-term care affects us all. Those who need long-term care are our parents, our spouses, and inevitably ourselves. Many Americans have already dealt personally with a loved one in need of home or nursing home care. Many Americans have had the experience of trying to find services and to arrange for payment. Most people know that such care is hard to get and even harder to pay for.

I support offering long-term care insurance as a benefit option to Federal employees. However, I also know that this is a product that can be misunderstood. When the Federal Government offers this option, it has a responsibility to ensure that Federal employees have the information necessary to make an informed choice.

Mr. Speaker, I am especially pleased that a number of issues I raised were addressed in this legislation. I want to commend the gentleman from Florida for his willingness to work with us to ensure that these issues were addressed.

The first issue of concern to me was that of spousal parity. I believe that spouses should be treated like Federal employees. The purpose of long-term care insurance is to protect the assets of the insured when they are incapacitated. If one spouse has long-term care insurance and the other does not, the couple's financial assets as a family unit are at risk. For this reason, I am pleased that this bill includes a provision on spousal parity.

Second, I believe that long-term care insurance should be available to everyone who needs it. Underwriting standards for employees and their spouses should be as minimal as possible. If we weed out through underwriting everyone who is likely to need long-term care, we will have failed to help those who most need help. For this reason, it was important to me to learn from OPM that their goal is to offer insurance on a modified guaranteed issue basis which would allow any Federal employee who is not immediately eligible for benefits to purchase long-term care insurance. Their goal is also to apply these same standards to spouses if possible.

My final concern, which was addressed in an amendment that I offered and was approved during the subcommittee markup, was to ensure that Federal employees are fully informed about the advantages and disadvantages of long-term care insurance.

Long-term care insurance is a complicated product. For some it is a good way to save for the future but for others it can have serious drawbacks. Furthermore, the benefits of policies vary considerably in terms of duration of coverage, per diem allowances and other features such as inflation protection. Without adequate inflation protection, a long-term care policyholder may find that the benefits have simply eroded.

Consumers do need to be aware of the consequences of dropping their policies. Many consumer protections are options, not part of a basic package. I am pleased this legislation requires that OPM provide employees with information on all these important aspects so they can make an informed decision.

Long-term care insurance is a relatively new product and it has a limited track record. If the Federal Government begins offering long-term care insurance, I believe it has a special responsibility to set high standards for informing consumers.

Again I want to compliment the chairman of the Subcommittee on Civil Service of the Committee on Government Reform and the subcommittee's ranking minority member, the gentleman from Maryland, for their leadership on this issue. I urge my colleagues to support the bill.

Mr. SCARBOROUGH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I am pleased today to rise in strong support of H.R. 4040, the Long-Term Care Security Act, introduced by the gentleman from Florida (Mr. SCARBOROUGH). I would like to thank the gentleman from Florida for his attention to this important issue as well as recognizing another committee colleague the gentlewoman from Maryland (Mrs. MORELLA) for her extensive efforts in developing similar legislation on this subject and the assistance of the gentleman from Maryland (Mr. CUMMINGS) in bringing this measure to the floor at this time.

Finding quality long-term care options is fast becoming a major issue of concern for our Nation's seniors. Revolutionary advances in medicine over the past decade have helped to greatly expand our senior population as well as offering those individuals improvements in their quality of life. These trends will continue over the next 25 years as the baby boomer generation enters their retirement days and our medical community continues to develop new products to offset or eliminate problems common to our elderly population.

This legislation takes an important first step in addressing this growing challenge that faces our aging population. By giving Federal employees the opportunity to purchase a long-term care insurance policy, this bill encourages those employees to make plans for their future medical needs while they are still young and can take advantage of lower premiums. Such policies will protect employees from the catastrophically high costs associated with long-term care provision which could become necessary due to accident or illness at any time.

Accordingly, I urge our colleagues to give their full support to this worthy piece of legislation.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maine (Mr. ALLEN), who is also a member of the Subcommittee on Civil Service and one who has worked very hard on this legislation and has constantly done everything that he can to uplift the lives of our Federal employees.

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4040, the Long-Term Care Security Act. The bill before us today is the product of bipartisan cooperation. I applaud the efforts of the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) in bringing it to the floor today.

As the baby boom generation ages, the need for long-term care will become acute. For example, the average cost of nursing home care is expected to double in the next 30 years. We cannot expect Medicare or Medicaid to absorb such costs and still pay reasonable benefits for acute care needs. It is therefore essential that individuals begin to plan for an almost certain increase in health care costs in their later years.

To plan for their retirement needs, younger employees need information about long-term care insurance and access to private sector insurance plans through their employers. The private sector must be involved in planning for employees' long-term care needs.

H.R. 4040 allows the Federal Government to act as a responsible employer by offering its employees the opportunity to acquire group long-term care insurance with no significant cost to the taxpayer. Under the provisions in this bill, long-term care insurance will be made available to all Federal workers, military service members and retirees at group rates. Employees will pay the full cost of the premium but have the advantage of a reduced rate. I hope that the example set by the Federal Government will encourage all employers to offer group long-term care insurance to their employees. This program has the potential to create a national model for long-term care insurance and for retirement planning.

I again want to thank the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN) for all their hard work in bringing this legislation forward. H.R. 4040 is an example of the kind of work this House can do when we act in a fair and bipartisan manner. I thank them for their leadership and urge the swift passage of this bill.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER). He has certainly been a mentor to me, particularly with regard to the issues affecting Federal employees and has consistently been at the forefront of the fight to make sure that their rights and privileges are upheld and expanded.

Mr. HOYER. Mr. Speaker, I want to thank my friend the distinguished ranking member from Baltimore for his remarks. I also want to thank him for his outstanding service on this subcommittee. He brings a perspective that is critical to the subcommittee and his leadership I think will redound to the benefit of Federal employees for years to come. I thank him for all his work and leadership.

I also want to thank the gentleman from Florida. The gentleman from Florida brings, in my opinion, a new perspective to the chairmanship of this subcommittee, a perspective that is a positive one and I too think that that will also redound to the benefit of Federal employees. And so I thank him for his leadership and service on this committee.

□ 1230

Mr. Speaker, this measure before us would allow activity and retired Federal employees, military personnel and their spouses to purchase long-term care insurance as a group.

I do not see her here on the floor, but I wanted to make some comments as well about my colleague, the gentlewoman from Maryland (Mrs. MORELLA). She has played a critical role in the formulation of this particular piece of legislation that is important to Federal employees and she has an appreciation for the long-term care costs and the challenges that families face. I want to congratulate her for her efforts.

The advantages of pooling, Mr. Speaker, incorporated in this bill for the Federal workforce is significant. The Office of Personnel Management estimates that using the leverage of a risk pool this size could drive down the costs of insurance as much as 15 percent to 20 percent. My colleagues often hear me say that it is incumbent on the Federal Government to be a model employer, whether it be in pay, benefits or diversity, I think that it is critical that the Federal Government be a standard for other employers to emulate.

Mr. Speaker, hopefully, other employers will follow our lead in this legislation and start providing this benefit because it makes such a difference and is such an important area.

In the Washington metropolitan area, Mr. Speaker, the costs of long-term care can exceed $50,000 per year, average at least $3,000 to $3,500 a year, well beyond the means of almost every family; I do not mean poor families, almost every family will find this cost too much for them.

This bill gives families some measure of security, and I urge all of my colleagues to support it.

Mr. Speaker, once again, I thank the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), and others who have worked so hard to bring this matter to the floor.

Mr. Speaker, I thank my distinguished friend for yielding me the time.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Maryland for his kind words and his hard work for Federal employees.

Mr. Speaker, I do not have any more speakers. I will defer to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time we have?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Maryland (Mr. CUMMINGS) has 1 minute.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to take a moment to, again, emphasize that sometimes I think we need to take a look at what we do and put it in some historical perspective, and it is no question that what we are doing here today will affect Federal employees and their families for years to come and will affect generations actually yet unborn, because it will allow those Federal employees who have parents where they are now trying to help their parents and help their children to be able to afford to help their parents and take good care of their children.

It does have some real long-term effect, but the fact is, as the gentleman from Maryland (Mr. HOYER), who said it best when he said that it is truly a bipartisan effort, all of us coming together, addressing the things that we have in common, and what we have in common is lifting our people and making their lives better.

Mr. Speaker, again, I want to thank the gentleman from Florida (Mr. SCARBOROUGH), thank all of the staff. I want to thank Ms. Tania Shand on behalf of my staff who has worked very, very hard on bringing this legislation to us today.

Mr. Speaker, with that, I urge all the Members of the House to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Florida has 7½ minutes remaining.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI), as long as he is not the only Member to come to the floor in opposition of this wonderful bill.

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding me the 2 minutes.

Mr. Speaker, I want to compliment the gentleman for his hard work and that of the subcommittee and the ranking member, the gentleman from Maryland (Mr. CUMMINGS), because this legislation is very important to retirees, but I also think it is very important to everybody else, because the plan with this was to get this going among retirees, Federal retirees, but also to be able to demonstrate and educate and offer information to the general public at large so that we could begin to expand this program.

Mr. Speaker, we look at this as a beginning, a good beginning, and I compliment the gentleman from Florida (Mr. SCARBOROUGH) and his staff and the minority Members and the ranking member, the gentleman from Maryland (Mr. CUMMINGS) and his staff for doing a terrific job in working on this.

Mr. Speaker, I appreciate being able to work on it with the gentleman and to be able to bring this piece of legislation, which I encourage all Members to support.

I strongly support the hard work and legislative effort of the chairman of the subcommittee, the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Maine (Mr. BALDACCI) for his kind words. And, again, I thank the gentleman from Maryland (Mr. CUMMINGS) and all of those that have worked together to make passage of this bill possible.

Mr. Speaker, under our current health care system, access to long-term care services in the home and communities is influenced not just by one's health status, but by their location, economic situation and the availability of family support.

A recent study of American Council of Life Insurers highlighted the need for private long-term care insurance. The study found that baby boomers' chances of ending their lives in a nursing home are far higher than most imagined, and the costs are projected to quadruple by the year 2030.

Mr. Speaker, for middle-income families, the likelihood of receiving government funded care at home or in an assisted living facility is likely to remain small.

Federal employees who plan ahead for their long-term care needs can potentially postpone or avoid institutionalization. If a substantial number of baby boomers purchase long-term care insurance now, consumer out-of-pocket costs for services such as home health care and adult daycare can be cut in half by 2030.

Encouraging Federal employees and others to buy private long-term care insurance is also a winner for taxpayers. Adequate insurance will allow more Americans likely to be able to live at home during their last years as most would prefer to do.

With private insurance strengthening family support systems, savings in Medicaid nursing home expenditures could reach up to 30 percent.

Since introducing my original bill, I have conducted a continuing dialogue with the minority, the industry organizations representing civilian and military retirees and military families and the administration.

I am very pleased that all of our efforts have resulted in this consensus product.

I am also pleased, Mr. Speaker, that this bill will supplement other steps this House has taken to bring peace of mind to many Americans by making their long-term care insurance more affordable.

Already this House has passed legislation to provide an above-the-line deduction for long-term care premiums and to allow employers to offer long-term care insurance through cafeteria plans. Today's bill is one more step in our overall effort to provide Americans with peace of mind about their future needs, and I urge all members to lend their support.

Mr. WELDON of Florida. Mr. Speaker, as a cosponsor of H.R. 4040, I rise in strong support of The Long-Term Care Security Act. This bill directs the Office of Personnel Management (OPM) to solicit competitive bids from private insurers to provide long-term health care plans for federal workers, including military and civilian employees and retirees. This insurance may also be extended to include eligible spouses, children, adopted children, stepchildren, and stepparents.

Employees who enroll in the group coverage must pay 100 percent of the premium and may choose to have the premium deducted from their pay, which is paid directly to the insurance carrier. It is estimated, however, that these employees, by getting a group rate, may realize a savings of between 15 and 20 percent on insurance premiums.

It is important that we encourage Americans to prepare for their long-term health care needs. Too often Americans are unprepared for this need and the failure to have such coverage often forces families to deplete their resources. It is important that we pass this bill for the benefit of our federal employees and members of our armed services and retirees. This will help them in their efforts to provide for their families and their retirement security.

In addition to the passage of this bill, I will continue to work to ensure that the costs of long-term care insurance are deductible from taxes. I am disappointed that we have not been able to get this tax relief signed into law, and I am hopeful that we can move this forward this year. This will benefit all Americans in preparing for needs that they may have in the future.

I urge all of my colleagues to join me in passing H.R. 4040 and to commit to work to make these premiums tax deductible.

Mr. STARK. Mr. Speaker, insurance coverage for long-term care services is a gaping hole in our nation's healthcare safety net. H.R. 4040, the Long-term Care Security Act, will establish a long-term care insurance program for federal employees. It is a small step in the right direction. But, this bill is more notable for unmasking the shortcomings of private long-term care insurance than for meeting the long-term care needs of the American people.

Americans deserve long-term care insurance that satisfies three criteria: reasonable cost, broad access and high quality. The main lesson of this bill is that the only way to achieve reasonable cost is to sacrifice both access and quality. We are in the dark about the actual provisions of the long-term care insurance plan that will ultimately be offered to federal employees. But the Office of Personnel Management's primary objective is clear to negotiate a competitive price. OPM has been upfront in telling us that limitations on access and quality of these policies will be necessary to negotiate this price.

Will FEHBP's long-term care insurance program be available to all federal employees and their families? The answer is "no". One form of underwriting known as "short-form", will exclude active employees who are most likely to require long-term care services in the near future. More extensive "long-term" underwriting, which requires a more detailed medical history, will exclude larger numbers of retired employees and their family members.

Will FEHBP's long-term insurance program guarantee basic consumer protections such as inflation protection, and provisions that guarantee that policies are still good in the event of carrier buyout or bankruptcy? Again, the answer is "no". Inflation protection under H.R. 4040 will only be available as an option. Yet, without inflation protection, the average 60 year old purchaser will be shopping for long-term care services in 2020 with year 2000 dollars! In other words, by design, many of the policies will not meet purchasers' needs when they become eligible for benefits.

The bottom line is that high quality private long-term care insurance policies with universal access result in an excessively high price tag, while affordable long-term care insurance policies may be inferior in quality and not accessible to all. The real lesson of H.R. 4040 is that even the formidable purchasing power of the federal employees is not enough to turn private long-term care insurance into the answer to the long-term care problem.

I will vote for H.R. 4040 today because it does inch us forward on long-term care products. However, private long-term care insurance falls far short in delivering comprehensive and high quality long-term care services to all who need it.

The only way we will actually assure long-term care protections for people is through a national social insurance program like Medicare. That's where the debate needs to move next.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my strong support for H.R. 4040, the Long-Term Care Security Act. For the first time, the federal government will make a concerted effort to provide the men and women who have dedicated their lives to the service of this country, with long-term health care.

Under this bill, the Office of Personnel Management will simply fulfill the role of a Human Resources department and solicit competitive bids from private insurers to provide the most equitable and comprehensive long-term health care to federal employees. That commitment by OPM represents the extent of the Government's active participation in this process. Once the contract is awarded and the program is established, all federal employees who chose to participate will be responsible for paying 100% of the insurance premiums.

I think it is important to note that this bill has some minor administrative costs associated with it, I believe roughly $21 million over two years, that are necessary implementation costs. After that initial two year period, the benefits of H.R. 4040, which will be available to both current Uniformed Services and civilian employees, as well as military and civilian retirees, will actually start showing a profit. That makes this bill a win-win both in terms of cost and in services provided.

I would like to commend my good friend from Florida, the Chairman of the Civil Service

Subcommittee, Mr. SCARBOROUGH, for managing this bill on the floor today. I would also like to take a moment to thank the gentlelady from Maryland, Mrs. MORELLA. Her dedication to protecting and promoting issues important to federal employees is well known. Specifically, Mrs. MORELLA has long championed the cause of providing all federal employees and retirees with the most comprehensive and affordable health care available, and without her work on this issue, H.R. 4040 would not be on the Floor today.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H.R. 4040, the "Long Term Care Security Act." The Government Reform Committee, in particular the Civil Service Subcommittee chaired by Congressman JOE SCARBOROUGH worked in a bipartisan manner to bring forward this legislation. The bill will allow all federal employees, retirees, active duty and retired members of the Uniformed Services, as well as their qualified relatives to purchase long term care insurance. By offering the program through the federal government, we can provide long term care options at affordable rates.

The Civil Service Subcommittee held several hearings on long term care. We found that as Americans have begun to live much longer, the number of individuals needing long term care is on the rise. As the baby boomers are reaching retirement age, we will only see our elderly population increase. As a result, the need for long term care will continue to grow.

The cost of long term care, whether in a professional facility or at home presently exceeds $45,000 a year. What many people do not realize is that their health plans, disability insurance, or even Medicare will not cover these costs. Unfortunately, many find out that they are not covered when it is too late—when a family member suddenly needs that care. Our Committee has heard from people who have depleted their entire life savings caring for a loved one. A family's assets are sometimes just not enough. Without the proper insurance, the vast majority of families is unprepared for the burden of long term care. Through our hearings, we found that for many, the best way to maintain retirement security is to purchase long term care insurance.

I am pleased that our Committee was able to work together in a bipartisan manner to bring that security to our federal workforce and Uniformed Services. Mr. SCARBOROUGH, along with Mrs. MORELLA and Mr. CUMMINGS, worked very hard to ensure that the long term care bill took into account everyone's concerns. We wanted to ensure that there would be open competition in the contracting process in order to achieve the best rates. H.R. 4040 is a strong consensus bill which the Committee believed would provide the framework for a strong long term care plan. Under the legislation, the Office of Personnel Management would be able to negotiate with the insurers for the best plans with the most options while keeping premiums affordable for all federal employees.

Mr. SCARBOROUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, as amended.

The Clerk read as follows:

H.R. 3244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trafficking Victims Protection Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes and findings.
Sec. 3. Definitions.
Sec. 4. Annual Country Reports on Human Rights Practices.
Sec. 5. Interagency task force to monitor and combat trafficking.
Sec. 6. Prevention of trafficking.
Sec. 7. Protection and assistance for victims of trafficking.
Sec. 8. Minimum standards for the elimination of trafficking.
Sec. 9. Assistance to foreign countries to meet minimum standards.
Sec. 10. Actions against governments failing to meet minimum standards.
Sec. 11. Actions against significant traffickers.
Sec. 12. Strengthening protection and punishment of traffickers.
Sec. 13. Authorization of appropriations.

SEC. 2. PURPOSES AND FINDINGS.

(a) PURPOSES.—The purposes of this Act are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—The Congress finds that:

(1) Millions of people every year, primarily women or children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons, of whom the overwhelming majority are women and children, are trafficked into the international sex trade, often by means of force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, within activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The rapid expansion of the sex industry and the low status of women in many parts of the world have contributed to a burgeoning of the trafficking industry, of which sex trafficking by force, fraud, and coercion is a major component.

(3) Trafficking in persons is not limited to sex trafficking, but often involves forced labor and other violations of internationally recognized human rights. The worldwide trafficking of persons is a growing transnational crime, migration, economics, labor, public health, and human rights problem that is significant on nearly every continent.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, lack of access to education, chronic unemployment, discrimination, and lack of viable economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of good working conditions at relatively high pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy girls from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often facilitate victims' movement from their home communities to unfamiliar destinations, away from family and friends, religious institutions, and other sources of protection and support, making the victims more vulnerable.

(6) Victims are often forced to engage in sex acts or to perform labor or other services through physical violence, including rape and other forms of sexual abuse, torture, starvation, and imprisonment, through threats of violence, and through other forms of psychological abuse and coercion.

(7) Trafficking is perpetrated increasingly by organized and sophisticated criminal enterprises. Trafficking in persons is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized criminal activity in the United States and around the world. Trafficking often is aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(8) Traffickers often make representations to their victims that physical harm may occur to them or to others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as specific threats to inflict such harm.

(9) Sex trafficking, when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion, includes all the elements of the crime of forcible rape, which is defined by all legal systems as among the most serious of all crimes.

(10) Sex trafficking also involves frequent and serious violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. The United States must take action to eradicate the substantial burdens on commerce that result from trafficking in persons and to prevent the channels of commerce from being used for immoral and injurious purposes.

(13) Trafficking of persons in all its forms is an evil that calls for concerted and vigorous action by countries of origin, transit countries, receiving countries, and international organizations.

(14) Existing legislation and law enforcement in the United States and in other nations around the world have proved inadequate to deter trafficking and to bring traffickers to justice, principally because such legislation and enforcement do not reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of forcible sex trafficking are often punished under laws that also apply to far less serious offenses such as consensual sexual activity and illegal immigration, so that traffickers typically escape severe punishment.

(15) In the United States, the seriousness of the crime of trafficking in persons is not reflected in current sentencing guidelines for component crimes of the trafficking scheme, which results in weak penalties for convicted traffickers. Adequate services and facilities do not exist to meet the health care, housing, education, and legal assistance needs for the safe reintegration of domestic trafficking victims.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by active official participation in trafficking.

(17) Because existing laws and law enforcement procedures often fail to make clear distinctions between victims of trafficking and persons who have knowingly and willfully violated laws, and because victims often do not have legal immigration status in the countries into which they are trafficked, the victims are often punished more harshly than the traffickers themselves.

(18) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, and because they are often subjected to coercion and intimidation including physical detention, debt bondage, fear of retribution, and fear of forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(19) The United States and the international community are in agreement that trafficking in persons often involves grave violations of human rights and is a matter of pressing international concern. The Universal Declaration of Human Rights; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other relevant instruments condemn slavery and involuntary servitude, violence against women, and other components of the trafficking scheme.

(20) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which our country was founded.

(21) The Universal Declaration of Human Rights recognizes the right to be free from slavery and involuntary servitude, arbitrary detention, degrading or inhuman treatment, and arbitrary interference with privacy or the family, as well as the right to protection by law against these abuses.

(22) The United Nations General Assembly has passed three resolutions during the last 3 years (50/167, 51/66, and 52/98) recognizing that the international traffic in women and girls, particularly for purposes of forced prostitution, is a matter of pressing international concern involving numerous violations of fundamental human rights. The resolutions call upon governments of receiving countries as well as countries of origin to strengthen their laws against such practices, to intensify their efforts to enforce such laws, and to ensure the full protection, treatment, and rehabilitation of women and children who are victims of trafficking.

(23) The Final Report of the World Congress against Sexual Exploitation of Children, held in Stockholm, Sweden, in August 1996, recognized that international sex trafficking is a principal cause of increased exploitation and degradation of children.

(24) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls who are victims of trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(25) In the 1991 Moscow Document of the Organization for Security and Co-operation in Europe, participating states, including the United States, agreed to seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures.

(26) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

(27) Trafficking in persons is a transnational crime with national implications. In order to deter international trafficking and to bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense and must act on this recognition by prescribing appropriate punishment, by giving the highest priority to investigation and prosecution of trafficking offenses, and by protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry and take steps to promote and facilitate cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) "Sex trafficking" means the purchase, sale, securing, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of a commercial sex act.

(2) "Severe forms of trafficking in persons" means—

(A) sex trafficking in which either a commercial sex act or any act or event contributing to such act is effected or induced by force, coercion, fraud, or deception, or in which the person induced to perform such act has not attained the age of 18 years; and

(B) the purchase, sale, securing, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of subjection to involuntary servitude, peonage, or slavery or slavery-like practices which is effected by force, coercion, fraud, or deception.

(3) "Slavery-like practices" means inducement of a person to perform labor or any other service or act by force, by coercion, or by any scheme, plan, or pattern to cause the person to believe that failure to perform the work will result in the infliction of serious harm, debt bondage in which labor or services are pledged for debt on terms calculated never to allow full payment of the debt or otherwise amounting to indentured servitude for life or for an indefinite period, or subjection of the person to conditions so harsh or degrading as to provide a clear indication that the person has been subjected to them by force, fraud, or coercion.

(4) "Coercion" means the use of force, violence, physical restraint, or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or of the infliction of serious harm.

(5) "Act of a severe form of trafficking in persons" means any act at any point in the process of a severe form of trafficking in persons, including any act of recruitment, harboring, transport, transfer, purchase, sale or receipt of a victim of such trafficking, or any act of operation, management, or ownership of an enterprise in which a victim of such trafficking engages in a commercial sex act, is subjected to slavery or a slavery-like practice, or is expected or induced to engage in such acts or be subjected to such condition or practice, or sharing in the profits of the process of a severe form of trafficking in persons or any part thereof.

(6) "Victim of sex trafficking" and "victim of a severe form of trafficking in persons" mean a person subjected to an act or practice described in paragraphs (1) and (2) respectively.

(7) "Commercial sex act" means a sex act on account of which anything of value is given to or received by any person.

(8) "Minimum standards for the elimination of trafficking" means the standards set forth in section 8.

(9) "Appropriate congressional committees" means the Committee on Foreign Relations of the United States Senate and the Committee on International Relations of the United States House of Representatives.

(10) "Nonhumanitarian foreign assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) assistance under chapter 8 of part I of that Act;

(ii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 of part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iii) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(iv) antiterrorism assistance under chapter 8 of part II of that Act;

(v) assistance which involves the provision of food (including monetization of food) or medicine;

(vi) assistance for refugees; and

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961; and

(C) financing under the Export-Import Bank Act of 1945.

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Secretary of State, with the assistance of the Assistant Secretary of Democracy, Human Rights and Labor, shall, as part of the annual Country Reports on Human Rights Practices, include information to address the status of trafficking in persons, including—

(1) a list of foreign countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking;

(2) a description of the nature and extent of severe forms of trafficking in persons in each country;

(3) an assessment of the efforts by the governments described in paragraph (1) to combat severe forms of trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in such trafficking;

(B) which governmental authorities are involved in activities to combat such trafficking;

(C) what steps the government has taken against its officials who participate in, facilitate, or condone such trafficking;

(D) what steps the government has taken to investigate and prosecute officials who participate in or facilitate such trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking;

(F) what steps the government has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government—

(i) is cooperating with governments of other countries to extradite traffickers when requested;

(ii) is assisting in international investigations of transnational trafficking networks and in other co-operative efforts to combat trafficking;

(iii) refrains from prosecuting victims of severe forms of trafficking and from other discriminatory treatment of such victims due to such victims having been trafficked, or due to their having left or entered the country illegally; and

(iv) recognizes the rights of victims and ensures their access to justice.

(4) Information described in paragraph (2) and, where appropriate, in paragraph (3) shall be included in the annual Country Reports on Human Rights Practices on a country-by-country basis.

(5) In addition to the information described in this section, the Annual Country Reports on Human Rights Practices may contain such other information relating to trafficking in persons as the Secretary determines to be appropriate.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) Establishment.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this section referred to as the "Task Force").

(b) Appointment.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Director of the Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of the Central Intelligence Agency, and such other officials as may be designated by the President.

(c) Chairman.—The Task Force shall be chaired by the Secretary of State.

(d) Support for the Task Force.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be administered by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental and intergovernmental organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain staff members from agencies represented on the Task Force.

(e) Activities of the Task Force.—In consultation with nongovernmental organizations, the Task Force shall carry out the following activities:

(1) Coordinate the implementation of this Act.

(2) Measure and evaluate progress of the United States and countries around the world in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international "sex tourism" industry in the trafficking of women and children and in the sexual exploitation of women and children around the world and make recommendations on appropriate measures to combat this industry.

SEC. 6. PREVENTION OF TRAFFICKING.

(a) Economic Alternatives To Prevent and Deter Trafficking.—The President, acting through the Administrator of the United States Agency for International Development and the heads of other appropriate agencies, shall establish and carry out initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decision making;

(3) programs to keep children, especially girls, in elementary and secondary schools and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) Public Awareness and Information.—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) Consultation Requirement.—The Rresident shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsection (a).

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) Assistance for Victims in Other Countries.—

(1) In general.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking and their children. Such programs and initiatives shall be designed to meet the mental and physical health, housing, legal, and other assistance needs of such victims and their children, as identified by the Inter-Agency Task Force to Monitor and Combat Trafficking established under section 5.

(2) Additional requirement.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as

appropriate, of victims of trafficking including stateless victims.

(b) Victims in the United States.—

(1) Assistance.—

(A) Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) Subject, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, and the Board of Directors of the Legal Services Corporation shall expand benefits and services to victims of severe forms of trafficking in persons in the United States.

(C) For the purposes of this paragraph, the term "victim of a severe form of trafficking in persons" means only a person—

(i) who has been subjected to an act or practice described in section 3(2) as in effect on the date of the enactment of this Act; and

(ii)(I) who has not attained the age of fifteen years, or

(II) who is the subject of a certification under subparagraph (E).

(D) Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Board of Directors of the Legal Services Corporation, shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(E)(i) The certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act that has not been denied or is a person whose presence in the United States the Attorney General is ensuring under subsection (c)(4).

(ii) For the purpose of a certification under this subparagraph, the term "investigation and prosecution" includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(F) A person, who is the subject of a certification under subparagraph (E) because the Attorney General is ensuring such person's presence under subsection (c)(4) in order to effectuate prosecution, is eligible for benefits and services under this paragraph only for so long as the Attorney General determines such person's presence is necessary to effectuate such prosecution.

(2) Benefits.—Subject to the availability of appropriations and notwithstanding any other provision of law, victims of severe forms of trafficking in persons in the United States shall be eligible, without regard to their immigration status, for any benefits that are otherwise available under the Crime Victims Fund, established under the Victims of Crime Act of 1984, including victims' services, compensation, and assistance.

(3) Grants.—

(A) Subject to the availability of appropriations, the Attorney General may make grants to States, territories, and possessions of the United States (including the Commonwealths of Puerto Rico and the Northern Mariana Islands), Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) To receive a grant under this paragraph, an eligible unit of government or organization shall certify that its laws, policies, and practices, as appropriate, do not punish or deny services to victims of severe forms of trafficking in persons on account of the nature of their employment, services, or other acts performed in connection with such trafficking.

(C) Of amounts made available for grants under this paragraph, there shall be set aside 3 percent for research, evaluation and statistics; 2 percent for training and technical assistance; and 1 percent for management and administration.

(D) The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(4) Civil action.—An individual who is a victim of a violation of section 1589, 1590, 1591 of title 18, United States Code, regarding trafficking, may bring a civil action in United States district court. The court may award actual damages, punitive damages, reasonable attorneys' fees, and other litigation costs reasonably incurred.

(c) Trafficking Victim Regulations.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall be housed in appropriate shelter as quickly as possible; receive prompt medical care, food, and other assistance; and be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker.

(2) Victims of severe forms of trafficking shall not be jailed, fined, or otherwise penalized due to having been trafficked, but the authority of the Attorney General under the Immigration and Nationality Act to detain aliens shall not be curtailed by any regulation promulgated to implement this paragraph.

(3) Victims of severe forms of trafficking shall have access to legal assistance, information about their rights, and translation services.

(4) Federal law enforcement officials shall act to ensure an alien's continued presence in the United States, if after an assessment, it is determined that such alien is a victim of a severe form of trafficking in persons, or a material witness to such trafficking, in order to effectuate prosecution of those responsible and to further the humanitarian interests of the United States. Such officials, in investigating and prosecuting persons engaging in such trafficking, shall take into consideration the safety and integrity of such victims, but the authority of the Attorney General under the Immigration and Nationality Act to detain aliens shall not be curtailed by any regulation promulgated to implement this paragraph.

(5) Appropriate personnel of the Department of State and the Department of Justice are trained in identifying victims of severe forms of trafficking and providing for the protection of such victims. Training under this paragraph should include methods for achieving antitrafficking objectives through the nondiscriminatory application of immigration and other related laws.

(d) Construction.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its offices or employees.

(e) Funding.—Funds from asset forfeiture under section 1594 of title 18, United States Code, (as added by section 12 of this Act) shall first be disbursed to satisfy any judgments awarded victims of trafficking under subsection (b)(4) or section 1593 of title 18, United States Code, (as added by section 12 of this Act). The remaining funds from such asset forfeiture are authorized to be available in equal amounts for the purposes of subsections (a) and (b) and shall remain available for obligation until expended.

(f) Protection From Removal for Certain Victims of Trafficking.—

(1) Nonimmigrant classification for certain victims of trafficking.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by striking "or" at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(C) by adding at the end the following:

"(T) subject to section 214(n), an alien, and the spouse and children of the alien if accompanying or following to join the alien, who the Attorney General determines—

"(i) is or has been a victim of a severe form of trafficking in persons (as defined in section 3 of the Trafficking Victims Protection Act of 2000);

"(ii) is physically present in the United States or at a port of entry into the United States by reason of having been transported to the United States or the port of entry in connection with such severe form of trafficking in persons;

"(iii)(I) has not attained 15 years of age; or

"(II) was induced to participate in the commercial sex act or condition of involuntary servitude, peonage, or slavery or slavery-like practices that is the basis of the determination under clause (i) by force, coercion, fraud, or deception, did not voluntarily agree to any arrangement including such participation, and has complied with any reasonable request for assistance in the investigation or prosecution of severe forms of trafficking in persons; and

"(iv)(I) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States; or

"(II) would suffer extreme hardship in connection with the victimization described in clause (i) upon removal from the United States;

and, if the Attorney General considers it to be necessary to avoid extreme hardship, the sons and daughters (who are not children), of any such alien (and the parents of any such alien, in the case of an alien under 21 years of age) if accompanying or following to join the alien.”.

(2) CONDITIONS ON NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by redesignating the subsection (l) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1820) as subsection (m); and

(2) by adding at the end the following:

“(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 3 of the Trafficking Victims Protection Act of 2000).

“(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

“(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

“(4) Aliens who are subject to the numerical limitation of paragraph (2) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status.”.

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

“(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

“(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

“(i) paragraphs (1) and (4) of subsection (a); and

“(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i).

“(C) Nothing in this paragraph shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T) for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T).”.

(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

“(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)—

“(A) has been physically present in the United States for a continuous period of at least 3 years since the date of such admission;

“(B) has, throughout such period, been a person of good moral character;

“(C) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of severe forms of trafficking in persons; and

“(D)(i) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States; or

“(ii) would suffer extreme hardship in connection with the victimization described in section 101(a)(15)(T)(i) upon removal from the United States;

the Attorney General may adjust the status of the alien (and the spouse, parents, married and unmarried sons and daughters of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence.

“(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

“(A) paragraphs (1) and (4) of section 212(a); and

“(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i).

“(3) An alien shall be considered to have failed to maintain continuous physical presence in the United States for purposes of paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

“(4)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5.000.

“(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

“(C) Aliens who are subject to the numerical limitation of subparagraph (A) shall have their status adjusted in the order in which applications are filed for such adjustment.

“(D) Upon the approval of adjustment of status under paragraph (1)—

“(i) the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval; and

“(ii) the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under this Act for any fiscal year.”.

SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—Minimum standards for the elimination of trafficking for a country that is a country of origin, of transit, or of destination for a significant number of victims are as follows:

(1) The country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving fraud, force, or coercion or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the country should prescribe punishment commensurate with that for the most serious crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the country should prescribe punishment which is sufficiently stringent to deter and which adequately reflects the heinous nature of the offense.

(4) The country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations under subsection (a)(4) the following factors should be considered:

(1) Whether the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the country cooperates with other countries in the investigation and prosecution of severe forms of trafficking in persons.

(3) Whether the country extradites persons charged with acts of severe forms of trafficking in persons on the same terms and to the same extent as persons charged with other serious crimes.

(4) Whether the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner which is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of victims and the internationally recognized human right to leave countries and to return to one's own country.

(5) Whether the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provision for legal alternatives to their removal to countries in which they would face retribution or other hardship.

(6) Whether the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

The Secretary of State and the Director of the Agency for International Development are authorized to provide assistance to foreign countries for programs and activities designed to meet the minimum international standards for the elimination of trafficking, including drafting of legislation to prohibit and punish acts of trafficking, investigation and prosecution of traffickers, and facilities, programs, and activities for the protection of victims.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to provide nonhumanitarian foreign assistance to countries which do not meet minimum standards for the elimination of trafficking.

(b) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—Not later than April 30 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons which shall include a list of those countries, if any, to which the minimum standards for the elimination of trafficking under section 8 are applicable and which do not meet such standards, and which may include additional information, including information about efforts to combat trafficking and about countries which have taken appropriate actions to combat trafficking.

(2) INTERIM REPORTS.—The Secretary of State may submit to the appropriate congressional committees in addition to the annual report under subsection (b) one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose

governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.

(c) NOTIFICATION.—For fiscal year 2002 and each subsequent fiscal year, for each foreign country to which the minimum standards for the elimination of trafficking are applicable and which has failed to meet such standards, as described in an annual or interim report under subsection (b), not less than 45 days and not more than 90 days after the submission of such a report the President shall submit a notification to the appropriate congressional committees of one of the determinations described in subsection (d).

(d) DETERMINATIONS.—The determinations referred to in subsection (c) are as follows:

(1) WITHHOLDING OF NONHUMANITARIAN ASSISTANCE.—The President has determined that—

(A)(i) the United States will not provide nonhumanitarian foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards; or

(ii) in the case of a country whose government received no nonhumanitarian foreign assistance from the United States during the previous fiscal year, the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use his or her best efforts to deny, any loan or other utilization of the funds of his or her institution to that country (other than for humanitarian assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that country) for the subsequent fiscal year until such government complies with the minimum standards.

(2) SUBSEQUENT COMPLIANCE.—The Secretary of State has determined that the country has come into compliance with the minimum standards.

(3) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the country to comply with minimum standards for the elimination of trafficking, the President has determined that the provision of nonhumanitarian foreign assistance to the country is in the national interest of the United States.

(4) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (3) with respect to all nonhumanitarian foreign assistance to a country or with respect to one or more programs, projects, or activities.

(e) CERTIFICATION.—Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that with respect to assistance described in clause (i), (ii), or (iv) of subparagraph 3(10)(A) or in subparagraph 3(10)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

(a) AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1705) in the case of any foreign person who is on the list described in subsection (b).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(3) IEEPA AUTHORITIES.—For purposes of clause (i), the term "IEEPA authorities" means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

(b) LIST OF TRAFFICKERS OF PERSONS.—

(1) COMPILING LIST OF TRAFFICKERS IN PERSONS.—The Secretary of State is authorized to compile a list of the following persons:

(A) any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States or any of its territories or possessions;

(B) foreign persons who materially assist in, or provide financial or technological support for or to, or providing goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A); and

(C) foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker so identified pursuant to subparagraph (A).

(2) REVISIONS TO LIST.—The Secretary of State shall make additions or deletions to any list published under paragraph (1) on an ongoing basis based on the latest information available.

(3) CONSULTATION.—The Secretary of State shall consult with the following officers in carrying out paragraphs (1) and (2).

(A) the Attorney General;

(B) the Director of Central Intelligence;

(C) the Director of the Federal Bureau of Investigation;

(D) the Secretary of Labor; and

(E) the Secretary of Health and Human Services.

(4) PUBLICATION OF LIST.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on the Foreign Relations and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register.

(c) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS.—Upon exercising the authority of subsection (a), the President shall report to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on the Foreign Relations and the Select Committee on Intelligence of the Senate—

(1) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section; and

(2) detailing publicly the sanctions imposed pursuant to this section.

(d) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person, if the Director of Central Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the name of any person if the Attorney General, in coordination as appropriate with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected to—

(A) compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) endanger the life or physical safety of any person; or

(D) cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—(A) Whenever either the Director of Central Intelligence or the Attorney General makes a determination under this subsection, the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

(B) The notification required under this paragraph shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than July 1, 2000, and on an annual basis thereafter.

(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(f) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting the following new subparagraph at the end:

"(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—Any alien who—

"(i) is on the most recent list of significant traffickers provided in section 10 of the Trafficking Victims Protection Act of 1999, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons as defined in the section 3 of such Act; or

"(ii) who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.".

(g) IMPLEMENTATION.—

(1) The Secretary of State, the Attorney General, and the Secretary of Treasury are authorized to take such actions as may be necessary to carry out this section, including promulgating rules and regulations permitted under this Act.

(2)(A) Subject to subparagraph (B), such rules and regulations shall require that a reasonable effort be made to provide notice and an opportunity to be heard, in person or through a representative, prior to placement of a person on the list described in subsection (b).

(B) If there is reasonable cause to believe that such a person would take actions to undermine the ability of the President to exercise the authority provided under subsection (a), such notice and opportunity to be heard shall be provided as soon as practicable after the placement of the person on the list described in subsection (b).

(h) DEFINITION OF FOREIGN PERSONS.—As used in this section, the term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(i) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the placement of any person on the list of traffickers in person described in subsection (b).

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking “10 years” and inserting “20 years”; and

(B) by adding at the end the following: “If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.”;

(2) by inserting at the end the following:

“§ 1589. Forced labor

“Whoever knowingly provides or obtains the labor or services of a person—

“(1) by threats of serious harm to, or physical restraint against, that person or another person;

“(2) by use of fraud, deceit, or misrepresentation if the person is a minor, mentally disabled, or otherwise particularly susceptible to undue influence;

“(3) by means of any scheme, plan, or pattern intended to cause the person to believe that if the person did not perform such labor or services, serious harm or physical restraint would be inflicted on that person or another person; or

“(4) by means of the abuse or threatened abuse of law or the legal process;

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

“§ 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

“Whoever knowingly—

“(1) recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter; or

“(2) benefits, financially or otherwise, from an enterprise in which a person has been subjected to labor or services in violation of this chapter;

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

“§ 1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresentation

“(a) IN GENERAL.—Whoever knowingly—

“(1) recruits, harbors, transports, provides, or obtains by any means a person, or

“(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, enticed, harbored, transported, provided, or obtained in violation of paragraph (1);

knowing that coercion, fraud, deceit, misrepresentation, or other abusive practices described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

“(b) PUNISHMENT.—The punishment for an offense under subsection (a) is—

“(1) if the offense was effected by coercion, fraud, deceit, misrepresentation, or other abusive practices or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

“(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

“(c) DEFINITION.—In this section—

“(1) The term ‘commercial sex act’ means any sex act, on account of which anything of value is given to or received by any person, and—

“(A) which takes place in the United States;

“(B) which affects United States foreign commerce; or

“(C) in which either the person caused or expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.”

“(2) The term ‘other abusive practices’ means —

“(A) threats of serious harm to, or physical restraint against, the person or other person; and

“(B) the abuse or threatened abuse of law or the legal process.

“§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

“(a) Whoever destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration documents, or any other documentation of another person—

“(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation; or

“(2) to prevent or restrict, without lawful authority, the person's liberty to move or travel in interstate or foreign commerce in furtherance of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation;

shall be fined under this title or imprisoned for not more than 5 years, or both.

“(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons as defined in section 3(6) of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

“§ 1593. Mandatory restitution

“(a) Notwithstanding sections 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

“(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

“(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

“(3) As used in this subsection, the term ‘full amount of the victim's losses’ has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

“(c) As used in this section, the term ‘victim’ means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

“§ 1594. General provisions

“(a) An attempt or conspiracy to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

“(b)(1) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

“(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 7(e) of the Trafficking Victims Protection Act of 2000.

“(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

“(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

“(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

“(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

"(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection)."; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

"1589. Forced labor.
"1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.
"1591. Sex trafficking of children or by coercion, fraud, deceit, or misrepresentation.
"1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor
"1593. Mandatory restitution.
"1594. General provisions.".

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTERAGENCY TASK FORCE.—To carry out the purposes of section 5, there are authorized to be appropriated to the Secretary of State $1,500,000 for fiscal year 2000 and $3,000,000 for fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Secretary of Health and Human Services $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—To carry out the purposes of section 7(a) there are authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 6 there are authorized to be appropriated to the President $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 9 there are authorized to be appropriated to the President $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 7(b) there are authorized to be appropriated to the Secretary of Labor $5,000,000 for fiscal year 2000 and $10,000,000 for fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased to rise in strong support of H.R. 3244, the Trafficking Victims Protection Act of 2000. I am pleased to cosponsor H.R. 3244.

This legislation would not be before us today without the strong leadership and extensive work by the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights of our Committee on International Relations. He was joined in refining this legislation by the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking Democratic member of our committee. Together they produced a very fine product which deserves the support of every Member of this body.

As noted in the legislation, Mr. Speaker, millions of people, primarily women and children, are trafficked every year across the international borders for sexual or other exploitive purposes. Approximately 50,000 women and children are trafficked into the United States for such purposes every year. H.R. 3244 contains a number of provisions designed to ensure that our government uses its influence around the world to stop this abominable trafficking in human beings. Moreover, it enhances the protections under U.S. law for victims of trafficking in the United States.

This legislation establishes minimum standards that should be achieved in nations with significant trafficking problems in order for them to begin eliminating trafficking. The bill also authorizes U.S. foreign assistance to help countries meet those minimum standards and beginning in the year 2002, requires the withholding of nonhumanitarian U.S. foreign assistance from countries that fail to meet those standards.

Mr. Speaker, this measure enables the President to exercise a national interest waiver to permit the delivery of nonhumanitarian assistance, notwithstanding this requirement. But in the typical case, this threat should provide a powerful incentive to nations with trafficking problems to meet the minimum standards.

Within our Nation, the legislation permits certain victims of trafficking to remain in the country so that among other things, they can assist in the prosecution of the traffickers. Victims of severe forms of trafficking are also made eligible for special programs set up for crime victims. This legislation strengthens the criminal penalties for trafficking under U.S. law in a number of very critical respects.

Taken together, this is a solidly-crafted piece of legislation that addresses an urgent moral and humanitarian problem. Regrettably, the administration has opposed this legislation, but I am optimistic that a strong expression of support in the House of Representatives today will prompt the administration to reconsider its position.

Accordingly, Mr. Speaker, I urge our colleagues to fully support H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I thank the distinguished chairman of the Committee on International Relations for his very kind words; the feeling is mutual and the respect is mutual.

Mr. Speaker, I am deeply grateful that the House is meeting today to consider H.R. 3244, the Trafficking Victims Protection Act of 2000 which I introduced last year along with the gentleman from Connecticut (Mr. GEJDENSON), the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from Virginia (Mr. WOLF), and a number of other bipartisan cosponsors.

Before discussing the merits of the legislation, I would like to point out that the bill now has 36 cosponsors, 18 Democrats and 18 Republicans. Among the Republican cosponsors are the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, who last year gave us a very firm commitment that this bill would be brought to the floor because of the egregious nature of the situation that we are facing; the gentleman from Texas (Mr. DELAY), the majority whip; the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations who just spoke; the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce; and the gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution. The Democratic cosponsors include not only the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking minority member of the Committee on International Relations, but also the gentleman from Michigan (Mr. CONYERS), the gentleman from Illinois (Mr. GUTIERREZ), and the gentlewoman from Georgia (Ms. MCKINNEY), my friend and the ranking member on my subcommittee.

Another index of the broad support for the Trafficking Victims Protection Act is that it has both the support of Charles Colson and Gloria Steinem, of the Family Research Council and of Equality Now; of the Religious Action Center of Reform Judaism, as well as the National Association of Evangelicals.

In crafting this legislation, we have also had the assistance of impartial experts, such as Michael Horowitz of the Hudson Institute, Gary Haugen of the International Justice Mission, which goes out and rescues trafficked women and children one-by-one. I especially want to thank Grover Joseph Rees, the chief counsel and chief of staff of the Subcommittee on International Operations and Human Rights, for his remarkable skill in helping to craft this measure and, in like manner, I would like to thank David Abramowitz, the chief counsel for the Minority staff, who has done tremendous work on it as well. I would also like to thank Dr. Laura Lederer of the Protection Project whose painstaking research has been indispensable in ensuring that we have the facts about this worldwide criminal enterprise and its victims.

As a matter of fact, Mr. Speaker, in testimony at a Helsinki Commission sexual trafficking hearing that I chaired on June 28, Dr. Lederer told the story of Lydia. Lydia's story, she told us, is an amalgamation of several true stories of women and girls who have been trafficked in Eastern Europe in recent years.

□ 1245

Lydia was 16 and hanging around with friends on streets, she told us. You can fill in the name of the country here, the Ukraine, Russia, Rumania, Lithuania, the Czech Republic, when they were approached by an older, beautifully dressed woman who befriended them and told them they were so nice looking she could get them a part-time job in modeling.

She took them to dinner, bought them some small gifts, and when the dinner was over she invited them back to her home for a drink. Taking the drink is the last thing that Lydia remembers. The woman drugged her and handed her and her friends over to an agent who drove them, unconscious, across the border. Here you can fill in another set of countries, be it Germany, the Netherlands, Italy, some Middle Eastern countries, even as far as Japan, Canada, and of course, the United States.

When Lydia awoke she was alone in a strange room in a foreign country. Her friends were gone. A while later a man came into the room and told her that she now belonged to him. I own you, he said. You are my property. You will work for me until I say stop. Don't try to leave. You have no papers. You have no passport. You don't speak the language in this country. He told her if she tried to escape his men would come in after her and beat her and bring her back. He told her that her family back home was in danger. He told her that she owed the agency $35,000, which she would work off in a brothel by sexually servicing men, sometimes 10 to 20 men a day.

Stunned, angry, rebellious, Lydia refused. The man then hit her. He beat her. He raped her. He sent friends in to gang rape her. She was left in the room alone without food or water for 3 days. Frightened and broken, she succumbed. For the next 6 months she was held in virtual confinement and forced to prostitute herself. She received no money. She had no hope of escape.

She was rescued when the brothel was raided by local police. They arrested the young women and charged them with working without a visa. They arrested the brothel manager and charged him with procuration, but he was later released. They did not attempt to arrest the brothel owners or to identify the traffickers.

The girls were interviewed, and those who were not citizens of the country were charged as illegal aliens and transferred to a woman's prison where they awaited deportation.

A medical examiner found that Lydia had several sexually transmitted diseases. In addition, she was addicted to a potent cough syrup, and she was physically weak. She was spiritually broken. There was no one to speak for Lydia. She feared the future because she knew her keepers. They had the networks, the power, the resources to track her down, kidnap her, and bring her back again.

The risk is low so the potential profits are high, and girls like Lydia are the real target. There seems to be no one who cares about Lydia's life. The authorities do not have an interest in tracking down the organizations or the individuals in this trafficking chain, from the woman who drugged Lydia to the agent who brought her across the border to the agent who broke her will to the brothel managers and to the brothel owners.

In addition, there are corrupt law enforcement officers involved, because the process of getting Lydia across the borders and keeping the brothels running involves payoffs to local visa officials and police in the country of origin, border patrols for both countries, and local police in the destination countries. Lydia is without protection. The traffickers have bought theirs.

Now, think of Lydia's story multiplied by hundreds of thousands and you get the picture of the scope of the problem. UNICEF is estimating that 1 million children are forced into prostitution in southeast Asia alone, another 1 million worldwide. These are just children. An estimated 250,000 women and children from Russia, the newly-independent States, and Eastern Europe are trafficked into Western Europe, the Middle East, Japan, Canada, and the U.S. each and every year.

An estimated 20,000 children from Central American countries, and this is a new figure from the Working Group on Contemporary Forms of Slavery, are being trafficked for the purposes of commercial sexual exploitation up through Central America and into the United States.

Mr. Speaker, on an OSCE human rights trip to St. Petersburg last July, my wife Marie and I, joined by several other Members, met with Dr. Juliette Engel of MiraMed Institute, an NGO dedicated to helping women exploited by trafficking. We met with girls and young women who told us their heartbreaking stories of their captivity.

Dr. Engel's group has supported H.R. 3244 and points out that, unfortunately for Russian girls, sexual trafficking is the most profitable of all the criminal enterprises. Estimates are as high as $4 billion last year, because unlike one-time sales of weapons and narcotics, women can be sold over and over again. Dreams are shattered, she writes, families are broken apart, lives are destroyed.

Mr. Speaker, our legislation, H.R. 3244, has attracted such broad support not only because it is pro-women, pro-child, pro-human rights, pro-family values, and anticrime, but because it addresses a problem that absolutely cries out for a solution.

The Trafficking Victims Protection Act focuses on the most severe forms of trafficking in human beings: on the buying and selling of children into the international sex industry, on sex trafficking of women and children alike by force, fraud, or coercion, and on trafficking into slavery, involuntary servitude, and forced labor.

Each year, as many as 2 million innocent victims, of whom the overwhelming majority of are women and children, are brought by force and/or fraud into the international commercial sex industry.

Efforts by the U.S. Government, international organizations, and others to stop this brutal practice have thus far proved, unfortunately, unsuccessful. Indeed, all the evidence suggests that instances of forcible and/or fraudulent sexual trafficking are far more numerous than just a few years ago.

Mr. Speaker, let me just say a couple of final points. Part of the problem is that current laws and enforcement strategies in the U.S. and other countries often punish the victims more severely than they punish the perpetrators. When a sex-for hire establishment is raided, the women and sometimes children in the brothel are typically deported if they are not citizens of the country in which the establishment is located, without reference to whether their participation was voluntary or involuntary, and without reference to whether they will face retribution or other serious harm upon return.

This not only inflicts further cruelty on the victims, it also leaves nobody to testify against the real criminals, and frightens other victims from coming forward.

My legislation, Mr. Speaker, seeks the elimination of slavery and particularly sex slavery by a comprehensive, balanced approach of prevention, prosecution and enforcement, and victim protection.

The central principle behind the Trafficking Victims Protection Act is that criminals who knowingly operate enterprises that profit from sex acts involving persons who had been brought across international boundaries for such purposes by force or fraud, or who force human beings into slavery, should receive punishments commensurate with the penalties for kidnapping and forcible rape. That means up to life imprisonment. Putting these gangsters away for life would not only be just punishment but also a powerful deterrent, and the logical corollary of this principle is that we need to treat victims of these terrible crimes as victims who desperately need protection.

Let me just say, this bill needs to be passed, Mr. Speaker and it needs to be passed today.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start joining my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. GILMAN), and commend them for working together on something that has a broad bipartisan and broad ideological support. These are clearly some of the most vulnerable people on the planet: people who are impoverished, often; people who have not had the opportunities to defend themselves. This legislation begins a process of giving them some protection.

I would like to particularly thank Alethia Gordon, a Fellow in my office, for the work that she did in establishing the boundaries of this legislation and in doing much of the research; and also my friend, Gloria Steinem, for her work. This legislation crosses the political boundaries that often are dividing this House, again, both political and ideological.

I think, as Mr. SMITH pointed out, what is so frustrating in the present situation is often the laws that we have punish only the victims, people who are tricked from their small villages or large cities in either the former Soviet Union or poor countries around the world, Africa, Asia, almost anywhere, tricked and then threatened, intimidated, their passports taken away, people who do not know what rights they may have and often may understand that the laws even in our country only apply to them and not so much, often, to those who enslave them.

We in this legislation begin the process to both shift the burden to those who traffic not just in sexual slavery, but employment slavery. People are brought to this country as employees, often, legally and illegally, and are then worked beyond all reasonable length of time in completely abhorrent conditions.

We have seen that happen from Mexicans who are deaf brought to work the U.S. airports to oftentimes even people brought up with diplomats and international organizations coming here. Their passports are taken away.

We do more than just work on the punishment end, though. We also in this legislation begin the process of getting the information back to the villages.

I was with a group of people who were in Groton, Connecticut, the other day who were having a march for MADD, the organization that has done so much to raise awareness about drinking.

Of all the things they have done, and they have done some wonderful things, it occurs to me probably the most important thing they have done is make people aware of the problem, getting the messages back to the villages so families will not be fooled into thinking their child is going off to work in a factory somewhere, or work as a domestic and bring back resources to a hungry and impoverished community. That is also an important part of this legislation. We need to make sure that message gets out.

In the dissolution of the Soviet Union, the poverty that has enveloped many of those former Soviet countries, the poverty in countries around the world, that ought not be an excuse for allowing people's lives to be enslaved.

Again, I applaud all the cosponsors, particularly the gentleman from New Jersey (Mr. SMITH), and all those who have worked on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of the Trafficking Victims Protection Act, a bill that my good friend, the gentleman from New Jersey (Mr. SMITH) has worked on so tirelessly.

I would like to share a story with my colleagues. It is the story of a young girl from a very poor family in a developing country who had hopes for a better life in a wealthier land. This attractive young woman came from a good family, but it was a family that could provide her with very little. Like young people everywhere, she had dreams, dreams of nicer clothes, dreams of new opportunities, dreams of seeing foreign places.

One day she was offered the chance to make her dreams come true. She would have to leave her family and make her own way, but if she worked hard, she was promised a new life in a land of opportunity. She was nervous, but she took the chance.

When she got where she was going, she could tell something was wrong. She was led to a hot, dirty trailer and locked inside with a handful of other women, women with emotionless faces and broken spirits. It was there that her life as a sex slave began.

At first, she refused to do what she was told, but she could only take so many beatings. Then 30 men a day entered her trailer and raped her, sometimes beating her, always robbing her of her dignity and self-respect, almost constantly abused, crying until tears would no longer flow, month after month.

She could not escape because she was locked in a trailer. She didn't know where she was. She didn't know the language. This is a true story. It did not happen in Bangkok, it did not happen in Amsterdam, it did not happen in Rio de Janeiro, it happened in Florida. It is happening today in this country. Every year, 2 million women and children are trafficked into sexual slavery in this country and around the world, 45,500 to 50,000 times in America a year.

The sad ending to this story is that this poor girl, who was freed in an FBI raid 2 years ago, spent a year in jail waiting to be deported back to Mexico.

Mr. Speaker, if this country stands for justice at all, we can do better for this girl. Dr. Laura Lederer, director of the Protection Project of the John F. Kennedy School of Government, has taken the lead in researching and exposing the shockingly widespread nature of the international sex trade.

Here is what she says: "To conceptualize how immense the problem is, imagine a city the size of Minneapolis or St. Louis made up entirely of women and children. Imagine that those women and children are kidnapped, raped, and forced into prostitution. Imagine that it happens every year. Then stop imagining, because it is happening now in those numbers."

□ 1300

We all owe Dr. Lederer a debt that we cannot repay for the work he has done for the forgotten victims of this underprosecuted area of organized crime. I urge my colleagues to vote for this important bill.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), who spent a tremendous amount of effort on this piece of legislation.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time. As he mentioned, on June 1994, I first introduced legislation addressing the growing problem of Burmese women and children who were being sold to work in a thriving sex industry in Thailand. It is an awful tragedy. These were sometimes young girls as young as 5 years.

This legislation responded to credible reports that indicated that thousands of Burmese women and girls were being trafficked into Thailand with false promises of good-paying jobs in restaurants or factories, and then being forced into brothels under slavery-like conditions.

Unfortunately, as I learned more and more about the issue, it became abundantly clear that the issue was not limited to one region of the world. In fact, in the wake of the discovery of a prostitution ring of trafficked women in Florida and the Carolinas, as well as a group of Thai garment workers held captive in California, I soon realized this was an issue that must also be dealt with in our own backyard.

Six years later, I am pleased to be standing here today to support this important legislation. H.R. 3244 sets forth policies not only to monitor but to eliminate trafficking here in the United States and abroad. More importantly, it does so in a way that punishes the true perpetrators, the traffickers themselves, while at the same time taking the necessary steps to protect the victims of this awful crime.

Finally, Mr. Speaker, it uses our Nation's considerable influence throughout the world to put pressure on other nations to adopt policies that will hopefully lead to an end to this abhorrent practice. I am especially pleased to see that this bill recognizes the fact that trafficking is not exclusively a crime of sexual exploitation. Taken independently, this action is an egregious practice in and of itself. But it is also important to be aware that people are being illegally smuggled across borders to work in sweatshops, domestic servitude, or other slavery-like conditions.

Mr. Speaker, developing this initiative has been a long and arduous process. At the beginning of this endeavor, many of the groups involved had different approaches to defining and dealing with the issue. And in addition, we also had to deal with a State Department that was often less than cooperative when dealing with the Congress.

Nevertheless, we are here today because this is an issue important enough to cross party lines and personality divides. I offer my personal thanks to the gentleman from New Jersey (Chairman SMITH) and the gentleman from Connecticut (Mr. GEJDENSON), ranking member, for moving the legislation and look forward to its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my good friend who has been very earnest on all human rights issues, but this one as well.

Mr. WOLF. Mr. Speaker, I rise in strong support of H.R. 3244, the Trafficking Victims Protection Act, and I want to compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON). Both have done an outstanding job. If it was not for the both of these gentlemen, last year when we passed the religious freedom bill, I remember they went in there and that bill passed. What the gentleman from Connecticut and the gentleman from New Jersey are doing today is a continuation of that policy.

The gentleman from New Jersey (Mr. SMITH) has a heart for these issues and really cares deeply. My main purpose was to congratulate Mr. SMITH and Mr. GEJDENSON. It is a strong bill. It is a tough bill. It is comprehensive. It is another initiative fitting in with what their committee did last year with the religious freedom legislation. Hopefully, now this bill will be picked up in the Senate and passed quickly.

Mr. Speaker, I again thank the gentleman from Connecticut (Mr. GEJDENSON) for his efforts here and all the good work that he has done on human rights over the years. He has always been there on these issues. And the gentleman from New Jersey (Mr. SMITH) who, frankly, his people back in his congressional district can be very proud of him and his good work. Whenever there has been an issue like religious freedom, abortion, China, the Soviet Union, gulag, sex trafficking, the gentleman has been there; not in the crowd, but he has been right out in front and has made the big difference. So I thank him for the great job that he has done, and the staff as well. Mr. SMITH is a credit to the Congress and we are all better for his service.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY), who also spent immeasurable efforts on this legislation.

Ms. WOOLSEY. Mr. Speaker, I want to compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) for good work.

Mr. Speaker, I wholeheartedly agree that we must address the problem of sexual trafficking of women and children throughout the globe, and I support H.R. 3244 with a lot of enthusiasm.

More than 2 million women and girls are enslaved around the world. In the United States, estimates run as high as 100,000 being enslaved into sexual and domestic servitude as a result of lax protections.

Present laws in the United States are inadequate. This bill, H.R. 3244, addresses ways to deter trafficking and assist victims and it must be passed. But what is this Congress doing to strengthen women's human rights around the world in order to eradicate international sexual trafficking? Unfortunately, the Senate Foreign Relations Committee has not ratified the United Nation's women's treaty known as CEDAW, Convention to End Discrimination Against All Women.

The people's House must go on record to urge the Senate to ratify this Bill of Rights. Why? Because CEDAW establishes basic human rights for women around the globe, rights that are not fully addressed in any other international treaty. Ratification of CEDAW puts the United States in a position to be a real player when advocating for women's human rights and fighting against sexual trafficking.

Mr. Speaker, 165 countries, including Nepal, have ratified CEDAW. However, Nepal still struggles in its effort to fight against enslavement of nearly 200,000 women in Indian brothels. This is an example of where United States ratification of CEDAW would lend muscle to the fight against sexual trafficking. We need to protect women from the human rights abuses they face simply as a result of their gender, and we can help to make that happen if the United States ratifies CEDAW.

It is time for Congress to take strides against sexual trafficking and having the Senate ratify CEDAW is key to this effort. Passing H.R. 3244 is also key.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the time of the gentleman from Connecticut (Mr. GEJDENSON) will be controlled by the gentleman from Ohio (Mr. BROWN).

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleagues on both sides of the aisle for introducing this wonderful piece of legislation. I am sure, Mr. Speaker, there are many Americans who think that the buying and selling of people ended in the 19th century when slavery was abolished, and most people here are sure at least that if it happens, it certainly does not happen here.

Wrong. It is estimated that over 50,000 women and children are brought to the United States under false pretenses and forced to work as prostitutes, abused laborers or servants. And worldwide, it is even worse. Each year 1 to 2 million women and children are trafficked around the world. This is by far one of the worst human rights violations of our time. Women and children are easy targets for exploitation and are often the most marginalized members of society, the last to be educated, and the last to have economic independence.

Mr. Speaker, when I had the privilege of traveling with the President to South Asia, I saw a young girl named Nurjahan in Bangladesh. She was about 15 years old. All she knows for sure is that she thinks she is about 15 years old, but she knows for sure that at 8, she was bought by a brothel in Pakistan probably for between $200 and $1,500.

She finally escaped from a life as a sex slave. I met her and eight other girls at the headquarters of an organization called Action Against Trafficking and Sexual Exploitation of Children in Dhaka, Bangladesh. They all looked like the children they were, except for the acid scars borne by a few of them. The invisible scars one can hardly bear to imagine.

Many of these girls could not go home because even if their families would accept them, their communities would not. Adding to their unspeakable tragedy, some are infected with HIV and all require counseling, a relatively new practice in South Asia.

I am committed to advancing the economic, legal and political status of women and children here in the United States and worldwide, and urge my colleagues to support H.R. 3244, the Trafficking Victims Protection Act of 1999. Nurjahan and so many others are waiting for us to take seriously the horrendous practices involved in the trafficking of human beings.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers on this side, and I yield back the balance of my time and ask for House support of H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I thank all of those who have supported this bill through an incredibly arduous process, as well as for the kind and important comments that were made on the floor.

Mr. Speaker, the Trafficking Victims Protection Act contains several mutually reinforcing provisions, probably two most notable of which are reforms to the United States criminal law to provide severe punishment, up to life imprisonment in the worse cases, for criminals who buy and sell human beings or who profit from the deliberate, premeditated and repeated rape of women and children. This includes people who recruit, transport, purchase, and sell these innocent victims as well as those who manage or share in the proceeds of trafficking enterprises. And of equal importance the bill establishes preventive programs, and provides real, tangible protections for the victims.

Finally, Mr. Speaker, we cannot wait one more day to begin saving these millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human beings. I urge unanimous support for the Trafficking Victims Protection Act of 2000.

Mr. ABERCROMBIE. Mr. Speaker, I wish to express my support for H.R. 3244, the Trafficking Victims Protection Act of 2000.

Trafficking in human beings is an evil which many assume was abolished long ago. Sadly, this is not the case. Human trafficking remains one of the worst human rights violations of the contemporary world. Its victims are typically the poorest, the most vulnerable and most disadvantaged. Trafficking is global in scope, fed by poverty, lawlessness, dictatorship and indifference. Each year, more than one million people, mostly women and children, are lured or forced into slavery. Traffickers buy young girls from relatives, kidnap children from their homes or lure women with false promises of legitimate employment. Traffickers use rape, starvation, torture, extreme physical brutality and psychological abuse to force victims to work in horrible conditions as prostitutes, in sweatshops or domestic servitude. Every American should be concerned and ashamed that many of these victims—perhaps numbering in the thousands—are trafficked into the United States each year.

It is clear that we need stronger laws to deter trafficking. We especially need to impose disincentives to deter the international criminal rings which profit from the practice. H.R. 3244 includes these disincentives and other provisions to deter and punish traffickers by:

Establishing new criminal provisions and increasing criminal and other penalties for traffickers;

Establishing initiatives to prevent trafficking by educating potential victims and improving their economic conditions to decrease the lure of traffickers;

Authorizing assistance for countries where victims originate to help them;

Authorizing a new visa for trafficking victims and providing certain federal benefits for such victims to create a safe haven so that victims will escape their conditions and help prosecute the traffickers;

Cutting off non-humanitarian assistance to countries that do not effectively combat trafficking, while providing the President a national interest waiver; and

Focusing U.S. Government efforts in order to create greater interagency coordination to combat this problem.

Trafficking in human beings is a shameful blot on the contemporary world. It imposes unspeakable hardship and cruelty on millions of people. I support the Trafficking Victims Protection Act of 2000, because it provides a legal framework to attack this contemporary evil. This measure deserves our support, because it affirms our adherence to universally accepted norms of human rights and it gives concrete expression to our will to defend and extend those rights.

Mr. GEORGE MILLER of California. Mr. Speaker, I am in support of this legislation to address the issue of international sex trade. I thank the author, Mr. SMITH, for offering this legislation and the Committee on International Relations for bringing it to the floor for discussion.

The approach of this legislation is admirable. It sets up a process whereby the United States will motivate other countries to strengthen their laws with regard to the illegal trafficking of women for sex. It recognizes that women and children from poorer nations are the primary targets for the sex trade industry. They are often lured into a scheme of travel, opportunity, and jobs, only to find themselves as indentured servants and sex slaves. They are isolated and have no means of escape. The legislation addresses this issue and provides a mechanism for the U.S. to withhold non-humanitarian aid to those countries which refuse to be proactive in their approach to help stop human trafficking from happening. Foreign countries must meet a minimum criteria to protect against illegal trafficking and to prosecute those individuals that profit from this despicable business. Along with providing states and territories with funding to establish programs designed to assist victims, H.R. 3422 also allows for victims to seek a change in their residential status under the Immigration and Nationality Act (INA) so that they can become permanent residents of the United States while seeking redress from their abusers.

The problem is this bill will not help the victims of sexual slavery in the U.S. territory of the Commonwealth of the Northern Mariana Islands (US/CNMI) where the INA does not apply. Just last month, the Central Intelligence Agency released a report entitled, International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime. The report identifies the CNMI as a United States locality used by international criminal organizations to import women for the sex industry. The US/CNMI is used both as a transfer point and a point of destination for human smugglers. Unfortunately, local enforcement of immigration in the CNMI has been unable and unwilling to halt this importation of sexual slaves. In fact, local immigration just permitted the importation of 300 young women from Russia to work in a new casino in the US/CNMI purportedly as waitresses and public relations staff even though none of them speak English.

The Republican leadership of this House has consistently refused to address the human rights abuses in the US/CNMI and now this legislation neglects to assist its victims. We need to be sure that as we encourage other countries to address the issue of illegal trafficking of women in the sex industry that we also make ourselves and our system a model for countries to look upon. The first and perhaps the easiest step is to make sure we protect victims of this industry beneath our own flag.

Mr. CONYERS. Mr. Speaker, of all the human rights violations currently occurring in our world, the trafficking of human beings, predominantly women and children, has to be one of the most horrific practices of our time. At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways. H.R. 3244 is a modest effort to eradicate forcible and/or fraudulent trafficking of persons into prostitution or involuntary servitude. The bill provides some protection for victims who would otherwise be deportable if identified by law enforcement by creating a new "T" visa category for eligible victims. Unfortunately, the bill reported out of the Judiciary Committee is much more restrictive than the bill originally introduced by Representative CHRIS SMITH and Representative SAM GEJDENSON. A compromise bill was substituted by the Republicans immediately prior to the Judiciary Committee mark-up to satisfy their unrealistic concerns that the bill would enable persons to fraudulently obtain a lawful status by claiming that they were a victim of sex trafficking or involuntary servitude.

In particular, the Committee-reported bill incorporated several significant restrictions on the availability of visas for victims of sex trafficking and involuntary servitude. Among other things, the bill requires that victims establish that their presence is a "direct result of trafficking;" that they did not "voluntarily agree" to such trafficking; that they have a "a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States" or "would suffer extreme hardship in connection with the trafficking upon removal from the United States;" and limits the Attorney General's authority to waive grounds of inadmissibility for trafficking victims. Each one of these requirements represents a marked departure from the spirit and text of the introduced version of the legislation, and each has the potential to prevent real victims of the legislation, and each has the potential to prevent real victims of sex trafficking and involuntary servitude from receiving refuge from their tormentors.

Further, the bill unnecessarily caps at 5,000 per year the number of victims who can receive a nonimmigrant visa and caps at 5,000 per year the number of victims who can become permanent residents. Because estimates of the number of trafficking victims entering the United States are greater than 5,000 per year, we see no reason not to provide protection to the 5,001st who has been the subject of such terrible acts.

Not only would the original bill have been more helpful to victims and their families, I believe that we should be doing far more to protect not just the victims of sex traffickers and involuntary servitude but also the victims of other forms of abuse such as battered immigrants and sweatshop laborers. I hope we have the opportunity to consider such legislation in the near future.

Finally, I would like to note for the record my understanding of two somewhat technical issues. First, regarding the phrase in the new "T" visa provision that makes visas available to, "an alien, and the children and spouse of the alien if accompanying or following to join the alien, who * * *." It is clear that the principal foreign national who is applying for the visa must meet the criterion for eligibility which includes proof that he or she is or has been a victim of a severe form of trafficking and several other requirements. The possible ambiguity is with respect to whether a child or spouse accompanying or following to join the principal foreign national also has to meet those requirements. However, I have been assured that the intention of the provision is for the child or spouse to receive derivative benefits from the principal foreign national who is applying for the visa. The spouse and child do not have to meet the eligibility requirements themselves.

The bill also would permit trafficking victims who have been here for three years to become lawful permanent residents of the United States. This issue concerns the possibility of a misinterpretation in this provision too. Whereas the new nonimmigrant visa provision applies one eligibility criterion to "children" and another criterion to "sons and daughters (who are not children)," the provision for adjustment of status only addresses criterion applicable to "unmarried sons and daughters." In a perfect world, I would have preferred to use the term "children" in the adjustment of status context to explicitly state that "children are eligible for derivative permanent resident status. That being said, I accept the sponsors position that in the case of adjustment of status, derivative status is available to unmarried sons and daughters, which includes children, of the principal foreign national.

Mr. HOEFFEL. Mr. Speaker, I rise in support of H.R. 3244, the Trafficking Victims Protection Act of 2000.

The illegal trafficking of women and children for prostitution and forced labor is one of the fastest growing criminal enterprises in the world.

Globally, between 1 and 2 million people are trafficked each year. Of these, 45,000 to 50,000 are brought to the United States. Some are made to work in illegal sweatshops, while many more are forced into prostitution or domestic servitude here in the United States.

There is an increasing need for adequate laws to deter trafficking. This legislation is meant to combat this modern day form of slavery by including provisions to punish traffickers and protect its victims.

Specifically, H.R. 3244 would require the Secretary of State to include informaiton on trafficking in the Annual Country Reports on Human Rights Practices. This bill would also require the President to appoint an Interagency Task Force to Monitor and Combat Trafficking and authorizes the Secretary of State to establish an Office to Monitor and Combat Trafficking to assist the Task Force.

This bill also has strong enforcement mechanisms. For example, H.R. 3244 would establish minimum standards applicable to those countries found to have significant trafficking problems to prevent, punish, and eliminate trafficking. If these countries do not meet the minimum standards, the President would be authorized to withhold nonhumanitarian assistance. This legislation would also require the Secretary of State to publish a list of those believed to be involved with illegal trafficking and would allow the President to impose International Emergency Economic Powers Act (IEEPA) sanctions against any individual on this list.

Mr. Speaker, I urge passage of this important legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3244, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, as amended.

The Clerk read as follows:

H.R. 4386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Prevention and Treatment Act of 2000".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking "or" at the end;

(B) in subclause (XVII), by adding "or" at the end; and

(C) by adding at the end the following:

"(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);".

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) Individuals described in this paragraph are individuals who—

"(1) are not described in subsection (a)(10)(A)(i);

"(2) have not attained age 65;

"(3) have been screened for breast and cervical cancer under the Centers for Disease

Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

"(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).".

(3) Limitation on Benefits.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking "and (XIII)" and inserting "(XIII)"; and

(B) by inserting ", and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer" before the semicolon.

(4) Conforming amendments.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking "or" at the end;

(B) in clause (xii), by adding "or" at the end; and

(C) by inserting after clause (xii) the following:

"(xiii) individuals described in section 1902(aa),".

(b) Presumptive Eligibility.—

(1) In general.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

"PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

"Sec. 1920B. (a) State Option.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

"(b) Definitions.—For purposes of this section:

"(1) Presumptive eligibility period.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) Qualified entity.—

"(A) In general.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) Regulations.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(C) Rule of construction.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

"(c) Administration.—

"(1) In general.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) Notification requirements.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) Application for medical assistance.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

"(d) Payment.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period;

"(B) by a entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5).".

(2) Conforming amendments.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section".

(c) Enhanced Match.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(3)"; and

(2) by inserting before the period at the end the following: ", and (4) the Federal medical assistance percentage shall not be less than 75 percent with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)".

(d) Effective Date.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(e) Sense of Congress.—It is the sense of Congress that the amendments made by this section, as enacted into law, should conform to the levels of new budget authority and budget outlays of the most recently adopted concurrent resolution on the budget for the fiscal years that are subject to such resolution, and to the extent that those amendments result in estimated expenditures for the five-fiscal-year period beginning with fiscal year 2001 in excess of such levels, that excess for such period should be fully offset before this section is enacted by both houses of Congress.

SEC. 3. HUMAN PAPILLOMAVIRUS; ACTIVITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317G the following section:

"HUMAN PAPILLOMAVIRUS

"Sec. 317H. (a) Surveillance.—

"(1) In general.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(A) enter into cooperative agreements with States and other entities to conduct sentinel surveillance or other special studies that would determine the prevalence in various age groups and populations of specific types of human papillomavirus (referred to in this section as 'HPV') in different sites in various regions of the United States, through collection of special specimens for HPV using a variety of laboratory-based testing and diagnostic tools; and

"(B) develop and analyze data from the HPV sentinel surveillance system described in subparagraph (A).

"(2) Report.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) not later than one year after the effective date of this section.

"(b) Prevention Activities; Education Program.—

"(1) In general.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct prevention research on HPV, including—

"(A) behavioral and other research on the impact of HPV-related diagnoses on individuals;

"(B) formative research to assist with the development of educational messages and information for the public, for patients, and for their partners about HPV;

"(C) surveys of physician and public knowledge, attitudes, and practices about genital HPV infection; and

"(D) upon the completion of and based on the findings under subparagraphs (A) through (C), develop and disseminate educational materials for the public and health care providers regarding HPV and its impact and prevention.

"(2) Report; final proposal.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) not later than one year after the effective date of this section, and shall develop a final proposal not later than two years after such effective date, including a detailed summary of the significant findings and problems. The report shall outline the further steps needed to make HPV a reportable disease and the best strategies to prevent future infections.

"(c) CONDOM EFFECTIVENESS; EDUCATION.—The Secretary shall require that the Department of Health and Human Services and all contractors, grantees, and subgrantees of such Department specifically state the effectiveness or lack of effectiveness of condoms in preventing the transmission of HPV, herpes, and other sexually transmitted diseases in all informational materials related to condoms or sexually transmitted diseases that are made available to the public. The Secretary shall assure that such information is made available to relevant operating divisions and offices of the Department of Health and Human Services. This subsection shall be effective within 6 months of the date of its enactment.".

SEC. 4. LABELING OF CONDOMS WITH RESPECT TO HUMAN PAPILLOMAVIRUS.

(a) IN GENERAL.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(u) If it is a condom, unless its label and labeling bear information providing that condoms do not effectively prevent the transmission of the human papillomavirus and that such virus can cause cervical cancer.".

(b) APPLICABILITY.—The amendment made by subsection (a) applies to condoms manufactured on or after the expiration of the 180-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today Mother's Day comes a few days early in this House because of the hard work in a bipartisan fashion of a number of different leaders in the House of Representatives, beginning with the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). Without his support and his commitment to this legislation, we simply would not be here right now.

Mr. Speaker, the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, deserves our respect and our appreciation for having addressed the merits of this bill in hearings and then supported it throughout the process.

I also commend the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentlewoman from Florida (Mrs. FOWLER) and the gentlewoman from Ohio (Ms. PRYCE), my colleagues, for their considerable influence with the leadership and with the membership to help move this along.

Finally, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK), who for her entire tenure in the House has been focused on issues involving those people who are in struggles and need to build better partnerships. She has been an incredible advocate for women who face breast and cervical cancer and as the lead sponsor on this bill, I express my deep appreciation.

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Mr. Speaker, I want to tell my colleagues a story. It is a true story. It is a story about one of my constituents, but she can just as well have been born or lived somewhere else in America. It is about a woman named Judy Lewis.

See, Judy is a woman of modest means. She is an honest woman. She works as a waitress. Her employer, like a lot of employers throughout America, cannot afford to give his employees health insurance. On a waitress' salary, Judy cannot afford to purchase a policy either.

So imagine Judy's delight when she heard of a Federal program that would provide breast and cervical cancer screenings free of charge. So Judy went out and had herself screened, just as the Federal Government has encouraged her to do.

Mr. Speaker, one can imagine how Judy's delight turned to devastation when she received the diagnosis of breast cancer. One can imagine how her devastation turned to utter despondency when she was told that this Federal program was limited solely to cancer screening and that there was no treatment to be had.

Mr. Speaker, Judy Lewis found herself facing hard, hard options that I would not wish on anyone. She was forced to spend her life savings, to reduce herself to penury, in order to qualify for the Medicaid program that might just save her life.

Mr. Speaker, there are thousands of Judy Lewises out there. Thousands of women who are forced to face a Hobsons choice between a flatline or the bread line, between chemotherapy or the homeless shelter.

Mr. Speaker, it is about time that Congress acted, and it is about time that we filled in this deadly crack in our medical system that is consuming thousands of women like Judy Lewis each and every year.

Mr. Speaker, this is a good bill. This is a just bill. Let us work to make sure that no American woman would needlessly die of these deadly yet treatable diseases.

I want to conclude by emphasizing once again, Mr. Speaker, the bipartisan nature of this bill. I want to thank the gentleman from Ohio (Mr. BROWN), and I want to thank the gentlewoman from California (Mrs. CAPPS), and I would like to thank the gentlewoman from California (Ms. ESHOO) for their work on this as well.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) for their hard work on behalf of women screened under the CDC National Breast and Cervical Cancer screening program. H.R. 1070 has tremendous support with 315 cosponsors.

In 1990, Congress passed a Breast and Cervical Cancer Mortality Prevention Act authorizing funding for a national breast and cervical cancer screening program, focusing on uninsured and under-insured women. The program is federally funded and locally operated, and it works.

My home State of Ohio set up 12 local screening sites providing coverage for all of Ohio's 88 counties. Since its inception, some 16,000 women in my State have been screened for cervical and breast cancer, and cancer has been detected in more than 200 women.

Early detection alters the odds of successful treatment dramatically, restoring precious years otherwise lost to these devastating cancers. But there is a catch. Early detention is a futile and ultimately cruel exercise if the cancer diagnosis does not trigger appropriate treatment. They go hand in hand.

The 1990 bill authorizes funding for screening but not for treatment. Screening alone surely cannot reduce cancer mortality. Thankfully, only a small percentage of women screened under the CDC program were actually diagnosed with cancer.

Imagine if one of these women was your sister, your mother, your wife, your daughter. Maybe she works for a company that does not offer health insurance. Maybe she is out of a job. Maybe you are.

With our encouragement, she participates in the CDC cancer screening program and learned she has life threatening cancer. What is next? If we pass this bill, she will face cancer with doctors and in a setting that makes sense. If we do not, she will be relegated to charity care. It is as simple as that.

The Nation can make a small investment and, in so doing, reduce cancer mortality, promote cost-effective early detection and prevention of cancer, and spare seriously ill women the added trauma of cobbled together often-ineffective care. Or we can look the other way.

There is only one right answer, Mr. Speaker. We need to pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), the primary sponsor of this legislation.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman from New York (Chairman LAZIO) for yielding me this time.

I am so pleased to be able to be here today and support this bill because it is a great day for American women. Today we can actually pass a bill that is going to ensure that low-income working women can get treatment for their breast or cervical cancer.

This is a bill that covers women who are not eligible for Medicaid and too young for Medicare, but are caught in that crack of not having insurance coverage for a lot of reasons. Some, their employer does not provide it. Other times, they just flat cannot afford it.

So this program is a follow-up to something Congress has been doing for the last 10 years. We have been providing screening for breast and cervical cancer. But then if the woman is told that she has cancer, the critical aspect of treatment is not there. A lot of them are sent home with no treatment options.

By establishing this service, they are going to have that peace of mind that they will receive the care that they need. If we care enough to screen the women, we certainly should care enough to be able to provide the treatment.

I am very fortunate. I am currently undergoing treatment for breast cancer, but I have insurance. It is paying my thousands and thousands of dollars of medical bills. But the women that we are talking about today do not have that luxury. I cannot imagine anything more devastating than being told one has cancer, but I am sorry, there is no way one can get treated. I mean, one goes through enough emotional turmoil when one has to deal with this disease alone, let alone knowing that there is no hope there for one as a human being to continue to lead the rest of one's life, live the rest of one's life in a healthy manner.

So this is not only a great day for American women, it is a great Mother's Day gift for American women because, yes, Sunday is Mother's Day.

I would like so much to thank the gentleman from New York (Mr. LAZIO) and the gentlewoman from California (Ms. ESHOO) who have taken the lead on this bill. I thank Speaker HASTERT for his willingness to bring it to the floor.

I urge all of my colleagues to support the bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ESHOO) who has done yeoman's work in pushing this bill to the House floor.

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Ohio, the ranking member, for yielding me this time.

Mr. Speaker, I rise in support of the legislation that is here on the floor under suspension, which, to the American people, what that means is that there are so many people that support this that we do not have to worry about its passage.

On March 11, 1999, we held a press conference. The gentleman from New York (Mr. LAZIO) and myself brought about this bill, and I am very proud to be the chief Democratic sponsor of it.

On that day, I issued a challenge, our challenge to ourselves and the women around the country, that we would lobby the Congress and all of its Members so that, by Mother's Day of last year, we would have more than a simple majority to pass the bill. I did not realize what a fight we had on our hands.

We are here today for a bill that today, as brought to the floor, has three cosponsors. Why did it go from 315 to 3? Because last Friday the bill was gutted, plain and simple.

Now, this bill is not about my work. This bill is really not about the work of the gentleman from New York (Mr. LAZIO). This bill is about a need of women to have treatment for breast and cervical cancer. That is why I brought everything that I could to it.

The reason the bill was reconstituted with money in it, make no mistake about it, is because of the National Breast Cancer Coalition and its brave and courageous members. They were the ones that put in the telephone calls to the Speaker's office and to the leadership and said, unless you retain money in the bill, the Congress might as well send a greeting card to the families of America who have been victimized by either breast or cervical cancer, and said we are thinking about you on Mother's Day.

So I rejoice for them and their courageous advocacy, because, were it not for the National Breast Cancer Coalition, Mr. Speaker, we would not be here today with the reconstituted bill, because it was gutted and thrown by the side of the road last week.

This is a need in our Nation. Imagine women being victimized, not once, but twice, first by the breast or cervical cancer and then by a lack of insurance coverage. These are the waitresses, these are the uninsured or the underinsured women of our Nation.

So we do noble work for them today by passing this and saying to them that America is a better country, that she can, indeed, step up to and fund and advocate for and recognize where there is a weak link, where something is broken in our society.

I want to salute everyone in the House that was a cosponsor of H.R. 1070. That was the legislation that really allowed this to happen today. I want to thank all of my colleagues for having done that. It was a very important bipartisan effort. No major legislation in this House, no meaningful legislation can ever pass the Congress unless it is bipartisan.

So as we used to say when we were kids, sticks and stones may break my bones, but no one is going to break the spirit of those that need the most of what they need; and those of us in this House are going to insist that it be done the way it should be done in order to make it happen for them.

So God bless the women. Happy Mother's Day. They deserve it. They earned it. I thank the National Breast Cancer Coalition.

Mr. LAZIO. Mr. Speaker, I include for the RECORD the letter of glowing support of H.R. 4386 from the National Breast Cancer Coalition, as follows:

NATIONAL BREAST CANCER COALITION,
May 9, 2000.

DEAR CONGRESSPERSON: On behalf of the National Breast Cancer Coalition (NBCC) and the 2.6 million American women living with breast cancer. I urge you to support H.R. 4386, the substitute for H.R. 1070, the Breast and Cervical Cancer Treatment Act, when it comes to the House floor for a vote today. H.R. 4386 is bi-partisan legislation offered by Representatives Myrick (R–NC), Danner (D–MO), and Lazio (R–NY). This legislation is very similar to H.R. 1070, the Breast and Cervical Cancer Treatment Act, offered by Representatives Lazio (R–NY), Eschoo (D–CA), Ros-Lehtinen (R–FL) and Capps (D–CA), one of NBCC's priority issues for the 106th Congress.

H.R. 4386 would give states the option of providing Medicaid coverage to low-income women who are screened and diagnosed with breast and cervical cancer through the Centers for Disease Control and Prevention's (CDC) National Breast and Cervical Cancer Early Detection Program. While the CDC Early Detection Program currently provides screening for breast and cervical cancer for low-income, uninsured and underinsured women, if lacks a critical aspect—funding for treatment for women diagnosed with these cancers. These women are often working mothers who are too young for Medicare and whose incomes are too high for Medicaid, but who do not have health insurance. Screening must be coupled with treatment to reduce mortality.

H.R. 4386, like H.R. 1070, also includes the enhanced match of 75% Federal-25% State dollars for treatment, instead of the basic 60% Federal-40% State dollars. This enhanced match is a major incentive for governors to enroll their states in the program once the bill is signed into law so that these women can be created for their cancers. Many governors, including George W. Bush, have endorsed this legislation.

Congress provided funding for H.R. 4386 in the FY 01 Budget Resolution. President Clinton also included funding for this program in his FY 01 budget. H.R. 1070, which contains almost all of the same provisions as H.R. 4385, has 315 co-sponsors. The Breast and Cervical Cancer Treatment Act passed unanimously out of the House Commerce Committee.

Please vote "yes" on H.R. 4386. NBCC will record Members' votes on this legislation in our 2000 Voting Record, which will come out prior to the November elections.

With all of this support, we must pass H.R. 4386. Let's give all the mothers in this country the best gift we can this Mothers Day week—peace of mind that we are one step closer to assurance that if they are diagnosed with breast or cervical cancer they will receive the life-saving treatment they need.

Sincerely,

FRAN VISCO,
President.

Mr. LAZIO. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) who has been just an amazing advocate for this bill and for women who struggle with breast and cervical cancer.

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the gentleman from New York (Mr. LAZIO) for his tireless leadership efforts on this bill because today marks a significant day in women's history as we will help decide the fate of scores of women throughout our country.

The bill before us, the Breast and Cervical Cancer Treatment Act, is a bill that has long been awaited by our Nation's mothers and daughters whose lives have been touched by breast or cervical cancer.

Women's cancers are sweeping the Nation at high speeds. While researchers continue to look for cures and effective treatments, many women will never be able to see the benefits of such research because they simply are not able to afford it.

The bill before us will enable many low-income women to receive the necessary life treatment, life saving treatment through a State-optional Medicaid benefit which will help provide coverage for treatment for women who are screened and diagnosed through the Federal CDC Early Detection Program.

Today, if we pass our bill, our Nation's women will finally be given a fighting chance at beating a life-threatening disease. Today if we pass the bill of the gentleman from New York (Mr. LAZIO), low-income women everywhere will have peace of mind that, should she ever be diagnosed with breast or cervical cancer, life-saving treatment will be made available to them.

Despite education on preventative measures and early detection, the rate of cancer among women continues to increase at an alarming rate. Every 64 minutes, a woman is diagnosed with a reproductive tract cancer; and just today, one in eight women will be diagnosed with breast cancer.

The gentlewoman from North Carolina (Mrs. MYRICK), our own colleague, shared with us how her life has been directly touched by breast cancer. Fortunately for the gentlewoman, she is among the fortunate ones who can afford life-saving treatment after diagnosis, but many women unfortunately are not as lucky.

As cancer eats away at their spirits, many women are left to scramble and search for funding. They are forced to hold bake sales and car washes just to be able to afford the necessary life-saving treatment they so desperately need.

As role models and community leaders, we encourage all mothers and daughters to have mammogram screenings and take early detection measures. Today, Congress can make a difference and give mothers all over the country the best gift this coming Mother's Day by giving them life.

By passing the bill of the gentleman from New York, (Mr. LAZIO), the Breast and Cervical Cancer Treatment Act, we can give women a fighting chance at beating cancer. It is the very least that all of us in Congress can do for mothers and women everywhere.

I thank our colleagues for their extraordinary leadership, especially the gentleman from New York (Mr. LAZIO). I also thank the gentlewoman from North Carolina (Mrs. MYRICK) whose perseverance in the battle to eradicate breast cancer has been a strong inspiration for all of us.

When battling a fierce and treacherous disease such as cancer, every minute counts. Mr. Speaker, many of our Nation's mothers and daughters cannot wait any longer. I urge my colleagues to vote for passage of H.R. 4386, to extend to them the gift of life.

□ 1330

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 4386, the Breast and Cervical Cancer Treatment Act of 2000. This bill is a variation of legislation originally introduced by the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) as H.R. 1070. Because of the untiring efforts of both of these sponsors, that legislation was finally considered by the Committee on Commerce and passed by a vote last October.

The gentlewoman from California (Ms. ESHOO) has continued to work to see that this legislation would receive consideration by the full House. She has been a driving force for this legislation. In view of those efforts, I find it disturbing that her name appears nowhere on the legislation before us today. Instead, we have a new bill and new Republican lead sponsors.

The bipartisan way this bill has been approached from the beginning is now paid lip service at best. Well, that will not fool the many groups who have long fought for this bill and who know the dedication of the gentlewoman from California (Ms. ESHOO) and many other Democrats who have fought for this effort as well. It will not fool the women of America.

I think it reflects poorly on the Republican leadership for trying to take sole partisan credit for a bill that has been bipartisan from the very beginning and is bipartisan in support of this legislation today. The Republicans are trying to take partisan credit for this bill, and by the time we are finished, they will take partisan credit for Mother's Day.

I regret also that the bill that is before us is not going to even be put into effect until the year 2001. This bill should have been effective immediately. It should have been brought up last year. Instead, what we have is a bill that will not be effective until 2001 but is called the Breast and Cervical Cancer Treatment Act of 2000.

Notwithstanding these last-minute changes, this bill will provide crucial treatment and follow-up services under Medicaid for women screened under the Breast and Cervical Cancer Screening Program who are found to have cancer.

Mr. Speaker, I was chairman of the Subcommittee on Health and the Environment when we originally passed the Breast and Cervical Cancer Screening Program into law. It was an important step forward. We did it on a bipartisan basis. It has proved to be a real success story in helping women. It remains a law that I am proud of. But when we have no services available for women who find that they have breast cancer, it, one, discourages many from even going in to be screened, and it is inhumane not to have those services available.

However, there is one part of this bill that was added in committee that is of great concern to me, and I want to point that out. I believe the mandate concerning human papilloma virus, HPV, was a well-intended but deeply misguided provision. From a public health point of view, this provision will not achieve a meaningful improvement in health or in the prevention of HPV. On the contrary, it threatens to discourage the use of condoms in preventing other sexually transmitted diseases, including HIV and AIDS.

I urge my colleagues to support the bill because of its important contributions to the treatment and care of American women with breast and cervical cancer.

Mr. Speaker, I rise in support of H.R. 4365, "The Children's Health Research and Prevention Amendments of 2000." This bill includes many important provisions which will advance the treatment, cure and prevention of many childhood diseases and disorders.

IMPORTANT TITLES ON ASTHMA AND AUTOIMMUNE DISEASES

I am very pleased that H.R. 4365 includes two titles which I have authored. Both titles promise to make significant advances in the treatment and prevention of childhood asthma and of autoimmune diseases, like multiple sclerosis, juvenile diabetes and lupus: Title V of this bill consists of H.R. 2840, "The Children's Asthma Relief Act of 1999," introduced by Congressman FRED UPTON and myself; and title XIX is based on H.R. 2573, "The NIH Office of Autoimmune Diseases Act of 1999," which was authored by Congresswoman CONNIE MORELLA and myself.

CHILDREN'S ASTHMA RELIEF ACT

Today, more than 5 million American children have asthma, one of the most significant and prevalent chronic diseases in America. Surgeon General David Satcher recently concluded that the United States is "moving in the wrong direction, especially among minority children in the urban communities."

That is why the Children's Asthma Relief Act provides new funding for pediatric asthma prevention and treatment programs, allowing States and local communities to target and improve the health of low-income children suffering from asthma. The act would also increase the enrollment of these children into Medicaid and State Children's Health Insurance Programs, (CHIP), such as California's Healthy Families.

I am particularly pleased that title V of H.R. 4365 includes mobile "breathmobiles" among the community-based programs eligible for funding. These school-based mobile clinics were developed by the southern California chapter of the Asthma and Allergy Foundation of America, in conjunction with Los Angeles County, Los Angeles Unified School District, and the University of Southern California.

Finally, this title reflects the leadership and work of Senators DICK DURBIN and MIKE DEWINE. It also has the strong support of leading child health and asthma organizations, including the American Lung Association, the American Academy of Pediatrics, Association of Maternal and Child Health Programs, the National Association of Children's Hospitals, the American Academy of Chest Physicians, and the Children's Health Fund.

NIH INITIATIVE ON AUTOIMMUNE DISEASES

I am also pleased that H.R. 4365 establishes a new initiative at NIH to "expand, intensify and coordinate" research and education on autoimmune diseases.

Last year, Congresswoman MORELLA and I introduced "The NIH Office of Autoimmune Diseases Act of 1999." This legislation created an office in the NIH Office of the Director to ensure the Federal funding of autoimmune disease research is used optimally and that clinical treatments are developed as rapidly as possible.

There are more than 80 autoimmune diseases—including multiple sclerosis, lupus, and rheumatoid arthritis—in which the body's immune system mistakenly attacks healthy tissues. These diseases affect more than 13.5 million Americans and are major causes of disability. Most striking of all, three-quarters of those afflicted with an autoimmune disease are women.

Research on autoimmune diseases is spread through many institutes of the National Institutes of Health (NIH), just as treatments involve many clinical specialties. Increasingly, however, scientists are identifying the common risk factors and symptoms of autoimmune diseases. This is why greater coordination and additional resources are needed in our Nation's autoimmune research effort.

Title XIX of H.R. 4365 adopts our office, transferring its activities and mission to an Autoimmune Diseases Coordinating Committee. Composed of NIH institute directors and permanently staffed with scientists and health professionals, the coordinating committee would be advised by a public advisory council.

Most significantly, the coordinating committee, in close consultation with the advisory council, will develop a plan for research and education on autoimmune diseases. The plan will establish NIH priorities and the Director of NIH will ensure the plan is fully and appropriately funded. The strategic plan would create crucial new funding opportunities for autoimmune research, based on the professional and scientific judgments of researchers, patients, and clinicians.

Finally, the committee would report to Congress on implementation of the plan, including the actual amounts dedicated by NIH to autoimmune disease research. The committee will also prospectively identify areas and projects of great promise which Congress should support.

I cannot overstate the importance of these activities. In conjunction with the strategic plan, these reports will provide an objective, scientifically sound roadmap to Congress and NIH to follow in the pursuit of new treatments and cures for autoimmune diseases.

CONTROVERSY CONCERNING TITLE XII ON ADOPTION AWARENESS

However, I do have serious concerns over one section of this bill—title XII's adoption awareness provisions. This title was the subject of great controversy and debate. The original language raised many serious objections concerning adoption policy as well as abortion policy.

These objections were made by Members, including myself, and important public health organizations including the American College of Obstetricians and Gynecologists, the National Association of Community Health Centers, and the National Abortion and Reproductive Rights Action League.

I recognize the sincerity of Chairman BLILEY's concern on the issue of adoption. And he has clearly made significant efforts to achieve a compromise and to remove the more troubling provisions from this title.

But while I support the passage of H.R. 4365, I join many colleagues in calling for careful scrutiny of this title when the legislation is in conference with the Senate. We must assure that its provisions do no harm to the provision of federally funded reproductive health services or to sensible adoption policy across the country.

Again, I urge passage of this bill's important provisions for children's health, and ask every Member to join me in voting for H.R. 4365.

Mr. LAZIO. Mr. Speaker, I yield myself 30 seconds just to respond, if I can, to the remarks of the gentleman from California.

First of all, I want to say it has been 10 years now since the Federal Government developed the screening program for low-income women who have breast and cervical cancer, and I am proud of the leadership in allowing us to bring this to the floor to finally address this. That is number one.

Number two, we are going to work very hard to try to ensure that we will move the effective date up to October of 2000 in conference. We are trying to make adjustments. Because of budgetary constraints and the budget resolution, we cannot move it any further until then.

Finally, let me just note that the gentlewoman from Missouri (Ms. DANNER), the last time I checked, was on the other side of the aisle and is a cosponsor of this bill. It is a bipartisan bill and I did try to pay tribute, in fact, to the gentlewoman from California (Ms. ESHOO), who has played an important role in moving this bill forward.

Mr. Speaker, I yield 2½ minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, first of all, I would like to pay tribute to the gentlewoman from California (Ms. ESHOO) and to the gentleman from New York (Mr. LAZIO) for their work on this bill. I do not think it would have come about without their efforts.

And I do not believe this has anything to do with partisan politics, and I am sorry that that has been raised as a part of this. The human papilloma virus, breast cancer, does not care what one's political affiliation is. It just is coming after us.

I also want to make clear the statements by the gentleman from California are erroneous. The number one sexually transmitted disease in this country today, that claims 15,000 lives, more lives than AIDS, is human papilloma virus. And for the American College of Obstetricians and Gynecologists to stick their head in the sands and say they do not really care about women because they do not want them educated about the number one risk factor for them developing cervical cancer.

It is true that 15,000 women will be diagnosed with cervical cancer this year. Fifteen thousand women will die. But hundreds of thousands of women will be treated for precancer dysplasia because we, as a government and health policy, have decided we are not going to let everybody know about the most dangerous sexually transmitted disease out there. This bill moves a long way toward that, of informing women of the actual method of transmission and the fact that prophylactic use of condoms will not prevent this disease.

ACOG did not dispute the facts. They just said they did not want the public to know. I think it is highly ironic in this day and time of advances in health care that those that control the power over the medical institutions have chosen to go against knowledge, against informing women. If they were to apply the same logic to breast cancer, they would not tell women about annual screening with mammograms, they would not tell women about how important it is for them to get a report back on their mammogram or to have a follow-up doctor visit or to do annual self-breast exams.

So I find it very ironic that, number one, this bill can be claimed to be partisan. It is not. The gentlewoman from Missouri (Ms. DANNER), the gentlewoman from California (Ms. ESHOO), and many others in this Chamber have worked hard to see that this bill came to fruition, including the ranking minority member of this subcommittee. Let us not let it be partisan.

Number two, let us not deny scientific truth. Let us let people know what they are at risk for. That is all this is about, to inform the public of the risks that are out there in terms of a disease that causes more deaths than AIDS in this country, and it is preventable.

And, Mr. Speaker, I am providing for insertion into the RECORD a letter from the Medical Institute on Human Papilloma Virus.

THE MEDICAL INSTITUTE,
Austin, TX, May 9, 2000.

PRESS RELEASE

HOUSE TO DECIDE WHETHER AMERICANS SHOULD BE TOLD THE TRUTH ABOUT THE MOST COMMON STD, HUMAN PAPILLOMA VIRUS (HPV)

AUSTIN, TEXAS (May 9, 2000).—Today the House of Representatives will consider the Breast and Cervical Treatment Act legislation (H.R. 4386). This important legislation has the potential to dramatically decrease the number of lives shortened each year by cervical cancer, which results from the most common STD, human papilloma virus (HPV).

H.R. 4386 would make HPV and cervical cancer prevention a new public health priority. The bill directs the CDC to determine the prevalence of HPV, and to develop and disseminate educational materials for the public and for health care providers regarding the impact and prevention of HPV. In addition, condom labels and government sponsored informational materials would be required to state that condoms do not prevent the transmission of HPV and that HPV can cause cervical cancer.

This bill is particularly significant in that it would make HPV a reportable disease to the Centers for Disease Control and Prevention. This action would make it possible to accurately assess how many individuals are hurt by the disease each year. Current estimates suggest that 75 percent of all sexually active adults currently have, or previously had, an HPV infection—that's over 80 million Americans between the ages of 15 and 49.

Current labeling on condom packages suggests that condoms protect users from HIV and other sexually transmitted diseases, including HPV. This bill would require condom packaging and public health messages to warn the public that condoms do not provide adequate protection for HPV transmission, which can lead to cervical cancer.

Most Americans—including American health care professionals—are currently unaware of HPV's dramatic prevalence.

HPV is the most common viral STD in the United States. Current estimates suggest that 5.5 million Americans acquire the infection each year.

HPV is the virus present in over 93 percent of all cervical cancers (according to a 1995 study, in the Journal of the National Cancer Institute).

More women die from cervical cancer than die from AIDS each year in the U.S.

In addition to cervical cancer, HPV can lead to vaginal, vulvar, penile, anal and oral cancer. According to the National Cancer Institute, the evidence that condoms do not protect against HPV is so definitive that "additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission is not warranted."

Dr. Richard Klausner of the National Cancer Institute has stated, "condoms are ineffective against HPV because the virus is prevalent not only in mucosal tissue, but also on dry skin of the surrounding abdomen and groin, and can migrate from those areas into the vagina and cervix."

Despite these findings, The American College of Obstetricians and Gynecologists (ACOG) does not support this legislation. In a letter sent to the members of the House, the College states, "We believe that the HPV language included in H.R. 4386 is not medically appropriate. Indeed, we feel the language, if passed, would discourage condom use although condoms are effective in preventing other serious STDs such as HIV/AIDS."

This statement indicates that ACOG has abandoned its responsibility to inform the American public about the truth: condoms don't protect against the transmission of the most common STD—HPV. It's worth noting that ACOG is not questioning the medical accuracy of the legislation. They are simply fearful that the data might discourage condom usage (although there is no scientific or anecdotal evidence to support this conclusion).

H.R. 4386 must be passed to protect the future health of Americans. Americans have a right to know the truth about human papilloma virus (HPV). It is only when individuals know the facts that they can make informed decisions that impact their personal health and future happiness. The Medical Institute applauds the House for addressing this important issue.

The Medical Institute is a nonprofit medical organization founded in 1992 to confront the worldwide epidemics of nonmartial pregnancy and sexually transmitted infection with incisive health care data.

Mr. BROWN of Ohio. Mr. Speaker, how much time is remaining for each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Ohio (Mr. BROWN) has 11½ minutes remaining, and the gentleman from New York (Mr. LAZIO) has 9 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, during the break between the first and second session of the 106th Congress the gentlewoman from North Carolina (Mrs. MYRICK) and I had similar schedules to many of our compatriots here on the floor; cutting ribbons, going to civic affairs, meeting with our constituents in general. However, she and I differed from other Members in a very significant way. We each began our personal battle against breast cancer.

Fortunately, we were diagnosed very early. And since each of us have routine physical checkups and mammograms, our diagnoses were followed immediately by treatment because we both had insurance to cover us. And I might mention that we do pay premiums for that insurance. Some people wonder about that.

Unfortunately, there are many women who do not have the ability to pay for treatment after being diagnosed with breast or cervical cancer. This is a most tragic situation that this legislation seeks to address.

Because of my early diagnosis and subsequent treatment, along with millions of other women in America, I am a survivor. The early detection of my cancer has strengthened my belief in the vital role of having a regular mammogram and an annual physical checkup. I attribute my favorable and fortunate outcome to this diligence, and I encourage all women to take similar action for themselves, their families and their loved ones.

There is no denying that this short examination each year can be rather unnerving, rather trying, but I promise it may be a life-changing and, indeed, it may be a lifesaving experience for any woman and her family.

I urge all Members of this body to adopt this legislation, Mr. Speaker.

Mr. LAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment of the Committee on Commerce, and a true advocate for all people suffering with cancer.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 4386, this bipartisan bill, and I emphasize bipartisan bill, which was introduced by our colleagues the gentleman from New York (Mr. LAZIO), the gentlewoman from North Carolina (Mrs. MYRICK), and the gentlewoman from Missouri (Ms. DANNER).

This bill would allow States to expand coverage under the Medicaid program to breast and cervical cancer patients who have been screened through the National Breast and Cervical Cancer Early Detection Program. I was pleased to secure passage of similar legislation through my Subcommittee on Health and Environment last year, and that legislation was clearly ramrodded by the gentlewoman from California (Ms. ESHOO), and we must really credit her for starting the ball rolling in this regard.

The screening program is administered by the Centers for Disease Control and Prevention. I had the opportunity to learn more about the agency's important work in this area during a trip which I took with the gentleman from Ohio (Mr. BROWN) to its Atlanta headquarters last year, and I was also proud to sponsor women's health legislation which was enacted into law in 1998 to reauthorize the screening program.

H.R. 4386 will close the gap, as others have already said, left open when the screening program was first created, and it represents an important step forward in the battle against breast and cervical cancer. I urge my colleagues to support passage of this critical measure which will give new hope to breast and cervical cancer patients in need as we continue the fight to find a cure for these terrible, terrible diseases.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DeLauro).

Ms. DeLAURO. Mr. Speaker, in the past decade, over 2 million women were diagnosed with breast or cervical cancer. One quarter of these women, America's mothers, daughters, sisters, and wives, will be taken from their loved ones by the disease.

As a cancer survivor, I recognize the importance of cancer research and I am committed to increasing funding for research. Today, over 8 million people are alive as a result of the progress of cancer research. It has increased the cancer survival rate. With early detection, there is hope. I am living proof of that. I survived ovarian cancer because it was caught early. It gave me a fighting chance.

Congress made a commitment to early detection when it passed the Breast and Cervical Cancer Mortality Prevention Act, providing low-income women with access to a mammogram or a Pap smear through the Centers for Disease Control's Breast and Cervical Cancer Screening. An important step. Early detection can make all the difference. As a result of this program, over three-quarters of a million women receive breast and cervical cancer screenings.

Because it helped detect their cancers early, many of these women were easily treated and cured. In too many cases, women who are screened receive the awful news that they are facing cancer. They are without treatment because they are without insurance. This is wrong and, thankfully, today, we can do something about it. By passing the Breast and Cervical Cancer Treatment Act, we can ensure that these women are not left to battle cancer alone. The legislation will make these women eligible for Medicaid so that they can get the care and the treatment that they need.

Being told that one has cancer is frightening enough; a million fears run through the mind all at once: Will I survive? What will happen to my family? The fear can be crippling. It takes the help of loved ones to build up strength to battle back. But love alone will not battle and defeat cancer. Access to treatment is critical. This legislation ensures that these women are given a fighting chance. I urge my colleagues to give it their full support.

Mr. LAZIO. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. Foley), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I want to thank the gentleman for yielding me this time, and I strongly support passage of H.R. 4386.

Breast cancer is a disease that can strike almost anyone, no matter how young or how healthy, no matter how rich or how poor. One of my friends was recently diagnosed with breast cancer. When she got her diagnosis, she was able to get the best care money could buy. She was soon on a plane to Sloan-Kettering to be treated by one of the foremost cancer doctors in the country. Once there, she received quick treatment and top quality reconstructive surgery. Then she was able to return to the comfort of her own home for a long recovery.

□ 1345

Tricia was also fortunate that she had a loving and supportive family to help her cope with this disease. Even though she was fortunate enough to have these benefits, she has still suffered great emotional and physical pain from the breast cancer, painful surgery, the sickness of chemotherapy, the loss of hair, and the terrible uncertainty of whether the cancer would spread or be eliminated completely.

I think of someone in Tricia's situation, and then I try to imagine what breast or cervical cancer would mean to someone with no health insurance, no good medical care, and no support network.

These women not only face the fear of having this disease, they must also cope with the costs associated with their medical treatment, they have to worry about how to pay for their treatment, about whether they will be fired from their job, if their recovery period is too long, and about who will take care of their children while they recover.

These fears also lead to denial and to a delay in diagnosis and treatment. This delay is one of the leading factors in breast and cervical cancer morbidity and mortality.

The passage of this bill will help eliminate these fears and give uninsured women the hope and help that they need to get treated quickly and, God willing, to get back their lives.

Saving someone's life should not be determined by how much money or health insurance someone has. Let us give those who do not have wealth or good insurance the same chance at life the rest of us enjoy.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. Lowey).

Mrs. LOWEY. Mr. Speaker, I rise in support of H.R. 4386, the Breast and Cervical Cancer Treatment Act, which has the potential to save the lives of thousands of American women.

Right now, with limited resources, only 15 percent of eligible women are being screened. But even if we could screen all eligible women, early detection is not enough. If we are serious about eradicating the scourge of breast and cervical cancer, all women diagnosed must have access to medical treatment.

The screening program was not designed to do that, and States have found themselves haphazardly and frantically cobbling together whatever resources they can. That is why this bill is so important.

I am truly delighted that this leadership brought the bill to the floor today. Yet, while I strongly support the overall bill, I do want to express my disappointment about the provisions dealing with human papillomavirus, which would make HPV a reportable disease and allow condoms to be labeled with a disclaimer that they do not effectively protect against HPV. I think it is critical that we get more research done and more education done with regard to HPV.

While there is a relationship between HPV and cervical cancer, the overwhelming majority of HPV cases do not result in cancer, and it is entirely too early to make HPV a reportable disease.

We also do not yet fully understand how condom use affects the transmission of HPV, and that is why again we must bolster the funding for HPV-related research and prevention programs. But it is imperative that we provide accurate information about HPV.

So I hope as the bill moves through the Senate we can work with our colleagues to address this issue, protect the health and safety of American women. Again, I want to reiterate my strong support for this bill.

Mr. LAZIO. Mr. Speaker, I now have the pleasure of yielding 2 minutes to the distinguished gentlewoman from Ohio (Ms. Pryce) a member of the House leadership.

Ms. PRYCE of Ohio. Mr. Speaker, let me first congratulate my good friend the gentleman from New York (Mr. Lazio) for his dedication to this cause and for his hard work in the battle against cancer on every front.

I also want to recognize the courage of my colleague the gentlewoman from North Carolina (Mrs. Myrick). Her own personal fight against cancer is truly inspiring. The battle she is waging is not just for her own survival but also to promote awareness so that other women may prevail against this dreaded and all too familiar disease.

The public education that promotes early detection is absolutely crucial for cancer patients. And in the case of breast cancer, education is no small task, since one in eight American women will develop breast cancer in her lifetime.

After breast cancer, cervical cancer is the second most commonly diagnosed malignancy in women, 15,000 each year. This cancer often has no symptoms, and regular pap smears are our best defense.

This legislation builds on efforts Congress has already taken to encourage early detection of these cancers among low-income women. While these services are absolutely critical, their value is significantly diminished if these women find out they have cancer but do not have the resources to access treatment.

Imagine coping with the fear of being diagnosed with cancer compounded by the prospect of having no way to pay for the treatment that could save your life.

This bill helps these vulnerable women by encouraging States to provide Medicaid coverage to those diagnosed. And, in my mind, if it is a good public policy to use tax dollars to help these women detect their disease, then certainly it is worth every penny we spend to help them fight it.

I urge all of my colleagues to join with me in giving these women hope by voting for the Breast and Cervical Cancer Treatment Act.

I congratulate the gentleman from New York (Mr. LAZIO) and the gentlewoman from North Carolina (Mrs. MYRICK).

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to my friend, the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, if this Congress does anything this year, this might be the bill to pass and get signed into law. This bill underscores the whole issue of the uninsured in this country.

When women are diagnosed with breast cancer or cervical cancer and do not have the means to get the treatment, it is effectively giving them a death sentence. This bill will, at least, start the process of trying to help these women and help them beat this disease, which they can.

Now, I want to give my colleagues a story about somebody in my district, a woman named Barbara Mitchell, who was recently diagnosed with Stage 3 breast cancer at the Rose Center at Pasadena, Texas. The Rose in my district does free examinations.

The problem is, once they you examined, if they cannot get treatment, they are pretty much out of luck.

Ms. Mitchell is 35 years old and cannot afford the treatment for her breast cancer. She fought her first battle with cancer in 1988. Although uninsured at the time, Ms. Mitchell beat her cervical cancer and she managed to pay for her services. But because of her previous cancer history, she cannot afford to buy prohibitively expensive health insurance.

At 32, when she discovered a lump in her breast and was treated for breast cancer through the public health system, because she owns a dance studio, she is considered to have assets and, thus, has to pay $26,000 and probably will have to sell her only business, her only asset.

Now, this is counterproductive to what Democrats and Republicans would want to see Americans do. We want to see them create more jobs, create small businesses, and beat this terrible disease. This bill will allow it to happen, and I think we ought to pass it and get it signed into law.

Mr. LAZIO. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. LAZIO) has 4 minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 4½ minutes remaining.

Mr. LAZIO. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, to honor Mother's Day on May 14, with passage of this bill, H.R. 4386, the Breast and Cervical Cancer Act, we will celebrate another step forward to stop the violence of cancer against women.

I want to congratulate the gentleman from New York (Mr. LAZIO), the gentlewoman from California (Ms. ESHOO), certainly the gentlewoman from North Carolina (Mrs. MYRICK), and the gentlewoman from Missouri (Ms. DANNER) who have indicated their own personal experiences have shown the need for this bill.

The legislation will provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer. Today the program provides screening for breast or cervical cancer but does not provide treatment. This must change. This bill will do it.

However, Mr. Speaker, while I strongly support this overall bill and its potential for saving lives, I am troubled with the provision on HPV and concerned that the proposed language could be problematic from a public health perspective. I hope the provision will be dropped in conference.

I do understand that there will be a meeting of some medical experts to discuss this issue and that meeting will be forthcoming. I look forward to that meeting to help to ameliorate this problem.

H.R. 4386 deserves to be passed unanimously by this body. Because, indeed, if we offer screening, we must offer treatment. Congress must and should pass the Breast and Cervical Cancer Treatment Act.

I again applaud the cosponsors and those who worked so hard, including the leadership, to help bring it to the floor now.

The proposed language on HPV and condom labeling could discourage condom use, thereby exposing men and women to the risks of HPV and other STDs, including HIV/AIDS.

The language of HPV belies the fact that condoms are highly effective in reducing the risk of contracting HPV and other STDs, including HIV/AIDS.

Mr. Speaker, there are over 100 strains of the HPV virus, and very few of these have the potential to lead to cervical cancer. It is misleading to have a label that does not clarify this point.

The HPV provision also suggests working to make HPV a reportable disease. Over 80 percent of the population has been found to carry one of the 100's of HPV strains. Reporting 80 percent of the population would not only be costly, but it is unrealistic.

Mr. Speaker, our goal should be to educate Americans about how to best prevent all STDs.

I support this H.R. 4386, it will save lives. This legislation will provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, as co-chair of the Congressional Caucus for Women's Issues, I rise in strong support of this bill and congratulate my colleagues who have been leaders on this issue on both sides of the aisle, the gentleman from New York (Mr. LAZIO), the gentlewoman from California (Ms. ESHOO), the gentlewoman from California (Mrs. CAPPS), the gentlewoman from Missouri (Ms. DANNER), the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from Connecticut (Ms. DELAURO).

Some of them have come to the floor today and shared their personal experiences that have highlighted the important need for this bill. This particular bill is one of the top priorities of the Women's Caucus, and we urge its passage.

The Center for Disease Control's National Breast and Cervical Cancer Early Detection Program provides screening services for low-income people who have little or no health insurance. But for many women who find that they have cancer from this important screening program, there is no guarantee of complete and comprehensive treatment.

This bill underscores the need for the uninsured and it underscores the fact that many, many women and, actually, many men cannot afford treatment. It is clear that much more needs to be done to provide coverage.

The bill, H.R. 4386, the Breast and Cervical Cancer Treatment Act, will help low-income women find resources to combat and, hopefully, cure cancer. I am a proud cosponsor of this legislation, and I encourage its swift enactment. It will save thousands and thousands of lives.

Mr. LAZIO. Mr. Speaker, it is now my pleasure to yield 1½ minutes to the distinguished gentlemen from Kentucky (Mr. FLETCHER), a fine Member of the House and a physician in his own right.

Mr. FLETCHER. Mr. Speaker, I stand before the House today to express my strong support for the Breast and Cancer Prevention Treatment Act.

Back a few weeks ago during the budget debate, myself, along with a number of colleagues, worked very hard to set aside what ended up being $250 million to provide treatment for those women that were identified to have breast and cervical cancer to make sure that they got Medicaid, that they got treatment if they were uninsured. So this certainly is a very important issue.

Also, in the State of Kentucky, we were able to get last year and worked very hard to get a CDC Cancer Prevention Center at the University of Kentucky. Because we have in Kentucky the highest rates of cervical cancer in the Nation. And, so, this bill is very important.

We also have a degree, unfortunately, levels of poverty and uninsured in Kentucky. This bill will be very important to make sure we address those needs, that those individuals first get detected early and, second, so that they can get the kind of treatment.

When we look at medical studies, we find that an individual that is hospitalized without insurance or coverage and matched demographically with others is three times more likely to die if they have no insurance versus having insurance.

So this bill is substantially, I believe, going to reduce morbidity and mortality to our women across the Nation and especially help at the University of Kentucky and in central Kentucky as we work to screen more individuals for breast and cervical cancer.

Let me talk briefly about HPV. Its unequivocally associated with cervical cancer. No question from a medical standpoint that it is associated. I think it is time for us to be honest to make sure that we report this and reduce the number of deaths.

I rise to support this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE) who has done excellent work on this bill.

Ms. DEGETTE. Mr. Speaker, I want to thank everybody who has worked on this legislation, most particularly my colleague the gentlewoman from California (Mrs. ESHOO) and my colleague the gentleman from New York (Mr. LAZIO).

In general, it is a good piece of legislation. However, I am deeply concerned about the provision included on human papilloma virus, or HPV, because I think from a public health perspective it is misguided.

I agree with the American College of Obstetrics and Gynecology that the condom labeling requirement may very well have the unintended consequence of discouraging condom use, which, as we all know, is very effective in preventing other diseases, including HIV/AIDS.

Taking steps to make HPV a reportable disease also does not make sense, since most all of these cases do resolve on their own and only a very small percentage lead to cervical cancer.

We should not be trying to instill panic here. Rather, we should be trying to encourage every American woman to have regular pap smear examinations, which are still the state of the art; and then we should finish researching all of these other issues.

□ 1400

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises that the gentleman from New York (Mr. LAZIO) has 1 minute remaining; the gentleman from Ohio (Mr. BROWN) has 2 minutes remaining.

Mr. LAZIO. Mr. Speaker, I want to reserve the right to close. I have no other additional speakers.

Mr. BROWN of Ohio. Mr. Speaker, I have one additional speaker, and then I will close on our side.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I rise to express some serious concerns about a section of the bill that has gone largely unnoticed, that dealing with human papillomavirus virus, or HVP.

First and foremost, I would like to express my strong support for the underlying bill. I am proud to be an original cosponsor on which this legislation is based. Our consideration of this measure is long overdue, and I commend my friend, the gentlewoman from California (Ms. ESHOO), for her hard work and perseverance in advancing it.

My colleagues should be aware, however, of a troublesome provision that was added to H.R. 4386 in committee dealing with HPV issues. HPV is a group of viruses composed of over a 100 strains, of which approximately 30 are sexually transmitted. Recent research has shown that a few select strains appears to have precursors to cervical cancer. Promising research is being done on preventing and treating HPV as a method of reducing cervical cancer rates.

Mr. Speaker, unfortunately, this bill could damage our efforts to reduce HPV transmission and, by extension, cases of cervical cancer. During a markup, the language was added to the bill that directs the Department of Health and Human Services to outline further steps toward making HPV a reportable disease.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask House support for H.R. 4386. When women are diagnosed under a Federal program that has been in existence for about a decade with breast cancer, some women clearly have nowhere to turn, they must cobble together various kind of charitable care and any health services that they can get.

I would hope this legislation, Mr. Speaker, will change that and take care of those women once they are diagnosed with breast cancer. I hope that H.R. 4386 will set the tone in this House and set the direction in this House for universal coverage for all Americans.

Mr. Speaker, I yield back the balance of my time.

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the 310-plus Members of this House who have been cosponsors of H.R. 1070, and let me thank the two lead sponsors of H.R. 4386, the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from Missouri (Ms. DANNER), one a Republican and one a Democrat, both Members of this House, and both breast cancer survivors. How could we have better advocates for this bill than those two?

Mr. Speaker, de Tocqueville said "America is a great Nation because America is a good Nation, and the moment that America ceases to be good, she will cease to be great."

Mr. Speaker, what greater test of goodness can there be to our willingness to take care of our own who are in need? Mr. Speaker, let us pass this bill. Let us give thousands of American women the gift of life. The cost is nominal. The benefit is enormous. It is the only fair and decent thing to do.

Mr. Speaker, I urge my colleagues to vote aye.

Mr. KLECZKA. Mr. Speaker, I would like to add my comments to those of my colleagues who have taken the floor in support of the Breast and Cervical Cancer Treatment Act.

Every year more than 4,400 American women die of cervical cancer. Breast cancer, the leading cause of death among women between 40 and 45, kills more than 46,000 women a year. This year it is estimated that in Wisconsin alone over 800 women will die of breast or cervical cancer. In many cases, early detection and treatment would have prevented these deaths. Nine years ago, Congress enacted the Breast and Cervical Cancer Mortality Prevention Act of 1990, authorizing the Centers for Disease Control to offer a breast and cervical cancer-screening program for low-income, uninsured, or underinsured women.

Unfortunately, the screening program lacks a critical aspect: treatment services for women diagnosed with breast cancer. Under current law, cancer therapy for Medicaid-eligible women is provided through an ad hoc patchwork of providers, volunteers, and local programs and often results in unpredictable, delayed, or incomplete treatment. Women are often forced to rely on charity care, donated services by physicians, or funds from bake sales and quilting bees. The Breast and Cervical Cancer Treatment Act would solve this problem by allowing States to establish an optional State Medicaid benefit for the treatment of low-income women diagnosed under the 1990 law.

I am pleased to see that the Breast and Cervical Cancer Treatment Act is supported by a bipartisan majority of the House. I salute the efforts of the advocacy groups, including the Wisconsin Breast Cancer Coalition to make this day possible.

Mr. WATTS of Oklahoma. Mr. Speaker, today I urge my colleagues to provide relief for low-income women who are screened and diagnosed with breast and cervical cancer. As you know, breast and cervical cancer is killing too many of our wives, mothers, sisters and daughters. Currently, the early detection screening program does not provide treatment for women who discover they have cancer as a result of that screening. This screening must be coupled with treatment in order to save lives.

Cancer is often fatal and the women who are tested can't afford critical treatment without help. These women face numerous difficulties in trying to obtain and pay for treatment for cancer. Resources are limited and yet the numbers of women being diagnosed are increasing.

Today, we have an opportunity to do something about this devastating disease by allowing states to expand Medicaid coverage to these women. Follow-up and treatment are the key to saving lives.

The fight against cancer transcends party lines and partisan bickering. So today, I urge all of my colleagues to join me in the fight against breast and cervical cancer. We must act now.

Mrs. KELLY. Mr. Speaker, I am in support of H.R. 4386, the Breast and Cervical Cancer Treatment Act. This legislation will give the States the ability to provide a reliable method of treatment for uninsured and underinsured women battling breast or cervical cancer.

The program currently provides screening for cancer, but it provides no treatment options for these women. If they are diagnosed with cancer, they have no options for their cure, which is a harsh problem. Giving States the option of providing Medicaid coverage for women will help save thousands of lives.

The present CDC program is a tremendous first step in identifying this disease early enough to make a difference in the lives of these women, but we need to help cover the cost of treatment when necessary. Being diagnosed with cancer is terrifying. Women shouldn't have the pain of knowing they have cancer, compounded with the despair of not being able to do anything about it.

The Breast and Cervical Cancer Treatment Act will allow women to focus their efforts on getting well instead of worrying about how they or their family will pay for their treatment. This legislation is a very important step in the process of getting treatment to women who need it. With Mother's Day just around the corner, it is critical that we pass this legislation in time to give our mothers, our sisters, our daughters the most important gift of all, the gift of life.

Mr. WELDON of Florida. Mr. Speaker, I am in strong support of H.R. 4386, the Breast and Cervical Cancer Treatment Act. This measure amends title XIX of the Social Security Act to provide medical assistance for certain women under 65 who have been screened and found to have breast or cervical cancer by the Center for Disease Control and Prevention [CDC] early detection program.

In the United States, one out of eight women will develop breast cancer at some point in her lifetime. It is the second most common form of cancer in the country, afflicting three million women—including one million women who do not know they have breast cancer. Cervical cancer kills 4,400 women a year, and is increasingly becoming a nationwide concern due to a lack of proper education and research.

The Breast and Cervical Cancer Treatment Act will protect women who are diagnosed with breast and cervical cancer but do not have insurance to pay for treatment. Currently, the National Breast and Cervical Cancer Early Detection Program provides screening services for low-income women who have little or no health insurance. Treatment, however, is not provided through the program. Women who earn too much to be on federal assistance, but do not earn enough to afford private insurance are left without resources to cover the treatment they need to fight this dreaded disease. This bill will provide that much needed treatment.

As a physician I have treated hundreds of cancer patients and the key to providing a successful remedy to their life-threatening illness is, when possible, prevention, otherwise early detection, followed by immediate treatment. This bill will offer much needed assistance to thousands of American women who need these vital medical resources.

I am also very pleased with the provisions in this bill relating to the human papillomavirus [HPV] which affects at least 24 million Americans and is the principal cause of cervical cancer. H.R. 4386 makes cervical cancer prevention a priority. This bill requires the CDC to develop educational materials for health care providers and the public regarding HPV. And, it requires condom packages to include information stating that HPV is a cause of cervical cancer and that condoms do not prevent HPV transmission.

Many sexually active Americans have been mislead to believe a condom will protect them; however, this is not the case with HPV. In fact, the American Cancer Society has stated "research shows that condoms cannot protect against infection with HPV." Our young people need to know this and H.R. 4386 takes a big step toward informing them.

This is a good bill and I urge all of my colleagues to support its passage.

Mr. TOWNS. Mr. Speaker, I am pleased that we will have an opportunity to vote on this important health bill before this weekend's celebration of Mother's Day. Certainly, no action is more important than the preventive breast and cervical cancer health screenings which will be authorized by this bill. As an advocate for retaining mammography screenings at age 40, I am pleased that H.R. 4386 will afford us the opportunity to provide breast and cervical cancer screenings for early detection and treatment.

For the grandmothers, mothers and aunts who are too young for Medicare and whose incomes are too high for Medicaid, but who still do not have health insurance, this bill can literally be the difference between life and death. H.R. 4386 includes the enhanced match of 75 percent Federal to 25 percent state dollars for treatment, instead of the basic 60 percent Federal to 40 percent State dollars. Hopefully, this enhanced match will be a major incentive for Governors to enroll their States in the program once the bill is signed into law so that these women can receive the treatment they need. I remain hopeful that our Senate colleagues will soon join us in passing this important initiative.

Mr. CROWLEY. Mr. Speaker, this year more than 200,000 American women will be diagnosed with breast and cervical cancer. These women are our mothers, our sisters, our friends, and our colleagues.

I am proud to be a cosponsor of the bipartisan Breast and Cervical Treatment Act that will enable low-income, uninsured women diagnosed with breast or cervical cancer in the National Breast and Cervical Cancer early detection program [NBCCEDP] to obtain treatment. Currently, the CDC detection programs provide eligible women with screening, but if cancer is detected, there are no funds to provide much-needed treatment. Instead, these women have to find other funds for treatment. No woman should have to worry about funding her treatment.

H.R. 4386 is bipartisan legislation that would add the life-saving treatment component to the NBCCEDP. The Breast and Cervical Cancer Treatment Act has overwhelming support and was passed unanimously by the Commerce Committee. I support this critical legislation and urge every member to vote for passage.

It is simply unfair that low-income, uninsured women are not given every treatment available to save their lives because they cannot afford costly medication and treatments.

Passage of this legislation is the best Mother's Day gift we can give our mothers, wives, sisters, and daughters. All women and their families in this country deserve the peace of mind that if diagnosed with one of these terrible illnesses, they will have access to the treatment they deserve.

While I strongly support the overall bill, I am deeply concerned about the provision included on human papillomavirus [HPV] and believe it is misguided from a public health perspective. The condom labeling requirement may have the unintended effect to discouraging condom use, which, as we all know, is effective in preventing other serious STDs, including HIV/AIDS. HPV is a serious public health issue, which deserves Federal funding and a coordinated response to educate men and women on its causes, effects, and treatment. I urge my colleagues to provide that by supporting more funding for title X, and other programs that work in a comprehensive and holistic way to improve women's health.

We should be advocating for public health policy that encourages women to be screened through Pap smear examinations to prevent the potential for cervical cancer, not discouraging condom use. I urge my colleagues to reexamine this issue.

Mr. QUINN. Mr. Speaker, I am in support of H.R. 4386, to provide financial assistance to women for the treatment of breast and cervical cancer.

Breast and cervical cancer together claim the lives of approximately 50,000 women each year. As Americans we must continue to address this crisis which today constitutes the number one cause of death among women aged 40–45. In 1990 we took a critical step in fighting this battle by passing the Breast and

Cervical Cancer Mortality Prevention Act. This act authorized a screening program for low-income, uninsured or underinsured women. This was an important step since detection is the first step in fighting breast and cervical cancer. Indeed, more widespread use of regular screening mammography has been a major contributor to recent improvements in the breast cancer survival rate.

Providing financial assistance for screening and testing for women in financial need has been a major accomplishment in the fight against breast and cervical cancer. If detected early, breast cancer can be treated effectively with surgery that preserves the breast, followed by radiation therapy. However, screening and early detection are meaningless without following through with cancer treatment. For many women however, the costs of treatment are prohibitive and merely knowing that their cancer has been detected is inadequate when they are unable to seek treatment. The time has come for us to comprehensively confront these cancers and provide women with the power to conquer these odds. I urge the support of this bill critical to protecting women's health.

Mr. BEREUTER. Mr. Speaker, this Member is in support of H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

The American Cancer Society estimates that within his home state of Nebraska, approximately 1,000 women will be diagnosed with breast cancer this year and nearly 300 will die as a result of breast cancer. We must provide this enhanced Medicaid matching funds to our states to continue to promote early detection and prevention of breast and cervical cancer.

The five-year survival rate is over 95 percent if breast cancer can be detected early. Because only 5–10 percent of breast cancers are due to heredity, early detection must be made available to all women.

Mr. Speaker, this Member encourages his colleagues to continue to support the early detection and prevention of breast and cervical cancer and support H.R. 4386.

Mr. GILMAN. Mr. Speaker, I am in support of H.R. 4368, the Breast and Cervical Cancer Treatment Act. I am an original cosponsor of the legislation on which this bill is based, H.R. 1070 and I commend the gentleman from New York Mr. LAZIO, the gentlewoman from Missouri, Ms. DANNER and the gentlewoman from North Carolina Mrs. MYRICK for their commitment to fighting breast and cervical cancers and for helping to bring this legislation before us today.

This legislation will provide medical assistance for certain women under 65 who have been screened and found to have breast or cervical cancer by the Center for Disease Control and Prevention (CDC) Early Detection Program. Many women simply cannot afford to undergo prevention screenings and especially medical treatments. By providing screenings for breast and cervical cancer for the uninsured, many will benefit from early detection and by following up a screening with medical treatment, fewer women will succumb to these devastating diseases.

Mr. Speaker, this issue is especially important to me and to my constituents, especially those in Rockland county. Recent studies have found that Rockland county has the highest rate of breast cancer in New York State and according to some studies, in the Nation. This legislation will help many of my constituents during a very difficult time in their lives. Providing medical treatment to those women who have been screened by the CDC will vastly improve their chances of survival and reduce the rate of mortality due to these cancers. I strongly support this legislation.

Accordingly, I urge my colleagues to support this important measure.

Mr. DINGELL. Mr. Speaker, I am in support of a bill that will make a big difference in the lives of low-income women with cancer, H.R. 4386, the Breast and Cervical Cancer Treatment Act.

Two individuals have campaigned tirelessly for this bill and the rights of low-income women. First, I commend Representative ANNA ESHOO. Were it not for the energy and attention that Ms. ESHOO brought to this issue, this bill would not be on the floor today. Secondly, I would like to remember Senator John Chafee, the original cosponsor of the companion bill in the Senate. The late Senator Chafee's advocacy for women, children, the poor, and the disabled will continue with the passage of this bill.

We all know that early detection and treatment are the key to surviving cancer. This is the reason why the Centers for Disease Control (CDC) uses Federal funds to provide free diagnostic tests for breast and cervical cancer for low-income uninsured women, many of whom are minorities.

With this bill, the Federal Government will complete its commitment to the low-income women who are diagnosed with cancer through the CDC's screening program. No longer will women diagnosed through the program have to scramble to find state funds, rely on charity care, or incur enormous debts in order to pay for radiation or chemotherapy. H.R. 4386 will allow women to enroll in the Medicaid program for the duration of their cancer treatment, so that they can focus their energies on fighting cancer instead of the health care system.

I hope that my colleagues will join me in voting for H.R. 4386. Advocates of this bill have waited a long time for this day. Let's not make women with breast and cervical cancer wait any longer.

Mr. BLILEY. Mr. Speaker, I commend the gentlelady from North Carolina, Mrs. MYRICK, for her personal courage in the face of breast cancer and for her many hours of work in persuading the House Leadership to bring this important bill to the floor today.

I also wish to recognize one of the original cosponsors of H.R. 4386, Mr. LAZIO of New York for his many months of hard work on the Commerce Committee persuading members and forging alliances with the American Cancer Society, the National Women's Health Network, the National Cervical Cancer Coalition, the National Breast Cancer Coalition, the Cancer Research Foundation of America, and so many others to make this day possible.

Like so many women with whom I have met over the last few years advocating for this legislation, my own wife is a breast cancer survivor. I know firsthand the fears that families face when they first hear that word. It is with those memories in my mind that I work in Congress to help find new ways that we can help more women from falling victim to cancer.

In the closing days of the last session, the Committee I chair reported out H.R. 1070, the Lazio "Breast and Cervical Cancer Prevention and Treatment Act of 1999." I am very pleased that we are now on the floor debating a bill based on the Committee's work, which addresses both breast cancer, the leading cause of cancer deaths among women, and cervical cancer, a form of cancer caused by a viral infection that kills more women in America than AIDS.

Again, I thank Congresswoman MYRICK, my Commerce Committee colleagues, and many other Members who have contributed to bringing this legislation to the floor today.

Mr. LAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 4386, as amended.

The question was taken.

Mr. LAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CHILDREN'S HEALTH ACT OF 2000

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health, as amended.

The Clerk read as follows:

H.R. 4365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTISM

Subtitle A—Surveillance and Research Regarding Prevalence and Pattern of Autism

Sec. 101. Short title.
Sec. 102. Surveillance and research programs; clearinghouse; advisory committee.

Subtitle B—Expansion, Intensification, and Coordination of Autism Activities of National Institutes of Health

Sec. 111. Short title.
Sec. 112. Expansion, intensification, and coordination; information and education; interagency coordinating committee.

TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

Sec. 201. Short title.
Sec. 202. National Institute of Child Health and Human Development; research on fragile X.

Sec. 203. National Institute of Child Health and Human Development; loan repayment program regarding research on fragile X.

TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

Sec. 301. National Institute of Arthritis and Musculoskeletal and Skin Diseases; research on juvenile arthritis and related conditions.
Sec. 302. Information clearinghouse.

TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

Sec. 401. Programs of Centers for Disease Control and Prevention.
Sec. 402. Programs of National Institutes of Health.

TITLE V—ASTHMA TREATMENT SERVICES FOR CHILDREN

Sec. 501. Short title.

Subtitle A—Treatment Services

Sec. 511. Grants for children's asthma relief.
Sec. 512. Technical and conforming amendments.

Subtitle B—Prevention Activities

Sec. 521. Preventive health and health services block grant; systems for reducing asthma-related illnesses through urban cockroach management.

Subtitle C—Coordination of Federal Activities

Sec. 531. Coordination through National Institutes of Health.

Subtitle D—Compilation of Data

Sec. 541. Compilation of data by Centers for Disease Control and Prevention.

TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

Subtitle A—Folic Acid Promotion

Sec. 601. Short title.
Sec. 602. Program regarding effects of folic acid in prevention of birth defects.

Subtitle B—National Center on Birth Defects and Developmental Disabilities

Sec. 611. National Center on Birth Defects and Developmental Disabilities.

TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

Sec. 701. Short title.
Sec. 702. Purposes.
Sec. 703. Programs of Health Resources and Services Administration, Centers for Disease Control and Prevention, and National Institutes of Health.

TITLE VIII—CHILDREN AND EPILEPSY

Sec. 801. National public health campaign on epilepsy; seizure disorder demonstration projects in medically underserved areas.

TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

Subtitle A—Safe Motherhood Monitoring and Prevention Research

Sec. 901. Short title.
Sec. 902. Monitoring; prevention research and other activities.

Subtitle B—Pregnant Mothers and Infants Health Promotion

Sec. 911. Short title.
Sec. 912. Programs regarding prenatal and postnatal health.

TITLE X—REVISION AND EXTENSION OF CERTAIN PROGRAMS

Subtitle A—Pediatric Research Initiative

Sec. 1001. Short title.
Sec. 1002. Establishment of pediatric research initiative.
Sec. 1003. Investment in tomorrow's pediatric researchers.

Subtitle B—Other Programs

Sec. 1011. Childhood immunizations.
Sec. 1012. Screenings, referrals, and education regarding lead poisoning.

TITLE XI—CHILDHOOD SKELETAL MALIGNANCIES

Sec. 1101. Programs of Centers for Disease Control and Prevention and National Institutes of Health.

TITLE XII—ADOPTION AWARENESS

Subtitle A—Infant Adoption Awareness

Sec. 1201. Short title.
Sec. 1202. Grants regarding infant adoption awareness.

Subtitle B—Special Needs Adoption Awareness

Sec. 1211. Short title.
Sec. 1212. Special needs adoption programs; public awareness campaign and other activities.

TITLE XIII—TRAUMATIC BRAIN INJURY

Sec. 1301. Short title.
Sec. 1302. Programs of Centers for Disease Control and Prevention.
Sec. 1303. Programs of National Institutes of Health.
Sec. 1304. Programs of Health Resources and Services Administration.

TITLE XIV—PREVENTION AND CONTROL OF INJURIES

Sec. 1401. Authorization of Appropriations for programs of Centers for Disease Control and Prevention.

TITLE XV—HEALTHY START INITIATIVE

Sec. 1501. Short title.
Sec. 1502. Continuation of healthy start program.

TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

Sec. 1601. Oral health promotion and disease prevention.

TITLE XVII—VACCINE COMPENSATION PROGRAM

Sec. 1701. Short title.
Sec. 1702. Content of petitions.

TITLE XVIII—HEPATITIS C

Sec. 1801. Short title.
Sec. 1802. Surveillance and education regarding hepatitis C.

TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

Sec. 1901. Short title.
Sec. 1902. Juvenile diabetes, juvenile arthritis, lupus, multiple sclerosis, and other autoimmune-diseases; initiative through Director of National Institutes of Health.

TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

Sec. 2001. Extension of authorization of appropriations.

TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

Sec. 2101. Short title.
Sec. 2102. Organ Procurement and Transplantation Network; amendments regarding needs of children.

TITLE XXII—MISCELLANEOUS PROVISIONS

Sec. 2201. Report regarding research on rare diseases in children.

TITLE XXIII—EFFECTIVE DATE

Sec. 2301. Effective date.

TITLE I—AUTISM

Subtitle A—Surveillance and Research Regarding Prevalence and Pattern of Autism

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Autism Statistics, Surveillance, Research, and Epidemiology Act of 2000 (ASSURE)".

SEC. 102. SURVEILLANCE AND RESEARCH PROGRAMS; CLEARINGHOUSE; ADVISORY COMMITTEE.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317G the following section:

"SURVEILLANCE AND RESEARCH REGARDING AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS

"SEC. 317H. (a) IN GENERAL.—The Secretary , acting through the Director of the Centers for Disease Control and Prevention, may make awards of grants and cooperative agreements for the collection, analysis, and reporting of data on autism and pervasive developmental disorders. An entity may receive such an award only if the entity is a public or nonprofit private entity "(including health departments of States and political subdivisions of States, and including universities and other educational entities). In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

"(b) CENTERS OF EXCELLENCE IN AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS EPIDEMIOLOGY.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall (subject to the extent of amounts made available in appropriations Acts) establish not less than three, and not more than five, regional centers of excellence in autism and pervasive developmental disorders epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism and related developmental disorders.

"(2) RECIPIENTS OF AWARDS FOR ESTABLISHMENT OF CENTERS.—Centers under paragraph (1) shall be established and operated through the award of grants or cooperative agreements to public or nonprofit private entities that conduct research, including health departments of States and political subdivisions of States, and including universities and other educational entities.

"(3) CERTAIN REQUIREMENTS.—An award for a center under paragraph (1) may be made only if the entity involved submits to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center involved will operate in accordance with the following:

"(A) The center will collect, analyze, and report autism and pervasive developmental disorders data according to guidelines prescribed by the Director, after consultation with relevant State and local public health officials, private sector developmental disorder researchers, and advocates for those with developmental disorders;

"(B) The center will assist with the development and coordination of State autism and pervasive developmental disorders surveillance efforts within a region;

"(C) The center will provide education, training, and clinical skills improvement for health professionals aimed at better understanding and treatment of autism and related developmental disorders; and

"(D) The center will identify eligible cases and controls through its surveillance systems and conduct research into factors which may cause autism and related developmental disorders; each program will develop or extend an area of special research expertise (including, but not limited to, genetics, environmental exposure to contaminants, immunology, and other relevant research specialty areas).

"(c) CLEARINGHOUSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out the following:

"(1) The Centers for Disease Control and Prevention shall serve as the coordinating agency for autism and pervasive developmental disorders surveillance activities through the establishment of a clearinghouse for the collection and storage of data generated from the monitoring programs created by this section. The functions of such a clearinghouse shall include facilitating the coordination of research and policy development relating to the epidemiology of autism and other pervasive developmental disorders.

"(2) The Secretary shall coordinate the Federal response to requests for assistance from State health department officials regarding potential or alleged autism or developmental disorder clusters.

"(d) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an Advisory Committee for Autism and Pervasive developmental disorders Epidemiology Research (in this section referred to as the 'Committee'). The Committee shall provide advice and recommendations to the Director of the Centers for Disease Control and Prevention on—

"(A) the establishment of a national autism and pervasive developmental disorders surveillance program;

"(B) the establishment of centers of excellence in autism and pervasive developmental disorders epidemiology;

"(C) methods and procedures to more effectively coordinate government and non-government programs and research on autism and pervasive developmental disorders epidemiology; and

"(D) the effective operation of autism and pervasive developmental disorders epidemiology research activities.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The Committee shall be composed of ex officio members in accordance with subparagraph (B) and 11 appointed members in accordance with subparagraph (C).

"(B) EX OFFICIO MEMBERS.—The following officials shall serve as ex officio members of the Committee:

"(i) The Director of the National Center for Environmental Health.

"(ii) The Assistant Administrator of the Agency for Toxic Substances and Disease Registry.

"(iii) The Director of the National Institute of Child Health and Human Development.

"(iv) The Director of the National Institute of Neurological Disorders and Stroke.

"(C) APPOINTED MEMBERS.—Appointments to the Committee shall be made in accordance with the following:

"(i) Two members shall be research scientists with demonstrated achievements in research related to autism and related developmental disorders. The scientists shall be appointed by the Secretary in consultation with the National Academy of Sciences.

"(ii) Five members shall be representatives of the five national organizations whose primary emphasis is on research into autism and other pervasive developmental disorders. One representative from each of such organizations shall be appointed by the Secretary in consultation with the National Academy of Sciences.

"(iii) Two members shall be clinicians whose practice is primarily devoted to the treatment of individuals with autism and other pervasive developmental disorders. The clinicians shall be appointed by the Secretary in consultation with the Institute of Medicine and the National Academy of Sciences.

"(iv) Two members shall be individuals who are the parents or legal guardians of a person or persons with autism or other pervasive developmental disorders. The individuals shall be appointed by the Secretary in consultation with the ex officio members under subparagraph (B) and the five national organizations referred to in clause (ii).

"(3) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following apply with respect to the Committee:

"(A) The Committee shall receive necessary and appropriate administrative support from the Department of Health and Human Services.

"(B) Members of the Committee shall be appointed for a term of three years, and may serve for an unlimited number of terms if reappointed.

"(C) The Committee shall meet no less than two times per year.

"(D) Members of the Committee shall not receive additional compensation for their service. Such members may receive reimbursement for appropriate and additional expenses that are incurred through service on the Committee which would not have incurred had they not been a member of the Committee.

"(e) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Congress, after consultation with and comment by the advisory committee under subsection (d), an annual report regarding the prevalence and incidence of autism and other pervasive developmental disorders, the results of research into the etiology of autism and other pervasive developmental disorders, public health responses to known or preventable causes of autism and other pervasive developmental disorders, and the need for additional research into promising lines of scientific inquiry.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—Expansion, Intensification, and Coordination of Autism Activities of National Institutes of Health With Respect to Autism

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Advancement in Pediatric Autism Research Act of 2000".

SEC. 112. EXPANSION, INTENSIFICATION, AND COORDINATION; INFORMATION AND EDUCATION; INTERAGENCY COORDINATING COMMITTEE.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following section:

"AUTISM

"SEC. 409C. (a) IN GENERAL.—

"(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the 'Director') shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism.

"(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section (other than subsection (b)) acting through the Director of the National Institute of Mental Health and in collaboration with any other agencies that the Director determines appropriate.

"(b) INTERAGENCY COORDINATING COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall ensure that there is in operation an interagency committee to be known as the 'Autism Coordinating Committee' (referred to in this subsection as the 'Committee') to coordinate all efforts within the Department of Health and Human Services concerning autism, including activities carried out through the National Institutes of Health under this section and activities carried out through the Centers for Disease Control and Prevention under section 317H.

"(2) MEMBERSHIP.—The Committee shall be composed of such directors of the national research institutes, such directors of centers within the Centers for Disease Control and Prevention, and such other officials within the Department of Health and Human Services as the Secretary determines to be appropriate. The Committee may include representatives of other Federal agencies that serve children with autism, such as the Department of Education.

"(3) MEETINGS.—The Committee shall meet not less than twice per year.

"(c) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—The Director shall under subsection (a)(1) make awards of grants and contracts to public or nonprofit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on autism.

"(2) RESEARCH.—Each center under paragraph (1) shall conduct basic and clinical research into autism. Such research should include investigations into the cause, diagnosis, early detection, prevention, control, and treatment of autism. These centers, as a group, shall conduct research including but not limited to the fields of developmental neurobiology, genetics, and psychopharmacology.

"(3) SERVICES FOR PATIENTS.—A center under paragraph (1) may expend amounts provided under such paragraph to carry out a program to make individuals aware of opportunities to participate as subjects in research conducted by the centers. The program may, in accordance with such criteria as the Director may establish, provide to such subjects referrals for health and other services, and such patient care costs as are required for research. The extent to which the center can demonstrate availability and access to clinical services shall be considered by the Director in decisions about awarding the grants to applicants which meet the scientific criteria for funding.

"(4) COORDINATION OF CENTERS; REPORTS.—The Director shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

"(5) Organization of centers.—Each center under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director.

"(6) Number of centers; duration of support.—The Director shall provide for the establishment of not less than five centers under paragraph (1), subject to the extent of amounts made available in appropriations Acts. Support of such a center may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) Facilitation of Research.—The Director shall under subsection (a)(1) provide for a program under which samples of tissues and genetic materials that are of use in research on autism are donated, collected, preserved, and made available for such research. The program shall be carried out in accordance with accepted scientific and medical standards for the donation, collection, and preservation of such samples.

"(e) Information and Education.—

"(1) In general.—The Director shall establish and implement a program to provide information and education on autism to health professionals and the general public, including information and education on advances in the diagnosis and treatment of autism and training and continuing education through programs for scientists, physicians, and other health professionals who provide care for patients with autism.

"(2) Stipends.—The Director may use amounts made available under this section to provide stipends for health professionals who are enrolled in training programs under this section.

"(f) Public Input.—The Director shall under subsection (a)(1) provide for means through which the public can obtain information on the existing and planned programs and activities of the National Institutes of Health with respect to autism and through which the Director can receive comments from the public regarding such programs and activities.

"(g) Annual Report to Congress.—The Director shall prepare and submit to the appropriate committees of the Congress reports regarding the activities carried out under this section. The first report shall be submitted not later than January 10, 2002, and subsequent reports shall be submitted annually thereafter.

"(h) Funding.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorizations of appropriations are in addition to any other authorizations of appropriations that are available for such purpose.".

TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

SEC. 201. SHORT TITLE.

This title may be cited as the "Fragile X Research Breakthrough Act of 2000".

SEC. 202. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; RESEARCH ON FRAGILE X.

Subpart 7 of part C of title IV of the Public Health Service Act is amended by adding at the end the following section:

"FRAGILE X

"Sec. 452E. (a) Expansion and Coordination of Research Activities.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as fragile X.

"(b) Research Centers.—

"(1) In general.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X.

"(2) Number of centers.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, provide for the establishment of at least three fragile X research centers.

"(3) Activities.—

"(A) In general.—Each center assisted under paragraph (1) shall, with respect to fragile X—

"(i) conduct basic and clinical research, which may include clinical trials of—

"(I) new or improved diagnostic methods; and

"(II) drugs or other treatment approaches; and

"(ii) conduct research to find a cure.

"(B) Fees.—A center may use funds provided under paragraph (1) to provide fees to individuals serving as subjects in clinical trials conducted under subparagraph (A).

"(4) Coordination among centers.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

"(5) Certain administrative requirements.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(6) Duration of support.—Support may be provided to a center under paragraph (1) for a period not exceeding 5 years. Such period may be extended for one or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

"(7) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 203. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.

Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following section:

"LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X

"Sec. 487F. (a) In General.—The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program under which the Federal Government enters into contracts with qualified health professionals (including graduate students) who agree to conduct research regarding fragile X in consideration of the Federal Government's agreement to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans owed by such health professionals.

"(b) Applicability of Certain Provisions.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart (including section 338B(g)(3)) shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

SEC. 301. NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; RESEARCH ON JUVENILE ARTHRITIS AND RELATED CONDITIONS.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 442 the following section:

"JUVENILE ARTHRITIS AND RELATED CONDITIONS

"Sec. 442A. (a) Expansion and Coordination of Activities.—The Director of the Institute, in coordination with the Director of the National Institute of Allergy and Infectious Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning juvenile arthritis and related conditions.

"(b) Coordination.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee.

"(c) Pediatric Rheumatology.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall develop a coordinated effort to help ensure that a national infrastructure is in place to train and develop pediatric rheumatologists to address the health care services requirements of children with arthritis and related conditions.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 302. INFORMATION CLEARINGHOUSE.

Section 438(b) of the Public Health Service Act (42 U.S.C. 285d–3(b)) is amended by inserting ", including juvenile arthritis and related conditions," after "diseases".

TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

SEC. 401. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 102 of this Act, is amended by inserting after section 317H the following section:

"DIABETES IN CHILDREN AND YOUTH

"Sec. 317I. (a) National Registry on Juvenile Diabetes.—The Secretary , acting through the Director of the Centers for Disease Control and Prevention, shall develop a system to collect data on juvenile diabetes, including with respect to incidence and prevalence, and shall establish a national database for such data.

"(b) TYPE 2 DIABETES IN YOUTH.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Health Resources and Services Administration, shall implement a national public health effort to address type 2 diabetes in youth, including—

"(1) enhancing surveillance systems and expanding research to better assess the prevalence of type 2 diabetes in youth and determine the extent to which type 2 diabetes is incorrectly diagnosed as type 1 diabetes among children;

"(2) assisting States in establishing coordinated school health programs and physical activity and nutrition demonstration programs to control weight and increase physical activity among youth; and

"(3) developing and improving laboratory methods to assist in diagnosis, treatment, and prevention of diabetes including, but not limited to, developing noninvasive ways to monitor blood glucose to prevent hypoglycema and improving existing glucometers that measure blood glucose.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 402. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434 the following section:

"JUVENILE DIABETES

"SEC. 434A. (a) LONG-TERM EPIDEMIOLOGY STUDIES.—

"(1) IN GENERAL.—The Director of the Institute shall conduct or support long-term epidemiology studies in which individuals with type 1, or juvenile, diabetes are followed for 10 years or more. Such studies shall, in order to provide a valuable resource for the purposes specified in paragraph (2), provide for complete characterization of disease manifestations, appropriate medical history, elucidation of environmental factors, delineation of complications, results of usual medical treatment and a variety of other potential valuable (such as samples of blood).

"(2) PURPOSES.—The purposes referred to in paragraph (1) with respect to type 1 diabetes are the following:

"(A) Delineation of potential environmental triggers thought precipitating or causing type 1 diabetes.

"(B) Delineation of those clinical characteristics or lab measures associated with complications of the disease.

"(C) Potential study population to enter into clinical trials for prevention and treatment, as well as genetic studies.

"(b) CLINICAL TRIAL INFRASTRUCTURE/INNOVATIVE TREATMENTS FOR JUVENILE DIABETES.—The Secretary, acting through the Director of the National Institutes of Health, shall support regional clinical centers for the cure of juvenile diabetes and shall through such centers provide for—

"(1) well-characterized population of children appropriate for study;

"(2) well-trained clinical scientists able to conduct such trials;

"(3) appropriate clinical settings able to house such studies; and

"(4) appropriate statistical capability, data, safety and other monitoring capacity.

"(c) DEVELOPMENT OF VACCINE.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall provide for a national effort to develop a vaccine for type 1 diabetes. Such effort shall provide for a combination of increased efforts in research and development of candidate vaccines, coupled with appropriate ability to conduct large clinical trials in children.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE V—ASTHMA TREATMENT SERVICES FOR CHILDREN

SEC. 501. SHORT TITLE.

This title may be cited as the "Children's Asthma Relief Act of 2000".

Subtitle A—Treatment

SEC. 511. GRANTS FOR CHILDREN'S ASTHMA RELIEF.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following part:

"PART P—ADDITIONAL PROGRAMS

"SEC. 399L. CHILDREN'S ASTHMA TREATMENT GRANTS PROGRAM.

"(a) AUTHORITY TO MAKE GRANTS.—

"(1) IN GENERAL.—In addition to any other payments made under this Act or title V of the Social Security Act, the Secretary shall award grants to eligible entities to carry out the following purposes:

"(A) To provide access to quality medical care for children who live in areas that have a high prevalence of asthma and who lack access to medical care.

"(B) To provide on-site education to parents, children, health care providers, and medical teams to recognize the signs and symptoms of asthma, and to train them in the use of medications to treat asthma and prevent its exacerbations.

"(C) To decrease preventable trips to the emergency room by making medication available to individuals who have not previously had access to treatment or education in the management of asthma.

"(D) To provide other services, such as smoking cessation programs, home modification, and other direct and support services that ameliorate conditions that exacerbate or induce asthma.

"(2) CERTAIN PROJECTS.—In making grants under paragraph (1), the Secretary may make grants designed to develop and expand the following projects:

"(A) Projects to provide comprehensive asthma services to children in accordance with the guidelines of the National Asthma Education and Prevention Program (through the National Heart, Lung and Blood Institute), including access to care and treatment for asthma in a community-based setting;

"(B) Projects to demonstrate mobile health care clinics that in accordance with such guidelines provide preventive asthma care. Such projects shall be evaluated and reports describing the findings of the evaluations shall be submitted to the Congress.

"(C) Projects to conduct validated asthma management education programs for patients with asthma and their families, including patient education regarding asthma management, family education on asthma management, and the distribution of materials, including displays and videos, to reinforce concepts presented by medical teams.

"(2) AWARD OF GRANTS.—

"(A) APPLICATION.—

"(i) IN GENERAL.—An eligible entity shall submit an application to the Secretary for a grant under this section in such form and manner as the Secretary may require.

"(ii) REQUIRED INFORMATION.—An application submitted under this subparagraph shall include a plan for the use of funds awarded under the grant and such other information as the Secretary may require.

"(B) REQUIREMENT.—In awarding grants under this section, the Secretary shall give preference to eligible entities that demonstrate that the activities to be carried out under this section shall be in localities within areas of known or suspected high prevalence of childhood asthma or high asthma-related mortality (relative to the average asthma prevalence rates and associated mortality rates in the United States). Acceptable data sets to demonstrate a high prevalence of childhood asthma or high asthma-related mortality may include data from Federal, State, or local vital statistics, claims data under title XIX or XXI of the Social Security Act, other public health statistics or surveys, or other data that the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, deems appropriate.

"(3) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means a State agency or other entity receiving funds under title V of the Social Security Act, a local community, a nonprofit children's hospital or foundation, or a nonprofit community-based organization.

"(b) COORDINATION WITH OTHER CHILDREN'S PROGRAMS.—An eligible entity shall identify in the plan submitted as part of an application for a grant under this section how the entity will coordinate operations and activities under the grant with—

"(1) other programs operated in the State that serve children with asthma, including any such programs operated under titles V, XIX, or XXI of the Social Security Act; and

"(2) one or more of the following—

"(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

"(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(D) local public and private elementary or secondary schools; or

"(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

"(c) EVALUATION.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under the grant that includes—

"(1) a description of the health status outcomes of children assisted under the grant;

"(2) an assessment of the utilization of asthma-related health care services as a result of activities carried out under the grant;

"(3) the collection, analysis, and reporting of asthma data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention; and

"(4) such other information as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 512. TECHNICAL AND CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in part L, by redesignating section 399D as section 399A;

(2) in part M—

(A) by redesignating sections 399H through 399L as sections 399B through 399F, respectively;

(B) in section 399B (as so redesignated), in subsection (e)—

(i) by striking "section 399K(b)" and inserting "subsection (b) of section 399E"; and

(ii) by striking "section 399C" and inserting "such section";

(C) in section 399E (as so redesignated), in subsection (c), by striking "section 399H(a)" and inserting "section 399B(a)"; and

(D) in section 399F (as so redesignated)—

(i) in subsection (a), by striking "section 399I" and inserting "section 399C";

(ii) in subsection (a), by striking "subsection 399J" and inserting "section 399D"; and

(iii) in subsection (b), by striking "subsection 399K" and inserting "section 399E";

(3) in part N, by redesignating section 399F as section 399G; and

(4) in part O—

(A) by redesignating sections 399G through 399J as sections 399H through 399K, respectively;

(B) in section 399H (as so redesignated), in subsection (b), by striking "section 399H" and inserting "section 399I";

(C) in section 399J (as so redesignated), in subsection (b), by striking "section 399G(d)" and inserting "section 399H(d)"; and

(D) in section 399K (as so redesignated), by striking "section 399G(d)(1)" and inserting "section 399H(d)(1)".

Subtitle B—Prevention Activities

SEC. 521. PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT; SYSTEMS FOR REDUCING ASTHMA-RELATED ILLNESSES THROUGH URBAN COCKROACH MANAGEMENT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) by adding a period at the end of subparagraph (G) (as so redesignated);

(3) by inserting after subparagraph (D), the following:

"(E) The establishment, operation, and coordination of effective and cost-efficient systems to reduce the prevalence of asthma and asthma-related illnesses among urban populations, especially children, by reducing the level of exposure to cockroach allergen through the use of integrated pest management, as applied to cockroaches. Amounts expended for such systems may include the costs of building maintenance and the costs of programs to promote community participation in the carrying out at such sites of integrated pest management, as applied to cockroaches. For purposes of this subparagraph, the term 'integrated pest management' means an approach to the management of pests in public facilities that combines biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.";

(4) in subparagraph (F) (as so redesignated), by striking "subparagraphs (A) through (D)" and inserting "subparagraphs (A) through (E)"; and

(5) in subparagraph (G) (as so redesignated), by striking "subparagraphs (A) through (E)" and inserting "subparagraphs (A) through (F)".

Subtitle C—Coordination of Federal Activities

SEC. 531. COORDINATION THROUGH NATIONAL INSTITUTES OF HEALTH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424A the following section:

"COORDINATION OF FEDERAL ASTHMA ACTIVITIES

"SEC. 424B (a) IN GENERAL.—The Director of Institute shall, through the National Asthma Education Prevention Program Coordinating Committee—

"(1) identify all Federal programs that carry out asthma-related activities;

"(2) develop, in consultation with appropriate Federal agencies and professional and voluntary health organizations, a Federal plan for responding to asthma; and

"(3) not later than 12 months after the date of the enactment of the Children's Health Act of 2000, submit recommendations to the appropriate committees of the Congress on ways to strengthen and improve the coordination of asthma-related activities of the Federal Government.

"(b) REPRESENTATION OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—A representative of the Department of Housing and Urban Development shall be included on the National Asthma Education Prevention Program Coordinating Committee for the purpose of performing the tasks described in subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle D—Compilation of Data

SEC. 541. COMPILATION OF DATA BY CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 401 of this Act, is amended by inserting after section 317I the following section:

"COMPILATION OF DATA ON ASTHMA

"SEC. 317J. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the National Heart, Lung, and Blood Institute, shall—

"(1) conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma and the quality of asthma management;

"(2) compile and annually publish data on the prevalence of children suffering from asthma in each State; and

"(3) to the extent practicable, compile and publish data on the childhood mortality rate associated with asthma nationally.

"(b) NATIONAL COORDINATING COMMITTEE.—The Director of the National Heart, Lung, and Blood Institute shall in carrying out subsection (a) consult with the National Asthma Education Prevention Program Coordinating Committee.

"(c) COLLABORATIVE EFFORTS.—The activities described in subsection (a)(1) may be conducted in collaboration with eligible entities awarded a grant under section 399L.".

TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

Subtitle A—Folic Acid

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Folic Acid Promotion and Birth Defects Prevention Act of 2000".

SEC. 602. PROGRAM REGARDING EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS.

Part B of title III of the Public Health Service Act, as amended by section 541 of this Act, is amended by inserting after section 317J the following section:

"EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS

"SEC. 317K. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out a program (directly or through grants or contracts) for the following purposes:

"(1) To provide education and training for health professionals and the general public for purposes of explaining the effects of folic acid in preventing birth defects and for purposes of encouraging each woman of reproductive capacity (whether or not planning a pregnancy) to consume on a daily basis a dietary supplement that provides an appropriate level of folic acid.

"(2) To conduct research with respect to such education and training, including identifying effective strategies for increasing the rate of consumption of folic acid by women of reproductive capacity.

"(3) To conduct research to increase the understanding of the effects of folic acid in preventing birth defects, including understanding with respect to cleft lip, cleft palate, and heart defects.

"(4) To provide for appropriate epidemiological activities regarding folic acid and birth defects, including epidemiological activities regarding neural tube defects.

"(b) CONSULTATIONS WITH STATES AND PRIVATE ENTITIES.—In carrying out subsection (a), the Secretary shall consult with the States and with other appropriate public or private entities, including national nonprofit private organizations, health professionals, and providers of health insurance and health plans.

"(c) TECHNICAL ASSISTANCE.—The Secretary may (directly or through grants or contracts) provide technical assistance to public and nonprofit private entities in carrying out the activities described in subsection (a).

"(d) EVALUATIONS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of activities under subsection (a) in order to determine the extent to which such activities have been effective in carrying out the purposes of the program under such subsection, including the effects on various demographic populations. Methods of evaluation under the preceding sentence may include surveys of knowledge and attitudes on the consumption of folic acid and on blood folate levels. Such methods may include complete and timely monitoring of infants who are born with neural tube defects.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—National Center on Birth Defects and Developmental Disabilities

SEC. 611. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—

(1) by striking the heading for the section and inserting the following:

"NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES";

(2) by striking "SEC. 317C. (a)" and all that follows through the end of subsection (a) and inserting the following:

"SEC. 317C. (a) IN GENERAL.—

"(1) NATIONAL CENTER.—There is established within the Centers for Disease Control and Prevention a center to be known as the National Center on Birth Defects and Developmental Disabilities (referred to in this section as the 'Center'), which shall be headed by a director appointed by the Director of the Centers for Disease Control and Prevention.

"(2) GENERAL DUTIES.—The Secretary shall carry out programs—

(A) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

(B) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

(C) to provide information and education to the public on the prevention of such defects.

"(3) FOLIC ACID.—The Secretary shall carry out section 317K through the Center.

"(4) CERTAIN PROGRAMS.—

"(A) TRANSFERS.—All programs and functions described in subparagraph (B) are transferred to the Center, effective on the date of the enactment of the Children's Health Act of 2000.

"(B) RELEVANT PROGRAMS.—The programs and functions described in this subparagraph are all programs and functions that—

"(i) relate to birth defects, folic acid, cerebral palsy, mental retardation, child development, newborn screening, autism, fragile X syndrome, fetal alcohol syndrome, pediatric genetics, or disability prevention; and

"(ii) were carried out through the National Center for Environmental Health as of the day before the date of the enactment of the Act referred to in subparagraph (A).

"(C) RELATED TRANSFERS.—Personnel employed in connection with the programs and functions specified in subparagraph (B), and amounts available for carrying out the programs and functions, are transferred to the Center, effective on the date of the enactment of the Act referred to in subparagraph (A). Such transfer of amounts does not affect the period of availability of the amounts, or the availability of the amounts with respect to the purposes for which the amounts may be expended."; and

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "(a)(1)" and inserting "(a)(2)(A)".

TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

SEC. 701. SHORT TITLE.

This title may be cited as the "Newborn and Infant Hearing Screening and Intervention Act of 2000".

SEC. 702. PURPOSES.

The purposes of this title are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions for audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing state-wide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

SEC. 703. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION, CENTERS FOR DISEASE CONTROL AND PREVENTION, AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as added by section 511 of this Act, is amended by adding at the end the following section:

"SEC. 399M. EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS.

"(a) STATEWIDE NEWBORN AND INFANT HEARING SCREENING; EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

"(1) To develop and monitor the efficacy of state-wide newborn and infant hearing screening, evaluation and intervention programs and systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children.

"(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

"(b) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

"(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

"(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

"(B) to provide technical assistance on data collection and management;

"(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to state and national policymakers;

"(D) to identify the causes and risk factors for congenital hearing loss;

"(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

"(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

"(2) NATIONAL INSTITUTES OF HEALTH.—The Director of the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

"(c) COORDINATION AND COLLABORATION.—

"(1) IN GENERAL.—In carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children's Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children's language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

"(2) POLICY DEVELOPMENT.—The Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

"(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (a) and to develop a data collection system under subsection (b).

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any State law.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'audiologic evaluation' refers to procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State coordinating agencies under part C of the Individuals with Disabilities Education Act or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent, and education organizations, and other family-centered services.

"(2) The terms 'audiologic rehabilitation' and 'audiologic intervention' refer to procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

"(3) The term 'early intervention' refers to providing appropriate services for the child with hearing loss, including nonmedical services, and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

"(4) The term 'medical evaluation by a physician' refers to key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

"(5) The term 'medical intervention' refers to the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

"(6) The term 'newborn and infant hearing screening' refers to objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated to the Health Resources and Services Administration such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (b)(1), there are authorized to be appropriated to the Centers for Disease Control and Prevention such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (b)(2), there are authorized to be appropriated to the National Institute on Deafness and Other Communication Disorders such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE VIII—CHILDREN AND EPILEPSY

SEC. 801. NATIONAL PUBLIC HEALTH CAMPAIGN ON EPILEPSY; SEIZURE DISORDER DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following section:

"SEC. 330E. EPILEPSY; SEIZURE DISORDER.

"(a) NATIONAL PUBLIC HEALTH CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall develop and implement public health surveillance, education, research, and intervention strategies to improve the lives of persons with epilepsy, with a particular emphasis on children. Such projects may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(2) CERTAIN ACTIVITIES.—Activities under paragraph (1) shall include—

"(A) expanding current surveillance activities through existing monitoring systems and improving registries that maintain data on individuals with epilepsy, including children;

"(B) enhancing research activities on patient management and control of epilepsy;

"(C) implementing public and professional information and education programs regarding epilepsy, including initiatives which promote effective management and control of the disease through children's programs which are targeted to parents, schools, daycare providers, patients;

"(D) undertaking educational efforts with the media, providers of health care, schools and others regarding stigmas and secondary disabilities related to epilepsy and seizures, and also its affects on youth;

"(E) utilizing and expanding partnerships with organizations with experience addressing the health and related needs of people with disabilities; and

"(F) other activities the Secretary deems appropriate.

"(3) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this subsection are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding epilepsy and seizure.

"(b) SEIZURE DISORDER; DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States and local governments for the purpose of carrying out demonstration projects to improve access to health and other services regarding seizures to encourage early detection and treatment in children and others residing in medically underserved areas.

"(2) APPLICATION FOR GRANT.—The Secretary may make a grant under paragraph (1) only if the application for the grant is submitted to the Secretary and the application is in such form, is made in such matter, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term "epilepsy" refers to a chronic and serious neurological condition which produces excessive electrical discharges in the brain causing recurring seizures affecting all life activities. The Secretary may revise the definition of such term as the Secretary.

"(2) The term "medically underserved" has the meaning applicable under section 799B(6).

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

Subtitle A—Safe Motherhood Monitoring and Prevention Research

SEC. 901. SHORT TITLE.

This title may be cited as the "Safe Motherhood Monitoring and Prevention Research Act".

SEC. 902. MONITORING; PREVENTION RESEARCH AND OTHER ACTIVITIES.

Part B of title III of the Public Health Service Act, as amended by section 602 of this Act, is amended by inserting after section 317K the following section:

"SAFE MOTHERHOOD

"SEC. 317L. (a) MONITORING.—

"(1) PURPOSE.—The purpose of this subsection is to develop monitoring systems at the local, State, and national level to better understand the burden of maternal complications and mortality and to decrease the disparities among population at risk of death and complications from pregnancy.

"(2) ACTIVITIES.—For the purpose described in paragraph (1), the Secretary may carry out the following activities:

"(A) the Secretary may establish and implement a national monitoring and surveillance program to identify and promote the investigation of deaths and severe complications that occur during pregnancy.

"(B) The Secretary may expand the Pregnancy Risk Assessment Monitoring System to provide surveillance and collect data in each of the 50 States.

"(C) The Secretary may expand the Maternal and Child Health Epidemiology Program to provide technical support, financial assistance, or the time-limited assignment of senior epidemiologists to maternal and child health programs in each of the 50 States.

"(b) PREVENTION RESEARCH.—

"(1) PURPOSE.—The purpose of this subsection is to provide the Secretary with the authority to further expand research concerning risk factors, prevention strategies, and the roles of the family, health care providers and the community in safe motherhood.

"(2) RESEARCH.—The Secretary may carry out activities to expand research relating to—

"(A) encouraging preconception counseling, especially for at risk populations such as diabetics;

"(B) the identification of critical components of prenatal delivery and postpartum care;

"(C) the identification of outreach and support services, such as folic acid education, that are available for pregnant women;

"(D) the identification of women who are at high risk for complications;

"(E) preventing preterm delivery;

"(F) preventing urinary tract infections;

"(G) preventing unnecessary caesarean sections;

"(H) an examination of the higher rates of maternal mortality among African American women;

"(I) an examination of the relationship between domestic violence and maternal complications and mortality;

"(J) preventing smoking, alcohol and illegal drug usage before, during and after pregnancy;

"(K) preventing infections that cause maternal and infant complications; and

"(L) other areas determined appropriate by the Secretary.

"(c) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—The Secretary may carry out activities to promote safe motherhood, including—

"(A) public education campaigns on healthy pregnancies and the building of partnerships with outside organizations concerned about safe motherhood;

"(B) education programs for physicians, nurses and other health care providers; and

"(C) activities to promote community support services for pregnant women.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—Pregnant Mothers and Infants Health Promotion

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "Pregnant Mothers and Infants Health Protection Act".

SEC. 912. PROGRAMS REGARDING PRENATAL AND POSTNATAL HEALTH.

Part B of title III of the Public Health Service Act, as amended by section 902 of this Act, is amended by inserting after section 317L the following section:

"PRENATAL AND POSTNATAL HEALTH

"SEC. 317M. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on prenatal smoking, alcohol and illegal drug usage, including data on the implications of such activities and on the incidence and prevalence of such activities and their implications;

"(2) to conduct applied epidemiological research on the prevention of prenatal and postnatal smoking, alcohol and illegal drug usage;

"(3) to support, conduct, and evaluate the effectiveness of educational and cessation programs; and

"(4) to provide information and education to the public on the prevention and implications of prenatal and postnatal smoking, alcohol and illegal drug usage.

"(b) GRANTS.—In carrying out subsection (a), the Secretary may award grants to and enter into contracts with States, local governments, scientific and academic institutions, Federally qualified health centers, and other public and nonprofit entities, and may provide technical and consultative assistance to such entities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE X—REVISION AND EXTENSION OF PROGRAMS

Subtitle A—Pediatric Research Initiative

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "Pediatric Research Initiative Act of 2000".

SEC. 1002. ESTABLISHMENT OF PEDIATRIC RESEARCH INITIATIVE.

Part B of title IV of the Public Health Service Act, as amended by section 112 of this Act, is amended by adding at the end the following:

"PEDIATRIC RESEARCH INITIATIVE

"SEC. 409D. (a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (referred to in this section as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

"(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to provide—

"(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

"(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising; and

"(3) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population.

"(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

"(1) consult with the Director of the National Institute of Child Health and Human Development and the Directors of the other national research institutes, in considering their requests for new or expanded pediatric research efforts, and consult with the Administrator of the Health Resources and Services Administration and other advisors as the Director determines to be appropriate;

"(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

"(A) assistance is directly related to the illnesses and conditions of children; and

"(B) assistance is extramural in nature; and

"(3) be responsible for the oversight of any newly appropriated Initiative funds and annually report to Congress and the public on the extent of the total extramural support for pediatric research across the NIH, including the specific support and research awards allocated through the Initiative.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated under this section to any of the Institutes for a fiscal year to carry out the purposes of the Initiative under this section.".

SEC. 1003. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 921 of this Act, is amended by adding at the end the following:

"INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS

"SEC. 452G. (a) IN GENERAL.—In order to ensure the future supply of researchers dedicated to the care and research needs of children, the Director of the Institute, after consultation with the Administrator of the Health Resources and Services Administration, shall support activities to provide for—

"(1) an increase in the number and size of institutional training grants to pediatric departments of medical schools and to children's hospitals; and

"(2) an increase in the number of career development awards for health professionals who are in pediatric specialties or subspecialties and intend to build careers in pediatric basic and clinical research.

"(b) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—Other Programs

SEC. 1011. CHILDHOOD IMMUNIZATIONS.

Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended in the first sentence by striking "1998" and all that follows and inserting "1998 through 2003.".

SEC. 1012. SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "1994" and all that follows and inserting "1994 through 2003.".

TITLE XI—CHILDHOOD SKELETAL MALIGNANCIES

SEC. 1101. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as amended by section 703 of this Act, is amended by adding at the end the following section:

"SEC. 399N. CHILDHOOD SKELETAL MALIGNANCIES.

"(a) IN GENERAL.—The Secretary, acting as appropriate through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall study environmental and other risk factors for childhood skeletal cancers, and carry out projects to improve outcomes among children with childhood skeletal cancers and resultant secondary conditions, including limb loss. Such projects shall be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit entities.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) include—

"(1) the expansion of current demographic data collection and population surveillance efforts to include childhood skeletal cancers nationally;

"(2) the development of a uniform reporting system under which treating physicians, hospitals, clinics, and states report the diagnosis of childhood skeletal cancers, including relevant associated epidemiological data; and

"(3) support for the National Limb Loss Information Center to address, in part, the primary and secondary needs of persons who experience childhood skeletal cancers in order to prevent or minimize the disabling nature of these cancers.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall assure that activities under this section are coordinated as appropriate with other agencies of the Public Health

Service that carry out activities focused on childhood cancers and limb loss.

"(d) DEFINITION.—For purposes of this section, the term 'childhood skeletal cancer' refers to any malignancy originating in the connective tissue of a person before skeletal maturity including the appendicular and axial skeleton. The Secretary may for purposes of this section revise the definition of such term to the extent determined by the Secretary to be appropriate.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XII—ADOPTION AWARENESS

Subtitle A—Infant Adoption Awareness

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the "Infant Adoption Awareness Act of 2000".

SEC. 1202. GRANTS REGARDING INFANT ADOPTION AWARENESS.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following section:

"SEC. 330F. CERTAIN SERVICES FOR PREGNANT WOMEN.

"(a) INFANT ADOPTION AWARENESS.—

"(1) IN GENERAL.—The Secretary shall make grants to national, regional, or local adoption organizations for the purpose of developing and implementing programs to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling.

"(2) BEST-PRACTICES GUIDELINES.—

"(A) IN GENERAL.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree that, in providing training under such paragraph, the organization will follow the guidelines developed under subparagraph (B).

"(B) PROCESS FOR DEVELOPMENT OF GUIDELINES.—

"(i) IN GENERAL.—The Secretary shall establish and supervise a process described in clause (ii) in which the participants are—

"(I) an appropriate number and variety of adoption organizations that, as a group, have expertise in all models of adoption practice and that represent all members of the adoption triad (birth mother, infant, and adoptive parent); and

"(II) affected public health entities.

"(ii) DESCRIPTION OF PROCESS.—The process referred to in clause (i) is a process in which the participants described in such clause collaborate to develop best-practices guidelines on the provision of adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling.

"(iii) DATE CERTAIN FOR DEVELOPMENT.—The Secretary shall ensure that the guidelines described in clause (ii) are developed not later than 180 days after the date of the enactment of the Children's Health Act of 2000.

"(C) RELATION TO AUTHORITY FOR GRANTS.—The Secretary may not make any grant under paragraph (1) before the date on which the guidelines under subparagraph (B) are developed.

"(3) USE OF GRANT.—

"(A) IN GENERAL.—With respect to a grant under paragraph (1)—

"(i) an adoption organization may expend the grant to carry out the programs directly or through grants to or contracts with other adoption organizations;

"(ii) the purposes for which the adoption organization expends the grant may include the development of a training curriculum, consistent with the guidelines developed under paragraph (2)(B); and

"(iii) a condition for the receipt of the grant is that the adoption organization agree that, in providing training for the designated staff of eligible health centers, such organization will make reasonable efforts to ensure that the individuals who provide the training are individuals who are knowledgeable on the process for adopting a child and are experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located, and that the designated staff receive the training in such areas.

"(B) RULE OF CONSTRUCTION REGARDING TRAINING OF TRAINERS.—With respect to individuals who under a grant under paragraph (1) provide training for the designated staff of eligible health centers (referred to in this subparagraph as 'trainers'), subparagraph (A)(iii) may not be construed as establishing any limitation regarding the geographic area in which the trainers receive instruction in being such trainers. A trainer may receive such instruction in a different geographic area than the area in which the trainer trains (or will train) the designated staff of eligible health centers.

"(4) ADOPTION ORGANIZATIONS; ELIGIBLE HEALTH CENTERS; OTHER DEFINITIONS.—For purposes of this section:

"(A) The term 'adoption organization' means a national, regional, or local organization—

"(i) among whose primary purposes are adoption;

"(ii) that is knowledgeable on the process for adopting a child and on providing adoption information and referrals to pregnant women; and

"(iii) that is a nonprofit private entity.

"(B) The term 'designated staff', with respect to an eligible health center, means staff of the center who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training under a grant under paragraph (1)).

"(C) The term 'eligible health centers' means public and nonprofit private entities that provide health-related services to pregnant women.

"(5) TRAINING FOR CERTAIN ELIGIBLE HEALTH CENTERS.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree to make reasonable efforts to ensure that the eligible health centers with respect to which training under the grant is provided include—

"(A) eligible health centers that receive grants under section 1001 (relating to voluntary family planning projects);

"(B) eligible health centers that receive grants under section 330 (relating to community health centers, migrant health centers, and centers regarding homeless individuals and residents of public housing); and

"(C) eligible health centers that receive grants under this Act for the provision of services in schools.

"(6) PARTICIPATION OF CERTAIN ELIGIBLE HEALTH CLINICS.—In the case of eligible health centers that receive grants under section 330 or 1001:

"(A) Within a reasonable period after the Secretary begins making grants under paragraph (1), the Secretary shall provide eligible health centers with complete information about the training available from organizations receiving grants under such paragraph. The Secretary shall make reasonable efforts to encourage eligible health centers to arrange for designated staff to participate in such training.

"(B) All costs of such centers in obtaining the training shall be reimbursed by the organization that provides the training, using grants under paragraph (1).

"(C) Not later than one year after the date of the enactment the Children's Health Act of 2000, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers. Within a reasonable time after training under this section is initiated, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers in order to determine the effectiveness of such training. In preparing the reports required by this subparagraph, the Secretary shall in no respect interpret the provisions of this section to allow any interference in the provider-patient relationship, any breach of patient confidentiality, or any monitoring or auditing of the counseling process or patient records which breaches patient confidentiality or reveals patient identity.

"(b) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—Special Needs Adoption Awareness

SEC. 1211. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1202 of this Act, is amended by adding at the end the following section:

"SEC. 330G. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

"(a) SPECIAL NEEDS ADOPTION AWARENESS CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall, through making grants to nonprofit private entities, provide for the planning, development, and carrying out of a national campaign to provide information to the public regarding the adoption of children with special needs.

"(2) INPUT ON PLANNING AND DEVELOPMENT.—In providing for the planning and development of the national campaign under paragraph (1), the Secretary shall provide for input from a number and variety of adoption organizations throughout the States in order that the full national diversity of interests among adoption organizations is represented in the planning and development of the campaign.

"(3) CERTAIN FEATURES.—With respect to the national campaign under paragraph (1):

"(A) The campaign shall be directed at various populations, taking into account as appropriate differences among geographic regions, and shall be carried out in the language and cultural context that is most appropriate to the population involved.

"(B) The means through which the campaign may be carried out include—

"(i) placing public service announcements on television, radio, and billboards; and

"(ii) providing information through means that the Secretary determines will reach individuals who are most likely to adopt children with special needs.

"(C) The campaign shall provide information on the subsidies and supports that are available to individuals regarding the adoption of children with special needs.

"(D) The Secretary may provide that the placement of public service announcements, and the dissemination of brochures and other materials, is subject to review by the Secretary.

"(4) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—With respect to the costs of the activities to be carried out by an entity pursuant to paragraph (1), a condition for the receipt of a grant under such paragraph is that the entity agree to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

"(b) NATIONAL RESOURCES PROGRAM.—The Secretary shall (directly or through grant or contract) carry out a program that, through toll-free telecommunications, makes available to the public information regarding the adoption of children with special needs. Such information shall include the following:

"(1) A list of national, State, and regional organizations that provide services regarding such adoptions, including exchanges and other information on communicating with the organizations. The list shall represent the full national diversity of adoption organizations.

"(2) Information beneficial to individuals who adopt such children, including lists of support groups for adoptive parents and other postadoptive services.

"(c) OTHER PROGRAMS.—With respect to the adoption of children with special needs, the Secretary shall make grants—

"(1) to provide assistance to support groups for adoptive parents, adopted children, and siblings of adopted children; and

"(2) to carry out studies to identify the reasons for adoption disruptions.

"(d) APPLICATION FOR GRANT.—The Secretary may make an award of a grant or contract under this section only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XIII—TRAUMATIC BRAIN INJURY

SEC. 1301. SHORT TITLE.

This title may be cited as the "Traumatic Brain Injury Act Amendments of 2000".

SEC. 1302. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Section 393A of the Public Health Service Act (42 U.S.C. 280b–1b) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) the implementation of a national education and awareness campaign regarding such injury (in conjunction with the program of the Secretary regarding health-status goals for 2010, commonly referred to as Healthy People 2010), including the national dissemination of information on—

"(A) incidence and prevalence;

"(B) secondary conditions arising from traumatic brain injury upon discharge from hospitals and trauma centers.";

(2) in subsection (d)—

(A) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia."; and

(B) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities".

(b) NATIONAL REGISTRY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following section:

"NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY REGISTRIES

"SEC. 393B. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States or their designees to operate the State's traumatic brain injury registry, and to academic institutions to conduct applied research that will support the development of such registries, to collect data concerning—

"(1) demographic information about each traumatic brain injury;

"(2) information about the circumstances surrounding the injury event associated with each traumatic brain injury;

"(3) administrative information about the source of the collected information, dates of hospitalization and treatment, and the date of injury; and

"(4) information characterizing the clinical aspects of the traumatic brain injury, including the severity of the injury, the types of treatments received, and the types of services utilized.".

SEC. 1303. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

(a) INTERAGENCY PROGRAM.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d–61(d)(4)) is amended—

(1) in subparagraph (A), by striking "degree of injury" and inserting "degree of brain injury";

(2) in subparagraph (B), by striking "acute injury" and inserting "acute brain injury"; and

(3) in subparagraph (D), by striking "injury treatment" and inserting "brain injury treatment".

(b) DEFINITION.—Section 1261(h)(4) of the Public Health Service Act (42 U.S.C. 300d–61(h)(4)) is amended—

(1) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia."; and

(2) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2004.".

SEC. 1304. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–51) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A)(iv), by striking "representing traumatic brain injury survivors" and inserting "representing individuals with traumatic brain injury"; and

(B) in subparagraph (B), by striking "who are survivors of" and inserting "with";

(2) in subsection (c)—

(A) in paragraph (1), by striking ", in cash,"; and

(B) in paragraph (2), by amending the paragraph to read as follows:

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.";

(3) by designating subsections (e) through (h) as subsections (g) through (j), respectively; and

(4) by inserting after subsection (d) the following subsections:

"(e) CONTINUATION OF PREVIOUSLY AWARDED DEMONSTRATION PROJECTS.—A State that received a grant under this section prior to the date of enactment of the Children's Health Act of 2000 may compete for new project grants under this section after such date of enactment.

"(f) USE OF STATE GRANTS.—

"(1) COMMUNITY SERVICES AND SUPPORTS.—A State shall (directly or through awards of contracts to nonprofit private entities) use amounts received under a grant under this section for the following:

"(A) To develop, change, or enhance community-based service delivery systems that include timely access to comprehensive appropriate services and supports. Such service and supports—

"(i) shall promote full participation by individuals with brain injury and their families in decision making regarding the services and supports; and

"(ii) shall be designed for children and other individuals with traumatic brain injury.

"(B) To focus on outreach to underserved and inappropriately served individuals, such as individuals in institutional settings, individuals with low socioeconomic resources, individuals in rural communities, and individuals in culturally and linguistically diverse communities.

"(C) To award contracts to nonprofit entities for consumer or family service access training, consumer support, peer mentoring, and parent to parent programs.

"(D) To provide individual and family service coordination or case management systems.

"(E) To support other needs identified by the advisory board under subsection (b) for the State involved.

"(2) BEST PRACTICES.—

"(A) IN GENERAL.—State services and supports provided under a grant under this section shall reflect the best practices in the field of traumatic brain injury, shall be in compliance with title II of the Americans with Disabilities Act of 1990, and shall be supported by quality assurance measures as well as state-of-the-art health care and integrated community supports, regardless of the severity of injury.

“(B) DEMONSTRATION BY STATE AGENCY.—The State agency responsible for administering amounts received under a grant under this section shall demonstrate or express a willingness to obtain expertise and knowledge of traumatic brain injury and the unique needs associated with traumatic brain injury.

“(3) STATE CAPACITY BUILDING.—A State may use amounts received under a grant under this section to—

“(A) educate consumers and families;

“(B) train professionals in public and private sector financing (such as third party payers, State agencies, community-based providers, schools, and educators);

“(C) develop or improve case management or service coordination systems;

“(D) develop best practices in areas such as family or consumer support, return to work, housing or supportive living personal assistance services, assistive technology and devices, behavioral health services, substance abuse services, and traumatic brain injury treatment and rehabilitation;

“(E) tailor existing State systems to provide accommodations to the needs of individuals with brain injury (including systems administered by the State departments responsible for health, mental health, labor, education, mental retardation/developmental disorders, transportation, and correctional systems);

“(F) improve data sets coordinated across systems and other needs identified by a State plan supported by its advisory council; and

“(G) develop capacity within targeted communities.”;

(5) in subsection (g) (as so redesignated), by striking “agencies of the Public Health Service” and inserting “Federal agencies”;

(6) in subsection (i) (as redesignated by paragraph (3))—

(A) in the second sentence, by striking “anoxia due to near drowning.” and inserting “anoxia.”; and

(B) in the third sentence, by inserting before the period the following: “, after consultation with States and other appropriate public or nonprofit private entities”; and

(7) in subsection (j) (as so redesignated), by amending the subsection to read as follows:

“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XIV—PREVENTION AND CONTROL OF INJURIES

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 394A of the Public Health Service Act (42 U.S.C. 280b–3) is amended by striking “and” after “1994” and by inserting before the period the following: “, and such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XV—HEALTHY START INITIATIVE

SEC. 1501. SHORT TITLE.

This title may be cited as the “Healthy Start Initiative Continuation Act”.

SEC. 1502. CONTINUATION OF HEALTHY START PROGRAM.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1203 of this Act, is amended by adding at the end the following section:

“SEC. 330H. HEALTHY START FOR INFANTS.

“(a) IN GENERAL.—

“(1) CONTINUATION AND EXPANSION OF PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, Maternal and Child Health Bureau, shall under authority of this section continue in effect the Healthy Start Initiative and may, during fiscal year 2001 and subsequent years, carry out such program on a national basis.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘Healthy Start Initiative’ is a reference to the program that, as an initiative to reduce the rate of infant mortality and improve perinatal outcomes, makes grants for project areas with high annual rates of infant mortality and that, prior to the effective date of this section, was a demonstration program carried out under section 301.

“(3) ADDITIONAL GRANTS.— Effective upon increased funding beyond fiscal year 1999 for such Initiative, additional grants may be made to States to assist communities with technical assistance, replication of successful projects, and State policy formation to reduce infant and maternal mortality and morbidity.

“(b) REQUIREMENTS FOR MAKING GRANTS.—In making grants under subsection (a), the Secretary shall require that applicants (in addition to meeting all eligibility criteria established by the Secretary) establish, for project areas under such subsection, community-based consortia of individuals and organizations (including agencies responsible for administering block grant programs under title V of the Social Security Act, consumers of project services, public health departments, hospitals, health centers under section 330, and other significant sources of health care services) that are appropriate for participation in projects under subsection (a).

“(c) COORDINATION.—Recipients of grants under subsection (a) shall coordinate their services and activities with the State agency or agencies that administer block grant programs under title V of the Social Security Act in order to promote cooperation, integrity, and dissemination of information with Statewide systems and with other community services funded under the Maternal and Child Health Block Grant.

“(d) RULE OF CONSTRUCTION.—Except to the extent inconsistent with this section, this section may not be construed as affecting the authority of the Secretary to make modifications in the program carried out under subsection (a).

“(e) MEDICALLY APPROPRIATE ULTRASOUND SERVICES; MEDICALLY APPROPRIATE SERVICES FOR AT-RISK MOTHERS AND INFANTS.—

“(1) IN GENERAL.—The Secretary may make grants to health care entities to provide—

“(A) for pregnant women, ultrasound services provided by qualified health care professionals upon medical indication and referral from health care professionals who provide comprehensive prenatal services; and

“(B) for pregnant women or infants, other health services (including prenatal care, genetic counseling, and fetal and other surgery) that—

“(i) are determined by a qualified treating health care professional to be medically appropriate in order to prevent or mitigate congenital defects (including but not limited to spina bifida and hydrocephaly) or other serious obstetric complications (including but not limited to placenta previa, premature rupture of membranes, or preeclampsia); and

“(ii) are provided during pregnancy or during the first year after birth.

“(2) ELIGIBLE PROJECT AREA.—The Secretary may make a grant under paragraph (1) only if the geographic area in which services under the grant will be provided is a geographic area in which a project under subsection (a) is being carried out, and if the Secretary determines that the grant will add to or expand the level of health services available in such area to pregnant women and infants.

“(3) TRANSPORTATION AND SUBSISTENCE EXPENSES FOR CERTAIN PATIENTS.—The purposes for which a grant under paragraph (1)(B) may be expended include paying, on behalf of a pregnant woman who is in need of the health services described in such paragraph, transportation and subsistence expenses to assist the pregnant woman in obtaining such health services from the grantee involved. The Secretary may establish such restrictions regarding payments under the preceding sentence as the Secretary determines to be appropriate.

“(4) CERTAIN CONDITIONS.—A condition for the receipt of a grant under paragraph (1) is that the applicant for the grant agree as follows:

“(A) In the case of a grant under paragraph (1)(A), if ultrasound services indicate that there is a fetal anomaly or other serious obstetric complication, the applicant will refer the pregnant woman involved for appropriate medical services, including, as appropriate, for health services described in paragraph (1)(B) provided by grantees under such paragraph.

“(B) If the applicant provides nondirective pregnancy counseling to patients and is not subject to the condition under section 330F(b), such counseling provided by the applicant to patients will include (but is not limited to) the provision of adoption information and referrals.

“(5) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—A grant may be made under paragraph (1) only if the applicant involved agrees that the grant will not be expended to pay the expenses of providing any service under such paragraph to a pregnant woman to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

“(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

“(B) by an entity that provides health services on a prepaid basis.

“(6) EVALUATION BY GENERAL ACCOUNTING OFFICE.—

“(A) IN GENERAL.—During fiscal year 2004, the Comptroller General of the United States shall conduct an evaluation of activities under grants under paragraph (1) in order to determine whether the activities have been effective in serving the needs of pregnant women with respect to ultrasound services and the other health services described in paragraph (1)(B). The evaluation shall include an analysis of whether such activities have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups. Not later than January 10, 2005, the Comptroller General shall submit to the Committee on Commerce in the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions in the Senate, a report describing the findings of the evaluation.

“(B) RELATION TO GRANTS REGARDING MEDICALLY APPROPRIATE SERVICES FOR AT-RISK

MOTHERS AND INFANTS.—Before the date on which the evaluation under subparagraph (A) is submitted in accordance with such subparagraph—

"(i) the Secretary shall ensure that there are not more than three grantees under paragraph (1)(B); and

"(ii) an entity is not eligible to receive grants under such paragraph unless the entity has substantial experience in providing the health services described in such paragraph.

"(e) FUNDING.—

"(1) GENERAL PROGRAM.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section (other than subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) ALLOCATIONS.—

"(i) PROGRAM ADMINISTRATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

"(ii) EVALUATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups.

"(2) MEDICALLY APPROPRIATE ULTRASOUND SERVICES; MEDICALLY APPROPRIATE SERVICES FOR AT-RISK MOTHERS AND INFANTS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (e), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) ALLOCATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall make available not less than 10 percent for providing ultrasound services under subsection (d)(1)(A) (provided by qualified health care professionals upon medical indication and referral from health care professionals who provide comprehensive prenatal services) through visits by mobile units to communities that are eligible for services under subsection (a).".

TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

SEC. 1601. ORAL HEALTH PROMOTION AND DISEASE PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 912 of this Act, is amended by inserting after section 317M the following section:

"ORAL HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 317N. (a) GRANTS TO INCREASE RESOURCES FOR COMMUNITY WATER FLUORIDATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and Indian tribes for the purpose of increasing the resources available for community water fluoridation.

"(2) USE OF FUNDS.—A State shall use amounts provided under a grant under paragraph (1)—

"(A) to purchase fluoridation equipment;

"(B) to train fluoridation engineers;

"(C) to develop educational materials on the benefits of fluoridation; or

"(D) to support the infrastructure necessary to monitor and maintain the quality of water fluoridation.

"(b) COMMUNITY WATER FLUORIDATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Director of the Indian Health Service, shall establish a demonstration project that is designed to assist rural water systems in successfully implementing the water fluoridation guidelines of the Centers for Disease Control and Prevention that are entitled "Engineering and Administrative Recommendations for Water Fluoridation, 1995" (referred to in this subsection as the 'EARWF').

"(2) REQUIREMENTS.—

"(A) COLLABORATION.—In collaborating under paragraph (1), the Directors referred to in such paragraph shall ensure that technical assistance and training are provided to tribal programs located in each of the 12 areas of the Indian Health Service. The Director of the Indian Health Service shall provide coordination and administrative support to tribes under this section.

"(B) GENERAL USE OF FUNDS.—Amounts made available under paragraph (1) shall be used to assist small water systems in improving the effectiveness of water fluoridation and to meet the recommendations of the EARWF.

"(C) FLUORIDATION SPECIALISTS.—

"(i) IN GENERAL.—In carrying out this subsection, the Secretary shall provide for the establishment of fluoridation specialist engineering positions in each of the Dental Clinical and Preventive Support Centers through which technical assistance and training will be provided to tribal water operators, tribal utility operators and other Indian Health Service personnel working directly with fluoridation projects.

"(ii) LIAISON.—A fluoridation specialist shall serve as the principal technical liaison between the Indian Health Service and the Centers for Disease Control and Prevention with respect to engineering and fluoridation issues.

"(iii) CDC.—The Director of the Centers for Disease Control and Prevention shall appoint individuals to serve as the fluoridation specialists.

"(D) IMPLEMENTATION.—The project established under this subsection shall be planned, implemented and evaluated over the 5-year period beginning on the date on which funds are appropriated under this section and shall be designed to serve as a model for improving the effectiveness of water fluoridation systems of small rural communities.

"(3) EVALUATION.—In conducting the ongoing evaluation as provided for in paragraph (2)(D), the Secretary shall ensure that such evaluation includes—

"(A) the measurement of changes in water fluoridation compliance levels resulting from assistance provided under this section;

"(B) the identification of the administrative, technical and operational challenges that are unique to the fluoridation of small water systems;

"(C) the development of a practical model that may be easily utilized by other tribal, state, county or local governments in improving the quality of water fluoridation with emphasis on small water systems; and

"(D) the measurement of any increased percentage of Native Americans or Alaskan Natives who receive the benefits of optimally fluoridated water.

"(c) SCHOOL-BASED DENTAL SEALANT PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Administrator of the Health Resources and Services Administration, may award grants to States and Indian tribes to provide for the development of school-based dental sealant programs to improve the access of children to sealants.

"(2) USE OF FUNDS.—A State shall use amounts received under a grant under paragraph (1) to provide funds to eligible school-based entities or to public elementary or secondary schools to enable such entities or schools to provide children in second and sixth grades with access to dental care and dental sealant services. Such services shall be provided by licensed dental health professionals in accordance with State practice licensing laws.

"(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

"(A) prepare and submit to the State an application at such time, in such manner and containing such information as the state may require; and

"(B) be a public elementary or secondary school—

"(i) that is located in an urban area in which and more than 50 percent of the student population is participating in federal or state free or reduced meal programs; or

"(ii) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(d) DEFINITIONS.—For purposes of this section, the term 'Indian tribe' means an Indian tribe or tribal organization as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XVII—VACCINE COMPENSATION PROGRAM

SEC. 1701. SHORT TITLE.

This title may be cited as the "Vaccine Injury Compensation Program Amendments of 2000.".

SEC. 1702. CONTENT OF PETITIONS.

(a) IN GENERAL.—Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa-11(c)(1)(D)) is amended by striking "and" at the end and inserting "or (iii) suffered such illness, disability, injury, or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention, and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect upon the date of the enactment of this Act, including with respect to petitions under section 2111 of the Public Health Service Act that are pending on such date.

TITLE XVIII—HEPATITIS C

SEC. 1801. SHORT TITLE.

This title may be cited as the "Hepatitis C and Children Act of 2000".

SEC. 1802. SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C.

Part B of title III of the Public Health Service Act, as amended by section 1601 of this Act, is amended by inserting after section 317N the following section:

"SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C VIRUS

"SEC. 317*O*. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may (directly and through grants to public and nonprofit private entities) provide for programs to carry out the following:

"(1) To cooperate with the States in implementing a national system to determine the incidence and prevalence of cases of infection with hepatitis C virus, including the reporting of chronic hepatitis C cases.

"(2) To identify and contact individuals who became infected with such virus as a result of receiving blood transfusions prior to July 1992 when the individuals were infants, small children, or adolescents.

"(3) To provide appropriate referrals for counseling, testing, and medical treatment of individuals identified under paragraph (2) and to ensure, to the extent practicable, the provision of appropriate follow-up services.

"(4) To develop and disseminate public information and education programs for the detection and control of hepatitis C, with priority given to recipients of blood transfusions; women who gave birth by caesarean section; children who were high-risk neonates; veterans of the Armed Forces; and health professionals.

"(5) To improve the education, training, and skills of health professionals in the detection and control of cases of infection with hepatitis C, with priority given to pediatricians and other primary care physicians.

"(b) LABORATORY PROCEDURES.—The Secretary may (directly and through grants to public and nonprofit private entities) carry out programs to provide for improvements in the quality of clinical-laboratory procedures regarding hepatitis C, including reducing variability in laboratory results on hepatitis C antibody and PCR testing.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

SEC. 1901. SHORT TITLE.

This title may be cited as the "NIH Autoimmune Diseases Initiative Act of 2000".

SEC. 1902. JUVENILE DIABETES, JUVENILE ARTHRITIS, LUPUS, MULTIPLE SCLEROSIS, AND OTHER AUTOIMMUNE-DISEASES; INITIATIVE THROUGH DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act, as amended by section 1002 of this Act, is amended by adding at the end the following:

"AUTOIMMUNE DISEASES

"SEC. 409E. (a) EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES.—

"(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to juvenile-onset diabetes, rheumatoid arthritis, systemic lupus erthematosus, multiple sclerosis, Sjögren's syndrome, scleroderma, chronic fatigue syndrome, Crohn's disease and colitis (in this section referred to as 'autoimmune diseases').

"(2) ALLOCATIONS BY DIRECTOR OF NIH.—With respect to amounts appropriated to carry out this section for a fiscal year, the Director of NIH shall allocate the amounts among the national research institutes that are carrying out paragraph (1).

"(3) ADDITIONAL DISEASES OR DISORDERS.—In addition to the diseases or disorders specified in paragraph (1), the term 'autoimmune disease' includes for purposes of this section such other diseases or disorders as the Secretary determines to be appropriate.

"(b) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish a committee to be known as Autoimmune Diseases Coordinating Committee (referred to in this subsection as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall, with respect to autoimmune diseases—

"(A) provide for the coordination of the activities of the national research institutes; and

"(B) coordinate the aspects of all Federal health programs and activities relating to such diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the directors of each of the national research institutes involved in research with respect to autoimmune diseases and representatives of all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, including the Centers for Disease Control and Prevention and the Food and Drug Administration.

"(4) CHAIR.—From among the members of the Coordinating Committee, the Committee shall designate an individual to serve as the chair of the Committee. With respect to autoimmune diseases, the Chair shall serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH, and shall provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and other relevant agencies.

"(5) FULL-TIME STAFF.—The Secretary shall ensure that the Coordinating Committee is staffed and supported by not fewer than three scientists or health professionals for whom such service is a full-time Federal position. The Secretary shall in addition ensure that the Committee is provided with such administrative staff and support as may be necessary to carry out the duties of the Committee.

"(c) ADVISORY COUNCIL.—

"(1) IN GENERAL.—The Secretary shall establish an advisory council to be known as the Autoimmune Diseases Public Advisory Council (referred to in this subsection as the 'Advisory Council'). .

"(2) DUTIES.—The Advisory Council shall provide to the Director of NIH and the Coordinating Committee under subsection (b) recommendations on carrying out this section, including the plan under subsection (d).

"(3) COMPOSITION.—The Advisory Council shall be composed exclusively of not more than 18 members appointed to the Council by the Secretary from among individuals who are not officers or employees of the United States. The Secretary shall ensure that the membership of the Advisory Council includes—

"(A) scientists or health professionals who are knowledgeable with respect to autoimmune diseases;

"(B) representatives of autoimmune disease patient advocacy organizations, including organizations advocating on behalf of diseases affecting small patient populations; and

"(C) patients and parents of children with such diseases, including autoimmune diseases affecting small patient populations.

"(d) PLAN FOR NIH ACTIVITIES.—

"(1) IN GENERAL.—The Coordinating Committee shall develop a plan for conducting and supporting research and education on autoimmune diseases through the national research institutes, shall review the plan not less frequently than once each fiscal year, and shall revise the plan as appropriate. The plan shall—

"(A) provide for a broad range of research and education activities relating to biomedical, psychosocial, and rehabilitative issues, including studies of the disproportionate impact of such diseases on women; and

"(B) establish priorities among the programs and activities of the National Institutes of Health regarding such diseases.

"(2) CERTAIN ELEMENTS OF PLAN.—The plan under paragraph (1) shall, with respect to autoimmune diseases, provide for the following:

"(A) Research to determine the reasons underlying the incidence and prevalence of the diseases.

"(B) Basic research concerning the etiology and causes of the diseases.

"(C) Epidemiological studies to address the frequency and natural history of the diseases, including any differences among the sexes and among racial and ethnic groups.

"(D) The development of improved screening techniques.

"(E) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(F) Information and education programs for health care professionals and the public.

"(3) RECOMMENDATIONS OF ADVISORY COUNCIL.—In developing the plan under paragraph (1), and reviewing and revising the plan, the Coordinating Committee shall consider the recommendations of the Advisory Council regarding the plan.

"(4) IMPLEMENTATION OF PLAN.—The Director of NIH shall ensure that programs and activities of the National Institutes of Health regarding autoimmune diseases are implemented in accordance with the plan under paragraph (1).

"(e) REPORTS TO CONGRESS.—The Coordinating Committee under subsection (b)(1) shall annually submit to the Committee on Commerce of the House of Representatives, and the Committee on Health, Education, Labor and Pensions of the Senate, a report that describes the research, education, and other activities on autoimmune diseases being conducted or supported through the national research institutes, and that in addition includes the following:

"(1) The plan under subsection (d)(1) (or revisions to the plan, as the case may be).

"(2) The recommendations of the advisory council under subsection (c) regarding the plan (or revisions, as the case may be).

"(3) Provisions specifying the amounts expended by the National Institutes of Health with respect to each of the autoimmune diseases included in the plan.

"(4) Provisions identifying particular projects or types of projects that should in the future be conducted or supported by the national research institutes or other entities in the field of research on autoimmune diseases.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for conducting or supporting through the National Institutes of Health research and other activities with respect to autoimmune diseases.''.

TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

SEC. 2001. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(iii) for each of the fiscal years 2002 through 2005, such sums as may be necessary."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) for each of the fiscal years 2002 through 2005, such sums as may be necessary.''.

TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

SEC. 2101. SHORT TITLE.

This title may be cited as the "Pediatric Organ Transplantation Improvement Act of 2000".

SEC. 2102. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK; AMENDMENTS REGARDING NEEDS OF CHILDREN.

(a) IN GENERAL.—Section 372(b)(2) of the Public Health Service Act (42 U.S.C. 274(b)(2)) is amended—

(1) in subparagraph (J), by striking "and" at the end;

(2) in each of subparagraphs (K) and (L), by striking the period and inserting a comma; and

(3) by adding at the end the following subparagraphs:

"(M) recognize the differences in health and in organ transplantation issues between children and adults throughout the system and adopt criteria, polices, and procedures that address the unique health care needs of children,

"(N) carry out studies and demonstration projects for the purpose of improving procedures for organ donation procurement and allocation, including but not limited to projects to examine and attempt to increase transplantation among populations with special needs, including children and individuals who are members of racial or ethnic minority groups, and among populations with limited access to transportation, and

"(O) provide that for purposes of this paragraph, the term 'children' refers to individuals who are under the age of 18.''.

(b) STUDY REGARDING IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall provide for a study to determine the costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans and health insurance cover such costs. The Secretary may carry out the study directly or through a grant to the Institute of Medicine (or other public or nonprofit private entity).

(2) RECOMMENDATIONS REGARDING CERTAIN ISSUES.—The Secretary shall ensure that, in addition to making determinations under paragraph (1), the study under such paragraph makes recommendations regarding the following issues:

(A) The costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans, health insurance and government programs cover such costs.

(B) The extent of denial of organs to be released for transplant by coroners and medical examiners.

(C) The special growth and developmental issues that children have pre- and post-organ transplantation.

(D) Other issues that are particular to the special health and transplantation needs of children.

(3) REPORT.—The Secretary shall ensure that, not later than December 31, 2000, the study under paragraph (1) is completed and a report describing the findings of the study is submitted to the Congress.

TITLE XXII—MISCELLANEOUS PROVISIONS

SEC. 2201. REPORT REGARDING RESEARCH ON RARE DISEASES IN CHILDREN.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report on—

(1) the activities that, during fiscal year 2000, were conducted and supported by such Institutes with respect to rare diseases in children, including Friedreich's ataxia; and

(2) the activities that are planned to be conducted and supported by such Institutes with respect to such diseases during the fiscal years 2001 through 2005.

TITLE XXIII—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4365.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to bring H.R. 4365, the Children's Health Act of 2000, to the floor of the House today. Every mother knows that America's children are its future.

On Sunday, we will celebrate Mother's Day to honor millions of women for the loving care they provide. I can think of no better gift to them than passage of this legislation to protect children from the threat of disease.

My subcommittee has examined some of the difficult barriers we face in working to improve children's health. Witnesses have testified about a number of serious childhood afflictions, including autism, childhood asthma and juvenile diabetes. We also discussed measures to promote adoption of children with special health needs.

Mr. Speaker, H.R. 4365 is an extended version of the original children's health bill, H.R. 3301. I was pleased to introduce both bills with the ranking member of the Subcommittee on Health and Environment, the gentleman from Ohio (Mr. BROWN). Together we have worked on a bipartisan basis and overcome significant, significant obstacles to bring this bill to the floor, and towards that end, I would like to personally thank the two members of our staffs, Anne Esposito of my staff, and Eleanor Dehoney from the staff of the gentleman from Ohio (Mr. BROWN), and Mr. Jason Lee and Marc Wheat of the majority staff for all of their efforts in this regard.

The bill before us, like its predecessor, authorizes and reauthorizes children's disease research and prevention activities conducted under the Public Health Service Act. Among its key provisions, the bill establishes a new pediatric research initiative within the National Institutes of Health to enhance opportunities for research and improve coordination of efforts to prevent or cure diseases affecting children.

The bill also addresses a number of specific concerns, including autism, fragile X, birth defects, early hearing loss, epilepsy, asthma, juvenile arthritis, skeletal malignancies, juvenile diabetes, adoption awareness, traumatic brain injury, injury prevention, Healthy Start, oral health, vaccine injury compensation, hepatitis C, autoimmune diseases, graduate medical education in children's hospitals, organ transplantation needs of children and rare diseases in children. Equally important, it does not include specific funding earmarks or other controversial provisions.

This legislation incorporates a number of separate legislative proposals. I would like to acknowledge the efforts of those Members who worked to develop provisions that were included in the bill. I also want to acknowledge all of the patient advocates and cosponsors of the original children's health bill who lent their strong support to this initiative. Their dedication helped keep this legislation alive.

We can never estimate the human toll of childhood diseases. However, they also have an enormous financial impact through billions of dollars in increased health care costs. Every dollar spent by the Federal Government on disease research and prevention is an extremely wise investment.

Any parent can tell you that nothing is more heart wrenching than watching your own child suffer with an illness. As a father and grandfather myself, I know how terrible that can be. Today, however, we have a rare opportunity to do something that will give hope to families devastated by childhood disease.

It is my hope that Members will put aside their personal agendas and political disagreements to support passage of this consensus-based measure. Childhood diseases inflict pain and disruption on countless American children and their families. For the patients, families, caregivers and friends whose lives have been touched by childhood diseases, we should demonstrate our shared commitment to ending these terrible afflictions by approving H.R. 4365.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

There are times, Mr. Speaker, when I feel especially privileged to be here and this is one of those times. This bill can help children I have met. It gives hope to parents I have met. I have two amazing daughters. I know how it feels when the only thing that matters is to end whatever it is that is causing your child pain. When the only thing that matters is to smooth the path for them to make sure the odds are and stay solidly in their favor. I can only imagine how the parents of a child with autism or arthritis or epilepsy must feel as they seek help for their children only to encounter dead end after dead end; to look for answers and to be told that the knowledge simply is not there, to be told that research is lacking.

H.R. 4365 is not a glamorous bill. Its passage is not going to make or break any campaigns. You are not going to hear about it on Meet the Press. But H.R. 4365 responds to very real needs. It does several good things.

The initiatives authorized in H.R. 4365 intensify efforts to find a cure for autism. The initiatives authorized could contribute to the cure and the prevention of juvenile diabetes, juvenile arthritis, epilepsy and asthma. The initiatives could contribute to the prevention of birth defects. It could help children with traumatic brain injury and protect more children from the environmental injuries like lead poisoning.

H.R. 4365 promotes children's health in other important ways. It extends the authorization for resources to support graduate medical education in our Nation's freestanding children's hospitals. It establishes a pediatric research initiative within NIH to create a more level playing field for research targeting children. The bill offers hope to children and hope to their families and if we put the resources behind it as we should, this bill will deliver children in the future from illnesses and disabilities that compromise their health and their well-being.

I feel privileged to have worked with families and community leaders and Members on both sides of the aisle who are committed to the goals of this bill and who have worked tirelessly to see that something actually gets done to achieve these goals.

I thank the gentleman from Florida (Mr. BILIRAKIS) for his good work, Jason Lee and Anne Esposito in his office and Donna Pignatelli, Ellie Dehoney and Katie Porter in mine. I hope the House will join in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time. As the previous speaker, I do not think there is a moment that I have been more proud to be a Member of this body than I am today. The Children's Health Act is Congress's Mother's Day present to the Nation as well as an early Father's Day present. What makes us good mothers and fathers is our devotion to our children. Nothing so sharpens, focuses and deepens a parent's devotion as when their children are ill. When the child's illness is chronic, the parent's devotion becomes life long. Parents will do whatever they can for their children, but sometimes they need our help. They need Congress to fund research about the treatment and the cure for these diseases. They need us to help educate physicians and to monitor the incidence of these diseases. This bill will provide new hope to parents of children with the long list of diseases that the gentleman from Florida (Mr. BILIRAKIS) laid out in the beginning. In addition, it creates a brand new pediatric research initiative at the National Institutes of Health.

I would like to focus my remarks on the story of autism in this bill. Autism is the third most common childhood disorder in America. It affects 400,000 people in the United States. One out of every 500 babies born in this country has autism. Parents with children with autism see their children grow and develop normally and suddenly they seem to vanish. They lose their communication skills, their language skills. It is an agony for the parents.

This disease was misdiagnosed for a generation. Parents were told that their children were autistic because they had been poorly parented or traumatized. It was a cruel misdiagnosis on the part of these physicians. But the parents of these children formed an organization called Cure Autism Now and they did what the civics books told them to. They came to Washington, they told their elected representatives of their experience and they asked for our help. We put together an autism bill and we began the long process.

These parents came to press conferences, sometimes press conferences without press. They came and they did everything humanly possible to make the country and to make the Members of the United States Congress aware of their children's special needs. They came to the hearings and they testified. It is a scary thing to come to a hearing before the United States Congress and talk about your child, but they did that.

Then they suffered the agonies of the congressional clock, and they waited month after month, year after year for Congress to slowly get around to this bill. Today that day has finally come. Then finally in the last few days, they suffered the agonies of watching the possibility that this bill would get hijacked by other agendas, perfectly good agendas but agendas that would make the bill controversial.

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Finally, today, just about when they had been ready to give up hope, the system worked and today we take up their bill, and we should be proud to do so.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), my friend who has done as much or more on this legislation than any Member of the House.

Ms. DEGETTE. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. BILIRAKIS), the chairman of our subcommittee and the gentleman from Ohio (Mr. BROWN) for their tireless efforts on what was not an easy process here. This is a good bill, and I am proud to support it.

Mr. Speaker, nothing can be more important to our Nation's future than our children. Numerous indicators of the well-being of our children paint a mixed picture of both success and shortcomings. I think this will give us a mixed view of what our Nation's future holds.

Reports of both gains and continued unmet needs are also apparent with regard to a variety of other pediatric health care needs. Infant mortality, immunization rates, pediatric asthma care, youth violence, and the critically important fact that we still have 11 million children in this country who do not have health insurance.

Mr. Speaker, H.R. 4365 will increase research and prevention efforts targeted to improve the lives of the children. I do not think that we can question such a focus, but some have. If we have any doubt, according to a report issued by the President's National Science and Technology Council, the combined research spending for children in adolescence throughout the

Federal Government represents less than 3 percent of the total Federal research enterprise. Thus, the Federal Government commits less than 3 percent of its research focused on the lives of children, despite the fact that they are 30 percent of our population and they are our future.

I would like to take the opportunity to highlight 2 important provisions of this bill. First of all, diabetes affects 16 million Americans and their families, often striking in childhood and becoming a lifelong disease. Type 1 diabetes is one of the most costly, chronic diseases of childhood. Now we are seeing Type 2 diabetes increasing among children.

I am pleased that this bill includes a provision authorizing the Centers for Disease Control and Prevention to implement a national public health effort to address Type 2 in youth. It also expands clinical trials for children with diabetes to move some of the remarkable research on diabetes from the laboratory bench to the patient's bedside.

Today's bill also incorporates the provisions from my legislation, H.R. 4008, that will require the Organ Transplantation Network to adopt criteria policies and procedures that will address the unique health care needs of children and organ transplantation. Virtually identical language was passed by this House just last month by a vote of 420 to zero. It improves the lives of children by requiring the Organ Transplantation Network to adopt criteria policies and procedures that address the unique needs of children.

Through the passage of this bill, we have the opportunity to help millions of children in this country. We owe to our children, our families, and our Nation nothing less than this sound investment in our future.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, H.R. 4365, the Child Health Act of 2000, must be passed today and sent swiftly to the President for his signature.

Mr. Speaker, I would like to focus a few moments on the silent epidemic of autism, we are in the midst of a silent epidemic of autism. No State, no county, no Federal agency systematically tracks cases of autism, but even faint glimpses of the truth are terrifying to behold.

According to the Federal Department of Education, autistic special education students have increased by 153 percent from 1994 to 1999. In my home State of New Jersey, the Department of Education has said the number of kids classified as autistic in our school system has increased from 241 in 1991 to an incredible, astonishing 2,354 in 1999, an 876 percent increase.

Mr. Speaker, at my request, the CDC conducted a ground-breaking autism prevalence investigation in Brick Township in New Jersey. The findings of the 2-year investigation were released just last month. We are informed that Brick's rate of classic autism was a whopping 4 per 1,000 children between ages 3 and 10, and the rate of autism spectrum disorders was 6.7 cases per 1,000. That is higher than most people had thought. Normally it is about 2 per 1,000. We had an incidence of 4 per 1,000.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS) for including the essence of my ASSURE bill which will create 3 to 5 "Centers of Excellence in Autism" under the auspices of the CDC so that the Federal Government will now be able to monitor the prevalence of autism at the national level and develop, hopefully, better teaching methods and health professionals to improve the treatment. It also authorizes CDC to create a National Autism and Pervasive Developmental Disability Surveillance Program. This program would use a combination of grants, cooperative agreements, and technical assistance to improve the collection, analysis and reporting on this very serious anomaly that is afflicting so many of our children.

Mr. Speaker, once again, I want to congratulate the gentleman from Florida (Mr. BILIRAKIS) on a great bill and I hope all of my colleagues will support it.

Most experts in autism research believe that while genetics are a major determinant in developing autism, something else is at work. The epidemiological research provided under H.R. 4365 will help researchers sort out how much of the problem is genetic and how much is environmental or developmental. If autism has a link to certain environmental pollutants, the surveillance programs established under ASSURE will be able to tell us more about these links. If autism is related to an immunological response to certain vaccines, the data provided by ASSURE can be used to support or dismiss this hypothesis.

Regardless of one's opinion on what causes autism, the bottom line is that we will never be able to get the answers parents need without the data generated by this bill. Once the CDC has established the centers of excellence, they will serve as a model for states to copy and form their own registries and surveillance programs. The centers will also improve the standard of care for autistic persons by providing education and training for health professionals, so that the latest proven treatments and interventions can be utilized to the maximum possible extent.

Also included in the Children's Health Act are provisions of H.R. 997, introduced by Congressman JIM GREENWOOD and myself, to improve autism research programs at the National Institutes of Health (NIH). This proposal, Section (B) of Title I, boosts the biomedical research needed to help solve the puzzle of autism.

And that's just Title I. In addition, there are a host of vital initiatives to improve surveillance efforts of children with diabetes, promote adoption, and reduce asthma and enhance services to asthmatics. All of these other provisions deserve out full support.

Today, Congress has an enormous opportunity to speak out on behalf of those whose voices have been silenced by autism. Kids like Alanna and Austin Gallagher in Brick Township, New Jersey.

Today, we can help restore breath to kids afflicted with asthma. People like Tommy Farese of Spring Lake, and my own two daughters Melissa and Elyse.

Today, we may save and extend the lives of children stricken by juvenile diabetes, such as young Charlie Coats of East Windsor.

It is for these children, their mothers and fathers, and the countless others like them across out nation, that we enact H.R. 4365. Join with me in supporting this legislation.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today in strong support of H.R. 4365, the Children's Health Act of 2000. In particular, I want to commend the authors of this legislation for the great strides it makes in autism research.

Mr. Speaker, autism is not rare. Four hundred thousand people in the United States, mostly children, are affected by this terrible disease. While 5 percent of those with autism may gain some progress with early intervention, 95 percent of them, or more than 350,000 people, will still suffer. They will never marry, they will never live on their own, and more than half of them will never even learn to speak.

Families affected by autism are forced to bear an extraordinary burden. Parents and siblings and friends have to learn to try to communicate with a child, many of whom are incapable of either verbal or nonverbal communication, and children who have often erratic behavior. It is a disease little understood. I have been trying since I came to Congress for find funding for autism research for the various autism clusters that we believe are occurring throughout New Jersey. I am proud that this bill lays the foundation for a comprehensive research effort on autism.

Mr. Speaker, this day has been a long time in coming, and I know those families who have been affected are grateful that it is now here. I urge all of my colleagues on behalf of my nephew, Jack, who suffers with autism and on behalf of a girl by the name of Heather Simms, who has been in confinement for 5 years, having been brought into an institution at the age of 12, who today celebrates her 17th birthday, that this is a special day for all of the autistic children in the United States, their parents and loved ones. I urge my colleagues to support H.R. 4365 for its dramatic increase in national funding and attention for autism research.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, let me first congratulate the gentleman from Florida (Mr. BILIRAKIS) and my colleague, the gentleman from Ohio (Mr. BROWN) for their very, very important work.

We all hope that the wealth of our Nation and the amazing technological advances that have been made in medicine will give us the necessary resources to protect our children from harm. We have made tremendous progress, but the sad fact is that there are still so many diseases that affect our children for which there is no cure, or even effective treatment.

The legislation before us will give child victims and their families hope by devoting more Federal resources to diseases such as autism, Fragile X, asthma, skeletal malignancies, juvenile diabetes, the list goes on and on. Sadly, it is quite long.

This legislation will also focus on prevention by encouraging healthy pregnancies, analyzing data about birth defects, and investigating the deaths and severe complications through pregnancy. In addition, a new pediatric research initiative at NIH, along with reauthorization for money to train physicians at children's hospitals, will help us better understand the way in which diseases attack children and how to give them the most effective and appropriate care. There are critical differences between medical care for adults and medical care for children, which must be reflected in training of physicians and treatments designed for a child's system, which is still developing. This legislation recognizes and focuses on these important differences.

Mr. Speaker, while we may never be able to make a child understand why they are sick or are made to suffer, we can invest in the research that will allow our best and brightest scientists to solve the mysteries of childhood disease so that more children can live the carefree youths to which they are entitled. What better way to invest our Nation's resources.

Mr. Speaker, I urge my colleagues to support this important child health initiative that will give hope to children and families across America who are searching for answers and praying for a return to the normalcy that will come with good health. As America's leaders, this investment in our children's health is really the least we can do to secure a better future for our Nation.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), a distinguished member of the committee.

Mr. GREEN of Texas. Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS), the chairman of our Subcommittee on Health of the Committee on Commerce, and the gentleman from Ohio (Mr. BROWN), the ranking member, for this legislation.

Just two weeks ago during our Easter Passover break at Texas Children's Hospital in Houston, the gentleman from Texas (Mr. BENTSEN) and I held a juvenile diabetes forum to hear from parents and experts on that terrible disease. Every member of the audience cried, literally, as we heard from the parents of 3-year-old Larry Baltazar who has recently been diagnosed with this disease. This legislation will help Larry, along with helping millions of other children who are diagnosed with juvenile diabetes, asthma, Fragile X and autism. It will help children who are diagnosed with birth defects and those who suffer a traumatic brain injury.

One thing that this legislation does not do, and I hope we can get this remedied in the conference committee, is increase funds to States for immunizations. Despite gains in recent years, we still are not doing enough to make sure that children get the right immunizations when they need it. In States like Texas, Michigan and Nevada, one in four children are not receiving the proper immunizations. In Houston, over 44 percent of the children do not receive at least one of their immunizations. In California, 27 percent do not receive at least one of their immunizations.

Over the past 5 years, Federal infrastructure funding to States, used by States and cities to identify needs, conduct community outreach, establish registries, deal with disease outbreaks and undertake educational and tracking efforts, among other things, has been cut from $271 million in 1995 to $139 million for the past 3 years. The gentleman from Pennsylvania (Mr. GREENWOOD) and I have introduced H. Con. Res. 315, which calls for an increase in funds to section 317, and we hope this increase will be included in the final version of the children's health legislation as it comes out of conference.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I rise today in strong support of H.R. 4365, the Children'S Health Act of 2000. More specifically, I would like to call to the attention of my colleagues one very important aspect of this legislation that authorizes further research into a disease known as Fragile X, the most commonly inherited cause of mental retardation.

Fragile X affects one in every 2,000 newborn boys, and one in every 4,000 newborn girls. One in every 260 women is a carrier and has a 50 percent chance with each pregnancy of having a child with Fragile X. Most of these afflicted children will require a lifetime of special loving care at a cost of over $2 million each.

However, there is good news. One of the first discoveries of the human genome project, the cause of Fragile X has been linked to the absence of a single protein.

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Since that time, great strides have been made in understanding how this disease causes mental retardation, seizures, aggressive outbursts, and severe anxiety.

This research has led Dr. James Watson, who shared the Nobel Peace Prize with Dr. Francis Crick on their discovery of DNA, to believe that a cure for this heartbreaking disease is within sight.

H.R. 4365 authorizes the establishment of at least three fragile X research centers through grants or contracts with public or private institutions. It also provides a program encouraging health professionals to conduct fragile X research by repaying a portion of the educational costs.

Mr. Speaker, I dedicate this day and legislation to my friends, David and Mary Beth Busby, who have two mentally retarded sons who suffer because of fragile X and, along with many good people of the FRAXA Research Foundation and many fine scientists within the National Institutes of Health, have completely devoted themselves to finding a cure for this disease.

I also dedicate this legislation to the mentally retarded children of McCall's Chapel in Ada, Oklahoma, and to Harman Samples, a childhood friend, mentally retarded from fragile X, with whom I shared many noon hours in school and shared two-stick nickel popsicle with as a boy in elementary and high school. Harmon's mother, Christine Sample, told me Harmon provided the physical strength to move and lift his invalid father before his death.

Much more remains to be done, however, and having co-sponsored legislation authorizing more research into Fragile X in the past, I whole heartedly offer my support for H.R. 4365 and encourage my colleagues to do likewise.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN), someone who has worked on these issues for many, many years.

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of this bill. I want to commend the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), our chairman and ranking member, for their work on this legislation.

Mr. Speaker, this bill includes many important provisions which will advance the treatment, the cure, and prevention of childhood diseases and disorders. I am also pleased to point out that this bill includes two titles which I have authored. Both titles promise to make significant advances in the treatment and prevention of childhood asthma and of autoimmune diseases like multiple sclerosis, juvenile diabetes, and lupus.

Title V of the bill, the Children Asthma Relief Act of 1999, was introduced by the gentleman from Michigan (Mr. UPTON) and myself, and title XIX is based on H.R. 2573, the NIH Autoimmune Disease Initiative Act of 1999, which was authored by the gentlewoman from Maryland (Mrs. MORELLA) and myself.

Today more than 5 million children suffer from asthma. It is one of the most significant and prevalent chronic diseases in America. That is why this bill provides new funding for pediatric asthma prevention and treatment programs, allowing States and local communities to target and improve the health of low-income children suffering from asthma.

As regards the autoimmune diseases, this would expand, intensify, and coordinate the efforts of NIH in research and education on autoimmune diseases. There are more than 80 autoimmune diseases, including multiple sclerosis, lupus, and rheumatoid arthritis, in which the body's immune system mistakenly attacks healthy tissues.

These diseases affect more than 13.5 million Americans and are major causes of disability. Most striking of all, three-quarters of those infected with an autoimmune disease are women.

The research efforts at NIH will be coordinated as a result of an office that would look at the activities throughout the NIH.

I do want to point out some serious concerns over one section of the bill, title XII's adoption awareness provisions. This title was the subject of great controversy and debate. The original language raised many serious objections regarding adoption and abortion policy.

I hope we will continue to look at this part of the bill, because it does offer some troublesome issues to be resolved.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I certainly thank the chairman for yielding time to me, and thank him most deeply and sincerely for all his leadership on this.

Mr. Speaker, all of us recognize the trauma and heartbreak that parents and all family members endure when serious illness strikes a child in the family. We must take this step today to set us on the way to making a happier, healthy life for all our children and for future generations.

I specifically want to thank Mary Higgins Clark, the notable author, and her son, David Clark, for reaching out to me on behalf of not only of her son and grandson, but for the millions of the dear children who suffer from fragile X.

As has been noted, fragile X is the most common inherited cause of mental retardation. With this legislation, we are clearly on the brink of a breakthrough against this tragic mental defect. The research models that have been identified here in this legislation would put us well on the road to researching recovery and a cure.

Again, I want to thank those who have brought this to my attention. I want to thank all those who did the work on this legislation, but specifically, let me dedicate this research in the name of David Frederick Clark of Hillsdale, New Jersey.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS), our distinguished colleague on the committee.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 4365, the Children's Health Act of 2000.

As a school nurse, a mother, a grandmother, children's health is an issue that has been of great concern to me throughout my life. This bill would dedicate more Federal spending to childhood diseases, including autism, early hearing loss, juvenile diabetes, and many others.

I want to highlight the new focus on infant hearing loss. I recently served as a panelist at a briefing on infant hearing held by the National Campaign for Hearing Health. Every day, 33 newborns leave hospitals in this country with undiagnosed hearing loss. Yet, only one-third of all infants are tested for this most common birth defect. More than half of the infants born today with hearing impairments go undetected until age two or three, which can have a long-term impact on language, social, and cognitive skills.

We can do better than that for our children, especially since new and effective treatments are now available. This legislation will provide needed grants to develop statewide newborn and infant hearing screening evaluations and intervention programs and systems.

Mr. Speaker, I urge my colleagues to join parents and grandparents with children and grandchildren who suffer from these childhood diseases in supporting this very important bill.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I thank the gentleman for yielding time to me.

As the original sponsor of H.R. 2511, the Adoption Awareness Act, along with the gentleman from Virginia (Chairman BLILEY), a champion of adoption issues, I am pleased to endorse the Infant Adoption Awareness Act included in the child health bill.

While this language is not as broad as the original legislation, it does reflect significant efforts to advance the purpose of the Adoption Awareness Act. This language was drafted with input from a wide variety of organizations, including those in the adoption and public health communities.

Women facing unplanned pregnancies deserve to hear about their options from a well-trained counselor who can provide accurate, up-to-date information on adoption. This Act provides professional development for pregnancy counselors in adoption counseling. The training will enable pregnancy counselors to feel confident in their knowledge of the adoption process, relevant State and local laws, and the legal, medical, and financial resources which can be provided to women with unplanned pregnancies.

Furthermore, there are true experts in the field of adoption counseling who are extremely familiar with the adoption process from the viewpoint of the birth mother placing a child for adoption. These individuals should be the trainers for the pregnancy counselors receiving the training.

I am pleased to support the Infant Adoption Awareness Act as a step in the right direction to bring complete and accurate adoption information to women facing unplanned pregnancies. I hope that this step significantly advances our Nation in the direction of eliminating a perceived anti-adoption bias in pregnancy counseling in providing lasting answers to difficult circumstances.

I truly believe that in our great Nation, while there may be unwanted pregnancies, there are no unwanted children.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to our colleague, the gentleman from Iowa (Mr. GANSKE), a member of the committee.

Mr. GANSKE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I will vote for this bill. It does many good things. But Mr. Speaker, I have to ask, if we are going to legislate on this floor on fragile X, autism, juvenile diabetes, then why do we not address on this floor the number one public health issue before the country, and that is the use of tobacco?

It has been well recognized that tobacco companies for a long time have been targeting kids to get them to smoke. Why? Because nicotine is one of the most addicting substances known. It is as addicting as morphine. Those tobacco companies know if they get kids hooked early it is very, very difficult to get them to quit.

Three thousand kids today will start smoking. One thousand of those kids will eventually die of a tobacco-related disease. I think it is a travesty that we are not bringing that issue to this floor. I and the gentleman from Michigan (Mr. DINGELL) have a bipartisan bill, the tobacco authorities bill, that gives the FDA authority to regulate tobacco. It is not a tax bill, it is not a liability bill. It simply says that those tobacco companies that have been targeting kids have to stop.

Mr. BILIRAKIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 4365 and applaud the chairman for the work he is doing here. He has lots of Members who want priorities. I think this is a very important bill.

Part of the bill is this adoption awareness, and specifically infant adoption awareness ensures that family planning counselors have access to training on presenting complete and accurate adoption information and referrals to women facing unplanned pregnancies.

Two, the special needs adoption awareness directs the Secretary of Health and Human Services to make grants to carry out a national campaign to provide information to the public on adoption of special needs children, establishes a toll-free telephone line for providing information, makes grants to support groups for adoptive parents, and for research on reasons for adoption disruptions.

I think this is extremely important here in Congress to realize that adoption awareness is a solution for many women. I applaud the chairman for all the work he is doing. I am pleased to be a cosponsor and to provide support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of H.R. 4365, and would like to focus on one element of this bill, the Folic Acid Promotion and Birth Defects Prevention Act, which I introduced last year with the gentlewoman from Missouri (Mrs. EMERSON).

This provision will help prevent an estimated 2,500 U.S. babies a year from being born with serious birth defects of the brain and spine, such as spina bifida. Added to this tragedy is the fact that up to 70 percent of these birth defects can be prevented if women of childbearing age consume 400 micrograms of folic acid daily.

Unfortunately, thousands of U.S. women are unaware of this fact. The Folic Acid Promotion and Birth Defects Prevention Act in this bill addresses this problem by authorizing the Centers for Disease Control to launch a national education and public awareness campaign to inform women of the benefits of folic acid.

Like so many public health needs, common sense tells us that devoting a few extra dollars to this problem today will save thousands of dollars in future health care costs, but more importantly, will prevent the occurrence of these tragic birth defects.

On behalf of our Nation's families, I urge my colleagues to support H.R. 4365.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4365, the Children's Health Act of 2000.

I want to focus on one point of this bill. While I support every part of it, particularly the pediatric research, I want to talk a little bit about the graduate medical education part of this bill, because I have the honor of representing the Texas Medical Center, which is the largest Medical Center in the world and includes the largest children hospital, Texas Children's Hospital, as well as Hermann Children's Hospital in the Harris County Hospital District.

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That being said, there is a great deal of clinical research that is done through graduate medical education at Children's Hospital which is not reimbursed because our medical education system is funded through the Medicare program and really does need to be restructured.

This bill is the first step following up on what we did last year in funding, at least in part, some of that medical education that is conducted at children's hospitals. Congress should go a lot further, frankly, but I am pleased that this bill includes that.

Mr. Speaker, let me say what I regret about this bill. What I regret is where it is lacking, and that is in the Medicaid program itself. There are 3 million children, including 800,000 children in my home State of Texas, who are eligible for Medicaid but not enrolled in the program. Texas leads the Nation in the number of children, nearly a million children, not enrolled in the program.

The gentlewoman from Colorado (Ms. DEGETTE) and myself have both offered bills that would begin to address this problem and bring these children into the system. This creates an even greater burden in our children's hospitals because when these kids get sick, they end up at the children's hospitals and we pay for it through the disproportionate share program. The fact is they ought to be enrolled in the Medicaid program and getting the preventive health care they need, instead of showing up at the emergency room at the last minute at a much higher cost structure.

So I regret the fact that the committee chose not to include these bills in this bill. I think overall, this is a good bill. But I would hope that the Committee on Commerce will move swiftly to bring these children into the Medicaid program and start to address this problem. And I think by doing that, we will not only be doing a lot for these kids, but we will be doing a lot for our children's hospitals throughout the country.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding the time to me, and I certainly commend the gentleman for his leadership, along with the leadership of the gentleman from Ohio (Mr. BROWN), ranking member, for this legislation, the Children's Health Act of 2000. I strongly support it.

Mr. Speaker, the bill attempts to foster Federal and State cooperation in creating public awareness about some of the devastating effects of disorders such as autism, epilepsy, fragile X, asthma and skeletal cancer in children.

I am pleased that it authorizes the Director of NIH to expand programs and activities dealing with autoimmune diseases, including the formation of coordinating committee and advisory councils to develop NIH activities in this area and report to Congress on how funds are being spend on autoimmune diseases.

Mr. Speaker, let me put a face on these dreaded diseases. They include juvenile diabetes, juvenile arthritis, rheumatic fever, Crohn's disease, pediatric lupus, Grave's disease, Evans syndrome, autoimmune hepatitis, primary biliary cirrhosis, and the list goes on and on.

There have been so few epidemiology studies on the prevalence of these diseases in children that we can only give a best effort estimate that upwards of 9 million pediatric and adolescent children are afflicted with one or more autoimmune diseases. The lack of epidemiology studies clearly shows that there is a need for comprehensive approach to research in these areas.

This is a comprehensive approach; this is a comprehensive bill. It is a bill that I urge my colleagues to support unanimously, H.R. 4365.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 4365. By expanding pediatric research efforts and providing additional resources for a number of diseases which afflict children, this bill will go a long way toward improving health care for our children and enhancing their health and safety.

As the main Democratic sponsor of the Safe Motherhood Monitoring and Prevention Research Act, I am particularly pleased that H.R. 4365 includes provisions to ensure that maternal health and safe motherhood research and programs are top public health priorities.

As we all know, the CDC is the premier source of health surveillance in this country, and for the past 13 years they have been monitoring the maternal deaths, risks, and complications through the Pregnancy Mortality Surveillance System. The CDC also assists States in determining which women may be at increased risk for pregnancy-related complications and what types of interventions can decrease these risks through the Pregnancy Risk Assessment Monitoring System or PRAMS.

While most of us think that childbirth and pregnancy are completely safe, CDC's research tells us otherwise. According to the CDC, two to three women die each day from pregnancy-related conditions and nearly 5,000 women experience major complications either before or after labor begins. Even more disturbing is the news that black women are four times more likely and Hispanic women 1.7 times per likely to die during pregnancy than their white counterparts and that access to prenatal care does not close this gap.

That is why it is critical that we give the CDC the tools they need to collect data, investigate maternal deaths, research risks, and examine problems like domestic violence during pregnancy. Armed with that information and research, the CDC will also get the word out to women who need it most and the doctors who serve them.

Mr. Speaker, no woman should die due to pregnancy in 2000. So as we approach Mother's Day, I am delighted that this bill will enable CDC to do its good work.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Ohio (Mr. BROWN) is advised that he has 30 seconds remaining, as does the gentleman from Florida (Mr. BILIRAKIS).

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask House support of H.R. 4365. This legislation has been a good faith effort with the gentleman from Florida (Mr. BILIRAKIS), my office, and this committee working together. It will mean an absolute difference in children's lives; children who have often been ignored by the system in juvenile arthritis or juvenile diabetes and tests conducted not always for children and the unique diseases they have.

Mr. Speaker, I ask House support of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, an awful lot of blood, sweat and tears has gone into trying to secure a better future for our children by helping to reduce the incidence of disease and illness. I thank my Committee on Commerce colleagues, particularly the gentleman from Ohio (Mr. BROWN) and I applaud all the Members for having the good sense to set aside some of our partisan agendas in order to improve the lives of our children and all of their families throughout this country. I ask all of the Members to support this legislation.

Mr. WEYGAND. Mr. Speaker, while I am in support of H.R. 4365, the Child Health Research and Prevention Amendments, this bill should not be on the floor today under the suspension of the rules—where no member can offer an amendment to strengthen and improve this bill.

I commend those of my colleagues who drafted this bill in the back rooms of Congress. They have drafted a good piece of legislation. But Congress works best when more than a minority of the members are involved in developing legislation. As a cosponsor of H.R. 3301, the base bill for this new draft legislation, I will vote in favor of the bill on the floor today. Make no mistake, however, that thousands of extremely ill children are being ignored by the House of Representatives today.

Well over a month ago, my staff contacted the Commerce Committee—both the majority and the minority—asking if this bill could also direct the NIH to review their work on children with the rare illness "Hutchinson-Gilford Progeria Syndrome," similar to the study being asked for in the bill regarding Friedreich's ataxia. Other members of the House worked with me on this effort. I also joined with a member of the Majority to inquire if we could similarly add Spinal Muscular Atrophy to the same section of the bill. These measures are not in the bill today, and this process—which bars amendments—has kept these children and thousands of others from being heard, and helped by this bill.

In fact, this bill has not been open to amendments at any point since its introduction. Two committee mark-up sessions for this bill were canceled, and yet we are here voting for final passage! I ask you, Mr. Speaker, why has the leadership forgone the democratic process in order to pass a children's health bill? I would say it is because of tobacco and guns, the soft spot on the heart of the Republican leadership.

The failure of the leadership with regard to this bill represents a terrible missed opportunity for thousands of sick children. Because the Republican leadership couldn't stomach a vote on tobacco or gun safety—both huge problems for children's health—we bypassed regular order. That act has forced the House to forgo working together to develop a bill that could have helped even more children. My efforts to improve the bill are only one of 435 stories of members in this body. We have not only ignored the democratic process, we have ignored the needs of thousands of children in order to avoid some tough votes.

Shame on the leadership for failing our nation's children—not through the good of this bill, but through the leadership's failure to do even more for children.

Mrs. EMERSON. Mr. Speaker, it is with pleasure that I speak in support of this essential Children's Health Act of 2000. There are many of us who have worked very hard to get to this day, and I applaud the Commerce Committee and Mr. BILIRAKIS and Mr. BROWN for getting a consensus on this bill so it could come to the floor.

I represent 26 rural counties in Southern Missouri. These counties are home to some of the most poverty stricken communities in the State. Most of them lack even basic health care services. And many lack decent roads and reliable phone service. Many people in these communities find themselves isolated from their extended family, their friends and their neighbors.

Many young mothers-to-be in my rural district are isolated from family and friends—and they live miles away from nurses and doctors. This isolation often prevents them from getting prenatal care and adds to the fears and uncertainties that come along with being a new or expectant mother. Many American women fall through the cracks of our health system. Women throughout our nation face great challenges in securing healthy pregnancies and healthy children.

Consider the following: At the turn of this century more American women died in childbirth than from any other cause except for tuberculosis. At the close of this century, after all of the medical advances made in this country, it's easy to assume that today pregnancy and childbirth are safer for American women and their babies.

But this is a false assumption.

Last June, the CDC released a report that makes it painfully clear that the promise of safe motherhood is eluding too many women. In fact, during the past 15 years alone, total maternal deaths have not declined one bit in our nation. Just think of it. Today, tuberculosis claims about one American life out of 1,000 a year. But 2–3 women out of 10,000 lose their lives each day due to pregnancy-related conditions. And out of 1,000 live births in our country each year, 8 babies die. More infants die each year in the United States than in 24 other developed nations.

As a Member of Congress and as a mother of four daughters, this maternal and infant mortality rate is simply unacceptable. We've got to find out why safe motherhood is still out of reach for so many American women. I am very proud to join many of my esteemed colleagues in supporting this legislation that will have significant progress of maternal and infant health in this country.

The legislation includes several provisions that my colleague NITA LOWEY and I introduced as a stand alone bill, Safe Motherhood Monitoring and Prevention Research Act of 1999, which are especially beneficial to pregnant women, infants, and children.

The Safe Motherhood Portion of the bill achieves 3 key goals, all necessary components to true progress in the enhancement of material and infant care.

First, it expands CDC's Pregnancy Risk Assessment Monitoring System (PRAMA) so that all 50 states will benefit from a public health monitoring system of pregnancy-risk related factors.

Second, this bill authorizes an increase in federal funding for preventive research, so we can identify basic health prevention activities to improve maternal health.

The third and final component of this section of the bill directs the Secretary to help states and localities create public education and prevention programs to prevent poor maternal outcomes for American women.

In addition, this bill emphasizes the need to expand existing prevention programs and pregnancy risk assessment systems to include those areas of the country where underserved and at-risk populations reside.

Finally, I am also pleased that this bill includes many of the provisions in a bill I introduced last year called the Healthy Kids 2000 Act. This bill expands the opportunities for Pediatric Research by creating a pediatric research initiative within NIH, promotes the use of folic acid as a way to prevent birth defects, and creates a national Center on Birth Defects and Developmental Disabilities.

There are so many wonderful parts of this bill. On behalf of our youngest and most vulnerable citizens, I urge my colleagues to Vote for the Children's Health Act of 2000, and I urge the Senate to take action on this bill to move the process forward.

Mr. TIERNEY, Mr. Speaker, I commend the bipartisan effort that has produced this important bill, H.R. 4365, the Children's Health Act of 2000. I understand that in the spirit of cooperation, many amendments to this bill were laid aside in order to bring this legislation to the floor and ensure that the urgently needed programs included in H.R. 4365 were not jeopardized by disagreements on other matters.

I would like to mention one change to the bill that I believe is quite worthy and would not raise controversy. Had this bill come up under a rule rather than as a suspension, Mr. WEYGAND and I would have sought an amendment to include Hutchinson-Gilford Progeria Syndrome under Section 2201 of the bill as one of the rare childhood diseases on which NIH would have to report its activities.

This syndrome, commonly known as Progeria, is a genetic condition that manifests itself as accelerated aging in children. While it is quite rare, with an estimated incidence of roughly one in every 8 million newborns, Progeria is devastating. The average life span of an affected child is 13 years, and the disease is, without exception, fatal. Up until now, there has been little to no NIH research directly in this area. However, such research has the potential to benefit many individuals in addition to the victims of Progeria. According to Dr. Ted Brown, Professor and Chairman of the Department of Human Genetics at the New York State institute for Basic Research, "Finding a cure for Progeria may provide keys for treating millions of people with heart disease associated with natural aging."

Requiring the NIH report on activities relating to rare childhood diseases to include Progeria as one of those conditions is thoroughly consistent with the purpose of the bill before us today, and we thank the sponsors and managers of the bill who have been sympathetic to our suggested change. However, because of the process by which H.R. 4365 came to the floor, it was not possible to include this important and justified amendment. Mr. WEYGAND and I hope that the Senate's consideration of this legislation will proceed in a more deliberative manner, and we will work with our Senate counterparts to include Progeria language when this bill moves in the other Congressional chamber. It is our hope that the bill that emerges from conference will contain language bringing much-needed attention to this underrecognized and tragic condition.

Mr. BLILEY. Mr. Speaker, I commend the gentlemen from Florida and Ohio for introducing H.R. 4365, the Children's Health Act of 2000. This important legislation, introduced by Representatives BILIRAKIS and BROWN, contains a host of significant provisions that, when enacted into law, will improve the lives of untold numbers of children and families throughout this country.

Though too numerous to mention each provision individually, I want to comment on a few that I believe are parrticularly important. This Act makes important strides in the fight against autism—a heart-breaking condition. Autism is a serious disease, affecting 1 in every 500 children born today. More prevalent than Down's syndrome, childhood cancer or cystic fibrosis, it hits children during the first two years of life and causes severe impairment in language, cognition and communication.

As a proud adoptive father of two, I am pleased that this Act also advances adoption policy in this country by ensuring family planning counselors have access to training on presenting complete and accurate adoption information to women facing unplanned pregnancies. In the interest of time, I ask that I be permitted to extend my remarks for a more full discussion of this aspect of the legislation. Moreover, this bill contains several initiatives that will foster the adoption of special needs children. The Act also authorizes the Healthy Start program for the first time. For at-risk pregnant women served by this program, it authorizes ultra-sound screening and expands access to surgical services to the fetus, mother, and infant during the first year after birth.

The Act will enable the families of children who have had an adverse reaction to rotavirus vaccine to receive compensation under the vaccine injury compensation program. It extends the authorization of appropriations for graduate medical education in children's hospitals—an authorization that the Commerce Committee initiated in a bill signed into law last year.

The list goes on: the Act will bring help to children suffering from juvenile diabetes, pediatric asthma, juvenile arthritis, birth defects, hearing loss, epilepsy, skeletal malignancies, traumatic brain injury, dental disease, and a wide range of autoimmune diseases. It also ensures that our nation's organ transplantation system recognizes children's unique health care needs.

It is important that the Members of this House vote for passage of this critically important bill to secure a better future for America's children by helping to reduce the incidence of disease and illness. We know we can lessen the incidence of these diseases through heightened research activities, and through the use of successful interventions that still remain out of reach by many in our society.

Again, I thank my Commerce Committee colleagues and many other Members who have contributed to this bill. By voting to pass this bill, I applaud those Members for having the good sense to set aside some of our more partisan agendas in order to do a good work for our children and all of their families throughout this country.

Ten months ago, Congressman JIM DEMINT of South Carolina and I introduced H.R. 2511, the Adoption Awareness Act. During consideration by the Committee on Commerce, the language of H.R. 2511 changed but the central purpose remained the same: the Infant Adoption Awareness Act ensures that counselors in health clinics and other settings provide women who have unplanned pregnancies complete and accurate information on adoption.

As Chairman of the Commerce Committee, I have been responsible for the negotiations leading to the Infant Adoption Awareness Act for these many months, and I want to take this opportunity to explain the bill at length to my colleagues in case there is any confusion with the text of the original Adoption Awareness Act, H.R. 2511.

What struck Congressman DEMINT and me was that the studies and statistics available in this field show a lack of activity which may well reflect an anti-adoption bias in pregnancy counseling. According to a University of Illinois study by Professor Edmund Mech, Orientations of Pregnancy Counselors Toward Adoption, 40 percent of self-identified "pregnancy counselors" in settings such as health, family planning, and social service agencies do not even raise the issue of adoption with their pregnant clients. Of the 60 percent who raise the issue of adoption in some form, 40 percent provide inaccurate or incomplete information. Furthermore, while pregnancy counselors themselves may not have a negative bias towards adoption, they presuppose that their client is not interested and therefore do not present adoption as a true option for women facing unplanned pregnancies (Source: Mech, Pregnant Adolescents: Communicating the Adoption Option). The Infant Adoption Awareness Act would set up a training program by which clinic workers and others could receive professional inservice training in educational adoption counseling. By being properly trained, these counselors would be equipped to provide valuable information on adoption to their clients.

While many societal factors have changed in the last twenty years, including the acceptance of non-marital teen parenting, the availability of welfare, and increased availability of abortion services, there has been a dramatic drop in the number of adoptions among live births to unwed mothers. Prior to 1973, an adoption placement occurred for almost one of every ten premarital births. By the 1990s, the number had dropped to an adoption placement for one of less than every hundred premarital births. A long-term study of the Adolescent Family Life (AFL) pregnancy programs which included an adoption counseling component showed that—given necessary adjustments for client and community characteristics—more women chose to place their child for adoption when enrolled in an AFL Care project which provided adoption counseling as a part of pregnancy resolution decision-making (Source: McLaughlin and Johnson, Battelle Human Affairs Research Centers, The Relationship of Client and Project Characteristics to the Relinquishment Rates of the AFL Care

Demonstration Projects). Thus, this Act intends to ensure that the public health and other professionals coming in contact with a high percentage of women facing unplanned pregnancies—often unwed adolescents—are properly prepared to have a complete and accurate discussion of adoption.

The Act allows for a six month period in which representatives of the adoption community come together to adopt or develop best-practices guidelines for counseling on adoption to women facing unplanned pregnancies. Specifically, the Secretary should include representatives of diverse viewpoints in the adoption community, including organizations representing agencies arranging infant adoptions, adoption attorneys, adoptive parents, social services, and appropriate groups representing the adoption triad (birth parents, infant, and adoptive parents). Organizations with significant expertise and history in this arena include the National Council For Adoption, Loving and Caring, Bethany Christian Services, the American Academy of Adoption Attorneys, and the American Bar Association Family Law Section's Adoption Committee and these organizations should be represented on the panel. While recognizing the sensitivity of making an adoption decision, the organizations represented should be those which promote adoption in a realistic, positive manner as beneficial to the birth parents, child, and adoptive parents. The best-practices guidelines should focus on the essential components of adoption information and counseling to be presented during a pregnancy counseling session. Furthermore, the guidelines should include important variables to be presented, such as state laws on adoption, and available medical, legal, and financial resources. Previous curricula developed for these purposes should be the starting point and, as an interim set of guidelines, be determinative.

The role of the public health clinics on the panel developing the best practices guidelines (and organizations representing their interests, such as the Family Planning Councils of America) is to ensure the guidelines are relevant to the health clinic setting. The experts in adoption counseling, including those who have a history of developing and delivering training or tools to teach adoption counseling, should shape the best-practices guidelines to provide an excellent model for presenting adoption to women facing unplanned pregnancies. Since different attitudes towards adoption exist throughout the country which can be attributed to racial, ethnic, religious, social, and geographic differences, the best-practices guidelines should act as a blueprint or model while still allowing localities the flexibility to address their local situation. Therefore, the best-practices guidelines would be a model which could be tailored to address the individual needs of the pregnant woman.

After the best-practices guidelines are developed, the Secretary shall make grants to adoption organizations to carry out training, which will often be training trainers, to teach pregnancy counselors how to present complete and accurate information on adoption. The guidelines are meant to be the basis for the adoption, improvement, or development of a training curriculum by grantees. Furthermore, the grantees can carry out the training programs directly or through grants or contracts with other adoption organizations. For instance, a national office could subgrant or contract with local affiliates throughout the nation or a region thereof. The Secretary should use discretion in ensuring that all regions of the nation will have adequate access to the training without having duplicate services in an area with a small number of eligible health clinics. There are no geographic limitations on where the trainers should be trained. The intent is to provide for training of trainers, often on a statewide or regional basis, so truly expert trainers can teach others.

The trainers should be highly qualified individuals with an expertise in adoption counseling. "Adoption counseling" in the adoption community implies an in-depth discussion of adoption which includes knowledge of various types of adoption and familiarity with the viewpoint and challenges of birth mothers, putative fathers, adoptive parents, and the best interest of the child. Trainers should have experience in providing adoption information and referrals in the geographic area of the eligible health centers. With a knowledge of state laws and access to local support networks, a trainer will be able to provide a more extensive review of local information and resources to the pregnancy counselors. The most essential component of the training, however, is to teach pregnancy counselors how to accurately and completely present adoption as an option to their clients and to ensure counselors are able to answer the frequently asked questions clients have regarding adoption.

The Infant Adoption Awareness Act refers to pregnancy counselors providing adoption information and referrals as a part of pregnancy counseling. It is important to note that handing a client a piece of paper or booklet explaining the adoption process and providing phone numbers of agencies or attorneys for adoption referrals does not constitute adoption information and referrals. Adoption information means a counselor is able to fully explore the option of adoption with a client. This includes answering relevant questions such as the types of adoptions, financial and medical resources for birth mothers, and state laws regarding relinquishment procedures and putative father involvement. Referral upon request includes following the procedures of the health clinic to make an appointment for the client and follow-up as necessary. Referral may be made to an in-house adoption provider, such as a staff member of a licensed adoption agency. Since adoption is explored in the context of pregnancy counseling sessions in which counselors and clients have a limited amount of time, it is essential that the counselors provide complete and accurate summary information to their clients at that time.

The intent of this Act is to ensure that pregnancy counselors are well-trained, knowledgeable and comfortable presenting adoption to their clients. While adoption may not be the right choice for every woman facing an unplanned pregnancy, each woman should be presented adoption information to make a well-informed decision. Many women have not thought of the possibility of adoption, do not know how to explore the details of adoption, or have misconceptions of the adoption process which hinder their consideration of the alternative of adoption. Since pregnancy counselors act as an important resource for these women, they must be equipped to fully address the option of adoption with their clients.

The adoption organizations eligible to receive grants for training (or subgrants or contracts) are those national, regional, or local private, non-profit institutions among whose primary purposes is adoption, and are knowledgeable on the process of adopting a child and on providing adoption information and referrals to pregnant women. These adoption organizations must work in collaboration with existing Health Resources Services Administration (HRSA) funded "training centers." Of particular importance is the organization's experience in explaining the process involved to the birth mother placing the child for adoption. It is essential that adoption is among the primary purposes of the entity, as it should be organizations with true experts in adoption counseling who are training pregnancy counselors.

Health centers which are eligible to have staff receive training are public and nonprofit private entities that provide health-related services to pregnant women. The designated staff of the health centers means the counselors who will interact and provide counseling to women with unplanned pregnancies. The designated staff members are those who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training). Furthermore, while the Act sets out those health centers which should receive priority in being trained, nothing should be construed to prohibit those who provide counseling in other settings, such as on military bases and corrections facilities, to be eligible to participate in the adoption counseling training sessions.

The grant is conditioned on the agreement of the adoption organization to make reasonable efforts to ensure that the eligible health centers which may receive training under this grant include, but are not limited to, those that receive federal family planning funding, community health centers, migrant health centers, centers for homeless individuals and residents of public housing and school-based clinics.

The Secretary has the duty to provide eligible health centers (which receive funding under Section 330 and 1001) with complete information about the training available from the adoption organizations receiving the training grants. Furthermore, the Secretary has the duty to encourage eligible health centers to have their designated staff participate in the training. The Secretary must make reasonable efforts to encourage staff to undergo training within a reasonable period after the Secretary begins making grants for such training. The grantees will cover the costs of training the designated staff and reimbursing the health center for costs associated with receiving the training. Adoption counseling training is a type of professional development for pregnancy counselors and should be reimbursed on a similar basis as other professional development activities which staff receive in the local area.

Within one year, the Secretary shall submit to the appropriate Committees of Congress a report prepared by an independent evaluator, paid for by funds set aside under this Act evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers. The study should be scientifically-based and sufficiently broad so as to gain an understanding of the current practices of providing adoption information in Federally funded health clinics throughout the country. This should include the attention given to adoption relative to other options discussed in pregnancy counseling. Further, the study should indicate how often and in what form (written, verbal) adoption information is offered, the completeness and accuracy of the adoption information provided, and non-identifying information about the options ultimately chosen by clients.

Within a reasonable period of time, the Secretary shall submit to the appropriate Committees of Congress a report evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers to determine the effectiveness of the training. The study should be scientifically-based, that is, more than a checklist asserting that adoption counseling, information, or referral has been provided, and focus on those health centers in which designated staff have been provided training through this Act. In conducting these studies, the Secretary shall ensure that the research does not allow any interference in the provider-patient relationship, any breach of patient confidentiality, or any monitoring or auditing of the counseling process which breaches patient confidentiality or reveals patient identity.

Funding for research in adoption counseling practices has been sporadic at best. Despite the acknowledged need to ensure pregnancy counselors can present adoption in a positive, accurate manner, funding for such studies has not materialized in proportion to the need. The Adolescent Family Life Program in the Office of Population Affairs provided for limited studies in the 1980s and follow-up studies on the effectiveness of the AFL Demonstration Programs into the early 1990s. The Office of Adolescent Pregnancy Programs in the 1990s proposed an objective of increasing to 90 percent the number of pregnancy counselors who are able to counsel on adoption in a complete, accurate manner. With a change of Administration, this goal never materialized as one of the priorities of the Public Health Service. Furthermore, plans for follow-up study by the Department of Health and Human Services to determine if the orientations of pregnancy counselors toward adoption had changed were dropped in 1995. Thus, research in this area is of critical importance.

Additionally, there is an understanding that this Act would include "charitable choice" language allowing faith-based organizations to compete for grants on the same basis as any other non-governmental provider without impairing the religious character of such institution, upon agreement by the White House and House Leadership on "charitable choice" language for other legislation. Under charitable choice, the Federal Government cannot discriminate against an organization that applies to receive such a grant on the basis that the organization has a religious character and programs must be implemented consistent with the Establishment and Free Exercise Clauses of the United States Constitution. While following the agreed upon charitable choice model, the language must be crafted to conform it to the purpose and structure of this Act.

While we have come a long way, much work remains to be done. I look forward to working with my colleagues on the Appropriations Committee on this adoption priority and with members of the other body to enact this important provision into law this year, on which better and more humane Federal policies can be built in the future.

Mr. DINGELL. Mr. Speaker, I am in support of H.R. 4365, the Children's Health Act of 2000. This bill is an important first step toward improving the health and well-being of our nation's next generation.

H.R. 4365 enhances the national research infrastructure and reinforces surveillance and prevention initiatives for such conditions as fragile X, autism, asthma, juvenile arthritis, childhood malignancies, traumatic brain injury, hepatitis C, and immediate adverse reactions to vaccines. I am particularly pleased to see two provisions that reflect the tireless efforts of my colleague DIANA DEGETTE: one to advance the quest for a treatment and cure for juvenile-onset diabetes, and the second to improve pediatric organ transplant services. H.R. 4365 also strengthens existing activities to promote the use of folic acid in the prevention of certain birth defects, a measure that will reduce human suffering and save healthcare dollars.

Other highlights of the bill include the expansion of oral health and epilepsy treatment services to undeserved children, and the reauthorization of the Healthy Start initiative, a demonstration program established to reduce infant mortality and improve pregnancy outcomes.

Investments in America's researchers are also evidenced in H.R. 4365 through the extension of authorized appropriations to children's hospitals for the cost of graduate medical education. The bill enhances biomedical pediatric research by establishing a Pediatric Research Initiative within NIH, and centralizes the coordination of NIH research activities in the area of pediatric autoimmune disorders. Finally, to attract the most promising young research minds in the country to work on often overlooked childhood disorders, the bill contains loan repayment programs for biomedical researchers and physician-scientists.

Regrettably, however, this children's health bill is not the best we could do for America's children. A number of my colleagues had amendments that would have strengthened H.R. 4365, but the irregular procedures used by the majority for the bill blocked their consideration. These include, but are not limited to: (1) supplementing S–CHIP and Medicaid to provide seamless access to state-of-the-art prenatal services to all pregnant women; (2) assuring equal access to pediatric specialists, medically necessary drugs and clinical trials for children with rare and/or serious health problems; (3) attending to state-by-state disparities in new born screening for genetic diseases by authorizing HHS to carry out the recommendations of the Task Force on Newborn Screening, an issue of deep concern to my colleague Mr. PALLONE; and (4) an excellent proposal by my good friend Mr. TOWNS for establishing guidelines for the administration of psychotropic medications to children under five.

An even more glaring omission from this bill is the lack of a provision to restore FDA's jurisdiction over the regulation of youth tobacco use. This issue was thoughtfully raised in legislation introduced by my colleague, Dr. GREG GANSKE, which enjoys a broad base of bipartisan support. The process by which the legislation comes before us today is characterized by the majority's determination to block any discussion of this important issue.

I have additional concerns about the difficulties that will arise for this particular Children's Health bill, H.R. 4365, as companion legislation is crafted by the Senate. Title XII, the Infant Adoption Awareness Act of 2000, has drafting problems, and leaves the bill vulnerable to a host of family planning and adoption issues that are beyond the agreed upon scope of this Children's Health bill.

I will be one of the first to suggest that adoption is an important national issue. As of March 31, 1999, America had 117,000 children in the public foster care system who are awaiting adoptive parents and a permanent place to call "home." This represents an increase of over 7,000 children since 1998, perhaps in part because Public Law 105–89, the Adoption and Safe Families Act has made more foster children, who are unable to return home safely, available for adoption. Something is wrong, however, when adoptive parents tell us that it is easier to pursue an international adoption than to adopt a special needs child from America.

If we wanted to address adoption issues, we should have considered legislation sponsored by Senator LEVIN that the Senate has passed three times. It would facilitate the creation of a national voluntary reunion registry. In the era of genetic medicine, with its emphasis on family medical history information, this not only makes sense as public policy, but addresses the life-long psychological issues that often shroud the adoption process. Again, irregular procedures blocked mere discussion of this issue.

Mr. Speaker, I will support this bill. I do so, however, with the fervent belief that we can, and should, do more for America's children than is reflected in H.R. 4365. The children of every district in this nation have waited too long for the many laudable provisions in the bill; but they also deserve more, and they deserve it soon.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4365, as amended.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LONG ISLAND SOUND RESTORATION ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3313) to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long Island Sound Restoration Act".

SEC. 2. NITROGEN CREDIT TRADING SYSTEM AND OTHER MEASURES.

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting ", including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the Plan" before the semicolon at the end.

SEC. 3. ASSISTANCE FOR DISTRESSED COMMUNITIES.

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

"(1) ELIGIBLE COMMUNITIES.—

"(A) STATES TO DETERMINE CRITERIA.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

"(B) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of this subsection, the State shall consider the extent to which the rate of growth of a community's tax base has been historically slow such that implementing the plan described in subsection (c)(1) would result in a significant increase in any water or sewer rate charged by the community's publicly-owned wastewater treatment facility.

"(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

"(2) REVOLVING LOAN FUNDS.—

"(A) LOAN SUBSIDIES.—Subject to subparagraph (B), any State making a loan to a distressed community from a revolving fund under title VI for the purpose of assisting the implementation of the plan described in subsection (c)(1) may provide additional subsidization (including forgiveness of principal).

"(B) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State under subparagraph (A) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

"(3) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, a State may give priority to a distressed community.".

SEC. 4. REAUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 3 of this Act) is amended—

(1) in paragraph (1), by striking "1991 through 2001" and inserting "2000 through 2003"; and

(2) in paragraph (2), by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "not to exceed $80,000,000 for each of fiscal years 2000 through 2003".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3313.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to commend the gentlewoman from Connecticut (Mrs. JOHNSON) and her colleagues from the Long Island Sound area who provided the leadership on this very important environmental piece of legislation.

This is the Long Island Sound Restoration Act, which is updated and improves the Long Island Sound program established under the Clean Water Act.

This is legislation which provides funding for clean water facilities and as well to control runoff. The Long Island Sound is one of the estuaries in the National Estuary Program. The Long Island Sound program was created in part to help carry out the goals of the Sound's long-term estuary management program. This legislation authorizes funding for that.

It provides financial relief for distressed communities and encourages the EPA to support ongoing State efforts in the watershed to establish a nitrogen trading credit program. It is a market-oriented program. Low-level dissolved oxygen, caused largely from the high levels of nitrogen from wastewater treatment plants, is one of the most significant problems in the Long Island Sound area. This legislation will help achieve the goals of reducing the nitrogen in the Sound.

H.R. 3313 will also help restore the Long Island Sound's habitat and improve the water-quality dependent uses so important to the regional economy.

Mr. Speaker, this is very, very important environmental legislation. I urge its support.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3313, the Long Island Sound Restoration Act. This legislation would extend the authorization of the Long Island Sound office under the Clean Water Act through fiscal year 2003 and would increase the authorization for grants to implement the Comprehensive Conservation and Management Plan for the Long Island watershed to $80 million per year for 4 years.

As stated in the committee report, the construction of projects that are treatment works as defined in the Clean Water Act will be subject to section 513 of the act. I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from New York (Chairman BOEHLERT), our colleagues, for their willingness to address this critical issue in a positive way.

H.R. 3313 would encourage the Administrator of the Environmental Protection Agency to use her existing authorities in implementing the Long Island CCMP to establish a nitrogen credit trading program or any other measure that is cost-effective and consistent with the goals of the CCMP.

H.R. 3313 does not alter any existing regulatory authorities under the Clean Water Act, nor does it provide the Administrator with any new authorities.

The bill, as amended by the Committee on Transportation and Infrastructure, would authorize New York and Connecticut to subsidize loans to distressed communities in the Long Island Sound watershed for wastewater treatment facilities under the revolving fund program of the Clean Water Act.

Population growth and economic development have impaired the water quality of the Sound, contributing to public health and environmental public problems in the watershed. Investment in wastewater treatment facilities as called for in the CCMP would lead to significant water quality improvement.

Mr. Speaker, I understand that all the wastewater treatment works in the Long Island Sound watershed are in need of improvement soon. This bill would enhance that effort by providing additional resources and flexibility.

I support providing additional assistance to address distressed communities in the region to help finance wastewater infrastructure improvements and investment to improve water quality. Many of us in the eastern United States know all too well about declining urban populations and diminished tax base even as infrastructure needs rise.

Mr. Speaker, I believe the amended bill represents a reasonable approach to providing additional financial assistance to distressed communities in the Long Island Sound watershed so that they can better afford necessary investments in wastewater treatment facilities.

It is modeled after the Safe Drinking Water Amendments of 1996, and may serve as a national model for the Clean Water Act. At the same time, the financial integrity and viability of the SFR programs of the States are not unduly compromised.

Mr. Speaker, I support the bill and urge approval.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. BOEHLERT), chairman of the Subcommittee on Water Resources and Environment.

□ 1500

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 3313, the Long Island Sound Restoration Act.

First let me thank the gentleman from Pennsylvania (Chairman SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. BORSKI) of the Committee on Transportation and Infrastructure for their leadership and cooperation in moving this important legislation forward.

I made clear right from the outset that this was a legislative priority of mine, not only in my capacity as chairman of the Subcommittee on Water Resources and Environment, but as a New Yorker and one who knows firsthand the value and beauty of the Long Island Sound. So for me, today's action is particularly gratifying.

I am sure no one is more gratified than the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. LAZIO), the bill's primary sponsors. On a bipartisan basis, with 30 of our colleagues, they have worked tirelessly to advance this legislation and the cause of restoring and protecting Long Island Sound.

I would also like to recognize the invaluable efforts of Governor George Pataki of New York and Governor John Rowland of Connecticut and the many governmental and nongovernmental organizations that have championed this critically-needed legislation.

Let me say, Governor Pataki and Governor Rowland came to Washington to testify before our very committee. I know from firsthand experiences, my fellow New Yorkers on both sides of the aisle will tell us Governor Pataki has given this a very high priority. He is proving by performance that he is a leader on environmental issues, not only for the State of New York, but nationally. As a matter of fact, in New York State, through his leadership, we passed a $1.7 billion environmental bond act. We did it on a bipartisan basis.

Now we are demonstrating that we are willing to put our money where our mouths are. We are willing to back up our words with deeds under the leadership of Governor Pataki, and he deserves special commendation today.

Long Island Sound is approximately 110 miles long and 21 miles across at its widest point. More than 8 million people live within Long Island Sound Watershed, which borders both States, New York and Connecticut.

The Long Island Sound, like many estuaries across the U.S., supports multiple uses and demands. It generates more than $5 billion a year for the regional economy from boating, swimming, and commercial and sport fishing, among other activities. It also is home to a multitude of fish and wildlife species.

However, the Sound can no longer support these multiple economic and environmental uses and demands. Increasing population growth and development have led to water quality problems arising from increased nonpoint source pollution from storm water and agricultural runoff, wastewater discharges with high nitrogen levels, industrial pollution, and commercial and recreational waste.

In fact, an estimated $1 billion would be needed over the next 20 years to address the environmental and public health problems in the Sound. This is an important start. This is a demonstration of the Green Team in action again, and we see it on the floor here. Very dedicated Members of Congress support it by very able and very professional staff people who all have the privilege of working for the most productive committee in the House of Representatives in the people's House.

This is legislation I proudly identify with. Once again, I say to all of my colleagues, this is something that has earned our support for all the right reasons.

Mr. BORSKI. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. FORBES), and I note the gentleman's hard work to improve the water quality of the Long Island Sound.

Mr. FORBES. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, and of course the gentleman from New York (Chairman BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI), ranking member, for their leadership.

This bill on the floor today is a bill that enjoys strong bipartisan support, as it should. The Long Island Sound Restoration Act is critically needed. As one of the sponsors of this important legislation, I can tell my colleagues that we have long overdue the need for the Long Island Sound study and the proper implementation of the comprehensive conservation and management plan for Long Island Sound.

As we heard from the gentleman from New York (Mr. BOEHLERT), over the next decade, we are going to need upwards of $1 billion to restore the ecological health of Long Island Sound. As a member of the House Committee on Appropriations, I can assure my colleagues that I will be working with my colleagues from Connecticut and New York to ensure that we have the kind of funding that will make this critical estuary healthy once again.

Last fall, the Long Island Sound fell victim to some kind of a disease that really struck our lobster industry, and we saw a tremendous die-off of the lobster crop in Long Island Sound to the detriment of so many families on Long Island. Thanks to the efforts of the New York and Connecticut delegation, the Secretary of Commerce, Mr. Daley, declared a commercial fishery failure in January of this year.

Restoring the Sound to its critical health, the marine life so important to this estuary is critically important to all of us and certainly, important to our fishing families.

Underscoring the need to restore Long Island Sound is important, but equally important is the need to stop the Nation's largest polluter; and that is the Federal Government. The Federal Government continues to poison Long Island Sound with its dredge spoils.

What was reported out of the committee also unanimously was the Long Island Sound Protection Act, a measure that I authored, which I believe should go hand in hand with the measure on the floor. It would amend the Marine Protection Research and Sanctuaries Act of 1972 to make sure that the Federal Government is held to the same standards that we require of the private sector when dumping dredge spoils into Long Island Sound. Frankly, it reiterates something that was put into law back in 1980 by the late Jerome Anbrow, Democrat from Huntington.

This important legislation would end what we have seen for the last several decades, the Federal Government dumping poison sludge back into Long Island Sound. We are too sophisticated as a Nation today to allow this kind of egregious behavior to continue. So I lament the fact that we are not adding this amendment, this important protection for Long Island Sound, to this critically important legislation. I do applaud the committee for its bipartisan support of this legislation. It is long overdue.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) very much for yielding me his time. I appreciate the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from New York (Mr. BOEHLERT), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. BORSKI) for their help in getting committee approval of H.R. 3313, the Long Island Sound Restoration Act, legislation both the Connecticut and New York delegations have worked hard together to bring to the floor.

I also want to thank Governor Rowland of Connecticut and the Connecticut Department of Environmental

Protection for working closely with me, not only to achieve the worthy goals of this bill, but to do so in a way that small communities, distressed small towns can handle without unfair economic hardship.

Long Island Sound was one of the original 11 estuaries designated a national estuary under our Federal estuary program. Consistent with the requirements, New York and Connecticut, with the guidance from the EPA, developed a Comprehensive Conservation and Management Plan which dictates the steps each State must take to end pollution of the Sound. The plan addresses six core areas: hypoxia, or lack of oxygen in the water caused by high levels of nitrogen; nonpoint source pollutants; toxics in the water; floating debris; pathogens and land use or habitat protection.

Just Connecticut will spend between $600 million and $900 million over the next 20 years to clean up the 85 water treatment plants, the primary solution to hypoxia. These multimillion dollar costs will be paid by our towns and cities through a combination of grants from the State and local tax dollars that will repay loans from the revolving loan funds. While the grants are generous, totalling 30 percent of each town's expenses, the 70 percent of loans can impose an overwhelming burden on small communities and tax-strapped cities.

For instance, the town of Winsted, Connecticut has a cumulative debt of $15 million as a result of upgrades to both their water treatment, their drinking water, and wastewater treatment plants. Winsted's 2,500 customers face a daunting task in repaying the $15 million. They simply cannot afford any additional debt to fund the cost of nitrogen control equipment.

The Mattabassett District is the regional sewer authority for New Britain, Cromwell and Berlin, Connecticut and serves 102,000 residents. This district estimates that it will have to raise rates by well over 100 percent in order to install the required nitrogen removal equipment. This area of the State, once a manufacturing hub of the Northeast, has seen its tax base collapse in the last two decades and has been slow to share in the current economic boom. A doubling of water rates would be devastating to economic development efforts just taking hold in these towns and to their tax-paying residents.

Some may argue that Long Island Sound is not a national problem and should be handled by those States most affected. But 10 percent of America's population lives within the Long Island Sound Watershed. It is one of the most populated, visited and traveled areas of the country.

The Sound contributes $5 billion annually to the regional economy. And the ports of Bridgeport, New Haven, and New London—each in Connecticut—handle incoming freight from national and international sources. Much of the northeast's heating oil comes in through these ports; over 12 million tons of petroleum products passed through in 1997.

I will not go through the details of what it contributes to our economy. But more than 12 million tons of petroleum come through its ports. The Port of New Haven alone handles 622,000 tons of steel in 1997, making it the fourth largest port of entry for steel products into the United States after New Orleans, Houston, and Philadelphia. The New London port is one of the chief ports for lumber exports and home to Groton Naval Shipyard.

Further, in 1998, New York and Connecticut caught $23.8 million worth of clams and oysters. In other words, if people aren't enjoying the Sound for its recreational opportunities, they are using the products that come in through its ports or consuming the seafood from its waters.

In other words, if people are enjoying the Sound for its recreational opportunities, they are using it, the products that come in through its ports or consuming the seafood from its waters.

In sum, the Sound is clearly a body of national, economic, and environmental significance and calls for a nationwide commitment to its restoration.

As the Federal Government has provided help to implement other States' plans to save their estuaries, harbors, and lakes, so New York and Connecticut need help. Boston Harbor received $840 million to construct Deer Island Water Treatment Facility and clean their harbor. The Great Lakes has received $13 million a year since 1991. The Chesapeake Bay has received nearly $20 million a year since 1991. Long Island Sound is important to our Nation. It is as important to these other bodies of water and deserves our national efforts.

But New York and Connecticut are not just looking for Federal help, they are looking for a Federal partnership. Consistent with its responsibility to that partnership, Connecticut has developed a plan for reducing the overall cost of the cleanup. Connecticut estimates that their water treatment upgrades could cost up to $900 million over the next 20 years, but with this trading program will cost considerably less, probably $200 million to $300 million less.

Mr. Speaker, I urge the support of my colleagues of this very important legislation to preserve one of the Nation's real gems.

My legislation will allow Connecticut and New York to develop a nitrogen trading program to fulfill their obligations under the CCMP. The entire state must still meet the same nitrogen levels, but the trading program will help small communities who contribute very little pollution do their part to clean up the Sound.

In addition to authorizing a trading program and increasing the authorization level for the Long Island Sound office, my legislation will provide states with the option to give additional help to low income, distressed communities which have slow growth tax bases and would be unable to sustain significant increases in water rates. These communities would be eligible for grant money as well as negative interest loans.

Nothing is more important than bequeathing to our children a clean, healthy environment. With this bill we take a giant step toward the restoration of a real jewel, Long Island Sound.

Again, I thank the Chairman, Mr. BOEHLERT and Mr. SHUSTER for their support and assistance in developing this bill and urge its passage by the House.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO). I thank the gentlewoman for her work in several sessions of the Congress to try to improve the viability and well-being of Long Island Sound.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Pennsylvania very much for yielding me this time.

Mr. Speaker, I rise in strong support of the Long Island Sound Restoration Act. I have labored long and hard to try to see that we do clean up the Long Island Sound. It is critical to our environment and to our economy. It is one of the most complex estuaries in the country. It is located in a densely populated area. More than 8 million people live in the 16,000 square miles of watershed. Millions more flock to it for recreation. In fact, 10 percent of the U.S. population lives within 50 miles of the Long Island Sound.

It brings in more than $5 billion annually to the regional economy from activities like fishing, recreational, boating, swimming, and beachgoing, all of which require clean water.

The bill we consider today is a sensible approach to a problem that has plagued our community and its efforts to clean up the Long Island Sound for over a decade; that is the fact there are no reliable steady funding sources for implementing the Sound's Comprehensive Conservation Management Plan, which we developed in 1994 to protect the Sound.

This bill increases the authorized level we can spend on the Sound to $80 million a year for 4 years. It is a good first step. It is timely, because we need a dedicated increased funding source in order to be able to finally roll up our sleeves and to get the job done. It allows for a much-needed investment in clean water treatment facilities, provides a flexible approach for communities all around the watershed to reduce the pollution that goes into the Sound.

If one wants to talk to people who know the importance of the Long Island Sound to the communities and to our economy, take a walk along the shore with a lobsterman. We are suffering a massive lobster die-off that has virtually wiped out the lobster population in the Sound. To date, we do not know what has caused the die-off, but we do know that a cleaner Long Island Sound would make incidents like this less likely in the future.

I am pleased we are considering a bill like this today. I urge my colleagues to support the bill and help us clean up this treasure, our treasured Long Island Sound.

□ 1515

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, first of all, let me thank the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER), for his accommodation, together with the gentleman from Minnesota (Mr. OBERSTAR), in moving this consideration from yesterday, which was Cardinal O'Connor's funeral, to today to allow some of us to participate.

I also would like to thank the leader of the Green Team, the gentleman from New York (Mr. BOEHLERT), who is a hero to Long Islanders, and this is a major initiative on which his help has been invaluable. I also want to thank the gentlewoman from Connecticut (Mrs. JOHNSON), the prime sponsor of this legislation and the leading force, as well as the gentleman from New York (Mr. ACKERMAN) and the rest of the New York and Connecticut delegations who joined us in introducing this bill.

Mr. Speaker, I would like for my colleagues to visualize for a moment Yellowstone National Park. It is truly one of America's great jewels. Conservation managers at that park agonize over the impact of 3 million visitors that come annually to experience its beauty. They worry about the health of its sensitive ecosystems. They agonize about the stresses that this population influx puts on the system.

Now, I would like my colleagues to visualize that park with 8 million people living directly on its borders, with another 15 million living within 50 miles of it. I do not need to spell out the stresses that this situation would place on this natural system. I do not need to detail how the inability of that park to meet the needs of our citizens would be degraded. And I do not need to detail how much this Nation would pay to maintain that jewel for the enjoyment of all.

Mr. Speaker, the picture I just described is one we are living with today on the Long Island Sound. This 150-mile-long estuary is one of America's natural jewels, providing recreational outlets, commercial fishing, shell fishing, and a vital transportation corridor for the most heavily populated portion of this Nation. Like Yellowstone, the Sound is a major asset to the regional economy, generating over $5 billion annually.

A full 10 percent of this Nation's people live on our near this body of water. To many of these people the Sound is their opportunity to escape the multitudes, to get in touch with the great outdoors. To others, the Sound is a livelihood, a way of life. The lonely lobsterman, who sails out every morning to check his traps, or a fisherman trying to land that special of the day for a Manhattan restaurant. To all these Americans, the Sound is increasingly less able to meet their essential needs.

Pollution problems in the Sound have degraded the recreational experience. They have reduced the fish and shellfish populations. And pollution in the Sound has contributed to the 90 percent decline in the lobster population, which has been this Nation's third largest lobster fishery. That decline forced Commerce Secretary Daley to declare the Sound a fishery disaster area.

In a separate action, I and the other New York and Connecticut Members are now looking for funds to mitigate the economic impact of the lobster disaster. Like much of our region, nearly the entire Long Island Sound coastline is developed. We have lost up to 35 percent of our vegetated wetlands, endangering wildlife and increasing the potential of flooding. Over a billion gallons of sewage is discharged daily from our treatment plants, killing our fish and shellfish. As a result of this ecological stress, many of our bays and harbor bottoms are contaminated, and health advisories now warn against eating too much of some of the Sound's fish and waterfowl.

New York and Connecticut recognized this problem and have been working cooperatively to develop a plan for cleaning up the Sound. This plan was developed with the support of local environmental groups, recreational and commercial users of the Sound, and property owners. We are now ready to implement. We are ready to put up the upgrades we need to our sewer systems, to construct our runoff diversion ponds, and to restore our lost habitats.

New York's governor recently announced the funding of $50 million worth of projects from that plan. Connecticut's governor has also pledged to put their share of funding forward. The only partner that is not at the table is the Federal Government. In a role reversal, we now have States coming to the Congress asking us to cost share with them on a program of national significance.

The bill before us makes the Federal Government a full partner in this critical enterprise. It recognizes that cleaning up our pollution problems is not cheap but that it is a good investment. And this bill recognizes that we owe the future of the Sound to our children.

I grew up on Long Island and was fortunate to be able to take advantage of the benefits of its coastal waters. I want my children to be able to have that same advantage. This bill will give them that opportunity.

Mr. BORSKI. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. ACKERMAN), an original cosponsor of the bill.

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Pennsylvania (Mr. SHUSTER), as well as the gentlewoman from Connecticut (Mrs. JOHNSON) for her leadership.

I also want to thank my colleague, the gentleman from New York (Mr. LAZIO), who has done a lot of work on this, and the rest of the Long Island delegation, the gentleman from New York (Mr. KING), the gentlewoman from New York (Mrs. MCCARTHY), as well as the gentleman from New York (Mr. FORBES), who has now managed to cosponsor this bill from both sides of the aisle.

I am proud to represent an area that borders the Long Island Sound. The Sound is one of our Nation's natural treasures with important environmental, recreational and commercial benefits. Its value as an essential habitat for one of the most diverse ecosystems in the Northeast cannot be understated. Residents and vacationers alike enjoy the Sound for swimming and boating, and the approximately $5 billion in revenue generated by commerce relating to the Sound is vital to the region as well as to individuals who base their livelihood on the benefits of the Long Island Sound.

Unfortunately, the effects of millions of people on the shore and in the Sound are evidenced by the deteriorated water quality. Over the last several years, the Long Island Sound has suffered from numerous forms of pollution which has caused a dramatic drop in the Sound's fish population. As a result of the pollution, the Sound's multibillion dollar a year fishing industry is in jeopardy. The most recent devastating example that we have heard about is the unexplained and widespread lobster die-off. We must supply adequate resources to address this crisis and to examine possible problems in the water that could have caused the crisis.

Preservation of the Long Island Sound is not a parochial issue but a national one. Its inclusion as a charter member in the National Estuaries Program, the Sound has been designated as one of only 28 estuaries of national significance. The time to act is now. When I first introduced this legislation by this name in 1992, and again in every subsequent Congress, the price tag was $50 million. Now it is $80 million. It will not get cheaper if we wait any longer.

I am pleased to say and to note that both the States of New York and Connecticut are prepared to match the $80 million authorization with State funds, and I am confident that these funds will have a significant impact on the ongoing efforts to improve the quality of the Sound. We must do everything possible to ensure the continued funding of these efforts, and this legislation is the appropriate means for achieving the desired end. I urge all of our colleagues to join with us in supporting this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the Long Island Sound Restoration Act, and again thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. BOEHLERT) for their work in getting this bill out of committee. I also wish to thank Governors Rowland and Pataki and the respective Departments of Environmental Protection from both Connecticut and New York, and to thank as well my co-chair of the Long Island Sound Caucus, the gentlewoman from New York (Mrs. LOWEY), and the members of the caucus, as well as in particular the primary sponsors, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. LAZIO).

Mr. Speaker, I would like to read what a number of very significant organizations have had to say about this bill. The first quote:

> This is the most significant congressional action for Long Island Sound since it was designated a national estuary in 1985. It is critical this bill pass the House of Representatives to ensure the Federal Government is a true partner in the restoration of Long Island Sound.

—David Miller, Executive Director, National Audubon Society of New York.

> Cleaning up the water quality of Long Island Sound is critical to a comprehensive approach to restoring this fabulous resource to its full potential as a natural resource.

—David Sutherland, Director of Government Relations, the Connecticut chapter of the Nature Conservancy.

> This bill garnered widespread support across party lines. I think this sends a clear message to voters that the environment does matter and that both parties can work together to help preserve our environment.

—Deb Callahan, President, League of Conservation Voters.

> Nitrogen pollution in the Long Island Sound is a relatively recent discovery and quite literally a deadly problem. For many years gross pollution masked the damage being done by excess nitrogen. Thanks to Congress' efforts and construction grants and State revolving funds of the 1970s and 1980s, we have been able to make great progress only to find an underlying problem of great environmental and financial magnitude.

—Terry Backer, Soundkeeper, supporting this bill.

> It is critical to Long Island Sound, our region's greatest natural resource, that the Federal Government increase its recognition of the need to improve this water body by making an increased financial commitment. It is critical to future generations that this water body be returned to a flourishing ecosystem of flora and fauna.

—John Atkins, President of Save the Sound.

And, finally,

> Local and State governments have made enormous investments in sewage treatment and pollution control facilities, but the problems are much more regional in scope and therefore beg Federal involvement. Any plan which places the entire fiscal burden of cleanup on the most vulnerable level of government, local authorities, is destined for environmental and economic failure. That is why we support H.R. 3313.

—Ross Pepe, President, Construction Industry Council of Westchester and Hudson Valley, a professional employers association representing more than 550 companies and some 50,000 workers.

We will not have a world to live in if we continue our neglectful ways, and passage of this bill makes clear we are no longer being neglectful.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, I would like to thank the chairman of the committee, who has always been so responsive to the needs of our States and other Members, and the ranking Democrats involved in this effort for Connecticut.

This is an important effort, but it is a national effort. Almost 30 million American citizens live within a short distance of Long Island Sound. It is an important economic asset. We have obviously had challenges in the last several years. The lobstermen, in particular, as has been noted by a number of my colleagues, have had a very significant impact and a decreased number of lobsters out there. We need to address these issues. It is an important economic asset and an environmental asset.

From kayaking to commercial fishing to sports fishermen, who really play, I think, the most significant role in many ways of helping the economy of the region and increasing the quality of life, it is an important national asset and it is appropriate that we are taking this action today.

One need only drive along the coast from New York and go through the fishing villages of Stonington and Mystic to see the kind of diversity of activity along the shore. We need to take these actions for this generation but also for future generations to make sure that we leave this body of water in better shape than we found it when we took over the stewardship of Long Island Sound.

Again, I would like to thank the chairman and the ranking member for their support and urge passage of the legislation.

Mr. Speaker, as an original co-sponsor of H.R. 3313, I rise in strong support of this measure. I would like to begin by thanking Chairmen SHUSTER and BOEHLERT and ranking Members OBERSTAR and BORSKI and their staffs for their support in moving this legislation through the Committee process. I truly appreciate their efforts.

The bill before us today reauthorizes activities of the Environmental Protection Agency's Long Island Sound Program Office for four years. It also authorizes $80 million annually to help implement the comprehensive conservation and management plan approved for the Long Island Sound under the National Estuary Program. It also allows New York and Connecticut to provide grants from their state clean water revolving funds for the upgrade of wastewater treatment facilities in small communities that can ill-afford the cost of the necessary procedure.

The Long Island Sound is one on the 28 designated estuaries in National Estuary Program. As one of the eleven original estuaries designated in 1987, it is recognized as a significant national resource making its health a top priority for not only Connecticut and New York, but the country as a whole. Ten percent of the American population lives within 50 miles of the Sound. It is a source of recreation for vacationers, fishermen, and boaters as well as a key commercial water way for trade and commerce, providing over $5 billion to the regional economy.

I believe the increase in funding is reasonable. It would provide the necessary funds to allow Connecticut and New York to implement the goals of the Comprehensive Conservation and Management Plan for the Long Island Sound. By providing grants to distressed communities to assist them in upgrading wastewater treatment plants, the facilities would be better equipped to reduced the amount of nitrogen released into the Sound.

The high levels of nitrogen have depleted the supply of oxygen in the water—a phenomenon known as hypoxia or low dissolved oxygen. The nitrogen, which comes from a variety of sources including treatment facilities and run-off from lawns and fields, promotes the growth of algae by over-fertilization. Subsequently, the plants die, sinking to the bottom and decaying, using up the little oxygen there is. Too little oxygen can stunt the development or kill marine species like lobsters, slow moving species and finfish and flounder while also affecting their resistance to disease.

Recently, there has been a massive lobster die-off in the Sound. The lobster population has been in serious decline for the last year. Landings in Connecticut in December 1998 totaled 442,888 pounds while December 1999 landings were a mere 2,892 pounds. Initial findings indicate the presence of a parasite; however, there is still much research to be done. The need for research dollars is great making the funding provided within this legislation a significant step in the right direction.

The Long Island Sound is a nationally significant resource which deserves continued federal support. Passing this legislation today will allow the states of Connecticut and New York to continue their efforts to clean up the Sound and restore a healthy habitat for not only the wildlife that live in and around the Sound, but our constituents as well. The health of the Sound is crucial to our quality of life and economic well-being.

I urge my colleagues would join me in supporting H.R. 3313.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank our ranking member and the chairman for their support of this important bill, and I rise in strong support of H.R. 3313, the Long Island Sound Restoration Act.

As the co-chair of the Long Island Sound Congressional Caucus, I am especially proud to stand here today in support of a bill that reaffirms our commitment to Long Island Sound. Protecting our fragile waterways and coastal environments is essential, and the bill we are considering today will strengthen our efforts to preserve Long Island Sound.

Long Island Sound is a national treasure, but this extraordinary environmental economic and recreational asset has been damaged by years of pollution and neglect. It is absolutely crucial to expand the Federal Government's role in controlling pollution and in stewarding our coastal resources throughout the Sound.

One of my proudest achievements since coming to Congress was working to establish the Environmental Protection Agency's Long Island Sound office in 1991, which coordinates the implementation of the Sound's Comprehensive Conservation and Management Plan. The Plan is working to bring the Sound back to life again. But we need to do much more.

EPA estimates that simply meeting the appalling backlog of water quality infrastructure upgrades nationwide will cost $140 billion over the next 20 years. And the amount needed to address the health and environmental concerns around Long Island Sound alone over the next two decades is $1 billion. This critical legislation supports these efforts by significantly increasing authorization levels for the Long Island Sound office and targets these important resources towards implementation of the Sound's cleanup plan.

The Long Island Sound Restoration Act is another important tool in our arsenal to expand the Federal Government's role in restoring Long Island Sound, and I urge my colleagues to support this fragile resource by voting for H.R. 3313.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3313, the Long Island Sound Restoration Act.

The Long Island Sound is a unique, urban watershed nestled among one of the most densely populated regions of this country. Like many of the salt-water estuaries along the coast of the United States, the Long Island Sound supports a variety of uses and demands, including providing vital habitat to numerous fish and wildlife species, as well as recreational and commercial activities.

However, increasing pressures from residential, industrial, and agricultural development have dramatically altered the natural conditions of this region, and have increased the discharge of pollutants into the Sound.

In 1987, upon the realization that additional efforts were needed to protect our Nation's salt-water estuaries, Congress authorized the establishment of the National Estuaries Program (NEP), within EPA, to restore and protect these resources. The Long Island Sound was one of the original waterbodies to be designated as an Estuary of National Significance under the NEP.

The Management Conference convened to develop a Comprehensive Conservation and Management Plan (CCMP) for the Long Island Sound identified several issues meriting special attention, including low oxygen conditions due to excessive nutrient loading, toxic and pathogen contamination, and the degradation and loss of marine habitat. Of these concerns, hypoxia, caused by excessive discharges of nitrogen from both point and non-point sources, was identified as the priority problem.

In 1990, Congress recognized that additional resources were needed to realize improvements in the Sound, and created a new office within the Environmental Protection Agency to assist in achieving these improvements. The Long Island Sound Program Office has been charged with assisting and supporting the implementation of the Long Island Sound CCMP.

The legislation we are considering today, H.R. 3313, extends the reauthorization of this office, as well as make additional changes aimed at achieving greater improvements to the Sound watershed.

The bill, as amended by the Committee on Transportation and Infrastructure, reauthorizes the Long Island Sound Program Office through 2003, and authorizes $80 million per year through 2003 in grants for projects and studies which will help implement the CCMP.

In addition, this legislation encourages the Administrator of EPA, through the Long Island Sound Program Office, to use existing regulatory authorities to implement the CCMP, including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the CCMP.

It is important to note that this legislation does not expand the authorities of the EPA with respect to pollution credit trading; it merely encourages the Administrator to use existing authorities to achieve water quality goals within the Sound.

Finally, H.R. 3313 provides enhanced assistance to distressed communities within the Long Island Sound basin for repayment of construction loans under the Clean Water Act.

This legislation grants the Administrator authority to provide additional loan subsidization, including principal forgiveness, to distressed communities within the Sound. Principal forgiveness provides significant assistance to distressed communities in the repayment of construction loans without the unintended consequence of significantly diminishing the corpus of State Revolving Loan funds.

I support this bill and urge its approval.

Mr. CROWLEY. Mr. Speaker, I support H.R. 3313, the Long Island Sound Restoration Act.

I congratulate Representative NANCY JOHNSON for crafting this bi-partisan legislation that represents an excellent step in the right direction towards cleaning up and maintaining the water quality of Long Island Sound.

A great many of my constituents benefit from this water body—whether it be vacationing on her beautiful beaches, working on her shores or eating the fish products caught in the Sound. Long Island Sound is a vital lifeline for the people of my district and of the whole tri-state area.

Unfortunately, with the population explosion along the shores of Long Island Sound, new threats are appearing.

This legislation will increase the funding for the Long Island Sound Office by $77 million. Additionally, this legislation will address the efforts to reduce nitrogen discharges into the Sound and authorizes the surrounding states to provide additional subsidies to designated distressed communities from a state's clean water fund.

Finally, this legislation will not hinder the environmentally important dredging efforts occurring in communities surrounding Long Island Sound. In my district, dredging operations have vastly improved both the economic as well as the environmental climate in a number of communities.

As a deliberative body, we must ensure that important dredging projects, such as ones occurring in Flushing Bay and New York Harbor continue unencumbered.

I urge my colleagues to support this valuable, environmental legislation.

□ 1530

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3313, as amended.

The question was taken.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF THE HOUSE IN SUPPORT OF AMERICA'S TEACHERS

Mr. McKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 492) expressing the sense of the House of Representatives in support of America's teachers.

The Clerk read as follows:

H. RES. 492

Whereas the foundation of American freedom and democracy is a strong, effective system of education in which every child can learn in a safe and nurturing environment;

Whereas a first-rate education system depends on a partnership between parents, principals, teachers, and children;

Whereas much of the success of our Nation during the American Century is the result of the hard work and dedication of teachers across the land;

Whereas, in addition to their families, knowledgeable and skillful teachers can have a profound impact on a child's early development and future success;

Whereas, while many people spend their lives building careers, teachers spend their careers building lives;

Whereas our Nation's teachers serve our children beyond the call of duty as coaches, mentors, and advisors without regard to fame or fortune; and

Whereas across this land nearly 3 million men and women experience the joys of teaching young minds the virtues of reading, writing, and arithmetic: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the unique and important achievements of America's teachers; and

(2) urges all Americans to take a moment to thank and pay tribute to our Nation's teachers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I rise in strong support of this important resolution in recognition of our Nation's teachers, and I would like to start off by simply saying thank you.

Thank you to all of the teachers who have shaped the lives of American school children. Thank you for your selfless and sometimes exhausting commitment to the children of this country, and thank you for protecting America's future.

Mr. Speaker, I believe in many cases that we take teachers for granted and simply expect them to single-handedly prepare our students to face the challenges of life and become productive members of society.

Here in Congress, we have a responsibility to ensure that Federal education programs allow local officials and schools the flexibility to make decisions based upon their specific needs. Again, I want to stress the flexibility is the key.

Last year, in bipartisan fashion, the House passed the Teacher Empowerment Act to help address the needs of local schools and teachers relating to their recruiting, hiring and training of teachers.

While this legislation requires school districts to both decrease class size and improve the quality of training for teachers, it leaves the exact balance between the two at the discretion of those at the local level who best know the needs of their schools and communities.

I know I am not alone when I say I was privileged to have teachers who had a profound impact on my development, not only as a student but as a person. One of the greatest rewards of my job now is the opportunity to visit schools and witness the great work that our teachers are doing and the difference they are making.

It is almost universally true that every successful person, regardless of their field, can include the role of teachers as significant in the process of achieving that success.

Mr. Speaker, in closing, I want to reiterate my thanks to all the teachers across our Nation who mean so much to our children and, consequently, to every citizen of this country both now and in the future.

Teachers certainly deserve recognition, and I am honored to be able to be here on National Teacher Day to associate myself with this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 492, which recognizes the unique and important contributions of America's teachers and urges all Americans to pay tribute to our Nation's teachers.

Were it not for the benefit of an outstanding teacher, many of us would not have been as successful as we have been. When I was in the sixth grade, I had a very dedicated and perceptive teacher named Ms. Casson.

Mr. Speaker, I will never forget Ms. Casson. Ms. Casson saw through my poor attitude and recognized it as my frustration over losing my battle with math.

We were doing a math test and I didn't understand decimals, fractions, et cetera, and instead of doing the lesson, I was doing drawings I was making drawings, and she snuck up behind me and came down with a ruler across my hands and woke me up. And from there, she took the time to work with me and would not let me give up on myself; although, I gave her cause to do so on many occasions.

Due to Ms. Casson's patience and persistence, I was not only able to conquer my difficulties with math, but also master other subjects as well.

As a result, I was able to finish school in an era when most young Hispanics did not finish high school, much less receive postsecondary education.

My experience with Ms. Casson made me realize that a good teacher can mean the difference between success and failure for a student, not only in school, but in life.

Recent studies show that teacher quality is the single most important factor in student achievement. However, today's teachers face greater challenges than they ever have before.

Classes are larger and more unmanageable. Classroom space is inadequate and often in poor and even unsafe conditions. And discipline problems and school violence are an all-time high.

On top of it, we know the teacher candidates often do not receive adequate training; new teachers are not supported by their school systems; and current teachers are not provided with meaningful professional development. Under these circumstances, even Ms. Casson would have had problems.

Mr. Speaker, Congress tried to address a number of those issues, in which the gentleman from California (Mr. McKEON) alluded to, during the 1998 reauthorization of the Higher Education Act by creating the Loan Forgiveness Program for individuals who agree to teach for 5 years in a high-risk school district and by encouraging schools of education to improve the quality of their teacher education programs.

We have another opportunity to provide greatly needed support to new and current teachers through the reauthorization of ESEA. We can provide them with smaller classes, safe and adequately-equipped classrooms, and the support of mentor teachers and relevant professional development. However, while I have no doubt that every Member of Congress supports helping our Nation's teachers, ESEA is currently caught up in a tangle bipartisan politics in both House and Senate; therefore, I suggest that if we really are sincere about recognizing paying tribute to our Nation's teachers, that we not only pass H. Res. 492, but also put aside our differences and pass ESEA that includes resources necessary for teachers to succeed in today's classrooms.

As such, I rise in support of Ms. Casson and the millions of teachers like her who are doing perhaps the most difficult and important job in America and in support of H. Res. 492 and an ESA bill that we can all be proud of.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me the time.

First of all, I want to congratulate the gentlewoman from Texas (Ms. GRANGER) who was the driving force behind bringing this resolution to the floor.

Mr. Speaker, after parents, whether the child succeeds or fails academically will, in a great degree, be determined by the quality of the teacher in the classroom. This is why our Even Start Program and all family literacy programs work to help make sure the parent becomes child's first and most important teacher.

This is why, in a bipartisan way, the Committee on Education and the Workforce brought to the floor of the House the Teacher Empowerment Act, so that the second most important person in the child's academic life, the teacher, can be the most qualified person to fill that role.

I hope the Senate will pass that bill so that it can be presented to the President for his signature.

Public school teaching is the most difficult and yet important job in America today, and I join my colleagues in paying tribute to the dedication to achieving the goal of a totally literate America, as I do for all teachers, private, parochial school, as well as teachers of the home school.

I think of Ms. Yost when I think of the teaching profession. Ms. Yost was my grade 1–4 teacher in a one-room school, teaching all four grades, where she had an average of 40 students per year. She was the art teacher, the music teacher, the reading teacher, the writing teacher, the arithmetic teacher, as well as the counselor, the psychologist and, yes, even the custodian. She was brilliant and dedicated and one of the role models who caused me to become a public school teacher, counselor, and administrator for 22 years.

I thank the teachers for their dedication. America's future lies very heavily on their shoulders.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I want to thank my distinguished colleague the gentleman from Southern California (Mr. MARTINEZ) for yielding me the time. I want to commend him for his hard work on behalf of education and support of America's teachers.

Mr. Speaker, I want to also recognize my colleague the gentleman from Southern California (Chairman MCKEON). I commend him for his hard work on the Subcommittee on Postsecondary Education, Training and Life-long Learning.

I also want to commend our colleague the gentlewoman from Texas (Ms. GRANGER) for sponsoring this important education resolution.

Education is an important aspect of America. Education is the foundation and it is the fruits that we bear in improving the quality of life. Education defines who we are.

I want to commend many of our teachers who are out there today in our public schools. As it has been stated, they are teaching in an area where it is very difficult, conditions are not the best, they are teaching in diverse areas with a multitude of many languages.

I believe that if a lot of us look at America and where we are today, we are here today because we have had good teachers that were willing to sacrifice and are willing to teach us and are willing to work with us.

Too often in today's society we fail to recognize these teachers that are willing to give of their time and effort to make sure that the quality of life is improved. When we look at every business person, every individual in our society, they have been touched by some teacher some way along the lines.

Whether it had been in elementary, whether it had been in intermediate, whether it had been a secondary, or whether it had been at a community college or State college or university, it was these teachers who cared and motivated these students, who gave them the self-esteem that said that they have the confidence to go on in society and be what they want.

That is why it is important that we today remember and recognize and support this H. Res. 492 in distinguishing this week as the 15th Annual Teachers Appreciation Week.

America's investment in education represents an investment in our future. The measures of investment we make in our children's future reflects America's commitment to our future growth and future strength.

On Friday, in conjunction with Teachers Appreciation Week, I am sponsoring an educational summit in San Bernardino. This summit will bring together teachers and students, along with officials of the public and private sector. This summit will explore education in the new millennium and improve technology in teacher training.

As we seek to show our appreciation of America's teachers, it is important that we give them the tools needed to get the job done.

Last week I introduced legislation to give teachers added help by bringing technology into the classroom and training teachers as they prepare for the 21st century. This bill will help teachers achieve the technology training that they will need in order to educate students today and tomorrow. We must demonstrate to America and recognize and give teachers the honor they fully deserve.

I strongly urge support of our teachers. I appreciate this resolution.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Speaker, I am pleased to be here today on National Teachers Day in honor of this important day.

I was able to cosponsor this legislation along with the gentleman from Tennessee (Mr. CLEMENT), my co-chair of the House Education Caucus, with the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Chairman MCKEON) and others.

One out of five Members of the House, including the gentlewoman from Texas (Ms. GRANGER), who drafted this resolution, have been full-time educators at one time in their career. Members of this House know from personal experience what it is like to be in the classroom, to be an administrator, to work with the responsibilities of teachers.

This resolution honors and recognizes the unique and important achievement of America's teachers. It urges all Americans to take a moment to thank teachers and pay tribute to our Nation's teachers.

I would like to mention just briefly a teacher in the Springfield school district that is being recognized this week as the Teacher of the Year in that district.

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Ms. Mae Tribble originally aspired to be a pediatric nurse so she could help others in need. However, while she was in college at Southwest Missouri State University and while working with the Springfield Park Board, she discovered the challenge and the reward of teaching. She has now taught for 27 years. She currently teaches the second grade at Pittman Elementary School. She has taught at other schools in the Springfield district and the Strafford district. Her education includes teaching first grade, second grade, disabilities K–6, reading and math. She is an outstanding teacher.

Teachers make a difference in people's lives, Mr. Speaker. They expand our only expandable resource, the potential of young people, the potential of our country. I am glad we recognize them today.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. I thank the gentleman from California (Mr. MARTINEZ), who has served us so well in this House and been a real leader on education issues for yielding me this time.

Mr. Speaker, I am pleased to join with the gentlewoman from Texas (Ms. GRANGER) and the gentleman from Missouri (Mr. BLUNT) in introducing this legislation to honor America's teachers. I know this body often disagrees on various issues but I think this is one of them that we can sure work together on. As cochair of the House Education Caucus, a former college President and a parent of two teenage daughters, I am pleased to take this opportunity to honor the outstanding work our teachers do every day. I fondly remember many of the teachers who instilled in me and in my children the love of learning and the desire to set and obtain goals.

Few other professionals touch so many people in such a lasting way as teachers do. Teacher Appreciation Day affords us the opportunity to recognize the contributions that educators make to our community and to thank those special teachers who have made a difference in our lives and the lives of our children.

I would like to especially honor the teachers of the year in my congressional district. Jennifer Snoot has taught in Tennessee's public schools for 9 years and is currently at Old Center Elementary School. Janet Stout, a teacher at Cameron Middle School, has taught for 14 years. And Martha Burton, who teaches at Pearl-Cohn Business Magnet High School, has taught for 15 years. All of these three are dedicated teachers who have epitomized the dedication and commitment of America's teachers and helped our children so very much.

There is no more important or challenging job than that of our Nation's teachers. Teachers open children's minds to the magic of ideas, knowledge and dreams. They keep American democracy alive by laying the foundation for good citizenship. And they fill many roles as listeners, explorers, role models and mentors, encouraging our children to reach farther than they would have thought possible. Teachers continue to influence us long after our school days are only memories.

Seldom do we recognize the importance of their job or the depth of their commitment to our children. While many people spend their lives building careers, teachers spend their careers building lives. For this they deserve our support, praise and gratitude.

Teachers often put in countless extra hours outside of the classroom preparing lessons, reading and correcting papers and working with students who need just a little extra help. They do this because they love their job, care about their students and are committed to ensuring that our children have the best chance at success. All this under often trying circumstances and with less than adequate resources and support.

I thank the thousands of teachers who have dedicated themselves to educating and believing in our children. I encourage all of my colleagues to take a moment as the school year winds to a close to thank those teachers who have made a difference in the lives of our children and our children's children. They are truly the unsung heroes of our communities.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the author of this resolution.

Ms. GRANGER. I thank the gentleman from California for yielding me this time.

Mr. Speaker, Benjamin Disraeli once said, "The fate of our Nation depends on the education of our children." Today I rise to honor the men and women who determine the fate of our Nation and our children, its teachers. These are the men and women who rise each day to make a difference. They go to work early, working with children who need a little extra help. They find the creativity to keep algebra fresh and at the end of the day they even may wipe away a few tears. These are the men and women who teach our children not only how to earn a living but also how to make a life.

I have one of those special teachers in my district. Her name is Carole Brown and she is a second grade teacher. Carole was recently nominated Birdville Independent School District Teacher of the Year. Her coworkers wrote in her nomination that Carole is "the teacher that every child deserves." They said Carole finds the time and resources to meet every child's individual needs.

One parent of a special needs child said in a letter to Carole:

> I often think of the difficulty we experienced last year in dealing with my son's disruptive behavior prior to his attention deficit hyperactivity diagnosis. My heart went out to my son and you each day as I observed class. Your encouragement gave me the desire and strength to seek the medical attention my son needed. My son is on the road to success now. My heartfelt appreciation and respect for you is difficult to express in words. I pray that I have conveyed a portion of that gratitude to you. I hope the very best for you and I praise God for your dedication in providing excellence in education.

Mr. Speaker, Carole Brown truly believes every child can learn. She is the embodiment of the Texas education philosophy, leave no child behind. Today I salute Carole Brown and the other men and women out there who are molding our future by teaching our children as my own mother did for 47 years and as I did for 9.

Mr. MARTINEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, we have done a lot of talking the last few years about renewing our investment in education. School construction, computers and Internet access, school safety, up-to-date textbooks and library books, all of these are vital pieces in our efforts to improve local schools. But too often in this debate, Mr. Speaker, we have failed to focus on the need to invest in our most valuable resource, teachers. Next to a good parent, I cannot think of anyone more important to a child than a good teacher. A good teacher can provide guidance and help reinforce lessons in character and values taught by parents. And a good teacher can open the minds of children and show them that the pursuit of their dreams can be more than just a dream. But somehow our society has devalued teaching. We no longer place teachers on a pedestal of honor and respect. Instead we lionize professional athletes. We deify movie stars. Even lawyers and politicians whom most people, with all due respect for those of us here, do not like are viewed by children as people who have actually made it in America.

But they do not view teachers that way. Today a common cliche is, "Those who can do and those who can't teach." Think about what that statement means. We have so devalued the profession of teaching that we consider it a refuge to those who cannot make it elsewhere. That is so wrong. If we in the Congress are going to talk about how we are going to make our country a better place for our children, then elevating teachers must be a central part of that discussion. We must give teachers the tools to succeed. Talk to a teacher and she will tell you that she is more interested in additional training and professional development than she is in more money. I think good teachers should have both.

Last year with the help of Speaker Hastert we were able to appropriate money for a teachers academy for the Chicago Public Schools. Congress needs to continue to support efforts like this, both to improve our schools and to demonstrate to our young people that America recognizes what teaching is, a noble profession worthy of their pursuit.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), a strong member of the Committee on Education and the Workforce.

Mr. ISAKSON. I thank the gentleman from California (Mr. McKEON) for the introduction and for yielding me the time.

Mr. Speaker, I am particularly honored to stand as a member of the Committee on Education and the Workforce and thank the gentlewoman from Texas (Ms. GRANGER) for bringing this measure to floor and thank the gentleman from Pennsylvania (Mr. GOODLING) for his better than two decades' commitment to America's teachers, America's children and most recently his successful guidance to the passage of our commitment with the Individuals with Disabilities Education Act. And I associate myself with the remarks of the gentleman from California (Mr. MARTINEZ) and my sincere hope in addition to our verbal tribute that we pay tribute to education by finally passing the reauthorization to ESEA in a bipartisan fashion in the interest of all children.

But if we read House Resolution 492, it has two parts. First to thank all teachers and then second to take a moment, every American, to thank a teacher for the commitment that they make. In my remaining time, I would like to do just that by paying tribute to Ms. Linda Morrison, an advanced placement history, government and international affairs teacher at North Cobb High School in Acworth, Georgia, a woman who for better than two decades has brought government and history alive to children of great diversity, not of great economic prosperity. She has made our history and this government real. Year in and year out, her students go to New York and win or place in Model U.N. and throughout public service in our State today, many of her students serve their fellow man because of the inspiration of Linda Morrison.

But like most and like all of us, she has achieved this through her difficulties. In the last 2 years, the greatest 2 years of her career, she has inspired children, led them to entering and winning the Model U.N., been a model teacher in Georgia and fought breast cancer successfully. Through chemotherapy and all its terrors, day in and day out remaining in the classroom to teach our children. I want to take my responsibility in this resolution to thank that teacher, Ms. Linda Morrison, who to me exemplifies the countless thousands of teachers in Georgia and in America who teach and educate our children.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues in doing two things, honoring our teachers and saying thank you to our ranking member the gentleman from California (Mr. MARTINEZ) for all he has done for education and as usual complimenting the gentleman from California (Mr. MCKEON) for what he does.

I am pleased to join my colleagues in expressing my strong support and deep appreciation for America's teachers. Mr. Speaker, in appreciation of all of our teachers, I would like to suggest that we in Congress give them a gift. The idea came from a teacher in my district who wrote an article about what he thinks is wrong with American education.

In this article, which I will include for the RECORD, Paul Eggenberger writes that the problem with our education system is not the students, is not the administrators, and it is certainly not the teachers. The problem, and I quote Mr. Eggenberger, is with our culture. Families are fractured, they are too busy to care, they are in a hurry to raise academic standards, a hurry to eat, a hurry to get to work, a hurry to get to the soccer game, a hurry to get home.

He goes on: "We don't have time for our kids, to listen to them, to get involved in their lives, to discipline and to guide them."

There is much we can do right here in Congress to support families so that they will have the time their children need. Initiatives such as paid leave for new parents, coordinated family services at schools and universal school breakfast are just a few good examples of how to give parents more time with their children and give children the attention and the support they need to be good students and good citizens.

Mr. Speaker, I include the Eggenberger article in its entirety:

[From the Press Democrat, May 4, 2000]

A FORMER TEACHER TELLS WHY HE LEFT

(By Paul Eggenberger)

Ten years ago, with the encouragement of my friends and family, I decided to respond to the call to teach. I sold a successful business, invested $20,000 in my education and enrolled in the teacher credential program at Sonoma State University. Now, after eight years, I have resigned my teaching position. Given the current discussion about education by the various "experts" I thought it might be useful if I shared a few observations.

The problem with our educational system is not the students. It is unfair for adults to blame children for our failure to educate them. They are only responding to the people and activities that affect their lives. They don't make the video games, TV programs, books, magazines, sports, friends, music and schools that they are exposed to.

The problem with our educational system is not the teachers. They are doing the best they can when you consider the low wages, lack of supplies, poor and outdated textbooks, insufficient curriculum materials and lack of administrative support. I well remember my shock upon entering the school environment after owning my own business for 15 years. Any employee who ever worked for me would have quit within a few days if placed into the environment of today's teachers. The norm in the school I worked in was at least 50 hours a week not including committees, sporting events, clubs, fundraisers, PTA meetings, etc. That means the average teacher with the equivalent education of a master's degree earned about $15 an hour.

The problem with our educational system is not the administration. They are in a constant juggling match to make the best of insufficient funding, high turnover and unrealistic demands from the state. No corporation or dotcom would think of trying to improve its product without investing in capital improvement or research and development. But that's what our schools must do because of lack of funding and unclear direction from the state.

The problem is with our culture. Families are fractured. They are too busy to care. They are in a hurry to raise academic standards, a hurry to eat, a hurry to get to the soccer game, a hurry to get to work, a hurry to get home, a hurry to get rich. Parents are self-involved or stressed out. Single moms can't get child support from irresponsible, absent dads. TV has replaced conversation and literacy. Sex has replaced love.

We don't have time for our kids, to listen to them. To get involved in their lives. To develop deep relationships with them. To discipline and guide them. To teach them wisdom. To teach them respect. To teach by example.

No, instead we have taught them to look out for themselves, to get gratification from video games and gangs, drugs and sex, fast food and fast cars. To take the easiest way out. To stay uninvolved, uncommitted, unloving. To always blame someone else. After all, that's what adults do. Is it any wonder they don't want to learn?

I came to Congress seven years ago determined to make education our nation's number one priority. Today, as a Member of the Education Committee, I remain committed to that goal and I spend much of my time looking at ways we can tackle the problems in our schools.

But while we in Congress focus a lot on what's wrong with education, we must remember that there's a lot that's right.

Every day, in classrooms around the country, teachers are reaching out and connecting with their students. We are lucky to have outstanding teachers around the country preparing our children for a successful future.

Despite new challenges and increasing demands, teachers in my District come to school everyday determined to make a difference.

Today, National Teachers Day, I'd like to honor Marin County Teacher of the Year Mary Beth Vanosky and Sonoma County Teacher of the Year Susie Conte—who are two examples of the hard-working teachers we are fortunate to have in the North Bay.

As a teacher with 25 years' experience, Ms. Vanosky doesn't consider teaching her fifth through eighth grade students her only job. Throughout her career, Ms. Vanosky has consistently served as a master teacher for student teachers and a mentor teacher to colleagues who were either new to teaching or new to their grade level. She knows that learning truly is a life-long process. For that reason, she hasn't stopped playing the role of student herself. Despite her years at the head of the class, Ms. Vanosky is constantly expanding her know-how with post-graduate studies at the University of Wisconsin, Arizona State University and San Francisco State University.

In Sonoma County, Susie Conte gets high marks from students, colleagues and parents for the work she does teaching preschool and helping special needs students at Bennett Valley Elementary School. She has developed education programs for autistic children, formed a support group for parents of special-needs children and helped make classrooms safer for all children.

Even after the school bell rings, Ms. Conte keeps giving. Once her school work is done, Ms. Conte makes time to volunteer with the Special Olympics and the YWCA's Women's Safe House.

Mary Beth Vanosky and Susie Conte are just two examples of what's right about American education. While we have set aside National Teachers Day to pay tribute to educators, we must keep in mind that everyday teachers like Ms. Vanosky and Ms. Conte are working to make the future bright.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS), a good friend of education.

Mr. PITTS. Mr. Speaker, I want to thank my colleagues for sponsoring this resolution to honor America's teachers. This week we honor those who challenge our children to learn and grow and prepare to be leaders of tomorrow. When I graduated from college, my first job was teaching in public schools, and I have never forgotten the lessons I learned in the classroom years ago. Teachers, second only to parents, have the future of our Nation in their hands. This resolution honoring and recognizing the unique and important achievements of our teachers urges Americans to take a moment to thank and pay tribute to them.

Elaine Savukas is a teacher from my district in Hempfield High School, Lancaster County, Pennsylvania. She teaches an AP government class and guides her students as they participate in the We the People competition. Each of her students is a scholar, if you will, in the Constitution, able to match wits with students across America. I can hardly think of a better way to prepare a student for a life of good citizenship than to challenge them to know the ins and outs of our unique form of government.

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America is a great country because of our foundational document, the Constitution. But America is also great because of the generations of dedicated teachers like Elaine Savukas. I want to thank Elaine today for her dedication, her professionalism, and there are countless thousands of other teachers in America who deserve equal thanks. Let us pass this resolution, express to America's teachers just how much we appreciate what they do every day.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as the father of an outstanding public school teacher and as a former State superintendent of my State schools, I rise in strong support of this resolution and I am a proud cosponsor of it as well, which really expresses the sense of this House for the support of America's teachers. I also want to thank all of the teachers who have touched my life through the years and made a difference.

Mr. Speaker, what a difference a couple of years can make. Not long ago, this Chamber's majority engaged in teacher-bashing with reckless abandon. Rather than praise teachers as this bipartisan resolution rightly does, until recently, politicians in this Congress routinely took potshots at teachers and bad-mouthed our public schools for partisan gain. So today's resolution is a welcome change from the past.

Mr. Speaker, talk really is cheap. Although this resolution is a very nice statement, this Congress needs to do more than talk the talk. We must walk the walk. This Congress must pass the many important legislative initiatives that are bottled up in one committee or another.

With our schools bursting at the seams and with our children crowded into trailers, this House must act on common sense school construction legislation, and as our teacher shortage is critical in this country and reaching a crisis proportion, we need to pass legislation for 100,000 teachers. As we debate the issues of youth violence and values in our society, this Congress needs to pass character legislation to help our children learn the lessons of respect, responsibility, honesty, integrity, courage, kindness, and those basic values that we look to.

Mr. Speaker, today is National Teachers Day, and this week is the 15th annual National Teachers Appreciation Week. But every day should be Teachers Appreciation Day. We need to raise the standards in this country for the profession of educators. Congress must exert the leadership and the moral authority to give every teacher in this country the high regard that he or she richly deserves.

This resolution is a good step in that direction, and I commend its bipartisan support. However, we must take action to support our teachers and pass legislation that will improve education for our children.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. SHIMKUS), a good friend of education.

Mr. SHIMKUS. Mr. Speaker, it is with great pride that I rise today as cosponsor of House Resolution 492 which recognizes and honors America's teachers. As a former high school teacher myself, I understand the hard work and values teachers add to a child's life.

At the end of this month, I will have the opportunity to attend the graduation of Collinsville class of 2000 when I will receive the Alumni Award and I will have the chance to address the students and the graduates. I will thank administrators Ron Ganshin and Rees Hoskin and Margaret Linder. But more importantly, I will thank my teachers, Ron Adams, Kathy Baker, Richard Crabtree, Lloyd Dunne, Fay Fultz, Robert Johnson, Russ Keene, Jenet Kanel, Joe Naylor, Mark Nelson, Terry Smith, Joe Spurgeon, Neal Strebel, Steve Shults, Charles Suarez and Don Davisson, and many others whom my faltering memory and the lack of a yearbook have made it difficult for me to recall. Some are still in the profession, some no longer, and some have passed away. They have encouraged my thoughts and my dreams. They have supported my goals and my aspirations. I thank them for their work, and in thanking them, I thank all teachers today.

Teachers have one of the most important jobs in our society, but it is often thankless. I urge all of us to make teacher appreciation not something we do once a year, but a practice and a habit that we practice year-round.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, today is National Teacher Appreciation Day, and I wish to pay tribute to 4 remarkable teachers on the central coast of California. What a joy this is.

Last month Tory Babcock, an English teacher at Santa Ynez High School, was named Santa Barbara County Teacher of the Year. She was cited for her work in challenging students to embrace reading and writing, as well as her professionalism, her enthusiasm and success in motivating students in the classroom and beyond. She will be considered for California Teacher of the Year in the fall.

Dr. Ed Avila was recently chosen by Hispanic Magazine as Hispanic Teacher of the Year. Dr. Avila is the director of the Endeavour Academy, an engineering and applied science preparatory school within a public school. A national panel of Hispanic leaders and educators selected Dr. Avila for exhibiting excellence in curriculum innovation, subject competence and the ability to motivate students.

Just last week, Kevin Statom was chosen by Lucia Mar School District as Teacher of the Year. As head of the Arroyo Grande High School math department, Mr. Statom has been praised specifically for his efforts to get disinterested students turned on to math. Students at the high school praised him for spending at least 20 hours a week outside the classroom giving them the extra help they need.

Finally, Mark Fairbank, a Paso Robles High science teacher, was recently chosen as one of the three best teachers in California. He is also under consideration for the Presidential Award for Excellence in Mathematics and Science Teaching. Mr. Fairbank is an expert in alternative learning tools and cross curricular learning that can help students who learn visually, such as those with dyslexia.

Mr. Speaker, the Central Coast of California has much to be proud of. I am glad that we here in Congress are taking the time to honor our teachers. The education of our children and, indeed, of our future as a Nation rests on the quality of our Nation's teachers.

Mr. MCKEON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP), a strong supporter of education.

Mrs. NORTHUP. Mr. Speaker, I wish to rise and add my voice to the others in recognition of our teachers who have made such a difference in our lives. Most of us can think back to the years that we went through school, and the teachers that touched us in many different ways, in bringing out our talents and helping us to be successful in school. Those teachers were very different, some were very strict, we thought some of them were very specific; other ones were more creative and brought us in through different ways. But all of them had one thing in common: They gave us a sense of how important education is. They taught us what was important for us to know, and they gave us a love of learning.

Today, on this teacher appreciation resolution, I wish to, first of all, thank the teachers in my life, teachers that touched my life and who were largely unthanked in the years where they were making such an important difference to so many children.

Secondly, I would like to thank the teachers that are in the classroom today. We are almost at the end of this school year, and many children will walk out of the classroom door and will fail to recognize at this moment in their lives how much their teachers have meant to them this year and will mean to them for the rest of their lives.

So, for the children that walk out of the classroom door this year, let us, here in Congress, invite the American people across this country to thank them in these children's stead so that they will know how important they are today and for the future generations.

Mr. MARTINEZ. Mr. Speaker, might I inquire of the time remaining?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from California (Mr. MARTINEZ) has 1½ minutes remaining; the gentleman from California (Mr. MCKEON) has 5½ minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time.

As a member of the Committee on Education and the Workforce, I am proud to be able to support this resolution recognizing the significance of teachers and the quality of education in our country. I would urge all Americans to use this week as an opportunity to thank their teachers in their own communities.

Mr. Speaker, outside of the active involvement of parents in their children's life and the education process, I think it is irrefutable that the best determination of how well a child is going to perform in our school system today is the quality of teachers that are in the classroom. They are doing remarkable work, even though more and more are being asked of them. I feel an important obligation that we as policymakers provide them with the tools and the resources they need to do their job better.

Many of the teachers have been contacting us as Members of Congress in light of the Elementary and Secondary Education Act, asking for additional funding or resources for ongoing training and professional development programs so that they can enhance their skills in working with our children. They are also calling for resources to reduce class sizes so that there is more individualized attention for the students and better safety in the classrooms and better discipline.

So I would encourage the policymakers to support the Elementary and Secondary Education Act and to thank the teachers who have made such a big difference in many of our lives and encourage the continued work that they are doing.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to one of our Nation's most valuable resources, the dedicated men and women who serve as teachers. I know that dedication, because I have been married for 30 years to a high school algebra teacher. I come home at night in our district at 9:30 or 10:00 and exhausted, and she is still grading papers or inputting grades into the computer.

Our teachers are hard-working professionals who are on the front lines of our struggle to provide a quality education for every child in America. Day in and day out they work hard so that our children can be prepared for whatever they want to be in the future. Teacher appreciation week is our time to show the appreciation for teachers. I would like to say that we could do much better.

We should be able to put aside our differences and pass worthwhile legislation like H.R. 1196, which would repeal the 60-month limit on student loan interest deductibility and help relieve the burden of student loan debt for our teachers; H.R. 4555, the Teacher Technology Training Act, so that local money could be provided to train teachers in computer-related skills in the classroom; the School Construction Act to modernize our school facilities; and H.R. 1623, the Classroom Size Reduction and Teacher Quality Act.

Mr. Speaker, there are lots of things we can do outside of just recognizing our teachers this week.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN), a good friend and colleague and a former university president.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today on National Teachers Day to pay tribute to America's teachers. Every day I can go through in my mind the teachers I had from first grade through the senior year of high school, not to mention the college teachers. I wish to give these men and women the honor and recognition that they deserve. I also wish to thank them for their service and their dedication to the Nation's young people.

Our educational system is only as good as the teachers in it. Every day, American teachers face a variety of challenges, including overcrowded classrooms, crumbling facilities, safety concerns and severely limited resources. Given the importance of education to our children's future, it is unacceptable that teachers should have to tolerate these conditions.

The best way I can think of to celebrate National Teachers Day is to enact educational reform to give teachers the resources and the flexibility that they so desperately need. Teachers make an invaluable contribution to the Nation and they deserve our gratitude. They touch our children's lives in countless ways and open up a world of possibilities to young people. For this reason, I am honored to support this resolution recognizing and thanking America's teachers.

Mr. MARTINEZ. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on H. Res. 492.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1615

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. MARTINEZ). We have had the good fortune of working together during this Congress. It has been a real joy working together with him. I do not know how many other opportunities we will have, but I want to thank him and let him know that I really have appreciated working with him, and appreciate his friendship. He is a great man and he has done a lot for this country. He has been a great Congressman.

Mr. DINGELL. Mr. Speaker, today I praise one of the too often under appreciated professions in our society: teachers. In doing so, I would like to offer my sincere thanks for their often thankless, but noble efforts.

To quote Cicero, "what nobler a profession, or more valuable to the state, than that of a man who instructs the rising generation." Teachers, next to parents, are the most influential people in the lives of our children. Like parents, they prepare students for the future. Teachers serve as role models, mentors, and friends. They strive to work with parents and guardians so that the full potential of each child may be realized.

Mr. Speaker, teaching has never been an easy job, and it hasn't gotten easier in recent years. Currently, the people to whom we entrust our children must teach in classes so large many of us would find it impossible to maintain order, let alone create an atmosphere that is conducive to learning. Many teachers must work in dilapidated buildings, where heating, plumbing and cooling systems are insufficient. At a time when many of us would find it impossible to function without a computer, teachers are confronted with the task of preparing kids to work in an increasingly technological society without the use of this most basic piece of equipment.

Not only do teachers deserve our thanks, they also deserve access to the best tools possible. Our nation's future is, after all, in their hands. We, in Congress, would be wise to enact a proposal similar to Vice President GORE's teacher assistance plan. We need to invest the necessary money to hire more teachers to reduce class sizes, modernize old schools and build new ones, and provide opportunities for teachers to get additional training so they can better prepare kids for the future. We must also draw educated and idealistic young men and women into teaching by providing student loan assistance to future teachers.

Many of my colleagues and our Nation's Governors, acting either in haste, desperation, or stupidity, have continually tried to undermine real education reform by grasping at "revolutionary schemes" such as vouchers, which have proved to be as destructive to public schools as well as ineffective in raising student performance. They have attempted to privatize public schools, where 90 percent of America's children are educated. In an attempt to highlight the problems faced by public schools, they have used teachers and schools alike as punching bags to further their own risky, underhanded schemes that only divert education money away from where it's most needed. I stand before you today to say we should not tolerate this rascality any longer. Our teachers, our kids, and our Nation's future deserve better.

Mr. Speaker, I am hopeful that we can all work together, write quality legislation, help our schools, and thank our teachers for their efforts by showing them we know how important educating our children—and their role in this mission—is to America's future.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Res. 492, sense of the House in support of America's teachers.

America's teachers are one of our most valuable resources. Since coming to Congress I have worked hard to improve our schools by helping teachers in my district express their concerns and support legislation to promote the noble profession they have chosen. In fact, my wife, Georgia, is a principal at Central Junior High School in Belleville, IL. I am proud of her accomplishments with the hundreds of students she comes in contact with every day as well as all of the teachers in the 12th District of Illinois.

Mr. Speaker, as a parent and grandparent of school-age children I cannot think of a career more important than that of our Nation's teachers. Every day teachers are faced with numerous crises including nurturing children from broken homes, children facing the growing threat of youth violence in our schools, and school buildings that do not meet safety standards.

I applaud the countless generations of teachers for living up to the day to day challenge of preparing our children for the outside world. I urge all of my colleagues to join me in strong support of this resolution. Our teachers deserve this praise and recognition.

Mr. QUINN. Mr. Speaker, I rise in support of H. Res. 492, expressing the sense of the House of Representatives in support of America's teachers.

As a former high school English teacher, I am very familiar with the ability of teachers to have an impact on the lives of children. Teachers are some of the first role models many children have. They give us the tools to become well-rounded adults and upstanding citizens. Teachers are exceptional people who bring their love of learning and share their enthusiasm to work to share with their students everyday. Tirelessly, they impart their knowledge of any variety of subjects, from grammar to music to algebra. Inspired by the flicker of understanding in their students' eyes, they rely on the gratitude of their students and their families rather than on monetary rewards as their compensation.

Indeed, our teachers are our Nation's greatest resource. They build the foundation of knowledge in our future generations, which will one day not only rule the world, but fundamentally change it for the better. Teachers fundamentally mold the character of our Nation's future leaders. We should all take the time to stop and remember the important influence that our teachers had upon our lives. In fact, we should all make an effort to go back and thank our teachers, or even just a single teacher who may have had a special impact on our educational experience in order to say "thank you." This is the greatest way that we can recognize our teachers and repay our gratitude for all that they shared with us.

Mr. PAUL. Mr. Speaker, I am pleased to support the resolution of the gentlewoman from Texas expressing Congress' appreciation for the valuable work of America's teachers. I would also like to take this opportunity to urge my colleagues to support two pieces of legislation I have introduced to get the government off the backs, and out of the pockets, of America's teachers. The first piece of legislation, H.R. 1706, prohibits the expenditure of federal funds for national teacher testing or certification. A national teacher test would force all teachers to be trained in accordance with federal standards, thus dramatically increasing the Department of Education's control over the teaching profession. Language banning federal funds for national teacher testing and national teacher certification has been included in both the House and Senate versions of the Elementary and Secondary Education Act (ESEA).

I have also introduced the Teacher Tax Cut Act (H.R. 937) which provides every teacher in America with a $1,000 tax credit. The Teacher Tax Cut Act thus increases teachers' salaries without raising federal expenditures. It lets America's teachers know that the American people and the Congress respect their work. Finally, and perhaps most importantly, by raising teacher take-home pay, the Teacher Tax Cut Act encourages high-quality people to enter, and remain in, the teaching profession.

Mr. Speaker, these two bills send a strong signal to America's teachers that we in Congress are determined to encourage good people to enter and remain in the teaching profession and that we want teachers to be treated as professionals, not as Education Department functionaries. In conclusion, I urge my colleagues to vote for this resolution recognizing the hard work of America's teachers. I also urge they continue to stand up for those who have dedicated their lives to educating America's children by cosponsoring my legislation to prohibit the use of federal funds for national teacher testing and to give America's teachers a $1,000 tax credit.

Mr. UNDERWOOD. Mr. Speaker, I am thankful for the opportunity to speak in support of House Resolution 492. I would also like to take this opportunity to thank Representative KAY GRANGER of the 12th District of Texas for introducing this resolution which pays tribute to all teachers in the United States and aptly commemorates National Teachers Day, which we are celebrating today.

My family comes from a long line of teachers, my mother is a former teacher, I am a former teacher and academic vice president and my daughter is a teacher in my district in Guam. As a former educator, I well appreciate the challenges all teachers face. It is often said that teaching is a thankless job. Although, it is the case with most teachers to be overworked by the growing volume of students in classrooms and overwhelmed by the constant shortage of teachers entering the ranks of the teaching profession from year to year, the impacts they make in shaping our lives and our futures is enormous and immeasurable. I would like to take this time to commemorate the remarkable commitment and contributions teachers make to our lives and highlight the contributions of Guam's Teacher of the Year for 2000, Mr. Josh Ledbetter.

Mr. Ledbetter has come to teaching at a later period in his life than most rookies. Now at the young age of 49 and after many years serving our country in the U.S. Navy, followed by a brief career as a journalist, Mr. Ledbetter found teaching to be his calling. Mr. Ledbetter received his teaching degree from the University of Guam in 1993. Since then he has taught for nearly six years as a first grade teacher at the Maria Ulloa Elementary, the Harry S. Truman Elementary and before transferring to the brand new Machananao Elementary School in Guam.

Mr. Ledbetter is a testament to what it means to go the extra mile in the classroom. He brings constant innovation to teaching and emphasizes the need to bring relevance to his teaching. As a project, Mr. Ledbetter asked his students to bring in unneeded items from their homes. Students brought in an array of unneeded items including bottle caps buttons, plastic bread fasteners. Mr. Ledbetter incorporated these household materials to teach students concepts in mathematics through grouping the materials the students were so familiar with; first with a base of four, five, six, and then using a base of ten. The students became so comfortable with the idea of grouping that they had mastered the concepts before the time they reached the use of base ten.

Mr. Ledbetter has broadened his commitment to education through his participation in various organizations, including the International Reading Association, the University of Guam Language Arts Conference and Symposium, the National Council of Teachers of English and numerous other projects to the pursuit of education.

Mr. Ledbetter is currently pursuing his masters and doctorate degrees at the University of Guam and plans yet another career change, this time as a professor at the University of Guam's College of Education, teaching cadres of young adults about the importance of teaching. I wish him much success.

It gives me much pleasure to recognize and highlight the contributions that teachers like Josh Ledbetter make to our community. Mr. Speaker, I would like to thank all teachers for their constant contributions to instill and shape the lives of our children and our communities.

Mr. CROWLEY. Mr. Speaker, today, National Teacher's Day, we honor our nation's teachers and recognize the lasting contribution they make in our children's lives. Teachers are fundamental to the future successes of our children. They inspire our children to learn and instill them with the tools they need to be successful in their careers and in their lives.

People who enter the teaching profession don't do it for the money—they do it out of love. That love is reflected in the countless hours they spend outside the classroom, preparing lesson plans, being involved in extra curricular activities, and even buying supplies with their own money. Mr. Speaker, the average teacher spends $408 of his or her money each year to meet the needs of their students.

Let me tell you about the teachers we have in my district. They certainly don't teach for the money—in fact many salaries barely pay rent—but they are the most dedicated workforce I know.

I invited the Secretary of Education, Richard Riley, to my district to witness first hand the problems the schools in my district face with overcrowding. He visited on April 27, 2000, along with the new chancellor of the New York City Board of Education and we had a very informative and productive tour and meeting.

When deciding which school to highlight for Secretary Riley, I selected PS 19, which operates at 157% capacity, and is one of the most, if not the most, overcrowded elementary school in the City of New York.

I contacted the Principal at PS 19, Catherine Zarbis, who agreed to open up her school during their spring break, to show the Secretary and the Chancellor their overcrowded conditions and numerous portable classrooms.

When we visited the school the day before, we found many teachers there—on their spring break—cleaning their classrooms, making new room and hall decorations, and preparing lesson plans. These teacher came in, on their own free time, to clean the building and prepare for the Secretary's visit. In fact, everyone from the teachers to custodial staff to the security personnel pitched in for this event. I want to personally recognize everyone for their hard work: Principal Catherine Zarbis, Assistant Principal Roseann Napolitano, Assistant Principal Dina Erstejn; Mr. Miria Villegas, Mrs. Janina Juszczak; and Mrs. Kathleen Ktistakis, who is affectionately called Mrs. K by her students. The custodial staff: Mr. Thomas Zerella, the Custodial Engineer; Ms. Renee Rhein; Mr. William Bischoff; Mr. Fernando Seara; Mr. Louis Bischoff; Mr. Leonard Rooney; Mr. David Fasano; Mr. Wilmer Romero; Mr. Omar Yahia. And the parent volunteers: Mrs. Zoraya Torres; Mrs. Ana Hernandez; and Mrs. Julliana Bonetti. These educators truly represent what teachers really stand for and should serve as role models to us here in Congress as well as our children.

I urge my colleagues to put aside partisanship and help these teachers—reduce their class size average of 36, give them full classrooms, instead of converted closets, bathrooms, hallways, and attics. We need to pass substantial school construction legislaiton as well as class size reduction, implement after school programs, safe and drug free schools, and provide access to technology. Our teachers and our children deserve it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 492.

The question was taken.

Mr. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on four additional motions to suspend the rules on which the Chair has postponed further proceedings. Such votes will be taken immediately following this vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 149]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Buyer
Campbell
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

□ 1638

So (two-thirds of those present having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3293, by the yeas and nays;

H.R. 4386, by the yeas and nays;

H.R. 4365, by the yeas and nays;

H.R. 3313, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

PLAQUE TO HONOR VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3293, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 3293, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 150]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Buyer
Campbell
Cooksey
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

□ 1646

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the bill, H.R. 4386, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 4386, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 12, as follows:

[Roll No. 151]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing

Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Sanford

NOT VOTING—12

Buyer
Campbell
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

□ 1656

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHILDREN'S HEALTH ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4365, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4365, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 2, not voting 13, as follows:

[Roll No. 152]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield

Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Paul
Sanford

NOT VOTING—13

Burton
Buyer
Campbell
Cubin
Gephardt
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

☐ 1705

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LONG ISLAND SOUND RESTORATION ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the bill, H.R. 3313, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3313, as amended, on which the yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 29, not voting 14, as follows:

[Roll No. 153]

YEAS—391

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osė
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—29

Ballenger
Brady (TX)
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Crane
Davis (VA)
Doolittle
Duncan
Everett
Herger
Hostettler
Johnson, Sam
Jones (NC)
Largent
Paul
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Shadegg
Smith (MI)
Stearns
Stump
Taylor (NC)
Tiahrt

NOT VOTING—14

Burton
Buyer
Campbell
Cubin
Gephardt
Hayworth
Kuykendall
Lucas (OK)
McCollum
McIntosh
Moakley
Payne
Wise
Young (FL)

☐ 1715

Mr. DUNCAN changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 152 and rollcall No. 153, I was unavoidably detained. Had I been here I would have voted "yea" on both.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. LARGENT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3308.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EDDIE MAE STEWARD POST OFFICE BUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, it is with great pleasure and a mix of sadness that I come to the floor today to speak on the designation of the post office located at 1601–1 Main Street in Jacksonville, Florida, as the Eddie Mae Steward Post Office Building.

I am saddened because of the untimely passing of Eddie Mae Steward as a result of heart disease and the sense of emptiness it imposed on her friends in the community and her family.

In Jacksonville, Florida, she is best known as a mother, a friend, a leader, a fighter, and an activist. But, most important, she is known as one who would never shy away from a fight against social injustice.

Eddie Mae Steward single-handedly led the fight for desegregation of the Duval County school system, initiating the lawsuit that led to the court ordered desegregation of the school system. She was a tireless advocate for most of our citizens and, in particular, our children.

Much like Dr. King and other leaders of the Civil Rights era, she too was labeled as a troublemaker and paid dearly for her activities.

Eddie Mae Steward spoke out in 1967 about the school board's decision to send 268 African American children to a condemned, run-down building. Mrs. Steward served on the board for the northeast Florida Community Action Agency and was a member of the State Housing Council and State Bi-racial Monitoring Committee for Higher Education. She also served on numerous community-oriented groups.

True to Mrs. Steward's character, her neighbors said of her, "If there were more people like her, we would have a better community." She was a woman of unquestionable integrity who believed in equal justice and equal opportunity.

Eddie Mae Steward's passing is Jacksonville's loss, which is why I am delighted to honor her memory by designating the post office in her name.

Mr. Speaker, I ask that the Florida Delegation support this effort by signing on to my letter, which I will begin circulating early next week.

HONORING AMERICA'S TEACHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise today to honor our Nation's teachers. I would like to thank our teachers for their dedication and inspiration. Through their hard work and caring attitude, our teachers play a vital role in ensuring that our students have the opportunity to become life-long learners and real contributors to society.

I was a teacher for 30 years, and I understand the importance of a good education and the foundation it builds for our youth.

Our schools, both public and private, must establish curricula designed to challenge students and reward classroom successes. American students, parents, and teachers must strive to maintain the highest level of quality in the field of education.

Currently, it takes about 18,000 Federal and State employees to manage 780 Federal education programs in 39 Federal agencies, boards, and commissions. It is, therefore, not surprising that only 70 cents per Federal dollar makes it directly to the classroom and that teachers complain of excessive paperwork burdens.

We can do better. Congress needs to pass the Dollars to the Classroom legislation and consolidate the Federal K–12 programs and regulations. Congress needs to require that 95 percent of the Federal funds are directed to the Nation's classrooms.

According to the Digest of Education Statistics, 74 percent of teachers claim they spend too much time on administrative tasks. That is why I voted for the Education Flexibility Partnership Act, which, hopefully, allows schools and school districts more flexibility to spend education dollars as determined by the local school board.

Instead of meeting burdensome Federal and State regulations, school districts should be able to focus more effort on teaching students. This regulatory relief will help schools reduce paperwork, decrease administrative costs, and, most importantly, improve student achievement. Teachers should be teaching our children, not filling out unnecessary paperwork.

In addition, I would encourage everyone to take a moment out of their busy lives and say thank you to our Nation's teachers.

LET US BEGIN ANEW THE WAR AGAINST CANCER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, in 1990, Congress passed and President Bush signed into law the Breast and Cervical Cancer Mortality Prevention Act, creating the National Breast and Cervical Cancer Early Detection Program.

This program allows States to work with the Center for Disease Control and Prevention to provide screening services for breast and cervical cancer for low-income or health insurance for uninsured women.

Unfortunately, this legislation did not provide for access to treatment once a woman screened through the program was diagnosed with this devastating breast and cervical cancer. What a heartbreaking irony.

Common sense tells us there are two steps to fighting breast cancer: detection and treatment.

The Breast and Cervical Cancer Prevention and Treatment Act of 2000 will fill the critical void left by the 1990 law. This bill will provide Medicaid coverage to uninsured women who have been screened and diagnosed with breast cancer through the Center for Disease Control Program.

As Mother's Day approaches, passage of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 is a fitting tribute to all our mothers, sisters, wives, and daughters.

As a cosponsor of this legislation and a long-time supporter of breast cancer research, I am so delighted to lend my support to this important bill. I encourage all of my colleagues to do the same.

SOCIAL SECURITY SURPLUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, on the issue of Social Security, on the issue of total public debt, it has been suggested by Vice President Gore that we start using the surplus coming in from Social Security and borrowing that money to pay down what is called the debt held by the public.

Just for a brief review, we now owe about $5.7 trillion total debt. That includes what I call the Wall Street debt, the debt held by the public, at about $3.7 trillion dollars. It includes what we owe Social Security at approximately $1 trillion and what we owe the other trust fund at approximately $1.1 trillion.

The suggestion is that if we use the surplus coming in from Social Security and pay down the Wall Street debt, the debt held by the public, then the savings in interest, which represents about 15 percent of our budget now, pretty bad, we should pay down that debt, using all of that savings to apply to the Social Security Trust Fund so it becomes another giant IOU of a future promise that somehow the Federal Government will come up with the money, but it is sort of like taking one credit card and paying off another credit card because we still owe the money to Social Security.

The suggestion by the Clinton-Gore administration and by Republicans and Democrats is that if we use all these funds by the year 2013 or 2014, we will have paid down that portion of the debt held by the public, the $3.6 trillion. That sounds good.

But what happens if we do nothing to take care of the long-term problem of Social Security? That debt starts to go back up again. So the paying off is just a blip. Because when the baby-boomers retire, they go out of the paying-in mode and go into the taking-out mode to take Social Security benefits. We change from a dramatic situation of no longer will Social Security taxes be enough to pay existing benefits. So we have a cash flow problem.

Currently, in this country, our total debt represents 35 percent of gross domestic product. By 2013, if we use all of the money to pay it back, then it gets to zero on the debt that we owe the public. But eventually that goes back up to 65 percent if we borrow the money to pay the benefits that we have promised Social Security.

Let me review this chart, sort of a Federal Government spending. The pie chart represents where the Federal budget is being spent this year. Starting at the bottom at 6 o'clock, Social Security is 20 percent. Going clockwise, another entitlement, Medicare, is 11 percent. Medicare eventually, in the next 25 years, will over take Social Security as a cost.

□ 1730

We have Medicaid, the health care program for low-income. The other entitlements represent 14 percent. Domestic discretionary spending represents 19 percent. Defense represents 17 percent; interest, 13 percent of the total budget. Social Security is the biggest program. It is the biggest program in this country. It is the biggest program of any country in the world. And it has been quite successful, so it deserves our attention this presidential election year. So let the debate begin. Let us start talking about it. Let us increase our understanding of the predicament, of the problem, of the estimate by the Social Security Administration actuaries that Social Security is going broke.

Here is why. We have a current surplus coming in from the Social Security tax. The actuaries estimate that somewhere between 2011 and 2014, the cash flow problem will hit us and we go into the red. The red represents that we are going to have to come up with that money. Through cutting other government programs? I doubt it. Increasing taxes? It is going to be hard for politicians to do that. Increased borrowing? Probably the majority of this body, Republicans and Democrats, will say, "Well, let's borrow the money because you can't see that as evidently what we are running as far as a debt that we are leaving to our kids and grandkids."

I am a farmer. I am from a farm. What we grew up doing is saying, we are going to try to pay down the mortgage so that there is a lesser obligation for our kids and grandkids. What we are doing in the Federal Government by not dealing with this problem of Social Security and Medicare entitlements is we are increasing the burden, increasing the mortgage for them to pay in their future years. It is not fair. Let us discuss and debate it this election year.

TRADE WITH CHINA

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 60 minutes as the designee of the minority leader.

Mr. PASCRELL. Mr. Speaker, in the next hour, many of us in the Congress will lay out what our position is on the China trade vote, which is to come up in a very short period of time.

The time has arrived for a vote on what is now commonly referred to as permanent normal trade relations, or PNTR, for China. We used to call this MFN, or most-favored-nation status. I suppose the proponents thought PNTR sounded kinder and gentler. But bad policy is bad policy, no matter what we call it. So here we are again. This year, the vote is a little different. If annual NTR was not bad enough, this year we are going to vote for permanent NTR status for China. Our argument is not and should not be with the Chinese people. This vote is not a referendum on the 1 billion people who are forced to live under Communist tyranny. This argument is about America's relationship with the Chinese government.

What has the Chinese government done to deserve PNTR? They have not improved the living conditions of their people as China is one of the worst offenders of human rights in the world. China is a country that does not tolerate political dissent or free speech. In the New York Times this past Monday, we see story upon story. This government uses executions and torture to maintain order, to persecute religious minorities, and to violate workers' rights. The State Department report on human rights practices in China is filled with atrocities. Our trade with China has increased, and yet human rights practices are getting worse.

Some feel that American jobs will be lost if PNTR is not passed. The growth in exports would generate 325,000 new jobs. This will not match the over 1 million jobs lost in the United States due to rising imports from the low wages in China. This is a net loss of an additional 817,000 jobs, on top of the 880,000 jobs already lost due to our current trade deficit with China. How can we do something so great in raising the minimum wage for our workers, for our families, and in the next breath give first-class treatment to a nation that features slave labor prison camps as part of its manufacturing community?

And have they made strides to make our trading privileges reciprocal? Has our trade deficit decreased? No, it is now $68.7 billion and climbing, an increase of 14.6 percent, a 6 to 1 ratio of imports to exports, the most unbalanced relationship we have had in trade in United States history. But I do not see the infrastructure in China to accept any substantial amount of American merchandise. Who, making 13 cents an hour, can afford to buy an automobile? Why would the Chinese government purchase American software for their computers when they already run pirated versions of our own software?

We have seen the failure of NAFTA to improve the living conditions in Mexico. This deal is not any different. Maybe China has acted favorably with regards to weapons proliferation. Let us look there. No, they have failed on that front as well. The People's Republic of China refused to join the Missile Technology Control Regime, despite President Clinton's offer in 1998 to support full participation. China is the only major nuclear supplier to shun the 35-nation nuclear suppliers group that requires full scope safeguards. They rejected entry into MTCR as well as NSG.

And the administration's reaction is to bring up this final vote? Is this our response? It simply does not make sense. This vote determines the message we are going to send to the Communist government in China. Are we going to vote to give permanent most-favored-nation status to China, thereby giving tacit approval to the Chinese government's practices and policies? Would that really be the normal thing for us to do? Or can we make a stand for a change here and now?

Let us have a novel idea. Let us say, no, your policies are not acceptable to the people of the United States. Our workers, our clergy, our families say no. This is not a government in China that we have been able to trust. They have broken every commitment they have made with the United States of America. It has broken every trade agreement it has signed with the United States over the past 10 years. This year will not be any different. I see no reason to end our annual renewal at this juncture in time. We should not vote to rubber-stamp a failed trading arrangement into infinity. That fails our people and it is wrong. Trade rights should be a privilege to be earned, not a right merely handed out.

Mr. Speaker, I yield to the gentlewoman from California.

Ms. WOOLSEY. I thank the gentleman from New Jersey (Mr. PASCRELL) for yielding.

Mr. Speaker, I am outraged that we are less than 2 weeks from a vote that will ask Congress to permanently give up our economic trade leverage with China, permanently, not year by year but permanently. Considering China's abysmal record regarding previous trade agreements, it makes no sense for Congress to give up our annual review of China as a trading partner.

The question becomes simple, it becomes straightforward; namely, why should we reward China for its terrible record of violating past trade commitments with a permanent special trade status? Why? Some Members of the House will argue that trade with China will put an end to these past abuses as well as bolster the U.S. economy. They are wrong on both counts. Trade is beneficial only if it is a two-way street. But right now, there is no way that we can characterize our trading relationship with China as reciprocal.

It is a fact that we have a trade deficit with China in the billions of dollars. Furthermore, the economic benefit of trading with a repressive nation is negligible when we consider how workers are treated, especially child workers in China. China workers are being exploited in order for the United States to receive benefit, benefit from low pay, benefit from no workers' rights, benefit from outrageous human rights practices.

Some of my colleagues will go even further and argue that China has made progress in many areas over the last few years. But when I see harassment of religious leaders, the sale of weapons technology to rogue states, imprisonment of students and those who dare to speak their minds, I have to ask, is that progress? And, of course, the answer is no, that is not progress. Congress cannot be fooled. We must not be fooled into thinking that the same failed policy of economic engagement would be different this time around, particularly if the agreement is permanent.

It is very much like thinking you have fallen in love with somebody who has a lot of faults and saying, I am going to marry this guy, and then I am going to change him. That does not work, and we know it. It is long overdue for U.S. trade policy to address human rights and workers' rights, not only with China but with all of our trade partners and with all of our trade negotiations. Trade cannot be free, it cannot be fair when there is no freedom and no fairness for the citizens of the country involved. Yet year after year our policy of granting special trade status to China has not resulted in improved human rights.

As it stands now, this trade deal does not address China's horrendous record of failure to abide by internationally recognized human rights and workers' rights. And how long are we going to ignore China's continuing policy of forced child labor? Child labor is known to be concentrated in China's southern coastal cities. It is estimated that hundreds of thousands of children migrate with their parents from rural areas to this export processing area to engage in income-earning activities. The conditions these children work under are horrific.

For example, we are familiar with the scenarios like the Nike company negotiating a deal with a sweatshop in China to pay teenage girls 16 cents an hour to make gym shoes that sell here in our country for $120 a pair. However, reports often overlook other foreign-invested textile enterprises like the one in Guang Dong that employed 400 rural migrants. 160 of these were child workers. At this plant, a 14-year-old girl, exhausted from working 18 hours a day, fainted. As she fell, her hair was pulled into a machine and she died on the spot.

These worker abuses are not limited, though, to just the large multinational corporations. In December of 1994, China Women's News reported on a brick shop owner in Henan Province using forced child labor. The children had to carry bricks for over 10 hours each day and were fed only melon soup.

□ 1745

Here, more than 40 workers shared a makeshift hut. Moreover, they were not given one cent of the wages they had been promised.

The contractor employed guards to keep watch on them 24 hours a day, and on August 13, 1994, the workers started a fight as a distraction so that two children could escape and report the case to the public security bureau. When the police arrived, more than 100 child workers were found in the brick shop.

While arrests were made for this one incident, no further information is available on follow-up activities or punishment of the forced labor violations.

These examples highlight serious reasons that we cannot give up our annual review of China. Why should we tempt our own corporations to shift appropriation to China where labor is undeniably cheaper, where there is less oversight on working conditions, and where those who disagree have no right to organize against their oppressors. Chinese workers, especially forced child laborers, have no power to speak out for a better deal, no right to organize, no right to basic dignity. There is little hope for improvement unless we as a Nation are courageous enough to take a stand and say, we do not support it.

An annual review of China's trade status is our only leverage to pressure China to make progress on worker and human rights. Like many others throughout the country, my constituents in Marin and Sanoma Counties support free trade, but they overwhelmingly want the United States to engage in responsible trade policy. Free and fair trade is important, but they do not feel it is more important than freedom of worship, freedom of speech, freedom to vote, or freedom to enjoy the most basic of human rights, including the rights of workers.

The United States is already China's best customer. We buy all their stuff. I do not believe we need to give China authorities another economic incentive to change by granting permanent Most Favored Nation status. Instead, if we use our economic clout, if we have the courage to leverage our economic strength for real reform, we will give the people of China a chance to help themselves. When China starts to live up to its agreements, when it starts to demonstrate a real commitment to human rights, only then should we consider granting permanent trading status to China.

Mr. Speaker, I yield back to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentlewoman. I yield to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from New Jersey for granting me this time.

Mr. Speaker, in the modern world today, we see a world where multinational corporations controlling billions of dollars can, with the tap of the mouse, in a short e-mail, move manufacturing plants, facilities and capital from one country to another in the never-ending pursuit of higher profits. Untold numbers of American workers have had their lives disrupted like chess pieces on a chess board. Day after day, night after night, the evening news and Wall Street economists trumpet our economic prosperity in the 1990s. We see record corporate profits drive the stock market to all-time highs, and an elite group of shareholders partaking in the profits.

Unfortunately, they do not normally talk about the real lives and real people hidden behind the rosy statistics of economic growth. Real people who are coming to the conclusion that unfortunately, the American dream may be just a dream in reality. They do not talk about a Nation where working families pay more and more taxes and big business pays less and less. They do not talk about stacked wages that have plagued the American middle class for well over a decade.

They do not talk about big business and the 111,000 layoffs in 1998 that jumped 600 percent to a record 677,795 layoffs in 1998. That is 600 percent in less than 10 years to 677,795 layoffs in 1998 alone. They do not talk about the $68 billion trade deficit with China. They do not talk about the 2.6 million manufacturing jobs sucked away by our growing trade deficit in the last 20 years alone. That is 2.6 million manufacturing jobs. They do not talk about the subjugation of public values and even patriotism to the continual pursuit of potential profits.

Mr. Speaker, there are a lot of things Wall Street does not want to talk about, and there are a lot of things they do not want American working families to know. So they only tell us what they want us to hear. We hear about how free trade and free markets are such wonderful things, that we need to give PNTR to China for us to continue our robust economic growth. But contrary to the elitist proclamation of the high priests of free trade, free trade will not save the world and it certainly is not going to save the surging U.S. trade deficit.

Mr. Speaker, giving China PNTR will only make a bad situation even worse. We already have an unfair trading relationship. On average, we only apply a 2 percent tariff on Chinese products. China turns around and slaps a 17 percent tariff on U.S. products, even after the U.S. and China had an agreement back in 1992 where China promised to remove major market barriers to U.S. products. China broke that promise. Again I say, China broke that promise.

So what is to say that China will not break the one brokered and agreed to last year? What is to say that China, after agreeing to certain concessions in return for the Clinton administration's support for China's acceptance by WTO will not turn around and break the agreement once again? The Chinese leaders in Beijing did it at least once before and, in my opinion, they will certainly do it again.

Mr. Speaker, make no mistake about it. China is still a totalitarian regime run by a single party, the Chinese Communist party, and it is a party that is intent on keeping its grip on power.

We did not give PNTR to the Soviet Union when it was a Communist dictatorship. We did not give it to Cuba. We did not give it to North Korea. We did not give it to Libya. Why should we treat China any differently? The answer is quite simple: We should not.

Mr. Speaker, PNTR comes to a vote before this body next week. I urge all of my colleagues to think about this and how this trade deal could possibly benefit American workers, or, for that matter, workers across this world. Really, that is the simple question: does this benefit working men and women in this country or around the world? The very simple, direct answer is no, and that is the way we should vote on this piece of legislation.

Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman. I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time. I want to congratulate him and my friend from Illinois (Mr. LIPINSKI) for an outstanding statement. I think the gentleman from Illinois has got this right on the money. He understands completely what is happening here, as does the gentlewoman from California (Ms. WOOLSEY) and others.

What we are here tonight to discuss the issue of trade with China and Most Favored Nation status, but also to focus in on the question of human rights and how that is important in our talks and negotiations in our relationships with other nations.

Let me just say at the outset and reiterate what my friend from New Jersey has said. The Chinese government is a brutal, authoritarian, police State. If someone opposes the government on religious grounds, on trade unionist grounds, on democratization, political democratization grounds, that someone will end up in jail. It is as simple and as painful and as stark as that. The jails in China are filled with people who dared to try to express themselves religiously. Catholics, Buddhists, Protestants, Muslims, all languishing in jail because they dare practice their religion. We have had Catholic archbishops languish in jail in China for 30 years, and that repression continues today.

The New York Times yesterday wrote something about China cracking down on liberal intellectuals, and they said, and I quote, "China's leaders are trying to rein in a growing and increasingly assertive liberal intellectual movement, criticizing prominent academics and authors in speeches, forbidding newspapers from running their articles, and punishing or shutting down publishers who have brought out their work.

"Despite his western-leaning, economics President Jiang Zemin has, in the last year, constantly reiterated the importance of standing fast by Communist idealogy."

The New York Times goes on to say, "In the last few months, those admonitions have led to a series of punitive actions against writers perceived as straying too far in a liberal or reformist direction."

Liberal intellectuals have been criticized. Publishing houses have been shut down. Academics have been fired. Newspaper editors have been fired.

This is the latest in a long series of crackdowns the regime in Beijing has undertaken to suppress dissent, stifle democracy activists, and maintain absolute and maximum control.

Mr. Speaker, the U.S. Commission on Religious Freedom last week, the Commission on Religious Freedom issued their annual report. The Commission, I would tell my colleagues, is an independent group. Seven of its 9 members were appointed by supporters of permanent Most Favored Nation status for China. The Commission opposes permanent MFN for China without substantial human rights improvements. Rabbi David Saperstein, a highly respected religious leader, is the chairman of the Commission.

Experts from the Commission's findings and recommendations are, and I quote, "Chinese government violations of religious freedom increased markedly during the past year. Roman Catholics and Protestant underground 'house churches' suffered increased repression; the crackdown included the arrests of bishops, priests, and pastors, one of whom was found dead in the street soon afterward. Several Catholic bishops were ordained by the government without the Vatican's participation or approval.

"The repression of Tibetan Buddhists expanded; government authorities in Tibet, in defiance of the Dalai Lama, named Reting Lama. Another important religious leader, the Karmapa Lama, fled to India.

"Muslim Uighurs, having turned increasingly to Islamic institutions for leadership in recent years, faced heightened repression of their religious and other human rights, as they responded to a deliberate government campaign to move Han Chinese into the region in order to out-populate the Uighurs, the Muslims, in their own land."

□ 1800

While many on the Commission support free trade, the Commission believes that the United States Congress should grant China permanent normal trade relations status only after China makes substantial improvements in respect for religious freedom.

Michael Young of George Washington University Law School, who described himself as a passionate believer in free trade, said, "The extraordinary deterioration of religious freedom in China is close to unprecedented since the days of Mao." Mr. Young cited cases of women beaten to death by police for trying to practice their religion.

The conditions the Commission has laid out are reasonable, and they include the following:

Require China to provide unhindered access to religious leaders, including those in prison, detained, or under house arrest in China;

Release from prison all religious prisoners in China;

Require China to ratify the International Convention of Civil and Political Rights.

If we look at our own State Department country reports on human rights practices, they state in their latest report that China's "poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent, particularly organized dissent . . . The government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms."

Permanent MFN supporters claim that the Internet and technology will unshackle the Chinese people, but the record shows the opposite has happened. According to the State Department, authorities have blocked at various times politically sensitive websites, including those of dissident groups and some major foreign news organizations such as Voice of America, the Washington Post, the New York Times, and the British Broadcasting System.

The news is also not good for workers in China. They pay workers in manufacturing in China a miserable 13 cents an hour. We have heard about the sweatshops and we have heard about the child labor. We have heard about the beatings of women in the workplace, as the gentlewoman from California (Ms. WOOLSEY) so eloquently demonstrated for us just a few minutes ago on the floor.

If you are a worker and you stand up for workers organizing for workers' rights or for better wages, if you stand up for workers, you are going to end up in jail. "The government continued to tightly restrict worker rights, and forced labor in prison facilities remains a serious problem," said the State Department in the report.

For instance, there is the case of Guo Yunqiao, who led a protest march of 10,000 workers to local government offices following the 1989 massacre. He is currently serving for that act a term of life in prison on charges of hooliganism for leading a protest.

In the case of Guo Qiqing, who was detained in Shayang County on charges of disrupting public order, he had organized a sit-in to demand money owed to the workers.

There is the case of Hu Shigen, an activist with the Federal Labour Union in China, who is imprisoned in Number 2 prison in Beijing and has 12 years remaining on his sentence. Mr. Hu is seriously ill and has been charged with "counter-revolutionary crimes."

The list goes on and on and on. I think people get the point. What is going on in China is a brutal, suppressive military police state. It is simply that. For us to reward them for this behavior after they have been put on notice by their own people and by the world community year after year after year sends the complete opposite message of that which we should be sending to the Chinese government.

It is ironic to me that governments now who operate in a suppressive manner seem to be the governments in the world who are receiving, in many instances, the open arms of capitalists, free enterprise, free markets.

The argument the other side makes is, well, the free market will lead to economic, democratic, political reforms, and religious reforms. The reality is just the opposite. I do not think a lot of my friends have read Orwell. They could use this technology to suppress as well as they could to open up.

The fact of the matter is that the Chinese have and still are suppressing their people on religious, trade unionist, and political grounds. So it is very clear to me that what we have here is a situation that needs our most fervent attention. We need to be standing up for Wei Jingsheng and for Harry Wu, who spent countless years in jail fighting for the right for their own people to speak on a political, an economic, and on religious grounds that they cannot do today. I want to be associated with those people.

People say, well, the market opened up America. A market did not open up America. The United States of America and the reforms that we have here, the political process that we have here, the right to practice our religion, the right of trade unionists to organize, collectively bargain, fight for a decent wage, a better living standard, a better pension, all the things that we have today, those did not come from the free market, they come from people who challenged the free market, who marched, who demonstrated, who were beaten, who went to jail, and some even died in order that people would have the right to vote, in order that people could form political parties, in order that people could make a decent wage and have a pension and have health care and have education for their kids.

That came at a terrible price, but it was a price they felt worth paying, and it is a price that all of us have benefited from for the last 100 years in this country.

That same dynamic is going on in the developing world and it is going on in China today. The question we have to ask ourselves, is who are we going to associate ourselves with? Who are we going to stand with? Whose side are we on? Are we on the side of those who are struggling for these basic decent human freedoms that were struggled and fought for in our country, or are we going to be on the side of the free market unfettered capitalist approach that has not worked in opening up a society and providing these freedoms, and that will not work unless it is tempered with some basic human decency and dignity?

I suggest that the American people overwhelmingly choose the side that we represent and are on today. So I just want to commend my colleagues, the gentleman from Ohio (Mr. BROWN), and my other colleague who has been the champion of this issue, the gentlewoman from California (Ms. PELOSI) for their passion on this issue and for standing up.

The gentleman from Ohio (Mr. BROWN) has talked quite well and quite eloquently in the past about this dynamic of multinational corporations moving in to nations that restrict these basic freedoms because that will give them a free hand, free leverage in which to maximize their profits. That is exactly what is going on with globalization.

Unless we take on this issue of globalization in a humane, decent way, open it up, give seats at the decision-making table to those who represent labor and the environment and human rights, we will continue on this path of oppression and we will be a weaker Nation as a result of that in more than just a material way; we will be weaker in terms of our moral standing within our community, and we will betray the basic tenets of our Founding Fathers and the grandparents and ancestors who fought for these liberties that the Chinese dissidents are so valiantly struggling for today.

I thank my colleague. I appreciate his time for coming down and speaking on this issue. I know my friend, the gentleman from Ohio (Mr. BROWN) has similar thoughts on this issue. I would love to hear from him.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Michigan, and I thank him for his leadership, as well.

I yield to my good friend, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from New Jersey for his leadership on this issue in organizing this special order, and special thanks to my friend, the gentlewoman from California (Ms. PELOSI) for her leadership and good will and good work on this, and the gentleman from Michigan (Mr. BONIOR), who has been fighting the right fight on trade issues, unfair trade issues, for at least this whole decade.

The gentleman from Michigan (Mr. BONIOR) stood in this hall with me and several others, but he was here night after night during the debate on the North American Free Trade Agreement in opposition to it, and what he predicted and what he projected absolutely, unfortunately, has come true in relations with that country and our trading partners that way. The gentleman from Michigan (Mr. BONIOR) has a perfect understanding of what is happening with globalization.

As we walk the halls in this job and go back and forth between committee hearings and meetings in our office and the House floor, we have seen more CEOs of America's largest corporations walking the halls than at any time of the year. Every time we vote on China trade relations, there are more corporate jets at National Airport, more CEOs walking the halls of this Congress.

When one of them stops and talks to us, they invariably say that engagement with China will mean more democracy with China; that as we go to China, as we trade and engage with them more, as we sell them more and buy more from them, that democracy will be able to flourish in China.

They have been telling us that for 10 years, when our trade deficit with China in 1989 was $100 million, million with an M, and today that trade deficit with China with this engagement that we have undertaken with the Chinese, our trade deficit now is $70 billion with a B, $70 billion. But they continue to tell us over and over, let us do more of this with China, more engagement, more trade, and things in China will get better.

They tell us that there are 1.2 billion potential consumers in China. What they do not tell us is their interest is that China has 1.2 billion potential workers for those American corporations and other western companies that invest in China and sell products back to the United States.

The real question on globalization and democratization, perceived democratization, predicted democratization of developing countries like China, the real issue boils down to this: that as we have engaged more with developing countries, as investors have gone into developing countries, western investment has shifted from those developing countries that are democracies to those developing countries that are authoritarian governments.

We see fewer investment dollars going to India, a democracy, the world's largest democracy, and more investment dollars going to China. We see fewer investment dollars, relatively, going to Taiwan and South Korea, democracies, and more investment dollars going to countries like Indonesia, authoritarian governments.

In the postwar decade the share of developing country exports to the United States for democratic nations fell from 53 percent to 34 period. In other words, corporations want to do business with countries with docile work forces, with countries where people earn below poverty wages, in countries where people are not allowed to organize and bargain collectively, in countries that pay 25 cents an hour. They have been moving away from democracies into authoritarian countries.

In manufacturing goods, developing democracies' share of exports fell 21 percentage points, from 56 percent to 35 percent. Again, corporations, Western investors, are choosing to move away from democracies in their investments, developing democracies, and going to developing authoritarian countries, because U.S. investors like the idea of a docile work force, like the idea of workers that cannot talk back, like the idea of workers with low wages, like the idea of investing in countries where the government is not free, where workers simply do what they are told.

In example after example, we can see investment moving from those democracies to countries like China. China has certainly been the largest one where that has happened.

Again, these CEOs that roam the halls of Congress these days and tell us that if we engage with China it will mean more democracy in China, these same CEOs will have us believe that their interest in China, their going to China, will cause this blossoming of democracy, this blooming of democracy in China.

But look who the major players in Communist China today are, those people who are the major decision-makers in the direction that Chinese society goes: the Communist Party of China; the People's Liberation Army in China, which controls many of the businesses that export to the United States; and Western investors.

Which of those three entities, the Communist Party, the People's Liberation Army, or large Western companies, multinational companies, which of those three groups want to empower workers? Which of those three groups want to pay higher wages? Which of those three groups want more democracy in China? Which of those three groups want to change markedly Chinese society?

I submit, Mr. Speaker, that none of these three groups want to see change in these societies. That is why Western investment finds its way into countries like China, rather than a country like India.

If American business investors in China and around the world really want a democracy, they would not be going to China. They would not be taking development dollars out of democratic countries and putting them in authoritarian states. That is why the argument they make, that engagement with China will mean a more democratic world and a more prosperous and democratic China, is absolutely bogus.

Mr. Speaker, we as a Nation, we as a Nation have no business rewarding investors that go to countries like China instead of countries like India. We have no business taking sides in that sense by rewarding those countries and those investors whose values run very different from ours, run counter to ours.

In this country, in this Congress, we believe in democracy, we believe in free markets, we believe in people being able to move from one job to another, we believe in people being organized and bargaining collectively. We believe in the kind of democratic values that made this country great.

Our passing PNTR is going to mean more of the same in China: more repression, more oppression from the government, a government that resists democracy because they have the power to.

We will be making those same entities, the Communist party, the People's Liberation Army of China, much more powerful if we continue to pour monies in and give them most-favored-nation status.

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So, Mr. Speaker, I would again thank the gentleman from New Jersey (Mr. PASCRELL) for this time. I congratulate the gentlewoman from California (Ms. PELOSI) for the good work she does, and urge my colleagues to vote no on Permanent Most Favored Nation Status for the People's Republic of China.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman, and I now recognize the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New Jersey for yielding, and for his very substantial leadership on this issue to the American people.

Mr. Speaker, how much time is the gentleman yielding to me?

Mr. PASCRELL. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman has 15 minutes remaining.

Mr. PASCRELL. We have to get one, two, three more speakers in.

Ms. PELOSI. Mr. Speaker, some people think I can talk all day on China and are afraid that I will, so I will try to be succinct and get to just a few basic points, because so many of my colleagues have touched on the very serious human rights violations and the very substantial trade violations.

Mr. Speaker, China has violated agreements between our two countries and, of course, there is the issue of proliferation. I think I will focus in the short time allotted to me, Mr. Speaker, on the fact that today a number of our former Presidents joined President Clinton in calling for Congress to pass Permanent Normal Trade Relations with China. These Presidents, who have been a part and parcel of this policy which is a total failure, are asking Members of Congress to put their good names next to a policy that has failed in every respect.

Permanent Normal Trade Relations is the cornerstone of the Clinton-Bush China policy. There are three areas of concern that we have in our country about that policy. First of all, and in no particular order of priority, we have the issue, since this is a trade issue, of the substantial violations of our trade relationship which continue. When we started this debate, we were talking about 1, 2, $3 billion that was the trade deficit we suffered with China. That was over a decade ago. Now the trade deficit for this year is projected to be over $80 billion.

So this idea that if we kowtowed to the regime, and we gave them MFN, Most Favored Nation status, now called Permanent Normal Trade Relations, the name has been changed to protect the guilty, if we do that then the China market will be opened to U.S. products, it simply has not happened.

In the area of trade, China has violated every trade agreement, be it the market access agreement, the agreement on intellectual property, the agreement on use of prison labor for export, the agreement on transshipments, any trade agreement we can name.

So, President Clinton is sending us this request for Permanent Normal Trade Relations based on the 1999 U.S.-China trade agreement. What reason do we have to think that China will honor that? The President's request is based on broken promises, not proven performance.

Already, China is engaged in its traditional reinterpretation of the agreement. For example, let me give some comparisons. The Trade Rep's fact sheet, our Trade Rep's fact sheet says China will import all types of U.S. wheat from all regions of the U.S. to all ports in China. China's Trade Rep says it is a complete misunderstanding to expect this grain to enter the country. Beijing only conceded a theoretical opportunity for the export of grain.

On meat, China, according to our fact sheet, the U.S. Trade Rep's fact sheet, China will lift the ban on U.S. exports of all meat and poultry. China's negotiator said diplomatic negotiations involve finding new expressions. If we find a new expression, this means we have achieved a diplomatic result. In terms of meat imports, we have not actually made any material concessions.

The ink is not even dry on this agreement. This is a 1999 agreement that is already being reinterpreted by the regime. The list goes on: Petroleum, telecommunications, insurance, et cetera. I talked about the history of it and I do not have enough time to go into the history of their trade violations.

Some would lead us to believe that we who are opposing this request of the President are willing to risk U.S. jobs in support of promoting human rights in China. But the facts point to a situation where this is a very bad deal on the basis of trade alone. On the basis of trade alone. If we could forget the brutal occupation of Tibet. If we could forget the serious repression of religious and political freedom in China. If we could forget that for a moment. If we could forget China's proliferation of weapons of mass destruction. That would be chemical, biological and nuclear technology to Iran, to Pakistan, to the Sudan, to Libya.

To Libya, it is very recent. This is a major embarrassment in the Clinton administration policy. But fortunately for them, this information came out during the Easter break and it has not really sunk in. But this is a very serious violation. And it proves again that kowtowing to the regime does not get us any better benefits in terms of stopping the proliferation of weapons of mass destruction, making the world a safer place, any fairer treatment, making a fairer deal.

Mr. Speaker, they want us to give China a blank check, while China gives us a rubber check by not even honoring the deal that they are putting forth. And then in terms of human rights, we are a country of values. When people say, well, other countries do not do this. We are not other countries. We are the United States of America. We are the freest country in the world and we have a commitment to promote the aspirations of people who aspire to freedom. That does not mean we go to war for them or anything like that, but it does mean that we should at least, at least recognize the repression they are suffering for freedom.

Wei Jingsheng, a hero. He has spent many, many years of his life, probably half of his adult life in prison. Harry Wu has spent years in prison. They know that the United States must not act from fear of what the Chinese regime might do. We have to act from strength and confidence in our own sense of values.

So when the President says, "Oh, you either want to isolate China or engage China," he does a grave disservice to this very serious debate. Certainly we need to engage China, but we need to do it in a sustainable way that sustains our values and sustains our economy and sustains a world peace in making the world a safer place.

The administration is willing to ignore Tibet and China and all of that. They are willing, more seriously, to ignore China's proliferation of weapons of mass destruction. They are willing to say that the human rights situation is improving in China, when we have the National Catholic Conference of Bishops supporting us; when we have, as was mentioned by others, the new Commission on Religious Freedom supporting us in this, and the list goes on. In terms of the environment, the Sierra Club, in terms of agriculture, the National Farmers Union, the list goes on.

Mr. Speaker, I am proud to join the working people of America to oppose this and say to the President there is a way to do it. A decent way. And it is a way that says let us see some proven performance before we surrender to the dictates of the Beijing regime the only leverage we have, which is our annual review.

So it is not about "engage or isolate." Certainly we engage. It is not about whether we trade or not. Certainly we trade. It is a question of how we do it. And it does not have to be according to the terms and the timing of the Beijing regime, but more in keeping with what is right and what is appropriate for our great country. We are leaders in the world; we should continue to be so. And I would hope that the President and the former Presidents would respect the intelligence of the Members of Congress to know that they should not ask us to place our good name next to their failed policy just so that we can help redeem the lack of success they have, instead of allowing us to go forward in a very positive way.

We all have a responsibility. We all have a responsibility to come to an agreement on trade with China that is responsible. Give us a chance to do that. I urge my colleagues not to support this, but to allow us to do it right and not according to the terms and timing of the regime in Beijing. With that, I will yield back.

Mr. PASCRELL. Mr. Speaker, I recognize the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman very much. Interestingly, on this piece of legislation we have all of corporate America telling us what a good deal it is and the multinationals are pouring huge sums of money into this campaign. But, meanwhile on the other side, we have trade unions representing millions of workers who are saying this is a bad deal for American workers. We have most of the environmental organizations in this country who are saying this is a bad deal for the environment in this world. We have human rights organizations and religious organizations who are saying this is a bad deal if we are concerned about human rights and the dignity of people.

So on one side are the big money people who, over the last 20 years, have invested over $60 billion in China in search of labor there where people are paid 15, 20, or 25 cents an hour. And not surprisingly, these people have concluded that this is a great agreement. Well, I suppose it is if one is a multinational corporation who wants to throw American workers out on the street and hire people at 15 or 20 cents an hour. I can understand why they think it is a good deal.

But it is not a good deal for American workers. American workers should not be asked to compete against desperate people in China who are forced to work at starvation wages, who cannot form free trade unions, who do not even have the legal right to stand up and criticize their government.

The truth of the matter is that in the midst of the so-called economic boom, the average American today is working longer hours for lower wages. One of the reasons is that we have a miserable failed trade policy that has cost us millions of jobs and that has forced wages down in this country.

So I will be very brief because I know that there are other speakers, the gentlewoman from Ohio (Ms. KAPTUR) is here. But I would urge my colleagues to vote no on this PNTR. Stand up for American workers, for human rights, and for the environment and let us have the courage to take on the big money interests.

Mr. PASCRELL. Mr. Speaker, I now recognize the gentlewoman from Ohio (Ms. KAPTUR) for the balance of our time.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me and for his leadership on this. We could not ask for a better Member of Congress. I also want to thank the gentleman from Vermont (Mr. SANDERS) for allowing me these few minutes, and I will try not to use all the time.

It has been a joy to work with our colleagues to open up the truth about China to the American people. And today in Congress, we held a bipartisan hearing on one of the dimensions of this debate that has not been talked about. We called our hearing "Women in China, Women in Chains". C–SPAN was there for the entirety of this hearing where there were four witnesses, women from China who came to tell their incredibly compelling stories: Stories of repression. Stories of forced abortion. Stories of missing women and children. Stories of women in the countryside and in factories as exploited workers. Women married to men who are fighting for democracy, many in prison from 10 to 30 years. Other women imprisoned because they participated in a spiritual group, Falun Gong.

Other women from Tibet. A young woman whose roommate had demonstrated in Tiananmen Square and was shot dead, and that young woman today came before our committee. She had been activated through that, even though she is a physicist by training, telling how she has gotten involved in trying to tell the American people the true story of what is happening in China. And the story of women workers in the countryside who are producing the majority of food in that country. Women in the factories, exploited women workers, their voices we tried to lift up.

Mr. Speaker, I just want to let the membership know that the hearing itself, because it was recorded on C-SPAN, is being advertised on their Web site at www.cspan.org. My colleagues can look for the hearing on women's rights in China to hear the truth about what is happening in that country.

Mr. Speaker, I just want to thank my colleagues, the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentlewoman from California (Ms. PELOSI), who was here, the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Mrs. NAPOLITANO), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Minnesota (Mr. PETERSON) for joining us today and helping us to listen to these stories where women basically told us, look, the only time that prisoners who are democracy demonstrators are let go in China is during the debate here in the Congress of the United States on trade with China.

☐ 1830

They said please do not give that away. If you give this power from the United States to the World Trade Organization, the enforcement will not occur. We are the only Nation in the world raising concerns about Communism in China. And once it goes to the WTO, it will be lost. America will retain her power by using our bilateral trade negotiations with China to at least, at least give voice to over 1.2 billion people who cannot voice their own opinions inside their society.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PASCRELL) so very much. You truly have been a leader, not just for America's workers and farmers but for the worlds and a liberty-loving Member, obviously of this Congress. And, as I said, to the people who assembled at the hearing this morning, the flag over this Capitol flies 24 hours a day and it flies not just for America but for the cause of liberty everywhere.

For those women today who testified, who cannot return to China in fear for the lives of their families and relatives, we stood proud with them today. We understood what this Constitution is all about, and we hope that the young people of our country will watch www.cspan.org to see the world's new democracy fighters in countries like China who are paying the most precious price with their lives, sacrificing their families, giving everything to try to bring a greater measure of freedom to a country that still remains Communist in every aspect of life there. I thank the gentleman so very, very much. Please watch www.cspan.org. Look when this program will be broadcast.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) and I thank the speaker for your patience and endurance.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman from Texas.

REPORT ON TEXAS A&M BONFIRE

Mr. BARTON of Texas. Mr. Speaker, the University of Texas and Texas A&M have been playing football for over 100 years. It is one of the most intense athletic rivalries in the Lone Star State. In 1909, students at Texas A&M began a tradition that we now call bonfire. They went out and gathered old packing crates and pallets and trash and limbs from the community and built a bonfire to testify to their undying commitment to beat the University of Texas in the annual Thanksgiving football game.

By the mid 1940s, what had been basically an exercise in getting some logs and some trash and had grown into quite an operation, and the 2 years that I worked on bonfire in 1968 and 1969, the stack, the height of the bonfire reached 109 feet.

It is not unusual today for a bonfire at Texas A&M before the University of Texas football game to weigh over 2 million pounds, to have 5,000 to 7,000 logs and to be in the 70-foot to 80-foot range. Because of some accidents and concerns about environmental issues beginning in the 1980s, the administration at Texas A&M put a limitation on the number of logs, the height of the stack, the diameter of the stack.

This past November, I believe, on November the 18th, two days before the game, the bonfire collapsed, killing 12 students and injuring 27 others, a terrible, terrible tragedy by any definition. As a consequence of the bonfire collapse and the injuries and the death, the administration at Texas A&M put together a Bonfire Commission to go out and investigate the causes of the problem and to determine what, if anything, should be done to correct the problems, and whether to even have a bonfire.

This is the report that was released last week. It is approximately 2½ inches in diameter. It does not make any recommendations to the administration at A&M to do, but it does determine what caused the collapse. The chairman of the commission is a distinguished engineer named Leo Linbeck from Houston, Texas, and the commission members are Veronica Callaghan, retired major general Hugh Robinson, Alan Shivers, Jr., William E. Tucker, the consultants are McKinsey & Company, Fay Engineering, Packer Engineering, Kroll-O'Gara and Performance Improvement International.

It cost about $2 million. They interviewed several thousand witnesses. They have over 5,000 pages of documents. The conclusion of the Bonfire Commission is that the bonfire collapse was because of structural failure, the weight of the logs on the top stacks became so great that it forced a pressure down into the first stack, that created a lateral pressure that forced the logs on the bottom stack to come out, and there was a catastrophic collapse.

They investigated, researched whether human factors such as alcoholic consumption, horseplay played a role in the collapse, and the answer is no; although, there was some of that, and it should be prohibited.

I think the Bonfire Commission has done a commendable job. They have been very extensive. I have glanced at the entire report. I have actually read page by page approximately half of it. And as a professional engineer myself, not a civil engineer, not a structural engineer, obviously, I am convinced that the commission has done its job in determining the causes of the problem.

The President of Texas A&M, Dr. Bowen, has said that he will consider this report and decide in the next 2 months whether to allow the bonfire tradition to continue or not, and if he makes a decision on whether to allow it, under what conditions it will be allowed.

This report makes no recommendations about whether it should or should not be continued, but it does point out some things that I think are worth highlighting.

Number one, one obviously need to have structural integrity of the bonfire. One needs to have professional oversight of the bonfire.

Under the tradition of Texas A&M, it has all been done by students. There was no written design, it had to be certified as having structural integrity. Each bonfire student leadership looked at what was been done the year before and then decided what to do this year.

I cannot tell Dr. Bowen what to do, but I would certainly think that some of the things he has got to consider is have a design that is actually on paper that has been certified as structurally sound by professional engineering groups, and then make sure that there is oversight to see that the design is actually implemented.

Speaking only for myself, I can certainly understand if Dr. Bowen decided not to allow the bonfire to continue, but I would hope that he will allow the tradition to continue under very restrictive and overseeing regulations.

PATIENT'S BILL OF RIGHTS CONFERENCE

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, on last Friday, in the USA Today, I could not help but notice on the front page an article. It was called "HMOs Take Spiritual Approach." It is written by Julie Appleby. It starts out by saying "Health plans, buffeted in recent years by their no-frills approach to medical care, are pushing ever further into alternative medicine, hoping to find low cost ways to boost patient satisfaction. Need help understanding the meaning of life? No problem. A Denver-based HMO offers spiritual counseling, six visits at $10 a pop. Fearing surgery? Blue Shield of California unveils a new prescription today, free audio cassettes for patients aimed at harnessing their imaginations to promote healing."

Mr. Speaker, when I read this and when I also read about some of the abuses by some of the HMOs, I think patients will need some of this spiritual healing to get over some of the ways that they have been treated by HMOs.

I want to talk tonight for a little while about where we stand in conference with the patient protection legislation that passed the House and the Senate. My information on how the conference is going is from my sources on the Republican side. There have been reports that the conference is making some progress. Maybe a month ago, there was reported progress on emergency care provisions and also on a couple other smaller items that should be relatively noncontroversial. It should be pointed out that there has been no legislative language divulged from any of these earlier "agreements in principle."

But about a week or 2 ago, there was a report that there was progress being made on one of the most important parts of the bill, which is, how does one handle disputes between care that is requested by a patient and care denied by the HMO. In both the bill in the House and in the Senate, when there is a dispute on a denial of care by the HMO, a patient could take that to an external appeals panel.

The reports in the press seem to indicate that progress was made and that there was some sort of agreement between the Republicans and the Democrats in the House-Senate conference on this point. Well, I am sorry to inform my colleagues on both sides of the aisle here in the House that these reports have been vastly overplayed.

As a result of that, President Clinton asked for a meeting for this Thursday of conferees down at the White House to try to spur on progress on the patient's rights. But let me just point out some of the problems, these are from my Republican sources, on how there is not agreement on some of the fundamental aspects of the external appeals process.

For instance, there is not agreement on the standard for determining whether cases are eligible for review. Mr. Speaker, this is sort of fundamental. One has to know what kind of cases can go to review, and this has not been decided.

In determining whether a case is eligible for review, the independent reviewer should not be limited by a plan's definition or interpretations where they involve applications of medical judgment. This is what is in the House. This is the provision in the House where we say that the independent panel can make a determination on medical necessity that is not bound by the plan's own guidelines. They can be considered. The plan's guidelines can be considered, but the independent panel is not bound by those.

Also, it has not been decided in terms of protection, such as the independent panel determining medical necessity disputes on coverage or benefit determinations, and which of those are not subject to review.

Now, in the House bill, we say that if there is an explicit denial of coverage in the contract, then regardless of whether the patient needs that medical procedure or not, that independent panel cannot tell the HMO to give the care.

For instance, the HMO could write a contract saying we do not cover liver transplants. A patient could come along, maybe medically need a liver transplant, but under the House bill, the independent panel cannot tell the HMO to give that, because there is an explicit exclusion of coverage. But aside from that, this crucial question has not been decided in the conference.

Other things related to external review have not been decided in the conference. For instance, there has not been a decision on what to do with existing State laws that deal with external appeal systems. Now, in my opinion, the independent review should have the authority to direct the health plan to provide the care. That is what we passed here in the House with a vote of 275 to 151.

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We said, okay, if there is a denial of care, if it has gone through an internal appeals process and goes to the external independent review panel, that that panel can tell the HMO to give the care. In our bill that passed the House, if the HMO does not give the care, then they are subject to a fine, a rather stiff fine. And if a patient is injured as a consequence of not receiving that care, then that plan would be liable for that. This has not been decided. This has not been decided in the conference.

Furthermore, one would think that this would be an easy thing that could have been decided, and that is that the panel should be independent from the HMO. Apparently, this has not been decided in the conference either. So all of those reports saying that significant progress was being made on the appeals process, I think, are vastly overblown.

Furthermore, I would point out to my colleagues, and I really do not need to tell them this, because all of them that have been here for more than 6 months know this is the case, that unless we see legislative language, we can talk all we want about "principles," but one simple clause in legislative language can totally turn the intent of that provision around. And there is no legislative language available.

So what do we have here? We have a situation where States all around the country are saying we need to do something about this. State legislature after State legislature have passed bills for patient protection. In fact, in Oklahoma, the State legislature just passed a law making it easier for patients to sue HMOs and other insurers for unreasonable denials of medical care. Under the Oklahoma law, a health plan can be required to pay damages if it fails to exercise "ordinary care" in treating patients.

The chief sponsor of the Oklahoma bill, State Senator Brad Henry, has said, "The chairman of the House Senate conference is definitely out of step with the public here in Oklahoma. Polling information shows that 72 percent of Oklahomans support giving the patient the right to sue."

That Oklahoma measure was not even a close vote. It passed 94 to 5 in the State House of Representatives in Oklahoma and 44 to 2 in the State Senate, and it was signed by Republican Governor Frank Keating on April 28.

Mr. Speaker, I am sorry to say that as time has gone by since we passed this in October last year, a lot of patients are being denied care by some HMOs, and I think are being injured by it. I have here some estimates for how many patients are being injured.

Now, I can give my colleagues specific examples of patients who have been injured. I have done that many times on the floor. I have brought up posters showing their faces. I have brought up posters showing the families of women who have died because of HMO decisions and how they are left without their mother or their wife. But just to give some idea of the magnitude of the problem that we are dealing with, there have been two recent studies from which we can extrapolate how many cases each day in this country we are seeing of HMO denial and abuse causing pain and suffering and injury to patients.

The studies that I am citing here are Helen Schauffler's California Managed

Health Care Improvement Task Force Survey of Public Perceptions and Experiences with Health Insurance Coverage from the University of California Berkeley School of Public Health and Field Research Corporation. This was reported in Improving Managed Health Care in California, Findings and Recommendations. And also a study from the Committee Analysis Based on Kaiser Family Foundation and Harvard Public School of Health called Survey of Physicians and Nurses, July 1999.

Here are some of the highlights that my colleagues can take from these studies showing what is going on every day around the country. According to these two studies, every day 59,000 patients, because of HMO inappropriate denials of care, experience added pain and suffering.

According to these studies, every day, 41,000 patients experience a worsening of their medical condition. According to these studies, every day 35,000 patients have had needed care delayed.

Thirty-five thousand patients have a specialty referral delayed or denied every day. Thirty-one thousand patients every day are forced to change doctors. Eighteen thousand patients every day are forced to change medications.

And every day 14,000 physicians see patients whose health care has seriously declined because an insurance plan refused to provide coverage for a prescription drug. Mr. Speaker, every day in this country 10,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a diagnostic test or a procedure.

And every day 7,000 physicians see patients whose health has seriously declined because an insurance plan did not approve referral to a medical specialist. And, Mr. Speaker, every day 6,000 physicians see patients whose health has seriously declined because an insurance plan did not approve an overnight hospital stay.

These are pretty amazing statistics. If we want to talk about the number of patients each year in this country who experience HMO abuse in delay of needed care, we are dealing with almost 13 million.

Each year, 12,800,000 patients experience HMO plan abuse in terms of delay or denial of care. It is about 11 million patients each year in this country that have to change their doctors because of HMOs. It is about 6,500,000 patients each year in this country that are forced to change medications. It is about 22 million patients in this country that each year have added pain and suffering because of HMO decisions and abuse, and about 15 million patients each year in this country see their medical conditions worsen because of HMO abuse.

And here we are. It has been, what, 7, 8 months since we passed the bill in the House? We have been working on this for 4 or 5 years. We could multiply these annual numbers by four or five times and it would begin to approach the magnitude of the problem that we are dealing with on this.

A few years ago, in testimony before my committee, the Committee on Commerce, a small, quiet woman, who was a medical reviewer for an HMO, gave some very compelling testimony. She said that she had actually made medical decisions that had cost patients' lives and that she had been rewarded for that by HMOs. She said, and I am paraphrasing her, "I am coming clean. I cannot tolerate this any more." She said, "I made a medical decision that cost a man his life. He needed an operation on his heart and I denied it. It was medically necessary for him."

And then she pointed out what the smart bomb is of cost containment for HMOs, and that is in the area of denials based on "medical necessity", which HMOs can arbitrarily define, according to Federal law, any way they want to. Some HMOs even define medical necessity as "the cheapest, least expensive care." Now, think of that for a minute. Would we like our health plan to define medical necessity for us as the cheapest, least expensive care? Now, one might say, well, that would help hold costs down. But it would also result in some really bizarre activities.

Before coming to Congress, I was a reconstructive surgeon. I took care of a lot of kids with cleft lips and palates. The standard treatment for a kid with a cleft lip and a cleft palate is surgical correction. The hole in the roof of the mouth is surgically corrected so that they can learn to speak normally, so that they do not have food coming out of their nose. Under that irresponsible definition of medical necessity, as the cheapest, least expensive care, that HMO would be totally justified in just giving this little baby a piece of plastic to shove up into the roof of his mouth so that food would not come out. Sort of like an upper denture. I think that is really ridiculous.

I have given some talk on this floor about some practice guidelines that a company by the name of Milliman and Robertson, sort of the HMO flack house, has created. If it were not for the fact they have sold about 20,000 of these guidelines around the country to hospitals and HMOs, we would not need to talk so much about this. But in a previous talk here on the floor I gave a lot of examples of how wrong, how far away from standards of care those guidelines are.

I recently got a letter from Milliman and Robertson trying to explain where they come up with some of these. I think this article that is in Pediatrics, the journal Pediatrics, Volume 105, No. 4, April 2000, is a much more scientific approach to analyzing the validity of Milliman and Robertson's guidelines.

Let me just read the conclusion. "In New York State, during 1995, length of stay for selected pediatric conditions was generally in excess of published Milliman and Robertson guidelines."

I love how these conclusions always understate what the article says. They say, "This raises concern about the potential effects of such guidelines on both patients and the hospitals caring for them." They go on and say in the text of this, "Several studies have demonstrated that certain length of stay related guidelines adversely affect patient care," and then they list a number of them. I just want to quote some of these to give a flavor for the analysis in the medical literature of some of these "guidelines."

Jerome Kassirer, in the New England Journal of Medicine, wrote an article on The Quality of Care and the Quality of Measuring It. Arnold Relman, Reforming the Health Care System, the New England Journal of Medicine. Wilson, in Medical Decision Making, Primary Care Physicians' Attitudes Toward Clinical Practice Guidelines. Fitzgerald, in the New England Journal of Medicine, The Care of Elderly Patients With Hip Fracture: Changes Since Implementation of Prospect of Payment system. Mitchell, Who Are Milliman & Robertson and How Did They Get in My Face?, in the Journal of the Kentucky Medical Association.

Well, what do these articles have in common? They have in common what this article in the journal Pediatrics found, and that was that the length of stay recommendations put out by this company, Milliman and Robertson, are really far out. They say in this article, "Numerous commentaries in both the lay and medical press have raised concerns regarding the largely unknown impact of guidelines on health of the more vulnerable populations, particularly the elderly, the young, and the chronically ill. Our findings demonstrate that actual pediatric length of stay in New York State during 1995 exceeded, often markedly, the Milliman and Robertson functional length of stay guidelines. The difference was most marked in diagnoses with long courses of antibiotics, for instance, bacterial meningitis, osteomyelitis, and complicated appendectomy."

In a previous talk I gave, I pointed out that the average length of stay in a hospital for somebody with a really serious infection, this is for a child, like bacterial meningitis, is somewhere around a week, if not longer. That is usual and that is customary. These kids are really sick. Milliman and Robertson recommends one or two days, one or two days in the hospital for somebody who has a serious bacterial infection of their brain or their spinal cord and who could die from that.

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I know something personally about this because about 3 years ago now I had a bad case of encephalitis. It is impossible for me to believe that a patient with even a moderate case of encephalitis could be discharged in 1 or 2 days. It just boggles my mind.

There are many quotes in this study. Let me just read a few. "Both the Institute of Medicine and the Agency for Health Care Policy and Research have set high standards for the development of guidelines, including the involvement of multi-disciplinary panels and the use of explicit evidence-based approaches. This is a methodology used by governmental groups such as the Institute of Medicine.

"At a minimum, we should expect that the data and methods contributing to Milliman and Robertson's guidelines be available for public discussion and debate."

They are not, unfortunately.

That is why that lady who was a medical reviewer who testified for my committee said those determinations based on plan guidelines are the smart bomb of HMO's cost containment.

But there is something that needs to be dealt with in terms of the external appeals process that we are dealing with in conference between the House and the Senate. And if they are not dealt with, and as I repeat, to date, my sources on the Republican side tell me they have not been dealt with, then we should not be releasing reports to the press saying that there is significant progress being made in that conference.

I think that the conferees, when they go down to the White House, ought to really make an effort to move on this.

There are many other things that I could speak about in terms of where we are at with various issues related to the patient protection. I want to just deal with about four or five.

The first is that the bill that passed this House on patient protection would lead to a flood of litigation. That is just not true. Our bill was modeled after the bill that passed in Texas about 3 years ago, and there have only been a handful of lawsuits since that time in Texas.

Of those lawsuits, though, I would say several are meritorious. Let me give my colleagues one example.

There is a patient named Mr. Piloseca who was in the hospital suicidal. His doctor recommended that he stay in the hospital to be treated for his suicidal tendencies. His health plan, NYLCare, said, no, no, you are out the door.

Maybe they used their own guidelines. Maybe they used Milliman and Robertson's guidelines. I do not know. They said, you are out the door and we are not going to pay for any hospitalization.

Under that circumstance, under Texas law, where there is a dispute between the physician and the health plan, the health plan is supposed to go to an expedited review to that independent panel for a determination.

What did they do? They just ignored it and said, we are not going to pay for your hospitalization. Unless you want to pay for it yourself, then you are out of here.

Well, this family is of average modest means and they do not have the ability to do that. So Mr. Piloseca went home that night and, sure enough, suicidal that he was, he drank half a gallon of antifreeze and he committed suicide.

That health plan is being sued in Texas. That is one of the handful. But they are being sued because they did not follow the law that was in Texas.

Hardly a flood of lawsuits.

Then there are opponents to our bill that passed the House that say, oh, employers could be sued under the bill that passed the House.

And I will tell my colleagues that, under the bill that passed the House, the Norwood-Dingell-Ganske bill, the bipartisan consensus Managed Care Reform Act, an employer can only be sued or held legally accountable if that employer exercises discretionary authority in making a decision that results in negligent harm to the patient.

Most employers are nowhere near that. I have got lots of small businesses in my district. Those businesses hire an HMO to provide health care for themselves and for their employees. They do not get involved in the medical decision-making. And if they are not involved in the medical decision-making, they cannot be held liable.

Furthermore, in our bill that passed the House, we expressly stated that employers cannot be sued for choosing to contract with a particular health plan, deciding which benefits to include in the plan, or deciding to provide additional benefits not generally covered by the plan.

Mr. Speaker, here is another myth. The myth is that, well, if you just have a strong appeals process, there is no need for any legal accountability.

I would just refer you back to the case I just told you about. If do you not have accountability, what is going to make the HMO follow the law?

I would point out this. Many times I have talked on this floor about a little boy from Atlanta, Georgia, who, when he was 6 months old, was really sick, his mom and dad had to take him to the emergency room in the middle of the night, but he was only given an authorization to go to an emergency room that was about 60 or 70 miles away instead of stopping at any two or three emergency rooms that were very close to their room.

That was a medical decision, a medical judgment, that that reviewer made over the telephone. Unfortunately, he had a cardiac arrest in the car before he got to this far-away emergency room. They managed to keep him alive, but he suffered circulatory loss to his hands and feet and he lost both of his hands and both of his feet.

Now, there was not any chance to have to go to an independent appeals process in that situation. But that HMO made a medical judgment, and they should be responsible for that.

I can give my colleagues several other real-life examples. How about the patient who sustained injuries to his neck and spine in a motorcycle accident. He was taken to the hospital. The hospital's physicians recommended immediate surgery. But the health plan refused to certify that surgery. Time and time and time went on. And what happened? The patient was paralyzed.

How about the patient who was admitted to an Emergency Room in his community hospital complaining of paralysis and numbness in his extremities. The treating room emergency physician concluded that this was a really serious case, he needed to go to the medical school immediately. The health plan denied authorization for a transfer. Hours and hours later, by this time, the patient is now quadriplegic, i.e., paralyzed in both his hands and both his legs.

You need to have accountability, not just on the more leisurely cases that come along, but also from the get-go.

How about this: People say that the bill that passed the House could significantly increase the cost of health insurance and the number of insured. And I say baloney. The Congressional Budget Office looked at our bill, and the legal accountability provision was estimated to raise premiums one percent over 4 years.

A one percent equivalent over 4 years is equal to employers paying a mere 4 cents per day for individual coverage with employees contributing just one additional penny per day.

Now, opponents also of our bill have said, oh, for every one percent increase in premiums, you are going to have 400,000 people lose their jobs. That is baloney, too. Nobody has ever documented where that statistic came from. But the General Accounting Office did a study of it and they said, that is wrong, it is outdated, it does not account for the relevant factors.

So people came back and said, well, maybe it is only 300,000 people will lose their insurance if premiums go up 1 percent. GAO came back again and looked at that data and said, wrong, wrong, the statistics do not show that.

And furthermore, I would point out this: Between 1988 and 1996, the number of workers offered coverage actually increased in this country despite increased premiums each year.

I would also point out to my colleagues that we did not pass this bill and it has not become Federal law and premiums went up last year. Why? Because the HMOs wanted to show it on their bottom line profit statements for Wall Street.

Then opponents say, well, you know what, consumer support for this bill will evaporate if consumers learn how much it is going to cost them.

Let me cite to my colleagues a 1998 nationwide survey by Penn, Shown & Burlin that showed that 86 percent of the public support a bill that would give patients health plan legal accountability, access to specialists, emergency services, and point-of-service coverage. When asked if they would support such a bill if their premiums increased between $1 and $4 a month, 78 percent, more than three-fourths of the people in this country, said, you bet.

Now, I want to tell my colleagues what the bill that passed the House would cost. The House-passed bill would raise insurance premiums an average of 4.1 percent, covering to the Congressional Budget Office, over 4 years. Do my colleagues know how much that would account for an individual?

Remember, 78 percent of people in this country say that they want to see Congress pass this law even if it means to them an increase in cost between $1 and $4. Dollars. For an individual, that percentage increase would cost $1.36 per month and, for a family of four, $3.75 per month.

Do my colleagues know what? That is less than what a Big Mac meal costs me out at National Airport. And that is giving people assurance that all the money that they are spending for their health insurance actually means something when they get sick.

I think that is why a recent public opinion survey found that most Americans believe problems with managed care have not improved, 74 percent, and most think that legislative action is either more urgent or equally urgent as it was when this debate began several years ago, 88 percent. That is from the Kaiser Family Foundation survey of February this year.

Mr. Speaker, it is clear, when we start looking at how many patients every day are being injured or denied care because Congress is sitting here doing nothing, or maybe because some Members of Congress are listening to the insurance industry and the HMO industry, we need to get something done on this.

I just want to go over these figures one more time for my colleagues. According to a couple reports that I have cited earlier, every day, as a result of inaction in this Congress for addressing this HMO problem, we are seeing 59,000 patients experience added pain and suffering, we are seeing 41,000 patients experience a worsening of their medical condition, we are seeing 35,000 patients having needed care delayed, 35,000 patients with a specialty referral delayed or denied, 31,000 patients are forced to change doctors, and 18,000 patients are forced to change medications needlessly.

Mr. Speaker, it should be clear that the conferees to the HMO reform bill should really get off their fannies and get to work. When they go down to the White House on Thursday, as I hope they do, I hope in good faith they sit down and try to get something done and not just try to ride out the time clock on this year.

Mr. Speaker, I am happy to yield to my friend and colleague the gentleman from California (Mr. HORN). I know he wants to speak some about health care, also.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding to me. He has been marvelous in terms of bringing to the American people the need for a decent health care program.

Mr. Speaker, health care paperwork has become a complex and often confusing problem for many Americans. Many of us have experienced the confusion of erroneous billings, lengthy delays in reimbursement, and troubling disputes about what is and is not covered under a health care plan.

These problems are of particular concern in the Medicare program, the largest purchaser of health care in the world and a program that is absolutely vital to nearly 40 million senior citizens who rely on its services.

In the early 1990's, the Medicare program was designated as one of the Government's high-risk programs by the Comptroller General of the United States and his General Accounting Office.

Medicare's size, complexity, and lack of management controls are a problem and worthy of our attention. Each year the House Subcommittee on Government Management Information and Technology, which I chair, conducts oversight hearings to determine what progress has been made in resolving the management problems within Medicare. Each year we are told that significant progress has been made and more is expected soon.

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Mr. Speaker, it is true that progress has been made. Two years ago, the Inspector General of the Department of Health and Human Services reported that erroneous bills in the Medicare program totalled an estimated $20.3 billion in fiscal year 1997. That was 11 percent of all Medicare billings that year. In short, one of every $10 spent by Medicare was an improper payment. This year, the Inspector General, the very able June Gibbs Brown, returned to testify that the error rate was now estimated at $13.5 billion for fiscal year 1999, or about 8 percent of total billings.

As I said, that is in fact progress. We are moving in the right direction, but I am still stopped cold by those numbers. Medicare improperly paid out $13.5 billion last year for claims that were not covered by the program, for claims that were, to quote the General Accounting Office, "not reasonable, necessary and appropriate."

Mr. Speaker, all of us know that the Medicare program is a very large and complex operation and presents an enormous management challenge. The program still operates under the rules set in 1965. Medicare uses private insurance companies as the contractors and intermediaries between the patient, the doctor, the hospital to process bills and those that go to Medicare. That paper flow is a virtual Niagara Falls. Every day, the Medicare program's contractors process about 3.5 million claims worth an average of more than $650 million a day. That is every day of the year. Managing this flow is indeed a major challenge.

But, Mr. Speaker, the challenges in the Medicare program are not new. Medicare has been in existence for 35 years and its specific management problems have been documented in excruciating detail by a long list of reports from the Inspector General and the Comptroller General of the United States, the head of the General Accounting Office. Even with all of the attention and concern, serious management deficiencies continue to plague this program and waste or misspent billions of Medicare dollars.

In all of the reports on Medicare's problems, the key recommendation has been this. Medicare must develop a fully integrated financial management system, standardized with all of its contractor intermediaries so that timely, accurate and meaningful information can be developed to control this $300 billion a year program.

Mr. Speaker, today I am introducing H.R. 4401. This legislation can move us toward the goal of first rate management. This bill has been introduced in the other body by Senator RICHARD LUGAR of Indiana. I have a very high regard for Senator LUGAR. His bill in the other body is S. 2312, and H.R. 4401 is similar to his legislation. In brief, we are working together and the two of us believe that enacting sound and effective controls on the Medicare program must be made a very high priority.

The Health Care Infrastructure Investment Act is designed to force the creation of an advanced information infrastructure that will allow the Medicare program to instantly process the vast number of straightforward transactions that now clog the pipeline and drain off scarce health care resources. The bill calls for the development and implementation of an integrated system so that Medicare and its contractors can serve seniors with immediate points of service and verification of insurance coverage, point of service checking for incomplete or erroneous claim submission, and point of service resolution of simple, straightforward claims for doctor's office visits, including the delivery of an explanation of benefits and payment that the patient can understand. That means that when Medicare beneficiaries walk into the doctor's office, they can know immediately what their benefits are and what copayments or deductibles apply. When they leave, they will receive a simple statement of what was done and what is owed.

Our bill is careful to avoid mandates that would undermine privacy rights. Privacy is of paramount concern and must be safeguarded in the design of an advanced network of financial management systems for Medicare. The goal of H.R. 4401 is to reduce and, where possible, to eliminate paperwork. Greater efficiency will free doctors to spend more time treating patients, doctor's offices and insurance companies should be able to reduce the cost of claims processing, and patients will be fully informed about treatments and costs.

Mr. Speaker, this legislation could save the taxpayers billions of dollars every year, and it would not be wasting Medicare access, either. It would get us to modernize the paperwork and the inefficiencies and put an end to many time-consuming and confusing complications in the billing process for doctor office visits, and both for doctors and for patients.

This bill, H.R. 4401, also can lay the foundation for modernizing Medicare's financial management systems so that the annual reports of billions of dollars misspent will become a thing of the past. Then we can be assured that every Medicare dollar is being properly used to pay for the health care our seniors need. Our bill, H.R. 4401 in the House, will be sent to the Committee on Commerce, the Committee on Government Reform and Ways and Means.

Mr. Speaker, I include a copy of H.R. 4401 as follows:

H.R. 4401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Infrastructure Investment Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Moratorium on delayed payments under contracts that provide for the disbursement of funds.
Sec. 3. Establishment of the Health Care Infrastructure Commission.
Sec. 4. Study and final recommendations; timetable for implementation of advanced informational infrastructure.
Sec. 5. Application of advanced informational infrastructure to the FEHBP.
Sec. 6. Authorization of appropriations.

SEC. 2. MORATORIUM ON DELAYED PAYMENTS UNDER CONTRACTS THAT PROVIDE FOR THE DISBURSEMENT OF FUNDS.

Section 1842(c) of the Social Security Act (42 U.S.C. 1395u(c)) is amended by striking paragraph (3).

SEC. 3. ESTABLISHMENT OF THE HEALTH CARE INFRASTRUCTURE COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services a Health Care Infrastructure Commission (in this section referred to as the "Commission") to coordinate the expertise and programs within and among departments and agencies of the Federal Government for the purposes of designing and implementing an advanced informational infrastructure for the administration of Federal health benefits programs.

(b) DUTIES.—The Commission shall—

(1) establish an advanced informational infrastructure for the administration of Federal health benefits programs which consists of an immediate claim, administration, payment resolution, and data collection system (in this section referred to as the "system") that is initially for use by carriers to process claims submitted by providers and suppliers under part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) after conducting the study under section 4(a)(1);

(2) implement such system in accordance with the final recommendations published under subsection (a)(2) of section 4 and the timetable set forth under subsection (b) of such section; and

(3) carry out such other matters as the Secretary of Health and Human Services (in this section referred to as the "Secretary"), in consultation with the other members of the Commission, may prescribe.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(A) The Secretary, who shall be the chairperson of the Commission.

(B) One shall be appointed from the National Aeronautics and Space Administration by the Administrator.

(C) One shall be appointed from the Defense Advanced Research Projects Agency by the Director.

(D) One shall be appointed from the National Science Foundation by the Director.

(E) One shall be appointed from the Office of Science and Technology Policy by the Director.

(F) One shall be appointed from the Department of Veterans Affairs by the Secretary.

(G) One shall be appointed from the Office of Management and Budget by the Director.

(2) REQUIREMENTS.—Each of the members appointed under subparagraphs (B) through (G) of paragraph (1) shall—

(A) have been appointed as an officer or employee of the agency by the President by and with the advice and consent of the Senate; and

(B) be an expert in advanced information technology.

(3) DEADLINE FOR INITIAL APPOINTMENT.—The members of the Commission shall be appointed by not later than 3 months after the date of enactment of this Act.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson, except that it shall meet—

(A) not less than 4 times each year; or

(B) on the written request of a majority of its members.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e) COMPENSATION.—Each member of the Commission shall serve without compensation in addition to that received for the services of such member as an officer or employee of the United States.

(f) STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) TERMINATION.—The Commission shall terminate on the date on which the system is fully implemented under section 4(b)(3).

SEC. 4. STUDY AND FINAL RECOMMENDATIONS; TIMETABLE FOR IMPLEMENTATION OF ADVANCED INFORMATIONAL INFRASTRUCTURE.

(a) STUDY AND FINAL RECOMMENDATIONS.—

(1) STUDY.—The Commission shall conduct a study during the 3-year period beginning on the date of enactment of this Act on the design and construction of an immediate claim, administration, payment resolution, and data collection system (in this section referred to as the "system") that—

(A) immediately advises each provider and supplier of coverage determinations;

(B) immediately notifies each provider or supplier of any incomplete or invalid claim, including—

(i) the identification of any missing information;

(ii) the identification of any coding errors; and

(iii) information detailing how the provider or supplier may develop a claim under such system;

(C) allows for proper completion and resubmission of each claim identified as incomplete or invalid under subparagraph (B);

(D) allows for immediate automatic processing of clean claims (as defined in section 1842(c)(2)(B)(i) of the Social Security Act (42 U.S.C. 1395u(c)(2)(B)(i)) so that a provider or supplier may provide a written explanation of medical benefits, including an explanation of costs and coverage to any beneficiary under part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) at the point of care; and

(E) allows for electronic payment of claims to each provider and supplier, including payment through electronic funds transfer, for each claim for which payment is not made on a periodic interim payment basis under such part.

(2) FINAL RECOMMENDATIONS.—

(A) PUBLICATION.—Not later than 3 years after the date of enactment of this Act, the chairperson of the Commission shall publish in the Federal Register final recommendations that reflect input from each interested party, including providers and suppliers, insurance companies, and health benefits management concerns using a process similar to the process used for developing standards under section 1172(c) of the Social Security Act (42 U.S.C. 1320d–1(c)).

(B) CONSIDERATIONS.—In developing the final recommendations to be published under subparagraph (A), the Commission shall—

(i) make every effort to design system specifications that are flexible, scalable, and performance-based; and

(ii) ensure that strict security measures—

(I) guard system integrity;

(II) protect the privacy of patients and the confidentiality of personally identifiable health insurance data used or maintained under the system; and

(III) apply to any network service provider used in connection with the system.

(b) TIMETABLE.—The timetable set forth under this subsection is as follows:

(1) INITIAL IMPLEMENTATION.—Not later than 5 years after the date of enactment of this Act, the system shall support—

(A) 50 percent of queries regarding coverage determinations;

(B) 30 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 40 percent of clean claims submitted by providers and suppliers under part B of the medicare program.

(2) INTERMEDIATE IMPLEMENTATION.—Not later than 7 years after the date of enactment of this Act, the system shall support—

(A) 70 percent of queries regarding coverage determinations;

(B) 50 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 60 percent of clean claims submitted by providers and suppliers under part B of the medicare program.

(3) FULL IMPLEMENTATION.—Not later than 10 years after the date of enactment of this Act, the system shall support—

(A) 90 percent of queries regarding coverage determinations;

(B) 60 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 40 percent of the total number of claims submitted by providers and suppliers under part B of the medicare program.

SEC. 5. APPLICATION OF ADVANCED INFORMATIONAL INFRASTRUCTURE TO THE FEHBP.

(a) IN GENERAL.—The Office of Personnel Management (in this section referred to as the "Office") shall—

(1) adapt the immediate claim, administration, payment resolution, and data collection system established under section 3 (in this section referred to as the "system") for use under the Federal employees health benefits program under chapter 89 of title 5, United States Code; and

(2) require that carriers (as defined in section 8901(7) of such Code) participating in such program use the system to satisfy certain minimum requirements for claim submission, processing, and payment in accordance with the timetable set forth in subsection (b).

(b) TIMETABLE.—The timetable set forth in this subsection is as follows:

(1) INITIAL IMPLEMENTATION.—Not later than 5 years after the date of enactment of this Act, the Office shall require that carriers use the system to process not less than—

(A) 50 percent of queries regarding coverage determinations;

(B) 30 percent of determinations of incomplete or invalid claims; and

(C) immediate processing at the point of care of 10 percent of the total number of claims.

(2) INTERMEDIATE IMPLEMENTATION.—Not later than 7 years after the date of enactment of this Act, the Office shall require that carriers use the system to support not less than—

(A) 70 percent of queries regarding coverage determinations;

(B) 50 percent of determinations regarding incomplete or invalid claims; and

(C) immediate processing at the point of care of 20 percent of the total number of claims.

(3) FULL IMPLEMENTATION.—Not later than 10 years after the date of enactment of this Act, the Office shall require that carriers use the system to support not less than—

(A) 90 percent of queries regarding coverage determinations;

(B) 60 percent of determinations of incomplete or invalid claims; and

(C) immediate processing of 35 percent of the total number of claims.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are appropriated to the Health Care Infrastructure Commission established under section 3, out of any funds in the Treasury that are not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

(b) AVAILABILITY.—Any sums appropriated under subsection (a) shall remain available until the termination of the Health Care Infrastructure Commission under section 3(h).

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Iowa (Mr. GANSKE) has 18 minutes remaining.

Mr. GANSKE. Mr. Speaker, I just point out that my colleague from California has been a stalwart in working on matters of health concern for his constituents and in particular has been very strong on supporting a Patient's Bill of Rights. I appreciate his work and effort in that very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to refrain from references to individual Senators.

EDUCATION REAUTHORIZATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 60 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I start today by talking about the person whose name I carry and the reason I have such a long name on the board. That name is MILLENDER, JUANITA MILLENDER-MCDONALD. It is because of my father, Reverend Shelly Millender, who taught us that education is important, that we must have a quality education in order to challenge the world that would be before us. And so, Mr. Speaker, tonight I rise with several of my colleagues to discuss the reauthorization of the Elementary and Secondary Education Act known to us as ESEA.

This act is an act that is of immense importance to our children and the future of our Nation. The education of our Nation's children is an issue of paramount concern. As Members of the House of Representatives, it is imperative that we remain focused on our national priorities of raising standards and providing special assistance to children in need to ensure that all students are prepared to face the challenges of the 21st century. Globalization has brought us into a more competitive world where the challenges of technology will dominate the economic relations among world nations. If all of our children are not prepared to face these challenges, our great country will not continue to lead the world in the vital areas of economy and technology, and also in the critical areas of democracy and political participation.

We must, Mr. Speaker, guarantee quality school facilities, quality teachers, smaller classroom sizes and gender equity in technology so that all of our children, both boys and girls, are able to face these new challenges.

I stand with some of my Members who are on the floor today as we recognize America's teachers. As a former teacher, I know the importance of teachers and their leadership to the classroom, but more importantly their leadership for the future, for our future, America's future because they are guiding our children who will be the leaders of tomorrow. Some of them will be the Members of Congress. Therefore, we must instill in them not only the moral standards, character building, but also quality education, quality education that comes from good teachers. I stand today in that salute and recognize the importance of teachers in this whole process.

In the 106th Congress, the authorization of Federal aid to many education programs covered under the Elementary and Secondary Education Act known as ESEA is expiring. These bills have passed through the House in a piecemeal approach to reauthorizing major ESEA programs. It is expected that the final piece of the ESEA puzzle, H.R. 4141, will be coming to the floor soon. H.R. 4141, the Education Opportunity to Protect and Invest in Our Nation's Students Act, also known as the OPTIONS Act, amends ESEA programs regarding education technology which is part of title III, the safe and drug-free schools and communities that is couched within this title III. It also amends title IV, and the education block grant which is title V.

I am deeply concerned, however, Mr. Speaker, with title I of H.R. 4141, entitled the transferability. Transferability is essentially a backdoor block grant program which would allow Federal funds intended to target technology, teacher training, school safety and after-school care needs to be used for any purpose deemed educational regardless of its relevance to the core mission.

When we look at, Mr. Speaker, technology we think about the digital divide. The urban and rural areas both are in dire straits because of the lack of high technology to our students in both the urban and the rural areas. When we look at teacher training, Mr. Speaker, we look at those persons who will be guiding and directing our students through this 21st century, and indeed it is critical that we focus on professional development as an ongoing core of teacher training.

School safety. We do recognize that children must be in an environment that is conducive to learning and, therefore, school safety is vital for this training. After-school care cannot just be left up to the schools now. It should be the community, it should be churches and all others who are getting involved in after-school care programs. These are very vital, very critical areas in the holistic education of our students.

Title I of H.R. 4141 allows States and local educational agencies to transfer funds between ESEA programs after receiving funds for specific purposes. I would like to draw attention to that, because we can ill afford to have moneys that should go for one program specifically for that purpose to be transferred to another program. That is the whole notion of this transferability clause. Under title I, local education agencies can transfer up to 30 percent of one program's funds to another without any publicly documented rationale.

That is wrong, Mr. Speaker. If we are going to really train our teachers, educate our students, have a school that is conducive to learning and have targeted technology that is applied for all students, then we must not have this transferability clause that will snatch funding from any program one deems important to transfer these funds to another program. In other words, if the funding has gone to the State specifically for a purpose and a program, then we should not be allowed to transfer up to 30 percent or any percent on a program that was not initially funded by this body.

If a local education agency receives State approval, then 100 percent of those funds can be transferred between programs. In such cases, the State is not required to establish criteria for these decisions or document their approval. Again, it would not be up to the State, it would be up to the legislation that we apply here on the floor, and this is why I believe that H.R. 4141 does a great injustice to this country's young people, our students.

□ 1930

Block grants, whether by law or de facto, and despite their popularity, do more harm to education than good. In fact, by pouring Federal funds into general State operating funds, we are not able to guarantee that the needs of all children are served, particularly the schools and the students with the most need.

Again, I reiterate, those students are the students who are in the urban schools like my schools, in the Watts area, in the Compton area, and the Linwood area and the Wilmington area. Those are the schools where there are the students with most needs, and also in the rural communities where those students are falling behind in technology.

Transferability, as mandated in Title I of H.R. 4141 increases the odds that ESEA money will not reach urban, minority students for much-needed educational programs. A study done, Mr. Speaker, by the General Accounting Office in January of 1999, reported that Federal funds are 8 times more likely than State funds to target disadvantaged students. Why are we putting this in the hands of the State when this has been documented by GAO, that the funds will be targeted more for disadvantaged students in coming from the Federal as opposed to the State?

The report further concluded that Federal monies helped to close the gap in spending between the richest and poorest districts. Currently, local education agencies that receive Federal money are required to use the funds on specific populations and for specific purposes. No more, no less. The transferability clause of H.R. 4141 will allow local education agencies to use Federal funds in any way they like, resulting in the possible exclusion of funds for programs that serve disadvantaged students in low-income districts.

We know that is not right, Mr. Speaker. We know that we cannot look to any local education agency to apply the funds that should be documented in legislation from us. We just give them that autonomy to transfer 30 percent of those funds to any program they deem important.

Mr. Speaker, it is shocking to think that funds earmarked for the improvement of our education system's core mission can be used for virtually any purpose. Transferability makes this prospect a reality and it is likely to have a negative effect on teacher training, school safety, and education technology.

Under H.R. 4141, we run the risk of diminishing our present emphasis on teacher training that is critical to maintaining a high standard among our schools. Under H.R. 4141, schools can decide to use funds targeted for upgrading and improving teacher quality for other purposes. Funds that could be used for teacher recruitment and certification may also be transferred to other programs.

Mr. Speaker, I have with me tonight a gentleman who we all know was the superintendent of public instructions in the State of North Carolina. He has come tonight because we are both rather stunned by this H.R. 4141 and its adverse impact on the education of our students. Let me now present the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman from California for yielding, and I thank her for putting together this Special Order tonight, and for her leadership on this issue in the House. It is an important issue.

Mr. Speaker, I rise this evening to speak about this critical issue of education for our Nation. When we talk about that, we talk about our children. I often wonder, having served at the State level in North Carolina for 8 years where I saw the funds coming, the Federal funds, and let me remind our colleagues and the people who might be listening this evening that when we talk about Federal funds, they only represent about 7 percent of the total money spent in this country on education. Is that insignificant? No. Is that the only amount we can have? Well, let me explain to folks that if we go back to the 1960s, it was about 15 percent.

So it is not a magic number, it is just a number that we live with today because the money has been cut over the years. Did that money make a difference? Absolutely, because it was categorical money. Folks tend to forget that in the 1960s, we decided math and science were important in this country after Sputnik. We put the resources in, and did it make a difference? Absolutely, it made a difference. It gave us a lead in science and technology that we are enjoying the benefits of today. Our public schools responded, and so did our universities.

Now, why people need to have movement of funds from one category to another in that is very easy. There is not enough money in them. If there is enough money in those categories, they would not need to steal from staff development for teachers and for teacher recruitment and those dollars that are badly needed. It is important that those dollars be there, because I think the Federal commitment, as the gentlewoman has pointed out, is so critical. It says that it is important to this Nation.

Here just today we have stood on this floor and talked about how important our teachers are, and now we have a chance to decide that we are going to turn words into actions.

Mr. Speaker, I said today, words are cheap, talk is cheap. We ought to walk the walk instead of talk the talk.

I happen to have a son who teaches the fourth grade. If we paid teachers the minimum wage, we would be raising the salary of teachers in this country, because they put in an awful lot of hours they are not compensated for.

I think a lot of folks think of teachers working from maybe 7:30 or 8 o'clock to whatever time is school is out in the afternoon. What they do not realize is those teachers grade papers in the evenings, they take children on field trips on the weekends, and here we are arguing about a few dollars. It is a lot of money in terms of what schools get, but if we look at it in terms of the whole Federal budget, it is not really a great deal of money. But a few dollars at the classroom level where teachers are makes a big difference.

We have colleagues here who want to say well, it is just where the teacher is. No, we need people for staff development. We need people in the principal's office, we need people in the central office, because someone has to coordinate all of this. We need people at the Federal level. I know when I was State superintendent, I depended greatly on the Federal office of education for research and development monies, and yes, for those grant monies. So it does make a difference that we have those monies in those categories.

Mr. Speaker, it is amazing to me that we want to talk about taking it away, and that is really what we are talking about. Any way we cut it, we are going to take it away from some of the most needy children in this country, the very children that we want to raise the threshold for and make sure that in the 21st century, they have a chance to make it.

We talk about the digital divide, and I will talk about that more in just a moment. But the digital divide is nothing compared to the divide that we are going to have for the children who do not have the opportunity to learn to read, and reading is fundamental; that do not learn to do math early, because many of the children show up at the public schools in this country who have not had the opportunity before they get there for a variety of reasons, the biggest one being poverty.

If there is one thing that we can classify, it reaches across ethnic lines, no matter whom they are, a child who shows up from poverty is a child more likely to be behind in school and have a difficult time. If we do not give children a good education, we relegate them and the future generation to poverty.

That is what public education is about in this country. America is really the one place in the world that says, no matter where one comes from, we give them an opportunity to step up to this great smorgasbord we call public education, if one is willing to work for it. But if America is going to seize this opportunity of a new economy in the 21st century, Congress must provide national leadership in this vital effort. We cannot capitulate now. The one time we have a chance to make a difference, we ought not to just lay down and play dead.

I have often said, there is a big slip between the lip and the hip, and that really comes with a lot of talk and not a lot of resources to get the job done.

Across this country, the American people are crying out for a greater investment in education. I have been in probably many schools, maybe more than most people in this body, having been superintendent, and I go back regularly. I have never had a child, the truth is I have never had a teacher to ask me who paid for something in the school, whether it was local, State, or Federal. They just know they do not have enough. There are surveys after surveys that tell us that teachers take money out of their pocket to make sure they have resources in the classroom for their children.

Now, I am here to tell my colleagues tonight that is not right. Here we are arguing about a few dollars that we are going to send to help make education better for the poorest of our students, because those are the ones the teachers take money out of their pockets for. They are the ones who are there that we are not paying as well as we ought to.

I told someone today, my colleague may have overheard it, when we go through the grocery line in the check-out and pay for our groceries, because the teachers are not paid like they should be, in my opinion, they do not have a check-out that says, if you are a teacher, come through this line, and if you are a millionaire, come through this line. We all go through the same line. We ought to recognize that. If we truly value what our teachers do, and I do, I think we have to do a better job, and I think folks are expecting us to do it.

The leadership in this House, the Republican leadership, has to join with us to make it happen. We have to stop arguing about those things like school vouchers. Every year they want to talk about school vouchers. That is not the answer to the problem. Because if that were the answer, we would have all been on board a long time ago. All that is is a way to take money off the top and deny those most-needed students their opportunity.

We can talk about all we want in saying, well, competition is what we need in schools. We have 53 million students in school in America this year, and 94 percent, roughly, in this country, and in some States it is higher than that, it is 95, 96 percent, they are in the public schools. So the key is for us to use what resources, to use the kind of influence and support we have to help all of our children do better.

I think our schools are doing a far better job today than they have ever done, for all of our children. There is no question about that. No one can tell me that is not true, after looking at the data and look at the data across years. But the challenge we have is what we have done last year or 5 years ago is not good enough. It will not suffice in the high-tech economy we find ourselves in, competing with the world. We cannot drain off resources from our public schools and leave our children behind, condemned to a bleak future of failure.

As we work in this Special Order tonight, I hope we can share with the American people that our commitment is to our public schools, it is to make sure that every single child has an opportunity.

Mr. Speaker, one of the things we have done in this country is make sure that children, try to make sure that children show up ready to learn. We can tell a difference in a child who comes from a background who has not had those opportunities, if he just had one year of Head Start, good Head Start or preschool.

In North Carolina, as my colleagues well know, our governor has worked with the general assembly and they are now putting in a prekindergarten program. They call it Smart Start. We had some when I was superintendent that we used Federal monies for that, and it makes all the difference in the world. It is a public-private partnership, and in some cases, we are working with other groups. But for the children who have not had that enrichment, who show up at school who do not know their colors, who have not been read to when they were little folks, it makes all the difference in the world. It helps the teacher, when we have 26, 28, and in some cases, 30 children.

I often remind folks that Fay and I were fortunate. We have 3 children. I would have hated to have had 26 of them, trying to teach them. Some days it was tough with 3. People do not realize what it is in that classroom. Teachers are liable to stay in that classroom. If they want to go to the bathroom, they have to get relief. There are not many jobs like that today. I think we need to honor them and respect them.

Mr. Speaker, our job here in Washington ought to be talking about how we can make it better, not create situations that are barriers to those teachers, and the teachers are the ones who really understand the problems the children have. They do not want the money to be taken away from staff development. Education may be the only place I am aware of where we tell teachers that they have to continue to get recertified, and they to pay for it themselves. Most businesses that I know of pay for their employees to go to get continuing training.

We are starting to do a better job, but we are not there yet where we are paying for all of them. I think if we honor education and we care for our children and our teachers, we ought to be about doing those things. Our schools can do better, and they will with our help, but only if we are willing to help.

□ 1945

We need to foster a greater connection, I think, between students, teachers, parents, and the broader business communities, one of the points we were talking about earlier.

If a community gets involved, it is amazing what happens to students. One of the things you talked about earlier that are so important, we have to reduce class sizes. But if we talk about reducing class sizes on the one hand and take away staff development for the teachers and the training opportunities they have, all of a sudden we are working against ourselves because we are saying, well, this worked well but we are going to take that away and put it over here.

What we really need is to enrich and help that whole system. We need staff development for teachers and administrators. We need to make sure that when we are looking at roughly 2 million teachers we are going to need in the next few years, we ought to be looking for ways we can energize and put money out there. We did it in the sixties when we wanted to do math and science. We are going to have to do it again if we honor and believe in education.

I happen to believe very strongly that I would not be here in the United States Congress if it had not been for public education, and I would say to the bulk of the Members, neither would they. They should not forget from whence they came. I would not be here. If we had been in the process of vouchers and all these other things, I would not have gotten the kind of education I did. I went to the public school, and whatever the most affluent child in my community got, I had the opportunity to get. That is true of most of the people in this body.

We should never forget that. We should not deny that opportunity for any child in America, no matter where they come from ethnically nor where they come from economically, because who knows, who knows, one of those youngsters may find the cure for cancer or any other number of diseases. Eventually they may be in this body making some of the same decisions.

We have a tremendous challenge. We need a national commitment. We need that commitment to the notion that parents in America have the right to expect that their children will have the best teachers in the world, and we cannot have, attract, nor retain the best teachers if we do not support them. It is one thing to get them there. It is equally as important to keep them there with pay, respect, and support.

That means staff development. That means when they need help, we respond; that we honor what they do, rather than criticize what they do. That bothers me greatly when I hear Members in this body do that. I was pleased today that we passed a resolution, but I will repeat one more time, now that we have said the words, we need to walk the walk. We need to have an education bill that bespeaks of how important education is in America for every child. Whether he lives in the richest suburbs or the poorest inner city or the most isolated rural parts of America, he should have the opportunity for an education.

I think block grants and vouchers are not the way to go. We would ultimately waste the ability of children in this country. We must make sure that every neighborhood school in America works.

I thank the gentlewoman for putting together this special order.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentleman. He is steeped in experience. As a former State Superintendent of Public Instruction, he recognizes and understands the importance of quality education, and he understands the barriers that are there with our children. They already come with a set of barriers, being poor and having unskilled parents. Then to further those barriers by not giving them the quality education is just absolutely an atrocity, in my book.

I thank the gentleman from North Carolina for his leadership on this issue.

I have another Member who is a leader in education who is on this floor just about every night talking about the inadequate education, given the funding that we do not get, but is busy pushing the whole notion of school construction and quality teacher training so that we can have the quality education that is sorely needed for those 53 to 54 million students.

I yield to none other than the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from California for yielding to me. I want to congratulate her and applaud her insight in focusing on a very serious facet of the education bill that is going to be coming to this floor soon.

I serve on the Committee on Education, and I have had to live with this for a long time. To have Members who are not on the committee understand what is going on and offer to give us some help in this crucial area is very uplifting. It is good to hear that we are going to be prepared to fight the fight on the floor which we fought in the committee and we lost.

The crux of the argument that is being made tonight is that we should not take the Federal monies that are appropriated primarily to help the poorest students in the poorest communities and water that down, spread it out to communities which may need money for education, but we should not give them additional funds for education at the expense of those who have the greatest need.

The original intent of the Elementary and Secondary Education Act was to provide additional help for the poorest school districts and for the poorest students in those school districts.

We have had a doctrine of flexibility and super flexibility, and various names have been assigned to it in the past 6 years by the Republican majority. But what they are attempting to do is Robin Hood in reverse. What the Republican majority wants to do is take the money from the poor and spread it out to the others who need it less.

The irony of it is that they have better choices. We can all rejoice that we can make choices now which are very different from that and at the same time address the needs of any area that has educational needs.

We have a surplus. We have a surplus. A lot of people do not want to talk about it here in Washington. It is the most important factor and development in the last 10 or 20 years. Instead of talking in terms of a deficit, there is a Federal surplus. Why do we have to rob the poor, therefore, to spread the Federal funds out to cover needs in some other district?

I do think there are other needs. Nobody has spoken more often here on this floor than I have in favor of the Federal government taking a larger role in funding for education. The Federal Government's role now is around 7 percent of the total funding. Most funding for education comes from the State governments and from the local governments. The Federal government has a small role. The Elementary and the Secondary Education Act that we are talking about today is about $8 billion of Federal funds, $8 billion out of a huge budget for education, when we add the State and local government contributions.

Clearly, if we go back and read the law it is still there, the findings in the preamble to the Elementary and Secondary Education Act that clearly the Federal government did not meet all the needs of everybody in education. The reasoning was that we should help those districts which have the needs most, help the poorest students, to relieve some of the burden from the State and local governments doing what they should have been doing all along, giving the kind of help these districts needed.

The pattern is across America that those who need it most get the least. The pattern of State government is that they neglect those who need it most because they are the ones who have the least amount of power. It is a power situation. The pattern over the years has been State government always neglects the needs of the poor, whether it is health care or education or any other need.

The Federal government has stepped in in the interests of national security, in many cases. In World War II, they found when they had to draft large numbers of young men that they were basically unhealthy, suffered from poor nutrition, any number of problems that led to the generation of concerns at the national level about health care.

We later on got the beginning of health care programs in terms of Medicare, Medicaid, and various other funding for hospitals and well baby clinics because it was understood that we cannot leave that to the States because they do not deal with it, and there is a need, there is a national security interest, in having a healthy population.

There is now a national security interest in having a population that is well-educated. Nothing is clearer than the fact that brain power now drives the world in terms of the economy. If we move to the military sphere, any area of activity among governments or in governments requires a tremendous amount of brain power. Educated people are our best resource.

What we are proposing here and what the gentlewoman from California has pinpointed is we are proposing a very dangerous and deadly move. We are moving in the wrong direction at a time when the budget surplus permits us to give more aid to education. If we want to help other areas beyond the poorest of the poor, then we could just add money to the budget and cover the additional areas.

No, at a time when we can do that, we are proposing to take the money away from the poorest of the poor and give it to the other areas. Why not, at a time like this, dedicate more of the Federal budget to education?

Let us stop for a moment. The American people should listen closely to what is happening. Between the time that Congress recessed and the time we came back last week, the estimates of the budget surplus went up by $40 billion.

The estimate now is, the most conservative estimate is that this year's budget surplus, the amount of money we will take in in terms of taxes, revenue, versus the amount of money we have spent, the surplus, the leftover money, will be no less than $200 billion, $200 billion. The projection is that over the next 10 years we will have about the same or more, $200 billion per year for 10 years. We are talking about a $2 trillion surplus over a 10-year period.

Why are we in an atmosphere of that kind? Why are we, with opportunities of that kind, going to rob or take money from the poorest of the poor and give it, spread it out for the rest of the schools? That is mean-spirited, it is insensitive, and it is shortsighted.

We should rise to the moment. We have a golden opportunity, every legislator here, everybody in government has a golden opportunity to rise to this moment when we have abundant resources. We have had to make decisions for a long time based on the fact that we had a deficit. There was not enough funding. Now we have the funds. Where is our conscience? Where are our consciences? Where are our hearts? Where are our souls when it comes time to make decisions with resources that we have been blessed with?

Instead of the generosity and charity spirit prevailing, just the opposite is happening. We choose to take what we have allocated for education for the poorest of the poor and to give it to those who need it less, spread it out.

Sandra Feldman, who is the president of the American Federation of Teachers, has put it well in a recent article that she has in several papers.

The legislative term for what is happening she says some people call a block grant, but she calls it a blank check. "The result would probably be the disappearance —or at least the radical weakening—of programs designed to guarantee funding for critical national objectives like safe schools and lower class sizes."

I am quoting from Sandra Feldman's article, Mr. Speaker, and I will include the entire article for the RECORD.

The article referred to is as follows:

COMMENTARY ON PUBLIC EDUCATION AND OTHER CRITICAL ISSUES—A BLANK CHECK

(By Sandra Feldman)

People in Hartford, Connecticut, have good reason to be proud and pleased. For a number of years, students in this poor, urban school district ranked academically lowest in the state, but things are changing. A new superintendent, working with the AFT local, used Title I money (federal funding targeted specifically to educationally needy children) to put in place a proven program called Success for All. And this year, the district celebrated significant improvements in math and reading test scores.

This is just one story among many in which children are doing better because their schools receive federal funding. But if a measure that Congress is currently debating becomes law, there will be fewer of these success stories.

The so-called Straight A's bill would allow states to lump together federal funding now devoted to programs that are proven to help children learn—as well as programs that help keep schools safe and drug free and enhance learning technology—and give the money to the states to use in any way they choose.

The legislative term for this is "block grant." But it should really be called "blank check." The result would probably be the disappearance—or at least the radical weakening—of programs .designed to guarantee funding for critical national objectives like safe schools and lower class sizes.

GURANTEED FUNDING

The biggest of these programs, Title I, reaches 11 million disadvantaged kids—though in fact many more could use the kind of help it offers. Title I money goes directly to the districts and schools where it's most needed, and it pays for, among other things, extra teachers and programs that help students master reading and writing and achieve higher standards. Over the years, as Title I has been improved and focused on proven programs, student achievement has improved, and in some cases, such as Hartford, Title I has been a big factor in turning around entire schools and even school districts.

It is possible that the states would carry on Title I and other programs that are working—but it's very risky. The reality about block grants is that they allow state governments to spend the money any way they want to. And of course, they have their own priorities, their own pressures and demands to answer to, which do not necessarily include needy children.

This is not to say the states aren't good at lots of things. Most have been working successfully to raise student achievement. But it has been the targeted program funds of the federal government that have spurred most of them on. States have never done a good job of making sure all children get their fair share of the education pie. Schools in poorer communities have always been underfunded. Poor children, who need more than other children, have always gotten much less.

SPECIOUS ARGUMENTS

Supporters of education block grants talk about giving states the right to run their own school systems without federal interference. They claim they are for "flexibility" and against the "status quo." This is disingenuous, to say the least. Virtually all of the Title I money already goes to the local level, so what kind of flexibility are they talking about? (Flexibility not to spend the money on what works?) As for moving away from the status quo, that already happened in a big way in Title I just four years ago. Strong accountability requirements for district and schools receiving Title I funds were added, and those requirements have been the engine driving a lot of the academic progress we've been seeing in the states.

Of course, there is a big remaining problem with the status quo: There simply isn't enough federal education funding to meet needs. One percent of the entire federal budget is spent on K–12 education, in comparison, for example, with the 2.5 percent spent on transportation. No one denies that transportation is critical, but is building highways more than twice as important as educating our kids?

Americans want money spent according to need, not politics. So why would Congress even consider turning the funding for programs that serve needy kids into pork barrels for the states? Straight A's is bad news for children, and people who care about educational equity should call their members of Congress to tell them so.

To continue reading from her article, quoting, "The biggest of these programs, Title I, reaches 11 million disadvantaged kids—though in fact many more could use the same kind of help it offers. Title I money goes directly to the districts and schools where it is most needed, and it pays for, among other things, extra teachers and programs that help students master reading and writing and achieve higher standards. Over the years, as Title I has been improved and focused on proven programs, student achievement has improved, and in some cases, such as Hartford, Title I has been a big factor in turning around entire schools and even school districts."

"Supporters of education block grants talk about giving states the right to run their own school systems without Federal interference. They claim they are for 'flexibility' and against the 'status quo.'"

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This is disingenuous, says Sandra Feldman. This is disingenuous to say the least, virtually all of the title I goes to the local level so what kind of flexibility are they talking about? They are talking about flexibility not to spend the money on what works.

As for moving away from the status quo, that already happened in a big way in title I just 4 years ago. Strong accountability requirements for districts and schools receiving title I funds were added, and those requirements have been the engine driving a lot of the academic progress we have been seeing in the States.

Mr. Speaker, I think that the examples that have already been made by the Welfare Reform Act, where large amounts of money that were targeted for the poorest of the poor, welfare people, has not been spent by the States, and instead of them using that money for daycare and for job training, where they have had choices, and sometimes even when they did not have choices, they have channeled the money into other kinds of general funds or road repair or whatever and not bother to use it for the human resource needs that they have had.

Given that example, why should anyone think that giving the States a blank check on maximum flexibility on education funds will mean that they are going to spend them wisely on those funds? I would like to conclude by saying there is a simple formula that I would like to leave with everybody who cares about education in America. If we just take 10 percent of the surplus, 10 percent of the surplus each year, and devote it to education, we could resolve all of these problems with a minimal amount of distress anywhere.

We do not have to take it from the poor to give to the rich. We can add money to the budget; that 10 percent would pay for construction needs, infrastructure needs. It would pay for additional computers. It would pay for a lot of different things like more teachers for the classroom, 10 percent of the surplus is $20 billion. It is only 10 percent, but because the surplus is so large, it is $20 billion per year.

With $20 billion per year, we can meet the capital needs in terms of infrastructure and equipment, and at the same time, we can also meet the needs in terms of improvements in education in other areas.

We have an answer, and the answer does not require us to be mean-spirited and take away from the poor to give to the rich. The answer is to add more money, 10 percent of the surplus should go for education, and we can solve this problem.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentleman so much for his leadership and the expertise that he brings to the table on education.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. OWENS). He has absolutely been stalwart in bringing to this floor those education needs and some of the concerns that are critical in the communities that have been underserved. We thank again the gentleman from New York.

We have another education leader, I say, because he is on the Committee on Education and the Workforce, but he has also shown great leadership in this area.

Mr. Speaker, I bring to now the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for yielding to me. I commend her for giving us an opportunity this evening to have a general discussion of the state of education policy in the United States Congress and the all-important work that we are trying to accomplish in reauthorizing the Elementary and Secondary Education Act, that is the Federal programs affecting preschool and K through 12 and even afterschool activities that have been reauthorized every 5 years, and this year it is up. I hope we get it right.

Earlier today we did pass a resolution in this House in regards to commemorating and honoring the teachers that serve our children throughout the country. And I am very glad that we took a few minutes this afternoon in order to do that, because, obviously, the studies show that outside of the active, caring, loving, involvement of parents in their own children's lives and especially the education, the next important determinant of how well a child is going to succeed in the classroom is the quality of the teacher actually working with our children, and that is why I feel we cannot do enough in order to support the teachers, provide them with the resources that they need in order to accomplish the job and the tasks and the objectives that we are calling upon them ever more so today to do.

Unfortunately, I am afraid that the turn of the Elementary and Secondary Education Act has not been a happy one. I mean the Federal involvement in K through 12 education funding is roughly 6 percent to 7 percent. It is not a large chunk of the pool of money that is provided to our public school systems throughout the country, but I feel it is a very important piece of the pie, because it goes to targeted, high need, disadvantaged students who are otherwise slipping through the cracks, and through the history of ESEA, there was a consensus developed throughout the Nation and in this Congress that the Federal Government can be involved in a targeted fashion, filling in some of those cracks, providing resources to the poor and disadvantaged high need children in the country. Also, our involvement kind of sets the tone as well and develops themes and develops priority that is we as a Nation really should be working on: issues such as class size reduction, one that hopefully is starting to pick up more momentum State by State, school district by school district.

Even in my own home State of Wisconsin, we have had a very successful SAGE program that has been in place for quite a few years. Last year, the University of Wisconsin at Milwaukee just did a comprehensive study and analysis of the SAGE program, which is a pilot program throughout the State, and the results were really stunning, as far as student achievement and the benefits of class size reduction.

Mr. Speaker, as we speak to the administrators and the parents and the teachers, those involved in the public education system, there are certain things that they are calling upon from the Federal Government, for State governments, even the local school boards to step in and to assist them on, one of which is providing resources needed in order to reduce class sizes so that we do have a better student-teacher ratio in the classroom, which will help with individualized attention then to students, so that the teachers can focus on a high-need students and devote the attention that they need.

But it also adds to increased discipline and safety in our schools. It should be a shared goal throughout the Nation. It should not be a partisan issue. But, unfortunately, it has not become a major part of the elementary and secondary education reauthorization bill, and I think that is a little unfortunate. But hopefully we will have a chance to correct that.

Another important piece of the ESEA reauthorization was something that was passed by the House of Representatives last year, it is still pending action in the Senate, but it was the Teacher Empowerment Act, and that is the resources that we provide back to local school districts in order to provide training and professional development to teachers so they can enhance their skills so that a new generation of teachers, who will hopefully be very well qualified and talented, will be entering the classroom.

Lord knows that we see the real challenge that lies before this Nation over the next 10 years. We are projecting about a 2.2 million teacher turnover within the next 10 years, and this presents not only a challenge but an opportunity. An opportunity to increase our involvement and effort in improving the quality of teachers, attracting young, bright, talented students into the teaching professions, asking them to meet certain certification requirements so that we are getting the best and the brightest into the classrooms dealing with our children.

Mr. Speaker, we could have a new generation of teachers stepping in who are very capable of meeting the needs of an ever-changing global marketplace and a new economy that our kids have to find themselves in. So we need to do what we can within the ESEA reauthorization to help with the teacher training and professional development programs.

There was a provision that I got included in the Teacher Empowerment Act which also provided resources for the professional development of our principals and superintendents and administrators of school districts, realizing that they play a very important role quarterbacking the school districts, setting the tone and providing the leadership of where a school district is going to go.

But I talk to a lot of teachers who feel a little bit discouraged that there are not enough resources being provided for school modernization needs, providing the infrastructure and the technology in the classrooms, making sure that our kids have access to the technology that they need, which can be an incredibly powerful new learning tool at their disposal, but making sure the classrooms are wired, that they are getting access to the software and the hardware and especially, again, that there is professional development funding so that our teachers feel competent and capable of integrating that technology right into the classroom curriculum.

In light of that, I, along with other members of the committee, offered an Ed-Tech amendment to a recent piece of the elementary and secondary education bill, one which would provide targeted funding exactly for this technology need in the classroom and exactly for the professional development of teachers and also for the integration of the technology into the classroom instruction and curriculum.

Unfortunately, that amendment was rejected in committee. I think it is short-sighted, given the needs of the global marketplace today. In fact, just quickly, I had a very interesting lunch with Jim and Bridgette Jorgensen, who are the cofounders of the AllAdvantage.Com company. They started this company with two others, both of whom were H-1B visa students. They have created 700 jobs in this country alone, and they are expanding by leaps and bounds. But I was asking them about the issue of having to expand the H-1B visa program in the country and why it was necessary. And they said, in the short term it is necessary, because in the short term we are not getting enough of our own kids interested in math and science and engineering and computer science classes so that they can step in and meet the growth needs of a lot of these technology companies that are expanding incredibly fast, and helping to create a 3 percent unemployment level in this country.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. KIND. I am glad to yield to the gentleman from New York.

Mr. OWENS. Mr. Speaker, my colleague on the Committee on Education and the Workforce made a very important point in passing. Since we are paying tribute to teachers today, I just want to make certain that that point does not get lost. That is that many teachers who are now employed as teachers, as well as many students who are considering teaching, they point to the abominable working conditions in the schools. And one of the abominable working conditions that they cite is the physical infrastructure, the fact that schools are in disrepair.

Schools have, in the case of New York, furnaces that still burn coal and, therefore, they pollute the air. Respiratory illnesses not only are there to be contracted by the children, but also by the teachers. Schools are overcrowded, and that creates an atmosphere which exacerbates the discipline problem. Schools are overcrowded, so they force the kids to eat lunch in three or four cycles, so they have to eat lunch very early.

Mr. Speaker, if we care about teachers, and I heard many protestations on the floor today as to how important teachers are and how much we care about them, if we care about teachers, then we ought to give them better working conditions and I think we should not overlook the fact that we have better working conditions in many plants and industrial offices than we have in our schools for teachers. I thank the gentleman.

Mr. KIND. Mr. Speaker, I thank the gentleman for his comments. It is a very important point. Even schools in my district in western Wisconsin, especially in rural areas, are in need of repairs, and some are emergency repairs. But the gentleman from New York (Mr. RANGEL) has offered a bit of a solution to this nationwide problem in a tax credit for bond referendums issued for the sake of school modernization and school construction needs.

I think it is a very important role the Federal Government can provide by providing tax credits to local school districts, which will save local school districts with the additional expense of having to pay interest on those bonds that are being issued today. And so again, another piece in the puzzle where the Federal Government can partner with the State and local school districts in order to make it affordable for us to be able to provide quality education facilities for our schools.

The essence of passing a budget here in Washington is also about establishing priorities. And if we want to be productive and meaningful as far as our children's future is concerned, we should be building Taj Mahals to our kids in the form of school buildings that they are going to be proud to walk in and do the work and feel proud to learn in. It would be a sure sign to our kids that the adults in their lives think enough about them and their education that we are willing to invest the resources that are needed to get this done and to get this accomplished.

Mr. Speaker, I would hope that our colleagues here in this body would support the school modernization legislation that the gentleman from New York (Mr. RANGEL) has proposed.

Let me just conclude by ending where I started and that is commending the teachers for the hard work that they put in throughout the Nation, and also commending the Vice President who had the courage to finally, at the Federal level, to speak up and say if we are going to get the teacher component of education right, we have got to talk about compensation. We cannot be afraid about talking about adequately compensating our teachers so that we can recruit the best and the brightest in the teaching profession, so that we can retain good quality teachers and not lose them to the private sector. And he has, I think, a very reasonable realistic proposal in awarding teachers who are going on and developing their professional skills with professional development classes, receiving higher degrees of education, providing bonuses to students who go into this subject area and obtaining their higher level certifications that are now being implemented on a State-by-State basis.

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This is something that, for too long, we have been afraid to talk about, yet we see the wholesale abandonment in the teaching profession by a lot of good teachers who would love nothing more than to stay in the classroom and work with our kids, but who are being enticed in the private sector with more lucrative job offers.

Again, it becomes a question of priorities with our budgets and as a Nation of whether or not we are going to do right by the teachers and award them and provide them with an adequate compensation level so that they can make a decent living and take care of their own family while doing something that they love and want to do, and that is, teach in the classroom.

It has been said that good teachers have a form of immortality. That is because their influence and radiance keeps on shining. I have had a few very, very good teachers that touched my life as a kid growing up on the north side of La Crosse, whether it was

Mrs. Heillesheim or Mrs. Stoker or Mrs. Mulroy or Mr. Trumain in the elementary school at Roosevelt in La Crosse, or whether it was Mr. Knutson or Mr. Kroner, Gary Corbiser, Mrs. Bee Small in the middle school at Logan. In high school, there were so many good teachers who I had the privilege to have teach me, whether it was Ernie Eggett, who taught me advanced algebra or calculus; or Joe Thienes who made physics and chemistry interesting for this student; Mr. Anderson, Mr. Markus, and Diane Gephardt who taught me how to write; Ron Johnson who sparked my love and interest in history that I carry with me even today.

I just want to conclude by thanking them, in particular, for the role that they had in bringing me up because it did not necessarily have to end up here in the Chamber of the people's House, the House of Representatives. But for their influence and their concern about the future and my life, as well as a couple of loving parents that I had growing up under, it could have been a lot different for this kid on the north side of La Crosse.

So tonight I just want to pay special tribute to those teachers who had a major impact and influence in, and influenced my life.

Ms. MILLENDER-McDONALD. Mr. Speaker, one can see the leadership that the gentleman from Wisconsin (Mr. KIND) shows, and he shares with us in showing how great teachers and quality teachers can bring about a quality Member of Congress.

I suppose I started also in talking about the person who was instrumental in my life, my father, because my mother died when I was 3½, and I was brought up by my father. This is why I carry the full name of JUANITA MILLENDER-MCDONALD. But he was so absolutely so strong on quality education.

This is why, Mr. Speaker, H.R. 4141 is potentially detrimental to both the Safe and Drug Free School Act and the 21st century community learning centers. Further, the national program on hate crime prevention sponsored by the Safe and Drug Free School Act could lose much-needed funds if this particular provision, that transferability clause, passes in this ESEA reauthorization.

We can no longer, Mr. Speaker, tolerate violence, especially gun violence that affect the lives of our students. We have seen that with Columbine and the others.

So I plan to offer an amendment which repeals the transferability clause in Title I of H.R. 4141 when it comes to the floor. I believe that it is extremely harmful for the local education agencies to be able to transfer funds between educational programs thereby weakening the original mandate of those funds.

Again, Title I is for our poorest of children, the poorest of schools. I have those schools in my district of Watts and Wilmington and other places.

I say to all of us in this House, let us not forget the disadvantaged student, the one who critically needs quality education.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3709, THE INTERNET NONDISCRIMINATION ACT

Mr. LINDER (during the special order of Ms. MILLENDER-MCDONALD), from the Committee on Rules, submitted a privileged report (Rept. No. 106–611) on the resolution (H. Res. 496) providing for consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple and discriminatory taxes on the Internet, which was referred to the House Calender and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 701, THE CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. LINDER (during the special order of Ms. MILLENDER-MCDONALD), from the Committee on Rules, submitted a privileged report (Rept. No. 106–612) on the resolution (H. Res. 497) providing for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreational needs of the American people, and for other purposes, which was referred to the House Calender and ordered to be printed.

LAND OF MANY USES

The SPEAKER pro tempore (Mr. HAYES). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, I have a very serious subject of which I want to address to my colleagues, a subject of which many of my colleagues in this room, while it is not in their district, they may not have the kind of knowledge that I hope to kind of infer into them this evening during our discussion.

What I want to visit about really is specific, as it first comes out to the State of Colorado and to the Third Congressional District. Did my colleagues know the Third Congressional District is one of the largest districts in the United States? That is the district that I represent in the United States Congress.

That District geographically is larger than the State of Florida. It is a very unique district. I will kind of point out the district here on the map to my left. It is this portion of Colorado. It consumes over 60 percent of the State of Colorado. In that area, just roughly speaking, with the exception of Pikes Peak and part of Estes Park, all the other mountains, for the most part, are contained within the Third Congressional District of Colorado.

Now, this district has some very unique features about it. First of all, the amount of Federal land ownership within the district, which exceeds 22 million acres. This district is also a district which supplies 80 percent of the water in the State of Colorado, even though 80 percent of the population lives outside the Third Congressional District.

This district is also unique. Well, in fact, the entire State of Colorado is unique in that Colorado is the only State in the whole union, the only State in the whole union where we have no free-flowing water that comes into our State for our use. In other words, all of our water flows out of the State.

Now, in this particular district, as my colleagues know, because of the amount of Federal land, we have a concept called multiple use. I want to give a brief history of multiple use. Although I have talked many times from this podium to my colleagues about multiple use, I am asking for their patience again this evening, because I want to give a little history of multiple use and why in the West we have much different circumstances or consequences of decisions in Washington, D.C. regarding land than they do in the East.

Let me put it this way, multiple use is critical for our style of life. There are many organizations that are up and down the eastern coast around in these areas that really do not understand what it is like to live surrounded by Federal lands. So it is very easy for them to criticize those of us who live in the West for our lifestyle. It is very easy for those individuals to tell us to get off the Federal lands as if we had no right to be on those Federal lands.

Well, let us start with a little history. After I go through the history, then I am going to move into the White River National Forest. It is one of the most beautiful forests in the world. It is an area which I grew up on. I was born and raised in Colorado. My family has been there for multiple generations. I can tell my colleagues that there are a lot of people that are very proud of the White River National Forest. So we will move into the White River National Forest.

But, first of all, let us start with a little history on the concept of multiple use. In the early days of this country, the United States, as a young country, wanted to expand. Obviously the only place to expand was west because our people and our country started over here on the eastern coast near the Atlantic Ocean.

But as the United States began to acquire land, for example, through purchases like the Louisiana Purchase, they needed to come out here into these new lands. Back then, having a deed for property, unlike today, today if one has a deed for property, it really means something. One can go into the courts and enforce it. In those days, in the frontier days and the early days of the settlement of the United States as we know it today, having a deed did not mean a whole lot. One had to have possession. That is where, for example, the saying possession is nine-tenths of the law. That is where that saying came from.

So the challenge that faced our government in the East was how do we encourage our citizens who have the comfort of living in the East to become frontiersmen, and I say that generically, to become frontiersmen to go West and settle the West and get possession of the lands that we want to become later States in the United States.

So the idea they came up with is, well, let us do the American dream. One of the pillars of capitalism, one of the pillars of freedom, one of the pillars of which the concept of our government was made, that is private property. Let us give them some land. I think it is every American's dream to own their own home, to own a piece of property.

It was many, many years ago, hundreds of years ago when our country was formed. So they thought, the leaders at that time, the way to get these people to move out here to the West, to settle all of this new land, let us give them land. Let us see if they go out there and they work on the land, and they show that they really care about the land and they devote themselves to the land. Let us give them the land, maybe 160 acres, maybe 320 acres. It is called the Homestead Act.

That worked pretty well, except when one got to the West, to the West right here, out here, 160 acres, for example, in Kansas or 160 acres in Nebraska or 160 acres in Ohio or 160 acres elsewhere, in Missouri or Mississippi, one could support a family, or maybe 320 acres, one could support a family off that.

But when they got into the Rocky Mountains, for example, they found out that 160 acres, it will not even feed a cow. So they went back to Washington. In Washington, they said, what do we do? We are not getting people to go out here and settle in these areas where we want them to settle.

So they thought about it. One of the thoughts, of course, was to let us give them an equivalent amount of land. Let us say to them, look, it takes 160 acres to support a family in Nebraska. Let us give them 3,000 acres in the mountains. The leaders thought about it, and they thought, politically, we cannot give that much land away because we expect a lot of people to go out there.

So then someone else came up with the idea, well, let us do this. Let us go ahead in the West. In the West, let us have the government continue to own the land as a formality, and let us let the people use the land just like they do in the East; thus, the concept of multiple use.

Now, many of my colleagues who have been in the West and have entered a national forest, they may have seen a sign that says, for example, "Welcome to the White River National Forest," and underneath there hung a sign that said "A land of many uses." That is what this really represented, a land of many uses.

Later in my discussions, we will talk about how a land of many uses has expanded, how it has expanded to protect the environment, how it has expanded much beyond ranching and farming and mining and things like that. It has expanded into recreation. It has expanded into multiple, multiple uses. In fact, that doctrine has grown unusually.

Let me tell my colleagues what we have right here, the map that I am showing them. This map represents here in the east where most of the white spots are, with the exception of the Appalachians here and the Everglades down in Florida, there is very little Federal land ownership out in the east. These big blops in the West, all of the colors we see, that is land owned by the government.

So at this point, what I want to stress upon my colleagues as I address them here on the floor is the difference between land ownership by the government in the east, of which it is, for all practical purposes, at a minimum, and land ownership in the West which, for all practical purposes, is almost total.

Now, understanding that, when one lives in one part of the country where the Federal Government has very little Federal ownership and really for development or planning or zoning, one can go to one's local city council or one's county governments in the East, compare that living style to, in the West where, really, when one wants to have some kind of zoning or thing like that, one has to go to the government in Washington, D.C., because one is surrounded by government lands.

Now, let me say that, in these big blops of federally government-owned land, Federally-owned land, and other government-owned land, there are communities out there. There are small towns. I will give my colleagues some examples of towns which they will recognize right away: Aspen, Colorado; Vail, Colorado; Glenwood Springs, Colorado; Meeker, Colorado.

Now, the reason I am giving my colleagues those communities is I am kind of focusing this in on the White River National Forest.

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All of the communities, in fact, all the ski resorts in Colorado, are located within the boundaries of the Third Congressional District, which I represent. Now, those communities are totally dependent on cooperation from the Federal Government. We here in Washington, D.C., dictate what those communities, and hundreds of other communities just like them, what they get to do. We dictate whether or not they get to have power lines to bring power into their communities. We dictate whether or not they get to have highways that come into their communities. We dictate their water resources.

In some cases, the Federal Government, under a new policy, is now attempting to reverse, turn on its head, or completely ignore the long-standing doctrine that recognizes State water law and go into States like Colorado and say, look, if your water, for example, is stored upon Federal land, runs across Federal land or originates on Federal land, even though you own it, we are going to confiscate a part of it and we are not going to let you have access to it any more. In other words, the government has complete control of the life-style in the West.

In the East, people are generally very free from the government. And when I say the East, let us go ahead and draw a boundary here on this map. Coming up here from the Canadian border and right down and through Colorado, actually going down I–25, half of Colorado has very little Federal land ownership in it. Coming down here, up through here, through Oklahoma and down right to the border there in Arizona, over in this area over here, everything east to the Atlantic Ocean, very little government ownership. Everything to the west almost total government ownership.

Well, that leads me into the topic that I want to visit this evening on, and that is the White River National Forest. The White River National Forest is a huge forest, about 2.7 million acres, approximately. One-third of that forest today, one-third of that forest, is held in a wilderness area.

Now, a wilderness is the most restrictive management tool that the government uses. It is the tool for management that has the least amount of flexibility. I know something about wilderness. I have sponsored and carried into law a number of wilderness bills. The White River National Forest has amongst the highest percentage of wilderness anywhere in the United States, and certainly has the highest percentage of wilderness within the State of Colorado.

Wilderness is very appropriate under very tight circumstances. And when people talk about wilderness, obviously, it is a very fuzzy word. How many of my colleagues in here do not like the word wilderness? How many people have my colleagues ever met, when asked if they like wilderness, do they like mothers, do they like ice cream, have ever heard them say no? It is kind of like finding someone that is anti-education. They are not out there. But when we take a look at the legal definition of the word wilderness as it applies, for example, to Colorado water rights, as it applies to a number of other things, we have to be very, very careful about the application of a wilderness area.

I have a bill called the Colorado Canyons Bill, which I intend to present to my colleagues here in the next couple of weeks. In that one I am proposing 72,000 acres that is in a wilderness study acre to be converted to wilderness. But I do that only after very, very careful study.

So we know now that the White River National Forest has many, many different communities contained within its boundaries, and within those particular boundaries we have one-third of the forest, or about 750,000 acres of the forest, which are in wilderness as we now speak.

Now, when we take a look at the White River National Forest, let us talk about some other issues. There are issues, like water. What is important to remember about the White River National Forest, and let me kind of show, it is very hard to define it, but it is an area about like this on the map, it would be about the size of a silver dollar here in this area, in the White River National Forest we have six rivers which start in that forest. Six rivers originate in the White River National Forest and a seventh river, the Colorado River, comes through the White River National Forest. So water is a critical issue.

Now, remember, as I spoke earlier in my comments, water in Colorado is very unique. We are the only State where our water runs out. We have no water that comes in. In the particular area of the State where the White River National Forest is, we supply 80 percent of the water for Colorado. Eighty percent of the population in Colorado resides outside the Third Congressional District, and probably, oh, 95 percent of the State's population resides outside the boundaries of the White River National Forest.

Well, what happens, in managing these forests, and now, remember, these forests across this country, it is our land, remember the song This Is My Land, This Is Your Land, it is our land and it represents ownership of all of us in this room. Some of us are obviously much more directly impacted by that because we live there. Many of my colleagues have never set foot in it. I hope, by the way, some of my colleagues all have an opportunity to visit the White River National Forest.

By the way, if any of my colleagues have ever skied in Colorado, ever river-rafted in Colorado, ever mountain biked in Colorado, ever kayaked in Colorado, ever snow-boarded in Colorado, or ever camped in Colorado, the likelihood is very high that any of those family recreational activities that my colleagues have participated in occurred on the White River National Forest.

As I said earlier, these are our forests, they belong to us, and we have a fiduciary relationship to the people of this country to run those forests. So we have an agency that is in charge of the forests called the United States Forest Service. Now, obviously, they are subject to review and guidance by the United States Congress. So, really, the buck stops here.

To manage our forests what we have decided to do is to put out what we call a forest plan. Now, with today's technology it changes so rapidly that a long-term plan has to have flexibility built into it. In the older days, for example when the plan that this forest is now managed under was first drafted, in about 1984, we did not see that kind of rapid change so we could have a 10- or 15-year plan for the forest. Well, that plan is about ready for review. It needs to be replaced with a new plan. So the U.S. Forest Service has spent a good deal of time going out and seeking opinions on what is the best way to manage this forest, and that is what we are going to discuss tonight.

Now, I should tell my colleagues that I believe very strongly in a quote by Theodore Roosevelt when it comes to these forests, and I ask that my colleagues listen to the placement of the words, because I think it is very appropriate as it relates to what we are speaking of. By Theodore Roosevelt: "I recognize the right and the duty of this generation to develop and use the natural resources of our land, but I do not recognize the right to waste them or to rob by wasteful use the generations that come after us."

When the forest issued its plan, I think, frankly, they did a pretty good job in solicitation of opinions. And I can tell my colleagues that a lady by the name of Martha Kattrell, Lyle Laverty at the U.S. Forest Service, and a number of other people down there really have put some hard work in this and I wanted to recognize them this evening. That does not mean I agree with them. I will cover a number of different subjects of which I do think we have agreement on, but I will cover some subjects, specifically water, of which we have drawn the line in the sand.

Let me go back to what they have done. The Forest Service has come up with a recommended plan. When that plan came out, I objected to it quite strenuously. I objected to it on a number of different counts, the first and foremost of which is water.

Now, look, in Colorado we have to stand up strong for our water. There are a lot of my colleagues in this room that do not live within the boundaries of Colorado but who depend on Colorado water and are very anxious to get as much of that water as they can. If I lived in their States, I would want as much Colorado water as I could get too. By the way, it is the best water in the country: Rocky Mountain spring water, Coors beer, et cetera, et cetera. But I do not live in any other state, I live in the State of Colorado, and that is an asset of which Colorado has and places great value. I think my colleagues place great value on it too.

But I think we have to be very fair in how we deal with water, and the White River National Forest plan, the plan that the Forest Service has come out with, in my opinion, ignores, preempts, or bypasses Colorado water law. Now, Colorado water law is exactly the law that every other citizen in the State of Colorado must live by. There are no other citizens in Colorado that get exempted from Colorado water law. There are no kings, no queens, no special privileged class that gets to treat water as it wants without falling under Colorado water law.

Now, the Federal Government wants to come in and create a special class. The Federal Government wants to come in, and by the way this is above the level of Martha Laverty, this is from Washington, D.C., they want to come into Colorado and create a very privileged class. It is called the Federal Government. It is called the Washington, D.C. bureaucracy of the United States Government. They want to be treated differently than anybody else in the State of Colorado when it comes to water. And guess why? Because they want our water in Colorado. And, frankly, it has an impact on the water that some of my colleagues use that comes out of the State of Colorado.

So we had a disagreement on water. We will cover that even further as I go into my comments. But what did I see as another fallacy in the plan? I saw water as a fallacy. What other fallacy did I see in the plan? Really, as I said, they gathered a lot of good comments, but what I think they did in error is they took these good comments and they spread them over several different plans. They did not just pick one plan. Although they came up with a suggested plan, in their review they reviewed a number of what they call alternatives. So they had like six or seven alternatives and they came out with their recommended alternative or recommended plan.

Well, in each of these plans they put some pretty good recommendations, but they spread them out when they only got to pick one. I was critical of that. I thought we could do a better job. That is not to be adversarial to the U.S. Forest Service. Although let me make it very clear, let me make it very clear, that my position with the United States Government is adversarial when it comes to Colorado water. There should be no doubt about that. I am on one side of the line on Colorado water and the United States Government is on the other side of the line.

But that said, with the exception of water, I found my relationship, my working relationship with the U.S. Forest Service on the White River National Forest very constructive. But I was critical of the way they came out with their plan, so I decided to do what no other Congressman in the history of the United States Congress has done, what no other U.S. Senator has done in the history of the U.S. Senate, and that is, in essence, draft the U.S. Forest Service's forest plan for them.

Now, first of all, I had to figure out what was my theme. What did I really want to see in the White River National Forest. Remember that this forest has thousands, tens of thousands of direct jobs related to recreation. The world class ski resorts are located in this forest. And by the way, I do not see anything inherently evil with skiing. I do not see anything inherently evil with snow-boarding. I do not see anything inherently evil with riding a mountain bike. I do not see anything inherently evil with camping, or with kayaking, or with riding an ATV. Where the inherent evil is if we abuse the resource which we are utilizing for family recreation. There I see inherent evils, and we needed to address that in our forest plan.

So I titled my forest plan, Forest Rest and Forest Use. Again, Forest Rest and Forest Use. That was kind of the boundary within which I wanted to contain or to construct something that I think would be a positive addition to what the United States Forest Service came out with in regards to their plan. And I will give my colleagues a little bit of my own background.

I was born and raised in Glenwood Springs, Colorado. My family had been there for a long time. My family has been in the district for many generations. I had my first date on the White River National Forest. Now, do not worry, it was not that exciting. I had my first fishing trip in the White River National Forest. I have had a lot of experiences, hiking, and I have learned lots of things about the environment, about wildlife in the White River National Forest. I have a deep appreciation for that forest, and I think I know that forest as well as any layperson.

Now, my colleagues may notice that I used the word layperson, because there are people who have far more expertise on that forest than do I. And in order to draft a plan that I thought was a balanced plan, that really fell within the boundaries of giving the forest a rest and using the forest in a proper way, in order to do that, I felt I needed to have an expert on board. I was very fortunate. Without qualification, one of the top experts in the United States of America, specifically on the White River National Forest, is a gentleman named Richard Woodrow. His nickname, by which most people know him, is Woody. Seems appropriate for this forest. Although I should tell my colleagues that this forest is not a timber forest, just so we know that up front.

□ 2045

But Woody supervised that forest. Woody drafted the last forest plan. The forest plan that we are currently under right now was drafted by Woody in 1984. Woody was the deputy secretary or the deputy assistant under the Forest Service for all wilderness and all recreation. There is no question that he is qualified.

I can tell my colleagues that some special interest groups decided they were going to criticize me before they even read what I had to say. But during all this criticism, not one of them criticized the credibility, the integrity, the knowledge, the instinct, or the hands-in-the-dirt concept of Richard Woodrow. That man is a scholar when it comes to the White River National Forest.

I went to him and I said, Woody, would you help me draft a plan for the White River National Forest which could be seen as a constructive addition to what the Forest Service is attempting to do? He said yes. But he said, yes, with some conditions. Number one, it had to be balanced. Number two, I had to be willing to stand up for forest health.

Now, it is very easy in that forest for somebody to say, no timber cutting. But if you know about management of wildlife, if you know about the health of a forest, you know that you have to harvest some timber. That is not a timber harvest forest. This is not where companies go to get timber. Companies come in there at our request to take some out. In the last 100 years, less than four percent or so of the forest has ever been timbered.

But he had said, look, there is going to be pressure on you to back down on this. You have to stand with me on forest health. You have to stand with me on balance. I said, I am in. Let us go together. Let us put together a team.

The next thing we decided we had to do, well, what should our process be? I felt very strongly that the process to construct this plan needed to be built at the local level.

We have nine counties involved in the White River National Forest. Now, these are large counties by eastern standards. But we decided that five of those counties have much more impact by the White River National Forest. So we decided that we would go to each of these counties and we wanted to build this plan from the local level up. Now, remember, I had a very short window of opportunity to do this.

This report, and this is a copy of it right here, it is about 160 pages without the maps, it is highly technical. Highly technical. I had less than 5 months to go out, do the research, visit with the people, get the input, send the input back, have it back and revise it, send it back, revise it, send it back, get it ready for final print, and meet the deadline of May 9, which is today. We had to meet today's deadline, and we did meet that deadline. But I had a very short window of opportunity, which means I had to get some volunteers out there to help me out.

Those volunteers were the counties. We went to county commissioners. We went to county planners. We went to user groups. And we went to all user groups. We went to Colorado Ski Company. We went to Fat Tire, the mountain bikers. We went to the wildlife division, natural resources. They provided our expertise for Division of Wildlife. We went for water expertise. Even though I think I have a lot of background in water, we went to the Colorado Conservation Board. We went to the Colorado River District Board.

We sat down with all of these different groups and we said, provide us with expertise on what we ought to do with the White River National Forest.

Now, I can tell my colleagues, one of the criticisms we got out there was from some of the more special interest environmental groups. And by the way, they do not own the term "environmental." I think everybody in this room is environmental. Certainly the people I live around care about their environment.

But they said, look, Scott McInnis never sat down with us eye to eye. Well, that is true but it is a kind of play on words. They had submitted their own alternative.

Unfortunately, the Forest Service in doing its alternative had drafted all of their alternatives in-house except for one. They allowed one out-of-house, so to speak, alternative to be submitted for consideration of their plan. And that was drafted by groups like the Aspen Wilderness Society, Sierra Club. I think some others might have been involved in that.

That plan, by the way, was called Plan I. That plan was very well-drafted. It was well-worded. It was easy to understand. I did not agree with all of it. Although I did agree with some of it. In fact, I adopted some of it in my own alternative right here. But that document was right in front of me.

So, instead, because of the short window of opportunity I had to complete all of this work, and it really was a huge task to complete, instead of meeting with those different groups, I had their plan written. We went through their plan line by line. We went through their recommendations recommendation by recommendation. Some we rejected.

For example, when it comes to water, let me tell you, the national Sierra Club and some of these other organizations do not have Colorado's water in mind from a perspective of the need of Colorado people. So we disagreed on water. There were areas of the so-called environmental plan, Plan I, that I felt were worthy.

So we sat down and looked at that. We reached out. We reached out into the community. Because I felt that we had to go out there and figure out what uses we could manage, how could we manage those uses, what areas need special management tools, whether it is a designation of a wilderness area, whether it is an intermix area, whether it is a special interest area. But in order to do that, I felt local input was critical.

Now, some people will say, well, gosh, SCOTT never visited with me. I am a hiker. I hike up on the White River National Forest. Look, we could not meet with everybody, but we did the best we could with the resources that we had. I think we have come up with an excellent product. In fact, I think some of the critical reviews of it have been pretty good.

Let us talk a little more. That is the process. So we wanted to gather at the local level, which meant we processed it up. And then our job really was kind of like an architect or like a general contractor. We subcontracted to each county. Garfield County we kind of subcontracted. Okay, Garfield, tell us where you would like wilderness areas. Tell us what kinds of uses you think are appropriate in your county on the forest. Tell us what you are dependent upon as far as highways.

Every power line into Glenwood Springs, every natural gas line, every highway, all of their water, all of their TV towers, all of their radio towers, all of their cellular towers. In most of the communities in the forest, they are all dependent on the forest allowing them to do that.

So we went to each county like a subcontractor and we said, all right, give us a bid, so to speak. Tell us what you can do with the project as a whole. I will act, with the assistance of Richard Woodrow and a number of other people, including my staff, by the way, who, if I could pin five stars on them, I would, they did a wonderful, wonderful job in this, but I wanted to submit this; and then we, as the general contractor, would try and mold the project, try to flow chart the project so that we could come out with a plan, which we did.

That was our mission. That was the process.

Now, in doing that, we covered a number of areas. Let me say at the very beginning there was one area, I have mentioned it several times, I will mention it again, there was one area of which I said was non-negotiable, non-negotiable. I really was not interested in negotiating with anybody on that particular subject. And that is Colorado water.

The water of Colorado should be administered by the laws of Colorado. The water of Colorado belongs to all of the people of Colorado. And in order to adjudicate that water, we have laws that are time tested, court tested, and put-on-the-ground tested, so to speak.

Colorado has management of its water. We have some of the best in-stream water flows in the Nation. We have lots of protection for our streams. We have gone through lots and lots of controversy on our water. Our water law is true and tested and it is non-negotiable as far as allowing an exemption to it.

What the Federal Government wants is an exemption. They want to be able to come in and preempt, saying, hey, we are the Federal Government. We are bigger than you. We are from Washington, D.C. We will get our way in Colorado. We do not care what your Colorado water law says.

I reject that on its face. That was non-negotiable. But that is about the only point, my colleagues, about the only point that I started out with as non-negotiable. Everything else I felt was negotiable so that we could come up with the best plan for forest rest and forest use.

My belief is that we have a right to use it but we have no right to abuse it. How do we siphon out the abuse? How do we manage it without eliminating it?

Now let talk just for a moment about the recommendation that the Forest Service made. Their recommendation, in essence, said that the historical use of this forest, which one-third, as I told you, has been used for wilderness, two-thirds of it has been predominantly utilized for recreation, they turned that on its head. They said, from now on, we are going to give priority to biological and ecological considerations.

Well, I do not think this is a zero-sum game. I do not think it is either or. Let me tell you, that forest really is a family recreation forest. I think we can have family recreation and I think we can give priorities, customize priorities, to our biological and ecological concerns that we have out there. But I do not think that we have one at the total elimination of the other.

That is where my plan differs from the Forest Service. I have drafted a plan that protects wilderness areas. I have drafted a plan that goes in and even customizes to a greater extent what we do with our wildlife, how we protect our wildlife.

For example, from the Forest Service, they have got a lot of elk and deer habitat in the summer. In the summer in Colorado, the elk and deer have plenty to eat. It is in the winter. We have some pretty tough winters out there. We have deep snow. We shifted the elk habitat from the summer to the winter.

On recreation, we did not go in and say no more consideration for expansion or growth in ski areas. Whoever imagined, for example, snowboards 15 years ago when this plan was drafted? We went in and said, look, recreation is compatible with the management of the forest if it is correctly monitored, if it is correctly reviewed before it is allowed to be initiated on the forest, and if it is correctly managed. If it meets those terms, then recreation should have a place on that forest.

That is exactly what we did, for example, with ski areas. Now, they will make it sound like there is some outrageous thing going on with ski areas. Not at all. We do not waive one NEPA review. We do not waive any other type of environmental permit. We do not waive any type of environmental study at all. We do not waive any public meetings.

All we said is that what is allowed today for ski area expansion is too much. It needs to be reduced. But we are not going to eliminate it. We are going to allow for consideration, only for consideration. We do not automatically grant it. We do not say there is any kind of special privilege. We just say there ought to be consideration.

We went back on wildlife management and we went to our experts, like the Division of Wildlife, and we asked them for their expertise. We did a lot of things with wildlife we are proud about, including even the utilization of trails and trails that would help the management of wildlife.

Wildlife, if my colleagues could hear Woody talk about it, Richard Woodrow, if they could hear him talk about it, he talks about how certain ages of the forest are more conducive to certain wildlife. That is why in one area of the forest we may want to have a burn or we may want to do some timber for beetle kill, because elk and deer love where we have had a controlled burn. They love to come in and graze on that a year or two later. We need to know how these all connect together. We had the expertise on board with Wildlife to figure out how this connection is made.

Let me say on travel management, as I mentioned, this is a family recreation forest. And what has happened in Colorado, many of our constituents who have money have discovered Colorado and they are out there buying the land.

When I grew up, we really got permission to go really anywhere we wanted. We could walk across fields. We could go hunting and fishing and wildlife watching. There were a lot of different things we could do.

Well, today what we have seen, and I do not complain about it, I mean, they have the right to buy property, people have come in and purchased the property and they have put up "no trespassing" signs.

What that means is that the White River National Forest has become even more of a common-man forest. This is where the common person gets to recreate.

Now, there are a lot of elitists who have never set foot in that forest. There are a lot of elitists who do not depend on family recreation in that forest. There are a lot of elitists who go into that forest for a once-a-year recreational experience and then they are out of it.

☐ 2100

This is elitists, they are saying, hey, wipe this recreation out. I have got a lot of families out there in Colorado that camp every weekend, that go fishing, that go river rafting. They are younger kids, even people my age. My knees will not hold out, but they go snowboarding. It is a common person's forest. And recreation is not inherently evil if properly managed. That is what my plan does. My plan properly manages what we call travel management. We have loop trails. We worry about people leaving the trail. In fact, what my plan calls for, for summer motorized use, for some use, you cannot leave a designated trail. Right now you can actually in a lot of different places, you start wherever you want, take any kind of apparatus you want, whether it is a motorcycle or a mountain bike or a horse, start anywhere you want and make your own path in the forest. Those days are gone. We are not going to let you make a path anywhere you want in the forest. We are going to make the paths, and you are going to follow the rules on them but those paths are going to be a great experience for you.

For example, one of the problems we have had with trails is that they go one way. When you get to the end of them, you have got to turn around and come back. People tend to get bored so they tend to leave the trail. We loop some trails. We don't build any new roads to loop the trails, by the way. We find a trail here, find a trail here, find a connection with an old mining road, we loop them so they are not coming back the same direction. So the incentive to leave the trail is not there.

We are putting in under my plan a new program called Forest Watch, kind of like Crime Watchers, kind of like Wildlife Watch. What we do is we want people to report people that are abusing the forest. If somebody is abusing the forest, get them the hell off it. Get them off that forest. Nobody in Colorado wants people that abuse the forest up there. The people of Colorado recognize the privilege, and it is a privilege, to use that forest. There are always going to be people that abuse the privileges. We have people within the great halls of Congress who abuse their privileges. Get them out. Get them off the forest. That is what our Forest Watch will do.

We will have a 1-800 number. I noticed the criticism, that it has to be within the Forest Service budget. Where else are you going to get it? We are not asking people to insert a quarter or 35 cents in the telephone. We should provide that program. We also put together what we call our Youth Conservation Corps. We have a county, Eagle County, we have had great commissioners, by the way, who have worked with this. But out of Eagle County the commissioners are saying we have got a lot of great young people in our county. They want to get involved. They are wildlife oriented. They are outdoor oriented. If we put up money to help them maintain trails, would the Federal Government match it? We call it the Youth Conservation Corps. We get them outdoor experience at a young age and let us make that experience one where they are up maintaining trails, where they are helping to help preserve the beauty we have on the White River National Forest. That is an idea contained within my plan. It is called the Youth Conservation Corps.

Our scenic byways. We do special scenic byways. The more scenic we can make our byways, the less inclined people are to leave the byways. Think about it. When we manage people on the forest, some people, some in my opinion elitists would say get them off the forest. I take a much more moderate position. Manage the forest. The way you manage it is you try and think about it. Okay, for example, loop the trail. For example, scenic byways. The more attractive we can make the byway, the less likely somebody is going to leave it. That is a clever way of management.

We have an area called Camp Hale. Bob Dole, the dear colleague of all of ours who was in the 10th Mountain Division, you have heard a lot about that, Camp Hale is where they did their training. Right now that area is overused. Some would suggest we shut it down. Some would suggest get the people off it. Most of those suggestions, by the way, come from people outside of the area. My position is do not shut them out. Manage it. Let us put in an interest center. Let us have management of that. Let us have people come in, just like our rivers, we have to manage those. We can do that. They can come in and get information. Let us help make their experience good but let us make the experience on the forest good for the forest as well.

On wilderness, wilderness is important. We did not just go out though and paint a blanket brush of wilderness. We went to the counties and said, tell us where you think wilderness is appropriate. Just because an area is not in wilderness does not mean that it does not receive protection. There is an entire spectrum. If you were to draw a spectrum, there are all kinds of tools. You can manage a forest or government land as a park, as a monument, as a special interest area. There are 100 different tools. The most extreme management tool is wilderness. But if you do not put something in wilderness, it does not mean that it is not protected or it is not managed. In fact, there are 100 different or more tools to manage that, to help control it to protect the resource.

That is what we do. We go and say, is wilderness the most appropriate way to manage it? If it is, it is in this plan. It is in this plan. We have good wilderness designation in that plan. I have good wilderness designation on my Colorado Canyons bill.

We talk about grazing. Grazing is a privilege on the forest we want to protect. Why? Remember earlier I said that a number of our constituents are coming out to Colorado and they are buying up the land? Ranching is a tough business. What we are seeing is people are coming in and making ranching not as viable as it used to be, because they buy the land for subdivisions. They buy the land to build huge mansions on it. My point is this. Let us try and keep these ranches in business. These ranches and farms, let us keep them in business. But one of the ways we can help keep them in business is supplement their private property with grazing rights, properly managed grazing rights.

My plan goes in where there are vacant allotments and it does not automatically close all those allotments as has been recommended. My plan goes in and says, wait a minute. We sat down with the ranching community and the farm community. We say, which allotments really will you not use, let us close those, that is an easy decision. Which allotments are really necessary to keep the farm, the ranching community viable so that we do not have our ranches turning into subdivisions? We do not want them out there, those subdivisions. Obviously we all want to have a home. But you know what I am talking about. That is why grazing is important. Grazing protects open space. We want open space properly allocated. My plan does that. This plan takes care of that. It protects those grazing rights.

Recreation, I have talked about it. As I said earlier, think about it. It is not inherently evil to go out and recreate. Here in the East, do not forget in the East you can recreate, you can go out and recreate all over the place. In the West we are very limited. We have to recreate on government land. Look at Alaska. Ninety-six, 97 percent of the whole State is owned by the government. We have a right for recreation just like you do. My family did not go to the children's museum. We did not go to the zoo. I never saw a zoo until I was in my late teens. We went out into the mountains. That was our family recreation. We had that privilege. That privilege has not been abused to the extent that it should be eliminated. But it has been abused to the extent that it should be managed, and that is what we do in this plan. This McInnis plan, Mr. Speaker, manages that recreational use.

Let me just real quickly show you some quick differences between what is currently allowed. Here is a prescription, that is the use, this is the existing plan. This is how the forest is managed today. That is what is in existence right now. This is my blended alternative. That is my plan. Some people have called it the McPlan, some people have called it the McInnis plan. We call it the blended alternative. Let us talk about recommended wilderness. In today's existing plan, the plan of which the current forest is managed, it has zero acres recommended for wilderness. We come in with 16,000 acres. Those 16,000 acres are custom selected. We did not just go out and say here is a good area for wilderness, let us put one here and one there. We went out and studied it. We had the experts.

This plan does a good job. Back country recreation nonmotorized, which means you cannot use an ATV or a Jeep or four-wheel drive. Under the existing plan, they have a plan for 80,700 acres of that. We up that to 92,730 acres. Research, natural areas. They have 300 acres planned for that, where you do research on the natural area, just as the words describe it. We think that needs to be dramatically increased. We jump up 300 to 11,317. Special interest areas, from zero acres, we go 1,741. That would be an example of Camp Hale. Back country recreation year round motorized. Look at this number. They allow under today's management plan 170,000 acres. We cut it down to 30,000 acres. What the Forest Service did is cut it down to 4,000 acres, from 170,000 to 4,000. We said, look, 170,000, with today's kind of growth and use of the forest is too much. It needs a dramatic cutback. But not elimination. It needs management. We prefer management over elimination. That is why we come up with 30,357 acres.

Back country recreation, nonmotorized with winter motorized, snow machine or so on, 100,000 acres today. We reduce that by 40,000 acres, by 40 percent, is our reduction. Scenic byways, scenic areas, vistas or travel corridors, zero acres, we increase it to 20,000 acres. Forested flora and fauna habitat, they have 150,000 acres for this habitat management, 150,000. We move it to 518,000 acres. Deer and elk winter habitat, they have 134,000 acres under today's plan, we move it to 190,000 acres. Bighorn sheep habitat, 7,000 acres to 23,000 acres. We depended very heavily on our expertise from the wildlife management to help us plan that. The elk habitat, 16,000 acres, we move it to 70,000 acres, from 16,000 to 70,000. By the way, my district has the largest elk populations anywhere in the world. The intermix, which is very important, from zero acres to 12,000. And ski-based resorts, existing and potential, they have it so you could expand to 70,602 acres outside its current permit. We call for 58,198 acres, just for consideration. Remember, that is not automatic at all. That has to go through a review that is stringent, and I think it should be stringent, and it has lots of permits that are required. I agree with that.

So when we take a look at what we have done compared to what the way it is being managed today, we think it is a significant moderation. Now, there were some plans, for example, there was one plan on one end that would allow you to have a free-for-all in the forest. Come on, give me a break. Those days are gone. That forest belongs to us. We have to manage it. We intend to manage it. My blended plan does manage it. It does manage it. Let me say to you that there is a plan on the other side that says, hey, the best way to protect the forest in essence, eliminate the recreation, let us go toward our goal of eliminating multiple use and let us really change the priorities of the forest. Instead of having the biological and ecological concerns working in concert, working together, working alongside with recreation and multiple use concepts, let us just give them the priority. Let us take the historical use and bump it down, not equal, which my plan does. It says let us give a priority over here. That is that extreme side.

So I can tell you, my plan, which is, as I said, the first in the history of Congress to be put forward by a Congressman, my plan is going to have about 15 percent, 10 percent maybe on this side that are not going to buy into it, that thinks it is outrageous, and 10 percent on the special interest environmentalist side. You can tell by the letters to the editor that that side right there, on both sides, they are angry. But in the middle, in the middle that 70 percent, those people that think that we can moderate the uses of the forest, that we can protect the forest and that we can give the forest rest and forest use.

Let me go very quickly over a couple of letters to the editor that I think are important to cover. I have got one letter from a Gay Moore. I hope to call Gay. Gay says, "According to Ben Nighthorse Campbell and Scott McInnis, supporters of Alternative D are not local people but outsiders." Let me correct that to the writer, one of my constituents. I am talking to my colleagues but let me say to you, we did not say that anybody that disagrees with us were outsiders. We did not say that at all. We did say, however, you ought to give some weight of opinion to the people who make their living on the forest, who are surrounded by the forest, who enjoy the forest for its beauty, who wildlife manage in the forest, whose water and power comes off the forest, whose natural gas comes off the forest. The people that mountain bike, the people that raft, the people that snowboard, the people that ski, those are the people whose opinions we ought to look at. We never once said that if you objected to it, you are an outsider.

The writer goes on to say, "I was brought up to be a responsible forest user. Pack your trash, don't drive off the road." You are absolutely correct. That is what we are trying to do. My plan says, let us manage it, let us not eliminate it. Let us in appropriate spots give forest rest and in appropriate spots give forest use. Let us make sure people understand they have a privilege to use the forest but they have no right to abuse the forest. Let us take the people that abuse the forest and kick them off the land. Let us do that. We agree.

"Treat the land with loving care." Absolutely. You are right. "Because without it you will not survive." Again, you are absolutely right.

"When the forest is destroyed by unchecked use of any kind, then the jobs you all seem so worried about are also gone." I know that.

□ 2115

"You are right, and that is exactly what this plan takes into consideration.

"We move on from there very quickly. The McGinnis plan gives support. I am writing to voice my opinion. I am not writing on behalf of business, the motor heads or the environmental heads. I am writing because I have a passion generated by the forest."

She talks about this person, this Dendy Heisel. She talks about those who depend on their livelihood, our recreation, promotion or recreational opportunities, yet promoting our environmental protection. This is a balanced person, this is a balanced plan. That is what this does.

Here is an article of my opinions submitted to the Glenwood Post, Blended Alternative Strikes a Balance. "Let me say that in the final analysis, as I am writing here, my locally-driven alternative," this right here, "is balanced and eminently fair. It is a plan that achieves the twin objectives of preserving the forests' natural splendor.

We protect the forests' natural splendor while, at the same time, protecting the privilege of the people to enjoy it."

I think that is very important. The White River National Forest is a diamond, but it is not a diamond that should be locked in a safe where nobody can ever see it. It is not a diamond that should never be allowed to be worn in the public, but it is a diamond that when it is worn in the public or when it is seen or observed by the public, that it deserves protection. We manage how we bring that diamond out of the safe, so that we can preserve that diamond for future generations.

Again I say, and in my concluding remarks, I say, we have put a lot of intense work into this plan. This was not just some song and dance, although there is a lot of song and dance going on out there. We had a lot of people, Richard Woodrow, lots of different people, my staff out there, even my wife, a lot of different people put time into this.

We put a good work product out. We think it is constructive, not adversarial to the Forest Service, except in the case of water, but otherwise, very constructive. We think the use of this plan and some of the recommendations should be put into the recipe so that we can take the diamond and protect it and manage it when it needs to be managed and protected; put it in a safe at night, but during the day, bring it out so somebody can see it. We can save it for the next generation, by giving it proper diamond rest or forest rest, but we can also enjoy it today by bringing it out of the safe and letting people see it, letting people touch it, letting people wear it.

The key, again, and in conclusion, the critical issue here is not elimination; the critical issue is management. We all have a right to use and enjoy the forest. We have no right to abuse the forest.

ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again on a Tuesday night to address the topic that I normally address on Tuesday night before the House and to the American people on the subject of illegal narcotics and drug abuse and its effect upon our Nation and the responsibility of this Congress to address that terrible social problem that we face.

Tonight, I would like to provide an update. We were in recess during the spring work period, and I would like to update the House and again the American people on some of the things that have happened relating to illegal narcotics. When I make these presentations, I try to look at what has been in the recent news and highlighted, sometimes violence which is highlighted, unfortunately, in our newscasts about what is happening in our society. Again, I think there is no greater social problem facing this Nation than that of illegal narcotics. It has a dramatic impact on our communities and our children.

Before we left for recess, I addressed the House and spoke about the untold story. The untold story of a 6-year-old bringing a gun into school and shooting a 6-year-old and all of the attention focused on the gun. We did look a little bit behind the scenes and found that the 6-year-old was the victim of a crack house family that was disjointed; drugs and narcotics prevalent. I believe the father was in jail on a narcotics charge.

Again, if we look at the root problem, we see narcotics, we see again a dysfunctional family, and societal problems. The gun was the means by which this 6-year-old committed a terrible act, a murder, but the root of the problem is, I think, what this Congress and the American people must focus upon in their attention to correct the situation.

Then I think the American people were focused and the news also riveted in on a 12-year-old who brought a gun into school and had his classmates I believe at bay with a weapon, and again, if we look behind the scenes, and I related to the Congress, we found that the child, the 12-year-old had taken a gun to school and attempted to get attention and get arrested because he wanted to join his mother, who was in jail on a drug charge.

Another incident of illegal narcotics being at the root of the problem, the gun manifesting itself again is certainly a very serious problem, a problem of bringing a weapon into school, but again, a child with many problems, illegal narcotics at the root of some of his family problems. Then, during the holidays, right at the season of Easter and Passover, I think the entire Nation and the world was focused on Washington, D.C., our Nation's Capital, which has some of the strongest gun control legislation and laws on the books of any locality in the United States. In fact, it is almost illegal to own a weapon that is unregistered and there are very tight control laws. Yet, a 16-year-old terrorized a family day at the National Zoo here in the District of Columbia. The report, of course, focused on the young teenager who was using a weapon and fired into the crowd. But the rest of the story was not told.

Let me just cite a little bit about this young man, a 16-year-old by the name of Jones who was actually the son of an enforcer in the District's biggest drug gang, his father was one of the biggest drug gang participants in the 1980s, and this young man, again, was the victim of illegal narcotics, and what it had done to his family. He was brought up as really the product of illegal narcotics and crime that emanated from illegal narcotics. His father, this article went on to say, James Antonio Jones, was already in jail, a source to the family confirmed. The elder Jones, 43, is serving a life sentence in a Federal maximum security prison in Beaumont, Texas, after a 1990 conviction for his role in the drug hierarchy run by Raphael Edmond, who was a notorious drug dealer and head of a crack cocaine gang here in the District of Columbia.

Mr. Speaker, in almost every one of these instances I have cited and others that we see on the nightly news with the attention of the media, in fact, all of these cases have illegal narcotics at the root of their problems. Some 70 to 80 percent of those in our prisons, in our jails, in our Federal penitentiaries are there because of drug-related offenses.

Many would have us believe that these folks are in prison for possessing small amounts of marijuana or some other drug. The fact is, most of these people are there for repeated felonies. Some of them, in fact, have been on drugs when they have committed these repeated crimes. Many of them have repeated their crimes time and time again, are multiple offenders. Most of the people in our prisons, in fact, have two or more felony convictions in our Federal penitentiaries and State penitentiaries, according to the studies that our staff from our Subcommittee on Criminal Justice has undertaken.

So there are a lot of myths about what is going on, there is a lot of misinformation about who is committing crime and these illegal acts. In fact, we try through these weekly presentations before the House of Representatives to get the facts to the American people and the Congress.

Again, this is the worst social problem that we face. It is a horrendous problem. The toll is not only those behind bars, but those who die annually.

The most recent statistics that we have on deaths, direct deaths from illegal narcotics are 1998 figures, and that is 15,973 Americans died. If we take all of the other deaths related to illegal narcotics, people driving under the influence of illegal narcotics, people who die as a result of illegal narcotics, not necessarily an overdose, but some other act, total, according to our National Drug Czar, Barry McCaffrey, more than 50,000, almost as many in one year as killed in some of our international conflicts.

So this, indeed, is a great problem. It is a problem that can cost our society as much as a quarter of a trillion, $250 billion a year. That is in dollars and cents, not in heartaches to mothers and fathers and sisters and brothers and parents and grandparents who have children and sons and daughters involved in illegal narcotics.

During this past recess, it was my privilege to talk to some of the local law enforcement people in my community. I have cited the impact of illegal narcotics in central Florida, and I represent probably one of the most tranquil areas in the country and in the State of Florida and on the East Coast, and that is the area between Orlando and Daytona Beach.

Central Florida has had a heroin epidemic. I have cited that before on the floor of the House. In the past several years, we have had in the neighborhood of 60 deaths from drug overdoses. We have had a record number of heroin overdoses and deaths. Unfortunately, I have had to meet with many of the parents who have lost young people to heroin overdoses, and they die a horrible death. It is none of the glamour that is portrayed by Hollywood or by films or the word of mouth that heroin is a great experience. It is a horrible experience and a horrible death, and any of these parents will testify to that. I brought before the House rather gruesome pictures of the results of overdoses of heroin and they are not pretty pictures.

□ 2130

I hate to bring them back up here again, but there is no glamor in death by heroin. The heroin that we have on the streets of the United States today is not the low purity heroin that we had in the 1980s, now some of the heroin is 80, 90 percent pure. It is as deadly as any substance can be, particularly when used with other drugs or alcohol, and first time users unfortunately do not survive.

In meeting with some of the local law enforcement people, we are matching our deaths in central Florida. Again, our deaths are record in number. Our deaths by heroin overdoses now exceed our homicides, according to the latest statistics, which is absolutely alarming. In fact, we find the situation getting worse, not only in central Florida, but across the Nation.

In meeting again with these local officials, they told me that while the deaths are equal or slightly above previous years' death count, the only reason they have not shot off the charts even at an even greater rate is the ability of our emergency medical personnel to provide better attention, quicker attention, and better medical survival equipment available to save more of these individuals.

The problem we have, though, is we are seeing more and more incidents, emergency room incidents of heroin overdoses. We are just able to save a few more folks, and the deaths continue to spiral. One of the headlines that was in the newspaper just this week in the Washington Times here, which always does such a good job in reporting, I brought a copy of this tonight, suburban teen heroin use on the increase.

This is the headline that blurted out. This is an absolutely shocking statistic that was presented, and this is part of a study that was done. I have a copy of the study here. It is an interagency domestic heroin threat assessment, and these statistics on the increase in illegal narcotics is, again, quite remarkable.

If we look at 1996, we had suburban teen heroin use, and we are looking at about a half a million young people using heroin, that figure has doubled just about to 1 million, 980,000 according to this report.

In a very brief period of time, we have had a near doubling of the number of heroin users in the United States, teenage heroin users. The rate of first use by children aged 12 to 17 increased from less than 1 in 1,000 in the 1980s to 2.7 per thousand in 1996. First time heroin users are getting younger, from an average age of 26 year olds in 1991 to an average of 17 years of age by 1997.

Again, some of the statistics from this report are startling. Again, we see teen heroin use on the increase.

What I also wanted to address tonight is the question of where this heroin is coming from and how did we get into a situation where we have a doubling of the amount of teenagers in our country on heroin. Unfortunately, the chart that I present now shows a rather sad record for the Clinton/Gore administration on the question of long-term prevalence and use of heroin. This chart was prepared by monitoring the future study at University of Michigan. It is not something I made up in a partisan fashion.

If we look at the chart for a minute, we see the percent of 12th graders, and if we look at this record here, see pretty much stable, some downturn, some slight increase and then a dramatic downturn under the Bush administration.

It is pretty level and in some cases there are reductions, some valleys, mostly leveling out and valleys from the Reagan and Bush administration. Actually heroin was not quite as much of a problem because President Reagan had developed a methadone strategy, an interdiction strategy, source country programs, many of which were eliminated in this period from 1993 forward. In 1993, and I have not touched the chart in any way or doctored it, you can see a dramatic increase in heroin use.

We actually see some stabilization here, that stabilization and a slight decrease is right after the Republicans took over the House and Senate and began an effort to restore some of the source country programs, the interdiction programs. We have also had a tremendous problem in heroin, and I will talk about that, but part of the problem that we have is, again, a lack of attention to heroin and its production and entry into the United States.

In fact, in the same period we have since the beginning of the Clinton administration doubled the amount of money on treatment, but we have again the situation that we see here.

We know where the heroin is coming from. If we can put this chart up here, in 1998, we know today, according to this DEA, Drug Enforcement Administration chart which they have provided me, that 65 percent of the heroin that is seized in the United States comes from South America, and probably 99 percent of that comes from Colombia. We know this for a fact. They can do a chemical analysis, almost a DNA analysis, and find out almost to the field where the heroin comes from. The heroin that is seized across the country, samples are sent in to DEA and they perform this analysis, so we know pretty well the picture of where heroin is coming from. It is coming from Colombia. We also see it coming from Mexico. The bulk of it, of course, again is from Colombia.

If we had this chart for 1992, 1993, we would see almost no heroin coming from South America. In fact, heroin was not produced in Colombia until the beginning of the Clinton administration, for all intents and purposes. Heroin was probably in the single digits from Mexico. It has crept up a bit since even the last report we had in 1997. It was at 14 percent. It is now at 17 percent.

Mexico, who we have given incredible trade advantages to, this administration has certified repeatedly as far as cooperating in the drug wars, now in 1 year increased production by some 20 percent of black tar heroin. Again, we know exactly where this is coming from, according to the tests that are conducted.

This is where heroin is coming from in 1992, almost none of the heroin produced in Colombia and single digit in Mexico, and dramatic increases in both of those countries, from both of those countries.

We know the pattern of drug traffickers. Let me take this down. This is the pattern of drug traffickers. We know since 1992, 1993, with the election of the Gore and Clinton team that there was a change in strategy; that they wanted to in fact close down the Reagan and Bush programs for source countries, stopping drugs at their source, and also interdicting drugs as they came from the source, and they effectively did that. They closed down most of the international programs, slashed the budgets by some 50 percent.

We know the pattern of heroin coming out of Colombia now because we can identify it by the signature program. We also know that Colombia, which was not producing but a small,

small percentage, probably again in single digits of cocaine, is now the world's major producer of cocaine. Some 80 percent of the cocaine in the world is coming out of Colombia. This is also since the inception of the Clinton-Gore policy, where they dismantled these source country programs.

During the past 4 or 5 years of the Republican administration, we have made a concerted effort to put back together some of the programs that the Clinton-Gore team and the Democrat-controlled Congress in 2 years did incredible damage to. It is a monumental effort. It took President Reagan most of his term and President Bush to get the illegal narcotics problem in the right direction, and that is on a downward trend.

Again, these are not doctored in any way. These are not partisan charts. This chart, also produced by the University of Michigan, shows the record, and it is a very clear record. I know this drives the Clinton-Gore people crazy, and it drives the people on the other side of the aisle, the liberal side, who changed policy crazy, but this shows very clearly that with President Reagan, we see the long-term trend and prevalence of drug use.

This really is the major measure of what is going on with illegal narcotics. We see it going down in a steady fashion under President Reagan. We see a dramatic drop under President Bush, an incredible job here done.

Then again, undoctored, and we do not play with any of these charts, but the facts are very clear, that again, with President Clinton, with the close-down of the interdiction programs, the source country programs, taking the military out, cutting the Coast Guard budget, all this was done in a very short period of time, but the damage has been absolutely incredible.

When the Republicans took over, having participated in this, we knew that this policy needed to be reversed. Under the leadership of the now Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who chaired the subcommittee that I now chair, actually, the responsibility for drug policy, it was a different title, it is now titled the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, but the gentleman from Illinois (Mr. HASTERT) was the one responsible, along with his predecessor, Mr. Zeliff, who left the Congress, in restarting the war on drugs.

This is basically the war on drugs, and we will hear people say the war on drugs was a failure. Mr. Speaker, if this is a failure, I am either reading the chart wrong, and we can bring back the heroin chart. We also have them for cocaine and other narcotics. This is pretty dramatic and pretty evident of a successful program. Again, the use of illegal narcotics is going down, down, down. This certainly has to be a patent failure with the Clinton-Gore administration, by any measure.

□ 2145

It is interesting that, if we looked at the resources that were committed, again, this chart is not doctored. It shows the exact figures in the millions of dollars for international programs. Now, when we think about drug programs, we spend billions and billions in drug program, it costs us billions and billions of dollars. Here we have a chart that starts out with about $600 million in international source country programs. These programs were started under President Reagan and President Bush to stop drugs at their source, because it really is the most cost-effective way.

Where drugs are produced by peasants in Peru, Bolivia, Colombia, these peasants get very few pesos or the equivalent of dollars for their harvest. And we know that 100 percent of the cocaine comes from Peru, Bolivia and Colombia. One hundred percent. Maybe I should say 99.99 percent. Maybe there is a little bit on the slopes of Ecuador or some other bordering country, but it all comes from that region.

We know that the programs under President Bush and President Reagan worked. We know that the programs under President Clinton have not worked in eliminating international drug programs or slashing them.

Here we can see from this chart, 1992–1993 here, and again with a Democrat-controlled Congress implementing their policy and gutting the international programs to less than half of what they were. We see increases with the advent of the Republican Majority. We are back up to, and if we take this 1999 dollars and put it into 1991 dollars, we are just about back at 1991 levels.

But this is a clear pattern. If we took this and did an overlay with the previous chart, we can see that as they cut drug use here, they had those programs in place, as they took the programs for international out of place, the drug use started to soar and that is because we had an even greater supply coming.

This chart shows Federal spending for interdiction also gutted by the Democrat-controlled Congress. Gutted here in 1993. It looks a little delayed, but we have to remember that we start a fiscal year a little bit later, like we will start the next one in October of this year. But we can see the devastation of the cuts in interdiction programs here. And we see, getting back to the equivalent of the 1991 figures, actually, if we look at this little peak that we have gotten to here, it coincides with the slight downturn that we have seen here in drug use.

Also, if I got the heroin chart out, we would see some stabilization. The problem we have in heroin is that heroin is now produced in Colombia in incredible quantities. The quantity is completely uncontained as far as coming into the United States. Because the Clinton administration has thwarted every single attempt, up to, I would say, last October when the situation in Colombia got totally out of hand.

Colombia is about to lose its country. We sent the Drug Czar down, we have sent other officials down. But the policy of the Clinton-Gore administration, the Democrat-controlled Congress, was one of one error after another in Colombia.

First, we stopped information sharing with Colombia back in 1994, which brought the outrage even from Democrat Members of the Congress. That was information sharing which we provide through interdiction. And we can see if we look at this interdiction chart, we see the gutting of the interdiction program.

Our military does not get involved in an enforcement manner in the narcotics issue. It is prohibited from actually conducting law enforcement by the Constitution. We do not want the military in law enforcement. But what the military does is surveillance in the international area outside our borders.

If we had missiles coming in that were killing 15,973 citizens in one year, 100,000 in 7 years, and 50,000 deaths related to that action, we certainly would use our national security forces. What we do is we use the military to conduct surveillance. Our planes provide that information to other countries. We, again, through the Republican new majority, started programs for source country, for interdiction, restarted them in 1996 and 1997 for Peru and for Bolivia.

Mr. Speaker, those programs have been phenomenally successful. The amount of cocaine has been cut, production in Bolivia has been cut some 55 percent. In Peru, we are up in the 65 percent, 66 percent range. The only change that we have seen is further cuts of providing this interdiction and surveillance information to Peru, and there have been some downturns in the United States providing that information. We immediately see some increase in drug trafficking or drug production. It is almost guaranteed to happen according to, again, all the research and evidence and information that we have.

So, where we let up, we in fact have illegal narcotics coming into this country. Nothing is more evident than Colombia. Again, in 1994, the administration stopped information sharing. The next thing they did was they decertified Colombia without a national interest waiver, which meant that we could not send assistance to Colombia to fight illegal narcotics.

In Colombia, illegal narcotics and the narcoterrorist activity that has caused tens of thousands of deaths and disruption of that country are synonymous. The narcoterrorists fund their terrorist activities through narcotics trafficking. That is well-known. The right and the left, extreme right and extreme left in that civil war fund their activities through narcotics trafficking, narcotics taxes and income from the production of narcotics. We know it, our Drug Czar has stated that many times.

That is why it has become in the United States' national interest to provide assistance to Colombia to stop the narcotics trafficking, stop the terrorist activities that are going on there. Not to provide any troops or any active military participation there. We have agreed to provide some training.

But year after year since 1993 with the Clinton-Gore administration, they have stopped resources getting to Colombia. The results are very evident. We have, again, production from no production in Colombia of heroin to now producing some 65 percent, probably closer to 70 percent of the heroin, where there was almost none.

Cocaine. We have some 80 percent now being produced in Colombia. Before it was being transshipped through Colombia from Peru and Bolivia. And we do know that the program instituted by the Republican Majority has worked very well in those countries to cut production.

But right now the reason we have this report on heroin flooding our streets, young people being victimized and dying at incredible numbers from heroin, is the sheer quantity, the sheer supply.

Now, it is bad enough that we have this record of all of these activities being stopped here which has allowed some of this to happen. But what is even worse is the reaction of the administration to provide assets. If we are going to fight a war on drugs, or if we are going to fight a war, we need assets and we need to have those assets committed to that war effort.

Mr. Speaker, this chart is part of a report that was prepared at my request by the General Accounting Office in December of 1999. What this chart shows is the various assets. Some of these are DOD. This is the DOD assets, which have been dedicated to the war on drugs. And we see this decline from 1993 here, this continuous decline of DOD assets to the war on drugs.

The next little triangle, the yellow triangle, the Customs Service assets declining. Some beginning of increase with the Republican Majority, and the gentleman from Illinois (Mr. HASTERT) was responsible for this. We see the beginning of the return back to this 1992 level. The Coast Guard, we see steady decline.

If we took the budgets for these various agencies, we would see them gutted by the Clinton-Gore administration and also by the Democratically controlled Congress. So if we have a war on drugs, we must commit assets.

The report that I had conducted said that flight hours have been reduced 68 percent for fiscal years 1992 to 1999. So this is flying hours dedicated to tracking suspect shipments of illegal narcotics in transit to the United States. The number declined from 46,264 to 14,770.

So I submit that the war on drugs was a success, but basically closed down by this administration and this is pretty good evidence.

The other area, if drugs are not shipped by air, they ship by sea. I also asked GAO to look at trafficking patterns and also what we were doing as far as providing assets in the war on drugs as far as maritime activities.

If we look again from some of these highs here, we see DOD in the red declining and a steady decline of ship days. If if we look at the Coast Guard, we see some slight increase. This follows the other pattern, and the total overall is still below what it was in 1992.

In fact, the report given to me indicates that assets that were used in shipping and going after illegal narcotics declined some 62 percent during this period from 1992 to 1999. So the ship days for going after illegal narcotics and those resources in a war on drugs declined dramatically during that period.

One of the other problems that we have had in the war on illegal drugs is the failure of this administration to negotiate with Panama the location and continued operation of our antinarcotics operations centers, which were located in Panama. These are known as FOLs, forward operating locations. In order to conduct a war on illegal narcotics, we need information and surveillance from the area where illegal drugs are produced and also shipped out of that particular setting.

In May of 1999, of course, the United States was forced to stop all flights. The administration bungled the negotiations with Panama. We encouraged them to at least negotiate an arrangement where we could continue our narcotics tracking flights out of that area.

□ 2200

Since May of 1999, we have seen, not a total shutdown, but a dramatic increase, again, as documented by this GAO report. Our illegal narcotics, heroin, cocaine are coming in from Colombia in unprecedented volumes. It is absolutely mind boggling the sheer amount of heroin and cocaine that is coming in.

But one sees that we do not have the locations. Now, this chart shows coverage with potential FOLs, and this chart was given to me as showing the Congress and our committee what would be done to relocate those operations for surveillance and important interdiction information.

One of the locations proposed was in Manta, Ecuador. The other was in Curacao and Aruba. Unfortunately, the Manta location in Ecuador and also the location in Aruba Dutch Antilles took longer than anticipated to negotiate final agreements.

The cost, by the time we are through with relocating here, will be $128 million since the Manta air strip is not adequate to land the heavy planes and equipment that we have. Aruba will have to build additional facilities.

But we have dramatically cut the number of flights, the number of surveillance missions because we do not have these two locations in operation. It may be 2002 before actually both of these are up and running at full capacity. That is why we have the report of incredible amounts of heroin and still cocaine coming into the United States. We have nothing in place to stop it.

Today I met with the representatives of the Department of Defense and various agencies involved in trying to put together a program to put Humpty Dumpty back together again to try to get us back to the 1992 levels in this fight.

We now have recently signed, but not fully approved by the El Salvador legislature, a third location. This will cost us another $10 million or $15 million in addition to losing the Panama location and $5 billion worth of assets there. We will now pay to relocate these operations.

But nothing will stop narcotics quicker than either eradicating them at their source or getting them as they come from their source. It is proven effective in Peru. It is proven effective in Bolivia. It will prove effective in Colombia and the surrounding areas and stop some of the incredible supply that is driving down the price and making more of the drugs available to our young people.

Again, my colleagues saw the figures of a doubling in just several years of heroin abuse. But this is where it is coming from. Unfortunately, all of this will not be in place for several years to get us back to where we were in 1992 in our operations in the antinarcotics effort.

What is sad, too, is that this administration continues to thwart the will and recommendations of Congress. We have attempted for some 4 or 5 years. I know since we took over the majority, in every fashion, including granting appropriations, to get resources to Colombia and to the area where illegal narcotics are coming from.

But this GAO report also outlines that DoD is not providing assets that are requested. When we question the various agencies where these assets are, in fact, the assets are going to Bosnia, the assets are going to the Middle East, the assets are going to Kosovo, they are going to the record number of deployments under the Clinton-Gore administration.

This is quite telling because SouthCom, which is the Southern U.S.

Command in charge of basically our war on drugs and our antinarcotics effort, has been requesting assets. These are assets, DoD assets, towards the war on drugs. This is in the blue. The red shows what they got and what was provided as far as assets in this effort. We see that this is the request, and this is what they got. In 1999, this is the request, and this is what they got.

So if my colleagues are wondering why they have heroin on their streets, if they are wondering why they have record number of teenagers using heroin and illegal drugs, this is because, even though the Congress has appropriated funds and resources, we cannot get those resources into this program.

I do not know if it is the Secretary of Defense, but I fear that it is even higher in the administration because, again, every effort to get resources to stop these drugs and the sheer incredible supply coming into our country every effort is thwarted. It has almost reached comical proportions as I cited, and it would be funny if there were not so many people dying as a result of this.

The helicopters that we requested for the Colombia National Police for some 4 or 5 years now finally got there late this past fall. Unfortunately, as we now know, the ammunition for those helicopters was delivered to the back door of the State Department in a bungled operation rather than to Colombia. It would almost be humorous to find out that those helicopters were sent to Colombia and they were not properly armored so they could not be used in the antinarcotics effort.

Finally, I believe we now have those resources in place. The administration did become aware of the destabilization of the area and what was going on in Columbia and finally asked for a supplemental package. Unfortunately, the President did not submit finally to Congress until the time of our budget, and that was several months ago, a request; and that, unfortunately, now is being handled through the regular funding process, although it is necessary to move that package forward to get these assets in place.

One of the things that does disturb me is some of the liberalizers out there and those who would legalize and propose that the solution to all this is just legalize what are now illegal narcotics, and all of our problems will be solved.

I think that an article that I read by a professor at Pepperdine University, James Q. Wilson, had some interesting information. I just wanted to cite him tonight. He said,

> Advocates of legalization think that both buyers and sellers would benefit by legalization. People who can buy drugs freely and at something like at free market prices would no longer have to steal to afford cocaine or heroin. Dealers would no longer have to use violence and corruption to maybe obtain their market share. Though drugs may harm people, reducing this harm would be a medical problem. And you always hear the legalizers say it is a medical problem, not a criminal justice one. Crime would drop sharply.

But there is an error in this calculation. Again, this is what Professor Wilson is saying.

> Legalizing drugs means letting the price fall to its competitive rate plus taxes and advertising costs. That market price would probably be somewhere between one-third and one-twentieth of the illegal price, and more than the market price would fall.

As Harvard's Mark Moore pointed out,

> The risk price, that is all the hazards associated with buying the drugs, from being arrested to being ripped off would also fall; and this decline might be more important than the lower purchase price. Under a legal regime, the consumption of low-priced low-risk drugs would increase dramatically. We do not know by how much. But the little evidence we have suggests a sharp rise.
>
> Until 1968, Britain allowed doctors to prescribe heroin. Some doctors cheated, and their medically unnecessary prescriptions helped increase the number of known heroin addicts by a factor of 40. As a result, the government abandoned the prescription policy in favor of administering heroin in clinics and later replacing heroin with methadone.
>
> When the Netherlands ceased enforcing laws against the purchase or possession of marijuana, the result was a sharp increase in its use. Cocaine and heroin create much greater dependency. So the increase in their use would probably be even greater.
>
> The average user would probably commit fewer crimes if these drugs were sold legally, but the total number of users would increase sharply.
>
> A large fraction of these new users would be unable to keep a steady job unless we were prepared to support them with welfare payments. Crime would be one of their major sources of income: that is, the number of drug-related crimes per user might fall even as the total number of drug-related crimes increased.
>
> Add to the list of harms more deaths from overdose, more babies born to addicted mothers, more accidents by drug-influenced automobile drivers, and fewer people able to hold jobs or act as competent parents.

I think that this observation by professor Wilson is quite interesting.

It is also borne by the facts where they have tried liberalized policy in the United States. I bring out the chart provided to me by DEA, our Drug Enforcement Agency, which shows that heroin addict population of Baltimore.

Now, Baltimore, until just recently, had a very liberal mayor, Mayor Schmoke. He actually turned his back on enforcement of some of the illegal narcotics trafficking and use and abuse in his community. The results were incredible. The number of deaths in 1997, 1998 were 312; 1999, when we got these figures, the end of last year, were 308. It will probably reach 312 because people die as a result of some wound inflicted on them. But the deaths are pretty much stable.

But what has happened in Baltimore with this liberal policy is absolutely astounding, and it is confirmed by what Professor Wilson had outlined in his statement of what happens. If we look at Baltimore, in the 1950s, it had almost a million population. In 1996, it was down to 675,000. We will know what the population is now, but we think it is down lower, around 600,000.

In 1996, it had 38,985 heroin addicts. Again, this is during the period of the liberal attitude towards illegal narcotics. That estimate is now, 1999, somewhere in the neighborhood of one in eight citizens. This is not something I have made up, it is something a city council person has said, one in eight are now addicted in what is left of Baltimore.

So exactly what the experience was in England, we see an increase, dramatic increase in the addiction population. If this was multiplied across the United States and we had one in eight people in the United States addicted to heroin or illegal narcotics, we would have a disaster on our hands. This is, again, the model of a liberal approach, a liberal approach that failed, both in deaths and addiction. I do not think one can have more horrible results.

What is interesting and most people like to ignore, particularly the liberal crowd or those that want to gang up on Rudy Giuliani these days, is the tough enforcement, the zero tolerance policy. Does it work or does it not work? If my colleagues will look in the early 1990s when Rudy Giuliani took over as mayor, they see about 2,000 plus deaths from murders, the crime rate in New York City.

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The zero tolerance has brought that down to the mid 600 range, an absolutely dramatic decrease in murders in that city. What is amazing is not only the murders have decreased but in every other major crime area, crime is down by some 50 percent to 1999 during his tenure.

And what is interesting is, I know that people pick on Mr. Giuliani and say that there is overenforcement, and our subcommittee did hearings and we updated that information. We did hearings a year ago when he was accused of some of his police force being overzealous in their enforcement and we found that there were in fact fewer incidences of police firing on individuals under Rudy Giuliani. We found there were fewer incidences of complaints against police. And, actually, that was while Mr. Giuliani had increased the police force by some 25 percent in numbers. So, actually, the number of police on duty had increased and there were far fewer complaints under Mr. Giuliani than there were under the former administrations of the city.

Again, the figures for the New York City Police Department are absolutely incredible. Zero tolerance, tough enforcement, does work. In 1993, there were 429,000 major felony crimes committed. In 1998, we have 212. An incredible record.

The liberals would have us believe that the legalization is the answer. In fact, the liberalization has almost devastated the city of Baltimore and other settings where they have attempted a liberal policy. The tough enforcement, the zero tolerance, in fact, does work and does result in dramatic decreases in crime across the board.

I am very pleased that the Republican majority has increased the source country programs that are so effective in stopping illegal narcotics at their source. We are getting them back to the 1991–92 funding levels for the programs of interdiction, of stopping drugs cost effectively as they come from those source country areas where they are produced. The Republican majority has instituted and funded through appropriations a billion dollars a national drug education program, unprecedented in the history of this country, and we have, again, dramatically increased the amount of money for treatment and other programs.

So I am proud of our record and will continue next week to cite the drug problem that we have facing this Nation.

I have run out of time, so I will yield back, Mr. Speaker, first thanking those who are working tonight for their patience.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. KNOLLENBERG) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on today and May 16.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes each day, on today and May 10.

Mr. HORN, for 5 minutes each day, on day and May 10.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 10, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7498. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1999 annual report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Banking and Financial Services.

7499. A letter from the Assistant General Counsel for Regulations, Office of Chief Procurement Officer, Department of Housing and Urban Development, transmitting the Department's final rule—HUD Acquisition Regulation; Technical Correction [Docket No. FR–4291–C–03] (RIN: 2535–AA25) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7500. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Office of Lead-Hazard Control, Department of Housing and Urban Development, transmitting the Department's final rule—Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Correction [Docket No. FR–3482–C–08] (RIN: 2501–AB57) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7501. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Health, Department of Housing and Urban transmitting the Department's final rule—Technical Amendment to the Section 8 Management Assessment Program (SEMAP); Correction [Docket No. FR–4498–C–03] (RIN: 2577–AC10) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7502. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Financial Reporting Standards for HUD Housing Programs; Revised Report Filing Date [Docket No. FR–4321–F–07] (RIN: 2501–AC49) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7503. A letter from the Secretary of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act (ERISA) during calendar year 1998, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

7504. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents; Revocation [Docket No. 95N–0253] (RIN: 0910–AA48) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7505. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0298] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7506. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Offset Deformable Barrier [Docket No. NHTSA–2000–7142] (RIN: 2127–AH93) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7507. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Devices; 12-Month-Old Child Dummy [Docket No. NHTSA–00–7052] (RIN: 2127–AG78) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7508. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations (Ankeny and West Des Moines, Iowa) [MM Docket No. 95–108 RM–8631] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7509. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (JOHNSON City, and Owega, New York) [MM Docket No. 99–245 RM–9680] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7510. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 04–00 which constitutes a request for authority to conclude the third amendment to the international agreement between the Department of Defense and the Israeli Ministry of Defense for Arrow Deployability Program (ADP), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7511. A letter from the Associate Legal Adviser, Department of State, transmitting copies of English and Russian texts of the joint statements negotiated by the Joint Compliance and Inspection Commission (JCIC) and concluded during JCIC–XXI; to the Committee on International Relations.

7512. A letter from the Director, Selective Service System, transmitting the Performance Measurement Plan for FY 2001; to the Committee on Government Reform.

7513. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2000, through March 31, 2000 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106–234); to the Committee on House Administration and ordered to be printed.

7514. A letter from the Chief of Staff, Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL–097–FOR, Part III] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7515. A letter from the Chief of Staff, Acting Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule—New Mexico Regulatory Program [SPATS No. NM–037–FOR] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7516. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid [Docket No. 99128354–0078–02; I.D. 032100C] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7517. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 000211039-01; I.D. 032700B] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7518. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Swordfish Quota Adjustment [I.D. 102299B] received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7519. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the FY 1999 Annual Program Performance Report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Resources.

7520. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule—Revoking Grants of Naturalization [INS No. 1858-97] (RIN: 1115-AF63) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7521. A letter from the Commissioner, Public Buildings Service, General Services Administration, transmitting a letter to advise of a decrease in scope for the new Byron G. Rogers Federal Building—Courthouse Annex; to the Committee on Transportation and Infrastructure.

7522. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, "To authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes"; jointly to the Committees on Resources and Government Reform.

7523. A letter from the Acting, Assistant Secretary for Lands and Mineral Management, Department of the Interior, transmitting a draft bill which would be cited as the, "Melrose Range and Yakima Training Center Transfer Act"; jointly to the Committees on Resources, Armed Services, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 496. Resolution providing for consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet (Rept. 106-611). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 497. Resolution providing for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes (Rept. 106-612). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

[Omitted from the Record of May 8, 2000]

H.R. 1237. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes, with an amendment; referred to the Committee on Resources for a period ending not later than May 11, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule x.

DISCHARGE FROM THE UNION CALENDAR

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

[Omitted from the Record of May 8, 2000]

H.R. 1237. The Committee of the Whole House on the State of the Union discharged.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUSSLE (for himself, Mr. CARDIN, Mr. GOSS, Mr. MINGE, Mr. KASICH, Mr. STENHOLM, and Mr. DREIER):

H.R. 4397. A bill to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself, Mr. STRICKLAND, Mr. KANJORSKI, Mr. LUCAS of Kentucky, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. GIBBONS, Mr. BROWN of Ohio, Mr. GORDON, Mr. CLEMENT, and Mr. HALL of Ohio):

H.R. 4398. A bill to establish a compensation and health care program for employees of the Department of Energy, its contractors, subcontractors, and certain vendors, who have sustained beryllium and radiation-related injury, illness, or death due to the performance of their duties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Ways and Means, Transportation and Infrastructure, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida:

H.R. 4399. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' KENNEDY Post Office Building"; to the Committee on Government Reform.

By Ms. BROWN of Florida (for herself and Mr. HASTINGS of Florida):

H.R. 4400. A bill to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building"; to the Committee on Government Reform.

By Mr. HORN (for himself and Mr. CALVERT):

H.R. 4401. A bill to amend title XVIII of the Social Security Act to provide for a moratorium on the mandatory delay of payment of claims submitted under part B of the Medicare Program and to establish an advanced informational infrastructure for the administration of Federal health benefits programs; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING:

H.R. 4402. A bill to ammend the American Competetiveness and Workforce Improvement Act of 1998 to improve the use of amounts deposited into the H-1B Nonimmigrant Petitioner Account for demonstration programs and projects to provide technical skills training for occupations for which there is a high demand for skilled workers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mr. STUPAK):

H.R. 4403. A bill to establish an Office of Science and Technology in the Office of Justice Programs of the Department of Justice; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 4404. A bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE (for himself, Mr. ARCHER, Mr. GRAHAM, Mr. MORAN of Kansas, and Mr. PAUL):

H.R. 4405. A bill to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for emergency medicine employees; to the Committee on Education and the Workforce.

By Mr. PASTOR:

H.R. 4406. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants to States to encourage retention of teachers by paying bonuses to teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SALMON:

H.R. 4407. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to require that registered sexually violent offenders provide notice of any attendance at institutions of higher education, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 4408. A bill to reauthorize the Atlantic Striped Bass Conservation Act; to the Committee on Resources.

By Mr. SAXTON:

H.R. 4409. A bill to amend the National Marine Sanctuaries Act to establish the National Marine Sanctuary Foundation to accept and use donations for the benefit of the National Marine Sanctuary System, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. Farr of California, and Mr. Greenwood):

H.R. 4410. A bill to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Resources.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Boehlert, and Mr. Borski) (all by request):

H.R. 4411. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TIERNEY (for himself, Mr. McDermott, Mr. Bonior, Mr. Stark, Mr. Weiner, Mr. Sanders, Ms. Rivers, Mr. Fattah, Mr. DeFazio, Mr. Conyers, Mr. McGovern, Ms. Schakowsky, Mr. Olver, Ms. Norton, and Mr. Capuano):

H.R. 4412. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Commerce.

By Mr. FRELINGHUYSEN (for himself, Mrs. Roukema, Mr. LoBiondo, Mr. Saxton, Mr. Franks of New Jersey, Mr. Holt, Mr. Smith of New Jersey, Mr. Andrews, Mr. Rothman, Mr. Pascrell, Mr. Menendez, Mr. Payne, and Mr. Pallone):

H. Con. Res. 320. Concurrent resolution expressing the sense of the Congress that the Health Care Financing Administration should consider current systems that provide better, more cost-effective emergency transport before promulgating any final rule regarding the delivery of emergency medical services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mrs. Morella, Mrs. Lowey, Mr. Shays, Mr. Pascrell, Mrs. Jones of Ohio, Mr. Gilchrest, Mr. Levin, Mr. Horn, Mr. Blumenauer, Mr. Bilbray, Mr. Moran of Virginia, Mr. Meehan, Ms. DeLauro, Mrs. Maloney of New York, Ms. Woolsey, Ms. Jackson-Lee of Texas, Ms. Schakowsky, Mr. Bonior, Ms. Lee, Ms. Carson, Mr. Udall of Colorado, Ms. Millender-McDonald, Mr. Conyers, Mr. Nadler, and Ms. Lofgren):

H. Res. 498. A resolution supporting the Million Mom March; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. Regula introduced a bill (H.R. 4413) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SKIMMER; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Mr. Shadegg.

H.R. 329: Ms. Rivers and Mr. Barcia.

H.R. 372: Mrs. Thurman and Mr. McIntosh.

H.R. 483: Mr. Borski.

H.R. 488: Mr. Menendez.

H.R. 531: Mr. McIntyre, Mr. Camp, and Mr. Ehrlich.

H.R. 583: Mr. Wolf.

H.R. 608: Ms. McKinney, Mr. Gibbons, Mr. Rahall, and Mr. Norwood.

H.R. 632: Mr. Hastings of Florida, Ms. Brown of Florida, Mr. Berman, and Mr. Radanovich.

H.R. 742: Mr. King.

H.R. 762: Mr. Sisisky, Mr. Jenkins, Mr. Duncan, Mr. Cooksey, Mr. Smith of Washington, Mr. Visclosky, and Mrs. Fowler.

H.R. 828: Mr. Souder.

H.R. 1063: Ms. Hooley of Oregon.

H.R. 1130: Mr. Barcia and Mr. Lipinski.

H.R. 1291: Mr. Barrett of Wisconsin, Mr. Ehrlich, and Mr. Meeks of New York.

H.R. 1450: Mr. Markey and Mr. Tanner.

H.R. 1577: Mr. Cook.

H.R. 1622: Mr. Saxton.

H.R. 1798: Mr. Sanders.

H.R. 1804: Ms. Lofgren.

H.R. 2000: Mrs. Christensen, Mr. Lantos, and Mrs. Lowey.

H.R. 2002: Mr. Pastor.

H.R. 2120: Mr. Andrews and Mr. Sandlin.

H.R. 2121: Mr. Dooley of California, Mr. Ackerman, and Mr. Doolittle.

H.R. 2335: Mr. Skelton, Mr. Herger, Mr. Shimkus, Mr. Pickering, and Mrs. Emerson.

H.R. 2494: Mr. Hoekstra.

H.R. 2498: Mr. Young of Florida and Mr. Upton.

H.R. 2619: Mr. Calvert.

H.R. 2631: Mr. Borski.

H.R. 2814: Ms. Sanchez.

H.R. 2835: Mr. Tierney.

H.R. 2840: Mr. Kennedy of Rhode Island.

H.R. 2870: Mr. Andrews.

H.R. 2880: Mr. Neal of Massachusetts.

H.R. 2919: Mr. Sawyer.

H.R. 2947: Ms. Carson, Mrs. Mink of Hawaii, and Mr. Castle.

H.R. 3003: Mr. Frost, Mr. LaFalce, and Ms. Kaptur.

H.R. 3043: Mr. Cramer.

H.R. 3091: Mr. Dicks, Mr. Weygand, Mr. Delahunt, and Mr. Baca.

H.R. 3142: Mr. Baldacci, Mr. Wamp, and Mr. Kucinich.

H.R. 3240: Mr. Phelps.

H.R. 3267: Mr. Metcalf.

H.R. 3301: Mr. King, Ms. Carson, Mr. Baca, and Mr. Fattah.

H.R. 3375: Mr. Baca.

H.R. 3413: Mr. Waxman.

H.R. 3489: Mr. Sweeney.

H.R. 3494: Mr. Gutierrez.

H.R. 3514: Mrs. Tauscher, Mr. Gutierrez, Mr. Borski, and Mr. McNulty.

H.R. 3518: Mr. Blagojevich.

H.R. 3544: Mr. Toomey, Mr. Bilbray, Mr. Bishop, Mr. Ewing, Mr. Chabot, Mr. Larson, Mrs. McCarthy of New York, Mr. Meehan, Mr. Moran of Virginia, Mr. Blagojevich, Mr. Bachus, Mr. Owens, Mr. Skelton, Ms. Schakowsky, Mr. Payne, and Ms. Sanchez.

H.R. 3569: Ms. Carson:

H.R. 3573: Mr. Rothman and Mr. Pombo.

H.R. 3576: Mr. Baca.

H.R. 3578: Mr. Calvert.

H.R. 3594: Mr. Price of North Carolina, Mr. Hefley, and Mr. Calvert.

H.R. 3625: Mr. Shuster, Mrs. Bono, Mr. Pombo, Mr. Spratt, Mr. Bishop, Mr. English, Mr. Cook, Mr. Jenkins, Mr. Hilliard, Mr. Boehner, Mr. Whitfield, Mr. Collins, Mr. Sessions, Mr. Pastor, and Mr. LaTourette.

H.R. 3633: Mr. Toomey, Mr. Bilbray, Mr. Bishop, Mr. Ewing, Mr. Larson, Mr. Meehan, Mr. Blagojevich, Mr. Kanjorski, and Ms. Sanchez.

H.R. 3634: Mr. Blagojevich.

H.R. 3669: Mr. Traficant, Mr. Thune, Mrs. Roukema, Mr. LaHood, Mr. Hill of Montana, Mr. Pombo, Mr. Boyd, Mr. McHugh, Mr. Norwood, Mr. Bereuter, Mr. Shows, and Mr. Duncan.

H.R. 3710: Mr. Aderholt, Mr. Clyburn, Ms. Velázquez, Mr. Smith of Washington, Mr. Thompson of California, and Mr. Price of North Carolina.

H.R. 3766: Mr. Ackerman, Ms. Slaughter, Mr. Costello, Mr. Baca, Mr. Hostettler, and Mrs. Capps.

H.R. 3850: Mr. Kind.

H.R. 3859: Mr. Sensenbrenner, Mr. Duncan, and Mrs. Kelly.

H.R. 3916: Mr. Green of Wisconsin and Mr. Walden of Oregon.

H.R. 4030: Mr. Baird.

H.R. 4033: Mr. Upton, Mr. Bachus, Mr. Ose, Mr. Coburn, and Mr. Quinn.

H.R. 4036: Mr. Stupak.

H.R. 4048: Mrs. Kelly, Mr. Romero-Barcelo, Mr. Duncan, and Mr. Hilliard.

H.R. 4059: Mr. Bilbray.

H.R. 4081: Mr. Moore, Ms. Berkley, Mr. McIntyre, and Mr. Luther.

H.R. 4119: Mr. Stearns.

H.R. 4122: Mr. Minge.

H.R. 4144: Mr. Phelps.

H.R. 4157: Mr. Ose, Mr. Doolittle, Mr. Pombo, Mr. Campbell, Mr. Kuykendall, Mr. Horn, Mr. Royce, Mr. Lewis of Georgia, Mr. George Miller of California, Mr. Rohrabacher, Mr. Packard, Mr. Bilbray, and Mr. Hunter.

H.R. 4165: Mr. Brown of Ohio, Mr. Whitfield, Mr. Calvert, and Mr. Evans.

H.R. 4181: Mr. Calvert, Mr. Kucinich, and Mr. Cummings.

H.R. 4201: Mrs. Wilson and Mr. Coburn.

H.R. 4206: Ms. Eddie Bernice Johnson of Texas and Mr. Engel.

H.R. 4215: Mr. Bishop and Mr. Terry.

H.R. 4239: Mr. McGovern and Mr. Price of North Carolina.

H.R. 4248: Mr. Duncan and Mr. Barrett of Nebraska.

H.R. 4257: Mr. Rahall, Mr. Toomey, Mr. Stearns, Mr. Cook, and Mr. Metcalf.

H.R. 4274: Mr. Gutknecht, Mr. Cox, Mr. English, Mrs. Johnson of Connecticut, Mr. Cannon, Mr. Bilbray, and Mr. Herger.

H.R. 4277: Mr. Weldon of Florida.

H.R. 4281: Mr. Goodling, Mr. Whitfield, Mr. English, Mr. Canady of Florida, and Mr. Doyle.

H.R. 4286: Mr. Riley.

H.R. 4298: Mr. Walden of Oregon, Mr. Hansen, Mr. Simpson, and Mr. Cannon.

H.R. 4334: Mr. Baca.

H. Con. Res. 177: Mr. Matsui.

H. Con. Res. 309: Mrs. THURMAN, Mr. FROST, and Mrs. BIGGERT.

H. Con. Res. 318: Mr. BERMAN, Mrs. THURMAN, Mr. ENGEL, Mrs. MALONEY of New York, Ms. MCKINNEY, Mr. CAPUANO, and Mr. PETERSON of Minnesota.

H. Res. 442: Mr. HINCHEY.

H. Res. 492: Mr. KUYKENDALL, Mr. GARY MILLER of California, Mr. ENGLISH, Mr. TIERNEY, and Mr. RANGEL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3308: Mr. LARGENT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 853

OFFERED BY: MR. NUSSLE

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Budget Process Reform Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Effective date.
Sec. 4. Declaration of purposes for the Budget Act.

TITLE I—BUDGET WITH FORCE OF LAW

Sec. 101. Purposes.
Sec. 102. The timetable.
Sec. 103. Annual joint resolutions on the budget.
Sec. 104. Budget required before spending bills may be considered; fallback procedures if President vetoes joint budget resolution.
Sec. 105. Conforming amendments to effectuate joint resolutions on the budget.

TITLE II—RESERVE FUND FOR EMERGENCIES

Sec. 201. Purpose.
Sec. 202. Repeal of adjustments for emergencies.
Sec. 203. OMB emergency criteria.
Sec. 204. Development of guidelines for application of emergency definition.
Sec. 205. Reserve fund for emergencies in President's budget.
Sec. 206. Adjustments and reserve fund for emergencies in joint budget resolutions.
Sec. 207. Up-to-date tabulations.
Sec. 208. Prohibition on amendments to emergency reserve fund.
Sec. 209. Effective date.

TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

Sec. 301. Purposes.

Subtitle A—Application of Points of Order to Unreported Legislation

Sec. 311. Application of Budget Act points of order to unreported legislation.

Subtitle B—Compliance with Budget Resolution

Sec. 321. Budget compliance statements.

Subtitle C—Justification for Budget Act Waivers

Sec. 331. Justification for Budget Act waivers in the House of Representatives.

Subtitle D—CBO Scoring of Conference Reports

Sec. 341. CBO scoring of conference reports.

TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING

Sec. 401. Purposes.

Subtitle A—Limitations on Direct Spending

Sec. 411. Fixed-year authorizations required for new programs.
Sec. 412. Amendments to subject new direct spending to annual appropriations.

Subtitle B—Enhanced Congressional Oversight Responsibilities

Sec. 421. Ten-year congressional review requirement of permanent budget authority.
Sec. 422. Justifications of direct spending.
Sec. 423. Survey of activity reports of House committees.
Sec. 424. Continuing study of additional budget process reforms.
Sec. 425. GAO reports.

Subtitle C—Strengthened Accountability

Sec. 431. Ten-year CBO estimates.
Sec. 432. Repeal of rule XXIII of the Rules of the House of Representatives.

TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS

Sec. 501. Purposes.

Subtitle A—Budgetary Treatment of Federal Insurance Programs

Sec. 511. Federal insurance programs.

Subtitle B—Reports on Long-Term Budgetary Trends

Sec. 521. Reports on long-term budgetary trends.

TITLE VI—BASELINE AND BYRD RULE

Sec. 601. Purpose.

Subtitle A—The Baseline

Sec. 611. The President's budget.
Sec. 612. The congressional budget.
Sec. 613. Congressional Budget Office reports to committees.
Sec. 614. Outyear assumptions for discretionary spending.

Subtitle B—The Byrd Rule

Sec. 621. Limitation on Byrd rule.

SEC. 3. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 2001.

SEC. 4. DECLARATION OF PURPOSES FOR THE BUDGET ACT.

Paragraphs (1) and (2) of section 2 of the Congressional Budget and Impoundment Control Act of 1974 are amended to read as follows:

"(1) to assure effective control over the budgetary process;

"(2) to facilitate the determination each year of the appropriate level of Federal revenues and expenditures by the Congress and the President;".

TITLE I—BUDGET WITH FORCE OF LAW

SEC. 101. PURPOSES.

The purposes of this title are to—

(1) focus initial budgetary deliberations on aggregate levels of Federal spending and taxation;

(2) encourage cooperation between Congress and the President in developing overall budgetary priorities; and

(3) reach budgetary decisions early in the legislative cycle.

SEC. 102. THE TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

"On or before:	**Action to be completed:**
First Monday in February.	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports joint resolution on the budget.
April 15	Congress completes action on joint resolution on the budget.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.".

SEC. 103. ANNUAL JOINT RESOLUTIONS ON THE BUDGET.

(a) CONTENT OF ANNUAL JOINT RESOLUTIONS ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraph (4) and insert the following new paragraph:

"(4) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), and interest; and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies;".

(2) Strike the last sentence of such subsection.

(b) ADDITIONAL MATTERS IN JOINT RESOLUTION.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (1), insert the following new paragraph:

"(2) if submitted by the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate to the Committee on the Budget of that House of Congress, amend section 3101 of title 31, United States Code, to change the statutory limit on the public debt;".

(3) After paragraph (3), insert the following new paragraph:

"(4) require such other congressional procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;"; and

(4) After paragraph (5), insert the following new paragraph:

"(6) set forth procedures in the Senate whereby committee allocations, aggregates, and other levels can be revised for legislation if that legislation would not increase the deficit, or would not increase the deficit when taken with other legislation enacted after the adoption of the resolution, for the first fiscal year or the total period of fiscal years covered by the resolution.".

(c) Required Contents of Report.—Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (B), (C), (E), (F), (H), and (I), respectively.

(2) Before subparagraph (B) (as redesignated), insert the following new subparagraph:

"(A) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to subsection (a)(1);".

(3) In subparagraph (C) (as redesignated), strike "mandatory" and insert "direct spending".

(4) After subparagraph (C) (as redesignated), insert the following new subparagraph:

"(D) a measure, as a percentage of gross domestic product, of total outlays, total Federal revenues, the surplus or deficit, and new outlays for nondefense discretionary spending, defense spending, and direct spending as set forth in such resolution;".

(5) After subparagraph (F) (as redesignated), insert the following new subparagraph:

"(G) if the joint resolution on the budget includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels, a justification for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriations;".

(d) Additional Contents of Report.—Section 301(e)(3) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, strike subparagraphs (C) and (D), and redesignate subparagraph (E) as subparagraph (D).

(2) Before subparagraph (B), insert the following new subparagraph:

"(A) reconciliation directives described in section 310;".

(e) President's Budget Submission to the Congress.—(1) The first two sentences of section 1105(a) of title 31, United States Code, are amended to read as follows:

"On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year which shall set forth the following levels:

"(A) totals of new budget authority and outlays;

"(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

"(C) the surplus or deficit in the budget;

"(D) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending, and interest; and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies; and

"(E) the public debt.

Each budget submission shall include a budget message and summary and supporting information and, as a separately delineated statement, the levels required in the preceding sentence for at least each of the 9 ensuing fiscal years.".

(2) The third sentence of section 1105(a) of title 31, United States Code, is amended by inserting "submission" after "budget".

(f) Limitation on Contents of Budget Resolutions.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(e) Limitation on Contents.—(1) A joint resolution on the budget and the report accompanying it may not—

"(A) appropriate or otherwise provide, impound, or rescind any new budget authority, increase any outlay, or increase or decrease any revenue (other than through reconciliation instructions);

"(B) directly (other than through reconciliation instructions) establish or change any program, project, or activity;

"(C) establish or change any limit or control over spending, outlays, receipts, or the surplus or deficit except those that are enforced through congressional rule making; or

"(D) amend any law except as provided by section 304 (permissible revisions of joint resolutions on the budget) or enact any provision of law that contains any matter not permitted in section 301(a) or (b).

"(2) No allocation under section 302(a) shall be construed as changing such discretionary spending limit.

"(3) It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b).

"(4) Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) of this section.".

SEC. 104. BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED; FALLBACK PROCEDURES IF PRESIDENT VETOES JOINT BUDGET RESOLUTION.

(a) Amendments to Section 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking paragraph (5).

(b) Amendments to Section 303 and Conforming Amendments.—(1) Section 303 of the Congressional Budget Act of 1974 is amended—

(A) in subsection (b), by striking paragraph (2), by inserting "or" at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); and

(B) by striking its section heading and inserting the following new section heading: "CONSIDERATION OF BUDGET-RELATED LEGISLATION BEFORE BUDGET BECOMES LAW".

(2) Section 302(g)(1) of the Congressional Budget Act of 1974 is amended by striking "and, after April 15, section 303(a)".

(3)(A) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "303(a)," before "305(b)(2),".

(B) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "303(a)," before "305(b)(2),".

(c) Expedited Procedures Upon Veto of Joint Resolution on the Budget.—(1) Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

"EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET

"Sec. 316. (a) Special Rule.—If the President vetoes a joint resolution on the budget for a fiscal year, the majority leader of the House of Representatives or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget for such fiscal year. If the Committee on the Budget of either House fails to report such concurrent or joint resolution referred to it within five calendar days (excluding Saturdays, Sundays, or legal holidays except when that House of Congress is in session) after the date of such referral, the committee shall be automatically discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar.

"(b) Procedure in the House of Representatives and the Senate.—

"(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the House of Representatives and in the Senate of joint resolutions on the budget and conference reports thereon shall also apply to the consideration of concurrent resolutions on the budget introduced under subsection (a) and conference reports thereon.

"(2) Debate in the Senate on any concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

"(c) Contents of Concurrent Resolutions.—Any concurrent resolution on the budget introduced under subsection (a) shall be in compliance with section 301.

"(d) Effect of Concurrent Resolution on the Budget.—Notwithstanding any other provision of this title, whenever a concurrent resolution on the budget described in subsection (a) is agreed to, then the aggregates, allocations, and reconciliation directives (if any) contained in the report accompanying such concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives for all purposes of sections 302, 303, and 311 for the applicable fiscal years and such concurrent resolution shall be deemed to be a joint resolution for all purposes of this title and the Rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution.".

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Expedited procedures upon veto of joint resolution on the budget.".

SEC. 105. CONFORMING AMENDMENTS TO EFFECTUATE JOINT RESOLUTIONS ON THE BUDGET.

(a) Conforming Amendments to the Congressional Budget and Impoundment Control Act of 1974.—(1)(A) Sections 301, 302, 303, 305, 308, 310, 311, 312, 314, 405, and 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) are amended by striking "concurrent" each place it appears and by inserting "joint".

(B)(i) Sections 302(d), 302(g), 308(a)(1)(A), and 310(d)(1) of the Congressional Budget Act of 1974 are amended by striking "most recently agreed to concurrent resolution on the budget" each place it occurs and inserting "most recently enacted joint resolution on the budget or agreed to concurrent resolution on the budget (as applicable)".

(ii) The section heading of section 301 is amended by striking "adoption of concurrent resolution" and inserting "joint resolutions";

(iii) Section 304 of such Act is amended to read as follows:

"PERMISSIBLE REVISIONS OF BUDGET RESOLUTIONS

"SEC. 304. At any time after the joint resolution on the budget for a fiscal year has been enacted pursuant to section 301, and before the end of such fiscal year, the two Houses and the President may enact a joint resolution on the budget which revises or reaffirms the joint resolution on the budget for such fiscal year most recently enacted. If a concurrent resolution on the budget has been agreed to pursuant to section 316, then before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.".

(C) Sections 302, 303, 310, and 311, of such Act are amended by striking "agreed to" each place it appears and by inserting "enacted".

(2)(A) Paragraph (4) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "concurrent" each place it appears and by inserting "joint".

(B) The table of contents set forth in section 1(b) of such Act is amended—

(i) in the item relating to section 301, by striking "adoption of concurrent resolution" and inserting "joint resolutions";

(ii) by striking the item relating to section 303 and inserting the following:

"Sec. 303. Consideration of budget-related legislation before budget becomes law.";

(iii) in the item relating to section 304, by striking "concurrent" and inserting "budget" the first place it appears and by striking "on the budget"; and

(iv) by striking "concurrent" and inserting "joint" in the item relating to section 305.

(b) CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE OF REPRESENTATIVES.—(1) Clauses 1(e)(1), 4(a)(4), 4(b)(2), 4(f)(1)(A), and 4(f)(2) of rule X, clause 10 of rule XVIII, and clause 10 of rule XX of the Rules of the House of Representatives are amended by striking "concurrent" each place it appears and inserting "joint".

(2) Clause 10 of rule XVIII of the Rules of the House of Representatives is amended—

(A) in paragraph (b)(2), by striking "(5)" and inserting "(6)"; and

(B) by striking paragraph (c).

(c) CONFORMING AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907d(b)(1)) is amended by striking "concurrent" and inserting "joint".

(d) CONFORMING AMENDMENTS TO SECTION 310 REGARDING RECONCILIATION DIRECTIVES.—(1) The side heading of section 310(a) of the Congressional Budget Act of 1974 (as amended by section 105(a)) is further amended by inserting "JOINT EXPLANATORY STATEMENT ACCOMPANYING CONFERENCE REPORT ON" before "JOINT".

(2) Section 310(a) of such Act is amended by striking "A" and inserting "The joint explanatory statement accompanying the conference report on a".

(3) The first sentence of section 310(b) of such Act is amended by striking "If" and inserting "If the joint explanatory statement accompanying the conference report on".

(4) Section 310(c)(1) of such Act is amended by inserting "the joint explanatory statement accompanying the conference report on" after "pursuant to".

(5) Subsection (g) of section 310 of such Act is repealed.

(e) CONFORMING AMENDMENTS TO SECTION 3 REGARDING DIRECT SPENDING.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

"(11) The term 'direct spending' has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(f) TECHNICAL AMENDMENT REGARDING REVISED SUBALLOCATIONS.—Section 314(d) of the Congressional Budget Act of 1974 is amended by—

(1) striking "REPORTING" in the side heading, by inserting "the chairmen of" before "the Committees", and by striking "may report" and inserting "shall make and have published in the Congressional Record"; and

(2) adding at the end the following new sentence: "For purposes of considering amendments (other than for amounts for emergencies covered by subsection (b)(1)), suballocations shall be deemed to be so adjusted.".

TITLE II—RESERVE FUND FOR EMERGENCIES

SEC. 201. PURPOSE.

The purposes of this title are to—

(1) develop budgetary and fiscal procedures for emergencies;

(2) subject spending for emergencies to budgetary procedures and controls; and

(3) establish criteria for determining compliance with emergency requirements.

SEC. 202. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.

(a) DISCRETIONARY SPENDING LIMITS.—(1) Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(2) Such section 251(b)(2) is further amended by redesignating subparagraphs (B) through (G) as subparagraphs (A) through (F).

(b) DIRECT SPENDING.—Sections 252(e) and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(c) EMERGENCY DESIGNATION.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

(d) AMOUNT OF ADJUSTMENTS.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

SEC. 203. OMB EMERGENCY CRITERIA.

Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 105(e)) is further amended by adding at the end the following new paragraph:

"(12)(A) The term 'emergency' means a situation that—

"(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

"(ii) is unanticipated.

"(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

"(i) sudden, which means quickly coming into being or not building up over time;

"(ii) urgent, which means a pressing and compelling need requiring immediate action;

"(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

"(iv) temporary, which means not of a permanent duration.".

SEC. 204. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

Not later than 5 months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(12) of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 205. RESERVE FUND FOR EMERGENCIES IN PRESIDENT'S BUDGET.

Section 1105 of title 31, United States Code is amended by adding at the end the following new subsections:

"(h) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a reserve fund for emergencies. The amount set forth in such fund shall be calculated as provided under section 317(b) of the Congressional Budget Act of 1974.

"(i) In the case of any budget authority requested for an emergency, such submission shall include a detailed justification of the reasons that such emergency is an emergency within the meaning of section 3(12) of the Congressional Budget Act of 1974, consistent with the guidelines described in section 204 of the Comprehensive Budget Process Reform Act of 2000.".

SEC. 206. ADJUSTMENTS AND RESERVE FUND FOR EMERGENCIES IN JOINT BUDGET RESOLUTIONS.

(a) EMERGENCIES.—Title III of the Congressional Budget Act of 1974 (as amended by section 104(c)) is further amended by adding at the end the following new section:

"EMERGENCIES

"SEC. 317. (a) ADJUSTMENTS.—

"(1) IN GENERAL.—After the reporting of a bill or joint resolution or the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d)—

"(A) the chairman (in consultation with the ranking minority member) of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 3(12); and

"(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

"(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate joint resolution on the budget pursuant to section 302(a) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

"(3) PERMISSIBLE COMMITTEE VOTE ON ADJUSTMENTS.—Any adjustment made by the chairman of the Committee on the Budget of the House of Representatives or the Senate under paragraph (1) may be placed before the committee for its consideration by a majority vote of the members of the committee, a quorum being present.

"(b) Reserve Fund for Emergencies.—

"(1) Amounts.—(A) The amount set forth in the reserve fund for emergencies for budget authority for a fiscal year pursuant to section 301(a)(4) shall equal the average of the enacted levels of budget authority for emergencies in the 5 fiscal years preceding the current year.

"(B) The amount set forth in the reserve fund for emergencies for outlays pursuant to section 301(a)(4) shall be the following:

"(i) For the budget year, the amount provided by subparagraph (C)(i).

"(ii) For the year following the budget year, the sum of the amounts provided by subparagraphs (i) and (ii).

"(iii) For the second year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), and (iii).

"(iv) For the third year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), and (iv).

"(v) For the fourth year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), (iv), and (v).

"(C) The amount used to calculate the levels of the reserve fund for emergencies for outlays shall be the—

"(i) average outlays flowing from new budget authority in the fiscal year that the budget authority was provided;

"(ii) average outlays flowing from new budget authority in the fiscal year following the fiscal year in which the budget authority was provided;

"(iii) average outlays flowing from new budget authority in the second fiscal year following the fiscal year in which the budget authority was provided;

"(iv) average outlays flowing from new budget authority in the third fiscal year following the fiscal year in which the budget authority was provided for budget authority provided; and

"(v) average outlays flowing from new budget authority in the fourth fiscal year following the fiscal year in which the budget authority was provided;

if such budget authority was provided within the period of the 5 fiscal years preceding the current year.

"(2) Average levels.—For purposes of paragraph (1), the amount used for a fiscal year to calculate the average of the enacted levels when one or more of such 5 preceding fiscal years is any of fiscal years 1996 through 2000 shall be for emergencies within the definition of section 3(12)(A) as determined by the Committees on the Budget of the House of Representatives and the Senate after receipt of a report on such matter transmitted to such committees by the Director of the Congressional Budget Office 6 months after the date of enactment of this section and thereafter in February of each calendar year.

"(c) Emergencies in Excess of Amounts in Reserve Fund.—Whenever the Committee on Appropriations or any other committee reports any bill or joint resolution that provides budget authority for any emergency and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would cause—

"(1) in the case of the Committee on Appropriations, the total amount of budget authority or outlays provided for emergencies for the budget year; or

"(2) in the case of any other committee, the total amount of budget authority or outlays provided for emergencies for the budget year or the total of the fiscal years;

in the joint resolution on the budget (pursuant to section 301(a)(4)) to be exceeded:

"(A) Such bill or joint resolution shall be referred to the Committee on the Budget of the House or the Senate, as the case may be, with instructions to report it without amendment, other than that specified in subparagraph (B), within 5 legislative days of the day in which it is reported from the originating committee. If the Committee on the Budget of either House fails to report a bill or joint resolution referred to it under this subparagraph within such 5-day period, the committee shall be automatically discharged from further consideration of such bill or joint resolution and such bill or joint resolution shall be placed on the appropriate calendar.

"(B) An amendment to such a bill or joint resolution referred to in this subsection shall only consist of an exemption from section 251 or 252 (as applicable) of the Balanced Budget and Emergency Deficit Control Act of 1985 of all or any part of the provisions that provide budget authority (and the outlays flowing therefrom) for such emergency if the committee determines, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, that such budget authority is for an emergency within the meaning of section 3(12).

"(C) If such a bill or joint resolution is reported with an amendment specified in subparagraph (B) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that are the subject of such amendment shall not be included in any determinations under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

"(d) Committee Notification of Emergency Legislation.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000.".

(b) Conforming Amendment.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

"Sec. 317. Emergencies.".

SEC. 207. UP-TO-DATE TABULATIONS.

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following new subparagraph:

"(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.".

SEC. 208. PROHIBITION ON AMENDMENTS TO EMERGENCY RESERVE FUND.

(a) Point of Order.—Section 305 of the Congressional Budget Act of 1974 (as amended by section 103(c)) is further amended by adding at the end the following new subsection:

"(f) Point of Order Regarding Emergency Reserve Fund.—It shall not be in order in the House of Representatives or in the Senate to consider an amendment to a joint resolution on the budget which changes the amount of budget authority and outlays set forth in section 301(a)(4) for emergency reserve fund.".

(b) Technical Amendment.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "305(e), 305(f)," after "305(c)(4),".

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "305(e), 305(f)," after "305(c)(4),".

SEC. 209. EFFECTIVE DATE.

The amendments made by this title shall apply to fiscal year 2002 and subsequent fiscal years, but such amendments shall take effect only after the enactment of legislation changing or extending for any fiscal year the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or legislation reducing the amount of any sequestration under section 252 of such Act by the amount of any reserve for any emergencies.

TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

SEC. 301. PURPOSES.

The purposes of this title are to—

(1) close loopholes in the enforcement of budget resolutions;

(2) require committees of the House of Representatives to include budget compliance statements in reports accompanying all legislation;

(3) require committees of the House of Representatives to justify the need for waivers of the Congressional Budget Act of 1974; and

(4) provide cost estimates of conference reports.

Subtitle A—Application of Points of Order to Unreported Legislation

SEC. 311. APPLICATION OF BUDGET ACT POINTS OF ORDER TO UNREPORTED LEGISLATION.

(a) Section 315 of the Congressional Budget Act of 1974 is amended by striking "reported" the first place it appears.

(b) Section 303(b) of the Congressional Budget Act of 1974 (as amended by section 104(b)(1)) is further amended—

(1) in paragraph (1), by striking "(A)" and by redesignating subparagraph (B) as paragraph (2) and by striking the semicolon at the end of such new paragraph (2) and inserting a period; and

(2) by striking paragraph (2) (as redesignated by such section 104(b)(1)).

Subtitle B—Compliance with Budget Resolution

SEC. 321. BUDGET COMPLIANCE STATEMENTS.

Clause 3(d) of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(4) A budget compliance statement prepared by the chairman of the Committee on the Budget, if timely submitted prior to the filing of the report, which shall include assessment by such chairman as to whether the bill or joint resolution complies with the requirements of sections 302, 303, 306, 311, and 401 of the Congressional Budget Act of 1974 or any other requirements set forth in a joint resolution on the budget and may include the budgetary implications of that bill or joint resolution under section 251 or 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as applicable.".

Subtitle C—Justification for Budget Act Waivers

SEC. 331. JUSTIFICATION FOR BUDGET ACT WAIVERS IN THE HOUSE OF REPRESENTATIVES.

Clause 6 of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(h) It shall not be in order to consider any resolution from the Committee on Rules for the consideration of any reported bill or joint resolution which waives section 302, 303, 311, or 401 of the Congressional Budget Act of 1974, unless the report accompanying such resolution includes a description of the provision proposed to be waived, an identification of the section being waived, the reasons why such waiver should be granted, and an estimated cost of the provisions to which the waiver applies.".

Subtitle D—CBO Scoring of Conference Reports

SEC. 341. CBO SCORING OF CONFERENCE REPORTS.

(a) The first sentence of section 402 of the Congressional Budget Act of 1974 is amended as follows:

(1) Insert "or conference report thereon," before "and submit".

(2) In paragraph (1), strike "bill or resolution" and insert "bill, joint resolution, or conference report".

(3) At the end of paragraph (2) strike "and", at the end of paragraph (3) strike the period and insert "; and", and after such paragraph (3) add the following new paragraph:

"(4) A determination of whether such bill, joint resolution, or conference report provides direct spending.".

(b) The second sentence of section 402 of the Congressional Budget Act of 1974 is amended by inserting before the period the following: ", or in the case of a conference report, shall be included in the joint explanatory statement of managers accompanying such conference report if timely submitted before such report is filed".

TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING

SEC. 401. PURPOSES.

The purposes of this title are to—

(1) require committees to develop a schedule for reauthorizing all programs within their jurisdictions;

(2) provide an opportunity to offer amendments to subject new entitlement programs to annual discretionary appropriations;

(3) require the Committee on the Budget to justify any allocation to an authorizing committee for legislation that would not be subject to annual discretionary appropriation;

(4) provide estimates of the long-term impact of spending and tax legislation;

(5) provide a point of order for legislation creating a new direct spending program that does not expire within 10 years; and

(6) require a vote in the House of Representatives on any measure that increases the statutory limit on the public debt.

Subtitle A—Limitations on Direct Spending

SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

"(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

"(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years."; and

(2) by redesignating subsection (c) as subsection (d) and by striking "(a) and (b)" both places it appears in such redesignated subsection (d) and inserting "(a), (b), and (c)".

SEC. 412. AMENDMENTS TO SUBJECT NEW DIRECT SPENDING TO ANNUAL APPROPRIATIONS.

(a) HOUSE PROCEDURES.—Clause 5 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(c)(1) In the Committee of the Whole, an amendment only to subject a new program which provides direct spending to discretionary appropriations, if offered by the chairman of the Committee on the Budget (or his designee) or the chairman of the Committee of Appropriations (or his designee), may be precluded from consideration only by the specific terms of a special order of the House. Any such amendment, if offered, shall be debatable for twenty minutes equally divided and controlled by the proponent of the amendment and a Member opposed and shall not be subject to amendment.

"(2) As used in subparagraph (1), the term 'direct spending' has the meaning given such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974, except that such term does not include direct spending described in section 401(d)(1) of such Act.".

(b) ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY APPROPRIATIONS OFFSET BY DIRECT SPENDING SAVINGS.—

(1) PURPOSE.—The purpose of the amendments made by this subsection is to hold the discretionary spending limits and the allocations made to the Committee on Appropriations under section 302(a) of the Congressional Budget Act of 1974 harmless for legislation that offsets a new discretionary program with a designated reduction in direct spending.

(2) DESIGNATING DIRECT SPENDING SAVINGS IN AUTHORIZATION LEGISLATION FOR NEW DISCRETIONARY PROGRAMS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202) is further amended by adding at the end the following new subsection:

"(e) OFFSETS.—If a provision of direct spending legislation is enacted that—

"(1) decreases direct spending for any fiscal year; and

"(2) is designated as an offset pursuant to this subsection and such designation specifically identifies an authorization of discretionary appropriations (contained in such legislation) for a new program,

then the reductions in new budget authority and outlays in all fiscal years resulting from that provision shall be designated as an offset in the reports required under subsection (d).".

(3) EXEMPTING SUCH DESIGNATED DIRECT SPENDING SAVINGS FROM PAYGO SCORECARD.—Section 252(d)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(b)) is further amended by adding at the end the following new subparagraph:

"(B) offset provisions as designated under subsection (e).".

(4) ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(a)(2)) is further amended by adding at the end the following new subparagraph:

"(G) DISCRETIONARY AUTHORIZATION OFFSETS.—If an Act other than an appropriation Act includes any provision reducing direct spending and specifically identifies any such provision as an offset pursuant to section 252(e), the adjustments shall be an increase in the discretionary spending limits for budget authority and outlays in each fiscal year equal to the amount of the budget authority and outlay reductions, respectively, achieved by the specified offset in that fiscal year, except that the adjustments for the budget year in which the offsetting provision takes effect shall not exceed the amount of discretionary new budget authority provided for the new program (authorized in that Act) in an Act making discretionary appropriations and the outlays flowing therefrom.".

(5) ADJUSTMENT IN APPROPRIATION COMMITTEE'S ALLOCATIONS.—Section 314(b) of the Congressional Budget Act of 1974 (as amended by section 202(d)) is further amended by striking "; or" at the end of paragraph (4), by striking the period and inserting "; or" at the end of paragraph (5), and by adding at the end the following new paragraph:

"(6) the amount provided in an Act making discretionary appropriations for the program for which an offset was designated pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and any outlays flowing therefrom, but not to exceed the amount of the designated decrease in direct spending for that year for that program in a prior law.".

(6) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS.—Section 314 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(f) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS BY AMOUNT OF DIRECT SPENDING OFFSET.—After the reporting of a bill or joint resolution (by a committee other than the Committee on Appropriations), or the offering of an amendment thereto or the submission of a conference report thereon, that contains a provision that decreases direct spending for any fiscal year and that is designated as an offset pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget shall reduce the allocations of new budget authority and outlays made to such committee under section 302(a)(1) by the amount so designated.".

Subtitle B—Enhanced Congressional Oversight Responsibilities

SEC. 421. TEN-YEAR CONGRESSIONAL REVIEW REQUIREMENT OF PERMANENT BUDGET AUTHORITY.

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivision:

"(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years.".

(b) REVIEW OF PERMANENT BUDGET AUTHORITY BY THE COMMITTEE ON APPROPRIATIONS.—Clause 4(a) of rule X of the Rules of the House of Representatives is amended—

(1) by striking subparagraph (2); and

(2) by redesignating subparagraphs (3) and (4) as subparagraphs (2) and (3) and by striking "from time to time" and inserting "at least once each Congress" in subparagraph (2) (as redesignated).

(c) CONFORMING AMENDMENT.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by striking "from time to time" and inserting "at least once every ten years".

SEC. 422. JUSTIFICATIONS OF DIRECT SPENDING.

(a) SECTION 302 ALLOCATIONS.—Section 302(a) of the Congressional Budget Act of 1974 (as amended by section 104(a)) is further amended by adding at the end the following new paragraph:

"(5) JUSTIFICATION OF CERTAIN SPENDING ALLOCATIONS.—The joint explanatory statement accompanying a conference report on a joint resolution on the budget that includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels shall set forth a justification (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit) for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriation.".

(b) PRESIDENTS' BUDGET SUBMISSIONS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(33) a justification for not subjecting each proposed new direct spending program, project, or activity to discretionary appropriations (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit).".

(c) COMMITTEE JUSTIFICATION FOR DIRECT SPENDING.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by inserting before the period the following: ", and will provide specific information in any report accompanying such bills and joint resolutions to the greatest extent practicable to justify the reasons that the programs, projects, and activities involved would not be subject to annual appropriation (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit)".

SEC. 423. SURVEY OF ACTIVITY REPORTS OF HOUSE COMMITTEES.

Clause 1(d) of rule XI of the Rules of the House of Representatives is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) Such report shall include a summary of and justifications for all bills and joint resolutions reported by such committee that—

"(A) were considered before the adoption of the appropriate budget resolution and did not fall within an exception set forth in section 303(b) of the Congressional Budget Act of 1974;

"(B) exceeded its allocation under section 302(a) of such Act or breached an aggregate level in violation of section 311 of such Act; or

"(C) contained provisions in violation of section 401 of such Act.

Such report shall also specify the total amount by which legislation reported by that committee exceeded its allocation under section 302(a) or breached the revenue floor under section 311(a) of such Act for each fiscal year during that Congress.".

SEC. 424. CONTINUING STUDY OF ADDITIONAL BUDGET PROCESS REFORMS.

Section 703 of the Congressional Budget Act of 1974 is amended as follows:

(1) In subsection (a), strike "and" at the end of paragraph (3), strike the period at the end of paragraph (4) and insert "; and", and at the end add the following new paragraph:

"(5) evaluating whether existing programs, projects, and activities should be subject to discretionary appropriations and establishing guidelines for subjecting new or expanded programs, projects, and activities to annual appropriation and recommend any necessary changes in statutory enforcement mechanisms and scoring conventions to effectuate such changes. These guidelines are only for advisory purposes.".

(2) In subsection (b), strike "from time to time" and insert "during the One Hundred Seventh Congress".

SEC. 425. GAO REPORTS.

The last sentence of section 404 of the Congressional Budget Act of 1974 is amended to read as follows: "Such report shall be revised at least once every five years and shall be transmitted to the chairman and ranking minority member of each committee of the House of Representatives and the Senate.".

Subtitle C—Strengthened Accountability

SEC. 431. TEN-YEAR CBO ESTIMATES.

(a) CBO REPORTS ON LEGISLATION.—Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by striking "four" and inserting "nine".

(b) ANALYSIS BY CBO.—Section 402(1) of the Congressional Budget Act of 1974 is amended by striking "4" and inserting "nine".

(c) COST ESTIMATES.—Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking "five" each place it appears and inserting "10".

SEC. 432. REPEAL OF RULE XXIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Rule XXIII of the Rules of the House of Representatives (relating to the establishment of the statutory limit on the public debt) is repealed.

TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS

SEC. 501. PURPOSES.

The purposes of this title are to—

(1) budget for the long-term costs of Federal insurance programs;

(2) improve congressional control of those costs; and

(3) periodically report on long-term budgetary trends.

Subtitle A—Budgetary Treatment of Federal Insurance Programs

SEC. 511. FEDERAL INSURANCE PROGRAMS.

(a) IN GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"SEC. 601. SHORT TITLE.

"This title may be cited as the 'Federal Insurance Budgeting Act of 2000'.

"SEC. 602. BUDGETARY TREATMENT.

"(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 2007, the budget of the Government pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

"(b) BUDGET ACCOUNTING.—For any Federal insurance program—

"(1) the program account shall—

"(A) pay the risk-assumed cost borne by the taxpayer to the financing account, and

"(B) pay actual insurance program administrative costs;

"(2) the financing account shall—

"(A) receive premiums and other income,

"(B) pay all claims for insurance and receive all recoveries,

"(C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs;

"(3) a negative risk-assumed cost shall be transferred from the financing account to the program account, and shall be transferred from the program account to the general fund; and

"(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

"(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2007 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

"(2) An outstanding insurance commitment shall not be modified in a manner that increases its risk-assumed cost unless budget authority for the additional cost has been provided in advance.

"(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

"(d) REESTIMATES.—The risk-assumed cost for a fiscal year shall be reestimated in each subsequent year. Such reestimate can equal zero. In the case of a positive reestimate, the amount of the reestimate shall be paid from the program account to the financing account. In the case of a negative reestimate, the amount of the reestimate shall be paid from the financing account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

"(e) ADMINISTRATIVE EXPENSES.—All funding for an agency's administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

"SEC. 603. TIMETABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.

"(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost by year through the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the annual projected risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2003. Agencies will likewise provide OMB with annual estimates of modifications, if any, and reestimates of program costs. Nothing in this subsection shall be construed to require an agency, which is subject to statutory requirements, to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums, to provide models, critical assumptions, or other data that would, as determined by such agency, affect financial markets or the viability of insured entities.

"(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2003, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such persons an opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

"(c) REVISION.—(1) After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall revise the models, data, and major assumptions they would use to estimate the risk-assumed cost of Federal insurance programs. Except as provided by the next sentence, this paragraph shall not apply to an agency that is subject to statutory requirements to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums. However, such agency shall consult with the aforementioned entities.

"(2) When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2004, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities used to estimate the risk-assumed cost of Federal insurance programs.

"(d) DISPLAY.—

"(1) IN GENERAL.—For fiscal years 2004, 2005, and 2006 the budget submissions of the President pursuant to section 1105(a) of title 31, United States Code, and CBO's reports on the economic and budget outlook pursuant to section 202(e)(1) and the President's budgets, shall for display purposes only, estimate the risk-assumed cost of existing or proposed Federal insurance programs.

"(2) OMB.—The display in the budget submissions of the President for fiscal years 2004, 2005, and 2006 shall include—

"(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost;

"(B) a summary table of the risk-assumed costs of Federal insurance programs; and

"(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

"(3) CBO.—In the 108th Congress and the first session of the 109th Congress, CBO shall include in its estimates under section 308, for display purposes only, the risk-assumed cost of existing Federal insurance programs, or legislation that CBO, in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

"(e) OMB, CBO, AND GAO EVALUATIONS.—(1) Not later than 6 months after the budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2006, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate a report that evaluates the advisability and appropriate implementation of this title.

"(2) Each report made pursuant to paragraph (1) shall address the following:

"(A) The adequacy of risk-assumed estimation models used and alternative modeling methods.

"(B) The availability and reliability of data or information necessary to carry out this title.

"(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models.

"(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models.

"(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title.

"(F) The relationship between risk-assumed accrual budgeting for Federal insurance programs and the specific requirements of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(G) Whether Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

"(H) The advisability of including each of the programs currently estimated on a risk-assumed cost basis in the Federal budget on that basis.

"SEC. 604. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Federal insurance program' means a program that makes insurance commitments and includes the list of such programs included in the joint explanatory statement of managers accompanying the conference report on the Comprehensive Budget Process Reform Act of 2000.

"(2) The term 'insurance commitment' means an agreement in advance by a Federal agency to indemnify a nonfederal entity against specified losses. This term does not include loan guarantees as defined in title V or benefit programs such as social security, medicare, and similar existing social insurance programs.

"(3)(A) The term 'risk-assumed cost' means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

"(B) The cash flows associated with an insurance commitment include—

"(i) expected claims payments inherent in the Government's commitment;

"(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses);

"(iii) expected recoveries; and

"(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

"(C) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

"(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government pursuant to section 1105(a) of title 31, United States Code.

"(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

"(4) The term 'program account' means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance program, and is the account from which the risk-assumed cost is disbursed to the financing account.

"(5) The term 'financing account' means the nonbudget account that is associated with each program account which receives payments from or makes payments to the program account, receives premiums and other payments from the public, pays insurance claims, and holds balances.

"(6) The term 'modification' means any Government action that alters the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

"(7) The term 'model' means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected frequency and magnitude of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

"(8) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(9) The term 'OMB' means the Director of the Office of Management and Budget.

"(10) The term 'CBO' means the Director of the Congressional Budget Office.

"(11) The term 'GAO' means the Comptroller General of the United States.

"SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $600,000 for each of fiscal years 2001 through 2006 to the Director of the Office of Management and Budget and each agency responsible for administering a Federal program to carry out this title.

"(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

"(c) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2006, for each Federal insurance program.

"(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2006.

"(3) These financing accounts shall be used in implementing the budget accounting required by this title.

"SEC. 606. EFFECTIVE DATE.

"(a) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2008.

"(b) SPECIAL RULE.—If this title is not reauthorized by September 30, 2008, then the accounting structure and budgetary treatment of Federal insurance programs shall revert to the accounting structure and budgetary treatment in effect immediately before the date of enactment of this title.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"Sec. 601. Short title.
"Sec. 602. Budgetary treatment.
"Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
"Sec. 604. Definitions.
"Sec. 605. Authorizations to enter into contracts; actuarial cost account.
"Sec. 606. Effective date.".

Subtitle B—Reports on Long-Term Budgetary Trends

SEC. 521. REPORTS ON LONG-TERM BUDGETARY TRENDS.

(a) THE PRESIDENT'S BUDGET.—Section 1105(a) of title 31, United States Code (as amended by section 404), is further amended by adding at the end the following new paragraph:

"(34) an analysis based upon current law and an analysis based upon the policy assumptions underlying the budget submission for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays; and a specification of its underlying assumptions and a sensitivity analysis of factors that have a significant effect on the projections made in each analysis; and a comparison of the effects of each of the two analyses on the economy, including such factors as inflation, foreign investment, interest rates, and economic growth.".

(b) CBO REPORTS.—Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentences: "Such report shall also include an analysis based upon current law for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays. The report described in the preceding sentence shall also specify its underlying assumptions and set forth a sensitivity analysis of factors that have a significant effect on the projections made in the report.".

TITLE VI—BASELINES AND BYRD RULE

SEC. 601. PURPOSE.

The purposes of this title are to—

(1) require budgetary comparisons to prior year levels; and

(2) restrict the application of the Byrd rule to measures other than conference reports.

Subtitle A—The Baseline

SEC. 611. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change from the current year to the fiscal year for which the budget is submitted for estimated expenditures and for appropriations.".

(b) Section 1105(a)(6) of title 31, United States Code, is amended to read as follows:

"(6) estimated receipts of the Government in the current year and the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

"(A) laws in effect when the budget is submitted; and

"(B) proposals in the budget to increase revenues,

and the percentage change (in the case of each category referred to in subparagraphs (A) and (B)) between the current year and the fiscal year for which the budget is submitted and between the current year and each of the 9 fiscal years after the fiscal year for which the budget is submitted.".

(c) Section 1105(a)(12) of title 31, United States Code, is amended to read as follows:

"(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

"(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted;

"(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect; and

"(C) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each category referred to in subparagraphs (A), (B), and (C)) between the current year and the fiscal year for which the budget is submitted.".

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting "new budget authority and" before "budget outlays".

(e) Section 1105(a) of title 31, United States Code, (as amended by sections 412(b) and 521(a)) is further amended by adding at the end the following new paragraphs:

"(35) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

"(36) a table on sources of growth in total direct spending under current law and as proposed in this budget submission for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.

"(37) a comparison of the estimated level of obligation limitations, budget authority, and outlays for highways subject to the discretionary spending limits for highways (if any) set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 for the fiscal year for which the budget is submitted and the corresponding levels for such year under current law as adjusted pursuant to section 251(b)(1)(D) of such Act.".

(f) Section 1109(a) of title 31, United States Code, is amended by inserting after the first sentence the following new sentence: "For discretionary spending, these estimates shall assume the levels set forth in the discretionary spending limits under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted, for the appropriate fiscal years (and if no such limits are in effect, these estimates shall assume the adjusted levels for the most recent fiscal year for which such levels were in effect).".

SEC. 612. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 (as amended by section 103) is further amended—

(1) in paragraph (1), by inserting at the end the following: "The basis of deliberations in developing such joint resolution shall be the estimated budgetary levels for the preceding fiscal year. Any budgetary levels pending before the committee and the text of the joint resolution shall be accompanied by a document comparing such levels or such text to the estimated levels of the prior fiscal year. Any amendment offered in the committee that changes a budgetary level and is based upon a specific policy assumption for a program, project, or activity shall be accompanied by a document indicating the estimated amount for such program, project, or activity in the current year."; and

(2) in paragraph (2), by striking "and" at the end of subparagraph (H) (as redesignated), by striking the period and inserting a semicolon at the end of subparagraph (I) (as redesignated), and by adding at the end the following new subparagraphs:

"(J) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function; and

"(K) a comparison of the proposed levels of new budget authority and outlays for the highway category (if any) (as defined in section 250(c)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985) for the budget year with the corresponding levels under current law as adjusted consistent with the anticipated revenue alignment adjustments to be made pursuant to section 251(b)(1)(D) of such Act.".

SEC. 613. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting "compared to comparable levels for the current year" before the comma at the end of subparagraph (A) and before the comma at the end of subparagraph (B).

(b) Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "Such report shall also include a table on sources of spending growth in total direct spending for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.".

(c) Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by inserting "and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted".

SEC. 614. OUTYEAR ASSUMPTIONS FOR DISCRETIONARY SPENDING.

For purposes of chapter 11 of title 31 of the United States Code, or the Congressional Budget Act of 1974, unless otherwise expressly provided, in making budgetary projections for years for which there are no discretionary spending limits, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall assume discretionary spending levels at the levels for the last fiscal year for which such levels were in effect.

Subtitle B—The Byrd Rule

SEC. 621. LIMITATION ON BYRD RULE.

(a) PROTECTION OF CONFERENCE REPORTS.—Section 313 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (c), by striking "and again upon the submission of a conference report on such a reconciliation bill or resolution.";

(2) by striking subsection (d);

(3) by redesignating subsection (e) as subsection (d); and

(4) in subsection (e), as redesignated—

(A) by striking ", motion, or conference report" the first place it appears and inserting ", or motion"; and

(B) by striking ", motion, or conference report" the second and third places it appears and inserting "or motion".

(b) CONFORMING AMENDMENT.—The first sentence of section 312(e) of the Congressional Budget Act of 1974 is amended by inserting ", except for section 313," after "Act".

H.R. 853

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 2: Subtitle B of title IV is amended by adding at the end the following new section:

SEC. 426. COMMITTEE ON APPROPRIATIONS REPORTS.

Clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives is amended to read as follows:

"(B) a list of all appropriations contained in the bill for expenditures not currently authorized by law along with the last year for which the expenditures were authorized, the level of expenditures authorized that year, the actual level of expenditures that year, and the level of expenditures contained in the bill (except classified intelligence or national security programs, projects, or activities).".

H.R. 3709

OFFERED BY: MR. CHABOT

AMENDMENT NO. 1: Strike section 2 and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 2. COMPREHENSIVE AND PERMANENT MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

(a) COMPREHENSIVE AND PERMANENT MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—

(1) in subsection (a)—

(A) by striking "during the period beginning on October 1, 1998, and ending 3 years after the date of the enactment of this Act" and inserting "on or after October 1, 1998", and

(B) in paragraph (1) by striking ", unless" and all that follows through "1998",

(2) by striking subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking "unless" and all that follows through "1998".

H.R. 3709

OFFERED BY: MR. DELAHUNT

AMENDMENT NO. 2: Strike sections 2 and 3, and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 2. 2-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

Section 1101(a) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking "3 years after the date of the enactment of this Act" and inserting "October 21, 2003".

H.R. 3709

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 3: Page 2, line 15, strike "**5-YEAR**" and insert "**2-YEAR**".

Page 2, line 23, strike "2006" and insert "2003".

H.R. 3709

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 4:

SEC. 4. STREAMLINED NON-MULTIPLE AND NON-DISCRIMINATORY TAX SYSTEMS.

(a) DEVELOPMENT OF A STREAMLINED NON-MULTIPLE AND NON-DISCRIMINATORY TAX SYSTEM.—It is the sense of the Congress that states and localities should work together to develop a non-multiple and non-discriminatory tax system on electronic commerce that addresses the following:

(1) a centralized, one-stop, multi-state registration system for sellers;

(2) uniform definitions for goods or services that might be included in the tax base;

(3) uniform and simple rules for attributing transactions to particular taxing jurisdictions;

(4) uniform rules for the designation and identification of purchasers exempt from the Non-Multiple and Non-Discriminatory tax system, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability;

(5) uniform procedures for the certification of software that sellers rely on to determine Non-Multiple and Non-Discriminatory taxes and taxability;

(6) uniform bad debt rules;

(7) uniform tax returns and remittance forms;

(8) consistent electronic filing and remittance methods;

(9) state administration of all Non-Multiple and Non-Discriminatory taxes;

(10) uniform audit procedures;

(11) reasonable compensation for tax collection that reflects the complexity of an individual state's tax structure, including the structure of its local taxes;

(12) exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold;

(13) appropriate protections for consumer privacy; and

(14) such other features that the member states deem warranted to remote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) NO UNDUE BURDEN.—Congress finds that if states adopt the streamlined system described in subsection (a), such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way.

H.R. 3709

OFFERED BY: MR. THUNE

AMENDMENT NO. 5: Strike sections 2 and 3, and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 2. 5-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

Section 1101(a) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking "3 years after the date of the enactment of this Act" and inserting "October 21, 2006".

EXTENSIONS OF REMARKS

PARK POLICE ENHANCEMENT ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. HANSEN. Mr. Speaker, it is with pleasure that I am today introducing the Park Police Enhancement Act. This legislation is long overdue and would help the United States Park Police solve two particular, albeit small, problems that have been plaguing this police force for a number of years, namely, medical payments and mutual aid agreements dealing with indemnification.

The first section of this bill clarifies that medical payments to qualifying Park Police personnel will be made by the Park Service. This will significantly speed up the process for reimbursements to the Park Police personnel. Currently, payments are routed through the District of Columbia, who eventually distributes the reimbursements. This process is overly burdensome and frequently takes months to complete.

Section 2 of the bill would provide express authority for the National Park Service to enter into mutual aid agreements with adjacent law enforcement agencies, for example those in Maryland or Virginia. Both of these states require that each party to the agreements be indemnified and hold the assisting agency harmless from claims by third parties dealing with property damage or personal injury.

Both of these sections will help the Park Police function better and is necessary to address identified problems that have hindered the effectiveness of the US Park Police. The Park Police deserve nothing less.

KRISTINA SEMOS NAMED NATIONAL MERIT SCHOLAR

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. FROST. Mr. Speaker, today I commend an outstanding student, Kristina Semos, for her commitment to excellence in academics and as a citizen. Next week Kristina will graduate from the Talented and Gifted Magnet High School at Townview Center in Dallas, TX, where she is valedictorian of her class. Her strong academic performance has led her to be named a National Merit Scholar, an honor for which she will receive $1,000 annually. That should come in handy while she's attending Brown University this fall.

Kristina has also served her community in a number of ways, including fundraising for the AIDS Lifewalk, helping build houses with Habitat for Humanity and participating in various activities at the Holy Trinity Greek Orthodox Church. She is a gifted math and computer science student, earning first place honors on multiple occasions from the Dallas Public Schools Mathematics Olympiad and honors from the Dallas Public Schools Computer Olympiad as well.

Additionally, Kristina is a talented musician, singing in her church choir, earning various awards in State musical competitions, playing in the all city band and participating in her school's German Folk Dancing Group. With all these achievements, Kristina is truly a well-rounded individual.

Mr. Speaker, it is my privilege to congratulate Kristina Semos for her truly remarkable scholastic, service, and leadership abilities. With confidence, I look forward to her future contributions to our great Nation.

TRIBUTE TO THOMAS A. JACOBSEN

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. KUYKENDALL. Mr. Speaker, today I recognize Tom Jacobsen, an individual of great importance to the Los Angeles trade community. Tom, president of Jacobsen Pilot Service, Inc., will today be inducted into the World Trade Center Association Los Angeles-Long Beach (WTCA LA–LB) Hall of Fame.

Tom is being honored for his important contributions to international commerce. His professional achievements are numerous in the advancement of trade and economic success of the Los Angeles region. I congratulate him on receiving this prestigious honor.

The WTCA LA-LB is a prominent membership-based trade organization and a leader within the global World Trade Centers Association network of 320 offices in 97 countries. It is a leading provider of trade connections, resources, and trade assistance, helping companies expand their international contacts within the trade community.

Tom began working for the family business as a young man. Upon graduation from the California Maritime Academy in 1988, he spent several years gaining valuable experience at sea aboard oil tankers and general cargo ships. In 1992 he started the pilot training program and upon completion of over 1,500 piloted ship moves between 1992 and 1995, Tom stepped into management at Jacobsen Pilot Service, Inc. He soon became president of the business in 1998.

Jacobsen Pilot Service, Inc. has been a pioneer in piloting. They officially started piloting in 1925 in Long Beach, and they continue to be a leader in the industry.

I commend Tom Jacobsen for his commitment to trade and the economic vitality of the Los Angeles region. I wish him and Jacobsen Pilot Service, Inc. continued success.

LOCAL TEACHER DAVID RAU PRESENTED WITH SAM'S CLUB "TEACHER OF THE YEAR" AWARD

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. COMBEST. Mr. Speaker, today I commend Mr. David Rau for his tremendous contributions to educate children and improve our community. On May 9, 2000, SAM's National Wholesale Food Club awarded him with the honor of being their "Teacher of the Year."

"Teacher of the Year" is the highest honor that SAM's can present to an American educator. Nearly 3,000 teachers are honored nationwide every year. Each teacher receives an educational grant in the amount of $500, for which he or she can designate how the funds will be spent. Since 1996, more than $5.1 million in education grants have been given by SAM's to schools across the country. Each Wal-Mart store, SAM's Wholesale Club, Distribution Center and Transportation Office is allowed one winner. The Amarillo SAM's Club selected Mr. Rau from the Amarillo school district applicants, and the national headquarters named their finalists from these selected teachers.

As a middle school teacher at St. Andrews Episcopal School in Amarillo, Texas, Mr. Rau's motivation has inspired and encouraged students to pursue their dreams over the years. He is the kind of teacher who makes learning fun and exciting. He sets his students on a path for their future and steers them in a positive direction. I commend Mr. Rau for his dedication to providing the best possible education each child can get and congratulate him on being the "Teacher of the Year."

INTRODUCTION OF THE ADMINISTRATION'S WATER RESOURCES DEVELOPMENT ACT OF 2000

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. SHUSTER. Mr. Speaker, today I'm pleased to introduce by request the Administration's Water Resources Development Act of 2000 (or WRDA 2000). The proposal constitutes the Department of the Army's Civil Works legislative program for the Second Session of the 106th Congress.

The Transportation and Infrastructure Committee works very closely with the Administration, particularly the Army Corps of Engineers and the office of the Assistant Secretary of the Army (Civil Works), to ensure that the nation's largest water resources program is effective

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and responsive to current and future needs. The Committee welcomes the transmittal of this proposal to Congress as a sign of good faith and genuine interest in facilitating the enactment of a WRDA 2000 before the year's end.

The Committee has held three hearings this year on proposals and priorities for a WRDA 2000. This is in addition to the six hearings on Corps of Engineers and WRDA projects and programs held last year before and after enactment into law of the Water Resources Development Act of 1999 (P.L. 106–53). We will look very closely at the Administration's WRDA 2000 bill, requests from our Congressional colleagues, and recommendations from public witnesses and other interested parties. We intend to introduce and move through the Committee a bipartisan, widely supported bill.

The Administration's bill, which we introduced by request today, has numerous provisions that should be supported. At the same time, I must emphasize that some of the bill's programmatic and project-related proposals raise serious questions and, in some circles, strong opposition. I, myself, am particularly concerned that the importance of the Corps' traditional water resources missions is not adequately reflected in the proposal and that some of the environmental projects and provisions need further review.

I look forward to working closely with my colleagues and the Administration to ensure that a WRDA 2000 can move swiftly through the Congress and become law before the year's end. Based on our country's water infrastructure and environmental restoration needs and the growing competition, as well as opportunities, in the global marketplace, this is "must pass" legislation that must not be delayed.

IN HONOR OF JOHN J. McCARTHY, C.P.P. ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mrs. MALONEY of New York. Mr. Speaker, today I pay special tribute to John J. McCarthy, C.P.P. on the occasion of his 90th birthday. Mr. McCarthy is an outstanding citizen of New York who has raised the city's quality of life and made great contributions to the criminal justice system.

Mr. McCarthy has devoted much of his life to public safety and justice through the field of correctional services. As the Inspector General of the State of New York Department of Correctional Services, Mr. McCarthy was responsible for the prevention of corruption, escapes and smuggling, among other duties within the department.

Before he was named Inspector General, Mr. McCarthy was the Director of the Bureau of Special Services of the State of New York Division of Parole. He has lectured at various police parole, correctional and training facilities throughout New York State.

As an active member of the community, Mr. McCarthy has contributed greatly to the quality of life and safety of neighborhoods like Gramercy Park, Peter Cooper Village, Stuyvesant Town, and the 23rd Street vicinity in Manhattan. In fact, the First Deputy Commissioner of the New York City Police Department has said that the unprecedented reduction in crime in this area could not have been achieved without Mr. McCarthy's long-term involvement and support.

Mr. McCarthy spent four years overseas during his military service. He served in the United States Army and the United States Air Force during World War II as an Intelligence Non-Commissioned Officer, a First Sergeant, Intelligence Officer, Provost Marshall and a Company Commander. He also served as the Chief of Police and Security of the War Department in the occupied enemy territory of East Africa. When he left the armed forces, Mr. McCarthy was a First Lieutenant.

Mr. McCarthy is a graduate of New York University (1955), and he holds M.A. and M.F.A. degrees from New York University (1956, 1959). Mr. McCarthy also graduated from the Federal Bureau of Investigation's National Academy.

Mr. Speaker, I salute the life and work of Mr. John J. McCarthy and I ask my fellow Members of Congress to join me in recognizing Mr. McCarthy's contributions to the New York community and to our country.

KILDEE HONORS MS. MANDY ARGUE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. KILDEE. Mr. Speaker, it is a great honor for me to pay tribute to Ms. Mandy Argue, of Lapeer, Michigan, who has received the American Ambulance Association's "Star of Life" award for her outstanding service as a Paramedic.

Extraordinary Emergency Medical Service professionals not only administer medical care quickly and effectively, but they bring compassion and understanding to their jobs. Ms. Argue exemplifies these characteristics.

Recently, when responding to a diabetic emergency, Ms. Argue found her patient alert and oriented. The patient refused transport to the hospital but no one felt comfortable leaving this patient alone. The patient did not have money for a taxi ride or a decent meal. While others talked with the patient, Ms. Argue quickly went out and purchased a dinner for the patient.

Another situation demonstrating Ms. Argue's caring service occurred when she responded to a Do Not Resuscitate cancer patient. Ms. Argue arrived to find the patient in end stage cancer and a family that was in crisis. The family wanted to keep the patient at home, but they were concerned that the patient was in serious pain. Ms. Argue immediately called a home health care service and arranged for a doctor to come over that same day. She then spent time talking with the patient, after which the patient agreed to take medication with the help of a family member. Later in the day, Ms. Argue followed up with the family and found that the patient was resting comfortably and appeared to be pain free.

Ms. Argue shares my dedication to preserving, promoting, and enhancing human dignity. She goes the extra mile to ensure that her patients are given the best care possible.

Since this is Emergency Medical Services week, it is an appropriate time to think about the valuable role of EMS workers in our communities. I am grateful to have the opportunity to recognize the service that Ms. Argue delivers to my district, and I am proud to represent her in Congress.

PERSONAL EXPLANATION

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. KUYKENDALL. Mr. Speaker, I was unavoidably detained in my district on official business and missed rollcall vote Nos. 146, 147, 148, 149, 150, 151, 152, and 153. Had I been here, I would have voted "yea" on all of them.

WEST TEXAS A & M MEN'S BOWLING TEAM STRIKES GOLD AT THE NATIONAL CHAMPIONSHIP

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. COMBEST. Mr. Speaker, today I join West Texas A & M University and the West Texas community on congratulating the West Texas A & M men's bowling team for striking gold in the 2000 Intercollegiate Bowling Championship. Their triumph on April 29 marks the first time that the Buffs have brought home the national title, an accomplishment that is truly deserving of recognition and praise.

The West Texas men's bowling program has been built upon a firm foundation of hard work and sportsmanship. The program, which has produced four former Professional Bowlers Association Tour players, has been an esteemed runner-up in six previous national tournaments. This hard-fought victory catapults the bowling program onto a new level of national recognition. The six men who claimed the national crown displayed what can be accomplished when West Texas determination and teamwork get rolling.

It is with pride that I recognize the members of the West Texas A & M men's bowling team and their coaches for this accomplishment, as well as the faculty and fans that led them down victory lane. Thanks to their tremendous efforts, Canyon, Texas is now home to the 2000 Men's Intercollegiate Bowling Champions. I wholeheartedly extend my congratulations to the West Texas A & M Buffs for bringing home a national bowling title.

HONORING ASHLEY ROBINSON AND B.J. JOHNSON

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. FROST. Mr. Speaker, I rise today to honor Ashley Robinson and B.J. Johnson, two rising athletic stars and seniors at South Grand Prairie High School in Grand Prairie, TX. Ashley and B.J. have made their parents and their school proud by each being named 1st team Parade All-Americans in basketball and football respectively. It is rare enough for a high school to be fortunate enough to have one All-American athlete, for South Grand Prairie to have two Parade All-Americans is an astounding tribute to the school.

Ashley has chosen the University of Tennessee to carry on her education and basketball career. There, she will hopefully be able to continue her domination on the hardwood floor by competing for a team that has won four National Championships in the last 9 years. Equally as important, Ashley is a member of the National Honor Society, and a college education will give her the skills and opportunity to achieve anything she can imagine in her life.

B.J. is considered one of the top three high school wide receivers in the entire country by a variety of sports publications. He has chosen to attend the University of Texas to continue his education and football career. In Austin, B.J. will have the opportunity to baffle opposing Big-12 defenses and graduate from one of the country's elite public universities that produces some of Texas' most innovative and successful people.

In addition to their hard work in the classroom and their heroics on the field, both Ashley and B.J. are model citizens who give back to their schools and communities in the form of volunteerism. As members of the Student Empowerment Team, Ashley and B.J. serve as mentors for area youth in Grand Prairie.

Once again, congratulations B.J. and Ashley on accomplishing so many things to make your parents, school, and community proud.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. ANN'S CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor St. Ann's Church and parish on its 100th Anniversary.

St. Ann's Church was canonically erected in Hoboken, New Jersey in May, 1900. The church was originally established to care for the spiritual needs of a small group of Italian-Americans, but it quickly established a multicultural parish of noteworthy stature.

During the first half of this Century, St. Ann's church witnessed many changes as it embraced the Hoboken community in an effort to establish a parish with an enduring future dedicated to the love of God and community. The immediate growth of the parish created a need to build a larger church to accommodate the congregation; the support, generosity, and cooperation of the entire community made this a reality. Later, the additions of a parochial elementary school and a convent completed St. Ann's facilities, and established a sanctuary for fostering Christian ideals and values.

The 100-year success of Saint Ann's Church would not have been possible without the great dedication, leadership, and love of numerous pastors. I am proud to honor the many who made this anniversary possible: Reverend John J. O'Connor; Father Felix Di Persia; Father John Rongetti; Father Alphonso d'Angelo; Father Leopold Hofschneider; Father Michael Di Sapio; Father Michael Gori; Father Bernadino Chistoni; Father Mauro Landini; Father Seraphin Tirone; Father Gabriel Italia; Father Lawrence Lisotta; Father Achilles Cassiere; Father Richard Baranello; Father Emilio Banchi; Father Casimir Filipkowski; and Father Francis Sariego.

I ask my colleagues to join me in honoring St. Ann's church and its 100 years dedicated to the love of God and community. Congratulations.

HONORING MICHIGAN STATE UNIVERSITY'S FLINTSTONES

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Ms. STABENOW. Mr. Speaker, as a Michigan State University graduate, it brings me great pleasure to honor three outstanding members of the Spartan's National Championship Basketball Team. These young men, each hailing from Flint, have reminded us all, through their own dedication, commitment, discipline, and hard work, of what it truly means to be a champion.

Mateen Cleaves was the motivational leader of this talented basketball team and kept them focused all the way to the NCAA National Championship Title. After returning for his senior year, Mateen was sidelined for half the regular season with a foot injury. He came back to lead the Spartans to a Big Ten Championship, #1 seed in the NCAA Tournament, and a National Title. Described by Coach Tom Izzo as the "hardest worker" he has ever coached, Mateen re-injured his foot in the final game of the tournament only to come back into the game and finish as the MVP of the Final Four.

Morris Peterson emerged as one of the conference's top players last year and finished his final season as the Big Ten Player of the Year. Not only did he receive this award but was also voted to his second All-American and Big Ten First Team. Throughout the year, the Spartans turned to "Mo P" to provide leadership and results. He did both. He led the team in scoring and was the consistent "go to guy" when the game was on the line.

Charlie Bell just finished his third year with the Spartan Basketball program. He had to make a very awkward adjustment this year, due to the absence of Mateen. Charlie, a shooting guard by nature, was forced to play point guard for the first half of the season. He not only handled the change well, he led the team to an impressive record while running the Spartan offense. Charlie was elected to the third team All Big Ten and the All Final Four Team. Thankfully, Charlie will be with the Spartans next year as we try to repeat as NCAA National Champions.

Beyond the success of each of you on the court, you three have fully represented the values of "unity", "teamwork", "leadership", and "excellence"—both on and off the court. You have been role models whose contributions have enriched your native Flint, MSU and the State of Michigan, as well as the entire nation.

I wish each of you a future filled with continued success, happiness, and prosperity and I want to thank you for all the excitement and joy that you brought into the lives of Spartans around the globe.

IN SPECIAL RECOGNITION OF TIMOTHY S. BRODMAN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Timothy S. Brodman of Republic, Ohio, has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Mr. Speaker, Tim has accepted his offer of appointment and will be attending the United States Air Force Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Tim brings a great deal of leadership and dedication to the incoming class of Air Force cadets. While attending Tiffin Calvert High School, Tim has attained a grade point average of 3.6, which currently places him twenty-second in his class of seventy-five students. Tim is a member of the National Honor Society, the Honor Roll, and has received Academic Letters in each year of high school.

Outside the classroom, Tim has excelled as a fine student-athlete. On the fields of competition, Tim has earned letters in varsity football, basketball, and baseball. Tim was named captain of the football and basketball teams this year. Tim has also been active in the Tiffin Calvert Spanish Club, Students Against Dangerous Decisions, and as a member of St. Joseph Catholic Church.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Timothy S. Brodman. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Tim will do very well during his career at the Air Force Academy and I wish him the very best in all of his future endeavors.

IN MEMORY OF DOROTHY W. JAMES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a distinct honor for me to place this dedication to Dorothy W. James in the CONGRESSIONAL RECORD. Her husband, "Chappie" James, was a fighter pilot's fighter pilot, an Air Force great and a super American. The death of his wife brings back many memories of a great Air Force career backed by an outstanding wife. Her burial in Arlington Cemetery is a fitting tribute for a woman who gave so much to America.

REFLECTIONS ON THE LIFE OF DOROTHY W. JAMES

Dorothy Watkins James was born on June 27, 1921 to James Andrew and Daisy Hicks Watkins in Tuskegee Institute, Alabama. After a lengthy illness she departed this life on May 2,000.

She attended the Chambliss Children's House Elementary School and completed high school on the campus of Tuskegee Institute, Mr. James' mother and father were avid tennis players. Dorothy and her sister Aubrey became involved in the sport at an early age. Dorothy continued to play tennis in high school, and was also a drum majorette in the Tuskegee Institute Band. Additionally, she played piano and was a student of the daughter of Booker T. Washington.

While attending college at Tuskegee Institute, she met and married her husband of thirty-six years Daniel "Chappie" James, Jr. of Pensacola, Florida and they were married until his death in 1978. As the wife of an Air Force officer, she lived in many locations in the United States, Asia, and Europe. She was involved in numerous charitable endeavors and most proud of her contributions to what is now known as the Air Force Village Retirement Communities. She was a loyal and dedicated supporter of the Air Force community and family support programs.

Dorothy and Daniel were blessed with a daughter and two sons and she guided each through the formative years of their lives. As a result of her love, care and persistence and guidance, each has enjoyed a rich and rewarding life. She will be missed by all who have known her for her quiet selfless dedication to family, friends and community.

She is survived by her daughter Danice D. Berry, son-in-law Dr. Frank W. Berry, Jr.; son Major General Daniel James III, and daughter-in-law Dana M. James; son Claude A. James and daughter-in-law Diane James; granddaughters Jamie Michelle Berry and Brittany Diane James; grandsons Frank W. Berry III, Max S. Berry and Ryan N. James; a sister Aubrey W. Simms and brother-in-law Robert H. Simms; a niece and nephew, and many devoted extended family and friends.

NATIONAL TEACHER DAY—A TRIBUTE TO MARIANNA MALM

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. POMEROY. Mr. Speaker, this week America observes the 15th annual National Teacher Appreciation Week and celebrates the vital role that teachers play in the lives of our children. Today is also National Teacher Day, and I would like to take this opportunity to express my appreciation to all American educators. I would also like to recognize one teacher in particular, Marianna Malm, who teaches English at North High School in Fargo, North Dakota. Marianna was chosen to be the Teacher of the Year from my home state of North Dakota, and on behalf of the entire state, I would like to thank her for her dedication to our children.

All of us, whether as children or as parents, are aware of the positive role that teachers play in our lives. Despite that fact, there is a growing disconnect between our admiration for educators and our willingness to take the steps required to recruit and retrain them. In North Dakota, the recruitment and retention of teachers has rightfully become a dominant topic of discussion, especially after news stories have reported that nearly one-third of the state's public school teachers are older than 50 and nearing retirement.

From my kindergarten days in Valley City all the way through law school at the University of North Dakota, I was blessed to have been influenced by teachers who cared enough about me and their vocation to engage my interest in the vast world opened up by education. As these educators and others begin to retire in numbers we have never before experienced, we must reassess our federal, state and local policies to attract and retain quality teachers.

First and foremost, we need to reevaluate our own priorities. Just as North Dakota's farmers invest in their crops, knowing that better seeds produce a better yield, we as a state must ensure our children's future by investing in high-quality teachers. This nation's greatest natural resource is our children—and those who dedicate their lives to their education should be appropriately rewarded for their commitment.

Keeping four-star teachers like Marianna in North Dakota schools is a challenge, particularly in more rural regions of the state. I have cosponsored legislation, the Rural Teachers Recruitment Act, which would establish grants for rural school districts to develop teacher incentive programs. While the 'Information Age' has opened up an entirely new world for rural schools, no computer or internet connection can replace a committed teacher. Every school district, no matter how big or how small, should be built on quality teachers.

The changing face of North Dakota's countryside will continue to affect our classrooms. We should use this time of change to remember the importance of a top-notch education and the teachers who make it happen. We cannot continue the pattern of training our educators in top-quality North Dakota universities only to lose them to other states with higher teacher salaries. There is no profession more important to America's future, and North Dakota's future, than teaching.

During National Teachers Appreciation Week, we need to take the time to say thank you to those who taught us when we were children and to those who teach our children today. This week and every week, we should express our gratitude to our quality teachers like Marianna Malm by working hard to keep them in North Dakota schools.

CONGRATULATIONS TO SISTER M. JOSEPH BARDEN UPON HER RETIREMENT

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. WELDON of Florida. Mr. Speaker, on June 30, 2000, Sister M. Joseph Barden will be retiring after twenty-nine years of faithful service to an entire generation of America's youth. Since 1971 Sister Joseph has led Ascension Catholic School, in Melbourne, Florida as its principal.

Since beginning her commitment to educating children in Catholic schools while living in Ardee, Ireland in 1957, Sister Joseph has touched the lives and influenced the hearts and minds of thousands of children.

During her tenure at Ascension School, enrollment nearly tripled. Sister Joseph oversaw the renovation and construction of a brand new educational facility, and assisted the school in receiving initial accreditation in 1973 and continuing accreditation three more times.

In 1985, the school received the "Exemplary School Award" from the United States Department of Education, while she continued to help and encourage her students to receive many local, state, and national awards. She initialized prekindergarten classes and "Extended Care Programs," to increase the positive role that religious instruction and educational excellence has on our nation's youth. Sister Joseph enabled teachers and staff to offer at least twenty-four extra-curricular programs serving about four hundred students, encouraging them to use their special God given gifts and talents. Because of Sister Joseph, Ascension remains a school of excellence.

The thousands of students, parents, faculty, and staff, as well as the general public, whose lives she touched, owe Sister Joseph a debt of gratitude. After nearly three decades of service, I want to extend my congratulations and best wishes to Sister Joseph Barden on her retirement from the school.

God has richly blessed Sister Joseph's work, and I pray that He continues to bless her in her future service.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. OWENS. Mr. Speaker, Yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 3577, increased authorization for north side pumping division of the Minidoka reclamation project, introduced by the gentleman from Idaho, Mr. SIMPSON, I would have voted "yea."

On H. Con. Res. 89 recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of contributions of Americans of German heritage, introduced by the gentleman from Minnesota, Mr. MINGE, I would have voted "yea."

On H. Con. Res. 296, expressing the sense of Congress regarding the necessity to expedite the settlement process for discrimination claims against the Department of Agriculture brought by African-American farmers, introduced by the gentleman from Arkansas, Mr. DICKEY, I would have voted "nay."

IN HONOR OF THE CONFERRAL OF PAPAL HONORS ON REVEREND MONSIGNOR FREDERICK EID

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Reverend Monsignor Frederick M. Eid for being named a Prelate of Honor of His Holiness, Pope John Paul II, a remarkable accomplishment. His conferral of Papal honors is the crowning achievement in a long and illustrious career dedicated to the Catholic faith and the Archdiocese of Newark, New Jersey.

Throughout his life and career, Reverend Monsignor Eid demonstrated a willingness to reach out to his community in a meaningful way, and he has enriched the lives of many through his efforts to foster spiritual growth.

Reverend Monsignor Eid officially began his extraordinary dedication to church and community the day he was ordained to the priesthood of the Archdiocese of Newark on May 31, 1947. His many assignments for the Archdiocese of Newark include: St. Michael's Church, Union City, New Jersey; the Missionary Archdiocese of Tegucigalpa, Honduras; the Black Mission of Holy Spirit, Orange, New Jersey; St. Peter Chaver, Montclair, New Jersey; St. Mary's Church and High School, Jersey City, New Jersey; and Our Lady of Grace, Hoboken, New Jersey. In addition, he was chosen as chaplain of the Hoboken P.B.A., the Hoboken Fire Department, and the Hoboken Volunteer Ambulance Corps. He is also the chairman of the Child Placement Review Board of the Superior Court of Hudson County, New Jersey.

At Our Lady of Grace, Reverend Monsignor Eid was called upon to form a center for Hispanic culture. He answered the call by developing a Spanish liturgy instruction center for children and youth. I myself attended Our Lady of Grace in kindergarten, several years before he arrived.

Today, I ask my colleagues to join me as I honor Reverend Monsignor Frederick Eid for all he has accomplished in a life devoted to faith and community.

HONORING REVEREND ROGER POHL

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Ms. STABENOW. Mr. Speaker, I rise today to pay special tribute to Reverend Roger Pohl who has been called to become the new director of the Ecumenical Center and International Residence (ECIR) at the University of Michigan.

Reverend Pohl currently is senior minister of the Pilgrim Congregational United Church of Christ in Lansing, Michigan. He serves on the Human Relations Board of the City of Lansing and as chairperson of the community's Alliance Against Hate. A 1969 graduate of Yale University Divinity School, Reverend Pohl has demonstrated immeasurable dedication to both domestic and international cooperation and understanding.

This is a time to both say goodbye to a dear friend on behalf of our Lansing church home and community as well as to extend warm heartfelt congratulations on his new job. The campus ministry that Reverend Pohl will lead has three main objectives: (1) to facilitate global education in the hope that peace may prevail; (2) to promote the ethical and religious bases for enduring friendships; and (3) to be an international community where people of the world may learn to live together and care for one another.

Furthering international understanding, global friendship, and interfaith dialogue are areas in which Reverend Pohl indisputably has a wealth of knowledge, experience, and long-standing commitment.

I thank Reverend Pohl for the example he has set for people across the globe and wish him continued success as he prepares for this worthy journey of multicultural leadership.

IN MEMORY OF MYRA LENARD

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. BORSKI. Mr. Speaker, I honor the loving memory of Myra Lenard, who passed away on May 1, 2000.

Since I was first elected to the United States Congress, I worked with Myra to promote freedom and democracy in Poland, particularly during its time under the former communist regime. Mrs. Lenard's mission for Poland and for many Polish Americans was to seek help and support for their native land. She dedicated her entire body of knowledge to the advancement of Poland to make it a more democratic nation. She was a true champion of democracy and a liberator of freedom. Today, I cherish the memory of our friendship.

Casimira (Myra) Lenard was born in Poland and immigrated to Chicago with her parents. She became an active member in Polonia through her membership in the Polish National Alliance. She later became President of the Polish Women's Civic Club promoting scholarships for students of Polish heritage and advocating civic responsibility.

In 1962 Myra's husband, Casimir (now retired U.S. Army Colonel), was assigned to the Pentagon and the family moved to the Washington, DC area. From 1962 to 1972, she oversaw the management of nine Washington, DC offices, and by 1972 she became owner of three personnel consulting firms. She was twice elected to the office of President of the Capital Area Personnel Services Association initiating a successful lobbying effort for Title 7, Civil Rights Act of 1964, and for the advancement of equal employment opportunities. Later she served on the Board of the National Employment Association in Public Relations and for three years was the Chairperson of the Ethics Committee covering a five-state area on the East Coast.

Even with a very busy business schedule she managed to contribute her time to many charitable undertakings. The most notable of her undertakings occurred after the withdrawal of the U.S. Forces from Vietnam. She established a special office to find "fee free" employment for hundreds of Vietnamese refugees. Within a few months, her project was so successful that the city government called upon her expertise to develop a similar project for the District of Columbia. By 1975, her efforts earned her the "President's Award" from her peers for "Outstanding Service and Singular Contribution to the Community and to the Private Placement of Industry." Her determination continued to prevail with her assistance to the Solidarity movement in Poland.

After leaving the placement industry in 1981, she assumed the position of Executive Director of the Polish American Congress (PAC) in Washington, DC. She continued to work with the Solidarity movement by coordinating the "Solidarity Express," a train made up of twenty-two railroad cars with relief goods valued at $7 million. This was recognized as the premier publicized undertaking by the PAC Charitable Foundation (PACCF). She honored the first anniversary of Solidarity by organizing PAC to create the "Solidarity Convoy" of thirty-two forty-foot container trucks from 32 states, of relief cargo, valued over $10 million. Without losing sight of her mission, she persisted in expanding PAC and PACCF contacts with the Administration, the Department of State, the U.S. Congress and other government agencies, closely monitoring Capitol Hill activity related to Poland. Within a few years, PAC was able to lobby strongly for the Immigration Reform Act of 1986 and the Support of Eastern European Democracy Act of 1989 (SEED ACT) with appropriations set aside for Poland.

Finally, Mrs. Lenard received various awards such as: "The PAC Charitable Foundation Appreciation Award," the "Distinguished Service Award" from the Illinois Division of the Polish American Congress, the "Champion of Democracy" from the College of Democracy for her outstanding leadership towards the Solidarity movement, "The National Citizen of the Year" by the Polish-American Eagle of Buffalo, and the "Commander's Cross Order of Merit with Star" from the President of Poland which is the highest foreign civilian award bestowed by the Polish government. All of these awards truly embody Mrs. Lenard's ambition and determination for what is right and just both nationally and internationally.

Mr. Speaker, Mrs. Casimira (Myra) Lenard will always be remembered for her dedication and devotion to civic responsibility for her native Poland and for the United States. I offer her memory, family, and friends my best wishes for the advancement of freedom throughout the world.

IN HONOR OF SCOTT REDDIN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. ROTHMAN. Mr. Speaker, today I honor Scott Reddin of Englewood, NJ. On Thursday, May 11, 2000, the Shelter our Sisters organization will be honoring Scott at their Annual Awards Program for all of his outstanding work as both a volunteer and dedicated advocate in defense of victims of domestic violence.

I am proud of Scott for many reasons: for the help he renders the constituents of the Ninth Congressional District as my aide, for his unbending dedication to his community, and for the spirit of giving that drives him to be active in Shelter our Sisters and a number of other non-profit, charitable organizations.

If you name a non-profit group in Bergen County, New Jersey, it is likely that Scott is either on their Board of Directors or active as a volunteer in some fashion or another. From his role on the Board of Directors of the Center for Food Action to his work mentoring young children as a Little League Manager, Scott epitomizes the ideal citizen-volunteer. Scott is always ready to give of himself, whether with his time, his know-how, or financially. He is, in the truest sense, a civic-minded individual, whose concern for others transcends his own self-interests.

Of all his volunteer work, Scott's devotion to helping women and children whose lives have been torn apart by domestic violence stands out. It does so because to be a part of Shelter our Sisters requires not only one's time, it also requires a big heart. Scott has an enormous ability to share the pain of victims of domestic violence and at the same time help the victims piece their lives back together.

As a volunteer with Shelter our Sisters since 1994, Scott has helped victims of domestic violence move out of dangerous environments and has mentored children whose innocence has been marred by violence. And by raising funds for Shelter our Sisters, Scott has ensured that this organization's work in delivering hope to those facing domestic violence endures.

Mr. Speaker, I am very proud of Scott Reddin and all that he has done to advance the worthy mission of Shelter our Sisters. I commend the leaders of Shelter our Sisters for recognizing Scott's outstanding achievements and I wish him the very best as he continues to expand on his volunteer efforts with this outstanding organization and the many other worthy endeavors he undertakes on behalf of so many people.

IN HONOR OF THE WILLIAM G. MATHER STEAMSHIP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the 75th anniversary of the launching of the *William G. Mather* Steamship on May 23, 2000.

The *Mather* has had a presence on Cleveland's waterfront for nearly 75 years, first as a working Great Lakes freighter, and since 1991, as a floating maritime museum. The *Mather* is one of only four Great Lakes freighters in existence, boasting Northeast Ohio's proud heritage as a major maritime industrial and shipping center.

A former flagship of the Cleveland-Cliffs fleet, the 618 foot *William G. Mather* was a state-of-the art technology in Great lakes freighters when first launched in 1925. It is named for long-time Cleveland-Cliffs president and leading Cleveland businessman and philanthropist, William Gwinn Mather (1857–1951). The *Mather* made hundreds of trips transporting iron ore from the Upper Lakes to Cleveland's waiting steam mills. This is how the *Mather* was nicknamed, "The Ship That Built Cleveland."

The *William G. Mather* has had a long and distinguished merchant marine career. It was one of the first commercial Great Lakes vessels to be equipped with radar in 1946. It has been designated a National Historic Landmark by the American Society of Mechanical Engineers for its industrial first of a single marine boiler system, its computer-like, automated boiler system and its dual propeller bow thrusters.

In 1980, the *Mather* retired from service. In 1987, it was donated for restoration and preservation as a maritime museum and educational facility. Since 1991, thousands of visitors and area school children have "come aboard" and toured the historic *Mather* freighter.

The *Mather* freighter has served this community for years as "The Ship That Built Cleveland." My fellow colleagues, join me in recognizing the *Mather* as we celebrate its 75th Anniversary.

MARKING THE 50TH ANNIVERSARY OF THE BOZRAH VOLUNTEER FIRE DEPARTMENT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to mark the Fiftieth Anniversary of the Bozrah Volunteer Fire Department. As a life-long resident of Bozrah, I appreciate this opportunity to congratulate the men and women of the Department for fifty years of dedicated service to the citizens of our community.

On May 10, 1950, First Selectman Lawrence Gilman invited residents to attend the first organizational meeting of Bozrah Volunteer Fire Department. Forty five people answered this call and many of them formed the core of the early Department. The Department's first truck was a used Mack pumper purchased from the community of Rye, New York. In May 1951, the Department was officially incorporated. Throughout the remainder of the 1950s, the Department expanded steadily. It purchased new trucks in 1954 and 1955 and built the first section of its firehouse in 1956 which material that had been purchased using donations from residents in the community. The Ladies Auxiliary was formed in September 1955.

In the decades that followed, the Department grew to meet the needs of the community. It purchased larger and more advanced equipment. Its members became emergency medical technicians in order to provide immediate care to victims of fires, automobile accidents and other emergencies. The Department also dramatically expanded its service to the community in areas other than fire protection by sponsoring annual Halloween parties for children, supporting local Scout troops and offering fire prevention programs for all citizens.

Mr. Speaker, as the Department celebrates it Fiftieth Anniversary on May 10, I am proud to join in commending every member—past and present—for their bravery, courage and commitment to public safety. Over the past fifty years, the men and women of the Bozrah Volunteer Fire Department have answered every call regardless of the time of day, regardless of the weather, regardless of their personal commitments. Thanks to their dedication, they have saved many lives, protected countless homes and businesses, and made the community safer for every family. I wish the Department all the best as it embarks on its next fifty years of service to our community.

IDEA FULL FUNDING ACT OF 2000

SPEECH OF

HON. GEORGE R. NETHERCUTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. NETHERCUTT. Mr. Speaker, I rise today in strong support of H.R. 4055, not only because the Individuals with Disabilities Education Act is so important, but because what fully funding IDEA means for all students. When IDEA was first enacted, Congress promised to fund 40 percent of the increased costs associated with educating special needs students. Since Republicans took control of Congress, we have more than doubled the Federal contribution to IDEA to $6 billion. Yet, this amount is still only 12.6 percent of the cost of educating special needs students. H.R. 4055 sets out a road map to fulfill Congress' commitment, more than quadrupling IDEA funding to $25 billion by 2010.

By underfunding IDEA, Congress has placed an unfunded mandate on local school districts, forcing them to use increased general revenues for special education programs. Through H.R. 4055, Congress will not only help special needs students, but also free up the limited resources available to our schools which should be used for programs which benefit all students.

Our education system is at a crossroads. Some people in Washington, DC believe that the Federal Government knows what is best for our students, whether they live in Spokane, Washington or must survive in inner-city Los Angeles. I believe that local School boards, teachers, and parents know their students' needs best.

Earlier this year, the administration presented a budget proposal to Congress which did not provide a sufficient increase for IDEA, but also proposed more than 10 new education programs which each would come with increased bureaucracy and Federal regulations. The Federal Government must first fulfill its commitment to funding IDEA before creating new programs which will only further burden school districts with paperwork and regulations.

I strongly support H.R. 4055 and fully funding IDEA which will lift this unfunded mandate from school districts and free their resources to serve all students.

TRIBUTE TO MIKE CAUSEY, COLUMNIST, "FEDERAL DIARY" THE WASHINGTON POST

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Ms. NORTON. Mr. Speaker, I rise to ask the House to join me in honoring Mike Causey, the venerable Washington Post columnist who wrote his last Federal Diary column for the Washington Post today. Most Members of the House have been unable to get through a year, and certainly an appropriations period, without consulting Causey. Federal Diary provided an always reliable place where anyone could be knowledgeably and quickly informed of all one often needed to know about federal sector matters. Especially for those of us—"inside the beltway," a phrase coined by Mike Causey, his column was an indispensable resource. We welcome Mike's successor, Stephen Barr, and trust he will continue to make the Federal Diary a congressional habit as it has been for many others as well.

I ask the House to join me in honoring Mike Causey's 36 years of giving the Congress and the region the "real deal" on the federal sector "inside the beltway," and I submit for the RECORD his final column and Bob Levey's tribute, Hat's Off to a Top Colleague: Mike Causey.

[From the Washington Post, May 8, 2000]

HATS OFF TO A TOP COLLEAGUE: MIKE CAUSEY

(By Bob Levey)

Today, his column appears in the Metro section. There won't be another. Mike Causey, longtime perpetrator of The Post's Federal Diary, is done.

My pal, my fellow scribe, my listening post, my wailing wall, is leaving a perch I thought he'd occupy forever. He is going to try columnizing in the high-tech world. The geeks had better get ready for a whirlwind.

You don't produce six careful, newsy columns a week for more than three decades without knowing how to hammer. This fellow may be a grandfather, but he can get it done like no youngster I've ever seen.

And he can get it done with surpassing accuracy and touch.

When your constituency is federal employees, someone always knows more than you about every topic. If you fumble the provisions of the latest federal retirement bill, thousands will point it out. Fumble often enough, and the gang will stop reading you.

But Mike fumbled less than most, and he built a constituency better than any. I say that because the sincerest form of flattery has been visited upon me for nearly 20 years. People mistake me for Causey (even though he isn't very gray, and he underweighs me by 50 pounds). They've accused Mike of being Levey, too. I'm sure he grinned and bore it, with his usual wry comment about how immortal newspapering makes you.

How hard is it to be such a prolific columnist for so many years? Mike said it best many years ago, as I waltzed into the office at the spry hour of 7 a.m., only to discover him already hard at it.

"If being a columnist is such an easy job," said Mike, "why are we the only ones here?"

The Big Boss, executive editor Leonard Downie Jr., had this to say about Causey—and his output—when I asked him for comment:

"Mike Causey, of course, does not exist. Mike Causey is a pseudonym for a composite group of Washington Post reporters and researchers—1,342 at last count—with several dozen working together at any one time to produce all those columns."

Len said that "a marketing research firm" had been engaged to develop "the many male models we use to represent Mike Causey at interviews, press conferences, lunches, dinners and other appearances. Each is tan, fit and speaks with a subtle nasal accent."

Editorial writer Bob Asher and Metro editor Walter Douglas, who began as copy boys with Mike back near the Civil War, remember him as being very efficient, and a bit of a scamp.

Walter remembers the way Mike would answer the newsroom phone. Most copy boys did it formally and decorously. Causey would flip a toggle switch and announce, "Newsroom, Mike." "A bit unorthodox, but it got the job done," Walter said.

Bob Asher said Causey was a legend for running every copy boy errand route through the cafeteria. As for Causey's current office—a notorious six-foot-high collection of junk—"there's wildlife in there," Bob said.

Having sat in the next office for all this time, I can deny that rumor. Wildlife wouldn't survive—not

Of course, Mike always claimed that he knew where everything was. Since he never missed a deadline, it must have been true.

Of course, the Disastrous Causey Office led to moments of great merriment.

When Ben Bradlee was executive editor, he would wheel a huge trash can up to the lip of Causey's office door once a year.

"In two days," he'd bark.

And it would be done.

Although it would need to be done again in less than a week.

How bad was the crud? For years, Causey and I used computers that were linked somehow. If one broke, the other would have to be disconnected so the "bad" one could be worked on.

When mine broke one day, technicians tried to reach Causey's terminal to disable it. Like a bunch of disappointed explorers on the Amazon, they gave up after a few minutes.

Mike Causey invented the phrase "Inside the Beltway." He and a Post photographer were the first civilians to circumnavigate the Capital Beltway. He covered the first Beatles concert in Washington—as a bodyguard to "a more experienced (and fragile) reporter," as he put it in his official Post biography.

What Mike didn't say, there or anywhere else, was that he became an institution.

"In the mornings, federal employees have their coffee and Causey at their desks," said Bob Asher.

Indeed they did—thousands of them, across thousands of days. The guy is the Cal Ripken Jr. of journalism—even if he failed a tryout with the Cleveland Indians as a young man.

Mike even contributed to my wardrobe. One year, my wife stole a favorite Causey expression and turned it into a birthday T-shirt.

The front says: ANYONE CAN BE A DAILY COLUMNIST.

The back says: FOR THREE WEEKS.

Whenever Mike and I would pass in the halls all these years, he'd say to me, in his joking, conspiratorial way: "I'll cover for you."

From now on, I'll return the favor, Mr. C. Well done! You'll be missed in a big way.

[From the Washington Post, May 8, 2000]

TODAY'S THE DAY DIARY COLUMNIST TURNS THE PAGE

(By Mike Causey)

Well, there comes a time, and this is it.

This is my last Federal Diary column for The Washington Post.

I leave this job pretty much as I entered it: still suspicious of the statistics that powerful organizations pump out. For example:

The usually reliable Washington Post—my longtime home—says I produced 11,287 bylines. It seems like more than that. But who's counting?

Also, The Post says I've been here for 36 years—as messenger, copy boy, reporter and columnist. They got the job titles right. But 36 years? It seems like only yesterday. Honest.

So, how to sum up?

The most-asked question (other than, "Did a real barber cut your hair?") has been this: How could you produce six columns a week, year after year, without going nuts?

The answer is simple: For several years I did the Federal Diary column seven days a week. When they gave me Saturdays off, it removed all the pressure. Almost all.

Secondly, it was part of the job description.

Finally, I loved every minute of it. Honest.

Being here for nearly four decades has been an incredible and enriching experience. You can't imagine.

Over the years—in the line of duty—I have been shot at, gassed, tossed off a building. I covered the first Beatles concert and got to be one of the first people to circle the Capital Beltway. I was once run out of a small town in Western Maryland by a mob that, now that I think about it, had good reason to speed my departure from its fair community.

Being a newspaper reporter means never having to grow up. I got to see how things work, or are supposed to, or don't. The events and machines and tours were fascinating. The people—almost without exception—were wonderful.

Reporters get to meet lots of VIPs. But for most of us "beat" reporters, the best part is the so-called ordinary people who, more often than not, are extraordinary. Just quieter than VIPs. The reason they are so good is simple: It's part of their job description. They say (by, the way, in all these years I have never discovered who "they" are) that reporters are only as good as their sources. True, up to a point. Sources are critical. But the real secret weapon for a successful reporter has two parts:

* The people (as in colleagues) you work with.

* The people (as in readers) you work for.

It is that simple, and that complicated.

Working with several generations of Washington Post types has been an education. Trust me on that one.

Reporters get the glory. But they only look good if they have great editors, researchers and backup. And reporters wouldn't last a minute, and you would never read their award-winning words, if it weren't for the people who do the real work. Like sell and process ads, make sure folks get billed and paid—so we can get paid—and produce and deliver the paper. For 25 cents you get, every day, the equivalent of a book printed overnight. Not a bad deal.

Working with, and writing about, federal employees and military personnel has been a treat. If there are more dedicated people in this country, I have yet to meet them. I have known lots of people who would die for this country, and several who did. Few bankers, columnists, lawyers or CEOs can make that claim.

Bureaucrats—and I don't have to say this anymore—are indeed beautiful. And don't you forget it.

I could go on, but I hope you get the idea. Besides, time and space—as always—are limited.

So has this been fun? And rewarding? Short answer: You bet!

But this isn't a wake. Or even a goodbye. More in the order of see-you-later. I hope.

Next stop for me is the brave new world of the Internet. I'll be at 1825 I St. NW, Suite 400, Washington, D.C. 20006. Stay in touch.

I'm leaving here, but The Post will always be home. Always.

This column has been around since the 1930s. It's been on loan to me for a long time. My successor, Stephen Barr, is an old friend. He's a Texan and a Vietnam vet, and he knows the beat. Best of all, he's a very nice guy.

I hope Steve has as much fun as I did. Remember, he's had nearly half a century to prepare for his first column, which will begin Sunday. But he will have only one day to write his second column. So a little help and encouragement from you would be nice.

Thanks.

Mike.

IN HONOR OF THE ADVANCED COMMUNICATIONS TECHNOLOGY SATELLITE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. KUCINICH. Mr. Speaker, I would like to call the attention of my colleagues to one of the nation's most successful technology transfer programs impacting our daily lives and which promises economic advantage to our great country in the very competitive area of telecommunications. This project, call the Advanced Communications Technology Satellite (ACTS), is the culmination of a decade of satellite technology development by NASA. The ACTS mission will conclude in June 2000 after 81 months of operations far exceeding its 4-year design life. Before this innovative flight project reaches its operational conclusion this summer, permit me to share with you more about its outstanding contributions and examples of how our government research spurs industry growth and jobs, and continues the worldwide preeminence of our technology base.

The explosion of the Information Age and the evolution of the National and Global Information Infrastructure has created a critical need for the next generation of communications satellites. The ACTS Project centers around an experimental payload that incorporates an architecture of advanced technologies typical of what will be found in the next generation of commercial communications satellites. NASA funded this development to maintain America's dominant position in providing communications satellites to the world. This project has been led by a dedicated team of researchers and technologists at NASA's Glenn Research Center, which, I am proud to say, is within my Congressional district.

Mr. Speaker, permit me to tell you more about this success story in space. The technologies selected for ACTS were those that had the potential to enhance dramatically the capabilities of the next generation of satellites. The technologies ACTS pioneered included use of a previously unused high frequency band (called Ka-band which is 20/30 GHZ.), a futuristic dynamic hooping spot beam antenna, advanced on-board processing and switching, and automatic techniques to overcome increased signal fades experienced at these higher frequencies.

After its launch in September 1993, NASA partnered with major corporations and small businesses, academia, and other governmental agencies to demonstrate the new technology in actual user trials. An experiments program involved over 200 organizations that used the satellite for demonstrations, applications, and technology verification across the far reaches of our nation. With an ever-increasing global economy, ACTS was used to demonstrate wideband communications in five other countries (Canada, Colombia, Ecuador, Brazil, and Antarctica).

Applications over the satellite have been done to improve living conditions and ensure a safe and prosperous life style in areas such as telemedicine by transmitting data-intensive imagery for linking urban medical specialists to underserved areas of the U.S.; control of power grids for electric utility companies using ultra-small terminals to pool the grid in remote areas; distance learning utilizing high-quality interactive video and audio for delivery of advanced degree, continuing and remedial training to all people without regard to location; integrating design teams for business and industry; natural exploration by connecting remote research equipment over high-speed links with major companies analysis facilities; and personal and airborne mobile communications services including technologies enabling advanced passenger services onboard the U.S. commercial airline fleet.

The innovative technologies proved that on-demand, integrates communications are viable, economical, and of national importance for the future of communications. The ACTS users have transformed this space technology into commercial products and services. As a result of the program, the satellite industry is on the cusp of initiating whole new constellations of satellites that represent a market size in the $10s of billions that use many of the concepts developed and verified through the ACTS program.

Mr. Speaker, I am proud to share other success stories of how ACT has benefited this country in the area of satellite manufacturing. Motorola used ACTS-type on-board processing and Ka-band communications in the first operational system using ACTS technology—Iridium, and continues to include these technologies in the next generation wideband system. Hughes Space and Communications' Spaceway system will utilize an ACTS-like spot beam antenna at Ka-band frequencies to provide low-cost, global high-speed, communications to both residential and commercial users. Loral's Cyberstar will also incorporate Ka-band ACTS-type technology. Lockheed Martin's nine-satellite Astrolink system being developed includes such advances as Ka-band, on-board processing, and spot beam technology. The Teledesic system will provide service with a network of hundreds of satellites using on-board switching to route information between satellites and users. All of these systems show that our country's satellite manufacturers are integrating the ACTS design concept and technologies into their communications systems. This increases the number of highly technical jobs in the U.S. and improves the balance in trade with the strong international market for communications satellite systems.

Thank you Mr. Speaker for allowing me the opportunity to salute this special project with my colleagues. I congratulate NASA and the men and women who developed and operated this satellite technology for the benefit of our nation. It's because of their personal dedication that this country benefits.

INTRODUCTION OF EMT/FLSA LEGISLATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. MOORE. Mr. Speaker, today I am introducing legislation that will provide an overtime exemption for emergency medical technicians (EMTs) from section 7(k) of the Fair Labor Standards Act (FLSA). This exemption is already provided for fire protection and law enforcement personnel.

Currently, EMTs are asked to work the same hours as fire protection or law enforcement personnel, but state and local governments are required to pay these employees overtime for any hours worked in excess of 40 hours in a work-week. The overtime costs are quite expensive for state and local governments and interfere with their ability to manage their employees in emergency situations.

Last year, legislation was passed that extended the overtime exemption to emergency medical technicians who work in fire departments. This bill, however, did not include a significant number of county, city and other public sector employees who provide emergency medical services. For example, in Kansas the two largest public sector emergency medical service agencies are county agencies that function separately from fire departments and therefore are not covered by the recent legislation. Despite this separation, the duties for the EMTs and fire protection personnel in these areas are virtually identical. They are frequently required to work long hours in certain situations and they are often on-call; therefore, there should be no difference in the treatment of EMTs under the FLSA.

This legislation will clarify the overtime exemption to include paramedics, emergency medical technicians, rescue workers, and ambulance personnel. It will provide flexibility to emergency managers by allowing them to schedule their employees based on need instead of being restricted by state and local budget constraints.

I was asked to introduce this legislation by county officials from Johnson County, Kansas. I have included at the conclusion of this statement a letter of support from the Kansas State Council of Fire Fighters. This proposal also has the endorsement and full support of the International Association of Emergency Managers (IAEM).

Mr. Speaker, this legislation will enable emergency managers to offer our communities the best public safety services, will lead to public accountability, and will save our state and local governments millions of dollars nationwide, and I urge my colleagues to support it.

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS LOCAL 64,
Kansas City, KS, May 3, 2000.

Congressman DENNIS MOORE,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MOORE: IAFF Local 64 fire fighters, paramedics, and emergency medical technicians would like to ask you for your support for the Fair Labor Standards Act bill as it relates to emergency medical technicians.

Thank you for your assistance on this bill.

Sincerely yours,

ROBERT S. WING,
President, IAFF Local 64.
WILLIAM P. YOUNG,
Secretary-Treasurer, IAFF Local 64.

RECOGNIZING CHIEF QUARTERMASTER WILLIAM P. SHATRAW

HON. ROBERT A. WEYGAND

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 9, 2000

Mr. WEYGAND. Mr. Speaker, today I recognize a truly outstanding Chief Petty Officer in our great Navy. Chief Quartermaster (Submarines) William P. Shatraw completes more than twenty years of service to our nation and transfers from our newest and most capable attack submarine, U.S.S. *Connecticut* (SSN 22) to the Fleet Reserve of the United States Navy. A ceremony is being held on Friday in his honor at the Historic Ship *Nautilus* in Groton, Connecticut. It is a pleasure for me to recognize just a few of his outstanding achievements.

A native of Albany, New York, he enlisted in the United States Navy after receiving his high school diploma from Christian Brothers Academy in Albany. Following recruit training in Orlando, Florida, he attended a series of schools to prepare him for his first assignment, in the Navigation department aboard U.S.S. *George Washington Carver* (SSBN 656) (Gold). Chief Shatraw completed five patrols aboard *Carver*. Leaving the *Carver* in May 1985 he reported to the Naval Submarine School in Groton, Connecticut where he taught others the art of navigating the world's oceans.

In February 1989, he returned to sea aboard U.S.S. *Providence* (SSN 719) where he completed four deployments that were vital to national security. After a promotion to Chief Petty Officer in 1991, he was transferred to the attack submarine U.S.S. *Gato* (SSN 615) where he served as the Assistant Navigator until March 1994.

In April 1994 he reported to the Staff of the Commander Submarine Development Squadron Twelve in Groton, Connecticut, for duty as Assistant Operations Officer. During this assignment he provided assistance to assigned submarines in their preparation for extended deployments and he coordinated exercises and operating area management.

Chief Shatraw was selected as a member of the pre-commissioning crew for U.S.S. *Connecticut* (SSN 22), reporting for duty in April 1997. He organized and trained an inexperienced Navigation division, molding them into one of the finest teams in the Atlantic Fleet.

Even as Chief Shatraw enjoys his well-earned retirement in Hope Valley, Rhode Island, the Navy will continue to benefit from his service. He has left behind a legacy of excellence in the dozens of young submariners he has personally trained. They will continue to patrol the ocean depths ready to project power from under the sea.

Mr. Speaker, during Bill Shatraw's twenty year naval career, he and his family have made many sacrifices for this Nation. I would like to thank them all—Bill, his lovely wife Sharon, and their two children, Kendra and Billy—for their contributions to the Navy and to our nation.

As Chief Shatraw departs the Navy for new challenges ahead, I call upon my colleagues on both sides of the aisle to wish him every success, as well as fair winds and following seas.

A TRIBUTE IN HONOR OF THE LALONDE FAMILY

HON. JAMES A. BARCIA

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 9, 2000

Mr. BARCIA. Mr. Speaker, I rise today to recognize a family that has reached a significant milestone. On May 7, 2000, the LaLonde family of Standish, Michigan celebrated 100 years of continuous family farming.

On May 7, 1900, Samuel and Helen LaLonde purchased and began farming a plot of land in Arenac County that once belonged to the Saginaw Railroad Company. They produced various crops and had a herd of dairy cows. Through hard work, long hours and complete dedication to farming they were able, over the years, to purchase additional surrounding land and expand their family farm.

In 1913, Samuel and Helen LaLonde passed the land down to Mose and Eva LaLonde, their son and daughter-in-law. The second generation of LaLondes continued to farm until Mose's death in 1951, when their son and daughter-in-law, Donald and Bernadine LaLonde, began managing the property. In 1961, they purchased the farm and continued to manage and reside on the LaLonde farm. In 1967 the barn that housed their dairy operation burned down. Unwilling to give up, the LaLonde family switched operations and increased their production of corn, soybeans, green beans and sugar beets.

The LaLonde family has been one of the lucky few who have held on to their farm through two World Wars, the Great Depression, and numerous other economically difficult times in American agriculture. They have responded to America's call for better conservation, vigilance in food safety and attention to nutrition while always making sure that the steady flow of food is uninterrupted.

Mr. Speaker, the LaLondes are a fine example of American farmers who have lived life with uncertainty in order to put food on our tables. Each day they rise before the sun in order to cultivate the land or tend livestock, not knowing what the weather will bring or how market conditions will affect their bottom line. Farmers and ranchers across the country provide a solid foundation for our nation by ensuring that our basic food needs are taken care of—they are the backbone of America.

One hundred years of family farming is a rare feat. I commend the LaLonde family for their hard work and commitment to American agriculture. I wish them another 100 years of prosperous and successful family farming.

CONGRATULATING AMBASSADOR STEPHEN CHEN UPON HIS RETIREMENT

HON. GREG WALDEN

OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 9, 2000

Mr. WALDEN of Oregon. Mr. Speaker, after serving nearly fifty years as a diplomat for his country and his last two years as his country's Representative in the United States, Ambassador Stephen Chen will be resigning from government service and returning to Taipei. Always gracious and diplomatic, Ambassador Chen has impressed everyone with his industry, his wit and humor, and his erudition. An expert on subjects familiar and arcane, Ambassador Chen is a diplomat's diplomat.

Even though Ambassador Chen represents a country that has no formal ties with the United States, Ambassador Chen, with the very able assistance of aide Leonard Chao, has overcome many formidable obstacles in maintaining proper contacts with our State Department, and in building many friendships on Capitol Hill. When it comes to working for his country and his people, Ambassador Chen says with a smile: "To make up our lack of access to executive branches, we must work with our friends on the hill. We must help lawmakers see that Taiwan is a full democracy, sharing many of the democratic ideals with the United States. We must stress to our friends that it is not necessary for the United States to sacrifice Taiwan's interests in order for the United States to improve its relations with the PRC." In my opinion, Ambassador Chen has achieved his objectives in Congress. He has made numerous friends on the Hill and has convinced many of us that both Taiwan and the PRC can be true beneficiaries of a wise U.S. East Asia policy.

Mr. Speaker, Ambassador Chen has earned our respect and genuine affection during his tenure in Washington. It has been my privilege to know Stephen and his charming wife Rosa and to enjoy their warm hospitality at Twin Oaks. I will miss their charm, their wit and their graciousness. I send Stephen and Rosa my best wishes for the future.

IN RECOGNITION OF MIKE CAUSEY, COLUMNIST FOR THE WASHINGTON POST

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. WOLF. Mr. Speaker, I submit for the RECORD the last column by Mike Causey, who is moving on to a new career after 36 years at the Washington Post.

As the Post's "Federal Dairy" columnist, Mr. Causey has been covering federal employee issues for years, and as a Member of Congress who has many federal employees in my district, it has been a pleasure working with him. He has always been fair and objective, and I want to wish him all the best as he moves on to a new career.

[From The Washington Post, May 8, 2000]

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(Federal Diary by Mike Causey)

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I leave this job pretty much as i entered it: still suspicious of the statistics that powerful organizations pump out. For example:

The usually reliable Washington Post—my longtime home—says I produced 11,287 bylines. It seems like more than that. But who's counting?

Also, The Post says I've been here for 36 years—as messenger, copy boy, reporter and columnist. They got the job titles right. But 36 years? It seems like only yesterday. Honest.

So, how to sum up?

The most-asked question (other than, "Did a real barber cut your hair?") has been this: How could you produce six columns a week, year after year, without going nuts?

The answer is simple: for several years I did the Federal Diary column seven days a week. When they gave me Saturdays off, it removed all the pressure. Almost all.

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Over the years—in the line of duty—I have been shot at, gassed, tossed off a building. I covered the first Beatles concert and got to be one of the first people to circle the Capital Beltway. I was once run out of a small town in Western Maryland by a mob that, now that I think about it, had good reason to speed my departure from its fair community.

Being a newspaper reporter means never having to grow up. I got to see how things work, or are supposed to, or don't. The events and machines and tours were fascinating. The people—almost without exception—were wonderful.

Reporters get to meet lots of VIPs. But for most of us "beat" reporters, the best part is the so-called ordinary people who, more often than not, are extraordinary. Just quieter than VIPs. The reason they are so good is simple: It's part of their job description. They say (by the way, in all these years I have never discovered who "they" are) that reporters are only as good as their sources. True, up to a point. Sources are critical. But the real secret weapon for a successful reporter has two parts:

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Bureaucrats—and I don't have to say this anymore—are indeed beautiful. And don't you forget it.

I could go on, but I hope you get the idea. Besides, time and space—as always—are limited.

So has this been fun? And rewarding? Short answer: You bet!

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Next stop for me is the brave new world of the Internet. I'll be at 1825 I St. NW, Suite 400, Washington, D.C. 20006. Stay in touch.

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This column has been around since the 1930s. It's been on loan to me for a long time. My successor, Stephen Barr, is an old friend. He's a Texan and a Vietnam vet, and he knows the beat. Best of all, he's a very nice guy.

I hope Steve has as much fun as I did. Remember, he's had nearly half a century to prepare for his first column, which will begin Sunday. But he will have only one day to write his second column. So a little help and encouragement from you would be nice.

Thanks.

Mike

UNION PACKAGING—NEW PHILADELPHIA MINORITY ENTERPRISE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. FATTAH. Mr. Speaker, today I recognize a significant new minority enterprise in the Philadelphia area, Union Packaging, and its African-American president, Michael Pearson. Union Packaging was launched in December of last year by a $25.8 million 3-year contract to supply paper cartons to 2,300 McDonald's restaurants along the east coast. As a minority supplier, Uhion Packaging joins a growing force that last year provided over $3 billion in goods and services to the McDonald's system. The contract with McDonald's gives Pearson, as he says, "an opportunity to provide a vehicle for job creation and to be a linchpin for rebirth" in West Philadelphia. It reflects McDonald's commitment to investing in the community. Last year, the company brought new life and opportunities to our inner city by relocating one of its five divisional headquarters there. Mr. Speaker, I ask that this article on Union Packaging, published in the March 22, 2000, issue of Philadelphia Inquirer, be placed in the RECORD and I encourage my colleagues to read the account of this exciting new venture.

[From the Philadelphia Inquirer, Mar. 22, 2000]

PACKED UP AND RARIN' TO GO

MCDONALD'S HAS CONTRACTED WITH UNION PACKAGING, A MINORITY BUSINESS, TO SUPPLY CARTONS FOR ITS FOOD

(By Rosland Briggs-Gammon)

The warehouse at Union Packaging L.L.C. is filled with empty McDonald's apple pie and chicken nugget cartons. They are some of the first of millions of fast-food cartons awaiting distribution to 2,300 McDonald's locations along the East Coast. The Yeadon company, a joint venture between two area product packaging firms, has a new three-year, $25.8 million contract to supply the paper cartons to McDonald's.

It is McDonald Corp.'s first minority business enterprise contract in the Philadelphia area, and Union Packaging's first account. The two companies celebrated at an open house yesterday.

Michael Pearson, president of Union Packaging, opened the plant in January at an industrial park that sits near the border of Delaware and Philadelphia Counties.

The company is a joint venture between Providence Packaging Inc., owned by Pearson, and Dopaco Inc., a packaging firm in Exton. The partnership allows Union Packaging, 51 percent owned by Pearson, who is African American, to bid on corporate contracts as a minority-owned business.

The partnership also allows Union Packaging to delay purchasing printing equipment until next year. In the interim, Dopaco prints and cuts the paper used to make the cartons. Dopaco also has lent the company experienced employees to help train its workers and start production.

"It is so expensive to get into business," said Dopaco's chairman and chief executive officer Edward Fitts. "Dopaco has expensive equipment already so Union Packaging doesn't have to make an investment in equipment right now. That's the kind of relationship that will help minority firms."

Such partnerships are becoming more common, said Lynda Ireland, president of the New York/New Jersey Minority Purchasing Council. Similar partnerships started in the construction industry, she said. "It is certainly something we are trying to encourage," Ireland said. "To get into the corporate-America arena, you have to be creative."

Pearson, 38, spent three years working for a packaging firm in New York. Using his experience there, he decided to start his own business. As the first step of his three-step plan, he launched Providence, which also sells packaging products, in 1997, using Dopaco as the outside production firm.

Union Packaging, with its limited production capabilities, is his second step, he said. He launched the firm with a bid for the McDonald's contract, which was awarded to Union Packaging in December. Also last year, McDonald's moved its Northeast region headquarters to Philadelphia.

"When we brought the Northeast division here, we wanted to bring jobs to the area," said William Lowery Jr., a senior vice president with McDonald's Northeast division. "This is one of the ways we can do that and give back to the community."

To start Union Packaging, Pearson received a $200,000 opportunity grant and $300,000 in tax credits from the state of Pennsylvania for creating new jobs. The money will help finance equipment purchases. One machine that folds and glues the boxes can cost between $300,000 and $500,000, Pearson said.

Dopaco ships the printed and cut paper to Union Packaging's 65,000-square-foot plant. There, employees feed the small sheets through machinery that glues one edge and creates fold marks to transform the sheets into boxes.

At the end of the production line, the flattened boxes are packaged and sealed for shipment. Joe DeBernardi, plant superintendent, said the line produces about 60,000 boxes an hour. Two other machines do the same for chicken nugget containers.

The company has hired 20 people and hopes to have a staff of 100 within two years, Pearson said. The company chose its site because of the worker base in West Philadelphia and its location near graphics, engineering and other service firms, and because of the expansion possibilities. Union Packaging's lease includes the option to add up to 300,000 square feet of space adjacent to its building.

"It's an opportunity to provide a vehicle for job creation and to be a linchpin for rebirth in this area," Pearson said.

EQUAL PAY DAY RESOLUTION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. ABERCROMBIE. Mr. Speaker, I rise today to introduce a resolution with Representative CONSTANCE MORELLA to recognize the significance of May 11th as Equal Pay Day. May 11, 2000, is the day when women's wages for the period beginning January 1, 1999, will equal the amount earned by a man during calendar year 1999. Equal Pay Day represents the 17 months that the average woman must work to earn the same amount the average man earns in just 12 months. It is calculated according to the U.S. Census Bureau data showing a 27% wage gap in 1998.

While women's participation in the labor market has increased dramatically over the last few decades, their pay has not. Women now comprise 46% of all workers, up from 33% in 1960. During this same period, federal legislation was enacted with the intent of mitigating labor market discrimination against women and others.

This Equal Pay Act, mandated equal pay for men and women employed in the same or substantially same jobs in a company.

The Civil Rights Act of 1964, prohibited discrimination in employment and compensation against women and other protested classes of workers.

Executive Order 11246 also forbade labor market discrimination and required affirmative action for protested classes of workers employed by federal contractors and subcontractors.

Yes, these measures have given today's working women opportunities their mothers never had. Women now work in many different fields, each requiring different skills and experience and paying different wages. However, opening doors for working women has not closed the door on pay discrimination. Women continue to earn less than men for comparable work. U.S. Census data from 1998 shows that women earn only 73 cents for every dollar earned by men.

Women get paid less because employers still discriminate in several ways.

(1) Jobs usually held by women pay less than jobs traditionally held by men—even if they require the same education, skills and responsibilities.

For example, stock and inventory clerks, who are mostly men, earn about $470 a week. General office clerks, on the other hand, are mostly women and they earn only $361 a week.

(2) Women don't have equal job opportunities. A newly hired woman may get a lower-paying assignment than a man starting work at the same time for the same employer. That first job starts her career path and can lead to a lifetime of lower pay.

(3) Women don't have an equal chance at promotions, training and apprenticeships. Because all these opportunities affect pay, women don't move up the earnings ladder as men do.

Equal pay is a problem for all working women.

Women lawyers—median weekly earnings are nearly $300 less than those of male attorneys—and women secretaries—who receive about $100 a week less than male clericals;

Women doctors—median earnings are more than $500 less each week than men's earnings—and the 95 percent of nurses who are women but earn $30 less each week than the 5 percent of nurses who are men;

Women professors—median pay is $170 less each week than men's pay—and women elementary school teachers—receive $70 less a week than men;

Women food service supervisors—paid about $60 less each week than men in the same job—and waitresses—weekly earnings are $50 less than waiters' earnings. (AFL–CIO data)

Every penny lost to wage inequity means fewer dollars available for women to spend on food, rent, health care, and education. So, unequal pay doesn't just affect women, it affects our entire economy. A working lifetime of diminished earnings costs the average working woman an estimated $250,000 in lost wages. Lower lifetime earnings translates into lower pension, retirement benefits and savings. As a result, women are more likely to enter retirement in poverty.

By calling attention to these facts, our Equal Pay Day Resolution can heighten awareness and help create a climate in which pay discrimination can be eliminated and every person paid according to his or her worth. I am introducing this bill with 23 original cosponsors to demonstrate strong support in the U.S. House of Representatives for change across the country.

HONORING THE DISTINGUISHED CAREER OF ANGELO VOLPE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. GORDON. Mr. Speaker, today I rise to recognize the career of Angelo Volpe, president of Tennessee Technological University and the longest currently serving public university president in the state of Tennessee. Dr. Volpe's retirement on June 30, 2000, will mark 13 years at the helm of the university.

During Angelo's first week at Tennessee Tech, he and his wife, Jennette, started a tradition that would endear them to thousands of students to come. They opened their home at Walton House to the entire freshman class, shook every hand and learned something about each person. Often he would later surprise a student by remembering a name, hometown or favorite sports team. His dedication to the individual is one of the qualities Tech students and faculty have come to appreciate in Angelo Volpe.

Angelo's tenure at Tennessee Tech saw many accomplishments. He presided over the first two capital campaigns in the university's history, both of which exceeded expectations. he saw the addition of two Ph.D. programs, two Chairs of Excellence and three new construction projects. Angelo also worked diligently to create the Leona Fisk Officer Black Cultural Center and the Women's Center. Possibly his greatest achievement is that Tennessee Tech achieved all these accomplishments and maintained a commitment to educational excellence in the face of five years and $4 million dollars in budget cuts.

Angelo and Jennette Volpe's presence will be missed on the campus of Tennessee Tech. I am pleased, though, they will remain in Cookeville, TN. I congratulate him on an admirable and distinguished career and wish him well in retirement.

HADDON HEIGHTS SPRING FESTIVAL COLORGUARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. ANDREWS. Mr. Speaker, I rise today to commend the students that participated in the 2000 Haddon Heights Spring Festival Colorguard Event. As a result of their hard work and dedication, the members of the indoor Percussion Ensemble, and the "High Voltage," "Synergy," and "Cadet" indoor Color Guards, all located in Haddon Heights, have obtained outstanding rankings in various competitions. I wish the best of luck and continued success to the Percussion Ensemble members: Joel Forman, Tim Berg, Mike Grasso, Jessica Wright, Nicole Molinari, Karen Stone, Jennie Walko, Danny Pawling, Amir Montgomery, Staci Malloy, Kate Mcclennan, Christy Khun, Matt Mazaika, Nate Robertson, John "Waldo" Spolitback, Pat Deegan, Justin Ballard, Matt Kuhlen, Jason O'Shea, Devon Carr, Brian Aldeghi, Darryl Hunt, Thersa Murphy, Joe Haughty, Josh LaPergola, and Adam Fox; the "High Voltage" members: Tiffany Bruey, Amy Dyer, Jessica Facchine, Sara Lamonte, Jenny Mastantuono, Peggy Slamp, Vikki Deegan, Danielle Facchine, Megan Gallardo, Heather Marks, and Cindy O'Shea; the "Synergy" members: Carrie Banks, Nicole Harshaw, Alyssa Poulton, Megan Slemmer, Jamie Slotterback, Julia Foster, Lauryn Heller, Melissa Tulini, Bridget Sharer, and Megan Zebley; the "Cadet" members: Amber Bushby, Kim Hill, Stephanie Luciotti, Erin Murray, Melissa Pfab, Meghan Green, Ashley Kendra, Rachel Mazaika, Melissa Peck, and Natalia Rosa.

SALUTE TO ROBYN STRUMPF OF NORTHRIDGE, CA, SELECTED FOR THE 2000 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. MCKEON. Mr. Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Robyn Strumpf of Northridge, CA, has just been named one of my state's top honorees in the 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Miss Strumpf, a seventh grader at Sierra Canyon Middle School in Chatsworth, CA, is being recognized for creating "Project Books and Blankies," a service project that aims to fight illiteracy by providing books along with handmade blankets to children. Robyn's inspiration for the project goes back to when she was struggling with reading in school. After overcoming her own reading problems, she realized that illiteracy was a significant problem facing children today. Robyn began asking local businesses and bookstores for book and quilt donations, so she could start collecting books and sewing quilts that would be attractive to children. Through "Project Books and Blankies", she donates blankets, along with a basket of books, to children's educational programs in her area. Robyn also reads aloud to children once a week, in an effort to show them the importance of books.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we recognize and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Miss Strumpf are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created in 1995 by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principles. It aims to impress upon all youth volunteers that their contributions are critically important and highly valued and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Miss Strumpf should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Miss Strumpf for her initiative in seeking to make her community a better place to live and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

A TRIBUTE TO MICHAEL "DOC" DUNPHY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize a brave American veteran, Michael A. Dunphy, Jr., of Greenville, NY, who was awarded the Bronze Star this past February 4th at a West Point ceremony.

Moreover, I am honored to attend a ceremony on June 17th, 2000, at the Greenville Town Hall in Greenville, NY, in which the people of New York will be able to express their appreciation for the contributions of "Doc" Dunphy.

On February 4th, 1969, Michael "Doc" Dunphy was a 20 year-old Private First Class serving as a combat medic with 3rd Platoon of C Company in the rice paddies of Vietnam. That day his platoon was ambushed and when he heard the calls for medical attention from his comrades, he rushed through a wall of machine gun fire and mortar attacks to reach the wounded. This courageous display of valor in the face of oncoming fire is a testament to the patriotism and esteemed character of Michael Dunphy. His actions on the field of battle saved the life of a man who is now a Tennessee State Trooper.

Michael Dunphy is the recipient of several military awards for his service to the United States including the Combat Medic Badge, Army Commendation Medal, and the Purple Heart. Mr. Dunphy is now employed at the Middletown Psychiatric Center and he and his wife, Cheryl, are the proud parents of four children.

I would also like to commend Colonel Thomas Bedient on his persistence in making sure "Doc" Dunphy received the Bronze Star, which was delayed due to a bureaucratic mistake. At the ceremony on February 4th, "Doc" Dunphy said: "America didn't do very well saying thanks to our soldiers." Mr. Dunphy is correct in that sentiment, and by bestowing this award to him we are thanking an individual who went above and beyond the call of duty from his country.

Mr. Speaker, I invite my colleagues to join in congratulating Michael "Doc" Dunphy, Jr., on receiving the Bronze Star and thank him for his valor and heroism in serving our Nation.

THE STORY OF COREY JOHNSON

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. TIERNEY. Mr. Speaker, every so often we learn of individuals confronted with enormously difficult choices who take the courageous, though difficult, path. The story of Corey Johnson, a constituent of mine from Middleton, Massachusetts, and a student at Masconomet High School, fits that description.

Corey is co-captain of the school football team, a good athlete in several sports, and popular among classmates. Although he suspected his homosexuality since grade school, it was this year that he shared the information with family, friends, teammates and strangers—by nature of the publicity attendant to the circumstances surrounding a gay athlete's decision to "come out."

Sunday, April 30, 2000, the New York Times front page carried the story of Corey's courage, and the community's reaction—thankfully mostly tolerant and supportive. Because the story is—as the article notes—a hopeful model, I submit the article for the RECORD.

[From the New York Times, Apr. 30, 2000]

ICON RECAST: SUPPORT FOR A GAY ATHLETE

(By Robert Lipsyte)

When Corey Johnson told teammates on the Masconomet High School football team last spring that he was gay, the two other starting linebackers responded characteristically. Big, Steady Dave Merrill, quietly absorbed the almost physical shock, then began worrying if the revelation would divide the team. Merrill said he decide to take it on as a challenge, a test of the captaincy the two shared and a test of his own character. Jim Whelan, the artist, said he looked into Johnson's eyes and saw a need for instant support. He broke the silence by saying, "More than being teammates we're your friends and we know you're the same person."

Their reactions were critical in the risky, uncharted, carefully planned campaign to bring out of his increasingly claustrophobic closet an American icon, the hard-hitting football hero. The campaign involved Johnson's parents, teachers, and coaches, as well as a gay educational agency, all encouraged by the administration of a school with a long history of diversity training. One measure of their success will be seen Sunday when Johnson, who turned 18 on Friday and will graduate in June, speaks in Washington at the Millennium March for Equality.

For gay activists trying to shatter stereotypes, Johnson is a rare find, a bright, warm quick study who also wrestled and played lacrosse and baseball as he earned three varsity letters on a winning football team. For athletes, whose socialization often includes the use of homophobia by manipulative coached, he is a liberating symbol.

"Someday I want to get beyond being that gay football captain," Johnson said, "but for now I need to get out there and show these machismo athletes who run high schools that you don't have to do drama or be a drum major to be gay. It could be someone who looks just like them."

At 5 feet 8 inches and 180 pounds, Johnson had to make up for drama-club size with the speed and brutality of his blocking and tackling. "He hit like a ton of bricks," said Whelan, who became his friend in seventh grade because, he recalls, "he had a strong mind, he liked to think and he was unwilling to accept injustice."

Others in school, including the girls he refused to date ("It's not fair to use people as pawns," he said) were attracted by his friendliness and sly wit. Asked for publication in the yearbook how football captains spent the night before a game, he said, "I go to sleep early with my Tinky Winky." And he indeed has one of those purple Teletubby dolls "outed" by the Rev. Jerry Falwell, crammed in a corner of a stereotypically messy room filled with trophies, athletic posters and balled-up T-shirts.

"This is a great kid with a mind of his own," said Coach Jim Pugh, who faced down a booster club president who wanted Johnson's captaincy revoked. "My issues with him were not gay-related. They were about who knows better how you step out on certain defensive plays."

Johnson said he had suspected his homosexuality since sixth grade but suppressed thinking about it. In the high school's "elite jock mix" of heterosexual innuendo and bravado, he came to realize "this just isn't me." His crushes were on other boys.

"In health class a teacher told us that in every large group of friends, one turns out gay," he said. "When I was lonely and depressed and isolated, I kept thinking, 'Why does that have to be me?' I wanted to live a quiet normal life."

In the fall of 1997, in the first game of his varsity career, as a sophomore starting at both right guard and middle linebacker, his blocking was so effective and he made so many sacks that the line coach awarded him the game ball. Yet, he was so afraid that everyone would hate him when his secret was revealed that he was often unable to sleep at night or get out of bed in the morning.

He would reach out on the Internet in a teen chat room on a site called Planetout.com finding other gay youngsters, even other gay football players. For years, he has exchanged e-mail messages with a gay right guard in Chicago.

Johnson's decision to come out began taking shape during his family's 1998 Super Bowl party in the living room of its rented townhouse in this suburb 25 miles north of Boston. One of the uncles pointed at the comedian Jerry Seinfeld in a television commercial and described him with a gay slur, and said that such "sick" people needed to be "put into institutions." Another uncle laughed. Corey's mother, unaware at the time of Johnson's sexual orientation, said she chided her brothers and asked them not to use such language.

Johnson said he went into the bathroom and cried. A month later, he told his guidance counselor and biology teacher that he was bisexual. He says he was a virgin at the time. Later, he told his lacrosse coach that he was gay. All three were supportive. They also began to understand his moodiness and mediocre grades.

ONE OF HIS PARENTS WASN'T SURPRISED

He told no one else during that summer and the football season of his junior year. He joined the school's Gay Straight Alliance, which was made up mostly of straight girls. Since he was known for defending kids being hazed or bullied, no one found this remarkable. In December 1998, the football team voted Johnson and Dave Merrill co-captains.

After Christmas vacation, he decided to tell his parents. His father already knew. He had read an exchange between Johnson and a gay e-pal. For months, his father held the secret; he did not want to burden his wife, absorbed in ministering to her dying mother.

"I dropped the ball," he said in retrospect. "What if Corey had done something to himself?"

A burly, 45-year-old, chain-smoking former marine who drives a Pepsi-Cola truck, Rod had helped raise Johnson since the boy was 1. He and Johnson's mother, Ann, who gave birth to Corey when she was single, were married 12 years ago. Johnson never knew his biological father, though he kept his last name. (For reasons of "privacy and safety," Rod and Ann agreed to be interviewed only if their last name was not published. They also have a 10-year-old daughter.) Ann's reaction, according to both of them, was the unreserved love she had always offered, but now it was tinged with fear; if people found out, would they be mean to her son, would they hurt him?

That spring, Donna Cameron, a health teacher at the school and a Gay Straight Alliance adviser, took the group to a conference of the Gay Lesbian and Straight Education Network, a national organization that works with Massachusetts' Safe Schools program. Johnson attended a sports workshop led by Jeff Perrotti, the organization's Northeast coordinator. Perrotti talked about challenging the entitlement of athletes and finding a way for all students to be treated as well.

At the end of the session, Johnson raised his hand and said he was a football captain and wanted to come out and needed help.

PLAYER'S STATEMENT THOUGHT TO BE A JOKE

Perrotti, a 41-year-old openly gay former high school teacher, said he immediately realized what this meant. "A football captain is an icon," he said last week, "and one coming out would raise the expectations of what was possible, it would give hope."

Masco, as Masconomet is called up here, is the regional high school of 1,300 students for affluent, predominately white Boxford, Topsfield and Middleton. The phrase "Only in Masco," used by friends and critics, often refers to its liberal commitment to diversity and alternate education. Pugh, the football coach, a warm, steady 50-year-old from Long Island, seems equally at home on the field and in what he calls his "touchy-feely world" as a special-education teacher.

Perrotti said he consulted with Bob Norton, the Woburn High School principal, who had been a football and hockey coach. Johnson's mother came to school for meetings with the staff and Perrotti. It was decided that Johnson would first tell his junior classmates on the team, on April 8, 1999, more than a year after he had first told some teachers.

Three days before the meeting, Cameron, 52, the Gay Straight Alliance adviser, who had been out as a lesbian to friends and family, came out to her students. "I didn't want Corey to stand alone," she said last week. "I wanted to put a second human face on what for most of the kids was just an abstract when they used gay slurs. As it turned out for both Corey and me, kids found it even easier to talk to us about other problems."

The day before the meeting, Johnson came out to Pugh. It was fine with him, Pugh said, as long as everyone remembered that the football season was about football and that it would not become a "media circus" that would spoil everyone else's experience. That attitude prevailed; a major magazine was turned away last fall, and until now there has been no mainstream national exposure.

Ann and Rod were not persuaded about even this controlled coming out.

Rod said, "I felt he was putting a target on his back."

Ann said: "We were afraid for him that he would be hurt. But if I said no, then we were acting as if we were ashamed of who he was."

At the meeting, in Pugh's classroom, Johnson told his teammates that he was gay, that he hoped for their support and not to worry. "I didn't come on to you last year in the locker room and I'm not going to do it now," he said. "Who says you're good enough anyhow?"

That lightly dropped remark had been scripted in the preliminary meetings.

Outside, in the hall, Merrill said players asked him if it was a joke. The news spread quickly through the school. There were several scrawled gay slurs, but no one was going to go bashing the football team.

"It sort of all evolved through the summer lifting program and into the season," Merrill said. "It escalated and then it dropped off. It got to be old news."

"At first the team was meek about it," Johnson said. "People didn't talk to me, and when they saw it was still just me they asked all kinds of questions. They wanted intimate details. They thought it would be cool to know more about the subculture. When they heard about a gay bar called the Ramrod, they asked me to get them T-shirts."

Whelan, visiting his girlfriend at college, met an openly gay "fun guy," who he thought would be perfect for Johnson. He told them about each other and tried to fix up a double date.

The most dramatic incidents were football related. Pugh said the president of Masco's active booster club, the father of four past, present and future players, demanded that Johnson be removed as captain for "unit cohesiveness."

Pugh told the father that he was the divisive one, and that it was not an issue.

The night before a game, the captain of the Lynnfield team made anti-gay remarks in a pep rally speech. His coach benched him.

At the game, an opposing lineman shouted gay slurs in Johnson's face.

"I couldn't stop laughing," Johnson said. "Here, I had come out to my teachers, my parents and my team, and this guy thought he could intimidate me?"

FINDING A DATE FOR THE SENIOR PROM

Johnson and Perrotti like to say that the team bonded through the experience, but other players are not so sure. While Whelan and Merrill attended and spoke at gay-rights conferences, and the team once sang the gay anthem, "Y.M.C.A.," after Johnson had a particularly good game, there was an element of distraction. Merrill said "some kids were nervous and had to be talked to." Masco dropped from 10–1 in 1998 to 7–4, but Pugh attributes that to the loss of last season's quarterback and star running back.

Some problems never did materialize. When younger players complained to Merrill about having to shower with a gay teammate, he would growl, as he would to most complaints, "You're a football player, just suck it up." But then, Masco football players have traditionally never showered at school.

Although Johnson's parents and many of his teachers and coaches think he should go to college in the fall, he said he has decided to "become an activist" for a year and to intern in the network's San Francisco office.

Merrill is going to the University of New Hampshire, without a football scholarship but confident that he will walk on the team.

"I'll know now I'll be able to make it in the real world," he said. "I handled it. I was mature. We were a unit."

Whelan is going to the Rhode Island School of Design in the fall. That "fun guy" he spotted finally met Johnson, at a gay conference. Whelan was right. They liked each other. The fun guy, Michael, became Johnson's first boyfriend, and next month Johnson will take him as his date to the Masconomet senior prom.

The season isn't over yet.

PERSONAL EXPLANATIONS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. ANDREWS. Mr. Speaker, on rollcall No. 146, I was unable to vote because of travel delays. Had I been present, I would have voted "nay."

On rollcall No. 147, I was unable to vote because of travel delays. Had I been present, I would have voted "aye."

On rollcall No. 148, I was unable to vote because of travel delays. Had I been present, I would have voted "aye."

HONORING MS. MABLE MAXINE WRIGHT OF LOS ANGELES, CA

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mr. RUSH. Mr. Speaker, today I commend and celebrate the accomplishments of Ms. Mable Maxine Wright of Los Angeles, California, before her untimely passing on May 3, 2000. Ms. Mable Maxine Wright is the mother of Timothy Wright who served on my staff in 1997 and 1998. Tim is a fine young man who has gone on to devote his energy to continued public service. His mother, Mable Maxine Wright was a strong lady, who dedicated her life to education and helping people from many different backgrounds and walks of life.

Mable Maxine Wright was born on July 1, 1921 in Los Angeles, California. Mable was the third of four children born to Mattie Mitchell-Brown and Annias Brown. She attended Nevin Elementary, Lafayette Junior High and graduated from Jefferson High School. She married Timothy W. Wright, Jr. on September 14, 1947. Her family includes seven children, Kaaren Drake, Gregory Wright, Phyllis Williams, Timothy Wright III, Janis Bradley, Korliss Robinson and Melrose Rowe; two sisters, Janice Robinson and Dorthy DeHorney; two sons-in-law, Harold Williams and Alonzo Robinson; two daughters-in-law, Evelyn Wright and Dr. Karen Nash Wright; thirteen grandchildren, Felicia, Michael, Erika, Ryan, Larshay, Joseph, Brittany, Ashley, Kristin, Timothy IV, Kouri, Jasmine, and Kelsi; sisters-in-law, brothers-in-law, many nieces, nephews, cousins and a host of friends.

Ms. Mable Maxine Wright was the moral compass and center of leadership and determination for her family and community. She was committed to setting and meeting goals towards furthering her career, and helping many others who could benefit from her successes. Mable took college courses at East Los Angeles Jr. College where she received training and later became a Licensed Vocational Nurse. Mable worked at County General Hospital for nine years before moving on to Bowers Manufacturing Company where she retired as a Computer Supervisor.

Mable accepted Christ as her personal Lord and Savior at an early age while attending Hew Hope Baptist Church. She joined Grant A.M.E. Church in 1965 and was a member of the Ladies Usher Board for several years. She was a relentless community builder. Through her life she has learned that living a good life while striving for continued blessings for her family matter and is necessary.

Known as "Precious" to her grandchildren, she especially loved being with her family, and was honored with that desire through the beginning of the next phase which she serves God. My fellow colleagues please join me in honoring the memory of Ms. Mable Maxine Wright, a true beacon of our society.